

# Measure M2 Environmental Oversight Committee

**June 5, 2013  
Meeting Minutes**

## **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Lori Donchak, OCTA Board of Directors  
Chris Flynn for Sylvia Vega, Caltrans  
Philip La Puma, Measure M2 Taxpayers Oversight Committee  
David Mayer, CA Department of Fish and Wildlife  
Derek McGregor, Public Member  
Dave Means, California Wildlife Conservation Board  
Dan Silver, Endangered Habitats League  
Jonathan Snyder, US Fish and Wildlife Service

## **Committee Member(s) Absent:**

Veronica Chan, US Army Corps of Engineers  
Nancy Jimeno, California State University, Fullerton

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

Marissa Espino, Strategic Communications Officer  
Lesley Hill, Planning Department Project Manager  
Janice Kadlec, Public Reporter  
Monte Ward, Measure M Consultant

## **Guests**

Laurie Hughes  
Vanessa Mascia  
Kristina Stuckey

### **1. Welcome**

Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 10 a.m. She asked Melanie Schlotterbeck to lead the Pledge of Allegiance.

Chair Patricia Bates introduced the EOC's new Public Member Derek McGregor.

### **2. Approval of the April 3, 2013 Minutes**

A motion was made by Melanie Schlotterbeck, seconded by Lori Donchak, and passed unanimously to approve the April 3, 2013 EOC meeting minutes as presented.

### **3. Property Management Updates**

Lesley Hill gave an overview and update on property management including photos of the efforts made by OCTA for the maintenance and management of the existing acquisition properties.

Lori Donchak asked if the Tehachapi Edison Project touched any of the lands in Orange County. Lesley Hill said no, it does not.

Dan Silver asked if OCTA knew why the vandalism was taking place on the Ferber property and who was doing it. Monte Ward said it is unknown. The Ferber property was part of a continuous property with horse stable access. There were community members who accessed the property whether it was authorized or not. Over the years different use patterns develop such as mountain biking. OCTA is not sure exactly who is doing the vandalism but there are cameras and other enforcement in the area. Eventually the pieces will be put together and the usual procedures followed involve warnings and citations.

Dan Silver asked if this was being done because of pure vandalism. Monte Ward said he would suppose the trails where the vandalism occurred have historically been used by people who have had access to the property and have a continuing interest in using the trails.

Dan Silver said very vocal groups have come forward wanting increased public access and have volunteered to be partners in the stewardship of the property. He would be very interested in their thoughts about the vandalism. Chair Patricia Bates said there are three public comment requests coming up and maybe these speakers can comment on the vandalism.

Dan Silver said it was not OCTA's desire to be a long-term property owner and the goal is to turn over the properties to property managers. He asked what progress has been made in handing the properties off. Monte Ward said they are still in the interim period. Once the Conservation Plan (NCCP/HCP) and the Resource Management Plan (RMP) are in place, talks can begin with prospective property managers. The Ferber property is self-managed at this point. The drawback to this is it takes more staff time and resources, but the advantage is it gives the staff experience with property management. In the future, when OCTA is managing property managers and checking on the performance of managers, staff will be better equipped to work with the land managers and the land owners when titles are transferred.

Monte Ward also commented that, in the interim, OCTA has third party managers for all the acquired properties except Ferber and OCTA is getting a chance to see the performance of the managers. It will not be until next year when OCTA will be able to go through the process of entering into agreements with long-term managers.

Melanie Schlotterbeck asked if there will be public input on the property signs describing public access or naming the trails. Lesley Hill said this is something definitely being discussed. But they need to get a good grasp of the Resource Management Plans (RMP) and understand what the allowable uses are before they can move forward.

Monte Ward said this is something that can be worked on through the EOC. With the appropriate public noticing it would be a good place to get public input on signage and the overall message. There is a difference between these properties and just a wilderness park property. These properties need to maintain the mitigation value over time. This does not mean it is incompatible with public use they just have to make sure public use does not impact the value of the resources.

Chair Patricia Bates said when the public approved Measure M2 the purpose of the acquisitions was to add mitigation so the freeway program could be accelerated by streamlining the permit process. There is a covenant with the public that the lands are used for this purpose. Monte Ward said, under the authorization to put the sales tax on the ballot, it had to be transportation related expenditures. Even if the ballot measure indicated, as an example, two percent of the funds would be used for open space (which is different from mitigation), it would not have been a legal expenditure of the funds. It is very crucial the link be maintained between the expenditures being made on the freeway program, and the expenditures being made for mitigation, and the proper management of the properties and projects meet these goals.

Chair Patricia Bates said the OCTA Board of Directors is very adamant in providing public access once the covenant of the M2 Ordinance is met.

#### **4. Public Comments**

Laurie Hughes, a boarder at Thier Ranch distributed photographs of the O'Neill Oaks property, Ferber property, and Rose Canyon Road. She has been monitoring the fire prevention and weed control efforts on these properties. She witnessed the spraying of the fire roads with weed killer, but the weeds are still there. In several places the weeds have over taken the roads. She was very concerned about the fire danger.

No weed abatement has been done on the O'Neill Oaks fire road. There was a dead sycamore tree on the fire road adjacent to Live Oak Canyon Road. If someone on this road throws a cigarette out the dead sycamore will provide fuel to start a fire. She indicated a picture of the property across from Cooks Corner (the Live Oaks Wilderness Preserve) where the weeds were properly knocked down up to the fence and ten feet into the property. Additional photos were presented showing Live Oak and sycamore trees cut down but not removed.

Laurie Hughes said there is a dump site where trees have been taken and Recon has created new roads by traveling in and out. One area where new grass and flowers

were rehabilitating is now gone because Recon used the area as a staging area and drove in and out.

In her last picture, Laurie Hughes showed a game trail where new cactus had been planted. Most of the trails the hikers and equestrians used were game trails. They did not create the trail; they just followed them. Now the game trail is covered.

Laurie Hughes said the Hamilton Oaks homes were sold as horse property and the only trail they had to ride on was Ferber Ranch. Their property values are going down.

Residents are worried about the weed killing. Horses are sensitive and they are allowed to ride on the road to O'Neill Park but the road was sprayed with weed killer.

Vanessa Mascia addressed the weed abatement activities going on in Ferber Ranch. She investigated the herbicide being used in Ferber Ranch and found out the following information: *If ingested it can cause temporary gastro-intestinal irritation – vomiting, diarrhea, and/or colic.* She has had dogs on the property that have been vomiting constantly. They also had a horse that very nearly had to be taken to the hospital because of severe colic. The weeds were sprayed but they are still standing. If there is any rain, the herbicide will be washed down the hills and into the stream bed. She does not believe spraying is the best method for Ferber Ranch.

Vanessa Mascia also addressed the vandalism taking place on the property. Horses cannot walk through cacti; it is dangerous for them. If a cactus needle gets imbedded into a horse hoof, they are down for a very long time. They are concerned about the vandalism issues just like OCTA, but equestrians are not the only people that go out on the property. They only go up and down the fire roads to the front gate. Mountain bikers and other people in the community think they are entitled to the property. Equestrians are getting a bad rap for doing the vandalism, but they are not the ones doing it.

Kristina Stuckey runs a facility on the Rose Canyon side of Ferber Ranch. She gives lessons to children, recues horses, and boards horses. She has been around the canyon for years and has always been able to use the property but at this point they do not have a safe place to ride. It is unsafe to ride up and down roads with children where cars may honk at them and spook the horses. She requested permission to ride on the fire roads. She does not want to ride on the game trails and respects the work being done on these trails. If she could ride on the fire roads she would not have to bring her students onto Live Oak road which is very busy on the weekends.

Chair Patricia Bates thanked the speakers and said staff will get back to them with answers to their concerns.

## **5. Committee Member Reports**

Dan Silver asked what progress has been made toward getting an RMP in place for the Ferber Ranch Property. Lesley Hill said there are a couple of drafts of the RMP circulated to California of Fish and Wildlife and U.S. Fish and Wildlife Service. They are working together to finalize the first draft. They are also trying to make sure the RMP is consistent with the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). Once the first draft of the NCCP/HCP is released they can release the first draft of the RMP for the Ferber Ranch and O'Neill Oaks properties.

Dan Silver said this draft will address the public access questions. Is there a timeline for this? Monte Ward said it should be ready in the fall of 2013.

Chair Patricia Bates asked if there were any opportunities to advance the timeline. Monte Ward said he wished there were, the current focus is to prevent schedule slippage. The crucial thing is the NCCP/HCP development and currently they are in very intense discussions with the reviewers. It will be reviewed by the resource agencies and then they have to make findings.

Dan Silver said if there is something that looks like it will be 100 percent sure it will happen -- for example, opening the fire roads to public access -- it may make sense to carve out something of this nature. All the present conflicts are not benefiting anybody. He said he is not an expert on fire management, but he looks forward to hearing back from Recon and/or OCTA on how the weed abatement and fire management is going.

Chair Patricia Bates said the EOC can receive this report after they take a look at the issues the public has brought forward. It would be nice to get an update in memo form. Monte Ward said they will also have a report from the Orange County Fire Authority's recent tour of the property.

Chair Patricia Bates said in answer to Dan Silver's request about opening up the fire roads, she was informed OCTA is looking into the fire road issue during a pre-briefing. There are liability issues which need to be looked at.

Melanie Schlotterbeck reported the Southern California Association of Governments (SCAG) has adopted a Regional Advanced Mitigation Program, a Regional Transportation Plan, and a Sustainable Community Strategy. They are now moving forward with an open space or conservation plan. SCAG did a survey of all the county transportation commissions to find out what they were doing about mitigation and freeway projects and both OCTA and the Riverside Transportation Commission rated very high.

Melanie Schlotterbeck reported Caltrans put out a request for proposals to determine the feasibility of a statewide advanced mitigation program. UC Davis received the award for the contract and she will be part of the team.

**6. Next Meeting – TBD**

The next EOC meeting will be determined at a later date.

**7. Adjournment to Closed Session**

- a. Pursuant to Government Code Section 54956.9 – potential litigation – one item
- b. Pursuant to Government Code Section 54956.8 to discuss the price and terms of payment for the acquisition of the following real properties:

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

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified

Real Property	Geographic Area	Assessor's Parcel Number	Owner's Negotiator	Acreage
Aliso Canyon	Coastal	056-240-66	John Mansour	150
Irvine Mesa Corridor	Cleveland Nat'l	105-060-02, 105-060-09, 105-060-19, 105-051-36, 876-011-02, 876-011-03, 876-011-19, 876-011-07, 876-011-08, 876-011-11, 876-011-18, 105-051-18, 876-021-15, 876-021-04, 876-021-05, 105-051-33, 105-051-21, 105-051-57, 105-201-12, 105-201-11	David Meyers	670
Holtz Ranch (CCRC Farms LLC)	Cleveland Nat'l Forest	876-034-01, 876-041-01, 105-051-83, 105-051-84, 105-051-85, 105-070-93	Brad Schnepf	327.9
MacPherson	Cleveland Nat'l Forest	105-051-06, 105-051-08	Craig MacPherson	216.7
Mitchell Properties West	Trabuco	842-081-12	Steven U. Parker	101.7
Saddleback Meadows	Trabuco	856-071-01/09, 856-072-01/51, 856-073-01/58, 856-074-01/45; 856-075-01/57, 856-081-01/11, 856-082-01/44, 856-083-01/46, 856-084-01/37, 856-085-01/41, 856-086-01/37, 856-091-02/11, 856-092-01/42, 856-093-01/25, 856-094-01/34, 856-095-01/62, 856-096-01/57, 856-097-01/34, 856-098-01/37	William Fleissig	222
Saddleback Valley Christian School	San Juan Capistrano	121-070-57, 67, 68	Ed Sauls and Ed Carney Saddleback Valley Christian School	67.9
Sky Ranch	Trabuco	842-021-4, 05, 07, 08 and 842-031-04, 05, 08, 09	Dave and Michael Eadie	526.9
Takahashi (Baker Square LLC)	Cleveland Nat'l Forest	105-051-12	Carl Reinhart	643
Watson	Trabuco	858-021-10, 11	Dave and Michael Eadie	98.3

**8. Adjournment**

Closed session adjourned at approximately 11:45 a.m. and there were no further actions reported in public session.