



EXECUTIVE COMMITTEE MINUTES

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1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee Meeting was called to order by Chairman Ingram at 12:10 p.m., Wednesday, June 20, 2018, in the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501.

2. ROLL CALL – was taken by Rose Haro, Administrative Manager.

| COMMITTEE MEMBERS PRESENT | COMMITTEE MEMBERS ABSENT |
|--|--|
| Jonathan Ingram, Chairman – City of Murrieta Maryann Edwards – Vice Chairperson City of Temecula Jeffrey Hewitt – City of Calimesa Crystal Ruiz – City of San Jacinto Marion Ashley, County of Riverside District 5 | Natasha Johnson, City of Lake Elsinore John Tavaglione, County of Riverside District 2 |

3. PUBLIC COMMENTS

There were no public comments.

4. COMMITTEE MEMBER ANNOUNCEMENTS

Vice Chairperson Edwards thanked Board Member Ashley for attending Mount San Jacinto’s sneak preview.

5. **ADDITIONS/REVISIONS**

There were no additions/revisions to the agenda.

6. **APPROVAL OF MINUTES – May 23, 2018**

M/S/C (CITY OF CALIMESA/CITY OF TEMECULA) to approve the minutes of the May 23, 2018 Meeting of the Executive Committee as submitted.

(5 Ayes, 0 Nays, 0 Abstain, 2 Absent)

7. **WESTERN RIVERSIDE COUNTY MSHCP FEE COLLECTION REPORT FOR MAY 2018**

Honey Bernas, Director of Administrative Services, reported that for the month of May 2018, the total of fee collection receipts was \$1,766,586.

M/S/C (CITY OF SAN JACINTO/CITY OF CALIMESA) to approve this item as recommended and authorize staff to agendize this matter for the July 2, 2018 meeting of RCA Board of Directors:

- 1) Recommend that that RCA Board of Directors receive and file the Western Riverside County MSHCP Fee Collection Report for May 2018; and
- 2) Authorize staff to agendize this matter for the July 2, 2018, meeting of the RCA Board of Directors.

(5 Ayes, 0 Nays, 0 Abstain, 2 Absent)

8. **RESOLUTION NO. 2018-XXX, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY CONFIRMING THE CELL CRITERIA ANALYSIS PROCEDURE REQUIRED BY THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

Michelle Ouellette, General Counsel, presented the Cell Criteria Analysis Procedure required by the MSHCP. She gave a brief overview of the reserve assembly requirements, stating that the MSHCP requires that a reserve of approximately 500,000 acres be assembled for conservation, which allows take for the construction of infrastructure, housing, and other development in western Riverside County. Approximately 350,000 acres were already in conservation or public ownership, leaving a 153,000-acre acquisition obligation to complete the reserve. The RCA's goal is to complete assembling the reserve so that RCA's obligations shift to management and monitoring of the reserve. Chairman Ingram asked for a breakdown on the acreage to be acquired by the state, federal and local governments. Charlie Landry, Executive Director, answered that the state and federal government are required to acquire 56,000 acres, and 97,000 acres are to be funded locally by RCA with MSHCP

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fees collected by its Member Agencies. Michelle Ouellette advised that most of the acreage that RCA is required to acquire comes from the Criteria Area. The Criteria Area consists of 310,000 acres, and RCA is required to acquire approximately half of said acres. The cells that overlay the Criteria Area describe how the conservation is to take place for that particular area. She gave examples of conservation requirements in each cell and the percentages needed to assemble the reserve for specific species. She further stated that when a project is proposed within a Criteria Cell, the Member Agency within which the Cell is located must look at the consistency with the cell criteria and make an MSHCP consistency determination. The consistency determination is typically called the HANS process. The consistency determination is then forwarded to RCA as part of the Joint Project Review (JPR) process for RCA to make its consistency determination. Part of the consistency analysis that RCA does is look at the Cell Criteria language. This has been the process since the inception of the MSHCP, and all of the Permittees have followed the same process until very recently. Recently, a couple of projects have taken a different approach and not looked at the Cell Criteria, but have looked at a broader Area Plan or Subunit analysis. The rationale in doing this has to do with language in the Plan, which RCA believes is being taken out of context. If MSHCP consistency is looked at, not based on the Cell Criteria, but based on the bigger Area Plans and Subunits, RCA will not be able to obtain the acreage that is needed to complete the Reserve Assembly and transition to the next step of management and monitoring. This policy is being brought before the Executive Committee so that the process is clear. Most of the Permittees are complying with the Cell Criteria consistency determination, but because there has been some recent confusion on a few projects, RCA believes the policy is necessary.

Chairman Ingram stated that this issue has been a quagmire, and the policies are convoluted and not very clear, which RCA takes responsibility for. Every now and then this will give cause for abusing the Criteria Refinement and other processes because of not wanting to deal with the process. Chairman Ingram stated that this creates a clear, concise policy that everyone can understand.

Laurie Correa, Director of Reserve Management and Monitoring, gave a PowerPoint presentation showing the MSHCP Plan Area and Criteria Area, from which RCA needs to acquire the reserve. All discretionary projects within the Criteria Area are subject to HANS and JPR and then must be submitted to the Wildlife Agencies for concurrence. She advised that the Plan Area is further broken down by Area Plans, and within each Area Plan, there are Subunits. Each Area Plan contains one to seven Subunits. She showed an example of Subunit 5, which is in the French Valley, lower Sedco Hills area. This large Subunit area contains over 12,000 acres; however, the midpoint range of the reserve assembly goal is approximately 5,800 acres. Therefore, within that 12,000-acre area, RCA needs to acquire 5,800 acres and assemble a number of reserve features. Subunit 5 contains Core 2 and four different linkages (Linkages 15, 16, 17, and 18). She reviewed the Subunit language which shows planning species, reserve size, and general goals. The Subunits mainly focus on planning species and general biological objectives. She provided a handout showing the sequential process for reviewing projects. Review starts at the broad landscape level proceeding to individual Cell Criteria. The process is meant to be a sequential process starting with

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Area Plans and Subunits and then proceeding to Cell or Cell Group. She referred to the language which is being used in a few projects to justify why it is acceptable to consider a project's consistency with the Plan in the context of the Subunit. The language is in Section 3.0 Conservation Planning Process/Description and Area Plan Criteria of the MSHCP Conservation Area, Page 3-123, paragraph one which states: *"While achieving the precise percentage conservation criterion for each Cell or Cell Group would ultimately result in assembly of 153,000 acres of Additional Reserve Lands as envisioned in the MSHCP, it should be noted that achievement of the variable target acreages will be measured on a Core and Linkage or Area Plan and Area Plan Subunit basis, not on an individual project or Cell/Cell Group basis."* She further stated that this text has been used in a few projects to justify why it is acceptable to consider a project's consistency in the context of a Subunit. From RCA's perspective, given all the other language in the MSHCP, and the fact that there is Cell and Cell Group Criteria, this is a misapplication of the sentence. This language is intended to apply when reaching the end of reserve assembly for review in a more holistic fashion to determine if the goals of that Subunit have been met.

Chairman Ingram and Vice Chairperson Edwards gave examples of the Cell Criteria analysis procedure used on different projects in the Southwest area of the MSHCP and the implications of shifting Cell Criteria onto another property.

Laurie Correa stated that as the reserve is assembled, the more difficult it becomes to make adjustments. Chairman Ingram stated that shifting the criteria puts an undue burden on property owners that have the right to access and develop their property.

Laurie Correa stated that the purpose of the policy is to reaffirm the Cell Criteria Analysis Procedure required by the MSHCP in order to complete Reserve Assembly.

Chairman Ingram asked what happens to an area that has more latitude with regard to the policy, and if this policy still allows Criteria Refinements to be done. Laurie Correa stated that she will discuss where in the Plan there is flexibility later in the presentation.

Laurie Correa continued her presentation showing examples of projects and the Consistency Analysis process required by the MSHCP which exemplified why the acreage range and location of property is required in order to assemble the reserve in a meaningful manner. Her examples included areas where there is flexibility and adjustments can be made while still meeting reserve assembly goals, and areas where there is no longer flexibility.

Michelle Ouellette stated that legal counsel and RCA staff do not believe there is a flaw in the Plan with regard to MSHCP Consistency Analysis, but rather than one sentence in the Plan is being misinterpreted. Chairman Ingram stated that the flaw is that there is not clear policy, which leaves room for misinterpretation. Laurie Correa stated that the advantage of taking the one sentence referenced above out of context is that if a project is clearly in conflict with the Cell Criteria and one does not want to use the other tool that the Plan allows, which is a Criteria Refinement, one can

determine the project consistent when it is clearly not. Using the Criteria Refinement process, if findings about biological equivalency can be made, applicants can potentially exchange lands that are described for conservation for other lands that are not described, but will also contribute to the reserve in a biologically equivalent manner or superior manner and reach MSHCP consistency.

M/S/C (COUNTY DISTRICT 5/CITY OF TEMECULA) to approve this item as recommended and authorize staff to agendize this matter for the July 2, 2018 meeting of the RCA Board of Directors.

- 1) Recommend that the RCA Board of Directors adopt Resolution No. 2018-XXX, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Confirming the Cell Criteria Analysis Procedure Required by the Western Riverside County Multiple Species Habitat Conservation Plan; and*
- 2) Authorize staff to agendize this matter for the July 2, 2018, meeting of the RCA Board of Directors.

(5 Ayes, 0 Nays, 0 Abstain, 2 Absent)

9. DISCUSSION CONCERNING DELHI SANDS FLOWER-LOVING FLY MSHCP RESERVE ASSEMBLY REQUIREMENTS IN AGUA MANSA

Charles Landry, Executive Director, discussed with the Executive Committee the reserve assembly requirements for the Delhi sands flower-loving fly (fly) in the Agua Mansa area. The Agua Mansa area is described for conservation for the fly. In other areas within the Plan that also have fly are not described for conservation, only surveys are required. The Plan requires that RCA acquire 220 acres of fly habitat. Of those, 50 acres are supposed to be acquired in the Agua Mansa area. Most of the Agua Mansa has been developed. He advised that Viridian Partners has proposed a major development at the former Riverside Cement Company plant in the City of Jurupa Valley. Viridian plans to cap the plant. The site is contaminated, and Viridian has agreed to clean up the hexavalent chromium on the site at no cost to the City of Jurupa Valley or County of Riverside. He further stated that a biologist has surveyed the area for the fly for over nine months with no sightings. Because the property is described for conservation, 50 acres of replacement fly habitat are needed for this development to go forward. RCA been unable locate any properties that are occupied with the fly or that are described for conservation that have not already been developed within the Plan Area. He explained that the MSHCP contains unusual provisions for the fly, which allow RCA to purchase land in San Bernardino County. The potential properties RCA was able to locate in San Bernardino were cost prohibitive. There is a fly bank that is held by Vulcan Materials in San Bernardino which RCA can also purchase credits from to satisfy its obligation. The cost of each credit is usually \$250 thousand; however, RCA was able to negotiate a 50% reduction in the cost. Staff recommends that 50 acres be purchased at \$125 thousand per acre,

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totaling \$6.25 million. The funding for the credits will be provided by several sources: Vulcan owes \$750 thousand in MSHCP fees for a project in Corona, which will be applied toward the purchase; Viridian will pay \$3 million; RCA has \$100 thousand set aside specifically for the fly as a result of a lawsuit involving other parties; and RCA will contribute \$2.4 million. Staff proposes bringing two agreements, when finalized, to the RCA Board of Directors for approval. Honey Bernas, Director of Administrative Services, stated that this transaction was not contemplated in the FY2019 RCA Budget and will require that she request that the RCA Board of Directors approve a \$2.4 million budget adjustment.

M/S/C (CITY OF SAN JACINTO/CITY OF TEMECULA) to authorize staff to agendize the two agreements, as soon as received, for the next meeting of the RCA Board of Directors.

(5 Ayes, 0 Nays, 0 Abstain, 2 Absent)

- 10. FUTURE AGENDA ITEMS:** *(Committee members are invited to suggest additional items to be brought forward for future discussion.)*

Chairman Ingram advised that the Nexus Study will be a future agenda item.

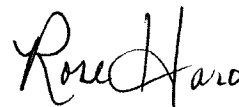
Vice Chairperson Edwards suggested that the RCA have a Board Workshop, which should include the history of RCA, accomplishments, challenges, and how the MSHCP works. Honey Bernas, Director of Administrative Services, suggested and the Executive Committee concurred that the workshop should be held in February or March 2019 after new Board Members have been appointed and perhaps be held at the City of Temecula.

11. ADJOURNMENT

There being no other items before the Executive Committee, Chairman Ingram adjourned the meeting at 1:15 p.m. in memory of Verla Rulison, beloved mother of Board Member Ruiz.

The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee is scheduled for Wednesday, August 15, 2018, at 12:00 p.m. at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Prepared by:



Rose Haro
Administrative Manager

Respectfully submitted:



Honey Bernas
Clerk of the Board