

# **Environmental Oversight Committee Meeting Minutes**

**January 5, 2011**

## **Committee Members Present:**

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

## **Committee Members Absent:**

Veronica Chan, US Army Corps of Engineers  
Dave Means, California Wildlife Conservation Board  
Sylvia Vega, Caltrans  
Greg Winterbottom, OCTA Board of Directors

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

Alison Army, Project Development Senior Transportation Analyst  
Marissa Espino, Senior Community Relations Specialist  
Dan Phu, Project Development Section Manager  
Monte Ward, Measure M2 Consultant

### **1. Welcome**

Chair Patricia Bates opened the meeting at 10 a.m. and welcomed everyone. She asked Adam Probolsky to lead the Pledge of Allegiance. Upon request all members of the Committee introduced themselves.

### **2. Approval of December 1, 2010 Minutes**

Chair Patricia Bates asked if there were any additions or corrections to the November 3, 2010 Environmental Oversight Committee (EOC) meeting minutes. There were no additions or corrections. A motion was made to approve the Dec. 1, 2010 EOC meeting minutes as presented. The motion passed unanimously.

### **3. Call for Candidate Acquisition Properties**

Marissa Espino gave an update on the progress of the Call for Candidate Acquisition Properties. They have received several inquiries but have only received one application. The deadline for applications is Jan. 14, 2011.

Monte Ward said staff has talked with owners or representatives of several properties who have previously been on the list for acquisition and may reapply. In addition, they received questions about whether the timeline could be extended beyond January 14. They were told this seems unlikely given the approvals necessary for such a change.

Dan Phu said with this Call for Candidate Acquisition Properties, the questionnaire was expanded based on information needed from the various property owners. He explained applicants need only answer questions to the best of their ability; staff can always go back and obtain more information at a later date. The application would not be deemed incomplete if all the questions were not answered.

### **4. NCCP/HCP EIR/EIS Process and Scoping Meeting.**

Dan Phu said, as part of the conservation planning effort, an environmental document needed to be prepared pursuant to both State and Federal law. The first step was to have a scoping meeting and on Wednesday, December 15, 2010, the scoping meeting for the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was held. The scoping period will end on Monday, Jan. 14, 2011. Dan gave a quick review of the presentation shared with the public at the December 15 meeting and the OCTA Board.

Chair Patricia Bates complimented staff on the information package presented. It was very well done and gave a refresher course on the entire process.

James Kelly asked if the 22 species identified in the plan were all endangered species. Dan Phu said these 22 species are endangered and the most likely species to be impacted by the freeway projects. Monte Ward said as the process progresses, the list will be expanded and redefined based on information and input gathered.

Chair Patricia Bates asked if any comment cards were received the night of the scoping meeting. Dan Phu said the night of the meeting three or four cards were received and in total OCTA has received about half a dozen comments.

Nancy Jimeno asked if the environmental review covered lands to be purchased. Dan Phu said the environmental review is a conservation planning effort and for the purpose of the NCCP/HCP. Opportunities to adapt to existing preserves as well as any visual linkages will be looked at. The acquisition and restoration activities OCTA is currently working on will eventually be fed into this process and will continue for the

duration of M2. The NCCP/HCP planning document establishes the framework which will enable the acquired properties and the restored habitat to be fed into the planning process. There will be reporting and monitoring process obligations from OCTA over the lifespan of M2.

Nancy Jimeno asked who determines the cost of this. Monte Ward said there are three levels of analysis for management costs. The first level is acquisition, the second level is an analysis of each property using a software package generally used for this purpose, and the third level will be this planning process, which looks at the whole package of objectives and monitoring requirements. At each level, the number and cost is refined and in most cases, the cost would not be expected to be increasing because as an example in the first round per acre, numbers would be used which are fairly generalized and are meant to be conservative in nature. There would be anomalies such as a parcel adjacent to an existing park where there would be very little infrastructure needed versus an isolated parcel. Nancy Jimeno said there are no definite costs. Monte said there are generalized numbers that have undergone peer review and OCTA is very comfortable with these numbers. Nancy Jimeno asked if at some point before purchase OCTA will know what the management costs will be. Monte said, yes, all these costs will be known before purchasing the property.

Nancy Jimeno asked if the California Department of Fish and Game was going to be part of the evaluations after the purchase decision has been made. David Mayer said they are in the discussions now to decide what is being purchased is going to fit. Ultimately as part of the package the land is evaluated in terms of what they are contributing to the program in conjunction with location, the resources they provide, and the management. All this is being evaluated in order to issue an NCCP permit.

Jonathan Snyder said there is a level of trust that what is being done will meet the needs of the program. Monte Ward said there is trust on both sides. If property was acquired for conservation purposes and is found to no longer be needed for conservation, it would still have value. One of the primary benefits of this program is the building of trust between OCTA, the government agencies, and the impacted community by using collaborative efforts rather than using litigation.

Dan Silver said Orange County has played a leadership role in initiating the NCCP/HCP program. He assumed the plan would have the full range of mutual assurances such as "no surprises." Dan Phu said both the plan and planning agreement address the "no surprises" rule or clause.

Marissa Espino said, in conclusion, all information on this process can be found on the OCTA website [www.octa.net/environmental](http://www.octa.net/environmental) and also comment forms can be found on the website. All the information was sent out to the OCTA distribution list of 1,000 stakeholders.

## **5. Public Comments**

There were no public comments.

## **6. Committee Member Reports**

Vice-Chair Melanie Schlotterbeck announced the Planning and Conservation League will be hosting a forum on January 29, 2011 in Sacramento, California entitled Roads, Wildlife, and Wilderness. Members from Caltrans, USGS (United States Geological Survey?) and the National Parks Service will be on the panel. They will be talking about wildlife connectivity and specifically the Chino Hills State Park connection.

Vice-Chair Melanie Schlotterbeck asked if the OCTA Board approves the NCCP/HCP EIR/EIS and then if the resource agencies review for final approval. Dan Phu said this is the process envisioned. The OCTA Board will need to certify the environmental document or environmental impact report as well as the conservation planning effort. This certifies OCTA is in agreement of the planning process and then the US Fish and Wildlife Services and CA Department of Fish and Game would have final approval of the conservation planning document. The US Fish and Wildlife Services would have approval of the environmental document pursuant to federal regulations.

Dan Silver asked if the EOC would be receiving an update on the appraisal process. He would like this to take place in enough time for the EOC to have some input since they are an oversight committee. Monte Ward said it is anticipated an update will be given at the next EOC meeting in February. Monte said the evaluators are making progress, but not all property owners have been contacted. Offers and counter offers have been made, but at this point they are very optimistic and should have some good things to report in February.

James Kelly asked if the \$42 million scheduled for the first funding would include the portion set aside as an endowment for each of the properties. Monte Ward said yes it does.

## **7. Next Meeting – Wednesday, February 2, 2011**

Chair Patricia Bates asked if there is a possibility of the need to have a meeting between now and the regular February meeting. Monte Ward said there is a possibility. Issues could arise where the EOC would be called upon to give direction.

## **8. Adjournment**

The meeting adjourned at 10:45 a.m.