



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

**Submitted on:
(COB Stamp)**

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: April 23, 2024
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning & Development
Director(s): (805) 568-2086
Contact Info: Errin Briggs, Supervising Planner, Energy, Minerals & Compliance
Division (805) 568-2519
SUBJECT: Coastal Resource Mitigation Fund (CRMF) - Grant Contract with the Fish Reef
Project, Second District

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a. Approve and authorize the Chair to execute the attached Coastal Resource Mitigation Fund contract with the Fish Reef Project, in the amount of \$50,000, to monitor, collect, analyze and publish data on a five-year pilot program for a kelp restoration pilot project off of Goleta Beach, for the period of April 23, 2024, to July 1, 2032, Second District (Attachment A).
- b. Approve and authorize the Director of Planning & Development, or designee, to take the following actions for the attached Coastal Resource Mitigation Fund Contract:
 - i. Extend time of performance, in accordance with Section 3 in Attachment A, for up to and not to exceed a period of one year for good cause;
 - ii. Approve project changes, in accordance with Section 5 in Attachment A, including any change to the project description, any reduction in the overall project budget, or any change in a budget item of 10 percent or more; and
 - iii. Terminate the contract, in accordance with Section 15 in Attachment A.

- c. Determine that the allocation of a Coastal Resource Mitigation Fund grant is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5).

Summary Text:

This Board item requests approval of a Coastal Resource Mitigation Fund (CRMF) contract with Fish Reef Project (FRP) in the amount of \$50,000 to monitor, collect, analyze and publish data on a five-year pilot program for a kelp restoration project at Goleta Beach. On August 29, 2023 the Board awarded the grant for the project and directed staff to return to the Board for approval of the contract (Attachment A).

Recommended Action a. Attachment A contains a contract with FRP, providing the \$50,000 CRMF grant to monitor, collect, analyze and publish data on a five-year pilot program for a kelp restoration project at Goleta Beach. The CRMF award was contingent upon the applicant receiving all necessary permits and approvals for the pilot program. FRP received a lease from the State Lands Commission, a permit waiver from the California Coastal Commission, a certification from the Regional Water Quality Control Board and a permit from the Army Corps of Engineers. The CRMF award was also contingent on FRP installing the 16 Sea Caves offshore Goleta Beach and securing all additional monies to complete the five-year monitoring project. FRP installed the Sea Caves on March 27, 2024. FRP has secured the necessary funds for the five-year program and has provided the County with a letter stating that the additional funds in its account would be specifically used for the five-year monitoring pilot program.

FRP shall complete this project in July of 2032, as the project includes monitoring the sea kelp site and two control sites for five years and then monitoring the sea kelp site for another three years post Project completion.

Recommended Action b. The contract includes several provisions that allow future minor administrative tasks to be handled by the Director of Planning & Development or designee.

Recommended Action c. Executing CRMF contracts does not meet the definition of a “project” pursuant to CEQA Guidelines Section 15378(b)(5). This section exempts administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Background:

At the August 29, 2023, Board of Supervisors hearing, the Board of Supervisors (Board) awarded eight grants from the combined 2022-2023 CRMF cycle and directed staff to return to the Board with the contractual agreements. The recommended action would execute the 2022-2023 CRMF award with FRP, as described above.

The County established CRMF to mitigate the environmental impacts of offshore oil and gas development and transportation projects. Mitigation is provided through CRMF for impacts to four categories of coastal resources: coastal recreation, tourism, aesthetics, and environmentally sensitive resources. The County must ensure that CRMF fees are used to mitigate those impacts, according to conditions of approval on projects and the CRMF Guidelines.

Fiscal Analysis:

Federal Fees					
Other: CRMF				\$	50,000.00
Total	\$	-	\$	-	\$ 50,000.00

Budgeted: **Yes**

The CRMF contract with FRP, included as Attachment A, does not involve County property and/or ongoing costs.

CRMF creates no fiscal impact on the County General Fund budget. CRMF is funded by mitigation fees paid annually by developers of offshore oil and gas reserves. Funding for CRMF is budgeted in the Planning & Development Department’s Coastal Mitigation Budget Program on page D-316 of the County of Santa Barbara Fiscal Year (FY) 2023-24 Adopted Budget, and is fully supported by funds in CRMF.

Administration of the CRMF includes updates to the annual status report, solicitation and evaluation of grant proposals and recommendation of grant awards to the Board of Supervisors, preparing, monitoring and enforcement of CRMF grant contracts; preparation and monitoring of the CRMF budget, reassessing CRMF fees, and responding to inquiries.

Key Contract Risks:

Risk analyses of the contract in Attachment A determined that it would be low risk: the amount is \$100,000 or less; the complexities of the contract requirements are low; and the contract is not controversial.

Special Instructions:

Clerk of the Board will forward copies of the executed contract (including Exhibits A and B) to Errin Briggs of the Planning & Development Department, Energy, Minerals & Compliance Division, who will mail copies of the contract to the Grantees and request the Auditor Controller to pay the contract award.

Attachments:

A: Contract with the Fish Reef Project

Attachment A

Contract with the Fish Reef Project