



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: 04/14/09  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Directors, Flood Control and Water Conservation District

**FROM:** Department Scott McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

**SUBJECT: Real Property Agreement Secondary Use of Flood Control Land, First and Second Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**Recommended Actions:**

Approve and authorize the Chair to execute the Real Property Agreement Secondary Use of Flood Control Land with the City of Santa Barbara for the Mission Creek Fish Passage Project along a portion of Mission Creek.

**Summary Text:**

The primary goal of the Mission Creek Fish Passage Project is to improve upstream migration of the federally endangered steelhead trout by providing access to their historic spawning grounds in Mission Creek while at the same time maintaining the channel's existing conveyance capacity. The project would modify the existing concrete channel to allow steelhead trout to freely migrate between the ocean and spawning habitat in the mid and upper watershed.

The project will be along the area of Mission Creek known as the "Caltrans Channel" which includes two concrete sections. The upstream channel is approximately 0.3 miles long between Los Olivos and Pedregosa Streets, and the downstream channel is approximately .8 miles long between Arrellaga and Canon Perdido Streets. Although this project was constructed by Caltrans for expansion of Highway 101, the Flood Control District was given ownership and maintenance responsibility of the channel.

For the last three years, the City of Santa Barbara Creeks Division has been working with the Flood Control District, Environmental Defense Center (EDC), and resources agencies such as the California Department of Fish & Game (DFG) and National Oceanic and Atmospheric Administration (NOAA) to

develop a steelhead trout passage project within the Caltrans Channel portion of Mission Creek. The City has identified a feasible design for the project and is now ready to move into the preliminary design phase of the project. The City has requested the Flood Control District to formalize a Secondary Use Agreement for the project area so implementation of the project can begin.

The Secondary Use Agreement allows the City to construct their fish passage project within Flood Control District owned property and it also indemnifies the District from both responsibility of maintenance of the project and liability of the secondary use.

**Background:**

On July 7, 1998, the Board of Supervisors adopted Resolution No. 98-266 that established a policy entitled "A Policy for Secondary Uses of Flood Control and Water Conservation Facilities for Bikeway and Recreational Purposes." That policy allows for the secondary use of flood control facilities. Execution of the Agreement indemnifies the District from any and all liability associated with secondary uses of the flood control facilities.

Approval of the Agreement by the City of Santa Barbara and your Board is necessary to comply with the District's Secondary Use Policy.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized</u> <u>On-going Cost:</u>	<u>Total One-Time</u> <u>Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

**Narrative:**

There are no fiscal impacts associated with this action. The agreement indemnifies the Flood Control District from any and all liability associated with the proposed secondary use of this facility. The maintenance of the fish passage project will be the City's responsibility.

**Special Instructions:**

Direct the Clerk of the Board to send four originals of the Real Property Secondary Use Agreement and a copy of the minute order to the Flood Control District, Attn: Christina Lopez.

**Attachments:**

Real Property Secondary Use Agreement of Flood Control Land (5 originals)

**Authored by:** Jon Frye, Civil Engineering Manager, 568-3444