



February 13, 2022

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd. Ste. 1700
Los Angeles, CA 90017

RE: Regional Advance Mitigation Planning – Advisory Task Group

Kome and Staff,

The work of the Regional Advance Mitigation Planning – Advisory Task Group (RAMP-ATG) is of critical importance. We have seen broad stakeholder interest in the SoCal Greenprint as evidenced at two significant Regional Council hearings on the matter. It is imperative we get this right. Therefore, I am concerned that a number of questions posed by the Regional Council, myself and colleagues on the RAMP-ATG have gone unanswered or vague answers were provided. Clarity of purpose is essential if we are to create a whitepaper that guides the creation of future mitigation planning and the SoCal Greenprint.

I reviewed the transcripts of both December and January hearings. I reached out to a few stakeholders for feedback because I want us to get things right. Because similar questions from these stakeholders kept coming up and to efficiently use our meeting times, I believe written responses to these questions are required:

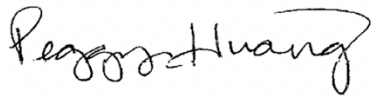
1. Who decided which organizations and individuals should be invited to join the Science Advisory Committee? Did any invited organization or individual decline to serve?
2. Since the scope of Greenprint includes infrastructure, housing and other development in the whole region, why wasn't this scope - and the selection of The Nature Conservancy in a sole source contract - put on the agenda for discussion by the Regional Council?
3. Since we remain in a housing crisis, and our members have just undertaken the largest housing planning effort undertaken more than a generation under the 6th cycle of RHNA, what is SCAG's plan to bring home builders back to the table since they build almost all housing in the region? Is there a plan to address their concerns with the SoCal Greenprint's CEQA impact?
4. Why was Greenprint proposed for adoption if it is part of RAMP, and both Greenprint and RAMP are supposed to be initiated first with a draft White Paper for review, comment, and direction from the Regional Council?
5. Did the So Cal Greenprint process begin prior to Connect SoCal?

6. Why are the Greenprint datasets still online as staff's determination of "best available scientific data" if we know the process in selecting them has been problematic?
 - a. Greenprint answers to the direction created in the RAMP – ATG whitepaper. Does staff agree? How then do we keep the current process online if we know it was created without direction of the white paper and the elected leadership of SCAG?
7. Does staff believe that Greenprint datasets can never be used in a CEQA lawsuit by a third party to challenge a plan or project?
8. The Regional Council has repeatedly affirmed the importance of local control, but as Greenprint supporters commented in October they intend to use Greenprint to force local agencies and applicants to "change their mind" about infrastructure, housing, and other local land use decisions. Did staff do outreach to local government, and clearly notify local government that Greenprint was intended to apply to development areas and not just identify voluntary opportunities to mitigate high value agricultural and open space lands? If not, why not?
 - a. In support of local control, is SCAG proposing RAMP to be a collection of local RAMPS?
 - b. Or, is SCAG proposing to create a new Regional RAMP which would overlay and perhaps negatively impact local RAMPS and Conservation Plans?
9. Does SCAG intend to have a new regional RAMP or looking to provide resources to better enable local governments to do their own RAMP?
10. Local agencies are concerned that RAMP is a moving target, which will make planning extremely difficult. So far, SCAG has caused further insecurities than assurances that projects that have been planned or entitled will not be affected by the RAMP discussions. What assurances will SCAG provide that RAMP will not be a constant revolving datasets?

The lack of clarity on these matters has caused needless confusion, frustration and a growing lack of trust that the RAMP and Greenprint process can advance in a tenable way. Therefore, I am formally requesting a written response to all questions listed above and that each of these issues be included as part of the next RAMP – ATG task group agenda to ensure all members of RAMP – ATG have their questions directly answered in an open and public forum.

Thank you and I look forward to a timely response.

Sincerely,



Hon. Peggy Huang
City of Yorba Linda
RAMP-ATG Member

Cc: Hon. Clint Lorimore, President, SCAG
Samuel Johnson, CEO, Transportation Corridor Agencies
Adam Wood, Executive Director, Buildings Industry Association, OC
Sara Catalan, Southern California Leadership Council
Richard Lambros, Southern California Leadership Council
Marnie Primmer, OCCOG
Hon. Trevor O'Neil, President, OCCOG



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February 17, 2022

Hon. Peggy Huang
City of Yorba Linda
4845 Casa Loma Avenue
Yorba Linda, CA 92886

Subject: Response to February 13, 2022 Letter regarding the Regional Advance Mitigation Planning – Advisory Task Group (RAMP-ATG)

Dear Hon. Huang:

Thank you for your letter of February 13, 2021 wherein you requested responses to a series of questions posed as a member of the Regional Advance Mitigation Planning Advisory Task Group (RAMP-ATG). As you know, the RAMP-ATG is serving an important role in establishing a policy framework for advanced mitigation in the SCAG region to ensure the Greenprint is aligned with policy objectives, and advising staff as they develop a white paper on the topic. Please refer to SCAG’s responses to your questions posed below:

1. ***Who decided which organizations and individuals should be invited to join the Science Advisory Committee? Did any invited organization or individual decline to serve?***

SCAG staff on the Greenprint project team worked through SCAG’s consultant, The Nature Conservancy, to invite science advisors representing regional universities, partner agencies, and non-profit organizations to participate in the Science and Methods Advisory Committee. Some individuals invited to participate on the Science and Methods Advisory Committee did not respond to the invitation. The Science and Methods Advisory Committee participants are listed on page 331 in the October 7, 2021 Regional Council staff report in “ATTACHMENT G - SoCal Greenprint Data Vetting Process” at https://scag.ca.gov/sites/main/files/file-attachments/21-10-07_rceec_original_staff_report_with_attachments_and_public_comments.pdf?1641857134

2. ***Since the scope of Greenprint includes infrastructure, housing and other development in the whole region, why wasn't this scope - and the selection of The Nature Conservancy in a sole source contract - put on the agenda for discussion by the Regional Council?***

Staff is pleased to provide a response to this inquiry, though it bears noting that the Regional Council’s October 7, 2021 action to establish the RAMP-ATG committee did not confer the task group with jurisdiction to address matters relating to The Nature Conservancy contract. Generally speaking, contracts requiring approval are not placed on the Regional Council’s agenda as separate action/discussion items. Rather, contracts are included on the Consent Calendar, which allows a contract to be pulled for discussion if any member of the board requests a discussion. The Nature Conservancy contract was

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agendized for both the Regional Council's and the Executive/Administration Committee's approval at the June 6, 2019 meetings as Consent Calendar Items 15 and 10, respectively. Several Consent Calendar items were pulled for discussion at both the Regional Council and EAC meetings; however, this item was not pulled for discussion, and The Nature Conservancy contract was approved unanimously by the EAC and RC. Page 87 of the Regional Council agenda packet for this item provided a summary of the scope of work for this contract, and references the regional nature of the project and its focus on land use and transportation infrastructure. Further, as referenced in the Executive Summary contained in the staff report, it is noted that "[t]he consultant shall prepare SCAG's Regional Greenprint, a strategic 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." (Emph. Supplied.) Page 88 of the Regional Council agenda packet identified and described the basis for the sole source justification for selecting this vendor.

3. *Since we remain in a housing crisis, and our members have just undertaken the largest housing planning effort undertaken more than a generation under the 6th cycle of RHNA, what is SCAG's plan to bring home builders back to the table since they build almost all housing in the region? Is there a plan to address their concerns with the SoCal Greenprint's CEQA impact?*

Written concerns expressed by stakeholders, including representatives of the development community and several individual developer entities, regarding the Greenprint project and CEQA were reported to Regional Council in October 2021 (and also as part of the July 1, 2021 Regional Council meeting). Prior to these Regional Council meetings, SCAG staff engaged in several one-on-one meetings with stakeholders, including those in the development community, to listen to their concerns. As reported to the Regional Council as part of the October 2021 agenda material, SCAG staff has undertaken a number of actions to try to address concerns expressed about use of the tool in CEQA proceedings (for instance, developing a disclaimer/acknowledgment for users to accept before using the Greenprint tool). We understand that certain stakeholders, like BIA, opted to step away from the Greenprint process; however, SCAG staff is open to and welcomes their engagement at any point to have further discussion or to participate in the public process. Aside from those actions, SCAG obtained a legal opinion that was provided to the Regional Council by Margaret Sohagi, Esq., a recognized industry expert, stating (in part) that *"the Greenprint does not disrupt the traditional CEQA process in any way, nor does it interfere with a public agency's exercise of discretion when evaluating projects under CEQA. Specifically, the Greenprint is not, by itself, evidence of new information that would trigger additional CEQA review."* Please see page 324 of the October 7, 2021 Regional Council report in "ATTACHMENT F – Correspondence from Margaret Sohagi, Esq regarding CEQA" at https://scag.ca.gov/sites/main/files/file-attachments/21-10-07_rceec_original_staff_report_with_attachments_and_public_comments.pdf?1641857134.

Consistent with direction received from the Regional Council in October 2021, and in response to concerns expressed by a variety of stakeholders relating to data sets that may be included in the Greenprint, SCAG will be convening an open joint meeting of the Greenprint project's Strategic Advisory Committee and Science/Methods Advisory Committee on March 9, 2022. The purpose of this meeting will be to foster transparency and listen to feedback on proposed datasets that may be included in the tool. Representatives from the building industry are included in the Strategic Advisory Committee and will be encouraged to attend and actively participate in the planning process. SCAG staff will continue to engage in public outreach with stakeholders while developing the Greenprint tool to focus on helping cities, counties and transportation agencies make better land-use and

transportation infrastructure decisions and conserve natural and farm lands, as directed by the Regional Council in October 2021 and as required by the Connect SoCal PEIR mitigation measures.

4. ***Why was Greenprint proposed for adoption if it is part of RAMP, and both Greenprint and RAMP are supposed to be initiated first with a draft White Paper for review, comment, and direction from the Regional Council?***

The Greenprint is a project feature of Connect SoCal and a required mitigation measure. SCAG staff does not intend to propose adoption of the Greenprint tool by the Regional Council, as further action by the Agency's governing body is not required in order to fully effectuate this required mitigation measure. Moreover, adoption of the Greenprint tool may confuse its purpose as it is not SCAG's practice to adopt tools. The Greenprint tool is being developed as a resource for SCAG and its partners to develop their own plans and programs; it is not a regional plan, policy or program. It prescribes no particular direction for conservation; rather, it provides a means to access a wide-range of data to support conservation planning efforts. Board adoption of the Greenprint tool is not recommended as it would suggest the tool is a regional policy or plan, which it is not intended or required to be. The draft Policy Framework will explicitly state that "Publicly available data to be made accessible through the SoCal Greenprint tool are not adopted by SCAG and are not an expression of regional policy."

The Greenprint tool itself is not "part of" RAMP, although they are both closely related projects launched by SCAG in tandem to satisfy our required PEIR mitigation measures. The Greenprint tool is a planning tool that can support partners in pursuing RAMPs. Given the Regional Council's expressed interest in strengthening the policy direction that informs Greenprint tool development, staff was directed by the Regional Council to develop a white paper and work with the RAMP-ATG on establishing a policy framework for advanced mitigation in the SCAG region to ensure the Greenprint is aligned with policy objectives.

Preparing a white paper on the development of a RAMP is also required by mitigation measures in the PEIR for the Connect SoCal plan. The complementary nature of the white paper and policy framework for advanced mitigation was recognized in Regional Council action on the RAMP-ATG which directed staff to develop a white paper and work with the RAMP-ATG on establishing a policy framework for advanced mitigation in the SCAG region to ensure the Greenprint is aligned with policy objectives. The Regional Council did not request review of a draft white paper for comment or to provide direction. The mitigation measure does not require a white paper to be produced **before** development or launch of the Greenprint tool, but rather as part of "the Regional Greenprint effort."

A draft Policy Framework has been developed and is included on the RAMP-ATG's agenda for discussion on February 18, 2022. The draft Policy Framework has been informed by the research conducted for the white paper and includes policies to inform the development of the Greenprint tool as a resource to support RAMP. Staff will work to finalize the Policy Framework, white paper and Greenprint tool over the next several months to meet SCAG's obligations under the mitigation measures as well as to fulfill the direction established by the Regional Council in directing the work of the RAMP-ATG.

5. ***Did the So Cal Greenprint process begin prior to Connect SoCal?***

The Greenprint process began in 2019 during the formative stage of Connect SoCal. Development of Connect SoCal was formally initiated in October 2017 by the Regional Council. An iterative, collaborative planning process continued through September 2020 when Connect SoCal was formally adopted by the Regional Council, which included development of the Greenprint tool.

6. ***Why are the Greenprint datasets still online as staff's determination of "best available scientific data" if we know the process in selecting them has been problematic?***

Pursuant to the Regional Council's action on July 1, 2021, SCAG staff posted proposed data layers online to:

- Refine the list of data sources and data sets related to engaging in stakeholder outreach and seeking input to address stakeholder concerns.
- Integrate stakeholder feedback into tool technical development and internal beta testing.
- Engage with stakeholder discussions, meetings, outreach, and messaging with respect to the tool and its proposed data sets.
- Continue discussions with technical advisory experts for purposes relevant to matters noted above.

SCAG's statement on the July 1, 2021 Regional Council action reflecting the foregoing was posted online on September 8, 2021 and is available at <https://scag.ca.gov/sites/main/files/file-attachments/statement-july1regionalcouncilsocialgreenprintaction.pdf?1637300021>. As directed by the Regional Council on October 7, 2021, SCAG staff continues to engage in the public outreach process in tandem with project related activities, and an open advisory meeting for further review and revision of data layers to meet the needs of cities, counties and transportation agencies will be conducted on March 9, 2022

As staff has indicated at public meetings on this topic, definitive determinations have not yet been made by staff regarding the selection of draft datasets for final inclusion in the tool, and staff continues to consult with the RAMP-ATG and stakeholders as directed by the Regional Council. Staff will be guided by the RAMP Policy Framework developed by the RAMP-ATG, which seeks to ensure the Greenprint tool will be aligned with policy objectives, and will adhere to data policies, governance standards, user guidelines, data selection criteria, and data parameters preceding, during, and subsequent to launch.

a. ***Greenprint answers to the direction created in the RAMP – ATG whitepaper. Does staff agree? How then do we keep the current process online if we know it was created without direction of the white paper and the elected leadership of SCAG?***

No, the RAMP white paper is not a policy document. It is a research document that is a required mitigation measure and also a useful resource in developing the RAMP Policy Framework. As repeated from above:

The Greenprint tool itself is not “part of” RAMP, although they are both closely related projects launched by SCAG in tandem to satisfy our required PEIR mitigation measures. The Greenprint tool is a planning tool that can support partners in pursuing RAMPs. Given the Regional Council’s expressed interest in strengthening the policy direction that informs Greenprint tool development, staff was directed by the Regional Council to develop a white paper and work with the RAMP-ATG on establishing a policy framework for advanced mitigation in the SCAG region to ensure the Greenprint is aligned with policy objectives.

Preparing a white paper on the development of a RAMP is also required by mitigation measures in the PEIR for the Connect SoCal plan. The complementary nature of the white paper and policy framework for advanced mitigation was recognized in Regional Council action on the RAMP-ATG which directed staff to develop a white paper and work with the RAMP-ATG on establishing a policy framework for advanced mitigation in the SCAG region to ensure the Greenprint is aligned with policy objectives.

The white paper’s draft outline was presented to the RAMP-ATG in January, and the project consultant sought feedback on numerous sections including the RAMP planning process and potential partners/collaborators. The draft white paper will be available this spring.

7. Does staff believe that Greenprint datasets can never be used in a CEQA lawsuit by a third party to challenge a plan or project?

Staff does not believe that Greenprint data sets can “never” be “used” in a third party challenge. Indeed, the data sets proposed for inclusion in the Greenprint tool (which data sets are not yet finalized) already exist and are publicly available, notwithstanding the Greenprint process. Therefore, these data sets can be “used” by third parties for a variety of purposes, regardless of and despite the creation of the Greenprint tool. The more pressing question is whether such use by third parties would be meritorious. This question was previously and specifically addressed by outside counsel, Margaret Sohagi of the Sohagi Law Group, who was retained by SCAG to provide a written opinion that was presented as part of the agenda packet for the October 2021 Regional Council meeting. The written opinion addressed the following issue (as stated in the memorandum): “Certain stakeholders assert the SoCal Greenprint (‘Greenprint’) tool could be used to challenge a project’s compliance with the California Environmental Quality Act SCAG has asked if the Greenprint by itself is evidence of ‘significant’ or ‘substantial’ new information triggering recirculation or subsequent environmental review under CEQA.” Ms. Sohagi concluded as follows with respect to your inquiry (and the question presented in her memorandum): “Specifically, the Greenprint is not, by itself, evidence of new information that would trigger additional CEQA review. And while nothing can prevent project opponents from filing a CEQA lawsuit, the Greenprint by itself does not increase their chances of succeeding in court.” (Emph. supplied.) Ms. Sohagi’s memorandum further elaborated on the issue posed by your question as follows: “Any data proffered by project opponents already exists outside of the Greenprint and can readily be submitted into the project record prior to project approval – regardless of whether the Greenprint is developed.” In conclusion on this issue, Ms. Sohagi stated, “[a]nd while nothing prevents project opponents from filing a CEQA lawsuit, nothing about the Greenprint tool itself creates or unleashes viable, new claims.” The full memorandum can be found in “ATTACHMENT F - Correspondence from Margaret Sohagi, Esq regarding CEQA” here https://scag.ca.gov/sites/main/files/file-attachments/21-10-07_rceec_original_staff_report_with_attachments_and_public_comments.pdf?1641857134. Finally, it bears mentioning that, as presented to both the Regional Council at the October 7, 2021 meeting

and to the RAMP-ATG at its February 18, 2022 meeting, the Greenprint tool will include a user acknowledgment of various limitations and disclosures relating to the data sets included in the tool.

8. *The Regional Council has repeatedly affirmed the importance of local control, but as Greenprint supporters commented in October they intend to use Greenprint to force local agencies and applicants to "change their mind" about infrastructure, housing, and other local land use decisions. Did staff do outreach to local government, and clearly notify local government that Greenprint was intended to apply to development areas and not just identify voluntary opportunities to mitigate high value agricultural and open space lands? If not, why not?*

SCAG has engaged with municipalities directly through the Greenprint outreach process and in convenings with local jurisdictions to seek feedback on the approach. SCAG regularly convenes local jurisdictions to guide projects through the Regional Planning Working Groups and the Technical Working Group (TWG). The TWG provides a venue for SCAG staff to discuss and receive feedback on growth-related technical approaches, data collection and technical tools associated with the development, implementation, and monitoring of the RTP/SCS with local and regional planning partners, regulatory and coordinating agencies, and technical experts.

All 197 local jurisdictions responsible for land-use planning in the SCAG region are invited to participate in the TWG and designate a formal member to serve on the working group. The TWG was regularly engaged during the development of Connect SoCal and the PEIR, which requires SCAG to develop a regional Greenprint tool to help municipalities, conservation groups, developers and researchers prioritize lands for conservation based on best available scientific data.

In addition to the ongoing engagement with Regional Planning Working Groups and the TWG and following the July 1 Regional Council direction, SCAG staff held a dedicated workshop for members of the TWG on July 29, 2021 to provide additional information on the Greenprint project goals and themes, share a demonstration of the tool and its reporting functionality, and offer venue for questions and feedback.

Staff made presentations and solicited feedback during these engagements, which are summarized here:

Date	Description
January 20, 2022	SCAG Staff project update with the joint Natural and Farm Lands Conservation and Sustainable and Resilient Communities Working Groups.
January 20, 2022	SCAG Staff project update with the Technical Working Group.
October 7, 2021	SCAG staff held a Public Hearing to engage with stakeholders.
September 30, 2021	SCAG Staff project update with the Technical Working Group.
August 24, 2021	SCAG Staff held a Public Hearing to engage with stakeholders.

July 29, 2021	SCAG Staff and the Nature Conservancy held a dedicated workshop for members of the Technical Working Group, which included a project update, demonstration, and opportunity for feedback.
July 15, 2021	SCAG Staff project update with the Technical Working Group.
May 27, 2021	The Nature Conservancy provided a Greenprint project update to the Natural and Farm Lands Conservation Working Group
October 15, 2020	The Nature Conservancy provided a Greenprint project update to the Natural and Farm Lands Conservation Working Group.
May 27, 2020	The Nature Conservancy provided a Greenprint project update to the Natural and Farm Lands Conservation Working Group.
December 11, 2019	The Nature Conservancy's first presentation of Greenprint project to Natural and Farm Lands Conservation Working Group.
April 19, 2018	First presentation of Greenprint idea to the Natural and Farm Lands Conservation Working Group.

Staff also made several presentations to elected officials representing local jurisdictions at meetings of the Energy & Environment Committee, the Community, Economic, and Human Development Committee, the Emerging Technologies Committee, and Regional Council. A summary of each of these engagements is available online at https://scag.ca.gov/sites/main/files/file-attachments/document_guide_table_1.pdf?1641868685.

Reports and presentations from the engagements are available at <https://scag.ca.gov/gis-social-greenprint/staff-reports-presentations-and-documents>.

- a. ***In support of local control, is SCAG proposing RAMP to be a collection of local RAMPS?***
- b. ***Or, Is SCAG proposing to create a new Regional RAMP which would overlay and perhaps negatively impact local RAMPS and Conservation Plans?***

Consistent with Connect SoCal's PEIR mitigation measure SMM BIO-2, SCAG will "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." SCAG does not seek to develop and administer a standalone RAMP, as we are not a land use authority or an implementing agency. One of our Agency's key strength's is as a facilitator seeking to empower local actors who wish to participate in regional initiatives such as RAMP through development of policies that would allow for efficiencies and economies of scale.

9. *Does SCAG intend to have a new regional RAMP or looking to provide resources to better enable local governments to do their own RAMP?*

As noted above, SCAG does not seek to develop and administer a standalone regional RAMP. A key strength of our Agency is to facilitate and empower local actors who wish to participate in regional initiatives such as RAMP through development of policies that would allow for efficiencies and economies of scale. To further understand the best way that RAMP can serve local stakeholders, SCAG will evaluate RAMP program governance options that prioritize local control and supplement established advanced mitigation programs to offset impacts of transportation and other development projects. SCAG will continue to seek feedback from local agencies on how SCAG's RAMP initiative can

supplement ongoing activities and avoid conflicting objectives. Importantly, the white paper will identify how SCAG can potentially support advanced mitigation in the region, not create a program that SCAG then administers.

10. Local agencies are concerned that RAMP is a moving target, which will make planning extremely difficult. So far, SCAG has caused further insecurities than assurances that projects that have been planned or entitled will not be affected by the RAMP discussions. What assurances will SCAG provide that RAMP will not be a constant revolving datasets?

Participation in a future RAMP would be voluntary and the sole discretion of local agencies. RAMP will not require projects to conduct advance mitigation. Once deployed, the datasets accessible through the Greenprint tool would be useful in framing a RAMP program. As noted in the draft RAMP Policy Framework, the Greenprint tool will adhere to detailed data policies, governance standards, user guidelines, data selection criteria, and data parameters preceding, during, and subsequent to launch.

I trust the foregoing information is responsive to the questions posed. I look forward to the next meeting of the RAMP-ATG scheduled for February 18, 2022 from 2-5 PM.

Sincerely,



Sarah Jepson
Director, Planning and Programs

cc: Hon. Clint Lorimore, President, SCAG
Samuel Johnson, CEO, Transportation Corridor Agencies
Adam Wood, Executive Director, Buildings Industry Association, OC
Sara Catalan, Southern California Leadership Council
Richard Lambros, Southern California Leadership Council
Marnie Primmer, OCCOG
Hon. Trevor O'Neil, President, OCCOG