



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

Brian Goodell, Chairman

Melanie Schlotterbeck, Vice Chair

Chris Flynn, Caltrans District 12

Ajay Khetani, Taxpayer Oversight Committee

Veronica Li, US Army Corp of Engineers

Derek McGregor, DMc Engineering

Bev Perry, Civic Engagement Consultant

Dan Silver, Endangered Habitats League

Jonathan Snyder, US Fish & Wildlife

Orange County Transportation Authority

Via Teleconference

Wednesday, February 2, 2022 at 2:30p

Member(s) Absent

David Mayer, CA Dept. of Fish & Wildlife (Karen

Drew in attendance)

OCTA Board of Directors-Vacant

CA Wildlife Conservation Board-Vacant

1. Welcome

Chair Brian Goodell called the Environmental Oversight Committee (EOC) meeting to order. He said the Measure M Ordinance calls for two OCTA Board Members to serve on the EOC. Director Lisa Bartlett is unable to continue on the committee and there will be a new OCTA Board Member assigned to this committee by the next meeting. Chair Goodell acknowledged the accomplishments to date and thanked Director Bartlett for her years of service and dedication to the EOC and the Environmental Mitigation Program.

Chair Brian Goodell asked Marissa Espino to go over the meeting protocols. Marissa read the teleconference protocols, took a roll call of members, and found the EOC to meet quorum.

2. Pledge of Allegiance

Chair Brian Goodell lead the Pledge of Allegiance.

3. Approval of November 3, 2021 Minutes

Public Comments:

There were no Public Comments

Chairman Brian Goodell asked if there are any additions or corrections to the November 3, 2021, EOC minutes. Vice Chair Melanie Schlotterbeck said in the Welcome segment mentioned Chair Bartlett, who was absent from the meeting.

Bev Perry asked Marissa Espino to share with the EOC, the response to her question about getting the minutes sooner. Marissa Espino said in regard to meeting minutes, staff is keeping consistent with the other OCTA Committees, such as the OCTA Board of Directors meetings and the Brown Act, by offering the minutes when sending out the agenda.

A motion was made by Vice Chair Melanie Schlotterbeck, seconded by Chris Flynn and passed unanimously to approve the November 3, 2021, EOC meeting minutes with corrections.

4. Environmental Mitigation Program Endowment Fund Investment Report

Dan Phu provided background on the Environmental Mitigation Program Endowment Fund Investment Report. He said each quarter, the California Community Foundation provides a status update of the endowment to the committee and the most recent report was for the quarter ending December 2021. Dan introduced Robert Davis OCTA's Director of Treasury and Public Finance.

Robert Davis provided a status update on the Endowment Fund for the last quarter. He said the total assets in the endowment pool were \$14 billion and the overall assets under management for the foundation were \$2.6 billion. Robert said OCTA has made six deposits of approximately \$2.9 million to fund the endowment. He said these deposits are made annually over a 10 to 12-year period or until the fund totals \$46.2 million. The total fund balance for the quarter was approximately \$22.1 million which exceeds the fiscal year 2022 target of \$20.1 million by approximately \$2 million. Robert said overall the endowment fund is on track to reach the goal of \$46.2 million by the end of the funding period.

Public Comments:

There were no public comments

5. Restoration Projects Update

Lesley Hill provided an update on the Restoration Projects. She provided background on the Restoration Projects which are strategically located around the county. She mentioned tours of these projects are usually offered to the EOC in the spring (pre-pandemic) and staff will be reaching out to poll the committee members. Lesley talked about the recent sign-off of the fourth restoration project, the UCI restoration project. She introduced Travis Brooks, restoration ecologist, with the consulting firm of Land IQ.

Travis Brooks presented the Cactus Scrub Habitat Restoration Project. He said the UCI Ecological Preserve is about 62 acres along the San Joaquin Hills. Although

surrounded by development, it is an important place for Cactus Wren. Much of the Cactus Wren environment has been burned in wildfires and has decreased their population by up to 80%. Travis showed pictures of the Cactus Wren and Coastal California Gnatcatcher in their natural habitat. He said cactus takes a long time to recover from wildfires. Travis talked about the goals and objectives of this habitat project. He showed pictures of the project before the restoration and how the salvaged cactus was planted along with seed. This project relied on nature rainfall. Travis talked about some of the challenges with the project mainly due to the lack of rain in the early years of the project. Now there is nesting by both the Cactus Wren and California Gnatcatcher. <This presentation available upon request.>

Committee Member Comments:

Dan Silver asked about the cost per acre. Travis Brooks said it is hard to give exact numbers. He said he has done comparisons on container-based habitat restoration versus this approach. This project cost half of what would be typically expected due to cost savings from not having an irrigation system, plus the cost of the water. Travis said many of these projects do not have a water source. The trade-off is it can take longer to come to fruition. Jonathan Snyder said the advantage of using seed is you get the early succession of species and if the site happens to burn in the future, it is much more likely to come back as intact habitat versus container plants. He said every one of these restoration projects has had challenges. Jonathan gave kudos to Land IQ, UCI, and NCC for working through those challenges and OCTA for the continuing support on this project – it has been a great outcome.

Bev Perry asked about year nine on the graph and the herbaceous coverage. Travis Brooks said the perennial coverage, like shrubs, tends to continue to grow. While the herbaceous coverage tends to thrive strongly with rainfall, there was enough rainfall this December that we predict it will look better this spring.

Chair Brian Goodell asked how this area is irrigated during the transplants without a permanent or interim water irrigation supply. Travis Brooks said temporary irrigation was set up for up to two years for this process. He said if the cactus is given a real good drink with a water truck at the beginning it will not need a lot of rain to be successful.

Chair Goodell also asked how many Cactus Wren will live in on cactus. Travis Brooks said one pair will typically live in the cactus. Chair Goodell asked if the Cactus Wren are counted. Travis said NCC is planning with other regional managers a bird count for the coming year for both species not only in Orange County, but all Southern California.

Public Comments:

Gloria Sefton, co-founder of the Saddleback Canyons Conservancy, asked about the status of the Cactus Wren and the steps taken to protect the cactus itself.

6. Southern California Edison Coordination Update

Lesley Hill presented an update on the Southern California Edison (SCE) impacts on OCTA's Preserves. She showed a map of the Pacific Horizon Preserve and the areas where SCE caused damage. SCE is coordinating with the Coastal Commission for a coastal development permit application which will include restoration. OCTA is waiting for a proposal from SCE on how they will offset these impacts. She said SCE will continue to need access to the poles and a path to get to them, so they will need to offset those impacts. She said there are some invasive species in the area and the potential for some re-seeding/planting in the area, so there is potential for some restoration on the preserve itself, which is what OCTA would prefer. Lesley said SCE has been responsive and this relationship is going well. She said OCTA will need to do an amendment to the Conservation Plan to record the poles, the easement, and document the resolution.

Lesley Hill said OCTA spoke with SCE to see if they have easements on any other OCTA preserves and they said they did not. OCTA had biological monitors go out and ground truth all OCTA properties to see what type of infrastructure exists. Lesley said it was determined that poles are located adjacent to the Silverado Preserve and there is one pole on the preserve. It was determined that at some date SCE came onto the property and did not coordinate with OCTA. SCE cut through some fence lines, and they cut some trails to access those poles. Lesley said OCTA is coordinating with SCE on this and OCTA needs to determine how this can be remedied and to not have this happen again. <This presentation available upon request.>

Public Comments:

There were no public comments.

Committee Member Comments:

Vice Chair Melanie Schlotterbeck said this is disappointing. She asked to confirm the easement location that will be recorded with the title. Lesley Hill said OCTA's legal counsel prefers an easement be recorded for the poles and the clearance around the poles. A separate agreement would stipulate how and when SCE would coordinate with OCTA to access and conduct the maintenance. Vice Chair Schlotterbeck asked if there would be timing constraints for when they can do their work to avoid nesting seasons. Lesley said yes, there would be. Vice Chair Schlotterbeck asked for details about the actual mitigation. Lesley said the details have not been worked out and OCTA has not seen a proposal yet. Lesley said the Coastal Commission is also involved with the Pacific Horizon property, which makes it incredibly important. Vice Chair Schlotterbeck said OCTA could net in our favor in terms of the amount of habitat if the Coastal Commission increases its restoration ratio requirement. Lesley agreed with this assessment. Vice Chair Schlotterbeck asked about SCE's Coastal Development Permit with the Coastal Commission. She is wondering if this should have been obtained before the start of work. Lesley agrees, but she is not sure if SCE moved forward with what they thought was a blanket permit, but she is not informed on this. From Lesley's understanding this permit is sort of retroactive and would cover the

activities already done and ongoing activities to be done in the future. She said the Coastal Commission is requiring SCE to put prior work done into the permit.

Derek McGregor asked if ALTA surveys were done on this that cover activities on the property. He asked if this was missed in the ALTA's. Lesley Hill said there are no easements recorded and there was nothing on the title report. Derek asked if OCTA will be granting easements for the poles and separate easements for the access. Lesley said OCTA's legal counsel and SCE's legal counsel are still working out the details. Derek said he would like to see that at a draft stage. Derek asked about the timing. Lesley said this is gaining speed. She said SCE has had to work on the access component. Lesley hopes at least Pacific Horizon will be done soon. Derek asked what is to assure that this will not happen again. Lesley said there will be a couple safety nets in place. If it does happen again OCTA can administer a breach of contract which is a stiffer fine than trespassing. She said the other thing is SCE has been focusing on a new program where they identify properties and then there is a process to make sure this does not happen again.

Chair Brian Goodell asked to have another update on this at the next meeting and have the information sent to the committee in the interim.

Vice Chair Melanie Schlotterbeck asked for OCTA to inform her and/or the entire committee of the date this item goes before the Coastal Commission. Since this has been an unforeseen expense and impact to staff, she also asked if there's a way to get SCE to pay or reimburse OCTA for time. Lesley Hill said staff will keep the committee apprised of this item going to the Coastal Commission. She said we could look into compensation for OCTA's time with our legal counsel.

7. Hikes and Equestrian Rides

Marissa Espino said the first docent-led hike of 2022 will be February 19 and the next equestrian ride event will be March 20th. She also mentioned OCTA recently launched an educational animated video that briefly and simply explains OCTA's conservation plan and access on the preserves versus recreational parks. Marissa shared the video with the committee.

Public Comments:

There were no public comments.

Committee Member Comments:

Dan Silver commented on the video and said there did not seem to be anything about how OCTA's hands are tied since these are mitigation properties in compensation for other impacts. He thinks that argument takes the heat off OCTA. Marissa Espino said the video indicates that there are guidelines to adhere to.

8. Public Comments

Gloria Sefton from Trabuco Canyon is co-founder of the Saddleback Canyons Conservancy. She asked about SCE and the potential to underground utilities due to fire activity. She said around Thanksgiving, SCE turned the power off in the area of Trabuco, Silverado, and Modjeska Canyons for almost 24 hours. This was due to high winds. Gloria is a proponent of undergrounding the utilities in this area and this might stave off some of this activity.

9. Committee Member Reports

Dan Silver asked for a report from Vice Chair Melanie Schlotterbeck or OCTA on the new developments in the San Juan Capistrano easement situation. Vice Chair Melanie Schlotterbeck said OCTA has been paying close attention to the situation. She said the environmental community and OCTA have been involved with this project and updates from the environmental community is based on the housing element. She said the housing and community development commented that there is a constraint and there is a restrictive covenant, and they will not entertain undoing that restrictive covenant. Dan Phu said OCTA sent a letter to the city and they are willing to work with OCTA to not impact the restrictive covenant area. He said OCTA asked the city to apprise OCTA of any impact to the restrictive covenant.

Vice Chair Melanie Schlotterbeck said the Southern California Association of Governments (SCAG) is implementing a regional advance mitigation program and asked that OCTA do a presentation to their working group. Vice Chair Schlotterbeck and Lesley Hill did the presentation. They talked about good partnerships with the environmental communities, other transportation agencies, the cities, and the wildlife permitting agencies. She said this has been a model program.

Vice Chair Melanie Schlotterbeck talked about the Governors 30 by 30 campaign, which has a goal to protect 30% of California's land and coastal waters by 2030. She said the state is currently accepting comments on this campaign. She said she will be sending an official comment on behalf of the Harbors, Beaches, and Parks. OCTA's conservation lands should be incorporated into the conservation map; as of right now, it is not incorporated. She said it is important to make sure that in the context of protected areas this be included in the context of regional connectivity. Chair Brian Goodell said the OCTA Board of Directors Chairman Mark Murphy appointed him to be OCTA's representative at SCAG.

10. Next Meeting – May 4, 2022

Chairman Brian Goodell said the next meeting is scheduled for May 4, 2022.

11. Adjournment

The meeting adjourned at 3:50 p.m.