

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

MINUTES

APRIL 28, 2020 (Via Zoom/Teleconference)

MEMBERS PRESENT

Jesse Chavez, Chairman
Daniel Cozad
Betsy Miller
David Cosgrove
Victoria Hernandez
Doug Herrema
Janet Cheek
James Gannon
Kim Freeburn
Christine Jones
Dennis Barton
Larry Mainez
Rudy Chow
Brian Foote
Cecilia Griego
Donald Young
Jeff Noelte
Richard De La Rosa
Michael Fam
Theresa Sims
Anthony De Luca
Beahta Davis
Heather Dyer
David Raley
Karin Cleary-Rose

REPRESENTING

City of Highland
SBV Water Conservation District
SBV Water Conservation District
SBV Water Conservation District
BLM
BLM
BLM
BLM
CDFW
CEMEX
City of Highland
City of Highland
City of Redlands
City of Redlands
City of Redlands
City of Redlands
EVWD
Robertson's Ready Mix
SB County Flood Control District
SB County Flood Control District
SB County Planning
SB County Parks
SBV Municipal Water District
SBVWCD and SBVCT
US Fish & Wildlife Service (USFWS)

OTHERS IN ATTENDANCE

Carl Bruce Shaffer
Dan Silver
Tom McGill
Scott Fleury
Ellen Barryman
Lorraine Bueno
Richard Corneille
Angie Quiroga

Redlands Airport-City of Redlands
EHL
ELMT Consulting
ICF
ICF
SB County EMD
SBV Water Conservation District
SBV Water Conservation 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 Jesse Chavez at 10:37 a.m. via Zoom/teleconference.

2. SELF-INTRODUCTIONS

Chairman Jesse Chavez gave a brief description of his background and how he replaced former Chairman Jon Timmer. Daniel Cozad announced those named and logged in through Zoom and requested all others to introduce themselves.

3. PUBLIC COMMENT

Chairman Chavez asked if there were any items that anyone wished to address that were not on the agenda. There being none, the meeting continued with the posted agenda items.

4. ADOPTION OF MEETING MINUTES (12/10/2019)

It was moved by Chairman Jesse Chavez and seconded by Victoria Hernandez to adopt the meeting minutes of December 10, 2019. The motion carried unanimously with all present voting in the affirmative.

5. UPDATE ON WASH PLAN

Betsy Miller welcomed all new Task Force members and re-introduced herself as the Conservation District's Land Resources/Assistant General Manager. A slide show presentation was provided to review Wash Plan progress. Ms. Miller stated that the Wash Plan HCP EIR/EIS Public Comment Meeting was held on January 9th. The CEQA/NEPA public comment period closed Jan 23rd, 2020. District staff, in coordination with BLM, USFWS and CDFW, reviewed the received comments and developed responses in February and March. On March 27th, the District submitted revised HCP/EIR/EIS with incorporated changes to USFWS for legal review by the solicitor. Ms. Miller thanked all agencies who provided assistance in making these changes. The draft Biological Opinion (BO) prepared by District consultants was submitted for USFWS review on March 31st. Feedback was received back from the solicitor on the revised HCP/EIR/EIS; her comments were incorporated and the District submitted the final HCP/EIR/EIS documents to USFWS on April 21st. Ms. Miller provided a review of some of the changes/updates that were made to the documents.

Ms. Miller discussed current Wash Plan tasks. She stated staff will continue supporting USFWS to make any revisions to the BO and preparation of Findings. There may be additional public comments from the NEPA review period but we will not know until the review period closes on June 15, 2020. We are continuing to work with our legal team to schedule and fulfill remaining CEQA adoption requirements, and coordinating with our partners at BLM to complete the BLM Land Exchange. Next, we will begin the application process for State permits, at a minimum, for District projects.. Ms. Miller stated the USFWS DOI Secretarial Briefing is scheduled for May 1st. If the briefing goes

well, it will allow USFWS to publish the Notice of Availability for the final EIS in the Federal Register on May 15th. We will work with USFWS to review any comments during the 30-day waiting period. If all goes according to schedule, the USFWS can then sign the Record of Decision, issue their findings and Incidental Take Permit by mid-July. Ms. Miller concluded that the presented timeline is not definitive but we are getting very close to receiving our federal permit. This item was received and filed.

6. DECISION ON PATH FORWARD TO WASH PLAN STATE PERMITTING

Ms. Miller provided a Permitting Overview slide and referenced previous meeting discussions on the HCP as a fulfillment of the requirements for Federal Endangered Species Act permitting. Other state or federal permits for Wash Plan Covered Activities may be required, however, based on the type of project you have and/or where it occurs. All additional permits remain the responsibility of the Task Force members. In fall, the District was made aware of a joint CDFW permit option which is essentially a streamlined permit specifically for the California Endangered Species Act (CESA) and a Lake and Streambed Alterations agreement that can cover some or all Wash Plan covered activities; this approach was discussed at the December 2019 Task Force meeting. Many members showed interest in learning more about this permit option.

The District would like to determine today if the Task Force desires a joint approach to remaining permits for Covered Activities and, if so, do the members want the District to lead the effort. Ms. Miller discussed what was learned, with the help of Kim Freeburn from CDFW, about this permitting process. Joint permit options could save time and money for the permittees. Approximately half of the covered activities could require CESA permitting or Lake and Streambed Alterations agreements (LSAA). Unlike the Wash Plan HCP, however, State regulations do not appear to allow one permit for all Covered Activities for the 30 year term of the Wash Plan due to the requirement that any mitigation committed to a project under an issued permit must remain committed to that project even if that project is revised or does not go forward. For large one-time projects, we would be looking to provide a balance of maximum flexibility for the project proponents to make desired changes along the way while also maximizing certainty in the amount of mitigation required by CDFW. The 3-5 year permit timeframe may be appropriate for the first phase of covered activity permitting. For longer term projects, the District could pursue CDFW approval of a mitigation bank for Wash Plan lands for use by projects permitted within the second phase. This bank could ease some of the state permitting issues in the future. The District may do this alone or with other members. The benefit of pursuing CESA and Streambed Alteration permits concurrently provides the potential to utilize the same mitigation for both permits.

Ms. Miller reiterated that any Wash Plan Task Force member may pursue their own individual permitting at any time. She then reviewed timeframes and costs to obtain CESA and LSAA permits. Based on discussions with CDFW, it appears that development of a joint permit for all ongoing maintenance projects and any new development projects with anticipated construction within the next 5 years is an appropriate next step. Permitting of new development projects scheduled to take place 5 years or more into the future may be permitted under a second joint permit or directly by the project proponents.

Ms. Miller asked for feedback as to whether or not any Task Force members wish to obtain a joint umbrella permit. If so, would the Task Force like for the District to take the lead on obtaining these permits. If the Task Force wishes to pursue the umbrella permit with the District as lead, there will be an amendment to the Wash Plan MOU and an outline of expectations and costs to process and receive the permits.. Alternatively, members could pursue individual permits for each project separately. Several members showed interest in moving forward with a joint or umbrella permit. Discussion ensued.

It was moved by Chairman Jesse Chavez and seconded by Heather Dyer to request the San Bernardino Valley Water Conservation District lead the California Endangered Species Act and Lake and Streambed Alteration Agreement permitting on behalf of Wash Plan Task Force members who wish to have their projects included, and to identify the costs and MOU changes or other documentation needed to proceed. The motion carried unanimously by all voting members present voting in the affirmative.

7. Adjourn

The meeting adjourned at 11:24 A.M.