

November 27, 2017

Dan Phu, Section Manager
ATTN: M2 EMP RMP Comments
Orange County Transportation Authority
550 Main Street
Orange, CA 92863

Dear Mr. Phu:

The Environmental Coalition that Supported Renewed Measure M (M2) has completed its review of the Orange County Transportation Authority's (OCTA) Resource Management Plans (RMP) and associated Baseline Biological Studies for the two remaining properties: Hayashi and Aliso Canyon. These documents were released as part of the management for properties acquired through the M2 Environmental Mitigation Program (EMP) for lands within the OCTA Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Conservation Plans).

Background

At this stage in the implementation of the OCTA M2 EMP, we are pleased to see significant progress in the efforts to permanently protect natural lands as an offset to the impacts from the 13 M2 Freeway Projects. As you know Friends of Harbors, Beaches and Parks (FHBP) has, through its Green Vision Map, identified early on many of the properties acquired through this program as part of a "wish list" for conservation. We are pleased with the alignment of the acquisitions and FHBP's Green Vision Map, which has been endorsed by more than 80 conservation and community groups. More importantly, we applaud OCTA's efforts to meet the intent of the voter-approved measure by acquiring, restoring, and managing important lands as mitigation for freeway project impacts.

The progress and timeliness of the RMPs is also worth mentioning. We know through work with other Conservation Plans both in and out of Orange County, that RMPs usually come two or more years after the approval of the Conservation Plans. OCTA's efforts to write, solicit comments (which we understand was not a required step), and adopt these plans nearly simultaneously is commendable. Thank you for allowing this opportunity for public review of these documents.

We also fully appreciate the assistance, guidance, and early review of these plans by partner agencies including, but not limited to, the California Department of Fish and Wildlife and the United States Fish and Wildlife Service (the Resource Agencies). With their vision, capabilities, and trust in the process, this effort has come a long way from its inception in 2005.

Finally, we are also supportive of the Guiding Principles adopted by the OCTA Board of Directors that continues to view and value both acquisition and restoration expenditures highly. While

many of the biological goals of the Conservation Plans may be met by the existing acquisitions, we continue to envision a full expenditure of the program revenues as the voters intended—5% of the freeway program. We look forward to working closely with OCTA to spend remaining funds (at the appropriate time) fulfilling the Measure and Ordinance’s language and commitments.

General Comments (Both RMPs)

Goals of the RMP & Public Access

The unwavering goal of the EMP is “to provide for comprehensive, rather than piecemeal, mitigation of the environmental impacts of freeway improvements...” and through a Master Agreement “provide higher-value environmental benefits such as habitat protection, wildlife corridors and resource preservation in exchange for streamlined project approvals for the freeway program as a whole.” (See *Renewed Measure M Transportation Investment Plan*, page 5).

While the public may use federal, state, regional, and local natural lands for recreational purposes, we understand that these Measure M2 lands were purchased for different reasons. And while these lands may have the co-benefit of providing some managed public access, the primary goal for this program was and will remain as mitigation for freeway impacts. To this end, the Coalition understands the constraints of location (adjacency to private lands, lack of staging areas, lack of parking, and restroom facilities) and constraints of conservation/management requirements (proximity to/from listed species, sensitive habitats, and watercourses).

We support the findings in the RMPs that outline the management of public access for each of the Preserves to:

- Hayashi – no public access will be allowed
- Aliso Canyon – managed public access will be allowed on two trails

Updates of the RMPs (All RMPs)

The Executive Summary of each RMP notes that the document will undergo a review and update at least every five years; however, the Executive Summaries do not make clear whether a public review process will be associated with this review/update. (See *ES-1 §ES for both RMPs*) We suggest that the public be made aware of any changes to the RMPs that relate to the proposed access on any of the properties (to the extent it exists) and be given a reasonable opportunity to comment. This clarification would continue OCTA’s established inclusive and transparent process.

Complement Existing NCCPs/HCPs (All RMPs)

The RMPs indicate that there are other existing significant Conservation Plans in Orange County, mainly the Central/Coastal NCCP/HCP and Southern HCP. It is important to note that several of the conservation groups in this Coalition participated in the creation of these Conservation Plans. Those Plans were established by several landowners, public agencies in concert with the Resource Agencies, local jurisdictions, and the County. Whereas, these

existing Conservation Plans and/or Plan Areas only cover certain portions of Orange County and do not include many habitat areas along portions of the Coast and northern Orange County. This is why the OCTA Conservation Plan (and Plan Area) are so significant; because they include all of Orange County—with complete overlap of the existing (Central/Coastal and Southern) Plan Areas. (See *OCTA NCCP/HCP, Figure 1-3*)

Public Outreach and Education (Both Plans)

We support the partnerships with other non-profits to benefit the OCTA Preserve system and understanding of species and habitat trends, including but not limited to working with Audubon for its Christmas bird count.

Figure 13 (Hayashi) and Figures 12 & 14 (Aliso Canyon)

This figure in each of the RMPs was extremely helpful in understanding the location of trails/roads on the property at purchase and what trails/roads are proposed for inclusion in the Public Access Plan—if any.

Vegetation Management (Both RMPs)

Residential developments, including the construction of just one single family home, at the Wildland-Urban Interface may occur *after* the protection of adjacent land or the creation of a landscape easement. On numerous occasions, these new homeowners have requested, and sometimes litigated, that the required fuel modification zones for the new home be on the neighbor's property (even if it is protected land). While the RMPs cover the vegetation management around *existing* structures, each RMP should also cover *proposed or new* structures.

Specifically, the RMPs should state that OCTA will not conduct vegetation treatments on its properties for the protection of adjacent structures unless 1) the structure or its final vesting approval predated OCTA's ownership and 2) such treatments are prescribed by state law, CAL FIRE guidance (See **Attachment 1 – General Guidelines for Creating Defensible Space**), or otherwise required by the Orange County Fire Authority or legal authority of record. This should be added to all of the RMPs after or within section "Natural Communities." (Hayashi §3.3.4 and Aliso Canyon §3.3.5)

The Role of Environmental Oversight Committee (Both RMPs)

Many of the descriptions within the RMPs outline the steps between land managers, OCTA, the Resource Agencies, biologists, etc., and how to manage the land (day to day and adaptively, etc.) However, the EOC's role within this framework is not clear. Will the revised RMPs and Annual Reports be provided to the Committee or simply sent to OCTA once completed? Each RMP should include a simple explanation of the EOC's role within the existing framework.

Baseline Biological Studies (Both RMPs)

We are pleased to see the California Native Plant Society List, now known as the California Rare Plant Rank, was included in the Baseline Biological Studies.

Specific RMP Comments

Hayashi RMP

We concur that due to many factors outside of OCTA's control, the Hayashi Preserve is not a candidate for public access programs and trail use at this time. It is unclear from the document if the two existing trails (Carbon Ridge Road and Soquel Creek Road) will remain intact for potential future use or if they will be retired in anticipation of no future public use. This should be clarified.

That said, there are multiple locations in the RMP that seem inconsistent with the lack of public access. See:

- 1.3 Covered Species (page 1-11, last paragraph) – this indicates access and recreational use will be allowed by the general public (thus, contradicting the no public access position).
- Management & Monitoring Table (page 3-6, Vegetation Management) – this discusses “approved recreation trails” (thus contradicting the no public access position).

We support the inclusion of the Hayashi Preserve within the Chino Hills State Park Fire Management Plan. Since the State Park is presently managing the land (and will likely manage it in the future), it makes sense that the Hayashi Preserve fire management practices be folded into the overall State Park plan.

In §3.2.6.1 (page 3-27), the RMP discusses the Preserve Manager will stay informed about invasive insects and pathogens and watch for signs of infestation. Based on the wide spread issues with gold spotted oak borer and the polyphagous shot hole borer---if an infestation has been noticed, it is highly likely there is significant and detrimental damage to the natural communities on the Preserve already. Is there another way to prevent an infestation and monitor the natural communities' health before it is overcome by disease/pest? If so, this should be included in the Plan.

The Coalition supports the management of the Hayashi Preserve be consistent with the Natural Preserve designation with the California State Park system. This offers the Preserve added protection and sensitivity to resource protection.

Aliso Canyon RMP

We appreciate the inclusion of the plant species found on-site in historic surveys (Table 2-3, page 2-15). One of the benefits of mitigation focused land preservation is that even species that may not be covered specifically for mitigation receive a benefit. This table of species provides the various plants that may benefit from conservation of the site, including but not limited to: big-leaved crownbeard. If additional steps need to be taken to preserve specific habitats or species (i.e., the Many-Stemmed Dudleya) we support a managed approach, but that focuses on species preservation as a priority.

To our knowledge the Aliso Canyon Preserve included public access prior to OCTA's acquisition, through the City of Laguna Beach's General Plan. We support OCTA's position that managed public access is the most appropriate approach for the Preserve.

Also, while it may be difficult to enforce, we do support the reduction of impacts to the wildlife and habitats through the control and lack of access to nonnative animals, including dogs. Dogs compete with other mid-level predators and disrupt the natural cycles in our habitat lands.

Conclusion

Thank you for the opportunity to comment on the RMPs and associated Baseline Biological Studies. We look forward to the final versions and actual implementation of each plan. Please let us know if you have any questions on our comments.

Sincerely,

[Insert Groups Here]