

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: BOARD OF TRUSTEES

FROM: DOUGLAS TREADWAY

DATE: JANUARY 12, 2005

SUBJECT: RATIFICATION OF CONTRACT AGREEMENT WITH HAERA
WILDLIFE CONSERVATION BANK AND ACCEPTANCE OF
DONATION

At the December 15, 2004 Board meeting, the Board authorized the President to enter into contract negotiations related to selecting the most suitable mitigation option for burrowing owls located at the Newark Center site. The President negotiated a very favorable contract with the Haera Wildlife Conservation Bank for 32.5 credits of burrowing owl habitat. The average price per burrowing owl credit was \$12,000. This represents a discount of approximately 20% off the regular price of \$15,000 per burrowing owl credit. This pricing is a combination of a sales contract for 26 owl credits for a total price of \$390,000 and a donation to the District of 6.5 owl credits. Staff recommends the ratification of this contract based on the following rationale:

1. This is a favorable business agreement that entitles the College to a donation valued at \$97,500 (6.5 burrowing owl credits @ \$15,000 per credit). This donation could only be realized if the contract was agreed to prior to the end of 2004.
2. The original proposal for permanently dedicating 6.5 acres on the back portion of the Newark property as a mitigation was not feasible. It was determined by the College's engineering consultants that at least 8.5 acres would have to be set aside. It is not considered appropriate to designate an area as a burrowing owl habitat that is also within a federally delineated wetland area. With the requirement to increase the acreage, the goal of containing a dedicated burrowing owl habitat to the south of the master plan perimeter road could not be realized.
3. The College's environmental consultants would not recommend the movement and consolidation of toxaphene tainted soil to the back of the property if it would be in close proximity to the area designated as permanent burrowing owl habitat.
4. For a relatively modest sum of money, this contract allows the College to proceed with site development. Not having an arrangement in place now could delay the overall project by as much as a year and, as a consequence, would significantly increase project costs.

5. By resolving completely the burrowing owl mitigation, the College has removed a major constraint to the future development of the remainder of the Newark site.

Staff strongly recommends that the Board of Trustees ratify the attached agreement with the Haera Wildlife Conservation Bank. In addition, staff recommends acceptance of a donation of 6.5 burrowing owl credits from the Haera Wildlife Conservation Bank. Staff will send an appropriate acknowledgement to the conservation bank thanking them for this generous donation.

RECOMMENDATION:

The President/Superintendent recommends that the Board of Trustees ratify a contract agreement with Haera Wildlife Conservation Bank for the purchase of 26 burrowing owl credits in the amount of \$390,000; and furthermore, accept as a donation 6.5 burrowing owl credits from the Haera Wildlife Conservation Bank.