

Environmental Oversight Committee

Meeting Minutes

March 30, 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
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Erinn Wilson, CA Department of Fish and Game
Greg Winterbottom, OCTA Board of Directors

Committee Members Absent:

Rose Coffin, Taxpayers Oversight Committee
Veronica Chan, US Army Corps of Engineers
Adam Probolsky, Probolsky Research
Debbie Townsend, California Wildlife Conservation Board
Sylvia Vega, Caltrans

Orange County Transportation Authority Staff Present:

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

Members of the Public

Cindy Black, Costa Mesa Citizens
Steve Ray, Banning Ranch Conservancy
Ed Sauls, The Sauls Company
Paul Thier, Thier Property

1. Welcome

Vice-Chair Melanie Schlotterbeck opened the meeting at 2:35 p.m. and welcomed everyone. She asked Erinn Wilson to lead the Pledge of Allegiance.

2. Property Acquisition Evaluation Status

Dan Phu gave a status update on the two items presented at the last Transportation 2020 Committee (T2020) meeting. One item concerned the approval of the procurement for consultant services to prepare the Habitat Conservation Plan/Natural Conservation Community Plan (HCP/NCCP) and was unanimously passed.

The second item asked for the T2020 and the Board of Directors (Board) to approve the EOC's recommendations for property acquisition. This item also asked for

authorization to proceed with the appraisal process for a subset of the acquisition properties. Dan said nine of the properties on the previous list of Group 1 & 2 properties had dropped off the list because the owner(s) had decided not to sell. He went over the revised list of properties, which now listed 14 Group 1 properties and six Group 2 properties. In Group 1, 10 properties were recommended to move forward in the appraisal process, of which nine would require appraisals.

The Board approved the second item with four additional motions:

1. Remove Canyon Crest, Newport Banning Ranch, and Shell Area (HOSEC) properties from the list of potential acquisitions for the first round of funding.
2. Restrict the appraisal process and focus the acquisitions within Orange County.
3. Delegated the authority to EOC upon concurrence by the T2020 to add additional properties for further consideration (appraisal).
4. If a privately owned property is sold or donated to a non-profit organization and then that non-profit organization decides to sell to OCTA, the Board would like to be notified of these circumstances.

Vice-Chair Melanie Schlotterbeck said she attended both presentations made at the T2020 and the Board meetings and she noted the process was fair and open.

Vice-Chair Schlotterbeck handed over the Chair position to Chair Patricia Bates who arrived during the previous item. Chair Bates noted she made the motion at the OCTA Board meeting asking for the EOC and the T2020 to augment the addition of properties for further consideration, specifically the appraisal process, without Board approval. This would provide the property owners with more timely response to their petitions.

3. Property Submittal Virtual Tour

Dan Phu presented information and provided fact sheets on the following acquisition properties in Group 1 and Group 2 being considered for the M2 Freeway Mitigation Program. The fact sheets provided information on property location, property evaluation, surrounding land use, biological resources, special status biological resources, and included a photo of the property on a topographical map:

Group 1

- | | |
|---------------------------------------|------------------------|
| 1. Ferber Ranch | 8. Takahashi |
| 2. Hayashi | 9. The Hafen Estates |
| 3. Holtz Ranch | 10. Watson |
| 4. Mitchell Properties West | 11. MacPherson |
| 5. O'Neill Oaks | 12. Saddleback Meadows |
| 6. Saddle Creek South | 13. Siena Summit |
| 7. Saddleback Valley Christian School | 14. Sky Ranch |

Group 2

- | | |
|----------------|-------------------------|
| 1. Adams | 4. Saddleback Vineyards |
| 2. Deer Canyon | 5. Thier 1 |
| 3. Mitchell | 6. Thier 2 |

Erinn Wilson asked about a small square within the Ferber Ranch property and was told this was a Trabuco Water District easement.

Nancy Jimeno asked about the significance of Ferber Ranch being in the Foothill/Trabuco Specific Plan. Dan said the Foothill/Trabuco Specific Plan allows certain types of low density development. Under the existing land use plans, the property could be developed into estate lots, but the current landowner is not considering this at this time and would try to get an amendment to the plan.

Nancy Jimeno said some of the properties are grouped in a way to form a substantial area for acquisition. Monte Ward said it makes sense from a geographical standpoint to acquire the properties for this reason, but the question is does it make sense for Measure M to be responsible for the preservation of all the properties. Nancy Jimeno asked if the NCCP would look at the whole area. Monte said yes.

Melanie Schlotterbeck noted the property acreage is off on some of the fact sheets and needed to be corrected.

4. Public Comments

Paul Thier, Thier Property, thanked the Committee for their efforts and updated the Committee on a couple of items. The Thier 1 property now has water from the Trabuco Canyon Water District and The Thier 2 property now has the Humboldt lily included in its Biological Resources.

Erinn Wilson said the application submitted for the Thier properties suggested some property may be held back from acquisition and asked if that is still correct. Paul Thier said no, a portion of the property will not be held back. Erinn asked if there was a home on the property. Paul Thier said no, the homes are on property to the north of Thier.

Cindy Black, of Costa Mesa Citizens, said the Committee seemed very interested and knowledgeable in what they were doing. She wanted to urge the Committee to save the Banning Ranch area, there are endangered species located on it, and the people want to preserve the property. She asked to be pointed where she should go for assistance in saving the property.

Chair Patricia Bates asked staff to talk to Ms. Black after the meeting and give her an update on the status of the property. Chair Bates indicated the Banning Ranch property is no longer under consideration for this first round. However, should the

owners decide to participate in the M2 environmental program for future rounds of funding, they are free to do so since this program is in place for the next 30 years.

Ed Sauls, The Sauls Company, asked staff to show a topographical map representing 12 properties in the Foothill/Trabuco area and pointed out how they were connected. He said he also wanted to address an earlier question about to what extent is this a responsibility of OCTA and Measure M. He said it probably is not, it is just a question of what can be accomplished in the area. This block of properties would create a continuous linkage of open space and should be preserved.

Steve Ray, of Banning Ranch Conservancy, said the Banning Ranch Conservancy will be coming back to the EOC with a request to accelerate the re-inclusion of Banning Ranch into the M2 Mitigation process. This will probably occur in May 2010.

5. Committee Member Reports

Nancy Jimeno asked if there has been any discussion on access to wilderness areas, especially around Whiting Ranch. Monte Ward said one of the things evaluators looked at was proximity to the existing trail system and possible extensions to existing trail systems. The potential for this was taken into consideration when evaluating non-biological factors but the actual operation or extension of a trail would be a future management issue. There will be a framework for this in the HCP/NCCP.

Melanie Schlotterbeck said public access is one of the listed co-benefits and when the discussion begins on this subject, there are a number of experts the EOC can call upon to facilitate with the discussion.

Chair Patricia Bates said questions continually come up at Board meetings about the issue of who will own and manage the properties. She recommended starting to include any information on this with future presentations. Monte Ward said meetings have begun to be held with potential managers or entities that would assume management or eventual ownership of the properties. More information will be available when the next step in the process begins.

Chair Patricia Bates said it would help to see a map of how all the properties fit together. Dan Phu said a draft regional concept map of all the properties is in the process of being designed. Monte Ward said this will also allow staff to revisit all of the property acreages to get a more accurate picture.

6. Next Meeting, April 7, 2010

The next meeting of the EOC will be Wednesday, April 7, at 10 a.m.

7. Adjournment

The meeting adjourned at 4 p.m.