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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.

November 13, 2007

1 to 3 p.m.

SANDAG, 8th Floor Conference Room A
 401 B Street, Suite 800
 San Diego, CA 92101-4231

Staff Contact: Keith Greer
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AGENDA HIGHLIGHTS

- **OCTOBER 12, 2007, POLICY BOARD DIRECTION AND INVESTMENT LEVELS FOR HABITAT CONSERVATION**
- **COMPREHENSIVE COASTAL LAGOON ASSESSMENT**
- **FY 2008 MANAGEMENT AND MONITORING RECOMMENDATIONS**

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ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

Tuesday, November 13, 2007

ITEM #	RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (Chair, Mayor Pro Tem Carrie Downey, City of Coronado)
+2.	<p>SUMMARY OF OCTOBER 9, 2007, MEETING</p> <p>APPROVE</p> <p>Review and approve the October 9, 2007, meeting summary.</p>
3.	<p>PUBLIC COMMENTS AND COMMUNICATIONS</p> <p>COMMENT</p> <p>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.</p>
+4.	<p>OCTOBER 12, 2007, POLICY BOARD DIRECTION AND INVESTMENT LEVELS FOR HABITAT CONSERVATION (Chair Carrie Downey and Keith Greer)</p> <p>DISCUSSION / POSSIBLE RECOMMENDATION</p> <p>Chair of the EMP Working Group, Ms. Downey, will provide the Working Group a summary of the actions taken by the SANDAG Board at the October 12, 2007, Policy Meeting. Mr. Greer will solicit continued input from the Working Group on how to define various levels of investments for habitat conservation for future consideration by the SANDAG Board at its January retreat.</p>
5.	<p>COMPREHENSIVE COASTAL LAGOON ASSESSMENT (Bruce April, Caltrans)</p> <p>INFORMATION / DISCUSSION</p> <p>Caltrans has been working with several leading scientists to develop a comprehensive evaluation of the needs for the coastal wetlands in San Diego. Mr. Bruce April will describe the study and how an agreement that was developed for Bolsa Chica, 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.</p>
+6.	<p>FY 2008 MANAGEMENT AND MONITORING RECOMMENDATIONS</p> <p>DISCUSSION / POSSIBLE RECOMMENDATION</p> <p>The EMPWG is requested to consider what recommendation it would like to make to the Regional Planning Committee for recommendation to the SANDAG Board for FY 2008 management and monitoring activities.</p>
7.	<p>ADJOURN</p> <p>INFORMATION</p> <p>The next EMP Working Group meeting is scheduled for December 11, 2007, from 1 to 3 p.m.</p>

+ next to an item indicates an attachment

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

November 13, 2007

AGENDA ITEM NO.: **2**

Action Requested: APPROVE

MEETING SUMMARY OF OCTOBER 9, 2007

File Number 3002700

Members in Attendance:

Carrie Downey (Chair), City of Coronado
Trish Boaz, County of San Diego (alternate)
Craig Adams, San Diego Conservation Network
Bruce April, Caltrans
Michael Beck, Endangered Habitats League
Patti Brindle, City of Poway, North County Inland
Jeanne Korsch, City of San Diego
David Mayer, Department of Fish and Game
Kathy Viatella, The Nature Conservancy
Jim Whalen, Alliance for Habitat Conservation
Susan Wynn, U.S. Fish and Wildlife Service
Emily Young, San Diego Foundation

SANDAG Staff in Attendance:

Keith Greer
Kevin Wood
Sue Carnevale

Others in Attendance:

Charlotte Pinchos, The Nature Conservancy
Jun Onaka, Onaka Planning and Economics
Cindy Kinkade, EDAW
David Boyer, MCAS Miramar
Ken Quigley, MCB Camp Pendleton
Patrick Atchison, TAIC
Daren Smith, California State Parks
Joshua Garcia, City of San Diego
Dahvia Lynch, County of San Diego

1. Welcome and Introductions

Carrie Downey, Chair, called the meeting to order at 1:05 p.m., welcomed the group, and introductions were made.

2. August 14, 2007, Meeting Summary

Michael Beck, Endangered Habitats League, motioned to approve the September 11, 2007, meeting minutes. Bruce April, Caltrans, seconded the motion. The motion was approved unanimously.

3. Public Comments and Communications

Members of the public had the opportunity to address the Environmental Mitigation Program Working Group (EMPWG) on any issue within the jurisdiction of the Working Group.

Keith Greer, SANDAG, announced that SANDAG had been awarded two NCCP local assistance grants, \$25,000 for rare plant monitoring protocols, and \$150,000 for updated vegetation mapping. Mr. Beck expressed concern that plant monitoring and mapping is not where money needs to be spent, but instead funds are needed for hiring someone to establish a regional entity. Dave Mayer, California Department of Fish and Game, noted that NCCP Local Assistance Grant (LAG) funds were for specific projects and that contracting for a regional entity would not be considered appropriate use of LAG funding.

Ms. Downey gave an update on the status of the MOA between SANDAG, DFG, and the USFWS for the EMP based upon her conversations with the SANDAG Executive Director. There are still two topics that are left to be worked out amongst the parties, and it is the desire to have a draft released soon. The MOA will still need to be approved by the Regional Planning Committee and the Board of Directors. It may also have to be approved by the Independent Taxpayer Oversight Committee.

No other public comments were made.

4. Refined Habit Conservation Costs for October 12, 2007, Policy Board

Mr. Greer provided an overview of costs associated with habitat management and monitoring, which have been refined by staff and discussed at EMP meetings over the last three months. On October 12, 2007, the Policy Board will decide what direction to take based on the costs presented for the EMP, as well as other unfunded infrastructures.

Mr. Greer displayed a spreadsheet (attached) showing a range of costs from \$1,766 million to \$2,381 million. These costs were based on the estimate included in the 2003 Integrated Regional Infrastructure Strategy (IRIS), adjusted for inflation in 2006, totaling \$1,503 million. There was a reduction in costs for habitat acquisition by \$85 million due to more refined estimates of land acquisition in the North County MSCP, and an increase in the cost of management activities by \$229 million. A 10 percent contingency was added for unforeseen circumstances as discussed by the EMPWG in August totaling \$118 million. The difference in costs between the two alternatives comes from the estimated difference in the number of acres of private land dedicated to the County. Alternative 1 assumes that private lands would be required to establish a funding source to cover the cost of land/stewardship management. Alternative 2 does not assume any private funding and results in an increase in public management costs of \$616 million. In both alternatives, the cost of biological management and regional monitoring is assumed to be a public cost.

Mr. Greer also presented policy decisions that could affect the range. If the *TransNet* funds intended for the Regional Habitat Conservation Fund were applied to the regional funding source, the total costs could be reduced by \$200 million. If an endowment was not included, the overall cost would be reduced \$581 million. The exclusion of funding for the MSCP East Program could further reduce the cost by \$170 million.

There was discussion as to the assumption that 75 percent of private lands in the NCCP preserve would be dedicated to a jurisdiction and then managed with public funds. Mr. Greer indicated that while this was the case for the City of San Diego by City Council policy, it was not clear if this policy applied to all areas of the region, and thus a range was determined to be more appropriate at this time. Ms. Trish Boaz of the County indicated she would research language form the adoption of the MSCP South by the County Board of Supervisors on this topic. If the private lands in the North and East programs are paid for by private funds, the \$616 million cost would be reduced to \$212 million. A number of areas have already seen habitat managed being under HOA's and Community Facility Districts.

Kathy Viatella, The Nature Conservancy, asked how the endowment that is included in the range would be built up and utilized. Dr. Jun Onaka indicated that endowment would be built up over 40 years, with funds dedicated to that purpose. Habitat management and monitoring costs during the first 40 years would be funded on an annual basis. At the end of the 40-year period, the endowment would fund all management and monitoring activities. The question of why 40 years was chosen was asked. It came from the assumption that the program would be funded with bonds similar to the *TransNet* Extension Ordinance.

There was also some discussion about the uses of the contingency and whether the funding jurisdictions already provided for habitat management should be included. The 10 percent figure for the contingency was not based on specific data, but on the general assumption that funds would be needed for unforeseen circumstances, and 10 percent was used by the Center for Natural Land Management. Some cities which currently fund habitat management have done so under the assumption that their obligations will end once a regional funding source is identified. The continued cost of requiring those jurisdictions to continue funding NCCP plans was not included as an option due to equality among jurisdictions. Ms. Viatella asked how this would fit into the October 12 Board meeting and what the process was for moving forward. Mr. Greer indicated that many of the issues would be worked out in the coming months, before the January SANDAG Board retreat. The October 12 Board meeting will provide the group with direction to determine if the Board desired the group to proceed to prepare a more detailed list of investment options that the Board could discuss.

Craig Adams, Conservation Resources Network, expressed concern that this important item will be considered at a retreat and only SANDAG staff will be included in the discussion. Ms. Downey thought the retreat offered elected officials a good venue to dig deep and focus on issues which they couldn't do elsewhere due to lack of time of busy elected officials. The retreat is to discuss the issues; all the actual decisions will be made in public after the retreat. Mr. Beck noted that habitat management is a stakeholder-driven process and the structure should be examined to makes sure that everyone's perspectives are represented. Ms. Downey indicated that the public will be involved as much as possible in the whole process, if not at the retreat itself.

Mr. Beck asked if the question of the *TransNet* Ordinance, which requires legislative action on the program by 2008, would be brought up. Mr. Greer indicated that staff would be recommending that the Policy Board consider establishing a separate hearing to extend the timeline indicated in the *TransNet* Ordinance. Because of the amount of work required to get a measure on the ballot, the measure will likely be delayed until the 2010 general election.

5. New Natural Lands Strategies in the Santa Ana Mountains: Camp Pendleton's Encroachment Partnering Program

Ms. Trish Boaz, County of San Diego, announced that the County had just celebrated the acquisition of a new piece of land for the Santa Margarita County Preserve in association with the Trust for Public Lands and with support from Ken Quigley at Marines Corps Base Camp Pendleton. She thanked Mr. Quigley for his help on the project.

Mr. Quigley presented information on the United States Department of Defense encroachment partnership program in which Camp Pendleton participates. The goal of the program is to allow the preservation of natural lands while reducing constraints on military operations. The program originated in the FY 03 Defense Authorization Bill, which added a section authorizing partnerships with non-federal entities for land acquisitions to prevent incompatible development near bases and to protect habitat. The program helps the Corps meet its obligations to train marines and to protect the natural environment.

The program is funded mostly through existing operations and maintenance funds, so there is some competition for the funds. The Marine Corps is also limited to paying no more than the appraised value for any given property and requires a totally willing seller. The U.S. government retains the easement on the property, which is held by the partner organization. Based on the scoring system for projects, land acquired to preserve habitat can be scored as highly as that acquired to prevent incompatible development. Most of the property being acquired around Camp Pendleton is for habitat preservation, since much of the easily developed land has already been built out. The land acquisition itself is performed by the partner, with the base providing financial and planning support.

The South Coast Conservation Forum, which is a consortium of environmental groups and governmental organizations, has become the primary partner for Camp Pendleton. Linkages were one of the primary goals of the Forum, which seeks to link the Santa Ana Mountains with rest of Southern California's Preserves and natural resources. The study area for the base has been expanded from lands immediately bordering the base to include most of the Santa Ana Mountains to Palomar Mountain Wildlife conceptual CAPP.

The Department of Defense commissioned RAND to evaluate the program and offer suggestions to make it more effective. The report had a number of suggestions including a USFWS program that would allow clear crediting for lands preserved to ease restrictions on other pieces of property, and an ecosystem-based approach to property acquisitions. The best application of funds may be lands not contiguous to the base but that preserve key pieces of habitat. The report also recommended increased spending, since land may be acquired more cheaply in the present than in the future. Spending has gone from \$12 million in FY 05 to an estimated \$40 million in FY 08, but RAND has recommended spending up to \$300 million. The RAND report can be found at: <https://www.denix.osd.mil/SustainableRanges>.

6. Comprehensive Coastal Lagoons Assessment

Due to time constraints, this item will be moved to a future meeting.

Mr. April did announce that AB 1246 has been signed by the governor, which allows the state agencies that purchased land for mitigation to transfer land to non-profits, but it does not allow funding to be transferred. Funding may be considered at a later date. If a non-profit cannot manage the land granted to it, the land will revert to the state.

7. Future Topics

Mr. Greer provided some items that will be seen in the next few months. In addition to Mr. April's talk, the EMP MOA will be discussed, as well as tasks from the October 12 Policy Board Meeting. The Working Group also needs to deal with FY 08 recommendations for the 5-year funding strategy.

8. Adjourn

Ms. Downey adjourned the meeting at 2:52 p.m. The next meeting is scheduled for November 13, 2007, from 1 to 3 p.m. in conference room 8a.

San Diego's Regional HCP Implementation
RANGE OF COST ESTIMATES FOR HABITAT CONSERVATION
(Millions of 2006 Dollars)

Oct. 9, 2007

I. MODIFICATIONS	Alternative 1		Alternative 2	
IRIS Base Case (2003; updated for inflation in 2007)	\$1,503	Base	\$1,503	Base
Change in One-time Costs, Primarily Habitat Acquisition and Restoration [1]	(85)	Updated per Jurisdiction Numbers (Sept -2007)	(85)	Updated per Jurisdiction Numbers (Sept -2007)
Change in Management Costs (Including Contributions to Endowment) [2]	229	Updated per Jurisdiction Numbers (Sept -2007)	229	Updated per Jurisdiction Numbers (Sept -2007)
Additional Contingency for Annual Recurring Costs [3]	118	10%	118	10%
Change in Acres of Private Habitat Under Public Land/Stewardship Management [4]	0	None	616	Add'l lands under mgt.
Revised Range of Costs	\$1,766	Million	\$2,381	Million

1. Refined estimate of habitat acquisition costs per jurisdictions number provided in September 2007.
2. Costs of land/stewardship management and adaptive management per jurisdictions numbers provide in Sept and \$4 million/ annually for regional biological monitoring.
3. Contingency primarily for adaptive management in response to infrequent events, such as floods and fires.
4. Alternative 1 assumes that the County of San Diego will require privately funded endowment to pay for land management of privately dedicated lands. Public funding for adaptive management and regional biological r be required . In Alternative 2, it is assumed that such endowments would not exist, resulting in publicly funde management

II. Unresolved Issues that Could Affect Range				
Application of Conservation Funds from TransNet [5]	(200)	Yes	(200)	Yes
Endowment Included or Excluded [6]	0	Included	(581)	Excluded
Funding for MSCP East County Included or Excluded [7]	0	Included	(170)	Excluded
Required Regional Funding	(\$200)	Million	(\$951)	Million

5. Per June 13, 2006 meeting with SANDAG, CALTRANS, USFWS, CDFG, County and City of San Diego and
6. Exclusion of endowment eliminates the need for annual contributions to establish the endowment.
7. One-time cost and present value of recurring costs of MSCP East County program; present value of contribu to endowment (\$77 million) is included in the cost of endowment above.

NOT INCLUDED: Cost of continuation of current jurisdictions annual contributions to NCCP/HCP implem approximately \$13 million FY 2007-2008. Not Included due to equity issues among jurisdictions and no to continue after regional funding source per signed Implementing Agreements.

San Diego Association of Governments
ENVIRONMENTAL MITIGATION PROGRAM
WORKING GROUP

November 13, 2007

AGENDA ITEM NO.: **4**

Action Requested: DISCUSSION / POSSIBLE ACTION

INVESTMENT LEVELS FOR HABITAT CONSERVATION – OPTIONS
FOR SANDAG BOARD RETREAT

File Number 3002700

Introduction

On October 12, 2007, the SANDAG Policy Board held a workshop to discuss investments into regional infrastructure. They were presented with a range of funding needs for three infrastructure types—stormwater management, beach sand replenishment, and habitat conservation. The SANDAG Board requested that staff develop options for various levels of investment for each of these infrastructure types, as well as look at other infrastructure needs such as transit operations. In addition, the Board asked for various types of funding options that could be developed or directed to these infrastructure types. Staff has been directed to develop options for consideration and discussion at the January SANDAG Board Retreat.

Discussion

Since August, the EMP Working Group has been discussing a revised range of costs to complete the regional habitat conservation plans. At the October 9, 2007, EMP Working Group meeting, a table indicating an estimated range for funding habitat conservation (\$1.766 billion to \$2.381 billion) was presented and discussed (see Item 2, Attachment 1). These numbers were based upon the IRIS model as updated in 2006, but reflecting the latest numbers from the jurisdictions on costs associated with the implementation of the habitat conservation plans (acquisition, land/stewardship management, and adaptive management cost) as presented to the EMPWG on September 11, 2007. In addition, a \$4 million/annual cost associated with regional biological monitoring was added, and a 10 percent contingency cost on annual expenditures to cover unforeseen circumstances.

As discussed in the October 9 meeting of the EMPWG and reflected on Attachment 1 of Item 2, several policy decisions can reduce this estimated funding need. The EMP Working Group is asked to review outstanding issues and discuss options for various levels of investment for regional habitat conservation. For discussion purposes a spreadsheet will be provided prior to the meeting.

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

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

November 13, 2007

AGENDA ITEM NO.: **6**

Action Requested: DISCUSSION/ POSSIBLE ACTION

TransNet REGIONAL HABITAT CONSERVATION FUND
PROGRAM: FISCAL YEAR 2008

File Number 3002700

Introduction

On September 24, 2004, the SANDAG Board of Directors approved implementation guidelines for the *TransNet* Extension Environmental Mitigation Program (EMP). The EMP, which is included in the *TransNet* Extension Ordinance and Expenditure Plan approved by the voters in November 2004, establishes the Transportation Project Mitigation Fund for mitigation of projects outlined in the 2030 Regional Transportation Plan (MOBILITY 2030). The EMP also establishes the Regional Habitat Conservation Fund for habitat acquisition, biological monitoring, and land management based on the economic benefit of achieving specified assurances with state and federal regulatory agencies through the environmental review and approval process. The *TransNet* Guidelines include targets for funding of regional management and monitoring of habitat preserve programs; \$1 million in FY 05-06, \$2 million in FY 06-07, \$4 million in FY 07-08, and \$5 million in each year thereafter.

Discussion

On December 15, 2006, the SANDAG Board approved the recommendations for FY 07 with the release of \$700,000 for time-sensitive activities and the authorization of \$1.3 million for additional activities to be released when funds become available pursuant to the conditions in an executed Agreement with the Wildlife Agencies. The SANDAG Board, based upon recommendations from the EMP Working Group and the Regional Planning Committee, also adopted a conceptual five-year funding strategy for management and monitoring as future funds become available (Attachment 1). For FY 08, the conceptual funding strategy identifies \$2,345,000 of activities for management and monitoring with \$350,000 identified for "other management needs" and \$1,305,000 for "other monitoring activities." In addition, the California Department of Fish and Game announced a grant award to SANDAG of \$25,000 for rare plant monitoring protocols and \$150,000 for updating of vegetation mapping; two items identified in the five-year funding strategy.

While the funding is currently not available "pursuant to an executed agreement," the EMP Working Group is requested to consider what recommendation it would like to make to the Regional Planning Committee for recommendation to the SANDAG Board for FY 08 management and monitoring activities. It is envisioned that these recommendations could be included along with the EMP Agreement when it goes to the Board for recommendation.

Attachment: 1. Five-year Funding Strategy

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

Conceptual Five-Year Funding Strategy

	YR-1	YR-2	YR-3	YR-4	YR-5	
REGIONAL COORDINATION						
1	Program Developer	\$150,000	\$150,000	\$0	\$0	\$0
2	Program Administration/Support	\$0	\$0	\$250,000	\$250,000	\$250,000
	Subtotal Regional Management	\$150,000	\$150,000	\$250,000	\$250,000	\$250,000
REGIONAL MANAGEMENT						
3	Management Coordinator	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
	Regional Management Implementation					
4	Implement invasives control and removal	\$600,000	\$1,500,000	\$1,000,000	\$500,000	\$500,000
5	Implement habitat restoration	\$0	\$0	\$1,000,000	\$1,500,000	\$1,500,000
6	Other management needs	\$0	\$350,000	\$350,000	\$350,000	\$350,000
	Subtotal Regional Management	\$750,000	\$2,000,000	\$2,500,000	\$2,500,000	\$2,500,000
REGIONAL MONITORING						
7	Monitoring Coordinator	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
8	GIS Specialist	\$0	\$0	\$150,000	\$150,000	\$150,000
9	Administrative Assistant	\$0	\$0	\$90,000	\$90,000	\$90,000
10	Biologist	\$0	\$0	\$0	\$150,000	\$150,000
11	Database Specialist	\$0	\$0	\$150,000	\$150,000	\$150,000
12	GIS/Database Technician	\$0	\$0	\$0	\$0	\$130,000
	Regional Data Bases					
13	HabiTrak Conserved Lands Data Base	\$0	\$0	\$0	\$0	\$0
14	HabiTrak Application	\$0	\$0	\$0	\$0	\$0
15	Conserved Lands (Funded from Transnet FY 2006)	\$0	\$0	\$0	\$0	\$0
16	Habitat Preserve Planning Area	\$0	\$0	\$0	\$0	\$0
17	Ownership Database	\$0	\$0	\$0	\$0	\$0
18	Species Databases	\$0	\$0	\$0	\$0	\$0
19	Vegetation database	\$150,000	\$150,000	\$150,000	\$0	\$0
20	BIOS	\$50,000	\$50,000	\$0	\$0	\$0
21	Data Mining	\$0	\$0	\$0	\$0	\$0
	Protocols Development					
22	Pilot testing and refinement of protocols (SDSU)	\$0	\$145,000	\$50,000	\$50,000	\$50,000
23	Plant monitoring plan revisions (USGS)	\$50,000	\$50,000	\$50,000	\$0	\$0
24	Animal monitoring plan revisions (USFWS)	\$0	\$0	\$50,000	\$0	\$0
25	Protocol training/establishment of monitoring sites	\$0	\$0	\$50,000	\$50,000	\$50,000
	Regional Monitoring Implementation					
26	Gnatcatcher monitoring	\$300,000	X	X	X	X
27	Post-fire monitoring	\$400,000	X	X	X	X
28	Other regional monitoring		\$1,305,000	\$1,360,000	\$1,460,000	\$1,330,000
	Subtotal Regional Monitoring	\$1,100,000	\$1,850,000	\$2,250,000	\$2,250,000	\$2,250,000
TOTAL REGIONAL MANAGEMENT AND MONITORING		\$2,000,000	\$4,000,000	\$5,000,000	\$5,000,000	\$5,000,000
	TransNet Funding	\$2,000,000	\$4,000,000	\$5,000,000	\$5,000,000	\$5,000,000
	Other Funding Sources**	X	X	X	X	X

**USFWS, CDFG, USGS, jurisdictions, private foundations, etc.