

# **Environmental Oversight Committee Meeting Minutes**

**June 3, 2009**

## **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice Chair Melanie Schlotterbeck, Measure M Support Groups  
Rose Coffin, Taxpayers Oversight Committee  
Dan Silver, Endangered Habitats League  
Jonathan Snyder, US Fish and Wildlife Services  
Debbie Townsend, California Wildlife Conservation Board  
Sylvia Vega, Caltrans  
Erinn Wilson, CA Department of Fish and Game

## **Committee Members Absent:**

Veronica Chan, US Army Corps of Engineers  
Cathy Green, OCTA Board of Directors  
Judy McKeehan, SWCA Environmental Consultants  
Adam Probolsky, Probolsky Research

## **Orange County Transportation Authority Staff Present:**

Ellen Burton, Executive Director of External Affairs  
Marissa Espino, Senior Community Relations Specialist  
Janice Kadlec, Public Reporter  
Charlie Larwood, Transportation Planning Manager  
Hal McCutchan, Environmental Program Manager  
Kia Mortazavi, Executive Director of Development

## **Members of the Public:**

Garry Brown, Orange County Coast Keepers and Chairman of the OCTA Environmental Cleanup Allocation Committee

### **1. Welcome**

Chair Patricia Bates welcomed everyone to the meeting at 10 a.m. and led the pledge of allegiance.

### **2. Minutes**

Chair Patricia Bates asked if there were any additions or corrections to the March 4, or May 6, EOC Meeting Minutes. Vice Chair Melanie Schlotterbeck had the following corrections:

March 4 Meeting Minutes

On page two, paragraph one, first sentence, add a definition as follows: Saddleback Canyons Conservancy, a coalition of 5 different agencies, gave a presentation ...

### May 6 Meeting Minutes

On page two, paragraph one, revise as follows: George Basye, Newport Banning Ranch LLC, gave a presentation on Newport Banning Ranch property, a 402-acre site. They would like 80 acres considered for the Measure M2 comprehensive mitigation program.

On page two, paragraph three, revise first sentence as follows: Melanie Schlotterbeck asked who would be managing the ~~open space~~ the 80 acres in the development area?

On page two, paragraph three, revise second sentence as follows: George Basye replied it is in discussion still, it would be a combination of Homeowners Association and the City of Newport Beach Parks Department.

On page two, paragraph four, revise first sentence as follows: George Basye said the scoping period for the Environmental Impact Report (EIR) has just concluded and the City of Newport Beach is still preparing the ~~final~~ Draft EIR.

Page two, paragraph six, revise the third sentence as follows: The Coastal Commission has also taken a position in opposition to the bill.

A motion was made by Vice Chair Melanie Schlotterbeck and seconded by Dan Silver to approve the March 4 and May 6, 2009 meeting minutes as corrected. The motion passed unanimously.

## 3. Presentation Item

### A. Environmental Cleanup Allocation Committee Overview

Garry Brown, a member of the Orange County Coast Keepers and Chairman of the OCTA Environmental Cleanup Allocation Committee (ECAC) gave an overview of the ECAC and their progress in recommending to OCTA a competitive grant process for the allocation of the M2 Environmental Cleanup Revenues.

Committee member Sylvia Vega asked what a "tree in box" was. Garry said it is a planter box on a sidewalk that has a tree in it but underneath the box is a bio-filtration system that can drain directly into the ground or hook into a storm drain.

Committee member Sylvia Vega asked if all the efforts being made to eliminate trash is an attempt to prevent a TMDL being issued for Orange County. Garry said no, there is not a trash TMDL being considered for Orange County, but there are many activities occurring to try and reduce and eliminate trash.

Vice Chair Melanie Schlotterbeck asked what a CDS is. Garry said it is another structural or engineered BMP (Best Management Practices) for trash removal. CDS' are put in a deep hole in the middle of an intersection, storm drains go

through it and it separates or removes trash. The City of Huntington Beach uses them to remove trash from storm drains before it enters the beach areas.

Vice Chair Melanie Schlotterbeck asked if the ECAC is looking at soft-scape filtration systems. Garry said the ECAC is not looking into it; this falls into the BMP for low impact development. There are a number of inexpensive things that can be done in the design stage of a project that can make a huge difference.

Chair Patricia Bates asked what the process was for getting the ECAC's program completed. Garry said the RFP would be completed at the end of 2009, if the ECAC uses the pay-as-you-go approach, there will be a year before money is available to be allocated. Hal McCutchan said the funding guidelines will go to the Technical Advisory Committee in August and it is anticipated to go before the Board of Directors in September. Charlie Larwood said one of the challenges is to keep the Board and Transportation 2020 Committee updated on all issues.

Committee member Sylvia Vega asked if anything was being addressed for removal of oil and petroleum bi-products from storm run-offs. Garry said the definitions developed addressed roadway pollutants; it will be up to the cities to come up with projects. Hal said in the Tier 1 projects, catch basin filters are covered. Garry said the County of Los Angeles reported screens by themselves are OK but the best spent money and the most effective would be a complete drain insert with a filter in the insert.

#### **4. Conservation Assessment Analysis Update**

Hal McCutchan reported OCTA has hired Conservation Biology Institute (CBI) to assist the EOC in preparing the Conservation Assessment Analysis and gave an update on the completion of the first four tasks and an overview of tasks waiting to be completed.

Vice Chair Melanie Schlotterbeck said several properties have missing or incomplete information, and asked what is the process for getting the information to CBI. Hal said if any information is missed at the working group meeting it will be discussed and presented as soon as possible so the analysis can be completed.

Committee member Dan Silver asked if the EOC would see any information from CBI before the presentation at the Workshop on June 24. Hal said June 24 will be the first time it will be seen. CBI is working on a tight timeline and will not be able to get it to committee members in advance. Charlie Larwood said staff would talk to CBI and see if anything will be able to be released in advance.

Committee member Dan Silver said, for the benefit of the public, the workshop on June 24 is for committee members only, and asked Hal to comment on this. Hal said the workshop on June 24 is not open to the public. A full presentation will be made to the EOC on August 5, it is open to the public and Conservation Assessment reports will be available at that time. Chair Patricia Bates asked if the comments and edits

from the workshop group would also be available on August 5. Hal and Charlie said, yes, they would be available along with minutes prepared by staff.

Vice Chair Melanie Schlotterbeck asked if the EOC would be asked to approve the Conservation Assessment Analysis on August 5. Hal said it would be just a report to the EOC.

#### **5. Approval of Property Acquisition/Restoration Prioritization Process**

Charlie Larwood said the T2020 Committee asked staff to develop a method for early acquisition and/or restoration prioritization. This would be a process to screen the vast number of properties available to see which ones have the best conservation values. Charlie gave an overview of the property acquisition and/or restoration prioritization process.

Chair Patricia Bates clarified the T2020 Committee is an advisory committee set up to filter documents, give opinions, and provide input to staff so the final vote by the OCTA Board of Directors reflects the work of all committees.

Ellen Burton asked how does the NCCP/HCP relate to the property acquisition and/or restoration prioritization process. Charlie said staff is working on compiling a one-page overlook of the entire process.

Vice Chair Melanie Schlotterbeck asked what would be staff's response to the T2020 or OCTA Board suggesting Step 3 should come before Step 2. Charlie said staff would provide as much information to Board Members as they ask; ultimately the Board makes the decisions and staff will work with them.

Committee member Dan Silver said in his opinion the sequence is right, his overall concern is with the timing. His fear is a property ranked very high might become unavailable by the time the process worked its way through. He would like to do everything possible to make things go quickly, yet retain the integrity of the process and all the evaluations. Dan said it would be beneficial for property owners to know ahead of the Fall 2009 release date how OCTA proposes to purchase the properties. Charlie said staff has been working with legal counsel on how to structure some of the mitigation assurances and with the California Wildlife Conservation Board on different ways the land can be acquired. Staff is being educated in the hope of an early start for this program. Dan said he would like to see a situation where properties immersing as clear priorities could start getting things in order so when the go-ahead is given they could respond very quickly.

Committee member Sylvia Vega said she agrees about the timing, but her concern is about the property maintenance. If thousands of acres of land is purchased, the cost of maintaining these large parcels of land is prohibitive. Committee member Jonathan Snyder said M2 provides for maintenance of properties purchased with Measure M funds. He suggested the more complicated issue is property owners who want to hold the property.

## **6. Approval of NCCP/HCP Scope of Work**

Hal McCutchan presented for approval the NCCP/HCP Scope of Work. He went over the 12 tasks outline in the scope of work and the approval timeline.

Committee member Sylvia Vega said in task #10 there is a Master Streambed Alteration Agreement; she asked if this was a requirement for the NCCP/HCP to go through. Hal said no, it was incorporated just to make sure things were done in a quicker timeframe. Sylvia asked if the agreement would be between OCTA and Fish and Game solely. Charlie Larwood said the owner operator facility agreement with the Fish and Game is in the scope of work being recruited for. The goal is to have all tasks identified in the scope of work completed, but it is likely they will not be.

Vice Chair Melanie Schlotterbeck said she reviewed and made edits to the first version of the scope of work but has not reviewed the current version. She asked to have approval of the agreement tabled until she could read it.

Chair Patricia Bates tabled approval of the NCCP/HCP Scope of Work to the July 1, EOC Meeting.

Committee member Dan Silver said he was glad the committee agreed to go with the NCCP/HCP route, he just did not know it would be so expensive – \$2.2 million. Hal McCutchen said, for clarification, it would be \$1.1 million. Dan asked where the \$2.5 figure came from. Charlie Larwood said the \$2.5 million was approved by the Board of Directors to use. These funds can be used to pay for things like the Conservation Biology Institute, legal services, and other consultant services needed. It is unknown whether all the money allocated will be used.

## **7. Candidate Property Site Visits**

Marissa Espino brought the committee's attention to the memo included in their Agenda package regarding tours of candidate property sites. There will be formal tours of properties once the submitted properties have been given a preliminary screening.

## **8. Public Comments**

There were no public comments.

## **9. Next Meeting**

The next meeting of the Environmental Oversight Committee will be July 1, 2009 at 10 a.m.

## **10. Committee Member Reports**

There were no Committee Member reports.

## **11. Adjournment**

The meeting adjourned at 11:30 a.m.