

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CHRIS CATBAGAN, ASSOCIATE CIVIL ENGINEER
TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
SUBJECT: FULTON ROAD WIDENING PROJECT BETWEEN
GUERNEVILLE ROAD AND PINER ROAD –
MITIGATION CREDITS PURCHASE AUTHORIZATION

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department that Council, by resolution: 1) authorize the purchase of mitigation credits for the Fulton Road Widening Project from Guerneville Road to Piner Road; 2) approve Agreements for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits with: Davis Preserve, LLC, in an amount not to exceed \$420,750 to purchase required mitigation credits for California Tiger Salamander (CTS); Alton Preserve, LLC, in an amount not to exceed \$132,750 to purchase required mitigation credits for CTS; Burke's Goldfield, and Sonoma Sunshine Margaret West Conservation Preserve, LLC, in an amount not to exceed \$25,500 to purchase required mitigation credits for CTS and Sebastopol Meadowfoam; and Davis Preserve, LLC, in an amount not to exceed \$17,000 to purchase required mitigation credits for CTS and Sebastopol Meadowfoam; and 3) authorize the Director of Transportation and Public Works to execute the agreements and any related documents or applications, subject to approval as to form by the City Attorney.

EXECUTIVE SUMMARY

This resolution authorizes the purchase of mitigation credits for threatened plant and animal species habitat that will be potentially disrupted by the Fulton Road Widening Project between Guerneville Road and Piner Road, approves four (4) mitigation credit purchase agreements, and delegates authority to the Director of Transportation and Public Works to execute said mitigation credit purchase agreements. The purchase of mitigation credits are requirements set by regulatory agencies in order to obtain environmental permits and begin project construction. The Project is in the final stages of design and is scheduled to begin construction in the Spring of 2022.

FULTON ROAD WIDENING IMPROVEMENT PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD - MITIGATION CREDITS PURCHASE AUTHORIZATION
Page 2 of 5

This Project supports City Council Goal #5 by investing in and sustaining infrastructure and transportation. Widening Fulton Road to a four-lane regional/arterial road, from Guerneville Road to Piner Road, will improve the transportation network and promote multi-modal transportation.

BACKGROUND

The Fulton Road Widening Project between Guerneville Road and Piner Road will reconstruct and rehabilitate Fulton Road into a four-lane regional/arterial street as envisioned in the 2035 Santa Rosa General Plan. The Project includes roadway widening, new vehicle travel lanes, bicycle lanes, sidewalks, bus stops, stormwater treatment facilities, landscaping, traffic signal, utility relocations, and property acquisitions & easements. In preparation for this Project, overhead utility lines have been relocated underground by the Pacific Gas and Electric Company through their Rule 20A underground utility district (UUD) Program.

Due to the nature of the project, the City is required to obtain environmental permits including, but not limited to: a General Construction Permit (State Water Resources Control Board), Clean Water Act Section 401 (North Coast Regional Water Quality Control Board), Clean Water Act Section 404 (U.S. Army Corps of Engineers), Federal Endangered Species Act (U.S. Fish and Wildlife), State of California Endangered Species Act and State of California Fish and Game Code (California Department of Fish and Wildlife).

Purchase of mitigation credits, which include credits for California Tiger Salamander (CTS) and Special Status Plant Species, is required by the above-listed regulatory agencies prior to commencement of Project construction. Credit purchase compensates for the potential take of species habitat as a result of Project construction through the establishment and representation of mitigation banks monitored by the regulatory agencies in perpetuity.

In addition to the purchase of CTS mitigation credits, the Project must also purchase mitigation credits for project impacts to rare plant habitat, which has been established by the Programmatic Biological Opinion (PBO) issued by the U.S. Fish and Wildlife Service (USFWS). Special Status Plant Species found within the project area which require mitigation credit purchase include Burke's Goldfields, Sonoma Sunshine, and Sebastopol Meadowfoam.

As a contingency, if either the California Department of Fish and Wildlife (CDFW) or the USFWS changes their pre-approval of accepting credits from a purchased conservation bank, the City will replace the credits with another conservation bank at no additional cost. If no replacement for a conservation bank can be determined, the City will provide

FULTON ROAD WIDENING IMPROVEMENT PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD - MITIGATION CREDITS PURCHASE AUTHORIZATION
Page 3 of 5

a Letter of Credit to the USFWS with the intent for the Project to continue to move forward to obtain all environmental permits.

PRIOR CITY COUNCIL REVIEW

On August 4, 2015, City Council, by Resolution No. 28674, approved Cooperative Funding Agreement No. M30406 between Sonoma County Transportation Authority (SCTA) and the City of Santa Rosa for Measure M funds for Fulton Road Widening Improvements.

On June 21, 2016, City Council, by motion, approved work order #A010070-2011-62, for Preliminary Design and Environmental Documentation for the Fulton Road Project from Guerneville Road to Piner Road – Widen to Four Lanes, with GHD Incorporated of Santa Rosa, Ca.

On February 14, 2017, City Council, by Resolution RES-2017-026, approved the establishment of an Underground Utility District (UUD) on Fulton Road between Guerneville Road and Piner Road.

On October 24, 2017, City Council, by Resolution RES-2017-213, adopted the Mitigated Negative Declaration (MND) for the Fulton Road Widening Improvement Project between Guerneville Road and Piner Road; approved the project; and adopted a Mitigation Monitoring Program (MMP) for the project.

On January 9, 2018, City Council, by motion, approved and authorized the Mayor to execute project work order #A010145-2016-14, for the Plans, Specifications, and Estimate (PS&E) phase for the Fulton Road Project from Guerneville Road to Piner Road – Widen to Four Lanes, in the amount of \$1,398,903.00 with GHD Incorporated of Santa Rosa, California.

On May 25, 2021, City Council, by motion, approved Amendment No. 2 (A010145-2016-14B) and Amendment No. 3 (A010145-2016-14C) to Project Work Order A010145-2016-14, with GHD Inc. of Santa Rosa, California, to update the construction documents for the use of roller compacted concrete and to provide engineering support during construction for the Fulton Road Widening Project between Guerneville Road and Piner Road, increasing the contract amount by \$1,254,704.00 for a total amount not to exceed \$3,091,903.00.

ANALYSIS

Proposals were solicited from three (3) different representatives of mitigation bank brokers on July 20, 2021. All mitigation bank brokers were identified by the California

FULTON ROAD WIDENING IMPROVEMENT PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD - MITIGATION CREDITS PURCHASE AUTHORIZATION
Page 4 of 5

Department of Fish and Wildlife (CDFW) and U.S. Army Corps of Engineers as able to provide Sonoma County-approved mitigation credits.

On August 12, 2021, one proposal was received from mitigation bank broker, TRI Development Services, LLC, for the sale of California Tiger Salamander (CTS) and Special Status Plant Species mitigation credits. The proposals offered CTS credits at \$225,000.00 per acre, Burke’s Goldfields & Sonoma Sunshine at \$1,475,000.00 per acre, and Sebastopol Meadowfoam at \$850,000.00 per acre.

Regulatory agencies have required the City to purchase 2.01 acres of CTS habitat, 0.044 acres of Burke’s Goldfields habitat, 0.044 acres of Sonoma Sunshine habitat, and 0.044 acres of Sebastopol Meadowfoam habitat. The table below summarizes the credits needed and associated costs. Approval of this resolution will result in authorization to purchase mitigation credits not to exceed \$596,000.00.

IMPACT SPECIES/HABITAT	MITIGATION CREDIT NEEDS (ACRES)	CTS (ACRES)	BURKE’S GOLDFIELDS/ SONOMA SUNSHINE CREDIT (ACRES)	SEBASTOPOL MEADOWFOAM PLANT CREDIT (ACRES)	PLANT CREDIT WITH CTS CREDIT (ACRES)	COST (\$) PER ACRE	COST (\$)
California Tiger Salamander (CTS)	2.01	1.87	-	-	-	\$225,000	\$420,750
Burke’s Goldfields/ Sonoma Sunshine	0.088	0.09	0.09	-	0.09	\$1,475,000	\$132,750
Sebastopol meadowfoam	0.044	0.05	-	0.05	0.05	\$850,000	\$42,500
TOTAL =	-	2.01	0.09	0.05	0.14	-	\$596,000

Through TRI Development Services, LLC as mitigation bank broker, the City will enter into four Agreements for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits directly with the following bank sponsors to procure the necessary CTS credits and Plant Credits (Burke’s Goldfields, Sonoma Sunshine, and Sebastopol meadowfoam) to satisfy the City’s obligations:

- (1) Davis Preserve, LLC, in an amount not to exceed \$420,750 for CTS credits (Exhibit A to Resolution);
- (2) Alton Preserve, LLC, in an amount not to exceed \$132,750 for CTS, Burke’s Goldfield, and Sonoma Sunshine credits (Exhibit B to Resolution);

FULTON ROAD WIDENING IMPROVEMENT PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD - MITIGATION CREDITS PURCHASE AUTHORIZATION
Page 5 of 5

- (3) Margaret West Conservation Preserve, LLC, in an amount not to exceed \$25,500 for CTS and Sebastopol Meadowfoam credits (Exhibit C to Resolution); and
- (4) Davis Preserve, LLC, in an amount not to exceed \$17,000 for CTS and Sebastopol Meadowfoam credits (Exhibit D to Resolution).

FISCAL IMPACT

Funds for the purchase of mitigation credits are available in the project key and were appropriated to this project in a previous Capital Improvement Program budget. Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

On October 10, 2015, the City Council certified the Mitigated Negative Declaration (MND) for Fulton Road Widening Improvement Project between Guerneville Road and Piner Road.

This action is within the scope of the project description analyzed in the Mitigated Negative Declaration and does not require further environmental review or analysis pursuant to CEQA Guidelines Section 15162.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 - Location Map
- Resolution
 - Exhibit A – Agreement with Davis Preserve, LLC (not-to-exceed \$420,750)
 - Exhibit B – Agreement with Alton Preserve, LLC
 - Exhibit C – Agreement with Margaret West Conservation Preserve, LLC
 - Exhibit D – Agreement with Davis Preserve, LLC (not-to-exceed \$17,000)

CONTACT

Chris Catbagan, Associate Engineer, ccatbagan@srcity.org, (707) 543-4521
Grant Bailey, Supervising Engineer, gbailey@srcity.org, (707) 543-4508