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EXECUTIVE COMMITTEE

The Executive Committee, consisting of the RCA Board Chairperson, Vice Chairperson, past Chairperson, and four members of the RCA Board of Directors, who oversee RCA administrative functions, staff functions, recommend staff positions, job descriptions and salaries, and consider such other matters as delegated to it by the Board.

August 19, 2020, at 12:00 p.m.
Western Riverside County Regional Conservation Authority
(LOCATION TEMPORARILY CLOSED TO PUBLIC)
Riverside Centre, RCA Conference Room
3403 Tenth Street, Suite 320
Riverside, California 92501

EXECUTIVE COMMITTEE MEMBERS

Jonathan Ingram, Chair
City of Murrieta

Natasha Johnson, Vice Chair
City of Lake Elsinore

Larry Greene
City of Canyon Lake

Lesa Sobek
City of Menifee

Crystal Ruiz
City of San Jacinto

Kevin Jeffries
County of Riverside, District 1

Jeffrey Hewitt
County of Riverside, District 5

Honey Bernas, Interim Executive Director



**EXECUTIVE COMMITTEE
AGENDA***

**Wednesday, August 19, 2020
12:00 p.m.**

(LOCATION TEMPORARILY CLOSED TO PUBLIC)

**Riverside Centre
3403 Tenth Street, Suite 320
Riverside, CA 92501
www.wrc-rca.org**

**Action(s) may be taken on any item listed on the agenda. Non-exempt materials related to an item on this agenda submitted to the RCA Executive Committee after distribution of the agenda packet are available for public inspection on the Western Riverside County Regional Conservation Authority website at www.wrc-rca.org subject to staff's ability to post the documents before the meeting. Alternative formats are available upon request by contacting the Clerk of the Board at (951) 955-9700. Notification of at least 72 hours prior to meeting time will assist staff in accommodating such requests.*

SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020). This new order states that the RCA does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the RCA Executive Committee to hold RCA Executive Committee meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically.

Due to Room Size/Social Distancing Requirements, In-person Public Attendance cannot be Accommodated. To follow the new Order issued by the Governor, members of the public wishing to participate via teleconference, can do so by dialing the following number: **(669) 900-6833**, Meeting ID: **868 7303 3206**, Password: **510103** or logging in at: <https://us02web.zoom.us/j/86873033206?pwd=K3owaW5uWG81Qzd4Qi9MUk9SekdCUT09>

If you wish to make a public comment, call the number above during the meeting or submit your comments in writing to aboydd@wrcrca.org by August 18, 2020, at 5:00 p.m. Written comments will be read into the record for up to three (3) minutes. If you wish to address the Executive Committee during the meeting, you must mute your phone until called upon by the Chair to speak. If you do not wish to speak, please silence/mute your device during the meeting.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact the Clerk of the Board prior to August 18, 2020, at 5:00 p.m. The Clerk of the Board's telephone number is (951) 955-9700 and email is aboydd@wrcrca.org.

RCA EXECUTIVE COMMITTEE AGENDA

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August 19, 2020

1. CALL TO ORDER

2. ROLL CALL

3. **PUBLIC COMMENT** *If you wish to address the Executive Committee during the meeting, you must mute your phone until called upon by the Chair to speak. If you do not wish to speak, please silence/mute your device during the meeting. At this time, members of the public can address the Executive Committee regarding any items within the subject matter jurisdiction of the RCA that are not separately listed on this agenda. Members of the public will have the opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Each individual speaker is limited to speak three (3) continuous minutes or less. Any person wishing to address the Executive Committee on any matter, whether or not it appears on this agenda, is requested to submit your comments in writing to aboydd@wrcrca.org by August 18, 2020, at 5:00 p.m. Written comments will be read into the record for up to three (3) minutes.*

4. CLOSED SESSION

4.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to paragraph 1 of subdivision (d) of Government Code Section 54956.9

EHOFF II LAKESIDE, LLC, vs. Riverside County Transportation Commission; County of Riverside; and Western Riverside County Regional Conservation Authority (Case No. 5:19-cv-01693)

EHOFF II Lakeside, LLC, a Delaware limited liability corporation, vs. Western Riverside County Regional Conservation Authority (Case No. RIC1901547)

5. COMMITTEE MEMBER ANNOUNCEMENTS

6. **ADDITIONS/REVISIONS** *(The Committee may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Committee subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Committee. If there are less than 2/3 of the Committee Members present, adding an item requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.)*

7. APPROVAL OF MINUTES – June 17, 2020 and August 5, 2020

8. WESTERN RIVERSIDE COUNTY MSHCP FEE COLLECTION REPORTS FOR JUNE AND JULY 2020

Overview - **STAFF REPORT**

This item is for the RCA Executive Committee to:

- 1) Recommend that the RCA Board of Directors receive and file the Western Riverside County MSHCP Fee Collection Reports for June and July 2020; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

9. FISCAL YEAR 2020 FOURTH QUARTER CONSULTANT REPORTS

Overview - **STAFF REPORT**

This item is for the RCA Executive Committee to:

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2020 Fourth Quarter Consultant Reports; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

10. FISCAL YEAR 2020 PRELIMINARY FOURTH QUARTER FINANCIAL REPORT (UNAUDITED)

Overview - **STAFF REPORT**

This item is for the RCA Executive Committee to:

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2020 Preliminary Fourth Quarter Financial Report; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

11. AMENDMENT TO LAND ACQUISITION POLICIES

Overview - **STAFF REPORT**

This item is for the RCA Executive Committee to:

RCA EXECUTIVE COMMITTEE AGENDA

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August 19, 2020

- 1) Recommend that the RCA Board of Directors approve the amendment to the Land Acquisition Policies;
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

12. DISCUSSION AND POSSIBLE ACTION ON PROPOSED RCA'S MANAGEMENT AGENCY CHANGE

13. EXECUTIVE DIRECTOR'S REPORT

13.1 DISCUSSION OF COVID-19 RELATED EXPENDITURES

13.2 DISCUSSION OF COVID-19 EFFECTS ON REVENUE

13.3 UPCOMING ELECTION OF OFFICERS

13.4 DISCUSSION ON THE NEXUS STUDY UPDATE

14. FUTURE AGENDA ITEMS (Committee members are invited to suggest additional items to be brought forward for future discussion.)

15. UNFINISHED BUSINESS

15.1 UPDATE REGARDING FIRE MANAGEMENT PLAN

15.2 UPDATE CONCERNING THE CALIFORNIA POPPIES ON RCA RESERVE LAND IN THE WALKER CANYON AREA

15.3 DISCUSSION AND POSSIBLE ACTION CONCERNING MOUNTAIN BIKING IN THE MURRIETA HILLS AREA

16. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, September 16, 2020, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

ACRONYMS

AGENDA ITEM NO. 7

Minutes



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EXECUTIVE COMMITTEE MEETING MINUTES

Wednesday, June 17, 2020

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman Ingram at 12:10 p.m., Wednesday, June 17, 2020, at the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501 and via Zoom.

2. ROLL CALL – was taken by April Boydd.

COMMITTEE MEMBERS PRESENT	COMMITTEE MEMBERS ABSENT
Jonathan Ingram, Chair – City of Murrieta	
Natasha Johnson, Vice Chair – City of Lake Elsinore via ZOOM	
Larry Greene – City of Canyon Lake	
Lesa Sobek – City of Menifee	
Crystal Ruiz – City of San Jacinto	
Kevin Jeffries – County of Riverside, District 1 via ZOOM	
Jeff Hewitt – County of Riverside, District 5	

**Arrived after start of meeting ** Departed before meeting adjourned*

3. PUBLIC COMMENTS

There were no public comments.

4. CLOSED SESSION

**4.1 PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957
Title: Executive Director**

After closed session, the meeting was reconvened. There were no announcements from General Counsel on closed session.

5. COMMITTEE MEMBER ANNOUNCEMENTS

Chair Ingram thanked RCA's long time legal counsel Michelle Ouellette for her hard work drafting the MSHCP and implementing it through the RCA and wished her well on her upcoming retirement.

Board Member Sobek presented the new Menifee Police Department patch and announced that the police department will go live July 1, 2020.

6. ADDITIONS/REVISIONS

There were no additions or revisions.

7. APPROVAL OF MINUTES – May 20, 2020

M/S/C (County District 5/City of Canyon Lake) to approve the minutes of the February 19, 2020, meeting of the Executive Committee as submitted.

(7 Ayes, 0 Nays, 0 Abstain)

8. WESTERN RIVERSIDE COUNTY MSHCP FEE COLLECTION REPORT FOR MAY 2020

Jennifer Fuller, Director of Administrative Services, reported that for the month of May 2020 the total MSHCP fee collection receipts was \$864,053.

M/S/C (City of San Jacinto/City of Canyon Lake) to approve this item as recommended:

- 1) Recommend that the RCA Board of Directors receive and file the Western Riverside County MSHCP Fee Collection Report for May 2020; and
- 2) Authorize staff to agendaize this matter for the July 6, 2020, meeting of the RCA Board of Directors.

(7 Ayes, 0 Nays, 0 Abstain)

9. DISCUSSION AND POSSIBLE EXECUTIVE COMMITTEE ACTION CONCERNING THE NEXUS STUDY UPDATE

Lou Monville from the Building Industry Association (BIA) gave an update on the status of the building industry and the economy. He thanked the Executive Committee and RCA staff for working with the BIA. He stated that the building industry has been impacted by COVID-19. The BIA will review the Nexus Study material and should be in a better position to discuss the options in September. He stated that the BIA will share the data they receive to help RCA.

The Executive Committee, with input from staff, discussed with the BIA their support for future development in the County of Riverside. They requested that the BIA forward any data they receive to the RCA. They discussed the economic impact of COVID-19 and the lack of low-income housing. They further discussed the need for a consultant in Sacramento as well as Washington, D.C., and the importance of a continued presence in Washington, D.C., to secure future funding opportunities.

Teifion Rice-Evans with Economic & Planning Systems presented an overview of the Draft Nexus Study. He stated that the Mitigation Fee schedule has not been updated since 2004 except by cost of living adjustments. Staff looked at the amount of mitigation fee levels required to fully fund the Plan and provided fee options with associated timing. He further stated that the reason for the fee increase is that the RCA is receiving lower levels of new residential and local non-fee funding such as Tipping fees, TUMF fees, and other mitigation fees. The second reason for the increase is due to limited land dedications. The 2004 study expected 42% of land to come from land dedications, which has not been the case. The actual amount of land dedications has been less than 10%. The third reason for increasing the fee is that the cost required to fund the endowment was not included in the original Nexus Study and is necessary to support the Plan after the acquisition period. To complete the funding of the MSHCP, RCA needs to raise \$910 million in mitigation fees to fund the net local cost. Mr. Rice-Evans presented different options to increase the fees based on the length of an extension to the acquisition phase. An extension of the acquisition phase would help lessen the impact of the increase.

The Executive Committee, with input from staff, discussed the Nexus Study and options for moving forward. It was requested that the BIA send RCA all data it gathers concerning the fees and include the Nexus Study on the Board of Directors September 14, 2020, agenda with the 15 year extension as the preferred option.

M/S/C (City of San Jacinto/City of Canyon Lake) to approve this item as recommended:

This item is for the RCA Executive Committee to discuss and provide staff direction concerning the Nexus Study Update.

(7 Ayes, 0 Nays, 0 Abstain)

10. EXECUTIVE DIRECTOR'S REPORT

10.1 DISCUSSION AND POSSIBLE ACTION CONCERNING THE FISCAL YEAR 2021 BUDGET

There was no discussion.

10.2 DISCUSSION OF COVID-19 RELATED EXPENDITURES

Jennifer Fuller, Director of Administrative Services, stated that as of June 2020 RCA has requested reimbursements of \$11,545.79 through the CARES Act for costs related to March and April 2020. She further stated that as of June 17, 2020, the amount to be requested for May and June 2020 is \$6,277.44.

11. FUTURE AGENDA ITEMS: *(Committee members are invited to suggest additional items to be brought forward for future discussion.)*

There were no future agenda items recommended.

12. UNFINISHED BUSINESS

12.1 UPDATE REGARDING FIRE MANAGEMENT PLAN

12.2 UPDATE CONCERNING THE CALIFORNIA POPPIES ON RCA RESERVE LAND IN THE WALKER CANYON AREA

12.3 DISCUSSION AND POSSIBLE ACTION CONCERNING MOUNTAIN BIKING IN THE MURRIETA HILLS AREA

There were no updates.

13. ADJOURNMENT

There being no more items before the Executive Committee, Chairman Ingram adjourned the meeting at 1:17 p.m. The next meeting of the Western Riverside County Regional

RCA EXECUTIVE COMMITTEE MINUTES

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June 17, 2020

Conservation Authority Executive Committee will be held on Wednesday, August 19, 2020, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Prepared by:



April Boydd

Administrative Manager/Clerk of the Board

Respectfully submitted:



Jennifer Fuller

Director of Administrative Services



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EXECUTIVE COMMITTEE SPECIAL MEETING MINUTES

Wednesday, August 5, 2020

1. CALL TO ORDER

The special meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman Ingram at 12:32 p.m., Wednesday, August 5, 2020, via Zoom.

2. ROLL CALL – was taken by April Boydd.

COMMITTEE MEMBERS PRESENT	COMMITTEE MEMBERS ABSENT
Jonathan Ingram, Chair – City of Murrieta***	
Natasha Johnson, Vice Chair – City of Lake Elsinore***	
Larry Greene – City of Canyon Lake***	
Lesa Sobek – City of Menifee***	
Crystal Ruiz – City of San Jacinto***	
Kevin Jeffries – County of Riverside, District 1***	
Jeff Hewitt – County of Riverside, District 5***	

Arrived after start of meeting ** Departed before meeting adjourned *via teleconference*

3. PUBLIC COMMENTS

There were no public comments.

RCA EXECUTIVE COMMITTEE MINUTES

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August 5, 2020

4. COMMITTEE MEMBER ANNOUNCEMENTS

There were no Committee Member announcements.

5. CLOSED SESSION

5.1 PUBLIC EMPLOYEE APPOINTMENT Pursuant to Government Code Section 54957 Title: Executive Director

After closed session, the meeting was reconvened. There were no announcements from General Counsel on closed session.

6. CONSIDERATION AND POSSIBLE ACTION TO CHANGE RCA'S MANAGEMENT AGENCY

Vice Chair Johnson stated that the RCA has had some challenges completing the MSHCP and it's important to stay focused on the main goal, to make sure the Plan is successful. Staff met with both the Western Riverside Council of Governments (WRCOG) and Riverside County Transportation Commission (RCTC) to see which agency best fit with RCA. Vice Chair Johnson thanked staff for working with both agencies and that both agencies are very impressive.

Vice Chair Johnson stated RCTC is the agency being recommended to take over as the management agency for RCA. RCTC is the single largest investor in the Plan and has contributed \$153 million in Measure A funding as well as land donations. Further, they have an active land acquisition and management department which dovetails with RCA's core mission of habitat acquisition and preservation. RCTC is also a Plan signatory and was instrumental in the development of the Riverside County Integrated Project and the MSHCP. They have an understanding of where RCA is going and believe in the Plan. The Integrated Plan was developed in part to ensure transportation projects could be completed quicker and more efficiently. The mission of the RCA is complementary to the mission of RCTC.

She stated that RCTC will need to bring the proposal to their Executive Committee and full Board to fully consider the proposal. RCA will also need to bring this to our full Board for consideration. Vice Chair Johnson along with the Chair and RCA staff wanted to bring this to the Executive Committee to make sure they were in support and didn't have any concerns or other recommendations before bringing it to the full RCA Board.

The Executive Committee, with input from staff, discussed changing the RCA's management agency agreement. They further discussed the two organizations that RCA was interested in merging with and explained why they chose RCTC. A due diligence period was also discussed.

M/S/C (City of Canyon Lake/County of Riverside District 5) to request RCTC to consider taking over as RCA's Managing Agency and agendaize this matter for discussion at the September 14, 2020, meeting of the RCA Board of Directors.

(7 Ayes, 0 Nays, 0 Abstain)

RCA EXECUTIVE COMMITTEE MINUTES

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August 5, 2020

7. ADJOURNMENT

There being no more items before the Executive Committee, Chairman Ingram adjourned the meeting at 1:26 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, August 19, 2020, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Prepared by:



April Boydd

Administrative Manager/Clerk of the Board

Respectfully submitted:



Jennifer Fuller

Director of Administrative Services

AGENDA ITEM NO. 8

Staff Report

Regional Conservation Authority

**WESTERN RIVERSIDE COUNTY
MSHCP FEE COLLECTION REPORTS**

STAFF CONTACT

**Jennifer Fuller
Director of Administrative Services
(951) 955-9700**

BACKGROUND

The RCA Executive Committee directed staff to report on Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Local Development Mitigation Fee (LDMF) Collection and Civic/Infrastructure Contribution on a monthly basis.

Attached are the reports for June and July 2020. The reports were prepared on a cash basis and, therefore, reflect the cash received by RCA during that month.

STAFF RECOMMENDATIONS

That the RCA Executive Committee –

- 1) Recommend that the RCA Board of Directors receive and file the Western Riverside County MSHCP Fee Collection Reports for June and July 2020; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

ATTACHMENTS

1. Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for June 2020
2. Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for July 2020

AGENDA ITEM NO. 8

Attachment 1

**WESTERN RIVERSIDE COUNTY MSHCP LDMF COLLECTION AND
CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR JUNE 2020
CASH BASIS**

LOCAL DEVELOPMENT MITIGATION FEE COLLECTIONS						
City/County	Month	REMITTED			EXEMPTIONS & FEE CREDITS	
		Residential Permits	Commercial Industrial Acres	Amount Remitted	Residential Permits	Amount
City of Banning	March April - No Activity May - No Activity		1	\$7,382		
City of Beaumont	May	4		\$8,672		
City of Calimesa	May - No Activity					
City of Canyon Lake	May - No Activity					
City of Corona	April May	18 12		\$34,344 \$26,016		
City of Eastvale	May	20		\$27,760		
City of Hemet	May	1		\$2,168		
City of Jurupa Valley	May	51		\$110,568		
City of Lake Elsinore	May	2		\$3,556		
City of Menifee	April May	56 71	1	\$128,864 \$153,928		
City of Moreno Valley	May - Rcvd in July					
City of Murrieta	May - No Activity					
City of Norco	April - No Activity May	1		\$2,168		
City of Perris	April May	5 9		\$10,840 \$19,512		
City of Riverside	March April May	2 54 1	3	\$4,669 \$85,065 \$2,168		
City of San Jacinto	May	10	1.2	\$30,243		
City of Temecula	May - No Activity Roripaugh DA*				22	\$47,696
City of Wildomar	April May - No Activity	1		\$2,168		
County of Riverside	June	301	52.3	\$1,020,204		
Total LDMF Collections		619	58.5	\$1,680,295	22	\$ 47,696

CIVIC AND INFRASTRUCTURE CONTRIBUTIONS		
Riverside Co. Flood Control & Water Conservation Dist.	Banning MDP Line D-2, Stages 1 and 2, Lateral D-2A, Stage 1	\$97,667
Total Civic/Infrastructure Contributions		\$97,667

TOTAL JUNE 2020 \$1,777,962

* Roripaugh Development Agreement dated 12/17/02. Project is exempt under AD161.

AGENDA ITEM NO. 8

Attachment 2

**WESTERN RIVERSIDE COUNTY MSHCP LDMF COLLECTION AND
CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR JULY 2020
CASH BASIS**

LOCAL DEVELOPMENT MITIGATION FEE COLLECTIONS						
City/County	Month	REMITTED			EXEMPTIONS & FEE CREDITS	
		Residential Permits	Commercial Industrial Acres	Amount Remitted	Residential Permits	Amount
City of Banning	June - No Activity					
City of Beaumont	June	51		\$110,568		
City of Calimesa	June	68		\$147,424		
City of Canyon Lake	June - No Activity					
City of Corona	June	15		\$20,820		
City of Eastvale	June	30	1.9	\$55,444		
City of Hemet	June - No Activity					
City of Jurupa Valley	June	36		\$78,048		
City of Lake Elsinore	June Summerly Project ¹	1		\$2,168	41	\$88,888
City of Menifee	June - Pending					
City of Moreno Valley	May June		2.9 0.5	\$21,629 \$80,068		
City of Murrieta	June - No Activity					
City of Norco	June - No Activity					
City of Perris	June	29	17.0	\$188,218		
City of Riverside	June Correction Prior Year	28		\$55,370 \$62,845		
City of San Jacinto	June	15		\$32,520		
City of Temecula	June Roripaugh DA ²	1		\$2,168	15	\$32,520
City of Wildomar	June	10		\$21,680		
County of Riverside	July	141	0.9	\$315,407		
Total LDMF Collections		479	23.2	\$1,194,379	56	\$ 121,408

CIVIC AND INFRASTRUCTURE CONTRIBUTIONS	
None	
Total Civic/Infrastructure Contributions	\$0

TOTAL JULY 2020 \$1,194,379

¹ Summerly Project - Development agreement dated 8/24/04. Settlement Agreement with RCA per MOA dated 11/6/17.

² Roripaugh Development Agreement dated 12/17/02. Project is exempt under AD161.

AGENDA ITEM NO. 9

Staff Report

Regional Conservation Authority

**FISCAL YEAR 2020 FOURTH QUARTER
CONSULTANT REPORTS**

STAFF CONTACT

**Honey Bernas
Interim Executive Director
(951) 955-9700**

BACKGROUND

Attached are the Fiscal Year 2020 Fourth Quarter Consultant Reports for Dudek, Kadesh & Associates, Riverside County Regional Park and Open-Space District, Santa Ana Watershed Association, and Douglas P. Wheeler – Hogan Lovells, US LLP.

STAFF RECOMMENDATIONS

That the RCA Executive Committee:

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2020 Fourth Quarter Consultant Reports; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

ATTACHMENTS

Fiscal Year 2020 Fourth Quarter Consultant Reports:

1. Dudek
2. Kadesh & Associates
3. Riverside County Regional Park and Open-Space District
4. Santa Ana Watershed Association
5. Douglas P. Wheeler, Hogan Lovells, US LLP

AGENDA ITEM NO. 9

Attachment 1

**CONSULTANT REPORT
DUDEK
FISCAL YEAR 2020 FOURTH QUARTER REPORT**

Report Covers Period: 04//01/2020 to 06/30/2020

Services Provided During Current Work Period:

Joint Project Reviews

As part of our ongoing duties related to MSHCP implementation for the RCA, Dudek continued to provide review of biological reports, analysis, and submittals related to Joint Project Reviews (JPRs) by Permittees. Dudek reviewed, provided comments, and completed multiple JPRs for Permittees during this reporting period.

Permittee Trainings and Support

Dudek assists the RCA in providing training and support to Permittees on MSHCP implementation. These training sessions are provided once a year or upon request, and include an overview of the MSHCP, RCA responsibilities, Permittee Responsibilities, rough step, JPR process, required surveys and mitigation, CEQA documents, changes to the MSHCP, reserve lands, and the Wildlife Agencies' role. Discussion of circumstances unique to each Permittee is also provided in the training. Training was not provided during this reporting period. Due to COVID-19, the training sessions have been temporarily placed on hold.

Monthly meetings with the Riverside County Environmental Programs Department (EPD) are ongoing. These meetings are a forum to discuss upcoming or ongoing County HANS/JPRs, conservation criteria, and other Permittee requirements to facilitate MSHCP consistency. RCA and EPD meetings this quarter were held on April 1 and June 3, 2020.

Additional separate meetings or conference calls were held with RCA, Dudek, Wildlife Agencies, Permittees and/or applicants and their consultants, including but not limited to, City of Lake Elsinore's Back Basin Biology, City of Jurupa Valley regarding the Team Truck/Auto Auction project, and the Green River Specific Plan.

Dudek also has multiple conference calls each week with applicants/biologists on other projects regarding MSHCP implementation and compliance questions. Dudek fields questions on an ongoing basis related to new projects, ongoing projects, and/or past projects, both inside and out of the Criteria area. Dudek also provides assistance regarding how the MSHCP review process works in coordination with the California Environmental Quality Act (CEQA) process.

Wildlife Agency Coordination and Meetings

Dudek attended three monthly meetings with USFWS and CDFW staff hosted by the RCA. Duties included coordinating with attendees and review of materials ahead of the meeting. Meetings with the Wildlife Agencies this quarter were held on April 16, May 21, and June 18, 2020.

Pre-Application Meetings

Dudek also attended three Pre-Application Meetings with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, CDFW, and USFWS staff. Projects represented by Permittees and/or the project representatives are presented for consideration. The various regulatory agencies and RCA discuss, review, and seek solutions to issues related to permitting and MSHCP compliance. The review and analysis presented in these meetings is often subject to MSHCP Consistency review which is part of Dudek's role with the RCA. Meetings with the regulated waters Permitting Agencies this quarter were held on April 8 and June 10, 2020.

In addition, in this reporting period, Dudek provided documentation and support to CDFW and USFWS related to ongoing projects and questions on MSHCP implementation.

Participating Special Entities

Dudek staff provided support and coordination related to pending and existing Participating Special Entities (PSEs). Dudek remains involved in all processing of Southern California Edison (SCE) PSE application reviews, including follow-up on conditions required of the West of Devers System Upgrade Project (WODUP) such as conditions to finalize riparian/riverine mitigation and replacement of Additional Reserve Lands (ARL) and Public/Quasi-Public (PQP) lands. The Holmes property proposed by SCE for ARL/PQP replacement land and riparian/riverine mitigation has finally closed escrow. Revised documentation that finalizes this replacement and mitigation is pending submittal to RCA for review. Coordination between Dudek and SCE has also been ongoing to help with their questions regarding mitigation implementation during construction.

Dudek has also been working with SCE on two separate PSEs for the two phases of the Valley-Ivyglen (VIG) 115kV Project. The VIG Phase 1 project was found consistent with the MSHCP with a Certificate of Inclusion (COI) issued December 2014. However, due to design changes, the revised project was reviewed, and Amended PSE Findings were issued on February 19, 2020. The Wildlife Agencies provided concurrence with RCA's Amended Findings on March 19, 2020 and concurrence with the Determination of Biological Equivalent or Superior Preservation on April 17, 2020. The Amended COI for the VIG Phase 1 project was issued May 20, 2020. In addition, the VIG Phase 2 PSE application and supporting documents were submitted in December 2019. Due to the complexities of the project, Dudek and SCE coordinated extensively throughout 2020 to ensure that the MSHCP PSE policies and requirements were appropriately addressed. After multiple rounds of revisions and updated supporting documentation, the completed PSE Findings were issued on June 30, 2020, and are currently under review by the Wildlife Agencies.

Lockheed Martin Corporation (LMC) originally submitted two PSE applications on December 13, 2016, one for remediation at Site 1 Potrero Canyon and the other for remediation at Site 2 Laborde Canyon. Multiple rounds of review/revisions were necessary to demonstrate MSHCP consistency, but both original PSE processes were completed, with the COI for Site 2 Laborde Canyon issued May 2018 followed by the COI for Site 1 Potrero Canyon COI issued July 2018. Both remediation sites have started construction of remediation facilities, and in some cases, the construction is already complete. However, it has since been determined that some of the future remediation

activities, including operations, monitoring, and maintenance will need to occur outside of the previously approved disturbance footprints, and revised documentation requesting an Amended COI for each project was submitted February 2020. There have been numerous calls and multiple rounds of comments/revisions to the documentation and GIS data, and the reviews are still ongoing. Most recently, comments for Site 2 Laborde were sent to the LMC biologist on June 2, 2020. The revisions needed for Site 2 are similar to those needed to address comments for Site 1, and all supporting documentation for both Amended PSE processes will be revised accordingly.

RCA and Management Support

Dudek staff provided various forms of analysis and provided staff support by attending meetings, conference calls and conducting research via email related to ongoing and past projects. During this reporting period, Dudek was involved in discussions on various projects, particularly those with substantial issues. Dudek works closely with Tricia Campbell, Director of Reserve Management and Monitoring, and other RCA staff to assist with past and ongoing JPRs, PSEs, Minor Amendments, Criteria Refinements, as well as report templates, Permittee and biological consultant coordination and training, and consistency with MSHCP implementation procedures, including Reserve Assembly (Cell/Cell Group/Subunit) analysis standards.

AGENDA ITEM NO. 9

Attachment 2

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Q4 Report for WRCRCA
Report Covers Period: 4/1/20 through 6/30/20

Services Provided During Current Work Period:

- 1- Budget and Appropriations for FY21;
- 2- Follow up to National HCP Coalition activities;
- 3- Pursued passage of Great American Outdoors Act (i.e. LWCF and Sec. 6 funding);
- 5- Led monthly coalition government affairs conference calls;
- 6- Passage of Refuge legislation; and
- 7- Briefings with the RCA Chairman and Executive Director.

Recap on Refuge bill:

Under the lead of Doug Wheeler, we helped push RCA's legislation, carried by Representative Calvert and cosponsored by Representatives Aguilar and Takano – H.R. 2956 – To provide for the establishment of the Western Riverside County Wildlife Refuge. The House Natural Resources Committee held a mark up on January 29, approving the bill and moving it for consideration on the Floor of the House. We provided draft letters of support and worked with interested national groups to secure their support.

On July 1, Rep. Calvert successfully had his Refuge bill included in a bipartisan en bloc set of amendments to H.R. 2 – the House Infrastructure bill. It was Amendment #24 at <https://rules.house.gov/bill/116/hr-2> Amendments en bloc offered by Mr. DeFazio, comprised of the following amendments printed in Part E of House Report 116-438 as en bloc No. 4: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27. This package of amendments were accepted by a Voice Vote.

The measure includes Democrats' almost \$500 billion highway, transit, and rail bill (H.R. 2), known together as surface transportation, plus provisions on schools, housing, and broadband, bringing the overall bill up to \$1.5t. The House's 233-188 vote came down largely along party lines. The Senate will not take up H.R. 2 on its own, but has already passed a smaller infrastructure bill. We believe that Senators Feinstein and Harris will support the Refuge bill in conference, since their staffs have already seen and approved the language which is now a part of H.R. 2. Our hope is that the House and Senate conference their two bills and that we can successfully push to have the Calvert Refuge provision in the final bill that becomes law.

Great appreciation to Rep. Calvert and his Senior Legislative Assistant, Richie O'Connell for this accomplishment. We also thank Rep. Takano and Rep. Aguilar for cosponsoring the original Refuge bill, H.R. 2956 and Rep. Takano for cosponsoring the Amendment that was made in order by the Rules Committee and accepted by the Chairman of the House Transportation and Infrastructure Committee as part of a bipartisan, en bloc Manager's Amendment No. 4.

Recap on Great American Outdoors Act- S.3422:

The significance of this legislation is that it will now supply one of the two sources of funds for Department of Interior Sec. 6 Appropriations in FY21 and beyond. (Legislative action on House FY21 Appropriations occurred in July and will be covered in our Q1 Report, but we can provide a separate summary to the RCA as needed.)

The House passed H.R. 1957, then the "Taxpayer First Act," by voice vote April 9. As passed by the House, the measure would have directed the IRS to modify it appeals, summons and asset seizing procedures, among other things. This bill was used as the legislative vehicle in the Senate and was amended with a strike-all-

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and-replace action adding in Senator Cory Gardner's Great American Outdoors Act, S.3422. The Senate amended and passed H.R. 1957 by a vote of 73-25 on June 17. All 25 no votes were from Senate Republicans. Senators Feinstein and Harris vote Aye.

More than \$2.5 billion annually would be available without separate appropriations for spending on land acquisition and deferred maintenance for parkland under the Senate-passed version of H.R. 1957. The measure would convert money in the \$900 million-per-year Land and Water Conservation Fund (LWCF) into mandatory funding. The LWCF is funded by a portion of offshore oil leasing revenue, among other sources, and used to add land to national parks, wildlife refuges, ball fields, and city parks. "The LWCF supports projects in Colorado and all across our country at no cost to the taxpayer, and fighting every year to figure out how much money the program will receive doesn't provide the long-term planning certainty that our outdoor and conservation community deserves," Sen. Cory Gardner (R-Colo.) said in a news release on S. 3422, on which the amended bill is based.

The measure also would create a new \$1.9 billion-per-year National Parks and Public Lands Legacy Restoration Fund to address the National Park Service's deferred maintenance backlog, which the agency estimated was more than \$11.9 billion at the end of fiscal 2018. Money in the new fund would also be mandatory and available without further appropriation.

Legacy Restoration Fund

The new National Parks and Public Lands Legacy Restoration Fund would be used for "priority deferred maintenance projects" across federal land agencies allocated as follows:

70% would go to the National Park Service.

15% would go to the U.S. Forest Service, part of the Agriculture Department.

5% would go to the U.S. Fish and Wildlife Service.

5% would go to the Bureau of Land Management.

5% would go to the Bureau of Indian Education.

Half of otherwise uncommitted energy development lease payments and related revenue paid to the U.S. from fiscal 2021 through 2025 would be deposited in the new fund. Deposits would be capped \$1.9 billion per year. The Interior and Agriculture departments would have to submit to Congress, within 90 days of the measure's enactment, a list of shovel-ready deferred maintenance projects to be supported by the new fund in fiscal 2021. A new list, with details such as cost, would have to accompany the president's annual budget request to Congress until all amounts in the fund have been expended. Congress, through appropriations laws, could establish alternate allocations. In the absence of a congressional allocation, the executive branch would allocate funding to projects.

Each agency would have to use at least 65% of its allocation for non-transportation projects. The remaining amounts could be allocated for transportation projects, such as roads, bridges, tunnels, and parking areas. None of the funding could be to replace discretionary appropriations for operations or capital costs, or for bonuses to federal employees. The Interior Department could ask the Treasury Department to invest portions of the fund that aren't required to meet current spending needs. Such investments would have to be in the form of interest-bearing Treasury bonds. Any investment income would be credited to the fund.

Cash donations could be placed into the fund and would be distributed to agencies separately from their allocations under the measure. The Interior and Agriculture departments could accept relevant in-kind donations. The measure would stipulate that it wouldn't affect any other revenue or appropriations. It would

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direct the Government Accountability Office to study its implementation and report to Congress within five years of enactment.

LWCF Reporting Requirements

The measure would require the administration to provide Congress with detailed allocations of the full amount deposited in the LWCF each year. Congress could override those allocations through appropriations laws. An annual report on actual expenditures would also have to be provided.

Budget Effects

The Senate-passed bill would increase mandatory spending by \$17.3 billion from fiscal 2020 through 2030, according to a June 10 CBO estimate. The Legacy Restoration Fund provisions would increase mandatory spending by \$9.54 billion during that period. Making amounts in the LWCF available without further appropriation would increase mandatory spending by \$7.74 billion, according to CBO.

Group Positions

Groups that SUPPORT the legislation include the Advisory Council on Historic Preservation, American Conservation Coalition, Backcountry Hunters & Anglers, League of Conservation Voters, National Audubon Society, National Trust for Historic Preservation, Nature Conservancy, Outdoor Alliance, Outdoor Industry Association, and Trust for Public Land.

Administration Position

President Donald Trump tweeted support for S. 3422 in March.

April:

April featured the House and Senate largely in recess, with the House in session on April 23rd to pass HR 266 (aka COVID 3.5) and the Senate doing so earlier by Unanimous Consent with very few Senators present.

COVID 3.5-

On April 24 President Trump signed HR 266 (Public Law 116-139), a \$484 billion interim spending package that includes:

\$321.3 billion in additional appropriations to support the Paycheck Protection Program, which the bill would modify to set some funds aside to support loans issued by smaller lenders;

\$60 billion for separate disaster loans to small businesses;

\$75 billion for hospitals; and

\$25 billion for virus testing.

The measure put the total figure of stimulus spending since the crisis started to almost \$3 trillion, and the Congressional Budget Office in a new study said the nation's deficit could surpass \$3.7 trillion this year. Lawmakers were already talking about the next phase of coronavirus rescue legislation, with no further action expected until at least next month, with both Democrats and Republicans split over how much more relief to provide and where it should go. Congress was not scheduled to be in session until May 4. Debate over the next round of stimulus stalled on whether states, cities and other units of local should use federal funds to replace lost revenue. HR 266 is the fourth COVID spending measure since early March, totaling nearly \$3 trillion, an amount of federal aid that far surpasses the sums spent following the 2008 financial crisis.

May:

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May featured the House largely out of session with the exception of returning to pass the HEROES Act on May 15 and then convening the last week under new, proxy voting procedures. The Senate was in session three of the four weeks of May. The House passed a bipartisan proposal to make the popular small-business Paycheck Protection Program more flexible and extend the time limit for using the aid. The bill is separate from the \$3 trillion Democratic HEROES Act package (H.R. 6800) combining state aid with new stimulus checks the House passed on May 15 over Republican objections. The Paycheck Protection Flexibility Act (H.R. 6886), introduced by Reps. Dean Phillips (D-Minn.) and Chip Roy (R-Texas), would allow businesses receiving forgivable loans to use the funds on payrolls for more than the eight weeks under the original program and relax a requirement that 75% of the loans be used for payroll expenses. It would also give them more than two years to pay back the loans and allow businesses that receive PPP loans to receive a payroll tax deferment.

FY21 Appropriations-

As COVID-19 issues consume the legislative agenda and complicate committee work on Capitol Hill, House and Senate appropriators were missing their original targets to mark up and pass spending bills. Adding to the challenges was bipartisan interest in moving a popular veterans health fund outside of the budget caps by declaring it “emergency” cash. House Democrats had planned to mark up and pass all 12 appropriations bills by the end of June, but markups will not occur until July. Senate appropriators hoped to reach an agreement on subcommittee allocations, with plans to mark up several bills toward the end of June and the remainder coming after the July Fourth recess. The Senate had originally planned to mark up almost all of the bills before the July Fourth recess.

The two-year budget deal signed last summer, H.R. 3877, cemented \$632 billion in nondefense funding this fiscal year, with a \$2.5 billion increase for fiscal 2021, which begins on Oct. 1. House and Senate appropriators must figure out how to divvy up that \$634.5 billion, distributing the additional \$2.5 billion to domestic programs across the federal government — many of which are expecting at least a slight funding boost. If appropriators want to provide more money for veterans' health within the caps, it would come at the expense of other domestic programs. Hence, it is increasingly likely that the caps will be broken, either formally, or by declaring certain expenditures “emergency” and/or COVID-related.

CV4: HEROES Act and SMART Fund Act-

On May 15 House Democrats passed an 1,800 page, \$3+ trillion coronavirus response package, H.R. 6800, but it's been called DOA in the Senate, where GOP leaders suggested that the next round of negotiations will commence in the latter part of June. Senate Republican Leader Mitch McConnell points out that half of the CARES Act funding has yet to be distributed, but he concurs that there will be another package. McConnell is seeking liability protection for employers while stating that cases of gross negligence and intentional behavior would still be subject to legal action by employees and/or customers. Another issue for McConnell is to revisit Unemployment Insurance which ends in July and, McConnell believes, is too high.

HEROES Act-

Congress has already passed \$3 trillion on four measures in response to the economic downturn caused by the outbreak. House Democrats passed by a vote of 208-199 on May 15 a \$3 trillion coronavirus relief bill (H.R. 6800) combining new relief to state and local governments with direct cash payments, expanded unemployment insurance and food stamp funds, as well as a list of progressive priorities like funds for voting by mail and the U.S. Postal Service.

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- Among its key provisions, the bill would provide almost \$1 trillion in aid for state and local governments as well as \$1,200 cash payments to individuals and \$1,200 for dependent children, up to \$6,000 a household. It also would extend a \$600 weekly increase to unemployment insurance into January. The local government aid could be used for replacing lost revenues.
- The bill also provides \$200 billion to fund what it describes as “hazard pay” for essential workers who’ve had to risk exposure to the virus as they stay on the job while much of the rest of the country has been shut down.
- Another \$75 billion would be allocated for virus testing and contact tracing.
- The bill would greatly expand a tax credit included in the last virus relief bill that gives employers tax breaks for keeping workers paid. The new version would give employers a credit worth up to \$12,000 an employee a quarter, an increase of \$5,000 per worker for the remainder of the year.
- It would suspend the cap on state and local tax, or SALT, deductions for two years. The Republican tax law in 2017 imposed a \$10,000 cap on those tax breaks, which Democrats, particularly those from higher-tax New York and New Jersey, have been seeking to repeal since the law passed.
- The bill would give public transportation systems about \$16 billion in aid to respond to the pandemic. \$11.8 billion would be allocated to urban areas with populations over 3 million, \$4 billion would go to transit agencies that need “significant additional assistance” to maintain basic services.
- Schools would get \$100 billion in the bill, though funding for colleges and K-12 schools in the measure would fall short of the \$250 billion in federal aid education groups have sought.

SMART Fund Act-

A bipartisan group of senators introduced legislation on May 18 that would establish a \$500 billion fund to help state and local governments cope with the impact of the coronavirus. Sen. Bob Menendez, a Democrat from New Jersey, and Sen. Bill Cassidy, a Republican from Louisiana, first announced plans for the bill in April. They have added two more Republicans to the effort: Susan Collins of Maine and Cindy Hyde-Smith of Mississippi as well as Democrats Joe Manchin of West Virginia and Cory Booker of New Jersey. A companion bill has been introduced in the House by Reps. Mikie Sherrill, D-N.J., and Peter King, R-N.Y., along with a group of bipartisan co-sponsors. Details of the measure include:

- The money would be divided into three tranches, distributed according to population size, infection rates and revenue losses;
- The bill does not have a population requirement, meaning municipalities of any size can use the money it makes available; and
- All states, Puerto Rico and the District of Columbia would receive a minimum of \$2b under the plan.

June:

June featured the House conducting virtual hearings and markups session for all but four days at the end of the month when House floor votes were held under new, proxy voting procedures. The Senate was in session all four weeks of June. Both houses of Congress have said that they hope and expect to adjourn after the first week of August for the traditional August recess period and return after Labor Day. The overarching pending business is the next and last COVID 19 relief package. Speaker Pelosi said that the House will not adjourn until that package is passed into law.

Next and Final COVID 19 Relief bill: HEROES Act vs. SMART Fund Act vs. HEALS Act-

On May 15 House Democrats passed an 1,800 page, \$3+ trillion COVID 19 response package, H.R. 6800. Senate Republican Leader Mitch McConnell points out that half of the CARES Act funding has yet to be distributed, but he concurs that there will be another package. Senate Republican have introduced several bills which, when taken together comprise their \$1 trillion response, r HEALS Act. McConnell is seeking

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liability protection for employers while stating that cases of gross negligence and intentional behavior would still be subject to legal action by employees and/or customers. Another issue for McConnell is to revisit federal Unemployment Insurance which ends in July and, McConnell believes, is too high.

The main points of negotiation will be:

- 1- The overall funding level (House is at \$3.5t and Senate GOP/Administration is at about \$1t).
- 2- Unemployment Insurance extension and level of federal support (currently \$600/week).
- 3- Liability protections for employers/business owners.
- 4- Additional funds for state and local government (House bill has it, Senate bill does not).

HEALS Act-

Senate Republican leaders unveiled a package of separate bills, giving Congress the option of passing parts of the agenda -- such as extensions of unemployment insurance or schools funding -- now and leaving the rest for later. The Senate Republicans and the Administration had been divided on the overall cost of the plan and how to extend unemployment benefits expiring this week.

Unemployment Insurance

Pandemic-related federal supplemental unemployment benefits for millions of people in the U.S. end on July 31. The Republican plan extends the added benefits at a rate lower than the \$600 per week enacted as part of the CARES Act in March. For two months, the benefits would be set at \$200 per week on top of state-level benefits, which vary. After that, states would provide benefits equal to 70% of previous wages, with the federal supplement capped. States would be allowed to apply for a waiver to secure up to two additional months to transition to the new calculation. Republicans say the CARES Act benefit level was too high, making it hard for employers to rehire people who are getting more in unemployment benefits than they earned while working. There is little chance Democrats will accept such a steep reduction with many parts of the country unable to fully reopen due to a resurgence in coronavirus infections. Senate Democrats have proposed extending the \$600 benefit through March 2021. The House-passed Heroes Act would extend the benefit into January.

Direct Payments

The Senate GOP legislation includes a second tranche of stimulus payments, structured the same way as the earlier round, in March. The plan provides \$1,200 payments at individual incomes of \$75,000 or less a year, with \$500 in benefits for each child or adult dependent. The bill passed by House Democrats two months ago also includes \$1,200 stimulus payments, but has \$1,200 benefits per child, up to a total of \$6,000 per household.

Education Funding

The Republicans would provide \$105 billion, with \$70 billion going to elementary, middle and high schools; \$29 billion for colleges and universities and \$5 billion to a flexible fund. Two-thirds of the money would go to schools that institute reopening plans and the rest to schools generally, under existing federal formulas. The White House has fought to tie school aid to reopening plans, but Democrats are opposed. Democrats are demanding \$430 billion for schools. The GOP plan would also allow student borrowers to delay loan repayments and then cap loan payments at 10% of income minus housing costs.

Liability Protections

Liability protections are a top priority for McConnell. The Senate GOP bill shields businesses, schools, charities and other organizations from Covid-19-related lawsuits through Oct. 1, 2024, as long as they make "reasonable" efforts to follow public health guidelines and don't commit acts of "gross negligence" or "intentional misconduct." The proposal would move to federal courts medical liability claims against

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caregivers that arise from virus-related care provided by licensed health care facilities and medical workers. Like employers generally, they could only be successfully sued if they engaged in gross negligence and intentional misconduct. Federal courts could decide such matters as the burden of proof by a claimant or any caps on damages. Democrats say that instead of liability shields, Congress should push the Occupational Safety and Health Administration to develop clear guidelines for businesses and schools.

Small Business Loans

The Senate GOP plan would extend the Paycheck Protection Program of forgivable small business loans, adding \$60 billion to a facility that still has \$130 billion left from the last stimulus. Small businesses with fewer than 300 employees that can show revenue losses of 50% or more since the pandemic began would be able to apply for second PPP loans.

Health Care

The White House dropped its initial opposition to new testing money in the bill and has agreed to go along with a plan for \$16 billion to help states ramp up tests and contact tracing. Senate Republicans had initially sought \$25 billion in new funds.

Meals and Entertainment

The legislation also includes an expanded tax break for businesses that are providing meals and entertainment for clients. The change is a priority for President Donald Trump, who has said it is important to help struggling restaurants and entertainment venues. The proposal reverses a policy included in Trump's 2017 tax law that limited the tax break to pay for other tax reductions.

Operating-During-a-Pandemic Tax Break

The plan includes tax credits for the increased costs that businesses are facing to shield workers and customers against the virus. It includes a credit to cover some of what companies spend on testing, personal protective equipment, workplace cleaning and retrofitting facilities to adhere to distancing guidelines. Lawmakers from both parties have embraced tax incentives for workplaces that do more cleaning and provide accommodations to protect against the virus.

Hiring Tax Credit

The legislation includes an expanded version of the employee retention tax credit for businesses that keep workers on their payrolls. The break gives companies an additional incentive to keep people employed as many firms still face revenue downturns but have run out of Paycheck Protection Program money or never qualified for it. The credit, which has broad bipartisan backing, is refundable against payroll tax liability, meaning that companies could get a check back from the IRS if they qualify for a larger tax break than the payroll taxes they owe. The legislation also expands a tax credit for large businesses to hire individuals who are unemployed.

Social Security, Medicare

Senator Mitt Romney of Utah was able to get his proposal to address the troubled Social Security, Medicare and Highway trust funds into the package. His bill creates a bipartisan trust fund rescue committee that must produce legislation within a set time frame. The House and Senate would be forced to take up the Rescue Committee proposal with minimal delays, but the bill could still be filibustered in the Senate. Without action, Social Security would not be able to pay full benefits after 2034 and Medicare after 2026 under current government projections.

Protective Equipment

The GOP is proposing to end dependence on foreign manufacturers for personal protective equipment. The plan developed by Senator Lindsey Graham of South Carolina would create tax credits to spur manufacturing to help the federal government reach the goal of 100% domestic sourcing within five years.

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FBI Headquarters

At the White House's insistence, the bill contains \$1.75 billion for a new Washington headquarters for the Federal Bureau of Investigation. The project has been a priority for Trump, who owns a hotel across the street from the current building.

Farm Aid

The Republican proposal would provide \$20 billion in aid for agriculture, delegating broad discretion on spending to Agriculture Secretary Sonny Perdue. The legislation would allow Perdue to use the aid to compensate livestock producers for losses from killing animals that could not be sent to slaughterhouses because of virus-related shutdowns and slowdowns.

FY21 Budget, Appropriations and potential Continuing Resolutions (CRs)-

As COVID-19 issues consume the legislative agenda and complicate committee work on Capitol Hill, House and Senate appropriators have taken different paths. The House has completed Full Committee markup of all 12 annual House Appropriations bills and finished House floor consideration of ten of those. (The Homeland Security and Legislative Branch vehicles remain.)

The Senate had originally planned to mark up almost all the bills before the July Fourth recess but has not met that ambitious schedule. Given that 2020 is an election year, it is virtually certain that the federal government will be funded by two or more Continuing Resolutions until December or into early (i.e. February-March) 2021.

Questions and Comments -

It is the pleasure of Kadesh & Associates to serve the RCA. Please direct questions to Dave Ramey at 202-549-1519 or dave@kadeshdc.com.

AGENDA ITEM NO. 9

Attachment 3

**CONSULTANT REPORT
RIVERSIDE COUNTY REGIONAL PARKS AND OPEN-SPACE DISTRICT
MSHCP LAND MANAGEMENT UNIT
FISCAL YEAR 2020 FOURTH QUARTER REPORT**

Report Covers Period: 04/01/2020 – 06/30/2020

External Services Provided During Current Work Period:

12 intern hours were utilized during the fourth quarter of FY2020

General Administration

Early in the quarter, MSHCP Land Management Unit (referred to herein as “Unit”) time was spent largely on addressing the issue of the COVID 19 pandemic. Riverside County Regional Parks and Open-Space District (Riv Co Parks) staff were deemed essential by the County and continued operations throughout the quarter. Natural Resource Manager (NRM) Jonathan Reinig and Ranger Supervisor (RS) Ruben Rodriguez attended weekly virtual meetings with Riv Co Parks management to ensure the ever-changing State and County guidelines and mandates were adhered to. These included the closure of all RCA properties for an approximately three-week period in April, daily reporting on staff status as related to the virus, increased cleaning of office spaces, and proper social-distancing and personal protective equipment protocols. While all RCA properties were officially closed during the County’s mandated stay at home orders, posting of properties as closed was limited to 16 RCA properties with the most regular visitation by the public (See the Enforcement/Patrol section below for more details).

A conference call was attended with the United States Fish and Wildlife Service (USFWS) and various other stakeholders to discuss possible COVID 19 stimulus money for work to be done in the Santa Margarita watershed. Our Unit requested \$11,000 for an asbestos test on the tar paper lining of the Winchester 700 Reed Valley old stock pond and removal of the tar paper.

NRM Reinig attended a meeting with staff of the San Diego Zoo Institute for Conservation Biology (SD Zoo), USFWS, and the RCA at the RCTC McAlister and SJRR properties. The SD Zoo conducted rapid habitat assessment surveys of the properties to determine if they would be suitable as receptor sites for a study on translocating San Bernardino Kangaroo Rats (*Dipodomys merriami parvus*). The SJRR property was deemed an appropriate receptor site for the study and will likely have 50-100 kangaroo rats translocated onto it in September 2020.

A conference call and subsequent site visit was conducted with the RCA concerning the City of Perris proposed San Jacinto River Trail through the KB SJ River Donation. The talks focused on the trail’s planned route, issues of impacts to populations of the federally threatened Spreading Navarretia (*Navarretia fossalis*) on the property, and mitigation efforts that could offset those temporary and permanent impacts from the project. Ultimately, a reroute of a small portion of the

trail and active restoration within the property were deemed a suitable solution to mitigate the trail's impacts.

Staff coordinated with staff of the United States Geological Survey (USGS) to gain them access to RCA's Bolton and Tri-valley properties. The USGS was conducting a Santa Ana River watershed-wide trapping survey of Southwestern Pond Turtle (*Actinemys pallida*) and wanted to include these two properties in their survey effort. Due to USGS time constraints and rapidly drying ponds on the property, the Bolton ponds were turtle trapped by Unit staff (see Habitat/Species Management, Gavilan HMU section below for more details). USGS trapping efforts at the Tri-valley property yielded no turtles.

RS Rodriguez held communications with the project coordinator for Pulte Homes Murrieta Hills LLC. The need for a replacement gate at the water towers on Keller Road was discussed; repeated vandalism had rendered it unlockable. The gate is owned by Pulte Homes but is regularly used and re-secured by the Unit while accessing the RCA's Evandel-Wilson and Evandel-Bergstein properties. The project coordinator was agreeable to the project and stated they would direct staff to fix the existing gate in the interim (see Patrol/Enforcement, Menifee HMU section below for more details).

Staff held communications with Bruce Kramer (seller and neighbor of the RCA Kramer property). An old nonoperational well on the neighboring RCA Lin property, which was dismantled by staff at the time of the Lin acquisition, was owned by Mr. Kramer. An agreement on a resolution to the dismantled well was not reached and Mr. Kramer has tentatively rescinded a verbal agreement that allowed the Unit's staff to drive through his property to reach RCA Conserved Lands.

RS Rodriguez organized and coordinated the Unit's annual weed abatement notices and activities (see Maintenance/Fencing, Weed Abatement section below for more details).

Staff coordinated with and provided an RCA lock key to a California Department of Fish and Wildlife (CDFW) warden working an illegal marijuana grow adjacent to the RCA Higgins Property.

NRM Reinig and NRS Sawyer reviewed and commented on a draft version of the SCE HEMP VIG Phase 1 for the Wolfskill Driscoll property. A 1.4-acre area of habitat on the property will be uplifted to offset impacts from transmission line installation.

The Cal Fire CCI grant agreement (for a skid-steer weed abatement tractor) was reviewed and discussed amongst staff, Riv Co Park's grant officer, and Cal Fire's grant coordinator. Concerns about the scope of work for the tractor were resolved and the Unit is working towards having the agreement signed and returned to Cal Fire.

Time was spent making considerations for and mapping a proposed house cutout for the potential Bush/Culton acquisition (NonDevelopment HANS).

In response to several inquiries by members of the MSHCP/mountain bike working group regarding the upcoming Murrieta Hills development, a thorough response was composed and sent to the group by NRM Reinig. The response contained basic information about the project as well as findings that have come out of the Unit's preliminary trail patrols (see Patrol/Enforcement section below for more details).

A "Wildfire Sensitive Species Advisor" shapefile was fine-tuned and added to the Unit's ArcCollector map. The file shows known locations of sensitive species that should be taken into consideration during wildland fire fighting activities, when possible.

NRM Reinig organized trail maps for the RCA's Winchester 700 Murrieta property and Temecula Escarpment area. These trail maps, as well as Riverside County parcel maps were added to the Unit's ArcCollector map.

Time was spent researching the Terramor Development Specific Plan and County Ordinance 348 to determine if the public was barred from entering the Toscana Donation properties, as was claimed by a neighbor. Nothing researched suggested the area was closed to the public.

The new-to-California Rabbit Hemorrhagic Disease Stereotype 2 (RHDV2) was researched. This highly virulent and deadly lagomorph disease was documented for the first time in California during the quarter.

An annual maintenance cost estimate was developed for the North Crossroads mitigation site on the Warren Road Partners property.

NRS Sawyer compiled California Native Diversity Data Base records for a San Jacinto Habitat Management Unit (HMU) Vegetation Management Plan for prescribed burns.

RS Rodriguez placed an order for six new Wildlife Conservation Board signs.

A summary of homeless interactions for FY19-20 was compiled for and submitted to Riv Co Parks.

RS Rodriguez compiled records for the FY19-20 new fencing and gates file and submitted the document to the RCA.

Billing reviews of Riv Co Parks monthly invoices for the RCA were completed regularly. Photos and notes of the Unit's monthly activities were compiled and submitted as part of the review.

A virtual Santa Ana/Palomar Mountain Lion Linkage working group was attended.

The Unit's 2019 Annual Report and FY20/21 Annual work plan were completed and submitted to the RCA.

Monthly reports were regularly written and submitted to the RCA.

Weekly reports were regularly written and submitted to Parks management.

The monthly RCA Management and Monitoring Coordination meeting and the monthly Parks Managers meeting were regularly attended (virtually) by NRM Reinig.

All staff attended two monthly MSHCP Land Management Unit staff meetings. April's meeting was not held due to COVID 19 concerns about gathering in groups.

NRM Reinig and NRS Sawyer attended the monthly San Diego Management and Monitoring meeting (virtually). A talk was given about native bumblebees of southern California and their identification.

Work Release Program training was attended by NRM Reinig.

Patrol/Enforcement

Badlands Habitat Management Unit (HMU)

The Calmat and Schmeling properties along Jackrabbit Trail were patrolled two to four times a month. Contact was made with a total of 18 off-highway vehicles (OHVs) or trucks carrying OHVs. All riders were notified that OHVs were not allowed in the area and were asked to leave. Contact was also made with two sets of target shooters. The shooters were notified of County Ordinance 514 and legal shooting areas were conveyed to the target shooters. One cut in the Calmat fence line was found during patrol and was repaired. Additional signage was also posted.

The Wolfskill-Driscoll property was patrolled monthly with no issues to report.

Cactus Valley HMU

Ranger Johnny Garcia encountered several issues while patrolling the Oconnor properties. Vehicular trespassing was evident from private properties to the south of the parcels, a washed-out dirt road on the property had been graded, and the property's mine barricade was found open due to vandalism (See Maintenance/Fencing, Cactus Valley HMU section below for remedial action).

Ranger Garcia investigated complaints of junked vehicles on the SSR Property. The ranger found two vehicles hidden in one of Red Mountain Road's storm water diversions. After confirming that the vehicles were not reported as stolen, Ranger Garcia worked with Code Enforcement on their removal. No other issues were observed on the property.

NRM Reinig and Ranger Robert Fountain patrolled back country trails of the McLaughlin and Bautista properties on e-bikes. No new trail construction and minimal other activity was noted in the properties' remote areas. However, sporadic OHV use continues to be apparent across the Bautista property where Ranger staff repaired cut fencing from OHV access and added additional signage in the north of the property; plans to block the hard to reach backcountry access points was initiated. Both properties were posted as closed due to COVID 19 for the duration of the County's stay at home order.

The Goodhart property was posted as closed due to COVID 19 for the duration of the County's stay at home order.

Tax sale 2013 was patrolled with no issues to report.

Gavilan HMU

Early in the quarter, staff conducted weekly checks for poppies on the Reynolds property and patrolled the area several times a week. In April, the area (aka Walker Canyon) saw a resurgence of flowers following late season rains, however super bloom status was never reached. Still, the area saw tens to hundreds of visitors daily. As a result of crowds exceeding social distancing guidelines, the RCA Reynolds property was posted closed due to COVID 19, approximately 2 weeks prior to the County's mandated stay at home order. The closures were reinforced by the hard closure of Walker Canyon Road by the City of Lake Elsinore shortly after the postings. Following the desiccation of the property's annual vegetation, the removal of closure postings and the reopening of Walker Canyon Road occurred, and the Unit conducted periodic patrols of the area. The Hill Top Drive gate was found cut open on one occasion and was re-secured.

At the Hariton property, Ranger Richard Chagolla made contact with the private property landowner to the west. The landowner had expanded his marijuana grow operation onto an existing house pad of the Hariton property. The landowner was given 5 weeks to disassemble and relocate a large greenhouse structure, a wooden fence, a water tank, vehicles, and debris. Progress was monitored by Ranger Chagolla and by quarter's end all items from the encroaching grow operation had been relocated to the adjacent private property.

The North Peak #4 property continued to face vehicular trespass issues. Staff was diligent with patrolling the main OHV access point near the intersection of Telford and Vista Avenues. The property boundary in the area is fenced and gated but the Unit saw repeated vandalism early in the quarter. During patrols, Ranger staff fixed cuts in the property's fencing on seven occasions (four of which were in a one-week time span) and re-secured the gate on one occasion. A private property resident adjacent to the property reported to staff that they witnessed two large trucks ram the fence for access. The resident called the Riverside County Sherriff's Department (RSO) who responded but were unable to locate the trucks. Efforts to contact the RSO Off-Highway Vehicle Enforcement program (ROVE) for assistance in the area by the Unit were unanswered. Motocross jumps on the property were addressed by maintenance staff (see Maintenance/Fencing, Gavilan HMU section below for further details).

Ranger Fountain patrolled the Nelson property on two occasions. On the first occasion time was spent repairing and fortifying a fence line on the property with a history of OHV vandalism. One motocross jump was also dismantled by the ranger, while others were addressed by maintenance staff (see Maintenance/Fencing, Gavilan HMU section below for further details).

The ranger staff found the Ordonez property mine barricade had been forced open. The mine was re-secured by maintenance staff (see Maintenance/Fencing, Gavilan HMU section below for further details) and subsequent patrol of the property revealed no issues to report.

One OHV cut fence was located and repaired by ranger staff at the Roth property. However, additional heavy OHV barricades are needed to eliminate all vehicular activity on the property.

A ridgeline OHV road was noted by ranger staff at the Toscana Donation Phase 2 (see Maintenance/Fencing, Gavilan HMU section below for remedial actions)

NRM Reinig checked on reports of earthen fill entering a riparian area near the intersection of Bush and Moss Roads in Woodcrest. The fill was found to be present adjacent to a Riverside-

Corona Resource Conservation District (RCRCD) property. RCRCD was notified of the violation and a CALTIP report was filed.

The County owned and managed North Peak #1, #2, and #3 properties were patrolled periodically. Two stolen cars were located just off conserved land and were recovered by J & M Towing. Contacts were made with individuals for camping, target shooting, and OHV use and a fence repair was made on the North Peak #2 fence line along El Toro Cut Off Road. They continue to suffer from high OHV use.

The Bolton property was patrolled several times and was posted as closed due to COVID 19 for the duration of the County's stay at home order.

Additional properties patrolled in the Gavilan HMU with no issues to report included Adams, Andrade, Dyer Wynn, Greenwald, RHW Phase 1, and White Rock.

Menifee HMU

Late in the third quarter (and into the fourth quarter), the Murrieta Hills area (including the RCA's Evandel-Wilson and Evandel-Bergstein properties) saw large upticks in recreation corresponding to school and event closures due to COVID 19. As a result of crowds exceeding levels where social distancing guidelines could be followed, the RCA properties in the area were posted closed due to COVID 19 (approximately two weeks prior to the County's mandated stay at home order). The closure remained in effect until the County mandated order was lifted in late April. The properties were patrolled roughly once a week throughout the fourth quarter. Ranger staff found the Pulte Homes Murrieta Hills LLC gate on Keller Avenue forced open on six occasions. Due to damage sustained by the gate, re-locking the gate was not an option. The gate was wired closed on each occasion. While little issues were noted on RCA parcels in the Murrieta Hills area during the quarter, several issues continued to be encountered on adjacent private parcels. Due to the potential for unwanted activity arising on the private parcels spilling over into RCA parcels, they were addressed when encountered. In total, contacts were made with 14 groups of OHVs and seven groups of target shooters. Each group was notified of prohibitions on their respective activities in the area and were escorted out. Staff also coordinated with the Murrieta Fire Department who needed access into the hills to extinguish a smoldering campfire.

The Winchester 700 Murrieta property was patrolled twice a month, predominately by e-bike by Ranger Fountain. The property was posted as closed due to COVID 19 for the duration of the County's stay at home order. A patrol during the closure revealed several groups of people continuing to use the property. The users were reminded of the closure and time was spent blocking key access points with flagging tape. While the closed "Bacon Trail" continued to remain a problem (with gate cut open and re-secured on two occasions) a trail review of the entire property by NRM Reinig and Ranger Fountain revealed that most closed trails (which were originally closed in 2016) have continued to remain inactive and are well along in the process of becoming overgrown with vegetation.

The Gentry properties' trails were patrolled. It was found that local users have respected the measures taken by the Unit in the second quarter to close illegally created trails on the properties; as all recreation appeared to be limited to the properties' open trails. The properties were posted as closed due to COVID 19 for the duration of the County's stay at home order.

Due to the potential for the property's old farm buildings being an attractant for nuisance activities, the Chappell property was regularly patrolled. Early in the quarter, there was forced entry into one building by unknown individual(s). During a subsequent visit, the property's gate was found cut open and miscellaneous office items were found in another of the property's buildings, which was also forced open. A Murrieta Community Services officer was notified of the belongings found. It was learned that the items had been stolen from a nearby storage facility. The items were returned to their owner. Following reinforcements to the buildings, to discourage further break-ins (see Maintenance/Fencing, Menifee HMU section below for further details) a motion activated game camera was deployed on the property. The camera captured several groups of people inspecting the property's buildings, but no nefarious activities were captured. Along the southern boundary of the property, ranger staff noted two private properties who had extended their original fencing to the RCA property's boundaries. This activity eliminated a buffer area between the private parcels and RCA conserved lands. The activities were reported to the RCA for further investigation. Finally, ranger staff was present for Southern California Edison tree trimming on the property. After assurances that proper biological monitoring had occurred, Southern California Edison contractors moved forward and thinned eucalyptus branches away from the property's transmission lines.

Following repeated complaints from local residents of OHV and bicycle activity on the RCA Winchester Road property, ranger staff conducted several visits to it and other properties in the immediate area; Murrieta Marketplace, Richmond American, and Spencer's Crossing Conservation Easement. The inspections revealed that while the activities were indeed occurring in the area, they were mostly restricted to non-conserved lands. One short new trail loop constructed into the Winchester Road property was destroyed and posted as closed. Additional RCA signage was installed on property boundaries. A makeshift dam and evidence of fishing was also noted on the Murrieta Marketplace property. The dam was disassembled.

The Anheuser Busch property was patrolled monthly with special attention paid to OHV access points along the southwestern and eastern boundaries. Repairs and fortifications to fencing made in previous quarters on the western boundary remained intact. In this area several dirt bike tracts were seen approaching the property but turning back at the fence line. A horse step-over is planned in the vicinity to accommodate equestrians who were upset about repairs to the fencing, blocking their access. Vehicular access to the property was noted entering from a private property along the eastern boundary of the property (see Maintenance/Fencing, Menifee HMU section below for remedial actions). The property was posted as closed due to COVID 19 for the duration of the County's stay at home order.

The RCA Lake Skinner Investors property was patrolled on foot. Vehicular trespass issues were observed emanating from an adjacent private property to the north. Plans to block the unwarranted activity were devised by a neighbor (north of the property) was observed. Recently new vehicle trails were observed

The Delgado, La Paloma, and McElhinney/Stimmel properties were patrolled several times and were posted as closed due to COVID 19 for the duration of the County's stay at home order.

Sage HMU

While on patrol of the Agua Tibia Donation property, Ranger Garcia noted a pressurized irrigation line and signs of recent trail activity in the heart of the property. Assuming a trespass marijuana grow was occurring on the property, the activity was reported to the RSO South West Station

Marijuana Task Force, who met with staff to investigate. The irrigation line was found to run completely through the property from National Forest land to the south to private property to the north. While no marijuana plants were found on RCA lands, a large active grow site was discovered on adjacent National Forest land and several old grow sites were discovered scattered amongst the thick chaparral of the Agua Tibia Donation. The National Forest grow was reported to US Forest Service law enforcement and staff worked to remove debris from an old grow site within the property (see Maintenance/Fencing, SAG HMU section below for more details).

Following reports from a neighbor of a marijuana grow site encroaching into the Cordova property, the northern portion of the property was thoroughly patrolled. No encroachments were located.

The Gabrych property was patrolled monthly. A resurgence in OHV activity on the property was noted. A breach to a remote portion of the property's fencing was located and repaired. A double chain link gate was discovered stolen from the property along Lewis Valley Road. The void created by the missing gate was wired closed.

The Flood Control-Temecula Creek Conservation Easement was patrolled for homeless issues on a monthly basis. No camps were located within the easement, but abandoned camps were noted to the southeast, and continued heavy use was noted adjacent to the property in the vicinity of the Interstate 15 bridge. Vegetation along the old homeless-created trails within the property have regrown substantially and the trails have all but vanished.

A cut fence for OHV activity was discovered and repaired at the Odegaard property.

At Anza Knolls, Range Garcia noted RSO crime scene tape along the property's northern boundary. After searching RSO social media postings, it was learned that several months prior a fatal police shooting had occurred adjacent to the property. The suspect fled into the property where he succumbed from his injuries.

The Bell and Weigel properties were posted as closed due to COVID 19 for the duration of the County's stay at home order. Midway through the closure period, the COVID 19 postings were discovered missing and were re-installed.

Additional properties patrolled in the Sage HMU with no issues to report included Bechel, Bergman, Bush, Cordova, Dorfner, Miller, Powel, Shoppe, Silverado Estates, Reden, Tax sale 2013 # 8, Terra Investment, United Five Star, and Winchester 700 Reed Valley.

San Jacinto HMU

A 0.1-acre marijuana grow incursion onto the Higgins Nuevo property in the third quarter was re-checked by Ranger Chagolla. As promised by the individual responsible, the approximately 250 small plants and associated fencing were found to have been removed from the property. Due to repeated vandalisms to OHV access controls in the area, Ranger Chagolla made contact with ten OHVs utilizing a private property adjacent to the Higgins parcels. The riders were notified of the general prohibition of OHVs on RCA conserved lands and were informed of the property's boundaries.

At the Higgins donation Ranger Garcia noted a grading incursion along the property's northern boundary. The grading emanated from a neighboring private property and impacted approximately 0.22 acre of previously disturbed land and 0.09 acre of undisturbed habitat on the Higgins

Donation. Ranger Garcia placed new RCA no trespassing signs in the graded area to demarcate the property lines and discourage future incursions. The RCA also sent a cease and desist letter to the property owner.

The KB River Donation was the site of multiple unrelated issues in the fourth quarter. Likely due to COVID 19 restrictions, private parcels adjacent to and to the north of the property saw an explosion in OHV activity. This RCA property is mostly not fenced, and OHV activity began to spill over onto both the sensitive habitats of the property as well as the Riv Co Parks Kabian property nearby. As a result, the Unit's ranger staff, Riv Co Parks Open Space rangers, and RSO deputies began heavily patrolling the area. Over the course of several visits, hundreds of contacts were made with OHV riders both on the property and on the adjacent private parcels. In all instances all OHVs were moved out of the area. A new fence line and gate in the southwest portion of the property (which was installed by staff in the first quarter) was repeatedly cut open and repaired. On one occasion the damage was extensive and was addressed by maintenance staff (see Maintenance/Fencing, San Jacinto HMU section below for more details). In addition, NRS Sherrock patrolled the property following reports that construction activities of an adjacent City park were possibly encroaching into sensitive vernal pool habitat on the property. It was deemed that the construction activities were very close to the property boundary but had not encroached at any significant levels.

On the Soboba Donation parcels, ranger staff worked on the removal of two vehicles from the San Jacinto riverbed and addressed a new homeless camp. Two vehicles became mired in the sand on the property while attempting to access a large homeless encampment on a neighboring Flood Control parcel. One vehicle was dug out while rangers coordinated with California Highway Patrol (CHP) for the removal of the second one. A fence go-around was identified as the access point of the vehicles. The go-around was blocked with a fence segment by ranger staff. A small homeless camp was also located and posted to vacate. On a subsequent patrol, the homeless camp was found vacated and ranger staff removed approximately four large garbage bags of refuse that was left behind.

Owing to urgent needs in other areas, patrols of the EMWD parcels in the San Jacinto River wash were pared back to once or twice monthly. Contacts were made with two OHV riders on the properties and two OHV cut fences were located and repaired. One new homeless camp was also located and posted to vacate. The properties were posted as closed due to COVID 19 for the duration of the County's stay at home order.

While on Patrol of the SEY Corporation property, Ranger Fountain documented a large amount of Pepper Tree limbs (several cubic yards) left on the property when a neighboring the mobile home park removed a tree from within their property boundary. Contact was made with the management of the mobile home park and they were persuaded to remove the green waste.

Additional properties patrolled in the San Jacinto HMU with no issues to report included Carlsbad, KB Home Coastal Donation, and Nuevo Donation.

Santa Ana Mountains HMU

NRM Reinig and Ranger Fountain patrolled the mountain bike trail systems of the Temecula Escarpment (known in the mountain bike community as Trail X). The area is comprised of a patchwork of RCA conserved lands and private parcels which have all been heavily impacted in recent years by illegal mountain bike trail creation. Starting in the north at the Hong property and

patrolling south to the Kamyar property and then back, many of the area's trails were checked. No new trail creation activity was observed north of Rancho California Road. However, new trails were found recently completed or under construction south of Rancho California Road; including one cutting straight through the length of the Francis property. In addition, a magnitude of signs made from old bicycles, many bridges, two donation boxes, and many "No OHV" signs were also noted. A homeless camp was also discovered and posted on the Kamyar property. Contact was made with one individual who was curious about the status of the area's trails.

The interior of the Fethke property was patrolled by NRS Sherrock for marijuana grows. Signs of old grow activity were discovered including irrigation lines in the heart of the property and a fire hydrant on the adjacent Santa Rosa Plateau Ecological Reserve which had been permanently tapped into via below ground piping that led into the Fethke property. The piping from the fire hydrant was disconnected and rendered inoperable. Future patrols for the destructive practice were scheduled as the remote property showed signs of historical grow activity on Google Earth.

The interior of the Rahmati property was patrolled for marijuana grows. No sign of human presence was found in the property's creek bed.

The Fischer and Rancho Escarpment properties' gates were found cut open and were re-secured.

The Bishop property was patrolled several times and was posted as closed due to COVID 19 for the duration of the County's stay at home order.

Additional properties patrolled in the Santa Ana Mountain HMU with no issues to report included Biggerstaff, Cachia, Carr, Damietta Ranch, Davis, Francis, Guzman, Harrison, Hemmer, Hermann, Lancina, Lowe Trust, Morgan, Murrieta 180, Otto, Shamblen, Skorpanich, Stockdale, Tax sale 2013 #12, TNC Anderson, TNC/Monte Cristo, and Tran/Clarke.

San Timoteo HMU

The Oak Valley Partners property was the site of multiple unrelated issues in the fourth quarter. While on routine patrol of the property, Ranger Chagolla discovered a large encampment in the property's far northeastern riparian area. This camp was composed of 10 men, two women, eight tents, 10 bikes plus disassembled bike parts, a campfire ring, a ponded stream area, and large amounts of personal belongings and refuse. The camp occupants were gathered together and notified that there was a prohibition on camping on RCA conserved lands. The occupants were issued garbage bags and urged by Ranger Chagolla to start removing their belongs from the area and initiate a cleanup of the camp. Calimesa Code Enforcement was notified of the camp by the Unit and made a visit. Many of the camp occupants were familiar to the officer, whom had a history with the camp's occupants from other encampments within the city. Over several weeks the camp was monitored as occupants vacated the area with their belongings. Once the area was considered adequately vacated, the Unit's maintenance staff tackled the removal of the large amount of refuse left behind (see Maintenance/Fencing, San Timoteo HMU section below for more details). Ranger Chagolla also addressed typical and atypical OHV issues in and around the property. Working with both the Calimesa Police Department and alone, Ranger Chagolla made contacts with and removed 42 groups of OHV riders from the property's northern boundary throughout the quarter. Noting new OHV trails entering from the normally quiet southwest area of the property, Ranger Chagolla investigated the source. It was found that OHV's had begun staging on a private property to the southwest that was in the process of being acquired by the Inland Empire Resource Conservation District (IERCD). With the property's caretaker having

moved out during the escrow process, the private “Holmes” property had begun to be targeted by OHV riders. IERCD was notified of the issue, and with their permission the Holmes property’s gate was secured closed by Ranger Chagolla. The gate was found cut open on one additional occasion and was re-secured. Ranger Chagolla also observed cattle grazing approaching the Oak Valley Partners property. The herd’s owners were identified and notified of the property’s boundaries. Finally, the property was posted as closed due to COVID 19 for the duration of the County’s stay at home order.

At the Kramer property, ranger staff found and repaired a cable fence line along the eastern boundary that was cut for four-wheel OHV access. In the center of the property one large downed oak limb was found blocking the trail. Rangers noted the general poor health of the numerous old growth Coast Live Oaks (*Quercus agrifolia*) on the property and the potential for more falling limbs. As a result of these findings, the trail which bisects the property was posted as closed pending a more thorough review of the hazard. The property was also posted as closed due to COVID 19 for the duration of the County’s stay at home order. Additional patrols of the property were conducted with no other issues to report.

On the Live Oak Canyon Property, Ranger Chagolla observed that trail work had been completed and contacted the Redlands Conservancy caretaker who lives on an adjacent parcel. It was learned that trimmed Coast Live Oaks and numerous Redlands Conservancy trail markers on the RCA property were thought to be permissible by the Conservancy based on old verbal agreements with former Parks and RCA Management staff. A meeting was scheduled with the various stakeholders in the area to assure all members possessed the same information.

Maintenance/ Fencing

General

Staff responded to two break-in and vandalism events at the Unit’s Hidden Valley Wildlife Area yard. On one occasion, one of the Unit’s vehicles was broken into, resulting in damage to the vehicle’s door lock and the theft of hand tools from the vehicle. On the other occasion, damage was documented to one vehicle’s gas tank and the Unit’s Jeep was stolen. The jeep was found and recovered by the Unit several hours later with damage to the ignition and gear shifter. In both instances police reports were filed and surveillance videos were submitted as evidence. All damages were repaired in house by Parks Maintenance Worker (PMW) Jeffrey Burke and RS Rodriguez over the course of several days

Staff coordinated with Riv Co Parks staff to have the Unit’s old dump truck and maintenance truck retired. The dump truck was retired because it no longer conformed to the State’s diesel emissions standard, and the maintenance truck was retired because of exorbitant repair costs. Both vehicles were dropped off at HQ so they could be auctioned.

Cactus Valley HMU

A “40-yard roll off” dumpster was delivered to the Goodhart property. Utilizing one of the Unit’s tractors at the property’s lower cabin area, the removal of several large dilapidated chicken coops, miscellaneous refuse left by the previous owner, and debris from a past marijuana grow cleanup was initiated. By quarter’s end, the roll off dumpster was filled but much cleanup remained. Goodhart staff also worked to clean and organize the Unit’s shop and yard. PMW Alfredo Salazar

repaired multiple copper water line leaks in the basement of the residence of the property and installed new security lighting on the shop.

Ranger Garcia installed two new fence segments to block two new vehicular access points along the Oconnor property's southern boundary.

Gavilan HMU

Maintenance staff re-blocked the entrance to the mine shaft at the Ordonez property. A tractor was utilized to reinforce the damaged steel barricade with rock and soil.

Tractor work was completed at the North Peak #4 property to dismantle several new OHV jumps.

At the Nelson property PMW Burke graded a washed-out road to regain access to the property. While on site the tractor was also used to knock down several new OHV jumps that had been noted by ranger staff.

A four-wheel OHV access point along a ridgeline at the Toscana Donation Phase 2 was blocked with heavy fencing.

Menifee HMU

Despite a series of RCA no trespassing signs installed at the Clinton Keith wildlife overcrossing by staff in recent quarters, the MSCHP Biological Monitoring Program (BMP) staff continued to observe pedestrian, equestrian, and mountain bike activity on the overcrossing on their deployed game cameras. Maintenance staff responded by installing a total of 450 feet of wildlife friendly fencing on both sides of the overcrossing to further discourage trespassing issues.

Staff installed a 15-foot section of cable fencing to block a gate from a neighboring private parcel at the Winchester 700 Murrieta property. The long-standing private gate had recently begun to be used repeatedly by the private property residents to gain OHV access onto the reserve. Several newly created OHV jumps nearby on the reserve were dismantled with shovels.

In response to several break-ins at the Chappell property's old ranch structures, staff used discarded lumber (from previous cleanups) to board all windows and doors. In addition, staff repaired a 20-foot section of fencing and adjacent gate that was damaged by a vehicle accident.

A fence line cut was repaired with heavy duty metal railing to prevent further OHV access onto the Delgado property.

Additional RCA boundary signage was installed at the Evandel-Wilson and Evandel-Bergstein properties.

Sage HMU

Failing to locate an expected active marijuana grow site at the Agua Tibia Donation, staff diverted energy to clearing debris from the camp site of a long past grow area. Twenty-five large trash bags of camp refuse, tents, and cooking utensils were cleared and hiked out through dense chaparral. Much old irrigation line from the various old grow sites on the property remained and are planned for removal at a later date.

At the Cordova property, maintenance staff repaired 50 feet of damaged fencing from a vehicle accident, along Thomas Road, and bagged and removed 17 large trash bags of refuse that was dumped on the same road.

Following a report from the neighboring Sundance Meadows Campground, the Mulder property was inspected for dumping. Six large trash bags worth of household refuse and a mattress were located and removed from the roadside bisecting the property.

Staff graded and filled large road ruts at the Bell and Weigel properties.

A refrigerator dumped along the road on the boundary of the Jalem property was removed

San Jacinto HMU

Fence repair was required at the KB River Donation where a vehicle had purposefully pushed over 8 T-posts and one set pole.

Additional RCA boundary signs were installed at the RCTC McAllister property.

Newly acquired Hardman property was signed with RCA boundary signs.

Santa Ana Mountains HMU

Damaged and missing signage was replaced at the Hanson/Layton and Murrieta 180 properties.

San Timoteo HMU

Following the clearing of the large homeless encampment at the Oak Valley property by ranger staff, maintenance staff worked to clear the area of remaining refuse. Despite the camp's occupants being persuaded to remove much of the debris themselves, approximately 3 tons of debris was left behind and was removed by the Unit's staff. It was particularly difficult to remove the refuse from the steep-walled stream wash area so that it could be transported to a County waste facility.

Weed Abatement

In an effort to be more proactive and reduce the need for late season mechanical work, several properties with high cover of nonnative vegetation, were treated with herbicide by staff as a form of weed abatement early in the fourth quarter. These included the Hariton property along Lindell Road; the area around the Scheer property structure; the Emerald Meadows property along Riverview Drive and around adjacent private structure; the Bolton property along Cajalco Road; Pecuniary Capital and Cuccia/Vogel properties along Redlands Boulevard; North Peak # 4 along Vista Avenue; the Soboba Donation Phases 1 and 2 along Soboba Road; and the Calmat property along Gilman Spring Road. While the method proved to be effective in some areas, others still necessitated additional mechanical work later in the season.

String trimming weed abatement was completed by staff at the following properties: the Bautista Property along the white vinyl fence in the north portion of the property, Richmond America and

Winchester Road properties behind adjacent houses, and the Soboba Donation Phases 1 and 2 along Soboba Road.

Properties where staff conducted tractor mowing for weed abatement included Benton 36, Calvary Chapel, Casa Modelo, Chappell, Clark, Emerald Aliso, Gentry, Katz, McCormick, Rafco, RDA Winchester Rd, Richmond American, Rindahl, Shaing, Tax Sale #5, Winchester Road, and Wolfskill-Driscoll.

Riv Co Parks District contractor mowing was completed at the McElhinney/Stimmel property. PMW staff provided fire watch for the duration of the mowing.

Habitat/Species Management

Badlands HMU

The perimeter of a fire that affected the western edge of the Wolfskill/Driscoll property was mapped.

Gavilan HMU

The ephemeral ponds at the Bolton property were repeatedly checked for Southwestern Pond Turtles and the property was turtle trapped for a one-week period. Although the ponds were the location of a very robust population of the imperiled turtles prior to the extreme drought conditions starting in 2010, no turtles have been observed in the area for the three most recent years following the end of the drought (including 2020). It is suspected that the population was extirpated due to a lack of water during the drought. While checking for signs of turtles at the property, NRM Reinig located an active Turkey Vulture (*Cathartes aura*) nest with two eggs on the adjacent Public/Quasi-Public Lake Mathews/Estelle Mountains Reserve, just beyond the Bolton property's boundary. The BMP was notified of the nest and escorted to its location, at which point they began monitoring the nest for success/failure.

Menifee HMU

At the McElhinney/Stimmel property, routine Burrowing Owl (*Athene cunicularia*) monitoring and habitat maintenance was conducted. Early in the quarter, NRS Sawyer conducted peeper-scope surveys of the property's artificial Burrowing Owl burrows. The surveys revealed an adult pair of Burrowing Owls and six eggs in one of the property's artificial burrows, and that many of the artificial burrows required surface and sub-surface maintenance. Three dead Desert Cottontail Rabbits (*Sylvilagus audubonii*) were noted in artificial burrows and were reported to the rabbit hemorrhagic disease (RHDV2) hotline. It was determined the specimens were too old for laboratory analysis. The vegetation immediately around all the property's artificial burrows was subsequently string trimmed by NRS Sawyer. The entire site was then searched by NRS Sawyer and NRM Reinig in attempt to locate additional owls. One additional pair of owls was located utilizing an artificial burrow and additional dead cottontails were seen across the property. Game cameras were placed at both known occupied burrows and were maintained by NRS Sawyer for the duration of the nesting season. Three of the property's artificial burrows were mowed out to a radius of 150 feet by the mowing contractor during the time of the property's annual weed abatement while PMW staff conducted fire/predator watch. During the maintenance of the cameras and under direction from CDFW, repeated attempts were made to collect a freshly dead rabbit specimen for RHDV2 testing, but none could be located. Despite the inordinate number of

dead rabbits, numerous healthy rabbits were consistently observed on the property throughout the quarter. The game cameras were removed once they documented the successful fledging of nine Burrowing Owl chicks from the two artificial burrows. The cameras also captured multiple occasions where members of the public tampered with the occupied artificial burrows.

At the El Sol property, routine Burrowing Owl monitoring and habitat maintenance was conducted. Early in the quarter, NRS Sawyer conducted peeper-scope surveys of the property's artificial Burrowing Owl burrows. The surveys revealed one adult Burrowing Owl and six eggs in one of the property's artificial burrows, and that many of the artificial burrows required surface and sub-surface maintenance. NRM Reinig and NRS Sawyer returned to string trim all of the property's artificial burrows and search for additional owls. None were found. Game cameras were placed at the known occupied burrow and it was maintained by NRS Sawyer for the duration of the nesting season. The game camera was removed once it documented the successful fledging of six Burrowing Owl chicks from the artificial burrow.

NRM Reinig conducted site visits to the Benton and Shiang vernal pools. The pools were modified to better retain water by Unit staff in 2016 and 2018, respectively. Juvenile Western Spadefoots (*Spea hammondi*) were found under cover around both pools signaling that the frogs were able to complete one successful life cycle at both properties; an event that was undocumented prior to the pools' improvements.

Scattered invasive Short-pod Mustards (*Hirschfeldia incana*) and Stinknet (*Oncosiphon pilulife*) were hand pulled from the Clinton Keith wildlife overcrossing on two occasions.

River HMU

At the Teledyne property habitat restoration and maintenance continued for the benefit of the property's Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*). Although the treated area was completely cleared of targeted nonnative vegetation in the third quarter, late season rains caused a second wave of nonnative vegetation emergence. The Unit responded by spending several days re-weeding the entire western half of the property's occupied habitat and using the Unit's all-terrain vehicle drawn harrow to maintain the previously created open paths at the property. Intern Lauren Jonker assisted in the planting and watering of 50 native Desert Sand Verbena (*Abronia villosa*) plants across the site, which she nursery grew from locally collected seeds. During these efforts, four new native annual plants were observed across the property that were the result of native seeding efforts in the first quarter. The property's photo stations were also visited on two occasions.

At the Hidden Valley Wildlife Area, routine Burrowing Owl monitoring and habitat maintenance was conducted. Early in the quarter NRS Sawyer conducted peeper-scope surveys of the property's Burrowing Owl artificial burrows and she later string trimmed the vegetation around each burrow. No Burrowing Owls were observed utilizing the property.

Sage HMU:

NRS Sawyer checked and maintained a game camera on the Winchester 700 Reed Valley wildlife water guzzler. The camera captured photos of Bobcat (*Lynx rufus*), Coyote (*Canis latrans*), Mule Deer (*Odocoileus hemionus*), Woodrat (*Neotoma sp.*), and Cooper's Hawk (*Accipiter cooperii*) utilizing the guzzler. Incidental records of covered species captured on the camera were submitted to the MSHCP Biological Monitoring Program.

NRS Sawyer conducted one protocol survey for the Quino Checkerspot Butterfly (*Euphydryas editha quino*) at JPR6.

Staff responded to a fire near the Agua Tibia property. However, it was determined that the fire did not affect RCA conserved lands.

NRS Sawyer conducted quarterly photo point monitoring at the Cordova, Gabrych, JPR6, and Mulder properties.

San Jacinto HMU:

At the Nuevo Donation, routine Burrowing Owl monitoring and habitat maintenance was conducted. Early in the quarter NRS Sawyer conducted peeper-scope surveys of the property's Burrowing Owl artificial burrows. The surveys revealed an adult pair of Burrowing Owls and one egg in one of the property's artificial burrows, and that many of the artificial burrows had been flooded and required surface maintenance. While the property had a higher proportion of native annual plants as a result of native seeding efforts in the second quarter, the field continued to be dominated by nonnative vegetation. Owing to the extremely weedy nature of the recently fallowed farm field, the property necessitated two rounds of string trimming around the property's artificial burrows and two rounds of tractor mowing of the entire property. The field was first mowed by Unit staff, then later by the Riv Co Parks District's contracted mower. During both occasions, predator watch was provided by staff around the active Burrowing Owl nest to deter predation of the nest's chicks while the mowing was being conducted. The nest was monitored by Biological Monitoring Program staff and had up to four nestlings documented throughout the quarter. Finally, the Unit coordinated and provided fire watch for the contracted mowing of 100 acres of the adjacent San Jacinto Wildlife Area for the benefit of the property's owls.

NRS Sawyer and Biological Monitoring Program Lead Botanist Marisa Grillo conducted alkali vegetation surveys (point intercept transects) across most of the RCA properties containing the appropriate habitat. The purpose of the surveys was to better document the vegetation within this rare habitat in order to inform future management decisions. In total, 53 transects were completed across the Carlsbad, Kaelin, KB Home Coastal Donation, Percival, RCTC Dilworth Donations, Sey, Warren Road Partners, and Wilhelm Ranch properties.

Santa Ana Mountains HMU:

NRS Sawyer conducted quarterly photo point monitoring at the Trivalley property and surveyed its population of San Diego Ambrosia (*Ambrosia pumila*). The population was found to be substantially larger than the previous year (2,308 individuals compared to 1,355 in 2019) but continues to face threats from nonnative weeds. NRS Sawyer returned to the property and spot sprayed the nonnatives with herbicide. A later check revealed a great reduction in nonnative weed cover with the Ambrosia unaffected by the treatment.

NRS Sawyer surveyed Munz's Onions (*Allium munzii*) in the Fusillade© treated and control plots at the Saddleback Munz's Onion salvage site. Plots treated with the herbicide had significantly more Munz's Onions than the control plots (236 plants in treated plots and 30 plants in control plots). An analysis of the surveys at the site revealed that plots treated with the herbicide had both higher native species cover and a higher native species diversity than control plots. Approximately

half of the site was noted as being dominated by nonnative vegetation and was cleared using string trimmers.

NRS Sawyer conducted quarterly photo points at Bishop and La Laguna properties.

Acquisitions

Initial Site Inspections:

The following properties were inspected and/or re-inspected by NRS staff for acquisition purposes. All MSHCP covered species detected were reported to the MSHCP Biological Monitoring Program and all outstanding issues were mapped and submitted to the Riverside County Economic Development Agency.

Bush, Kevin –The 80.24-acre property consists of steep hills of open coastal sage scrub and chaparral. Plummer's Mariposa Lily (*Calochortus plummerae*) was observed on site. Many invasive Tree of Heavens (*Ailanthus altissima*) and Palm Trees were present in the valley entering the property. A dumping area of large scattered trash items and an uncapped well were noted. Three witness markers were also found missing.

CalTrans – The 22.28-acre parcel is characterized as flat alluvial fan sage scrub along Temecula Creek. Good native and nonnative plant diversity was noted. San Diego Black-tailed Jackrabbits (*Lepus californicus bennettii*) were observed across the property. Two witness markers were missing.

Dawson Creek – the property was rechecked for the instillation of missing witness markers. All markers were found installed.

Fresh Start Homes – The 10.02-acre property is composed of healthy, mature southern mixed chaparral. Approximately 25% of the northeastern portion of the property has steep manufactured slopes with associated v-ditches and drains. Several missing witness markers where also noted. No trash issues were observed.

Gabrych #2 –This property is an 80-acre parcel of hilly alluvial fan sage scrub and open coastal sage scrub habitat with good native plant diversity. Many San Diego Black-tailed Jackrabbits were observed. A large dumping area located in the southeast corner of the property was noted and all four corner witness markers were missing. An incursion into the property from a neighboring private parcel consisting of a trailer, sheds, other structures, trash piles, and dirt roads was also noted.

Highpoint Donation – The 3.21-acre property was comprised of mostly nonnative weeds dominated by nonnative grasses. The property was in the process of being fenced by the donating developer. No issues were found to report.

IDA Lane –This beautiful 152.17-acre parcel encompasses the historic Hemet Maze Stone. The hilly terrain on the property is punctuated by many granite rock outcroppings and vegetation communities consisting of Riversidean sage scrub and chaparral with a small amount riparian. Ground cover amongst the shrubs was predominantly nonnative grass and forbs. MSHCP Covered species observed during the inspection included Granite Spiny Lizard (*Sceloporus*

orcutti), Northern Red Diamond Rattlesnake (*Crotalus ruber*), Coastal California Gnatcatcher (*Polioptila californica californica*), and Turkey Vulture. Two of the property's corner witness markers were missing and two large pieces of metal were found. A subsequent site visit was conducted with representatives of the seller of the property to determine options for removing large metal debris from the property. Unfortunately, options for removing the debris without significantly damaging habitat were limited. It was decided to leave the metal debris.

Marrelli –The property consists of 27.62 acres of hilly coastal sage scrub habitat. Some OHV activity was observed on the property. An old jet ski and small miscellaneous trash was noted. Three of the property's four witness markers were absent

RH Acquisition Company – The 34.59-acre property consists of a sandy riparian wash in Temecula Creek bordered by coastal sage scrub in the upland areas. California Coastal gnatcatchers were observed onsite. Several areas of trash were located, and no witness markers were found. Although the property was partially fenced, multiple well-used trails were observed within its boundaries (including one which had a horse step-over on it at the property boundary). Maintained landscaping and a portion of a paved road were noted within the property's boundary in the southwest.

AGENDA ITEM NO. 9

Attachment 4

CONSULTANT REPORT
SAWA – MSHCP BIOLOGICAL MONITORING PROGRAM (BMP)
FISCAL YEAR 2019/2020 FOURTH QUARTER REPORT

Report Covers Period: 04/01/20 – 06/30/20

Services provided during current work period:

Administrative:

- Manager/Supervisor submitted annual report, survey reports, tables and maps.
- Annual work plan FY2021 – Complete.
- Covid-19 Emergency Response - Implemented and enforced safety protocols.
 1. Trucks assigned to 5 individuals.
 2. Staff still working remotely.
 3. Staggering biologists in office to enter data.
- Manager/Supervisor conducted performance evaluations remotely.
- GIS Analyst researching remote GIS use for Leads.
- 2019 Species Occurrence Dataset - Complete.
- Finalizing internal datasets
- Data requests for Redlands Conservancy and San Bernardino Valley Municipal Water District
- Created 2 tablet Apps-Los Angeles Pocket Mouse (LAPM) grids/LAPM vegetation surveys
- Created program to capture database “errors” in log.
- 4/23, 5/28, 6/25 SAWA Board of Directors Meetings
- 4/2, 5/7, 6/4 RCA Monthly Managers Meetings

Biological monitoring surveys conducted

- **Birds:**
 - ***American Bittern (AMBI):*** Third and final round of surveys complete; no bitterns detected.
 - ***Burrowing Owl (BUOW):*** During the current reporting period we recorded 5 nestlings at one burrow at the SJWA, and 3 at the burrow on the RCA Nuevo property next to SJWA. At Skunk Hollow/Johnson Ranch, there were 5 pairs, but only two had nestlings. One of the pairs had at least 6 nestlings and the other had 4. We received information that there were two pairs at the McElhinney-Stimmel property.
 - ***California Gnatcatcher (CAGN):*** Surveys completed; biologists conducted vegetation surveys at plots.
 - ***Northern Harrier (NOHA):*** Third and final round of surveys completed, many individuals detected. We observed some potential nesting behavior but were unable to find any nests. The species was detected within at least 87.5% of Core Areas within the current reporting period.

- ***Least Bell Vireo (LBVI)***: Surveys complete. We have detected LBVI in the Lake Skinner/Diamond Valley Lake, Temescal Wash, Murrieta Creek, and Temecula Creek Core Areas; no detections in the Wilson Valley Core Area. The only successful nest was within Temescal Wash; there were 4 failed nests at Lake Skinner, and 1 active nest there; 1 active nest in Temecula Creek with Brown-headed Cowbird (BHCO) eggs in it. In June, there were 6 active nests at MSR and 9 nests depredated; no BHCO eggs in monitored nests. No nests succeeded, but we observed fledglings. We observed a fledgling in Murrieta Creek, but outside of the conserved area and 1 nest in being built in the core area. All nests found in Temecula Creek failed, but pairs were still there and still monitored. We observed fledglings in Temescal Wash.
- ***White-Tailed Kite (WTKI)***: Surveys complete, but we kept monitoring 2 active nests – one at SJWA, one at MSR, and one at Murrieta Hot Springs. Species detected in at least 50% of Core Areas within the current reporting period (this number could increase). We observed fledglings at SJWA and MSR. We are also going to follow up on reports of 2 sets of fledglings within San Timoteo Canyon. Collected nest habitat data as the nests fail/fledge. We have information of nests in Prado. At SJWA there could be as many as 9, but we are learning that several of these were probably “dummy” nests. Three nests were observed at Lake Skinner, one of which fledged at least 1 young. There could be another breeding pair at Murrieta Hot Springs (not a Core Area).
- **Herps:**
 - ***Arrays***: installed at Potrero ACEC/Rice Canyon. Potrero ACEC opened for one week in May and one week in June. Caught in traps: Coastal Western Whiptail, Dulzura Kangaroo Rat, and other non-covered species. Incidentals at Potrero ACEC: Granite Night Lizard, Granite Spiny Lizard, Red Diamond Rattlesnake. Red Diamond Rattlesnake is one of our target species for ACEC, and this will fulfill this species objective at this site until 2028, and for all of its Core Areas this will extend the species objective until 2023.
 - ***Mountain Snakes***: Ongoing. Target species detected: Sagebrush Lizard documented in San Jacinto Mt. Core Area and documented in recommended Core Area of San Bernardino Mts.
 - ***Incidentals***: Orange-throated Whiptail detected at Lake Perris. Two young Western Pond Turtles detected in Core Area of San Mateo Canyon. Western Whiptail, Granite Spiny Lizard, Coast Horned Lizard, and Arroyo Toad detected in Santa Ana Mountains. Granite Spiny Lizard detected at San Jacinto Wildlife Area Core Area. Red Diamond Rattlesnakes found at Lake Skinner and Hogbacks Core Areas. Land managers have trapped the Bolton Property and found no Western Pond Turtle (where 50+ were found previously prior to the prolonged drought). USGS has trapped Collier Marsh and found no pond turtles.
 - ***California Newt***: Fulfilled reproductive objective at over 75% of established breeding locations.
- **Mammals:**
 - ***Long-Tailed Weasel (MUFR) track plate boxes surveys***: Surveys were conducted at San Jacinto Wildlife Area on April 13-May 1. Track plate boxes were on site for 2 weeks and, after the install, are checked every other day, resulting in 5 data collection visits. The species was detected.
 - ***Clinton Keith Undercrossing Camera trapping***. Three MSHCP covered species were identified with confidence: Bobcat, Coyote, and San Diego Black-tailed Jackrabbit. Human activities were detected.
 - ***Clinton Keith Wildlife Overcrossing Camera trapping***: Two MSHCP covered species were identified: Coyote and San Diego Black-tailed Jackrabbit. Also, human activities were detected.
 - ***Los Angeles Pocket Mouse (LAPM)***: Started trapping on 6/15 at San Jacinto River. Caught LAPM, San Bernardino Kangaroo Rat, Dulzura Kangaroo Rat, Deer Mouse, Western Harvest Mouse, House Mouse and nonnative rat (*Rattus* sp.).

- **Rare Plants:**
 - *Phacelia stellaris*: Complete
 - *Mud nama*: Reconfirmed one of the two objectives at SJWA.
 - *Parry's spine flower*: Met the last 9-3 objective at Harford Springs.
 - *California bedstraw*: Reconfirming two objectives, need to double check ID.
 - *Parish's meadowfoam and button celery*: Reconfirmed at SRP (Santa Rosa Plateau).
 - *Thread leaved brodiaea*: Reconfirmed most objectives, met objective on Dilworth property.
 - *Beautiful hulsea*: Reconfirmed all 9-3 objectives.
 - *Chickweed oxytheca*: Met 9-3 objective at 8/10 sites.
 - *Coulter's goldfields*: Reconfirmed one objective at SJWA Mystic Lake.
 - *Spreading navarretia*: Reconfirmed one objective at SJWA.
 - *Pennisular spine flower*: Reconfirmed at Reed Valley (SBNF).
 - *Plummer's mariposa lily*: Reconfirmed at Oak Flat.
 - *California Gnatcatcher vegetation surveys*: Complete.
 - *Los Angeles Pocket Mouse grid habitat surveys*: Complete.
 - *Alkali vegetation community monitoring*: Collaboration with RivCo Parks
- **Invertebrates:**
 - *Vernal Pool*: Dilworth property surveyed with no target species detected.
 - *Quino Checkerspot Butterfly*: Scouting began early Feb. with first larvae found at MSR on 2/7, egg mass and 40 adults on 2/26. Anza – 52 adults on 3/31. We now have Quino in Oak Mountain, Lake Skinner Core, SBNF Core, and Silverado/Tule Peak Core Area. Still observed at Silverado/Tule and 2 grids at SBNF by Hog lake truck trail (new@1200m), and Silverado/Tule Peak Core. Last adult observed on 5/11 at Misty Meadows/Bower (SW Anza). Data analysis in progress.
 - *Delhi Sands Flower-loving Fly*: Scouting began in early June. First DSF found 6/23. First line-distance survey on 6/25 found one DSF. Surveys on-going 3 times/week.
- **Collaborations:**
 - Collaborating with SD Zoo for genetic samples on LAPM and San Bernardino Kangaroo Rat (SBKR).
 - Coordination with U.S. Geological Service (USGS) for region-wide CAGN study – Complete.
 - Coordination with multiple land managers during Covid-19 closures.
 - Coordination continuing with CA Department of Fish and Wildlife staff at the San Jacinto Wildlife Area regarding management of the Tricolored Blackbird breeding and foraging habitat and BUOW reporting.
 - Fulfilled two data requests, one for the Redlands Conservancy (Live Oak Canyon), and one for SVMWD regarding the *Phacelia stellaris* Habitat Enhancement study.
 - Alkali vegetation community monitoring with Riverside County Parks
 - Collaboration with San Bernardino Valley Municipal Water District (SBVMWD), U.S. Fish and Wildlife Service and USGS to coordinate Western Pond Turtle surveys in the Santa Ana River.

- **Training/Workshops:**

- Biologist/Botany lead - UCR Herbarium training – on hold due to Covid-19.
- Biologist training – protocols/studying/testing – more cross-training remotely.
- Fairy shrimp class – one biologist attending (Postponed due to Covid-19).
- All staff trained, studied, and tested for LAPM surveys under the direction of the Mammal Taxa Lead.
- Monthly Leads update summaries (April, May, June).
- June 10, 2020 Staff Zoom Meeting.

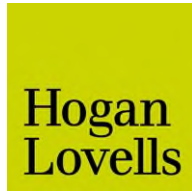
- **Status of Deliverables:**

2019/2020

- Quarterly Report: 1 of 4 (Jul-Sep) completed.
- Quarterly Report: 2 of 4 (Oct-Dec) completed.
- Quarterly Report: 3 of 4 (Jan-Mar) completed.
- Quarterly Report: 4 of 4 (Apr-Jun) completed.
- 2019 Species Occurrence Dataset submitted.
- FY 2019-20 Annual Report draft submitted.

AGENDA ITEM NO. 9

Attachment 5



Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
T +1 202 637 5600
F +1 202 637 5910
www.hoganlovells.com

Quarterly Contract Report

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

April-June, 2020

As the quarter ended, the Congress responded positively to important initiatives which foretell increased federal and state funding for programs of the Authority. On July 1, the House passed HR 2, its expansive (and expensive) bill to strengthen the Nation's infrastructure. Two provisions are of special interest to the Authority: authority to establish the Western Riverside County National Wildlife Refuge, which had been introduced as HR 2956 by Messrs. Calvert, Takano and Aguilar, and HR 3742, the "Recover America's Wildlife Act" (RAWA).

Due to its incorporation into HR 2 at the request of Rep. Calvert, the Refuge bill now enjoys an expression of unanimous support by the House of Representatives. Although HR 2 in its present form is not likely to pass the Senate, which has already adopted in Committee a more conventional bill to fund surface transportation (S. 2302, "America's Transportation Infrastructure Act of 2019"), a conference will be needed to resolve differences between the House and Senate versions. The Refuge bill is thus a "conferenceable" item, and its House sponsors will insist on inclusion of their language in the final bill. Because staff of Senators Feinstein and Harris have already seen and approved the House language, it is expected that Senate conferees will accept the House provision, and Refuge authorization will be included in the final bill.

As noted, HR 2 also includes the text of RAWA, authorizing federal grants to state wildlife agencies in the amount of \$1.3 billion annually, to be derived from sales of mineral assets on public lands. The Senate has not yet acted on the "companion" bill, so prospects for RAWA are less clear than those of the Refuge bill. If enacted, RAWA will provide greatly enhanced support for California wildlife programs, including funding for innovative projects to protect endangered species like the Authority's MSHCP.

Another important funding bill, the "Great Americans Outdoors Act" (S. 3422) is also on its way to President's desk. As passed by the Senate on June 17, GAOA has two major provisions, both of which could result in additional funding for the MSHCP. First, GAOA will fully fund the Land and Water Conservation Fund (LWCF) at \$900 million annually, without need of Congressional appropriation. LWCF is the source of funding for so-called section 6 grants to states under the Cooperative Endangered Species Conservation Fund, which are in turn granted by states to eligible projects like ours. A second provision makes \$1.9 billion annually (for five years) to federal agencies with infrastructure backlogs. If enacted, GAOA will thus provide additional funding for section 6 grants, for the acquisition of lands at National Wildlife Refuges (including the Western Riverside County NWR), and for infrastructure development on those lands. The House Interior Appropriations Subcommittee has addressed the likelihood that AGOA will be enacted by making recommendations for disbursement of \$900 million in its FY 2021 appropriations bill. Among \$450 million on the federal side, \$31 million would be allocated to section 6 funding. When combined with \$23.7 million from other sources, the amount available for section 6 grants in FY 2021 would be \$54.7 million, on a par with FY 2020. Neither the Senate or the Administration have weighed in on GAOA funding for FY 2021, so the House Subcommittee allocations are definitely subject to change.

Among other priorities during Q3: discussion with the U.S. Fish and Wildlife Service and The Conservation Fund concerning extension of the MSHCP "service

area" to include Orange and San Diego counties; participation in the government relations committee of the National HCP Coalition re: its plans for a Washington "fly-in" and annual meetings; meetings with staff, Board and stakeholders on new funding opportunities for the MSHCP; and renewed attention to inclusion in infrastructure legislation of a TIFIA amendment which would permit use of loans and loan guarantees for the acquisition of MSHCP habitat in conjunction with transportation projects. The Senate bill (S. 2302) includes this provision, but HR 2 does not. It is another item for conference between the bodies, to be pursued by the Authority and its allies in the California Congressional delegation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas P. Wheeler". The signature is written in a cursive, slightly slanted style.

*Douglas P. Wheeler, Esq.
Washington, D.C.
July 15, 2020*

AGENDA ITEM NO. 10

Staff Report

*Regional Conservation Authority***FISCAL YEAR 2020 PRELIMINARY FOURTH
QUARTER FINANCIAL REPORT****Staff Contact:****Jennifer Fuller
Director of Administrative Services
(951) 955-9700****Background:**

Attached is the Fiscal Year 2020 Preliminary Fourth Quarter Financial Report, which includes an Executive Summary (cash balance and financial statement overview), detailed financial statements, and an MSHCP Fee Collections Report.

During the year, the Regional Conservation Authority (RCA) purchased 22 properties totaling approximately 703 acres of Additional Reserve Land (ARL). Funding for these properties included \$3 million in Measure A funds from the Riverside County Transportation Commission (RCTC), \$667 thousand in Transportation Uniform Mitigation Funds (TUMF), \$435 thousand in Federal Grant Funds, \$234 thousand in State Grant Funds, and Developer Mitigation Fees. In addition, the RCA also received seven land donations and three conservation easements totaling 385 acres of ARL and a fair value of \$3.2 million.

Developer mitigation fees for the year totaled \$16.1 million, which exceeded the budgeted revenues of \$14.6 million by \$1.5 million. This represents a 9% decrease over prior year's \$17.8 million in mitigation fees. Member Agencies collected and remitted fees to RCA for about 463 acres of new commercial/industrial development and about 6,657 new residential units for the year, for a total of \$3.4 million and \$12.7 million, respectively.

Fund Balance

Overall, the RCA reports a combined excess of revenues over expenditures of \$9.1 million for Fiscal Year 2020.

The attached financial statements report an increase in the Capital project fund of \$8.1 million. As of June 30, 2020, fund balance in the Capital Project Fund is estimated at \$20.1 million and is restricted for land acquisition related costs.

Savings in the Operations and Land Management and Monitoring Programs of \$352 thousand and \$670 thousand, respectively, increased fund balance in the General Fund by \$1 million. The fund balance in the General Fund is estimated at \$26.7 million as of June 30, 2020. Of this amount, \$82 thousand is restricted for burrowing owl related costs, whereas \$2.6 million is unrestricted, which means the RCA can use toward any of its programs.

Final Fiscal Year 2020 audited financial statements will be presented to the RCA Board at a later date.

Staff Recommendations:

That the RCA Executive Committee –

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2020 Preliminary Fourth Quarter Financial Report; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

Attachments:

1. Executive Summary (Cash Balance Summary and Financial Statement Overview)
2. Detailed Financial Statements
3. MSHCP Fee Collections Report

AGENDA ITEM NO. 10

Attachment 1



EXECUTIVE SUMMARY

Fiscal Year 2020 Preliminary Fourth Quarter Financial Report

July 1, 2019 – June 30, 2020

Preserving our open space heritage • Protecting our economy • Building our future



Cash Balance Summary

July 1, 2019 – June 30, 2020

Balance as of 07-01-19	\$ 42,143,971
Cash Receipts 07-01-19 through 6-30-20	<u>28,038,482</u>
Cash Available	70,182,453
Cash Disbursements 7-01-19 through 6-30-20	<u>(18,369,718)</u>
Cash Balance as of 6-30-20	<u>\$ 51,812,735</u>

Budget to Actual

July 1, 2019 – June 30, 2020

RCA Operations (935100)	Adjusted Budget	Actual	Variance
Revenue	\$ 849,110	\$ 946,199	\$ 97,089
<u>Appropriations:</u>			
Salaries & Benefits	483,970	332,724	151,246
Supplies & Services	330,140	255,609	74,531
Equipment-Office	<u>35,000</u>	<u>5,868</u>	<u>29,132</u>
Total Appropriations	\$ 849,110	\$ 594,201	\$ 254,909
Net Operating Position	\$ 0	\$ 351,998	\$ 351,998

Budget to Actual

July 1, 2019 – June 30, 2020

Land Management & Monitoring (935300)	Budget	Actual	Variance
<u>Revenue</u>	\$ 3,400,130	\$ 3,728,463	\$ 328,333
<u>Appropriations:</u>			
Salaries & Benefits	494,090	468,471	25,619
Supplies and Services	2,836,040	2,531,078	304,962
Other Charges	<u>70,000</u>	<u>58,318</u>	<u>11,682</u>
Total Appropriations	\$ 3,400,130	\$ 3,057,867	\$ 342,263
Net Operating Position	\$ <u>0</u>	\$ <u>670,596</u>	\$ <u>670,596</u>

Budget to Actual and FYE Projections

July 1, 2019 – June 30, 2020

	Budget	Actual	Variance
Land Acquisition (935201)			
<u>Revenue</u>	\$ 27,368,620	\$ 25,959,333	\$ (1,409,287)
<u>Appropriations:</u>			
Salaries & Benefits	1,815,940	1,754,948	60,992
Supplies & Services	1,922,990	1,625,866	297,124
Interest-Notes	1,927,105	1,066,150	860,955
Capital Assets	<u>24,202,585</u>	<u>13,454,207</u>	<u>10,748,378</u>
Total Appropriations	\$ 29,868,620	\$ 17,901,171	\$ 11,967,449
Net Operating Position	\$ (2,500,000)	\$ 8,058,162	\$ 10,558,162

Staff Recommendations

That the RCA Executive Committee –

- 1) Recommend that the RCA Board of Directors:
 - A) Receive and file the Fiscal Year 2020 Preliminary Fourth Quarter Financial Report;
- and
- 2) Authorize staff to agendaize this matter for the September 14, 2020, meeting of the RCA Board of Directors

AGENDA ITEM NO. 10

Attachment 2

Regional Conservation Authority
Preliminary Budget vs. Actual Comparison as of June 30, 2020
General Fund - 935100 Operations

		Adjusted Budget	Actual	% of Actual to Budget	Note No.	Variance with Budget
REVENUES						
722002	Participating Special Entities	\$ -	\$ 85,310	N/A		\$ 85,310
740020	Interest-Invested Funds	189,000	208,390	110%	1	19,390
740040	Interest-Other	-	94	N/A		94
769240	Other Gov MSHCP Infrastructure	30,000	1,043	3%	5	(28,957)
769260	Other Gov MSHCP Civic Projects	25,000	31,423	126%	6	6,423
771410	Flood Control District	31,110	31,110	100%	7	-
777860	Joint Project Review	100,000	114,829	115%		14,829
781520	Tipping Fees	474,000	474,000	100%	10	-
Total Revenues		\$ 849,110	\$ 946,199	111%		\$ 97,089

EXPENDITURES						
510040	Regular Salaries	\$ 109,130	\$ 106,733	98%		\$ 2,397
510200	Payoff Permanent-Seasonal	310,000	169,053	55%		140,947
510440	Annual Leave Buydown	3,310	2,204	67%		1,106
515200	Retiree Health Insurance	520	507	98%		13
518100	Budgeted Benefits	61,010	54,227	89%		6,783
Subtotal Salaries and Benefits		483,970	332,724	69%		151,246
520200	Communications	75	76	101%		(1)
520270	County Delivery Services	150	144	96%		6
520320	Telephone Service	15	7	47%		8
520940	Insurance-Other	1,565	1,473	94%	11	92
521360	Maint-Computer Equipment	1,260	1,239	98%		21
521540	Maint-Office Equipment	225	140	62%		85
521640	Maint-Software	355	313	88%		42
523100	Memberships	375	281	75%		94
523230	Miscellaneous Expense	1,460	198	14%		1,262
523620	Books/Publications	15	-	0%		15
523640	Computer Equip-Non Fixed Asset	270	186	69%		84
523660	Computer Supplies	35	-	0%		35
523680	Office Equip Non Fixed Assets	300	-	0%		300
523700	Office Supplies	300	150	50%		150
523760	Postage-Mailing	200	121	61%		79
523800	Printing/Binding	150	90	60%		60
523840	Computer Equipment-Software	165	107	65%		58
524560	Auditing and Accounting	13,190	8,410	64%	12	4,780
524900	GIS Services	330	300	91%	13	30
525020	Legal Services	90,000	34,904	39%	14	55,096
525140	Personnel Services	540	556	103%	15	(16)
525840	RCIT Device Access	840	688	82%	16	152
525850	RCIT Device Public	15	-	0%		15
526700	Rent-Lease Bldgs	5,880	5,860	100%	17	20
527780	Special Program Expense	600	450	75%		150
527840	Training-Education/Tuition	100	20	20%		80
527980	Contracts	207,650	198,153	95%	18	9,497
528120	Board/Commission Expense	1,920	742	39%		1,178
528140	Conference/Registration Fees	125	13	10%		112
528900	Air Transportation	230	65	28%		165
528960	Lodging	340	87	26%		253
528980	Meals	690	403	58%		287
529000	Miscellaneous Travel Expense	15	34	227%		(19)
529010	Parking Validation	160	78	49%		82
529040	Private Mileage Reimbursement	600	321	54%		279
Subtotal Services and Supplies		330,140	255,609	77%		74,531
546140	Equipment-Office	35,000	5,868	17%		29,132
Subtotal Capital Outlay		35,000	5,868	17%		29,132
Total Expenditures		\$ 849,110	\$ 594,201	70%		\$ 254,909
Net Operating Position		\$ -	\$ 351,998			\$ 351,998

Regional Conservation Authority
Preliminary Budget vs. Actual Comparison as of June 30, 2020
General Fund - 935300 Land Management and Monitoring

		Budget	Actual	% of Actual to Budget	Note No.	Variance with Budget
REVENUES						
740020	Interest-Invested Funds	\$ 190,000	\$ 209,756	110%	1	\$ 19,756
741000	Rents	92,000	91,024	99%	2	(976)
769240	Other Gov MSHCP Infrastructure	30,000	-	0%		(30,000)
769260	Other Gov MSHCP Civic Projects	25,000	25,000	100%	6	-
771410	Flood Control District	127,970	127,970	100%	7	-
777520	Reimbursement for Services	59,160	23,993	41%		(35,167)
781320	Insurance Proceeds	-	4,561	N/A		4,561
781360	Other Misc. Revenue	26,000	600	2%	9	(25,400)
781520	Tipping Fees	2,850,000	3,222,759	113%	10	372,759
790055	Sale of Vehicles	-	22,800	N/A		22,800
Total Revenues		\$ 3,400,130	\$ 3,728,463	110%		\$ 328,333

		Budget	Actual	% of Actual to Budget	Note No.	Variance with Budget
EXPENDITURES						
510040	Regular Salaries	333,930	323,390	97%		10,540
510440	Annual Leave Buydown	14,060	5,726	41%		8,334
515200	Retiree Health Insurance	1,590	1,551	98%		39
518100	Budgeted Benefits	144,510	137,804	95%		6,706
Subtotal Salaries and Benefits		494,090	468,471	95%		25,619
520200	Communications	400	324	81%		76
520320	Telephone Service	80	38	48%		42
520940	Insurance-Other	9,220	7,904	86%	11	1,316
521360	Maint-Computer Equipment	6,720	6,606	98%		114
521540	Maint-Office Equipment	1,200	747	62%		453
521640	Maint-Software	1,890	1,643	87%		247
523100	Memberships	2,115	1,499	71%		616
523230	Miscellaneous Expense	1,410	964	68%		446
523620	Books/Publications	80	-	0%		80
523640	Computer Equip-Non Fixed Asse	1,440	1,080	75%		360
523660	Computer Supplies	195	-	0%		195
523680	Office Equip Non Fixed Assets	1,600	-	0%		1,600
523700	Office Supplies	1,600	599	37%		1,001
523760	Postage-Mailing	1,040	581	56%		459
523800	Printing/Binding	800	479	60%		321
523840	Computer Equipment-Software	880	573	65%		307
524560	Auditing and Accounting	15,830	10,662	67%	12	5,168
524900	GIS Services	1,760	1,600	91%	13	160
525020	Legal Services	100,000	58,864	59%	14	41,136
525140	Personnel Services	2,880	2,964	103%	15	(84)
525840	RCIT Device Access	4,480	3,669	82%	16	811
525850	RCIT Device Public	65	-	0%		65
526700	Rent-Lease Bldgs	31,330	31,251	100%	17	79
527780	Special Program Expense	3,200	2,400	75%		800
527840	Training-Education/ Tuition	530	107	20%		423
527980	Contracts	2,619,520	2,387,024	91%	18	232,496
528120	Board/Commission Expense	10,240	3,956	39%		6,284
528140	Conference/Registration Fees	3,055	402	13%		2,653
528900	Air Transportation	2,015	773	38%		1,242
528960	Lodging	3,525	466	13%		3,059
528980	Meals	1,510	391	26%		1,119
529000	Miscellaneous Travel Expense	80	352	440%		(272)
529010	Parking Validation	850	416	49%		434
529040	Private Mileage Reimbursement	2,200	1,521	69%		679
529080	Rental Vehicles	300	71	24%		229
529500	Electricity	2,000	1,152	58%		848
Subtotal Services and Supplies		2,836,040	2,531,078	89%		304,962
535220	Assessments & HOA	70,000	58,318	83%		11,682
Subtotal Other Charges		70,000	58,318	83%		11,682
Total Expenditures		\$ 3,400,130	\$ 3,057,867	90%		\$ 342,263
Net Operating Position		\$ -	\$ 670,596			\$ 670,596

Regional Conservation Authority
Preliminary Budget vs. Actual Comparison as of June 30, 2020
Capital Projects Fund - 935201 Land Acquisition

		Adjusted Budget	Actual	% of Actual to Budget	Note No.	Variance with Budget
REVENUES						
711040	Measure A-Local St & Rds	\$ 3,000,000	\$ 3,000,000	100%		\$ -
722000	Mitigation Fee	3,750,000	-	0%		(3,750,000)
740020	Interest-Invested Funds	280,000	368,643	132%	1	88,643
740040	Interest-Other	-	2,184	N/A		2,184
751680	CA-Grant Revenue	1,077,000	234,500	22%	3	(842,500)
766600	Fed-Capital Grants and Contrib	2,000,000	435,500	22%	4	(1,564,500)
769240	Other Gov MSHCP Infrastructure	34,700	-	0%		(34,700)
769260	Other Gov MSHCP Civic Projects	-	71,605	N/A	6	71,605
771410	Flood Control District	180,920	203,303	112%	7	22,383
777170	Development Mitigation Fees	14,600,000	16,145,344	111%	8	1,545,344
777600	TUMF Revenue-Developer Fees	1,000,000	2,000,662	200%		1,000,662
781220	Capital Contributions & Donations	1,431,000	3,212,000	224%	20	1,781,000
781360	Other Miscellaneous Revenue	15,000	285,592	1904%	9	270,592
Total Revenues		\$27,368,620	\$ 25,959,333	95%		\$ (1,409,287)
EXPENDITURES						
510040	Regular Salaries	\$ 1,234,940	\$ 1,202,434	97%		\$ 32,506
510440	Annual Leave Buydown	46,630	44,341	95%		2,289
515200	Retiree Health Insurance	5,890	5,744	98%		146
518100	Budgeted Benefits	528,480	502,429	95%		26,051
Subtotal Salaries and Benefits		1,815,940	1,754,948	97%		60,992
520200	Communications	2,025	1,270	63%		755
520320	Telephone Service	405	194	48%		211
520940	Insurance-Other	45,215	42,678	94%	11	2,537
521360	Maint-Computer Equip	34,020	33,443	98%		577
521540	Maint-Office Equipment	6,075	4,805	79%		1,270
521640	Maint-Software	9,555	8,467	89%		1,088
523100	Memberships	10,210	7,586	74%		2,624
523230	Miscellaneous Expense	7,130	3,956	55%		3,174
523620	Books/Publications	405	-	0%		405
523640	Computer Equip-Non Fixed Asset	7,290	5,032	69%		2,258
523660	Computer Supplies	970	-	0%		970
523680	Office Equip Non Fixed Assets	8,100	-	0%		8,100
523700	Office Supplies	8,100	3,032	37%		5,068
523760	Postage-Mailing	5,260	2,968	56%		2,292
523800	Printing/Binding	4,050	2,427	60%		1,623
523840	Computer Equipment-Software	4,455	2,899	65%		1,556
524560	Auditing and Accounting	119,580	79,281	66%	12	40,299
524900	GIS Services	8,910	8,100	91%	13	810
525020	Legal Services	580,000	463,735	80%	14	116,265
525140	Personnel Services	14,580	15,003	103%	15	(423)
525840	RCIT Device Access	22,680	18,573	82%	16	4,107
525850	RCIT Device Public	320	-	0%		320
526700	Rent-Lease Bldgs	158,590	158,210	100%	17	380
527780	Special Program Expense	16,200	12,150	75%		4,050
527840	Training-Education/Tuition	2,670	543	20%		2,127
527980	Contracts	731,550	714,593	98%	18	16,957
528120	Board/Commission Expense	51,840	20,028	39%		31,812
528140	Conference/Registration Fees	3,320	344	10%		2,976
528280	Imaging Supplies	2,500	930	37%		1,570
528900	Air Transportation	17,755	2,581	15%		15,174
528920	Car Pool Expense	500	261	52%		239
528960	Lodging	21,135	2,358	11%		18,777
528980	Meals	5,600	1,834	33%		3,766
529000	Miscellaneous Travel Expense	1,105	572	52%		533
529010	Parking Validation	4,290	2,106	49%		2,184
529040	Private Mileage Reimbursement	6,200	5,545	89%		655
529080	Rental Vehicles	400	362	91%		38
Subtotal Services and Supplies		1,922,990	1,625,866	85%		297,124
532600	Principal Payment	1,842,105	1,000,000	54%		842,105
534000	Interest Notes-Warrants	85,000	66,150	78%	19	18,850
Subtotal Other Charges		1,927,105	1,066,150	55%		860,955
540040	Land	24,172,585	13,454,207	56%	20	10,718,378
540060	Improvements-Land	30,000	-	0%		30,000
Subtotal Capital Outlay		24,202,585	13,454,207	56%		10,748,378
Total Expenditures		\$29,868,620	\$ 17,901,171	60%		\$11,967,449
Net Operating Position		\$ (2,500,000)	\$ 8,058,162			\$10,558,162

Regional Conservation Authority
Notes to Financial Reports
Preliminary June 30, 2020

	Operations	Land Management and Monitoring	Land Acquisition	Total RCA
REVENUES:				
1) Interest from Riverside County Treasurer Pool				
1st quarter interest at 2.2%	\$65,223	\$65,661	\$101,280	\$232,163
2nd quarter interest at 1.9%	60,510	60,900	109,862	231,272
3rd quarter interest at 1.6%	52,512	52,858	100,059	205,429
4th quarter interest at 0.93%	30,145	30,337	57,442	117,924
Total Interest	\$208,390	\$209,756	\$368,643	\$786,788
2) Rent revenues from the following sources:				
Goodhart		\$5,160		
Great Horses of America		6,000		
KCAA Radio		8,588		
Archery Club		3,000		
Cell Tower Lease		61,276		
Lockheed Lease		1,000		
Beekeepers		6,000		
Tower Leases and Property Rentals		\$91,024		
3) State revenues were received for the following purposes:				
Rahmati #1			\$66,500	
Rahmati #2			70,000	
TNC-Anderson			98,000	
Total State			\$234,500	
4) Federal funds were received for the following property acquisitions:				
Rahmati #1			\$123,500	
Rahmati #2			130,000	
TNC-Anderson			182,000	
Total Federal			\$435,500	
5) Infrastructure contributions from Member Agencies:				
City of Corona-Zone Potable Water Tank	\$1,043			
Total Infrastructure	\$1,043			
6) Civic contributions from Member Agencies:				
Lake Elsinore - Lakeshore Dr Parking Lot	\$2,904			\$2,904
Corona-Zone Potable Water Tank	6,496			6,496
Moreno Valley-Civic Center and Amphitheater	22,023	25,000		47,023
County (TLMA)-Salt Lake Trail			\$71,605	71,605
Total Civic	\$31,423	\$25,000	\$71,605	\$128,029
7) Contributions from Riverside County Flood Control:				
South Norco Channel Stage 6 MDP Line S	\$31,110	\$127,970	\$73,253	\$232,333
Leach Canyon Dam, Stage 90 Spillway Restoration			21,865	21,865
Jurupa-Pyrite-MDP Line A-2			10,519	10,519
Banning MDP Line H, Stage 1			97,667	97,667
Total Flood Control	\$31,110	\$127,970	\$203,303	\$362,384

**Regional Conservation Authority
Notes to Financial Reports
Preliminary June 30, 2020**

Operations	Land Management and Monitoring	Land Acquisition	Total RCA
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REVENUES (Continued):

8) Mitigation fees through June 30, 2020 are as follows:

City of Banning		\$1,052,439	
City of Beaumont		779,150	
City of Calimesa		663,408	
City of Canyon Lake		13,008	
City of Corona		316,044	
City of Eastvale		756,958	
City of Hemet		192,692	
City of Jurupa Valley		969,393	
City of Lake Elsinore		408,375	
City of Menifee		1,936,365	
City of Moreno Valley		1,022,762	
City of Murrieta		920,696	
City of Norco		84,310	
City of Perris		771,409	
City of Riverside		716,372	
City of San Jacinto		338,157	
City of Temecula		361,692	
City of Wildomar		176,427	
County of Riverside		4,665,686	
Total Mitigation		\$ 16,145,344	

9) Miscellaneous Revenues were received as follows:

Deposit Agreements		\$90,341	\$90,341
Shamblem - Property Reimbursement		23,638	23,638
Noble Creek Meadows - Property Reimbursement		156,531	156,531
County reimbursement		10,832	10,832
Other reimbursement	600	4,250	4,850
Total Miscellaneous Revenues	\$600	\$285,592	\$ 286,192

10) RCA receives \$1.50 per ton for the out-of-county tonnage. In addition, RCA receives a maximum of \$400,000 annually for the in-county tonnage.

	Out-of-County Tonnage			
July 2019	208,873	\$39,500	\$273,810	\$313,310
August 2019	192,930	39,500	249,896	289,396
September 2019	181,308	39,500	232,461	271,961
October 2019	211,027	39,500	277,040	316,540
November 2019	190,053	39,500	245,579	285,079
December 2019	216,546	39,500	285,320	324,820
January 2020	204,599	39,500	267,398	306,898
February 2020	177,228	39,500	226,342	265,842
March 2020	193,453	39,500	250,679	290,179
April 2020	181,581	39,500	232,871	272,371
May 2020	189,693	39,500	245,039	284,539
June 2020 (estimate)	189,693	39,500	245,039	284,539
In-County Contribution (estimate)		0	191,285	191,285
Total Tipping Fees	2,336,982	\$474,000	\$3,222,759	\$ 3,696,759

**Regional Conservation Authority
Notes to Financial Reports
Preliminary June 30, 2020**

	Operations	Land Management and Monitoring	Land Acquisition	Total RCA
EXPENDITURES:				
11) Insurance provided by SDRMA: General & Property	\$1,473	\$7,904	\$42,678	\$52,054
12) Auditing and Accounting consists of the following:				
Brown, Armstrong Accountancy Corp	\$8,269	\$9,998	\$76,233	\$94,500
County Auditor-Controller's Office	141	664	3,048	3,852
Total Auditing and Accounting	<u>\$8,410</u>	<u>\$10,662</u>	<u>\$79,281</u>	<u>\$98,352</u>
13) GIS Services Digital Globe	<u>\$300</u>	<u>\$1,600</u>	<u>\$8,100</u>	<u>\$10,000</u>
14) Legal Services as follows: Best, Best and Krieger	<u>\$34,904</u>	<u>\$58,864</u>	<u>\$463,735</u>	<u>\$557,503</u>
15) Personnel services by County Human Resources: Approx. \$1,290 per employee annually	<u>\$556</u>	<u>\$2,964</u>	<u>\$15,003</u>	<u>\$18,523</u>
16) RCIT Device Charges RCIT Monthly \$1,911	<u>\$688</u>	<u>\$3,669</u>	<u>\$18,573</u>	<u>\$22,930</u>
17) Rent & lease building cost: RCA office monthly rent \$16,309	<u>\$5,860</u>	<u>\$31,251</u>	<u>\$158,210</u>	<u>\$195,321</u>
18) Contract services are as follows:				
Dudek	\$189,966	\$37,199	\$91,410	\$318,574
Economic & Planning Systems	2,009	10,714	54,242	66,965
EDA Real Estate Services			161,825	161,825
Hogan Lovells			150,000	150,000
Kadesh			75,000	75,000
OPR Communications	6,179	32,973	166,804	205,956
Parks & Open-Space Dist.-Land Mgmt.		1,028,113	10,209	1,038,323
Thomas Mullen (Reimbursable Expenditures)			5,103	5,103
SAWA		1,278,024		1,278,024
Total Contracts	<u>\$198,153</u>	<u>\$2,387,024</u>	<u>\$714,593</u>	<u>\$3,299,770</u>
19) Interest to Riverside County on Loan Interest rate at average 2019 Treasurer Pool Investment rate of 2.2%			<u>\$66,150</u>	

**Regional Conservation Authority
Notes to Financial Reports
Preliminary June 30, 2020**

Operations	Land Management and Monitoring	Land Acquisition	Total RCA
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EXPENDITURES (CONTINUED):

20) Land acquisition costs are as follows:

Properties donated to the RCA:

RCTC McAlister Donation	\$505,000
Circle K Donation	12,000
Kollar Donation	245,000
Layman Hopper Donation	890,000
Riverside Mt Vernon Conservation Easement	
Vanderlinden Donation	52,000
Spencer's Donation	60,000
Riverpark Mitigation Bank CE	\$284,000
White Conservation Easement	\$79,000
RCTC Dilworth Donation #3	\$1,085,000
Subtotal Donated Properties	\$3,212,000

Properties acquired:

Stump Property	889,483
Butcher Property	48,106
Bates Property	57,233
Wilder Property	318,174
Gentry Property	573,172
Fletcher Property	211,875
Cleveland Property	171,709
Hernandez Property	262,068
Yeh Property	206,860
Eddy Property	71,277
Tuscany Hills, Phase 3	85,270
Marrelli Property	41,062
Wang Property	171,709
RHW Phase 1 Property	3,748,935
Walkkamm	71,277
Chun	273,111
Hardman, Anne	171,709
Fleming French Valley	1,325,843
Rahmati#1	191,767
Rahmati#2	201,796
TNC Anderson	282,125
Dawson Creek	332,295
Consultants Costs:	
EDA Real Estate Services	371,881
Escrow Fees	8,095
Best Best & Krieger	146,547
Parks & Open-Space Dist.	8,827
Total Land Acquisition Costs	\$13,454,207

AGENDA ITEM NO. 10

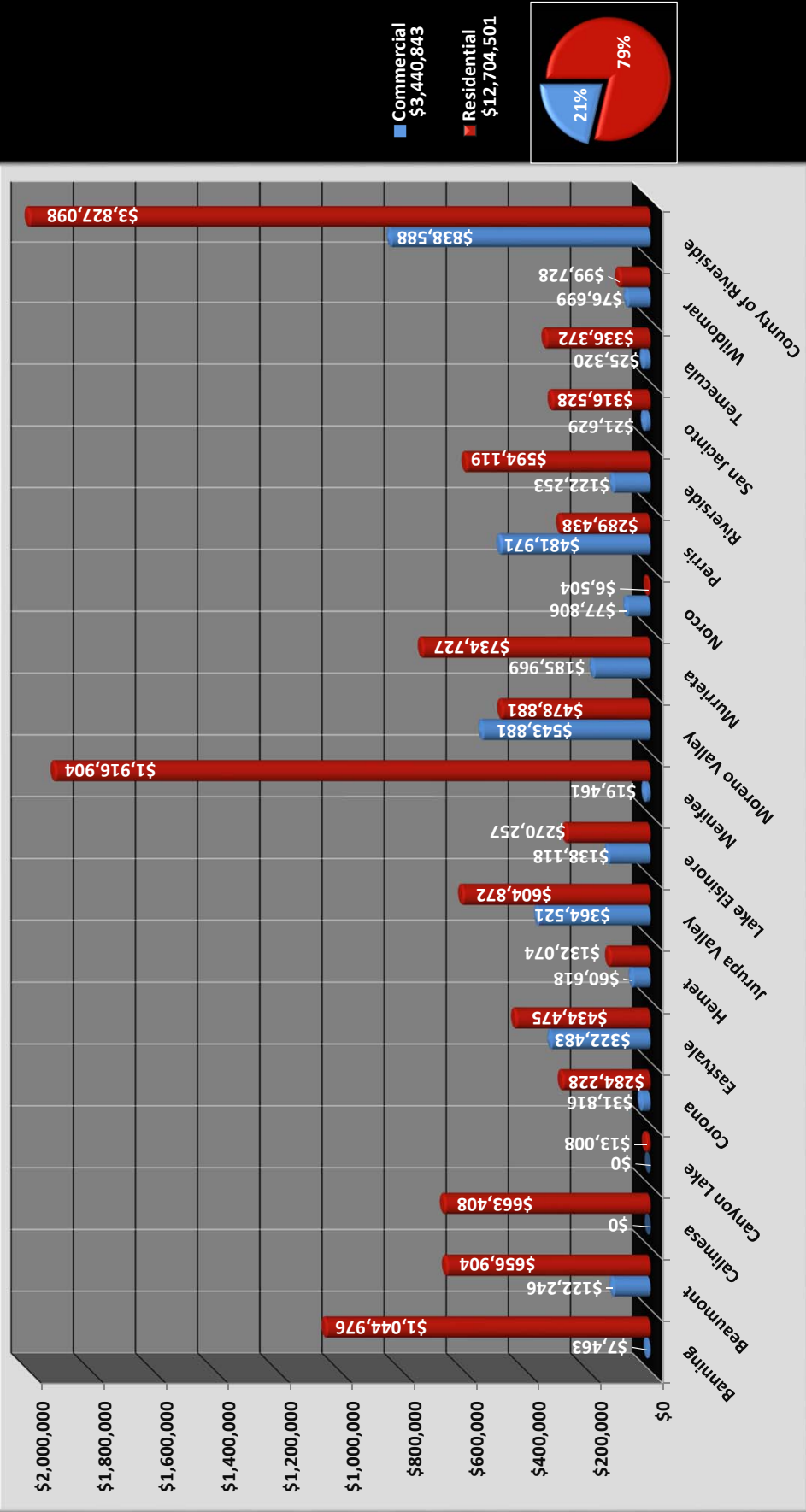
Attachment 3A & 3B

REGIONAL CONSERVATION AUTHORITY
MSHCP MITIGATION FEE COLLECTIONS BY MEMBER AGENCY
FISCAL YEAR 2020

BASED ON ACCRUAL BASIS (Month reported by City)

<u>COUNTY AND CITIES:</u>	JUL 2019	AUG 2019	SEP 2019	OCT 2019	NOV 2019	DEC 2019	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020	JUN 2020	TOTALS FY 2020	%
CITY OF BANNING	\$ 4,336	\$ -	\$ 2,168	\$ -	\$ 13,008	\$ -	\$ 19,512	\$ 1,006,033	\$ 7,382	\$ -	\$ -	\$ -	\$ 1,052,439	6.5%
CITY OF BEAUMONT	37,054	78,048	62,872	23,848	149,592	157,782	7,825	36,856	99,529	6,504	8,672	110,568	\$779,150	4.8%
CITY OF CALIMESA	65,040	10,840	39,024	43,360	97,560	34,688	69,376	26,016	67,208	62,872	-	147,424	\$663,408	4.1%
CITY OF CANYON LAKE	2,168	2,168	-	4,336	-	2,168	2,168	-	-	-	-	-	\$13,008	0.1%
CITY OF CORONA	11,104	31,816	43,544	28,992	21,418	6,750	32,440	47,960	10,840	34,344	26,016	20,820	\$316,044	2.0%
CITY OF EASTVALE	65,230	19,512	346,031	43,512	28,572	15,440	61,072	24,984	8,328	61,072	27,760	55,444	\$756,958	4.7%
CITY OF HEMET	-	33,669	30,352	28,330	-	16,353	51,560	19,357	10,840	64	2,168	-	\$192,692	1.2%
CITY OF JURUPA VALLEY	161,114	18,176	67,208	21,680	227,607	65,379	37,497	-	117,075	65,040	110,568	78,048	\$969,393	6.0%
CITY OF LAKE ELSINORE	-	8,988	-	48,298	84,380	108,100	2,168	82,709	37,472	30,536	3,556	2,168	\$408,375	2.5%
CITY OF MENIFEE	72,416	144,504	272,816	203,712	199,456	159,136	70,856	201,944	160,432	128,864	153,928	168,301	\$1,936,365	12.0%
CITY OF MORENO VALLEY	118,041	-	123,184	123,350	301,494	80,216	39,024	88,068	-	47,688	21,629	80,068	\$1,022,762	6.3%
CITY OF MURRIETA	2,168	647,697	2,168	163,606	-	9,375	-	-	2,141	93,541	-	-	\$920,696	5.7%
CITY OF NORCO	-	26,206	-	-	-	5,711	48,057	-	2,168	-	2,168	-	\$84,310	0.5%
CITY OF PERRIS	5,430	99,051	318,709	23,655	70,986	13,008	11,160	-	10,840	10,840	19,512	188,218	\$771,409	4.8%
CITY OF RIVERSIDE	100,483	13,322	30,133	19,740	99,500	206,771	15,249	21,057	4,669	85,065	2,168	118,215	\$716,372	4.4%
CITY OF SAN JACINTO	36,856	34,688	60,704	8,202	4,336	34,688	-	34,688	35,216	26,016	30,243	32,520	\$338,157	2.1%
CITY OF TEMECULA	19,512	24,376	11,959	45,080	65,280	76,464	13,361	48,580	54,912	-	-	2,168	\$361,692	2.2%
CITY OF WILDOMAR	60,529	42,186	-	4,336	2,168	10,840	21,680	10,840	-	2,168	-	21,680	\$176,427	1.1%
COUNTY OF RIVERSIDE	171,356	388,664	251,688	312,256	418,424	195,364	589,102	484,794	267,321	340,169	226,344	1,020,204	\$4,665,686	28.9%
TOTAL COUNTY AND CITIES	\$ 932,837	\$ 1,623,912	\$ 1,662,559	\$ 1,146,294	\$ 1,783,780	\$ 1,198,233	\$ 1,092,107	\$ 2,133,886	\$ 896,374	\$ 994,783	\$ 634,732	\$ 2,045,847	\$ 16,145,344	100.0%
OTHER														
FLOOD CONTROL	\$ -	\$ 232,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,865	\$ -	\$ 10,519	\$ 97,667	\$362,384	73.7%
OTHER GOV MSHCP INFRASTRUCTURE	-	-	-	-	-	1,043	-	-	-	-	-	-	\$1,043	0.2%
OTH GOV MSHCP CIVIC PROJECTS	-	-	2,904	-	-	6,496	-	47,023	-	-	-	71,604	\$128,028	26.1%
TOTAL OTHER	\$ -	\$ 232,333	\$ 2,904	\$ -	\$ -	\$ 7,539	\$ -	\$ 47,023	\$ 21,865	\$ -	\$ 10,519	\$ 169,271	\$491,454	100.0%
GRAND TOTAL	\$ 932,837	\$ 1,856,245	\$ 1,665,463	\$ 1,146,294	\$ 1,783,780	\$ 1,205,771	\$ 1,092,107	\$ 2,180,910	\$ 918,238	\$ 994,783	\$ 645,252	\$ 2,215,118	\$16,636,798	

**Fiscal Year 2020
MSHCP Development Mitigation Fee Revenues
July 1, 2019 through June 30, 2020**



AGENDA ITEM NO. 11

Staff Report

Regional Conservation Authority

AMENDMENT TO LAND ACQUISITION POLICIES

STAFF CONTACT

Brian Beck
Land Acquisition Analyst
(951) 955-9700

BACKGROUND

On June 11, 2020, the RCA Board of Directors adopted Resolution No. 2020-003, revising its policy for delegating authority to sign instruments in the absence of the Executive Director. Said policy allows the Executive Director or Chairperson of the Board to delegate the authority to sign any type of documents that the Executive Director normally signs to the Director of Administrative Services, the Director of Reserve Management and Monitoring or the Director of Land Acquisitions. The Land Acquisition Policy currently only allows the Chairperson, Vice Chairperson, or Executive Director to sign purchase and conveyance documents. The attached amendment clarifies that these documents may be signed by others, in absence of the Executive Director, in accordance with an approved resolution of the Board of Directors, such as the aforementioned Resolution No. 2020-003. Staff recommends approval of the attached amendment.

STAFF RECOMMENDATIONS

That the RCA Executive Committee:

- 1) Recommend that the RCA Board of Directors approve the attached amendment to the Land Acquisition Policies; and
- 2) Authorize staff to agendize this matter for the September 14, 2020, meeting of the RCA Board of Directors.

ATTACHMENTS

1. Land Acquisition Policies (clean copy)
2. Land Acquisition Policies (redline)

AGENDA ITEM NO. 11

Attachment 1

LAND ACQUISITION POLICIES

Article I. LAND ACQUISITION

Section 1.01 General

- (a) Land acquisition is one of the most important activities of the RCA to reach the reserve goals of the Multiple Species Habitat Conservation Plan (Plan). It is important to maintain policies that are fair and reflect the highest level of integrity.
- (b) Land to be acquired to meet the Plan's goals generally will be secured from willing sellers, through direct donations, donations as a result of development, or by conservation easement. The acquisition process is further described in Section 1.03 below.
- (c) Property proposed for acquisition will be evaluated for conservation value under the tenets of the Plan.
- (d) Each prospective acquisition will be reviewed for its relationship to existing reserve land, and its value to reserve habitat cores and linkages. The acquisition will also be evaluated for possible conflicts with planned infrastructure or land acquisitions which might be required for other public purposes. The RCA will make all reasonable efforts to work with the appropriate agency or special district which could be affected to insure the goals of the Plan can be attained.
- (e) The RCA will establish a Memorandum of Understanding for real property services with a qualified agency, organization, or individual to provide routine land acquisition processing at the direction of the Executive Director.
- (f) Opening of all negotiations and offers or agreements to purchase land will be authorized by the Executive Director.
- (g) All Land acquisition files will be retained and managed by the Executive Director or designated RCA staff.
- (h) The RCA Board will approve all purchases.
- (i) For future acquisitions, the RCA will generally not acquire property that includes residential or commercial structure(s) in the absence of compelling circumstances as determined by the Board of Directors; provided, however that RCA may acquire the property if the structure(s) have been either (1) physically removed, or (2) the property that contains the structure(s) is not part of the acquisition.
- (j) The Authority prefers to accept land in fee title rather than a conservation easement. Conservation easements should not be accepted on parcels from individual land owners, unless requested by the property owner.

Section 1.02 Authority to Sign Documents: Only the Executive Director or Chairman of the RCA Board may sign purchase and conveyance documents. The Vice Chairman of the RCA Board may sign in the absence of the Executive Director or Chairman of the Board. The RCA Board may, from time to time, authorize additional signatories or designees by resolution.

Section 1.03 Acquisition Process: RCA will comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 U.S.C. § 4600 et seq. and 49 C.F.R. part 24.), as applicable. The following will apply to the acquisition process:

- (a) The RCA will order an independent appraisal of the property under consideration for purchase.
- (b) The RCA will use the appraised value to develop an offer to purchase the property under consideration.
- (c) A seller may provide a separate appraisal, but the seller's appraisal will not be used as a basis for the initial offer.
- (d) When the HANS/JPR review process identifies a property for "100% acquisition," land value differences between a seller's appraisal and the RCA appraisal will be resolved in accordance with Section 6 of the MSHCP.
- (e) An appraisal summary shall be prepared for all appraisals. The summary shall include the following information: the appraised value of the property, the date of value, the zoning and general plan designations of the property, and the comparable sales used by the appraiser in determining the value of the property.
- (f) Release of full appraisal and/or summary to seller:
 - (i) Full appraisals will not be released to the seller.
 - (ii) A copy of the appraisal summary will be provided to the seller for all acquisitions upon request.

Section 1.04 Confidentiality: To ensure integrity throughout the process, it is important to maintain confidentiality when the RCA considers land purchases.

- (a) Any agreement for real property services with agencies, organizations or individuals who may provide real property services will contain the following provisions to insure confidentiality of prospective acquisitions:
 - i) Assigned staff will pursue only those acquisitions authorized by the RCA.
 - ii) Investigations, arrangements and transactions will be conducted by assigned staff only.

- iii) Property information and transactions shall be maintained under the control of the assigned staff.
 - iv) No RCA property information shall be placed in any general electronic or manual data inventory outside of the RCA except as necessary during the acquisition process of a property. All records will be delivered to the RCA at the close of escrow.
 - v) The assigned staff shall sign a confidentiality agreement.
- (b) The Director of Land Acquisition and Management will maintain the working file for all prospective purchases. The file or the information contained in the file will not be released to persons outside the RCA without the authorization of the Executive Director or Deputy Executive Director.

Section 1.05 Indemnification:

- (a) It is the policy of the RCA to secure the appropriate indemnification from future liability resulting from pre-existing conditions on an acquired property. However, the RCA recognizes that circumstances for each acquisition vary, and the indemnification provision may be modified to reflect the level of risk, the ownership history of the property, the result of the environmental hazards assessment, along with any subsequent testing or other factors.
- (b) A Phase 1 Environmental Hazards Assessment (EHA), in compliance with general real estate practices, will be conducted on each prospective land acquisition or land donation not more than three (3) months prior to the opening of escrow or not more than six (6) months prior to the close of escrow. At the discretion of the Executive Director a Phase I EHA may be required prior to acceptance of a conservation easement.
- (c) In the event that a Phase I EHA or visual inspection by the RCA of a prospective property indicates any potential hazard(s) the Executive Director may require a Phase II Environmental Hazard Assessment or additional information relating to the property history of use.
- (d) No conservation easement will be accepted unless the underlying fee title holder fully indemnifies the RCA.

Section 1.06 Land Acquisition Services

The RCA recognizes that in some instances land conservation organizations and real estate professionals can facilitate the acquisition of selected properties or the completion of a specific transaction. The following policies will apply to the hiring of such individuals and organizations:

- (a) All organizations and persons proposing or solicited to provide acquisition services shall submit a statement of qualifications.
- (b) Organizations and individuals shall provide a proposal for specific services.
- (c) Selected organizations or individuals will sign a confidentiality agreement.
- (d) The Executive Director will issue a work order for the property (ies) of interest.
- (e) The RCA may provide compensation on a time and materials basis or offer a fixed percentage of the sale price or both.

Section 1.07 Policies and Procedures for Execution of IRS Form 8283 for Bargain Sales and Donations

The Regional Conservation Authority (RCA) recognizes that it is appropriate to execute an IRS Form 8283 where the property owner has offered to either provide a bargain sale or to donate land to the RCA. The following policies and procedures are intended to establish basic guidelines for the execution and processing of a Form 8283.

- (a) The MSHCP provides that the RCA shall not pay more than fair market value for any property that it purchases.
- (b) Fair market value shall be determined by negotiation between RCA and the property owner provided that such fair market value is supported by one or more appraisals that are in compliance with the MSHCP and approved by the RCA. The appraisal may be prepared by an appraiser contracted by either the RCA or the property owner.
- (c) A Bargain Sale shall be defined to be the sale of property to the RCA for less than the appraisal that has been reviewed and approved by the RCA or an independent, qualified appraiser contracted by the RCA.
- (d) If a property owner elects to accept less than the RCA approved appraisal price, the transaction shall be eligible to be considered a Bargain Sale. The Bargain Sale and the execution of the Form 8283 must be documented in the Purchase and Sale Agreement and shall be subject to approval by the Board of Directors, prior to execution of the form.
- (e) If a property owner elects to donate land to the RCA, the execution of the Form 8283 must be documented in the donation agreement, prior to execution of the form.
- (f) All requests for execution of a Form 8283 shall be reviewed and approved by Legal Counsel prior to execution and may be submitted for either a Bargain Sale as defined in Section (c) above or for a donation of land.
- (g) Only the Chairman of the Board of Directors or the Executive Director or designee shall be authorized to execute a Form 8283, provided that the form has been processed consistent with these policies and procedures.
- (h) Staff should notify the property owner of this policy, in writing, at the time of presenting an offer to the property owner, and request a written acknowledgement from the property owner that they have been notified of the policy.

Section 1.08 Policies and Procedures for Negotiation of HANS Acquisitions

The purpose of these policies and procedures is to establish general guidelines for the negotiation of HANS acquisitions, consistent with Section 6.1.1(B)(2)(b) of the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”). This Policy incorporates by reference the Clerical Changes made to page 6-6 of the MSHCP approved by the RCA Board on May 14, 2007. The following policy shall apply to properties where the County/City and the RCA have concurred with including all or a portion of the property into the MSHCP Conservation Area.

- (a) Initiation of the 120-Day Negotiation Period. The 120-day negotiation period provided under Section 6.1.1(B)(2) of the MSHCP shall commence:
 - i) Upon completion of the HANS/JPR process, and
 - ii) Concurrence by the RCA that all or a portion of the property is needed for inclusion within the MSHCP Conservation Area.

- (b) During the 120-Day Negotiation Period.
 - i) RCA will conduct an appraisal of the property.
 - ii) RCA and Property Owner, or its designee, will negotiate a purchase and sale agreement.
 - iii) Access to the property for appraisal purposes will be extended to the RCA through the HANS application, or other equivalent application.
 - iv) During this period, appraisal instructions shall be jointly prepared and agreed upon by the RCA and the Property Owner, or its designee. If such joint appraisal instructions are not agreed to by the parties within the first 20 days of the 120-day period, RCA may proceed to have an appraisal conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice” pursuant to 6.1.1 of the MSHCP.
 - v) The Property Owner, or its designee, may suspend the negotiating time period, provided that they have submitted a letter to the RCA and the County/city requesting that the negotiations be suspended. In such event, the negotiating time period will only resume upon receipt of a letter to the RCA and the County/city from the Property Owner, or its designee, requesting that the negotiations resume.

- (c) After the 120-Day Negotiation Period. If at the end of this 120-day period, agreement between the parties is not achieved, each party shall submit in writing the party’s proposed resolution of terms. Further, the Property Owner, or its designee, along with the RCA and County/city, may agree to extend negotiations for an appropriate period of time if necessary. If either the Property Owner, or its designee, or the RCA and the County/city do not agree to extend negotiations, the Property Owner, or its designee, may (a) elect to

withdraw selling the property to the RCA, or (b) commence the Conflict Resolution Process as described in Section 6.1.1 of the MSHCP.

CLERICAL CHANGES TO THE MSHCP

Pursuant to Section 20.1 of the MSHCP Implementing Agreement, RCA hereby makes the following clerical change to the first full paragraph of Page 6-6 of the MSHCP:

b. Full Inclusion of Property - In those instances where all of the property is needed for inclusion in the MSHCP Conservation Area, negotiations will focus on the acquisition of the property including establishing a purchase price and the application of other non-monetary incentives which may compensate the property owner and assist with the acquisition. In no event shall the purchase price exceed the fair market value of the property. Unless otherwise agreed to by the parties, the fair market value for the property shall be determined by an appraisal ordered by the County or the Cities and conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice.” In the event of any conflict between these standards, the “Uniform Appraisal Standards for Federal Land Acquisitions” will control. Fee title of property to be conveyed may not be required. The type of ownership to be conveyed will be taken into consideration when conducting the appraisal. Appraisal instructions shall be jointly prepared and agreed upon by the *RCA, on behalf of the* County or Cities, and the property owner, *or if joint appraisal instructions are not agreed upon within the first 20 days of the 120 day negotiation period, RCA shall proceed to order an appraisal.* Appraisal instructions will direct appraisers not to consider the MSHCP Criteria Area as relevant to the appraisal.

SUPPORTING DOCUMENTATION: The proposed modification clarifies two aspects of the HANS process:

The existing text indicates that the County and Cities are responsible for preparing joint appraisal instructions. As indicated in the joint exercise of powers agreement, the RCA was created to assume the responsibilities of acquiring property on behalf of the County and Cities, where as here, all of the property is needed for inclusion in the MSHCP Conservation Area. This clerical modification simply confirms that action for purposes of this section.

RCA, Local Permittees or other stakeholder groups never intended to delay the 120-day negotiation process due to lack of agreement on joint appraisal instructions. Therefore, this clarifying instruction allows RCA to proceed to conduct its own appraisal should RCA and the property owner, or its designee, fail to achieve agreement on joint appraisal instructions.

Section 20.1 of the Implementing Agreement allows clerical changes to the MSHCP including corrections of typographical, grammatical, and similar editing errors that do not

change the intended meaning of the MSHCP. The Board of Directors finds RCA finds this editing revision does not change the intended meaning of the MSHCP.

Further, RCA hereby makes the following clerical change to the first full paragraph on Page 6-10 of the MSHCP:

Should a party opt to commence the Conflict Resolution Process as a result of the parties' inability to resolve differences concerning the valuation of property, a second appraisal shall be conducted, at the expense of the ~~property owner~~ **opting party**, in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice." In the event of any conflict between these standards, the "Uniform Appraisal Standards for Federal Land Acquisitions" will control. Fee ownership of property to be conveyed may not be required. The type of ownership to be conveyed shall be taken into consideration when conducting the second appraisal.

SUPPORTING DOCUMENTATION: In most cases, a property owner will probably be the opting party who seeks to commence the Conflict Resolution Process. In a situation where the RCA opts to commence the Conflict Resolution Process, however, the intent of the MSHCP is to have the RCA pay for the second appraisal. Accordingly, this revision to the plan requires the opting party, whether the property owner or the RCA, to pay for the expense of a second appraisal.

Section 20.1 of the Implementing Agreement allows clerical changes to the MSHCP including corrections of typographical, grammatical, and similar editing errors that do not change the intended meaning of the MSHCP. The Board of Directors for the RCA finds this editing revision does not change the intended meaning of the MSHCP.

Section 1.09 Policies and Procedures Regarding Properties Encumbered by Property Assessments for Willing Seller, and Full and Partial HANS/JPR Acquisitions

To assemble the Additional Reserve Lands, the Regional Conservation Authority (RCA) may acquire land that is encumbered by existing property assessments. This includes Property Owner Association fees as well as assessments by community service and facilities districts. These properties may be offered by “willing sellers” or as a HANS/JPR full or partial acquisition. The following policies and procedures are intended to establish basic guidelines for the acquisition of property encumbered by existing property assessments:

- (a) Staff will order a preliminary title report, with Schedule “B” exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will contact the Assessor’s office and obtain a list of all known property assessments that may affect the property
- (c) Staff will identify the purpose and annual cost of any property assessments and estimate the cost to “buy out” the assessments.
- (d) Once staff has estimated the cost to buy out the assessments, staff will contact the legal entity responsible for the collection and administration of the assessments, to inquire as to whether or not the assessments can be bought out.
- (e) The following options should be considered when dealing with property assessments in the order of preference stated below:
 - i) Research if the RCA is exempt from payment of the property assessments.
 - ii) Negotiate with the Seller to eliminate encumbrances from title before close of escrow.
 - iii) Pursue a buy out of the property assessments by RCA prior to close of escrow.
 - (iv) Defer the buy out of the property assessments by RCA until after the close of escrow.
 - (v) RCA to pay the annual fee for the property assessments.
- (f) Staff reports should identify if the property for proposed acquisition is affected by existing property assessments and should list the annual cost and the estimated buy out cost for the Board’s consideration.
- (g) The owner should be responsible for paying the assessments current before transfer of the property to the RCA.

Section 1.10 Policies and Procedures Regarding Properties Encumbered by Property Assessments for Conveyances made Pursuant to Regulatory Permits such as 404 Permits

The Regional Conservation Authority (RCA) may be requested to accept land that is encumbered by existing property assessments. This includes Property Owner Association fees as well as assessments by community service and facilities districts. The request will generally come from a property owner that has been required to convey property to the RCA as part of a regulatory permit condition, such as a 404 permit issued by the U.S. Army Corp of Engineers or a Streambed Alteration Permit issued by the California Department of Fish and Game. The following policies and procedures are intended to establish basic guidelines for the acceptance of property encumbered by property assessments:

- (a) Staff will order a preliminary title report, with Schedule "B" exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will contact the Assessor's office and obtain a list of all known property assessments that may affect the property.
- (c) Staff will identify the purpose and annual cost of any property assessments and estimate the cost to buy out the assessments.
- (d) Once staff has estimated the cost to buy out the assessments, staff will contact the legal entity responsible for the collection and administration of the assessments, to inquire as to whether or not the assessments can be bought out.
- (e) The following options should be considered when dealing with property assessments in the order of preference stated below:
 - i) Research if the RCA is exempt from payment of the property assessments.
 - ii) RCA staff expects that in the majority of cases, the Donor will be required to buy out the property assessments prior to close of escrow.
 - iii) Although unusual, RCA staff may recommend to the Board that RCA should defer the buy out of the property assessments by RCA until after the close of escrow.
 - iv) Likewise, as a last resort, there may be situations where RCA staff may recommend to the Board that RCA should pay the annual fee for the property assessments.

- (f) Staff reports should identify if the property for proposed acquisition is affected by existing property assessments and should list the annual cost and the estimated buy out cost for the Board's consideration.
- (g) The owner should be responsible for paying the assessments current before transfer of the property to the RCA.

Section 1.11 Policies and Procedures Regarding Property Encumbered By Covenants, Conditions and Restrictions

The Regional Conservation Authority (RCA) may acquire land that is affected by existing Covenants, Conditions and Restrictions (CCRs). The following policies and procedures are intended to establish basic guidelines for the acquisition of property affected by existing CCRs:

- (a) Staff will order a preliminary title report, with Schedule “B” exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will review the nature of the CCRs.
- (c) Staff will identify if the CCRs potentially affect the use or maintenance of the property.
- (d) If staff has determined that the CCRs may potentially affect the use or maintenance of the property, staff will contact the legal entity responsible for the enforcement of the CCRs, to inquire as to whether or not the CCRs may be modified.
- (e) The following options should be considered when dealing with CCRs in the order of preference stated below:
 - i) Research if the RCA is exempt from the CCRs.
 - ii) Pursue a modification of the CCRs prior to close of escrow.
 - iii) Defer the modification of the CCRs until after the close of escrow.
 - iv) Comply with the terms and obligations of the CCRs (In many cases the CCR’s will apply to property improvements only, and will have a negligible impact on the RCA).
 - v) If the CCR’s provide for an assessment, staff will follow either policy section 1.09 or 1.10, as appropriate.
- (f) Staff reports should identify if the property for proposed acquisition is affected by existing CCRs and if the CCRs affect the use or maintenance of the property.

Section 1.12 Policy Regarding Non-MSHCP Land Donations:

The RCA may agree to accept land donations outside of the Conservation Area or Criteria Area provided that:

- (a) Acceptance does not commit the RCA to a management or monitoring program that is different from that embodied in the MSHCP; and
- (b) An endowment is provided that fully covers the costs of long-term management and monitoring of the land and habitat.

Section 1.13 Policy for Acquisitions of Property for Which a Development Application is Not Intended to be Filed:

Funding for the acquisition of properties on the priority list will be provided through a separate designated fund. The funding level from Multiple Species Habitat Conservation Plan Local Development Mitigation Fees shall be reviewed annually and established by the RCA Board of Directors.

Closing Statement:

The Land Acquisition Policies set forth herein are for guidance only, and deviations there from by the RCA shall not provide a Seller, Property Owner, or its designee, with any damage rights or remedies against the RCA. If there is a conflict between the Land Acquisition Policies set forth herein and State or federal law, the conflicting State or federal law will control.

LAND ACQUISITION POLICY SECTION REVISIONS

1. 03-06-06 Sections 1.01 through 1.06 approved; Agenda Item 8.2.*
2. 12-04-06 Section 1.07 added; Agenda Item 8.2.
3. 05-14-07 Section 1.08 added; Agenda Item 9.2.
4. 05-14-07 Sections 1.09, 1.10 and 1.11 added; Agenda Item 9.1.
5. 09-10-07 Section 1.12 added; Agenda Item 8.3.
6. 10-01-07 Section 1.03 modified; Agenda Item 8.1.
7. 12-10-08 Section 1.07 modified; Agenda Item 7.1.
8. 11-01-10 Policy Clarification – Sections 1.01, 1.03, 1.08 modified, 1.13 added; Agenda Item 7.2.
9. 02-06-12 Section 1.01 modified; Agenda Item 11.
10. 04-02-12 Replaced Section 1.13; Former Section 1.13 becomes new closing statement; Agenda Item 9.
11. 03-11-13 Section 1.13 modified; Agenda Item 9.
12. 12-02-13 Section 1.01 modified; Agenda Item 11.

*RCA Board excluded endowments from approval.

AGENDA ITEM NO. 11

Attachment 2

LAND ACQUISITION POLICIES

Article I. LAND ACQUISITION

Section 1.01 General

- (a) Land acquisition is one of the most important activities of the RCA to reach the reserve goals of the Multiple Species Habitat Conservation Plan (Plan). It is important to maintain policies that are fair and reflect the highest level of integrity.
- (b) Land to be acquired to meet the Plan's goals generally will be secured from willing sellers, through direct donations, donations as a result of development, or by conservation easement. The acquisition process is further described in Section 1.03 below.
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- (f) Opening of all negotiations and offers or agreements to purchase land will be authorized by the Executive Director.
- (g) All Land acquisition files will be retained and managed by the Executive Director or designated RCA staff.
- (h) The RCA Board will approve all purchases.
- (i) For future acquisitions, the RCA will generally not acquire property that includes residential or commercial structure(s) in the absence of compelling circumstances as determined by the Board of Directors; provided, however that RCA may acquire the property if the structure(s) have been either (1) physically removed, or (2) the property that contains the structure(s) is not part of the acquisition.
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- (b) The RCA will use the appraised value to develop an offer to purchase the property under consideration.
- (c) A seller may provide a separate appraisal, but the seller's appraisal will not be used as a basis for the initial offer.
- (d) When the HANS/JPR review process identifies a property for "100% acquisition," land value differences between a seller's appraisal and the RCA appraisal will be resolved in accordance with Section 6 of the MSHCP.
- (e) An appraisal summary shall be prepared for all appraisals. The summary shall include the following information: the appraised value of the property, the date of value, the zoning and general plan designations of the property, and the comparable sales used by the appraiser in determining the value of the property.
- (f) Release of full appraisal and/or summary to seller:
 - (i) Full appraisals will not be released to the seller.
 - (ii) A copy of the appraisal summary will be provided to the seller for all acquisitions upon request.

Section 1.04 Confidentiality: To ensure integrity throughout the process, it is important to maintain confidentiality when the RCA considers land purchases.

- (a) Any agreement for real property services with agencies, organizations or individuals who may provide real property services will contain the following provisions to insure confidentiality of prospective acquisitions:
 - i) Assigned staff will pursue only those acquisitions authorized by the RCA.
 - ii) Investigations, arrangements and transactions will be conducted by assigned staff only.

- iii) Property information and transactions shall be maintained under the control of the assigned staff.
 - iv) No RCA property information shall be placed in any general electronic or manual data inventory outside of the RCA except as necessary during the acquisition process of a property. All records will be delivered to the RCA at the close of escrow.
 - v) The assigned staff shall sign a confidentiality agreement.
- (b) The Director of Land Acquisition and Management will maintain the working file for all prospective purchases. The file or the information contained in the file will not be released to persons outside the RCA without the authorization of the Executive Director or Deputy Executive Director.

Section 1.05 Indemnification:

- (a) It is the policy of the RCA to secure the appropriate indemnification from future liability resulting from pre-existing conditions on an acquired property. However, the RCA recognizes that circumstances for each acquisition vary, and the indemnification provision may be modified to reflect the level of risk, the ownership history of the property, the result of the environmental hazards assessment, along with any subsequent testing or other factors.
- (b) A Phase 1 Environmental Hazards Assessment (EHA), in compliance with general real estate practices, will be conducted on each prospective land acquisition or land donation not more than three (3) months prior to the opening of escrow or not more than six (6) months prior to the close of escrow. At the discretion of the Executive Director a Phase I EHA may be required prior to acceptance of a conservation easement.
- (c) In the event that a Phase I EHA or visual inspection by the RCA of a prospective property indicates any potential hazard(s) the Executive Director may require a Phase II Environmental Hazard Assessment or additional information relating to the property history of use.
- (d) No conservation easement will be accepted unless the underlying fee title holder fully indemnifies the RCA.

Section 1.06 Land Acquisition Services

The RCA recognizes that in some instances land conservation organizations and real estate professionals can facilitate the acquisition of selected properties or the completion of a specific transaction. The following policies will apply to the hiring of such individuals and organizations:

- (a) All organizations and persons proposing or solicited to provide acquisition services shall submit a statement of qualifications.
- (b) Organizations and individuals shall provide a proposal for specific services.
- (c) Selected organizations or individuals will sign a confidentiality agreement.
- (d) The Executive Director will issue a work order for the property (ies) of interest.
- (e) The RCA may provide compensation on a time and materials basis or offer a fixed percentage of the sale price or both.

Section 1.07 Policies and Procedures for Execution of IRS Form 8283 for Bargain Sales and Donations

The Regional Conservation Authority (RCA) recognizes that it is appropriate to execute an IRS Form 8283 where the property owner has offered to either provide a bargain sale or to donate land to the RCA. The following policies and procedures are intended to establish basic guidelines for the execution and processing of a Form 8283.

- (a) The MSHCP provides that the RCA shall not pay more than fair market value for any property that it purchases.
- (b) Fair market value shall be determined by negotiation between RCA and the property owner provided that such fair market value is supported by one or more appraisals that are in compliance with the MSHCP and approved by the RCA. The appraisal may be prepared by an appraiser contracted by either the RCA or the property owner.
- (c) A Bargain Sale shall be defined to be the sale of property to the RCA for less than the appraisal that has been reviewed and approved by the RCA or an independent, qualified appraiser contracted by the RCA.
- (d) If a property owner elects to accept less than the RCA approved appraisal price, the transaction shall be eligible to be considered a Bargain Sale. The Bargain Sale and the execution of the Form 8283 must be documented in the Purchase and Sale Agreement and shall be subject to approval by the Board of Directors, prior to execution of the form.
- (e) If a property owner elects to donate land to the RCA, the execution of the Form 8283 must be documented in the donation agreement, prior to execution of the form.
- (f) All requests for execution of a Form 8283 shall be reviewed and approved by Legal Counsel prior to execution and may be submitted for either a Bargain Sale as defined in Section (c) above or for a donation of land.
- (g) Only the Chairman of the Board of Directors or the Executive Director or designee shall be authorized to execute a Form 8283, provided that the form has been processed consistent with these policies and procedures.
- (h) Staff should notify the property owner of this policy, in writing, at the time of presenting an offer to the property owner, and request a written acknowledgement from the property owner that they have been notified of the policy.

Section 1.08 Policies and Procedures for Negotiation of HANS Acquisitions

The purpose of these policies and procedures is to establish general guidelines for the negotiation of HANS acquisitions, consistent with Section 6.1.1(B)(2)(b) of the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"). This Policy incorporates by reference the Clerical Changes made to page 6-6 of the MSHCP approved by the RCA Board on May 14, 2007. The following policy shall apply to properties where the County/City and the RCA have concurred with including all or a portion of the property into the MSHCP Conservation Area.

- (a) Initiation of the 120-Day Negotiation Period. The 120-day negotiation period provided under Section 6.1.1(B)(2) of the MSHCP shall commence:
 - i) Upon completion of the HANS/JPR process, and
 - ii) Concurrence by the RCA that all or a portion of the property is needed for inclusion within the MSHCP Conservation Area.

- (b) During the 120-Day Negotiation Period.
 - i) RCA will conduct an appraisal of the property.
 - ii) RCA and Property Owner, or its designee, will negotiate a purchase and sale agreement.
 - iii) Access to the property for appraisal purposes will be extended to the RCA through the HANS application, or other equivalent application.
 - iv) During this period, appraisal instructions shall be jointly prepared and agreed upon by the RCA and the Property Owner, or its designee. If such joint appraisal instructions are not agreed to by the parties within the first 20 days of the 120-day period, RCA may proceed to have an appraisal conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice" pursuant to 6.1.1 of the MSHCP.
 - v) The Property Owner, or its designee, may suspend the negotiating time period, provided that they have submitted a letter to the RCA and the County/city requesting that the negotiations be suspended. In such event, the negotiating time period will only resume upon receipt of a letter to the RCA and the County/city from the Property Owner, or its designee, requesting that the negotiations resume.

- (c) After the 120-Day Negotiation Period. If at the end of this 120-day period, agreement between the parties is not achieved, each party shall submit in writing the party's proposed resolution of terms. Further, the Property Owner, or its designee, along with the RCA and County/city, may agree to extend negotiations for an appropriate period of time if necessary. If either the Property Owner, or its designee, or the RCA and the County/city do not agree to extend negotiations, the Property Owner, or its designee, may (a) elect to

withdraw selling the property to the RCA, or (b) commence the Conflict Resolution Process as described in Section 6.1.1 of the MSHCP.

CLERICAL CHANGES TO THE MSHCP

Pursuant to Section 20.1 of the MSHCP Implementing Agreement, RCA hereby makes the following clerical change to the first full paragraph of Page 6-6 of the MSHCP:

b. Full Inclusion of Property - In those instances where all of the property is needed for inclusion in the MSHCP Conservation Area, negotiations will focus on the acquisition of the property including establishing a purchase price and the application of other non-monetary incentives which may compensate the property owner and assist with the acquisition. In no event shall the purchase price exceed the fair market value of the property. Unless otherwise agreed to by the parties, the fair market value for the property shall be determined by an appraisal ordered by the County or the Cities and conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice.” In the event of any conflict between these standards, the “Uniform Appraisal Standards for Federal Land Acquisitions” will control. Fee title of property to be conveyed may not be required. The type of ownership to be conveyed will be taken into consideration when conducting the appraisal. Appraisal instructions shall be jointly prepared and agreed upon by the *RCA, on behalf of the* County or Cities, and the property owner, *or if joint appraisal instructions are not agreed upon within the first 20 days of the 120 day negotiation period, RCA shall proceed to order an appraisal.* Appraisal instructions will direct appraisers not to consider the MSHCP Criteria Area as relevant to the appraisal.

SUPPORTING DOCUMENTATION: The proposed modification clarifies two aspects of the HANS process:

The existing text indicates that the County and Cities are responsible for preparing joint appraisal instructions. As indicated in the joint exercise of powers agreement, the RCA was created to assume the responsibilities of acquiring property on behalf of the County and Cities, where as here, all of the property is needed for inclusion in the MSHCP Conservation Area. This clerical modification simply confirms that action for purposes of this section.

RCA, Local Permittees or other stakeholder groups never intended to delay the 120-day negotiation process due to lack of agreement on joint appraisal instructions. Therefore, this clarifying instruction allows RCA to proceed to conduct its own appraisal should RCA and the property owner, or its designee, fail to achieve agreement on joint appraisal instructions.

Section 20.1 of the Implementing Agreement allows clerical changes to the MSHCP including corrections of typographical, grammatical, and similar editing errors that do not

change the intended meaning of the MSHCP. The Board of Directors finds RCA finds this editing revision does not change the intended meaning of the MSHCP.

Further, RCA hereby makes the following clerical change to the first full paragraph on Page 6-10 of the MSHCP:

Should a party opt to commence the Conflict Resolution Process as a result of the parties' inability to resolve differences concerning the valuation of property, a second appraisal shall be conducted, at the expense of the ~~property owner~~ **opting party**, in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice." In the event of any conflict between these standards, the "Uniform Appraisal Standards for Federal Land Acquisitions" will control. Fee ownership of property to be conveyed may not be required. The type of ownership to be conveyed shall be taken into consideration when conducting the second appraisal.

SUPPORTING DOCUMENTATION: In most cases, a property owner will probably be the opting party who seeks to commence the Conflict Resolution Process. In a situation where the RCA opts to commence the Conflict Resolution Process, however, the intent of the MSHCP is to have the RCA pay for the second appraisal. Accordingly, this revision to the plan requires the opting party, whether the property owner or the RCA, to pay for the expense of a second appraisal.

Section 20.1 of the Implementing Agreement allows clerical changes to the MSHCP including corrections of typographical, grammatical, and similar editing errors that do not change the intended meaning of the MSHCP. The Board of Directors for the RCA finds this editing revision does not change the intended meaning of the MSHCP.

Section 1.09 Policies and Procedures Regarding Properties Encumbered by Property Assessments for Willing Seller, and Full and Partial HANS/JPR Acquisitions

To assemble the Additional Reserve Lands, the Regional Conservation Authority (RCA) may acquire land that is encumbered by existing property assessments. This includes Property Owner Association fees as well as assessments by community service and facilities districts. These properties may be offered by “willing sellers” or as a HANS/JPR full or partial acquisition. The following policies and procedures are intended to establish basic guidelines for the acquisition of property encumbered by existing property assessments:

- (a) Staff will order a preliminary title report, with Schedule “B” exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will contact the Assessor’s office and obtain a list of all known property assessments that may affect the property
- (c) Staff will identify the purpose and annual cost of any property assessments and estimate the cost to “buy out” the assessments.
- (d) Once staff has estimated the cost to buy out the assessments, staff will contact the legal entity responsible for the collection and administration of the assessments, to inquire as to whether or not the assessments can be bought out.
- (e) The following options should be considered when dealing with property assessments in the order of preference stated below:
 - i) Research if the RCA is exempt from payment of the property assessments.
 - ii) Negotiate with the Seller to eliminate encumbrances from title before close of escrow.
 - iii) Pursue a buy out of the property assessments by RCA prior to close of escrow.
 - (iv) Defer the buy out of the property assessments by RCA until after the close of escrow.
 - (v) RCA to pay the annual fee for the property assessments.
- (f) Staff reports should identify if the property for proposed acquisition is affected by existing property assessments and should list the annual cost and the estimated buy out cost for the Board’s consideration.
- (g) The owner should be responsible for paying the assessments current before transfer of the property to the RCA.

Section 1.10 Policies and Procedures Regarding Properties Encumbered by Property Assessments for Conveyances made Pursuant to Regulatory Permits such as 404 Permits

The Regional Conservation Authority (RCA) may be requested to accept land that is encumbered by existing property assessments. This includes Property Owner Association fees as well as assessments by community service and facilities districts. The request will generally come from a property owner that has been required to convey property to the RCA as part of a regulatory permit condition, such as a 404 permit issued by the U.S. Army Corp of Engineers or a Streambed Alteration Permit issued by the California Department of Fish and Game. The following policies and procedures are intended to establish basic guidelines for the acceptance of property encumbered by property assessments:

- (a) Staff will order a preliminary title report, with Schedule "B" exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will contact the Assessor's office and obtain a list of all known property assessments that may affect the property.
- (c) Staff will identify the purpose and annual cost of any property assessments and estimate the cost to buy out the assessments.
- (d) Once staff has estimated the cost to buy out the assessments, staff will contact the legal entity responsible for the collection and administration of the assessments, to inquire as to whether or not the assessments can be bought out.
- (e) The following options should be considered when dealing with property assessments in the order of preference stated below:
 - i) Research if the RCA is exempt from payment of the property assessments.
 - ii) RCA staff expects that in the majority of cases, the Donor will be required to buy out the property assessments prior to close of escrow.
 - iii) Although unusual, RCA staff may recommend to the Board that RCA should defer the buy out of the property assessments by RCA until after the close of escrow.
 - iv) Likewise, as a last resort, there may be situations where RCA staff may recommend to the Board that RCA should pay the annual fee for the property assessments.

- (f) Staff reports should identify if the property for proposed acquisition is affected by existing property assessments and should list the annual cost and the estimated buy out cost for the Board's consideration.
- (g) The owner should be responsible for paying the assessments current before transfer of the property to the RCA.

Section 1.11 Policies and Procedures Regarding Property Encumbered By Covenants, Conditions and Restrictions

The Regional Conservation Authority (RCA) may acquire land that is affected by existing Covenants, Conditions and Restrictions (CCRs). The following policies and procedures are intended to establish basic guidelines for the acquisition of property affected by existing CCRs:

- (a) Staff will order a preliminary title report, with Schedule "B" exceptions and plotted easements, at the time of ordering an appraisal for a proposed acquisition.
- (b) Staff will review the nature of the CCRs.
- (c) Staff will identify if the CCRs potentially affect the use or maintenance of the property.
- (d) If staff has determined that the CCRs may potentially affect the use or maintenance of the property, staff will contact the legal entity responsible for the enforcement of the CCRs, to inquire as to whether or not the CCRs may be modified.
- (e) The following options should be considered when dealing with CCRs in the order of preference stated below:
 - i) Research if the RCA is exempt from the CCRs.
 - ii) Pursue a modification of the CCRs prior to close of escrow.
 - iii) Defer the modification of the CCRs until after the close of escrow.
 - iv) Comply with the terms and obligations of the CCRs (In many cases the CCR's will apply to property improvements only, and will have a negligible impact on the RCA).
 - v) If the CCR's provide for an assessment, staff will follow either policy section 1.09 or 1.10, as appropriate.
- (f) Staff reports should identify if the property for proposed acquisition is affected by existing CCRs and if the CCRs affect the use or maintenance of the property.

Section 1.12 Policy Regarding Non-MSHCP Land Donations:

The RCA may agree to accept land donations outside of the Conservation Area or Criteria Area provided that:

- (a) Acceptance does not commit the RCA to a management or monitoring program that is different from that embodied in the MSHCP; and
- (b) An endowment is provided that fully covers the costs of long-term management and monitoring of the land and habitat.

Section 1.13 Policy for Acquisitions of Property for Which a Development Application is Not Intended to be Filed:

Funding for the acquisition of properties on the priority list will be provided through a separate designated fund. The funding level from Multiple Species Habitat Conservation Plan Local Development Mitigation Fees shall be reviewed annually and established by the RCA Board of Directors.

Closing Statement:

The Land Acquisition Policies set forth herein are for guidance only, and deviations there from by the RCA shall not provide a Seller, Property Owner, or its designee, with any damage rights or remedies against the RCA. If there is a conflict between the Land Acquisition Policies set forth herein and State or federal law, the conflicting State or federal law will control.

LAND ACQUISITION POLICY SECTION REVISIONS

1. 03-06-06 Sections 1.01 through 1.06 approved; Agenda Item 8.2.*
2. 12-04-06 Section 1.07 added; Agenda Item 8.2.
3. 05-14-07 Section 1.08 added; Agenda Item 9.2.
4. 05-14-07 Sections 1.09, 1.10 and 1.11 added; Agenda Item 9.1.
5. 09-10-07 Section 1.12 added; Agenda Item 8.3.
6. 10-01-07 Section 1.03 modified; Agenda Item 8.1.
7. 12-10-08 Section 1.07 modified; Agenda Item 7.1.
8. 11-01-10 Policy Clarification – Sections 1.01, 1.03, 1.08 modified, 1.13 added; Agenda Item 7.2.
9. 02-06-12 Section 1.01 modified; Agenda Item 11.
10. 04-02-12 Replaced Section 1.13; Former Section 1.13 becomes new closing statement; Agenda Item 9.
11. 03-11-13 Section 1.13 modified; Agenda Item 9.
12. 12-02-13 Section 1.01 modified; Agenda Item 11.

*RCA Board excluded endowments from approval.

2019 RCA - Commonly Used Acronyms

ARL	Additional Reserve Lands
BUOW	Burrowing Owl
CALFIRE	California Department of Forestry and Fire Protection
CALTRANS	California Department of Transportation
CD	Consistency Determination
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife (<i>formerly CDFG</i>)
CEQA	California Environmental Quality Act
CETAP	Community and Environmental Transportation Acceptability Process
CHD	Critical Habitat Designation
CIP	Capital Improvement Program
CNLM	Center for Natural Lands Management
DBESP	Determination of Biologically Equivalent or Superior Preservation
EMWD	Eastern Municipal Water District
EPD	Environmental Programs Department (<i>Riverside County</i>)
ERP	Expedited Review Process
ESA	Endangered Species Act
FAST	Fixing America's Surface Transportation
FY	Fiscal Year
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
HCP	Habitat Conservation Plan
HMU	Habitat Management Unit
IC	Interchange
IMER	Initial Management Evaluation Report
JPR	Joint Project Review
LDMF	Local Development Mitigation Fee
MOU	Memorandum of Understanding
MSHCP	Multiple Species Habitat Conservation Plan
OHV	Off-Highway Vehicle
PCL	Proposed Constrained Linkage
PQP	Public/Quasi-Public
PSE	Participating Special Entities
RCA	Regional Conservation Authority
RCD	Resource Conservation Districts
RCOE	Riverside County Office of Education
RCRCD	Riverside-Corona Resource Conservation District
RCTC	Riverside County Transportation Commission
RCTD	Riverside County Transportation Department
RMOC	Reserve Management Oversight Committee
ROVE	Recreation Off-Highway Vehicle Enforcement
SAWA	Santa Ana Watershed Association
SB	San Bernardino
SR	State Route
SWG	State Wildlife Grant
TAC	Technical Advisory Committee
TIFIA	Transportation Infrastructure Finance and Innovation Act
TUMF	Transportation Uniform Mitigation Fee
USFWS	United States Fish and Wildlife Service
UTM Nad 83 Zone 11	Meter Coordinate System for Maps
WA	Wildlife Agencies (<i>USFWS & CDFW</i>)
WCB	Wildlife Conservation Board
WIFIA	Water Infrastructure Finance and Innovation Act
WIIN	Water Infrastructure Improvements for the Nation
WPT	Western Pond Turtle
WRDA	Water Resources Development Act