



Legislation Text

File #: 2020-0323, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231

Vote Requirement: Majority

Supervisory District(s): All

Title:

Charles M. Schulz - Sonoma County Airport Conservation Easement Deed for the Sonoma County Consolidated Mitigation Area (SACMA)

Recommended Action:

Approve and authorize the Director of Transportation and Public Works to execute a Conservation Easement Deed with The Restoration Trust for the Sonoma County Consolidated Mitigation Area (SACMA); and delegate authority to the Director to: (1) take all necessary steps to effectuate the conservation easement; (2) execute an agreement with The Restoration Trust, with County Counsel review, in an amount not-to-exceed \$464,224, for the establishment of an endowment to fund activities required to maintain the ecological health of the SACMA, and take all necessary steps to effectuate the endowment; and (3) enter into amendments to the easement and agreement, with County Counsel review, as needed to comply with federal or state mitigation obligations.

Executive Summary:

The Department of Transportation and Public Works (TPW), Airport Division, recommends the Board approve a Conservation Easement Deed with The Restoration Trust for the SACMA (Conservation Easement). In addition, the Airport Division recommends that the Board delegate authority to the Director of TPW to execute an agreement with The Restoration Trust, in a total amount not to exceed \$464,224, for services required to maintain the ecological health of the SACMA over the next ten years, and for establishment of an endowment with the National Fish and Wildlife Foundation, an independent 501(c)(3) nonprofit organization, to fund activities necessary to ensure the success of the Burke's Goldfields within the boundaries of the Charles M. Schulz- Sonoma County Airport (Airport), but outside the limits of the Airport's Active Operations Area. The restoration agreements are necessary to meet the grant obligations set forth by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant #3-06-0241-046-2013 and compliance with Conservation Measure No. 1 of the U.S. Fish and Wildlife Service Biological (USFWS) Opinion 08ESMF00-2012-F-0050-1, in connection with the Sonoma County Airport Runway Safety Improvement Project.

This project is part of the FAA AIP grant #3-06-0241-046-2013, which will provide reimbursement at a rate of 90.66% (\$420,865). The local match of 9.34% (\$43,359) is available in the FY2019-20 adopted budget. Operating revenue from Fees and Services will be used to fund the local match requirements.

Discussion:

In 2013, the Airport initiated a major renovation of their primary runway. The construction project increased the length of the primary runway by approximately 885 feet, which improved airfield safety and increased the Airport's ability to attract commercial air service. In order to offset environmental impacts on riparian habitat, indigenous plant life, and endangered species the Airport agreed to extensive environmental mitigation efforts mandated by the Army Corp and USFWS. A major component of the mitigation effort was to enhance and protect habitat for Burke's Goldfields (*Lasthenia burkei*), an endangered plant species listed under both state and federal Endangered Species Acts.

On September 3, 2013, the Director of TPW under Board delegated authority executed FAA AIP grant #3-06-0241-046-2013, Environmental Mitigation (habitat enhancement to mitigate impacts for Runways 14/32 and 1/19 Safety Area Improvements) in the amount of \$4,202,078.

The AIP grant #3-06-0241-046-2013 included the following project objectives:

1. Enhance the safety of aircraft operations at the Airport by implementing the recommendations from the FAA's Runway Safety Action Team (RSAT) ; and
2. Enhance the overall safety of the Airport by implementing various measures to reduce hazardous movements of wildlife at the Airport pursuant to 14 CFR Part 139.

As part of item #2 above, this grant provided for habitat enhancement actions mitigating for impacts, including management and enhancement of on-airport Burke's Goldfields.

The enhancement of two (2) acres of Burke's Goldfields populations within the existing seasonal wetlands was completed in 2017, as required to comply with Conservation Measure No. 1 of the USFWS Biological Opinion 08ESMF00-2012-F-0050-1 in accordance with the Sonoma County Airport Runway Safety Improvement Project. The work included reconfiguring existing wetlands at the site to make them more suitable for the establishment and long-term sustainment of Burke's Goldfields.

In addition to creating and maintaining a favorable habitat for Burke's goldfields, the County is required to convey a Conservation Easement Deed with an USFWS-approved agency, facilitating monitoring and assessment measures to ensure the long-term success of Burke's Goldfields mitigation work and maintaining the ecological health of the SACMA.

The USFWS requires:

1. The Conservation Easement Deed be held by a qualified, Service-approved, non-profit organization or government agency;
2. The Conservation Easement Deed be held according to minimum standards for assuring maximum success in earning potential, and will include assurances for no loss of principle.
3. Disbursements or releases from the fund must be for documented expenditures, as they occur.

The Airport worked with its environmental consulting group to find a viable easement holder meeting the requirements set forth by USFWS. The Airport's consulting group recommended The Restoration Trust as the

easement holder. The Restoration Trust is a non-profit 501(c)(3) Northern California organization and land trust, enabled to hold easements. The Restoration Trust has more than twenty years of experience in habitat restoration and management and has a proven history of working with the USFWS enabling native habitat restoration and stewardship in Northern California.

The Restoration Trust has agreed that it will hold the Conservation Easement Deed and fulfill the requirements of a Long-Term Management Plan for the property, which include identifying and implementing actions to maintain in perpetuity Burke's Goldfield populations and the associated wetland habitat on the Conservation Easement site. The \$464,224, which will fund both interim and long term management of the site, is substantially lower than other limited party estimates obtained by the Airport's consulting group.

As part of this agreement, the Restoration Trust (a member of the Land Trust Alliance), has agreed that it will submit an entry in the registration lottery for accreditation by the Land Trust Alliance. If chosen at random by the Land Trust Accreditation Commission, The Restoration Trust will apply for accreditation. If The Restoration Trust is given the opportunity to apply for accreditation before 2022 and is not accredited by the Land Trust Accreditation Commission on or before December 31, 2023, the USFWS may designate an alternative entity qualified to hold the Conservation Easement and The Restoration Trust will voluntarily assign or transfer the Conservation Easement to the USFWS designated entity.

The Conservation Easement includes approximately 14.48 acres known as the Sonoma Airport Consolidated Mitigation Area (SACMA) (Assessor's Parcel Number 059-271-001-000). The site is located within the boundaries of the Charles M. Schulz- Sonoma County Airport, but outside the limits of the Airport's Active Operations Area.

The site contains approximately 4.5 acres of seasonal wetlands established in 1999 in order to provide off-site wetland mitigation for various projects on the Santa Rosa Plain. In 2018, the site underwent additional enhancement to establish 2.0 acres of Burke's Goldfields populations within the existing seasonal wetlands. The establishment of these populations is required for compliance with Conservation Measure No.1 of the USFWS Biological Opinion 08ESMF00-2012-F-0050-1 for the Sonoma County Airport Runway Safety Enhancement Project.

The purpose of the Conservation Easement is to ensure that SACMA will be retained forever in its restored condition and to prevent any use of the property that will impair or interfere with the conservation values of the property. The Conservation Easement will limit the use of SACMA to activities that are consistent with the purposes described above, including those involving the preservation, restoration, and enhancement of native species and their habitats implemented in accordance with the Site Development Plan, the Interim Management Plan, and the Long-term Management Plan, while allowing for the protection of aviation operations.

The Grantee's (The Restoration Trust's) duties under the Conservation Easement are to perform annual compliance monitoring and to prepare annual reports with the results of the monitoring for the USFWS. The Grantor's (Airport's) duties are to take all reasonable actions to prevent unlawful entry and trespass onto the property, to defend the Grantee's rights under the Conservation Easement, and to observe and carry out the obligations of the Grantor under the Site Development Plan and the Interim and Long-term Management Plans.

The Grantee has the right to preserve and protect the conservation values of SACMA. This includes the right to enter the site to monitor compliance with and to enforce the terms of the Conservation Easement and management plans, to implement activities required under the management plans, and to prevent any activity on or use of the site that is inconsistent with the purposes of the Conservation Easement.

The Conservation Easement and related actions are exempt from the requirements of the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) under Sections 15378, 15317, and 15325 of Title 14 of the California Code of Regulations.

Prior Board Actions:

6/11/18: BOS approved agreement to Monitor and Maintain Burke's Goldfields Habitat Enhancement Project

8/22/17: BOS approved Burke's Goldfield Habitat Enhancement Project

9/13/16: BOS approved Addendum to Certified Environmental Impact Report

3/1/16: BOS approved mitigation and monitoring contracts with Laguna Foundation and City of Santa Rosa

9/10/13: BOS approved four agreements and two amendments for purchase of conservation acreage and approved three Grant Anticipation Notes related to the Runway Safety Project

10/22/13: BOS approved purchase of conservation credit acreage for mitigation related to the Runway Safety Project

1/24/12: BOS adopted resolutions certifying the Final Environmental Impact Report, General Plan Amendments and approved the updated Airport Master Plan.

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses		\$464,224	
Additional Appropriation Requested			
Total Expenditures		\$464,224	
Funding Sources			
General Fund/WA GF			
State/Federal		\$420,865	
Fees/Other		\$43,359	
Use of Fund Balance			
Contingencies			
Total Sources		\$464,224	

Narrative Explanation of Fiscal Impacts:

This is part of the FAA AIP grant #3-06-0241-046-2013, which will provide reimbursement at a rate of 90.66% (\$420,865). The local match of 9.34% (\$43,359) is available in the FY2019-20 adopted budget. Those funds will be encumbered and rolled over into the FY2020-21 budget year if necessary to close out the grant. Operating revenue from Fees and Services will be used to fund the local match requirements.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Trust Commitment Letter, Conservation Easement

Related Items "On File" with the Clerk of the Board:

USFWS SACMA Long-Term Plan