



June 7, 2021

To: Regional Highways and Planning Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Measure M2 Environmental Mitigation Program Update

Overview

Measure M2 includes a program to deliver comprehensive mitigation for specific environmental impacts of 13 freeway projects in exchange for streamlined project approvals from the state and federal Resource Agencies. The Environmental Mitigation Program has acquired conservation properties and provided funding for habitat restoration projects as part of the Natural Community Conservation Plan/Habitat Conservation Plan. A biannual status report of the Environmental Mitigation Program is presented.

Recommendation

Receive and file as an information item.

Background

Measure M2 (M2) includes the Environmental Mitigation Program (EMP) intended to mitigate certain impacts of 13 M2 freeway projects and streamline the approval process through state and federal Resource Agencies. This was achieved through the development of a Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan), approved by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (collectively referred to as Wildlife Agencies) in 2017. Consistent with the Conservation Plan, the Orange County Transportation Authority (OCTA) has purchased seven conservation properties (Preserves) and funded 12 habitat restoration projects (Attachment A). An endowment was established for the long-term management of the Preserves. In a parallel process, the United States Army Corps of Engineers (ACOE) and the State Water Resources Control Board (SWRCB), commonly referred to as the Regulatory Agencies, have also established a framework to expedite the permitting process.

The development of the Conservation Plan, the subsequent purchase of these Preserves, and the restoration projects have largely met the intent of the EMP, and the mitigation needs of the M2 freeway projects. Many of the restoration projects are close to or have obtained approvals from the Wildlife Agencies. As a commitment of the Conservation Plan, OCTA is required to prepare an annual report on the implementation processes. The 2020 Annual Conservation Plan Report is complete and is being reviewed by the Wildlife Agencies. Once approved, it will be provided to the Environment Oversight Committee (EOC) and included in the next EMP staff report.

Discussion

OCTA Restoration Projects Fire Repair

The 2020 Silverado and Bond fires burned over 100 acres of OCTA-funded restoration projects. Three of the Irvine Ranch Conservancy (IRC)-managed restoration projects, including Agua Chinon, Bee Flat, and West Loma were impacted by the fires. These projects, along with the fire perimeters, are shown in Attachment B. IRC staff provided an overview of these impacts and proposed repair measures for the West Loma and Agua Chinon restoration projects during the February 3, 2021, EOC meeting. The Bee Flat project area was completed in 2020, requiring no additional efforts from OCTA.

Due to the fire damage, additional tasks will be required to meet the established success criteria for the West Loma and Agua Chinon projects. These tasks include labor and materials associated with increased weed control needs, re-seeding, reinstallation of plantings, and general maintenance. It is anticipated to take an additional two to three years to meet the required success criteria for each of these restoration projects. Updates for these projects as well as for the OCTA Conservation Plan Annual Reports will continue to be provided to the EOC.

Pacific Horizon Preserve OCTA Restoration Efforts

In October 2020, work began on the OCTA Pacific Horizon Restoration Project to decommission a trail segment. This work is focused on preserving the many-stemmed dudleya, which is a rare plant, as well as a covered species identified in OCTA's M2 Conservation Plan. OCTA obtained multiple permits and approvals prior to initiating this work. Contractors completed various tasks on the Preserve, including the removal and replacement of old barbed wire, removal of bicycle jumps, installation of restoration signs and posts for wildlife cameras, and removal of invasive plants. In March of this year, OCTA with the help of the Laguna Canyon Foundation, conducted additional outreach to the community to request cooperation in staying off this decommissioned portion of trail. In addition, invasive weed treatment occurred this winter adjacent to the OCTA-targeted restoration area. This effort also included treatment of invasive weeds on adjacent County-owned land (Attachment C).

Trabuco Rose Preserve Gully Restoration

OCTA staff began the implementation of an erosion stabilization project at the Trabuco Rose Preserve. Ongoing erosion has created a large gully in an unnamed tributary. The gully has been increasing in size, which has impacted the adjacent main access road.

Phase one of the restoration efforts included the placement of fabric and rock along approximately 80 linear feet of the upstream portion of the gully to buttress the sides. The buttressing reinforces the oak habitat and access road. The rock placement has been designed to mimic a natural creek and allows the water to flow down the gully gradually. Phase two of the project will continue the placement of rock and fabric for the downstream portion of the gully, terminating at Hickey Creek. The design will slow the water, ultimately flowing down into a larger step pool-like feature (waterfall) before meeting Hickey Creek. Native plants will be installed to help stabilize the rock and soften this new feature.

Phase one was completed in April 2021 (Attachment D). Staff worked with the Wildlife Agencies, the ACOE, the SWRCB, as well as the County to obtain the necessary permits/approvals. Phase two will require additional design and construction. OCTA is currently underway with a procurement for the design of this phase two. It is anticipated that the project will be completed in fiscal year 2022-23.

OCTA Preserves Fire Management Plans Update

As required by the Conservation Plan, OCTA began developing fire management plans for the Preserves in 2018. Each Preserve will have its own separate plan. The plans will provide guidelines for decision-making at all stages, including fire prevention, pre-fire vegetation management, suppression activities, and post-fire responses that are compatible with conservation and stewardship responsibilities. This includes annual vegetation thinning on the Preserves near homes and maintenance of the preserve access roads. An overview and status was provided to the EOC in February 2020.

The first plan for the Silverado Chaparral Preserve has been reviewed and approved by the Orange County Fire Authority. Staff is now coordinating with the Wildlife Agencies for approval. The subsequent plans are anticipated to be completed in 2021. Once completed, they will be shared with the EOC as well as interested stakeholders.

Clean Water Act Permits Update

The M2 freeway projects are anticipated to impact certain waters that are subject to regulation by the ACOE, the SWRCB, and the CDFW, and will require mitigation. Before construction activities can occur, OCTA must obtain sections

401 and 404 Clean Water Act permits from the aforementioned Regulatory Agencies. The Conservation Plan mitigation was utilized to help obtain Clean Water Act permits. This has streamlined the project-level permitting processes. These efforts are the result of years of collaboration between OCTA and the Regulatory Agencies and constitute another groundbreaking milestone for the M2 EMP.

Freeway Projects Update

The following construction projects have benefited from the EMP. Without the EMP's established process, additional mitigation-related requirements and unknown costs could have been incurred, resulting in increased project cost and schedule risks.

- Project C (Interstate 5 Improvement Project from State Route 73 [SR-73] to El Toro Road); and
- Project K (Interstate 405 Improvement Project from SR-73 to the Los Angeles County Line).

A strong partnership has been forged through collaboration with the environmental community as exemplified by their participation on the EOC. Furthermore, substantial risk reduction from the threat of potential lawsuits has occurred because of these partnerships.

EMP Endowment Fund Investment Report

Conservation Plan permits were issued by the Wildlife Agencies in mid-2017 streamlining the M2 environmental process. This allowed OCTA to expedite the M2 freeway projects. The Conservation Plan requires the establishment of a \$34.5 million endowment fund for long-term management of the Preserves. To date, OCTA has made five endowment deposits. Quarterly investment reports are provided to the Board of Directors (Board), with the most recent one presented in May 2021. As of March 31, 2021, the balance was \$18,216,874. The balance is above the fiscal year 2021 target of \$16,323,789. Staff will continue to provide regular endowment updates to the Board, Finance and Administration Committee, and the EOC.

Hikes and Equestrian Rides

Since March 2020, OCTA has postponed the docent-led hikes and equestrian rides. This is in compliance with the state's stay-at-home order to protect the health and well-being of all Californian residents and establish consistency across the state to slow the spread of the coronavirus (COVID-19). OCTA staff is monitoring the state's plan to fully reopen on June 15, 2021, if current COVID-19

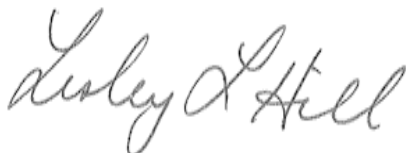
trends continue. OCTA will release the revised 2021 Wilderness Preserve Hiking and Equestrian Riding Tour calendar once it is determined safe to resume public events.

Summary

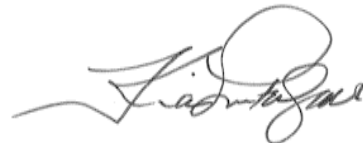
M2 includes an EMP that provides funding for programmatic mitigation to offset certain impacts of the 13 M2 freeway projects. To expedite the delivery of the M2 freeway projects, this program was initiated to implement early project mitigation through preservation and habitat restoration. This program is administered through a Conservation Plan, which was approved by the Wildlife Agencies in mid-2017. To maximize the benefits of the investments, OCTA has utilized some of that same mitigation to obtain Clean Water Act permits.

Attachments

- A. OCTA Preserves and Funded Restoration Projects
- B. OCTA Preserves and Restoration Projects Near Bond and Silverado Fires
- C. Pacific Horizon Preserve OCTA Restoration Efforts Map
- D. OCTA Trabuco Rose Gully Location Map and Photo

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