

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

MINUTES
November 7, 2013

PRESENT

Governing Committee

Jon Harrison, Chair
David E. Raley
Christine Goeyvarts
Christine Jones
Scott Hess
John Timmer
Jody Scott
Doug Headrick
Dave Lovell

Technical Committee

John Jacquess
Larry Mainez
Loral Farris
Randy Scott
Daniel B. Cozad
David Cosgrove
Chris Diggs
Geary Hund
Karin Cleary-Rose
Kim Freeburn
Larry LaPre
Holly Roberts
Maureen Snelgrove
AJ Gerber
Tom McGill
Scott Fleury
Ruth Villalobos

OTHERS IN ATTENDANCE

Charles Roberts
Jeff Beehler
Athena Medina
Dan Silver
Gerald Braden
Lynn Boshart
Cecilia Griego
Andrew Silva

REPRESENTING

City of Redlands
SBV Water Conservation District
Robertson's Ready Mix
CEMEX
CEMEX
City of Highland
City of Highland
SBV Municipal Water District
SBC Flood Control District

City of Highland
City of Highland
City of Redlands
SBV Water Conservation District
SBV Water Conservation District
SBV Water Conservation District
City of Redlands Municipal Utilities
US Fish & Wildlife Service
US Fish & Wildlife Service
CA Department of Fish & Wildlife
Bureau of Land Management
Bureau of Land Management
SBC Regional Parks
SBC Regional Parks
RBF Consulting
ICF Consulting (via teleconference)
RBF Consulting (via teleconference)

REPRESENTING

Highland Community News
SBV Water Conservation District
SBV Water Conservation District
Endangered Habitat League
Endangered Habitat League
Save Lytle Creek
City of Redlands
County of San Bernardino

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 10:00 a.m. in the offices of the San Bernardino Valley Water Conservation District, 1630 West Redlands Boulevard, Suite A, Redlands, California.

2. SELF-INTRODUCTIONS

Those present introduced themselves.

3. PUBLIC COMMENT

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

4. TASK FORCE AGREEMENT AMENDMENT AND APPROVAL STATUS

Daniel Cozad, of the San Bernardino Valley Water Conservation District (District) provided an update on the agreements currently. He indicated that there in a joint lead agreement between United States Fish & Wildlife Service (FWS), Bureau of Land Management (BLM) and the District which is fully executed. He also stated that all entities have approved the amendment with the exception of County of San Bernardino (County) and San Bernardino County Flood Control District (SBCFCD) which will be heard by the Board of Supervisors on November 19th. The County has requested that the Task Force reduce their contribution to 3.03% since they do not have any covered activities and no unincorporated lands. Staff of the District supports the reduced contribution. He requested feedback from the Task Force. The County's contribution was previously set at 6.06%. Mr. Cozad indicated that alternate funding cover the reduction Andrew Silva from the County indicated this covered the item and did not have any additional information.

Mr. Beehler presented a PowerPoint on the schedule. He stated that there are 17 steps between now and the Habitat Conservation Plan (HCP) and two have been completed to date. Karin Cleary-Rose of FWS stated that of the 15 steps remaining there are a few items that have been delayed; which means that there are items that need completion immediately or simultaneously to ensure we stay on schedule. She stated that Geary Hund of FWS will be working closely with Mr. Beehler and consultants to monitor progress and voice any concerns, if necessary. Mr. Cozad stated there was a delay due to the government shutdown and the new schedule indicates completion by November 2015. He stated that the primary consultants work will be done within the next three months and the remainder will depend on the regulatory agencies; FWS and BLM. Ms. Cleary-Rose indicated that the amount of public response that may be received could impact the schedule because FWS is required to provide a response.

Mr. Cozad presented the countdown clock noting the importance to keep the process moving. He stated the economics of the project and the habitat provided are both time sensitive.

It was moved by John Timmer and seconded by Christine Goeyvarts to approve the County of San Bernardino's contribution reduction to 3.03%. The motion carried unanimously.

It was moved by Jon Harrison to direct Staff on the District to start the 24 month countdown clock. The motion carried unanimously.

5. FEDERAL PARTICIPATION AND AGREEMENTS

Mr. Cozad introduced this item for discussion. The Statement of Responsibilities Agreement with FWS and BLM is a co-lead agency agreement that was developed to specifically identify the manner in which consultants and regulatory agencies will be working together. The co-lead agencies would direct the work of the consultants. The District's Board approved the Statement of Responsibilities agreement at the September 11th meeting. Mr. Cozad noted that a copy of the agreement will be made available upon request for those that desire it. He also indicated that once the new website is live it will have these documents available in a page dedicated to the Wash Plan. Mr. Cozad stated that there is also an MOU with BLM to allow the District to continue conservation efforts and allow work on BLM land. This agreement is pending signature. The District's Board also approved this agreement with no substantial changes at a previous meeting.

Ms. Cleary-Rose addressed sequestration issues which require a mandatory reduction of the budget. She indicated that due to sequestration FWS mostly hires "term employees" and as the budget is reduced they are no renewing these positions. Ms. Cleary-Rose stated that the Task Force can contribute what FWS refers as "soft money" to fund Mr. Hund's position. This is expected to protect Mr. Hund's position and continue work on the project. Soft money is only accepted for projects that are high priority for the region. Ms. Cleary-Rose stated that the Wash Plan project is in her top three priority list. She indicated that by the Task Force funding this position it is a way to secure manpower and keep the momentum going. Mr. Cozad stated that the cost for Mr. Hund's position also called an FTE (Full Time Equivalent) position is \$176,000; which includes salary overhead and benefits. He stated that the District is working with Ken Corey to complete the standard agreement. Mr. Cozad requested feedback from the Task Force. Mr. Jaquess with the City of Highland indicated that one of the issues the Task Force has run into is the turnover in staff at FWS even though agreements were in place. He asked if the Task Force agrees to fund this position does it commit Mr. Hund to work on the Wash Plan for the full two year effort. Ms. Cleary-Rose stated that Mr. Hund's term will expire in a year and after that FWS will have to advertise for another position. The hiring is controlled by the Department of the Interior. While it would be the highest priority for the region she cannot make a commitment because of the ongoing budget discussions. Mr. Hund stated that if the funds are received that his position will be dedicated at least until next November. Discussion ensued. Mr. Hund stated that he is personally and

professionally committed to seeing the Wash Plan through. He stated that this is a critical juncture and he strongly desires to continue his work on this project. Mr. Harrison confirmed that the \$176,000 is supplemental to the \$787,500 already approved by the Task Force. Ms. Cleary-Rose stated that the \$176,000 is for 50% of his salary for a two year period and if Mr. Hund was not able to be secured for the full two years another staff member would be brought in and assigned for the remaining year.

Mr. Cozad stated that if Mr. Hund was unable to be secured to continue on the project that a permanent staff member would be assigned to this project from the Carlsbad office. Ms. Roberts asked if the Task Force could contract with Mr. Hund directly. Ms. Cleary-Rose stated that if Mr. Hund was not secured she believes that he can be contracted independently under a separate agreement. Director Raley asked if the Task Force provided money if that would commit a FWS staff member to the project. Mr. Cozad stated that there would be a contractual commitment that the funds be spent on the Wash Plan, but currently they cannot guarantee that Mr. Hund would be the one assigned to it. Mr. Headrick is in support of funding the FTE position. Mr. Timmer stated that he is unsure as if council would support additional funds for the FTE position. Mr. Cozad stated that the partners that have the schedule constraint are CEMEX, Robertson's Ready Mix and San Bernardino Valley Municipal Water District and that is where the staff would look to identify funding. Ms. Scott with City of Highland stated she would rather not fund the position until absolutely necessary. Mr. Cozad was requesting that the Task Force allow for District staff to seek independent unilateral funding for an FTE.

It was moved by Jon Harrison and seconded by Doug Headrick that the Task Force acknowledge and direct District staff to allow them to seek supplemental funding to secure an FTE position for FWS for a 2 year term. The motion carried unanimously.

6. UPDATE ON COVERED ACTIVITIES AND CONTRACTOR PROGRESS

Mr. Beehler continued with the PowerPoint. He stated that he has met with all partners that have a covered activity and reviewed with them in great detail. Mr. Beehler thanked those partners who met with District staff to review these items. All of the covered activities have been cataloged and foot noted on the map. The conservation measures were completed by Mr. Hund and Mr. McGill. RBF Consulting is reviewing the history of the Wash Plan and has draft documents. Mr. Beehler stated that they are working on mitigation activities. The Technical Committee will be meeting end of November or early December. Mr. Beehler reviewed the draft Covered Activities map and the Conservation Strategy. He indicated that the Rough Step Process is being reviewed and that it involves the correlation between conservation, covered activities and projects. Not everyone's projects are going to begin when the HCP is completed. There will be a Conservation Strategy to identify how the baseline management will occur. It is important to implement Conservation Strategy in accordance with Rough Step process because activities cannot occur prior to mitigation. Mr. Hund stated that this Rough Step process has been widely in larger regional HCP's; it just has to be tailored to this specific project. This process will be developed by the Technical Committee and brought back to

the Task Force for feedback. Discussion ensued regarding Rough Step Process. Ms. Cleary-Rose stated that two things need to occur during the Rough Step Process; 1) actual area to be managed has to be identified and 2) paying for the management required as mitigation for the activities. She stated that securing the land now is the most important and then determining how a management strategy could be developed later. Additionally, she stated that there needs to be an implementation agreement to clearly identify covered activities, budget and responsible parties. In order to issue a permit, FWS will need to make findings. The Rough Step Process may be able to include a payment plan. Director Raley asked what happens when a partner is unable to pay. Ms. Cleary-Rose stated that in the implementation agreement there will be a non-compliance section with remedies to insure that does not happen.

Dan Silver with Endangered Habitat's League (EHL) a regional conservation group stated that his group has worked with conservation groups. He stated that the Task Force may want to decide soon when to complete a National Community Conservation Planning and they that are here today because they want the Wash Plan to succeed. Mr. Silver expressed his concern pertaining to endangered species and the baseline for the San Bernardino Kangaroo Rat (K-Rat) may affect the Wash Plan. EHL is concerned that changes in Lytle Creek may impact the K-Rat. They are concerned that the baseline for the species may change in Lytle Creek in a negative manner for the K-Rat, which could affect the Wash Plan. They are interested in working with any entities willing to assist in developing a solution to the issues in the Lytle Creek area.

Separately, Mr. Silver asked for assistance in understanding how the Seven Oaks Dam (SOD) will operate. He asked for assistance in developing a flow regime in regards to the SOD. Gerald Bradin a biologist with the EHL is available to discuss this issue as well. Mr. Cozad stated that this is one of several entities looking at the flows of the river. Discussion ensued regarding Lytle Creek issue. Mr. Cozad stated that a schedule will be sent out to the Task Force. Ms. Cleary-Rose stated that FWS is working closely with other agencies regarding the San Jacinto, Santa Ana River, and Lytle Creek Confluent.

7. NEXT STEPS AND NEXT MEETING

Mr. Cozad stated that in late January or early February there should be a preliminary draft of documents. There will be policy questions to be brought back to the Task Force at that time. Mr. Cozad stated the importance of the Technical Committee member's attendance and participation in meetings as to not fall behind. He indicated the importance of keeping the schedule in relation to the countdown clock.

8. ADJOURN MEETING

There being no further business, the meeting was adjourned at 11:39 a.m.