

**MINUTES FOR MEETING OF BOARD OF DIRECTORS
OF
SAN BERNARDINO VALLEY CONSERVATION TRUST,
a California Nonprofit Public Benefit Corporation**

Monday, April 20, 2020 – 10:00 a.m.

CALL TO ORDER – 10:15 a.m. (Via teleconference and Zoom)

ROLL CALL

David E. Raley, SBV Water Conservation District (District)
Paul Williams, IE Resource Conservation District (Absent)
John Longville, SBV Water Conservation District
Gil Navarro, SBV Municipal Water District
Daniel Cozad, SBV Water Conservation District
Betsy Miller, SBV Water Conservation District
Angie Quiroga, SBV Water Conservation District
David Cosgrove, Rutan & Tucker, LLP

1. PUBLIC PARTICIPATION -None
2. APPROVAL OF MINUTES FROM MARCH 02, 2020

It was moved by Director Longville and seconded by Director Navarro to approve the meeting minutes from March 02, 2020, as presented. The motion carried 3-0-1 with all Board members present voting in the affirmative and Vice President Williams noted absent from the vote.

Ayes: Raley, Longville, Navarro

Noes:

Absent: Williams

Abstain:

3. FINANCIAL STATUS UPDATE

Mr. Cozad reviewed the financial reports provided on package pages 7-8. He stated the financials are presented on a quarterly basis. They consist primarily of revenue at this time with no significant expenses yet. Ultimately, the fund will have nearly \$11 million. We have received about \$2.7 million to date. The stock market went down in March with a relatively significant loss of a couple hundred thousand dollars to holdings. We are earning a little interest on the funds in California Credit Union, which is our in and out banking account. US Bank holds the fiduciary account for PFM with about \$2.3 million invested, down from \$2.5 million as a result of March losses on the fund. The Liability to SBVWCD is for loans from the District and for issuance costs or mitigation lands the Trust will receive for the District to complete the Wash Plan. Issuance costs paid by Wash Plan members will repay the District

for work done or buy land provided to mitigate additional SBKR impacts. The District may request payment at any time. These are not operating funds for the District, so they are not an immediate need to the District.

It was moved by Director Longville and seconded by Director Navarro to receive and file the Financial Status Update as presented. The motion carried 3-0-1 with all Board members present voting in the affirmative and Vice President Williams noted absent from the vote.

Ayes: Raley, Longville, Navarro

Noes:

Absent: Williams

Abstain:

4. SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY'S COMMUNITY MITIGATION AGREEMENT DOCUMENTS AND SERVICES APPROVAL

Mr. Cozad explained there are three important parts to provide mitigation for the San Bernardino County Transportation Authority's (SBCTA) State Route 210 Mixed Flow Lane Addition Project (Project). A Conservation Easement is needed for their request of 4.2 acres of mitigation. An Endowment Agreement is needed to hold the endowment funds they are providing. And, they have requested the Trust be the general contractor for some of the management activities related to working with CDFW. Ms. Miller further explained the different pieces. The Conservation Easement Deed entails a conservation easement being recorded, in a form acceptable to CDFW, over 4.2 acres of District-owned land. This will be the first sale from our community mitigation program. This land is a part of an area labeled as Neutral Lands under the Wash Plan not previously designated for development or conservation.

The cost for this conservation easement deed is \$567,000 paid to the District as the landowner. This deed would satisfy a condition of the CA Endangered Species Act (CESA) Incidental Take Permit (ITP) for the SBCTA Project. The Endowment Agreement is for deposit, disbursement, and use of funds for both wasting and non-wasting endowments associated with the Project. The wasting endowment funds can be used in the first (3) three years after the Conservation Easement is recorded. \$58,250 of the wasting endowment is needed for start-up costs to bring the quality of the habitat to Wash Plan standards (standards consistent with the Wash Plan HCP). Another \$87,060 wasting endowment is needed for baseline surveys and other needed management. \$97,591 funds a permanent non-wasting endowment for permanently managing the 4.2 acres to Wash Plan standards. As we do all of our annual work for the Wash Plan, these 4.2 acres will be included, which saves time and money. These funds are calculated based on our community mitigation program spreadsheet, with the addition of costs related to specific requirements from CDFW. In total, \$184,651 will be held by the Trust and disbursed in accordance with the endowment agreement. Lastly, Ms. Miller discussed SBVTA's request for the Trust to operate in a general contractor/consultant role to facilitate some additional conditions within the ITP. It makes sense for the Trust to be involved in this capacity to support specific tasks related to Trust/CDFW coordination and project work that will inform District Wash Plan implementation. The exact language of the Conservation Easement must be approved by CDFW, and there are about ten other specific items that need to be coordinated with CDFW. This scenario allows us to work directly with CDFW. It also allows us to be involved with

supporting SBKR that will be moved onto District property that occurs in the project footprint. Total cost of this agreement is \$324,491.69.

President Raley asked if we will contract the work. Ms. Miller stated a sub-consultant would do approximately \$120,000 of the \$300,000 contract, mostly dealing with SBKR. The remaining work will be completed by District staff. Director Navarro and Director Longville complimented staff for their work. Director Longville stated he is against the widening of freeways in general as a solution to transportation, and his vote will reflect that objection.

It was moved by Director Navarro and seconded President Raley to approve as presented. The motion carried 2-1-1 with Vice President Williams noted absent from the vote.

Ayes: Raley, Navarro

Noes: Longville

Absent: Williams

Abstain:

5. WASH PLAN PROGRESS UPDATE

This item was taken out of order. Betsy Miller advised that the Public Comment period ended. Staff addressed all comments and made any updates needed to the EIR/EIS and HCP. These items were submitted back to USFWS for review by their staff and legal team. District Staff then incorporated USFWS's suggested changes and sent everything to the Solicitor this past Friday, a week ahead of schedule. We expect signature from their Solicitor by Friday along with a final Notice of Availability (NOA). Ms. Miller spoke with NEPA staff this past week, and he felt that the Solicitor only had minor comments, and everything was on track.

A Secretarial Briefing is scheduled for May 1st with their high-level management. If everything goes well, the NOA will be published in the Federal Register about May 15th. Once published, and following the 30-day waiting period, the Record of Decision can be issued. We now anticipate the Incidental Take Permit will be issued to us in mid-July. District Staff have done everything we can do, and it is now up to our Federal partners for this to move to completion. We are also meeting with the CA Department of Fish & Wildlife to determine the best path forward for state permitting associated with the Wash Plan. We have a Task Force meeting coming up, and we will get a vote as to which process they wish to take to obtain their state permit. Staff had a Zoom meeting with the new California Director of BLM to discuss the WP, the land exchange, and the MOU that has been outstanding for 8 or 9 months. Mr. Cozad gave a brief explanation of the Scope of Work required in the land appraisal to complete the land exchange with BLM. This item was received and filed.

6. ADJOURN MEETING – 10:37 A.M.

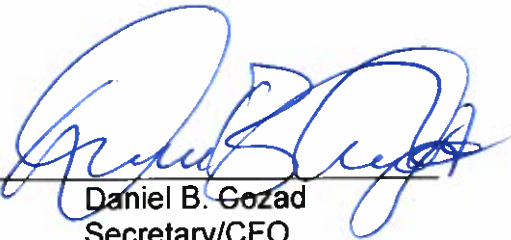
Action: Motion was made by Director Longville and seconded by Director Navarro to adjourn the meeting. The motion carried 3-0-1 with all Directors present voting in the affirmative, and Vice President Williams noted absent from the vote.

Ayes: Raley, Longville, Navarro

Noes:

Absent: Williams

Abstain:



Daniel B. Gozad
Secretary/CFO