

# Staff Report 38

## **APPLICANT:**

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Santa Barbara County Flood Control District

## **PROPOSED ACTION:**

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Issuance of General Lease – Public Agency Use.

## **AREA, LAND TYPE, AND LOCATION**

Sovereign land in Davis Creek in the Burton Mesa Ecological Reserve, near Vandenberg Village, Santa Barbara County.

## **AUTHORIZED USE:**

Removal of obstructive vegetation and sediment.

## **TERM:**

5 years, beginning October 19, 2020.

## **CONSIDERATION:**

Public health and safety, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

## **SPECIFIC PROVISIONS:**

Applicant shall coordinate with the California Department of Fish and Wildlife (Wildlife), as Lessee under Commission Lease 8129 for management of the Burton Mesa Ecological Reserve, to ensure that no activities conducted within Davis Creek will impact Wildlife's lease management responsibilities. In addition, Applicant shall implement the following conditions:

- a. All chipped material and sediment removed from Davis Creek shall be deposited directly into trucks and disposed of off-site.

- b. Within 4 weeks of commencement of maintenance activities, the Applicant shall prepare a restoration plan in consultation with Wildlife and submit the plan to Commission staff for review and approval.
- c. Restoration for impacts shall be implemented on Davis Creek or within the Burton Mesa Ecological Reserve at a site designated by Wildlife.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On October 19, 2017, the Commission authorized a 3-year General Lease – Public Agency Use to Santa Barbara County Flood Control District (Applicant), for the removal of obstructive vegetation and sediment in Davis Creek ([Item 71, October 19, 2017](#)). That lease was set to expire on October 18, 2020. On April 29, 2020, consistent with the Governor's Executive Order N-33-20 on COVID-19 response, the Commission authorized an amendment to this and certain other specified public agency leases, to extend the lease term by 1 year ([Item 75, April 29, 2020](#)).

The Burton Mesa Ecological Reserve (Reserve) consists of 5,300 acres located north of Lompoc in Santa Barbara County and is held as sovereign land under the jurisdiction of the Commission. The Reserve supports one of the last significant natural stands of Burton Mesa Chaparral on the central coast. The land in the Reserve was acquired by the State in a series of transactions: 5,125 acres from Union Oil Company of California (UNOCAL) in 1991; 60 acres from UNOCAL in 1995; 47 acres from Santa Barbara County in 1998; and 68 acres from the California Department of Parks and Recreation in 2008. The Reserve is currently leased to Wildlife for management, operation, and maintenance.

The current Lessee has applied for a General Lease – Public Agency Use for removal of obstructive vegetation and sediment in Davis Creek within the Reserve. The portion of Davis Creek that requires continued maintenance is located north of State Highway 1, adjacent to Vandenburg Village. Davis Creek is a small drainage creek that flows through the Reserve and is a tributary to the Santa Ynez River. However, urban development and agricultural use downstream from Highway 1 have altered the drainage so it no longer flows to the Santa Ynez River.

Vandenberg Village Community Services District (District) operates water wells, water storage tanks, and a water treatment facility adjacent to Davis Creek. The District provides approximately 2,000 acre-feet per year of potable water to 7,000 residents in the Vandenberg Village Community. The portion of Davis Creek's maintenance area is bordered along the east by a road providing the only approved access to the District's facilities. The District maintains three water pipelines located within the bank of the creek and the access road.

Over many years, overhanging vegetation, downed and standing dead trees, and obstructive vegetation in the channel bottom has resulted in the blockage of the drainage and accumulation of sediment to a point where creek capacity no longer exists or is greatly compromised. During heavy rainfall events, stream flows overtop the channel at several locations, flooding the District's access road, and completely blocking access to the water treatment facility and water well site. In 1989, Davis Creek overflowed its banks and severely eroded the shoulder of the access road. In March 1995, severe flooding not only eroded the access road shoulder, but undercut the entire paved road, broke the water pipeline, and required immediate emergency repairs. In February 2017, prolonged rainfall contributed to stormwater flows that overtopped the creek banks and prevented access to the water treatment plant.

The continued maintenance project would occur along approximately 1,900 linear feet of the creek channel and is designed to minimize impacts to the corridor. Removal of live and dead obstructive vegetation and the desilting of portions of the channel will provide blockage relief to allow the creek to flow more freely and naturally flush some accumulated sediment. Removal of portions of the accumulated sediment will restore the creek channel flow capacity and re-establish pool/wetland habitat that has been eliminated by the silted-in channel.

The work is expected to be completed before winter rains commence. All work will be accomplished from the top of the creek bank using an excavator working through existing windows within the willow corridor to desilt portions of the channel to maintain an approximately 10-foot-wide channel. Overhanging willow limbs, dead standing trees, and downed trees will be cut and removed from the creek and chipped. All chipped vegetation and sediment will be deposited directly into trucks and disposed of off-site.

New temporal impacts to native vegetation are estimated to require 6,000 square feet of restoration. Restoration for impacts would be implemented on Davis Creek or within the Burton Mesa Ecological Reserve at a site designated by Wildlife.

The continued creek maintenance project is intended to improve the flow of Davis Creek to protect the District's existing water pipelines, provide continuous road

access to treatment facilities during heavy rainfall events, and to prevent the flow of stormwater across State Highway 1. Beneficial impacts of the proposed maintenance are increased habitat diversity and reestablishment of pools within the stream corridor with the removal of accumulated sediment.

The lease includes certain provisions protecting the lease area by requiring the Applicant to obtain all necessary permits. The lease requires the Applicant to conduct all construction and maintenance work safely and indemnify the Commission in the event of any liability resulting from the proposed action. The lease also has a 5-year term, which allows the Commission flexibility to review the lease premises and activities to determine if the Public Trust needs of the area have changed over time.

### **CLIMATE CHANGE:**

The project area is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions, and damage from storm-created debris.

Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate. Maintenance of Davis Creek, as proposed by the Applicant, should reduce the likelihood of severe flooding conditions.

### **CONCLUSION:**

For all the reasons above, staff believes that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

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1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. A Programmatic Environmental Impact Report (PEIR) for the Santa Barbara County Flood Control District's (District's) Updated Routine Maintenance Program, State Clearinghouse No. 2001031043, was prepared by the District and certified on December 11, 2001. A project-specific Addendum to the PEIR was included in the 2020-2021 Annual Routine Maintenance Plan, which was approved by the District on July 7, 2020. Staff has reviewed these documents and the mitigation measures prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

An independent Mitigation Monitoring Program (MMP) and Statement of Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) were previously adopted by the Commission ([Item 71, October 19, 2017](#)). The MMP and Statement of Findings remain valid and in full force.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

## **APPROVALS OBTAINED:**

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U.S. Fish and Wildlife Service  
U.S. National Marine Fisheries Service  
U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Central Coast Regional Water Quality Control Board  
Santa Barbara County

## **EXHIBITS:**

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- A. Land Description
- B. Site and Location Map

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

1. Find that a PEIR, State Clearinghouse No. 2001031043, and a MMP and Findings were prepared by the District; that the District certified the PEIR and adopted the MMP and Findings on December 11, 2001, and prepared an Addendum approved by the District on July 7, 2020, for this project; that the Commission reviewed and considered the information contained therein, and at its regularly scheduled meeting on October 19, 2017, adopted an independent MMP and Findings made pursuant to the State CEQA Guidelines that remain valid and in full force; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.
2. Determine that the Project, as approved, will not have a significant impact on the environment.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce or substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning October 19, 2020, for a term of 5 years, for removal of obstructive vegetation and sediment from Davis Creek, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being the public health and safety, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

## EXHIBIT A

LEASE 9432

### LAND DESCRIPTION

A 50 feet wide strip of State owned sovereign land, situated within the Davis Creek in Rancho Mission La Purisima, as shown on the Rancho Plat approved October 12, 1882, Santa Barbara County, State of California, also being within the land that was conveyed to the State of California by the Union Oil Company as described in Corporation Grant Deed recorded on June 20, 1991 in Instrument No. 91-038941, Official Records of said County, lying 25 feet on the each side of the following described centerline:

COMMENCING at a NGS monument PID "DZ1798" (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 2073848.31 feet, Easting (x) = 5821303.83 feet which bears North 74° 33' 08" East, 4348.03 feet from a NGS monument PID "DZ1807" (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 2072690.16 feet, Easting (x) = 5817112.88 feet; thence North 09° 33' 28" East 8968.33 feet to the POINT OF BEGINNING; thence along the following five (5) courses:

1. North 12° 03' 19" East 254.36 feet;
2. North 17° 57' 39" East 527.33 feet;
3. North 10° 12' 15" East 327.35 feet;
4. North 15° 40' 13" East 342.14 feet;
5. North 22° 10' 08" East 383.82 feet to the TERMINUS of said centerline.

The sidelines of said strip to be extended or shortened so as to begin and terminate at a line perpendicular to the beginning and terminus of said centerline.

BASIS OF BEARINGS for this description is based on California Coordinate System Zone 5, US Feet, NAD 83.

### END OF DESCRIPTION

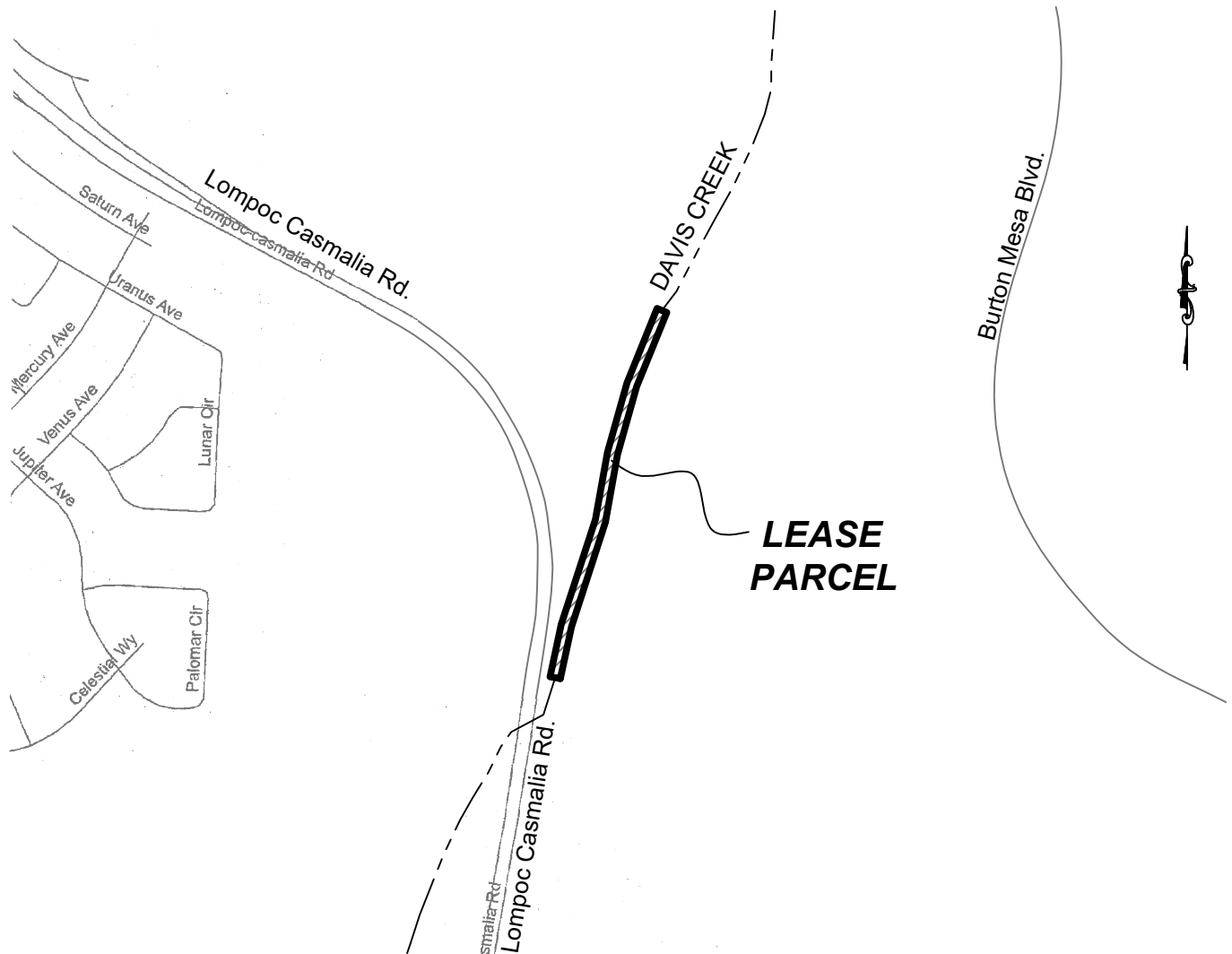
Prepared 04/01/2020 by the California  
State Lands Commission Boundary Unit





NO SCALE

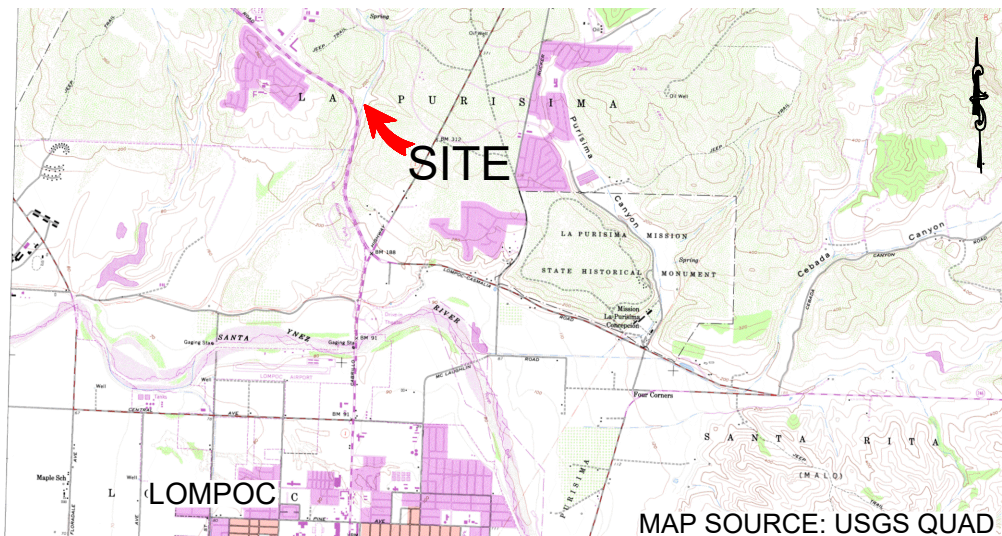
## SITE



## DAVIS CREEK IN BURTON MESA ECOLOGICAL RESERVE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

LEASE 9432  
SANTA BARBARA FLOOD  
CONTROL DISTRICT  
APN 097-371-049  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SANTA BARBARA COUNTY



TS 04/01/2020