



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AUTHORIZING ISSUANCE OF A LETTER OF CREDIT IN THE AMOUNT OF \$30,160 TO CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR THE DOG BAR ROAD BRIDGE OVER THE BEAR RIVER PROJECT AND APPROVING EXECUTION BY AUTHORIZED OFFICER - DISTRICT II

WHEREAS, the Department of Public Works plans to replace the structurally deficient bridge on Dog Bar Road that crosses the Bear River as shown in the 2023 Capital Improvement Plan; and

WHEREAS, as part of the environmental requirements for the California Environmental Quality Act an Initial Study with Mitigated Negative Declaration (IS/MND) was completed and adopted by the Board of Supervisors on 6/22/2021 by Res 21-268; and

WHEREAS, the IS/MND determined that the project will have a less than significant impact with mitigation for the northeast/northern Sierra clade of the foothill yellow-legged frog (FYLF) which is state listed as a threatened species; and

WHEREAS, an Incidental Take Permit-2081 for the FYLF is required by California Department of Fish and Wildlife (CDFW); and

WHEREAS, this permit requires five years of FYLF Monitoring and Reporting once construction is completed in which a funding assurance is to be held by CDFW for these monitoring costs; and

WHEREAS, the Department of Public Works is requesting authorization per the County's Debt Management Policy to issue a Letter of Credit to the California Department of Fish and Wildlife in the amount of \$30,160 for FYLF Monitoring and Reporting for the term of five years upon completion of project construction; and

WHEREAS, sufficient budget is available to fund the fee of \$3,016 and cover any withdrawals for this credit enhancement in Roads Capital Improvement budget: 1114-30154-703-3000.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves and authorizes the Public Works Director to apply for a Letter of Credit for the benefit of the California Department of Fish and Wildlife in the amount of \$30,160 with the County of Nevada's financial institution, Bank of Montreal (BMO), for an Incidental Take Permit FYLF Monitoring and Reporting for the Dog Bar Road Bridge over the Bear River.
2. Authorizes and directs each and any of the Chair of the Board of Supervisors, any other member of the Board of Supervisors, the County Executive Officer, and the Deputy County Executive Officer, or any designee thereof (each an "Authorized Officer"), acting alone, for and in the name and on behalf of the County, to execute and deliver the Letter of Credit in substantially the form attached hereto, with such changes therein as such officer may require or approve to be conclusively evidenced by the execution and delivery thereof.