

UPPER SANTA ANA RIVER WASH LAND MANAGEMENT AND HABITAT CONSERVATION PLAN TASK FORCE

MINUTES
APRIL 18, 2017

PRESENT

Governing Committee

Jon Harrison, Chair

Karin Cleary-Rose

Christine Goevarts

Christine Jones

David Raley

John Timmer

REPRESENTING

City of Redlands

US Fish & Wildlife Service

Robertson's

CEMEX

SBVWCD (District) and SBVCT

City of Highland

Technical Committee

Dennis Barton

Jeff Beehler

Daniel Cozad

Heather Dyer

David Lovell

Philip Sousa

Ernie Wong

Brandon Anderson

Janet Cheek

Kim Freeburn

City of Highland

SBVWCD (District)

SBVWCD (District)

SBV Municipal Water District

SBC Flood Control District

Robertson's

City of Highland

BLM (via teleconference)

BLM (via teleconference)

CA Fish & Wildlife (via teleconference)

OTHERS IN ATTENDANCE

Matt Brandstetter

David Cosgrove

AJ Gerber

Angie Quiroga

Charles Roberts

Brandy Wood

CEMEX

SBV Water Conservation District

SB County Parks

SBV Water Conservation District

Highland Community News

SBC Flood Control District

1. CALL MEETING TO ORDER

The Upper Santa Ana River Wash Land Management and Habitat Conservation Plan Task Force meeting was called to order by Chairman Jon Harrison at 10:34 a.m. in the offices of the San Bernardino Valley Water Conservation District, 1630 W. Redlands Boulevard, Suite A, Redlands, California.

2. SELF-INTRODUCTIONS

Those present introduced themselves.

3. ADOPTION OF MEETING MINUTES (11/08/2016)

It was moved by David Raley and seconded by Christine Jones to adopt the meeting minutes of November 08, 2016. The motion carried unanimously with John Timmer abstaining from the vote.

4. PUBLIC COMMENT

Chairman Harrison asked if there were any items that anyone wished to address that were not on the agenda. Hearing none, the meeting continued with the published agenda items.

5. MOU APPROVAL STATUS AND CONTRIBUTIONS

Daniel Cozad presented a check in the amounts of \$54,042.00 to Board President David Raley of the San Bernardino Valley Conservation Trust for the District's share of obtaining permits and funding the Wash Plan endowment. Mr. Cozad informed members the District, City of Highland and Heather Dyer confirmed San Bernardino Valley Municipal Water District have all approved the MOU. He believes East Valley Water District has as well, but the District has not yet received a signed copy of the agreement. City of Redlands anticipates adoption of the MOU this month. John Timmer later presented the City of Highland's payment of \$202,957.00 to the Conservation Trust upon arrival of the check. Payments have now been received from EVWD, SBVWCD, and the City of Highland.

Christine Goeyvarts asked for clarification as to when contributions are to be made. Jeff Beehler advised all agencies to start thinking about the requirements of the MOU, endowment, and avoidance and minimization measures at least six months prior to the start of any covered project. Agencies may pay endowment costs now or just prior to initiation of their projects, but have to make the endowment whole of any lost interest income if they chose the latter.

Mr. Cozad encouraged the remaining members to get their MOU's approved prior to the HCP being noticed in the Federal Register as discussed last year. District staff is available if help is needed. David Cosgrove noted we are in the Federal Legislative process right now for the land exchange, having all MOU's signed is a helpful show of regional support to include in briefings for the congressional policy makers. Mr. Beehler stated most agencies said they have projects they want to start as soon as possible. With phase 1 rapidly approaching, approval of the MOU and funding is needed six months before ground breaking. Mr. Cozad informed members the endowment would have earned 7.8% last year based on our planned investment strategy.

6. WASH PLAN HCP: UPDATE

Mr. Beehler provided a slide presentation. He stated the draft, register ready, HCP document was completed in Jan 2017 which includes avoidance and minimization measures. Mr. Beehler reiterated six months prior to the start of your project, you need to meet with him to make sure you are ready to use the HCP and all steps have been completed. Responses to final solicitor comments on the IA have been completed and we believe that component is ready for the Federal Register. The final EIR/EIS document is dependent on the updated HCP. We are working on that document now. The largest section, the alternatives and bio resources section, has had initial review by the resources agencies. Updates on

additional sections are will be completed soon. We anticipate Federal Register publication in Jun 2017, with response to comments and adoption by Oct 2017, and permit issuance in Dec 2017/Jan 2018 with the COI being effective in Jan 2018 assuming concurrence from CDFW. The FWS staff will work on the Incidental Take Permit (ITP) during comment period Mr. Beehler and Mr. Cosgrove requested the members let the District know if their funding is timed and could be threatened with this schedule. We do not want anyone to lose funding due to the length of time approval is taking. Karin Cleary-Rose explained if grant funding is in jeopardy of being lost, FWS will complete a Section 7 for specific projects, but they need to know 60-90 days prior to funding deadlines. Ms. Cleary-Rose further explained the Section 7 process. Christine Jones inquired about the concurrence of CDFW. Mr. Beehler explained CDFW has already provided comment but we have to wait for any formal comments during the public notice period.

7. CERTIFICATE OF INCLUSION PROCESS

Mr. Beehler reminded members, with the exception of Flood Control, they must apply for a COI from the District, who will be the permit holder, to complete their project. A flow chart to obtain the permit was provided and pathways were explained. It was emphasized that a project inconsistent with the HCP that has additional take and/or harms the conservation strategy of the HCP will require the HCP to go through an amendment process which would involve all MOU participants and cost money. It is best to make sure your project consistent with what is described in the HCP. The review process, to obtain your COI, takes approximately 14 days for the District and an additional 10 working days for FWS. Ms. Cleary-Rose explained if a project requires a major amendment to the HCP, it is possible to have your project withdrawn from the Wash Plan HCP and pursue a separate HCP. A permit for additional take will be needed. Further discussion ensued.

Mr. Cosgrove advised to refer to Sections 2E and 2F of the MOU for procedures to project modifications and amendments to plans. The District requested to be notified as soon as an agency realizes they have any changes to their project(s) so the District can assist in any way they can. Mr. Beehler explained with the Endangered Species Act, there are some items that **must** be completed. He requested each agency set aside time with him to go through their avoidance and minimization measures so they are ready to move forward and can be successful. Ms. Cleary-Rose added that these requirements are standard for Best Management Practices. These measures are likely to show up in your permit language and have been divided by project in the HCP.. Mr. Beehler discussed what the District will review in the COI process to present USFWS with an Initial Consistency Determination: (1) Project Description, (2) Project Location, (3) Description of Avoidance and Minimization, and (4) Description of other environmental (CEQA/NEPA) or permit requirements (401, 1602, 404, etc.).

Mr. Cozad discussed the District possibly offering a pre-review COI application process prior to the approval of the HCP. This process would allow MOU participants to get their projects started as soon as the ITP is issued. Discussion ensued. By consensus of the Task Force members, Jon Harrison confirmed the members would like the District to offer a pre-application process.

8. WASH PLAN LAND TRANSFER LEGISLATIVE UPDATE

Mr. Cozad stated the Wash Plan had bills allowing the land transfer between the District and BLM introduced last year by Congressman Cook and Congressman Aguilar , but they did not get committee hearings and had to be reintroduced. The bills, now HR 497 and S 357, were introduced earlier this year in their respective upper and lower houses. HR 497 was heard by the Federal Lands Subcommittee of the House of Natural Resources Committee on April 5, 2017 and received very high praise and was non-

controversial. Both of our Congressman as well as the Chair, Congressman McClintock, made statements in support of the bill. Final markups of the bill will take place April 24th to make language changes requested by legislative offices, if necessary. The indication from staff was that it will be approved under unanimous consent without change then forwarded on to the Natural Resources Committee (NRC). Estimated to be out of the NRC by the end of the month at which time they will find a vehicle to attach the bill to in order to get it to the full House floor. Letters of support sent by Wash Plan members were definitely helpful. On the Senate side, there are a lot more approval steps yet to go through. Senate staff believes they will have S 357 through committee before recessing for summer. With some luck, after their redlining process, it could end up as a bill ready to go by the end of the year. Otherwise, it will likely be one of the first bills considered after the first of the year. We need to make sure the HCP and actions with wildlife agencies stay synced up. Ernie Wong stated Washington lobbyists met with City of Highland and made positive comments regarding Mr. Cozad's presentation in Washington and the broad support of the Wash Plan. Mr. Cozad extended accolades to Innovative Federal Strategies, SBVMWD's lobbyists, for their help in making sure all points of the bills were presented.

9. Adjourn

The meeting adjourned at 11:40 A.M.