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:

Department Name:	Public Works
Department No.:	054
For Agenda Of:	April 7, 2009
Placement:	Set Hearing for 4/28/09
Estimated Tme:	45 min on 4/28/09
Continued Item:	No
If Yes, date from:	
Vote Required:	Majority

TO: Board of Supervisors

FROM: Department Director(s): Scott McGolpin, Director x 3010
Contact Info: Mark Schleich, Deputy Director x 3605

SUBJECT: **Set Hearing to Consider Approval of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project**
Third Supervisorial District

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: Yes

Other Concurrence: Risk Management
As to form: Yes

Recommended Actions:

That the Board of Supervisors set a hearing for April 28, 2008 to:

A. Certify that the Final Subsequent Environmental Impact Report (SEIR), 08EIR-00000-00007 (Attachment 1), for the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project has been completed in compliance with the California Environmental Quality Act (CEQA);

B. Certify that the Board has reviewed and considered the information contained in the Final SEIR, 08EIR-00000-00007, as well as information presented during the public hearing prior to approval of the project, and adopt the CEQA Findings and Statement of Overriding Considerations included as Attachment 2;

C. Approve the Proposed Project;

D. Adopt the mitigation measures, with their corresponding monitoring requirements, as the Mitigation Monitoring Program for this project (Attachment 3);

E. Direct the Public Works Department to obtain local, State and Federal permits to the extent required by law for implementation of the project;

F. Authorize the Director of Public Works to prepare a "Letter of Commitment" to the Army Corps of Engineers for implementation of the Baron Ranch Restoration Plan;

G. Approve and execute a professional services contract (Attachment 4) in the amount of $121,650 with the consulting firm of P&D Consultants, a District of AECOM USA, Inc for implementation of biological mitigation measures (California Red-legged Frog Management Plan and other pre-construction and construction measures) included the Final SEIR, 08EIR-00000-00007 contingent on the receipt of required local, State and Federal permits;

H. Authorize a 25% contingency in the amount of $30,415 with AECOM, Inc. for additional work that may be needed to complete work for the project based on regulatory permit requirements: and

I. Authorize Resource Recovery and Waste Management Division (RRWMD) to advertise/solicit for bids/proposals for construction of project elements and for compliance with other mitigation measures included in 08EIR-0000-00007 required to implement the project.

Summary Text:

The Tajiguas Landfill has been in operation since 1967 for disposal of municipal solid waste. The original landfill predates adoption of the California Environmental Quality Act (1970) and the Coastal Act, which designated Coastal Zones in California in 1976. Solid waste currently delivered to the Tajiguas Landfill is generated by the City of Santa Barbara, City of Goleta, the unincorporated areas of southern Santa Barbara County, and the Santa Ynez and Cuyama Valleys.

On August 13, 2002, the Board of Supervisors certified an EIR (01-EIR-05) for, and approved, the Tajiguas Landfill Expansion Project (Front Canyon Expansion). This project consists of the horizontal and vertical expansion of the landfill outside of the Coastal Zone, providing 8.2 million cubic yards of additional capacity for a total capacity of 23.3 million cubic yards. RRWMD is in the process of implementing the expansion project and the Board has approved several contracts for construction of protective low permeability liners within the approved waste disposal areas. The approved expansion project involves eight phases. The first of eight phases was completed in 2004 and the final phase is projected to be completed in fiscal year 2013/2014.

RRWMD is proposing to reconfigure the Phase II and III refuse fill limits while eliminating the Phase IV area to the north and maintaining the permitted waste footprint at 118 acres and capacity at 23.3 million cubic yards. The reconfiguration project provides significant cost, design, and environmental benefits due to the significant reduction in earthmoving activities, the preservation of an important out-of-channel sedimentation basin and allows the county to continue to provide cost effective and environmentally sound waste disposal services.

However, the reconfiguration of the permitted landfill footprint would result in the removal of two man-made in-channel sedimentation basins that provide breeding habitat for, and support a population of, the federally threatened California red-legged frog and would remove riparian, wetland and upland habitats

in, and adjacent to a portion of upper Pila Creek. To compensate for the biological impacts of the project, and with the intent of constructing a project with a net environmental benefit, the project also includes restoration of 38 acres of barren and degraded areas adjacent to Arroyo Quemado and its tributaries on the county-owned Baron Ranch, preservation of ~30 acres of occupied California red-legged frog habitat on and adjacent to Arroyo Quemado, and implementation of a California Red-legged Frog Management Plan to protect and relocate California red-legged frogs from the Tajiguas Landfill to Baron Ranch.

Pursuant to the requirements of the California Environmental Quality Act, a Subsequent Environmental Impact Report (SEIR) was prepared to evaluate the proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project. The environmental analysis identifies that the project would result in several significant and unavoidable impacts to biological resources and air quality (described below) and will require that the Board of Supervisors adopt findings and a statement of overriding considerations should your Board decide to approve the project.

Background:

Introduction

The Public Works Department, Resource Recovery and Waste Management Division (RRWMD) has prepared a Proposed Final Subsequent Environmental Impact Report (SEIR) (08EIR-00000-00007) for a proposed reconfiguration of the permitted waste footprint at the Tajiguas Landfill and is requesting the Board's approval of the proposed project analyzed in that SEIR. The reconfiguration project allows for better sediment management, reduces grading and grading-related impacts, provides for a significant cost savings as compared to the approved configuration, but would not change the landfill's permitted disposal capacity.

The reconfiguration would impact two man-made in-channel sedimentation basins and a portion of upper Pila Creek (an ephemeral drainage). The in-channel sedimentation basins support a breeding population of the federally threatened California red legged frog and other riparian resources present within Pila Creek. To compensate for biological impacts at the Tajiguas Landfill and with the intent of constructing and implementing a project with a net environmental benefit, RRWMD is concurrently proposing to undertake (and has included in the project description) habitat restoration activities at the county-owned Baron Ranch. The project also includes relocation of the California red-legged frog population at the Tajiguas Landfill to Arroyo Quemado on the county-owned Baron Ranch. Historical agricultural activities conducted at the Baron Ranch have removed a significant amount of native vegetation providing tremendous opportunities for habitat restoration.

Approval and implementation of the proposed reconfiguration project is time critical as the landfill continues to receive waste and necessary waste disposal capacity and environmental control systems must either be provided through construction of the approved and permitted configuration or under the proposed reconfigured waste footprint.

Proposed Project Description

On August 12, 2002 the Board of Supervisors certified an EIR (01-EIR-05) for, and approved an expansion (Attachment 5, Figure 1) of the Tajiguas Landfill (Tajiguas Landfill Expansion Project). RRWMD acquired all regulatory permits for the expansion and is currently disposing of waste within a portion of the permitted expansion area. The proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project (Attachment 5, Figure 2) would modify (reconfigure) a portion of the approved and permitted waste footprint. The reconfiguration would not change the landfill's permitted disposal capacity. The project components include:

- Removal of two existing man-made sedimentation basins constructed within the channel of Pila Creek (in-channel basins);
- Reconfiguration of the permitted landfill waste footprint to extend the footprint west across the man-made in-channel sedimentation basins in Pila Creek (an ephemeral drainage) within Cañada de la Pila;
- Reconfiguration (reduction) of the waste footprint on the east side of Pila Creek in the back canyon area of the landfill property;
- Drainage modifications within Pila Creek upstream of, and around, the reconfigured waste footprint; and
- Preparation and implementation of a Restoration Plan (Baron Ranch Restoration Plan, Attachment 5, Figure 3) encompassing restoration of 38 acres of active and abandoned orchard areas along Arroyo Quemado Creek and tributaries on the county-owned Baron Ranch and preparation and implementation of a comprehensive relocation and protection plan (California Red-legged Frog Management Plan) for the California red-legged frogs at the Tajiguas Landfill and on Baron Ranch.

All environmental control systems (e.g., gas collection, liner, leachate collection, etc.) currently required and in place at the landfill would be extended into the reconfigured waste footprint area.

Project Objectives

The specific objectives of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project include:

1. Continue to meet the waste disposal needs of southern Santa Barbara County and the Santa Ynez and Cuyama Valleys and the project objectives of the Certified Final EIR for the approved Tajiguas Landfill Expansion Project[1];
2. Continue to provide the permitted solid waste disposal capacity (23.3 million cubic yards) as specified in Solid Waste Facility Permit #42-AA-0015 at the Tajiguas Landfill for southern Santa Barbara County, Santa Ynez and Cuyama Valleys in a

[1] As summarized from 01-EIR-05 these objectives included: providing approximately 15 years of additional reliable and cost-effective municipal solid waste disposal; meeting the minimum 15-year County disposal requirements of AB 939; providing a well-managed municipal solid waste facility to maximize controls necessary to assure the safe disposal of solid waste; and meet the Board of Supervisors' policy directive of August 3, 1999.

cost-effective manner while meeting or exceeding all regulatory requirements including sediment control;

3. Provide a landfill design that addresses soil management (e.g., excavation and stockpiling) requirements and feasible sediment control options for the landfill;
4. Eliminate impounded water within the portion of Pila Creek upstream of the historic unlined portion of the landfill;
5. Construct and operate a project that results in a net environmental benefit; and
6. Reduce costs associated with construction of the currently permitted Tajiguas Landfill Expansion Project.

Project Benefits

The proposed reconfiguration of the Tajiguas Landfill waste footprint would provide a number of environmental, design, and cost benefits over the current design, including:

- Reduced grading (1.3 million cubic yards less), reduced grading-related air quality impacts (dust and construction emissions) and reduced noise impacts due to the reduction of soil excavation in the back canyon;
- Improved downstream water quality, due to the ability to construct and maintain a larger, more efficient, out-of-channel sedimentation basin;
- Improved groundwater quality due to elimination of subsurface water migration into the existing unlined waste area from water impounded adjacent to the existing landfill within the southern in-channel sedimentation basin;
- Long term preservation and restoration of the Arroyo Quemado watershed on Baron Ranch containing known breeding populations of the California red-legged frog;
- Removal of identified barriers to steelhead movement on the Baron Ranch which would allow passage for steelhead if other downstream barriers (U.S. Highway 101 culverts) are removed and steelhead reestablished in Arroyo Quemado Creek;
- Increased stability of the reconfigured refuse footprint due to a wider base of the waste prism and use of the adjacent canyon wall;
- Improved refuse configuration for the disposal operations due to larger deck areas and less slope filling; and
- Estimated cost savings of 3 million dollars due to elimination of the engineered reinforced soil buttress, reduced excavation, reduced earth moving, and reduced closure and post-closure maintenance costs.

As noted above, these project benefits would occur with no changes to the permitted landfill capacity.

Project Impacts

The existing Tajiguas Landfill Expansion Project approved in 2002 was identified as resulting in significant and unavoidable (Class I) impacts to four resource/issue areas: Biological Resources,

Cultural Resources, Visual Resources and Air Quality. Mitigation measures were required through the 01-EIR-05 to reduce these and other potentially significant (Class II) impacts in the areas of Geology, Water Resources, Biological Resources, Cultural Resources, Nuisance, Land Use, Visual Resources, Traffic, and Health and Safety.

The proposed reconfiguration project would result in additional biological impacts (impacts to wetlands and riparian habitats, not previously associated with the approved and permitted Tajiguas Landfill Expansion Project; an increase in the previously identified significant impact to native coast live oak trees; and an increase in the severity of the previously identified significant impact to the California red-legged frog). Specifically, according to the SEIR analysis the proposed project would result in the following significant and unavoidable impacts:

- Cumulative Waste Disposal Emissions (SEIR Impact AQ-CUM-1);
- Loss of Sensitive and Native Vegetation Communities (SEIR Impact BIO-1);
- Loss of Sensitive Plant Species (SEIR Impact BIO-2);
- Loss of Specimen Native Trees (SEIR Impact BIO-3);
- Loss of Individual Frogs and Habitat for the Threatened California Red-legged Frog (SEIR Impact BIO-6);
- Cumulative Loss of Habitat for the Threatened California Red-legged Frog (SEIR Impact BIO-CUM-1);
- Cumulative Loss of Sensitive Vegetation Communities, Sensitive Habitats and Sensitive Plants (SEIR Impact BIO-CUM-2); and
- Cumulative Loss of Habitat for San Diego Desert Woodrat (SEIR Impact BIO-CUM-4).

However, the project would have beneficial impacts as well. The project would substantially reduce grading requirements (1.3 million cubic yard reductions), which would reduce previously identified impacts for certain resources (e.g., noise and air quality emissions from earth moving equipment). In addition, the proposed project would reduce surface water quality impacts that would occur due to the upcoming loss of the landfill's out-of-channel sedimentation basin under the approved design. The proposed project would also reduce the potential for groundwater quality impacts associated with potential seepage of ponded water from the in-channel basins into the historic un-lined portion of the landfill. Beneficial biological and water resource impacts are anticipated in association with the restoration of barren and degraded areas adjacent to the main corridor and tributaries to Arroyo Quemado on the Baron Ranch.

Project Alternatives

Pursuant to Section 15126.6 of the State CEQA Guidelines, a total of eight alternatives (including the No Project Alternative) were initially identified and underwent preliminary design, engineering, regulatory and environmental analysis. Since the proposed project would result in new and increased impacts to biological resources, the selection of alternatives was focused primarily on alternatives that could potentially reduce or eliminate the significant biological impacts of the proposed project while meeting other project objectives.

The alternatives analyzed either included: the proposed waste footprint reconfiguration with different upstream drainage designs to attempt to reduce the disturbance footprint (and habitat

impacts) in Pila Creek; the proposed waste footprint reconfiguration with replacement of California red-legged frog pond habitat within the Pila Creek watershed; or the permitted waste footprint configuration with design elements to attempt to replace the sediment control currently provided by the out-of-channel basin while trying to reduce additional biological impacts in Pila Creek. An alternative was also analyzed which represented the preferred engineering design. Of the eight alternatives initially considered, four were rejected as being infeasible and were not analyzed in detail in the SEIR. Off-site alternatives or a reduced scale on-site project alternative were not considered in the SEIR since they did not meet the current project objectives and the feasibility and impacts associated with off-site alternatives, a reduced project and alternative waste disposal technologies were comprehensively addressed in the Tajiguas Landfill Expansion Project EIR (01-EIR-05).

The proposed project which includes the comprehensive restoration of Baron Ranch and implementation of the California Red-legged Frog Management Plan was determined to be the environmentally superior alternative.

Public/Regulatory Outreach

In November 2007, prior to release of the Notice of Preparation, RRWMD initiated discussions with the resource/permitting agencies regarding the proposed landfill reconfiguration. Input from these discussions lead to modifications to the originally proposed design. These modifications substantially reduced project impacts (350 linear feet or approximately 7 acres of reduced disturbance along and adjacent to Pila Creek). RRWMD has continued to coordinate closely with the permitting agencies throughout the CEQA process.

A Notice of Preparation was published for the proposed project on February 7, 2008 and a public scoping meeting was held on February 27, 2008. One member of the public attended and commented at the public scoping meeting. Nine comment letters were received on the Notice of Preparation.

Subsequent to the release of the Notice of Preparation, invitations to the visit the Tajiguas Landfill and Baron Ranch were extended to the following public interest groups:

- Surfrider Foundation
- Heal the Ocean
- Gaviota Coast Conservancy
- Santa Barbara Land Trust
- Sierra Club

Members of the Sierra Club visited the site on October 2, 2008. Heal the Ocean and the Gaviota Coast Conservancy declined RRWMD's invitation and no response was provided from Surfrider or the Santa Barbara Land Trust.

As discussed below, a public hearing to accept oral comments on the Draft SEIR was held on January 15, 2009. Two members of the Native American community attended and commented at that meeting.

Public Comments on the Draft Subsequent EIR

The Draft SEIR for the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project was released for public review and submitted to the State Clearinghouse for a comment period from December 17, 2008 to January 30, 2009. An Environmental Hearing was held on January 15, 2009 in Santa Barbara.

Comments were received from the Audubon Society, Gaviota Coast Conservancy (represented by the Law Offices of Marc Chytilo), and two representatives of the Native American community and from several Regulatory Agencies (Local Enforcement Agency, Regional Water Quality Control Board, California Integrated Waste Management Board, Santa Barbara County Air Pollution Control District). All comments received on the Draft SEIR have been responded to in the Response to Comments sections of the proposed Final SEIR (Section 9.0). Where appropriate, changes have been made to the Draft SEIR text in response to comments received, and have been incorporated into the proposed Final EIR.

Issue areas raised through public comment on the EIR include:

<u>Timing of Landfill Construction with Respect to Restoration Activities at Baron Ranch</u>

Comments received from the Audubon Society and from the Law Office of Marc Chytilo representing the Gaviota Coast Conservancy suggested that the restoration should be completed at Baron Ranch prior to relocating the California red-legged frog population, or that a pilot restoration and relocation program be tested before impacts occur in Pila Creek and the in-channel sedimentation basins at Tajiguas Landfill. The commenter's suggest that completing the restoration would: reduce additional impacts that may occur to the frogs during the restoration activities; allow the success of the relocation to be assessed; and reduce the temporal loss of vegetation communities and habitat values. While there may be some reduction in project impacts if the restoration is done first, the reduction is a small, incremental reduction because under either restoration timing scenario, the habitat will take 5 to 10 years to reach a productive state and thus, the population would be in a non fully functioning habitat for many years under either scenario. Also, while it would be beneficial to have all or a portion of the restoration completed prior to incurring impacts at the Tajiguas Landfill, it is not logistically or financially feasible for RRWMD to do this.

Restoration activities at Baron Ranch are scheduled to begin concurrent with the proposed disturbance at the Tajiguas Landfill. Waste disposal demand will exceed the landfill's current constructed capacity and additional air space must be available, adequate drainage control established, and environmental control systems installed, to continue to receive waste well in advance of the waste placement. This waste disposal capacity must be provided using either the approved or proposed waste disposal footprint. Delaying construction activities would require a redesign of the proposed landfill phasing and would significantly impact the cost savings and reductions in air quality emissions associated with reduced soil handling as compared to the proposed construction phasing. Waste disposal capacity (additional air space) would need to be generated by grading a hill slope north of the current waste disposal area instead of using existing air space west across the filled in-channel basins. This would require graded material to be moved to the North Slope borrow/stockpile and then subsequently moved again to be used for cover material in the waste disposal area. The North Slope borrow/stockpile area would have to be expanded to accommodate the additional soil, increasing habitat disturbance in this area. Increased handling of the graded material would increase equipment and fuel costs and increase equipment

emissions, reducing the project's environmental benefits and cost savings from the reconfiguration project; Thereby significantly reducing the cost savings that would help to fund the comprehensive restoration activities.

If the project construction were delayed, in the interim period, California red-legged frogs in the in-channel sedimentation basins would continue to be subject to disturbance associated with basin maintenance and relocation activities, possible predation, and would be continue to be located within 100 feet of the significant earthmoving activities required to create the new air space. With implementation of the protective measures included in the California Red-legged Frog Management Plan, impacts to the existing and translocated red-legged frog population at Arroyo Quemado would be minimized. In addition, while it is not feasible to complete restoration activities, RRWMD is proposing to provide enhancements to the in-channel habitat in Arroyo Quemado prior to relocating the frogs. However, it is acknowledged in the SEIR that the relocation and construction activities (similar to the current maintenance activities) could result in a take of this federally listed species and therefore, activities associated with the reconfiguration would remain significant and require your Board to make the appropriate findings.

Visual Impacts

Comments received from the Law Office of Marc Chytilo representing the Gaviota Coast Conservancy contend that the SEIR does not adequately analyze the visual impacts of the proposed project and therefore the Draft SEIR requires revision and recirculation. Pursuant to CEQA Guidelines Section 15150, the Draft SEIR incorporated by reference the visual impact analysis contained in 01-EIR-05 certified for the Tajiguas Landfill Expansion Project. A summary of the impacts identified in 01-EIR-05 and a discussion of visual impacts associated with the proposed reconfiguration was included in Section 4.8.2 (pages 4.8-2 to 4.8-3) of the Draft SEIR. As the approved and permitted Tajiguas Landfill Expansion Project represents the environmental baseline, visual impacts of the reconfiguration project were compared against this baseline. Section 4.8.2 notes that these significant visual impacts would continue to occur and the proposed reconfiguration would not create new or substantially increase these existing visual impacts. 01-EIR-05 mitigation measure VIS-1 (contouring of the landfill at final closure consistent with the surrounding terrain, BIO-3 (revegetation of the landfill) and BIO-9 (shielding of lighting) would help reduce, but not eliminate, significant visual impacts associated with the landfill. These measures would continue to be applicable to reconfigured waste footprint. No other measures are available or feasible to reduce the visual impacts of the landfill.

Archaeological Resources

Two members of the Chumash community expressed concerns regarding the cultural resource sensitivity of the project area and the need to monitor future ground disturbing activities at the landfill and at Baron Ranch. Concerns were also expressed regarding the findings of an extended Phase 1 cultural resource study of a site (CA-SBA-3494) identified during surveys conducted for the approved and permitted Tajiguas Landfill Expansion Project.

The SEIR acknowledges the cultural resource sensitivity of the project area. New cultural resource surveys were conducted as a part of the SEIR analysis in areas proposed for disturbance at the Tajiguas Landfill and Baron Ranch. No resources were observed in the new area of disturbance at the Tajiguas

Landfill. No further surveys or monitoring were required at the Tajiguas Landfill in association with the reconfiguration project. As identified in 01-EIR-05, two recorded archaeological sites are located in the entrance area of the landfill. These sites would not be disturbed by the reconfiguration project but could be disturbed during the overall landfill closure. Mitigation measures identified in 01-EIR-05 would remain applicable to these sites.

Redeposited cultural material was observed at Baron Ranch indicating a high sensitivity for the presence of cultural material. The Cultural Resource Study prepared for the proposed project identifies locations on Baron Ranch that are considered sensitive. Consistent with recommendations included in the study, the SEIR requires monitoring of restoration activities within the sensitive areas, avoidance (if possible) of resources observed, or subsequent evaluation and, if necessary, data recovery.

During preparation of 01-EIR-05, one potential archaeological site (CA-SBA-3494) was identified in the back canyon area of the landfill site. The proposed reconfiguration project would not impact site CA-SBA-3494. Impacts to this site were identified as potentially significant in 01-EIR-05 for the Tajiguas Landfill Expansion Project. Mitigation measures included in 01-EIR-05 required further evaluation of this site prior to landfill related disturbance. Pursuant to the mitigation requirements, an Extended Phase 1 Archaeological Investigation was conducted by SAIC in 2004 and monitored by Mike Lopez, Chumash monitor with DNA and Associates. The investigation determined that the site was not culturally significant and a rock shelter associated with the site was not associated with any prehistoric or historic cultural activity and no further testing, monitoring or other measures were required.

Baron Ranch Trail

Comments received from the Law Office of Marc Chytilo representing the Gaviota Coast Conservancy contend that the proposed Baron Ranch Trail should be a required element of the proposed project. The Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project would not impact recreational resources and would therefore not require establishment of a trail on Baron Ranch. The Board letter for the acquisition of Baron Ranch did not direct construction of a trail but stated, “the purchase may also enable the development of a trail network into the Forest and over to the Santa Ynez valley from County-owned property” (Board Letter dated December 4, 1990). Over the past several years, RRWMD has worked with the County Parks Department and members of the public on the possible establishment of a trail on Baron Ranch. RRWMD does not believe inclusion of the trail as an element of the project description is appropriate given the nature of the proposed project (waste disposal) or necessary to make the findings under CEQA for approval of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project. However, RRWMD supports limited public access on Baron Ranch and, with Board of Supervisors’ approval, will allow a trail to be developed on the property. RRWMD is coordinating with the Santa Barbara County Parks Department which is the County agency responsible for implementation and maintenance of the trail. County Parks Department has received a grant from the Goleta Land Trust for development of the trail.

Mitigation Measures

As noted above the proposed reconfiguration would result in additional impacts to biological resources (sensitive habitats, sensitive plants, and sensitive wildlife species). The primary measures to reduce these impacts are implementation of the Baron Ranch Restoration Plan and the California Red-legged

Frog Management Plan which have been included as elements of the proposed project. The Restoration Plan is included as Appendix C of the Final EIR and the Management Plan, Appendix D.

The Baron Ranch Restoration Plan focuses on enhancement of developed and degraded portions of the Arroyo Quemado watershed on the County-owned Baron Ranch. The Restoration Plan includes the following elements

- Enhancement, restoration and creation of freshwater marsh (1.3 acres), coast live oak riparian forest (17.1 acres) and southern willow scrub (6.5 acres) within the Arroyo Quemado watershed to compensate for impacts to jurisdictional waters and wetlands at the Tajiguas Landfill;
- Enhancement, restoration and creation of 7.05 acres of *Ceanothus megacarpus* chaparral habitat and 5.55 acres of Venturan coastal sage scrub habitat;
- Creation of a new mixed riparian buffer adjacent to Arroyo Quemado Creek through replacement of barren and active orchard areas along the Arroyo Quemado Creek riparian corridor with coast live oak riparian forest;
- Restoration of degraded and eroding areas of the Arroyo Quemado riparian corridor and tributaries;
- Invasive plant removal within and adjacent to the riparian buffer;
- Permanent protection of over 30 acres of the Arroyo Quemado watershed (including portions of the existing riparian corridor and restored areas) and occupied California red-legged frog breeding habitat through a conservation easement[2] (Attachment 5, Figure 4);
- Implementation of a monitoring plan to ensure restoration, enhancement; and
- Management activities in the Arroyo Quemado Watershed which will lead to habitat benefits for the California red-legged frog.

Over the long-term, restoration of sensitive habitats on the Baron Ranch in areas that have been historically disturbed by agricultural activities would substantially reduce the project's incremental biological impacts and significantly improve biological conditions in the Arroyo Quemado watershed. However, until these restored communities reach maturity, there would be a temporal loss of native and sensitive vegetation communities and impacts would remain significant and unavoidable (Class I).

Impacts to the federally threatened California red-legged frog would be reduced through protection and expansion of breeding and foraging habitat provided by the restoration activities on Baron Ranch and through implementation of the project's California Red-legged Frog Management Plan (SEIR Appendix D). This Plan includes:

- Pre-construction surveys and capture of tadpoles and frogs from the in-channel-basins prior to construction;
- Testing frogs for chytrid fungus and treating infected frogs, if needed;
- Relocation of frogs to an approved relocation site (Arroyo Quemado on-Baron Ranch proposed);
- Pit tagging of relocated frogs to monitor possible movement back to Tajiguas;
- Construction monitoring;
- Minimization measures to avoid and minimize impacts to frogs during restoration activities;
- Post relocation monitoring; and
- Long-term protection of occupied habitat on Baron Ranch.

[2] RRWMD will return to the Board of Supervisors for granting of the Conservation Easement.

Arroyo Quemado on Baron Ranch has high quality habitat, adequate water, well-developed riparian corridor; no introduced predators, and what appears to be a healthy population of California red-legged frogs. Studies (ERA 2008) conducted in support of the project indicate that pools could support additional frogs. Restoration activities would increase the buffer area and ultimately the carrying capacity of the watershed. Restoration efforts will also increase the quality of the aquatic habitat for existing and relocated frog by replanting barren and eroded area and reducing bank failures effectively reducing sediment loads reaching Arroyo Quemado. The proposed restoration would also increase foraging opportunities and provide additional cover for frogs currently foraging in the upland areas adjacent to Arroyo Quemado. Implementation of the California Red-legged Frog Management Plan would eliminate the annual impacts associated with relocation of individual frogs currently required during maintenance of the man-made in-channel sedimentation basins (previously identified as a significant and unavoidable impact of the approved Tajiguas Landfill Expansion Project). Measures have been included in the plan to protect individual frogs to the extent feasible during the relocation and restoration; however, some reduction in population levels may occur and residual impacts would be significant and unavoidable.

Potentially significant impacts to other sensitive wildlife in the reconfiguration area would be mitigated through avoidance of disturbance during the nesting and denning periods or preconstruction surveys to demonstrate absence or to provide buffers from active nest or dens and habitat replacement on Baron Ranch.

Potentially significant impacts to cultural resources on Baron Ranch associated with ground disturbing restoration activities would be mitigated to a level of insignificance by construction monitoring and additional investigations and data recovery if resources are observed.

Other significant impacts of the existing approved and permitted Tajiguas Landfill Expansion Project would continue to be mitigated by the measures adopted as conditions of approval during the Board of Supervisor's approval of that project.

Mitigation Monitoring Program

CEQA Section 15091(d) requires "(d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures." CEQA Section 15097(a) ensures "… that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

The mitigation measures, monitoring methods and timing, and the enforcement agency are designated in the attached Mitigation and Monitoring Reporting Program (Attachment 3). This Mitigation and Monitoring Reporting Program would ensure compliance with the mitigation measures during project implementation.

Contract for Initial Implementation of the California Red-legged Frog Management Plan and Biological Construction Monitoring

As a part of the Board's actions, staff is requesting approval of one contract in the amount of $121,650 related to implementation of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project. The contract is with P&D Consultants, a District of AECOM (formerly EcoSystems Restoration Associates [ERA]) and is for implementation of the proposed California Red-legged Frog Management Plan and for pre-construction and construction biological monitoring. Because relocation of the California red-legged frog population is time critical and must occur outside of the breeding season it is necessary to have this work ready to start immediately upon receipt of all necessary regulatory permits (expected in May 2009). AECOM (as P&D/ERA) is currently on the Public Works Department's approved Master Services Agreement. AECOM staff prepared the California Red-legged Frog Management Plan and have been assisting RRWMD staff with the Section 7 Endangered Species Act consultation with the U.S. Fish and Wildlife Service (USFWS) and acquisition of Federal and State permits related to activities impacting the California red-legged frog and Pila Creek. AECOM also conducted the majority of the biological assessment work for the project and prepared the Baron Ranch Restoration Plan. Therefore, AECOM's intimate knowledge of: the Tajiguas Landfill and Baron Ranch, the regulatory permitting process and requirements, and detailed knowledge of the California Red-legged Frog Management Plan make them extremely qualified for appointment to implement the plan and conduct the biological monitoring. Initiation of work under this contract is contingent upon receipt of all necessary permits.

Staff will return to the Board for contracts related to implementation of the Baron Ranch Restoration Plan and other construction-related contracts. Staff intends to solicit competitive proposals/bids to complete these additional project elements and would return to the Board for contract approval, as necessary.

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund			
State			
Federal			
Fees			
Enterprise Fund	$ 446,600.00	$ 1,650,000.00	$ 2,096,600.00
Total	$ 446,600.00	$ 1,650,000.00	$ 2,096,600.00

Narrative:
The landfill tipping fees have been structured to support the costs of the phased liner expansion at the current planned configuration. Funding for this reconfiguration project, pending approval, and any ongoing maintenance costs will be supported by these realized savings without additional increases to the Tajiguas Landfill tipping fees.

Special Instructions: The Clerk of the Board shall complete noticing for the project in a newspaper of general circulation in the County of Santa Barbara ten (10) days prior to the hearing.

Clerk of the Board to provide minute order for pick up by Thursday April 30, 2009. Clerk of the Board to contact Joddi Leipner (x3614) for pick up of the minute order. Clerk of the Board to provide two stamped originals of the agreement with AECOM along with the minute order to the RRWMD, attn: Joddi Leipner.

Attachments:

1. Proposed Final SEIR (08EIR-00000-00007) Volumes 1 and 2 (under separate transmittal)
2. CEQA Findings and Statement of Overriding Considerations
3. Mitigation Monitoring Plan
4. Agreement for Services of Independent Contractor – AECOM
5. Project Figures

Authored by: Joddi Leipner, Senior Engineering Engineering Environmental Planner (x3614)

ATTACHMENT 1

PROPOSED FINAL SUBSEQUENT EIR (08EIR-00000-00007)

VOLUMES 1 AND 2

(PROVIDED UNDER SEPARATE TRANSMITTAL)

ATTACHMENT 2

CEQA FINDINGS AND

STATEMENT OF OVERRIDING CONSIDERATIONS

ATTACHMENT 3

MITIGATION MONITORING PLAN

ATTACHMENT 4

AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR

ATTACHMENT 5

PROJECT FIGURES