
Riverside County Habitat Conservation Agency

City of Corona ◇ *City of Hemet* ◇ *City of Lake Elsinore* ◇ *City of Moreno Valley*
City of Murrieta ◇ *City of Perris* ◇ *City of Riverside* ◇ *City of Temecula* ◇ *County of Riverside*

MINUTES

Thursday, February 19, 2009 - 3:00 p.m.

City of Perris
101 North "D" Street
City Council Chambers
Perris, CA 92570

PRESENT: Mr. Eugene Montanez, Chairperson, City of Corona
Supervisor Bob Buster, County of Riverside
Ms. Melissa Melendez, City of Lake Elsinore
Mr. Mark Yarbrough, City of Perris
Mr. Gary Thomasian, Vice-Chair, City of Murrieta
Mr. Bill Batey, City of Moreno Valley

ABSENT: Ms. Robin Lowe, City of Hemet
Mr. Mike Gardner, City of Riverside
Ms. Maryann Edwards, City of Temecula

STAFF: Carolyn Syms Luna, RCHCA
Gail Barton, RCHCA
Princess Hester, RCHCA
Brian Shomo, RCHCA
Karin Watts-Bazan, County Counsel

GUESTS: Mr. Scott Farnam, City of Wildomar
Mr. Fred Twyman, City of Menifee

1. CALL TO ORDER

Eugene Montanez, Chairperson, called the meeting to order at 3:08 p.m.

2. ROLL CALL

Roll call of the RCHCA Board of Directors showed six member agencies present with the Cities of Hemet, Riverside, and Temecula absent.

Chairperson Montanez introduced Melissa Melendez, from the City of Lake Elsinore, as well as Scott Farnam, from the City of Wildomar, to the Board members and welcomed them to our meeting. Ms. Melendez is the new representative for the City of Lake Elsinore and Mr. Farnam is the alternate member for the City of Wildomar. Mr. Farnam is acting as a guest today, until the JPA is fully amended to include the cities of Wildomar and Menifee.

3. PUBLIC COMMENT

No comments were offered.

4. BOARD MEMBER ANNOUNCEMENTS

There were no announcements.

5. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.

6. CONSENT CALENDAR: Presented for Block Approval. Board Members have the option of excluding discussion items from a master motion.

6.1 Minutes from the November 20, 2008 Meeting

The minutes from the November 20, 2008, meeting was presented for approval.

6.2 Status of Mitigation Fee Transfers from Member Agencies through December 31, 2008

The fees collected as of December 31, 2008, for FY 2008/09 total \$170,234.75.

6.3 RCHCA Financial Report through December 31, 2008

The fund balance as of December 31, 2008, is \$16,035,250.

6.4 Report on the Attendance Roster

The roster, which shows the attendance of each Board member, was presented.

MOTION for approval of items 6.1, 6.2, 6.3, and 6.4: Bill Batey
SECOND: Mark Yarbrough

Motion Approved
Ayes—6
None Opposed

7. POLICY CALENDAR:

7.1 Report on Participation in Western Riverside County Clean Cities Coalition 2nd Annual Environmental Youth Conference

Ms. Barton reported that although the RCHCA was not able to participate in this year's event, we did, however, provide copies of the Field Guide to all 125 students who

participated in the event at the Diamond Valley Lake Visitor Center.

7.2 Presentation on the Lake Mathews Reserve

Mr. Shomo introduced Randy Solis, Park Ranger, to the Board. The RCHCA has partnered with the City of Riverside to provide patrol at the Sycamore Canyon Reserve, as well as the Lake Mathews Reserve, and Mr. Solis was selected to provide this service.

Mr. Shomo discussed the Lake Mathews Reserve and shared the following:

Year in Review – 2008

- Clean up, clean up, and more clean up.
- Security = Education, fencing, signing, and patrols.
- Partnerships: City of Riverside, Riverside County Regional Park & Open Space District, BLM, CDFG, USFWS, Riverside County Sheriff's Department, Waste Management, and Riverside County Code Enforcement.
- Removal of abandoned vehicles.
- Debris removal.

Looking Forward to the Future

- 2nd Year
 - Grazing
 - Fencing
 - SKR and Habitat Surveying and Monitoring
 - Orchard and Vineyard Consolidation and Restoration
 - Potential MOU with Waste Management
 - Begin drafting Vegetation Management Plan (VMP)
- Grazing Area
 - Pre-grazing vegetation survey
 - 1,500-2,000 sheep (initially)
 - Post-grazing SKR population and habitat monitoring
- Fencing
 - 5,989 linear feet of barbed wire fencing
 - One 4" pipe gate
 - Contract awarded with a completion date on or before June 30, 2009
 - Cost - \$26,004
- SKR & Habitat Monitoring
 - Acquired the necessary experience to secure an Endangered Species Act 10(a)(1)(A) Recovery Permit
 - Permits trapping and handling of SKR
 - USFWS Application processing confirmation received on February 6, 2009
 - Up to 90 days to complete processing

- Orchard Consolidation and Removal project
 - Approximately 540 acres of potential SKR habitat
 - Labor provided by Community Service Volunteers or Grant Funding
 - No cost to the RCHCA
 - Citrus trees will be consolidated into piles and eventually burned
 - Enables SKR management practices (i.e., grazing or mowing)
- Vineyard Restoration & Enhancement Project
 - Working with the USFWS to assist with funding the removal of vineyard debris (8 sites with 5 acres each)
 - Potential for Partners Program
 - Debris severely restricts management options thereby reducing the quantity of habitat available to SKR
 - More than 80 posts have been removed to date
- Waste Management MOU
 - RCHCA benefits by having Waste Management remove large piles of irrigation tubing and providing waste removal services
 - Waste Management benefits by having RCHCA's ranger patrol El Sobrante's 350 acre conservation area that is contiguous with RCHCA land

At this time, Fred Twyman, from the City of Wildomar, joined the meeting.

- Vegetation Management Plan (VMP)
 - Enables controlled burns, if RCHCA chooses to do so
 - RECON continues biological and cultural surveys
 - Report due September 30, 2009
 - BLM cost - \$235,000/RCHCA cost - \$0
 - Begin drafting VMP in the Fall of 2009

7.3 Approval of Grazing Lease for Lake Mathews Reserve

Mr. Shomo discussed the potential grazing lease for the Lake Mathews Reserve. He stated that the optimal habitat for SKR is a mixture of grassland and bare ground, but much of the Lake Mathews Reserve is overpopulated by non-native grasses that inhibit the SKR from occupying large areas of the Reserve.

Mr. Shomo has contacted a grazer who is able to meet the specific requirements of reducing the non-native grass at the Reserve while being sensitive to the specific needs of conservation land.

Mr. Shomo presented a proposed Grazing Lease for the Board to review. This lease would allow for the following:

- 1,500-2,000 sheep to graze the land at the Lake Mathews Reserve.
- One shepherd and herding dog will be housed in an RV on the Reserve.
- The lease shall be for a period of three (3) years commencing on March 1, 2009, and may be terminated by either party upon at least 30 days written notice to the other party.

- No rent is payable under the terms of the lease as the lessor shall benefit and be compensated through the reduction of vegetation resulting from the grazing of the premises.

Mr. Shomo asked the Board to approve the grazing lease and authorize the Executive Director to execute the agreement.

MOTION to approve the grazing lease and authorize the Executive Director to execute the agreement: Gary Thomasian

SECOND: Bill Batey

Motion Approved

Ayes–6

None Opposed

7.4 Approval of the Professional Services Agreement for the Lake Mathews Fencing Project

Ms. Hester reported that on November 6, 2008, the RCHCA, in collaboration with County Purchasing, issued a Request for Quotation (RFQ) to solicit prospective vendors to install needed fencing at the Lake Mathews Reserve.

Eleven (11) bids were received and scored. The project was awarded to Landmark Fence Co., Inc., based on their overall price and method of service delivery. The company is located in Montclair, California, and meets the insurance and bonding requirements to do the installation.

The agreement shall be effective upon signature by the RCHCA Board Chairman and will continue in effect through June 30, 2009, with no obligation by the RCHCA to renew or purchase any specified amount of services, unless terminated earlier. The maximum obligation amount shall not exceed \$26,004 for all sections of fencing. Reimbursement will be based upon completion of each section of fencing.

The agreement will allow the RCHCA to provide security at the Lake Mathews Reserve and better protection for the community.

Ms. Hester asked the Board to approve the Professional Services Agreement with Landmark Fence, authorize the RCHCA Board Chairman to execute the Agreement, and authorize the Executive Director to administer the terms of the Agreement.

MOTION to approve the Professional Services Agreement with Landmark Fence Co., Inc., authorize the Board Chairman to execute the Agreement, and authorize the Executive Director to administer the terms of the Agreement: Bill Batey

SECOND: Melissa Melendez

Motion Approved

Ayes–6

None Opposed

7.5 Presentation on the Mitigation Fee Audit of Member Agencies

Ms. Hester reported that Mayer Hoffman McCann, PC (MHM) has completed the audit of the SKR mitigation fees. RCHCA staff is very satisfied with the professional manner and expediency with which MHM conducted the audit. The results show that

there are two major findings commonly shared by all member agencies:

1. All member agencies are not consistently charging the SKR fee on gross acreage of the parcel pursuant to the adopted fee ordinance.
2. All member agencies are not consistently assessing the correct fee amount.

Ms. Hester noted that while some agencies are collecting fees in excess according to the ordinance and others are not collecting enough. All errors are minimal monetary amounts.

Ms. Hester stated that each member agency and each RCHCA Board member will receive a copy of the final audit. She stated that it is important that each Member Agency develop a consistent method of fee calculation. It is recommended that the Board direct staff to meet with each Member Agency in order to identify areas needing improvement and to make recommendations that will ensure that fee collection is consistent with the terms of the JPA and each individual jurisdiction's adopted SKR Mitigation Fee Ordinance.

Ms. Hester asked the Board to direct RCHCA staff to meet with each Member Agency to identify areas needing improvement and make recommendations that will ensure that fee collection is consistent with the terms of the JPA and each individual jurisdiction's adopted SKR Mitigation Fee Ordinance.

MOTION to direct RCHCA staff to meet with each Member Agency to identify areas needing improvement and make recommendations that will ensure that fee collection is consistent with the terms of the JPA and each individual jurisdiction's adopted SKR Mitigation Fee Ordinance: Bill Batey

SECOND: Bob Buster

**Motion Approved
Ayes-6
None Opposed**

7.6 Approval of RCHCA Resolution No. 2009-001 Authorizing Acceptance of Real Property from the County of Riverside

Ms. Barton stated that on August 3, 1990, the County of Riverside acquired approximately 138 acres of land on behalf of the RCHCA using the Stephens' Kangaroo Rat Habitat Trust Account for property identified as APN 323-040-013, 323-040-014, 323-040-015, 323-050-028, 323-050-029 and 323-050-030. She reported that this transaction was in process prior to the RCHCA Joint Powers Authority (JPA) being formalized and for appropriate accounting and management purposes, it is important that this property be transferred to the RCHCA.

Please note that Supervisor Buster left the meeting at this time.

Ms. Barton stated that at the December 23, 2008, Board of Supervisors meeting, the Board approved Resolution No. 2008-489 authorizing the conveyance of the above property to the RCHCA.

Ms. Barton asked the Board to approve Resolution No. 2009-001 authorizing the Board to accept APN 323-040-013, 323-040-014, 323-040-015, 323-050-028, 323-

050-029 and 323-050-030, authorize the Board Chairman to execute the Certificate of Acceptance, and authorize RCHCA staff to execute any other documents and administer all actions to complete this transaction.

MOTION to approve Resolution No. 2009-001 authorizing the Board to accept APN 323-040-013, 323-040-014, 323-040-015, 323-050-028, 323-050-029 and 323-050-030, authorize the Board Chairman to execute the Certificate of Acceptance, and authorize RCHCA staff to execute any other documents and administer all actions to complete this transaction: Bill Batey
SECOND: Mark Yarbrough

Motion Approved
Ayes-6
None Opposed

7.7 Report on Reserve Management Committee of the Lake Mathews Reserve

Ms. Barton gave an update on the Reserve Management Committee (RMC) meeting as follows:

1. Metropolitan Water District's (MWD) Reissuance of the Securitas Contract
 - The contract is for patrol on the MWD and California Department of Fish and Game (CDFG) land.
 - It removes any reference to use of the residence by patrol staff.
2. RCHCA Use of Office Facility at Lake Mathews
 - The RMC examined the proposed lease agreement, agreed that it would need to be negotiated with MWD, supported any vehicle to accomplish an agreement that satisfies RCHCA and MWD, and asked that the RCHCA and MWD work out the details.
3. Request for Proposal for Management Plan
 - The RMC is proceeding with drafting a management plan for the MWD lands that include the RCHCA held conservation easement.
 - MWD will e-mail out the Scope of Services for comment, and approval of an RFP will be considered at the next meeting.
4. Additional Security Provided by RCHCA
 - Brian Shomo, RCHCA Natural Resources Manager, discussed the agreement between the RCHCA and the City of Riverside Parks Department to provide patrol three days per week on RCHCA lands at the Lake Mathews Reserve.

7.8 Approval of Amendment to the JPA and Amendment to the Implementing Agreement adding the cities of Menifee and Wildomar to the RCHCA JPA

Ms. Hester stated that at the September 18, 2008 and November 20, 2008, RCHCA Board meetings, the Board approved the addition of the cities of Wildomar and Menifee to the JPA. At that time, the Board directed staff to amend the RCHCA JPA, the Implementation Agreement (IA), and other pertinent documents to reflect the additions.

Chairman Montanez asked if there is a timeframe for which we are asking that the Amendments to the JPA and IA be returned to us.

Ms. Hester stated that we would like to have all amendments approved by the respective Member Agencies and returned to the RCHCA prior to the next RCHCA Board meeting so that the cities of Wildomar and Menifee can officially participate in the next RCHCA Board meeting that is scheduled for May 21, 2009.

Chairman Montanez requested that the cities schedule this item on their respective City Council meeting agendas within the next 30 days and return the signed Amendments to the RCHCA immediately thereafter so that the cities of Wildomar and Menifee can be brought on board prior to the May 21st RCHCA Board meeting.

Ms. Hester requested that the Board approve the 11th Amendment and the Restated and Amended Joint Exercise of Powers Agreement, along with the 1st Amendment to the Implementation Agreement, and authorize the Executive Director to distribute said Amendments and Consolidated JPA to each Member Agency for Approval.

MOTION to approve the 11th Amendment and the Restated and Amended Joint Exercise of Powers Agreement, approve the 1st Amendment to the Implementation Agreement, and authorize the Executive Director to distribute said Amendments and Consolidated JPA to each Member Agency for Approval: Bill Batey

SECOND: Gary Thomasian

**Motion Approved
Ayes-5
None Opposed**

7.9 Consideration/Approval of Southwestern Riverside County Multi-Species Reserve Management Plan

Ms. Barton introduced Christine Moen to the Board. Ms. Moen is the Reserve Manager at the Southwestern Riverside County Multi-Species Reserve. For many years she has been working with the Reserve Management Committee to complete a management plan for the Reserve that would be acceptable to all of the Committee members. The completion of the Management Plan is a milestone achievement for the Reserve as it provides the basis for annual work plans and the ability to tap into the earnings from a non-wasting endowment in order to actively manage for SKR on the Reserve. Ms. Barton stated that the endowment funds are available upon review and approval of the following:

- SKR Management Plan that includes fuels management and public access controls.
- SKR monitoring plan.
- Annual status report and transmittal of monitoring results.
- Regular attendance at the Reserve Manager's Coordinating Committee meetings.

Ms. Barton stated that a CD of the Management Plan has been provided to each Board member in their Board packet, along with a hard copy of the introduction from the Plan.

Ms. Barton asked that the Board approve the SKR Habitat Management Plan for the Southwestern Riverside County Multi-Species Reserve and direct staff to file the appropriate documents following the Board's approval of the Management Plan.

MOTION to approve the SKR Habitat Management Plan for the Southwestern Riverside County Multi-Species Reserve and direct staff to file the appropriate documents: Bill Batey

SECOND: Mark Yarbrough

**Motion Approved
Ayes-5
None Opposed**

7.10 Mid Year Budget Report through December 31, 2008

Ms. Hester gave a report on the budget through December 2008. Mid-year highlights include:

- The budget for FY 2008/09 is \$2,129,250. It includes operating, administrative, and reserve management costs.
- To date, the RCHCA has collected \$170,235 in mitigation fees and \$137,230 in interest, for a total of \$307,465 in revenue.
- The RCHCA is on track to collect approximately \$340,470 in mitigation fees and \$274,460 in interest, for total projected revenues of \$614,930.
- The RCHCA is projected to collect approximately 19% less than the prior year in revenues and interest payments.

Ms. Hester reported that staff is operating on a very lean budget and has made adjustments to expenditures. She also stated that there is a three-year reserve fund balance to protect the RCHCA during these challenging economic times.

Ms. Hester outlined projects that have been undertaken by the RCHCA:

- Fencing project at Steele Peak and Lake Mathews Reserves.
- Completion of Member Agency audit.
- Working to establish protocol for reserve-wide SKR presence/absence monitoring.
- Partnership with CRES to continue Dr. Shier's translocation work.
- Partnership with the City of Riverside Parks, Recreation & Community Services Department for patrol at the Sycamore Canyon and Lake Mathews Reserves.

7.11 Verbal Report on the Status of the Coachella Valley Multiple Species Habitat Conservation Plan

Ms. Luna reported that she has been appointed by the Board of Supervisors to serve on the Coachella Valley Reserve Management Oversight Committee.

7.12 Board Member Lowe Request for Reimbursement for Attorney Fees

Ms. Barton stated that Board Member Lowe has requested that this item be continued off calendar.

7.13 Presentation on Stephens' Kangaroo Rat Monitoring Report for the Lake Mathews and Steele Peak Reserves

Ms. Barton reported that in 2005, the RCHCA entered into a contract with Dudek and Associates to develop a protocol for SKR monitoring and to monitor for SKR.

CD's of the report were provided to all Board members.

Ms. Barton stated that the report details the results of the data collected. She reported that the information that was gathered during the monitoring sessions is valuable to Brian Shomo, RCHCA Natural Resources Manager. Mr. Shomo gave examples of how the data is helpful to him in planning and carrying out management activities on the Lake Mathews Reserve.

7.14 Approval of Lease of Office Space for Natural Resources Manager at Lake Mathews Reserve

Ms. Barton reported that Brian Shomo, Natural Resources Manager, spends approximately 50% of his time at the Lake Mathews Reserve. She stated that at the January 14, 2009, Lake Mathews Reserve Management Committee (RMC) meeting, the RMC approved a draft proposal for the RCHCA to lease office space for Mr. Shomo in the Reserve office facility on MWD's land at Lake Mathews Reserve. The proposed draft lease includes the following provisions:

- Exclusive use of one room in the office facility.
- Cooperative use of the bathroom, kitchen, conference room, tool shed and parking area.
- Term of the lease is three (3) months, renewable for 11 three (3) month periods, not to exceed 36 months.
- Rent is proposed at \$300 per month (including utilities), payable to MWD for deposit in the Lake Mathews Reserve account.

Ms. Barton requested that the Board approve the draft agreement, direct staff and Counsel to approve a final agreement, and authorize the Executive Director to execute the agreement.

MOTION to approve the draft agreement, direct staff and Counsel to approve a final agreement, and authorize the Executive Director to execute the agreement: Mark Yarbrough

SECOND: Bill Batey

Motion Approved

Ayes-5

None Opposed

8. EXECUTIVE DIRECTOR'S REPORT

Ms. Luna distributed copies of a CDFG publication and asked the Board members to turn to Page 12 in the publication. She stated that the article on Page 12 refers to Sycamore Canyon Reserve.

9. CLOSED SESSION

No items were scheduled for closed session.

10. ITEMS FOR NEXT MEETING

No items were suggested for the next meeting.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 4:35 p.m. The next meeting will be held at 9:00 a.m. on May 21, 2009, in the Board Chambers of the County Administrative Center in Riverside.