



# AGENDA

## Measure M2 Environmental Oversight Committee

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### **Committee Members**

*Lisa Bartlett, Chair*  
*Melanie Schlotterbeck, Vice Chair*  
*Laurie Davies, OCTA Board of Directors*  
*Chris Flynn, Caltrans*  
*Veronica Li, US Army Corps of Engineers*  
*David Mayer, CA Dept. of Fish & Wildlife*  
*Derek McGregor, DMc Engineering*  
*Dr. Pauline Merry, Taxpayers Oversight  
Committee Representative*  
*Bev Perry, Civic Engagement Consultant*  
*Dan Silver Endangered Habitats League*  
*Jonathan Snyder, US Fish and Wildlife  
Service*  
*John Walsh, CA Wildlife Conservation  
Board*

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

**Wednesday, August 5, 2020 at 2:30 p.m.**

### **Guidance for Public Access to the Environmental Oversight Committee Meeting**

On March 12, 2020 and March 18, 2020, Governor Gavin Newsom enacted Executive Orders N-25-20 and N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and make public meetings accessible telephonically or electronically to all members of the public to promote social distancing due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19).

In accordance with Executive Order N-29-20, and in order to ensure the safety of the Orange County Transportation Authority (OCTA) Environmental Oversight Committee (EOC) Members and staff and for the purposes of limiting the risk of COVID-19, in-person public participation at public meetings of the OCTA will not be allowed during the time period covered by the above-referenced Executive Orders.

Instead, members of the public can listen to AUDIO live streaming of the EOC meeting by clicking the below link:

<http://www.octa.net/About-OCTA/Who-We-Are/Board-of-Directors/Live-and-Archived-Audio/>

Public comments may be submitted by emailing them to [publiccomments@octa.net](mailto:publiccomments@octa.net).

If you wish to comment on a specific agenda Item, please identify the Item number in your email. All public comments that are timely received will be part of the public record and distributed to the EOC. Public comments will be made available to the public upon request.

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# AGENDA

## Measure M2 Environmental Oversight Committee

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In order to ensure that staff has the ability to provide comments to the EOC Members in a timely manner, **please submit your public comments 30 minutes prior to the start time of the EOC meeting date.**

1. **Welcome**
2. **Pledge of Allegiance**
3. **Approval of May 6, 2020 Minutes**
4. **OCTA Conservation Plan Annual Report**  
Lesley Hill, OCTA

*The Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan) permit was issued by the Wildlife Agencies in mid-2017. As a result, the M2 environmental process has been streamlined allowing OCTA to expedite construction of the M2 freeway projects. Annual reports are required as part of the Conservation Planning process. OCTA has completed the second Conservation Plan Annual Report. This report includes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves, status and activities on the Preserves, progress of the restoration projects, and Conservation Plan administration and public outreach activities. This Annual Report documents activities from January 1 through December 31<sup>st</sup>, 2019, OCTA is complying and on target with the Conservation Plan commitments. OCTA will continue with its efforts to complete the required objectives in a timely manner. The Annual Report has been reviewed and approved by the Wildlife Agencies and is available to the public on OCTA's website. The executive summary of this report is attached. The full report can be found at: <http://www.octa.net/About-OC-Go/OC-Go-Environmental-Programs/Preserve-Management>. Staff will present an overview of the Annual Report content.*

5. **Bee Flat Canyon Restoration Project Completion**  
Lesley Hill, OCTA

*In July 2020, the Wildlife Agencies provided their official sign off on the OCTA funded Bee Flat Canyon restoration project. This 84-acre project was funded by OCTA in April 2011. The project is within lands owned by Orange County Parks and sponsored by the Irvine Ranch Conservancy. The goal of the project was to reestablish a diverse, resilient, self-sustaining ecosystem. The benefits included improved wildlife habitat, new corridors for wildlife movement, reduced wildfire hazard, improved soil health and water quality. This is the third OCTA funded restoration project to meet its success criteria. A brief summary of the project will be provided by staff.*

6. **OCTA Pacific Horizon Preserve Habitat Impacts**  
Lesley Hill, OCTA
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# AGENDA

## Measure M2 Environmental Oversight Committee

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*In March 2020, an unauthorized trail and cut fencing was discovered at the OCTA owned Pacific Horizon Preserve. The Pacific Horizon Preserve is approximately 151 acres and is located within Laguna Beach. Southern California Edison (SCE) has confirmed that the impacts were caused by one of their contractors in response to California Public Resources Code 4292. The damage to the Preserve exceeds the required work for the utility line. SCE has begun the repairs by disguising these trails and posting signs to discourage trail use. Additional information is attached. A brief update pertaining to this issue will be provided.*

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

Marissa Espino, OCTA

*In compliance with Gov. Gavin Newsom's order to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19, OCTA is postponing all scheduled hikes and equestrian rides until further notice. OCTA will release the revised 2020 Wilderness Preserve Hiking and Equestrian Riding Tour calendar once the order has been lifted.*

### **8. Public Comments**

*Members of the public may address the EOC regarding any item. Please complete a speaker's card and submit it to the EOC or notify the EOC the item number on which you wish to speak. Speakers will be recognized by the Chair at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.*

### **9. Committee Member Reports**

### **10. Next Meeting –November 4, 2020**

### **11. Adjournment**

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## ***Minutes***

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

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#### **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. Derrek 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.





**August 5, 2020**

**To:** Environmental Oversight Committee  
**From:** Orange County Transportation Authority Staff  
**Subject:** August Environmental Oversight Committee Information Items (Items 4 – 6)

***Item 4 – OCTA Conservation Plan Annual Report***

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan); acquired conservation properties/Preserves; and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. The Conservation Plan permit was issued by the Wildlife Agencies in mid-2017. As a result, the M2 environmental process has been streamlined allowing OCTA to expedite the M2 freeway projects. The executive summary (Attachment A) for the second Annual Report was provided to the EOC members on June 25, 2020. This summary includes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves, status and activities on the Preserves, progress of the restoration projects, and Plan administration and public outreach activities. This Annual Report documents activities from January 1 through December 31, 2019, OCTA is complying and on target with the Conservation Plan commitments. OCTA will continue with its' efforts to complete the required objectives in a timely manner. The Annual Report has been reviewed and approved by the Wildlife Agencies and is available to the public on OCTA's website. It can be found at: <http://www.octa.net/About-OC-Go/OC-Go-Environmental-Programs/Preserve-Management/>.

***Item 5 - Bee Flat Canyon Restoration Project Completion***

In July 2020, the Wildlife Agencies provided their official sign off on the OCTA funded Bee Flat Canyon restoration project. This 84-acre project was funded by OCTA in April 2011. The project is within lands owned and managed by Orange County Parks. This restoration project was implemented by the Irvine Ranch Conservancy (IRC). The goal of the project was to reestablish a diverse, resilient, self-sustaining ecosystem. The benefits included improved wildlife

habitat, new corridors for wildlife movement, reduced wildfire hazard, improved soil health and water quality. This is the third OCTA funded restoration project to meet its success criteria. Additional information is provided in the attached OCTA and IRC July 2020 press releases (Attachment B).

***Item 6 - Pacific Horizon Preserve Habitat Impacts***

During the May 6, 2020 EOC meeting, staff provided an overview of the coordination related to the unauthorized trail that was cut through valuable habitat by Southern California Edison to perform utility maintenance. Subsequently, OCTA staff sent a letter (dated May 29, 2020) to SCE to communicate OCTA's concerns with actions taken by SCE and to request specific remediation tasks for the Preserve. This letter was shared with the EOC members on June 1, 2020. In addition, a memo (dated June 10, 2020) was also provided to EOC members regarding progress made by SCE to remediate unauthorized impacts to the Preserve as well as to provide information requested by EOC members. The letter and memo are included as Attachment C.

As previously reported, SCE has begun some of the remediation tasks including obscuring the unauthorized trail heads and posting signs to discourage their use. OCTA staff continues to work with OC Parks, the Wildlife Agencies and the California Coastal Commission (CCC) to resolve this issue pursuant to their requirements. SCE has communicated that they are awaiting CCC approval to conduct the necessary weeding on the unauthorized paths as well as to fix the fence lines. OCTA is also awaiting input from SCE regarding rights and easements to conduct the on-going maintenance needs for this utility line. OCTA staff will report back to the EOC with additional information once available.

Attachments:

- A. OCTA M2 Natural Community Conservation Plan/Habitat Conservation Plan – 2019 Annual Report Executive Summary
- B. OCTA and IRC Bee Flat Canyon July 2020 Press Releases
- C. Pacific Horizon Preserve Letter and Memo

# M2 NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN – 2019 ANNUAL REPORT



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April 2020



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- Appendix D**     **2019 Summary Letter for Maintenance Activities Performed on OCTA Preserves (RECON Number 8316)**
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## Acronyms and Definitions

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ACOE – Army Corps of Engineers

CAC – Citizen Advisory Committee

Caltrans – California Department of Transportation

CCC – California Coastal Commission

CCF – California Community Foundation

CDFW – California Department of Fish and Wildlife

CEs – Conservation Easements

CHSP – Chino Hills State Park

CNDDDB – California Natural Diversity Database

COI – Certificate of Inclusion

CSS – Coastal Sage Scrub

ECR – Environmental Commitment Report

EFM – Endowment Fund Manager

EMP – Environmental Mitigation Program

EOC – Environmental Oversight Committee. The EOC is made up of two OCTA Board members and representatives from Caltrans, the Wildlife Agencies, ACOE, environmental groups, and the public. The EOC makes recommendations on the allocation of environmental freeway mitigation funds and monitors the execution of a master agreements between OCTA and state and federal resource agencies.

ESA – Endangered Species Act

FMP – Fire Management Plan

GIS – geographic information system

GLA – Glen Lukos Associates

GSOB – Gold Spotted Oak Borer (beetle)

HCP – Habitat Conservation Plan

HMMP – Habitat Mitigation Monitoring Plan

I – Interstate

IA – Implementing Agreement

IRC – Irvine Ranch Conservancy

ISHB – Invasive shot hole borer

ISMP – Invasive Species Management Plan

M2 – The renewed Measure M (or Measure M2)

M2 NCCP/HCP – OCTA M2 Natural Communities Conservation Plan / Habitat Conservation Plan adopted on November 2017. Also referred as Plan.

NCC – Natural Communities Coalition

NCCP – Natural Community Conservation Plan

NCCPA – Natural Community Conservation Plan Act

OC – Orange County

OC Parks – Orange County Parks

OCTA – Orange County Transportation Authority

RMP – Resource Management Plan

SARP – Santa Ana River Mainstem Project

SCAG – Southern California Association of Governments

SR – State Route

TCA – Transportation Corridor Agencies

TOC – Taxpayer Oversight Committee

UCI – University of California Irvine

USFS – United States Forest Service

USFWS – U.S. Fish and Wildlife Service

Wildlife Agencies – the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), collectively referred to as the Wildlife Agencies

# Executive Summary

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This is the second Annual Report for the Orange County Transportation Authority (OCTA) M2 Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Plan), covering all activities between January 1, 2019 and December 31, 2019. This report summarizes the tracking of impacts associated with covered freeway improvement projects and other management and monitoring activities on Preserves (Covered Activities), status and activities on the OCTA Preserves, progress on the implementation of OCTA-funded restoration projects, and additional Plan administration and public outreach activities. This Annual Report has been reviewed and approved by the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), collectively referred to as the Wildlife Agencies. In addition, this Annual Report is presented to the OCTA Environmental Oversight Committee (EOC) and is available for a public review.

## Tracking Impacts from Covered Activities

OCTA keeps an accounting of the Plan-to-date impacts on habitat types from all covered freeway improvement projects to ensure impacts stay within the caps established within the Plan. To date, a total of **9.2 acres of habitat impacts have been authorized relative to a cap of 141.0 acres**. In addition, OCTA uses a consistency determination checklist to evaluate how and when avoidance and minimization measures are implemented on covered freeway improvement projects. Four projects (D, F, G, I) had consistency determinations drafted, modified, or completed within the timeframe of this Annual Report. Other tracking requirements include:

- *Tracking for Covered Plant Species Policy* – OCTA tracks the credits for covered plant species protection (on Preserves) and restoration/enhancement (restoration projects) relative to allowable impacts. The Plan-to-date balance for each plant species is net positive (intermediate mariposa lily [+1303], many-stemmed dudleya [+180], southern tarplant [+8,377 + 1 acre]).
- *Tracking Impacts on Habitat Types Resulting from Covered Activities within Preserves* – The Plan establishes a cap that no more than 13 acres (approximately 1%) of the natural habitat within the OCTA Preserves will be impacted by Preserve management activities. To date, no measurable permanent impacts have been recorded on the Preserves.
- *Maintaining Rough Proportionality* – The Plan requires implementation of conservation measures roughly proportional in time and extent to impacts on natural communities and Covered Species. To date, two restoration projects, Big Bend and City Parcel, have received sign-off from the Wildlife Agencies as meeting their success criteria and have achieved conservation credits that keeps the Plan ahead of allowable impacts.

## OCTA Preserves

OCTA acquired seven properties resulting in the protection of 1,236<sup>1</sup> acres of natural habitat (see Figure 1). In all instances, the seven Preserves are located within priority conservation areas and immediately adjacent to other protected lands. These Preserves add to the protection of large blocks of natural open space in areas important for regional conservation. OCTA has completed Resource Management Plans (RMPs) for each Preserve that includes Preserve-specific goals and objectives and define an appropriate level of public access and trail use consistent with protection of biological resources. It is anticipated that Conservation Easements will be completed and recorded in the near future. Currently each Preserve is being managed by OCTA. OCTA is working to identify and transition to long-term Preserve Managers in the near future. OCTA has contracted with the following consulting firms to support Preserve management: (1) Glenn Lukos Associates to provide biological monitoring, prepare invasive species management plans, and assist with public outreach events, (2) RECON Environmental to support general Preserve stewardship including maintenance of access roads, tree trimming, and control of public access, (3) Wildland Res Mgt to complete Fire Management Plans (FMPs), and (4) ICF to assist with general program needs including the development of the Conservation Easements. OCTA has hosted numerous Preserve-specific outreach events to educate the public about property value and access and plans to continue this process in the near term as part of a managed access approach. No fires or major events have occurred on the Preserves in 2019, although a level of trespassing and vandalism continues to occur requiring ongoing monitoring and enforcement.

## OCTA-Funded Restoration Projects

OCTA has approved funding for 11 restoration projects and a check dam removal project that will result in over 350 acres of restored habitats and improvement to habitat functions for Covered Species. The restoration projects occur throughout the Plan Area in core habitat areas and within key habitat linkages and riparian corridors (see Figure 1). The restoration projects are on lands that are currently managed and will enhance habitat for Covered Species. OCTA is working with the restoration project sponsors to complete implementation and monitoring of the restoration activities and achieve sign-off from the Wildlife Agencies that the restoration projects meet their success criteria. Each restoration project is at different stages of the process. To date, 2 of the 11 restoration projects have obtained sign-off.

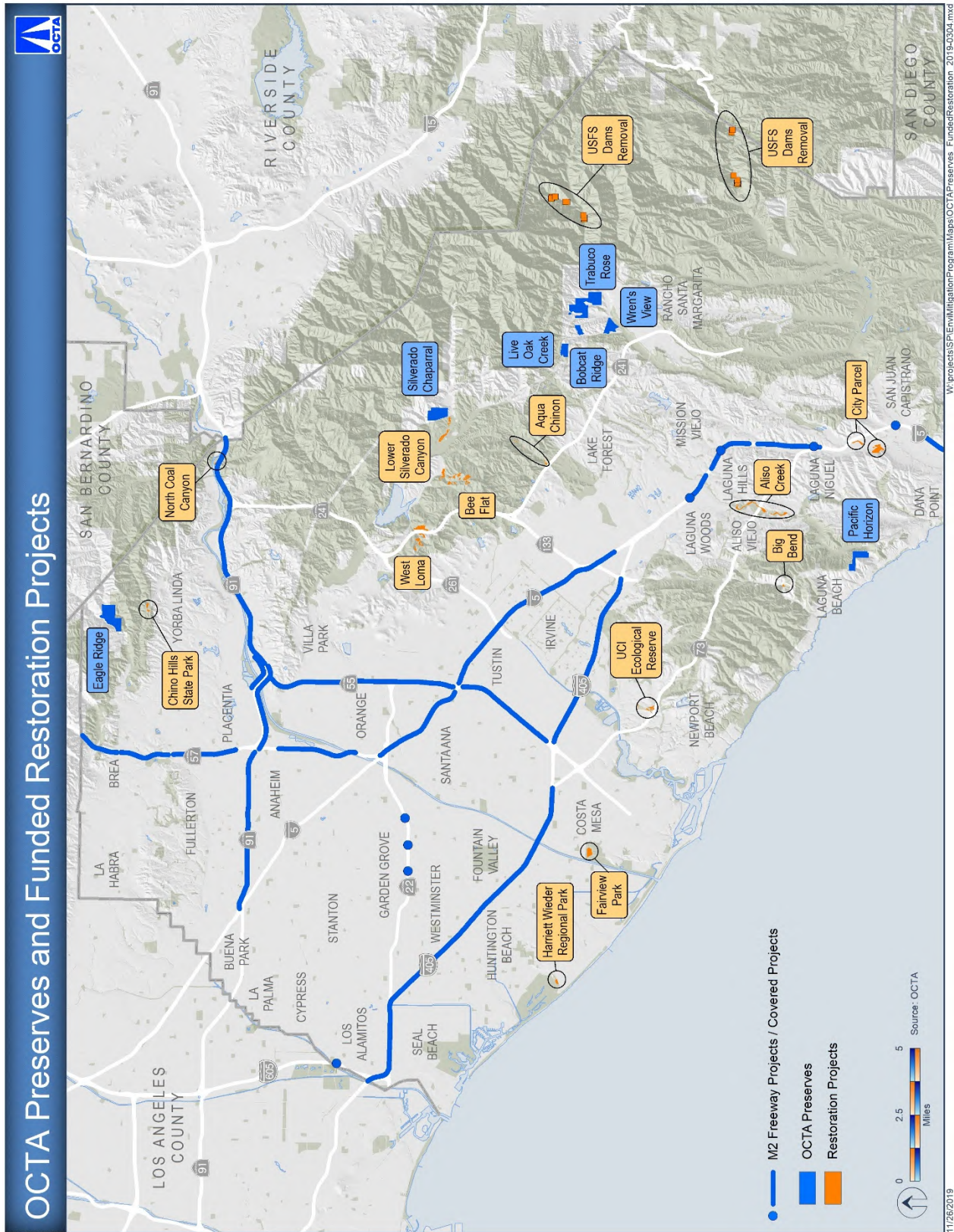
## Additional Conditions for Coverage

As part of the Conservation Analysis (Chapter 6) in the Plan, there were two Covered Species, arroyo chub and many-stemmed dudleya, noted for additional conditions for coverage above and beyond the acquisition of the OCTA Preserves and funding of restoration projects. In 2017, the EOC and Wildlife Agencies approved OCTA to fund the United States Forest Service Dam Removal restoration project that, when complete, will satisfy the conditions for coverage of arroyo chub. OCTA is currently taking steps to protect and enhance an existing population of many-stemmed dudleya on the Pacific Horizon

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<sup>1</sup> The acreage of natural habitat preserved is based on best available information using during the preparation of RMPs and may be slightly different from acreages reported in the M2 NCCP/HCP.

Figure 1 - OCTA M2 NCCP/HCP Preserves and Funded Restoration Projects



Preserve with the hope that it will expand to help meet or will meet the criteria needed to achieve coverage for many-stemmed dudleya.

## Public Outreach

OCTA has been committed to transparency in how the M2 funds have been and are being used to implement the Plan and the broader Environmental Mitigation Program (EMP). OCTA has conducted a variety of public outreach activities aimed at informing and engaging the public on the overall EMP as well as Preserve-specific issues and events. These have included public meetings during the preparation of the Preserve RMPs, maintaining a website with information and documents related to the program, and engaging in various outreach efforts and encouraging volunteer programs. In 2019, OCTA participated in 31 EMP public outreach events and meetings and 9 Preserve-specific public outreach events.

## Plan Funding

The primary source of funding for the Plan will derive from the M2 transportation sales tax designed to raise money to improve Orange County's transportation system. As part of the M2 sales tax initiative, at least 5% of the revenues from the freeway program will be set aside for the M2 EMP revenues. There are sufficient funds available through the M2 EMP to cover the development and implementation of the Plan. OCTA is currently in a 12-15 year process to accumulate and establish an endowment that will provide a long-term funding source to cover ongoing Preserve management and monitoring, adaptive management, and responses to changed circumstances, in perpetuity. In the short-term, the current M2 EMP revenue stream is used to cover Plan implementation and administration.

## Plan Administration

OCTA is responsible for implementing the Plan and staffing an NCCP/HCP Administrator position. OCTA has designated Lesley Hill as the NCCP/HCP Administrator. Her role includes overseeing Preserve management and monitoring, coordinating with restoration project sponsors, serving as the primary point of contact with the Wildlife Agencies, ensuring avoidance and minimization measures are implemented pursuant to the Plan, tracking impacts and conservation, assisting with public outreach, and preparing this Annual Report.

The Plan outlines how modifications, Minor Amendments, and Major Amendments can be made to the Plan. This Annual Report summarizes Plan modifications that have been made in collaboration with the Wildlife Agencies that address revisions to restoration project design plans and sponsors, minor Preserve boundary adjustments, and approval of a new restoration project since Plan approval. No Minor or Major Amendments are proposed.

## **1.1 Background**

In 2006, Orange County voters approved the renewal of Measure M, effectively extending the half cent sales tax to provide funding for transportation projects and programs in the county. As part of the renewed Measure M (or Measure M2), a portion of the M2 freeway program revenues were set aside for the M2 Environmental Mitigation Program (EMP) to provide funding for programmatic mitigation to offset impacts from the freeway projects in the 13 freeway segments covered by Measure M2. In 2017, Measure M2 was rebranded as OC Go. The Orange County Transportation Authority (OCTA) prepared a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Plan) as a mechanism to offset potential project-related effects on threatened and endangered species and their habitats in a comprehensive manner. The Plan achieves higher-value conservation than what would be expected through project-by-project mitigation in exchange for a streamlined project review and permitting process for the Measure M2 freeway program as a whole.

## **1.2 Introduction**

The purpose of this document is to provide an update on the status of the Plan implementation activities that have occurred during the reporting period for this Annual Report. This Annual Report includes all Plan implementation undertaken in 2019. The information in this report will be used in compliance monitoring to determine if OCTA is properly implementing the M2 NCCP/HCP pursuant to relevant regulations and permit conditions. Annual tracking and reporting of the Plan implementation activities is required by Section 8.4 of the Plan; Section 10.1 of the Implementing Agreement, dated November 2016; the Federal Fish and Wildlife 10(a)(1)(B) Permit No. TE32842C-0, dated June 19, 2017; and the NCCP Permit No. 2835-2017-001-05, dated June 19, 2017.

## **1.3 Compliance Matrix**

To satisfy the terms and conditions of the state and federal take authorization, OCTA is required to fulfill the obligations outlined in the Plan and Implementing Agreement (IA). Implementation tasks associated with these regulations are completed or ongoing, as described in Table 1-1. This table summarizes the compliance actions, identifies the Plan sections, briefly describes the compliance requirement, and summarizes the steps OCTA is currently taking. The compliance actions are described in greater detail later in this report.

**Table 1-1. M2 NCCP/HCP Compliance Matrix**

<b>Compliance Action</b>	<b>Plan Section Reference</b>	<b>Description</b>	<b>Summary of OCTA Compliance</b>	<b>Annual Report Section Reference</b>
<b><i>Tracking Impacts</i></b>	5.8.1, 7.1	The NCCP/HCP Administrator will be responsible for collecting and maintaining information that tracks impacts on natural resources resulting from covered freeway improvement projects and other management and monitoring activities on Preserves (Covered Activities) to ensure that the amount of impacts that ultimately occur under the Plan stays below the amount of impacts estimated during Plan development.	OCTA has developed procedures and approaches to track project impacts to ensure they are consistent with the Plan.	Chapter 2
<b>Freeway Improvement Projects</b>	5.8.1.1	The NCCP/HCP Administrator will be responsible for tracking the status of covered freeway improvement projects.	OCTA maintains a table summarizing the status of the M2 freeway improvement projects.	2.1.1
<b>Habitat Types</b>	5.8.1.1, Appendix F	OCTA will record the acres of direct and temporary impacts to natural communities using detailed vegetation mapping completed as part of pre-construction field surveys. The detailed vegetation mapping will be cross-walked and aggregated into the major vegetation types using the Plan. Impacts on natural communities from covered	OCTA has established methods to track the amount of habitat impacts from each covered freeway improvement project. The spreadsheet tracks the cumulative amount of habitat types relative to caps established under the M2 NCCP/HCP.	2.1.2



Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		freeway improvement projects will be measured against caps on impacts on individual habitat types and overall habitat.		
<b>Avoidance and Minimization Measures</b>	5.8.1.1	Based on the project-specific biological surveys, OCTA will ensure covered freeway improvement projects include avoidance and minimization measures into project design per guidelines and criteria included in the Plan.	OCTA has developed a consistency determination checklist used to evaluate how and when avoidance and minimization measures are implemented on covered freeway improvement projects. These checklists are submitted to the Wildlife Agencies for review and approval and measures are then included in the Certificate of Inclusion for the project.	2.1.3
<b>Covered Plant Species</b>	5.6.2.2, 5.8.1.2	To ensure any actual impacts on covered plant species are properly addressed, OCTA will implement a Covered Plant Species Policy that will involve the evaluation of impacts based on project-specific field surveys. The policy will also set forth mitigation of impacts using credits determined through field surveys of Preserves and actions taken to enhance, restore, and create populations of covered plant species as part of restoration projects approved for funding	OCTA has established a ledger to track credits and debits for covered plant species.	2.2

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		by OCTA. This policy will require OCTA to maintain a ledger-type accounting system to track credits and debits.		
<b>Preserve Management</b>	5.8.1.3	The Plan establishes that no more than 13 acres (approximately 1%) of the natural habitat within the Preserves will be impacted by Preserve management activities. OCTA and Preserve Managers will track any activities resulting in more than 0.1 acre of new direct effects on natural habitat within the Preserves and record this information in a ledger that will be submitted to the Wildlife Agencies as part of the Plan’s Annual Report.	OCTA has established a process to track and monitor any Preserve management activities that would result in permanent impacts more than 0.1 acres. A ledger has been created. To date, no permanent impacts have been recorded on the Preserves.	2.3
<b>Maintain Rough Proportionality</b>	5.8.2	The Plan specifies that conservation measures must be implemented roughly proportional in time and extent to the impacts on habitat authorized under the Plan. Conservation measures are measured once conservation easements are recorded on Preserves and when restoration projects are signed off as meeting their success criteria.	OCTA is tracking the progress of the implementation of conservation measures relative to impacts associated with Covered Activities. The Big Bend and City Parcel restoration projects have been signed off, and the habitat credits from these restoration projects are sufficient to be ahead of impacts to date.	2.4

<b>Compliance Action</b>	<b>Plan Section Reference</b>	<b>Description</b>	<b>Summary of OCTA Compliance</b>	<b>Annual Report Section Reference</b>
<b><i>Oversight of M2 Preserve Management and Monitoring</i></b>	5.4, 7.1, 7.2			Chapter 3
<b>Acquisition</b>	5.4	The acquisition of habitat Preserves was a key component of the Plan conservation strategy. Prior to the Plan being completed, OCTA selected and acquired seven Preserves with approximately 1,236 <sup>a</sup> acres of natural habitat. The locations of the Preserves across the Plan Area are shown on Figure 1. The selection of the Preserves, completed in coordination with the Environmental Oversight Committee (EOC) and Wildlife Agencies, was designed to meet the biological goals and objectives of the Plan while also contributing to the collective goals of the existing regional network of protected areas within the Plan Area.	The collection of Preserves acquired by OCTA in the Trabuco Canyon area has created a substantial block of conservation in an area that did not previously exist as protected open space. The Preserves in Laguna Beach (Pacific Horizon), Brea (Eagle Ridge), and Silverado Canyon area (Silverado Chaparral) add to blocks of existing protected open space in Orange County. These Preserves provide for the protection of diverse habitats across the Plan Area.	3.2
<b>Initial Reconnaissance and Baseline Surveys</b>	7.2.7.4	Baseline monitoring establishes conditions at a given point in time. It is a one-time event that characterizes the status of conserved resources, as well as threats and stressors, for planning or future comparisons.	For each of the seven Preserves, OCTA contracted with Bonterra Psomas to complete baseline biological surveys that included detailed vegetation mapping and focused surveys of Covered Species.	3.2 and summarized in the 2018 First Annual Report
<b>Preparation of RMPs</b>	7.2.4	A Resource Management Plan (RMP) will be developed for	OCTA has completed RMPs for all seven Preserves. Each	3.2

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		<p>each Preserve that will include Preserve-specific goals and objectives relating to natural communities, Covered Species, and other ecosystem function(s), which demonstrate how the Preserve supports the overall goals and objectives of the OCTA NCCP/HCP.</p>	<p>RMP was reviewed and approved by the Wildlife Agencies. Draft RMPs were circulated for public review and OCTA held public workshops to obtain input. The Final RMPs are posted on the OCTA EMP website. The RMPs will be reviewed every 5 years and updated as necessary to prioritize management actions based on the changing Preserve needs.</p>	
<p><b>Recording of Conservation Easements (CEs)</b></p>	<p>7.2.4.1</p>	<p>Conservation easements will be recorded for each Preserve that will provide a legal mechanism to ensure each Preserve is maintained and managed in perpetuity as a habitat Preserve. Conservation easements will be recorded not later than 2 years from permit issuance. Conservation easements for each Preserve will be held by appropriate entities, depending upon the Preserve Manager.</p>	<p>OCTA is currently working on the preparation of conservation easements for each Preserve and anticipates these will be finalized in the near future.</p>	<p>3.2</p>
<p><b>Identification of Preserve Manager</b></p>	<p>8.2.1.2</p>	<p>For each Preserve, a long-term Preserve Manager will be identified.</p>	<p>OCTA is currently serving as the Preserve Manager for each Preserve. OCTA has contracted with firms (RECON and Glenn Lukos Associates [GLA]) to provide Preserve management and</p>	<p>3.2</p>

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
			<p>monitoring assistance. High Level Security Services (HLSS) as well as Orange County Sheriff are providing security services for OCTA. OCTA will transition to a long-term Preserve Manager for each Preserve in the near future.</p>	
<p><b>General Stewardship and Preserve Management</b></p>	<p>7.2.5</p>	<p>The M2 NCCP/HCP includes guidelines for management of Preserves. These guidelines are meant to describe the range of management activities that could be needed, depending on a variety of Preserve-specific conditions.</p>	<p>OCTA has completed RMPs for each Preserve that define the Preserve-specific management activities. OCTA is currently serving as the Preserve Manager for each Preserve and has contracted with firms (RECON, GLA and HLSS), to provide Preserve management assistance.</p>	<p>3.2, Appendix C and D</p>
<p><b>Public Access Policy and Enforcement</b></p>	<p>7.2.5.7, 7.2.5.8</p>	<p>The primary purpose of acquiring the Preserves is to meet the biological requirements of the NCCP/HCP; however, the Preserves provide additional benefits, such as opportunities for passive recreation. Passive recreational use in the Preserves will be managed to be consistent with the protection and enhancement of biological resources.</p>	<p>For each Preserve, a public access approach was developed for the RMPs that addressed recreation and allowable uses that are compatible with the biological goals and objectives of the Plan. The RMPs were reviewed and approved by the Wildlife Agencies. OCTA conducts public hikes and equestrian rides at designated Preserves.</p>	<p>3.2, 6.1.2</p>
<p><b>Invasive Species Control Plan and Implementation</b></p>	<p>7.2.5.1</p>	<p>The control of invasive nonnative plant species is one of the most important</p>	<p>Invasive Species Management Plans were completed and approved by</p>	<p>3.2, Appendix C and D</p>

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		<p>components of Preserve management because these species can aggressively out-compete native species, thereby reducing habitat quality within a Preserve.</p>	<p>the Wildlife Agencies for each Preserve. These Plans (authored by GLA) include detailed mapping for existing invasive species and prioritization for invasive species treatment actions. OCTA has begun the implementation of invasive species control on the Trabuco Rose Preserve.</p>	
<p><b>Fire Management Plan and Fire Response</b></p>	<p>7.2.5.9</p>	<p>The Plan outlines the requirement for the preparation of a Fire Management Plans (FMPs) for each Preserve.</p>	<p>OCTA has contracted with Wildland Res Mgt to complete a FMP for each Preserve. Draft FMPs are anticipated to be completed in 2020. The FMPs will establish policies and approaches to maximize protection of biological resources during fire suppression activities, to the degree feasible. In 2016, there was a 1.5-acre fire on the Eagle Ridge Preserve. The fire was extinguished quickly and the burn area recovered. No fires within the OCTA Preserves have occurred during the period covered by this Annual Report.</p>	<p>3.2</p>
<p><b>Biological (Effectiveness) Monitoring</b></p>	<p>7.2.7.4 Table 7-1</p>	<p>Effectiveness monitoring assesses status and trends, as well as threats and stressors, and requires biological expertise. Effectiveness</p>	<p>OCTA has been completing surveys for Covered Species and their habitat within the Preserves based on schedules set forth in the</p>	<p>3.2, Appendix C</p>

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		<p>monitoring will be completed following the frequency and survey protocols listed in Table 7-1 of the M2 NCCP/HCP in perpetuity.</p>	<p>RMPs. In 2019, OCTA (GLA) also mapped cactus scrub habitat on all of the Preserves to identify key habitat areas for cactus wren, and for use in the management of sensitive resources in the context of fire management.</p>	
<p><b>Adaptive Management</b></p>	<p>7.2.7</p>	<p>The Plan sets forth the expectation and outlines an approach for the Preserves to be managed using an adaptive management strategy. Adaptive management provides a strategy to improve future management actions through monitoring to evaluate management effectiveness.</p>	<p>For each Preserve, OCTA has identified key issues for a focused adaptive management approach as part of the RMP development. These key issues are included as tasks in the monitoring and management of the Preserves.</p>	<p>3.2</p>
<p><b>Changed Circumstances</b></p>	<p>8.6.2</p>	<p>Changed Circumstances are defined as those events (flood; fire; drought; invasion by exotic species or disease; toxic spills, vandalism, encroachment, and other illegal human activity; and listing of non-Covered Species) that may affect a species or geographic area covered by this Plan that can reasonably be foreseen by OCTA and the Wildlife Agencies during planning and development of the Plan.</p>	<p>The Plan outlines how Changed Circumstances will be addressed should they occur. During the time period covered by this Annual Report, no events warranting a Changed Circumstance has occurred.</p>	<p>3.2</p>

<b>Compliance Action</b>	<b>Plan Section Reference</b>	<b>Description</b>	<b>Summary of OCTA Compliance</b>	<b>Annual Report Section Reference</b>
<b>Bi-annual Meeting of Preserve Managers</b>	7.1, 7.2.7.6	OCTA will host bi-annual meetings involving the Preserve Managers, Monitoring Biologists, the NCCP/HCP Administrator, and the Wildlife Agencies where implementation, policy, and technical issues of Preserve management will be addressed.	Because OCTA is functioning as the Preserve Manager each of the Preserves, the bi-annual meetings have not been initiated to date. OCTA has been coordinating closely with the Wildlife Agencies on Preserve activity.	N/A
<b>Regional Monitoring</b>	7.2.2	OCTA is not responsible for conducting regional monitoring outside of their specific Preserves but will contribute monitoring data collected at OCTA Preserves in a format that can be integrated with regional monitoring databases as appropriate.	OCTA is continuing to coordinate and collaborate with other regional management and monitoring programs to stay abreast of regional monitoring issues. OCTA has shared monitoring results with other regional entities.	6.1.3
<b><i>Tracking and Facilitation of M2 Restoration Project Implementation</i></b>	5.5, 7.1	A key component of the M2 NCCP/HCP conservation strategy was OCTA funding restoration projects throughout the Plan Area. OCTA has funded 11 restoration projects, totaling approximately 357 acres of restored habitats, and a dam removal project. The restoration projects will enhance habitat for Covered Species.	OCTA has been providing oversight of the Restoration Project sponsors to ensure the restoration projects meet the following criteria: (1) the restored habitat meets success criteria identified in final restoration plans approved by the Wildlife Agencies; (2) the restoration project area is conserved through a conservation easement, deed restriction, or other mechanism approved by the Wildlife Agencies; and (3) the	4.1, 4.2



Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
			restoration site will be managed long-term in accordance with an existing management plan that defines the role for managing the biological values of the restoration project location.	
<b>'Lessons learned' monitoring of restoration projects</b>	7.3	As warranted and in consultation with the Wildlife Agencies, OCTA will conduct follow-up monitoring of restoration projects (approximately every 5 to 10 years) to evaluate the success of the restoration projects and apply 'lessons learned' to future restoration activities.	To be completed at a later date after restoration projects have been completed.	To be presented in subsequent annual reports
<b><i>Additional Conditions for Coverage</i></b>	6.5	As part of the Conservation Analysis (Chapter 6) in the M2 NCCP/HCP, there were two Covered Species, arroyo chub and many-stemmed dudleya, noted for additional conditions for coverage above and beyond the acquisition of the seven OCTA Preserves and funding of restoration projects.	OCTA has been working with the Wildlife Agencies to identify and implement actions to achieve coverage for arroyo chub and many-stemmed dudleya.	Chapter 5
<b>Arroyo Chub</b>	6.5	OCTA will implement a future restoration project focused on improving habitat conditions for arroyo chub.	OCTA has initiated the U.S. Forest Service (USFS) Dam Removal restoration project to provide conservation for arroyo chub. In 2017, the EOC and Wildlife Agencies approved moving forward with USFS Dam Removal	5.1.1, 4.2.12

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
			<p>project and OCTA has contracted with USFS to remove 14 dams. The restoration activities began in 2018 and are anticipated to be completed in 2020. When this project has been signed off, this condition will have been met.</p>	
<p><b>Many-stemmed Dudleya</b></p>	<p>6.5</p>	<p>OCTA will protect, enhance, and/or establish a major population (i.e., 500 individuals) of many-stemmed dudleya.</p>	<p>There is a known population (four occurrences with approximately 180 individuals) identified on the Pacific Horizon Preserve. OCTA is implementing ongoing Preserve management actions to improve habitat suitability (e.g., reduction of invasive species and minimizing recreational impacts) and will monitor results to determine if the existing population can be expanded to meet the threshold.</p>	<p>5.1.2, 3.2.4</p>
<p><b>Plan Funding</b></p>	<p>8.3</p>	<p>Both the Natural Community Conservation Plan Act (NCCPA) and Endangered Species Act (ESA) require that a conservation plan approved pursuant to the respective state or federal law must assure availability of adequate funding to implement the Plan’s conservation actions.</p>	<p>The primary source of funding for the Plan implementation is the M2 transportation sales tax initiative, which included at least 5% for the revenues for the EMP.</p>	<p>Chapter 7</p>

<b>Compliance Action</b>	<b>Plan Section Reference</b>	<b>Description</b>	<b>Summary of OCTA Compliance</b>	<b>Annual Report Section Reference</b>
<b>Preserve Management</b>	8.3.3	OCTA will establish an endowment to provide a secure and permanent funding source to cover the Preserve management (including adaptive management) cost in perpetuity.	OCTA has established a strategy to accumulate funds for an endowment to cover Preserve management over an estimated period of 10-12 years. During this accumulation phase, funding for ongoing Preserve management is covered through the M2 sales tax revenue stream.	7.1, 7.2
<b>Effectiveness Biological Monitoring</b>	8.3.3	OCTA will establish an endowment to provide a secure and permanent funding source to cover the effectiveness biological monitoring on the Preserves in perpetuity.	OCTA has established a strategy to accumulate funds for an endowment to cover Preserve management over an estimated period of 10-12 years. During this accumulation phase, funding for ongoing effectiveness monitoring is covered through the M2 sales tax revenue stream.	7.1, 7.2
<b>Program Management</b>	8.3.3	OCTA will establish an endowment to fund program management through the permit term.	OCTA will fund program management using the M2 revenue stream until 2041. Between 2041 and 2051 (end of permit term), OCTA will set aside a subfund to continue funding program management.	7.1, 7.2
<b>Changed Circumstances</b>	8.3.3	OCTA will establish an endowment to provide a secure and permanent funding source to cover the responses to Changed	OCTA has established a strategy to accumulate funds for an endowment to cover Preserve management over an estimated period of 10-12 years. During this	7.1, 7.2

<b>Compliance Action</b>	<b>Plan Section Reference</b>	<b>Description</b>	<b>Summary of OCTA Compliance</b>	<b>Annual Report Section Reference</b>
		Circumstances on the Preserves in perpetuity.	accumulation phase, funding for ongoing effectiveness monitoring is covered through the M2 sales tax revenue stream.	
<b><i>Plan Administration</i></b>				Chapter 8
<b>NCCP/HCP Administrator</b>	8.2.1.1	OCTA is responsible for implementing the M2 NCCP/HCP and staffing an NCCP/HCP Administrator position.	The NCCP/HCP is being implemented and administered by OCTA staff.	8.1
<b>Minor Modifications</b>	8.5.2	The Plan allows for minor modifications to the Plan, permits, and implementing agreement if the modifications are non-substantive and do not meet the threshold of a Minor and Major Amendment.	OCTA has coordinated with the Wildlife Agencies to identify several minor modifications up through 2018. No new minor modifications were needed in 2019.	8.2
<b>Minor or Major Amendments</b>	8.5.3, 8.5.4	The Plan outlines circumstances in which Minor or Major Amendments to the Plan, permits, and Implementing Agreement could be proposed by OCTA and implemented in collaboration with the Wildlife Agencies.	No Minor or Major Amendments have been proposed or implemented during the timeframe of this Annual Report.	8.3
<b>Changed Circumstances</b>	8.6.2	Changed Circumstances are defined as those events that may affect a species or geographic area covered by this Plan that can reasonably be foreseen by OCTA and the Wildlife Agencies during development of the Plan. Changed Circumstances for	No events meeting the criteria of a Changed Circumstance occurred during the timeframe of this Annual Report.	8.4

Compliance Action	Plan Section Reference	Description	Summary of OCTA Compliance	Annual Report Section Reference
		this Plan include the following reasonably foreseeable events: flood; fire; extended period of reduced precipitation; invasion by exotic species or disease; toxic spills, vandalism, encroachment, and other illegal human activity; and listing of non-Covered Species.		
<b>Annual Reporting</b>				
<b>Annual Report</b>	8.4	OCTA will prepare an Annual Report summarizing activities over the reporting year (January 1 to December 31). Annual reporting will involve report submittal to the Wildlife Agencies by March 1 of each calendar year (or other date as agreed upon by OCTA and the Wildlife Agencies).	This is the second Annual Report and covers all activities in 2019.	
<b>Public Meeting</b>	8.4	A public meeting on the report will be held within 60 days of the report submittal or in conjunction with EOC meetings.	A public meeting will be held in summer 2020 to present the Annual Report, and this document will be posted on the OCTA EMP website.	
<p><sup>a</sup> The acreage of natural habitat preserved is based on best available information using during the preparation of RMPs and may be slightly different from acreages reported in the M2 NCCP/HCP.</p>				

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**FOR IMMEDIATE RELEASE:**  
July 22, 2020

## **Natural Habitat Returns on Nearly 300 Acres through OCTA Effort with Irvine Ranch Conservancy, OC Parks**

*A decade in the making, Bee Flat Canyon Restoration Project sees major improvements, replacing weeds with native vegetation in Orange County foothills*

ORANGE –The Orange County Transportation Authority, working in partnership with the Irvine Ranch Conservancy and OC Parks, has helped complete the restoration of nearly 300 acres of natural habitat in the foothills of Orange County.

OCTA funded 84 acres of the 293-acre restoration through Measure M, the county’s half-cent sales tax for transportation improvements.

The project is the latest of 12 OCTA restoration projects to obtain final approvals from state and federal wildlife agencies.

The restored land, in the Bee Flat Canyon area of OC Parks’ Limestone Canyon, is east of Orange near Modjeska Canyon. For years, the land was choked with invasive weeds that threatened the natural habitat of the area.

The restoration project, led by IRC, took place over nearly a 10-year period, as evasive weeds such as black mustard and milk thistle were gradually removed and replaced with native plant life such as coastal sage scrub, oak woodlands, chaparral and native grasslands.

“This is another fantastic example of how OCTA has brought a balanced approach to improving transportation in Orange County while also protecting the valuable natural resources that make it such a special place to live,” said OCTA Chairman Steve Jones, also the Mayor of Garden Grove.

When voters overwhelmingly renewed Measure M in 2006, the measure included an Environmental Freeway Mitigation Program that helps offset the potential adverse effects of expanding Orange County’s freeways.

The program helps expedite freeway projects through Measure M, also known as OC Go, while protecting the environment. OCTA has purchased more than 1,300 acres of open space – land that otherwise could have been developed – to protect it in its natural state forever.

Those properties, purchased from willing sellers, are in Trabuco Canyon, Silverado Canyon, Brea and Laguna Beach.

The environmental program also includes approximately \$10 million for 12 habitat restoration projects, such as the one at Bee Flat Canyon, totaling more than 350 acres.

“OCTA and OC Parks have been great supporters throughout this process and their partnership is invaluable,” said Robert Freese, IRC’s project manager. “We will continue to monitor and manage Bee Flat Canyon and hope to see an increase in wildlife over the coming years.”

To date, the wildlife agencies have signed off on several of the restoration projects, signifying the continued success of the program as well as the partnership that’s been forged with the environmental community.



*Photo (attached): OCTA helped fund the restoration of 84 acres of Bee Flat Canyon in the foothills of Orange County. The restoration is part of OCTA’s Measure M Freeway Environmental Mitigation Program, helping restore and preserve natural open space while expediting freeway improvement projects. Photo courtesy of Irvine Ranch Conservancy.*

###

About OCTA: The Orange County Transportation Authority is the county transportation planning commission, responsible for funding and implementing transit and capital projects for a balanced and sustainable transportation system that reflects the diverse travel needs of the county’s 34 cities and 3.2 million residents. With the mission of keeping Orange County moving, this includes freeways and express lanes, bus and rail transit, rideshare, commuter rail and active transportation.





**FOR IMMEDIATE RELEASE**

July 22, 2020

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## **Irvine Ranch Conservancy and OCTA Restore Habitats in OC Parks' Bee Flat Canyon**

*Ten-year restoration project restored natural habitats on the Irvine Ranch Natural Landmarks*



Orange County, Calif. (July 22, 2020) – Irvine Ranch Conservancy (IRC), in partnership with Orange County Transportation Authority (OCTA) and OC Parks, recently completed a landscape scale habitat restoration project in Bee Flat Canyon, revitalizing degraded lands in this 293-acre subwatershed of the Santa Ana River.

Tucked away in OC Parks' Limestone Canyon, Bee Flat Canyon ranges from Limestone Meadow near Santiago Canyon Road up to Loma Ridge in the foothills of the Santa Ana Mountains. IRC conducted intensive restoration of 84 acres and removed invasive weeds throughout the entire subwatershed. Bee Flat Canyon was selected as a high priority restoration zone due to its ecological value and strong potential for success.

"The Bee Flat Canyon restoration project is one of Irvine Ranch Conservancy's largest and oldest restoration projects," said Irvine Ranch Conservancy Project Manager Robert Freese. "With planning starting in 2010, the project spanned ten years, which included initial site reconnaissance and surveys, restoration planning, about two years of site preparation, followed by direct seeding of native species, and five to seven years of maintenance." Site preparation

involved removing invasive weeds like black mustard and milk thistle using Bobcat mowers, brush cutters, and even goats to graze steep slopes of the canyon. Once the majority of weeds were cleared, plant palettes were created to reflect the variety of habitats at Bee Flat including coastal sage scrub, oak woodlands, chaparral, and native grasslands. Initial work was conducted during a severe drought from 2012 to 2017 during which no irrigation was used.



The Bee Flat Canyon restoration project was funded by a grant from OCTA's Measure M Environmental Mitigation Program. The goal was to reestablish a diverse, resilient, self-sustaining ecosystem. The benefits included improved wildlife habitat, new corridors for wildlife movement, reduced wildfire hazard, improved soil health and water quality. Visitors to this area experience a remarkably beautiful and revitalized landscape.

"OCTA was excited to work with Irvine Ranch Conservancy on this important habitat restoration project in Bee Flat Canyon," said Lesley Hill, OCTA Environmental Mitigation Program Project Manager. "Thanks to their innovative staff and crew, we were able to restore Bee Flat Canyon's native habitats."

"With this restoration project, we wanted to fill in the missing pieces and create connections across the landscape," said Freese. "Over the years, the land had been degraded due to overgrazing, wildfire frequency and invasive species. Ten years later, we were able to re-introduce native plants and wildflowers like California Sagebrush, Purple Needlegrass, California Poppies and a variety of sage and lupine species, most of which came directly from IRC's Native Seed Farm."



The success of the restoration site was evaluated using ecologically-based performance standards, including arthropod community diversity and plant functional groups. After the

evaluation was completed, the Bee Flat Canyon restoration project was deemed fully successful by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

“OCTA and OC Parks have been great supporters throughout this process and their partnership is invaluable,” said Freese. “We will continue to monitor and manage Bee Flat Canyon and hope to see an increase in wildlife over the coming years. With the restored coastal sage scrub habitat, we hope to see the return of the California Gnatcatcher, which has been listed under the Endangered Species Act and lives solely in scrub habitats.”

To learn more about Irvine Ranch Conservancy and restoration projects on the Irvine Ranch Natural Landmarks visit [IRConservancy.org](http://IRConservancy.org).

####

### **Irvine Ranch Conservancy**

*Irvine Ranch Conservancy is a non-profit, non-advocacy organization created in 2005 to help preserve and support the Irvine Ranch Natural Landmarks, enhancing the public's connection to the land while helping partners and landowners with all aspects of stewardship. The Conservancy offers a variety of free, guided outdoor activities for all nature enthusiasts including hiking, mountain biking, horse-back riding and much more. For more information, visit [www.letsgooutside.org](http://www.letsgooutside.org).*



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May 29, 2020

Mr. Kenneth Borngrebe  
Director, Environmental Services  
Southern California Edison  
2244 Walnut Grove Ave  
Rosemead, CA 91770

**Subject: Southern California Edison Impacts on the Orange County  
Transportation Authority's Pacific Horizon Preserve**

Dear Mr. Borngrebe:

In early 2020, the Orange County Transportation Authority (OCTA) was notified that a trail had been cut on the OCTA Pacific Horizon Preserve (Preserve) as well as on the adjacent Aliso and Wood Canyons Wilderness Park property, which is owned by the Orange County Parks (OC Parks). Upon further investigation, it was revealed that a Southern California Edison (SCE) contractor had performed work on the Preserve. The trail work was in response to California Public Resources Code 4292 requiring the maintenance of ten-foot radius firebreaks around utility poles. However, SCE or the contractor did not obtain permission from or coordinate with OCTA to access the Preserve. SCE's actions resulted in vegetation and property impacts above and beyond the ten-foot radius required. The Preserve is part of an approved Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan) (Attachment A) and associated with an implementing agreement between OCTA, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Services (Wildlife Agencies).

The 151-acre Preserve (formerly known as the Aliso Canyon property) is located in the southeast portion of the City of Laguna Beach (Attachment B). The main purpose of acquiring each of the properties was to meet the biological requirement of the Conservation Plan. This requires that activities conducted within the Preserve must be compatible with the protection of its biological resources and must adhere to strict requirements. Authorized activities include those shown to have a minimal impact on biological resources and ecosystem functions, while prohibited activities are those expected to have a detrimental effect on those resources. All authorized activities were coordinated with and approved by the Wildlife Agencies as part of the Conservation Plan.

Mr. Kenneth Borngrebe  
May 29, 2020  
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In March 2020, OCTA contacted SCE staff to discuss the unauthorized work on the Preserve. A site visit was subsequently conducted on April 22, 2020, with SCE (Paul Yamazaki and Setal Prabhu), OCTA, and OC Parks staff. It was observed that SCE's activities resulted in cut and unrepaired fence lines, large areas of cleared vegetation surrounding the poles exceeding the requirements, new trails cut through intact mature vegetation to access the poles, and piles of cut vegetation placed on adjacent live vegetation. A trail was cut from the top of the ridge trail on the Preserve all the way down to the canyon bottom in the Aliso and Wood Canyons Wilderness Park (Attachment C).

Over the past few months, OCTA has been in coordination with SCE, OC Parks, the Wildlife Agencies, and the California Coastal Commission (CCC) to develop a plan on restoring the habitat and vegetation loss, as well as repairing property damage. SCE staff has agreed to complete these activities and coordinate with all related agencies in good faith. In addition, OCTA requests that SCE obtain an easement from OCTA (for access) to perform any future activities for the distribution line. This may require SCE to perform a property boundary survey to determine the property line for ongoing maintenance of the power lines. There are discussions with the Wildlife Agencies and the CCC pertaining to any potential SCE mitigation requirements. Once SCE has determined the ongoing maintenance needs, these agencies will determine if and what mitigation may be applicable for the impacts.

More specifically, the following list developed by SCE staff outlines the immediate action items SCE has committed to:

1. Develop a site-specific action plan to determine what will be done at each impact site and coordinate with OCTA and OC Parks before implementing any courses of action
  - a. Weeding
  - b. Signage and disguising paths to deter the public from use
  - c. Mending fences in such a way that vegetation management and pole replacement crews do not have to cut them in the future
2. Implement activities in Item #1
3. Coordinate internally to understand the ongoing maintenance activities and how they will be implemented in the future
4. Follow up with OCTA and OC Parks on information from Item #3 and work on an agreement that identifies areas SCE will be maintaining and a notification protocol moving forward

Mr. Kenneth Borngrebe  
May 29, 2020  
Page 3

OCTA requests that Item #1 be implemented immediately and that OCTA be notified in advance of any work proposed for this Preserve. In general, OCTA appreciates the cooperation of SCE staff and looks forward to establishing a better communication process for future activities.

If you have any questions, please contact Lesley Hill, Project Manager, at [lhill@octa.net](mailto:lhill@octa.net) or (714) 560-5759.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Phu", with a long horizontal flourish extending to the right.

Dan Phu  
Environmental Programs Manager

#### Attachments

c: Brad Barker, OC Parks  
Will Miller, United States Fish and Wildlife Service  
Kyle Rice, California Department of Fish and Wildlife  
Andrew Willis, California Coastal Commission  
Paul Yamazaki, Southern California Edison  
Setal Prabhu, Southern California Edison

# FREEWAY ENVIRONMENTAL MITIGATION PROGRAM



## IMPACTED CITIES

All 34 Orange County cities and the County of Orange

## AT A GLANCE

**FUNDING:** Approximately \$274 million available from OC Go (over 30 years)

**PROJECT MANAGER:** Lesley Hill  
Freeway Environmental Mitigation Program Project Manager  
(714) 560-5759  
lhill@octa.net

**COMMUNITY OUTREACH:** Marissa Espino  
(714) 560-5607  
mespino@octa.net

**WEBSITE:** [www.preservingourlegacy.org](http://www.preservingourlegacy.org)

Fact sheet as of 1/8/19

## PROGRAM DESCRIPTION

The Orange County Transportation Authority's (OCTA) Freeway Environmental Mitigation Program (Mitigation Program) provides for comprehensive environmental mitigation for the impacts from freeway improvements. A master agreement between OCTA, Caltrans and state and federal resource agencies was executed in January 2010. This offers higher-value environmental benefits such as habitat protection, connectivity and resource preservation in exchange for streamlined project approvals for all OC Go, formerly known as Measure M, freeway projects.

## LAND PRESERVATION

The Mitigation Program allocated funds to acquire land and restore habitat. Properties are acquired and permanently protected as conservation lands (Preserves). Funded habitat restoration projects restore existing conservation lands to their native state.

OCTA has acquired more than 1,300 acres of Preserves in Brea, Laguna Beach, Silverado Canyon, and Trabuco Canyon. A total of 12 restoration projects have been funded throughout Orange County. Approximately \$30 million has been spent on acquisitions and \$10 million on over 350 acres of habitat restoration activities.

## CONSERVATION PLAN

In 2017, OCTA completed the Final Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan), which is a state and federal process to protect threatened and endangered species. The Conservation Plan ensures OCTA's wilderness preserves will remain forever protected from development. It also requires OCTA to provide funding for the long term management of the properties.

## RESOURCE MANAGEMENT PLANS

In conjunction with the Conservation Plan, Resource Management Plans (RMP) were developed for each acquired Preserve. These plans outline how the Preserves are protected, how they will be managed, and also address fire protection.

The RMPs will be reviewed at least every five years and updated as necessary to prioritize management actions based on the changing Preserve needs. At that time, the RMPs would be presented for public review.



Orange County Transportation Authority

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# PACIFIC HORIZON PRESERVE

## ENVIRONMENTAL MITIGATION PROGRAM

OCTA's OC Go, formerly Measure M, Freeway Environmental Mitigation Program (EMP) provides comprehensive mitigation to offset the environmental impacts of all OC Go-funded freeway improvement projects.

The EMP presents a comprehensive mitigation approach that provides not only replacement habitat, but also the opportunity to improve the overall functions and value of sensitive biological resources throughout Orange County.

Based on the evaluation of mitigation opportunities in the County, priority conservation areas were identified, including candidate parcels and properties that could be considered for wilderness preservation purposes. Properties were then selected for acquisition and restoration. These properties were selected to enhance wildlife connectivity, safeguard sensitive species and preserve substantial parcels of valuable habitat.



*Indian Paintbrush and California Sagebrush*

## ABOUT THE PRESERVE

The Pacific Horizon Preserve is a 151-acre parcel located in the Southeast portion of the City of Laguna Beach. It is adjacent to Aliso and Wood Canyons Wilderness Park, as well as Moulton Meadows Park. The Preserve features a variety of habitats, including chaparral, grassland, and coastal sage scrub.

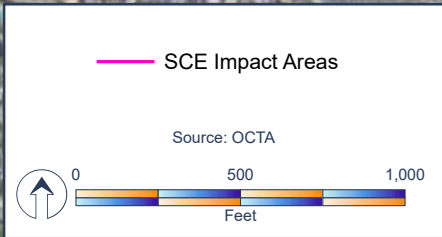
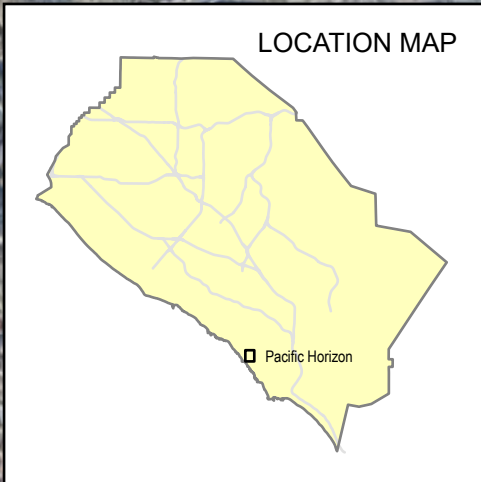
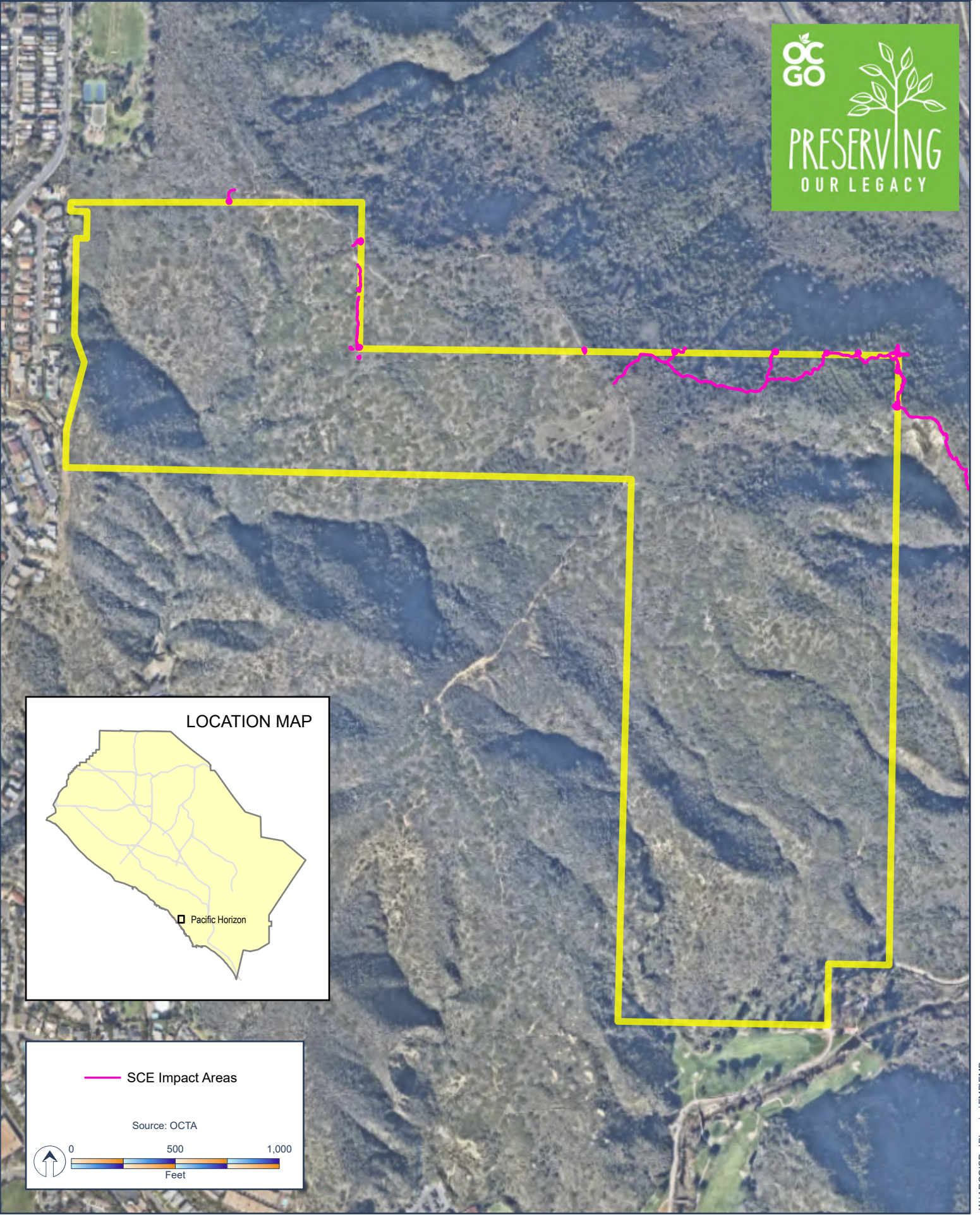
The California Department of Fish and Wildlife database has identified several special status plant and animal species within a one-mile radius of the study area. They include but are not limited to:

- Orange-Throated Whiptail
- Tidewater Goby
- Coast (San Diego) Horned Lizard
- Least Bell's Vireo
- Southwestern Pond Turtle
- Northern Harrier
- American Peregrine Falcon
- Coastal California Gnatcatcher
- Foothill Mariposa Lily
- Catalina Mariposa Lily
- Many-stemmed Dudleya
- Laguna Beach Dudleya
- Cliff Spurge
- Nuttall's Scrub Oak
- Crownbeard

The general unsullied nature of the terrain allows for several important wildlife movement corridors for deer, coyotes, brush rabbits, Beechey ground squirrels, Botta pocket gophers and more. The Preserve serves as the final open space connection between the south end of the Laguna Greenbelt, Aliso and Wood Canyons Wilderness Park, and the sea. OCTA's acquisition of Pacific Horizon will allow for the area to be preserved as open space, ensuring the preservation of wildlife mobility as well as various sensitive species in the area.









MEMORANDUM

June 10, 2020

To: Environmental Oversight Committee Members

From: Orange County Transportation Authority Staff

Subject: **Pacific Horizon Preserve Habitat Impacts 2020 Update**

At the May 6, 2020 Environmental Oversight Committee (EOC) meeting, EOC members were informed of an unauthorized trail that Orange County Transportation Authority (OCTA) staff had discovered on its Pacific Horizon Preserve (Preserve) located in the City of Laguna Beach. The unauthorized trail cuts through native habitat on the Preserve and continues down into the Orange County Parks (OC Parks) Aliso and Wood Canyons Wilderness Park. After visiting the site, OCTA and OC Parks staff mapped the unauthorized trail and documented that fence lines were cut. Attachment A shows the Preserve as well as the mapped impact areas.

OCTA confirmed with Southern California Edison (SCE) that the impacts were caused by one of their contractors performing work to maintain the utility poles. According to SCE, this work is required pursuant to California Public Resources Code 4292. The poles are located on the northern and eastern perimeter (adjacent to County of Orange property) of the Preserve.

During the May 6 EOC meeting, EOC Committee member Derek McGregor inquired whether a survey was completed for this Preserve and if an SCE easement exists. OCTA staff subsequently coordinated with Mr. McGregor and provided the requested American Land Title Associate (ALTA) Report. The ALTA Report identifies an overhead electrical line and poles along the northern and eastern boundary; however, it does not appear any easements were recorded related to these utilities. Most of the poles are within zero to three feet of the Preserve with one pole found within the Preserve. The guy-wires to support the poles were found to be within the Preserve. In addition, no SCE easements were documented within the Preliminary Title Report (October 2014). Consequently, OCTA has requested that SCE identify any existing easements on or near the Preserve, where they are located, and what specific rights were granted. However, if SCE verifies that no easement exists on the Preserve, SCE has verbally committed to obtaining an easement from OCTA (for access and maintenance). This easement would enable SCE to perform approved required activities in the future for the distribution line. The easement should specifically include the precise location of the poles and guy-wires, along with language

describing how SCE will access this infrastructure to perform the required maintenance. In addition, SCE should document how these activities will be conducted without impacting the vegetation and the restoration requirements if vegetation is damaged.

Recording an easement may require SCE to perform a property boundary survey to determine the property line for ongoing maintenance of the power lines. Concerns about potential issues arising in the future as a result of the cut trails, such as formation of problematic runoff channel ways, were also brought up during the EOC meeting. To address this, OCTA will request SCE to clearly document and observe impact locations and conditions. OCTA has requested that SCE complete these actions at SCE's expense.

OCTA has been coordinating with SCE to communicate concerns and determine a course of action to restore the unnecessary impacts. OCTA is also working with OC Parks, the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and the California Coastal Commission to resolve this issue pursuant to their requirements. In late May, SCE staff and contractors placed "restoration in progress" signs and side cast vegetation in order to disguise the unauthorized trail heads. SCE has agreed to complete the remaining necessary activities and continue to coordinate with all related agencies in good faith. In addition, staff is reviewing all the OCTA Preserves in relation to utility easements and/or utility poles to verify if this could be an issue on any of the other OCTA-owned Preserves. Staff will provide a status update on this item at the next EOC meeting.

If you have any further questions, please contact Dan Phu, Program Manager, at (714) 560-5907 or [dphu@octa.net](mailto:dphu@octa.net).

OCTA:lh  
Attachment

