

DRAFT Fee based construction mitigation language for projects exceeding 85 lbs/day NO_x in the Sacramento Metropolitan Air Quality Management District (SMAQMD)

Construction-generated emissions of NO_x were calculated to exceed the SMAQMD's threshold of significance in the environmental impact report (or mitigated negative declaration). The project applicant, or its designee, shall pay a mitigation fee in the amount of \$XXX and an administrative fee in the amount of \$XXX to the SMAQMD to reduce the project impacts from construction NO_x emissions to a less than significant level. The SMAQMD will use the mitigation fee to obtain equivalent emission reductions in the Sacramento region.

The project applicant, or its designee, shall pay the mitigation and administrative fees in full prior to lead agency issuance of a permit or approval of improvement plans (possible payment triggers include demolition permit, grading permit, or approval of improvement plans). An alternative payment plan may be negotiated by the project applicant, or its designee, based on the timing of construction phases that are expected to exceed the SMAQMD's threshold of significance. Any alternative payment plan must be acceptable to the SMAQMD, and agreed upon in writing prior to issuance of a permit or approval of improvement plans by the lead agency.

In coordination with the lead agency and the SMAQMD, the project applicant, or its designee, may reanalyze construction NO_x emissions from the project prior to starting construction, to update the required mitigation fee. The analysis must be conducted using SMAQMD approved emissions model(s) and the mitigation fee rate published at the time of reanalysis.

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