

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT
ZONE 9 ADVISORY COMMITTEE

NOTICE IS HEREBY GIVEN that the Zone 9 Advisory Committee will hold a Regular Meeting at **1:30 PM** on **Wednesday, December 13, 2023** at the City of San Luis Obispo, Community Development Department in Conference Room #1 located at 919 Palm Street, San Luis Obispo, CA 93401.

To participate via Zoom (NON-VOTING MEMBERS and GUESTS ONLY):

<https://us06web.zoom.us/j/82060579052?pwd=SVJvZWg0VUd0YUe0eHI3KzNwMUdBZz09>

Call-in information: Dial +1 (669) 900-6833, Meeting ID: 820 6057 9052, Passcode: 351543

AGENDA

1. Introductions and roll call
2. Continued Item: Approval of August 9, 2023 meeting minutes
3. Approval of October 11, 2023 meeting minutes
4. Continued Item: Consider Endorsing the Fiscal Year 2024-2025 Annual Workplan
5. Ongoing Updates
 - a. Mid-Higuera Bypass Project
 - b. Creek Maintenance
 - c. Arundo Removal
 - d. Avila Beach First Street Drainage Study
6. Public comment
At this time, the public may address the Committee on any item not appearing on the agenda that is within the subject matter jurisdiction of the Committee.
7. Future agenda items

Next Regular Meeting

Wednesday, February 14, 2023 at 1:30 PM

City of San Luis Obispo, Community Development Department
919 Palm Street, San Luis Obispo, CA 93401

“The purpose of the Zone 9 Advisory Committee: SECTION 1: To advise the County Board of Supervisors concerning all policy decisions relating to Zone 9. The Committee shall determine the needs, desires, and financial capabilities of the property owners in Zone 9 and, upon deliberation, shall convey to the Board of Supervisors their recommendations with respect to the objectives of said zone. SECTION 2: To recommend to the Board of Supervisors specific programs to alleviate and control flood damage within Zone 9 with recognition of the ecological and aesthetic values of the programs. Further, to recommend to the Board of Supervisors other programs within Zone 9 concerning the objects and purposes of the Flood Control District Act. SECTION 3: To recommend methods of financing programs for Zone 9.” – Excerpts from the By-Laws adopted March 1, 2011

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE 9 ADVISORY COMMITTEE

DRAFT Meeting Minutes – Wednesday, August 9, 2023

Meeting materials and video recordings can be viewed at: <https://www.slocounty.ca.gov/Zone9>

Members Attending:

Wayne Peterson, County At-Large (Chair)
Brian Nelson, City Staff (Vice Chair)
Christine Mulholland, City At-Large
Michelle Shoresman, City Council
Jonathan Hall, County At-Large

Non-Voting Members and Guests Attending:

Janet Andrews, County At-Large
Shelsie Moore, City Staff
Freddy Otte, City of San Luis Obispo
Brendan Clark, County of San Luis Obispo (Secretary)
Josh Porter, County of San Luis Obispo
May Thiri Kyaw, County of San Luis Obispo
Lucia Pohlman, City of San Luis Obispo
Troy Barnhart, County of San Luis Obispo
Joey Steil, County of San Luis Obispo
Jenny Williamson, County of San Luis Obispo
Kathy Borland, Resident

1. Introductions and roll call

The Committee Chair calls the meeting to order at 1:30 PM and a quorum is established. Members and attendees introduce themselves.

2. Approval of April 12, 2023 meeting minutes

Item start time ~ [00:02:45](#)

W. Peterson introduces the item and asks for questions or comments from the Committee.

J. Hall notes a typo in section 5c of the ongoing updates report and suggests changing the word “up” to “update”.

C. Mulholland suggests changing the word “motions” to “moves” to capture the action more accurately throughout the minutes.

C. Mulholland moves to approve the April 12, 2023 meeting minutes, as corrected.

M. Shoresman seconds the motion.

The Committee approves the April 12, 2023 meeting minutes, as corrected (5-0-0).

3. Discussion on the Purpose and History of Zone 9 and the Advisory Committee

Item start time ~ [00:04:32](#)

W. Peterson introduces the item and provides an overview of the purpose and history of Zone 9 and the Advisory Committee.

C. Mulholland supports W. Peterson's suggestion to provide an Annual Zone 9 Report to the County Board of Supervisors, adding that this is a current practice of the Water Resources Advisory Committee. W. Peterson responds.

C. Mulholland asks if there are any Zone 9 coordination efforts on Cal Poly's land. W. Peterson and B. Clark respond.

F. Otte comments that Zone 9 Member S. Wald is working with Creek Lands Conservation on a SLO Creek watershed resiliency plan that identifies different areas for conservation and restoration actions, some of which are on private property. The plan should be completed next year; perhaps this could help inform the update of the Waterway Management Plan and the Zone 9 Advisory Committee can receive an update on these efforts.

W. Peterson, F. Otte, and C. Mulholland discuss the current projects and permitting strategy within the Waterway Management Plan.

C. Mulholland asks if Cal Poly has shown interest in working on any suggested projects or becoming Members of the Zone 9 Advisory Committee. F. Otte responds.

W. Peterson asks if the Committee wants to make changes to the purpose or membership makeup of the Committee. C. Mulholland, M. Shoresman, B. Clark, and W. Peterson discuss. No changes are recommended at this time.

4. Discussion on a Waterway Management Plan Update

Item start time ~ [00:37:13](#)

W. Peterson introduces the item and B. Clark presents on the Water Management Plan update and asks for questions or comments from the Committee.

M. Shoresman comments in favor of updating the project strategy and scope, revising, and prioritizing the project list, and including a timeline in the plan. B. Clark responds.

W. Peterson comments on the need for engagement programs to inform the community on how to properly use flood gates and sandbags for flood protection.

M. Shoresman concurs, adding that the City of San Luis Obispo's Economic Development Strategic Plan includes a preparedness component which could be a nexus for community education efforts.

F. Otte comments on the benefits of prewinter flood gate training and utilizing available forecasting tools/alerts to notify businesses and residents of pending flood events.

J. Hall, B. Nelson, and W. Peterson discuss the benefits of providing preparedness education to the public.

C. Mulholland comments on the process of reevaluating the flood management plan projects and the need to be flexible when prioritizing them.

5. Discussion on a State of the Watershed Event

Item start time ~ [01:03:48](#)

W. Peterson introduces the item and B. Clark discusses the intention of holding a *State of the Watershed Event* and asks for questions or comments from the Committee.

F. Otte comments on the value of an expanded presentation to the public that outlines current projects and future work efforts.

C. Mulholland asks who the intended audience would be for this event and how effective we would be at reaching community members who are unaware of the management efforts throughout the watershed.

K. Borland comments on the varying levels of engagement from local residents and asks if the Committee will continue receiving updates on the work being performed in the East Fork area. B. Clark and F. Otte respond.

The Committee discusses options for the event, including:

- Community engagement strategies
- The intended audience
- Expected attendance
- Preferred meeting and content formats
- The possible need for 2 separate meetings – one having a planning/technical focus and the other having a broader public focus
- Preferred times/dates for holding the event(s)
- Whether a more technical presentation could be held as a Zone 9 meeting
- If having a flood preparedness event in the Fall should be prioritized

6. Ongoing Updates

Item start time ~ [01:29:37](#)

a. Mid-Higuera Bypass Project

S. Moore provides a verbal update on the Mid-Higuera Bypass Project.

b. Creek Maintenance

F. Otte provides a verbal update on creek maintenance activities.

c. Arundo Removal

J. Hall provides a verbal update on Arundo removal activities.

d. Avila Study

B. Clark provides a verbal update on the Avila Beach drainage study.

7. **Public comment**

None

8. **Future agenda items**

None

W. Peterson notes that the next Zone 9 Advisory Committee meeting will take place on October 11th at 1:30 pm.

Meeting adjourned at approximately 3:11 PM

DRAFT

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE 9 ADVISORY COMMITTEE

DRAFT Meeting Minutes – Wednesday, October 11, 2023

Meeting materials and video recordings can be viewed at: <https://www.slocounty.ca.gov/Zone9>

Members Attending:

Wayne Peterson, County At-Large (Chair)
Brian Nelson, City Staff (Vice Chair)
Michelle Shoresman, City Council

Non-Voting Members and Guests Attending:

Janet Andrews, County At-Large
Shelsie Moore, City Staff
Freddy Otte, City of San Luis Obispo
Brendan Clark, County of San Luis Obispo (Secretary)
Lucia Pohlman, City of San Luis Obispo
Joey Steil, County of San Luis Obispo

1. Introductions and roll call

The Committee Chair calls the meeting to order at 1:30 PM; quorum not met.

2. Approval of August 9, 2023 meeting minutes

Item start time ~ [00:01:00](#)

No action taken. This item will be agendaized for the December 13th Committee meeting.

3. Consider Endorsing the Fiscal Year 2024-2025 Annual Workplan

Item start time ~ [00:01:37](#)

B. Clark provides an update on the Fiscal Year 2045-2025 Annual Workplan and Committee Members/staff provide brief comments.

No action taken. This item will be agendaized for the December 13th Committee meeting.

4. Receive Update from Staff on the Community Flood Readiness Night

Item start time ~ [00:20:19](#)

B. Clark provides an update on the Community Flood Readiness event and Committee Members/staff provide brief comments.

5. Ongoing Updates

Item start time ~ [00:30:46](#)

Committee Members receive a verbal update from County/City staff and provide brief comments.

6. Public comment

None

7. Future agenda items

Continued Item: Approval of August 9, 2023 Meeting Minutes

Continued Item: Consider Endorsing the Fiscal Year 2024-2025 Annual Workplan

Meeting adjourned at approximately 2:16 PM

DRAFT

Agenda Item #4:

Consider Endorsing the Fiscal Year 2024-2025 Annual Workplan

TO: Zone 9 Advisory Committee
FROM: Brendan Clark, Secretary
DATE: December 11, 2023
SUBJECT: Consider Endorsing the Fiscal Year 2024-2025 Annual Workplan

Recommendation:

Staff recommends endorsing the City of San Luis Obispo Fiscal Year 2024-25 Annual Workplan and the District workplan to initiate the Waterway Management Plan update.

Discussion:

Per the Agreement between the SLO County Flood Control and Water Conservation District (District) and the City of San Luis Obispo (City), the City is to provide a Work Plan that “shall include a description and budget for the work activities proposed by the City for the upcoming fiscal year” (Paragraph B).

To that end, the Fiscal Year 2024-25 Work Plan is attached.

Additionally, in the spirit of the agreement and in follow-up to our August 9th meeting, County staff is presenting the following to be endorsed by the Committee for the FY 2024-25 fiscal year as well:

Waterway Management Planning Updates - \$200,000

As discussed at the August 9th, 2023 Zone 9 Advisory Committee Meeting, City and District staff have begun planning activities for the next generation of waterway management for the San Luis Obispo Creek Watershed. Materials related to that presentation are available at www.slocounty.ca.gov/zone9. Five (5) tracks are identified: Data Collection & Modeling, Stream and Rain Gauges, Flood Monitoring & Notification, Drainage Design Manual, and Flood Control Projects. These funds are intended to support the FY2024-25 initiation of Data Collection & Monitoring, Stream and Rain Gauges, and Flood Monitoring & Notification. Additional funds are expected to be requested for future fiscal years.

Stream Gauge Enhancements - \$100,000

County staff is requesting these funds to conceptualize, plan and eventually implement a replacement of the Marsh Street Bridge stream gauge. Activities planned for 2024-25 include project design, property negotiations, and permitting.

County ROW Vegetation Maintenance - \$50,000

In addition to "General Creek Maintenance in County Areas" described in Attachment 1, County staff is requesting additional funds for vegetation removal in County areas that may require additional permitting from regulatory agencies.

Attachments:

1. City 2023-24 Workplan
2. District / City Agreement (2021)



Public Works

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7200
slocity.org

Date: October 2, 2023
To: Brenden Clark, Water Resources Engineer – County of San Luis Obispo
From: Brian Nelson, City Engineer - City of San Luis Obispo
Subject: 2024-2025 Zone 9 Budget Request

Based on the current status and future needs to continue making progress on several projects, the City is requesting the following funding from Zone 9 for the 2024-2025 Fiscal Year.

Project Name	Requested FY 2024/25
General Creek Maintenance	\$183,000
General Creek Maintenance in County Areas	\$60,000
Silt Removal	\$150,000
Mid Higuera Bypass	\$225,000
Total	\$618,000

General Creek Maintenance

\$183,000 to fund ongoing general creek maintenance which includes channel clearing, including removal of trees, vegetation, and arundo from creeks. Funding is planned to be used as follows:

1. Contract Labor - Channel Clearing: \$100,000
2. Channel Tree Removals: \$50,000
3. Vegetation Disposal: \$ 5,000
4. Arundo Removal: \$28,000

General Creek Maintenance in County Areas

\$60,000 to fund ongoing assessment and maintenance of creeks and waterways that come into or leave the City and cross County jurisdictional area. This continues an expansion of the existing work program the City currently undertakes in City-limits. Prioritization will be completed where flooding or backwatering has occurred in the past to ensure proper drainage exists. Funding is planned to be used as follows:

1. Creek Assessment and Mapping: \$3,000
2. Contract Labor/Tree Contractor - Channel Clearing: \$52,000
3. Vegetation Disposal: \$ 5,000

Silt Removal

Existing funding to support Silt Removal is approximately \$40,000. Each year City staff assess several creek locations for silt accumulation and focus future projects in the areas that have the highest benefit to the creek system. The existing funds, in addition to the requested appropriation of

\$150,000, will support design surveys, permitting work, and silt removal construction work at locations selected for a project in Fall 2024.

Mid Higuera Bypass

Mid-Higuera Bypass project is currently at a 95% design completion. County Staff have submitted for environmental regulatory permits and have so far received a Regional Water Quality Control Board Section 401 permit and a California Department of Fish and Wildlife Streambed Alteration Agreement. The design will be finalized once the remaining environmental permit for the Army Corp. is received.

Pending final design completion, permit approvals, and final property easement agreements, the project could begin construction within the 2024 calendar year. The City was awarded a \$6 million DWR grant for the project, and received \$1.4 million from Zone 9 to support inflated construction costs in the last (FY 23/24) budget cycle. The City has since received an updated cost estimate showing an increase in construction costs from the previous escalation. Based on these updated costs, a 15% construction contingency, and a 6-month escalation to anticipate construction start in Spring of 2024, the estimated total cost of applicable Zone 9 items has increased by \$225,000.

This funding request supports maintenance related project work included in the Mid-Higuera Bypass project scope, including:

- Removal of invasive plant species
- Tree pruning and tree removals
- Removal of trash and other debris in creek channel
- Silt Removal at Marsh Street Bridge
- Plantings and plant establishment
- Construction phase design support and environmental services

The estimated costs of the above work scope including contingencies is approximately \$1.625 million.

**REIMBURSEMENT AGREEMENT BETWEEN SAN LUIS OBISPO COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT AND THE CITY OF SAN LUIS OBISPO FOR WATERSHED
MAINTENANCE AND EDUCATION PROGRAM**

This Reimbursement Agreement ("Agreement") is entered into on September 28, 2021 by and between the San Luis Obispo County Flood Control and Water Conservation District ("District"), acting on behalf of District Flood Control Zone 9 ("Zone 9"), and the City of San Luis Obispo ("City") (each a "Party" and collectively, "Parties").

WHEREAS, Zone 9 includes the San Luis Obispo Creek ("Creek") watershed ("Watershed") and its tributaries; and

WHEREAS, the City is located wholly within the Watershed and the Zone 9 boundaries; and

WHEREAS, by coordinating in Watershed maintenance and education activities, the City and District can more economically address issues within the Watershed; and

WHEREAS, such a cooperative program has been successfully completed in the past pursuant to prior reimbursement agreements between the District and City, including but not limited to the reimbursement agreements dated September 6, 2013 and August 21, 2018 (collectively, "Prior Agreements") and in accordance with the Waterway Management Plan and associated Environmental Impact Report certified by the District on February 10, 2004; and

WHEREAS, the Parties desire to continue in and expand their coordination with respect to Watershed maintenance and education activities, both within and outside of City limits, as described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises and agreements herein set forth, the District and City mutually covenant and agree as follows:

A. REIMBURSABLE EXPENSES

The City shall be eligible for reimbursement for expenses incurred by the City pursuant to the terms and conditions set forth in this Agreement subject to the following:

1. Type of Activities Eligible for Reimbursement.

Only those activities within Zone 9 identified below are eligible for reimbursement:

Removal of debris, sediment and vegetation which adversely affect the capacity of waterways or which might be more difficult or costly to remove if moved by flood flows to different locations where they could cause damage to the Creek or flooding to adjacent improved property.

Removal and proper disposal of detrimental exotic plants from throughout the Watershed and any re-vegetation project to minimize damage from flood flows or for restoration after removal of exotic plants.

Stabilization of Creek banks to prevent erosion causing sedimentation or property damage.

Development and construction of projects identified in the Waterway Management Plan adopted by the City on October 21, 2003 and District by Resolution 2004-51 on February 10, 2004.

Annual notice to property owners along the Creek, and wet weather flood prevention information distributed to the general public, including flyers, public service announcements and web sites.

2. Inclusion in Work Plan.

Only those work activities properly identified in the annual Work Plan (described below) prepared by the City and included in the District's current fiscal year budget as adopted by the District's Board of Supervisors ("Board") are eligible for reimbursement.

3. Compliance with Agreement.

Only activities performed in compliance with the provisions of this Agreement are eligible for reimbursement.

B. OBLIGATIONS OF CITY

The City shall submit a work plan to the District for each upcoming fiscal year, prior to December 1 of each year ("Work Plan"). The Work Plan shall include a description and budget for the work activities proposed by the City for the upcoming fiscal year.

The City shall act as the lead agency in complying with the California Environmental Quality Act ("CEQA") for all work done within the City limits with the following limited exception: the City shall act as the responsible agency in complying with CEQA for the Mid-Higuera Bypass Project.

The City shall acquire all permits for work within its jurisdiction with the following limited exception: the City shall not be responsible for providing staffing or other resources to acquire regulatory environmental permits for the Mid-Higuera Bypass Project.

The City shall be responsible for acquiring any landowner permission needed to accomplish any work within its jurisdiction.

Should any work within the City involve the abatement of nuisances, the removal of trees, or other obstructions, such shall be performed in accordance with due process of law under the City's abatement ordinances or State law. The abatement of said nuisances shall be the sole responsibility of the City.

Any streambed clearing work identified in the Work Plan shall be carried out prior to the rainy season with follow-up work done during the rainy season as appropriate.

The City shall comply with all applicable federal, state and local laws and regulations in performing any activities related to this Agreement.

The City shall provide quarterly statements to the District documenting the expenses for which the City is seeking reimbursement. Said statements shall specify the activities related to the expenses for which the City seeks reimbursement.

The City shall recognize and acknowledge the District's financial contribution to the activities identified in Section A of this Agreement through prominent mention during any oral presentation or in writing on any signs, promotional materials, press releases, publications, advertisements, or exhibits prepared in connection with or referring to the reimbursable activities.

C. OBLIGATIONS OF DISTRICT

District staff shall review the Work Plan submitted by the City and shall coordinate with the City to refine the Work Plan, as appropriate, so that it is consistent with the intent of this Agreement and the District's budgetary plans. District staff thereafter shall prepare a draft Zone 9 budget request for the upcoming fiscal year to include those activities that District staff considers consistent with the intent of this Agreement and the District's budgetary plans. The District shall include on an agenda the draft budget request for review by the Zone 9 Advisory Committee ("Committee") to allow the Committee to make a recommendation to the Board regarding said budget request.

The District shall provide reimbursement to the City for eligible City expenses incurred pursuant to this Agreement on a periodic basis as funds are available, within the budgetary limits approved by the Board or its designee provided that the City submits satisfactory documentation of City's expenses and work performed.

The District shall act as the lead agency in complying CEQA for: (1) all work done by the City outside of City limits; and (2) the Mid-Higuera Bypass Project.

The District shall be responsible for acquiring any landowner permission needed to accomplish any work done by the City outside of City limits.

The District shall provide staffing and other resources to obtain all necessary permits for: (1) work done by the City outside of City limits; and (2) the Mid-Higuera Bypass Project on behalf of the City who shall be the permittee.

The City is under no obligation, and this Agreement does not contemplate, commencement of formal nuisance abatement actions by the City outside of the City's jurisdiction.

The District shall comply with all applicable federal, state and local laws and regulations in performing any activities related to this Agreement.

D. GENERAL TERMS

1. Term.

This Agreement shall become effective on the date fully executed by the Parties and shall have an initial term of five (5) years. This Agreement shall renew automatically for four (4) successive five (5) year terms. Notwithstanding the foregoing, either Party may terminate this Agreement at any time by giving ninety (90) days written notice of termination to the other Party.

2. Indemnification for Conduct Within City Limits.

Each Party hereto shall defend, indemnify and save harmless the other Party and other Party's officers, agents and employees from and against all loss, claims, demands, liabilities, costs, expenses, damages, including reasonable legal counsels' fees and costs of litigation, causes of action, including but not limited to inverse condemnation and judgments arising out of the indemnifying party's performance or attempt to perform its obligations pursuant to the provisions of this Agreement, including both acts and omissions to act. However, neither Party shall be indemnified hereunder for any loss, claims, demands, liabilities, costs, expenses, damages, or causes of action resulting from the sole negligence or willful misconduct of the other Party occurring within City limits.

3. Indemnification for Conduct Outside of City Limits.

4. To the fullest extent permitted by law (including, but not limited to California Civil Code Sections 2782 and 2782.8), the District shall indemnify, defend, and hold harmless the City, and its elected officials, officers, employees, volunteers, and agents ("City Indemnitees"), from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation, arising from all conduct by either Party outside of City limits in furtherance of the Parties' obligations under this Agreement. In the event the City Indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from the either Party's conduct outside of City limits in furtherance of its obligations under this Agreement, the District shall provide a defense to the City Indemnitees or at the City's option, reimburse the City Indemnitees their costs of defense, including reasonable legal fees, incurred in defense of such claims. However, the City shall be responsible for any loss, claims, demands, liabilities, costs, expenses, damages, or causes of action resulting from the sole negligence or willful misconduct of the City occurring outside of City limits. Cooperation.

The District agrees to cooperate with the City in the defense of any such claims or litigation, and the City agrees to cooperate with the District.

5. Full Agreement.

This Agreement encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written, including but not limited to the Prior Agreements.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below:

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: LYNN COMPTON
Chairperson of the Board
San Luis Obispo County Flood Control and Water Conservation District
State of California

Date: September 28, 2021

ATTEST:

By: WADE HORTON
~~County Clerk and~~ Ex-Officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California

Date: September 28, 2021

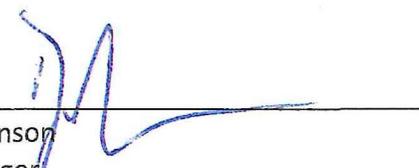
By: 
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:
RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

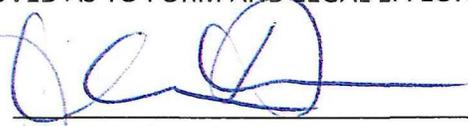
Date: _____

CITY OF SAN LUIS OBISPO

By: 
Derek Johnson
City Manager

Date: 9/9/21

APPROVED AS TO FORM AND LEGAL EFFECT:

By: 
J. Christine Dietrick
City Attorney

Date: 9/9/2021

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Date: 0-30-21

CITY OF SAN LUIS OBISPO

By: _____
Derek Johnson
City Manager

Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT:

J. Christine Dietrick
City Attorney

By: _____

Date: _____

Agenda Item #5:

Ongoing Updates

TO: Zone 9 Advisory Committee

FROM: Shelsie Moore, Supervising Civil Engineer, City of San Luis Obispo
Kate Shea, Principal Environmental Specialist, County Public Works

DATE: December 13, 2023

SUBJECT: Mid-Higuera Bypass Project Updates

During September 2021, the County of San Luis Obispo Water Conservation and Flood Control District (District), in coordination with the City of San Luis Obispo (City), applied for several permits in compliance with the provisions of the Clean Water Act. Listed below are the current statuses with each agency:

- California Department of Fish and Wildlife (CDFW), Section 1600

A final Streambed Alteration Agreement was issued 8/3/2023.

- Army Corps of Engineers (ACOE), Section 404

ACOE is in consultation with the USFWS and with NOAA's National Marine Fisheries Service (NMFS). Staff received a letter of clarification from the NMFS requesting additional information about the project design and impacts and mitigation efforts for steelhead. Staff has completed subsequent modeling and prepared a memo to address the questions posed in the letter of clarification. We received an email from the project contact at ACOE and they are working on processing the permit in light of the emergency work completed at the Marsh Street Bridge in response to the floods in January 2023.

- Regional Water Quality Control Board (RWQCB), Section 401

This permit was issued 9/22/22.

The City is making progress on securing permanent easements and temporary construction easements. So far, the City with consultant services from Hamner, Jewell & Associates has presented four (4) offer packages for permanent and temporary construction easements for the Todd Property (306 Higuera), Madonna Property (284 Higuera), Hayes Property (304 Higuera), and Iron Door Property (280 Higuera). The Madonna Property (284 Higuera) has subsequently signed a Right of Way Agreement with the City. Staff are working with the tenant at 306 Higuera to provide relocation assistance for the business being displaced by the demolition work associated with the project. Additionally, four (4) offer packages for temporary construction easements only have been presented for the McNamara Property (390 Higuera), Evergreen Windsor Property (264 Higuera), Troutner Property (23 South), and Kupper Property (180 Brook). The four (4) remaining offer packages have been drafted and reviewed by City Staff and are currently being revised by Hamner & Jewell. A standard Caltrans Encroachment Permit Application was submitted on May 17, 2023 by City Staff for the portion of work that overlaps

with Caltrans' property and has been reviewed by Caltrans staff. The project plans are being revised to incorporate all of Caltrans' comments.

In October of 2023, staff pursued additional negotiating authority from City Council to pursue public utility easements on the Madonna Property (284 Higuera) and the Jones Family Property (286 Higuera) to accommodate the relocation of overhead and buried utilities associated with the project. Staff also pursued additional negotiating authority to pursue a relocation agreement for the tenant at 306 Higuera (CoastRiders Powersports).

Additionally, on March 14, 2023, the City entered into a funding agreement with the State Department of Water Resources (DWR) to provide an amount of \$6,078,707 to be used for construction of the project through the end of 2024.

Wallace Group's remaining final design work continues as follows:

- Topographic survey on Bianchi to capture development improvements (completed)
- Legal descriptions for property negotiations (in progress, additional legal descriptions are being drafted)
- Utility letters and coordination (in progress, letters have been sent by the City and staff are coordinating with utility companies)
- 95% PS&E revisions submitted (completed)
- Right of entry and construction easement exhibits (completed)
- Building Permits: Grading and Demolition plan for building removal (in progress, PS&E are being revised based on comments)
- Final 100% contract documents (in progress, PS&E are being revised based on 95% comments)

TO: Zone 9 Advisory Committee

FROM: Freddy Otte, Biologist, City of San Luis Obispo

DATE: December 13, 2023

SUBJECT: Creek Maintenance Updates

Flood control surveys have been completed on City property and where drainage easements are held by the City and no major obstructions have been found. The City has completed a major flood control improvement project along Prefumo Creek from LOVR down to Laguna Lake. This is one of the routine maintenance areas for the City and crews typically remove approximately 2,000 cubic yards of sediment from the creek channel up near the LOVR culvert. This year, due to excessive accumulation in the creek channel, the entire length of creek channel had sediment removal performed to ensure conveyance and the mouth of Prefumo Creek was realigned to facilitate that conveyance as well under emergency auspices. The mouth of Prefumo Creek made four turns and was threatening private property on both sides of the riparian corridor so the decision was made to realign the creek for better flow and private property protection. A flood bench was also installed which will allow city contractors the ability to maintain the entire length of Prefumo Creek from LOVR down to Laguna Lake into the future. The creek channel had not been maintained for over 20 years and excessive tree and vegetation growth had constricted the channel reducing the capacity significantly so the City worked with a contractor to have this capacity restored. The stormdrains that deliver water from Oceanaire and Vista Lago were also opened to capacity to allow for drainage off the streets to prevent localized flooding along those streets as well. City staff will continue to monitor the hotspots along the creeks when the rain begins to fall and perform maintenance as needed to ensure there are no blockages that might cause additional problems. The California Conservation Corps is also working in East Fork SLO Creek removing dead and down material and debris jams in continuation from efforts initiated in October 2022 to allow for better flow through the creek system there. The crew will be working from Dec 4th – Dec 21st.

TO: Zone 9 Advisory Committee

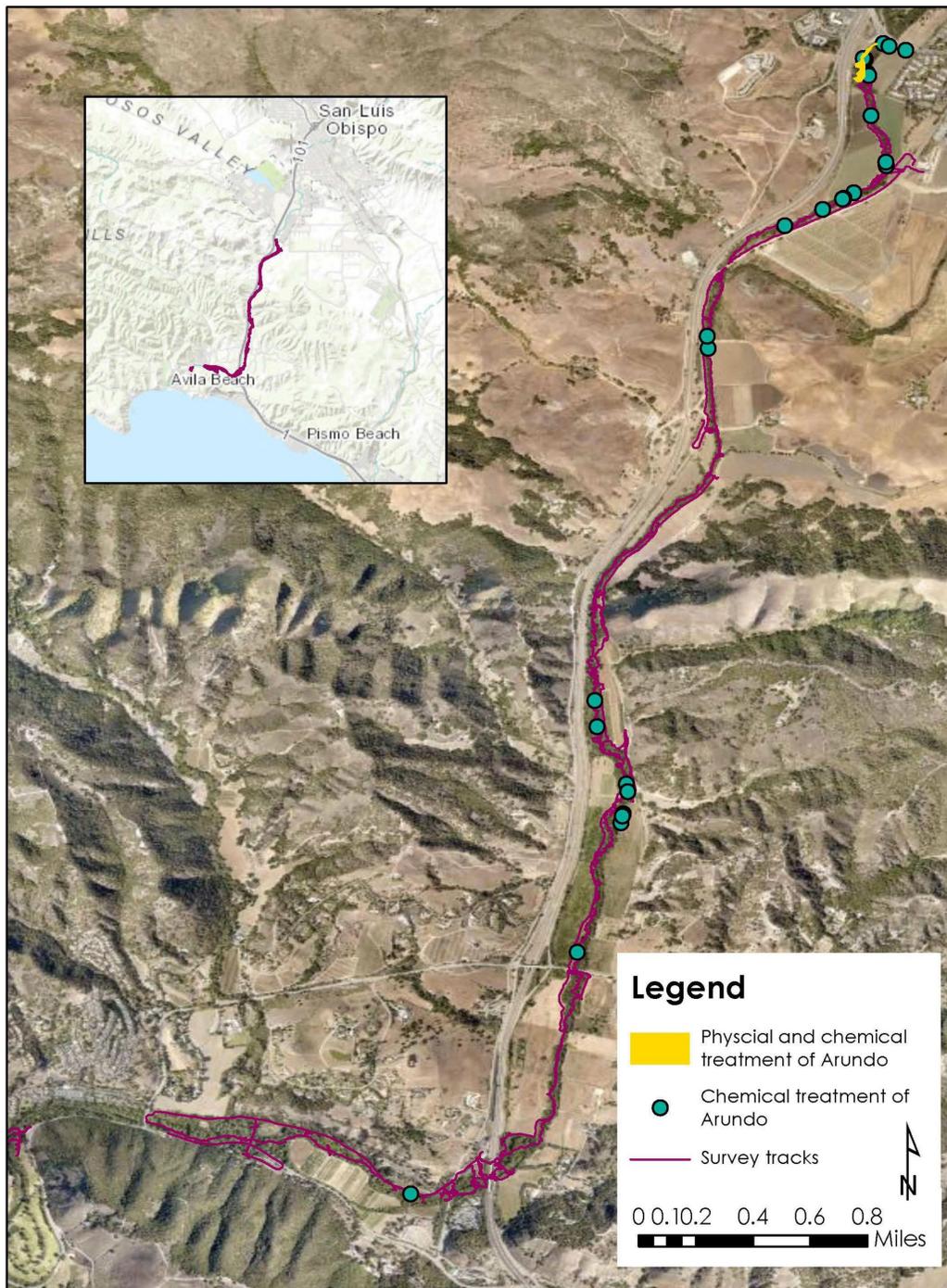
FROM: Jon Hall, Land Conservancy

DATE: December 13, 2023

SUBJECT: Arundo Removal Updates

The largest remaining population of *Arundo donax* in the SLO Creek watershed is at the intersection of Los Osos Valley Road and San Luis Creek. Control of this population began in August with a California Conservation Corps and Field Crew of the Land Conservancy manually removing .19 acres of the 0.77 acre infestation (approximately $\frac{1}{4}$ of the population). Follow-up herbicide treatment was made a month later to the entire 0.77 acre population. In addition, all previously treated populations in the watershed were surveyed and treated if still alive. Ground activities are complete for the year. Remaining work involves permit reporting and compliance. The map below shows the work that was completed in 2023.

Arundo donax in San Luis Obispo Creek 2023



TO: Zone 9 Advisory Committee

FROM: Brendan Clark, County of San Luis Obispo

DATE: December 13, 2023

SUBJECT: Avila Beach First Street Drainage Study

Update:

GHD has completed a review of the limited 2015 study and records of past flooding. The next step in the project is obtaining a detailed project survey, mapping easements, etc. Once this is complete, GHD will finalize the drainage model and prepare a 30% design of the preferred alternative.

Background:

The Flood Control and Water Conservation District (District) Staff is currently working with a consultant (GHD) on a drainage study to perform an alternatives analysis and identify a preferred solution to reduce the risk of flooding to homes, businesses, roads, and the public parking lot near First Street in Avila Beach. With the area being located at a low point, it experiences frequent flooding during storm events as well as nuisance water which tends to occur year-round. The in-depth study will identify a feasible solution to the problem and develop the scope and budget in order to seek funding and ideally move towards a project. The preferred solution will ideally aim to minimize O&M staff response and in turn, decrease operational costs for the County long term. The study is currently funded entirely by the American Rescue Plan Act (ARPA) and has received a total of \$200,000 in funds for design.