

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

MINUTES  
October 13, 2015

**PRESENT**

Governing Committee

Jon Harrison, Chair  
Christine Goeyvarts  
Doug Headrick  
Christine Jones  
Eliseo Ochoa  
David E. Raley  
Jody Scott

Technical Committee

Jeff Beehler  
Daniel B. Cozad  
Bob Dalquest  
Geary Hund  
David Lovell  
Lawrence Mainez  
Ernie Wong

**OTHERS IN ATTENDANCE**

Dick Corneille  
Alicia Patterson  
Angie Quiroga  
Charles Roberts  
Ruth Villalobos

**REPRESENTING**

City of Redlands  
Robertson's Ready Mix  
SBVMWD  
CEMEX  
East Valley Water District  
SBVWCD (District)  
City of Highland

SBVWCD (District)  
SBVWCD (District)  
City of Redlands  
US Fish & Wildlife Service (FWS)  
SBC Flood Control District  
City of Highland  
City of Highland

**REPRESENTING**

SBVWCD (District)  
SBVWCD (District)  
SBV Water Conservation District  
Highland Community News  
Ruth Villalobos & Associates (RVA)

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 1:35 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. ADOPTION OF MEETING MINUTES (9/8/2015)

**It was moved by Jon Harrison and seconded by Jody Scott to adopt the meeting minutes of September 8, 2015. The motion carried unanimously.**

### 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 preceded with the published agenda items.

### 5. WASH PLAN HCP: UPDATE

Jeff Beehler reminded members the components of the Wash Plan (HCP, IA, land transfer, and the EIR/EIS) in a slide presentation. These components need to be reviewed by the solicitor for both BLM and FWS in order to be published in the Federal Register and to request comments. When these move forward, the proposal becomes as much FWS's as it is the Task Force's as FWS moves into a proponent role. Jeff thanked all members for completing the legal review process of the MOU and IA in three weeks which allowed the HCP document and the IA to currently be on the solicitor's desk for review. Any comments that come back from the solicitor will be addressed before sending the document to BLM. Geary Hund stated FWS's review did not find any major issues. Minor adjustments are being worked on with the District. FWS's regional office is reviewing the document as well. Any changes requested will be fixed quickly so the document can go up for posting on the Federal Register. FWS anticipates comments back from the solicitor by the third week of this month. Mr. Beehler stated a consistency determination has been asked of from CA Department of Fish and Wildlife (CDFW) regarding endangered species. We have already received their comments on the HCP document which mirrored much of what FWS has told us. One issue was that our maps showed project impacts but we didn't delineate between permanent and temporary impacts. This causes impacts to be overstated. Delineating provides a stronger case during public review so we re-worked the database. The other main issue was how we complied with the Endangered Species Act (ESA). Under the ESA, you must avoid impacts when possible. If you can't avoid impacts, then you must minimize. According to FWS, our avoidance and minimization measurements were not enough so we increased them. The increased measures are no different than prior permits obtained when endangered species are involved. For example, in areas where SBKR is present, you usually have to trap. Here you have to trap when it is medium quality or above habitat. The minimization measure is silent on the lower quality habitat. The new Avoidance and Minimization Measures table (Table 5.4) was emailed out and is much bigger than before. It now covers specific avoidance & minimization measures for all five covered species, complies with the Migratory Bird Act, shows how we protect waters of the state under Streams, Drainages, and Runoff, provides good housekeeping for Chemicals and Hazardous Materials. It also covers Traditional Gathering by Native American Tribes and General/Best Management Practices. We just entered into an MOU with San Manuel Band of Mission Indians to cover, as part of the HCP, their traditional collection of

culturally important plants. The District would like written comments back or suggested alternatives to these measures back by October 23<sup>rd</sup>. Please review carefully. If you have Conditional Use Permits (CUP), we want to be sure not to cause conflict with the City of Redlands. Geary Hund reminded the Task Force that for HCPs, applicants must first minimize to the maximum practicable then mitigate to the maximum practicable if necessary. Many of Table 5.4 Measures are BMP's (Best Management Practices) that would be used on any project. FWS reviewed the IA but the District solicitor has not yet seen it, thus, back and forth is anticipated. Mr. Cozad added that if money is going to be spent, it should be done effectively for the species. Mr. Beehler reiterated that if anyone has anything different or equivalent, to let the District know.

Mr. Beehler stated the District must first know what the complete HCP looks like before it can be analyzed. A draft document has been circulated among the lead agencies. The BLM and FWS are lead on the NEPA, and the District is lead on the CEQA side. The District has a draft internal document written for the final version that has been updated and comments have been coming in. When we know what the final HCP looks like, we can plug that information in and move forward fairly quickly. This document will need to be reviewed by the solicitor for both BLM and FWS prior to publication in the Federal Register. The HCP, IA, and EIR/EIS all need to be announced and placed in the Federal Registrar at the same time. Ruth Villalobos is waiting on the final HCP document to include those conditions into the draft EIR/EIS. FWS is working and putting comments on some chapters that are already completed. Comments have been received from BLM, but no major things, only minor edits and alterations of terminology. Also, the CEQA/NEPA document is an integrated document that covers all laws and requirements. In many cases, the document at the end of this process may constitute the project-level CEQA document. Ms. Villalobos recommends the Board and/or attorneys review the resulting project-level CEQA document and determine whether it sufficiently covers the activities the Task Force will take and if it will allow the Task Force to move forward without needing an additional supplemental CEQA document. RVA went much farther in analyzing impacts than expected due to the amount of information the Task Force provided. Mr. Beehler believes this CEQA/NEPA document will be sufficient; however, this is an action of the Board of Directors. He followed that the solicitor's level of review is different; it's not like reviewing a contract but rather reviewing for sufficiency. Geary Hund added that only select sections of the EIR/EIS will be presented to the solicitor.

Comments were received from almost everyone on the IA. Alicia Patterson, representing David Cosgrove, sent out revised packets of the IA and MOU and updates have been circulated to all legal counsels. There have not been too many changes to the IA. The main change was solidifying the procedure FWS will follow when they review the Certificates of Inclusion (COI) issued by the District to the participating agencies. The MOU has four main changes: (1) The District's role in issuing and enforcing COI's has been solidified, (2) More language was added in the review and comment process on the investing policy of the non-wasting endowment including Task Force member voting rights., (3) More specific language was added in how the land exchange will occur, and lastly, (4) Indemnification Provisions are now in Section 8. Mr. Cozad added that the

MOU supports the arguments in the IA. Mr. Beehler noted his preference to keep it isolated to legal counsel.

Mr. Beehler stated that in order to have an HCP that is approvable by CDFW and US FWS, we must establish a firewall. The District must show that its covered activities are distinct from its mitigation land management, the people that own the land must be distinct from the people that are responsible for the conservation of the land, and there must be a firewall between those that pay into the endowment and those that manage the endowment. As the Task Force goes through and discusses how the endowment will be managed, this firewall will prove extremely important in the IA and MOU. Mr. Cozad followed with a discussion on the wall and the importance of separation. He also noted the importance for the ability to invest monies to attain a cap rate that supports the mitigation. Mr. Beehler noted the plan of building the governance wall in order to move forward and implement the HCP. David Raley asked if the MOU was written with these ideas in mind. Ms. Alicia Patterson stated some of it was in the original version that was sent out a few weeks ago and the new version has not altered that section. Mr. Cozad explained the barrier is essential. Jody Scott asked if there is a process for future amendments. Mr. Beehler answered there is always the ability to amend an HCP if a species are removed or added to the endangered species list. Mr. Cozad added that another amendment that would be highly likely would be the attachment of other lands that are adjacent to the Wash Land.

#### 6. WASH PLAN Land Transfer

Brandon Anderson from BLM was not in attendance so Mr. Cozad proceeded with this agenda item. Mr. Cozad stated there is now an updated version of the agreement the District signed years ago with BLM to initiate the transfer. He also noted that some of the parcels were changed and all of the language of the bill has been signed off on. Mr. Beehler added there is a legislative piece that will be moving forward soon, part of which includes the administrative process the District has to go through. It has already been started with BLM, and they are moving ahead with their checklist. The cadastral review, review of District's parcels by BLM staff in the District of Columbia, has been completed and a consistency determination was issued. The District is doing a re-initiation process, which is a formal MOU between the District and BLM, and it will be in front of the Board at the November meeting. The District will also be doing title searches on all of the properties that are going to be exchanged, and finally, the Phase 1 Environmental. Mr. Beehler added that when the transfer occurs, BLM will be in a position to have it ready for their administrative process. Mr. Cozad stated that on Thursday night, Task Force Chairman, Jon Harrison, will be receiving a reward from the Riverside Lands Conservancy on behalf of the Task Force group.

#### 7. SCHEDULE NEXT MEETING

Next meeting tentatively scheduled for November 3<sup>rd</sup>, 2015. A Doodle Poll was requested to decide the best meeting date. Next meeting Agenda Items include: solicitor comments and changes, and the EIR/EIS review.

8. ADJOURN

Meeting adjourned at 2:30 P.M.