



Midpeninsula Regional
Open Space District

LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-19-72

June 11, 2019

AGENDA ITEM 2

AGENDA ITEM

Potential Mitigation Funding from the San Francisco Bay Conservation and Development Commission for the Ravenswood Bay Trail Project and potentially other District Projects

GENERAL MANAGER'S RECOMMENDATION *den*

Provide Committee feedback on level of interest in the General Manager continuing conversations with the San Francisco Bay Conservation and Development Commission about the potential to receive mitigation funding and request any additional information to gather prior to bringing this item back for a Committee action.

SUMMARY

Caltrans and the San Francisco Bay Conservation and Development Commission (BCDC) reached out to the Midpeninsula Regional Open Space District (District) to inquire about the possibility of using the Ravenswood Bay Trail Project as BCDC-required mitigation for the San Mateo 101 Express Lanes Project. This is a multi-agency, multi-year project initiated to reduce traffic congestion and encourage carpooling and transit use on the U.S. 101 in San Mateo County. Before engaging further with BCDC about the potential to receive mitigation funding, the General Manager requests feedback from the Legislative, Funding, and Public Affairs Committee (LFPAC) to consider the policy implications of accepting mitigation funds as a project funding source for the District.

DISCUSSION

Caltrans and BCDC reached out to the District to inquire about the possibility of working with the District to mitigate for impacts associated with the San Mateo 101 Express Lanes Project.

BCDC is a California state planning and regulatory agency with regional authority over the San Francisco Bay, the Bay's shoreline band, and the Suisun Marsh. It is responsible for protecting and enhancing the San Francisco Bay and encouraging the Bay's responsible and productive use for this and future generations. As a state agency, BCDC is charged with preparing a plan for the long-term use of the Bay and regulating development in and around the Bay. Under this charge, BCDC has permitting authority over projects that impact the bay and therefore will oversee and approve the mitigation requirements for the San Mateo 101 Express Lanes Project. This is a multi-agency, multi-year project initiated to reduce traffic congestion and encourage carpooling and transit use on the Highway 101 in San Mateo County. The project will create 22 miles of express lanes on Highway 101 from I-380 in San Bruno to the San Mateo County/Santa Clara

County border within BCDC's jurisdiction. BCDC reached out to the District to determine whether the Ravenswood Bay Trail Project might be able to receive mitigation funding from BCDC (potentially up to \$1,000,000), related to Caltrans's mitigation requirements.

Environmental mitigation is the process by which project proponents apply measures to avoid, minimize, or compensate for the adverse effects and environmental impacts resulting from their projects. Mitigation is required as a permit condition if adverse impacts are anticipated. Many types of mitigation measures exist, from avoiding or minimizing impacts through project design to implementing enhancement or restoration actions. If these options are not possible, project proponents may also fund external projects with similar objectives to compensate for the environmental impacts identified in their proposed project. Caltrans reached out to the District about the Bay Trail project due to a public access mitigation requirement for the San Mateo 101 Express Lanes Project.

Mitigation funding has the potential to be a new revenue source for the District. However, the administration, design, implementation, or long-term management of the state or regional source projects would fall outside District control. If these projects receive negative public press, the District may also receive negative public press due to its relation to the project. The District may want to carefully consider the types of mitigation projects for which the District would accept funding, either on a case-by-case basis by referring the mitigation funding to LFPAC and then the Board for approval, or as an adopted Board policy. At times, administrative requirements, such as burdensome reporting requirements or other funding restrictions (e.g., deed restrictions), may make mitigation funding impractical.

District staff are in the very early stages of communications with BCDC and Caltrans, and are asking LFPAC to consider what questions or feedback the committee has for District staff in order to continue conversations about mitigation funding. Pending LFPAC support to continue conversations with BCDC, the General Manager would return to LFPAC with more information at a later date and a final recommendation regarding the mitigation funding opportunity.

FISCAL IMPACT

No fiscal impact at this time. If the District were to receive mitigation funding, it would have a positive fiscal impact.

BOARD COMMITTEE REVIEW

This agenda item has not previously been reviewed by a committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act (CEQA).

NEXT STEPS

If LFPAC supports continuing the conversations with BCDC, the details of a funding agreement would be clarified. The General Manager would then bring further details to LFPAC, and potentially to the full Board of Directors for consideration.

Responsible Department Head:
Stefan Jaskulak, Chief Financial Officer

Prepared by:
Melanie Askay, Grants Program Manager