



April 1, 2022

Southern California Association of Governments
Regional Advance Mitigation Planning Advisory Task Group
c/o SoCal Greenprint Team
900 Wilshire Blvd., Suite 1700
Los Angeles, CA 90017

via electronic mail: scagggreenregion@scag.ca.gov

RE: Business and Labor Coalition Summary Letter and Attached Comments concerning the Greenprint and the Draft Regional Advanced Mitigation Program (RAMP) Policy Framework that was presented at the February 18, 2022 meeting of SCAG’s Regional Advance Mitigation Planning Advisory Task Group.

Dear President Lorimore and Hon. Members of the Task Group:

In September 2020, we – as regional business, industry, and labor leaders – broadly supported SCAG’s adoption of its 2020 RTP/SCS “Connect SoCal. We did so after months of working hand-in-hand with SCAG Leaders and Staff to assure that Connect SoCal would truly enable the production and implementation of the over \$650 billion worth of infrastructure and 1.3 million housing units called for in that plan. In the year and a half since its adoption, the need for these benefits has only increased. Likewise, the current local efforts to implement RHNA and take advantage of the historic infrastructure funding opportunities under the federal Infrastructure Investment and Jobs Act (totaling \$1.2 trillion) have both combine to highlight the urgency and critical need for Connect SoCal’s implementation to be a true enabler of this much needed development – and not an impediment.

Considering this, we’ve been greatly troubled by the ways that SCAG is proposing to implement two aspects of Connect SoCal: (i) the Greenprint, related to regional data sharing, and (ii) the Regional Advance Mitigation Program – or RAMP, related to land conservation and mitigation. Concerning these, SCAG’s current proposals are unfolding in ways that threaten to harm our region’s ability to achieve the infrastructure and housing benefits that Connect SoCal promises.

The good news is that SCAG’s Advisory Task Group (ATG) and the Regional Council can easily correct both the Greenprint and the RAMP at this early stage in their development, as explained in our

attached comments. By following our recommendations, the Regional Council and SCAG can assure that the Greenprint and RAMP will not conflict with local governments' existing land use plans and prerogatives, but rather they will complement and enable them. This will result in a Greenprint and RAMP that both are beneficial to our region and supportive of Connect SoCal's goals related to housing, infrastructure, and environmental benefits.

Our attached comments concerning both the Greenprint and RAMP efforts focus on the fact that both were launched without threshold principles defining them. Our comments can be summarized as follows:

- SCAG needs to stay focused on the Greenprint, such that all work on the current iteration of the Greenprint must be halted and the data pulled back until clear policy direction and guidance is in place.
- SCAG needs to consider the Greenprint and the RAMP individually and put in place policy guidance appropriate for each.
- SCAG needs to utilize our Coalition's recommended core principles regarding the development of the RAMP, which are:
 1. Above all, the RAMP must be designed to facilitate achieving the housing and infrastructure benefits of Connect SoCal, not impede them. Thus, the RAMP should be a tool used to help expedite and enable the development that Southern California needs.
 2. We do not support the development of a single, massive, region-wide mitigation banking program conducted under SCAG's auspices. Instead, we believe SCAG should support and help enable subregional RAMPs at properly scaled county levels or smaller (the OCTA mitigation bank is a good example of this).
 3. SCAG must respect the primacy of the local governments and other lead agencies that are most responsible for approving plans and projects and determining how much and how best to mitigate their impacts. It is not a proper role of SCAG to undercut or prejudice the rightful powers and prerogatives belonging to these other entities.
 4. The RAMP approach to mitigation must not impede or frustrate the development of infrastructure, housing, and other developments reflected in previously approved projects and plans. Given this imperative and the language of the mitigation measures that call for the RAMP, SCAG should aim to focus its RAMP only on agricultural lands and open space so as not to impact already approved, planned, or sited projects.

We greatly appreciate SCAG's attention to the issues raised above and in the more detailed, attached comments. We look forward to our continued participation in SCAG's efforts related to both the Greenprint and the RAMP, and to working collaboratively with you to assure the advancement of our region's economy, infrastructure, housing, livability, and well-being.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Hernandez', with a stylized, cursive script.

Victoria Hernandez
Executive Director, South Orange County Economic Coalition

**April 1, 2022 Comments
of the Business, Industry and Labor Coalition
Concerning the Greenprint and
the Regional Advance Mitigation Program (RAMP) Policy Framework
that was presented
at the February 18, 2022 meeting of SCAG's
Regional Advance Mitigation Planning Advisory Task Group
(RAMP-ATG).**

On behalf of the business, industry, labor, and community organizations subscribing to this letter (the "Coalition"), we respectfully provide these comments concerning the Southern California Association of Governments' (SCAG) Draft Regional Advance Mitigation Program (RAMP) Policy Framework (the "Draft RAMP Framework"). The Draft RAMP Framework was presented at the February 18, 2022 meeting of the Regional Advance Mitigation Planning Advisory Task Group (RAMP-ATG). Our concerns about the Draft Framework are both serious and very similar to the concerns that many of us have expressed consistently to SCAG about staff's efforts to advance the problematic SoCal Greenprint (the "Greenprint").

Many of the organizations signing this letter wrote to SCAG on April 30th, on June 29th, on August 24th, and again on October 6th of 2021, concerning the Greenprint. Based on the issues and concerns our Coalition raised in these letters, we asked then and we ask again now, that SCAG stop the Greenprint process completely, including all staff work thereon, and that it remain stopped until SCAG's Regional Council deliberates and prescribes the core principles to govern this program. Specifically, we urged that the Greenprint would only restart under the Regional Council's careful direction after the latter approves clear policy prescriptions related to the Greenprint's goals, purpose, content, use, limitations, and process for ongoing review and approval. These are the steps that we would expect concerning any new undertaking as important as the Greenprint. If well-considered threshold policy prescriptions are not in place first, then "the cart is before the horse" as to the development of Greenprint.

Our coalition was optimistic when the Regional Council voted in October to both (i) halt the development of the Greenprint, and (ii) appoint an Advisory Task Group (the "ATG") made up of five Regional Council member to address the threshold policy concerns that we and many others had voiced. Given the circumstances and the debate that led to the ATG's establishment, we expected the ATG to undertake in a straightforward manner the task of formulating the policy for the Greenprint and offering it to the Regional Council for its consideration. We are disappointed because the ATG's policy discussions concerning the Greenprint have barely begun. Instead, SCAG's staff has focused the attention of the ATG increasingly on the development of a Regional Advanced Mitigation Program (RAMP). We are also concerned that the Draft RAMP Framework has been interposed as a distracting additional task for the ATG to undertake, which delays their ability to address the policy guidance for the Greenprint.

We therefore urge the ATG to postpone its consideration of the Draft RAMP Framework until such time as the ATG instead completes its recommendations to the Regional Council concerning the

Greenprint. The hopping back and forth between focusing superficially on the Greenprint and similarly on the RAMP has been confusing and unproductive.

Our concerns about the Greenprint have been on record for almost a year now; and we believe that those concerns should be addressed squarely without further delay. If, however, the ATG intends to take up the Draft RAMP Framework presently, then the task should be undertaken only if two conditions exist. First, if consideration of the Draft RAMP Framework must proceed now, then all work on the Greenprint should be halted until the development of the RAMP Framework is completed. Until the RAMP framework policy prescriptions are in place, followed then by similar prescriptions concerning the Greenprint, SCAG's staff should remove from SCAG's webpages all narrative and datasets that SCAG's staff has proposed for inclusion in the Greenprint, and cease all efforts to advance it further before the afore-mentioned policy prescriptions for the Greenprint are approved.

Second, our longstanding position about the need to put in place well-considered, threshold policy prescriptions for the Greenprint applies with equal force to the Draft RAMP Framework. Therefore, if the ATG takes up the discussion of the Draft RAMP Framework at this time, we urge the ATG to jettison the Draft RAMP Framework which was prematurely developed thus far, and begin instead with the task of determining well-considered, threshold policy prescriptions that will govern the development of the RAMP.

For example, fundamental questions regarding the size and scope of the proposed RAMP have yet to be determined: As to size, does SCAG intend to develop a single regionwide RAMP or subregional RAMPs? Alternatively, would it be more effective for SCAG to support and provide resources to their constituent cities, counties, and transportation agencies to develop their own RAMPs? As to scope, will SCAG's RAMP approach provide mitigation for transportation projects alone in keeping with the RTP, or will the scope of SCAG's RAMP be much larger and designed to provide mitigation for all kinds of projects, including housing and commercial development, and water, energy and other infrastructure projects? We believe these and other threshold determinations must be made by SCAG's policy makers (the ATG with the concurrence of the Regional Council) before undertaking the development of a detailed "policy framework" for this program. To do otherwise would be for SCAG to once again put "the cart before the horse." Likewise, it is impossible to meaningfully evaluate and critique the proposed Draft RAMP Framework without these important threshold determinations having been made.

We also believe that the ATG should consider the threshold policy prescriptions for the Draft RAMP Framework separate from its consideration of the policy prescriptions needed for the Greenprint – i.e., one before the other. Although the Greenprint and the RAMP will eventually relate to one another, they also differ from one another. Specifically, the Greenprint will be an aggregation of regional, geo-spatial, environmental datasets, which SCAG has officially designated as "best available science." As such, when wielded by environmental plaintiffs, SCAG's determinations concerning the Greenprint will have ramifications under the California Environmental Quality Act (CEQA, such that a circumspect and careful approach is needed. The RAMP, on the other hand, holds the prospect of regionalizing land conservation mitigation planning in some as-yet undefined way, even though such conservation mitigation plans are typically undertaken carefully at scales far smaller than that of the SCAG region. Therefore, Greenprint and RAMP are two separate and independent programs with their

own purposes. They are not codependent. Given this, each deserves its own well-considered threshold policy prescriptions and policy framework. This, unfortunately, is not the approach SCAG has used in the current Draft RAMP Policy Framework.

With that in mind, our Coalition offers the following principles that we believe SCAG should apply regarding the development of its regionalized RAMP effort. First, the RAMP must be designed to facilitate the effective implementation of SCAG's Regional Transportation Plan (RTP) within Connect SoCal and specifically SCAG's regional transportation implementation plan (RTIP) projects. Keeping in mind the RTP includes over \$650 billion in spending over the next 25 years on much-needed transportation infrastructure, the RAMP must not complicate, delay, prevent or increase the cost of implementing these projects.

Instead, the RAMP should be formed into a helpful tool that can be used to expedite and enable projects and plans that are needed to benefit the citizens of Southern California. In light of this, the framework for developing any SCAG-level RAMP must be fashioned by the Regional Council after very careful and circumspect consideration of the RAMP's purpose and consequences. The Regional Council should then provide SCAG's staff with the guideposts needed for developing an eventual RAMP – including goals, principles, and proper circumscription.

Second, we do not support the development of a single, massive, region-wide mitigation banking program conducted under SCAG's auspices. Instead, we believe SCAG should support and help develop enable subregional RAMP's at properly scaled county levels or smaller (the OCTA mitigation bank is a good example of this). When conservation mitigation planning is undertaken at relatively large scales, consensus is much harder to achieve, and affected landscapes tend to get "painted with a broad brush," such that lands that are relatively suitable for development are unduly slated for conservation, while other areas that are most suitable for conservation may be left unprotected. Conservation mitigation therefore is best undertaken by biological experts who have garnered in-depth knowledge of the conservation values of the land at issue at a relatively close-in scale. This approach also respects the greater knowledge, responsiveness, and land use regulatory prerogatives of the local jurisdictions throughout the SCAG region.

Third, SCAG must respect the primacy of the lead agencies that are responsible for approving plans and projects and determining how much and how best to mitigate their impacts. Typically, conservation mitigation planning is undertaken, negotiated, and approved by the individual lead agencies that are involved in the respective projects or plans. It is the lead agencies themselves that possess the prerogatives under CEQA concerning the mitigation of the projects and plans that they approve. As such, it is not a proper role of SCAG to undercut or prejudice the powers and prerogatives of these other lead agencies. In fairness, SCAG has historically taken a strong position in support of the "local control" authority of the many local lead agencies within our region. Accordingly, we believe that the Regional Council should reaffirm its commitment to respect for the powers of local lead agencies by making it a principle from the very beginning of its RAMP development process, and certainly before SCAG's staff undertakes technical work on a RAMP framework and potentially launches off in the wrong direction.

Lastly, the RAMP approach to mitigation must not impede or frustrate the development of infrastructure, housing, and approved projects and plans. In light of both this and the language of the mitigation measures that call for RAMP, SCAG should aim to focus RAMP only on agricultural lands and open space so as not to impact already approved, planned, or sited projects. We note that, just like the Greenprint that was launched last year, the Draft RAMP Framework seems aimed broadly at the entirety of the SCAG region. It therefore implicates areas that were long ago developed as well as local jurisdictions' existing, approved plans for further development. This broad sweep is at odds with the mitigation measures that were approved related to Connect SoCal, which promised both a Greenprint and a RAMP for the purpose of "build[ing] on existing efforts including those at the sub-regional and local levels to identify potential priority conservation areas." (See the mitigation measure denominated SMM BIO-2, set forth in the addendum to the program environmental impact report that accompanied the 2020 adoption of Connect SoCal.) We continue to believe that SCAG's staff is expanding the scope of both the Greenprint and a SCAG-level RAMP in ways that unduly implicate the entire SCAG region, including existing, built communities and existing local plans for further development. The Regional Council needs to reign in both of these staff efforts, and refocus them on the challenges of identifying "potential priority conservation areas" – without implicating projects and community plans which have already been approved by local jurisdictions and other lead agencies.

As this Coalition has stated consistently, we do not oppose SCAG's determination to develop a Greenprint and a RAMP. We recognize and appreciate that SCAG promised to undertake these programs within the language of two mitigation measures that SCAG formally adopted in connection with last year's Connect SoCal (as mentioned above, SMM BIO-2 and SMM AG-2). What we oppose is any hastily compiled Greenprint like the one that has surfaced, which seems certain to result in problems and abuse. We have similar concerns with how SCAG's staff has thus far launched its RAMP effort.

A problematic Greenprint or RAMP would undercut our collective efforts to provide sufficiently robust job, infrastructure, and housing opportunities in the years ahead. The ATG and the Regional Council should not stand by and permit such a result, especially given our region's need for more housing production and our 197 local governments' present need to accommodate over 1.3 million housing units under the Regional Housing Needs Assessment (RHNA) process. A wrongheaded Greenprint or RAMP will make our local governments' and other lead agencies' challenges more daunting, and could hand housing and infrastructure opponents the ammunition to delay and prevent vitally needed projects. Such would also undermine SCAG's own housing and infrastructure goals for our region as articulated in Connect SoCal.

The good news is that these pitfalls are avoidable in that the ATG and the Regional Council can take charge of the Greenprint and RAMP process as we have outlined above. By following this path, the Regional Council and SCAG can assure that the Greenprint and RAMP will not conflict with local governments' existing land use plans and prerogatives, but instead will complement and enable them. This will result in a Greenprint and RAMP that both are beneficial to our region and supportive of Connect SoCal's goals related to housing, infrastructure and environmental benefits.

Our Coalition appreciates your consideration of these comments, and strongly encourages SCAG to accept and implement the recommendations outlined above.