



March 21, 2020

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SUBJECT: *Results of a Habitat Suitability Evaluation, ±23.44-acre Site, Case Number MA 18008, APNs 175210026, 175210027, 175210028; HANS 447, Riverside and San Bernardino Counties, California*

Dear Bob:

This letter report presents findings of a reconnaissance-level survey conducted to generally evaluate the suitability of a ±23.44-acre site to support special-status biological resources with particular emphasis on the federally-listed endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*-DSFF), burrowing owl (*Athene cunicularia*-BUOW) and other Riverside County Multi-Species Habitat Conservation (MSHCP) objectives.

Introduction

The subject ±23.44-acre site is regionally located in the City of Jurupa Valley, Riverside and San Bernardino Counties, California (**Plate 1**). More specifically, the site is located at 12340 Agua Mansa Road, south of El Rivino Road, east of Hall Avenue, and northwest of Agua Mansa Road. The site occurs on the "San Bernardino South" and "Fontana" USGS 7.5-minute quadrangle maps, generally Township 2 South, Range 5 West, part of Section 3 (**Plate 2**). This site has UTM coordinates of 110465321E and 3765433N (portions located both within San Bernardino County and Riverside County). **Plate 3** provides an aerial photograph of the site. In order to meet the environmental documentation and review requirements, potentially occurring sensitive biological resources must be addressed to demonstrate the applicant's conformance to California Environmental Quality Act (CEQA), MSHCP requirements, and the federal Endangered Species Act (Act) of 1973, as amended. As such, this report is intended to provide biological information to the applicant and reviewing agencies in support of the environmental review process.

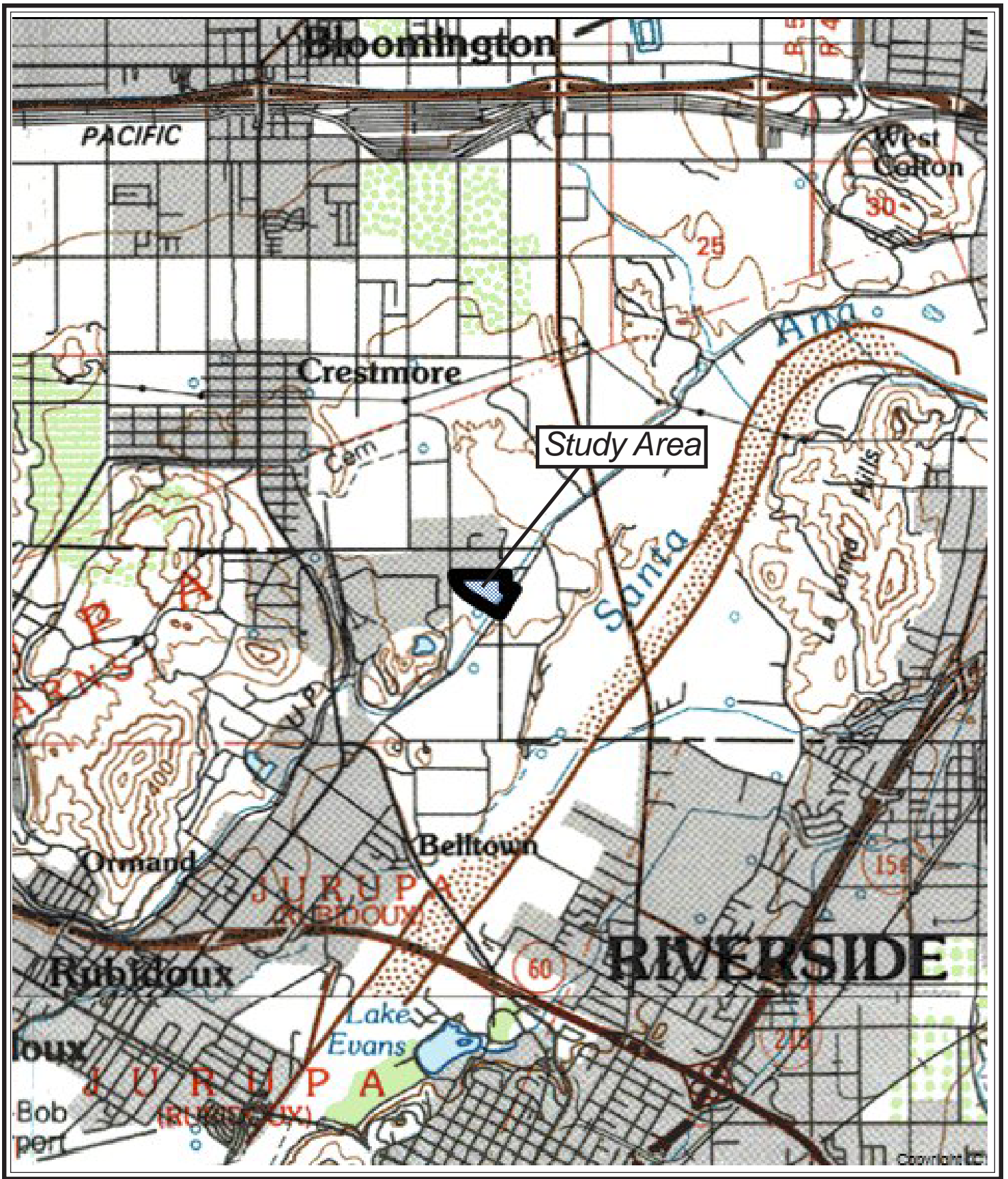
The subject parcels are located within MSHCP Sub-Unit SU3-Delhi Sands Area, Independent Cell Group, Cell 22 (Jurupa Area Plan). Specifically, this analysis evaluates the project's compliance with MSHCP Reserve Assembly requirements, Section 6.3.2 (Additional Survey Needs and Procedures), Section 6.1.3 (Protection of Narrow Endemic Plant Species), Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools), and Section 6.1.4 (Urban/Wildland Interface).

This report is intended to provide the applicant and reviewing regulatory agencies with general and specific information necessary for planning and permitting decisions concerning the proposed project relative to the occurrence potential of selected sensitive biological resources primarily based on the nature of habitat present and results of focused surveys.

Selected MSHCP Species and Objectives Overview

Delhi Sands Flower-Loving Fly (DSFF)

The United States Fish and Wildlife Service (USFWS) listed the DSFF as an endangered species on

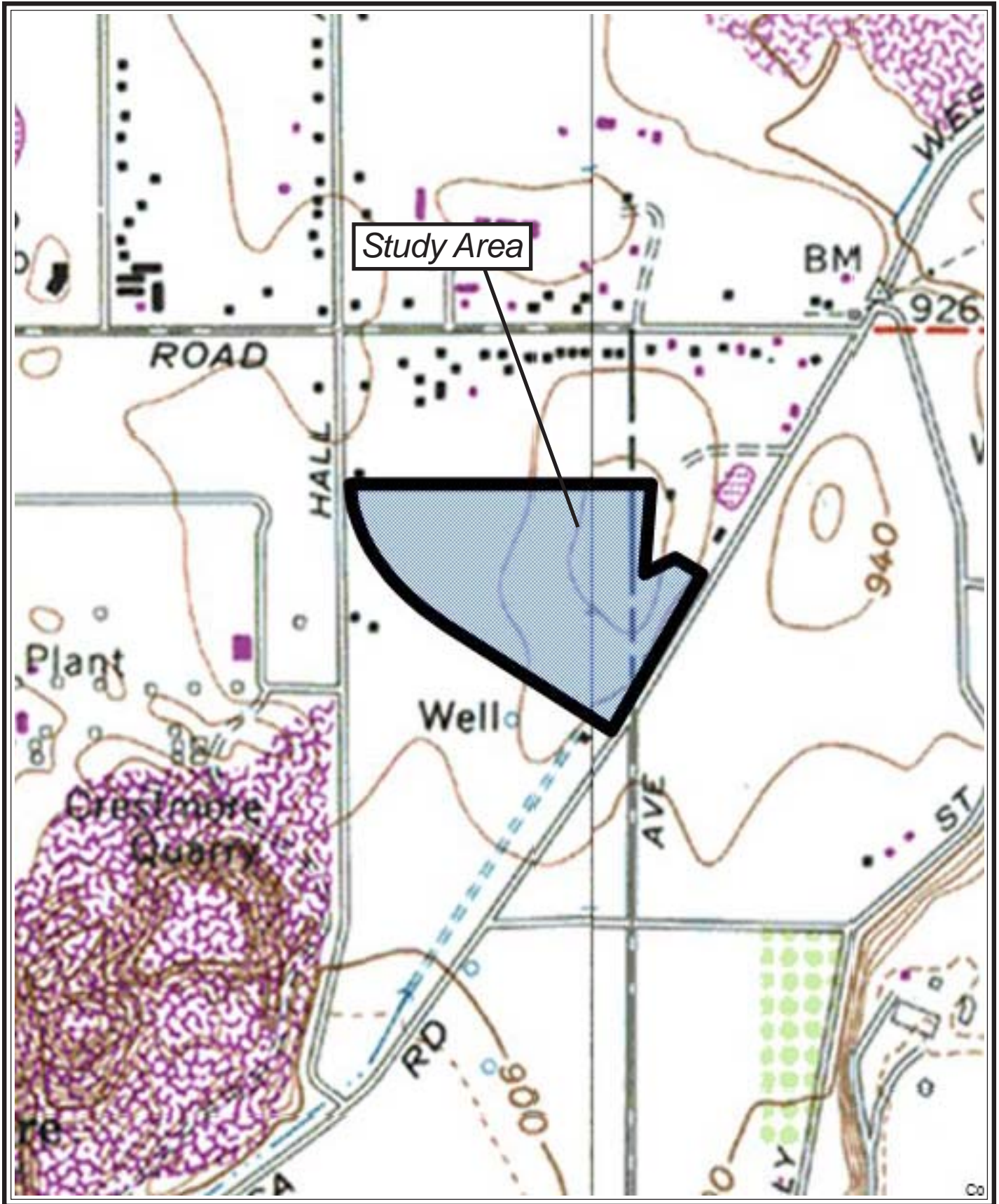


October 2018

plate 1

Regional Site Location

23.44-acre Site





September 23, 1993 (USFWS 1993). This species is only known to occur in association with Delhi sand deposits, primarily on twelve disjunct sites (USFWS 1997) within a radius of about eight miles in the cities of Colton, Rialto, and Fontana located in southwestern San Bernardino and northwestern Riverside counties. However, more recent survey data (in-house data between 1997-2001) indicates that DSFF occur in low numbers in the Ontario area as well, and in sub-optimal habitat conditions. The DSFF is restricted to the Colton Dunes, which covers approximately 40 square miles. More than 95 percent of the formerly known habitat has been converted to human uses or severely affected by human activities, rendering it apparently unsuitable for occupation by the species (Smith 1993, USFWS 1996 in Kingsley 1996). Flies of the genus *Rhaphiomidas* prefer arid habitats and are typically large (up to 1.25-inches in body length). The underground life cycle of this taxon is not well understood. Under favorable environmental conditions, the life cycle of DSFF is likely annual, and as such, DSFF would be expected to emerge during appropriate circumstances. However, it is possible that the underground phase (i.e., larval/pupal stages) may last two years or longer depending upon availability of food, and other environmental factors such as temperature and rainfall (USFWS 1997). DSFF spend all but their adult stage underground. Adults do not survive beyond the end of their single annual flight period (Kiyani 1995).

General Habitat Characteristics

Areas containing sandy substrates with a sparse cover of perennial shrubs and other vegetation constitute the primary habitat requirements for *Rhaphiomidas* flies (USFWS 1997). Potential habitat for the DSFF is typically defined as areas comprised of sandy soil (Delhi series) in open areas commonly dominated by three primary indicator plant species: California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californica*), and telegraph weed (*Heterotheca grandiflora*). Annual bur-sage (*Ambrosia acanthicarpa*), Rancher's fiddleneck (*Amsinckia menziesii*), autumn vinegar weed (*Lessingia glandulifera*), sapphire eriastrum (*Eriastrum sapphirinum*), primrose (*Oenothera* sp.), and Thurber's buckwheat (*Eriogonum thurberi*) are also commonly present at occupied DSFF sites. Important DSFF insect indicator species such as *Apiocera* and *Nemomydas* are also usually present on occupied habitats in relatively large numbers. However, DSFF have been recorded in certain habitats that do not support these species, and presence/absence of DSFF is not necessarily determined by indicator species. Rather, these indicator species exhibit a strong correlation to habitats occupied by DSFF. A gradient of habitat suitability exists for DSFF, composed of varying degrees of both natural and artificial conditions. Moreover, the microhabitat and life history requirements of DSFF are only poorly understood and the underlying soil environment may be the most determinative factor of whether an area can provide suitable habitat to support a DSFF population. Key factors regulating DSFF populations have not been fully identified.

DSFF Federal Regulatory Background

Because the DSFF is a federally listed endangered species, it is protected under the Act. Federal law prohibits "take" of listed species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. In some cases, habitat modification can constitute prohibitive "take". A section 10(a) permit is required for projects where a determination of "take" is likely to occur during a proposed non-federal activity. Prior to determining whether a permit is needed, the applicant should consider whether take could be avoided. This is sometimes possible through relocation of facilities or other measures depending on the nature and extent of project-related impacts to endangered species. If "take" of DSFF cannot be avoided, the USFWS will recommend that an incidental take permit [Section 10(a)] be obtained. However, issuance of a Section 10(a) permit must not "appreciably reduce" the likelihood of the survival and recovery of the species in the wild. Should an applicant not obtain a permit, and unauthorized take attributable to project activities occur, the responsible entity would be liable under the enforcement provisions of the Act. Types of potential habitat mitigation include but are not limited to: (1) acquisition of existing habitat; (2) protection of existing habitat through conservation easements or other legal instruments; (3) enhancement or restoration of disturbed or former habitats; (4) prescriptive management of habitats to achieve specific biological characteristics; and (5) creation of new habitats. Still, certain caveats may apply to each of these strategies (USFWS/NMFS 1996 in USFWS 1996a).



MSHCP Conservation Objectives for DSFF

The subject site is located within a MSHCP Cell (22) and Sub Unit (SU-3 Delhi Sands) for the DSFF. The DSFF occurs in low numbers and is narrowly distributed within the Plan Area. USFWS has identified three main population or Core areas known to currently or to have at one time existed in the Plan Area. The first priority for conservation will be within Core Areas including the three known point localities of the Delhi Sands flower-loving fly. These locations include one in the northwestern corner of the Plan Area near Hamner Avenue and SR-60, one in the Jurupa Hills (near the survey area), and one in the vicinity of the Agua Mansa Industrial Center. The following conservation objectives are directly excerpted below and/or summarized from Volume II, Species Accounts, Final MSCHP (June 2003).

Conservation for this species within the Plan Area will occur according to the process described in either Objective 1A, Objective 1B or Objective 1C. Under Objective 1A, surveys for the DSFF will not be required on a project-by-project basis. Under Objectives 1B and 1C, project-by-project surveys in accordance with USFWS "Interim General Survey Guidelines for the Delhi Sands flower-loving fly" will be required. Fulfillment of the ultimate requirements of any single one of the Objectives, 1A, 1B or 1C, in combination with the other components of the MSHCP Conservation Strategy for this species as described in the Introduction to Species Accounts, Volume II.B of the MSHCP, is anticipated to provide for Conservation for the Delhi Sands flower-loving fly (MSHCP 2003).

The first priority for conservation will be within Core Areas including the three known point localities of the Delhi Sands flower-loving fly. Long-term conservation value will be measured by such factors as occupation by the fly on the lands to be conserved; presence of Delhi soils, opportunities for connectivity to other areas conserved for the fly and other factors such as may be determined by the Reserve Management Oversight Committee. Also, the MSHCP Conservation Area will include suitable dispersal and/or movement habitat and interconnecting linkages, including Delhi soils and other open habitats. These habitats will be conserved in between Core Areas or areas that have already been conserved for the Delhi Sands flower-loving fly (MSHCP 2003).

DSFF Recovery Units / Proposed Core Reserves

Sub-regional areas encompassing smaller areas known to be inhabited by the DSFF or encompassing areas that contain restorable habitat for the DSFF have been grouped into three Recovery Units (RUs) by the FWS based on geographic proximity, similarity of habitat, and potential genetic exchange (FWS 1997). The subject site is located within an area designated as the Colton RU. The Colton RU contains several areas that currently support DSFF populations, and additional areas have been proposed for restoration in the DSFF Recovery Plan. DSFF will continue to exist in the Colton RU only with land conservation, a cessation of current habitat-degrading land management practices and recreational uses, and/or a restoration or natural reversion of ecologically damaged lands back to an ecological community typical of Delhi sands formations.

Burrowing Owl (Section 6.3.2)

The **burrowing owl (BUOW)** is a small ground-dwelling owl with white eyebrows, yellow eyes, and long legs. The owl's head, back, and wings are sand-colored, with white barring on the breast and belly. Male BUOW are larger and lighter than females. The BUOW ranges across most of western North America from 200 feet below sea level to 9,000 feet above sea level (CBOC 2000). Although the BUOW is migratory throughout much of its range, in central and southern California, owls are predominantly non-migratory (CBOC 2000). In coastal southern California, they occur in annual and perennial grasslands, agricultural areas, and coastal dunes. Habitat characteristics also include deserts and arid scrublands that contain low-growing vegetation (Zarn 1974). It is a resident in the open areas of the lowlands over much of the southern California region (Garrett and Dunn 1981). BUOW have also been observed utilizing roadway ditches, airports, vacant lots in residential/commercial areas, abandoned buildings, and irrigation ditches/flood control channels. It is believed that burrowing owls require open areas supporting sparsely vegetated habitat on gently rolling or level terrain. The BUOW generally prefers moderately to heavily grazed grasslands for nesting and roosting and avoids cultivated fields. The BUOW also requires an abundance of active small mammal burrows as a critical habitat feature for roosting and nesting cover.



The availability of numerous small mammal burrows [e.g., ground squirrel (*Spermophilus beecheyi*)] is a major factor in determining whether an area with apparently suitable habitat will support burrowing owls (Coulombe 1971 in Volume II-B, Species Accounts, MSHCP 2003).

BUOW Regulatory Summary

The BUOW is considered a MSHCP Group 3 species, California Species of Special Concern, Federal Species of Concern, Partners in Flight Priority Bird Species, and FWS Species of Management Concern. Although this special-status species is not protected by state or federal endangered species acts, the BUOW is protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) and CDFG Code sections 3503, 3503.5, and 3800. These sections prohibit take, possession, or destruction of birds, their nests or eggs. If it were later determined that active nests would be lost as a result of site-preparation, it would be in conflict with these regulations, as well as MSHCP species-specific objectives, and could also be considered a significant impact under CEQA.

MSHCP Burrowing Owl Survey Methodology

Focused BUOW surveys were conducted by ECORP Consulting, Inc. in 2006. The survey revealed that no burrowing owls were observed on or adjacent to the site. Several small mammal burrows were detected, but all the burrows lacked evidence of burrowing owls (ECORP 2006). Pre-construction surveys would be required prior to development.

Step I of the MSHCP Burrowing Owl Survey Instructions is the Habitat Assessment. The first step in the habitat assessment process is to walk the property to identify the presence of burrowing owl habitat on the project site. If habitat is found on the site, then walk a 150-meter (approximately 500 feet) buffer zone around the project boundary. If permission to access the buffer cannot be obtained, visually inspect any adjacent habitat areas with binoculars. If burrowing owl habitat occurs on-site, then Step II is required and 30-day preconstruction surveys will also be required.

Step II, Part A (Focused Burrow Survey) requires a systematic survey for burrows including burrowing owl sign be conducted by walking through suitable habitat over the entire survey area (i.e. the project site and within 150 meters). Pedestrian survey transects need to be spaced to allow 100% visual coverage of the ground surface. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed should be recorded and mapped. If the survey area contains natural or man-made structures that could potentially support burrowing owls, or owls are observed during the burrow surveys, the systematic surveys should continue as prescribed in Step II, Part B (Focused Burrowing Owl Surveys). If no potential burrows are detected, no further surveys are required.

If the subject site is located within a **MSHCP BUOW survey area** (Volume II-B, page B-6), occupied areas require the following for those areas located outside the MSHCP Criteria Area: (1) If the site contains, or is part of an area supporting less than 35 acres of suitable habitat, or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, then on-site burrowing owls will be passively or actively relocated following accepted protocols; (2) if the site (including adjacent areas) supports three or more burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved on site. Additional **mitigation measures** detailed in the CDFG 1995 staff report include: (1) preservation of habitat [e.g., 6.5 acres of foraging habitat per pair and provision of two burrows for each burrow impacted (2:1 ratio)], (2) artificial burrow construction, and (3) provide funding for long-term management and monitoring of protected mitigation lands. Mitigation measures successfully implemented for this species also include giving the FWS/CDFW right of first refusal for actively relocating any BUOW present. Currently occupied receiving sites may be available where this species has a greater chance of successful long-term relocation. Translocation sites for the BUOW will be created in the MSHCP Conservation Area for the establishment of new colonies. Translocation sites will be identified, taking into consideration unoccupied areas, presence of burrowing mammals to provide suitable burrow sites, existing colonies and effects to other Covered Species.



Reserve Managers will consult with the Wildlife Agencies regarding site selection prior to translocation site development (Volume II-B, page B-6). Compliance with the MBTA, CDFG code, and MSHCP species-specific objectives would be necessary prior to development.

All project sites containing burrows or suitable habitat (based on Step I/Habitat Assessment) whether owls were found or not, require **pre-construction surveys** that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls (MSHCP Species-Specific Objective 6). If ground-disturbing activities are delayed or suspended for more than 30 days after the survey, the site should be resurveyed for owls if suitable habitat is present.

Riparian/Riverine Areas and Vernal Pools (Section 6.1.2)

MSHCP Survey, Mapping, and Documentation Requirements define Riparian/Riverine Areas, Vernal Pools, and Fairy Shrimp habitat as follows: **(1) Riparian/Riverine Areas-** lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year; **(2) Vernal pools** are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by-case basis. Such determinations should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records; and **(3) Fairy Shrimp-**for Riverside, vernal pool and Santa Rosa fairy shrimp, mapping of stock ponds, ephemeral pools and other features shall also be undertaken as determined appropriate by a qualified biologist.

Narrow Endemic Plant Species (Section 6.1.3)

The site is located in a **Narrow Endemic Plant Species (NEPS) Survey Area (NEPSSA)** requiring habitat assessments. Projects proposed within this area require that a habitat assessment be prepared prior to site development, and if suitable habitat is present, focused surveys are required.

Brand's phacelia is designated as a Group 3 species in the Riverside County MSHCP (2003) and a California Native Plant Society (CNPS) List 1B species. The subject site is located within a NEPSSA for this taxon (MSHCP 2003). Projects proposed within the NEPSSA require that a habitat assessment be prepared prior to site development. Suitable habitat for BP includes coastal dunes and /or coastal scrub in sandy openings, sandy benches, dunes, sandy washes, or flood plains of rivers and is restricted to clay soils at elevations between 0 and 400 meters (CNDDDB 2001, CNPS 2001, Wilken *et al.* 1993 *in* Riverside County MSHCP 2003). Brand's phacelia historically occurred from Los Angeles, Riverside, and San Diego counties and northern Baja California, Mexico (CNPS 2001). This annual herb blooms from March to June (CNPS 2001). Within western Riverside County, Brand's phacelia is restricted to sandy benches along the Santa Ana River. This species is considered extremely rare as only one known extant occurrence in Riverside County, and this species is known from fewer than five occurrences (CNPS 2001). Conservation for this species would be achieved by inclusion of at least 6,100 acres of suitable Conserved Habitat and two known occurrences along the Santa Ana River (Volume II-B, Species Accounts, Final MSHCP 2003).

San Miguel Savory is designated as a Group 3 species in the Riverside County MSHCP (2003), a California Native Plant Society (CNPS) List 4 species, and a Forest Service Sensitive Species. The



subject site is located within a NEPSSA for this taxon (MSHCP 2003). Projects proposed within the NEPSSA require that a habitat assessment be prepared prior to site development. Suitable habitat for SMS includes rocky, gabbroic and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands between 120 and 1,005 meters. The majority of populations are associated with the Santa Rosa Plateau and the Santa Ana Mountains. SMS occurs in Orange, Riverside, San Diego, and Baja California, Mexico (CNDDDB 2000, CNPS 2001, Reiser 1996 in Riverside County MSHCP 2003). No core locations of SMS have been identified within the MSHCP Conservation Area, however 12 occurrences (CNDDDB, UCR GIS database, herbaria at UCR and Rancho Santa Ana Botanic Gardens) are known from the Santa Rosa Plateau and Santa Ana Mountains. SMS flowers from March through May (Munz 1974; CNPS 2001). Conservation for this species would be achieved by inclusion of at least 201,450 acres of suitable Conserved Habitat and seven known localities (Santa Rosa Plateau and Santa Ana Mountains) within large blocks of habitat in the MSHCP Conservation Area (Volume II-B, Species Accounts, Final MSHCP 2003).

San Diego Ambrosia is designated as a Group 3 species in the Riverside County MSHCP (2003), a federally listed endangered species, and a CNPS List 1B species. The subject site is located within a NEPSSA for this taxon (MSHCP 2003). Projects proposed within the NEPSSA require that a habitat assessment be prepared prior to site development. Suitable habitat for SDA includes open floodplain terraces or in the watershed margins of vernal pools. This species occurs in a variety of associations dominated by sparse, non-native grasslands or ruderal habitats in association with river terraces, vernal pools, and alkali playas (Munz 1974; Reiser 2001 in Riverside County MSHCP 2003). The extant Riverside County localities are found on Garretson gravelly fine sandy loams when in association with floodplains, and on Las Posas loam in close proximity to silty, alkaline soils of the Willow series (Knecht 1971 in Riverside County MSHCP 2003) at Skunk Hollow. SDA generally occurs at less than 1600 feet in the Riverside population and less than 600 feet in San Diego County (CNDDDB; UCR database; Munz 1974; Hickman 1993 in Riverside County MSHCP 2003). SDA is distributed from western Riverside County and western San Diego County, south in widely scattered populations along the west coast of Baja California, Mexico to the vicinity of Cabo Colonet (Munz 1974; Reiser 2001 in Riverside County MSHCP 2003). Known populations in Riverside County include Skunk Hollow, Lake Street, and Nichols Road. Flowers are generally present from June through September (Munz 1974). Conservation for this species would be achieved by inclusion of at least 21,800 acres of suitable Conserved Habitat and two core localities within large blocks of habitat in the MSHCP Conservation Area (Volume II-B, Species Accounts, Final MSHCP 2003). The third core location (east of Lake Street in the City of Lake Elsinore) will be covered in accordance with the Narrow Endemics Policy (Section 6.1.3).

Urban / Wildlands Interface (Section 6.1.4)

Although the project site is not located within or adjacent to any MSHCP Conservation Areas, the project must comply with the Urban/Wildlands Interface Guidelines contained in Section 6.1.4 of the MSHCP (the "UWIG"). The UWIG contain various recommendations to consider and incorporate into project design to minimize Edge Effects by projects proposed in proximity to MSHCP Conservation Areas with the potential to adversely affect biological resources. The guidelines shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area to be consistent with the MSHCP (2003).

Methodology

Literature Search

Documentation pertinent to the biological resources in the vicinity of the site was reviewed and analyzed. Information reviewed included: (1) the Federal Register listing package for the federally listed endangered DSFF; (2) literature pertaining to habitat requirements of DSFF; (3) the California Natural Diversity Data Base (CNDDDB 2018) information regarding sensitive species potentially occurring on the site for the "San Bernardino South" and "Fontana" USGS 7.5-minute quadrangle maps, and (4) review of available reports from the general vicinity of the project site.



2018 Habitat-Suitability Evaluation

Ecological Sciences conducted a reconnaissance-level field survey on the subject site to evaluate potential habitat for special-status species such as the DSFF, BUOW, and NEPS on August 22, 2018. The survey was conducted by Scott Cameron; Principal Biologist of Ecological Sciences, Inc. Ecological Sciences is well versed with the biotic characteristics of a range of habitats occupied by the subject species, as well as other sensitive wildlife species potentially occurring in the area. The site was examined on foot by walking a series of meandering transects across the subject property. Dominant plant species and other habitat characteristics present at the site were identified to assess the overall habitat value. Weather conditions included clear skies, 0-1 breezes, and an ambient temperature of 80-82 °F.

Existing Biological Environment

The site is characterized as a graded site that has been recently grubbed/disked and exposed to other recurring anthropogenic activities such as off-road vehicle (ORV) uses and debris dumping (e.g., manure, trash). Substrate consists of loams and sands. The site is elevated on the eastern part. Chain-link fencing and existing development surround the site. **Plates 4a-4b** illustrate existing site conditions at the time of the survey.

Vegetation

Introduced (non-native) plant species recorded on site included foxtail chess (*Bromus madritensis* ssp. *rubens*), soft chess (*Bromus mollis*), Mediterranean grass (*Schismus barbatus*), Russian thistle (*Salsola tragus*), golden crownbeard (*Verbesina encelioides*), and puncture vine (*Tribulus terrestris*). Native species recorded included telegraph weed (*Heterotheca grandiflora*) and annual bur-sage (*Ambrosia acanthicarpa*).

Wildlife

Common bird species observed during the survey included American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*), and house finch (*Carpodacus mexicanus*). Mammals observed, or of which sign was detected, included California ground squirrel (*Spermophilus beecheyi*).

General Soils Analysis / Soil Conservation Map Review

A review of soil maps prepared for the area by the Natural Resource Conservation Service (NRCS 2018) Custom Soil Resource Report for San Bernardino County, Southwestern Part, California indicate that the subject site is located within an area mapped as Delhi fine sand (Db and DaD2), Greenfield sandy loam (GtC and GyC2), Pachappa fine sandy loam (PaC2), and Ramona sandy loam (RaB2). Substantial impacts to these soil types have occurred on site due to various anthropogenic activities. **Plate 5** illustrates mapped soils.

Results of Habitat Assessment and MSHCP Consistency Analysis

This section provides an analysis of the proposed project relative to compliance with biological aspects of the MSHCP. Specifically, this analysis evaluates the project's compliance with MSHCP Reserve assembly requirements, Section 6.3.2 (Additional Survey Needs and Procedures), Section 6.1.3 (Protection of Narrow Endemic Plant Species), and Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools), and 6.14 (Urban / Wildlands Interface). If the proposed project demonstrates MSHCP consistency, then the MSHCP provides full mitigation under CEQA, National Environmental Policy Act, California Endangered Species Act, and Federal Endangered Species Act for impacts to the species and habitats covered by the MSHCP pursuant to agreements with USFWS, CDFW, and/or any other appropriate participating regulatory agencies (MSHCP 2003).





View to northwest



View to southeast



View to east



View to west



October 2018

--- = Survey Boundary
 — = Area of Soil Interest

plate 5

Project Area Soils

23.44-acre Site

BUOW Habitat Assessment (6.3.2)

No direct **burrowing owl** observations or signs (pellets, fecal material, or prey remains) were incidentally recorded during the August 2018 BUOW habitat assessment. Birds observed generally included those species that are accustomed to nearby human presence such as such as American crow, mourning dove, house finch, and house sparrow. Several marginally suitable burrows associated with California ground squirrels (although ground squirrels not directly observed) were recorded on site that could potentially be utilized by BUOW. However, none of the burrows inspected during the survey were determined to be currently occupied or recently used by BUOW based on the lack of owl observations and absence of sign around burrow entrances. Although the site is exposed to extensive and recurring disturbance-related activities resulting in substantial negative impacts on potential BUOW habitat by reducing small mammal colonies (e.g., ground squirrel) and occluding potential burrows, some potential (albeit low) does exist for BUOW presence due to potentially suitable habitat both on and off site. As such, BUOW pre-construction surveys would be required prior to any development activities.

Summary: The project is required to conduct BUOW surveys prior to construction. The project demonstrates compliance with Section 6.3.2 of the MSHCP following updated BUOW surveys.

Narrow Endemic Plant Species (Section 6.1.3).

Suitable habitat to support **Brand's phacelia**, **San Miguel savory**, or **San Diego ambrosia** was not recorded on site during the August 2018 survey. Given the site's exposure to recurring surface disturbances, the absence of sandy washes and/or benches associated with alluvial flood plains, and extreme rarity of the species, Brand's phacelia is not expected to occur on the subject parcels. Likewise, due to the absence of rocky, gabbroic and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands, San Miguel savory is not expected to occur on site. Finally, given the absence of open floodplain terraces, vernal pools, sparse non-native grasslands or ruderal habitats in association with river terraces, vernal pools, and/or alkali playas, the San Diego ambrosia is also not expected to occur on the subject site. **Summary:** Brand's phacelia, San Miguel savory, or San Diego Ambrosia are not present on site. The project demonstrates compliance with Section 6.1.3 of the MSHCP.

Delhi Sands Flower-loving Fly (DSFF)

Based on results of the September 2018 habitat suitability evaluation, existing conditions present at the site are not consistent with those known or expected to support a DSFF population. DSFF prefers sandy substrates with a sparse cover of perennial shrubs and other vegetation. No exposed natural or semi-natural open areas with unconsolidated wind-worked granitic soils or dunes are present. Exposure to historic and recurring substrate disturbances have substantial negative effects on potential DSFF habitat and may also prevent potentially suitable DSFF microhabitat soil conditions from developing. The underlying soil environment appears to be the most definitive factor of whether an area could potentially support DSFF. Moreover, the subject site would not be considered an important or viable property for preservation or restoration due to the current absence of suitable habitat and surrounding commercial land uses that have long since fragmented habitats in the area.

In addition to the above habitat evaluation, Western Riverside County Regional Conservation Authority (RCA), Joint Project Review (JPR) 06-08-14-01, HANS 447 dated 9-15-2006 indicated in their Consistency Conclusion that the project is consistent with both the Criteria and Other Plan requirements with reference to the subject 23.44-acre site (APNs 175210026, 175210027, and 175210028 (SU3 – Delhi Sands Area Independent 22) and follows:

- a. Proposed Noncontiguous Habitat Block 3 would consist of a habitat block containing soils suitable for supporting the Delhi Sands flower-loving fly. This habitat block is constrained by existing adjacent agricultural activities. Maintenance of Delhi Sands soil series is important for this species. Areas not affected by edge within this habitat block total approximately 120 acres of the total 185 acres occupied by this proposed Noncontiguous Habitat Block.

- b. Surveys shall not be required within Cell 22 for determining whether sites are occupied by the Delhi Sands flower-loving fly. Instead, 50 acres of Additional Reserve Lands shall be acquired within the geographic areas identified in Objective 1A of Table 9-2.
- c. The applicant is proposing to develop the site with a distribution facility. Based on a Delhi Sands flower-loving fly species objective 1b, conservation in this area is not required, and surveys for the fly are also not required. Implementation of the project would not conflict with Reserve Assembly. The acquisition requirement of 50 acres of Additional Reserve Lands have been satisfied at the Vulcan Materials Colton Reserve Conservation Bank located within the geographic areas identified in Objective 1A of Table 9-2.

JPR determination, relevant excerpts from RCA Agenda (pages 1-5, 96-104), Viridian Agreement and 2018 RCA Minutes) are included in **Appendix A**.

Riparian/Riverine Areas and Vernal Pools (Section 6.1.3)

Additional MSHCP objectives reviewed for consistency during the survey included Section 6.1.2-Riparian/Riverine Areas and Vernal Pools. No evidence of vernal pools or other wetland features were recorded on site. Vernal pools are depressions in areas where a hard-underground layer prevents rainwater from draining downward into the subsoils. When rain fills the pools in the winter and spring, the water collects and remains in the depressions. In the springtime the water gradually evaporates away, until the pools become completely dry in the summer and fall (CDFW 2013 in MSHCP 2003). Vernal pools tend to have an impermeable layer that results in ponded water. The soil texture (the amount of sand, silt, and clay particles) typically contains higher amounts of fine silts and clays that lower percolation rates. Pools that retain water for a sufficient length of time will develop hydric soils. Hydric soils form when the soil is saturated from flooding for extended periods of time and anaerobic conditions (lacking oxygen or air) develop. None of these conditions were observed on site. **Summary:** The site does not contain riparian/riverine areas, vernal pools, or fairy shrimp habitat. The site has well-drained sandy soils, with no areas of visible ponding (except for runoff from off-site livestock pens), no hydrophytic vegetation, no highwater marks, waterways, or other evidence of water flow. The project demonstrates compliance with Section 6.1.2 of the MSHCP.

Urban / Wildlands Interface (Section 6.1.4)

The project must comply with the Urban/Wildlands Interface Guidelines contained in Section 6.1.4 of the MSHCP (the "UWIG"). The UWIG contain various recommendations to consider and incorporate into project design to minimize Edge Effects. However, the proposed project is not located in close proximity to areas that are currently within or proposed for conservation as a part of the MSHCP Conservation Area. **Summary:** The proposed project is not located near areas that are currently within or proposed for conservation as a part of the MSHCP Conservation Area, and therefore the guidelines contained in Section 6.1.4 are not applicable.

Conclusion

Although no native habitat types are present, and no listed species (currently protected by state or federal endangered species acts) are expected to occur due to absence of suitable habitat, the potential presence of specific special-status resources (e.g., BUOW-Section 6.3.2) may impose some degree of constraint to development depending upon the nature of either direct or indirect impacts to this resource (if present). During permitting procedures, a 30-day BUOW pre-construction survey would be necessary pursuant to MSHCP guidelines. If ground-disturbing activities are delayed or suspended for more than 30 days after the survey, the site should be resurveyed for owls if suitable habitat is present. If no BUOW or habitat is detected during the pre-construction survey, no further surveys would be required. Potential impacts to DSFF have been fully mitigated with the purchase of off-site credits (RCA Agreement-attached). Upon completion of all recommendations by reviewing agencies, the proposed project could be deemed consistent with procedures, policies, and guidelines of the MSHCP.



Φ

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological survey, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

Sincerely,

Ecological Sciences, Inc.



Scott D. Cameron
Principal Biologist



References

- California Natural Diversity Data Base (CNDDB). 2018. Online Reports for the "San Bernardino South" and "Fontana" USGS 7.5-minute quadrangle maps.
- California Burrowing Owl Consortium (CBOC) and The Santa Cruz Predatory Bird Research Group. [online]. Burrowing Owl Consortium Survey Protocol. Available: www2.ucsc.edu/~scpbrg. (2000) May.
- California Native Plant Society, 2001. *Inventory of Rare and Endangered Plants of California* (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA. x + 388pp.
- County of Riverside. 2003. Final Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). June. Review of information from RCIP website.
- ECORP Consulting, Inc. 2006. Biological Technical Report of Findings, Protocol Breeding Season Burrowing Owl Surveys for the Frito-Lay Service Center Project, May.
- Garrett, K. and J. Dunn. 1981. *Birds of Southern California, Status and Distribution*. The Artisan Press, Los Angeles, California. 408 pp.
- Kingsley, Kenneth J. 1996. Behavior of the Delhi Sands Flower-Loving Fly (Diptera: Mydidae), a Little Known Endangered Species. *Ann. Entomol. Soc. Am.* 89(6): 883-891.
- U.S. Fish and Wildlife Services. (USFWS). Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 3, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956
- Munz, Philip A. 1974. *A Flora of Southern California*. University of California Press, Berkeley, California. 1086 pp.
- Natural Resource Conservation Service (NRCS). 2018. Custom Soil Resource Report for San Bernardino County, Southwestern Part, California. U.S. United States Department of Agriculture. NRCS website accessed August 2018.
- U.S. Fish and Wildlife Services. (USFWS). Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 3, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956
- U.S. Fish and Wildlife Service (USFWS). 1993. Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for the Delhi Sands Flower-loving Fly. U.S. Department of Interior. Federal Register, 58 (183): 49881-49887.
- U.S. Fish and Wildlife Service (USFWS). 1996. Delhi Sands Flower-loving Fly. U.S. Department of Interior. Federal Register, 58 (183): 49881-49887.
- U.S. Fish and Wildlife Service. 1996a. Technical/Agency Draft Recovery Plan for the Delhi sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) U.S. Fish and Wildlife Service, Portland, OR. 44+ pp.



References-continued

U.S. Fish and Wildlife Service (USFWS). 1997. Delhi sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) Recovery Plan. U.S. Fish and Wildlife Service, Portland, OR. 51 pp.

Zarn, M. 1974. Burrowing owl. U.S. Department of Interior, Bureau of Land Management. Technical Note T-N 250. Denver, Colorado. 25 pp. in California Department of Fish and Game (1995), Staff Report on Burrowing Owl Mitigation. C. F. Raysbrook Interim Director. October 17, 1995. 7 pp.



Appendix A-Supporting Documents





RCA Joint Project Review (JPR)

JPR #: 06 08 14 01

Date: 9/15/06

Project Information

Permittee:	<u>Riverside County</u>
Case Information:	<u>HANS 447</u>
Site Acreage:	<u>23.4 acres</u>
Portion of Site Proposed for MSHCP Conservation Area:	<u>0 acres</u>

Criteria Consistency Review

Consistency Conclusion: *The project is consistent with both the Criteria and Other Plan requirements.*

Data:

Applicable Core/Linkage: Proposed Noncontiguous Habitat Block 3
 Area Plan: Jurupa

APN	Sub-Unit	Cell Group	Cell
175210026	SU3 – Delhi Sands Area	Independent	22
175210027			
175210028			

Comments:

- a. Proposed Noncontiguous Habitat Block 3 consists of a habitat block containing soils suitable for supporting the Delhi Sands flower-loving fly. This habitat block is constrained by existing adjacent agricultural activities. Maintenance of Delhi Sands soil series is important for this species. Areas not affected by edge within this habitat block total approximately 120 acres of the total 185 acres occupied by this proposed Noncontiguous Habitat Block.
- b. Surveys shall not be required within Cell 22 for determining whether sites are occupied by the Delhi Sands flower-loving fly. Instead, 50 acres of Additional Reserve Lands shall be acquired within the geographic areas identified in Objective 1A of Table 9-2.
- c. The applicant is proposing to develop the site with a Frito Lay distribution facility. Based on a Delhi Sands flower-loving fly species objective 1b, conservation in this area is not required, and surveys for the fly are also not required. Implementation of the project would not conflict with Reserve Assembly.



RCA Joint Project Review (JPR)

JPR #: 06 08 14 01

Date: 9/15/06

Other Plan Requirements

Data:

Section 6.1.2 – Riparian/Riverine/Vernal Pool Mapping Provided:

Yes. Information was provided.

Section 6.1.3 – Narrow Endemic Plant Species Surveys Provided:

Yes. The project site is located within Narrow Endemic Plant Species Survey Area 7.

Section 6.3.2 – Additional Species Surveys Provided:

Yes. The project site is located within the burrowing owl survey area.

Section 6.1.4 – Guidelines Pertaining to Urban/Wildland Interface:

No. The project is not expected to be located near conservation areas.

Comments:

- a. The *Biological Survey and Constraints Analysis Letter Report for Frito Lay Service Center*, conducted by ECORP Consulting, Inc., March 3, 2006, as well as an email from ECORP biologist Christine Tischer, dated August 28, 2006, indicates that the site does not contain riparian/riverine areas, vernal pools, or fairy shrimp habitat. The site has well-drained sandy soils, with no areas of visible ponding (except for runoff from livestock pens), no hydrophytic vegetation, no high water marks, waterways, or other evidence of water flow. The project demonstrates compliance with Section 6.1.2 of the MSHCP.
- b. The project site is located within Narrow Endemic Plant Species Survey Area 7, which includes San Diego ambrosia, Brand's phacelia, and San Miguel savory. The *Results of Sensitive Plant Survey for the Frito Lay Service Center*, by ECORP Consulting, June 6, 2006, includes the results of a focused survey for San Diego ambrosia conducted on June 5, 2006. The survey indicated that San Diego ambrosia does not exist on the site. The *Biological Survey and Constraints Analysis Letter Report for Frito Lay Service Center*, conducted by ECORP Consulting, Inc., March 3, 2006, as well as an email from ECORP biologist Christine Tischer, dated August 28, 2006, indicates that the site does not contain habitat for Brand's phacelia or San Miguel savory based on a lack of coastal dune and coastal sage scrub habitat, a lack of rocky gabbroic and metavolcanic substrates, the level of disturbance on the site, and the fact that the site is exclusively inhabited with non-native grasses and annuals. The focused survey conducted on the site also did not reveal that either of these plants, Brand's phacelia or San Miguel savory, exist on the site. The project demonstrates compliance with Section 6.1.3 of the MSHCP.



RCA Joint Project Review (JPR)

JPR #: 06 08 14 01

Date: 9/15/06

- c. According to the *Biological Technical Report of Findings Protocol Breeding Season Burrowing Owl Surveys for the Frito-Lay Service Center Project*, May 2006, ECORP Consulting, Inc., a focused burrowing owl survey of the property was conducted on April 27 and 28, 2006, and May 1 and 5, 2006. The survey revealed that no burrowing owls were observed on or adjacent to the site. Several small mammal burrows were detected, but all the burrows lacked evidence of burrowing owls. The project is required to conduct burrowing owl surveys prior to construction. No other surveys were required. The project demonstrates compliance with Section 6.3.2 of the MSHCP.
- d. The proposed project is not located in close proximity to areas that are currently within or proposed for conservation as a part of the MSHCP Conservation Area, and therefore the guidelines contained in Section 6.1.4 are not applicable.

EAL



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.

MEETING

Monday September 10, 2018
12:30 p.m.
Riverside County Administrative Center
Board Room, First Floor, 4080 Lemon Street, Riverside, CA 92501

OFFICERS

Jonathan Ingram, Chairperson
City of Murrieta

Maryann Edwards, Vice-Chairperson
City of Temecula

BOARD MEMBERS

Daniela Andrade
City of Banning

Kevin Bash
City of Norco

Julio Martinez
City of Beaumont

David Starr Rabb
City of Perris

Jeffrey Hewitt
City of Calimesa

Andy Melendrez
City of Riverside

Larry Greene
City of Canyon Lake

Crystal Ruiz
City of San Jacinto

Eugene Montanez
City of Corona

Timothy Walker
City of Wildomar

Clint Lorimore
City of Eastvale

Kevin Jeffries
County of Riverside, District 1

Michael Perciful
City of Hemet

John Tavaglione
County of Riverside, District 2

Verne Lauritzen
City of Jurupa Valley

Chuck Washington
County of Riverside, District 3

Natasha Johnson
City of Lake Elsinore

V. Manuel Perez
County of Riverside, District 4

Matt Liesemeyer
City of Menifee

Marion Ashley
County of Riverside, District 5

Jeffrey Giba
City of Moreno Valley

Charles Landry, Executive Director



www.wrc-rca.org

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 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, September 10, 2018

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 COMMENT**

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 — June 4, 2018

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 MSHCP FEE COLLECTION REPORTS FOR MAY, JUNE, AND JULY 2018

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP Fee Collection Reports for May, June, and July 2018.

8.2 FISCAL YEAR 2018 PRELIMINARY FOURTH QUARTER FINANCIAL REPORT (UNAUDITED)

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2018 Preliminary Fourth Quarter Financial Report (Unaudited).

8.3 FISCAL YEAR 2018 FOURTH QUARTER CONSULTANT REPORTS

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2018 Fourth Quarter Consultant Reports.

8.4 RESOLUTION NO. 2018-008, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE RIVERS & LANDS CONSERVANCY

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to:

- 1) Approve Resolution No. 2018-008, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority*

RCA BOARD OF DIRECTORS AGENDA

Page 3 of 4

September 10, 2018

Authorizing the Acceptance of Grant Funds from the Rivers & Lands Conservancy;

- 2) Approve the budget adjustment contained in the attached Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustment contained in the attached Exhibit A.

8.5 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND OPR COMMUNICATIONS, INC. FOR PUBLIC OUTREACH CAMPAIGN AND ON-CALL MEDIA SERVICES

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to:

- 1) Approve the Professional Services Agreement between the Western Riverside County Regional Conservation Authority and OPR Communications, Inc. for Public Outreach Campaign and On-call Media Services; and
- 2) Authorize the Chairman to execute, pursuant to legal counsel review and approval, said Agreement on behalf of the RCA.

9. AGREEMENT FOR FUNDING THE ACQUISITION OF CONSERVATION CREDITS BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND CRESTMORE REDEVELOPMENT, LLC

Overview — **STAFF REPORT**

This item is for the RCA Board of Directors to:

- 1) Approve the Agreement for Funding the Acquisition of Conservation Credits between the Western Riverside County Regional Conservation Authority and Crestmore Redevelopment, LLC; and
- 2) Authorize the Chairman to execute, pursuant to legal counsel review and approval, said Agreement on behalf of the RCA.

10. EXECUTIVE DIRECTOR'S REPORT

10.1 UPDATE CONCERNING ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE

11. LAND ACQUISITION UPDATE

RCA BOARD OF DIRECTORS AGENDA

Page 4 of 4

September 10, 2018

12. FEATURED SPECIES OF THE MONTH

13. ITEMS FOR NEXT MEETING

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

14. CLOSED SESSION

14.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Agency Negotiator: RCA – Executive Director or Designee

Under Negotiation: Price/Terms

Item	Assessor Parcel No(s).	Negotiating Party(ies)/Agent
1	347-270-027 347-270-028	Hilda Andrade
2	932-170-022	Jerry D. Bentley and Yvonne D. Bentley/ Karen Lenahan Sunset Properties
3	257-230-006	Barbara Baxter Bode, DeEllen Baxter Wilford (also known as DeEllen Adell Baxter), Wendy Ann Gruver (also known as Wendy Ann Baxter and Wendy Ann Baxter Powers), Mary Ann McLain, James Edward McLain, Robert Andrew McLain, Holly Elizabeth King and Azusa Pacific University/ Karin Winters and Pete Dangermond
4	572-020-013	Lloyd Bryan Thibodeaux and Joyce D. Thibodeaux
5	472-140-014	Kisling Enterprises, Inc./ Karen Lenahan
6	384-270-010	Anheuser Busch

15. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, October 1, 2018, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

ACRONYMS

AGENDA ITEM NO. 9

**AGREEMENT FOR FUNDING THE
ACQUISITION OF
CONSERVATION CREDITS
BETWEEN THE WESTERN RIVERSIDE
COUNTY REGIONAL
CONSERVATION AUTHORITY AND
CRESTMORE REDEVELOPMENT, LLC**

Regional Conservation Authority**AGREEMENT FOR FUNDING THE ACQUISITION OF
CONSERVATION CREDITS BETWEEN THE WESTERN RIVERSIDE
COUNTY REGIONAL CONSERVATION AUTHORITY AND
CRESTMORE REDEVELOPMENT, LLC****Staff Contact:****Charles Landry, Executive Director
(951) 955-9700**

Background: Crestmore Redevelopment, LLC (“Crestmore”) plans to remediate and repurpose the former Riverside Cement Plant into the Agua Mansa Commerce Park Specific Plan (“Project”) in the City of Jurupa Valley (“City”). The 270-acre development will include an approximately 186-acre Industrial Park, an approximately 13-acre business park and an approximately 71-acre Regional Park Open Space. The MSHCP imposes protections for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) (“DSF”) habitat in the area surrounding the Project. However, since there is no suitable DSF habitat on the Project site or surrounding area as identified by the MSHCP, the MSHCP allows for DSF mitigation in San Bernardino County.

Separately, as part of meeting the conservation goals for the DSF pursuant to the MSHCP, RCA plans to purchase 50 acres of conservation credits (“Conservation Credits”) from CalMat Co., dba Vulcan Materials Company, in its Colton Dunes DSF Conservation Bank for a total cost of \$6,250,000. As part of meeting its DSF mitigation requirement for the Project, Crestmore has agreed to provide the RCA with \$3,000,000 (the “Payment”) toward RCA’s purchase of the Conservation Credits as mitigation for the impacts of the Project on the DSF. The Project still needs to complete the JPR Process that could identify other MSHCP obligations.

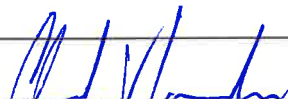
The actual cost to RCA of the Conservation Bank will be \$3,250,000. As part of this cost, RCA will credit CalMat \$760,540 for MSHCP fees resulting from Calmat’s intended 110-acre expansion of its mining facility located at 1709 Sherborn Street in the City of Corona. The net payment for the conservation credits is \$2,489,460.

The purchase of the Conservation Credits are dependent upon RCA first receiving the Payment from Crestmore. The Agreement attached here documents Crestmore’s Payment to RCA. RCA’s purchase of the Conservation Credits from the Colton Dunes DSF Conservation Bank is expected to follow in the October Board meeting.

Executive Committee and Staff Recommendations:

That the RCA Board of Directors:

- 1) Approve the Agreement for Funding the Acquisition of Conservation Credits between the Western Riverside County Regional Conservation Authority and Crestmore Redevelopment, LLC; and
- 2) Authorize the Chairman to executive, pursuant to legal counsel review and approval, said Agreement on behalf of the RCA.

FINANCIAL INFORMATION	
In Fiscal Year 2019 Budget: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Cost \$ 3,000,000
Source of Funds: Capital Contributions	Budget Adjustment: To be included in FY2020 Budget
Approved by: 	Date: September 6, 2018

Attachment:

Agreement for Funding the Acquisition of Conservation Credits between the Western Riverside County Regional Conservation Authority and Crestmore Redevelopment, LLC

AGENDA ITEM NO. 9
Attachment

AGREEMENT

**AGREEMENT FOR FUNDING THE ACQUISITION OF
CONSERVATION CREDITS BETWEEN WESTERN
RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY AND CRESTMORE REDEVELOPMENT, LLC**

THIS AGREEMENT ("**Agreement**") is made and entered into by and between the Western Riverside County Regional Conservation Authority ("**RCA**") and Crestmore Redevelopment, LLC, a Colorado Limited Liability Company ("**CRESTMORE**") (the RCA and CRESTMORE collectively, the "**Parties**") and shall be dated as of August __, 2018 ("**Execution Date**"). In consideration of the mutual covenants and obligations set forth herein, the Parties agree as follows:

1. Recitals

This Agreement is made with respect to the following facts and purposes, which each party finds and determines to be true and correct:

A. The RCA is a joint powers authority that was formed to implement the Western Riverside County Multiple Species Habitat Conservation Plan ("**MSHCP**"), a multi-jurisdictional habitat conservation plan focusing on the conservation of both sensitive species and associated habitats to address biological and ecological diversity conservation needs in western Riverside County.

B. CRESTMORE plans to remediate and repurpose the former Riverside Cement Plant into the state-of-the-art Agua Mansa Commerce Park Specific Plan ("**Project**") in the City of Jurupa Valley ("**City**"). The 270-acre development will include an approximately 186-acre Industrial Park, an approximately 13-acre business park and an approximately 71-acre Regional Park Open Space area as shown in Exhibit "A," attached.

C. The MSHCP, for which an incidental take permit was issued by the United States Fish and Wildlife Service (the "**Service**"), imposes protections for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) ("**DSF**") habitat in the area surrounding the Project. The MSHCP identifies Mitigation goals for the DSF. There is no suitable DSF habitat on the Project site or surrounding area as identified by the MSHCP. The MSHCP allows for DSF Mitigation in San Bernardino County.

D. The RCA plans to purchase 50 acres of conservation credits ("**Conservation Credits**") from CalMat Co., dba Vulcan Materials Company, in its Colton Dunes DSF Conservation Bank, to meet the mitigation goals for the DSF pursuant to the MSHCP.

E. The Project applicant instituted the MSHCP Joint Project Review Process with the City. The RCA and the Service have given preliminary indications that the Project is consistent with the MSHCP taking into consideration the acquisition of the Conservation Credits.

F. CRESTMORE has agreed to provide the RCA with Three Million Dollars (\$3,000,000) (the "**Payment**") toward RCA's purchase of the Conservation Credits as mitigation for the impacts of the Project on the DSF, although the Project still needs to complete the JPR Process that could identify additional MSHCP obligations. The Parties agree that the Payment represents a

combination of the MSHCP Local Development Mitigation Fee (“**MSHCP Fee**”) due by the Project and an additional cash payment necessary to complete CRESTMORE’S mitigation obligations.

2. Obligations of Parties

A. CRESTMORE agrees to contribute toward RCA’s purchase of Conservation Credits for the Project’s mitigation for the DSF and to partially satisfy the obligations of the Project regarding compliance with the MSHCP. The Parties agree that the Payment will be paid to the RCA upon the same date as the City issues the building permit for the first building constructed within the Project, but in no case later than December 31, 2019, even if the City has not issued any building permits for the Project. Furthermore, the Parties understand that RCA will be under no obligation to pay for the Conservation Credits until RCA first receives the Payment from CRESTMORE.

B. RCA confirms and agrees that receipt of the Three Million Dollar (\$3,000,000) Payment from CRESTMORE only satisfies the full MSHCP Fee obligation of the Project. CRESTMORE understands that there are other non-fee MSHCP obligations that may be identified in the JPR Process that CRESTMORE must satisfy in order to be fully compliant with the MSHCP.

General

C. CRESTMORE shall indemnify, hold harmless, and defend the RCA and each of its present, former, and future attorneys, officers, employees, agents (alleged, apparent, or actual), and/or successors in interest from and against any and all claims, suits, demands, actions, damages, liabilities, losses, or judgments which arise out of or relate to this Agreement or the Project including, without limitation, any actions brought pursuant to the California Environmental Quality Act.

D. Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by written notice to the other party:

CRESTMORE: Crestmore Redevelopment, LLC
Attn: Tate Goss
1805 Shea Center Drive, Suite 250
Highlands Ranch, CO 80129

Copy to: Gresham Savage Nolan & Tilden
Attn: Mark A. Ostoich
550 E. Hospitality Lane, Suite 300
San Bernardino, CA 92408

RCA: Charles V. Landry
Executive Director
Western Riverside County Regional Conservation Authority
3403 Tenth Street, Suite 320
Riverside, CA 92501-3627

Copy To: Michelle Ouellette
Best Best & Krieger LLP
3390 University Avenue, 5th Floor
Riverside, CA 92501

E. This Agreement is the result of negotiations between the Parties and is intended by the Parties to be a final expression of their understanding with respect to the matters herein contained. This Agreement supersedes any and all other prior agreements and understandings, oral or written, in connection therewith.

F. Amendments hereto must be in writing executed by the appropriate authorities of CRESTMORE and the RCA.

G. The Parties agree that each party has reviewed and revised this Agreement and have had the opportunity to have their counsel review and revise this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits thereto.

H. Each person signing below personally warrants and represents to the Parties that the party he or she represents has approved this Agreement, intends to be bound by its terms, and that he or she is duly authorized to execute this Agreement on behalf of the party he or she represents.

I. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

J. The Parties acknowledge that time is of the essence in this Agreement.

K. The Parties agree that the law of the State of California govern this Agreement without regard to any otherwise governing principles of conflicts or choice of laws. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Riverside. In the event of litigation in the U.S. District Court exclusive venue shall lie in the Central District of California.

L. If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

M. A waiver or breach of covenant or provision in this Agreement shall not be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for the performance of any other obligation or act.

N. Each party acknowledges and agrees that this Agreement is valid, binding and enforceable against that party.

O. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

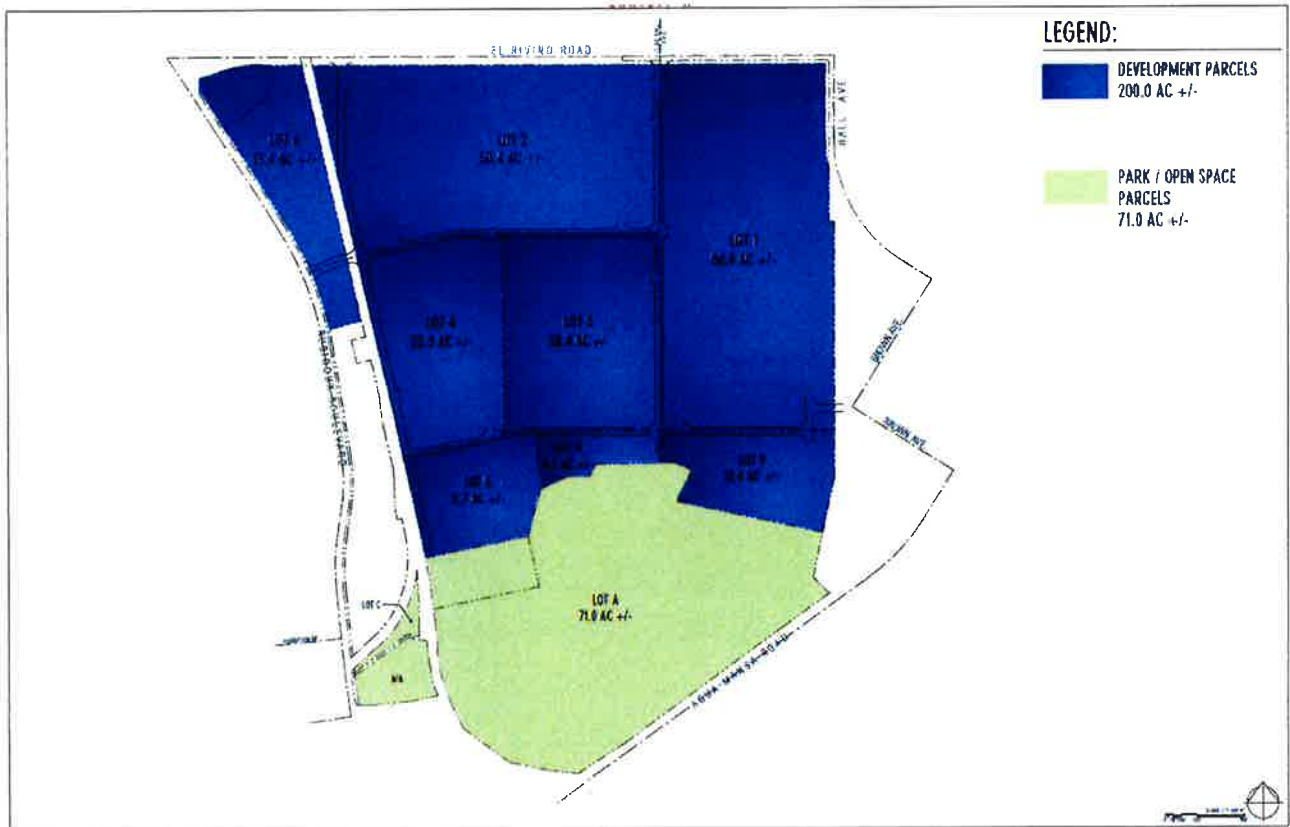
P. CRESTMORE shall have the right, at any time prior to December 31, 2019, to terminate this Agreement in the event that (1) CRESTMORE fails to receive final non-appealable entitlements related to the Project or (2) CRESTMORE elects not to purchase the property shown in Exhibit "A" or (3) the JPR Process does not identify RCA's purchase of Conservation Credits, as contemplated in this Agreement, as the Project's mitigation for DSF, subject to Section 2.B, above. In the event that CRESTMORE terminates this Agreement for any of the foregoing reasons, neither CRESTMORE nor the RCA shall have any further rights or obligations in connection with this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

<p>CRESTMORE REDEVELOPMENT, LLC, a Colorado limited liability company</p> 	<p>WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY, a public agency and a joint powers authority</p>
<p>Tate Goss President</p>	<p>Jonathan Ingram Chairman</p>
	<p>APPROVAL AS TO FORM:</p>  <p>Best Best & Krieger LLP</p>

Exhibit "A"

Project Map



AGUA MANSÁ COMMERCE PARK

JURUPA VALLEY, CA

CONCEPTUAL LOT CONFIGURATION

DATE	BY	DESCRIPTION
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
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01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING
01/15/2014	J. GARCIA	ISSUED FOR PERMITTING

A1-12

**AGREEMENT FOR FUNDING THE ACQUISITION OF
CONSERVATION CREDITS BETWEEN WESTERN
RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY AND CRESTMORE REDEVELOPMENT, LLC**

THIS AGREEMENT (“**Agreement**”) is made and entered into by and between the Western Riverside County Regional Conservation Authority (“**RCA**”) and Crestmore Redevelopment, LLC, a Colorado Limited Liability Company (“**CRESTMORE**”) (the RCA and CRESTMORE collectively, the “**Parties**”) and shall be dated as of September 10, 2018 (“**Execution Date**”). In consideration of the mutual covenants and obligations set forth herein, the Parties agree as follows:

1. Recitals

This Agreement is made with respect to the following facts and purposes, which each party finds and determines to be true and correct:

A. The RCA is a joint powers authority that was formed to implement the Western Riverside County Multiple Species Habitat Conservation Plan (“**MSHCP**”), a multi-jurisdictional habitat conservation plan focusing on the conservation of both sensitive species and associated habitats to address biological and ecological diversity conservation needs in western Riverside County.

B. CRESTMORE plans to remediate and repurpose the former Riverside Cement Plant into the state-of-the-art Agua Mansa Commerce Park Specific Plan (“**Project**”) in the City of Jurupa Valley (“**City**”). The 270-acre development will include an approximately 186-acre Industrial Park, an approximately 13-acre business park and an approximately 71-acre Regional Park Open Space area as shown in Exhibit “A,” attached.

C. The MSHCP, for which an incidental take permit was issued by the United States Fish and Wildlife Service (the “**Service**”), imposes protections for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) (“**DSF**”) habitat in the area surrounding the Project. The MSHCP identifies Mitigation goals for the DSF. There is no suitable DSF habitat on the Project site or surrounding area as identified by the MSHCP. The MSHCP allows for DSF Mitigation in San Bernardino County.

D. The RCA plans to purchase 50 acres of conservation credits (“**Conservation Credits**”) from CalMat Co., dba Vulcan Materials Company, in its Colton Dunes DSF Conservation Bank, to meet the mitigation goals for the DSF pursuant to the MSHCP.

E. The Project applicant instituted the MSHCP Joint Project Review Process with the City. The RCA and the Service have given preliminary indications that the Project is consistent with the MSHCP taking into consideration the acquisition of the Conservation Credits.

F. CRESTMORE has agreed to provide the RCA with Three Million Dollars (\$3,000,000) (the “**Payment**”) toward RCA’s purchase of the Conservation Credits as mitigation for the impacts of the Project on the DSF, although the Project still needs to complete the JPR Process that could identify additional MSHCP obligations. The Parties agree that the Payment represents a

combination of the MSHCP Local Development Mitigation Fee (“**MSHCP Fee**”) due by the Project and an additional cash payment necessary to complete CRESTMORE’S mitigation obligations.

2. Obligations of Parties

A. CRESTMORE agrees to contribute toward RCA’s purchase of Conservation Credits for the Project’s mitigation for the DSF and to partially satisfy the obligations of the Project regarding compliance with the MSHCP. The Parties agree that the Payment will be paid to the RCA upon the same date as the City issues the building permit for the first building constructed within the Project, but in no case later than December 31, 2019, even if the City has not issued any building permits for the Project. Furthermore, the Parties understand that RCA will be under no obligation to pay for the Conservation Credits until RCA first receives the Payment from CRESTMORE.

B. RCA confirms and agrees that receipt of the Three Million Dollar (\$3,000,000) Payment from CRESTMORE only satisfies the full MSHCP Fee obligation of the Project. CRESTMORE understands that there are other non-fee MSHCP obligations that may be identified in the JPR Process that CRESTMORE must satisfy in order to be fully compliant with the MSHCP.

General

C. CRESTMORE shall indemnify, hold harmless, and defend the RCA and each of its present, former, and future attorneys, officers, employees, agents (alleged, apparent, or actual), and/or successors in interest from and against any and all claims, suits, demands, actions, damages, liabilities, losses, or judgments which arise out of or relate to this Agreement or the Project including, without limitation, any actions brought pursuant to the California Environmental Quality Act.

D. Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by written notice to the other party:

CRESTMORE: Crestmore Redevelopment, LLC
Attn: Tate Goss
1805 Shea Center Drive, Suite 250
Highlands Ranch, CO 80129

Copy to: Gresham Savage Nolan & Tilden
Attn: Mark A. Ostoich
550 E. Hospitality Lane, Suite 300
San Bernardino, CA 92408

RCA: Charles V. Landry
Executive Director
Western Riverside County Regional Conservation Authority
3403 Tenth Street, Suite 320
Riverside, CA 92501-3627

Copy To: Michelle Ouellette
Best Best & Krieger LLP
3390 University Avenue, 5th Floor
Riverside, CA 92501

E. This Agreement is the result of negotiations between the Parties and is intended by the Parties to be a final expression of their understanding with respect to the matters herein contained. This Agreement supersedes any and all other prior agreements and understandings, oral or written, in connection therewith.

F. Amendments hereto must be in writing executed by the appropriate authorities of CRESTMORE and the RCA.

G. The Parties agree that each party has reviewed and revised this Agreement and have had the opportunity to have their counsel review and revise this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits thereto.

H. Each person signing below personally warrants and represents to the Parties that the party he or she represents has approved this Agreement, intends to be bound by its terms, and that he or she is duly authorized to execute this Agreement on behalf of the party he or she represents.

I. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

J. The Parties acknowledge that time is of the essence in this Agreement.

K. The Parties agree that the law of the State of California govern this Agreement without regard to any otherwise governing principles of conflicts or choice of laws. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Riverside. In the event of litigation in the U.S. District Court exclusive venue shall lie in the Central District of California.

L. If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

M. A waiver or breach of covenant or provision in this Agreement shall not be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for the performance of any other obligation or act.

N. Each party acknowledges and agrees that this Agreement is valid, binding and enforceable against that party.

O. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

P. CRESTMORE shall have the right, at any time prior to December 31, 2019, to terminate this Agreement in the event that (1) CRESTMORE fails to receive final non-appealable entitlements related to the Project or (2) CRESTMORE elects not to purchase the property shown in Exhibit "A" or (3) the JPR Process does not identify RCA's purchase of Conservation Credits, as contemplated in this Agreement, as the Project's mitigation for DSF, subject to Section 2.B, above. In the event that CRESTMORE terminates this Agreement for any of the foregoing reasons, neither CRESTMORE nor the RCA shall have any further rights or obligations in connection with this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.




<p>CRESTMORE REDEVELOPMENT, LLC, a Colorado limited liability company</p> 	<p>WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY, a public agency and a joint powers authority</p> 
<p>Tate Goss President</p>	<p>Jonathan Ingram Chairman</p>
	<p>APPROVAL AS TO FORM:</p>  <p>Best Best & Krieger LLP</p>

Exhibit "A"

Project Map



LEGEND:

- DEVELOPMENT PARCELS
200.0 AC +/-
- PARK / OPEN SPACE
PARCELS
71.0 AC +/-



AGUA MANSA COMMERCE PARK

JURUPA VALLEY, CA

CONCEPTUAL LOT CONFIGURATION

DATE	DESCRIPTION	BY	CHECKED

A1-12



www.wrc-rca.org

MEETING MINUTES

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Ingram at 12:35 p.m., Monday, September 10, 2018, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

Board Member Anthony Kelly, Jr., led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL

Member Agency	Board Member Name	Status
City of Banning	Daniela Andrade	Present
City of Beaumont	Julio Martinez	Present
City of Calimesa	Jeffrey Hewitt	Present
City of Canyon Lake	Larry Greene	Present
City of Corona	Eugene Montanez	Absent
City of Eastvale	Clint Lorimore	Present
City of Hemet	Michael Perciful	Present
City of Jurupa Valley	Anthony Kelly, Jr., <i>Alternate</i>	Present
City of Lake Elsinore	Natasha Johnson	Absent
City of Menifee	Matt Liesemeyer	Present
City of Moreno Valley	Jeffrey Giba	Present
City of Murrieta	Jonathan Ingram, Chairman	Present
City of Norco	Kevin Bash	Present
City of Perris	David Starr Rabb	Present
City of Riverside	Andy Melendrez	Absent
City of San Jacinto	Crystal Ruiz	Present
City of Temecula	Maryann Edwards	Present
City of Wildomar	Timothy Walker	Present
County District 1	Kevin Jeffries	Present
County District 2	John Tavaglione	Absent
County District 3	Chuck Washington	Present
County District 4	V. Manuel Perez	Absent
*County District 5	Marion Ashley	Present

*County District 5 representative arrived at 12:40 p.m. after roll call was taken.

4. PUBLIC COMMENT

There were no public comments.

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.)

Board Member Ruiz stated that she was invited back to the White House in Washington, D.C., to represent female Mayors across America. She received a private tour of the White House, attended a two-hour briefing and several hours of meetings with department heads on how the United States Government could assist local areas. She further stated that she was asked to invite female Mayors who would be interested in attending future meetings. She asked that anyone interested provide her their contact information.

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.)

Steve DeBaun, General Counsel, stated that Agenda Item No. 14.1.6 from Closed Session is removed from the agenda.

7. APPROVAL OF MINUTES — June 4, 2018 meeting of the RCA Board of Directors

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Temecula
SECONDER:	City of Moreno Valley
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, County District 1, County District 3, County District 5
ABSENT:	Corona, Lake Elsinore, Riverside, County District 2, County District 4

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.)

RESULT:	APPROVED AS RECOMMENDED Agenda Items 8.1 – 8.4 [UNANIMOUS]
MOVER:	City of San Jacinto
SECONDER:	City of Temecula
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, County District 1, County District 3, County District 5
ABSENT:	Corona, Lake Elsinore, Riverside, County District 2, County District 4

8.1 WESTERN RIVERSIDE COUNTY MSHCP FEE COLLECTION REPORTS FOR MAY, JUNE AND JULY 2018

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP Fee Collection Reports for May, June and July 2018.

8.2 FISCAL YEAR 2018 PRELIMINARY FOURTH QUARTER FINANCIAL REPORT (UNAUDITED)

Overview

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2018 Preliminary Fourth Quarter Financial Report (Unaudited).

8.3 FISCAL YEAR 2018 FOURTH QUARTER CONSULTANT REPORTS

Overview

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2018 Fourth Quarter Consultant Reports.

8.4 RESOLUTION NO. 2018-008, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE RIVERS & LANDS CONSERVANCY

Overview

This item is for the RCA Board of Directors to:

- 1) Approve Resolution No. 2018-008, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing the Acceptance of Grant Funds from the Rivers & Lands Conservancy*; and
- 2) Approve the budget adjustment contained in the attached Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustment contain in the attached Exhibit A.

8.5 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND OPR COMMUNICATIONS, INC., FOR PUBLIC OUTREACH CAMPAIGN AND ON-CALL MEDIA SERVICES

RESULT:	APPROVED AS RECOMMENDED [16-0]
MOVER:	City of San Jacinto
SECONDER:	City of Hemet
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, County District 1
ABSTAIN:	County District 3, County District 5
ABSENT:	Corona, Lake Elsinore, Riverside, County District 2, County District 4

Overview

This item is for the RCA Board of Directors to:

- 1) Approve the Professional Services Agreement between the Western Riverside County Regional Conservation Authority and OPR Communications, Inc. for Public Outreach Campaign and On-call Media Services; and
- 2) Authorize the Chairman to execute, pursuant to legal counsel review and approval, to execute said Agreement on behalf of the RCA.

9. AGREEMENT FOR FUNDING THE ACQUISITION OF CONSERVATION CREDITS BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND CRESTMORE REDEVELOPMENT, LLC

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of San Jacinto
SECONDER:	City of Jurupa Valley
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, County District 1, County District 3, County District 5
ABSENT:	Corona, Lake Elsinore, Riverside, County District 2, County District 4

John Field, Land Acquisition Director, discussed the proposed industrial and business park development at the former Riverside Cement plant in Jurupa Valley, and the mitigation required under the Plan in order to develop in the Agua Mansa area. He also explained that the acquisition of Delhi Sands flower-loving fly (DSF) habitat in San Bernardino County was anticipated and allowed by the Plan because DSF habitat in Riverside County was already scarce when the Plan was being developed. Mr. Field then described how the mitigation fees paid by the developer will be applied to the purchase of DSF conservation acreage credits at the Colton Dunes DSF Conservation Bank in the City of Colton, which is in San Bernardino County. He also explained that the conservation bank purchase will be a separate transaction that will involve Board approval at a future meeting.

Board Member Kelly shared a letter that was written by Penny Newman dated August 4, 2016, who at the time was the Executive Director of Center for Community Action and Environmental Justice. The letter was addressed to the City of Jurupa Valley Mayor and Council and was in support of the project. Mr. Kelly also explained that his family has three generations of history in the community near the plant site and that he supports the proposal, as the property needs to be cleaned up and this project will bring jobs, industry and much needed revenue to the city.

Chairman Ingram stated that the project has been a culmination of a year's worth of work. He thanked RCA staff, Best Best & Krieger, and the developer for their efforts to make this a win-win situation. The task was difficult. Not only does this project benefit the City of Jurupa from a fiscal standpoint, but also substantiates that RCA cares about the environment and is leading the charge. He further stated that the Board of Supervisors worked hard to make sure that the MSHCP works and has been engaged for several years.

Overview

This item is for the RCA Board of Directors to:

- 1) Approve the Agreement for Funding the Acquisition of Conservation Credits between the Western Riverside County Regional Conservation Authority and Crestmore Redevelopment, LLC; and
- 2) Authorize the Chairman to execute, pursuant to legal counsel review and approval, to execute said Agreement on behalf of the RCA.

10. EXECUTIVE DIRECTOR'S REPORT

10.1 Update Concerning Establishment of National Wildlife Refuge

Charles Landry, Executive Director, reported on the continuing efforts to work with Congressman Calvert's office on the National Wildlife Refuge Bill. This refuge will avail RCA another source of funding. The refuge will not require any more land and be located within 153,000-acres of additional reserve land as previously discussed. Once the Bill is written and in final form, it will be agendized for the Board of Directors' consideration in the form of a resolution.

11. LAND ACQUISITION UPDATE

Charles Landry, Executive Director, stated that at the last RCA Board of Directors' meeting, it was reported that RCA had acquired 59,143 acres. Escrow has closed on nine additional property totaling approximately 350 acres, bringing the reserve total to approximately 59,493 acres. A map was presented to Board Members showing where the newly acquired acres are located in the Reserve.

12. FEATURED SPECIES OF THE MONTH

Elizabeth "Betsy" Dionne, Ecological Resources Specialist, stated that the featured species for the month of September is the American Bittern. She then gave an overview of the bird's characteristics, life history, migration, and how RCA manages for the species.

After her presentation, Betsy Dionne invited questions from the Board Members. There were no questions.

Chairman Ingram and Board Members thanked Betsy Dionne for a well-informed presentation.

Representatives from County District 1 and 5 departed the meeting at the start of this agenda item.

13. ITEMS FOR NEXT MEETING

Board Member Liesemeyer addressed Executive Director Landry stating he noticed that the Annual Report had not been published since 2015 and wanted to know the reason. Honey Bernas, Director of Administrative Services, answered that the 2016 Annual Report is in the process of being printed and the 2017 Annual Report will follow shortly thereafter. She stated that the delay was due to a staff changeover.

During this time Tate Goss, from Crestmore Redevelopment, LLC., thanked the RCA Board of Directors for their approval of Agenda Item No. 9. He expressed his appreciation for the support received from all involved, and especially Board Member Kelly.

14. CLOSED SESSION

14.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Agency Negotiator: RCA – Executive Director or Designee

Under Negotiation: Price/Terms

Item	Assessor Parcel No(s).	Negotiating Party(ies)/Agent
1	347-270-027 347-270-028	Hilda Andrade
2	932-170-022	Jerry D. Bentley and Yvonne D. Bentley/ Karen Lenahan Sunset Properties
3	257-230-006	Barbara Baxter Bode, DeEllen Baxter Wilford (also known as DeEllen Adell Baxter), Wendy Ann Gruver (also known as Wendy Ann Baxter and Wendy Ann Baxter Powers), Mary Ann McLain, James Edward McLain, Robert Andrew McLain, Holly Elizabeth King and Azusa Pacific University/ Karin Winters and Pete Dangermond
4	572-020-013	Lloyd Bryan Thibodeaux and Joyce D. Thibodeaux
5	472-140-014	Kisling Enterprises, Inc./ Karen Lenahan
6	384-270-010	Anheuser Busch

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

15. ADJOURNMENT

There being no other items before the RCA Board, Chairman Ingram adjourned the meeting at 1:15 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, October 1, 2018, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Prepared by:



Rose Haro
RCA Administrative Manager

Respectfully submitted:



Honey Bernas
Director of Administrative Services