

# WESTERN RIVERSIDE COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN ADVISORY COMMITTEE

## MINUTES JANUARY 11, 2001

### 1. CALL TO ORDER AND INTRODUCTIONS.

Gail Wanczuk-Barton called the meeting to order at 1:30 p.m. The following were in attendance:

Peter Kiriakos *	Sierra Club
Sharon Bolton *	Farm Bureau
Kristi Lovelady	TLMA
Zully Smith *	Riverside County Flood Control
Borre Winckel *	BIA
Gail Wanczuk-Barton *	Committee Chair / Property Owner
Karin Cleary-Rose*(M. Shaughnessy)	U.S. Fish & Wildlife Service
Bob Wheeler *	EMA / RCD
Jane Block *	Property Owner
Ed Sauls *	Property Owner
Barry Burnell *	Riverside County Property Owners Association
Tom Scott *	University of California, Riverside
Greg Reden *	Property Owner
Tracey Alsobrook *	Southern California Edison
Dan Silver *	Endangered Habitats League
Won Yoo *	Property Owner
Bill Sullivan *	Lockheed Martin Corporation
James B. Henderson	Sverdrup Civil, Inc.
Alison Shilling	California Native Plant Society
Nanette Pratini	University of California, Riverside
Joe Lewis	Eastern Municipal Water District
Stephanie Standerfer	Webb Associates
Gerald Ginn	Conservation Alliance
Jerry Geller	Conservation Alliance
Sandee Hackett	Val Verde Unified School District
Wayne Harrison	Riverside County
Michael Rowe	Property Owner
Joe Gonzalez	Wilson Creek Conservation Property Owner
Norman D. Gritton	Property Owner
Lynn R. Gritton	Property Owner
Garry Grant	Property Owner
Joan Rudisil	Nossaman Law Firm
Steve Brown	City of Temecula

Roger Scherer	City of Murrieta
Lisa Weiss	The Californian
Steve Lech	Riverside County Waste Management
Barbara Darracq	Warmington Land Company
Richard Masyczek	City of Hemet
Bruce Colbert	Riverside County Property Owners Association
Geary Hund	State Parks
Chris Ormsby	City of Moreno Valley
Jim Henderson	Sverdrup
June Collins	Dudek
Steve Smith	Transcore

\*Denotes Advisory Committee member

**2. PUBLIC COMMENTS**

Jerry Geller, Conservation Alliance, asked what the current procedure is for public comment. Gail Wanczuk-Barton replied that public comment is allowed at the time an action item is addressed, at the beginning and end of each meeting, and at the discretion of the committee chair.

Garry Grant, property owner Meadowbrook, expressed concern over landowner's rights and their ability to be heard through the public comment forum within the time limit allowed. Mr. Grant suggested that additional investigation should be done prior to setting land aside to protect endangered species.

**3. ADVISORY COMMITTEE MEMBER COMMENTS CONCERNING ISSUES NOT ON THE AGENDA.**

Bob Wheeler asked why the California Native Plant Society (CNPS) had not yet received their membership seat on the Advisory Committee for the MSHCP. Kristi Lovelady responded that recommendation concerning the CNPS membership should be on the next Board agenda.

Tom Scott thanked everyone who had contributed to the Gary Wanczuk Scholarship Fund.

Peter Kiriakos repeated a request for a presentation to be made to the Funding & Implementation Subcommittee and to the Advisory Committee on State or State sponsored land conservancies, as they would relate to funding and management issues.

Borre Winckel asked if the recent Supreme Court ruling regarding the overreach of jurisdiction by the Army Corp of Engineers would have an impact on the work being done by the committee. Karin Cleary-Rose responded that the Corp interpreted the use of isolated wetlands by migratory birds as having a nexus within the interstate commerce clause. The Supreme Court's ruling did not support the Army Corp of Engineer's conclusion. Ms. Rose indicated that she was unsure whether it would affect the work of the committee because the committee did not work in a Corp process. Additional discussion was held relevant to the Critical Habitat Designations and the SAMP program as they relate to the MSHCP.

**4. REPORT FROM GENERAL PLAN ADVISORY COMMITTEE, CETAP ADVISORY COMMITTEE AND RCIP INTEGRATION COMMITTEE.**

Jerry Jolliffe offered a brief synopsis of recent GPAC discussions and announced that the committee will continue to meet the first Tuesday of every month to address regular agenda items with subsequent meetings on the third Tuesday to examine the 8 General Plan elements beginning with the Land Use Element. The GPAC established 2 subcommittees. One will discuss the protection of agriculture, agricultural land trusts and issues relating to community separators and flood plains. The second subcommittee will discuss the incentives program. Garry Grant, property owner Meadowbrook, inquired how the public could receive access to information coming from the subcommittee. Mr. Jolliffe explained that the subcommittee reports back to the full GPAC Advisory Committee and that Mr. Grant could attend the subcommittee meetings in addition to the regular committee meetings.

CETAP did not meet in January so there was nothing to report.

Gail Wanczuk-Barton offered an update on discussions of the Integration Committee, stating that some of the flood issues will be addressed through the SAMP. The tasks of the Integration Committee will take two tracks, one being suggestions for potential criteria guaranteeing agencies that design will be consistent with the requirements of the implementation, and the second being the identification of issues that do not fit the criteria based solutions and will need special attention. Ms. Wanczuk-Barton also recapped a suggestion from GPAC for a milestone packet to be distributed to Integration Committee members that would include documents from each Advisory Committee that memorialize the December 2000 recommendations to the Board. The next meeting of the Integration Committee is January 26, 2001 at 1:30 at the CAC, 14<sup>th</sup> Floor conference room.

**5. APPROVAL OF MINUTES FROM NOVEMBER 30, 2000 ADVISORY COMMITTEE MEETING.**

Gail Wanczuk-Barton requested removal of the word "with" on the second page; second to the last line, for the sentence to read properly. Pete Kiriakos clarified his comments on page two, offering that he was not "concerned" but was merely suggesting that this proposal might require discussion on integration of several habitat issues.

Borre Winckel motioned for approval with changes as noted. Ed Sauls seconded. Motion carried unanimously.

**10. DISCUSSION CONCERNING COMMENTS FROM DR. MICHAEL MC KIBBEN CONCERNING THE HAZARD DATA DEVELOPED FOR THE GENERAL PLAN (CARRY OVER FROM 12/14/00 AGENDA)**

Jim Henderson, Sverdrup, gave an overview of the letter written by Dr. Michael McKibben and the responding letter from Eldon Gath, Earth Consultants, Inc., stating that while the concerns of Dr. McKibben are valid, Mr. Gath's response was that the hazard mapping was prepared at a planning level, affording a different level of detail. Additional discussion ensued regarding comments offered by both parties and the need to utilize the most current information available.

**7. REPORT FROM FUNDING AND IMPLEMENTATION SUBCOMMITTEE.**

Ed Sauls introduced a paper for discussion purposes that he drafted to address the funding and implementation methods for the multi-species plan while reconciling goals

and objectives. Mr. Sauls outlined seven issues that need resolution prior to a March 6, 2001 Board recommendation.

**8. DISCUSS DRAFT SCOPE OF WORK FOR PROPOSED MSHCP ECONOMIC IMPACT ANALYSIS.**

Bob Wheeler reported that he and Borre Winckel were working together to formulate a draft scope of work for an economic analysis. Borre and Bob agreed that representation from the industrial / commercial development community was conspicuously absent and recommended their involvement in this process.

**9. CONSIDER FARM BUREAU REQUEST FOR THE COMMITTEE TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT:**

- A) COUNTY COUNSEL BE DIRECTED TO PROVIDE AN OPINION WITH RESPECT TO 1) THE LIKELIHOOD THAT THE 153,000 ACRES CAN BE ACCEPTED BY THE RESOURCE AGENCIES AS MITIGATION FOR TARGETED SPECIES FOR WHICH CRITICAL HABITAT IS DESIGNATED, AND 2) IF ANY OR ALL THE CITIES FAIL TO JOIN THE MSHCP CAN THE PLAN BE IMPLEMENTED AND WILL THE RESOURCE AGENCIES ACCEPT IT AS MITIGATION FOR THE TARGETED SPECIES; AND,**
- B) THE COUNTY CONTRACT FOR ADDITIONAL CONSULTANT SUPPORT TO SUPPLY INFORMATION ON ECONOMIC AND LAND USE ASPECTS OF THE MSHCP.**

Kristi Lovelady stated that while the economic issues are being addressed (item B on agenda), County Counsel was not available to speak on item A. Those present agreed that item A be agendaized for the next Advisory Committee when County Counsel could attend.

**6. REPORT ON CETAP CORRIDORS**

Steve Smith, Transcore, gave a presentation on the current status of CETAP, addressing some of the areas where CETAP corridors are in conflict with MSHCP issues. After the presentation several questions were asked. Dan Silver asked if there would be additional elimination of corridors prior to a determination as to which alternative would be analyzed in an environmental document. Mr. Smith replied that additional eliminations would be determined by the resource agencies. Bob Wheeler questioned the corridor through Rainbow Canyon and suggested routing through Pala Road. Mr. Smith responded that while this might be a shorter route, it might have an equal number of environmental issues. Tom Scott added that an important issue for consideration is fire, suggesting that a road on the west side of a preserve could act as a fire break and potentially save homes and land. Pete Kiriakos added that there are two additional potential inter-county routes to study that were not shown in the presentation. Garry Grant expressed concern over Highway 74 being turned into a major corridor with the potential for added gridlock. Additional discussion was held regarding road design as it related to preservation of animal life.

**11. REPORT FROM FLOOD CONTROL REGARDING THE SPECIAL AREA MANAGEMENT PLAN.**

Zully Smith advised that a draft application had been submitted to the EPA for preparation of a SAMP, with the intent of receiving a regional general permit to facilitate development while protecting resources. Comments have not yet been received from the EPA on the application.

**12. REPORT FROM USFWS CONCERNING THEIR DECISION ON CRITICAL HABITAT DESIGNATION FOR THE CGN (CARRY OVER FROM 11/30 AGENDA).**

Borre Winckel and Karin Cleary Rose discussed the position of the USFWS and the committee's desire to receive a guarantee on the collapse of critical habitat boundaries. As of yet, Ms. Rose offered that a guarantee cannot be issued before the completion of the MSHCP. U.S. Fish & Wildlife does recommend the change as desirable, but currently is unable to prepare a new final rule. Dan Silver suggested that the Implementation Agreement would be the vehicle by which it could be done. Additional discussion was held regarding potential solutions to coordinate a new final rule with the completion of the MSHCP.

**13. STATUS REPORT CONCERNING RULES AND PROCEDURES (SEE ATTACHMENTS CONCERNING ORDINANCE 2000-275 AND RULES AND PROCEDURES ADOPTED BY THE ADVISORY COMMITTEE ON OCTOBER 11, 2000).**

Kristi Lovelady introduced the Rules and Procedures document that was originally presented to the committee in late summer of 2000 as being similar to what was adopted by the General Plan Advisory Committee. As part of the adoption process the document was forwarded to County Counsel for review and subsequently referred back to the committee for discussion. County Counsel offered that by-laws could be established to the extent that they are not redundant or conflicting with resolutions 94-225 or 2000-275. If drafted, by-laws should be submitted to County Counsel for review as part of the adoption process. Gail Wanczuk-Barton asked the committee members if they were comfortable with 2000-275 as it stands or whether the committee wanted to adopt additional bylaws. The motion was made by Dan Silver to accept resolution 2000-275. Won Yoo seconded. Motion carried unanimously.

**14. NEXT MEETING.**

February 8, 2001 at Registrar of Voters, 2724 Gateway Dr., Moreno Valley, CA at 1:00 p.m.

**15. FINAL PUBLIC COMMENTS.**

Jim Henderson introduced Dwayne Harrison, the new Geologist for the County. Alison Shilling, California Native Plant Society, questioned whether Dudek is mandated to keep track of development in cities and in the county that may negatively impact the plan. Kristi Lovelady replied that information concerning cities is being collected through WRCOG. Garry Grant commented in relation to industry involvement in the MSHCP. Mr. Grant also opined that boundaries could not properly be defined as any individual species could land on anyone's property at any time necessitating preservation in a new area.

**16. ADJOURNMENT.**

Meeting adjourned at 3:35.