



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 12/12/2023

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**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Jessica Martini-Lamb (707) 547-1903  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**

12-12-2023 Ratification of Stream Maintenance Program 2023 Maintenance Activities Tribal Monitoring Agreement

**Recommended Action:**

Ratify the execution of an agreement with the Federated Indians of Graton Rancheria for monitoring of the Stream Maintenance Program 2023 Maintenance Activities by Sonoma Water's General Manager, with a start date of June 26, 2023, through December 31, 2023, in an amount not to exceed \$181,000.

**Executive Summary:**

The Sonoma County Water Agency (Sonoma Water) Stream Maintenance Program addresses three primary flood maintenance activities: sediment management, vegetation management, and bank stabilization. The Stream Maintenance Program Manual (Manual) and regulatory permits require that Sonoma Water consult with local tribes regarding potential for these flood maintenance ground disturbing activities that may result in impacts to tribal resources. Sonoma Water's General Manager executed an agreement with the Federated Indians of Graton Rancheria (Tribe) for monitoring of ground disturbing activities at 2023 flood maintenance project locations. This agreement requires ratification by Sonoma Water's Board of Directors due to the amount being over the General Manager's signature authority.

**Discussion:**

Sonoma Water maintains approximately 85 miles of engineered channels, including flood control channels, detention basins, and storm drain conduits; approximately 100 miles of modified and natural channels; and other related facilities (access roads, fence lines, reservoir inlets, and v-ditches). These facilities are located in the unincorporated areas of Sonoma County; in the cities of Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, and Sonoma; and in the Town of Windsor. The majority of these facilities were constructed between 1960 and 1970, utilizing flood management techniques prevalent at the time (primarily straightened channels maintained free of woody vegetation).

The Stream Maintenance Program has been implemented since its approval by the Board of Directors in June 2009. Sonoma Water implements flood control channel maintenance following specific requirements detailed in a Stream Maintenance Program Manual (Manual) and permits from regulatory agencies. The Manual was developed by Sonoma Water staff to provide the organizational framework to oversee routine stream and channel maintenance activities. It identifies best management practices and operations to improve habitat conditions and hydrologic function of Sonoma Water-maintained streams and channels and to balance the

Stream Maintenance Program goals of flood protection, environmental sustainability, and efficient permitting. Sonoma Water is authorized to implement the Stream Maintenance Program in compliance with existing environmental laws and regulations under programmatic permit approvals from state and federal agencies, including the United States Army Corps of Engineers. The mitigation measures and permit conditions require consultation with local tribes regarding avoidance and minimization of impacts to tribal cultural resources. Sonoma Water has been in consultation with the US Army Corps of Engineers and Federated Indians of Graton Rancheria regarding Stream Maintenance Program activities and have entered into agreements in 2021 (in an amount not to exceed \$6,000) and 2022 (in an amount not to exceed \$50,000) for tribal monitoring of ground disturbing flood control maintenance activities conducted during the maintenance season that runs from June 15 to October 15 in each year. These agreements were each in amounts below \$50,000 that is delegated to Sonoma Water's General Manager for approval and execution.

Sonoma Water proposed up to 28 flood control sediment removal maintenance projects for the 2023 maintenance season. In consultation with the US Army Corps of Engineers and the Tribe to avoid and minimize potential for impacts to tribal cultural resources, Sonoma Water staff and County Counsel developed a tribal monitoring agreement with the Tribe. The tribal monitoring agreement provided for a Tribal Monitor to be present during ground disturbing activities at each proposed maintenance project location at a rate of \$75.00 per hour, for the time spent by the Tribal Monitor traveling to and from the project site, and for reimbursement for mileage traveled at the current mileage rate established by the Internal Revenue Service. The total agreement was for an amount not to exceed \$181,000 for projects to be conducted in flood control Zones 1A, 2A, and 3A. The agreement was procured with the sole source method due to the streams being monitored are located in the Graton Rancheria Tribal area.

Following review by County Counsel and Sonoma Water staff, Sonoma Water's General Manager signed the tribal monitoring agreement on June 26, 2023, for 2023 work through December 31, 2023. Due to a mistake in understanding related to the scope of existing delegated authority in Resolution No, 16-0102 that has been relied on for similar agreements, the 2023 agreements need for Board approval for mistakenly overlooked and this request was made as soon as the oversight was identified. Stream Maintenance Program 2023 maintenance activities were monitored by the Tribe and Sonoma Water has been invoiced (to date \$25,197) for the activities.

**Recommendation**

Sonoma Water staff recommends that the Board of Directors ratify the execution of the agreement for tribal monitoring for Stream Maintenance Program 2023 Maintenance Activities with a start date of June 26, 2023, for 2023 work through December 31, 2023, for an amount not to exceed \$181,000. Ratification of the agreement will allow for payment of invoices for tribal monitoring activities and meeting mitigation measures and permit conditions required for the Stream Maintenance Program 2023 maintenance activities.

**County Strategic Plan:**

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

**Pillar:** Organizational Excellence

**Goal:** Goal 1: Strengthen operational effectiveness, fiscal reliability, and accountability

**Objective:** Objective 1: Align the Board of Supervisor's strategic priorities, policy, and operational goals

with funding and resources.

**Sonoma Water Strategic Plan Alignment:**

This item directly supports Sonoma Water’s Strategic Plan and is aligned with the following goal, strategy, and action item.

**Goal:** 3. Environmental Stewardship - Protect and sustain our watersheds to maintain water resources, ecosystems, and communities.

**Strategy:** 3.2 Protect, enhance, and monitor natural resources, watershed conditions, and ecosystem health that are vital to the Russian River, Petaluma River, and Sonoma Creek watersheds.

**Action Item:** 3.2.1 Support collaborative efforts to improve habitat and pursue restoration opportunities that provide integrated regional benefit.

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

01/24/17: Authorized Sonoma Water’s General Manager to enter into agreements up to \$75,000 as necessary to meet mitigation requirements imposed by regulatory agencies in connection with the Sonoma Water’s Stream Maintenance Program, following review and approval by County Counsel as to form.

07/13/10: Authorized Sonoma Water’s General Manager to enter into agreements up to \$50,000 as necessary to meet mitigation requirements imposed by regulatory agencies in connection with the Sonoma Water’s Stream Maintenance Program, following review and approval by County Counsel as to form.

06/23/09: Approved and Certified Sonoma Water’s Stream Maintenance Program Final Environmental Impact Report and Project.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 23-24 Adopted</b>	<b>FY24-25 Projected</b>	<b>FY 25-26 Projected</b>
Budgeted Expenses	\$181,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$181,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$181,000		
Use of Fund Balance			

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Contingencies			
<b>Total Sources</b>	<b>\$181,000</b>		

**Narrative Explanation of Fiscal Impacts:**

Funds for the Stream Maintenance Program mitigation activities are included in annual Flood Control Zones maintenance budgets. Budgeted amounts of \$139,425, \$24,750, \$12,375, and \$4,450 respectively, are available from FY23-24 appropriations in Flood Control Zones 1A, 2A, 3A, and 5A. No additional appropriations are required.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

None.

**Related Items "On File" with the Clerk of the Board:**

None.