



**BOARD OF SUPERVISORS  
AGENDA LETTER**

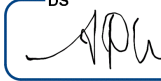
**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** PW/Flood Control  
**Department No.:** 054  
**For Agenda Of:** August 22, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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

**FROM:** Department  
Director(s) Scott D. McGolpin, Public Works Director, (805) 568-3010   
Contact  
Info: Walter Rubalcava, Deputy Director - Water Resources, (805) 568-3436

**SUBJECT:** Memorandum of Agreement between Santa Barbara County Flood Control and Water Conservation District and the U.S. Army Corps of Engineers, Los Angeles District, Fourth and Fifth Supervisorial Districts

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Directors:

- a) Approve and authorize the Chair to execute the Memorandum of Agreement (MOA) between Santa Barbara County Flood Control and Water Conservation District and U.S. Army Corps of Engineers, Los Angeles District for Section 214 Permit funding associated with modifications to the Santa Maria River Levee System for the initial amount of \$310,000, that can be increased an additional \$300,000 to a not to exceed amount of \$610,000, for a term ending June 30, 2028;
- b) Authorize the Public Works Director or designee to execute separate agreements that may be required between the Flood Control District and U.S. Army Corps of Engineers to expedite environmental technical assistance, coordination services, review, and concurrence of documentation prepared to comply with Section 404 of the Clean Water Act of 1972, as amended, and/or Section 10 of the Rivers and Harbors Act of 1899, as amended, and to increase the MOA by up to \$300,000 and designate additional priority projects in Appendix A of the MOA ; and

Memorandum of Agreement between Santa Barbara County Flood Control and Water Conservation District and the U.S. Army Corps of Engineers, Los Angeles District, Fourth and Fifth Supervisorial Districts

Agenda Date: August 22, 2023

Page 2 of 3

- c) Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) and (b)(5), the action involves the creation of government funding mechanisms and organizational/administrative activities of government that will not result in direct or indirect physical changes to the environment; and is therefore not defined as a project under CEQA.

**Summary Text:**

This item is on the agenda in order to obtain Board approval and authorization to execute the Memorandum of Agreement (MOA) with the U.S. Army Corps of Engineers (USACE) to provide expedited Section 408 Permit application review for modifications to the Santa Maria River Levee, located in the Fourth and Fifth Supervisorial Districts. This MOA will be utilized for proposed bridges and other future projects that will impact this federally constructed facility.

The Flood Control District (District) is willing to cooperate with the USACE Los Angeles District by providing funding that will enable the review of Section 408 Permit applications for major County bridges and other future projects to continue as scheduled without interruption. Federal funding shortfalls in the Section 408 Permit review budget has typically occurred after July of every year, resulting in delays to Section 408 Permit applications. If at the end of the term funding is not used by USACE funding will be returned to the District or rolled into a new agreement

**Background:**

Section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 (“WRDA 2000”), as amended and codified at 33 U.S.C. §2352, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit application of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

At this time there are two proposed projects with permit application reviews eligible for funding under this MOA to expedite the review and approval process. The first project is the County Transportation Division Bonita School Road Bridge Replacement Project. This project proposes a bridge replacement from Bonita School Road in northern Santa Barbara County crossing into San Luis Obispo County. This is an important regional bridge used for daily vehicle and agricultural uses. The second project is the Santa Maria River Levee Trail Project and is still under assessment by the County Transportation Division. It is anticipated that additional future projects, as well as program management by the District, on the Santa Maria River Levee will utilize this MOA.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Memorandum of Agreement between Santa Barbara County Flood Control and Water Conservation District and the U.S. Army Corps of Engineers, Los Angeles District, Fourth and Fifth Supervisorial Districts

Agenda Date: August 22, 2023

Page 3 of 3

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized On-going Cost:</b>	<b>Total One-Time Project Cost</b>
SMRL Flood Zone	\$ 310,000.00		\$ 610,000.00
State			
Federal			
Fees			
Other:			
<b>Total</b>	<b>\$ 310,000.00</b>	<b>\$ -</b>	<b>\$ 610,000.00</b>

**Narrative:**

Costs associated with this MOA were included in the FY 2023-24 Adopted Budget in the Water Resources Division of the Public Works Department as shown on page D-331 in the budget book. All project costs will be initially paid by the District with funds to be reimbursed by the project owners. For this fiscal year, \$310,000 was budgeted to expedite two Transportation Division projects including program management costs. These costs will be paid by the District to the USACE under this MOA and Transportation will reimburse the District as the project owner. The term of the MOA is multiyear and valid through June 30, 2028 with a total not to exceed amount of \$610,000. Funding will be included in future budgets as or if projects need to be expedited.

**Special Instructions:**

Direct the Clerk of the Board to email [clopez@countyofsb.org](mailto:clopez@countyofsb.org) to pick up an original signature page of the MOA (page 10) and a copy of the minute order of these actions.

**Attachments:**

Attachment A - Memorandum of Agreement for USACE Section 214 (includes contract summary)

**Authored by:**

Hansel Corsa, Civil Engineer, (805) 803-8784