



Elsinore - Murrieta - Anza
Resource Conservation District

**MINUTES
REGULAR MEETING
OF THE BOARD OF DIRECTORS
December 11, 2009
1:30 PM**

A. CALL TO ORDER AND ROLL CALL

A meeting of the Elsinore-Murrieta-Anza Resource Conservation District was called to order at 1:41 PM by President Long. Present were the following:

Directors Long, Nelson, Whittington and Wheeler
Associate Director Dan Matrisciano
General Manager John Rogers
District Counsel Ray Johnson

Motion was made by Nelson, second by Whittington, passed 4-0, to approve the Agenda.

B. MINUTES OF NOVEMBER 13, 2009

Motion was made by Nelson, second by Whittington, to approve the Minutes of the November 13, 2009 regular meeting, with a minor correction.

Approved as amended, 4-0.

C. PUBLIC COMMENT

None.

D. FINANCIAL REPORT

Financial reports prepared by EMARCD's accounting firm were reviewed by the Board. Whittington questioned the payments shown to consultant Rick Hopkins, Live Oak Associates. Long explained that these were paid from funds deposited by various developers for the specific projects on which Hopkins worked. Wheeler questioned the transfer of Nov. 13 deposit of \$10,000 to the General Fund. Counsel Johnson explained that those funds came from the endowment funds he holds in trust for the District. Acceptance of the financial reports was moved by Whittington, seconded by Nelson, approved 4-0.

E. BOARD CORRESPONDENCE

Rogers presented two Notices of Intent to adopt Negative Declarations:

1. City of Lake Elsinore, Collier Avenue Automotive Center, proposed by Near-Cal Corporation. The project is impacted by a significant storm drain crossing under I-15; the Water Quality Management Plan included in the technical appendices included with the NOI called for most drainage-related information to be deferred to final approval.

2. City of Wildomar, G. K. Backlund, Inc. Change of Zone from Rural Residential to Manufacturing-Service Commercial. This is a zone change only, for a 7.2-acre parcel near Corydon Street, the northwesterly border between Wildomar and Lake Elsinore. There is no significant effect on any conservation issues that might be of concern to EMARCD,

Rogers also presented a Request for Proposal from Rancho California Water District to provide GIS mapping and irrigation analysis services to RCWD in conjunction with their Agricultural Recertification Program. Proposals are due at the end of December.

Moved by Whittington, seconded by Nelson, to accept the reported correspondence, and to direct Rogers to respond to the City of Lake Elsinore regarding the WQMP information provided with the Collier Avenue Automotive Center NOI. Motion approved, 4-0. Rogers was also directed to obtain a report on the wildfire conference hosted at the Pechanga Convention Center by Senator Hollingsworth

F. BOARD ACTION ITEMS

EXECUTIVE SESSION: The meeting continued in closed session for a conference to discuss real property issues with District Counsel Johnson pursuant to Government Code Section 54956.8, to include terms, negotiating parameter and other conditions. Reconvening in open session, the following actions were reported:

2.1 Approval of Maintenance and Monitoring Agreement with D.R. Horton and Western Riverside County Regional Conservation Authority. On motion by Whittington, second by Nelson, approved 4-0, District Counsel Johnson was directed to work with Counsel for D.R. Horton to prepare a formal maintenance agreement for approval by the EMARCD Board.

2.2 Approval of transfer of "Casino" property, Lake Elsinore, to EMARCD. On motion by Director Whittington, second by Director Nelson, approved 4-0, District Counsel Johnson was directed to pursue the acquisition in fee simple of a 6.03-acre property in the City of Lake Elsinore from Casino One JEC, LLC.

Continuing in open session:

Discussion Items:

Liberty Quarry:

Responses to the Draft Environmental Impact Report were discussed. Johnson had submitted a 29-page report on behalf of Save our Southwest Hills and EMARCD, copies of which are available at the EMARCD office. Johnson also reported that the Pechanga Tribe has submitted two reports, one of the term public, the other confidential as it identified and discussed locations of cultural resources sacred to the Tribe. Revealing the locations would potentially encourage the destruction of the resources by members of the public.

Whittington questioned if the EIR prepared by Granite's consultants was more biased in favor of the project's approval than would usually be expected for a project of this size; Johnson gave his opinion that it was considerably more biased than other similar EIR's he had reviewed in the past.

Long asked about the next steps in the process. Johnson responded that the applicant's consultants must now respond in writing to the 700 comments that were received. Some of the comments were undoubtedly redundant, but there are probably six or seven strong responses, and it will be problematic for the consultants to respond factually in a manner that is positive for the project. If the EIR was to be certified in its present form by the County, it would be unlikely to survive a court challenge.

The applicant has 6 months to respond to comments, then the EIR is circulated again for a second round of public review. It is important for opponents and interested parties to raise all significant issues at this time, because issues not raised during the circulation period cannot be raised in a subsequent court action.

If the EIR is challenged in court by any party, the process is likely to take 9 months, at which point it would be sent back for another round in the circulation process.

Johnson stated that two strong issues could lead the Board of Supervisors to fail to approve the EIR:

1. The project could be found to be inconsistent with the MSHCP, particularly if the California Department of Fish and Game or the Federal Fish & Wildlife Service concurred in writing (which they already have done).
2. The issues raised both publicly and confidentially by the Pechanga tribe relating to physical artifacts within the site as well as the ephemeral religious aspects of the property could be found to be immitigable.

Old Business

Long and Nelson reported that the parking lot sale at the District office on December 12-13 had netted \$211.70, which was deposited into the District's General Fund account.

Monthly Reports

Rogers reported that he was scheduled to attend an On-Line Grant Application workshop in Ontario on January 11-12. This is to be presented by the Off-Highway Motor Vehicle Division of California State Parks.

Associate Director Matrisciano, who is also President of the Southwest Riverside County Fire Safe Council, was unable to attend the December 9 meeting of the California State Legislature's Rural Caucus, "Rural Fire Protection Working Group" at the Pechanga Tribal Administrative Center. Rogers was directed by the Board to obtain information about the meeting.


There were no other monthly reports.

The Directors asked that Mr. Hewitt be invited to a future meeting.

New Business

None.

Adjournment: Moved by Whittington, second by Nelson, to adjourn to 1:30 PM January 8, 2010, approved 4-0 at 3:24 PM


Pamela Nelson
Secretary of the Board

Approved by Board of Directors February 19, 2010

Ayes 3 Noes 0 Abstained 0