



# County of El Dorado

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## Legislation Text

File #: 11-0926, Version: 1

Department of Transportation recommending the Board authorize the Chair to sign the Request to Extend Lake or Streambed Alteration Agreement for the purpose of requesting an extension of the term to December 14, 2016 of the Streambed Alteration Agreement (AGMT 06-1125)(1600-2006-0442R2) between the State of California Department of Fish and Game and El Dorado County/El Dorado Hills Community Services District for maintenance of stream channels and drainage facilities in the Creekside Greens open space preserve areas.

**FUNDING:** County Service Area (CSA) No. 9 Zones of Benefit 98389 and 98608; El Dorado Hills Community Services District.

BUDGET SUMMARY:		
Total Estimated Cost		\$ 224.00
Funding		
Budgeted	\$ 224.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 224.00	
Change To Net County Cost		\$ 0.00

### Fiscal Impact/Change to Net County Cost:

The application fee of \$224.00 related to this Request to Extend the Streambed Alteration Agreement will be shared by the Creekside Greens Drainage Zone of Benefit 98389, the Creekside Greens Road and Drainage Zone of Benefit 98608 and the El Dorado Hills Community Services District. There is no impact to the Road Fund, and there is no net County cost.

### Background:

The construction of the Creekside Greens subdivision Phases I and II involved the alteration of an existing stream channel. To ensure protection of natural resources impacted by the project, the developer was required to obtain a permit from the United States Army Corp of Engineers (USACE) and enter into an Agreement Regarding Proposed Stream Alteration with the Department of Fish and Game (DFG).

Upon annexation of the Creekside Greens subdivision to the El Dorado Hills Community Services District (EDHCSD), the EDHCSD accepted specific open space areas to be maintained and managed by the Lighting and Landscape Assessment District. At the same time, the Creekside Greens Drainage Zone of Benefit was formed by the County for maintenance of the drainage improvements in the subdivision.

Open Space Management Plans for Creekside Greens Phases I and II, which govern the long-term management of wetlands and preserves set aside as a part of the development were prepared to fulfill a special condition of the permit issued by the USACE. In addition, a Memorandum of Understanding outlining the duties and responsibilities of the EDHCSD and the County relative to the maintenance and management of the Creekside Greens open space and drainage facilities was executed. Open Space Management Plans and the Memorandum of Understanding were previously reviewed by Counsel.

In December of 2006, the initial Streambed Alteration Agreement between California Department of Fish and Game and El Dorado County/El Dorado Hills Community Services District for Routine Maintenance of Stream Channels and Drainage Facilities within the Creekside Greens Open Space Preserve Areas (AGMT 06-1125) was executed. Paragraph XI., Renewals states that the Agreement may be renewed at the end of each term for another period of up to 5 years in accordance with Fish and Game Code section 1605, subdivisions (a) through (e). Fish and Game Code section 1605 (b) allows for the extension of an existing Agreement subject to approval by the Department of Fish and Game.

**Reason for Recommendation:**

Streambed Alteration Agreement, Notification 1600-2006-0442-R2 (AGMT 06-1125) was entered into among the Department of Fish and Game, the County and the El Dorado Hills Community Services in order to implement activities required under the Open Space Management Plan, revised December 11, 2001, and the Memorandum of Understanding between the County and the EDHCSD.

The Agreement describes the routine maintenance work that is authorized in the protected areas, the notification procedure for work that is not considered routine, the type of materials that may be used and the handling of vegetation and wildlife in the protected areas as well as the time frame when work in the protected area is permitted. Finally, the Agreement includes provisions related to amendment, termination, renewal and dispute resolution.

The term of the Agreement is five years, which expires on December 14, 2011. The State of California Streambed Alteration Program allows a one-time extension of an existing agreement for a period of up to five years upon approval by the DFG, provided the holder of the agreement submits in writing a request to extend the subject agreement prior to the expiration date of the agreement. If the written extension request is submitted to the DFG prior to the Agreement's expiration, the Agreement may remain in effect until the DFG acts on the request or for one year after the Agreement expires, whichever is shorter.

Staff has prepared the State of California Department of Fish and Game Request to Extend Lake or Streambed Alteration Agreement for submission to the DFG. The Request was routed to the EDHCSD for their review and comments concurrently. The EDHCSD supports submission of the Request.

Resolution 136-2011 approved by the Board on August 2, 2011 authorizes the Director of Transportation to execute regulatory approvals with the State of California Department of Fish and Game, however Streambed Alteration Agreement Notification 1600-2006-0442-R2 (AGMT 06-1125) was executed by the Board Chair on behalf of the County. The Department is therefore seeking the Board of Supervisors' approval to request an extension of the Agreement.

Action to be taken following Board approval:

1. The Board Chair will sign two originals of the Request to Extend Lake or Streambed Alteration Agreement form (AGMT 11-53273) and return both originals to the Department of Transportation for further processing.
2. The Department of Transportation will forward both partially-executed originals of the Request to the El Dorado Hills Community Services District for signature; then to the California Department of Fish and Game for final review.
3. If approved, a copy of the fully executed Request to Extend Lake or Streambed Alteration Agreement will be obtained from the DFG by the Department of Transportation and forwarded to the Board Office upon receipt.
4. If the Request is not approved, the Department of Transportation will apply to the DFG to obtain a new agreement.

Contact: James W. Ware, P.E.  
Director of Transportation

Concurrences: County Counsel