



EXECUTIVE COMMITTEE MINUTES

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1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman John Tavaglione at 12:02 p.m., Wednesday, March 18, 2015, at the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501.

2. ROLL CALL

COMMITTEE MEMBERS PRESENT	COMMITTEE MEMBER ABSENT
John Tavaglione, Chairman – County of Riverside District II Eugene Montanez, Vice Chairman – City of Corona Scott Miller, past Chairman – City of San Jacinto Natasha Johnson - City of Lake Elsinore Maryann Edwards - City of Temecula * Ben Benoit – City of Wildomar Ella Zanowic – County of Riverside District IV <i>*Arrived after start of the meeting 12:07 p.m.</i>	

3. PUBLIC COMMENTS

There were no public comments.

4. COMMITTEE MEMBER ANNOUNCEMENTS

There were no Committee Member announcements.

5. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

6. APPROVAL OF MINUTES – February 18, 2015

M/S/C (ZANOWIC/MILLER) to approve the minutes of the February 18, 2015 meeting of the Executive Committee as submitted.

(6 Ayes, 1 Absent Edwards/City of Temecula)

7. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR FEBRUARY 2015

Honey Bernas, Director of Administrative Services reported that for the month of February, RCA received \$893,984 in MSHCP Development Mitigation Feed from Member Agencies. Fees were collected for 583 residential units and 58 acres of commercial/industrial development. Total exemptions were for 58 residential units or \$112,404. The City of Lake Elsinore reported 36 exemptions, and the City of Calimesa report 22 exemptions. There were no remittances for civic or infrastructure projects.

M/S/C (MILLER/ZANOWIC) that the RCA Executive Committee:

- 1) Recommend that that RCA Board of Directors receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2015; and**
- 2) Authorize staff to agendize this matter for the April 6, 2015 meeting of the RCA Board of Directors.**

(6 Ayes, 1 Absent Edwards, City of Temecula)

8. NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2016

Honey Bernas, Director of Administrative Services stated that Multiple Species Habitat Conservation Plan (MSHCP) allows property owners who do not intend to file a development application to go through the HANS process, to have their properties evaluated for possible land acquisition. The Plan requires that the level of funding be established and set aside for the purchase of such properties. Land Acquisition Policy 1.13 requires that the funding level be reviewed annually and set by the Board. Staff recommends continuing the 3% funding level for Fiscal Year 2016. There are no major fee increases anticipated for MSHCP.

She also stated that currently there is one property on the priority list that RCA is in the process of acquiring. The agreement calls for the acquisition to be completed by December 31, 2024. If MSHCP fee revenues remain consistent and the funding level remains at 3%, staff anticipates being able to finalize the acquisition by December 26, 2016, eight years early.

Board Member Montanez ask if we need to set funding level each year and if the 3% is based on last year's fees collected. Honey responded that it's 3% of the MSHCP fees collected in next fiscal year. Board Member Montanez asked that staff clarify that in the staff report.

M/S/C (ZANOWIC/BENOIT) that the RCA Executive Committee:

- 1) **Recommend that the RCA Board of Directors direct staff to continue to set aside no more than three percent (3%) of Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2015 to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Priorities; and**
- 2) **Authorized staff to agendize this matter for the April 6, 2015 meeting of the RCA Board of Directors.**

(6 Ayes, 1 Absent Edwards, City of Temecula)

At this time Maryann Edwards, City of Temecula, joined the meeting, 12:07 p.m.

9. AUTHORIZATION TO TRANSPLANT SAN DIEGO AMBROSIA WITHIN THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AREA

Charlie Landry, RCA Executive Director stated that property in the Tri Valley area was bought by County of Riverside, using Ordinance 810.1 Fees, County Open Space Funds, prior to the MSHCP. He showed a map exhibiting the property and slope easements. Due to the slope easements located on this property, RCA has not acquired the property. In order to reconcile the slope easements, the County has moved forward with an exchange of real property. The property being exchanged by the County contains a population of San Diego Ambrosia, a federally endangered plant and MSHCP covered species, which would need to be relocated. The City of Lake Elsinore and County of Riverside requested the RCA's assistance in facilitating this relocation. Staff is proposing to transplant the ambrosia once the land exchange agreement between the County and Castle and Cooke is finalized. RCA believes there is a public benefit in RCA doing the translocation. The cost estimate to translocate the San Diego Ambrosia is \$130,000. Additionally, to meet the requirements of translocation, a monitoring and maintenance program is required. This is a ten year program cost of \$20,000 per year.

Michelle Ouellette, General Counsel for RCA, distributed a letter dated March 17, 2015 from the Center for Biological Diversity proving their comments regarding this agenda item. She provided the Committee Members with a summation of the contents of the letter, which states that the existing San Diego ambrosia population should remain part of the reserve until the RCA finds it is no longer necessary for the MSHCP conservation purposes. In addition, because the parcel was acquired with MSHCP participant fees, such funds should not be used to relocate the current conservation ambrosia population. The letter is on file with the Clerk of the Board.

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Chairman Tavaglione asked for clarification if RCA has the ability to transfer land out of the MSHCP. Michelle Ouellette replied that there is a policy in place. Chairman Tavaglione stated that RCA has the ability to relocate species and it is his understanding that the species is going to be relocated within yards of its current location. Charlie Landry stated that the best place to relocate the ambrosia is being researched. Chairman Tavaglione asked if this achieves the overall goal of habitat conservation plan. Michelle Ouellette stated that is the aim.

Board Member Edwards asked if there is a restriction on funds as to how they can be used with regard to transferring species, as the letter from the Center for Biological Diversity implies that general funds shouldn't be used for that purpose. Michelle Ouellette stated that she believes the point the Center is making is that the County acquired the property, but seem to be confused about how the County acquired it. As Charlie Landry indicated, the property was acquired with Ordinance 810.1 fees, which were pre MSHCP. Michelle Ouellette stated that there is no limitation on how RCA's funds are used with regard to this action.

Board Member Johnson wanted clarification in order to ensure that she is on track and understands. She made reference to the letters that state that the land is dedicated for conservation, and asked if there is currently a conservation easement on the County property. Charlie Landry stated that there is not and asked Karin Watts-Bazan, Principal Deputy County Counsel, to confirm. She stated that there is no conservation easement on property. Board Member Johnson stated that the County is owned by the County. The letters indicate that this action is for a private entity. However, stated that she believes the members want to ensure that the Plan is implemented correctly and the species is preserved, and no favor to a private party is applied. This is for the Permittees. The city is working with the county, the county is working with the city, and all are working together with RCA. In her opinion, this is a win-win for everyone. She asked if the authors of the letters have jurisdiction to tell RCA what it can do with its fees on the county owned property. Michelle Ouellette asked if Board Member Johnson was referring to the correspondence from the Wildlife Agencies. Board Member Johnson replied that was referring to both letters. She further commented that the County has the maintenance slope agreement, and the maintenance costs were originally projected to be approximately \$12,000, and the actual costs are anticipated to be over \$200,000 per year.

Karin Watts-Bazan, Principal Deputy County Counsel, stated that the cost of the slope maintenance has been the County's concerns. The slope maintenance will ultimately be a liability for the County as far as the general fund is concerned in order to maintain the slopes every year at a cost of approximately \$200,000.

Board Member Johnson stated it is her understanding that the lot line adjustment and exchange of land could eliminate the maintenance cost and hopefully get the property to the RCA, which the ultimate goal is to get conservation land to RCA. Karin Watts-Bazan concurred.

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Chairman Tavaglione asked for clarification from legal counsels who were deeply involved from the beginning that the Plan was always intended to have flexibility to allow for the ability to swap out land if necessary, but still maintain the integrity of the Plan, including species, if it could be done effectively. RCA and the member agencies believe the relocation can be done effectively, which will result in a win-win for all.

Board Member Edwards said there is a precedent for this. This has been done on multiple occasions.

Board Member Miller commented that the goal of the Plan is being kept whole. Land is being swapped out while ensuring that the species is being preserved and maintained. If the other issue in question is that property was bought with special funds, could the property be given a value would that fulfill the issue of special funds being used to buy the land and now it's being made whole. Board Member Johnson stated that she believes that is the goal.

Board Member Edwards said that was her point, and it is the County's legal determination that those funds were not restricted and, therefore, they weren't special funds and could just be spent.

Michelle Ouellette stated that the were Ordinance 810.1 Open Space funds.

Karin Watts-Bazan added that this is an exchange of acre for acre. Conservation will be maintained roughly within tenths of an acre. The land will be maintained for conservation so there will still be the same amount of acreage in conservation. Castle & Cooke's goal is to get more property that is developable. The County's goal in this is to relieve itself of the slope maintenance obligation. She does not see it as an issue of which fees were used for what because it's an acre for acre exchange.

Chairman Tavaglione invited those wishing to address the Committee to speak.

Karin Cleary-Rose, from the United States Fish & Wildlife Service, clarified that the Services, on its face, opposed to the land exchange. They are concerned about the integrity and the ultimate build-out of the MSHCP. The Service had discussed the concept of the land exchange with RCA and agreed upon a line. The line has been moved, and she is now concerned about the concept of the road which has not been discussed with the Service at length. Her concern regarding this issue is that the open space dollars were open space mitigation dollars. She stated it is not her decision to make regarding the use of the open space fees, except that the Service wrote a letter to the County, who was then developing the MSHCP assuring them that these early acquisitions would count toward the MSHCP, which is why the Service believes this is part the MSHCP. Although there is not a conservation easement on the property, the County and the RCA and Permittees reported that piece of property as part of the Conservation Area every year since 2005 in the Annual Report. In that since, the land is in fact conserved because RCA has counted it as part of the Conservation Area. She stated that the beneficiaries of the trade out would be the County with the resolution of the slope problem, and perhaps Castle and Cooke as the developer, or the City of Lake Elsinore who would gain some economic activity, which is their goal and she

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understands. She believes the beneficiary of the trade out should be responsible for the cost of the trade out, and in this case, that is translocation and monitoring of this population of the ambrosia. Karin Cleary-Rose agrees with the RCA that having the RCA oversee or implement the translocation is a good idea. However, she believes that conserving this population twice is not the best interest of the Plan in terms of money management. She recognizes that \$300,000 is not a huge sum of money in the scope of the project. If the slope easement is \$200,000 a year, funding the relocation would be a lot less expensive for the County, so why shouldn't the County fund this. She does not know what the City expects from the development, so she cannot speak to the City's abilities to fund. However, if the property is developed, there should be income available to the project proponent. Funds have already spent to conserve this plant for MSHCP. She further added that the Service hears from non-governmental organizations on the other side questioning the Service's decisions with regard to the MSHCP. She does not want the story of the MSHCP to be that they traded out that piece of property, and the MSHCP had to pay for it again. At that point, it doesn't matter if it was only \$10 or \$15 spent. It's the principle.

Chairman Tavaglione asked Karin Cleary-Rose for clarification that her issue was not with the RCA, but rather the agreement between the County and the City. Karin Cleary-Rose stated that she would like the RCA not to pay for the translocation because that is MSHCP fee money, and the MSHCP has already accomplished the conservation, or inclusion of these plants in the MSHCP Conservation Area has already been accomplished.

Chairman Tavaglione stated that will not be determined until the transfer is completed. Charlie Landry commented that RCA believes this is a public benefit and does not RCA is paying twice for this.

Karin Watts-Bazan said there is a huge public benefit in not having that easement be a liability. The only reason the RCA has not taken this property is because of that easement. They could have taken this property and had it conserved, pursuant to the Plan and have that easement obligation themselves. She does not believe that is in anyone's interest.

Karin Cleary-Rose agreed, but stated that the County, who is getting relieved from this land, would be the beneficiary. Karin Watts-Bazan replied that it was all part of cutting the deal.

Chairman Tavaglione stated that those issues can be addressed at some point. He invited the next speaker to address the committee.

Heather Pert, from California Department of Fish & Wildlife, 3602 Inland Empire Blvd., Ontario, California, 91764, stated that appreciated being able to speak. She had hoped to observe the meeting, but saw the agenda item and was compelled to speak. She stated that she is very concerned, and in the Wildlife Agencies' perception, the property was purchased with pre MSHCP dollars. It was pre MSHCP, but the property is counted toward the reserve assembly. The property is helping to meet the species objective for ambrosia. When moving ambrosia from conservation, no longer meets the species

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objective because of the land exchange. In the department's view that burden to take that population out of conservation and move it, should be on the parties that are benefiting from that move. She also wanted to speak to the issue of moving the ambrosia just yards. Ambrosia does choose sites that have sandy soil and some flood effects so there are some restrictions. It can't just go anywhere on the property. It needs those flooding flows and some level of conservant. Speaking to the land exchange in that it's equivalent acreage, the other concerns the department has is that some of those acres have been mined, and it is unclear who will do the restoration and make it whole so that it does have conservation values. She further stated that her concern for the Plan is that the RCA is expected to pick up the budget for translocating the species, and asked if they are then expected to do the reclamation. She is of the opinion that it sets a dangerous precedent in putting the burden on RCA rather than the parties that want the exchange.

Charlie Landry stated that RCA does not believe it sets a precedent because this is one of a kind project. There was a preexisting agreement between the County and the owner, and RCA, as the successor agency, is honoring that agreement. There are no other agreements like this that have slope easements and those kind of things that exist in the MSHCP. There are no other preexisting agreements that adjustments need to be made.

Board Member Johnson stated that the goal is to ensure that the species is protected as part of the Plan. It is her understanding there are only two sites that have ambrosia located on them, and this location it is not a preferred site and was not in the original Plan. She asked Charlie Landry for confirmation, and he referred to Laurie Dobson Correa. Charlie Landry stated that there are actually three sites. Board Member Johnson stated that this is not a preferred site and stated that moving the species to a more preferred site would actually be a benefit.

Laurie Dobson Correa stated that she believes that the population was not known at the time the Plan was written. It was known that there three populations, and the expectation that at least two were brought into conservation. The one that was pointed out was the one that was more well-known, which is actually off of Nichols and is still in private ownership.

Board Member Edwards commented that this population was a bonus. Laurie Dobson Correa stated the configuration was created the way it was when the County purchased the land in order to get that population.

Board Member Johnson stated that without the transplantation of the ambrosia, the conservation ultimately does not happen anyway. She believes it is a good business decision, and the County and city have worked very hard to accomplish this. It's really not about the private landowner. This is not a favor to anyone. It's about doing work, being good partners, and making a good business decision that ultimately is respective to our Plan and protecting our Plan. She does not believe anyone should tell RCA how to use the funds if they are being used working toward the goals of the Plan.

Board Member Edwards stated it may save money in the long run.

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Chairman Tavaglione stated that it was challenging working with the developer in the past on a project in his district which is now in the City of Corona. He did not think the property could ever be developed. It was a mine, and they restored it extremely well. They do their job well. Yet, noted the importance of working hard to cross the T's and dot the I's. Chairman Tavaglione believes that the First District Supervisor and Council from the City of Lake Elsinore will work to make sure this is done correctly and adheres to the Plan as it is designed. He recommended that the Executive Committee approve this as recommended, but that the item be taken to the Board of Directors at a future date, but not until the Board of Supervisors approve the land swap.

Board Member Edwards asked if it was in the RCA Executive Committee's purview or if the Committee should recommend that the developer make the agency hold in the long run, by paying fees? Chairman Tavaglione stated that he believes that is up to the City and County, and deferred to Michelle Ouellette to answer.

Michelle Ouellette responded that every city and the County have adopted fees ordinances, which specifies the fees that need to be collected. It is the city and County's responsibility to collect MSHCP fees from the developer. Steve DeBaun added that in some cases that there are development agreements in place that RCA is not aware of and does not know if fees were collected.

Bob Magee, from City of Lake Elsinore and Supervisor Jefferies office was in audience and asked if he could address the Committee. He stated it is their preference to have the item forward to the RCA Board of Directors on April 6, so that this action is done before the Board of Supervisor considers this item so that RCA is already in partnership with county and city. He further stated that he believes this is good public policy in that all the public entities are made whole. He also stated that both he and Councilmember Johnson commit to hold the developer's "feet to the fire" to make sure that developer does the right thing in their city.

Karin Watts-Bazan stated that this will be addressed in the County's exchange agreement, so this item does need to be resolved at RCA.

Chairman Tavaglione made a motion to approve staff's recommendation, but that the item not be forwarded to the RCA Board of Directors until the County Board of Supervisors approves the land swap. Board Member Edwards seconded the motion.

Vice Chairman Montanez made a substitute motion to move this item forward to RCA Board meeting on April 6. Board Member Benoit seconded the motion.

M/S/C (MONTANEZ/BENOIT) that the RCA Executive Committee:

- 1) Recommend that the RCA Board of Directors authorize RCA to fund the relocation, management and monitoring of the San Diego Ambrosia utilizing the services of Dudek;**

- 2) Recommend that the RCA Board of Directors approve the budget adjustments contained in the attached Exhibit A; and**
- 3) Authorize staff to agendaize this matter for the April 6, 2015 meeting of the RCA Board of Directors.**

(7 Ayes)

10. MSHCP WILDLIFE CORRIDORS PRESENTATION

Laurie Dobson Correa stated that at the March 2, 2015 RCA Board meeting, she was asked to make a future presentation on wildlife corridors at the request of the City of Canyon Lake and the agreement of Chairman Tavaglione. She stated there are many existing corridors, and in the interest of time, she chose to present the following: Twenty existing core reserves and extensions; 7 new core reserves; 1 existing and 18 proposed linkages; and 5 existing and 24 proposed constrained linkages.

She defined the terms “linkage” and “constrained linkage” and explained their differences. She presented several maps with a legends, indicating where existing and proposed linkages and cores are located.

Laurie Dobson Correa stated that the goal is to connect existing and proposed reserves, which will aid in wildlife movement and genetic connection between these reserves. Reserves can become genetically isolated, so it’s good to keep population flow amongst them. She gave several examples of linkages and their history, along with a list of species supported in each linkage. She further explained how to connect reserves when it comes to crossing highways and flood channels. She commented on how negotiations are needed with several network partners and land owners to obtain the necessary connections needed in the reserves.

Vice Chairman Montanez asked what Board Member Brown’s reason was for requesting the corridor presentation and what information he requested. Laurie Dobson Correa replied that there were questions with regard to Linkage 7. Charlie Landry commented that the area of question was in the sphere of influence of the City of Lake Elsinore.

11. EXECUTIVE DIRECTOR’S REPORT

11.1 Loan Program Update

Charlie Landry, Executive Director, stated that WIFA is going through rule making. There will be a teleconference soon. The stand-alone legislation will need to be reintroduced due to a new congress. Congressman Calvert will introduce the legislation, and he has democratic support for this legislation. Senator Feinstein is ready to carry it. She was seeking for republican support, and at the suggestion of Congressman Calvert, RCA is in discussion with Senator Lisa Murkowski’s staff from Alaska.

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

There were no requests for future agenda items requested by the Executive Committee. Chairman Tavaglione advised that he will not be in attendance at the April 6, 2015.

13. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, April 15, 2015, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Prepared by:



Rose Esparza
Administrative Manager

Respectfully submitted:



Honey Bernas
Clerk of the Board