



Mitigation and Resource Protection Program Oversight Committee

**Environmental Oversight Committee**

Orange County Transportation Authority

600 S. Main Street, Orange CA

**Nov. 5, 2008**

**10 – 11:30 a.m.**

**AGENDA**

- 1. Welcome**
- 2. Approval of October 2008 Minutes**
- 3. New Member Announcement**  
Patricia Bates, EOC Chairman
- 4. Master Agreement and Planning Agreement Update**  
Monte Ward, OCTA Director of Special Projects
- 5. Public Outreach Update**  
Marissa Espino, OCTA Senior Community Relations Specialist
- 6. M2 Sales Tax Revenue Status**  
Kirk Avila, OCTA Treasurer
- 7. Public Comments**  
*Public comments on all items take place at this time.*
- 8. Next Meeting – Dec. 3, 2008**
- 9. Committee Member Reports**
- 10. 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**

**October 1, 2008**

### **Committee Members Present:**

Chair Patricia Bates, OCTA Board of Directors  
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups  
Cathy Green, OCTA Board of Directors  
Dan Silver, Endangered Habitats League  
Jonathan Snyder, US Fish and Wildlife Services  
Debbie Townsend, California Wildlife Conservation Board  
Sylvia Vega, Caltrans  
Erinn Wilson, CA Department of Fish and Game

### **Committee Members Absent:**

Stephanie Hall, US Army Corps of Engineers  
Judy McKeehan, SWCA Environmental Consultants  
Adam Probolsky, Probolsky Research

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

Ellen Burton  
Marissa Espino  
Dan Phu  
Monte Ward

### **Members of the Public:**

John Beauman, Hillside Open Space Education Coalition (HOSEC) Steering Committee  
Vice Chair & Mayor Pro Tem, City of Brea  
Tim O'Donnell, HOSEC Executive Committee Chair & City Manager, City of Brea  
Steve Simonian, HOSEC Steering Committee Member & Councilman, City of La Habra  
George Bayse, Aera Energy LLC

### **1. Welcome**

Chair Patricia Bates welcomed everyone to the meeting and led the pledge of allegiance.

### **2. Minutes**

Melanie Schlotterbeck had two corrections to the September 3, 2008 meeting minutes: Page 3, paragraph 1, - *legal council* should be *legal counsel*. Page 3, paragraph 2, - *CEQA wanted all environmental documents*, should be *CEQA required all environmental documents*. Page 3, paragraph 5, *Fish and* should be added before *Wildlife Service*. Page 6, under Public Comments, the name should be Jan Vandersloot also it should be corrected on Page 1 under Members of the Public.

Chair Patricia Bates said if there are no further objections, the minutes will stand approved as corrected.

### 3. Presentation Item

#### A. Hillside Open Space Education Coalition (HOSEC) Presentation

The HOSEC Steering Committee and Executive Committee believe that the Measure M2 comprehensive mitigation program is a unique fit to HOSEC and OCTA's mission to provide substantial and meaningful mitigation for planned freeway improvement projects. John Beauman, Tim O'Donnell, and Steve Simonian gave a PowerPoint presentation and overview of the property.

Sylvia Vega said the truck climbing lane on the SR-57 mentioned has not been approved and it is only proposed at this time. There is a northbound lane approved up to Lambert on the SR-57.

Dan Silver asked about the timing of their project, when would they want the project funded. Tim O'Donnell said any large-scale acquisitions like this are complex and require a layering of funding. In addition, there is a property owner who has an active project under consideration with the City of Diamond Bar. HOSEC is hoping to demonstrate to the other funding agencies through the use of M2 money that this is a viable acquisition. With an M2 injection of funding and commitment, other funding will materialize much more quickly putting HOSEC in a better position to negotiate with the property owner who has indicated he is willing to entertain offers on the land. Dan Silver asked when the check would need to be written. Tim O'Donnell said he could not answer specifically, however, M2 runs for a number of years and there is time to do a great amount of planning and still not jeopardize the ability to fund the acquisition.

Monte Ward said the map provided does not show the county boundaries, which will be important in consideration of approval of the project. Tim O'Donnell said they are encouraged by language in the ordinance stating external county acquisitions can be considered. Based on the location of the project – a portion of which lies in Orange County – HOSEC feels they have a strong argument that it is a great mitigation project. Monte suggested they meet to discuss this interpretation of the M2 language.

Chair Patricia Bates asked if discussions had taken place with the landowner, are you looking at an individual company or group that is interested in selling. Tim O'Donnell said they have been talking for years with the landowner, Aera Energy LLC, in general terms. The developer is very up-to-date on this project, and typically has a representative at all HOSEC meetings. George Bayse from Aera said they were not prepared to make a formal comment, but they have been in dialogue with the organization since its formation. Their doors are always open for discussion.

Dan Silver said the Committee has had presentations on several proposed projects for M2 money. When is it appropriate for the Committee to start

thinking strategically about expenditures given that money is available as early as 2009?

Chair Patricia Bates said it was an excellent question, we have to make sure there are willing sellers; we are not into eminent domain, that is not what the program is structured for. As we use these funds we need to make sure there is collaboration on the projects to accomplish the purpose it was clear the voters and environmental groups wanted when they came together to support this measure.

Monte Ward said one element of the draft agreement is the ability for early acquisition through advanced credit. The details and legal language still need to be worked out for the agreements before there can be a timetable. The expectation is the discussions can begin after the first of the year. If the agreements are in place and have passed through the EOC and the OCTA Board, expenditures can be assigned by the middle of 2009.

Cathy Green asked how drops in sales tax affect the M2 program. Monte Ward said an analysis of expected revenues was done approximately two years ago and these numbers will be affected by the downturn in revenues. If it was necessary to issue new commercial paper it would be a problem, as it turns out OCTA has issued commercial paper recently and received good rates. We do have some capacity in the near term to fund some projects but as we move out, the picture is cloudier. As it pertains to the revenues, there will need to be adjustments to the projected figures. The good news is projects requiring property acquisitions should benefit. The Orange County Business Council did an analysis for OCTA, which indicated that because of the economy and real estate and development market it would benefit the projects to do property acquisition as early as possible.

Vice-Chair Melanie Schlotterbeck recommended the EOC not get caught up in lands that sit in multiple counties. There are unique ways to structure a transaction that allows for different valuations on different parts of property. She thought it was too early to say that if a project is immediately outside the county it is not an option; since in this HOSEC case there are still portions that are inside the county.

#### **4. Restoration and Acquisition Criteria Update**

Vice-Chair Melanie Schlotterbeck gave an update on the Restoration and Acquisition Criteria. The Restoration and Acquisition Criteria was presented and approved by the Transportation 2020 Committee on September 15, and approved by the OCTA Board on September 22.

Marissa Espino briefed the EOC on the public outreach being done for the Restoration and Acquisition Criteria. After approval by the OCTA Board of Directors, staff started working on an information packet, which will be sent out to the community. The packet will be sent to property managers, owners, local

jurisdictions, and other interested parties and organizations. It would include a cover letter, a discussion of the program, and how OCTA is interested in seeking information from the public and offer opportunities for input. Also included would be a fact sheet, timeline, and the Criteria. Marissa said she would be giving the EOC a copy of the current database, if anyone has additions or knows a resource missing they can be added.

Vice-Chair Melanie Schlotterbeck asked if there would be any Workshops. Marissa said this could be done if the EOC decides they want to do them.

#### **5. Master Agreement: HCP/NCCP Process**

Monte Ward gave an update on the Master Agreement. The resource agencies and OCTA are agreeable the HCP/NCCP process is feasible, but there is a great deal of work to be done. He briefed the EOC on the next steps in the process. The goal is to have a package of recommendations ready for the Committee to consider in January 2009, or earlier if possible. Staff recommends the Master Agreement group proceed with discussions and invite the Impact and Mitigation members who are interested to participate in discussions.

Chair Patricia Bates said there will be a very intensive public outreach process and asked Monte Ward to give a brief overview.

Sylvia Vega asked if the lead for the EIS was the Fish and Wildlife Service. Jonathan Snyder said yes for the HCP portion of it.

Sylvia Vega asked how wildlife crossings and corridors would be defined in the agreements. Erinn Wilson said there would be language in the agreements that would call-out design features like these.

Vice-Chair Melanie Schlotterbeck asked when they would be seeing the map referenced in the planning agreement (page 5, Draft). Monte Ward said the supposition would be a map of the entire County of Orange.

Vice-Chair Melanie Schlotterbeck asked about the advanced credit agreement, she did not recall seeing it in the information presented. Monte Ward said the master agreement draft does include the language at this time but it may be put in the planning agreement later on depending on precedents of other agencies.

#### **6. Public Comments**

No members of the public spoke.

#### **7. Next Meeting – November 5, 2008**

There were no comments.

#### **8. Committee Member Reports**

There were no committee member reports.

**9. Adjournment**

The meeting was adjourned at 11:00 a.m.

**Rose Coffin**

OCTA Taxpayers Oversight Committee Member

Rose is a 28-year employee of Ford Motor Credit Company, and her current title is Field Service Supervisor with the American Road Services Division.

The 22-year La Habra resident is a current member and past president of Soroptimist International of Brea La Habra. Additionally, she serves as vice chair and, as of January, will be chairman of the board of directors for the Cleta Harder Foundation for Brain Injured Children in La Habra. Rose began serving on the Orange County Transportation Authority's Taxpayers Oversight Committee in September 2007.

Rose was vice president of the Gary's Guild auxiliary to the Gary Center. She served as campaign manager for three of the current La Habra City Council members, and is currently manager for the re-election campaign for the La Habra Mayor Pro-tem.

**Meeting Notes**  
**Renewed Measure M (M2)**  
**FREEWAY ENVIRONMENTAL MITIGATION PROGRAM**  
**Master Agreement Working Group**

**October 16, 2008**  
**9:00 – 10:30pm**  
**600 South Main Street**  
**Orange, CA 92868**  
**Room 1237**

**Attendees**

<b>Name</b>	<b>Affiliation</b>	<b>Email Address</b>
Marissa Espino	OCTA	mespino@octa.net
Monte Ward	OCTA	mward@octa.net
Hal Mccutchan	OCTA	hmccutchan @octa.net
Dan Phu	OCTA	dphu@octa.net
Erinn Wilson	CDFG	ewilson@dfg.ca.gov
Jonathan Snyder	USFWS	Jonathan_s_snyder@fws.gov
Sylvia Vega	Caltrans District 12 Env	Sylvia_Vega@dot.ca.gov
Melanie Schlotterbeck	Measure M Support Group	Melanie@schlotterbeck.net
Dan Silver	Endangered Habitat	dsilverla@earthlink.net
Sean Skaggs*	Ebbin Moser + Skaggs LLP	sskaggs@emslp.com

\*Via Telephone

1. Introductions (Group)
2. Review of Master Agreement Draft

Sean Skaggs shared with the group the intent of the Memorandum of Agreement (MOA) was to outline and authorize the initiation of the planning process to implement a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). This agreement includes four parties: OCTA, California Department of Fish and Game (CDFG), United States Fish and Wildlife Service (USFWS), and Caltrans. Group discussions ensued regarding suggested revisions to the document. Once the various participants work out the details with respect to the MOA, this document will be brought forth to the Environmental Oversight Committee (EOC) for ultimate OCTA Board action/approval. It is envisioned this would occur during the first half of 2009.

3. Review of Planning Agreement Draft

Sean Skaggs shared with the group the intent of the Planning Agreement was to broadly define the framework for the HCP/NCCP process as well as the appropriate National Environmental Policy Act/California Environmental Quality

Act (NEPA/CEQA) environmental compliance document. Group discussions ensued regarding suggested revisions to the document. OCTA will develop a HCP/NCCP and environmental compliance schedule outlining the major milestones to implement these processes. Once the various participants work out the details with respect to the Planning Agreement, this document will be brought forth to the Environmental Oversight Committee (EOC) for ultimate OCTA Board action/approval. It is envisioned this would also occur during the first half of 2009.

4. Next meeting

ACTION ITEMS

1. Erinn to provide samples of land acquisition forms. Follow-up discussions will be necessary regarding OCTA's ability to acquire and/or restore habitat prior to full implementation of the HCP/NCCP.
2. Update the draft master agreement and draft planning agreement within a week and redistribute to working group members for further review. (Sean/Monte).
3. Follow-up meeting to discuss SR-91 corridor issues with the Riverside County Transportation Commission and other agencies (Monte/Dan).



Orange County Transportation Authority



# Freeway Mitigation Program

## Fast Facts



## Preserving Open Space for Orange County's Future



### Program Description & Objectives

The Orange County Transportation Authority's (OCTA) Mitigation and Resource Protection Program (Mitigation Program) provides for the allocation of approximately \$240 million to provide for comprehensive, rather than piecemeal, mitigation of the environmental impacts of freeway improvements. The Program was approved under Orange County Renewed Measure M (M2), the half-cent sales tax for transportation improvements approved by Orange County voters in 2006.

Using a proactive, innovative approach, a Master Agreement will be negotiated between OCTA and state and federal resource agencies to provide higher-value environmental benefits such as habitat protection, connectivity and resource preservation in exchange for streamlined project approvals for the 13 projects within the M2 freeway program as a whole.

In August 2007, the OCTA Board of Directors approved a five-year M2 Early Action Plan, covering the years 2007 to 2012, to advance the implementation of several key M2 projects, including the freeway mitigation program.

### Environmental Oversight Committee

The Environmental Oversight Committee (EOC) is responsible for developing the Mitigation Program, making recommendations to OCTA's Board of Directors regarding the allocation of environmental freeway mitigation funds and monitoring the implementation of the Master Agreement. Comprised of 12

members, the EOC has been meeting on a monthly basis since November 2007. As of fall 2008, the EOC has made significant progress in the development of the Master Agreement and has developed criteria to provide guidance to the EOC and property owners and conservation organizations to help evaluate the potential resource and conservation value of properties that may be available for acquisition or restoration.

A public outreach program has been initiated to help build the EOC's current inventory of possible conservation sites and share the eligibility criteria with potential property owners and conservation organizations. The EOC recommends a fair and open process that engages and solicits additional suggestions from the various target audiences, which include: landowners, local governments, conservation organizations and community groups.

### Next Steps

The EOC is working with the resource agencies, OCTA staff and legal counsel to continue developing and finalizing the Master Agreement. These discussions have focused on balancing four key factors – early action on conservation opportunities, strong assurances regarding processing and permitting of freeway projects, timeliness and cost. OCTA staff and legal counsel and the resource agencies are working on a proposal for a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) process to document impacts, mitigation and conditions for

permitting of the M2 freeway projects. Once the Master Agreement is in place and is approved by the OCTA's Board of Directors, Mitigation Program funds will be assigned, which is anticipated to begin as early as mid 2009.

### Public Involvement

The public can comment or learn more about the program at OCTA's monthly EOC 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 one week prior to the meeting date. In addition, the HCP/NCCP process, if pursued, will include an extensive public involvement program.

### Contact Us

For more information, visit the OCTA Web site at [www.octa.net/environmental](http://www.octa.net/environmental) or contact Marissa Espino of OCTA at (714) 560-5607 or by email at [mespino@octa.net](mailto:mespino@octa.net).





# Environmental Cleanup Allocation Program

## Fast Facts



## Enhancing Water Quality for Orange County's Future



### Program Description & Objectives

The Orange County Transportation Authority's (OCTA) Environmental Cleanup Allocation Program, (Program) provides for the allocation of approximately \$240 million to improve overall water quality in Orange County from transportation-generated pollution. The Program was approved under Orange County Renewed Measure M (M2), the half-cent sales tax for transportation improvements approved by Orange County voters in 2006.

In August 2007, the OCTA Board of Directors approved a five-year M2 Early Action Plan, covering the years 2007 to 2012, to advance the implementation of several key M2 projects, including the water quality program.

### Program Funding

Program funds are to be allocated on a countywide competitive basis to assist jurisdictions in meeting the Clean Water Act standards for controlling transportation-generated pollution. The funds are designed to supplement, not supplant; existing transportation-related water quality programs. Funding allocation is designated to improve upon and not replace existing pollution reduction efforts by eligible entities, such as the County, cities, and special districts.

Funds will be awarded to the highest priority projects that improve water quality in streams, harbors, and other waterways that has a nexus to transportation-generated pollution.

### Environmental Cleanup Allocation Committee

The Environmental Cleanup Allocation Committee (Allocation Committee) is responsible for developing the Program and making funding recommendations to OCTA's Board of Directors. Comprised of 12 voting and two non-voting members, the Allocation Committee has been meeting on a monthly basis since November 2007. As of fall 2008, the Allocation Committee is in the process of: 1) developing a comprehensive capital improvements program and competitive grants process, 2) determining the evaluations of grant requests and recommendations on the award of funds, 3) developing a matching funds requirement as well as maintaining local discretionary funds and 4) developing an annual reporting and benefits assessment process and procedures.

### Next Steps

The Allocation Committee is working toward making recommendations on the Program's funding guidelines by mid-2009 and recommending an initial call for projects in late 2009 or early 2010. The discussion of early funding priorities has focused on:

- A catch basin system funding program, which encompasses screens, filters, inserts, as well as other pollution mitigation devices; and

- New capital and operation projects identified in a watershed management area plan or proposed by a Measure M jurisdiction.

Current discussion and decision making among the Allocation Committee members has focused on:

- Prioritizing specific water bodies for M2 funding;
- Determining the type, magnitude and fate of pollutants related to highway and road runoff;
- Identifying and defining capital improvement projects; and
- Determining pollution mitigation practices and applicability for Orange County.

### Contact Us

For more information, visit the OCTA Web site at [www.octa.net/environmental](http://www.octa.net/environmental) or contact Hal McCutchan of OCTA at (714) 560-5759 or by email at [hmccutchan@octa.net](mailto:hmccutchan@octa.net).

