

Measure M2 Environmental Oversight Committee

February 15, 2012

Meeting Minutes

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Veronica Chan, US Army Corps of Engineers
Nancy Jimeno, California State University, Fullerton
James Kelly, Measure M2 Taxpayers Oversight Committee
David Mayer, CA Department of Fish and Game
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Sylvia Vega, Caltrans
Greg Winterbottom, OCTA Board of Directors

Committee Members Absent:

Chris Flynn, Caltrans
Dave Mears, California Wildlife Conservation Board

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Community Relations Specialist
Lesley Hill, Planning Department Project Manager
Janice Kadlec, Public Reporter
Dan Phu, Project Development Section Manager
Monte Ward

1. Welcome

Chair Patricia Bates welcomed everyone to the meeting at 10:05 a.m. and asked Nancy Jimeno to lead the Pledge of Allegiance.

2. Approval of December 7, 2011 Minutes

Chair Patricia Bates asked if there were any additions or corrections to the December 7, 2011 Environmental Oversight Committee (EOC) meeting minutes. A motion was made by Melanie Schlotterbeck, seconded by Nancy Jimeno, and passed unanimously to approve the December 7, 2011 EOC meeting minutes as presented. The motion was carried unanimously.

3. Acquisition Properties

Dan Phu said the appraisals for the Aliso Canyon and Irvine Mesa have been completed. He notified the EOC that the Shell-Aera property is no longer under consideration for acquisition for this round of funding.

4. Restoration Properties

- A. Lesley Hill gave background information on the intent and purpose of the Restoration Funding Guidelines and highlighted recent revisions to the Guidelines made by EOC Working Group. She also reviewed the evaluation process for the Restoration Projects.

Nancy Jimeno said there were some things required such as species mapping, site assessment, guidelines done by a biological/ecological expert or cultural resource biologist, and breeding bird surveys. She asked if these were included in Grant money or is it included in Grantee money. Lesley said these are standard activities that would have to be done for any Restoration Project where sensitive habitat is involved and is part of the site assessment. These activities would be folded into the cost of the Restoration Project

Nancy Jimeno asked if the weed abatement which needed to be done two years ahead of time would also be folded into the cost. Lesley Hill said yes, this is part of the overall Restoration Project and incorporated into the total project cost.

Adam Probolsky asked if an amount needed to be spent on restoration had been identified in order to fulfill the mitigation commitment or is money going to be spent beyond this. Monte Ward said there is a policy direction within the amount available – the 80 -20 split. Also, as the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) is completed further guidance will be available with respect to the balance of acquisition and restoration. Finally since the Army Corps of Engineers has been brought into the process along with regional and state water quality control board there may be a requirement in the future for additional restoration or different types of restoration based on the impacts of waters of the U.S. or the State. Because of this there is no firm number in terms of acreage or habitat at this point. They are working within the policy constraints and the information available on the initial overlay in terms of Freeway impacts.

Adam Probolsky asked if there is an expectation more money or less money will be needed. Monte Ward said he would expect what will be seen after the initial round of acquisition would be a need for certain types of restoration activities, particularly activities that deal with wetlands, riparian habitat, etc. Adam Probolsky asked if this would exceed the money allocation. Monte Ward said it would maybe not exceed the money but maybe a greater emphasis towards the latter part of the program would be on restoration rather than acquisition.

Adam Probolsky asked if the Restoration Guidelines document will always guide restoration regardless whether there is a continued requirement to do restoration. Monte Ward said the Restoration Guidelines will be a living document – modifications will be made to the Guidelines particularly to consultations with the

resource agencies. Chair Patricia Bates said policy decisions regarding how the money is appropriated out of the M2 Program will continue to be a robust discussion on the OCTA Board as it goes forward and will depend on the NCCP/HCP and how it fits together with the Freeway Program. Monte Ward said this is correct and as they get more deeply into permitting strategies with the Army Corps and with the State and regional boards there may be further guidance or recommendations to the OCTA Board regarding the policy decisions between the split between acquisition and restoration or more emphasis on the types of restoration.

Adam Probolsky asked how the Restoration Funding Guidelines affect the approved projects. Monte Ward said agreements have already been signed with the first round of project sponsors. If approved the Restoration Funding Guidelines would affect new agreements.

A motion was made by Melanie Schlotterbeck, seconded by Adam Probolsky, and passed unanimously to recommend approval of the revised Restoration Funding Guidelines.

- B. Lesley Hill gave background on the restoration process and gave a brief overview of the Restoration projects.

James Kelly asked if restoration could be considered on property OCTA has already acquired. Monte Ward said this has not happened yet but OCTA could acquire a property and then subsequently there could be a restoration project on the property. OCTA would get credit for the acquisition and then, depending on the type of restoration, get some credit for restoration.

James Kelly's mike was not on – could not get his next question.

Dan Silver said at this point they are acting under some constraints. One of them is certain habitats are not necessarily impacted by the Freeways. Even if a project may be a great project like a salt marsh, our hands are tied. Secondly the first round of projects went a great deal to uplands and now they are going back to wetland/riparian. Dan Silver said there is not a great deal of money to spend – is the approach going to be to try to find a piece of each one to fund? Lesley Hill said this may be the case. The Group 1 projects look great and would align well with OCTA's needs. They need to go back to the project sponsors and try to fine tune the costs. They may decide to fund only one or two projects and then use any left over money to fund some small riparian projects. It all depends on the coordination with the project sponsors. Dan Silver said in his point of view this will be an ongoing multiyear or multi decade effort; they are all good projects and should be nurtured. He agreed it should be a case by case analysis.

Chair Patricia Bates asked if any of the proposals made by project sponsors indicated they had matching funds from other Grants. Lesley Hill said they had some projects on the list with matching funds. She will investigate and bring back the information to the next EOC meeting.

A motion was made by Chair Patricia Bates, seconded by Melanie Schlotterbeck, and carried unanimously to endorse Staff's recommendation for the grouping of the restoration projects based on the Board approved Acquisition Restoration Management Criteria.

- C. A motion was made by Chair Patricia Bates, seconded by Melanie Schlotterbeck, and carried unanimously to direct staff to continue to coordinate with the Group and Group 2 Project Sponsors in order to fine tune project plans and associated costs; once these costs are fine tuned, staff will request a funding endorsement by the EOC

5. Spring Tours

Marissa Espino reported OCTA is partnering with the Toll Roads in their Twelfth Annual Native Habitat Tour Series. One of the OCTA acquired properties – Saddle Creek South – will be on the Tour. The Tour will be taking place on April 21, 2012 from 8:00 a.m. to 12:00 noon. Marissa Espino said she will send the members an email with the invitation and encouraged anyone interested to RSVP.

6. Public Comments

There were no public comments.

7. Committee Member Reports

There were no Committee Member Reports

8. Next Meeting – March 7, 2012

The next meeting of the EOC will be in March 7, 2012 in the OCTA offices.

9. Closed Session

The regular meeting of the EOC was adjourned at 10:45 a.m. and the EOC went into Closed Session.