

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

MINUTES  
June 4, 2014

**PRESENT**

Governing Committee

Jon Harrison, Chair  
David E. Raley  
Christine Goeyvarts  
Christine Jones  
Scott Hess  
John Timmer  
Jody Scott  
Karin Cleary-Rose  
Holly Roberts

Technical Committee

Jeff Beehler  
Daniel B. Cozad  
Geary Hund  
AJ Gerber  
Ruth Villalobos  
Ernie Wong  
Kevin White  
Bob Tincher  
Dave Lovell  
Scott Fleury  
Dan Silver

**OTHERS IN ATTENDANCE**

David Cosgrove  
Dick Corneille  
Charles Roberts  
Angie Quiroga  
Megan Irwin  
Lynn Boshart  
Cecilia Griego

**REPRESENTING**

City of Redlands  
SBV Water Conservation District  
Robertson's Ready Mix  
CEMEX  
CEMEX  
City of Highland  
City of Highland  
US Fish & Wildlife Service  
Bureau of Land Management

SBV Water Conservation District  
SBV Water Conservation District  
US Fish & Wildlife Service  
SBC Regional Parks  
RBF Consulting  
City of Highland Public Works  
SB County Land Use Services  
SBV Municipal Water District  
SBC Flood Control District  
ICF Consulting (via teleconference)  
Endangered Habitat League  
(Via teleconference)

**REPRESENTING**

SBV Water Conservation District  
SBV Water Conservation District  
Highland Community News  
SBV Water Conservation District  
City of Highland Planning  
Save Lytle Creek  
City of Redlands

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 2:00 p.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 address that were either on or off the agenda. Hearing none, the meeting preceded with the published agenda items.

## 4. FINAL COVERED ACTIVITIES AND DRAFT SPECIES IMPACT ESTIMATES

Daniel Cozad, of the San Bernardino Valley Water Conservation District (SBVWCD), reminded members of the covered activities maps that were shown at the last Task Force meeting. He stated Jeff Beehler, with the help of the Task Force members, has refined these maps in great detail to show the covered activities as well as the initial overlay.

Mr. Beehler began by providing some context on HCP development to show where the Task Force is in the process and how the process works. He explained we are trying to get to an HCP. Mr. Beehler stated a lot of time has been spent on project impacts mostly to look at the footprint of your projects and proposed projects and what you want to cover operationally. We want to get on a map what your project looks like. At the same time, we are making an assessment of the biological resources by looking at the site, the covered species, their footprint and their suitable habitat. He explained members will see the two maps come together showing an overlay of project footprints and biological resources. The activity or project description is not included yet because some projects require operations & maintenance. A lot of information has been acquired to inform the impact analysis, which is just starting, on the biological resources. Mr. Beehler referred to his PowerPoint presentation of the maps, available on the District's website, to discuss specific activities and the overlay with other projects. Starting with trails and the impact on San Bernardino kangaroo rats (krats), he stated members should look for quality of habitat, high, medium, low and trace, and look for ecological process areas where natural scour occurs for the krat. All trails are laid out as well as those places where trails overlap krat habitat. We also did this process for the spineflower. Mr. Cozad noted if an agency's project is not in red on the map, then it is not having an impact. Mr. Beehler explained habitat quality was taken into consideration for the krat but distribution and broad suitability is what is being looked at for the spineflower. Spineflower will be the most challenging part of the HCP because we have the least amount of information on it. For the Woolly Star, we show occurrence records and density as a preliminary plotting tool. Potential trails across the WSPA are a separate permission and separate agreement that we are discussing the possibility of doing. Mr. Beehler stated when the wash was originally divided up, in many cases the avoidance of these species is done first and that mitigation has to be ahead of the work. Mr. Beehler continued with transportation improvement

projects which show a small overlay. Slender horn spineflower, because of where we think the distribution is, that overlay has a higher number. Woolly Star is also shown where these projects overlay. Wells and water infrastructure projects overlay the krat. They also show some areas of overlay that are larger but that could just mean for example, your pipeline runs under a woolly star area. Remember, pipelines and associated water facilities are being covered for operations and maintenance as well for potential take. Mr. Beehler affirmed we want to be sure that everyone is fully covered for the amount of take authorization that they may need under this HCP. Water conservation overlays with krat, spineflower, and woolly star but when you consider the area is 4200 acres, the overlay is relatively small.

Mr. Beehler stated the analysis for Flood control is not quite complete. Flood control numbers are relatively low for overlay of spineflower, woolly star and krat but there is an important ecological process area and habitat area that is being dedicated by Flood Control to the Wash Plan. Doing adequate mitigation and restoration for the spineflower in this HCP is very important because it is sparser than the others. Mining areas overlay with krat, woolly star and there is a tight fit with spineflower. Mr. Beehler reminded the members that the numbers aren't as important as the overlay. We are not saying that it is all take. There is an overlay of species and habitat with existing mining and those areas may have krats but not a substantial population. We want to make sure in the HCP that when you do go to mine those areas, you don't need to do an additional consultation with Fish & Wildlife. Mr. Beehler discussed miscellaneous impacts that will be in the Wash Plan: citrus grove management, levee removal, and flow redirection. All of these enhancement and mitigation activities have to be analyzed and covered. Trash removal, property access limitations, how we are going to manage vegetation to improve habitat, even the benefits of our activities have to have an analysis of how they could impact these species. Mr. Beehler stated we essentially have where the project footprint is and where the biological resources are and this information is in a geodatabase so we can use the data and ask questions. Activity descriptions have been received from your staffs that will inform the next step which is the actual impact to the species we have covered in the HCP. Jon Harrison stated the City of Redlands is looking at storm water discharge and flood control and asked if potential changes need to be analyzed for an impact so that this project can be covered under the HCP? Mr. Beehler and Mr. Cozad stated they have an upcoming meeting and will find out the answer. With no additional questions, Mr. Harrison moved to the geodatabase description.

Geary Hund explained GIS, geographic information systems, allow you to create a database where all of the information in it is related to a place in space. By putting all of this information (covered activities, species occurrence data, habitat assessments) into a database, we can query that database about anything we want to know. The geodatabase enables consultants to easily enter updates. For biological opinions, consultants can do a much better and quicker job at analyzing all of the covered activities, what their impacts may be and articulate that in doing their analysis. It is a lot of front loaded work but it saves a lot of work on the backend. Mr. Hund commended Mr. Beehler, District interns and ICF for putting the geodatabase together in a very logical and useful manner. Mr. Beehler explained the database will be helpful to everyone. It allows a user to just click

onto a project or activity in a map and it links you to all the operations and maintenance data, species data and everything else you may want to know about that project. We can also add to it and build on it as a management tool. Mr. Hund stated the database is ultimately a money saver because you can be more precise in determining and defining management costs as well. Discussion ensued.

Mr. Cozad commended intern Erin Berger and Mr. Hund regarding the Geodatabase stating they made it very user friendly. Mr. Beehler informed members that the deadline to be sure their projects are on the map, it is in the right place and the acreages are correct is June 14, 2014. The impact analysis won't be done until everyone says the maps are correct which also helps determine maintenance costs. Mr. Hund stated with HCP's there are a lot of variables that can affect the timetable so it is important to try to stay on track to get it ready for the Federal Register. Jon Harrison restated all agency comments need to be in to SBVWCD by June 14<sup>th</sup>. Mr. Raley asked what the plan is if an agency does not respond by June 14<sup>th</sup>? Mr. Beehler stated we will call, if no response, we will assume their project is correct. Discussion ensued.

Mr. Cozad informed members that covered activity additions will be closed on June 14<sup>th</sup>. If an agency wants to add any additional activities after June 14<sup>th</sup>, it will be the start of an amendment. We will work on it but we won't slow down the HCP for the original plan. Mr. Beehler stated the EIS is being written now as well. Ruth Villalobos stated we are putting everything we think will be covered activities for the next 30 years of the permit. For those future activities we didn't think of, we want to lay out the process whereby you can get those approved for implementation in the HCP and EIS. It's more of a process discussion which then goes through an amendment. Mr. Beehler stated this is not an administrative action but a discretionary action. You will have to get approval for amendments with CA Fish & Wildlife. They will have some analysis to do and you will be subject to approval. Discussion ensued.

Mr. Harrison noted we should all take an action item back to our respective organizations to make sure our staff has communicated everything about our projects and make one final call to SBVWCD. Mr. Hund indicated a good reason to be so thorough is because to modify an HCP for additional take is a major amendment and it takes a lot of work. Scott Hess inquired if members can view the actual GIS data to confirm the maps by June 14. Mr. Hund said they can access it through ICF's server, the HCP consultant who has provided a password. Mr. Beehler said he would provide that information. Mr. Cozad stated otherwise you can use the map pdf's to see your projects.

## 5. HCP Development

Mr. Beehler stated in order to write an HCP you have to have specific biological goals and objectives. The spine flower will be the most difficult species to sustain because we just don't know much about it. We need to establish a spine flower working group to brainstorm some management and monitoring activities that will actually make a difference. Under covered species we are looking to add cactus wren in our HCP and authorize staff to assist our federal partners in the development of public notices and

needed administrative documents for the HCP. Mr. Beehler discussed the goals of the HCP and continued through the PowerPoint presentation. Under listed species is the addition of the cactus wren. Regarding species movement, one of the objectives is to conserve linkages across the habitat conservation plan so species can move. Mr. Hund informed members the way we structured the conservation areas is where the species do most of their moving around. We don't anticipate a lot of change. Once it is permitted, your activity can go forward regardless of what change may occur. Discussion ensued.

Mr. Beehler noted due to minimal knowledge of spine flower, we have found a small group of people that have worked on the spine flower who will help with the HCP in addressing issues unique to the maintenance and enhancement of spine flower populations and establishing new ones within the conserved areas. He stated the goals of the HCP are relatively simple and straight forward. We have added the Cactus wren. Some work with USGS was done, we got their species data and they did find cactus wren in the wash plan area. We also did a habitat suitability survey. Three nests were found as well as hot spots. Mr. Beehler stated we are recommending cactus wren because we found what is thought to be a subspecies of cactus wren and there is an area near the Banning pass that if the bridge there breaks, that will leave cactus wren in an isolated area which makes them subject to the endangered species list. There is a high probability of this occurring and the added cost is minimal. Time needed to include the cactus wren shouldn't significantly impact time or cost. In terms of long term management will be monitoring and much of what we do for the krat and wooly star will be applicable to the cactus wren. In a sense, this is an insurance policy. Ms. Cleary-Rose explained the "no surprises policy" that if you have a permit for an unlisted species and you are implementing the HCP to the correct specifications, when the species is listed, you won't have to do any additional work. Discussion ensued.

Mr. Hund explained by protecting the cactus in which cactus wren live from fires by clearing native grasses, this process also benefits the krat. So essentially it is not much more work to add the cactus wren. John Timmer showed concerns that the Wash Plan Task Force has been through this process several times over many years with no results including doing the study on the spine flower. Mr. Beehler explained that this committee for the spine flower is not to study the spine flower but is to help write the recommendation for the HCP. Mr. Cozad added that the work on the spine flower will be either an amendment or a focused supplemental EIR to the work that was previously done. Mr. Beehler assured Mr. Timmer that we are trying to get to the endpoint. Discussion ensued.

Jody Scott stated opposition to adding the cactus wren. She feels that it will only add to the cost and timeline of the project. Mr. Beehler declared it shouldn't add significantly to the cost and it is an insurance policy because when the species is listed, it must be addressed. Discussion ensued.

Ms. Villalobos explained that whether the cactus wren is included in the HCP or not, she still has to look at the impacts to it from the activities that we have within the wash plan in the environmental document. The HCP is just covering certain kinds of species for

take but it doesn't negate the fact that she still has to address it in the EIS/EIR. Holly Roberts indicated that to look at it now is pennies on the dollar compared to what could happen in thirty years and it is a BLM listed species. If we do find impacts and there is anything we can do to secure these populations, it really is pennies on the dollar and will just basically be a couple of additional paragraphs added into the documents. Discussion ensued.

Mr. Harrison asked Mr. Beehler to speak more on the spine flower. Mr. Beehler stated Tom McGill did another spine flower survey this year. The point with the maps is that there just is not a lot of spine flower. This is our biggest species hurdle. We just want to get the experts together to help us find ways to make life better for the spine flower since we are saying we will be managing spine flower and their habitat. We need to determine how can we do this and what are the costs? Mr. Hund acknowledged that if we are successful with the spine flower, it helps the miners by opening up that spine flower area in the middle of their mining activities. Discussion ensued.

Ruth Villalobos provided a progress report on the EIS and federal documentation. She stated they have been waiting for the HCP analysis to get to this point so that they would have the defined acreages, etc. to move forward on the analysis of the impacts and the EIS. The Water Conservation District and Federal Partner discussions have noted even though the footprints are the same, the impacts are less now. Mrs. Villalobos stated they want to determine in the next week or two if we go from the April 2009 draft EIS to a final one or if a new draft is needed and include the EIR components for the update. She asked for permission to look at whether we may have the opportunity to streamline this and go directly to a final one. Most of the letters of comment from the original draft are leading to doing exactly what this HCP effort has done which is looking at more details. We have raised that question and need everyone to go to their agencies and do some homework so that we can finalize that decision in the next week or two. Mr. Timmer is in favor to move the process along.

Legal counsel Mr. Cosgrove explained to put that in CEQA vocabulary, we are looking at whether we can do an addendum or whether we need to do a focused supplemental EIR and that's a cost benefit analysis. One requires additional public review, looking at what the standards of review are and a lot of that is just going to boil down to distilling what the differences are between the projects in 2008 and now. If it really does look like a lot less impact, we may be able to go with a more expedited addendum. The addendum has certain benefits and certain risks. The supplemental focused EIR has certain upfront costs, timing considerations, maybe a little more legal protection and that is a cost benefit analysis that we really can't make responsibly until we distill down exactly what the differences are with the projects descriptions of 2008 to what we have now. Mr. Beehler stated the EIS is a Federal document so we have to make sure we have some really tight coordination here. The EIS has to pass our Federal partners muster and ours.

**It was moved by David Raley and seconded by Karin Cleary-Rose to approve the consideration of adoption of biological goals and objectives and to direct staff to prepare draft HCP based on those**

**goals; establish a spine flower working group to provide input in HCP development; add the cactus wren to species covered by the HCP; and authorize staff to assist Federal partners in the development and posting of a Public Notice for the preparation of environmental documents supporting the HCP, land exchange and Plan development. The motion carried unanimously.**

#### 6. CA DEPARTMENT OF FISH AND WILDLIFE COORDINATION

Mr. Cozad stated the group asked us to step into the realm of CA Fish & Wildlife much closer and we have had three meetings with them since then. California's ESA compliance has greater protection for plants compared to the Federal ESA. They have slightly different standards and higher expectations. There are two ways to permit on the state side. They can take the biological opinion that the federal agencies write and review it to make sure it is fully consistent with their requirements. With this way, if we are very careful in our planning, follow both state and federal requirements, and document it well, they can sign off on it and we will have state take authorization as part of basically one document. The other method is they do their own assessment analysis, the 2081 incidental take permit. It will probably take longer and be less likely to be tightly correlated so consistency determination looks like the correct path. Mr. Cozad believes we have a good working relationship and we should be able to get the state permits in the same time frame as we are working for the Federal permits.

#### 7. SCHEDULE/BUDGET UPDATE AND NEXT MEETING

Mr. Beehler provided the activity schedule in his PowerPoint. He stated it is an administrative draft. He explained what sits on the backside of the HCP is the habitat management plan which he and Geary Hund are working on now. There will be a screen check of the EIS in the fall. Discussion about the EIR and how that ties in with the EIS has been had and we believe we may be able to save some time there. The implementing agreement (IA) is the last part of the HCP process. It describes who will do what, pay for what, be responsible for what and how we are going to do it but we have to have the HCP to determine how we are going to implement it. He stated the land swap was discussed with BLM. We are lining up a strategy of how we can do that. We talked about streamlining that process by taking advantage of some work done over the past years and adding to it. There is a lot of process that has to occur at the end of the schedule. There will be some easement documents or agreement documents and some federal process that we have to go through to get to the end. Mr. Cozad stated the good news on the land exchange strategy is they are very close to finalizing the Scrimp-Southern California Resource Impact Management Plan which includes the Wash Plan. This makes processing the land exchange a lot easier because it already calls it out. Mr. Hund stated he was informed that our region is moving away from IA's but the applicant can request to do one. It basically is a summary of all your commitments that everyone signs. It is not a contract but an agreement. If it is fully articulated in the HCP, there are circumstances where we don't do the implementing agreement. Karin Cleary-Rose commented that CA

Fish & Wildlife is cautious of the implementing agreement (IA) concept because people view them as contracts. Congress did not authorize them to enter into contracts on behalf of the Federal Government. We are allowed to issue permits and we tie the IA and the HCP to the permit and the permit is your legal commitment from us. It needs to be clear that CA Fish & Wildlife is not contractually obligated by signing the IA. Mr. Cozad declared that for all other Wash Plan members it will be a contract because there are a lot of legal things we have to lay out. Discussion ensued. Mr. Beehler stated we intended to use the IA to both establish responsibility with CA Fish & Wildlife and to also establish responsibility between the rest of the members. It will clarify roles and responsibilities between the parties. Discussion ensued.

Mr. Cozad went over the budget in the PowerPoint noting that some agencies have paid their total commitment upfront so we have enough revenue to cover all of the costs up to this point which are listed in the PowerPoint. The consultants have been a little slow to bill us and have done more work than represented in Expenses.

#### 8. ADJOURN MEETING

There being no further business, the meeting was adjourned at 3:55 p.m.