



## Legislation Details (With Text)

**File #:** 2019-1456  
**Type:** Consent Calendar Item      **Status:** Passed  
**File created:** 9/16/2019      **In control:** Sonoma County Water Agency  
**On agenda:** 10/8/2019      **Final action:** 10/8/2019  
**Title:** Stream Maintenance Program Foothill Yellow-Legged Frog Mitigation  
**Sponsors:** Sonoma County Water Agency  
**Indexes:**  
**Attachments:** 1. Summary Report

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of Supervisors	Approved as recommended	Pass

**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** David Cook, 547-1944  
**Vote Requirement:** Majority  
**Supervisorial District(s):** All

**Title:**  
Stream Maintenance Program Foothill Yellow-Legged Frog Mitigation

### Recommended Action:

Authorize the Sonoma County Water Agency's General Manager to undertake actions necessary to provide a direct cash deposit in the amount of \$124,000 to the California Department of Fish and Wildlife to establish a mitigation account for the Stream Maintenance Program Foothill Yellow-Legged Frog Incidental Take Permit.

### Executive Summary:

Sonoma County Water Agency (Sonoma Water) provides flood control services through its Stream Maintenance Program. There are eight sediment basins that require frequent maintenance to reduce the risk of flooding in urban areas, including Copeland Creek (Rohnert Park), Adobe Creek (Petaluma), Rodgers Creek (Sonoma), Windsor Creek (Windsor), and Fife Creek (Guerneville). These sediment basins are potential habitat for the Foothill Yellow-legged Frog, which is protected under the California Endangered Species Act. An Incidental Take Permit (Permit) is needed for maintenance work in frog habitat, which requires a financial assurance to cover the cost of mitigation for the Permit to be valid. Sonoma Water staff are requesting that the Board authorize the General Manager to undertake actions necessary to provide a direct cash deposit in the amount of \$124,000 to the California Department of Fish and Wildlife to establish a mitigation account for the Stream Maintenance Program Foothill Yellow-Legged Frog Incidental Take Permit. The security will be returned upon successful completion of mitigation.

### Discussion:

BACKGROUND

Sonoma Water maintains approximately 75 miles of engineered channels through its Stream Maintenance Program (Program), including flood control channels, sediment basins, and storm drain conduits; approximately 150 miles of modified and natural channels; and other related facilities (reservoir inlets, access roads and v-ditches). The Program addresses three primary maintenance activities: sediment management, vegetation management, and bank stabilization. The Program has been implemented by Sonoma Water since 2010 under permits from regulatory agencies, including the California Department of Fish and Wildlife (CA Department). The CA Department oversees implementation of the California Endangered Species Act (Act). The Foothill Yellow-legged Frog became a candidate for listing in June 2017. Candidate species are given full protection under the Act and the take (removing, harming or killing) of candidate species is prohibited.

There were 98 creek reaches identified as Foothill Yellow-legged Frog habitat within the Program area. Several of these stream reaches are in urban flood control channels that require frequent (typically annual) maintenance in order to maintain flood capacity. In order to gain Act take coverage and continue implementation of all flood maintenance activities in the Program area, Sonoma Water submitted a programmatic Foothill Yellow-legged Frog Incidental Take Permit Application on June 11, 2018. At the request of CA Department staff, additional information was submitted on August 14, 2018. Then additional requested supplemental information was provided on May 2, 2019. On September 5, 2019, CA Department staff indicated that a programmatic Permit would not be issued without further evaluation. CA Department staff recommended reducing the scope of the Program activities that would be included in the Permit. To expedite the Permit process, Sonoma Water revised the project description to only include eight sediment basins that require frequent maintenance to reduce the risk of flooding in urban areas.

The eight sediment basin maintenance activities are time sensitive and must be completed by October 15, 2019 (the end date of the maintenance season as required in project permits). After October 15, Sonoma Water can request day-to-day work extensions from regulatory agencies until the onset of rainfall. Maintenance of the sediment basins has been postponed or restricted for over a year awaiting the completion of the Permit process. There is increased risk of flooding due to deferred maintenance activities along Copeland Creek (Rohnert Park), Adobe Creek (Petaluma), Rodgers Creek (Sonoma), Windsor Creek (Windsor), and Fife Creek (Guerneville). An Incidental Take Permit is needed to conduct sediment basin maintenance that requires a financial assurance to cover the cost to fully mitigate project impacts. Sonoma Water staff are requesting that the Board authorize the General Manager to undertake actions necessary to provide a direct cash deposit in the amount of \$124,000 to the California Department of Fish and Wildlife to establish a mitigation account for the Stream Maintenance Program Foothill Yellow-Legged Frog Incidental Take Permit. The security will be returned upon successful completion of mitigation.

**Prior Board Actions:**

6/23/2009: Approved, Resolution of the Board of Directors of the Sonoma County Water Agency certifying the Stream Maintenance Program Final Environmental Impact Report, and making certain findings therewith, No. 09-0587.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	\$124,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$124,000</b>		

<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	\$124,000		
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$124,000</b>		

**Narrative Explanation of Fiscal Impacts:**

Budget amount of \$124,000 is available from FY 2019-2020 appropriations for the Flood Control Zone Funds; \$57,694 in Laguna Mark West Zone 1A, \$12,056 in Petaluma Zone 2A, \$20,667 in Valley of the Moon Zone 3A, and \$33,583 in Lower Russian River Zone 5A. No additional appropriation is required.

Sonoma Water staff will draw upon deposited funds once mitigation work is complete, providing offsetting revenue in the amount of \$124,000.

<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.