

# **Environmental Oversight Committee Meeting Minutes**

**February 24, 2010**

## **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Nancy Jimeno, California State University, Fullerton  
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:**

Rose Coffin, Taxpayers Oversight Committee  
Veronica Chan, US Army Corps of Engineers  
Debbie Townsend, California Wildlife Conservation Board  
Erinn Wilson, CA Department of Fish and Game

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

Ellen Burton, Executive Director of External Affairs  
Marissa Espino, Senior Community Relations Specialist  
Janice Kadlec, Public Reporter  
Kia Mortazavi, Executive Director of Development  
Dan Phu, Project Development Section Manager  
Monte Ward, Measure M Consultant

## **Members of the Public**

Kirk Cartozian, Lavender Lane Property  
Scott Ferguson, The Conservation Fund  
Dennis McHale, Canyon Land Conservation Fund  
Lance Lundberg, Ferber Ranch  
Gloria Sefton, Saddleback Canyon Conservancy  
Paul Their, Their Property

### **1. Welcome**

Chair Patricia Bates opened the meeting at 1:05 p.m. and welcomed everyone. She asked Nancy Jimeno to lead the Pledge of Allegiance.

### **2. Approval of the January 2010 Minutes**

Chair Patricia Bates asked if there were any additions or corrections to the January 21, 2010 EOC Meeting Minutes. There were no additions or corrections to the

minutes. A motion was made by Vice-Chair Melanie Schlotterbeck and seconded by Adam Probolsky to approve the January 21, 2010 minutes as presented. The motion passed unanimously with one abstention – Chair Bates abstained from approval as she did not attend the January 21, 2010 meeting.

### **3. Status Report on Evaluations**

#### **A. Public Outreach**

Marissa Espino said five people from the 29 properties within Groups 1 and 2 did not respond to the January 19, 2010 mailing to property owners. All properties that did respond said they were interested in participating in the program. Three of the properties were removed from the list for non-response. The two remaining properties are Canyon Crest and West Coyote Hills. Canyon Crest has yet to confirm interest and West Coyote Hills indicated a response would be mailed to OCTA. In March there will be another letter sent to the properties giving them an update on the process.

#### **B. Review of Evaluations**

Dan Phu gave a recap of the January 21, 2010 EOC meeting and a brief update on the progress of the evaluations. Group 1 consisted of 19 properties and 14 properties are being recommended to move forward. OCTA is asking for an endorsement for the appraisal of 11 properties and move ahead three additional properties. Working group members Vice-Chair Melanie Schlotterbeck, Dan Silver, Jonathan Snyder, and Dan Phu reviewed the top 29 properties and summarized the rationale considered by the working group for the selection of the 14 of properties to move forward in the process.

Nancy Jimeno asked if the working group could provide summary notes on all the factors they looked at when making their selections. Monte Ward said the working group took a further look at non-biological issues related to the nominated properties such as productivity, contingency, and how everything fits together. Another key non-biological factor was if there was a potential for long term management of the property.

Vice-Chair Melanie Schlotterbeck suggested it would be helpful if the GIS staff could produce and distribute maps with parcel boundaries. Nancy Jimeno said this would be very helpful but she would also like to see a summary of what has gone on in the working group. She also asked if the working group consulted with an expert in the area. Jonathan Snyder said outside experts were consulted and a variety of information was obtained from people who had knowledge about specific areas. Monte Ward said the evaluation team started with the information the Conservation Biology Institute provided and added the expertise and experience of the evaluators. When needed, property representatives were brought in, and, if necessary, other experts were asked to provide factual information about the different areas.

Nancy Jimeno asked if OCTA would be in competition with the developer for the Newport-Banning Ranch property. Sylvia Vega said no, the property would still need to go through a Coastal Commission hearing and no one knows the outcome of the hearing. Vice-Chair Melanie Schlotterbeck said based on the General Plan for Newport Beach, there is an opportunity for the city and others to acquire the land through the formation of a partnership. Nancy Jimeno said the Newport-Banning Ranch property is a very complex acquisition and was surprised the working group chose this property. Dan Phu said it is a very complex piece, but the property has a great deal of biological value and it has already been appraised by the city. There should be no problem carrying it forward to the next step.

Nancy Jimeno asked if the Shell-Area (HOSEC) property was a candidate for restoration and would OCTA be biologically liable after purchase. Monte Ward said the liability situation with respect to any property is an issue to be addressed during procurement negotiations. Melanie Schlotterbeck said the benefit for acquiring property that had former oil fields is that the levels required to restore and remediate for open space acquisition are much lower than levels required for residential use.

Nancy Jimeno asked if the site visits would be to only the 14 recommended properties. Monte Ward said the focus on the site visits would be the 14 recommended properties and, when they can, other properties adjacent to the sites will be visited.

Dan Silver said he considered the list of properties to always be in flux. He would not consider making a final recommendation without seeing a property. After they visit the properties there may be a different strategy for the area. Committee may come back and appraise others and strategies may change. The decision is not set in stone, but the process needs to move forward and the work needs to start.

Chair Patricia Bates echoed Dan Silver's statement. This is a work in progress and currently we are developing a pilot for the entire project.

Adam Probolsky asked if it is possible to know which properties have potential managers. Dan Phu said staff is talking to potential property managers and owners for the first two groups of properties to find out their level of interest. Staff will report to the Committee next month on where they are in this process.

Nancy Jimeno said her understanding is the NCCP/HCP process requires this management be set up. Dan Phu said she was correct. The OCTA process will eventually merge with the NCCP/HCP process.

Melanie Schlotterbeck asked what action is being asked of the EOC at this point. Dan Phu said OCTA is asking for an endorsement for the appraisal of 11 properties and move ahead three additional properties. Of these three properties

two already have recent appraisals (Newport-Banning and The Hafen Estates) and one (Canyon Crest) has high biological and non-biological potential but it is unclear if the landowner is a willing seller.

Monte Ward said the next steps are to first get an appraisal, look at the total package in terms of the total dollar amount and how it plays out with the property owner. Then OCTA would invest in the Property Analysis Record (PAR) and some of the other due diligence items. As the process moves forward, various properties will fall out for a variety of reasons and then it needs to be determined if other properties should be brought forward.

Nancy Jimeno asked who would be doing the appraisals. Monte Ward said OCTA will retain appraisers who have been recommended by the State and Orange County who work in obtaining properties from a conservation standpoint.

Chair Patricia Bates said it is important for candidates to understand that if a property falls out of contention for the first funding, they still remain on the list for future rounds of funding. Monte Ward said she is correct, circumstances may change. An investment has been made in analyzing the property and it makes sense to keep all the properties in play.

#### PUBLIC OPINION

Dennis McHale from Canyon Land Conservation Fund commended the EOC on the work they have done on a very difficult task. He thanked the Committee for their work to preserve endangered watershed and species habitat, not just for the current time but for the future.

Paul Their, Their Property owner, said his only concern with the properties presented was the unlikelihood of the Committee selecting two of the larger properties - this would exceed the budget. He asked what would be done with any leftover money if there were no small properties available to purchase.

Chair Patricia Bates said as a Board Member she foresaw this money moving forward to the second tranche of funding. Monte Ward said as the process is worked through and the outcome becomes clearer, guidelines can be brought forward on how to handle the funding.

Lance Lundberg, representing Ferber Ranch, said his parcel is large and in the middle of Trabuco Canyon. They are a willing seller and they are also willing to discuss phased purchases. One of their concerns is in the process of purchasing one part of the parcel it would only leave a second smaller less desirable parcel but they did consider this a good way to stretch the taxpayers' dollars.

Scott Ferguson, Southern California Director of The Conservation Fund (TCF), said he has been involved in conservation real estate for over 25 years. He brought up two points.

The Saddleback Meadows property: TCF has been involved with the Wildlife Conservation Board and the United States Forest Service (USFS) to acquire the Rutter Property (Saddle Creek North). This was worked out successfully but the last part of the purchase, Saddle Creek South, was not able to go through to complete the corridor connection between the two areas. The next property beyond the Saddle Creek South property is the Saddleback Meadows property which has been in contention for approximately 20 years in Orange County due to legal issues. The landowner is open to a variety of options such as selling some of the property. There may be a land use accommodation reached. He felt this to be one of the most important properties in the connection between southern and central NCCPs. He urged funding and appraisal of this property and keeping the dialog open because the landowner is very receptive to working with the Committee.

In regard to the management issue, he said he had experience with trying to transfer property to the USFS and have found, even as gifts, the USFS is hesitant about negotiating if there is any type of deed restrictions.

Nancy Jimeno asked if Scott Ferguson considered conserving land in big blocks of land as the better way to go. Scott said he did agree conserving big blocks of land would be the better, but the question is how is the best way to do this. A land use scenario might do this, but so far a land use scenario has not been a viable solution.

Gloria Sefton, Saddleback Canyon Conservancy, said it was very gratifying to see concerted efforts of the EOC and the Coalition, which has resulted in the rational listing of critical properties. She wanted to say thank you for their diligence in obtaining the best value for the dollars. Also, she would hope the result of their actions would open up more access to the Cleveland National Forest.

Chair Patricia Bates said public access is a strong sentiment of the OCTA Board of Directors. Monte Ward said one of the criteria the evaluators looked at was potential for trail access.

Kirk Cartozian, Lavender Lane Property representative, said the Lavender Lane property is located in Group 3 and he felt this property at least merited being categorized in Group 2. He passed out copies of a slide program giving information on the property and listed the following reasons it should be moved up in the groupings:

- Property size is competitive

- High quality habitat, species and watershed exist (per City of Laguna Beach and independent biological study)
- Matches EOC priorities to property characteristics
- Not a highly disturbed property
- Contains covered species (per EOC list)

He concluded by saying the land is a candidate for potential development and the owner is a willing seller.

Chair Patricia Bates thanked Kirk Cartozian for his presentation and said the information provided will be passed along to staff.

Adam Probolsky asked the Working Group members if there was any particular reason the Lavender Lane property was in Group 3. Jonathan Snyder said there is no one characteristic. In general it does not have a great deal of connectivity but does seem to have some endangered species and habitats such as Coastal Sage Scrub and Chaparral.

Dan Silver said, referring back to Saddleback Meadows, he would like to ask the Committee their opinion on whether land use plans are good solutions. He thought the adopted land use plan was a revised version which was better than the original land use plan. This apparently is not the case. After looking at Saddleback Meadows again it might be worth it to get an appraisal on it in case one of the other properties falls out.

Chair Patricia Bates suggested the Working Group should take a look at the properties which have been brought to the attention of the Committee before the item goes to the T2020 Committee in case the T2020 has questions. Monte Ward agreed and said, in addition, detailed maps showing parcel boundaries should also be available for this group. Nancy Jimeno said these maps would also be useful in helping to see smaller parcels which could be obtained if a small amount of money is left over and needed to be used.

A motion was made by Adam Probolsky and seconded by Melanie Schlotterbeck to:

- A. Endorse subset of Group 1 acquisition property evaluations for appraisal to the Transportation 2020 Committee for Board of Director Approval.
- B. Take a second look at the Lavender Lane Property, Saddleback Meadows Property, and Their Properties to determine if they should be moved higher in the groupings.

The motion passed unanimously.

#### **4. CBI Conservation Assessment Report**

Dan Phu said the Conservation Biology Institute Conservation Assessment Report will be uploaded to the OCTA Environmental website and will be available by February 25, 2010.

**5. Look Ahead Schedule/Property Tours**

Marissa Espino reported the property tours will take place during March 2010. The tours will focus on the 14 recommended properties but would try and look at all 29 Group 1 and 2 properties. Monte Ward said they will try and schedule the tours on sensible logistics, availability of the property owners or managers, and the members' schedules.

**6. Public Comments** *(Public comments on all items take place at this time.)*

There were no further comments from the public.

**7. Committee Member Reports**

Greg Winterbottom asked when they would have a report on the restoration process. Monte Ward said this report will be given at the next EOC meeting.

Melanie Schlotterbeck asked for an update on the status of the RFP's. Dan Phu said there will be three procurements. At the March T2020 meeting and March Board meeting, an item asking for approval of a consultant to prepare the NCCP/HCP will be presented. The other smaller procurements are under the \$250,000 threshold and do not need Board approval. At the beginning of March, an RFP will be issued to retain consultants in advisory roles in three different areas: Conservation Biologist, Conservation Transaction Specialist and a general Right-of-Way consultant. Another RFP to be released is subject to T2020 and Board approval on March 15 and 22, respectively, and would be for an appraiser(s).

**8. Next Meeting**

Marissa Espino said the EOC will not meet on their regularly scheduled day of, Wednesday, March 3, 2010. The meeting will be later in the month and Marissa will notify the members after she has checked their schedules.

**9. Adjournment**

The meeting adjourned at 2:45 p.m.