

**Amended and Restated Memorandum of Agreement (MOA) 5000879
among the San Diego Association of Governments ("SANDAG"), the California
Department of Fish and Wildlife ("CDFW"), the California Department of Transportation
("Caltrans"), and the United States Fish & Wildlife Service ("USFWS") (collectively "the
signatories") Regarding the Mitigation for Transportation Projects Under the
TransNet Extension Ordinance Environmental Mitigation Program**

WHEREAS, in March 2003 the SANDAG Board of Directors (SANDAG Board) adopted the 2030 Regional Transportation Plan ("RTP") entitled MOBILITY2030, *The Transportation Plan for the San Diego Region*;

WHEREAS, the RTP includes a list of transportation network improvements and other transportation programs that are intended to improve the mobility of people and goods throughout the region;

WHEREAS, the *TransNet Extension* Ordinance and Expenditure Plan (*Transnet* Extension Ordinance) Commission Ordinance 04-01 was adopted by the SANDAG Board on May 28, 2004, to provide for continuation of the half-cent transportation sales tax for 40 years to relieve traffic congestion, improve safety, and match state/federal funds;

WHEREAS, the *TransNet Extension* Ordinance was approved by the voters on November 2, 2004;

WHEREAS, the *TransNet Extension* included the establishment and implementation of an Environmental Mitigation Program (EMP), including 11 principles that further defined the major elements of the EMP;

WHEREAS, in January 2005, the SANDAG Board approved a set of projects for accelerated implementation referred to as the *TransNet* Early Action Program (EAP);

WHEREAS, mitigation, which means for purposes of this MOA, the early acquisition, creation, restoration, enhancement, and/or management of high-quality habitat, is more cost-effective and more biologically beneficial than the mitigation of habitat based on a project-by-project approach to mitigation;

WHEREAS, the *TransNet* EMP is intended, in part, to provide for early large-scale acquisition and management of important habitat areas and to create a reliable approach for funding required mitigation for future transportation improvements, thereby enabling the purchase of habitat that may become more scarce in the future, reducing future costs and accelerating project delivery;

WHEREAS, proactive mitigation of transportation projects would provide an opportunity to implement the *TransNet* EMP by providing opportunities for early large-scale conservation, permit streamlining, and certain cost savings;

WHEREAS, the need for biological monitoring and management of the habitat preserve areas is critical to maintain habitats and ecosystem processes for the persistence and resilience of native flora and fauna;

WHEREAS, the signatories to this MOA agree that an amended *TransNet* Plan of Finance (POF) will be adopted that reflects the capacity for funding up to \$440 million (nominal dollars) over ten years for mitigation, and an additional \$4 million dollars annually for ten years for management and monitoring as the approach toward the timing and expenditure of funds under the EMP;

WHEREAS, the *TransNet* Extension Ordinance contains the provision that the Environmental Mitigation Program could yield an economic benefit of \$200 million (estimated in \$2002) through the benefits of incorporating specified regional and local transportation projects into applicable habitat conservation plans, thereby allowing mitigation requirements for covered species to be fixed, and allowing mitigation requirements to be met through purchase of land in advance of need in larger blocks at a lower cost.

WHEREAS, in October 2011, the Governor of California signed Senate Bill 468 which states that "*SANDAG shall commit to dedicate a portion of the TransNet Regional Habitat Conservation Fund for regional habitat acquisition, management, and monitoring activities necessary to implement habitat conservation plans based on the estimated economic benefits derived from permitting and approval efficiencies on the north coast corridor project as a result of the procedures of this section, with that funding to be released by SANDAG in phases based upon the proportion of project work that has been issued permits, consistency reviews, or other applicable approvals, and in accordance with any other criteria as deemed appropriate by SANDAG taking into account the purpose and intent of TransNet.*"

WHEREAS, the signatories would like to amend the original MOA signed in February 2008, to clarify the process and phasing of the release of economic benefit funding utilizing the existing process identified in the original MOA and subsequent SANDAG Board actions to the maximum extent possible.

WHEREAS, the signatories have determined that entering into this MOA does not constitute a project as that term is used in the California Environmental Quality Act, California Public Resource Code section 21000, et seq. (CEQA), that entering into this agreement does not constitute a major federal action significantly affecting the human environment as those terms are used in the National Environmental Policy Act, 42 U.S.C. section 4321, et seq. (NEPA), and that CEQA and NEPA compliance are conditions precedent to any signatory being committed to carry out any obligations set forth in this MOA for which such compliance is required;

NOW THEREFORE, BE IT RESOLVED that the signatories agree as follows:

1. The signatories agree to implement the Conservation and Mitigation Strategy ("CMS") (Attachment A, and incorporated by reference as if fully restated here) as the method for identifying priority habitat acquisition, creation and restoration opportunities which will be designed to fully mitigate the range of anticipated wildlife habitat, natural communities, fisheries, and sensitive species¹ impacts resulting from projects in the currently adopted RTP, as well as for local transportation projects that are funded through *TransNet*. The CMS aligns the estimated impacts of these transportation project(s) to mitigation opportunities, which are intended to be the basis for determining subsequent agreements identified under Section 7

¹ Sensitive species are generally those which have been covered, or anticipated to be covered, by approved or in progress NCCP/HCP planning efforts.

below, and the parties agree that such agreements may provide regulatory assurances under the authority and jurisdiction of the signatory agencies.

2. SANDAG agrees to amend the *TransNet* Plan of Finance (POF) adopted on December 15, 2006, within three months of signing this MOA to reflect a cash flow for mitigation of *TransNet* regional and local transportation projects totaling \$440 million (nominal dollars²) over the next ten years pursuant to the following schedule:

| FISCAL YEAR | 08 | 09 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | Total* |
|-------------|----|-----|-----|----|----|----|----|----|----|----|--------|
| MOA YEAR | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| EAP | 30 | 60 | 60 | 30 | 30 | 15 | 15 | 15 | 15 | 10 | 280 |
| Any RTP | 40 | 40 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 160 |
| Total | 70 | 100 | 100 | 70 | 30 | 15 | 15 | 15 | 15 | 10 | 440 |

* In millions, nominal dollars

A total of \$160 million of *TransNet* EMP funds will be made available, as needed, for any RTP project mitigation³ and according to the priorities in Section 8 below. For financial analysis purposes, these funds are to be assumed to be spread out over four years. However, should an opportunity arise, as identified and agreed to by the signatories that would require a change in the cash flow, monies could be made available as needed as approved by the SANDAG Board. Funds are to be allocated and spent for three primary purposes: (1) acquisition; (2) restoration and enhancement; and (3) monitoring and management, as required to meet each transportation project's full mitigation needs. Funds not utilized in any given year could be rolled over into the next fiscal year. Borrowing to the degree necessary to meet this objective would be implemented consistent with the adopted POF, with debt service to be paid from annual EMP revenues. Up to \$82 million in interest-free fund transfers from transportation categories could be provided as a loan to finance the early acquisitions as provided by the schedule above. Additionally, \$30 million in debt-service assistance as identified in the *TransNet* Extension Ordinance could also be provided. Interest-free fund transfers from transportation project categories could be allowed in such a way that transportation projects are not delayed. Such transferred funds would be returned for use on transportation projects by end of the *TransNet* Extension in 2048.

3. SANDAG agrees to amend the POF to allocate \$4 million, escalated annually for inflation, at the beginning in fiscal year 2008 until the end of fiscal year 2018 to be used for regional management and monitoring. The source of the funds allocated for regional management and monitoring are attributed to the Regional Conservation Fund as described in *TransNet* Extension EMP Principle 4.
4. Upon execution of this MOA, SANDAG will release \$1.3 million approved by the SANDAG Board on December 15, 2006, for regional management and monitoring activities in addition to the \$4 million pursuant to Section 3, above. Yearly accounting and an analysis of the expenditures and their effectiveness in implementing the management and monitoring goals of the regional habitat conservation plans will be completed by SANDAG staff, in consultation with the signatories.

² These values are held constant for the year they are expended.

³ Mitigation is the acquisition, creation, restoration, enhancement and/or management of habitat lands.

5. Starting in 2010, and then once every two years thereafter, SANDAG will develop a report card to analyze the status and progress of the MOA in implementing the goals of the *TransNet* EMP for presentation to the SANDAG Board as a part of the update to the Regional Transportation Improvement Program (RTIP).
6. The signatories agree to evaluate and SANDAG would modify, if necessary, the POF no later than ten years after execution of this agreement to accommodate any insufficiencies identified in the report card, potential variations in funding, changes to the adopted RTP, and changes to the CMS. This could be done before, and/or apart from, the required *TransNet* ten-year Comprehensive Review.
7. EMP funds will be made available according to the schedule described in the POF. The release for advance mitigation will be contingent upon executed agreements intended to establish the mitigation of *TransNet*-funded regional and local transportation projects as identified in Attachment B (which is incorporated by reference as if fully restated here). The agreements may take various forms and address a range of actions from project-specific to more programmatic-level approaches towards mitigation and conservation actions. Types of agreements could include, but are not limited to:
 - a. Advanced Mitigation Agreement (e.g., Bolsa Chica)
 - b. Wetland Mitigation Banking Agreement (e.g., Rancho Jamul)
 - c. Conservation Banking Agreement (e.g., Rancho San Diego)
 - d. Programmatic Consultation (e.g., Rail Corridor from Orange County to Oceanside)
 - e. Early federal Endangered Species Act Section 7 Consultation
 - f. Project(s) Specific Agreement(s)
 - g. Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP)
 - h. Regional General Permits (e.g., Contra Costa County)
8. The focus of the initial mitigation efforts under this CMS will be on those RTP projects identified and approved by the SANDAG Board as EAP projects followed by projects that are included in the "revenue constrained" scenario of the RTP. Mitigation opportunities for the remaining transportation projects will be initiated if the signatories of this MOA agree that an environmental mitigation opportunity has arisen to satisfy a non-EAP project consistent with Section 2 above. SANDAG will work with the local jurisdictions to develop a similar approach for local transportation projects evaluating early and longer-term mitigation needs.
9. Economic Benefit will be released in accordance with the implementation policies identified in Attachment C of this MOA.
10. The mitigation requirements for each project(s) will be addressed on a case-by-case basis and incorporated into a specific agreement pursuant to Section 7 above to be executed by the signatories. The signatories hereto intend that if a project(s) conforms to the scope, general alignment, and biological effects analysis described in an executed agreement pursuant to Section 7 above, no additional compensatory mitigation to satisfy the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), the California Natural Community Conservation Planning Act (NCCP), or Fish and Game Code section 1600 et seq., are anticipated; however, final determination of project impacts and necessary mitigation shall be determined through applicable statutory processes.

11. Each project will be reviewed by CDFW and USFWS (collectively the Wildlife Agencies) through applicable statutory and regulatory processes; in addition, the Wildlife Agencies will determine each project's consistency with executed agreements. The Wildlife Agencies will contact, in writing, the signatories within 60 days of receipt of SANDAG's request for concurrence regarding conformance with the executed agreements. If the project does not conform, the Wildlife Agencies will identify necessary actions required for the issuance of permits consistent with the approved agreement. For projects that conform to the approved agreements, the Wildlife Agencies will expedite issuance of the permits, as staffing resources allow. Notwithstanding this Section or any other provision of this MOU, nothing in this MOA is intended or shall be interpreted to pre-determine the outcome of any applicable statutory and regulatory processes under ESA, NEPA, CEQA, NCCPA, or other applicable federal or state laws.
12. Principals of federal "Safe Harbor" agreements pursuant to federal Endangered Species Act at §§ ESA § 17.22(c) and at 17.32(c) may be included, as appropriate, and as determined by the relevant parties, in any agreement that improves resources in advance of project impacts for resources that may be affected by the transportation project (e.g., coastal lagoon restoration).
13. Local jurisdictions with approved HCP/NCCPs and incidental take authorizations that include local transportation projects as covered activities, have received regulatory assurances regarding mitigation for such projects, as provided for in the federal No Surprises Rule (e.g., Cities of Chula Vista, San Diego, La Mesa, Poway, Carlsbad, and the County of San Diego). Other jurisdictions may obtain such assurances for covered transportation projects upon approval by the Wildlife Agencies of their HCP/NCCPs and issuance of corresponding incidental take authorizations.
14. Advance mitigation for projects identified in Mobility 2030 (2004) may be available for other *TransNet* projects as identified in the RTP. Substituted projects must have impacts equal to or less than the original project and the exchange must be approved by the Wildlife Agencies. The amount of use of mitigation credits would be addressed by subsequent agreements as identified in Section 7 above.
15. USFWS and CDFW will actively cooperate with SANDAG and Caltrans during the permitting process for *TransNet* projects impacting wetlands, and waters of the United States, which are regulated by the USACOE, EPA, RWQCB, and/or CDFW through wetland banking agreements, master streambed alteration agreements, regional general permits, or mechanisms, as appropriate. The signatories support wetland creation, where appropriate and feasible, and restoration projects for use as advance mitigation and, as appropriate will mutually assist with identifying and/or obtaining funding for planning and permitting of the creation and restoration projects.
16. USFWS will support and, if appropriate, present the federal Consistency Determination for federal projects to the California Coastal Commission for coastal wetland restoration agreement(s) provided USFWS determines the projects meet the Consistency Determination requirements under federal and state law.
17. SANDAG, acting as the San Diego County Regional Transportation Commission, is accountable for all *TransNet* expenditures pursuant to the *TransNet Extension* Ordinance. As such, SANDAG is responsible for the expenditure of funds for advanced mitigation through the execution of

the agreements described in Section 7, above. It is SANDAG's intent to continue to utilize the capabilities and expertise of Caltrans staff, a SANDAG-contracted independent third-party, or itself to acquire real property and to develop and implement restoration plans. The Wildlife Agencies will cooperate in identifying opportunities and priorities consistent with the CMS.

18. The signatories agree in good faith to expend the technical, and staff resources necessary to implement the provisions of this MOA. However, nothing in this MOA shall be construed as obligating the signatories to expend funds, or for the future payment of money, in excess of appropriations authorized by law, nor does this MOA pre-determine the outcome of any future statutory or regulatory process under federal or state law or the execution of further agreements between the signatories. In addition, nothing in this MOA shall be construed to establish a limit on the funds necessary to provide mitigation as required under Federal Endangered Species Act and the California Endangered Species Act, or any other applicable law or regulation; all mitigation costs set forth in this MOA, including Attachments A and B, and the documents referred to herein are estimates only.
19. The signatories agree to review and modify this MOA, if necessary, after ten years from its execution by all signatories based upon its performance in providing advanced mitigation, enhanced project delivery, and overall availability of *TransNet* funding. Based upon the results of this review, all signatories retain the right to obtain mitigation of individual projects on a project-by-project basis pursuant to Section D and Principle 11 of the *TransNet Extension Ordinance* and the Federal Endangered Species Act and, the California Fish & Game Code and the California Endangered Species Act.
20. Nothing in this MOA shall supersede those provisions adopted by the voters in November 2004 under the *TransNet Extension Ordinance*.
21. Any notice required or permitted under this MOA may be personally served on another party, by the party giving notice, or may be served by certified mail, return receipt requested, to the following addresses:

For SANDAG:
401 B Street, Suite 800
San Diego, CA 92101
Attn: Gary Gallegos

For Caltrans:
4050 Taylor Street
San Diego, CA 92110
Attn: Laurie Berman

For USFWS:
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
Attn: Jim Bartel

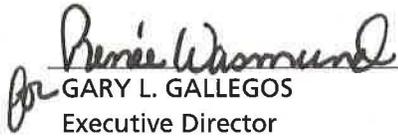
For CDFW:
3883 Ruffin Road
San Diego, CA 92123
Attn: Ed Pert

22. That unless it is amended by the parties in writing, this MOA shall terminate on 10 years after execution of this agreement, or on such earlier or later date as the parties may agree to in writing. This MOA shall continue in effect unless and until a party to the MOA gives 60 (sixty) days written notice of its desire to withdraw from the MOA. If such notice is given, the MOA shall continue to be binding on those parties who have not formally withdrawn.

23. No Member of Congress shall be entitled to any share or part of this Agreement, or to any benefit that may arise from it.
24. This MOA shall be interpreted in accordance with the laws of the State of California and applicable federal laws.
25. All terms, conditions, and provisions hereof shall inure to and shall bind each of the parties hereto, and each of their respective successors, and assigns.
26. For purposes of this MOA, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.
27. No alteration or variation of the terms of this MOA shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
28. Nothing in the provisions of this MOA is intended to create duties or obligations to or rights in third parties to this MOA or to accord to any third party a right to sue this MOA, to affect the legal liability of the parties to this MOA to third parties.
29. This MOA may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart.

IN WITNESS WHEREOF, the Parties hereto have executed this MOA effective on the last signature date set forth below.

SAN DIEGO ASSOCIATION OF GOVERNMENTS


GARY L. GALLEGOS
Executive Director

8/12/13
Date

CALTRANS


LAURIE BERMAN
Director Caltrans District 11

8/5/13
Date

APPROVED AS TO FORM:


Office of General Counsel

8.12.13
Date

UNITED STATES FISH AND WILDLIFE SERVICE


JIM BARTEL
Field Supervisor

Date

CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE


ED PERT
Regional Manager

Date

- Attachments: A. *TransNet* Conservation and Mitigation Strategy (CMS)
B. Proposed Distribution of Economic Benefit Funding by Project
C. *TransNet* Economic Benefit Implementation Policy Points

IN WITNESS WHEREOF, the Parties hereto have executed this MOA effective on the last signature date set forth below.

SAN DIEGO ASSOCIATION OF GOVERNMENTS

CALTRANS

See previous page
GARY L. GALLEGOS Date
Executive Director

See previous page
LAURIE BERMAN Date
Director Caltrans District 11

APPROVED AS TO FORM:

see previous page
Office of General Counsel Date

UNITED STATES FISH AND WILDLIFE SERVICE

CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE

For
Kenneth A. Gabriel 7-24-2013
JIM BARTEL Date
Field Supervisor

[Signature] 8-6-13
ED PERT Date
Regional Manager

- Attachments: A. *TransNet* Conservation and Mitigation Strategy (CMS)
B. Proposed Distribution of Economic Benefit Funding by Project
C. *TransNet* Economic Benefit Implementation Policy Points

TransNet Conservation and Mitigation Strategy (CMS)

The goal of the *TransNet* Conservation and Mitigation Strategy (CMS) is to: (1) identify conservation opportunities for habitat acquisition, creation, and restoration that promotes regional habitat conservation planning, and (2) align these opportunities in such a way to fully mitigate the range of potential wildlife habitat, natural communities, fisheries, and sensitive species impacts resulting from transportation projects in the currently adopted Regional Transportation Plan (RTP) pursuant to Section 14 of the MOA.

Identification of Conservation Opportunities

The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies) will partner with SANDAG and Caltrans to identify conservation opportunities that promote the regional conservation of biodiversity, thereby implementing San Diego's regional habitat plans that have been adopted (or will be adopted) under the Natural Community Conservation Planning Act (NCCP), and as Habitat Conservation Plans (HCPs) under the Endangered Species Act. Implementation of these NCCPs/HCPs will collectively promote the San Diego Regional Comprehensive Plan (2004) policy objective to "*Preserve and maintain natural biological communities and species native to the region* (p. 153)," and also will provide certainty and streamlined regulatory permitting of future transportation projects.

The opportunities would consist of identification of land acquisitions, upland and wetland restoration and creation, and other specific actions that will contribute to the goal of "*maintain[ing] and enhance[ing] biological diversity in the region and conserving viable populations of endangered, threatened, and key sensitive species and their habitat, thereby preventing local extirpation and ultimate extinction* (MSCP Biological Goals and Standards)."

In assisting with the development of the conservation opportunities, the Wildlife Agencies will use the basic fundamental tenets of habitat reserve design based upon the recommendations of the NCCP scientific advisors⁴, and specific objectives⁵ based upon the current needs of the regional NCCPs/HCPs, as well as the opportunities to leverage *TransNet* funds with non-*TransNet* funding. While the fundamental tenets would not change over time, the objectives will be subject to periodic reassessments as the regional NCCP/HCP matures.

Alignment with RTP Mitigation Needs

Based upon a review of the RTP projects and the estimated impacts (Attachment B), the Wildlife Agencies will partner with SANDAG and Caltrans, and other federal and state regulatory agencies, to align mitigation needs of the RTP project(s) with the identified conservation opportunities, with an emphasis on transportation projects belonging to the Early Action Program and then to projects that belong to the "revenue constrained" scenario of the RTP. The conservation opportunity shall meet the mitigation needs of the project(s) and be formalized in an appropriate agreement as identified in the MOA prior to the release of funds for acquisition of such property. The Wildlife Agencies will not mandate a specific opportunity as the required mitigation, but instead will

⁴ Southern California CSS NCCP Conservation Guidelines (1983). California Department of Fish & Game and California Resources Agency.

⁵ Specific objectives could include, as examples, preservation of vernal pool and maritime succulent scrub habitat, restoration of quino checkerspot butterfly and burrowing owl habitat, and creation of coastal wetland habitat.

provide a range of options for SANDAG and Caltrans to consider based upon cost, timeliness, and respect for private property rights, other state and federal regulatory requirements, and other considerations.

Conceptually, conservation opportunities that achieve the mitigation for estimated RTP project(s) impacts can be grouped into coastal wetlands, jurisdictional freshwater wetlands, uplands, and species specific. Habitat acquisition, restoration, creation, and species-specific enhancement will all be considered, as appropriate.

It is expected that in order to implement this approach, some projects may require additional biological analysis to provide more specificity on the habitats and species that could be impacted and conservation opportunities as a follow-up to confirm the assumptions of executed agreements as described in the MOA.

Proposed Distribution of Economic Benefit Funding by Project

Attachment B

| | | 2030 RTP Project | From | To | Coastal Wetlands | Non-Coastal Wetlands | Uplands | Estimated Mitigation Costs (TPMF) \$2002 | Estimated Economic Benefit (EB) \$2002 |
|-------------------|------------------------|---|------------------------|------------------|------------------|----------------------|---------|--|--|
| RTP 2030 Pathways | MOBILITY 2030 Timeline | Major Regional Projects | | | | | | | |
| RC | EAP | I-5 | SR 56 | Vandegrift Blvd. | 20 | 0 | 60 | \$76,000,000 | \$21,279,823 |
| RC | EAP | I-5/I-805 | Port of Entry–Mexico | | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RC | EAP | I-5/I-805 | HOV Connectors | | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RC | EAP | I-805 | SR 905 | SR 54 | 0 | 2 | 5 | \$2,360,000 | \$660,794 |
| RC | EAP | I-805 | SR 54 | I-8 | 0 | 1 | 2 | \$1,055,000 | \$295,398 |
| RC | EAP | I-805 | Mission Valley Viaduct | | 0 | 2 | 0 | \$1,110,000 | \$310,797 |
| RC | 2030 | SR 11 | SR 905 | Mexico | 0 | 2 | 10 | \$3,610,000 | \$1,010,792 |
| RC | EAP | SR 52 | I-805 | I-15 | 0 | 0 | 2 | \$500,000 | \$139,999 |
| RC | EAP | SR 52 | I-15 | SR 125 | 0 | 1 | 5 | \$1,805,000 | \$505,396 |
| RC | EAP | SR 76 | Melrose Drive | Mission Road | 0 | 25 | 60 | \$28,875,000 | \$8,084,933 |
| RC | EAP | SR 76 | Mission Road | I-15 | 0 | 45 | 110 | \$52,475,000 | \$14,692,878 |
| RC | EAP | Coastal Rail Doubletracking | | | 20 | 0 | 20 | \$66,000,000 | \$18,479,846 |
| RC | EAP | Mid-Coast Light Rail | | | 0 | 5 | 10 | \$5,275,000 | \$1,476,988 |
| RC | 2010 | I-5/SR 56 | Freeway Connectors | | 0 | 2 | 0 | \$1,110,000 | \$310,797 |
| UN | 2010 | SR 54/SR 125 | I-5 | SR 94 | 0 | 2 | 5 | \$2,360,000 | \$660,794 |
| RC | 2010 | SR 905 | I-805 | Mexico | 0 | 6 | 80 | \$23,330,000 | \$6,532,346 |
| RE | 2020 | I-5 | SR 54 | SR 163 | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RC | 2020 | I-5 | I-805 | SR 56 | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RE | 2020 | I-5 | SR 905 | SR 54 | 0 | 1 | 2 | \$1,055,000 | \$295,398 |
| RE | 2020 | I-5 | SR 163 | I-8 | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RC | 2020 | I-5 | I-8 | I-805 | 0 | 1 | 5 | \$1,805,000 | \$505,396 |
| UN | 2020 | I-5/I-8 | Freeway Connectors | | 5 | 0 | 0 | \$15,250,000 | \$4,269,964 |
| RC | 2020 | I-5/SR 78 | Freeway Connectors | | 0 | 2 | 0 | \$1,110,000 | \$310,797 |
| RC | 2020 | SR 94/SR 125 | Freeway Connectors | | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RE | 2020 | Oceanside to Escondido Transit Enhancements | | | 0 | 2 | 10 | \$3,610,000 | \$1,010,792 |
| RE | 2030 | I-8 | SR 125 | Los Coches Road | 0 | 1 | 10 | \$3,055,000 | \$855,393 |
| RC | 2030 | I-15 | SR 94 | SR 163 | 0 | 5 | 10 | \$5,275,000 | \$1,476,988 |
| RE | 2030 | I-15/SR 78 | HOV Connectors | | 0 | 1 | 0 | \$555,000 | \$155,399 |
| RC | 2030 | I-15/SR 94 | HOV Connectors | | 0 | 1 | 2 | \$1,055,000 | \$295,398 |
| RC | 2030 | I-805 | I-8 | I-5 | 0 | 2 | 10 | \$3,610,000 | \$1,010,792 |
| RC | 2030 | I-805/SR 52 | HOV Connectors | | 0 | 1 | 2 | \$1,055,000 | \$295,398 |
| RE | 2030 | SR 52 | I-5 | I-805 | 0 | 1 | 2 | \$1,055,000 | \$295,398 |

| | | 2030 RTP Project | From | To | Coastal Wetlands | Non-Coastal Wetlands | Uplands | Estimated Mitigation Costs (TPMF) | Estimated Economic Benefit (EB) | |
|----|------|---|------------------|-------------------|---|----------------------|---------|-----------------------------------|---------------------------------|----------------------|
| RC | 2030 | SR 56 | I-5 | I-15 | 0 | 1 | 5 | \$1,805,000 | \$505,396 | |
| RE | 2030 | SR 67 | Mapleview Street | Dye Road | 0 | 5 | 150 | \$40,275,000 | \$11,276,906 | |
| RC | 2030 | SR 75/SR 282 | Glorietta Blvd. | Alameda Blvd. | 0 | 1 | 0 | \$555,000 | \$155,399 | |
| RE | 2030 | SR 78 | I-5 | I-15 | 0 | 2 | 5 | \$2,360,000 | \$660,794 | |
| UN | 2030 | SR 94 | Avocado Blvd. | Steele Canyon Rd. | 0 | 5 | 25 | \$9,025,000 | \$2,526,979 | |
| UN | 2030 | SR 94 | SR 125 | Avocado Blvd. | 0 | 1 | 0 | \$555,000 | \$155,399 | |
| RC | 2030 | SR 94/SR 125 | I-5 | I-8 | 0 | 1 | 5 | \$1,805,000 | \$505,396 | |
| RC | 2030 | SR 125 | SR 905 | San Miguel Road | 0 | 1 | 1 | \$805,000 | \$225,398 | |
| RC | 2030 | SR 125 | San Miguel Road | SR 54 | 0 | 1 | 0 | \$555,000 | \$155,399 | |
| UN | 2030 | Kearny Mesa Transitway | | | 0 | 1 | 5 | \$1,805,000 | \$505,396 | |
| UN | 2030 | Sorrento Mesa Transitway | | | 0 | 5 | 45 | \$14,025,000 | \$3,926,967 | |
| RE | 2030 | SPRINTER Extension to North County Fair | | | 0 | 1 | 0 | \$555,000 | \$155,399 | |
| | | | | | Subtotal | 45 | 142 | 663 | \$381,810,000 | \$106,905,909 |
| | | | | | Minor Regional Projects | 0 | 23 | 136 | \$46,765,000 | \$13,094,091 |
| | | | | | Subtotal | 45 | 165 | 799 | \$428,575,000 | \$120,000,000 |
| | | | | | Support Costs | | | | \$21,425,000 | \$0 |
| | | | | | Subtotal | | | | \$450,000,000 | \$120,000,000 |
| | | | | | Local Transportation Projects | | | | \$200,000,000 | \$40,000,000 |
| | | | | | Subtotal | | | | \$650,000,000 | \$160,000,000 |
| | | | | | Regional Management and Monitoring Funds Previously Authorized by MOA | | | | n/a | \$40,000,000 |
| | | | | | Total | | | | \$650,000,000 | \$200,000,000 |

Notes:

2030 Regional Transportation Plan approved March 2003.

TPMF, Transportation Project Mitigation Fund.

Acreages estimated using Generalized Vegetation mapping from SANDAG's 1995 Regional Vegetation database.

Cost per acre based on recent mitigation ratios, acquisition, restoration, creation, and endowment costs.

Costs are in 2002 dollars.

█ = Project in Coastal Zone

EAP = Early Action Project

RC = Revenue

Constrained

RE = Reasonably

Expected

UN = Unconstrained

TransNet Economic Benefit Implementation Policy Points

1. Economic Benefit consists of those funds that are generated by the mitigation of regional transportation projects and local streets and roads that occur in advance of permit needs that were estimated at \$200 million in 2002.
2. Economic Benefit would be generated upon a transportation project(s) or phase of a larger project obtaining all federal, state, and local permits, or equivalent consistency reviews or approvals required to develop the transportation infrastructure.
3. Potential Economic Benefit will be reduced by the allocation already approved by the SANDAG Board of Directors (\$40 million). The remaining Economic Benefit will be \$160 million; \$120 million for regional transportation projects identified in the Regional Transportation Plan, and \$40 million for local streets and roads shown in Attachment B.
4. Economic Benefit for regional transportation projects is derived by the proportionate amount of required mitigation divided by the total mitigation and then multiplied by \$120 million as shown in Attachment B. Larger projects developed in phases would release their economic benefit in proportion to the economic benefit calculated for the entire project.
5. Economic Benefit accrued for local streets and minor regional projects would be determined by the total cost of mitigation divided by the total available local street funds then multiplied by \$40 million.
6. Allocated Economic Benefit funds would be converted to the year of expenditure dollars by the SANDAG Board of Directors based upon using change in *TransNet* revenues.
7. Economic Benefit can be used for regional habitat acquisition, management, and/or monitoring necessary to implement the regional habitat conservation plans utilizing the established SANDAG processes.
8. SANDAG will utilize the following eligibility findings for potential acquisition opportunities:
 - a. Promotes Natural Community Conservation Planning: The proposed acquisition will contribute to the success of the San Diego regional Natural Community Conservation Planning (NCCP) by acquiring and restoring unique habitat areas, key populations of endangered species, lands adjacent to existing conserved habitat lands, and/or promoting wildlife linkages.
 - b. Jurisdictional Land Use Plans: Use of the site as habitat conservation/open space is consistent with the long-range land use and transportation policies of one or more local jurisdictions. If the use of the site as habitat conservation/open space is not consistent, the jurisdiction(s) does not object to the site being purchased for habitat conservation/open space.
 - c. Willing Seller: Owner of the property is a willing seller with clear title to the property and any hazardous material identified in a Phase I environmental site assessment has been evaluated and addressed to the satisfaction of SANDAG.

- d. Appraisal: The property must be appraised by a qualified licensed appraiser in accordance with established acquisition and appraisal standards, and reviewed independently by an appraisal specialist working for SANDAG. The first written offer will reflect the fair market value of the property.
 - e. Owner/Manager: Perpetual ownership of the land has been identified, as well as a qualified land manager. The identified owner is a public agency or nonprofit organization willing to provide a conservation easement or deed restriction to SANDAG or mutually agreed-upon third party. SANDAG and the land manager have agreed upon the annual cost to manage the land and the method for funding the annual management costs.
9. A committee comprised of representatives from SANDAG, Caltrans, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and U.S. Geological Survey would evaluate all proposals resulting from a Call-for-Projects for land acquisitions and provide their recommendation to the SANDAG Board of Directors using evaluation criteria approved by the SANDAG Board of Directors and the eligibility findings identified in Policy Point No. 8, above.
10. The Environmental Mitigation Program Working Group would make a recommendation to the Regional Planning Committee for any allocations of economic benefit funds proposed for regional management and monitoring. Economic Benefit funding for management and monitoring would be allocated by the SANDAG Board of Directors as part of the annual allocations of funding.
11. Economic Benefit would be calculated during the execution of this amended Memorandum of Agreement (MOA), and then once per year as part of the Plan of Finance approval by the SANDAG Board of Directors. Economic Benefit would be released in phases so as not to impact the infrastructure improvements previously approved by the Board of Directors for design and/or construction. Any bonding required to fund Economic Benefit would be consistent with the *TransNet* Implementation Guidelines adopted by the SANDAG Board of Directors on September 24, 2004, which indicates that borrowing would be limited to \$30 million and, to the degree needed, up to \$82 million in "*intra-program fund transfers from transportation categories.*"