



AGENDA

Measure M2 Environmental Oversight Committee

Committee Members

Lisa Bartlett, Chair
Melanie Schlotterbeck, Vice Chair
Dr. David Chapel, Grand Jury
Association of OC
Laurie Davies, OCTA Board of Directors
Dr. Pauline Merry, Taxpayers Oversight
Committee Representative
Chris Flynn, Caltrans District 12
Veronica Li, US Army Corps of Engineers
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
Conference Room 07
550 South Main Street
Orange, CA

Wednesday, November 6, 2019 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 July 10, 2019 Minutes**
- 4. Interstate - 5 Widening Project Update**
Lesley Hill, OCTA

Unforeseen complications have been resolved for the Interstate-5 Widening Project (Conservation Plan Project C) segment 3. The California Department of Fish and Wildlife previously communicated that a redesign of the project to allow for potential southern steelhead passage in Aliso Creek would be required. A redesign of the project at Aliso Creek would have resulted in unanticipated delays and increased project costs. The steelhead passage request is a result of the implementation of Senate Bill (SB) 857. OCTA, Caltrans and CDFW have agreed upon another option to satisfy SB 857. CDFW has issued the Streambed Alteration Agreement (SAA) for this project. Staff will provide an update pertaining to the SAA with the EOC. Additional information is attached.

- 5. Overview of Preserve Management**
Dan Phu, OCTA
Lesley Hill, OCTA
-



AGENDA

Measure M2 Environmental Oversight Committee

Since mid-2011, OCTA began acquiring properties (Preserves) as part of the commitment of the Environmental Mitigation Program. These Preserves were acquired prior to the completion of the Conservation Plan and establishment of the endowment to pay for the long-term management, therefore, OCTA retained various entities and consultants to oversee these Preserves. OCTA intends on transferring long term management responsibilities of the Preserves to an appropriate land manager in the near future. OCTA staff has been developing the best strategy to implement this process. A status update will be provided, including the steps in the process. Staff will present this topic to the EOC to obtain feedback.

6. Hobo Aliso Ridge Conservation Easement Acquisition

Lesley Hill, OCTA

Ms. Elia provided public comments during the July 10 EOC meeting recommending that OCTA consider the acquisition of a property that is adjacent to the Pacific Horizon Preserve to take advantage of the economy of scale for management purposes. The EOC chair requested that Ms. Elia submit the Hobo Aliso Ridge acquisition proposal in writing for the committee to consider at the next meeting. The EOC received a letter on October 2, 2019 from Ms. Penny Elia (representing Sierra Club and Save Hobo Aliso Task Force). Staff will provide an introduction of the item, followed by a brief presentation by Ms. Elia.

7. Hikes and Equestrian Rides

Marissa Espino, OCTA

Equestrian rides were offered in July, August, and November at the Trabuco Rose Preserve. A docent led hike occurred at the Pacific Horizon Preserve on Saturday, August 17th, on October 5th at the Wren's View Preserve, and on November 2nd at the Trabuco Rose Preserve in Trabuco Canyon. OCTA will be releasing the 2020 Wilderness Preserve Hiking and Equestrian Riding Tour calendar in January.

8. 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.

9. Committee Member Reports

10. Next Meeting – Feb. 5, 2020

11. Adjournment



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

Lisa Bartlett, Chairman
Melanie Schlotterbeck, Vice Chair
Dr. David Chapel, Grand Jury Assoc. of O.C.
Laurie Davies, Board of Directors
Veronica Li, US Army Corp of Engineers
David Mayer, CA Dept. of Fish & Wildlife
Derek McGregor, DMc Engineering
Dr. Pauline Merry, Taxpayers Oversight Comm.
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish & Wildlife

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

Wednesday, July 10, 2019 at 2:30p

Member(s) Absent

Chris Flynn, Caltrans District 12
John Walsh, CA Wildlife Conserv. Board

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

Chairman Lisa Bartlett called the Environmental Oversight Committee (EOC) meeting to order at 2:30 p.m. Chair Bartlett introduced new member Dr. Pauline Merry of the Measure M Taxpayers Oversight Committee. Chairman Bartlett asked everyone to introduce themselves.

2. Pledge of Allegiance

Vice Chairman Melanie Schlotterbeck led the Pledge of Allegiance.

3. Approval of February 6, 2019 Minutes

Chairman Lisa Bartlett asked if there are any additions or corrections to the February 6, 2019 EOC minutes.

A motion was made by Laurie Davis, seconded by Derek McGregor and passed unanimously to approve the February 6, 2019 EOC meeting minutes.

4. OCTA Conservation Plan Annual Report

Lesley Hill provided background on the Conservation Plan. She said this is the first Annual Report on the Plan and OCTA is complying and on target. This report covers all activities up to December 2018. Lesley talked about freeway project environmental reviews and mitigation on those projects and reviewed the status of the restoration projects. Lesley talked about projects needing land protection documents to protect them and OCTA is working to get those completed. She went over each preserve and talked about invasive species removal/management plan, monitoring of covered birds, encroachment issues, wildlife camera installation, etc. Lesley talked about public outreach and the mitigation website. She said the Annual Report includes a summary of the endowment. Lesley Hill said there are some modifications to the Conservation Plan and they are outlined in the Annual Report.

The committee asked how the net positive is rated when monitoring the covered plants. Lesley Hill said biological monitors go out on the properties and they are required to estimate and in some cases actually count the individual flowers/plants. The committee asked what percentage over the required percentage the OCTA programs are at. Lesley said these projects are looking really good and there has not been any take for the freeway projects yet. She said there is a positive of 963 for the lily, 60 for the many-stemmed Dudleya and 1,500 for the southern tar plant. These are documented on the preserves and restoration projects. She said the southern tar plant has not been documented on the preserves yet.

The committee asked about funding. Lesley Hill said funding for restoration projects comes from OCTA through Measure M2.

The committee asked what kinds of trespassing happens on the preserves. Lesley Hill said it is mainly mountain biking, hiking – no motorized vehicles.

The committee asked if all the rain this year enhanced the properties. Lesley Hill said everything was enhanced, good and bad. She said there were some minor erosion issues as well. The cactus wrens have been helped by the recent rains – the drought seemed to be really affecting this species.

The committee asked about dam removal done by OCTA, the County of Orange and Caltrans and if it is in contrast to what Rancho Santa Margarita Water District is doing. Lesley Hill said this is a hot discussion. She said it could be a benefit, but OCTA is worried about impacts caused by the new water diversions.

Public Comment

Penny Elia, Sierra Club, said she is delivering a message from the California Coast Conservancy and the Coastal Commission. She said they are struggling with a piece

of property adjacent to the Pacific Horizon property – Aliso Ridge. Penny said they would like to give OCTA 75 acres at no purchase price and there are two major restoration projects being done through violation remediation. She said the California Coastal Conservancy is considering a \$30,000 PAR analysis of the property to give OCTA an idea of what would be given to OCTA. This money comes from a violation collections account from the Coastal Commission. She said this property has a lot of Crown Beard to offer for credits.

Chairman Lisa Bartlett asked her to submit her proposal in writing so the committee can consider the proposal at a future date.

5. Environmental Mitigation Program Endowment Fund Investment Report

Sean Murdock provided background on the endowment fund, saying OCTA approved approximate \$34.5 million for this fund. The California Community Foundation manages the fund and provides quarterly reports to OCTA. Currently the endowment has about \$9.263 million and that is a bit higher than expected. Sean said as of now the endowment is on track and is expected to end the fiscal year on a positive note.

Public Comment

Penny Elia, Sierra Club, said the California Coastal Conservancy and the Coastal Commission are looking at Center for Natural Lands Management for the PAR Analysis. She asked at what point OCTA will release these excess funds. In her opinion, 10-12 years is not the near future. Penny asked if the Center for Natural Lands Management could present to this committee, talk to staff or the OCTA Board about taking on a partner to release some of this land. The Center for Natural Lands Management is very interested in the Pacific Horizon land as well as the land adjacent to it. She asked if OCTA is definitely waiting 10-12 years or could there be a phasing. Penny asked if near future can be defined. She asked if OCTA is allowed to take additional money if it is offered. Penny said she will come up with a proposal.

Sean Murdock said 10-12 years is needed to generate the investment earnings. Sean said he is unsure if the endowment can take in money from outside sources, but it is something staff could look into.

The committee asked about the performance history on the one-year graph. Sean Murdock said the big dip happened in the fourth quarter of 2018 when equities took a big hit due to market fluctuation.

6. Update of the OCTA Preserves Fire Management Plans

Lesley Hill provided an update on the Fire Management Plans. She said the consultant has been busy working on the plan and has the technical plan drafted. OCTA is now taking the information to the appropriate agencies to review all the details and solicit recommendations. Lesley said when there is more information staff will come back to the committee.

The committee asked who the consultant is for developing the plan. Lesley Hill said Wildland Res Mgt is the consultant and they are familiar with Orange County.

The committee asked if staff anticipates any additional costs to come out of implementing these plans. Lesley Hill said it's too soon to tell but she does not think so. She said the maintenance we have been doing may continue.

The committee asked if they are looking at adjacent lands and talking with neighbors. Lesley Hill said yes adjacent lands are being looked at and OCTA is communicating with neighbors and will be doing outreach once the plans are finalized.

The committee asked about the pre-fire vegetation aspect of the Fire Management Plan and would like to hear more about it. Lesley explained that many of those areas had already been coordinated with OCFA and were part of the Preserve specific Resource Management Plans.

The committee talked about the OCTA preserves as an asset, but fire agencies may see it as a fire threat.

The committee congratulated OCTA for doing all the outreach on fire safety in the area of the preserves.

Melanie Schlotterbeck said Hills for Everyone is finishing its fire study for the Chino State Park. She said there have been more than 35 fire ignitions in the last six years and more than 13 fire parameters were added. Melanie said this is very dangerous for the habitat.

Public Comment

Penny Elia, Sierra Club, said one adjacent property is the Aliso Ridge property that she has been talking about. She said the City of Laguna Beach is looking at 16 fuel modification zones and historically the city has only done fuel modifications adjacent to the OCTA property under an emergency permit. The Coastal Commission has told the City of Laguna Beach they can no longer have an emergency permit. The city needs to prepare for fuel modification ahead of time with a plan. Penny said in a report from the fire department, they talk about co-application and addressed OCTA saying they have declined direct participation, but have concurred with the project. OCTA will send a letter of support to the commission. Penny said she would caution sending any formal support to the City of Laguna Beach given the incomplete and inadequate form that it is in right now. She said they have used goats in the past and there are seeds in their feces that can cause invasive plants to grow in the area adjacent to OCTA's property. Penny said OCTA should take caution supporting any fuel modifications not reviewed/accepted by the Coastal Commission.

7. Interstate - 5 Widening Project Overview

Lesley Hill said this item is an informational item and staff is not asking for a recommendation at this point. Lesley provided a high level overview of the project. She said in segment 3 of the project there is an issue with the streambed alteration agreement in Aliso Creek. This project has been designed and now permits (streambed alteration agreement) are needed from the California Department of Fish and Wildlife (CDFW) agency. Lesley said permits need to be attained by mid-August in order to keep the project on track. The CDFW deemed the permit application incomplete. CDFW requested a redesign of the project to facilitate passage of potential southern steelhead. The redesign request is the result of Senate Bill (SB) 857 requirements. She said this redesign requirement could cause a delay of up to a year and \$10 million to this project. OCTA and Caltrans have been working with CDFW on the design. Caltrans is tasked with this coordination. OCTA was not aware of SB 857, which applies to transportation projects that occur on structures where there is current or historic records of salmon and/or steelhead. Lesley said OCTA was not aware this species was in this creek and there is no documentation stating the species is there now. She said the senate bill uses a different set of parameters and was looking through a different lens.

The committee asked if CDFW determined if there is steelhead trout in this area and that OCTA has to comply with SB 857. David Mayer said there are real issues to address and some perceived issues as it relates to the NCCP. He said steelhead is not known to be present and is not expected to be impacted by any of the activities. He said SB 857 was not on the radar regarding potential effects. This project had even gone through CEQA without comments. Caltrans had not sent the assessment through the fisheries people either. By the time CDFW saw the design, it was unfortunately brought to attention during the streambed assessment phase. Management is trying to expedite the 1600 permit to not cause further delay. The CDFW is truly sorry for the oversight on the legislation and the delay. He said the CDFW does not want to see a permanent barrier in the event steelhead start moving back through this area and passage would be allowed. CDFW is looking for an agreement with Caltrans so that in the event the CDFW is getting things under control for getting steelhead moving back through, Caltrans will allow passage underneath. The funding would have to be determined during that point in time. And/or looking at something that would benefit the watershed downstream, helping the steelhead that are considerably downstream. Chairman Lisa Bartlett said she can appreciate the environmental aspect and protecting the species. She said we will have substantial costs escalation associated with the delay. David said the CDFW is not asking for a redesign at this point, but the 1600 agreement needs to identify some measures and additional coordination that would be occurring as the processing goes forward on how we could do the offset or at least not preclude a future resolution.

Chair Lisa Bartlett asked what staff is looking at when it is said a potential year delay and \$10 million could be added to the project. Lesley Hill said this is the impact if OCTA had to do a redesign. David Mayer said in the beginning there were letters back and forth suggesting a total redesign. Lesley said there have been recent positive talks,

but OCTA still does not have the 1600 permit and until the permit is received, there is still the risk of the delay/redesign. She said this is the last permit OCTA needs to move forward to list the project to construction.

Dan Silver said it is unfortunate that this wasn't discovered earlier and through the EIR process. He said he would like to get the facts straight and make sure that if there is an issue that it gets resolved and not just swept under the rug. Dan said it's important for the committee to understand what the CDFW is prepared to sign-off on. Chair Lisa Bartlett said OCTA needs clarity, and that this should be shared with the OCTA Board of Directors.

Melanie Schlotterbeck said there are a lot of other OCTA projects that could be impacted by this bill. Lesley Hill said this project has gotten a lot of attention due to this bill and all OCTA projects are being looked at in accordance with this bill. She said other projects are in the environmental phase or pre design phase at this point. If there is an issue with the senate bill, this is the time to address it. Melanie said according to OCTA this was not a covered species in our conservation plan and was specifically not included. But this bill, because it's applicable to Caltrans, got put back in the mix. She asked if there has been any indication of a historical presence or that the species exists in the area. David Mayer said the history indicates the species is known to be considerably downstream. He said there may be natural barriers that preclude the species from getting upstream, unnatural barriers could be eliminated and it needs to be determined if the steelhead could be in the area of construction on their natural path. David said CDFW needs to look at what is reasonable. Melanie said it may make more sense to look at something closer to the ocean versus this area that is significantly inland. She said globally how do we avoid this in the future and do we need to make an amendment to the conservation plan to include this species and prevent future problems and protect the species. David said he does not think the species lists needs to be changed, but the legislation will have to be dealt with on a segment by segment basis. He said the intent is not to waste money.

Chair Lisa Bartlett said we are still two months from advertising for segment 1. She asked how this impacts the plan. Niall Barrett said we can still advertise for segment 1, but segment 3 could effectively be delayed by up to 12 months and would impact traffic flow through the area. Chair Bartlett said we can advertise for segment 1, but not award until the issue is resolved. She said OCTA cannot get contractors lined-up without a clear timeline because they will have resources lined-up. Chair Bartlett said we need an immediate resolution.

Monte Ward said there have been a lot of questions about the facts. He said this presentation has come right at the beginning of the discussion, but this committee needed to be aware of what was going on. He said there are some remaining questions that have not been answered at this point. Monte said the agencies are looking at finding solutions that will not require a delay in the project. He said if indeed the fish are downstream and there are impacts there that are preventing the fish from doing

well, there are things that can be done. Senate Bill 857 was not a part of OCTA's comprehensive program. The issue was never raised in all the previous years. We need to find a solution and take into account all the good work the EOC/OCTA has done and determine how the bill should work in the future.

Chair Lisa Bartlett said this needs to be a top OCTA staff priority because the OCTA Board of Directors has approved the I-5 project and funding and this would cause significant impacts. She said this committee and the OCTA Board of Directors need to know quickly what is going to happen.

Melanie Schlotterbeck asked for an electronic update in one month.

8. 2019 Hikes and Equestrian Rides

Marissa Espino said an equestrian ride is scheduled for this weekend at Trabuco Rose (Sunday, July 14th). Next month, on August 17th, OCTA will host a docent led hike at the Pacific Horizon Preserve in Laguna Beach.

Marissa Espino said, in June, OCTA was invited by the Saddleback Canyon Riders Group to attend an emergency evacuation drill event. She said it she appreciated being invited and being given an opportunity to have a presence in the local community.

Public Comments

There were no further public comments.

8. Committee Member Reports

The committee asked if there has been anyone out to check on the properties after the recent earthquakes, to make sure there are not any significant changes. Lesley Hill said there are monitors that go out on a regular basis and there are patrols out on a regular basis – as far as she knows there have been no significant changes to the properties. She said there is a gully that needs some work due to changes over time, but it is not related to the recent earthquakes.

Laurie Davies said the Orange County Fire Authority implemented a pilot program funded by Southern California Edison for two helicopters used to look for downed power lines and one is able to go down to get water at night and it holds 275 gallons.

9. Next Meeting – May 1, 2019

Marissa Espino said the next meeting is scheduled for September, but we may need to schedule another meeting before then due to the I-5 permitting issue.

15. Adjournment

The meeting adjourned at 4:08 p.m.



November 6, 2019

To: Environmental Oversight Committee
From: Orange County Transportation Authority Staff
Subject: November Environmental Oversight Committee Information Items
(Item 4 - 6)

Item 4 – Interstate - 5 Widening Project Update

At the July EOC meeting, unforeseen complications with the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (1602) permit for the Interstate 5 (I-5) Improvement Project were discussed. These complications were a result of Senate Bill (SB) 857 (Chapter 589, Statutes of 2005) which requires steelhead passage to be assessed for federally funded transportation projects. CDFW, the Orange County Transportation Authority (OCTA), and the California Department of Transportation (Caltrans) staff were able to develop multiple options that would satisfy the requirements of SB 857 while minimizing schedule delays and cost increases to the I-5 project. On September 18, 2019, the 1602 permit was issued by CDFW for this project. The previously distributed Interstate 5 Widening Project Permitting Update memos to the EOC are also attached (Attachment A).

The 1602 permit includes a commitment from Caltrans (as the Permittee) “to not prevent future remediation of the steelhead barrier involved (I-5 structure) with this project so that it passes steelhead at all life stages.” In addition, OCTA will conduct two off-site measures to protect fish resources and support fish passage. These measures must be implemented by 2020 as stated in the 1602 permit.

The first required offsite measure will be for OCTA to fund the removal of 17 dams within Trabuco and Holy Jim creeks. OCTA previously allocated funding to the United States Forest Service (USFS) for the removal of 14 dams within San Juan Creek. This project was approved by the OCTA Board in February 2017 and is one of 12 Environmental Mitigation Program restoration projects. See Attachment B for the OCTA Preserves and funded restoration projects. The dam removal is nearly completed and the USFS was able to complete this work under the budgeted and OCTA funded amount of \$185,000. The

remaining funds (\$70,000) will now be utilized to remove an additional 17 dams within Trabuco and Holy Jim creeks. In total, OCTA will have funded the removal of 31 dams in this very successful ecosystem restoration project. See Attachment C for more information pertaining to the USFS dam removal efforts. Staff is working with the USFS to administratively amend the current agreement to include the removal of these additional 17 dams within the original \$185,000 allocated amount.

The second 1602 off-site requirement is to fund a one-time grant (\$100,000) to a local non-profit entity (Laguna Canyon Foundation) to support steelhead restoration within the Aliso Creek watershed. OCTA will provide a one-time grant to the Laguna Canyon Foundation (LCF) for an additional project to improve steelhead passage and/or habitat in the Aliso Creek watershed. This funding will be accompanied by an agreement with LCF that includes a requirement for written concurrence from CDFW before LCF proceeds with a project.

Item 5 – Overview of Preserve Management

OCTA began acquiring the seven Preserves in mid-2011 as part of the commitment of the EMP. The seventh Preserve was acquired in mid-2015. OCTA acquired these Preserves prior to the completion of the Conservation Plan and prior to the establishment of the endowment. Various entities and consultants have assisted OCTA staff with the management efforts of these Preserves. The entities have evolved over the years and range from private consultants, to state, County and non-profit entities.

OCTA is currently managing these Preserves consistent with the commitments within the Conservation Plan and associated approved Resource Management Plan for each Preserve. OCTA will continue with this management until a long term land manager has been identified and the Preserve ownership and management responsibilities are transferred. Staff is working on developing a process to transfer these lands. There are many variables that will need to be considered for the long term management and disposition of each Preserve. Staff is working on the development of a schedule, applicable contracting process, and outreach efforts to potential long term land managers. Similar to how staff developed the Preserve acquisition and restoration project selection process, staff will be developing a set of criteria for the land management entity evaluation process. Staff will seek Board approval for both the selection criteria as well as the long term land management entity for the Preserves.

Item 6 - Hobo Aliso Ridge Conservation Easement Acquisition

The EOC received a letter on October 2, 2019 from Penny Elia (representing Sierra Club and Save Hobo Aliso Task Force). This letter was in response to the July 10 EOC meeting in which the EOC chair requested that Ms. Elia submit the Hobo Aliso Ridge acquisition proposal in writing for the committee to consider. Ms. Elia will provide a brief presentation pertaining to her letter submittal and will be available for questions concerning Hobo Aliso Ridge. Ms. Elia's October 2 letter is attached for further information.

Attachments:

- A. Interstate 5 Widening Project Permitting Update Memos to EOC
- B. OCTA Preserves and Funded Restoration Projects
- C. USFS Trabuco District Dam Removal Project Overview
- D. October 2, 2019 Sierra Club letter to Chair Bartlett and EOC Members



MEMORANDUM

September 20, 2019

To: Environmental Oversight Committee Members

From: Orange County Transportation Authority Staff

Subject: **Interstate 5 Widening Project Permitting Update**

At the July Environmental Oversight Committee (EOC) meeting, an overview of the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (1602) permit was presented. Unforeseen complications with the 1602 permit had developed on the Interstate 5 (I-5) Widening Project. On August 12, 2019, a transmittal memorandum was distributed via email to the EOC members on the progress to resolve these complications (attached).

CDFW, the Orange County Transportation Authority (OCTA), and the California Department of Transportation (Caltrans) staff were able to develop multiple options that would satisfy the requirements of SB 857 (Chapter 589, Statutes of 2005) while minimizing I-5 project schedule delays and cost increases. The 1602 permit includes a commitment from Caltrans (as the Permittee) "to not prevent future remediation of the steelhead barrier involved (I-5 structure) with this project so that it passes steelhead at all life stages." In addition, OCTA would provide an off-site measure(s) to protect fish resources. These offsite options include the following:

1. Engineering for the removal or remediation of the bike path crossing the I-5 Aliso Creek bridge and removal of dams within Trabuco and Holy Jim creeks, or
2. Fund a one-time grant (\$200,000) to a local non-profit entity to support steelhead restoration within the Aliso Creek watershed, or
3. Removal of dams within Trabuco and Holy Jim creeks, and fund a one-time grant (\$100,000) to a local non-profit entity to support steelhead restoration within the Aliso Creek watershed.

Staff believes Option 3, shown above, to be reasonable and feasible compared to the other options.

On September 18, 2019, the 1602 permit was issued by CDFW for this project. OCTA/Caltrans have 45 days to provide a written commitment to CDFW on the options that have been selected for implementation. OCTA staff will provide an overview of the selected offsite option(s) at the next EOC meeting, which is scheduled for November 6.

OCTA:lh
Enclosure

*MEMO*

August 12, 2019

To: Environmental Oversight Committee Members

From: OCTA Staff

Subject: **Interstate 5 Widening Project Permitting Update**

At the July 10, 2019 Environmental Oversight Committee (EOC) meeting, the Interstate 5 (I-5) Widening Project overview was presented to the EOC regarding unforeseen complications that have developed for this project. EOC Chair Lisa Bartlett and EOC member Laurie Davies directed staff to provide an update to the EOC and Board of Directors to summarize the status and progress made towards obtaining the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (1602) permit for this project. The Orange County Transportation Authority (OCTA), CDFW, and the California Department of Transportation (Caltrans) staff have been collaborating to develop solutions in response to SB 857 (Chapter 589, Statutes 2005) regulations¹.

OCTA has participated in an advanced mitigation program with state (e.g., CDFW) and federal (e.g., United States Fish and Wildlife Service [USFWS]) resources agencies in exchange for streamlining implementation of the OC Go freeway projects. SB 857 was in effect at the time OCTA negotiated and completed the advanced Environmental Mitigation Program process with CDFW and USFWS; however, CDFW did not raise compliance with such law at the time. This process culminated into a state/federal Habitat Conservation Plan (Conservation Plan). Steelhead was not identified as a covered species under the Conservation Plan. OCTA vetted the covered species with CDFW and USFW, as well as an independent science advisory panel.

Below is a synopsis of the I-5 (between El Toro Road and State Route 73) project development efforts as it relates to coordination with CDFW on SB 857:

- Construction on the I-5 project is already underway on Segment 2, with work beginning in late May 2019.

¹ SB 857 was developed to provide savings to the state from improved ability to deliver transportation projects within their budgets and on time and provide substantial benefit to the state's salmon and steelhead trout populations from remediation of barriers to fish passage at stream crossings that historically or currently supported them. CDFW and Caltrans are responsible for the implementation of SB 857.

- Caltrans and OCTA need to obtain a streambed alteration agreement by October for Segment 3. Construction on this segment is scheduled to begin in mid-2020.
- CDFW has raised concerns about the potential for steelhead trout passage being affected by the I-5 project and requested for a redesign of the project that crosses Aliso Creek.
- Neither Caltrans, nor OCTA are aware of any evidence of steelhead trout currently in the creek, only anecdotal evidence from a fisherman decades ago. There are numerous barriers downstream that would prevent the fish from migrating to the I-5 project area.
- A redesign of the project could potentially lead to a one-year project schedule delay and cost increases, estimated at approximately \$10 million. A redesign is unreasonable and is disproportionate.

CDFW has agreed that a project redesign will not be required, but another option to benefit steelhead is needed. CDFW, OCTA and Caltrans staff are diligently working to find an appropriate option to satisfy the requirements of SB 857 while minimizing I-5 project schedule delays and cost increases. CDFW has committed verbally to providing the draft agreement for this project in August.

Attachment



Project Description



Project Segments

Segment 1

State Route 73 to south of
Oso Parkway

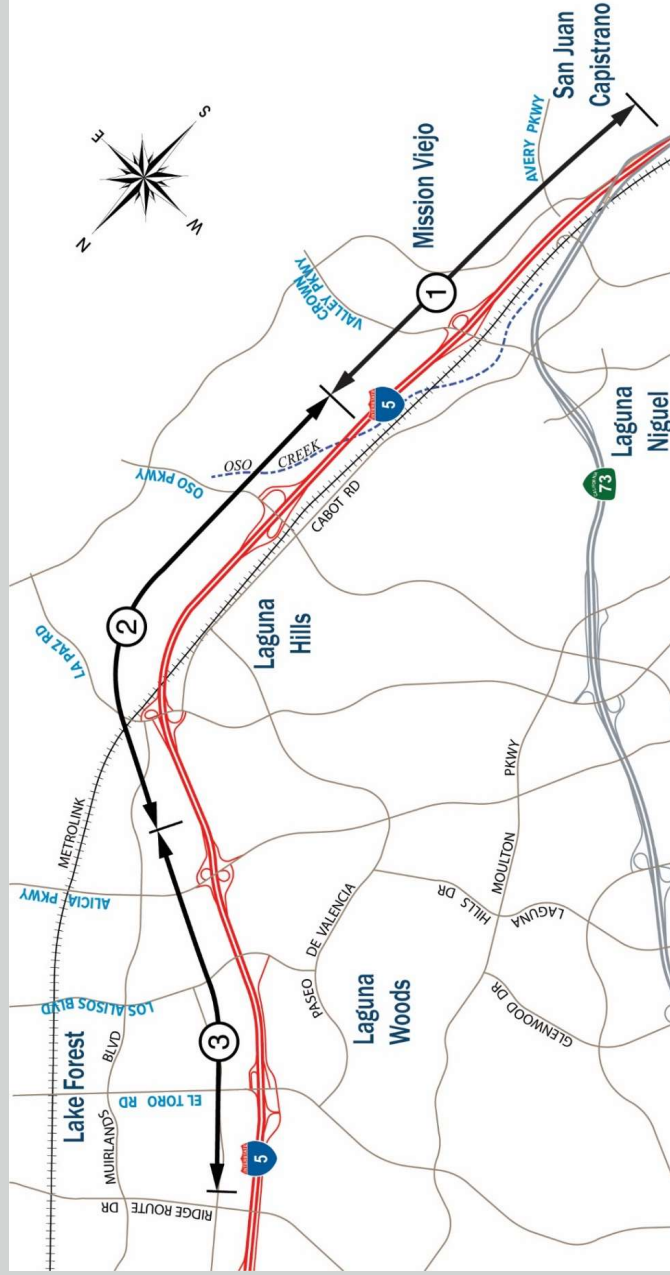
Segment 2

South of Oso Parkway to
south of Alicia Parkway

Segment 3

South of Alicia Parkway to
north of El Toro Road

Total length: 6.5 miles





Project Schedule



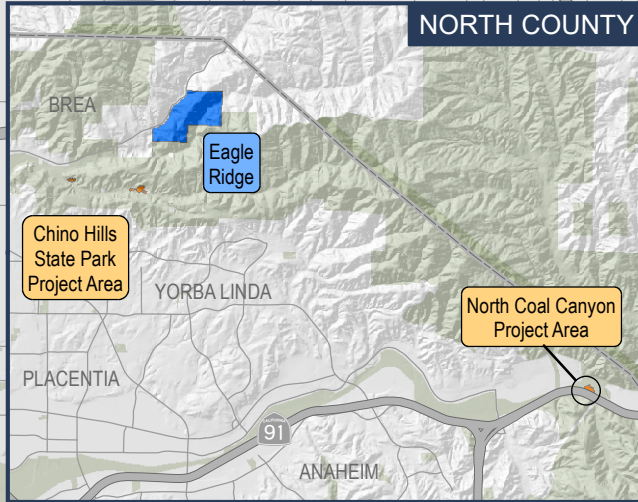
Segment	Estimated Schedule
Segment 2 Oso Parkway to Alicia Parkway	Advertised on November 5, 2018 Construction from Late May 2019 to Late 2023
Segment 1 State Route 73 to Oso Parkway	Advertisement scheduled for mid September, 2019 Construction from Early 2020 to Early 2025
Segment 3 Alicia Parkway to El Toro Road	Advertisement scheduled for March 2020 Construction from Mid 2020 to Mid 2024

OCTA Preserves and Funded Restoration Projects

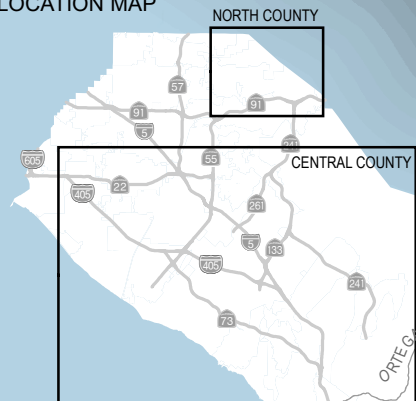


CENTRAL COUNTY

NORTH COUNTY



LOCATION MAP



- OCTA Preserves
- Round 1 Restoration Projects
- Round 2 Restoration Projects
- United States Forest Service Restoration Project



ATTACHMENT B

Source: OCTA





Reporting Our Progress in Caring for the Land and Serving People

Trabuco District Dam Removal Project Fisheries FY2018 Accomplishments Cleveland National Forest, Trabuco Ranger District

State: California

Project Costs: \$680,000 to date

Approx. \$1,000,000 total project

Congressional District: California's 45th and 49th Congressional Districts

External Partners:

US Fish and Wildlife Service

California Department of Fish and Wildlife

California Department of Transportation

Orange County Parks

Orange County Transportation Authority

US Marine Corps

Federal Highways Administration

Accomplishments:

- 44 dams removed

Forest Service Contribution: \$180,000 to date

Partner Contribution: \$500,000 to date

This project is part of a nation-wide initiative to restore stream function and remove barriers to fish and aquatic organism passage. 81 total manmade dams occurring in several stream segments totaling approximately 4.75 stream miles are targeted for removal. These dams are partial or complete barriers to native fish and other aquatic organisms, especially during periods of low flow. Currently 44 of these dams have been removed using multiple methods of removal; excavator, explosives, and pneumatic devices. The remainder of these dams are planned for removal within the next couple years.



Before



Directly after (Explosives)



Before



After (Excavator)

All of the project areas are within streams or watersheds where the Recovery Plan for Southern Steelhead has identified removal of dams as a priority to promote species recovery.



October 2, 2019

Sent via email Lesley Hill and Dan Phu

Chair Lisa Bartlett and Committee Members
OCTA/Measure M2 Environmental Oversight Committee
550 South Main Street
Orange, CA 92868

Re: Follow up to Chair's request for information to agendize discussion of acquisition of conservation easement (Hobo Aliso Ridge) adjoining Pacific Horizon Preserve, Laguna Beach

Dear Chair Bartlett and EOC Members:

It is with great appreciation that I submit the following information for your consideration and discussion at the next EOC meeting in November. This is not an exhaustive submittal, but rather an overview of the points I covered at the July 2019 EOC meeting, and just a few of the reasons OCTA EOC would want consider acquiring the Hobo Aliso Ridge property. Many thanks to Chair Bartlett for requesting this information so that this issue might be more thoroughly discussed and considered by the Committee.

Your staff already has a lot of information on this property as we have had many partnership discussions over the past several years since the Pacific Horizon Preserve was acquired. We recently worked collaboratively on the restoration CDP that came before the CCC in September. Staff has also met with Center for Natural Lands Management multiple times over the last decade. This is the same land management company that Sierra Club and California Coastal Commission (CCC) staff have been meeting with, as mentioned during my testimony in July.

Perhaps the best first step in acquainting you with this property and providing background is the 2010 CCC staff report for the consent cease and desist and restoration of the property (original staff report and addendum in the links below). The exhibits are additional links at the end of the report that detail the original removal and restoration program and provide a good overview of what has been accomplished and established. A lot of other work has been done to enhance the property and its natural resources. I would like to have an opportunity to discuss that more in detail in person, and perhaps present a PPS to the EOC in November, or work with your staff on a presentation.

<https://documents.coastal.ca.gov/reports/2010/12/Th8.1-s-12-2010.pdf>

<https://documents.coastal.ca.gov/reports/2010/12/Th8.1-s-12-2010-a2.pdf>

Again, in an effort to make this a brief overview versus a more detailed presentation, here is a short list of the benefits that would accompany the acquisition of this property:

- The Hobo Aliso Ridge property/conservation easement is contiguous with the Pacific Horizon Preserve and would be made available to OCTA at no cost, with no inherited obligations or property taxes. This is an area of deferred certification under the jurisdiction of the CCC, and they administer enforcement of all orders. The California State Coastal Conservancy (SCC) holds the conservation easement for this property.
- There are currently two restoration projects underway, both of which are being managed by the CCC and have monitoring programs included that will also be managed and enforced by the CCC. The California and Federally listed species *Verbesina dissita* or Big-Leaved Crownbeard is just one of the species of special concern that the restoration projects will focus on – similar to some of the work your staff has taken on at the Pacific Horizon Preserve. The CCC, through other related enforcement orders, has an additional \$20,000 in reserve to complement the current restoration work.
- The CCC has worked diligently with the City of Laguna Beach and Orange County Fire Authority over the past two decades to establish strict guidelines and focused permitting for fuel modification in this area that includes protection of the valuable ESHA and endangered species on site.
- Sierra Club and OCTA staff have an established working relationship with Center for Natural Lands Management (CNLM). CNLM is currently working on a grant in conjunction with the SCC to fund a Property Analysis Record (PAR) for the Hobo Aliso Ridge property. The PAR should be available very soon and provide more detailed information for acquisition purposes. Additionally, and as discussed in July, CNLM would be an excellent candidate for land management in the near future.

I hope this provides the information the EOC had in mind, but please know I am available to work with your staff and provide additional information as deemed necessary for the November meeting. CCC staff has also offered to provide additional, detailed information as needed.

Thank you again for this opportunity.

Sincerely,



Penny Elia
Task for Chair, Save Hobo Aliso Task Force
Sierra Club

Copy: Lesley Hill, Project Manager, Environmental Mitigation Program, OCTA
 Dan Phu, Project Manager, Environmental Mitigation Program, OCTA
 Jack Ainsworth, Executive Director, CCC
 Lisa Haage, Chief of Enforcement, CCC
 Aaron McLendon, Deputy Chief of Enforcement, CCC