

# **Environmental Oversight Committee Meeting Minutes**

**July 1, 2009**

## **Committee Members Present:**

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

## **Committee Members Absent:**

Veronica Chan, US Army Corps of Engineers  
Rose Coffin, Taxpayers Oversight Committee  
Sylvia Vega, Caltrans  
Erinn Wilson, CA Department of Fish and Game

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

Ellen Burton, Executive Director of External Affairs  
Marissa Espino, Senior Community Relations Specialist  
Janice Kadlec, Public Reporter  
Ken Phipps, Director of Finance and Administration  
Dan Phu, Project Development Section Manager  
Jim Sterling, GIS Section Manager  
Monte Ward, Measure M Consultant

## **Guests:**

Ron Krueper, California Dept. of Parks and Recreation, Inland Empire District  
Alissa Ing, California Dept. of Parks and Recreation, Inland Empire District  
Michael White, Conservation Biology Institute  
Patricia Gordon-Reedy, Conservation Biology Institute

## **Members of the Public**

Diane Bonanno, Coyote Hills Group  
Neil Connolly, Chino Hills State Park Interpretive Association  
Denis McHail, Canyon Lands Conservancy  
Eric Nicoll, City of Brea  
Derek Ostensen, City of San Juan Capistrano  
Eric Sauls, The Sauls Company  
Claire Schlottlerbeck, Hills for Everyone

**1. Welcome**

Chair Patricia Bates welcomed everyone to the meeting at 10 a.m. and asked OCTA Director Cathy Green to lead the pledge of allegiance.

**2. Minutes**

Chair Patricia Bates asked if there were any additions or corrections to the June 3 EOC meeting minutes. Vice-Chair Melanie Schlotterbeck requested correction of Garry Brown's title in the minutes to Founder of Orange County Coastkeeper.

A motion was made by Vice-Chair Melanie Schlotterbeck and seconded by Chair Patricia Bates to approve the June 3, 2009 meeting minutes as corrected. The motion passed unanimously.

**3. Presentation Item**

**A. Chino Hills State Park**

Ron Krueper, District Superintendent overseeing Chino Hills State Park, gave an overview of the park. The park consists of 14,100 acres and Mr. Krueper described it as the anchor point for regional biodiversity.

Committee member Jonathan Snyder asked if the Chino Hills restoration could be done in a way to prevent it from being destroyed by the next fire. Ron Krueper said the area in Yorba Linda where the latest fire occurred was not affected as much as other areas and the addition of more fire resistant native habitat would provide a bigger area where there would not be frequent burn overs.

Vice-Chair Melanie Schlotterbeck said the EOC has had other presentations in this area and the cost per acre is different. Alissa Ing, an environmental scientist, said part of the problem in the park is the difficult access for doing the restoration, this causes the higher costs.

Committee member Dan Silver said one of the parcels has been identified by Chino Hills State Park as a high priority for acquisition, and asked if that is in the mix of properties brought to the EOC. Ron Krueper said yes, there is one piece of property identified as a possible candidate for acquisition.

Committee member Adam Probolsky asked Ron Krueper if the Conservation Corps fell under his purview. Mr. Krueper said no, it is a separate State entity that can be contracted to help with restoration projects within the Park. Adam asked if they would be involved with the Chino Hills Park project. Mr. Krueper said they use as many different resources as can be found, the Conservation Corps may be a component of a restoration project. Adam asked if it was likely they would be involved. Mr. Krueper said very likely.

Public Comments:

Claire Schlotterbeck, Executive Director of Hills for Everyone, said her group was instrumental in creating Chino Hills State Park and are still advocating on its behalf. As OCTA moves forward in widening the SR-91, there is a need to look at how fires along the SR-91 are started. Mitigation efforts need to be made that harden the edges of the freeway. Also, the planning of the number of houses along the wildland urban interface and the responsibility for buffers need to be considered – the Park should not share the responsibility for mitigation when the park was in place first.

Ms. Schlotterbeck passed out a list of acquisitions, which was a close approximation on how much money has been spent on the acquisitions alone for Chino Hill State Park. She encouraged the Committee to dream big, there is a great deal that can be done with Measure M money.

Neil Connolly, President of the Chino Hills State Park Interpretive Association, said their mission was to enhance public awareness of maintaining and restoring wildlife habitat in the State Park. The wildlife corridor at Coal Canyon continues to be threatened by urban proposals including freeway projects. Project “J” within Renewed Measure M (M2) will result in direct, indirect, and cumulative impacts to this corridor. The Interpretive Association advocates acquiring lands that support the core habitat of the Chino Hills State Park and the restoration of the Parks vegetation. As the M2 Freeway Program will impact the Park, it seems essential to provide mitigation at or near where the impact occurs.

**B. M2 Revenue Update**

Ken Phipps presented an update on the sales tax forecast. Ken’s presentation included sales tax reports from the State Board of Equalization (SBOE); a sales tax net cash receipts analysis (Bradley Burns 1%); Measure M States Tax Extension Revenue Forecasts; and a M2 project forecast comparing 2005 nominal dollars to 2009 nominal dollars. In conclusion, Ken presented a graph comparing the M2 sales tax forecasts from 2005 versus 2009. The current forecast indicated a \$9.6 billion expected drop in sales tax revenues. In the Freeway Mitigation Program, \$301.8 million is now being forecasted for the program as opposed to originally \$498.9 million resulting in a loss of \$197.2 in forecasted revenue.

Chair Patricia Bates said it would help to see how this forecast affects the amount of money expected for the first projects. The original figures were for \$30 million in 2010-11 and \$30 million in 2011-12. Ken said the \$30 million in 2010-11 will be available but 2011-12 figures will need to be revised to maybe \$25 million depending on the actual debt mechanism.

Committee member Dan Silver asked if the predicted decline of 40% was over the life of M2, and was it anticipating a recovery. Ken said the answer to both

questions was yes, although in 2011-12 a positive sales tax growth is predicted. The first year of M2 will be impacted the most.

Monte Ward summarized the discussion by saying the OCTA Board will need to look at the scope and schedule of delivering Measure M2. The economy will also have an affect in closing out of M1 on M2 freeway projects. For the immediate next few years OCTA will spend funds made available by State bonds measures and closing out M1. The freeway mitigation plan was presented to the Board of Directors as part of the five-year Early Action Plan. Along with some of the freeway projects, the Board endorsed the mitigation plan and said move forward on the project. The first round of projects should go forward, it is the projects that come next that will be impacted. The discussion on this will occur in the fall and will most likely include differences in scope and schedule for the freeway projects.

#### **4. Approval of Early Acquisition and Restoration Prioritization Process**

Monte Ward said the action being asked for today is approval of the Environmental Mitigation Program four-step prioritization process to establish the framework for evaluation of property acquisition and/or restoration. Monte gave an overview of the staff report and reviewed the Four Step Sequential Prioritization Process – Step 1 Conservation Values, Step 2 Mitigation Credit, Step 3 Policy Considerations, and Step 4 Real Estate Value/Economics.

Committee member Adam Probolsky asked if the Conservation Biology Institute (CBI) will be ranking the properties or will the EOC be ranking them. Monte said CBI would provide the framework for ranking the properties, the EOC will determine whether the property is ranked high, medium, or low. The information will then be submitted to the resource agencies and they will take a look in terms of their evaluation. Adam asked if only the properties ranked high or medium would proceed to the next step. Monte said all properties would go to Steps 1 and 2, once properties get to Steps 3 and 4 the properties will start being split out.

Vice-Chair Melanie Schlotterbeck asked if properties found to have no Conservation Value would move forward. Monte said they would move forward and continue to be documented. Vice-Chair Schlotterbeck asked at what point would they be dropped from the list. Monte said it would most likely happen at Step 4. Vice-Chair Schlotterbeck asked if all properties would receive an appraisal. Monte said when a property gets to Step 4 it will need an appraisal or the equivalent. Vice-Chair Schlotterbeck recommended only the properties ranked high when they reach Step 4 receive an appraisal. Monte said there will be a great deal of discussion when Steps 3 and 4 are reached on what is to be taken forward. The EOC will make recommendations and the Board of Directors will be asked to approve. The committee members discussed appraisal methods and who would pay for the appraisal.

Chair Patricia Bates asked how this fits into the NCCP/HCP Planning Agreement. Monte said the NCCP/HCP pertains to the project where funds are being applied and

in this case it is the freeways. Secondly there are already existing large protected areas in the County, so the strategic investment takes account of this and enhances or improves in respect to the larger picture. The third point is the first round of funding is in advance of the NCCP/HCP document. The end product will not be one contiguous property; it will have different properties, different projects, in different areas but it will take account the whole picture in the entire County.

Committee member Cathy Green asked if any project consideration was given to what is being mitigated for. Monte said this is a core part of what is being done, but it is being done in advance and it is being done on a large scale.

Committee member Dan Silver asked if the subcommittee would be having a workshop to learn how to understand the high, medium, and low rankings recommended by CBI and what is the timeline for this. Monte said the next step is to take the property information and overlay it with the CBI findings. It will come back to the EOC in August or September.

Committee member Adam Probolsky asked if the ranking would be done at the full committee level or at the subcommittee level. Monte said staff would take the first cut at it with the working group and then bring it to the full committee.

A motion was made by Dan Silver and seconded by Cathy Green to approve the Environmental Mitigation Program four-step prioritization process to establish the framework for evaluation of property acquisition and/or restoration. The motion passed unanimously.

## **5. Presentation Item (continued)**

### **C. Conservation Assessment**

Patricia Gordon-Reedy, CBI Project Manager, presented an overview and update on the Conservation Assessment Analysis. Patricia emphasized the presentation would be a landscape level analysis and is not referring to specific information.

Committee member Dan Silver asked how the property ranking or prioritization would be done. Patricia said one way to look at the assessment is property that supports numerous conservation values should be ranked higher than property that supports only one conservation value. Member Silver said it was decided some time ago not to do a numerical scale because there is a lot of scientifically based subjective judgment involved. His idea was CBI should sit down with the wildlife agencies and start talking through the properties then meet with the sub-group later in July with the preliminary findings.

Committee member Adam Probolsky said he understands CBI would come to the committee with some metrics, not ranking by number, and based on the metrics the subcommittee would make an assessment of high, medium, or low. The subcommittee would then bring their findings to the full committee. Member Silver

said he felt it should be the job of the biologist and wildlife agencies to give the subcommittee their sense of high, medium, or low on a draft basis. The subcommittee is not trained to make these biological decisions.

Monte Ward said it is the job of the committee to make the decisions based on data and information available. CBI can give the information but the staff and subcommittee must portray the information in a way that makes distinctions. It is fairly clear from the information presented there are specific areas in the county which will have the best possibility for meeting the requirements of the 13 freeway projects. When the parcel information is received, there will be a better idea on which parcels fall within the areas and the different characteristics attributed to each parcel based on the criteria CBI has outlined. At this point, the EOC will be making judgments.

Committee member Cathy Green suggested EOC member Melanie Schlotterbeck have more input on the area map, she is very knowledgeable about protected areas. Cathy said she does not mind making decisions, but the decisions need to be based on good data and she is not sure the mapping is accurate. Patricia Gordon-Reedy said CBI is in the process of updating the map. Vice-Chair Melanie Schlotterbeck said she would work with CBI on updating.

Committee member Dan Silver suggested the restoration proposals be ranked similar to the acquisition proposals. Patricia said they could rank certain areas a priority for restoration but not necessarily at the expense of acquisition.

Committee member Adam Probolsky asked if a discussion on designating some portion of resources toward restoration could be put on a future agenda. Monte Ward said yes this should be done. Chair Patricia Bates said she does agree this needs to be done but suggested waiting for completion of another step before identifying a specific amount of money. The argument being restoration will make the money go further but with restoration a management company will be needed. Member Probolsky asked how to continue to address restoration. Monte said a better time for a recommendation to address restoration would be after the first step is taken, the overlay of property is done and information is received from the wildlife agencies.

Committee member Dan Silver suggested CBI should meet with the wildlife agencies within the next couple of weeks without EOC members present. It is still his opinion these biologist should do the ranking of the properties. In mid July they should meet with the subcommittee with their preliminary findings. At this point someone needs to assign high, medium, and low to the properties. Monte Ward said this timing might be a little tight. Jim Sterling said they know what information is needed from properties; staff needs to meet and find out which properties still need to submit this information.

Committee member Cathy Green said the base map would need to be updated as the first step to starting the process. The Committee agreed this needed to be the first step.

#### **7. Approval of NCCP/HCP Planning Agreement**

Dan Phu gave an update on NCCP/HCP Planning Agreement. Vice-Chair Melanie Schlotterbeck provided comments to the document and stated she would email the revisions to Dan as well. A motion was made by Vice-Chair Melanie Schlotterbeck and seconded by Cathy Green to approve the NCCP/HCP Planning Agreement as corrected. The motion passed unanimously.

#### **8. Open Committee Member Seat**

Chair Patricia Bates acknowledged the resignation letter of Judy McKeehan, SWCA Environmental Consultants. Chair Bates thanked her for her service. OCTA will be contacting the nine remaining candidates to see if they are interested in filling the vacant seat. Peter Buffa, Chairman of the OCTA Board of Directors, will appoint the next member.

At this point Chair Patricia Bates left the meeting and Vice-Chair Melanie Schlotterbeck Chaired the meeting.

#### **9. Public Comments** *(Public comments on all items take place at this time.)*

Claire Schlotterbeck, Executive Director of Hills for Everyone, urged the following:

- Move area map created by CBI north to include greater Puente Hills.
- Be inclusive at what is looked at in each core habitat. The mitigation lands need to be identified correctly,
- Make sure it is known where the conservation easements are, where HOA-managed natural lands are, and where private conservancies own land.
- The environmental groups who supported M2 were looking at acquisition as the main task of the EOC.
- Do not use high, medium, and low to rate the projects, use a 0 5 10 type of scale to allow for a better picture of the property.

Denis McHail, of the Canyon Lands Conservancy, commented on the CBI report pertaining to the wildlife corridors. He urged the committee to pay attention to these corridors when making decisions on land acquisition.

Derek Ostensen, conservation consultant with the City of San Juan Capistrano, said connectivity of habitat throughout Orange County through wildlife corridors is critical. It is the goal of the City of San Juan Capistrano to enhance the wildlife linkage and improve the wildlife underpass at the 1-5 freeway and also the linkage into the Aliso Wilderness Park. He also stated the protected and unprotected areas map needed to be corrected.

Diane Bonanno, of Coyote Hills Group, urged the EOC to spend funds on acquisition rather than restoration. She observed to the committee that there is very little open space left in Northern Orange County and Coyote Hills is it.

Eric Sauls, of The Sauls Company, commented on a critical linkage in the Aliso Creek area. He supported the idea of the wildlife agencies meeting with CBI. He suggested other methods to rank properties to help form an assessment. He reminded the committee of the urgency of taking action; some properties presently on the table would be sold before a decision could be made by OCTA.

Eric Nicoll is the Technology Development Director for the City of Brea and a member of Hillside Open Space Education Coalition (HOSEC). Mr. Nicoll said HOSEC is available to provide information as needed for the Puente Hills area. They believe acquisition rather than restoration is where the dollars should be spent. The Puente Hills/Chino Hills area is a very important urban interface for Orange County.

**6 Property Submittal Deadline** *(this Item was moved from earlier in the meeting)*

Monte Ward said the committee is at the point where evaluations need to begin and the suggestion is to closeout the period for presentations and seeking additional proposals at the end of July.

Vice-Chair Melanie Schlotterbeck asked if there would be an official notification. Monte said yes, a letter would be sent to the related database.

**10. Next Meeting**

The next meeting of the Environmental Oversight Committee will be Aug. 5, 2009 at 10 a.m.

**11. Committee Member Reports**

Vice-Chair Melanie Schlotterbeck commented if people are serious about comprehensive mitigation, human drawn lines on a map or political jurisdictions cannot dictate what is right biologically speaking.

Vice-Chair Melanie Schlotterbeck requested agenda packages be sent out well in advance of the meeting. It is very difficult to make an informed decision when information is received at the meeting or just before.

**12. Adjournment**

The meeting adjourned at 12:20 p.m.