



PUBLIC ACCESS: FREQUENTLY ASKED QUESTIONS

The Orange County Transportation Authority (OCTA) has received numerous comments, questions, and concerns regarding future public access on the OCTA Conservation properties (Preserves), especially in the Trabuco Canyon area. Following are detailed responses to several questions that have been asked by the community.

WHAT IS THE ENVIRONMENTAL MITIGATION PROGRAM AND WHY DID OCTA BUY THESE CONSERVATION PROPERTIES?

In 2006, Orange County voters approved the renewal of Measure M (M2), effectively extending the half-cent sales tax to provide funding for transportation projects and programs in the County. As part of M2, a portion of the freeway program revenues was set aside for the Environmental Mitigation Program (EMP). The EMP allocates funds to purchase Conservation properties and contribute to habitat restoration projects in exchange for streamlined project approvals for 13 freeway improvement projects included in the Measure.

The M2 freeway projects impact protected habitats and biological resources including plants and wildlife. State and federal laws require that impacts to these resources be reduced (mitigated). To do this, OCTA is coordinating with the California Department of Fish and Wildlife as well as the United States Fish and Wildlife Service (collectively referred to as Wildlife Agencies) and developing a Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan). Conservation properties (Preserves) that possess habitat and important wildlife species that are similar to those affected by the construction of the M2 freeway projects have been purchased and are included in the Conservation Plan. These Preserves will remain in a natural state and will be protected in perpetuity.

The Conservation Plan requires that the Preserves have a biologist review the condition of the valuable plants and wildlife (including wildlife movement) on a regular basis to ensure that they are protected and healthy. The biologist also makes management recommendations and works with the Wildlife Agencies to ensure the resources do not degrade in quality and quantity over time.

WHAT IS A RESOURCE MANAGEMENT PLAN (RMP)?

A Resource Management Plan (RMP) provides guidelines for the management and monitoring of the Preserves in accordance with the goals and objectives in the Conservation Plan. The RMPs provide guidance for the ongoing protection, preservation, and adaptive management of natural resources within the Preserves, including control of encroachment activities (i.e. illegal dumping or trail creation). The RMPs also address fire protection opportunities to accommodate safe access and recreational use of the Preserves, where and when appropriate. A separate RMP is being developed for each Preserve. Designated roads and trails (and their uses) will be identified in each RMP.





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WHEN WILL THE RMPs BE COMPLETE?

Typically, RMPs are not required until years after the finalization of a Conservation Plan. Due to high public interest, OCTA is making it a priority to draft and release these documents well before the Conservation Plan is approved. To gather additional feedback, OCTA included a public review and comment period for the RMPs. OCTA is scheduled to release the Trabuco Canyon Preserve RMPs in fall 2015. There will be a 90-day public comment period and public meetings will be scheduled. Once the comment period is complete, public input will be considered in the development of the final RMPs. These RMPs are anticipated to be finalized by mid-2016. Ultimately, the RMPs must be approved by the Wildlife Agencies.

WILL THE PRESERVES BE OPENED TO THE PUBLIC?

Some of the Preserves may be opened to the public in the future where it is safe and does not degrade the biological resources. Every Preserve is unique since they each have different attributes, terrains, topography, adjacent land use, etc. The RMPs will determine the level of access for each Preserve.

Although the Trabuco Canyon Preserves are currently not open to the public, hiking and equestrian events have been organized for the Ferber Preserve over the last several years. OCTA plans to increase these events in 2016.

WILL 24/7 ACCESS BE ALLOWED?

No, each Preserve was purchased by OCTA for conservation purposes and has restrictions on its use. While public access is an important co-benefit, it is not the main purpose for which the Preserves were acquired. Unsupervised and unlimited public access increase the risk of wildlife disturbance, wildfire, and other potential habitat destruction. Any future access must be established and managed to ensure the permit conditions of the Conservation Plan are adhered to in perpetuity. The Conservation Plan requires that any potential recreational access be limited to passive activities such as walking, jogging, hiking, bird watching, non-competitive mountain biking and equestrian use, where appropriate.

In addition, many properties adjacent to the OCTA Preserves are under private ownership and/or currently do not permit public access. In allowing access on the Preserves, OCTA must also consider adjacent ownership as well as adequate staging areas such as parking facilities. In most cases, Preserves are located in rural areas of the County where there are few, if any, safe staging areas for visitors. To minimize traffic and circulation impacts to adjacent properties, OCTA shuttles hikers into Preserves during public events.



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TO WHAT EXTENT IS THE FOOTHILLS TRABUCO SPECIFIC PLAN APPLICABLE TO OCTA'S USE OF THE PROPERTY?

The primary purpose of the FTSP is to mitigate environmental impacts on habitat that is caused by developing properties within the Plan area. OCTA's sole purpose in purchasing the Preserves is to ensure that they are not developed and that no development will ever occur on the OCTA Preserves in the future. Accordingly, the FTSP generally does not apply to OCTA's intended use of the Preserves for mitigation purposes. OCTA will place conservation easements on the Preserves to keep them in their natural state.

IS OCTA IN COMPLIANCE WITH THE COUNTYWIDE REGIONAL TRAILS PLAN?

Yes, the Regional Trails Plan is meant to provide permanent trail connections throughout the County. At the moment, OCTA's Preserve trails are isolated because neighboring properties are in private ownership with restricted access. In the future, if adjacent property owners are open to public access, then OCTA may re-evaluate the system of trails within the Preserves. OCTA is open to future opportunities regarding regional trail access as long as it meets the objectives of the OCTA Conservation Plan. Until that time, OCTA cannot encourage public access on private lands.

WHY CAN'T THERE BE PUBLIC ACCESS ON THE EXISTING MAINTENANCE/FIRE ROADS?

OCTA acquired the Preserves for conservation purposes. Many of the existing trails are either adjacent to or formerly possess sensitive habitat. Some traverse through sensitive creeks. There was no biological consultation or master plan used in the establishment of these trails. Therefore, OCTA has closed off access and enabled these areas to naturally restore to their native state. The trails that remain available for access must be consistent with the principal goal of resource protection and preservation.

IF OCTA PURCHASED THE PRESERVES WITH TAXPAYER MONEY, ISN'T THE PUBLIC ENTITLED TO ACCESS THE PRESERVES FREELY?

No. The OCTA Preserves are conservation properties. It is correct that these Preserves were purchased with County sales tax money. However, the main purpose of these funds was to acquire mitigation properties in exchange for the Measure M2 freeway project improvements.

In addition, these Preserves will not be part of the County system of regional or wilderness parks. The Preserves require a higher level of conservation protection and stewardship. Some of the reasons these lands were protected include wildlife connectivity, presence of sensitive species, and valuable habitat.



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WHY IS THERE PUBLIC ACCESS ON THE ALISO CANYON PRESERVE, BUT NOT ON OTHER PRESERVES?

By definition, public access refers to access that could be utilized by anyone and everyone in the public. OCTA has acquired seven Preserves to date. Six of the seven Preserves did not have public access prior to OCTA taking title of the property.

In the case of Aliso Canyon, this property has an existing trail adjacent to Moulton Meadows Park. The public used this trail before OCTA acquired the property. The previous property owner allowed access by the general public. Therefore, OCTA maintained this access after the purchase of this Preserve. As with all of the OCTA Preserves, Aliso Canyon will be routinely monitored by a biologist to evaluate the condition of the biological resources. If OCTA determines the level of access has negative effects on the Preserve habitat, steps will be taken to protect the resources.

WHAT HAS OCTA DONE TO PREPARE FOR POTENTIAL FIRES AND FLOODS ON THE PRESERVES?

OCTA works directly with the Orange County Fire Authority (OCFA) to keep up-to-date with and comply with fire management guidelines for all of its Preserves. The Preserves are located in historically high fire risk areas. OCTA continues to work closely with OCFA to comply with fire management guidelines. This includes the establishment of fuel modification zones, as well as the maintenance of the fire roads and Preserve access points. Management activities are completed on a routine basis to comply with these requirements. These requirements vary for each of the Preserves. In addition, OCTA is actively monitoring the Preserves to determine if maintenance issues such as degraded trails and access roads can be proactively repaired in advance of potential storm events.