

EMERGENCY PERMIT

18EMP-00000-00007



- Countywide:**
Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code
- Montecito:**
Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

Case Name: Montecito Debris Flow Protection Plan

Case Number: 18EMP-00000-00007

Site Address: Cold Spring, San Ysidro, and Buena Vista Creeks and Canyons, Montecito, CA

APNs: 007-020-003, 151-180-019 (San Ysidro); 007-020-009 (Buena Vista); 011-010-027, 011-010-028 (Cold Spring);

Applicant/Agent Name: The Partnership for Resilient Communities (TPRC)
(Pat McElroy, Executive Director of the Partnership for Resilient Communities)

Owner Name: Pollock Peggy L Trust; Pollock Thomas Philip Trust (Buena Vista nets); Robinson Mary Kay Living Trust (Cold Spring nets); Wilderness BB LLC (San Ysidro nets)

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

Energy and Minerals Division
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

North County Office
624 W. Foster Road
Santa Maria, CA 93454
(805) 934-6250

PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for:

The project consists of a temporary debris flow prevention and mitigation system that will be located in three canyons north of the community of Montecito, including Cold Spring Canyon, San Ysidro Canyon, and Buena Vista Canyon. The Emergency Permit involves installation, one year of maintenance, and removal of 11 Geobrugg flexible debris control nets. Two additional nets located in Romero Canyon are proposed outside of the County's jurisdiction, and as such, are not included as part of this Emergency Permit.

The basic debris flow protection system consists of a steel ring net engineered to resist the velocities and dynamic and static pressures unique to debris flows. Support ropes are installed into channel banks and transfer debris impact and pressure loads from ring nets to the ground. Excessive energy is absorbed by net braking elements in the wire support ropes.

The nets will be installed at a minimum elevation ranging from three to five feet above the water surface of the low-flow channel to allow for natural stream processes and wildlife use. This space between the water surface and the bottom of the net will be maintained, such that debris will not restrict the low-flow channel, except during high-flow or debris flow events. After a "Storm Event" (defined below) ends, each net will be inspected within 24 hours for repairs and/or debris removal. If the inspection indicates that a repair is required and/or that there is debris in a net, repair or removal of debris shall commence as soon as possible, preferably within 48 hours but no later than 72 hours after the net inspection, unless an earlier time period, if any, is required in authorizations issued by the California Department of Fish and Wildlife (CDFW).

Subject to project conditions, this Emergency Permit authorizes two nets to be installed in Cold Spring Canyon (APNs 011-010-027, 011-010-028), two nets to be installed in San Ysidro Canyon (APNs 151-180-019, 007-020-003) and seven nets to be installed in Buena Vista Canyon (APN 007-020-009).

The nets are pre-fabricated to specification for each location. The debris nets range in height from 10-20 feet. The bottom length of each net ranges from 14 – 98 feet wide, the middle length of each net ranges from 26 – 134 feet wide, and the top length of each net ranges from 37 – 150 feet wide.

A biologist will be onsite to conduct wildlife surveys, monitor for permit compliance, and provide oversight during construction and maintenance work. All measures identified in the Biological Resources Assessment, including Site Specific and Sensitive Habitat Avoidance and Minimization Measures, General Construction Avoidance and Minimization Measures, and the Invasive Plant Management Program (i.e., Attachment D, Sections 6.1, 6.2, and 7.0, p. 45-48) will be implemented.

Annual and post-Storm Event inspections will be conducted. In addition, every two weeks year-round the applicant will informally inspect each net. Maintenance of the debris nets is required if

any of the nets are damaged or otherwise in need of repair. Minor maintenance may be done using tools and materials transported by hand and foot. Should the nets accumulate sufficient material to block the channel, equipment will be mobilized to the location via aerial transport once stream flow has subsided sufficiently to allow safe access. The need for removal of accumulated debris will depend on frequency, intensity, and the amount of precipitation experienced in the surrounding watershed.

This Emergency Permit authorizes the installation of debris nets as well as the monitoring and maintenance of the nets for one year only. The Emergency Permit also authorizes and requires removal of the debris nets after one year. The permittee may apply for a subsequent permit to authorize the monitoring, maintenance, and removal of the nets beyond the initial one year term authorized under this Emergency Permit. The nets shall be removed within one year of the Emergency Permit approval date if a subsequent permit or new Emergency Permit is not obtained. The net systems will be removed entirely, generally by helicopter, under the supervision of biologists.

The project occurs on parcels zoned RMZ-40, RMZ-100, and RMZ-320 (Resource Management Zone, 40-320 minimum acre parcel size), located in creeks and canyons in the Montecito Community Plan Area, First Supervisorial District.

The Montecito area, including the creeks and canyons where debris nets are proposed, was the subject of the January 9, 2018 catastrophic debris flows, which resulted in the loss of 23 lives as well as damage and/or destruction of approximately 470 structures. Other debris flows have the potential to occur in Montecito during the upcoming rainy season, especially given the denuded hillside above. Debris flow nets are meant to reduce the volume and intensity of debris flows that reach the community of Montecito by resisting the velocities and dynamic and static pressures unique to debris flows.

Therefore, this situation constitutes an emergency in accordance with the Montecito Land Use and Development Code and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



DIANNE M. BLACK
Director, Planning and Development

APPROVAL DATE: December 21, 2018

OWNER/APPLICANT AGREEMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Development Plan, Land Use Permit, Building Permit) are required by law to validate the emergency work.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Patrick J. McEvoy Patrick J. McEvoy 12/21/18
Print Name Signature Date

PERMIT ISSUANCE:

Dianne M. Black Dianne M. Black 12/21/18
Print Name Signature Date

BACKGROUND:

The community of Montecito is located on geologic landforms called 'debris flow fans' that were created by sediment deposited during debris flows and floods. The fans of individual creeks coalesce and overlap on the piedmont between the mountain side and the ocean.

The Thomas Fire began on December 4, 2017 and burned 281,893 acres, including mountainous areas in south Santa Barbara County adjacent to the communities of Montecito, Summerland, and Carpinteria. According to the California Department of Forestry and Fire Protection (CAL FIRE), the Thomas Fire is the second largest wildfire in California history, and the ninth most destructive fire in California history. As a result, the hillsides above Montecito were severely burned. The Montecito area, including the creeks and canyons where debris nets are proposed, was the subject of the January 9, 2018 catastrophic debris flows, which resulted in the loss of 23 lives as well as damage and/or destruction of approximately 470 structures. Given the denuded hillside above the Montecito area, the area remains at risk of dangerous debris flow events during the upcoming winter rain season.

The existing sediment basins and channels in Montecito are designed to manage flows that are substantially less than the January 2018 debris flows. While the January 2018 debris flows appear to have scoured more than 1 m (3 ft) depth in channels near the mouth of the canyons and fan apex areas, other debris, dead vegetation, rocks, and an abundant supply of sediment, including loose sediment on the watershed slopes, loose sediment concentrated in watershed channels, and erodible sediment exposed in channel banks remains in the canyons.

Debris flow nets are meant to reduce the volume and intensity of debris flows that reach the community of Montecito by resisting the velocities and dynamic and static pressures unique to debris flows. Support ropes are installed into channel banks and transfer debris impact and pressure loads from ring nets to the ground. Excessive energy is absorbed by net braking elements in the wire support ropes. No development currently exists in the proposed locations of the temporary debris nets, which would be installed along creeks and canyons throughout Montecito. Please see Attachments A and B for additional information.

FINDINGS OF APPROVAL (Montecito):

- 1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.**

The proposed temporary debris nets project are designed to reduce the volume and intensity of debris flows that could reach the Montecito community. The approval of this Emergency Permit is consistent with the requirements of the Comprehensive Plan, including the Montecito Community Plan, as well as the Montecito Land Use and Development Code (MLUDC). Pursuant to MLUDC Section 35.472.090, the granting of this emergency permit shall not constitute an entitlement to the erection of permanent structures. The applicant shall submit an application for a Development Plan for the debris nets no later than 30 days following the granting of an Emergency Permit, and any materials required for a completed application shall be submitted within 90 days after granting of the Emergency Permit, unless the time period is extended by the Director.

There are no violations that would be approved as part of this project, and the project would be in full compliance with all County ordinances and State law. As specified in Condition No. 13 of the Emergency Permit, the permittee is required to obtain and maintain all necessary authorizations and/or permits from the California Department of Fish and Wildlife (CDFW). In addition, the Regional Water Quality Control Board's (RWCQB) authorization of a Notice of Intent to comply with the existing conditions of the General Order for Waste Discharge Requirements is required prior to construction. Condition No. 5 of the Emergency Permit requires that the applicant obtain and maintain the necessary authorization and/or permits from other Departments or agencies. Therefore, approval of this project would not permit or approve a violation of any provision of any County Ordinance or State Law, and this finding can be made.

2. In compliance with Subsection 35.472.090.E.2 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings:

a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.

As defined by the MLUDC, an emergency is:

A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

The January 9, 2018 debris flow was catastrophic. In addition to the loss of 23 lives in the Montecito area, approximately 470 structures were damaged and/or destroyed. While the January 2018 debris flows were exceptional in terms of their degree of destruction, other debris flows could occur in the future given the lack of vegetation present to stabilize the hillsides after the Thomas Fire. Vegetation at the proposed net locations is sparse due to the Thomas Fire and subsequent debris flows.

The County of Santa Barbara Public Works Department, Flood Control District, has stated that the threat of debris flow from the Thomas Burn area continues to represent a clear and imminent danger. Specifically, the Public Works Department stated that it is:

“in absolute belief that a state of emergency still exists in Montecito. Based on experiences, the threat of increased debris and runoff can last for up to five years following a fire. This case was illustrated this past November where we saw a dramatic increase in runoff in creeks below the fire and deposition of rocks and debris in our basins, which we are still clearing out as of this week. We are still in a delicate situation and as such still have an extreme risk below the Thomas Fire area...The County has continued its continuation of an emergency at the Board as well” (Attachment G).

Further, as stated by Chief Kevin Taylor, the Incident Commander for the 1/9 Debris Flow, “the Montecito Fire Department and the XSB IMT3 [the Santa Barbara County Operational Area Incident Management Team] both consider the community of Montecito to be at imminent risk for debris flow should we experience short duration, high intensity rainfall.

Given the damage to the watershed from the Thomas Fire, this condition is expected to persist for at least the next 4-5 years” (Attachments B and H).

In addition, the National Oceanographic and Atmospheric Administration (NOAA) indicates that “there’s a 90% chance that El Niño will arrive soon and continue through the winter,” which increases the chances that the region will experience an extreme wet winter season (<https://www.climate.gov/enso> (December 20, 2018)).

Further, on August 31, 2018, BGC Engineering provided an analysis authored by a team of professional engineers, including Dr. Matthias Jakob, P.Geo, which concluded: “urgent action is needed to protect life and property in Montecito from the impacts of future debris flows. The likelihood of debris flows this winter remains high because vegetation has only tentatively begun to re-establish following the fire, and the approaching season of rainfall could trigger a subsequent round of debris flows from the denuded watersheds above Montecito.”

The Director has determined that due to the present conditions in the hillsides above the Montecito area, the threat of debris flow events constitutes an existing emergency and that action is required more quickly than provided for by the customary procedures for permit processing. Therefore, this finding can be made.

b. The action proposed is consistent with the policies of the Comprehensive Plan, including the Montecito Community Plan and the requirements of this Development Code.

Hillside and Watershed Protection Policy No. 4 states that “*sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*” This project does not result in any grading and would not contribute to sedimentation associated with runoff waters.

Flood Hazard Area Policy No. 2 states that “*permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.*” The debris flow nets would not cause or contribute to flood hazards, as they would be placed up in the canyons above Montecito and are designed to allow surface flow to pass under the nets during normal flow events. In fact, the nets are designed in part to mitigate flood risks by keeping debris out of the channels, thereby maximizing the effectiveness and capacity of debris basins further downstream. The project includes a maintenance component whereby any accumulated debris after a Storm Event would be redistributed downstream of the nets in a controlled manner so as to not cause damming of the creeks or lead to flood hazards downstream. Further, the project is privately funded. A financial security, which shall include a security for a minimum of one year of maintenance and the removal for all nets, is required to be in place before construction begins, such that the project would not result in an expenditure of public funds.

The Montecito Community Plan Policy PRT-M-1.6 states that “*new development shall not adversely impact existing recreational facilities and uses.*” Existing recreational facilities and

uses, such as trails, would not be impacted by net locations since the project has been modified to avoid impacts to existing trails.

The Montecito Community Plan Policy BIO-M-1.3 states that “*Environmentally Sensitive Habitat (ESH) areas within the Montecito Planning Area shall be protected, and where appropriate, enhanced.*” The proposed project is temporary and the Emergency Permit would be valid for one year, including installation, one year of maintenance, and removal. The installation and maintenance of the proposed nets will result in cumulative, temporary impacts to 2.61 acres of County-designated ESH. However, an invasive plant management program is proposed in portions of the subject creek channels to compensate for the 2.61 acres¹ of temporary impacts to ESH, reduce the spread of non-invasive plants, and assist in the recovery of native species. Invasive plant management areas would result in 2.6 acres at Cold Spring Creek, 4.8 acres at San Ysidro Creek, and 4.8 acres at Buena Vista Creek, totaling 12.2 acres of invasive plant management. This program would help to enhance the quality of the Environmentally Sensitive Habitat in these areas as the creeks and canyons recover from the Thomas Fire and debris flows.

The Montecito Community Plan Policy BIO-M-1.7 states that “*no structures shall be located within a riparian corridor except: public trails that would not adversely affect existing habitat; dams necessary for water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety, other development where the primary function is for the improvement of fish and wildlife habitat and where this policy would preclude reasonable development of a parcel. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent.*” This project consists of the temporary installation and maintenance of ring nets that would assist in minimizing the energy associated with potential future debris flows within Montecito canyons. The nets would be similar to large fences and are comparable to a flood control project necessary for public safety. As such, the nets would be allowed to occur within the riparian corridors, consistent with this policy. The nets will be located three to five feet above low-flow channels so that they are raised above the existing creek bed. Net anchors would be located in rocks adjacent to creeks, but would not be located in the creek bed. The Biological Resources Assessment reviewed the potential biological impacts associated with the project and recommended mitigation (Attachments D and E). The project description incorporates the measures identified in the Biological Resources Assessment that would minimize the impact of this emergency permit project to the greatest extent, including an invasive plant management program. The proposed invasive plant management program would provide 12.2 acres of invasive plant management to mitigate for 2.61 acres of temporary impacts to ESH associated with the net installation, maintenance, and removal. No permanent structures would result from this Emergency Permit project.

The Montecito Community Plan Policy BIO-M-1.8 states that “*the minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank and for streams in Urban Areas, 50 feet. These minimum buffers may be adjusted upward*

¹ The 2.61 acres of temporary impacts to ESH includes impacts from installation and maintenance of the 13 proposed nets, 11 of which are in the County’s jurisdiction.

or downward on a case-by-case basis but shall not preclude reasonable development of a parcel.” As stated in the Montecito Community Plan Policy BIO-M-1.7, a limited number of structures may be permitted in the riparian corridor if they are necessary for public safety, do not adversely affect habitat, or are flood control projects. Under the Montecito Community Plan Policy BIO-M-1.8, the minimum buffer strip for development near creeks in Rural Areas is presumptively 100 feet. This policy should be read in conjunction with Montecito Community Plan Policy BIO-M-1.7. As stated in the analysis of Montecito Community Plan Policy BIO-M-1.7, the nets would be similar to large fences and comparable to a flood control project necessary for public safety. The buffer can be adjusted downward to allow for the emergency permit project, which would install temporary nets to prevent flood and debris hazards. The project would capture debris, thereby reducing energy from debris accumulation, and the material would be dispersed downstream in a way that does not impede surface flow. The nets would be temporary and completely removed from the sites within one year after the Emergency Permit has been approved, unless a subsequent permit is applied for and approved authorizing monitoring, maintenance, and removal of the nets beyond the initial one year term authorized under this Emergency Permit. Since the nets provide public safety, the nets would be allowed to occur within the minimum buffer strip for rural areas, and the nets would not preclude reasonable development of a parcel.

The Montecito Community Plan Policy VIS-M-1.1 states that “*development shall be subordinate to the natural open space characteristics of the mountains.*” The nets are temporary and would not be visible from any public road. However, nets would be visible from multiple trail locations and would be approximately 10-20 feet in height. While the nets will be visible to trail users, they will be subordinate to the natural open space characteristics of the canyons they are in and the surrounding mountains. The nets would be removed no later than one year after the Emergency Permit has been approved. As such, the temporary nets authorized under this Emergency Permit would not result in a permanent change in the natural open space characteristics of the mountains.

The Montecito Community Plan Policy GEO-M-1.1 states that “*mountainous watershed areas shall be protected to the maximum extent feasible from development which would interfere with their watershed function and would intensify fire and flood danger.*” The County of Santa Barbara Flood Control District has stated that the threat of debris flow from the Thomas Burn area continues to represent a clear and imminent danger (Attachment G). The debris nets would capture debris and minimize the energy associated with a debris flow, since material would be removed from above the net and redistributed downstream in a controlled manner that does not impede surface flow. The nets would also be located three to five feet above low-flow channels so as not to interfere with the watershed function. This temporary construction of debris nets would not intensify fire and flood danger since it would capture debris that otherwise could flow downstream during a debris flow event.

Section 35.472.090 of the Montecito Land Use and Development Code (MLUDC) allows the customary permit requirements to be temporarily by-passed in the case of an emergency. The applicant will be required to complete the initial installation of the nets authorized under this Emergency Permit within 60 days of receiving all required agency permits and authorizations. In addition, an application for a Development Plan will be required to be submitted no later than 30 days following the granting of the Emergency Permit, and any materials required to complete the

application shall be submitted within 90 days after the granting of an Emergency Permit, unless the Director extends the time period.

Therefore, the proposed project is consistent with the requirements of the Comprehensive Plan, including the Montecito Community Plan and the MLUDC, and this finding can be made.

c. Public comment on the proposed emergency action has been reviewed.

The Planning and Development Department mailed property owners within 1,000 feet of each net location notices of the Emergency Permit application on November 2, 2018. In addition, a newspaper ad was placed in the Montecito Journal and the Santa Barbara News Press on November 7, 2018. Members of the public submitted public comment letters about the project, contacted staff for additional information, and reviewed the application materials at the Planning and Development offices or digitally, as supplied by the applicant.

Public comment by phone, email, and mail has been accepted up until the date of a decision for the Emergency Permit project. The Planning and Development Department received 50 public comment letters in support of the project, 13 public comment letters against the project, and one public comment letter with no position. All public comments on the proposed emergency action have been reviewed. Therefore, this finding can be made.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

Please refer to Attachment F for the CEQA Notice of Exemption associated with this Emergency Permit project.

EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Montecito Planning Commission.

The project description is as follows:

The project consists of a temporary debris flow prevention and mitigation system that will be located in three canyons north of the community of Montecito, including Cold Spring Canyon, San Ysidro Canyon, and Buena Vista Canyon. The Emergency Permit involves installation, one year of maintenance, and removal of 11 Geobrugg flexible debris control nets (Attachments A, C, D, and E). Two additional nets located in Romero Canyon are proposed outside of the County's jurisdiction, and as such, are not included as part of this Emergency Permit.

The basic debris flow protection system consists of a steel ring net engineered to resist the velocities and dynamic and static pressures unique to debris flows (Attachment A). Support ropes are installed into channel banks and transfer debris impact and pressure loads from ring nets to the ground. Excessive energy is absorbed by net braking elements in the wire support ropes.

The nets will be installed at a minimum elevation ranging from three to five feet above the water surface of the low-flow channel to allow for natural stream processes and wildlife use. This space between the water surface and the bottom of the net will be maintained, such that debris will not restrict the low-flow channel, except during high-flow or debris flow events.

Two nets would be installed in Cold Spring Canyon (APNs 011-010-027, 011-010-028), two nets would be installed in San Ysidro Canyon (APNs 151-180-019, 007-020-003) and seven nets would be installed in Buena Vista Canyon (APN 007-020-009).

The nets are pre-fabricated to specification for each location. The debris nets range in height from 10-20 feet. The bottom length of each net ranges from 14 – 98 feet wide, the middle length of each net ranges from 26 – 134 feet wide, and the top length of each net ranges from 37 – 150 feet wide.

A “Storm Event” is an event consistent with the triggering thresholds developed by the United States Geological Survey and used by the National Weather Service for post-burn areas as guidance for issuing watches and warnings of possible flash floods and debris flows (http://www.scag.ca.gov/programs/Documents/Earthquake/RAFwebinar_NWSdebrisFlowWarningSystem.pdf). A Storm Event ends when no further precipitation is forecasted and entry is permitted by public safety officials.

Maintenance:

Intense and localized rainfall events as occurred on January 9, 2018 have potential to mobilize soil and debris. The timing of the need for removal of debris will depend on frequency, intensity and the amount of precipitation experienced in the surrounding watershed (Attachment D, Section 1.1.3). The nets will be inspected routinely for repairs each year outside of the rainy season by Kane GeoTech, Inc., the applicant’s geotechnical engineer firm.

Annual and post-event inspections will be conducted (Attachments B and C). After a Storm Event ends, each net will be inspected within 24 hours for repairs or debris removal. Should the nets accumulate sufficient material to block the channel, equipment will be mobilized to the location via aerial transport once stream flow has subsided sufficiently to allow safe access. If the inspection indicates that a repair is required and/or that there is debris in a net, repair and/or removal of debris shall commence as soon as possible, preferably within 48 hours but no later than 72 hours after the net inspection, unless an earlier time period, if any, is required in authorizations issued by the California Department of Fish and Wildlife (CDFW).

In addition, every two weeks year-round the applicant will informally inspect each net.

Minor repairs and debris removal may be done using tools and materials transported by hand (Attachments D and E). Major damage may require equipment and materials to be delivered in the same manner as installation (via helicopter) (Attachments D and E).

A biologist will be onsite to conduct wildlife surveys, monitor for permit compliance, and provide oversight during construction and maintenance work (Attachments D and E). All measures identified in the Biological Resources Assessment, including Site Specific and Sensitive Habitat Avoidance and Minimization Measures, General Construction Avoidance and Minimization Measures, and the Invasive Plant Management Program (i.e., Attachment D, Sections 6.1, 6.2, and 7.0, p. 45-48) will be implemented.

Major Debris Flow Maintenance:

After a major debris flow, excavators and operators will be air-lifted via helicopter to the net locations. Attachment C identifies the landing zones and staging areas. The crew size will average four personnel per net. The contractor will use heavy-lift helicopters and a Spyder excavator or a 10-ton class excavator depending on the specific characteristics of the debris flow (Attachment C, Equipment Datasheets, pages 1 through 11.).

The first action will be to restore the low-flow channel to pre-event elevation to permit fish passage (Attachment D, Section 1.1.3).

Under the supervision of biologists, the contractor will immediately re-establish the low flow channel upstream of the net using an excavator once stream flows have subsided sufficiently to allow safe access and working conditions (Attachment D, Section 1.1.3). Restoring the low-flow channel to pre-event elevation will begin from the back of the debris flow working towards the net. The excavators used will be as small as practical to perform the work. Any management of the stream flow and associated best management practices (BMPs) necessary to minimize turbidity from the debris management activities will be installed in coordination with biologists prior to and during the work activities.

Depending on the characteristics of the debris flow, the net may be disconnected from the top support ropes, laid on the ground, and the excavator could distribute the material down channel (Attachment B, Section 8.2). Under the supervision of biologists, the material excavated during re-establishment of the low flow channel will be placed downstream in a manner that does not impede the low flow channel and maximizes the potential for habitat restoration. This would include assurance that flow conditions are maintained and creation of pools or eddies that mimic natural deposition of material. The distance downstream depends on the biologist's professional judgment given the amount of debris material and precise down channel topography.

If the nets are substantially full and are under tension, the biologist in consultation with the contractor may decide in their professional judgment to not disassemble the net. The debris will in such case be moved by the excavator over the net.

The materials will remain in the riparian area.

If large boulders are in the debris that cannot be lifted by the excavator, they will be broken in place using a hydraulic excavator mounted hammer or by using hydraulic splitters to enable management with the excavator. They will be placed outside the low-flow channel or as directed by the biological monitor (Attachment C, Section 3.3).

If large organic (woody) debris is present and poses an issue to reestablishing the low-flow channel, a portable wood chipper can be mobilized to the work area to chip the organic debris and place outside of the stream channel or as directed by the biological monitor (Attachment C, Section 3.3).

Minor Debris Maintenance:

After minor debris accumulation, the hand cleaning method may be used to allow immediate rectification of low flow channel fish passage. The hand cleaning will be performed with picks, shovels and small hydraulic splitters if necessary. Otherwise, the same methods and protocols used for full debris flow maintenance will apply to minor debris flow maintenance.

Grouting at Installation:

The grout plant will be located in coordination with biologists away from surface water and inside of appropriate containment vessels. When an anchor hole is drilled and the anchor is inserted with a tremie tube, grout will be pumped through a hose into the tremie tube. The grout will flow from the bottom of the hole to the top without pressure.

This operation requires a crew member to operate the grout pump valve and a crew member to monitor the grout placement at the hole. The crew coordinates to send and shut off grout delivery. A valve on the hose end where it connects to the tremie tube prevents leaking between placement operations.

In addition to these safeguards, thick plastic sheeting will be used around the anchor holes to prevent any errant placement of grout. The anchors are located a sufficient distance from the stream flows to allow ample distance for the containment measures (Attachment C, Equipment Datasheets).

This Emergency Permit authorizes the installation of debris nets as well as the monitoring and maintenance of the nets for one year only, as detailed in the Site Plans, Master Work Plan, and Biological Resources Assessment (Attachments A, C, D and E). The Emergency Permit also authorizes and requires removal of the debris nets after one year. The permittee may apply for a subsequent permit to authorize the monitoring, maintenance,

and removal of the nets beyond the initial one year term authorized under this Emergency Permit. The nets shall be removed within one year of the Emergency Permit approval date if a subsequent permit or new Emergency Permit is not obtained. The net systems will be removed entirely, generally by helicopter, under the supervision of biologists. The project will not result in any grading.

The project occurs on parcels zoned RMZ-40, RMZ-100, and RMZ-320 (Resource Management Zone, 40-320 minimum acre parcel size), located in creeks and canyons in the Montecito Community Plan Area, First Supervisorial District.

2. An application(s) for the required permits necessary to validate the emergency work shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Development Plan and Land Use Permit pursuant to Section 35.422.030 of the Montecito Land Use Development Code. A new Emergency Permit may be granted by the Director if an emergency still exists and a Development Plan and Land Use Permit have not been obtained within one year of approval of the Emergency Permit.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director. The initial installation of the nets authorized by this Emergency Permit must be completed within 60 days of receiving all required agency permits and authorizations.
5. This permit is granted on the express condition that the permittee obtain and maintain throughout the term of this Emergency Permit all required authorizations, approvals, and/or permits from other Departments or regulatory agencies.
6. The Director may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects or other threats to public health and safety may occur with continued construction.
7. Parking during construction, maintenance, and removal activities shall not occur in trailhead parking areas by construction crews or biological monitors. Crews and monitors shall be required to be shuttled to each canyon and walk into each net location.
8. All heavy equipment shall be airlifted to each net location for construction and installation, maintenance, and removal. Heavy machinery and/or vehicles shall not be permitted on trails used to access the canyon sites by foot.
9. The Owner/Applicant shall post a performance security, the amount and form of which shall be approved by CDFW, to cover the full cost of all obligations under this Emergency Permit and any

and all additional requirements imposed through any authorization, approval, or permit granted by CDFW, including a minimum of one year of maintenance (i.e., debris removal) and removal of all of the nets. The performance security shall identify CDFW as the named obligee, and it must be approved by CDFW prior to the commencement of construction activities. Proof that the financial security has been approved by CDFW shall be submitted to the Planning and Development Department prior to the commencement of construction activities. The performance security will only be released after all approved debris nets have been satisfactorily maintained and removed, in compliance with this Emergency Permit and any and all additional requirements imposed through any authorization, approval, or permit granted by CDFW.

10. If trails are temporarily closed during construction, maintenance, or removal activities, the applicant shall coordinate with the Montecito Trails Foundation and Parks Division of the Community Services Department to ensure adequate noticing has occurred in the Montecito community.
11. This Emergency Permit is not valid until signed by the applicant and subsequently issued by the Planning and Development Department.

Conditions by Issue Area

12. Spray paint markings in the canyons identifying debris net locations shall be removed during construction of each net.
13. **Bio-08 Fish and Wildlife.** No work authorized by this Emergency Permit shall commence until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board for any planned alteration to stream channels or banks.

County Rules and Regulations/Legal Requirements

14. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
15. **Rules-23 Processing Fees Required.** Prior to issuance of an Emergency Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
16. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Attachments:

- A. Site Plans, dated 12-12-2018
- B. General Report of Findings (revised December 12, 2018)
- C. Montecito Debris Flow Mitigation Project, Master Work Plan
- D. Biological Resources Assessment for the Montecito Debris Flow Mitigation Project
- E. Addendum to the Biological Resources Assessment for the Montecito Debris Flow Mitigation Project, dated December 14, 2018
- F. CEQA Notice of Exemption
- G. Santa Barbara County Public Works Department Memorandum, dated December 10, 2018
- H. The Partnership for Resilient Communities – Montecito Emergency Debris Flow Mitigation Project Letter, dated October 22, 2018

cc: Supervisor Das Williams, First District
Jeff Wilson, P&D Deputy Director, Development Review Division
Alex Tuttle, Supervising Planner, P&D
Tess Harris, P&D Planner