



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CECW-PM

29 DEC 2000

SUBJECT: Santa Barbara County Streams, Lower Mission Creek, California

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the study of flood damage reduction along the lower Mission Creek in the city of Santa Barbara, California. It is accompanied by the report of the district and division engineers. These reports are in partial response to Section 209 of the Flood Control Act of 1962, which directed the U.S. Army Corps of Engineers to study flood control and allied purposes for all streams in Santa Barbara County draining the Santa Ynez Mountains, except Santa Ynez River and tributaries.
2. Section 101(b)(8) of Public Law 106-541, the Water Resources Development Act of 2000, authorized construction of the Santa Barbara Streams, Lower Mission Creek, California, project for flood damage reduction, subject to completion of a favorable report of the Chief of Engineers not later than 31 December 2000 and subject to the conditions recommended in that final report. The authorizing language for this Lower Mission Creek project reflects a total project cost of \$18,300,000, with an estimated Federal cost of \$9,200,000 and an estimated non-Federal cost of \$9,100,000. This report constitutes the final report of the Chief of Engineers required by Public Law 106-541.
3. The reporting officers recommend authorization of a plan to reduce flood damages to residential, commercial, public, and historic properties in the city of Santa Barbara. The recommended plan provides for improvements to the soft bottom channel for about the last mile of the Lower Mission Creek between the Canon Perdido Street bridge at the upstream end and the Cabrillo Boulevard bridge near the outlet to the Pacific Ocean; replacement of four bridges; streamlining the bedslope; installing an overflow culvert that bypasses the oxbow between Highway 101 and the Chapala Street bridge; stabilizing creek banks using vertical walls and riprap sideslope; and planting vegetation along the riprap and in areas adjacent to the channels. The recommended plan would increase the channel capacity to about 3,400 cubic feet per second and would provide protection against an event having approximately 1 chance in 20 of occurring in any given year. The plan includes engineered features such as baffles and ledges to provide refugia to mitigate for impacts to aquatic resources. The recommended plan is the national economic development (NED) plan.
4. Based on October 1999 price levels, the estimated total first cost for construction of the recommended flood control plan is \$18,300,000. Following the cost sharing provisions of Section 103 of Public Law 99-662, as amended by Section 202 of Public Law 104-303, the

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Federal share of the flood control cost would be \$9,200,000, and the non-Federal share would be \$9,100,000. The total annual operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) costs for the recommended project, including those required for mitigation features, which is the responsibility of the non-Federal project sponsors, is estimated to be \$30,000 per year.

5. Based on a discount rate of 6.625 percent, amortized over 50 years and including OMRR&R, average annual flood control costs are \$1,367,000. Average annual flood damage reduction benefits attributable to the plan are estimated at \$1,592,000, resulting in a benefit-to-cost ratio of 1.2 and \$225,000 in net NED benefits.

6. The reporting officers have recommended that the plan described herein be exempt, pursuant to Section 404(r) of the Clean Water Act (CWA), from the requirement to obtain a State water quality certification. Section 404(r) of the CWA provides that discharge of dredged or fill material as part of the construction of a specifically authorized Federal project is not subject to the requirement to obtain State water quality certification "if information on the effects of such discharge... is included in an environmental impact statement for such project... [which] has been submitted to Congress before actual discharge of dredged or fill material in connection with the construction of such project and prior to either authorization of such project or an appropriation of funds for such construction." I intend to invoke the provision of Section 404(r) by submitting to the Congress an environmental impact statement with the required information prior to appropriation of funds for construction of this project.

7. Washington level review indicated that the plan recommended by the reporting officers is technically sound, economically justified, and environmentally and socially acceptable. The plan conforms with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies have been considered.

8. I concur in the findings, conclusions and recommendations of the reporting officers. Accordingly, I recommend that implementation of the authorized project for flood damage reduction be in accordance with the reporting officers' plan with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Public Law 99-662, the Water Resources Development Act of 1986, as amended by Section 202 of Public Law 104-303, the Water Resources Development Act of 1996, and in accordance with the following requirements to which the non-Federal sponsors must agree prior to project implementation:

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a. Provide a minimum of 35 percent, but not to exceed 50 percent of total project costs allocated to structural flood control, as further specified below:

(1) Enter into an agreement which provides, prior to execution of the project cooperation agreement, 25 percent of design costs;

(2) Provide, during construction, any additional funds needed to cover the non-Federal share of design costs;

(3) Provide, during construction, a cash contribution equal to 5 percent of total project structural flood control costs;

(4) Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations determined by the Government to be necessary for the construction, operation, and maintenance of the project;

(5) Provide or pay to the Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project; and

(6) Provide, during construction, any additional costs as necessary to make its total contribution equal to 35 percent of total separable costs allocated to structural flood control.

b. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project.

c. Assume responsibility for operating, maintaining, replacing, repairing, and rehabilitating (OMRR&R) the project or completed functional portions of the project, including mitigation features without cost to the Government, in a manner compatible with the project authorized purpose and in accordance with applicable Federal and State laws and specific directions prescribed by the Government in the OMRR&R manual and any subsequent amendments thereto.

d. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal

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sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.

e. Hold and save the Government free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

f. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs.

g. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

h. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Government determines necessary for the construction, operation, or maintenance of the project.

i. Agree that, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and, to the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

j. Prescribe and enforce regulations to prevent obstruction of or encroachment on the project that would reduce the level of protection it affords or that would hinder operation or maintenance of the project.

k. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public law 91-646, as amended by title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

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l. Comply with all applicable Federal and State laws and regulations, including Section 601 of the Civil Rights Act of 1964, Public Law 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), requiring non-Federal preparation and implementation of floodplain management plans.

m. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement.

n. Participate in and comply with applicable Federal floodplain management and flood insurance programs.

o. Do not use Federal funds to meet the non-Federal sponsors' share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.

p. Inform affected interests, at least annually, regarding the limitations of the protection afforded by the project.



ROBERT B. FLOWERS  
Lieutenant General, U.S. Army  
Chief of Engineers