



# County of Fresno

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## Legislation Text

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**File #:** 19-0730, **Version:** 1

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**DATE:** July 9, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program Credit Transfer Agreements

**RECOMMENDED ACTION(S):**

**Approve and authorize the Director of the Department of Public Works and Planning, or designee, to:**

- (1) Submit applications for National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program Credit Purchase; and,**
- (2) Execute, subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, Credit Transfer Agreements with the National Fish and Wildlife Foundation's Sacramento District California to purchase Mitigation Credits to satisfy compensatory mitigation requirements for various identified bridge replacement and rehabilitation projects within the In-Lieu Fee Program Service Area.**

Approval of the recommended action will authorize the Director of the Department of Public Works and Planning, or designee, to submit applications for the National Fish and Wildlife Foundation's (NFWF) Sacramento District California In-Lieu Fee (ILF) Program Credit Purchase for the purchase of Mitigation Credits and to execute Credit Transfer Agreements with the NFWF's Sacramento District. The credits are available to mitigate authorized impacts to aquatic resources under State or Federal jurisdiction associated with the identified bridge replacement and rehabilitation projects listed on Exhibit 1, within the ILF Program Service Area. This item is countywide.

**ALTERNATIVE ACTION(S):**

Your Board may elect not to approve the recommended action in which case, the Department would return to the Board to apply for ILF Program Credit Purchases and execute ILF Program Credit Transfer Agreements for each project.

**FISCAL IMPACT:**

There is no increase in Net County Cost associated with the recommended action. The fees required to purchase Mitigation Credits for the identified projects are eligible for reimbursement under the Federal Highway Bridge Program (HBP) and may require matching funds. The matching funds would be funded by Road Fund 0010 or through the use of toll credits. Toll credits are allocated to local agencies by the State to be used in place of matching funds the agency would otherwise have to pay on Federally-funded transportation projects.

The fee for Mitigation Credits is approximately \$280,000 per acre of permanently impacted aquatic resources. For the identified projects scheduled for construction in FY 2019-20, sufficient appropriations and revenues are

included in the Department's - Roads Org 4510 FY 2019-20 Recommended Budget. The remaining projects will be included in future budget requests.

DISCUSSION:

The Department has a variety of Federally-funded bridge projects in various stages of completion. Whenever project permitting requires mitigation measures to offset impacts to aquatic resources, the NFWF ILF Program can be used by the Department to compensate for such impacts. The ILF Program covers the geographic area under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and was developed in compliance with the 2008 Final Rule on Compensatory Mitigation for Losses of Aquatic Resources, which was issued by the USACE and U.S. Environmental Protection Agency on April 10, 2008.

The ILF Program was approved for use by the USACE, California Water Resources Control Board, and Central Valley Regional Water Quality Control Board for impacts authorized by these regulatory agencies under the Clean Water Act, Rivers and Harbor Act, Endangered Species Act, and other applicable laws.

The cost associated with the identified projects depend largely upon the acreage of the impacted area where mitigation is required. These costs will be included in the overall cost of the identified projects and eligible for reimbursement by the California Department of Transportation (Caltrans) at the Federal reimbursement rate established for each project.

Approval of the recommended action would allow the Department's Director to apply for and execute Credit Transfer Agreements for the purchase of credits once the environmental review process is complete and mitigation measures are determined to require the purchase of Mitigation Credits, reducing costs and expediting project delivery. The authorization would be granted for the identified projects on Exhibit 1, and would be subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit 1

CAO ANALYST:

Sonia M. De La Rosa