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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.

Tuesday, April 14, 2009

1 to 2:30 p.m.

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

Staff Contact: Keith Greer
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AGENDA HIGHLIGHTS

- FY 2009 LAND MANAGEMENT GRANT RECOMMENDATIONS

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ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

April 14, 2009

ITEM #		RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (Chair, SANDAG Board Member Carrie Downey, City of Coronado Council Member)	
+2.	SUMMARY OF MARCH 10, 2009, MEETING Review and approve the meeting summary of the March 10, 2009, 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.	RECOMMENDATIONS OF THE EMPWG AD HOC SUBCOMMITTEE ON FY 2009 LAND MANAGEMENT GRANTS (Vice Chair Thomas Oberbauer, County of San Diego) The EMPWG established a subcommittee to review the grants proposals submitted under the FY 2009 EMP Land Management Grant Program. The subcommittee has ranked the projects and will provide a recommendation to the full EMPWG for consideration.	DISCUSSION/ POSSIBLE ACTION
5.	ESTABLISHMENT OF AD HOC COMMITTEE TO REVIEW 5-YEAR FUNDING STRATEGY AND LAND MANAGEMENT GRANT CRITERIA The EMPWG will discuss the formation of an ad hoc committee to review the 5-year funding strategy and the current land management grant process and criteria and recommend revisions, if necessary, at the May or July EMPWG meeting.	DISCUSSION/ POSSIBLE ACTION
6.	NEXT MEETING DATE AND ADJOURN Next Meeting of the EMP Working Group will be on May 12, 2009. Tentative topics to be discussed are enforcement of open space lands and the annual report on progress of the Environmental Mitigation Program.	INFORMATION

+ next to an item indicates an attachment

San Diego Association of Governments
ENVIRONMENTAL MITIGATION PROGRAM
WORKING GROUP

April 14, 2009

AGENDA ITEM NO.: **2**

Action Requested: APPROVE

SUMMARY OF MARCH 10, 2009, 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
Catherine Caldwell (Alternate), Wildlife Conservation Board
Mike Grim, City of Carlsbad, North County Coastal
Anne Harvey, San Diego Conservation Network
Megan Johnson (Alternate), California Coastal Conservancy
Jeanne Krosch, City of San Diego
David Mayer, California Department of Fish and Game
Carlton Rochester (Alternate), USGS
Kathy Viatella, the Nature Conservancy
Jim Whalen, Alliance for Habitat Conservation
Susan Wynn, U.S. Fish and Wildlife Service
Emily Young, the San Diego Foundation

Others in Attendance:

Gabriel Buhr, California Coastal Commission
Markus Spiegelberg, Center for Natural Lands Management
Vicki Touchstone, Fish and Wildlife Service SDNWR
Jerry Jakubauskas, City of San Diego
Randy Rodriguez, Department of Fish and Game
Libby Lucas, Department of Fish and Game
Megan Hamilton, County Dept. of Parks and Recreation
Betsy Miller, City of San Diego Parks and Recreation
Shelby Howard, HELIX Environmental Planning
Darren Smith, California State Parks
Bruce Hanson, EDAW
Anne Fege, San Diego Natural History Museum
Niki McGinnis, City of San Diego Water Department
Mike Hastings, Weston Solutions
Jerre Stallcup, Conservation Biology Institute
Trish Smith, the Nature Conservancy
Leslie Woollenweber, San Dieguito River Valley Conservancy
Shea O'Keefe, Natural Resources Conservation Service
Jason Giessow, Dendra Inc.
Christina Schaefer, TAIC
Ron Rempel
Diane Rosenberg (Alternate), San Diego Foundation

SANDAG Staff in Attendance:

Julie Wiley
Rob Rundle
Keith Greer
Marina Som

1. Welcome and Introductions

Chair Hon. Carrie Downey, City of Coronado, called the meeting to order at 1:00 p.m., and welcomed the group. She invited members and guests to introduce themselves.

2. February 10, 2009, Meeting Summary

Ms. Downey asked the EMPWG if there were any corrections to the meeting summary. Carlton Rochester, USGS, moved to approve the minutes but noted a typo on page 8, Item No. 7, of the agenda. The EMPWG reviewed the Ad Hoc Subcommittee's recommendations on the Regional Habitat Conservation Funding on November 13, 2008, and not on November 13, 2009, as written. Mike Grim, City of Carlsbad, North County Coastal, seconded the motion and the motion carried without opposition.

3. Public Comments and Communications

Members of the public had the opportunity to address the committee on matters before the EMPWG. No public comments were received at this time.

Ms. Downey requested that members of the public wishing to comment at this time or speak to an item on the agenda limit their comment to three minutes.

4. Status of EMPWG Funding Efforts

Keith Greer, SANDAG, provided an update on the Regional Habitat Conservation Fund Grants. A list of allocated funds and contract status of projects under the funding effort was provided as Attachment 4 on pages 11-13 of the agenda. Mr. Greer noted a correction on page 12, the funding amount provided to the Southwest Wetland Interpretive Association Tijuana River Valley Invasive Removal was \$147,000 not \$497,900 as indicated. Staff currently is working to make this information available online through an internet application.

Additionally, Mr. Greer noted the \$220,000 allocation for enforcement activities, as approved by the Board has yet to be utilized. SANDAG staff is trying to determine the most cost-effective way to make use of that money. Staff is proposing to setup a panel presentation to discuss this issue in greater detail at the May 12, 2009, meeting.

5. Regional Management and Monitoring Roles and Governance

[NOTE: THE MINUTES FOR THIS ITEM ARE EXPANDED TO MORE FULLY CAPTURE THE DISCUSSION AT THE REQUEST OF THE EMPWG]

Mr. Ron Rempel presented potential roles and responsibilities of the regional management and monitoring entity and a comparison of potential governance structure for it. Mr. Rempel solicited input from EMPWG members and the public to formulate a draft recommendation to the Executive Oversight Committee. Two feedback forms were disseminated for this purpose. The first requests

input on the prospective roles and responsibilities of the proposed regional entity, and the second requests input on various evaluation criteria for three governance structures proposed for the regional entity.

Part 1: Discussion of the Potential Roles and Responsibilities of the Entity

In regards to a process question posed by Michael Beck, Endangered Habitat League, Mr. Greer said that the EMPWG will be making a recommendation to the Regional Planning Committee in June after it goes to the ad hoc Executive Oversight Committee on May 19. Mr. Beck commented that the Working Group should vote on the item before it goes to the Executive Committee.

Ms. Downey said the sequence proposed by staff, is the best way to disseminated information to air the concerns of the EMPWG to the ad hoc Executive Oversight Committee, without having to take a formal position at this time. Mr. Greer additionally noted that the EMPWG makes recommendations to the Regional Planning Committee and not the Executive Oversight Committee.

Jim Whalen, Alliance for Habitat Conservation, asked for clarification on what is meant by the word “coordinate” in describing the roles of the entity. Mr. Rempel said that coordination depends on the type of activity. If multiple organizations are involved in an effort, for example, coordination could involve dealing with contracts and funding sources or ensuring the timeframe and data collecting methods are standardized. The regional entity would have a say over whether or not it thinks the activities are serving its intended purpose.

Jerre Stallcup, Conservation Biology Institute, noted a mistake in the numbering of the importance scale on the feedback form. “Not important” should be numbered 1 and not 3.

Mr. Grim inquired how Role #10: Provide data and analytical report to the agencies and the public, relates to what already is being done with the Multiple Species Conservation Program (MSCP) plan in its annual report. Mr. Rempel stated the analytical report would synthesize data from across the county and provide a regional analysis rather than an assessment based on individual permittees or preserve systems.

To address a question by Emily Young, San Diego Foundation, on whether the feedback form is asking EMPWG members to prioritize roles, Mr. Rempel said that each potential role should be judged independently.

Kathy Viatella, the Nature Conservancy, suggested the inclusion of constraints for it may affect levels of implementation. Mr. Rempel asked the EMPWG to judge the breadth of the roles and responsibilities rather than the entity's priorities at this point.

Ms. Young inquired which of the roles listed in the form does the Nature Reserve of Orange County (NROC) focuses on most. Trish Smith, the Nature Conservancy, said NROC coordinates monitoring activities; oversees contracts for monitoring across all lands; prepares an annual report that summarizes management actions undertaken by each land manager within the reserve; prepares reserve-wide invasive species control programs and implement it; and coordinates and revises monitoring protocols. NROC, however, does not coordinate volunteers, collect, nor synthesize monitoring data; these are done through contractors.

Megan Johnson, California Coastal Conservancy, asked how Role #6 differs from Role #18. Mr. Rempel said that Role #6 would involve interagency coordination on potential expenditures of those agencies dollars as opposed to seeking grants to do specific activities.

Part 2: The EMPWG was asked to provide input on potential governance structures (below) for the regional management and monitoring program.

1. Joint Powers Agency (JPA)
 - Local Agency
 - Local, State, and Federal Agency
2. Department within SANDAG
3. Non-profit Public Benefit Corporation

Julie Wiley, SANDAG General Counsel, was present to provide legal counsel on questions relating to these structures.

Mr. Whalen inquired about the advocacy roles of nonprofit corporations. Ms. Wiley stated that she is unsure of their limitations since she is not a nonprofits legal counsel; however, governmental entities are not allowed to engage in political advocacy. She also noted that *TransNet* dollars are not be used for electioneering or to seek funding through a referendum.

Diane Rosenberg noted the Alliance for Justice Web site has information that speaks to this issue.

Ms. Wynn asked if conservancies, such as a state chartered conservancy, were considered as potential governance structures and whether the scope of an existing conservancy could be expanded. Mr. Rempel said that conservancies were not listed as potential governance structures because a state chartered conservancy, for example, must report to the state Resources Agency, its members are determined by the state legislature, and it is difficult to establish in this economic time. Additionally, the Resources Agency has made it clear in recent years that it does not want to see the creation of any more conservancies and expanding the scope of an existing one may bring about a host of political issues that the regional may not want to deal with.

Ms. Young asked Mr. Rempel to clarify what is meant by internal versus external politics. Mr. Rempel said that internal politics are situations when board decisions are influenced by interactions with staff, as opposed to external politics, where decision-making is based on outside influences from elected officials and the public.

David Mayer, California Department of Fish and Game, inquired if enforcement capabilities over preserved lands could be included under the JPA scenario. Mr. Rempel said this would be based on agreed upon roles and authorities granted to the JPA by its members.

Ms. Viatella asked if JPAs could receive private donations. Mr. Rempel said, although JPAs can receive donations, most people do not want to donate to JPAs.

Mr. April noted the benefit of a state chartered conservancy is that the transfer of lands from a state agency to a state conservancy could be accomplished under current state law, which would not be the case with a nonprofit entity.

Mr. Rempel said a state chartered conservancy and a JPA do many of the same things, however, the real difference is the process upon which they are established and the authorities transferred to them when they were created. A state chartered conservancy is established by state statute and the state legislature identifies members of its board, whereas a JPA is established upon a negotiated agreement between its member and they in turn determine the selection of the board members. Mr. Rempel said that a JPA would be more in line with EMPWG goals and objectives.

Ms. Johnson asked who approves the creation of a JPA. Mr. Rempel indicated approval rest upon the organizations who enters into the agreement.

Ms. Wiley added a JPA is created by a Joint Powers Agreement, wherein, certain entities decide to jointly endeavor to accomplish something and they must choose one of their members as the one whose rules must be followed by the JPA. The JPA cannot do anything beyond what one of members can do or give it authority to do. For example, when SANDAG was JPA, the City of Escondido was the member agency whose laws SANDAG had to abide by.

Ms. Wynn asked if jurisdictions would potentially have a vote in this entity. Mr. Rempel said that membership would depend on whether this entity is created as a local JPA or one with the state and federal agencies involved. The decision would be dependent on what is agreed upon by the parties involved.

Ms. Downey asked if a hybrid form of governance is possible within the SANDAG structure. Citing ARJIS as an example, Ms. Wiley said that this hybrid scenario is something that could be considered.

Ms. Downey asked if another column should be placed in the form to provide input on this hybrid structure. Mr. Rempel said that an additional column would be the best way.

Ms. Viatella said that it is hard to do this sort of evaluation since some of the elements that the Working Group is asked to provide input on, taken together, are inherently conflicting. Ms. Viatella said that a nonprofit 501(c)3 structure seems best suited for the regional entity in order to have the flexibility, independence, and ability to receive both public and private fund that the EMPWG is seeking; but, when going back to the list of potential roles, Ms. Viatella said that it blurs the line between being a 501(c)3 as opposed to being a permitter.

Mr. Beck requested that his comments be placed on the record:

Mr. Beck said: For context I want to state that, from our perspective anyway, that this discussion and this decision about the regional monitoring entity are fundamentally essential for the program [NCCP] to succeed. So this is a hugely important decision and the decision is probably going to create a structure that is going to not be undone. In my view, I don't think we are going to revisit this [issue], so I think that this is, again, something that we have to look past this moment and imagine 20-30 years from now something that is actually functioning and doing what it needs to do. And again, from [Ms.] Viatella's perspective... what... this entity has to do is [that] it absolutely must have a regional perspective; it has to have no lines whatsoever within the decision-making process in terms of geography. Its job, its primary purpose, is... to get the information that would allow us collectively to assess the viability of these covered species [under the NCCP], there is going to be over a hundred of them in San Diego County... It [the regional entity] has to develop... But, [a] part of what threatens people about a NGO, and I am arguing for one, is they think that somehow it is going to be misusing authority or usurping some authority of power that they have. So there is a kind of this knee jerk cultural reaction to a NGO that actually have authority to accomplish something. This [role of the regional entity] is highly technical work; this is not buying land. There is no reason to have condemnation value or purpose or that sort of thing. This is very technical work and once this thing [entity] gets structured towards doing work, nobody in the broad public is going to pay much attention to it. But the point that Kathy made about making a separation between what ultimately must happen, again, is adaptive management directives are suppose to be the result of this monitoring program... to prioritize management, to prioritize monitoring... The wildlife agencies really have the obligation to do that, so maybe as we move

forward we can separate the threat or the fear that people have about an NGO and reestablish that obligation or reconfirm that obligation for adaptive management directives because that is the only issue of control here... is what you are going to tell local government to focus on... and if that stays with the wildlife agencies maybe that threat is eliminated.

Ms. Downey asked Mr. Beck if he anticipates an agency, such that as Fish and Wildlife, to give management directives based upon what is produced by the regional entity.

Mr. Beck said: I think that you will find that the NCCP anticipates that the wildlife agencies have the obligation to do that work and there could be some variations on a theme. But, maybe that is a way because when you define control... it is really what this thing [entity] is going to tell local governments to do for which species, that's it. That's the only fearful thing in this and it shouldn't be fearful because local government should be doing it. Local government and JPAs all come to the table with their geographic lines around them, every single JPA that we have in San Diego County operates in that way. The reason why JPAs all attach themselves to NGOs [is] because NGOs can do things that they can't do... They [NGOs] can put a personality on the effort, they connect with the community, they do fundraising, they bring some kind of character to an organization, and JPAs are kind of not intended and not expected to have a personality—they just don't. So those are the functions that have to happen in our view.

The priorities of what this thing [entity] has to do as well, [is that] it has to have a regional perspective, has to be the most cost-effective entity and that includes the ability to fundraise. So much of what has happen in the NCCP in San Diego County is the result of the effort of nonprofits and not of government in terms of making the program work and getting funding and doing all of these structural things as well as focusing on linkages when local government doesn't do it, and focusing on wrens when local government doesn't do it. There are so many things that are essentially performed by nonprofits and the business communities as well. The program would have never been accepted and voted on by the City of San Diego had not both the business and the environmental communities stood up there and said do this. So there is a hugely important role, and this translates again into the structural gear that we are talking about. It has to be independent. Everybody agrees that if you are talking about science and monitoring data it has to have independent science, otherwise just don't even do it because you would damage the NCCP by having something that is ever perceived, at a statewide level, as manipulating... Look [at] what just happened over that last eight years when science was manipulated. This thing [entity] must have creditability and independence and the only way to do it in our view is to be an NGO.

Ms. Downey asked if the EMPWG does that, then who gets to decide the appointment of the and who reviews it.

Mr. Beck said: That decision will come from people who actually are spending the money, so ultimately that will translate to the SANDAG Board and I don't know what is between this entity and the SANDAG Board. I think that there are different ways to structure things, but ultimately the veto power on the adaptive management directives are probably the wildlife agencies and the authority to make a decision ultimately in regard to the funding based on clear science based recommendations would be the SANDAG Board. If you look at what we have done under this Ad Hoc Committee that we have been operating under, and the regional planning committee all the way up to the SANDAG Board, things get vetted here because everyone around the table has a real interest in what they are doing and really cares about the answers and by the time they go through the process those decisions are not being changed by the SANDAG Board. In a JPA, people know that they all show up once a month or once quarterly and they get the agenda the day before and they read it ten minutes before and that is who shows up to make the decisions. That is

a highly different thing than what we are talking about here with an NGO that actually is populated by scientists, non-elected officials, [although] it could have elected officials in the system for sure. You are all elected officials [Chair, Carrie Downey]] that has participated in this process. Lori Pfeiler, mayor of Escondido, is now an advocate for this campaign [Quality of Life] that we are doing because she's invested in it.

Ms. Downey asked if the EMPWG see its Chair as a possible interface to get SANDAG funding approvals once we get this entity gets set up.

Ms. Viatella said the one thing she likes about the nonprofit nature is that nonprofits fail or thrives based on performance and how they are evaluated by their contributors. She noted that it is a lot easier to dissolve something that is failing.

Mr. Beck said: This [Working] Group developed and made recommendations on the work program [and] that wasn't change when it went forward. This entity is going to have to have a structured universe that is adaptable, that is based on the work program and the best available science today. But, that may change and those things happen in the interim and this entity must be able to recognize when those things are happening. It has to have the creditability when those independent people on the ground can pick up the phone and believe that somebody on the other end is going to listen to them and actually act on those things. The bulk of things is going to be hard wire into a work program but has to be nimble, flexible, and creditable and interfaced with biology.

Mr. Greer noted the EMPWG is a structured committee that makes recommendations to the Regional Planning Committee, which makes recommendations to the SANDAG Board of Directors. Through the vetting process, the EMPWG recommendations seem to be well supported at the Board level. But the question here is what type of structure does the Working Group want the entity to be and how funding, if it comes to SANDAG, flows from down from the SANDAG Board to the regional entity.

Ms. Wiley emphasized that if the Group decides to create an NGO, then that entity has to be completely separated from SANDAG, otherwise the Brown Act, Public Records Act, employment laws, and contracting procedures of a public entity will apply to the NGO and the flexibility in which the group is looking for would not be there. The nexus that the group seeks may be in the form of a contractual relationship versus a direct control type of relationship.

Mr. Rempel added that through a contractual relationship, the EMPWG and the Regional Planning Committee could be kept in the process.

Ms. Wynn inquired about contractual agreements between an NGO and SANDAG for management plan preparations. Ms. Wiley said that this would basically be a cooperative agreement between the parties. She cites SANDAG's relationship with Full Access & Coordinated Transportation (FACT), the designed Consolidated Transportation Services Agency for San Diego County. FACT is a completely separate entity from SANDAG. Each year, FACT has to apply for funding based on its scope and SANDAG has input on whether it is willing to include it in the contract and fund. The Senior and Disabled Working Group provides comments on what FACT is supposed to accomplish as far as coordinating transportation for the region for disabled and senior persons.

Ms. Wiley said that through contracts, SANDAG, from EMPWG recommendations, could impose performance standards and timelines for when the scope has to be accomplished. She does not want the Working Group to think that what is being done at SANDAG could be transplanted and labeled as an NGO because this cannot be done without losing flexibility.

A question was raised if this entity is a separate nonprofit organization, would the same contracting procedures apply similar to the land management grants, in which the EMPWG recommends funding and SANDAG issues a contract to the entity.

Ms. Wiley said that the grant allocation process is on a competitive basis. In this case, Ms. Wiley does not believe that it was the intention of the drafter and voters of the *TransNet* Ordinance to have the regional entity compete for funds, thus a cooperative agreement is more appropriate because the *TransNet* Ordinance specifically speaks to the creation of this regional entity and this entity having use of the funds.

A comment was made that the entire structure of this effort is to create one regional entity and this discussion is about drafting the two roles of the entity, the science, and implementation. The commenter said that he would have mixed feeling about having an NGO being in charged of all the implementation because the NGOs are going to run into liabilities and execution problems and it might be beneficial to the state and federal agency as apart of the JPA that helps create that nexus for communication.

Mr. Grim said that it is very important to keep the permittee/permittor relationship separate from this regional effort to not confuse jurisdictional and regional entity roles. The regional entity is more about informing and coordinating rather than regulating.

Ms. Downey asked Mr. Grim what he believes is the best structure to keep those roles separate. Mr. Grim responded that a NGO would be the best because with a JPA would involve people that are not really scientifically informed.

Mr. Greer said the whole purpose of the regional entity is to develop good science on species for land management and monitoring.

Mr. Whalen cited three examples of entities with a failing governance structure of each of the governance structures being discussed. Mr. Whalen said that the Otay Ranch JPA failed to produce results even though it is funded and have a game plan, the Santa Monica Conservancy is equivalent to a NGO but is unaccountable, and the Southeast Economic Development Corporation (SEDC) is a public corporation that has a corrupt setup. Mr. Whalen said that this entity must be some kind of public corporation with a lot of external controls over governance; it has to have oversight, standards, and accountability provisions attached to it.

Ms. Wiley said that getting this NGO off the ground would be difficult because SANDAG cannot provide legal counsel and staff because SANDAG has to have an arms length relationship to this entity.

Mr. Greer asked how the Regional Energy Office (REO) was created. Ms. Wiley said that she does not know the answer, although the REO is completely separated from SANDAG with its own staff and legal entity.

Ms. Downey said that she thought REO was once a part of SANDAG. Ms. Wiley said that it had offices at SANDAG and SANDAG did provide some funding, but the REO wanted to be an independent entity and did file articles of incorporation six or seven years ago.

Ms. Downey inquired if *TransNet* funds could be used to hire an independent attorney to set up this entity because the *TransNet* Ordinance clearly envisions the development of this entity. Ms. Wiley said that she would have to think about this because the issue is whether the ordinance contemplates that money should be used for something even before it's created.

Mr. Rempel said he does not anticipate a problem in finding pro-bono legal assistance to develop an NGO document.

Ms. Viatella inquired if SANDAG performs audits. Ms. Wiley said that SANDAG contracts mandate audits be performed by an independent firm and require that SANDAG have access to these records.

Mr. Rempel inquired if SANDAG does both a performance audit and a financial audit to determine performance compliance. Ms. Wiley said, yes, it does.

Ms. Stallcup noted that this entity would not replace land managers; rather, it would coordinate amongst them so there would not necessarily be the kind of problems associated with permits because it is assumed that land managers would continue to manage their land.

Mr. April raised the issue of land that are not currently being managed- who is going to assume those duties under this entity.

Ms. Downey requested that SANDAG staff provide the feedback forms electronically for members of the EMPWG and the public. Mr. Greer indicated he would send these out.

6. EMPWG Subcommittee Recommendations on Land Management Grants

This item was deferred to the April 14, 2009, meeting.

7. Next Meeting Date and Adjourn

Chair Downey adjourned the meeting at 2:50 p.m. The next meeting is scheduled for April 14, 2009, from 1 to 2:30 p.m.

San Diego Association of Governments
ENVIRONMENTAL MITIGATION PROGRAM
WORKING GROUP

April 14, 2009

AGENDA ITEM NO.: **4**

Action Requested: APPROVE

RECOMMENDATIONS OF THE EMPWG AD HOC SUBCOMMITTEE
ON FY 2009 LAND MANAGEMENT GRANTS

File Number 3002700

Introduction

On September 26, 2008, the Board of Directors approved a process and criteria for funding eligible land management activities under the *TransNet* Environmental Mitigation Program (EMP) for FY 2009. A total of \$1.63 million was made available for land management activities related to (1) invasive species control, (2) post-fire wildfire recovery, (3) habitat restoration, and/or (4) access and litter control. The Request for Proposals stated that projects that are not ready to start within 12 months of submission of the application (January 30, 2009) to SANDAG would not be eligible for this funding cycle.

Pursuant to Board approval, a "call-for-projects" was issued on December 1, 2008, and 29 applications totaling over \$7.1 million were received. Twenty-seven of the projects proposed activities related to one or more of the four eligible activities.

Discussion

On November 13, 2008, the EMP Working Group (EMPWG) appointed an evaluation committee to review the land management grant applications which were received by SANDAG on January 30, 2009. This evaluation committee consisted of Bruce April, Mike Grim, James Whalen, David Mayer, Susan Wynn, Anne Harvey and was chaired by Thomas Oberbauer from the EMPWG, and two outside, independent biologists with natural resource management experience. These outside experts were Bill Tippetts of the County Water Authority and Dawn Lawson from Camp Pendleton.

The prioritizations and recommendations from the ad hoc committee are provided as Attachment 1.

Hard copies of the grant applications will be provide to the EMPWG members at the meeting all on with copies of the Request for Proposals.

All of the actual applications and evaluation criteria are available in a PDF format on the SANDAG ftp site located at <ftp://ftpx.sandag.org/sandag/pub/EMP%20Grants%20Proposals/>

Attachment: 1. Letter from Vice Chair Thomas Oberbauer, dated March 10, 2009

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

Date: March 10, 2009

To: Environmental Mitigation Program (EMP) Working Group

From: Thomas Oberbauer, Environmental Mitigation Program Working Group Vice-Chair

RE: Recommendations of the EMPWG Ad Hoc Committee on FY 2009 Land Management Grants

Introduction

On November 13, 2008, the Environmental Mitigation Program Working Group (EMPWG) appointed an evaluation committee to review the land management grant applications which were received by SANDAG on January 30, 2009. This ad hoc committee consisted of Bruce April, Mike Grim, James Whalen, David Mayer, Susan Wynn, Anne Harvey and was chaired by Thomas Oberbauer from the EMPWG, and two outside, independent biologists with natural resource management experience. These outside experts were Bill Tippetts of the County Water Authority and Ms. Dawn Lawson from Camp Pendleton.

Discussion

On February 10, copies of the 29 applications (totaling over \$7.1 million) were sent to each committee member, who independently ranked them according to the criteria approved by the SANDAG Board on September 26, 2008. The evaluation committee met on February 25, 2009. The individual rankings were then pooled and collectively reviewed. All of the proposed projects were then reviewed and their merits and shortcomings were discussed.

In the collective discussion, the ad hoc committee recognized that:

1. There is no strategic plan for how to address invasive weed control across the County. As such land management actions to remove exotic species still are being addressed at best on subwatershed level.
2. Several proposals identified matching funds coming from prospective state bond funds. These funds have been frozen and it was unclear that they would be released within the 12-month starting window required by the grant.
3. Some projects received EMP Land Management Funds during the last cycle and currently have funding for the next 12 months or more.

The resulting recommended list of projects described on the attached spreadsheet are distributed widely geographically in the region and well represented by various types of organizations from larger agencies and jurisdiction to small nonprofit land managers. It should be noted that some of the projects ranked numerically higher than other but are not being recommended due to limitations of the project. The rationale for this is mentioned in the attached spreadsheet. In some cases the entire request is being recommended for funding. In other cases, the committee is recommending a reduced amount.

It is the ad hoc subcommittee's hope that projects that did not receive any funding or less than the requested amount will resubmit for next year's grant funding. Mr. Keith Greer of SANDAG staff or I would be available to individual applicants to discuss their ranking and proposals.

The ad hoc committee is recommending that the EMPWG forward to the Regional Planning Committee the following nine projects for funding (Attachment 1).

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

Attachment: 1. EMPWG Ad Hoc Selection Committee Summary of Land Management Project Evaluations

**EMPGW AD HOC SELECTION COMMITTEE
SUMMARY OF LAND MANAGEMENT PROJECT EVALUATIONS
FY 2009 Recommendations**

Tracking No.	Project	Activities Proposed	Average Summary Score	Final Overall Rank	Requested Funding	Recommended Funding	Discussion/Conditions
12	City of Carlsbad, Parks and Recreation Department - Calavera Preserve Planning Area	The purpose of this project is to provide access control, habitat restoration, and public outreach for the 735-acre Calavera Preserve Planning Area, located in the northeast quadrant of the City of Carlsbad.	123	1	\$286,667	\$286,667	Fund restoration and access control.
14	Zoological Society of San Diego and City of San Diego Water Department - Wild Animal Park	We propose to support and enhance the survival of coastal cactus wrens in San Pasqual Valley by: (1) enhance 45 acres of damaged cactus scrub within the Wild Animal Park MSCP through cacti enrichment plantings, (2) construct a cactus propagation and salvage center that will serve as a long-term resource providing native cacti materials for restoration projects throughout the North County, (3) propagate over 1,200 prickly-pear cacti per year for restoration in the San Pasqual Valley and (4) monitor cactus wren abundance, distribution, and habitat use in relation to habitat enhancement to verify project success.	118	2	\$341,153	\$325,290	Fund, with condition that they apply overhead only on personnel costs only - not on materials and other direct costs.
2	California Wildlife Foundation - Rancho Jamul Fencing	The goals of this project is to prevent trespass by off-road vehicles and the further degradation of sensitive habitat managed by Cal Fish and Game within Proctor Valley by installation of steel barriers in concrete footings.	122	3	\$393,043	\$393,043	Fund with condition that the applicant obtains private property owners permission to build fence prior to BOD approval and they identify strategic locations along Proctor Valley road where to starting from the terminus of the City Water Department fencing project.
28	San Diego River Conservancy - San Diego River in Cities of San Diego, Santee and County of San Diego	Integrated project of (1) invasive species control and restoration, (2) access control and fencing, (3) Park patrol and clean up and 4) planning future restoration by outreach to property owners.	119	4	\$721,072	\$0	Not recommended for funding. Large project that would require significant matching funds. Matching funds of \$1,095,620 have been proposed, but frozen by the state. Recommend reapply next cycle when applicant knows status of matching funds.
16	San Dieguito River Valley Conservancy - Hodges East and San Pasqual Valley	This request is for <i>TransNet</i> EMP funding to continue annual treatment of pepperweed for three years and biological monitoring of sensitive species. It also includes funding to purchase a carrier vehicle to allow materials to be delivered for habitat restoration and trail construction activities as well as a handheld data collection device for tracking invasive occurrences.	115	5	\$267,350	\$267,350	Fund exotic removal and biological monitoring.
8	City of San Diego Water Department - Upper Otay Watershed Restoration	The projects propose to restore and enhance native riparian and upland habitat along 4.5 miles of Dulzura, Jamul, and Proctor Creeks in the Upper Otay Watershed. Habitat at all three sites has been compromised by successive wildfires in 2003 and 2007.	115	6	\$271,901	\$0	Not recommended for funding. The project is contingent upon receiving state grant funds of \$5,554,804. The grant funds have been applied for but not approved. Recommend reapply next cycle when applicant knows status of matching funds.
1	Center for Natural Lands Management - Rancho La Costa, TET, Meadowlark	The Project Proposal requests funding to remove non-native plant species from several preserves owned and managed by the Center for Natural Lands Management. The species targeted are extremely invasive and threaten the preserves and continue to degrade habitat quality and impact sensitive species.	112	7	\$90,229	\$55,010	Fund Phase I with deletion of \$19,000 for removal of eucalyptus trees.
15	Southwest Wetlands Interpretive Association - Tijuana River Valley Regional Park	Southwest Wetlands Interpretive Association (SWIA) seeks funding for: (1) Treatment of non-native, invasive plants within 212 acres of prime riparian habitats; (2) Revegetation of riparian scrub and riparian woodland with native species; (3) Continued involvement of the 23-member Technical Advisory Group; (4) Monitoring of project success through treatment-effectiveness monitoring; and (5) Public outreach in the form of updated kiosk displays and signage.	112	7	\$820,000	\$0	Not recommended for funding. A spring treatment has been funded by an EMP grant (\$149,437). A proposed fall treatment is not considered critical. Recommend applicant to reapply next cycle.

Tracking No.	Project	Activities Proposed	Average Summary Score	Final Overall Rank	Requested Funding	Recommended Funding	Discussion/Conditions
17	Batiquitos Lagoon Foundation - Mitsuuchi Property	The purpose of this project is to restore and enhance native habitats, and stabilize the heavily eroded bluff, provide for safe public access, and to support, promote, educate, and engage the public in environmental matters at the former Mitsuuchi Parcel in the Batiquitos Lagoon Ecological Reserve. Another key purpose is to provide for properly managed public access for recreational and environmental educational purposes.	108	9	\$67,138	\$67,138	Fund restoration and access control effort.
18	San Elijo Lagoon Conservancy - Multiple in Carlsbad Hydrologic Unit	The San Elijo Lagoon Conservancy proposes to treat the invasive plants on these sites with herbicide, reduce or remove the resulting biomass as appropriate, revegetate the sites, and continue retreatments at these sites for two additional years.	108	10	\$299,860	\$0	Not recommended for funding. Currently applicant has three years of funding (\$279,950). Not recommended to expand efforts in this area during this cycle.
24	Back Country Land Trust of San Diego County - Wright's Field MSCP Preserve	Erosion repair and restoration project, completion of the perimeter fence and surveys for the Hermes copper and Quino checkerspot butterflies.	100	11	\$81,690	\$24,504	Fund completion of fencing and recovery plans - initial fencing paid for by <i>TransNet</i> EMP grant. No funding recommend for restoration of erosion control during this cycle.
13	City of Chula Vista - Salt Creek	5 year restoration of cactus wren habitat in Salt Creek by reduction of competing shrubs with coast cholla patches.	102	12	\$297,580	\$0	Not recommended for funding. County San Diego has grant to restore same area. Determine what areas County proposes to fund and recommend reapply next cycle.
3	Friends of Los Peñasquitos Preserve - Black Mtn. Open Space Park and Santa Luz Grasslands	The Friends of Los Peñasquitos Canyon Preserve, in partnership with the City of San Diego will restore 5-6 invasive grass sites, totaling a net 25-acres, to coastal sage scrub and succulent sage scrub in a project to be phased in over 5 years. The focal species of the project are the Cactus wren and California gnatcatcher.	101	13	\$71,604	\$0	Not recommended for funding. Not a known area for cactus wren. Restoration of this area not critical.
4	California Invasive Plant Council	Development of the state's first regional framework for strategic invasive plant management. The project brings together three inter-related planning components to be initiated concurrently, as well as a pilot implementation project. The planning components are (1) guiding the collection of baseline invasive plant distribution data, (2) conducting detailed impact assessments for regionally important invasive plants, and (3) developing a Strategic Plan to guide immediate management.	93	13	\$190,000	\$150,000	Fund with the eliminations of the two proposed pilot projects. Lowers needed funding by \$40,000.
7	City of Oceanside, Department of Public Works - Myers Property	3.5 acres of remediation and restoration of unauthorized trails and sources of erosion and sedimentation are proposed for the 35-acre Myers Property in the City of Oceanside, California.	99	15	\$60,998	\$60,998	Fund conditioned that a letter of commitment to enforce unauthorized uses be included in contract.
21	River Partners and the County of San Diego Department of Parks & Recreation - Hollenbeck Canyon (a.k.a. Daley Ranch)	Post-fire removal of emerging and existing invasive, non-native plant species and the restoration of riparian habitat along Dulzura Creek.	99	16	\$105,697	\$0	Not recommended for funding. Same company as proposal no. 8. Proposal has less allocated matching funding and match is an unsecured state grant.
22	County of San Diego Department of Parks & Recreation - Barnett Ranch Preserve, Rancho Jamul and Diego National Wildlife Refuge	Low cost, effective ways to restore habitat that has succeeded to invasive non-native grasses as a result of fire on large scale plots.	89	17	\$187,500	\$0	Not recommended for funding. Research project not eligible.
27	San Pasqual River Restoration - San Pasqual Valley	Project is to decrease significantly the presence of non-native plant species in the designated areas, and continue the maintenance to enable the riparian vegetation to thrive, thus inviting the endangered species back to the site.	88	17	\$35,000	\$0	Not recommended for funding. Received \$45,000 last year. Unclear what additional work would be needed.
19	County of San Diego Department of Parks & Recreation - Lusardi Creek Open Space Preserve	The project proposes to install fencing and other access control measures such as signage, bollards and boulder placement. To facilitate ranger patrol a culvert is proposed at Lusardi Creek. Treatment of non-native grassland and artichoke thistle is proposed in the upland areas of the site and treatment of arundo and tamarisk is proposed in the riparian areas.	93	19	\$256,000	\$0	Not recommended for funding. High cost for culvert construction (\$156,000). May lead to more access for unauthorized uses.

Tracking No.	Project	Activities Proposed	Average Summary Score	Final Overall Rank	Requested Funding	Recommended Funding	Discussion/Conditions	
20	County of San Diego Department of Parks & Recreation - Boulder Oaks Preserve	Enhance the habitat within the Boulder Oaks Preserve to eventually support Pacific pond turtles	81	20	\$156,680	\$0	Not recommended for funding. Not a known area for western pond turtles. Genetic work still being done. Premature to indicate that this area should be focus of pond turtle relocation.	
10	City of San Diego Water Department - Piedras Pintadas Archeological Site, Lake Hodges	The project proposes to restore and enhance 4.75 acres of native Diegan coastal sage scrub habitat (California sagebrush dominated) south of Lake Hodges in an effort to encourage the return of the 2007 pre-fire California gnatcatcher and cactus wren populations.	85	21	\$115,170	\$0	Not recommended for funding. Cultural resource protection project not as critical for biological resources.	
11	San Diego State & USGS - Rancho Jamul Ecological Reserve	Proposal to use a combination of biodiversity surveys, population genetic analyses, and specialized habitat modifications to study key aspects of the recovery of small animal populations following fires. Use of genetic analyses to determine how population structure of focal species is affected by fire and the degree to which recovery comes from survival of local individuals versus immigration of individuals from unburned areas.	68	22	\$196,334	\$0	Not recommended for funding. Research project not eligible	
5	Bureau of Land Management - Dulzura QCB Occurrence Complex	The Bureau of Land Management (BLM) Palm Springs-South Coast Field Office is proposing to restore Quino checkerspot butterfly habitat on federal lands within the Dulzura QCB occurrence complex (Southwest San Diego Recovery Unit). These lands were burned in the 2003 Otay and 2007 Harris wildfires and are gradually converting from native annual grasslands and open coastal sage scrub habitat to dense non-native grasslands.	78	23	\$258,200	\$0	Not recommended for funding. QCB not a covered species. High cost to benefit ratio.	
9	City of San Diego Water Department - Jamul Creek Access	The project proposes to install a 90-foot clear-span railcar bridge, with pre-cast concrete abutments, over an unnamed stream channel that flows from Otay Mountain into Jamul Creek.	76	24	\$91,710	\$0	Not recommended for funding. Access enhancement for Border Patrol. Not related to access control to minimize impacts for biological resources.	
25	32nd Street Canyon Task Force, c/o Groundwork Chollas - 32nd Street Canyon, Golden Hill	Non-native abatement our natural areas require to become more sustainable, and restoration, at 32nd Street Canyon, in San Diego's community of Golden Hill.	64	25	\$392,352	\$0	Not recommended for funding. Urban canyons not as biologically significant as other areas.	
23	County of San Diego Department of Parks & Recreation - Lindo Lake, Lakeside California	Preparation of a detailed sediment removal plan and permitting for the restoration of Lindo Lake.	56	26	\$109,000	\$0	Not recommended for funding. Urban lake with water quality focus.	
26	Rincon Band of Luiseno Indians - Rincon Reservation	Development of a native plant nursery and revegetation of habitat burned in 2003 and 2007 wildfires.	57	27	\$60,000	\$0	Not recommended for funding. Other projects were considered more critical.	
6	Rincon Band of Luiseno Indians	Fire recovery on the Rincon Reserve to address the clearing and cleaning of debris and unwanted vegetation in natural drainages burned during the 2003 and 2007 wildfires and subject to server erosion.	47	28	\$749,850	\$0	Not recommended for funding. Focus on flood control, not improvements to biological resources.	
29	Pauma Band of Mission Indians - Pauma Mission Reserve	Re-seed and plant vegetation, trees, remove burnt debris, clear brush, repair and maintain roads to and from reserve and to eliminate or at least reduce the potential for down stream flooding extending to Pauma Creek.	41	29	\$150,000	\$0	Not recommended for funding. Focus on flood control, not improvements to biological resources.	
					TOTAL:	\$7,123,778	\$1,630,000	