



## Legislation Details (With Text)

**File #:** 17-0612      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 5/26/2017      **In control:** Board of Supervisors

**On agenda:** 7/18/2017      **Final action:** 7/18/2017

**Title:** Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign the Agreement 080-O1811 for Sale of Mitigation Credits with Westervelt Ecological Services, LLC, as owner of the Cosumnes Flood Plain Mitigation Bank, for the sale of 0.03 in Floodplain Riparian Habitat credits to the County of El Dorado for a purchase price of \$2,550, as necessary mitigation for the construction of the New York Creek Trail East - Phase 2 Project, CIP 72308.

FUNDING: Congestion Mitigation and Air Quality Program. (100% Federal)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet 7-18-17, 2. B - Agreement 080-O1811 7-18-17, 3. Executed agreement 080-01811

Date	Ver.	Action By	Action	Result
7/18/2017	1	Board of Supervisors	Approved	Pass

Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign the Agreement 080-O1811 for Sale of Mitigation Credits with Westervelt Ecological Services, LLC, as owner of the Cosumnes Flood Plain Mitigation Bank, for the sale of 0.03 in Floodplain Riparian Habitat credits to the County of El Dorado for a purchase price of \$2,550, as necessary mitigation for the construction of the New York Creek Trail East - Phase 2 Project, CIP 72308.

**FUNDING:** Congestion Mitigation and Air Quality Program. (100% Federal)

**DEPARTMENT RECOMMENDATION**

Community Development Services, Department of Transportation (Transportation), recommending the Board approve and authorize the Chair to sign the Agreement for Sale of Mitigation Credits 080-O1811 with Westervelt Ecological Services, LLC (Westervelt), as owner of the Cosumnes Flood Plain Mitigation Bank (CFMB), for the sale of 0.03 in Floodplain Riparian Habitat credits to the County of El Dorado for a purchase price of \$2,550, as necessary mitigation for the construction of the New York Creek Trail East - Phase 2 Project (Project), Capital Improvement Program (CIP) 72308.

**DISCUSSION / BACKGROUND**

On January 24, 2012 (Item 28), the Board adopted the Initial Survey/Mitigated Negative Declaration for this Project (originally named Sacramento Municipal Utility District [SMUD] Trail Project, then renamed to New York Creek Trail East). Subsequently, the Project has moved into its Right-of-Way Phase and is nearing completion of the Design Phase. Transportation has also been working to secure resource agency permits necessary for Project construction. Completion of Phase 2 of this Project will complete the bike path from Tam Oshanter Drive east across the New York Creek to the New York Creek Trail.

In accordance with California Fish and Game Code Section 1602, Transportation has notified the California Department of Fish and Wildlife (DFW) that the Project may affect existing fish or wildlife resources under the jurisdiction of the DFW. After reviewing the Project, DFW has determined that the Project will impact riparian habitat, and that the impacts may be mitigated by purchasing credits from a DFW-approved conservation bank. Transportation has identified the CFMB, owned by Westervelt, as a DFW-approved mitigation bank. DFW has confirmed that the purchase of 0.03 Habitat credits from Westervelt will satisfy the compensatory mitigation required for loss of riparian habitat. The purchase amount due is calculated as follows:

The impacts to riparian habitat measure 0.023 acre (rounded up to the closest hundredth). DFW has determined that the impacts may be mitigated with the purchase of 0.03 Habitat credits at a rate of \$85,000/credit, resulting in a total purchase price of \$2,550.

### **ALTERNATIVES**

- 1) Do not approve the Agreement as written. Transportation will make any changes requested by the Board, work with Westervelt as owner of the CFMB, and return at a later date.
- 2) Do not purchase the mitigation credits and cancel the Project. Canceling the Project may include the consequence of reimbursing all grant funding received to date.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Agreement.

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The Project is included in the Proposed 2017 CIP and approved by the Board June 27, 2017 (Item 25). The cost of the proposed mitigation credits is incorporated into the total construction and construction engineering costs for this Project.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of the Agreement.
- 2) The Clerk of the Board will forward one (1) signed original Agreement copy to the Community Development Services, Administration and Finance, Contracts and Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Bard R. Lower, Interim Director  
Community Development Services, Department of Transportation