

# ***Minutes***

## ***Measure M2 Environmental Oversight Committee***

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*Orange County Transportation Authority  
600 South Main Street, Room 154  
Orange, California  
March 4, 2015 at 2:30 p.m.*

### **Committee Members Present:**

Chair Lori Donchak, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Lisa Bartlett, OCTA Board of Directors  
Charles Baker for Sylvia Vega, Caltrans  
Dr. David Chapel, Brandman University  
Veronica Li, US Army Corps of Engineers  
David Mayer, CA Department of Fish and Wildlife  
Derek McGregor, Public Member  
Philip La Puma, Measure M2 Taxpayers Oversight Committee  
Dan Silver, Endangered Habitats League  
Jonathan Snyder, US Fish and Wildlife Service

### **Committee Member(s) Absent:**

John Walsh, California Wildlife Conservation Board

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

Marissa Espino, Senior Strategic Communications Specialist  
Lesley Hill, Planning Department Project Manager  
Janice Kadlec, Public Reporter  
Dan Phu, Project Development Section Manager  
Monte Ward, Measure M Consultant

### **Guests**

Scott Ferguson  
Rich Gomez  
Tom Hetzel  
Delma Johnson  
Phil McWilliams  
Sharon Stancato  
Dana Judd

#### **1. Welcome**

Chair Lori Donchak called the Environmental Oversight Committee (EOC) meeting to order at 2:30 p.m.

#### **2. Pledge of Allegiance**

Vice-Chair Melanie Schlotterbeck led the Pledge of Allegiance.

### 3. Approval of February 4, 2015 minutes

Chair Lori Donchak asked if there were any additions or corrections to the February 4, 2015 EOC meeting minutes. Vice-Chair Melanie Schlotterbeck asked for one correction on page four, first sentence in Gloria Sefton's public comments. "Ms. Sefton spoke in favor of Alternative 2 not ~~Alternative 4~~."

A motion was made by Melanie Schlotterbeck, seconded by Jonathan Snyder, and passed unanimously to approve the February 4, 2015 EOC meeting minutes as corrected.

### 4. Environmental Mitigation Long-Term Funding Strategy Recommendations

Dan Phu and Monte Ward presented the recommendations and answered questions about some of the language used in the recommendation.

Dan Silver and Monte Ward discussed funding priorities and how they were developed.

After discussion, Monte Ward suggested adding the following amendment to Recommendation A.:

- A. *Endorse the Guiding Principles to meet Measure M2 obligations; maintain an inclusive process; and allocate remaining revenues to off-set environmental impacts from future state highway improvement projects, **consistent in nature with the M2 plan.***

Derek McGregor asked additional questions regarding project funding and regulatory requirements.

Derek McGregor suggested making the following change to Attachment C Environmental Mitigation Program Guiding Principles: *Maintain an Inclusive Process: All deliberations and decisions shall be accompanied by ~~robust~~ public outreach and participation.*

A motion was made by Melanie Schlotterbeck, seconded by David Mayer, and carried unanimously to:

- A. Endorse the Guiding Principles to meet Measure M2 obligations; maintain an inclusive process; and allocate remaining revenues to off-set environmental impacts from future state highway improvement projects consistent in nature with the M2 plan.
- B. Endorse the Long Term Funding Strategy to establish overall priorities and a timetable for future spending recommendations.

- B. Endorse the expenditure options list derived from the Environmental Oversight Committee analysis.
- C. Direct Staff and the EOC to identify candidate projects and programs in accordance with the Long-Term Funding Strategy.

And also make the following change to the Environmental Mitigation Program Guiding Principles, Maintain an Inclusive Process, forth bullet point: *All deliberations and decisions shall be accompanied by robust public outreach and participation.*

#### **5. Conservation Plan and Comments and Resource Management Plans Update**

Dan Phu and Monte Ward presented the recommendations and answered questions. Public release of the draft Conservation Plan and environmental document concluded on February 6<sup>th</sup>. All comments received will be included in the final Conservation Plan with a response to those comments.

Marissa Espino and Lesley Hill reported on the release of the Resource Management Plans (RMP) for public review this spring 2015. The RMPs will address preserve specific management needs (including public access). Given the amount of specific comments pertaining to public access during the Draft Natural Community Conservation Plan/Habitat Conservation Plan public comment period, the EOC agreed that OCTA staff should postpone the release of the RMPs until summer and host workshops with key stakeholders to discuss public access options and opportunities in order to further develop the RMPs prior to the public release.

#### **6. Environmental Oversight Committee Matters**

At the February EOC meeting it was noted the OCTA Executive Committee requested that all OCTA Board Committee meeting minutes be modified to an action item format. There was no objection to going to an action item format for the EOC meetings.

#### **7. Public Comments**

Scott Ferguson: Southern California Director for the Conservation Fund, National Land Conservation Organization. His Organization is supportive of OCTA's efforts and looks forward to working with the Environmental Oversight Committee on future calls.

Rich Gomez: Active equestrian member of Equestrian Trails, Inc. (ETI) 357 Corral and part of the environmental coalition that supported renewed Measure M. He gave feedback on the proposal to include access comments to the Resource Management Plan (RMP) and environmental documents. ETI is dedicated to the acquisition and preservation trails and open space land. They are conservation oriented stewards of open space lands and the preservation of trails.

Their commitment can be seen in environmental clean-up activities and OC Parks. They continue to help OC Parks to establish their public goals and objectives and they would like to maintain a similar role in the OCTA land preserves. Mr. Gomez said the ETI 357 Coral are advocates for trail access but understand the preserve limitations and OCTA's concerns for the preserves and the wildlife agencies.

Mr. Gomez gave an example of equestrians co-existing on trails in preserves. He also submitted an example of trail alignments and easements. He asked that OCTA and the EOC read the examples he provided and add controlled trail access to the RMP draft and ultimately the recreation plan for Ferber Ranch.

Tom Hetzel: Said level two of the OCTA plan speaks very clearly in the restoration section called Compatible Restoration Opportunities for the Public. We are now at level two of your plan and have been since 2011 and there has been no compatible recreation opportunities for the public.

Mr. Hetzel produced a letter from the Orange County Parks stating any use of County lands for fishing, equestrian use, etc. is subject to the County's police power, which is instrumental in protecting the property and the people itself. He did not think the Department of Fish and Wildlife would buy this. They are custodians of all the riverbeds. Article 1, Section 25 of California State Constitution gives everyone the right to fish in the right-of-way. If the right-of-way is dried up they have the right to use the streambeds and the banks to scout the area and he has been given permission by a warden of the California Department of Fish and Wildlife to do so. Orange County Parks has barbed wired all the land and are giving tickets to anyone going onto the land.

If OCTA is truly restoring lower Silverado they have to take a look at getting water to the streambeds. It is getting all sucked out and going underground.

He also did not see anything in the plans where funds were allocated for recreational activities.

Delma Johnson: Said the OCTA plan impacts the Trabuco community trail access. The four parcels block historical local connective riding and hiking trails. These regional and local trails are shared-use in design, meaning they are used by walkers, jogger, mountain bicyclists and equestrians besides as exit route during fires, floods, and emergency evacuations. The trails are also used for heavy firefighting equipment access into more remote areas.

The locking of the Ferber property gate eliminates secondary emergency exits. Thirteen families must use Rose Canyon Road to exit the canyon. These families have no secondary exit. All of the Trabuco Village and Trabuco Oaks Ranches also lack secondary exits.

Ms. Johnson provided copies of her comments and asked that they are considered in the Resource Management Plan.

Phil McWilliams: Director of the Board of the Silverado Modjeska Recreation and Park District. They were part of the environmental coalition that supported Measure M2. He has spent the last few months watching the process regarding the future expenditures of the Environmental Mitigation Program and has been pleased with the thorough and thoughtful job of the Ad-Hoc subcommittee. Especially with the heat map handout, the Environmental Coalition believes the most appropriate expenditures are consistent with the existing options, which are acquisition, restoration, and management. The new concept of mitigation banking fits right in.

Sharon Stancato: Resident/owner in Trabuco Canyon for 20 years. She talked about the impact that the closing off the trails has made to the community and the danger of fires if the firemen can't get to the fires. The residents of the area need to at least have the Ferber Ranch area open to provide access to the area.

Dana Judd: Thanked OCTA for extending the time on the RMP and for the good job they are doing on providing information workshops.

**8. Next Meeting – April 1, 2015**

The next EOC meeting will be April 1, 2015 at 2:30 p.m.

**9. Closed Session**

The EOC adjourned to Closed Session at 3:40 p.m. and ended about 4 p.m. with no public report.

Pursuant to Government Code Section 54956.8 the EOC adjourned to discuss the price and terms of payment for the acquisition of the following real properties.

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified.

<u>Real Property</u>	<u>Geographic Area</u>	<u>Assessor's Parcel Number</u>	<u>Owner's Negotiator</u>	<u>Acreage</u>
Aliso Canyon	Coastal	056-240-66	John Mansour	150
Ferber Ranch	Trabuco	842-011-04, 842-041-04, 842-051-04	Tim Jones	399
Irvine Mesa Corridor	Cleveland Nat'l	105-060-02, 105-060-09, 105-060-19, 105-051-36, 876-011-02, 876-011-03, 876-011-19, 876-011-07, 876-011-08, 876-011-11, 876-011-18, 105-051-18, 876-021-15, 876-021-04, 876-021-05, 105-051-33, 105-051-21, 105-051-57, 105-201-12, 105-201-11	David Meyers	670

<b>St. Michael's Abbey</b>	Cleveland Nat'l Forest	876-034-01, 876-041-01, 105-051-83, 105-051-84, 105-051-85, 105-070-93	Michael Recupero	327.9
<b>Mitchell Properties West</b>	Trabuco	842-081-12	Steven U. Parker	101.7
<b>Saddleback Meadows</b>	Trabuco	856-071-01/09, 856-072-01/51, 856-073-01/58, 856-074-01/45; 856-075-01/57, 856-081-01/11, 856-082-01/44, 856-083-01/46, 856-084-01/37, 856-085-01/41, 856-086-01/37, 856-091-02/11, 856-092-01/42, 856-093-01/25, 856-094-01/34, 856-095-01/62, 856-096-01/57, 856-097-01/34, 856-098-01/37	William Fleissig	222
<b>Sky Ranch</b>	Trabuco	842-021-4, 05, 07, 08 and 842-031-04, 05, 08, 09	TBD	526.9
<b>Takahashi (Baker Square LLC)</b>	Cleveland Nat'l Forest	105-051-12	Carl Reinhart	643
<b>Watson</b>	Trabuco	858-021-10, 11	TBD	98.3