

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 28-29, 2012

Reference No.: 4.10
Action


From: BIMLA G. RHINEHART
Executive Director

Subject: **AMENDMENT TO THE FISCAL YEAR (FY) 2010-11
ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM
RESOLUTION G-12-03, AMENDING RESOLUTION G-11-06**

ISSUE

The Commission has the statutory responsibility to allocate the \$10 million provided in the State Budget to fund the Environmental Enhancement and Mitigation (EEM) Program, as prioritized by the California Natural Resources Agency.

Should the Commission program \$74,140 to the top project on the EEM Program Substitution List to replace an approved project in the same category being withdrawn by the applicant agency?

RECOMMENDATION

Staff recommends that the Commission adopt the attached resolution to program the available balance of \$74,140 to the next top-ranked project on the EEM Program Substitution List.

BACKGROUND

The California Natural Resources Agency received 65 grant applications for the EEM Program in Fiscal Year (FY) 2010-11. Of those, 4 applications were disqualified. The remaining 61 eligible applications were evaluated and used to develop a Recommended for Funding List (35 projects) and a Substitution List (26 projects).

At its March 23-24, 2011 meeting, the Commission adopted the FY 2010-11 EEM Program of 35 projects for \$10,000,000 including 16 projects in the north for \$4,721,276 and the 19 projects in the south for \$5,278,724. The 35 projects on the final Projects Recommended for Funding List were the top-ranked projects, and were shown in North/South sections by project Category.

At its June 22-23, 2011 meeting, the Commission amended the FY 2010-11 EEM Program to remove the Dirty Socks Spring Acquisition and Protection project in Inyo County for \$74,140, withdrawn by its proponent, Eastern Sierra Land Trust. The \$74,140 went to The Trust for Public Land, in San Luis Obispo County, for its Righetti Ranch Resource Lands Acquisition project, the next project on the Substitution List.

In February 2012, The Trust for Public Land advised the Department that they had cancelled the Righetti Ranch Resource Lands Acquisition project, and requested that the \$74,140 allocated to the project be removed and the project be withdrawn from the FY 2010-11 EEM Program.

The Department, after consulting with the California Natural Resources Agency, contacted the River Park Conservancy, an agency in San Diego County, with the next top-ranked project on the Substitution List (Bostonia House Research Field Station), to find out if the \$74,140 available would allow Lakeside's River Park Conservancy to proceed with the project.

The agency has accepted the available amount of \$74,140 and has found additional local funds, cash and in-kind donations to make up the difference.

Under EEM statutes, Streets and Highways Code Section 164.56(d), 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 Highways 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

AMENDMENT OF THE ADOPTED FISCAL YEAR 2010-11
ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

Resolution G-12-03, amending Resolution G-11-06

- 1.1 WHEREAS, Streets and Highways Code Section 164.56 establishes the Environmental Enhancement and Mitigation (EEM) 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 Commission; and
- 1.4 WHEREAS, the Commission is responsible for awarding grants to fund proposals which are included on the list prepared by the Resources Agency; and
- 1.5 WHEREAS, on March 23, 2011, the Commission adopted Resolution G-11-03, approving the final Fiscal Year (FY) 2010-11 EEM Projects Recommended for Funding list totaling \$10,000,000 for thirty-five projects, and
- 1.6 WHEREAS, in April 2011, a project in Inyo County approved for \$74,140, Dirty Socks Spring Acquisition and Protection, was withdrawn by its proponent, Eastern Sierra Land Trust; and the available \$74,140 was offered to The Trust for Public Land, in San Luis Obispo County, and they accepted it for the Righetti Ranch Resource Lands Acquisition project, the next project on the Substitution List; and
- 1.7 WHEREAS, on June 23, 2011, the Commission adopted Resolution G-11-06, approving the amended FY 2010-11 EEM Program, including the removal of the Eastern Sierra Land Trust Dirty Socks Spring Acquisition and Protection project in Inyo County, and the addition of The Trust for Public Land Righetti Ranch Resource Lands Acquisition project in San Luis Obispo County, the next project on the Substitution List, for \$74,140; and
- 1.8 WHEREAS, in February 2012, The Trust for Public Land advised the Department that they had cancelled the Righetti Ranch Resource Lands Acquisition project, and requested that the \$74,140 allocated be removed and the project be withdrawn from the EEM Program; and

- 1.9 WHEREAS, also in February 2012, the Department, after consulting with the California Natural Resources Agency, contacted the Lakeside's River Park Conservancy, a San Diego County agency with the next project on the Substitution List (Bostonia House Research Field Station), and the Department submitted a request to add Lakeside's River Park Conservancy's Bostonia House Research Field Station project and to program the available \$74,140 to the project; and
- 1.10 WHEREAS, the amended FY 2010-11 Recommended for Funding list, including supplemental information, has been reviewed by Commission staff, and appears to meet all basic requirements as specified in the EEM statutes, and the Commission policies and guidelines.
- 2.1 NOW THEREFORE BE IT RESOLVED, that the Commission adopts the amended list for the FY 2010-11 Environmental Enhancement and Mitigation Program totaling \$10,000,000 for thirty-five projects, as indicated in the attached revised list of projects.
- 2.2 BE IT FURTHER RESOLVED, that it is the intent of the Commission to allocate available Fiscal Year 2010-11 funds for the newly amended project, and expects that funds so allocated should be expended on a timely basis, preferably by June 30, 2012; 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.

AMENDED 2010-11 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

PROJECTS RECOMMENDED FOR FUNDING (35 PROJECTS) - amended 03-29-2012				
	CO	APPLICANT	PROJECT NAME	
NORTHERN COUNTIES (16 PROJECTS)				
HLUF	ED	El Dorado County Department of Transportation	US 50/Missouri Flat Road Interchange Landscaping Enhancements	\$ 220,000
HLUF	SCL	Our City Forest	The Greening of San Jose International Airport Neighborhoods	\$ 298,480
HLUF	SM	City of Menlo Park	Highway 84 Carbon Offset Project: Creating a Natural Carbon Sink at Bedwell Bayfront Park	\$ 350,000
HLUF	ALA	City of Berkeley - Parks Department	City of Berkeley Urban Reforestation Project	\$ 248,600
RL	SON	Sonoma County Water Agency	Rohnert Park/Cotati Highway 101 Widening: Laguna De Santa Rosa Habitat Enhancement and Restoration Project	\$ 239,116
RL	HUM	Humboldt County Resource Conservation District	Riverside Ranch Restoration	\$ 350,000
RL	SON	Sonoma County Water Agency	Rohnert Park/Cotati Highway 101 Widening: Copeland Creek Habitat Enhancement and Restoration Project	\$ 345,580
RL	PLU	Feather River Land Trust	Quincy Learning Landscape Acquisition Project	\$ 293,500
RL	CAL	The Trust for Public Land	Rodden Ranch Resource Lands Conservation Easement Project	\$ 350,000
RR	SCL	City of Cupertino	Stevens Creek Corridor Park & Restoration Project, Phase 2	\$ 245,000
RR	YUB	South Yuba River Citizens League (SYRCL)	Yuba River Wild Salmon and Wildlife Interpretation and Recreation Facilities	\$ 231,000
RR	SON	Sonoma Marin Area Rail Transit District	Regional SMART Pathway- Sonoma County Hearn/Bellevue Segment	\$ 350,000
RR	PLU	Mohawk Valley Stewardship Council	The White Sulphur Ranch Roadside Recreation Facility	\$ 350,000
RR	SCL	City of San Jose	Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive Light Rail)	\$ 350,000
RR	MRN	Sonoma Marin Area Rail Transit District	Regional SMART Pathway- Marin County N. San Pedro to Civic Center Segment	\$ 350,000
RR	NEV	American Rivers	Deer Creek: Restoration, Recreation, and Education	\$ 150,000
			SUBTOTAL - NORTHERN COUNTIES	\$ 4,721,276
SOUTHERN COUNTIES (19 PROJECTS)				
HLUF	LA	Hollywood Beautification Team	Tree Plantings Associated with Interstate 5 HOV Lanes in LA County	\$ 151,410
HLUF	LA	Hollywood Beautification Team	Native Habitat Restoration on Public Road Right of Ways Highway 101 in Los Angeles	\$ 92,125
HLUF	TUL	City of Visalia	Valley Oak Reforestation Project	\$ 311,250
HLUF	SLO	City of Pismo Beach	Hwy 101 Beautification	\$ 125,220
HLUF	SD	Urban Corps of San Diego	EEMP 905/805	\$ 330,500
HLUF	LA	City of Pasadena	Urban Forestry Revitalization Project	\$ 350,000
HLUF	LA	Koreatown Youth and Community Center	Greening the Expo Line- Continuation	\$ 100,000
HLUF	SD	Urban Corps of San Diego	EEMP 94	\$ 330,585
HLUF	LA	North East Trees	La Brea Greenbelt Urban Forestry Project	\$ 350,000
RL	RIV	Coachella Valley Conservation Commission	NCCP Acquisitions and Conservation of Desert Sand Dune Ecosystem	\$ 300,000
RL	KER	The Nature Conservancy	Rudnick Ranch Acquisition	\$ 500,000
RL	SD	California Chaparral Institute	Carmel Mountain Habitat Restoration Project	\$ 349,784
RL	SD	San Elijo Lagoon Conservancy	Continued Restoration and Enhancement of San Elijo Lagoon through Improved Tidal Circulation	\$ 167,900
RL	LA	Los Angeles Conservation Corps	Audubon Habitat Restoration Project	\$ 345,810
RL	INY	Eastern Sierra Land Trust	Dirty Socks Spring Acquisition and Protection (withdrawn)	\$ 74,140
RL	SLO	The Trust for Public Land	Righetti Ranch Resource Lands Acquisition Project (addition from Substitution List, later withdrawn)	\$ 74,140
RL	SD	Lakeside's River Park Conservancy	Bostonia House Research Field Station (addition from Substitution List)	\$ 74,140
RL	SLO	City of El Paso de Robles	Charolais Corridor Multi-Use Trail and Restoration Project	\$ 350,000
RL	SB	The Trust for Public Land	Ocean Meadows Resource Lands Acquisition Project	\$ 350,000
RR	LA	Amigos De Los Rios	Emerald Necklace Multi-Benefit Park & Greenway Project- Upper San Gabriel River	\$ 350,000
RR	LA	Amigos De Los Rios	Emerald Necklace Expanded Multi-Benefit Park & Greenway	\$ 350,000
			SUBTOTAL - SOUTHERN COUNTIES	\$ 5,427,004
			TOTAL RECOMMENDED PROGRAM	\$10,000,000

AMENDED 2010-11 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

SUBSTITUTION LIST (26 24 PROJECTS) - amended 03-29-2012				
	CO	APPLICANT	PROJECT NAME	REQUEST
NORTHERN COUNTIES (9 PROJECTS)				
HLUF	MRN	FireSafe Marin	Highway 101 Restoration and Planting Project	\$ 350,000
HLUF	PLA	City of Rocklin	Sierra College Boulevard/I-80 Interchange	\$ 245,000
HLUF	FRE	Fresno Metropolitan Flood Control District	Basin "II4" & "JJ" Landscaping	\$ 306,509
HLUF	ALA	City of Livermore	Isabel Avenue Environmental Enhancement Project	\$ 225,000
HLUF	SAC	City of Galt	Central Galt Interchange Landscape Improvement	\$ 308,602
RL	SCR	The Trust for Public Land	King Property Resource Lands Acquisition	\$ 350,000
RL	SCR	City of Santa Cruz	Implementation of the Resource Management Plan of the Arana Gulch Master Plan	\$ 350,000
RL	MON	Elkhorn Slough Foundation	Wetland Enhancement in Whistlestop Lagoon, Elkhorn Slough, CA	\$ 348,589
RR	SHA	City of Redding	Buenaventura Blvd Bike Lane Connector	\$ 300,000
SOUTHERN COUNTIES (47 15 PROJECTS)				
HLUF	SLO	City of Atascadero	El Camino Real Urban Forestry Project	\$ 350,000
HLUF	ORA	City of Irvine	MacArthur Boulevard Landscaping Enhancement	\$ 151,946
HLUF	ORA	City of Costa Mesa	Newport Boulevard Greening Project	\$ 274,475
HLUF	ORA	City of Irvine	Warner Avenue Landscaping Enhancement Project	\$ 142,525
HLUF	ORA	City of Irvine	Irvine Boulevard Median Landscaping Enhancement	\$ 78,317
HLUF	ORA	City of Garden Grove	Harbor Boulevard Environmental Enhancement	\$ 350,000
HLUF	LA	City of Industry	State Route 60 Azusa Avenue Interchange Environmental Enhancement	\$ 350,000
HLUF	LA	City of Santa Clarita	Railroad Avenue Tree Planting Project	\$ 143,275
RL	SLO	The Trust for Public Land	Righetti Ranch Resource Lands Acquisition (moved to recommended list, later withdrawn)	\$ 350,000
RL	SD	Lakeside's River Park Conservancy	Bostonia House Research Field Station (moved to recommended list)	\$ 350,000
RL	SLO	City of Atascadero	Stadium Park Entry Acquisition Project	\$ 270,000
RL	VEN	Resource Conservation Partners, Inc. (RCP)	Los Padres Open Space Oak Woodland Enhancement Projects	\$ 183,770
RL	LA	Mountains Recreation and Conservation Authority	Ramirez Canyon Acquisition Project	\$ 350,000
RR	SBD	City of Yucaipa	El Dorado Heritage Trails and Resource Center	\$ 225,002
RR	SD	Sweetwater Valley Civic Association	Bonita Meadows Entry Monument Gates/Proctor Valley Road Multiple Use Trail Conversion	\$ 315,000
RR	LA	City of Los Angeles Department of Public Works Bureau of Sanitation	Manchester Neighborhood Greenway Project	\$ 350,000
RR	SBD	City of Rialto	Rails to Trails	\$ 350,000
INELIGIBLE PROJECTS (4 PROJECTS)				
	CO	APPLICANT	PROJECT NAME	REQUEST
HLUF	LA	Tree Musketeers	Hometown Forest	\$ 63,106
RL	SB	City of Goleta	Mathilda Drive Parcel Acquisitions	\$ 80,000
RR	FRE	City of Firebaugh	San Joaquin River Parkway Bicycle Trail- Phase IV	\$ 350,000
RR	FRE	City of Fresno PARCS Department	Martin Ray Reilly Roadside Park	\$ 350,000
WITHDRAWN (2 PROJECTS)				
	CO	APPLICANT	PROJECT NAME	REQUEST
RL	INY	Eastern Sierra Land Trust	Dirty Socks Spring Acquisition and Protection (withdrawn)	\$ 74,140
RL	SLO	The Trust for Public Land	Righetti Ranch Resource Lands Acquisition (moved to recommended list, later withdrawn)	\$ 350,000