



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: 6/23/09
Placement: Departmental
Estimated Tme: 30 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

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

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

SUBJECT: Annual Maintenance Plan, Fiscal Year 2009/10 - All Supervisorial Districts

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Directors:

- a. Approve the individual CEQA exempt projects and direct the Clerk of the Board to file the attached CEQA Notice of Exemption for each of the projects described in Section 1 of the Fiscal Year 2009/10 Annual Maintenance Plan (POST);
- b. Certify that the addenda to Program EIR (01-EIR-01) contained within Section 2 of the Fiscal Year 2009/10 Annual Maintenance Plan have been completed in compliance with the California Environmental Quality Act (CEQA);
- c. Certify that the Board has reviewed and considered the information contained in the Final Program EIR and individual addenda contained within the Fiscal Year 2009/10 Annual Maintenance Plan as well as information presented during the public hearing prior to the approval of the individual projects presented in Section 2 of the Fiscal Year 2009/10 Annual Plan;
- d. Adopt CEQA Findings and Statement of Overriding Considerations included in Section 4 of the Fiscal Year 2009/10 Annual Maintenance Plan;
- e. Adopt the Mitigation and Monitoring Programs attached to the addenda for individual projects described in Section 2 of the Fiscal Year 2009/10 Annual Maintenance Plan; and
- f. Approve individual projects described in Section 2 of the Fiscal Year 2009/10 Annual Plan.

Auditor-Controller Concurrence

As to form: N/A

Summary Text:

The Annual Maintenance Plan summary listing (Attachment No. 2) consists of CEQA exempt projects (EXEMPT), and projects defined within the scope of impacts identified by the Program EIR requiring addenda (PEIR) for FY 2009/10.

The CEQA exempt projects are described in Section 1 of the Annual Plan and are based on CEQA Section 15301 (b) "Maintenance of existing facilities" or Section 15061 (b)(3) "No significant effect on the environment". Projects that are exempt fall into one of the following five categories:

- * Removal of rubbish or other unnatural material from riparian corridors or estuaries, but only where there is no impact to any significant resource at the site, down-stream, or adjacent to the site.
- * Maintenance activities in existing non-perennial, fully concrete-lined stream channels, but only where there is no impact to any significant down-stream or adjacent resource.
- * Clearing, repair, and replacement of such flood control devices as check structures, drop structures, levees, sediment basins, chute structures, culverts, weirs, or stream flow measuring stations, but only where there is no impact to any significant resource at the site, down-stream or along access routes.
- * Maintenance activities on access ways outside of estuaries and riparian corridors, but only where there is no impact to any significant resource.
- * Maintenance activities on earthen channels, which have been developed to convey urban storm water, agriculture storm water, or agriculture tail water and have little or no vegetation in them.

The described fiscal year 2009/10 exempt projects have been exempted in prior years with Planning and Development Department concurrence.

Projects within the scope of the Program EIR are described in Section 2 of the Annual Plan. Each of the 28 projects is presented as an addendum to the Program EIR, utilizing appropriate maintenance practices described and analyzed in the Program EIR. Each of these Program EIR projects has a mitigation and monitoring program incorporated into the addendum to ensure that impacts are mitigated to the fullest extent feasible.

Once the Board has approved projects described in Sections 1 and 2 of the Annual Maintenance Plan, applications can be made to the State Department of Fish and Game, U.S. Army Corps of Engineers, California Coastal Commission, and other regulatory agencies for environmental permits or approvals. Applicable permits will be obtained from local, state and federal regulatory agencies prior to project implementation.

Background:

In December 2001, the Board of Directors adopted a revised Routine Creek Maintenance Program which included: a) Maintenance Practices and Mitigation Measures; b) associated Flood Control Policy Statements; and c) an annual planning and project approval process (identified on Attachment No.1).

Generation of the annual maintenance plans provides multiple benefits. The plan serves as a basis for demonstrating need, analyzing alternatives, proposing mitigation and selecting the most effective and least environmentally damaging District maintenance practices. The plan also allows the District to prioritize maintenance efforts and expenditures early on, which also helps in the management of individual projects.

The annual planning process, as adopted by the Board, requires that the District assess the maintenance needs, prepare preliminary project descriptions with appropriate engineering analysis, and conduct public workshops to hear public/agency input and concerns about the proposed Annual Plan.

The District provided notice of workshops in the "Santa Maria Times", "Santa Barbara Newspress", "Lompoc Record", and the "Santa Barbara Daily Sound" for the workshops on May 20, 2009 in Santa Barbara and May 21, 2009 in Santa Maria.

A summary of the proposed Annual Plan projects was available at the workshops and copies had been mailed to individuals and organizations in the community who had previously expressed an interest. There were no attendees at either of the workshops.

Beginning in 2008, the District posted the Final Annual Plan on the County website and will do so again in 2009. In the past, all copies of the Final Annual Plan were produced and mailed in hard copy form, however beginning this year, in an effort to conserve paper, the majority of Final Annual Plans are being provided electronically on a CD.

There are two drainages included in this year's Annual Plan that describe the removal efforts for Arundo donax, or giant reed, a highly invasive plant that is present along numerous drainages and particularly invasive in Arroyo Burro and Refugio Creeks. These particular eradication and revegetation efforts will be undertaken by agencies or groups other than the Flood Control District. The District has agreed to use the vehicle of its Updated Program EIR and Annual Planning process to assist these groups in complying with CEQA and acquiring necessary permits. The impacts and mitigation measures in the District's EIR are applicable to these projects and use of this EIR is much more efficient and cost effective than would be the case if each entity had to do its own EIR for these small projects.

Mandates have been discussed in previous Board letters regarding the Revised Creek Maintenance Program. The District's authority under State Law allows the District to undertake these projects for the public's benefit. Several projects constructed in cooperation with the Federal Governments have mandated levels of maintenance associated with them. The District's projects are subject to compliance with environmental laws and regulations.

This is the eighth year that the Annual Plan is being prepared using the Updated Program EIR that was adopted in December of 2001 and the nineteenth year for the program.

Pursuant to the annual planning process outline (Attachment No. 1), the next step requires a public hearing regarding projects included in the Annual Plan.

Performance Measure:

The Annual Plan allows the District to achieve the KPIs relating to maintenance of flood control facilities.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
FC Funds (all zones)	\$3,550,245		
State			
Federal			
Fees			
Other:			
Total	\$ 3,550,245.00	\$ -	\$ -

Narrative:

The costs for this annual maintenance plan are in the 2009/10 Proposed Budget under the Maintenance cost center (in each of the ten flood zones) of the Water Resources Division of the Public Works Department. If there is heavy rainfall, emergency work will be required and these costs will be much higher as was the case with the District’s expenditures in the 1995, 1998 and 2005 floods. This will result in a reprioritization and will undoubtedly defer additional maintenance projects to future years or result in a release of emergency reserves.

As in past years, costs of maintenance projects exceed available funding in many North County Flood Zones. For example, in the Bradley Zone funding is habitually below the costs associated with the work needs in that area. Those channels that are most in need of work will be addressed as funding allow. Maintenance of facilities is not a mandated activity, except for engineered or improved facilities including most federally funded projects that are now owned and maintained by the Flood Control District. After the start of the new fiscal year, the District will immediately work on the highest priority projects. Lower priority needs will be deferred until future years.

The cost to implement the FY 2009/10 Annual Plan does not include projects outside the scope of the Annual Plan such as work in the Carpinteria Salt Marsh or Goleta Slough.

Generation of the FY 2009/10 Annual Plan, as with each prior Annual Plan, provides a significant cost savings to the District through a single package of projects. Producing individual environmental documentation for each maintenance project is significantly more expensive. However, the greatest benefit derived from the Annual Plan is measured by the District's ability to streamline the state and

federal environmental permit process, which in turn allows the District to provide needed maintenance prior to the next storm season.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Direct the Clerk of the Board to post the attached CEQA Notice of Exemption and to send a copy of the minute order of these actions to the Flood Control District, Attn: Christina Lopez.

Attachments:

2009/10 Annual Maintenance Plan

Attachments Nos. 1 & 2

Authored by:

Maureen Spencer, Operations and Environmental Manager, 568-3437