



Audubon CALIFORNIA

Chairperson Pat Bates
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

September 28, 2009

RE: September 29, 2009 Agenda Item 26, Open Space Lands Transaction - Letter of Intent

Dear Chairperson Bates and Members of the Board:

For more than two decades I have been involved with open space planning in Orange County. During this time my most satisfying experience was being a participant in the Working Group that organized, drafted and promoted the Central Coastal Natural Communities Conservation Plan (CCNCCP). Indeed, several of our meetings were held at Starr Ranch, the Audubon Sanctuary I have been managing since 1988.

We are now at the point we expected to be – the transfer to an agency a large portion of the CCNCCP land. Orange County Parks is now in place to take title to this land and I am among many others in the conservation community who find this a good thing.

However, many of us learned only recently that a process was already underway to make this transfer, not the least of which is the Letter of Intent (LOI) that you will be considering at tomorrow's hearing. I have read the LOI and have the following concerns.

The inclusion of so many deliverables (on the part of either party) in an LOI seems unnecessary and in some cases, dangerous, especially for the County. One in particular is the language that associates the County with delivering endowment funds held by The Nature Conservancy (TNC). Not only has TNC done an excellent job using this endowment to monitor the conservation easements they hold, it strikes me as odd that the County would think it could negotiate assets held by a third party, especially at the level of commitment represented in the LOI.

In summary, I would like to suggest that the County do every thing possible that:

- 1) puts the County in the best negotiating position possible through a much simpler LOI;
- 2) thoroughly analyzes all the responsibilities that will come with the transfer including, but not limited to, habitat management, safety, public use, and CCNCCP and TNC conservation easement requirements prior to making any commitments to the transfer;
- 3) provide an accurate budget for every aspect of above #2 and a secure source of funding to pay for it (from experience I feel there is no better way to do this than through a non-wasting endowment);
- 4) involve the public in the process, especially those of us who can not only provide the County expertise, but played a major role in making this historic opportunity available to the County. That we want this to work and be involved in making work should be evident – many of us made this commitment almost 20 years ago.

Sincerely,

Pete DeSimone
Manager

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