



August 14, 2019

Mr. Tom Fayram
Deputy Director
Public Works Department
123 East Anapamu Street
Santa Barbara, CA 93101

Performance Bond in Favor of California Department of Fish & Wildlife.

Dear Tom,

Public safety experts believe that over the next four years Montecito remains at high risk of additional debris flows after intense rainfall.

Between April 4 and June 7, 2019, the non-profit The Project for Resilient Communities (TPRC) therefore built four emergency Geobrugg nets to install 20,295 cubic yards (cy) of additional debris flow protection in the drainages above Montecito: two nets in Cold Spring Canyon, 9,630cy; one net in San Ysidro Canyon, 6,184cy, and one net in Buena Vista Canyon, 4,481cy.

On September 15, 2019, TPRC is willing to begin construction on two more nets for an *additional* 16,455cy of debris flow protection before the winter rains: one in San Ysidro Canyon, 9,250cy, and one in Buena Vista Canyon, 7,205cy. The total new debris flow protection for County residents from all six nets would be 36,750cy. The construction would be concluded in less than 45 days.

The County OEM, the Montecito Fire Protection District and other public safety agencies report that the 16,455cy of additional protection from the proposed two nets, together with the 20,295cy from the existing four nets, will be a significant factor in shrinking the red evacuation zones this summer, among other substantial public safety and economic benefits to County residents.

Despite an extraordinary campaign by county residents to provide privately funded public safety improvements – including raising over \$5 million in charitable funds from over 300 foundations and residents -- TPRC unfortunately cannot presently afford to build the final two nets. For TPRC to be able to build such two nets, it will need and respectfully requests that the County provide to the California Department of Fish & Wildlife (CDFW) an acceptable performance bond or similar security in the maximum amount of \$1,042,700 to replace TPRC's existing performance escrow posted in favor of the CDFW, as described further below.



The County's contingent exposure would solely be the \$1,042,700 face amount of the CDFW bond. *The County would not be liable for ownership, design, installation, maintenance, repair, debris removal or any other liability respecting the six nets. TRPC is willing to direct its liability insurer to name the County as an Additional Insured under TRPC's \$37,000,000 million comprehensive liability policy and \$10,000,000 pollution policy -- each of which was pre-paid by TRPC for 10 years.* The nets will be removed by TRPC within about four years, after slope revegetation.

The CDFW bond, practically, could be drawn upon by CDFW only after the following contingent conditions: (a) if a major debris flow occurs geologically; *and* (2) if TRPC defaults on its existing permits for the six nets.

With CDFW's acceptance of the substitute County performance bond, TRPC would be able to liquidate its present CDFW performance security, retire its \$1,042,000 maximum term loan with Montecito Bank & Trust that funded TRPC's present CDFW performance security, cancel the support of such loan by the Santa Barbara Foundation, retrieve its loan interest reserve and principal repayments, and notify its contractor to proceed on September 15, 2019 before the winter rains to construct BV-4 (Buena Vista Canyon, 7,205cy, no debris basin) and SY-7a (San Ysidro Canyon, 9,250cy).

If you have any further questions or comments, please let me know.

Sincerely yours,

A handwritten signature in blue ink that reads "Pat McElroy". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Pat McElroy
Executive Director