

## RESOLUTION NO. 2026-085

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DISPENSING WITH THE FORMAL BIDDING PROCEDURE PURSUANT TO ELK GROVE MUNICIPAL CODE SECTION 3.42.180(B)(3), AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYTE RANCH, LLC, FOR WETLAND MITIGATION FOR THE LAGUNA CREEK TRAIL AND BRUCEVILLE ROAD SIDEWALK IMPROVEMENTS PROJECT (WTL019) IN THE AMOUNT OF \$147,000 (NO FURTHER CEQA REVIEW REQUIRED)**

**WHEREAS**, the Laguna Creek Trail and Bruceville Road Sidewalk Improvements Project (WTL019) (Project) will extend the Laguna Creek Trail between Lewis Stein Road and Bruceville Road along Big Horn Boulevard, provide trail gap closures between Bruceville Road and Mannington Street, and construct sidewalk gap closures on Bruceville Road between Sheldon Road and Big Horn Boulevard; and

**WHEREAS**, the Project involves modification of a seasonal wetland and a vernal pool, which are located within the Project's construction footprint. As the features are considered habitat for federally protected vernal pool species (Fairy Shrimp and Tadpole Shrimp) and are also considered waters of the United States, they are regulated under the Federal Endangered Species Act; and

**WHEREAS**, staff consulted with the U.S. Fish and Wildlife Service (USFWS) and obtained Clean Water Act permits. USFWS issued Biological Opinion 2022-0023306-S7-001 requiring 0.49 acres of vernal pool species preservation credits to be obtained. The Regional Water Quality Control Board (RWQCB) issued a Section 401 Water Quality Certification 5A34CR00915 and the USACE issued a Section 404 Nationwide Permit SPK-2020-00158 authorizing impacts to these waters, which require 0.07 acres of mitigation credits to compensate for impacts to these features. Coordination with RWQCB and USACE confirmed the 0.49 acres of vernal pool species preservation credits would sufficiently meet the permit's compensatory mitigation requirements; and

**WHEREAS**, the Bryte Ranch Conservation Bank is owned and operated by Bryte Ranch, LLC, which is offering the mitigation credits for vernal pool species preservation at a rate of \$300,000 per acre-credit, for a total of \$147,000; and

**WHEREAS**, the Bryte Ranch Conservation Bank is one of three compensatory mitigation banks within the region with available credits for vernal pool species preservation credits; however, the other two compensatory mitigation banks offer mitigation credits for vernal pool species preservation at a rate of \$450,000 per acre-credit; therefore, Bryte Ranch Conservation Bank is the least expensive compensatory mitigation bank, and

**WHEREAS**, compensatory mitigation banks do not competitively bid to fulfill mitigation requirements for individual projects, and

**WHEREAS**, for the reasons presented, it is not in the City's best interest to pursue a formal bidding procedure for the purchase of the mitigation credits; and

**WHEREAS**, the Project is a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

**WHEREAS**, the Project's environmental impacts were adequately analyzed in the Initial Study with Mitigated Negative Declaration (IS/MND) (State Clearinghouse No 2024040605). Both the IS/MND and a Mitigation, Monitoring, and Reporting Program (MMRP) were certified by the City in August 2024. MMRP BIO-4 states that should suitable vernal pool habitat be impacted by the Project, purchase of vernal pool preservation credits at a USFWS-approved conservation bank shall occur prior to commencement of activities. Through purchase of mitigation credits at the Van Vleck Mitigation Bank, as specified is the USFWS, RWQCB, and USACE permits, the City is complying with MMRP BIO-4; and

**WHEREAS**, since the Project impacts waters of the United States, the Project is also subject to environmental review and analysis under the National Environmental Policy Act (42 U.S.C. 4321 et seq., herein after NEPA). As waters of the United States are the jurisdiction of the USACE, the USACE is a NEPA lead agency. The USACE completed its review of the Project in a Categorical Exclusion, consistent with the Categorical Exclusion issued by Caltrans District 3 in 2024; and

**WHEREAS**, there are no substantial changes to the Project as analyzed in the IS/MND and there are no new significant environmental effects, or substantial increase in the severity of previously identified significant effects, and no further review under CEQA is required; and

**WHEREAS**, the Project is included in the 2025-2030 Capital Improvement Program and Fiscal Year 2025-26 CIP Budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby dispenses with the formal bidding procedure pursuant to Elk Grove Municipal Code Section 3.42.180(B)(3) and authorizes the City Manager to execute an agreement with Bryte Ranch, LLC, in substantially the form presented, for purchase of vernal pool species preservation credits for the Project in the amount of \$147,000.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of May 2026




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2026-085**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )


*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 13, 2026 by the following vote:*

**AYES:**        **COUNCILMEMBERS:**        *Singh-Allen, Suen, Brewer, Robles, Spease*

**NOES:**       **COUNCILMEMBERS:**        *None*

**ABSTAIN:**   **COUNCILMEMBERS:**        *None*

**ABSENT:**    **COUNCILMEMBERS:**        *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**