



## Legislation Details (With Text)

**File #:** 18-1867      **Version:** 1

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

**File created:** 11/28/2018      **In control:** Board of Supervisors

**On agenda:** 1/8/2019      **Final action:** 1/8/2019

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign Agreement 3588 for Sale of Mitigation Credits with Westervelt Ecological Services, LLC, as owner of the Cosumnes Floodplain Mitigation Bank, for the sale of 0.66 in Riparian Habitat credits to the County of El Dorado for a total purchase price of \$56,100, as necessary mitigation for the construction of the Greenstone Road at Slate Creek - Bridge Replacement Project, CIP 77137/36105019.

**FUNDING:** Highway Bridge Program (99% Federal), RSTP Exchange Funds (1% State).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Counsel Approval, 2. B - Agreement 3588, 3. Executed Agreement 3588

Date	Ver.	Action By	Action	Result
1/8/2019	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign Agreement 3588 for Sale of Mitigation Credits with Westervelt Ecological Services, LLC, as owner of the Cosumnes Floodplain Mitigation Bank, for the sale of 0.66 in Riparian Habitat credits to the County of El Dorado for a total purchase price of \$56,100, as necessary mitigation for the construction of the Greenstone Road at Slate Creek - Bridge Replacement Project, CIP 77137/36105019.

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**DISCUSSION / BACKGROUND**

On July 19, 2016 (Item 29), the Board adopted the Initial Survey/Mitigated Negative Declaration for this Project. Subsequently, the Project has completed its Right-of-Way Phase and is nearing completion of the Design Phase. The Department of Transportation (Transportation) has also secured resource agency permits necessary for the Project construction.

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 fish and wildlife habitat, and that the impacts may be mitigated by purchasing credits from a DFW-approved conservation bank. Transportation has identified the Cosumnes Floodplain Mitigation Bank, owned by Westervelt Ecological Services, LLC (Westervelt) as a DFW-approved mitigation bank. DFW has confirmed that the purchase of 0.66 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 0.66 acre (rounded up to the closest hundredth). DFW has

determined that the impacts may be mitigated with the purchase of 0.66 Habitat credits at a rate of \$85,000/credit, resulting in a total purchase price of \$56,100.

### **ALTERNATIVES**

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

### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

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

County Counsel has reviewed and approved the Agreement.

### **CAO RECOMMENDATION**

It is recommend that Board approve this item.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The Project is included in the 2018 CIP and approved by the Board June 26, 2018 (Item 61). The cost of the proposed mitigation credits is incorporated into the total 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) originals of the Agreement.
- 2) The Clerk of the Board will forward one (1) fully-executed original of the Agreement to Community Development Services, Administration and Finance Division, Contracts and Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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