

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

EXECUTIVE COMMITTEE MINUTES

Monday, September 11, 2023

1. CALL TO ORDER

The meeting of the Executive Committee was called to order by Vice Chair Kevin Bash at 11:36 a.m., in the March Field Conference Room at the County of Riverside Administrative Center, 4080 Lemon Street, Third Floor, Riverside, California, 92501.

2. ROLL CALL

Members/Alternates Present

Kevin Jeffries
Karen Spiegel*
Kevin Bash
Patricia Lock-Dawson
Crystal Ruiz

Members Absent

Natasha Johnson
James Stewart

*Arrived after the meeting was called to order.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Bash.

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 – *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/Lock Dawson) to approve the following Consent Calendar items.

6A. APPROVAL OF MINUTES – MAY 1, 2023

7. PRESENTATION – RABBIT AND BONNY FIRE UPDATE

Zackry West, Manager of Reserve Management and Monitoring, provided a presentation on the Rabbit and Bonny fires and their effect on RCA owned lands.

The Rabbit Fire burned approximately 8,283 acres, including roughly 850 acres of RCA owned reserve lands. The impacted RCA owned lands consist of the Wolfskill-Driscoll and Tax Sale Parcels 2019 Detail 3 properties, and less than a 2-acre portion of the RCA CalMat property. Based on communication from the California Department of Fish and Wildlife, who is the adjacent landowner to the ignition source, the fire started on private property south of the intersection of Gilman Springs Road and Jackrabbit Trail near Mystic Lake, the cause remains under investigation by Cal Fire.

The Bonny Fire burned 2,322 acres, including roughly 459 acres of RCA owned reserve lands. In addition, 1,087 acres of ferally owned MSHCP conserved lands were also affected. Impacted RCA-owned lands consist of the Santos, Reden, JPR Inc, Tax Properties 2009 Detail 6, and the Jennings properties. The fire started on private property near the intersection of Bonny Lane and Short Street in Aguanga and the cause remains under investigation by Cal Fire.

Vegetation was cleared on the RCA Reden Property to create a fuel break for the Bonny Fire. The RCA actively coordinated with Cal Fire during both fires. During the Rabbit Fire, the RCA MSHCP Parks Unit opened gates for responders and coordinated access with Incident Command. Similarly, during the Bonny Fire, the RCA MSHCP Parks Unit was present at Incident Command daily and supported by providing information on access to RCA lands.

MSHCP Parks staff has performed an assessment of the affected properties. There will be more information to follow, but to date, RCA knows the following:

- The affected RCA lands associated with both fires support several rare species and their continued presence is needed to meet the MSHCP species objectives.
- For plants this includes Jaeger's milk vetch and Coulter's goldfields in the Rabbit Fire burn scar; and peninsular spineflower and Payson's jewelflower in the Bonny Fire burn scar. Some of these species may benefit from the fire in that they are "fire following species".
- There are several areas that burned during the Rabbit Fire where coastal California gnatcatcher, loggerhead shrike, and northwestern San Diego pocket mouse have been documented. The Rabbit Fire appears to have burned quickly and with lower intensity over RCA lands, and many cactus patches and riparian areas are expected to recover.
- There are several areas where Quino checkerspot butterfly (Quino) and Stephens' kangaroo rat (SKR) habitat is documented in the Bonny Fire burn scar, which burned with greater intensity. Fortunately, the areas containing the greatest quality Quino and Stephens' kangaroo rat habitat were spared.

It will be important to support the repopulation of native plants in the burn areas so that non-native plant species do not invade. RCA will be reaching out to burn and restoration ecologists to determine best steps and what grant opportunities may support the rehabilitation needed.

Aaron Hake, Deputy Executive Director, noted that as a result of these fires, staff reviewed current policies and practices to improve management of fires. It was discovered that while there is an efficient response system with the Parks Department, there is a Board policy that was adopted in 2009 on fuel management suppression that hasn't been updated since. Now is the time for RCA to take a fresh look at that policy and ensure it is up-to-date, including input from Cal Fire to make sure any new plan would be consistent.

The intent is to obtain a consultant that has the expertise of wildfire and fuel management practices to ensure that RCA has a modern plan that is supported by our partners at Cal Fire and other Fire Departments. It was also discovered that the MSHCP requires the RCA to maintain a Reserve Unit Management Plan, for each of the seven areas of the reserve, or Habitat Management Plans. The management plans are supposed to include a fuel reduction and management plan. RCA has never, since its inception, completed one of those management plans. Staff will start taking a look at the requirements that are in the MSHCP to ensure compliance.

Anne Mayer, Executive Director, added that it was also discovered that at one time, RCA had a retired Deputy Chief from San Bernardino under contact. In the past, RCA has had a fire expert on retainer, though that was a long time ago. This is now a new opportunity to create a different path going forward, so staff will be coming back to the Board for RFPs for contracts and consultants.

At this time, Board Member Spiegel arrived.

Vice Chair Bash wanted to know what the plan would be for RCA going forward. Aaron Hake noted that RCA is looking for a plan that would be pro-active in terms of fuel management and managing the different types of habitats. The plan would also look at how to best give Cal Fire access to RCA lands and how would they need to respond to the incidents when they happen.

Anne Mayer added that one of the things that is included on the policy that is in place is a checklist that includes the kinds of firefighting mechanisms that can be employed in certain areas. From a nonexpert position, it does not seem like RCA should have a policy that says what kind of firefighting mechanisms can or cannot be used by the professionals. RCA should be responsible for the conservation area, and keeping with best practices, RCA should not be responsible for the firefighting components.

8. PRESENTATION – NATIONAL WILDLIFE REFUGE LEGISLATIVE UPDATE

Tyler Madary, Legislative Affairs Manager, provided a presentation on the National Wildlife Refuge update. As with all RCA goals and legislative actions, the goal is to ensure the long-term success of the MSHCP, which is tasked with acquiring 153,000 acres of additional reserve lands. One of the challenges that the MSHCP faces is limited Section 6 funding. That funding is not guaranteed, is competitive, and is what the federal government uses to fulfill its commitment to the MSHCP. As a competitive program, RCA must dedicate a lot of staff time to secure these

limited funds that are not guaranteed. Establishing a National Wildlife Refuge in Western Riverside County was intended to provide a new pot of funding for land acquisitions outside of the competitive process.

Utilizing the wildlife refuge this way was carefully considered by the RCA Board in 2017, resulting in the adoption of a resolution supporting the establishment of one in Western Riverside County. Thereafter, Representative Calvert introduced H.R. 2956 in 2019, which was incorporated into H.R. 2, the Moving Forward Act, in 2020. H.R. 2 passed the House but was not taken up by the Senate and subsequently died. The efforts of the previous Congress in 2021 and 2022 saw the introduction of H.R. 972 by Representative Calvert, and S. 4669 by Senator Feinstein.

RCA was differential to the bill authors and generally supportive of any effort that would result in a refuge. Representative Calvert's bill proposed a process by which the Department of the Interior would establish a refuge within the MSHCP boundary. Senator Feinstein took a narrower approach of proposing an acquisition boundary which in there were three sub-regions in the MSHCP that would limit where the refuge could be established. The publishing of the map with Senator Feinstein's bill promoted a lot of strong and negative comments from stakeholders in the region. Ultimately, the congressional session ended without refuge legislation passing. There are no current efforts to establish a refuge.

The efforts of the last few years have been very instructive for RCA staff. RCA has taken note of stakeholder response through the process and have renewed the discussion in 2023 with a new draft composition map. One of the many takeaways from 2022, was that the U.S. Fish and Wildlife Service (USFWS) requires a refuge acquisition boundary map to determine where the final refuge would be established. To be clear, having a map is a requirement for any future bill and staff took the initiative to create a draft map so that it was not completed for us. This also gave the RCA the strategic advantage of conducting local interviews firsthand.

In May 2023, the Chair and Vice Chair traveled to Washington, D.C. to advocate for a refuge and increased funding for Section 6. While there, Representative Calvert and the office of Senator Feinstein affirmed their support for introducing legislation to establish a refuge. However, for the efforts to be successful, RCA was given the charge by Representative Calvert, offices of Senator Feinstein, Senator Padilla, and Representative Issa to take a leading role in conducting stakeholder outreach to ensure a thorough understanding of the proposal and to incorporate feedback from the map. Thereafter, RCA began engaging permittees and those that engaged in the process last year, as well as those that could have overlapped or adjacent interests.

As staff began the stakeholders outreach effort, there was a set of guiding principles to focus the discussion and ensure the best possible outcome from the RCA, the MSHCP, and the surrounding communities. These principles incorporated feedback as well as lessons learned from previous efforts. They were:

- The focus of the refuge is to meet the federal land commitment to the MSHCP.
- Downsize acquisition boundary to criteria cells for ease of USFWS management, focus on high-value habitat, and maintaining MSHCP compromises.

- Land must be acquired from willing sellers and donors of land.
- Property owners within acquisition boundary experience no change to rights or title.
- Properties incorporated into a refuge maintain existing easements and access rights.

Using these outlined principles there were numerous stakeholders that RCA engaged with over the last two years including municipalities, tribal governments, environmental organizations, utility operators, property owners, and other stakeholders.

There was a great deal of feedback received from the various stakeholders. In summary, local stakeholder feedback on the refuge included:

- Respecting the sovereignty of our tribal partners.
- Ensuring refuge land acquired from willing sellers and donors.
- Refuge land contributes to MSHCP and federal land commitments without moving the goal posts of how much land must be acquired.
- Preserving rights and access for future utilities infrastructure not just existing.
- Allowing wildfire response and suppression.
- Preventing material expansion of refuge acquisition boundary.

RCA staff has been sharing these concepts and draft bill language with Senator Feinstein and Representative Calvert's offices for their review and feedback. Introduction of legislation is not a forgone conclusion, but frankly, RCA does not anticipate it to proceed.

The intent of establishing a National Wildlife Refuge from 2017 to present was to open a new pipeline of federal funding for land acquisition for the MSHCP and to reduce some of the future land management burden from the RCA. RCA's leadership role in the stakeholder process was at the request and requirement of Senator Feinstein and Representative Calvert before they would consider introducing new legislation this year. RCA staff worked very hard to fulfill the requirement and will be sending a final round of feedback to their offices this week.

Anne Mayer, Executive Director, added that RCA staff believes they have completed the assignment of gathering feedback and meeting stakeholders. There are no current bills in place and so RCA recommends that this activity be considered complete and abide by the guiding principles mentioned and whatever the Board directs. There is currently no further action for RCA to take. If a bill does come back, then RCA would reengage at that point.

Board Member Lock Dawson wanted to know why staff thought there was no chance for another bill to come back. Anne Mayer noted that there are a lot of concerns related to private property rights and the potential for the federal government to expand their role in determining private property rights and what can be done for the MSHCP. The bottom line is RCA needs money to complete the plan, and the question becomes would the refuge bring in money, and the answer is it more than likely it would not. At this time, RCA has completed the task that was asked of us, but it isn't clear that at this point it will generate the desired outcome, which is additional funds.

Vice Chair Bash wanted to know what the consensus was from the local park's folks. When RCA made the trip to Washington it seemed like a deal had been struck, and the feedback was positive. Anne Mayer stated there was a lot of varied local resistance for a variety of different reasons.

Tyler Madary added that local U.S. Fish and Wildlife has raised concerns with funding from the Department of the Interior and U.S. Fish and Wildlife headquarters. Looking at this from a management perspective, of much would be needed to operate with the limited funding and questioning if it would be sufficient. The concerns expressed varied from what was discussed in Washington, D.C. This is an example of waiting to see who would act first between congress and the administration.

Anne Mayer added that if congress creates a refuge, that the U.S. Fish and Wildlife is now responsible for, without funding attached, they will find themselves in the same situation as the RCA. A responsibility to implement something but no money to accomplish it. The appropriation of funds is the missing piece to a refuge bill and the MSHCP.

Board Member Jefferies wanted to confirm that the appropriation of funds was not included in either bill. Anne Mayer confirmed that was correct.

Board Member Lock Dawson thought it seemed like the more effective path would be to pursue appropriations funds.

Anne Mayer shared a conversation at the request of Chair Johnson who was not at the meeting. In a conversation with Congressman Calvert, Chair Johnson stated the consistent message that was received was the congressman was very supportive of the RCA and whatever it is that the RCA would like to do. It was recognized that the money was an issue, but the congressman was still willing to be partner in helping to find RCA funding for the MSHCP. The stakeholder challenges were also recognized by the congressman.

Anne Mayer added that RCA will need to provide the last batch of information to Senator Feinstein's office and Representative Calvert as requested. Staff has not spoken to Senator Feinstein's office yet, so it is possible their office could continue with the bill, so staff will continue to monitor the situation.

Board Member Spiegel wanted to know if Anne Mayer or Chair Johnson had passed this information to Representative Calvert and expressed the need of money to continue the goals of the MSHCP. Anne Mayer confirmed that RCA staff has expressed this to Representative Calvert and with the difficult atmosphere in Washington, DC right not, there are not any current leads.

Board Member Lock Dawson thought with all the money coming through the infrastructure bill over the next three years that an argument could be made for the RCA to have access to those funds.

Anne Mayer noted that so many of the programs are over-subscribed, which does not mean RCA won't try for the funds, but it is relatively challenging. There was a joint RCTC/RCA application for a wildlife crossing for Mid-County Parkway, RCTC asked for the crossing project and RCA asked for money to buy the property on either side leading up to the crossing. Another challenge is that there is already \$900 million available in federal funding for habitat conservation plans and state parks, but it is a matter of how it is divided up in Washington, DC. Nationally, there is only \$26 million out of \$900 million is being allocated towards conservation habitat plans.

Board Member Lock Dawson offered up assistance in any way possible.

9. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORTS

Aaron Hake, Deputy Executive Director, noted that in the RCA bylaws it is required for a Stakeholders Committee to exist, consisting of property owners, environmental groups, and developers in the MSHCP. This committee was re-established after RCTC took over the management of RCA. The chair had ratified a group of 15 stakeholders for the committee, and they are to meet twice a year.

It has been two years since their appointments, so RCA is going to start the recruitment process over again, for establishing a new committee for next year. The Stakeholders Committee is there to advise the Board on whatever they feel needs advisement. In the coming months, the RCA will be soliciting to constituents and encouraging them to apply. In the meantime, the current committee will be meeting later this month.

Anne Mayer, Executive Director, added if there is anything the Board would be interested in having the Stakeholders Committee opinion on, let staff know and it can be added to the agenda.

Board Member Spiegel wanted to know how many were on the Stakeholders Committee and what the maximum number of members would be. Aaron Hake noted that there are currently 15 on the committee and the minimum number is 15, so there could be more.

Anne Mayer added that the last time a recruitment was done, the chair accepted and appointed all the applicants. Those that applied on time were accepted. There was only one applicant who did not meet the criteria. There was also another applicant that asked to apply late and was denied.

Vice Chair Bash wanted to know how the Board would be able to convey questions or seek opinions from the Stakeholders Committee. Anne Mayer stated that Board Member could just let staff know, no vote would be required.

10. ADJOURNMENT

There being no further business for consideration by the Executive Committee, Vice Chair Bash adjourned the meeting at 12:13 p.m. The next meeting of the Executive Committee is scheduled to be held on **Monday, October 2, 2023**.

Respectfully submitted,

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

Lisa Mobley
Administrative Services Director/
Clerk of the Board