

Memorandum

To: Chair and Commissioners

Date: May 23, 2007

From: JOHN F. BARNA, JR.
Executive Director

File: Book Item 4.4
Information

Ref.: ADOPTION OF THE FY 2006-07 ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM TO PROGRAM REMAINING AVAILABLE FUNDING

RECOMMENDATION:

Commission staff recommends that the Commission adopt the remaining Fiscal Year (FY) 2006-07 Environmental Enhancement and Mitigation (EEM) Program in the amount of \$3,189,252 for fourteen (14) projects. The adopting resolution and list of recommended projects are made a part of this book item. The recommended project list was noticed at the Commission's April 2007 meeting.

ISSUE:

The Fiscal Year 2006-07 State Budget provided \$10 million for the EEM Program. The EEM Program is a statutorily mandated program typically funded at a minimum of \$10 million a year.

At its March 2007 meeting, the Commission adopted an initial list of projects submitted by the State Resources Agency to fund twenty-eight (28) projects totaling \$6.6 million. At that time, the State Resources Agency indicated that additional project applications had been submitted and were being evaluated, and that the remaining list of projects would be brought back to the Commission for approval to program the remaining \$3.4 million in available funding.

The State Resources Agency recommends that the Commission consider an additional fourteen (14) projects totaling \$3.2 million, 13 projects in the north for \$3 million including additional funding for two projects approved in March 2007, and one project in the south for \$225,000.

BACKGROUND

Under EEM statutes, 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 for the design, construction, or expansion of 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, however, 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 of resource lands to mitigate the loss of, or the detriment to, resource lands lying within or near the right-of-way, acquired for proposed 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. Two or more entities may participate in a joint project.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Adoption of the Remaining 2006-07
Environmental Enhancement and Mitigation Program

Resolution G-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 a minimum of \$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 an initial list totaling \$6,635,583 for twenty-eight projects, and that list has been reviewed by Commission staff and was noticed at the Commission's January 31-February, 2007 meeting; and
- 1.6 WHEREAS, on March 15, 2007, the Commission adopted the initial project list totaling \$6,635,583; and
- 1.7 WHEREAS, the Resources Agency has prepared the final list totaling \$3,189,252 for thirteen projects, and that list has been reviewed by Commission staff and was noticed at the Commission's April 25-26, 2007 meeting; and
- 2.1 NOW THEREFORE BE IT RESOLVED, that the Commission adopts the final 2006-07 Environmental Enhancement and Mitigation Program to program remaining funds, as indicated in the attached list of projects.

G-07-__

- 2.2 BE IT FURTHER RESOLVED, that it is the intent of the Commission to allocate available funds for these projects during the State Fiscal Year 2006-07, and that all funds so allocated should be expended on a timely basis, preferably by the end of State Fiscal Year 2007-08; 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.

**ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM
FISCAL YEAR 2006-07 PROJECT LIST TO PROGRAM REMAINING FUNDING**

Projects Recommended for Funding - Priority Order

APP ID							
CAT	Project #	NEW #	APPLICANT	PROJECT NAME	TOTAL PROJECT VALUE	GRANT AMOUNT	TOTAL SCORE
<u>Southern Counties</u>							
HLU	EEM-2006(029)	1003	North East Trees	LA River Greenway: Headworks to Polywog Pond	\$235,600	\$225,000	86.0
				Totals	\$235,600	\$225,000	
<u>Northern Counties</u>							
RL*	EEM-2006(033)	3007	Department of Fish and Game	Sonoma Creek/Bisso Ranch Acquisition	\$100,000	\$100,000	85.4
RL*	EEM-2006(047)	3010	Sacramento County	Dry Creek Parkway Acquisition	\$224,720	\$140,000	80.4
RR	EEM-2006(048)	2018	Department of Parks and Recreation	Geary Ranch Road to Trail Conversion: Annadel State Park	\$275,000	\$250,000	80.0
RR	EEM-2006(049)	2021	Department of Parks and Recreation	Smithe Redwoods State Reserve RR	\$44,901	\$44,901	79.0
RR	EEM-2006(051)	2026	California Wildlife Foundation	Salmon Viewing Plaza	\$632,500	\$583,550	78.5
HLU	EEM-2006(052)	1005	Fresno Metropolitan Flood Control District	Basin "S" Landscaping	\$170,000	\$152,446	78.0
RR	EEM-2006(053)	2007	Port of San Francisco	Tular Park Shoreline Access	\$400,000	\$275,000	78.0
HLU	EEM-2006(055)	1020	Brentwood City	Sand Creek Road	\$329,805	\$278,605	74.5
RR	EEM-2006(056)	2028	Clovis City	Valley Nature Education Center	\$524,600	\$275,000	74.5
RL	EEM-2006(057)	3009	Santa Rosa City	Prince Memorial Greenway - Pierson Ranch Restoration	\$8,000,000	\$218,750	73.9
HLU	EEM-2006(058)	1025	Mariposa County Fair	Mariposa Fairgrounds Landscape Enhancements	\$260,000	\$196,000	73.5
RL	EEM-2006(060)	3019	Coastal Conservation & Research Inc	Restoring Natural Water Systems	\$275,000	\$275,000	68.4
RR	EEM-2006(061)	2003	Morgan Hill City, Department of Public Works	Butterfield Linear Park Extension	\$225,000	\$175,000	67.5
				Totals	11,461,526	\$2,964,252	
*Additional funds requested for projects approved in March 2007.					Grand Total	\$11,697,126	\$3,189,252