



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: 6/17/14
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

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

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

SUBJECT: Annual Maintenance Plan, Fiscal Year 2014/15 - All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Directors:

- a) Find that the proposed actions described in the Exempt Facilities Section of the Fiscal Year 2014/15 Annual Routine Maintenance Plan are for the operation and maintenance of existing public structures, facilities or topographical features, involving negligible or no expansion of use beyond that which presently exists and that the proposed actions are therefore exempt from CEQA pursuant to 14 CCR 15301, and direct the Clerk of the Board to file the attached California Environmental Quality Act (CEQA) Notice of Exemption (NOE) for each of exempt facilities described in the Fiscal Year 2014/15 Annual Routine Maintenance Plan;
- b) Find that pursuant to CEQA Guidelines Section 15162, no new effects will occur and no new mitigation measures would be required as a result of the project and therefore pursuant to CEQA Section 15168 (c)(2), that the Fiscal Year 2014/15 Annual Routine Maintenance Plan is within the scope of the project covered by the Program Environmental Impact Report (PEIR) for the Updated Routine Maintenance Program (01-EIR-01) approved in 2001 and no new environmental document is required;
- c) Consider the addenda to the previously certified Program EIR (01-EIR-01) and determine that the addenda contained within the Fiscal Year 2014/15 Annual Routine Maintenance Plan have been completed in compliance with CEQA and adopt the mitigation measures included for each project as the Mitigation and Monitoring Plan pursuant to State CEQA Guidelines Section 15168 (c)(3);
- d) Adopt CEQA Findings included in the Fiscal Year 2014/15 Annual Routine Maintenance Plan; and
- e) Approve individual projects described in the Fiscal Year 2014/15 Annual Routine Maintenance Plan.

Summary Text:

The Annual Routine Maintenance Plan consists of CEQA exempt projects and projects defined within the scope of impacts identified by the Program EIR requiring addenda for FY 2014/15.

The CEQA exempt projects are based on CEQA Section 15301, Existing Facilities. Projects that are exempt fall into one of the following five categories:

- Removal of rubbish or other unnatural material from riparian corridors
- Maintenance activities in existing non-perennial, fully concrete-lined stream channels
- Clearing, repair, and replacement of such flood control devices such as check structures, drop structures, levees, sediment basins, weirs, or stream flow measuring stations
- Maintenance activities on access ways outside of estuaries and riparian corridors
- 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.

All projects are in areas where there are no impacts to any significant resource at the site, downstream, or adjacent to the site.

The described fiscal year 2014/15 exempt projects have been exempted in prior years with Planning and Development Department's concurrence.

Projects within the scope of the PEIR are described in individual addenda to the PEIR within the and specific to the named drainage where they will occur within the Annual Plan. Each of the 32 projects are presented as an addendum to the Program EIR utilizing appropriate maintenance practices described and analyzed in the Program EIR. The mitigation measures incorporated in each of these projects become the mitigation and monitoring program to ensure that impacts are mitigated to the fullest extent feasible.

Once the Board has approved projects described in the Annual Maintenance Plan, applications can be made to the appropriate regulatory agencies for environmental permits or approvals.

Long Term Permit Status

Staff has been working on renewal of long term maintenance agreements with the Army Corps of Engineers (ACOE) for the past few years. The ACOE, on behalf of the District, has been in consultation under the Federal Endangered Species Act (FESA) with the National Marine Fisheries Service (NMFS) for the Southern California steelhead and the U.S. Fish and Wildlife Service (Service) for the CA. red-legged frog, tidewater goby, least Bell's vireo, Southwestern willow flycatcher, La Graciosa Thistle, and Gambell's watercress.

The NMFS has determined that portions of the District's maintenance programs would jeopardize the continued existence of the Southern California Steelhead Distinct Population Segment, and destroy or adversely modify designated critical habitat for this species, and have issued a Jeopardy Biological Opinion. Staff and NMFS have been working with the Corps to formulate conditions of maintenance that would be acceptable to both Staff and NMFS. The steelhead issues are centered on 21 South Coast drainages and 2 North County drainages.

The Service has issued a draft No-Jeopardy Biological Opinion for the federally-listed plants, animals, and fish under their jurisdiction. It is anticipated that the Service Biological Opinion will be finalized within the next several months with this finalization being used by the ACOE, along with the NMFS Biological Opinion, to issue long-term permits by next year.

All work in this Year's Annual Maintenance Plan will receive the necessary permits from the applicable permit agencies.

Background:

In December 2001, the Board of Directors adopted a revised Annual 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.

Development of the Annual Routine Maintenance Plan 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 which also helps in the management of individual projects.

The annual planning process, as adopted by the Board, requires that the District conduct public workshops to hear the public and other agencies' input and concerns about the proposed Annual Plan. The District provided notice of workshops in the Santa Maria Times and Santa Barbara News Press on May 11th for the workshops that were held on May 20, 2014 in Santa Maria and May 21, 2014 in Santa Barbara.

A summary of the proposed Annual Plan projects was available in our office, at the workshops, and was posted on the Water Resources website on May 13th. Letters announcing the workshops and the availability of the summary were mailed or emailed on May 13th to individuals and organizations who have previously expressed an interest in this maintenance program. There was one attendee at the Santa Barbara Workshop and none at the Santa Maria Workshop. The Final Annual Routine Maintenance Plan is also posted on the District's website.

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.

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)	\$3,720,000.00		
State			
Federal			
Fees			
Other:			
Total	\$ 3,720,000.00	\$ -	\$ -

Narrative:

The costs associated with the work identified in the annual maintenance plan are included in the proposed FY 2014/15 budget under the Water Resources Division of the Public Works Department.

As in past years, prioritization and scope of maintenance projects are aligned with available funding. Those drainages that are most in need of work appear in each year's Annual Maintenance Plan. 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.

Generation of the FY 2014/15 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.

Special Instructions:

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

Attachments:

CEQA Notice of Exemption
2014/15 Annual Routine Maintenance Plan
2001 Program EIR for the Updated Routine Maintenance Program

Authored by:

Maureen Spencer, Operations and Environmental Manager, 568-3437