

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:
Prepared on: 12/1/05
Department Name: General Services
Department No.: 063
Agenda Date: 12/13/05
Placement: Administrative
Estimate Time: NA
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Bob Nisbet, Director
General Services Department

STAFF CONTACT: Grady Williams (568-3083)
General Services Department

SUBJECT: New County Jail - Environmental Planning Agreement
Project #8551
5th Supervisorial District

Recommendation:

That the Board of Supervisors approve the Section 7 Consultation/ Indemnification Agreement between the County of Santa Barbara and the U. S. Immigration and Customs Enforcement Agency, for the purpose of obtaining an incidental take permit that may be needed for possible adverse modification of habitat of endangered species during construction of the jail.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

On April 12, 2005, the Board received an informational presentation on the status of jail overcrowding and jail property acquisition in the North County from the Sheriff. At this meeting, the Board directed the Sheriff and the County Executive Officer to proceed with planning for a new jail at the Laguna County Sanitation District site as well as alternatives for relieving short-term jail overcrowding issues, and return to the Board with recommendations as appropriate. The County Executive Officer has compiled a team consisting of CEO, Sheriff, County Counsel, Planning and Development, Public Works, Auditor-Controller, General Services and Treasurer-Tax Collector staff to develop a jail planning study.

From environmental studies completed to date, it appears that federally protected species exist at the proposed building site. If so, the US Fish and Wildlife Service (USFWS) would have to grant the project an incidental take permit (ITP) before any construction could proceed. The requirements of the ITP are typically included in the Final Environmental Impact Report (EIR). Because the project involves a federal agency, namely the US Immigration and Customs Enforcement (ICE), the procedure for obtaining an ITP requires the federal agency to conduct "Section 7 Consultation" in accordance with the Endangered Species Act. ICE has agreed to cooperate with the County in its performance as the Action Agency provided the County indemnify it from financial liability. The attached agreement provides ICE the desired indemnification.

On behalf of ICE (the Action Agency), the County will then consult with the USFWS directly to determine the mitigation measures needed to obtain the ITP.

Later in this December 13th hearing, during departmental agenda items, the Board will be receiving a full presentation on a jail planning study including options for constructing and operating a new county jail, and will be asked to vote on whether or not to continue pursuit of its development. Even though the Board has previously approved the development of environmental documents for this project, of which the subject Agreement is a part, the Board may wish to trail this item to the end of the agenda and vote on it after hearing the main presentation.

Mandates and Service Levels:

Not applicable.

Fiscal and Facilities Impacts:

The proposed agreement leads to completion of part of the environmental documentation required to build the new jail facility. Without it there can be no new facility, the impacts of which are addressed in a Board Hearing on December 13, 2005. The fiscal impacts from this agreement can be represented by the cost of performing whatever mitigation wildlife agencies will require to compensate for the loss of habitat caused by the construction. Currently such mitigation is estimated to consist of an additional land purchase worth \$1.2 million.

Special Instructions:

Please send one copy of the Minute Order to Grady Williams, Office of the County Architect, 1105 Santa Barbara. Please also send the Agreement to the Recorder for recordation with a copy to Grady Williams.