MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

FROM: Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: July 2, 2014

SUBJECT: **Agenda Item IX: Consideration of resolution authorizing acceptance of a conservation easement over APN's 500-0-291-455, 500-0-291-475, 637-0-070-340 and maintenance funding, Arroyo Simi, City of Simi Valley.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing acceptance of conservation easements over APN's 500-0-291- 455, 500-0-291- 475, 637-0-070-340 and stewardship funding.

Background: The All Valleys RV storage project between Los Angeles Avenue and the Arroyo Simi has been constructed and operating for several years. The owners dedicated both a trail and fee simple ownership to the Ranch Simi Recreation and Park District (RSRPD) that are shown on the attached figure. A conservation easement along the western project boundary has not been dedicated to date because of several issues including the lack of a recipient agency. That required conservation easement follows a drainage and was designed as a wildlife corridor and serves as a mitigation area. The Army Corps of Engineers (ACOE) requires the use of its conservation easement template and endowment and monitoring requirements.

The project approval boundary was recently expanded deeper into the Arroyo Simi against the objections of the Santa Monica Mountains Conservancy. The Conservancy did however convince the City and applicant to slightly expand the dimensions of the offered conservation easement. The City was not willing to force the applicant into an ecologically adequate easement boundary. The boundary of the offered onsite easement is shown on the attached figures.

In deference to the ACOE, which wants to move forward on this long running case, and to guarantee the permanent protection of a key wildlife corridor that connects the Santa Susana Mountains to the Arroyo Simi, staff recommends that the MRCA conditionally accept the onsite conservation easement on the All Valley property. The conditional acceptance pertains to the size of the non-wasting endowment that would accompany recordation of the easement. The ACOE easement requires the

Grantee to perform trash pick up, sign placement and maintenance, an annual endowment audit, quarterly monitoring, annual reporting, and initiation of enforcement actions as dictated.

All Valleys also performed offsite riparian mitigation on RSPRD land (Rocky Pointe Park) at the far southwest corner of Simi Valley. The ACOE permit also requires that RSRPD grant a conservation easement over the subject section of parkland. The boundaries of that proposed easement appear to encompass the entire RSRPD parcel. The ACOE conservation easement language for this offsite easement also requires the Grantee to perform trash pick up, sign placement and maintenance, annual audit, quarterly monitoring, annual reporting, and initiation of enforcement actions as dictated.

To staff's knowledge the MRCA has never accepted an ACOE prepared conservation easement. The requirements far exceed the ongoing easement requirements of any other easement held by the MRCA. Much economy of scale can be gained by addressing the requirements of the proposed on and offsite easements together. Nevertheless, all of the required responsibilities are designed to be funded by two non-wasting endowments. The MRCA invests its funds in highly conservative investments that earn minimal interest. Staff requests the authority to work out endowment amountsl that allow the MRCA to meet the easement Grantee obligations, in perpetuity. That process involves a more detailed understanding of the obligations and working internally with the finance department to understand realistic rates of return. If that amount exceeds what the owner is willing to pay, then staff will not accept the easements.