



MEMO

Date: July 22, 2024
To: County Judge and Commissioners
From: Clarence Daugherty, P.E., Director of Engineering
Subject: Mitigation Credit Sales Agreement Required for Construction of the Park Blvd Project (limits: FM 2514 to SH 78)

Construction of the improvements to Park Blvd. from FM 2514 to SH 78 will impact wetland areas regulated by the United States Army Corp of Engineers (USACE). As such, the County is required to mitigate the impact to those areas.

The most efficient and cost effective manner of mitigating impacts to USACE jurisdictional wetlands is by purchase of off-site wetland mitigation credits. Commissioner's Court entered into a Mitigation Credit Sales Agreement in 2021 where 0.8 credits were purchased. Since then, the Nationwide Permit 14 (Permit) needed to be re-verified as the Permit had been updated. Due to the changes to the general conditions of the Permit, and new interpretations of the definition of waters of the United States, an additional 0.2 mitigation credits are required to meet the compensatory mitigation requirements under the Permit.

The attached agreement provides for the purchase of 0.2 credits from Wild-TX Lands, LLC. They manage the Bunker Sands Mitigation Bank (BSMB) under USACE Permit Number SWF-2018-00441. The cost to the County for purchase of these credits is \$7,000.

Funds are available in R118004CO-4025-750300013-809280.

Recommended Action: It is requested that the Commissioners Court
-approve the purchase of the mitigation credits for \$7,000
-authorize the County Judge to execute the Credit Purchase Agreement and Acknowledgement