



San Bernardino County

Legislation Text

File #: 6639, Agenda Item #: 73

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

September 13, 2022

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Agreement with Desert Environmental Resources, Inc. for Purchase of Mitigation Credits for the Bandicoot Basin Project

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve Agreement with Desert Environmental Resources, Inc., in the amount of \$407,500, for the purchase of credits for the mitigation of impacts from the Bandicoot Basin Project.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 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 San Bernardino County Flood Control District (District) is funded by property taxes, fees, and other local, state, and federal funding. The total cost of the proposed Agreement (Agreement) is \$407,500 and will be funded by property taxes. Sufficient appropriation and revenue have been included in the District's 2022-23 budget (1940002532).

BACKGROUND INFORMATION

The Bandicoot Basin Project (Project) consists of the construction of a stormwater detention basin located within the City of Hesperia Sphere of Influence in unincorporated San Bernardino County. The proposed Project is listed in the Hesperia Master Plan of Drainage and is considered a Regional Facility. The Project will attenuate flow to reduce the potential for downstream flooding in both large and small storm events as part of the Master Plan System. Once completed, the Project will provide flood protection for the existing structures, residences, and businesses within the Project area.

At its meeting on June 6, 2015, the Board of Supervisors (Board) (Item No. 56) approved the Mitigated Negative Declaration for the Project pursuant to the California Environmental Quality Act.

In order to comply with the conditions of the Project, the United States Army Corps of Engineers Individual Permit, the Lahontan Regional Water Quality Control Board Section 401 Water Quality Standards Certification, and the California Department of Fish and Wildlife 1600 Lake and Streambed Alteration Agreement, the

District must provide proof of contribution of sufficient funds to an agency-selected and approved mitigation bank 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. Desert Environmental Resources, Inc. is the proposed mitigation banker from whom the District will be purchasing mitigation credits in order to properly mitigate for the Project.

The Project will cause permanent impacts to 2.72 acres of non-wetland waters of the United States, which impacts will be mitigated at a 1.2:1 ratio, as agreed upon by the regulatory agencies. As such, the District is required to mitigate for 3.26 acres of riparian desert wash enhancement through the purchase of credits from Desert Environmental Resources, Inc. Desert Environmental Resources, Inc. has sufficient mitigation credits available and is authorized to sell these credits to the District.

The rate of the mitigation credits is calculated on a per acre basis. For 3.26 acres of mitigation, the Desert Environmental Resources, Inc. proposes selling mitigation credits to the District for \$407,500. 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, construction of the proposed Project may commence.

The Project is consistent with the County and the Chief Executive Officer's goals and objectives to provide for the safety, health and social service needs of County residents by attenuating flows to reduce the potential for downstream flooding in both large and small storm events and provide flood protection for the existing structures, residences, and businesses within the Project area.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on July 29, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on August 26, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 29, 2022.