

Environmental Oversight Committee

September 3, 2008

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Judy McKeehan, SWCA Environmental Consultants
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Sylvia Vega, Caltrans
Erinn Wilson, CA Department of Fish and Game

Committee Members Absent:

Matthew Chirdon, CA Department of Fish and Game
Cathy Green, OCTA Board of Directors
Stephanie Hall, US Army Corps of Engineers
Debbie Townsend, California Wildlife Conservation Board

Orange County Transportation Authority Staff Present:

Monte Ward
Dan Phu
Marissa Espino

Members of the Public:

Jan Vandersloot, Bolsa Chica Land Trust

1. Welcome

Chair Patricia Bates began the meeting by welcoming the members.

2. Minutes

Melanie Schlotterbeck had two corrections to the July 2, 2008 meeting minutes:
Page 3, paragraph 2, - Sean Skaggs name is misspelled in the last sentence. Page 5, paragraph 2, - Santa Monica Conservancy should be Santa Monica Mountains Conservancy and Santa Monica's program should be the Conservancy's program. Also in the same paragraph it should be National Parks Service not National Forest.

A motion to approve the minutes as corrected was made by Melanie Schlotterbeck and seconded by Adam Probolsky. The motion passed unanimously.

3. 2020 Committee/OCTA Board Status Report

Monte Ward presented a Status Report on Renewed Measure M Environmental Programs. This report has been prepared and presented to the Transportation 2020 Committee of the OCTA Board and the OCTA Board. There are two components to the report, a discussion of the progress made to date of both environmental

programs, the environmental oversight program and water quality program. Monte said he would characterize the interest level of especially the Transportation 2020 Committee as very high and very supportive of early action in this area and in this program.

Chair Bates commented on an excellent overview and the report was very comprehensive. It was like an Executive Summary and very beneficial to have on hand to answer questions that come up.

4. Restoration and Acquisition Criteria Approval

Vice Chair Melanie Schlotterbeck reported the Impact and Mitigation Working Group met in August to go over the restoration and acquisition criteria and ensure the definitions were appropriate and covered the scope the committee wanted in the document. At this time a decision was made to have a “check box” of whether or not properties contained or had the attributes of properties listed in the criteria worksheet as opposed to a ranking system. The criteria has been updated since last July and the only significant change applies to property constraints, cost will now be considered as a factor. Melanie thanked Jonathan Snyder for providing the property management criteria, which essentially says that a property analysis will need to be done.

Adam Probolsky asked how many of the check boxes are needed to pursue a property or are they just guidelines. Melanie said they are just guidelines.

Marissa Espino brought the Committee’s attention to the Preliminary Criteria for Property Acquisition and Restoration for Renewed Measure M Program-Level Freeway Mitigation staff report scheduled to be presented to the Transportation 2020 Board Committee on Sept. 15 and then to the OCTA Board on Sept. 22. The staff report’s recommendations are to adopt the preliminary criteria for evaluating the biological mitigation potential of properties and to direct staff to implement a public outreach plan to build an inventory of potential conservation sites.

Monte Ward said this is a fully public process, staff wanted to make sure that if someone was interested in the program, or there was anyone who had property meeting some or all of the criteria, or they are a conservation group with an interest - they had an opportunity to see the criteria and make any recommendations they might have.

Sylvia Vega asked if Caltrans would be a signatory on the HCP/NCCP master agreement. Monte Ward said yes. Sylvia asked if this would be reflected to the 2020 Committee. Monte said yes, but at a future meeting. It is still an outstanding issue but most likely Caltrans would be a signatory.

A motion was made by Vice Chair Melanie Schlotterbeck and seconded by Dan Silver to approve the recommendations in the staff report. The motion passed unanimously.

At this time Chair Patricia Bates turned the gavel over to Vice-Chair Melanie Schlotterbeck and left the meeting.

5. Master Agreement/Analysis and Documentation Update

Monte Ward gave an update on the Master Agreement: Analysis and Documentation on the HCP/NCCP process as the underlying basis for the M2 comprehensive freeway mitigation program. Two meetings have been held with representatives from OCTA, legal counsel, the Department of Fish & Game and the U.S. Fish and Wildlife Service to discuss the approach and assess the risks and benefits. Monte gave a summary of the status of these efforts.

Adam Probolsky asked Monte to explain the complexities of the acquisition timeline versus environmental documents. Monte said CEQA requires all the environmental documents to be completed on a project before implementing the project. Adam said this is a great time to make some acquisitions and he wouldn't want to see this opportunity get away. Monte said it is complex, but there have been a number of acquisitions being acted on in advance of completion of the process so we are closely looking at those.

Sylvia Vega asked if there is a need to do mitigation is there a way to move forward on projects that have been approved. Monte said once the master agreement and planning agreement are complete the project can proceed. Sylvia said Caltrans has had to do mitigation and work with the regulatory agencies on its own, it would really be helpful to have OCTA come in and address some of the mitigation issues. It seems like OCTA and Caltrans are going on two parallel paths while projects are in the pipeline and nothing is getting done. Monte said the intent is to move the process along as quickly as possible. The agreement is in place and by the end of the year, or the start of 2009, it should be time to proceed with actual expenditures.

Dan Silver said in Riverside there were a number of acquisitions done before the plan was adopted or the EIR completed, the plan just said any acquisition completed by a certain date would be credited.

Erinn Wilson asked what the range of cost was, was it just consulting fees. Monte said it did not fully include the processing costs. In the case of the Fish and Wildlife Service they did have a Caltrans grant covering some of these costs but in the case of the Dept. of Fish and Game they do not have the resources to cover this. Erinn asked what is included. Monte said it was based on examples of two or three other efforts. Principally, the sponsoring agency, the consultants, and the expertise that went into the documents and reports.

Vice Chair Melanie Schlotterbeck asked when the next master agreement workshop meeting was going to take place. Monte Ward said the meeting should be this month prior to the next meeting.

Sylvia Vega asked who would take the lead on the EIR/EIS? Monte Ward said typically OCTA would do the EIR.

6. Public Comments

Jan Vandersloot of the Bolsa Chica Land Trust asked the committee to consider acquisition of coastal property not just inland property. All residents in Orange County pay into Measure M and should benefit from it.

He also noted that the Agenda should state: *“Members from the public wishing to address the Committee will be recognized by the Chairman at the time the Agenda item is to be considered”*. He would have liked to speak earlier but no one asked for public comments after the item.

7. Next Meeting – October 1, 2008

There were no comments.

8. Committee Member Reports

There were no committee member reports.

9. Adjournment

The meeting was adjourned at 10:44 a.m.