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MEETING NOTICE AND AGENDA

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- County of San Diego

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- Metropolitan Transit System
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- Southern California Tribal Chairmen's Association
- Mexico

ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

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

Tuesday, September 9, 2008

1 to 3 p.m.

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

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

AGENDA HIGHLIGHTS

- INTRODUCTION OF PROGRAM DEVELOPER FOR REGIONAL ENTITY
- QUALITY OF LIFE FUNDING ACTIVITIES
- STATE AND REGIONAL DATABASE COORDINATION

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ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

Tuesday, September 9, 2008

ITEM #		RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (Chair, Mayor Pro Tem Carrie Downey, City of Coronado)	
+2.	SUMMARY OF JULY 8, 2008, MEETING Review and approve the meeting summary of July 8, 2008.	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 <i>TransNet</i> EMPWG'S JULY RECOMMENDATIONS (Keith Greer, SANDAG) On July 8, 2008, the EMPWG made recommendations to the Regional Planning Committee on FY 08 land management grants, an updated Five-year Funding Strategy and FY 09 funding, and criteria and process for advance mitigation. Mr. Greer will provide a status of these recommendations to the EMPWG.	INFORMATION
5.	REGIONAL COORDINATING ENTITY FOR MANAGEMENT AND MONITORING (Ron Rempel, R.D. Rempel Environmental Solutions) On February 22, 2008, the SANDAG Board of Directors approved funding for the hiring of a contractor to lead the development of a regional environmental coordinating entity for land management and biological monitoring necessary to implement the regional habitat conservation plans in the San Diego region. The selected contractor, Mr. Rempel, will be introduced to the Working Group and answer any preliminary questions.	INFORMATION

ITEM #

RECOMMENDATION

- +6. QUALITY OF LIFE FUNDING ACTIVITIES
(Rob Rundle, SANDAG)

INFORMATION

On June 27, 2008, the SANDAG Board of Directors appointed an Ad Hoc Steering Committee to provide policy direction and guide the efforts to collaborate with regional stakeholders on possible approaches to a regional "quality of life" funding measure. Additional appointments were made on July 25, 2008. Rob Rundle will provide a status report to the Working Group and describe the proposed activities.

- 7. STATE AND REGIONAL BIOLOGICAL DATABASE
COORDINATION (Tom Lupo, CDFG, Tony McKinney,
USFWS, and Robert Fisher, United States Geological
Survey)

INFORMATION/
DISCUSSION

One of the work elements of the EMPWG is to guide and promote the development of regional database systems that make information and analysis on the biological resources of San Diego County, and specifically the National Communities Conservation Planning Program, accessible to the public. The State Department of Fish and Game, United States Fish and Wildlife Service, and the United States Geological Survey have been developing the BIOS, a multi-taxa database and updates to the HabiTrak systems. Representatives from these agencies will present their current efforts using examples from monitoring efforts funding through the *TransNet* EMP.

- 8. ESTABLISH NEXT MEETING DATE AND ADJOURN

INFORMATION

+ next to an item indicates an attachment

San Diego Association of Governments
ENVIRONMENTAL MITIGATION PROGRAM
WORKING GROUP

September 9, 2008

AGENDA ITEM NO.: **2**

Action Requested: APPROVE

SUMMARY OF JULY 8, 2008, MEETING

File Number 3002700

Members in Attendance:

Hon. Carrie Downey, (Chair), City of Coronado
Tom Oberbauer, (Vice Chair), County of San Diego
Bruce April, Caltrans
Michael Beck, Endangered Habitats League
Mike Grim, City of Carlsbad, North County Coastal
Anne Harvey, San Diego Conservation Network
Betsy Miller, (Alternate), City of San Diego
Kevin Mallory, City of Santee
Marisa Lundstedt, City of Chula Vista, South County
Patti Brindle, City of Escondido, North County Inland
Carlton Rochester, (Alternate), USGS
Deborah Ruddock, California Coastal Conservancy
Kathy Viatella, The Nature Conservancy
Jim Whalen, Alliance for Habitat Conservation
Susan Wynn, U.S. Fish and Wildlife Service
David Mayer, California Department of Fish and Game

Others in Attendance:

Clark Winchell, USFWS
Kim Wehinger, City of San Diego Water Department
Pete Famolaro, Sweetwater Authority
Josh Garcia, City of San Diego
Shirley Innecken, SCWRP
Ellen Mille, Helix Community Conservancy
Pam Beare, Department of Fish and Game
Liz Faddis, Groundwork San Diego Cholla Creek
Leslie Reynolds, Groundwork San Diego Cholla Creek
Bruce Hanson, EDAW
Scott Grimes, EHL
Susan Carter, San Dieguito River Park JPA
Shea O'Keefe, USDA Natural Resource Conservation Service
Trish Boaz, County of San Diego, Parks and Recreation

SANDAG Staff in Attendance:

Keith Greer
Kevin Wood

1. Welcome and Introductions

Chair, Hon. Carrie Downey, City of Coronado, called the meeting to order at 1:05 p.m. and welcomed the group.

2. May 13, 2008, Meeting Summary

Michael Beck, Endangered Habits League, motioned to approve the summary. Jim Whalen, Alliance for Habitat Conservation, seconded the motion, which carried without opposition.

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 the program developer position had been filled. Ron Rempel has accepted the position and should be on board in August.

4. *TransNet* Advance Mitigation Selection Criteria

Mr. Greer informed the Working Group that the Memorandum of Agreement (MOA) between SANDAG, Caltrans, and the Wildlife Agencies was signed in March. One of the follow up actions was to implement the Conservation and Mitigation Strategy, which helps align the mitigation goals of regional and local transportation projects with the regional conservation opportunities within the budget set forth in the *TransNet* Plan of Finance. A set of proposed implementation criteria and process for acquiring advanced mitigation land were included in the agenda packet.

The signatories to the *TransNet* EMP MOA (SANDAG, Caltrans, and the Wildlife Agencies) will work with outside organizations to identify conservation opportunities that meet the various mitigation needs of the various Regional Transportation Plan (RTP) projects. Seven criteria were identified that help frame the policy under which SANDAG staff can release monies for advance mitigation opportunities under the EMP. All seven criteria would need to be met in order for the SANDAG Executive Director to approve the expenditure of funds. If one or more of the criteria is not met, the Executive Director would discuss the merits of the proposal with SANDAG elected leadership and based upon that consultation, decide if the proposal should be brought to the Board of Directors for consideration.

Mr. Greer reviewed all the criteria, which began on page 29 of the agenda packet. All criteria will have to be documented in writing and provided to the SANDAG Executive Director. As part of the *TransNet* MOA, the EMP acquisitions will have to go through an annual reporting and audit. Since

the State Route 76 and Interstate 5 corridor projects are currently in the Regional Transportation Improvement Program (RTIP), programming for mitigation acquisition has already been allocated. Mitigation acquisitions for other projects (advanced mitigation) will follow the criteria if adopted by the Board of Directors.

Mr. Beck stated that an arrow should be added on the conceptual implementation flowchart to represent joint discussions between SANDAG, Caltrans, USFWS, CDFG, California Coastal Conservancy (SCC), and the Wildlife Conservation Board (WCB). Even though their contributions are non-mitigation, he thought that the intention had always been to include those organizations in the discussion. Mr. Greer said he could add an arrow reflecting the collaboration of SCC and WCB with SANDAG, Caltrans, and the Wildlife Agencies on the conversation opportunities and priorities.

Mr. Beck said he would like to state, on the record, his concern with item B of the evaluation criteria ("consistency with jurisdictional land use plans"). He felt that it was inappropriate to require jurisdictional approval if there was a willing seller, which is already required. Mr. Greer and Ms. Downey indicated that the inclusion or deletion of this criterion was discussed at length and it was determined to retain the language. Mr. Beck said he understood, but was still concerned. Kathy Viatella, The Nature Conservancy, said that she could see the rationale behind the first part of item B, requiring consistency with land use plans, but was concerned with the second part which included an "or" condition. It seemed that this could allow cities to say no to a project without cause. Chair Downey said she thought the purpose of that language had been just the opposite, to allow jurisdictions to support a project that was not necessarily compatible with existing zoning but could be, pending a general plan amendment.

Mike Grim, City of Carlsbad, mentioned that his city faced this issue when entities started to develop mitigation banks. Carlsbad was concerned with mitigation banks being established on prime land included in their economic analysis for their tax base or for housing needs. Carlsbad made proposed mitigation bank developers obtain a conditional use permit to provide a local public hearing and input on the conversion of the land to a mitigation bank. Mike Grim stated that he read the consistency criterion with jurisdictional land use plans as a way to inform local jurisdictional staff of the proposal and if the jurisdictional staff saw that it represented a big policy issue with planned land use, it afforded them the opportunity to elevate the issue. Trish Boaz, County of San Diego, stated that, in the County, any acquisition to be owned by the County would require a General Plan conformance letter, but that the County could still go ahead with the acquisition even if it was not currently in compliance as long it was stated to the County Board of Supervisors at the time of acquisition.

Members discussed minor changes to the language that would more accurately reflect the desire to maintain flexibility to continue with acquisition of lands not consistent with the current jurisdiction's land use plans, if the jurisdiction did not object to the site being acquired for mitigation. Mike Grim wanted to include, for the record, that a letter should be given to the jurisdictions for any acquisitions to allow them to change their land use plans accordingly.

Jim Whalen motioned to approve the selection of the implementation criteria with clarified text on item B to be provided by staff. Ms. Wynn seconded the motion, which carried unanimously. Mr. Greer said that the item would go to the Independent Taxpayers Oversight Committee on July 16, 2008, and to the Regional Planning Committee on August 1, 2008.

Mr. Beck asked for a clarification to be included in the minutes on the Evaluation Criteria, Section F (Owner Manager). He stated he thought that the public use of the mitigation land should follow the completion of the Resource Management Plan (RMP) and not precede it. Often, there is pressure to maintain existing uses, but the RMP needs to be based on the best biological data, not on current public uses.

There was discussion on this point. The Wildlife Agencies indicated they will not allow degrading public uses on mitigation land. Bruce April indicated that public access can be a good thing as the public can act as the eyes and ears of the preserve, but concurred that if the land was purchased as mitigation, the primary concern should be maintaining the habitat value pursuant to a Resource Management Plan. Ms. Boaz commented the Multiple Species Conservation Program and *TransNet* were also sold to the public with the promise of public access.

Chair Downey suggested that the subcommittee draft a template for a RMP and specific language to determine compatible uses. The following EMP Working Group members agreed to form an Ad Hoc committee to a recommendation: Tom Oberbauer (to Chair meeting), Bruce April, Marisa Lundstedt, Betsy Miller, Kathy Viatella, Jim Whalen, Susan Wynn, and David Mayer.

5. Land Management Grant Application Review

Working Group members who submitted grant applications rescued themselves at this point in the meeting. Mr. Oberbauer said that the Ad Hoc committee reviewed 32 applications and ranked them based on selection criteria. On the ground management and specific species like cactus wren recovery were given priority. Invasive species control projects were recommended for multi-year funding, although not always funding for all requested years. A complete list of recommended projects was included in the agenda packet. A number of cactus wren projects were included, totaling 224 acres. Jerri Stallcup from the Conservation Biology Institute (CBI) provided a handout (attached to the minutes) to the Working Group on guidelines for coordinating cactus wren projects to achieve the best results. Chair Downey thanked members for coming up with a good list of projects that widely dispersed funds for the benefit of the region. Projects that were not funded this round, can resubmit for future years funding.

Mr. Whalen said that the project list seemed rather heavy on public projects and wondered if there was something in the analytical scoring process. The selection committee members indicated that there was nothing in the criteria to favor public projects. The selection committee members developed their recommendations independently before discussing them collectively. Based solely on the independent review of the applications, the top four recommended proposals were included in the top five projects by all the selection committee members indicating a robust process.

Ms. Viatella said that invasive control and habitat restoration was important, but the grants promoting species recovery needs to stay coordinated and use best practices to make sure that recovery actually takes place. The species recovery efforts need to look at their efforts in a regional context. The selection committee members indicated that that work was being done to coordinate the efforts of cactus wren.

Mr. Mayer said that the grant project awardees should be required to present their results to the Working Group on the more significant or complex grants. This could be beneficial for everyone.

Mr. Beck motioned to approve the project rankings as submitted. Jim Whalen seconded the motion, with all in favor. The Working Group included their desire to forward the CBI memo to applicants proposed to receive funding for cactus wren recovery with the statement that they should coordinate their efforts.

6. FY 09 Management and Monitoring Funding Recommendations

During the May meeting, the Working Group adopted an update to the Five-year Funding Strategy. Mr. Greer stated that he would like to go forward to the SANDAG Board with the updated Five-Year Funding Strategy, the funding for fiscal year (FY) 09, and the criteria and process for the fiscal year 2009 funding for land management grants.

Mr. Greer indicated he would recommend that the same criteria and selection process used in FY 08 be used for the FY 09 land management grants. A 60-day call for projects could go out in mid-October with a new set of land management grant projects to be evaluated around the first of the year.

Dave Mayer, California Department of Fish and Game suggested that future grant applications should have an executive summary and a page limit. It was sometimes hard to get a clear idea of what the project hoped to accomplish and how money would be used in the last round of applications. The Working Group recommended a ten-page total size to grant proposals (including all attachments and a one-page executive summary that clearly stated what the applicant planned to accomplish with a summarized budget). Mr. Greer said that it could be included in the next RFP.

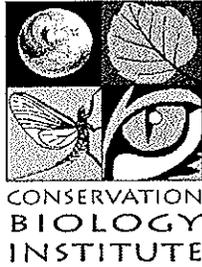
Bruce April, Caltrans, motioned to approve the management and monitoring funding recommendations with the administrative changes noted above. Mike Beck seconded the motion which passed with no opposition.

7. Agenda for September 9, 2008, Meeting and Adjourn

Chair Downey let the Working Group know there was to be no August meeting and SANDAG staff would be aiming to start meeting every other month, with the ability to reinstate a monthly meeting, if needed, to respond to an issue in a timely manner.

Mr. Greer announced that Tom Lupo from the California Department of Fish and Game will come down to discuss databases, including BIOS and the USGS multi-taxa database.

Chair Downey adjourned the meeting at 2:27 p.m. The next meeting is scheduled for September 9, 2008, from 1 to 3 p.m. The Working Group will not meet in August.



Conservation Biology Institute

651 Cornish Drive
Encinitas, California 92024
(760) 634-1590

TO: Keith Greer
FROM: Jerre Stallcup
DATE: July 7, 2008
RE: Recommended requirement for cactus scrub restoration grants

Successful restoration of cactus scrub habitat suitable for occupation by the cactus wren is still a developing science. Although we know that we can successfully create cactus scrub habitat, very little is known about habitat conditions and timing related to occupation of restored sites, although work in Orange and San Diego counties indicated that it may take more than 6 years for restored sites to become occupied or utilized (M. Doderer, T. Smith pers. comm.). Further, very little is known about the dispersal abilities of the coastal cactus wren, which is a very important consideration when selecting sites for restoration. Studies completed by Atwood (1998) at the Palos Verdes Peninsula found the mean dispersal distance of juvenile cactus wrens from their natal territory was 1.59 km. (s.d. = 2.28, n = 71).

Given limited dispersal abilities, and the likely loss of cactus wrens due to fires of the past 5 years in many of the areas proposed for restoration, the Cactus Wren Working Group developed the following requirements for cactus scrub restoration, currently being implemented in the San Pasqual Valley. Transnet-funded cactus scrub restoration projects should also follow these guidelines to ensure consistency and greatest benefit for the coastal cactus wren in San Diego County and beyond for the long-term.

1. Conduct surveys for cactus wrens in the vicinity of the location proposed for restoration. (Conduct 3 visits to each cactus scrub area, using playback of cactus wren vocalizations, to confirm presence/absence.)
2. Document locations and distance of nearest cactus scrub occupied by cactus wrens. Identify and characterize potential barriers to cactus wren movement (bodies of water, development/roads, post-fire disturbance).
3. Prioritize restoration sites by:
 - a. Enhancing and increasing cactus scrub that is already occupied (could include invasives control and active planting of cactus and coastal sage scrub plants to expand the area of existing cactus scrub);

Keith Greer
July 7, 2008

- b. Enhancing or creating cactus scrub habitat at locations that have been degraded by recent fires and within known dispersal distance of occupied cactus wren habitat.
 - c. Linking known occupied sites to proposed (but currently unoccupied) enhanced/created cactus scrub sites via creation of cactus scrub “stepping stones” to enhance likelihood of future occupation. Ideally, “stepping stones” would be of substantial size (2 acres might be a reasonable minimum size), within line of sight of each other, and cactus wrens calling from adjacent sites would be able to hear each other.
 - d. Restoring cactus scrub at a suitable location and potentially connected via habitat linkages to 2 or more cactus scrub areas currently occupied by cactus wrens.
4. Prepare map showing proposed restoration sites relative to occupied cactus scrub, potential linkages, and estimated dispersal distances.
 5. Coordinate survey, restoration, and post restoration monitoring protocols with other groups.



BOARD OF DIRECTORS
JULY 25, 2008

AGENDA ITEM NO. 08-07-12
ACTION REQUESTED - APPOINT

**APPOINTMENT OF ADDITIONAL MEMBERS
TO AD HOC POLICY COMMITTEE FOR
QUALITY OF LIFE FUNDING MEASURE**

File Number 3007200

Introduction

At its June 27, 2008, meeting, the SANDAG Board of Directors appointed an Ad Hoc Policy Committee to provide policy direction and guide the efforts to collaborate with regional stakeholders on possible approaches to a regional "quality of life" funding measure. The following initial members were appointed:

- Escondido Mayor Lori Pfeiler, Ad Hoc Policy Committee Chair
- Del Mar Deputy Mayor Crystal Crawford
- El Cajon Mayor Mark Lewis
- Imperial Beach Mayor Jim Janney
- San Diego County Supervisor Ron Roberts
- San Marcos Councilmember Rebecca Jones

To ensure representation from around the region, the appointment of additional members to the Ad Hoc Policy Committee is recommended.

Discussion

As part of the *TransNet* Extension Ordinance and Expenditure Plan adopted by the Board of Directors in 2004, a set of principles for the proposed *TransNet* Environmental Mitigation Program (EMP) was included. EMP Principle No. 10 requires the Board of Directors "to act on additional regional funding measures to meet the long-term requirements for implementing habitat conservation plans in the San Diego region no later than four years after the passage of the *TransNet* Extension," which would be November 2008.

Due to economic conditions and tasks necessary to successfully meet that obligation, at its May 23, 2008, meeting, the Board approved an amendment to the language in the *TransNet* Ordinance to extend the deadline for compliance and to provide an opportunity to successfully meet the intent of the Ordinance. The Ordinance amendment extended the deadline to act on a regional funding measure from 2008 to 2010.

Recommendation

The Board of Directors is asked to appoint the following additional Board members to the Ad Hoc Policy Committee:

- Chula Vista Mayor Cheryl Cox
- La Mesa Councilmember Mark Arapostathis
- San Diego Councilmember Ben Hueso

During 2007, the Board of Directors held several policy discussions about regional infrastructure needs in four areas: public transit, habitat conservation, water quality, and shoreline preservation. At the 2008 SANDAG Board retreat, members reviewed the infrastructure needs in the four areas, and discussed possible funding and investment options. Appointment of the Ad Hoc Policy Committee is a key step in initiating the process for developing a future regional funding measure by 2010. This process would include open meetings, public dialogue and deliberations about how best to enhance public transportation, acquire and manage habitat, improve water quality, and preserve our shoreline.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Kim Kawada, (619) 699-6994, kka@sandag.org