



## Legislation Details (With Text)

**File #:** 13-0222      **Version:** 1

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

**File created:** 2/27/2013      **In control:** Board of Supervisors

**On agenda:** 3/19/2013      **Final action:** 3/19/2013

**Title:** Transportation recommending the Board authorize the Chair to sign the Agreement for Sale of Mitigation Credits with the Cosumnes Floodplain Mitigation Bank, between the Westervelt Ecological Services and the County of El Dorado, pursuant to Section 404 of the Clean Water Act, as specified in the U.S. Army Corps of Engineers Letter of Permission, dated December 28, 2012, as necessary for the construction of the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328.

**FUNDING:** El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund, 2004 GP TIM-Silva Valley Set Aside, Developer Advance Funds, and State-Local Partnership Program Grant Funds.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS 3-19-13, 2. B - Agreement 3-19-13, 3. Fully executed Agreement 13-53656 Westervelt Ecological Services.pdf

Date	Ver.	Action By	Action	Result
3/19/2013	1	Board of Supervisors	Approved	Pass

Transportation recommending the Board authorize the Chair to sign the Agreement for Sale of Mitigation Credits with the Cosumnes Floodplain Mitigation Bank, between the Westervelt Ecological Services and the County of El Dorado, pursuant to Section 404 of the Clean Water Act, as specified in the U.S. Army Corps of Engineers Letter of Permission, dated December 28, 2012, as necessary for the construction of the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328.

**FUNDING:** El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund, 2004 GP TIM-Silva Valley Set Aside, Developer Advance Funds, and State-Local Partnership Program Grant Funds.

**Fiscal Impact/Change to Net County Cost**

There is no fiscal impact to the Net County Cost associated with this agenda item. Funding for the construction phase of the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project (Project) will be provided by El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund, 2004 GP TIM-Silva Valley Set Aside, Developer advance funds, and a State-Local Partnership Program grant. The mitigation credits cost is incorporated into the total construction and construction engineering costs for this Project.

**Background**

On June 28, 2011, the Board certified a Supplemental Environmental Impact Report and authorized the ordering of title reports, certified appraisals, and the commencement of the acquisition process for the Project. Subsequently, Transportation and project partners have been working to secure resource agency permits necessary for the Project construction.

The Project will impact portions of existing wetlands under the jurisdiction of the United States Army Corps of Engineers (Corps). This impact required consultation with the Corps, and issuance of a permit under Section 404 of the Clean Water Act. On December 28, 2012, the Corps issued a Letter of Permission (LOP) that sets forth several conditions, including the requirement to mitigate for the permanent loss of waters of the United States through the purchase of credits at the Cosumnes Floodplain Mitigation Bank. The Corps subsequently issued an amended LOP to account for additional identified right of way impacts. The amount due is calculated as follows:

Impacts to Waters of the U.S: 0.725 acres @ 2:1 = 1.45 credits X \$130,000 = \$188,500

Impacts to Serrano Open Space: 0.59 acres @ 3:1 = 1.77 credits X \$50,000 = \$88,500

Total due to The Westervelt Ecological Services, as bank sponsor to the Cosumnes Floodplain Mitigation Bank = \$277,000.

### **Reason for Recommendation**

The Project team has discussed the best method to achieve adequate mitigation for these identified impacts with the Corps. The Westervelt Ecological Services, as bank sponsor, has indicated the availability of credits within the bank. Pursuant to Recital D of the Agreement, purchase is contingent upon confirmation by the Bank Owner of credit availability/adequate balance of credits remaining for sale. The Corps affirms their concurrence with this method to fully mitigate adverse impacts to Riverine Seasonal Wetlands, Riverine Riparian Wetland, Riverine Perennial Marsh, Slope Seep Wetlands, Perennial Drainage habitat, and loss to the Serrano Open Space Reserve.

### **Action(s) to be taken following Board approval**

1. The Chair will sign two originals of the Agreement.
2. The Clerk of the Board will forward the two originals of the partially executed Agreement to the Department to send to Westervelt Ecological Services, LLC.
3. Upon receipt of the signed Agreement, Transportation will forward one fully executed original MOA to the Clerk of the Board for its files.
4. Transportation will proceed with payment to the Cosumnes Floodplain Mitigation Bank, represented by the Westervelt Ecological Services, in the amount of \$277,000.

### **Contact**

Kim Kerr, Interim Director of Transportation

### **Concurrences**

Approved by County Counsel