



California Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



October 17, 2013

Grant Taylor  
Director of Community Development  
City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530

Subject: Lake Elsinore Back Basin

Dear Mr. Taylor,

The California Department of Fish and Wildlife (Department) is writing this letter to provide our understanding regarding conservation in Lake Elsinore Back Basin to meet the requirements of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Previously, the Department, U.S. Fish and Wildlife Service (Service), Western Riverside County Regional Conservation Authority (RCA), and the City of Lake Elsinore (City) exchanged maps and related information to identify lands to contribute to the 770 acres required for the Back Basin Conservation Area within the East Lake Specific Plan. However, the entire 770 acres needed to fulfill the obligations of the MSHCP for conservation has not yet been identified.

Enclosed is a summary prepared by the Department that details the history of conservation in the City of Lake Elsinore's Back Basin as it relates to the MSHCP. As outlined in the attached documents, there are currently 703.16 acres of conserved lands, mitigation lands, or lands currently under City ownership identified to contribute toward the goal of 770 acres of Conservation. However, the mitigation requirements (restoration and/or recording of easements) stipulated in associated permits need to be implemented before these lands may be counted toward the 770-acre goal. An additional 66.84 acres in the Back Basin needs to be identified by the City and agreed upon by the RCA, Department, and Service to meet the minimum 770 acres of conservation required for the MSHCP.

In addition, the RCA created a map to identify all existing, proposed, and potential mitigation lands to help guide the location of potential additional conservation lands (see figure titled "Lake Elsinore Back Basin/Conservation and Mitigation Properties" in attached enclosure). The Department and Service worked with the RCA to review the status and ownership of areas within the Back Basin to identify potential lands for conservation to meet the 770-acre requirement.

As a Permittee to the MSHCP, the City is responsible for facilitating contribution of additional conservation through the use of incentives and existing regulations to meet the 770 acres required for the Back Basin Conservation Area. We are available to review this information with

*Conserving California's Wildlife Since 1870*

Grant Taylor  
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you, if needed. We look forward to working with you to complete this process. If you have any questions please contact Heather Pert at 858-538-0342.

Sincerely,



for  
Kimberly Nicol  
Regional Manager  
Inland Deserts Region

cc:

Leslie MacNair, CDFW  
Jeff Brandt, CDFW  
Karin Cleary-Rose, USFWS  
Charles Landry, RCA  
Laurie Correa, RCA  
Stephanie Standerfer, Dudek

## Enclosure

### Summary & Timeline of Back Basin Conservation Area Prepared by California Department of Fish and Wildlife October 17, 2013

- A. In 2003, prior to the adoption of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), there were a series of meetings between the County of Riverside (County), Jim Bartel of the U.S. Fish and Wildlife Service, Ron Rempel of the California Department of Fish and Wildlife (Department, formerly known as Department of Fish and Game), and others to discuss conservation measures within the East Lake Specific Plan in the back basin of Lake Elsinore to provide consistency with the MSHCP.
- B. On October 9, 2003 the East Lake Specific Plan MSHCP Consistency Analysis (referred to herein as the East Lake Specific Plan Conservation Proposal) was prepared by Vandermost Consulting Services, Inc. on behalf of Laing-CP Lake Elsinore (Laing) and the City of Lake Elsinore (City) for the Laing-CP Elsinore Site. The document described 770 acres of proposed conservation within the East Lake Specific Plan area located within the Back Basin and described its consistency with the MSHCP conservation goals and objectives. The areas proposed for conservation in the East Lake Specific Plan (Figure 1. East Lake Preservation Areas) are summarized as follows:

#### **East Lake Specific Plan Conservation Proposal**

<u>Acreage</u>	<u>Description</u>
356 acres	Lake Management Plan (LMP) Wetlands Mitigation. Condition of original Corps LMP Section 404 Permit and California Department of Fish and Wildlife 1600 permit. Conservation easement held by the Department.
155 acres	Adjacent to LMP Wetlands, condition of original Corps LMP Section 404 Permit
130 acres	Lake Elsinore Inlet Channel
71 acres	Open Space on the Laing-CP Lake Elsinore Site
33 acres	City of Lake Elsinore Open Space, contains known vernal pool
25 acres	Historic San Jacinto River on the Laing-CP Lake Elsinore Site
<b>770 acres</b>	<b>Total Conservation</b>

- C. The East Lake Specific Plan MSHCP Consistency Analysis was submitted to Joe Monaco at Dudek and Associates and to Richard Lashbrook at the County for review. As described in two letters (Dudek dated December 17, 2003 and the County dated February 3, 2004), the East Lake Specific Plan Conservation Proposal was a “suitable framework for determining consistency with the MSHCP” for the Back Basin (Attachments 1 & 2, respectively).

- D. Early 2004, The East Lake Specific Plan was approved by the City (prior to adoption of the MSHCP)
- E. On June 22, 2004 the MSHCP was adopted. It did not reflect the East Lake Specific Plan Conservation Proposal.
- F. Late 2004, the Department received a Notification for Streambed Alteration Agreement for Laing-CP Lake Elsinore Project (East Lake Specific Plan Amendment 6, “Laing/Summerly project”). At that time, Leslie MacNair (Department Staff Environmental Scientist) requested confirmation from Ron Rempel (Deputy Director with Department at that time) that the Department had previously agreed to this alternative conservation proposal. Ron Rempel confirmed that they had agreed that the conservation configuration identified in the East Lake Specific Plan Conservation Proposal would be acceptable to the Department provided a minimum of 770 acres is conserved within the Back Basin. He also indicated that all projects in the Back Basin would be required to demonstrate compliance with MSHCP species survey and conservation requirements. Therefore, additional conservation in the Back Basin may be required to meet the additional species requirements.
- G. In January 2005, the Department issued Streambed Alteration Agreement (“Agreement”; No. 1600-2004-0130-R6), pursuant to Section 1600 of the Fish and Game Code, for the Laing/Summerly Project. The Agreement incorporated conservation and mitigation requirements based on the East Lake Specific Plan Conservation Proposal.
- H. During 2006 through 2008 discussions took place between the Wildlife Agencies (Department and U.S. Fish and Wildlife Service), RCA, and the City. It was determined that some lands in East Lake Specific Plan Conservation Proposal were not within the City’s ownership. Therefore, it was determined that these lands could not be identified for conservation to meet the minimum requirement of 770 acres in the Back Basin. The maps were revised by Dudek (on behalf of RCA) to reflect only those lands in City ownership that would be available at that time to meet the goal of 770 acres.
- I. During the summer of 2010 emails and maps of potential lands were exchanged between the RCA, City, and the Department. However, because of discrepancies in acreages and lack of staff at the City to resolve the differences, the maps were not finalized.
- J. In 2013, the Department reviewed the properties again with the assistance of the RCA. The Department revised the original list of properties from the East Lake Specific Plan Conservation Proposal to include only lands that are already in conservation or those currently owned by the City. The Department also included additional lands in the Back Basin that are identified for mitigation and conservation that were not identified in the East Lake Specific Plan Conservation Proposal.
- K. Below is a description of the properties the Department has determined as acceptable to contribute towards the 770 acres of conservation in the Back Basin at this time (Figure 2. Lake Elsinore Back Basin/Conservation & Mitigation Properties). Also included below is a

description of whether the lands may be attributed towards Public/Quasi Public lands or Additional Reserve Lands.

1) 356-Acre Wetland Area

At meetings, the Department agreed that the 356-acre wetland area would contribute to the MSHCP Conservation Area as Public/Quasi Public lands. Because this area served as mitigation for projects impacted prior to the MSHCP, these lands would not count towards the MSHCP requirements for Additional Reserve Lands.

2) 28-Acre Area

This area is located just south of the 356-acre wetland described above. This area was targeted for conservation in the MSHCP. This 28-acre area is a subset of the 155-acre area proposed in Vandermost's East Lake Specific Plan Conservation Proposal. Because 127 acres is privately owned land and has not been offered for conservation at this time, it is not being included in this letter as Conservation under the MSHCP. Therefore, the 127 acres of privately-owned land was deducted from the original 155 acre, thereby leaving 28 acres that may be counted toward Additional Reserve Lands under the MSHCP. A conservation easement would need to be placed over the 28 acres and the land would need to be managed consistent with the requirements of the MSHCP for it be counted towards the MSHCP Conservation Additional Reserve Lands.

3) 115-Acre Inlet Channel Area (subset of 130 acres in original East Lake Specific Plan Conservation Proposal)

This area is the inlet channel to Lake Elsinore which includes the San Jacinto River channel from Lakeshore Avenue (south of I-15 ) to where it outlets into Lake Elsinore. This area was identified for conservation in the MSHCP. The area was intended for Proposed Linkage 8. The City owns 115 acres. The remaining 7 acres are owned by Riverside County Flood Control District and Elsinore Valley Municipal Water District. In the East Lake Specific Plan Conservation Proposal, a total of 130 acres was originally proposed for conservation; however, only 115 acres are being documented for conservation by this letter because the lands that are not currently controlled by the City are deducted out of the total. The 8 acres of privately-owned land and the 7 acres owned by Riverside County Flood Control District and Elsinore Valley Municipal Water District were deducted from the original 130 acre area, thereby leaving 115 acres that can be counted toward MSHCP Conservation Additional Reserve Lands.

4) 25-Acre Historic San Jacinto River Channel

This 25-acre strip of land that covers the historic San Jacinto River channel was conserved for MSHCP by Laing/Summerly project (1600-2004-0130-R6, Conditions 5A & 5B). A portion of this area was previously conserved by a conservation easement as mitigation for the Levee project (Agreement No. 5-671-88). However, as part of Laing/Summerly project, the easement was lifted from the area so that a larger 25-acre area could be restored and conserved, in perpetuity. As mitigation for Laing/Summerly project, Laing lowered the river channel and will be replanting the area. Within the channel, mitigation identifies the creation of 9 acres riparian habitat including 4.36 acres southern willow scrub and 4.64 acres mulefat. When restoration is complete, it will provide wetland,

riparian, and upland habitats. A conservation easement over the 25 acres is required. Mitigation needs to be completed as required by permits and the conservation easement must be recorded before the 25 acres can be counted as MSHCP Conservation Additional Reserve Lands.

5) 10-Acre West Edge of Laing/Summerly Project (New-not in original East Lake Specific Plan Conservation Proposal)

This 10-acre parcel was provided by Laing as mitigation for the Laing/Summerly Project (Agreement No. 1600-2004-0130-R6, Condition 5C) and is proposed to be created as a river corridor vegetated with wetlands, riparian and an upland habitat along the western edge of the Laing/Summerly Project. This area was also identified in Corps permits (2005-0422-RSS, 88-00215-RSS, and 2004-00748-RSS). A conservation easement is required. Once the habitat creation is completed as required by permits and the conservation easement has been recorded, the land can be counted as MSHCP Conservation Additional Reserve Lands.

6) 71-Acre Buffer Mitigation Area

This area was provided by Laing as conservation for the MSHCP and as mitigation for the Laing/Summerly project. It is located along the southern edge of the Laing/Summerly project. The mitigation and conservation of this site was also made a condition of their permits with the Department (Agreement No.1600-2004-0130-R6, Condition 5D) and Corps (Permit #2004-00748-RRS). This 71-acre area will serve as a buffer between the Laing/Summerly project and the 356-acre wetland area. Laing will restore 61.3 acres of the 71-acre site by planting alkali weed, saltgrass, mulefat, and California Buckwheat site as mitigation. The remaining 9.4 acres will consist of water quality wetlands. Once restoration is completed, the site will include water quality wetlands and native grassland/scrub habitat. Mitigation needs to be completed as required by permits and a conservation easement must be recorded before it can be counted as MSHCP Conservation Additional Reserve Lands.

7) 33-Acre Vernal Pool Mitigation Area

This area was provided by Laing as conservation for the MSHCP and as mitigation for the Laing/Summerly project required by the Department (Agreement #1600-2004-0130, Conditions 5F & 5G). The site preserves an existing vernal pool, known as the Australia pool, with Riverside fairy shrimp. The site was also to include mitigation for smooth tarplant for Laing/Summerly project. Smooth tarplant mitigation has been installed and monitoring of the mitigation site is still in progress. The placement of a conservation easement over the site was to be completed once the smooth tarplant mitigation and monitoring is complete. Laing's mitigation must be completed, including the monitoring and maintenance, and approved by the Department, and a conservation easement must be placed on it before it can be counted as MSHCP Conservation Additional Reserve Lands.

In addition, the Watersedge project submitted a proposal that would impact approximately four acres of this site as part of their proposed Borrow/Mitigation site located immediately west to this site. If the City approves this impact to the 33-acre site, replacement lands in

the Back Basin would be required that replaces the habitat to make the 33-acre mitigation whole for the Laing/Summerly permit.

8) 11.66-Acre Tract 30846 Mitigation Area (New-not in East Lake Specific Plan Conservation Proposal)

This area was provided as mitigation for development of Serenity Estates, Tract 30846 by KB Homes Coastal Inc. It satisfies mitigation requirements for ACOE Section 404 Permit No. 200500053 JPL and the Department's Agreement No. 1600-2003-5108-R6. The property is owned by Madison-Fairfield Homeowners Association and the conservation easement is held by Riverside Land Conservancy. These lands would count towards the MSHCP requirements for Additional Reserve Lands.

9) Borrow Site (53.5 acres) (New-not in East Lake Specific Plan Conservation Proposal)

Within the 53.5 acre Borrow site, 5.75 acres are located as mitigation requirements for Department's Agreement No. 1600-2007-0210-R6, Lake Elsinore Boat Ramp. The Boat Ramp mitigation must be completed, including the monitoring and maintenance, and approved by the Department, and a conservation easement must be placed on it before it can be counted as MSHCP Conservation Additional Reserve Lands. In order for the remaining 47.75 acres of the Borrow Site to be counted towards MSHCP Conservation Additional Reserve Lands, any area used for borrow should be restored and a conservation easement would need to be placed over the land and the land would need to be managed consistent with the requirements of the MSHCP.

Note: In order for any of the lands identified above to be counted as Additional Reserve Lands, they would need to be conserved and managed consistent with the requirements of the MSHCP.

**Summary**

The above land totals 703.16 acres. In order to meet the goal of 770 acres of conservation (ARL and/or PQP) agreed to by the Department, an additional 66.84 acres needs to be conserved in the Back Basin. All lands would need to be managed consistent with the MSHCP and protected, in perpetuity. Potential lands for conservation should include areas that were targeted for Reserve Assembly as described in the MSHCP (based on the written cell criteria) and/or provide connectivity to lands that are conserved and/or proposed for conservation. The lands should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP.

Also, projects within the Back Basin are still required to demonstrate compliance with MSHCP species survey and conservation requirements. Therefore, additional conservation beyond the 770 acres in the Back Basin may be required to meet the additional species requirements.




 Created By: Vandermat Consulting Services, Inc.  
 Created For: John Laing Homes  
 Created On: August 12, 2003  
 Data Source: Helix Environmental Planning (erial)

# EAST LAKE PRESERVATION AREAS

Figure 1.



*Engineering, Planning,  
Environmental Sciences and  
Management Services*

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605 Third Street  
Encinitas, California 92024

760.942.5147  
Fax 760.632.0164

December 17, 2003

Mr. Richard Lashbrook  
COUNTY OF RIVERSIDE  
4080 Lemon Street, 7th Floor  
P.O. Box 1605  
Riverside, CA 92501

**Subject:** *Laing CP 706-acre Development, Lake Elsinore*

Dear Richard:

We have reviewed the biological information prepared by Glen Lukos and Associates and the MSHCP consistency analysis prepared by Vandermost Consulting Services, for the 706-acre Laing CP property located east of Lake Elsinore, within the City of Lake Elsinore. It is our understanding that while that, under the MSHCP, the City of Lake Elsinore would have the authority to determine MSHCP consistency for the project, the property owner has requested that the County of Riverside review the consistency analysis and provide their opinions.

Within the context of our review, we believe that the areas proposed for conservation, provide for substantial conformance to the requirements of the MSHCP. The primary conservation objectives of the MSHCP appear to be achievable with the proposed plan. In addition, the biological technical report contains specific mitigation measures and requirements that provide compensation for the loss of resources that were identified on the site.

In reviewing the material provided, we believe that the majority of mapping and survey work that is required at the project level to determine consistency with the MSHCP has been completed, with noted exceptions. The biological technical report recommends additional wet season surveys for vernal pool fairy shrimp. We concur with that recommendation.

In summary, we believe that the information provided provides a suitable framework for determining consistency with the MSHCP. We would be happy to discuss additional details relating to our review at your request.

Very truly yours,

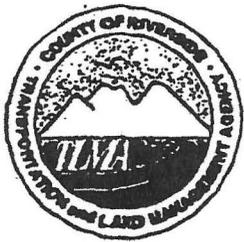
DUDEK & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Joe Monaco", is written over a horizontal line.

Joe Monaco  
Senior Project Manager

# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY



**Richard K. Lashbrook**  
Agency Director



**James J. Miller**  
Director



**George A. Johnson, P.E.**  
Director



**Robert C. Johnson**  
Director

February 3, 2004

Michael Filler  
John Laing Homes  
31900 Mission Trail, Suite 225  
Lake Elsinore, CA 92530

Subject: Eastlake Specific Plan and Laing CP 706-acre Development, Lake Elsinore

Dear Mr. Filler:

On October 9, 2003, we received documentation from Vandermost Consulting Services, Inc., analyzing the 3,000-acre back basin Eastlake Specific Plan in the context of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The documentation includes a consistency analysis and aerial photograph depicting 770 acres of conservation area within the back basin, proposed to provide compliance with the MSHCP cell criteria, goals and objectives. The submittal of the consistency analysis and conservation area graphic was the culmination of meetings and discussions with the County, Jim Bartel of the U.S. Fish and Wildlife Service, Ron Rempel of the California Department of Fish and Game, and others, regarding how conservation measures within the back basin of Lake Elsinore could provide consistency with the MSHCP. In addition, a biological technical report for the 706-acre Laing CP development was included to provide specific survey information and conservation measures to comply with the MSHCP planning species and species overlay requirements.

On December 17, 2003, we received a letter from Dudek and Associates summarizing their review of the consistency analysis and biological technical report for the Laing CP 706-acre project in the context of consistency with the MSHCP. Dudek concluded that the areas proposed for conservation and related conservation measures provide consistency with the MSHCP. As described in the consistency analysis, the balance of the back basin will require biological surveys for MSHCP planning species and species overlays and may require avoidance of certain areas. Although the City of Lake Elsinore has the final authority to determine project compliance with the MSHCP, we agree with Dudek's findings that the information provided contains a suitable framework for determining consistency with the MSHCP. Please contact me with any questions.

Sincerely,

Richard Lashbrook  
Transportation and Land Management Agency Director

Attachment

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P. O. Box 1605 • Riverside, California 92502-1605 • FAX (909) 955-6879

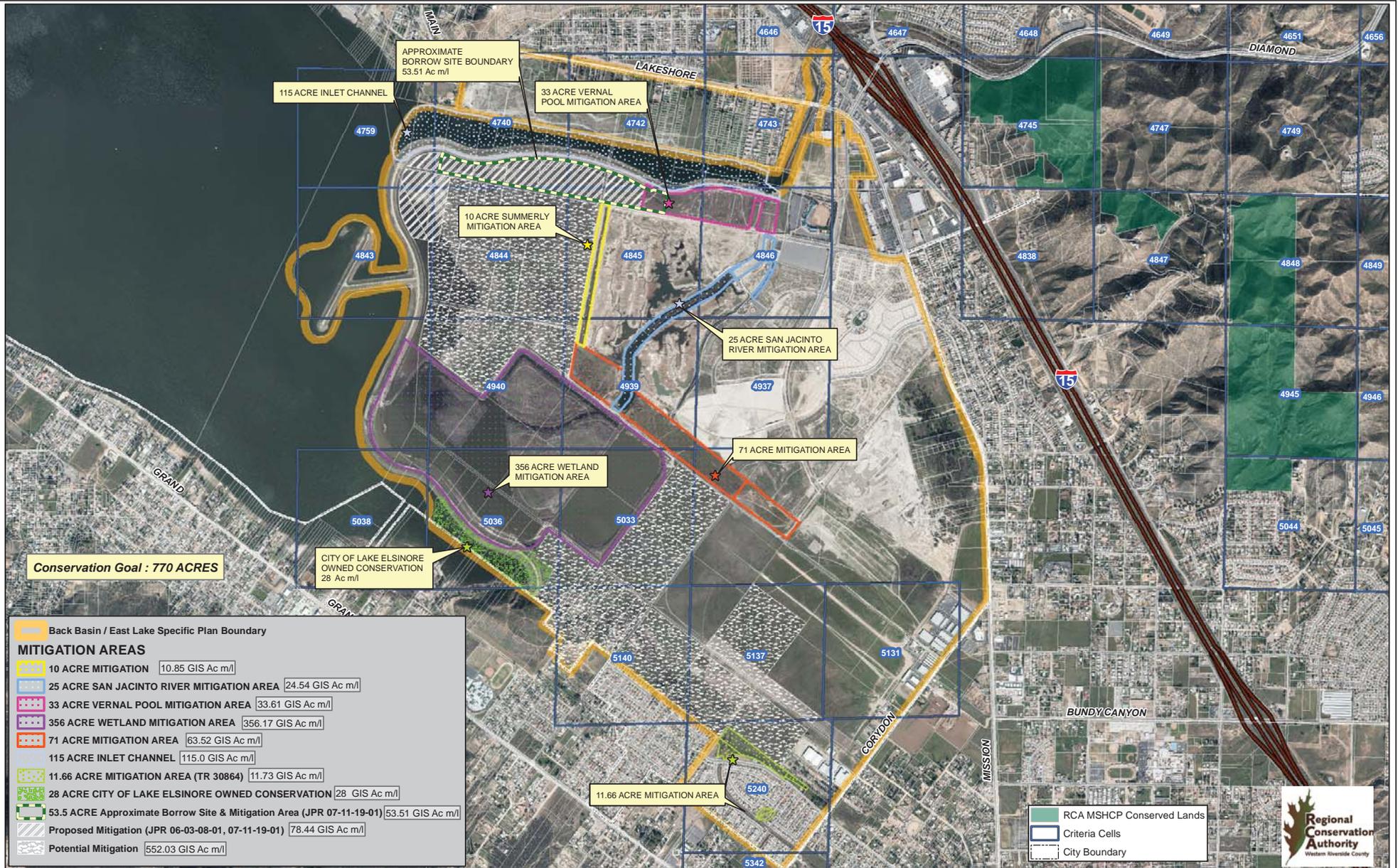


Figure 2.