

## RESOLUTION NO. 2020-270

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH THE SACRAMENTO COUNTY WATER AGENCY FOR WATER TRANSMISSION PIPELINE INSTALLATION BY THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SALE OF MITIGATION CREDITS WITH WESTERVELT ECOLOGICAL SERVICES, LLC, IN THE AMOUNT OF \$112,000, ALL RELATED TO THE GRANT LINE ROAD WIDENING PHASE 2 PROJECT (WTR002) (NO FURTHER CEQA REVIEW REQUIRED)**

**WHEREAS**, the City of Elk Grove is planning to construct the Grant Line Road Widening Phase 2 Project ( WTR002) (Project) between Waterman Road and Bradshaw Road; and

**WHEREAS**, Sacramento County Water Agency (SCWA) wishes to extend their water transmission pipeline along the same alignment as the Project; and

**WHEREAS**, construction of the Project involves modification to a portion of Elk Grove Creek, drainage ditches, and fresh emergent wetland. As the water within the roadside ditches, the fresh emergent wetlands, and Elk Grove Creek are considered waters of the United States and waters of the State. Waters of the United States are regulated under Sections 401 and 404 of the Clean Water Act and are under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) and the US Army Corps of Engineers (USACE), respectively. Waters of the State are under the jurisdiction of the both the RWQCB and the California Department of Fish and Wildlife (CDFW), and the impacts of the Project require mitigation in the form of credits purchased through the Cosumnes Floodplain Mitigation Bank; and

**WHEREAS**, the USACE, RWQCB, and CDFW specified in their permits (SPK-2020-00044, WDID#5A34CR00786, and 1600-2019-0318-R2, respectively) that mitigation to 0.70 acres of waters shall be administered through the Cosumnes Mitigation Bank only; and

**WHEREAS**, the Cosumnes Floodplain Mitigation Bank, which services the Project area is owned and operated by Westervelt Ecological Services, LLC, (Westervelt) who is authorized to sell credits; and

**WHEREAS**, Westervelt is offering the mitigation credits at a rate of \$160,000 per acre-credit, for a total of \$112,000; and

**WHEREAS**, the Project is a project under the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

**WHEREAS**, the Grant Line Road Widening Phase 2 Project (WTR002) environmental impacts were previously analyzed in two CEQA environmental documents. The first, was an Initial Study (State Clearinghouse #2005102056) completed and certified by the City of Elk Grove, as the lead CEQA agency. The second environmental document was the CEQA Tiered Initial Study for the Capital SouthEast Connector B2

Project (State Clearinghouse #2017032030) completed and certified by the SouthEast Connector Joint Powers Authority (Connector JPA), who was the CEQA lead agency. Therefore, no further CEQA review is required and all mitigation measures detailed in the MMRPs adopted for both documents will apply to the Project; and

**WHEREAS**, the Capital SouthEast Connector B2 Project, which includes the Grant Line Road Widening Phase 2 Project (WTR002), is receiving federal funding and qualifies for review under the National Environmental Policy Act (NEPA), with the California Department of Transportation (Caltrans) as the NEPA lead agency. Caltrans completed their review of the Project and determined it to be categorically excluded from NEPA review under 23 U.S.C. section 327 on August 28, 2017 and therefore, no further NEPA review is required and all mitigation measures detailed in the NEPA Categorical Exclusion Forms will apply to the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby:

1. Authorizes the City Manager to execute a Reimbursement Agreement with Sacramento County Water Agency (SCWA), in substantially the form presented, for water transmission pipeline installation as part of the Grant Line Road Widening Phase 2 Project (WTR002); and
2. Authorizes the City Manager to execute an Agreement for the Sale of Mitigation Credits with Westervelt Ecological Services, LLC, in substantially the form presented, for the purchase of 0.70 acre-credits for mitigation of environmental impacts to Elk Grove Creek, drainage ditches, and fresh emergent wetland located within the Project area, in the amount of \$112,000.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 18<sup>th</sup> day of November 2020

  
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STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-270**

**STATE OF CALIFORNIA            )**  
**COUNTY OF SACRAMENTO    )**     **ss**  
**CITY OF ELK GROVE            )**

***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a special meeting of said Council held on November 18, 2020 by the following vote:***

**AYES:            COUNCILMEMBERS:     *Ly, Detrick, Hume, Nguyen, Suen***

**NOES:           COUNCILMEMBERS:     *None***

**ABSTAIN:       COUNCILMEMBERS:     *None***

**ABSENT:        COUNCILMEMBERS:     *None***

  
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**Jason Lindgren, City Clerk  
City of Elk Grove, California**