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*The Western Riverside County Regional Conservation Authority was established in 2004 as a joint powers authority to administer the 2003 Western Riverside County Multiple Species Habitat Conservation Plan. Currently, the Authority consists of eighteen (18) cities and the county.*

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## **MEETING**

**Monday April 4, 2016**

**12:30 p.m.**

**Riverside County Administrative Center**

**Board Room, First Floor, 4080 Lemon Street, Riverside, CA 92501**

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## **OFFICERS**

**Eugene Montanez, Chairman**  
*City of Corona*

**Marion Ashley, Vice-Chairman**  
*County of Riverside, District 5*

## **BOARD MEMBERS**

**George Moyer**  
*City of Banning*

**Kevin Bash**  
*City of Norco*

**Brenda Knight**  
*City of Beaumont*

**David Starr Rabb**  
*City of Perris*

**Jeffrey Hewitt**  
*City of Calimesa*

**Andy Melendez**  
*City of Riverside*

**Tim Brown**  
*City of Canyon Lake*

**Crystal Ruiz**  
*City of San Jacinto*

**Clint Lorimore**  
*City of Eastvale*

**Maryann Edwards**  
*City of Temecula*

**Linda Krupa**  
*City of Hemet*

**Ben Benoit**  
*City of Wildomar*

**Verne Lauritzen**  
*City of Jurupa Valley*

**Kevin Jeffries**  
*County of Riverside, District 1*

**Natasha Johnson**  
*City of Lake Elsinore*

**John Tavaglione**  
*County of Riverside, District 2*

**Matt Liesemeyer**  
*City of Menifee*

**Chuck Washington**  
*County of Riverside, District 3*

**D. LaDonna Jempson**  
*City of Moreno Valley*

**John Benoit**  
*County of Riverside, District 4*

**Jonathan Ingram**  
*City of Murrieta*

**Charles Landry, Executive Director**



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## MEETING AGENDA

\* Actions may be taken on any item listed on the agenda. Non-exempt materials related to an item on this agenda submitted to the RCA Board after distribution of the agenda packet are available for public inspection at the RCA Offices, 3403 Tenth Street, Suite 320, Riverside, California, during normal business hours. Such documents are also available on the Western Riverside County Regional Conservation Authority website at [www.wrc-rca.org](http://www.wrc-rca.org) subject to staff's ability to post the documents before the meeting. Alternative formats are available upon request by contacting the Clerk of the Board at (951) 955-9700. Notification of at least 72 hours prior to meeting time will assist staff in accommodating such requests.

**Monday, April 4, 2016**

**12:30 p.m.**

**Riverside County Administrative Center  
First Floor Annex - Board Hearing Room  
4080 Lemon Street, Riverside, CA 92501**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Board meeting, please contact the Clerk of the Board at (951) 955-9700. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. PUBLIC COMMENTS**

At this time members of the public can address the RCA Board of Directors regarding any items within the subject matter jurisdiction of the Board that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Each individual speaker is limited to speak three (3) continuous minutes or less. Any person wishing to address the Board on any matter, whether or not it appears on this agenda, is requested to complete a Request to Speak form from the Clerk of the Board. The completed form is to be submitted to the Clerk of the Board prior to an individual being heard. Whenever possible, lengthy testimony should be presented to the Board in writing and only pertinent points presented orally. Any written documents to be distributed or presented to the RCA Board of Directors shall be submitted to the Clerk of the Board.

**5. BOARD MEMBER ANNOUNCEMENTS**

(This item provides the opportunity for the Board Members to report on attended meetings/conferences and any other items related to RCA activities.)

**6. ADDITIONS/REVISIONS**

(The Board may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board Members present, adding an item requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.)

**7. APPROVAL OF MINUTES**

RCA Board Meeting - [March 7, 2016](#)

**8. CONSENT CALENDAR**

(All matters listed under the Consent Calendar will be approved in a single motion unless a Board member requests

separate action on specific Consent Calendar item. The item will be pulled from the Consent Calendar and placed for discussion.)

**8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR FEBRUARY 2016**

[Overview - Staff Report](#)

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP LDMF collection and Civic/Infrastructure Contribution Report for February 2016

**8.2 NON DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2017**

[Overview - Staff Report](#)

This item is for the RCA Board of Directors to direct staff to continue to set aside no more than three percent (3%) of Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2016 to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies.

**8.3 RESOLUTION NO. 2016-006 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR ACQUISITION OF REAL PROPERTY**

[Overview - Staff Report](#)

This item is for the RCA Board of Directors to adopt Resolution No. 2016-006, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing the Acceptance of Grant Funds for Acquisition of Real Property. The approval shall be conditional upon the Board's approval, in closed session, of the proposed purchase.

**8.4 RESOLUTION NO. 2016-007 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY RESCINDING AUTHORIZATION TO ACCEPT GRANT FUNDS FOR ASSESSING DISPERSAL AND**

# MORTALITY OF BURROWING OWLS FOLLOWING PASSIVE AND ACTIVE RELOCATION

## Overview - [Staff Report](#)

This item is for the RCA Board of Directors to adopt Resolution 2016-007, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Rescinding Authorization Granted Under Resolution 2015-010 to Accept Grant Funds for Assessing Dispersal and Mortality of Burrowing Owls Following Passive and Active Relocation.

9. **RESOLUTION NO. 2016-003, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY REVISING ITS FEE CREDIT AND WAIVER POLICY SUPERSEDING AND REPLACING RESOLUTION NO. 05-05**

## Overview - [Staff Report](#)

This item is for the RCA Board of Directors to adopt Resolution No. 2016-003, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Revising its fee Credit and Waiver Policy Superseding and Replacing Resolution No. 05-05.

10. **EXECUTIVE DIRECTOR'S REPORT**

**10.1 Washington D.C. Trip for Section 6 Funding**

**10.2 Minor Amendment Regarding Participating Special Entities**

11. **LAND ACQUISITION UPDATE**

12. **ITEMS FOR NEXT MEETING**

Board members are invited to suggest additional items to be brought forward for future discussion.

13. **CLOSED SESSION ITEMS**

### 13.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

#### Pursuant to Government Code Section 54956.8

**Negotiating Parties:** RCA - Executive Director or Designee

**Under Negotiation:** Price/Terms

Item	Assessor Parcel No.	Property Owners
1	579-390-005 579-390-006 579-390-007 579-390-010	Sue and Jolly Martin
2	426-180-002 426-430-005	Riverpark (Hillcrest Homes, David Arnold)

### 13.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

#### Pursuant to Paragraph 1 of Subdivision (d) of Government Code Section 54956.9

◆ **Case No. MCC1300351 JPR, Inc., dba Silverado Ranch Estates vs. California Department of Fish and Game; County of Riverside; Western Riverside County Regional Conservation Authority**

## 14. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, May 2, 2016, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

[2016 RCA Commonly Used Acronyms](#)

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# **AGENDA ITEM NO. 7**

**MINUTES**  
**March 7, 2016**



## **MEETING MINUTES**

**1. CALL TO ORDER**

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Montanez at 12:30 p.m. on Monday, March 7, 2016, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

**2. PLEDGE OF ALLEGIANCE**

Board Member Lauritzen led the RCA Board Members and meeting attendees in a flag salute.

**3. ROLL CALL - Taken by Rose Esparza, RCA Administrative Manager.**

**Board Members Present**

**Board Members Absent**

<p>George Moyer, <i>City of Banning</i>            Jeffrey Hewitt, <i>City of Calimesa</i>            Eugene Montanez, <i>City of Corona</i>            Clint Lorimore, <i>City of Eastvale</i>            Linda Krupa, <i>City of Hemet</i>            Verne Lauritzen, <i>City of Jurupa Valley</i>            Bob Magee, <i>City of Lake Elsinore (Alternate)</i>            Matt Liesemeyer, <i>City of Menifee</i>            D. LaDonna Jempson, <i>City of Moreno Valley</i>            Jonathan Ingram, <i>City of Murrieta</i>            Kevin Bash, <i>City of Norco</i>            David Starr Rabb, <i>City of Perris</i>            Andy Melendrez, <i>City of Riverside</i>            Crystal Ruiz, <i>City of San Jacinto</i>            Maryann Edwards, <i>City of Temecula</i>            Ben Benoit, <i>City of Wildomar</i>            Kevin Jeffries, <i>Riverside County District I</i>            John Tavaglione, <i>Riverside County District II</i>            Chuck Washington, <i>Riverside County District III</i>            Marion Ashley, <i>Riverside County District V</i></p>	<p>Brenda Knight, <i>City of Beaumont</i>            Tim Brown, <i>City of Canyon Lake</i>            John Benoit, <i>Riverside County District IV</i></p>
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### **4. PUBLIC COMMENTS**

Chairman Montanez called for public comments on items not listed on the agenda. There were no public comments.

### **5. BOARD MEMBER ANNOUNCEMENTS**

Board Member Bash stated that he considers it an honor to sit on the RCA Board. He stated that he has been serving on commissions for several years and remembers the days when it was very difficult to build things until the RCA came about. He is proud of the fact that RCA is saving wildlife corridors in areas for future generations. What RCA does is important.

Board Member Bash stated that Lake Norconian is one of the last migratory bird sites in the City of Norco. There are 1,200 species that migrate on and off the lake. The City of Norco is very supportive of the U.S. Navy. However, the Navy wants to install a sea of solar panels in proximity to the lake. When the Navy began this project, announced that their environmental impact study would find no impact. The City of Norco is not pleased with the fact that within a half mile of 1,200 various birds, the Navy finds that there will not be an impact. The Navy has already taken care of the carbon footprint by largest purchase of solar energy in the history of the military that literally covers that footprint. This will save \$65 thousand per year, which equates to nothing. It is upsetting in that it will cost taxpayers a lot more, and it is a political move. He wants to make the public aware that the U.S. Navy states this will not impact those birds. Even children know that is not true. He stated that the carcasses that slam into the solar panels because they do not know it is not a lake will be picked up before the coyotes take them. He advised that the Norco City Council is upset and will take the matter up at their next meeting. It has nothing to do with patriotism. There is an anchor in the middle of the City's memorial. Board Member Bash is of the opinion that this is wrong, especially given that others must go through the environmental impact process.

Chairman Montanez thanked Board Member Bash for bringing this awareness to the RCA Board.

### **6. ADDITIONS/REVISIONS**

Michelle Ouellette, General Counsel, announced that under Agenda Item 15.1, the second noted case (MCC1300351 JPR vs. California Department of Fish and Game) was pulled from the agenda due to ongoing settlement negotiations. She further stated that this case will be placed on the agenda next month.

7. APPROVAL OF MINUTES – February 1, 2016

*M/S/C (INGRAM/ASHLEY) to approve the minutes of the February 1, 2016 meeting of the RCA Board of Directors.*

*Ayes 17, Nays 0, Abstain 3 (MAGEE, RABB, KRUPA)*

8. CONSENT CALENDAR

*M/S/C (KRUPA/MOYER) to approve the Consent Calendar Agenda Item Nos. 8.1, 8.2, AND 8.3*

*Ayes 20, Nays 0*

**8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR JANUARY 2016**

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for January 2016.

**8.2 RESOLUTION NOS. 2016-004 AND 2016-005, RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY APPROVING THE PURCHASE OF TAX DEFAULTED PROPERTY FROM THE RIVERSIDE COUNTY TREASURER-TAX COLLECTOR'S OFFICE**

Overview

This item is for the RCA Board of Directors to adopt Resolution Nos. 2016-004 and 2016-005, *Resolutions of the Western Riverside County Regional Conservation Authority Approving the Purchase of Tax Defaulted Property from the Riverside County Treasurer-Tax Collector's Office.*

### **8.3 FISCAL YEAR 2016 SECOND QUARTER FINANCIAL REPORT**

#### Overview

This item is for the RCA Board of Directors to:

- 1) Receive and file the Fiscal Year 2016 Second Quarter Financial Report;
- 2) Approve the budget adjustment contained in Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustment contained in Exhibit A.

### **9. PRESENTATION REGARDING WILDLIFE CORRIDORS AND TRAILS**

Laurie Dobson Correa, Director of Reserve Management and Monitoring, presented an overview of the Western Riverside County MSHCP Wildlife Corridors and Trails. Wildlife corridors are an important component of the Plan. The Plan is based on core areas and linkages that connect them.

She explained the Plan differs from the Stephens' kangaroo rat plan which is focused on cores that were not connected. The Stephens' kangaroo rat is a smaller species and is genetically identical amongst the cores. Therefore, the connections between the cores and maintaining genetic diversity was not as critical for that species.

Because the MSHCP has 146 species and genetic diversity is important and the connection between the core areas is important, the Plan has a number of connections. She explained that there are 20 existing cores and extensions, seven new cores, proposed linkages (there is one existing) and 18 proposed, and five existing and 24 proposed constrained linkages. She stated that the difference between linkages and constrained linkages is really about size. Linkages are meant to be live-in. They are meant to be large enough that animals can live and breed, but can also move between core areas. Constrained linkages are constrained by existing development or streambed based and naturally constrained. They are meant to focus on moving between core areas.

She presented an overview of the Existing Core Reserves and Extensions, New Core Reserves, Existing and Proposed Linkages, and Existing and Proposed Constrained Linkages. She presented several maps showing Cores and Linkages and their relation to surrounding properties.

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Laurie Correa advised that she selected a few existing linkages and constrained linkages to give the Board an overview of what different corridors are like. She gave an overview of Existing Linkage A, Linkage 7, 9, 16 and 23. She identified species within each Live-In Linkage and Movement Linkage. She reviewed the topography of each linkage and how the surrounding areas affect the species. She discussed population of species within each linkage. She pointed out the properties where acquisitions are taking place that will enhance the connections of one linkage to another. She added that Constrained Linkage 23 (Bogart County Park in Cherry Valley and San Timoteo Creek) was added for the benefit of the City of Calimesa who requested the presentation.

Board Member Edwards stated that there are undercrossings on Interstate 15 between the ecological reserve on the west and the Pechanga reservation land on the east. She stated that there is videotape of some animal crossings, but not sure if RCA had any documented mountain lion crossings. Laurie Correa stated that she is not aware of any. Board Member Edwards stated that mountain lions have been sighted in the mall parking lot and at Old Town. She questioned the effectiveness of undercrossings and the requirement for Caltrans to add more undercrossings. She stated that the undercrossings are costly and asked if they should still be required if the mountain lions are not using them. Laurie Correa answered to say that the only existing large mammal crossing at Interstate 15 is the Temecula Creek Bridge. Cameras have captured crossings of every species but mountain lions. Dr. Vickers' work collaring mountain lions in the Santa Ana mountains, indicates that they go up to the crossings, but they are not crossing. There are a lot of reasons the mountain lions are not crossing. Albeit some of those reasons are speculative, they are not unreasonable. One reason is that a lot of people use the Temecula Creek Bridge undercrossing and there is development in close proximity on the east side. The feeling amongst the agencies, including Dr. Vickers, is that the crossing is too busy and extremely noisy. There is interest in other locations on each side so that there is a connection. She summed up her answer by saying that she is not in a position to give up on crossings. Undercrossing are expensive and RCA needs to remain cognizant that money is not being spent where there is no return. RCA has evidence of use in other areas, particularly of bridge crossings in other areas. Board Member Edwards stated that she finds it fascinating that a mountain lion was comfortable going down Mercedes street within 150 feet of people, yet the will not go through the tunnel.

Chairman Montanez mentioned the research that was done on Highway 241 because of the same issues. He stated that it's his assumption that all agencies that have similar issues regarding crossings communicate. Laurie Correa answered to say that Dr. Vickers worked extensively with the Transportation Authority on the wildlife fencing on segments of Highway 241. She stated that mountain lions were using 241, and they were using the undercrossings, but because there is not development on both sides of Highway 241, they were equally as likely to go across the freeway. There was a lot of

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road kills in the area, and that was the reason for the fencing. Mountain lions will move where the habitat and crossings are suitable for them. They will take the path of least resistance.

Board Member Jeffries asked for clarification regarding the difference between existing and proposed linkages. He asked if staff was proposing developing a new overlay and constraints. Laurie Correa stated that her first example an existing linkage, an existing piece of BLM land. She stated that all other linkages in the Plan were technically called proposed linkages, but those are all linkages that were approved as part of the Plan. There are no new overlays occurring.

Board Member Hewitt thanked Laurie Correa for her presentation, which he requested. He stated that the core areas connect one area to another area. He asked if, from a biological sense, the biggest advantage to have these corridors is so that animals exchange genetic material and the genome becomes bigger and animals become more robust. Laurie Correa answered yes and added that maintenance of genetic diversity is the critical reason for having corridors. His second question was regarding trails. He stated that the City of Calimesa has a lot trails. He asked if trails that are used by bicyclists, equestrians and pedestrians, as opposed to a paved streets, somewhat help the animal movement. Laurie answered that it's not uncommon for animals to use existing trails or dirt roads as long as they are not exposed while traveling it. Prey animals tend to use trails less than predators. She further stated that a high use trail would deter wildlife use.

Board Member Liesemeyer asked if Linkage 8 going east is a proposed linkage. Laurie Correa answered that it is an approved linkage under the Plan. She stated that she does not want to be misleading about proposed linkages. He asked what is proposed to get across I-215, and how the linkage will be supported. Laurie Correa said there is an existing culvert under I-215. Charles Landry, Executive Director, stated that the culvert is approximately a 5 x 5 box. Laurie Correa stated that the challenge is Antelope Road, the parallel road which has not been improved yet. There has been a discussion with the City of Murrieta associated with the Keller Road Interchange because the City will have frontage road improvements. It is not clear if the improvements go far enough south to affect that area. The challenge to any linkage would be getting the crossings under the road that are adequately sized for whatever the planning species is. Under I-215, the crossing is adequate. The largest planning species for that linkage is bobcat. All of the other species are amphibian.

For clarification purposes, Charles Landry added that if a road project will affect a linkage, the linkage will have to be addressed as part of the process. If there is no affect, as with the widening of I-215 where the widening did not extend beyond the current right-of-way and additional lanes were placed in the median, the MSHCP was not triggered so the size of this linkage did not have to be addressed. Should there be

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another future project, then the linkage would have to be addressed as part of the Caltrans/RCTC package. Laurie Correa stated it could also be a private project that has frontage or off-site road improvements.

Chairman Montanez now called for public comment on this item. He called up Joyce McIntire.

Joyce McIntire, Mayor Pro Tem of Calimesa, thanked the Chairman and RCA Board for the opportunity to speak and commended Laurie Correa for her presentation. She stated that connectability wildlife corridors are very important. She began working on the first trails map in Calimesa in 1990. She then began working on the wildlife corridors in 2000. She presented a yellow triangle sign entitled "City of Calimesa Wildlife Corridors" that was featured in the Press Enterprise in 2004. The subject of Calimesa corridors went all the way back to Washington, D.C., a fact which Calimesa is very proud of. She stated that corridors are very important and it appears that the RCA has addressed corridors to some extent. She made reference to a study in Germany on the corridor issue "if you build it, will they use it," and it does work. They gave the City of Calimesa a presentation that was very interesting, and the way they build under and overpasses for the wildlife is very good. She stated that another issue related to wildlife corridors is poison and pesticides. The City of Calimesa discussed this topic and what distance from wildlife corridors should people use pesticides and poisons, which kills a lot of wildlife. On the topic of busy trails, she stated that in Wildwood Canyon at the State Park there is one main trail. The bears, bobcats and mountain lions do use the trail. She has seen them and their footprints while out riding.

Mayor Pro Tem McIntire made reference the City of Norco's discussion regarding the Navy. She stated that her uncle was commander of the Navy, and her cousin was in the Blue Angels. She stated that one of the biggest killers of wildlife is the Navy, the bases with their poisons. She stated that humans have to live together without hostility or conflict with wildlife and need to provide them a safe passage. She commended RCA for doing a great job on the wildlife corridors and purchasing land. She stated that people of the land in this are need to know that the ultimate test of "man's conscience may be his willingness to sacrifice something today for the future generations whose words of thanks will not be heard" quote by Gaylord Nelson.

Laurie Correa continued with the trails section of her presentation. She stated that public access is an important component of the Plan. RCA wants people to be able to go onto conservation land, enjoy it, feel ownership of it, and help RCA be aware of uses that might be degrading it.

The main goal of the MSHCP Conservation Area is to protect biological resources. Another primary objective is to provide recreational and educational opportunities. Covered public access uses within the Conservation Area are comprised of trails,

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trailheads, interpretive centers and maintenance facilities to support passive recreational activities. She explained that there are two types of trails in a Conservation Area: existing community trails and adopted regional trails.

She explained that there are no impacts associated with existing community trails. They are covered by the Plan and no improvements are expected. She presented maps showing MSHCP existing community trails and RCA Historic Trails.

The second type of trails is adopted regional trails. Covered activities on trails are hiking, mountain biking, and equestrian use. In addition to regional trails, three other types of public facilities are covered in the MSHCP Conservation Area; fourteen trailheads, five interpretive center, and four maintenance facilities.

She explained the guidelines for the siting and design of trails and facilities. Trails and facilities are sited and designed to be compatible with resource protection and in a manner that minimizes impacts to sensitive resources and habitat types covered by the MSHCP. All decisions relating to public access are made in a manner that is most protective of biological resources. Trails and facilities are located in the least sensitive areas of the Conservation Area so to avoid habitat occupied by species covered by the plan. There is no specific funding in the plan for trail construction or maintenance.

Chairman Montanez asked if there were any questions on the trail portion of the presentation. Seeing no questions, he thanked Laurie Correa for her presentation.

### **10. WESTERN RIVERSIDE COUNTY MSHCP LOCAL DEVELOPMENT MITIGATION FEE ANNUAL CPI ADJUSTMENT**

#### Overview

This item is for the RCA Board of Directors to:

- 1) Approve implementing the CPI adjustment for Western Riverside County MSHCP Local Development Mitigation Fees effective July 1, 2016; and
- 2) Direct staff to inform Member Agencies of this action.

Honey Bernas, Director of Administrative Services, reported that the MSHCP calls for an annual automatic CPI adjustment. All Member Agencies have adopted fee ordinances that reflect this requirement. In 2009, during the recession, staff brought forward the CPI adjustments to the RCA Board for discussion. At that time, the Board opted not to increase the fees. The Board opted not to increase the MSHCP fee for six years, from Fiscal Years 2010 to 2015. Last year the Board approved the CPI increase that raised the fees 0.73%, less than 1% over a seven year period. Based on the CPI

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increase from December 2014 to December 2015, MSHCP fees would increase 2.03% for next fiscal year. If approved, staff estimates the increase will generate approximately \$203 thousand of MSHCP fee revenue for RCA. The estimate is based on RCA receiving \$10 million in mitigation fees for the year. Staff and the Executive Committee recommend that the Board approve the adjustment and direct staff to advise the Member Agencies of this action.

Due to technical difficulties with the electronic voting system, Chairman Montanez called for a voice vote. After the voice vote Chairman announced that all are in favor, and those opposed Lake Elsinore, District 1 and Hemet and one abstention Eastvale

Board Member Jeffries called for a roll vote.

Rose Esparza, Administrative Manager, read back the vote, everyone in favor except for Lake Elsinore, District 1, and Hemet. She asked for confirmation of Eastvale abstaining.

Chairman Montanez said that Eastvale abstained and confirmed the vote as read by Rose Esparza.

***M/S/C (INGRAM/BASH) to approve implementing the CPI adjustment for Western Riverside County MSHCP Local Development Mitigation Fees effective July 1, 2016; and direct staff to inform Member Agencies of this action.***

**Ayes 16, Nays 3 (KRUPA/MAGEE/JEFFRIES), Abstain 1 (LORIMORE)**

### **11. RATIFICATION OF THE CHAIRPERSON'S APPOINTMENT OF THE 2016 RCA EXECUTIVE COMMITTEE**

Chairman Montanez announced that he would like to appoint Board Member Jonathan Ingram as a new member to the Executive Committee.

***M/S/C (MONTANEZ/ASHLEY) to APPROVE THE RATIFICATION OF THE Chairperson's appointment of the 2016 RCA Executive Committee***

***Ayes 20 Nays 0***

After Agenda Item No. 11 was voted on, Board Member Jeffries mentioned that after Agenda Item No. 10, it was not announced that the item passed, so he assumed it must have failed.

Chairman Montanez stated that the item passed.



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Board Member Jeffries asked what the vote was.

Rose Esparza, Administrative Manager, announced that 20 Board Members are present, five voted against. Then corrected her statement to say that they had one abstention and three voted against.

### **12. EXECUTIVE DIRECTOR'S REPORT**

#### **12.1 Loan Program Update**

Charlie Landry, Executive Director, reported that RCA is asking to reintroduce the standalone legislation this year through Congressman Calvert and Senator Feinstein. The Water Resources Development Act (WRDA) Bill is due to be reauthorized this year. There has been some contact with committee staff to include a similar provision that was included in TIFIA.

#### **12.2 Fee Credit and Waiver Policy Update**

Charlie Landry, Executive Director, reported that after the February 1, 2016 RCA Board of Director's meeting, staff made changes to the proposed policy based on comments from RCA Board Members, which included placing a cap on the amount of the Executive Director's approval authority. Following the Executive Meeting of February 17, 2016, staff made additional changes. As the details and procedures were being worked out, those changes were substantive enough that staff wanted to give the Executive Committee and opportunity to approve before placing the item on the Board's agenda. Staff is very hopeful that this completed proposed policy will be brought forward to the RCA Board of Directors on April 4, 2016.

### **13. LAND ACQUISITION UPDATE**

Charlie Landry, Executive Director, reported that RCA closed escrow on Bautista Canyon, which is the largest purchase since the start of the plan. The acquired property totals 2,794 acres, which brings the reserve to 52,806 acres.

### **14. ITEMS FOR NEXT MEETING**

Chairman Montanez asked if any Board Member had items for next meeting. There being none, the meeting was adjourned to closed session.

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March 7, 2016

**15. CLOSED SESSION ITEMS:**

**15.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph 1 of Subdivision (d) of Government Code Section 54956.9

- **Case No. RIC1600058 A.T. Paulek; Friends of the Northern San Jacinto Valley vs. Western Riverside County Regional Conservation Authority, Coachella Valley Conservation Commission, California Department of Fish & Wildlife**
- **Case No. MCC1300351 JPR, Inc., dba Silverado Ranch Estates vs. California Department of Fish and Game; County of Riverside; Western Riverside County Regional Conservation Authority**

After Closed Session, the meeting was reconvened. There were no announcements from Closed Session.

**16. ADJOURNMENT**

There being no other items before the RCA Board, Chairman Montanez adjourned the meeting at 1:40 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, April 4, 2016, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California

Prepared by:



Rose Esparza  
Administrative Manager

Respectfully submitted:



Honey Bernas  
Clerk of the Board

# **AGENDA ITEM NO. 8.1**

**WESTERN RIVERSIDE COUNTY  
MULTIPLE SPECIES HABITAT  
CONSERVATION PLAN (MSHCP)  
LOCAL DEVELOPMENT MITIGATION  
FEE (LDMF) COLLECTION AND  
CIVIC/INFRASTRUCTURE  
CONTRIBUTION REPORT FOR  
FEBRUARY 2016**

*Regional Conservation Authority*

**WESTERN RIVERSIDE COUNTY  
MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)  
LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION  
AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR  
FEBRUARY 2016**

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**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-9700**

**Background:**

The RCA Executive Committee directed staff to report on Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contributions on a monthly basis.

Attached is the report for February 2016. The report was prepared on a cash basis and, therefore, reflects the cash received by RCA during that month.

**Executive Committee and Staff Recommendations:**

That the RCA Board of Directors receive and file the attached Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2016.

**Attachments**

- 1) Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2016

**AGENDA ITEM NO. 8.1**  
**Attachment**

**WESTERN RIVERSIDE COUNTY  
MULTIPLE SPECIES HABITAT  
CONSERVATION PLAN (MSHCP)  
LOCAL DEVELOPMENT MITIGATION  
FEE (LDMF) COLLECTION AND  
CIVIC/INFRASTRUCTURE  
CONTRIBUTION REPORT FOR  
FEBRUARY 2016**

**MSHCP LDMF AND CIVIC/INFRASTRUCTURE CONTRIBUTION  
CASH RECEIPTS FEBRUARY 2016  
CASH BASIS**

<b>DEVELOPMENT FEES</b>					
<b>City/County by Month</b>	<b>REMITTED</b>			<b>EXEMPTIONS AND FEE CREDITS</b>	
	<b>Residential Permits</b>	<b>Commercial Acres</b>	<b>Amount Remitted</b>	<b>Residential Permits</b>	<b>Amount</b>
City of Banning January - No Activity					
City of Beaumont November December January	50 20 19	0.2	\$98,929 \$39,040 \$37,088		
City of Calimesa January - No Activity					
City of Canyon Lake January	1		\$1,938		
City of Corona January		3.0	\$19,736		
City of Eastvale January	8		\$15,616		
City of Hemet January	10		\$19,520		
City of Jurupa Valley January	52		\$101,504		
City of Lake Elsinore - January Summerly Project <sup>1</sup>		3.5	\$23,258	1	\$1,952
City of Menifee January	76		\$148,352		
City of Moreno Valley January	112		\$113,680		
City of Murrieta January		37.5	\$249,188		
City of Norco January - Received in March					
City of Perris January	14		\$27,328		
City of Riverside January - Received in March					
City of San Jacinto January - No Activity					
City of Temecula January	1		\$1,952		
City of Wildomar January - Received in March					
County of Riverside February	39	0.2	\$77,542		
<b>Total Cities and County</b>	<b>402</b>	<b>44.4</b>	<b>\$974,669</b>	<b>1</b>	<b>\$1,952</b>

<b>CIVIC AND INFRASTRUCTURE PROJECTS</b>		
City of Norco	Hamner Ave Widening - Storm Drain Improvements	\$23,760
<b>Total Civic/Infrastructure Remitted</b>		<b>\$23,760</b>

**TOTAL RECEIPTS - FEBRUARY 2016    \$ 998,429**

1) Summerly Project - Development agreement dated 8/24/04. Expiration date 9/23/14. Under review.

# **AGENDA ITEM NO. 8.2**

## **NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2017**

*Regional Conservation Authority*

**NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2017**

**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-2842**

**Background:**

The MSHCP allows property owners who do not intend to file a development application to submit their properties for evaluation and possible acquisition under the HANS process. Under pages 6-17 and 6-18 of the MSHCP, a list is to be established for properties that fall within this category. The Plan also provides that a separate designated fund be created to purchase properties on this priority list. Currently there is one property on the priority listing which is being acquired in multiple phases.

Land Acquisition Policy 1.13 requires that the level of funding to be set aside for the purchase of Non-Development HANS properties be reviewed annually and set by the RCA Board of Directors. The Board established a funding level of 3% of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Local Development Mitigation Fees for Fiscal Year 2016.

Staff recommends continuing the 3% funding level for Fiscal Year 2017. Maintaining the funding level at 3% would generate sufficient funds to finalize the acquisition of the property on the priority list during Fiscal Year 2017.

**Executive Committee and Staff Recommendations:**

That the RCA Board of Directors direct staff to continue to set aside no more than three percent (3%) of Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2016, to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies.



# **AGENDA ITEM NO. 8.3**

**RESOLUTION NO. 2016-006  
RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE  
COUNTY REGIONAL  
CONSERVATION AUTHORITY  
AUTHORIZING THE ACCEPTANCE  
OF GRANT FUNDS FOR  
ACQUISITION OF REAL PROPERTY**

*Regional Conservation Authority*

**RESOLUTION NO. 2016-006  
RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY  
AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR ACQUISITION  
OF REAL PROPERTY**

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**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-9700**

**Background:**

On today's closed session agenda, the Board of Directors is considering the purchase of Assessor Parcel Numbers 426-180-002 and 426-430-005. Details of the price and terms of the proposed purchase will be provided in closed session. The Wildlife Conservation Board (WCB) desires to assist the RCA by providing federal and state grant funding to help complete this acquisition. Staff recommends approval of the attached resolution to accept the grant funding from WCB conditionally upon the approval of the proposed purchase in closed session.

**Staff Recommendation:**

That the RCA Board of Directors adopted Resolution No. 2016-006, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing the Acceptance of Grant Funds for Acquisition of Real Property*. The approval shall be conditional upon the Board's approval, in closed session, of the proposed purchase.

**Attachment**

Resolution No. 2016-006

**AGENDA ITEM NO. 8.3**  
**Attachment**

**RESOLUTION NO. 2016-006**

**Western Riverside County Regional Conservation Authority**

**April 4, 2016 – Agenda Item No. 8.3**

**Resolution No. 2016-006**

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING ENTERING INTO GRANT AGREEMENTS WITH THE WILDLIFE CONSERVATION BOARD AND AUTHORIZING THE ACQUISITION OF ALL OR A PORTION OF ASSESSOR'S PARCEL NUMBERS 426-180-002 AND 426-430-005 TOTALING APPROXIMATELY 108 ACRES IN THE COUNTY OF RIVERSIDE.

*Resolved*, That the Board of Directors of the Western Riverside County Regional Conservation Authority hereby:

1. FINDS that acquisition of the identified property is exempt from the provisions of the California Environmental Quality Act;
2. FINDS that the identified property possesses high ecological and habitat value;
3. FINDS that the use of referenced grant funds for acquisition of the identified property is an appropriate expenditure;
4. ADOPTS the staff report and recommendation for this item;
5. AUTHORIZES the execution of California Wildlife Conservation Board Grant Agreement for Acquisition of Fee Interest number WC-1574LY and the acceptance of grant funds from the Wildlife Conservation Board for the purpose of acquisition of the identified property;
6. AUTHORIZES the execution of California Wildlife Conservation Board Subgrant Agreement for Acquisition of Fee Interest number SG-1601LY and the acceptance of grant funds from the Wildlife Conservation Board for the purpose of acquisition of the identified property;
7. AUTHORIZES the acceptance of fee title to the identified property; and
8. AUTHORIZES Charles V. Landry, Executive Director, to do any and all acts necessary to carry out this resolution and any recommendations made by the Board of Directors.

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Eugene Montanez, Chairman

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority, duly noticed and held according to law, on the 4<sup>th</sup> day of April, 2016.

Date: April 4, 2016

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Charles V. Landry, Executive Director

# **AGENDA ITEM NO. 8.4**

**RESOLUTION NO. 2016-007  
RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE  
COUNTY REGIONAL  
CONSERVATION AUTHORITY  
RESCINDING AUTHORIZATION  
TO ACCEPT GRANT FUNDS  
FOR ASSESSING DISPERSAL AND  
MORTALITY OF BURROWING  
OWLS FOLLOWING PASSIVE AND  
ACTIVE RELOCATION**

*Regional Conservation Authority*

**RESOLUTION NO. 2016-007**  
**RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN**  
**RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**  
**RESCINDING AUTHORIZATION TO ACCEPT GRANT FUNDS**  
**FOR ASSESSING DISPERSAL AND MORTALITY OF BURROWING OWLS**  
**FOLLOWING PASSIVE AND ACTIVE RELOCATION**

**Staff Contact:**

**Laurie Dobson Correa**  
**Dir. of Reserve Management and Monitoring**  
**(951) 955-8805**

**Background:**

The State of California Department of Fish and Wildlife through the Natural Community Conservation Planning (NCCP) Local Assistance Grant (LAG) program provides funding for high priority tasks needed to implement approved NCCPs. The RCA partnered with the Coachella Valley Conservation Commission (CVCC) in the application of a grant which would benefit both agencies through the use of satellite transmitters to track the relocated burrowing owls. The burrowing owl (BUOW) is a California Species of Special Concern and is covered by both the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) and the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) due to declining populations rangewide, locally low numbers, and limited distributions. The project is not required by the MSHCP but would have helped implement at least three WRCMSHCP burrowing owl objectives (conservation of ~120 BUOWs in 5 Core Areas [Objective 2], passive relocation of BUOWs displaced by development [Objective 6], and active relocation to establish/augment BUOW sites [Objective 7] and two CVMSHCP goals (ensure species persistence throughout its current range [Goal 1] and ensure conservation through monitoring and adaptive management actions [Goal 3]) by providing data needed to improve management decisions made by local and statewide managers.

Grant funding was requested in the amount of \$82,800 with local match and in-kind contribution of approximately \$44,514 from RCA, \$33,440 from CVCC and \$24,696 in in-kind labor costs from the US Fish and Wildlife Service. The State notified the RCA on November 11, 2015 that the grant was awarded. Since the award it has become clear that the RCA would have difficulty performing under the terms of the grant due in part to the time needed to respond to a subsequent petition filed challenging the project. Failure to perform within specific grant timelines affects the RCA's ability to successfully compete for future grant funding.

**Executive Committee and Staff Recommendation:**

That the RCA Board of Directors adopt Resolution 2016-007, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Rescinding Authorization Granted Under Resolution 2015-010 to Accept Grant Funds for Assessing Dispersal and Mortality of Burrowing Owls Following Passive and Active Relocation*

**Attachment:** Resolution No. 2016-007  
Resolution No. 2015-010

**AGENDA ITEM NO. 8.4**  
**Attachment 1**

**RESOLUTION NO. 2016-007**



**RESOLUTION NO. 2016-007**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY RESCINDING RESOLUTION 2015-010 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FOR ASSESSING DISPERSAL AND MORTALITY OF BURROWING OWLS FOLLOWING PASSIVE AND ACTIVE RELOCATION**

**WHEREAS**, certain local assistance grant funds are made available annually on a competitive basis by the California Department of Fish and Wildlife for Natural Community Conservation Planning (NCCP) Program for highest priority implementation tasks; and

**WHEREAS**, the RCA, in partnership with the Coachella Valley Conservation Commission, applied for and was awarded grant funds to implement high priority activities related to the NCCP program under Resolution 2015-010; and

**WHEREAS**, procedures established by the California Department of Fish and Wildlife require the Grantee to perform grant funded activities within specific time periods, and the ability of the RCA to perform has become uncertain.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** that the Board of Directors of the Western Riverside County Regional Conservation Authority rescinds Resolution 2015-010 authorizing the acceptance of grant funds.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held the 4th of April, 2016.

By: \_\_\_\_\_  
Eugene Montanez, Chairman  
Western Riverside County  
Regional Conservation Authority

ATTEST:

By: \_\_\_\_\_  
Honey Bernas, Clerk of the Board  
Western Riverside County  
Regional Conservation Authority

**AGENDA ITEM NO. 8.4**  
**Attachment 2**

**RESOLUTION NO. 2015-010**

**RESOLUTION NO. 2015-010**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FOR ASSESSING DISPERSAL AND MORTALITY OF BURROWING OWLS FOLLOWING PASSIVE AND ACTIVE RELOCATION**

**WHEREAS**, certain local assistance grant funds are made available annually on a competitive basis by the California Department of Fish and Wildlife for Natural Community Conservation Planning (NCCP) Program for highest priority implementation tasks; and

**WHEREAS**, the grants are awarded pursuant to guidelines established by the California Department of Fish and Wildlife for determination of project eligibility for funds; and

**WHEREAS**, said procedures established by the California Department of Fish and Wildlife require the Grantee to certify by resolution the approval to apply for, and accept grant funds and provide authorization to enter into an agreement with the California Department of Fish and Wildlife to implement high priority activities related to the NCCP program.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** that the Board of Directors of the Western Riverside County Regional Conservation Authority approves the filing of an application for local assistance for the above project in the amount of \$185,450.

**IT IS FURTHER RESOLVED** that the Western Riverside County Regional Conservation Authority Board of Directors appoints the Executive Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held the 7th of December, 2015.

By: 

John Tavaglione, Chairman  
Western Riverside County  
Regional Conservation Authority

ATTEST:

By: 

Honey Bernas, Clerk of the Board  
Western Riverside County  
Regional Conservation Authority

# **AGENDA ITEM NO. 9**

**RESOLUTION NO. 2016-003  
RESOLUTION OF THE BOARD OF  
DIRECTORS OF THE WESTERN  
RIVERSIDE COUNTY REGIONAL  
CONSERVATION AUTHORITY REVISING  
ITS FEE CREDIT AND WAIVER POLICY  
SUPERSEDING AND REPLACING  
RESOLUTION NO. 05-05**

*Regional Conservation Authority*

**RESOLUTION NO. 2016-003  
RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE COUNTY REGIONAL  
CONSERVATION AUTHORITY  
REVISING ITS FEE CREDIT AND WAIVER POLICY  
SUPERSEDING AND REPLACING RESOLUTION NO. 05-05**

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**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-9700**

**Background:**

The RCA Board of Directors directed staff to update RCA's fee credit and waiver policy and to provide member agencies an opportunity to review and provide input concerning the proposed policy. The purpose of the policy is to provide implementation guidance to Member Agencies and to allow RCA oversight regarding fee credits and waivers.

Staff developed a draft policy, which was approved for distribution to the Member Agencies by the Executive Committee. Staff distributed the proposed policy to Member Agencies seeking their input and suggestions and received valuable comments from a number of Member Agencies. All comments and suggestions were vetted by the Executive Committee. After reviewing the policy at numerous meetings, the Executive Committee approved the policy and directed staff to bring it forward to the RCA Board of Directors for consideration.

This matter was placed on the Board's agenda for February 1, 2016. Staff requested that the matter be continued in order to afford staff and the Executive Committee an opportunity to consider additional revisions proposed by Member Agencies. The Executive Committee considered additional revisions at their February 17, and March 16, 2016 meetings, and directed staff to agendaize this matter for April 4, 2016 meeting of the RCA Board of Directors.

The Fee Credit and Waiver Policy before the Board for consideration defines the application process, review timeline, review standards, levels of approval authority, decision and appeal process, reporting, and conveyance of conservation land.

The Executive Committee and staff recommend that the RCA Board of Directors adopt Resolution No. 2016-03.

**Agenda Item No. 9 Staff Report**

**Page 2**

**April 4, 2016**

**Executive Committee and Staff Recommendation:**

That the RCA Board of Directors adopt Resolution No. 2016-003, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Revising its fee Credit and Waiver Policy Superseding and Replacing Resolution No. 05-05.*

**Attachment**

Resolution No. 2016-003

**AGENDA ITEM NO. 9**  
**Attachment**

**RESOLUTION NO. 2016-003**

**RESOLUTION NO. 2016-003**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE COUNTY REGIONAL  
CONSERVATION AUTHORITY REVISING ITS  
FEE CREDIT AND WAIVER POLICY SUPERSEDING AND  
REPLACING RESOLUTION NO. 05-05**

**WHEREAS**, the Western Riverside County Regional Conservation Authority (“RCA”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“JPA”); and

**WHEREAS**, the RCA is composed of the County of Riverside and the 18 cities in western Riverside County (“Member Agencies”); and

**WHEREAS**, the Member Agencies are all Permittees under the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) and parties to the MSHCP Implementing Agreement (“IA”); and

**WHEREAS**, Riverside County Flood Control and Water Conservation District (“Flood Control”) is also a Permittee under the MSHCP and a party to the MSHCP IA; and

**WHEREAS**, pursuant to Section 17 of the JPA, the RCA has the power to adopt such rules and regulations as the Board may deem necessary for the conduct of the Authority’s affairs; and

**WHEREAS**, the RCA desires to ensure a consistent and adequate flow of fee revenues to support its operations, consistent with the intent of the MSHCP, the MSHCP IA, and the JPA; and

**WHEREAS**, Sections 6.1.1 and 8.4.2 of the MSHCP allow the use of incentives to be offered to landowners and developers to fully or partially compensate them for the conservation of their lands, including waiver and/or reduction of the Local Development Mitigation Fee (“Fee”); and

**WHEREAS**, Section 6.1.6 of the MSHCP and Section 13.4.B of the MSHCP IA allow Flood Control to offset payment of MSHCP fees through acquisition of replacement habitat or creation of new habitat for the benefit of Covered Species, as defined in Section 3.35 of the IA; and

**WHEREAS**, the RCA desires to balance the use of fee credits, waivers or reductions as an incentive for conservation against its ability to ensure adequate funding of the MSHCP.



**NOW, THEREFORE, BE IT RESOLVED** by the Western Riverside County Regional Conservation Authority Board of Directors:

I. FEE CREDIT, WAIVER OR REDUCTION REQUEST APPLICATION

- A. Member Agency Projects – When a Member Agency determines that a request for a fee credit, waiver or reduction (“Fee Credit”) is appropriate for on-site conservation, such request shall be submitted to the RCA’s Executive Director (“Executive Director”) for review and determination of completeness. This request shall include all relevant documentation related to the project, including project description, map, criteria cells, if any, designation of land proposed for conservation, and permission for RCA to appraise the property being offered in exchange for the Fee Credit. The Executive Director may request additional information as determined necessary within the review standards set forth in Section II, below. The Executive Director will provide the Member Agency a list of incomplete, missing, or additional information required within 30 days following a submittal. The Executive Director shall promptly review the additional information, and if the requested information was provided, the application shall be deemed complete. The Member Agency’s request shall not be deemed complete until such additional information, if any, is received by the Executive Director. The Executive Director will determine within thirty (30) days if the application is complete or incomplete.

If the Executive Director determines that the request is consistent with the review standards set forth in Section II, below, and any other applicable requirements, the RCA or Member Agency will have an appraisal prepared that meets the standards in Section 6.1.1 of the MSHCP. The amount of the Fee Credit shall be equal to the appraised value, less RCA’s appraisal cost.

- B. Flood Control Projects – When Flood Control determines they have acquired or will acquire land that will contribute to Reserve Assembly, as defined in section 3.94 of the IA, which they are willing to convey to RCA or will create habitat that will benefit Covered Species, a request will be submitted in writing to the RCA that meets at least one of the following standards:
1. An increase/addition of acres in conservation that contribute to Reserve Assembly (acquisition or donation of lands within Criteria Cells, as defined in Section 3.15 of the IA, adjacent to existing or future reserve land); or
  2. An increase in acres of habitat types tracked under Rough Step (i.e., riparian/woodland/forest), as defined in Section 3.98 of the IA, on existing Additional Reserve Land, as defined in Section 3.3 of the IA; or
  3. On-site measures included in a project to benefit a specific Covered Species; or

4. On-site or off-site mitigation that benefits a Covered Species through implementation of an MSHCP objective. Objectives include conservation, species occurrence or species management; or
5. Other measures or mitigation that may benefit the MSHCP or Covered Species on a case-by-case basis.

II. REVIEW STANDARDS. The RCA's review shall be based on all relevant information concerning the project, including but not limited to:

- A. Whether the proposed conservation land meets the Criteria (as defined in Section 3.37 of the IA), contributes to the overall design of the MSHCP Conservation Area (as defined in Section 3.72 of the IA), and is contiguous with other conservation parcels or otherwise consistent with the design criteria of the MSHCP Conservation Area for that MSHCP Plan Area (as defined in Section 3.73 of the IA);
- B. Whether the conservation land is of a size, configuration and location such that it can be managed as part of the MSHCP Conservation Area. Examples of areas that would be excluded from fee credits are fuel modification areas, manufactured slopes, storm drain or detention basin outfalls, constructed slope protection, Best Management Practices (bioswales, infiltration trenches, basins);
- C. Whether the habitat creation constitutes an increase to the baseline mapped vegetation traced under Rough Step;
- D. Any other information that the Executive Director reasonably determines is necessary and appropriate under the circumstances and is consistent with the MSHCP. Fee Credits will not be approved by the RCA for property that has no development potential as identified in the appropriate Member Agency's general plan, zoning ordinance, governing land use documents and/or relevant local, state or federal law.

Review standards for Flood Control payment offsets:

- E. Whether donated land contributes to Reserve Assembly or locally managed Public/Quasi Public lands, or;
- F. Whether created or restored habitat will benefit Rough Step status, or;
- G. Whether the on-site or off-site measures directly benefit Covered Species in a way that will assist with meeting species objectives, or
- H. Whether other mitigation measures benefit the MSHCP or Covered Species.

### III. DECISION AND APPEAL.

#### A. Executive Director – Approval Authority up to \$200,000.00

The Executive Director may approve Fee Credits up to \$200,000.00. The Executive Director may consult with the Executive Committee or any other body prior to making a determination on the Fee Credit request. The Executive Director shall complete this review no later than forty-five (45) days following the date that the RCA receives an appraisal that meets the standards of Section 6.1.1 of the MSHCP. The Executive Director shall approve such request, approve with conditions or deny such request. In the event of a denial or an approval with conditions, such decision may be appealed to the RCA Board of Directors within forty-five (45) days of issuance. Such appeal shall be placed on the next regularly scheduled RCA Board of Directors' meeting for which an agenda has not been posted. The RCA Board of Directors' decision shall be final.

#### B. Board of Directors – Over \$200,000.00

All Fee Credits over \$200,000.00 require approval of the RCA Board of Directors. The Executive Director shall complete the review and place the Fee Credit request on the RCA Board of Directors' agenda no later than sixty (60) days following the date that the RCA receives an appraisal that meets the standards of Section 6.1.1 of the MSHCP.

#### IV. REPORTING. The Executive Director shall provide monthly reports to the RCA Board of Directors of all decisions, if any, concerning Fee Credits.

#### V. CONVEYANCE OF CONSERVATION LAND. Conservation land associated with approved Fee Credits shall be conveyed in fee title to the Authority or another entity or organization lawfully authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3 and managed in accordance with the MSHCP, memorialized in a Management MOU between RCA and the non-member agency managing entity, prior to issuance of a grading permit for the project. The conservation land shall be free of encumbrances that could adversely impact the ability to manage the conservation land.

#### VI. ACTION BY MEMBER AGENCIES AND FLOOD CONTROL. Nothing in this Resolution impedes or limits a Member Agency's ability to approve a fee credit agreement. Nothing in this Resolution impedes or limits Flood Control's ability to offset its mitigation payments as set forth in Section 6.1.6 of the MSHCP and Section 13.4.B of the MSHCP IA.

VII. SUPERSEDE. This Resolution hereby supersedes and replaces Resolution No. 05-05.

**PASSED AND ADOPTED** at the regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held this 4th day of April, 2016.

By: \_\_\_\_\_  
Eugene Montanez, Chairman  
Western Riverside County  
Regional Conservation Authority

ATTEST:

By: \_\_\_\_\_  
Honey Bernas, Clerk of the Board  
Western Riverside County  
Regional Conservation Authority

**2016 RCA**  
**Commonly Used Acronyms**

ARL	Additional Reserve Lands
BUOW	Burrowing Owl
CALFIRE	California Department of Forestry and Fire Protection
CALTRANS	California Department of Transportation
CD	Consistency Determination
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife ( <i>formerly CDFG</i> )
CEQA	California Environmental Quality Act
CETAP	Community and Environmental Transportation Acceptability Process
CHD	Critical Habitat Designation
CIP	Capital Improvement Program
CNLM	Center for Natural Lands Management
EMWD	Eastern Municipal Water District
EPD	Environmental Programs Department ( <i>Riverside County</i> )
ERP	Expedited Review Process
FY	Fiscal Year
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
HMU	Habitat Management Unit
IC	Interchange
JPR	Joint Project Review
LDMF	Local Development Mitigation Fee
MOU	Memorandum of Understanding
MSHCP	Multiple Species Habitat Conservation Plan
OHV	Off-Highway Vehicle
PCL	Proposed Constrained Linkage
PQP	Public/Quasi-Public
PSE	Participating Special Entities
RCA	Regional Conservation Authority
RCD	Resource Conservation Districts
RCRCD	Riverside-Corona Resource Conservation District
RCOE	Riverside County Office of Education
RCTC	Riverside County Transportation Commission
RCTD	Riverside County Transportation Department
RMOC	Reserve Management Oversight Committee
ROVE	Recreation Off-Highway Vehicle Enforcement
SAWA	Santa Ana Watershed Association
SB	San Bernardino
SR	State Route
SWG	State Wildlife Grant
TAC	Technical Advisory Committee
TIFIA	Transportation Infrastructure Finance and Innovation Act
TUMF	Transportation Uniform Mitigation Fee
USFWS	United States Fish and Wildlife Service
UTM Nad 83 Zone 11	Meter Coordinate System for Maps
WIFIA	Water Infrastructure Finance and Innovation Act
WA	Wildlife Agencies ( <i>USFWS &amp; CDFG</i> )
WCB	Wildlife Conservation Board
WPT	Western Pond Turtle
WRDA	Water Resources Development Act