



MEETING AGENDA

TIME/DATE: 12:30 p.m. / Monday, May 2, 2022

This meeting is being conducted in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

BOARD OF DIRECTORS

Chair – Natasha Johnson

Vice Chair – Jeff Hewitt

Kevin Jeffries, County of Riverside, District 1
Karen Spiegel, County of Riverside, District 2
Chuck Washington, County of Riverside, District 3
V. Manuel Perez, County of Riverside, District 4
Jeff Hewitt, County of Riverside, District 5
Colleen Wallace / David Happe, City of Banning
Julio Martinez / Lloyd White, City of Beaumont
Jeff Cervantez / Bill Davis, City of Calimesa
Larry Greene / Jeremy Smith, City of Canyon Lake
Tony Daddario / Wes Speake, City of Corona
Clint Lorimore / Todd Rigby, City of Eastvale
Joe Males / Linda Krupa, City of Hemet
Lorena Barajas Bisbee / Leslie Altamirano, City of Jurupa Valley
Natasha Johnson / Bob Magee, City of Lake Elsinore
Lesa Sobek / Bob Karwin, City of Menifee
David Marquez / Ulises Cabrera, City of Moreno Valley
Jonathan Ingram / Christi White, City of Murrieta
Kevin Bash / Katherine Aleman, City of Norco
David Starr Rabb / Malcolm Corona, City of Perris
Patricia Lock Dawson / Steve Hemenway, City of Riverside
Crystal Ruiz / Phil Ayala, City of San Jacinto
Maryann Edwards / James Stewart, City of Temecula
Ben J. Benoit / Joseph Morabito, City of Wildomar

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

www.wrc-rca.org

MEETING AGENDA*

***Actions may be taken on any item listed on the agenda**

12:30 p.m.

Monday, May 2, 2022

This meeting is being conducted in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Join Zoom Meeting

<https://rctc.zoom.us/j/81722099933>

Call in: +1 669 900 6833

Meeting ID: 817 2209 9933

One tap mobile: +16699006833,,81722099933#

For members of the public wishing to submit comment in connection with the Board of Directors Meeting please email written comments to the Clerk of the Board at lmobley@rctc.org and your comments will be made part of the official record of the proceedings as long as the comment is received before the end of the meeting's public comment period. Members of the public may also make public comments through their telephone or Zoom connection when recognized by the Chair.

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting on the RCA's website, www.wrc-rca.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, Executive Order N-29-20, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (951) 787-7141 if special assistance is needed to participate in a Board meeting, including accessibility and translation services. Assistance is provided free of charge. Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**

4. PUBLIC COMMENTS – *Under the Brown Act, the Board should not take action on or discuss matters raised during public comment portion of the agenda that are not listed on the agenda. The Board Members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.*

5. ADDITIONS / REVISIONS – *The Board 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 Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board Members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

6. CLOSED SESSION

6A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	932-060-020	Influence Church, a California religious corporation	RCA
2	429-180-005, 429-180-006, 429-180-030, 429-180-048, 429-180-052, 429-180-055, 429-180-057, 429-180-059, 429-180-064, 429-240-002, 429-240-003, 429-240-004, 429-240-005, 429-240-017, 429-240-019, & 429-240-022	Raman Enterprises LLC, a Nevada limited liability company	RCA
3	927-620-006	Galway Downs Title Holding Trust, Ronald Schreiber	RCA

6B. REPORT OUT FROM CLOSED SESSION

7. CONSENT CALENDAR – *All matters on the Consent Calendar will be approved in a single motion unless a Board Member(s) requests separate action on specific item(s).*

7A. APPROVAL OF MINUTES – APRIL 4, 2022

Page 1

7B. AB 361 DETERMINATION

Page 10

Overview

This item is for the Board of Directors to:

- 1) Reaffirm the findings in Resolution No. 2022-003, “A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Virtual Board and Committee Meetings Pursuant to AB 361”. The findings are as follows:

- a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which continues to exist today; and
- b. State or local officials have recommended measures to promote social distancing.

7C. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR FEBRUARY 2022

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Overview

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for February 2022.

7D. ACQUISITIONS STATUS REPORT

Page 18

Overview

This item is for the Board of Directors to receive and file the acquisitions status report as of February 28, 2022.

7E. JOINT PROJECT REVIEW STATUS REPORT

Page 23

Overview

This item is for the Board of Directors to receive and file the Joint Project Review (JPR) monthly status report as of March 31, 2022.

7F. SINGLE SIGNATURE AUTHORITY REPORT

Page 27

Overview

This item is for the Board of Directors to receive and file the Single Signature Authority report for the third quarter ended March 31, 2022.

8. STATE AND FEDERAL LEGISLATIVE UPDATE

Page 29

Overview

This item is for the Board of Directors to:

- 1) Receive and file an update on state and federal legislative affairs; and
- 2) Adopt the following bill position:
 - a. SB 856 (Dodd)—Support.

9. FEE CREDIT POLICY REVIEW

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Overview

This item is for the Board of Directors to direct staff to amend the Joint Project Review application to make it clearer to Member Agencies and applicants that incentives and compensation may be available for inclusion of property for MSHCP conservation and ensure that RCA is informed of all incentives offered to property owners by Member Agencies.

10. PRESENTATION – SPECIES OF THE MONTH

11. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Overview

This item provides the opportunity for the Board of Directors and the Executive Director to report on attended meetings/conferences and any other items related to Board activities.

12. ADJOURNMENT

The next meeting of the Board of Directors is scheduled to be held on **Monday, June 6, 2022.**

AGENDA ITEM 7A

MINUTES

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING MINUTES

Monday, April 4, 2022

1. CALL TO ORDER

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Chair Natasha Johnson at 12:30 p.m., via Zoom Meeting ID 889 5724 1698, in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

2. ROLL CALL

Board of Directors/Alternates Present

Kevin Jeffries
Karen Spiegel*
Chuck Washington
Jeff Hewitt
Colleen Wallace
Julio Martinez
Jeff Cervantez
Larry Greene
Tony Daddario
Clint Lorimore
Joe Males*

Lorena Barajas Bisbee
Natasha Johnson
Bob Karwin
David Marquez
Jonathan Ingram
Kevin Bash
David Starr Rabb
Patricia Lock Dawson
Crystal Ruiz
Maryann Edwards
Ben J. Benoit*

Board of Directors Absent

V. Manuel Perez

*Arrived after the meeting was called to order.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Cervantez.

4. PUBLIC COMMENTS

At this time, Board Members Spiegel, Benoit, and Males joined the meeting.

Lisa Mobley, Administrative Services Manager/Clerk of the Board, noted that written comments were received from Michele Staples and Susan Nash and were sent to the Board.

Susan Nash, President of The Friends of the Northern San Jacinto Valley, stated that there was no basis in the MSHCP for the statement that off-site fee credits are prohibited or that fee credits cannot be granted for lands that are part of the reserve system, but accepted as a donation by another agency. An RCA fee credit policy is not required for a landowner to make

and negotiate a donation for fee credits. This issue should be on the next Executive Committee agenda.

Michele Staples, a member of the public, noted that a comment letter was submitted to the Board for discussion. At the February 7th meeting, a comment letter was submitted that included comments on the fee credit policy. The letter requested that clarification on the ability to pre-pay MSHCP fees be made retroactive. Clarification on the pre-payment of fees was requested last year through the City of Beaumont, the response was received in February, after the fee had increased. It is requested that the mentioned comment letter be included in the agenda for the next Stakeholders Committee meeting. It is also requested that the Riverside County Farm Bureau have an opportunity to be represented on the Stakeholders Committee.

Edwin Sauls, a member of the Stakeholders Committee, commented that the Stakeholders Committee meeting last week was very good, and thanked the Board and RCA staff for accommodating the meeting. The agenda was very narrow, and there are broader issues relative to both mitigation fee credit and acquisitions, it was requested these issues be included in future agenda items.

5. ADDITIONS / REVISIONS

There were no additions or revisions to the agenda.

6. CLOSED SESSION

Lisa Mobley, Administrative Services Manager/Clerk of the Board, noted that correspondence was received from Susan Nash and was sent to the Board.

Susan Nash, President of The Friends of the Northern San Jacinto Valley, commented that while negotiations with a landowner may take place in Closed Session, once the negotiations are concluded and a decision is made, CEQA requires that all acquisitions of land by the RCA need a subsequent or supplement CEQA document. After these negotiations are concluded, these land acquisitions must be brought to a public hearing at the full Board with the appropriate CEQA documentation.

At this time, Steve DeBaun, legal counsel, announced the Board will be going in to Closed Session to discuss the two property items on the agenda.

6A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	366-310-027, 366-310-028, 366-310-032 & 366-310-033	Nathan V. Hunter	RCA

2	940-030-003	Maria B. Barth, Samuel Barragan and Teresa G. Barragan, Kathleen L. Henrich, Thomas M. Horan and Christine C. Horan, and Thomas M. Henrich and Judy R. Henrich	RCA
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6B. REPORT OUT FROM CLOSED SESSION

There were no announcements from Closed Session.

7. CONSENT CALENDAR – *All matters on the Consent Calendar will be approved in a single motion unless a Board Member(s) requests separate action on specific item(s).*

M/S/C (Barajas Bisbee/Greene) to approve the following Consent Calendar items.

7A. APPROVAL OF MINUTES – MARCH 7, 2022

7B. AB 361 DETERMINATION

This item is for the Board of Directors to:

- 1) Reaffirm the findings in Resolution No. 2022-003, *“A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Virtual Board and Committee Meetings Pursuant to AB 361”*. The findings are as follows:
 - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which continues to exist today; and
 - b. State or local officials have recommended measures to promote social distancing.

7C. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR JANUARY 2022

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for January 2022.

7D. ACQUISITIONS STATUS REPORT

This item is for the Board of Directors to receive and file the acquisitions status report as of January 31, 2022.

7E. JOINT PROJECT REVIEW STATUS REPORT

This item is for the Board of Directors to receive and file the Joint Project Review (JPR) monthly status report as of February 28, 2022.

7F. STATE AND FEDERAL LEGISLATIVE UPDATE

This item is for the Board of Directors to receive and file an update on state and federal legislative affairs.

8. AUTHORIZATION TO ACQUIRE TAX-DEFAULTED PROPERTIES FROM THE RIVERSIDE COUNTY TREASURER-TAX COLLECTOR AND ADOPTION OF RESOLUTION NO. 2022-004 OBJECTING TO THE PUBLIC SALE

Lisa Mobley, Administrative Services Manager/Clerk of the Board, noted that correspondence was received from Susan Nash and was sent to the Board.

Susan Nash, President of The Friends of the Northern San Jacinto Valley, noted that these actions did not comply with the MSHCP or the California Environmental Quality Act.

Steve DeBaun, Legal Counsel, stated that as was noted by Ms. Nash, there was a Program EIR performed at the time the MSHCP was prepared and adopted. Part of that Program EIR is the purchase of property that is within criteria cells. Properties that are anticipated to be purchased by RCA as part of the MSHCP, do not require additional CEQA findings, relying instead on the Program EIR that was adopted in the 2000s. No additional special finding is required by the Board to proceed with these properties.

Monica Tlaxcala, Senior Management Analyst, Right of Way, provided a presentation on the Acquisition of Tax-Defaulted Properties. In March of 2022, staff received a list of tax-defaulted properties from the Riverside County Tax Collector's office, consisting of over 250 properties. State law allows public agencies, like the RCA, to purchase tax-defaulted properties before they are sold at a public auction. Historically, the RCA has successfully taken this opportunity to acquire properties for MSHCP Additional Reserve Lands (ARL) and proposes to the Board that RCA does so again. Staff reviewed each of the properties on the list from the Tax Collector to determine if conservation value was applicable under the MSHCP.

After careful review and assessment by staff, including the County Parks team, it was determined that 11 properties are within criteria cells described for conservation by the MSHCP. The properties fall within the following areas of Western Riverside County: Temescal Canyon, Lake Elsinore, Moreno Valley, Tenaja Corridor, and Wilson Valley Sage area. The properties are: 1 - 6 acres for \$45,044; 2 - 14.61 acres for \$46,098; 3 - .84 acres for \$5,837; 4 - 1 acre for \$5,837; 5 - 4.4 acres for \$5,229; 6 - 40.24 acres for \$30,591; 7 - 19.49 acres for \$112,193; 8 - 4.46 acres for \$11,645; 9 - 2.64 acres for \$6,996; 10 - 13.02 acres for \$113,101; and 11 - 13.04 acres for \$115,746.

The agreement process allows a public agency to purchase tax-defaulted property, but it includes a nine-step process. RCA is currently at step one, and to complete the process, RCA is required to submit a Board adopted resolution to the Riverside County Tax Collector prior to April 12th, objecting to the public sale of the properties. At any point during the process, the Tax Collector can inform RCA that the property owner has redeemed or paid the taxes on the property, making it no longer available for purchase. It is estimated that the current owners will be given the opportunity to redeem or pay back taxes for at least one-year from now. Adopting the resolution does not mean that the property owners are precluded from redeeming their properties. The resolution simply reserves the opportunity for RCA to acquire the properties in the future if the property owners do not pay the taxes within the required timeline.

The first action is to authorize the acquisition of the tax-defaulted properties in an amount not-to-exceed \$498,318. The second action would be to adopt Resolution No. 2022-004.

Board Member Karwin wanted to know what the funding source would be for the purchase of these tax-defaulted properties. Aaron Hake, Interim Regional Conservation Deputy Executive Director, noted that these properties would be purchased with RCA funds that would be set aside in the budget, grant funding will not be pursued.

Board Member Karwin wanted to confirm with the resolution stating all 11 properties, if some of the properties were to fall off, revising the resolution would not be necessary. Mr. Hake noted that this was correct.

Chair Johnson asked that in the future, the total cost and acreage be included in the presentation.

M/S/C (Washington/Edwards) to:

- 1) **Authorize the acquisition of tax-defaulted properties from the Riverside County Treasurer-Tax Collector for open space for wildlife and plant life conservation in an amount not to exceed \$498,318; and**
- 2) **Adopt Resolution No. 2022-004, *“Resolution of the Western Riverside County Regional Conservation Authority Objecting to the Public Sale and Approving the Purchase of Tax-Defaulted Property from the Riverside County Treasurer-Tax Collector”.***

9. QUARTERLY FINANCIAL STATEMENTS

Jennifer Fuller, Financial Administration Manager, provided a presentation on the 2nd Quarter Financial Statements and related Budget Adjustments. In December 2020, the Board adopted the 2020 Nexus Study, allowing a new Local Development Mitigation Fee (LDMF) structure. The new fees were phased in, with the first increase in July 2021, and the next in January 2022. The Board also allowed member agencies to accept pre-payments of the LDMF.

Last years' collection of LDMF looked more like pre-recession years, than more recent years. Most of the collections occurred in the last quarter of the fiscal year, with nearly \$17 million related to June alone. Of the amount collected for June, over \$10 million was related to pre-payments. The pre-payments appear to have a direct effect of lowering the collections of the current fiscal year. In the current year, the LDMF budget is \$20 million, but a budget adjustment reducing that amount to \$16 million, is proposed in this agenda item.

Staff developed the Fiscal Year (FY) 2021/22 Budget estimates in the spring of 2021. At that time, FY 2020/21 collections were in line with the previous year. The FY 2021/22 permits were projected to be like the prior two fiscal years. Staff adjusted the FY 2021/22 budget projections slightly due to the increase in LDMF. Staff believes due to the large number of pre-payments collected during June 2021, and the current economic conditions, LDMF has not been as robust this year as originally projected. Therefore, staff is recommending a budget adjustment to lower the estimated revenues and related expenditures to more align with the current projection of \$16 million. LDMF revenues in the Capital Project Funds will be reduced by \$3.4 million, and \$600,000 in the Endowment Fund.

Right of Way staff closed on five properties using the 2017 Section 6 grant funds, closing the grant, and expending nearly all grant funds. The amount of grant funds received is larger than the amount budgeted, therefore, federal and state grant estimated revenues need to be increased along with related expenditures. The federal grant estimated revenue will be increased by \$125,500, and state revenue will be increased by \$67,500, to ensure adequate expenditure budget for the Section 6 properties.

The State Jurupa Mountains grant was set to expire in March 2022; therefore, the budget was set to expend the entirety of the grant this FY. However, there are few properties available at the grant location for purchase. As staff has communicated previously, this is a tough grant given the low number and value of the properties RCA has appraised; Right of Staff has negotiated a one-year extension of the grant terms. Therefore, staff is recommending a budget adjustment to decrease estimated revenues and related expenditures to only the amount already received and potentially to be received this FY. Estimated revenues will be decreased by \$12.54 million. This decrease will be offset by the increase of the Section 6 grant, for a net decrease of \$12.47 million.

The Operations Budget is progressing well at mid-year. All revenues are at 50% or more of budgeted amount, except for tipping fees which will not be allocated until the end of the FY. Operating transfers in will be done in the 3rd quarter and at year end, which will eliminate the negative change in the net operating position. Professional and support costs are low compared to the budget, as most contracts have only billed for 5 months of services through mid-year. Staff expects the Operations Budget to be within budget at year-end.

The Management and Monitoring Budget is also progressing well at mid-year. All revenues are at 50% or more of budgeted amount, except for tipping fees for which only one quarter has been received to date. Staff expects tipping fees will exceed budget at year-end. Operating transfers in will be done at year-end, if needed. Just like with the Operations Budget,

professional and support costs are low, as most contracts have only billed for 4 or 5 months of services through mid-year. Other charges relate to owner associations on reserve lands, most of the charges are paid in the spring, and therefore, the actual year-to-date is low at mid-year. Staff expects that the Management and Monitoring Budget will be within budget at year-end.

The Land Acquisition Budget is not seeing the revenues at mid-year as discussed previously. While federal grant revenues are projected to exceed budgeted amounts, state grant revenue is low, and LDMF revenues are projected to miss budget targets. Only one quarter of Transportation Uniform Mitigation Fees (TUMF) has been received through mid-year. However, staff expects TUMF will exceed budget at year-end. Professional and support costs are low compared to the budget, as most contracts have only billed for 4 to 5 months of services through mid-year. This is offset by a higher-than-expected amount of insurance premiums, which increased nearly \$36,000 from the estimate to the actual invoice. The debt service amount relates to the final payment on the loan from the County of Riverside to purchase the Anheuser-Busch property. The related interest on that loan was paid in the 3rd quarter. Seven properties were purchased during the first 6 months, adding over 400 acres of Additional Reserve Lands (ARL). Staff expects that many more properties will close before year-end, as well as several donations. Operating transfers out will be done in 3rd quarter and at year-end, and staff expects that the Land Acquisitions Budget will be within budget at year-end.

Staff expects to return to the Board in June with the FY 2022/2023 Budget.

Board Member Daddario wanted to confirm that part of the reasoning behind adjusting the budget was due to the pre-payments received last year and if the RCA anticipated any more pre-payment of fees at the end of this FY. Ms. Fuller confirmed that was what RCA staff believes is happening and noted there was a possibility that member agencies may see pre-payments again in June of this year before any potential increase in July as there will be a cost-of-living adjustment for LDMF.

M/S/C (Lock Dawson/Edwards) to:

- 1) Receive and file the Quarterly Financial Statements for the six months ended December 31, 2021; and**
- 2) Approve the Fiscal Year (FY) 2021/22 budget adjustments in Attachment 2.**

10. PRESENTATION – GETTING TO KNOW THE MSHCP

Betsy Dionne, Senior Management Analyst Management and Monitoring, provided a presentation on the Criteria Refinement Process. The Criteria Refinement Process is a mechanism available for both permittees and project applicants.

Criteria refinements are a form of exchange of lands that are described by the MSHCP for conservation of lands that are not described by the MSHCP for conservation yet have the same or better conservation value. Criteria refinements allow for flexibility within the MSHCP so that development can occur if the permittee can identify suitable lands.

A key requirement of the Criteria Refinement Process is that the described conservation be transferred to lands that are not already described for conservation in Section 3.3 of the MSHCP and that the replacement lands occur within or adjacent to cells or be adjacent to existing MSHCP reserve lands. This process transfers what is described for conservation within a particular cell to lands that have no described conservation. Since inception of the MSHCP, there have been 8 criteria refinement applications submitted to the RCA with 4 completed, 2 withdrawn by either the permittee or applicant, and 2 that are currently being processed.

Once a city or the County is in support of a Criteria Refinement, a completed application is sent to the RCA, which begins step 1. However, prior to step 1 there will be discussions between the permittee, applicant, RCA, and the Wildlife Agencies to ensure all parties are aware a criteria refinement is being considered so that all parties can present the necessary guidance and input.

Step 2 of the process begins within 60 days of receiving the completed application, the RCA performs an equivalency analysis per Section 6.5 of the MSHCP and provides these findings to all parties. This triggers the beginning of a 60-day comment period whereby any of the entities can provide comments.

If the RCA receives comments during the 60-day comment period then, within 30 days of the comment period closing, the RCA will schedule a meet and confer as part of step 3 of the process for the parties to discuss the comments/issues and come to a resolution. If there are no comments, RCA's equivalency findings stand as final. If a meet and confer is held, then the RCA findings are revised and finalized with final copies sent to all parties. This completes the RCA analysis part of the criteria refinement. It is important to note that the Wildlife Agencies have approval authority over all criteria refinements that include replacement lands outside of cells. For criteria refinements that are entirely within a cell, the permittee and the RCA have approval authority.

Once the findings are finalized, the Joint Project Review (JPR) process can be completed with both the criteria refinement and JPR being included in the permittees' CEQA document. When the project receives a Notice of Determination (NOD) by the lead agency, the permittee sends the NOD to RCA so a Public Notice and Hearing on the proposed criteria refinement can be completed. The RCA Board of Directors also reviews the refinement and makes a final determination as a responsible agency under CEQA.

Criteria refinements in the last few years have become more common and RCA anticipates it will become a common process as more and more development occurs or is desired to occur within lands described for the MSHCP Reserve.

11. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Chair Johnson thanked staff and the Stakeholders Committee as the first meeting went well. As a reminder, the Stakeholders Committee is given an agenda by the RCA Board who can request their input and feedback on issues. The Stakeholders Committee has no authority to give policy direction. The issue of pre-payments has come up frequently, and it has been

discussed at both the Board and Executive Committee. It was requested that an item regarding pre-payment be agenzized to explain to the Board what can and cannot be done.

Anne Mayer, Executive Director, confirmed an item will be included about pre-payment and the policies on a future agenda. The first Stakeholders Committee meeting was held last week, and it was well attended with a lot of discussion and conversation for almost 2 hours. The Board had referred two items to the Stakeholders Committee for discussion: the timing of fee credits and when they could be considered, and off-site mitigation in exchange for fee credits. RCA staff received a lot of feedback and is bringing the findings back to the Board next month as well as some recommendations.

Although the Stakeholders Committee has a specific number of members, it does not mean that other stakeholders in Western Riverside County do not have the opportunity to have conversations and discussions with staff. Stakeholder comments are always welcome, whether they are part of the current Stakeholders Committee or not.

On April 22nd, the RCA will host the first field tour, additional information will be sent out soon. The tour is planned for the morning of April 22nd and will give Board Members the opportunity the tour some of the RCA owned and operated lands.

On today's Consent Calendar, there was an item on the State and Federal Legislation Update. This is a very active season in Sacramento related to legislation. RCA has been very active in advocating for funding on behalf of the Habitat Conservation Plans (HCPs) both for RCA and the statewide coalitions. At the federal level, conversations are continuing, and the refuge bill is still in process, with RCA staff being engaged with both Senator Feinstein and Representative Calvert's staff on efforts to move the bill forward.

If any member of the Board finds themselves on trips, virtual or in person in Sacramento or Washington, DC, RCA staff can provide the latest and greatest talking points.

12. ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Johnson adjourned the meeting at 1:33 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, May 2, 2022.**

Respectfully submitted,



Lisa Mobley
Administrative Services Manager/
Clerk of the Board

AGENDA ITEM 7B

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Lisa Mobley, Administrative Services Manager/Clerk of the Board
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	AB 361 Determination

STAFF RECOMMENDATION:

This item is for the Board of Directors to:

- 1) Reaffirm the findings in Resolution No. 2022-003, *“A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Virtual Board and Committee Meetings Pursuant to AB 361”*. The findings are as follows:
 - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which continues to exist today; and
 - b. State or local officials have recommended measures to promote social distancing.

BACKGROUND INFORMATION:

Since the onset of the COVID-19 in early 2020, California government agencies have been able to continue to discharge their legal responsibilities through the use of virtual teleconferencing platforms such as Zoom to hold public meetings that enabled agencies to meet and conduct business, comply with social distancing orders and most importantly, provide access to the public. In many cases, virtual meetings have actually enhanced public participation, particularly in larger counties including Riverside County where traveling to a public meeting can be inconvenient or require traveling a long distance. Both the RCA and RCTC have been meeting on Zoom since March of 2020, when many Executive Orders were issued by Governor Newsom in response to the pandemic. One such order altered Brown Act requirements to allow for virtual meetings.

Although transmission, hospitalization and death rates from COVID-19 have sharply declined since the original onset of the pandemic and subsequent Delta and Omicron Variant surges, an air of uncertainty remains regarding the pandemic and many counties continue to recommend masking inside and social distancing. Given that environment and a desire to continue allowing for the flexibility of holding virtual meetings, the Legislature recently approved, and Governor Newsom signed, Assembly Bill 361 (AB 361) to temporarily allow for virtual meetings under proscribed circumstances.

AB 361

AB 361 amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology in certain circumstances. Under the Bill, legislative bodies can continue to meet remotely as long as there is a “proclaimed state of emergency” and the Board of Directors can make either of the following findings: (a) state or local officials have imposed or recommended measures to promote social distancing or (b) whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. Even though cases have dropped, AB 361 is expressly intended “to protect the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location” because of physical status.

The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which continues to exist to this day. Further, State officials continue to recommend social distancing, especially for immunocompromised and sensitive groups.

AB 361 requires specific procedural safeguards for the public. To accommodate individuals during these teleconferences and virtual meetings, a public comment period will be offered where the public can address the legislative body directly in real time. Additionally, public comments will be allowed up until the public comment period is closed at the meetings. The agenda will include information on the manner in which the public may access the meeting and provide comments remotely. If technical problems arise that result in the public’s access being disrupted, the legislative body will not take any vote or other official action until the technical disruption is corrected and public access is restored.

The attached Resolution allows the Board to implement AB 361 by making the findings discussed above. This findings will be in effect for 30 days or until the Board makes findings that the conditions listed therein no longer exist, whichever is shorter. The findings can be extended by the Board upon a finding that conditions supporting the findings included in the Resolution still exist. The authorization to meet remotely will also apply to any Committees that meet during the 30-day effective period.

AB 361 will allow for virtual meetings during other state-proclaim emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 is scheduled to sunset January 1, 2024.

STAFF RECOMMENDATION:

Reaffirm the findings in Resolution No. 2022-003, “*A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Virtual Board and Committee Meetings Pursuant to AB 361*”.

Attachment: Resolution No. 2022-003

RESOLUTION NO. 2022-003

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361

WHEREAS, the Western Riverside County Regional Conservation Authority (“Authority”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Authority’s legislative bodies, including its Board of Directors and Executive Committee, are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the Authority’s meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the Authority has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, District staff and Directors; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Authority, specifically, a state of emergency has been proclaimed related to COVID-19 and state or local officials are recommending measures to promote social distancing,

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Findings. Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect and (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19.

Section 3. Full and Fair Access: In making the findings included herein the Board of Directors specifically relies on Section 8(b) of Stats.2021, c.165 (A.B.361), § 3, eff. Sept. 16, 2021.) which provides as follows:

(b) The Legislature finds and declares that [the changes made by AB 361 to] Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

Section 4. Remote Teleconference Meetings: Based on the findings and determinations included herein, the Board authorizes and directs any of its legislative bodies, including without limitation its Board of Directors, Executive Committee, and Stakeholders Committee, to conduct remote teleconference meetings under the provisions of Government Code Section 54953(e) and that such bodies shall provide public access to their meetings as provided in Section 54953(e).

Section 5. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless earlier extended by a majority vote of the Board of Directors in accordance with Section 5 of this Resolution.

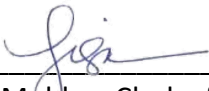
Section 6. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

APPROVED AND ADOPTED this 7th day of March, 2022.



Natasha Johnson, Chair
Western Riverside County Regional Conservation Authority

ATTEST:



Lisa Mobley, Clerk of the Board
Western Riverside County Regional Conservation Authority

AGENDA ITEM 7C

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Jennifer Fuller, Financial Administration Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Western Riverside County Multiple Species Habitat Conservation Plan Fee Collection Report for February 2022

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for February 2022.

BACKGROUND INFORMATION:

The Western Riverside County MSHCP Local Development Mitigation Fee (LDMF) collections provide funding for the acquisition of additional reserve lands and related costs. Below is a summary of the current year budget and collections for the month of February 2022 and year-to-date:

Revenue	FY 2021-22 Amended Budget	Collections for the month of February 2022	FY 2021-22 Year-to-Date
Local Development Mitigation Fees	\$ 16,000,000	\$ 1,719,700	\$ 9,525,501
Civic and Infrastructure Contributions	559,000	-	587,457
Collections for February 2022		\$ 1,719,700	
Collections Year-to-Date thru February 2022			\$ 10,112,958

Attached, is a report detailing Member Agency LDMF Collection and Civic/Infrastructure Contribution for February 2022.

FISCAL IMPACT:

There is no fiscal impact to the receipt and file of this fee collection report.

Attachment: Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2022

Approved by the Executive Committee on April 20, 2022

In Favor: 5 Abstain: 0 No: 0

**WESTERN RIVERSIDE COUNTY MSHCP LDMF COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT
FEBRUARY 2022**

Amounts subject to rounding

LOCAL DEVELOPMENT MITIGATION FEE COLLECTIONS									
City/County	Month	REMITTED					EXEMPTIONS & FEE CREDITS		
		Residential Permits	ADUs/ Additions	Commercial Industrial Acres	Amount Remitted	Total FY 22 Year-to-Date	Residential Permits	Commercial Industrial Acres	Amount
City of Banning	December	1			\$ 2,935	\$ 19,143			
	January-No Activity				-				
City of Beaumont	January	91		1.21	350,578	1,175,796			
City of Calimesa	January			0.90	14,722	93,824			
City of Canyon Lake	January	7			24,745	30,615			
City of Corona	January-Pending				-	111,210			
City of Eastvale	January-No Activity				-	-			
City of Hemet	January-No Activity				-	557,450			
City of Jurupa Valley	January-No Activity				-	395,940			
City of Lake Elsinore	January	10		1.49	59,320	458,864			
City of Menifee	December	14	1	20.57	288,995	893,168			
	January	3		25.65	405,370				
City of Moreno Valley	January-Pending				-	578,259			
City of Murrieta	January-No Activity				-	350,984			
City of Norco	December	1			2,935	80,023			
	January		2	1.23	25,449				
City of Perris	January-Pending				-	609,919			
City of Riverside	December-Pending				-	575,961			
	January-Pending				-				
City of San Jacinto	January	2		0.02	6,134	162,290			
City of Temecula	December	1	1	4.87	62,043	100,319			
	Roripaugh DA ¹				-		17		\$ 49,895
	January-Pending				-				
City of Wildomar	January-Pending				-	449,182			
County of Riverside	February	80	1	11.09	476,474	2,882,555			
	Total LDMF Collections	210	5	67.03	\$ 1,719,700	\$ 9,525,501	17	0.00	\$ 49,895

CIVIC AND INFRASTRUCTURE CONTRIBUTIONS			
			Total FY 22 Year-to-Date
			\$ -
Prior Civic and Infrastructure contributions from Member Agencies			587,457
Total Civic/Infrastructure Contributions			\$ -
			\$ 587,457

TOTAL FEBRUARY 2022 \$ 1,719,700 \$ 10,112,958

¹ Roripaugh Development Agreement dated 12/17/02. Project is exempt under Assessment District 161.

AGENDA ITEM 7D

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Angela Ferreira, Senior Management Analyst Hector Casillas, Right of Way Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Acquisitions Status Report

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the acquisitions status report as of February 28, 2022.

BACKGROUND INFORMATION:

The Board of Directors requested the Right of Way Department to provide a monthly report of the status of various acquisitions.

In the second month of the 2022 calendar year, 6 parcels were acquired, which include 4 acquisitions and 2 processed donations. The 4 acquisitions add approximately 114 acres, and the 2 processed donations add approximately 115 acres, for a combined total of an additional 229 acres to the reserve. As of February 28, 2022, staff is managing 46 active parcels.

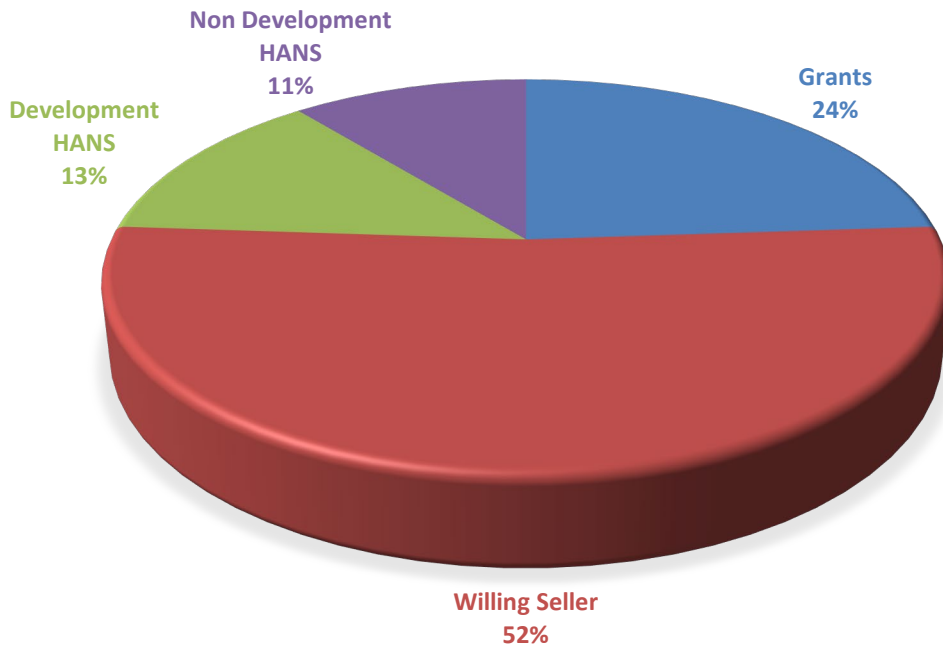
For comparison purposes, in the 2020 calendar year, 16 parcels closed escrow adding approximately 646 acres, and 4 donations were processed, adding approximately 47 acres. In the 2021 calendar year, 18 parcels closed escrow, adding approximately 891 acres, 12 parcels were acquired through the tax sale process, adding approximately 402 acres, and 2 donations were processed, adding approximately 38 acres. In summary, a total of 693 acres were added to the reserve in 2020 and 1,331 acres were added in 2021.

The first attachment provides individual property details by type including location, owner representative, and acreage for active parcels as of February 28, 2022. The parcels are listed by the proposed close escrow date, if applicable.

The second attachment provides a summary of the closed escrows for the month of February 2022.

Chart 1 illustrates the active parcels by type of acquisition: grant-funded, development HANS, non-development HANS, and willing seller.

Chart 1: Active Parcels by Type



FISCAL IMPACT:

This item is for informational purposes only. There is no fiscal impact.

Attachments:

- 1) Status of Right of Way Acquisitions as of February 28, 2022
- 2) Closed Escrows for February 2022

Approved by the Executive Committee on April 20, 2022

In Favor: 5 Abstain: 0 No: 0

**Western Riverside County Regional Conservation Authority
Status of Acquisitions
As of February 28, 2022**

Project Number	Location	Supervisorial District	Owner Representative	Acreage
Grants				
R22492	Hemet	District 3	N/A	9.74 acres
R22505	Temecula	District 1	Dave Asmus	19.92 acres
R22309	Hemet	District 3	Ed Sauls	40.39 acres
R22171	Hemet	District 3	Dan Hollingsworth	65.18 acres
R22494	Murrieta	District 3	N/A	35.08 acres
R22479	Jurupa Valley	District 2	N/A	3.34 acres
R22480	Jurupa Valley	District 2	N/A	3.34 acres
R22481	Jurupa Valley	District 2	N/A	12.55 acres
R22486	Jurupa Valley	District 2	N/A	20 acres
R22487	Jurupa Valley	District 2	N/A	55.3 acres
R22484	Jurupa Valley	District 2	N/A	50.43 acres

Development HANS				
R22474	Hemet	District 3	Garret Sauls	20.72 acres
R22502	Hemet	District 3	N/A	40.52 acres
R22476	Corona	District 1	Garret Sauls	17.23 acres
R22424	Temescal Canyon	District 1	Ed Sauls	420.78 acres
R22217	Sage	District 3	N/A	29.41 acres
R22503	Corona	District 1	Chad Miller	24.80 acres

Non-Development HANS				
R22407	Nuevo	District 5	Ed Sauls	7.92 acres
R22419	Aguanga	District 3	Garret Sauls	80.00 acres
R22409	Murrieta	District 3	Ed Sauls	40.00 acres
R22449	Gavilan Hills	District 1	Ed Sauls	197.55 acres
R22442	Hemet	District 3	John Baker	20.03 acres

Willing Seller				
R22421	Calimesa	District 5	Jason Bennecke	306.93 acres
R22489	Temecula	District 1	Brian Bush	16.37 acres
R22453	Murrieta	District 3	N/A	4.02 acres
R22433	Lake Elsinore	District 1	Ecosystem Investment Partner	239.87 acres
R22491	Lake Elsinore	District 1	Ed Sauls	129.87 acres
R22495	Corona	District 1	N/A	80.00 acres
R22496	Murrieta	District 3	Sam Yoo	20.00 acres
R22500	Temecula	District 3	Katherine Jankowski	20.02 acres
R22501	Lake Elsinore	District 1	Rudolph Lacayo	5 acres
R22504	Corona	District 1	N/A	17.98 acres
R22507	Perris	District 1	Larry Robillard	160 acres
R22513	Nuevo	District 5	Garret Sauls	217 acres
R22512	Lake Elsinore	District 1	Garret Sauls	30 acres
R22510	Murrieta	District 3	Ed Sauls	8.06 acres
R22509	Hemet	District 3	Joe Valdez	75.56 acres
R22511	Lake Elsinore	District 1	Ecosystem Investment Partner	44.70 acres
R22514	Wildomar	District 1	Ed Sauls	19.25 acres
R22515	Sage	District 3	George Haines	4.91 acres
R22518	Sage	District 3	N/A	14 acres
R22517	Menifee	District 3	Ed Sauls	163 acres
R22446	Beaumont	District 5	Ryan Ross/Craig Olsen	150 acres
R22520	Hemet	District 3	Garret Sauls	21.08 acres
R22519	Murrieta	District 3	Doug Shea	6.1 acres
R22521	Temecula	District 3	N/A	6.65 acres



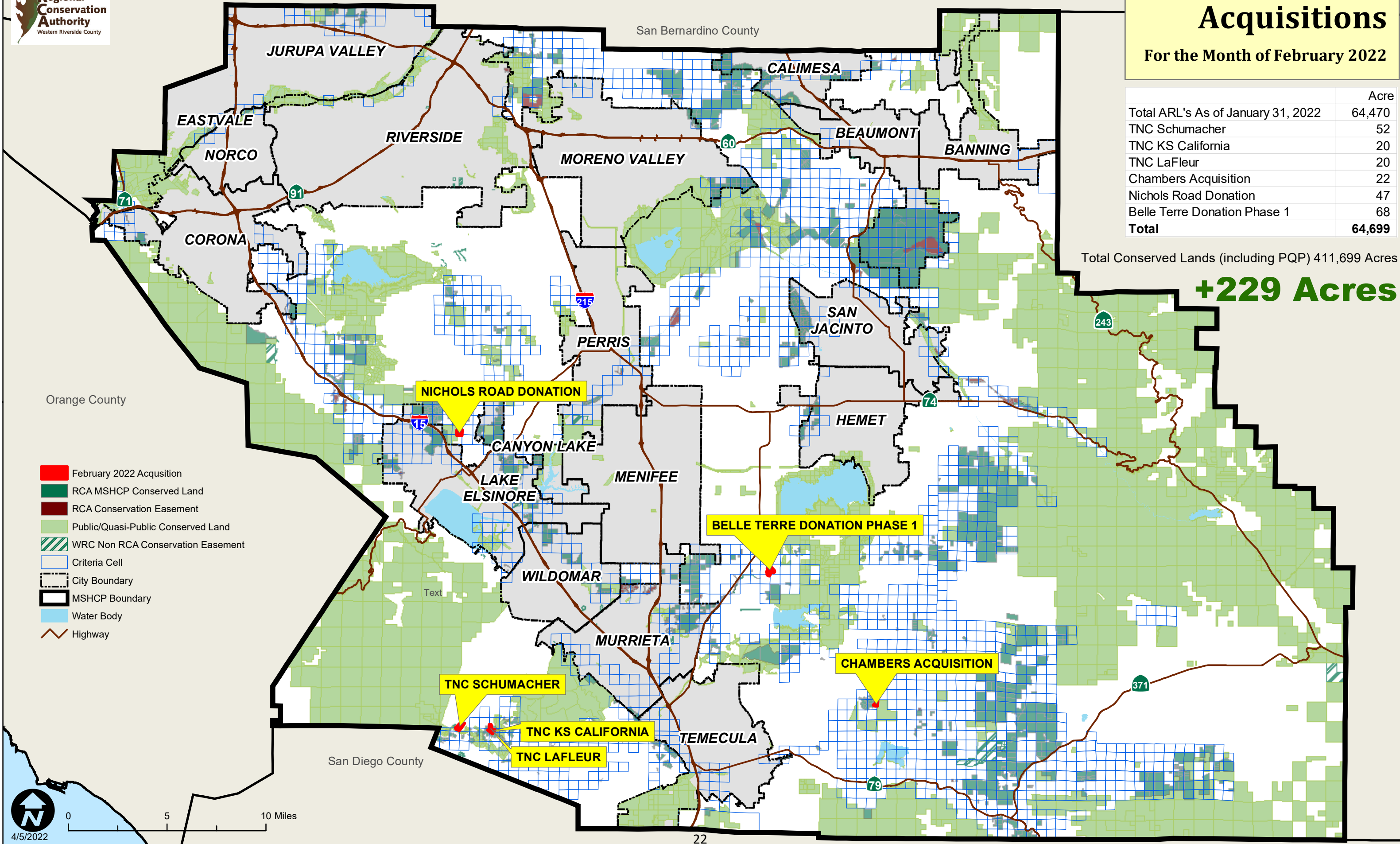
Acquisitions

For the Month of February 2022

	Acre
Total ARL's As of January 31, 2022	64,470
TNC Schumacher	52
TNC KS California	20
TNC LaFleur	20
Chambers Acquisition	22
Nichols Road Donation	47
Belle Terre Donation Phase 1	68
Total	64,699

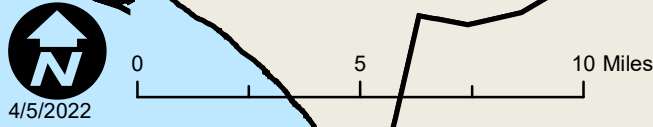
Total Conserved Lands (including PQP) 411,699 Acres

+229 Acres



Orange County

- February 2022 Acquisition
- RCA MSHCP Conserved Land
- RCA Conservation Easement
- Public/Quasi-Public Conserved Land
- ▨ WRC Non RCA Conservation Easement
- Criteria Cell
- City Boundary
- MSHCP Boundary
- Water Body
- Highway



4/5/2022

AGENDA ITEM 7E

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Tricia Campbell, Reserve Management and Monitoring Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Joint Project Review Status Report

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the Joint Project Review (JPR) monthly status report as of March 31, 2022.

BACKGROUND INFORMATION:

Consistent with the Board’s priority on transparency and communication, staff is providing a monthly report of the status of JPRs and other Multiple Species Habitat Conservation Plan (MSHCP) compliance processes. This staff report provides activities in 2022 through March 31, 2022.

The RCA processes Habitat Acquisition Negotiation Strategy (HANS) analyses in the form of JPRs as well as Participating Special Entity (PSE) applications and Criteria Refinements. The included attachment summarizes each type of MSHCP compliance review the RCA has performed in 2022.

In 2022, staff has completed seven JPRs (Development HANS) and no PSEs or Criteria Refinements. We are in the process of reviewing 16 JPRs (all Development HANS), three PSEs, and two Criteria Refinements.

FISCAL IMPACT:

This is an information item. There is no fiscal impact.

Attachment: RCA MSHCP Compliance Project Processing from January 1, 2022, thru March 31, 2022

Approved by the Executive Committee on April 20, 2022

In Favor: 5 Abstain: 0 No: 0

**RCA MSHCP Compliance Project Processing from
January 1, 2022 thru March 31, 2022**

Actively in Process	Completed in 2022
DEVELOPMENT HANS¹	
PUBLIC PROJECTS (Total 6) <ul style="list-style-type: none"> ➤ Lake Elsinore Lake Street ➤ County Waste Pedley Landfill ➤ Murrieta Creek Bridge Amendment ➤ Skyview Pedestrian Bridge ➤ Riverside Transmission Reliability Amendment ➤ Ethanac Road Bridge 	PUBLIC PROJECTS (Total 1) <ul style="list-style-type: none"> ✓ De Luz Rd Culvert Replacement
PRIVATE PROJECTS (Total 10) <ul style="list-style-type: none"> ➤ Perris – 2 ➤ Lake Elsinore – 2 ➤ County – 3 ➤ Temecula – 2 ➤ Riverside - 1 ➤ Murrieta - 0 	PRIVATE PROJECTS (Total 6) <ul style="list-style-type: none"> ✓ Temecula – 2 ✓ Lake Elsinore – 1 ✓ County - 3
NON-DEVELOPMENT HANS²	
None to date in 2022	None to date in 2022
PARTICIPATING SPECIAL ENTITY	
PUBLIC PROJECTS (2) <ul style="list-style-type: none"> ➤ SoCal-Gas Badlands Hydrostatic Testing Project ➤ EMWD Wickerd Road Sewer Project 	PUBLIC PROJECTS (Total 0) None to date in 2022
PRIVATE PROJECTS (Total 1) <ul style="list-style-type: none"> ➤ Lockheed Martin Site 1 – Potrero Remedial Action Amendment 	PRIVATE PROJECTS (Total 0) None to date in 2022

¹ A project is proposed on the property

² No project is proposed on the property and these HANS involve only private entities

Actively in Process	Completed in 2022
CRITERIA REFINEMENTS³	
PUBLIC PROJECTS (Total 1) <ul style="list-style-type: none"> ➤ County Waste Lamb Canyon Landfill Expansion 	PUBLIC PROJECTS (0) None to date in 2022
PRIVATE PROJECTS (Total 1) <ul style="list-style-type: none"> ➤ Beaumont Point Specific Plan 	PRIVATE PROJECTS None to date in 2022

³ Triggered when a proposed project wants to develop on lands that are described to go into the MSHCP reserve

AGENDA ITEM 7F

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Alicia Johnson, Senior Procurement Analyst Jose Mendoza, Procurement Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Single Signature Authority Report

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the Single Signature Authority report for the third quarter ended March 31, 2022.

BACKGROUND INFORMATION:

Certain contracts are executed under single signature authority as permitted in the Riverside County Transportation Commission and Western Riverside County Regional Conservation Authority Procurement Policy Manual adopted in March 2021. The Executive Director is authorized to sign contracts for supplies, equipment, materials, public projects, and services that are less than \$100,000 individually and in an aggregate amount not-to-exceed \$300,000 in any given fiscal year.

The attached report details all contracts that have been executed through the third quarter ended March 31, 2022, under the single signature authority granted to the Executive Director. The unused capacity of single signature authority for services as of March 31, 2022, is \$168,655.

Attachment: Single Signature Authority Report as of March 31, 2022

Approved by the Executive Committee on April 20, 2022

In Favor: 5 Abstain: 0 No: 0

**SINGLE SIGNATURE AUTHORITY
AS OF MARCH 31, 2022**

CONTRACT #	CONSULTANT	DESCRIPTION OF SERVICES	ORIGINAL CONTRACT AMOUNT	PAID AMOUNT	REMAINING CONTRACT AMOUNT
AMOUNT AVAILABLE July 1, 2021			\$300,000.00		
20001-2	Public Advertising Agency	Website Hosting and Maintenance	3,345.00	2,420.00	925.00
21010	Integra Realty Resources - Los Angeles	Appraisal services for grant properties	50,000.00	50,000.00	0.00
21010-1	Integra Realty Resources - Los Angeles	Appraisal services for grant properties	50,000.00	34,400.00	15,600.00
18001-3	Brown Armstrong	Financial and Single Audit for RCA FY 2021/22 and 2022/23	28,000.00	0.00	28,000.00
AMOUNT USED			131,345.00		
AMOUNT REMAINING as of March 31, 2022			\$168,655.00		

Alicia Johnson
Prepared by

Matthew Wallace
Reviewed by

Note: Shaded area represents new contracts listed in the third quarter.

AGENDA ITEM 8

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Tyler Madary, Senior Management Analyst, Legislative Affairs
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	State and Federal Legislative Update

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to:

- 1) Receive and file an update on state and federal legislative affairs; and
- 2) Adopt the following bill position:
 - a. SB 856 (Dodd)—Support.

BACKGROUND INFORMATION:

State Update

The State Legislature continues its work on the budget and other legislation. A total of 2,020 bills were introduced for 2022, of which 1,361 were Assembly measures, and 659 were Senate measures. Staff continues to monitor legislation for opportunities to take formal positions in alignment with the interests of the MSHCP, as well as monitor the development of the state budget for opportunities to advocate for increased and ongoing funding to land acquisition programs.

Senate Bill 856 (Dodd) – Staff Recommendation: Support

Senate Bill 856, authored by Senator Bill Dodd (Napa), would create a new management approach for wild pigs by revising and recasting provisions applicable to wild pigs, replacing the existing wild pig tag requirement with a wild pig validation that would authorize taking any number of wild pigs specified by the Fish and Game Commission during the license year of the validation, and making other changes.

Wild pigs currently exist in 56 of the state's 58 counties and can be found in a variety of habitats ranging from woodland, chaparral, and meadow to grasslands. Wild pigs are omnivorous, consuming both plant and animal matter. Wild pigs are known to cause millions of dollars per year in extensive damage to crops and rangelands in California and billions per year across the country. Ecological impacts include soil compaction, damage to native plant communities,

reduced water quality from increased turbidity and bacterial contamination, competition with other game species for food and space, and predation on ground-nesting bird eggs, amphibians, reptiles, and small mammals.

Wild pigs have been designated as a game mammal since 1957. According to the California Department of Fish and Wildlife, the primary goal of the wild pig management program is to minimize damage to California's native plants and animals, to park and recreation activities, and to agricultural operations from the foraging habits of wild pigs.

If enacted, SB 856 would implement a framework that expands permissible methods to take or hunt wild pigs in a manner that provides flexibility for property owners and land managers seeking to protect their lands. RCA manages reserve land in San Timoteo Canyon that is facing severe ecological impacts from feral pigs, and therefore would benefit from expanded approaches to the management of wild pig populations.

As such, staff recommends that the Board adopt a support position for SB 856 (Dodd).

Federal Update

Staff participated in a series of virtual meetings coordinated by the National Habitat Conservation Plan Coalition (NHPC) during the week of March 28, 2022, as a part of the NHPC Annual Virtual Advocacy Trip. Staff and members of NHPC met with federal administration officials, elected officials, and their staff to promote the benefits of Habitat Conservation Plans and advocate for increased programmatic funding for the Cooperative Endangered Species Conservation Fund, or Section 6 grants, as well as for process improvements to maximize the flexibility and benefit of this critical federal funding.

Staff participated in nine of the scheduled meetings, including with Representative Takano, staff of Senators Feinstein and Padilla and Representative Calvert, Congressional committee staff, and representatives of the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) within the Biden administration. A list of meetings that staff participated in is attached to the staff report. While U.S. Fish and Wildlife Service (USFWS) Director Martha Williams was unavailable, NHPC continues to work to coordinate that meeting for the near future, since USFWS is the lead agency for many of these issues.

These meetings are a part of a three-pronged approach to RCA and NHPC's advocacy, in which staff advocate not only to the administrators of these programs at USFWS and the appropriators that authorize and fund these programs in Congress, but also to administration officials at OMB and CEQ with interest in policy streamlining that may influence the actions of the administrators at USFWS.

Report Language and Programmatic Funding Request

This year, staff are coordinating report language and programmatic funding requests to RCA's Congressional delegation as a part of the FY 2023 Appropriations process. In particular, RCA is requesting \$85 million to be allocated to the Cooperative Endangered Species Conservation Fund for Habitat Conservation Plan (HCP) Land Acquisition. This would be an increase from the funded level of \$21.6 million in FY 2022 and the President's proposed funding level of \$19 million for FY 2023. Additionally, RCA is requesting that Congress include report language that would require USFWS to canvass all HCP land acquisition permit holders to solicit concerns and proposed solutions to the Section 6 Notice of Funding Opportunity process, and report back to Congress.

RCA submitted this request to Senators Feinstein and Padilla, and will also submit to Representatives Calvert, Ruiz, and Takano. A copy of the form submitted to Senator Padilla is attached.

Wildlife Refuge Bill

Work continues with Senator Feinstein and Representative Calvert's offices to ensure bicameral support for establishing a refuge in Western Riverside County. A key component of this work is, in partnership with Representative Calvert's office, to engage with USFWS and other stakeholders as Senator Feinstein's office continues to develop a framework for language.

This work accelerated over the last two months as Representative Calvert and Senator Feinstein's office identified an opportunity to insert the refuge provisions into the FY 2022 Appropriations omnibus bill. Discussions were earnest and fast-paced, but unfortunately fell short of the tight deadline for final inclusion in the omnibus bill, which passed the House and Senate without the refuge provision on March 10th and was signed by the President on March 15th.

However, this development has activated a coalition of support from environmental community advocates. Staff had a positive discussion with Senator Feinstein's office on March 16th, who also sense growing momentum. Staff are taking advantage of this momentum and will work to broaden this coalition to ensure that support for unified bill language is ready for the next legislative vehicle.

FISCAL IMPACT:

This is a policy and information item. There is no fiscal impact.

Attachments:

- 1) State and Federal Update Legislative Matrix
- 2) RCA/NHCPC DC Virtual Advocacy Meeting List
- 3) RCA Report Language and Programmatic Funding Request to Senator Padilla

Approved by the Executive Committee on April 20, 2022

In Favor: 5 Abstain: 0 No: 0

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY POSITIONS ON STATE AND FEDERAL LEGISLATION – APRIL 2022

Legislation/ Author	Description	Bill Status	Position	Date of Board Adoption
SB 45 (Portantino)	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Gutted and amended by Senator Portantino into an organic waste bill. January 3, 2022	Support, if amended (based on platform)	April 8, 2021
AB 1500 (Garcia)	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This bill, which if approved by the voters, would authorize the issuance of bonds in the amount of \$6,955,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Re-referred to Assembly Rules Committee on May 20, 2021. Died as of January 31, 2022 deadline for each house to pass bills introduced in their house in 2021. February 1, 2022	Support, if amended (based on platform)	March 30, 2021
H.R. 972 (Calvert)	A bill to establish the Western Riverside County Wildlife Refuge. This legislation creates the federal government's framework to meet its obligations under the Multiple Species Habitat Conservation Plan (MSHCP) Implementing agreement.	Ordered Reported by the House Committee on Natural Resources July 14, 2021	Support	April 5, 2021

Day	Office	Strategic Position
3/28	Senator Feinstein Staff	Member of Senate Appropriations; Represents California
3/29	Senator Padilla Staff	Member of Senate Environment and Public Works; Represents California
3/30	Representative Takano	Represents portions of Riverside County
3/30	House Natural Resources Subcommittee on Water, Oceans, and Wildlife - Majority Staff	Policy jurisdiction of the Endangered Species Act
3/30	Representative Calvert Staff	Member of House Appropriations; Represents portions of Riverside County
3/30	House Natural Resources Committee - Minority Staff	Policy jurisdiction of the Endangered Species Act
3/30	Council on Environmental Quality	Coordinates Environmental Protection Initiatives within the Executive Office of the President
3/31	Senate Environment and Public Works Committee - Majority Staff	Policy jurisdiction of the Endangered Species Act
4/5	Office of Management and Budget	Oversees Implementation of President's Vision across Executive Branch
TBD	U.S. Fish and Wildlife Service Director Martha Williams	Administers Section 6 Grant Programs and National Wildlife Refuges



Senator Alex Padilla Fiscal Year 2023 Appropriations Form (Habitat Conservation Plans

(HCPs))

Name & Contact Info	Mailing Address	Permanent Address
Dave Ramey Mobile: 202-549-1519 dave@kadeshdc.com	230 2nd St. SE Washington DC 20003	230 2nd St. SE Washington DC 20003

* indicates a required field.

Section 1. Required Contact Information

1. Requesting Entity *

Western Riverside County Regional Conservation Authority (RCA)

2. Primary Contact Name *

Tyler Madary

3. Primary Contact Email *

tmadary@rctc.org

4. Primary Contact Phone Number *

951-787-7141

5. Priority Number: #X of Y *

1 of 1

Section 2. Programmatic Funding Requests

- Please use a separate form for each request. To submit another application please click on the link: <https://oampublic.senate.gov/constituent/login/10d519a2-a799-454b-a974-94dd7bd76452>
- If you do not have a request under a required *section write "N/A"
- We have a separate form for congressionally directed spending requests available at: <https://oampublic.senate.gov/constituent/login/8562f205-da29-4472-bdd1-082b82eba55d>
- We have a separate form for defense requests available at: <https://oampublic.senate.gov/constituent/login/880345a9-a518-4dd2-bb65-9d3f8996215d>

1. Appropriations Bill *

Interior, Environment, and Related Agencies

2. Specific Agency *

Fish and Wildlife Service

3. Appropriations Account (as it appears in the appropriations bill) *

Cooperative Endangered Species Conservation Fund

4. Appropriations Line Item (as it appears in the appropriations bill) *

HCP Land Acquisition

5. Amount provided by the FY 2022 enacted bill *

\$21.638m (from LWCF)

6. Amount requested in the President's FY 2023 Budget *

\$19m (from LWCF)

7. Amount requested for FY 2023 Appropriations *

\$85m

8. Explanation justifying the request, describing how funding will be used, and relevance to California *

HCP Land Acquisition (and Recovery Land Acquisition) funding peaked in 2002 at approximately \$80m. Meanwhile over 20 years, the pressures of land price inflation, growing threats to endangered species and an increase in the number of HCPs far exceed the recent annual funding levels of \$19-21m. Additional funds will be used to meet grant applications for audited and appraised land acquisition for the purchase of parcels identified locally and approved by the state Wildlife Conservation Board and the US Fish and Wildlife Service, always with a willing seller. Eminent Domain and condemnation are explicitly eschewed in Habitat Conservation Plans (HCPs).

Landscape-scale Regional Habitat Conservation Plans represent a cooperative approach to simultaneously supporting economic development and the protection of endangered species and other natural resources with off-the-shelf, replicable solutions. They provide certainty and efficient permitting for a wide range of economic and development activities, including transportation infrastructure, hospitals, schools, housing and business development, water supply infrastructure/development, and wind energy development. HCPs are critical to achieving goals such as the America the Beautiful program seeking conservation of 30% of the nation's land by 2030. HCP lands are conserved permanently, with in-perpetuity management, monitoring and adaptive management built in. Large HCPs also assist with climate adaptation and resilience, including carbon sequestration.

Just the 14 largest regional HCPs in California account for the conservation of 2.9m acres while permitting \$1.6m in economic growth, all while going beyond mere mitigation to species recovery and additional conservation.

California HCP plans address conservation at the landscape level, with nearly all of California's plans covering over 100,000 acres. These regional HCPs provide very substantial economic and ecological benefits. They are found in every large metropolitan area in California.

Many regional HCPs are implemented by local governments and benefit local communities through providing open space and protecting natural resources that enhance the quality of life for residents. HCPs support permitting efficiencies and predictability for project proponents—including in many fast-growing metropolitan areas—and help to ensure local control of land use decisions. Some HCPs are even state-wide or multi-state in scale and support efficient permitting of large infrastructure projects. They can also outline clear and transparent methods for avoiding impacts on the most important places, minimizing ecological impacts, and, when impacts cannot be avoided or minimized, providing offsets that are directed to areas that can achieve the greatest conservation outcomes. This approach helps avoid conflicts, supports predictability for community economic and infrastructure interests, and advances better conservation outcomes - beyond mitigation to include recovery of species and additional conservation - than the traditional piecemeal, project-by-project approach.

Section 3. Language Requests

- Please use a separate form for each request. To submit another application please click on the link: <https://oampublic.senate.gov/constituent/login/10d519a2-a799-454b-a974-94dd7bd76452>
- If you do not have a request under a required *section write "N/A"
- We have a separate form for congressionally directed spending requests available at: <https://oampublic.senate.gov/constituent/login/8562f205-da29-4472-bdd1-082b82eba55d>
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1. Appropriations Bill *

Interior, Environment, and Related Agencies

2. Specific Agency *

Fish and Wildlife Service

3. Appropriations Account (as it appears in the appropriations bill) *

Cooperative Endangered Species Conservation Fund

4. Appropriations Program (as it appears in the appropriations bill): Language Type (Bill or Report) *

Report

5. Proposed Language *

The Committee remains concerned about the unobligated balances from the Cooperative Endangered Species Conservation Fund (CESCF) and the corresponding land acquisition accounts in the Land and Water Conservation Fund. While the Committee is pleased that progress has been made drawing down prior year unobligated balances, the Committee is concerned that recent changes made by the US Fish and Wildlife Service to the criteria in the Notice of Funding Opportunity have exacerbated application and implementation issues for Habitat Conservation Plan (HCP) permit holders.

The Committee finds that the number, scope and purpose(s) of federally permitted HCPs may be better served through a revamped grant process that reflects HCP's unique federal, state and local commitment to landscape-scale conservation solutions to Endangered Species Act compliance, a commitment that often exceeds mitigation by providing recovery and additional conservation. The US Fish & Wildlife Service shall canvass their HCP land acquisition permit holders and report back to the Committee within 120 days of enactment as to the permittees concerns and proposed solutions regarding the HCP land acquisition grant criteria, processes, and funding level (overall and grant awards). The Committee is concerned that the following features of the current grant criteria process and NOFO have a negative impact on the ability of HCP permit holders to implement their federally-approved plans:

1-Willing seller letters.

2-Constrained parcel lists.

3-Species-weighted scoring system.

The Committee encourages the Service to consider and evaluate a land acquisition (grant) system more akin to a block-grant, reflecting that the land within an HCP has been designated for acquisition and conservation, including current and proposed linkages that bolster wildlife corridors and biodiversity.

Willing seller letters for the grant application are a recent addition to the process and present significant obstacles to practical and efficient land acquisition while adding little to a process that explicitly eschews condemnation or eminent domain. Also, willing seller letters are required later in a successful land acquisition transaction - when a contract is prepared to acquire specific areas - the logical place for such a requirement.

Given the landscape-scale conservation commitment of each HCP, constrained parcel lists reflect the unnecessary imperatives of a species-based scoring system and preclude the practical benefits of market dynamics – flexibility, speed and predictability – and favor land parcels with multiple species over a few, or a single, more vulnerable species or strategically important land parcels.

The Service's current practice of weighting its scoring matrix in favor of parcels that provide the maximum benefit to the maximum number of species within each grant or transaction is a constrained and counterproductive view that does not achieve the multiple benefits possible from the landscape-scale approach offered by HCPs.

The Committee finds that given the federal commitment inherent in the establishment of Habitat Conservation Plans, that the Service shall within 120 days of enactment present to the Committee a report which:

1-Enumerates, names, locates and indicates year established (to include planning stage and permit date) the entire catalog of federally-permitted HCPs.

2-Describes any additional personnel, training and professional development necessary to efficiently process HCP permitting and regulation.

6. Explanation justifying the request and relevance to California *

Just the 14 largest regional HCPs in California account for the conservation of 2.9m acres while permitting \$1.6m in economic growth, all while going beyond mere mitigation to species recovery and additional conservation. California HCP plans address conservation at the landscape level, with nearly all of California's plans covering over 100,000 acres. These regional HCPs provide very substantial economic and ecological benefits. They are found in every large metropolitan area in California.

The current grant-making process for HCP land acquisition is underfunded, overly constrained procedurally and fails to reflect the reality and opportunity of HCPs as a force multiplier for ambitious goals such as America the Beautiful and for the more prosaic Bipartisan Infrastructure Law. The simple reforms called for in the Report Language above will restore efficiency and effectiveness to the HCP land acquisition process.

AGENDA ITEM 9

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	May 2, 2022
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Aaron Hake, Interim Regional Conservation Deputy Executive Director
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Fee Credit Policy Review

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to direct staff to amend the Joint Project Review application to make it clearer to Member Agencies and applicants that incentives and compensation may be available for inclusion of property for MSHCP conservation and ensure that RCA is informed of all incentives offered to property owners by Member Agencies.

BACKGROUND INFORMATION:

Board Direction

On February 7, 2022, the RCA Board directed staff refer to the Stakeholders Committee two specific policy matters related to Local Development Mitigation Fee (LDMF) credits:

- Off-site conservation land eligibility for LDMF credits, and
- Timing of requesting LDMF credit through the Joint Project Review (JPR) process.

The Stakeholders Committee met on March 31, 2022, to discuss these issues. Committee members engaged in a healthy, robust dialogue for two hours, coming to consensus on some points and disagreeing on others, as described later in this staff report.

LDMF Background

The MSHCP, the Implementing Agreement (IA), and the ordinances and resolutions of every city in Western Riverside County and the County of Riverside (County) require that LDMF be collected on development projects and public projects. The LDMF is a “pass-through” fee that is imposed by cities and the County and remitted to RCA so that RCA can purchase habitat, fund a permanent endowment for management of reserve lands, and operate. RCA does not impose the LDMF; however, RCA is required to adopt a model ordinance and resolution which cities and the County must enact, based on a nexus study compliant with the California Mitigation Fee Act. The RCA Board-adopted model LDMF ordinance contains limited exemptions. The most recent nexus study, adopted by the RCA Board in 2020, adopted the lowest possible fee scenario, by extending

the acquisition period for Additional Reserve Land (ARL) by 15 additional years beyond the acquisition period of 2029.

MSHCP Provision of Incentives for Habitat Acquisition from Property Owners

Section 6.1.1 of the MSHCP describes the process known as the Habitat Evaluation and Acquisition and Negotiation Strategy (HANS). Only property owners located within the Criteria Areas are required to go through this process. Like its name suggests, it is a negotiation process where developers looking for entitlements negotiate with the cities/County to comply with the MSHCP, which was the process put in place by the County after years of working with the wildlife agencies to mitigate for impacts to endangered species from development and infrastructure improvements. In counties without such a plan, developers work directly with the U.S. Fish and Wildlife Service as well as the California Department of Fish and Wildlife to obtain such endangered species take permits on a project-by-project basis.

It may be possible that cities or the County, during the HANS process, determine that all or part of a property is needed for inclusion in the MSHCP Conservation Area:

“If it is determined that all or a portion of property is needed for inclusion in the MSHCP Conservation Area, various incentives may be available to the property owner in lieu of or in addition to monetary compensation in exchange for the conveyance of a property interest.”

The MSHCP allows for incentives to property owners to conserve their lands when they occur within Criteria Cells. Section 6.1.1 of the MSHCP sets forth a menu of incentives that may be offered. It provides:

“Incentives may include, but shall not be limited to, the waiver and/or reduction of certain development fees, monetary compensation for entering into an option agreement, fast track processing, density bonuses, clustering, density transfers (and property reassessment and tax credits if determined to be feasible). The incentives are intended to provide a form of compensation to property owners who convey their property.”

All the above incentives except for “waiver and/or reduction of certain development fees” are under the sole authority of the Member Agencies. RCA does not possess land use authority and cannot impose *any* of the above incentives *or* requirements that any land be conserved. Member Agencies, as Permittees, are obligated to ensure projects are consistent with the MSHCP and duly consider rights of property owners. Section 6.1.1 specifically allows Member Agencies, at their discretion, to use one or more of these tools to achieve those goals.

LDMF credits are a unique incentive among those listed in the MSHCP, as LDMF credits require Member Agencies to receive consent of RCA due to the Member Agencies’ legal obligation to collect and remit LDMF. Accordingly, in its discretion since 2005 the RCA Board has adopted a fee credit policy for property owners who convey their land to RCA for conservation.

Fee Credit Policy Background

The RCA Board adopted a Fee Credit and Waiver Policy in 2005, one year after the MSHCP was adopted, as one tool to offer incentives to, “landowners and developers to fully or partially compensate them for the conservation of their lands, including waiver and/or reduction of the Local Development Mitigation Fee (‘Fee’).” The RCA Board updated its fee credit policy in 2016, which provided standards and structure for the processing of fee credit requests. Both the 2005 and 2016 iterations of the fee credit policy were designed solely to implement the fee credit provisions of Section 6.1.1 of the MSHCP, and therefore the Board policy does not make any changes to those provisions. The policy contained in the 2020, 2021, and 2022 versions of the MSHCP Mitigation Fee Implementation Manual (Manual) are substantially the same as what the RCA Board adopted in 2016. The following is a table of when and what the RCA Board has adopted relative to fee credit policies:

Date	Item Adopted by RCA Board	What it Does	Off-site Conservation Eligible?	Request at JPR Stage?
May 2, 2005	Resolution No. 05-05	Establish an RCA fee credit policy	Not addressed	No
September 12, 2016	Resolution No. 2016-003	Updates RCA fee credit policy and repeals Resolution No. 05-05	No	Yes
December 7, 2020	Resolution No. 2020-013	Repeals Resolution No. 2016-003	N/A	N/A
December 7, 2020	MSHCP Mitigation Fee Implementation Manual	Incorporates RCA fee credit policy into Manual	No	Yes
September 13, 2021	Urgency Update: MSHCP Mitigation Fee Implementation Manual	Makes changes unrelated to fee credits	No	Yes
February 7, 2022	Update: MSHCP Mitigation Fee Implementation Manual	Incorporates input from RCA Member Agencies into Manual. No substantive changes to fee credit policies.	No	Yes

Dating back to 2016, in RCA Board Resolution No. 2016-003 through today, RCA fee credit policy has read:

“When a Member Agency determines that a request for a fee credit (“Fee Credit”) is appropriate for on-site conservation which meets the standards in Section 2 below, the Member Agency shall notify the RCA’s Executive Director (“Executive Director”) in writing as part of the Joint Project Review (“JPR”) Application. This notification shall include all relevant documentation related to the project, including project description, map, criteria cells, and designation of land proposed for conservation.”

RCA receives a JPR application after a Member Agency has determined that a project is consistent with the MSHCP and has completed a HANS analysis. At this stage in the development review process, the Member Agency has decided what, if any, part of the project site should be conserved, and the applicant should be aware of the Member Agency’s determination. For those projects needing to provide conservation lands the Member Agency, in its sole discretion, can decide what incentives can or should be offered for the portion of the property to be conserved. Therefore, it is appropriate that the Member Agency inform RCA as part of its JPR application process what incentives it is proposing for the project as compensation for MSHCP consistency requiring MSHCP land conservation. As mentioned in the background above, LDMF credit is the only incentive the Member Agencies can offer which require RCA approval. LDMF is public funds owed to RCA and fee credits are equivalent to expenditure of public funds. In considering requests for fee credits, RCA must fulfill its fiduciary responsibility for stewardship of public funds by understanding what incentives, if any, are being offered by the Member Agency for the conserved lands. RCA cannot responsibly use public funds to acquire conservation land for which other incentives have been offered to the property owner to achieve the same outcome.

Timing of Requesting LDMF Credit Through the JPR process

The Stakeholders Committee reached consensus that:

- RCA Member Agencies and the development community need to be more aware at the beginning of the HANS process what incentives are available for applicants who are contributing lands to MSHCP conservation;
- Member Agencies have a responsibility to disclose to RCA what incentives they are offering to developers to achieve MSHCP conservation;
- RCA should not approve LDMF credits as “double dipping” if the city/County have provided other incentives to achieve MSHCP conservation;
- The development process is iterative and changes to projects frequently occur after the Joint Project Review (JPR) by RCA and the Wildlife Agencies, though it is infrequent that changes to MSHCP conservation requirements occur later in the development process;
- Member Agencies should have the opportunity to request LDMF credits after the JPR application if changes to the project warrant a change in the incentives the Member Agency is offering to the applicant; and
- Changes to incentives, such as fee credits, should not be entertained after the entitlement process is complete.

Staff acknowledges the complexity of the development process and concurs with the consensus of the Stakeholders Committee. Further, staff desires to increase the transparency and awareness of Member Agencies and developers regarding the availability of incentives provided within the MSHCP to achieve conservation. Staff seeks direction from the RCA Board to revise the JPR application to bring to the fore the incentives that a Member Agency may offer and provide a clearer format for Member Agencies to communicate what incentives they elect to provide. Subsequently, RCA staff would also revamp Permittee training and communication with the development community regarding these new changes to the JPR application and emphasize how the HANS process should work regarding incentives per the MSHCP. This is consistent with the Board's direction to enhance RCA's coordination and communication with Member Agencies and stakeholders. These are administrative solutions that do not require policy change, and move forward with areas of Stakeholder Committee consensus, and can lead to better implementation of the MSHCP.

Off-Site Conservation Land Eligibility for Fee Credits

Members of the Stakeholders Committee voiced divergent views on whether off-site conservation should be eligible for fee credits. Consensus was not achieved.

Several Stakeholders Committee members expressed support for expanding eligibility for LDMF credits for conservation properties outside of a development footprint. They noted that LDMF credits for off-site conservation is not explicitly prohibited in the language of the MSHCP.

Several members opposed LDMF credits for properties that are not associated with a project, noting that such landowners of off-site properties can use other existing acquisition mechanisms in the MSHCP, and that, "the system is not broken."

RCA Board-adopted policy since 2016 has not allowed LDMF credits to be considered for conservation lands outside of an applicant's development footprint. Further, the MSHCP only contemplates fee credits as a possible incentive for property owners whose property is needed for MSHCP conservation as part of the HANS process.

Historically, RCA has never allowed for fee credits for off-site conservation, with just one exception. In 2013, RCA entered into a fee credit agreement with KB Homes Coastal to accept the donation of 316 acres of conservation land. This occurred prior to the 2016 policy and was approved by the Board. Staff and legal counsel have reviewed their files and are aware of no other exception.

The Stakeholders Committee engaged in discussion regarding the importance of RCA retaining the ability to prioritize property acquisitions and maintain funding towards the required permanent endowment for long-term land management.

Developers who own land in MSHCP Criteria Cells outside of their proposed development footprint still have mechanisms afforded by the MSHCP to sell their off-site lands to RCA (either as a willing seller or through the HANS process). Staff maintains its position that current and past

RCA Board-adopted policy is proper and in compliance with the MSHCP. Accordingly, staff has no recommended changes to RCA policy or procedures.

FISCAL IMPACT:

This is a policy discussion item that has no fiscal impact. Any future update to RCA policy may have a fiscal impact.

Approved by the Executive Committee on April 20, 2022

In Favor: 4 Abstain: 1 No: 0

AGENDA ITEM 10

PRESENTATION