

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date **Held Until**

Agenda Item No: **Agenda Item No:**

Department:
 Sonoma County Water Agency

() 4/5 Vote Required

Contact: Keenan Foster
Phone: (707) 547-1941
Board Date: 06-23-09

Deadline for Board Action:

AGENDA SHORT TITLE:
 Stream Maintenance Program: Final Environmental Impact Report Certification

REQUESTED BOARD ACTION(S):

1. Resolution certifying the Stream Maintenance Program Final Environmental Impact Report and making certain findings therewith.
2. Resolution approving the Stream Maintenance Program, making certain findings and determinations in accordance with the California Environmental Quality Act relating to such approval, including a statement of overriding considerations, adoption of a mitigation monitoring plan, directing the filing of a Notice of Determination for the program, and providing other authorizations and direction.

CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u>	
Estimated Cost	\$ _____	Contingencies	\$ _____
Amount Budgeted	\$ _____	(Fund Name:)	
Other Avail Approp	\$ _____	Unanticipated Revenue	\$ _____
(Explain below)		(Source:)	
Additional Requested:	\$ _____	Other Transfer(s)	\$ _____
		(Source:)	
		Add'l Funds Requested:	\$ _____
			\$ -0-

Explanation (if required):
 Funds for this project and program were appropriated most recently in June 2008.

Prior Board Action(s):
 03/03/09 Hearing to obtain public testimony on SMP Draft EIR.
 01/27/09 Authorize release of SMP Draft EIR for 45-day public review period, file Notice of Availability, set public hearing for 03/03/09.
 06/17/08 Authorize Chair to execute the Agreement for Engineering and Environmental Services for Stream Maintenance and Flood Protection Services Program between SCWA and Horizon Water and Environment, LLC (\$1,296,000).
 02/07/05 Authorize Chairman to execute the Agreement for Engineering and Environmental Services for the Stream Maintenance and Flood Protection Services Program between SCWA and Jones & Stokes Associates (\$2,442,939).

Alternatives - Results of Non-Approval:
 If the SMP Final EIR is not certified and the project approved, programmatic permits for the Agency's stream maintenance program will not be obtained, delaying needed flood control maintenance.

Background: Draft Report, Final Report, Draft Manual and Addendum on file with the Clerk.

The Sonoma County Water Agency (Agency) has prepared a Final Environmental Impact Report (EIR) for its Stream Maintenance and Flood Protection Services Program (SMP or Program) in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Agency's Procedures for the Implementation of CEQA. The SMP Final EIR will satisfy Agency requirements for CEQA, as well as provide the environmental documentation needed to obtain programmatic permits from state agencies, such as the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Game (CDFG), for routine maintenance activities.

The SMP Manual, which has been prepared along with the SMP EIR, provides the organizational framework to oversee routine stream and channel maintenance activities. The SMP Manual was developed by the Agency to improve habitat conditions and hydrologic function of Agency-maintained streams and channels and to balance the goals of flood protection, permitting, and environmental sustainability. The SMP applies to four types of channels (Engineered-Owned in Fee, Engineered-Easement Maintained, Modified Channel-Easement Maintained, and Natural Channel-Easement Maintained). These channels are located in the unincorporated areas of the County and the following cities within the Program area: Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and the Town of Windsor.

Stream Maintenance Activities

Facilities that the Agency maintains include: (a) approximately 75 miles of engineered channels (designed to a 10-, 25-, or 100-year flood capacity), including flood control channels, detention basins, and storm drain conduits; (b) approximately 150 miles of modified and natural channels; and (c) other related facilities (reservoir inlets, access roads, and v-ditches). Routine maintenance is required for proper functioning and can include vegetation management, bank stabilization, sediment removal, and revegetation.

The SMP documents how stream maintenance activities would be modified to enhance riparian wildlife and plant habitat and protect listed species in accordance with regulatory authorities of the RWQCB, CDFG, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. This approach would enhance or retain habitat for protected species, as well as other wildlife and fisheries resources. The modifications are anticipated to include managing engineered channels to provide adequate flood protection and improve geomorphic function, as well as improving riparian habitat and water quality. Over the long-term, implementing the goals and methodologies specified in the SMP is anticipated to reduce the level and frequency of routine maintenance required.

The SMP has three primary activities: sediment management, vegetation management, and bank stabilization. These core maintenance activities occur mainly in engineered flood control channels, but may also occur in other facilities including in-channel engineered structures and sediment basins on an as-needed basis.

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Attachments: Resolutions (R1); Resolution (R2) with Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E

On File With Clerk: 1) Draft Environmental Impact Report; 2) Final Environmental Impact Report; 3) Stream Maintenance Program Draft Manual and Addendum

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background (continued):

In addition to the three core SMP activities, the SMP involves other smaller and infrequent maintenance activities such as road maintenance, sediment removal around reservoir inlet structures, and debris removal. The SMP also includes the transport and disposal of collected sediment and vegetation.

Environmental Impact Report

A Notice of Preparation (NOP) was issued for a Draft EIR in August 2005, and public scoping meetings were held in Petaluma on September 29, 2005, and Santa Rosa on October 4, 2005. The Draft EIR was released for a 45-day public comment period beginning on January 30, 2009, and ending on March 16, 2009. The document was available at the Agency office, at the County Clerk's office, local libraries, and on the Agency's www.sonomacountywater.org website. In addition, a Notice of Availability (NOA) was published in the Press Democrat and was available at libraries in the region. One noticed public hearing was held on March 3, 2009, to receive comments on the Draft EIR. Seventeen comment letters were received during the Draft EIR public comment period and five speakers provided oral comments during the public hearing. The Final EIR includes revisions, updates, and clarifications in response to public comment on the Draft EIR. The new information provided in the Final EIR does not constitute "significant new information" within the meaning of CEQA, so the Final EIR will not require recirculation.

Notice of the time and place of the Board meeting to consider certification of the Final EIR and Program approval was mailed to all entities and individuals on the Agency's SMP mailing list. The public was also notified of the time and place of the Board meeting to consider Program approval and certification of the Final EIR as part of the public notice of the Board's regular agenda for its June 23, 2009, meeting. A response letter, including a copy of the Final EIR, was sent to the responsible and trustee agencies that provided written comments on the Draft EIR on June 12, 2009. The Final EIR is available to the public as a hardcopy or CD, and is also available for review on the Agency's www.sonomacountywater.org website and at the Agency's Administrative Office, and hard copies are available at libraries in the region.

Agency staff recommends that the Board certify the Final EIR. The Final EIR addresses the Agency's ability to meet project objectives, potential environmental impacts of implementation, and the concerns of regulatory entities, the County, cities, and the community project area. The Final EIR finds that 29 impacts from the Program would be less than significant or beneficial (Exhibit A), 48 impacts would be significant or potentially significant and can be mitigated to a less-than-significant level (Exhibit B), and four short-term impacts would be significant and unavoidable (Exhibit C). Overall the Program, with integrated mitigation, results in only short-term effects (though significant and unavoidable) to visual aesthetics, ambient noise levels, and emission of Particulate Matter > 10 microns and ozone precursors. Following certification of the Final EIR, the Board is requested to consider approval of the proposed Program.

Agency staff recommends that the Board approve the Program identified in the Final EIR. The few significant and unavoidable effects are easily outweighed by the community benefits of maintaining flood protection, establishing and encouraging riparian canopy, improving water quality, and restoring stream geomorphic functions. Agency staff recommends that the Board also adopt the Mitigation Monitoring Plan (Exhibit D), make certain findings, and direct the filing of a Notice of Determination (Exhibit E) for the Program.

REQUESTED BOARD ACTION(S):

1. Resolution certifying the Stream Maintenance Program Final Environmental Impact Report and making certain findings therewith.
2. Resolution approving the Stream Maintenance Program, making certain findings and determinations in accordance with the California Environmental Quality Act relating to such approval, including a statement of overriding considerations, adoption of a mitigation monitoring plan, directing the filing of a Notice of Determination for the program, and providing other authorizations and direction.