

# **WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

## **BOARD OF DIRECTORS MEETING MINUTES**

**Monday, October 3, 2022**

### **1. CALL TO ORDER**

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Vice Chair Jeff Hewitt at 12:30 p.m., in the Board Room at the County of Riverside Administrative Center, 4080 Lemon Street, First Floor, Riverside, California, 92501.

### **2. ROLL CALL**

#### **Board of Directors/Alternates Present**

Karen Spiegel  
Jeff Hewitt  
Colleen Wallace  
Julio Martinez  
Jeff Cervantez  
Larry Greene  
Tony Daddario  
Clint Lorimore  
Joe Males

Lorena Barajas Bisbee\*  
Lesa Sobek  
Kevin Bash  
David Starr Rabb  
Patricia Lock Dawson  
Crystal Ruiz  
Maryann Edwards  
Ben J. Benoit

#### **Board of Directors Absent**

Kevin Jeffries  
Chuck Washington  
V. Manuel Perez  
Natasha Johnson  
David Marquez  
Jonathan Ingram

\*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**

There were no requests to speak from the public.

### **5. ADDITIONS / REVISIONS**

There were no additions or revisions to the agenda.

### **6. CONSENT CALENDAR – 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/Hewitt) to approve the following Consent Calendar items.**

**6A. APPROVAL OF MINUTES – SEPTEMBER 12, 2022**

**6B. AB 361 DETERMINATION**

- 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.

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

**6D. ACQUISITIONS STATUS REPORT**

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

**6E. 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 August 31, 2022.

**6F. QUARTERLY INVESTMENT REPORT**

This item is for the Board of Directors to receive and file the Quarterly Investment Report for the quarter ended June 30, 2022.

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

This item is for the Board of Directors to receive and file the FY 2021/22 Preliminary Fourth Quarter Financial Statements.

**6H. RATIFICATION OF EXECUTIVE COMMITTEE APPOINTMENT**

This item is for the Board of Directors to ratify the Chair’s appointment of Patricia Lock Dawson to the Executive Committee.

At this time, Board Member Barajas Bisbee arrived.

## **7. LAKE ELSINORE BACK BASIN COOPERATIVE AGREEMENT**

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 to the MSHCP being negotiated. The County of Riverside, State and Federal Wildlife Agencies, and the City of Lake Elsinore agreed to a concept where 770 acres of conservation would occur in the Back Basin to achieve consistency with the MSHCP that had not yet been signed. Today, 123 acres or 16% of the goal is still needed to meet the 770 acres.

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 in 2019. Assemblymember Cervantes earmarked in the state budget more than \$14 million for RCA to acquire land in the Jurupa Mountains. 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.

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 acquire property 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.

Board Member Benoit wanted to know where the City of Lake Elsinore stood on this agreement and whether it had been voted on by their City Council. Mr. Hake noted that this agreement went before the City Council last week and was unanimously adopted.

Board Member Sobek noted that this was a long time coming and it was a huge step for Lake Elsinore as well as the MSHCP.

Board Member Spiegel wanted to confirm that the City of Lake Elsinore agreed with this plan. Mr. Hake confirmed that this agreement was crafted in collaboration with the City Manager and Attorney from Lake Elsinore.

**M/S/C (Hewitt/Benoit) 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; and**
- 2) Authorize the Executive Director, pursuant to legal counsel review, to execute the agreement on behalf of the Board.**

**8. AUTHORIZATION TO ACQUIRE TAX-DEFAULTED PROPERTIES FROM THE RIVERSIDE COUNTY TREASURER-TAX COLLECTOR AND ADOPTION OF RESOLUTION NO. 2022-008 OBJECTING TO THE PUBLIC SALE**

Angela Ferreira, Senior Management Analyst, Right of Way, provided a presentation on the acquisition of tax-defaulted properties. In March 2022, staff received a list of tax defaulted properties from the Riverside County Tax Collectors Office. Staff reviewed each of the properties on the list to determine if there was any conservation value under the MSHCP. After review and assessment by staff, 35 properties listed, including the 11 that are already in the acquisition process, are within criteria cells and are prescribed for conservation by the MSHCP. State law allows public agencies, like the RCA, to purchase tax-defaulted properties before they are sold at a public auction. RCA staff proposes the Board approve the purchase of 24 tax-defaulted properties totaling approximately 226 acres.

The Chapter 8 Process allows for public agencies to purchase tax-defaulted property; however, it is an involved and lengthy process. The first step requires RCA to submit a Board adopted resolution to the Riverside County Tax Collector objecting to the public sale and auction. It is important to note that anytime during the process, the Tax Collector may inform the RCA that the property owner has redeemed and paid the back taxes on the property, making it no longer available for purchase. The current owners will be given an opportunity to redeem or pay the back taxes up until the day the County executes the purchase agreement. Once this resolution is submitted to the Tax Collector, it is expected that a sale agreement will be drafted in June 2023, once approved by RCA and the Board of supervisors, the agreement will be forwarded to the state for approval, with the exact timeline to be determined.

Once this resolution is approved by the Board, staff will begin the due diligence process to ensure that any potential liabilities are investigated prior to moving forward with the acquisition. Due diligence includes requesting site inspections, and in some cases, ordering a Phase I Environmental Assessment depending on the initial inspection. Preliminary title reports and all encumbrances on title, including verifying if the property belongs to a homeowner's

association are reviewed. If at any time staff feels the liabilities outweigh the benefits of acquisition, staff will work with the County to remove the purchase agreement, paying a minimal processing fee.

Vice Chair Hewitt wanted to know if it was typical that of the 11 previous properties that were slated for acquisition through the tax-default process and only 5 were still available. Ms. Ferreira noted that the tax-default list has been around since March, so there has been time for owners to redeem their properties, but losing about half would be typical.

Board Member Males wanted to know what happens when the property owner is deceased and if the next of kin was located and notified. Ms. Ferreira stated the notification process is facilitated through the county, they would be charge of the noticing to property owners.

Steve DeBaun, general counsel, added that while this process is completely handled through the county, it is a lengthy process and properties are never listed as a tax-defaulted sale until they are 5 years in arrears.

**M/S/C (Benoit/Starr Rabb) 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 \$961,799; and**
- 2) **Adopt Resolution No. 2022-008, “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. UPDATE ON WILDFIRE IMPACTS**

Tricia Campbell, Regional Conservation Deputy Director, provided a presentation on the Fairview Fire. The fire began in the area at the intersection of Fairview Road and Bautista Road on September 5<sup>th</sup> and was fully suppressed on September 19<sup>th</sup>. The final boundary of the fire saw a grand total of 28,000 acres burned, with almost 23,000 acres of it being MSHCP conservation lands, of which 6,300 acres were RCA lands.

During the active fire, MSHCP park staff was present at the Cal Fire Incident Command Center every day including weekends and available 24/7 by phone. Staff attended morning daily briefings and Fire Suppression Repair meetings until activity at Incident Command ended on September 18<sup>th</sup>. Several times during the fire, MSHCP park staff communicated with staff at the Emergency Management Department (EMD) at the County of Riverside. EMD’s focus was on evacuation and clearance to have people return to their homes. Park staff made sure all gates and access points were open and known to Cal Fire.

Since 2019, the RCA has identified lands adjacent to structures and access roads and has been in coordination with Cal Fire. Parks staff submitted a grant proposal in 2019 to receive funds

through the California Department of Forestry and Fire Protection California Climate Investments Fire Prevention Grants Program, with \$86,000 being awarded in 2020. The grant monies were used to purchase a tractor with an attachment used exclusively for weed and fire abatement activities. The fire stopped at the weed abatement buffer RCA maintains between adjacent private properties and received a note of thanks from a landowner adjacent to RCA's Goodhart property. MSHCP parks staff respond to every weed abatement notice sent from cities and the County and have established a good working relationship with Cal Fire.

The fact that there is still some vegetation structure remaining means the fire was not so hot as to scorch the lands. Recovery is more possible when fires are not too hot.

Firefighters also worked to mop-up, which is the process of extinguishing or removing burning material near control lines down to the mineral soil, felling fire damaged trees, and cooling ash pits to make a fire line less likely to escape or to reduce residual smoke. Ranger staff worked directly with the Fire Suppression Repair Team to advise and monitor the repair work completed on RCA properties. This work in general included the smoothing out of dirt piles from dozer damage, re-spreading topsoil onto dozer lines, installing water bars on dozer damaged grades and hills, and grading of damaged roads on the Goodhart Bautista Canyon properties.

Parks staff has been and continues to be in communication and overseeing work performed by other entities such as Southern California Edison and Anza Electric as they repair damaged facilities. Inspection and resealing the properties has occurred. Priority is being given to areas that may pose a risk for debris flows should rains come. Gradually RCA will inventory the damage and determine what restoration activities will be needed to support the recovery of the lands.

RCA will continue to be in communication with Cal Fire on assessing damage and any other needs or questions they have. There is a meeting set-up with the Emergency Management Department in mid-October to ensure RCA knows how best to coordinate with them on safety needs during fires or other forms of disaster. RCA staff will be looking into Cal Fire grant opportunities for weed abatement support or fire recovery grants.

Board Member Daddario wanted to know how the weed abatement was advertised for RCA. Ms. Campbell clarified that the RCA doesn't perform weed abatement on anyone else's property. RCA is only allowed to perform weed abatement in certain areas of RCA's property.

Board Member Bash wanted to know if staff was aware of how the fire started. Ms. Campbell stated that staff was not aware, and Cal Fire was still investigating.

Board Member Ruiz noted that during a tour of the fire area it was clear that if some of the weed abatement hadn't occurred around some of the buildings, people wouldn't have been able to get out as there was only one way in and out.

Board Member Lock Dawson asked if there was any impact or inventory on mortality rates of any of the protected species or estimations of impacts to the plant communities. Ms. Campbell

stated that there is not any information on that yet, but they have found different animal remains. The recovery from this fire will be a long process.

Board Member Spiegel wanted to reconfirm that the properties that burned does not change anything with the number of acres that RCA has conserved. Ms. Campbell confirmed that was correct.

Vice Chair Hewitt added that wildfire is part of nature too.

Board Member Sobek wanted to know how many park rangers were doing weed abatement for the RCA. Ms. Campbell noted that are 10 currently.

**This item is for the Board of Directors to receive an oral update on recent wildfire impacts to RCA land.**

## **10. STATE AND FEDERAL LEGISLATIVE UPDATE**

Tyler Madary, Legislative Affairs Manager, provided an update on federal and state legislative actions. This year's budget brings new funding opportunities for RCA, \$400 million to the Wildlife Conservation Board (WCB) and \$36 million to the California Department of Fish and Wildlife specifically for Habitat Conservation Programs (HCPs) and Natural Community Conservation Plans (NCCP) land acquisitions. RCA staff is working on a pre-application to the WCB for the new funding.

While this year's increase in one-time spending was fueled by the state's unprecedented budget surplus, the California Department of Finance recently announced that revenues are coming in roughly \$4.4 billion beneath expectations. In another sign of fiscal caution, Governor Newsom has been vetoing legislation that is seen as creating on-going spending obligations, especially those that weren't negotiated in the budget. This is significant not just for future budgets, but for future spending that was proposed in the current budget. Unless funds are specifically allocated for Fiscal Year 22/23, proposed future fiscal year budgets are not binding and therefore, may not come to fruition. Staff will need to keep this newfound caution in mind as the RCA continues to advocate for increased budget funding for HCPs and NCCPs across the state.

The Board had voted to support SB 856 (Dodds) to implement a framework to expand permissible methods to take or hunt wild pigs in a manner that provides flexibility to property and landowners. RCA supported this bill, due to managing reserve lands that are facing severe ecological impacts from feral pigs. SB 856 passed the legislature and was signed into law by the Governor.

At the federal level, RCA anticipates an imminent announcement of Section 6 grant awards. RCA had applied for \$6.7 million in grant funding and staff hopes to be sharing very good news soon.

While RCA is not a sponsor of HR 972 (Calvert) or S 4669 (Feinstein), the RCA has registered support for both bills as they would enable the federal government to meet its commitment to the MSHCP through land acquisition into the proposed refuge. The establishment of a refuge does not mean that whole acquisition boundary outlined in S 4669 would be acquired. When the time comes for the U.S. Fish and Wildlife to access where to pursue land acquisitions within the boundary, they would have to comply with the language of the bill that states, “...nothing in this act precludes the establishment of a new utility facility or right of way within the Wildlife Refuge if said facility or right of way, as applicable, is necessary for public health and safety, electricity and water supply, or other utility services.” This language follows Senator Feinstein’s office engagement with local stakeholders.

Questions were also raised regarding wildfire management in the proposed wildlife refuge. The U.S. Fish and Wildlife service manages and coordinates wildfire responses on refuge lands. Refuges also establish wildfire management plans with associated agreements with Cal Fire and local fire departments to coordinate responses. There has been no evidence that the U.S. Fish and Wildlife service refrains from intervening with fires on refuge lands, but staff will continue to research and inquire about this.

During the refuge formation process, the National Environmental Policy Act (NEPA) would apply, presenting opportunities for local governments, stakeholders, and members of the community to weigh in.

The Board also had wanted to know if any opposition had been voiced. Currently, staff are not aware of any registered opposition to HR 972 or S 4669, within the plan area. However, it did come to staff’s attention that the Orange County Water District recently took an opposed unless amended position related to concern of their and the Army Corps of Engineers programs in the Prado Basin. Staff reached out to the Orange County Water District to confirm they had been in communication with Senator Feinstein’s office, as is RCA’s practice whenever any stakeholder presents questions on legislation.

Lastly, a question was posed on whether the refuge would guarantee any funding for the MSHCP. The establishment of a refuge in Western Riverside County would provide an avenue for federal funding that would have never been available otherwise for the federal acquisition of additional reserve lands.

Board Member Lock Dawson wanted to know what changes the Orange County Water District requested in the opposed unless amended position. Mr. Madary stated that the specific changes requested were not know, but it was indicated that it may be in relation with the savings clause, which was quoted earlier.

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



## 11. STAKEHOLDERS COMMITTEE AGENDA TOPICS

David Knudsen, External Affairs Director, provided an overview on the External Affairs Department and how each aspect of it assists the RCA. The Community Engagement Program began just over a year ago, which oversees RCA's Stakeholders Committee. Chair Johnson has set the next Stakeholders Committee for Wednesday, October 19<sup>th</sup>. As a reminder, the RCA By-laws state that the RCA Chair sets the Stakeholders Committee meetings, and the committee's scope is to review implementation plans from a stakeholder perspective and perform other duties as directed by the Board. The By-laws also state that the Chair of the Stakeholders Committee is the RCA Executive Director, and the committee shall meet at least twice per year.

The purpose of this item today is to get direction from the Board as to what the Stakeholders Committee should discuss at the October 19<sup>th</sup> meeting. A few requests have been received for discussion by Stakeholders Committee members, but Chair Johnson has also requested that Board Members identify any issues they would like the Stakeholders to look at.

Topics that have been provided by Stakeholders Committee members include:

- LDMF Credit Policy Review for Off-Site Conservation – This topic was discussed at the previous Stakeholders Committee and no consensus was reached. The Board subsequently voted for RCA to take no further action on the topic.
- Wildlife Crossing and Corridor Area Concerns
- Core 1 and San Jacinto Wildlife Area Concerns
- Support of Refuge Bill
- Funding Opportunities

Topics that have been offered by Board members:

- LDMF Credit Policy Review for Off-Site Conservation
- Top 3 RCA Priorities for 2023

Board Member Sobek wondered if it would be appropriate to also ask staff if they had anything they wanted the Stakeholders Committee to discuss.

Board Member Martinez was glad to see so many topics brought forward by the Stakeholders and seeing their input. Perhaps a wildfire perspective could be added for discussion.

Board Member Spiegel noted that a field trip was done once before but hearing that so many members went out to look at the burn area, it would be great for Stakeholders to see the properties. They could be taken to the burned properties, or any other area.

Board Member Lorimore wanted to confirm the makeup of the Stakeholders Committee and how one can get involved if they were interested. Mr. Knudsen stated that the by-laws call for three areas of stakeholder engagement, those that are property owners near and within the MSHCP, environmental groups that support the MSHCP, and business owners that are also

engaged in land development within the MSHCP. About a year ago, RCA completed an extensive community engagement outreach campaign seeking participants from each of the three categories for the Stakeholders Committee. The committee has 15 representatives between the three categories who serve on an annual basis at the pleasure of the Chair, ratified by the Board.

Board Member Lock Dawson thought the committee could discuss potential recreational uses of RCA land and allowed versus prohibited uses. The committee could also discuss the formation of potential advocates, like a Friends of the Refuge. Doing so might create champions that help carry the mantle into the community for the RCA.

Anne Mayer, Executive Director, added that the Stakeholders Committee had been dormant for years, so it was a priority of this Board to get the committee kicked off again. Staff really did an extensive outreach program for the Stakeholders Committee, even so, after the fact there were people who commented that they didn't know what the committee was and wished they had applied, so there definitely seems to be ongoing interest in participating in the Stakeholders Committee. As mentioned, this is an annual update of membership, so there will be a conversation in the next couple months on whether we do another round of solicitations for application to the committee.

When RCA staff attended the event held by California Natural Resources Agency Secretary Crowfoot, there were several stakeholder groups also in attendance who could become true advocates for the MSHCP. These contacts could help further the goals of conservation but also a key topic was how to have joint use of land for conservation and recreation.

**This item is for the Board of Directors to discuss and provide input on potential agenda items for the upcoming Stakeholders Committee meeting.**

## **12. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT**

Board Member Greene announced that this would be his last RCA meeting. He will be retiring from the City of Canyon Lake on November 1<sup>st</sup>. The last official event he will attend will be the State of the City on October 27<sup>th</sup>. He stated it had been an honor and a privilege to serve on the RCA Board, and he has learned a tremendous amount about habitats and what we need to do to protect them.

Board Member Ruiz shared a joint event that was held a couple weeks ago with the City of Hemet and Soba, the Mayor's Ball. The event was held to raise funds for the Trauma Intervention Program (TIP) and was a huge success. The State of the City for San Jacinto is on October 13<sup>th</sup> at 5pm, all are welcome to join.

Board Member Sobek thanked Board Member Greene for his service on the RCA Executive Committee and the Board of Directors. October is Breast Cancer Awareness month, but it is also Domestic Violence Awareness month. All city leaders are asked to make sure this is shared

within your cities. The City of Menifee turned 14 on October 1<sup>st</sup>, and the State of the City will be held on October 20<sup>th</sup> in the morning.

Anne Mayer, Executive Director, also thanked Board Member Greene for his leadership and service to RCA.

Copies of the Fiscal Year 22/23 Budget were given to Board Members today, staff is happy to answer any questions.

Now that it is starting to cool off, staff is going to begin planning tours for Board Members. This is a great opportunity to see RCA lands and have enlightening conversations with park rangers and experts. Details will be forthcoming.

Ms. Mayer expressed gratitude and excitement for the outreach that is being done and the connections RCA is making at a local, state, and federal level.

### 13. ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Vice Chair Hewitt adjourned the meeting at 1:28 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, November 7, 2022.**

Respectfully submitted,



Lisa Mobley  
Administrative Services Manager/  
Clerk of the Board