

# **WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

## **BOARD OF DIRECTORS MEETING MINUTES**

**Monday, August 4, 2025**

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

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Chair Kevin Bash 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**

<b>Board of Directors/Alternates Present</b>	<b>Board of Directors Absent</b>
Karen Spiegel*	Dan Temple
Chuck Washington	Ulises Cabrera
Colleen Wallace	Ron Holliday
Mike Lara	Kevin Bash
Jeff Cervantez	David Starr Rabb
Dale Welty	Patricia Lock Dawson
Tony Daddario	Crystal Ruiz
Jocelyn Yow*	Jessica Alexander
Connie Howard-Clark	Joseph Morabito
	Jose Medina
	V. Manuel Perez
	Yxstian Gutierrez
	Guillermo Silva
	Natasha Johnson

\*Arrived after the meeting was called to order.

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

The Pledge of Allegiance was led by Board Member Lock Dawson.

### **4. PUBLIC COMMENTS**

Garret Sauls, The Sauls Company, has been working with the RCA for 21 years and represents 80 percent of the current non-development and development HANS properties. Dealing with the MSHCP, landowners go through the five stages of grief. The first is denial, most landowners have never heard of the RCA or the MSHCP. Anger comes next as landowners do not understand how the government or the RCA could take their property. Next comes bargaining where the landowners come in with their what-if scenarios. Stage four is depression when the landowners are sad to learn that their land cannot be developed. Finally, there is acceptance about how there is no other choice than to go through the HANS process. While the plan is not perfect, they are working through that with the help of RCA staff.

At this time, Board Members Spiegel and Yow arrived.

**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/Wallace) to approve the following Consent Calendar items.**

**6A. APPROVAL OF MINUTES – JUNE 2, 2025**

**6B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR APRIL 2025**

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 April 2025.

**6C. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR MAY 2025**

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 May 2025.

**6D. 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 June 30, 2025.

**6E. ACQUISITIONS STATUS REPORT**

This item is for the Board of Directors to receive and file the acquisition status report as of May 31, 2025.

**6F. MONTHLY INVESTMENT REPORT FOR APRIL 2025**

This item is for the Board of Directors to receive and file the Monthly Investment Report for the month ended April 30, 2025.

**6G. MONTHLY INVESTMENT REPORT FOR MAY 2025**

This item is for the Board of Directors to receive and file the Monthly Investment Report for the month ended May 31, 2025.

**6H. SINGLE SIGNATURE AUTHORITY REPORT**

This item is for the Board of Directors to receive and file the Single Signature Authority report for the fourth quarter ended June 30, 2025.

**6I. QUARTERLY PUBLIC ENGAGEMENT METRICS REPORT, JANUARY – MARCH 2025**

This item is for the Board of Directors to receive and file the Quarterly Public Engagement Metrics Report for January - March 2025.

**6J. STATE AND FEDERAL LEGISLATIVE UPDATE**

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

**6K. EXEMPT SURPLUS DECLARATION OF REAL PROPERTY**

- 1) Adopt Resolution No. 2025-012 "*A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority pursuant to Government Code Section 54221 Declaring that certain Real Property near the westernmost end of Opera Loop in the City of Riverside (APN 255-201-017 & a portion of APN 257-100-030) is exempt surplus land, making findings pursuant to Government Code Section 37350, Authorizing the transfer of such property to Riverside County Flood Control and Water Conservation District, delegating authority to the Executive Director to effectuate the transfer, and finding that such declaration and transfer is not a project subject to Environmental Review under the California Environmental Quality Act*", and
- 2) Adopt Resolution No. 2025-013 "*A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority pursuant to Government Code Section 54221 Declaring that certain Real Property near the westernmost end of Opera Loop in the City of Riverside (A portion of APN 257-100-030) is exempt surplus land, making findings pursuant to Government Code Section 37350, Authorizing the transfer of such property to County Service Area 126, delegating authority to the Executive Director to effectuate the transfer, and finding that such declaration and transfer is not a project subject to Environmental Review under the California Environmental Quality Act*".

**7. MSHCP CLERICAL CHANGE TO THE CONFLICT RESOLUTION PROCESS**

Ward Simmons, legal counsel, provided information on the MSHCP clerical change to the conflict resolution process. As part of the HANS process, RCA prepares an appraisal pursuant to the standards in the MSHCP to value properties. For Development and Non-Development HANS properties, the potential seller of the property may opt to hire a second appraisal if they do not agree with the result of RCA's first appraisal. If the parties cannot come to a mutual agreement after the second appraisal has been completed, then the parties may hire a third

review appraiser, splitting the costs equally. The third appraiser is tasked with choosing which of the two appraisals should be approved. If the third appraiser finds that they cannot choose between the two existing appraisals, they are able to undertake a third independent appraisal.

When the MSHCP was originally drafted, the drafters always intended that the value of the third appraisal, if one was necessary, would be a value between the lower and higher appraisal. This was the case for the first 20 years of the plan. However, there is a recent concern that the third appraisal would conclude with an appraisal value that is either lower or higher than the first two appraisals.

Clerical changes to the MSHCP shall be made by the RCA on its own initiative and shall not require any amendment to the MSHCP, the Permits or the Implementing Agreement. Clerical changes include corrections of typographical, grammatical, and similar editing errors that do not change the intended meaning of the plan. The Board previously approved clerical changes to the appraisal process related to HANS Acquisitions on May 7, 2007, which are now described in Chapter 13 of the Right of Way Manual.

Staff are recommending a clerical change to the conflict resolution process to ensure that the value of the property established during the conflict resolution process shall be within the range of value established by the property owner and RCA. The need for the change is because the language of the MSHCP has not been clear regarding the third appraisal. Therefore, to protect the rights of the property owner and to establish a clear and fair purchase price for the RCA, this clerical change is necessary.

Ed Sauls, The Sauls Company, was at the table when the MSHCP was first developed and recommended against the approval of this agenda item. It is a rare occurrence that the conflict resolution process is used, and it is even more rare that the third appraisal comes in at a higher value. This is a challenge to appraisers as it is asking for their professional opinion of value, looking at two appraisals where conditions and market could have changed, and asking them to give a value with a not to exceed amount, which makes the plan more vulnerable to litigation.

Board Member Ruiz wanted to know how many times the third appraisal value has come in higher than the previous two. Steve DeBaun, legal counsel, stated that it could not be answered in open session, though prior to today it appears to have happened once.

Board Member Ruiz expressed concerns and shared that Ed Sauls helped create what is one of the best plans across the nation. If this change will put RCA in jeopardy, RCA should not risk it for the minuscule amount times this has happened.

Ward Simmons stated that a template found in eminent domain was used where the jury instructions are limited to the sellers or buyer's appraisal, and the jury is instructed to keep the final result between the two numbers. This would provide legal justification to limiting the third appraisal between the first two appraisals.

Board Member Ruiz felt uncomfortable with the mention of eminent domain as it is a last resort, and it was scary to use it as an example. Ward Simmons added that RCA was using it as something that would be legally defensible, not suggesting this was an eminent domain process.

Steve DeBaun reiterated that this was part of a dispute resolution process and when mediating a dispute, the mediator does not come back with a higher number, and this is simply a method for resolving the dispute. This is to solve disputes within the confines of the said dispute, not to create potential new disputes by finding values higher or lower than the range of the dispute.

Board Member Welty did not think that a third appraiser could take an assignment with an assigned range of values. This is something the RCA should run through the State Appraisal Board to ensure it is a legitimate process.

Steve DeBaun shared that RCA has not checked with the State Appraisal Board, but it is not believed to be an issue as RCA is defining their own process for the dispute resolution. The appraisal must follow Yellow Book, and RCA is not changing that. What is changing is the dispute resolution process and that is something that the RCA can control. RCA is not binding the appraiser; RCA is clarifying the dispute resolution process within the plan.

Board Member Holliday thought it seemed like common sense to stay between the parameters of what the original dispute range was.

Board Member Daddario stated it is now known that as the MSHCP was originally written was flawed, which is why staff are looking to change it. This is a good change, and RCA needs to make sure those parameters are adhered to.

Board Member Howard-Clark wanted to know how much more the second appraisals value was compared to the first that was done by RCA. Steve DeBaun shared that it could vary by quite a bit, and while the percentages of difference could not be discussed in open session as far as dollar values go some properties are purchased at \$20 million. The cost is combination of size and location, and if a property has high development value it would be more expensive.

Aaron Hake, Executive Director, added that RCA was required to purchase properties at fair market value for the highest and best use of the land. In that process, the RCA conducts an appraisal and if the property owner does not agree, they have the right to secure their own appraisal. There can be a difference in what those appraisals are and sometimes that difference cannot be bridged. The amount of the gap varies. In some situations that gap is very close, in other situations it could be the order of magnitude of millions. During these appraisals, the appraiser is not allowed to consider that the MSHCP designates the land for conservation, which is a component of the plan that was put in place to protect and support property owners.

Board Member Lara clarified that the third appraisal was required because it was not possible to mediate between the two previous appraisals and the purpose of this was to address those appraisals that do not fall between the upper and lower limit. This could not be a fair market appraisal as it is asking for it to be between certain parameters. A response from the state

would be preferred before this item is moved forward. The timing of the appraisals should also be reviewed and should fall between a particular window that is limited, as newer appraisals would be a higher value.

Vice Chair Spiegel asked about the legality of this proposal. Steve DeBaun did not feel comfortable answering that in open session and did not think we should analyze the legality of an issue regarding the acquisition of property. At some point, the Board could go into closed session and discuss very specific concerns, if any.

Vice Chair Speigel added that while the property owners' rights were very important, it is concerning when there are large discrepancies in appraisals and when the third goes above all others. These discrepancies should be analyzed to ensure someone is not trying to take advantage of RCA and that RCA is covered legally.

Steve DeBaun clarified that this policy would only be for the development HANS process, where a property owner has a submitted development plan, but the property has been designated for 100 percent acquisition.

Board Member Ruiz wanted to know how it worked when there is a seller who owns a property, and they want to build on their property, so they go through the process with the county or city just to suddenly find out that their property must be conserved.

Steve DeBaun stated that this all goes back to the federal and state Endangered Species Act (ESA), which has been around since the 1970's. The MSHCP was created in the early 2000's to create a method at the local level to administer the ESA. In order to develop properties, owners must comply with the MSHCP.

Board Member Ruiz clarified that a property owner could own a piece of property for multiple years and not even know that their property was slated for conservation. Steve DeBaun confirmed that was a possibility.

Board Member Ruiz asked how a property owner was notified that their property was slated for conservation.

Aaron Hake stated that the RCA is not responsible for notifying property owners when they purchase property in a criteria cell, in fact, the entirety of western county is in the plan area. RCA does field calls from time to time both from jurisdictions and property owners who are performing their due diligence to see if there are any conservation limitations on the property.

Board Member Ruiz wanted to know if property owners were forced to sell to the RCA if they had a property that was slated for conservation. Aaron Hake responded that they would not be forced to sell to RCA, and the property owner could keep their land, it just could not be developed. Another option available to property owners is Criteria Refinement which will be explained in the next agenda item.

Chair Bash stated what is more important is the process that was in place prior to 2004, when you could not build anything. There were properties mired for years, and development could not occur. The MSHCP is being spread thin and there are certain aspects where RCA's hands are tied by the state and federal agencies and are unable to move forward. Without this plan, Murrieta, Temecula, parts of Riverside, Corona, and Eastvale would not have been built. There are holes in the plan that RCA is trying to change so that the MSHCP can continue to help development.

Board Member Washington supports staff's recommendation. When the plan was enacted, it was to streamline the development process, not have it be bogged down with federal and state restrictions. The MSHCP is our plan, and when we want to tweak it to protect the agency, RCA has the right to do that.

Board Member Alexander clarified that property owners were not notified when they purchased their property and moving forward there would be a way to notify someone prior to purchasing a property.

Chair Bash added to the question wondering how many cities notify property owners of the zoning on their property. No cities indicated that was the case.

Steve DeBaun shared that RCA does not always know about land sales, so it is unknown how RCA could implement a plan to inform property owners. Most property owners that are purchasing property for development purposes should hire someone for due diligence. That person should be able to realize that the ESA would apply as well as the MSHCP.

Aaron Hake noted that this question brings up a bit of a preview of the Strategic Action Plan that will be shared with the Board at the upcoming workshop next month. One of the issues that was found among the permittees is that there are inconsistent degrees of engagement among planning staff in terms of understanding the MSHCP and what areas in the jurisdiction are conscribed for conservation. One of the recommendations is to increase engagement by RCA with the cities, so there is better education provided for applicants or potential landowners as they explore what development projects they want to undertake.

**M/S/C (Daddario/Washington) to:**

**No: Lara, Cervantez, Welty, and Ruiz**

**Abstain: Howard-Clark**

**This item is for the Board of Directors to adopt Resolution No. 2025-011, "Resolution of the Western Riverside County Regional Conservation Authority Approving and Adopting the MSHCP Clerical Change to the Conflict Resolution Process".**

## **8. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN 101**

Aaron Gabbe, Regional Conservation Director, provided a presentation on the Western Riverside County Multiple Species Habitat Conservation Plan 101. Today will be an overview of how the county and cities process development applications for MSHCP consistency, the RCA's and Wildlife Agencies roles and responsibilities in the development review process, the Development HANS acquisition process, and Criteria Refinements. The purpose of this MSHCP 101 series is to provide the Board with valuable background information to better understand the complexities of MSHCP implementation and Strategic Improvement Assessment and Action Plan (SIAAP) findings and recommendations that will be presented at the RCA Workshop on September 5.

As permittees, the county and city are obliged to participate in MSHCP implementation. At the beginning of implementation, in 2004, the cities adopted an ordinance or resolution that adopted the MSHCP, permits, and Implementing Agreement and established procedures and requirements for the implementation of its terms and conditions. This included a commitment to use the HANS process to ensure compliance with the criteria and all other terms of the MSHCP, including requirements for sensitive habitats and species surveys plus a commitment to adopt the Local Development Mitigation Fee (LDMF). Similarly, the county incorporated the relevant terms and requirements of the MSHCP, permits, and Implementing Agreement into its General Plan, and established a LDMF to provide for habitat acquisition.

The primary county and city implementation responsibilities include:

- Collecting and transmitting LDMF and other fees to the RCA;
- Contributing fees for infrastructure and civic projects;
- Complying with policies to protect species as described in the MSHCP;
- Implementing public infrastructure and development projects consistent with the MSHCP;
- Enforcing terms of project approvals to ensure compliance with the MSHCP;
- Notifying the RCA of proposed discretionary projects within the Criteria Area through the Joint Project Review (JPR) and Habitat Evaluation and Acquisition Negotiation Strategy (HANS) processes;
- Participating as a member agency in the RCA; and
- Contributing to the Rough Step analysis by providing to the RCA data on building and grading permits.

The RCA plays a supporting role in the development review process by:

- Providing MSHCP guidance to the county and cities;
- Evaluating development applications for consistency with the MSHCP through the JPR and HANS processes;
- Tracking habitat losses from covered activities and habitat gains through reserve assembly;
- Collecting fees; and
- Purchasing and accepting mitigation and conservation land and managing and monitoring those lands.

As the regulatory agencies, the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) have permit enforcement authorities. The Wildlife Agencies participate in standing monthly meetings with county or city planners, project applicants, and the RCA to assist the applicants with MSHCP compliance. The Wildlife Agencies review JPRs and the associated documentation for consistency with the MSHCP. The Wildlife Agencies also provide acquisition funding to complement locally funded mitigation land.

The county and cities are responsible for processing development project applications. All discretionary activities are evaluated by the county or city within the context of the MSHCP through the JPR/HANS process. The RCA does not have land use authority, so it cannot require the other permittees to implement the plan in a certain way. The HANS/JPR process occurs only if a proposed project is in a Criteria Cell, that is, the area where the MSHCP reserve is being assembled. If the proposed project is not in a Criteria Cell, the remainder of the plan area which is over 1.2 million acres, there is no reserve assembly component to the MSHCP application process, and the RCA does not review the project for consistency with the MSHCP. The county or city determines whether the proposed project is consistent with the MSHCP and provides the RCA with its findings so that the RCA can review the project for consistency.

As part of the JPR Process, county or city planning department staff and the applicant may consult with the RCA and Wildlife Agencies to identify pathways for compliance with the MSHCP before an application is complete. RCA has a standing monthly meeting to assist applicants. When the application is complete, the county or city submits the application to the RCA. The RCA has 14 calendar days to review the application for consistency with the MSHCP. The RCA then sends its consistency determination to the county or city and the Wildlife Agencies, which then have 10 working days to provide comments on the JPR. If the RCA or Wildlife Agencies find the proposed project inconsistent with the MSHCP, the applicant, with the county or city, can meet and confer with the RCA and Wildlife Agencies to seek resolution. Once the project is found consistent, the permittee completes the JPR process, California Environmental Quality Act (CEQA), and project approvals.

If it is found through the JPR/HANS process that some, or all, of the property proposed for development is described by the MSHCP for conservation, the applicant begins the acquisition process by contacting the RCA to begin a 120-day period to negotiate the terms under which the land shall be conserved. Generally, if a portion of the property is described for conservation by the MSHCP, the county will require the landowner to donate that portion of land to the MSHCP reserve as a condition of the development permit. The RCA orders an independent appraisal from an appraiser on an RCA approved list. The appraisal must be performed according to the Yellow Book standards.

If the landowner accepts the appraised price offer, the landowner signs a Purchase and Sale Agreement and RCA staff presents it to the RCA Board of Directors requesting authorization to acquire the property. If approved, the RCA completes the acquisition. If the landowner does not accept the offer, the landowner can commence the conflict resolution process to have the appraisal evaluated by a separate, RCA approved appraiser. The RCA has up to four years from the signing of the Purchase and Sale Agreement to purchase the property, with the exact

timeline depending on the price of the land. The RCA does not use eminent domain to acquire properties.

The MSHCP states that “public and private projects... are expected to be designed and implemented in accordance with the Criteria” in the MSHCP. The MSHCP provides the Criteria Refinement Process to adjust the criteria to facilitate reserve assembly. Criteria Refinement may be warranted for many reasons, including due to new biological information being obtained through site-specific studies, or updated land use information that clearly demonstrates an area as unsuitable for inclusion in the MSHCP reserve. However, a Criteria Refinement cannot result in a reduction in the amount of land protected for the Reserve; rather, it is used for shifting areas of conservation to areas not described by the MSHCP for conservation. The new replacement lands must result in the same or greater conservation value and size as the MSHCP Reserve. This is all documented in a Criteria Refinement Equivalency Analysis. Criteria Refinement needs to be completed prior to the JPR, and the Criteria Refinement Equivalency Analysis needs to be included in the project’s CEQA document. Finally, Criteria Refinement requires RCA and Wildlife Agency review.

The MSHCP provides an Expedited Review Process (ERP) for single family homes in the Criteria Area to further expedite permitting process, this review period is 90 days. The ERP applies to one single family home on one legal lot. The process places the home in the least environmentally sensitive location and impacts on the remainder of the property are expected to be avoided. No other surveys or MSHCP requirements except LDMF would apply.

The MSHCP development process is greatly streamlined from the project-by-project permitting process that each project had to undertake to receive federal and state endangered species act coverage and CEQA mitigation for biological resources prior to adoption of the MSHCP in 2004. This programmatic, locally controlled, MSHCP permitting process provides permitting certainty and saves time and money for infrastructure agencies and the development community. For example, a 2008 RAND study found that the MSHCP greatly improved the permitting process and reduced litigation for road projects. Past estimates by the RCA found that from 2004 through 2013, the MSHCP saved an estimated one to five years of permitting time for major transportation projects with an estimated total cost savings of \$390 million from early project delivery.

Chair Bash suggested that Board Members contact Aaron Gabbe if they have any further questions about the RCA or the MSHCP.

Garret Sauls, The Sauls Company, noted that this agenda item mentioned an increase in development HANS, but the list that is published each month by RCA does not reflect that. There has not been an increase in development HANS that have taken advantage of this plan. The MSHCP plan is difficult and if there will be recommendations coming from the SIAAP at the September 5 meeting, it should be open to the public.

Ed Sauls, The Sauls Company, expressed support for this plan but when the plan was put together there were clear winners and losers, some of those losers were property owners. Going forward with the plan, RCA should help those landowners the best they can, not meaning getting them the highest value but treating them as we would like to be treated. A property owner cannot really find out what is required of a property until they go through the HANS and JPR process. There is a solution in the Criteria Refinement process, but it has failed 90 percent of the times it has been attempted.

At this time, Board Member Lock Dawson left the meeting.

**This item is for the Board of Directors to receive a presentation on the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) "101".**

At this time, Chair Bash announced that in the interest of time, the presentation for Agenda Item 9 would be deferred.

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

Aaron Hake, Executive Director, reminded the Board that the RCA Board Workshop will be on Friday, September 5, at the Temecula Creek Inn from 9 a.m. to 2 p.m. The meeting will be open to the public as it is a Brown Act Meeting.

Vice Chair Spiegel announced that today was the 205<sup>th</sup> Birthday of the U.S. Coast Guard.

#### **10. CLOSED SESSION**

At this time, Steve DeBaun, legal counsel, announced the Board will be going in to Closed Session to discuss the property items listed on the agenda.

##### **10A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	480-100-061	Saba A. Saba and Shirley L. Saba	RCA
2	366-320-053	Canyon 38 Bundy and John P King Bundy Canyon 38 LLC, Penelope King, and John P. King	RCA
3	427-200-003, 427-200-004, 427-200-005, 427-200-006, 427-200-008, 427-200-009, 427-200-010, 427-200-012, 427-200-013, & 427-200-054	Hadley Holdings, LLC.	RCA

##### **10B. REPORT OUT FROM CLOSED SESSION**

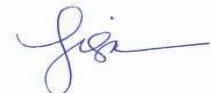
Mr. DeBaun announced the Board considered and approved the following closed session item:

Item 3: acquisition of the property was approved for \$1,215,000.

**11. ADJOURNMENT**

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Bash adjourned the meeting at 2:15 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, October 6, 2025**.

Respectfully submitted,



Lisa Mobley  
Administrative Services Director/  
Clerk of the Board