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***City Council***

**MEETING DATE: 8/10/2016**

**TITLE:**

**Payment to the Coachella Valley Conservation Commission (CVCC) for the Cathedral Canyon Drive Bridge Conservation Easement Endowment**

**FROM:**

John A. Corella, P. E., City Engineer

**RECOMMENDATION:**

Staff recommends the City Council approve a one-time payment of \$75,000 to the Coachella Valley Conservation Commission (CVCC) to fund the Cathedral Canyon Drive Bridge Conservation Easement Endowment and authorize the City Manager to execute the Conservation Easement Deed when received from the CVCC.

**BACKGROUND:**

Construction of the upcoming Cathedral Canyon Drive Bridge Project (Bridge Project) will result in 5.84 acres of temporary and 2.01 acres of permanent unavoidable impacts to waters of the United States within the Whitewater River Stormwater Channel. As a condition of approval to issue a Section 404 Permit to construct the Bridge, the United States Army Corps of Engineers has required Cathedral City to establish a Long Term Management Plan (LTMP) to describe compensatory habitat lands to be managed in perpetuity as mitigation for the Bridge Project's impacts. The subject mitigation lands are being established for long-term conservation and are located within the Upper East Cathedral Canyon Wash (ECCW). These lands are also referred to herein as the Conservation Easement Area ("Project Lands"). The Project Lands will be conserved to compensate for unavoidable impacts to the Whitewater River Stormwater Channel, and to conserve and to protect Waters of the U.S. and covered habitat.

The Project Lands include 9 acres of Waters of the U.S., consisting of Desert Dry Wash Woodland (DDWW) and 9.5 acres of adjacent desert scrub habitat, and totaling 18.7± acres. Both waters of the US and buffer lands are accounted for in the mitigation requirement for both permanent and temporary impacts. The LTMP Signatory Agencies are the City of Cathedral City, the Los Angeles District of the U.S. Army Corps of Engineers ("Army Corps"), Region 9 of the U.S. Environmental Protection Agency ("EPA") and the Coachella Valley Conservation Commission (CVCC). The City shall be the responsible party for compliance with this LTMP. The Army Corps and EPA are referred to jointly as the Regulatory Agencies (RAs). Any subsequent grading, or alteration of the Project

Lands' hydrology and/or topography must be approved by the RAs and the necessary permits, such as a Section 404 permit, must be obtained, if required. The CVCC is a joint powers authority responsible for implementation of the Coachella Valley Multiple Species Habitat Conservation Plan and has no regulatory authority, but can accept and hold conservation easements.

The purpose of this long-term management plan is to ensure the Project Lands are managed, monitored, and maintained as conservation lands in perpetuity. The LTMP establishes objectives, priorities and tasks to monitor, manage, maintain and report on the Waters of the U.S., covered species and covered habitat on the Project Lands. The LTMP is a binding and enforceable instrument, to be implemented upon recordation of the conservation easement covering the Project Lands.

### **DISCUSSION:**

The City of Cathedral City holds title to the Project Lands. The City, and any subsequent owner upon transfer of the title of the Project Lands, is responsible for ensuring implementation of the LTMP, managing and monitoring the Project Lands in perpetuity to preserve habitat and conservation values in accordance with the Bridge Project LTMP. The CVCC will hold the Project Lands and will serve as the land manager, to assist the City with management and monitoring tasks as described in Table 2. LTMP tasks will be funded by the City of Cathedral City through the one-time \$75,000 endowment payment. As the land manager, the CVCC shall be responsible for providing an annual report to the RAs detailing the time period covered, an itemized account of the management tasks and total amount expended.

The Project Lands are located at in the upper reaches of the East Cathedral Canyon Wash (ECCW) and are comprised of an unnamed tributary drainage that includes portions of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 9, and portions of the SW  $\frac{1}{4}$  of Section 4, Township 5 South, Range 5 East, SBB&M. The Project lands are located within the corporate boundary of the City of Cathedral City, Riverside County, State of California, and include all or portions of Assessor's Parcel No. 686-310-011 and 686-310-014.

The Project Lands are shown on the attached legal description.

Staff is recommending that the City Council approve a one-time payment of \$75,000.00 to the Coachella Valley Conservation Commission (CVCC) to fund the Cathedral Canyon Drive Bridge Conservation Easement Endowment and authorize the City Manager to execute the Conservation Easement Deed when received from the CVCC.

### **FISCAL IMPACT:**

The Cathedral Canyon Bridge at the Whitewater River is funded at 88.53% with Federal Highway Bridge Program (HBP) funds through HBP Grant BR-NBIL (504). 75% of the local matching funds are provided by CVAG.

There are sufficient funds available in the Right of Way Project element of the Bridge Project to cover

the CVCC Endowment for the Cathedral Canyon Bridge's Whitewater River LTMP.

The funding account sources are listed below.

Fund Name/ Source	Full Account Number	Amount	Budget Oper/Capital	Budget Existing/New
Federal HBP; BR-NBIL (504)	331-8919-XXXX	\$66,397.00	Capital	Existing
CVAG TUMF	331-8919-XXXX	\$6,452.00	Capital	Existing
City Measure A	243-8919-XXXX	\$2,151.00	Capital	Existing

Minimal Staff time will be required annually to read the annual reports submitted by the CVCC.

**ATTACHMENTS:**

CVCC Invoice

CC Bridge Easement LTMP Delineation Map

Conservation Easement Deed