

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT  
AND RECORD OF ACTION**

August 25, 2020

**FROM**

**LUTHER SNOKE, Interim Director, Flood Control District**

**SUBJECT**

Agreements for Purchase of Credits for First Line of Defense Basins Project

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve **Agreement 20-675** for the purchase of credits with the Land Veritas Corporation dba Soquel Canyon Mitigation Bank, in the amount of \$2,085,000 for the mitigation of impacts from the First Line of Defense Basins Project.
2. Approve **Agreement 20-676** for the purchase of credits with the CALMAT CO. dba Vulcan Materials Company, Wester Division, in the amount of \$1,800,000 for the mitigation of impacts from the First Line of Defense Basins Project.
3. Approve Agreement for the purchase of credits with the Santa Ana River Watershed In-Lieu Fee Program, in the amount of \$963,000 for the mitigation of impacts from the First Line of Defense Basins Project.

(Presenter: David Doublet, Deputy Director, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost of these three agreements is \$4,848,000, which will be funded by existing property tax revenue. Sufficient appropriation has been included in the San Bernardino County Flood Control District's (District) 2020-21 budget (1910002518, 1920002522, and 1930002526) and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The First Line of Defense Basins Project (Project) consists of 39 regional flood control basins distributed along the foothills of the San Gabriel and San Bernardino Mountains from the City of Upland east to the City of Yucaipa, in the County of San Bernardino. Of the 39 basins, the Board of Supervisors (Board) approved the Mitigated Negative Declaration (MND) and adopted the related mitigation monitoring and reporting program (MMRP) pursuant to the California Environmental Quality Act (CEQA) for 6 of the basins April 7, 2015, (Item No. 61). The Board adopted the MND and approved the MMRP pursuant to CEQA for the remaining 33 basins on October 6, 2015, (Item No. 79). The basins serve as the first line of defense in the event of a severe storm and subsequent run-off. The basins are the backbone of the District's flood control system, ensuring high flows are regulated and debris is captured, therefore reducing the risk for

**Agreements for Purchase of Credits for First Line of Defense Basins  
Project  
August 25, 2020**

flooding to occur downstream. The Project includes the acquisition of five-year permits to perform ongoing routine maintenance within the 39 flood control basins.

The Project and all permanent impacts associated with it, will eventually be incorporated into the 20-year permits of the long-term routine maintenance program soon to be proposed by the District. The Master Storm Water System Maintenance Program (MSWSMP), is designed to provide a formal, comprehensive approach to routine operations and maintenance (O&M) of over 500 flood control facilities within the District's jurisdiction. Maintenance activities for the Project include vegetation removal/treatment, stockpiling, excavation/land clearing, rodent control, facility repairs, trash abatement and graffiti removal, and vector control.

In order to comply with the conditions of the Project's United States Army Corps of Engineers (USACE) Individual Permit, the Santa Ana Regional Water Quality Control Board (SARWQCB) Section 401 Water Quality Standards Certification, and the California Department of Fish and Wildlife (CDFW) 1600 Lake and Streambed Alteration Agreement, the District must provide proof of contribution of sufficient funds to two agency-selected and approved mitigation banks, and one agency-selected and approved in-lieu fee program prior to commencement of any Project activities.

A mitigation bank is an agreement between regulatory agencies and a single sponsor, often referred to as a mitigation banker, of a system of credits and debits devised to ensure that ecological loss is compensated by the preservation and restoration of wetlands, natural habitats, and streams in other areas so that there is no net loss to the environment. More specifically, it is the restoration, creation, enhancement, or preservation of a wetland, stream, or other habitat area undertaken expressly for the purpose of compensating for unavoidable resource losses in advance of development actions, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial. The Land Veritas Corporation dba Soquel Canyon Mitigation Bank (SCMB), and the CALMAT CO dba Vulcan Materials Company, Wester Division (VMC), are the mitigation bankers the District will be purchasing credits from in order to properly mitigate for the Project.

An in-lieu fee program is an agreement between regulatory agencies and a sponsor (generally a public agency and/or non-profit organization), to mitigate for loss of habitat due to land development. In-lieu fee mitigation occurs in circumstances where a permittee provides funds to a sponsor instead of either completing project-specific mitigation itself or purchasing credits from a wetland mitigation bank. In-lieu fee mitigation is generally categorized as mitigation that is conducted after permitted impacts have occurred. The Santa Ana River Watershed In-Lieu Fee Program (SARWILF) is the in-lieu fee program the District will be purchasing credits from in order to properly mitigate for the Project.

Permanent impacts to 2.95 acres of Riversidean alluvial fan sage scrub, 3.42 acres of riparian forest/woodland, 0.75 acres of riparian scrub, and 3.21 acres of jurisdictional waters caused by the Project shall be mitigated at both a 2:1 ratio, and a 1:1 ratio respectively, as agreed upon by the regulatory agencies in perpetuity. Thus, the District is required to mitigate for 8.3 acres of riparian forest/woodland/scrub, 5.9 acres of Riversidean alluvial fan sage scrub, and 3.21 acres of jurisdictional waters through the purchase of credits from the two mitigation bankers and one in-lieu fee program mentioned above. Both mitigation bankers and in-lieu fee program have sufficient mitigation credits available and are authorized to sell these credits to the District.

**Agreements for Purchase of Credits for First Line of Defense Basins  
Project  
August 25, 2020**

The rates of the mitigation credits are set amounts (per acre) and the total is determined by how many credits are needed to satisfy the mitigation requirements. The total of \$2,085,000 of mitigation credits will provide for 8.3 acres of mitigation at the SCMB, the total of \$1,800,000 of mitigation credits will provide for 5.9 acres of mitigation at the VMC, and the total of \$963,000 of mitigation credits will provide for 3.21 acres of mitigation at the SARWILF. The regulatory agencies have agreed that this is the appropriate mitigation type and acreage amount. Once the District provides the funds and submits proof of payment to the regulatory agencies, maintenance of the facilities may commence.

The District contacted the SCMB, VMC, and the SARWILF, regulatory agency-selected and approved entities, and the needed type and amount of credits were available for purchase. The SCMB, VMC, and the SARWILF have agreed to enter into the requisite agreements to sell to the District the credits necessary for the Project.

The Project is consistent with County and Chief Executive Officer's goals and objectives to provide for the safety, health and social service needs of County residents by containing flows and collecting large amounts of debris that flush down out of the mountains. This would provide flood protection to adjacent and downstream public and private properties as well as other District facilities connected to the flood control system downstream.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on July 9, 2020; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on July 2, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on August 10, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 10, 2020.

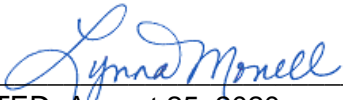
**Agreements for Purchase of Credits for First Line of Defense Basins  
Project  
August 25, 2020**

Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Josie Gonzales    Seconded: Robert A. Lovingood  
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 25, 2020



cc:    SBCFCD- Zamora w/agree  
      Contractor- C/O SBCFCD w/agree  
      File-w/agree  
la     08/28/2020