

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

EXECUTIVE COMMITTEE MINUTES

Wednesday, September 21, 2022

1. CALL TO ORDER

The meeting of the Executive Committee was called to order by Chair Natasha Johnson at 12:00 p.m., via Zoom Meeting ID: 838 7678 6985, in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

2. ROLL CALL

Members/Alternates Present

Jeff Hewitt
Natasha Johnson
Jonathan Ingram*
Kevin Bash*
Crystal Ruiz

Members Absent

Kevin Jeffries

*Arrived after the meeting was called to order.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Hewitt.

4. PUBLIC COMMENTS

There were no requests to speak from the public.

5. ADDITIONS / REVISIONS

There were no additions or revisions to the agenda.

At this time, Board Member Ingram joined the meeting.

7. STATE AND FEDERAL LEGISLATIVE UPDATE

Aaron Hake, Deputy Executive Director, provided an update on state and federal legislative affairs. The RCA Board supported SB 856 by Senator Dodd, a bill to make the hunting of feral pigs easier, which is an issue in many parts of this region. That bill is currently on the Governor's desk, and RCA is sending a letter to the Governor asking him to sign it into law. This bill would remove most restrictions on the hunting of these animals and creates penalties for releasing or transporting them into the wild.

Follow up has been done on S. 4669 a bill by Senators Feinstein and Padilla, creating the Western Riverside County Wildlife Refuge. The purpose of the refuge is for the federal government to meet its commitment to the RCA and member agencies, following the MSHCP to acquire habitat for conservation. Research has been done on the issues raised by the Board at last week's meeting.

The Board had questions about infrastructure, for both water and roads. The establishment of this refuge would not immediately begin the acquisition of land and the areas shown on the map are not the boundaries of the refuge, just where it could potentially be. There is language in the bill that states, "...nothing in this act precludes the establishment of a new utility facility or right of way, including instream sites, routes and acres within the wildlife refuge, if such a facility or right of way is applicable or necessary for public health and safety, electricity and water supply or other utility services."

There were questions raised by some Board members related to wildfire management, which was timely considering what has happened in the county recently. Staff has found that wildlife refuges need to have a wildfire management plan that the U.S. Fish and Wildlife Service (USFWS) adopts. The USFWS also has their own firefighting service which would need to be available with the creation of this new wildlife refuge. In other refuges, the service has entered into agreements with other local fire agencies and Cal Fire to coordinate responses.

There was a pointed question from the Board about whether the USFWS would refrain from fighting fire on federal land because fire is a natural process and can aid habitats. Staff has not been able to find evidence that that would be the direction, but staff will continue to ask and research to see if that might occur, and what would cause the USFWS to make that decision.

The Board also wanted to know what sort of input they would have in the wildlife establishment process. Staff was able to confirm that the USFWS would need to follow the National Environmental Protection Act (NEPA), which does require public comment and outreach. Meaning the USFWS would have to talk to RCA during the process, where these issues could be raised.

Finally, it was researched whether anyone locally has opposed the bill. Staff has not been able to find any local agencies or stakeholders that have officially opposed the bill.

Board Member Ingram noted there were two other issues raised during the meeting, first regarding expense, financing, and the perpetual upkeep or a contribution to the endowment. In discussions with Senator Feinstein and Congressman Calvert they said that would be factored in. Also, with the remaining portion of the acreage that is required for the reserve to meet the permit goal for the MSHCP that this land would be included in that. Mr. Hake stated that if the refuge is established and the USFWS acquires land for the refuge, it would count towards the overall MSHCP target that needs to be conserved. If the federal government acquires land, it would also be responsible for the management of that land.

- 1) **Receive and file an update on state and federal legislative affairs; and**
- 2) **Forward to the Board of Directors for final action.**

6. **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 (Hewitt/Ruiz) to approve the following Consent Calendar items.

6A. APPROVAL OF MINUTES – AUGUST 17, 2022

6B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR JULY 2022

- 1) Receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for July 2022; and
- 2) Forward to the Board of Directors for final action.

6C. ACQUISITIONS STATUS REPORT

- 1) Receive and file the acquisitions status report as of July 31, 2022; and
- 2) Forward to the Board of Directors for final action.

6D. JOINT PROJECT REVIEW STATUS REPORT

- 1) Receive and file the Joint Project Review (JPR) monthly status report as of August 31, 2022; and
- 2) Forward to the Board of Directors for final action.

6E. QUARTERLY INVESTMENT REPORT

- 1) Receive and file the Quarterly Investment Report for the quarter ended June 30, 2022; and
- 2) Forward to the Board of Directors for final action.

6F. FISCAL YEAR 2021/22 PRELIMINARY FOURTH QUARTER FINANCIAL STATEMENTS

- 1) Receive and file the FY 2021/22 Preliminary Fourth Quarter Financial Statements; and
- 2) Forward to the Board of Directors for final action.

8. LAKE ELSINORE BACK BASIN COOPERATIVE AGREEMENT

Steve DeBaun, legal counsel, stated that this agreement between RCA and a member agency that is represented on the Executive Committee and Board, by the Chair. There are no concerns

with the Chair discussing and voting on this agreement as there is no financial interest so there is no conflict of interest or restrictions.

Aaron Hake, Deputy Executive Director, provided a presentation on the Lake Elsinore Back Basin Cooperative Agreement. The East Lake Specific Plan (ELSP), amendment 6, was going through the approval process with Lake Elsinore concurrent with the MSHCP being negotiated region wide. An MSHCP consistent analysis was completed by Vandermost Consulting in 2003-2004, that identified 770 acres for conservation need in the Back Basin to be consistent with the MSHCP that was being negotiated. The state and federal wildlife agencies concurred that the plan to conserve 770 acres was consistent with the MSHCP. The city approved the ELSP prior to the approval of the MSHCP with the understanding that the 770 acres needed to be conserved to be consistent with the plan.

Today, 123 acres or 16% of the goal is still needed to meet the 770 acres. The struggle, just like with the MSHCP, is that development is needed most of the time to make conservation occur.

Possible solutions to the obtaining the remaining 123 acres have been explored since February of this year. This includes conversations with wildlife agencies and reviewing applications that have been approved for development in the Back Basin.

RCA has an opportunity to acquire the needed land using a grant that was received a few years ago. Assemblymember Cervantes earmarked in the state budget more than \$14 million for RCA to acquire land in the Jurupa Mountains. That was a lot of money to acquire land in a specific area where the land values are low and there are not many willing sellers. In the last few months, staff has worked with Assemblymember Cervantes and the California Natural Resources Agency (CNRA) to amend the grant, which expires in a year, to allow for purchases outside of the Jurupa Mountains, anywhere within the MSHCP area.

At this time, Board Member Bash joined the meeting.

Staff is proposing to enter into a cooperative agreement with the City of Lake Elsinore to set aside \$3 million of the grant funds available to go after acquisitions in the Back Basin. The proposed agreement does give flexibility for RCA to increase the amount if there are remaining grant funds and are successful in securing properties. RCA will take on administrative responsibility for working with property owners to acquire this land. With RCA doing it, the land will come into RCA ownership and will count towards the overall MSHCP goal. The city has agreed to offset some of RCA's costs by paying for appraisals and appraisal reviews. There is a potential that RCA would not be reimbursed for 10% of acquisition costs from the state, in which case the city has agreed if for any reason the state does not reimburse RCA, the city would.

RCA is going to pursue another time extension on the grant as the acquisition process does take some time. RCA will not use the general MSHCP fee (LDMF) revenues to acquire the needed acreage. RCA is not committing to spend all \$3 million, because it is currently unknown how many willing sellers there will be, but RCA will work with the city to identify properties and

strategize acquisitions. It will also be made clear to landowners that eminent domain is not a part of this conversation.

Staff recommends that the Executive Committee approve the cooperative agreement with the City of Lake Elsinore for the acquisition of conservation lands within the ELSP.

Board Member Ingram thought this plan was great out of the box thinking as this is land that needs to be acquired and wanted to know if this would also help with the issue of lake's edge and elevation. Chair Johnson noted that unfortunately this would not help with the elevation issue.

Barbara Leibold, City of Lake Elsinore attorney, thanked RCA for their partnership, devotion of resources and all of staff's efforts. The city offers their full support to this agreement.

Jason Simpson, City Manager of Lake Elsinore, echoed Barbara Leibold's comments and appreciated staff's effort in this process and exchange of ideas.

Chair Johnson thanked staff on the collaboration and communication that were key in putting this together.

Board Member Bash wanted clarification on whether he could vote on this item, as he had come in late. Steve DeBaun, legal counsel, noted that yes Board Member Bash could vote on this item.

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

- 1) Approve Agreement No. 23019, a Cooperative Agreement with the City of Lake Elsinore for Acquisition of Conservation Lands Within the East Lake Specific Plan Area;**
- 2) Authorize the Executive Director, pursuant to legal counsel review, to execute the agreement on behalf of the Board; and**
- 3) Forward to the Board of Directors for final action.**

9. DISCUSSION OF POTENTIAL STAKEHOLDERS COMMITTEE AGENDA TOPICS

Chair Johnson wanted to remind everyone at the last meeting, it was requested that any items the Board wanted the Stakeholders Committee to discuss could be sent to the Chair or RCA staff, but no recommendations were received. To make sure that the Stakeholders feel there is some autonomy in their group, they have been asked to submit topics they would like to discuss also. There have been a few responses from Stakeholders Committee members, but we would like to have some suggestions from Board Members.

Board Member Hewitt offered that he would like them to still talk about possibly changing things so RCA could take property in lieu of. When talking about getting the refuge here and bringing RCA closer to the goal of 150,000+ acres, certainly something like 2,700 acres would be a big step the right direction. That conversation needs to continue.

Board Member Ingram stated that he would support that as well.

Chair Johnson noted that another item for consideration would be RCA's top list, the white paper of the things that are top priorities and action items that RCA should get done this year. The Stakeholders will be asked to provide RCA with their top 3 priorities they would like the RCA to look at moving into 2023 and what things they would like to see the RCA focus on.

In having a real conversation, if the Stakeholders Committee does not have enough to talk about, there is no reason to meet, just to meet. RCA wants to make sure the Stakeholders Committee has content and things to review that are going to bring value to the Board and Executive Committee, and overall, to the organization.

Aaron Hake, Deputy Executive Director, wanted to ensure Board Member Hewitt's request was focused on the wildlife refuge and if not, some further clarification was needed.

Board Member Hewitt noted that no, his request was in reference to the 2,700 acres of property along Gillman Springs Road. While this is a specific property, if RCA could change its' bylaws and policies on in lieu of property, it might help the RCA get there a lot quicker. There are other issues with the cash and the endowment, and while those are all very complex, the Stakeholders can also take that up and see what they think about it.

Chair Johnson wanted further clarification that when Board Member Hewitt is talking about in lieu of. RCA needs to be specific in what they are asking the Stakeholders Committee to evaluate. Would the RCA be asking them to review in lieu of with property or potential acreage that is complimentary and meets criteria, or just in lieu of period.

Board Member Ingram added that Board Member Hewitt was trying to allude to is that if property falls within criteria linkage, rough step or has an impact on the Plan, that may enhance or help complete the goal of the permit it should be considered in lieu of.

Board Member Hewitt concurred.

Chair Johnson thanked Board Member Ingram for the clarification and noted the next Stakeholders Committee would be October 19th.

This item is for the Executive Committee to discuss and provide input on potential agenda items for the upcoming Stakeholders Committee meeting.

10. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORTS

Board Member Ingram asked that the next meeting, staff give a report on the acreage and the damage that was sustained and anything that transpired with our species during the latest wildfires.

Aaron Hake, Deputy Executive Director, returned the accolades received from the City of Lake Elsinore. Part of the mandate when RCTC took over as managing agency for RCA was to problem solve with the member agencies and assist with issues, and that is what has happened here.

Chair Johnson reminded the Executive Committee that the next meeting would be in person only. The October 3rd Board Meeting will be in the Board Room and the next Executive Committee will be in person at the RCTC Office.

10. ADJOURNMENT

There being no further business for consideration by the Executive Committee, Chair Johnson adjourned the meeting at 12:39 p.m. The next meeting of the Executive Committee is scheduled to be held on **Wednesday, October 19, 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