

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	02/14/11	Open	Action	02/04/11

Subject: Reject all Proposals and Authorize General Manager/CEO to Request Proposals from U.S. Fish and Wildlife Service and California Department of Fish and Game-Approved Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 Light Rail Project

## ISSUE

Whether or not to reject previous proposals received for Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 Light Rail Project and authorize the General Manager/CEO to release a new request for proposals.

## RECOMMENDED ACTION

Adopt Resolution No. 11-02-\_\_\_\_, Reject All Proposals Received in 2010 for Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 Light Rail Project, and Authorize the General Manager/CEO to Request Proposals from U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG)-Approved Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 (SSCP2) Light Rail Project.

## FISCAL IMPACT

None as a result of this action. After receipt of proposals from environmental mitigation banks, RT staff will provide the Board with recommendations for selection of mitigation bank(s) to satisfy RT's environmental mitigation requirements for the SSCP2 light rail project. Environmental mitigation costs are included in the total SSCP2 capital costs.

## DISCUSSION

On December 18, 2008, the Federal Transit Administration (FTA) issued a Record of Decision for the Supplemental Final Environmental Impact Statement. RT staff was directed to implement the adopted SSCP2 Mitigation Monitoring Program (MMP) in the adopted Board Resolution. The MMP identifies mitigation measures for SSCP2 impacts to local, state and federally-protected biological resources and/or habitats. The loss of resources due to project-related activities must be mitigated by replacement at appropriate ratios to ensure no disturbance or net loss of that resource. RT's participation in a USFWS and CDFG approved off-site mitigation bank(s) is identified as an appropriate mitigation mechanism. RT has a further requirement that, if possible, the mitigation banks be located within a municipality closest to the impacted area pursuant to Board Resolution No. 99-11-0291 adopted on November 22, 1999. RT's participation in the mitigation bank program may include the purchase of preservation credits or other similar instruments.

On January 25, 2010, the RT Board authorized staff to solicit offers for the sale of mitigation credits to RT from USFWS and CDFG-approved environmental mitigation banks for the South

Approved:

Presented:

FINAL 2/8/11

General Manager/CEO

Ed Scofield, Director of Project Management

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Sacramento Corridor Phase 2 project. The Request for Proposals was released on February 9, 2010 and 5 proposals were received on February 25, 2010. Staff reviewed the proposals and sought approvals from the respective authorities. Staff since learned from the FTA that RT must wait until it receives its approval for Final Design before moving forward to purchase mitigation bank credits. Because of the lengthy review and approval process, RT is not in a position to move forward and complete the Environmental Mitigation Banks procurement at this time. When Final Design approval is imminent from the FTA, staff will be prepared to re-release the Request for Proposals (modified with respect to the project schedule and deadlines), under the General Manager/CEOs direction.

Staff recommends the Board reject all proposals received in February 2010 for Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 Light Rail Project (SSCP2), and authorize the General Manager/CEO to request proposals for SSCP2 from environmental mitigation banks approved by U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG).

RESOLUTION NO. 11-02-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

February 14, 2011

**REJECT ALL PROPOSALS RECEIVED IN 2010 FOR ENVIRONMENTAL MITIGATION BANKS FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2 LIGHT RAIL PROJECT, AND AUTHORIZE THE GENERAL MANAGER/CEO TO REQUEST PROPOSALS FROM U.S. FISH AND WILDLIFE SERVICE (USFWS) AND CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)-APPROVED ENVIRONMENTAL MITIGATION BANKS FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2 (SSCP2) LIGHT RAIL PROJECT**

WHEREAS, RT's Board of Directors certified the South Sacramento Corridor Phase 2 (SSCP2) Subsequent Final Environmental Impact Report and adopted the recommended Mitigation Monitoring Program (MMP) in October 2008; and

WHEREAS, the MMP identifies mitigation measures necessary to protect biological resources and/or habitats within the SSCP2 project area; and

WHEREAS, the MMP identifies RT's participation in a U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) approved off-site mitigation bank(s) as an appropriate mitigation measure to secure biological resources and/or habitats.

WHEREAS, RT Board Resolution No. 99-11-0291 requires that mitigation banks be located within the municipality closest to the impacted area.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, pursuant to the RT Procurement Ordinance Section 1.508, the Board hereby rejects all proposals received in 2010 for Environmental Mitigation Banks for the South Sacramento Corridor Phase 2 Light Rail Project; and

THAT, the General Manager/CEO is hereby authorized to request proposals for the sale of mitigation credits to RT from USFWS and CDFG approved environmental mitigation banks for the South Sacramento Corridor Phase 2 project consistent with the requirements of Resolution No. 99-11-0291 and the MMP; and

THAT, the Request for Proposals be advertised pursuant to the provisions of the RT Procurement Ordinance.

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DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary