Memorandum

To: CHAIR AND COMMISSIONERS **Meeting Date:** April 7-8, 2010

From: BIMLA G. RHINEHART
Executive Director

File: Reference No. 4.4
ACTION

Ref.: **ADOPTION OF THE FISCAL YEAR 2009-10 ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM**

ISSUE

The Fiscal Year (FY) 2009-10 State Budget provided $10 million for the Environmental Enhancement and Mitigation (EEM) Program. Under current statute, the Commission has the responsibility to fund an annual EEM Program as prioritized by the State Resources Agency in accordance with the funding level provided in the State Budget Act.

RECOMMENDATION

Staff recommends that the Commission adopt the FY 2009-10 EEM Program.

The Resources Agency received 81 grant applications for FY 2009-10. Of those, 13 applications were disqualified due to insufficient data to determine eligibility. The remaining 68 eligible applications were evaluated and used to develop a Recommended for Funding List (32 projects) and a Substitution List (36 projects). The draft lists were presented for notice at the February 24-25, 2010 Commission meeting.

Subsequent to the meeting, an agency in Los Angeles County (Amigos De Los Rios) requested that their project be withdrawn. The withdrawn project has been replaced with the highest priority project in the same category from the Substitution List. The replacement project is in Culver City.

The 32 projects on the final Projects Recommended for Funding List are the top-ranked projects, and are listed in priority order by category, as determined by the evaluation teams.

The Resources Agency recommends funding the 15 projects in the north for $4,558,258, and the 17 projects in the south for $5,316,912, for a FY 2009-10 EEM Program total of $9,875,170.

Each project that is being recommended for funding must provide evidence of environmental clearance prior to adoption and potential allocation or the project would be subject to removal from the list.

The second attachment is the Substitution List. The list is divided into Northern Counties and Southern Counties sections.

The Northern Counties Substitution Projects section includes 14 projects displayed in priority order by category for substitution should any of the northern counties projects on the Recommended for Funding list be unable to proceed.

The Southern Counties Substitution Projects section includes 21 projects displayed in priority order by category for substitution should any of the southern counties projects on the Recommended for Funding list be unable to proceed. Note that the draft list presented at the February meeting included 22 projects but a project (Ballona Creek Bikeway) has been moved to the Recommended for Funding section in place of a similar project (Emerald Necklace Greening) that has been withdrawn.

BACKGROUND

Under the EEM statutes, Streets and Highways Code Section 164.56(e), the Resources Agency is responsible for developing and adopting procedures and criteria; evaluating grant proposals; submitting a list of ranked projects recommended for funding; and finding that the projects are eligible for funding under Article XIX of the State Constitution. The Resources Agency's procedures and criteria contain a detailed, quantitative scoring mechanism that is used to evaluate and rank projects in priority order by assigning point scores to each project. In accordance with the provisions of Section 187 and 188 of the Streets and Highway Code, an attempt is made to allocate 40% of the total amount recommended to projects in the northern counties and 60% of the total amount to projects in southern counties.

The EEM Program is designed to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities or constructing new transportation facilities. EEM projects must provide environmental enhancements and mitigation over and above what is otherwise called for under the California Environmental Quality Act (CEQA) of 1970 or the National Environmental Policy Act (NEPA) of 1969.

The general categories of EEM projects eligible for funding are:

- Highway Landscape and Urban Forestry projects designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants. Projects may be within or outside the right-of-way of the related transportation facility. Projects within the right-of-way are not intended to supplant or augment highway landscaping that would normally be funded by the responsible public agency. Any planting within public road rights-of-way shall be limited to trees only.

- Resource Lands acquisition, restoration or enhancement to mitigate the loss or damage to resource lands within or near the right-of-way acquired for transportation improvements. Resource lands include natural areas, wetlands, forests, woodlands, meadows, streams, or other areas containing fish or wildlife habitat. Enhancement of resource lands may include the restoration of wildlife corridors.

- Roadside Recreational acquisition and/or development of roadside recreational opportunities, including roadside rests, scenic overlooks, trails, trailheads, sno-parks, and parks.

Any local, state or federal agency or nonprofit entity may apply for and receive grants under the EEM Program. The applicant is not required to be a transportation organization but must be able to demonstrate adequate charter or enabling authority to carry out the type of project proposed.

Attachments

California Transportation Commission

ADOPTION OF THE 2009-10 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

Resolution G-10-07

1.1 WHEREAS, Streets and Highways Code Section 164.56 establishes the Environmental Enhancement and Mitigation Program; and

1.2 WHEREAS, this program provides $10 million annually for environmental enhancement and mitigation projects which are directly or indirectly related to the environmental impact of modifying existing transportation facilities or for the design, construction or expansion of new transportation facilities; and

1.3 WHEREAS, the Resources Agency is charged with evaluating proposals submitted for this program and providing a list of proposals recommended for funding to the California Transportation Commission; and

1.4 WHEREAS, the California Transportation Commission is responsible for awarding grants to fund proposals which are included on the list prepared by the Resources Agency; and

1.5 WHEREAS, the Resources Agency has prepared a Projects Recommended for Funding list totaling $9,875,170 for thirty-two projects, and that list has been reviewed by Commission staff and was noticed at the Commission's February 24-25, 2010 meeting.

2.1 NOW THEREFORE BE IT RESOLVED, that the Commission adopts the FY 2009-10 Environmental Enhancement and Mitigation Program, as indicated in the attached list of projects.

2.2 BE IT FURTHER RESOLVED, that it is the intent of the Commission to allocate available Fiscal Year 2009-10 funds for these projects, and expects that funds so allocated should be expended on a timely basis, preferably by June 30, 2011; and

2.3 BE IT FURTHER RESOLVED, that for projects which include land acquisition, the Commission would encourage grant recipients to reduce overall project costs by exploring the feasibility of acquiring easements rather than fee title when appropriate; and

2.4 BE IT FURTHER RESOLVED, that due to the uniqueness of the individual projects in this program, the Commission hereby directs the Department of Transportation to be especially diligent in the on-site inspection and auditing of the projects included in this program.

2009/10 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

PROJECTS RECOMMENDED FOR FUNDING (32 PROJECTS)			
NORTHERN COUNTIES (15 PROJECTS)			
HLUF	Our City Forest	Trees for East San Jose	$ 236,900
RL	Trust for Public Land, The	Yuba Highlands Conservation Easement Acquisition Project	$ 350,000
RL	Trust for Public Land, The	Bruin Ranch Conservation Project	$ 350,000
RL	American River Conservancy	Cameron Park Rare Plant Habitat Acquisition	$ 350,000
RL	East Bay Regional Park District	San Pablo Creek Marsh Property Acquisition	$ 300,000
RL	Arcata, City of	Arcata Community Forest Expansion - Morris Property Acquisition	$ 350,000
RL	San Pablo, City of	Wildcat Creek Restoration	$ 350,000
RL	Coastal Conservation & Research (CCR)	Eelgrass Restoration & Hydrologic Improvements in the Elkhorn Slough Watershed Bennett & Parsons Sloughs	$ 333,375
RL	Eureka, City Of	PALCO Marsh Enhancement Project	$ 350,000
RL	Laguna de Santa Rosa Foundation	Duer Creek Riparian Restoration Project	$ 135,445
RL	California Land Stewardship Institute	Suisun Creek Riparian Enhancement Project	$ 297,938
RR	Mohawk Valley Stewardship Council	White Sulphur Springs Ranch Roadside Recreational Facility	$ 500,000
RR	California State Parks - Northern Buttes District	Trail and Day Use Improvements at Lake Oroville SRA at Potter's Ravine and at Rattlesnake Hill Trail	$ 99,600
RR	San Jose, City of	Highway 237 Bikeway Trail System	$ 350,000
RR	American River Conservancy	South Fork American River Trail Completion	$ 205,000
		SUBTOTAL - NORTHERN COUNTIES	**$ 4,558,258**
SOUTHERN COUNTIES (17 PROJECTS)			
HLUF	Visalia, City of	Trees for Visalia	$ 309,750
HLUF	Los Angeles, City of - Environmental Affairs Department	Heat Re-Leaf for LA: Carbon to Canopy	$ 350,000
HLUF	Hollywood Beautification Team	San Fernando Valley Trees & Native Habitat Restoration	$ 175,000
HLUF	Urban Corps of San Diego County	EEMP Tree Planting at the SR-78 and I-15 Interchange	$ 350,000
HLUF	Koreatown Youth and Community Center	Street Tree Planting Project	$ 57,750
HLUF	California Department of Transportation - District 11	Caltrans District 11 EEMP	$ 297,000
HLUF	Urban Corps of San Diego County	EEMP Tree Planting Project at the I-5 Interchanges @ E Street, H Street and J Street	$ 350,000
RL	Lakeside's River Park Conservancy	Hanson El Monte Pond Revegetation Project	$ 350,000
RL	Nature Reserve of Orange County	Cactus Wren Habitat Linkage Enhancement Restoration and Creation Project	$ 303,325
RL	Friends of Famosa Slough	Acquisition of the Dees/Pierce Property	$ 350,000
RL	Back Country Land Trust of San Diego County	Klein-Hugh Land Acquisition	$ 350,000
RR	North East Trees	Glendale Riverwalk Project	$ 350,000
~~**RR**~~	~~**Amigos de los Rios**~~	~~**Emerald Necklace Greening**~~ **(withdrawn)**	~~**$ 350,000**~~
RR	**Culver City, City of**	**Ballona Creek Bikeway (from Substitution list)**	**$ 349,911**
RR	Fullerton, City of	Union Pacific Trail - Phase II	$ 350,000
RR	Watershed Conservation Authority (WCA)	Duck Farm Restoration	$ 446,496
RR	San Dieguito River Park Joint Powers Authority	Horsepark Trail	$ 349,670
RR	Los Angeles Conservation Corps	Encanto Nature Walk Extension Project	$ 228,010
		SUBTOTAL - SOUTHERN COUNTIES	**$ 5,316,912**
		TOTAL RECOMMENDED PROGRAM	**$ 9,875,170**

2009/10 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

SUBSTITUTION LIST (~~36~~ 35 PROJECTS)			
NORTHERN COUNTIES (14)			
HLUF	Rocklin, City of	Sierra College Blvd/I-80 Interchange Landscape Enhancement Project	$ 245,000
HLUF	El Dorado, County of - Department of Transportation	US 50/Missouri Flat Road Interchange Landscaping Enhancements	$ 350,000
HLUF	Stockton, City of - Public Works Department	State Route 99 Sound wall Enhancement	$ 318,000
HLUF	Livermore, City of - Engineering Division	Isabel Avenue Environmental Enhancement Project-Livermore, CA	$ 210,000
HLUF	Merced, City of - Redevelopment Agency	East 16th Street Beautification	$ 337,797
HLUF	Plumas, County of - Department of Public Works	Trees & Irrigation Lines in East Quincy	$ 51,112
RL	Trust for Public Land, The	King Nature Preserve	$ -
RL	Contra Costa, County of - Public Works	Vasco Road Safety Improvement Project	$ 350,000
RL	Tuolumne County Resource Conservation Board	Sullivan Creek Enhancement Project	$ 44,875
RL	Santa Rosa, City of	Colgan Creek Restoration Project	$ 350,000
RL	Tahoe Resource Conservation District	Environmental Enhancement for the Truckee/Lake Tahoe I-80 Interchange	$ 349,913
RL	Creative Environmental Conservation	Restoration and Enhancement of Wetland Corridors in the Prunedale Hills Drainage	$ 328,000
RL	Western Shasta Resource Conservation District	Dana to Downtown Riparian Forest Planting	$ 209,002
RR	Morgan Hill, City of	West Little Llagas Creek Trail	$ 300,000
SOUTHERN COUNTIES (22)			
HLUF	Urban Corps of San Diego County	EEMP Tree Planting at the I-805 and SR-905 Interchange	$ 350,000
HLUF	Santa Clarita, City of	Railroad Avenue Tree Planting	$ 349,450
HLUF	Culver City, City of - Public Works Department	West Washington Boulevard Tree Planting	$ 342,867
HLUF	Diamond Bar, City of	Diamond Bar Urban Forestation Project	$ 350,000
HLUF	Bakersfield, City of	Median Landscape Improvements Chester Avenue from W. Columbus Street to Beardsley Avenue	$ 430,000
HLUF	Bellflower, City of	Environmental Improvements for Modification Project for Downtown Bellflower Blvd.	$ 340,000
HLUF	Gardena, City of	City-wide Tree and Landscaping Planting Project	$ 450,000
HLUF	Coronado, City of	Toll Plaza Improvements Project	$ 350,000
RL	San Diego, County of - Department of Parks & Recreation	San Luis Rey River Park Land Acquisition	$ 1,000,000
RL	Nature Conservancy, The	Habitat Protection & enhancement Project for Proctor Valley	$ 350,000
RL	Escondido Creek Conservancy, The	Acquisition of the MJM Ranch	$ 350,000
RL	Coachella Valley Conservation Commission	Thousand Palms NCCP Acquisitions	$ 350,000
RL	San Diego, County of - Department of Parks & Recreation	San Luis Rey River Park Land Acquisition	$ 1,000,000
RL	Escondido Creek Conservancy, The	Acquisition of the University Heights Property	$ 500,000
RL	Inyo/Mono Counties Ag. Commissioner	Independence Area Watershed Protection and Enhancement Project	$ 266,593
RL	Reservation Transportation Authority	Los Coyotes Road Project Phase I	$ 345,000
RL	Friends of Famosa Slough	Acquisition of the Lichty Property	$ 350,000
RL	San Bernardino International Airport Authority (SBIAA)	City Creek Alabama Street Drainage Improvements Mitigation	$ 350,000
~~**RR**~~	~~**Culver City, City of**~~	~~**Ballona Creek Bikeway**~~ **(moved to recommended list)**	~~**$ 349,911**~~
RR	Sweetwater Valley Civic Association	Bonita Meadows Entry Monument Gates/Proctor Valley Road Multiple Use Trail Conversion	$ 315,000
RR	Yucaipa, City of	Five Winds Restroom and Public Parking Project	$ 250,000
RR	Mammoth Lakes, The Town of	Waterford Gap Multi-Use Bike Path Project	$ 149,221

2009/10 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

INELIGIBLE (13 PROJECTS)			
RL	Antelope Valley Conservancy	Gorman Hills Preservation	0
HLUF	Brentwood, City of	Sunset Road Urban Forestry Project	0
RR	Echo Park Improvement Association	SR2 Terminus Land Acquisition Grant	0
RL	Escondido Creek Conservancy, The	Acquisition of the Council Springs Ranch	0
RL	Fallbrook Land Conservancy	84.3-Acre Davies Acquisition Project	0
RL	Fallbrook Land Conservancy, The	184 Acre Durling Acquisition Project	0
RL	Gardena, City of	Willows Wetlands Improvements	0
RL	Los Angeles, City of -- Department of Public Works, Bureau of Sanitation	Mar Vista Parkway Greening Stormwater Best Management Practices Project	0
HLUF	Pasadena, City of	Trees and Native Plant Project in Pasadena	0
HLUF	Resources for Humanity	Amber County Fair & Elementary School Landscape Improvements	0
RR	Rialto, City of	Cactus Trail	0
RR	Sacramento, County of - Department of Regional Parks	Dry Creek Parkway Trail - Phase I	0
HLUF	Vista, City of	SR-78 Corridor Landscaping Project Phase II	0

WITHDRAWN (1 PROJECT)			
~~**RR**~~	~~**Amigos de los Rios**~~	~~**Emerald Necklace Greening**~~ **(withdrawn)**	~~**$ 350,000**~~