



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

**Department Name:** Public Works/Flood Control  
**Department No.:** 054  
**For Agenda Of:** September 12, 2023  
**Placement:** Departmental  
**Estimated Time:** 1 hour  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5<sup>th</sup> Vote

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**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, Flood Control Director, (805)568-3010  
Director(s)  
Contact Info: Walter Rubalcava, Deputy Director – Water Resources, (805)568-3436  
**SUBJECT: Santa Maria River Channel Re-alignment**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management, CEO Budget

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the County Board of Supervisors:

- a) Receive and file a report on the Re-alignment of the Santa Maria River near the City of Guadalupe as a result of the winter storm events of Feb/March 2023; and
- b) Approve \$2,500,000 of American Rescue Plan Act State and Local Fiscal Recovery Fund (ARPA) to the Santa Maria River Re-alignment project, funded from offsetting reductions to the COVID-19 Direct Response Costs (\$2,198,858), Criminal Justice Data Dashboard (\$250,000), IV Community Center Sewer Replacement (\$38,142) and HHS Plan Digital Literacy (\$13,000) projects; and
- c) Approve a Budget Revision Request No. 0009313 to establish appropriations of \$8,000,000 in the Public Works Guadalupe Flood Zone Fund for Services & Supplies funded by an Operating Transfer from General County Programs General Fund of \$4,500,000, ARPA of \$2,500,000, and a Release of Restricted Fund Balance in Public Works Guadalupe Flood Zone of \$1,000,000.

That the County Flood Control District Board of Directors:

- a) Receive and file a report on the Re-alignment of the Santa Maria River near the City of Guadalupe as a result of the winter storm events of Feb/March 2023; and

- b) Approve and authorize District staff to cooperate and act in conjunction with the County of Santa Barbara, including accepting allocated County funds, pursuant to Cal. Water Code sec. 75-5.6, to reestablish the Santa Maria River Channel near the City of Guadalupe; and
- c) Approve and authorize the Director of Public Works to exercise his emergency contracting authority pursuant to Public Contract Code section 22050 and District Resolution No. 19-327 to enter into emergency contracts to reestablish the Santa Maria River Channel near the City of Guadalupe; and
- d) Determine that the emergency work to reestablish the Santa Maria River Channel between the City of Guadalupe and the coast is exempt from the provisions of CEQA pursuant to Executive Order N-10-23, and is also statutorily exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15269, as it consists of actions to repair and restore facilities damaged as a result of a disaster which require emergency action to protect service facilities essential to public health, safety, and welfare, and to prevent or mitigate an emergency situation during the upcoming rain season, and direct staff to file a Notice of Exemption on that basis.

**Summary Text:**

This item has been placed on your Board’s agenda to report on the County and Flood Control District’s efforts to date to protect the City of Guadalupe and West Main St. through Guadalupe Dunes to the Pacific Ocean prior to the forecasted El Niño winter season. The historic winter storms earlier this year left significant debris within the Santa Maria River channel, which reduced capacity to move high water flows, and caused multiple breakouts. These breakouts caused significant flooding of Pioneer Street and the Wastewater Treatment Plant within the City of Guadalupe. Two additional homes within the unincorporated County were also impacted by the flooding. West Main St., also within the unincorporated County, was inundated at two locations and is now within the storm re-aligned Santa Maria River channel. Also, a section of West Main St. within the actual dunes and closer to the Pacific Ocean has experienced another washout where the river has historically impinged on the toe of the slope supporting the beach access roadway.

There are options available for your Board to move forward today to protect the City of Guadalupe, hundreds of acres of agricultural properties, Guadalupe Dunes Park, and West Main St. It is Public Works’ goal to implement temporary emergency protective actions prior to the coming winter storm season, as well as during the Governor’s Executive Order permitting waivers (deadline November 1, 2023) and prior to the new river alignment being established as a new permanent river course (February/March 2025). Each option must be considered based on its potential likelihood of success while balancing the time of year today and when we anticipate impacts associated with a potential El Nino winter season.

**Background:**

The Santa Maria River is currently flowing outside its southern bank (Guadalupe side) along an approximately five mile stretch between State Route 1 (west terminus of levee) and the Pacific Ocean. This flooding is outside of the 100-year flood plain and the historical known path of the river. The river path is currently causing flooding and damage to public facilities, including the City of Guadalupe wastewater treatment plant, West Main St., and the access road (county) to the only public coastal-access park in the region. Additionally, hundreds of acres of agricultural properties have been impacted,

a neighborhood and church along Pioneer Street in Guadalupe and two homes in the unincorporated area are under imminent threat with the forecasted El Niño winter season ahead of us.

Due to current river conditions, the river has been flooding these public facilities, agricultural areas, and residential units outside the historic river banks even at flows that are significantly lower than those causing flooding in the past. This is due to naturally-occurring sediment build up, vegetation growth, and new flow paths caused by erosion during times of high flow from this year's historic storms. Some initial erosion caused flooding during the January Storms, but the re-routing of the river and its current impacts are attributed to the February/March Storms.

The County requested State technical resources to investigate and analyze the cause of the flooding, identify how to restore the historic river course, and support the best path forward to repair damaged facilities. Specifically, the County requested technical support resources to: 1) identify, quantify and map the current conditions; 2) analyze what emergency protective measures and permanent work are required to re-establish the river course in order to prevent future flooding and restore the public infrastructure; and 3) develop a project plan or path, including required permitting, regulatory measures, partners, and legal agreements needed to implement recommended measures. This technical support was completed by the US Army Corps of Engineers (USACE) on August 31<sup>st</sup> and the results and preferred alternatives are discussed below.

Now that the results of this technical effort have been completed, the County and Flood Control District are requesting state and/or federal support for implementation of identified emergency protective measures identified within the USACE technical study. This process is discussed below.

*Advanced Measures - Technical Study & Recommended Actions:*

Based on USACE technical studies and their feedback, the County and District are currently proposing the following approach to provide temporary emergency protective measures of the aforementioned facilities:

1. Debris removal near the center of the original river footprint from State Route 1 to the Pacific Ocean. The debris removal will include vegetation and siltation. After removal, the suitable material would be placed along the southern bank of the original river or utilized in conjunction with Action 2.
2. HESCO baskets would be placed along the southern bank for 8,520 linear feet, as determined by the USACE, from approximately the end of the current levee to a location determined to be most effective to protect previously described facilities.

Estimated costs for Action 1 are approximately up to \$8M (Staff recommended option for local funds). USACE provided estimated costs for Action 2 are \$6M (Staff recommended option for state and/or federal funds).

Each Action mentioned above will require annual maintenance in order to be successful long term. These costs are unknown at this time and will be developed when the Governor's Executive Order expires and what Public Works' has accomplished is known. If no action is taken today, there are annual maintenance costs to maintain West Main St. in the storm re-aligned river bottom. When all is said and done, annual maintenance costs may simply move from one business center to another.

Action 1 - Debris Removal & Channel Realignment County Implementation:

The District is working to determine whether emergency work can proceed immediately under one if its existing, on-going contracts for work that “consists of the protection or maintenance of channels, storm drains, dams or other flood control works, or emergency work” under Public Contract Code Section 21271. These contracts are in the not to exceed amount of \$1M. The \$1M limit corresponds to the remaining reserve balance for the Guadalupe Flood Zone. Work in excess of the \$1M would be procured through the standard, applicable Public Contract Code emergency contracting process, and would require Board approval and funds outside the District, as the reserve balance for the Guadalupe Flood Zone would be less than \$400k. The \$400k balance is necessary for any potential emergency response needs this coming winter season. If we experience a winter season similar to 2022/23 additional funding will be required. For perspective, this flood zone only receives approximately \$40k per year from the Benefit Assessment.

It is imperative that County Public Works start this work promptly in order to initiate and complete debris removal under the waivers provided via the Governor’s Executive Order, discussed further below. Public Works is working with the CEO’s office and Ernst & Young to properly document this work and submit these costs under Presidential Declaration DR-4699 for reimbursement. However, this work may not be eligible for reimbursement. The Department would replenish the Benefit Assessment fund with any eligible FEMA or State reimbursements received for these efforts.

The current \$1 million-dollar contract is not sufficient for this effort. As a result of, and under the authority of Governor Newsom’s Executive Order N-10-23, the County of Santa Barbara made independent, combined and multiple requests of the Governor’s Office of Emergency Services (CalOES) and Senator Monique Limon’s Office and Assemblyman Hart’s Office for the Governor to mission task the California National Guard or the Department of Water Resources (DWR) to perform debris and vegetation removal within the Santa Maria River. The limits of this effort would be from State Highway 1 to the Pacific Ocean. However, with a November 1<sup>st</sup> expiration date for this executive order, time is of the essence to have this request fulfilled and construction started to get to the Pacific Ocean. To date these requests have remained unfilled.

The up to \$8M debris removal and channel realignment is a temporary measure. This proposed emergency protective measure will carry approximately 5,000 cfs. Storms and resulting River flows like we experienced in Winter 2023 would have the potential to leave the channel again this coming winter.

Action 2 – HESCO Basket State/Federal Implementation:

Following the County and District’s receipt of the USACE recommendations, the Office of Emergency Management (OEM) reasserted to CalOES that the County required state or federal support for implementation of the USACE recommended solutions. The proposed HESCO basket solution is unique and a difficult task of which the County and District does not have experience, therefore requiring assistance. The County and District believe that there are several potential paths for the State or Federal government to provide construction assistance:

1. CalOES could mission task the Department of Water Resources (DWR), Flood Fight Division;
- or

2. CalOES could mission task the California National Guard; or
3. CalOES could request FEMA to mission task USACE through Emergency Support Function (ESF) #3 – Public Works and Engineering under CA-DR-4699; or
4. DWR could request USACE assistance via Public Law 84-99 (too long of a turnaround time associated with this option).

OEM is actively working with CalOES for a quick and positive decision regarding possible implementation support.

Governor Newsom Executive Order N-10-23:

Governor Newsom signed an executive order on August 4, 2023 to streamline levee repairs and debris removal to help local communities recover from flooding and prepare for the upcoming El Niño season.

This year's historic winter storms damaged levees within the County and, as with the Santa Maria River Channel, left debris in river channels that exacerbate the risk of flooding next winter – damaged levees provide less protection from high water flows, and debris and vegetation within river channels reduce capacity to move high water flows.

The executive order allows affected communities to accelerate work to restore levee function and river channel capacity degraded by last winter's storms and floods. More specifically, the executive order:

- Streamlines public agencies' emergency levee repair and debris removal work to address this past winter's storms and prepare for next winter;
- Applies to emergency levee repair and debris clearing impacted by this past winter's storms, including: the San Joaquin River and tributaries, the Tulare Lake Basin and tributaries, the Salinas River and tributaries, the Pajaro River and tributaries, and other coastal streams between the Pajaro River and the Ventura River;
- Suspends certain state laws, regulations, and criteria in existing orders – conditioned on agencies complying with specified environmental and resource protection requirements – for emergency levee repair and debris removal projects. Suspensions include:
  - Lake and streambed alteration agreement laws and regulations implemented by the California Department of Fish and Wildlife;
  - Limiting provisions in State Water Board water quality certifications that would otherwise limit circumstances under which a public agency could rely on emergency regional general permits issued by the U.S. Army Corps of Engineers;
  - Waste discharge requirements laws and regulations implemented by the Water Boards for projects that do not require an Army Corps of Engineers emergency permit;
  - The California Environmental Quality Act.

Unfortunately, this executive order does not cover federal or State Coastal Zone permitting requirements, however based on discussions with USACE and California Coastal Commission, these permitting agencies understand the need and desire to restore the river and protect the community and will work with the County to streamline their emergency permitting process as much as possible. Without their expedited review and emergency permitting this project will not go forward. This executive order expires on November 1, 2023. If not extended by the Governor, all work in the riverbed must be completed by this expiration date, or full permitting would be required.

CEQA:

As noted above Executive Order N-10-23 suspends the provisions of CEQA as applied to projects to repair flood control infrastructure, debris removal, sediment removal, and vegetation management completed by November 1, 2023, provided certain conditions are met. The proposed reestablishment of the pre-2023-storms Santa Maria River Channel alignment falls under EO N-10-23 to the extent the work is completed by November 1, 2023. As detailed in this board letter, the activity is necessary to respond to conditions caused by the 2022-2023 Winter Storm Events and is to avoid future damage from high streamflow events in the upcoming rainy season.

Additionally, the activity is separately exempt from the provisions of CEQA under the statutory emergency exemption (State CEQA Guidelines Section 15269). As detailed in this board letter, the realigned Santa Maria River Channel poses an imminent risk of harm to public and private facilities in the event of anticipated high-flow events during the upcoming rainy season. Immediate action is required to repair and restore District property and flood-control facilities to prevent or mitigate such an emergency, including potential impacts to the City of Guadalupe wastewater treatment plant, which would pose a threat to public health, safety and welfare.

With Board approval, District staff will prepare and file a Notice of Exemption on this basis.

USACE Waters of the US determination:

It has been communicated to the County and District by USACE, based on Nationwide Permit 45 – “Repair of Uplands Damaged by Discrete Events” that if the river is not restored to its historic alignment by February/March of 2025, the new river footprint as a result of this past winter’s storms will become the newly regulated Waters of the United States, which would have significant regulatory impacts on the City, farmers and the County. This would result in the loss of hundreds of acres of California prime farmland and puts West Main St. in protected river bottom. That would cutoff public coastal access to the Guadalupe Dunes in perpetuity without a realignment of the roadway or the construction of a causeway on the same alignment. Both of these options would be at significant cost to the County to restore coastal access in the future.

Options for moving forward:

1. Await CalOES’ response to the County and District’s request to mission task a State or Federal agency to provide implementation support, including but not limited to California DWR Flood Fight, California National Guard or USACE; or
2. The County and District have made independent, combined and multiple requests of OES via Senator Monique Limon’s Office and Assemblyman Hart’s Office for the Governor to mission task resources from the California National Guard to perform debris removal and vegetation clearing within the Santa Maria River. Staff could continue working this approach; or
3. Locally fund Action 1- debris and vegetation removal required within the Santa Maria River, from State Highway 1 to the Pacific Ocean, if time allows, prior to expiration of the Governor’s Executive Order. Public Works estimates that this effort will cost up to \$8 Million. This is

- staff’s preferred option as the State and Federal Governments have failed to provide implementation support to date; or
4. State and/or Federal funded Action 2- HESCO implementation within the Santa Maria River, from State Highway 1 for 8,520 linear feet, as determined by the USACE, from approximately the end of the current levee to a location determined to be most effective to protect previously described facilities. USACE estimates that this effort will cost up to \$6 Million; or
  5. Provide alternative direction; or
  6. Take no action at this time.

**Fiscal and Facilities Impacts:**

Staff is estimating that up to \$8M of work can be completed before the Governor’s Executive Order permitting the work sunsets in November. The department is working with OEM and the CEO to actively pursue disaster cost recovery funding associated with the 23STM1 and 23STM2 declared disasters. However, this work may not be eligible for reimbursement.

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized On-going Cost:</b>	<b>Total One-Time Project Cost</b>
General Fund	\$ 4,500,000.00		
State			
Federal	\$ 2,500,000.00		
Fees			
Other:	\$ 1,000,000.00		
Total	\$ 8,000,000.00	\$ -	\$ -

The \$4,500,000 General Fund source would be a release of unallocated FY 2022-23 year-end carryover. If approved, \$22.7 million would remain unallocated. The \$2,500,000 of ARPA funds for the Santa Maria River Re-Alignment project is comprised of the below reallocations from previously approved ARPA projects for which the funding is no longer needed:

<b>Project or Program</b>	<b>Approved as of 6/16/2023</b>	<b>Recommended Adjustments</b>	<b>Recommended Total</b>	<b>Comments</b>
Direct COVID-19 Response Costs	\$6,796,480	(\$2,198,858)	\$4,597,622	Reduction in anticipated costs due to end of pandemic restrictions.
Criminal Justice Data Dashboard	\$250,000	(\$250,000)	-	The District Attorney and Public Defender’s Office were able to enhance their ability to analyze data for the Racial Justice Act in lieu of the dashboard through enhanced integration as well as the work that Sicuro Data Analytics is doing for the District Attorney’s Office.

Subject: Santa Maria River Channel Re-alignment

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IV Community Center Sewer Replacement	\$100,000	(\$38,142)	\$61,858	Project completed under budget.
HHS Plan: Organization & Technology	\$710,000	(\$13,000)	\$697,000	Adjustment to estimated Child Support Services staff time now that program has launched.
<b>Total ARPA Funding Decreases</b>		<b>(\$2,500,000)</b>		

**Attachments:**

Attachment A: Budget Revision Request No. 0009313

**Authored by:**

Scott D. McGolpin, Flood Control Director, (805)568-3010