



AGENDA

Environmental Oversight Committee

Committee Members

Lori Donchak, Chair
Melanie Schlotterbeck, Vice Chair
Chris Flynn, Caltrans District 12
Dr. David Chapel, Grand Jury
Association of OC
Lisa Bartlett, OCTA Board of Directors
David Mayer, CA Dept. of Fish & Wildlife
Derek McGregor, DMC Engineering
Veronica Li, US Army Corps of Engineers
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish & Wildlife
Service
Anthony Villa, Taxpayers Oversight
Committee Representative
John Walsh, CA Wildlife Conservation
Board

Orange County Transportation Authority
Conference Room 07
550 South Main Street
Orange, California

Wednesday, February 7, 2018 at 2:30 p.m.

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

- 1. Welcome**
- 2. Pledge of Allegiance**
- 3. Approval of October 4, 2017 Minutes**
- 4. Environmental Mitigation Program Endowment Fund Investment Report**
Rodney Johnson, OCTA

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan; acquired conservation properties; and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. California Community Foundation manages the non-wasting endowment required to pay for the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and the performance. Attached is the second quarterly investment report for the Endowment Pool. The report has been reviewed and is consistent with the pool objectives.



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5. State Water Resources Control Board and Army Corps of Engineers Permits Update

Lesley Hill, OCTA

United States Army Corps of Engineers

Spencer MacNeil, Chief, Transportation and Special Projects Branch Regulatory Division

The construction of the M2 freeway projects are anticipated to result in impacts to jurisdictional waters of the United States. These impacts will require that OCTA provide mitigation and obtain a Section 404 Clean Water Act permit from the United States Army Corps of Engineers (Corps) as well as a Section 401 Clean Water Act permit from the State Water Resources Control Board (Board). On a parallel process to the Conservation Plan, staff has obtained a program-level permit from the Corps and an assurance letter from the Board. This permit will authorize OCTA to maximize a subset of the mitigation included in the Conservation Plan as well as lay out an abbreviated time line for project level 404 permit issuance. The Army Corps of Engineers will provide an overview of this programmatic permit to the EOC.

6. Restoration Project Update

Lesley Hill, OCTA

Natural Communities Coalition, University of California Irvine Ecological Reserve Project
Milan Mitrovich, PhD, Science Coordinator, Natural Communities Coalition

The UCI Ecological Reserve Restoration Project was approved for funding through the Measure M2 Freeway Environmental Mitigation Program in 2010. A total of \$325,000 was approved for funding to the Natural Communities Coalition (formerly Nature Reserve of Orange County) to restore approximately 8.5 acres of coastal sage scrub habitat. The Natural Communities Coalition will present a status update.

7. Recap of Aliso Canyon and Hayashi Resource Management Plan Comments

Lesley Hill, OCTA

The Orange County Transportation Authority's (OCTA) Resource Management Plans (RMP) for the Aliso Canyon Preserve and Hayashi Preserve were released for a 90-day public review period on August 30, 2017 and concluded on December 1, 2017. A total of 22 comment letters were received on the RMPs. The comments will be addressed in the final RMPs.

The draft RMPs outline the stewardship and operations of each Preserve. The RMPs are required in order to provide guidelines for the management and monitoring of the Preserves in accordance with the goals and objectives of the Conservation Plan. Key components of the RMPs include guidance for the ongoing protection, preservation, and adaptive management of the natural plants and wildlife found within the Preserve. The



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RMPs also address recreational use of the site by the general public where and when appropriate. Designated roads and trails (and their uses) will be identified in each RMP.

8. Preserve Naming Contest

Marissa Espino, OCTA

OCTA is in the process of renaming the seven open space Preserves to align with and highlight OCTA's goal of preserving invaluable biological resources. As a public engagement effort, OCTA launched a Preserve Naming Contest in January 2018 to ask the public to help rename the properties. Participants have three choices to choose from for each Preserve. The three options include a name that reflects the local region and specific wildlife and habitat that live on the Preserve. The new names will be unveiled at the first 2018 hike of the year on Saturday, Feb. 24. The survey can be accessed at www.octa.net/preservation.

9. Public Comments

Members of the public may address the EOC regarding any item. Please complete a speaker's card and submit it to the EOC or notify the EOC the item number on which you wish to speak. Speakers will be recognized by the Chair at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

10. Committee Member Reports

11. Next Meeting – May 2, 2018

12. Adjournment



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

Lori Donchak, Chairman
Melanie Schlotterbeck, Vice Chair
Lisa Bartlett, Board of Directors
Veronica Li, US Army Corp of Engineers
David Mayer, CA Dept. of Fish & Wildlife
Derek McGregor, DMc Engineering
Dan Silver, Endangered Habitats League
John Walsh, CA Wildlife Conserv. Board

Orange County Transportation Authority
600 South Main Street, Room 154
Orange, California

Wednesday, October 4, 2017 at 2:30 p.m.

Member(s) Absent

Dr. David Chapel, Grand Jury Assoc. of O.C.
Chris Flynn, Caltrans District 12
Jonathan Snyder, US Fish & Wildlife
Anthony Villa, Taxpayers Oversight Comm.

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1. Welcome

Chairman Lori Donchak called the Environmental Oversight Committee (EOC) meeting to order at 2:31 p.m.

2. Pledge of Allegiance

Chairman Lori Donchak led the Pledge of Allegiance.

3. Approval of August, 2017 Minutes

Chairman Lori Donchak asked if there were any additions or corrections to the August 17, 2017 EOC minutes. A motion was made by Melanie Schlotterbeck, seconded by Derek McGregor, and passed unanimously to approve the August 17, 2017 EOC meeting minutes as presented.

Melanie Schlotterbeck noted that in the minutes she requested a copy of the Environmental Assessment (EA) from the Army Corp of Engineers. Dan Phu said he will get the document to Melanie once the Corp finalizes the EA.

4. Upcoming Hike and Ride Events

Marissa Espino announced the upcoming hike and ride events. She said there will be a hike on October 14, a ride on October 28 with another round of hike and ride events in November.

Chairman Donchak recommended everyone try one of the events. David Chapel asked what skill level is needed for the ride. Marissa Espino said the rides are designed for people who have their own horse and have the skills associated with riding their horse. The ride is not recommended for someone who has ridden a few times.

5. Aliso Canyon and Hayashi Resource Management Plan Summary

Dan Phu presented the Aliso Canyon and Hayashi Resource Management Plan (RMP) Summary for Lesley Hill.

Public Comment

Penny Elias of the Sierra Club asked questions and made comments with regard to the Aliso Canyon RMP.

Chairman Lori Donchack said there will be staff available at the workshop following the meeting to answer any further questions. She said any comments can be put in writing or given online.

6. Public Comments

There were no public comments.

7. Committee Member Reports

Melanie Schlotterbeck said she, Lesley Hill, David Mayer, and Jonathan Snyder did a presentation on the mitigation program at the meeting of the American Planning Association in September. She said it went really well and it was an opportunity to inform others of the great work we have done. Chairman Lori Donchack thanked them on behalf of the OCTA Board.

8. Next Meeting

Marissa Espino said the EOC will move to a quarterly schedule with the next meeting being in February. She said if there is a need to meet prior to February, a meeting will be scheduled. The committee members asked staff to be notified of what happens with the Army Corp of Engineers process ending in 2017.

9. Adjournment

The meeting adjourned at 3:20 p.m.

February 7, 2018 Environmental Oversight Committee
United States Army Corps of Engineers Section 404 Programmatic Permit/
State Water Resources Control Board Letter

Overview

The Measure M2 (M2) Environmental Mitigation Program (EMP) provides for comprehensive mitigation of the M2 Freeway Program impacts on habitat, species, and water resources in exchange for programmatic permitting of freeway projects. In June of 2017, state and federal wildlife agencies, along with California Department of Transportation (Caltrans) and Orange County Transportation Authority (OCTA), approved a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Conservation Plan) that provides for biological permits for all of the M2 freeway projects. This was a major milestone and an innovative accomplishment for OCTA, Caltrans, and the resources agencies.

Concurrent with the NCCP/HCP effort, staff has also been working with the United States Army Corps of Engineers (Corps) and the State Water Resources Control Board (State Board) to obtain programmatic permitting of the freeway projects for impacts to waterways. On December 18, 2017, the Corps issued a programmatic permit to OCTA and Caltrans. In addition, the State Board provided an assurance letter to OCTA on January 22, 2018, which also memorializes the approval of the advanced mitigation.

Discussion

The construction of the M2 freeway projects is anticipated to result in impacts to jurisdictional waters of the state and United States. These impacts will require that OCTA obtain Section 401 and 404 clean water permits from the Regulatory Agencies, which will require mitigation. A Letter of Permission Procedure Program (permit) has been obtained pursuant to section 404 of the Clean Water Act. This permit will enable OCTA to utilize mitigation included in the Conservation Plan, as well as lay out an abbreviated process for project level permit issuance. On a parallel path, the State Board has provided an assurance letter to OCTA.

These agreements are a result of years of collaboration between OCTA, the Corps, and State Board, and constitute another groundbreaking milestone for the M2 EMP. This is the first ever Corps-approved advanced mitigation permit for multiple mitigation sites and projects spanning numerous watersheds. Investments made for the Conservation Plan mitigation were leveraged to also meet the Corps and State Board requirements.

These agreements provide certainty that the mitigation provided to date is sufficient to offset M2 freeway project impacts to state and federal jurisdictional waters. The Corps permit is innovative since it enables a defined set of construction activities over a large scale (countywide) and over a long time horizon. This permit charts out a predictable path to obtain project level permits that address impacts in a proactive and holistic manner, and will result in better conservation outcomes.

February 7, 2018 Environmental Oversight Committee
United States Army Corps of Engineers Section 404 Programmatic Permit/
State Water Resources Control Board Letter

As requested by the EOC, the Corps will provide an overview of this permit and the permitting process during the February 7, 2018 EOC meeting.

Summary

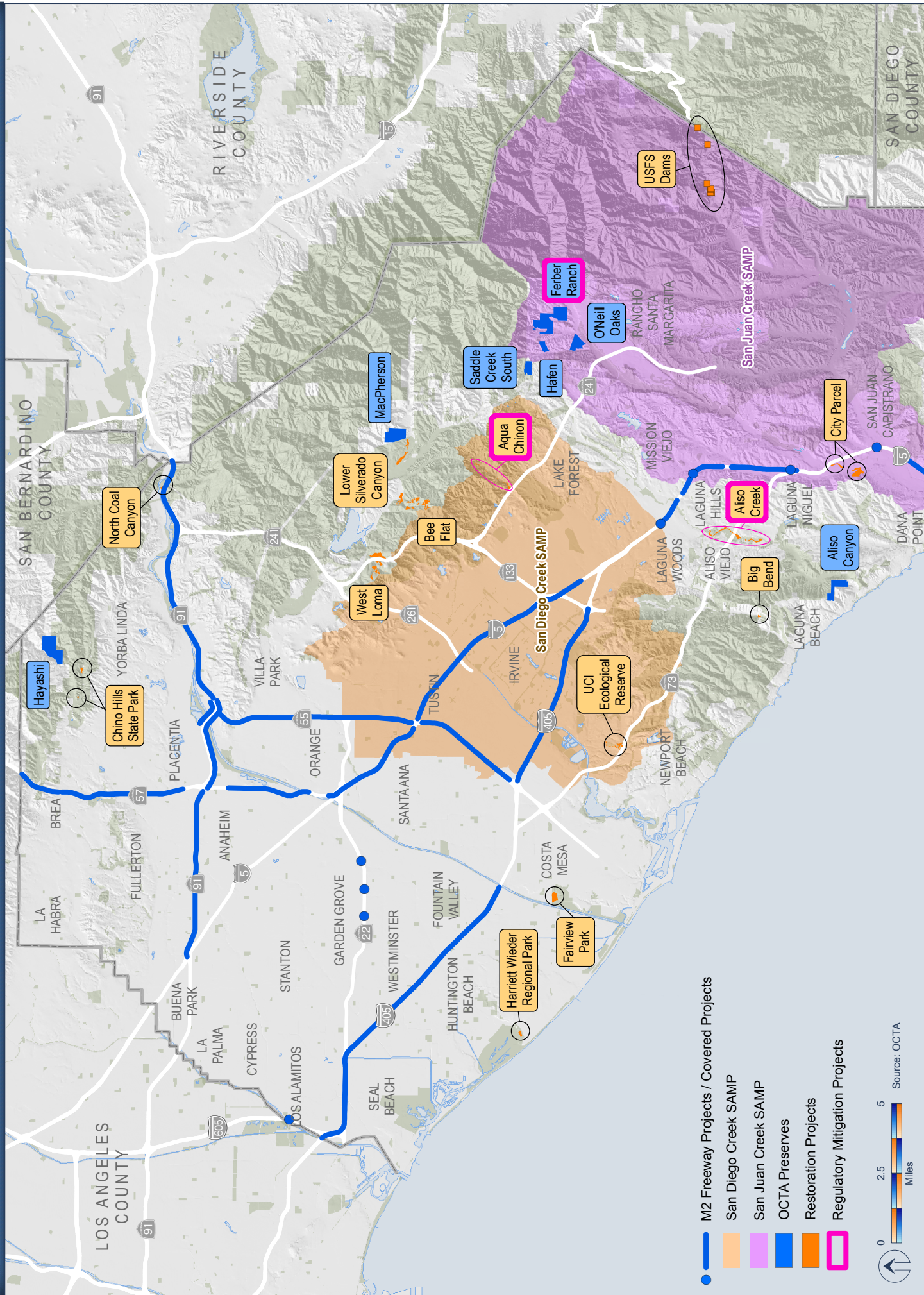
M2 includes an EMP that provides funding for programmatic mitigation to off-set impacts of the 13 freeway projects. To expedite the delivery of the freeway projects, this program was initiated in 2007 to implement early project mitigation through property acquisition and habitat restoration. This program is administered through a Conservation Plan. State and federal programmatic clean water permits/documents have also been developed and issued to OCTA and Caltrans.

Figures

1. OCTA NCCP/HCP Preserves and Funded Restoration Projects

OCTA NCCP/HCP Preserves and Funded Restoration Projects

FIGURE 1



**Measure M Environmental Mitigation Program
Wilderness Preserve Naming Contest Options**

ALISO CANYON

- Mariposa Pacific Preserve
- Harrier Meadows Preserve
- Pacific Horizon Preserve

FERBER RANCH

- Majestic Oaks Preserve
- Lion Peaks Preserve
- Trabuco Rose Preserve

HAFEN

- Mariposa Ridge Preserve
- Sage Ridge Preserve
- Bobcat Ridge Preserve

HAYASHI

- Walnut Woodland Preserve
- Eagle Ridge Preserve
- Twin Creeks Preserve

MACPHERSON

- Silverado Chaparral Preserve
- Coast Horned Canyons Preserve
- Coyote Valley Preserve

O'NEILL OAKS

- Bent Path Preserve
- Wren's View Preserve
- Twin Canyons Preserve

SADDLE CREEK SOUTH

- Live Oak Creek Preserve
- Bobcat Path Preserve
- Cactus Hill Preserve