

Environmental Oversight Committee Meeting Minutes

December 1, 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
James Kelly, Measure M2 Taxpayers Oversight Committee
Dave Means, California Wildlife Conservation Board
David Mayer, CA Department of Fish and Game
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Sylvia Vega and Chris Flynn, Caltrans
Erinn Wilson, CA Department of Fish and Game
Greg Winterbottom, OCTA Board of Directors

Committee Members Absent:

Veronica Chan, US Army Corps of Engineers

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Community Relations Specialist
Janice Kadlec, Public Reporter
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 Nancy Jimeno to lead the Pledge of Allegiance.

2. Approval of November 3, 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 by Melanie Schlotterbeck and seconded by Adam Probolsky to approve the November 3, 2010 EOC meeting minutes as presented. The motion passed unanimously.

3. November 22, 2010 Board Meeting

Chair Patricia Bates reported after the Nov. 22, OCTA Board Meeting, the board members discussed the use of combining the first two M2 spending cycles for the first property acquisition and restoration projects. Monte Ward said the Board met in closed session and decided to authorize the OCTA CEO or representatives to

negotiate and execute agreements with owners of the properties under consideration to acquire the properties in an amount not to exceed \$42 million. This is the amount of the first two cycles of funding for this project. In addition, there will be an open period until Jan. 14 for property owners who may want to come into the process or for properties that were once in the process, pulled out, and now wished to be reconsidered. There will be an expedited process to evaluate these properties. Negotiations with the current properties under consideration for acquisition will continue to move forward. Current property owners can expect to be contacted by OCTA related to offers and negotiations beginning in one week. Not all property owners will be notified at once; there will be a priority list and staff will work with this list. New properties to the process and properties that dropped out of the process will receive a letter and new application form. There are more properties than can be acquired with the funds available. Opening up the process does not make this challenge any easier, but it does recognize the fact there may be properties or owners that did not see the opportunities to participate earlier and expected there to be another opportunity to do so.

Adam Probolsky asked if money for restoration was going toward acquisition. Monte Ward said no, the \$42 million does not include restoration funding.

Adam Probolsky asked if the property owners who did not make it onto the list of Group 1 properties are out of luck. Monte said no, these properties are still under consideration for funding and need not reapply.

Chair Patricia Bates said the OCTA Board was very excited about moving forward with the first two tranches of money and acknowledged Dan Silver's efforts to make this happen. She also thanked Monte Ward for his efforts to get the process in place and approved by the Board.

Dan Silver thanked the OCTA Board for helping with this new process and he felt it would give a greater opportunity to realize the goals of the program. He asked if the original subgroup who was competing for the original \$22 million would be the group contacted next week. Monte Ward said yes. Dan said assuming there will be new properties on the list after January 14, would staff come back with a longer list. Monte said in a similar process to the previous process the property analysis will be done by the resource agencies and staff and a recommendation will be made on whether or not the property should be included in the priority list for acquisition. This would trigger an appraisal of the property. The recommendation on the additional properties will be made in February.

James Kelly asked what the rationale was to open up the list to other properties given there was not enough money to secure the properties on the current list. Monte Ward said there was an expectation of another opportunity for those who had not participated in the first round of funding. In order to recognize this, the list was opened up so these properties could apply if they chose to do so.

4. Call for Candidate Acquisition Properties

Dan Phu presented the Draft Call for Candidate Acquisition Properties letter and the 2010/2011 Acquisition Properties Call for Projects Questionnaire. Dan reviewed the previous process for the Call for Candidate Acquisition Properties and said staff would be following a similar process. The only difference was that the questionnaire is more detailed (four pages instead of one) because, in completing the process the first time, staff found there were questions which could have easily been answered on the original application. Whatever information the property owner can provide will help the Wildlife Agencies as well as OCTA and Caltrans in evaluating their property without going back to the property owner several times for answers. Dan Phu said this will be sent out shortly after today's meeting to a similar distribution list as was used the first time.

Monte Ward said if there are any comments from the committee members, please try and get them to staff today or shortly thereafter. They would like to get this out today or tomorrow. Chair Patricia Bates said this was a concern of the OCTA Board that the information be distributed as soon as possible.

5 NCCP/HCP EIR/EIS Scoping Meeting

Dan Phu said with respect to development of the conservation planning effort there is an environmental document required by both the state and federal government. Early next week there will be a Notice of Preparation (NOP) issued on the state side and a Notice of Intent (NOI) issued on the federal side as part of the environmental process. This will be the scoping period for the environmental processes and will include a 30-day comment period. There will be an open house meeting at OCTA on December 15, from 5 to 7 p.m. in room 103/104 for anyone who wished to comment on the process. Monte Ward added any of the EOC members are welcomed to attend and/or submit comments or letters.

Melanie Schlotterbeck asked if OCTA would be coordinating with the US Fish and Wildlife Services. Dan Phu said OCTA is the lead for the state document and would coordinate with Jonathan Snyder of US Fish and Wildlife Services on the issuance of the NOI and within a day of the issuance of the NOI, the NOP will be sent to the state where it will be posted for a 30-day review period. Melanie Schlotterbeck asked to have the NOI and NOP sent to the EOC members when they are posted.

Dave Means commented the California Wildlife Conservation Board is independent of the process.

Sylvia Vega asked who is the responsible agency under CEQA. Dan Phu said this could possibly be Caltrans, but OCTA is the lead agency and, as the lead agency, is part of the approval process.

Nancy Jimeno asked if the land OCTA purchases will be considered under the Natural Community Conservation Plan (NCCP). Dan Phu said yes, this is a 30-year period and all the land will not be acquired in the first three-year period. The first properties acquired with the first two tranches of money (\$42 million) will be integrated into OCTA's NCCP/Habitat Conservation Plan (HCP), accordingly. There will be an identification of future needs for acquisition and restoration projects within the NCCP/HCP. Nancy asked if land purchased three years after the establishment of the NCCP/HCP would be included. Dan said yes, and there is the management aspect. The land itself will be managed in perpetuity – an endowment will be set aside for any land acquired.

Chair Patricia Bates said there is a little lack of understanding on the OCTA Board of the NCCP/HCP. It might be a good idea to get some updated information to the Board Members while going through this process. Dan Phu said this had been discussed with the consultant and one of things suggested was to wait until the NOP is issued and to have presentations made to the EOC and OCTA Board on this conservation planning effort.

6. Public Comments

No one from the public spoke.

7. Committee Member Reports

Greg Winterbottom congratulated the EOC and OCTA staff on the good job they have done on this project. The work done on this project led to a good compromise with the OCTA Board.

Chair Patricia Bates agreed the understanding of what the EOC is doing and the partnership with the resource agencies, the land owners, and the willing sellers along with the consistent communication with the T2020 Committee and the OCTA Board has been a big job.

8. Next Meeting – Wednesday, January 5, 2011

9. Adjournment

The meeting was adjourned at 10:35 a.m.