

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

WORKSHOP MINUTES

Friday, September 5, 2025

The Western Riverside County Regional Conservation Authority Workshop was called to order by Chair Kevin Bash at 9:03 a.m., at the Temecula Creek Inn, 44501 Rainbow Canyon Road, Temecula, California, 92592.

ROLL CALL

Board of Directors/Alternates Present	Board of Directors Absent
Jose Medina	Bob Magee
Karen Spiegel*	Dan Temple
Colleen Wallace	Ron Holliday
Julio Martinez	Kevin Bash
Dale Welty	Crystal Ruiz
Tony Daddario	Jessica Alexander*
Linda Krupa	Joseph Morabito
	Chuck Washington
	V. Manuel Perez
	Yxstian Gutierrez
	Jeff Cervantez
	Jocelyn Yow
	Guillermo Silva
	Ulises Cabrera
	David Starr Rabb
	Patricia Lock Dawson

*Arrived after the meeting was called to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Daddario.

CHAIR'S WELCOME AND WORKSHOP OBJECTIVES

Chair Bash welcomed everyone to the workshop and thanked them for being there. This is the first time RCA has held a workshop like this to really focus our attention on making sure the MSHCP is implemented by all of the Permittees (the cities, the county, and the RCA) in the most efficient way possible in alignment with the Plan and permits. Your time and your voice today make this conversation real, and they are essential to moving us toward our shared goal of providing streamlined permitting and protecting western Riverside's natural heritage for our communities.

Our goal today is simple; we need to keep this plan working. The MSHCP is a valuable tool for our cities. It speeds up housing and infrastructure projects. Without it, projects get delayed, costs rise, and our communities pay the price. Without this plan, a lot of the cities in Riverside County would not be where they are today.

At this time, Vice Chair Spiegel arrived.

At the same time, the Plan protects the plants, animals, and landscapes that make our region special. It ensures that our kids and grandkids can enjoy the same natural beauty we do today. Today's workshop is our chance to set aside old assumptions, take a fresh look at our challenges, and consider solutions with open minds. Let's be willing to learn something new. We all have a responsibility to see this plan through and make sure it succeeds. Today's discussion is a crucial step toward that goal.

Aaron Hake, Executive Director, shared that when RCTC took on management of the RCA in 2021, the Board set clear goals. The transition has been a success, we are now four years in, thanks to your leadership. This Board has weathered significant challenges and emerged stronger. We are implementing the MSHCP with stability, structure, transparency, and efficiency at the forefront.

This includes:

- Protecting over 8,000 acres of Additional Reserve Lands, since 2021, for a total reserve system of almost 418,000 acres of the 500,000-acre goal;
- Managing tens of thousands of acres of the reserve system in cooperation with Riverside County Parks and Open Space District;
- Monitoring and adaptively managing habitat for 146 species;
- Processed over 110 Joint Project Reviews (JPR) for our Permittees;
- Permittees have permitted over 14,000 acres of development in just 4 years from 2021-2024;
- Processed 6 Participating Special Entity applications from critical infrastructure agencies that are not on the MSHCP's permits;
- Training and supporting Permittees to improve compliance and understanding, and training consultants to better understand MSHCP processes;
- Staff are leading the National and California Habitat Conservation Plan (HCP) Coalition by serving on each respective Board;
- RCA has been awarded over \$45 millions of dollars in state and federal grant funds, complementing local dollars;
- Every city and the county approved the ordinance implementing the Nexus Study in 2021;
- Behind the scenes, RCA-led reforms to the federal Section 6 grant process with Department of the Interior colleagues improving how the program works;
- The Stakeholders Committee has been rebuilt and re-engaged, after having been dormant for many years;
- RCA has established a stronger, more effective voice in Sacramento and Washington, D.C.;
- Continuing public outreach and education efforts are stronger than ever highlighted by the 146 Project, a partnership with the Girls Scouts;
- The Right of Way program has delivered consistency and accountability in land acquisition; and
- Our finance team has built reliable budgets; this is a fiscally sound organization.

There are big issues, it is not easy, it will not ever be easy, but the Board and staff have maintained their commitment to the success of the Plan. Many of the issues RCA faces are

longstanding — some almost 20 years old. This Board is embracing the challenges head on, not shying away, which will continue today.

Aaron Hake then introduced RCA staff members to the Board.

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Property Description	Property Owner	Buyer(s)
480-100-061	Saba A. Saba and Shirley L. Saba	RCA

At this time, Board Member Alexander arrived.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Section 54956.9

Case No. 5:25-cv-2008-DTN

REPORT OUT FROM CLOSED SESSION

There were no announcements from Closed Session.

RECOMMENDATION TO AMEND THE WESTERN RIVERSIDE COUNTY MULTIPLE-SPECIES HABITAT CONSERVATION PLAN (MSHCP) AND PERMITS TO ADD CROTCH'S BUMBLE BEE (*BOMBUS CROTCHII*) AS A COVERED SPECIES

Aaron Gabbe, Regional Conservation Director, provided a presentation on the Amendment to ICF Jones and Stokes Contract to address Crotch's bumble bee. On June 18, 2019, the California Fish and Game Commission declared Crotch's bumble bee a candidate species for listing. By law, candidate species receive the same protection as a state-listed endangered or threatened species. Unfortunately, this species is not covered by the MSHCP, nor was it considered for coverage during the Plan development process in the early 2000's. Thus, proposed projects must address Crotch's bumble bee as a state-listed species and seek an Incidental Take Permit from the California Department of Fish and Wildlife, separate from MSHCP coverage.

To prepare for the potential final listing, on November 4, 2024, the Board directed the RCA Executive Director to execute an amendment to the Strategic Implementation Assessment and Action Plan (SIAAP) contract with ICF Jones & Stokes (ICF) to:

1. Assist RCA staff with developing an interim permitting solution until a long-term solution, until a long-term solution such as an amendment, could be achieved;
2. Explore alternative permitting options to see if there are more efficient and effective ways than an amendment to get permit streamlining for the bee; and

3. Conduct background analyses to prepare for a potential amendment to the MSHCP to add Crotch's bumble bee.

The interim permitting process is intended to guide permittee planning staff with aligning the standard MSHCP permitting process with the separate Crotch's bumble bee permitting processes. While this interim permitting process does not provide streamlined permitting benefits of the MSHCP, and each applicant must secure its own separate permit, it will help guide planning departments and applicants to make the permitting process easier and more predictable. The RCA will offer applicants that need to mitigate for impacts to the bee on MSHCP reserve lands for habitat uplift. RCA staff will begin rolling out this interim permitting process to planning departments within the next month.

ICF conducted due diligence to identify alternative long-term permitting options, to assess whether there was a less time-consuming way to gain permitting streamlining for Crotch's bumble bee rather than a Major Amendment.

ICF identified four permitting options:

- Major Amendment – This is the most time consuming and costly but provides the most streamlining and best long-term assurances to the Permittees.
- Full Avoidance of Impacts – Considering that the bee is widespread throughout Western Riverside, this is the most constraining path to the development community, with the greatest land use restrictions. ICF does not recommend this path.
- Individual Permit Pathway – This is the current situation, where each applicant seeks its own permit. This provides little permit streamlining and it is costly and time consuming. ICF does not recommend this path.
- Multiple Project Permit Pathway – This is where multiple applicants bundle their projects into a single permit application. This potentially provides some streamlining but requires extensive coordination between project applicants that are on different timelines. Similarly, ICF did not recommend this option.

Ultimately, ICF recommended that the RCA and Permittees amend the MSHCP to add the bee. Although an amendment takes the longest and is most costly to process, this permitting pathway provides the best assurances to the Permittees, infrastructure agencies, and development community and permit coverage for the longest period, likely through to the end of the MSHCP 75-year permit term.

Depending on the complexity of the amendment and availability of wildlife agency staff, ICF anticipates this process will take from 3-4 years. A Major Amendment can be broken into six basic steps.

Step 1. Preliminary Consultation & Assessment

Early coordination with the Wildlife Agencies to confirm the amendment scope, what RCA will be covering, and regulatory requirements, what RCA needs to do.

Step 2. Amendment Request & Documentation

RCA/local jurisdictions submit a Major Amendment Request to the Wildlife Agencies with rationale, updated conservation strategy, biological data, and funding assurances.

Step 3. Agency Review

Wildlife Agencies review the proposed amendments to the MSHCP, provide feedback, and possibly request revisions.

Step 4. Public Notice & Environmental Review

The confirmed draft begins the CEQA (California Environmental Quality Act)/NEPA (National Environmental Policy Act) review, stakeholder outreach, and a 30–60-day public comment period.

Step 5. Permit Amendment & Findings

Wildlife Agencies and local governments finalize environmental documents and issue amended permits with formal findings.

Step 6. Implementation & Compliance Monitoring

RCA implements updated conservation measures, conducts annual monitoring/reporting, and adjusts management through adaptive management.

RCA staff recommends amending Agreement No. 24002 with ICF that was used to do the preliminary work and the SIAAP to amend the MSHCP to add Crotch's bumble bee. Processing a Major Amendment to the MSHCP requires specific expertise and worktime beyond RCA staff capabilities. ICF has the necessary expertise and staff to do this work. This work would be a reasonable amendment to this agreement because tasks already performed included the necessary first steps in the Major Amendment process.

These first steps included an initial analysis to inform an amendment to the MSHCP, including developing a Crotch's bumble bee habitat model, evaluating the capacity of the MSHCP reserve system to mitigate and contribute to the conservation of Crotch's bumble bee, developing the interim permitting strategy, and identifying standardized avoidance and minimization measures. RCA staff anticipates that this work will not exceed \$650,000. Staff will bring the amendment and any budget adjustment needed to the Board once the negotiations are concluded. If funding becomes available, RCA will apply for a Section 6 Planning Grant from the U.S. Fish and Wildlife Service this fall to partially fund this work.

Vice Chair Spiegel wanted to know what the consequences would be for not amending the Plan. Aaron Gabbe explained that all the applicants that could potentially impact Crotch's bumble bee, which could be a lot of projects as their habitat is widespread, would be required to go through a separate permitting process. There would also be a separate mitigation process, where they would need to negotiate and coordinate with the Wildlife Agencies. This would be a costly and time-consuming process.

Vice Chair Spiegel also asked if there had been any discussions on other amendments to the Plan, and if it would be prudent to do them all at once. Aaron Gabbe replied that there is a presentation after lunch that will have some recommendations to the Board that will discuss that opportunity.

Aaron Hake noted that in a conversation with the Building Industry Association (BIA) the first thing that was mentioned was putting the bee in the Plan. BIA members have been complaining that they are having to deal with essentially two habitat plans currently, instead of just the one. There is a benefit to development in only having to do one process.

Whether there should be other amendments that piggy-back on this one, the strategy for RCA is to make sure the Board is ok with taking this step to get this portion moving. There can still be discussions on other options to make improvements to the Plan, and if one comes up that could be added to this amendment, it would be recommended to the Board. As a preview, RCA staff are not recommending a formal Major Amendment to the Plan.

Vice Chair Spiegel wanted to know if RCA would have the ability to add another species to the Plan later, or if RCA would need to go through this process each time. Aaron Gabbe stated that the option for a Major Amendment will always be there, but one thing RCA is going to do is evaluate if there are any other species that might be coming down the pike that are not covered that should be added.

Board Member Martinez wanted to know if there was any indication that any of the species could be downgraded or put on hold. Aaron Gabbe thought that was a good question, however, the Crotch's bumble bee, along with the three other bees that were listed as candidate species, was done in 2019. The process is intended to be quick, but even so, the species can be listed at any time. Even if a species is down-listed, it would still need to be addressed for CEQA, so it is better to keep it on the permits for the 75-year term.

Board Member Morabito inquired whether there was a possibility to list a species "DOE" to later be filled in as a new species was listed or became a concern. Aaron Gabbe thought that was a great idea, but unfortunately, it would not work with the state regulations. What RCA would attempt to do instead of listing anonymous or nameless species, is to identify any potential species who might be listed later and try to add them to the Plan.

Board Member Holliday asked if it were possible that rather than listing all the species in the Plan, instead referencing a list that could change. Aaron Gabbe stated that staff would still need to do the same analysis for that as they would just adding species to the Plan. It would be more effective to just add any potential species to the Plan.

Board Member Welty clarified that every 10 acres that someone wanted to develop in Western Riverside County would now have to address Crotch's bumble bee, potentially impacting thousands of projects. Aaron Gabbe confirmed that it was potentially true if it were a possibility that the species could be there. This new process is keeping Wildlife Agency staff extremely busy and possibly directing them away from MSHCP work from being overloaded.

Board Member Welty wanted to know the current process for developers and what the timeframe looks like. Aaron Gabbe stated that a developer comes to the planning department, with an application for a proposed development that includes evaluations from the MSHCP as well as Crotch's bumble bee. The developer would have to identify whether the bee is present on the property or if there is a potential to impact the bee. If so, they would need to bring California Department of Fish and Wildlife (CDFW) staff into the process to work out the permitting specific to that property, while also completing the MSHCP JPR process. This dual process also includes fees for the MSHCP, as well as any possible mitigation fees for Crotch's bumble bee.

Chair Bash thought this process is like reverting to the old system, which is much more difficult.

Board Member Welty asked again how long the process was for developers and some sense of a base cost. Aaron Gabbe stated that would not be something that RCA staff would know, both on timelines and on costs. Hopefully, the process will not add too much more time, but it could certainly add time, money, and resources for the developer.

Board Member Daddario wanted to know if this was the best path for the MSHCP, especially if there is some other species in the future that needs to be added. Aaron Gabbe thought that future species would be evaluated on a case-by-case basis, but this would be the best path for Crotch's bumble bee.

Board Member Daddario noted that there was a listed fiscal impact on the RCA for this work, and the next topic is amending the MSHCP. It seems like it would make more sense to put a pin on this topic until the Board discusses the MSHCP. If there was grant funding that could help pay for the Major Amendment, both should be done at the same time to save money.

Aaron Hake shared that staff thought a lot about that strategy and the recommendation was to approve this Major Amendment as a standalone now, as this needs to be done. The other topics that will be discussed after this item, staff believes, can be addressed without a Major Amendment to the MSHCP. Once the Board discusses the other issues, if they want to piggy-back on to this Major Amendment, RCA can reserve the opportunity to do that. Staff are also aware that the solicitation for planning funds is coming up and RCA wants to be in a position to go for those funds.

Board Member Daddario asked if it was fair to say that the work being done behind the scenes is going to help the RCA with a Major Amendment to the MSHCP. Adding Crotch's bumble bee is important, but more importantly is amending the MSHCP to fix the HANS process issues.

Aaron Hake stated that if the Board decides to pursue an amendment for any of those other issues, the leg work that goes into starting the amendment would not be duplicated and there will be efficiencies there.

Board Member Ruiz wanted to confirm that Crotch's bumble bee was prevalent in Riverside County more so than other parts of the state. Aaron Gabbe confirmed that it was correct, and the bee was found on properties in Riverside County.

Vice Chair Spiegel stated if there was going to be a delay, whether we like developers or not, they are a necessity in our business. We are here to help move the county forward and RCA will not be successful as an agency if we do not get more land, and the land comes from working with developers.

Board Member Holliday stated that this amendment is going to need to be done regardless of what needs to be done in the future or what the discussions are later today.

M/S/C (Holliday/Alexander) to:

No: Daddario

- 1) Initiate the amendment process with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to add Crotch's bumble bee as a covered species to the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP) and associated permits.**
- 2) Negotiate an amendment to the existing Strategic Implementation Assessment and Action Plan (SIAAP) contract (Agreement No. 24002) with ICF Jones & Stokes (ICF) and to bring a contract amendment to the Board of Directors for approval to support RCA staff in amending the MSHCP to add Crotch's bumble bee to the MSHCP and associated permits.**

STRATEGIC IMPROVEMENT ASSESSMENT AND ACTION PLAN (SIAAP) FINDINGS AND POTENTIAL SOLUTIONS

Aaron Gabbe introduced the consultant team who has worked countless hours to read, study, and understand the MSHCP. After lunch, RCA staff will review the staff recommendations stemming from the SIAAP, but first the results of the study will be presented by the consultants.

Lily Sweikert, ICF, provided a presentation on the Strategic Improvement Assessment and Action Plan for the Western Riverside County MSHCP. ICF and its subcontractor, EPS, prepared this presentation under a Western Riverside Regional Conservation Authority Professional Services Agreement. The contents of this presentation are the sole responsibility of the authors and do not necessarily reflect the views of the Western Riverside County Regional Conservation Authority.

It should be no surprise to the Board that the recent high-cost acquisitions have been a problem and an issue of concern. The primary goals of the SIAAP were to identify ways to enhance the flexibility of MSHCP implementation while ensuring financial security and permit compliance. It was known that any potential solutions must compensate landowners fairly for the land needed for the MSHCP and facilitate development projects while meeting permit obligations.

There were three main phases of the SIAAP. The first phase was data collection to start to understand the MSHCP. To do that there were interviews conducted with RCA and RCTC staff, Board Members, individuals who were involved during the inception of the Plan, and those who are involved in the Plan right now. ICF also reviewed any and all documents related to the MSHCP.

The second phase of the SIAAP was the analysis which included funding and finance, GIS review to understand conditions on the ground, comparison and contrast with other plans in California, and holding internal workshops with staff and the Wildlife Agencies.

The final phase was the findings, where the conclusions and recommendations were formed. The SIAAP report was included as part of this agenda, including strategic improvement recommendations and discrete actions that could be taken to improve implementation. All of this work was done keeping in mind the focus of implementation flexibility, financial stewardship, and permit compliance.

ICF conducted fourteen interviews, many of which went 1-2 hours. With the information gleaned from the interviews there were key themes that kept coming up.

- Rising Land Prices and Development Pressure – things are getting expensive, and the county is running out of space.
- Inflexibility in Reserve Assembly – there is an inflexibility in conservation descriptions for the criteria area, and requests for development guidance.
- Overvaluation of Land Appraisals – this could be contributing to the high costs, and some appraisals may ignore biological restraints, and zoning alignment with the criteria area.
- Fees Need to be Updated – development fees are not keeping up with land costs, there were several recommendations to repeat the Nexus Study.
- Perceptions of Permittee and Stakeholder Engagement – a lack of ownership and understating of the Plan, implementation and policy alignment, and public communication, training, and outreach.

The Endangered Species Act (ESA) makes it illegal to take an endangered species, and in the 1980's congress recognized that there was a strain on economic development from it. In response, they produced exceptions, one of which was conservation. Another solution was an incidental take permit, that says incidental to the otherwise lawful activities, doing a development project might take some endangered species, but it is permitted as long as there a HCP that explains how you are going to fully offset that impact.

The MSHCP allows for 491,000 acres of development in Western Riverside County, in exchange the Plan requires the creation of a reserve network, of which the responsibility of the local sources is the assembly of 97,000 acres. The criteria area is the basis of the reserve design. When the Plan was created, they needed to produce a reserve strategy that helped the California Department of Fish and Wildlife (CDFW) understand that the benefits the species received would fully offset the impacts. Most of the land needed is privately owned, this is where the HANS process is needed. The HANS process is a tool that helps to explain the

step-by-step procedures that landowners can expect. The HANS process facilitates reserve assembly while protecting landowners. The HANS process also provides assurances to the Wildlife Agencies that this reserve could be created. It is important to note, the reason certain properties need to be acquired is not due to the HANS process, but rather the criteria area that describes the conservation needs for the reserve.

The purpose of the GIS analysis was to evaluate how much natural habitat remains within and adjacent to the criteria area and to access the potential degree of flexibility left for assembling the reserve. As the RCA is putting together the pieces of the reserve assembly, development patterns reduce available acres in criteria areas and have caused some habitat to be isolated. This can lead to certain parcels needing to be purchased because of the reserve design. Looking at the amount of land that is available around the criteria area, there are about 70,000 additional acres available that are connected to the criteria area that are not described for conservation. That means that land could be added to the reserve to increase flexibility.

When comparing the MSHCP with the Coachella Valley, Santa Clara Valley, and San Diego South County Subarea, it has the most land available for development with take coverage and the most species covered. The MSHCP also has a low mitigation to development ratio (491,000 acres of development/97,000 acres of reserve from local sources). Another benefit is the MSHCP has a low reserve to plan area ratio (1.26 million acres of Plan area/500,000 acres of reserve).

A challenge of the MSHCP is a low reserve assembly flexibility or criteria area, the reserve must be assembled inside the criteria area. There are constraining connectivity requirements in the reserve design, the conservation must be in specific areas. Finally, there are zoning inconsistencies between the criteria area and some Permittees zoning. Other plans once adopted immediately started zoning revisions to align with the conservation strategy.

Board Member Daddario wanted to know if the intent of the presentation so far was for the Board to fix their understanding of the Plan. Lily Sweikert clarified that thus far, when they tried to see if the HANS process could be changed or fixed it was realized that that process was not the main problem. The HANS process is just a step-by-step tool to provide transparency in land acquisitions. The reason the RCA is forced to buy a property is due to the reserve design inside the criteria area.

Board Member Daddario mentioned that the state and federal partners might not agree with this interpretation of the Plan or agree to the suggested changes.

Board Member Morabito noted that when it was mentioned about opening RCA lands for public use, it would be important to see what the rules and regulations for something like that would be.

Chair Bash wanted to clarify that aligning zoning with the MSHCP put responsibility back to the cities, which may need to realign zoning for lands that could be used for conservation.

Lily Sweikert confirmed that was correct. The purpose would be to evaluate the potential for realignment as this would not be a blanket solution.

Board Member Krupa asked for an explanation of constraining connectivity requirements of the reserve design.

Lily Sweikert explained that the constraining connectivity requirements was the criteria area cells in which the RCA must assemble its' reserve. In each of those cells there are conservation descriptions that explain how much needs to be conserved and the ranges in them are designed to provide a little flexibility. The reality is, the criteria area is where it is, and that diagonal connection through the middle of the Plan area cannot go in a different direction.

Board Member Welty stated that the changes in zoning would only be possible if the cities were to take on the task of down-zoning land, and if the city would then be responsible for the value lost in that down-zoning thereby passing the cost from RCA to the cities.

Steve DeBaun explained that it would be a case-by-case analysis and stressed while there may be inconsistencies between the Plan and the zoning in individual cities, the RCA is not a land use agency and does not control the zoning. If the change in zoning resulted in a loss of value, that is something that would have to be reviewed on a case-by-case basis and whether that loss of value would require any sort of compensation.

Aaron Hake added that the bigger concern is that there have been applications that cities have processed without looking at the MSHCP, so there could be an application where a landowner could be trying to up-zone a property and then comes to RCA to purchase their land.

Lily Sweikert noted that some upsides to the zoning changes are that Permittees were given 491,000 acres of development in exchange for building the reserve.

Board Member Magee thought this should all start with the general plan process and that should come before zoning. In the 20 plus years this Plan has been in place, each city has gone through that process at least once, it is very time consuming and expensive. The general plan should be aligned with these conservation nodes and then consistency zoning would follow. Part of this is balancing property owner's rights and wishes against the city's economic development desires and impacts. As an aside, on the 14-mile perimeter of Lake Elsinore not a single private sector permit has been approved in the last 21 years stifling the economic development ability of the city. Experience has also shown that the MSHCP does not necessarily streamline the permitting process.

Teifion Rice-Evans, Dudek, stated that it was important to recognize when developing a funding strategy, as was done at the development of the Plan, there are inevitably educated guesses about the future, but they are unexpected things that can happen, so it becomes necessary to adjust the plans and the funding analysis. The funding analysis that was done focused on the robustness of the MSHCP's current funding strategy as well as identifying new emerging challenges for the program.

This study included two inter-related analyses:

- Land Value Analysis - that included a close look at the changing costs of land acquisition and its significance for the MSHCP.
- Sources and Uses Analysis - an overall review of overall MSHCP costs and funding and the ability of the funding sources to cover the expected costs.

It is worth noting that for all large-scale California HCPs, Land Acquisition Costs represent the majority of the costs, so the funding strategy is extremely sensitive to how much it costs to buy land. The 2020 Nexus Study showed the land costs to be about 72 percent of the overall implementation costs. This was based on the average land cost of about \$14,000 per acre. The mitigation fee program that was adopted at that time to cover these land acquisition costs as well as the other MSHCP implementation costs, currently charges \$19,600 per gross acre of development for commercial and industrial uses and the associated per unit fees for new residential development ranges from \$813 to \$4,358 per unit depending on development density.

The Land Acquisition Analysis revealed a recent upward shift in land values. The average land value between 2004 and 2017, in inflation adjusted terms, was relatively consistent at about \$14,000 per acre. Over the last several years, however, that consistency has changed and we have seen a new upward pressure on land costs. EPS analyzed the 179 land transactions between July 2018 through April 2024 and identified an upward trend in land values that resulted in a new higher average of \$25,000 per acre. It is also known that individual acquisition transactions costs vary significantly every year based on location, size, and zoning of the properties acquired. It was clear that the shift in land cost was related to a relatively small number of transactions that have been focused on land with significant development potential. Without the high-cost land acquisitions, average land value would have only risen to \$16,500 per acre. If this trend continues there are some real concerns about the adequacy of the funding structure.

Over the 16 years between the 2004 MSHCP adoption and the 2020 Nexus Study update, several challenges emerged that had arisen from the assumptions of the original funding plan.

- Over Estimation of Fee Revenues - This was primarily driven by the Great Recession / Financial Crisis on the level of housing development in Western Riverside County.
- Over Estimation of Non-Fee Revenues - The original funding strategy and Nexus Study had envisioned substantial amounts of revenues accruing from non-fee sources. It was thought that as much as 44 percent of the Plan costs would be covered by other funding sources, especially from regional transportation projects. The actual amount received was 9 percent.
- Under-Estimation of Costs – The primary reason was the expectation that the HANS process would result in about 41,000 acres of the Local Permittee land obligation being dedicated at zero cost. Less than 5,000 acres have been dedicated in this manner, leaving substantially more acres to be acquired directly using mitigation fee revenues.

The Board addressed these challenges head-on in the 2020 Nexus Study adjusting the mitigation fee schedule and acquisition timeline to re-align expected implementation costs with expected revenue sources. These adjustments put the funding strategy back on course and set the RCA up for continuing success and streamlined permitting.

Looking forward from 2020, there has been an increase in the robustness of fee revenues, once the mitigation fee increases were implemented, and RCA is now at about \$30 million per year. There is also the continued and steady receipt of non-fee revenues of about \$6.5 million per year. With the increased revenue, RCA has protected about 10,000 acres and the necessary management and monitoring of conserved land. RCA has also carefully managed the budget to meet the cost of some very high-priced land acquisitions, while also funding the necessary management, monitoring, and program administration costs. However, as we look forward, a key issue is whether land acquisition costs will continue to rise and whether the number of very high-cost acquisitions will cause too much financial strain.

Lily Sweikert shared the conclusions of the SIAAP, and the three key components:

- HANS Process – this is an essential tool to facilitate land acquisition for the reserve assembly. The HANS Process is an essential tool to acquire land described for conservation in the MSHCP. It was developed to protect landowner rights and provides assurance to Wildlife Agencies that the reserve will be built. The challenges and limitations are that it provides protection and leverage to private landowners. To exacerbate land acquisition challenges further, high land costs are driven by zoning and rare habitat scarcity. The original intention of the MSHCP was that not all land would be acquired through monetary compensation, but that there would be other incentives that could be used to build the reserve, but those tools are rarely used. Potential opportunities for improvement include better aligning areas described by the MSHCP for conservation and land use zoning designation, habitat restoration for rare habitat types, and increasing the use of non-monetary incentives.
- Reserve Assembly - is the key permit compliance requirement for the MSHCP. This is what the RCA offered to do for the covered species in exchange for the take authorization. The MSHCP has a reserve goal of 500,000 acres, with RCA being responsible for assembling 153,000 acres, of which 56,000 acres are to come from state and federal grants. The remaining 97,000 acres are to come from local funding sources. The challenges and limitations in reserve assembly stem from the rigid conservation descriptions for the criteria cells and cell groups in the reserve design. The reserve design was based on a 1994 aerial imagery vegetation mapping, and in some cases, was outdated. As pieces of the reserve puzzle have been filled in, and development in surrounding areas has continued, the remaining flexibility is now lower than 21 years ago and will continue to decrease. Potential opportunities include developing a system to assess alternative reserve configurations, using the Criteria Refinement Process, especially in areas that are highly constrained by development. This could allow the RCA to evaluate potential reserve designs on connectivity, cost, and rough-step needs, helping make decisions transparent and adaptable. The RCA could then identify, prioritize, and acquire areas for proactive Criteria Refinements.

- Criteria Refinement Process - is the tool built in the MSHCP that creates flexibility in reserve design. It supports incidental take coverage; it helps to adjust criteria for mapping errors and can provide better conservation outcomes. This does not require a plan amendment; this tool already exists in the Plan. The challenge in using the Criteria Refinement Process is you must replace land that is currently conscribed for conservation with land that has the same or greater conservation value and acreage. This does not address the issue of high-cost land or the availability of willing sellers, which could be tricky hurdles. The current process is a developer comes to the RCA with a plan they would like to develop, after analysis it is determined that that land is needed to meet a conservation goal as required in the Plan, at that time an appraisal is done and at that point it is too late to start a Criteria Refinement. One potential opportunity for improvement is proactively assessing alternative reserve configurations, compiling a list of willing sellers, and investigating the appraisal timing issue.

Recommendations from the SIAAP are:

Strengthen Funding and Cost Management - Permit compliance requires the Plan to be “fully funded” to ensure its successful implementation throughout the life of the permit. Successful implementation of the MSHCP depends on securing sufficient funding to support timely acquisition of land and associated long-term management. As noted previously, to the extent recent requirements to buy land with urban development potential and higher land values continues, the existing funding structure will face substantial strain.

- The RCA does not control which lands are required for purchase. However, there are opportunities to reduce the land acquisition cost burden:
 - Aligning land use designations with conservation priorities/requirements, for example, collaborating with local Permittees to avoid up-zoning of properties that may need to be acquired through mitigation fees in the future;
 - Explore the use of non-monetary tools by Permittees for land acquisition. This could reduce land acquisition costs and include tools originally identified in the MSHCP, such as providing density bonuses to developments that set aside land at low or zero conservation costs; and
 - Assess appraisal instructions to ensure appraisers are providing a strong estimate of land values and are not over-valuing land by ignoring biological constraints.
- The RCA should look at options to expand funding sources. Identifying new funding sources is not easy, but there could be value in re-reviewing both funding sources that were originally envisioned to provide more funding for plan implementation as well as new options to reduce funding required from mitigation fees. A prior example was the County Measure A sales tax.
- The RCA should adapt and update their funding program. To ensure appropriate consideration of emerging cost trends and other changes, a new Nexus Study could be conducted to revisit cost projections and development of fee structures. This would position the RCA to make changes in its funding strategy if needed.

Improve the RCA’s Reserve Assembly Flexibility - The first action in this recommendation is to explore alternative reserve configurations to take better advantage of the tool that exists in the

Plan to create better flexibility, the Criteria Refinement Process. Through this process the RCA can identify and acquire areas for proactive Criteria Refinements through willing sellers. Consider changing appraisal timing to provide the Board with valuation earlier in the land acquisition process. Right now, the appraisals happen after the RCA has determined they must purchase property, which is too late to start a Criteria Refinement. Finally, the SIAAP recommends that the RCA invest in restoring degraded habitat to stay in rough step to help alleviate some of the strain on rare habitat types.

The final recommendation is to increase support for and commitment to the MSHCP.

- Update the cost-benefit analysis, the last was completed in 2014. This can be used to help explain what the benefits of the Plan are.
- Update training and outreach programs targeting specific groups to garner more support for the MSHCP.
- Develop communications and outreach materials that help to effectively communicate that message.
- Incorporate Permittee-owned lands into the reserve. This expands the reserve at lower cost and reduces reliance on private acquisitions.

Regional HCPs, including this one, create economic and operational benefits by providing developers and infrastructure planners with consistent, predictable permitting frameworks. That helps to shorten timelines, reduce compliance costs, and avoid costly delays. The 2014 Cost Benefit Analysis demonstrated that \$2.2 billion in infrastructure projects were facilitated through the MSHCP avoiding \$278 million in delay-related costs. In addition, the Plan helps to reduce the administrative burdens on the Wildlife Agencies and permitting and planning offices.

The HANS Process is not the root cause of these challenges facing the RCA. The root cause of the challenges is the reserve design, which is what forces the RCA to buy land in specific places. That is complicated by past reserve and development and the underutilized Criteria Refinement Process, appraisal rules, and zoning inconsistencies.

The recommendations presented are for incremental changes that require Permittee investment in the MSHCP to improve implementation. There is no silver bullet. In ICF's opinion, RCA has a good plan. The Plan provides RCA with take coverage needed to facilitate 491,000 acres of development in Western Riverside County; in exchange RCA has to build a reserve. The recommended changes will provide increase reserve design flexibility.

After internal improvements are completed, a Major Amendment could be pursued to address any sticking issues that remain, but those should be discussed with caution. A Major Amendment would require extensive negotiations, repeat environmental compliance, and potential concessions from the Permittees as the Wildlife Agencies are unlikely to give RCA a better deal than they currently have.

Ed Sauls, representing the Sauls Company, was impressed with the presentation and the information that was provided. In addition to the five recommendations that staff provided to the Board it was requested that an improved communication process with landowners,

Permittees, and the RCA on the decision-making process be added. The current process has no place for true discussions to take place or open to the process of a possible Criteria Refinement. Also, the RCA charter calls for a Funding Committee that has never met or been formed, some of these problems could have been identified earlier if this committee had been in place.

Gail Barton, a member of the public, shared that as the chair of advisory committee on the MSHCP it was quite familiar. The idea of Criteria Refinement sounds positive, but it will also come at a cost. Consistency zoning and aligning land use is a questionable issue. When the Riverside County Integrated Plan (RCIP) looked at this, the general plan and the MSHCP maps were not overlaid, specifically because landowners felt that was not fair. Non-monetary incentives should absolutely be pursued.

Dan Silver, representing the Endangered Habitats League, thought it was very gratifying that 21 years later, everyone was here trying to make the MSHCP even better and more effective. The idea of incremental changes is certainly something to try first. Proactive Criteria Refinements is a promising idea that should be aggressively explored. Creating new funding sources is extremely difficult whether through the ballot or another way, but the problem in lack of funding is not unique to the MSHCP, it is a national issue. There should be some investigating into what the state could do to raise more natural resources funds.

Garret Sauls, representing the Sauls Company, commented on the excellent report and thought it was very in depth. One of the most successful sources of funding has been the Jurupa Valley Mountains Grant, which was worth \$19 million from a local senator. This was used for acquisitions for RCA, and the money was able to be reappropriated from the Jurupa Valley in Lake Elsinore Back Basin. One of the most important things in these acquisitions is the timing of appraisals.

At 11:47 a.m., Chair Bash called for a recess until 12:47 p.m.

At this time, Board Member Alexander left the meeting.

At 12:50 p.m., Chair Bash called the workshop back to order.

Chair Bash thanked Zack West, Manager of Reserve Management and Monitoring, for the vast knowledge of the plants and species in the MSHCP that were shared each time they were touring RCA lands, as this is Zack's last day with RCA.

Aaron Hake added that Zack West would be going back to the private sector, and offered thanks for all the work Zack did for the MSHCP.

Carly Back, representing California Department of Fish and Wildlife, thanked the Board for all their continued hard work on the MSHCP. There are two staff members who work on the MSHCP to serve all 26 Permittees. Assistance is always offered in the form of consultation, guidance, or training if there is staff turnover, and they meet regularly with Permittees.

Karin Cleary-Rose, representing the U.S. Department of Fish and Wildlife, offered the support of the department and the option of giving opinions or insights to Permittees if needed. The ongoing commitment to this Plan is appreciated, and while there are some issues with it, this Plan is an absolute gift 20 years ago and into the future. The inflexibility of the reserve design that was mentioned is true in some cases, but this Plan came together more than 20 years ago, and at that time having the conservation and development rolling in was an innovative idea.

STRATEGIC IMPROVEMENT ASSESSMENT AND ACTION PLAN FINDINGS AND POTENTIAL SOLUTIONS

Aaron Gabbe provided a presentation on the Strategic Improvement Assessment and Action Plan (SIAAP) Findings and Potential Solutions. RCA staff used the information from ICF's SIAAP report and the staff's understanding of plan implementation to develop the recommendations to the Board.

Staff recommend using potential solutions that maximize existing MSHCP tools and strategies rather than pursuing a Plan amendment because the core challenges are not very likely to be resolved by an amendment, which could be costly, complex, take many years, and lead to stricter standards. When ICF stated the issue was not the HANS process, but rather the reserve design, it may have come across as an abstract way of thinking. The HANS process is just a tool for how RCA buys land, compensates landowners, the reserve system gets built, and the Wildlife Agencies get assurance that the Permittees are providing mitigation. To change the concept of the HANS process would be more than changing the rules, as there is really no other way to get those same key elements without doing something similar, but it would require totally reconfiguring the reserve design.

The decision to amend the Plan is not completely off the table, it can be made at any time by the Board, but it is not recommended that the Plan be amended today. None of the recommended solutions in the SIAAP individually or collectively represent a magic bullet that will resolve inherent challenges with the MSHCP. Rather, the recommended solutions provide targeted and incremental improvements to implementation that could:

1. Provide new tools to increase reserve assembly flexibility that could be applied in specific circumstances which could be done by starting a proactive programmatic criteria refinement, which would require having money ahead of time to purchase the land. This could be costly, and expenditures are driven by the flux of Local Development Mitigation Fees (LDMF) coming from development projects.
2. Reduce the overall cost of acquisition. This pertains to the overall cost of the required 97,000 acres. If there can be a reduction in overall costs, incrementally, fees can remain lower.
3. Increase revenue to match rising land costs and diversify funding sources. This is always a challenge, and staff recognizes the current economic conditions.

Some of these actions and strategies can be implemented by the RCA, but some will need to be implemented by the Permittees, like the land use agencies, with assistance from the RCA.

Fiscal impacts related to a consultant performing an economic and financial analysis are anticipated to begin in Fiscal Year 2026, at an initial cost of approximately \$450,000, with an estimated \$200,000 to be spent in FY 2026 and an estimated \$250,000 to be spent in FY 2027. Potential costs for an economic and community benefits analysis and Nexus Study were included in the FY 2026 Budget. If additional funds are needed for a study to explore new sources of revenue to fund MSHCP land acquisition, staff will request a budget amendment.

This item is for the Board of Directors to:

1. Receive and file the draft Strategic Improvement Assessment and Action Plan (SIAAP);
2. Refer the SIAAP to the Stakeholder's Committee for review and input;
3. Direct staff to conduct an economic and financial analysis comprised of three parts: 1) initiating an economic and community benefits analysis of the MSHCP; 2) initiating a study to explore new sources of revenue to fund MSHCP land acquisition; and 3) initiating a nexus study to evaluate LDMF;
4. Direct staff to develop strategies, in collaboration with Permittees and in consultation with stakeholders, that:
 - a. Expand non-monetary compensation strategies in exchange for land dedication to the MSHCP reserve;
 - b. Better align areas described by the MSHCP for conservation and land use zoning designations;
 - c. Incorporate more Permittee-owned land into the MSHCP reserve;
 - d. Explore large-scale Criteria Refinements that could be used to increase land acquisition flexibility;
 - e. Evaluate targeted changes to the MSHCP that can be strategically implemented during an amendment to the MSHCP to add Crotch's bumble bee; and
5. Direct staff to conduct a financial and human resources analysis to determine budget and staffing needs to implement the Board's direction on SIAAP-related initiatives.

Board Member Morabito stated that there will always be expensive properties that need to be bought, but when the HANS process is being abused and expensive disturbed property must be bought, it gives Board Members a bad attitude towards the process.

Aaron Gabbe agreed with the sentiment. RCA staff do everything they can at the staff level to avoid those types of issues before they are brought forward to the Board. While not specifically added to the recommendations, staff will include in their collaborations with the Permittees is restoring habitats. In the future, instead of buying the property it could be presented to the Wildlife Agencies to restore the habitat that is out of rough step on a property already owned by the RCA. Restoration is not cheap, but it would be nowhere near the cost of acquiring an expensive property.

Vice Chair Spiegel wanted to know when those instances come up, quite often the Board hears, "We have to," instead of explaining the reasoning behind a particularly expensive purchase. This can lend to the bad attitude surrounding the HANS process. Today was eye-opening as to the why of it all.

Board Member Holliday shared that even though the property was purchased because we had to, does not mean that there may not be an opportunity in the future to create the habitat somewhere else and sell off the property that was usable. Aaron Gabbe thought that was a good idea.

Board Member Daddario stated that there were a couple of things in the previous presentation that were triggering. Expanding non-monetary incentives like density bonuses is triggering as the city of Corona has recently been forced on a couple projects to accept this from the state. A new tax would not be likely to pass and hoping that the State and Federal Government will suddenly have more funds for conservation is also not likely. Some of the recommendations that were presented should be made, like updating the Nexus Study. Updating our fees could help bring in more revenue to do some of the habitat restoration that was mentioned. Board Members need to go back to their planning departments and discuss what repercussions could come from rezoning some properties as the need arises. RCA should also be talking about using land for personal recreation outside of just hiking that could generate funds.

Board Member Krupa thought that public use of conserved lands, especially for off-road vehicles, is not a good idea as they can destroy what is trying to be conserved and preserved. However, trails and educational areas to inform the public on why the property is being conserved and why it is important is paramount to what RCA does. Also, if the HANS process is not the problem, what would the problem be, there are angered developers and property owners that want answers. Whatever comes out these needs to be a win for property owners and a win for conservation.

Board Member Ruiz stated that the whole reason the Board is here was their absolute anger over the HANS process. Being forced to purchase these high-cost properties was horrible. While this meeting has presented a lot of other solutions, it has not delved into the HANS process that made everyone so angry. RCA should not be forced into purchasing a property that is so high-cost and does not work. There must be a different way to explain the process to Board Members to help them understand.

Board Member Welty thought one of the issues with the HANS process was when RCA was purchasing the entire property. If there was only a need to purchase some of the property what process does RCA have in place to not be required to buy the entire property. While this strategic plan is appreciated, on some level we have to get into some detail as to how these pieces are going to be applied to the MSHCP. The Plan should be broken down into specifics which are then brought to the Board to discuss.

Board Member Daddario wanted to know if after hearing the Board's comments, staff could come back at the next regularly scheduled Board meeting with conclusive recommendations based on what was discussed.

Aaron Hake explained that staff were hoping to know, regardless of what the Board decided, what on this menu of options the Board was interested in pursuing. There is not a lot of detail, as staff want to know which areas should be explored in detail to then come back to the Board

and present the findings. While staff could go and start to expand on these ideas it would not be completed by the next Board meeting. If staff can know which of these options the Board is interested in, they can expand them and come back to the Board with more information.

Board Member Daddario thought that put it all back at square one as what was important to one Board Member might not be important to another.

Chair Bash decided to help move along with the motion process, each recommendation was verbally voted on individually.

The Board Members unanimously consented to:

1. Receive and file the draft Strategic Improvement Assessment and Action Plan (SIAAP);
2. Refer the SIAAP to the Stakeholder's Committee for review and input;
3. Direct staff to conduct an economic and financial analysis comprised of three parts:
 - 1) initiating an economic and community benefits analysis of the MSHCP; 2) initiating a study to explore new sources of revenue to fund MSHCP land acquisition; and 3) initiating a nexus study to evaluate LDMF;

Board Member Holliday thought that some of these ideas needed to be expanded. With all these items being approved, it is requested that staff come back to the Board with more information.

Steve DeBaun suggested that recommendation 4 be updated to state, develop strategies and report back to the Board. All Board Members were in agreement.

Board Member Holliday also wanted to emphasize the reserve Criteria Refinements that were discussed, and that if there were properties where only a certain portion was needed but the entire property was purchased the remainder should be split off and sold to fund habitat restoration. This could proactively increase the reserve assembly so when we have these difficult properties come through that we really do not want; there is already land set aside instead of finding a willing seller.

The Board Member unanimously consented to:

4. Direct staff to develop strategies and report back to the Board, in collaboration with Permittees and in consultation with stakeholders, that:
 - a. Expand non-monetary compensation strategies in exchange for land dedication to the MSHCP reserve;
 - b. Better align areas described by the MSHCP for conservation and land use zoning designations;
 - c. Incorporate more Permittee-owned land into the MSHCP reserve;
 - d. Explore large-scale Criteria Refinements that could be used to increase land acquisition flexibility;
 - e. Evaluate targeted changes to the MSHCP that can be strategically implemented during an amendment to the MSHCP to add Crotch's bumble bee; and
5. Direct staff to conduct a financial and human resources analysis to determine budget and staffing needs to implement the Board's direction on SIAAP-related initiatives.

Chair Bash wondered if staff needed a motion to break pieces of land up to sell. Steve DeBaun thought that was a direction for staff and did not necessarily need a motion to move forward.

Board Member Krupa asked for clarification on recommendation 4c, incorporate more Permittee-owned land into the MSHCP reserve. Aaron Hake stated that meant city and county lands as the state and federal lands were already included into the reserve, as Public Quasi Public (PQP) lands. RCA is aware that some cities currently hold open space land that is not included in the reserve.

Board Member Krupa also asked if a city had PQP land that was going into the reserve, would public access to that area be relinquished. Aaron Hake shared that it would not, if it is considered PQP land now, it would already be part of the reserve. The MSHCP allows reserve lands to have passive recreational use, and existing trails can be used for hiking, walking, biking, equestrian, and non-motorized use. The tradeoff for making lands part of the reserve is the management requirements that must be met for the habitat.

Board Member Daddario wanted to know how long it will take for staff to complete the tasks that were assigned to them today. Most importantly, staff should be moving forward on the Nexus Study now.

Aaron Hake shared that the way the recommendation was structured was so that staff could move forward on certain aspects if approved by the Board. Staff will begin the procurement process for the Nexus Study, and the Board should have in a couple of months a contract for approval to start the work. It was proposed that there be a standing item either on the Executive Committee or Board agenda to status the Board on where staff are in the process.

Board Member Ruiz elaborated on the suggestion made by Board Member Holliday, when we talk about the property that can be exchanged out that it should include any HANS property where the entire parcel is not needed.

M/S/C (Spiegel/Wallace) to report back to the Board on the following:

- 1) Receive and file the draft Strategic Improvement Assessment and Action Plan (SIAAP);**
- 2) Refer the SIAAP to the Stakeholder's Committee for review and input;**
- 3) Direct staff to conduct an economic and financial analysis comprised of three parts:**
 - 1) initiating an economic and community benefits analysis of the MSHCP; 2) initiating a study to explore new sources of revenue to fund MSHCP land acquisition; and 3) initiating a nexus study to evaluate LDMF;**
- 4) Direct staff to develop strategies, in collaboration with Permittees and in consultation with stakeholders, that:**
 - a. Expand non-monetary compensation strategies in exchange for land dedication to the MSHCP reserve;**
 - b. Better align areas described by the MSHCP for conservation and land use zoning designations;**

- c. Incorporate more Permittee-owned land into the MSHCP reserve;
- d. Explore large-scale Criteria Refinements that could be used to increase land acquisition flexibility;
- e. Evaluate targeted changes to the MSHCP that can be strategically implemented during an amendment to the MSHCP to add Crotch's bumble bee; and

5) Direct staff to conduct a financial and human resources analysis to determine budget and staffing needs to implement the Board's direction on SIAAP-related initiatives.

CONCLUDING REMARKS

Vice Chair Spiegel shared that Chair Bash was a true man of service, who happened to celebrate his 70th birthday last week. The Board joined in round of happy birthday to Chair Bash.

Board Member Krupa stated that the RCA has done an admirable job at acquiring property but wanted to know how much land the State and Federal Government had provided as part of their agreement. Aaron Gabbe shared that the state and federal contribution was at about 47-48 percent of their goal, and RCA was at about 45-46 percent of their goal.

Aaron Hake thanked the Board Members and valued their feedback. Staff have heard the comments and will be taking action on all of these matters. Gratitude was also extended to the Stakeholders Committee members who were present and the members of the public who attended.

Chair Bash acknowledged the clerk staff for their hard work and guidance through this workshop. All the things that no one can seem to agree on in our world, we have still managed to save thousands and thousands of acres for future generations. Through all of this, we may well be doing the most important thing we do as elected officials.

ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Bash adjourned the workshop at 1:46 p.m.

Respectfully submitted,



Lisa Mobley
Administrative Services Director/
Clerk of the Board