

Measure M2 Environmental Oversight Committee

**February 6, 2013
Meeting Minutes**

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Lori Donchak, OCTA Board of Directors
Chris Flynn for Sylvia Vega, Caltrans
Nancy Jimeno, California State University, Fullerton
Philip La Puma, Measure M2 Taxpayers Oversight Committee
David Mayer, CA Department of Fish and Wildlife
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services

Committee Member(s) Absent:

Veronica Chan, US Army Corps of Engineers
Dave Means, California Wildlife Conservation Board

Orange County Transportation Authority Staff Present:

Ellen Burton, Executive Director of External Affairs
Marissa Espino, Senior Strategic Communications Specialist
Ricia R. Hager, OCTA Legal Council
Janice Kadlec, Public Reporter
Dan Phu, Project Development Section Manager
Monte Ward, Measure M Consultant

Guests

Andy Grinstead
Vanessa Mascia

1. Welcome

Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 10:10 a.m. She asked EOC member, Orange County Transportation Authority (OCTA) Director Lori Donchak to lead the Pledge of Allegiance. At the request of Chair Patricia Bates the EOC members introduced themselves.

2. Approval of the December 5, 2012 Minutes

A motion was made by Melanie Schlotterbeck, seconded by Nancy Jimeno, and passed unanimously to approve the December 5, 2012 EOC meeting minutes as presented. Lori Donchak abstained from voting on the minutes as she did not attend the December 5, 2012 meeting.

3. Acquisition Properties

A. Ferber Ranch Update

Dan Phu gave a brief status update on the Ferber Ranch property. The patrol contractor and the maintenance contractor have been hired for this property. The biological monitoring contract has yet to be selected.

Chair Patricia Bates said it looks like there may be an overlap of responsibilities between the patrol contractor and the biological monitoring contractor. Dan Phu said the sole purpose of the patrol contractor is to monitor the property on a random basis to make sure there are no illegal activities on the property. As an example: trespassing, illegal dumping, or anything that is not permitted. The purpose of the maintenance contractor is to make sure the access roads within the property are adequately maintained, to make sure OCTA follows the County Fire Authority ordinances (setbacks, clearing of vegetation, etc.), and working to maintain a clear communication with the adjacent property owners regarding fire and flood control issues. The biological monitoring contractor is strictly for biological resources and habitat on the property. This contractor would ensure any sensitive areas on the property are maintained as well as monitor the species on the property.

Monty Ward said staff will be managing these contracts as OCTA is serving as management for the property. There are two reasons for this: One is there are some unique aspects to this property that made it less desirable for Orange County Parks to be the interim manager. The second reason is it is giving staff experience scoping the long term management structure and contracts and having the necessary experience to manage these.

Melanie Schlotterbeck asked if the emergency management plan is a reactive plan depending on what the property needs based on what the big event is. Dan Phu said yes and it will need to be treated on a case by case basis. Melanie Schlotterbeck said she certainly appreciates this step in light of the comments the EOC has received the last couple of months. Monte Ward added he believed there would be instances where some proactive activities would take place. In the case there are a series of storms and potential erosion is seen, there are things that can be done proactively to prevent or mitigate this within the permits and authorizations OCTA has to do this type of work.

Dan Silver asked to what extent are these management costs covered by the endowment and to what extent are they greater than the endowment. If they are greater, when would they come back into balance? Dan Phu said 80 percent of the overall revenues are allocated to acquisition. Of this 80 percent, 75 percent goes toward hard acquisition. The remaining 25 percent are dedicated toward interim startup costs as well as the endowment. The maintenance costs would

come out of the 25 percent. Monte Ward said when the habitat conservation planning process gets nailed down there will be a much more significant basis upon which to base the long term costs. At this time, there may be a judgment the 25 percent is adequate and sufficient to cover everything. On the other hand, if there is a risk determined there may be a recommendation to add some additional money from future revenue streams to strengthen the financial position. The program has a healthy enough revenue stream to do this.

Public Comments:

Vanessa Mascia said according to the meeting notes sent November 30, 2012 regarding inspection and maintenance of the property road access, she is confused. Previously it said Their Ranch would be responsible for the fire road and today OCTA said they are responsible. Monte Ward said OCTA needs to maintain the access road for the purpose the property was acquired which is for biological monitoring and patrol. OCTA will maintain it for these purposes. There are access easements for others and if they have requirements beyond what OCTA requires then they are responsible for their own maintenance.

Vanessa Mascia said there is currently a rut in the main access road which is approximately a foot and a half deep. Who should repair this? Dan Phu said OCTA staff visited the property the previous week and found no issues with anything OCTA is responsible for. He said they will investigate and take the appropriate measures. Chair Patricia Bates said this will be done within the next couple of days. She thought the question regarding accountability was a very good question and asked OCTA staff to give Vanessa Mascia an answer once it has been investigated. Dan Phu said he will certainly do this but in general terms the property is approximately 400 acres and the easement OCTA granted to the stable operator and property owner is a very small portion on the west side of the property. OCTA is the main property holder responsible for the large majority of the property.

Dan Silver suggested asking the maintenance contractor to look at the road to determine if the road will be a hazard in the future because of the way it is graded.

Vanessa Mascia asked who residents should contact if they see a potential of an emergency. Chair Patricia Bates asked her to contact Dan Phu and he will give her the information she requested.

B. Hayashi Property

Dan Phu gave an update on the Hayashi Property.

Lori Donchak asked how many acres made up the Hayashi property. Dan Phu said the Hayashi property is 296 acres and the encroachment is 1.7 acres.

Monte Ward said the encroachment portion is adjacent to the house a swimming pool, and includes landscaping. Most of it is extensively landscaped and is not really natural habitat and does not have habitat value to OCTA, but it is important to the property owner.

Public Comments:

Andy Grinstead said he apologizes to OCTA for the encroachment but they did not know about it when they bought the property. They are very willing to work with OCTA to resolve the issues.

Chair Patricia Bates thanked him for coming and said they will be discussing this in closed session and will respond back to him.

Melanie Schlotterbeck said she is familiar with the area and asked if it was flat where the fruit trees were and were there a couple of property owners on the northern border. Dan Phu said that is correct.

Melanie Schlotterbeck said she recalls the closer you get to Carbon Canyon Road the steeper it gets. If the land swap is considered, then OCTA will not be getting land that is 40 percent slope. They would be getting land that has natural habitat and is similar to what the encroachment land would have been.

4. Public Comments

There were no additional public comments.

5. Committee Member Reports

Melanie Schlotterbeck reported she spoke at the California Council of Land Trust Mitigation Summit. She spoke on the OCTA Environmental Mitigation Program. She was teamed up with the Nature Conservancy which gave a broad overview on what Regional Advanced Mitigation Programs are and she gave a case study of the OCTA's program. It was very well received.

6. Next Meeting – TBD

The next EOC meeting has yet to be determined.

7. Adjournment to Closed Session

The regular EOC meeting adjourned at 10:45 a.m. and went into Closed Session. Closed session adjourned at approximately 11:40 a.m. and there were no further actions reported in public session.