

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING MINUTES

Monday, May 2, 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 817 2209 9933, 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

Linda Krupa
Lorena Barajas Bisbee
Natasha Johnson
Lesa Sobek
Kevin Bash
David Starr Rabb
Patricia Lock Dawson
Crystal Ruiz
Maryann Edwards
Ben J. Benoit

Board of Directors Absent

V. Manuel Perez
David Marquez
Jonathan Ingram

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Ruiz.

4. PUBLIC COMMENTS

There were no requests to speak from the public.

5. ADDITIONS / REVISIONS

There were no additions or revisions to the agenda.

6. CLOSED SESSION

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

Board Member Hewitt wanted to know if he needed to excuse himself from the entire Closed Session if he had a conflict on one property. Mr. DeBaun noted that Board Member Hewitt could participate in Closed Session but should recuse himself for the conflicted property.

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

Mr. DeBaun asked Board Member Hewitt to explain to the public the decision to recuse himself from Closed Session Item 2. Board Member Hewitt stated he believed he had received a recent donation from someone by that name, so he wanted to exercise caution.

Mr. DeBaun announced the Board considered and approved the following closed session items:

Item 1: acquisition of the property was approved for \$240,000.

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 (Ruiz/Barajas Bisbee) to approve the following Consent Calendar items.

Abstain on 7A: Sobek

7A. APPROVAL OF MINUTES – APRIL 4, 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 FEBRUARY 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 February 2022.

7D. ACQUISITIONS STATUS REPORT

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

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

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

Tyler Madary, Senior Management Analyst, Legislative Affairs, provided an update on state and federal legislative actions. At the end of March, the National Habitat Conservation Plan Coalition (NHCCPC) held its annual advocacy trip to DC. During the virtual meetings, RCA staff promoted the benefits of Habitat Conservation Plans (HCPs) and advocated for increased programmatic funding for Section 6 grants as well as process improvements to maximize the flexibility and benefit of this critical federal funding. RCA staff made it clear that streamlining measures and increased funding are necessary to ensure that HCPs across the country thrive. These meetings were part of a three-pronged approach to RCA's advocacy. First, RCA staff advocate to the administrators of these programs at U.S. Fish and Wildlife Service (USFWS), second, advocate to the congressional appropriators that authorize and fund the programs, and third, advocate to the White House officials with interest in policy streamlining that may influence the actions of the administrators at the service.

To tie the three-pronged approach together through forced policy discussion, RCA staff coordinated programmatic funding and report language requests to RCA's congressional delegation as part of the Fiscal Year 2023 appropriations process. RCA requested that

\$85 million be allocated to the Cooperative Endangered Species Conservation Fund for HCP Land Acquisition, from which RCA regularly competes for funds. This would be an increase from the current funding level of \$21.6 million and the President's proposed funding level of \$19 million for FY 2023. A report language request is a directive to agencies that Congress writes into law with a requirement that findings are reported back to Congress to provide time locked accountability. RCA requested that Congress include report language that would require USFWS to canvass all HCPs to solicit concerns and propose solutions to the Section 6 process, and report back to Congress. This was done to prompt further discussion between Congress, USFWS, and HCPs regarding needed process reforms.

RCA staff is tracking California Senate Bill 856, which would expand 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 staff is recommending the Board adopt support for SB 856 by State Senator Bill Dodd of Napa.

Wild pigs can be found in every county in the state and are known to cause millions of dollars of extensive damage per year 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, and competition with other game species for food and space. Wild pigs are also predators to ground-nesting bird eggs, amphibians, reptiles, and small mammals.

RCA manages reserve land in the San Timoteo Canyon that is facing severe ecological impacts from feral pigs. As a reminder, RCA does not allow recreational hunting on reserve lands. Even so, the protected habitats would benefit from expanded management of wild pig populations that this bill would allow for RCA's land managers.

As shown by today's staff recommendation, the virtual advocacy trips to Sacramento and DC, the influence brought to the State's 30x30 initiative, funding requests made to both state and federal officials, and the determination to establish a wildlife refuge, the objectives are clear. RCA must increase the funding opportunities, gain flexibility to better implement the MSHCP, and show the multitude of benefits of the MSHCP to Western Riverside County, the State, and the Country.

Ed Sauls, a member of the public, wanted to know what the status was of the federal legislation of the wildlife refuge. The last information that was provided was that Senator Feinstein had not introduced the bill on the Senate side, and there were pending resolutions of the boundaries. Mr. Madary noted that language has not yet been introduced by Senator Feinstein's office, but negotiations continue with great progress being made towards defining the boundaries agreed upon by all stakeholders. Mr. Sauls thought it might be beneficial for the RCA Board to weigh in on the boundary discussions.

Board Member Daddario wanted to know if staff was tracking SB 856, and if there was any inclination on the feasibility of this bill passing. The wild pigs in Corona are a definite problem and one of the challenges are several different stakeholders on the land where the pigs are most problematic. Mr. Madary noted that the bill is currently pending in the Senate Appropriations

Committee, but it was first heard in the Senate Natural Resources Committee where it passed unanimously on a bi-partisan basis.

M/S/C (Daddario/Sobek) 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

Aaron Hake, Interim Regional Conservation Deputy Executive Director, provided a presentation on the Fee Credit Policy Review. On February 7th, the Board gave direction to RCA staff to review two items through the RCA Stakeholders Committee, relating to MSHCP fee credit. The two items referred to the Stakeholders Committee by the Board for review, pertained to MSHCP fee credits. The first question was whether conservation land outside of a project site should be eligible for MSHCP fee credits. The second question was whether there should be adjustments as to when fee credits can be requested to RCA, which is currently required at the time of the Joint Project Review (JPR). Fee credits are an important topic as they are essential to the MSHCP, the plan is clear that property owners are eligible for compensation when giving up otherwise developable land for conservation. Fee credits are just one of many possible options to provide compensation.

The Stakeholders Committee had a robust two-hour conversation with great attendance, dialogue, and interactions. The policy discussion did not focus on a particular project. With representatives from various groups, there were different perspectives, and a consensus was reached on some items, but not others.

At the forefront of what the committee was considering, was that any policy the Board adopts must stay within the boundaries of the MSHCP, amending the MSHCP would be an arduous process. There are also legal constraints regardless of what the MSHCP says, as this is a public agency using public funds. Quoting the RCA Board Chair, what we do for one, we do for all, which has become a consistent theme for the agency. The Board's expectations when RCTC took over as the managing agency was to engage better with partners, member agencies, private sector, and the environmental community. The committee also looked at some opportunities for doing things better, continuing improvement and communication and advancing the MSHCP.

Off-site conservation fee credit relates to whether a landowner who is developing a project can propose conservation land outside of the development footprint, offsetting the fee obligation. If the landowner were notified through the HANS process that no conservation was needed, they could develop on 100% of their land. If the landowner had land elsewhere that would be eligible for MSHCP conservation, but not required for the project, it could be conveyed to RCA to offset fees. This arrangement is not contemplated in the MSHCP or the HANS process.

The Stakeholders Committee did not reach consensus on off-site conservation fee credits, though there was a lot of discussion on the topic. For that reason, RCA staff is not recommending any change to the current policy. Current policy is compliant with the MSHCP, and committee members did note that there were existing mechanisms for landowners to sell their properties to the RCA.

The next issue that the Board asked staff to review through the Stakeholders Committee was the timing of fee credit requests. The current policy, since 2016, states that the member agencies (city or the County) need to declare if there is going to be a fee credit request when the JPR application is submitted, which is typically at the beginning of the development process. This is an important stage in the process because RCA uses this to understand how conservation is going to occur. The building industry perspective is that projects change a lot after RCA review and the request for fee credit should be allowed after the JPR is done.

The Stakeholders Committee discussed and agreed that there needed to be more acknowledgement and discussion of all the incentives a property owner has available to them through the MSHCP. While projects do change, the committee agreed that the MSHCP compliance of a project typically does not change, but when it does there is an existing tool the cities and the county have an obligation to follow. The committee also agreed that incentives offered after the project approval were not appropriate.

The recommendation today came from one of the Stakeholders Committee members, recommending that staff amend the JPR application, so that when a city is processing an application, they must note to RCA whether the landowner is seeking fee credits or if the city is offering another incentive. This way, the RCA can understand what the city is doing to compensate the property owner and determine whether a fee credit would be appropriate so there would not be any instances of double dipping. RCA staff also intends to update the training of member agencies and have outreach with the development industry to ensure everyone is on the same page about incentives available to them.

Board Member Martinez wanted clarification on whether the staff recommendation would change when incentives are offered. Mr. Hake confirmed the timing of offering incentives was not changing.

Board Member Washington complimented Mr. Hake on his presentation, making this process easy to understand and follow. It is important to recognize the need to continue supporting this process, making it more transparent and better educate those on the front end.

Board Member Edwards concurred with Board Member Washington.

Chair Johnson noted that a wonderful part of the Stakeholders Committee was put into action on this, and they were able to give a recommendation and have it come to fruition.

Board Member Hewitt stated that he was not happy with the process. Having a Stakeholders Committee should be very independent and can give the Board ideas. Having RCA set the agenda for the meetings takes away the independence and it should be changed.

Board Member Jeffries commented that his vote was a hesitant yes because fixed rules do not always apply 100% of the time in 100% of circumstances. Perhaps, there will be an occasion where flexibility will be needed for a unique property with a unique need. Mr. Hake noted that RCA recognizes this is sometimes the case. When unusual circumstances are presented, they will be brought to the Board to receive direction.

M/S/C (Cervantez/Ruiz) to:

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.

No: Hewitt

10. PRESENTATION – SPECIES OF THE MONTH

Leslie Levy, Senior Management Analyst Management and Monitoring, provided a presentation on the species of the month, the Quino checkerspot butterfly.

Board Member Sobek wanted to know if the moisture received or the lack of it affect the butterfly's habitat. Ms. Levy noted that since this butterfly is host-plant specific, there could certainly be a rainfall factor on plant availability.

Board Member Sobek also wanted clarification on the butterflies' laying eggs. Ms. Levey noted that the butterflies do lay eggs at the base of their host plants and the eggs hatch into a larval stage. Like other butterfly species they then pupate and encase themselves into a hard protective shell metamorphosing into a butterfly.

11. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Chair Johnson noted that the week before last, there was a ribbon cutting in Lake Elsinore for Railroad Canyon Interstate 15 Interchange. It was nice to connect with RCTC staff in person.

Aaron Hake, Interim Regional Conservation Deputy Executive Director, shared photos from the Board Member site tour from a couple of weeks ago. The tour was of a property in Menifee. Another round of tours will be forthcoming.

Board Member Sobek encouraged Board Members to take advantage of future tours. This was a nice tour, seeing the land, and hearing information on the McElhinney Stimmel property was fascinating.

Board Member Bash hoped that all Board Members had an opportunity to go on a tour. It helps to put it all in perspective, and it helps to realize what the RCA is working to save.

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 1:37 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, June 6, 2022.**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa Mobley", with a long horizontal flourish extending to the right.

Lisa Mobley
Administrative Services Manager/
Clerk of the Board