

Environmental Oversight Committee

**July 2, 2008
Meeting Minutes**

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Matthew Chirdon, CA Department of Fish and Game
Cathy Green, OCTA Board of Directors
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Judy McKeehan, SWCA Environmental Consultants
Adam Probolsky, Probolsky Research
Debbie Townsend, California Wildlife Conservation Board

Committee Members Absent:

Stephanie Hall, US Army Corps of Engineers
Sylvia Vega, Caltrans
Erinn Wilson, CA Department of Fish and Game

Orange County Transportation Authority Staff Present:

Monte Ward
Ellen Burton
Marissa Espino
Ryan Maloney
Sean Skaggs, Ebbin, Moser & Skaggs, LLP

Members of the Public Present:

None

1. Welcome

Chair Patricia Bates began the meeting by welcoming the members and leading a flag salute at 10:05 a.m.

2. Minutes

Melanie Schlotterbeck commented that her comment on page three of June's minutes should reflect that program needs are comprehensive in nature, and are not determined on a project by project basis. Chair Bates requested the California Coastal Commission be changed to Orange County Coastal Coalition.

The minutes were approved with corrections.

3. Restoration and Acquisition Criteria

Monte Ward presented the committee with the restoration and acquisition criteria that was developed in cooperation with the resource agencies. Monte explained that

the focus of the committee should be to get the criteria out for review. Melanie explained that she worked with Mike White to generate draft criteria and guidelines for land acquisition. The draft criteria have been discussed with several resource agencies. The focus of the criteria is to guide acquisition based on habitat and species impact, connectivity, as well as conflicting uses of land, neighbors and agencies support, priority of acquisition, property constraints, co-benefits (watersheds, cultural value) as well as what resource agencies felt could be added.

Jonathan Snyder said that the draft included two sets of criteria, with two initial tiers of benefits.

Monte commented that the draft criteria has two purposes to serve, one is general outreach and discussion about potential properties to those that may have an interest in suggesting property for acquisition. Secondly, the criteria will serve to align databases of available properties with freeway impacts and create a matrix that will allow the committee to evaluate properties in an orderly fashion. The working group will evaluate available tools for evaluating properties and specific areas of properties. Monte suggested the committee evaluate the criteria and then consider adopting the criteria at the next meeting.

Chair Bates commented that the criteria could serve as a prioritization system and asked if some properties would not be included based on the criteria.

Monte said that it was likely that a decision making process would come out of the agreement.

Jonathan Snyder asked the committee to review the draft criteria. He also said that the committee needed to address the potential allocation of funds for property management and suggested that a second document be drafted to handle that issue. The same group that worked on the draft criteria could draft a policy for property management.

Chair Bates commented that the full OCTA Board will review the criteria before it is finalized.

Judy Mckeehan commented on the importance of clear and unambiguous definitions in the draft criteria.

Chair Bates thanked the subcommittee for their work on the draft criteria and guidelines. Monte asked that any comments or suggestions on the criteria be directed to Marissa Espino. Monte said the subcommittee will come back with a recommendation at the next meeting.

Analysis and Documentation

Monte introduced Sean Skaggs, a conservation specialist retained by OCTA, to the committee members. Sean will assist in conversations with the committee working

groups and work on developing analysis and a framework that allows mitigation to be matched with Renewed Measure M projects.

Monte said that two documents were presented to the working group for their consideration. It was recommended that OCTA and the resource agencies need to get on the same page in terms of approach. Monte said that Sean wanted to share some information with the full committee regarding the approach

Sean presented some information on options under consideration for meeting mitigation requirements and ensuring project approval. San Diego's master agreement establishes the rules of the agreement, but does not include a compliance or permitting process. Sean explained the best option for permits and compliance was with the state, and explained the differences between the state section 7 and section 10 approvals.

Monte said the working group had recommended that draft principles should be discussed between the three principal entities to consider time, resources and complexities. The process takes resources that may not be available. This discussion could lead to a range of options for consideration. Monte said that the working group would come back with a recommendation from all three agencies and see if we can go forward.

Chair Bates said that the committee should consider properties that are the most attractive to mitigate project needs.

Dan Silver asked to what extent freeway projects affect impacted species. Monte said that some freeways have minimal impact, while others may have more effect on critical species.

Dan asked if a section 7 or section 10 permit was needed, since OCTA can rely on a programmatic EIR and continue the process under CEQA.

Monte asked the committee if a programmatic EIR would be sufficient to begin the process.

Cathy Green asked if there were unlisted endangered species that might be listed and affect the freeway program. Jonathan said that there was nothing immediate, but that anything could happen with listing species.

Dan said that if the committee was concerned about species that aren't yet listed, and need future assurances, then a NCCP was needed. Jonathan said that a section 7 could be amended for newly listed species.

Dan said the NCCP approach may want to provide a regional approach. NCCP is well suited for the projects, but Dan questioned if the NCCP was overkill. Dan said that the time, cost and necessity of a NCCP should be considered.

Cathy Green said that she concerned that delaying land acquisitions may make the process more problematic. Dan said that any acquisition after a planning date counted as acquiring land, and seems to work based on San Diego's experience.

Jonathan asked if NCCP would be a viable starting framework. Matt Chirdon said that the NCCP was designed to handle the break up of a large block of territories when the ultimate designations of those territories is unknown. He said that the programmatic EIR might be a better alternative.

Matt said that the master agreement and acquisition plans would have to be kept separate. Cathy asked why they needed to be separated. Matt said that the master agreement would be a process, but the department couldn't agree to a program since it would ask the department to approve a process, and make the department subject to CEQA.

Jonathan asked if the direction taken by the committee would determine how the document is written. Monte said that the proposed master agreement did not call for specific subsequent steps. While San Diego agreed on a single process, the proposed master agreement provides a variety of processes. The final master agreement will layout the approved process, but the master agreement is not the only legal requirement.

Monte said that a meeting was set for July 16, and the working group's objective was to bring the item back in August, to identify options and to get the committee's recommendation. At that time the committee will be able to discuss a schedule and plan an update to the 2020 committee and the OCTA Board. Chair Bates said it would be helpful to see a chart of how the working group sees this process moving forward so that it can be given to External Affairs for outreach.

Monte said that the working groups would create a schedule including required functional elements, policy reports, revenue reports and a timetable to aim for in terms of a master agreement. The schedule can be updated as the committee moves forward.

Chair Bates asked about required revenue reports. Monte said that OCTA uses three universities to develop an economic forecast. The current forecast shows a downturn in sales tax revenue for a period and then anticipates a slow recovery. At the end of July, revenue figures will be available in addition to the forecast. Monte said the budget would be conservative to ensure that any acquisition could be supported.

4. Master Agreement Working Group

Monte said the master agreement working group went to San Diego to meet with representatives from SANDAG and discuss the differences between San Diego and Orange counties' programs. San Diego's program is built around roads and

freeways, and their conservation program is has different stages of progress. A lot is about relationships based on putting the agreement together between agencies that have not usually had a collaborative approach.

5. Impact and Mitigation Working Group

Chair Bates asked to include meeting notes from work group meetings in committee agenda packets.

Dan Phu said that the working group was setting up a meeting with the Santa Monica Mountains Conservancy and National Parks Service, who already has an acquisition program. Since they already have a process in action, the working group was to use the Conservancy's program as a model along with the NCCP and HCP processes.

6. Public Comments

There were no public comments.

7. Next Meeting – August 6, 2008

Chair Bates commented that the next meeting would be particularly important and reminded committee members to attend or call in to ensure quorum.

8. Committee Member Reports

There were no committee member reports.

9. Adjournment

The meeting was adjourned at 10:47 a.m.