



Staff Report

September 13, 2022

TO: Honorable Mayor and Members of the Town Council
FROM: Merrill Buck, Town Engineer
RE: Authorizing a Streambed Alteration Agreement with the California Department of Fish and Wildlife for Routine Maintenance

Recommendation

Staff recommends that the Town Council adopt a resolution authorizing the Town Manager, or his designee, to execute a Streambed Alteration Agreement with the California Department of Fish and Wildlife for routine maintenance of stream channels and drainage facilities within the Town of Loomis.

Issue Statement and Discussion

The California Department of Fish and Wildlife (DFW) requires jurisdictions to enter into a Lake and Streambed Alteration Agreement whenever a project activity may adversely affect fish and wildlife resources. The work scope regulated under the agreement includes the removal of material from a streambed, channel or bank, such as what would typically be done during routine maintenance when removing silt and vegetation to restore water carrying capacity.

The effort that goes into obtaining a streambed alteration agreement is fairly substantial, as it involves a CEQA review process and approval from the DFW. Once the agreement is obtained, however, individual project permits can be issued routinely, at a minimal cost. The term of the streambed alteration agreement is 12-years. And so long as the proposed work is consistent with what was included in the agreement, no further CEQA review during the 12-year term is required. The prior agreement with the Town expired in June 2019.

Approval of a new streambed alteration agreement will enable the Town to resume cleaning stream channels and drainage facilities, to restore their design capacity and reduce the likelihood of flooding.

CEQA Requirements

The routine maintenance of stream channels is a project under CEQA. In March 2021, the Town prepared a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) for the "Routine Maintenance of Stream Channels and Drainage Facilities Project" (SCH No. 2021050311). The potential environmental impacts were adequately analyzed and mitigated for, as part of the MND.

The MND and MMRP were approved by the Town's Planning Director and a Notice of Determination was filed with the Office of Planning and Research on July 27, 2021. Under CEQA Section 15075(g), the posting of a Notice of Determination starts a 30-day statute of limitation on court challenges, which

has now passed. No further environmental review is therefore required under CEQA Section 15162 and the Town can proceed with authorizing the execution of a Streambed Alteration Agreement with the Department of Fish and Game.

Financial and/or Policy Implications

The Town has paid a one-time permit fee of \$7,554.50 to have the agreement prepared. Once approved, the Town is required to submit a Verification Request Form (VRF) to the DFW prior to commencement of each individual maintenance project. The fee associated with each VRF is \$314.50.

Attachments

- A. Resolution

TOWN OF LOOMIS

RESOLUTION 22 - _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS AUTHORIZING THE TOWN MANAGER TO EXECUTE A STREAMBED ALTERATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR THE ROUTINE MAINTENANCE OF STREAM CHANNELS AND DRAINAGE FACILITIES

WHEREAS, the Town of Loomis notified the California Department of Fish and Wildlife (DFW) about routine maintenance projects it intends to perform in stream channels and drainage facilities in order to maintain their capacity; and

WHEREAS, the DFW prepared a Streambed Alteration Agreement pursuant to Fish and Game Code Section 1602 authorizing the Town to perform such routine maintenance projects; and

WHEREAS, an Initial Study, a Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Program (MMRP) was prepared for the project, and approved by the Town's Planning Director; and

WHEREAS, On July 27, 2021, a Notice of Determination was filed with the Office of Planning and Research; and

WHEREAS, under CEQA Section 15075(g), the posting of a Notice of Determination starts a 30-day statute of limitation on court challenges which has now passed; and

WHEREAS, no further environmental review is required under CEQA Section 15162 and the Town can proceed with authorizing the execution of a Streambed Alteration Agreement with the DFW.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Loomis hereby authorizes the Town Manager, or his designee, to execute a Streambed Alteration Agreement with the California Department of Fish and Wildlife for routine maintenance of stream channels and drainage facilities within the Town of Loomis.

PASSED AND ADOPTED this 13th day of September 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mayor

ATTEST:

Town Clerk