

# Measure M2 Environmental Oversight Committee

November 7, 2012

## Meeting Minutes

### Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
David Mayer, CA Department of Fish and Game  
Dan Silver, Endangered Habitats League  
Nancy Jimeno, California State University, Fullerton  
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 Mears, California Wildlife Conservation Board  
Adam Probolsky, Probolsky Research  
Phillip La Puma, Measure M2 Taxpayers Oversight Committee  
Sylvia Vega, Caltrans

### Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Strategic Communications Specialist  
Lesley Hill, Planning Department Project Manager  
Janice Kadlec, Public Reporter  
Dan Phu, Project Development Section Manager  
Monte Ward, Measure M Consultant

### Guests

Ann Brozey  
James Iacono  
Vanessa Macia  
Kristina Stuckey  
Paul Thier

#### 1. Welcome

Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

#### 2. Approval of the October 3, 2012 Minutes

Chair Patricia Bates asked if there were any additions or corrections to the October 3, 2012 EOC meeting minutes. Melanie Schlotterbeck asked for the following corrections:

Page 7, paragraph 3, first sentence under **Item 7. Committee Member Reports:** *Melanie Schlotterbeck reported ~~Hills 4 Everyone~~ Hills for Everyone recently released a report on the fires near Chino Hills State Park and the report is on ~~Hills4Everyone~~ hillsforeveryone.org.*

Page two, under **Item 3.B. Interim Land Managers' Update:**

- a. *O'Neill Oaks: Orange County ~~State~~ Parks*
- b. *Hayashi: Chino Hills State Parks*

A motion was made by Melanie Schlotterbeck, seconded by Greg Winterbottom, and passed unanimously to approve the October 3, 2012 EOC meeting minutes as corrected. The motion was carried unanimously.

### 3. Acquisition Properties Status

**A. Appraisal Status Update:** Dan Phu gave an update on the status of the Acquisition Properties. The appraisal process has been completed for all properties and the short list of recommended properties will be discussed during the Closed Session immediately following today's meeting.

**B. Ferber Ranch Interim Management Status Update:** Dan Phu gave a presentation on maintenance efforts since OCTA acquired the Ferber Ranch property.

Monte Ward provided background information on the relationship of the property to the surrounding property owners and the easement given to the property.

Chair Patricia Bates said she was pleased to hear Monte Ward's comments on the property in relation to public access. This was a big issue with the OCTA Board of Directors (Board) when the Environmental Program was adopted. Assurances were made the acquisition of the properties would not impair public access to the areas. Monte Ward said the Board policy which accompanied the implementation of the Program made it clear they wanted public access and public use consistent with the resource protection and mitigation. OCTA staff takes this seriously. In this case with this property there has been equestrian access to the property, but not public access. OCTA does plan to preserve this to the extent it is consistent with the protection of species and habitat.

Jonathan Snyder spoke on the process of opening the land up for public use. He said the process is moving forward at greater speed than any other he has been involved with. Normally, drafting the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) takes ten to fifteen years but currently they are getting ready to put the document out for public review after only two years. Included in the document will be a Resource Management Plan.

David Mayer said the NCCP/HCP program identifies public access as an important consideration to be taken in light of the biological resources and the mitigation credits OCTA is getting for the program. The Management Plan development is important as part of the findings to issue a permit to OCTA.

Monte Ward said the weed abatement effort on the Ferber Ranch property has some bearing on how the resource agencies view the property. Basically those areas subject to clearance do not have the same biological values as other areas. It is very important OCTA establish the areas being cleared and maintain them with clarity over the long term. It bears a relationship to the purpose for which the property was selected but there is also a need to meet the fire and safety requirements.

Chair Patricia Bates asked if these areas are mapped. Monte Ward said a lot of this is standard but ultimately OCTA can use their GIS system to identify them. Lesley Hill said these areas will be mapped and included in the property's Resource Management Plan. One of the appendices of the Plan is the fire safety plan. Monte Ward said this was part of the discussion when evaluating the properties prior to acquisition.

Monte Ward said OCTA maintains the roads for the purposes which the property was acquired. With respect for the roads which are part of the easement, there may be different standards or needs which the easement holder may have. It is the easement holders' responsibility to address these needs.

Greg Winterbottom asked how the easement holder's needs for the road would differ from OCTA's needs. Monte Ward said the easement holder may want to be able to move equipment or haul horse trailers on the road.

Nancy Jimeno asked to have something clarified in the October 3, 2012 minutes. When she was talking about the process taking a long time she was not referring to the NCCP/HCP process. She was referring to the entire process of acquiring the properties – the purchasing and planning.

Nancy Jimeno said she visited the Ferber Ranch property and toured it on horseback. She noticed parts of the road through the property were weather worn. She also noted the alternative trail (Trabuco Ranch Road) the riders have to use since the closure of the Ferber Ranch property is slippery and unsafe. Her concern is the process is taking a long time and the public is in a position of getting harmed while this is going on.

Chair Patricia Bates asked if she could clarify her concern. Nancy Jimeno said in the October 3, minutes she said she wasn't sure the NCCP/HCP was a good fit but she does think it is the only means the public has to be able to maintain and

access open space land. Her concern is the amount of time it takes to get something through and the risk to the people while the process is happening.

Monte Ward asked if the risk Nancy Jimeno was talking about was on OCTA land. Nancy Jimeno said the risk is on the trails horse riders have to use because OCTA has closed the safer trails through Ferber Ranch.

Monte Ward said the current problems on the land are encroachments. There have been a significant number of encroachment issues on the property and not all are related to the stable operations. Monte Ward said he understands the impatience of the horseback riders because before OCTA purchased the land they had free access to the property and now they do not. However, there is a process that needs to be completed to acquire the property and OCTA and the Wildlife Agencies are trying to accomplish this as expeditiously as possible. The process won't be done this year but it will certainly be finished in 2013.

#### **4. Restoration Projects Status**

Lesley Hill gave an update on the status on the current Restoration projects.

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

Paul Thier said in regard to the easement:

- Trabuco Canyon Water District has an easement over the property that they are suppose to maintain.
- There are four houses on Hamilton Trail that have an easement on the property.
- There was no language in the easement when he took it over that said he had to do any maintenance and he had his attorneys look at it this.
- He was led to believe in the course of negotiations with OCTA that the gate was going to be electrified. OCTA never did this.

Vanessa Macia had the following concerns:

- In April 2011 the horse community did full bulldozing of the fire roads because they were destroyed after the December 2010 mud slides. OCTA claims they did the maintenance of the fire access roads in October 2011.
- When OCTA bulldozed the manure pile they destroyed a very rare plant growing there called Mustang Mint.
- She asked who owns the Hickey Canyon easement.
- The pictures OCTA took are not very representative of what the road looks like. The horse community filled in the ruts to make the road passable.
- Horse trailers are not the only vehicles that need access to the road. Fire Department vehicles need access. Emergency access is needed for Hamilton Estates as well as Trabuco Canyon.

- OCTA stated weed abatement has to be ecological to protect against water erosion and mud slides. The horse community is only asking that the weeds in the middle of the fire roads be handled.

Ann Brozey said people have been boarding their horses and using the trails in the area for decades but there seems to be some concern this is hazardous to conservation lands or to wildlife. She highlighted the following from an article on horses:

- Horses do not introduce non-native plants along trails; the ratio of non-native plants to native plants did not differ on trails open or closed to horses. There is no documentation horses are a major source of exotic species.
- Horses are not a source of methane gas (Green House Gas).
- Horseback riding on trails does not cause erosion. The primary cause of erosion is natural and far surpasses any impact of trail use by horses.
- Trails lightly used by horses may grow over while moderately used trails may help to form a multiuse trail.
- Horses are prey animals and do not disturb other wild prey animals such as birds or deer.

Ann Brozey said the horse community in the Ferber Ranch area is willing to work with OCTA, they are pleased the land is going to be conserved, and the main request is to gain access to the trails they love. They do not understand the reasons for restricting access to the trails.

Ann Brozey gave a copy of the article she quoted from to Marissa Espino for distribution to the EOC.

Kristina Stuckey said she runs an equestrian facility adjacent to the Ferber Ranch property teaching both children and adults to ride horseback. They would really like to work with OCTA to preserve the land. Horses are not a negative impact on the land but neglect of the land is. She would like the land opened up so she could teach her riding students the importance of conservation of open space.

James Iacono lives on Rose Canyon Road (the other access to the Ferber Ranch property). The Rose Canyon residents do not have a problem with equestrians using their private road but they do have a problem with the many vehicles parked on the road. Rose Canyon Road is a one lane private road; there is no room for parked vehicles.

He is on the Board for Equestrian Trails International 57 (ETI) and they maintain the trails in O'Neill Park. The ETI mission is committed to maintaining O'Neill Regional Park and other local riding trails. ETI would like to join with the local riding stables and help to maintain the local riding trails. The Ferber Ranch property offers young equestrians a safe contained environment to ride in. The other option would be riding

to O'Neill Park and negotiating paved roads and autos. These trails offer young riders a chance to get out from behind their video games and out into nature.

Trabuco Canyon was named for a man on a horse who lost his musket and 200 years later it was found by a man on a horse.

Dan Silver said he was glad some of the public speakers recognized OCTA's efforts in preserving this land because the alternative was a very major housing development going in which in his opinion would have a very negative effect in the long term. He urged the recreational users to be patient and take a long-term view. OCTA is right in putting together a comprehensive Management Plan. The Plan will be looked at very closely to make sure the area is not overrun by recreational users whether with hiking, horses, or mountain bikes. The primary use for this land is for biological resources and the recreation is secondary if compatible. He is confident this approach can work out in this area because it has worked out in other places. The problems themselves are very solvable. It is not too much to ask people to give it time given the tremendous good deed done here by OCTA. The fact that this land will be conserved is a small miracle. Please be patient.

Chair Patricia Bates thanked the public speakers for taking time out of their day and sharing their thoughts and requests on this matter. Their comments will be part of the public record and when it comes time to put together the Resource Plan OCTA will be looking for compromise, consensus, and partnership with the community. This has always been the mission of the EOC. The Committee appreciates the input received and certainly appreciates the manner it was given. When people work together solutions are found.

Greg Winterbottom asked what the next steps in the process will be. Monte Ward said there will be a written report to accompany the Power Point presentation presented today. There were questions raised by the public and the EOC members which will be incorporated into the work being done on the NCCP/HCP and the Resource Management Plan. These documents will be released in the early part of 2013 followed by a public comment and review period. At this time he would hope the members of the public who spoke at the EOC meetings will give their input in regard to the specific plan being outlined for this property and for the conservation properties in general. After this the plan will go before the EOC and the Wildlife Agencies for adoption. Greg Winterbottom asked how long this will take. Monte Ward said it is hoped the process will be complete by the middle of 2013.

Greg Winterbottom asked if the role of the EOC will be completed when the plan is adopted. Monte Ward said the EOC will continue until the end of M2 in thirty years. The role of the EOC will evolve. Currently the Committee is involved in acquiring property and doing restoration; at some point the EOC will perform purely management activity. The committee name recognizes this role.

**6. Committee Member Reports**

Nancy Jimeno said the horse owners and residents of the Ferber Ranch area have very deep care for and knowledge of the land and OCTA should capitalize on this and form partnerships with them.

**7. Next Meeting – December 5, 2012**

The next EOC meeting will be on Wednesday, December 5, 2012 at the OCTA offices.

**8. Adjournment to Closed Session**

The regular EOC meeting adjourned at 11:15 a.m. and went into Closed Session.