

**Lottiefox**

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**From:** "pamela05n" <pamela05n@peoplepc.com>  
**To:** <gwatts@parks.ca.gov>; <lottiefox@verizon.net>; <danishelen@earthlink.net>;  
<robertdwheeler@verizon.net>; <delross@verizon.net>; <vickiglong@aol.com>;  
<delross@juno.com>; <bikemanterry@verizon.net>  
**Cc:** <stantoned11@mchsi.com>; <familydeandero@aol.com>  
**Sent:** Wednesday, January 03, 2007 1:10 PM  
**Subject:** alert!

Due to the recent scheduling problem with the Pauba Firestation, we will be meeting at the Santa Rosa Plateau Visitor Center. The Country Garden Restaurant has been a good second choice for a few of our meetings, but the Sta. Rosa Plat. visitor center will be a better place since it is quieter and less distracting. Of course, the meetings will have to be in the daytime, so the Mitigation Committee will meet on the 8th, Monday, at 2pm and our general meeting will be on the 11th, Thurs., at 2pm, also. The agenda will follow. If anyone has any suggestions for the agenda, please send them to me right away.

See you then,  
Pam Nelson  
EMARCD, President  
(951) 767-2324

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**Minutes: Mitigation Committee, Jan. 8, 2007**

Santa Rosa Plateau

Vicki Long, Bob Wheeler, Pam Nelson, Dan Matrisciano, Del Ross: attendees

1) Oak Springs Creek development:

committee recommends to write a letter to the County Planner, Fish and Game, RWQCB, and Riverside Co. Flood Control District to require that the creek remains open instead of piped on the south west side of Clinton Keith and that our District would like to consider the creek for a conservation easement.

2) 250 acres of open space is available for the RCD to take as a conservation easement (third party) in the Antelope Hills area. Vicki has the details.

The committee recommends to pursue this if feasible and that a special meeting may be called for acceptance.

3) the French Valley development will be sending us the \$75,000 endowment any day.

4) the committee recommends taking the DeAndero conservation easement.

-provides a piece of the continuing stream for protection that loops out of the Cleveland Nat'l Forest

- the DeAnderos are interested in conservation and are willing to work with us
- the beginning of education the La Cresta area about Conservation Easements
- Funds are available if needed through our Conservation Fund that Fish and Game is willing to set up for us through in lieu fees.

5) The Kincaid Conservation Easement should be reviewed because of the new source of funding proposed by Fish and Game (conservation fund).

6) Accept the Los Alamos Violation in lieu mitigation funds--\$60,000 from RWQCB. These will be deposited into the Conservation Fund (CF).

7) Accept the "Teracor" in lieu funds---\$56,000 to be deposited into the CF.

NOT

With the less restrictive nature of the CF we are able to use these funds for all kinds of conservation uses. This makes easements easier to protect. If the funds given to us are not used, they will go to another RCD.

9) \$30,000 for 0.5 acre riparian. Find out from J. Brandt on use and timeline.

10) 8) Need to map areas of concern in watershed at next comm. meeting.

Current areas: Warm Springs Creek, Oak Springs Creek, Murrieta Creek, Temecula Creek

9) Restoration and conservation easements can be ways of educating the community on protecting habitats. We could film a restoration project and provide it to the Outdoor Channel and--?

# Committee AGENDA

Mitigation Committee—Jan. 8, 2007

- 1) Vicki Long: 250 acres from Lennar Homes Mitigation available as easement  
Wendall Bugtai project  
Deandero Conservation Easement in La Cresta
- 2) \$280,000 from Reg. Water Qual. for Warm Springs
- 3) In Lieu funds available for Conservation Fund
  - Los Alamos violation--\$60,000
  - Teracor from Fish & Game--\$56,000
  - Elsinore Lift Station
- 4) Conservation Fund Policy draft
- 5) Policies shared by other agencies (Pam)
- 6) mitigation discussion with Jeff Brandt and SJBRCD and East Valley (Redlands) RCD on Dec.21

**Lottiefox**

**From:** "Rick Hopkins" <rhopkins@loainc.com>  
**To:** "Vicki Long (ACT!)" <vickiglong@aol.com>; "pam nelson" <pam.emarcd@yahoo.com>  
**Sent:** Wednesday, December 20, 2006 9:05 PM  
**Subject:** Questions for Easements

Vicki and Pam:

Here are a few questions you should consider when you are investigating whether or not a property is suitable for the District to acquire a conservation easement. This is not an exhaustive list and over the next couple of weeks I (and you) may add to it, but I believe this is a good starting point. While some of these easements that Jeff is asking you to consider does not come with an endowment, you could still legitimately request a processing fee – CDFG requires one, why not you. For projects like this, consider \$500 to \$750 (or whatever you think you can negotiate. While this may seem like a lot, after you do a couple it will be quick and seem second nature to you. As with any of this feel free to call and discuss or even just to get some clear direction. If you would like, I could easily construct a form that would automate the system and make it easier for you guys to implement.

1. The name of the individual or entity that holds title on the land under consideration. Get a copy of the Title so we can demonstrate the person who owns it is the one who is offering you an easement. The last thing you want to do is take an easement on a title that is not settled.
2. The precise location of the parcel
3. Place the parcel on a map and also place it on an aerial photo if possible (use google earth for an aerial if the resolution is good enough)
4. Generally describe the habitats of the site and land uses. This can be kept general, but this really is an important piece of information. Is it a ½ site that is almost all developed with landscaping and a CDFG is requesting that you take an easement on 1000 ft<sup>2</sup> (100 ft by 10 ft) of poor to mediocre habitat along a small secondary drainage. Something like this you may choose to stay a way from as it could well be more headache then it is worth with very little up side. Is it mostly natural lands with a home unit surrounded by some landscaping, it the creek in good shape, well vegetated, vineyards, avocados, lots of old farm equipment parked near the stream – in other words the physical appearance is important.
5. Total acreage of the entire parcel
6. Name of stream, 1<sup>st</sup> order, 2<sup>nd</sup> order or tertiary drainage – how important is this drainage in the grand scheme of things. Clearly classify it as high, moderate or low value. This could be simply based on habitat (a high value stream would support a structurally complex veg component meaning a mix of shrubs and trees, that seems relatively intact) or you could get a little fancier and include something about the vegetation, context (are their houses nearby or other types of natural habitats like scrub, woodland or grasslands which is a good thing), does it appear that this drainage would help facilitate movement of wildlife regionally, is this an important part of the watershed, etc. The more factors you include the more realistic it is, but also the more complex the process becomes.
7. The minimum size and location of the area that CDFG would request an easement on
8. The maximum acreage available for a conservation easement; in other words, if you were to request something more than what CDFG would require (as I understand it Jeff indicated that was possible), you should have a sense what you would typically ask. It is my feeling that for the moment you are focused on creeks and wetland habitats and so you should know something about the amount of creek or drainage frontage on the site and some rough idea how wide CDFG's jurisdiction extends. CDFG exerts jurisdiction over the bed and bank of drainages, but sometimes extend to the outer edge of the canopy of the riparian habitat (water loving habitat). It is not uncommon in Northern California (particularly San Jose) that some reasonable buffer (as measured from the outer edge of the riparian habitat or top-of-bank, whichever is greater) is factored in. A simply math problem is if there is 1000 ft. of creek frontage and it averages 50 ft wide it is possible that CDFG would only require an easement of 5000 ft<sup>2</sup>, but if it were a high quality stream, you may want an easement that includes a 50 to 100 ft buffer which would result in an easement of 10,000 to 15,000 ft<sup>2</sup>. In reality this is negotiated and probably best to do through Jeff. He is in the best position to push the applicant as they need a permit from his agency.
9. Streambed Alteration Agreement (1602 of the Fish and Game Code) number for reference
10. The action the applicant is requesting the 1602 on, is it a violation – this may help you in requesting an easement. I could see you requesting more from a violation then other actions. If the action small, are trees or other woody veg being removed. What other permit conditions are listed and how will this affect your easement.
11. As the easement holder, what commitments are you making, do you need to visit the site once, twice or

12/21/2006

more times a year – this is particularly important if you are taking the easement without an endowment.

12. If you extend the easement out of CDFG jurisdiction (which I think is reasonable for some sites), what remedies are available to you if the applicant purposely violates the easements (most people that accidentally screw up will try and make it right) so that you do not have to invest significant moneys (even if recouped later) to rectify the situation.

I am sure you can think of a number of additional questions that should be resolved before you provide the board something to vote on. I suggest you both think about what those might be, as I will continue to work on a reasonably short form that you folks can use to satisfy this process. I do not believe you need to expend huge amounts of energy to take a proposal to the board, but the info listed above could be pulled together relatively quickly without a lot of hassle – the real key is simply knowing what is important and asking the correct questions.

Feel free to call.

Good luck tomorrow.

Rick

Rick A. Hopkins, Ph.D.,  
Principal/Senior Conservation Biologist  
Live Oak Associates, Inc.  
6830 Via del Oro, Suite 205  
San Jose CA 95119  
Phone: 408.281.5885  
Cell: 408.391.9433

**Lottiefox**

---

**From:** "Jeff Brandt" <JBrandt@dfg.ca.gov>  
**To:** <nboswell@brwncald.com>  
**Cc:** "Jeff Brandt" <JBrandt@dfg.ca.gov>; "Sheila Aguinaldo" <SAguinaldo@dfg.ca.gov>; "pam nelson" <pam.emarcd@yahoo.com>  
**Sent:** Wednesday, December 20, 2006 11:53 AM  
**Subject:** pending streambed agreement EVMWD Lake Elsinore lift station

Good afternoon Nick.

Please contact Pam Nelson of the Elsinore-Murrieta-Anza Resource Conservation District to arrange for a in-lieu fee contribution for habitat conservation, and include this info in your application for the streambed agreement.

Thank you, Jeff

Jeff Brandt  
Department of Fish and Game  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

Phone: (909) 987-7161  
Fax: (909) 481-2945  
Email: [JBrandt@dfg.ca.gov](mailto:JBrandt@dfg.ca.gov)

**Lottiefox**

---

**From:** "pam nelson" <pam.emarcd@yahoo.com>  
**To:** "del ross" <delross@verizon.net>; "charolette fox" <lottiefox@verizon.net>  
**Sent:** Wednesday, December 20, 2006 9:07 PM  
**Attach:** pending streambed agreement EVMWD Lake Elsinore lift station.eml  
**Subject:** Fwd: pending streambed agreement EVMWD Lake Elsinore lift station

Here's yet another one! There's lots of money out there because of development. I guess we should strike while the iron is hot. Jeff is allowing alot of the in lieu fees to be used for our "conservation fund". We don't have to worry about the original site so much as just track the streambed agreement.  
Pam

Note: forwarded message attached.

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**Lottiefox**

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**From:** "Mariah Mills" <mmills@waterboards.ca.gov>  
**To:** <JBrandt@dfg.ca.gov>; <shay@tdaenv.com>  
**Cc:** <MHorn@dfg.ca.gov>; <SAguinaldo@dfg.ca.gov>; <lamb@rcrcd.com>;  
 <John.W.Markham@spl01.usace.army.mil>; "Jeremy Haas" <JHaas@waterboards.ca.gov>;  
 <pam.emarcd@yahoo.com>  
**Sent:** Tuesday, December 19, 2006 1:21 PM  
**Subject:** Re: Los Alamos Road unauthorized work - Water Board contact(401no. 03C-098)

Hi Jeff and Shay,

The plan to buy a one acre credit from EMA-RCD sounds good at this point. However, I would like a little more detail on the type of mitigation and habitat that will be provided. It sounds like you may need some time to get the exact details, we would prefer to have a little more info before amending the cert.

thanks  
 -Mariah

Mariah Mills  
 Environmental Scientist  
 Northern Watershed Unit  
 San Diego Regional Water Quality Control Board  
 (858) 627-3977 work/voice mail  
 (858) 571-6972 fax  
[mmills@waterboards.ca.gov](mailto:mmills@waterboards.ca.gov)  
<http://www.waterboards.ca.gov/sandiego>

>>> "Jeff Brandt" <JBrandt@dfg.ca.gov> 12/19/2006 10:42 AM >>>  
 Shay--

I'm working with the Elsinore-Murrieta-Anza Resource Conservation District (EMA-RCD) on habitat restoration and conservation within their district. We will be using the Riverside-Corona-RCD rates until we have actual costs for the EMA-RCD. We are looking at ~\$60K/acre for riparian habitat restoration and conservation. I need to check with USACE and RWQCB to see if they will let us move forward with these costs and the understanding it may take 6 months to identify the habitat to be restored and put in place the plan for restoration.

John and Mariah--can we move forward with the EMA-RCD ?

Please advise, Jeff

Jeff Brandt  
 Department of Fish and Game  
 3602 Inland Empire Blvd., Suite C-220  
 Ontario, CA 91764

Phone: (909) 987-7161  
 Fax: (909) 481-2945  
 Email: [JBrandt@dfg.ca.gov](mailto:JBrandt@dfg.ca.gov)

12/20/2006



>>> "Shay Lawrey" <[shay@tdaenv.com](mailto:shay@tdaenv.com)> 12/19/2006 10:25 AM >>>

Hi Jeff,

I just got the agreement application out. I apologize for the delay, but I was struck down last week with a terribly nasty flu and I am just getting back in the swing of things. Cameo agrees to purchase 1 acre credit from the bank that you suggested. Pam Nelson relayed to me that 1 acre credit was available. The credit would fund restoration/creation projects in the local Murrieta area.

I need to know if the RWQCB and the ACOE will be agreeable to this type of off site mitigation. There is no opportunity for onsite mitigation, as that is a part of the Los Alamos Road widening project mitigation proposal. This proposal consists of restoring the channel after the culvert pipes have been placed underground.

Please advise and let me know what I need to provide to you.

Thank you for your time and consideration,

Shay E. Lawrey  
Ecologist / Regulatory Specialist  
Tom Dodson & Associates  
2150 N. Arrowhead Avenue  
San Bernardino, CA 92405  
(909) 882-3612  
fax (909) 882-7015

-----Original Message-----

From: Jeff Brandt [<mailto:JBrandt@dfg.ca.gov>]

Sent: Monday, December 11, 2006 12:20 PM

To: [shay@tdaenv.com](mailto:shay@tdaenv.com)

Cc: Jeff Brandt; Michael Horn; Sheila Aguinaldo;

[John.W.Markham@spl01.usace.army.mil](mailto:John.W.Markham@spl01.usace.army.mil); Jeremy Haas; Mariah Mills; pam  
nelson

Subject: Los Alamos Road unauthorized work - Water Board contact  
(401no.  
03C-098)

Afternoon Shay.

Please submit an agreement for the unauthorized work to Sheila ASAP.  
Also please check with Pam Nelson for availability of one acre of  
riparian mitigation.

Thank you, Jeff

Jeff Brandt  
Department of Fish and Game  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

12/20/2006

Phone: (909) 987-7161  
 Fax: (909) 481-2945  
 Email: [JBrandt@dfg.ca.gov](mailto:JBrandt@dfg.ca.gov)

>>> "Mariah Mills" <[mmills@waterboards.ca.gov](mailto:mmills@waterboards.ca.gov)> 12/6/2006 4:30 PM >>>  
 Hi Shay,

Thank you for keeping the Regional Board informed on this, I received the report today. Right now we are considering issuing amendments to the Murrieta 492 401 cert (03C-098) to include the additional impacts and mitigation. First, we would like to see a higher mitigation ratio.

Mitigation for the original impacts was provided at a 25:1 ratio (a 1 acre credit from the Santa Margarita In-Lieu Fund). The current mitigation proposal is only 5:1. We would like to have at least 1 acre of mitigation provided for the unauthorized channel work, preferably within the same waterbody where the impacts occurred. Would Cameo be agreeable to this?

I'm not familiar with the Elsinore-Murrieta-Anza RCD credits, would you be able to tell what type of habitat and kind of mitigation (creation, preservation etc) would be provided through these credits?

Regards,  
 Mariah

Mariah Mills  
 Environmental Scientist  
 Northern Watershed Unit  
 San Diego Regional Water Quality Control Board  
 (858) 627-3977 work/voice mail  
 (858) 571-6972 fax  
[mmills@waterboards.ca.gov](mailto:mmills@waterboards.ca.gov)  
<http://www.waterboards.ca.gov/sandiego>

>>> Jeremy Haas 12/6/2006 9:55 AM >>>

Shay,  
 Mariah Mills [mmills@waterboards.ca.gov](mailto:mmills@waterboards.ca.gov) (858) 627-3977 will be handling the Regional Board's review of this one. We've given her your letter to review.

Jeremy Haas  
 Environmental Scientist  
 California Regional Water Quality Control Board, San Diego Region  
 Northern Watershed Protection Unit  
 (858) 467-2735 work/voice mail  
 (858) 571-6972 fax  
[jhaas@waterboards.ca.gov](mailto:jhaas@waterboards.ca.gov)  
<http://www.waterboards.ca.gov/sandiego>

12/20/2006

Customer Service Survey at <http://www.calepa.ca.gov/Customer/>

>>> "Shay" <[shay@tdaenv.com](mailto:shay@tdaenv.com)> 12/6/2006 9:31 AM >>>

Hello all,

Did you receive the materials I sent to you regarding the unauthorized channel work at Old Vista Murrieta Road adjacent to Los Alamos Road?

I

am

sure you have questions and I need direction from you as to where we

go

from

here. I have meetings and public hearings from 10 am today until

tomorrow

afternoon around 3:30. My cell phone will be turned off most of the time.

If I get a chance to check in via phone, I will. For today and

tomorrow,

e-mail is probably the best way to get a hold of me.

Thank you for your assistance,

Shay E. Lawrey

Ecologist / Regulatory Specialist

Tom Dodson & Associates

2150 N. Arrowhead Avenue

San Bernardino, CA 92405

(909) 882-3612

fax (909) 882-7015

-----Original Message-----

From: Jeremy Haas [<mailto:JHaas@waterboards.ca.gov>]

Sent: Friday, December 01, 2006 7:12 AM

To: [shay@tdaenv.com](mailto:shay@tdaenv.com)

Subject: Re: Los Alamos Road

Hello Consultant,

I will be in the office all day Friday.

Jeremy Haas

Environmental Scientist

California Regional Water Quality Control Board, San Diego Region

Northern Watershed Protection Unit

(858) 467-2735 work/voice mail

(858) 571-6972 fax

[jhaas@waterboards.ca.gov](mailto:jhaas@waterboards.ca.gov)

<http://www.waterboards.ca.gov/sandiego>

Customer Service Survey at <http://www.calepa.ca.gov/Customer/>

>>> "Shay" <[shay@tdaenv.com](mailto:shay@tdaenv.com)> 11/30/2006 5:25 PM >>>

12/20/2006

Hello Regulators,

An issue regarding the adjacent residential development to the Los Alamos Road widening project has been brought to our attention and we are diligently working on gathering the details. Please forgive the brief nature of this e-mail, but I do not have all of the facts yet. I am meeting with Cameo Homes on site at Old Vista Murrieta Road tomorrow morning to hammer out the details. When I get back into the office I will contact each of you to go over the issues and actions.

Take care,  
Shay E. Lawrey  
Ecologist / Regulatory Specialist  
Tom Dodson & Associates  
2150 N. Arrowhead Avenue  
San Bernardino, CA 92405  
(909) 882-3612  
fax (909) 882-7015

**Lottiefox**

---

**From:** <familydeandero@aol.com>  
**To:** <PAM.EMARCD@YAHOO.COM>  
**Cc:** <wmburney2@verizon.net>  
**Sent:** Monday, November 27, 2006 1:42 PM  
**Subject:** New Bridge Construction

Re: APN #929-020-002 (Just north of 39570 Via Sereno, Murrieta, CA)

N 33.55767, W 117.34195

Pam,

We are currently going through the process of applying and obtaining permits for permission to construct a new Arizona Crossing type bridge on our private property located in the La Cresta area of Murrieta.

The bridge will cross the Los Alamos Creek which is a blue line stream. The bridge is to gain access for the construction of our new single family residence.

The streambed (bedrock) is approx 15 feet, and the proposed bridge size is approx 38 feet. The bridge is to be designed not with the intent of the culverts to have a 100 year capacity -- 100 year storm is to overflow as an Arizona swale. Similar structures upstream and downstream exist which are Riverside County roads. I would be happy to submit a full set of plans.

Currently we have permission from the Army Corps of Engineers and the California Regional Water Quality Control Board, San Diego region to move forward.

I spoke with Jeff Brandt, Department of Fish and Game, Ontario, CA office last Wednesday and he informed me I should get with you for a "conservation easement consideration". I'm not sure what this entails but if you could enlighten me, I would so appreciate it. I'm currently in the process of completing the Department of Fish and Game, Notification of Lake or Streambed Alteration application.

Thank you so much.

Kris DeAndero  
951-368-7822

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**Lottiefox**

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**From:** "pam nelson" <pam.emarcd@yahoo.com>  
**To:** "charolette fox" <lottiefox@verizon.net>; "del ross" <delross@verizon.net>  
**Sent:** Tuesday, December 19, 2006 1:47 PM  
**Attach:** ATT00041.eml  
**Subject:** Fwd: Re: Los Alamos Road unauthorized work - Water Board contact (401no. 03C-098)

This is the possible \$60,000 Los Alamos violation email trail. We will talk about this on thurs.

Note: forwarded message attached.

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<http://mail.yahoo.com>

**Lottiefox**

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**From:** "pam nelson" <pam.emarcd@yahoo.com>  
**To:** "bob wheeler" <robertdwheeler@verizon.net>; <vickiglong@aol.com>; "charolette fox" <lottiefox@verizon.net>; "del ross" <delross@verizon.net>  
**Sent:** Wednesday, January 17, 2007 10:56 AM  
**Attach:** ATT00101.eml  
**Subject:** Fwd: Re: 1600-2006-0253-R6 Conservation

Please see the attached. We must write a contract by the 31st of Jan. or they can go ahead without an easement with us. Either way, the Deanderos are still interested in an easement and willing to work with us.

pam

Note: forwarded message attached.

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Never miss an email again!

Yahoo! Toolbar alerts you the instant new Mail arrives. Check it out.

**Lottiefox**

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**From:** <familydeandero@aol.com>  
**To:** <jbrandt@dfg.ca.gov>; <PAM.EMARCD@YAHOO.COM>; <wmburney2@verizon.net>  
**Cc:** <rick@americanindependentinc.com>  
**Sent:** Friday, January 12, 2007 1:42 PM  
**Subject:** Re: 1600-2006-0253-R6 Conservation

-----Original Message-----

From: familydeandero@aol.com  
 To: rick@americanindependentinc.com  
 Sent: Fri, 12 Jan 2007 1:20 PM  
 Subject: Re: 1600-2006-0253-R6 Conservation

Hello Jeff,

The meeting seemed to go well yesterday. Pam and Vicky are very nice, concerned and professional.

After yesterday's meeting, however, I do have some questions:

What exactly are the easement measurements?  
 How are the easement measurements determined?  
 Do we need to obtain an Real Estate Attorney?  
 How do we assess the value of the easement for tax purposes?  
 With the easement in place, does this effect selling the property in the future?  
 What if there wasn't an easement, how would it effect the building of the bridge?

I do absolutely feel the area needs to be protected forever, as it is a natural gift, and it makes me feel we've done the right thing in protecting the trees and stream. However, I just need more information for comfort.

We'd like to proceed with our bridge and submit the plans to the county. This could take days or weeks going through approval, so I'd appreciate what correspondence we need from you that would move this project forward.

Please feel free to reach me at 951-368-7822.

Have a good day,

Kris DeAndero

-----Original Message-----

From: JBrandt@dfg.ca.gov  
 To: familydeandero@aol.com  
 Cc: rick@americanindependentinc.com; JBrandt@dfg.ca.gov; wmburney2@verizon.net;  
 PAM.EMARCD@YAHOO.COM  
 Sent: Wed, 10 Jan 2007 1:59 PM  
 Subject: 1600-2006-0253-R6 Conservation Meeting Tomorrow

Sorry--I can't escape my office workload tomorrow. Let me know how it went and your thoughts on the conservation easement with the EMA-RCD.

Thank you, Jeff

Jeff Brandt

1/17/2007



Department of Fish and Game  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

Phone: (909) 987-7161  
Fax: (909) 481-2945  
Email: [JBrandt@dfg.ca.gov](mailto:JBrandt@dfg.ca.gov)

>>> <[familydeandero@aol.com](mailto:familydeandero@aol.com)> 1/10/2007 12:38 PM >>>  
Hello Jeff!

I do hope you're planning on attending the meeting tomorrow. We're looking forward to meeting you.

Have a great day!

Kris DeAndero

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**DIRECTOR'S REPORT**  
**for Thursday, January 11, 2007**  
**Charolette Fox**

**Contents:**

1. **Activities**
2. **Legislation**
3. **Sign-on letter for 2007 Farm bill Nutrition Title (optional)**

**1. Activities**

November 6—WateReuse (conference call)  
November 8—Workshop on Delta Vision Plan at MWD in Los Angeles  
November 15—AQMD public workshop in Riverside  
November 15—WateReuse (conference call)  
November 16—UCR Seminar on green communities  
November 17—AQMD Air Quality Insitute – 1<sup>st</sup> meeting of policymakers  
November 21—EMWD Advisory Water Board Committee Meeting  
November 28—Workshop on Nuclear Waste in La Jolla  
November 29—WateReuse (conference call)  
November 30—Mitigation Workshop at RCRCDC  
December 2 – Harbors, Beaches and Parks UPDATE in Irvine  
December 4—Environmental Legislative Summit in Sacramento  
December 11—Last push for passage of environmental bills (conference call)  
December 20—Water Tour of Cahuilla Reservation  
December 21—SAWA at RCRCDC  
December 22—Public Workshop on AB32 (webcast)  
December 27—WateReuse (conference call)  
January 3—EMWD Board meeting

**2. Legislation – 2007 Omnibus Bill**

(Items 3 & 4 were taken off the list on January 4.)

**Senate Local Government Committee**  
**The Local Government Omnibus Act of 2007**

**Summary.** The “Local Government Omnibus Act of 2007” proposes 13 relatively minor, noncontroversial changes to the laws affecting local agencies’ powers and duties. The proposed bill will take effect on January 1, 2008.

**Problem.** Each year local officials discover problems with the state statutes that affect counties, cities, special districts, and redevelopment agencies, as well as the laws on land use planning and

development. These minor problems do not warrant separate (and expensive) bills. According to the Legislative Analyst, in 2001-02 the cost of producing a bill was \$17,890.

The Senate Local Government Committee responds by combining several of these minor topics into an annual "omnibus bill." For example, the Committee's 2006 omnibus bill was SB 1196 which contained 27 noncontroversial statutory changes, avoiding over \$465,000 in legislative costs (Chapter 643, Statutes of 2006). Although this practice may violate a strict interpretation of the single-subject and germaneness rules expressed in *Harbor v. Deukmejian* (1987) 43 Cal. 3d 1078, it is an expeditious and relatively inexpensive way to respond to multiple requests.

**Specifics.** The Senate Local Government Committee will author the "Local Government Omnibus Act of 2007," which proposes 13 changes to the state laws affecting local agencies' powers and duties:

**1. Municipal library trustees' meetings.** A city can set up a public library managed by a five-member board of trustees that holds monthly meetings (Education Code §18914). Three trustees can call a special meeting if all of the trustees get written notices three hours before the meeting (Education Code §18915). The Ralph M. Brown Act requires that all local governments' meetings must be "open and public" (Government Code §54950, et seq.). A city attorney notes that the municipal library statute on special meetings is inconsistent with the Brown Act's requirements for 24-hour notice before any special meeting (Government Code §54956). To avoid confusion, she wants the Legislature to clarify that city library boards of trustees must follow the Brown Act (Heather C. McLaughlin, Benicia City Attorney, 707/746-4216; P. Anthony Thomas, League of California Cities, 916/658-8279). The **proposed bill** requires city library boards of trustees to follow the Brown Act. [See §2 of the bill.]

**2. Special district directors.** Most special districts have elected governing boards whose members serve staggered, four-year terms. When a vacancy occurs because of resignation or death, a district's remaining board members can fill the vacancy either by appointing a replacement or by calling an election. The person elected to fill the vacancy fills the balance of the unexpired term. For persons appointed to fill vacancies, different rules apply. If the vacancy occurs in the first half of the four-year term, the appointee serves until the next general district election, and then the voters elect a replacement for the remainder of the term. If the vacancy occurs in the second half of the four-year term, the appointee serves until the next general district election, and then the voters elect someone to a full four-year term (Government Code §1780). An appeals court recently confirmed this interpretation, but acknowledged that the statutory language is ambiguous (*Robson v. Upper San Gabriel Valley Municipal Water District* (2006) 142 Cal.App.4th 877). The Senate Local Government Committee's staff wants to codify the *Robson* decision and remove any statutory ambiguities (Peter Detwiler, Senate Local Government Committee, 916/651-4115). The **proposed bill** clarifies the ambiguities in the statute that explains how long appointees fill vacancies on special districts' governing boards. The **proposed law** also declares the Legislature's intent to codify the *Robson* decision. [§3 & §15]

**3. County bonds for military bases.** This Item has been removed from the bill. Ninety years ago, as the United States mobilized for World War I, the Legislature authorized counties to issue general obligation bonds to help the Secretary of War acquire private property for military bases (SB 1152, Luce, 1917). After World War II, the Legislature moved this uncodified statute into the Government Code (Government Code §25420, et seq., added by SB 1117, Cunningham & Busch, 1947). In the 21st Century, it is unlikely that county supervisors will seek 2/3-voter

approval to buy more land for military bases. On the contrary, the Pentagon and Congress have been closing military bases, including three dozen military installations in California. The Senate Local Government Committee's staff believes that this statute is obsolete and should be repealed (Peter Detwiler, Senate Local Government Committee, 916/651-4115). The **proposed bill** repeals the authorization for counties to issue bonds to buy private property for military bases. [§4]

**4. Williamson Act clarification.** This item has been removed from the bill. The Williamson Act allows landowners to sign contracts with counties and cities to enforceably restrict land uses to agriculture and open space (Government Code §51200, et seq.). In return, the landowners received preferential property tax assessments and the local governments receive state subventions. The Subdivision Map Act controls how counties and cities review and approve the creation of lots from large parcels (Government Code §66410, et seq.). The Map Act doesn't apply to lot line adjustments under certain circumstances (Government Code §66412 [d]). The Williamson Act contains a special procedure that allows a county (or a city) and the landowner to facilitate lot line adjustments by mutually agreeing to rescind existing Williamson Act contracts and enter new contracts, if the local officials make seven findings. This statute sunsets on January 1, 2009 (Government Code §51257, added by AB 1240, Costa, 1997; amended by SB 1835, Johnston, 1998; SB 985, Johnston, 1999; SB 1864, Costa, 2002; AB 1492, Laird, 2003). However, some counties require these statutory findings only when they involve contiguous landowners. The Farm Bureau wants legislators to clarify the statute so that county supervisors and city council must make the findings for all lot line adjustments that affect Williamson Act contracted land (John Gamper, California Farm Bureau Federation, 916/446-4647). The **proposed bill** clarifies that local officials must make the statutorily required findings whenever they approve lot line adjustments that affect Williamson Act contracted land. [§5]

**5. CSD Law clean-up.** The Community Services District Law governs CSDs' powers (Government Code §61000, et seq., added by SB 135, Kehoe, 2005). When a CSD disposes of surplus land, it must follow the same procedures that other local agencies follow (Government Code §61062 [b]). An attorney who advises local officials notes that the cross-reference to the surplus land statute is wrong and he wants legislators to correct the error (Scott Porter, Burke Williams & Sorensen, 213/236-2719). The **proposed bill** corrects the erroneous cross-reference to the standard surplus land disposition statute in the Community Services District Law. [§6]

**6. General plan amendment clean-up.** Counties and cities can't amend their general plans more than four times a year, with exceptions. One exception is a general plan amendment that is needed to accommodate a large scale urban development (Government Code §65358 [d][3]). The Legislature passed the Large Scale Urban Development Act in 1982 (SB 1425, Ayala, 1982), but repealed it in 2000 when legislators learned that no one had ever used the statute (SB 1350, Senate Local Government Committee, 2000). A planner wants the Legislature to repeal this obsolete reference (Terry Roberts, Governor's Office of Planning and Research, 916/324-6666). The **proposed bill** deletes the obsolete reference to the former Large Scale Urban Development Act in the statute that limits amendments to local general plans. [§7]

**7. Subdivisions and surveyors.** The Subdivision Map Act controls how counties and cities review and approve the creation of lots from large parcels (Government Code §66410, et seq.). Final subdivision maps require the county surveyor (or the city engineer or city surveyor if the subdivision is within a city) to sign a certificate or statement regarding the maps' validity (Government Code §66442). Some counties and cities require their surveyors to issue "certificates" for final maps instead of issuing statements. A surveyors' group worries that

requiring public surveyors or engineers to “certify” final maps creates liability problems. They want the Legislature to delete the references to “certificates” and “certify” (Katey O’Malley, Consulting Engineers and Land Surveyors of California, 916/441-7991). The **proposed bill** deletes the requirement for local public surveyors and engineers to issue certificates for final subdivision maps; instead they would issue statements regarding final maps. [§8]

**8. Subdivision dedications.** The Subdivision Map Act controls how counties and cities review and approve the creation of lots from large parcels (Government Code §66410, et seq.). As a condition of approving subdivisions, counties and cities often require subdividers to dedicate property for drainage, public utilities, bicycle paths, transit facilities, solar energy easements, parks, roads, alleys, coastal and water access, schools, and other public purposes (Government Code §66475-§66478). Some dedications are in fee, others are easements. A surveyors’ group wants the Legislature to standardize the language that appears on subdivision maps so that it will be clear whether the dedication is in fee or whether the dedication is an easement (Katey O’Malley, Consulting Engineers and Land Surveyors of California, 916/441-7991). The **proposed amendment** adds a new section to the Subdivision Map Act, specifying the language on parcel maps and final maps regarding the dedication of property in fee or as easements. [§9]

**9. Subdivision modifications.** The Subdivision Map Act controls how counties and cities review and approve the creation of lots from large parcels (Government Code §66410, et seq.). Counties and cities can modify recorded final subdivision maps if local officials make specified findings at a noticed public hearing. The legislative body must limit the hearing to the proposed modification (Government Code §66472.1). In reality, local planning commissions conduct most subdivision hearings, although their decisions can be appealed to the county boards of supervisors or city councils. A land use attorney wants the Legislature to substitute the broader term “local agency” (Bill Abbott, Abbott & Kindermann, 916/456-9595). The **proposed bill** substitutes “local agency” for “legislative body” in the Map Act’s provisions for modifying recorded subdivision maps. [§10]

**10. Redevelopment clean-up.** The Community Redevelopment Law provides the authority for local officials to eradicate blight, using property tax increment revenues and other extraordinary powers (Health & Safety Code §33000, et seq.). State law describes the physical and economic conditions that cause blight (Health & Safety Code §33031, as amended by SB 1206, Kehoe, 2006). The 2006 amendments created a typographical error which a redevelopment attorney wants legislators to correct (Brent Hawkins, McDonough Holland & Allen LLP, 916/444-3900). The **proposed bill** corrects a typographical error in the statutory “blight” definition. [§11]

**11. Sacramento Metropolitan Air Quality Management District’s board of directors.** At a minimum, the Sacramento County Board of Supervisors governs the Sacramento Metropolitan Air Quality Management District (AQMD). However, Sacramento County and its cities can determine the composition of the AQMD’s board, based on a local agreement. (Health & Safety Code §40980, as amended by SB 1196, Senate Local Government Committee, 2006). Currently, the AQMD has a 14-member board that consists of:

- Five Sacramento County supervisors.
- Four Sacramento City councilmembers.
- Four members selected by each of the city councils of Citrus Heights, Elk Grove, Folsom, and Rancho Cordova.
- One member selected by the city selection committee to represent the cities of Galt and Isleton.

AQMD officials say that their board sometimes has trouble achieving a quorum and they want the Legislature to allow the cities to appoint alternate members (Chris Morfas, Sacramento Metropolitan AQMD, 916/874-2876). The **proposed bill** allows the city councils and the city selection committee to appoint alternates to their members of the Sacramento Metropolitan AQMD's board of directors. [§12]

**12. Property tax allocation clean-up.** State law spells out the procedures that county officials must follow when allocating property tax revenues (Revenue & Taxation Code §95, et seq.). Because county officials must adjust these allocations when city and special districts' boundaries change, the statute defines "jurisdictional change" by listing the types of boundary changes (Revenue & Taxation Code §95 [e]). The statutory cross-references are obsolete, often referring to code sections that the Legislature repealed in 1985 and 2000. The Senate Local Government Committee's staff wants legislators to correct these cross-references (Peter Detwiler, Senate Local Government Committee, 916/651-4115). The **proposed bill** corrects the statutory cross-references in the definition of "jurisdictional change." [§13]

**13. Assessment and tax notice clean-up.** State law spells out the procedures that local officials must follow for giving notices of special assessments, special taxes, and foreclosures (Streets & Highways Code §3100, et seq.). When filing maps of Community Facilities Districts that can pay for cleaning-up hazardous substances under the Mello-Roos Act, local officials must include a specific declaration (Streets & Highways Code §3110). An attorney who advises builders notes that this statute contains the wrong cross-reference to the Mello-Roos Act and he wants the Legislature to correct that error (Bryan Wenter, Morgan Miller Blair, 925/979-3315). The **proposed bill** corrects the statutory cross-reference to the Mello-Roos Act in the requirements for giving notice of community facilities districts. The **proposed bill** also revised the notice dates from the 20th Century to the 21st Century. [§14]

**14. Legislative intent.** The **proposed bill** expresses the Legislature's intent to cut costs by combining several noncontroversial items relating to local government into a single bill. [§1]

**3. Sign-On Letter for 2007 Farm bill Nutrition Title** (We may not want to sign on as EMARCD, but we could forward this information to others who may be interested in signing on.)

January 4, 2007

**TO: Anti-Hunger Allies**

**FR: Food Research and Action Center (FRAC)**

**RE: Organizational Sign On Letter in Support of Strong Nutrition Title of 2007 Farm Bill**

Please join other national, regional, state and local organizations in signing on to a letter in support of the strongest possible nutrition title of the 2007 Farm Bill, <http://frac.kintera.org/FSP.FarmBillLetter> .

This statement is based directly on a joint statement issued recently by the 13 organizations that comprise the National Anti-Hunger Organizations. See <http://www.frac.org/pdf/NAHO.pdf>

The stakes for hungry people are high. The Food Stamp Program, which is the nation's first line of defense against hunger, is due for reauthorization this year. It is vital not only that lawmakers renew the program, but also that they address shortfalls in benefit adequacy and improve access for vulnerable people.

The competition for resources in the Farm Bill will be stiff. In a context in which there may be few or no new dollars to expand Farm Bill programs, other stakeholders are seeking added investments in the commodities, conservation, energy, research and other titles of the Farm Bill. Accordingly, speaking up strongly on behalf of the nutrition title is essential to make food stamp investments a priority.

Action on the 2007 Farm Bill is expected to heat up early in the new Congress. The FY 2008 Budget, which will affect prospects for improvements in the Food Stamp Program and emergency feeding aid, will be the subject of Administration proposals and House and Senate Budget Committee hearings in February and March. The House and Senate Agriculture Committees are expected to hold hearings on key Farm Bill proposals in coming months, with floor action on the Farm Bill possible by mid-year. The deadline for Farm Bill reauthorization is October 1, 2007.

In order to build momentum for Food Stamp and emergency feeding aid initiatives, we will issue a preliminary version of the joint letter in January, before the President's FY 2008 Budget is released. We will continue to accept additional sign ons thereafter and will continue to build the list of supporters for each critical juncture in the legislative process, but it is essential to have as many signatures as possible in the next three weeks.

We hope you will help get us off to a good start. Please: 1) Sign your organization on (first sign-on deadline is January 25th); and **2) Circulate the letter widely to your member organizations and allied organizations and ask them to sign on.**

Do not hesitate to contact us with feedback or for technical assistance ([evollinger@frac.org](mailto:evollinger@frac.org) or [eteller@frac.org](mailto:eteller@frac.org)).