



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Public Works
Department No.: 054
For Agenda Of: 3/19/2019
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Laguna County Sanitation District

FROM: Department Director(s): Scott D. McGolpin, P.E., Director, (805) 568-3010
Contact Info: Leslie Wells, Deputy Director, (805) 882-3605

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

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the Conservation Easement Deed creating and conveying to the State a conservation easement on land owned by Laguna County Sanitation District consisting of APN 113-240-015 (126.70 acres) and a portion of APN 113-240-013 (7.00 acres); and
- b) Find that on August 14, 2018, the proposed action was found to be categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15313, related to the preservation of wildlife habitat.

Summary Text:

This item is on the agenda in order to amend the conservation easement approved by your Board on August 14, 2018. Upon submittal to the California Department of Fish and Wildlife (CDFW), state staff determined that minor changes were required in order to conform to California Wildlife Conservation Board (CWCB) criteria prior to recordation by that agency. The conservation easement is to provide mitigation for Laguna County Sanitation District (District) construction projects planned over the next several years within the habitat range of the federally endangered/state threatened California tiger salamander (CTS) and the federally threatened California red-legged frog (CRLF). The proposed

conservation easement is 133.70 acres in size on two parcels owned by the District and will provide mitigation for ground disturbing activities associated with the proposed work. The District will continue to use the land for pasture irrigation and cattle grazing.

Background:

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

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

The original conservation easement executed by your Board on August 14, 2018 was submitted to the CDFW along with a consistency determination application to find consistency with mitigation measures as approved by the USFWS. The consistency determination was issued October 3, 2018. The final step of the process, to be performed by the CDFW is to process the conservation easement through recordation by the CWCB. CDFW staff requested certain minor wording modifications to the conservation easement such as including former assessor parcel numbers in Recital B, modifying Recital H to reference the management plan instead of attaching as an exhibit, and clarifying mineral rights exemptions in Exhibits C and D. When executed by your Board, the conservation easement will be submitted to CDFW for recordation by the CWCB. Staff recommends approval of this action.

Performance Measure:

This action provides for mitigation required to comply with USFWS and CDFW permit requirements and allows the District to pursue construction of essential infrastructure.

Fiscal and Facilities Impacts:

There are no fiscal impacts associated with this action.

Staffing Impacts:

There are no staffing impacts with this action.

Special Instructions:

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

1. Return two original deeds and retain one original deed for COB records.
2. Forward a certified minute order of these actions.

Attachments:

Attachment A: Conservation Easement – 3 originals

Authored by:

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