

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

EXECUTIVE COMMITTEE MINUTES

Monday, September 9, 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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Executive Director Aaron Hake.

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/Morabito) to approve the following Consent Calendar item.

6A. APPROVAL OF MINUTES – APRIL 1, 2024

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

Aaron Gabbe, Regional Conservation Director, provided an update on the Stakeholders Committee participation in the Strategic Improvement Assessment and Action Plan (SIAAP). Established by RCA by-laws, the Stakeholders Committee is comprised of members representing property owners, environmental interests, and the building industry. As stakeholders, each member is invested in the successful completion of the MSHCP. There were 14 stakeholders who attended the meeting on July 24th.

The Board established the Stakeholders Committee to bring together people with varying perspectives who share a common interest in the MSHCP's success, who can assist the RCA in continuous improvement, and increase awareness of the MSHCP and the benefits to Western Riverside County. In addition, the committee meets the Board's priority to increase communication and educational opportunities with public engagement, both outlining the work of the RCA and the benefits of the MSHCP. The primary focus the July 24th Stakeholders Committee was to provide an overview of the ongoing SIAAP and elicit feedback on the challenges and successes of the MSHCP implementation process.

The primary task of the SIAAP is to evaluate existing policies and identify opportunities to improve implementation and issues with the Habitat Negotiations Strategy (HANS) process. The SIAAP will assess the current implementation complaints in the development HANS process and explore alternatives that can better support the MSHCP objectives, while upholding financial stewardship and permit compliance. RCA staff and the consultant team, ICF, developing the SIAAP have been seeking feedback from MSHCP implementation partners on the challenges and successes of the implementation and process. The Stakeholders Committee is an excellent resources to elicit that feedback.

Discussion from the Stakeholders Committee highlighted the need to address significant challenges as the MSHCP enters its' third decade of implementation, particularly focusing on enhancing the flexibility of the land acquisition process and improving the RCA's ability to make informed cost-effective decisions. The Stakeholders were actively engaged with feedback and recommendations. There was broad support for the goals of the SIAAP and Stakeholders expressed concerns about a variety of issues including implications of an update to the mitigation fees, land use designation and zoning changes that are not consistent with the MSHCP goals, and cost of land acquisition.

Stakeholders also discussed increasing the use of incentives like transfer development rights and density clustering, and the use of conservation easements instead of purchasing land. Stakeholders wanted to know about the level of RCA engagement with local jurisdictions and permittees to support the implementation process, and expressed concerns about the potential listing of Crotch's Bumblebee and the effect that will have on MSHCP implementation and project permitting. Stakeholders highlighted the importance of clear and ongoing communication, ensuring that modifications to the MSHCP are transparent and that

Stakeholders remain informed. Furthermore, Stakeholders emphasized the necessity of maintaining compliance with the MSHCP, associated permits, and the plan's conservation goals.

The feedback from the committee will be complied, assessed, and summarized along with feedback from interviews with RCA Board Members, RCA Staff, and Wildlife Agencies Staff. The SIAAP final report is expected to be finalized by the end of February 2025. There will be one more Stakeholders Committee for discussion held this fall. The consultant team is drafting a report on the findings in this assessment phase, which will be completed shortly.

Board Member Spiegel wanted to know who was on the Stakeholders Committee.

Aaron Gabbe listed the names and organization of the Stakeholders Committee.

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 Geronimo 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

Board Member Spiegel also wanted to know how many of the Stakeholders represented the building community. Aaron Gabbe stated that none of the current members are associated with the building community.

Aaron Hake, Executive Director, added that none had applied this time during the application process.

Board Member Ruiz wanted to know when the application period was for the Stakeholders Committee and if any applications were declined and who they were.

Aaron Hake stated that the applications were due last fall, and that RCA did decline Ed Sauls' application.

Board Member Johnson added that while Ed Sauls was representing the building community on the Stakeholders Committee, he was also representing properties that were litigious with RCA and was using the HANS process to sell properties. RCA believed it would have been a conflict of interest to have him continue to serve on the Stakeholders Committee.

Board Member Ruiz also wanted to know how often the applications for the Stakeholders Committee were accepted or if someone could apply at any time.

Aaron Hake stated per the bylaws, the applications are accepted annually, and will open again this December.

Chair Bash noted that his understanding was that the Stakeholders Committee discussion was very thoughtful, and they were well informed. They understood the plan and they understood the information that was presented to them.

Aaron Hake added that this meeting was the most engaged RCA has had in the Stakeholders Committee. After the Stakeholders left, the consultants had a workshop with staff to discuss everything that happened at the meeting.

Board Member Stewart wanted to know if the purpose of this discussion was around the idea of looking for opportunities for RCA to not have to buy \$43 million 5-acre properties or pushing them into another category.

Chair Bash confirmed that was correct.

Aaron Hake noted the study is still ongoing, this is the just first feedback from the Stakeholders, they will be meeting again. Several Board Members have already been interviewed.

Aaron Gabbe stated there have been 4 Board Members who have been interviewed by the consultants.

Aaron Hake added that while RCA does not yet have the recommendations from the consultant, it is anticipated that there will be some tough recommendations for everyone. The compromises that were made to structure the plan, will need to change, and require everyone to change the way they think about the plan.

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

Aaron Gabbe, Regional Conservation Director, provided a presentation on Crotch's Bumble Bee and the MSHCP. Crotch's Bumble Bee is a candidate for listing under the State Endangered Species Act. In June 2019, Crotch's Bumble Bee became a state candidate for listing as threatened or endangered. A final determination from the California Fish and Game Commission should have already happened, for unknown reasons it has been delayed, but should be final within a year. While this is still only a candidate, the fish and game code require that candidate species are provided the same protections as those that are listed until a decision is made on the listing status. Currently, the Crotch's Bumble Bee is not covered by the MSHCP, which is a first for RCA.

There are two agencies under the California Natural Resources Board that are responsible for the listing process. The California Fish and Game Commission is the entity that makes and sets regulations for fish and game, hunting quotas, etc. They are responsible for making listing determinations of the California Endangered Species Act based solely on the scientific information that is supported by the fish and game code. In October 2018, the commission was petitioned to list Crotch's Bumble Bee and three other bees as endangered by non-profit entities. After submission of this petition, the commission is required within 10-days to hand the petition over to the California Department of Fish and Wildlife (CDFW).

CDFW has 90-days to review the petition and evaluate whether they can provide sufficient information in which to support a potential listing. This review did yield information that recommended that the commission accept the petition to raise the listing and in June 2019, that was done making it a candidate species. This determination initiated a number of lawsuits that went on for 3 years, going all the way to the State Supreme Court, which declined to take on the case in September 2022. CDFW is responsible as the ecological/biological experts to evaluate the status of this species to determine whether it warrants the status of listed. Upon this determination, a report will be issued that will make recommendations to the Fish and Game Commission on whether to list one or more of the species as endangered or threatened.

Crotch's Bumble Bee is named after a British entomologist George Robert Crotch, who lived in the 1800's coming to North America to do collections in California in 1873. Crotch's Bumble Bee occurs in the southern two-thirds of California where its' preferred habitats are grasslands and scrublands. The primary cause of the population loss of more than 98% is urbanization, intensification of agriculture, pesticides, and invasive plants and animals. They are important pollinators for agriculture and natural ecosystems. They eat pollen for the protein and nectar for the carbohydrates to power their day.

Crotch's Bumble Bee is not currently an MSHCP covered species. Proposed projects that would impact the bumble bee would be required to seek their own Incidental Take Permit under the California Endangered Species Act (CESA). That would require additional surveys and work with the CDFW to evaluate the data from the surveys and avoid impacts or mitigate impacts. In June 2023, CDFW released the Survey for Considerations for California Candidate Bumble Bee Species to provide guidance for CDFW staff and project applicants. While it was made clear that it was not a mandatory protocol it was suggested to implement it to streamline the process.

The MSHCP conceived of the potential for new species to be listed. It is a collective decision by the permittees what species to apply for application and of the Wildlife Agencies on whether there is sufficient data and mitigation proposed in the MSHCP for the permits to be issued. As part of the implementing agreement, the section that addresses new listings, the permittees are required to amend the MSHCP to add those species to the plan. In the interim, the permittees and Wildlife Agencies will identify actions that may cause take or jeopardy and avoid such actions until approval of that amendment. As part of that process, permittees have to evaluate potential effects in applications for covered activities under the MSHCP and implement measures to avoid impacts.

RCA staff has spoken with CDFW several times over that last year about the status on the listing and how they are asking applicants to address this species. CDFW staff did advise RCA to not amend the MSHCP until the commission makes a final listing determination, the main reason being it is unsure if Crotch's Bumble Bee will be listed. RCA wants to be prudent, but also efficient and effective in the use of RCA's limited resources. However, CDFW mentioned that background work could be done, should the species become listed, and the plan would need to be implemented, it could help the process get going. RCA could also work on identifying a potential permitting strategy, should the species be listed. An amendment would be arduous task and would be a lot of work for RCA and the Wildlife Agencies, and if there could be alternative permit solutions they should be evaluated.

Before the species is listed and an amendment is finalized, RCA can work with CDFW to develop an interim permitting solution until the MSHCP is amended. Any interim solution would most likely not provide the streamlined benefits of the MSHCP, but it could provide certainty to the applicants of noted steps. RCA has made clear to CDFW their willingness to accept mitigation on RCA-owned reserves, but mitigation must include endowment funding for bee-specific management.

To start those next steps, RCA would need consultant support to develop an interim permitting solution with CDFW, exploring alternative permitting pathways, and conduct analysis for a potential amendment if the species is listed. There are two options for consideration. The first is to amend the existing agreement with ICF for the Strategic Improvement Assessment and Action Plan (SIAAP), or the second would be to initiate a new procurement to consider alternative firms. RCA believes that amending the existing contract with ICF is the most efficient step, as it aligns well with the SIAAP scope.

The outcome of the SIAAP will be a suite of alternative recommendations to the Board on how to address the issues with the MSHCP, one of which could be a major amendment. If there is going to be a major amendment, it should only be handled by one firm, and could include the recommendations of the SIAAP and the addition of Crotch's Bumble Bee. The MSHCP is incredibly nuanced, and it would make sense to RCA staff to have ICF apply the knowledge already gained through the SIAAP process. Another reason is the potential for one of the SIAAP recommendations to be to review the currently covered species under the MSHCP.

The final scope would be negotiated by the Executive Director with the chosen firm and while there is only an outline of the scope of work, it is anticipated the cost would not exceed \$250,000 for the initial work. This would not include the cost of a major amendment, and staff is unsure how much that would cost if it became necessary. Most of this work would be expected to be completed in this current fiscal year, as this would be an urgent task.

Aaron Hake, Executive Director, stated that there are projects for the County of Riverside that are going through their environmental assessment process with County Planning, and they are discovering that this bee exists and instead of just completing the MSHCP process, they are required to complete another process as well. RCA staff has been discussing how to approach

this in a strategic way so that staff can be proactive, to find a path forward. This is the first time in 20 years that this has occurred, and while the MSHCP anticipated this would occur, RCA is currently in limbo and would like the Board's direction in moving forward. RCA is attempting to help permittees with CDFW, but there is not currently a consistent process.

Board Member Johnson stated that she was contacted by Marion Ashley who, as a co-author of the MSHCP, expressed frustrations about projects that have run into unexpected roadblocks. From a logical stance, the MSHCP did account for something like this to happen, so whatever path is taken will be setting a precedent. It would make sense to start the background work, since the Board has already taken the first steps to possibly start a major amendment. Though, talks of an interim permitting process can be a slippery slope and with all the current frustrations and red tape of RCA, it might not be the best idea.

Board Member Spiegel wanted to know if RCA was opening the MSHCP would it also be possible to address other issues, or if it would delay the process.

Aaron Gabbe thought that decision would be at the Board's discretion, but there is a laundry list of things, even administratively, that could be tightened up. The SIAAP is remaining focused on the identified issues for the study, but that is different from when the Board provides direction on what to do from the study. If an amendment was attempted, it could be a tough outcome with no guarantee of the process, there is no reason RCA could not explore other efficiencies or improvements.

Board Member Johnson noted that during the consultant interview that wanted to know what you would fix about the RCA with no limitations. Once all that feedback is received, it is possible that some of those desires that were expressed would be included in the recommendation. Though, those desires should not get in the way of correcting the HANS process issues.

Aaron Hake stated that the way RCA is approaching this process is to keep that HANS analysis and those recommendations going forward, this becomes a tag along issue. Since the SIAAP is already 7 months in, it might be easier to get their help with this instead of bringing a new team on that would need to learn about the plan.

Board Member Johnson shared that as part of the lobbying tour last year, the appetite for a potential amendment was there on the national level. The appetite of the local level is the issue.

Board Member Washington wanted to call to attention that there was a county approval process for this that was currently being bogged down.

Juan Perez, County of Riverside, spoke out in support of the recommendation to hire a consultant and thought there was value in using the same consultant. The county is concerned in that looking at the map for the bumble bee, it covers the majoring of the state, not just pockets in Riverside County, which could impact not just Western Riverside County, but also the

Coachella Valley. For a county standpoint, they will be bolstering their activities to further support the RCA's efforts.

Board Member Johnson added that some have suggested that RCA pursue a litigious approach with the state for breach of contract but thought that probably was not the best use of RCA funds.

Steve DeBaun, General Counsel, stated that they would start to investigate the possibility of a lawsuit against the state.

M/S/C (Ruiz/Johnson) 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.

9. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORTS

Aaron Hake, Executive Director, shared that RCTC is three and a half years in as the Managing Agency of RCA, which started with a 3-year plan. That being the case, RCA will start discussions with the Chair and Vice Chair on the plan going forward.

10. ADJOURNMENT

There being no further business for consideration by the Executive Committee, Chair Bash adjourned the meeting at 12:21 p.m. The next meeting of the Executive Committee is scheduled to be held on **Monday, October 7, 2024.**

Respectfully submitted,



Lisa Mobley
Administrative Services Director/
Clerk of the Board