



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

Lisa Bartlett, Chairman
Melanie Schlotterbeck, Vice Chair
Laurie Davies, Board of Directors
Dr. David Chapel, Grand Jury Assoc. of O.C.
Chris Flynn, Caltrans District 12
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
John Walsh, CA Wildlife Conserv. Board

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

Wednesday, May 6, 2020 at 2:30pm

Member(s) Absent

Jonathan Snyder, US Fish & Wildlife

1. Welcome

Chairman Lisa Bartlett called the Environmental Oversight Committee (EOC) meeting to order at 2:33 p.m.

2. Pledge of Allegiance

Vice Chair Melanie Schlotterbeck led the Pledge of Allegiance.

3. Approval of November 6, 2019 Minutes

Chairman Lisa Bartlett asked if there are any additions or corrections to the November 6, 2019 EOC minutes. Vice Chair Melanie Schlotterbeck said on page 3, topic 5, third paragraph, the last sentence should say Friends of Harbors, Beaches and Parks (FHBP) instead of OCTA.

A motion was made by Vice Chair Melanie Schlotterbeck, seconded by Laurie Davies and passed unanimously to approve the November 6, 2019 EOC meeting minutes with corrections.

4. Aliso Creek Restoration Project

Dan Phu provided background on the project and introduced Hallie Jones from the Laguna Canyon Foundation. Hallie provided background on the Laguna Canyon Foundation, an overview of the project and the reasons for the additional funds request.

She said the original budget for this project was developed prior to the Army Corp of Engineers involvement in the project. Once the Army Corp of Engineers was on board, there were some additional requirements. One of the requirements doubled the amount of time on the project from 5 years to 10 years. There were some additional archeology and Habitat Mitigation and Monitoring Plan requirements that were also added to the overall project.

Lesley Hill reminded the committee that similar issues occurred on other OCTA projects. On one project, acreage was cut rather than asking for additional budget. She said the Aliso Creek Restoration Project is an important restoration project because it fulfills the needs of the NCCP/HCP, but also fulfills the permitting requirement for the Army Corp of Engineers and the State Water Resource Board for many of the M2 Freeway projects.

Vice Chair Melanie Schlotterbeck asked if this is a one-time payment request or is it being phased over the project. Hallie Jones said this is a one-time request to amend the budget and costs will be sent to OCTA as they are incurred.

Vice Chair Melanie Schlotterbeck asked if these new items can be added to future projects as they come online. Lesley Hill said yes, for future rounds of restoration projects these requirements will be considered. She said when dealing with multi-year restorations, there are many unanticipated variables and there are always lessons learned.

Derek McGregor asked what the majority of the cost is being attributed to. Hallie Jones said the majority of costs are attributed to the additional five years of maintenance and monitoring. He asked what the percentage would be. Hallie said 85-90% of the budget increase is estimated due to the additional five years of maintenance and monitoring not originally planned.

A motion was made by Laurie Davies, seconded by Vice Chair Melanie Schlotterbeck and passed unanimously to endorse staff's recommendation to increase the Laguna Canyon Foundation Aliso Creek restoration project budget by \$275,000 as outlined.

5. OCTA Preserves' Fire Management Plans Update

Lesley Hill provided background and an update on the development of Fire Management Plans. Silverado Chaparral Preserve was the first preserve selected for a Fire Management Plan. Lesley said the Silverado Chaparral Fire Management Plan is complete and the Orange County Fire Authority (OCFA) has already approved the Plan. The Plan is currently being reviewed by the Wildlife Agencies. She said OCTA has all the data ready for the other preserves, so once the Silverado Chaparral Preserve Fire Management Plan is approved the others should fall inline easily. Lesley said it looks like OCTA will have Fire Management Plans for all preserves completed in 2020 and will come back to the EOC with a comprehensive look at each of the Plans later this year.

Vice Chair Melanie Schlotterbeck clarified that the Silverado Chaparral Preserve Fire Management Plan was sent out for approvals and will be a template for the other six preserves. Lesley Hill said that is correct.

Derrek McGregor asked why the Resource Agencies are giving approval. Lesley Hill said because these agencies are part of the NCCP/HCP and required the Plan to be put in place. She said the understanding is they are not fire management entities, but OCTA is making sure they agree the information is appropriate and accurate. David Mayer echoed what Lesley said.

6. OCTA Pacific Horizon Preserve Habitat Impacts

Lesley Hill said OCTA was alerted of an unauthorized trail on the Pacific Horizon Preserve. She said the impacts to the property was determined to have been done by a Southern California Edison (SCE) contractor doing maintenance on the lines. Unfortunately, SCE did not coordinate with OCTA and caused damage above and beyond what was necessary. A trail was cut to access the utility poles and vegetation was cut to give access to create a 10-foot radius around utility poles in compliance with California Public Resources Code 4292.. Lesley said OCTA is coordinating with SCE, the Coastal Commission, and the wildlife agencies. SCE has been responsive and would like to see this area restored. OCTA is working with SCE to make sure this does not happen again.

Vice Chair Melanie Schlotterbeck said it sounds like there was no recorded easement related to this property and asked how long will it take to negotiate with SCE so that they have the access they need without destroying the land. Lesley Hill said an easement has not been found for this property. She said SCE will not be on this property for anything other than restoration work for at least one year. If no easement can be found, OCTA and SCE will consider something like a license agreement until an easement can be made.

Vice Chair Melanie Schlotterbeck said she was disappointed by how SCE is treating properties where hard work has been completed for preservation purposes. She asked if SCE will be putting signs up, so the public does not think this is a permissible trail. Lesley Hill said she has requested SCE move the dead vegetation that is currently covering live vegetation and use it to cover the opening in the fence and add some sort of "restoration in progress" sign.

Vice Chair Melanie Schlotterbeck asked if the Coastal Commission is involved in any type of enforcement action due to this destruction. Lesley Hill does not know how this will be handled by the Coastal Commission. Melanie asked if in the future OCTA and/or a biologist will have to be on-site next time they come near the property. Lesley said yes, this will be a requirement.

Vice Chair Melanie Schlotterbeck asked if OCTA knows of any impact to the species this property was specifically acquired for. Lesley Hill said it does not appear any of the sensitive species were impacted.

Vice Chair Melanie Schlotterbeck asked if actions by someone else could jeopardize OCTA's permits. David Mayer said he does not believe the permits will be in jeopardy based on what happened. Melanie asked if this will be an area SCE will need to have access to year after year or is there an alternate way to complete the task. Lesley Hill said SCE replaced some poles in this area, so maybe the damage occurred due to a one-time impact. She said OCTA is not sure at this point, but OCTA has requested that SCE provide information as to what types of activities SCE may need to conduct on the Preserve, both maintenance and projects. OCTA will coordinate with SCE to determine the preferred access (path with the least impact).

Derek McGregor asked if there was an ALTA survey done on this property. Dan Phu said yes. Derek asked if the poles were identified in the survey. Dan said he is not sure, but he will get back to the committee after looking at the survey information. Derek said the surveys are supposed to alert to any potential hazards such as the SCE work. Derek said if permanent access is necessary; he proposes SCE conduct a survey and document the trail and conditions. He said often these trails become a way for run-off and causes more damage. Then this information can be used on the easement.

7. 2019 Hikes and Equestrian Rides

Marissa Espino said all the hikes/rides for March and April have been cancelled due to statewide "stay at home" orders. The May ride will also be canceled.

8. Public Comments

There were no public comments.

9. Committee Member Reports

There were no committee member reports.

10. Next Meeting – August 5, 2020

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

11. Adjournment

The meeting adjourned at 3:15 p.m.