



**Mitigation and Resource Protection Program Oversight Committee
Environmental Oversight Committee**

January 7, 2015

**Orange County Transportation Authority
600 S. Main Street, Orange CA**

**10:00 a.m. to 11:30 a.m.
Room 154**

AGENDA

- 1. Welcome**
- 2. Approval of November 5, 2014 Minutes**
- 3. Ad-Hoc Working Group Meetings Status Update**
Dan Phu, OCTA
Monte Ward, OCTA Consultant

Several meetings related to the guiding principles have been held to discuss the potential use of the unallocated Environmental Mitigation Program funds. These included a process to determine if the use of the funds will comply with the Measure M2 Ordinance; consideration of potential future freeway improvements not currently part of Measure M2; and an evaluation of future funding and financing capacity. Discussion of this information and how to use it in crafting and supporting recommendations for the EOC is anticipated. Recommendations by EOC are anticipated in early 2015.

To follow up on the Draft Guiding Principles, additional information is provided to fully evaluate options for the Freeway Mitigation Program going forward. Draft scores and the ranking of potential expenditures will be presented for discussion. The draft funding strategies for the Program will be presented for discussion. This information has been used to support and craft a set of recommendations for the EOC to consider.

- 4. NCCP/HCP and DEIR/EIS Update**
Marissa Espino, OCTA

Public release of the draft Conservation Plan and environmental document took place on Friday, Nov. 7. The public review period to gather comments on the NCCP/HCP and DEIR/EIS is 90 days and will conclude on Feb. 6th. Public meetings were held on Thursday, November 20th (OCTA) and Wednesday, December 3rd (Rancho Santa Margarita City Hall). All the materials presented at the Open Houses are available online. Release of Resource Management Plans for public review is anticipated during 1st quarter of 2015 to address Preserve specific management needs (including public access).

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.

5. Public Comments

6. Committee Member Reports

7. Next Meeting – TBD

8. Closed Session

Pursuant to Government Code Section 54956.8 to discuss the price and terms of payment for the acquisition of the following real properties.

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified.

<u>Real Property</u>	<u>Geographic Area</u>	<u>Assessor's Parcel Number</u>	<u>Owner's Negotiator</u>	<u>Acreage</u>
Aliso Canyon	Coastal	056-240-66	John Mansour	150
Ferber Ranch	Trabuco	842-011-04, 842-041-04, 842-051-04	Tim Jones	399
Irvine Mesa Corridor	Cleveland Nat'l	105-060-02, 105-060-09, 105-060-19, 105-051-36, 876-011-02, 876-011-03, 876-011-19, 876-011-07, 876-011-08, 876-011-11, 876-011-18, 105-051-18, 876-021-15, 876-021-04, 876-021-05, 105-051-33, 105-051-21, 105-051-57, 105-201-12, 105-201-11	David Meyers	670
St. Michael's Abbey	Cleveland Nat'l Forest	876-034-01, 876-041-01, 105-051-83, 105-051-84, 105-051-85, 105-070-93	Michael Recupero	327.9
Mitchell Properties West	Trabuco	842-081-12	Steven U. Parker	101.7
Saddleback Meadows	Trabuco	856-071-01/09, 856-072-01/51, 856-073-01/58, 856-074-01/45; 856-075-01/57, 856-081-01/11, 856-082-01/44, 856-083-01/46, 856-084-01/37, 856-085-01/41, 856-086-01/37, 856-091-02/11, 856-092-01/42, 856-093-01/25, 856-094-01/34, 856-095-01/62, 856-096-01/57, 856-097-01/34, 856-098-01/37	William Fleissig	222
Sky Ranch	Trabuco	842-021-4, 05, 07, 08 and 842-031-04, 05, 08, 09	TBD	526.9
Takahashi (Baker Square LLC)	Cleveland Nat'l Forest	105-051-12	Carl Reinhart	643
Watson	Trabuco	858-021-10, 11	TBD	98.3

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.

Measure M2 Environmental Oversight Committee

November 5, 2014

Meeting Minutes

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Charles Baker for Sylvia Vega, Caltrans
Veronica Chan, US Army Corps of Engineers
Lori Donchak, OCTA Board of Directors
Philip La Puma, Measure M2 Taxpayer Oversight Committee
David Mayer, CA Department of Fish and Wildlife
Derek McGregor, Public Member
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
John Walsh, California Wildlife Conservation Board

Committee Member(s) Absent:

Dr. David Chapel, Brandman University

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Strategic Communications Specialist
Lesley Hill, Planning Department Project Manager
Janice Kadlec, Public Reporter
Dan Phu, Project Development Section Manager

Guest(s)

Phil Bentencort

1. Welcome

Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 10:10 a.m. and asked Lori Donchak to lead the Pledge of Allegiance.

2. Approval of the August 6, 2014 Minutes

Chair Patricia Bates asked if there were any additions or corrections to the August 2, 2014 EOC meeting minutes.

A motion was made by Lori Donchak, seconded by Melanie Schlotterbeck, and passed unanimously to approve the August 6, 2014 EOC meeting minutes as presented.

3. Ad-Hoc Working Group Meetings Recap

Dan Phu said the OCTA Board approved the establishment of the endowment framework setting aside \$34.5 million for an endowment that would ultimately be used

to pay for the management of the properties that have been acquired. The next step for the Ad Hoc Working Group is to decide what to do with the remaining funds for the program. The recommendations from the Ad Hoc Working Group will be brought to the EOC in the early part of 2015. Once the EOC approves the recommendations they will be brought to the Finance and Administration Committee and then to the OCTA Board for approval.

4. NCCP/HCP and DEIR/EIS

Marissa Espino gave an update on the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and the Draft Environmental Impact Report and Environmental Impact Statement (DEIR/EIS) referred to as the Conservation Plan. The Conservation Plan will be released for a 90-day public review period on Friday, November 7. Marissa Espino reviewed the outreach plans for the Conservation Plan documents.

Release of the Resource Management Plans for the public review is anticipated during the first quarter of 2015. The Resource Management Plans will address Preserve-specific management needs (including public access).

Chair Patricia Bates asked if all the cities will have the information about the virtual Open House. Marissa said yes, all cities will have this information. All the materials presented at the Open Houses will be online by next week. All city officials, elected and non-elected, and the Public Works Directors will receive notices on the Open Houses and the website. Chair Patricia Bates believed the broader the distribution of information the less public comments will happen.

Melanie Schlotterbeck congratulated the EOC members and OCTA staff for all the time and effort it took to bring the Conservation Plan about.

Dan Silver said this is one of the documents he is not worried about and that is a nice change of pace. Chair Patricia Bates said she agreed with him – it has been a great process.

5. Public Comments

Phil Bentencort congratulated Chair Patricia Bates on her victory.

6. Committee Member Reports

Lori Donchak said “thank you” to former county Supervisor Patricia Bates for her leadership and inspiration. She has been a great asset to Orange County.

Melanie Schlotterbeck echoed those comments. This will be Chair Patricia Bates’ last meeting. On behalf of the Environmental Coalition she works with she thanked Chair Bates for her leadership. Melanie Schlotterbeck said the Friends of Harbors Beaches and Parks have a dinner each year and they give out an award to somebody who does great conservation work. This year the award goes to Supervisor Patricia Bates.

Chair Patricia Bates thanked everyone and said she would like to echo Jonathan Snyder's comments earlier in the year that one of the most enjoyable processes and activities he had been involved with over the course of his career has been working with the EOC.

Chair Patricia Bates said it took everyone working together to put together the document going forward. In the beginning there was a lot of distrust. Eventually everyone committed to an open and fair process. There have been bumps along the way but through discussion and transparency they have been able to get through challenges.

Chair Patricia Bates gave special congratulations to Melanie Schlotterbeck who brought 33 environmental groups together and convinced them to be part of this because the result would be an incredible product that everyone would be proud of.

In conclusion Chair Patricia Bates said it had been a great experience and it was her pleasure to be part of it.

7. Next Meeting – TBD

8. Adjournment to Closed Session

The EOC adjourned to Closed Session at 10:30 a.m.

Pursuant to Government Code Section 54956.8 the EOC adjourned to discuss the price and terms of payment for the acquisition of the following real properties.

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified.

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MacPherson	Cleveland Nat'l Forest	105-051-06, 105-051-08	Craig MacPherson	216.7
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Outline of Long Term Funding Strategy for Freeway Mitigation Program

Activity or Action	Timetable
Complete the remaining NCCP/HCP commitments for acquisition and restoration.	2015-2025 (2016 for acquisition; up to 10 years for restoration project completion)
Establish and fund the mitigation endowment as directed by the Board.	2015-2016 to establish 2016-2027 to fund endowment
Complete negotiations with Army Corps of Engineers and State Water Resources Control Board and allocate funding to meet regulatory permit requirements.	2015 to complete negotiations 2016-2041 to fund required mitigation
Provide credits to Caltrans for M2 project specific mitigations funded by them prior to NCCP/HCP commitment, as well as project specific impacts that could not feasibly be covered by the Plan.	2015-2016 to credit 2016-2041 for any uncovered impacts
Allocate all remaining Freeway Mitigation funds according to the Environmental Oversight Committee recommended funding principles, to be approved by the Board of Directors.	2015-2027 limited allocation opportunities 2028-2041 allocate remaining funds
Create a pool of credits/bank to cover mitigation needs for reasonably anticipated state highway improvements in Orange County that are similar in scope and impacts to M2 freeway projects.	2016 identify potential eligible capital projects and mechanism for pooling credits 2017-2018 estimate project impacts 2018-2020 identify and acquire suitable mitigation sites
Consider the strategic value of advancing funds through borrowing if acquisition or other time sensitive mitigation opportunities arise.	2016-2025 limited borrowing capacity 2026-2041 best opportunities

Options	M2 Consistency: <i>Options adhere to the intent of the M2 Ordinance</i>		Freeway Benefit: <i>Options that would facilitate improvements to the State Highway System in Orange County</i>		Environmental Benefit: <i>Options that provide enhancements to natural resources (i.e. biological, land, water, air, etc.)</i>		Ranking by Individuals	
Scoring Index	Yes = 3 Maybe = 2 Unlikely = 1 No = 0		High = 3 Med = 2 Low = 1 None = 0		High = 3 Med = 2 Low = 1 None = 0		High = 3 Med = 2 Low = 1 No = 0	
	Avg. of Ad Hoc Respondents	OCTA Staff Responses	Avg. of Ad Hoc Respondents	OCTA Staff Responses	Avg. of Ad Hoc Respondents	OCTA Staff Responses	Avg. of Ad Hoc Respondents	OCTA Staff Responses
Current Mitigation								
Acquisition Acquire open space properties (from willing sellers) to off-set impacts from freeway improvement projects that meet the goals and objectives of the OCTA Conservation Plan and/or the M2 Ordinance.	3.0	3.0	2.7	2.5	2.9	3.0	2.9	2.8
Restoration Fund habitat restoration efforts to off-set impacts from freeway improvement projects that meet the goals and objectives of the OCTA Conservation Plan and/or the M2 Ordinance.	3.0	3.0	2.8	3.0	3.0	3.0	3.0	3.0
Management/Maintenance Fund land management and/or maintenance activities on OCTA and non-OCTA owned open space properties to off-set impacts from freeway improvement projects.	3.0	3.0	2.8	2.5	3.0	3.0	2.9	2.5
Mitigation banking Create a banking instrument by acquiring land and/or funding habitat restoration projects to be used towards future freeway improvement projects (similar in scope and impacts to M2 freeway projects).	2.3	2.5	2.6	3.0	2.7	2.8	2.6	2.8
Broader Definition								
Retrofit wildlife corridors Fund projects that would improve wildlife movement through existing corridor areas that may be bisected by a transportation facility to enhance regional conservation strategies.	2.3	2.5	2.4	2.5	2.7	3.0	2.6	2.8
Retrofit stream crossings Fund projects that would provide stream creation/re-establishment to off-set impacts to aquatic resources.	2.4	3.0	2.3	3.0	2.9	3.0	2.5	2.8
Wildlife fencing Fund projects that would improve wildlife movement through the placement of fencing or modification of existing fencing within areas that may be bisected by a transportation facility to enhance regional conservation strategies.	2.1	2.3	2.3	2.3	2.4	2.8	2.3	2.3
Species monitoring Monitor for specific species in order to add to regional data needs or to help identify new or growing threats to regional species of concern (above and beyond NCCP/HCP requirements).	1.9	1.8	1.3	1.5	2.0	2.3	1.6	1.8
Sound reduction/soundwalls Fund the construction/installation of sound barriers near sensitive biological receptors in order to improve the biological functionality along specific segments of transportation facilities.	1.4	1.3	2.1	1.5	1.9	1.8	1.7	1.3
Reduce light pollution Fund projects that would shield, deflect, or decrease night lighting away from transportation infrastructure in order to improve biological functionality. This could include existing or new projects.	1.3	1.5	2.1	1.0	1.7	2.0	1.4	1.3
Fire risk reduction Fund projects that would reduce the risk of fire ignitions along transportation infrastructure adjacent to natural lands.	2.1	2.3	2.6	2.5	2.0	3.0	2.0	2.5
GHG/VMT reduction* Fund projects or programs (not directly related to natural resources) that reduce GHG.	1.3	1.8	2.3	2.0	1.4	2.0	1.4	1.8
GHG Sequestration Acquire (from willing sellers) and restore open space properties to off-set impacts from GHG emissions.	1.9	1.8	2.1	2.0	1.9	2.0	1.7	1.8
Water runoff controls* Fund projects that contribute to greater water runoff controls than are currently required by the State and local regulatory agencies.	1.0	1.5	2.3	2.0	1.6	2.3	1.5	1.5
Cross-county collaboration Work collaboratively with adjacent counties on efforts that would improve or enhance common mitigation and conservation efforts.	1.3	1.5	2.0	2.0	2.4	2.0	1.7	1.5
Climate change response* Acquire (from willing sellers) and restore open space properties at higher elevations in anticipation for elevational shifts in habitat needs for regionally sensitive species/aquatic resources.	1.9	2.0	1.9	1.8	2.1	2.3	2.0	1.8
Amended state/federal clean water acts Set aside funds to anticipate new future mitigation needs.	1.9	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Public access/nature trails Fund new trail projects (in coordination with Wildlife Agencies) or financially support supervision of public use within existing open space areas (OCTA and non-OCTA) to provide for additional public access.	1.4	1.0	0.6	0.8	0.6	1.3	0.9	1.0
Non-covered species Fund mitigation projects (acquisition/restoration) focused on non-covered species (M2 NCCP/HCP). This could include species listed and non-listed within Orange County (i.e. Arroyo Toad and Steelhead). These species would be regionally significant and could be impacted in the future through transportation infrastructure improvements.	2.6	2.5	2.1	2.3	2.9	3.0	2.4	2.3
Redirection								
Freeway improvements* Fund either M2 or non-M2 freeway projects (of similar scope and impacts) to address planning, design, or construction costs. Assumes the redirected funds would not involve any mitigation to off-set impacts from these projects.	0.0	0.3	3.0	3.0	0.1	0.0	0.8	0.3
Arterial road improvements* Fund non-M2 arterial road improvement projects to cover planning, design or construction costs (potential mitigation costs not included).	0.0	0.0	2.3	2.3	0.3	0.0	0.7	0.0
Arterial road mitigation Fund mitigation costs in response to impacts from arterial road improvements.	0.3	0.3	1.9	2.0	2.0	1.0	1.0	0.5
Active transportation* Fund non-motorized projects (i.e., bicycles, pedestrian access, etc.).	0.1	0.8	2.0	2.0	0.4	0.8	0.7	0.8
Transit operations* Fund operational costs such as bus or light rail service.	0.0	0.5	2.1	2.3	0.3	0.8	0.7	0.8
Transit capital* Fund capital transit improvement projects (i.e., bus purchases).	0.0	0.0	2.1	3.0	0.3	0.5	0.7	0.3
Road maintenance* Fund the cost of road maintenance projects within M2 freeway/arterial road projects as well as within non-M2 freeway/arterial road projects.	0.1	0.0	2.6	2.8	0.3	0.0	0.7	0.3
*Components of OCTA 2014 Long Range Transportation Plan								