



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:** September 18, 2018  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Director(s) Dianne M. Black, Director, Planning and Development, 568-2086  
Contact Info: John Zorovich, Deputy Director, Energy, Minerals & Compliance  
Division, 568-2519

**SUBJECT:** One-year Time Extension to Coastal Resource Enhancement Fund (CREF) Contract for  
Ellwood Mesa Coastal Trail Enhancement and Habitat Project, Third District

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**County Counsel Concurrence:**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence:**

As to form: Yes

**Real Property**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute an additional one-year time extension to the existing Coastal Resource Enhancement Fund contract with the Santa Barbara County Trails Council to September 30, 2019, for implementation of the Ellwood Mesa Coastal Trail Enhancement and Habitat Project, Third Supervisorial District (Attachment A); and
- b) Determine that the extension of the allocation of the CREF grant for the Ellwood Mesa Coastal Trail Enhancement and Habitat Project is exempt from CEQA pursuant to Section 15378(b)(5) of the State Guidelines for the implementation of the California Environmental Quality Act.

**Summary Text:**

Santa Barbara County Trails Council (SBCTC) entered into a contract with the County of Santa Barbara in December of 2014 to receive a Coastal Resource Enhancement Fund (CREF) grant for the Ellwood

Mesa Coastal Trail Enhancement and Habitat Restoration Project. Contract deliverables include revising the Habitat Restoration Plan, conducting environmental review, obtaining approval from the City of Goleta, finalizing restoration and engineering plans, and obtaining a Coastal Development Permit (CDP) from the California Coastal Commission (CCC). All tasks have been completed except for obtaining the CDP. With Amendment No. 5, SBCTC requests another year to complete the project.

The contract has been extended three years beyond the original completion date via four amendments (see Background below for details). Article 3 of the contract allows the Director of Planning & Development to extend the contract up to one year for good cause. The Director exhausted his authority by previously extending the contract by one year with two amendments to the contract. After the Director's one-year extension, your Board approved a one-year extension in December 2016 and another one-year extension in October 2017.

After SBCTC submitted its CDP application in 2016, CCC requested that SBCTC obtain permits from California Department of Fish and Wildlife (CDFW), Army Corp of Engineers (ACOE), and the Regional Water Quality Control Board (RWQCB). SBCTC has secured a permit from CDFW. However, SBCTC still needs either permits or exemptions from both RWQCB and ACOE. SBCTC is currently working with RWQCB and anticipates securing a permit or exemption within the next five months. The ACOE permit review has been delayed because the ACOE has been processing emergency permits after the Thomas Fire and Montecito Debris Flow. The additional year that Amendment No. 5 would provide allows SBCTC to obtain the appropriate permits or exemptions from RWQCB and ACOE, as well as a CDP from CCC. Article 3 of the contract allows the contract to be extended for good cause, which staff recommends the Board of Supervisors find in this case.

The action to extend the existing contract does not meet the definition of a "project" pursuant to CEQA Guidelines Section 15378(b)(5). This section exempts government administrative activities that will not result in direct or indirect physical changes in the environment.

### **Background:**

Mitigation of impacts to coastal resources from offshore oil and gas development is required as a condition of approval on the Point Arguello, Point Pedernales, and Santa Ynez Unit projects. Mitigation is provided through the CREF.

At its March 4, 2014 hearing, the Board of Supervisors awarded a \$35,000 CREF grant to the SBCTC for the Ellwood Mesa Coastal Trail Enhancement and Habitat Restoration Project. On December 9, 2014, the Board of Supervisors executed the CREF grant contract and since that time, the contract has been amended four times. The Director of Planning & Development extended the contract completion date by a year on the basis of Amendments No. 1 and No. 2; and the Board extended the contract completion date by two years on the basis of Amendments No. 3 and No. 4.

- The original completion date in the CREF contract was September 30, 2015.
- On May 5, 2015, the Director executed Amendment No. 1, allowing for a ten-month extension to July 31, 2016 because SBCTC had to unexpectedly prepare additional engineering designs for a Federal Emergency Management Agency (FEMA) No Rise Certificate to obtain an exemption from FEMA for a boardwalk across Devereux Creek.

- On February 10, 2016, the Director executed Amendment No. 2, allowing for a two-month time extension to September 30, 2016 because SBCTC was experiencing delays in obtaining the FEMA No Rise Certificate.
- On December 13, 2016, the Board of Supervisors executed Amendment No. 3, allowing for a one-year extension to September 30, 2017 because SBCTC stated it had taken longer than anticipated to procure various documents, forms and details required for the CDP permit application.
- On October 3, 2017, the Board executed Amendment No. 4, allowing for a one-year extension to September 30, 2018 because CCC requested SBCTC to obtain permits from CDFW, Army ACOE, and the RWQCB. SBCTC needed time to obtain the permits, as well as a Coastal Development Permit from CCC.

Attachment B contains the four amendments, along with the original contract.

### **Fiscal Analysis:**

No fiscal or facilities impacts are associated with extending the completion deadline for the CREF contract. The Ellwood Mesa Coastal Trail Enhancement and Habitat Restoration Project does not involve County property or ongoing costs and there is no increase in the contract amount. Staff time to prepare Amendment No. 5 is budgeted on D-272 of the FY 2018-19 budget in the Coastal Mitigation Budget Program, and is fully supported by funds in the Coastal Resource Enhancement Fund. CREF is funded by annual mitigation fees paid by developers of offshore oil and gas reserves.

### **Key Contract Risks:**

A risk analysis was performed for the contract amendment and it was determined to be of low risk, similar to the original contract risk analysis.

### **Special Instructions:**

Clerk of the Board will forward a copy of Amendment No. 5 to Kathy Pfeifer of the Planning & Development Department, Energy, Minerals & Compliance Division, who will mail a copy of the Amendment to the grantee.

### **Attachments:**

- A. Amendment No. 5
- B. Original Contract with SBCTC and Amendment No. 1, Amendment No. 2, Amendment No. 3, and Amendment No. 4

Attachment A

Amendment No. 5

## Attachment B

Original Contract with SBCTC

Amendment No. 1

Amendment No. 2

Amendment No. 3

Amendment No. 4