



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: October 3, 2017
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

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

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, 2018, 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 (Attachment C).

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. 4, SBCTC requests another year to complete the project.

The contract has been extended two years beyond the original completion date via three 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 another one-year extension in December 2016.

After SBCTC submitted its CDP application, CCC requested more information and for SBCTC to 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. The additional year that Amendment No. 4 would provide allows SBCTC to obtain the appropriate permits from ACOE and RWQCB, 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 (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 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 and since that time, the Director of Planning & Development has extended the contract completion date by a year on the basis of two amendments. First, 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. Second, on February 10, 2016, Amendment No. 2 allowed for a two-month time extension 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 because SBCTC stated it had taken longer than anticipated to procure various documents, forms and details required for the CDP permit application. Attachment B contains the three 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. 4 is budgeted on page D-286 of the FY 2017-18 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. 4 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. 4
- B. Amendment No. 3, Amendment No. 2, Amendment No. 1, and the Original Contract with SBCTC
- C. Notice of Exemption

Attachment A

Amendment No. 4

Attachment B

Amendment No. 3, Amendment No. 2, Amendment No. 1, and Original Contract with SBCTC

Attachment C

Notice of Exemption