

Environmental Oversight Committee Meeting Minutes

January 21, 2010

Committee Members Present:

Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Rose Coffin, Taxpayers Oversight Committee
Nancy Jimeno, California State University, Fullerton
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League **(Teleconference)**
Jonathan Snyder, US Fish and Wildlife Services
Sylvia Vega, Caltrans
Greg Winterbottom, OCTA Board of Directors

Committee Members Absent:

Chair Patricia Bates, OCTA Board of Directors
Veronica Chan, US Army Corps of Engineers
Debbie Townsend, California Wildlife Conservation Board
Erinn Wilson, CA Department of Fish and Game

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 M Consultant

Members of the Public

Steven Parker, Mitchell Properties East and West
Jack Dangelo, Trabuco Canyon property owner
Helen Higgins, Friends of West Coyote Hills
Steve Ray, Executive Director of the 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 introduced new EOC member Director Greg Winterbottom from the OCTA Board of Directors replacing Director Cathy Green.

2. Minutes

Vice-Chair Schlotterbeck asked if there were any additions or corrections to the December 17, 2009 EOC Meeting Minutes. Vice-Chair Schlotterbeck had the following corrections:

- Page 2: Third paragraph, first sentence – ...*Environmental Coalition supporting Measure M submitted 42 11 properties...*
Third paragraph, fourth sentence – *The Coalitions also suggested OCTA consider ~~forming a partnership~~ partnering with Conservation Transaction Specialist and utilize their skills in moving the acquisition process forward.*
Sixth paragraph, first sentence – ...*at least one property owner was using information...*
- Page 4: Second paragraph, first and second sentence – *Green Vision ~~people~~ properties*
Sixth paragraph, second sentence – *Some of the restoration projects information is not clear and the ~~Committee~~ sub-committee is going back*
- Page 5: Fifth paragraph, fourth sentence – *The actual 42 11 Green Vision properties submitted...*
- Page 7: First paragraph, second sentence – *Specifically the Pacific section of the wildlife corridors run through Holtz Ranch, First Cornerstone, and the Baker Square holding...*

A motion was made by Adam Probolsky and seconded by Rose Coffin to approve the December 17, 2009 meeting minutes as corrected. The motion passed unanimously.

3. Acquisition Process

Monte Ward reported the procurement process to hire a transaction acquisition specialist began. This transaction specialist will join the Conservation Biology Institute and the OCTA right-of-way department to form a team to help with acquisitions.

Nancy Jimeno asked if committee members were going to tour the properties before acquisition began. Marissa Espino said plans were for property tours to be scheduled in early to mid February. Dan Phu said this was the original plan, however, today's presentation of the properties, based on the biological criteria established by the OCTA Board, consists of more than 70 properties. The property tours will take place, but the question is should the tours take place now or in the future down the line when the properties have been whittled down to a lesser number.

Jimeno asked how much input would the committee members have on narrowing down the focus. The Committee members have not talked about which properties they feel are valid candidates for the program. Ward said today's presentation of the biological evaluation of the properties is the first opportunity to look at the properties. Subsequently, there will be an evaluation of non-biological factors and as a part of this, an evaluation of the restoration properties. Once all the information has been presented, the committee members can start providing their input.

4. Status Report on Evaluations

A. Public Outreach

Marissa Espino drew the committee's attention to copies of two letters in their agenda packages. These letters were sent out Tuesday, January 19 to the property owners and multiple owners of properties of the more than 100 properties in the inventory. One letter asked if the property owner wished to remain in the process or be removed from further consideration. The second letter sent out was sent to the 11 Green Vision properties. The deadline to get back to OCTA is February 5, 2010.

B. Review of Evaluations

Dan Phu gave an overview of the biological evaluations of the acquisition properties. The result was four groupings of properties with common characteristics.

- Group 1, 19 properties were found to have "high quality habitat, heterogeneous habitat, larger sized properties, aligns with impacted habitats, and contains covered species".
- Group 2, 10 properties were found to have "good quality habitat, homogeneous habitat, medium sized properties, and contain some covered species."
- Group 3, 26 properties were found to have "lower quality habitat, smaller properties, and highly disturbed."
- Group 4, 23 properties were found to have "typically very small habitat, highly disturbed, and some do not align with freeway habitats".

Dan Phu said next month a similar report will be made on the restoration properties. The decision to be discussed today is how to approach the acquisition properties and how many of them should start the due diligence process. By February 5, when the replies from the letters are collected, should any unwilling sellers be crossed off the list for first phase funding? This will potentially reduce the number of properties in each group. At the same time, the OCTA right-of-way department is performing a preliminary review of the real estate value of the properties.

Vice-Chair Schlotterbeck said the EOC Joint Working Group met and reviewed each of the properties on Tuesday, February 19. Jonathan Snyder and Vice-Chair Schlotterbeck reviewed the findings of each property in Group 1 and 2 with the EOC.

Director Greg Winterbottom asked if there was potential to take just a portion of the properties offered. Jonathan Snyder said the committee will need to be open to creative solutions with some of the properties. One of the reasons relates to the way the money will be allotted. For most of the properties both parties

(property owner and EOC) would like to buy the whole property and be done with it, but there may be instances where smaller portions will need to be purchased. Monte Ward said the OCTA perspective is mitigation for the freeway projects. It would be up to the resource agencies whether a smaller portion of property was enough. The financial value of the property and the willingness of the property owner would also have to be considered.

Sylvia Vega said some of the properties don't end at the Orange County line and there may be opportunities to partner with other counties. Vice-Chair Schlotterbeck said there also are properties that have other funds associated with them. This is a step the T2020 Committee added to the five-step process – give higher priority to properties with committed funding.

When asked the basic differences between Group 1 and 2, Jonathan Snyder said there is no hard line between Group 1 and 2. In general the Group 1 projects tend to be larger, more important for connectivity, and the habitat tends to be in better shape.

Dan Phu said the groupings of 1 and 2 typically align with the CBI conservation assessment given in November 2009.

Vice-Chair Schlotterbeck said based on discussion by the EOC, the decision to endorse property evaluations for the Transportation 2020 Committee and Board approval has been postponed until the next meeting.

5. Public Comments *(Public comments on all items take place at this time.)*

Paul Thier said he had a property adjacent to the Ferber property and access to his property is through the Ferber property. He would like to make sure there are easements allowed through the Ferber property to his property. He would like both his property and the Ferber property taken together. He corrected the assumption the building on the Thier Property 2 was a house – it is not a house it is an out building for hay, etc.

Ed Sauls, The Sauls' Company, congratulated the EOC on the presentation and their dissemination of good useful information. He understood the Committee needed to make priorities which may be on today's information, but requested the Committee to please keep in mind there is still information available to be submitted so do not be in a hurry to form an opinion. He asked that the EOC and the T2020 Committee allow staff to negotiate for potential acquisitions in Group 2 if they add to a "bigger bang for the buck." Some small properties in Group 2 are tied to larger properties in Group 1. Some of the properties in Group 2 are missing acreage and as new information comes to the table, these properties may be considered a better deal. He also said the Committee may find out some of the properties in Group 1 fall out because the price is too high or they are not willing sellers. Please find a way to include Group 2 as part of the ultimate negotiations.

Adam Probolsky asked which property Mr. Sauls represented. Sauls said he represented Thier Property 1 and 2 and Saddleback Vineyards.

Monte Ward said staff is seeking guidance on how to proceed with Group 1 and 2. Staff sees the wisdom of continuing with Group 1 and 2 through the evaluation process because of some of the things Mr. Sauls stated and what Jonathan Snyder said about there not being a big difference between the two groups.

Director Greg Winterbottom asked when the dollar criteria comes into play. Monte Ward said there are two more important steps: 1) the non biological criteria, which takes into account the condition and cost of the property, and 2) the negotiation with property owners. At that time, a grouping of properties may be beneficial or possibly in need of a conservation easement or use of some other mechanism to obtain what is valuable in terms of resources. Sylvia Vega said another consideration is property management.

Ed Sauls said since the EOC has good information on the biological assessment, they could do an additional assessment and an estimate of values between now and the T2020 meeting. Monte Ward said this is what they intend to do.

Helen Higgins, of the Friends of West Coyote Hills, said she wanted to add additional information on the West Coyote Hills property. The property is packed with Gnatcatchers, has an extremely viable population of Cactus Wrens, it is a great habitat for Coastal Sage Scrub. She disagreed with the description of an "isolated" area. There is connectivity through golf courses, railroad tracks, and other open space.

Steve Ray, Executive Director of the Banning Ranch Conservancy, said his questions revolve around the process. Not all funds are being applied for through property owners, but by interest groups. Did the letters go out to just property owners or all applicants? Marissa Espino said the letters went out to owners and other applicants. She also emailed the letters to any presenters or people who have been in contact with her regarding the process. Dan Phu said OCTA has an inventory of 107 properties. Everyone who is an owner of a property or nominated a particular property and filled out an application form received a letter. OCTA also double checked by purchasing an Assessor Parcel Number (APN) list from the County of Orange and aligned it with OCTA's master list, removed the duplicates, and mailed the transmittal letter.

Mr. Ray asked if the negotiation process would be just with property owners or will other interested parties be part of the negotiation. Monte Ward said if there are groups bringing value into the purchase, it would make sense for them to be part of the negotiations. It would have to be worked out on a property by property basis and with the consent of the landowner.

Jack Dangelo, property owner in Trabuco Canyon, asked if there are going to be property tours and when would it happen. Monte Ward said from the staff's perspective they would like to do the tours after the number of properties are whittled down a bit more. Currently the number of properties is very large.

Mr. Dangelo said he knew the United States Fish and Wildlife Service (USFWS) has certain requirements to mitigate resources based on certain criteria. He asked if the properties will be visited and these requirements be looked at or will a broad Natural Community Conservation Plan landscape approach be used. Jonathan Snyder said the USFWS has a preliminary idea of what the impacts are going to be and all the signatories know their job is to make sure what is purchased will satisfy the criteria.

Mr. Dangelo said at the last meeting Dan Silver noted there is only a year until 2011 when the second tranche will occur. He asked has there been any thought to moving the second tranche forward so as to not repeat all this work so soon. Monte Ward said this issue has been raised and it is a policy issue the EOC and the T2020 Committee will have to undertake. It will be appropriate to do this when all the information for the current round of evaluations has been gathered.

Steven Parker, owner of Mitchell Properties East and West, said he thought it would be premature to whittle down the properties without understanding how the properties relate to each other. The tours would be the best way to understand this. He has Mitchell Properties West in Group 1 and Mitchell Properties East in Group 2. Mitchell West is contiguous to the Ferber property. Animals travel from Trabuco Creek through Mitchell West and then Ferber to the national forest. Likewise, Mitchell East is contiguous to Sky Ranch and the same thing occurs; Mitchell East lies between Trabuco Creek and Sky Ranch. The map in the agenda package is not detailed enough to see these things.

Monte Ward said the maps used for evaluation were in extreme detail. OCTA has been gathering data for over two years. The evaluators understood the connections and relationship of the properties to each other. The map in the agenda package is simply to help people understand what area of the county the properties are in.

6. Committee Member Reports

Dan Silver (on conference call) said he is in favor of moving this forward with the caveats expressed. The non-biological factors are going to be very important and there will be a lot of whittling done. For example, are the properties really for sale? He said he thinks the EOC needs to have the discussion again after the non-biological factors are discussed before moving it along to the T2020 Committee. Maybe the working group should discuss in more detail the non-biological factors before it returns to the entire EOC. He believes Groups 1 and 2 are both in play. He thinks the tours are vitally important and should be done after properties dropout on the basis of land owner non-interest.

7. Next Meeting

The next meeting of the Environmental Oversight Committee will be in February 2010. The exact meeting date has yet to be determined. Staff will check with the member's schedules and notify the Committee members when an agreement on the date has been reached.

8. Adjournment

The meeting adjourned at 4 p.m.