

Environmental Oversight Committee Meeting Minutes

January 7, 2009

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Rose Coffin, Taxpayers Oversight Committee
Cathy Green, OCTA Board of Directors
Steve Juarez, CA Department of Fish and Game
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League
Sylvia Vega, Caltrans
Erinn Wilson, CA Department of Fish and Game

Committee Members Present via Teleconference:

Judy McKeehan, SWCA Environmental Consultants
Debbie Townsend, California Wildlife Conservation Board

Committee Members Absent:

Stephanie Hall, US Army Corps of Engineers
Jonathan Snyder, US Fish and Wildlife Services

Orange County Transportation Authority Staff Present:

Ellen Burton
Marissa Espino
Janice Kadlec
Monte Ward

Members of the Public:

Sean Skaggs, Ebbin Moser & Skaggs LLP

1. Welcome

Chair Patricia Bates welcomed everyone to the meeting and led the pledge of allegiance. Chair Bates welcomed new member Rose Coffin from the OCTA Taxpayers Oversight Committee to the meeting.

2. Minutes

Chair Patricia Bates asked if there were any corrections or changes to the November 2008 Meeting Minutes. There being no corrections, a motion was made by Cathy Green and seconded by Sylvia Vega to approve the November 5, 2008 minutes. The motion passed unanimously.

3. Master Agreement and Planning Agreement Update

Monte Ward, OCTA Director of Special Projects introduced Sean Skaggs of Ebbin Moser & Skaggs LLP who went over the changes to the Draft Master Agreement

and presented a detailed copy of the changes being made to the Draft Planning Agreement.

Monte noted on page 5, section 4 of the Draft Planning Agreement the Geographic Scope reads "includes all of Orange County as well as adjacent areas outside of the County that are appropriate to consider for preserve design purposes". This is not an explicit commitment to fund acquisitions outside of Orange County however the wording was thought to be appropriate because habitats don't always observe political jurisdictional boundaries. When funding is considered then there will need to be a more careful look at County boundaries. This wording in the Planning Agreement is only for planning purposes.

Erinn Wilson suggested the planning area needed to say Orange County only since the jurisdiction for this document is only Orange County. Monte said input is still being received on language for the Planning Agreement and additional meetings are set to clarify the language, but eventually the Committee will need to determine what language they want in the Agreement.

Cathy Green asked if there is a possibility of using funds to buy property outside of Orange County. Monte said even if you justify an acquisition for conservation purposes you might not be able to justify the acquisition for use of M2 funds. Monte said the purpose of the language in the Planning Agreement is to say that within the planning process projects that include property outside of Orange County will be considered.

Monte Ward said at the next EOC meeting the Planning Agreement will be presented as a completed document. It will be submitted for approval with several other recommended pieces of a package.

Chair Patricia Bates said it would be helpful to get a timeline for approval of the document. Monte said it will be included in the package of documents to be approved at the next meeting.

4. Public Outreach Update

Marissa Espino, OCTA Senior Community Relations Specialist gave the Committee members a list of people who had made presentations to the EOC during 2008. She informed the Committee the public outreach package had been distributed on December 17th and the deadline to receive forms from interested property owners is January 31, 2009. OCTA has received one form back at this time. There has been one request received to make a presentation to the Committee and this will be scheduled as soon as possible.

Vice-Chair Melanie Schlotterbeck asked if the outreach package information could be obtained from the OCTA web page. Marissia said yes, it can be found on the website.

Vice-Chair Melanie Schlotterbeck requested the EOC receive a presentation at the next meeting on the Brown Act. Monte Ward said OCTA Legal Counsel could make a presentation to the Committee on the Brown Act and discuss specific areas that pertain to the Committee

5. Committee Recommendations to OCTA Board

Monte Ward, OCTA Director of Special Projects presented a Draft Staff Report encompassing a series of actions to give permission to do the HCP/NCCP planning and authorize funding for acquisitions for the next two fiscal years. At the next EOC meeting the Committee will be asked to approve the final staff report for presentation to the OCTA Board of Directors.

Dan Silver asked for further explanation of how much money would be available and when it would be available. Monte Ward clarified the first \$30 million would be available starting in July 2009 for distribution in Fiscal Year 2009-10 and Fiscal Year 2010-11. The money could be spent all in the first fiscal year if the Committee wanted to but the next \$30 million would not be available until July 2011 as it is designated for Fiscal Year 2011-12 and Fiscal Year 2012-13.

Dan Silver suggested something the Sub-Committee should start to look into was to not only have criteria to evaluate projects fairly but to look into a standard criteria to evaluate the property needed for the projects. Another question would be how are the properties purchased, what standards were used, and who does the appraisal. Monte Ward said these items will be addressed in the "Next Steps" section of the completed staff report.

Vice-Chair Melanie Schlotterbeck, Measure M Support Groups reported three of the Sub-Committee members are working on the Evaluation Form and expect to have a Draft for the Master Agreement sub group on January 15th.

Chair Patricia Bates asked if there has been any interaction with property owners. Monte said there appears to be interest; property owners and property management companies have contacted OCTA.

6. 2009 EOC Meeting Calendar

Marissa Espino, OCTA Senior Community Relations Specialist presented the 2009 EOC Meeting Calendar. Marissa said the location of the meetings would change to room 103-104 in March.

7. Public Comments

No one from the public asked to address the Committee

8. Next Meeting – February 4, 2009

9. Committee Member Reports

Monte Ward directed the Committee's attention to the letter attached to the agenda from the Wildlife Corridor Conservation Authority commenting on a study being conducted between Los Angeles County and Orange County. The letter identifies areas they think are sensitive habitat areas in various transportation project proposals. Only one proposed Measure M project is an element of the study and it involves the truck lanes on SR-57. OCTA is preparing a response.

Ellen Burton reported on a recent press conference related to the Economic Stimulus Package and the possibility of receiving money for transportation purposes.

Vice-Chair Melanie Schlotterbeck reported on her presentation to the OCTA Environmental Cleanup Allocation Committee (ECAC) on December 11, 2008. Melanie suggested the ECAC be invited to give a presentation to the EOC on what their committee is involved in.

10. Adjournment

The meeting adjourned at 10:50 am.