

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0040**

**ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE SANTA
BARBARA COUNTYWIDE INTEGRATED REGIONAL WATER MANAGEMENT (IRWM)
IMPLEMENTATION GRANT FOR THE CITY OF SANTA BARBARA (CITY)
LOWER MISSION CREEK (CREEK) FLOOD CONTROL PROJECT (COMPONENT 6)**

WHEREAS:

1. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 authorizes approximately \$360 million to implement projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water while encouraging water management on a regional level;
2. The IRWM Grant Program is administered jointly by the State Water Resources Control Board (State Water Board) and the Department of Water Resources (DWR);
3. The IRWM Program Guidelines for Round 2 were adopted by the State Water Board and approved by DWR in July 2007;
4. On June 3, 2008, the State Water Board adopted an IRWM Implementation Grant Funding list with grants totaling \$31.1 million ([Resolution No. 2008-0039](#));
5. The Santa Barbara Countywide IRWM Implementation Project was on the June 3, 2008, IRWM Implementation Grant Funding List approved by the State Water Board;
6. Component 6 is part of the Santa Barbara Countywide IRWM Project;
7. The U.S. Army Corps of Engineers (USACOE) and the City jointly prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that addresses Component 6;
8. The City certified the final EIS/EIR on June 28, 2001;
9. The City adopted a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations (SOC), and approved Component 6 on December 4, 2001;
10. The City filed a Notice of Determination with the Santa Barbara County Clerk on December 5, 2001 and the Governor's Office of Planning and Research on December 10, 2001;
11. The USACOE approved Component 6, adopted the final EIS/EIR and filed a Record of Decision with the Federal Register on May 16, 2002;
12. The City prepared an addendum Environmental Impact Report (EIR) to provide project updates, and adopted the addendum EIR on September 18, 2008;

13. The State Water Board has not made findings regarding Component 6 of the Santa Barbara Countywide IRWM Implementation Project pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.);
14. The City adopted an SOC to substantiate its decision to approve Component 6 despite significant short-term impacts to aesthetics, noise and traffic, as well as a significant and unavoidable impact to cultural resources (demolition of the structure located at 15 West Mason Street);
15. The State Water Board finds that the following specific economic, social, technological, and environmental benefits of Component 6 outweigh these unavoidable adverse environmental impacts:
 - Component 6 will help preserve the beneficial uses, including cold and warm freshwater habitat, migration of aquatic organisms, freshwater replenishment, and estuarine habitat, of the Creek.
 - Component 6 will improve water quality of the Creek, and provide habitat for aquatic species, including special-status species.
 - Component 6 will reduce sedimentation and erosion of the channel banks, and restore the Creek to a more natural setting.
 - Component 6 will reduce flood hazards and potential flood damage for parcels within the floodplain.
 - In the long-term, Component 6 is anticipated to improve habitat for biological resources and the aesthetic appearance of the Creek.
 - Parcels within the Creek alignment will be moved out of the floodplain, and the Flood Insurance Rate Map will be revised. These property owners and tenants will have fewer costs because they will not be required to purchase annual flood insurance.
 - The improved flood control may improve property values, which may increase property tax revenues for the City and the County of Santa Barbara.
 - The demolition of the structure at 15 West Mason Street will allow for a creek alignment that will preserve the integrity of other structures in the area. Protection of these other structures will preserve a significant part of the City's architectural and historical integrity.
16. The State Water Board reviewed and considered the draft and final EIS/EIR and other environmental documents, and determined that Component 6 will improve existing water quality conditions.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Adopts a Statement of Overriding Considerations regarding the Santa Barbara Countywide IRWM Implementation Grant for Component 6.

CERTIFICATION

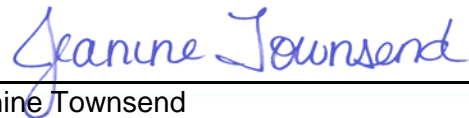
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 19, 2009.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board