



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, RRWMD
Department No.: 054
For Agenda Of: April 4, 2023
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Scott D. McGolpin, Public Works Director, 805-568-3010
Director(s)
Contact Info: Leslie Wells, Deputy Director, 805-882-3611

SUBJECT: Conservation Easement Deed on Portions of the Tajiguas Landfill and Baron Ranch Properties – 3rd Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: Risk Management

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached Escrow Package between the County as Grantor and Land Trust of Santa Barbara County as Grantee for the establishment of a Conservation Easement associated with obtaining an Incidental Take Permit from the United States Fish and Wildlife Service under Section 10 of the Federal Endangered Species Act for the Tajiguas Landfill and ReSource Center;
- b) Approve and authorize the Chair to execute the “Deed of Conservation Easement” creating and conveying to the Land Trust of Santa Barbara County a Conservation Easement on land owned by the County consisting of portions of APN 081-100-005, 081-150-026 and 081-150-032 (approximately 110 acres);
- c) Approve and authorize the Chair to execute the “Payment of Transfer Fee Required” Notice;
- d) Approve and authorize the one-time endowment payment of SIXTY-SIX THOUSAND DOLLARS (\$66,000), to provide for the perpetual administration and annual monitoring of the Conservation Easement;
- e) Authorize the Director of Public Works and/or Director of General Services or designee to execute any additional related documents and pay closing fees required to facilitate the County’s establishment and granting of the Conservation Easement; and

- f) Determine that the proposed actions are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15313 and 15317 related to the preservation of wildlife and open space habitat and approve posting a Notice of Exemption on that basis

Summary Text:

This item is being brought to the board in order to allow for incidental take of the California red-legged frog and Southwestern pond turtle, (federally protected species) associated with Tajiguas Landfill (Landfill) and ReSource Center activities. RRWMD has prepared a Habitat Conservation Plan (HCP) and obtained an Incidental Take Permit (ITP) from USFWS. Part of the requirements for the HCP/ITP is permanent protection of ~110 acres of frog and turtle habitat through the establishment of a conservation easement and conveying the easement to a qualified conservation organization with the USFWS as a third-party beneficiary. The Land Trust of Santa Barbara County is a USFWS approved conservation organization and holds numerous County and private easements. The documents/actions needed to establish the conservation easement include the recordation of the conservation easement deed, a one-time payment of an endowment that will be held by Land Trust of Santa Barbara County for easement monitoring and administration, recordation of a Transfer Fee Required Notice in the event ownership of the easement area is transferred from the County to another entity, and other forms necessary to complete the escrow process. Costs for the easement endowment are budgeted in the RRWMD Enterprise Fund. These actions provide for mitigation required to comply with USFWS permit requirements and allows the RRWMD to continue to conduct critical waste management activities.

Background:

The Santa Barbara County Public Works Department Resource Recovery and Waste Management Division (RRWMD) operates the Tajiguas Landfill (Landfill) serving the South Coast of Santa Barbara County and the Santa Ynez and New Cuyama Valleys. The Landfill is a Class III municipal solid waste disposal facility, continuously in operation since 1967 and includes the Tajiguas ReSource Center. The ReSource Center consists of a Materials Recovery Facility (MRF); Anaerobic Digestion Facility (ADF) and Compost Management Unit (CMU); and associated infrastructure designed to further recover recyclable materials, produce green energy, and reduce greenhouse gas emissions from the municipal solid waste. The RRWMD also manages the adjacent 1,083 acre Baron Ranch, which was originally purchased with enterprise funds to provide a buffer to Landfill operations. The Baron Ranch is an important mitigation site for biological impacts associated with Landfill and ReSource Center construction and operations. Native plant restoration has been completed on approximately 50 acres of the Ranch and 32 acres of Arroyo Quemado creek and adjacent riparian corridor have been placed in restrictive covenant as a required condition of a U.S. Army Corp of Engineer Clean Water Act Section 404 Permit (CWA 404 Permit).

In 1998, the California red-legged frog was first observed at the Landfill's in-channel sedimentation basins. The in-channel sedimentation basins were removed and red-legged frogs relocated to Baron Ranch in 2009 under a CWA 404 permit, Biological Opinion and other Resource Agency permits as a part of the Tajiguas Landfill Reconfiguration Project. Although these permanent water features were removed and no other suitable breeding habitat is present on the Landfill, the Landfill is situated between two established breeding populations of California red-legged frogs, Arroyo Quemado on the Baron Ranch to the east and the Arroyo Hondo Preserve to the west. Due to the proximity of these populations, dispersing California red-legged frogs continue to be observed at the Landfill primarily in the winter months following rain events in drainage/storm water features and in other upland areas. Southwestern pond turtles have also been observed in the storm water features. Landfill and ReSource

Center activities could result in injury or mortality or the need to relocate frogs or turtles out of operational areas. Without a permit from the USFWS, harming, harassing or handling (“take”) of animals protected under the ESA is prohibited and if it occurs, could subject the County to penalties (civil and/or criminal) and affect operation of the Landfill and ReSource Center.

The land proposed for inclusion in the easement contains steep, densely vegetated areas all within the Arroyo Quemado watershed including the northeastern corner of the Landfill property (outside of the landfill’s permitted operational area and area designated “waste disposal overlay” in the Comprehensive Plan) and a portion of the Baron Ranch and section of Arroyo Quemado creek. The proposed conservation easement area contains land designated in the Comprehensive Plan as environmentally sensitive habitat, and is designated by the USFWS as “critical habitat” for the California red-legged frog. The conservation easement would restrict future development in perpetuity and over the 50-year term of the ITP, frogs and turtles found at the Tajiguas Landfill/ReSource Center would be relocated out of work areas to the easement area and/or other protected areas at the Ranch. The 50-year term is to cover operation, closure and post closure maintenance of the Landfill and operation, maintenance of the ReSource Center. The easement would be in perpetuity and annual monitoring of the easement would be conducted by the Land Trust and annual biological monitoring and management would be conducted by RRWMD.

The Baron Ranch Trail, a multi-use public trail managed by the Parks Department runs along the eastern boundary of the conservation easement area and the easement should not affect continued use of the existing trail. The Parks Department is proposing to realign a small portion of the trail through the easement Area and the easement deed allows this relocation and allows for the potential installation of benches and informational sign for trail users. The remainder of the easement area is not suitable for recreational development/use due to the topographic and biological constraints.

Performance Measure:

These actions provide for mitigation required to comply with USFWS permit requirements and allows the RRWMD to continue to conduct critical waste management activities.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative: Costs are budgeted in the RRWMD Enterprise Fund. Costs estimated for this service are to be incurred in fiscal year 2022/2023.

| <u>Funding Sources</u> | <u>Current FY Cost:</u> | <u>Annualized On-going Cost:</u> | <u>Total One-Time Project Cost</u> |
|-------------------------------|--------------------------------|---|---|
| General Fund | | | |
| State | | | |
| Federal | | | |
| Fees | | | |
| Other: Enterprise | \$ 68,471.00 | \$ - | \$ 68,471.00 |
| Total | \$ 68,471.00 | \$ - | \$ 68,471.00 |

The total one-time project cost includes the endowment and expected escrow closing costs.

Subject: Conservation Easement Deed on Portions of the Tajiguas Landfill and Baron Ranch Properties

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Special Instructions:

Clerk of the Board to:

1. Instruct the chair to execute the escrow documents; and
2. Return the original signed documents and minute order to Joddi Leipner, Senior Engineering Environmental Planner, RRWMD, X23614 (call for pick up).

RRWMD will return a copy of the signed and recorded documents to the Clerk of the Board.

Attachments:

Attachment A: Escrow Package

Attachment B: Notice of Exemption

Authored by: Joddi Leipner, Senior Engineering Environmental Planner, X23614