

# EMERGENCY PERMIT

## 08EMP-00000-00001



**X Coastal Zone:**

Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

**Case Name:** Green Canyon Drainages Routine Maintenance  
**Case Number:** 08EMP-00000-00001  
**Site Address:** 5150 Main Street (113-070-029)  
**APN:** 113-070-029, -030  
**Applicant/Agent Name:** Dana Zertuche, Santa Barbara County Flood Control District  
**Owner Name:** Tompkins GST Trust (113-070-029) & George Niedens (113-070-030)

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

**ISSUED**  
ZONING PERMIT  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT  
Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

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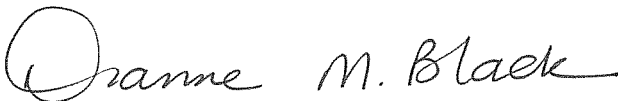
**PERMIT APPROVAL:**

This is to inform you that an Emergency Permit has been approved for performance of annual creek maintenance activities (herbicide application to channel vegetation, sediment removal) on Middle and North Green Canyon Channels in order to decrease obstructions to potential winter flows:

*The proposed project would involve removal of obstructive live vegetation (bulrush, watercress) by application of herbicide, as well as excavation of accumulated sediment basin using a Gradall operating from the top of the bank. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of the Green Canyon Channels if the normal processing pathway is followed. Failure to conduct the proposed work on Green Canyon Channels prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.*

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



DIANNE BLACK  
Director of Development Services

APPROVAL DATE: July 31, 2008

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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Beth Ford

Print Name

Beth Ford

Signature

7/31/08

Date

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**PERMIT ISSUANCE:**

Mark Walter

Print Name

MWalt

Signature

7/31/08

Date

## BACKGROUND:

*The proposed project is located along both Middle and North Green Canyon Channel. Middle Green Canyon Channel begins approximately 1,500 feet upstream of Highway 1 and flows to the confluence with Orcutt/Solomon Creek just upstream of West Main Street in the town of Guadalupe. North Green Channel begins approximately 1,200 feet south of the intersection of Sal Dunes Way and West Main Street near the town of Guadalupe and flows to the southwest for a distance of approximately 1 mile to its confluence with Middle Green Channel. These channels are vegetated with non-native weedy species on the banks and, bulrush and watercress in the active channel. In addition, a 700 foot section of Middle Green Channel contains accumulated sediment. The vegetation and sediment reduce the channel capacity, and reduce channel velocities and sediment transport which could result in flooding of surrounding areas. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of the Green Canyon Channels if the normal processing pathway is followed. Failure to conduct the proposed work on the Green Canyon Channels prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.*

## FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
  - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

The subject reaches of Middle and North Green Canyon Channels contain obstructive sediment and vegetation, respectively, within the active channels. The accumulated sediment and vegetation could reduce channel capacity and trap additional sediment, potentially causing flooding if not removed prior to the next rainy season. The 2008 Gap Fire has increased the amount of maintenance and debris removal that the County Flood Control District must conduct prior to the rainy season. This extra work must be completed in addition to the Annual Maintenance projects such as that on the Green Canyon Channels. Normal permit processing for the Green Canyon Channel projects, including local and Coastal Commission appeal periods, could result in permit issuance as late as September, leaving insufficient time to conduct all required work before the start of the rainy season

(November 1). In addition, the potential for early rain events in October makes the situation more critical with respect to completion of maintenance activities. The applicant has confirmed that all work covered by this permit will be completed within 30 days of permit issuance.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.*

The proposed action would be consistent with the Coastal Plan and the Coastal Zoning Ordinance. The project would be consistent with Policies 3-13 and 3-14 of the Coastal Plan, which call for minimization of grading. No grading would be required to remove the targeted vegetation, which would be removed by application of herbicide. The proposed grading to remove accumulated sediment from the Middle Green Canyon Channel is the minimum required to restore function to the channel. Such grading would not result in substantial alteration of a natural landform. The project is conditioned to prevent introduction of fuels, lubricants or other pollutants into the channels, and is therefore consistent with Policy 3-19. The project is also consistent with Policies 9-38 and 9-40 which allow development and vegetation clearance for flood control purposes. The project is consistent with Policies 9-6 and 9-7 which allow dredging activities for flood control purposes and require deposition of spoils outside areas of tidal influence and public access. Policy 9-9, which requires a buffer/setback of 100 feet from wetlands, is typically applied to estuaries and closed bodies of fresh water (such as vernal pools) and has not historically been applied to stream corridors since there are more specific policies in the Coastal Plan regarding development in or near streams. Therefore Policy 9-9 does not apply to this project.

- c. *Public comment on the proposed emergency action has been reviewed if time allows.*

The proposed emergency action will be noticed pursuant to Section 35-171.5 of Article II, the Coastal Zoning Ordinance. Such notice is not required to precede commencement of emergency work. Public comment received in response to the required noticing will be received after permit issuance, precluding the ability to review prior to such issuance.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **EMERGENCY PERMIT CONDITIONS OF APPROVAL**

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all

authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

The project will clear obstructive vegetation and remove sediment from the active channels of Middle and North Green Canyon Channels. Vegetation (bulrush and watercress) will be sprayed with herbicide (Aquamaster) to create a 6 foot wide open channel within North Green Canyon Channel. On Middle Green Canyon Channel, sediment will be removed from a 700 foot stretch of the channel using a Gradall excavator operating from the top of the bank. The activities to be conducted within the channels are listed below.

- a. Middle Green Canyon Channel, Section 1. Recently accumulated sediment will be removed using a Gradall working from an existing access road along the south side of the creek starting from the culvert and continuing downstream for a length of 700 feet. Approximately 500 cubic yards of sediment will be removed and graded onto the adjacent farm field. Although the stream bed is currently devoid of vegetation, an application of Aquamaster herbicide may be applied when obstructive vegetation begins to colonize the streambed after the desilting is complete. Maintenance associated with the 2008/2009 Annual Routine Maintenance Plan will occur along the same stretch of creek that was maintained in 2005, therefore impacts to this area have already been mitigated.
- b. North Green Canyon Channel, Section 1. Small patches of watercress and bulrush have begun to colonize the channel bed, reducing velocities and increasing the potential for sedimentation along the length of the drainage. An application of Aquamaster herbicide will be made to remove the watercress and bulrush and maintain an open channel down the middle of the invert for a width of 6 feet. A follow-up application of herbicides may be applied in the spring to inhibit regeneration of the vegetation. Maintenance associated with the 2008/2009 Annual Routine Maintenance Plan will occur along the same stretch of creek that was maintained in 2006, therefore impacts to this area have already been mitigated.
2. An application for the required permit necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permit required for the proposed emergency work includes an Appealable Coastal Development Permit pursuant to Section 35-169.2 of the Article II Zoning Ordinance.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director of Planning and Development.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed

within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.

5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
7. All project activities authorized under this Coastal Development Permit shall be in strict accordance with all conditions of the Army Corp of Engineers Permit (#200500145-JCM); the Biological Opinion (1-8-04-F-46) issued by the U.S. Fish and Wildlife Service, dated July 27, 2005 and the Amendment to this Biological Opinion dated August 10, 2006; the Streambed Alteration Agreement (#R5-2002-0083) from the California Department of Fish and Game, dated August 19, 2003; and the Section 401 Permit from the Regional Water Quality Control Board, dated August 2, 2005. Where the conditions of this permit conflict with those of the other regulatory agencies the conditions most protective of coastal resources shall apply.
8. AQ-1 – Reduce Emissions. Implement the following Santa Barbara County APCD-approved measures for each piece of heavy-duty diesel construction equipment to minimize NO<sub>x</sub> emissions: (1) The engine size of construction equipment shall be the minimum practical size; (2) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) should be utilized wherever feasible; (3) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time; (4) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines; (5) Catalytic converters shall be installed on gasoline-powered equipment, if feasible; (6) Diesel catalytic converters shall be installed, if available; and (7) Diesel powered equipment should be replaced by electrical equipment, whenever feasible. Monitoring and Timing: District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented, as feasible. Reporting: A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.
9. AQ-2 To minimize dust/ PM<sub>10</sub> emissions, the following measures shall be implemented:
  - After clearing, grading, earth moving or excavation is complete, the disturbed area must be treated by watering, or re-vegetating, or by spreading soil binders until the area is paved or otherwise affected so that dust generation will not occur.
  - During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Reclaimed water shall be used whenever possible.
  - Minimize the amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- Gravel pads should be installed at all access points to prevent tracking of mud onto public roads, where feasible.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Trucks transporting fill material to and from the site shall be tarped.
- Dust control requirements shall be shown on all grading plans.
- The District shall designate a person to monitor dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the APCD prior to construction.

*Monitoring and Timing:* District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented, as feasible. *Reporting:* A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.

10. B-1 - Compensatory Habitat Mitigation. The District shall provide compensatory habitat mitigation for the removal of riparian and wetland habitat associated with brushing, herbicide spraying, channel shaping, bank stabilization by placing fill or grading banks, pilot channel construction, bank protection installation, access ramp construction, and channel desilting. The mitigation shall be required for all vegetated habitat, with the exception of areas dominated by aggressive, noxious non-native weeds (e.g., giant reed). The restoration treatment shall occur either on-site (i.e., along suitable portions of the drainage and its tributaries where the project is located) or off-site (Los Carneros Mitigation Bank) in accordance with the updated restoration plan described in the updated Program EIR, using a 1:1 acreage replacement ratio. A 2:1 ratio shall be used for impacts due to new grade stabilizers and non-vegetated bank protection, as described in the updated Program EIR. Prior to the use of the Los Carneros Mitigation Bank, the District shall consult with other organizations with expertise in habitat restoration (e.g., Wetlands Recovery Project) to determine if they have any knowledge of any on-site opportunities. Mitigation for specific affected areas shall only occur once during the next ten years of the maintenance program. That is, once habitat mitigation has been achieved for a portion of a drainage, no further mitigation is required for future maintenance of that reach or site over the next ten years regardless of the type of maintenance activity, provided the previous habitat mitigation has been successfully implemented, and the District continues to minimize habitat impacts to the extent feasible. After ten years, the habitat mitigation requirement shall begin again, regardless of previous habitat mitigation. Native trees with a diameter at breast height of 6 inches or more that are removed shall be replaced at a 10:1 ratio at the restoration site, independent of the replacement of habitat based on acreage. To the extent feasible, habitat restoration opportunities shall be sought on the tops of banks and landward of the creek that could provide a bio-filtering benefit for overland stormwater runoff. In addition, the District will seek opportunities to use regionally rare plants in the restoration plans, as feasible.
- Monitoring and Timing:* The District staff will determine the need and scope of compensatory habitat mitigation as part of the development of the Annual Maintenance Plan each spring. Subsequent to the maintenance work, the District Biologist will implement the restoration work, including site preparation and planting. If off-site mitigation is used, the District will acquire habitat credits at the LCMB in accordance with the process approved by regulatory



agencies. *Reporting:* The determination of the habitat mitigation needs and approach will be documented in the Annual Maintenance Plan. The success of habitat restoration will be documented in the District's annual restoration status report.

11. B-2 – Minimize Vegetation Removal from Channel Bottom. The District shall minimize vegetation removal from the channel bottom to the least amount necessary to achieve the specific maintenance objectives for the reach (i.e., removing obstructive vegetation or silt-trapping vegetation), consistent with the hydraulic considerations under Mitigation Measure H-1. Brushing and herbicide application for vegetation on the channel bottom shall be conducted in a non-continuous manner, to the extent feasible, allowing small patches of in-channel vegetation to persist. *Monitoring and Timing:* The District staff will determine the minimal amount of vegetation to be removed as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the vegetation removal occurs as intended under this measure. *Reporting:* The area of vegetation to be removed will be documented in the Annual Maintenance Plan. A summary of the actual work conducted will be documented in the annual post maintenance report.
12. B-3 - Construction Monitoring During Maintenance Activities. The District Biologist shall monitor maintenance activities daily to ensure that the appropriate methods and limits are used. Results of the monitoring shall be documented in the annual post-maintenance report. These activities include brushing, herbicide application, channel shaping, desilting, bank stabilization by placing fill or grading banks, bank protection construction or repair, grade stabilizer construction or repair, pilot channel construction, and access ramp construction. *Monitoring and Timing:* The District Biologist will conduct daily inspections of the maintenance work. *Reporting:* A summary of the maintenance work based on monitoring by the District staff will be described in the annual post maintenance report.
13. B-4 - Restore Temporarily Disturbed Areas. The District shall restore channel banks containing riparian or wetland vegetation that are temporarily disturbed by maintenance or construction activities associated with the following: channel shaping, placement of bank protection, ramp construction, and repair or construction of bank protection and grade stabilizers. Restoration objectives, methods, plant species, maintenance, and monitoring shall follow the guidelines in the updated restoration plan described in the Program EIR. The restoration of channel bed habitats shall only occur if it would not conflict with the maintenance needs in the affected reach. *Monitoring and Timing:* A description of the proposed maintenance work, and the need for, and scope of, post-maintenance restoration of temporarily disturbed areas will be included in the Annual Maintenance Plan. The District staff will conduct and/or oversee the maintenance work and subsequent restoration. *Reporting:* A summary of the maintenance and restoration work will be documented in the annual post maintenance report.
14. B-5 - Pre-Construction Biological Surveys and Avoidance Measures. A District biologist shall inspect all maintenance areas in creeks and basins during the annual spring field assessments (April and May) to determine if any sensitive plants, fish, or wildlife species are present, or habitats for these species are present. If the species are present, the District shall modify maintenance activities to avoid removal or substantial disturbance of the key habitat areas or features. Avoidance and impact minimization measures shall be described in the Annual Plan for each maintenance project. If a rare plant could be affected, the District shall relocate the

plant by cultivation or seeding methods to a suitable nearby site. If a sensitive fish or wildlife species will be present at a maintenance site during the work period, the District shall schedule the work to avoid the species, if possible. If avoidance is not feasible, the District shall attempt to relocate the species or population with approval from the California Department of Fish and Game, US Fish and Wildlife Service or National Marine Fisheries Service, as appropriate. This measure applies to all currently known sensitive species that occur in maintained drainages and basins, as well as species that are determined to be sensitive in the future. Endangered species experts with handling permits shall be consulted during relocation efforts to provide additional assurances that relocation is effective. Such consultation shall include assistance in field efforts, as warranted. Monitoring and Timing: The District staff will document occurrences of sensitive species in or near the work areas in the Annual Maintenance Plan. Avoidance and impact minimization measures will also be specified. District staff will monitor the avoidance as part of the maintenance work. Reporting: A summary of the maintenance work and compliance with the avoidance measures will be documented in the annual post maintenance report.

15. B-6 - Construction Monitoring for Sensitive Species. The District Biologist shall monitor, on a daily basis, earth and vegetation disturbing maintenance activities located at and adjacent to locations where sensitive species are known to occur. The need for monitoring and the areas to be monitored shall be determined during the annual field assessment in the spring. The objective of the monitoring is to ensure that key habitat features or species locations are avoided. Monitoring and Timing: The District Biologist will monitor maintenance work near sensitive species locations. Reporting: A summary of the maintenance work and associated monitoring will be documented in the annual post maintenance report.
16. B-7 - Post Maintenance Channel Bed Treatment. The District shall roughen the channel bed after channel desilting maintenance to create microtopography that will encourage re-establishment of aquatic habitats over time. Pools and riffles shall be recreated in the work area if they were removed during maintenance, to the extent feasible. Modifications of the creek bed shall be consistent with geomorphological considerations identified through mitigation measure H-1. Monitoring and Timing: The district staff will conduct and/or oversee the maintenance work, and ensure that the channel bed treatment is completed consistent with the mitigation measure. A description of the locations of channel bed treatment following desilting will be included in the annual maintenance plan. Reporting: A summary of the maintenance work will be documented in the annual post maintenance report.
17. C-1 - Unexpected Archeological Finds. If cultural materials are unexpectedly uncovered during maintenance activities, the District shall immediately consult with a qualified archeologist who shall inspect the material and coordinate with the District to halt or redirect earth-disturbing maintenance work until the significance of the material is determined, and the location is cleared for further work. Monitoring and Timing: District personnel will conduct and/or oversee the maintenance work. They will address any cultural resource issue that occurs unexpectedly in the field. Reporting: A summary of maintenance work, including a description of any measures taken to avoid cultural resources, will be documented in the annual post maintenance report.

18. H-1 - Maintenance Need Analysis. The District shall evaluate relevant hydraulic factors when determining the need, type, and extent of channel maintenance for non-exempt watercourses where natural geomorphic processes are largely intact. Key factors that shall be included in the evaluation include: (1) hydraulic benefits of maintaining the bankful channel (if present) dimensions, natural sinuosity, and natural channel bed roughness; and (2) potential adverse hydraulic effects of excessive brushing, channel shaping, equipment activity in the channel, and bank hardening. Hydraulic principles of creating and maintaining channel stability and sediment transport equilibrium shall be applied, if applicable. The analyses and determinations relevant to this issue shall be documented in the Annual Plan. Clear maintenance objectives with attainable benefits for the protection of life, property, and habitat shall be established for each project and presented in the Annual Plan. A primary objective of this measure is to minimize maintenance activities to the extent feasible, consistent with District's program objectives. Monitoring and Timing: The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. Reporting: The need analysis will be documented in the Annual Maintenance Plan. A summary of the maintenance work conducted will be documented in the annual post maintenance report.
19. H-2 – Extent of Desilting. The depth of channel desilting shall not cause bank undercutting or channel headcutting. The District shall make a field determination of the maximum depth of desilting based on channel capacity objectives, an evaluation of channel invert elevation and slope through the project reach, and a consideration of the maximum allowable bank length and slope that would cause bank instability. To the extent feasible, banks and bank vegetation shall not be disturbed or reconstructed during desilting to avoid destabilizing the banks. Monitoring and Timing: The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. Reporting: The planned extent of desilting will be documented in the Annual Maintenance Plan. A summary of the desilting work conducted will be documented in the annual post maintenance report.
20. H-3 – Post Desilting Restoration. After desilting, the District shall restore the channel geometry at the desilting site to a more natural state, as feasible, based on the channel shape, dimension, and slope upstream and downstream of the project site. The channel geometry shall be designed to enhance post-maintenance sediment transport through the desilted reach. If banks are disturbed during desilting, they should be set at a slope that matches existing undisturbed banks and stabilized, to the extent feasible and taking into account available right of way. Monitoring and Timing: The District staff will conduct and/or oversee the maintenance work, and ensure that the measure is implemented. Reporting: A summary of the desilting restoration will be documented in the annual post maintenance report.
21. N-1 – Minimize Noise. Routine maintenance work shall be limited to weekdays and the hours of 7:30 AM and 4:30 PM. Equipment and haul trucks shall be equipped with functioning and properly maintained muffler systems, including intake silencers where necessary. Additional reductions in noise emissions shall be provided, as feasible, by performing noisy operations, such as chipping and loading spoils into dump trucks on the banks, as far away as practicable from

sensitive receptors. *Monitoring and Timing*: District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented. *Reporting*: A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.

22. V-1 - Minimize Visual Impacts in Channels. The District shall minimize brushing in the channel bottom (per Mitigation Measure B-2), incorporate natural channel dimensions during channel reshaping (per Mitigation Measure H-1), restore all temporarily disturbed areas with native riparian trees and shrubs (per Mitigation Measure B-4), and use biotechnical methods with riparian vegetation for bank protection and repair, as feasible (per Mitigation Measure H-5). Implementation of these measures will reduce short- and long-term visual impacts. *Monitoring and Timing*: The District staff will determine the need and scope of maintenance as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that all applicable mitigation measures are implemented. *Reporting*: A summary of the actual work conducted will be documented in the annual post maintenance report.
23. W-1 – Reduce Sedimentation. The District shall minimize the amount of surface disturbance and vegetation removal to the extent feasible during all maintenance activities in order to reduce the area of disturbed soils that could be eroded during winter runoff. No stockpiles or dewatering operations shall be established in the channel bed or basin bottom. All fill shall be compacted to reduce erosion. All disturbed banks and terraces above the low flow channel shall be seeded with appropriate riparian grasses and herbs and/or planted with willows, mulefat, or other woody plant species. The objectives of the seeding and/or planting are to stabilize these areas and reduce erosion. The selection of the species to be used and the density of seeding or planting shall balance the need for maintaining channel capacity while meeting these objectives. If work must occur in a wetted channel that has continuous flow downstream of the work site, the District shall either temporarily divert streamflow around the work site, or provide temporary sediment containment downstream of the site. In addition, the District shall check silt fencing, diversions and settling ponds twice a day. *Monitoring and Timing*: The District staff will conduct and/or oversee the maintenance work, and ensure that the impact area is minimized, filled areas are compacted, appropriate seeding is implemented, and sediment containment occurs. *Reporting*: A summary of the maintenance work will be documented in the annual post maintenance report. The success of seeding will be documented in subsequent annual surveys.
24. W-4 - Prevent Accidental Spills and Leaks. The mixing and dispensing of herbicides and equipment fueling or maintenance shall not occur within a channel or a basin. Spill containment and clean-up procedures for herbicides and vehicle fuels and oils shall be developed by the District. All field personnel shall be trained and all field vehicles shall be equipped with appropriate materials. *Monitoring and Timing*: The District staff will conduct and/or oversee the maintenance work, and ensure that the appropriate spill avoidance and containment procedures are implemented. *Reporting*: Accidental spills or leaks, and the associated clean up, will be documented in the annual post maintenance report.
25. W-5 - Water Quality Monitoring During Herbicide Application for Large Projects. The District shall monitor concentrations of glyphosate downstream of large maintenance projects that

involve herbicide application. Large projects are defined as projects that involve continuous or near-continuous herbicide application along reaches of more than 250 feet where there is flowing water along the entire reach. Water samples shall be collected from the flowing water at the following locations: Site A - above the work site, representing the ambient water quality conditions; Site B - immediately downstream of the work site; and Site C - approximately 200 feet downstream of the work site. Samples shall be collected using the following protocol: (1) Prior to herbicide application – samples at Site A, and Sites B and C if there is a storm drain outlet or similar feature within the maintenance reach that may contribute off-site flow and possible herbicides to the water samples; (2) 24 and 96 hours after herbicide application – samples at Sites A, B, and C. If glyphosate concentrations exceed 15 mg/l in the 24-hour sample or 10 mg/l in the 96-hour sample, the District shall modify the spray program at all remaining maintenance sites to be sprayed. Modification may include reducing the rate of herbicide application and/or using hand removal techniques. The District shall continue to apply herbicides only if the glyphosate concentrations are consistently below the 24 and 96-hour thresholds. If the 24 and/or 96-hour thresholds are exceeded five times during the maintenance year, regardless of location, the District shall cease application of herbicides in aquatic situations until the program can be modified to reduce concentrations to the acceptable range. Monitoring and Timing. District staff shall conduct the water quality sampling as noted above. Reporting. The Annual Plan shall indicate where water quality sampling will be conducted, and the annual post-maintenance report shall include the results.

26. W-6 – Public Education Regarding Creek Water Quality. The District shall prepare information brochures for residents located along maintained drainages that explain: (1) how the District applies herbicides in a responsible manner, and provides guidelines on how landowners can use herbicides for residential and commercial uses in a similarly responsible manner to minimize water quality impacts to the creeks; and (2) how landowners can reduce pollution to the creek from their activities by employing best management practices for landscape fertilization; disposal of household paints, hazardous materials and petroleum products; management of trash and landscaping debris; and handling of pet wastes. The brochure shall be prepared in coordination with Project Clean Water and mailed to affected areas on a 3-year rotating basis. It shall include the Project Clean Water phone numbers for technical assistance and for reporting illegal dumping. The brochure shall also include information on how landowners can make their land available for habitat restoration under the routine maintenance program. Monitoring and Timing: The District staff will complete the brochure within one year of the approval of the updated maintenance program. Reporting: The District shall summarize the number of mailings each year in the post-maintenance annual report.
27. W-7 – Reporting Water Quality Incidents. The District shall train its maintenance crews to identify and report incidents or materials observed in the creeks during routine maintenance work that could cause significant water quality impacts, including illegal dumping of trash, pet waste, and green waste; homeless encampments; and drain outlets with evidence of poor water quality. The staff shall contact appropriate authorities in the County or affected municipalities. Monitoring and Timing: The District staff will make the above observations during all maintenance work and record the observations on a form, and if possible, with photographs. Reporting: The District shall summarize the number of reports filed each year in the annual post-maintenance reports.

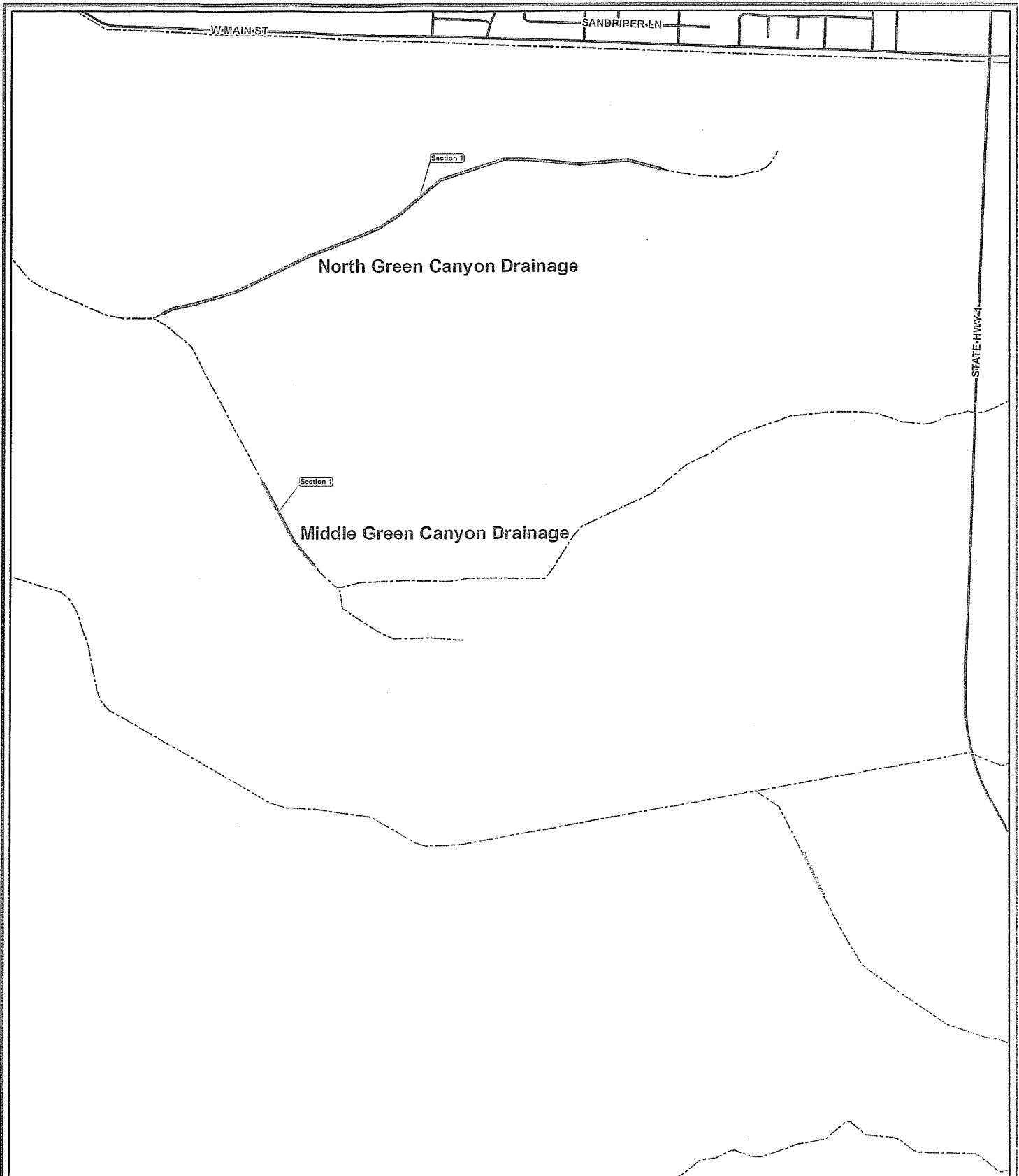
28. W-8 - Reduce Overall Herbicide Use. The District shall make every feasible effort to reduce the overall amount of herbicides used in the maintenance program over the next ten years through more restrictive and selective applications, greater use of manual clearing, actions to reduce in channel obstructive vegetation through shading by new canopy trees, and coordination with the County's Integrated Pest Management Strategy to identify more environmentally friendly pesticides. The IPM Strategy was adopted by the Board of Supervisors to promote the maintenance of the County's landscapes in way that protects and enhances natural resources and public health, while providing a framework for evaluating pesticide use by County Departments in pursuit of their missions. Monitoring and Timing: The District shall carefully consider the use of herbicides in each Annual Plan, and seek alternative methods. Reporting: The District shall report the amount of herbicides applied each year and the miles of drainages affected in the Annual Plan and annual post-maintenance report, including a cumulative account of past years.
29. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

Attachments:

A. Index Map

cc: Supervisor Gray, 4<sup>th</sup> District  
Anne Almy, Supervising Planner, P&D  
Mark Walter, Case Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

# ATTACHMENT A



Department  
of  
Public Works  
County  
of  
Santa Barbara

Key to Features

**Legend**

- Creek Lengths
- Revegetation Sites
- Sites
- Creeks
- Streets

## Green Canyon Drainages



This map is for reference only. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used in developing the database may be reflected on this map. Santa Barbara County shall not be liable for any errors, omissions, or damages that result from inappropriate use of this document. No level of accuracy is claimed for the boundary lines shown herein and lines should not be used to obtain coordinate values, bearings or distances.



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Fet

Coordinate System: State Plane California Zone 12N AD 1983  
**Annual Routine Maintenance Plan  
Fiscal Year 2008-2009**

**Green Canyon Drainages**

Santa Barbara County, California

Prepared By:  
The Santa Barbara County Flood Control and Water Conservation District  
Compiled by the Public Works Enterprise GIS in May 2008.



# EMERGENCY PERMIT

## 08EMP-00000-00003



**X Coastal Zone:**

Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

**Case Name:** Carpinteria Creek Routine Maintenance  
**Case Number:** 08EMP-00000-00003  
**Site Address:** Various  
**APN:** 001-030-014, -030; 001-060-053, -060; 001-080-008, -008, -011, -044  
**Applicant/Agent Name:** Dana Zertuche, Santa Barbara County Flood Control District  
**Owner Name:** Various

ZONING PERMIT  
**ISSUED**  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

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## PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for performance of annual creek maintenance activities (vegetation removal, application of herbicide, pilot channel construction, creek grading and bank protection) on Carpinteria Creek in order to decrease obstructions to potential winter flows:

*The proposed project would involve removal of obstructive live and downed vegetation (willow, alder, sycamore, cottonwood, oak) using hand tools and follow-up applications of herbicide. The project would also remove accumulated sediment and debris from the creek channel and place it along a stretch of eroded bank for stabilization, and would excavate a pilot channel in another section of the creek. This work would be performed using heavy equipment operating within the creek when the channel is dry. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of Carpinteria Creek if the normal processing pathway is followed. Failure to conduct the proposed work on Carpinteria Creek prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.*

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



DIANNE BLACK  
Director of Development Services

APPROVAL DATE:

*August 5*, 2008



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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Beth Ford  
Print Name

Beth Ford  
Signature

8/6/08  
Date

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**PERMIT ISSUANCE:**

Mark Walter  
Print Name

Mark Walter  
Signature

8/2/08  
Date

## BACKGROUND:

*The proposed project is located on a reach of Carpinteria Creek beginning just south of Highway 192 and ending at a point north of the terminus of Via Ricardo north of Highway 101. The creek bed and banks support a well developed canopy of riparian vegetation, including mature native trees, dense stands of willow and a dense riparian understory. Some of this vegetation, both live and dead, is located in, or projects into, the active channel. This vegetation and associated debris can reduce channel capacity and trap sediment, increasing the potential for flooding events. In addition, two sections of creek contain islands of sediment and/or vegetation which are increasing the erosion of the adjacent banks, with potential increases in sediment load, bank failure and loss of riparian vegetation and consequent obstruction of downstream bridges. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of Carpinteria Creek if the normal processing pathway is followed. Failure to conduct the proposed work on Carpinteria Creek prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.*

## FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
  - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

The subject reach of Carpinteria Creek contains obstructive vegetation and sediment along the banks and within the active channels. The vegetation and accumulated sediment could reduce channel capacity and trap additional sediment, potentially causing flooding if not removed prior to the next rainy season. The 2008 Gap Fire has increased the amount of maintenance and debris removal that the County Flood Control District must conduct prior to the rainy season. This extra work must be completed in addition to the Annual Maintenance projects such as that on Carpinteria Creek. Normal permit processing for Carpinteria Creek, including local and Coastal Commission appeal periods, could result in permit issuance as late as September, leaving insufficient time to conduct all required work before the start of the rainy season (November 1). In addition, the potential for early rain events in October makes the situation more critical with respect to completion of maintenance activities. The applicant has

confirmed that all work covered by this permit will be completed within 30 days of permit issuance.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.*

The proposed action would be consistent with the Coastal Plan and the Coastal Zoning Ordinance. The project would be consistent with Policies 3-13 and 3-14 of the Coastal Plan, which call for minimization of grading. No grading would be required to remove the targeted vegetation, which would be removed by application of herbicide. The proposed grading to remove accumulated sediment and vegetation from the bed of Carpinteria Creek and place it and additional fill against the adjacent creek banks and to excavate a pilot channel is the minimum required to restore function to these sections of the creek. Such grading would not result in substantial alteration of a natural landform. The project is conditioned to prevent introduction of fuels, lubricants or other pollutants into the channels, and is therefore consistent with Policy 3-19. The project is also consistent with Policies 9-38 and 9-40 which allow development and vegetation clearance for flood control purposes.

The project is consistent with Policy 9-6 which allows dredging, diking and filling activities for flood control purposes. Policy 9-9, which requires a buffer/setback of 100 feet from wetlands, is typically applied to estuaries and closed bodies of fresh water (such as vernal pools) and has not historically been applied to stream corridors since there are more specific policies in the Coastal Plan regarding development in or near streams. Therefore Policy 9-9 does not apply to this project.

- c. *Public comment on the proposed emergency action has been reviewed if time allows.*

The proposed emergency action will be noticed pursuant to Section 35-171.5 of Article II, the Coastal Zoning Ordinance. Such notice is not required to precede commencement of emergency work. Public comment received in response to the required noticing will be received after permit issuance, precluding the ability to review prior to such issuance.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **EMERGENCY PERMIT CONDITIONS OF APPROVAL**

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

The project will clear obstructive vegetation and remove sediment from the banks and/or active channel of Carpinteria Creek. Vegetation (willow, alder, sycamore, cottonwood, oak) will be removed using hand tools and sprayed with herbicide (Aquamaster) to inhibit regeneration. In addition, sediment and associated vegetation will be removed from within a stretch of creek channel using heavy equipment (excavator, small bulldozer) and pushed to the adjacent bank to protect it from further erosion. Additional imported fill will be placed along this section of bank to re-construct a 1.5:1 slope. In another section of creek, a pilot channel will be excavated using heavy equipment (excavator, small bulldozer) to re-direct flow to the center of the channel and away from the creek banks. The activities to be conducted within the subject sections of creek are listed below.

- a. Section 1. Willow saplings have begun to colonize the active channel intermittently along approximately 450 feet of the channel in this section. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 50 square feet of temporal impacts to native vegetation. A follow-up application of herbicide may be done in the spring/summer if the vegetation begins to re-sprout.
- b. Section 2. A willow sapling and a sycamore sapling are growing in the invert and have been pushed over by stream flow. If left they could catch debris, divert flows against the bank and cause erosion, or become uprooted. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 50 square feet of temporal impacts to native vegetation. A follow-up application of herbicides may be done in the spring/summer if the vegetation begins to re-sprout.
- c. Section 3. Willow seedlings have begun to colonize the active channel in this section. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 100 square feet of temporal impacts to native vegetation. A follow-up application of herbicides may be done in the spring/summer if the vegetation begins to re-sprout.
- d. Section 4. A large downed willow tree and a downed cottonwood tree have fallen across the creek and are blocking the channel in this section. A crew of four using chainsaws and loppers will remove the obstructive vegetation from the active channel. The vegetation will be cut up and hauled out of the creek or left on the upper banks depending on access.
- e. Section 5. Willow limbs are projecting into the active channel in this section. A crew of four using chainsaws and loppers will remove the obstructive vegetation from the active channel. The vegetation will be cut up and hauled out of the creek or left on the upper banks depending on access.
- f. Section 6. Willow seedlings have begun to colonize a small island (250'x5' in size) in the active channel in this section. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 200 square feet of temporal impacts to native vegetation. A follow-up application of herbicides may be done in the spring/summer if the vegetation begins to re-sprout.

g. Section 7. An oak tree is projecting into the active channel in this section. A crew of four using chainsaws and loppers will trim back the obstructive vegetation from the active channel. The vegetation will be cut up and hauled out of the creek or left on the upper banks depending on access.

h. Section 8. An island of vegetation within the channel is forcing flows toward the north bank of the channel, causing erosion and threatening sycamore and willow trees on the bank. In order to encourage flows to move down the middle of the channel, a portion of the vegetation, along with the sediment from the island, will be excavated to construct a pilot channel. The sediment and vegetation will be redistributed outside the center flow line, thus training the lower flows towards the middle of the channel. Access into the channel will be taken off the eroded south bank in Section 9 and both sections of creek will be maintained while the creek is dry. The maintenance will result in 200 square feet of temporal impacts to native vegetation. A follow-up application of herbicide may be done in the spring/summer if the vegetation begins to re-sprout.

i. Section 9, 10. This portion of Carpinteria Creek has had on-going problems with bank erosion, as well as problems with obstructive vegetation, for several years. Approximately four years ago, the property owner rebuilt the south bank and planted it, however the work was lost to erosion leaving the bank sheer, un-vegetated and unable to re-vegetate due to its steepness, and likely to continue to erode and deliver sediment to the system. Since that time, an excessive growth of obstructive vegetation has occurred in the channel invert, further directing flows against the eroding bank. Taking access from the south bank when the creek is dry, an excavator and/or small bulldozer will be used to push the in-stream vegetation and sediment against the toe of the bank to armor it from erosion and provide vegetative material that will re-sprout and grow. Fill dirt will be brought to the site to rebuild the bank to at least a 1.5:1 slope so the slope can be re-vegetated and further protected. The bank protection/re-shaping will involve less than 150 linear feet of bank. In-stream vegetation (mainly willows) will be used to the maximum extent possible when replanting and rebuilding the slope. Reshaping of this section will result in approximately 1,500 square feet of temporal impacts to native vegetation. Once the slope is completed it will be re-vegetated with approximately 6,750 square feet of riparian vegetation. The District will maintain the site in cooperation with the property owner.

2. An application for the required permit necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permit required for the proposed emergency work includes an Appealable Coastal Development Permit pursuant to Section 35-169.2 of the Article II Zoning Ordinance.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director of Planning and Development.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this



permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.

5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
7. All project activities authorized under this Coastal Development Permit shall be in strict accordance with all conditions of the Army Corp of Engineers Permit (#200500145-JCM); the Biological Opinion (1-8-04-F-46) issued by the U.S. Fish and Wildlife Service, dated July 27, 2005 and the Amendment to this Biological Opinion dated August 10, 2006; the Streambed Alteration Agreement (#R5-2002-0083) from the California Department of Fish and Game, dated August 19, 2003; and the Section 401 Permit from the Regional Water Quality Control Board, dated August 2, 2005. Where the conditions of this permit conflict with those of the other regulatory agencies the conditions most protective of coastal resources shall apply.
8. AQ-1 – Reduce Emissions. Implement the following Santa Barbara County APCD-approved measures for each piece of heavy-duty diesel construction equipment to minimize NO<sub>x</sub> emissions: (1) The engine size of construction equipment shall be the minimum practical size; (2) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) should be utilized wherever feasible; (3) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time; (4) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines; (5) Catalytic converters shall be installed on gasoline-powered equipment, if feasible; (6) Diesel catalytic converters shall be installed, if available; and (7) Diesel powered equipment should be replaced by electrical equipment, whenever feasible. Monitoring and Timing: District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented, as feasible. Reporting: A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.
9. AQ-2 To minimize dust/ PM<sub>10</sub> emissions, the following measures shall be implemented:
  - After clearing, grading, earth moving or excavation is complete, the disturbed area must be treated by watering, or re-vegetating, or by spreading soil binders until the area is paved or otherwise affected so that dust generation will not occur.
  - During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Reclaimed water shall be used whenever possible.
  - Minimize the amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- Gravel pads should be installed at all access points to prevent tracking of mud onto public roads, where feasible.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Trucks transporting fill material to and from the site shall be tarped.
- Dust control requirements shall be shown on all grading plans.
- The District shall designate a person to monitor dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the APCD prior to construction.

*Monitoring and Timing:* District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented, as feasible. *Reporting:* A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.

10. B-1 - Compensatory Habitat Mitigation. The District shall provide compensatory habitat mitigation for the removal of riparian and wetland habitat associated with brushing, herbicide spraying, channel shaping, bank stabilization by placing fill or grading banks, pilot channel construction, bank protection installation, access ramp construction, and channel desilting. The mitigation shall be required for all vegetated habitat, with the exception of areas dominated by aggressive, noxious non-native weeds (e.g., giant reed). The restoration treatment shall occur either on-site (i.e., along suitable portions of the drainage and its tributaries where the project is located) or off-site (Los Carneros Mitigation Bank) in accordance with the updated restoration plan described in the updated Program EIR, using a 1:1 acreage replacement ratio. A 2:1 ratio shall be used for impacts due to new grade stabilizers and non-vegetated bank protection, as described in the updated Program EIR. Prior to the use of the Los Carneros Mitigation Bank, the District shall consult with other organizations with expertise in habitat restoration (e.g., Wetlands Recovery Project) to determine if they have any knowledge of any on-site opportunities. Mitigation for specific affected areas shall only occur once during the next ten years of the maintenance program. That is, once habitat mitigation has been achieved for a portion of a drainage, no further mitigation is required for future maintenance of that reach or site over the next ten years regardless of the type of maintenance activity, provided the previous habitat mitigation has been successfully implemented, and the District continues to minimize habitat impacts to the extent feasible. After ten years, the habitat mitigation requirement shall begin again, regardless of previous habitat mitigation. Native trees with a diameter at breast height of 6 inches or more that are removed shall be replaced at a 10:1 ratio at the restoration site, independent of the replacement of habitat based on acreage. To the extent feasible, habitat restoration opportunities shall be sought on the tops of banks and landward of the creek that could provide a bio-filtering benefit for overland stormwater runoff. In addition, the District will seek opportunities to use regionally rare plants in the restoration plans, as feasible.
- Monitoring and Timing:* The District staff will determine the need and scope of compensatory habitat mitigation as part of the development of the Annual Maintenance Plan each spring. Subsequent to the maintenance work, the District Biologist will implement the restoration work, including site preparation and planting. If off-site mitigation is used, the District will acquire habitat credits at the LCMB in accordance with the process approved by regulatory

agencies. Reporting: The determination of the habitat mitigation needs and approach will be documented in the Annual Maintenance Plan. The success of habitat restoration will be documented in the District's annual restoration status report.

11. B-2 – Minimize Vegetation Removal from Channel Bottom. The District shall minimize vegetation removal from the channel bottom to the least amount necessary to achieve the specific maintenance objectives for the reach (i.e., removing obstructive vegetation or silt-trapping vegetation), consistent with the hydraulic considerations under Mitigation Measure H-1. Brushing and herbicide application for vegetation on the channel bottom shall be conducted in a non-continuous manner, to the extent feasible, allowing small patches of in-channel vegetation to persist. Monitoring and Timing: The District staff will determine the minimal amount of vegetation to be removed as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the vegetation removal occurs as intended under this measure. Reporting: The area of vegetation to be removed will be documented in the Annual Maintenance Plan. A summary of the actual work conducted will be documented in the annual post maintenance report.
12. B-3 - Construction Monitoring During Maintenance Activities. The District Biologist shall monitor maintenance activities daily to ensure that the appropriate methods and limits are used. Results of the monitoring shall be documented in the annual post-maintenance report. These activities include brushing, herbicide application, channel shaping, desilting, bank stabilization by placing fill or grading banks, bank protection construction or repair, grade stabilizer construction or repair, pilot channel construction, and access ramp construction. Monitoring and Timing: The District Biologist will conduct daily inspections of the maintenance work. Reporting: A summary of the maintenance work based on monitoring by the District staff will be described in the annual post maintenance report.
13. B-4 - Restore Temporarily Disturbed Areas. The District shall restore channel banks containing riparian or wetland vegetation that are temporarily disturbed by maintenance or construction activities associated with the following: channel shaping, placement of bank protection, ramp construction, and repair or construction of bank protection and grade stabilizers. Restoration objectives, methods, plant species, maintenance, and monitoring shall follow the guidelines in the updated restoration plan described in the Program EIR. The restoration of channel bed habitats shall only occur if it would not conflict with the maintenance needs in the affected reach. Monitoring and Timing: A description of the proposed maintenance work, and the need for, and scope of, post-maintenance restoration of temporarily disturbed areas will be included in the Annual Maintenance Plan. The District staff will conduct and/or oversee the maintenance work and subsequent restoration. Reporting: A summary of the maintenance and restoration work will be documented in the annual post maintenance report.
14. B-5 - Pre-Construction Biological Surveys and Avoidance Measures. A District biologist shall inspect all maintenance areas in creeks and basins during the annual spring field assessments (April and May) to determine if any sensitive plants, fish, or wildlife species are present, or habitats for these species are present. If the species are present, the District shall modify maintenance activities to avoid removal or substantial disturbance of the key habitat areas or features. Avoidance and impact minimization measures shall be described in the Annual Plan for each maintenance project. If a rare plant could be affected, the District shall relocate the

plant by cultivation or seeding methods to a suitable nearby site. If a sensitive fish or wildlife species will be present at a maintenance site during the work period, the District shall schedule the work to avoid the species, if possible. If avoidance is not feasible, the District shall attempt to relocate the species or population with approval from the California Department of Fish and Game, US Fish and Wildlife Service or National Marine Fisheries Service, as appropriate. This measure applies to all currently known sensitive species that occur in maintained drainages and basins, as well as species that are determined to be sensitive in the future. Endangered species experts with handling permits shall be consulted during relocation efforts to provide additional assurances that relocation is effective. Such consultation shall include assistance in field efforts, as warranted. Monitoring and Timing: The District staff will document occurrences of sensitive species in or near the work areas in the Annual Maintenance Plan. Avoidance and impact minimization measures will also be specified. District staff will monitor the avoidance as part of the maintenance work. Reporting: A summary of the maintenance work and compliance with the avoidance measures will be documented in the annual post maintenance report.

15. B-6 - Construction Monitoring for Sensitive Species. The District Biologist shall monitor, on a daily basis, earth and vegetation disturbing maintenance activities located at and adjacent to locations where sensitive species are known to occur. The need for monitoring and the areas to be monitored shall be determined during the annual field assessment in the spring. The objective of the monitoring is to ensure that key habitat features or species locations are avoided. Monitoring and Timing: The District Biologist will monitor maintenance work near sensitive species locations. Reporting: A summary of the maintenance work and associated monitoring will be documented in the annual post maintenance report.
16. B-7 - Post Maintenance Channel Bed Treatment. The District shall roughen the channel bed after channel desilting maintenance to create microtopography that will encourage re-establishment of aquatic habitats over time. Pools and riffles shall be recreated in the work area if they were removed during maintenance, to the extent feasible. Modifications of the creek bed shall be consistent with geomorphological considerations identified through mitigation measure H-1. Monitoring and Timing: The district staff will conduct and/or oversee the maintenance work, and ensure that the channel bed treatment is completed consistent with the mitigation measure. A description of the locations of channel bed treatment following desilting will be included in the annual maintenance plan. Reporting: A summary of the maintenance work will be documented in the annual post maintenance report.
17. C-1 - Unexpected Archeological Finds. If cultural materials are unexpectedly uncovered during maintenance activities, the District shall immediately consult with a qualified archeologist who shall inspect the material and coordinate with the District to halt or redirect earth-disturbing maintenance work until the significance of the material is determined, and the location is cleared for further work. Monitoring and Timing: District personnel will conduct and/or oversee the maintenance work. They will address any cultural resource issue that occurs unexpectedly in the field. Reporting: A summary of maintenance work, including a description of any measures taken to avoid cultural resources, will be documented in the annual post maintenance report.

18. H-1 - Maintenance Need Analysis. The District shall evaluate relevant hydraulic factors when determining the need, type, and extent of channel maintenance for non-exempt watercourses where natural geomorphic processes are largely intact. Key factors that shall be included in the evaluation include: (1) hydraulic benefits of maintaining the bankful channel (if present) dimensions, natural sinuosity, and natural channel bed roughness; and (2) potential adverse hydraulic effects of excessive brushing, channel shaping, equipment activity in the channel, and bank hardening. Hydraulic principles of creating and maintaining channel stability and sediment transport equilibrium shall be applied, if applicable. The analyses and determinations relevant to this issue shall be documented in the Annual Plan. Clear maintenance objectives with attainable benefits for the protection of life, property, and habitat shall be established for each project and presented in the Annual Plan. A primary objective of this measure is to minimize maintenance activities to the extent feasible, consistent with District's program objectives. Monitoring and Timing: The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. Reporting: The need analysis will be documented in the Annual Maintenance Plan. A summary of the maintenance work conducted will be documented in the annual post maintenance report.
19. H-5 – Bank Protection Methods. The construction of bank protection shall be limited to situations where bank stabilization is necessary because the banks are vulnerable to continued erosion which could cause a threat to critical public infrastructure, valuable habitat, or otherwise in the public interest and it has been determined that natural slope settling would not achieve the necessary stability. The District shall evaluate different types of bank protection methods, then select one that is most suitable based on the following order of decreasing preference: (1)vegetation stabilization only; (2) bio-technical methods in which vegetation is incorporated with natural type structural components such as woody branches, natural rock, logs, natural fibers and geotextiles, and biodegradable temporary geotextiles; (3) un-grouted rip rap with vegetation; (4) pipe and wire revetment while retaining vegetation; (5) grouted rip rap; and (6) concrete sackwalls, gabion walls, soil cement and gunite. Only native plants common to the region shall be used in all bank protection projects. Hard bank protection such as grouted and un-grouted rip-rap, pipe and wire revetment, gunite, concrete sackwalls, gabion walls, and soil cement shall only be used if the District has determined that the above methods will not achieved the desired results, are not cost effective, are logistically or technically infeasible, and/or would create greater incidental environmental impacts. Incorporation of plant material into bank protection and maintenance and monitoring of such plantings shall follow the guidelines in the updated Routine Maintenance Program Restoration Plan. The installation of new bank protection shall not adversely affect the stability of nearby banks. Bank protection projects that exceed 150 linear feet at any one single location would be considered a separate project, not included in the routine maintenance program. Monitoring and Timing: The District staff will complete the analysis of alternative bank protection methods as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the appropriate method is implemented. Reporting: The analysis of alternative bank protection methods will be documented in the Annual Maintenance Plan. A summary of the maintenance work conducted will be documented in the annual post maintenance report

20. N-1 – Minimize Noise. Routine maintenance work shall be limited to weekdays and the hours of 7:30 AM and 4:30 PM. Equipment and haul trucks shall be equipped with functioning and properly maintained muffler systems, including intake silencers where necessary. Additional reductions in noise emissions shall be provided, as feasible, by performing noisy operations, such as chipping and loading spoils into dump trucks on the banks, as far away as practicable from sensitive receptors. *Monitoring and Timing:* District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented. *Reporting:* A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.
21. V-1 - Minimize Visual Impacts in Channels. The District shall minimize brushing in the channel bottom (per Mitigation Measure B-2), incorporate natural channel dimensions during channel reshaping (per Mitigation Measure H-1), restore all temporarily disturbed areas with native riparian trees and shrubs (per Mitigation Measure B-4), and use biotechnical methods with riparian vegetation for bank protection and repair, as feasible (per Mitigation Measure H-5). Implementation of these measures will reduce short- and long-term visual impacts. *Monitoring and Timing:* The District staff will determine the need and scope of maintenance as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that all applicable mitigation measures are implemented. *Reporting:* A summary of the actual work conducted will be documented in the annual post maintenance report.
22. W-1 – Reduce Sedimentation. The District shall minimize the amount of surface disturbance and vegetation removal to the extent feasible during all maintenance activities in order to reduce the area of disturbed soils that could be eroded during winter runoff. No stockpiles or dewatering operations shall be established in the channel bed or basin bottom. All fill shall be compacted to reduce erosion. All disturbed banks and terraces above the low flow channel shall be seeded with appropriate riparian grasses and herbs and/or planted with willows, mulefat, or other woody plant species. The objectives of the seeding and/or planting are to stabilize these areas and reduce erosion. The selection of the species to be used and the density of seeding or planting shall balance the need for maintaining channel capacity while meeting these objectives. If work must occur in a wetted channel that has continuous flow downstream of the work site, the District shall either temporarily divert streamflow around the work site, or provide temporary sediment containment downstream of the site. In addition, the District shall check silt fencing, diversions and settling ponds twice a day. *Monitoring and Timing:* The District staff will conduct and/or oversee the maintenance work, and ensure that the impact area is minimized, filled areas are compacted, appropriate seeding is implemented, and sediment containment occurs. *Reporting:* A summary of the maintenance work will be documented in the annual post maintenance report. The success of seeding will be documented in subsequent annual surveys.
23. W-2 – Responsible Herbicide Application. To the extent feasible, the primary herbicide application each year shall occur during the months of August through November, when stream flows are minimal. In some instances, a follow-up application will be made in the spring to reduce the frequency of maintenance. Herbicides shall be applied by hand-held sprayers rather than from truck mounted sprayers to the extent feasible. The dilution and application of

herbicides shall be conducted in strict accordance with all label recommendations, including all restrictions related to public health, worker safety, and the protection of aquatic organisms. Herbicides shall not be applied when winds at the application site exceed 5 miles per hour, within 12 hours of a forecasted rain event, or when vegetation surfaces are covered with water from recent rainfall or dew. Herbicides shall be applied carefully to plant surfaces in minimal effective amounts, minimizing drift to non-target plants and overspray onto the ground or to open water. Signs shall be placed to warn the public if herbicides are applied within 50 feet of any public recreation location, such as a trail, picnic spot, or other site of regular human activity. The signs shall remain for 48 hours after the application of the herbicide. The District shall also notify residences and businesses located adjacent to drainages to be treated with herbicides. Notification shall occur by mail within 7 days of the planned maintenance work. Monitoring and Timing: The District staff will conduct and/or oversee the maintenance work to ensure that the appropriate herbicide application method is used by field crews, identify target vegetation, and place warning signs. Reporting: A summary of the maintenance work will be documented in the annual post maintenance report.

24. W-4 - Prevent Accidental Spills and Leaks. The mixing and dispensing of herbicides and equipment fueling or maintenance shall not occur within a channel or a basin. Spill containment and clean-up procedures for herbicides and vehicle fuels and oils shall be developed by the District. All field personnel shall be trained and all field vehicles shall be equipped with appropriate materials. Monitoring and Timing: The District staff will conduct and/or oversee the maintenance work, and ensure that the appropriate spill avoidance and containment procedures are implemented. Reporting: Accidental spills or leaks, and the associated clean up, will be documented in the annual post maintenance report.
  
25. W-5 - Water Quality Monitoring During Herbicide Application for Large Projects. The District shall monitor concentrations of glyphosate downstream of large maintenance projects that involve herbicide application. Large projects are defined as projects that involve continuous or near-continuous herbicide application along reaches of more than 250 feet where there is flowing water along the entire reach. Water samples shall be collected from the flowing water at the following locations: Site A - above the work site, representing the ambient water quality conditions; Site B - immediately downstream of the work site; and Site C - approximately 200 feet downstream of the work site. Samples shall be collected using the following protocol: (1) Prior to herbicide application – samples at Site A, and Sites B and C if there is a storm drain outlet or similar feature within the maintenance reach that may contribute off-site flow and possible herbicides to the water samples; (2) 24 and 96 hours after herbicide application – samples at Sites A, B, and C. If glyphosate concentrations exceed 15 mg/l in the 24-hour sample or 10 mg/l in the 96-hour sample, the District shall modify the spray program at all remaining maintenance sites to be sprayed. Modification may include reducing the rate of herbicide application and/or using hand removal techniques. The District shall continue to apply herbicides only if the glyphosate concentrations are consistently below the 24 and 96-hour thresholds. If the 24 and/or 96-hour thresholds are exceeded five times during the maintenance year, regardless of location, the District shall cease application of herbicides in aquatic situations until the program can be modified to reduce concentrations to the acceptable range. Monitoring and Timing: District staff shall conduct the water quality sampling as noted

above. Reporting. The Annual Plan shall indicate where water quality sampling will be conducted, and the annual post-maintenance report shall include the results.

26. W-6 – Public Education Regarding Creek Water Quality. The District shall prepare information brochures for residents located along maintained drainages that explain: (1) how the District applies herbicides in a responsible manner, and provides guidelines on how landowners can use herbicides for residential and commercial uses in a similarly responsible manner to minimize water quality impacts to the creeks; and (2) how landowners can reduce pollution to the creek from their activities by employing best management practices for landscape fertilization; disposal of household paints, hazardous materials and petroleum products; management of trash and landscaping debris; and handling of pet wastes. The brochure shall be prepared in coordination with Project Clean Water and mailed to affected areas on a 3-year rotating basis. It shall include the Project Clean Water phone numbers for technical assistance and for reporting illegal dumping. The brochure shall also include information on how landowners can make their land available for habitat restoration under the routine maintenance program. Monitoring and Timing: The District staff will complete the brochure within one year of the approval of the updated maintenance program. Reporting: The District shall summarize the number of mailings each year in the post-maintenance annual report.
27. W-7 – Reporting Water Quality Incidents. The District shall train its maintenance crews to identify and report incidents or materials observed in the creeks during routine maintenance work that could cause significant water quality impacts, including illegal dumping of trash, pet waste, and green waste; homeless encampments; and drain outlets with evidence of poor water quality. The staff shall contact appropriate authorities in the County or affected municipalities. Monitoring and Timing: The District staff will make the above observations during all maintenance work and record the observations on a form, and if possible, with photographs. Reporting: The District shall summarize the number of reports filed each year in the annual post-maintenance reports.
28. W-8 - Reduce Overall Herbicide Use. The District shall make every feasible effort to reduce the overall amount of herbicides used in the maintenance program over the next ten years through more restrictive and selective applications, greater use of manual clearing, actions to reduce in channel obstructive vegetation through shading by new canopy trees, and coordination with the County's Integrated Pest Management Strategy to identify more environmentally friendly pesticides. The IPM Strategy was adopted by the Board of Supervisors to promote the maintenance of the County's landscapes in way that protects and enhances natural resources and public health, while providing a framework for evaluating pesticide use by County Departments in pursuit of their missions. Monitoring and Timing: The District shall carefully consider the use of herbicides in each Annual Plan, and seek alternative methods. Reporting: The District shall report the amount of herbicides applied each year and the miles of drainages affected in the Annual Plan and annual post-maintenance report, including a cumulative account of past years.
29. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.



Attachments:

A. Index Map

cc: Supervisor Carbajal, 4<sup>th</sup> District  
Anne Almy, Supervising Planner, P&D  
Mark Walter, Case Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

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Creek.doc

# EMERGENCY PERMIT

## 08EMP-00000-00005



**X Coastal Zone:**

Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

**Case Name:** San Ysidro Creek Routine Maintenance  
**Case Number:** 08EMP-00000-00005  
**Site Address:** 380 Santa Rosa Rd; 1773 & 1769 San Leandro; 203, 207, 211 Boeseke; 1770 Jelinda  
**APN:** 007-280-047; 007-340-032, -034; 007-530-005, -006, -007, -008, -035  
**Applicant/Agent Name:** Dana Zertuche, Santa Barbara County Flood Control District  
**Owner Name:** N/A

ZONING PERMIT  
**ISSUED**  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

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**PERMIT APPROVAL:**

This is to inform you that an Emergency Permit has been approved for performance of annual creek maintenance activities (brushing, tree removal, herbicide application, grading and bank stabilization) on San Ysidro Creek in order to decrease obstructions to potential winter flows:

***The proposed project would involve removal of obstructive live and dead vegetation and debris (willows, alder, sycamore, eucalyptus, ironweed) using hand tools and subsequent applications of herbicide, as well as minor grading to remove an in-channel "island" and stabilize the adjacent bank using the in-channel material. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of San Ysidro Creek if the normal processing pathway is followed. Failure to conduct the proposed work on San Ysidro Creek prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.***

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



DIANNE BLACK  
Director of Development Services

APPROVAL DATE:

*July 31*, 2008

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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

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Beth Ford                      Beth Ford                      7/31/08  
Print Name                      Signature                      Date

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**PERMIT ISSUANCE:**

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Mark Walter                      Mark Walter                      7/31/08  
Print Name                      Signature                      Date

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## BACKGROUND:

*The proposed project is located along a reach of San Ysidro Creek between North Jameson Lane at the south end Glenn Oaks Drive to the north of Highway 101. The active channel and banks of this downstream reach of San Ysidro Creek are well vegetated. Some of this vegetation and associated debris drifts form obstructions within the creek channel and along the banks. The 2008 Gap Fire has resulted in a large increase in the amount of debris removal and creek maintenance needed prior to the upcoming rainy season in order to facilitate the anticipated heavy sediment and debris flows. This extra maintenance work is in addition to the normal Annual Maintenance projects that the Santa Barbara County Flood Control District undertakes each year. There may not be sufficient time before the first rains to conduct both the extra work in the Gap Fire area and annual maintenance of San Ysidro Creek if the normal processing pathway is followed. Failure to conduct the proposed work on San Ysidro Creek prior to the rainy season could result in the obstruction of winter flows and potential flooding. Such flooding represents a potential public safety hazard and a threat to onsite and offsite property.*

## FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
  - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

The subject reach of San Ysidro Creek contains obstructive vegetation and debris which could act to trap sediment and additional debris, potentially causing flooding, if not removed prior to the next rainy season. The 2008 Gap Fire has increased the amount of maintenance and debris removal that the County Flood Control District must conduct prior to the rainy season. This extra work must be completed in addition to the Annual Maintenance projects such as that on San Ysidro Creek. Normal permit processing for the San Ysidro Creek project, including local and Coastal Commission appeal periods, could result in permit issuance as late as September, leaving insufficient time to conduct all required work before the start of the rainy season (November 1). In addition, the potential for early rain events in October makes the situation more critical with respect to completion of maintenance activities. The applicant has confirmed that all work covered by this permit will be completed within 30 days of permit issuance.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.*

The proposed action would be consistent with the Coastal Plan and the Coastal Zoning Ordinance. The project would be consistent with Policies 3-13 and 3-14 of the Coastal Plan, which call for minimization of grading. No grading would be required to remove the targeted vegetation or debris, which would be removed using hand tools. The proposed grading to remove an existing in-channel “island” that obstructs flows and stabilize the adjacent bank from further erosion is the absolute minimum required. Such grading would not result in substantial alteration of a natural landform. The project is designed to allow only herbicides approved for use in aquatic environments (e.g. Aquamaster), and is conditioned to prevent introduction of fuels, lubricants or other pollutants into San Ysidro Creek, and is therefore consistent with Policy 3-19. The project is also consistent with Policies 9-38 and 9-40 which allow development and vegetation clearance for flood control purposes. The project is also consistent with Policy 9-41 as it minimizes the amount of vegetation removed and would therefore not result in sedimentation, biochemical degradation or thermal pollution.

*c. Public comment on the proposed emergency action has been reviewed if time allows.*

The proposed emergency action will be noticed pursuant to Section 35-171.5 of Article II, the Coastal Zoning Ordinance. Such notice is not required to precede commencement of emergency work. Public comment received in response to the required noticing will be received after permit issuance, precluding the ability to review prior to such issuance.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **EMERGENCY PERMIT CONDITIONS OF APPROVAL**

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

The project would clear obstructive vegetation and debris within various sections of a reach of San Ysidro Creek between North Jameson Lane and Glenn Oaks Drive upstream of Highway 101. A crew of four will use handtools (chainsaws, loppers) to remove the vegetation. The cut vegetation will be hauled out of the creek, cut up and left in place or chipped in place depending on the quantity and the location. Herbicide will be applied to selected stands of vegetation. Herbicide application will target only the species of plants that trap sediment or obstruct flows and reduce conveyance. The minimum amount of spray will be used to achieve the desired level

of control. A follow-up application of herbicides may be done in the spring/summer if the vegetation begins to re-sprout. A vegetated in-channel "island" will be removed using a small excavator which will push the material against the east bank to restore creek capacity and protect the bank. Approximately 50 cubic yards of fill will be placed on the creek bank and planted with native riparian vegetation. The activities to be conducted within the various sections of the creek are listed below.

- a. Sections 1, 4, 5, 7-10, 13-19. Live and/or downed sycamore, willow and alder trees, saplings and/or limbs project into, or are located within, the active channel. The obstructive vegetation will be cut using hand tools (chainsaws, loppers) and hauled out of the creek or left on the upper banks depending on access. Herbicide (Aquamaster) will be applied to cut vegetation to inhibit regeneration, and a follow-up application may be done in the spring/summer if re-growth occurs. Any temporal impacts to native vegetation have already been mitigated for in the past.
- b. Section 2. Willow limbs are projecting into the active channel. A crew of four using chainsaws and loppers will remove the obstructive vegetation from the active channel. The vegetation will be cut and hauled out of the creek or left on the upper banks depending on access. Additionally, a willow sapling is growing in the invert. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 50 square feet of temporal impacts to native vegetation. A follow-up application of herbicide may be done in the spring/summer if the vegetation begins to re-sprout.
- c. Section 3. Sycamore, willow and alder saplings growing along the west side of the channel are encroaching into the flow area and reducing the cross sectional area along 100 feet of the channel, forcing water towards the east bank. The vegetation will be cut back by a width of 4 feet to widen the flow area. The vegetation will be removed with hand tools and an application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 400 square feet of temporal impacts to native vegetation. A follow-up application of herbicides may be done in the spring/summer if the vegetation re-sprouts.
- d. Section 6. A downed live willow growing in the middle of the invert will be cut and removed from the creek. A follow-up application of Aquamaster herbicide will be applied to inhibit regeneration. The maintenance will result in 40 square feet of temporal impacts to native vegetation.
- d. Section 11, 12. Winter storms in 2005 caused erosion along approximately 100 feet of the east bank, leaving the bank sheer, completely un-vegetated and vulnerable to continued erosion. An island of streambed material (100' x 8' and vegetated mainly with ironweed, but also containing a few willows and sycamore seedlings) has formed approximately 4 feet from the east bank, is reducing the flow capacity of the creek and splitting the flows, forcing flows against the denuded east bank. A public trail runs along the top of the east bank and is in danger of being lost, as is additional riparian vegetation. Taking access off the east bank at the site itself, a small excavator will be used to push the island against the east bank to restore the cross sectional capacity of the creek through this section and rebuild and protect the bank. Approximately 50 cubic yards of fill will be placed on the creek bank to make the bank plantable. The creek bed will be dry at the time



of maintenance. Once the bank is rebuilt, erosion control fabric will be placed over the soil and it will be planted with native riparian vegetation creating 1,000 square feet of new riparian habitat.

2. An application for the required permit necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permit required for the proposed emergency work includes an Appealable Coastal Development Permit pursuant to Section 35-169.2 of the Article II Zoning Ordinance.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director of Planning and Development.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
7. All project activities authorized under this Coastal Development Permit shall be in strict accordance with all conditions of the Army Corp of Engineers Permit (#200500145-JCM); the Biological Opinion (File # 151422SWR2002PR8337) issued by the National Marine Fisheries Service, Southwest Region dated April 13, 2006; the Streambed Alteration Agreement (#R5-2002-0083) from the California Department of Fish and Game, dated August 19, 2003; and the Section 401 Permit from the Regional Water Quality Control Board, dated August 2, 2005. Where the conditions of this permit conflict with those of
8. AQ-1 – Reduce Emissions. Implement the following Santa Barbara County APCD-approved measures for each piece of heavy-duty diesel construction equipment to minimize NO<sub>x</sub> emissions: (1) The engine size of construction equipment shall be the minimum practical size; (2) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) should be utilized wherever feasible; (3) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time; (4) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines; (5) Catalytic converters shall be installed on gasoline-powered equipment, if feasible; (6) Diesel catalytic converters shall be installed, if available; and (7) Diesel powered equipment should be replaced by electrical equipment,

whenever feasible. *Monitoring and Timing:* District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented, as feasible.

*Reporting:* A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.

9. B-1 - Compensatory Habitat Mitigation. The District shall provide compensatory habitat mitigation for the removal of riparian and wetland habitat associated with brushing, herbicide spraying, channel shaping, bank stabilization by placing fill or grading banks, pilot channel construction, bank protection installation, access ramp construction, and channel desilting. The mitigation shall be required for all vegetated habitat, with the exception of areas dominated by aggressive, noxious non-native weeds (e.g., giant reed). The restoration treatment shall occur either on-site (i.e., along suitable portions of the drainage and its tributaries where the project is located) or off-site (Los Carneros Mitigation Bank) in accordance with the updated restoration plan described in the updated Program EIR, using a 1:1 acreage replacement ratio. A 2:1 ratio shall be used for impacts due to new grade stabilizers and non-vegetated bank protection, as described in the updated Program EIR. Prior to the use of the Los Carneros Mitigation Bank, the District shall consult with other organizations with expertise in habitat restoration (e.g., Wetlands Recovery Project) to determine if they have any knowledge of any on-site opportunities. Mitigation for specific affected areas shall only occur once during the next ten years of the maintenance program. That is, once habitat mitigation has been achieved for a portion of a drainage, no further mitigation is required for future maintenance of that reach or site over the next ten years regardless of the type of maintenance activity, provided the previous habitat mitigation has been successfully implemented, and the District continues to minimize habitat impacts to the extent feasible. After ten years, the habitat mitigation requirement shall begin again, regardless of previous habitat mitigation. Native trees with a diameter at breast height of 6 inches or more that are removed shall be replaced at a 10:1 ratio at the restoration site, independent of the replacement of habitat based on acreage. To the extent feasible, habitat restoration opportunities shall be sought on the tops of banks and landward of the creek that could provide a bio-filtering benefit for overland stormwater runoff. In addition, the District will seek opportunities to use regionally rare plants in the restoration plans, as feasible.  
*Monitoring and Timing:* The District staff will determine the need and scope of compensatory habitat mitigation as part of the development of the Annual Maintenance Plan each spring. Subsequent to the maintenance work, the District Biologist will implement the restoration work, including site preparation and planting. If off-site mitigation is used, the District will acquire habitat credits at the LCMB in accordance with the process approved by regulatory agencies. *Reporting:* The determination of the habitat mitigation needs and approach will be documented in the Annual Maintenance Plan. The success of habitat restoration will be documented in the District's annual restoration status report.
  
10. B-2 – Minimize Vegetation Removal from Channel Bottom. The District shall minimize vegetation removal from the channel bottom to the least amount necessary to achieve the specific maintenance objectives for the reach (i.e., removing obstructive vegetation or silt-trapping vegetation), consistent with the hydraulic considerations under Mitigation Measure H-1. Brushing and herbicide application for vegetation on the channel bottom shall be conducted in a non-continuous manner, to the extent feasible, allowing small patches of in-channel vegetation to persist. *Monitoring and Timing:* The District staff will determine the minimal amount of vegetation to be removed as part of the development of the Annual Maintenance

Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the vegetation removal occurs as intended under this measure. *Reporting:* The area of vegetation to be removed will be documented in the Annual Maintenance Plan. A summary of the actual work conducted will be documented in the annual post maintenance report.

11. B-3 - Construction Monitoring During Maintenance Activities. The District Biologist shall monitor maintenance activities daily to ensure that the appropriate methods and limits are used. Results of the monitoring shall be documented in the annual post-maintenance report. These activities include brushing, herbicide application, channel shaping, desilting, bank stabilization by placing fill or grading banks, bank protection construction or repair, grade stabilizer construction or repair, pilot channel construction, and access ramp construction. *Monitoring and Timing:* The District Biologist will conduct daily inspections of the maintenance work. *Reporting:* A summary of the maintenance work based on monitoring by the District staff will be described in the annual post maintenance report.
12. C-1 - Unexpected Archeological Finds. If cultural materials are unexpectedly uncovered during maintenance activities, the District shall immediately consult with a qualified archeologist who shall inspect the material and coordinate with the District to halt or redirect earth-disturbing maintenance work until the significance of the material is determined, and the location is cleared for further work. *Monitoring and Timing:* District personnel will conduct and/or oversee the maintenance work. They will address any cultural resource issue that occurs unexpectedly in the field. *Reporting:* A summary of maintenance work, including a description of any measures taken to avoid cultural resources, will be documented in the annual post maintenance report.
13. H-1 - Maintenance Need Analysis. The District shall evaluate relevant hydraulic factors when determining the need, type, and extent of channel maintenance for non-exempt watercourses where natural geomorphic processes are largely intact. Key factors that shall be included in the evaluation include: (1) hydraulic benefits of maintaining the bankful channel (if present) dimensions, natural sinuosity, and natural channel bed roughness; and (2) potential adverse hydraulic effects of excessive brushing, channel shaping, equipment activity in the channel, and bank hardening. Hydraulic principles of creating and maintaining channel stability and sediment transport equilibrium shall be applied, if applicable. The analyses and determinations relevant to this issue shall be documented in the Annual Plan. Clear maintenance objectives with attainable benefits for the protection of life, property, and habitat shall be established for each project and presented in the Annual Plan. A primary objective of this measure is to minimize maintenance activities to the extent feasible, consistent with District's program objectives. *Monitoring and Timing:* The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. *Reporting:* The need analysis will be documented in the Annual Maintenance Plan. A summary of the maintenance work conducted will be documented in the annual post maintenance report.
14. N-1 – Minimize Noise. Routine maintenance work shall be limited to weekdays and the hours of 7:30 AM and 4:30 PM. Equipment and haul trucks shall be equipped with functioning and properly maintained muffler systems, including intake silencers where necessary. Additional

reductions in noise emissions shall be provided, as feasible, by performing noisy operations, such as chipping and loading spoils into dump trucks on the banks, as far away as practicable from sensitive receptors. *Monitoring and Timing*: District personnel will conduct and/or oversee the maintenance work, and ensure that the above measures are being implemented. *Reporting*: A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report.

15. V-1 - Minimize Visual Impacts in Channels. The District shall minimize brushing in the channel bottom (per Mitigation Measure B-2), incorporate natural channel dimensions during channel reshaping (per Mitigation Measure H-1), restore all temporarily disturbed areas with native riparian trees and shrubs (per Mitigation Measure B-4), and use biotechnical methods with riparian vegetation for bank protection and repair, as feasible (per Mitigation Measure H-5). Implementation of these measures will reduce short- and long-term visual impacts. *Monitoring and Timing*: The District staff will determine the need and scope of maintenance as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that all applicable mitigation measures are implemented. *Reporting*: A summary of the actual work conducted will be documented in the annual post maintenance report.
16. W-2 – Responsible Herbicide Application. To the extent feasible, the primary herbicide application each year shall occur during the months of August through November, when stream flows are minimal. In some instances, a follow-up application will be made in the spring to reduce the frequency of maintenance. Herbicides shall be applied by hand-held sprayers rather than from truck mounted sprayers to the extent feasible. The dilution and application of herbicides shall be conducted in strict accordance with all label recommendations, including all restrictions related to public health, worker safety, and the protection of aquatic organisms. Herbicides shall not be applied when winds at the application site exceed 5 miles per hour, within 12 hours of a forecasted rain event, or when vegetation surfaces are covered with water from recent rainfall or dew. Herbicides shall be applied carefully to plant surfaces in minimal effective amounts, minimizing drift to non-target plants and overspray onto the ground or to open water. Signs shall be placed to warn the public if herbicides are applied within 50 feet of any public recreation location, such as a trail, picnic spot, or other site of regular human activity. The signs shall remain for 48 hours after the application of the herbicide. The District shall also notify residences and businesses located adjacent to drainages to be treated with herbicides. Notification shall occur by mail within 7 days of the planned maintenance work. *Monitoring and Timing*: The District staff will conduct and/or oversee the maintenance work to ensure that the appropriate herbicide application method is used by field crews, identify target vegetation, and place warning signs. *Reporting*: A summary of the maintenance work will be documented in the annual post maintenance report.
17. W-4 - Prevent Accidental Spills and Leaks. The mixing and dispensing of herbicides and equipment fueling or maintenance shall not occur within a channel or a basin. Spill containment and clean-up procedures for herbicides and vehicle fuels and oils shall be developed by the District. All field personnel shall be trained and all field vehicles shall be equipped with appropriate materials. *Monitoring and Timing*: The District staff will conduct and/or oversee the

maintenance work, and ensure that the appropriate spill avoidance and containment procedures are implemented. *Reporting:* Accidental spills or leaks, and the associated clean up, will be documented in the annual post maintenance report.

18. W-6 – Public Education Regarding Creek Water Quality. The District shall prepare information brochures for residents located along maintained drainages that explain: (1) how the District applies herbicides in a responsible manner, and provides guidelines on how landowners can use herbicides for residential and commercial uses in a similarly responsible manner to minimize water quality impacts to the creeks; and (2) how landowners can reduce pollution to the creek from their activities by employing best management practices for landscape fertilization; disposal of household paints, hazardous materials and petroleum products; management of trash and landscaping debris; and handling of pet wastes. The brochure shall be prepared in coordination with Project Clean Water and mailed to affected areas on a 3-year rotating basis. It shall include the Project Clean Water phone numbers for technical assistance and for reporting illegal dumping. The brochure shall also include information on how landowners can make their land available for habitat restoration under the routine maintenance program. *Monitoring and Timing:* The District staff will complete the brochure within one year of the approval of the updated maintenance program. *Reporting:* The District shall summarize the number of mailings each year in the post-maintenance annual report.
19. W-7 – Reporting Water Quality Incidents. The District shall train its maintenance crews to identify and report incidents or materials observed in the creeks during routine maintenance work that could cause significant water quality impacts, including illegal dumping of trash, pet waste, and green waste; homeless encampments; and drain outlets with evidence of poor water quality. The staff shall contact appropriate authorities in the County or affected municipalities. *Monitoring and Timing:* The District staff will make the above observations during all maintenance work and record the observations on a form, and if possible, with photographs. *Reporting:* The District shall summarize the number of reports filed each year in the annual post-maintenance reports.
20. W-8 - Reduce Overall Herbicide Use. The District shall make every feasible effort to reduce the overall amount of herbicides used in the maintenance program over the next ten years through more restrictive and selective applications, greater use of manual clearing, actions to reduce in channel obstructive vegetation through shading by new canopy trees, and coordination with the County’s Integrated Pest Management Strategy to identify more environmentally friendly pesticides. The IPM Strategy was adopted by the Board of Supervisors to promote the maintenance of the County’s landscapes in way that protects and enhances natural resources and public health, while providing a framework for evaluating pesticide use by County Departments in pursuit of their missions. *Monitoring and Timing:* The District shall carefully consider the use of herbicides in each Annual Plan, and seek alternative methods. *Reporting:* The District shall report the amount of herbicides applied each year and the miles of drainages affected in the Annual Plan and annual post-maintenance report, including a cumulative account of past years.
21. The applicant’s acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

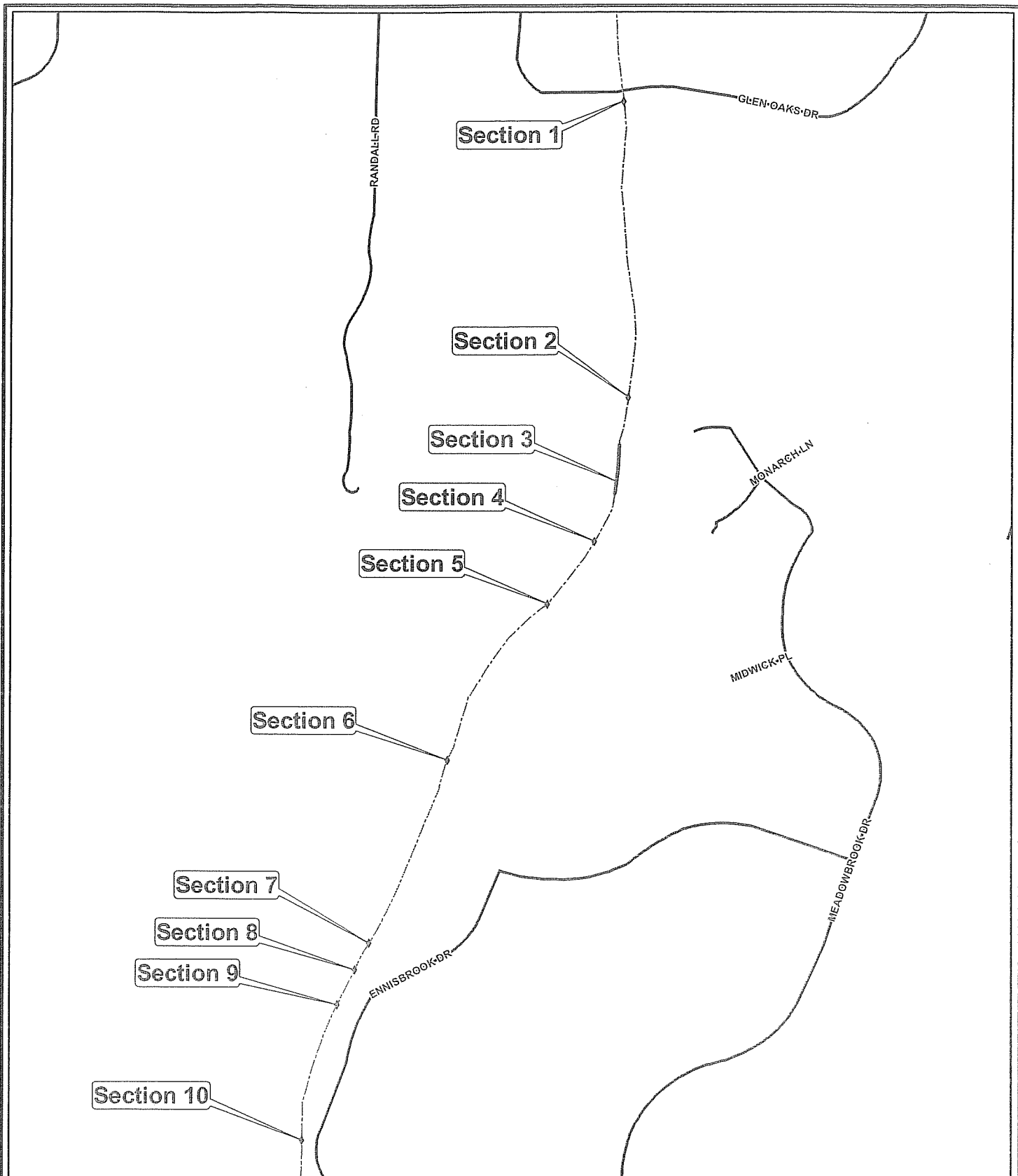
Attachments:

A. Index Map

cc: Supervisor Carbajal, 1<sup>st</sup> District  
Anne Almy, Supervising Planner, P&D  
Mark Walter, Case Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

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# ATTACHMENT A



Department of Public Works County of Santa Barbara

Key to Features

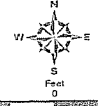
Legend

- Creek Lengths
- Sites
- Creeks
- Streets

## San Ysidro Creek - A



This map is for reference only. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used in develop the database may be reflected on this map. Santa Barbara County shall not be liable for any errors, omissions, or damages that result from inappropriate use of this document. No level of accuracy is claimed for the boundary lines shown hereon and lines should not be used to obtain coordinate values, bearings or distance.



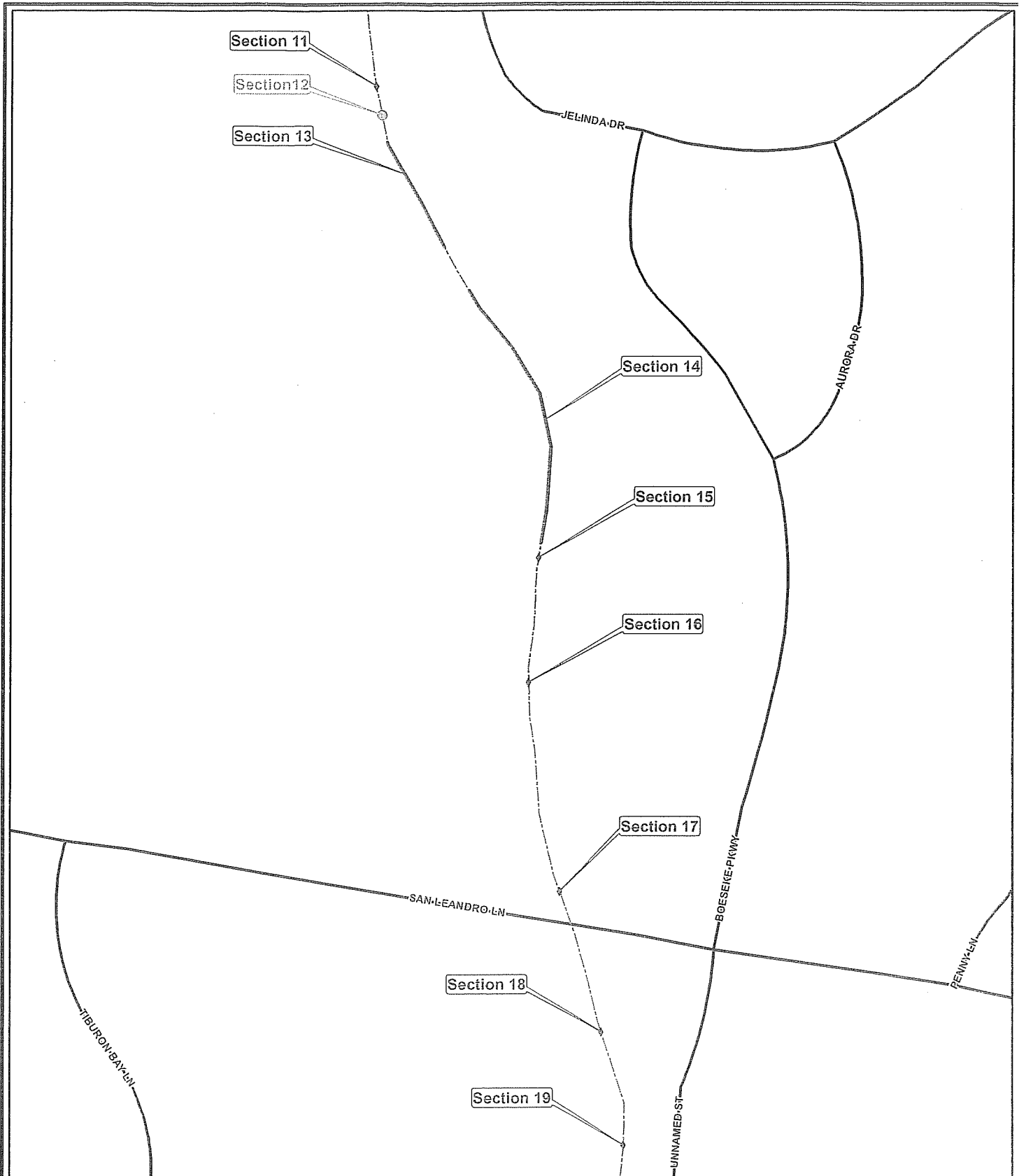
310 155 0 310  
 Coordinate System: State Plane California Zone V NAD 1983  
 Feet

Annual Routine Maintenance Plan  
 Fiscal Year 2008-2009

### San Ysidro Creek - A

Santa Barbara County, California  
 Prepared By:  
 The Santa Barbara County Flood Control and Water Conservation District  
 Compiled by the Public Works Enterprise GIS in May 2008





Department  
of  
Public Works  
County  
of  
Santa Barbara

Key to Features

**Legend**

-  Creek Lengths
-  Revegetation Sites
-  Sites
-  Creeks
-  Streets

## San Ysidro Creek - B



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175 0 175  
0 12.5 25 37.5 50 62.5 75 87.5 100 112.5 125 137.5 150 162.5 175

Coordinate System State Plane California Zone V N AD 170  
**Annual Routine Maintenance Plan**  
Fiscal Year 2008-2009

**San Ysidro Creek - B**

Santa Barbara County, California  
Prepared By  
The Santa Barbara County Flood Control and Water Conservation District  
Compiled by the Public Works Enterprise GIS in May 2008