

**Section 7 of the Framework Study -
Next Steps**

Attachment 1

San Bernardino Associated Governments

Countywide Habitat Preservation/Conservation Framework Development

7 NEXT STEPS

To develop a countywide conservation plan as outlined in this conservation framework study, there needs to be a collaboration amongst the stakeholders and a willingness of all parties to seek the most benefit for those involved. The vision of the conservation framework is embodied in Principle 1, which is to provide certainty to the development and conservation processes in the county. The intent would be to approach habitat preservation/conservation in a more comprehensive manner such that the environment benefits from more cohesive, functional habitats that will protect species, while providing economic development benefits through greater clarity and speed in the development process. This is consistent with the lead paragraph in the Environment Element of the Countywide Vision, which states, in part:

“We shall strive to intelligently manage our resources for habitat preservation, recreation opportunities, resource extraction, alternative energy, future growth, water quality, and air quality all within a regulatory framework that does not impede the creation of a sustainable economy.”

The intent of this section is to provide a pathway of the next steps that need to be taken, based on what has been completed to date by the efforts outlined in this report. This effort has not been exhaustive, nor was it intended to be; rather it is the first of multiple steps needed to implement a conservation plan for the county.

The following includes a discussion of the next steps and commitments necessary to continue the momentum proceeding to the next level or phases of a more comprehensive, countywide conservation strategy. A discussion of the next steps on a countywide and subarea level is provided where applicable. The entity responsible, the proposed implementation schedule, personnel, and financial resources needed for each of the next steps are also identified, where applicable.

Primary Priorities: Timeframe: 6 months

1. Identify an Interim Lead for Conservation Planning.

Moving forward from a framework study to a comprehensive planning phase, one entity should be identified to keep the initiative moving and be accountable for achieving progress. As stated in Principle 4, a “champion” or Lead for conservation planning in the county should be established. Since this next step is the first of many, and the course of action and players may change once more information is compiled, the Lead that is identified initially may not be the same Lead throughout the whole process. For this reason, an Interim Lead should be chosen until a long-term Lead entity is identified.

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The process for choosing an Interim Lead could be undertaken by a small committee of individuals that can provide the collaboration and leadership needed to sustain the momentum for this conservation framework. Potential Interim Leads could be the Local Agency Formation Commission (LAFCO), County of San Bernardino, or SANBAG. LAFCO and SANBAG could be potential interim leaders for conservation planning efforts, given their innate role as the representative for all the local jurisdictions in the county. The County of San Bernardino could also be the Interim Lead since they oversee the Countywide Vision program.

The Interim Lead could employ individuals with conservation planning backgrounds to facilitate the management of the conservation planning efforts on behalf of the local jurisdictions. The Interim Lead should have good working relationships with the regulatory agencies, and be able to facilitate and foster those relationships which would be important in developing the conservation plan.

The Interim Lead should work with a consortium (or steering committee) of jurisdictions and entities that would focus on conservation planning in the county. The consortium could include representatives of jurisdictions from each region and entities already involved in either land acquisition and/or management in the county such as Inland Empire Resource Conservation District (IERCD), Riverside Land Conservancy (RLC), Center for Natural Lands Management (CNLM), and County Special Districts. Because the Valley Region has the most focus for development, representatives from multiple cities for this region should be involved. Coordination with landowners should be encouraged. Other considerations could include personnel from other Habitat Conservation Plans, such as San Bernardino Valley Water Conservation District and/or San Bernardino Valley Municipal Water District, inclusion of a qualified biologist, and personnel knowledgeable in GIS.

2. *Create an Inventory and Tracking System.*

The Interim Lead entity, or a designee (e.g., management agency, academic institution), would create an inventory of conservation lands in the county and establish a system for long-term tracking of new conservation acquisitions. The Interim Lead entity or designee managing the inventory and tracking system will be trusted with maintaining data quality and accuracy, and appropriate confidentiality. The inventory presented as part of this report (Section 2) would serve as a starting point, and obtaining missing data identified in Section 3 should be a priority. A digital format inventory integrated with GIS should be required, as this is easily shared with other entities. The tracking and inventory system should be established in an acceptable, uniform format for ease of use by multiple jurisdictions and integration into a single tracking system. Once the inventory of

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previous, existing conservation ownership is complete, a long-term tracking/collection system needs to be established to document new conservation lands set asides and/or acquisitions that occur through the development process as a result of hillside ordinance compliance, or land set asides required by the local jurisdiction, or from the regulatory permitting process for waters (i.e., 1600 Permits, 404 permits). The inventory and tracking system should include and distinguish among lands legally committed to conservation through signed and executed easements or other similar agreements as well as proposed conservation lands not yet legally transferred into conservation. Tracking existing and new conservation efforts is imperative to developing and maintaining a cohesive conservation plan. The tracking system could be linked to the development entitlement process so that all applicants are required to report their digital footprint of conservation and the permitting local agency could provide an annual report of their conservation efforts to the Interim Lead/Lead entity. The reporting requirements could also apply to the consortium of participants (mentioned above) responsible for management of conservation lands. Demonstrating the ability to track and manage connected conservation lands would provide the regulatory agencies with assurances that conservation lands function as intended for mitigation for impacts and may result in more streamlined processing for projects.

3. *Identify Funding Sources.*

As stated in Principle 3, multiple funding sources should be sought, and in the spirit of collaboration, there should be multiple entities working on seeking out funding sources. A priority for next steps should be to identify qualified personnel to pursue and prepare grant funding opportunities needed to continue the conservation study. Grant funding sources may be from federal/state government agencies, non-profits and may include an emphasis on habitats, wildlife movement, and wildlife protection measures. In addition, long-term funding will be needed to acquire and/or manage land. Other potential long-term funding sources may be provided through; open space ordinance fees; tipping fees, private sources, and/or non-profit organizations. A single entity should function as the clearinghouse for funding efforts. Budgeting efforts should also consider allocating funds to support regulatory staff to work exclusively on conservation planning in the County.

4. *Conduct a Conservation Gap Analysis and Develop a Reserve Design.*

Based on the information presented in Section 3, Data Gaps, as well as what is outlined in Principles 3, 7, 9, 11, 12, and 13, a detailed analysis of focal species occurrences and known conservation lands should be initiated. An important step in conservation planning is to conduct a gap analysis, the results of which help develop the biological goals and objectives of a conservation plan. A gap analysis relies on GIS analysis of spatial data (i.e., biological

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data, land ownership, land uses, and designated management status) to assess the distribution of biological resources (e.g., natural communities, species distributions, known occurrence data) relative to the distribution of protected lands (areas protected and managed to maintain biological resource value) to identify any “gaps” in protection (e.g., biological resources that are on private lands and not well protected). A gap analysis is used to identify gaps in representation, ecological processes or functions, and management of existing protected areas. The identification of gaps helps to focus the attention of the conservation strategy on areas most at risk or that would most benefit from conservation actions (e.g., acquisition, restoration, management, monitoring).

The Vacant Land Survey conducted by the County should be incorporated into the conservation gap analysis to understand what areas are viewed to be generally available for development and what areas could be considered for conservation. The conservation lands inventory and tracking system (discussed above) will also be important for providing the location, ownership, and management regime data that informs the GIS spatial analyses.

A gap analysis is integral to developing the Reserve Design because it provides an understanding of land ownership encumbrances and identifies the wildlife and habitat linkages or connections that can be made with existing conservation areas that would be most beneficial for focal species conservation. Reserve Design is a process which identifies lands needing protection to sustain natural resources while considering ecological, social, and political factors. Reserves are areas set aside to protect natural values such as biodiversity, ecosystem functions, or to offset adverse effects from use or development. The two main objectives of reserves are to achieve species, habitat, and function representativeness and persistence. To meet these basic objectives, a reserve design must consider not only location but size, connectivity, replication, and alignment of boundaries. The Reserve Design will need to incorporate current and future conditions, within reasonable and practical limitations, including climate and urbanization changes to be successful long-term. Datasets used in Reserve Design analyses should be reviewed for quality and accuracy. Areas considered for inclusion into the Reserve Design should be verified through surveys or assessments by a qualified biologist(s) to ensure that the area provides suitable, quality habitat for focal or other target species. Identify Focal Species for Conservation Planning.

As outlined in Section 4, and consistent with Principle 13, more detailed biological analyses are needed for species that would most likely require mitigation in association with regulatory permitting. To understand where focal species locations overlap with development concerns, biological analyses should focus on incorporating complete datasets of species occurrences to support species habitat modeling. This task would be

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integral to the Gap Analysis and Reserve Design process which identifies important areas for long-term protection and management for focal species. The practicality of “species relocation” should also be considered in cases when abundant and suitable species habitat exists nearby. Forcing habitat connectivity where and when the existing built environment would make for unsafe interactions between humans and some protected (predator) species should be avoided.

Secondary Priorities: Timeframe: 6 to 24 months

5. *Create Detailed Conservation Strategies by Conservation Subarea*

As presented in Principle 7, conservation planning should be divided into practical subareas. As outlined in Section 5, refinement of the subarea approach should occur to determine which jurisdictions are interested or better suited to be included into specific sub-regions.

Given that the land in the Desert Region is primarily government-owned, coordination with the federal land owners in these areas is the best alternative for conducting conservation planning whereby local jurisdictions may link their open space and/or conservation lands with large areas of government-owned properties. Additionally, if the Desert Renewable Energy Conservation Plan (DRECP) is finalized and approved, local jurisdictions within the DRECP boundaries should confer to decide if the conservation framework identified in the DRECP could benefit their conservation objectives. One potential for the Desert Region would be to have a County led effort with participation from the local jurisdictions which incorporates the conceptual reserve presented in the DRECP into the jurisdiction General Plans. General Plan Policies or overlays can be created that address conservation needs in areas identified in the Gap Analysis, focusing on the areas that lack protection. Aligning local General Plans with the DRECP will allow those jurisdictions to tier off of the DRECP for species permitting. While General Plans provide a potential avenue for obtaining conservation and open space areas, these policies do not include a mechanism to guarantee long-term protection in perpetuity.

The Mountain Region is also predominantly federally owned and managed, therefore connecting jurisdictional open space and conservation lands with public ownership lands through land acquisition or easement procurement should be considered. This is a similar approach recommended for the Desert Region which tiers off of existing protected federal and/or state lands to create a connected system of open space and/or protected lands.

For the Valley Region, several different strategies could be employed. Since the Valley Region consists of 15 different local jurisdictions, each with their own land use authorities, focus should be given to land use patterns for each jurisdiction and potential undeveloped lands that could be conserved should be analyzed. For instance, some

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jurisdictions in the West Valley area (i.e., Chino, Ontario, Montclair) have few decisions remaining to be made regarding open space that could support listed species (i.e., decisions on open space that would require ESA permitting). Also, these jurisdictions would not have lands that would pose viable biological links to other open space areas. However, other Cities such as Rancho Cucamonga, Fontana, San Bernardino and Rialto still have decisions that will need to be made regarding open space areas. An option for these jurisdictions may be to combine land use planning efforts (with or without the County) to establish a sub-regional comprehensive Reserve Design.

Initially, the focus should be on identifying the areas and linkages that could constitute a cohesive, functional conservation strategy. How best to implement that strategy, and with what specific tools, is a separate but equally important issue (discussed below). It will be important in moving forward not to confuse the end with the means to that end.

One alternative to the more traditional route of completing a Habitat Conservation Plan or a programmatic U.S. Fish and Wildlife Service (USFWS) Section 7 permit, would be to prepare an “alternative conservation plan”. This “alternative plan” approach would utilize the inventory and tracking system, along with the reserve design mentioned above, to provide a plan for which areas of known species occupation or suitable habitat is avoided and conserved through the development process and other means. This “alternative plan” could be implemented voluntarily at a General Plan level. The jurisdictions would need to evaluate the results of the Vacant Land Survey completed by the County, as well as understand the focal species for which regulatory permitting would most likely be required. The jurisdictions’ General Plans could be modified, or the County’s upcoming Countywide Plan could identify the mechanism for which each of these jurisdictions could transfer density credits or bonuses either within a jurisdiction or between jurisdictions to compensate for the “lost” development potential that would become open space/conservation. The Interim Lead/Lead would be responsible for tracking and coordinating these land use efforts to establish the comprehensive reserve design through the alternative plan. The alternative plan would ideally result in no “take” of listed or sensitive species. If “take” permitting is needed, the alternative plan would provide a comprehensive conservation approach to use for species or habitat mitigation. This could be combined with a Waters mitigation plan or County’s programmatic permitting efforts. This alternative plan would provide a more flexible and smaller-scale approach than a traditional HCP, with “front loaded” analysis efforts. Therefore, the alternative plan would speed the development process and also give the conservation community a clear idea, combined with accurate tracking and reporting, of where the conservation will occur. This would be combined with effective management methods, as explained in the next section. The alternative plan approach does not include issuance of a permit by the regulatory Agencies therefore, development of a mechanism (e.g.,

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Memorandum of Understanding) to provide long-term assurances of Agency acceptance and protection from future changes is needed.

6. *Identify Management Methods.*

Consistent with Principles 14 and 15, management mechanisms for existing and future conservation lands would need to be established by the Interim Lead/Lead. Direct employment of qualified personnel, including qualified biologists, and/or contracting with entities such as IERCD, RLC or CNLM who are qualified and experienced in land management should be a priority. Though the areas to be managed must first be identified before this step could be executed, efforts should be made early to seek out potential entity(ies) that would be able and willing to manage the conservation lands. To ensure that long-term management is sustainable, the Interim Lead/Lead should work with the entity(ies) to identify the costs needed for management and conduct the appropriate analysis (e.g., Property Analysis Record [PAR] analysis) and documentation to substantiate the management funding requirements. It would be in the best interest (i.e., more logistically feasible), and generally looked upon favorably by the Wildlife Agencies, to have one management entity involved, at least for each regional Subarea.

Tertiary Priority: Timeframe: 18 to 36 months

7. *Develop Implementation Strategy.*

Based on the results of the above steps, an implementation strategy should then be developed. The various outcomes could include options outlined in Principle 9 such as: development of habitat conservation plans, mitigation banks, and conservation easements managed by one entity, programmatic Section 7 permits, in lieu fee programs, General Plan policy implementation, and alternative plans (as discussed above in No. 6).

An integral part of any future implementation strategy should be early and ongoing communication with the regulatory agencies about conservation plans. One best practice in the development process to facilitate streamlined regulatory permitting requirements would be to initiate “pre-application” meetings with the regulatory agencies (Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and USFWS). Including these entities in the development process early to discuss mitigation requirements will ultimately provide increased certainty to the development community, and provide a clear path for mitigation requirements which will help move development forward. The Interim Lead/Lead could be the conduit for these “pre-application” meetings, or they may be set up by sub-regions. Incorporating pre-application meetings into the General Plans and land use planning for development is also a way to create comprehensive and cohesive conservation.