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CITY OF MORENO VALLEY  
Planning Division

Tom Paulek and Susan Nash  
P.O. Box 4036  
Idyllwild CA 92549  
atpaul44@earthlink.net  
snash22@earthlink.net

April 5, 2013

John Terell, Planning Official  
Community & Economic Development Department  
Planning Division  
14177 Frederick Street  
Post Office Box 88005  
Moreno Valley CA 92552

**Re: Draft EIR World Logistics Center Project, City of Moreno Valley (SCH 2012021045)**

Dear Mr. Terell,

We have reviewed the Draft Environmental Impact Report (DEIR) for the World Logistics Center (WLC). The project applicant is seeking entitlements to build 41.6 million square feet of warehouse and associated uses on 2710 acres of existing agricultural lands. The WLC southern project boundary will immediately abut the California Department of Fish and Wildlife (CDFW), San Jacinto Wildlife Area (SJWA), the principal Multiple Species Habitat Conservation Plan (MSHCP) Conservation Reserve and the most important biodiversity conservation site in western Riverside County. The City's election to prepare a Programmatic EIR for this project does not provide the necessary information and analysis for the public, lead, responsible and trustee agencies to make informed and well-reasoned decisions on this project. For that reason, the City's consideration of this environmentally harmful project must be deferred pending preparation and public review of a legally sufficient document.

**I. The DEIR misrepresents the San Jacinto Wildlife Area/MSHCP Conservation Area lands as being a “CDFW Conservation Buffer Area”.**

A. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles* (1977) 21 Cal. App. 3d 185 (an enigmatic or unstable project description impedes public input). The DEIR reference to the SJWA/MSHCP Conservation lands is an intentional misrepresentation<sup>1</sup>:

**4.4 BIOLOGICAL RESOURCES**

*For the purposes of analysis in this section of the EIR, the project area has been divided into three sections. The first includes the Specific Plan area and associated off-site facilities referred to as the Specific Plan Area.*

*The second section includes the California Department of Fish and Wildlife (CDFW) conservation area as well as the SDG&E-owned lands and will be referred to as the CDFW Buffer Area.<sup>2</sup>*

*The third includes a 1,000-foot wide area along the south and east boundaries of the site to examine possible indirect impacts on the San Jacinto Wildlife Area and referred to as the “Off-site Analysis Zone.”<sup>3</sup> (DEIR pg. 4.4-2 & Figure 4.4.1)*

**4.4.1.10 WILDLIFE, SJWA AND MYSTIC LAKE**

*The SJWA is 20,000 acres of man-made wetlands and open water ponds and is the first state wildlife area to utilize reclaimed water to enhance its wetlands. It is located south of the project area and the CDFW Conservation Buffer Area.<sup>4</sup> (DEIR pg. 4.4-15)*

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<sup>1</sup> Misrepresentation: to give an inaccurate or deliberately false account of the nature of somebody or something. An assertion or manifestation by words or conduct that is not in accord with the facts.

<sup>2</sup> With no explanation or justification, the SGD&E natural gas compression plant lands are also included in the alleged “CDFW Buffer area”.

<sup>3</sup> See figure 4.4.1: For purposes of analyzing indirect impacts to the SJWA, the EIR moves the boundary of the SJWA to the mythical “conservation buffer” boundary. By analyzing impacts 1000 feet around the 1065 acres of the SJWA/MSHCP conservation lands, the EIR analyzes the direct and indirect impacts of the SJWA area on itself.

<sup>4</sup> The San Jacinto Wildlife Area is located immediately south of the Specific Plan Project Site. The mythical CDFW Conservation Buffer Area boundary is incorrectly imposed on the public lands of the SJWA.

*...In 1995<sup>5</sup> the Board [Wildlife Conservation Board] acquired an additional 921 acres of upland farmland within the southern portion of the Moreno Highlands Specific Plan<sup>6</sup> property to incorporate into the SJWA. In 2001, the Board Acquired an additional 274 acres in this same area. This land was purchased to provide a buffer between the land surrounding Mystic Lake and the planned urban development within Moreno Valley.<sup>7</sup> (PG. 4.4-16)*

#### **CDFW CONSERVATION BUFFER AREA**

*The entirety of the state-owned land south of the project is referred to as the SJWA.<sup>8</sup> However, the land purchased out of the Moreno Highlands Specific Plan is referred to in this EIR as the CDFW Conservation Buffer Area to denote the reason for its original purpose. The 1195 acres acquired by the Wildlife Board during the past twenty years was intended to serve as an effective barrier between the SJWA and the development expected to occur north of the SJWA area (the present mixed use Moreno Highlands Specific Plan)....(DEIR pg. 4.4-16)*

#### **4.4.1.18 OTHER USES**

##### **a. Setbacks**

*In evaluating the potential impacts of project development on the SJWA and Mystic Lake, it will be important to consider that the CDFW Conservation Buffer was originally purchased by the state to provide a buffer between the SJWA/Mystic Lake and future development within the Moreno Highlands Specific Plan (now the proposed project area) (DEIR pg. 4.4-51).<sup>9</sup>*

**B.** “[A]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4<sup>th</sup> 713, 730.) The characterization of the May 18, 2001, Wildlife Conservation Board (WCB) land acquisition for the expansion of the San Jacinto Wildlife Area (SJWA) as the “CDFW Conservation Buffer Area” is in error. Neither are the DEIR statements recounted above

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<sup>5</sup> The WCB purchased these lands in 2001.

<sup>6</sup> The Moreno Highlands Specific Plan expired in 2011.

<sup>7</sup> In 2001 the WCB purchased, in fee, approximately 1,000 acres of land as an expansion of the SJWA.

<sup>8</sup> Because the DEIR defines the project as including 1195 acres of the SJWA, the SJWA is defined as being located south of itself.

<sup>9</sup> This is a misrepresentation. The lands were acquired in fee by the WCB in 2001 as an expansion to the SJWA and for the restoration of habitat for threatened and endangered species and for the purpose of promoting the recovery of those species.

or the project consideration and impact analysis as to these critically important wildlife conservation land in accord with the facts.

For inclusion in the Administrative Record, we have attached a copy of the Wildlife Conservation Board minutes of May 18, 2001, (Attachment # 1) Agenda Item # 31, San Jacinto Wildlife Area Expansions 15 through 19, Riverside County reports as follows”

*“Mr. Wright reported that this proposal is to consider the acquisition of five separate ownerships consisting of approximately 1,000 acres of land as expansions of the Department of Fish and Game’s (DFG) San Jacinto Wildlife Area (WLA), located in western Riverside County.”*

*“Acquisition of the proposed expansions will allow for the protection of Mystic Lake and its associated upland habitat which is important to a number of sensitive plant and animal species. The upland areas and hills surrounding the lowland flood plain of Mystic Lake are dominated by Riversidian sage scrub and patches of grasslands are found on the uplands and alkali flats. Numerous sensitive plants endemic to the Mystic Lake area, including the thread-leaved brodiaea (state listed endangered and federally proposed threatened), San Jacinto saltbush (federally endangered) and spreading Navarretia (federally proposed threatened)<sup>10</sup> are found on site. The WLA and adjoining lands support 38 species of amphibians and reptiles. Mammal species are well-represented and range from the desert shrew to the southern mule deer. The Stephens’ kangaroo rate (state listed threatened and federally listed endangered) is a resident mammal on the WLA.”*

*“Since 1982, over 240 species of birds have been recorded on, or adjacent to the WLA. Twenty-two over-wintering raptor species are known to utilize the San Jacinto Valley, including osprey, ferruginous hawk, golden eagle and short-eared owl. The San Jacinto Valley consistently ranks in the top one to two percent in species diversity for the North American Christmas bird counts. Historically, the San Jacinto Valley*

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<sup>10</sup> These three plants species were subsequently listed by the US Fish and Wildlife Service as federal endangered or threatened plant species and are now included as covered endemic plant species in the MSHCP.

*has consistently proved to be an important southern California wintering and nesting area for migratory shorebirds and waterfowl. Three federally or state listed endangered birds have been documented on the WLA, including bald eagle, peregrine falcon and the California brown pelican.”*

*“The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as they will serve as a buffer from development north of the WLA and add significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored. Therefore, consistent with long-range planning purposes, staff of the Board presents the following five proposals for Board consideration:”*

The minutes of the May 18, 2001, WCB meeting indicates further the wildlife conservation board approved the acquisition of the San Jacinto Wildlife Area Expansions 15 through 19 as proposed and allocated \$15,100,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Proposition 12) sec. 5096.350(a)(3) T & E for the purchase price and associated costs. Excerpts from the text of Proposition 12 (Attachment #2) indicate Sec. 5096.350 made available for expenditure by the Wildlife Conservation Board funds “for the restoration, or acquisition from a willing seller, of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species.”

C. The Western Riverside County Regional Conservation Authority (RCA) was created in 2004 to implement the Multiple Species Habitat Conservation Plan (MSHCP) intending to protect 146 native species of plants and animals and preserved a half million acres of their habitat. Of the 1.26 million acres covered by the MSHCP, 500,000 acres, or 40% is designated for preservation. Of that, half a million acres, 347,000 acres or 69% is already conserved as public or quasi-public land. The acquisition of the remaining land (153,000 acres) to establish the ultimate MSHCP Conservation Area is now being implemented by the RCA and is its most important activity. (See attachment # 3—“About RCA” [http://www.wrc-rca.org/about\\_rca.asp](http://www.wrc-rca.org/about_rca.asp)

The SJWA lands erroneously designated as the “CDFW Conservation Buffer Area” in the Draft EIR were recorded for inclusion in the MSHCP Conservation Area immediately after the creation of the RCA in 2004. Attachment #4, the RCA “Interactive Map” ([www.wrc-rca.org/interactive\\_map.asp](http://www.wrc-rca.org/interactive_map.asp)) depicts these SJWA lands acquired in fee by the Wildlife Conservation Board (WCB) in 2001 as “RCA Acquisitions” included in the then newly emerging (2004) MSHCP Conservation Area. Attachment # 5, the RCA “Area # 3 Detail 01 (03-01)” [click on interactive map, northern boundary of SJWA] also depicts the WCB lands acquired in 2001 for the expansion of the SJWA as being recorded for inclusion in the MSHCP Conservation Area having a “record date” of 11.2001-6/2003. In addition, the March 19, 2013 letter from Charles Landry, Executive Director of the RCA confirms the SJWA/MSHCP Conservation Area lands erroneously designated and evaluated in the draft EIR as “CDFW Conservation Buffer Area” are now counted and included in the MSHCP Conservation Area (see attachment # 6).

The Draft EIR has failed to provide an accurate description of the physical environmental conditions in the vicinity of the project, as they exist at the time the environmental analysis commenced. The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. CEQA commands (Guidelines 15125) that knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

CEQA commands (Guidelines 15125) further that the Draft EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to Wildlife Habitat Conservation Plans and Natural Community Conservation Plans. Because the project applicant’s mythical “CDFW Conservation Buffer Area” does not exist, the Draft EIR has failed to meet this burden.

The EIR must be re-written with all references to the mythical "CDFW Conservation Buffer Area" removed. The actual environmental setting, with the SJWA/MSHCP Conservation Lands and the natural gas compression plant lands on the southern boundary of the Specific Plan, must be properly analyzed. All Biological Analysis must be based on impacts to the actual SJWA/MSHCP Conservation Lands without reference to the mythical "CDFW Conservation Buffer Area."

## **II. The Draft EIR Fails to Consider the Direct, Indirect and Cumulative Impacts of the World Logistics Center Project on the Stephens' kangaroo rat.**

We have attached a copy of the California Department of Fish and Wildlife (formally DFG) **Management Authorization** (May 6, 1996) in order that it is included in the administrative record. We are also incorporating by this reference the *Final Joint Environmental Impact Statement and Environmental Impact Report regarding Authorization for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat western Riverside County, California-February 1996* (<http://www.skrplan.org/index.htm>) and request this document also be included in the CEQA administrative record for this project.

The state **Management Authorization** implementing the Stephens' kangaroo Rate Habitat Conservation Plan (SKRHCP) was issued to the Riverside County Habitat Conservation Authority (RCHCA) pursuant to the California Endangered Species Act.(Fish and Game Code: 2080-2085) and the Natural Community Conservation Planning Act. (Fish and Game Code: 2800-2835). The state NCCP Act does not exempt a project in a Natural Community Conservation Planning area from the California Environmental Quality Act (CEQA) or alters or affects the applicability of CEQA (Fish and Game Code 2826). In addition, the California Endangered Species Act (CEQA) specifies incidental take of endangered species **shall be minimized and fully mitigated** and the **mitigation** required for the incidental take **shall** be roughly proportional in extent to the authorized take.

Even though the World Logistics Center Specific Plan site and adjoining public lands (San Jacinto/Lake Perris SKR Reserve) is known occupied habitat for the Stephens' kangaroo rat (SKR), the Draft EIR fails to qualify and quantify direct and indirect incidental take this project will precipitate on the endangered SKR. Nor does the CEQA analysis examine measures/alternatives to **minimize and fully mitigate** incidental take. The Draft EIR does not include a cumulative analysis of SKR take. A cumulative incidental take analysis is particularly important because the DFG **Management Authorization** allows the incidental take of one half of the extant SKR populations (15,000 occupied acres) at the time the incidental take permit was issued to the RCHCA. CEQA Guidelines 15065, Mandatory Findings of Significance, requires a lead agency shall find a project may have a significant effect on the environment if the project has the potential to: "threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species."

The Draft EIR consideration of significant project impacts to Biological Resources is just plain wrong. The Biological Resource impact analysis must be redone and recirculated for public comment.



Tom Paulek, Wildlife Biologist

  
Susan Nash, Attorney at Law



DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

1807 13<sup>TH</sup> STREET, SUITE 103  
SACRAMENTO, CALIFORNIA 95814  
(916) 445-8448  
FAX (916) 323-0280



ATTACHMENT #1

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State of California  
The Resources Agency  
Department of Fish and Game  
WILDLIFE CONSERVATION BOARD  
Minutes  
May 18, 2001

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DEPARTMENT OF FISH AND GAME

**WILDLIFE CONSERVATION BOARD**1807 13<sup>TH</sup> STREET, SUITE 103  
SACRAMENTO, CALIFORNIA 95814  
(916) 445-8448  
FAX (916) 323-0280**ATTACHMENT #1****Page 3 of 8****WILDLIFE CONSERVATION BOARD**

May 18, 2001

The Wildlife Conservation Board met at the State Capitol, Room 112, Sacramento, California on May 18, 2001. The meeting was called to order at 10:05 A.M. by Mr. Michael Chrisman, President, Fish and Game Commission and Chairman of the Board. At this time he introduced Mr. Robert C. Hight, Director, Department of Fish and Game and Mr. Al Wright, Executive Director of the Board. Mr. Chrisman commented that the Board would be addressing a long agenda and thanked the audience for their attendance and input on the projects being considered today. Mr. Chrisman then turned over the meeting to Mr. Wright. Mr. Wright also welcomed the audience and expressed his appreciation for the audience's participation in these Board meetings. He reported that since the last Board meeting in February, two new legislative advisory committee members were appointed to the Board, Senator Sheila Kuehl and Assembly Member Hannah-Beth Jackson.

1. Roll CallWILDLIFE CONSERVATION BOARD MEMBERS

Michael Chrisman, Chairperson  
President, Fish and Game Commission  
Robert C. Hight, Member  
Director, Department of Fish and Game

JOINT LEGISLATIVE INTERIM ADVISORY COMMITTEE

Syrus Devers  
Vice, Senator Sheila Kuehl

EXECUTIVE DIRECTOR

Al Wright

31. San Jacinto Wildlife Area, Expansions 15 through 19, \$15,100,000.00  
Riverside County

Mr. Wright reported that this proposal is to consider the acquisition of five separate ownerships consisting of approximately 1,000 acres of land as expansions of the Department of Fish and Game's (DFG) San Jacinto Wildlife Area (WLA), located in western Riverside County. Specifically, the project area is located in the San Jacinto Valley of southern California, approximately 18 miles southeast of downtown Riverside and just north of the community of Lakeview. To the northwest is the City of Moreno Valley, whose current authorized sphere of influence includes the proposed Expansions 15 through 19 as described herein. Mr. Bill Gallup described the project and its location.

Initial land acquisitions for the WLA were completed during 1981 - 82 as part of a mitigation package developed to compensate for wildlife habitat losses resulting from the construction of the State Water Project. Since 1995, the Board has acquired 1,283 ± acres bringing the total acreage under Department ownership to 7,784 ± acres. The Lake Perris State Recreation Area lies adjacent to the western boundary of the WLA and if this project is approved as proposed, 16,000 ± acres will be protected under public ownership.

Acquisition of the proposed expansions will allow for the protection of a portion of Mystic Lake and its associated upland habitat which is important to a number of sensitive plant and animal species. The upland areas and hills surrounding the lowland flood plain of Mystic Lake are dominated by Riversidian sage scrub and patches of grasslands are found on the uplands and alkali flats. Numerous sensitive plants endemic to the Mystic Lake area, including the thread-leaved brodiaea (state listed endangered and federally proposed threatened), San Jacinto saltbush (federally proposed endangered) and spreading navarretia (federally proposed threatened) are found on site. The WLA and adjoining lands support 38 species of amphibians and reptiles. Mammals species are well represented and range from the desert shrew to the southern mule deer. The Stephens' kangaroo rat (state listed threatened and federally listed endangered) is a resident mammal of the WLA.

Since 1982, over 240 species of birds have been recorded on, or adjacent to, the WLA. Twenty-two over-wintering raptor species are known to utilize the San Jacinto Valley, including osprey, ferruginous hawk, golden eagle and short-eared owl. The San Jacinto Valley consistently ranks in the top one to two percent in species diversity for the North American Christmas bird counts. Historically, the San Jacinto Valley has consistently proved to be an important southern California wintering and nesting area for migratory shorebirds and waterfowl. Three federally or state listed endangered birds have been documented on the WLA, including bald eagle, Peregrine falcon and the California brown pelican.

The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as they will serve as a buffer from development north of the WLA and add significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored. Therefore, consistent with long-range planning purposes, staff of the Board present the following five proposals for Board consideration:

Expansion 15

\$935,365.00

This proposal is to consider the acquisition of 60 ± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$927,365.00 and the owner has agreed to sell to the state for that amount. An additional \$8,000.00 will be needed for appraisal, escrow, title insurance and Department of General Services' (DGS) review costs.

Expansion 16

\$1,907,100.00

This proposal is to consider the acquisition of 126 ± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$1,895,100.00 and the owner has agreed to sell to the state for that amount. An additional \$12,000.00 will be needed for appraisal, escrow, title insurance and DGS review costs.

Expansion 17

\$9,209,735.00

This proposal is to consider the acquisition of 613 ± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$9,176,400.00 and the owner has agreed to sell to the state for that amount. An additional \$33,335.00 will be needed for appraisal, escrow, title insurance and DGS review costs.

Expansion 18

\$589,400.00

This proposal is to consider the acquisition of 39 ± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$581,400.00 and the owner has agreed to sell to the state for that amount. An additional \$8,000.00 will be needed for appraisal, escrow, title insurance and DGS review costs.

Expansion 19\$2,440,250.00

This proposal is to consider the acquisition of 162± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$2,426,250.00 and the owner has agreed to sell to the state for that amount. An additional \$14,000.00 will be needed for appraisal, escrow, title insurance and DGS review costs.

The acquisition of the subject expansions are exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition of land for wildlife conservation purposes and a Notice of Exemption has been filed. There are no claims of sovereign state land ownership within the proposed expansions.

The Board received letters of support for these expansions from the California Native Plant Society, Sierra Club, Endangered Habitats League, Wildlands Conservancy, Riverside Land Conservancy, California State Park Rangers Association and the San Bernardino Valley Audubon Society. Mr. Gallup introduced Mr. Boyd Clark, one of the property owners, Mr. Dave Emri and Mr. Greg Lowther, owner representatives, and Dee Sudduth, Senior Biologist from the Department of Fish and Game Eastern Sierra Inland Deserts Region.

Mr. Chrisman asked if there were any questions or concerns. There were none.

Staff recommended that the Board approve acquisition of San Jacinto Wildlife Area, Expansions 15 through 19, as proposed; allocate \$15,100,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop 12), Sec. 5096.350 (a) (3) T&E, for the purchase price and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

**It was moved by Mr. Robert Hight that the Board approve acquisition of San Jacinto Wildlife Area, Expansions 15 through 19, as proposed; allocate \$15,100,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop 12), Sec. 5096.350 (a) (3) T&E, for the purchase price and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.**

Motion carried.

## 5. PROPOSED CONSENT CALENDAR (ITEMS 6 - 25)

Staff recommended that the Board approve Consent Calendar items 6 through 25.

**It was moved by Mr. Robert Hight that the Board approve Consent Calendar items 6 through 25, as proposed in the individual agenda explanations, including funding as noted therein.**

**Motion carried.**

## \*6. CORRECTION OF MINUTES - MAY 18, 2001 MEETING

At the May 18, 2001 meeting, the Wildlife Conservation Board approved the acquisition of Expansions 15 through 19 for the San Jacinto Wildlife Area. The minutes for the May 18, 2001 meeting incorrectly identified Expansions 16 through 19 and reference to those expansions should be deleted from pages 56 and 57 of the minutes and the corrected minutes should read as follows. The total number of expansions, dollar amount and acres have not changed.

Expansion 16	\$9,227,885.00
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This proposal is to consider the acquisition of 613± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$9,194,550.00 and the owner has agreed to sell to the state for that amount. An additional \$33,335.00 will be needed for appraisal, escrow, title insurance and Department of General Services' review costs.

Expansion 17	\$589,400.00
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This proposal is to consider the acquisition of 39± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$581,400.00 and the owner has agreed to sell to the state for that amount. An additional \$8,000.00 will be needed for appraisal, escrow, title insurance and Department of General Services' review costs.

Expansion 18	\$2,440,250.00
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This proposal is to consider the acquisition of 162± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$2,426,250.00 and the owner has agreed to sell to the state for that amount. An additional \$14,000.00 will be needed for appraisal, escrow, title insurance and Department of General Services' review costs.

Expansion 19 \$1,907,100.00

This proposal is to consider the acquisition of 126 ± acres of land lying adjacent to the San Jacinto WLA on the north. The property has no improvements. The approved appraised value is \$1,895,100.00 and the owner has agreed to sell to the state for that amount. An additional \$12,000.00 will be needed for appraisal, escrow, title insurance and Department of General Services' review costs.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight to correct the minutes of the May 18, 2001 Wildlife Conservation Board Meeting pertaining to Item 31, San Jacinto Wildlife Area, Expansions 15 through 19. The minutes for the May 18, 2001 meeting incorrectly identified Expansions 16 through 19 and reference to those expansions should be deleted from pages 56 and 57 of the minutes and the corrected minutes should read as described above.

**Motion carried.**

\*7. APPROVAL OF MINUTES - AUGUST 30 AND NOVEMBER 28, 2001 MEETINGS

Approval of the minutes of the August 30 and November 28, 2001 Wildlife Conservation Board meetings was recommended.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the minutes of the August 30 and November 28, 2001 meetings be approved as written.

**Motion carried.**

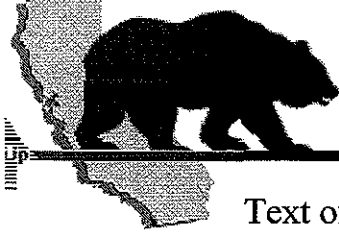
\*8. RECOVERY OF FUNDS

The following projects previously authorized by the Board are now completed, and some have balances of funds that can be recovered and returned to their respective funds. It was recommended that the following totals be recovered and that the projects be closed.

\$43,613.31 to the General Fund  
\$29,810.00 to the Safe Neighborhood Parks, Clean Water, Clean Air  
and Coastal Protection Bond Fund  
\$869,314.41 to the Habitat Conservation Fund  
\$0.00 to the Wildlife Restoration Fund  
\$0.00 to the Harbors and Watercraft Revolving Fund  
\$0.00 to the Other



[Proposition 12](#) | [Vote 2000 Home](#) | [Ballot Pamphlet Home](#) | [Next - Prop 13](#) | [Secretary of State Home](#) |



Safe Neighborhood Parks, Clean Water,  
Clean Air, and Coastal Protection Bond Act of 2000.  
(The Villaraigosa-Keeley Act)

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Text of Proposition 12

This law proposed by Assembly Bill 18 of the 1999-2000 Regular Session (Chapter 461, Statutes of 1999) and Senate Bill 1147 of the 1999-2000 Regular Session (Chapter 638, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 1.692 (commencing with Section 5096.300) is added to Division 5 of the Public Resources Code, to read:

*Chapter 1.692. Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (The Villaraigosa-Keeley Act)*

*Article 1. General Provisions*

5096.300. This chapter shall be known, and may be cited, as the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act).

5096.301. Responding to the recreational and open-space needs of a growing population and expanding urban communities, this act will revive state stewardship of natural resources by investing in neighborhood parks and state parks, clean water protection, and coastal beaches and scenic areas.

5096.302. The Legislature finds and declares all of the following:

(a) Historically, California's local and neighborhood parks often serve as the recreational, social, and cultural centers for cities and communities, providing venues for youth enrichment, senior activities, and family recreation.

(b) Neighborhood and state parks provide safe places to play in the urban neighborhoods, splendid scenic landscapes, exceptional experiences, and world-recognized recreational opportunities, and in so doing, are vital to California's quality of life and economy.

the renovation of a state historical point of interest near the intersection of Jack Tone Road and State Highway 88.

(e) For the purposes of this article, the Sierra Nevada-Cascade Mountain Region includes those portions of Fresno County, Kern County, Stanislaus County, and Tulare County, and counties with populations of less than 250,000 as of the 1990 United States Census, that are located in the mountains, the foothills, and the area adjacent to the geologic formations of the Sierra Nevada and Cascade mountain ranges.

*Article 4.7. Murray-Hayden Urban Parks and Youth*

Service Program

5096.348. (a) Notwithstanding any other provision of this chapter, funds allocated pursuant to subdivision (j) of Section 5096.310 shall be allocated, upon appropriation by the Legislature, for parks, park facilities, or environmental youth service centers that are within the immediate proximity of a neighborhood that has been identified by the department as having a critical lack of park or open-space lands or deteriorated park facilities, that are in an area of significant poverty and unemployment, and that have a shortage of services for youth. Priority shall be given to capital projects that employ neighborhood residents and at-risk youth.

(b) (1) Fifty percent of the funds allocated pursuant to subdivision (j) of Section 5096.310 shall be made available on a competitive basis to heavily urbanized counties and cities or to nonprofit organizations or park districts in those counties and cities, in compliance with subdivision (a) and the matching requirements of the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)).

(2) No more than 10 percent of the amounts made available pursuant to paragraph (1) shall be allocated to fund grants pursuant to Chapter 2.5 (commencing with Section 990) of Part 1 of Division 2 of the Welfare and Institutions Code, at least 50 percent of which shall be granted to youth service organizations eligible for tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code that are chartered by a national youth service organization.

*Article 5. Wildlife Program*


5096.350. (a) Funds appropriated pursuant to subdivision (m) of Section 5096.310 shall be available for expenditure by the Wildlife Conservation Board for the acquisition, development, rehabilitation, restoration, and protection of real property benefiting fish and wildlife, for the acquisition, restoration, or protection of habitat that promotes recovery of threatened, endangered, or fully protected species, maintains the genetic integrity of wildlife populations, and serves as corridors linking otherwise separate habitat to prevent habitat fragmentation, and for grants and related state administrative costs pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code), for the following purposes:

(1) Ten million dollars (\$10,000,000) for the acquisition or restoration of wetland habitat, as follows:

(A) Five million dollars (\$5,000,000) for the acquisition, preservation, restoration, and establishment, or any combination thereof, of habitat for waterfowl or other wetlands-associated wildlife, as provided for in the Central Valley Habitat Joint Venture Component of the North American Waterfowl Management Plan and the Inland Wetlands Conservation Program, notwithstanding Section 711 of the Fish and Game Code. Preference shall be given to projects involving the acquisition of perpetual conservation easements; habitat development projects on lands which will be managed primarily as waterfowl habitat in perpetuity; waterfowl habitat development projects on agricultural lands; the reduction of fishery impacts resulting from supply diversions that have a direct benefit to wetlands and waterfowl habitat; or programs to establish permanent buffer areas, including, but not limited to, agricultural lands that are necessary to preserve the acreage and habitat values of existing wetlands.

(B) Five million dollars (\$5,000,000) for the acquisition, development, restoration, and protection of wetlands and adjacent lands, or any combination thereof, located outside the Sacramento-San Joaquin Valley.

(2) Ten million dollars (\$10,000,000) for the development, acquisition from a willing seller, or restoration of riparian habitat and watershed conservation programs.

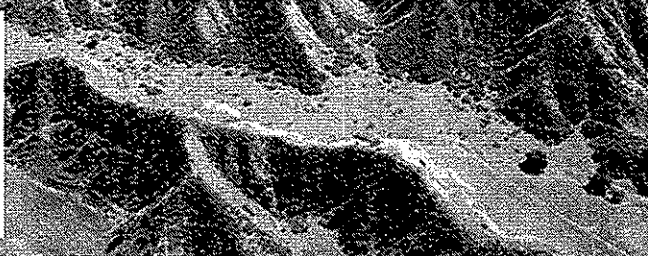
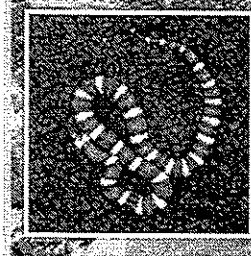


(3) Forty-five million dollars (\$45,000,000), upon appropriation by the Legislature, for the restoration, or acquisition from a willing seller, of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species. Five million dollars (\$5,000,000) of that amount shall be for the acquisition of property along the central coast containing coastal terrace prairie, federally listed spineflower, state listed San Francisco popcorn flower, and candidates for federal listing including ohlone tiger beetle and opler's longhorned moth. No funds may be expended pursuant to this paragraph for the acquisition of real property or other actions taken pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code.

(4) Thirteen million dollars (\$13,000,000) for the acquisition from a willing seller, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching requirements and not less than five million dollars (\$5,000,000) of this amount shall be allocated for the preservation of oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching requirements and not less than five million dollars (\$5,000,000) of this amount shall be allocated for the preservation of oak woodlands.

(5) Eighty-two million five hundred thousand dollars (\$82,500,000), upon appropriation by the Legislature, to match funds contributed by federal or local agencies or nonprofit organizations for the acquisition, restoration, or protection of habitat or habitat corridors that promote the recovery of threatened, endangered, or fully protected species. Projects funded pursuant to this paragraph may include restoration projects authorized pursuant to Public Law 105-372, the Salton Sea Reclamation Act of 1998. The board shall require matching contributions of funds, real property, or other resources from other public agencies, private parties, or nonprofit organizations, at a level designed to obtain the maximum conservation benefits to wildlife and wildlife habitat. No funds may be expended pursuant to this paragraph for the acquisition of

Maps/Acquisitions ■ Map Inquiries ■ Report Generation ■ Photo Gallery ■ Library ■



About RCA

Habitat Conservation

Programs

Partners

Founding Documents

## About RCA

Annual Reports

Members

The Western Riverside County Regional Conservation Authority (RCA) was created in 2004 to implement one of America's most ambitious environmental efforts, the **Multiple Species Habitat Conservation Plan (MSHCP)**, protecting 146 native species of plants and animals and preserving a half million acres of their habitat.

Board Members

Calendar

The MSHCP was one of the results of a comprehensive effort to shape Riverside County's future. Rapid growth in the 1980s and 1990s, the challenges of traffic congestion, and the listing of species as threatened or endangered by development, led to a vision for a unified plan which would guide development and provide for economic growth while protecting the environment and planning for future transportation needs. In 1999, the **Riverside County Integrated Project** was launched to realize that vision.

Agendas/Reports

Executive Committee

Calendar

The MSHCP was adopted by Riverside County and the cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula and Wildomar. In addition, Riverside County Flood Control and Water Conservation District, Riverside County Parks and Open Space District, Riverside County Waste Management Department, Riverside County Transportation Commission (RCTC), California Department of Transportation (Caltrans), and the California Department of Parks and Recreation also participated.

Agendas/Reports

Staff

FAQs

**This effort to set aside habitat and protect species allows the development and transportation infrastructure necessary for a healthy economy to move ahead without sacrificing our region's environment and quality of life.**

Of the 1.26 million acres covered by the MSHCP, 500,000 acres, or 40% is designated for preservation. Of that half million acres, 347,000 acres or 69% is already conserved as public or quasi-public land. The acquisition of the remaining land is one of the most important activities of RCA. To date, more than 27% of the remaining goal of 153,000 acres has been acquired.

While reserve acquisition is RCA's core activity, RCA must also monitor development or "habitat-loss" within the MSHCP, review applications for infrastructure or development projects by public agencies and other regional entities like electric and gas utilities, monitor the species being protected, and manage the lands it acquires. Every year, RCA issues an Annual Report to update its members and the public on its progress.

Western Riverside County  
Regional Conservation Authority  
Riverside Centre Building  
3403 10th Street, Suite 320  
Riverside, CA 92501

Contact Numbers:  
Phone (951) 955-9700  
Fax (951) 955-8873

Business Hours:  
Monday to Thursday 7:00am to 5:30pm  
Closed Friday

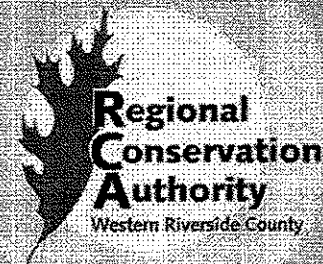
Maps/Acquisitions

Map Inquiries

Report Generation

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Library



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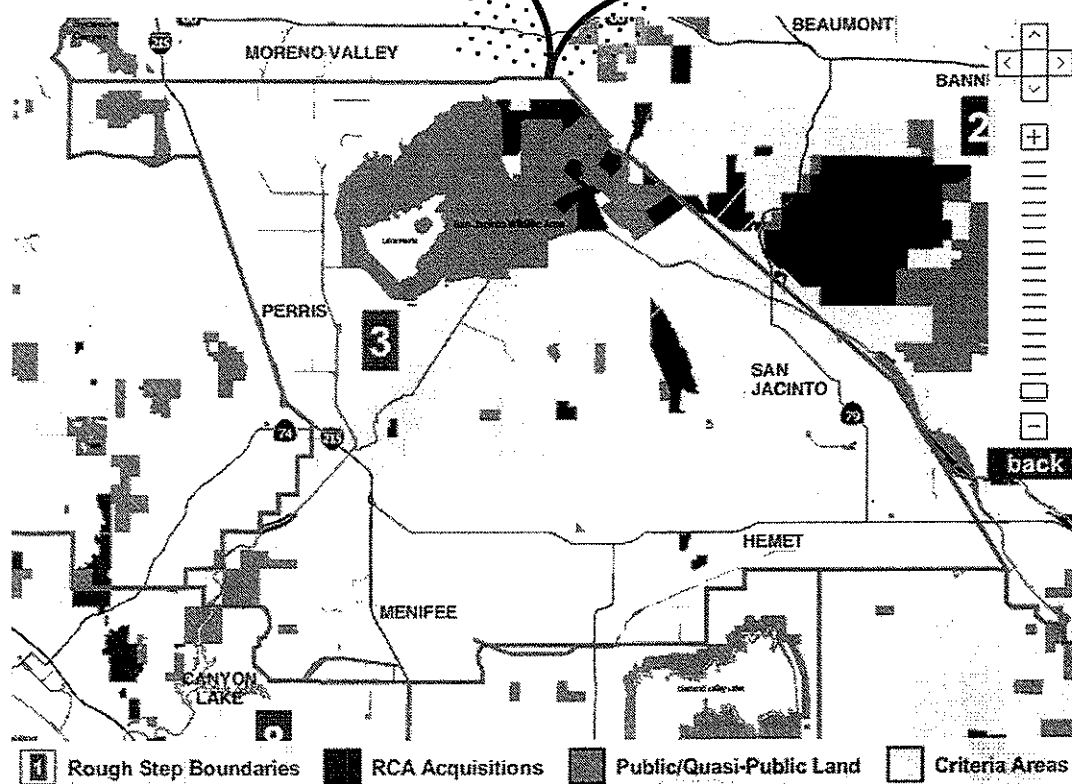
Interactive Map

Recent Acquisitions

Map Inquiries

Report Generation

### Interactive Map



Click any Rough Step area to zoom in, then mouse over and click any dark green acquisition area for more details.

When zoomed in, click and drag map to view adjacent sections.

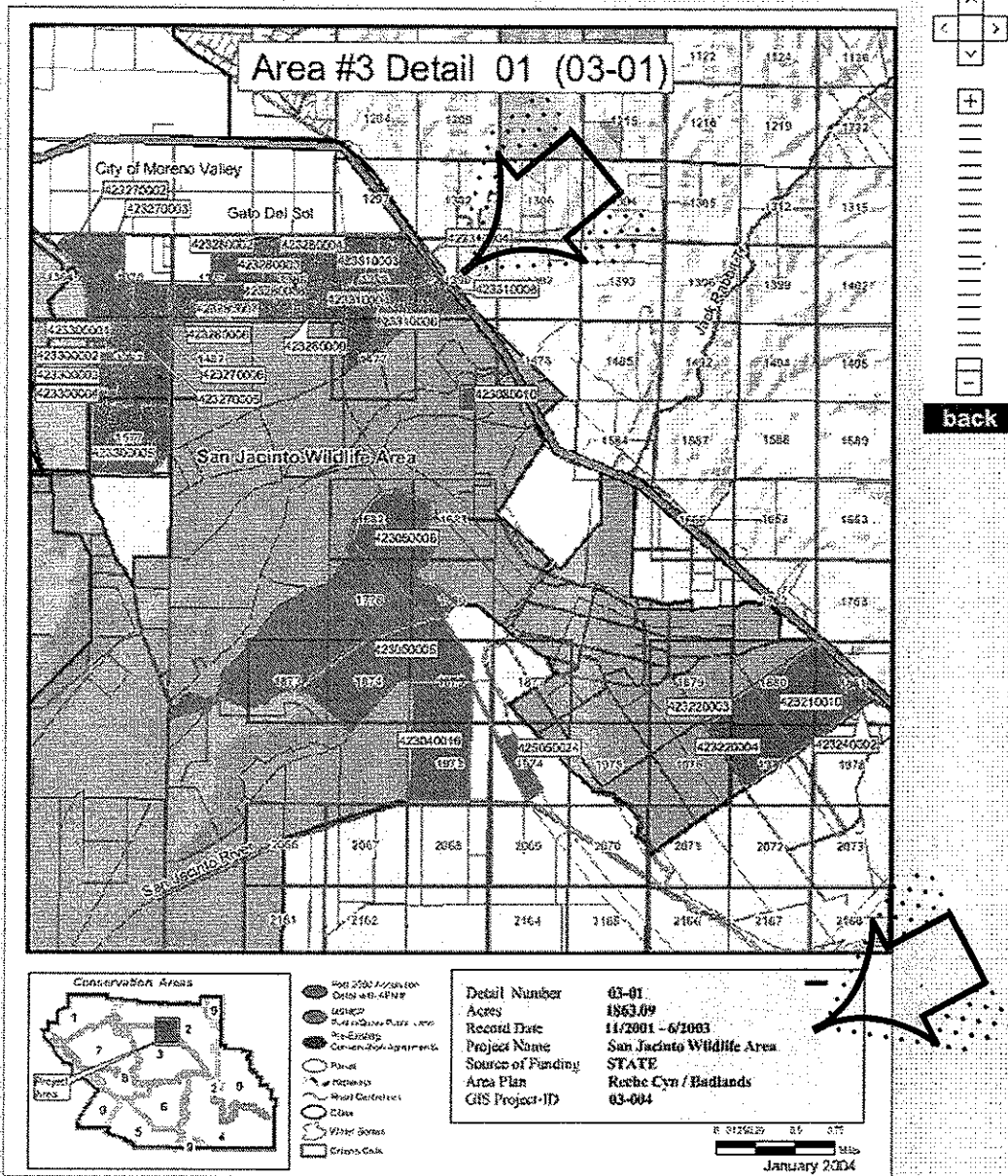
Western Riverside County  
 Regional Conservation Authority  
 Riverside Centre Building  
 3403 10th Street, Suite 320  
 Riverside, CA 92501

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 Phone (951) 955-9700  
 Fax (951) 955-2873

Business Hours:  
 Monday to Thursday 7:00am to 5:30pm  
 Closed Friday

**ATTACHMENT #5**

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Western Riverside County  
Regional Conservation Authority  
Riverside Centre Building  
3403 10th Street, Suite 220  
Riverside, CA 92501

Contact Numbers:  
Phone (951) 955-9700  
Fax (951) 955-8873

Business Hours:  
Monday to Thursday 7:00am to 5:30pm  
Closed Friday



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Marion Ashley  
*County of Riverside*

Vice Chairman  
Scott Miller  
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*City of Norco*

Ben Benoit  
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Tim Brown  
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Maryann Edwards  
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Debbie Franklin  
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Thomas Fuhrman  
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Jesse Molina  
*City of Moreno Valley*

Eugene Montanez  
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Harry Ramos  
*City of Murrieta*

Adam Rush  
*City of Eastvale*

Jeff Stone  
*County of Riverside*

John Tavaglione  
*County of Riverside*

Mark Yarbrough  
*City of Perris*

Executive Staff

Charles Landry  
Executive Director

March 19, 2013

Tom Paulek, Certified Wildlife Biologist  
P.O. Box 4036  
Idyllwild, CA 92549

**RE: PUBLIC RECORDS ACT REQUEST**

Dear Mr. Paulek:

Thank you and Ms. Nash for taking the time to meet with us to clarify your Public Records Act requests dated March 5 and 7, 2013. After meeting with you, we understand that you are asking for information from the Western Riverside County Regional Conservation Authority regarding land conserved within MSHCP Criteria Cells 1364, 1370, 1377, 1386, 1389, 1390, 1482, 1483, 1477, and 1577 (Referenced on the RCA website as "Acquisition 03-01"). These lands were acquired or conserved under easement by the State of California and are part of the Western Riverside County Multiple Species Habitat Conservation Plan Conservation Area and counted toward Additional Reserve Lands.

Again, thank you for taking the time to meet with us. If you have any questions or need additional information, please feel free to call me at (951) 955-9700.

Sincerely,

  
Charles V. Landry  
Executive Director

3403 10<sup>th</sup> Street, Suite 320  
Riverside, California 92501

P.O. Box 1667  
Riverside, California 92502-1667

Phone: (951) 955-9700  
Fax: (951) 955-8873  
www.wrc-rca.org

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**ATTACHMENT #7**

**Page 1 of 3**

**EXHIBIT A**

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**CALIFORNIA ENDANGERED SPECIES ACT  
MANAGEMENT AUTHORIZATION  
FOR IMPLEMENTATION OF  
STEPHENS' KANGAROO RAT HABITAT CONSERVATION PLAN  
IN  
WESTERN RIVERSIDE COUNTY  
RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY  
(Tracking No. 2081-1996-17-5)**

**SUMMARY**

The Riverside County Habitat Conservation Agency and its member agencies (the County of Riverside and the cities of Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Perris, Riverside and Temecula) (collectively referred to as 'the RCHCA') has requested a Management Authorization ('MA') pursuant to California Fish and Game Code Sections 2081 and 2835 for the Stephens' kangaroo rat (*Dipodomys stephensi*), a species listed as 'threatened' under the California Endangered Species Act, Fish and Game Code §2050, et. seq.

The RCHCA proposes to manage the Stephens' kangaroo rat in accordance with "The Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County" ("The SKRHCP"), which is made binding on the RCHCA by the Implementation Agreement by and among the Department of Fish and Game ('Department'), the United States Fish and Wildlife Service and RCHCA, dated May 6, 1996 ('the IA'). The SKRHCP addresses the potential impacts of development, natural habitat loss and species endangerment and creates a plan to mitigate impacts to the Stephens' kangaroo rat and its habitat due directly or indirectly to future development of both private and public lands within the SKRHCP area ('the Plan Area'). The 533,954 acre Plan Area provides for the establishment of a regional system of seven core area reserves for conservation of the Stephens' kangaroo rat and the ecosystem upon which it depends. The core reserves include 41,221 acres of habitat. Approximately 2,440 acres of additional occupied, core reserve lands will be permanently conserved through future land sale and exchange provisions. Portions of the Plan Area are potential habitat for, or are occupied by, the Stephens' kangaroo rat. The 'take' of individuals of the Stephens' kangaroo rat is prohibited unless authorized by the Department pursuant to Fish and Game Code Sections 2081 or 2835.



The Department has determined that the preservation, conveyance, acquisition, and long-term management of habitat for the Stephens' kangaroo rat under the SKRHCP will offset the impacts contemplated by the SKRHCP and will result in preserving core reserve areas sufficient to achieve sustainable populations of the Stephens' kangaroo rat. The Department has determined further that the impacts contemplated and offset in the SKRHCP will not result in jeopardy to the continued existence of the Stephens' kangaroo rat and that by securing the acquisition of habitat lands, the SKRHCP may protect the species from further degradation. The SKRHCP, as implemented by the IA and this MA, therefore meets the requirements of California Fish and Game Code Sections 2081 and 2835. Pursuant to Sections 2081 and 2835, the Department authorizes RCHCA to 'take' the Stephens' kangaroo rat, subject to the terms and conditions of this MA and the IA.

#### PROJECT LOCATION

The Plan Area is located in western Riverside County, generally defined as territory west of the San Jacinto Mountains. It extends from the San Bernardino County line to the border with San Diego County. The Cleveland National Forest flanks the western boundary, and the San Bernardino National Forest roughly defines most of the eastern boundary of the Plan Area. The total area of the SKRHCP consists of 533,954 acres, including the reserve areas which comprise 41,221 acres. The SKRHCP encompasses both privately owned and publicly owned land.

#### PROJECT DESCRIPTION

The RCHCA and member agencies desire to: (1) plan, approve and facilitate public and private development within the Plan Area; and (2) minimize and mitigate the impacts to Stephens' kangaroo rat and its habitat by providing for the substantial conservation of such species and their habitat in the core reserve areas. The future development activities contemplated by the SKRHCP and IA include: (1) land disturbances in the Plan Area within the jurisdiction of the RCHCA member agencies; (2) bona fide ongoing agricultural operations; (3) fire prevention and emergency response activities; (4) operation and maintenance of existing infrastructure facilities; (5) construction of public facilities and; (6) case-by-case approval of projects outside the Plan Area. These activities are referred to in this MA as 'the Project'.

#### HABITAT DESCRIPTION

Three major vegetation categories account for more than 94% (252,161 acres) of the natural lands within the Plan Area. Sage scrub covers 38%, followed by grasslands (31%) and chaparral (25%). Alkali playa and the total of all other vegetation types account for 3% respectively.

#### PROJECT IMPACTS

Over a 30-year period of appropriate Project build-out, the SKRHCP will likely result in permanent loss of Stephens' kangaroo rat occupied habitat. The type of occupied habitat subject to most of the loss will involve transitional areas where grasslands border coastal sage scrub, where sage scrub and grasslands are intermixed, areas of sparse sage scrub, and where native habitat has been removed or disturbed by agriculture and other open spaces.

#### SPECIES OF CONCERN

Based on recorded observations and data compiled for the Plan Area, Stephens' kangaroo rat are known to occupy approximately 30,000 acres within the SKRHCP area. The life history information and specific status for the Stephens' kangaroo rat is provided in the SKRHCP.

#### EFFECTS ON SPECIES OF CONCERN

The Stephens' kangaroo rat will be subject to direct and indirect adverse impacts and take resulting from the Project. The areas where primary impacts to the species may occur are identified in the SKRHCP.

#### HABITAT MANAGEMENT LANDS

##### *Preservation of Lands*

Under the SKRHCP, provisions are made for the establishment of seven core reserve areas comprising a total of 41,221 acres, of which 12,460 are occupied Stephens' kangaroo rat habitat. Provisions in the SKRHCP and IA provide for an additional 2,440 (approximately) acres of occupied habitat for inclusion in the core reserves. In association with the Project, the RCHCA must preserve, acquire, and convey the conserved habitat and offsite conservation lands as detailed in the IA. The preservation and management of the remaining 15,000 acres of occupied habitat for Stephens' kangaroo rat in the core reserve land, as detailed in the SKRHCP, will provide adequate habitat for the preservation and recovery of the Stephens' kangaroo rat.

#### SPECIFIC CONDITIONS REQUIRED

##### *Conservation Program and Mitigation Measures*

1. All conservation, mitigation, monitoring, and impact avoidance measures, as detailed in the SKRHCP and IA, shall be implemented by the RCHCA, as specified in the IA.
2. The term of this MA shall commence on the date that the IA is executed by the last of the parties thereto and shall terminate 30 years from that date. This period is subject to earlier termination pursuant to provisions of the IA.

#### DISCLAIMER

3. Upon timely satisfaction of the conditions of this MA and the IA, the RCHCA and member agencies will adequately mitigate impacts to the Stephens' kangaroo rat and will achieve compliance with the California Endangered Species Act, Fish and Game Code §2050, et seq. ('CESA') with regard to the Project. The RCHCA understands and recognizes that it has pendent responsibility for compliance with any and all other applicable laws and regulations.

4. Following execution of the SKRHCP and the Department's issuance of this MA, the RCHCA's decision whether or not to proceed with the Project shall be voluntary, and subject to all other pertinent law and regulations. As such, the RCHCA, its member agencies, the State of California and the Department shall each retain whatever liability each such entity would possess and for which they would otherwise be liable for past, present or future acts or failures to act without reference to this Management Authorization, and shall hold each other free and harmless from any violation of law, lien, suit or claim of injury or damage arising out of or connected with such actions or failures to act, including any joint and several obligation, judgment or other.

**DEPARTMENT FINDINGS***Species of Concern*

The Department has found and determined that the SKRHCP, as implemented by the IA and this MA, meet the requirements for purposes of California Fish and Game Code Sections 2081. In this regard, the Department has found and determined that if the terms and conditions of this MA are adhered to, the taking of Stephens' kangaroo rat, including the modification of its habitat, as contemplated by the SKRHCP, the IA, and this MA, will not result in jeopardy to its continued existence and may, through the preservation, acquisition, and conveyance of the core reserve lands, protect the species from further degradation. The SKRHCP and the IA, to the extent practicable, minimize and mitigate the impacts of the taking of the Stephens' kangaroo rat including, without limitation, the modification of its habitat.

*Other Species*

In the event that a species not enumerated in this MA is listed as endangered or threatened pursuant to Fish and Game Code Section 2070, or is a candidate for such listing pursuant to Fish and Game Code Section 2074.2, the Department shall consider, and if appropriate, expeditiously act to negotiate and execute, a Memorandum of Understanding with the RCHCA providing for the management of the species in order that the Project may proceed in accordance with CESA.

In determining whether any further mitigation measures are required to amend this MA to include an additional species, the Department shall: (1) take into consideration that the RCHCA has minimized and mitigated the impacts to the Stephens' kangaroo rat within the Plan Area to the maximum extent practicable; and, (2) cooperate with the RCHCA in good faith to minimize, consistent with CESA, any impediment to the Project's implementation resulting from the listing of a species not enumerated in this MA.

CALIFORNIA DEPARTMENT  
OF FISH AND GAMEBY *Josephine B. Selinger*TITLE *Director*DATE *May 6, 1996*