

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

## MINUTES DECEMBER 14, 2000

**1. CALL TO ORDER AND INTRODUCTIONS.**

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

|                                    |   |
|------------------------------------|---|
| Wendy Picht*                       | Metropolitan Water District             |
| Won Yoo *                          | Property Owner                          |
| Zully Smith *                      | Riverside County Flood Control District |
| Mary L. Thomas * (Clem Lagrosa)    | Cleveland National Forest               |
| Gail Wanczuk-Barton *              | Property Owner / Committee Chair        |
| Alison Shilling                    | California Native Plant Society         |
| Jane Block *                       | Property Owner                          |
| Steve Ruddick* (Robin Reeser Lowe) | WRCOG                                   |
| Bruce Colbert * (Barry Burnell)    | Riverside Co. Property Owners Assoc.    |
| Ed Sauls *                         | Property Owner                          |
| Peter Kiriakos *                   | Sierra Club                             |
| Tom Scott *                        | University of California, Riverside     |
| Mary Beth Woulfe *                 | U.S. Fish & Wildlife Service            |
| Tracey Alsobrook *                 | Southern California Edison              |
| Greg Reden *                       | Property Owner                          |
| Bob Perkins * (Sharon Bolton)      | Farm Bureau                             |
| Cindy Domenigoni *                 | Property Owner                          |
| Shelli Lamb *                      | Riverside – Corona RCD                  |
| Kerwin Russell                     | Riverside – Corona RCD                  |
| Jeff Newman                        | U.S. Fish & Wildlife                    |
| Nanette Pratini                    | University of California, Riverside     |
| Laurie Koch Thrower                | The Press Enterprise                    |
| Gerald Ginn                        | Conservation Alliance                   |
| Jerry Geller                       | Conservation Alliance                   |
| Steve Lech                         | Riverside County Waste Management       |
| Andy Domenigoni                    | Property Owner                          |
| Erin Warmington                    | Warmington Land Company                 |
| Richard Masyczek                   | City of Hemet                           |
| Steve Loe                          | San Bernardino National Forest          |
| Sharon Bolton                      | Farm Bureau                             |
| Michele Staples                    | Jackson, DeMarco & Peckenpaugh          |
| Norman D. Gritton                  | Property Owner                          |
| Dave Downey                        | The Californian                         |
| Michael Rowe                       | Property Owner                          |
| Shenna Moqheet                     | City of Calimesa                        |

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|-----------------------------------|-----------------------------------|
| Marla Griffin                     | Student Planner, Cal Poly Pomona  |
| Jim Miller                        | City of Murrieta                  |
| Andy McElhinney                   | Property Owner                    |
| Joe Lewis                         | EMWD                              |
| Steve Brown                       | City of Temecula                  |
| Urban McLellan                    | The Urban Company                 |
| Kathleen Hamilton                 | 1 <sup>st</sup> District          |
| Chris Ormsby                      | City of Moreno Valley             |
| Ashwani Vasishth                  | University of Southern California |
| Kristi Lovelady                   | TLMA                              |
| Richard Lashbrook                 | TLMA                              |
| Karin Watts-Bazan                 | County Counsel                    |
| June Collins                      | Dudek                             |
| Jim Henderson                     | Sverdrup                          |
| Robin Reeser Lowe                 | WRCOG                             |
| Bill Blankenship* (Borre Winckel) | BIA                               |

\*Denotes Advisory Committee member

**2. PUBLIC COMMENTS**

None offered.

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

Zully Smith updated the committee on the SAMP program.

Tom Scott informed the committee that forms for donations were available for the Gary Wanczuk Scholarship fund.

Steve Ruddick updated the committee on the recent meeting involving the 14 cities at which they recommended proceeding with Alternative 1 while expressing concerns over financial, economic, and development impacts.

Peter Kiriakos stated that the General Plan committee was dealing with some problematic area plans. He further commented on the environmental impacts relevant to the San Jacinto River and Diamond Valley Lake, expressing specific concern over lack of connectivity along Warm Springs Creek.

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

Won Yoo commented on GPAC, stating that there were five or six plans approved and forwarded.

Kristi Lovelady offered copies of a staff report based on the Scott Road North Project General Plan Amendment that was sent to the Planning Commission.

Gail Wanczuk-Barton offered that the update on CETAP would be brought back in January. Pete Kiriakos, Sierra Club, expressed concerns relative to CETAP.

Gail Wanczuk-Barton reported on the Integration Committee stating that four areas were identified as needing exploration: city involvement, examination of conflicts among the three RCIP components, economics and advocacy. A sub-committee was established to

draft a scope of work for an economic study. A summary of conflicts and associated policy issues needing to be addressed will be drafted. The next meeting of the Integration Committee is January 5, 2001.

**5. APPROVAL OF MINUTES FROM OCTOBER 12, 26 AND SEPTEMBER 14 ADVISORY COMMITTEE MEETINGS.**

Bob Perkins requested a correction to the October 12, 2000 minutes. Mr. Perkins commented on item 5, Consideration of Rules and Procedures, stating that procedures established by the Board of Supervisors requires a formal vote on all actions by the committee and that consensus decisions are not allowed. Mr. Perkins further stated that he is opposed to the procedure that continues to allow for consensus on issues. Mr. Perkins moved for approval with the correction as stated. Cindy Domenigoni seconded. Motion carried unanimously.

Gail Wanczuk-Barton asked for a motion on approval of the October 26, 2000 minutes after no corrections were noted. Won Yoo, property owner, motioned for approval as written. Zully Smith, Flood Control District, seconded. Motion carried unanimously.

Gail Wanczuk-Barton asked for a motion on approval of the September 14, 2000 minutes after no corrections were noted. Won Yoo motioned for approval as written. Cindy Domenigoni, seconded. Motion carried unanimously.

**6. REPORT FROM FUNDING AND IMPLEMENTATION SUB-COMMITTEE.**

Kristi Lovelady stated that the subcommittee met on the prior Tuesday and there was conceptual approval of the funding matrix presented by Mr. Lashbrook. Ms. Lovelady added that the matrix attempted to quantify the land use mechanisms that could be employed to reduce the overall acquisition costs of the MSHCP. Additional work will be done over the next few months to refine the information and will come back to the Advisory Committee for discussion. Gail Wanczuk-Barton offered additional comments on property owner / Farm Bureau issues including funding assurances, and the ability to minimize impacts on property owners in potential conservation areas by the use of a toolbox of benefits. June Collins, Dudek, will address the issue of narrow endemics. Ed Sauls commented on the definition of voluntary as it relates to the program. Sharon Bolton reminded the committee that the Planning Agreement stipulated that continued agricultural operations would be covered through the MSHCP.

**7. CONCLUDE DISCUSSION AND DEVELOP RECOMMENDATION CONCERNING A) PREFERRED MSCHP ALTERNATIVE AND, B) FUNDING AND IMPLEMENTATION MECHANISM.**

June Collins explained that Dudek requires direction to move to the next step in the planning process that is a detailed conservation analysis and preparation of the Administrative Draft MSHCP. The purpose of the Alternatives Development Document was to assist the stakeholders in defining an alternative with which to move forward. Concurrently, the consultant team member responsible for preparing the California Environmental Quality Act / National Environmental Policy Act (CEQA / NEPA) documentation would initiate the environmental review process when the county identifies the preferred alternative. The environmental documentation will analyze a range inclusive of the preferred alternative. NEPA requires the analysis of alternatives at an equal level of detail.

Cindy Domenigoni expressed concern that the decision on a preferred alternative would begin a full CEQA review. She questioned the need for a decision if all of the alternatives were going to be reviewed. Karin Watts-Bazan clarified that this is a two-step process.

The first is guidance for the consultant to conduct further conservation analysis on one specific alternative. The second is to cover all of the alternatives for the CEQA/NEPA analysis.

After a lengthy discussion Cindy Domenigoni moved and Ed Sauls seconded that the Advisory Committee recommend that:

- 1) Alternative 1 be approved as the design component of the MSHCP for study in greater depth but that it not be the project description pursuant to the California Environmental Quality Act (CEQA). It is understood that the Alternative does not yet include essential elements of HCPs, including implementation and funding assurances.
- 2) The proposed project that is ultimately described in the EIR needs to include a method for applying the current laws, regulations and new policies to include a method of applying a package of voluntary measures and incentives to provide a sufficient level of assurance that, in fact, we will meet the performance criteria of the MSHCP that is ultimately proposed as a project and ensure compensation to private property owners. The EIR must analyze the economic and social impacts of the MSHCP.
- 3) Additional studies are to be conducted for the Advisory Committee's consideration as necessary to describe other required elements of a proposed MSHCP, including the levels of incidental take, species to be covered, activities permitted, a proposed implementation plan, avoidance, minimization and mitigation measures, funding assurances, management requirements; procedures to be used to deal with unforeseen circumstances; and others. Additional information has been requested including an economic analysis, and biological analyses necessary to response to the issues raised in comment letters submitted by the Science Review Panel, U.S. Fish and Wildlife Service, California Department of Fish & Game, The Nature Conservancy and others and studies to determine the acreage proposed to be conserved under Alternative 1.
- 4) After those studies are completed, the proposed project boundaries, conserved acreage, species to be covered, linkages, may be different from any of the alternatives presented to date, and the MSHCP itself may be determined to be infeasible.

Consensus was reached by those committee members present. Those members who were not present are: Audubon Society, Elsinore-Murrieta-Anza Resource Conservation District, Lockheed Martin, Riverside Land Conservancy, The San Bernardino County Museum, Spirit of the Sage Council, and the TMC Companies.

Public Comment was taken on this item. Bill Johnson, property owner, expressed frustration and anger over Alternative 1 and stated that the taking of property is unconstitutional and that property owners have not been notified that their property could be affected. Mr. Johnson further stated that civil rights are being violated and these citizens will become indentured servants to the County. He mentioned that this will be the subject of a lawsuit that he anticipates will go to the Supreme Court. Shenna Moqheet, City of Calimesa, commented on the utility of a project forcing property owners to seek information from more than one source. Ms. Moqheet also stated that the "taking of property" has never been part of the plan, but that property owners would receive just compensation. Mr. Gritton, property owner, expressed concern that landowners are carrying the financial burden of the plan rather than the burden being shared across the board. Alison Shilling, California Native Plant Society, commented on her understanding that funding would be available if State and Federal guidelines were met.

Tracey Alsobrook offered that Edison, while having concerns that need to be addressed, is in support of Alternative 1.

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

**A) A COMPREHENSIVE COST ANALYSIS OF THE COMPLETE MSHCP BE PREPARED.**

Bob Perkins moved that the committee recommend to the Board of Supervisors that a cost benefit analysis be prepared for the MSHCP. In such an analysis all of the costs would need to be identified-in particular the cost of 153,000 acres-with full disclosure to explain how the burden would be distributed. Pete Kiriakos seconded the motion. Motion carried unanimously.

**B) THE COUNTY IMMEDIATELY ISSUE INDIVIDUAL NOTICES TO ALL PROPERTY OWNERS WITHIN CONSERVATION ANALYSIS UNITS INFORMING THEM OF THE IMPLICATIONS OF THE MSHCP.**

Mr. Perkins recommended that the county take immediate action to notify property owners in the areas of consideration for the habitat plan and that the public should have the opportunity to comment before action is taken at Advisory Committee meetings. Following some discussion concerning the issue of public notification, Mr. Perkins agreed to move that this matter be examined by the Funding and Implementation Subcommittee and brought back to the full Advisory Committee at a later date. Greg Reden seconded. Motion carried unanimously.

**C) THAT THE PUBLIC BE INVITED TO COMMENT ON ANY MSHCP ADVISORY COMMITTEE AGENDA ITEM AT THE TIME THAT AGENDA ITEM IS CONSIDERED BY THE COMMITTEE.**

Bob Perkins commented that it does not serve the committee well to exclude public comment on an action item, and acknowledged that the Chair and the committee have afforded the public an opportunity to comment.

**D) 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 THE MITIGATION FOR TARGETED SPECIES.**

**E) THE COUNTY CONTRACT FOR ADDITIONAL CONSULTANT SUPPORT TO SUPPLY INFORMATION ON ECONOMIC AND LAND USE ASPECTS OF THE MSHCP.**

Due to lack of time, Mr. Perkins asked to bring items D and E back on January 11, 2001. Those present agreed.

**9. DISCUSSION CONCERNING COMMENTS FROM DR. MICHAEL MC KIBBEN CONCERNING THE HAZARD DATA DEVELOPED FOR THE GENERAL PLAN.**

Gail Wanczuk-Barton suggested that this item be deferred to the January 11, 2001 agenda.

**10. NEXT MEETING.**

Gail Wanczuk-Barton, Committee Chair, announced the following meeting dates for January 2001.

The next meeting for the Integration Sub-committee is January 5, 2001 at the offices of Sverdrup in Riverside.

The next meeting for the Advisory Committee is January 11, 2001 at Registrar of Voters.

The next meeting for Funding & Implementation Subcommittee is January 11, 2001 at a location to be determined.

**11. FINAL PUBLIC COMMENTS.**

None offered.

**12. ADJOURMENT.**

Meeting adjourned at 4:50 p.m.