



AGENDA

Environmental Oversight Committee

Committee Members

Lori Donchak, Chairman
Melanie Schlotterbeck, Vice Chairman
Charles Baker, Caltrans District 12
Lisa Bartlett, OCTA Board of Directors
Veronica Li, US Army Corps of Engineers
Dr. David Chapel, Brandman University
Philip La Puma, PE, OCTA TOC
David Mayer, CA Dept. of Fish & Wildlife
Derek McGregor, DMc Engineering
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish & Wildlife Service
John Walsh, CA Wildlife Conservation Board

Orange County Transportation Authority
600 South Main Street, Room 154
Orange, California
April 1, 2015 at 2:30 p.m.

REVISED

1. Welcome

2. Pledge of Allegiance

3. Approval of March 4, 2015 Minutes

4. New Irvine Ranch Conservancy Restoration Projects Update

Dan Phu, OCTA

Recommendations

1. Endorse staff's recommendation to adjust the New Irvine Ranch Conservancy's restoration projects as outlined herein.
2. Direct staff to reflect revisions as appropriate in the final Natural Community Conservation Plan/Habitat Conservation Plan and associated Environmental Impact Report/Statement.

Measure M2 includes an Environmental Mitigation Program (EMP) to deliver comprehensive mitigation for the environmental impacts of freeway projects in exchange for streamlined project approvals from the state and federal resource and regulatory agencies. To date, the EMP has acquired a number of conservation properties and provided funding for habitat restoration projects. A status report, including an overview of the restoration projects selected for M2 funding as well as specific project revisions, is presented.

5. Public Access Focus Group Meetings Update

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.



AGENDA

Environmental Oversight Committee

Marissa Espino, OCTA
Monte Ward, OCTA Consultant

In preparation for the release of the Resource Management Plans (RMPs), the EOC will discuss the next steps in addressing the public access concerns and questions that were submitted during the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) public comment period. RMPs are being developed for each OCTA preserve and will guide the stewardship and operations of each preserve.

Focus group meetings are being planned in advance of the RMP release in order to review the NCCP/HCP and RMP goals and requirements and discuss and help develop potential options for public access. Future public meetings will also be scheduled so the public can comment on the plans, which will identify how sensitive plants and animals are protected and also what, where, and when public access will be allowed for each preserve.

RMPs for Ferber Ranch, O'Neill Oaks, Saddle Creek South, and Hafen are expected to be available for public review in the summer.

6. Committee Member Follow-Up

Dan Phu, OCTA
Monte Ward, OCTA Consultant
Questions related to property improvements adjacent to Aliso Canyon.

7. Public Comments

8. Committee Member Reports

9. Next Meeting – May 6, 2015

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.

Minutes

Measure M2 Environmental Oversight Committee

Orange County Transportation Authority
600 South Main Street, Room 154
Orange, California
March 4, 2015 at 2:30 p.m.

Committee Members Present:

Chair Lori Donchak, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Lisa Bartlett, OCTA Board of Directors
Charles Baker for Sylvia Vega, Caltrans
Dr. David Chapel, Brandman University
Veronica Li, US Army Corps of Engineers
David Mayer, CA Department of Fish and Wildlife
Derek McGregor, Public Member
Philip La Puma, Measure M2 Taxpayers Oversight Committee
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Service

Committee Member(s) Absent:

John Walsh, California Wildlife Conservation Board

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
Monte Ward, Measure M Consultant

Guests

Scott Ferguson
Rich Gomez
Tom Hetzel
Delma Johnson
Phil McWilliams
Sharon Stancato
Dana Judd

1. Welcome

Chair Lori Donchak called the Environmental Oversight Committee (EOC) meeting to order at 2:30 p.m.

2. Pledge of Allegiance

Vice-Chair Melanie Schlotterbeck led the Pledge of Allegiance.

3. Approval of February 4, 2015 minutes

Chair Lori Donchak asked if there were any additions or corrections to the February 4, 2015 EOC meeting minutes. Vice-Chair Melanie Schlotterbeck asked for one correction on page four, first sentence in Gloria Sefton's public comments. "Ms. Sefton spoke in favor of Alternative 2 not ~~Alternative 4~~."

A motion was made by Melanie Schlotterbeck, seconded by Jonathan Snyder, and passed unanimously to approve the February 4, 2015 EOC meeting minutes as corrected.

4. Environmental Mitigation Long-Term Funding Strategy Recommendations

Dan Phu and Monte Ward presented the recommendations and answered questions about some of the language used in the recommendation.

Dan Silver and Monte Ward discussed funding priorities and how they were developed.

After discussion, Monte Ward suggested adding the following amendment to Recommendation A.:

- A. *Endorse the Guiding Principles to meet Measure M2 obligations; maintain an inclusive process; and allocate remaining revenues to off-set environmental impacts from future state highway improvement projects, **consistent in nature with the M2 plan.***

Derek McGregor asked additional questions regarding project funding and regulatory requirements.

Derek McGregor suggested making the following change to Attachment C Environmental Mitigation Program Guiding Principles: *Maintain an Inclusive Process: All deliberations and decisions shall be accompanied by ~~robust~~ public outreach and participation.*

A motion was made by Melanie Schlotterbeck, seconded by David Mayer, and carried unanimously to:

- A. Endorse the Guiding Principles to meet Measure M2 obligations; maintain an inclusive process; and allocate remaining revenues to off-set environmental impacts from future state highway improvement projects consistent in nature with the M2 plan.
- B. Endorse the Long Term Funding Strategy to establish overall priorities and a timetable for future spending recommendations.

- B. Endorse the expenditure options list derived from the Environmental Oversight Committee analysis.
- C. Direct Staff and the EOC to identify candidate projects and programs in accordance with the Long-Term Funding Strategy.

And also make the following change to the Environmental Mitigation Program Guiding Principles, Maintain an Inclusive Process, forth bullet point: *All deliberations and decisions shall be accompanied by ~~robust~~ public outreach and participation.*

5. Conservation Plan and Comments and Resource Management Plans Update

Dan Phu and Monte Ward presented the recommendations and answered questions. Public release of the draft Conservation Plan and environmental document concluded on February 6th. All comments received will be included in the final Conservation Plan with a response to those comments.

Marissa Espino and Lesley Hill reported on the release of the Resource Management Plans (RMP) for public review this spring 2015. The RMPs will address preserve specific management needs (including public access). Given the amount of specific comments pertaining to public access during the Draft Natural Community Conservation Plan/Habitat Conservation Plan public comment period, the EOC agreed that OCTA staff should postpone the release of the RMPs until summer and host workshops with key stakeholders to discuss public access options and opportunities in order to further develop the RMPs prior to the public release.

6. Environmental Oversight Committee Matters

At the February EOC meeting it was noted the OCTA Executive Committee requested that all OCTA Board Committee meeting minutes be modified to an action item format. There was no objection to going to an action item format for the EOC meetings.

7. Public Comments

Scott Ferguson: Southern California Director for the Conservation Fund, National Land Conservation Organization. His Organization is supportive of OCTA's efforts and looks forward to working with the Environmental Oversight Committee on future calls.

Rich Gomez: Active equestrian member of Equestrian Trails, Inc. (ETI) 357 Corral and part of the environmental coalition that supported renewed Measure M. He gave feedback on the proposal to include access comments to the Resource Management Plan (RMP) and environmental documents. ETI is dedicated to the acquisition and preservation trails and open space land. They are conservation oriented stewards of open space lands and the preservation of trails.

Their commitment can be seen in environmental clean-up activities and OC Parks. They continue to help OC Parks to establish their public goals and objectives and they would like to maintain a similar role in the OCTA land preserves. Mr. Gomez said the ETI 357 Coral are advocates for trail access but understand the preserve limitations and OCTA's concerns for the preserves and the wildlife agencies.

Mr. Gomez gave an example of equestrians co-existing on trails in preserves. He also submitted an example of trail alignments and easements. He asked that OCTA and the EOC read the examples he provided and add controlled trail access to the RMP draft and ultimately the recreation plan for Ferber Ranch.

Tom Hetzel: Said level two of the OCTA plan speaks very clearly in the restoration section called Compatible Restoration Opportunities for the Public. We are now at level two of your plan and have been since 2011 and there has been no compatible recreation opportunities for the public.

Mr. Hetzel produced a letter from the Orange County Parks stating any use of County lands for fishing, equestrian use, etc. is subject to the County's police power, which is instrumental in protecting the property and the people itself. He did not think the Department of Fish and Wildlife would buy this. They are custodians of all the riverbeds. Article 1, Section 25 of California State Constitution gives everyone the right to fish in the right-of-way. If the right-of-way is dried up they have the right to use the streambeds and the banks to scout the area and he has been given permission by a warden of the California Department of Fish and Wildlife to do so. Orange County Parks has barbed wired all the land and are giving tickets to anyone going onto the land.

If OCTA is truly restoring lower Silverado they have to take a look at getting water to the streambeds. It is getting all sucked out and going underground.

He also did not see anything in the plans where funds were allocated for recreational activities.

Delma Johnson: Said the OCTA plan impacts the Trabuco community trail access. The four parcels block historical local connective riding and hiking trails. These regional and local trails are shared-use in design, meaning they are used by walkers, jogger, mountain bicyclists and equestrians besides as exit route during fires, floods, and emergency evacuations. The trails are also used for heavy firefighting equipment access into more remote areas.

The locking of the Ferber property gate eliminates secondary emergency exits. Thirteen families must use Rose Canyon Road to exit the canyon. These families have no secondary exit. All of the Trabuco Village and Trabuco Oaks Ranches also lack secondary exits.

Ms. Johnson provided copies of her comments and asked that they are considered in the Resource Management Plan.

Phil McWilliams: Director of the Board of the Silverado Modjeska Recreation and Park District. They were part of the environmental coalition that supported Measure M2. He has spent the last few months watching the process regarding the future expenditures of the Environmental Mitigation Program and has been pleased with the thorough and thoughtful job of the Ad-Hoc subcommittee. Especially with the heat map handout, the Environmental Coalition believes the most appropriate expenditures are consistent with the existing options, which are acquisition, restoration, and management. The new concept of mitigation banking fits right in.

Sharon Stancato: Resident/owner in Trabuco Canyon for 20 years. She talked about the impact that the closing off the trails has made to the community and the danger of fires if the firemen can't get to the fires. The residents of the area need to at least have the Ferber Ranch area open to provide access to the area.

Dana Judd: Thanked OCTA for extending the time on the RMP and for the good job they are doing on providing information workshops.

8. Next Meeting – April 1, 2015

The next EOC meeting will be April 1, 2015 at 2:30 p.m.

9. Closed Session

The EOC adjourned to Closed Session at 3:40 p.m. and ended about 4 p.m. with no public report.

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.

<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



April 1, 2015

To: Environmental Oversight Committee
From: Orange County Transportation Authority Staff
Subject: Measure M2 Environmental Mitigation Program Restoration Projects Status Update

Overview

Measure M2 includes an Environmental Mitigation Program (EMP) to deliver comprehensive mitigation for the environmental impacts of freeway projects in exchange for streamlined project approvals from the state and federal resource and regulatory agencies. To date, the EMP has acquired a number of conservation properties and provided funding for habitat restoration projects. A status report, including an overview of the restoration projects selected for M2 funding as well as specific project revisions, is presented.

Recommendations

- A. Endorse staff's recommendation to adjust the New Irvine Ranch Conservancy's restoration projects as outlined herein.
- B. Direct staff to reflect revisions as appropriate in the final Natural Community Conservation Plan/Habitat Conservation Plan and associated Environmental Impact Report/Statement.

Background

Measure M2 (M2) includes an innovative environmental mitigation program (EMP). Under this program, biological impacts from the M2 freeway program of projects are addressed through a consolidated Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) rather than a piecemeal project-by-project effort. In exchange, state and federal resources agencies (consisting of the California Department of Fish and Wildlife [CDFW] and the United States Fish and Wildlife Service [USFWS]) agreed to fast-track the permitting process and entered into a master agreement for the M2 freeway projects. On a parallel process, the Army Corps of Engineers (ACOE) and the State Water Resources Control Board (SWRCB) are also working with staff to streamline the regulatory permitting process. The goal of the program is to deliver more effective mitigation while supporting faster delivery of M2 freeway improvements.

As part of the Early Action Plan, approximately \$80 million was estimated to be available for the Mitigation Program. Due to the declining economy, available funding was adjusted to approximately \$55 million. This allocation was to be used for property acquisitions, habitat restoration, land management, and support of the program. Support of the program included the preparation of the NCCP/HCP and technical consultant support.

With a current Board allocation goal of 80 percent of funds for acquisition and 20 percent for restoration over the life of the EMP, approximately \$42 million and \$10.5 million were available for acquisitions and restoration, respectively. The first round of funding yielded approximately \$5.5 million towards restoration projects. In September 2010, the Board approved six restoration projects for funding (Round 1). Orange County Transportation Authority (OCTA) staff coordinated and executed contracts with five restoration project sponsors, in a total amount of \$5,362,500. One of the projects, Anaheim's Pelanconi Park Restoration Project, dropped out during the restoration development process.

The second round of funding yielded approximately \$5 million towards Round 2 restoration projects and also included the remaining amount from the first round of funding (\$137,500). Approximately \$5,137,500 was available for the Round 2 restoration projects. In May 2012, the Board approved six restoration projects for funding. These six restoration projects totaled \$4,716,080. Table 1 below outlines all eleven restoration projects. A graphic depicting the restoration project locations is included as Attachment A. The next round of restoration project(s) funding is anticipated to occur in fiscal year 2015/16.

Table 1. OCTA Funded Restoration Projects					
Restoration Project	Sponsor	Proposed Cost	Approx. Acreage*	Geographic Area	General Habitat Types
City Parcel	City of San Juan Capistrano	\$1,500,000	53	San Juan Capistrano	Riparian corridor, coastal sage scrub (CSS), oak woodland, and native grassland
Fairview Park	City of Costa Mesa	\$2,000,000	23	Costa Mesa	wetlands, native grassland, CSS, willow scrub, oak woodland
Irvine Ranch (Agua Chinon and Bee Flat Canyon)	Irvine Ranch Conservancy	\$1,450,000	94.9	Irvine	chaparral, CSS, coast live oak/sycamore, oak woodland, native grassland, and riparian

Table 1. OCTA Funded Restoration Projects

Restoration Project	Sponsor	Proposed Cost	Approx. Acreage*	Geographic Area	General Habitat Types
UCI Ecological Reserve	Nature Reserve of OC	\$325,000	8.5	Irvine	cactus scrub
Big Bend	Laguna Canyon Foundation	\$87,500	3.7	Laguna Beach	CSS, riparian woodland
Aliso Creek	Laguna Canyon Foundation	\$1,105,000	55	Laguna Niguel	riparian
Chino Hills State Park	Chino Hills State Park	\$193,000	21	Yorba Linda	willow riparian, oak-walnut woodland, cactus scrub
Harriett Weider Regional Park	Bolsa Chica Conservancy	\$475,000	8.2	Huntington Beach	native grassland, CSS, riparian
Lower Silverado Canyon	Irvine Ranch Conservancy	\$1,399,580	44	County of Orange	riparian
North Coal Canyon	California Department of Parks and Recreation	\$247,500	5.5	Yorba Linda	Riversidian Alluvial fan CSS
West Loma	Irvine Ranch Conservancy	\$1,296,000	80	County of Orange	scrub, riparian

Note: shaded projects were funded as part of Round 1 and the unshaded projects were part of Round 2.

*Proposed acreage is subject to change and may be adjusted slightly once the restoration work is completed.

The restoration projects focused on impacts which can be tied back to the 13 M2 freeway projects. Benefits to specific watersheds were also considered to address the mitigation needs of the SWRCB and the ACOE in relation to Sections 401 and 404 of the Clean Water Act. The ACOE and the SWRCB will issue permits, pursuant to the state and federal Clean Water Acts for the construction of the M2 freeway projects. This has created an additional layer to address and was a large focus of the decision-making process for Round 2 of the restoration projects. This regulatory permitting process is a separate but parallel process to the NCCP/HCP. The approach is to keep these two processes on similar timelines. The funded restoration projects are integrated into the NCCP/HCP to fulfill mitigation requirements.

Discussion

The M2-funded restoration projects are being implemented by project sponsors (various cities and non-profit entities) within Orange County. These project sponsors essentially act as contractors performing work on behalf of OCTA. Many of these projects have received resources and regulatory agency approvals and are well underway. Some of these project sponsors are still navigating through the necessary compliance process and developing restoration plans. OCTA staff and OCTA consultants are assisting project sponsors through this process.

OCTA staff was recently contacted by the New Irvine Ranch Conservancy (NIRC) (formerly known as the Irvine Ranch Conservancy) pursuant to three (3) funded restoration project areas. NIRC staff requested that OCTA consider potential cost savings solutions in these specific projects in order to offset unexpected costs related to project delays. Project delays have resulted from a higher level of effort (not originally anticipated) necessary to meet ACOE restoration plan (Habitat Mitigation and Monitoring Plan) criteria pursuant to the 2008 Final Compensatory Mitigation Rule, as issued by the United States Environmental Protection Agency and the ACOE. The initiation of field work in the Agua Chinon, Lower Silverado, and West Loma restoration projects has been delayed significantly by this process, and costs due to delays have accumulated over time. It has also increased field costs of restoration. This situation has resulted in the inability of remaining contract budgets to fulfill project objectives. These NIRC restoration projects involve riparian and upland habitat components. The riparian component is particularly important to the M2 EMP regulatory permitting program.

Staff met with NIRC, CDFW, and USFWS in order to discuss the potential solutions for off-setting cost increases. In general, the solutions proposed include acreage adjustments to upland (as well as a small amount of riparian which would not affect waters of the U.S.) habitat types and a less intense level of effort (where possible). The off-setting efforts were proposed strategically to minimize impacts to the integrity of the NIRC restoration projects as well as the NCCP/HCP commitments at large. The NIRC projects are designed to achieve landscape level mitigation while minimizing effort and cost and still meeting success criteria. Acres identified for removal are generally marginal and do not undermine project or subwatershed conservation integrity and goals. Specific areas containing upland habitat within each watershed were targeted to minimize effects to the overall restoration effort. The combined acquisition and restoration projects will provide sufficient upland habitat. Table 2 shows NIRC's proposed adjustment to the habitat restoration acreage.

Table 2. Proposed Adjustments to NIRC Restoration Projects

Restoration Project	Habitat Type	Original Acreage	Proposed Acreage Reduction*	Proposed Acreage
Agua Chinon/Bee Flat	Elderberry Scrub/riparian**	94.9	8.93	85.97
Lower Silverado	upland scrub and riparian**	44	11.90	32.10
West Loma	upland scrub	80	14.03	65.97

*Proposed acreage reduction is subject to change and may be adjusted slightly once the restoration work is completed.

** Riparian acreage reduction will not affect restoration within waters of the U.S.

Based on the proposed modification by NIRC, the total acreage for the three projects would be adjusted by 34.86 acres (1.44 of that acreage is riparian with the remaining amount comprised of upland habitat). This will result in an average cost per acre increase from approximately \$25,400/acre to approximately \$27,800/acre. It is important to note that the revised cost for the NIRC restoration projects is still considered reasonable when compared to the cost of other funded restoration projects with the same habitat types on a per acre basis.

Staff has reviewed these modifications with the wildlife agencies. The first priority was to ensure that these modifications would not affect the overall NCCP/HCP habitat acreage commitments. As stated in the NCCP/HCP, the OCTA inventory of "scrub" habitat is well above the conservation target. The reductions include a small amount (less than 3 acres) of riparian habitat. It is important to note that this reduction will not affect proposed work within the waters of the U.S. (jurisdictional by the ACOE). Staff and the wildlife agencies agree that these habitat types could be modified accordingly to provide the necessary savings to the NIRC restoration projects, without affecting the integrity of the NCCP/HCP commitments. The final NCCP/HCP and associated Environmental Impact Report/Statement (EIR/EIS) acreage numbers will need to be adjusted accordingly to capture this modification.

Next Steps

If the Environmental Oversight Committee endorses the revisions to the three NIRC restoration projects, staff will update the NCCP/HCP and EIR/EIS and will provide this information to the OCTA Board as part of the Measure M2 EMP update.

Attachments

- A. Acquired Properties and Funded Restoration Projects



Acquired Properties and Funded Restoration Projects

