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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, September 8, 2009

1 to 2:30 p.m.

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

Staff Contact: Keith Greer
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 kgr@sandag.org

AGENDA HIGHLIGHTS

- **CONSERVED LANDS DATABASE**
- **VEGETATION MAPPING UPDATE – STATUS**

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ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

September 8, 2009

ITEM #		RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (CHAIR, SANDAG BOARD MEMBER, CARRIE DOWNEY, CITY OF CORONADO COUNCIL MEMBER)	
+2.	SUMMARY OF JULY 14, 2009 MEETING Review and approve the meeting summary of the July 14, 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.	REGIONAL MANAGEMENT AND MONITORING COORDINATION (KEITH GREER, SANDAG) Mr. Greer will introduce Dr. Jeff Tracey, who was contracted to serve as the regional monitoring coordinator.	INFORMATION
5.	CONSERVED LAND DATABASE (GRACE CHUNG, SANDAG) SANDAG staff has worked with the jurisdictions, agencies, and land managers to gather information on the conserved lands in San Diego. Ms. Chung will show the results, discuss some of the challenges that remain, and proposed next steps. The GIS layer will be available to the public via the SANDAG Web site prior to the meeting.	INFORMATION/ DISCUSSION
6.	VEGETATION MAPPING UPDATE OF WESTERN SAN DIEGO COUNTY (JOHNATHAN DUNN, EDAW; TODD KEELER-WOLF, CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG) Mr. Dunn of EDAW will provide a status report of an effort to develop a vegetation classification system and update the 15-year old vegetation mapping in San Diego County. EDAW, under contract to SANDAG, has been working with the CDFG this last spring. Mr. Dunn will explain the process, products, and schedule for this project. Mr. Dunn and Dr. Keeler-Wolf will be available to answer questions.	INFORMATION/ DISCUSSION

7. NEXT MEETING DATE AND ADJOURN

INFORMATION

The next meeting of the EMPWG is scheduled for November 17, 2009.

Note: this is the third Tuesday of the month. This date has been selected due to a conflict with a workshop on November 10, 2009, on Habitat Conservation Plans in Southern California to be held at the San Diego Wild Animal Park.

Tentative topics to be discussed are status and trend analysis of the California gnatcatcher and an outline of the report on the status of NCCP covered species ("triennial species report").

+ next to an item indicates an attachment

San Diego Association of Governments
ENVIRONMENTAL MITIGATION PROGRAM
WORKING GROUP

September 8, 2009

AGENDA ITEM NO.: **2**

Action Requested: APPROVE

SUMMARY OF JULY 14, 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, Wildlife Conservation Board (Alternate)
Robert Fisher, United States Geological Survey (USGS)
Mike Grim, City of Carlsbad, North County Coastal
Ann Harvey, San Diego Conservation Network
Jeanne Krosch, City of San Diego
Melanie Kush, City of Santee, East Suburban Communities (Alternate)
David Mayer, California Department of Fish and Game (CFDG)
Michelle Mattson, Army Corps of Engineers
Jim Whalen, Alliance for Habitat Conservation
Susan Wynn, U.S. Fish and Wildlife Service (USFWS)
Emily Young, The San Diego Foundation

Others in Attendance:

Andrea Bitterling, HELIX Environmental Planning
Scott Fleury, ICF Jones & Stokes
Lucy Galvin, Helix Water District
Josh Garcia, City of San Diego
Jason Giessow, Dendra Inc.
Scott Grimes, Endangered Habitats League
Megan Hamilton, San Diego County
Bruce Hanson, EDAW
Jerry Jakubauskas, City of San Diego
Mary Lindquist, Padre Dam MWD
Libby Lucus, California Department of Fish and Game
Niki McGinnis, City of San Diego Water Department
Betsy Miller, City of San Diego
Ken Quigley, MCB Camp Pendleton
Barb Redlitz, City of Escondido
Ron Rempel, R.D. Rempel Environmental Solutions

Others in Attendance (cont'd):

Christina Schaefer, TAIC
Markus Spiegelberg, Center for Natural Lands Management
Jeff Tracey, Sigma Logistics Consulting
Chris Zirkle, City of San Diego Open Space Division

SANDAG Staff in Attendance:

Keith Greer
Marina Som

1. Welcome and Introductions

Chair Carrie Downey, City of Coronado, called the meeting to order at 1:06 p.m. and welcomed the group. She invited members and guests to introduce themselves.

Jeff Tracey, an ecologist and biometrician from Sigma Logistic Consulting, introduced himself to the EMPWG. He stated that he will be doing monitoring work in the County.

2. May 12, 2009, Meeting Summary

Libby Lucas from CDFG requested to be identified in the summary as the person inquiring to whether or not mountain bikes are off-road vehicles. Michael Beck from Endangered Habitats League motioned to approve the summary with the correction. Mike Grim, City of Carlsbad, seconded the motion, and it carried without opposition.

3. Public Comments and Communications

Ms. Downey asked if any members of the public would like to address the EMPWG on any issues within the jurisdiction of the working group. Keith Greer, SANDAG, noted that a public comment was received from Ms. Diane Nygaard via e-mail regarding the July 14 agenda items; printed copies of her comments were distributed to the group (attachment 1).

4. *TransNet* Environmental Mitigation Program (EMP): Status Report

Mr. Greer briefed the EMPWG on the status, challenges, and next steps for implementing the *TransNet* EMP. The intent of the report was to provide the EMPWG with a brief update on the progress of the EMP since inception as an interim yardstick to measure progress until the development of a report card, which will start in 2010 and continuing every two years thereafter.

Mr. Greer mentioned that although the program has been successful in lowering the cost of land acquisitions by 17 percent since 2002, the restoration costs and the overall cost savings accrued under the EMP is unknown at this time. He also noted that the EMP Dashboard will be completed within the next four to six months, at which time staff will return to the EMPWG for a demonstration on its use, and the detailed progress report will be available in June 2010.

Mr. Beck inquired: (1) how tax revenues will affect the Plan of Finance; and (2) if staff can provide an estimated value of the bonded dollars. Mr. Greer responded that the Plan of Finance was bonded; tax revenues only will affect the bond if it continues to decrease and if it is borrowed against. Information on the dollar valuation from 2002 to the current date will be available on Dashboard. Mr. Greer noted that there was about a 5 to 6 percent escalation in value from 2002 to 2003, but over the last couple of years, the value has flat lined and/or decreased.

Mr. Beck asked when economic benefits will be translated into a dollar amount. Mr. Greer stated there are not enough data available to start this exercise; however, the 2006 memorandum of agreement stated that it will be determined eight years after its signing. Mr. Beck remarked that this process should begin before then and asked under what conditions this determination can be revisited. Mr. Greer responded that it would require an agreement amongst signing agencies of the *TransNet* memorandum of understanding and a Board action to change it.

Ms. Lucas, CDFG, commented that the real challenge to wetland mitigation is preventing the loss of wetlands and the staff report seems to be critical of the current regulations designed to prevent and mitigate that loss via the no-net-loss policy. She noted that the wetland creation requirement is applied on a case-by-case basis and restoration is often an accepted form of wetland mitigation.

Mr. Greer mentioned that another issue staff is working on is acquiring lands for advance mitigation under the U.S. Army Corps of Engineers' (USACE) regulations; the challenge is that staff wants to acquire lands to set aside for future mitigation, but does not want to do so under a formal bank which may take many years to create. Michelle Mattson, USACE, remarked that any advance mitigation project would require a mitigation bank, but in its absence, lands can still be acquired and held for future restoration projects until a bank is created. Mr. Greer stated that he will discuss this issue further with Ms. Mattson.

Ms. Downey stated that the Board understands the issues associated with the loss of wetlands, and an upside to this down economy is that wetland opportunities may be secured at a lowered cost. She noted that the Dashboard will be a helpful tool the decision-making process.

Robert Fisher, USGS, noted that the Department of Homeland Security has devoted \$59 million to back mitigate for its border fence project in the Tijuana Estuary, and there may be some wetland opportunities there that SANDAG can work with Homeland Security to restore. Susan Wynn, U.S. Fish and Wildlife Service, stated that the first 14 miles of Homeland Security's border fence project is exempt, thus the money will be strictly applied to the next segment of that project. Mr. Greer added that there are a lot of wetland opportunities in the Tijuana River Valley, and it is a matter of coordinating with land owners and regulatory agencies.

5. Recommendations of the EMPWG Ad Hoc Subcommittee: Revisions to the Five-Year Funding Strategy, Fiscal Year 2010 Funding and Land Management Grant Criteria

Susan Wynn, USFWS, presented the proposed reallocation of funds in the five-year *TransNet* EMP Funding Strategy, as well as the revisions to the *TransNet* EMP Land Management Grant Criteria, as proposed by the EMPWG Ad Hoc Subcommittee. The proposed reallocations were a result of the current regional management and monitoring efforts and the availability of funds encumbered in FY 2009, but not expended.

Part 1: Revisions to the Five-Year Funding Strategy Discussion

Ms. Wynn noted that gnat catcher monitoring will be conducted once every three years, allowing for the redistribution of funds for other projects. She stated that the subcommittee also has proposed that \$225,000 be utilized in FY 2010 for preserve-level management plan standardization, which is the only new item in the five-year Funding Strategy.

In looking at Attachment 1 of the report, Ms. Downey asked of the reason behind the proposed \$300,000 for updated vegetation mapping in FY 2010. Ms. Wynn stated that an additional \$150,000 was reallocated to make up a funding deficit that resulted from the loss of matching grant funds from the state.

Mr. Beck inquired about the timeframe for starting/completing the plan standardization. Mr. Greer stated that it cannot start until the Board approves the proposal (September). Ms. Wynn added that it would take no more than a couple of months once the management and monitor coordinator positions are in place to implement it.

Mr. Beck asked if the standardization would require a rewrite of existing management plans. Ms. Wynn stated that in her opinion; the standardization would not replace the existing framework of the management plan, rather, it would standardize reserve-level monitoring techniques and protocols so that data can be comparatively analyzed.

Jeanne Krosch, City of San Diego, inquired if jurisdictions will have input on the proposed protocols. Ms. Wynn stated the standardization process will not develop new techniques; it will draw upon the existing practices.

Tom Oberbauer, County of San Diego, asked if the standardization would usurp the existing regional monitoring methods. Ms. Wynn stated that although there may be some areas of overlap, in general it would not since those methods are for regional monitoring, and this would be for preserve-level monitoring.

Emily Young from the San Diego Foundation commented that there must be some articulations between what is going on at the individual reserve level and what is happening regionally to ensure that protocols are consistent. Ms. Wynn responded that the methods for regional gnat catcher monitoring, for example, yields data that may not be useful for land managers since it relies on random sampling and does not count the number of mating pairs or indicate their locations. The goal of the preserve-level plan standardization is efficiency; it will render comparable data and eliminate the countless hours spent by agencies in reviewing methods to conduct monitoring activities.

Ron Rempel (a SANDAG consultant), commented that decisions about adaptive management will rely on the experiences and expertise of the group, land managers, and the regional coordinators coming together in a workshop or forum to help look at the potential changes and framework for the standardized plan so that it will work better for land managers.

Bruce April, Caltrans, inquired if the standardized protocols will be vetted by the EMPWG and require Board approval. Ms. Wynn stated that she does not see this going to the Board for approval since it is a task to be implemented by the regional management and monitoring coordinators and would not require additional funding by SANDAG. She added that the plan standardization process will be transparent and open to those who wish to participate. Mr. Greer noted that the EMPWG may ask for this topic to return as a discussion item.

Ms. Young suggested that staff address the issues raised in Ms. Nygaard's e-mail. In response to Ms. Nygaard's concern regarding a lack of a multiyear funding plan for enforcement, Mr. Greer said that the subcommittee has proposed \$150,000 for FY 2010 in addition to the \$220,000 allocated for the current fiscal year. Ms. Wynn added that it will be the task of the coordinators to develop the funding strategies in the out years, and the group should not read too much into years three through five since the SANDAG Board only has authorized spending on an annual basis so review and changes can occur over the next five years to respond to changing needs.

Ms. Mattson inquired if the protocols for the monitoring and management of streams will be standardized. She stated that if the EMPWG will be focusing funds on wetland restoration, there should be a standardized protocol for this as well. She noted that the USACE is currently working with University of California, Los Angeles and Southern California Coastal Water Research Project to design a standardized monitoring and reporting protocol for the restoration and mitigation of streams, which will be completed by early next year. Mr. Greer said that Ms. Mattson's technical expertise in this area would be appreciated in the workshop that Mr. Rempel had mentioned.

Dr. Fisher stated that the allocation for the preserve-level management plan standardization would be an appropriate use of EMP funds. Ms. Krosch stated that she agrees with Mr. Rempel that monitoring should be done in coordination with the different jurisdictions; the City of San Diego would like to be involved and have an input in this matter. Ms. Downey reiterated the fact that the development of the standardized plans will be drawn from existing protocols and this process will be open to anyone who would like to participate.

Mr. Beck stated that this program seems to be structured to support the Natural Communities Conservation Planning (NCCP) and anyone who has NCCP lands should be engaged in this effort.

Ms. Downey noted that she would like staff to provide notice of when the preserve-level management plan standardization meeting will take place. Since it was not agendaized, she would like to the results of that meeting brought back to the EMPWG as an agenda item.

Part 2: Land Management Grant Criteria Discussion

Mr. Greer stated the Regional Planning Committee on May 1, 2009, had requested that the EMPWG review the current land management grant application criteria to determine: (1) if they are still valid; and (2) if any changes could be made to engage public support for a future Quality of Life initiative. He had noted that the current ranking process does not rank urban canyon systems as a priority element since they do not add as much biological value; however, San Diego Port Commissioner Scott Peters has expressed that this element needs to be reconsidered since these areas are in public view, and projects that promote public awareness should be ranked higher.

The subcommittee reviewed the eligibility activities and criteria and determined that the eligible activities are still valid, but recommended the following changes:

- Applicants specifically identify funding needs, including matching funds, administration costs, and overhead
- Applicants provide additional information regarding the public benefit of the project (how volunteer hours, interpretive signage, and trails and access plans will be implemented)
- A public access plan if appropriate

The subcommittee determined that although more information should be provided in the grant application, it should not necessarily increase the overall weight of a score. Mr. Greer noted that staff is working on standardizing the grant application through an online process and incorporating SANDAG's "Use it or Lose it" policy.

Mr. April inquired about the "Use it or Lose it" policy. Mr. Greer stated that grantees must begin spending the money within 12 months or will lose funding for the project.

Dr. Fisher asked if the grant is for the same amount as last year. Mr. Greer responded it is not, it is actually higher - proposed for \$2.085 million for FY 2010.

To address Commissioner Peter's concerns, Ms. Downey stated that SANDAG could do a better job at publicizing its projects to increase public awareness. Ms. Wynn stated that the subcommittee had discussed an EMP "brand" as a requirement of the request for proposals; grantees would be required to post a sign that states SANDAG is funding the project.

Mr. Beck noted that an inexpensive and effective thing to do is developing a slideshow to illustrate how individual projects are embedded regionally.

A member of the public suggested that SANDAG should provide standardized signs and encourage press releases and newspaper coverage to link the agency to the projects occurring around the region. Ms. Downey inquired whether a press release requirement can be included in the program. Mr. Greer affirmed that it could be done.

David Mayer, CDFG, commented that signage should be required where appropriate since some of the projects have no public access.

Ann Harvey, San Diego Conservation Network, requested a space in the application for open narratives.

Ms. Lucas suggested requiring organizations to publish articles in their newsletters regarding their EMP project funding. She inquired if the second box in the EMP criteria flowchart can be revised to ask if the project area is in imminent threat. Ms. Wynn stated that this concept is taken under consideration and is captured in the scoring process.

Ms. Young motioned to approve the recommendations on five-year Funding Strategy and the Land Management Grant criteria. Mr. Whalen seconded the motion, and it carried without opposition.

6. Proposed Scope of Work and Budget for Open Space Enforcement

Marina Som, SANDAG, presented the proposed scope of work for the Open Space Enforcement Pilot Program (Pilot). Since the May 12 EMPWG panel discussion on open space enforcement, staff has met with representatives from the CDFG Enforcement Branch, San Diego Sheriff's Department Off-Road Enforcement Team (ORET), and the City of San Diego Open Space Division to craft the scope of work for the Pilot.

Under the Pilot, the Board approved \$220,000 funding for open space enforcement that will be allocated for: (1) increasing the law enforcement presence to deter and/or cite illegal activities as they are occurring (\$200,000); and (2) developing and implementing a public education and outreach program aimed at deterring detrimental open space behaviors (\$20,000). The CDFG Enforcement Branch and ORET are proposed to receive \$100,000 each for their law enforcement services. Ms. Som stated that coordination between participating agencies and progress reports will be required as project deliverables to monitor the success of the Pilot.

Ms. Young inquired if the participating agencies have provided any proposals to deter vandalism in open spaces. Ms. Som responded that the City of San Diego will be tasked with providing a baseline study to determine public perception and behaviors in open space areas which will be the basis for planning and implementing an effective education and outreach program to deter destructive activities, such as vandalism.

Mr. April inquired about the process for identifying enforcement areas. Ms. Som stated that the enforcement areas will be identified through the CDFG Enforcement Branch and Sheriff's crime analysis/statistics reports; both agencies have agreed that Proctor Valley/Otay, Santee/Fanita Ranch, and Eagle's Peak are problem areas that should be targeted. Mr. Greer noted that although those are primary focus areas, it would not preclude the CDFG Enforcement Branch and ORET from enforcing other areas, and there will be flexibility in determining the target areas.

Mr. April expressed that he is concern that the CDFG Enforcement Branch's effort to enforce other open space offenses, besides off-road activities, will be overlooked due to the fact that those other offenses does not necessarily occur in the off-road hotspot areas. Mr. Greer responded that this will require coordinated efforts amongst staff, jurisdictions, land managers, and enforcement agencies to share information in order provide the necessary enforcement presence in the problematic areas. Ms. Wynn inquired if this feedback mechanism can be memorialized in the scope of work. Mr. Greer stated that it could; or conversely, it would be much simpler to have enforcement requests made to him, and he will focus the efforts accordingly.

Mr. Beck inquired if the list of citable violations in the staff report is a finite list and suggested that portable sand blasters and other equipment be made available to respond to instances of vandalism. Dr. Fisher stated that the EMPWG funded some of those through the Land Management grants. It was stated that a lot of those equipment can be made available through coordinating with the CDFG Enforcement Branch and/or other non-governmental organizations.

Mr. Beck also expressed that it is important to have consistent, continual enforcement presence in open space areas to ensure that people are complying with the laws and regulations.

Ms. Wynn asked how many hours each agency will devote under the Pilot. Ms. Som stated that staff has yet to receive the ORET proposal, but the CDGF Enforcement Branch will devote a total of 940 hours during its 52-week operational cycle. Three CDGF Enforcement Branch game wardens will each work ten-hour shifts, once a week, for 30 weeks, and there will be one supervisor for 40 hours of administrative work during the operational cycle.

A member of the public inquired if the enforcement activities also can be conducted in the cities. Staff affirmed that enforcement can be conducted on city-owned lands. Ms. Downey recalled that in the minutes, it states that that these agencies are able to enforce state laws and local ordinances across multiple jurisdictions.

A member of the public recommended that staff communicate with land managers to determine if there are effectible differences in what is being spent for enforcement.

Due to the time constraint, Ms. Downey asked that any additional questions or comments be e-mailed to staff.

7. Next Meeting Date and Adjournment

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for September 8, 2009, from 1 to 2:30 p.m.

Attachment: 1. E-mail from Diane Nygaard to Keith Greer regarding Item #4 of the July 14, 2009, EMP Working Group agenda

From: Diane Nygaard [dandd2@peoplepc.com]
Sent: Tuesday, July 07, 2009 4:59 PM
To: Greer, Keith
Subject: Revised Comment EMPWG Meeting of July 14th
Hi Keith

Please pass the following revised comments on to the EMPWG for meeting of July 14th. And thank you for pointing out my misreading of Item # 4- (either I need better glasses or fewer low energy lightbulbs) .

Thank you
Diane Nygaard
MHCP/MSCP Task Force SD Sierra Club

Item 5

- revised funding plan shows \$ 150k for enforcement in 2010 and then nothing in subsequent years. Since 09 funding is just starting some demonstration projects what is the rationale for deciding no further funds are needed past 2010? Improved enforcement is a high priority need and the multi-year funding plan should reflect that.

Item 6

- We appreciate that funds are going into direct services. However it seems that this discussion of regional enforcement has missed a step in the process. What should a good enforcement ordinance, with sanctions and penalties, look like? The discussion identified a few of the loopholes- like rules for bicycles just apply to paved roads. But there are many others- like what is the penalty for being out at night in areas that are closed to night use? How about violating restrictions during breeding seasons- a condition that has been added to many project MMP-s- but is not even communicated to the enforcement staff? What are the most damaging behaviors? How are these being addressed in each jurisdiction? What combination of ordinances/enforcement/education will have the most impact? There needs to be more effort into providing a better enforcement framework.

- Success of the demonstration projects will be measured by "quantified reductions in warnings/citations." To our knowledge there is no real baseline data- that shows by the specific preserve area that will be included as a demonstration project- the numbers of citations/warnings per 100 hours of enforcement staff time (or some such indicator). In the absence of baseline data you can't really say that increased enforcement has resulted in reduced citations- and in fact increased enforcement at least initially should result in a large increase in citations/warnings. Also our experience is that there are significant seasonal variations as well as common patterns by time of day/day of week. The demonstration projects should be designed to help determine best patterns of staff deployment. We found that when staffing is dependent upon when volunteers will work overtime that you don't end up with staff when you most need it. We also find that jurisdictions are rarely following through with financial recovery- or tracking the amount of funds recouped from citations. This could be a significant source of funding for enforcement staff- a system that works for traffic cops and public transit fare inspectors. The project needs to be designed in a way to capture important information for designing effective larger enforcement programs. Much more

effort needs to go into really designing and setting up data collection and reporting for the pilot projects.

- What is the combined effect of enforcement and public education? The allocation of funds and description of these as two separate project components ignores the interaction between the two. The law enforcement staff also do education so how is their effort different from what the Park Rangers will be doing? The ideal program is likely a combination of the two components. The demonstration project should test different models for balancing these two. Maybe some areas have just enforcement enhancement, others just public education and some a planned combination of the two. The City of San Marcos has 8 volunteer rangers and in three years of program operation report that not once did they need to call for a police response. They often identify problem people in a way that the paid ranger can respond and issue warnings/citations. Penasquitos Canyon has a similar program with stepped up levels of response- volunteer ranger, paid ranger, police/law enforcement. The regional program could be most helpful in evaluating some of these structural issues which could then help the local jurisdictions in refining their own programs. Also I believe it makes sense to specifically look at volunteer components and see how this can be most effective.

- There is a separate task added to the funding plan to standardize preserve monitoring reporting. This should also include enforcement levels/activities. There is a huge difference in levels of enforcement for existing reserves. For some it is not a problem-for others it is. Including some indicators of this in routine reporting could also help with allocating resources- and securing more.

----- Original Message -----

From: [Greer, Keith](#)

To: [Greer, Keith](#)

Sent: Monday, July 06, 2009 2:50 PM

Subject: EMP Working Group Agenda - July 14

Attached is the agenda for the July 14 EMP Working Group. Note the shortened meeting time (1:00 – 2:30).

Please call me if you have any questions. Best regards. – Keith

Keith A. Greer

Land Use and Transportation Planning

SANDAG

619-699-739