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# MEETING NOTICE AND AGENDA

## ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

The Environmental Mitigation Program Working Group may take action on any item appearing on this agenda.

June 12, 2007

1 p.m. to 3 p.m.

SANDAG, 7th Floor Conference Room A  
 401 B Street, Suite 800  
 San Diego, CA 92101-4231

Staff Contact: Keith Greer  
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### AGENDA HIGHLIGHTS

- STATUS OF ENVIRONMENTAL MITIGATION PROGRAM (EMP) AGREEMENT
- PROPOSITION 84 – WILDLIFE CONSERVATION BOARD
- SANDAG POLICY BOARD OF DIRECTORS MEETING ON HABITAT PRESERVATION

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# ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

Tuesday, June 12 2007

ITEM #		RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (Chair, Mayor Pro Tem Carrie Downey, City of Coronado)	
+2.	SUMMARY OF MAY 8, 2007, MEETING  Review and approve the meeting summary of the May 8, 2007, meeting.	APPROVE
3.	PUBLIC COMMENTS AND COMMUNICATIONS  Members of the public will have the opportunity to address the Environmental Mitigation Program Working Group (EMPWG) on any issue within the jurisdiction of the Working Group. Speakers are limited to three minutes each.	COMMENT
4.	STATUS OF ENVIRONMENTAL MITIGATION PROGRAM (EMP) AGREEMENT (David Meyer and Susan Wynn) Mr. Meyer and/or Ms. Wynn will provide an update to the group on the recent progress on the <i>TransNet</i> Environmental Mitigation Program between the State Resources Agency, California Department of Fish and Game, U.S. Fish and Wildlife Service, and SANDAG.	INFORMATION
5.	STATUS OF PROPOSITION 84 FUNDING FOR WILDLIFE CONSERVATION BOARD PROJECTS (Debbie Townsend)  Ms. Debbie Townsend of the Wildlife Conservation Board (WCB) will provide an update of the staff's efforts in evaluating the status and timing of the Proposition 84 funding that has been allocated to the WCB.	INFORMATION/ DISCUSSION
+6.	JULY 13 SANDAG POLICY BOARD OF DIRECTORS MEETING ON HABITAT PRESERVATION (Keith Greer)  At the May 8, 2007, EMPWG meeting, a discussion was held regarding the pending July 13, 2007, SANDAG Policy Board meeting on habitat preservation. The EMPWG will continue to discuss how to address the Board. The EMPWG will consider what message it would like to present to the Policy Board and any specific details for the Board to consider.	DISCUSSION/ POSSIBLE ACTION
7.	COMPREHENSIVE COASTAL LAGOON ASSESSMENT (Bruce April)  Caltrans has been working with several leading scientists to develop a comprehensive evaluations of the needs for the coastal wetlands in San Diego, Mr. Bruce April will describe the study and how a Bolsa Chica type of agreement, as described in January by Jack Fancher of the U.S. Fish and Wildlife Service, could be used to implement the needs identified in the study.	INFORMATION
8.	ADJOURN  The next EMP Working Group meeting is scheduled for July 10, 2007, from 1 p.m. to 3 p.m.	INFORMATION

+ next to an item indicates an attachment

**San Diego Association of Governments**  
**ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP**

June 12, 2007

AGENDA ITEM NO.: **2**

**Action Requested: APPROVE**

SUMMARY OF MAY 8, 2007, MEETING

File Number 3002700

**Members in Attendance:**

Carrie Downey (Chair), City of Coronado  
Tom Oberbauer (Vice Chair), County of San Diego  
Craig Adams, San Diego Conservation Network  
Matt Adams, Building Industry Association  
Bruce April, Caltrans  
Michael Beck, Endangered Habitats League  
Robert Fisher, USGS  
Mike Grim, City of Carlsbad, North County Coastal  
Melanie Johnson, City of San Diego  
Kevin Mallory, City of Santee, East Suburban Communities  
David Mayer, Department of Fish and Game  
Kathy Viatella, Nature Conservancy  
Susan Wynn, U.S. Fish and Wildlife Service

**SANDAG Staff in Attendance:**

Sue Carnevale  
Keith Greer  
Matthew Owens  
Rob Rundle  
Craig Scott  
Jane Signaigo-Cox

**Others in Attendance:**

Trish Baez, County of San Diego, Department of Parks and Recreation  
Carol Baudler, TNC  
Jim Carter, Environmental Land Solutions  
David de Cordova, City of Encinitas  
Anne Fege, San Diego Natural History Museum  
Alfredo Gonzalez  
Maeve Hanley, County of San Diego, Department of Parks and Recreation  
Megan Johnson, SCWRP  
Libby Lucas, CDFG  
Patrick Murphy, City of Encinitas  
Dan Phu, OCTA  
Charlotte Pienkos, TNC  
Liz O'Donoghue, TNC  
Jerre Stallcup, Conservation Biology Institute  
Markus Spiegelberg, CNLM  
Kit Wilson, Environmental Land Solutions  
Jim Whalen, J. Whalen and Assc.

## **1. Welcome and Introductions**

Carrie Downey, Chair, called the meeting to order at 1:06 p.m., welcomed the group, and introductions were made.

## **2. March 13, 2007, Meeting Summary**

Kathy Viatella, the Nature Conservancy, asked that a change be made to the March 13, 2007, summary on page 7, agenda item 7, paragraph 7 as follows: "It was recommended to frontload as much money as possible for advanced landscape mitigation, creating a guaranteed funding source to tie up properties for future for direct mitigation for the TransNet Early Action Projects, ~~requirements of TransNet projects as they became available.~~ Flexibility to acquire land opportunities to meet mitigation for TransNet projects within the RTP. ~~within the 10 years was also recommended."~~

With that change, upon motion by Craig Adams, San Diego Conservation Network, and a second by Michael Beck, Endangered Habitats League, the Working Group recommended the March 13, 2007, Meeting Summary be approved.

## **3. Public Comments and Communications**

Keith Greer, SANDAG, noted the California gnatcatcher grant previously funded is being implemented in the field and completed in five weeks. Mr. Clark Winchell of the U.S. Fish and Wildlife Service will present the findings to the group at a future meeting.

## **4. Status of Environmental Mitigation Program Agreement**

Kevin Hunting, California Department of Fish and Game, updated the group on recent discussions about the *Transnet* Environmental Mitigation Program (EMP) Agreement among the State Resources Agency, California Department of Fish and Game, U.S. Fish and Wildlife Service, and SANDAG.

A draft framework document with discussion points and a draft Memorandum of Understanding document with discussion points were reviewed. Key aspects are related to funding strategy, release of funds and regulatory assurances. The parties concurred that the two documents would need to be merged into a collaborative formal agreement between parties regarding *Transnet* EMP implementation which would then move forward for required approvals. The agreement would include project details such as tools and strategies and be used by SANDAG and other groups for implementation of *TransNet* projects.

The goal is to complete the document and make it available on May 18, 2007, or shortly thereafter.

## **5. Successful Conservation Funding Measures: Experiences from Other Regions**

Carol Baudler, the Nature Conservancy, provided information on strategies for developing ballot measures and other finance activities that have provided funds for open space and conservation activities.

Ms. Baudler provided an overview of various local bond measures around the country that have successfully passed. The concentration of these initiatives in the East is due to local jurisdictions being a motivating force in conservation funding with matching funds often provided by the State. Ms. Baudler highlighted several successful measures including a Portland Metro conservation bill.

Steps recommended for development of conservation funding measures were: feasibility research, public opinion polling, coalition building, and campaigning. Establishing the public's self-interest ('what's in it for me') in the measure by linking it to health, quality of life, and future generations is very important. A key element has been to tie the measure to clean water. It was reinforced that needs assessment and realistic timing in conjunction with other electoral issues is vital. Budget and fundraising are also very important.

Minimizing opposition can be done through identification of funding mechanisms. For example, using taxes directed at specific groups will obviously draw opposition from those groups. Analyzing data from polling is a good tool in this and related efforts.

Kevin Mallory, City of Santee, inquired about predominant funding mechanisms and those that demonstrate the least opposition. Ms. Baudler identified bond funding as being the most predominant with the least opposition as people favor the idea of paying things out into the future. Various forms of property tax, and real estate transfer tax are also often used, but it is dependent on the area as to which is most appropriate.

Mike Grim, City of Carlsbad, asked about Proposition 90 (Prop. 90) and strategies to engage for defensive, anti-conservation, 'no' vote campaigns. Vigilance in identifying these situations and getting an early start for developing and funding an opposition platform were recommended. Washington and Idaho were mentioned as examples of this early organization. There are efforts to reintroduce Prop. 90 in 2008 and an opposition coalition similar to that of 2006 is still communicating and will likely develop a unified approach.

Mr. Greer solicited feedback on a timeframe for starting a successful measure. It was noted that a balanced approach is needed whereby you want to get the jump on opponents but not get started so early as to tire your audience. Level of support and the specific situation should be looked at in conjunction with working backward from election day with a timeline of tasks. Rough estimates for advertising are three to four weeks from election day, and for an overall campaign two years is not too much.

Ballot, bond fatigue, and the number of factors at play such as a presidential race, were identified as potential obstacles to conservation spending measures being put on the ballot in 2008. Also, survey results were not strong in prioritization of conservation issues and it was inquired how to improve this. Raising awareness and a sense of urgency through strategic use of earned and paid media was posed as means toward greater public education. Another suggestion was allocating resources toward identifying and targeting swing voters, creating a unified message that resonates with voters, capitalize on heightened climate change awareness, and researching previous measures to avoid redundancy.

## **6. SANDAG Policy Board of Directors Meeting On Habitat Preservation**

Mr. Greer reviewed the need to prepare a message for the SANDAG Policy Board of Directors (Board) Habitat Preservation Policy Forum to be held on July 13, 2007. This is in response to a Board's request for further information on three infrastructure areas identified in need of permanent funding in the Regional Comprehensive Plan's Integrated Regional Infrastructure Strategy (IRIS): Stormwater Management, Beach Sand Replenishment, and Habitat Preservation.

Jane Signaigo-Cox, SANDAG, provided background information about the history in IRIS on each of these issues. During the January 12, 2007, Board Meeting cost estimates and potential funding sources for the three items were presented. As a result of this meeting and a subsequent Board retreat, it was decided that policy forums be held on each of the three items. This was needed partly because of the number of new Board members not familiar with the issues and an overall

need to assess the SANDAG role for each item.

The format for the first forum on Stormwater, Friday, May 11, 2007, is a panel discussion consisting of an overview of current stormwater regulations by the Water Quality Control Board and the County of San Diego, followed by presentations by regional stakeholders: San Diego Coastkeeper, the Building Industry Association, the Industrial Environmental Association, and the Southern California Coastal Water Research Project. This will provide a range of perspectives to help guide the Board in their decision making. Beach Sand Replenishment will be presented on June 8 and Habitat Preservation on July 13. Following these discussions the Board will provide direction to SANDAG staff on all three issues in September.

Mr. Greer reminded the group that the EMP Charter includes assisting with the development of a regional funding measure that addresses habitat conservation. The July 13 meeting with the Board allows the group to present ideas on how to address this topic and Mr. Greer recommended the group discuss ideas for creating a cohesive message, formalize the resulting points in the next meeting, and decide who will best represent and present these to the Board.

Ms. Downey emphasized that as many people from the EMPWG as possible should attend the Board Meeting on July 13, 2007, to create a strong presence and united front. Mr. Greer noted that agreement on who attends and what is to be said at the Board Meeting should be agreed upon at the next EMPWG meeting in June.

Matt Adams, Building Industry Association, recommended that the EMPWG explain the need for open space management and maintenance as many people don't consider this as a requirement for land once it is conserved. He mentioned the need to present a clear, concise, yet broad point versus too many specifics and have diverse representatives backing one message. He also emphasized that regulatory certainty is a win-win for both industry and environmental interests because of higher mitigation and lower litigation.

Mike Beck, Endangered Habitats League, recommended discussing several sound-bites and choosing which to focus on. These included: education to the Board on the outstanding obligation of the Board to act on a measure to implement these plans, the 2008 timeline identified in the ordinance and how flexibility in this timeline could maximize success, and settling on the necessary regional funding that meet current commitments. Mike also commented that the timeline is in his opinion tied to the current *TransNet* negotiations on the release of funding. Mike noted that the Multiple Species Conservation Program (MCSP) should not be considered a success until two key elements are fulfilled: completing a regional monitoring infrastructure and funding allocation for Phase 2 funding (obtaining the necessary funding to complete the project).

Kathy Viatella, the Nature Conservancy, noted that the group should be careful with terminology, especially with *TransNet* Phase 2 since it creates an impression of a continuation of existing *TransNet* Extension funding. The measure could be different with regards to the three infrastructure areas that are being discussed.

Mr. M. Adams mentioned that some jurisdictions have not signed onto these plans (i.e., adopt subarea plans). We need leadership from the key jurisdictions to step up and explain why regional funding is important to complete these plans creating a win-win situation for the region. Mr. M. Adams linked the success of the regional habitat plans to securing the necessary transportation improvements which was and is supported by the Board. This should be a goal of the EMPWG. Mr. Jim Whalen indicated the need to refine the necessary cost for habitat management.

Mr. Greer encouraged members of the group to make suggestions on which representatives would be at the Board meeting. Mr. M. Adams agreed to represent the building industry. Mr. Tom Oberbauer offered a representative from the County while Mr. Beck volunteered to provide an environmental perspective. Ms. Jerre Stallcup was suggested to provide a scientific perspective. A City perspective was also recommended with either the City of San Diego or Escondido suggested. Although each of these people represents varying interests, their message on to the Board should be unified.

The agenda format that will be used for the other infrastructure policy discussions was agreed upon as a satisfactory framework for organizing and presenting to the Board.

Linking habitat and land conservation to stormwater management and beach sand issues is also an important strategy to assess since they are interrelated. Bottom end solutions versus source solutions tend to be far more costly, as has been the case with Tijuana River Water treatment.

It was requested that each member compile a list of five discussion points that they feel are most important for the Board to hear and email it to Keith Greer so it could be compiled for the next EMPWG meeting. In doing so it should be kept in mind that the total time for presentations will be limited to 20 to 30 minutes maximum.

Mr. Beck noted that this is an adopted regulatory framework for which 'no action' is not an option and that addressing the requirement of funding for implementation is necessary. The Board already has been presented with a range from high to low funding requirements. Putting monetary figures in perspective will help, such as approving over \$14 billion in *TransNet* funding while the total requirements for land conservation, stormwater, and beach sand is a fraction of that. Also, using arguments based on regulation is important strategy since non-compliance can be costly as has been the case with water quality issues such as Cholas Creek. These points have current resonance and create incentives for elected officials to take immediate action.

Providing evidence that all existing funding options have been analyzed is very important. Priming the Board with a white paper was also suggested.

## **7. Carlsbad Open Space Ad Hoc Citizen Committee Process**

The City of Carlsbad recently adopted an open space program that promotes land acquisition, and creation and maintenance of trails. Mike Grim, City of Carlsbad, presented to the EMPWG how decisions were made in creating criteria and prioritizing projects in line with those criteria for available open space. Mr. Greer suggested that this example will help the EMPWG in evaluating different models making decisions for prioritizing land acquisitions under the Regional Habitat Conservation Fund.

Although 35 million dollars was authorized for open space and trails, some of this money had already been allocated to other projects and there were no guidelines for allocations toward each component, or criteria for prioritizing projects. An Ad Hoc Citizen committee was established to address this issue and was made up of members from a range of backgrounds. The committee wanted the decision making process to be transparent, defensible, easy to use, and objective. Significant time was spent on education and awareness of open space issues.

A list of criteria necessary for a property to be considered for acquisition was discussed and developed. Mr. Grim noted that several of the initial criteria came from previous work done by the EMPWG acquisition subcommittee. Willingness to sell was debated and the committee felt that anyone would be a willing seller given the right offer. The committee then formed a wish list of

properties to look at. When creating a list of open space attributes there was a lot of overlap but three groups emerged with different areas of focus: connectivity and overlap with habitat planning areas; buffers and greenbelts; water quality, paleontology, and other uses. Once this was established a difficult process of creating a point based ranking system for properties was developed. This was challenging because of demands for simplification such as weighting land with all native habitats the same as land with only some native habitat.

Some problems with the system developed were oversimplification with properties with varied biological value being ranked equally, questionable information and data, and duplicate criteria whereby meeting one meant meeting several others creating a clustering of properties at the top of the priority list. The willing seller aspect became an issue because the list of properties to analyze became lengthy, owners would state their unwillingness while environmentalists would argue for higher offers. One proposed solution is that those voicing a 'strong' unwillingness to sell be taken off the list.

It was recommended that properties not ever be taken off of these types of lists because their status can change over time due to demographic change, social, political, and economic shifts, etc. Leaving unwilling seller properties ranked but moving to the next on the list if 'unavailable' was recommended. It was mentioned that biological and transactional considerations should be kept separate, meaning a property is prioritized by its conservation value, then looked at in terms of availability and cost. Considering the parameters of qualification for transportation mitigation and matching agency funding in conjunction with the selection process is also important. Also, allowing additional notes for expressing the importance of a property, regardless of its ranking, for a specific cause such as connectivity is a significant tool.

Mr. Grim also noted the high price of land in Carlsbad and the need to solicit matching funds. Qualification for these funds often requires statements of willingness to sell for properties in consideration. He also pointed out that the committee was purposefully ad-hoc and temporary, only being used for the purpose of creating this criteria framework and establishing an initial list of suitable properties before being disbanded. This avoids problems where the committee would subsequently be involved in all land development and conservation issues.

## **8. Adjourn**

Ms. Downey adjourned the meeting at 3:07 pm. The next meeting is scheduled for June 12, 2007, from 1 p.m. to 3 pm.

**San Diego Association of Governments**  
**ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP**

June 12, 2007

AGENDA ITEM NO.: **6**

**Action Requested: DISCUSSION/POSSIBLE ACTION**

SANDAG POLICY BOARD OF DIRECTORS MEETING ON  
HABITAT PRESERVATION

File Number 3002700

**Introduction**

At the May 8, 2007, meeting of the Environmental Mitigation Program Working Group (EMPWG), the group discussed the direction of the SANDAG Executive Committee to have a separate policy forum on three nontransportation related regional infrastructure needs; stormwater management, beach sand replenishment, and habitat preservation. The SANDAG Policy Board is scheduled to discuss Habitat Preservation on July 13, 2007. The EMPWG reviewed the format of the panel, discussed issues that should be raised, and what message they group would like to present to the Policy Board.

**Discussion**

The EMP charter indicates that the Working Group “will assist with the development of a regional funding measure (a ballot measure and/or other secure funding commitments) to meet the long-term requirements for implementing habitat conservation plans in the San Diego region.” The July 13 Policy Board meeting, represents an opportunity for the EMPWG to provide its input on the needs related to regional Habitat Preservation. The EMPWG should define the message that is to be given to the Board.

The format for the presentation to the Board is expected to follow a panel discussion similar to the beach sand replenishment presentation (June 8). A draft outline is provided as Attachment 1. The EMPWG should discuss what message it would like to present to the Board and how to successfully rely that message. As requested by the EMPWG, a draft message has been compiled and is presented for discussion purposes (Attachment 2). The EMPWG should review, revise, and adopt a message to be presented to the Board.

Attachments: 1. Draft Policy Agenda  
2. EMPWG Message to the Board

Key Staff Contact: Keith Greer, 619-699-7390, kgr@sandag.org

# DRAFT

## SANDAG BOARD POLICY MEETING PRESENTATION ON REGIONAL HABITAT PRESERVATION

Friday, July 13, 2007

<b>1.</b>	<b>INTRODUCTION</b>
<i>5 min.</i>	<p>The Regional Comprehensive Plan, adopted in 2004, gave recommendations for how to address nontransportation regional infrastructure needs, including: Stormwater Management (discussed on May 11, 2007), Regional Shoreline Management and Beach Sand Replenishment (discussed on June 8, 2007), and Habitat Preservation.</p> <p>Today we will discuss Regional Habitat Preservation and will hear from a panel of involved agencies and stakeholders.</p>
<b>2.</b>	<b>BACKGROUND ON EXISTING HABITAT CONSERVATION PLANS</b> (Keith Greer)
<i>10 min.</i>	<ul style="list-style-type: none"> <li>• Historical perspective of regional habitat conservation plans – Why they were started.</li> <li>• Current Status of regional habitat conservation plans – Challenges and opportunities.</li> <li>• <i>TransNet</i> Ordinance, Environmental Mitigation Program (EMP) and previous actions for future funding.</li> <li>• Funding needs to complete the habitat conservation plans.</li> </ul>
<b>3.</b>	<b>THE STAKEHOLDERS PERSPECTIVE</b>
<i>25 min</i> <i>(5-7 each)</i>	<ul style="list-style-type: none"> <li>• Mike Beck, Endangered Habitat League (environmental perspective)</li> <li>• Matt Adams, Building Industry Association (building industry perspective)</li> <li>• Jerre Ann Stallcup, Conservation Biology Institute (scientific perspective)</li> <li>• Jim Waring (local jurisdiction perspective)</li> </ul>
<b>4.</b>	<b>PLANNING FOR THE FUTURE (CARRIE DOWNEY, MAYOR PRO TEM, CITY OF CORONADO AND CHAIR OF ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP)</b>
<i>10 min.</i>	<ul style="list-style-type: none"> <li>• What do we need to do for the future?</li> </ul>
<b>7.</b>	<b>BOARD DISCUSSION—MARY SESSOM</b>
	<ul style="list-style-type: none"> <li>• How does SANDAG past commitments relate to the regional needs?</li> <li>• What is the future role of SANDAG in habitat preservation?</li> </ul>
<b>8.</b>	<b>NEXT STEPS</b>

## **EMP Working Group's Message to the SANDAG Policy Board**

July 13, 2007

The diverse collection of stakeholders in the EMP Working Group has agreed to the regional importance of habitat conservation planning, and has reached consensus on the following:

- Habitat preservation is important for both the environment and economy of the region, and helps preserve the region's quality of life.
- The existing habitat preservation plans serve as the "green" infrastructure for our region, but suffer from a lack of adequate understanding on the cost of completion, especially for long-term management and monitoring.
- Additional funding will be necessary to preserve and maintain our habitat and the species which depend on them.
- We support the development of future funding measure or measures that has a highly probability of success.
- A successful measure(s) will not hinge on a predetermined date or type of funding method, but instead on a comprehensive campaign strategy.
- To be successful will require additional polling, public outreach and research to evaluate the issues and gauge the capacity of the voters.

What do we need to accomplish in the future?

- Refine the regional needs and actual cost for completion of the conservation plans.
- Evaluate the gaps in funding based on the required needs and the current available funding.
- Develop a strategy that includes additional polling, outreach, and education to engage the public on this issue, as well as water quality and beach sand replenishment.
- Evaluate a variety of funding options and timing to maximize success of any measure or measure(s) that are required.