



**EXECUTIVE COMMITTEE  
MEETING AGENDA**

**TIME: 11:30 a.m.**

**DATE: Monday, September 9, 2024**

**LOCATION: March Field Conference Room  
County of Riverside Administrative Center  
4080 Lemon Street, Third Floor, Riverside, CA**

**🌀 COMMITTEE MEMBERS 🌀**

Kevin Bash, City of Norco – Chair  
Karen Spiegel, County of Riverside, District 2 – Vice Chair  
Natasha Johnson, City of Lake Elsinore  
Crystal Ruiz, City of San Jacinto  
James Stewart, City of Temecula  
Joseph Morabito, City of Wildomar  
Chuck Washington, County of Riverside, District 3





# **WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

www.wrc-rca.org

## **EXECUTIVE COMMITTEE MEETING AGENDA**

**11:30 a.m.**

**Monday, September 9, 2024**

**March Field Conference Room  
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4080 Lemon Street, Third Floor, Riverside, CA**

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC COMMENTS** – *Each individual speaker is limited to speak three (3) continuous minutes or less. The Board may, either at the direction of the Chair or by majority vote of the Board, waive this three-minute time limitation. Depending on the number of items on the agenda and the number of speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Board may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Board shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items.*

*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. **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).*

6A. **APPROVAL OF MINUTES – APRIL 1, 2024**

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7. **STAKEHOLDERS COMMITTEE PARTICIPATION IN THE STRATEGIC IMPROVEMENT ASSESSMENT AND ACTION PLAN (SIAAP) UPDATE**

*Page 6*

**Overview**

This item is for the Committee to receive and file the Stakeholders Committee update report.

8. **CROTCH'S BUMBLE BEE (*BOMBUS CROTCHII*) AND THE MSHCP**

*Page 12*

**Overview**

This item is for the Committee to recommend to the RCA Board of Directors to authorize the Executive Director to negotiate an amendment to the existing Strategic Implementation Assessment and Action Plan (SIAAP) contract (Agreement No. 24002) with ICF and to bring a contract amendment to the Board of Directors for approval or through a new procurement to hire a consultant to assist the RCA in preparing a Major Amendment to the MSHCP and to support RCA staff in developing an interim solution to streamline the Crotch's bumble bee permitting process until the species is covered by the MSHCP.

9. **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.

10. **ADJOURNMENT**

The next Executive Committee is scheduled to be held on **Wednesday, October 7, 2024.**

# **AGENDA ITEM 6A**

## **MINUTES**



# **WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

## **EXECUTIVE COMMITTEE MINUTES**

**Monday, April 1, 2024**

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

The meeting of the Executive Committee was called to order by Chair Kevin Bash at 11:30 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**

Karen Spiegel  
Chuck Washington\*  
Natasha Johnson  
Kevin Bash  
Crystal Ruiz  
James Stewart  
Joseph Morabito

#### **Members Absent**

\*Arrived after the meeting was called to order.

### **3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Board Member Spiegel.

### **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/Stewart) to approve the following Consent Calendar items.**

#### **6A. APPROVAL OF MINUTES – SEPTEMBER 11, 2023**

**6B. RECURRING CONTRACT FOR FISCAL YEAR 2024/25**

- 1) Approve the single-year recurring contract with the Santa Ana Watershed Association (SAWA) for biological monitoring services in an amount not to exceed \$2,114,900, for FY 2024/25; and
- 2) Authorize the Chair or Executive Director, pursuant to legal counsel review, to execute the agreement on behalf of RCA.

At this time, Board Member Washington arrived.

**7. ADOPTION OF FISCAL YEAR 2024/25 BUDGET**

Jennifer Fuller, Financial Administration Manager, provided a presentation on the Proposed Budget Fiscal Year 2024/25. RCA's budget preparation began in January with finance staff working with program staff to compile budget data and revenue estimates. Today, staff is seeking Board Member input and approval to forward the FY 25 Budget to the Board of Directors.

Preparation of the FY 25 Budget continues, and staff has provided estimates for RCTC's contract amount as work is ongoing on the RCTC budget. Staff expects to include more final amounts with the proposed budget that will be brought forward to the Board of Directors in May. For the May Board meeting, staff will prepare the full Executive Summary with all the budget related information in one document. The document will provide budget polices, budget goals and objectives, budget overview with a discussion of the sources used in funding, program initiatives, fund balance, and a budget summary including budget schedules.

Staff project the fund balances by fund at the end of FY 25 to be General Fund \$21.3 million, Capital Projects Fund \$39.6 million, and Endowments Fund \$26.1 million. Staff anticipates beginning the fiscal year with a total of \$87 million in fund balance. Over 75% of this amount, or \$63.7 million, is restricted in how it can be used or is for non-spendable endowments. Another nearly 12%, or \$10.2 million, must be maintained according to the fund balance policy of the Board. Currently, there is more demand for RCA to purchase properties than supply of funds in the current year. FY 25 estimated sources are budgeted at \$60.9 million and estimated uses are budgeted at \$60.9 million as well. The budget is balanced, meaning sources and uses are estimated to match, however, RCA does estimate that the General Fund uses will exceed sources by \$3.7 million and the endowment fund sources will exceed uses by \$3.7 million.

Revenues for the upcoming fiscal year are anticipated to be \$60.9 million, which is a decrease of approximately \$15 million from the FY 24 projected actuals. The decrease is primarily attributable to a decrease in projected Local Development Mitigation Fees (LDMF), contributions and donations, and interest. RCA's major funding sources include LDMF, State and Federal grants, Land Donations, Tipping Fees from Riverside County, and Transportation Uniform Mitigation Fees (TUMF).



LDMF revenues are projected to decrease from the FY 24 projected actuals. State and Federal grant revenue will increase slightly next year and will include the possible purchase of multiple properties using the Jurupa Mountain Grant, 2 properties using the 2022 Non-Traditional Section 6 Grant, 2 properties using the 2023 Non-Traditional Section 6 Grant, and a small Local Assistance Grant for evaluating Quino-Checkerspot butterfly habitat. Staff are actively pursuing other grant opportunities and when other grants are secured, staff will return to the Board with a budget adjustment to appropriate funding. Staff anticipates the acquisition of 5 land donations with an estimated value of \$3.9 million and over 200 acres in FY 25.

Out of County tonnage is expected to remain close to current year levels at \$3.5 million for approximately 2.1 million tons. TUMF revenues approximate WRCOG projections of FY 24 revenues, staff projects \$1 million in revenues for FY 25. Other revenue sources include reimbursement for services, civic and infrastructure contributions, interest, and other revenue. Operating Transfers In relate to funding for reserve management and monitoring and program administration that will be covered by LDMF revenues. An identical amount is including in the Habitat Acquisition budget as an Operating Transfer Out.

For LDMF collections, FY 21 through FY 24 included recognized prepayments from member agencies, the majority of which were recognized in FY 21. Staff anticipates that FY 25 revenues will decrease to \$22.5 million. The LDMF fluctuates with the economy and as such is an unreliable revenue source. This is likely a conservative projection and staff will monitor the LDMF revenues throughout the fiscal year and bring forward a budget adjustment if collections are markedly different from projections.

Expenses are projected to decrease by approximately \$39 million for the upcoming fiscal year when compared with FY 24 projected actuals. This is largely due to a decrease in land purchases and offset by an increase in contracts, debt service, and other expenditures. RCA's spending for its' four programs is consistent with the core responsibilities under the MSHCP, and the 2020 Nexus Study. Program Administration and Reserve Monitoring and Management make up RCA's General Fund; Habitat Acquisition is the Capital Projects Fund; and Endowments are accounted for in Endowment Funds. Habitat Acquisition is projected to decrease significantly from FY 24 project actuals. FY 25 budget includes the purchase of nearly 20 properties and the donation of 5 properties. Approximately 76% of the cost of properties will be covered by state and federal grants or are donations. Reserve Monitoring and Manager and Program Administration are increasing in cost, mainly related to rising contract costs from vendors. Overall, proposed expenditures for the FY 25 Budget are \$60.9 million.

General Administration expenditures are nearly flat when compared to the FY 24 Amended Budget. RCA pays most of its' contracts through the RCTC Management Services Agreement, only payments for County services are paid separately. Contract expenditures will increase from the FY 24 Amended Budget. Services paid for through the Management Services Agreement with RCTC will increase from the FY 24 Amended Budget by about \$750,000 and will increase \$3.2 million from the FY 24 projected actuals. The increase from the amended budget is due to additional contracted services and an administrative allocation offset by decreases in proposed

spending on land acquisition support and legal services. The increase from the FY 24 projected actuals includes salaries and benefits, administrative allocations, and contracted services.

Land Management services with Riverside County Parks is budgeted at over \$2.2 million, a significant increase from the FY 24 Amended Budget. Parks will provide day-to-day land management activities plus additional reimbursable activities related to the deposit agreements as well as fire abatement and endowment related work. Assessment of fee expenditures of \$80,000 represents special assessments including homeowner's association fees for RCA lands subject to such fees. The Debt Services expenditures relate the note payable on the Toscana Property purchase, this is the first payment on the 4-year note. Habitat Acquisition and Maintenance budget expenditures of \$39.1 million reflects the largest decrease from the FY 24 Amended Budget. Habitat Acquisition and Maintenance includes the value of land acquired and the cost to acquire the land. The 2020 Nexus Stude permits the use of LDMF revenues for all functions of the RCA. Operating Transfers Out relates to the transfer of LDMF revenues from the Capital Projects Fund to the General Fund to assist the budget needs for reserve management and monitoring and program administration.

Habitat acquisition and maintenance budgeted expenditures of \$39.1 million reflect three different types of acquisitions. State and federal grants provide more than half of the projected budget for acquisitions in FY 25. The funding is derived from the 2022 Non-Traditional Section 6 Grants for 2 properties for nearly 60 acres, the 2023 Non-Traditional Section 6 Grants for 2 properties for over 400 acres, and the State Jurupa Mountains Grant for 7 properties for over 300 acres. The remaining acquisitions will be funded primarily by the LDMF and TUMF funds to purchase willing seller and Non-Development HANS properties. RCA will also provide funding for state and federal grants where updated appraisal has valued the properties at amounts greater than the grant amount and provide additional funding for the Lake Elsinore Back Basin properties. Staff anticipates acquiring 9 properties for approximately 450 acres. LDMF funds also support all the other costs of acquisition including appraisals, title reports, legal services, environmental reviews, surveying, and other costs associated with the acquisition of habitat. RCA staff expect to receive 5 donations during FY 25 with a projected value \$3.9 million for over 200 acres.

When RCTC became the managing agency of RCA in January 2021, staff began quickly looking for processes that could be streamlined and efficiencies gained. Many contracts were combined, and RCA now pays all contracts through RCTC, except for County provided services. Overall, the management services contract with RCTC includes salaries and benefits of \$4 million. General administration costs of \$3.8 million related to an estimated administrative cost allocation, board stipends, facilities management, legal audit, public outreach, legislative advocacy services, and other miscellaneous costs. Other habitat acquisition costs of \$1.3 million relate to appraisals, environmental fees, and outreach contracts. There is \$3.5 million for monitoring and management contracts, and \$70,000 for the Legacy Home Rebate Program.

This is a preliminary look at the budget. The budget process is ongoing, as discussed, some of the amounts are still estimates and will be finalized in the Executive Summary that is presented to the Board in May.

Chair Bash wanted to know why the contractual obligations jumped from the previous year.

Jennifer Fuller noted that there are several contracts that are increasing, and County Parks has a significant increase of over \$500,000 next year. There are some other newer contracts that have also caused the increase. The County is currently negotiating new contracts with its' bargaining units and those contracts are causing salary increases. There are also other internal service fees that the County is increasing.

Anne Mayer, Executive Director, added that the RCA has been successful in increasing the inventory of properties, but the tradeoff is higher admin costs because there is more to manage. The more habitat RCA acquires, the more the County Parks and SAWA contracts will be to manage the additional acreage.

**M/S/C (Ruiz/Stewart) to:**

- 1) ***Adopt the FY 2024/25 Budget and related Resolution No. 2024-005 "Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting the Fiscal Year 2024/25 Operating and Capital Budget Including Budget Policies."***

## **8. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORTS**

Anne Mayer, Executive Director, announced that this week letters would be going out to City Managers, County Administrative Officers, and City/County Planning and Finance Directors about the fee increase that will be effective July 1<sup>st</sup>. The fee is going up 2.878% based on the Consumer Price Index (CPI) in the area.

## **9. ADJOURNMENT**

There being no further business for consideration by the Executive Committee, Chair Bash adjourned the meeting at 11:47 a.m. The next meeting of the Executive Committee is scheduled to be held on **Monday, May 6, 2024.**

Respectfully submitted,



Lisa Mobley  
Administrative Services Director/  
Clerk of the Board



# **AGENDA ITEM 7**



**WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

DATE:	September 9, 2024
TO:	Executive Committee
FROM:	Aaron Gabbe, Director of Regional Conservation
THROUGH:	Aaron Hake, Executive Director
SUBJECT:	Stakeholders Committee Participation in the Strategic Improvement Assessment and Action Plan (SIAAP) Update

**STAFF RECOMMENDATION:**

This item is for the Committee to receive and file the Stakeholders Committee update report.

**BACKGROUND INFORMATION:**

Established by the RCA bylaws, the Stakeholders Committee (Committee) is comprised of members from groups representing property owners, environmental interests, and the building industry.

The RCA Board established the Stakeholders Committee for two primary goals:

1. Bringing together people with varying perspectives who share common interest in the MSHCP’s success and can assist the RCA in a process of continuous improvement; and
2. Increasing awareness of the MSHCP and its benefits to Western Riverside County.

In addition, the Committee meets the Board’s priority to increase communication, educational opportunities, and public engagement efforts outlining the work of the RCA and the benefits of the MSHCP.

The Committee is comprised of a diverse group of key stakeholders representing property owners affected by the MSHCP; environmental groups with interests implicated by the MSHCP; and groups representing the building industry within the area affected by the MSHCP. As stakeholders, each member is invested in the successful implementation of the MSHCP.

Recent challenges with MSHCP reserve assembly and the associated Habitat Acquisition Negotiation Strategy (HANS) process has led the RCA Board of Directors to direct RCA staff to develop a MSHCP Strategic Improvement Assessment and Action Plan (SIAAP) to evaluate existing policies and identify opportunities to improve implementation. Staff and the consultant team (ICF) developing the SIAAP have been seeking feedback from MSHCP implementation partners on their perspective of the challenges and successes of MSHCP implementation and more specifically, the HANS process. As part of this information gathering process, staff and the consultant team sought feedback from the Committee during the July 24, 2024, Committee

meeting on their perspectives of the challenges and successes of the MSHCP and the HANS process. The Stakeholders Committee meeting comprised of a presentation summarizing the purpose of the SIAAP and an opportunity for discussion and feedback from the Committee.

### **The SIAAP**

The MSHCP was developed almost 20 years ago and some of the assumptions used to develop the MSHCP are no longer accurate. It is impossible to create such a large, 75-year habitat conservation plan that operates exactly how it was envisioned during plan development. A trend has been developing recently where the RCA, through the development HANS process, is required to purchase land described for conservation that is extremely expensive (e.g., many orders of magnitude greater than the per acre costs assumed by the MSHCP or 2020 Nexus Study), and occasionally, land that provides modest habitat values without active restoration. The development HANS process provides little flexibility to the RCA to make acquisition decisions based on cost or habitat quality. The RCA is concerned that if this trend continues, it may not be financially feasible to achieve all the goals and objectives of the MSHCP, particularly those related to reserve assembly.

The primary objective of the SIAAP is to identify and recommend pathways that the RCA and other Permittees may take to improve MSHCP implementation flexibility while maintaining financial stewardship and permit compliance. At the conclusion of the study in early 2025, RCA staff will present the findings of the SIAAP and recommend next steps to the Board. Potential solutions may involve policy or process improvements that could be modified within the RCA Board's purview and authority, other pathways via a minor or major amendment, or securing additional sources of funding for land acquisition.

There are three phases to the consultant team's approach. Each phase will consider three overarching goals of the SIAAP: assessment phase, improvements phase, and action plan phase. The consultant team used the Committee to solicit feedback during the assessment phase. The consultant team is completing the assessment phase.

### **DISCUSSION:**

Discussion from the meeting highlighted the need to address significant challenges as the MSHCP enters its third decade of implementation, particularly focusing on enhancing the flexibility of land acquisition processes and improving the RCA's ability to make informed, cost-effective decisions. The SIAAP aims to assess the current implementation constraints, such as the development HANS process, and explore alternatives that can better support the MSHCP's objectives while upholding financial stewardship and permit compliance.

During the meeting, stakeholders actively engaged in providing feedback. There was broad support for initiatives to increase flexibility in MSHCP's implementation, acknowledging that adjustments in MSHCP implementation are important for the MSHCP's continued success. Stakeholders expressed concerns about a variety of issues including implications of an update to



the mitigation fees, land use designations and zoning changes that are not consistent with the MSHCP’s goals, and costs of land acquisition. Stakeholders discussed increasing use of incentives like transfer of development rights and density clustering, and the use of conservation easements instead of land purchase in fee title. Stakeholders asked about the level of RCA engagement with local jurisdictions (permittees) to support the implementation process. Stakeholders also expressed concerns about the potential listing of Crotch’s bumble bee and implications that will have on MSHCP implementation and project permitting since it is not on the covered species list.

Stakeholders highlighted the importance of clear and ongoing communication, ensuring that any modifications to the MSHCP are transparent and that stakeholders remain informed. Furthermore, stakeholders emphasized the necessity of maintaining compliance with existing environmental permits and conservation goals, underscoring the value of their continued involvement in shaping the SIAAP recommendations and report.

Feedback from the Committee will be compiled, assessed, and summarized along with feedback from interviews from RCA Board Members, RCA staff, and staff from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife in the SIAAP final report that is expected to be finalized at the end of February 2025.

**NEXT STEPS**

- At least one more meeting for continued discussion will be held on this fall.
- The consultant team is drafting a report on the findings of the assessment phase.

The following Stakeholders Committee members were in attendance:

<b>Name</b>	<b>Organization</b>
Alicia Thomas	SoCal Mountains Landscape Division, The Wilderness Society
Bruce Colbert	Property Owners Association of Riverside County
Cara Lacey	The Nature Conservancy
Dan Silver	Endangered Habitats League
Drew Feldmann	San Bernardino Valley Audubon Society (SBVAS)
Juan Rosas	Hispanic Access Foundation
Laura Jaime	Shiishongna Tongva Nation Corona Band of Gabrielino Indians
Nicole Padron	Rivers & Lands Conservancy
Nolan King	Riverside County Parks, Santa Rosa Plateau Ecological Reserve Nature Education Foundation
Pam Nelson	Santa Margarita Group/San Gorgonio chapter/Sierra Club, Santa Ana to Palomar Alliance
Rachael Johnson	Riverside County Farm Bureau
Sherli Leonard	Redlands Conservancy
Teri Biancardi	Temecula Elsinore Anza Murrieta Resource Conservation District (TEAMRCD)
Tuba Ebru Ozdil	Pechanga Band of Indians

**FISCAL IMPACT:**

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

Attachment: RCA Stakeholders Committee Agenda



**STAKEHOLDERS COMMITTEE  
MEETING AGENDA**

**TIME: 9:30 a.m.**

**DATE: Wednesday, July 24, 2024**

**LOCATION: MARCH FIELD CONFERENCE ROOM  
County of Riverside Administrative Center  
4080 Lemon Street, Third Floor, Riverside**

**🌀 COMMITTEE MEMBERS 🌀**

Alicia Thomas, SoCal Mountains Landscape Division, The Wilderness Society  
Bruce Colbert, Property Owners Association of Riverside County  
Cara Lacey, The Nature Conservancy  
Dan Silver, Endangered Habitats League  
Drew Feldmann, San Bernardino Valley Audubon Society  
Juan Rosas, Hispanic Access Foundation  
Laura Jamie, Shiishongna Tongva Nation Corona Band of Gabrielino Indians  
Nicole Padron, Rivers & Land Conservancy  
Nolan King, Santa Rosa Plateau Ecological Reserve Nature Education Foundation  
Pam Nelson, Santa Margarita Group/San Gorgonio Chapter Sierra Club  
Rachael Johnson, Riverside County Farm Bureau  
Sherli Leonard, Redlands Conservancy  
Teri Biancardi, Temecula Elsinore Anza Murrieta Resource Conservation District  
Tuba Ebru Ozdil, Pechanga Band of Indians



# WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

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## STAKEHOLDERS COMMITTEE MEETING AGENDA

**9:30 a.m.**

**Wednesday, July 24, 2024**

**March Field Conference Room  
County of Riverside Administrative Center  
4080 Lemon Street, Third Floor, Riverside, CA**

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENTS** - This is for comments on items not listed on the agenda. Comments relating to an item on the agenda will be taken when the item is before the Committee.
- 4. APPROVAL OF MINUTES – SEPTEMBER 23, 2023**
- 5. PRESENTATION AND FEEDBACK – STRATEGIC IMPROVEMENT ASSESSMENT AND ACTION PLAN (SIAAP)**

*Page 1*

### **Overview**

This item is for the Stakeholders Committee to receive a presentation summarizing the purpose of the SIAAP and to provide feedback.

- 6. COMMITTEE MEMBER / EXECUTIVE DIRECTOR REPORT**

### **Overview**

This item provides the opportunity for the Committee Members and the Executive Director to report on any other items related to Committee activities.

- 7. ADJOURNMENT**

# **AGENDA ITEM 8**



<b>WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY</b>	
<b>DATE:</b>	September 9, 2024
<b>TO:</b>	Executive Committee
<b>FROM:</b>	Aaron Gabbe, Director of Regional Conservation
<b>THROUGH:</b>	Aaron Hake, Executive Director
<b>SUBJECT:</b>	Crotch's Bumble Bee ( <i>Bombus crotchii</i> ) and the MSHCP

**STAFF RECOMMENDATION:**

This item is for the Committee to recommend to the RCA Board of Directors to authorize the Executive Director to negotiate an amendment to the existing Strategic Implementation Assessment and Action Plan (SIAAP) contract (Agreement No. 24002) with ICF and to bring a contract amendment to the Board of Directors for approval or through a new procurement to hire a consultant to assist the RCA in preparing a Major Amendment to the MSHCP and to support RCA staff in developing an interim solution to streamline the Crotch's bumble bee permitting process until the species is covered by the MSHCP.

**BACKGROUND INFORMATION:**

**Overview**

On June 18, 2019, the California Fish and Game Commission (the Commission) provided notice to the public that four bumble bee species were candidate species for listing. These species are under review with the Commission for final determination of its listing as Endangered or Threatened. The exact timing of Commission findings is not known but is expected within a year. Of the four, only Crotch's bumble bee has a range overlapping Western Riverside County.

California Department of Fish and Wildlife (CDFW) is required by law (California Fish and Game Code [FGC] 2085) to provide the same protections to candidate species as a state-listed endangered or threatened species, and projects in Western Riverside County are required to address Crotch's bumble bee as a state-listed species. This species is not covered by the Western Riverside County MSHCP, nor was it considered for coverage during the MSHCP development process in the early 2000s. This is the first time in the 20-year history of the MSHCP that a newly listed species (state or federal) was not covered by the MSHCP.

As a species not covered by the MSHCP, project applicants are not provided the streamlined permitting benefits for impacts to Crotch's bumble bee that the MSHCP provides for the 146 covered species. Thus, proposed projects, within or outside of the MSHCP boundaries, that have the potential to directly or indirectly impact Crotch's bumble bee should seek alternate California Endangered Act (CESA) authorization (i.e., CESA Incidental Take Permit) beyond the MSHCP

application process. On June 6, 2023, CDFW released “Survey Considerations for California Candidate Bumble Bee Species” to assist CDFW staff, project proponents, and consultants in developing, proposing, and evaluating survey protocols and surveys on a project- and site-specific basis. CDFW states that this document should not be interpreted as an order or mandatory protocol for species surveys.

The MSHCP (Section 6.8.3) and the Implementing Agreement (Section 11.4.5) stipulate that the Permittees amend the MSHCP to add newly listed species that are not covered by the MSHCP. The MSHCP and Implementing Agreement further stipulate that in the case of a newly listed species under CESA or the federal ESA that the USFWS and/or CDFW and the Permittees will identify actions that may cause take, jeopardy, or adverse modification of critical habitat and that the Permittees will avoid such actions in the implementation of their covered activities until approval of an amendment of the MSHCP to address the newly listed species. Such avoidance measures will include: 1) evaluation of potential effects on the newly listed species in applications for covered activities, such evaluations will include assessment of the presence of suitable habitat for the newly listed species within the areas potentially affected by the proposed covered activity and surveys for the newly listed species, as appropriate, using accepted protocols; and 2) implementation of measures to avoid impacts to the newly listed species based on the results of the surveys and the evaluation of the survey data in the context of the design of the proposed covered activity.

### ***California Endangered Species Act Listing Process and Crotch’s Bumble Bee Listing History***

The Commission establishes and maintains a list of endangered and threatened species in California. The determination of listing a species is to be “based solely upon the best available scientific information” (FGC section 2070). California Fish and Game Code allows that an interested person petition the Commission to add or remove a listed species. (In the absence of a petition, CDFW may recommend to the Commission to add or remove a species from the list.) On October 16, 2018, The Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and the Center for Food Safety petitioned the Commission to list 4 bee species as endangered under the CESA.

Within 10 days of receipt of a petition, the Commission shall refer the petition to the CDFW. Within 90 days of receipt of the petition, CDFW shall evaluate the petition (and in relation to other relevant information) and submit to the Commission its written evaluation report. CDFW released its evaluation report on April 4, 2019, with the following recommendation:

“In completing its Petition Evaluation, the Department has determined the Petition provides sufficient scientific information to indicate the petitioned action may be warranted for the Crotch bumble bee, the Franklin bumble bee, the Western bumble bee, and the Suckley’s cuckoo bumble bee. Therefore, the Department recommends the Commission accept the Petition for further consideration under CESA.”



The Commission determined listing “may be warranted” and the four bumble bee species became candidates for listing on June 12, 2019. That listing was legally challenged, and candidacy was stayed during much of the ensuing litigation. The Commission’s decision was ultimately upheld, the state Supreme Court declined to review the case, and candidacy was reinstated on September 30, 2022. Thus, the Crotch’s bumble bee now has the same legal protection afforded to an endangered or threatened species (FGC sections 2074.2 and 2085).

Once the Commission accepts a petition for consideration, CDFW shall promptly commence a review of the status of the species concerned in the petition. As part of the status review process for the four bumble bees, CDFW requested that data and comments be submitted to CDFW before January 15, 2023. The final status review peer reviewed written report shall indicate whether the petitioned action (i.e., listing as endangered) is warranted based upon the best scientific information available to CDFW. The status review was to be completed within 12 months of the date of publication of a notice of acceptance of a petition for consideration. This period has elapsed without publication of the status review. The RCA does not know when the status review will be published by CDFW and when the Commission will make a final determination.

The placement of Crotch’s bumble bee as a candidate for listing by the state comes from a documented population decline of 98 percent. The species is limited to southwestern North America and used to be common through much of the southern two-thirds of California with rapid urbanization and agricultural intensification identified as the key stressors to the species. Like other bees, bumble bees depend on nectar and pollen from the plants they pollinate. Nectar provides carbohydrates and pollen provides much needed protein. During the collection of these food sources, they facilitate seed and fruit production. Unlike other bees, bumble bees buzz so strongly they vibrate the pollen loose from the flower’s anthers. Crotch’s bumble bee requires grassland and scrub habitats for their life cycle that occurs year-round.

**NEXT STEPS:**

The RCA has been advised by CDFW to delay amending the MSHCP until a final determination is made by the Commission. The RCA will begin the amendment process if the species is listed and if RCA determines that amending the MSHCP provides the best solution for the MSHCP permittees. In the meantime, the RCA is beginning the background work to hit-the-ground running if, and when, the species is listed.

RCA is also beginning work with CDFW to identify and implement an interim solution to streamline the Crotch’s bumble bee permitting process until an amendment is complete and the species is covered by the MSHCP. The RCA has communicated to CDFW that the RCA will accept bee mitigation on RCA-owned MSHCP reserve lands, in consultation with CDFW and United States Fish and Wildlife Service, with the understanding that any above and beyond MSHCP land management required for Crotch’s bumble bee mitigation will necessitate funding an endowment.

**RECOMMENDATIONS:**

The work described under next steps requires specific expertise and worktime beyond RCA staff capabilities. Staff requests that the Executive Committee recommend to the RCA Board of Directors to authorize the Executive Director to negotiate an amendment to the existing SIAAP contract Agreement No. 24002 with ICF and to bring a contract amendment to the Board of Directors for approval. ICF has communicated to RCA staff that it has the necessary expertise and staff to do this work. This work would be a reasonable amendment to Agreement No. 24002 because the SIAAP may include a recommendation to evaluate the MSHCP covered species list to determine if revisions should be made via an amendment it would be to improve MSHCP implementation efficiencies. Furthermore, an amendment to the MSHCP would require an intimate understanding of the MSHCP and how it is being implemented. ICF is doing the work to gain that knowledge under Agreement No. 24002. Amending Agreement No. 24002 would efficiently and effectively enable ICF to address issues related to the Crotch's bumble bee in a timely manner. The Executive Committee may also consider directing the Executive Director to initiate a new procurement for a consultant through a competitive solicitation.

**FISCAL IMPACT:**

The specific scope of work and cost to develop interim permit streamlining solutions for Crotch's bumble bee; to explore alternative permitting pathways; and to do the background work for a potential amendment to add Crotch's bumble bee to the MSHCP would be negotiated by the Executive Director. RCA staff anticipates the cost to not exceed \$250,000 for this work.