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Title: Approve agreement for sale of 0.87 acres vernal pool preservation credits in the amount of \$60,900 from the Great Valley Conservation Bank owned by California Conservation Holdings, LLC, a California Limited Liability Company, for the Veterans Boulevard State Route 99 Interchange and Extension Project (Council District 2)

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 20-001526 VicinityMap, 2. 20-001526 LocationMap, 3. 20-001526 AgreementForSaleOfMitigationCredits

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

November 19, 2020

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Public Works Department

THROUGH: RANDALL W. MORRISON, PE, Assistant Director
Public Works Department, Engineering Division

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SUBJECT

Approve agreement for sale of 0.87 acres vernal pool preservation credits in the amount of \$60,900 from the Great Valley Conservation Bank owned by California Conservation Holdings, LLC, a California Limited Liability Company, for the Veterans Boulevard State Route 99 Interchange and Extension Project (Council District 2)

RECOMMENDATION

Staff recommends that the City Council approve the agreement for sale of 0.87 acres vernal pool preservation credits in the amount of \$60,900 from the Great Valley Conservation Bank owned by

California Conservation Holdings, LLC, a California Limited Liability Company, and authorize the Public Works Director or designee to execute the agreement on behalf of the City of Fresno.

EXECUTIVE SUMMARY

The City of Fresno continues to progress the delivery of various phases of the Veterans Boulevard Project from Shaw Avenue to Herndon Avenue. Project Phase 1-Bullard Extension was recently completed, while the Phase 2-Veterans Boulevard Grade Separation and Phase 4a-Veterans Boulevard South Extension are both in construction. The proposed agreement with California Conservation Holdings, LLC, a California Limited Liability Company, owner of the Great Valley Conservation Bank, fulfills the environmental commitment for the purchase of vernal pool fairy shrimp aquatic habitat credits as outlined in the Veterans Boulevard/State Route 99 Interchange Project Biological Opinion 81420-2011-F-0803-1 issued by the Fish and Wildlife Service on May 18, 2012 and recently updated on September 10, 2020. The purchase of these mitigation credits is a necessary step to enter into construction of Veterans Boulevard Phase 3-Interchange, currently targeting a construction start date in Summer 2021. This agreement will be paid for out of the approved Veterans Boulevard Project appropriations for the preliminary engineering phase, funded with local Measure C dollars.

BACKGROUND

Veterans Boulevard, originally referred to as the Herndon-Grantland Diagonal, was originally part of the 1984 General Plan and is now a planned six-lane super arterial in the 2035 General Plan. In recent years, staff has completed the Project Study Report (PSR), Project Report and Environmental Impact Report (EIR) and progressed the design of the various phases of Veterans Boulevard from Shaw Avenue to Herndon Avenue with the help of Fresno County Transportation Authority (FCTA) and Fresno Council of Governments (FCOG) with the funding for completing the final design and right-of-way acquisition. The Project proposes a new partial cloverleaf interchange connecting State Route 99 and Veterans Boulevard. The new roadway will have six travel lanes, a Class I bicycle lane/pedestrian trail on one side and Class II bicycle lanes on both sides. The Project will include three bridge structures, one to cross over State Route 99, one to cross over future Golden State Boulevard and one to cross over the existing UPRR tracks and the future HSR tracks. Project Phase 1-Bullard Extension was recently completed, while the Phase 2-Veterans Boulevard Grade Separation and Phase 4a-Veterans Boulevard South Extension are both in construction. The overall project design is nearly complete and each phase is scheduled to move into construction over the next year and a half.

The California Department of Transportation, as Lead Agency, prepared an EIR for the Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, identified by SCH No. 2010021054 (the "Veterans Boulevard EIR"). The Veterans Boulevard EIR was certified on June 16, 2013 and analyzed several components of the Veterans Boulevard Project. Through the consultation process of the Veterans EIR, the U.S. Fish and Wildlife Services issued Biological Opinion 81420-2011-F-0803-1 which outlined project mitigation requirements to purchase 0.87 acres of vernal pool fairy shrimp aquatic habitat credits. The credits are intended to offsite unavoidable impacts that the Project may have on existing vernal pool fairy shrimp aquatic habitats within the Project footprint.

There are only three U.S. Fish and Wildlife Services approved banks to service our project area and that have available credits. Staff has received proposals from all three banks with Great Valley

Conservation Bank being the lowest responsive and responsible proposer. The proposed agreement with California Conservation Holdings, LLC, a California Limited Liability Company, owner of the Great Valley Conservation Bank, fulfills the environmental commitment for the purchase of vernal pool fairy shrimp aquatic habitat credits as outlined in the Veterans Boulevard/State Route 99 Interchange Project Biological Opinion 81420-2011-F-0803-1 issued by the Fish and Wildlife Service on May 18, 2012 and recently updated on September 10, 2020. The purchase of these mitigation credits is a necessary step to complete the Veterans Boulevard Project.

Staff is recommending Council approval of this Veterans Boulevard Project agreement and to authorize the Public Works Director or designee to sign and execute the agreement on behalf of the City of Fresno. The City Attorney's Office has reviewed and approved the agreement as to form.

ENVIRONMENTAL FINDINGS

The California Department of Transportation, as Lead Agency, prepared an EIR for the Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, identified by SCH No. 2010021054 (the "Veterans Boulevard EIR"). The Veterans Boulevard EIR was certified on June 16, 2013 and analyzed several components of the Veterans Boulevard Project, including but not limited to a new interchange at State Route 99 and Veterans Boulevard, grade separated crossings to connect Veterans Boulevard and Golden State Boulevard, the construction of Veterans Boulevard as a six-lane super arterial from West Shaw to Herndon Avenues, drainage basins, and landscaping. A resolution will be brought forward for each phase of the Project at the time of the award of a construction contract for the City Council to adopt the findings related to the specific phase.

LOCAL PREFERENCE

Local preference is not applicable because none of the U.S. Fish and Wildlife Services approved banks are local companies.

FISCAL IMPACT

The Veterans Boulevard Project is located in Council District 2 and will have no impact to the General Fund. The Veterans Boulevard Project is fully funded with local Measure "C" funding, State Local Partnership Program grants, Federal BUILD grant, and local Developer Impact Fee funding. All appropriations necessary for this agreement are included in the current fiscal year adopted City Budget.

Attachments:

Vicinity Map

Location Map

Agreement for Sale of Mitigation Credits