



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Flood Control
Department No.: 054
For Agenda Of: January 30, 2018
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Scott D. McGolpin, Director of Public Works, 568-3010
Directors:
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: Summary Nuisance Abatement of Storm Emergency Debris from the Thomas Fire within stream channels - Urgency Ordinance

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Adopt the Summary Nuisance Abatement of Storm Emergency Debris from the Thomas Fire within stream channels - Urgency Ordinance, allowing the CEO to determine that when immediate stream-clearing actions are necessary to protect life, public health or public safety, the CEO may authorize entry onto private property impacted by debris flows from the Thomas Fire to work within 100 feet of the top of bank of stream channels in order to clear sediment, debris or other obstructions from within stream channels;
- b) Read the title and waive further reading of the Urgency Ordinance;
- c) Determine that adoption of the Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269; and
- d) Waive the Notice of Exemption 6-day posting requirement for good cause pursuant to CEQA Guidelines Section V.D.2.

Refer back to Staff if Board wishes to take any action other than the recommended action for a revised motion and findings.

Summary Text:

Santa Barbara County's County Executive signed a Proclamation of Local Emergency on January 8, 2018, regarding areas that were burned by the recent Thomas Fire. More details about this major debris flow event are contained in: 1) Governor Brown's Executive Order B-46-18 dated January 12, 2018; and 2) the Presidential declaration of a major disaster dated January 2, 2018.

The County continues to work diligently with the assistance of State and Federal agencies to clear sediment and debris from creeks, streams, and debris basins in the Montecito area, however, immediate action by the County, local agencies and districts, and State and Federal agencies to clear debris and other obstructions from stream channels is necessary to avert impending peril during the rainy season and essential to safeguard public health and safety from the immediate threat of flooding.

The proposed urgency ordinance would allow the County Executive Officer to authorize, when it constitutes an immediate threat to life, public health, and safety, actions necessary to enter private property impacted by debris flows from the Thomas Fire and work within 100 feet of the top of bank of stream channels in order to clear debris or other obstructions from within stream channels.

Background:

The Thomas Fire burned the major watersheds in the Montecito and Carpinteria areas from the Santa Barbara/Ventura County line and caused massive burn scars, exacerbating the potential for this winter for more mud and debris flows to occur quickly and with little, if any, time to evacuate. Further details about these emergencies are included in the January 8, 2018 Local Declaration of Emergency, December 5, 2017 State of Emergency Declaration by the Governor (amended to add Santa Barbara County on December 7, 2017), and the December 8, 2017 Presidential Declaration of Emergency by President Trump. The January Storm caused dangerous mud and debris flows throughout the burn scar areas, forcing the evacuation of residents. The mud and debris flows have caused fatalities, damaged critical infrastructure, destroyed homes, and forced the closure of major highways and local roads, including Highway 101. While the 11 debris basins worked, and were highly effective, they were overwhelmed by the enormous amount of debris (rocks, sediment, and trees) which now choke the stream channels downstream.

The stream channels are for the most part natural / unimproved channels that are now severely impacted with debris and thus cause a serious risk to public health and safety and threats to more damage to public infrastructure. While Santa Barbara County Crews (Transportation and Flood Control) took immediate action to open bridges and some channels, these operations restored capacity only for base flows and many channels presently are not capable of handling future flows for larger storms. The County continues to work diligently with the assistance of State and Federal agencies to clear sediment and debris from creeks, streams, and debris basins in the Montecito area, however, immediate action by the County, local agencies and districts, and State and Federal agencies to clear debris and other obstructions from stream channels is necessary to avert impending peril during the rainy season and essential to safeguard public health and safety from the immediate threat of flooding. There is no other way to immediately and reasonably correct the public nuisance of debris or other obstruction within stream channels because many of the properties in question have been under mandatory evacuation since January 8, 2018 and currently remain in a Long Term Exclusion Area.

Clearing the stream channels is expected to take weeks and until abated, the following risks remain:

- The US 101 will be subject to closure again, and potential for mud and debris to extend closure of this major freeway and cause additional costs for cleanup;
- State Route 192 will be subject to closure and more damages and cause additional costs for cleanup;

- Local roadways and bridges are subject to additional damage, debris loading, and damages to bridges. Closures will impact emergency response equipment and cause additional costs and strand residents unable to evacuate;
- Public utilities like water, power, gas, telephone, sewer, and cable would be damaged again after just being restored; and
- More damages to homes and property as well as an overall risk to public health and safety.

Performance Measure: N/A

Fiscal and Facilities Impacts:

The County has submitted a request to CalOES for State and Federal Direct Assistance to initiate debris clearing in the channels downstream of the Thomas Fire. If approved, the U.S. Army Corps of Engineers will contract directly to remove the debris in the creeks.

In addition, a Budget Request Revision will be coming before your Board for approval addressing costs and anticipated expenditures that will be incurred by the Flood Control District. Appropriations will be increased using Flood Control reserves. These costs will also be submitted to the State and Federal agencies for reimbursements.

Key Contract Risks: N/A

Special Instructions:

Before the expiration of 15 days after passage of this Ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

Request the Clerk of the Board to return a copy of the Ordinance and Minute Order to the Flood Control District office; Attn: Christina Lopez.

Attachments:

Attachment A: Urgency Ordinance

Attachment B: CEQA Notice of Exemption

Attachment C: Thomas Fire / Debris Flow Stream Clearing Project Summary and Access Report