



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: Public Works
Department No.: 054
For Agenda Of: 8/14/2018
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Laguna County Sanitation District

FROM: Department Scott D. McGolpin, P.E.
Director(s) Director, (805) 568-3010

Contact Info: Mark A. Schleich, P.E.
Deputy Director, (805) 882-3605

SUBJECT: Conservation Easement Deed on Laguna County Sanitation District Property – 3rd Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the Conservation Easement Deed creating and conveying to the State a conservation easement on land owned by Laguna County Sanitation District consisting of APN 113-240-015 (126.70 acres) and a portion of APN 113-240-013 (7.00 acres); and
- b) Adopt the resolution establishing an endowment fund for the ongoing maintenance and monitoring of the Conservation Easement and certifying compliance with Government Code section 65968(e); and
- c) Approve a budget revision to fund the Conservation Easement Endowment with \$593,325.00. (4/5 vote); and
- d) Find that the proposed actions are categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15313, related to the preservation of wildlife habitat.

Auditor-Controller Concurrence

As to form: Yes

Summary Text:

This item is on the agenda in order to consider the creation of a conservation easement. The Laguna County Sanitation District (District) intends to construct certain projects over the next several years including treatment plant upgrades to replace aged infrastructure, future capacity upgrades, various other plant improvements, recycled water distribution projects and various sewer pipeline repair and replacement projects. Much of the work is located on land considered to be within the habitat range of the federally endangered/state threatened California tiger salamander (CTS) and the federally threatened California red-legged frog (CRLF). The proposed conservation easement is 133.70 acres in size on two parcels owned by the District and will provide mitigation for ground disturbing activities associated with the proposed work. The District will continue to use the land for pasture irrigation and cattle grazing.

Background:

The District will be constructing several capital projects over the next 30 year planning period. These include a Phase 1 (replacement) and Phase 2 (capacity) wastewater reclamation plant upgrades as detailed in the *Laguna County Sanitation District Wastewater Reclamation Plant Facilities and Financial Master Plan* presented to your Board on October 11, 2011; as well as various plant improvements including replacing earthen sludge beds with concrete beds, effluent storage expansion, flood protection facilities; recycled water distribution projects; and sewer pipeline repair and replacement projects.

Your Board approved the *Final Mitigated Negative Declaration for Wastewater Reclamation Plant Facilities Master Plan and Habitat Conservation Plan* on July 3, 2018, which detailed the environmental effects of the work identified in the master plan. The analysis included the development of a low effect habitat conservation plan (HCP) to address work proposed within designated critical habitat areas known to contain breeding, dispersal and upland habitat of the federally endangered/state threatened California tiger salamander and the federally threatened California red-legged frog. The HCP supports the issuance of a federal incidental take permit under Section 10(a) (1) (B) of the federal Endangered Species Act as well as a consistency determination under the California Endangered Species Act pursuant to Section 2081(b) of the California Fish and Game Code. The federal and state approvals are contingent upon the creation of the conservation easement on 133.7 acres District-owned land (APN 113-240-015 consisting of 126.7 acres and 7.0 acres on APN 113-240-013) that contains habitat for these species. The conservation easement will allow the continued use of the land for the irrigation of recycled water and cattle grazing. This conservation easement will, however, limit future development.

The California Department of Fish and Wildlife requires that the activities associated with the conservation easement be funded through an endowment. Government Code Section 65968 allows the endowment to be held and managed by the District. The attached resolution certifies that the District has the authority and capacity to establish and manage the endowment. The attached budget revision moves \$593,325 in District reserves to a restricted internal agency fund to establish the endowment. The California Department of Fish and Wildlife will record the conservation easement upon receipt of the executed conservation easement, resolution and copy of the Budget Revision.

Staff recommends the execution of the conservation easement deed, adopting the resolution establishing and certifying the endowment fund, and approving the budget revision.

Performance Measure:

This action provides for mitigation required to comply with US Fish and Wildlife Service and California Department of Fish and Wildlife permit requirements and allows the District to pursue construction of essential infrastructure.

Fiscal and Facilities Impacts:

District reserves in the amount of \$593,325 will be deposited into a special District-managed restricted cash account pursuant to Government Code Section 65968 as an endowment. The endowment will be used to fund management activities of the conservation easement as described in the management plan.

Staffing Impacts:

There are no staffing impacts with this action.

Special Instructions:

Upon Board action, please distribute as follows to Martin Wilder, Laguna Sanitation District in the Santa Maria Public Works Department office:

1. Return two original deeds and retain one original deed for COB records.
2. Forward a certified copy of the adopted resolution.
3. Forward certified copy of the budget revision request.
4. Forward a certified minute order of these actions.

Attachments:

Attachment A: Conservation Easement – 3 originals

Attachment B: Resolution

Attachment C: Budget Revision Request

Authored by:

Martin Wilder, P.E. - Program/Business Leader-Engineer, (805) 739-8755