



# AGENDA

## Measure M2 Environmental Oversight Committee

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### **Committee Members**

*Brian Goodell, Chair*  
*Melanie Schlotterbeck, Vice Chair*  
*Karen Drewe, CA Dept. of Fish & Wildlife*  
*Katrina Foley, OCTA Board of Directors*  
*Ajay Khetani, Taxpayer Oversight Committee*  
*Veronica Li, US Army Corps of Engineers*  
*Derek McGregor, DMc Engineering*  
*William Miller, US Fish and Wildlife Service*  
*Joe Navari, CA Wildlife Conservation Board*  
*Bev Perry, Civic Engagement Consultant*  
*Alben Phung, Caltrans*  
*Dan Silver, Endangered Habitats League*

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

**Wednesday, Nov. 1, 2023 at 2:30 p.m.**

### **Teleconference Locations:**

Brea City Sports Park  
3333 E. Birch Street  
Brea, CA 92821

New Natural Resources Headquarters  
715 P Street  
Conference Room 17-105  
Sacramento, CA 95814

Office of Director Katrina Foley  
34475 Golden Lantern Street  
Dana Point, CA 92629

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.

### **Meeting Access and Public Comments on Agenda Items**

Members of the public can either attend in-person or listen to audio live streaming by clicking this link: <https://octa.legistar.com/Calendar.aspx>

- 1. Welcome**
  - 2. Pledge of Allegiance**
  - 3. Approval of Aug 2, 2023, Minutes**
  - 4. Irvine Ranch Conservancy Restoration Projects Update**  
Lesley Hill, OCTA
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# AGENDA

## Measure M2 Environmental Oversight Committee

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Robert Freese and Collin Raff, Irvine Ranch Conservancy

*In September 2023, the Wildlife Agencies provided their official sign off on the OCTA funded Lower Silverado Canyon and Agua Chinon restoration projects. The Agua Chinon restoration project was funded jointly with Bee Flat Canyon restoration project in 2011. The Bee Flat Canyon portion of the restoration project was previously approved in 2020. The Lower Silverado Canyon project was funded by OCTA in 2014. The projects are within lands owned by Orange County Parks and the Irvine Company and were planned and implemented by the Irvine Ranch Conservancy. The projects' goals were to reestablish a diverse, resilient, self-sustaining ecosystem. These are the sixth and seventh OCTA funded restoration projects to meet their success criteria. A brief summary of the projects is attached. OCTA and the Irvine Ranch Conservancy will provide an overview of the projects to the committee.*

### 5. Fairview Park Restoration Project Update

Lesley Hill, OCTA

*The Fairview Park Restoration Project was approved for funding through the Measure M2 Freeway Environmental Mitigation Program in 2011. The City of Costa Mesa (City) has been the lead on this project, which included the creation and restoration of coastal sage scrub, riparian, wetland, and grassland habitat. Additional information is attached. Staff will provide a brief update on this project.*

### 6. OCTA Conservation Plan Annual Report

Lesley Hill, OCTA

*The Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan) permit was issued by the Wildlife Agencies in 2017. Annual reports are required as part of the Conservation Planning process. OCTA has completed the fifth (2018 through 2022) Conservation Plan Annual Report. This report includes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves, status and activities on the Preserves, progress of the restoration projects, and Conservation Plan administration and public outreach activities. OCTA is in compliance and on target with the Conservation Plan commitments. The draft executive summary of this report and additional information are attached. Staff will present an overview of the Annual Report contents.*

### 7. 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 of 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

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# **AGENDA**

## ***Measure M2 Environmental Oversight Committee***

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**10. Next Meeting – February 7, 2024**

**11. Adjournment**



## ***Minutes***

### ***Measure M2 Environmental Oversight Committee***

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#### **Committee Members**

*Brian Goodell, Chair  
Ajay Khetani, Taxpayer Oversight Committee  
Chris Flynn, Caltrans  
Dan Silver Endangered Habitats League  
Derek McGregor, DMc Engineering*

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

***Wednesday, August 2, 2023 at  
2:30 p.m.***

#### **Member(s) Absent**

*Bev Perry, Civic Engagement Consultant  
Karen Drewe, CA Dept. of Fish & Wildlife  
Joe Navari, CA Wildlife Conservation Board  
Veronica Li, US Army Corp of Engineers  
William Miller, US Fish and Wildlife Service*

#### **Member(s) Teleconferencing**

*Daniel Vasquez, CA Wildlife Conservation Board  
Katrina Foley, OCTA Board of Directors  
Melanie Schlotterbeck, Vice Chair*

#### **Teleconference Location:**

*Brea City Sports Park  
3333 E. Birch Street Brea, CA 92821*

*New Natural Resources Headquarters  
715 P Street  
Conference Room 17-201  
Sacramento, CA 95814*

*OC Sailing and Events Center, Community Room  
34571 Golden Lantern Street  
Dana Point, CA 92629*

#### **1. Welcome**

Chair Brian Goodell called the Environmental Oversight Committee (EOC) meeting to order.

#### **2. Pledge of Allegiance**

Chris Flynn lead the Pledge of Allegiance.

### **3. Approval of February 1, 2023, Minutes**

A motion was made by Derek McGregor, seconded by Chris Flynn to approve the minutes. Motion passed unanimously.

### **4. Environmental Mitigation Program Endowment Fund Investment Report**

Dan Phu, Sustainability Planning Manager, and Robert Davis, Manager Treasury/Public Finance provided an update on the Environmental Mitigation Program Endowment Fund Investment Report.

#### Committee Member Comments:

A committee member asked if the Endowment Fund reached in 2028 would be the point at which the OCTA Board would agree to sell bonds and resume acquisitions. Dan Phu responded that they are not looking to bond against future revenue to make acquisitions. If there was a decision to make additional acquisitions, there needs to be a nexus to a freeway improvement project or something tied to the original premise of the program.

A committee member commented that they were five years away from building the endowment. They asked what happens in 2028 and what sort of planning should be done. Dan Phu commented that back in 2015 the OCTA Board, and this committee, approved a framework on what to do with the future disposition of the program at large, not necessarily tied to just acquisitions. Dan said he would furnish the staff report to the committee and revisit that at a future date.

### **5. Dam Removal Restoration Project Update and Site Tour**

Dan Phu, Sustainability Planning Manager and Lesley Hill, Planning, gave an update on this item. <This presentation available upon request.>

#### Committee Member Comments:

Committee Members commented on the success of the restoration project.

### **6. Fairview Park Restoration Project Update**

Lesley Hill, Planning, and Kelly Dalton, Fairview Park Administrator, City of Costa Mesa, presented an update on this item. <This presentation available upon request.>

#### Committee Member Comments:

A committee member asked about the Fairview Park Master Plan and how it ties in and what do we need to know about the mitigation effort. Kelly Dalton responded they have been analyzing and communicating with their master plan consultant and CEQA (California Environmental Quality Act) team. The intent is not to delay the projects they are implementing right now to meet the mitigation needs but to make sure they are consistent with the current Fairview Park Master Plan. They are not expanding the scope of the master plan. The tentative adoption date is about nine to 12 months out. There is a current objective to have more details on the coastal sage scrub and grassland mitigation related restoration plans, which is about six months out.

A committee member commented there is no timeline in the grant agreement between OCTA and the City of Costa Mesa. They asked for a general idea of when to expect to get final sign off. Kelly Dalton responded that the area needs significant restoration and 5 to 6 years of monitoring and maintenance, they wouldn't expect final signoff until the end of that monitoring and maintenance time period. Kelly Dalton said the city will work with OCTA to determine if they are beyond any deadline that they have.

A committee member commented that we should expect the additional restoration to take five to seven years minimum for project completion. Kelly Dalton responded yes, theoretically it would take that amount of time to reach the point where it is considered successful for the long term without requiring further active maintenance and monitoring.

A committee member asked in the grassland area shown on the map, how is the trail system going to relate to these mitigation-restoration areas. Kelly Dalton responded the trails and circulation are a central component of the Fairview Park Master Plan, it has historically been lacking and is being looked at park-wide now. In the restoration and mitigation areas they are looking to provide extra protection. There is no final trail line set at this time, but the intent is to have more and better designated trails.

A committee member commented that it did not look like much has happened since they met out there in the spring, and felt the presentation given today did not provide any additional clarity on what the plan is. They asked for a timeline. Kelly Dalton responded they are actively meeting with the public works team and parks department to come to a resolution on this. There are other significant projects happening simultaneously and they are trying to make sure they all mesh and are not doing anything that could pose a CEQA issue or piecemeal issue and they are being very sensitive to the multitude of protected environmental resources and layers. Kelly Dalton said it is a priority and the funding has been committed now that the budget went through July 1, 2023. They are actively meeting with multiple consultants and departments to come up with an action plan. Kelly Dalton said he hoped to come back with a more detailed plan as they coordinate further with Wildlife Agencies on the draft proposal. They are meeting with Land IQ who is the habitat restoration specialist under the master plan project and actively coordinating meetings with all those parties to come up with a more well defined and detailed plan.

A committee member commented that they would like a status report within the next two months. Since the city knew about this since 2019, it is disappointing that they are still only talking about this and there does not seem to be a sense of urgency to move forward on this plan. They want to see a clear action plan and timeline and updated photographs that the committee can look at as none of this is current. Kelly Dalton responded they can work with OCTA staff and come up with an additional, more detailed plan as soon as possible.

A committee member responded they would like an update in two months. Kelly Dalton responded they can provide more information within two months.

A committee member asked what OCTA's role was with this restoration project. Dan Phu responded that OCTA acts as a grantor for the habitat restoration project. The responsibility

and contract OCTA has with the city includes an agreement on 23 plus or minus acres of certain types of habitats that tie back to the freeway program under the sales tax measure. The State and Federal wildlife agencies bought in on the habitat restoration plan and OCTA has obligations to the wildlife agencies. This project is tied to the OCTA Natural Community Conservation Plan, which is a state document and the federal document, the Habitat Conservation Plan.

#### **7. Transportation Corridor Agency Saddle Club Site Plan Update**

Dan Phu, Sustainability Planning Manager provided an update. <This presentation available upon request.>

##### Committee Member Comments:

A committee member commented that it sounds like everything is okay with the plans on the site and this is following up on what we last heard. Dan Phu responded correct. The TCA (Transportation Corridor Agencies) has worked with them to address their concerns.

A committee member asked why TCA owns the property and was it mitigation for them. Dan Phu responded we do not know for sure. It may have been.

A committee member asked if TCA was doing anything else with the property. Dan Phu responded they did not know what they were doing with any of their other conservation properties.

A committee member asked how the property is separated. Dan Phu responded it is separated by a fence line.

A committee member commented that it looked like they were re-activating the stable. Lesley Hill responded that it looks like they are doing some activities and has reached out to the TCA who responded they are waiting for permits to do some of the site cleanup and they are working with the wildlife agencies on the habitat plan.

A committee member asked what the project description was in the CEQA document. Lesley Hill responded it was some restoration and community recreation opportunities and that it was general. The site plan was focused on removing some of the structures and existing infrastructure. The committee member asked if being an adjacent property owner enabled OCTA to comment on the CEQA. Lesley Hill responded she believed so.

#### **8. Southern California Edison Coordination Update**

Lesley Hill, Planning, and Cassie Trapesonian, Assistant General Counsel, Woodruff & Smart, gave an update on this item. <This presentation available upon request.>

##### Committee Member Comments:

A committee member asked who does the notification go to, is it a phone call, a formal letter, how do they do the notification? Cassie Trapesonian responded it would go to Lesley's group, the contacts in the environmental group. The notification is flexible, as things change the parties can work together to determine the best notification. Lesley Hill

responded SCE has been better in their notifications, they have developed and implemented a newer program and OCTA has been getting contacted routinely, usually by email with Google Earth files that show exactly where the poles are, and they have been giving a description of what their actions are.

A committee member asked about the purple lines on the exhibit. Lesley Hill responded that SCE is considering relocating some of these poles, and if that is the case they will not be needing or using some of these paths. OCTA is waiting for them to confirm what poles are staying. If they are staying, that becomes a permanent impact and SCE is responsible for compensation for the loss of that habitat. Staff are waiting for them to provide a compensation plan that the wildlife agencies and California Coastal Commission would have to approve. We understand that SCE is required to obtain a coastal development permit retroactive of the impacts. The trails will be laid out and they will understand exactly how they are supposed to access. We have coordinated very closely with OC Parks. A lot of these poles are actually on county property, and they are going through OCTA property to get to them.

A committee member asked if this impacted Silverado Chaparral and if it was the same process. Cassie Trapesonian responded yes, we will record an individual easement on each of the separate properties and they will all refer to this access agreement. OCTA will have one access agreement for all the properties and the easement themselves will all be unique to each of the preserve properties. For the easements, we are not going to record our access maps, we are going to refer to the access agreement. This will give OCTA more flexibility should access needs change. It's important to maintain the flexibility to change the maps out as exhibits to the access agreement as opposed to having an agreement we would have to legally change and re-record if/when access needs change.

A committee member asked if the access agreements are going to be recorded or are they going to be agreements between two parties. Cassie Trapesonian responded they are going to record a memorandum of access agreement on each of the properties which puts the property owners on notice that an access agreement exists, but OCTA is not going to record the actual agreement so changes can be made. The easements will lay out the location of the poles and the distribution lines and will say to refer to the access agreement for access needs.

A committee member asked if this memorandum of access agreement will show up as an exception in the Pacific Horizon title report. Would it then be noted that you should contact OCTA for additional information? Cassie Trapesonian responded she believes so, we are recording it on the property and absent any unusual circumstances it would show up on the title report.

A committee member asked if there was any compensation for easements being drafted showing the poles and the paths to them and if any of the easements will have any restoration done on these paths to restore it back to its original condition. Cassie Trapesonian responded no to the question on the compensation for the easement. Their



poles have been there longer than we have owned this property and they have a strong prior rights argument. With respect to restoring Pacific Horizon, because the agreement was not in place at the time the property damage occurred, OCTA cannot hold them to the timelines of the agreement but OCTA has been working with them separately and continue to reserve all rights to seek reimbursement for damages on the property. Staff hopes to continue to work with them and get the property restored.

A committee member commented that prescriptive rights could apply to the yellow line trails on the map that have been there for some time but does not see how they have prescriptive rights to the newer trails. Cassie Trapesonian responded correct. The easement will not show those paths, just the location of the poles and the distribution lines that suspend between those poles. The access paths will be dealt with separately in the access agreement and mostly controlled by OCTA.

#### **9. Hikes and Equestrian Rides**

Marissa Espino, Public Outreach, presented an update on the item.  
There is a master calendar of events at [preservingourlegacy.org](http://preservingourlegacy.org).

#### **10. Public Comments**

There were no public comments

#### **11. Committee Member Reports**

There were no committee member reports

#### **12. Next Meeting November 1, 2023 at 2:30 p.m.**

#### **13. Adjournment Meeting was adjourned at 3:42 p.m.**



**November 1, 2023**

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

***Item 4 – Irvine Ranch Conservancy Restoration Projects Update***

In September 2023, the United States Fish and Wildlife Service and the California Department of Fish and Wildlife (collectively known as the Wildlife Agencies) provided their sign off on the OCTA funded Lower Silverado Canyon (28.4 acres in Silverado Canyon) and Agua Chinon (6.1 acres near Irvine) restoration projects (see Attachments A and B). The projects are within lands owned by Orange County Parks and the Irvine Company (TIC) and were planned and implemented by the Irvine Ranch Conservancy (IRC). The projects' goals were to reestablish a diverse, resilient, self-sustaining ecosystem. The benefits included improved wildlife habitat, new corridors for wildlife movement, reduced wildfire hazard, improved soil health and water quality. These are the sixth and seventh OCTA funded restoration projects to meet their success criteria. Additional information pertaining to both project is provided below.

**Agua Chinon Restoration Project**

The Agua Chinon project involved restoration of a variety of riparian habitats. The project was funded jointly with the Bee Flat Canyon restoration project in 2011. The Bee Flat Canyon portion of the restoration project was approved by the Wildlife Agencies in 2020. The Agua Chinon project area was seeded in 2016 and met all success criteria by 2020. Unfortunately, the restoration area burned in the October 2020 Silverado Fire. Subsequently, IRC began implementing an approved plan for recovery of native vegetation in 2021. This required the project timeline to be extended to meet success criteria. In September 2023 all involved agencies agreed that the project had successfully met the required success criteria and provided their respective sign off on this project.

Not only did this project help satisfy the commitments of the OCTA Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan), but it also helped meet the mitigation needs related to the OCTA/Caltrans Section 404 Clean Water Act programmatic freeway permit issued by the United States Army Corps of Engineers (Corps). This was the first Corps approved OCTA restoration project (area owned by TIC) to have met the restoration success criteria and satisfy the Corps and Environmental Protection Agency requirements to establish a long-term management plan, which is a Corps approved land protection document and an endowment agreement. OCTA staff worked closely with Corps and TIC staff to complete and record all these documents in 2023. This project was especially important as it provides mitigation credits within a Special Area Management Plan designated by the Corps, in which strict mitigation and permitting requirements are in place. The programmatic permit and affiliated Agua Chinon mitigation will specifically help streamline the implementation for the OC Go freeway Project B (I-5, I-405 to the SR-55) and Project L (I-405, I-5 to the SR-55). Without this mitigation in place, OCTA and Caltrans would have had to seek a mitigation project within this same OC watershed which remains a challenge.

#### Lower Silverado Canyon Restoration Project

The Lower Silverado Canyon project was funded by OCTA in 2014. The project was incorporated into the OCTA Conservation Plan and includes restoration of riparian and coastal sage scrub habitats. IRC and OCTA staff sought sign off for this project in 2021. It was determined by the Wildlife Agencies that one more year of non-native grass maintenance was required. These maintenance activities continued into 2022. The final annual report showed that success criteria had been met and the Wildlife Agencies provided their sign off on the project in September 2023.

The overall enhancement within the Lower Silverado Creek has resulted in a functional increase of habitat within the Santa Ana River Watershed. The long-term goal of IRC's Landscape-scale Restoration Program is to facilitate habitat restoration and enhancement for the purpose of increasing landscape-scale ecosystem resilience and resistance to disturbance, primarily from catastrophic wildfire and invasive species. This requires implementing restoration at scales that are ecologically meaningful and with a diversity of species groups that provide functional integrity and adaptability to a changing environment. Based on the project's performance, it is assumed that the native community will produce enough seed and create an environment that will favor successful recruitment with minimal maintenance.

#### ***Item 5 - Fairview Park Restoration Project Update***

In February 2011, OCTA awarded the City of Costa Mesa (City) \$2 million for a 23-acre habitat restoration project within the City's Fairview Regional Park.

Approximately 13 acres of the proposed project have been implemented. Once the restoration is completed and approved by the Wildlife Agencies, OCTA can utilize the restored habitat for mitigation as part of the OCTA M2 Conservation Plan. As presented during the previous EOC meeting, various project concerns have been discussed between the City, OCTA, and the Wildlife Agencies. The project is deficient of approximately 10 acres of the committed restoration habitat types. In addition, the City has yet to record a required conservation easement over the project area. If these project requirements are not completed, OCTA would be out of compliance with the Conservation Plan provisions and the City of Costa Mesa would be out of compliance with their contractual obligations.

The City presented an update to the EOC during the August EOC meeting. During that meeting Director Foley had requested an update on the project timeline within two months of the August EOC meeting and Chair Goodell requested the City to return to the Committee in November with an update. Subsequently, OCTA attended a meeting with the City, Wildlife Agencies, and the City's restoration consultant in August to discuss project options and challenges. The City committed to working on a conceptual figure to further the restoration opportunities evaluation. OCTA then followed up with the City in early September (via email) to request a status update and then provided a letter (Attachment C) in mid-September reminding the City of the information request at the Committee. It is OCTA's understanding that the City and Director Foley's office have been working on scheduling a meeting to discuss. A brief update will be provided to the EOC.

#### ***Item 6 – OCTA Conservation Plan Annual Report***

OCTA has developed a Conservation Plan, acquired conservation properties/Preserves, and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. Annual reports are required as part of the Conservation Planning process. The executive summary for the fifth Annual Report is provided as Attachment C. This summary includes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves, status and activities on the Preserves, progress of the restoration projects, and Plan administration and public outreach activities.

This Annual Report documents activities from January 1 through December 31, 2022, OCTA is complying and on target with the Conservation Plan commitments. Some of the notable activities from 2022 include:

- Ongoing construction of three freeway projects;
- Completion of one restoration project;
- Completion of focused plant surveys for all Preserves

- Completion of focused herpetology surveys for 2 Preserves;
- Ongoing mammal monitoring at 4 Preserves;
- Continued management of the Preserves including the treatment of targeted invasive weeds and pests; and
- Ongoing effort to approve the fire management plans, conservation easements and endowment for the Preserves.

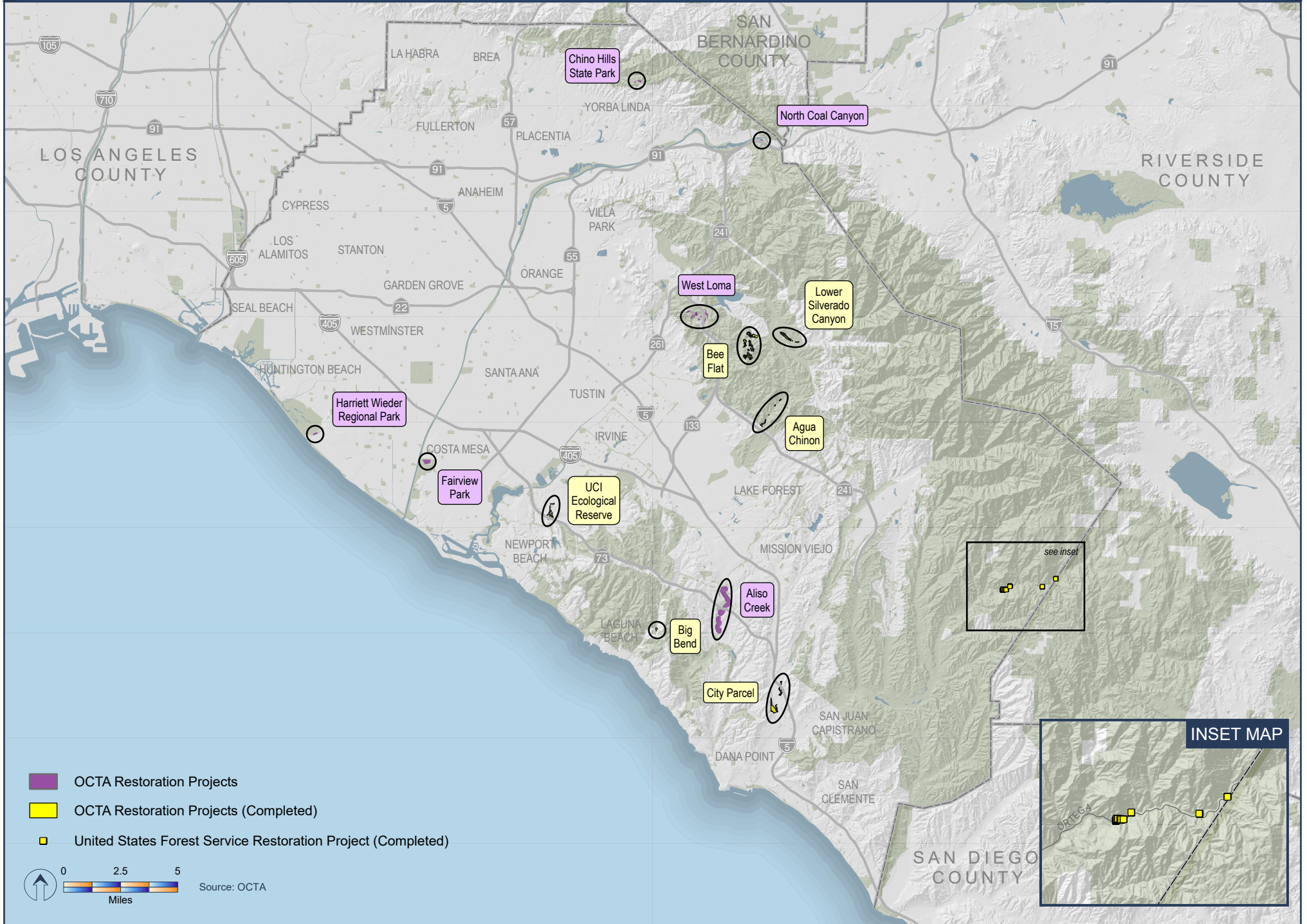
OCTA will continue towards the completion of the required Conservation Plan objectives. The executive summary of this report is attached and has been reviewed by the Wildlife Agencies and has been posted to the OCTA website <http://www.octa.net/About-OC-Go/OC-Go-Environmental-Programs/Preserve-Management/>. Staff will present an overview of the Annual Report content.

Attachments:

- A. OCTA Restoration Projects
- B. OCTA M2 EMP Funded Restoration Projects Status Table
- C. September 18, 2023 OCTA Letter to City of Costa Mesa
- D. OCTA M2 Natural Community Conservation Plan/Habitat Conservation Plan – 2022 Annual Report Executive Summary



# Funded Restoration Projects Map



OCTA M2 EMP Funded Restoration Projects Status Table

ATTACHMENT B

Project Name	Sponsor/ Geographic Area	Cost	Approximate Acreage and Habitat Types	Land Protection Document Type/Status	Year Began	Project Status
Big Bend	Laguna Canyon Foundation/ Laguna Beach	\$87,500	3.7 coastal sage scrub (CSS) and riparian woodland	Restrictive Covenant/ Complete	2011	Signed off 2017
City Parcel/2C Ranch	City of San Juan Capistrano/ San Juan Capistrano	\$1,500,000	53 CSS, native grassland, oak woodland, and riparian	Restrictive Covenant/ Complete	2011	Signed off 2018
UCI Ecological Reserve	Natural Community Coalition/ Irvine	\$325,000	8.5 cactus scrub	Central/Coastal NCCP/HCP Reserve	2011	Signed off 2021
United States Forest Service Dam Removal	United States Forest Service/ San Juan Capistrano and Trabuco Canyon	\$185,000	31* Dams, creek bed and riparian	USFS Protected Lands	2018	Signed off 2022
Bee Flat Canyon	Irvine Ranch Conservancy/ Irvine	\$1,597,860*	90.1* (84 acres Bee Flat/6.1 acres Agua Chinon) chaparral, CSS, native grassland, riparian, and woodland	Restrictive Covenant/Complete	2011	84 acres Signed off 2020
Agua Chinon				Central/Coastal NCCP/HCP Reserve  Land Protection Document Pending Corps approval (County area 0.31 acre)	2011	6.1 acres Signed off 2023 (Wildlife Agencies)  0.83 acres (The Irvine Company portion) Signed off 2023 (Corps) 0.31 acres (County) pending Corps legal requirements

OCTA M2 EMP Funded Restoration Projects Status Table

ATTACHMENT B

Project Name	Sponsor/ Geographic Area	Cost	Approximate Acreage and Habitat Types	Land Protection Document Type/Status	Year Began	Project Status
Lower Silverado Canyon	Irvine Ranch Conservancy/County of Orange	\$1,414,435*	28.4* Riparian	Conservation Easement/ Complete	2014	Signed off 2023
West Loma	Irvine Ranch Conservancy/County of Orange	\$1,454,570*	62.4* CSS and riparian	Conservation Easement/portion covered by a Restrictive Covenant/ Complete	2013	Pending (anticipated 2024)
Harriett Weider Regional Park	Bolsa Chica Conservancy/Huntington Beach	\$475,000	8.2 CSS, native grassland, and riparian	Restrictive Covenant/ Complete	2016	Pending (anticipated 2024)
North Coal Canyon	California Department of Parks and Recreation/ Yorba Linda	\$247,500	5.5 CSS	Restrictive Covenant/ Conserved by the Land and Water Conservation Fund (LWCF)	2019	Pending (anticipated 2024)
Fairview Park	City of Costa Mesa/ Costa Mesa	\$2,000,000	23 CSS, native grassland, riparian, and wetland	Needed	2011	Pending
Aliso Creek	Laguna Canyon Foundation/ Laguna Niguel	\$1,482,100*	55 riparian	Restricted Covenant Pending	2015	Pending (anticipated 2025)
Chino Hills State Park	Chino Hills State Park/ Yorba Lina	\$193,000	11 cactus scrub	Conserved by the LWCF	2020	Pending (anticipated 2025)

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

Shaded cells indicate the project is complete and has obtained “sign off” from the Wildlife Agencies.

\*Amounts depicted in the table were revised/amended pursuant to the OCTA Board approved contracting procedures.





## AFFILIATED AGENCIES

Orange County  
Transit District

Local Transportation  
Authority

Service Authority for  
Freeway Emergencies

Consolidated Transportation  
Service Agency

Congestion Management  
Agency

September 18, 2023

Ms. Lori Ann Farrell Harrison  
City Manager  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Subject: **Fairview Park Wetlands and Riparian Habitat Restoration Project**

Dear Ms. Harrison,

The Orange County Transportation Authority (OCTA) acknowledges the City of Costa Mesa's (City) efforts and commitment to the Fairview Park Wetland and Riparian Habitat Restoration Project (Project). In September 2010, after a competitive evaluation process, the OCTA Board of Directors approved the project and granted funding for the City. This Project has been in the works for many years. Moreover, OCTA recognizes that City staff has experienced challenges with the Project, and that they are intent on fulfilling the restoration requirements and contractual obligations as stated in the Project agreement.

OCTA appreciates the City's recent presentation at the OCTA Environmental Oversight Committee (EOC) meeting held on August 2, 2023. During the meeting, City staff provided an update to the committee regarding the Project. In discussing the Project, Director Katrina Foley requested that City staff provide a defined project action plan, timeline, and photos by October 2, 2023. Chair Brian Goodell clarified that the information should be sent out to Director Foley as well as the EOC by October 2, 2023. Furthermore, the City was invited to the next EOC meeting scheduled for November 1, 2023, to present the proposed project action plan. Following up on this direction, OCTA and City staff, City consultant (Land IQ), the United States Fish and Wildlife, and California Department of Fish and Wildlife met on September 9, 2023, to discuss project options and challenges. Based on that meeting, the City was going to prepare the Project action plan and related materials requested during the EOC meeting.

Ms. Lori Ann Farrell Harrison  
September 18, 2023  
Page 2

Thank you for the City's collaboration and ongoing efforts with multiple agencies to fulfill the Project's restoration commitments. OCTA looks forward to receiving a response to Director Foley and Chair Goodell's request. Staff will continue to offer help and support on this Project as appropriate. Please contact Lesley Hill, OCTA staff, at (714) 560-5759 for any follow-up.

Sincerely,



Kia Mortazavi  
Executive Director, Planning

KM:lh

c: Lesley Hill, OCTA

# M2 NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN – 2022 ANNUAL REPORT



Prepared by:

Orange County Transportation Authority  
550 South Main Street, PO Box 14184  
Orange, CA 92863  
Contact: Lesley Hill  
714-560-5759



June 2023

Orange County Transportation Authority (OCTA). 2023. *M2 Natural Community Conservation Plan/Habitat Conservation Plan – 2022 Annual Report*. Orange, CA.

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## Acronyms and Definitions

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ACOE – Army Corps of Engineers

Caltrans – California Department of Transportation

CDFW – California Department of Fish and Wildlife

CEs – Conservation Easements

CHSP – Chino Hills State Park

CNDDDB – California Natural Diversity Database

COI – Certificate of Inclusion

CSS – Coastal Sage Scrub

ECR – Environmental Commitment Report

EMP – Environmental Mitigation Program

EOC – Environmental Oversight Committee. The EOC is made up of two OCTA Board members and representatives from Caltrans, the Wildlife Agencies, ACOE, environmental groups, and the public. The EOC makes recommendations on the allocation of environmental freeway mitigation funds and monitors the execution of a master agreements between OCTA and state and federal resource agencies.

ESA – Endangered Species Act

FMP – Fire Management Plan

GLA – Glenn Lukos Associates

GSOB – Gold Spotted Oak Borer (beetle)

HCP – Habitat Conservation Plan

HMMP – Habitat Mitigation Monitoring Plan

I – Interstate

IA – Implementing Agreement

IRC – Irvine Ranch Conservancy

ISHB – Invasive shot hole borer

ISMP – Invasive Species Management Plan

M2 – The renewed Measure M (or Measure M2)

M2 NCCP/HCP – OCTA M2 Natural Communities Conservation Plan / Habitat Conservation Plan adopted on November 2017. Also referred as Plan.

NCCP – Natural Community Conservation Plan



NCCPA – Natural Community Conservation Plan Act

OC Parks – Orange County Parks

OCTA – Orange County Transportation Authority

RMP – Resource Management Plan

SCAG – Southern California Association of Governments

SR – State Route

UCI – University of California, Irvine

USFS – United States Forest Service

USFWS – U.S. Fish and Wildlife Service

Wildlife Agencies – the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), collectively referred to as the Wildlife Agencies

# Executive Summary

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This is the fifth Annual Report for the Orange County Transportation Authority (OCTA) renewed Measure M (M2) Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Plan), covering all activities between January 1, 2022 and December 31, 2022. This report summarizes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves (Covered Activities). It also provides an update of the status and activities on the OCTA Preserves, progress on the implementation of OCTA-funded restoration projects, and additional Plan administration and public outreach activities. This Annual Report has been prepared to comply with the state NCCP and federal HCP annual reporting requirements and will be submitted to the Wildlife Agencies, collectively referred to as the Wildlife Agencies, for review. Once the Annual Report has been finalized, it will be presented to the OCTA Environmental Oversight Committee (EOC) and will be available for public review.

## Tracking Impacts from Covered Activities

OCTA keeps account of the Plan-to-date impacts on habitat types from all covered freeway improvement projects to ensure impacts stay within the caps established within the Plan. To date, a total of **9.2 acres of habitat impacts have been authorized relative to a cap of 141.0 acres**. In addition, OCTA uses a consistency determination checklist to evaluate how and when avoidance and minimization measures are implemented on covered freeway improvement projects. No projects had consistency determinations drafted, modified, or completed within the timeframe of this Annual Report. Other tracking requirements include:

- *Tracking for Covered Plant Species Policy* – OCTA tracks the credits for covered plant species protection (on Preserves) and restoration/enhancement (restoration projects) relative to allowable impacts. The Plan-to-date balance for each plant species is net positive (intermediate mariposa lily (*Calochortus weedii* var. *intermedius*, IML) [+933], many-stemmed dudleya (*Dudleya multicaulis*, MSD) [+57], southern tarplant (*Centromadia parryi* ssp. *australis*, ST) [+59,377]).
- *Tracking Impacts on Habitat Types Resulting from Covered Activities within Preserves* – The Plan establishes a cap that no more than 13 acres (approximately 1%) of the natural habitat within the OCTA Preserves will be impacted by Preserve management activities. To date, no measurable permanent impacts have been recorded on the Preserves.
- *Maintaining Rough Proportionality* – The Plan requires implementation of conservation measures roughly proportional in time and extent to impacts on natural communities and Covered Species. To date, four restoration projects, Big Bend, City Parcel, Bee Flat, and University of California, Irvine (UCI) Ecological Reserve have received sign-off from the Wildlife Agencies as meeting their success criteria and have achieved conservation credits that keeps the Plan ahead of allowable impacts.

## OCTA Preserves

OCTA acquired seven properties resulting in the protection of 1,236<sup>1</sup> acres of natural habitat (see Figure 1). In all instances, the seven Preserves are located within priority conservation areas and immediately adjacent to other protected lands. These Preserves add to the protection of large blocks of natural open space in areas important for regional conservation. OCTA has completed Resource Management Plans (RMPs) for each Preserve that includes Preserve-specific goals and objectives and define an appropriate level of public access and trail use consistent with protection of biological resources. It is anticipated that Conservation Easements (CEs) will be established and recorded in the near future. Templates have been developed and are currently under review with CDFW legal counsel. Currently, each Preserve is being managed by OCTA. OCTA is considering potentially transitioning to a long-term Preserve Manager and is working to identify potential Preserve Managers.

OCTA has contracted the following consulting firms to support Preserve management:

- (1) Glenn Lukos Associates (GLA) to provide biological monitoring, oversee implementation of the approved invasive species management plans (ISMPs), assist with public outreach events, and general program needs including CE support.
- (2) RECON Environmental to support general Preserve stewardship including maintenance of access roads, tree trimming, and control of public access.
- (3) Wildland Res Mgt to complete Fire Management Plans (FMPs).
- (4) High Level Security Services (HLSS) to assist with patrol of the Preserves to help deter trespassing, vandalism and provide enforcement as needed.

OCTA hosted numerous Preserve-specific outreach events to educate the public about property value, public access, and plans to continue this process in the near term as part of a managed access approach. Most notably, the Coastal fire impacted approximately 35 acres of the Pacific Horizon Preserve in May 2022. The burn area is being monitored closely for recreational impacts and invasive plant occurrences.

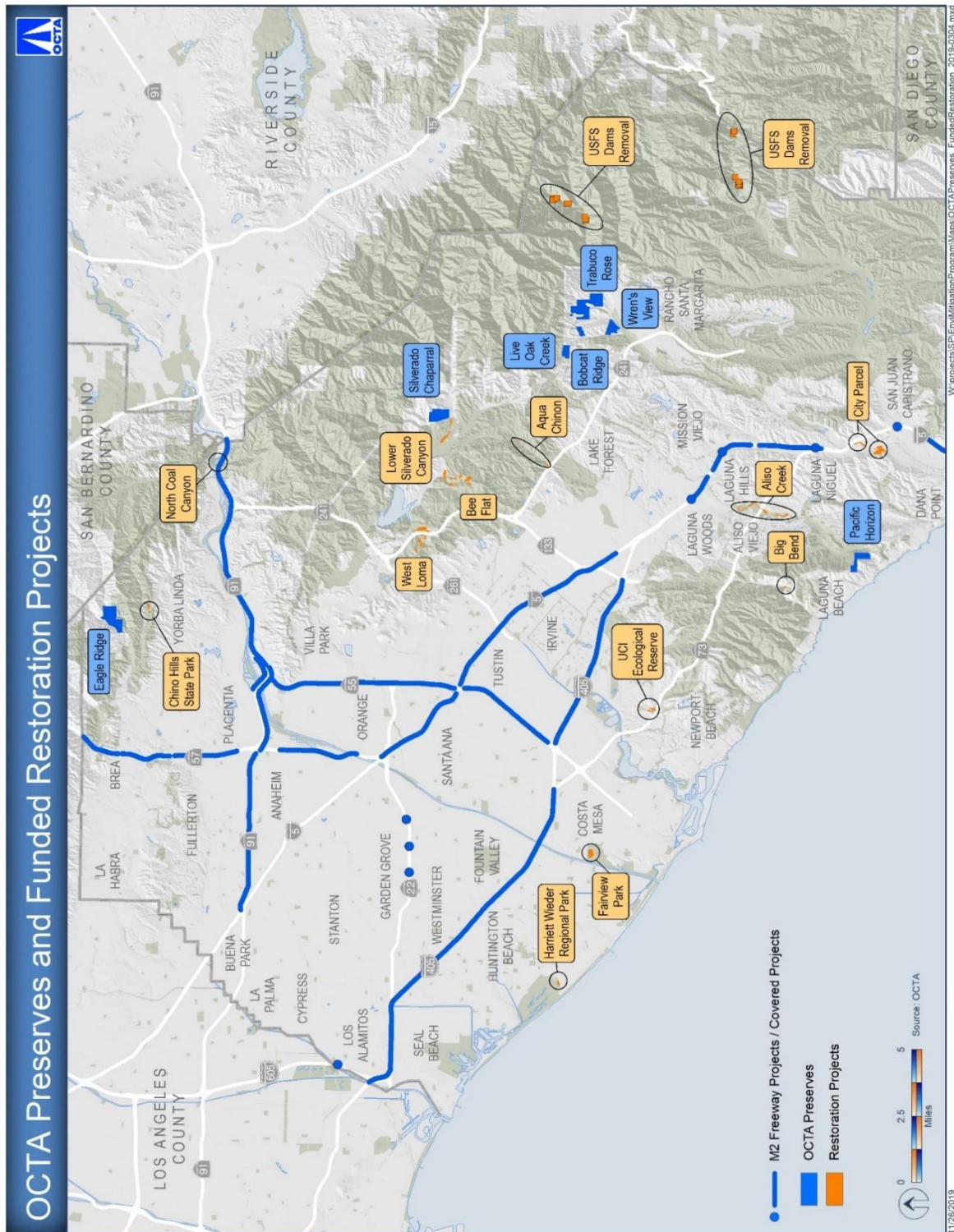
## OCTA-Funded Restoration Projects

OCTA has approved funding for 12 restoration projects (including a dam removal project) that will result in over 350 acres of restored habitats and improvements to habitat functions for Covered Species. The restoration projects occur throughout the Plan Area in core habitat areas and within key habitat linkages and riparian corridors (see Figure 1). The restoration projects are on lands that are currently managed and will enhance habitat for Covered Species. OCTA is working with the restoration project sponsors to complete implementation and monitoring of the restoration activities. At completion, the restoration projects must meet their success criteria to achieve sign-off from the Wildlife Agencies. Each restoration project is at different stages of this process. Additionally, some of these restoration projects have been impacted in previous years by wildfires. To date, five of the 12 restoration projects have obtained sign-off.

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<sup>1</sup> The acreage of natural habitat preserved is based on best available information used during the preparation of RMPs and may be slightly different from acreages reported in the M2 NCCP/HCP.

Figure 1 - OCTA M2 NCCP/HCP Preserves and Funded Restoration Projects



## Additional Conditions for Coverage

As part of the Conservation Analysis (Chapter 6) in the Plan, there are two Covered Species, arroyo chub and MSD, noted for additional conditions for coverage which are above and beyond the acquisition of the OCTA Preserves and funding of restoration projects. In 2022, United States Forest Service (USFS) Dam Removal restoration project, funded by OCTA, was completed and approved. This restoration project satisfied the conditions for coverage of arroyo chub. For MSD, OCTA has taken steps to protect and enhance an existing population of MSD on the Pacific Horizon Preserve. In addition, OCTA is currently collaborating with the Wildlife Agencies to develop an acceptable restoration plan for many-stemmed dudleya on this Preserve to hopefully expand the existing population and meet the criteria needed to achieve coverage for this species. If this is determined to be infeasible, OCTA will fund a separate restoration project within Orange County.

## Public Outreach

OCTA is committed to transparency in how the M2 funds have been and are being used to implement the Plan and the broader Environmental Mitigation Program (EMP). OCTA has conducted a variety of public outreach activities aimed at informing and engaging the public on the overall EMP as well as Preserve-specific issues and events. These have included public meetings during the preparation of the Preserve RMPs, maintaining a website with information and documents related to the program, and engaging in various outreach efforts. In 2022, OCTA participated in four EMP public outreach events and meetings and 11 Preserve-specific public outreach events.

## Plan Funding

The primary source of funding for the Plan will derive from the M2 transportation sales tax designed to raise money to improve Orange County's transportation system. As part of the M2 sales tax initiative, at least five percent of the revenues from the freeway program will be set aside for the M2 EMP revenues. There are sufficient funds available through the M2 EMP to cover the implementation of the Plan. OCTA is currently in a 12 - 15 year process (target of fiscal year 2027/2028) to accumulate and establish, in perpetuity, an endowment that will provide a long-term funding source to cover ongoing Preserve management and monitoring, adaptive management, and responses to changed circumstances. The current M2 EMP revenue stream is used to cover Plan implementation and administration until the endowment is fully funded.

## Plan Administration

OCTA is responsible for implementing the Plan and staffing an NCCP/HCP Administrator position. OCTA has designated Lesley Hill as the NCCP/HCP Administrator. Her role includes overseeing Preserve management and monitoring, coordinating with restoration project sponsors, serving as the primary point of contact with the Wildlife Agencies, ensuring avoidance and minimization measures are implemented pursuant to the Plan, tracking impacts and conservation, assisting with public outreach, and preparing this Annual Report.

The Plan outlines how modifications and minor/major amendments can be made to the Plan. At the recommendation of the Wildlife Agencies, OCTA will be working on a minor amendment to the Plan to document the Southern California Edison (SCE) utility poles and maintenance areas within various Preserves. OCTA staff has been coordinating with SCE staff and legal since 2020 and is awaiting SCE to provide specific pole and access information in order to determine impacts, as well as a compensation/restoration plan for the damage to the Preserve. The Coastal fire which burned the Pacific Horizon in May 2022 has delayed this coordination. Additional information will need to be obtained from SCE in order to move forward with an Amendment. No major amendments are proposed.