



## ***Minutes***

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

---

#### **Committee Members**

*Lisa Bartlett, Chairman  
Melanie Schlotterbeck, Vice Chair  
Dr. David Chapel, Grand Jury Assoc. of O.C.  
Chris Flynn, Caltrans District 12  
Kyle Rice, 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, November 6, 2019 at  
2:30pm***

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

*Laurie Davies, Board of Directors  
Veronica Li, US Army Corp of Engineers  
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 2:33 p.m.

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

Chairman Lisa Bartlett led the Pledge of Allegiance.

#### **3. Approval of July 10, 2019 Minutes**

Chairman Lisa Bartlett asked if there are any additions or corrections to the July 10, 2019 EOC minutes.

A motion was made by Melanie Schlotterbeck, seconded by Derek McGregor and passed unanimously to approve the July 10, 2019 EOC meeting minutes.

#### **4. Interstate – 5 Widening Project Update**

Lesley Hill provided background for the I-5 Widening Project as it pertains to the potential passage of southern steelhead in Aliso Creek under SB 857. OCTA, Caltrans, and the California Department of Fish and Wildlife (CDFW) identified a solution which enables the CDFW to issue a project permit without incurring project delays and additional costs. Lesley showed the three options for the streambed alignment. The alignment selected removes dams within Trabuco and Holy Jim Creeks and funds a onetime grant to a local non-profit group to focus efforts on a steelhead habitat restoration project. She said OCTA previously provided funding to the United States Forest Service for dam removal within San Juan Creek and that project included 14 dams. This project has been extremely successful and came in under budget. Lesley said because of the Holy Jim fire, new dams were identified for removal. OCTA will take the money saved on the San Juan Creek project and use it to fund the removal of the Trabuco and Holy Jim Creeks dams. She said the other part of the Streambed Alignment Agreement (SAA) is the onetime grant. OCTA is underway with getting an administrative amendment to an existing contract with the Laguna Canyon Foundation for \$100,000. They must get concurrence from the CDFW before they spend the grant on a project.

The committee asked if any of the dams were built from natural causes. Lesley Hill said they were all placed there decades ago as part of recreation and forest service efforts.

Melanie Schlotterbeck thanked everyone for their hard work. She asked, looking forward, has OCTA identified solutions for other projects that might encounter the same problems. Lesley Hill said this project has definitely brought to OCTA's attention the intention of SB 857. She said Caltrans has been tasked with the duty of looking at projects for the occurrence of steelhead streambed alignments. Lesley said field visits are starting to happen and Caltrans along with CDFW are working proactively to identify these occurrences early so freeway projects can build in mitigation at the time of design.

Dan Silver said at the last meeting of this committee there was a lot of justifiable angst surrounding this project. He said it is good OCTA was able to work out a deal with the CDFW. Dan said he would like to see more information on the impacts. He feels like he does not have a grasp of the impacts to the steelhead in these creeks. Dan said maybe at a future meeting, the committee could hear more about the impacts to gain some understanding. Lesley Hill said OCTA hired Fisheries Biologist and geomorphologists to walk the entire creek and do a steelhead assessment. She said they really looked for natural barriers but did not find a natural barrier. They did, however, find about 20 barriers downstream from the I-5 project area to the mouth of

the stream. They said the last documented steelhead was in the 1960's at the mouth of the river. Dan said maybe he could meet with the agencies. Lesley said she would provide the assessment.

The committee asked about the cost for the removal of the dams in option three. Lesley Hill said it is \$70,000. She said the US Forest Service really wanted to complete this project and were willing to do it for the amount saved on the original project. She said the timing was right and the amount of money available was right.

## **5. Overview of Preserve Management**

Dan Phu provided background on the conservation properties. He said eventually OCTA will not be involved in the management of the preserves. Dan said OCTA will be looking to this committee to assist with the process of identifying logical land managers. Concurrently an endowment has been established for the management of these preserves.

Lesley Hill said this next step is a big transition. OCTA is putting together a schedule, developing criteria, and learning the contracting process. She said since OCTA has been managing the properties, we have a good sense of how much it will cost to for someone else to manage the preserves. Lesley said OCTA would like to create a working group including EOC members to help with the process. Dan Phu went through the endowment process. He said the endowment and these properties are tied together and we will look at the logical people to manage the preserves in the future.

The committee asked if OCTA will not hand off the properties until a certain endowment is reached. Dan Phu said this is open to discussion. It is not necessary for the endowment to be fully funded. He said each property would be looked at on a case by case basis. Dan Silver said OCTA has been patient through the process, but it seems like the preserves should be handed off soon since it is not really OCTA's function to manage properties. Melanie Schlotterbeck agrees with this. She said OCTA is not in the business of maintaining open land. Melanie talked about building the endowment and said Friends of Harbors Beaches and Parks is available to help identify entities to manage the properties.

The committee asked about updates on the sales tax forecast as it pertains to the endowment. Kia Mortazavi said recently the Next 10 Plan was updated. He said the revenue forecast is up. Kia said recently a change has been made to online sales tax collection which will help Measure M. Kia said the endowment is slightly behind, but mostly on track. Melanie Schlotterbeck asked if the funding update has been done or if it is something that will be done in the future. Dan Phu said once we get real numbers the information will be presented. He said from what he is seeing, the numbers are being met for the endowment.

Melanie Schlotterbeck said she likes the approach OCTA is taking by looking at criteria, etc and she is willing to serve on the working group.

Monte Ward said OCTA has models for securing consultants, engineers, etc. But, OCTA does not really have a model for securing a land manager. He said there will need to be a different way of looking at how the managers are measured.

#### **6. Hobo Aliso Ridge Conservation Easement Acquisition**

Lesley Hill said Ms. Penny Elia approached the EOC about a property adjacent to OCTA's Pacific Horizon Preserve. Ms. Elia has sent in a letter outlining her proposal.

Ms. Penny Elia thanked the EOC for their time today. She said the Sierra Club established the Save Hobo Aliso Task Force in 2000. This task force was developed due to large developers' interest in acquiring the land. Ms. Elia said they were told the Coastal Commission could help with this property, so the Sierra Club partnered with the Coastal Commission and the Coastal Conservancy. Ms. Elia showed a picture of the Big-leaved crownbeard on the property which helped the property to be designated as a preserve. This property is just shy of 75 acres and is made up of three parcels. The benefits are that the parcels are contiguous with the Pacific Horizon Preserve, there are no costs to transfer the land to OCTA, there are no inherited obligations, and there are no property taxes (zoned as open space). Two restoration plans are in place and there is an additional \$20,000 available to OCTA (collected from fines). Southern California Edison will be out this month to remove all of the remaining power poles on the property. She said a property analysis record project has been approved through the Coastal Commission and Coastal Conservancy and will be done by Centers for Natural Land Management (CNLM). CNLM would like to manage the Pacific Horizon Property as well since the Hobo Aliso Ridge is not big enough. She said this group has rangers for enforcement, they do biological work, and would be an excellent partner. She said preservation comes from strong partnerships and this alliance would come with a strong team behind it.

The committee asked if a bio survey has been done on the property. Ms. Penny Elia said there have been many bio surveys of the property. Melanie Schlotterbeck asked for the surveys to be provided to OCTA. Ms. Elia said she would be happy to provide the surveys and the property analysis record will be complete soon as well.

The committee asked who the land is owned by. Ms. Penny Elia said unfortunately the land is owned by Athens and they currently hold fee title to the property. The committee asked if the fee title would be transferred to OCTA. Ms. Elia said when the land was saved by the conservation easement, the City of Laguna Beach was in line to receive the land. In January of 2007 there was a change of City Managers and the City of Laguna Beach did not want the land and would not take it, so Athens had no choice but to hold on to the property.

The committee asked if there was funding or an endowment for property management. Ms. Penny Elia said the Sierra Club and partners would like to work out a deal to help with the costs associated with the management of the properties. She said this is an area we need to work on together to determine how to pay for the property management. Ms. Elia said we need to get the property out of the hands of the Athens group as quickly as possible and the Sierra Club and partners are willing to work with OCTA on funding for the property management.

The committee asked about fire abatement adjacent to the property. Ms. Penny Elia said an exemption has been obtained to not have fire abatement along the preserve. The committee asked if property owners adjacent to the preserve have given any trouble about this. Ms. Elia said no.

The committee asked why the CNLM have not taken the property for themselves. Ms. Elia said they would like to work with OCTA, but the property is too small on its own for them.

Monte Ward asked about the timetable. Ms. Penny Elia said the sooner the better or at least in her lifetime. Monte said the reason OCTA has properties in the first place is for freeway mitigation as it ties to the Measure M Ordinance. He says the challenge with this proposal is there is no nexus for sales tax expenditures and freeway mitigation by OCTA for freeway improvements. Ms. Elia said she has been told that OCTA does not need any more mitigation, but OCTA has made a significant impact to the Pacific Horizon Property. She said there has been an encroachment and what is the balance. Ms. Elia said OCTA front loaded the purchase of mitigation land. When she shared this with the Coastal Commission they thought OCTA might need additional mitigation. Monte said OCTA needs to have a conversation with the Coastal Commission and the Coastal Conservancy. Ms. Elia said she is in direct contact with the deputy officer in Long Beach and they would be willing to meet with OCTA. Monte said the nexus of the expenditures is the problem. Ms. Elia said the Sierra Club and partners are not proposing any expenditure by OCTA.

The committee said OCTA will need to look at the protected species and where they fall on the list. Melanie Schlotterbeck said there is a great deal of benefits to OCTA, but risks and liabilities need to be looked at. She said it is really important to sit down and talk with the Coastal Conservancy. Melanie said she is nervous about the fact that there are other properties that could be just as deserving and we should not go automatically with this property without giving others consideration. She said we have had a great process and she would not want the integrity of the work the EOC has done to be challenged. And, she is concerned about keeping within the Measure M Ordinance. Chairman Lisa Bartlett said she has full confidence the OCTA Staff would not let anything improper happen with regards to this proposal.

## **7. 2019 Hikes and Equestrian Rides**

Marissa Espino said all of the hikes for 2019 have been completed and there is one more equestrian ride later this month. She said OCTA is finalizing the 2020 calendar and it will be out soon. Marissa thanked Dr. Pauline Merry for coming out to the Pacific Horizon hike in August.

## **8. Public Comments**

Sharon Fudge lives in Laguna Beach right above the properties mentioned in Aliso Creek. She said this is her first time at any OCTA meeting. She said this program is a benefit to the public and she appreciates everything OCTA is doing. Ms. Fudge said the Hobo Aliso Ridge is named because it is adjacent to the Aliso Creek. She said she would like to express her support to expand the Pacific Horizon Preserve with the addition of the Hobo Aliso Ridge parcels. Ms. Fudge said this acquisition just makes sense.

Dave Seroski and his horse named Ted are from Trabuco Canyon and would like to go on rides on some of OCTA's properties. He would like to propose the OCTA equestrian ride be extended from the Rose Canyon Trail up to Joplin and then back down the Hickey Canyon trail. He said the Joplin trail is currently abandoned because the owners left. He said the trail is quite excellent and it goes by the old clay mine and the views are spectacular. This would connect to the original ride. He said they have talked to the Orange County Sheriffs and the trail is very rideable. Mr. Seroski said in regard to the TCA properties; please take into consideration the connectivity to trails. Mr. Seroski is interested in participating on an EOC Long-Term Working Group Committee.

## **9. Committee Member Reports**

Kyle Rice, sitting in for Dave Mayer, said the CDFW recently commented on a site use plan for a property adjacent to the Wren's View Preserve in Trabuco Canyon. The property is owned by the Transportation Corridor Agencies (TCA) and it is under review for possible mitigation for future capital improvement projects. The CDFW said they were concerned about self-guided open access. The TCA is proposing the access prior to when the Resource Management Plan is in place. Kyle said he is waiting to hear public comments.

## **10. Next Meeting – February 5, 2020**

Chairman Lisa Bartlett said the next meeting is scheduled for February 5, 2020.

## **11. Adjournment**

The meeting adjourned at 3:36 p.m.