



Legislation Details (With Text)

File #: 17-0361 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 3/24/2017 **In control:** Board of Supervisors

On agenda: 5/9/2017 **Final action:** 5/9/2017

Title: Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign the Agreement for Sale of Mitigation Credits 435-O1710 with Westervelt Ecological Services, LLC, as owner of the Cosumnes Flood Plain Mitigation Bank, for the sale of 0.43 in Floodplain Riparian Habitat credits to the County of El Dorado for a purchase price of \$36,550, as necessary mitigation for the construction of the Diamond Springs Parkway - Phase 1A - SR-49 Realignment Project, CIP 72375.

FUNDING: Tribe Funds (67% - Local), Utility Agencies (15% - Local), Traffic Impact Mitigation Fees (5% - Local), Master Circulation and Funding Plan (5% - Local), State Highway Operation and Protection Program (7% - State), and Road Fund (<1% - Local).

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS 5-9-17, 2. B - Agmt 435-O1710 5-9-17, 3. C - Vicinity Map 5-9-17, 4. Executed Agreement 435-O1710 5-9-17

Date	Ver.	Action By	Action	Result
5/9/2017	1	Board of Supervisors	Approved	Pass

Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign the Agreement for Sale of Mitigation Credits 435-O1710 with Westervelt Ecological Services, LLC, as owner of the Cosumnes Flood Plain Mitigation Bank, for the sale of 0.43 in Floodplain Riparian Habitat credits to the County of El Dorado for a purchase price of \$36,550, as necessary mitigation for the construction of the Diamond Springs Parkway - Phase 1A - SR-49 Realignment Project, CIP 72375.

FUNDING: Tribe Funds (67% - Local), Utility Agencies (15% - Local), Traffic Impact Mitigation Fees (5% - Local), Master Circulation and Funding Plan (5% - Local), State Highway Operation and Protection Program (7% - State), and Road Fund (<1% - Local).

DEPARTMENT RECOMMENDATION

Community Development Agency, Transportation Division (Transportation), recommending the Board approve and authorize the Chair to sign the Agreement for Sale of Mitigation Credits 435-O1710 (Agreement) with Westervelt Ecological Services, LLC (Westervelt), as owner of the Cosumnes Floodplain Mitigation Bank (CFMB), for the sale of 0.43 in Floodplain Riparian Habitat (Habitat) credits to the County of El Dorado for a purchase price of \$36,550, as necessary mitigation for the construction of the Diamond Springs Parkway - Phase 1A - SR-49 Realignment Project, Capital Improvement Program (CIP) Project 72375 (Project).

In accordance with California Fish and Game Code 1602, Transportation has notified the California Department of Fish and Wildlife (DFW) that the Project may substantially affect existing fish or wildlife resources. After review of the Project description, DFW has determined that the Project will impact

riparian habitat, and may be mitigated in the form of purchasing credits from a DFW-approved conservation bank. Transportation has confirmed the availability of credits with the CFMB in Sacramento County, at the confluence of the Cosumnes and Mokelumne Rivers. The County will enter into an Agreement with Westervelt as the CFMB owner for \$36,550 to purchase the required Habitat credits.

DISCUSSION / BACKGROUND

On May 24, 2011 (Item 39), the Board certified the Environmental Impact Report for this Project. Subsequently, the Project has moved into its Right-of-Way phase, with the securing of title reports, certified appraisals, and commencing the acquisition process. Transportation has also been working to secure resource agency permits necessary for Project construction.

The Project will impact portions of existing fish and wildlife resources under the jurisdiction of the DFW. This impact requires Transportation to mitigate for the loss of 0.424 acre in riparian habitat. Transportation has identified the CFMB, as owned by Westervelt, as a DFW-approved mitigation bank. DFW has confirmed that the purchase of 0.43 Habitat credits from Westervelt will satisfy the compensatory mitigation required for loss of riparian habitat. The purchase amount due is calculated as follows:

Impacts to Riparian Habitat -- 0.424 acre (rounded up to closest hundredth) = 0.43 Habitat credits x \$85,000/acre = \$36,550.

The total due to Westervelt as owner of the CFMB is \$36,550.

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 this Agreement.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no Net County Cost associated with this item. The Project is included in the adopted 2016 CIP, with funding provided by Tribe Funds, Traffic Impact Mitigation Fees, Utility Agencies, Master Circulation and Funding Plan, State Highway Operation and Protection Program, and Road Fund. 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 Agency, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Bard R. Lower, Transportation Division Director
Community Development Agency