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Environment and Natural Resources Committee DRAFT Minutes

July 24, 2008 (special session) —9:30 a.m.

Members Present:

Patricia Young and Joe Schuessler (*alternate*) – Metropolitan Water Reclamation District of Greater Chicago, Mike Warner and Patty Werner (*alternate*) - Lake County SMC, Jack Darin and Cindy Skrukrud (*alternate*) – Sierra Club, Karla Kramer – U.S. Fish & Wildlife, Kama Dobbs – DuPage Mayors and Managers Conference, Wally Van Buren – Illinois Association of Wastewater Agencies, Pete Harmet - IDOT, Martha Dooley – Village of Schaumburg, Lenore Beyer-Clow and Stacy Meyers Glen (*alternate*) – Openlands, Andy Kimmel (*alternate*) – Illinois Association of Conservation and Forest Preserve Districts, Mike Rogers – IEPA Bureau of Air, Martin Jaffee and Moira Zellner (*alternate*)- University of Illinois at Chicago, Patrick Ryan-Village of Berwyn, Ken Anderson – Kane County, Melinda Pruett-Jones and John Oldenburg (*alternate*) – Chicago Wilderness, Amy Walkenbach – IEPA Bureau of Water, Jim VanderKloot – USEPA, Kate Agasie – Metropolitan Mayors Caucus, Joyce Coffee – City of Chicago DOE, Mel Nickerson – Environmental Law & Policy Center, Harlan Spiroff – Municipal, Lynn Boerman - IDNR

Staff Present:

Hala Ahmed, Andrew Williams-Clark, Bob Dean, Jesse Elam, Kermit Weis, Don Kopec, Tim Loftus, Gordon Smith, Diana Torres

Others Present:

Paul Heltne, Anja Claus - Center for Humans and Nature, Ricca Slone, Betsy Tracy- IDOT, Dan Thomas - CTA

1.0 Call to Order

Jack called the meeting to order at 9:30 am.

2.0 Agenda Changes and Announcements

There were no agenda changes or announcements.

3.0 Approval of Minutes from July 2nd, 2008

The minutes were approved.

4.0 Developments of Regional Importance (DRI) – Kermit Wies, CMAP staff
ACTION REQUESTED: Discussion & feedback to the Programming Coordinating Committee

Kermit opened the discussion on the DRI review process by referring to the list of issue areas identified by the ENR Committee at its meeting on July 2. These were:

- Where are advocacy groups and citizens to bring projects before the Board?
There is a concern that there is no defined role or avenue for advocacy groups as some local governments may not be responsive to their concerns and may work against the protection of natural resources.
- There are only 2 mechanisms to bring the DRI forward.
- The State statute states public and private entities, not just public entities. The Forest Preserve Districts, for example, may have independent governance and not be under county jurisdiction.
- On paragraph 2, page 3 the draft document states a DRI will affect significant numbers of people, however the enabling legislation language in Section 42 includes a clause for projects that will affect natural resources as well.
- Federal and state actions are limited, why not county or municipality?
- Concern the FPA process is exempted.
- Possible solution includes citizen petitions to achieve citizen access.
- Also need to look at regional benefits.
- What is the interface between the working and the coordinating committees?
- We need to also focus on the back end of the process, what happens after the DRI review? Perhaps enter into a MOA with state agencies to give CMAP comments some weight.
- Natural resource concerns need to be ratcheted up in the scoping process.
- Doesn't define a DRI criteria.
- The committee would like to see comments from the Land Use Committee and other committees

A role for advocacy groups was suggested in order to have more assurance that environmental concerns are being addressed in the DRI review process. There was some question about how an advocacy group would "recognize" a DRI without a definite threshold. A member pointed out that a possible way around this would be to have a citizen petition process that defined a substantively complete application without defining a DRI trigger. A certain number of signatures could be required, it was suggested. The petition process could potentially be set up so that a number of the signatures had to come from another community, as a concern crossing a political boundary is one definition of a regional concern. It was suggested that the use of contextual criteria in the current DRI process draft could present problems of fairness. Substantially similar projects could be treated differently. If more quantitative triggers

are chosen, they could potentially be based on numeric change in one or more of the indicators that CMAP is developing in partnership with the Chicago Community Trust. Members also asked whether the Tier 2 criterion “significantly affects natural resources” would be defined in more detail. It was recommended that the ENR Committee help to define this criterion.

Several committee members felt that a number of environmental concerns are not wholly addressed by existing regulations, and that DRI review could be used to fill such a gap. For example, wetlands are protected by the Clean Water Act and in some cases by local ordinance, but other natural community types are not. It was also recommended that CMAP consider pursuing formal agreements with state and federal regulatory agencies for those regulators to take CMAP recommendations into consideration in permitting decisions. A member recommended examining the requirements of Office of Management and Budget A-95 Circular (the “A-95 review”), which once required that federal grant requests by local governments to be reviewed for consistency with metropolitan plans, for an example of regional review.

Karla Kramer was chosen to represent the ENR Committee at the Programming Coordinating Committee meeting on August 13. Comments by the ENR Committee were to be drafted by the Chair, circulated for review, and presented by Karla to the Programming Coordinating Committee.

5.0 Discussion Items/Follow Up for Future Meetings

None.

6.0 Other Business

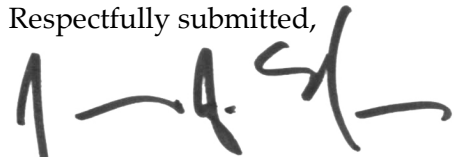
None.

7.0 Public Comment

None.

8.0 Adjournment

Respectfully submitted,



Jesse Elam
CMAP staff liaison