



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 5a
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Planning Committee

DATE: June 2, 2017

FR: Executive Director

W.I. 1515

RE: MTC Resolution No. 4290 - Regional Advance Mitigation Planning (RAMP) Program

Background

Most large transportation projects require environmental mitigation as prescribed in each project's environmental document. These mitigation measures may include purchasing land or retaining land rights for certain affected species or activities. In the Bay Area, mitigation activities occur on a per-project basis, with each project individually satisfying its own mitigation purchase requirements. This may lead to increased project costs and a higher level of effort, with less environmental benefit because this piecemeal approach is not coordinated with other projects that may have the same or similar mitigation requirements.

Regional Advance Mitigation Planning (RAMP) is a mechanism by which transportation agencies can plan comprehensively for projects, reduce project costs, and accelerate project delivery, while achieving significant conservation benefits. Two years ago, following approval of Plan Bay Area, MTC and the Bay Area Program of the State Coastal Conservancy (SCC) sponsored an effort to consider the feasibility of a RAMP program in the Bay Area. This memo discusses the progress on RAMP and recommended next steps.

Development and Engagement

In 2015, MTC staff worked with staff from the Nature Conservancy (TNC) and SCC (the "RAMP Team") to form a Technical Advisory Committee (TAC). The TAC included state and federal regulatory agencies, three Congestion Management Agency's (Contra Costa Transportation Authority (CCTA), Solano Transportation Authority (STA), and Santa Clara Valley Transportation Authority (VTA)) and the two approved habitat conservancies in the region. The RAMP team used the TAC to set the vision and goals, develop the tools and receive feedback on the framework. The team also formed a Stakeholder Advisors group consisting of regional organizations representing conservation, business, transportation and mitigation experts to provide advice and guidance on the direction of the program and to serve as a sounding board on ideas.

Framework and Pilots

Last Fall, the Governor signed AB 2087 into law, which enables advance mitigation through approval of a new tool called a Regional Conservation Investment Strategy (RCIS). Entities that invest in conservation actions consistent with an approved RCIS will be able to receive assurances through a Mitigation Credit Agreement with California Department of Fish and Wildlife for advance mitigation. In other words, agencies that participate in RAMP by investing in a "conservation bank" will receive mitigation credit for their project; the "bank" will then use the investment to purchase or improve environmentally valuable properties in a more coordinated and strategic fashion, for instance focusing on wildlife corridors or watersheds in their entirety, rather than piecemeal.

Thanks to funding from the Bechtel Foundation, the team is testing the RCIS concept with two pilots in Santa Clara County and the East Bay (Contra Costa and Alameda counties). Both areas expressed interest given the recently-approved sales tax measures in Alameda and Santa Clara Counties. Voters approved VTA's measure and VTA is working with partners on an advance mitigation plan specific to the county. As the Contra Costa Sales tax measure failed last November, funding for RAMP is not readily available there, but CCTA remains engaged on the East Bay pilot.

Funding

The RAMP team examined a number of options for establishing RAMP in the Bay Area. A self-sustaining funding arrangement is the preferred funding mechanism, where the RAMP account is funded through initial start-up. The program would purchase mitigation land/credits based on expected impacts from projects in the regional transportation plan. Once those projects complete the environmental process and identify mitigation values, the project would purchase the advance mitigation. Proceeds would then be re-deposited into the account to purchase further mitigation land/credits.

While the RAMP team has not yet identified a fund source for the initial start up, potential sources include local sales taxes, future State Transportation Improvement Program (STIP) funds, new transportation revenues, and statewide Advance Mitigation Program funds authorized by Senate Bill 1 (SB 1). The SB 1 funds are currently limited to Caltrans projects, though further enabling legislation may allow participation from regional programs.

Recommendations

MTC staff believes that a RAMP Program for the Bay Area will improve how projects are delivered, produce cost savings through mitigation efficiencies and improve environmental benefits. As part of the development of *Plan Bay Area 2040* (PBA2040), staff incorporated RAMP into the Environmental Impact Report and propose it as a resilience action in the Draft PBA2040. Furthering the region's commitment, staff recommends the following actions:

- Adopt RAMP as the preferred mitigation strategy for the Bay Area, through the adoption of Plan Bay Area 2040 and MTC Resolution No. 4290;
- Direct staff to develop RAMP pilots, and engage with Caltrans, State Coastal Conservancy, and other partners on implementation strategies;
- Direct staff to examine funding options for a self-sustaining fund and to fund reasonable costs associated with implementation, conditioned on further Commission authorization and approval of future agency budgets or other processes; and
- Report back to the Planning Committee in 2018 on the status of the RAMP pilots and implementation.

Adopting RAMP as the preferred strategy does not preclude the use of other mitigation strategies where required or appropriate, particularly as RAMP is being developed.



Steve Heminger

Attachment:

- MTC Resolution No. 4290

SH:kk

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Date: June 28, 2017
W.I.: 1515
Referred by: Planning

ABSTRACT

Resolution No. 4290

This resolution establishes the Regional Advance Mitigation Planning (RAMP) Program as ~~a the~~
~~region's~~ preferred mitigation strategy for the region.

Discussion of this resolution is contained in the Executive Director's Memorandum to the
Planning Committee dated June 2, 2017.

The resolution includes the following attachment:

Attachment A – Regional Advance Mitigation Planning (RAMP) Program List

Date: June 28, 2017
W.I.: 1515
Referred by: Planning

RE: Regional Advance Mitigation Planning (RAMP) Program as a MTC's Preferred Mitigation Strategy for the Region

METROPOLITAN TRANSPORTATION COMMISSION

Resolution No. 4290

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC has adopted and periodically revises, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, MTC, with the State Coastal Conservancy, formed a Technical Advisory Committee comprised of regulatory agencies and other stakeholders to examine the viability and framework for a Regional Advance Mitigation Planning (RAMP) Program; and

WHEREAS, the State of California enacted Assembly Bill 2087 (Statutes of 2016) into law, enabling advance mitigation through approval of Regional Conservation Investment Strategies (RCISs) with the California Department of Fish and Wildlife; and

WHEREAS, the State of California enacted Senate Bill 1 (Statutes of 2017) into law, setting aside \$120 million over four years to establish an Advance Mitigation Program administered by the California Department of Transportation; and

WHEREAS, MTC finds that the RAMP Program – which includes and will coordinate with and does not limit or preempt other mitigation strategies such as Natural Community Conservation Plans (NCCPs), Habitat Conservation Plans (HCPs), and mitigation banking – enables an efficient use of funding and will promote better project delivery and mitigation of project impacts identified in each project's environmental document; now, therefore, be it

RESOLVED, that MTC adopts the Regional Advance Mitigation Planning (RAMP) Program as a preferred mitigation strategy for transportation projects in the Regional Transportation Plan/Sustainable Communities Strategy; and be it further

RESOLVED, that adopting RAMP as a preferred mitigation strategy does not require a transportation project to participate in a RAMP or RCIS, nor does it preclude the use of other mitigation strategies; and be it further

RESOLVED, that MTC supports the establishment of a self-sustaining fund to implement the RAMP Program, conditioned on further Commission authorization and approval; and be it further

RESOLVED, that MTC supports the advance mitigation efforts developed through Regional Conservation Investment Strategies (RCISs) with the California Department of Fish and Wildlife, as identified in Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

Jake Mackenzie, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on June 28, 2017.

Attachment A
MTC Resolution No. 4290

MTC Res. No. 4290
Attachment A
Adopted: 06/28/17-C

Regional Advance Mitigation Planning (RAMP)
June 2017

Program List

Regional Advance Mitigation Planning (RAMP)	
Santa Clara County RAMP Pilot Program	Santa Clara County
East Bay RAMP Pilot Program	Alameda & Contra Costa Counties

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Bay Area Regional Advance Mitigation Planning



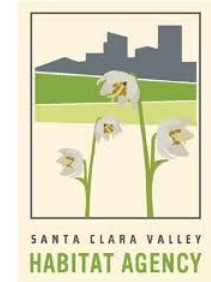
Joint MTC Planning Committee with the
ABAG Administrative Committee

June 9, 2017

Regional Advance Mitigation Planning

- **Goal:** Expedite project delivery and achieve meaningful conservation outcomes. Specifically, we aim to:
 - Save time
 - Save money
 - Improve project delivery and conservation outcomes
 - Encourage agency communication

Technical Advisory Committee



Aware and/or Advising



California Strategic Growth Council

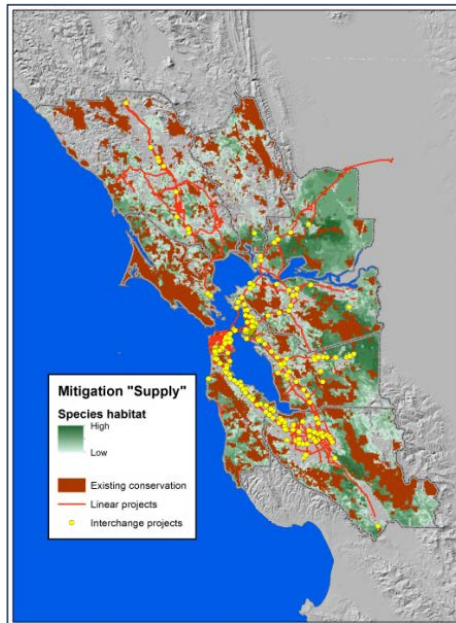


Stakeholder Advisors



RAMP Planning Methodology

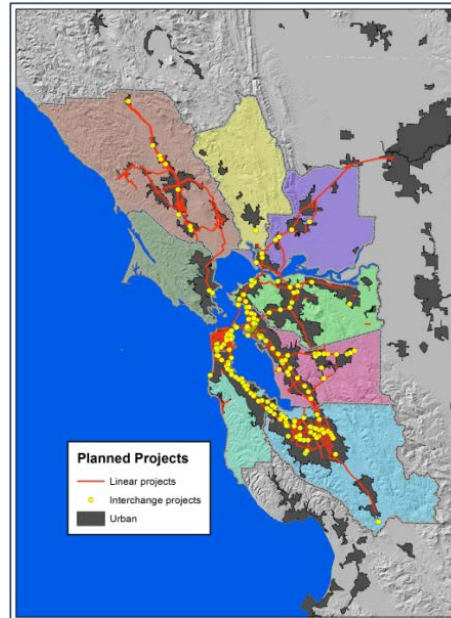
Identify Regional
Conservation Values
and Priorities



1



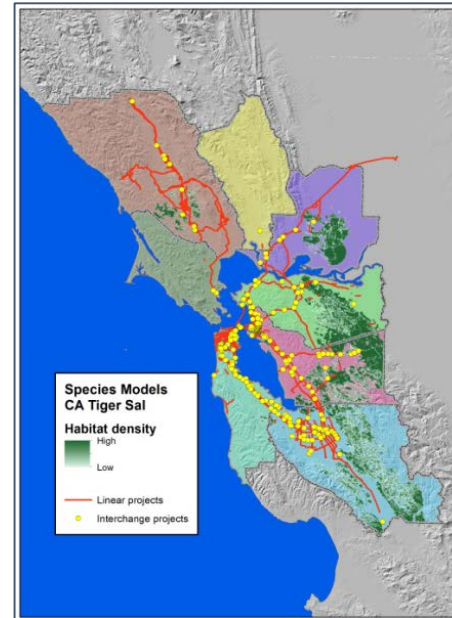
Identify Planned
Transportation
Projects



2



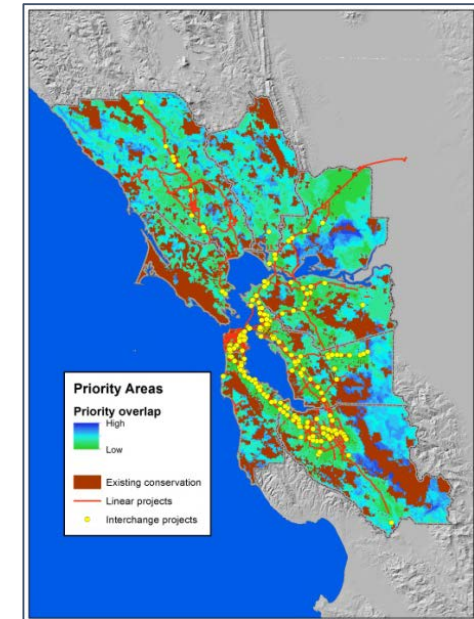
Estimate Potential
Impacts and
Mitigation Needs



3

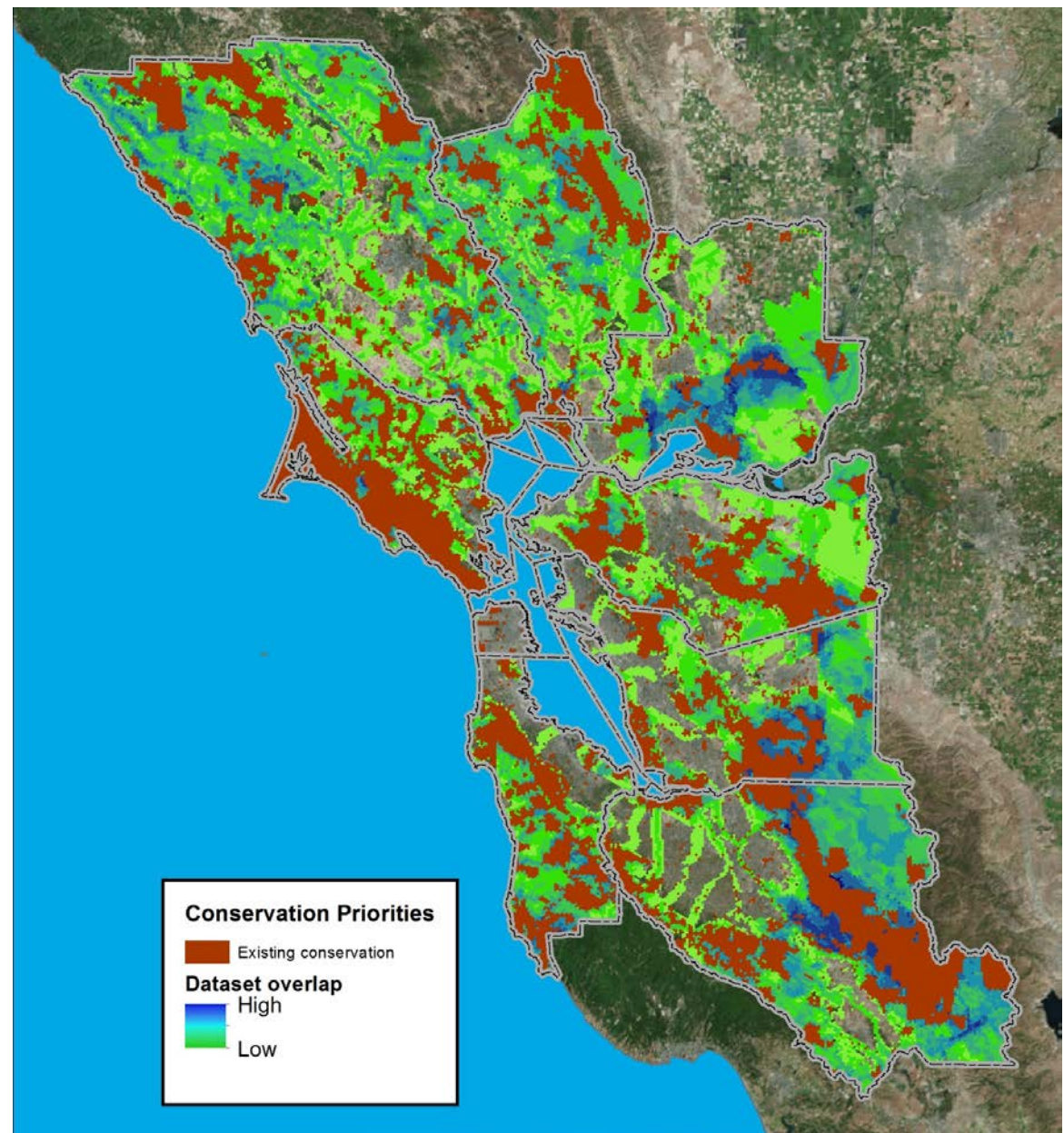


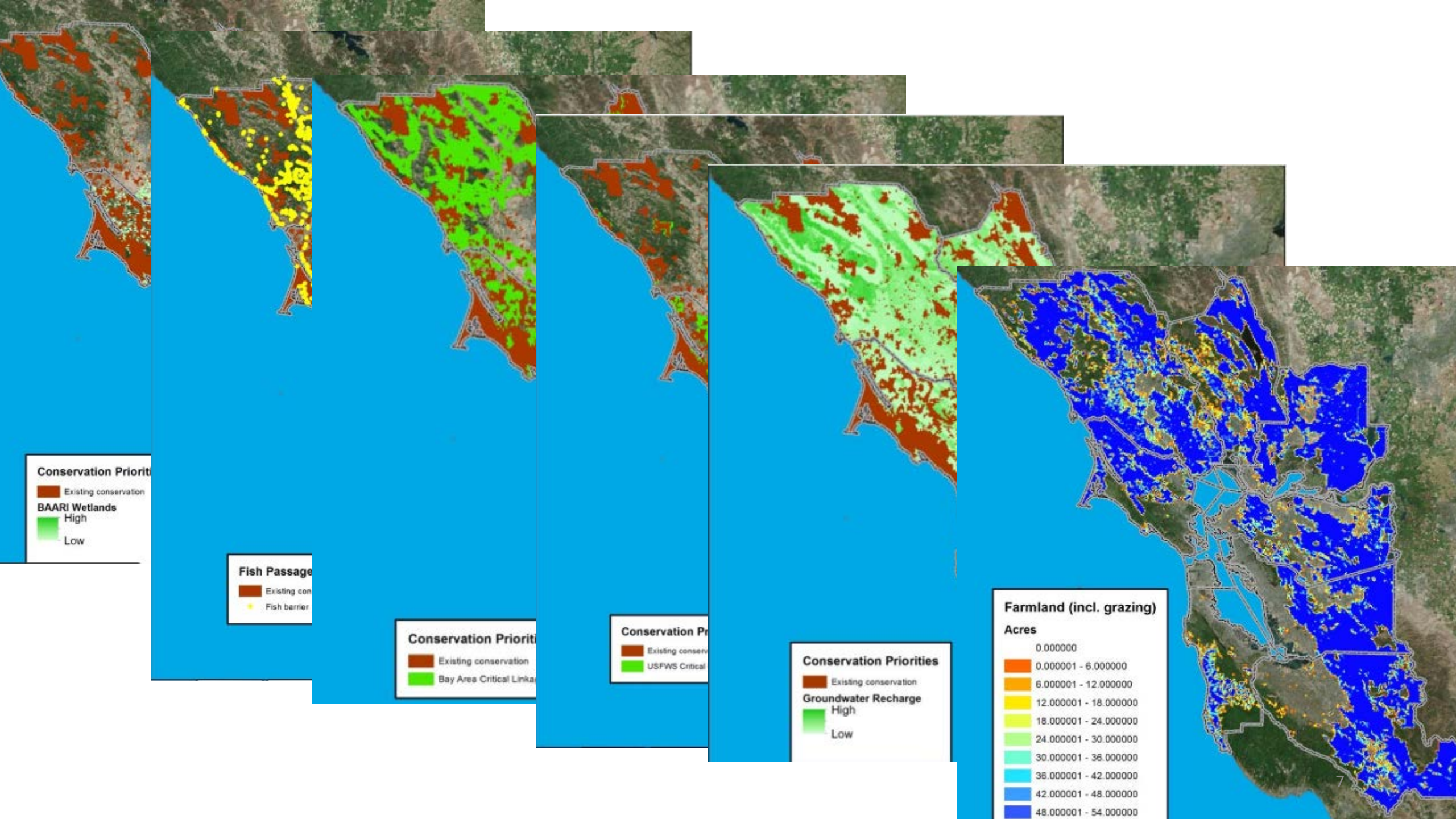
Select Appropriate
Mitigation Sites



4

Conservation Assessment





Conservation Prioriti

- Existing conservation
- BAARI Wetlands
- High
- Low

Fish Passage

- Existing con
- Fish barrier

Conservation Prioriti

- Existing conservation
- Bay Area Critical Linka

Conservation Pr

- Existing conserv
- USFWS Critical

Conservation Priorities

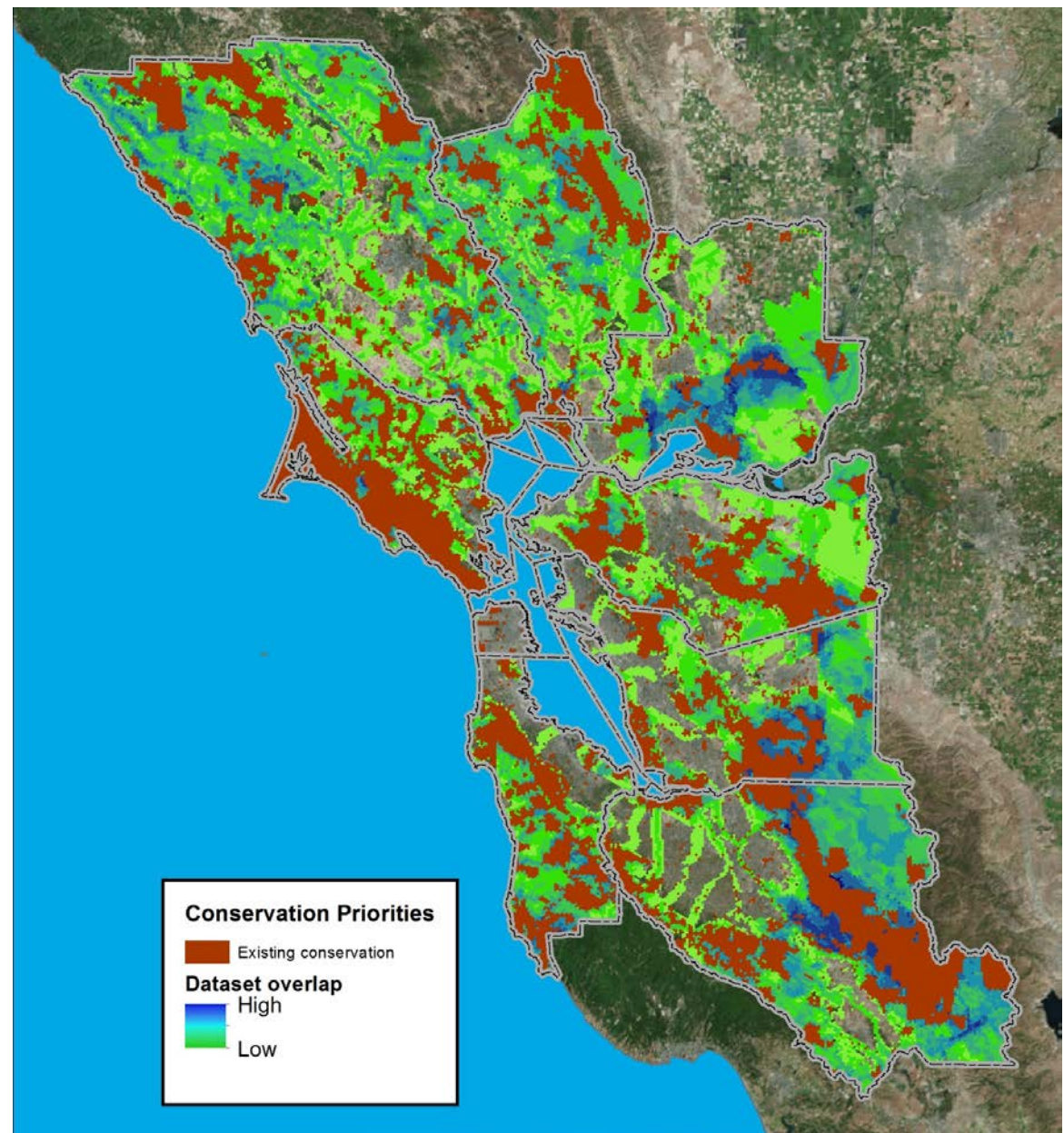
- Existing conservation
- Groundwater Recharge
- High
- Low

Farmland (incl. grazing)

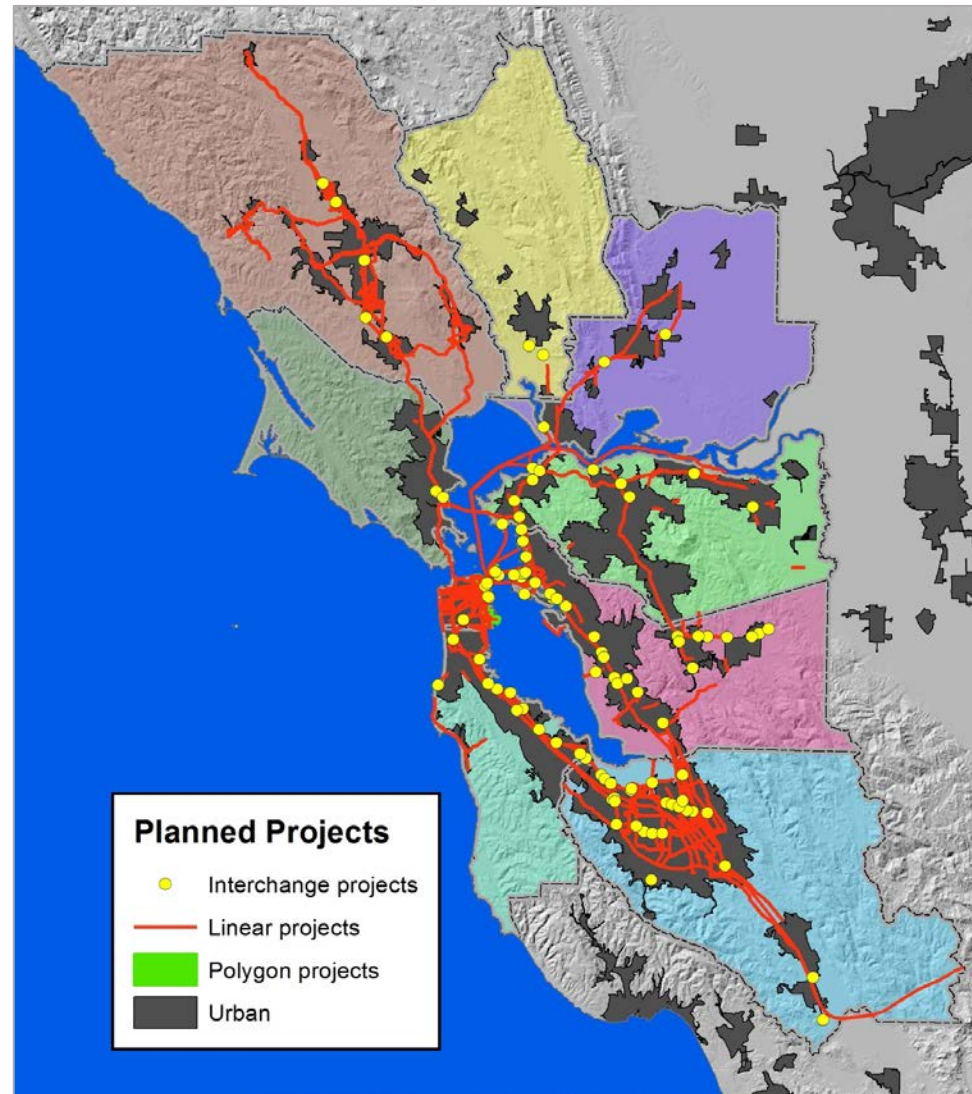
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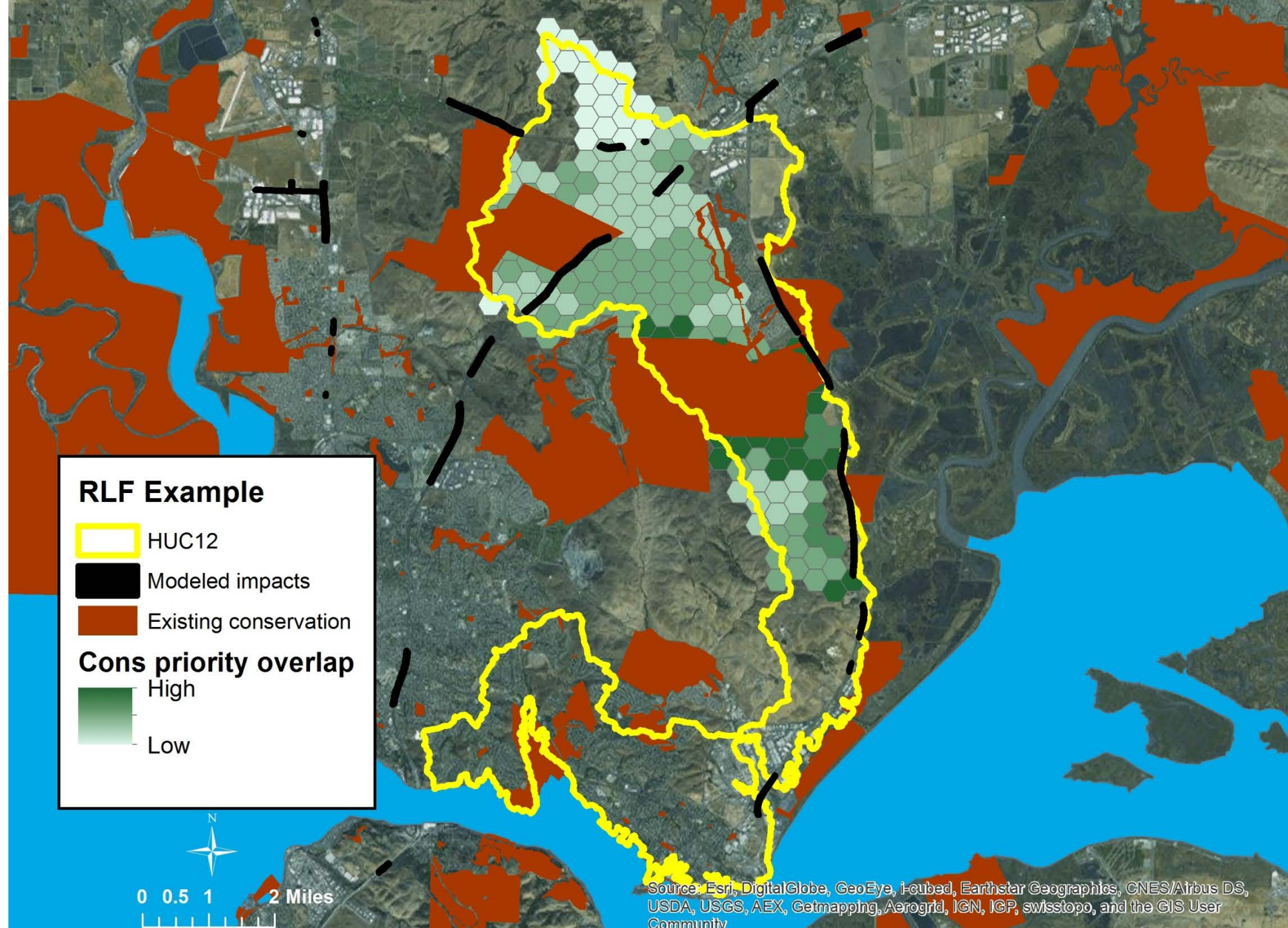
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Conservation Assessment



Transportation Assessment



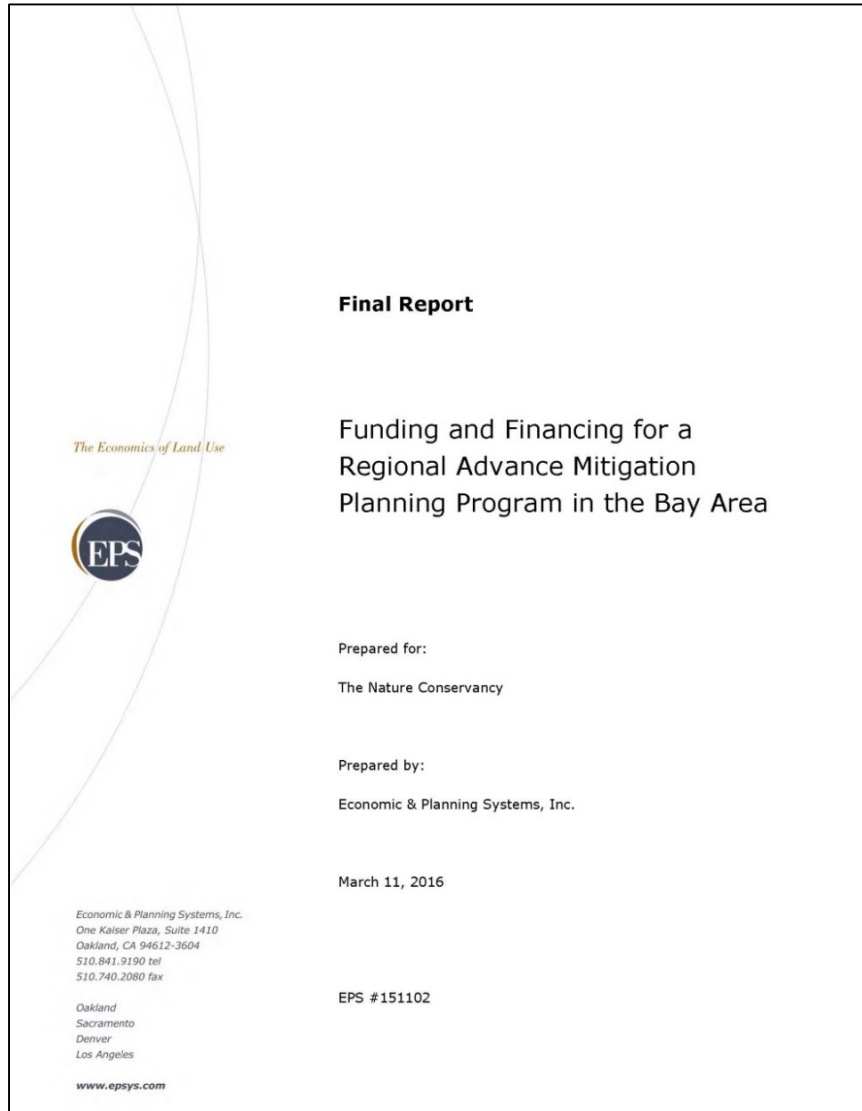


Mitigation Framework

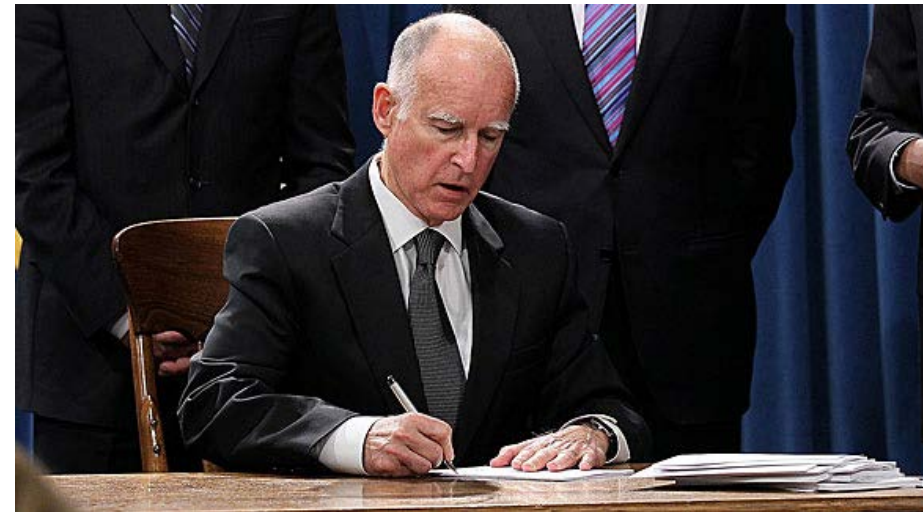


- RAMP is aligned with the agencies' policies to achieve outcomes
- Incorporated agency considerations into RAMP documents –
more to be done through implementation

Funding

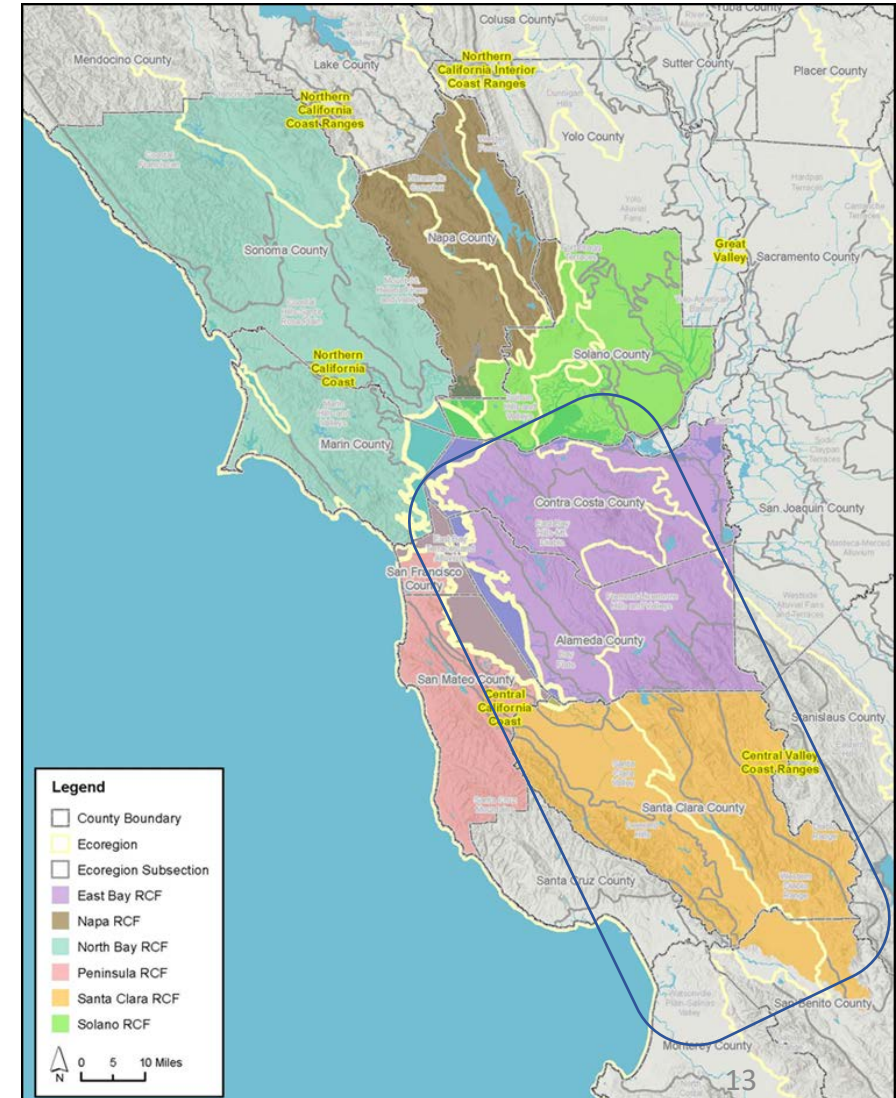


- SBI Signed into Law
- ✓ New Advance Mitigation Program
- ✓ Predictable funding flow



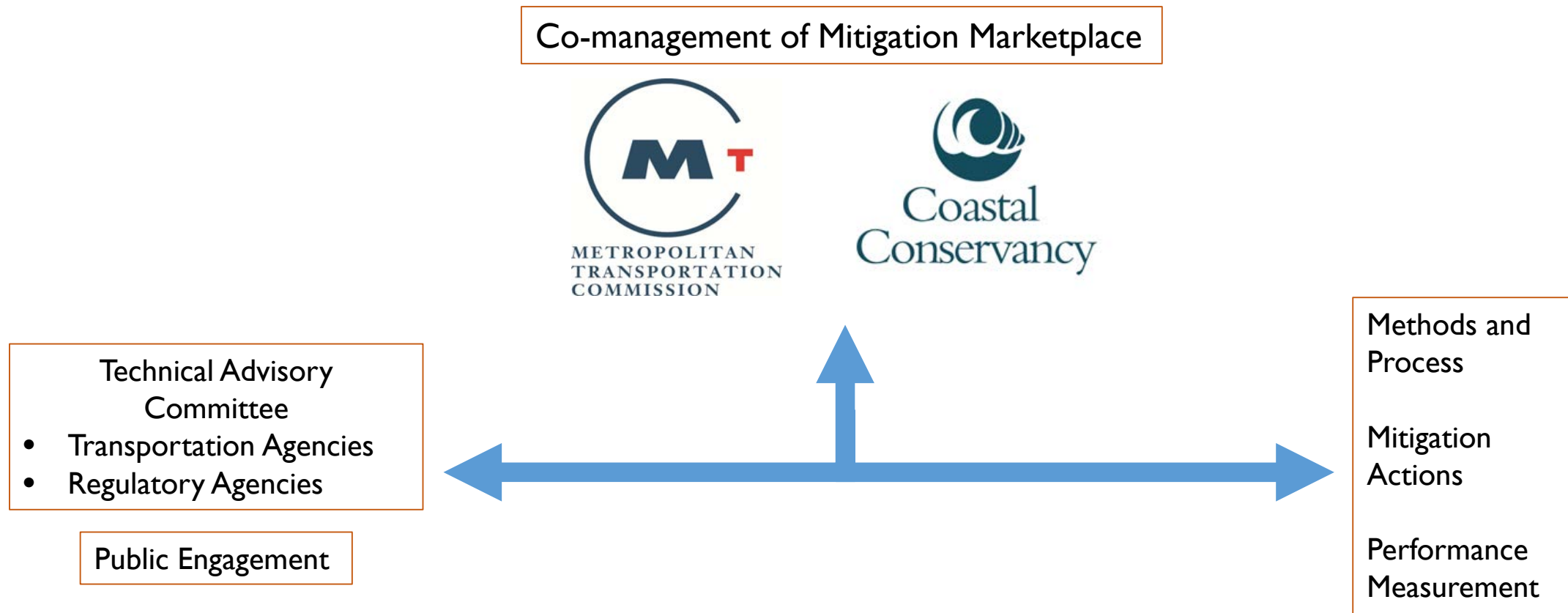
New law: AB 2087

- Encourages *Regional Conservation Investment Strategies*
- Enables Mitigation Credit Agreements
- Bay Area Pilots: Santa Clara and East Bay

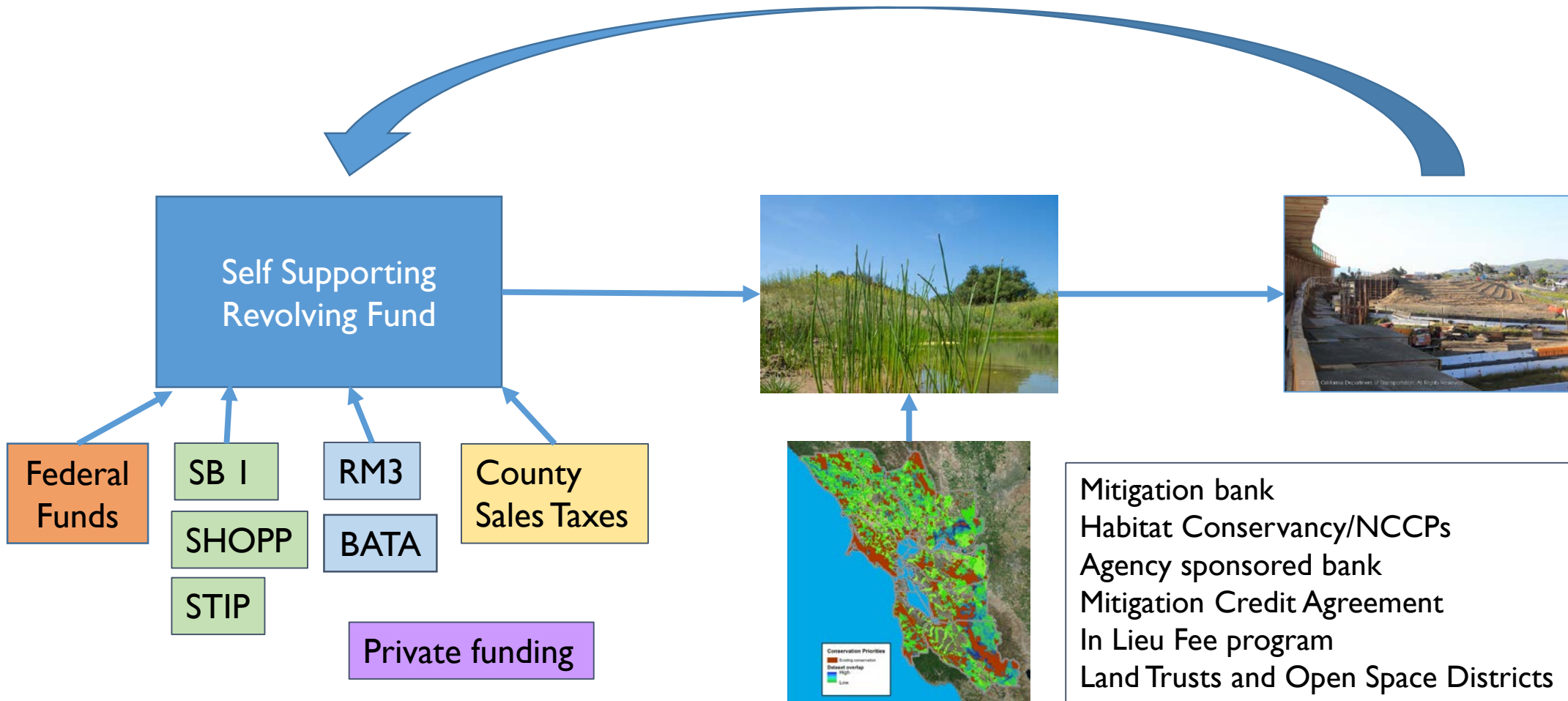


How RAMP would work

Organization and Administration



Funding opportunities and process



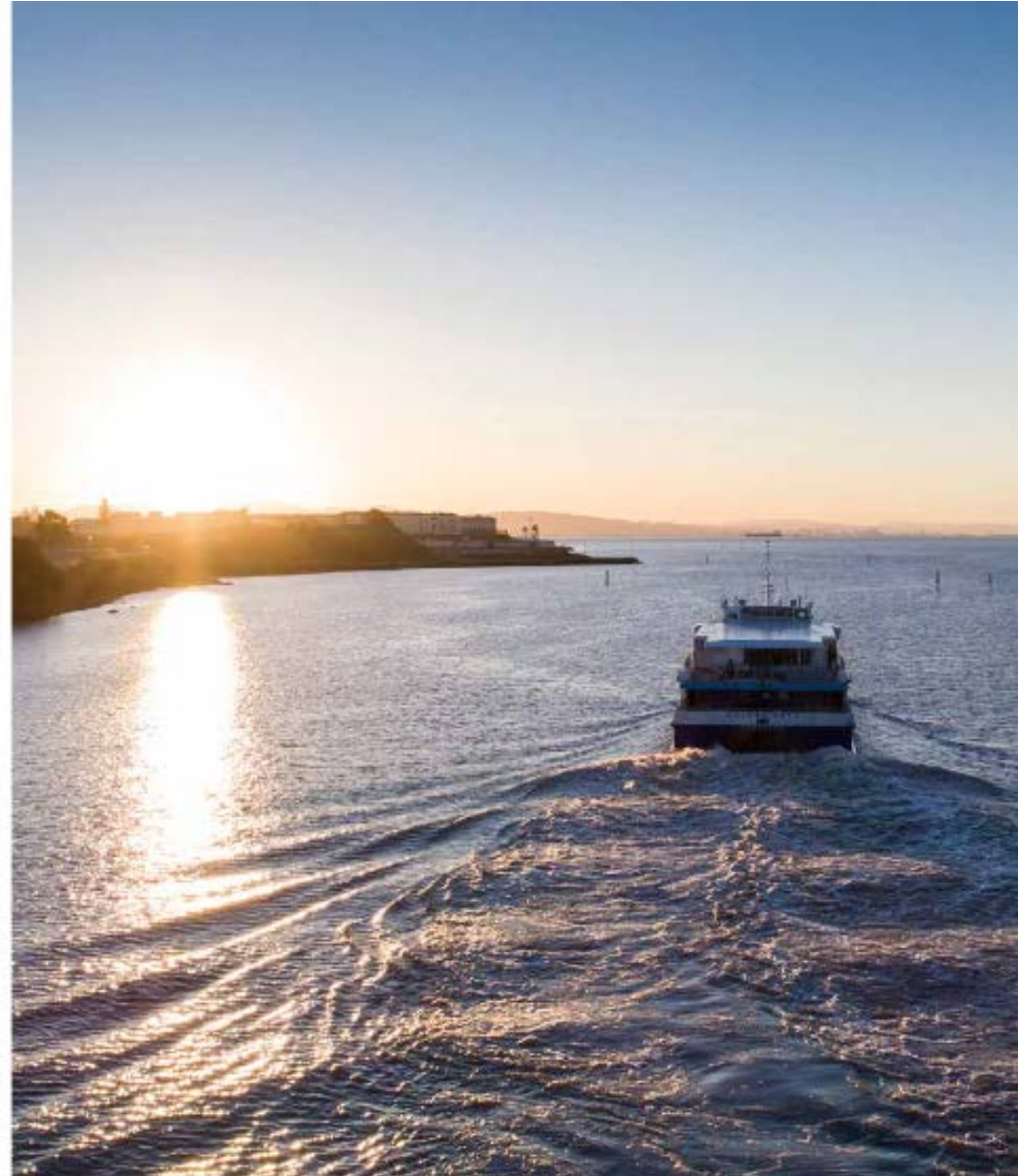
Plan Bay Area 2040 Action Plan - Resilience

This Action Plan makes the following recommendations for Resilience:

Resilience Actions	Partners and Timeframe
Develop a regional governance strategy for climate adaptation projects: Develop an institutional strategy for managing, coordinating, and implementing regional and local projects related to sea level rise.	BARC, MTC/ABAG, BCDC, Caltrans, local jurisdictions 2 - 4 YEARS
Provide stronger policy leadership on resilient housing and infrastructure: Expand guidance on resilient housing policies for earthquake, flooding, and fire, working in coordination with state and federal agencies and focusing on communities with high social vulnerability and exposure to natural hazards. Strengthen infrastructure lifelines to ensure that utilities can provide services under a variety of conditions and future scenarios.	MTC/ABAG, local jurisdictions 1 - 4 YEARS
Create new funding sources for adaptation and resilience: Pursue new funding opportunities, including innovative financing, for retrofits of buildings, retrofits of existing infrastructure, and infrastructure solutions to protect against flooding, earthquakes, and exposure to environmental health risks.	MTC/ABAG, BARC, BCDC 1 - 4 YEARS
Establish and provide a resilience technical services team: Broadly share best practices and grant opportunities for climate adaptation and natural hazard mitigation. Continue to assess vulnerabilities and identify workable solutions through public and private avenues. Integrate resilience into Priority Development Area (PDA) planning.	BARC, MTC/ABAG, BCDC 1-2 YEARS
Expand the region's network of natural infrastructure: Coordinate regional programs to preserve and expand natural features that reduce flood risk, strengthen biodiversity, enhance air quality, and improve access to urban and rural public space. Leverage existing initiatives—including Priority Conservation Areas (PCAs), the Resilient by Design Challenge, San Francisco Estuary Partnership, and Bay Restoration Authority—and partner with special districts and cities.	MTC/ABAG, BCDC, jurisdictions, utilities 1 - 4 YEARS
Establish the Regional Advance Mitigation Program (RAMP): Advance mitigation for infrastructure projects to strengthen regional biological conservation priorities. Work to secure off-site compensatory mitigation lands for multiple infrastructure projects in advance of environmental reviews to improve both project delivery and conservation outcomes.	MTC/ABAG, Caltrans, RAMP coalition 1 - 4 YEARS

TABLE 5.3 Plan Bay Area 2040 "Action Plan" recommendations for resilience.

Source: Metropolitan Transportation Commission, 2014



More work to be done

- Move from plans to action
 - Focus on pilots
 - Regulatory agency alignment
 - Refine transportation assessment
- Fully develop the funding mechanism
 - Sources
 - Financial modeling
 - Accounting and process
- Refine program guidelines

Committee Recommendation/Approval

- **PBA 2040:** Adopt RAMP as a preferred mitigation strategy
- **Pilots and Partners:** Develop RAMP pilots, and engage with State Coastal Conservancy and partners
- **Funding:** Pursue a self-sustaining fund; fund reasonable costs associated with implementation
- **Report:** back to the Planning Committee in 2018

Thank You!



Coastal
Conservancy



S. D. BECHTEL, JR.
FOUNDATION

STEPHEN BECHTEL FUND



June 5, 2017

Hon. Jim Sperling, Chair
MTC Planning Committee
Via email to kkirkey@mtc.ca.gov

Re: Agenda Item 5a: MTC Resolution No. 4290 (RAMP)—Request for Clarifying Amendments

Dear Chair Sperling and Committee Members:

BIA|Bay Area appreciates the opportunity to comment on proposed Resolution 4290. We applaud the public policy goals underlying the proposed Resolution as identified in the June 2 staff report: “improve how projects are delivered, produce cost saving through mitigation efficiencies and improve environmental benefits.”

Because a properly structured RAMP program can advance these goals, we support MTC adopting RAMP as a preferred mitigation strategy. However, we believe that the Resolution as drafted is overbroad and respectfully suggest the language be amended to clarify that:

- RAMP is “a” preferred mitigation strategy rather than “the” preferred strategy. In light of the pilot status of RAMP, and the fact that the Regional Conservation Investment Strategies (RCISs) were only authorized in statute by AB 2087 last year, it is premature for MTC to declare RAMP “the” preferred mitigation strategy. We also note that even with respect to the CCTA pilot RAMP, there were significant differences between business/development and environmentalist stakeholders as to what “RAMP” means and how it should be structured in a transportation sales tax measure.
- The Resolution deals with transportation projects in the RTP. As drafted, the Resolution is not on its face limited with respect to type of project, planning document, or jurisdiction. Instead it broadly declares that RAMP is “the preferred mitigation strategy for the Bay Area.” We do not understand MTC’s intent to be so broad.
- Other types of mitigation are not precluded. Language in the staff report makes this point but the Resolution should also include this language.

We request that the Resolution be amended to make these clarifications as follows:

RESOLVED, that MTC adopts the Regional Advance Mitigation Planning (RAMP) Program as ~~the~~ a preferred mitigation strategy for transportation projects in the Regional Transportation Plan Bay Area; and be it further

RESOLVED, that adopting RAMP as a preferred mitigation strategy does not require a transportation project to participate in a RAMP or a Regional Conservation Investment Strategy, nor does it preclude the use of other mitigation strategies; and be it further

Thank you,

A handwritten signature in dark ink, appearing to read "Paul Campos". The signature is fluid and cursive, with the first name "Paul" and last name "Campos" clearly distinguishable.

Paul Campos
Sr. Vice President & General Counsel
pcampos@biabayarea.org