

# **Environmental Oversight Committee Meeting Minutes**

**May 18, 2011**

## **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Chris Flynn, Caltrans  
James Kelly, Measure M2 Taxpayers Oversight Committee  
Adam Probolsky, Probolsky Research  
Jonathan Snyder, US Fish and Wildlife Services  
Dan Silver, Endangered Habitats League

## **Committee Members Absent:**

Veronica Chan, US Army Corps of Engineers  
Nancy Jimeno, California State University, Fullerton  
David Mayer, CA Department of Fish and Game  
Dave Means, California Wildlife Conservation Board  
Sylvia Vega, Caltrans  
Erinn Wilson, CA Department of Fish and Game  
Greg Winterbottom, OCTA Board of Directors

## **Orange County Transportation Authority Staff Present:**

Ellen Burton, Executive Director of External Affairs  
Marissa Espino, Senior Community Relations Specialist  
Dan Phu, Project Development Section Manager  
Janice Kadlec, Public Reporter  
Monte Ward, Measure M2 Consultant

### **1. Welcome**

Chair Patricia Bates welcomed everyone to the meeting at 10:05 a.m. and led the Pledge of Allegiance.

### **2. Approval of April 6, 2011 Minutes**

The approval of the April 6, 2011 minutes was tabled due to lack of a quorum.

### **3. Acquisition Properties**

A. Property Tours: Dan Phu reported the property tours of Aliso Canyon, Irvine Mesa Corridor, and Shell-Aera (HOSEC) properties took place on Monday, May 16. He gave a brief PowerPoint presentation of the properties.

Dan Phu also reported the Irvine Mesa Corridor property (consisting of several small properties totaling 858 acres) had requested changes to their original acquisition proposal. The original proposal requested OCTA to consider supplying endowment money for the property, but they have changed that request, instead asking OCTA to acquire the property at a heavily discounted price. One thing to be considered with this request is the potential cost to manage the property since it consists of a number of parcels.

Monte Ward said this is a significant change by the property owner. This change raises two issues:

- 1) The original proposal required only a valuation of the property using comps. This change would require a full appraisal of the property. There are also some legal mitigation issues with reducing the price of the property below the appraised value.
- 2) At the beginning of the M2 Environmental Mitigation Program there was a question raised by OCTA Board Director Moorloch regarding non-profit organizations benefiting from transactions. He was assured at that time it would not happen. However, this requested change would raise the issue. Monte Ward said he could not foresee moving ahead with the Irvine Mesa property without further EOC and Board discussions.

Adam Probolsky asked if the property was deed restrictive. Monte Ward said no. Although the property was provided to the conservancy by a private party, there were no restrictions on it. It can be sold or used for purposes other than conservation.

Adam Probolsky asked if the property could be a potential candidate for restoration. Monte Ward said yes, it would be a good property for restoration. Although the property does not currently have a conservation protection, it is only the intention of the owners that it remains protected, but not to the extent needed for M2 mitigation purposes.

Dan Silver said it is a very interesting situation and he had never seen anything like it. The current management, The Wildlands Conservancy, is a conservation organization. They happened to receive these lands as a donation but it doesn't fit into their long term scheme as land managers and owners. When asked what they would do if OCTA did not buy the property; The Wildlands Conservancy said they would probably sell some of the pieces of the property. Dan Silver said these are undeniably good properties and The Wildlands Conservancy is a group that can be talked to very openly and frankly about timing (their goals are our goals). In his opinion it is a question of what are the other priorities and how does this fit in and if we do this what is being sacrificed. In his opinion it is not "if" it is "when" and he certainly would like further conversations.

Monte Ward said there are still policy issues associated with the change in status and these issues will need to be explored. Chair Patricia Bates said she remembered the Board question regarding the buying from non-profits. She took it as more of a question rather than a statement of policy. Monte Ward said at the time of the Board question, they did not anticipate the situation ever arising. Now that the situation exists, it should be raised. Melanie Schlotterbeck said she is pretty sure it was incorporated into the motion before the Board.

James Kelly said buying land from a non-profit organization should not be held against them because the reason for selling the land would be to gain money from conservation funds to preserve other properties. Monte Ward agreed and said the staff recommendation would probably be to consider the property even though the status has changed and would involve a non-profit organization. Chair Patricia Bates said the concern of the Board was buying property already conserved or protected by another agency.

*At approximately 10:20 a.m. a seventh member of the EOC arrived and a quorum was reached.*

Chair Patricia Bates suggested asking staff to get more information on the situation with the Irvine Mesa Corridor property so it can be taken to the OCTA Board for a policy decision. Specifically whether there are any entitlements on the property.

Monte Ward said because the EOC has authority to recommend appraisals, he suggested they go ahead with a full appraisal of the Irvine Mesa Corridor property. In the mean time staff will pursue bringing the question to the Board regarding proceeding with any negotiations on purchasing the property subsequent to a policy decision by the Board. Chair Patricia Bates agreed with this recommendation.

## **2. Approval of April 6, 2011 Minutes**

Chair Patricia Bates asked if there were any additions or corrections to the April 6, Environmental Oversight Committee (EOC) meeting minutes.

Melanie Schlotterbeck asked for the following correction: Page 5, Item 6, 4th sentence – *“She has talked with Dan Phu, Monte Ward and Dave Simpson (Orange County Council of Governments) about expanding **above and beyond** the Measure M program.”*

A motion was made by Melanie Schlotterbeck and seconded by Adam Probolsky to approve the April 6, 2011 EOC meeting minutes as corrected. The motion passed unanimously.

- B. Saddle Creek South Commemoration Event Marissa Espino reported on the Saddle Creek South Commemoration event on Friday, May 13. The event commemorated the first property purchased under the M2 Mitigation and Resource Protection Program. It consisted of 84 acres and was purchased for \$3.2 million.

#### **4. Restoration Proposals Update**

- A. Proposals Update – Dan Phu gave an update on the Restoration Proposal project.
- B. Second Call for Restoration Projects – Dan Phu announced that after approval of the OCTA fiscal year 2011/12 budget at the next Board meeting, a second call for Restoration Projects will go out. There will be approximately \$5 million available for this round of projects. He reported on the process involved with the second call for projects.

Monte Ward said the applicants that did not receive funding in the first round of Restoration Projects need not reapply, however, they were debriefed after the conclusion of the first round of funding and can adjust their applications if they see fit.

Chair Patricia Bates asked how many applicants applied for the first round of funding. Dan Phu said there were approximately 35 applications and 5 applications received funding leaving 30 projects which did not receive funds.

#### **5. Public Comments**

No one from the public chose to speak.

#### **6. Committee Member Reports**

Melanie Schlotterbeck gave an update on the SB375 Sustainable Communities Strategy (SCS) Program. They were successful in incorporating a new policy into the SCS which allows for the conservation of open space and the restoration of natural land. At the time Orange County was the only region in the State of California to have this in their SCS.

#### **7. Next Meeting**

The next meeting of the EOC will be in July 6.

#### **8. Closed Session**

The meeting was adjourned to Closed Session at 10:45 a.m.