

Environmental Oversight Committee

October 1, 2008

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Cathy Green, OCTA Board of Directors
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Debbie Townsend, California Wildlife Conservation Board
Sylvia Vega, Caltrans
Erinn Wilson, CA Department of Fish and Game

Committee Members Absent:

Stephanie Hall, US Army Corps of Engineers
Judy McKeehan, SWCA Environmental Consultants
Adam Probolsky, Probolsky Research

Orange County Transportation Authority Staff Present:

Ellen Burton
Marissa Espino
Dan Phu
Monte Ward

Members of the Public:

John Beauman, Hillside Open Space Education Coalition (HOSEC) Steering Committee
Vice Chair & Mayor Pro Tem, City of Brea
Tim O'Donnell, HOSEC Executive Committee Chair & City Manager, City of Brea
Steve Simonian, HOSEC Steering Committee Member & Councilman, City of La Habra
George Bayse, Aera Energy LLC

1. Welcome

Chair Patricia Bates welcomed everyone to the meeting and led the pledge of allegiance.

2. Minutes

Melanie Schlotterbeck had two corrections to the September 3, 2008 meeting minutes: Page 3, paragraph 1, - *legal council* should be *legal counsel*. Page 3, paragraph 2, - *CEQA wanted all environmental documents*, should be *CEQA required all environmental documents*. Page 3, paragraph 5, *Fish and* should be added before *Wildlife Service*. Page 6, under Public Comments, the name should be Jan Vandersloot also it should be corrected on Page 1 under Members of the Public.

Chair Patricia Bates said if there are no further objections, the minutes will stand approved as corrected.

3. Presentation Item

A. Hillside Open Space Education Coalition (HOSEC) Presentation

The HOSEC Steering Committee and Executive Committee believe that the Measure M2 comprehensive mitigation program is a unique fit to HOSEC and OCTA's mission to provide substantial and meaningful mitigation for planned freeway improvement projects. John Beauman, Tim O'Donnell, and Steve Simonian gave a PowerPoint presentation and overview of the property.

Sylvia Vega said the truck climbing lane on the SR-57 mentioned has not been approved and it is only proposed at this time. There is a northbound lane approved up to Lambert on the SR-57.

Dan Silver asked about the timing of their project, when would they want the project funded. Tim O'Donnell said any large-scale acquisitions like this are complex and require a layering of funding. In addition, there is a property owner who has an active project under consideration with the City of Diamond Bar. HOSEC is hoping to demonstrate to the other funding agencies through the use of M2 money that this is a viable acquisition. With an M2 injection of funding and commitment, other funding will materialize much more quickly putting HOSEC in a better position to negotiate with the property owner who has indicated he is willing to entertain offers on the land. Dan Silver asked when the check would need to be written. Tim O'Donnell said he could not answer specifically, however, M2 runs for a number of years and there is time to do a great amount of planning and still not jeopardize the ability to fund the acquisition.

Monte Ward said the map provided does not show the county boundaries, which will be important in consideration of approval of the project. Tim O'Donnell said they are encouraged by language in the ordinance stating external county acquisitions can be considered. Based on the location of the project – a portion of which lies in Orange County – HOSEC feels they have a strong argument that it is a great mitigation project. Monte suggested they meet to discuss this interpretation of the M2 language.

Chair Patricia Bates asked if discussions had taken place with the landowner, are you looking at an individual company or group that is interested in selling. Tim O'Donnell said they have been talking for years with the landowner, Aera Energy LLC, in general terms. The developer is very up-to-date on this project, and typically has a representative at all HOSEC meetings. George Bayse from Aera said they were not prepared to make a formal comment, but they have been in dialogue with the organization since its formation. Their doors are always open for discussion.

Dan Silver said the Committee has had presentations on several proposed projects for M2 money. When is it appropriate for the Committee to start

thinking strategically about expenditures given that money is available as early as 2009?

Chair Patricia Bates said it was an excellent question, we have to make sure there are willing sellers; we are not into eminent domain, that is not what the program is structured for. As we use these funds we need to make sure there is collaboration on the projects to accomplish the purpose it was clear the voters and environmental groups wanted when they came together to support this measure.

Monte Ward said one element of the draft agreement is the ability for early acquisition through advanced credit. The details and legal language still need to be worked out for the agreements before there can be a timetable. The expectation is the discussions can begin after the first of the year. If the agreements are in place and have passed through the EOC and the OCTA Board, expenditures can be assigned by the middle of 2009.

Cathy Green asked how drops in sales tax affect the M2 program. Monte Ward said an analysis of expected revenues was done approximately two years ago and these numbers will be affected by the downturn in revenues. If it was necessary to issue new commercial paper it would be a problem, as it turns out OCTA has issued commercial paper recently and received good rates. We do have some capacity in the near term to fund some projects but as we move out, the picture is cloudier. As it pertains to the revenues, there will need to be adjustments to the projected figures. The good news is projects requiring property acquisitions should benefit. The Orange County Business Council did an analysis for OCTA, which indicated that because of the economy and real estate and development market it would benefit the projects to do property acquisition as early as possible.

Vice-Chair Melanie Schlotterbeck recommended the EOC not get caught up in lands that sit in multiple counties. There are unique ways to structure a transaction that allows for different valuations on different parts of property. She thought it was too early to say that if a project is immediately outside the county it is not an option; since in this HOSEC case there are still portions that are inside the county.

4. Restoration and Acquisition Criteria Update

Vice-Chair Melanie Schlotterbeck gave an update on the Restoration and Acquisition Criteria. The Restoration and Acquisition Criteria was presented and approved by the Transportation 2020 Committee on September 15, and approved by the OCTA Board on September 22.

Marissa Espino briefed the EOC on the public outreach being done for the Restoration and Acquisition Criteria. After approval by the OCTA Board of Directors, staff started working on an information packet, which will be sent out to the community. The packet will be sent to property managers, owners, local

jurisdictions, and other interested parties and organizations. It would include a cover letter, a discussion of the program, and how OCTA is interested in seeking information from the public and offer opportunities for input. Also included would be a fact sheet, timeline, and the Criteria. Marissa said she would be giving the EOC a copy of the current database, if anyone has additions or knows a resource missing they can be added.

Vice-Chair Melanie Schlotterbeck asked if there would be any Workshops. Marissa said this could be done if the EOC decides they want to do them.

5. Master Agreement: HCP/NCCP Process

Monte Ward gave an update on the Master Agreement. The resource agencies and OCTA are agreeable the HCP/NCCP process is feasible, but there is a great deal of work to be done. He briefed the EOC on the next steps in the process. The goal is to have a package of recommendations ready for the Committee to consider in January 2009, or earlier if possible. Staff recommends the Master Agreement group proceed with discussions and invite the Impact and Mitigation members who are interested to participate in discussions.

Chair Patricia Bates said there will be a very intensive public outreach process and asked Monte Ward to give a brief overview.

Sylvia Vega asked if the lead for the EIS was the Fish and Wildlife Service. Jonathan Snyder said yes for the HCP portion of it.

Sylvia Vega asked how wildlife crossings and corridors would be defined in the agreements. Erinn Wilson said there would be language in the agreements that would call-out design features like these.

Vice-Chair Melanie Schlotterbeck asked when they would be seeing the map referenced in the planning agreement (page 5, Draft). Monte Ward said the supposition would be a map of the entire County of Orange.

Vice-Chair Melanie Schlotterbeck asked about the advanced credit agreement, she did not recall seeing it in the information presented. Monte Ward said the master agreement draft does include the language at this time but it may be put in the planning agreement later on depending on precedents of other agencies.

6. Public Comments

No members of the public spoke.

7. Next Meeting – November 5, 2008

There were no comments.

8. Committee Member Reports

There were no committee member reports.

9. Adjournment

The meeting was adjourned at 11:00 a.m.