

Measure M2 Environmental Oversight Committee

July 2, 2014

Meeting Minutes

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Charles Baker for Sylvia Vega, Caltrans
Veronica Chan, US Army Corps of Engineers
Lori Donchak, OCTA Board of Directors
Philip La Puma, Measure M2 Taxpayer Oversight Committee
Derek McGregor, Public Member
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
John Walsh for Dave Means, California Wildlife Conservation Board

Committee Member(s) Absent:

David Mayer, CA Department of Fish and Wildlife

Orange County Transportation Authority Staff Present:

Lesley Hill, Planning Department Project Manager
Janice Kadlec, Public Reporter
Dan Phu, Project Development Section Manager
Alice Rogan, Strategic Communications Manager, External Affairs
Monte Ward, Measure M Consultant

Guest(s)

Rod Van Sickle

1. Welcome

Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 10:00 a.m. She asked Philip La Puma to lead the Pledge of Allegiance.

2. Approval of the April 2, 2014 Minutes

Chair Patricia Bates asked if there were any additions or corrections to the April 2, 2014 EOC meeting minutes.

A motion was made by Melanie Schlotterbeck, seconded by Philip La Puma, and passed unanimously to approve the April 2, 2014 EOC meeting minutes as presented.

3. Ad-Hoc Working Group Meetings Summary/Recommendations

Dan Phu gave a background report on the work done by the Ad Hoc Working Group. Monte Ward gave an overview of the endowment parameters. He referred the EOC to the draft memorandum prepared by the working group.

Lori Donchak complimented the memorandum; she said it was well thought out and covers every contingency. She noted at the last OCTA Board meeting there was a Director who questioned California State Parks being an appropriate manager of an OCTA acquired property. The memorandum defines the property managers as *“an entity or entities for which biological resources conservation is their primary mission.”* This loosely defines what a qualified holder would be. She asked if it would serve the EOC to put a little more teeth into the definition of what a qualified public or private entity would be or if this is something which would happen down the road.

Lori Donchak asked if OCTA would do a Request for Proposal for property managers. Monte Ward said it would probably be a Request for Qualifications. Lori Donchak suggested adding language to the memorandum that the full criteria for a property manager would be developed at a later date. She would like the definition of a property manager to be something besides biological resources conservation as their only recommendation. Monte Ward said this is a good suggestion and can be done.

Lori Donchak asked if there was anything in the memorandum which addressed excess funds at the end of the program being saved for surplus land acquisition. Monte Ward said the memorandum does not address this because it will be covered in the next set of recommendations.

Chair Patricia Bates suggested OCTA update any information they have regarding public access because this will be an issue with the OCTA Board. Monte Ward agreed.

Chair Patricia Bates said the issue Lori Donchak brought up about California State Parks was based on concern about the State's financial capacity.

Derek McGregor asked if today's discussion was just about the endowment component. Monte Ward said, yes, but there needed to be some early assessments on the likely outcome on other things or at least recognition of the legal parameters on some elements in order to craft the endowment recommendation.

Derek McGregor asked if Monte Ward could box in what action is being requested of the EOC. Monte Ward said today the EOC is considering some parameters for endowment. Some time in the next few months the EOC will get a second round of recommendations from the Ad Hoc Committee regarding long term funding for the program. In the interim the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) should be released and comments and feedback should be discussed by the EOC. In the early part of 2015, the NCCP/HCP will come

back to the EOC as a final set of documents. Once this is approved, OCTA can start looking for long term managers, creation of the endowments and the management approach to each property under the rules set in the NCCP/HCP. As this comes forward, there will be a process for evaluating long term managers and a process for who holds the endowment. All of this will come through the EOC.

Melanie Schlotterbeck congratulated the EOC for getting this far. She respected the feedback from Director Donchak and Supervisor Bates on excess funds going to acquisition; this is a huge concern for the M2 Environmental Coalition. She believed the memorandum captured the content of the discussions and the research put in to it. Melanie Schlotterbeck, who represents the coalition of more than thirty environmental groups supporting renewed Measure M, said the feedback from the other groups has been very good and the coalition is very pleased with the EOC's progress.

A motion was made by Melanie Schlotterbeck, seconded by Philip La Puma, and carried unanimously to approve the recommended action with the language changes suggested to page 2 of the Memorandum. The motion passed unanimously.

Action Recommendations:

- A. Endorse Recommendations developed by the Ad Hoc Working Group to establish the endowment framework to meet the obligations of the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) outlined herein.
- B. Direct staff to present the recommendations on the endowment framework to the Finance and Administration Committee and the OCTA Board of Directors for approval.

Chair Patricia Bates complimented the work Melanie Schlotterbeck has accomplished navigating between a Board of Directors and her coalition who were encouraged to get involved in the program. Many were reluctant because there was not a great deal of transparency in government processes. With the help of Melanie and the OCTA staff, there has been great transparency. There were a few bumps along the way, especially with the public access issue, which will continue to be a concern of the OCTA Board. Melanie Schlotterbeck has done a fantastic job in taking the mission to the Board and letting them know the EOC has really focused on accountability and transparency.

Veronica Chan noted the Army Corps of Engineers Mitigation Rule actually specifies that the site protection instrument be approved prior or concurrent to impact. Therefore the permitting timeline will need to coincide with the activity of getting the CE (Conservation Easement) and the endowment established. She knows some non-profit groups will not sign off on the CE until the endowment is fully funded, but urged committee members to keep in mind there is regulation on the timing of the site protection instrument being approved in regard to the permitting.

Monte Ward said OCTA is aware of the parameters, but also OCTA is a little different because they have the 30-year revenue stream. OCTA can provide assurances to potential land managers that others cannot provide in terms of ability to meet financial obligations.

4. NCCP/HCP, DEIR/EIS, and Resource Management Plans Status Update

Lesley Hill gave a brief status update on NCCP/HCP, DEIR/EIS, and Resource Management Plans.

5. EMP Program Update

Dan Phu gave an update on the Environmental Mitigation Program (EMP).

6. Public Tours

Dan Phu gave an update on the public tours on the Ferber Ranch Wilderness Preserve.

7. Public Comments

Rod Van Sickle addressed issues on the Ferber Ranch property. He considers the security patrols a waste of funds. There are very few trespassers and those that do trespass know how to get around the security patrols.

8. Committee Member Reports

Melanie Schlotterbeck reported there was another OCTA Environmental Mitigation Program presentation for Continuing Legal Education (CLE) in April.

Melanie Schlotterbeck said the California Council of Land Trusts is holding a mitigation summit in Los Angeles on July 15. Melanie Schlotterbeck will be presenting on the OCTA Program.

Dan Silver said there is a group which may be of interest to OCTA called the California Habitat Conservation Planning Coalition made up of local government sponsors of large-scale regional plans. The goal of the coalition is to educate people at the state and federal levels about the value of the NCCP/HCP. A great deal of the time, officials are not aware of them. If they become more aware of them and understand the value of the plans they will be more inclined to provide state and federal funds. Dan Silver said he will send background information to OCTA staff should OCTA want to participate in the future.

Monte Ward suggested he send the information to Darrel Johnson, OCTA's Chief Executive Officer.

9. Next Meeting – TBD

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

10. Adjournment to Closed Session

The EOC adjourned to Closed Session at 11:30 a.m. and nothing was reported in open session.

Pursuant to Government Code Section 54956.8 the EOC adjourned to discuss the price and terms of payment for the acquisition of the following real properties.

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
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