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**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Loren E. Duff*  
**EXECUTIVE SECRETARY**

8-4

October 27, 1994

(Engineering and Operations--Action)  
(Lands--Action)

To: Board of Directors (Legal and Claims--Action)

From: General Manager

Subject: Authorization to Enter into an Agreement to Approve Adding  
Private Lands to the Multi-Species Reserve

Report

Finisterra Farms is a 353-acre, privately owned parcel on the western boundary of the Multi-Species Reserve. The parcel is within an area designated as a study area for the endangered Stephens' kangaroo rat (SKR). Its development, therefore, requires a take permit under Section 10(a) of the Federal Endangered Species Act.

For the past year, the owners of the Finisterra Farms have been negotiating with the U.S. Fish and Wildlife Service (USFWS) and the Riverside County Habitat Conservation Agency to obtain permission to develop their property. Recently, these agencies agreed to permit up to 10 residential structures to be constructed on the property, in return for the owners granting a permanent conservation easement for the preservation of 205 acres of their property. Specific habitat management provisions of the 205-acre parcel are compatible with the Multi-Species Reserve. This agreement was presented to the Reserve Management Committee (RMC) of the Multi-Species Reserve in August, 1994. Members of the Reserve Management Committee include Metropolitan, the Riverside County Habitat Conservation Agency, the Riverside County Regional Park and Open Space District, and the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. At the meeting it was determined that the agreement would provide significant long-term environmental benefits. This property also adds a buffer area on the western boundary of the Reserve affording additional protection to the Reserve area.

The agreement has several key provisions:

a) Under the agreement, the terms and conditions of the Multi-Species Habitat Conservation Plan developed for the Domenigoni Valley Reservoir Project would be extended to the Finisterra Farms development. The USFWS would reopen the Biological Opinion for the SKR at the Multi-Species Reserve and

amend it to provide Finisterra Farms with the same protections as are extended to Metropolitan. The Finisterra Farms property would become a part of the Multi-Species Reserve, subject to specific limitations in the agreement.

b) Upon execution of the agreement, Finisterra Farms would deliver to Metropolitan a Quitclaim Deed "quitclaiming any and all roadway easements or other access rights located within the Multi-Species Reserve, except any access or roadway rights Finisterra has within Rawson Road." Rawson Road provides access to Finisterra Farms, but is not generally used for Reserve access.

c) Finisterra Farms would be granted access to the proposed Multi-Species Reserve trail system through a gate located at the southwest corner of their property. This gate would lead to a north-south trail linking up with the various Reserve and Domenigoni Valley Reservoir Project recreation trails.

d) The parties to the agreement would agree to "cooperate in the defense of any litigation that challenges the validity of this Agreement or any action taken by the parties pursuant to this Agreement, to the extent permitted by law."

e) Finisterra Farms agrees to abide by rules and regulations imposed by the Reserve Management Committee, including those promulgated for the protection of Metropolitan's water quality and operations of the Lake Skinner and Domenigoni Valley Reservoir Project facilities.

According to the USFWS, the grant of a conservation easement over 205 acres of high density SKR habitat will significantly improve long-term viability for the SKR in this region of Riverside County. The USFWS therefore requests Metropolitan's concurrence to this proposal.

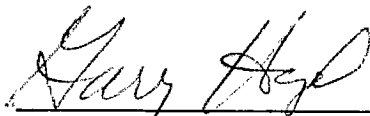
Representatives from the General Manager's and General Counsel's staff have participated actively in formulating and reviewing the proposed agreement.

Recommendation

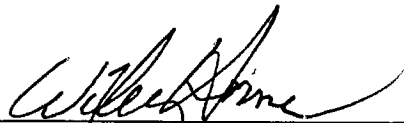
Authorize the General Manager to enter into an agreement with the Finisterra Farms owners and the other members of the Reserve Management Committee to accept a 205-acre privately held land parcel into the Multi-Species Reserve, substantially in accordance of the terms described above, and in form approved by the General Counsel.

John R. Wodraska  
General Manager

**Submitted by:**

*for*   
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Gary M. Snyder  
Chief Engineer

Concur:

*for*   
\_\_\_\_\_  
John R. Wodraska  
General Manager

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