



Mitigation and Resource Protection Program Oversight Committee

Environmental Oversight Committee

Orange County Transportation Authority

600 S. Main Street, Orange CA

Jan. 7, 2008

10 – 11:30 a.m.

AGENDA

1. **Welcome**
2. **Approval of November 2008 Minutes**
3. **Master Agreement and Planning Agreement Update**
Monte Ward, OCTA Director of Special Projects
4. **Public Outreach Update**
Marissa Espino, OCTA Senior Community Relations Specialist
5. **Committee Recommendations to OCTA Board**
Monte Ward, OCTA Director of Special Projects
 - Master Agreement and Planning Agreement
 - California Department of Fish and Game Staffing
 - HCP/NCCP Support
6. **2009 EOC Meeting Calendar**
7. **Public Comments**
Public comments on all items take place at this time.
8. **Next Meeting – Feb. 4, 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.

Environmental Oversight Committee

November 5, 2008

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Cathy Green, OCTA Board of Directors
Adam Probolsky, Probolsky Research
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Debbie Townsend, California Wildlife Conservation Board
Sylvia Vega, Caltrans
Erin Wilson, CA Department of Fish and Game

Committee Members Absent:

Rose Coffin, Taxpayers Oversight Committee
Stephanie Hall, US Army Corps of Engineers
Judy McKeehan, SWCA Environmental Consultants
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups

Orange County Transportation Authority Staff Present:

Kirk Avila
Ellen Burton
Marissa Espino
Monte Ward

Members of the Public:

1. Welcome

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

2. Minutes

A motion was made by Cathy Green and seconded by Adam Probolsky to approve the October 1, 2008 minutes. The motion passed unanimously.

3. New Member Announcement

Chair Bates announced the EOC would be receiving a new member; Rose Coffin of the Taxpayers Oversight Committee would be joining the EOC in December.

4. Master Agreement and Planning Agreement Update

Monte Ward, OCTA Director of Special Projects gave the Committee members a draft of the Master Agreement for the Freeway Mitigation Program. He highlighted areas in the Agreement that needed to be clarified.

Chair Patricia Bates asked members to give Monte Ward or Marissa Espino any of their comments on this document. Chair Bates also asked staff to copy any comments received to all Committee members.

5. Public Outreach Update

Marissa Espino, OCTA Senior Community Relations Specialist gave the Committee members draft copies of information going out to the public asking for input on habitat conservation sites in Orange County. This information included an introductory letter, a form for information on the habitat sites, and a mailing list of organizations who would get the information.

Dan Silver asked if the mail list included the groups that had made presentations to the EOC. Marissa said yes, all the groups were on the mail list. Monte Ward noted it had been suggested OCTA do workshops, there are organizations where workshops would be well received. This would be a great opportunity, if anyone had any recommendations please tell staff. Chair Patricia Bates suggested the South Orange County Chamber of Commerce would be a good choice.

Sylvia Vega asked if staff could provide the members with a matrix of information from the groups who presented projects to the EOC. Marissa Espino said she would put a matrix together and distribute it to the Committee members.

6. M2 Sales Tax Revenue Status

Kirk Avila, OCTA Treasurer, gave a report on Measure M2 Sales Tax Revenue Status, which included revised projections and assumptions. Kirk distributed a copy of the Status Report to the Committee members.

Monte Ward had two observations: The downtrend has happened before in the early 1990's and it eventually recovered. There have also been reductions in property values, which would reduce costs of projects.

Chair Patricia Bates asked if there were any further comments. Monte Ward said he would like to point out that the Commercial Paper Program used to finance the environmental program is relatively well positioned.

Dan Silver asked if he was right in assuming there will be no change in the mid-2009 potential ability to begin early acquisitions? Monte said the economy will not affect the schedule – it would affect the amount of money available for the first funding cycle. It could be made up later if things turn around.

7. Public Comments

No one from the public spoke.

8. Next Meeting – December 3, 2008

9. Committee Member Reports

There were no Committee reports

10. Adjournment

The meeting adjourned at 10:40 am.



February 16, 2009

To: Transportation 2020 Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Approval of Agreements for Renewed Measure M Freeway Mitigation Program

Overview

Renewed Measure M allocates at least five percent of funds in the freeway mode, subject to a Master Agreement between the Orange County Transportation Authority and state and federal resource agencies, for comprehensive mitigation of the impacts of the thirteen freeway projects in the Renewed Measure M Transportation Investment Plan. A Master Agreement and an associated Planning Agreement to create a Habitat Conservation Plan/Natural Community Conservation Plan have been developed. The Renewed Measure M Environmental Oversight Committee is recommending these agreements for approval, along with associated actions to enable implementation.

Recommendations

- A. Approve the Memorandum of Agreement #__ among the Orange County Transportation Authority, United States Fish and Wildlife Service, California Department of Fish and Game, and California Department of Transportation to serve as the Master Agreement and guide the implementation of the Renewed Measure M Freeway Mitigation Program.
- B. Approve the Planning Agreement #__ among the Orange County Transportation Authority, United States Fish and Wildlife Service, California Department of Fish and Game, and California Department of Transportation to establish the process, roles, responsibilities and commitments for the preparation of the Orange County Transportation Authority Habitat Conservation Plan/Natural Community Conservation Plan.
- C. Approve Agreement #__ for Contract Services between the Orange County Transportation Authority and the California Department of Fish and Game for staffing services to enable the Department to meet its responsibilities for

preparation and timely approval of the Orange County Transportation Authority Habitat Conservation Plan/Natural Community Conservation Plan.

- D. Authorize a budget amendment in the amount of \$1.____ Million to be reimbursed from Renewed Measure M freeway funds to enable implementation of Memorandum of Agreement #____, Planning Agreement #____ and Agreement # ____ for Contract Services.
- E. Approve the Renewed Freeway Mitigation Program Plan of Finance and authorize up to \$30 million from the Early Action Plan commercial paper program to be available in Fiscal Years 2009-2010 and 2010-2011 for acquisition, restoration and/or management of conservation properties, subject to the provisions of Memorandum of Agreement #____, Planning Agreement #____ and subsequent action by the Board of Directors.

Background

- 1. Brief description on Renewed Measure M freeway mitigation program and its inclusion in the Early Action Plan.
- 2. Brief description of efforts to date by Environmental Oversight Committee.
- 3. Brief description of process and participants in development of Master and Planning agreements.
- 4. Reference to schedule/timeline and overall status of efforts.

Discussion

- 1. Discussion of recommended HCP/NCCP approach and its benefits and risks in context of Renewed Measure M freeway mitigation program.
- 2. Discussion of the benefits and risks of early action to implement the freeway mitigation program.
- 3. Discussion of purpose, scope and costs of both Master and Planning agreements with a focus on the advance credit agreement provision.
- 4. Discussion of next steps regarding RFPs, procurement and schedule for services to complete HCP/NCCP process.
- 5. Discussion of need and justification for service agreement with Department of Fish and Game.
- 6. Discussion of overall costs, justification and recommendation for budget amendment - includes source of funds and recommendation to reimburse from allocation for freeway mitigation program when M2 funds become available.
- 7. Discussion of plan of finance and recommendation to commit first tranche of funding (up to \$30 million) for next two fiscal years.
- 8. Discussion the "Next Steps" in the process including:

- a. Outreach and enhancement of Green Vision inventory
- b. Assessment of property mitigation values and availability
- c. Process to identify and recommend acquisition/restoration properties
- d. Work needed to develop strategies for negotiating and completing acquisitions and providing for interim and long-term management of acquired properties.

Summary

A series of recommendations are presented to begin development and implementation of an Orange County Transportation Authority Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) as a means to meet the commitments made in Renewed Measure M to a comprehensive freeway mitigation program.

Attachments

- A. Timetable/Schedule
- B. Memorandum of Agreement #__
- C. Planning Agreement #__
- D. DFG Agreement for Contract Services #__
- E. Draft HCP/NCCP preparation RFPs (???)
- F. Freeway Mitigation Program Plan of Finance spreadsheet

Prepared by:

Approved by:

Name
Title
714-560-XXXX

Monte Ward
Director, Special Projects
714-560-5582



Mitigation and Resource Protection Program Oversight Committee
Environmental Oversight Committee

2009 Meeting Dates

January 7
February 4
March 4
April 1
May 6
June 3
July 1
August 5
September 2
October 7
November 4
December 2

All meetings will take place
on the first Wednesday of the month from 10 to 11:30 a.m. at the
Orange County Transportation Authority
600 South Main Street, Orange, CA