



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

Jamey Federico, Chair
Ajay Khetani, Taxpayer Oversight Committee
Alben Phung, Caltrans
Dan Silver Endangered Habitats League
David Mayer, US Fish and Wildlife Service
William Miller, US Fish and Wildlife Service

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

**Wednesday, February 7, 2024, at
2:30 p.m.**

Member(s) Absent

Derek McGregor, DMc Engineering
Veronica Li, US Army Corp of Engineers

Member(s) Teleconferencing

Bev Perry, Civic Engagement Consultant
Joe Navari, CA Wildlife Conservation Board
Melanie Schlotterbeck, Vice Chair

Teleconference Location:

Brea City Hall Park
401 S. Brea Blvd.
Brea, CA 92821

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

1. Welcome

Chair Jamey Federico called the Environmental Oversight Committee (EOC) meeting to order.

2. Pledge of Allegiance

Marissa Espino lead the Pledge of Allegiance.

3. Approval of November 1, 2023, Minutes

A motion was made by Melaine Schlotterbeck, seconded by Ajay Khetani to approve the minutes. Motion passed.

4. Environmental Mitigation Program Endowment Fund Investment Report

Dan Phu, OCTA Planning, presented the update.

Committee Member Comments:

There were no committee comments.

5. OCTA Preserves Fire Management Plans

Lesley Hill, OCTA Planning, and Carol Rice, Wildland Resource Management, presented the update. <This presentation available upon request.>

Committee Member Comments:

A committee member asked if all the fire agencies have signed off on the plan. Lesley Hill responded yes.

A committee member asked if there were additional communications that need to happen with new changes in the local agencies. Carol Rice responded that they have met with new personnel and the agencies and are in sync.

A committee member asked would the documents be made available to the public online to see before they are rolled into the Resource Management Plan. Lesley Hill responded that the plans will be posted on the OCTA website and will be included as an appendix to the Resource Management Plan.

A committee member asked was it correct there were no landscape level treatments on a pre-fire basis and limited access points, roadside hardening and defensible space for structures. If there are, does access include any fuel breaks, and if so, how wide and extensive are they and what attention is given to non-native species in those areas. Lesley Hill responded they had worked with the Orange County Fire Authority and City of Laguna Beach to develop the vegetation modification areas around the habitable structures. There were no recommended changes or alterations to that. The other treatments are the existing fire roads on the property that are maintained and the non-native species are removed first with some limited thinning of the native species.

6. Fairview Park Restoration Project Update

Lesley Hill, OCTA Planning, and Kelly Dalton, Fairview Park Administration, City of Costa Mesa, presented the update. Raja Sethuraman, Public Works Director, City of Costa Mesa, was in attendance and introduced. <This presentation available upon request.>

Committee Member Comments:

A committee member asked if the social trails in the new supplemental acreage are going to go away. Kelly Dalton responded some informal social trails are intended to be closed and there are two designated trails that will be kept open.

A committee member asked what is the process in capturing this new acreage, has it been signed off on. Kelly Dalton responded that is still being worked out with the agencies. Lesley Hill responded that a draft of the city's restoration plan will be provided to the agencies for

their concurrence, including the US Fish and Wildlife Service, CA Department of Fish and Wildlife Service and OCTA. Coordination and sign off on the acreage that has been completed and under maintenance for a while is being looked at along with the completion of a document from the city for protection of the acreage OCTA has funded in perpetuity.

A committee member asked if the conservation easement was a work in progress. Kelly Dalton responded yes.

A committee member asked if the proposed area covers the type of habitat that was missing from the original work plan. Kelly Dalton responded yes. There is a slight deviation from the original plan that proposed native grassland. The contracted native ecologist states much of the park is not really suited for the original planned habitat and is suited for similar forb land habitat that will provide many of the same biological functions for the target species.

7. OCTA Live Oak Creek Encroachment

Dan Phu, OCTA Planning and Lesley Hill, OCTA Planning, presented the overview. <This presentation available upon request.>

Committee Member Comments:

A committee member asked how long has the encroachment been. Lesley Hill responded it appears to have been put in within the last year.

A committee member asked if the owner would be responsible for any restoration that may be needed after removal. Cassie Trapesonian, OCTA General Counsel, responded a letter had been sent in December 2023, putting him on notice that the encroachment was trespassing and if it was not removed by February 17, 2024, that OCTA would seek authorization from the OCTA Board of Directors to file an action against him. The action would include two potential things: 1. Enforcing OCTA's right as the property owner and 2. OCTA would be potentially recovering damages depending on the extent of the clearing that occurred.

A committee member asked what is the County's approach to the corner of the garage encroaching on OCTA's property and is this Airbnb legal. Cassie Trapesonian responded the garage has been there a long time, and the owner could potentially claim he has Adverse Possession of the corner of property that is encroaching. The legality of the Airbnb is up to the County.

Dan Phu, OCTA Planning, commented that in conversation with the County, they had asked if OCTA would be amenable to working with the property owner on whatever structures are on OCTA property. The answer was absolutely not, as the reason for the acquisition of those properties is for conservation purposes. Dan continued that the County Code Enforcement would work toward a resolution with the property owner to remove everything that is on the adjacent property.

A committee member asked if there had been a response to the original letter that was sent. Cassis Trapesonian responded she had received a call from the owner a couple of weeks ago

and he asked if there was any way we could work with him, could he purchase the property. Cassie responded that was not an option and has not heard anything back. OCTA will go out in a couple of weeks to see if the encroachment has been removed or if there is any substantial work toward that.

A committee member asked if Airbnb could be contacted to have the listing removed as it is not on his property. Dan Phu responded they could direct that question to the County Code Enforcement.

A committee member asked if we know what the owner's parcel looks like. Lesley Hill responded it is eight acres.

A committee member asked if they had seen encroachment before. Dan Phu responded yes, but all are very different in type of encroachment situations and their outcomes.

A committee member asked do property owners know or if there was notification to those who have properties that adjoin OCTA properties that the OCTA property is a preserve. Dan Phu responded that generally they know, there had been a public knowledge campaign when the acquisitions started and there is current work with local communities to help them understand our agency's conservation programs. The answer is yes unless they are new property owners and new to the area. Lesley Hill responded there also is signage.

A committee member commented that if a solution is worked out where the structure stays, there could be further impact to the preserve due to the requirement to have a defensible fire zone. Cassie Trapesonian responded, yes the Orange County Fire Authority requires a 100-foot vegetation modification zone around any habitable structure which would bring further impact to the preserve.

8. Hikes and Equestrian Rides

Marissa Espino, Public Outreach, presented the update.

Committee Member Comments:

There were no member comments.

9. Public Comments

There were no public comments.

10. Committee Member Reports

A committee member thanked OCTA and David Mayer, Senior Environmental Scientist at California Department of Fish and Wildlife for participation in The Southern California Association of Governments Advanced Mitigation Policy Framework.

Lesley Hill on behalf of OCTA acknowledged and thanked David Mayer for his contributions to the EMP and OCTA projects and staff requests for assistance.

11. Next Meeting-- May 1, 2024.

12.Adjournment-- Meeting was adjourned at 3:43 p.m.