



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:** December 13, 2016  
**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 Planning and Development  
Director(s) Glenn Russell, Ph.D., Director, 568-2085

Contact Info: Peter Cantle, Deputy Director, Energy & Minerals 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, for implementation of the Ellwood Mesa Coastal Trail Enhancement and Habitat Project, Third Supervisorial District (Attachment A); and
- b) Determine that approval of a time extension for the CREF grant is exempt from CEQA pursuant to Section 15378(b)(5) (Attachment C).

## **Summary Text:**

Santa Barbara County Trail Council (SBCTC) entered into a contract with the County of Santa Barbara to receive a Coastal Resource Enhancement Fund (CREF) grant to complete final restoration plans, engineering plans, and a mitigated negative declaration for the Ellwood Mesa Coastal Trail Enhancement and Habitat Restoration Project. In addition, the final deliverable for the project is to obtain a Coastal Development Permit (CDP) from the California Coastal Commission (CCC). Article 3 of the contract allows the Director of Planning & Development to extend the contract up to one year for good cause. The Director has exhausted its authority by previously extending the contract by one year with two amendments to the contract (see Background below for details).

All tasks listed in the contract are completed except for submittal of the CDP application and final approval by the CCC. It has taken longer than anticipated for SBCTC to procure various documents, forms and details required for the CDP permit application. SBCTC states that it has obtained all documents and submitted the permit application to the CCC in November, 2016. The extension request proposed would allow SBCTC time to submit the CDP permit application and allow CCC time to review and render its decision. Article 3 of the contract allows the contract to be extended for good cause, which staff finds in this case.

The action to approve and execute the amendment does not meet the definition of a “project” pursuant to CEQA Guidelines Section 15378(b)(5). This section exempts administrative activities of government that will not result in direct or indirect physical changes in the environment (Attachment C).

## **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 Coastal Resource Enhancement Fund (CREF).

At its March 4, 2014 hearing, the Board of Supervisors awarded a \$35,000 CREF grant to the SBCTC to: (1) complete the final restoration plans, engineering plans, and the mitigated negative declaration for the Ellwood Mesa Coastal Trail Enhancement and Habitat Restoration Project; and (2) obtain a CDP. On December 9, 2014, the Board of Supervisors executed the CREF grant and since that time, the Director of Planning & Development has extended the contract completion date by a year. On May 5, 2015, Amendment No. 1 allowed for a ten-month extension 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, Amendment No. 2 allowed for a two-month time extension because SBCTC was having delays in obtaining the FEMA No Rise Certificate. Attachment B contains the two 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 the Amendment No. 3 is budgeted on page D-291 of the FY 2016-17 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. 3 to Kathy Pfeifer of the Planning & Development Department, Energy & Minerals Division, who will mail a copy of the Amendment to the grantee.

**Attachments:**

- A. Amendment No. 3
- B. Amendment No. 2, Amendment No. 1, and the Original Contract with SBCTC
- C. Notice of Exemption

Attachment A

Amendment No. 3

## Attachment B

Amendment No. 2, Amendment No. 1, and Original Contract with SBCTC

## Attachment C

Notice of Exemption