

1. Purpose, Scope, and Planning Context

This chapter identifies the purpose and scope of this Habitat Conservation Plan (HCP), the process by which the plan has been prepared, the federal and State laws on which it is based, and its relationship to other conservation plans and programs.

A. Purpose

The primary purposes of this HCP can be defined in terms of its legal functions as a document, its relationship to the Short-Term Stephens' Kangaroo Rat (SKR) HCP currently being implemented by the Riverside County Habitat Conservation Agency (RCHCA), and its goals as a conservation program for SKR ([Figure 1](#)).

- As a document, the primary purpose of this HCP is to provide the information required for issuance of a federal permit from the U.S. Fish and Wildlife Service (USFWS) for "incidental take" of SKR and equivalent authorization from the California Department of Fish and Game (CDFG) through an endangered species permit. The definition of "take" and the information requirements for the federal permit and State agreement are presented under "D. Regulatory and Planning Context" below and in Appendix B.
- In relation to the Short-Term HCP, the purpose of this document is to replace the RCHCA's existing SKR conservation program and its federal and state incidental take authorizations with the program and authorizations described herein. The Short-Term HCP is described under "E. Other Plans and Programs" below.
- As a conservation program, this HCP intends to provide for the establishment, expansion, and ongoing management of permanent reserves in a manner which will ensure the continued existence of SKR in the HCP area of western Riverside County while also providing opportunities to benefit other species of concern. The permanent reserves and the management, mitigation, and monitoring measures to be implemented by the RCHCA are described in Chapter 5. SKR Conservation and Mitigation Measures.

B. Scope

The scope of this HCP can be defined in terms of the area, species, activities, and authorizations covered by the plan.

- The area covered by the plan includes 533,954 acres within the jurisdictions of RCHCA member agencies in western Riverside County. Boundaries and characteristics of the plan area are described in Chapter 2. Plan Area Profile. Only lands within the jurisdiction of the RCHCA members as mapped in this HCP are covered by the plan and incidental take permits sought by the RCHCA.
- The SKR is not the only federal or state listed species in the plan area, but it is the only species for which the RCHCA is presently seeking authorization for incidental take from USFWS and CDFG. Therefore, this plan is focused on the habitat and other biological requirements of the SKR. Those requirements are described in Chapter 3. Summary Profile of the SKR, together with information about the ecosystem on which the SKR depends. Additional scientific information on the biological requirements of SKR is included in Volume II of this plan.
- The activities covered by the plan fall into three categories:
 1. Actions by private land owners, local and regional public agencies, public and private utilities, and farmers that are otherwise lawful but constitute incidental take of SKR as defined by the federal and State Endangered Species Acts (ESA);
 2. Establishment and management of permanent SKR reserves by the RCHCA in cooperation with other public agencies and individual landowners, and;
 3. Implementation by the RCHCA and its member agencies of the conservation, mitigation, and monitoring measures specified in this plan.

The type and level of incidental take expected in the plan area, establishment and management of the reserves, and implementation of the plan are discussed in Chapter 5. SKR Conservation and Mitigation Measures.

- The authorizations sought by the RCHCA are a 30-year permit from USFWS for incidental take of SKR pursuant to Section 10(a)(1)(B) of the federal ESA, and a 30-year California Endangered Species Permit with CDFG regarding management take of the same species, pursuant to Section 2081 of the California Fish and Game Code. Only authorization for incidental take of SKR is being sought at this time. However, the plan is structured to allow for future amendments that could broaden the conservation program to include other species and habitat types. The authorizations being sought and the provisions for amending the plan over time are discussed in Chapter 5. SKR Conservation and Mitigation Measures.

C. Planning Process

This HCP was prepared under the direction of the RCHCA Board of Directors, in consultation with USFWS and CDFG, and with the assistance of the RCHCA Advisory Committee and a team of biologists, planners, and legal counsel retained by the RCHCA. The planning process began in 1990 with biological studies conducted as part of the implementation of the Short-Term HCP and culminated with a 20-month public scoping and hearing process that concluded in November 1994.

1. RCHCA Board of Directors

The RCHCA is a Joint Exercise of Powers agency established pursuant to Section 6500 et seq of the Government Code of the State of California. The RCHCA was formed in June 1990 by the County of Riverside and the Cities of Hemet, Lake Elsinore, Moreno Valley, Perris, and Riverside; subsequently, the Cities of Corona, Murrieta, and Temecula joined the agency. As stated in its Joint Powers Agreement, the purpose of the RCHCA is to:

"...plan for, acquire, administer, operate, and maintain land and facilities for ecosystem conservation and habitat reserves to implement a habitat conservation plan for the Stephens' kangaroo rat and other listed or candidate threatened and endangered species."

The agency is governed by a Board of Directors consisting of one representative designated by the governing body of each member agency. The Board holds regular meetings which are called, noticed, located, and conducted in accordance with applicable provisions of the California Government Code. The RCHCA is staffed by an Executive Director and a Senior Administrative Analyst, who are responsible for overseeing implementation of the Short-Term SKR HCP, development and ultimate implementation of this HCP, and management of all administrative and financial affairs of the agency.

2. Advisory Committee and Working Groups

The RCHCA Advisory Committee was appointed by the RCHCA Board of Directors in 1990 and includes representatives of the Metropolitan Water District, Southern California Edison, Riverside County Farm Bureau, Building Industry Association, Sierra Club, Audubon Society, Riverside County Property Owners Association, Endangered Habitats League, Riverside County Transportation and Land Management Agency, Riverside County Waste Resources Management District, and individual farmers, biologists, property owners, land development companies, and others.

The RCHCA Advisory Committee holds regular meetings open to the public and is responsible for making recommendations to the RCHCA Board of Directors concerning policy and financial matters, development and implementation of the SKR HCP, and other issues of concern to the agency.

3. Consultant Team

The consultant team which participated in the development of this document includes legal counsel, field and research biologists, and parties with expertise in HCP's, federal and State incidental take permits, and public policy issues. Biological studies commissioned by the RCHCA are summarized in Chapter 3. Summary Profile of the SKR, with detailed reports included in their entirety in Volume II. Other studies conducted as part of the planning process are summarized in Chapter 4. Alternatives Considered.

4. Resource Agency Cooperation

In connection with the implementation of the Short-Term HCP, and consistent with their policies regarding interagency cooperation, representatives of USFWS, and CDFG have participated in the planning process for this HCP since its inception. Specifically, USFWS and CDFG have provided technical expertise regarding the biological requirements of SKR and reserve design, attended RCHCA Board of Directors and Advisory Committee meetings, and participated in the discussions of the ad hoc biological working group. Both USFWS and CDFG have been supportive of the RCHCA's joint efforts with federal and State agencies to acquire and conserve lands for their habitat values. In addition, USFWS has made its Geographic Information Systems (GIS) computer capabilities and data base available for conservation planning purposes.

The RCHCA also received significant support from BLM in the development of this HCP. Details of the role of federal lands in supplementing SKR conservation were determined through cooperative efforts between staff members of the RCHCA and BLM. Additionally, most of the information presented in this document concerning federal lands either intended for inclusion in core reserves or as exchange properties for acquisition of SKR habitat was provided by BLM staff. Details concerning the land exchange program are presented in an Assembled Land Exchange Agreement executed between BLM and RCHCA; that document is included in Appendix A.

5. Public Scoping Process

The implementation of the Short-Term HCP raised a number of significant issues which prompted the RCHCA Board of Directors to consider a wide range of alternatives regarding the plan intended to replace it. In general, those issues focused on the political and economic realities facing the Board regarding the regulation of land use on, and potential acquisition of, privately held properties for purposes of implementing the federal and State ESA's. Public concern over these issues, together with the legal requirements regarding the HCP and its environmental documentation, led to the development of the options discussed in Chapter 4. Alternatives Considered.

As part of the overall scoping process and in anticipation of the National Environmental Policy Act (NEPA) environmental documentation for USFWS' action on the HCP, five public workshops and more than 40 public meetings and hearings of

the RCHCA Board of Directors and Advisory Committee were held (see [Table 1](#)); over 300 issues were raised in written comments submitted to the RCHCA. This process culminated in the RCHCA Board of Directors' decision on August 19, 1993 to direct staff and consultants to prepare a draft SKR HCP intended to accomplish the following:

- (a.) Finite boundaries for core reserves would be set based on: a) SKR biological studies performed by the RCHCA, and; b) compliance with the federal and State ESA standards. Such boundaries would include public lands as well as those private properties which can be acquired with available RCHCA funds and are deemed biologically necessary for reserves. These core reserves would form the nucleus of future multi-species habitat conservation efforts;
- (b.) The SKR Study Areas established under the Short-Term HCP would be eliminated;
- (c.) In anticipation of future multi-species efforts to be undertaken by the RCHCA, the SKR HCP would include a provision through which 1:1 conservation credit would be received from USFWS and CDFG for all other habitats and species present on lands acquired as part of the SKR program;
- (d.) Performance standards for reserve land acquisitions would be established, and the HCP would illustrate how additional land could be added to reserves should the RCHCA choose to do so for multi-species purposes. General guidelines would be established regarding the suitability of land the RCHCA would consider purchasing for reserves;
- (e.) A management committee would be created to adopt procedures for monitoring and evaluating biological viability of the permanent reserve areas. This committee would be responsible for recommending appropriate adjustments or alterations to the HCP to ensure the long-term viability of the species;
- (f.) The HCP would include a financing plan sufficient to ensure implementation of the SKR conservation program. Local interest groups should be coalesced into a political action committee to jointly and aggressively pursue federal and state funding to supplement SKR mitigation fees and other funding sources.

6. Public Review Process for the November 4, 1993 Draft HCP

Following the August 19, 1993 RCHCA Board of Directors meeting the RCHCA circulated a Draft HCP dated November 4, 1993. That document was the subject of a series of meetings to receive comment from the public concerning its contents. [Table 1](#) presents a list of those meetings.

The RCHCA received a total of 81 letters commenting on the November 4, 1993 draft of the SKR HCP. In addition, many hours of public testimony were received by the RCHCA Board of Directors. After reviewing all public comment letters and oral testimony the RCHCA Board of Directors instructed staff to make the following modifications to the November 4, 1993 draft of the SKR HCP:

- (a.) All references in the draft HCP to a 1/2 mile buffer area proposed around SKR core reserves would be eliminated. This would include the deletion of provisions concerning review of proposed General Plan amendments and zoning changes, as well as the proposed requirement for completion of biological assessments for all projects in the buffer area;
- (b.) The HCP would include a commitment by the RCHCA to expand the SKR core reserves by an additional 2,500 acres of value to the SKR core reserve system. When that standard has been reached RCHCA land acquisition activities for the SKR would terminate, and the SKR mitigation fee would be reduced to that amount required to finance core reserve management activities over the balance of the 30-year permit period;
- (c.) RCHCA legal counsel would draft model California Environmental Quality Act (CEQA) findings concerning projects outside of core reserves which will result in impacts to SKR. Such model findings would be available for use as appropriate by RCHCA member agencies;
- (d.) The HCP would reference a procedure for addition of new jurisdictions to the RCHCA. In recognition of the fact that the City of Murrieta has collected SKR mitigation fees since its incorporation, the City could, if it so chooses, become a member of the RCHCA by transferring all mitigation fees collected to the RCHCA and agreeing to implement the SKR HCP. (In fact, the City of Murrieta subsequently joined the RCHCA in 1995) For land within other non-member jurisdictions, coverage under the RCHCA's HCP should be accomplished through participation of the particular city in the RCHCA. If such cities decline to join the RCHCA, the HCP would allow individual land owners to receive incidental take from the RCHCA if they acquire replacement SKR occupied habitat on a 1:1 basis for all SKR occupied acres incidentally taken. Replacement habitat must be acceptable to the RCHCA, USFWS, and CDFG;
- (e.) SKR mitigation fees would be applied in uniform fashion by all RCHCA member agencies, and would be assessed over the entirety of parcels for which development permits are approved. The HCP would specify that land disturbance for agricultural purposes is exempted from the SKR mitigation fee; agricultural structures would be assessed fees based upon the footprint of disturbance created for the structure;
- (f.) Until the RCHCA has expanded the core reserves by 2,500 acres of value to the core reserve system, SKR biological surveys would be required in the same fashion as that employed for the Short-Term HCP, with the

exception of the following activities for which no surveys will be necessary unless required by NEPA or CEQA: a) agricultural activities other than erection of structures; b) permitted activities which result in no land disturbance, e.g., lot splits; c) activities necessary to respond to emergency conditions, and; d) activities necessary to operate and maintain public facilities and improvements. Until the RCHCA has reached the 2,500 acre goal, SKR surveys required for the construction of one single-family home would be eligible for 50% cost reimbursement by the RCHCA. When the RCHCA has reached the 2,500 acre goal SKR biological surveys would not be required under the HCP. However, this provision would not supersede CEQA or NEPA requirements for conduct of biological surveys;

- (g.) The County of Riverside, California Department of Forestry, and the University of California Riverside (UCR) Cooperative Extension would be added to the Reserve Managers Coordinating Committee;
- (h.) The HCP would include financial projections of the costs and revenues associated with implementation of the plan. This would include projected RCHCA revenues, land acquisition costs to complete the core reserves and achieve the 2,500 acre core reserve expansion standard, and projected habitat management expenses;
- (i.) The HCP would encourage RCHCA member agencies to adopt and implement density compensation and transfer programs for privately owned land in SKR core reserves;
- (j.) References in the draft HCP to CPI indexing of SKR mitigation fees would be eliminated;
- (k.) The HCP would provide that within core reserves activities necessary to respond to emergencies threatening public health and safety would require no pre-approval from the USFWS or CDFG even if they may result in incidental take of SKR. Any necessary mitigation would be determined in consultation with the USFWS and CDFG after emergency conditions have ended;
- (l.) The HCP would permit RCHCA member agencies to conduct necessary maintenance activities on roads, flood control channels, landfills, and other public facilities within core reserves. Regional SKR conservation actions to be undertaken by the RCHCA would provide mitigation for incidental take resulting from these activities;
- (m.) Existing and planned public agency operational, recreational, and project areas around the existing Lake Mathews, Lake Perris, and Lake Skinner reservoirs and the future Domenigoni reservoir would be excluded from designated SKR core reserves. The HCP would specify that provisions of existing Metropolitan Water District agreements with the USFWS and CDFG concerning the Domenigoni Reservoir, Mills Filtration Plant, Inland Feeder Pipeline, San Diego Pipeline, and other projects would determine procedures for SKR incidental take and mitigation on affected lands.

7. Public Review Process for the July 1994 Draft HCP

In July 1994 the RCHCA issued a second draft HCP incorporating all of the above changes adopted by the RCHCA Board of Directors. The July 1994 draft was circulated for public review and also was the subject of five additional public hearings.

During the public review period the RCHCA received more than 40 letters presenting written comments concerning the draft HCP. Most of these letters requested some type of modification to the document; requested changes reflected a broad spectrum of opinion, from those seeking to immediately abandon all SKR conservation activities to those urging the RCHCA to provide a much greater commitment to conservation of this species. Of particular importance were comments from RCHCA member agencies requesting that the HCP precisely define an end point to the agency's land acquisition commitment.

Following extensive public testimony the RCHCA Board of Directors endorsed the following modifications to the July 1994 draft HCP:

- (a.) The RCHCA commitment to additional land acquisition will terminate upon completion of the core reserves defined in the July 1994 draft. Expansion of those reserves was endorsed, but responsibility for additional land acquisition will belong to the federal government. Toward that end, the federal land identified by BLM in their South Coast Resource Management Plan (RMP) as available for use in support of the RCHCA's SKR conservation efforts (detailed in Appendix A) will be used to acquire the additional 2,400 acres of SKR occupied habitat deemed necessary by USFWS and CDFG;
- (b.) The SKR conservation commitments made by BLM in their Record of Decision on the RMP should be included in the HCP as the method by which the core reserves will be expanded following their initial completion by the RCHCA, and;
- (c.) The HCP will include a discussion of the status of the planned realignment of March Air Force Base (MAFB). This will include a review of the options currently under consideration in the draft MAFB Reuse Plan developed by the March Joint Powers Authority for those areas of the base now designated as Open Space and SKR Management Areas.

8. Public Review Process for the February 1995 Draft HCP

In February 1995 the RCHCA completed its third draft of the HCP containing the modifications described above. That document was submitted to USFWS and CDFG for review, and its provisions provided the basis for the Proposed Project

subsequently evaluated in a Draft Joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

The February 1995 Draft HCP was circulated to interested members of the public in the ensuing months and was discussed on numerous occasions during public meetings of the RCHCA Board of Directors and the RCHCA Advisory Committee.

As the Proposed Project in the EIS/EIR, the February 1995 HCP was subject to an extensive review process required under CEQA and NEPA. That review process is detailed in the Final Joint EIS/EIR included as Volume III of this HCP.

D. Regulatory and Planning Context

The regulatory and planning context of the HCP consists primarily of the federal and State laws governing authorizations for SKR incidental take that the RCHCA is seeking. These laws include the federal ESA, NEPA, California Fish and Game Code (including the State ESA), and CEQA. Salient provisions of those laws are discussed below and summarized in [Table 2](#). Additional information concerning federal and State wildlife regulations is presented in Appendix B.

1. Federal ESA

Three sections of the federal ESA are relevant to the RCHCA's preparation of this plan and USFWS' action on the permit application: 13

- Section 9, which prohibits the taking of species listed as endangered or threatened;
- Section 10(a), which authorizes the issuance of incidental take permits and establishes standards for the content of HCP's, and;
- Section 7, which requires USFWS review of federal actions (including its own) that would affect a species listed as endangered or threatened, or would adversely modify critical habitat designated under the ESA for such species.

Detailed discussions of these and other relevant sections of the ESA are presented in Appendix B. Also presented in that Appendix are summaries of relevant sections of the California ESA and other State statutes.

2. NEPA

In addition to conducting an internal Section 7 consultation and making the HCP available for public review, USFWS must prepare appropriate environmental documentation prior to acting on the permit. This step is triggered by NEPA, which requires that the potential effects of actions taken by federal agencies be identified and analyzed in a written document. The document must be made available for public review and so noticed in the Federal Register. The practice of USFWS has been to publish a joint notice regarding the receipt of the permit application and the availability of the environmental documentation, thereby providing for a concurrent review of the HCP submitted by the applicant and the environmental documentation for USFWS' proposed action on it.

Volume III of this plan contains the NEPA documentation for USFWS' action. The documentation has been prepared jointly by USFWS and the RCHCA in the form of a combined EIS/EIR. USFWS is the lead agency for the NEPA component of the joint documentation.

3. California Fish and Game Code

The California Fish and Game Code includes the State ESA. Key provisions pertaining to this plan and CDFG's action include:

- Section 2080, which prohibits the taking of species which are either listed as endangered or threatened or are candidates for such listing;
- Section 2081, which authorizes CDFG to enter into agreements regarding take of candidate and listed species occurring for scientific, educational, or management purposes, and;
- Sections 2090-2097, which cover the State process for reviewing projects with potential impacts to State listed species and for species like the SKR that are also federally listed. Specific information concerning the above CEQA sections is presented in Appendix B.

4. CEQA

Similar to NEPA, CEQA requires lead agencies empowered to make discretionary decisions to evaluate the environmental effects of a proposed project before rendering a decision. The evaluation begins with an Initial Study to determine if the potential impacts of the proposed project would be potentially adverse and significant. If one or more significant impacts are identified, an EIR or Mitigated Negative Declaration must be prepared. If no significant impacts are determined a Negative

Declaration is prepared. If a project affects a listed species, CEQA mandates that a Negative Declaration or draft EIR be prepared and that the lead agency for the project must submit the Negative Declaration or EIR to the State Clearinghouse for review by CDFG.

Volume III of this HCP includes the CEQA documentation for the RCHCA's action on the plan, which is to implement the conservation program upon approval of the plan by USFWS and CDFG. The documentation also will be used by CDFG in their evaluation of the HCP. As previously noted, the documentation has been prepared cooperatively by the RCHCA and USFWS in the form of a joint EIS/EIR (see Volume III). The RCHCA is the lead agency for the CEQA component of the joint document; the role of CDFG is that of a "responsible agency" as defined in CEQA.

E. Other Plans and Programs

Other plans and programs relevant to this HCP include:

1. The existing Short-Term SKR HCP being implemented by the RCHCA;
2. The adopted General Plans of RCHCA member agencies;
3. The Southwestern Riverside County Multiple Species Habitat Conservation Plan (MSHCP), prepared by the RCHCA and MWD and approved by USFWS and CDFG in October 1992;
4. The draft Lake Mathews Multiple Species Habitat Conservation Plan (Lake Mathews MSHCP), prepared by the RCHCA and MWD and approved by USFWS and CDFG in December 1995;
5. The draft Multiple Species Habitat Conservation Strategy (MSHCS) for Riverside County;
6. The U.S. Bureau of Land Management (BLM) South Coast Resource Management Plan, and;
7. The State of California's Natural Communities Conservation Planning (NCCP) program.

Original HCP Fee Area and Stephens' Kangaroo Rat Study Area

Current HCP Fee Area and Stephens' Kangaroo Rat Study Area

1. Short-Term SKR HCP

The Short-Term SKR HCP currently being implemented by the RCHCA was part of a Section 10(a) permit application and 2081 agreement submitted to USFWS and CDFG in 1989 and finally approved by both agencies in October 1990. In general, the Short-Term HCP: a) identified the boundaries of the area covered by the permit and agreement; b) established ten Study Areas to be evaluated as potential SKR reserves; c) specified a process by which reserves would be identified and the boundaries of Study Areas could be modified, and; d) defined limitations on the amount, location, and duration of SKR incidental take.

a. Original Plan Area and Reserve Study Areas

The plan area for the Short-Term HCP was configured to encompass the estimated historic range of SKR habitat in western Riverside County, covering approximately 565,000 acres. As originally defined, the ten Study Areas encompassed approximately 85,000 acres or 15% of the total plan area, with individual Study Areas ranging in size from under 2,000 to over 20,000 acres (see [Figure 2](#)). Based on the best information available at that time, it was estimated that: 1) approximately 22,000 acres, or 4.2% of the plan area, were occupied by SKR, and; 2) over 16,000 acres or 73% of SKR occupied habitat occurred inside of Study Areas. These estimates were based primarily on maps prepared for CDFG in late 1988 and early 1989 by Dr. Michael O'Farrell and Curt Uptain.

b. Reserve Design and Boundary Modification Process

Since the approval of the Short-Term HCP, lands within the Study Areas have been evaluated by the RCHCA for their potential as permanent SKR reserves. This evaluation has occurred primarily through two mechanisms: 1) biological research, studies, and SKR surveys funded by the RCHCA, and; 2) HCP boundary modifications requested by individual land owners.

Research and studies conducted to date have focused on: 1) SKR distribution and the biological suitability of the habitat within each Study Area; 2) existing and proposed land uses within and adjacent to each area; 3) the economic feasibility of land acquisition, and; 4) identification of potential constraints on the area's long-term viability as a SKR reserve (see Chapter 3. Summary Profile of the SKR and Volume II for information on studies and research).

The HCP boundary modification process has been governed by the terms and conditions established in the 1990 agreements with USFWS and CDFG. Those agreements provide that changes to the boundaries of Study Areas and overall plan area may be proposed by individual applicants, who must submit their requests in writing to the RCHCA together with a SKR biological survey, assessor's parcel map of the property, and relevant land use and economic data. The RCHCA then reviews the proposed changes in terms of the biological suitability of the land as part of a

potential reserve (including its biological value as a buffer or movement corridor), the relative compatibility of land uses in the area, the financial feasibility of its acquisition, and potential effects of the boundary change on the feasibility of establishing a final set of SKR reserves.

Following this review, the RCHCA Board of Directors determines which modifications to submit to USFWS and CDFG for approval. The 1990 agreements further stipulate that the modifications must be submitted as a set and may be submitted no more frequently than once every six months. THE USFWS and CDFG may choose to approve or deny any or all of the modifications forwarded by the RCHCA.

Since October 1990, two sets of HCP boundary modifications were approved through this process:

- The first set involved both additions of land to and deletions from Study Areas, as well as proposed additions to the HCP area. The USFWS approved 16 modifications of the 21 requested by the RCHCA, resulting in the addition of approximately 1,600 total acres and 475 SKR occupied acres to the HCP area. Approved changes also resulted in the elimination of the Alessandro Heights Study Area pursuant to an agreement cited in the Short-Term HCP, addition of approximately 1,500 acres (including 1,000 acres of SKR habitat) to the Lake Skinner Study Area, and removal of approximately 2,000 acres (including 250 acres of SKR habitat) from twelve locations.
- In the second set of boundary modifications USFWS and CDFG approved 23 modifications which reduced the total size of Study Areas by 3,865 acres, including 337 acres of SKR occupied habitat. Seven of the nine Study Areas were modified, with the greatest number of changes occurring in Kabian Park and Steele Peak, the two Study Areas containing the highest proportion of privately owned properties. No additions to the HCP area were proposed.

Subsequent to the second set, all Study Area and HCP area modification requests submitted or reactivated by property owners have been addressed by the RCHCA through the preparation of this HCP and are incorporated in the recommended conservation program (see Chapter 4. Alternatives Considered). Current boundaries of the Short-Term HCP area and Study Areas are shown in [Figure 3](#).

The HCP boundary modification process played a prominent role in the shaping of SKR reserves in western Riverside County. By providing a forum for the evaluation of biological, economic, and land use factors, the process served as a valuable laboratory in which the complexities of habitat conservation decision making in a rapidly urbanizing environment could be resolved. However, from the perspective of the local citizenry it also proved to be one of the most controversial aspects of the Short-Term HCP.

The Short-Term HCP prohibition against take of SKR inside of Study Areas led many property owners with even minor development plans to petition for removal of land from Study Areas. The protracted time required to receive final decisions (no less than 18 months), along with attendant expense and uncertainty, proved extremely difficult for property owners to accept. As a result, the RCHCA and USFWS received a tremendous amount of criticism from local land owners who became disaffected with the entire SKR conservation program. This feeling of dissatisfaction also was shared by environmental groups who opposed removal of land from Study Areas during the Short-Term HCP on the basis that such decisions should not be made until permanent SKR reserves are defined. Environmental groups ultimately filed three lawsuits against the RCHCA based upon the boundary modification process; this proved costly not only to the RCHCA's finances but also to its relations with conservation interests whose support is important to successful HCP implementation.

c. Terms and Conditions in the Short-Term HCP Regarding Incidental Take of SKR

The original terms and conditions imposed on incidental take of SKR under the RCHCA's existing 10(a) permit and 2081 agreement are described below:

- i. Within the HCP area incidental take of SKR can occur only on land located outside of the boundaries of Study Areas. Incidental take within Study Areas was authorized only for essential public utility projects, and only with the specific approval of USFWS and CDFG;
- ii. Incidental take could not exceed 4,400 acres or 20% (whichever is less) of the total amount of occupied SKR habitat in the HCP area;
- iii. For every one acre of incidental take occurring outside of Study Areas, one acre of SKR occupied habitat located within the Study Areas must be acquired by the RCHCA, placed in public ownership, and permanently conserved for the benefit of the species. All RCHCA replacement land acquisitions must be approved by USFWS and CDFG;
- iv. RCHCA replacement acquisition acreage must be no less than 10% below actual incidental take acreage, as measured every six months;
- v. When reviewing projects proposed within a Study Area, RCHCA members must:
 - (a.) Require that a SKR biological report on the project be prepared by a biologist permitted by USFWS to trap the species;

- (b.) Consider the effects of the project on reserve design and require preparation of an EIR if the potential effects are significant;
 - (c.) Provide USFWS and CDFG with an early opportunity to comment, and;
 - (d.) For the project to be approved, make a finding of "no significant environmental effect" on the future establishment of a SKR reserve in the Study Area.
- vi. RCHCA members were required to collect a SKR mitigation fee as a condition precedent to issuance of grading, building, surface mining, and other land disturbance and permits in the HCP area. Mitigation fee revenues were expended by the RCHCA for implementation of the Short-Term HCP, including habitat acquisition, biological research, and preserve system planning. A minimum of 10% of SKR mitigation fees must be dedicated to habitat management;
 - vii. Boundaries of the HCP area and Study Areas could be modified only with the approval of USFWS and CDFG. The RCHCA could petition for such changes once every six months, with all proposed changes accompanied by SKR biological surveys and appropriate CEQA and NEPA environmental documentation, and;
 - viii. The authorization for incidental take of SKR was valid for an initial period of two years.

In response to formal requests from the RCHCA, USFWS and CDFG approved the following amendments to the permit and agreement:

- i. The habitat replacement requirement was modified to allow for mitigation credit to be given by USFWS and CDFG on a case-by-case basis for the acquisition of non-SKR occupied habitat deemed important to preserve as buffers or corridors;
- ii. The term of the existing permit and agreement was extended until June 30, 1996;
- iii. A provision was added to allow authorized incidental take to occur any time within 15 years of the expiration of the permit and agreement, provided that the applicable SKR mitigation fees have been paid, replacement habitat has been acquired, and all other terms and conditions of the permit and agreement have been met;
- iv. Projects involving essential public utilities within Study Areas were more specifically defined as those for "water, electricity, gas, and the like, in which no reasonable alternative location or route is available, taking into account comparable environmental consequences and costs of installation, and subject to approval of appropriate mitigation" by USFWS and CDFG.

d. Status Report

As of March 1, 1996, more than five years after the Short-Term HCP was approved by USFWS and CDFG:

- i A total of 1,975 acres, or 45% of the 4,400-acre USFWS and CDFG authorization, have been incidentally taken under authority of the HCP;
- ii Over 8,800 acres, including 4,184 acres of approved SKR replacement habitat, have been acquired by the RCHCA;
- iii Approximately 700 acres have been dedicated to the RCHCA via Section 7 consultations;
- iv Approximately \$29.9 million in SKR mitigation fee revenue has been collected by RCHCA member agencies, and \$10.2 million has been secured by the RCHCA from other sources;
- v Approximately \$24 million has been expended by the RCHCA to acquire habitat under the HCP, with an additional \$2.5 million spent by other parties, e.g. ..State of California Wildlife Conservation Board;
- vi A 9,000 acre multiple species reserve in the Lake Skinner/Domenigoni Valley area encompassing almost 1,200 acres of SKR occupied habitat has been established through cooperative action by the RCHCA and MWD, and;
- vii A multiple species reserve in the Lake Mathews area encompassing approximately 9,000 acres of public lands, including 3,341 acres of SKR habitat, has been established through a second cooperative effort with MWD. 22

2. Local General Plans

Section 65350 et seq of the California Government Code requires each city and county in California to prepare and adopt "a comprehensive, long-term general plan for the physical development of the city or county." The plan must contain seven elements (land use, circulation, housing, conservation, open space, noise, and public safety) and may contain other

elements important to the physical development of the community (e.g., parks and recreation, public services and facilities, scenic highways, and historic preservation).

Habitat conservation is cited in the Government Code in connection with three of the mandatory General Plan elements:

- As part of the conservation element, which provides for "the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soil, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources";
- As part of the open space element, which provides for "the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecological and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lake shore, banks of rivers and streams, and watershed lands" and;
- Indirectly, as part of the land use element, which must designate "the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land."

The General Plans of RCHCA members are consistent with the provisions of the Government Code; they address habitat conservation primarily under one or more of the mandatory elements or in a combination of elements. In the aggregate the elements address a broad spectrum of HCP-related policies, including:

- sensitive species protection;
- habitat inventory/mapping;
- habitat acquisition;
- development review/control;
- site specific biological assessment;
- wildlife buffers/corridors;
- mitigation/monitoring, and;
- multi-species planning.

All nine General Plans of RCHCA member agencies address the issue of sensitive species protection through the planning process, which provides the basic framework for habitat conservation. As a means of ensuring wildlife protection, five plans also specify the creation of buffer zones around sensitive habitats and the preservation of wildlife movement corridors. Since planning is intended to produce orderly and appropriate development, the majority of the plans also focus on policies related to the development process. Eight of the nine member agency General Plans specifically require further site specific biological assessments when warranted by proposed development impacts or an inadequate habitat data base, and the plan that does not specify such provisions (i.e. . City of Corona) applies to less than one percent of the HCP area. Six of the plans also include specific policies regarding mitigation and monitoring measures. Habitat acquisition is addressed in four plans, and habitat inventory/mapping and multi-species included in three.

This HCP is consistent with General Plan policies and programs of RCHCA member agencies. The general scope of existing conservation-related policies in the General Plans of the RCHCA members is summarized in [Table 3](#); specific policies are detailed in Appendix C.

3. Southwestern Riverside County Multi-Species Habitat Conservation Plan

The Southwestern Riverside County Multi-Species Habitat Conservation Plan (MSHCP) was prepared and submitted cooperatively by the RCHCA and MWD and approved by USFWS and CDFG in October 1992; this document and its accompanying agreements are incorporated by reference into this HCP. The MSHCP covers a 20,000 acre area includes approximately 9,000 acres of conserved habitat, 8,600 acres dedicated to two reservoirs and water related facilities, and 2,400 acres dedicated to recreation facilities at the planned Domenigoni and existing Lake Skinner reservoirs. The MSHCP anticipates the future listing of individual species, mitigates the impacts of the Domenigoni Reservoir, and provides for the ongoing management of the reserve through a Cooperative Agreement with USFWS and CDFG.

a. Plan Area Components

The area covered by the MSHCP includes three primary components:

- Land around Lake Skinner under MWD ownership;
- The Roy E. Shipley Reserve, which was established by MWD, RCHCA, and County of Riverside in 1991, and;

- Land adjacent to the project area for the new reservoir in Domenigoni Valley.

The first two of these components also are encompassed by the Lake Skinner Study Area identified in the Short-Term SKR HCP. These components also are part of the core reserves identified in this plan.

b. Goals and Objectives

The primary goal of the MSHCP is to contribute to the continued survival and recovery of sensitive species known to occur in the plan area, including but not limited to:

- The federally and State listed SKR;
- The federally listed California gnatcatcher;
- Seven sensitive and candidate plant species (Smooth tarplant, Payson's jewelflower, Parry's spineflower, San Jacinto Valley saibush, Munz's onion, Engelmann oak, and Palmer's grapplinghook);
- Five sensitive reptile species (Orange-throated whiptail, San Diego homed lizard, Northern red-diamond rattlesnake, Coastal western whiptail, and Southwestern pond turtle);
- Eleven sensitive bird species (Bell's sage sparrow, Southern California rufous-crowned sparrow, Great blue heron, Black-shouldered kite, Bald eagle, Cooper's hawk, Ferruginous hawk, Golden eagle, Loggerhead shrike, Burrowing owl, and California horned lark), and;
- Six sensitive mammal species (Mountain lion, American badger, Los Angeles pocket mouse, San Diego desert woodrat, San Diego black-tailed jackrabbit, and Northwestern San Diego pocket mouse).

To this end, the plan provides for:

- Dedication and preservation of conserved habitat in the plan area components;
- Mitigation for sensitive species;
- Cooperative management of the conserved habitat by MWD, RCHCA, Riverside County Park and Open Space District, USFWS, and CDFG;
- Initial funding (\$13,886,000) by MWD for a research program and management of the reserve, plus \$1.2 million in SKR management funds from MWD and RCHCA, and;
- Long-term funding for reserve management through revenues from recreation facilities at the new reservoir. The plan also provides for authorization of incidental take in the plan area, including "pre-listing" assurances to MWD regarding species that currently are not but could become federally or state listed prior to completion of the new reservoir. The assurances largely reflect the fact that the plan treats the species as if they were already listed and provides for their needs through an adaptive management strategy. The MSHCP acknowledges that major impacts of the reservoir project will occur long before the possible listing of any of its covered species other than SKR and California gnatcatcher.

Additional information concerning the Southwestern Riverside County MSHCP, including the planned incorporation and management of RCHCA lands, is presented in Chapter 5. SKR Conservation and Mitigation Measures.

4. Lake Mathews Multi-Species Habitat Conservation Plan

Concurrent with the completion of the Southwestern Riverside County MSHCP, MWD and RCHCA initiated a similar planning effort for MWD and RCHCA properties in the Lake Mathews and Estelle Mountain areas. Preparation of the Lake Mathews plan began in March 1992 with extensive surveys of MWD Lake Mathews property to document habitat and species values. Following completion of the surveys in mid-1993, preparation of the plan itself began in consultation with USFWS and CDFG. The Lake Mathews MSHCP was approved by USFWS and CDFG in December 1995; that document and its accompanying agreements are incorporated by reference in this HCP.

a. Plan Area Components

The MSHCP establishes a 12,094 acre multiple species reserve in northwestern Riverside County consisting of four components:

- An existing State Ecological Reserve consisting of 2,565 acres around and below Lake Mathews;
- Approximately 2,545 acres owned by MWD which will be added to the Ecological Reserve and used as a mitigation bank by MWD and RCHCA;
- Approximately 4,600 acres currently owned by the RCHCA; and
- Approximately 683 acres which the RCHCA proposes to include in the Lake Mathews SKR core reserve by means of this HCP. All four components are within the Lake Mathews core reserve designated in this HCP.

b. Goals and Objectives

Similar to the Southwestern Riverside County MSHCP, the Lake Mathews MSHCP is intended to contribute to the continued survival and recovery of sensitive species known to occur in the plan area. In this case, 46 sensitive species have been identified, including:

- The federally and State listed SKR;
- The federally listed California gnatcatcher;
- Seven sensitive plant species (Clay bindweed. Great valley phacelia, Knotweed spineflower. Large-leaf filaree. Palmer's grapplinghook. Parry's spineflower, and Small flowered microseris);
- Seven sensitive amphibian and reptile species (Coastal rosy boa. Coastal western whiptail. Northern red diamond rattlesnake. Orange-throated whiptail, San Bernardino ringneck snake, San Diego horned lizard, and Western spadefoot toad);
- Twenty-three sensitive bird species (California horned lark, Caspian tern. Cooper's hawk. Downy woodpecker. Golden eagle. Grasshopper sparrow. Great blue heron, Loggerhead shrike. Northern harrier. Red-shouldered hawk. Southern California rufous-crowned sparrow, Tricolored blackbird. Western grebe, Yellow-breasted chat, and Yellow warbler), and;
- Seven sensitive mammal species (American badger. Big or pocketed free-tail bat, Northwestern San Diego pocket mouse. Pallid bat, San Diego black-tailed jackrabbit, San Diego desert woodrat, and Western mastiff bat). 27

To provide for these species in a way that fulfills the requirements and intent of the federal and State ESA's, the MSHCP provides for:

- Expansion of the existing Ecological Reserve to include an additional 2,546 acres;
- Ongoing management of the expanded Ecological Reserve and the SKR core reserve established under this HCP through interagency agreements and establishment of a permanent endowment for reserve management;
- Establishment of a mitigation bank for use by MWD and the RCHCA based on the conservation value of lands being added to the Ecological Reserve, and;
- Authorization for incidental take of species in the plan area, including "pre-listing" assurances regarding species covered by the plan. Additional information concerning the Lake Mathews MSHCP is presented in Chapter 5. SKR Conservation and Mitigation Measures.

5. Draft Multi-Species Habitat Conservation Strategy for Riverside County

Concurrent with the implementation of the Short-Term SKR HCP and two years prior to the California NCCP Act, Riverside County initiated preparation of a strategic plan for county-wide habitat conservation now identified as the draft Multi-Species Habitat Conservation Strategy (MSHCS). The draft MSHCS was intended to serve as a conceptual plan for protecting sensitive biological resources and integrating that protection into appropriate elements of the County of Riverside General Plan. The document was completed in January 1991.

The draft MSHCS presents existing data concerning wildlife and habitats throughout the county, includes a gap analysis to identify sensitive resource areas appropriate for conservation, recommends measures to ensure the conservation of specific species and ecosystems, and proposes a 10-year acquisition and implementation program. Species that are listed or are likely to be listed by USFWS or CDFG are afforded special attention, and priority is given to multi-agency

partnerships for acquisition of habitats threatened by imminent development. The draft MSHCS has not been considered or adopted by the Riverside County Board of Supervisors and does not include the level of detail required to secure a federal Section 10(a) Permit or 2081 agreement. However, it provides the framework for regional habitat conservation planning efforts by the County and potentially, other local agencies.

6. BLM South Coast Resource Management Plan

The BLM South Coast Resource Management Plan (RMP) and Record of Decision issued in June 1994 covers 296,000 acres, including 129,000 acres of public lands managed by BLM and an additional 167,000 acres of federal mineral estate with private surface ownership. These lands are located in five counties, with the majority in the western portions of San Diego County (139,000 acres) and Riverside County (65,000 acres). BLM holdings in western Riverside County consist of scattered parcels ranging in size from under 10 to over 900 acres, with most parcels under 200 acres.

In its RMP the BLM proposes to designate two Areas of Critical Environmental Concern (ACEC): Potrero and the Santa Ana River Wash. Portions of the Santa Margarita River are proposed for designation as an ACEC/Research Natural Area; other segments of the Santa Margarita River are identified as eligible for possible inclusion in the national Wild and Scenic Rivers Systems. In addition, sensitive species habitat would be managed on lands at Oak Mountain, Valle Vista, and in the Badlands area. The RMP proposes the acquisition of 14,192 acres within these areas for habitat conservation purposes. The RMP is of particular importance to this HCP due to the BLM's establishment of a Potrero ACEC specifically for the protection of SKR. The RMP contains the following provisions concerning the Potrero ACEC:

- (a.) The ACEC designation initially would cover 995 acres currently in BLM ownership;
- (b.) BLM would acquire 11,952 acres of private property to expand the ACEC to a total of 12,982 acres. This would encompass all of the approximately 2,000 acres of SKR occupied habitat in the Potrero Valley;
- (c.) BLM would make available for exchange 4,957 acres under its ownership for the sole purpose of acquiring land within the Potrero reserve;
- (d.) The ACEC would be unavailable for mineral material sales, and grazing would be permitted only if it is found to be compatible with habitat management.

Accomplishment of the proposed land exchange would result in significant benefits to SKR conservation in western Riverside County. Accordingly, the RCHCA has worked cooperatively with BLM and the Lockheed Corporation (principal land owner in the Potrero area) to explore potential land exchange options.

The RMP notes that the acquisition areas identified by BLM (e.g., Potrero) are considered to be of high priority, but are not restricted solely to those areas. Other opportunities which arise and meet the RMP's SKR conservation objectives will be considered. Accordingly, should a land trade with the Lockheed Corporation not occur, BLM will maintain sufficient flexibility to consider land trades for acquisition of SKR habitat elsewhere.

BLM has indicated that under its RMP a total of 12,974 acres of federal land is available for some type of disposal from federal management. This includes 6,169 acres available for exchange or sale, 2,043 acres for exchange only, 2,498 acres intended for exchange for the sole purpose of acquiring SKR habitat, and 2,264 acres which are committed to the SKR core reserve system (see Appendix A). Pursuant to the Assembled Land Exchange Agreement included in Appendix A, a total of 8,156 acres will be made available to the RCHCA to support SKR habitat conservation consistent with the provisions of this HCP.

The conservation program in this HCP advocates and seeks to facilitate the use of BLM and other federal lands in support of habitat conservation in western Riverside County. In that regard, this HCP assumes that BLM will make available the 8,156 acres to supplement the conservation of SKR habitat proposed in this HCP.

7. Natural Communities Conservation Planning Program

The NCCP program was initiated in 1991 following approval of legislation that added Sections 2800-2840 to the California Fish and Game Code. In general, these sections authorize the preparation and approval of conservation plans for communities of plants and wildlife. Currently, the NCCP program is focused on the coastal sage scrub community in southern California, which includes a broad range of sensitive plant and wildlife species, including the SKR. The primary purpose of the program is to preserve local and regional biological diversity, reconcile urban development and wildlife needs, and meet the objectives of the State and federal ESA's by conserving habitat before species are on the brink of extinction. Additional information about the program and its conservation planning guidelines is included in Appendix B.

This HCP, which was initiated one year prior to the NCCP legislation and nearly three years prior to the NCCP Scientific Review Panel's recommended strategy, is generally consistent with the goals of the NCCP Act but has not been prepared as part of the NCCP program.