

# HABITAT CONSERVATION PROGRAM

## DESCRIPTION

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The Habitat Conservation program will receive 1% of the transportation sales tax funds, estimated at a total of \$9.8 million over 25 years.

This program will provide funding for purchase of habitat related to mitigating the impact of transportation projects. The program is intended to provide more flexibility than is currently available by allowing habitat to be purchased and set aside before the approval of the environmental documents and/or above and beyond the strict environmental conservation requirements. Eligible uses of funds include contributions towards purchase of habitat, purchase of interest or credit in a "land conservation bank", and habitat conservation planning.

## PROGRAM BENEFITS

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Transportation projects may have unavoidable impacts to sensitive habitat. All projects in the plan will be carefully designed to preserve sensitive habitat whenever possible. Where impacts are unavoidable, habitat must be preserved elsewhere, to more than offset the project's impacts. The goal of this program is to mitigate habitat impacted by transportation projects in a more comprehensive and cost-effective manner so as to benefit both taxpayers and the environment.

## SAFEGUARDS: HABITAT CONSERVATION PROGRAM

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Expenditures from the Habitat Conservation Program will be consistent with state and federal requirements for the mitigation of impacts to sensitive habitat caused by transportation projects. Habitat conservation efforts will be coordinated with locally active conservation groups such as the Big Sur Land Trust, the Nature Conservancy, and the Elkhorn Slough Foundation to maximize the benefits the Program.



**HABITAT CONSERVATION PROGRAM**

**Excerpt from:**

ORDINANCE NO. 1

AN ORDINANCE OF THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY  
IMPOSING A RETAIL TRANSACTIONS AND USE TAX  
FOR THE MONTEREY COUNTY TRANSPORTATION INVESTMENT PLAN

The Board of Directors of the Transportation Agency for Monterey County ordains as follows:

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6. For Habitat Conservation: TAMC will oversee the preparation of an agreement that results in a comprehensive conservation strategy early in the planning process thereby reducing project delays associated with the permit process for safety and congestion relief construction projects. Funds for the Habitat Conservation Program shall be derived by pooling funds from the mitigation budgets of the safety and congestion relief construction projects plus the 1% of the transportation sales tax specifically allocated to Habitat Conservation. A minimum of \$10,000,000 or at least 1% of the construction phase for safety and congestion relief construction projects will be available, subject to a Master Agreement, to provide for comprehensive biological, water quality and/or cultural mitigation, rather than piecemeal mitigation of the environmental impacts. The Master Agreement will ensure that project mitigation is consistent with state and federal requirements and accounts for the mitigation of all project-related impacts. These funds shall be allocated subject to the following:

- a) Development of a Master Environmental Mitigation and Habitat Conservation Protection Plan and Master Agreement between TAMC and state and federal resource agencies that includes:
  - (i) Commitments by TAMC to provide for programmatic environmental mitigation of the safety and congestion relief construction projects. Programmatic environmental mitigation means permanent protection of larger, regional off-site areas containing significant public benefit value including high ecological, water quality, cultural and scenic values to comprehensively compensate for numerous, smaller impacts associated with individual safety and congestion relief projects [Funding for mitigation agreements determined prior to the effective date of the Ordinance; and on-site mitigation features, such as wildlife passages and water quality facilities incorporated directly into any safety and congestion relief construction projects are excluded from the Habitat Conservation Program];

- (ii) Commitments by state and federal resource agencies, to participate in the development of the Master Agreement to provide a comprehensive conservation strategy early in the planning process and to reduce project delays associated with permitting and streamline the permit process for safety and congestion relief construction projects;
  - (iii) An accounting process for mitigation obligations and credits that will document the net environmental benefit from regional habitat conservation and programmatic environmental mitigation in exchange for net benefit in the delivery of safety and congestion relief improvements through streamlined and timely approvals and permitting;
  - (iv) Credits for net environmental benefits of the Habitat Conservation Program that are determined to exceed the mitigation requirements for Investment Plan projects will be maintained and available for future transportation projects in Monterey County;
  - (v) A description of specific mitigation actions and expenditures to be undertaken in the Master Agreement and a phasing, implementation and maintenance plan; and,
  - (vi) Appointment by TAMC of a Habitat Conservation Program Oversight Technical Committee to make recommendations to TAMC on the allocation of the net revenues for the Habitat Conservation program for programmatic mitigation, and to monitor implementation of the Master Agreement. The Habitat Conservation Oversight Committee shall consist of no more than twelve members and be comprised of a representative of TAMC, Caltrans, state and federal resource agencies, and non-governmental environmental and conservation organizations.
- b) The Master Agreement shall be developed as soon as practicable following the approval of the ballot proposition by the electors and shall be completed prior to the implementation of any safety and congestion relief construction projects.
  - c) Early funding for the Habitat Conservation program shall be provided prior to the construction of safety and congestion relief construction projects. Sources of funding to implement the Habitat Conservation program may also include mitigation funds derived from project matching funds; federal, state and other grant funds; unallocated TAMC funds; and either internal financing by TAMC or debt-financing repaid by future Investment Plan revenues.