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EL PASO BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Date: Tuesday, April 25, 2023 Item No. 5.g.

To: Board of County Commissioners

From: Kevin Mastin, Executive Director - Department of Public Works/Joshua Palmer,
County Engineer

Agenda Wording: Resolution to approve Amendment #1 to the Intergovernmental Agreement between the Colorado Department of Transportation and El Paso County, Colorado for design and construction of the El Paso County Wetland Bank - Akers Project

SUMMARY (including information on budgeted matters)

El Paso County has experienced a significant growth rate and is scheduled for significant road projects over the next 20 years through various public and public/private infrastructure projects. Many of these projects will have unavoidable impacts on waters of the U.S. as defined under the Clean Water Act (CWA). In 2011, El Paso County together with the members of an interagency review team consisting of representatives from the US Army Corps of Engineers, US Environmental Protection Agency, US Fish and Wildlife Service and the Natural Resources Conservation Service agreed to and signed an Umbrella Wetland Mitigation Bank Instrument. The El Paso County Board of Commissioners approved the Wetland Mitigation Instrument on May 24, 2011 (Resolution 11-173). The purpose of the Wetland Mitigation Banking Program is to establish and preserve wetlands for the purpose of providing compensatory mitigation credits in advance of authorized impacts. These credits from established bank sites can be used to compensate for future unavoidable impacts to wetlands and riparian areas during section 404 permitting process for infrastructure projects. Wetlands established in a mitigation bank provide "credits" which can be used by the bank sponsor to meet permit conditions. Wetland banks offer several benefits over traditional mitigation practices. Unlike traditional mitigation which occurs just prior to or concurrent with projects, wetland banks are on the ground and functioning before any credit can be released. Mitigation banking has a number of advantages over traditional permittee-responsible compensatory mitigation because of the ability of mitigation banking programs to:

- Reduce uncertainty over whether the compensatory mitigation will be successful in offsetting project impacts;
- Reduce permit processing times and speed up delivery of infrastructure projects;
- Provide more cost-effective compensatory mitigation opportunities; and
- Enable the efficient use of limited agency resources in the design, construction and compliance monitoring of wetland mitigation projects because of consolidation.

This project will include design and construction of approximately 20 acres of mitigation for inclusion in the El Paso County Wetland Umbrella Mitigation Bank. The proposed wetland mitigation site is located on El Paso County owned property immediately west of Akers Drive between Constitution Avenue and North Carefree Circle west of the County Transportation and Environmental Complex in El Paso County, Colorado. The design phase of this project commenced in 2022 and is expected to be completed in 2023. This resolution will approve Amendment #1 to the Intergovernmental Grant Agreement between Colorado Department of Transportation and El Paso County to provide funding for construction of the El Paso County Wetland Bank - Akers Project.

BACKGROUND (including information on budgeted matters)

El Paso County was awarded \$724,413 in the Statewide Transportation Improvement Program (\$724,413 federal aid funds and \$0 local funds) for design and construction of wetland mitigation bank improvements. The Board previously approved an Intergovernmental Grant Agreement with the Colorado Department of Transportation pursuant to Resolution No. 21-100 in March 2021. In November 2022, an additional \$1,500,000 (\$1,241,850 federal aid funds and \$258,150 local agency funds) was awarded for this Project

ESTIMATED TIME FOR PRESENTATION

 3 minutes

FINANCIAL IMPLICATIONS

Business Year:	2023	Subject to TABOR? NO
Fund:		
Funding Amount:	\$0.00	
Increase to original adopted Budget	\$0.00	
Net Cost to County:	\$0.00	
Total Project Cost:	\$0.00	
Vendor Information		

ATTACHMENTS

- 2023-04 Akers Wetland Bank CDOT IGA Amend #1 Resolution.docx
- 2023-04 Akers Wetland Bank CDOT IGA Amend #1 Res Exh A.pdf