

Measure M2 Environmental Oversight Committee

June 18, 2012
Meeting Minutes

Committee Members Present:

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

Committee Member(s) Absent:

Veronica Chan, US Army Corps of Engineers
Dave Means, California Wildlife Conservation Board
Adam Probolsky, Probolsky Research

Orange County Transportation Authority Staff Present:

Ellen Burton, Executive Director of External Affairs
Marissa Espino, Strategic Communications Officer
Lesley Hill, Planning Department Project Manager
Janice Kadlec, Public Reporter
Dan Phu, Project Development Section Manager
Monte Ward, Consultant

Guests

Pat Atchison, Inter Community Foundation

1. Welcome

Chair Patricia Bates welcomed everyone to the meeting at 9 a.m. and asked James Kelly to lead the Pledge of Allegiance.

2. Approval of March 21, 2012 Minutes

Chair Patricia Bates asked if there were any additions or corrections to the March 21, 2012 Environmental Oversight Committee (EOC) meeting minutes.

Melanie Schlotterbeck requested the following correction to **Item 3 Restoration Properties** – on page two, third paragraph, first sentence: *Adam Probolsky asked if*

part of the cost of the ~~North Coal Canyon~~ West Loma restoration included realigning the existing wildlife fencing.

A motion was made by Greg Winterbottom, seconded by Melanie Schlotterbeck, and passed unanimously to approve the March 21, 2012 EOC meeting minutes as corrected. The motion was carried unanimously.

3. Acquisition Properties Status

Dan Phu reviewed the Acquisition Property Status.

Chair Patricia Bates asked how much money remained in the Acquisition Property account. Dan Phu said \$7 million remained of the original \$42 million plus an additional approximate \$1 million from an agreement reached earlier in the year between the OCTA Board and the US Fish and Wildlife Service. Monte Ward said the \$1 million was the result of recapturing credit not received in the first round of funding from the US Fish and Wildlife Service.

Melanie Schlotterbeck asked for an update on the Hayashi property. Dan Phu said OCTA is looking to reach an agreement similar to what occurred earlier in the year with the USFWS agreement with the Saddle Creek South property and capture credit for the Hayashi property. Currently they are going through the process of conducting the baseline biological surveys on the Hayashi property and once this information is obtained, a decision will be made whether or not to move forward in the process. Melanie Schlotterbeck asked when the baseline surveys will be completed. Lesley Hill said the baseline surveys have been started but because of the blooming periods for the vegetation it could go out past the summer.

4. Restoration Projects Status

Lesley Hill gave an update on the status of the Restoration Properties.

Melanie Schlotterbeck asked if the types of habitat being looked for are going to be included in the call-for-projects. Lesley Hill said yes, the call-for-projects will be very specific in what is being looked for.

5. Overview of the OCTA M2 NCCP/HCP – Approach and Status

Dan Phu gave an introduction and outline on what had transpired to date on this item.

Monte Ward gave an overview of the risks involved – long term management, variations in the delivery of the freeway projects, and the regulatory agencies outside of the OCTA M2 Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) process.

Dan Phu introduced Pat Atchison who gave an overview of the NCCP/HCP approach and status. Lesley Hill gave overviews of the total acquisitions and funded restoration projects. Dan Phu gave an overview of the land management process.

Melanie Schlotterbeck asked how future acquisitions and restorations get folded into the NCCP/HCP. Dan Phu said there will be annual reports required as part of the Plan and new acquisitions and restorations can be added at this time.

Dan Silver said there were four areas of impact analysis which were not addressed:

- Highway impacts on connectivity and wildlife movement
- Cumulative impacts
- Growth induced impacts
- Road kill mortalities particularly to mountain lions
- Wildfires adjacent to freeways

Also, there was discussion at the EOC Working Group meeting that OCTA may be allowing other agencies to come in and use OCTA's NCCP/HCP as a mechanism to mitigate their projects. Dan was curious as to what sorts of projects would come forward.

Dan Phu said, with respect to the possibility OCTA may add projects in the future, one of the things OCTA would like to do is leave flexibility within the Plan for future opportunities. Any additional projects added to the Plan would require additional mitigation and compensation plans. Monte Ward said it is worth having this conversation to see whether or not to have a policy to allow these kinds of additional projects to come in.

Pat Atchison said from the wildlife connectivity aspect, it will be addressed as a landscape view and will be evaluated at the design level. Growth induced cumulative impacts will be addressed in the Environmental Impact Report and Environmental Impact Study (EIR/EIS) but quantitative measures that contribute to the conservation target has not been included.

Dan Silver said it seemed to him that impacts can roll over into targets but he does know M2 does not allow mitigation money to be spent on things like undercrossing and other structures. Monte Ward said M2 does allow the money to be spent on something close or adjacent, which would improve the effectiveness of the wildlife undercrossing.

Jonathan Snyder said there is a distinction to be made on how to calculate in terms of mitigation and what can be analyzed under the plan. In determining the mitigation requirements using an analysis of direct effects there is also an analysis of indirect effects. Quantifying all the impacts back to a mitigation requirement would be very difficult. Dan Silver said he didn't think it would be easy but it doesn't mean it's the best. Monte Ward said it may hinge on if it changes the scale or scope of the mitigation. It seems like in the direction they have been going mitigation is occurring in a fairly substantial pace. Dan Silver said he agrees; it's the outcome that's

important. He believes the mitigation financial number built into to the measure is a very robust number relative to fairly limited direct and indirect impacts. He also thinks other things like "road kill" are hard to quantify but they are real and do exist. This is why the mitigation is robust. He is not saying OCTA needs to do more, he just thinks when the small direct impacts are looked at alongside the scale of mitigation maybe the job is not as big as it seems if all the factors are considered which are hard to quantify but are real.

Nancy Jimeno asked who determines NCCP/HCP compliance. Is it the resource agencies? Jonathan Snyder said there is a once a year reporting component but there is also ongoing communication between permittees and the agencies.

Nancy Jimeno said it looks to her that some of the land is too sensitive to have access but asked who will maintain the security where there is access. Dan Phu said the Draft Interim Resource Management Plan is the first step in looking at the appropriate amount of access permitted for each property. Access will vary on the different properties.

Nancy Jimeno asked if this applies to only property that has been acquired. What about restoration properties? Dan Phu said they would like the project sponsors to allow public access but only when it makes sense.

Chair Patricia Bates said Dan Silver's comments on growth induced impacts are supported by SB375 and the requirement to the cities to intensify development along transportation corridors.

6. Environmental Oversight Committee Charter

Marissa Espino gave an overview of the Environmental Oversight Committee Charter including changes requested at the March 21, 2012 meeting.

The major proposed change to the Charter is in the second paragraph under Membership in the Charter. Starting with the second sentence: *Alternates representatives from key stakeholders who are signators to the Master Agreement are each permitted to designate an alternate(s). Signators include Caltrans, California Department of Fish and Game, and the United States Fish and Wildlife Service are ~~not~~ permitted. A primary member will be designated and the alternate(s) shall be identified.*

James Kelly suggested a change to the Charter referencing the EOC meeting time. He suggested the following: *The Committee meeting time will **generally** take place on the first Wednesday of the month.....*

Melanie Schlotterbeck suggested changes as follows to the proposed Membership changes (paragraph three, second sentence). *Signators to the Master Agreement are each permitted to designate a primary member and identify an alternate(s).*

Signators include Caltrans, California Department of Fish and Game, and the United States Fish and Wildlife Service.

Director Greg Winterbottom observed the OCTA Board does not appoint all the members as stated in the EOC Charter. Marissa Espino said she will clarify the membership appointment paragraph to reflect how the members are appointed.

A motion was made by Melanie Schlotterbeck and seconded by Director Greg Winterbottom to endorse the revised Environmental Oversight Committee Charter to enable alternate members. The motion passed unanimously.

7. Public Comments

There were no public comments.

8. Committee Member Reports

James Kelly announced this would be his last meeting as a member of the EOC. His term has expired on the Taxpayers Oversight Committee. He enjoyed being on the EOC and watching the collaboration and commitment by the various agencies represented on the EOC.

Chair Patricia Bates said she appreciated his service and contributions to the community. James Kelly said he also found it rewarding serving on the EOC due to the collaborative efforts of the member agencies and the support of the OCTA staff.

Melanie Schlotterbeck gave an update on her efforts to get programmatic mitigation adopted at other agencies. Recently, at the April general assembly meeting for the Southern California Association of Governments (SCAG), a conservation policy was adopted in the SCAG Transportation Plan and Sustainable Community Strategy.

9. Next Meeting – July 18, 2012

The next meeting of the EOC will be at 10 on July 18, 2012 at the OCTA offices.

10. Adjournment

The EOC adjourned at 10:40 a.m.