

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor Kevin Jeffries

**SUBMITTAL DATE:**  
January 28, 2016

**SUBJECT:** Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, Riverside County, California, involving the conveyance by the County of Riverside ("County") of its approximately 40 acres of vacant land, portions of Assessor's Parcel Numbers 390-130-029, 390-210-022, 390-200-009, 390-200-011, and 389-080-054, to Castle & Cooke Commercial-CA, Inc. ("C&C") via grant deeds with an easement reservation over a portion of the land with APN 390-130-029, in exchange for the conveyance by C&C of certain portions of its real property with Assessor's Parcel Numbers 390-200-010, 390-160-006, and 390-130-028 of approximately 40 acres of vacant land located adjacent to the County owned property, to the County via grant deed; and
2. Direct the Clerk of the Board to give notice as provided in Government Code Section 6063.

**BACKGROUND:**

**Summary**

Continued on page 2.

  
Kevin Jeffries  
1<sup>st</sup> District Supervisor

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 2015/16

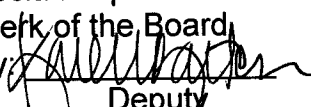
**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on or after March 1, 2016 at 9:00 a.m. or as soon as possible.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: February 9, 2016  
 xc: Supvr. Jeffries, EDA, COB

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

<b>Prev. Agn. Ref.:</b> 3-17 of 01/13/2015	<b>District:</b> 1	<b>Agenda Number:</b>
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**3-37**

- Positions Added
- Change Order
- A-30
- 4/5 Vote

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California**

**DATE:** January 28, 2016

**PAGE:** 2 of 3

**BACKGROUND:**

**Summary (continued)**

Pursuant to Government Code Section 25365, a county may exchange real property or any interest therein, belonging to the county with any person, if the property or interest therein to be conveyed is not required for county use and the property to be acquired is needed for county use. This exchange may be upon the terms and conditions as are agreed upon between the parties. The value of the private real property exchanged shall be equal to or greater than 75% of the value of the county property offered in the exchange.

When the County of Riverside ("County") acquired the vacant land, consisting of approximately 548 acres, located in the City of Lake Elsinore, County of Riverside, State of California, with APNs 390-130-029, 390-210-022, 390-200-009, 390-270-008, 390-210-018, 390-200-011, and 389-080-054, the County entered into a Temporary Operations and Permanent Maintenance Easement Agreement Dated December 30, 2004 with T.T. Group, a California corporation ("TOPME Agreement"). Pursuant to the terms of the TOPME Agreement, the County was obligated to maintain a sloped area upon the completion of certain work. Subsequently, Castle & Cooke Lake Elsinore West acquired from T.T. Group the real property located adjacent to the County owned real property subject to the TOPME Agreement.

On January 13, 2015, the Board of Supervisors adopted Resolution No. 2015-030 to provide its notice of intention to exchange approximately 48 acres of land with the adjacent property owner, Castle & Cooke. After further evaluation, the parties have decreased the total number of acres to be exchanged. Therefore, County staff recommends adoption of Resolution No. 2016-074 to amend Resolution No. 2015-030 to provide the revised exchange configuration and information on the decreased acreage.

The County of Riverside intends to convey the fee simple interests in real property subject to an easement reservation over a portion of the land with Assessor's Parcel Number ("APN") 390-130-029 located in the City of Lake Elsinore, County of Riverside, portions of Assessor's Parcel Numbers 390-130-029, 390-210-022, 390-200-009, 390-200-011, and 389-080-054 (County Property), in exchange for the fee simple interest in real property for vacant land located adjacent to the County Property, portions of Assessor's Parcel Numbers 390-200-010, 390-160-006, and 390-130-028, as shown on the attached Map A, by grant deeds at least three weeks after the notice of intention resolution is adopted by the Board of Supervisors.

As part of this exchange transaction, the easement reservation in favor of the County over a portion of the land with APN 390-130-029 will include covenants and conditions for the successful translocation of the San Diego Ambrosia plant species discovered on this portion of land. The Exchange Agreement and the Grant Deed with Easement Reservation will include provisions indicating that the successful transplanting of the Ambrosia plants from the easement area to another location within County owned property as chosen solely by the County shall be done prior to any development occurring on that portion of land. Once the successful translocation has been confirmed, the easement interest would be relinquished by the County to C&C in the manner provided in the Grant Deed with Easement Reservation.

The properties have been valued in equal ranges by an independent MAI appraiser hired by the County. C&C shall assume maintenance responsibilities described in that certain Amended and Restated Temporary Operations and Permanent Maintenance Easement Agreement between the County and C&C entered into concurrently with this transaction. C&C shall be responsible for paying the escrow costs and fees, the full cost of a title policy on the properties and the costs of clearing title for property to be conveyed to the County. The parties intend to enter into an exchange agreement to provide the terms and conditions for the exchange of the above described real property and an Indemnification Agreement whereby C&C shall indemnify the County.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California**

**DATE:** January 28, 2016

**PAGE:** 3 of 3

County staff has determined that the real property interests to be conveyed to C&C are not required for County use and the real property interests to be acquired from C&C are needed for County use.

The proposed exchange of county-owned property for the land owned by C&C, would be of a greater benefit to the County of Riverside, since the C&C parcel is contiguous to the existing the County's remainder property for conservation purposes. In addition, this exchange transaction would result in a significant cost savings and relieve the County of the slope maintenance obligation under the TOPME Agreement. The parties intend to amend the TOPME Agreement to reflect that C&C will assume the slope maintenance obligation.

**Impact on Citizens and Businesses**

There is no impact on citizens and businesses. This is an amended notice of intention of a proposed real estate exchange between the County and Castle & Cooke.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The other party to this proposed exchange of real property would pay for the costs associated with this real estate exchange.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS (if needed, in this order):**

Resolution No. 2016-074

Map A

2 RESOLUTION NO. 2016-074

3 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

4 NOTICE OF INTENTION TO EXCHANGE REAL PROPERTY

5 LOCATED IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE,

6 STATE OF CALIFORNIA

7  
8 WHEREAS, the County desires to acquire certain real property for conservation purposes and to  
9 preserve a wildlife corridor in the northern part of the City of Lake Elsinore; and

10 WHEREAS, on January 13, 2015, the Board of Supervisors of the County of Riverside ("Board")  
11 adopted Resolution No. 2015-030 Notice of Intention to Exchange Real Property located in the City of  
12 Lake Elsinore, County of Riverside, State of California for a proposed exchange of approximately 48  
13 acres of vacant land; and

14 WHEREAS, upon further consideration and evaluation, the parties now desire to decrease the total  
15 number of acres to exchange only approximately 40 acres of vacant land; and

16 WHEREAS, the County is the owner of certain vacant parcels of real property, identified with  
17 Assessor's Parcel Numbers 390-200-009, 390-200-011, 390-130-029, 390-210-022 and 389-080-054,  
18 located in the City of Lake Elsinore, County of Riverside, State of California, where an approximate 40  
19 acre portion of which is not required for county use and is intended to be conveyed to Castle & Cooke  
20 Commercial-CA, Inc. with an easement reservation over a portion of the parcel with Assessor's Parcel  
21 Number 390-130-029 containing the San Diego Ambrosia plant species; and

22 WHEREAS, an adjacent property owner Castle & Cooke Commercial-CA, Inc. ("C&C") is the  
23 owner of certain real property, identified with Assessor's Parcel Number 390-200-010, 390-160-006 and  
24 390-130-028, where an approximate 40 acre portion thereof is to be conveyed to the County, and is  
25 desired by the County to accommodate the County's conservation purpose; and

26 WHEREAS, pursuant to Government Code Section 25365, the County may exchange real  
27 property belonging to the County with any person upon the terms and conditions as are agreed upon  
28

1 between the parties, if the property to be conveyed is not required for County use, the property to be  
2 acquired is needed for County use and the values of each parcels of land are approximately equal; and

3 WHEREAS, the County has determined that the real property interests to be conveyed to C&C are  
4 not required for County use and the real property interests to be acquired from C&C are needed for  
5 County use; and

6 WHEREAS, the County and C&C desire to exchange the fee simple interests in real property  
7 described herein with an easement reservation in favor of the County over a portion of the parcel  
8 identified with Assessor's Parcel Number ("APN") 390-130-029 to accommodate the successful  
9 translocation of the San Diego Ambrosia plants located thereon to another location of real property owned  
10 by the County; and

11 WHEREAS, the property to be acquired by the County would be of great benefit to the County  
12 due to the location and proximity of this real property for conservation purposes and to preserve a wildlife  
13 corridor; now, therefore,

14 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County  
15 of Riverside, California, in regular session assembled on February 9, 2016, that Resolution No 2015-030  
16 is hereby amended with adoption of Resolution No. 2016-074 and:

17 NOTICE IS HEREBY GIVEN that the Board of Supervisors of County of Riverside intends to  
18 authorize the exchange of fee simple interests in real property with Castle & Cooke Commercial-CA, Inc.  
19 ("C&C") of the following described real property pursuant to an exchange agreement: County to convey  
20 to C&C approximately 40 acres of vacant land from portions of real property identified with Assessor's  
21 Parcel Numbers 390-200-009, 390-200-011, 390-130-029, 390-210-022 and 389-080-054 in exchange for  
22 C&C conveying to County approximately 40 acres of vacant land from portions of real property identified  
23 with Assessor's Parcel Numbers 390-200-010, 390-160-006 and 390-130-028 as shown on Map A,  
24 attached hereto and by this reference incorporated herein. The County and C&C intend to consummate  
25 the exchange through escrow and pursuant to a Real Estate Exchange Agreement and Escrow Instructions  
26 whereby the County conveys the above described county-owned real property with an Easement  
27 Reservation over a portion of the parcel with APN 390-130-029 to C&C and C&C will convey its real  
28 property as described above to the County. This exchange transaction is in conformance with

1 Government Code Section 25365 because the values of each parcel are within the same approximate  
2 ranges.

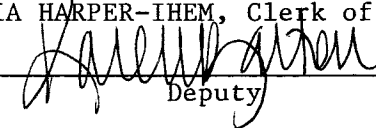
3 The Board of Supervisors intends to meet to conclude the proposed transaction on or after March  
4 1, 2016, at 9:00 am, at the meeting room of the Board of Supervisors located on the 1<sup>st</sup> floor of the County  
5 Administrative Center, 4080 Lemon Street, Riverside, California.

6 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of Supervisors  
7 is directed to give notice hereof as provided in Section 6063 of the Government Code.

8  
9  
10 ROLL CALL:

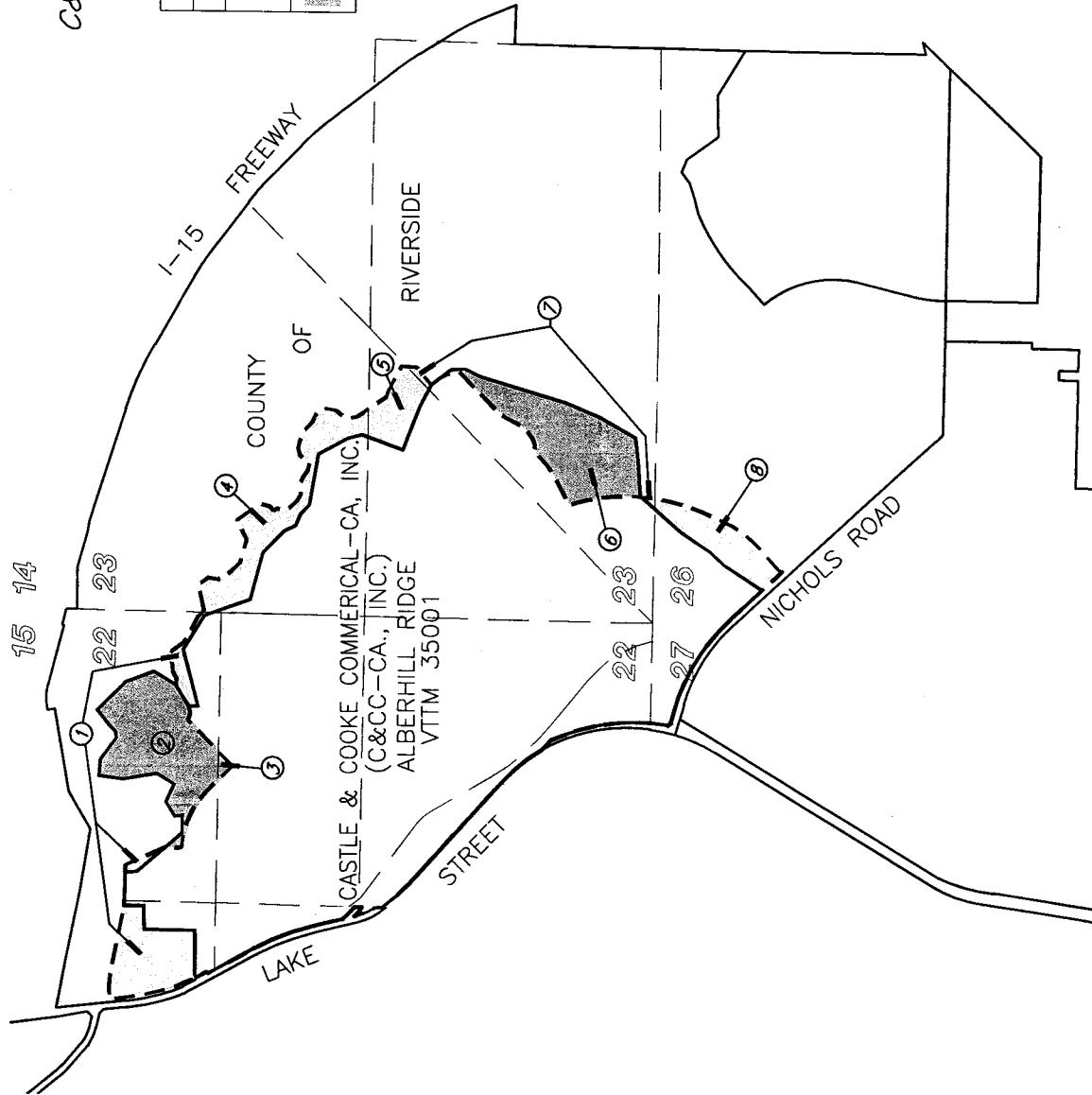
11 Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
12 Nays: None  
13 Absent: None

14 The foregoing is certified to be a true copy of a resolution duly  
15 adopted by said Board of Supervisors on the date therein set forth.

16 KECIA HARPER-IHEM, Clerk of said Board  
17 By  Deputy

"APN" EXHIBIT

ALBERHILL RIDGE  
TRI-VALLEY ACQUISITION  
C&CC-CA., INC./COUNTY OF RIVERSIDE  
APN EXHIBIT



AREA EXCHANGE SUMMARY	
AREA DESIGNATION	AREA IMPACT (AC)
COUNTY OF RIVERSIDE TRANSFERS TO C&C	39.78
C&C TRANSFERS TO COUNTY OF RIVERSIDE	39.98

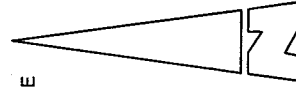
DATED: SEPTEMBER 4, 2015

APN LIST:

- ① APN 390-130-029
- ② APN 390-130-028
- ③ APN 390-160-006
- ④ APN 390-210-022
- ⑤ APN 390-200-009
- ⑥ APN 390-200-010
- ⑦ APN 390-200-011
- ⑧ APN 389-080-054

LEGEND:

- EXISTING PARCEL LINE
- - - PROPOSED PARCEL LINE
- - - APN LIMITS



**HWC ENGINEERS**  
 CIVIL ENGINEERS • PLANNERS • SURVEYORS  
 1880 COMPTON AVENUE, SUITE 100 • CORONA, CA 92881-5370 • 951-734-2130

## BOYDD, April

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**From:** Allison, Mechele M.  
**Sent:** Tuesday, February 09, 2016 8:07 AM  
**To:** Greene, Jeffrey; Magee, Robert; Justus, Kerstin; Allin, Liliana; Field, John; Balderrama, Olivia; Maunz-McLellan, Claudia; DeArmond, Michelle; Hurtado, Jaime; Cline, Katrina  
**Cc:** BOYDD, April  
**Subject:** Message from Britt Holmstrom (951-230-9733)

Britt Holmstrom called to leave a message with all of the Supervisors that she is against the "Lake Elsinore Land Swap Item" with Castle Co. that is on today's agenda. She said the unimproved land has a species on it that needs to be safeguarded and she would like the item continued. She will not be able to attend today's meeting.

Sincerely,

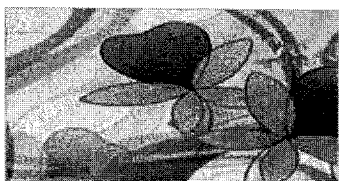
*Mechele Allison*

Supervisors' Board Assistant

Clerk of the Board

(951) 955-9500

[mmallison@rcbos.org](mailto:mmallison@rcbos.org)





Original

**Aparicio, Ashley**

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**From:** Cleary-Rose, Karin <karin\_cleary-rose@fws.gov>  
**Sent:** Tuesday, February 09, 2016 9:20 AM  
**To:** Benoit, John; Jeffries, Kevin; Ashley, Marion; District3; Tavaglione, John; COB  
**Cc:** Perez, Juan; Magee, Robert; Watts-Bazan, Karin; Dan Silver; Heather Pert; Jeff Brandt; Landry, Charles; Correa, Laurie  
**Subject:** Item 3-37: Resolution No. 2016-074, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore  
**Attachments:** TriValley form 11 purchase & MOU 2-10-04.pdf; 15B0092-15CPA0102\_Property in the City of Lake Elsinore\_s20150113\_KCR.pdf; 15B0092-16CPA0238 [WRIV] jt County Resolution 2015-074\_20160209.pdf

Clerk of the Board,

Please find the Wildlife Agencies comments on item 3-37 attached.

Thank you,

Karin Cleary-Rose  
Inland Division Chief  
U.S. Fish and Wildlife Service  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, CA 92220  
(760) 322 2070 ext 206

07.09.2016  
3-37



U.S. Fish and Wildlife Service  
Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262  
760-322-2070  
FAX 760-322-4648



California Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
909-484-0167  
FAX 909-481-2945

In Reply Refer To:  
FWS/CDFW-15B0092-16CPA0238

Riverside County Board of Supervisors  
County of Riverside  
4080 Lemon St., 5th Floor  
Riverside, California 92501

FEB - 9 2016

Subject: Item 3-37: Resolution No. 2016-074, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore (February 9, 2016)

Dear Chairman Benoit and Board Members:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Resolution No. 2016-0740, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore item 3-37 on the February 9, 2016 agenda. The Wildlife Agencies provided comments (enclosed) on Resolution No. 2015-030. Those comments are relevant to Resolution No. 2016-074. We respectfully request that you consider our previous comments in this action and we offer the following additional comments on Resolution No. 2016-074 and the County's implementation of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). We have concerns about the loss of use and value to the MSHCP conservation area from the proposal, its status as a discretionary project, the advisability of completing the exchange based on a translocation effort with an unknown outcome and the lack of MSHCP implementation for the resolution and translocation effort.

#### Land Exchange

The property proposed for exchange was acquired by the County of Riverside (County) using Ordinance 810 fees as open space for conservation of wildlife and plant life (County Resolution No. 2004-069, enclosed). Resolution No. 2016-074 states that the County desires to acquire 40 acres owned by Castle & Cooke Commercial-CA, Inc. (C&C) for conservation purposes; and identifies 40-acres adjacent to the conservation land acquired under County Resolution No. 2004-069 as desirable to accomplish that purpose. It also identifies 40 County-owned acres, acquired for conservation in 2004 as not being used by the County.

As we pointed out in our comments to the Board on Resolution No. 2015-030, the County has been using the property as conservation for wildlife and plants since its purchase in 2004 to meet both MSHCP reserve assembly and Species Objective obligations for San Diego ambrosia (*Ambrosia pumila*, federally endangered) and Munz's onion (*Allium munzii*, state threatened and federally endangered). This is evident in every MSHCP Annual Report from the first one in 2005 to the present where the subject property is identified as conserved and contributing to MSHCP reserve assembly and rough step goals.

The language of Resolution No. 2016-074 identifies the C&C exchange property as desired for conservation, but it ignores the high conservation values provided by the 40 acres proposed for trade to C&C, and its existing use by the County, the MSHCP permittees and the Riverside County public, in meeting MSHCP reserve assembly goals and in providing conservation to MSHCP covered species. These conservation values, presence of endemic listed plant species, are not present on the property owned by C&C, which the County has identified as desirable for conservation in Resolution No. 2016-074.

The Reclamation Plan Amendment No. 2011-01 (February 3, 2012) for Pacific Clay/Brighton Alberhill Mine RP 90-1 Pacific Clay Products Incorporated identified assessor parcel numbers (APNs) 389-020-035 & 036, 389-080-040, 390-130-026 & 028, 390-160-003 & 006, 390-190-013, 014 & 015, 390-200-008 & 010, 390-210-021 as property that makes up the Pacific Clay/Brighton Alberhill Mine. A total of 90.5 acres within the 400-acre site owned by affiliate Castle & Cooke Lake Elsinore West, Incorporated, were identified as being directly affected by the reclamation activities including mining, grading, and reclamation pursuant to the Surface Mining and Reclamation Act, (SMARA-1975). Some of these parcels identified in the Reclamation Plan and subject to SMARA are also parcels that would be exchanged for the conservation land (see Item D.3 on Agenda for December 8, 2015 [http://rivcocob.org/agenda/2015/12\\_08\\_15.htm](http://rivcocob.org/agenda/2015/12_08_15.htm)). We question the relative conservation value of the area that needs to be reclaimed, given the rarity of the conservation values present on the 40-acre County-owned exchange property.

Further, the Resolution and the Form 11 do not specify who will be responsible for meeting the conditions of the Reclamation Plan after the exchange is executed. The party responsible for meeting the burden of the SMARA requirements should be identified with a timeframe for reclamation spelled out before the land exchange occurs. We request that the Board require a comparison of the conservation values currently present and in use on the on 40-acre County-owned exchange property with those present on the proposed C&C exchange property be prepared prior to adoption of Resolution No. 2016-074.

The last paragraph in the Summary section of the Form 11 for Resolution No. 2016-074 states: "The proposed exchange of county-owned [sic] property for the land owned by C&C, would be of greater benefit to the County of Riverside, since the C&C parcel is contiguous to the existing [sic] the County's remainder property for conservation purposes". The 40-acre County-owned property is part of the County's existing property for conservation purposes and hosts rare, listed, endemic plant species, and therefore, by every measure of conservation values, is superior to the adjacent property which does not support those or any other endemic species. The above text in the Form 11 acknowledges the conservation purpose of the County's property. We further note that it is in use for that purpose, as indicated in every MSHCP annual report since 2004, and suggest that it is not desirable to exchange the very high-value use the County is receiving for MSHCP implementation from the 40 County-owned acres for an adjacent 40 acres that have limited conservation, and may even need reclamation to provide any value, for the County's conservation use in MSHCP implementation.

Resolution No. 2016-074 and Translocation Project

The Form 11 and the language of the Resolution states that the County would reserve an easement over the portion of the 40-acre property to be traded out that supports San Diego ambrosia until successful translocation has been confirmed, then the county would relinquish the easement interest. The Form 11 stipulates, "*The Exchange Agreement and the Grant Deed with Easement Reservation will include provisions indicating that the successful transplanting of the Ambrosia plants from the easement area to another location within County owned property as chosen solely by the County shall be done prior to any development occurring on that portion of land.*" This sentence indicates that the County expects C&C, or some other owner to develop the portion of the 40-acre trade-out property that supports the Ambrosia. It is therefore apparent that Resolution No. 2016-074 would ultimately result in a physical change in the environment, which makes it a discretionary project. We therefore request that the County initiate the MSHCP Joint Project Review (JPR) process for the project (Resolution No. 2016-074) consistent with section 13.2. E. of the MSHCP Implementing Agreement.

The land exchange as proposed would result in the translocation of San Diego Ambrosia, which we identify as a significant identifiable physical change in the environment. The change is significant because it represents a substantial risk to the Ambrosia population and because failure of the translocation effort would undermine the MSHCP permittees' ability to accomplish the conservation identified in the MSHCP. The Western Riverside County Regional Conservation Authority (RCA) has reserved funding to accomplish the translocation (RCA Resolution No. 2015-004), so the translocation effort as a direct result of this board action seems assured. We request that the translocation effort be included in the JPR for Resolution No. 2016-074. The board action proposed in Resolution No. 2016-074, with the resulting translocation effort and development project appear to meet the definition of discretionary project under the California Environmental Quality Act.

In addition to the need for MSHCP implementation, we have several concerns about the proposed translocation effort. There is no description or definition of what would constitute a successful or failed translocation effort. There is also no mention of what would happen if the translocation is not successful. This is of particular concern because translocation efforts frequently fail.

Future MSHCP Implementation

As a reminder, all of the land proposed for exchange is in the MSHCP Criteria Area. As such, all discretionary projects affecting that land are subject to the JPR process and MSHCP policies and procedures. The County-owned 40-acre exchange area is within the area described for MSHCP reserve assembly. Future development projects would be subject to the HANS process (or LEAPS process if MSHCP implementation is carried out by the City of Lake Elsinore) and MSHCP implementation.

Clarification

There is a discrepancy in the size of the conservation property in the background summary provided for the submittal to the Board. The County purchased 598 acres for conservation at 40% below appraised value for \$5,184,852 using Ordinance 810.2 fees for habitat conservation (Resolution No. 2004-069). This Grant Deed includes APN 390-130-022, 390-270-008, 389-080-

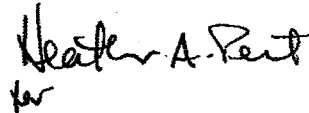
031, 389-080-032, 389-080-033, 389-080-034, and a portion of 390-200-007, 389-080-030, 390-200-001, 390-210-018, 390-210-017, 390-160-006, 390-130-023, and 390-130-019. However, the Background summary states it is "consisting of approximately 548 acres". The discrepancy of 50 acres between the original acquisition and the acreage identified in the Submittal should be resolved or explained. Neither the conservation footprint nor the conservation values should be reduced by the proposed land exchange.

We appreciate the opportunity to comment on item 3-37 and request that Resolution No. 2016-074 not be adopted until after our concerns are addressed and MSHCP implementation procedures are completed. If Resolution No. 2016-074 is adopted, we request that the land exchange not be executed until our concerns are addressed. We also request a meeting to discuss our concerns. We look forward to working with the County to resolve these significant issues. To schedule a meeting, or if you have any questions regarding these comments, please contact Karin Cleary-Rose of the Service at 760-322-2070, extension 206, or Heather Pert of the Department at 858-395-9692.

Sincerely,



Kennon A. Corey  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Leslie MacNair  
Inland Deserts Region  
Acting Regional Manager  
CA Department of Fish and Wildlife

Enclosure

cc:  
Jeff Brandt, CA Department of Fish and Wildlife  
MSHCP Permittees



U.S. Fish and Wildlife Service  
Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262  
760-322-2070  
FAX 760-322-4648



California Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
909-484-0167  
FAX 909-481-2945

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In Reply Refer To:  
FWS/CDFW-15B0092-CPA0102

Riverside County Board of Supervisors  
County of Riverside  
4080 Lemon St., 5th Floor  
Riverside, California 92501

JAN 13 2015

Subject: Item 3-17: Resolution No. 2015-030, Notice of Intention to Exchange Real Property in the City of Lake Elsinore (January 13, 2015)

Dear Chair and Board Members:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Resolution No. 2015-030, Notice of Intention to Exchange Real Property in the City of Lake Elsinore item 3-17 on the January 13, 2015 agenda. The Wildlife Agencies are providing the following comments as they relate to Resolution No. 2015-030 and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

The subject property was acquired by the County of Riverside (County) using Ordinance 810 fees as open space for conservation of wildlife and plant life (County Resolution No. 2004-069, enclosed). Therefore we were surprised to see in Resolution No. 2015-030 that the properties in question have been identified by the County as "not required for County use". The subject property has been in use by the County as conservation for wildlife and plants since its purchase in 2004. The County is an MSHCP permittee. The property is in use by the County and the other MSHCP permittees to meet MSHCP reserve assembly obligations. The property in has been included every MSHCP Annual Report since the first one in 2005. In those Annual Reports, from 2005 to the present, the subject property is identified as conserved and contributing to reserve assembly and rough step goals.

Additionally the property is being used by the County and the other MSHCP permittees to meet MSHCP Species Objectives for San Diego ambrosia (*Ambrosia pumila*, federally endangered) and Munz's onion (*Allium munzii*, state threatened and federally endangered). Both of those species were identified as to be conserved on the subject property in the conservation analysis provided to the Wildlife Agencies by the prospective permittees in the State Natural Communities Conservation Plan Permit and a federal Endangered Species Act permit applications. San Diego ambrosia species objectives require conservation of at least two of the three then known locations in the MSHCP plan area. The species objectives also require that any subsequently discovered locations or populations be conserved consistent with the MSHCP Narrow Endemic Plants Policy (MSHCP section 6.1.2). The paragraph under the heading Conservation Summary on page P-328 includes the following sentence: "The third core location [of San Diego ambrosia] (east of Lake Street in the City of Lake Elsinore) will be conserved in accordance with the *Narrow Endemics*

*Policy* (Section 6.1.3).’ The conservation of the Skunk Hollow population of San Diego ambrosia was achieved by the implementation of the Rancho Bella Vista Habitat Conservation Plan. The purchase of the subject property by the County for conservation secured the second population required by the species objectives. The fulfillment of MSHCP species objectives is an accomplishment for all MSHCP permittees. The proposed land exchange is a retreat from this accomplishment.

The subject property also contains part of the Alberhill occurrence of Munz’s onion. It is known from the County- owned property considered for trade out adjacent to Nichols Road. The conservation analysis provided for Munz’s onion in the MSHCP documents identifies Alberhill as a core Area for the species and included conservation of the Alberhill plants in the Conservation Summary on page P-218 and in the Munz’s Onion Species Objectives. No mention of Munz’s onion or the conservation value provided to it by the subject property is made in Resolution No. 2015-030. No information is provided on whether a comparable population of Munz’s onion is in the portion of property to come into conservation.

Resolution No. 2015-030 does not address the conservation values provided by the subject property to the MSHCP or its service to the MSHCP permittees in meeting MSHCP reserve assembly goals or in providing conservation to MSHCP covered species.

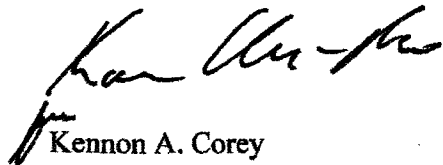
The language in Resolution No. 2015-030 identifies the contemplated exchange properties as of equal monetary value. The Wildlife Agencies are concerned about the equivalency of their conservation value, while this may not be a consideration under Government Code Section 25365, it does seem appropriate given the purpose for which County acquired the property in 2004. There are two listed rare plants present in the areas proposed to be traded away and no known occurrences of these plants in areas the County would acquire in exchange. The language in the resolution implies that the connectivity function of the County owned property will be enhanced by the exchange, but most of the property that would be transferred to the County is on steep hillsides and not generally suitable for wildlife movement and the wildlife corridor would be narrower near Lake Street if the land exchange is implemented. We request that prior to the adoption of this resolution or one of similar language or intent, there be a comparison between the exchange properties in terms of their respective MSHCP reserve assembly values and conservation values to MSHCP covered species. It is not clear from the language in the Form 11 or the resolution what the County’s need for the property they would receive is or how that need relates to the conservation purpose of the original property.

We are also concerned about the cost of the translocation of San Diego ambrosia that the County would perform or cause to be performed. Successful relocation of plants generally requires specialized skill, an intensive initial effort and subsequent monitoring. We request that the resolution be modified prior to adoption to specify that the costs of the translocation effort, regardless of who performs it, not come from MSHCP fees. The County has already purchased, for conservation, the San Diego ambrosia population contemplated for translocation. We believe it is therefore not appropriate for fees collected under the terms of the MSHCP to be used to pay for the replacement or translocation of the existing conserved population.

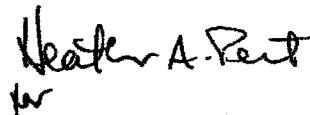
The Form 11 for the resolutions states that the County would reserve an easement over the portion of the property to be traded out that supports San Diego ambrosia until successful translocation has been confirmed, then the county would relinquish the easement interest. There is no description or definition of what successful translation would look like. There is also no mention of what would happen if the translocation is not successful. Translocation efforts can be challenged by weather patterns, rodents and vandalism, even when all appropriate steps have been taken to provide for success. We request that the resolution not be adopted until after success criteria and a contingency for failure are identified. We would consider it ideal if the translocation effort was demonstrably successful prior to the adoption of any land exchange resolution.

We appreciate the opportunity to comment on item 3-17 and reiterate our request that resolution 030 not be adopted until after our concerns are addressed. We also request a meeting to discuss our concerns and look forward to working with the County and the City of Lake Elsinore. To schedule a meeting, or if you have any questions regarding these comments, please contact Karin Cleary-Rose of the Service at 760-322-2070, extension 206, or Heather Pert of the Department at 858-395-9692.

Sincerely,



Kennon A. Corey  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Leslie MacNair  
Inland Deserts Region  
Acting Regional Manager  
CA Department of Fish and Wildlife

Enclosure

cc:  
Jeff Brandt, CA Department of Fish and Wildlife  
MSHCP Permittees



**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

132



**FROM:** Economic Development Agency

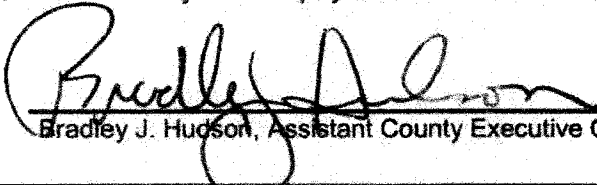
**SUBMITTAL DATE:**  
January 28, 2004

**SUBJECT:** Adoption of Resolution Number 2004-069, Authorization to Purchase Real Property from Tri-Valley I.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- (1) Adopt Resolution Number 2004-069, Authorization to Purchase Real Property from Tri-Valley I;
- (2) Approve the Acquisition Agreement between the County of Riverside and Tri-Valley I, and authorize the Chairman to execute the agreement and the certificate of acceptance on the related grant deed;
- (3) Approve the Memorandum of Understanding between the County of Riverside, Tri-Valley I, and the City of Lake Elsinore and authorize the Chairman to execute the agreement; and
- (4) Authorize and direct the Assistant County Executive Officer/EDA or his designee to execute any related purchase documents and to take the necessary actions to complete this transaction.

**BACKGROUND:** On January 13, 2004, item #3.18, the Board of Supervisors approved Resolution Number 2004-34 giving notice of the County's intention to purchase approximately 598 acres of property for preservation of open space in the Alberhill area. The Economic Development Agency negotiated the purchase of approximately 598 acres for habitat conservation, at a unit price of roughly \$8,637/acre. The purchase price was confirmed by an appraisal, as the County will not pay more than fair market value.

  
 \_\_\_\_\_  
 Bradley J. Hudson, Assistant County Executive Officer/EDA

BJH:RZ:BJG:AMV:BCS:sj  
F:\Shared\RealProperty\Real Property\MSHCP\04-H-008.frm11.doc

<b>FINANCIAL DATA</b>	<b>Current F.Y. Total Cost:</b>	\$ 5,164,652 plus escrow fees	<b>In Current Year Budget:</b>	Yes
	<b>Current F.Y. Net County Cost:</b>	\$ 0	<b>Budget Adjustment:</b>	No
	<b>Annual Net County Cost:</b>	\$ 0	<b>For Fiscal Year:</b>	2003-2004

<b>SOURCE OF FUNDS:</b> Ordinance 810 funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**                      **APPROVE**

**County Executive Office Signature**      *Bhonda King*

- Dep't Recomm.:  Policy
- Per Exec. Ofc.:  Consent
- Policy
- Consent

**Prev. Agn. Ref.:** 01/13/04, 3.18      **District:** 1      **Agenda Number:**

**3.10**

**BACKGROUND (continued)**

An appraisal was prepared by an independent appraisal firm to determine the fair market value of the property. The agreed upon purchase price of \$5,164,652.00 is approximately 40% below the appraised value of the property.

Staff recommends the approval of this purchase agreement, which will require the expenditure of \$5,164,652.00 from Ordinance 810 Open Space Funds, plus escrow fees not to exceed \$7,000.00.

The Memorandum of Understanding between Riverside County, Tri-Valley, and the City of Lake Elsinore further clarifies the responsibilities of all cooperating parties.

The Parks District has estimated that the annual property management costs for the subject property will be approximately \$12,000 per year. The County has appropriated funding to the Parks District for annual management costs.

The subject property is located south of Interstate 15 and east of Lake Street in the City of Lake Elsinore.

Public notice of said acquisition was given as provided in Section 6063 of the Government Code.

1 **BOARD OF SUPERVISORS**

**COUNTY OF RIVERSIDE**

2 **COUNTY RESOLUTION NO. 2004-069**  
3 **AUTHORIZATION TO PURCHASE REAL PROPERTY FROM TRI-VALLEY I**  
4 **(First Supervisorial District)**

5 **WHEREAS**, Tri-Valley I, the property owner, has offered for the sum of  
6 \$5,164,652.00 the property shown on Exhibit "A" attached to this resolution, located in the  
7 Alberhill area;

8 **WHEREAS**, the County has agreed to accept this offer and has given notice of  
9 its intention to purchase pursuant to Government Code 25350, on 01/13/04;

10 **WHEREAS**, the Clerk of the Board of Supervisors was directed to give notice  
11 thereof as provided in Section 6063 of the Government Code and said notice has been given;

12 **WHEREAS**, the Memorandum of Understanding (MOU) by and between the  
13 County of Riverside, Tri-Valley I and the City of Lake Elsinore further details the  
14 responsibilities by all parties; and

15 **WHEREAS**, the acquisition of this property will assist the County in providing  
16 open space for conservation of wildlife and plant life.

17 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the  
18 Board of Supervisors of the County of Riverside, in regular session assembled on February  
19 10, 2004, as follows:

20 1. That the Board of Supervisors hereby finds and declares that the above recitals  
21 are true and correct.

22 2. That the County of Riverside is authorized to purchase real property in the  
23 Alberhill area for a sum of \$5,164,652.00.

24 3. That the Chairman of the Board of Supervisors is hereby authorized to execute  
25 the Acquisition Agreement, MOU and any and all documents necessary to purchase the real  
26 property from Tri-Valley I.

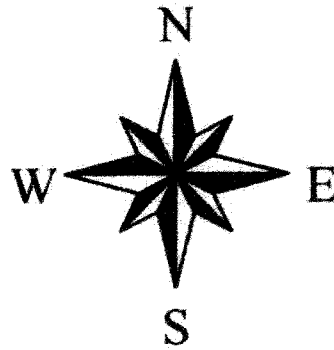
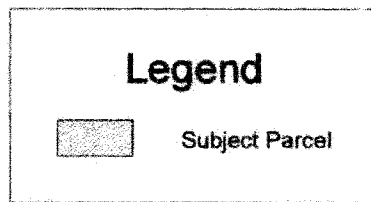
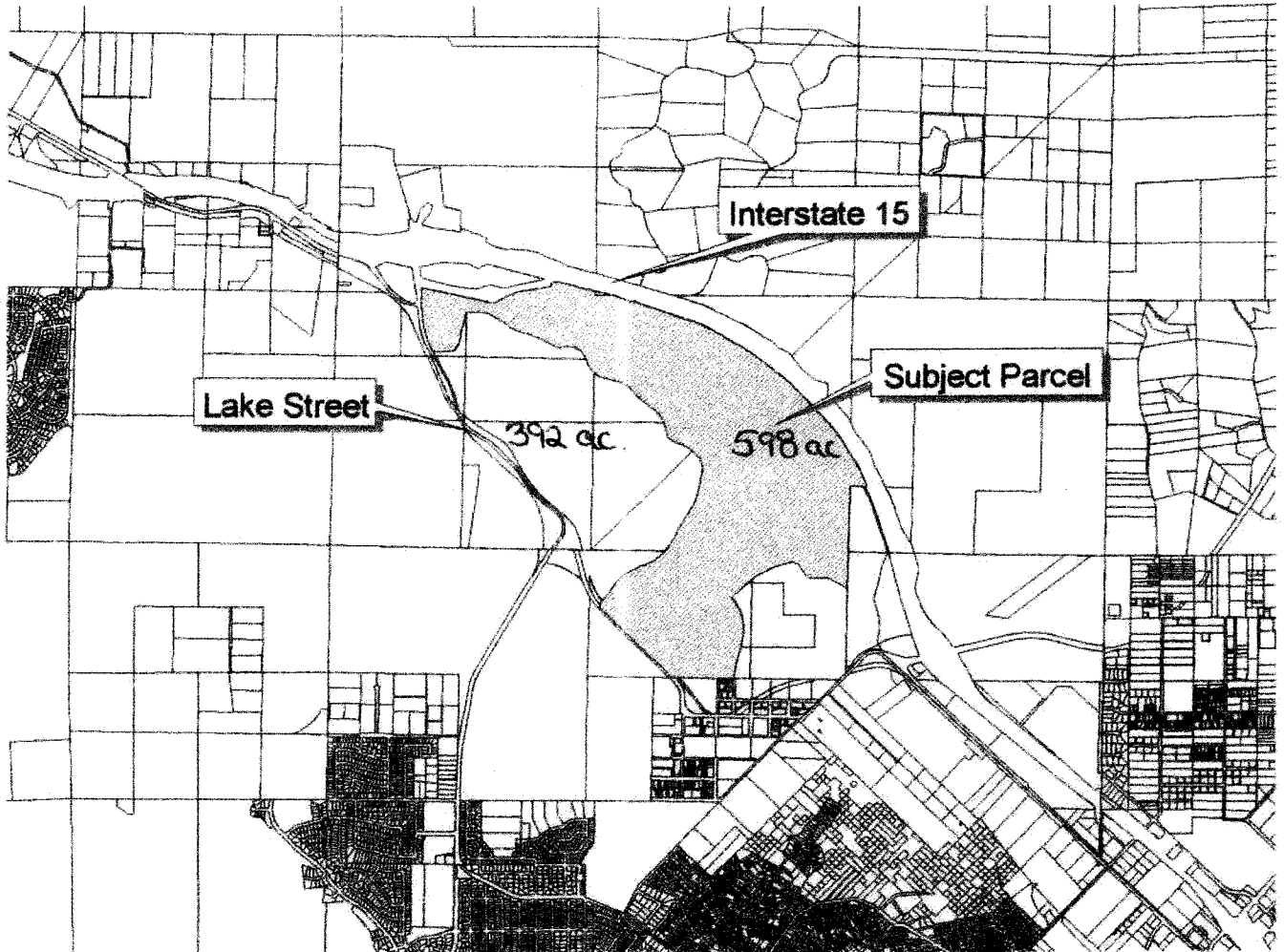
27 4. That the Assistant County Executive Officer/EDA of the County of Riverside is  
28 hereby authorized to take the necessary actions and execute any related documents to  
complete this purchase.

FORM APPROVED  
COUNTY COUNSEL

JAN 30 2004

BY   
ASSISTANT COUNTY COUNSEL

# Tri-Valley I Property



This map was made by the Nevada County GIS using Geographic Information System (GIS) technology. Data and information represented on this map is subject to update and verification.

**EXHIBIT A**

**Aparicio, Ashley**

---

**From:** Cleary-Rose, Karin <karin\_cleary-rose@fws.gov>  
**Sent:** Tuesday, February 09, 2016 9:20 AM  
**To:** Benoit, John; Jeffries, Kevin; Ashley, Marion; District3; Tavaglione, John; COB  
**Cc:** Perez, Juan; Magee, Robert; Watts-Bazan, Karin; Dan Silver; Heather Pert; Jeff Brandt; Landry, Charles; Correa, Laurie  
**Subject:** Item 3-37: Resolution No. 2016-074, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore  
**Attachments:** TriValley form 11 purchase & MOU 2-10-04.pdf; 15B0092-15CPA0102\_Property in the City of Lake Elsinore\_s20150113\_KCR.pdf; 15B0092-16CPA0238 [WRIV] jt County Resolution 2015-074\_20160209.pdf

Clerk of the Board,

Please find the Wildlife Agencies comments on item 3-37 attached.

Thank you,

Karin Cleary-Rose  
Inland Division Chief  
U.S. Fish and Wildlife Service  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, CA 92220  
(760) 322 2070 ext 206

02-09-2016  
3-37



U.S. Fish and Wildlife Service  
Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262  
760-322-2070  
FAX 760-322-4648



California Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
909-484-0167  
FAX 909-481-2945

In Reply Refer To:  
FWS/CDFW-15B0092-16CPA0238

Riverside County Board of Supervisors  
County of Riverside  
4080 Lemon St., 5th Floor  
Riverside, California 92501

FEB - 9 2016

Subject: Item 3-37: Resolution No. 2016-074, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore (February 9, 2016)

Dear Chairman Benoit and Board Members:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Resolution No. 2016-0740, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore item 3-37 on the February 9, 2016 agenda. The Wildlife Agencies provided comments (enclosed) on Resolution No. 2015-030. Those comments are relevant to Resolution No. 2016-074. We respectfully request that you consider our previous comments in this action and we offer the following additional comments on Resolution No. 2016-074 and the County's implementation of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). We have concerns about the loss of use and value to the MSHCP conservation area from the proposal, its status as a discretionary project, the advisability of completing the exchange based on a translocation effort with an unknown outcome and the lack of MSHCP implementation for the resolution and translocation effort.

#### Land Exchange

The property proposed for exchange was acquired by the County of Riverside (County) using Ordinance 810 fees as open space for conservation of wildlife and plant life (County Resolution No. 2004-069, enclosed). Resolution No. 2016-074 states that the County desires to acquire 40 acres owned by Castle & Cooke Commercial-CA, Inc. (C&C) for conservation purposes; and identifies 40-acres adjacent to the conservation land acquired under County Resolution No. 2004-069 as desirable to accomplish that purpose. It also identifies 40 County-owned acres, acquired for conservation in 2004 as not being used by the County.

As we pointed out in our comments to the Board on Resolution No. 2015-030, the County has been using the property as conservation for wildlife and plants since its purchase in 2004 to meet both MSHCP reserve assembly and Species Objective obligations for San Diego ambrosia (*Ambrosia pumila*, federally endangered) and Munz's onion (*Allium munzii*, state threatened and federally endangered). This is evident in every MSHCP Annual Report from the first one in 2005 to the present where the subject property is identified as conserved and contributing to MSHCP reserve assembly and rough step goals.

The language of Resolution No. 2016-074 identifies the C&C exchange property as desired for conservation, but it ignores the high conservation values provided by the 40 acres proposed for trade to C&C, and its existing use by the County, the MSHCP permittees and the Riverside County public, in meeting MSHCP reserve assembly goals and in providing conservation to MSHCP covered species. These conservation values, presence of endemic listed plant species, are not present on the property owned by C&C, which the County has identified as desirable for conservation in Resolution No. 2016-074.

The Reclamation Plan Amendment No. 2011-01 (February 3, 2012) for Pacific Clay/Brighton Alberhill Mine RP 90-1 Pacific Clay Products Incorporated identified assessor parcel numbers (APNs) 389-020-035 & 036, 389-080-040, 390-130-026 & 028, 390-160-003 & 006, 390-190-013, 014 & 015, 390-200-008 & 010, 390-210-021 as property that makes up the Pacific Clay/Brighton Alberhill Mine. A total of 90.5 acres within the 400-acre site owned by affiliate Castle & Cooke Lake Elsinore West, Incorporated, were identified as being directly affected by the reclamation activities including mining, grading, and reclamation pursuant to the Surface Mining and Reclamation Act, (SMARA-1975). Some of these parcels identified in the Reclamation Plan and subject to SMARA are also parcels that would be exchanged for the conservation land (see Item D.3 on Agenda for December 8, 2015 [http://rivcocob.org/agenda/2015/12\\_08\\_15.htm](http://rivcocob.org/agenda/2015/12_08_15.htm)). We question the relative conservation value of the area that needs to be reclaimed, given the rarity of the conservation values present on the 40-acre County-owned exchange property.

Further, the Resolution and the Form 11 do not specify who will be responsible for meeting the conditions of the Reclamation Plan after the exchange is executed. The party responsible for meeting the burden of the SMARA requirements should be identified with a timeframe for reclamation spelled out before the land exchange occurs. We request that the Board require a comparison of the conservation values currently present and in use on the on 40-acre County-owned exchange property with those present on the proposed C&C exchange property be prepared prior to adoption of Resolution No. 2016-074.

The last paragraph in the Summary section of the Form 11 for Resolution No. 2016-074 states: "The proposed exchange of county-owned [sic] property for the land owned by C&C, would be of greater benefit to the County of Riverside, since the C&C parcel is contiguous to the existing [sic] the County's remainder property for conservation purposes". The 40-acre County-owned property is part of the County's existing property for conservation purposes and hosts rare, listed, endemic plant species, and therefore, by every measure of conservation values, is superior to the adjacent property which does not support those or any other endemic species. The above text in the Form 11 acknowledges the conservation purpose of the County's property. We further note that it is in use for that purpose, as indicated in every MSHCP annual report since 2004, and suggest that it is not desirable to exchange the very high-value use the County is receiving for MSHCP implementation from the 40 County-owned acres for an adjacent 40 acres that have limited conservation, and may even need reclamation to provide any value, for the County's conservation use in MSHCP implementation.

Resolution No. 2016-074 and Translocation Project

The Form 11 and the language of the Resolution states that the County would reserve an easement over the portion of the 40-acre property to be traded out that supports San Diego ambrosia until successful translocation has been confirmed, then the county would relinquish the easement interest. The Form 11 stipulates, "*The Exchange Agreement and the Grant Deed with Easement Reservation will include provisions indicating that the successful transplanting of the Ambrosia plants from the easement area to another location within County owned property as chosen solely by the County shall be done prior to any development occurring on that portion of land.*" This sentence indicates that the County expects C&C, or some other owner to develop the portion of the 40-acre trade-out property that supports the Ambrosia. It is therefore apparent that Resolution No. 2016-074 would ultimately result in a physical change in the environment, which makes it a discretionary project. We therefore request that the County initiate the MSHCP Joint Project Review (JPR) process for the project (Resolution No. 2016-074) consistent with section 13.2. E. of the MSHCP Implementing Agreement.

The land exchange as proposed would result in the translocation of San Diego Ambrosia, which we identify as a significant identifiable physical change in the environment. The change is significant because it represents a substantial risk to the Ambrosia population and because failure of the translocation effort would undermine the MSHCP permittees' ability to accomplish the conservation identified in the MSHCP. The Western Riverside County Regional Conservation Authority (RCA) has reserved funding to accomplish the translocation (RCA Resolution No. 2015-004), so the translocation effort as a direct result of this board action seems assured. We request that the translocation effort be included in the JPR for Resolution No. 2016-074. The board action proposed in Resolution No. 2016-074, with the resulting translocation effort and development project appear to meet the definition of discretionary project under the California Environmental Quality Act.

In addition to the need for MSHCP implementation, we have several concerns about the proposed translocation effort. There is no description or definition of what would constitute a successful or failed translocation effort. There is also no mention of what would happen if the translocation is not successful. This is of particular concern because translocation efforts frequently fail.

Future MSHCP Implementation

As a reminder, all of the land proposed for exchange is in the MSHCP Criteria Area. As such, all discretionary projects affecting that land are subject to the JPR process and MSHCP policies and procedures. The County-owned 40-acre exchange area is within the area described for MSHCP reserve assembly. Future development projects would be subject to the HANS process (or LEAPS process if MSHCP implementation is carried out by the City of Lake Elsinore) and MSHCP implementation.

Clarification

There is a discrepancy in the size of the conservation property in the background summary provided for the submittal to the Board. The County purchased 598 acres for conservation at 40% below appraised value for \$5,184,852 using Ordinance 810.2 fees for habitat conservation (Resolution No. 2004-069). This Grant Deed includes APN 390-130-022, 390-270-008, 389-080-



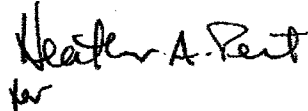
031, 389-080-032, 389-080-033, 389-080-034, and a portion of 390-200-007, 389-080-030, 390-200-001, 390-210-018, 390-210-017, 390-160-006, 390-130-023, and 390-130-019. However, the Background summary states it is "consisting of approximately 548 acres". The discrepancy of 50 acres between the original acquisition and the acreage identified in the Submittal should be resolved or explained. Neither the conservation footprint nor the conservation values should be reduced by the proposed land exchange.

We appreciate the opportunity to comment on item 3-37 and request that Resolution No. 2016-074 not be adopted until after our concerns are addressed and MSHCP implementation procedures are completed. If Resolution No. 2016-074 is adopted, we request that the land exchange not be executed until our concerns are addressed. We also request a meeting to discuss our concerns. We look forward to working with the County to resolve these significant issues. To schedule a meeting, or if you have any questions regarding these comments, please contact Karin Cleary-Rose of the Service at 760-322-2070, extension 206, or Heather Pert of the Department at 858-395-9692.

Sincerely,



Kennon A. Corey  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Leslie MacNair  
Inland Deserts Region  
Acting Regional Manager  
CA Department of Fish and Wildlife

Enclosure

cc:  
Jeff Brandt, CA Department of Fish and Wildlife  
MSHCP Permittees



U.S. Fish and Wildlife Service  
Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262  
760-322-2070  
FAX 760-322-4648



California Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
909-484-0167  
FAX 909-481-2945

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In Reply Refer To:  
FWS/CDFW-15B0092-CPA0102

Riverside County Board of Supervisors  
County of Riverside  
4080 Lemon St., 5th Floor  
Riverside, California 92501

JAN 13 2015

Subject: Item 3-17: Resolution No. 2015-030, Notice of Intention to Exchange Real Property in the City of Lake Elsinore (January 13, 2015)

Dear Chair and Board Members:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Resolution No. 2015-030, Notice of Intention to Exchange Real Property in the City of Lake Elsinore item 3-17 on the January 13, 2015 agenda. The Wildlife Agencies are providing the following comments as they relate to Resolution No. 2015-030 and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

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Additionally the property is being used by the County and the other MSHCP permittees to meet MSHCP Species Objectives for San Diego ambrosia (*Ambrosia pumila*, federally endangered) and Munz's onion (*Allium munzii*, state threatened and federally endangered). Both of those species were identified as to be conserved on the subject property in the conservation analysis provided to the Wildlife Agencies by the prospective permittees in the State Natural Communities Conservation Plan Permit and a federal Endangered Species Act permit applications. San Diego ambrosia species objectives require conservation of at least two of the three then known locations in the MSHCP plan area. The species objectives also require that any subsequently discovered locations or populations be conserved consistent with the MSHCP Narrow Endemic Plants Policy (MSHCP section 6.1.2). The paragraph under the heading Conservation Summary on page P-328 includes the following sentence: "The third core location [of San Diego ambrosia] (east of Lake Street in the City of Lake Elsinore) will be conserved in accordance with the *Narrow Endemics*

*Policy* (Section 6.1.3).’ The conservation of the Skunk Hollow population of San Diego ambrosia was achieved by the implementation of the Rancho Bella Vista Habitat Conservation Plan. The purchase of the subject property by the County for conservation secured the second population required by the species objectives. The fulfillment of MSHCP species objectives is an accomplishment for all MSHCP permittees. The proposed land exchange is a retreat from this accomplishment.

The subject property also contains part of the Alberhill occurrence of Munz’s onion. It is known from the County- owned property considered for trade out adjacent to Nichols Road. The conservation analysis provided for Munz’s onion in the MSHCP documents identifies Alberhill as a core Area for the species and included conservation of the Alberhill plants in the Conservation Summary on page P-218 and in the Munz’s Onion Species Objectives. No mention of Munz’s onion or the conservation value provided to it by the subject property is made in Resolution No. 2015-030. No information is provided on whether a comparable population of Munz’s onion is in the portion of property to come into conservation.

Resolution No. 2015-030 does not address the conservation values provided by the subject property to the MSHCP or its service to the MSHCP permittees in meeting MSHCP reserve assembly goals or in providing conservation to MSHCP covered species.

The language in Resolution No. 2015-030 identifies the contemplated exchange properties as of equal monetary value. The Wildlife Agencies are concerned about the equivalency of their conservation value, while this may not be a consideration under Government Code Section 25365, it does seem appropriate given the purpose for which County acquired the property in 2004. There are two listed rare plants present in the areas proposed to be traded away and no known occurrences of these plants in areas the County would acquire in exchange. The language in the resolution implies that the connectivity function of the County owned property will be enhanced by the exchange, but most of the property that would be transferred to the County is on steep hillsides and not generally suitable for wildlife movement and the wildlife corridor would be narrower near Lake Street if the land exchange is implemented. We request that prior to the adoption of this resolution or one of similar language or intent, there be a comparison between the exchange properties in terms of their respective MSHCP reserve assembly values and conservation values to MSHCP covered species. It is not clear from the language in the Form 11 or the resolution what the County’s need for the property they would receive is or how that need relates to the conservation purpose of the original property.

We are also concerned about the cost of the translocation of San Diego ambrosia that the County would perform or cause to be performed. Successful relocation of plants generally requires specialized skill, an intensive initial effort and subsequent monitoring. We request that the resolution be modified prior to adoption to specify that the costs of the translocation effort, regardless of who performs it, not come from MSHCP fees. The County has already purchased, for conservation, the San Diego ambrosia population contemplated for translocation. We believe it is therefore not appropriate for fees collected under the terms of the MSHCP to be used to pay for the replacement or translocation of the existing conserved population.

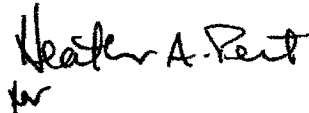
The Form 11 for the resolutions states that the County would reserve an easement over the portion of the property to be traded out that supports San Diego ambrosia until successful translocation has been confirmed, then the county would relinquish the easement interest. There is no description or definition of what successful translation would look like. There is also no mention of what would happen if the translocation is not successful. Translocation efforts can be challenged by weather patterns, rodents and vandalism, even when all appropriate steps have been taken to provide for success. We request that the resolution not be adopted until after success criteria and a contingency for failure are identified. We would consider it ideal if the translocation effort was demonstrably successful prior to the adoption of any land exchange resolution.

We appreciate the opportunity to comment on item 3-17 and reiterate our request that resolution 030 not be adopted until after our concerns are addressed. We also request a meeting to discuss our concerns and look forward to working with the County and the City of Lake Elsinore. To schedule a meeting, or if you have any questions regarding these comments, please contact Karin Cleary-Rose of the Service at 760-322-2070, extension 206, or Heather Pert of the Department at 858-395-9692.

Sincerely,



Kennon A. Corey  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Leslie MacNair  
Inland Deserts Region  
Acting Regional Manager  
CA Department of Fish and Wildlife

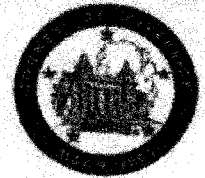
Enclosure

cc:

Jeff Brandt, CA Department of Fish and Wildlife  
MSHCP Permittees

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

132



**FROM:** Economic Development Agency

**SUBMITTAL DATE:**  
January 28, 2004

**SUBJECT:** Adoption of Resolution Number 2004-069, Authorization to Purchase Real Property from Tri-Valley I.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- (1) Adopt Resolution Number 2004-069, Authorization to Purchase Real Property from Tri-Valley I;
- (2) Approve the Acquisition Agreement between the County of Riverside and Tri-Valley I, and authorize the Chairman to execute the agreement and the certificate of acceptance on the related grant deed;
- (3) Approve the Memorandum of Understanding between the County of Riverside, Tri-Valley I, and the City of Lake Elsinore and authorize the Chairman to execute the agreement; and
- (4) Authorize and direct the Assistant County Executive Officer/EDA or his designee to execute any related purchase documents and to take the necessary actions to complete this transaction.

**BACKGROUND:** On January 13, 2004, item #3.18, the Board of Supervisors approved Resolution Number 2004-34 giving notice of the County's intention to purchase approximately 598 acres of property for preservation of open space in the Alberhill area. The Economic Development Agency negotiated the purchase of approximately 598 acres for habitat conservation, at a unit price of roughly \$8,637/acre. The purchase price was confirmed by an appraisal, as the County will not pay more than fair market value.

*Bradley J. Hudson*  
Bradley J. Hudson, Assistant County Executive Officer/EDA

BJH:RZ:BJG:AMV:BCS:sj  
F:\Shared\RealProperty\Real Property\MSHCP\04-H-008.frm11.doc

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 5,164,652 plus escrow fees	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2003-2004

<b>SOURCE OF FUNDS:</b> Ordinance 810 funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature** *Shonda King*

- Dep't Recomm.:  Policy
- Per Exec. Ofc.:  Policy
- Consent
- Consent

Prev. Agn. Ref.: 01/13/04, 3.18 | District: 1 | Agenda Number:

**3.10**

**BACKGROUND (continued)**

An appraisal was prepared by an independent appraisal firm to determine the fair market value of the property. The agreed upon purchase price of \$5,164,652.00 is approximately 40% below the appraised value of the property.

Staff recommends the approval of this purchase agreement, which will require the expenditure of \$5,164,652.00 from Ordinance 810 Open Space Funds, plus escrow fees not to exceed \$7,000.00.

The Memorandum of Understanding between Riverside County, Tri-Valley, and the City of Lake Elsinore further clarifies the responsibilities of all cooperating parties.

The Parks District has estimated that the annual property management costs for the subject property will be approximately \$12,000 per year. The County has appropriated funding to the Parks District for annual management costs.

The subject property is located south of Interstate 15 and east of Lake Street in the City of Lake Elsinore.

Public notice of said acquisition was given as provided in Section 6063 of the Government Code.

1 **BOARD OF SUPERVISORS**

**COUNTY OF RIVERSIDE**

2 **COUNTY RESOLUTION NO. 2004-069**  
3 **AUTHORIZATION TO PURCHASE REAL PROPERTY FROM TRI-VALLEY I**  
4 **(First Supervisorial District)**

5 **WHEREAS**, Tri-Valley I, the property owner, has offered for the sum of  
6 \$5,164,652.00 the property shown on Exhibit "A" attached to this resolution, located in the  
7 Alberhill area;

8 **WHEREAS**, the County has agreed to accept this offer and has given notice of  
9 its intention to purchase pursuant to Government Code 25350, on 01/13/04;

10 **WHEREAS**, the Clerk of the Board of Supervisors was directed to give notice  
11 thereof as provided in Section 6063 of the Government Code and said notice has been given;

12 **WHEREAS**, the Memorandum of Understanding (MOU) by and between the  
13 County of Riverside, Tri-Valley I and the City of Lake Elsinore further details the  
14 responsibilities by all parties; and

15 **WHEREAS**, the acquisition of this property will assist the County in providing  
16 open space for conservation of wildlife and plant life.

17 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the  
18 Board of Supervisors of the County of Riverside, in regular session assembled on February  
19 10, 2004, as follows:

20 1. That the Board of Supervisors hereby finds and declares that the above recitals  
21 are true and correct.

22 2. That the County of Riverside is authorized to purchase real property in the  
23 Alberhill area for a sum of \$5,164,652.00.

24 3. That the Chairman of the Board of Supervisors is hereby authorized to execute  
25 the Acquisition Agreement, MOU and any and all documents necessary to purchase the real  
26 property from Tri-Valley I.

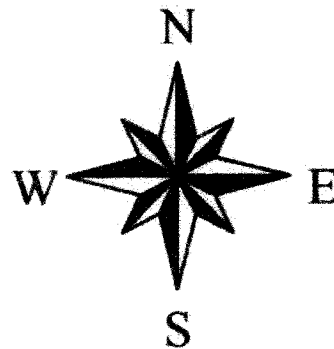
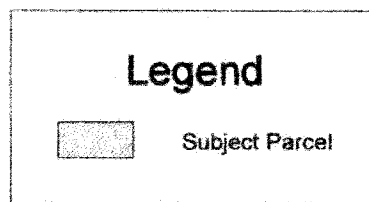
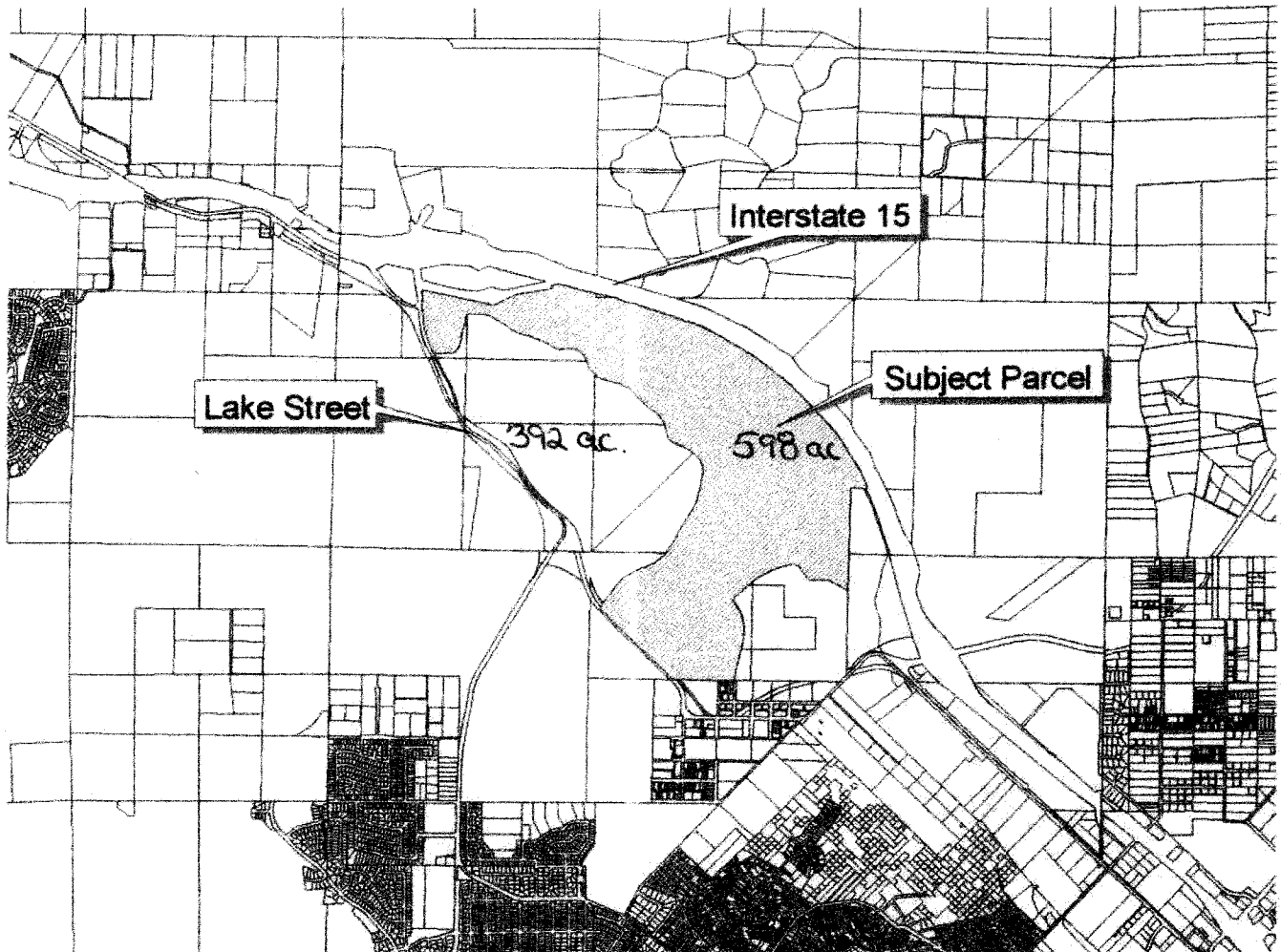
27 4. That the Assistant County Executive Officer/EDA of the County of Riverside is  
28 hereby authorized to take the necessary actions and execute any related documents to  
complete this purchase.

FORM APPROVED  
COUNTY COUNSEL

JAN 30 2004

BY   
ASSISTANT COUNTY COUNSEL

# Tri-Valley I Property



**eda**

This map was made by the  
Savannah County GIS using  
Geographic Information System  
(GIS) technology. Data and  
information registered on the  
map is subject to update and  
modification.

**EXHIBIT A**





U.S. Fish and Wildlife Service  
 Palm Springs Fish and Wildlife Office  
 777 East Tahquitz Canyon Way, Suite 208  
 Palm Springs, California 92262  
 760-322-2070  
 FAX 760-322-4648



California Department of Fish and Wildlife  
 Inland Deserts Region  
 3602 Inland Empire Blvd., Suite C-220  
 Ontario, California 91764  
 909-484-0167  
 FAX 909-481-2945

In Reply Refer To:  
 FWS/CDFW-15B0092-16CPA0238

Riverside County Board of Supervisors  
 County of Riverside  
 4080 Lemon St., 5th Floor  
 Riverside, California 92501

FEB - 9 2016

Subject: Item 3-37: Resolution No. 2016-074, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore (February 9, 2016)

Dear Chairman Benoit and Board Members:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Resolution No. 2016-0740, Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore item 3-37 on the February 9, 2016 agenda. The Wildlife Agencies provided comments (enclosed) on Resolution No. 2015-030. Those comments are relevant to Resolution No. 2016-074. We respectfully request that you consider our previous comments in this action and we offer the following additional comments on Resolution No. 2016-074 and the County's implementation of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). We have concerns about the loss of use and value to the MSHCP conservation area from the proposal, its status as a discretionary project, the advisability of completing the exchange based on a translocation effort with an unknown outcome and the lack of MSHCP implementation for the resolution and translocation effort.

Land Exchange

The property proposed for exchange was acquired by the County of Riverside (County) using Ordinance 810 fees as open space for conservation of wildlife and plant life (County Resolution No. 2004-069, enclosed). Resolution No. 2016-074 states that the County desires to acquire 40 acres owned by Castle & Cooke Commercial-CA, Inc. (C&C) for conservation purposes; and identifies 40-acres adjacent to the conservation land acquired under County Resolution No. 2004-069 as desirable to accomplish that purpose. It also identifies 40 County-owned acres, acquired for conservation in 2004 as not being used by the County.

As we pointed out in our comments to the Board on Resolution No. 2015-030, the County has been using the property as conservation for wildlife and plants since its purchase in 2004 to meet both MSHCP reserve assembly and Species Objective obligations for San Diego ambrosia (*Ambrosia pumila*, federally endangered) and Munz's onion (*Allium munzii*, state threatened and federally endangered). This is evident in every MSHCP Annual Report from the first one in 2005 to the present where the subject property is identified as conserved and contributing to MSHCP reserve assembly and rough step goals.

3-37  
 2/9/16  
 2016-2-13058

The language of Resolution No. 2016-074 identifies the C&C exchange property as desired for conservation, but it ignores the high conservation values provided by the 40 acres proposed for trade to C&C, and its existing use by the County, the MHSCP permittees and the Riverside County public, in meeting MSHCP reserve assembly goals and in providing conservation to MSHCP covered species. These conservation values, presence of endemic listed plant species, are not present on the property owned by C&C, which the County has identified as desirable for conservation in Resolution No. 2016-074.

The Reclamation Plan Amendment No. 2011-01 (February 3, 2012) for Pacific Clay/Brighton Alberhill Mine RP 90-1 Pacific Clay Products Incorporated identified assessor parcel numbers (APNs) 389-020-035 & 036, 389-080-040, 390-130-026 & 028, 390-160-003 & 006, 390-190-013, 014 & 015, 390-200-008 & 010, 390-210-021 as property that makes up the Pacific Clay/Brighton Alberhill Mine. A total of 90.5 acres within the 400-acre site owned by affiliate Castle & Cooke Lake Elsinore West, Incorporated, were identified as being directly affected by the reclamation activities including mining, grading, and reclamation pursuant to the Surface Mining and Reclamation Act, (SMARA-1975). Some of these parcels identified in the Reclamation Plan and subject to SMARA are also parcels that would be exchanged for the conservation land (see Item D.3 on Agenda for December 8, 2015 [http://rivcocob.org/agenda/2015/12\\_08\\_15.htm](http://rivcocob.org/agenda/2015/12_08_15.htm)). We question the relative conservation value of the area that needs to be reclaimed, given the rarity of the conservation values present on the 40-acre County-owned exchange property.

Further, the Resolution and the Form 11 do not specify who will be responsible for meeting the conditions of the Reclamation Plan after the exchange is executed. The party responsible for meeting the burden of the SMARA requirements should be identified with a timeframe for reclamation spelled out before the land exchange occurs. We request that the Board require a comparison of the conservation values currently present and in use on the on 40-acre County-owned exchange property with those present on the proposed C&C exchange property be prepared prior to adoption of Resolution No. 2016-074.

The last paragraph in the Summary section of the Form 11 for Resolution No. 2016-074 states: "The proposed exchange of county-owned [sic] property for the land owned by C&C, would be of greater benefit to the County of Riverside, since the C&C parcel is contiguous to the existing [sic] the County's remainder property for conservation purposes". The 40-acre County-owned property is part of the County's existing property for conservation purposes and hosts rare, listed, endemic plant species, and therefore, by every measure of conservation values, is superior to the adjacent property which does not support those or any other endemic species. The above text in the Form 11 acknowledges the conservation purpose of the County's property. We further note that it is in use for that purpose, as indicated in every MSHCP annual report since 2004, and suggest that it is not desirable to exchange the very high-value use the County is receiving for MSHCP implementation from the 40 County-owned acres for an adjacent 40 acres that have limited conservation, and may even need reclamation to provide any value, for the County's conservation use in MSHCP implementation.

2016 FEB 16 PM 12:00

RECEIVED RIVERSIDE COUNTY  
CLERK / BOARD OF SUPERVISORS

Resolution No. 2016-074 and Translocation Project

The Form 11 and the language of the Resolution states that the County would reserve an easement over the portion of the 40-acre property to be traded out that supports San Diego ambrosia until successful translocation has been confirmed, then the county would relinquish the easement interest. The Form 11 stipulates, "*The Exchange Agreement and the Grant Deed with Easement Reservation will include provisions indicating that the successful transplanting of the Ambrosia plants from the easement area to another location within County owned property as chosen solely by the County shall be done prior to any development occurring on that portion of land.*" This sentence indicates that the County expects C&C, or some other owner to develop the portion of the 40-acre trade-out property that supports the Ambrosia. It is therefore apparent that Resolution No. 2016-074 would ultimately result in a physical change in the environment, which makes it a discretionary project. We therefore request that the County initiate the MSHCP Joint Project Review (JPR) process for the project (Resolution No. 2016-074) consistent with section 13.2. E. of the MSHCP Implementing Agreement.

The land exchange as proposed would result in the translocation of San Diego Ambrosia, which we identify as a significant identifiable physical change in the environment. The change is significant because it represents a substantial risk to the Ambrosia population and because failure of the translocation effort would undermine the MSHCP permittees' ability to accomplish the conservation identified in the MSHCP. The Western Riverside County Regional Conservation Authority (RCA) has reserved funding to accomplish the translocation (RCA Resolution No. 2015-004), so the translocation effort as a direct result of this board action seems assured. We request that the translocation effort be included in the JPR for Resolution No. 2016-074. The board action proposed in Resolution No. 2016-074, with the resulting translocation effort and development project appear to meet the definition of discretionary project under the California Environmental Quality Act.

In addition to the need for MSHCP implementation, we have several concerns about the proposed translocation effort. There is no description or definition of what would constitute a successful or failed translocation effort. There is also no mention of what would happen if the translocation is not successful. This is of particular concern because translocation efforts frequently fail.

Future MSHCP Implementation

As a reminder, all of the land proposed for exchange is in the MSHCP Criteria Area. As such, all discretionary projects affecting that land are subject to the JPR process and MSHCP policies and procedures. The County-owned 40-acre exchange area is within the area described for MSHCP reserve assembly. Future development projects would be subject to the HANS process (or LEAPS process if MSHCP implementation is carried out by the City of Lake Elsinore) and MSHCP implementation.

Clarification

There is a discrepancy in the size of the conservation property in the background summary provided for the submittal to the Board. The County purchased 598 acres for conservation at 40% below appraised value for \$5,184,852 using Ordinance 810.2 fees for habitat conservation (Resolution No. 2004-069). This Grant Deed includes APN 390-130-022, 390-270-008, 389-080-

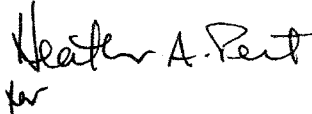
031, 389-080-032, 389-080-033, 389-080-034, and a portion of 390-200-007, 389-080-030, 390-200-001, 390-210-018, 390-210-017, 390-160-006, 390-130-023, and 390-130-019. However, the Background summary states it is "consisting of approximately 548 acres". The discrepancy of 50 acres between the original acquisition and the acreage identified in the Submittal should be resolved or explained. Neither the conservation footprint nor the conservation values should be reduced by the proposed land exchange.

We appreciate the opportunity to comment on item 3-37 and request that Resolution No. 2016-074 not be adopted until after our concerns are addressed and MSHCP implementation procedures are completed. If Resolution No. 2016-074 is adopted, we request that the land exchange not be executed until our concerns are addressed. We also request a meeting to discuss our concerns. We look forward to working with the County to resolve these significant issues. To schedule a meeting, or if you have any questions regarding these comments, please contact Karin Cleary-Rose of the Service at 760-322-2070, extension 206, or Heather Pert of the Department at 858-395-9692.

Sincerely,



Kennon A. Corey  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Leslie MacNair  
Inland Deserts Region  
Acting Regional Manager  
CA Department of Fish and Wildlife

Enclosure

cc:  
Jeff Brandt, CA Department of Fish and Wildlife  
MSHCP Permittees



**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Debbie WALSH

**Address:** MEAD VALLEY  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** 2/9/2016 **Agenda #** 3-37

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**  
\_\_\_\_\_ **Support**     **Oppose**    \_\_\_\_\_ **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_



## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### **Addressing the Board & Acknowledgement by Chairman:**

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.