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Subject: SoCal Business Coalition Recommendations and Redline regarding RAMP & Greenprint

Kome and Darin,

On behalf of the Southern California Leadership Council (SCLC), the Building Industry Association of Southern California (BIASC), and the entire membership of our SoCal Business Coalition, we are pleased to provide the attached Redline document which outlines our recommended approach for addressing RAMP and Greenprint. The document provides a Redline showing our proposed changes (in “track change” format) to the SCAG Draft RAMP Policy Framework that was presented to the ATG at their last meeting. In addition to the Redline version, we have also provided a “clean” version of this document, which does not include the track change format.

As you will see, this Redline document is consistent with approaches that have been shared with you in prior discussions with either the SoCal Business Coalition or BIASC. However, this document comprehensively brings together all of our collective thoughts and recommendations so you can see them easily in one clean and all-inclusive format that captures our shared recommendations and collective position on these important issues.

Thank you for your consideration of our recommendations and we look forward to discussing them with you at our meeting on Thursday.

Best,

Rich

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Final Draft Regional Advanced Mitigation Program Policy Framework

Background

As the SCAG region’s population and economy continue to grow, new housing units, employment facilities, water, energy, and transportation infrastructure are needed to accommodate the nearly two million residents that are forecasted to call Southern California home by 2050.⁴ With an over 10 million additional jobs forecast in the region by 2050², strategies that expedite transportation infrastructure delivery are critical to keep people and goods moving.

Framing this regional growth are the diverse natural and agricultural landscapes of Southern California. These invaluable assets ensure a robust economy, clean drinking water, improved air quality, and essential recreation activities for all of the region’s residents. In addition to desert, mountain and coastal habitats, some of the highest concentrations of native plant and animal species on the planet are found within our region. Recognized as part of the California Floristic Province, Southern California is one of the planet’s top twenty-five biodiversity hot spots.³

Given the sensitive natural habitats of the Southern California region, many essential development projects will have environmental impacts that require compensatory mitigation due to federal mandates under the Clean Water Act, Endangered Species Act, Federal Wild and Scenic Rivers Act, as well as state requirements under the California Environmental Quality Act (CEQA), California Endangered Species Act, California Wild and Scenic Rivers Act, and the Habitat Restoration and Enhancement Act.

Addressing environmental impacts can be accomplished in a number of ways, as defined in Title 14, Section 15370 of the California Code of Regulations (commonly known as the “CEQA Guidelines”):

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- (e) Compensating for the impact by replacing or providing substitute resources or environment.

Mitigating environmental impacts can often be expensive and increase total project costs significantly. Alongside mitigation, uncertainty in timing can also contribute to significant project costs. For transportation investments broadly, “the permitting process under federal and state legislation constitutes a major component of the project development and delivery process for transportation projects. Over \$3.3 billion is spent annually on compensatory mitigation under the Clean Water Act (CWA) and Endangered Species Act programs.”⁴

Traditionally, environmental mitigation has been handled by lead agencies during the CEQA process on a project-by-project basis, “usually near the end of a project’s environmental review...where permitting delays can occur when appropriate mitigation measures cannot be easily identified and agreed upon, and the cost of mitigation often increases between the time the project is planned and funded and the time mitigation land is acquired. As a result, infrastructure agencies end up paying top dollar to satisfy

mitigation requirements.”⁵ The practice of identifying mitigation measures at the end of a project’s environmental review often results in delays in project delivery and uncertainty in the development process. This is often due to the costs incurred to conduct biological studies after project plans have been created, especially in instances where impacts are discerned that were not foreseen and mitigation costs increase unexpectedly. A national study identified that nearly two thirds of departments of transportation (DOTs) surveyed had experienced delays from environmental issues, often of 12 months or more.⁶

In California, researchers estimate that mitigation costs for transportation projects initiated between 2014 and 2019 ranged from two percent to twelve percent of total project costs – to a sum of roughly four billion dollars.⁷ While the exact length and causes of delay from environmental review are varied, some reports suggest the current process may add 10 to 15 years to project delivery.⁸ Continued cost escalations over the past two decades have prompted Caltrans to consider strategic planning for consolidated advance mitigation opportunities.

Policy Framework for Advance Mitigation

Regional Advance Mitigation Program & Advisory Task Group

California state law allows agencies to establish voluntary advanced mitigation programs in selected areas, providing an opportunity for infrastructure project ~~leads~~lead agencies to identify potential impacts early in the planning stages and work with regulatory agencies to reduce permitting costs, improve certainty, and expedite project delivery.⁹ Regional advance mitigation programs (RAMP) allow state and federal agencies to consider the environmental impacts and mitigation needs of multiple planned infrastructure projects and urban development all at once, and satisfy those mitigation requirements early in the project planning and environmental review process. In cases where compensatory mitigation is needed, advanced mitigation can help agencies purchase larger parcels for mitigation at a lower unit cost to offset impacts¹⁰. Further, RAMP can result in better collaboration between regulatory and infrastructure agencies, better project delivery, and better mitigation outcomes.¹¹

Regional advance mitigation also presents opportunities to improve quality of life in the region, as it relies on a science-based approach to anticipate and identify mitigation needs for multiple development projects early in the planning process, facilitating the prioritization of sites for conservation and/or restoration with the highest ecological benefits and providing mitigation efficiencies to transportation, land use and other development projects. This approach contrasts with project-by-project mitigation, which “often overlooks regional conservation needs and ecosystem-scale impacts to sensitive species and habitat, thereby missing critical opportunities for efficient, reliable, and biologically relevant mitigation. Additionally, the opportunity for greater benefits to water and air quality and public health are lost.”¹²

There are many established advanced mitigation programs in various locales within the SCAG region, and project applicants in these areas can take advantage of advanced mitigation benefits if they choose. Appendix A of this outline includes a summary of some RAMP programs in the SCAG region. Areas without established programs do not have these efficiencies in the environmental review process. A large percentage of the SCAG region’s land area is not covered by an existing program. As a result,

environmental impacts for discretionary projects in these areas would need to be mitigated on a project-by-project basis.

Recognizing the opportunities that a RAMP can present to reduce project costs and improve certainty for project delivery, Connect SoCal and its corresponding Program Environmental Impact Report (PEIR) direct SCAG to collaborate with stakeholders to establish a RAMP initiative to help preserve habitat and offset biological impacts of transportation and other development projects. Such a RAMP initiative is meant to recognize and where appropriate complement existing RAMP programs and related habitat conservation programs such as habitat conservation plans in the SCAG region, and encourage not add new sub-regional programs or expanded biological resource analytical methods, impacts or required mitigation for plans or projects that have already received initial or final approval by a lead agency.

While SCAG is required by the PEIR to establish a RAMP initiative and facilitate regional interest in developing RAMPs, SCAG will not create its own RAMP, supersede existing RAMP programs, ~~or~~ require any local jurisdiction or agency to participate in any local or regional RAMP program, local or regionwide. To help define potential advanced mitigation efforts, or make or support a determination that any RAMP criteria, component or content is the Connect SoCal plan and PEIR also direct SCAG to develop the SoCal Greenprint mapping tool to help municipalities, conservation groups, developers and researchers prioritize lands for conservation based on the "best available scientific data:" for any purpose inclusive of the California Environmental Quality Act (CEQA). The intended purpose of SCAG's RAMP Policy Framework is to assist SCAG member agencies in securing public funding, expedite the implementation of approved transportation infrastructure projects approved in the 2020 Connect SoCal Regional Transportation Improvement Plan/Sustainable Communities Strategy (Connect SoCal), and help member agencies (at the jurisdictional level) to secure public funding and/or streamline CEQA approvals for new housing, economic development, and infrastructure projects. Thus, SCAG will continue to support local control over land use decisions and avoid creating any impediment that can be used by any party to interfere therewith. Any development and use of local, sub-regional or inter-jurisdictional RAMPs is entirely voluntary by the agency(ies) and stakeholder sponsors of such RAMPs.

The Regional Council's directives do not require creation of a "Greenprint" concurrent with the RAMP Policy Framework, and as such, Greenprint will be separately considered and is not included in RAMP.

To increase clarity and further guide this work, SCAG's Regional Council voted on October 7, 2021, for staff to develop a white paper and work with a Regional Advance Mitigation Planning Advisory Task Group (RAMP-ATG) on establishing a policy framework for advanced mitigation in the SCAG region to ensure the SoCal Greenprint tool is aligned with policy objectives. The white paper (attached as Appendix E) provides background information and context that has contributed to the development of this policy framework. Early findings were shared at RAMP-ATG meetings alongside presentations from implementing agencies that were engaged in the white paper development. The white paper provides research ~~to support broader policymaking around SCAG's goals and potential role in supporting information related to advanced mitigation in the SCAG region and informed the context, opportunities and challenges and data needs identified below.~~

Regional Policy Foundation: Connect SoCal Goals and PEIR Requirements

Connect SoCal Goals

As discussed, Connect SoCal and its PEIR provide for a RAMP planning initiative to support implementing agencies in establishing or supplement the region's established advanced mitigation programs, mitigation banks, and other approaches to more effectively address impacts for transportation projects ~~that support reduction of per capita vehicle miles traveled.~~ The initiative would also support implementing agencies in the long-term management and stewardship of mitigated properties. SCAG can support partner implementing agencies to establish advanced mitigation programs that reflect local priorities, expand regional growth opportunities, and advance regional conservation goals.

Importantly, a jurisdiction's participation in a RAMP initiative established by Connect SoCal and its PEIR is voluntary. Cities, counties, and transportation agencies retain authority for decisions on future development, and there is no obligation for a jurisdiction to change its land use policies or infrastructure priorities to be consistent with a future RAMP. Similarly, project ~~leads~~lead agencies do not have to participate in a RAMP and can opt for a project-by-project environmental review process as appropriate.

The RAMP planning initiative is part of SCAG's comprehensive effort to implement ~~the vision outlined in~~ Connect SoCal ~~to advance, which includes goals of improving~~ the region's economic vitality, ~~improve~~ improving the region's mobility options, and allowing the region to grow in a sustainable way that builds healthy and vibrant communities. ~~#RAMP~~ is intended to advance several of Connect SoCal's specified goals, namely to:

- Enhance the preservation, security, and resilience of the regional transportation system; by helping to identify mitigation opportunities for impacts to biological resources so that such opportunities and their costs can be identified and budgeted for earlier in the transportation project permitting and funding process; and
- ~~Reduce greenhouse gas emissions and improve air quality;~~
- ~~Support healthy and equitable communities;~~
- ~~Adapt to a changing climate and support an integrated regional development pattern and transportation network; and~~
- Promote conservation of natural and agricultural lands and restoration of habitats.¹³
- ~~Connect SoCal also includes specific strategies to support implementing the region's adopted Sustainable Communities Strategy (SCS). Several strategies are directly tied to supporting related greenhouse gas (GHG) reductions while others support the broader Plan goals. The RAMP initiative can help implement several "Green Region" SCS strategies, including:~~
 - ~~Preserve, enhance and restore regional wildlife connectivity;~~
 - ~~Reduce consumption of resource areas, including agricultural land; and~~
 - ~~Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration;~~
 - ~~Promote more resource efficient development focused on conservation, recycling and reclamation;~~
 - ~~Identify ways to improve access to public park space.¹⁴~~

Natural and Farm Lands Conservation and Climate Resolution 21-628-1

Connect SoCal also includes a Natural and Farm Lands Conservation ~~Technical Report that outlines an integrated land use and conservation planning approach that seeks to protect the environment and reduce GHG emissions while meeting the needs of current and future populations. Policies in the Technical Report direct SCAG Appendix, which includes content intended~~ to:

- Promote best practices in advanced mitigation;
- Facilitate partnerships and collaboration;
- Provide incentives for jurisdictions to work across county lines;
- Expand data sharing amongst partner agencies;
- Align support for local actors with funding opportunities;
- Support innovative land use policies;
- Improve natural corridor connectivity;
- Encourage urban greening and green infrastructure; and
- Connect the benefits of natural lands to public health – including air quality, recreation, and carbon sequestration.⁴⁵

~~Within the Plan, specific next steps are included to further a regional conservation strategy, including development of the SoCal Greenprint regional mapping tool that can help stakeholders identify the areas with the highest potential conservation value and encourage advance mitigation programs.⁴⁶~~

Connect SoCal's policy goals and next steps related to the RAMP initiative were reaffirmed by the Regional Council in Resolution 21-628-1, which was adopted unanimously on January 7, 2021 and recognized a climate emergency in the SCAG region. The Resolution committed SCAG to "develop a regional advanced mitigation program (RAMP) as envisioned in Connect SoCal for regionally significant transportation projects to mitigate environmental impacts."⁴⁷

PEIR Mitigation Measures

Establishing a RAMP planning initiative fulfills a portion of the required mitigation measures of the PEIR, which state that SCAG will support advanced mitigation efforts in the region (SMM AG-2) ~~through the establishment of data tools (i.e. the SoCal Greenprint) that can provide an easily accessible and SMM BIO-2) as a~~ resource to help municipalities, conservation groups, developers and researchers ~~prioritize identify higher value agricultural and biological resource locations in~~ lands available for voluntary conservation based on the best available scientific data (SMM BIO-2). As a result, the RAMP initiative is both a project feature (as described above) and part of SCAG's through mitigation measure ~~obligations. acquisitions or agreements to mitigate for the agricultural and biological resource impacts of implementing Connect SoCal's transportation, housing, job-creation, infrastructure, and other development activities. RAMP will apply to lands designated as open space (e.g., grazing and recreation) and agricultural (e.g. cultivation) in local General Plans.~~

Importantly, these mitigation measures apply only to SCAG. Nothing in the PEIR supersedes or applies to existing regulations pertaining to land use and policies of individual local jurisdictions, who fully retain their local authority to approve, deny or condition projects. Indeed, SCAG has no authority to impose these mitigation measures on jurisdictions; as a result, mitigation measures implemented by local jurisdictions in their own processing of projects are fully subject to a lead agency's independent

discretion. Lead agencies are under no obligation, legal or otherwise, to use measures identified in the PEIR. The determination of significance and identification of appropriate mitigation under CEQA is solely the responsibility of the lead agency.

The specific PEIR mitigation measures referencing the need to establish a RAMP initiative are highlighted below:

- SMM AG-2: SCAG shall develop a Regional Greenprint, which is a strategic web-based conservation tool that provides the best available scientific data and scenario visualizations to help cities, counties and transportation agencies make better land use and transportation infrastructure decisions and conserve natural and farm lands. SCAG shall use the Greenprint to identify priority conservation areas and work with [County Transportation Commissions] CTCs to develop advanced mitigation programs or include them in future transportation measures by **(1) funding pilot programs that encourage advance mitigation including data and replicable processes, (2) participating in state-level efforts that would support regional advanced mitigation planning in the SCAG region, and (3) supporting the inclusion of advance mitigation programs at county level transportation measures.**
- SMM BIO-2: SCAG shall continue to develop a regional conservation strategy in coordination with local jurisdictions and other stakeholders, including the county transportation commissions. The conservation strategy will build upon existing efforts including those at the sub-regional and local levels to identify potential priority conservation areas. **SCAG will also collaborate with stakeholders to establish a new Regional Advanced Mitigation Program (RAMP) initiative to preserve habitat. The RAMP would establish and/or supplement regional conservation and mitigation banks and/or other approaches to offset impacts of transportation and other development projects.** To assist in defining the RAMP, SCAG shall lead a multi-year effort to...develop new regional tools, like the Regional Data Platform and Regional Greenprint that will provide an easily accessible resource to help municipalities, conservation groups, developers and researchers prioritize lands for conservation based on best available scientific data. The Regional Greenprint effort shall also produce a whitepaper on the RAMP initiative, which includes approaches for the RAMP in the SCAG region, needed science and analysis, models, challenges and opportunities and recommendations.

~~It bears noting that, notwithstanding inclusion of any particular data set in the Greenprint tool or the qualitative characterization of the data set, a public agency acting as the “lead agency” for a project subject to CEQA has wide latitude and discretion to make its own conclusions on the quality of data and information (including scientific or technical assessments) as part of its consideration of the project. (See 14 Cal. Code Regs. § 15151.) Nothing in the mitigation measures or Greenprint tools is meant or intended to limit or restrict a public agency’s discretion in reviewing projects.⁴⁸~~

SCAG continues to pursue the development of a regional conservation strategy through regular convenings of its Natural & Working Lands Regional Planning Working Group, and through interviews and other engagements with stakeholders. The RAMP planning initiative is an important element of this strategy and, as guided by the RAMP policy framework, supports the region in achieving Connect SoCal’s goals.

RAMP Opportunity & Challenge Areas

To identify opportunities and challenges associated with developing and launching a RAMP planning initiative for the expansive SCAG region, interviews were conducted with local transportation agencies with project mitigation needs, as well as with other stakeholders involved in related programs. These interviews were conducted from April through December 2021 to gather initial feedback on potential program needs and benefits, and continued through Spring 2022 to inform the RAMP white paper.

Interviewees conveyed that a RAMP planning initiative could help address data gaps and facilitate data sharing between land use authorities and transportation entities. A RAMP planning initiative could also enhance cross-jurisdictional and cross-county collaboration to address mitigation project-by-project and at a county scale. Further, SCAG could foster local action by identifying incentives to spur advanced mitigation, and also provide solutions for reducing project impacts. SCAG could also incorporate an analysis of future mitigation needs and provide a menu of mitigation options and approaches for each county, rather than a one-size-fits-all approach, as specific project needs differ across the region and within each county. Importantly, a RAMP initiative could foster engagement with the California Coastal Commission, US Army Corps of Engineers, and Water Board to incorporate a focus on water resources in addition to biological resources. Overall, transparent engagement with CTCs, partner agencies, utilities, and communities would be important for the program's success. Concerns included that a RAMP initiative could have potential duplication and/or conflicting mitigation efforts between regional, county, and local approaches, and that a RAMP initiative also may have gaps in direct application to local conditions.

In addition to interviewing CTCs across the SCAG region, SCAG staff engaged with other partners experienced in mitigation. These included Caltrans Districts #7 and #8, Brightline West, as well as Land Veritas – the largest mitigation bank in California. Feedback from these entities included that establishment of a RAMP planning initiative could bring private and public entities together towards a common goal and increase public awareness of environmental resources. These organizations also expressed support for a multi-county approach, especially when collaborating across Caltrans Districts for development of multi-species regional plans. They also encouraged development of a credit system that could provide consistency across management of multiple mitigation banks. Finally, they were interested in collaborating on advanced mitigation, specifically multi-agency advance mitigation projects.

Goals for Regional Advanced Mitigation

Considering the potential advantages and concerns for expanding regional advanced mitigation planning in Southern California, SCAG's RAMP initiative shall aim to foster collaboration between programs across the region and support local implementing agencies to:

1. Facilitate infrastructure development and associated co-benefits, including but not limited to creating jobs, maximizing taxpayer funds, and supporting the building of housing;
2. Expedite project delivery;
3. Improve predictability for project funding;
4. Examine potential environmental impacts at the early stages of project development, ~~utilizing the SoCal Greenprint tool,~~ to help expedite the CEQA process;
5. Reduce costs, risks, and permitting time for responsible development;
6. Improve and reinforce regulatory agency partnerships;

7. Balance future growth and economic development with conservation and resilience; and
8. Achieve meaningful, regional-scale conservation outcomes and co-benefits, including but not limited to landscape and community resilience, ~~emissions reduction~~, improved water and air quality, wildlife corridors and connectivity, and recreation opportunities.

To implement these goals, SCAG will seek to:

1. Be a resource for local partners to consider actions in a regional context;
2. Focus this policy on the transportation sector and related infrastructure, and consider future policy opportunities to expedite and streamline mitigation needs for other sectors including housing, energy and utilities;
3. Identify ways to support implementing agencies to establish or supplement regional conservation and mitigation banks and other approaches to more effectively address impacts for projects that support reduction of per capita vehicle miles traveled of transportation and related infrastructure projects;
4. Support implementing agencies ~~in the~~ with data sharing, information and other resources helpful to their long-term management and stewardship of conserved properties;
5. ~~Initiate~~ When requested by local lead agencies or other partner agencies, undertake studies to assess gaps where programs do not exist, and ascertain best ways ~~to collaborate with partner agencies and permitting entities~~ to address those gaps, including by supporting implementation agencies in developing new or partnership efforts;
- ~~6. Pursue partnerships and collaborative resource development with state agencies and other MPOs to leverage funding and align efforts beyond SCAG's jurisdictional boundaries;~~
- ~~7.6.~~ Be a data resource with widely accessible data tools to assist in defining RAMPs that can provide the best available scientific data to help municipalities and transportation agencies make better land use and transportation infrastructure decisions and conserve natural and farm lands, consistent with Connect SoCal's PEIR Mitigation Measure AMM AG-2 and SMM BIO-2; ~~and~~
- ~~8. Identify potential partnerships to foster the long-term maintenance of the SoCal Greenprint tool;~~
- ~~9.7.~~ Use a science-based methodology to support implementing agencies' development of various RAMP initiatives across the region; and
- ~~10.8.~~ Develop a process for monitoring and measuring outcomes from RAMP efforts.

These goals and actions are intended to advance policies established in Connect SoCal, support proactive implementation of required mitigation measures in the PEIR and focus SCAG's role on serving as an "information provider" and "convener and coordinator" as described in the RAMP white paper. Any expansion of SCAG's role as a "mitigation planner," "marketplace," "funder" or "sponsor," also described in the white paper, would require additional consideration and action by the Regional Council.

Data Needs & Resources to Support RAMP Science Based Approach

Utilizing a science-based approach to understand the comprehensive biological and resource needs of a given area to discern potential impacts from development projects at the early planning stages is an essential element of regional advanced mitigation. As shared through interviews with CTCs and other practitioners, data access and information sharing is a key benefit of a RAMP planning initiative. As noted by a Federal Highway Administration (FHWA) funded study looking at advanced mitigation nationwide, “improved environmental information is needed on the front end of the project delivery process. Under the current process, state DOTs retrieve environmental data from a variety of sources and then assess environmental impacts and constraints. A central data clearinghouse—similar to those that MPOs developed in the [US Environmental Protection Agency’s] Eco-Logical grants—could improve assessment processes and mitigation outcomes.” ⁴⁹ Neither the RAMP as a whole, or any component sub-part, is or is intended to be considered "best available scientific data" for CEQA or any other purpose.

Consistent with Connect SoCal’s PEIR Mitigation Measure AMM AG-2 and SMM BIO-2, SCAG is ~~obligated separately working~~ to develop a web-based data tool, referred to as SoCal Greenprint ~~tool to assist in defining a RAMPs that provide the best available scientific data to help municipalities and transportation agencies make better land use and transportation infrastructure decisions and conserve natural and farm lands. The SoCal Greenprint. A Greenprint tool will provide an easily accessible web mapping resource to help other regional stakeholders as well, including conservation groups, developers, and researchers prioritize lands for conservation. However, the SoCal Greenprint tool, and the data layers within, is not a strategic conservation plan; rather, this tool is an information resource that is primarily intended for use by partner agencies as well as SCAG to support their conservation planning efforts.~~

~~To ensure that data provided through the tool aligns with advanced mitigation opportunities and fulfillment of the Connect SoCal PEIR mitigation measures, establishment of the SoCal Greenprint tool will adhere to data policies described below, and to governance standards, user guidelines, data selection criteria, and data parameters that will be developed by staff with input and consultation from a technical advisory committee (described below) and initially presented to the Energy & Environment Committee (EEC) and by SCAG staff has been placed on "pause" by the Regional Council as an addendum to this policy framework no later than December 31, 2022. The technical advisory committee will be comprised of at least one, and is not part of the RAMP. Going forward, SCAG staff representative from: each county transportation commission in the SCAG region, the Transportation Corridor Agencies, Caltrans, each county government in the SCAG region, and one city government within each county in the SCAG region. This technical advisory committee shall be open to the public and seek input from will commence the development community, non-governmental conservation groups, regional conservation agencies, researchers, and other stakeholders of a Greenprint tool with a purpose, scope, and utility, and through a process, in compliance with Appendix A of this document titled, “The SoCal Greenprint – Next Steps” and with Regional Council review and approval as also set forth in Appendix A.~~

~~Data Policies~~

- ~~1. SCAG will continue to promote data-driven decision making, government transparency, and data as a public engagement tool to accelerate progress toward achieving regional planning goals consistent with policies included in the agency’s final Future Communities Framework;~~

- ~~2. Data included in the SoCal Greenprint tool must be publicly available, meaning that existing datasets are available online or can be accessed if requested and/or licensed;~~
- ~~3. Data included in the SoCal Greenprint tool must be created by a government agency, funded by a government agency, vetted by a government agency, used by a government agency, or developed in partnership with a government agency;~~
- ~~4. Data available through the SoCal Greenprint tool will not be identified, qualified, or defined as constraints on future development or growth, or in any way endorsed by the regional council as official policy of the agency;~~
- ~~5. Publicly available data that is made accessible through the SoCal Greenprint are not adopted by SCAG and are not an expression of regional policy;~~
- ~~6. The SoCal Greenprint will utilize the best available scientific data, consistent with Connect SoCal's PEIR Mitigation Measure AMM AG 2 and SMM BIO 2, as outlined in approved governance standards;~~
- ~~7. Governance standards shall include a timeline and process for periodically updating datasets will be established to ensure continuous use of the best available scientific data;~~
- ~~8. SCAG will seek feedback broadly on all proposed data layers for inclusion in the tool to identify, investigate, and address valid data security concerns;~~
- ~~9. Data elements will be regionally comprehensive to the extent feasible, and data depicted will not be altered from their original source;~~
- ~~10. Data elements will have geographic and thematic breadth necessary to support conservation assessments and consider co-benefits that support the broader goals of Connect SoCal, including consideration of the expressed local planning needs for data related to: agriculture and working lands; built environment; environmental justice, equity and inclusion; habitat and biodiversity; vulnerabilities and resilience; water resources; and context;~~
- ~~11. SCAG will endeavor to increase the availability of civic data and information to reduce costs and increase the efficiency of public services; and~~
- ~~12. SCAG will support development and use of data tools to increase opportunities for public engagement and advocacy to inform local and regional policy.~~

4. — Data available through the SoCal Greenprint tool will not be identified, qualified, or defined as constraints on future development or growth, or in any way endorsed by the regional council as official policy of the agency;

5. — Publicly available data that is made accessible through the SoCal Greenprint are not adopted by SCAG and are not an expression of regional policy;

6. — The SoCal Greenprint will utilize the best available scientific data, consistent with Connect SoCal's PEIR Mitigation Measure AMM AG-2 and SMM BIO-2, as outlined in approved governance standards;

7. — Governance standards shall include

a timeline and process for periodically updating datasets will be established to ensure continuous use of the best available scientific data;

8. — SCAG will seek feedback broadly on all proposed data layers for inclusion in the tool to identify, investigate, and address valid data security concerns;

9. — Data elements will be regionally comprehensive to the extent feasible, and data depicted will not be altered from their original source;

10. — Data elements will have geographic and thematic breadth necessary to support conservation assessments and consider co-benefits that support the broader goals of Connect SoCal, including consideration of the expressed local planning needs for data related to: agriculture and working lands; built environment; environmental justice, equity and inclusion; habitat and biodiversity; vulnerabilities and resilience; water resources; and context;

11. — SCAG will endeavor to increase the availability of civic data and information to reduce costs and increase the efficiency of public services; and

12. — SCAG will support development and use of data tools to increase opportunities for public engagement and advocacy to inform local and regional policy.

Mitigation Banks

A conservation or mitigation bank is privately or publicly owned land managed for its natural resource values. In exchange for permanently protecting, managing, and monitoring the land, the bank sponsor is allowed to sell or transfer habitat credits to permittees who need to satisfy legal requirements and compensate for the environmental impacts of developmental projects (CDFW). There are several mitigation banks in the SCAG region:

I. Soquel Canyon Mitigation Bank, City of Chino Hills

The Soquel Canyon Mitigation Bank, an over 300-acre property located predominantly within the City of Chino Hills, San Bernardino County and includes a few acres located in Orange County. The bank is owned by Land Veritas, a California-based mitigation bank owner. The southern boundary of the bank, the Chino Hills State Park, is an open space area that straddles the junction of San Bernardino, Orange, Riverside and Los Angeles Counties and is a critical link in the Puente-Chino Hills biological corridor.

II. Peterson Ranch Mitigation Bank, Los Angeles County

The Petersen Ranch Mitigation Bank, covering over 4,000 acres within the boundaries of the proposed San Andreas Rift Zone Significant Ecological Area in Los Angeles County, is the largest bank in California and one of the largest banks in the United States. The bank is owned by Land Veritas and offers compensatory mitigation across a large part of Southern California.

III. Santa Paula Creek Mitigation Bank, Ventura County

The Santa Paula Creek Mitigation Bank includes over 200 acres across Northern Ventura and Los Angeles counties and was the first mitigation bank of its kind in the area, established in 2011. The bank's service area covers the combined watersheds of the Santa Clara and Ventura Rivers. Property was previously owned by Santa Paula Water Works LTD and then purchased by SPC Environmental Holdings, Inc.

IV. Chiquita Canyon Conservation Bank, Orange County

The Chiquita Canyon Conservation Bank covers 1,182 acres in Orange County, just east of the City of Mission Viejo. The bank was established in 1996 with Foothill/Eastern Transportation Corridor Agency as its sponsor.

V. The Barry Jones Wetlands Mitigation Bank is located in western Riverside County and incorporates the 33-acre Skunk Hollow Vernal Pool Preserve, the second largest vernal pool in the state, along with 107 acres of the pool's upland watershed. The bank was established in 1997 and is managed by the Center for Natural Lands Management.²⁴

VI. Black Mountain Conservation Bank, San Bernardino

The Black Mountain Conservation Bank, located in the western Mojave Desert of San Bernardino County, spans over 1,940 acres. The bank was established in 2018 and is managed by Wildlands, a conservation and mitigation bank.²⁵

VII. Cajon Creek Habitat Conservation Management Area, San Bernardino

The Cajon Creek Conservation Bank was first established in 1996 and was expanded to cover over 1,300 acres in 2017. The bank, managed by Vulcan Materials Company, is located in Cajon Wash and Lytle Creek in San Bernardino County.²⁶

VIII. Mojave Desert Tortoise Conservation Bank, San Bernardino County

The Mojave Desert Tortoise Conservation Bank covers 4,658 acres or preserved habitat and includes 8 sites across San Bernardino County. The bank was authorized in May 2020 and is one of the largest tortoise conservation banks in the state.²⁷

IX. Riverpark Mitigation Bank, Riverside County

Riverpark Mitigation Bank serves western Riverside and portions of San Bernardino Counties and is located at the southern terminus of the California State Water Project that moves water to Southern California from the San Francisco Bay Delta. The bank is sited in one of the priority areas designated by the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP).²⁸

Regional Conservation Plans

Local agencies throughout the region have worked together to form Regional Conservation Plans (RCPs) that can span multiple jurisdictions, recognizing that important habitats do not routinely line up with jurisdictional borders. Additionally, RCPs efficiently address mitigation mandates pursuant to CEQA by anticipating transportation projects and “banking” potentially threatened endangered-species habitats. Multiple Species Habitat Plans (MSHCPs) allow the county, its cities and special districts to more effectively make local land use decisions regarding development, while adhering to state and federal endangered species acts regulations and environmental mandates. Under an MSHCP, wildlife agencies grant authorization for public and private development that is potentially detrimental to individual species, in return for assembling and managing a coordinated Conservation Area. Similar to the MSHCP, Natural Communities Conservation Plan/Habitat Conservation Plans (NCCP/HCP) acquire and manage large conservation areas that can be made up of several distinct jurisdictions. An NCCP/HCP takes a broad-based ecosystem approach, focusing on the long-term protection of wildlife and plant species while also allowing for development. There are five established RCPs in the SCAG region:

I. Coachella Valley MSHCP

This plan aims to preserve 240,000 acres of natural habitat and 27 plant and animal species in the Coachella Valley region of Riverside County. Since receiving its state and federal permits in 2008, about 40% of the land (89,000 acres) has been acquired. A major amendment is that includes the entire City of Desert Hot Springs was approved in August 2016.

II. Lower Colorado River MSCP

Established in 2005, this program is a multi-state plan to balance use of the Colorado River’s water resources and conservation of native species and their habitats along the lower Colorado River in compliance with the Endangered Species Act. The program area covers over 400 miles of the lower

Colorado River across Arizona, Nevada, and California and aims to preserve over 8,100 acres of habitat, produce over 1.2 million native fish, and benefit at least 27 species, most of which are state or federally listed as endangered, threatened, or sensitive.

III. Orange County Central-Coastal NCCP/HCP

Approved in 1996, this plan was one of the first regional HCPs in the country. The planning area covers 208,000 acres, protecting habitats for 39 species, six of which are federally listed endangered species. Participating organizations include seven cities, the County of Orange, Irvine Company, Metropolitan Water District, the Transportation Corridor Agencies and UC Irvine.

IV. OCTA Measure 2 NCCP/HCP

Approved in 2017, this plan protects threatened plant and wildlife species and covers routine maintenance for preserve areas. It is funded by OCTA's Measure M2 Environmental Freeway Mitigation Program. An extension of Measure M (1990), Measure M2 is a voter-approved half-cent sales tax increase to fund transportation improvements. Over thirty years, the Environmental Mitigation Program will allocate about \$300 million to acquire natural lands and fund habitat restoration projects, while enabling a more streamlined approval process for freeway improvement projects. Since the initial funding round in 2010, 1,300 acres of natural lands have been acquired and twelve restoration projects have been funded. The total land in the planning area is 510,000 acres.

V. Western Riverside MSHCP

Half a million acres of land are designated for conservation under this plan, the largest habitat conservation plan in the United States. When the MSHCP was enacted in 2008, nearly 70 percent of the land already had public or quasi-public status. Since then, the Regional Conservation Authority (RCA), the plan's facilitating agency, has been active in acquiring the remaining 153,000 acres. To date, 42 percent of the total land has been acquired.

Regional Conservation Investment Strategies

Established by Assembly Bill 2087, the California Department of Fish and Wildlife created the Regional Conservation Investment Strategy (RCIS) program in 2017 to encourage regional approaches for advance mitigation and conservation. The program is a voluntary, non-regulatory conservation assessment and strategy to benefit species and habitats of concern and to provide a more efficient and effective approaches to mitigation and conservation. An RCIS can be used as the basis for advance mitigation and have the benefit of streamlining. There is one approved RCIS in the SCAG region:

VI. Antelope Valley Regional Conservation Investment Strategy

Approved in 2021 by the California Department of Fish and Wildlife, the Antelope Valley RCIS (AVRCIS) covers over 707,000 acres in northern Los Angeles County. The AVRCIS ~~uses the best available science to~~ identify/identifies conservation goals and objectives, conservation actions, habitat enhancement actions,

and conservation priorities. It is a voluntary non-regulatory conservation strategy intended to guide conservation investments and advance mitigation, as well as help species and their habitats adapt to climate change and other pressures, in the AVRCIS area.

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APPENDIX – A

The SoCal Greenprint – Next Steps

1. Mission and Scope: The SoCal Greenprint is required by Connect SoCal's Program EIR only as a tool for prioritizing higher value agriculture and biological resource mitigation for the implementation of transportation, housing, economic development, and other infrastructure needs included in Connect SoCal (RTP/SCS), and only to the extent it does not adversely affect local land use decisions as exemplified by General Plans and/or Housing Elements.
2. The SoCal Greenprint will be implemented by a representative committee consisting of SCAG Regional Council members, and (i) local government representatives, (ii) market rate developers, (iii) affordable housing developers, (iv) business employers, (v) water/wastewater districts, and (vi) environmentalists; for the sole purpose of achieving the Mission and Scope detailed above.
3. The Committee will be appointed by the SCAG Regional Council following a solicitation process. In addition to Regional Council members, no more than 2 representatives can be appointed for each sub-category. Committee members appointed into the six sub-categories shall be selected for professional expertise in their field.
4. The Committee will work with SCAG staff to identify three qualifying consultants that have at least ten years of experience in preparing Environmental Impact Reports within the SCAG region. One of these three candidates will be selected by the Regional Council to identify candidate datasets for the SoCal Greenprint from commonly used datasets within adopted Environmental Impact Reports prepared by SCAG members as of 2020.
5. Only data sets created and maintained by a public agency, in a process that includes public notice and comment, are eligible for inclusion in the SoCal Greenprint.
6. The selected Consultant shall provide a "Draft Comprehensive Report" to the Committee on proposed datasets that will be used to identify "biological and agricultural resource values" and shall thereby also report to the Committee on the lands these datasets would include into the SoCal Greenprint that otherwise would not be included because of their status as lands "not approved or planned for development" in unincorporated county areas. For purposes of this section, land is considered "approved" or "planned for development" if (i) a project has been approved, (ii) a project application has been filed, (iii) the land is designated in the General Plan for future development, or (iv) a landowner has identified plans to apply for future development approvals inclusive of General Plan and/or zoning amendments. Landowners within the proposed geographic boundaries of the SoCal Greenprint must receive at least a 90-days advance notice of potential inclusion within the SoCal Greenprint and shall receive a copy of the Draft Comprehensive Report. Transmittal to Landowners and the Committee shall occur concurrently in electronic and/or hard copy format.

7. Following receipt and review of the Draft Comprehensive Report, the Committee will receive public feedback and then commission the Consultant to finalize the Comprehensive Report, classifying potential "best available scientific data" for each SCAG county. The proposed datasets shall not be posted online until such time as the Board of Supervisors of each County reviews and approves, by Resolution, the datasets and geographic boundaries in which the datasets will be used. In all cases, locations where development is approved or planned, as identified by each County, shall be excluded from these geographic boundaries.
8. The Committee will report to the Regional Council and must receive their affirmative approval to undertake finalization of the (i) mission and scope of the SoCal Greenprint, (ii) the selection of the Consultant, (iii) the proposed schedule for presenting the SoCal Greenprint to each County for review, and acceptance/rejection by each County Board of Supervisors.
9. Once approved by a County Board of Supervisors, the SoCal Greenprint datasets applicable to the agreed upon unincorporated County areas will be posted on the SCAG website as a resource to help prioritize preservation of higher value biological and agricultural preservation areas in lands not approved or planned for development.

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AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

October 27, 2022

Ms. Maggie Aguilar
Southern California Association of Governments
Office of Regional Council Support
818 W. 7th Street, 12th Floor
Los Angeles, CA 90017

Subject: Public Sector Stakeholder Regional Advanced Mitigation Program
Workshop - October 13, 2022

Dear Ms. Aguilar:

Thank you for keeping the Orange County Transportation Authority (OCTA) appraised of your progress on the Regional Advanced Mitigation Program (RAMP) policy framework and providing a status update on the SoCal Greenprint tool at the Public Sector Stakeholder Workshop held on October 13, 2022. We look forward to the release of meeting minutes and associated results of action items the Southern California Association of Governments (SCAG) will address, including the composition of Technical Advisory Committee members.

In efforts to provide further input, we ask that you provide OCTA with an opportunity to review and comment on the final draft RAMP policy framework before submittal to the Advisory Task Group, Energy and Environment Committee, and Regional Council for approval.

Throughout the development of SCAG's draft RAMP policy framework and SoCal Greenprint tool, OCTA staff would be happy to collaborate on any matters discussed herein.

If you have any questions or comments, please feel free to contact me at (714) 560-5741 or at kmortazavi@octa.net.

Sincerely,

Kia Mortazavi
Executive Director of Planning

KM:ag

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

Commented [DP1]: @Angel Garza - how is the letter transmitted to SCAG? Via snailmail or email? Should accordingly.



TEJON RANCH
C O M P A N Y

September 23, 2022

VIA ELECTRONIC MAIL

scaggreenregion@scag.ca.gov

Southern California Association of Government
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Dear Members of the Board, Committee Members, and Staff:

This letter is sent as a follow-up to Tejon Ranch Company's letters dated August 18, 2021, October 5, 2021, and December 9, 2021, and in response to the Greenprint's Science and Strategic Advisors request for feedback on the proposed data layers for inclusion in the SoCal Greenprint tool. Tejon Ranch continues to object to the inclusion of the Antelope Valley Regional Conservation Investment Strategy ("AVRCIS") as a dataset source in the proposed SoCal Greenprint and seeks to offer further clarification.

The RCIS program was undertaken with good intent, authorized by the State Legislature as a voluntary and non-binding conservation assessment available for public use with no legal or regulatory effect. This legislative intent was recently confirmed as a consistent position of the California Department of Fish and Wildlife ("Department"). Attached herein is a copy of a May 3, 2022, letter that Tejon Ranch received from the Director of the Department. The letter clarifies the Department's view on the intended use of a Regional Conservation Investment Strategy and describes how weaponization of the AVRCIS in challenging the Centennial project is an example of misuse of the RCIS program. The Department's letter makes several important points, for example:

- An RCIS is not to affect the authority or discretion of any public agency and shall not be binding upon public agencies other than parties to a mitigation credit agreement.
- An RCIS does not alter existing land use authority, standards for issuance of permits and approvals, standards under the California Environmental Quality Act, or whether a project or project impacts are authorized or prohibited.
- The development of RCISs does not create, modify, or impose regulatory requirements or standards, regulate land use, establish land use designations, or affect the land use authority of a public agency.
- The Department does not support any RCIS being used as evidence to support a challenge to local agency actions.
- The Department does not support good faith, collaborative efforts in a voluntary venue like RCIS being raised by others in a confrontational venue like California Environmental Quality Act litigation to advocate what is or is not "best available science."

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Tejon Ranch Co. (NYSE:TRC) – a diversified real estate development and agribusiness company.

- An RCIS should not be weaponized for litigation.

The California State Legislature envisioned an RCIS to be a voluntary and non-regulatory, regional conservation strategy that does not alter existing land use authority, standards for issuance of permits and approvals, standards under the California Environmental Quality Act, or whether a project or project impacts are authorized or prohibited. In practice, though, the AVRCIS was used as a weapon in California Environmental Quality Act (CEQA) litigation in efforts to challenge the local land use authority of approved projects within the Economic Opportunity Areas designated for development within the Antelope Valley Area Plan and the Los Angeles County General Plan.

In the spirit of the intent which launched the Greenprint process originally, I respectfully ask that SCAG ensure the Greenprint's integrity by remaining consistent with the Antelope Valley Area Plan and the Los Angeles County General Plan. SCAG should exclude the AVRCIS entirely as a Greenprint data set due to the clearly demonstrated ill intent of its preparers including the Center for Biological Diversity and the California Native Plant Society among others. Short of exclusion, we request that SCAG fully respect Los Angeles County's lawfully enacted plans and the clear intent of the California Legislature by including the enclosed May 3, 2022 letter from the California Department of Fish and Wildlife as a preface to the AVRCIS in the Greenprint data set.

Thank you for your consideration of this important issue.

Sincerely,



Marc W. Hardy
Senior Vice President, General Counsel

Attachment



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Director's Office
 P.O. Box 944209
 Sacramento, CA 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



Attachment: Attachment 6 - Public Comment; Tejon Ranch (Draft RAMP Policy Framework and Stakeholder Engagement Summary)

May 3, 2022

Gregory S. Bielli
 President & Chief Executive Officer
 Tejon Ranch
 4436 Lebec Road
 Tejon Ranch, CA 93243

Dear Mr. Bielli:

The California Department of Fish and Wildlife (Department) and Tejon Ranch (Ranch) have a long history of working together. The list of issues between the Department and Ranch covers topics from landscape scale conservation to wildlife connectivity, from permitting responsible development and housing to stewardship of one of the state's largest conservation agreements. Another issue of interest to both of us is the appropriate implementation of a relatively new program at the Department that allows for the creation of Regional Conservation Investment Strategies (RCISs).

This new law and program encourage a voluntary, non-regulatory process intended to result in higher-quality conservation outcomes and includes an advance mitigation tool. This program uses a science-based approach to identify conservation opportunities and consists of three components: regional conservation assessments (RCAs), regional conservation investment strategies (RCISs), and mitigation credit agreements (MCAs.). These tools are broadly supported across the state, and while we are in the beginning phases of implementing the program, transportation, infrastructure, and local government leaders around the state are embracing this program to both conserve natural resources and create regulatory certainty for industries.

I thank you for your appreciation of the value of RCISs when used consistent with Fish and Game Code sections 1850-1861 and the RCIS Guidelines the Department published in 2017 and amended in September 2018.

The Department acknowledges that one RCIS effort has generated significant negative feedback from the Ranch. This one example is the Antelope Valley RCIS. The purpose of my letter to you is to clarify the Department's view on RCIS.

Gregory S. Bielli
President & Chief Executive Officer
Tejon Ranch
May 3, 2022
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First, the development of an RCIS is purely voluntary. The Department cannot compel any public entity to pursue an RCIS, nor can it prevent any public agency, or other individuals or entities working with a public agency, from pursuing and proposing an RCIS.

Second, RCIS is a non-regulatory and non-binding conservation assessment. Nothing in law allows the Department or any other state or local agency to use an RCIS as a regulatory requirement against an entity like the Ranch. Indeed, the statute expressly states that an RCIS “shall not affect the authority or discretion of any public agency and shall not be binding upon public agencies other than parties to a mitigation credit agreement.” (Fish & G. Code, § 1855, subd. (a).) The statute goes on to clarify that an RCIS does not alter existing land use authority, standards for issuance of permits and approvals, standards under the California Environmental Quality Act, or whether a project or project impacts are authorized or prohibited. (Fish & G. Code, § 1855, subd. (a)-(b).)

The Department is aware that various parties in litigation concerning Los Angeles County’s approval of its Antelope Valley Area Plan, Los Angeles County’s approval of the Centennial Specific Plan, and transportation projects have sought to introduce the Antelope Valley RCIS as evidence to support their challenges to local agency actions. To the best of our knowledge, in each of these cases the court has appropriately determined that the Antelope Valley RCIS is not an obstacle to discretionary land use decisions by local agencies.

To be very clear, the Department does not support any RCIS being used in this manner. As noted above, the development of RCISs does not create, modify, or impose regulatory requirements or standards, regulate land use, establish land use designations, or affect the land use authority of a public agency. We are concerned that transporting a voluntary, incentive-based program as evidence into a judicial proceeding will have the consequence of chilling future interest in the very tool the Department seeks to make available around the state to increase conservation outcomes.

At the request of the Ranch, the Department helped ensure that the public agency proposing the Antelope Valley RCIS did not include any Ranch lands within the RCIS boundaries. The Department further acknowledges that there can be differences of opinions about what constitutes “best available science” in natural resources management and planning, and that this question has arisen in the context of the Antelope Valley RCIS. Looking ahead, the Department does not support good faith, collaborative efforts in a voluntary

Gregory S. Bielli
President & Chief Executive Officer
Tejon Ranch
May 3, 2022
Page 3

venue like RCIS being raised by others in a confrontational venue like California Environmental Quality Act litigation to advocate what is or is not "best available science." An RCIS should not be weaponized for litigation. These were not the goals of Assembly Bill 2087 and Senate Bill 103 in creating the program.

I thank you for raising your concerns directly with me regarding the Antelope Valley RCIS. Notwithstanding those concerns, I trust you can appreciate the broader success and support across the state for new voluntary based efforts to create regulatory certainty and conserve our great natural resources in California. Please stay in touch so that we can continue the collaboration between Tejon Ranch and the California Department of Fish and Wildlife.

Sincerely,



Charlton H. Bonham
Director