

Subject	State Route 4 (e) Widening - Loveridge Road to State Route 160 – Agreement for Sale of Conservation Credits with Ohlone Preserve Conservation Bank (Projects 1406 and 3001)
Summary	<p>The Biological Opinion issued by the United States Fish and Wildlife Service (Service) for the State Route 4 (e) Widening – Loveridge Road to State Route 160 requires the permanent protection of 5.031 acres of California red-legged frog (CRF) habitat. This requirement can be satisfied by the purchase of CRF credits at the Ohlone Preserve Conservation Bank.</p> <p>Staff has finalized a draft Agreement with the Ohlone Preserve Conservation Bank to purchase 8.4 CRF credits (.6 acres per credit) for \$84,000.</p>
Recommendations	<p>Approve Agreement for Sale of Conservation Credits with Ohlone Preserve Conservation Bank and to authorize the payment of \$84,000 for 8.4 CRF credits.</p>
Financial Implications	<p>Sufficient funds are appropriated in Resolution #07-08-PJ under Project 3001.</p>
Options	<p>The Authority could elect not to approve this request; however, this could delay the State Route 4 (e) Widening – Loveridge Road to State Route 160 project.</p>
Attachments (See APC Packet dated 9/4/08)	<p>A. Agreement for Sale of Conservation Credits</p>
Changes from Committee	<p><i>None</i></p>

Background

The Amendment to Biological Opinion for the State Route 4 (e) Widening – Loveridge Road to State Route 160 (Projects 1406 and 3001) requires the permanent protection of 5.031 acres of CRF habitat through (1) acquisition and management of appropriate off-site habitat, (2) purchase of an appropriate amount of credits at a Service-approved conservation bank; or (3) deposit of sufficient funds into a Caltrans account that will be used to purchase and manage appropriate habitat for the CRF as approved by the Service.

Written approval to purchase CRF credits from the Ohlone Preserve Conservation Bank was obtained from the Service in April, 2008, and is included as “Exhibit D” in the Agreement for Sale. Each CRF credit is equal to .6 acres of habitat, and the purchase price per CRF credit is \$10,000. This results in the requirement to purchase 8.4 CRF credits (5.031 acres) for a total cost of \$84,000. This purchase of CRF credits will fulfill a prerequisite for obtaining our U.S. Army Corps of Engineers 404 permit for the widening project.