



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Details (With Text)

**File #:** 09-0612 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 5/6/2009 **In control:** Board Of Supervisors  
**On agenda:** 6/16/2009 **Final action:** 6/16/2009  
**Title:** Transportation Department recommending the Board approve payment to the National Fish and Wildlife Foundation in the amount of \$90,225 to mitigate 0.401 acres of seasonal wetlands impacted by the U.S. Hwy 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project; and authorize the Auditor-Controller to issue a check for same.

**FUNDING:** The In-Lieu Impact Mitigation fee is funded by the 2004 General Plan Traffic Impact Mitigation Fund.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A-USACOE Permit Issuance Letter 3-31-09.pdf, 2. B-Letter of Agreement Corps to NFWF.pdf, 3. C-National Fish & Wildlife Foundation.PDF

Date	Ver.	Action By	Action	Result
6/16/2009	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending the Board approve payment to the National Fish and Wildlife Foundation in the amount of \$90,225 to mitigate 0.401 acres of seasonal wetlands impacted by the U.S. Hwy 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project; and authorize the Auditor-Controller to issue a check for same.

**FUNDING:** The In-Lieu Impact Mitigation fee is funded by the 2004 General Plan Traffic Impact Mitigation Fund.

Total Estimated Cost		\$90,225.00
Funding		
Budgeted	\$90,225.00	
New Funding		
Savings		
Other		
Total Funding Available	\$90,225.00	
Change to Net County Cost		\$ 0.00

### Fiscal Impact/Change to Net County Cost:

The In-Lieu Impact Mitigation fee is funded by the 2004 General Plan Traffic Impact Mitigation Fund (TIM). There is no net cost to the County General Fund associated with this agenda item.

### Reason for Recommendation:

The U.S. 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project (Project) proposes to make improvements to Missouri Flat Road, modify interchange ramp configurations, add auxiliary lanes to US Highway 50, and seismically retrofit and widen the US 50 bridges over Weber Creek, permanently impacting 0.401 acres of wetlands. The impacts to these wetlands require mitigation under State and Federal Law. As on-site mitigation is not feasible, and no wetland mitigation banks are available within El Dorado County, staff proposes to pay Ninety Thousand Two Hundred Twenty Five Dollars (\$90,225.00) to the U.S. Army Corps of Engineers (Corps) "In-Lieu Fee Fund" to mitigate permanent wetlands impacts.

The In-Lieu fee program provides mitigation for the wetland impacts when on-site mitigation is not feasible, and avoids the need to provide mitigation by way of separate individual agreement and certification from a private wetlands mitigation bank, as has sometimes been used on previous projects. Payment of the In-Lieu fee is required to be submitted to the Corps, with the actual check made payable to the National Fish and Wildlife Foundation (NFWF), a 501(C)(3) corporation created by Congress in 1984, whose purpose is to direct public conservation dollars to environmental needs. Attached to this document are the Corps permit requirements (Attachment A), Documentation of the Agreement between the Corps and NFWF establishing the In-Lieu fee program (Attachment B), and a brief informational document regarding NFWF (Attachment C).

Payment of this In-Lieu fee will mitigate the project's wetlands impacts which is a requirement for coverage of this Project under Corp's Nationwide Permit 14, ID Number 200200318, (Attachment A).

On June 22, 2004 the Board approved Agreement AGMT # 04-572 to mitigate biological impacts to the California Red-Legged frog, per U.S. Fish and Wildlife Service Biological Opinion 1-1-04-F-0012. The mitigation payment of \$40,000.00 was deposited with the American River Conservancy for improvements to the Spivey Pond habitat. The 2004 Agreement compensated for the cumulative effects related to the California Red-Legged frog habitat for seven projects within the Weber Creek watershed including this Project. This current item mitigates the direct impacts of this project on Wetlands, and is separate and distinct from the 2004 agreement. Both the 2004 agreement and this In-Lieu Fee are both separate and necessary requirements to mitigate the impacts of the project.

Action to be taken following Board approval:

1. Authorize the Auditor to issue a check in the amount of \$90,225 for In-Lieu Impact Mitigation fees payable to the National Fish and Wildlife Foundation.
2. Forward check to the Department for further processing.

Contact:

James W. Ware, P.E.,  
Director of Transportation