



## ***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.**