



Board Agenda Item 57

DATE: December 4, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: California Department of Fish and Wildlife Lake and Streambed Alteration Agreements

RECOMMENDED ACTION(S):

Authorize the Director of the Department of Public Works and Planning, or designee, to (1) submit applications for Lake and Streambed Alteration Agreements; (2) execute Lake and Streambed Alteration Agreements subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector; and, (3) execute amendments to Lake and Streambed Alteration Agreements with the California Department of Fish and Wildlife for various, specifically identified future bridge or culvert replacement and rehabilitation projects.

Approval of the recommended action will authorize the Director of the Department of Public Works and Planning, or designee, to submit applications for Lake and Streambed Alteration Agreements (SAA) and to execute SAAs and related amendments with the California Department of Fish and Wildlife (CDF&W) that may be required for the 22 future bridge and culvert replacement and rehabilitation projects listed on Exhibit 1. The projects are on modified streams (natural streams that have been realigned or converted to function as irrigation canals) or on man-made canals when the project location is at the convergence of a canal and a natural stream. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may elect not to approve the recommended action in which case the Department would have to return to the Board to execute each individual future SAA.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Only one of the 22 projects listed on Exhibit 1 is fully funded by Senate Bill 1: Road Repair and Accountability Act of 2017 (SB 1). The remaining projects are covered by the Federal Highway Bridge Program (HBP) and any required matching funds are provided by the toll credit program, by SB 1 funds, or by Road Fund 0010. There will be a fee associated with applying for a SAA for each project. Based on the current fee schedule, which determines the fee based on the project cost and the duration of the SAA, the fee would range between \$3,185.25 and \$5,145.75 for each of the specified projects. Sufficient appropriations and estimated revenues for each of the 22 bridge and culvert projects are either included in the Department of Public Works and Planning - Roads Org 4510 FY 2018-19 Adopted Budget or will be included in future budget requests.

DISCUSSION:

The Department has a wide variety of Federally-funded bridge and culvert projects in various stages of completion, and whenever a SAA is required, such a project will either:

- divert or obstruct the natural flow of any river, stream, or lake; or
- change the bed, channel, or bank of any river, stream, or lake; or
- use material from any river, stream, or lake; or
- deposit or dispose of material into any river, stream, or lake.

The purpose of a SAA is to establish project conditions associated with working within the channel or floodplain of a body of water to conserve existing fish and wildlife resources under jurisdiction of the CDF&W. Each SAA will set conditions with which the construction operations must comply and may establish mitigation measures to be enacted upon completion of the project to restore the area as nearly as possible to its original condition.

On September 25, 2018, your Board approved the Department's recommendation for the Director's authority to execute SAAs for a specified list of bridge projects located on natural channels, contingent upon prior review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector. The recommended action pertains to projects on modified streams (natural streams that have been realigned or converted to function as irrigation canals) or on man-made canals when the project location is at the convergence of a canal and a natural stream. General conditions and constraints on work would be similar for each project.

Major components of a SAA include:

Project Description - includes a very detailed description of the project and the means that will be employed for its construction.

Project Impacts - includes a quantitative description of project modifications to the flow, bed, bank or channel of the water body, and associated impacts to vegetation, trees, and special status animal or plant species or their habitat.

Administrative Measures - require that the SAA be kept on the project site, that individuals working on the site be trained regarding its provisions, and that CDF&W personnel be allowed onsite at any time to verify compliance. It also states the SAA does not allow "take," which means to hunt, pursue, catch, capture, or kill threatened or endangered species.

Avoidance and Minimization Measures - requires measures to avoid or limit project impacts, which could include:

- seasonal constraints and limited working hours;
- vehicle, equipment, and material operational provisions;
- erosion control, pollution, and dewatering provisions;
- pre-construction surveys and reporting for special status animal and plant species;
- delineation of the work area limits and environmentally sensitive areas;
- environmental awareness worker training; and
- biological monitoring and reporting to CDF&W.

Compensatory Measures - requires that a revegetation plan be submitted to the CDF&W for approval and that the plan be implemented. Typically, such a plan entails replanting trees to compensate for those which have been removed at prescribed ratios (i.e. plant three new trees for each one removed) and to monitor and ensure that a predefined percentage of the trees and other vegetation planted survives for at least five years after planting. The specific numbers and types of trees to be planted will vary from

project to project depending upon the number and type removed to facilitate construction. Compensatory measures may also include planting trees or other plants at remote habitat sites to make up for those removed by virtue of the project.

Reporting Measures - requires reporting on the progress of various aspects of the project relating to the permit conditions, including the submittal of a final project report.

The cost associated with a SAA depends largely upon the extent of the compensatory mitigation. If the project involves removal of a large number of various trees, the SAA could lead to significant costs for the planting and monitoring of the replacement trees. This work, in most cases, is performed pursuant to a separate contract awarded for construction after the construction of the project has been completed, and these contracts may last up to five years, which is the standard term for a SAA. If the required number of trees planted has not survived at the end of five years, it may be necessary to extend the SAA and the revegetation contract.

As an example of the potential costs associated with a SAA, the County awarded a contract in 2014 to perform the revegetation and monitoring for three bridges - the Kings River Bridge on Goodfellow, the Byrd Slough Bridge on Goodfellow, and the Turner Slough Bridge on Annadale. The contract costs for the revegetation projects for these locations were \$141,050, \$116,260, and \$22,400, respectively. It is anticipated that, for an average small project, the cost to implement the revegetation plans would be from \$10,000 to \$35,000. In any case, most projects listed on Exhibit 1 are Federally-funded. Furthermore, the Board would have the opportunity to be apprised of such costs when the revegetation contracts are awarded.

In order to reduce costs and facilitate expedient delivery of projects once the design has been completed, it is requested that the Department Director be authorized to execute SAAs for the projects listed on Exhibit 1, contingent upon prior review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector.

REFERENCE MATERIAL:

BAI #60, September 25, 2018
BAI #50, July 15, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit 1

CAO ANALYST:

Sonia M. De La Rosa