

**MEETING OF BOARD OF DIRECTORS  
OF  
SAN BERNARDINO VALLEY CONSERVATION TRUST,  
a California Nonprofit Public Benefit Corporation**

**Wednesday, July 20, 2022 – 2:00 P.M.**

**This meeting is being conducted via teleconference/Zoom. Anyone wishing to join the meeting can join via Zoom: Call in (669) 900-6833, Meeting ID: 848-1840-9036**  
To join the Zoom Meeting online: <https://us06web.zoom.us/j/84818409036>

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the San Bernardino Valley Water Conservation District office and are available for public review during regular District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request. The San Bernardino Valley Conservation Trust intends to follow California Open Meeting laws and the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the Board meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Athena Monge at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

**CALL TO ORDER  
ROLL CALL**

**1. PUBLIC PARTICIPATION**

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.*

**2. APPROVAL OF MINUTES FROM APRIL 20, 2022.....p. 3**

***Presenter:*** Betsy Miller

***Recommendation:*** Review and approve minutes from April 20, 2022, as presented.

**3. DESIGNATE ANNUAL BOARD MEETING DATE**

***Presenter:*** Betsy Miller

***Recommendation:*** Recommend designating October 19, 2022 quarterly Board meeting as Annual Board Meeting to be in compliance with Trust Bylaws.

**4. FINANCIAL STATUS UPDATE.....p. 9**

***Presenter:*** Angie Quiroga

***Recommendation:*** Review and approve quarterly financial report

5. WASH PLAN SPRING 2022 MONITORING UPDATE

*Presenter: Milan Mitrovich*

**Recommendation:** Receive update on Wash Plan monitoring program.

6. WASH PLAN SAN BERNARDINO KANGAROO RAT 2022 MONITORING PROGRAM PROFESSIONAL SERVICES AGREEMENT

*Presenter: Milan Mitrovich*

**Recommendation:** Review and approve a Professional Services Agreement with Origin Biological for an amount not to exceed \$35,590 as shown in the attachments.

7. COMMUNITY MITIGATION UPDATES

*Presenter: Betsy Miller*

**Recommendation:** Receive update on Community Mitigation projects

8. DR HORTON TRESPASS UPDATE

*Presenter: Betsy Miller*

**Recommendation:** Receive update on DR Horton trespass remediation.

9. GRANT STATUS UPDATE

*Presenter: Betsy Miller*

**Recommendation:** Receive update on grant opportunities.

9. ADJOURN MEETING

The next regular scheduled Board of Directors Meeting will be on Wednesday, October 19, 2022 at 2:00 p.m., at 1630 W. Redlands Blvd., Redlands, CA.

**MINUTES FOR MEETING OF BOARD OF DIRECTORS  
OF  
SAN BERNARDINO VALLEY CONSERVATION TRUST,  
a California Nonprofit Public Benefit Corporation**

**Wednesday, April 20, 2022 – 2:00 pm**

CALL TO ORDER –2:10 p.m. (Via teleconference and Zoom)

ROLL CALL

David E. Raley, SBV Water Conservation District (District)  
John Longville, SBV Water Conservation District (Arrival, approx. 2:30 pm)  
T. Milford Harrison, SBV Municipal Water District  
Jim Earsom, IE Resource Conservation District (IERCD)

Betsy Miller, SBV Water Conservation District  
Angie Quiroga, SBV Water Conservation District  
Milan Mitrovich, SBV Water Conservation District  
Bob Stewart, SBV Water Conservation District  
Joanna Gibson, SBV Municipal Water District

1. PUBLIC PARTICIPATION -None
2. APPROVAL OF MINUTES FROM JANUARY 05, 2022

**Action:** Motion was made by Director Harrison and seconded by President Raley to approve the meeting minutes from January 05, 2022. The motion carried 2-0 with Vice President Longville noted absent from the vote and Director Earsom abstaining as he was not yet a Director at that time.

President Raley: Yes  
Vice President Longville: Absent  
Director Harrison: Yes  
Director Earsom: Abstained

3. FINANCIAL STATUS UPDATE

Angie Quiroga provided the financial status update. She directed Board members to package page 8 noting the Jan-Mar 2021 liabilities were reduced due to both the reimbursement payment received from Robertson’s for their share of state permitting fees and an adjustment made for fees charged associated with the land exchange. The District will assume responsibility for the land exchange fees this fiscal year for legal services from Brownstein Hyatt and an appraisal fee from Resource Technology. District staff has reviewed and will review in further detail the liabilities due to the District from the Trust to confirm who the responsibility falls upon. Ms. Quiroga noted City of Redlands has since reimbursed their \$70,099.25 state permitting fees shown included in the District liability. On package page 9,

little activity has occurred in this past period with our mitigation agreements. A small amount will be reimbursed to the District primarily for District staff time.

President Raley inquired if staff is still comfortable with the 70% equity/30% fixed investment strategy. Ms. Miller stated at this time we continue to believe that is the appropriate investment. PFM Asset Management does send monthly reports. Daniel Cozad has introduced her to our investment advisors and she will begin having meetings with them in the next couple of months. President Raley requested reviewing our investment portfolio at the next meeting to be sure this is still the best allocation. This item was received and filed.

#### 4. WASH PLAN SBKR MONITORING UPDATE

Milan Mitrovich provided the SBKR monitoring update stating consistent with the requirements of the Wash Plan HCP, the District retained US Geological Services (USGS) in 2021 to develop a scientifically valid and cost-effective monitoring program for SBKR in the Wash Plan preserve. USGS completed analysis of first year trapping data collected this last fall and are working on a draft report now. Joanna Gibson stated this work will be very helpful as this sampling methodology can be expanded outside the Wash Plan area. This monitoring protocol can be used to include the Lytle Cajon population of SBKR as well. Mr. Mitrovich concurred there are a lot of opportunities, and the intent was to share this protocol with other agencies and stakeholders to be able to expand it across the wash to other geographies with SBKR. In completing the analysis, we now have our first estimates of density or abundance of SBKR across the Wash Plan preserve. Total estimated SBKR in the 1500 acre preserve, with confidence, ranges from 2300 to upwards of 3300. These numbers will be improved with time and help us determine what to consider as we move forward. Mr. Mitrovich shared field work trapping photos as he explained the second component of field work which started this week. This is where they go back in the spring and do habitat assessments at the 100 locations SBKR were previously found. Soil samples, vegetation, and vegetation coverage are analyzed and folded into the analysis. Ms. Miller added this information is very valuable because it will tell us where we need to do restoration moving forward. A map of SBKR plot locations was displayed.

On April 7<sup>th</sup> we had a regional coordination meeting to report on where we are with this report, where we are with the analyses and to discuss our monitoring approach and early results. Those in attendance were the USGS, USFWSCDFW, Valley District, San Bernardino Flood Control, BLM, San Diego Zoo, Western/Riverside HCP and the Cone Creek Conservation Bank. Of the 31 invited, all 31 came which shows the interest in management and conservation of the species. The information was well received. Mr. Mitrovich further discussed some of the trapping results. He stated 15,000 trap checks were made in 27 days. Two nights and two days of setting traps. 178 unique individuals identified. 96% of occupied plots were high quality habitat. 53% of plots in total were occupied. There is a lot going on with SBKR and a lot of interest with the partners. President Raley inquired if the regulators are happy. Mr. Mitrovich stated they are excited about the good work we are doing and were pleased with what we were able to report out. Discussion ensued. This item was received and filed.

#### 5. WASH PLAN IMPLEMENTATION CONTRACTS UPDATE

Mr. Mitrovich stated we are about to start our second year of gnatcatcher monitoring working with biologist Mike Romich. He is initiating his first round of surveying this week. He will continue surveying, like last year, a week of surveys through April, May, and June. We will be

going back to areas that we had gnatcatchers last year. Last year we had breeding and we will look to confirm that again. The USFWS is very interested to hear we had gnatcatchers breeding in the Wash. The slender-horned spineflower restoration program kicked off in March with our consultant team from Dudek and followed up with a field meeting April 6<sup>th</sup>. We have been exploring populations and colonies there and getting a sense of what is most important to get done this year with a dry, January, February, and March. We are looking to see what we can do this year and what we can push into next year based on the flexibility that is in our contract. Monitoring of our historic populations will be initiated mid-May and then looking at different aspects of what we can do in terms of soils, environmental variables, etc. Largely pushing wash wide surveys into next year. Our vegetation classification and mapping of the wash is being done by AECOM. Flights are scheduled to begin in a week or two for capturing aerial imagery of the preserve at about a 6-inch resolution which will complement field surveys in early May for mapping efforts. This work is to be completed by Fall of this year.

Ms. Miller provided the draft Year 3 Wash Plan Implementation budget reviewing each line item. Item 1: The conservation of 200 acres of land is our jumpstart requirement. Specific areas were selected to record this easement. There is approval from USFWS to hold recordation of the easement until we receive our 2081 permit from CDFW under the California Endangered Species Act. It is in the best interest of the Wash Plan participants to wait for the 2081 permit in order to use these 200 acres as mitigation for both the Wash Plan and the CDFW permits. Hoping to receive our 2081 permit this fiscal year. in order to move forward with this requirement. Item 2: \$8,000 of funds are set aside for cleanup, trash removal, fencing, etc. For the most part our property is in good shape, but we have a place holder there in case it is needed. Item 3: Invasive grass treatments on 20 acres, where spineflower was found, has been a requirement since the first year. IERCDC has completed that work the first two years and will complete it again this year under our MOU. Item 4: Much of the work of monitoring slender-horned spineflower will happen this year primarily setup. Implementation will take place next year and will cost less. Item 5 and 6: Monitoring of gnatcatcher will continue and year 2 of SBKR monitoring. There is a cost associated of about \$40,000 to hire a consultant who has their permit to capture SBKR, some staff costs and USGS fees. Mr. Mitrovich will go over the draft contract with USGS in the next item. USGS prepared the protocol and there will be some costs in the early years as they do first round of some of this data analysis. Also, we are partnering with USGS to get Mr. Mitrovich trained on new techniques for percent area occupied (PAO) modeling, in which he has previous experience, in order to do this work in house in the future. Item 7: The resource management plan for the Wash Plan preserve will be done in house as Ms. Miller has extensive experience in this area and a refined template for staff to use. A draft is anticipated by early July. Item 8: The slender-horned spineflower restoration program which Mr. Mitrovich previously reviewed in detail. Due to limited rainfall, the key aspect of this program, a preserve wide survey, was pushed to next year. Item 9: Data management for our annual report. Mr. Mitrovich has some good examples so we will be utilizing those. Item 10: Vegetation classification. Majority of work will be done this year and finishing up next year. Item 11: Placeholder for cactus wren monitoring. There was a grant opportunity missed but it is our understanding that grant or another funding source will be available in the future we are looking to seek. Lastly, because Cemex and Robertson's still have not paid their full endowment amounts, we potentially need a loan from the District up to \$265k. Once we receive our 2081 permits, anticipated to be received in the next couple of months, we expect the endowments to be paid by the mining companies. This potential loan would allow us to collect biological data in the event we have an appropriate rainfall year. Discussion ensued. This item was received and filed.

## 6. USGS CONTRACT FOR FY 22/23-SBKR MONITORING DATA ANALYSIS

Ms. Miller explained the USGS contract to be presented by Mr. Mitrovich is a draft in which the Board can decide to take action on today or wait for presentation of the finalized contract in July. Mr. Mitrovich discussed and provided an overview of the contract. He explained it is a draft technical assistance agreement for FY 2022/2023. It is an extension of the work USGS has been doing to assist the District in setting up the SBKR monitoring program and protocol. He reviewed the Statement of Work explaining each task. Task 1: Advancing SBKR monitoring protocol is a further refinement of PAO methodology for areas of the Wash Plan preserve. The protocol includes a monitoring component focused on long-term valuation of the Plunge Creek Conservation Project and supports data comparison with nearby monitoring programs. It is a protocol that can be expanded and is being worked on by a team that has been doing this type of work for many years for other species. Being able to take that knowledge and apply it to SBKR has been fantastic. Task 2: Present results of second year data analysis to partners and stakeholders including Wildlife agencies. We will get folks back together to review site covariance which includes vegetation, soils, and habitat conditions. Task 3: Participate in meetings and coordination with District staff. Task 4 is the analysis itself. Analyzing SBKR monitoring and habitat covariate data allows us to get estimates of abundance/density. Using both single year and multiyear data (2021 and 2022) allows us to begin to assess rates of colonization and extinction and we can estimate dynamics of this species. Task 5: Producing area occupied and abundance trend metrics which is essentially building upon the estimates reported on. Task 6: Determining preferred analyses moving forward and transfer of statistical code to the District in support of performing future analyses on an annual basis. USGS will be in a critical partnership with us during our development and can provide us with a great foundation. Task 7 is the collaboration with the District in the writing of the report detailing the results, findings, and recommendations. Chance to look at two years of data and report findings to the resource agencies. Task 8: Investigate opportunities to map SBKR density by vegetation type using new vegetation map of the Wash Preserve. This is due to be completed in the fall of 2022 by AECOM. This is an ongoing project under Wash Plan implementation. We will look for ways to integrate the two tools to determine SBKR over a larger area. Funding is estimated at \$60,000 complemented by in-kind services provided from both the District and USGS. Ms. Miller noted the funding will come from the Wash Plan Endowment and the contract will be presented to the District's Board as well. Jim Earsom moved for approval, Longville seconded. All present voted in the affirmative to accept the contract. Betsy said it will be taken to the District's board as well.

**Action:** Motion was made by Director Earsom and seconded by Director Longville to authorize and direct Betsy Miller to enter into a contract with USGS for SBKR monitoring data analyses upon receipt of an acceptable scope of work and timeline. The motion carried 4-0 with all Board members present voting in the affirmative.

President Raley: Yes

Vice President Longville: Yes

Director Harrison: Yes

Director Earsom: Yes

## 7. COMMUNITY MITIGATION UPDATES

Ms Miller briefly reviewed package page 9. She reminded the Board there are three projects in which the Trust holds mitigation balances. She stated there has been no movement over the last quarter for either the S-P Deerfield or Highland-Fifth projects. SBCTA's project has mitigation requirements that are fairly complex. A flow chart of tasks was presented. A conservation easement was submitted to CDFW for approval. Revisions were requested which have been updated and sent back. Once the conservation easement is approved, a fair amount of movement and additional work on the project will take place. We have submitted a preliminary title report, initial hazmat survey and proposed lands for acquisition form but they have not yet been approved. We should get approval on the conservation easement and the other submitted items at the same time. If approved, more charges will go against their balance. This item was received and filed.

#### 8. COORDINATION WITH THE NATIONAL HABITAT CONSERVATION PLANNING COALITION

Ms. Miller stated this is an item that came to us in just the last couple of weeks. Both Ms. Miller and Valley District's General Manager Heather Dyer serve on the Board of the National Habitat Conservation Planning Coalition (Coalition). The Coalition is in the process of obtaining their non-profit status and are seeking a current non-profit organization to accept sponsorship dollars, for a conference they intend to have this fall, until they achieve their non-profit status. Ms. Miller explained if the Board is interested in assisting the Coalition, the Trust would accept donations on their behalf and then release those donations back to them once their non-profit approval is received. She advised there would be very limited costs for us to deposit these checks and writing a check back. Director Harrison voiced his support. He stated he is on the government relations committee for this organization and is directly involved with it. He stated this organization is doing great things and is growing by leaps and bounds. They are working closely with various elected officials and a number of agencies in Washington, DC relative to funding for habitat conservation and are seeing some success.

**Action:** Motion was made by Vice President Longville and seconded by Director Harrison to authorize and direct Betsy Miller to enter into an agreement to temporarily accept and hold donations to/for the National Habitat Conservation Planning Coalition. The motion carried 4-0 with all Board members present voting in the affirmative.

President Raley: Yes  
Vice President Longville: Yes  
Director Harrison: Yes  
Director Earsom: Yes

#### 9. DR HORTON TREPASS REMEDIATION AND GREENSPOT ROAD LAND OPTIONS

Ms. Miller stated we have continued following up with DR Horton. They have received our comments but we have not heard back from them yet. There is no additional information at this time on the Greenspot Road land options as staff has been busy with more pressing items. Director Harrison asked if we are moving toward an agreement with DR Horton or a potential lawsuit. Ms. Miller stated she is assuming we will come to an agreement but they have been very slow to respond which is bringing some concern. Legal counsel has been involved with the situation and we hope to resolve the issue without legal action. Director Harrison suggested

a closed session on this item with legal counsel. President Raley concurred and suggested a closed session item at the next meeting if progress has not been made. This item was received and filed.

10. ADJOURN MEETING – 3:10 pm.

*Action:* A motion was made by Vice President Longville and seconded by Director Harrison to adjourn the meeting. The next regular Board of Director’s meeting will be held on Wednesday, July 20, 2022, at 2:00 pm at 1630 W. Redlands Blvd., Redlands, CA or via teleconference and Zoom. The motion carried 4-0 with all Directors present voting in the affirmative.

President Raley: Yes

Vice President Longville: Yes

Director Harrison: Yes

Director Earsom: Yes

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Betsy Miller  
Secretary/CFO

# San Bernardino Valley Conservation Trust

## Unaudited Financial Status as of June 30, 2022

Cash Status-California Credit Union		As of 07/1/21	As of 06/30/2022
	7/1/2021 Beginning Balance	<b>889,071.81</b>	
Revenue:	7/14/2021 S-P Deerfield Mitigation deposit		10,260.06
	7/14/2021 SBCTA Mitigation deposit		58,250.00
	8/10/2021 CEMEX payment in error		65,511.00
	8/10/2021 Independent Contributions		125.00
	9/30/2021 Interest Earned (Jul-Sept)		121.57
	12/31/2021 Interest Earned (Oct-Dec)		14.43
	3/22/2022 Reimbursement for SI-100 Filing Fee		20.00
	3/31/2022 Interest Earned (Jan-Mar)		-
	4/27/2022 Independent Contributions for SBVCT 90th Anniv		1,000.00
	5/3/2022 ACWA Excellence Donation Award 2022		5,000.00
	6/17/2022 Independent Contributions for SBVCT 90th Anniv		1,100.00
	6/28/2022 NHCPC Donation deposit		500.00
Total Revenue:			141,902.06
Expenses:	8/13/2021 CEMEX Reimbursement Payment		(65,511.00)
	8/31/2021 RAMS Inv 66672-FY 20/21 Audit Progress payment		(2,250.00)
	9/30/2021 RAMS Inv 66926-FY 20/21 Audit Progress payment		(905.00)
	10/29/2021 SBVWCD-Earned Mitigation Credits thru 09/30/21		(25,986.67)
	11/19/2021 Registry of Charitable Trusts-Annual Fee		(75.00)
	11/30/2021 RAMS Inv 67519-Form 990 filing		(375.00)
	12/15/2021 Secretary of State-SI-100 Filing Fee		(20.00)
	1/26/2022 RAMS Inv 67756		(150.00)
	2/28/2022 SBVWCD-Earned Mitigation Credits thru 12/31/21		(4,025.02)
	3/9/2022 Alliance Member Services-Insurance		(1,351.00)
	6/30/2022 Daniel Cozad-SBVCT 90th Anniv Celebration		(751.19)
	6/30/2022 ThunderWheel Communications-SBVCT 90th Anniv		(998.72)
	6/30/2022 SBVWCD-Earned Mitigation Credits thru 06/30/22		(14,586.12)
Total Expenses:			(116,984.72)
	<b>ENDING BALANCE</b>		<b>913,989.15</b>
Investments-US Bank		As of 07/1/21	As of 09/30/21
	7/1/2021 Beginning Balance	<b>3,438,512.65</b>	
Revenue:	9/30/2021 Accrued Income, Interest, Dividends (Jul-Sept)		5,197.31
	9/30/2021 Unrealized Gain/Loss (Jul-Sept)		(52,363.81)
	9/30/2021 Realized Gain/Loss (Jul-Sept)		39,336.35
	12/31/2021 Accrued Income, Interest, Dividends (Oct-Dec)		33,387.99
	12/31/2021 Unrealized Gain/Loss (Oct-Dec)		(117,924.39)
	12/31/2021 Realized Gain/Loss (Oct-Dec)		263,457.12
	3/31/2022 Accrued Income, Interest, Dividends (Jan-Mar)		7,656.04
	3/31/2022 Unrealized Gain/Loss (Jan-Mar)		(237,490.86)
	3/31/2022 Realized Gain/Loss (Jan-Mar)		271.65
	6/30/2022 Accrued Income, Interest, Dividends (Apr-Jun)		10,058.55
	6/30/2022 Unrealized Gain/Loss (Apr-Jun)		(425,415.00)
	6/30/2022 Realized Gain/Loss (Apr-Jun)		(4,884.13)
Total Revenue:			(478,713.18)
Expenses:	7/31/2021 US Bank Administrative Trust Fees		(875.00)
	9/20/2021 PFM Advisory & Management Fees(May-Jun)		(2,802.72)
	10/31/2021 US Bank Administrative Trust Fees		(875.00)
	12/31/2021 PFM Advisory & Management Fees(Aug-Oct)		(2,799.82)
	1/26/2022 US Bank Administrative Trust Fees		(875.00)
	3/15/2022 PFM Advisory & Management Fees(Nov-Jan)		(2,750.88)
	4/30/2022 US Bank Administrative Trust Fees		(875.00)
	6/30/2022 PFM Advisory & Management Fees(Feb-Apr)		(2,554.51)
Total Expenses:			(14,407.93)
	<b>ENDING BALANCE</b>		<b>2,945,391.54</b>
Accounts Receivable			
	Cemex/Robertson's-Wash Plan MOU		7,843,563.00
	<b>BALANCE</b>		<b>7,843,563.00</b>
Liabilities			
	Balance at 06/30/21	1,941,550.48	
	Jul-Sept 2021	158,062.33	
	Oct-Dec 2021	99,075.34	
	Jan-Mar 2022	(65,102.52)	
	Apr-Jun 2022	40,522.54	
	Due to SBVWCD-Wash Plan (includes \$70,589.22 State Permitting fees)		2,174,108.17
	Due to SBVWCD-Earned Mitigation Credits		-
	Unearned Mitigation Credit Balance (see back)		214,451.33
	NHCPC Sponsorship Deposit Account		500.00
	<b>BALANCE</b>		<b>2,389,059.50</b>

Deposit Agreements	Date	Project	Deposits	Staff Time Expenses	Biologist Fees	Legal Fees	Mitigation Credit Balance
1. S-P Deerfield	2/28/2018	Blossom Trails	\$ 36,763.59	\$ 30,800.91	\$ 3,131.20	\$ 1,650.00	\$ 1,181.48
2. Highland-Fifth Orange Partners	10/17/2018	Woodbridge	\$ 10,000.00	\$ 4,759.77	\$ -	\$ 400.00	\$ 4,840.23
3. SB County Transportation Authority	3/17/2020	SR 210 Lane Addition	\$ 435,255.03	\$ 50,815.23	\$144,231.09	\$31,779.09	\$ 208,429.62
<b>Total</b>			<b>\$ 482,018.62</b>	<b>\$ 86,375.91</b>	<b>\$147,362.29</b>	<b>\$33,829.09</b>	<b>\$ 214,451.33</b>
		Reimbursement Due to SBVWCD		\$ -			