



# San Bernardino County

## Legislation Text

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**File #: 4999, Agenda Item #: 65**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION**

**October 26, 2021**

#### **FROM**

**BEAHTA R. DAVIS, Director, Regional Parks Department**

#### **SUBJECT**

Southwest Resource Management Association Agreement for Santa Ana Watershed In-Lieu Fee Program for the Santa Ana River Trail

#### **RECOMMENDATION(S)**

Approve Agreement for purchase of 2.94 acres of mitigation credits from the Santa Ana River Watershed In-Lieu Fee Program with Southwest Resource Management Association to offset impacts associated with construction of Phase III of the Santa Ana River Trail in the amount of \$779,100.  
(Presenter: Beahta R. Davis, Director, 387-2340)

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

**Operate in a Fiscally-Responsible and Business-Like Manner.**  
**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**  
**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 additional Discretionary General Funding (Net County Cost). The Regional Parks Department (Department) in coordination with San Bernardino County Department of Public Works, is constructing the Santa Ana River Parkway Trail, Phase III (Project). This construction is funded by the State of California Coastal Conservancy through a Proposition 84 revenue grant. Mitigation costs are funded through the Active Transportation Commission as part of the Active Transportation Program Cycle 5 Metropolitan Planning Organization grant (ATP). This item will allow San Bernardino County (County) to purchase a total of 2.94 acres of compensatory mitigation rehabilitation credits from Southwest Resource Management Association (SRMA) using ATP funding for a total amount of \$779,100.

#### **BACKGROUND INFORMATION**

Approval of this item will allow the County to purchase 0.21 acres of Rehabilitation Credits, as well as an additional 2.73 acres of Rehabilitation Credits to satisfy California Department of Fish and Wildlife's Streambed Alteration Agreement 1600-2017-0073 R6 (Rev 3) for a total of 2.94 acres from SRMA for a total amount of \$779,100. The purchase of these credits will offset environmental impacts associated with the Project construction, and is required by the Regional Water Quality Control Board, and the California Department of Fish and Wildlife, as compensatory mitigation as a condition of their respective permits. A wetland or stream mitigation credit is a unit of trade used to offset ecological losses that occur in waters of the

United States, or waters of the state which are regulated by government agencies. Wetland and stream credits allow the County to satisfy their environmental mitigation permit needs prior to impacting wetlands or waters.

In 2006, California voters passed the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (Proposition 84). This act authorized \$45 million in general obligation bonds for the entire Santa Ana River Trail (which crosses through three counties). The State of California Coastal Conservancy was authorized by the State Resources Agency to administer these funds.

On August 25, 2015 (Item No. 50), the Board of Supervisors (Board) approved State Agreement No. 15-009 (Agreement) in the amount of \$3,399,500 for the construction of a 3.8 mile segment of the Santa Ana River Parkway Trail corridor from Waterman Avenue, City of San Bernardino, to California Street, City of Redlands.

On September 12, 2017 (Item No. 62), the Board approved Amendment No. 1 to the Agreement which extended the project completion date from September 30, 2017 to September 30, 2018.

On October 2, 2018 (Item No. 19), the Board approved Amendment No. 2 to the Agreement extending the project completion date from September 30, 2018 to December 30, 2020.

On November 19, 2019 (Item No. 31), the Board approved Amendment No. 3 to the Agreement, increasing it by \$509,925 for a new total of \$3,909,425.

On August 25, 2020 (Item No. 57), the Board approved a grant application for the ATP grant that was later approved on August 10, 2021 (Item No. 32) allocating \$1,105,000 to be utilized for mitigation costs associated with the Project.

On May 18, 2021 (Item No. 69), the Board approved Amendment No. 4 to the Agreement, extending the construction completion date to October 2022.

This action meets the Chief Executive Officer and Board goals and objectives of operating in a fiscally-responsible and business-like manner, ensuring the development of a well-planned, balanced, and sustainable community, providing for the safety, health and social service needs of County residents by securing credits to complete the construction of the Project.

## **PROCUREMENT**

N/A

## **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on September 13, 2021; Department of Public Works (Noel Castillo, Deputy Director, 387-7916) on September 20, 2021; Finance (Elias Duenas, Administrative Analyst, 387-4052) on October 6, 2021; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 8, 2021.