SUBJECT: WETLANDS MITIGATION – AUTHORIZATION TO NEGOTIATE CONSERVATION EASEMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The development of the joint Santa Fe Elementary School and Neighborhood Community Center Project will require the piping of a portion of the Porter Slough where it crosses the project site. Based on the vegetation, soil type and other factors, 0.59 acres of the floor of the Slough qualifies under the Clean Water Act as a designated wetland. The City of Porterville and the Porterville Unified School District have jointly applied for a Section 404 Permit from the U.S. Army Corps of Engineers (USACE) to allow the removal of this wetland area in conjunction with the proposed project.

Based on discussions with USACE Staff, it appears likely that the Section 404 Permit will be issued shortly with various conditions. One of those conditions is expected to be a requirement to mitigate the loss of wetlands by expanding an existing wetland area on the City-owned “Headgate” property by an equivalent amount. The USACE will require that a perpetual easement be created for the mitigation area to guarantee future protection of the site. The easement must be conveyed to a conservation organization.

The City Council has recently authorized Staff to undertake negotiations with the Sequoia Riverlands Trust (Formerly Sierra Los Tulares Land Trust), to accept a similar conservation easement for a Valley Elderberry Longhorn Beetle (VELB) mitigation area on a different portion of the Headgate property. Those negotiations are proceeding well and Staff is confident that a final agreement will be prepared within six weeks. It is likely that the Sequoia Riverlands Trust (SRT) would be able to offer significant savings in the management of the easements if both were under their control. For that reason, Staff contacted SRT to suggest a separate agreement with regard to the wetland mitigation easement. On April 8, 2003, the Board of Directors of the Sequoia Riverlands Trust agreed to pursue a partnership with the City of Porterville for this purpose.

Assuming Council authorizes Staff to proceed with formal negotiations with SRT, Staff is anticipating bringing the easement back to the Council in the next month or so, for formal action. In addition, an agreement/contract will be brought to the Council to create the Wetland once final approval is received from the USACE. It is anticipated that the excavation of the proposed wetland area will be

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accomplished in exchange for the material to be removed. Unless other requirements are imposed, Staff intends to allow the wetland area to develop naturally as an expansion of the neighboring wetlands. No irrigation, plantings or active management are anticipated, at this time.

**Options**

Staff has identified three (3) options for Council action on the items before Council for consideration. They are as follows:

Option 1: Authorize Staff according to the recommendations above and proceed with mitigation efforts.

Option 2: Modify the recommendations above and direct Staff accordingly.

Option 3: Deny the requests outlined above and provide direction to staff on how to proceed.

**RECOMMENDATION:** That the City Council:

1. Authorize Staff to continue with formal negotiations with Sequoia Riverlands Trust to accept the Conservation Easement required for the Wetlands Mitigation for the Neighborhood Community Center/Santa Fe Elementary School Site.