

Environmental Mitigation Streamlining Pilot: 2024 Results: An Annual Report



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Report to the Legislature

2025

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Executive Summary

Senate Bill 145 (Newman, Chapter 57, Statutes of 2023) streamlines the implementation of environmental mitigation measures for the efficient delivery of the California Department of Transportation's (Caltrans) transportation projects and advance mitigation until December 31, 2033, except for environmental mitigation property transfers, acquisitions, and stewardship, the authority for which has no end date. The legislation augments the ways that Caltrans may contract with mitigation providers, endowment holders, and other entities on a pilot basis by authorizing Caltrans to enter into specified types of agreements with specified parties under specified conditions. The Legislature further requires Caltrans to:

- Report annually until 2033 to the Legislature on any endowments it creates or transfers, mitigation property it acquires or transfers, or agreements that it enters into, to implement environmental mitigation measures.
- Make recommendations to address any identified barriers to implementation of environmental mitigation for Caltrans.

This is the first annual report and it covers the 2024 calendar year.

In 2024, to address its environmental mitigation needs and commitments, and after incorporating environmental related measures into transportation project design and delivery, transportation projects delivered by Caltrans' 12 districts spent over \$24 million dollars towards environmental mitigation properties. In brief, Caltrans:

- Provided or contributed to one endowment.
- Purchased one property.
- Was a party to 65 agreements with an environmental mitigation purpose.

Of those 65 agreements, 24 were new agreements entered into in 2024 and three of those utilized the new pilot authority granted by SB 145 to advance funds.

This first report will establish a point of reference for future reports to follow.

Caltrans has no recommendations at this time as the new authorities outlined in SB 145 will be implemented and information will be collected and analyzed in future reports.

Background

SB 145 streamlines the implementation of environmental mitigation for the efficient delivery of Caltrans transportation projects and does the following:

- Defines an “environmental mitigation property” as a property that is required by state or federal law, or by permit conditions imposed by a state or federal agency, to be preserved or restored and maintained as natural habitat to offset the environmental impacts caused by the construction and operation of a state highway improvement project or for advance mitigation purposes as provided in Streets and Highways Code Section 800.6. (Streets and Highways Code Section 104(k)(2)).
- Authorizes Caltrans to purchase an environmental mitigation property, to transfer that property to a governmental entity, special district, nonprofit organization, for-profit entity, person, or other entity, or to purchase the property in the name of those entities. (Streets and Highway Code Section 104(k)(1)(A)).
- Authorizes Caltrans to create an endowment or enter into an agreement with the transferee of an environmental mitigation property or another party to provide funding for the establishment, preservation, restoration, and maintenance of the property consistent with certain permit conditions or mitigation requirements. (Streets and Highway Code Section 104.1(a)(1)).
- Authorizes Caltrans to purchase, exempt from specified advertising or bidding requirements on a pilot basis until December 31, 2033, environmental mitigation credits from a mitigation credit agreement sponsor or from a mitigation bank, conservation bank, in-lieu fee program, or from another mitigation credit provider if a state or federal regulatory agency requires the department to purchase credits from a particular mitigation credit provider. (Streets and Highway Code Section 126(a)).
- Authorizes Caltrans to use an alternative solicitation process on a pilot basis until December 31, 2033, exempt from specified advertising or bidding requirements, for mitigation credit purchases to fulfill transportation project mitigation responsibilities for natural resources or for advance mitigation purposes. (Streets and Highway Code Section 126(b)).
- Authorizes Caltrans to enter into a cooperative agreement with a governmental entity, a special district, a nonprofit organization, a community foundation, or a congressionally chartered foundation on a pilot basis until December 31, 2033, to hold, manage, and invest an endowment for an environmental mitigation property and disburse

payments from the endowment to the holder of the property consistent with the fund agreement. (Streets and Highway Code Section 126(c)).

- Authorizes Caltrans to enter into agreements with governmental, nonprofit, and for-profit entities, provide funding, and advance funds, as necessary and on a pilot basis until December 31, 2033, for the purpose of mitigating environmental impacts caused by transportation projects or for advance mitigation purposes. (Streets and Highway Code Section 126.1).

The bill also amended Section 2081 of the Fish and Game Code, which addresses long term funding of wildlife corridor structures on the state highway system, and Section 143 of Streets and Highway Code, which is specific to wildlife crossings over Interstate 15 (**Appendix A**). For the latter, per Streets and Highway Code Section 143.2(h)(3), the required reporting is to be provided separately. Other mitigation related reports and information sources are listed in **Appendix B**.

Statutory Reference & Purpose

Streets and Highways Code Section 126.3 requires Caltrans to provide a written report to the Legislature regarding its environmental mitigation, annually, until December 31, 2033. The law requires the report to include the following:

- The total number of endowments and new endowments, the amount of funds held in endowments and new endowments, the holder of each endowment, and the moneys disbursed for each endowment, in the preceding calendar year.
- The environmental mitigation properties purchased or transferred, and the status of each environmental mitigation property, in the preceding calendar year.
- A summary of each of the mitigation and advanced mitigation agreements entered into by the department in the preceding calendar year.
- Recommendations to address any identified barriers to implementation of environmental mitigation for Caltrans.

This first report covers the 2024 calendar year.

Regulatory Context

Caltrans Districts endeavor to comply with the environmental laws and regulatory processes that apply to the operation and maintenance of the State Highway System, which include natural resource regulatory agency environmental mitigation requirements placed on transportation projects, as outlined below.

Unavoidable adverse natural resource impacts that could result from transportation projects are defined under environmental policies, laws, and regulations overseen by the California Coastal Commission, California Department of Fish and Wildlife, State and Regional Water Quality Control Boards, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and U.S. National Marine Fisheries ("natural resource regulatory agencies"), including, but not limited to:

- California Coastal Act (Public Resources Code Section 30000 et seq.)
- California Endangered Species Act (California Fish and Game Code Section 2050 et seq.)
- California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- Federal Clean Water Act, Sections 401 and 404 (33 U.S.C. Section 1251–1376)
- Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531–1543), as amended
- Lake and Streambed Alteration Program (California Fish and Game Code Section 1600 et seq.)
- National Environmental Policy Act (42 U.S.C. Section 4321 et seq.)
- Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.)
- Rivers and Harbors Act of 1800, Section 10 (33 U.S.C. Section 403)

After it has been determined through the environmental permitting and technical assistance process that a transportation project will have unavoidable permanent adverse impacts, and after other efforts to minimize, rectify, and reduce the impact have been incorporated in the transportation project's design and delivery, natural resource regulatory agencies are authorized to condition Caltrans transportation projects with compensatory mitigation. The authority to condition projects with compensatory mitigation is defined in each natural resource regulatory agency's regulation and policy, including but not limited to 33 C.F.R. Section 332.2, 40 C.F.R. Section 230.92, 40 C.F.R. Section 1508.20, and 14 C.C.R. Section 15370. Further, as a lead agency under the California Environmental Quality Act and National Environmental Policy Act, Caltrans may also determine compensatory mitigation is warranted.

Compensatory mitigation is the act of offsetting unavoidable adverse impacts, defined above, by restoring or enhancing similar types of natural areas elsewhere, essentially "making up for" the damage done to the impacted resources. Typically, like ordinary conservation measures, compensatory

mitigation is achieved through the restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances, preservation of aquatic resources, habitat, or other resources. However, compensatory mitigation actions differ from ordinary conservation actions because their development and long-term management are overseen by natural resource regulatory agencies, in accordance with standards prescribed in regulation and guidance.

Caltrans' compensatory mitigation actions are chiefly performed off-system, i.e., at a location that is not part of the State Highway System, and often take the form of land acquisition from a willing private landowner and permanent protection of the property from development. Consequently, implementation of Caltrans' compensatory mitigation actions requires real estate transactions and/or agreements with entities who will help Caltrans (1) establish mitigation at a property and (2) guarantee the property serves its mitigation purpose evermore. For example, Caltrans may enter into agreements with a property owner, a property manager, and/or an endowment holder, to ensure a property will be maintained, funded, and held accountable for its environmental purpose in perpetuity.

To accomplish this, Streets and Highways Code Sections 104(k)(1)(A), 104.1(a)(1), 126(c) and 126.1 authorize Caltrans to enter into agreements with governmental entities, special districts, nonprofit organizations, community foundations, for-profit entities, congressionally chartered foundations, persons, or other entities. Some authorities provided in Streets and Highways Code Sections 126(c) and 126.1 are on a pilot basis and expire December 31, 2033.

"Environmental mitigation property" has a specific definition, per Streets and Highways Code Section 104(k)(2). Pursuant to California Civil Code Section 815 and Government Code Section 65967, only certain entities may be approved to hold an interest in mitigation lands. Environmental mitigation properties may be established or created through (a) permittee responsible mitigation lands acquired, preserved, and managed for their habitat value, or (b) the purchase of advance mitigation credits, briefly described below.

Permittee Responsible Mitigation. Within a transportation project's permitting and technical assistance process, Caltrans enters into agreements that address and/or provide funds to address a property's purchase, legal protection, and maintenance, usually in perpetuity.

- **Ownership.** With natural resource regulatory agency approval, Caltrans may purchase a mitigation property and, after purchasing an environmental mitigation property, Caltrans may transfer the fee title of

mitigation lands to an entity such as a land trust. (Streets and Highway Code Section 104(k)(1)(A)).

- *Restrict Future Land Uses.* With natural resource regulatory agency approval, after purchasing a property and/or transferring the fee title to another entity, Caltrans may place or fund the placement of a conservation easement on the property, ensuring that that the property will to be preserved or restored and maintained as natural habitat, usually in perpetuity. In California, conservation easements can be held by qualified nonprofit conservation organizations such as land trusts, public agencies, or municipalities, and federally or state recognized Native tribes. (California Civil Code 815.3).
- *Long-Term Management.* After purchasing and placing legal limits on a property's future uses, many properties are not self-sustaining and require long-term maintenance. Long-term maintenance commitments are documented in a plan that must be approved by natural resource regulatory agencies. (33 C.F.R. §§ 332.4(c)(11) and 332.7(d); California Fish and Game Code Chapter 7.9, Sections 1797 – 1799.1). Agreements associated with long-term maintenance may include providing an endowment to fund the environmental mitigation property's long-term maintenance or agreements with the parties who are helping with the maintenance, such as through a grazing lease. Endowments must meet the definition provided in Government Code, Section 65965(a).

Mitigation Credit Purchase. When possible, Caltrans purchases credits from another entity who has already gone through an agency-prescribed process of purchasing, restricting future land uses, and ensuring long term management of a parcel for its habitat values, in perpetuity.

- *Conservation and mitigation bank credits.* Private entities are primarily responsible for establishing and, in most cases, operating a conservation or mitigation bank (California Natural Resources Agency, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and State Water Resources Control Board, "Memorandum of Understanding Concerning Mitigation and Conservation Banking and In-Lieu Fee Programs in California"(2011)[hereafter 2011 Banking MOU]).
- *In lieu fee credits.* Public agencies and nonprofits are primarily responsible for in lieu fee programs (2011 Banking MOU).
- *Credits created through a Mitigation Credit Agreement with the California Department of Fish and Wildlife.* Any entity may be responsible for preparing, establishing, and operating a mitigation credit agreement (Fish and Game Code Section 1856).

It is notable that in its *Pathways to 30×30: Accelerating Conservation of California's Nature*, the California Natural Resources Agency identified environmental mitigation properties and banks as an opportunity to help California achieve its goal of conserving 30 percent of California's lands and coastal waters by 2030 (California Executive Order No. N-82-20 (October 7, 2020); California Natural Resources Agency, "Pathways to 30×30: Accelerating Conservation of California's Nature" (2022)). The creation of any new mitigation site or bank would require permanent protection of the land and would contribute toward this goal.

Status

This report is the first annual report. Permit related environmental mitigation for transportation projects is overseen by natural resource regulatory agencies. Authority for Caltrans to enter into agreements with specific parties is provided in the Streets and Highway Code and depends on an agreement's purpose. The type and number of transportation project environmental mitigation related endowments, properties, and agreements that Caltrans entered into, in 2024, as well as their associated financial outlay, are summarized below.

Endowments

Mitigation properties are required to be maintained and managed, often in perpetuity, and in accordance with specific natural resource regulatory agency regulations and guidance. To pay for this, a mitigation endowment fund is entrusted to a financial manager, who invests and manages the fund such that its returns can pay for the long-term management of the property for its conservation and mitigation values. Streets and Highways Code Section 104.1 (a)(1) authorizes Caltrans to create an endowment to provide funding for the establishment, preservation, restoration, and maintenance of the property consistent with any permit conditions, mitigation requirements imposed by state or federal law, conditions imposed by a state or federal agency, or advance mitigation requirements. Funded by specific transportation projects or earmarked advance mitigation funds, until December 31, 2033, Caltrans can fund endowments held, managed, and invested by a governmental entity, special district, or nonprofit organization, a community foundation, or a congressionally chartered foundation. (Streets and Highway Code Section 126(c)).

Caltrans 2024 endowment numbers, contributions, and activity are summarized in **Table 1** below.

Table A. Endowment Overview 2024^{1,2}

Caltrans District	Transportation Project Name or Number	Party(ies) w/Caltrans ³	Party Classification	Summary	Date Agreement	2024 Payment Date(s)	2024 Payment Total (\$)	2024 Dispersal
01	0123000037	Mendocino Land Trust, Inc.	Nonprofit organization	Transportation project mitigation, located at Sawyers Landing in Mendocino County	7/30/2024	8/29/2024	1,009,199.27	Not practicable ⁴

¹ This information addresses the reporting requirement of Streets and Highway Code Section 126.3 (a)(1).

² Authorized by Streets and Highway Code 104.1(a)(1) and/or Streets and Highway Code 126(c)

³ Endowment holder

⁴ Not practicable. Endowment holders do not report dispersal information to Caltrans. Endowment holders provide annual reports to the natural resource regulatory agency that requires the endowment. See [Gov. Code, § 65966, subd. e.](#)

Mitigation Properties

Streets and Highways Code Section 104 (k)(1)(A)) authorizes Caltrans to purchase an environmental mitigation property; transfer an environmental mitigation property to another entity; and purchase a mitigation property in the name of a governmental entity, special district, nonprofit organization, for-profit entity, person, or other entity consistent with Government Code Section 65965. Further, it stipulates that, where feasible, a governmental entity holding property shall have the principal responsibility for natural resource protection or conservation. Hence, environmental mitigation property, funded by specific transportation projects or earmarked advance mitigation funds, are preferentially owned by an entity qualified to protect and conserve the environmental mitigation property for its natural habitat value.

Environmental mitigation properties purchased or transferred in 2024, and their status, are summarized in **Table 2** below.

Table B. Mitigation Property Purchase and Transfer Summary 2024^{1,2}

Caltrans District	Transportation Project Name or Number	Party(ies) w/Caltrans ³	Party Classification	Summary	Acres and County	Status (Purchase and/or Transfer)	Payment (\$)	Date
01	0123000037	Mendocino Land Trust, Inc., Service Link Title Company	Nonprofit organization	Property was purchased in the name of the Mendocino Land Trust to provide compensatory mitigation for multiple permits; Mendocino County CDP No.2021-0012, WDID No. 1B21224WNME, CCC CDP No.1-22-0711, WDID No. 1B22114WNME, LSAA EPIMS-MEN-28726-R1C, CCC CDP No. 1-22-0446, WDID No. 1B22112WNME, LSAA EPIMS-MEN-31736-R1C.	12 acres in Mendocino County	Purchased in the name of Mendocino Land Trust	700,000.00	01/04/24

¹ This information addresses the reporting requirement of Streets and Highway Code Section 126.3 (a)(2).

² Authorized by Streets and Highway Code Section 104(k)(1)(A).

Key:

CDP	Coastal Development Permit
CCC	California Coastal Commission
LSAA	California Department of Fish and Wildlife Lake and Streambed Alteration Agreement
MEN	Mendocino County
EPIMS	Environmental Permit Information Management System
WDID	Waste Discharger Identification Number

Agreements

Under specified conditions, Caltrans is authorized to enter into agreements with for-profit entities, governmental entities, special districts, nonprofit organizations, and other entities to address transportation project environmental mitigation needs pursuant to Streets and Highway Code Sections 104(k)(1)(A), 104.1(a)(1), and 126(a), and on a pilot basis, pursuant to Streets and Highway Code Section 126, subdivisions (b) and (c), and section 126.1. The agreements address the following:

- Transportation project mitigation.
- Transportation project mitigation with advance payment.
- Advance mitigation.
- Advance mitigation with advance payment.
- Environmental land management associated with transportation project mitigation and advance mitigation projects.

In 2024, to address its environmental mitigation needs and commitments, and after incorporating environmental related measures into transportation project design and delivery, Caltrans Districts collectively:

- Implemented 65 agreements with an environmental mitigation purpose.
- Entered into 24 new agreements that address one or more of Caltrans environmental mitigation needs.
 - Three agreements included advance payment of funds authorized by Streets and Highway Code Section 126.1.
- Contributed a total of \$24,532,993.40 towards environmental mitigation.

A summary of each of the environmental mitigation and advanced mitigation agreements entered into by the department in 2024 is provided in Table C-1 of **Appendix C**. Because it is common for agreements to be tiered, both the date of the main agreement and the sub-agreement transaction, i.e. payment, are provided. To be counted as one of the 65 agreements, an agreement was either brand new or was implemented in 2024. Table C-1 addresses the reporting requirement of Streets and Highway Code Section 126.3 (a)(3).

Implementation Barriers

Generally speaking, it is understood that, in addition to the contracting flexibility provided by SB 145, Caltrans environmental mitigation measure implementation would benefit from the removal of other administrative and regulatory barriers. These barriers fall into the general categories of:

- Alignment, or lack thereof, between Caltrans constrained funding, the funds required by natural resource regulatory agencies, and/or the time required for real estate related agreements and transactions, specific to environmental mitigation measure implementation.
- Alignment, or lack thereof, between the multiple natural resource regulatory agencies who condition transportation projects with mitigation and approve the establishment of mitigation credits and values through regulatory mechanisms established in law.

During the 2025 calendar year, Caltrans will identify and prioritize implementation barriers for presentation and inclusion in the 2025 report.

Conclusions and Recommendations

In 2024, to address its environmental mitigation needs and commitments developed through multiple natural resource regulatory agency permitting and technical assistance processes, and after incorporating environmental related measures into transportation project design and delivery, Caltrans' twelve districts spent over \$24 million dollars towards environmental mitigation. In brief, Caltrans:

- Provided or contributed to one endowment.
- Purchased one property.
- Was a party to 65 agreements with an environmental mitigation purpose.

SB 145 augments the ways that Caltrans may contract with mitigation providers, endowment holders, and other entities on a pilot basis in substantial part, by authorizing Caltrans to enter into specified types of agreements with specified parties under specified conditions (**Appendix A**). Of the 67 agreements with an environmental mitigation purpose, 24 new agreements were entered into in 2024 and three of the new agreements utilized the new authority granted by SB 145 to advance funds.

The absolute number of agreements is indicative of the attention and priority placed on environmental mitigation by Caltrans and the natural resource regulatory agencies.

It is understood that, in addition to the contracting flexibility provided by **SB 145**, Caltrans environmental mitigation measure implementation would benefit from the removal of other administrative and regulatory barriers. During the 2025 calendar year, Caltrans will identify and prioritize implementation barriers for presentation and inclusion in the next report.

Multiple reports to the Legislature and online sources include information about environmental mitigation in California (**Appendix B**). The report contained herein is the first annual report. It establishes a point of reference about Caltrans agreements with a mitigation purpose, for future reports to follow. Caltrans has no recommendations at this time. However, as **SB 145** is implemented and data are collected and analyzed, it is expected that recommendations will arise.

References

California Executive Order N-82-20. October 7, 2020.

<https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/40-N-82-20.pdf>

California Natural Resources Agency. *Pathways to 30×30: Accelerating Conservation of California's Nature*. April 22, 2022.

https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf Accessed March 11, 2025.

California Natural Resources Agency, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and State Water Resources Control Board. 2011. *Memorandum of Understanding Concerning Mitigation and Conservation Banking and In-Lieu Fee Programs in California*. September 22.

<https://www.spd.usace.army.mil/Portals/13/docs/regulatory/banking/2011-MOU.pdf> Accessed March 11, 2025.

Appendix A. Statutory Reporting Reference

STREETS AND HIGHWAYS CODE - SHC

DIVISION 1. STATE HIGHWAYS [50 - 897] *(Division 1 enacted by Stats. 1935, Ch. 29.)*

CHAPTER 1. Administration [50 - 227.1] *(Chapter 1 enacted by Stats. 1935, Ch. 29.)*

ARTICLE 3. The Department of Transportation [90 - 155.7] *(Heading of Article 3 amended by Stats. 1977, Ch. 579.)*

126.3. (a) By July 1, 2025, and annually thereafter until July 1, 2033, the department shall provide a written report to the relevant legislative policy and budget committees that includes at least the following information about its environmental mitigation program:

(1) The total number of endowments and new endowments, the amount of funds held in endowments and new endowments, the holder of each endowment, and the moneys disbursed for each endowment, in the preceding calendar year.

(2) The environmental mitigation properties purchased or transferred, and the status of each environmental mitigation property, in the preceding calendar year.

(3) A summary of each of the mitigation and advanced mitigation agreements entered into by the department in the preceding calendar year.

(4) Recommendations to address any identified barriers to implementation of the environmental mitigation program.

(b) If any information required to be reported in subdivision (a) is also provided in the report required by subdivision (f) of Section 800.6, reference to the latter is sufficient to comply with the reporting requirements of this section.

(c) This section shall remain in effect only until December 31, 2033, and as of that date is repealed.

(Added by Stats. 2023, Ch. 57, Sec. 7. (SB 145) Effective July 10, 2023. Repealed as of December 31, 2033, by its own provisions.)

Appendix B. Additional Mitigation Information Sources

Environmental mitigation related information is available by consulting multiple sources (Caltrans 2012). Some examples are provided below.

California Coastal Commission. Reports of the Open Space/Conservation Easement Program, 2010-present. Available by searching <https://documents.coastal.ca.gov/>

California Department of Fish and Wildlife. Conservation and Mitigation Banking Publications and Resources Reports to the Legislature, 2001-present. Available from <https://wildlife.ca.gov/Conservation/Planning/Banking/Publications>

California Department of Fish and Wildlife. Service Area Dashboard. Conservation and Mitigation Banks Established in California by CDFW. <https://www.arcgis.com/apps/dashboards/cec8127c28bf401d9b8e59ad7e99570e>

California Department of Fish and Wildlife. Report on Caltrans Advance Mitigation Program Biennial Report to the Legislature, 2018-present. <https://wildlife.ca.gov/Conservation/Planning/Advance-Mitigation>

California Department of Transportation. Advance Mitigation Program Annual Report to the California Transportation Commission. 2019-present. Available from <https://dot.ca.gov/programs/environmental-analysis/biology/advancemitigation#guidelinesandprocedures>

California Department of Transportation. Advance Mitigation Program Biennial Report to the Legislature, 2019-present. Available from <https://dot.ca.gov/programs/environmental-analysis/biology/advancemitigation#guidelinesandprocedures>

[Gov. Code, Section 65966, subd. E](#) requires endowment holders to submit annual fiscal reports to California Department of Fish and Wildlife when conservation easements are created as a component of satisfying mitigation required by the California Department of Fish and Wildlife through the transportation project permitting process. The annual fiscal reports are associated with conservation easement endowment and kept in the associated file.

[Section 21081.6 of the California Environmental Quality Act](#), requires public agencies, including Caltrans, to adopt a reporting or monitoring program [mitigation monitoring, reporting and compliance program or “MMRCP”] whenever a project or program is approved that includes mitigation

measures identified in an environmental document. When applicable, Caltrans transportation projects prepare mitigation plans that identify parameters to be monitored, the length of the monitoring period, all responsible parties involved, the frequency of submittal for reports and to whom (Caltrans 2012).

U.S. Army Corps of Engineers. Regulatory In-Lieu Fee and Bank Information Tracking System. <https://ribits.ops.usace.army.mil/>.

Reference

Caltrans (California Department of Transportation). 2012. Standard Environmental Reference. Volume 3, Chapter 5 Biological Mitigation. December. Available from <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/vol3-ch5-a11y.pdf> Accessed March 11, 2025.

Appendix C. 2024 Mitigation Agreements

Environmental mitigation is a consequence of the transportation project environmental permitting and conditioning process. It is overseen by the seven natural resource regulatory agencies, who have the authority to condition transportation projects with compensatory mitigation. Authority for Caltrans to enter into agreements with specific parties is provided in Streets and Highway Code and depends on an agreement's purpose.

- **Endowments.** Caltrans may enter into agreements with a government entity, special district, nonprofit organization, for-profit entity, person, or other entity (Streets and Highway Code Section 104.1(a)(1)) and/or Streets and Highway Code 126(c).
- **Property Purchases.** Caltrans may enter into agreements to transfer property to government and non-government entities (Streets and Highway Code Section 104(k)(1)(A)).
- **Other Mitigation Related Purposes.** Caltrans may enter into agreements with governmental, non-profit or for-profit entities for transportation project mitigation, mitigation property management, or advance mitigation purposes, including property maintenance and compensatory mitigation credit purchases. Caltrans may also use agreements to make advance purchases on a pilot basis until December 31, 2033 (Streets and Highway Code Section 126(a), Streets and Highway Code Section 126(b), Streets and Highway Code Section 126(c), and Streets and Highway Code Section 126.1).

A summary of each of the environmental mitigation and advanced mitigation agreements entered into by the department in 2024 is provided below, in Table C-1. Because it is common for agreements to be tiered, both the date of the main agreement and the sub-agreement transaction, i.e. payment, are provided. To be counted as one of the 65 agreements, an agreement was either brand new or was implemented in 2024. The information in Table C-1 addresses the reporting requirement of Streets and Highway Code Section 126.3 (a)(3).

Table C-1. Agreement Summary 2024^{1,2}

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
01	01-0H840 & 01-0G330 0118000117 & 0116000170	County of Lake	Government Entity	Transportation project mitigation. Contribute to partially fund Clover Creek Hitch Habitat Restoration Project by Lake County Watershed Protection District	Cooperative Agreement	6/3/2024	7/25/24	60,953.81
01	0112000202	Mendocino County Resource Conservation District	Special District	Transportation project mitigation. Willits Mitigation Project.	Cooperative Agreement	11/16/2023	02/14/24 04/30/24 06/19/24 07/01/24 08/13/24 12/02/24	65,089.35
01	0114000065	Humbolt Bay Harbor Recreation and Conservation District	Special District	Transportation project mitigation. Invoice payments for spartina removal.	Cooperative Agreement	3/4/2021	12/26/24	37,6581.10
01	0123000037	California State Coastal Conservancy	Government Entity	Transportation project mitigation. Repayment of California State Coastal Conservancy (CCC) administrative expenses. HMMP and permits	Cooperative Agreement	9/13/2023	07/31/24 11/25/24	14,356.08
01	0123000037	California Conservation Corps	Government Entity	Transportation project mitigation. CCC labor for multiple projects at Saunders Landing. HMMP and permits	Cooperative Agreement	2/28/2024	06/27/24 07/30/24 10/30/24	25,000.90
01	0123000037	Mendocino Land Trust, Inc.	Nonprofit Organization	Endowment: Transportation project mitigation, located at Sawyers Landing	Mitigation Agreement	7/30/2024	8/29/24	1,009,199.27

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
01	0118000154	Lake County Resource Conservation District	Special District	Transportation project mitigation. Tree planting. Parent Project – 01-0A040 EFIS 0100020013	Cooperative Agreement	Before 2024	11/25/24	343,359.75
01	0114000065	Lake County	Government Entity	Transportation project mitigation. planting 12.5 acres of oak woodland at Middletown Trailside Park	Advance payment	7/12/24	7/12/24	150,000.00
01	0100000086	Humboldt County Resource Conservation District	Special District	Transportation project mitigation. Caltrans contribution to Phase 1 tasks of eelgrass restoration.	Advance payment	5/9/2024	5/9/2024	117,983.00
02	0200020042	Western Shasta Resource Conservation District	Special District	Transportation project mitigation.	Cooperative Agreement	Before 2024	02/29/24 09/13/24	36,686.12
02	0212000071	Western Shasta Resource Conservation District	Special District	Transportation project mitigation.	Service Contract	Before 2024	01/30/24 02/15/24 03/28/24 05/17/24 08/16/24 11/08/24	24,783.32
02	0216000148	Resource Conservation District of Tehama County	Special District	Transportation project mitigation. Champlin Slough. Service contract payments.	Service Contract	Before 2024	02/26/24 03/05/24 05/13/24 09/12/24	6,691.04
02	0216000150	National Fish and Wildlife Foundation	Congressionally Chartered Foundation	Transportation project mitigation. In-lieu fee credit service contract. Payment not made yet.	Service Contract	11/19/2024	11/19/24	18,625.00

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
02	0218000024	Department of Forestry and Fire Protection	Government Entity	Transportation project mitigation.	Service Contract	Before 2024	02/15/24	1,362.48
02	0218000070	National Fish and Wildlife Foundation	Congressionally Chartered Foundation	Transportation project mitigation. In-lieu fee credit purchase. In-lieu fee credit purchase for transportation project(s)	Service Contract	Before 2024	9/23/24	18,625.00
02	0220000124	National Fish and Wildlife Foundation	Congressionally Chartered Foundation Nonprofit	Transportation project mitigation. In-lieu fee credit purchase. for transportation project(s)	Service Contract	10/21/2024	11/8/24	91,750.00
02	0222000018	Trinity County Resource Conservation District	Special District	Transportation project mitigation.	Service Contract	6/3/2024	09/05/24 11/26/24	7,941.23
03	0300000509	Resource Conservation District of Tehama County	Special District	Transportation project mitigation.	Service Contract	Before 2024	01/08/24 01/24/24 03/01/24 04/22/24 07/24/24 09/13/24 09/27/24 10/30/24 11/18/24	40,252.78
03	0300020593	Triangle Properties, Inc.	For-Profit	Transportation project mitigation.	Service Contract	6/13/2023	03/18/24 07/29/24 10/30/24	138,474.00
03	0300020593	The Regents of the University of California	Government Entity	Transportation project mitigation.	Service Contract	10/9/2019	01/04/24 01/10/24	5,950.64

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
03	0312000069	Triangle Properties, Inc.	For-Profit	Transportation project mitigation.	Service Contract	1/27/2021	10/28/24 10/30/24 05/14/24	25,955.00
03	0312000216	City of Sacramento	Government Entity	Transportation project mitigation.	Cooperative Agreement	Before 2024	8/7/2024	644,204.50
03	0318000039	Triangle Properties, Inc.	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	12/20/24	7,320.01
03	0318000102	Triangle Properties, Inc.	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	12/20/24	12,590.41
03	0319000004	National Fish and Wildlife Foundation	Congressionally Chartered Foundation	Transportation project mitigation. In lieu fee credits	Service Contract	Before 2024	01/22/24	300,160.00
04	0400000129	Gold Ridge Resource Conservation District	Special District	Transportation project mitigation. CCC, ACOE, RWQCB, CDFW, USFWS permits	Advance Payment Cooperative Agreement	2/27/24	no payment yet	0.00
04	0412000116	The Wildlands Conservancy	Nonprofit	Transportation project mitigation. Permittee Responsible Mitigation. CCC, RWQCB, and CDFW permits and technical assistance	Service Contract	Before 2024	02/14/24 05/08/24	63,462.00
04	0421000087	Gold Ridge Resource Conservation District	Special District	Transportation project mitigation. Permittee Responsible Mitigation; CCC, CDFW, RWQCB, Corps, and USFWS Permits and technical assistance	Cooperative Agreement	Before 2024	02/15/24 04/04/24 05/28/24 08/29/24 12/11/24	142,450.11
04	0412000557	Sonoma County Transportation Authority	Government Entity	Transportation project mitigation. Permittee-Responsible Mitigation. RWQCB, Corps, USFWS	Cooperative Agreement	8/11/2023	05/21/24 08/29/24	300,000.00

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
04	400001164	California State Coastal Conservancy	Government Entity	Transportation project mitigation. San Francisco Bay Conservation & Development Commission permit	Cooperative Agreement	4/29/2024	05/28/24	175,000
04	04-28120	The Land Trust of Napa County	Nonprofit	Transportation project mitigation. Contribution to California Red Legged Frog habitat restoration being undertaken through an agreement between Napa Valley Transportation Authority and the Land Trust of Napa County. Biological Opinion.	Cooperative Agreement	5/23/2024	5/23/24	416,500.00
05	0522000106	Land Conservancy of San Luis Obispo County	Nonprofit	Transportation project mitigation.	Cooperative Agreement	Before 2024	7/16/24	300,000.00
05	0512000134	The Regents of the University of California	Government Entity	Transportation project mitigation.	Cooperative Agreement	3/28/2024	08/21/24 11/06/24	13,741.21
05	0513000018	Bay Area Tree Specialists	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	8/21/24	55,319.01
05	0516000005	Julian Tree Care, Inc.	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	2/26/24	18,409.99
05	0516000060	Bay Area Tree Specialists	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	8/21/24	60,138.01
05	0516000078	Julian Tree Care, Inc.	For-Profit	Transportation project mitigation.	Service Contract	Before 2024	02/26/24	38,125.00
05	0514000027	Upper Salinas-Las Tablas Resource Conservation District	Special District	Transportation project mitigation.	Cooperative Agreement	4/21/2021	06/05/24 06/12/24 09/18/24 10/30/24	1,101,249.98

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
05	522000141	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advanced Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	05/14/24	4,313.18
06	0600000022	Cal State University Fresno	Government Entity	Madera Pools Mitigation Property Interim Habitat Management Agreement— Lease for cattle grazing. No funds needed	Cooperative Agreement	11/4/24	11/4/24	0.00
06	0622000206	National Fish and Wildlife Foundation	Congressionally Chartered Foundation	Transportation project mitigation. In lieu fee credits	Service Contract	Before 2024	05/29/24	65,510.00
06	0612000175	Robert A Grand Jr, Trustee of the Robert A Grant Jr Trust	Other Entity	Transportation project mitigation.	Service Contract	Before 2024	11/08/24	1,985,500.00
06	0612000175	John W Grant, Trustee of the John W Grant Family Trust	Other Entity	Transportation project mitigation.	Service Contract	Before 2024	11/08/24	1,838,800.00
06	0612000175	Majorie Lawrence, Trustee of the Majorie Lawrence Family	Other Entity	Transportation project mitigation.	Service Contract	Before 2024	11/08/24	146,700.00
06	0618000015	South Bay Conservation Resources, Inc.	For-Profit	Transportation project mitigation. Bank credits	Service Contract	Before 2024	02/01/24	597,600.00

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
06	0619000010	Kern Bank Water Authority	Government Entity	Transportation project mitigation.	Cooperative Agreement	Before 2024	09/12/24	738,500.00
06	0614000130	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advance Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	04/22/24	5,690.29
06	0614000130	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advance Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	04/22/24	3,251.08
06	0618000043	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advance Mitigation Bank Contract# 06A2983	Internal transfer of funds	Before 2024	07/17/24	25,879.11
06	0619000010	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advance Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	04/22/24	12,939.55
06	0619000004	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advance Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	05/07/24	12,939.55
06	0620000037	Department of Transportation	Government Entity	Transportation project mitigation, Reimbursement for Fund 2504, Advanced Mitigation Bank Credits 06-1C640	Internal transfer of funds	Before 2024	03/05/24	8,941.37
07	0712000094	Mountains Recreation and Conservation Authority	Government Entity	Transportation project mitigation. Cooperative Agreement. Coastal Development Permit No. 19-080	Cooperative agreement	02/12/24	2/14/24	500,000.00

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
08	0800000010	Desert Environmental Resources, Inc.	For-Profit	Bank credits. Transportation project mitigation, 1602, 401, 404 permits	Service Contract	7/13/2017	02/20/24	8,000.00
08	0815000218	Coachella Valley Conservation Commission	Government Entity	Transportation project mitigation, in accordance with Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Implementation Agreement ²	Cooperative agreement	7/11/2024	08/06/24	79,390.00
08	0816000026	Coachella Valley Conservation Commission	Government Entity	Financial contribution per CVMSHCP Implementation Agreement	Cooperative agreement	10/2/2008	12/27/24	750,023.86
08	0800020125	WildDesert EM Holdings, LLC	For-Profit	Bank credits. Transportation project mitigation, 401 permit	Service Contract	Before 2024	01/03/24 05/03/24	45,050.00
08	0815000200	Deto, Inc	For-Profit	Bank credits. Transportation project mitigation, 2081 permit	Service Contract	06/25/2024	06/25/24	4,957,338.26
08	0815000200	WildDesert EM Holdings, LLC.	For-Profit	Bank credits. Transportation project mitigation, 401 permit	Service Contract	04/10/2024	04/10/24	6,800.00
08	0816000049	California Botanic Garden	Nonprofit	Transportation project mitigation, Biological Opinion	Cooperative agreement	9/20/2024	11/05/24	16,120.00
08	0818000055	California Department of Fish and Wildlife	Government Entity	Transportation project mitigation, 1602 agreement	Cooperative agreement to	Before 2024	8/14/24	22,500.00
08	0818000098	California Department of Fish and Wildlife	Government Entity	Transportation project mitigation, 1602 agreement	Cooperative agreement	Before 2024	10/23/24	37,500.00
09	0900000030	Wildheron Holdings, Inc.	For-Profit	Transportation project mitigation. Bank credits.	Service Contract	Before 2024	3/6/24	5,100,000.00

Caltrans District	Project Name or Number	Party(ies) w/Caltrans	Party Classification	Summary	Agreement Type	Main Agreement Date ³	2024 Sub-Agreement/ Payment Date(s) ³	2024 Payment Total (\$)
09	0916000009	National Fish and Wildlife Foundation	Congressionally Chartered Foundation	Transportation project mitigation. In lieu fee credits	Service Contract	Before 2024	07/31/24	1,326,025.00
10	1013000260	California Conservation Corps	Non-Profit	Transportation project mitigation.	Service Contract	08/1/23	01/18/24 02/15/24 08/06/24 10/01/24	9,392.05
10	1019000165	Heron Pacific LLC	For-Profit	Transportation project mitigation. Bank credits.	Service Contract	11/18/24	no payment yet	no payment yet
11	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024
12	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024	None in 2024
Count/Total						25 of 65 new in 2024	109	24,532,993.40

¹ This information addresses the reporting requirement of Streets and Highway Code Section 126.3 (a)(3).

² Agreements listed herein are authorized by Streets and Highway Code Section 126(a), Streets and Highway Code Section 126(b), Streets and Highway Code Section 126(c), and Streets and Highway Code Section 126.1.

³ Recordkeeping undertaken before 2024 did not consistently gather the main agreement date. An entry of "Before 2024" means that a precise date was not recorded.