



**Mitigation and Resource Protection Program Oversight Committee**

**Environmental Oversight Committee**

**Orange County Transportation Authority**

**600 S. Main Street, Orange CA**

**March 5, 2008**

**10 – 11:30 a.m.**

**AGENDA**

- 1. Welcome**
- 2. Approval of February 2008 Minutes**
- 3. Presentation Items**
  - A. Habitat Conservation in Orange County Overview  
Tim Neely, Director of County of Orange Planning & Development Services
- 4. Public Information**
  - A. Frequently Asked Questions
  - B. Timeline
- 5. Ad-Hoc Working Groups Update**
  - A. Master Agreement Working Group
  - B. Impact and Mitigation Working Group
- 6. Public Comments**
- 7. Next Meeting – April 2, 2008**
- 8. Committee Member Reports**
- 9. Adjournment**

**Public Comments:** The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. Members from the public wishing to address the Committee will be recognized by the Chairman at the time the Agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes. Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA at (714) 560-5725, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

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# **Environmental Oversight Committee**

**Feb. 20, 2008**  
**Meeting Minutes**

## **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Cathy Green, OCTA Board of Directors  
Stephanie Hall, US Army Corps of Engineers  
Merlin L. "Bud" Henry Jr., Taxpayers Oversight Committee  
Judy McKeehan, SWCA Environmental Consultants  
Dan Silver, Endangered Habitats League  
Jonathan Snyder, US Fish and Wildlife Service  
Erinn Wilson, CA Department of Fish & Game  
Sylvia Vega, Caltrans

## **Committee Members Absent:**

Adam Probolsky, Probolsky Research  
Debbie Townsend, California Wildlife Conservation Board

## **Orange County Transportation Authority Staff Present:**

Monte Ward  
Kurt Brotcke  
Jim Sterling  
Marissa Espino  
Dan Phu  
Ryan Maloney

## **Members of the Public**

none

### **1. Welcome**

Chair Patricia Bates welcomed the committee members and called the meeting to order at 10:08 a.m.

### **2. Approval of January 2008 Minutes**

The minutes from January 2008 were reviewed and approved unanimously.

### **3. Committee Charter Approval**

The committee charter was discussed among committee members. With no requests for changes, Chair Patricia Bates made a motion to approve the proposed committee charters. The motion carried and passed unanimously.

### **4. Presentation Items**

**a. Renewed Measure M Freeway Program Overview**

Tom Bogard presented an overview of the Renewed Measure M (M2) Freeway Program. Based on the voters approval of M2, the OCTA Board saw the need to provide the public the benefits of M2 as soon as possible. This resulted in moving up the schedule on freeway projected funded by M2. This funding in advance of M2 revenues is due to a commercial paper program.

Merlin Henry, Jr. questioned what the impact of the state deficit would have on freeway programs. Tom responded that most of the projects have already passed the environmental improvement phase and have already identified funding programs. Future programs could be affected since the state has taken funds from STIP funds in past financial emergencies. Most major transportation projects have dedicated transportation funds, but some funding could be affected.

Monte Ward commented that the cause of the state's financial shortfall is affecting everyone in the state. Decreased sales tax revenue will have a definite short term impact on funding. The impact on funding may appear worse than reality, since projected revenues are based on current circumstances. Fiscal year reporting will show a change due to the current downturn, but we've experienced this before and have recovered.

Tom mentioned that a possible benefit of the current downturn is reduced pressure on construction pricing. In the past, there have been more bidders and lower estimates than expected.

Chair Bates suggested that the committee should make sure that projects were ready to advance, and questioned if this was why so much money was going into the project development phase. Monte answered that in the 90's real estate acquisition costs were lower. Monte suggested that the current downturn may present the committee with an opportunity for acquisitions and they should work to be ready with a program.

In response to a question from Chair Bates, Monte responded that OCTA does a better job than some transit agencies in getting projects ready and does a better job securing matching funds. Monte suggested that surrounding counties could have a harder time, which might be a benefit due to competition for funding.

Dan Silver asked if the funding for the committee would be affected by the current economic status. Monte said that while the committee would need to monitor the situation, Orange County is historically a very strong county for sales tax revenues even with a varying situation.

Sylvia Vega asked if projects were not ready to advance, could those funds be lost to a county without Measure M or M2 funds? Monte said that this was possible, and that funding for future projects was likely to be very competitive.

**b. Committee Organization & Work Plan**

Monte provided an overview of recruitment efforts for these two ad hoc working groups. There has been a good response to recruitment efforts and the proposed members are a good cross-section of groups, but other individuals can be added as needed. The ad hoc committees' first task will be to review the workplan and set a timetable for their recommendations to the main committee. Jim Sterling will be the technical lead for the Impact and Mitigation Working Group, and Monte Ward will be the technical lead for the Master Agreement Working Group. Marissa Espino will coordinate the logistics and communications with both proposed ad hoc working group.

Chair Bates asked if there were and committee member comments on the creation of the two working groups. Melanie Schlotterbeck asked if the proposed working groups would meet before the next committee meeting on March 5<sup>th</sup>. Monte responded that the working groups would meet before the next committee meeting. Since mitigation is an ongoing effort, the working groups would be compiling and assessing data, but the working groups haven't formally met.

Chair Bates asked if the two working groups would be guided by the Brown Act public meeting requirements. Monte responded that since they were ad hoc committees that were not taking direct action, the working groups would not need to meet Brown Act requirements. These working groups would then be able to make conference calls and have more flexible scheduling to meet on an as-needed basis.

Director Cathy Green commented that the ad hoc committees had agencies listed, but asked what if they had alternatives. Monte responded that the agency input is important, so working group members would be able to designate alternatives if they were unable to attend.

A motion was called to propose the creation of the two new ad hoc working groups as described. The motion passed unanimously with no objections.

**5. Public Comments**

There were no public comments.

**6. Committee Member Comments**

Melanie requested that staff prepare a presentation item on the expected process for requesting projects. Monte said that the working groups would be particularly helpful when they returned with a timetable to provide clarity and let other agencies know when the committee expects project recommendations. Sylvia requested that the

item include the status of current projects and when we expect to hear the group and hear active status.

Melanie asked if that meant the work plan would be filled in with specific dates. Monte responded that the working groups would begin completing details on the work plan.

Chair Bates commented that the committee should have early action projects ready to go in order to have projects ready to fund with early action plan funds. Monte commented that it would be helpful to state the objective of the committee so that other agencies know what to expect and can then evaluate matching funds.

**7. Next Meeting**

The next committee meeting will be March 5, 2008.

**8. Committee Member Reports**

None provided

**9. Adjournment**

The meeting was adjourned at 10:43 a.m.

## **Mitigation and Resource Protection Program Frequently Asked Questions**

### **What is the purpose of the Mitigation and Resource Protection Program?**

Renewed Measure M (M2) – Orange County's half-cent transportation sales tax renewed by the voters in 2006 – provides for the allocation of at least 5 percent of net freeway program revenues (or \$243.5 million in 2005 dollars) for mitigation of freeway projects. The allocation of funding is subject to a Master Agreement between the Orange County Transportation Authority (OCTA) and state and federal resource agencies.

The intent of the program is to provide for comprehensive, rather than piecemeal, mitigation of the impacts of freeway projects and to do so in a way that results in high-value environmental benefits in exchange for streamlined project approvals and greater certainty in the delivery of the freeway program as a whole.

### **What is the Environmental Oversight Committee?**

The Environmental Oversight Committee (EOC) was authorized in the November 2006 M2 ballot measure and established in November 2007 to make recommendations to the OCTA Board of Directors regarding the allocation of environmental freeway mitigation funds and monitor the implementation of the Master Agreement. The Committee consists of representatives of OCTA, the resource agencies, environmental groups, and the public ([link to Committee roster and bios](#)).

### **What can money be spent for?**

The funds must be spent to mitigate the impacts of freeway projects approved by the voters in the Renewed Measure M Transportation Investment Plan. This might include land acquisition to conserve habitat and/or wildlife corridors, restoration of habitat, or management and monitoring of conservation areas.

### **How will spending be determined?**

The Environmental Oversight Committee is tasked with developing an inventory of the potential environmental impacts of the M2-related freeway projects and a list of recommended mitigation opportunities. A thorough analysis of the impacts, mitigation opportunities and the relationship between them will help define how the funds will be allocated.

### **Have funds already been earmarked for acquisition of specific properties?**

No. The analysis and recommendations of the Environmental Oversight Committee need to be completed; a Master Agreement between OCTA and state and federal resource agencies must be negotiated and approved; and a formal action needs to be taken by the OCTA Board of Directors.

### **Who will make these decisions?**

The Environmental Oversight Committee will present recommendations to the Transportation 2020 Committee, a subcommittee of the OCTA Board of Directors that

oversees all Measure M- and M2-related projects and programs. The Transportation 2020 committee will make recommendations to the full Board, which has final approval.

**When will these expenditures be made?**

With voter approval of M2, OCTA has developed and adopted the Renewed Measure M Early Action Plan (EAP) that lays out the M2 projects and programs to be advanced or completed by mid 2012. This includes completing negotiation of the Master Agreement for mitigation of the freeway program and the potential expenditure of funds for mitigation purposes.

The Board of Directors adopted a Plan of Finance, which outlines a funding strategy for financing the EAP, with \$80 million estimated to be expensed for environmental mitigation by mid 2012.

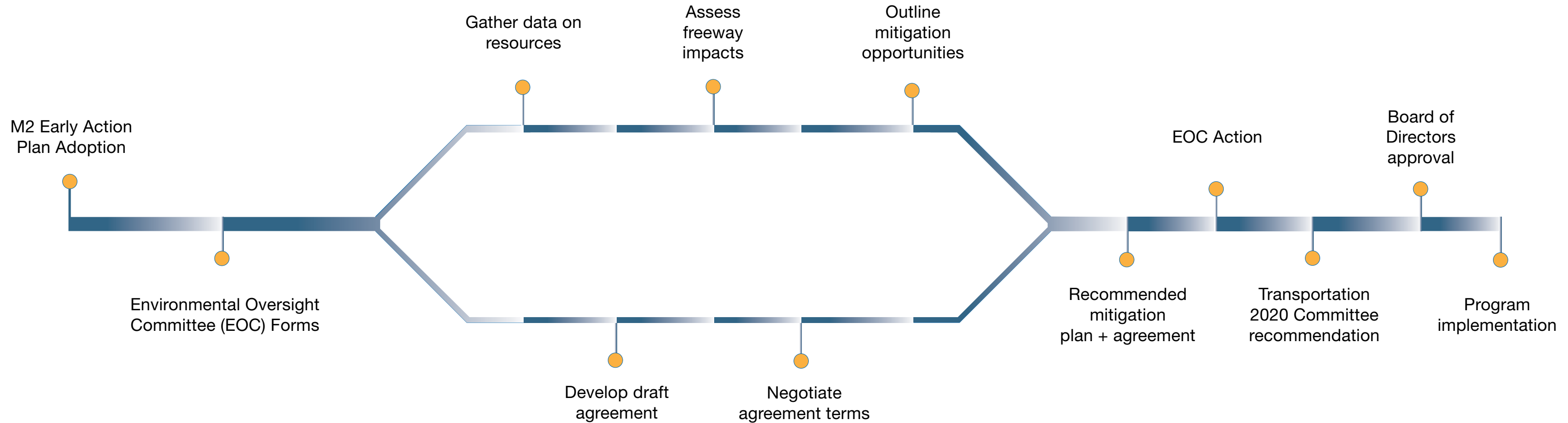
Expenditures will be made once a Master Agreement is negotiated between OCTA and federal and state resource agencies and the Board of Directors approves the agreement. According to the current program timeline, implementation will begin as early as 2010, or sooner if the needed analysis and a Master Agreement can be successfully developed and approved.

**What is the opportunity for public involvement?**

The public has an opportunity to comment about the program at OCTA's monthly Environmental Oversight Committee meetings, which take place on the first Wednesday of the month from 10 to 11:30 a.m. at OCTA, 600 S. Main Street, Orange. Committee meeting agendas are posted online [link to: <http://www.octa.net/envirocommittee.aspx>] one week prior to the meeting date.

If you have any questions or would like to request further information, contact Marissa Espino, OCTA senior community relations specialist, at [mespino@octa.net](mailto:mespino@octa.net) or 714-560-5607.

# Mitigation and Resource Protection Program Development Process



The development of the Mitigation and Resource Protection Program was initiated with the adoption of the Renewed Measure M Early Action Plan in August 2007 and will be implemented by 2010.