Notice of Preparation (NOP) and Responses

A

APPENDIX

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT

123 East Anapamu Street
Santa Barbara, CA 93101
(805) 568-3000
www.countyofsb.org

CHRIS SNEDDON
Director

Notice of Preparation

To: Interested Parties

Date: August 6, 2024

Subject: Notice of Preparation of Draft Environmental Impact Report
Santa Maria River Levee Trail Project

Lead Agency: County of Santa Barbara

NOTICE IS HEREBY GIVEN THAT the County of Santa Barbara will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for the proposed project. This Notice of Preparation (NOP) includes a project description and an overview of the potential impacts that will be addressed in the EIR. An initial study has not been prepared for the proposed project.

Project Title: Santa Maria River Levee Trail

Project Applicant: County of Santa Barbara (Public Works Department, Transportation Division)

Project Location: The proposed bike/pedestrian trail would extend approximately 6.7 miles between the City of Guadalupe and the City of Santa Maria with an intersecting connection at Bonita School Road. The proposed project is located entirely within unincorporated Santa Barbara County. Bonita School Road is the only public road that intersects the proposed trail. Bonita School Road is a high-speed (55 MPH) arterial road that provides critical access between the counties of San Luis Obispo and Santa Barbara.

The project description, location map, and the potential environmental effects are contained in the attached environmental scoping document.

The purpose of this notice is: (1) to serve as the Notice of Preparation of an EIR to potential Responsible Agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources that may be affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the EIR, environmental issues to be addressed in the EIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The County of Santa Barbara requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need additional information, please contact the person identified below. A copy of the NOP and attachment document is on the County of Santa Barbara' website (https://www.countyofsb.org/3467/Active-Transportation) and is on file at the County of Santa Barbara offices, located at the address provided below.

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PUBLIC WORKS DEPARTMENT

123 East Anapamu Street
Santa Barbara, CA 93101
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CHRIS SNEDDON
Director

one COUNTY one FUTURE

Scoping Meeting Information:

Date: September 5, 2024
Time: , 5:30 pm
Location: Via telephonic/electronic meeting. Link will be posted on County of Santa Barbara website no later than time and date of the meeting.

30-Day NOP Review Period: In accordance with CEQA Guidelines Section 15082(b), should your agency have any specific detail about the scope and content of the environmental information related to your agency's area of statutory responsibility that must be included in the draft EIR, it is requested that your agency provide a written response to this NOP within 30 days of receipt of the NOP.

Please indicate a contact person in your response and send it to the following contact:

Kalani Durham, Environmental Planner/Coordinator
County of Santa Barbara Public Works Department
Transportation Division, Engineering Design Section
123 East Anapamu Street
Santa Barbara, CA 93101

Email: SMRLT@countyofsb.org

08/06/2024

Kalani Durham

Kalani Durham, Environmental Planner/Coordinator

AA/EEO Employer

Mostafa Estaji, Transportation Julie Hagen, Finance and Administration Walter Rubalcava, Water Resources
Jeanette Gonzales-Knight/Martin Wilder, Resource Recovery and Waste Management
Aleksandar Jevremovic, County Surveyor

Outlook

SM Levee Project - Kalani Durham

From Diane Adam <Diane@adambros.com>
Date Thu 8/29/2024 12:07 PM
To SMRLT@countyofsb.org <SMRLT@countyofsb.org>

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello Ms. Durham
I would like my e-mail to be included in communication regarding the Santa Maria Levee trail project. I received the NOP which mentioned your name and this address as the one to contact to be added to communications.

Thank you
Diane Adam 805-268-5379

Outlook

Interested parties list

From Claire Wineman <claire.wineman@grower-shipper.com>
Date Tue 8/13/2024 3:48 PM
To SMRLT@countyofsb.org <SMRLT@countyofsb.org>

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Hi Kalani,

I should have been on the interested parties list but did not receive today's email. Can you please add me and web1@grower-shipper.com?

Thank you,
Claire

Claire Wineman
President
Grower-Shipper Association
of Santa Barbara and San Luis Obispo Counties
534 E Chapel St
Santa Maria, CA 93454
Phone: 805.343.2215
Cell: 805.868.8245
Email: claire.wineman@grower-shipper.com

Outlook

FW: SMR Trail

From Kalani Durham <kdurham@countyofsb.org>
Date Thu 8/15/2024 9:12 AM
To Stuart Poulter <poulter@emcplanning.com>

Hi Stuart,
Please share with your biologist staff in regards:

From: Andrew Raaf <ASRAAF@countyofsb.org>
Sent: Wednesday, August 14, 2024 10:54 AM
To: Kalani Durham <kdurham@countyofsb.org>
Subject: SMR Trail

HI Kalani, I'm sending this to you direct for you and the consultant's consideration: The scoping document mentions some bio species that are not in the range for this project. La Graciosa Thistle - The trail project is inland and outside of the critical habitat and not within or adjacent to any of the mapped LGT occurrences. The top and banks of the levee that might be part of the trail, do not include the type of habitat for LGT. San Joaquin kitfox: Out of range. These 2 species are hard to analyze and mitigate for so since they are not in range you might not need to include them in the impact discussion.

Andrew Raaf - asraaf@countyofsb.org
Environmental Manager
Santa Barbara County Flood Control District
Cell: 805-722-7250
Fax: 805-568-3434
130 E Victoria Street, Suite 200
Santa Barbara, CA 93101

Outlook

FW: Santa Maria River Levee Trail Project Scoping Meeting

From Kalani Durham <kdurham@countyofsb.org>
Date Thu 8/15/2024 3:43 PM
To Stuart Poulter <poulter@emcplanning.com>

1 attachment (190 KB)
Santa Maria Levee Multi-Use Trail_2024-29.pdf;

FYI –County Parks let us know that this project is noted as a long-term CIP item.

From: Jill Van Wie <jvanwie@countyofsb.org>
Sent: Thursday, August 15, 2024 10:42 AM
To: Mark K. Friedlander <mkfriedlander@countyofsb.org>; George Amoon <george@gkaconsulting.com>
Cc: Jeffrey Lindgren <jlindgren@countyofsb.org>; Kalani Durham <kdurham@countyofsb.org>
Subject: RE: Santa Maria River Levee Trail Project Scoping Meeting
Thank you, Mark,
FYI - a very limited portion of this project is in the Parks 5-Year CIP (see attached) – possibly because a prior (2010-11ish-?) interim Parks Director was Tom Fayram – so we just need to keep in the loop with you.
Much appreciated,
Jill

Jill Van Wie
Capital Program Manager
County of Santa Barbara Community Services Dpt.
123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101
p: 805.568.2470 c: 805.896.6643

From: Mark K. Friedlander <mkfriedlander@countyofsb.org>
Sent: Thursday, August 15, 2024 10:28 AM
To: Jill Van Wie <jvanwie@countyofsb.org>; George Amoon <george@gkaconsulting.com>
Cc: Jeffrey Lindgren <jlindgren@countyofsb.org>; Kalani Durham <kdurham@countyofsb.org>
Subject: RE: Santa Maria River Levee Trail Project Scoping Meeting
Hey!
Yes we can keep Parks informed on this one moving forward. Thanks for maintaining this one in perpetuity! ;)
Mark

From: Jill Van Wie <jvanwie@countyofsb.org>
Sent: Thursday, August 15, 2024 9:11 AM
To: George Amoon <george@gkaconsulting.com>; Mark K. Friedlander <mkfriedlander@countyofsb.org>
Cc: Jeffrey Lindgren <jlindgren@countyofsb.org>
Subject: RE: Santa Maria River Levee Trail Project Scoping Meeting
Thanks George, and Mark, please make sure to include me as well.
Much appreciated,
Jill

From: George Amoon <george@gkaconsulting.com>
Sent: Wednesday, August 14, 2024 10:45 PM
To: Mark K. Friedlander <mkfriedlander@countyofsb.org>
Cc: Jill Van Wie <jvanwie@countyofsb.org>; Jeffrey Lindgren <jlindgren@countyofsb.org>
Subject: Re: Santa Maria River Levee Trail Project Scoping Meeting

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Hi Mark,
When design options begin to be discussed, could you please include me in the loop...
Thanks!
-- George

From: Jill Van Wie <jvanwie@countyofsb.org>
Sent: Wednesday, August 14, 2024 9:48 AM
To: George Amoon <george@gkaconsulting.com>; Jeffrey Lindgren <jlindgren@countyofsb.org>
Cc: Mark K. Friedlander <mkfriedlander@countyofsb.org>
Subject: RE: Santa Maria River Levee Trail Project Scoping Meeting
Woah! I didn't read through the documents, but no. Not Parks for maintenance. I had been talking with PW (Diana Estorga in the past) since this project has been in the CIP since before I came over to Parks. It's a bikeway (a transportation corridor of sorts) linking Santa Maria and Guadalupe, with of course the ability for recreational use. Something seems to have been lost in translation…

From: George Amoon <george@gkaconsulting.com>
Sent: Tuesday, August 13, 2024 5:07 PM
To: Jeffrey Lindgren <jlindgren@countyofsb.org>
Cc: Jill Van Wie <jvanwie@countyofsb.org>
Subject: Re: Santa Maria River Levee Trail Project Scoping Meeting
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Hey so why would Parks have a role in operations? Has it been agreed upon that PW will build and Parks to maintain? Typically he/she who builds also maintains...sounds like not for this one...

From: Jeffrey Lindgren <jlindgren@countyofsb.org>
Sent: Tuesday, August 13, 2024 3:45 PM
To: George Amoon <george@gkaconsulting.com>; Ryan Cooksey <rcooksey@countyofsb.org>; Ryan Heath <rheath@countyofsb.org>
Cc: Jill Van Wie <jvanwie@countyofsb.org>
Subject: FW: Santa Maria River Levee Trail Project Scoping Meeting
This is a Public Works project but should it get built we will have a big role in the operations. I nominate George to monitor.
JL

From: Kalani Durham
Sent: Tuesday, August 13, 2024 3:03 PM
To: PW DG Santa Maria River Levee Trail Project <SMRLT@countyofsb.org>
Subject: Santa Maria River Levee Trail Project Scoping Meeting
Good afternoon,
Please see attached Notice of Preparation, Environmental Scoping Document and Scoping Meeting details for the Santa Maria River Levee Trail Project. These materials are also posted on the County website here.
If you have any questions, please email SMRLT@countyofsb.org.
Thank you,
Kalani Durham
Engineering Environmental Planner/Coordinator
Santa Barbara County Public Works Department

Transportation Division, Engineering Design Section
Office: (805) 568-3310
Cell: (805) 280-2012
kdurham@countyofsb.org

Outlook

Levee Trail Notice List

From Claire Wineman <claire.wineman@grower-shipper.com>
Date Fri 8/16/2024 2:23 PM
To SMRLT@countyofsb.org <SMRLT@countyofsb.org>
Cc 'Chris Sneddon' <csneddo@countyofsb.org>

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good afternoon,

We have been informed that numerous other interested parties also did not receive the notice regarding the levee trail. This includes our Legal Counsel who specifically asked to be added to the interested parties list in writing and several landowners who would be directly impacted by the proposed alignments, as well as myself. Could you please review the list of interested parties and resend to a complete list?

Also, when and where will actionable information on how to access the scoping meeting be available? Will it be resent to the interested parties list when it's available?

Thank you,
Claire

Claire Wineman
President
Grower-Shipper Association
of Santa Barbara and San Luis Obispo Counties
534 E Chapel St
Santa Maria, CA 93454
Phone: 805.343.2215
Cell: 805.868.8245
Email: claire.wineman@grower-shipper.com

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

August 16, 2024

Kalani Durham
County of Santa Barbara
123 East Anapamu Street
Santa Barbara CA 93101

Re: 2024080368 Santa Maria River Levee Trial Project, Santa Barbara County

Dear Ms. Durham:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:

- **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
- **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- **c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
- **d.** If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
- **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@NAHC.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

September 5, 2024

Via Electronic Mail Only

Kalani Durham
Environmental Planner/Coordinator
County of Santa Barbara Public Works Department
Transportation Division, Engineering Design Section
123 East Anapamu Street
Santa Barbara, CA 93101
SMRLT@countyofsb.org

Re: Notice of Preparation of Draft Environmental Impact Report for the Santa Maria River Levee Trail Project

Dear Ms. Durham:

This firm represents the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties (Association), which represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. The Association's members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. On this matter, the Association has also partnered with additional non-members and landowners who would be directly impacted by the changes in land use being contemplated with the extension of the levee trail.

The Association appreciates the opportunity to comment on the County of Santa Barbara's (County) Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Santa Maria River Levee Trail Project (SMRLT Project). The Association has consistently participated in the County's stakeholder process, including by providing comments expressing its concerns in relation to the Countywide Recreation Master Plan/Santa Maria River Levee Trail Extension on January 26, 2022 (Master Plan Comment Letter, attached herein as Exhibit A), and requesting the removal of the SMRLT Project from the Capital Improvement Plan FY 2022-23 – 2026-27 on May 16, 2022 (CIP Comment Letter, attached herein as Exhibit B). While the Association appreciates that the County is planning to prepare an EIR for the SMRLT Project, its concerns regarding environmental impacts and General Plan inconsistencies remain. Moreover, the NOP does not adequately disclose and discuss said foreseeable significant impacts. As such, the Association requests that the County include careful consideration of the following impacts in the EIR and incorporate

several specific project components as either part of the Project Description or as mitigation measures.

A. The NOP Does Not Acknowledge or Address Significant Effects the SMRLT Project is Anticipated to Have on the Environment

Section 21092(b)(1) of the CEQA Guidelines requires that a lead agency include "the significant effects on the environment, if any, anticipated as a result of the project…" The Association has repeatedly identified potential environmental impacts that would result from the SMRLT Project – namely, impacts to Aesthetics, Agriculture, Hydrology and Water Quality, Land Use and Planning, Public Services, Recreation, Transportation, and Wildfire described in the attached April 2022 Comments on the Draft Santa Maria River Levee Trail Study-Winter 2022 (SMRLT Study Comment Letter, attached herein as Exhibit C). However, these anticipated impacts are not adequately acknowledged in the NOP or the accompanying Environmental Scoping Document for the SMRLT Project.

The Association is particularly concerned with impacts to Agricultural Resources, as discussed in greater detail in its attached Master Plan and CIP Comment Letters. Association members own agricultural lands in active cultivation that are adjacent to the SMRLT Project area, and possess easements over the levee to access their property. The SMRLT Project will create food safety and other liability concerns resulting from dogs and people traveling off-trail into the surrounding agricultural lands. Specifically, it threatens Association members' ability to comply with the federal Food and Drug Administration's Food Safety Modernization Act Standards for Produce Safety Rule, which includes provisions related to domestic animal intrusion, and California's Leafy Greens Marketing Agreement, which outlines the food safety risk from encroachment by animals and urban settings. Despite the Association's repeated expression of its reservations, the Environmental Scoping Document does not identify potential impacts to agriculture. Instead, it merely lists the thresholds by which agricultural impacts will be evaluated and references the importance of land use compatibility, without acknowledging the clear incompatibility between the SMRLT Project and surrounding agricultural uses. This is in contrast to other sections of the Environmental Scoping Document, such as Air Quality and Biological Resources, that go into much greater detail when discussing potential impacts.

Similarly, the Environmental Scoping Document does not acknowledge the Association's concerns regarding General Plan consistency in its section on Land Use and Planning. The County states that the SMRLT Project will not divide an established community and will be analyzed for consistency with the General Plan. It does not, however, address the major and obvious inconsistencies between the SMRLT Project and General Plan that are described in the Association's Master Plan and CIP Comment Letters. The Association requests that the County carefully consider these anticipated impacts when scoping the SMRLT Project and preparing its EIR.

B. The County Must Include Certain Design Modifications In Its Project Description or As Mitigation Measures to Avoid Significant Impacts

In light of the above impacts, the Association urges the County to include the following design modifications as part of a revised Project Description for the SMRLT Project. Alternatively, and at minimum, these modifications must be included as mitigation measures in the final EIR.

- Levee crossings that restrict the movement of people and domestic animals into surrounding agricultural fields but do not impede the movement and crossings of large agricultural equipment and implements, including swing gates for agricultural equipment.

- Adequate design to accommodate access for medical evacuation and emergency medical services for the general public, given the length of the proposed trail extension and limited ingress/egress opportunities.

- Ideally, inclusion of a plumbed toilet, connected to a municipal wastewater treatment plant and with no onsite leach field, at Bonita School Road. Less preferably, inclusion of a vault toilet with a berm to contain waste in the event of flooding. In either instance, no sewage may leave the facilities due to flooding or vandalism, and wash water from toilet cleaning must be contained onsite.

- Fencing at least 8 to 10 feet tall, constructed from cinderblock, Lucite, or another material that cannot be cut or otherwise allow trash to pass through the fence, on both the north and south sides of the levee.

- Security cameras.

- Design, maintenance, and enforcement of Hours of Operation of the SMRLT Project.

- Designed and enforced entry and exit off of the SMRLT Project.

- Designed and enforced Parking in limited areas.

- Designed and enforced for closures due to weather (precipitation) and agricultural operations.

- Designed and maintained to manage dog feces, trash, weeds, and pests.

The Association looks forward to continuing engaging with the County in the ongoing public review of the SMRLT Project. We are available to discuss the foregoing comments at

your convenience. Please include our firm (ktaber@somachlaw.com) and Claire Wineman (claire.wineman@grower-shipper.com) on the County's notice list to receive all notices related to the SMRLT Project and EIR.

Regards,

Kelley M. Taber

Encl. Exhibit A: Master Plan Comment Letter
Exhibit B: CIP Comment Letter
Exhibit C: SMRLT Study Comment Letter

cc: Claire Wineman - claire.wineman@grower-shipper.com

KMT/EMM:gl

Exhibit A
(to 9/5/2024 letter)

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

January 26, 2022

Via Electronic Mail Only

Jeff Lindgren, Parks Superintendent
Santa Barbara County Community Services
Department – Parks Division
jlindgren@co.santa-barbara.ca.us

Re: Countywide Recreation Master Plan/Santa Maria River Levee Trail Extension

Dear Mr. Lindgren:

This firm represents the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties,[1] whose members include landowners and agricultural operators along the Santa Maria River Levee in Santa Barbara County (County). The following comments regarding the Countywide Recreation Master Plan (Recreation Master Plan) and the proposed Santa Maria River Levee Trail Extension (Levee Trail Extension Project) are submitted on behalf of the Association and its members, as well as other interested non-member growers and landowners who would be impacted by the Extension Project in both Santa Barbara and San Luis Obispo Counties (collectively, the "Association").

The Association understands that the Board of Supervisors at its February 1, 2022 meeting may be asked to take some action on the Recreation Master Plan. The Association strongly supports the County's efforts to improve recreational opportunities throughout the County. However, such efforts must respect and not conflict with existing agricultural operations and primary County policies for the protection of agriculture. Association members have been active participants as stakeholders in the County Department of Public Works Transportation Division's efforts to study the Levee Trail Extension Project for the recreational trail along the Santa Maria River Levee from Santa Maria to Guadalupe. As articulated in the Levee Trail Extension Project stakeholder process, and discussed further

[1] Association members include over 170 growers, shippers, farm labor contractors, and supporting agribusinesses who grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit.

herein, the Levee Trail Extension Project presents a unique set of environmental, economic, and legal challenges that require further detailed study and consideration. The complexity of the Levee Trail Extension Project should not impede efforts to proceed with the Recreation Master Plan, and the County's efforts to evaluate the Levee Trail Extension Project should remain separate from the Recreation Master Plan process.

I. The Levee Trail Extension Project Threatens Numerous Land Use Conflicts and Impacts to Agricultural Lands and Operations

Association members own property along and immediately adjacent to the proposed Santa Maria River Levee Trail Extension corridor that is under active cultivation for high value crops. Association members also hold easements for access across the Santa Maria River Levee to support their ongoing agricultural operations. The Association and its agricultural operators and landowners members have been actively engaged in the stakeholder process to educate County staff and consultants about the Levee Trail Extension Project's predictable land use conflicts and implementation constraints.

Association farmers are committed to the increasingly challenging task of growing safe, healthy produce to feed families locally and around the world. The Levee Trail Extension Project stakeholder process identified numerous conflicts and impacts to agricultural operations from the existing western end of the Santa Maria River levee trail at Blosser Road in Santa Maria, which has a history of vandalism, trash, homelessness, off-leash dogs, and off-trail humans on both sides of the levee. Extension of the trail through agricultural areas thus presents substantial food safety and other liability concerns resulting from dogs and people traveling off the trail. For example, the federal Food and Drug Administration's Food Safety Modernization Act Standards for Produce Safety Rule includes provisions related to domestic animal intrusion. Similarly, California's Leafy Greens Marketing Agreement requires 100 percent compliance and also outlines the food safety risk from encroachment by animals and urban settings.

The Levee Trail Extension Project stakeholder process identified significant impacts to crops, agricultural operations, food safety, and public safety, including impacts that could lead to the permanent conversion of agricultural lands. Because of these significant impacts, any approvals associated with the Project (including state or local agency grant funding, and license agreements by the County Flood Control & Water Conservation District) will require preparation of a project-specific environmental impact report (EIR) under the California Environmental Quality Act (CEQA). Approvals by the U.S Army Corps of Engineers, and any federal funding for the Levee Trail Extension Project, will require preparation of an environmental impact statement under the National Environmental Policy Act.

The Association urges thoughtful land use planning to prevent predictable land use conflicts. This includes transportation corridors and recreation locations that are compatible with surrounding land uses and protective of food safety and public safety. The existing levee trail follows the footprint of the City of Santa Maria and borders urban and residential uses, which is compatible with a trail. The contemplated Levee Trail Extension Project presents unique and complex facts and circumstances and we urge the Board to further consider the land use planning implications and avoid conflicts.

II. The Levee Trail Extension Project Is Inconsistent with County General Plan Goals and Policies Protecting Agriculture

As recognized by the California Supreme Court, the County's General Plan is the "constitution for all future development." (*Lesher Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.) Indeed, the general plan is the County's single most important planning document. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 570-71.) The Recreation Master Plan must be consistent with the County General Plan. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.) The County's success as one of the most productive agricultural areas in the world is due in no small part to the protections afforded by the County General Plan. The General Plan Agricultural Element acknowledges that "agriculture is a significant and important resource within Santa Barbara County; therefore, the Element has been created to enhance and protect that resource." (General Plan Agricultural Element, p. 13) Further "plan and policies recognize the likelihood that conflicts from trails through agricultural lands can have on agricultural viability and lead to the foreseeable conversion of agricultural lands." (See General Plan Agricultural Element, p. 26.)

County General Plan goals and policies are specifically designed to protect agricultural uses from the types of impacts threatened by the Levee Trail Extension Project. Some of the key General Plan Agricultural Element Goals and Policies relevant to the Levee Trail Extension Project are identified in Exhibit A. Association members have invested in their property and operations along the Santa Maria River Levee in reasonable reliance on the County's continued adherence to its General Plan policies. Due to the numerous land use conflicts, the Levee Trail Extension Project threatens the viability of continued agricultural operations along the nearly 7-mile-long proposed trail extension. Inducing high-intensity public use would be a major impact on agricultural producers in perpetuity, and that impact is certain to increase as production restrictions on agriculturalists expand. Because the Recreation Master Plan must be consistent with the County General Plan, the Levee Trail Extension Project should not be included in the Recreation Master Plan.

III. Levee Trail Extension Project Impacts Will Create Potential Damages and Nuisance Liability for the County, Requiring Adequate Compensation to Affected Property Owners and Agricultural Operators

As recognized in the Levee Trail Extension Project stakeholder process, and in the experience of other similar recreation trails immediately adjacent to cultivated agriculture, the Levee Trail Extension Project likely will result in substantial property damage from trespass by humans and dogs, as well as interference with the landowners' easement rights for access over the levee. Property owners will be entitled to just compensation if their property is damaged by the proposed public use. Project cost estimates will need to account for the County's costs to compensate Property owners for damages, including from inverse condemnation and nuisance. The Association urges the County to focus both its transportation and recreation planning resources on projects that can be accomplished with fewer impacts, at less cost, and without the Levee Trail Extension Project's legal and financial impediments.

IV. Conclusion

The Levee Trail Extension Project stakeholder process has been conducted through the County Department of Public Works Transportation Division and the project has consistently been characterized as a transportation project with recreational benefits, both for planning and funding purposes. Due to the numerous outstanding legal and practical issues with the Levee Trail Extension Project, and project-specific impacts, it would not be appropriate to include the Levee Trail Extension Project in the Recreation Master Plan and Programmatic EIR. The Association respectfully requests that any further efforts related to the Levee Trail Extension Project be considered separate from the Recreation Master Plan. For these reasons and more, the Recreation Master Plan should focus on achievable projects that are compatible with surrounding land uses and protective of food safety and public safety and that can be readily implemented, without the significant environmental and economic impacts and legal impediments of the Levee Trail Extension Project.

Thank you for considering these comments. Please include the Association and this firm on any notice lists for the Recreation Master Plan and Levee Trail Extension projects, including all CEQA notices pursuant to Public Resources Code section 21092.2(a). Please mail notices to my attention at the address on this letterhead, and also email all notices to ktaber@somachlaw.com and claire.wineman@grower-shipper.com. If you have questions

about these comments, please do not hesitate to contact me at (916) 469-3841 or Claire Wineman at (805) 343-2215 to discuss this letter further.

Sincerely,

Kelley M. Taber
Attorney

Exhibit A: County General Plan Agricultural Element Goals and Policies

cc: The Honorable Joan Hartmann, Chair, Santa Barbara County Board of Supervisors
jhartmann@countyofsb.org

The Honorable Das Williams, Vice Chair, Santa Barbara County Board of Supervisors
dwilliams@countyofsb.org

The Honorable Gregg Hart, Supervisor
ghart@countyofsb.org

The Honorable Bob Nelson, Supervisor
bob.nelson@countyofsb.org;

The Honorable Steve Lavagnino, Supervisor
steve.lavagnino@countyofsb.org

Rachel Van Mullem, County Counsel
Rvanmull@co.santa-barbara.ca.us

Chris Sneddon, Deputy Director, Transportation Division
csneddon@co.santa-barbara.ca.us

Mark Friedlander, Project Manager, Santa Maria River Levee Trail
mfriedlander@co-santa-barbara.ca.us

KMT:mb

EXHIBIT A

Exhibit A
Santa Barbara County General Plan
Goals and Policies Relevant to
Santa Maria River Levee Trail Extension
(non exclusive list)

AGRICULTURAL ELEMENT

GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara Country. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

Policy I.A. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances:

   a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel;

Policy I.F. The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.

GOAL II. Agricultural lands shall be protected from adverse urban influence.

Policy II.B: Santa Barbara County shall recognize, and give high priority to, the need for protection from trespass, thievery, vandalism, roaming dogs, etc., on all agricultural lands.

Exhibit B
(to 9/5/2024 letter)

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

May 16, 2022

Via Email to sbcob@countyofsb.org

The Honorable Joan Hartmann, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

Re: May 17, 2022 Agenda Items A-7: Capital Improvement Program, and Departmental Item 7 (Public Works Department): Santa Maria River Levee Trail Study

Dear Chair Hartmann and Members of the Board:

This firm represents the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, whose members include landowners and agricultural operators along the Santa Maria River Levee in Santa Barbara County (County). The following comments regarding the May 17, 2022 Board of Supervisors' agenda items A-7 (consent agenda), proposed Capital Improvement Program (CIP) FY 2022-23 – 2026-27, and 7 (Public Works), proposed Santa Maria River Levee Trail study (SMRLT Project) are submitted on behalf of the Association and its members, as well as other interested non-member growers and landowners who would be impacted by the CIP and SMRLT Project in both Santa Barbara and San Luis Obispo Counties (collectively, the "Association").

For the reasons set forth herein, and in the Association's prior correspondence regarding the SMRLT Project (included in the agenda packet for Item 7), the Association respectfully requests that the Board of Supervisors (1) remove the CIP from the Administrative Agenda and considered as a separate item, and remove the SMRLT Project from the proposed CIP before taking any action to approve the CIP, and (2) carefully consider the extensive concerns documented in the feasibility study and implications prior to directing staff on the SMRLT Project (Agenda item 7). If the Board determines that the SMRLT Project should proceed over the objections of the neighboring landowners and farmers, it should direct staff to prepare an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) before any further action is taken, including acting to include the SMRLT Project in any CIP.

I. The SMRLT Project Should Not be Included in the CIP Because it is Inconsistent with the County General Plan and Will Have Significant Adverse Environmental Impacts

Association members operate and/or own property along and immediately adjacent to the proposed SMRLT Project that is under active cultivation for high value crops. Association members also hold easements for access across the Santa Maria River Levee to support their ongoing agricultural operations. The Association and its agricultural operators and landowners members have been actively engaged in the stakeholder process to educate County staff and consultants about the SMRLT Project's predictable land use conflicts and implementation constraints. As reflected in the study, and as discussed in the Association's prior comments of January 26, 2022, the SMRLT Project is inconsistent with numerous County General Plan policies and threatens significant adverse environmental impacts.

As recognized by the California Supreme Court, the County's General Plan is the "constitution for all future development." (*Lesher Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.) Indeed, the General Plan is the County's single most important planning document. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 570-71.) The CIP must be consistent with the County General Plan. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.) The County's success as one of the most productive agricultural areas in the world is due in no small part to the protections afforded by the County General Plan. The General Plan Agricultural Element acknowledges that "agriculture is a significant and important resource within Santa Barbara County; therefore, the Element has been created to enhance and protect that resource." (General Plan Agricultural Element, p. 13.) Further "plan and policies recognize the likelihood that conflicts from trails through agricultural lands can have on agricultural viability and lead to the foreseeable conversion of agricultural lands." (See General Plan Agricultural Element, p. 26.)

County General Plan goals and policies are specifically designed to protect agricultural uses from the types of impacts threatened by the SMRLT Project. Association members have invested in their property and operations along the Santa Maria River Levee in reasonable reliance on the County's continued adherence to its General Plan policies. Due to the numerous land use conflicts, the SMRLT Project threatens the viability of continued agricultural operations along the nearly 7-mile-long proposed trail extension. Inducing high-intensity public use would be a major impact on agricultural producers in perpetuity, and that impact is certain to increase as production restrictions on agriculturalists expand. The SMRLT Project will have significant impacts to crops, agricultural operations, food safety, and public safety, including impacts that could lead to the permanent conversion of agricultural lands. Because of these significant impacts, any approvals associated with the Project (including inclusion in the CIP, state or local agency grant funding, and license agreements by the County Flood Control & Water Conservation District) will require preparation of a project-specific EIR under CEQA.

II. By Including the SMRLT in the Proposed CIP, the County is Approving a Project Subject to CEQA

The Association objects to the inclusion of the proposed CIP as a consent item, and to the recommendations that the Board "[r]eview and grant preliminary, non-binding conceptual approval of the projects contained in the CIP" and determine that the CIP is exempt from CEQA. Specifically it is proposed that the Board

> [d]etermine that the proposed actions do not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) as they consist of organizational or administrative activities of government that will not result in direct or indirect changes in the environment; and that the proposed actions do not constitute "Approval" within the meaning of CEQA Guidelines Section 15352 as they do not commit the County to a definite course of action in regard to any project.

Contrary to the proposed determination that the CIP projects "consist of organizational or administrative activities of government that will not result in direct or indirect changes in the environment" that "do not commit the County to a definite course of action in regard to any project," the CIP includes a vast number of projects, including "multiple projects and programs that have undergone several years of development and initial stages of construction" (CIP, p. 39.). The CIP identifies the SMRLT project in Table 4.2 (CIP, p. 45) as one of a number of projects that are "in development" within the CIP five-year timeline. The County identifies funding of $1.4 million to the SMRLT Project through the CIP via "SB1," but it is unclear to the Association whether County funds will be required or are being committed through inclusion of the project in the adopted CIP. To the extent the CIP reflects a commitment to allocate County funds to the project, the County should condition the project's inclusion in the CIP on compliance with CEQA, including the preparation of an EIR. The SMRLT Study contains substantial evidence of its significant environmental impacts, sufficient to conduct environmental review. It appears to the Association that by including the SMRLT Project in the CIP, the County is committing itself to a course of action with respect to a project, in violation of CEQA. (CEQA Guidelines, § 15004(b)(1) (CEQA compliance for public projects should be conducted "at the earliest feasible time").) For all the reasons set forth in the Association's comments, and those of the California Farm Bureau Federation, which the Association hereby incorporates by reference, the County should not proceed with an incompatible project and should not include it in the CIP. If the County intends to proceed with the SMRLT Project, it must first comply with CEQA by preparing an EIR before adopting any CIP that includes the SMRLT Project.

III. The Determination that the SMRLT Study is Exempt from CEQA as a Planning and Feasibility Study is Contradicted by the Proposed Prior Approval of the Project in the CIP

Despite its proposed inclusion in the CIP, the SMRLT Project is separately and subsequently included on the agenda under item 7 for unspecified action (Board to direct "next steps"), as a project that is purportedly exempt from CEQA as a planning and feasibility study. The proposed finding that these actions are exempt from CEQA "under State CEQA Guidelines Section 15262 because it consists of a feasibility study for a future trail that the Board has not approved, adopted, or funded and that will not result in any direct or indirect physical changes in environment" is in apparent conflict with the County's proposed inclusion of the SMRLT Study in the CIP. The County cannot commit itself to future action within the five year CIP timeline and concurrently find that the SMRLT proposal is exempt from CEQA as a "planning and feasibility study." Either the SMRLT Project is included in the CIP and subject to review in an EIR prior to adoption of the CIP, or it is excluded, and the Board may only "receive and file" the study at this time.

Conclusion

In promoting the development and expansion of recreational trails, the County should focus on achievable projects that are compatible with surrounding land uses and protective of food safety and public safety and that can be readily implemented, without the significant environmental and economic impacts and legal impediments of the SMRLT Project. If the County takes any action with respect to the SMRLT Project other than "receive and file" the SMRLT study, it must first comply with CEQA by preparing an EIR and ensuring that all adverse impacts are avoided or fully mitigated.

Please include the Association and this firm on any notice lists for the SMRLT Project, including all CEQA notices for the SMRLT Project and the CIP pursuant to Public Resources Code section 21092.2(a). Please mail notices to my attention at the address on this letterhead, and also email all notices to ktaber@somachlaw.com and claire.wineman@grower-shipper.com.

Sincerely,

Kelley M. Taber

KMT:sl

Exhibit C
(to 9/5/2024 letter)

Grower Shipper ASSOCIATION
of Santa Barbara and San Luis Obispo Counties

April 12, 2022

Via electronic mail only

Mark Friedlander
Project Manager, Santa Maria River Levee Trail Study
mkfriedlander@countyofsb.org

Re: Draft Santa Maria River Levee Trail Study-Winter 2022

Dear Mr. Friedlander:

Thank you for your extensive outreach efforts and the opportunity to comment on the Winter 2022 Draft Santa Maria River Levee Trail Study.

General Comments

1. We encourage the study to reference the "Santa Maria River Levee Trail Extension Study" to differentiate between the existing Tom Urbanske Multipurpose Trail in Santa Maria.
2. The comments in this letter are directed toward a contemplated bicycle and pedestrian pathway. Multiple public survey responses requested equestrian access. The addition of an equestrian access component would create additional land use conflicts and safety concerns that we did not address in the letter but would like to establish as an additional area of concern if this direction changes in the future.
3. We are aware of and sensitive to the distinctions and weight of the word homeless as compared to houseless, unhoused, or person experiencing homelessness. To be consistent with the feasibility study and resources referenced, in this letter we will respectfully use the term homeless.
4. Throughout the draft, there is inconsistent treatment about the project's purpose and the corresponding necessary design elements. For example, a recreational trail might have different community needs from one intended to primarily serve as an active transportation commuting corridor. To accurately evaluate the feasibility of either, an accurate description of the intended purpose and unique design needs and constraints must be included, as outlined throughout these comments.
5. In several places we comment on specific design features and other issues specific to the proposed project if it were to proceed; these comments in no way lessen our broader concerns about fundamental land use compatibility and legal issues, as well as the importance of preventing predictable land use conflicts through thoughtful planning and siting of projects in compatible locations.
6. We believe it is an overstatement to call the study a "comprehensive feasibility study." As also stated in the Executive Summary, "the purpose of the Study is not to design and engineer a trail." The document as presented is predominantly a public outreach and public sentiment document with some light conceptual drawings. Important technical and financial details, such as the permits that are actually needed and feasibility and cost of obtaining those permits; level and cost of environmental review and mitigation; licensor (operator) responsible for operating, patrolling, cleaning, repairing, and maintaining the trail; feasibility of ingress/egress from the levee to Guadalupe; and fundamental design incompatibilities on whether or not to include fencing and toilets have not been addressed.

Many details are missing that would be included in a true feasibility study and allow for informed decision-making on whether to proceed with the proposed trail extension.

7. We also urge careful consideration of the opportunity cost of proceeding with this particular project instead of pursuing other transportation, active transportation, and recreation projects in Santa Barbara County. Unfortunately, the information necessary to assess the project's costs, benefits, and overall community value proposition are lacking from the current draft of the feasibility study for the reasons outlined in greater detail in these comments.

ES 1. Executive Summary/Introduction

1. As mentioned previously, it is a dramatic overstatement to call the study a "comprehensive feasibility study." The study does "Summarize the input from the community engagement efforts" but in no way addresses the individual facts and circumstances, including factual constraints, needed to actually "determine the feasibility of the project overall."

ES 2. Executive Summary/Project Overview

1. What documentation is available to substantiate the following statement: "The trail would complete a major gap in the active transportation network by providing a trail separated from vehicle traffic between the cities of Guadalupe and Santa Maria"? Although we are aware of interest in the potential recreational use of the trail, we do not see substantiation of the notion that the trail extension would fill a "major gap" in an existing "active transportation network."
2. We agree and appreciate that the study recognizes that "The proposed trail is a complicated project that will require continued discussions and further analysis from key stakeholders…"

Chapter 1

1.1 History and Planning Context

1. As mentioned previously, this study is still woefully inadequate in fulfilling the "needed further study" prior to pursuing a grant for full implementation.

1.2 Related Studies

1. The Guadalupe to Beach Multi-Use Trail Feasibility Study is also an initial, conceptual exercise that looks at theoretically potential alignments but falls short of addressing significant technical and financial facts and circumstances.
2. We oppose using Peralta Street in Guadalupe as the main point of ingress and egress to the proposed extension. A portion of Peralta Street is zoned Industrial by the City of Guadalupe and is an essential access point for established Industrial use. We are concerned for the safety and order of all involved that would result from inducing high-traffic, mixed bicycle and pedestrian use into an area that encompasses semi truck traffic on a daily basis.

1.4 Santa Maria River Levee

1. We absolutely agree with Flood Control's concern with impacts to "the Maintenance team's ability to operate the levee and keep the facility in good standing with USACE." The levee's primary purpose is to protect life and property from catastrophic flooding; it must remain intact.
2. While we agree with the need to maintain the levee's function, fencing is an essential design element in the concerning event that the levee trail extension does move forward. The food safety, theft, vandalism, and trespass concerns from not having fencing separating fresh produce cultivation from

the proposed trail are in direct conflict with Flood Control's concerns about the impacts of fencing to its operations and wildlife; these are critical irreconcilable differences.

3. We agree with Flood Control's concerns: "Maintaining access is another key issue for Flood Control. Flood Control cautioned that it may be challenging to maintain existing legal access for agricultural use while also restricting the public and unauthorized vehicles and equipment from accessing the levee and surrounding area."
4. If the trail does move forward, discussions surrounding license agreements must also include liability and damage protections for growers and landowners from the extensive problems outlined in this letter. Food safety and illegal trespass are a few examples of the issues prompting these concerns.
5. The experience reported by the City of Santa Maria is inconsistent with the lived experiences of our members operating along the existing trail, especially near Blosser Road in Santa Maria. Our members have repeatedly reported theft and vandalism along the existing trail, including the portion north of the levee and east of Blosser Road. Reports on crime and calls for service for both the City and County jurisdictions should be included as part of the feasibility study's due diligence.
6. In addition to the private crossings identified in the study, the County's crossings at "Main Street Canal" and Bonita School Road must also be considered and addressed to prevent unauthorized access and safety threats to agricultural employees and operations.

1.5 Existing Issues Along the Levee

1. This topic merits a standalone chapter in the study that should include readily accessible public information on calls for emergency service, reported theft and vandalism, riverbed fires, plant protection materials use restrictions, and food safety requirements for produce safety. The level of detail and quantification of this study section compared to other study sections is woefully inadequate. The selective fulfillment of due diligence to complete the feasibility study is concerning, especially when issues like domestic pets and trespassing/theft were identified as top concerns in outreach meetings across multiple stakeholder groups.
2. We agree emphatically with the characterization of existing issues.
3. We would like to highlight the following points that are consistent with the lived experiences of our members and their employees on a daily basis:
   - "…staff witnessed people bypassing the denial fencing at the terminus of the Tom Urbanske multi-purpose trail at North Blosser Road."
   - "Most of the users of the trail appeared to be residents recreating, exercising, or walking dogs. Staff also noticed people letting their dogs off-leash despite posted notices saying leashes are required at all times."
   - "Theft, including stolen vehicles and farm equipment, is common along the Santa Maria River according to the officers [Sheriff officers from both Santa Barbara and San Luis Obispo counties]."
   - "Santa Barbara Sheriff officers also stated that there is more foot traffic than expected along the levee between Guadalupe and Santa Maria. Encampments are more concentrated near Guadalupe and Santa Maria, however, the sheriff's [sic] also receive calls about fires and encampments in the area between the cities as well."
4. The statement "Operators typically provide porta-potties for the farmworkers" understates both the regulatory requirements and the fulfillment of the requirements to provide employee access to field sanitation. More accurate information regarding the provision of portable field toilets can be found in the references noted below.[1] Generally, an agricultural employer must provide toilet facilities within a five-minute walk or quarter mile; in general, there are a few very limited exceptions to this

[1] https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=6.&chapter=11.&article=4 and https://www.dir.ca.gov/title8/3457.html.

requirement related to field topography/access and alternative means of compliance via transportation to toilet and handwashing facilities if there are fewer than five employees or less than two hours of field work to be performed.

Chapter 2

2.1 Demographics & Socioeconomic Profile

The following comments pertain to the chart on page 17:

1. What is the source of the information?
2. To increase transparency and clarity, the charts should be updated to also include the numbers corresponding to each percentage.
3. What is the total commuting population in terms of numbers of individuals and vehicles?
4. What is included in "other means" of commuting?
5. Do the numbers in the charts include individuals commuting both within and beyond City limits? What is the number of commuters and mode of transportation for each of these respective categories?

2.2 Commute Summary

Guadalupe to Santa Maria

1. The sources of information for this section must be clearly cited and the way the information is presented in this section is very confusing.
2. While it is true that "…commute times can be significantly lengthened in the early morning and afternoon due to high traffic volumes…" residents of Guadalupe typically experience "reverse commute" traffic patterns from those who reside in the City of Santa Maria. See comments in the following section for additional details.
3. The draft states "Over 48% of workers have access to three or more vehicles" and that "When looking at these findings it is interesting to see how many residents own multiple vehicles, yet travel alone to work." There are multiple reasons why multiple vehicles might be available. This study does not include average or median household size, but potential reasons for access to multiple vehicles include: having multiple individuals in the household that are of driving age; different family transportation needs in terms of timing and destination; personal enjoyment of different styles of vehicles, recreational vehicles, and automotive projects; access to company-provided vehicles for work purposes; and various limitations of vehicles and their automotive capacities.
4. As mentioned previously, to be relevant to this study, the study should differentiate between those commuting within and beyond the City limits and include the numerical breakdown for each category.
5. What is the source of information in assessing occupation? NAICS classification codes clearly differentiate Farm and Nonfarm employment.
6. The "assumptions" are deeply flawed.
    a. The study states "With the influence agriculture has on the community, workers also use their personal vehicles at their jobs." There is no basis for this statement and it does not make sense. However, there are company-provided vehicles for certain occupations within agriculture. Individuals might use their personal vehicles for personal commute needs, like any other resident, and for private rideshare and carpool agreements. These factors are not unique to agriculture.
    b. The study also states "A safe connection between Guadalupe and Santa Maria may help to eliminate the need to own multiple vehicles and mitigate the impact that not owning a vehicle would have on an individual or family." See previous comments about the irrelevance of ownership of multiple vehicles. The problem of arriving at a specific time and destination still remains a challenge, especially in the agricultural zones between Guadalupe and Santa Maria, as does issues of transporting personal items needed throughout the day and "last mile" commute issues. There are also other ways to better address this need, such as more reliable and frequent

public transportation options and increased carpool and vanpool participation. Finally, the study should be consistent and transparent in whether the proposed trail extension should realistically be categorized as an alternative transportation project or a recreational project.

7. Although the sources of information were not clearly stated in this section, the 2020 American Community Survey Table S0801 for Guadalupe[2] included some interesting information that is relevant and should be included in the feasibility study. More specifically, the table estimated 3,225 "Workers 16 years and over who did not work from home." Of that, only 0.9% walked and 0.0% bicycled, resulting in a total commuting population of 30 individuals that walked or bicycled; whether their destination was within or beyond City limits was not available in the data table. Furthermore, the survey estimated that over 75% of commuters had a "time of departure to go to work" before 7:59 am, which would severely limit the utility of the proposed levee trail extension as an active transportation commute alternative. This information should be included to be transparent and accurate.
8. Additionally, the 2020 American Community Survey Table S0802 for Guadalupe[3] shows a breakdown of "Car, truck, or van-carpooled" and shows both higher levels for carpool participation for the Industry "Agriculture, forestry, fishing and hunting, and mining" and that 0% of those who carpooled had "No vehicle available."
9. Additional findings contained in a recent traffic study that are also relevant to this section can be found below.

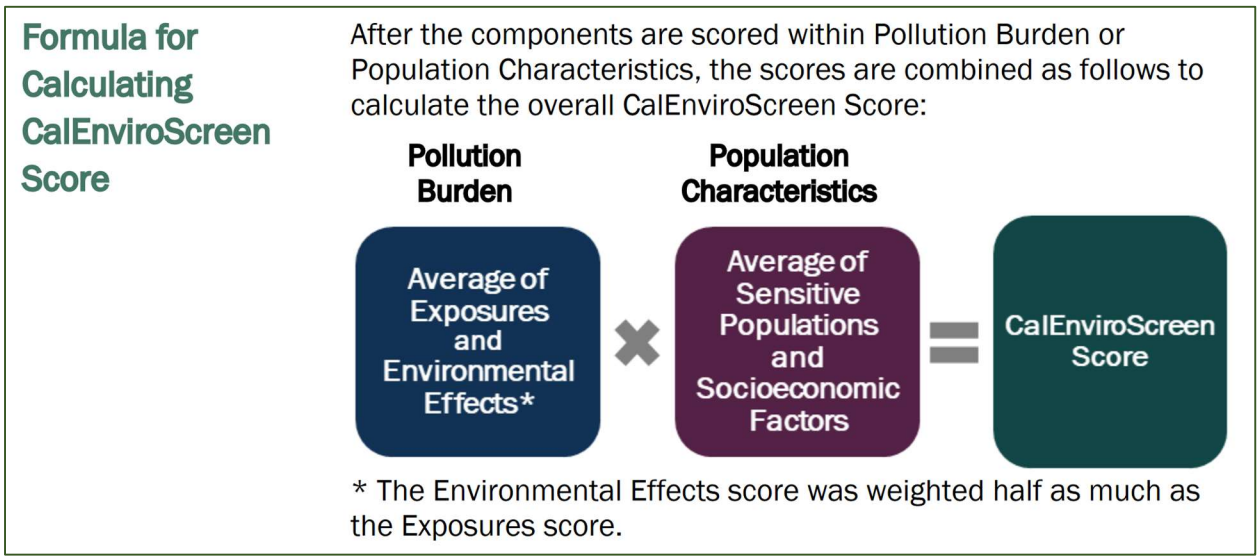
Santa Maria to Guadalupe

1. See previous comments about the need for consistency in describing the purpose of the proposed trail extension. It is somewhat possible that a limited number of individuals could potentially use the trail for active transportation/commuting purposes, but this is highly unlikely due to work schedules, "last mile" and access issues to arrive on time at a specific worksite, and different bicycle needs to navigate the different surfaces (e.g. road bike versus mountain bike). Additionally, the area can be subject to very dense fog and windy conditions, especially during commute hours, which could limit the desirability of the use of the proposed trail extension as a bicycle commuter route.
2. Realistically, there will be more individuals who have the available time and walking/bicycle resources to enjoy a shorter, round-trip outing along a portion of the levee, such as the existing Tom Urbanske Multipurpose Trail bordering the City of Santa Maria, rather than making a 26-mile round trip outing to the ocean. This will be made more difficult by needing a bicycle that can withstand the uneven surface of the levee rather than a road bike better suited to longer distances.
3. What are the actual commute or use patterns at the Guadalupe Amtrak station? How many of these are overnight trips that require luggage that might not be readily transportable on a bicycle? Like much of this section, assumptions about the potential trail use in connection with the Amtrak station appear to be based on conjecture, rather than probable scenarios.
4. A memo regarding a revised traffic analysis conducted on June 1, 2017 at Black Rd/SR 166 in preparation for intersection improvements contemplated by CalTrans and SBCAG found the following: "The counts show that the AM peak hour occurs from 5:15-6:15 – which is prior to the typical 7-9 AM commuter peak period." Additionally, "…traffic is predominately westbound during the AM peak hour (from Santa Maria toward the west via westbound SR 166 and via northbound Black Rd)…" Furthermore, the traffic counts show 0 pedestrians or bicycles in the AM or PM traffic counts. For comparison, the traffic count showed that 82% of traffic passed through the intersection prior to 8:00 am.[4]

[2] https://data.census.gov/cedsci/table?q=commute%20guadalupe,%20ca&tid=ACSST5Y2019.S0801
[3] https://data.census.gov/cedsci/table?q=guadalupe,%20ca%20commute&tid=ACSST5Y2020.S0802
[4] Memo Re: Black Road/SR 166 – Supplemental Analysis, Associated Transportation Engineers, ATE 1107602M08 dated August 29, 2017.

2.3 CalEnviroscreen 4.0

1. It is not accurate to conclude that "The CalEnviroscreen results show that the census tract Guadalupe falls into is more likely to be burdened by negative environmental effects than Santa Maria. This could be due to the proximity of agricultural fields and the spraying of pesticides." According to the October 2021 CalEnviroscreen Report[5], scores are calculated as follows:



Therefore, it is also inaccurate to state that "The tool depicts the area's scores: a high score means higher pollution and environmental burden compared to areas with lower scores."

In fact, a closer examination[6] of Census Tract 6083002502 data used to generate the CalEnviroscreen 4.0 map shows that the Population Characteristics actually have a higher score than the total estimated Pollution Burden. In Santa Barbara County, three of the top five "Pollution Burden" scores are actually located in Santa Barbara and Goleta: Census Tract 6083000804 (#1 pollution burden score in Santa Barbara County); 6083001206 (#3); and 6083003001 (#5). However, these three census tracts are offset by comparatively lower "Population Characteristics" resulting in lower overall CalEnviroScreen scores/percentiles. Notably, Census Tract 6083002502 does not appear in the top 5 Pollution Burden scores for Santa Barbara County.

2.5 Chapter Summary

We agree that a snapshot of demographic information can be helpful in planning. We restate our concerns about confounding the purpose of the trail for recreation versus active transportation, as both have different needs, target audiences, and implementation considerations. We have also previously outlined data gaps that would be more pertinent to the issue at hand.

[5] https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf
[6] https://oehha.ca.gov/calenviroscreen/maps-data; CalEnviroScreen_4.0Excel_ADA_D1_2021.xlsx

Chapter 3

1. We commend the study's comprehensive outreach efforts and adaptability through the COVID pandemic.
2. We would like to highlight the survey findings regarding safety and security concerns preventing use, along with the importance of maintenance and cleanliness. Additionally, the numbers regarding the primary use for biking between the Promotores survey and the Community survey are significantly different and worth noting (36% versus 71%, respectively); the Community survey seemed to have a large number of respondents who did not report zip codes such as 93434, 93458, and 93454, which could be quantified and useful context to the survey responses. Additionally, recreation was viewed as the primary benefit and the majority of respondents envisioned weekend-only use, which could create greater issues with trespass into agricultural fields, theft, and vandalism, as well as conflicts with plant protection materials applications since fewer workers would be in the fields during the weekend compared to weekdays.
3. The following statement is inconsistent with the Option 1-Selected design of a DG surface: "One of the main conclusions we can draw is that this path will be utilized for recreation and bicycling, which emphasizes the need for a paved path along the levee."

Chapter 4

4.1 Permitting

1. Although we understand the reasons behind the exemption in LUDC Section 35.10.040.G, we ask that the spirit of the LUDC be applied and consistent with the standards that others would be held to if bringing forward the project as any of the County's constituents, whether a private party or a nonprofit organization. Furthermore, even if the County is exempt from its own permitting and land use standards, it must be consistent with applicable plans and policies, including the Comprehensive (General) Plan. The Association's legal counsel submitted extensive comments on the proposed Santa Maria Levee Trail Extension in a letter dated January 26, 2022, which further details some of the County's applicable plans and policies and is included as Attachment A to this letter.
2. The unique facts and circumstances of the project warrant a complete Environmental Impact Report, not an Initial Study-Mitigated Negative Declaration. We will provide additional detail on this in response to Section 4.7 Environmental Review Process.
3. In addition to the Santa Maria River, we are under the impression that both Main Street Canal and Blosser Channel are also 303(d) listed waterbodies that would be within the project area.

4.2 Maintenance

1. A major question is how the proposed trail extension will be administered and maintained in perpetuity, especially in such a way that would address the unique challenges of operating next to an important industrial workplace responsible for producing fresh produce and feeding families worldwide. It is very concerning that a feasibility study would not be able to identify a licensor and that "A Licensor has not been identified for the proposed trail at this time." This is yet another major hole in the feasibility study and limitation to a realistic assessment of the feasibility and desirability of the project moving forward.
2. Table 4-1. Broad liability protections must extend to nearby agricultural operations and landowners and should be a topic of additional discussion and assessment of feasibility. Furthermore, future discussions should include the County and Licensor developing a significant restitution fund due to the induction of urban uses into active farming areas.
3. Table 4-1. Maintenance and litter removal must include regular removal of human feces and dog feces.

4.3 Connections to Guadalupe

1. In addition to the legal access constraints identified in the study, we further restate the concern about the industrial nature of Peralta Street and use compatibility: We oppose using Peralta Street in Guadalupe as the main point of ingress and egress to the proposed extension. A portion of Peralta Street is zoned Industrial by the City of Guadalupe and is an essential access point for established Industrial use. We are concerned for the safety and order of all involved that would result from inducing high-traffic, mixed bicycle and pedestrian use into an area that encompasses semi truck traffic on a daily basis.
2. The issue of connecting the proposed levee trail to Guadalupe is another example of a glaring hole in making an informed assessment of the feasibility of proceeding with the proposed extension.
3. Additional legal and technical issues are further addressed in Attachment A.

4.4 Bonita School Road Crossing

Although the Santa Maria River serves as a jurisdictional and geographical division, the agricultural lands on the Santa Maria Valley floor north of the Santa Maria River in San Luis Obispo County are very closely connected to their counterparts in Santa Barbara County. If it moves forward, the project would likely induce the same land use conflicts and urban activities into agricultural zones in San Luis Obispo County, especially via the new Bonita School Road crossing, which would further impact agricultural resources. Furthermore, impacts to agricultural activities and lands in San Luis Obispo County would impact agribusinesses, employees, and value-added opportunities for citizens and businesses located in Santa Barbara County.

4.5 Access-Emergency Access and Farm Access

1. We share the concerns expressed regarding emergency access.
2. We would like to highlight the following irreconcilable incompatibilities between different stakeholder needs as captured in the study:
   a. "The Sheriff's Office agreed that access to the trail will be challenging for law enforcement. The Sheriff's Office could patrol the trail by car, foot, quad, or helicopter. Each mode presents challenges, however, as not all Sheriff officers are trained and certified to use quads and the nearest helicopter is based in Santa Ynez."
   b. "If fencing or barriers are installed, the Sheriff's Office will request additional emergency access points to the trail so there's redundancy. According to the Sheriff's Office, Bonita School Road would not be sufficient as the only access point to the trail if the rest of the trail is fenced." Additional access points will only further complicate the project design and facilitate trespass into adjacent farm fields. What is the legal feasibility and practicality of securing additional access locations? Furthermore, fencing is essential to limiting the movement of dogs and people into fresh produce farm fields to protect food safety and safe work environments for employees.
   c. "The Sheriff's Office currently responds to calls about trespassing in the study area because there's no public access to the area. The Sheriff's office was also concerned about the proposed hours for the trail. According to a Lieutenant, the County Sheriffs would have difficulty responding to complaints about homeless encampments along the levee trail if the trail is open 24 hours a day. If the trail is closed during certain hours, County Sheriff can respond to calls about loitering or encampments during the hours the trail is closed to the public." Inducing regular public use will complicate enforcement and compete for limited law enforcement resources. Additionally, as mentioned in response to the Commute Summary Section, limited trail hours might result in limited utility as an active transportation commuting alternative due to the typical times of departure for commuting individuals, which is a further irreconcilable incompatibility of the project.

d. "County Fire did not think the proposed trail presented challenges for fire protection. The trail is not located in a high or very high fire hazard area that is prone to wildfires." We are surprised that fires starting from riverbed encampments were not mentioned here, as there have been several instances in recent years of fires that started due to homeless activity in the riverbed and quickly spread and caused closures to Highway 101 and Highway 166. This is a danger to life and property and these public and media records are readily accessible.[7]

e. "County Fire and the Sheriff's Office both advised against building restrooms, hydration stations, or other amenities as they could unintentionally increase the homeless presence along the trail and would present maintenance issues." We vehemently oppose the proposed absence of restrooms at the proposed trailhead and along a nearly 7-mile stretch (each way) adjacent to fields growing fresh produce for human consumption. We agree that there will be issues with maintenance and vandalism, which our members already experience on a regular basis. Additionally, the City of Santa Maria has experienced vandalism and arson in its toilet facilities,[8] and we understand that there was an arson incident in the Preisker Park toilets that coincided with the most recent 2022 riverbed cleanup efforts. At the same time, the concern of human excrement contaminating fresh produce fields and soil is a greater concern and must be addressed satisfactorily. Additionally, lack of hydration stations, especially without areas of shade, could induce individuals to seek water from farms and farm facilities or exacerbate the need for emergency services if heat illness or other dehydration emergencies arise. National Parks like Yosemite and the Grand Canyon regularly experience such issues despite prolific signage regarding water requirements and the need for individual preparedness.

f. Farm access crossings across the levee must provide for the safe movement of equipment, vehicles, and people. Additionally, the crossings must also prevent people from using these points to illegally access the farms on both sides of the levee. The design must not impede movement or induce trespass onto farms or fields on either side of the levee. The crossings must be accessible to the types of field equipment pictured below:



[7] https://www.ksby.com/news/fire-watch/2019/07/24/fire-breaks-out-near-santa-maria-riverbed?msclkid=221a75c7b6a611ecbbeaee75da0a2787; https://www.ksby.com/weather/fire-watch/fire-in-santa-maria-riverbed-impacts-highway-101-traffic; https://www.ksby.com/weather/fire-watch/fire-crews-respond-to-report-of-brush-fire-near-santa-maria-river

[8] https://keyt.com/video/2021/10/11/santa-maria-rec-and-parks-department-public-restrooms-at-preisker-park-to-close-indefinitely-if-vandalism-continues/



Examples of agricultural field equipment that must be able to safely and efficiently cross the levee.

4.6 Farming Operations & Considerations

1. We appreciate the study's nuanced discussion of key issues in this section, especially surrounding the need and regulatory oversight of plant protection materials.
2. A discussion of food safety regulatory (e.g. US FDA FSMA) and market requirements (e.g. LGMA, private buyer inspections and certifications) must be included in this section (see comments on Case Studies for additional information on these requirements).
3. Information on regulations surrounding restricted materials and permitting in agriculture should be included in the feasibility study. Regulatory requirements surrounding the application of plant protection materials have changed dramatically in recent years. Buffers and application exclusion zones have now been implemented in new ways that were never requirements in the past and have only continued to expand. Currently, some products essential to crop cultivation such as strawberries have buffer zones prohibiting entry of most individuals of several hundred feet;[9] if the buffer cannot be obtained due to the introduction of the proposed levee trail and public presence, then the application cannot move forward, which could result in reduced productivity of a significant acreage of Prime and Unique agricultural lands. To provide just one limited example of a much larger issue, depending on several factors, several essential products and applications can require a buffer zone of more than 300 feet;[10] if a 300 foot buffer is extended across the 6.7 mile trail, then approximately 250 acres of Prime and Unique agricultural lands would experience a significant loss of productivity under the current use restrictions, with an associated reduction in property and business value. Agricultural lands in the Santa Maria Valley of similar productivity to those along the proposed trail are currently valued at up to $64,000+/- per acre;[11] the costs from loss of use or diminished productivity in a required buffer zone would be substantial and must be considered in assessing the proposed project's feasibility. These materials use restrictions will likely only continue to expand and are just one example of many different restrictions related to plant protection, food safety, and other operational limitations that would be incurred by proceeding with the trail extension. Furthermore, the study cannot predict the ways in which new requirements will be applied in the future. At a minimum, inducing an intensive, urban, public use in an established agricultural production area that is an industrial place of work, the proposed levee trail extension will subject current and future growers and landowners to significant uncertainty on their ability to protect plants and food safety and fulfill regulatory and market

[9] https://www.cdpr.ca.gov/docs/enforce/compend/vol_3/rstrct_mat.htm; https://www.cdpr.ca.gov/docs/enforce/compend/vol_3/append_k.pdf

[10] *Ibid*

[11] *2021 TRENDS® in Agricultural Lease & Land Values*, California Chapter of the American Society of Farm Managers and Rural Appraisers

requirements in perpetuity. Furthermore, the study itself has documented the failure of signage to deter illegal access to the proposed levee trail. Will the County assume the risk and liability of the public's failure to abide by posted signage and indemnify growers and applicators who make a reasonable effort to comply in perpetuity?

4. If the proposed trail moves forward, the agricultural restrictions imposed by the necessary buffer zones will result in a regulatory taking of private property through inverse condemnation, requiring just compensation. The cost to compensate affected landowners for the land alone will be significant, not to mention legal costs, which dramatically impacts the feasibility and cost-benefit considerations of the project. It also does not capture the direct and indirect economic impact and opportunity cost to employees, agribusinesses, and multitude of other businesses such as restaurants and service providers that are interdependent with the County's vibrant agricultural economy.
5. In our comments regarding Section 5.1, we will outline in greater detail the limitations of the trail case studies utilized and how the trails referenced are not similarly situated.
6. We agree with the concerns characterizing trespassing from domestic pets and trail users. Additionally, impacts from a food safety incident can impact our entire society, not just local farmworkers, farmers, and supporting agribusinesses. For example, a UC Davis study on *"E. coli* in the Romaine Lettuce Industry: Economic Impacts from the November 2018 Outbreak" found that "We estimate that societal losses from the Fall 2018 incident were in the range of $280 to $350 million."[12] Relevant excerpts from the study include the following:

> The net loss to society from the E. coli incident involves more than the leafy-green supply-chain participants. It also involves consumers who were unable to access romaine products during the early weeks of the incident and in the later weeks due to unfounded fears regarding product safety. Losses were also incurred by suppliers of inputs, such as labor and materials, to the industry who lost employment and sales due to the incident. We developed a methodology to estimate the societal loss from the incident based on reduced sales of romaine through the advisory period and relevant aftermath. Our estimates indicate a total social loss in the range of $280 to $350 million.
>
> Ultimately it was determined that the entire Fall 2018 E. coli incident was due to contaminated romaine emanating from a single farm. Yet it resulted in widespread unavailability of romaine product, long-lasting fears among some consumers about the safety of eating this healthy product, and significant economic losses incurred by a wide range of participants in the leafy-greens industries and beyond. The magnitude and breadth of losses from this single incident indicates the importance for the industry to adopt universal food-safety standards that can either prevent, or, at worst, sharply reduce the likelihood of such incidents occurring in the future.

7. We have consistently detailed our concerns with potential food safety issues with dogs, both in terms of direct contamination of the field with urine and feces; soil contamination; and contaminated runoff moving from the trail to fields. Other potential concerns include employee safety from off-leash dogs entering farming areas. According to the U.S. Centers for Disease Control and Prevention (CDC):

> Dogs can have many positive effects on the lives of their owners… Although dogs can be beneficial to the health and wellbeing of their owners, people should be aware that dogs of any age, including puppies, can sometimes carry harmful germs that can make people sick. Germs from dogs can cause a variety of illnesses, from minor skin infections to serious illnesses.[13]

The CDC website includes a list of 18 selected diseases which can be spread by dogs. Examples include:[14]

- *Campylobacter*

[12] https://kiesel.ucdavis.edu/Full%20Report.pdf
[13] https://www.cdc.gov/healthypets/pets/dogs.html
[14] *Ibid*

- *Cryptosporidium*
- *Giardia*
- *Leptospirosis*
- MRSA (Methicillin-Resistant *Staphylococcus aureus*)
- *Salmonella*

Additional information on the diseases, how they spread, and symptoms in humans can be found at the CDC website. It is particularly noteworthy that soil and soil infected by contaminated water can result in pathogens being potentially infectious for a much longer duration than the initial exposure or contamination, which further compounds risks to employees and consumers worldwide.

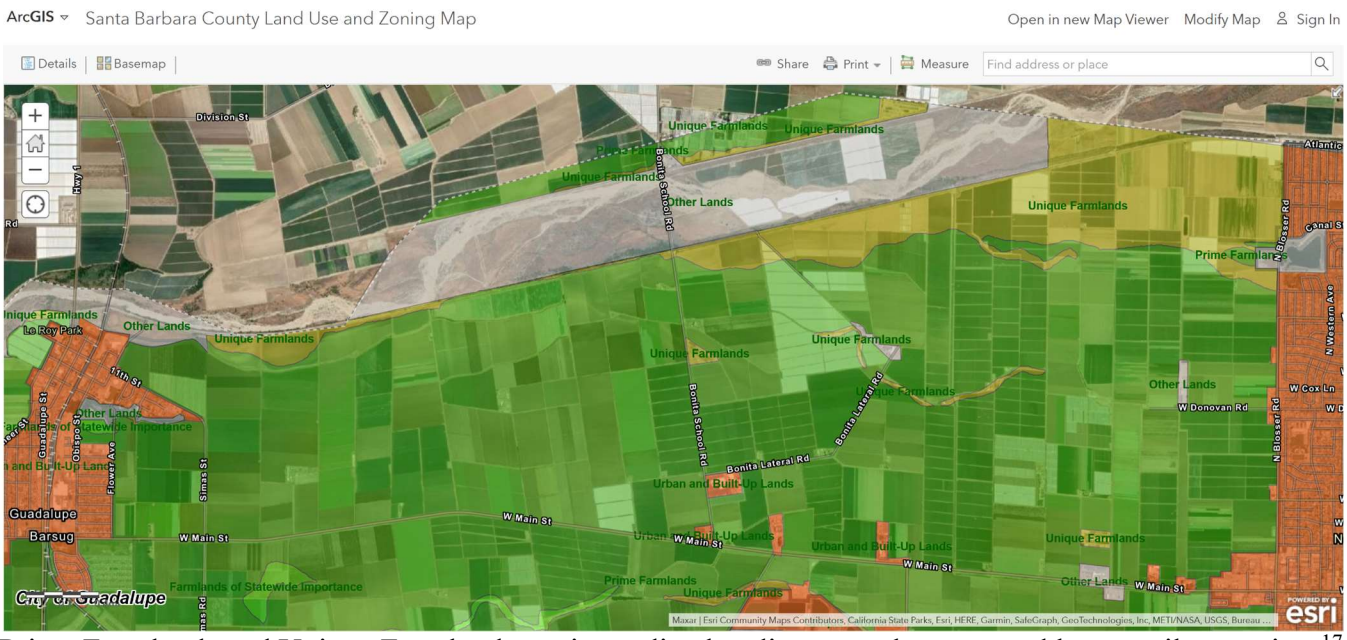
4.7 Environmental Review Process

1. The feasibility study appropriately recognizes the numerous and reasonably foreseeable land use and agricultural operations conflicts presented by the potential trail extension. These predictable land use conflicts could easily result in the conversion of Prime Farmland and Unique Farmland, most of which are currently contracted under the Agricultural Preserve Program (Williamson Act), to non-agricultural use. The study demonstrates the project may have a significant impact on the environment due to impacts to agricultural land, and thus it is clear an EIR will need to be prepared and adequate mitigation adopted. Maps showing the prevalence of both Prime and Unique Farmlands and contracted Agricultural Preserve Program lands in the study area can be found at the end of this section.
2. In a broader sense, one could argue that some 10,000 acres of Prime and Unique Farmlands in both Santa Barbara and San Luis Obispo Counties could be influenced or impacted by the proposed levee extension due to induction of people, dogs, trash, feces, and direct and water-borne soil microbial contamination into farm fields.[15]
3. Potentially significant impacts of the project that require an EIR include but are not limited to the following:
   a. Aesthetics. "Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area."
   b. Agriculture. "Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use."
   c. Agriculture. "Conflict with existing zoning for agricultural use, or a Williamson Act contract."
   d. Agriculture. "Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use."
   e. Hydrology and Water Quality. "Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces…"
   f. Land Use and Planning. "Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect."
   g. Public Services. "Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: …Fire Protection. Police Protection. Other public facilities."

[15] Conservative, approximately estimated acreage roughly south of Division Rd, north of Main Street, west of Blosser Rd and east of Flower Ave/Hwy 1.

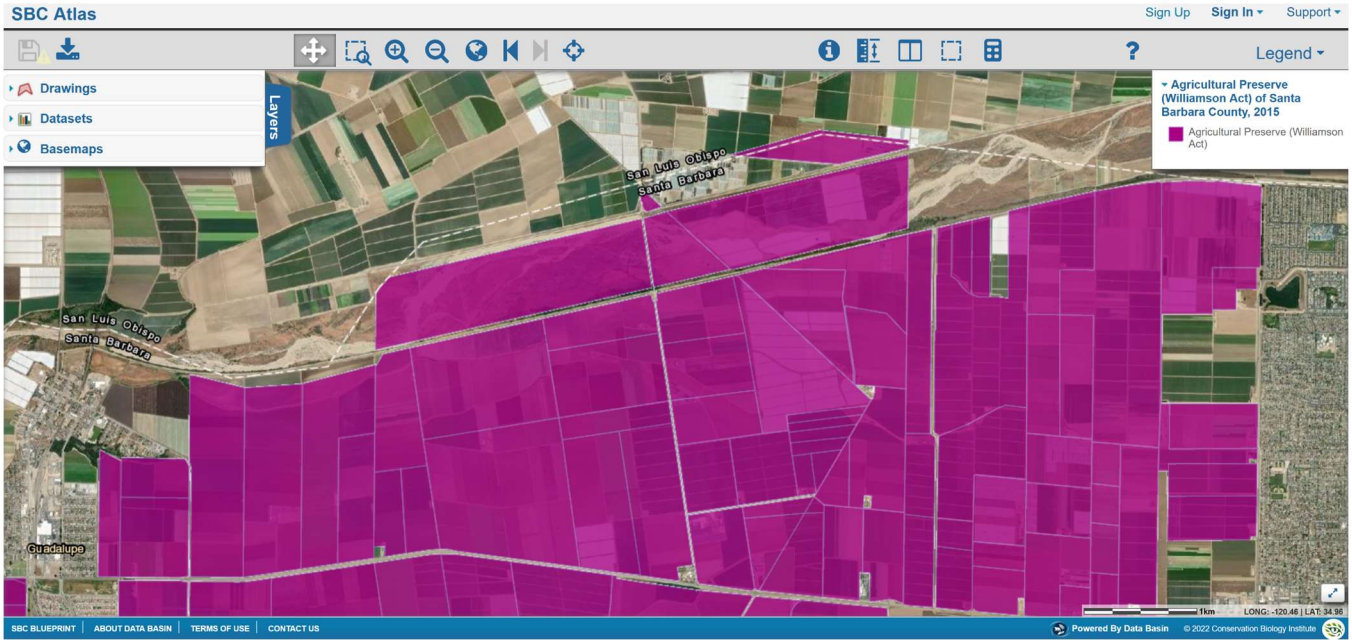
h. Recreation. "Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?"
i. Transportation. "Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)."
j. Transportation. "Result in inadequate emergency access."
k. Wildfire. "Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire."
l. Mandatory Findings of Significance. "Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?"[16]

4. The photo at the end of this section "View of the trail looking at surrounding farmland" is further documentation of the illegal trespass already occurring through crossing locked, closed gates; fences; and signage.



Prime Farmlands and Unique Farmlands are immediately adjacent to the proposed levee trail extension.[17]

[16] http://califaep.org/docs/2019-Appendix_G_Checklist.pdf
[17] https://santabarbaracounty.ca.gov/plndev/maps/zoning.sbc Important Farmland (2018), CA Department of Conservation



Agricultural Preserve (Williamson Act) contracted parcels immediately adjacent to the proposed levee trail extension, 2015[18]



Feasibility Study page 44 "View of the trail looking at surrounding farmland" which also documents illegal trespass through locked gates and signage. See below for actual gates and signage.

[18] https://sbcblueprint.databasin.org/datasets/293bb2006edc4c8986d6b564d4502527/



Locked, closed gate and signage

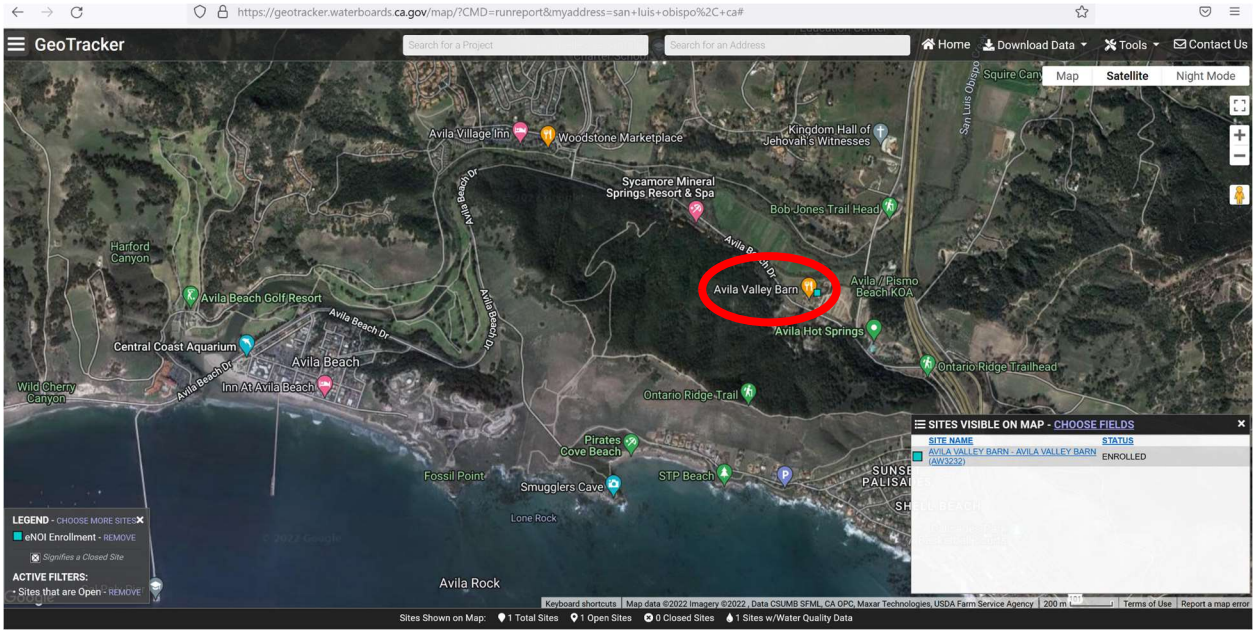
Chapter 5

5.1 Case Studies

In the following section we will detail the reasons why the case studies included in the study are not similarly situated to, or representative of, the contemplated levee extension's unique facts and circumstances. We are not currently aware of successful case studies of active trails and recreation immediately adjacent to fresh produce cultivation for the reasons that we have outlined throughout this letter.

5.1 Case Studies-Bob Jones Bike Trail, San Luis Obispo, CA

It is a stretch to describe the Bob Jones Bike Trail as being "adjacent to agriculture." The Central Coast Regional Water Quality Control Board (Water Board) regulates discharges from irrigated agricultural lands under the Irrigated Lands Regulatory Program (ILRP) or Ag Order. The Ag Order applies to owners and operators of irrigated land used for commercial crop production. According to the Water Board GeoTracker website, the only farm enrolled in the Irrigated Lands Regulatory Program between the Ontario Rd parking area and Avila Beach is Avila Valley Barn. The trail is across San Luis Obispo Creek from Avila Valley Barn and at a distance of approximately 150 to 200+ feet to the trail.



In terms of the bike lanes on roads between the Octagon Barn and the Ontario Rd parking area, there are zero enrolled Irrigated Lands sites along Ontario Rd. Along S Higuera Rd, there are only two sites enrolled, both of which are separated from the road by San Luis Obispo Creek and have a separation of at least 100 to 200 feet.

Additionally, one difference is that San Luis Obispo Creek tends to have flows while the Santa Maria River is generally dry. One similarity is the extensive challenge related to homelessness along the trail, which has been well documented by the media and is a recurring challenge.

5.1 Case Studies-Two Rivers Trail, Sacramento, CA

It appears that the feasibility study is referencing the Two Rivers Trail-Phase II, which appears to still be in the design phase.[19] Therefore, it is inappropriate to look to the success of a project as a case study as an existing trail which has not yet been constructed. Notably, the City of Sacramento's project website does state the following:

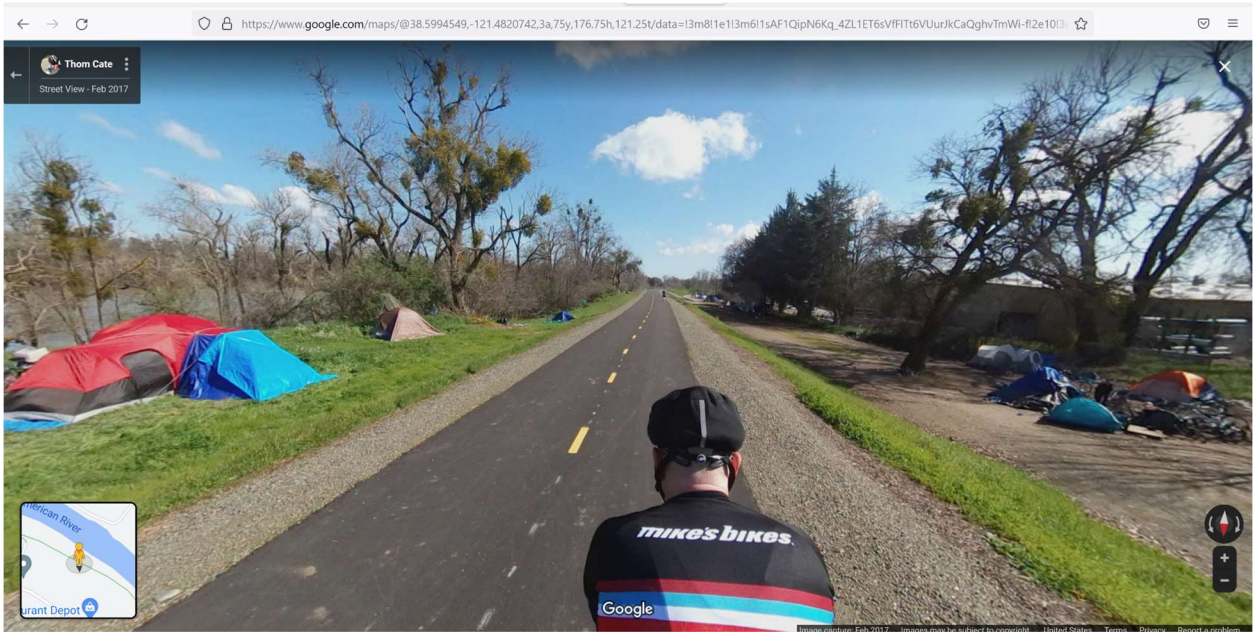
> The City has prepared and circulated an initial study-mitigated negative declaration for the trail project. After receiving and evaluating comments, the City has determined that it is appropriate to upgrade the level of environmental document to an Environmental Impact Report (EIR).[20]

The following comments pertain to the existing Two Rivers Trail. The Two Rivers Trail is not adjacent to agriculture. Additionally, the American River has regular flow, unlike the Santa Maria River. Furthermore, we question the effectiveness of the "crime prevention through environmental design." According to the LexisNexis Crime Map, https://communitycrimemap.com/, as of 3/29/2022 in the past year in Jiboom Park there was 1 case of aggravated assault, 2 thefts, 1 motor vehicle theft, 1 arson, and 1 burglary-commercial. Crime reported in the past year at the Two Rivers Bike Trail and 10th Street include arson, motor vehicle theft, and robbery-individual. This is in addition to a separate case of arson west of the location.

[19] https://www.cityofsacramento.org/Public-Works/Engineering-Services/Projects/Current-Projects/Two-Rivers-Trail-Phase-II

[20] *Ibid*

Additionally, photos from Google Maps Street View/Photo Sphere document extensive encampments in the area.



5.1 Case Studies-Agri-Tourism in the Sacramento Delta

We were unable to find extensive information on the Sacramento River Delta Grown Agri-Tourism Association referenced in the study due to the following:

http://sacriverdeltagrown.org › ...

Home - Sacramento River Delta Farms and Wineries

The Sacramento River Delta Grown Agri-Tourism Association is unfortunately dormant at this time. Please contact farms and wineries directly for updates.

However, from the limited information available it would appear that many of the participants make processed wine or cider. We are also unclear if the growers would be subject to the U.S. Food & Drug Administration (FDA) Food Safety Modernization Act (FSMA) and what type of crops are grown. We are further unclear if there is a bicycle trail component, as that information was not readily available, or if the "trail" is actually intended to be used as a vehicle driving tour, which seems to be the case from cached Google imagery (see following).



Cached Google image for Sacramento River Delta Grown "Trail" Map: "Look for this sign as you **drive** along…" (emphasis added)[21]

5.1 Case Studies-San Pasqual Valley Agricultural Preserve Trail

We understand from our members who have firsthand experience riding the trail that the agriculture near the San Pasqual Valley Agricultural Preserve Trail is not similarly situated to agriculture near the proposed Santa Maria levee trail extension.

More specifically, we understand that crop types grown include agritourism opportunities and hay crops, rather than commercially-focused fresh produce sales. Furthermore, the study states that crop types in the

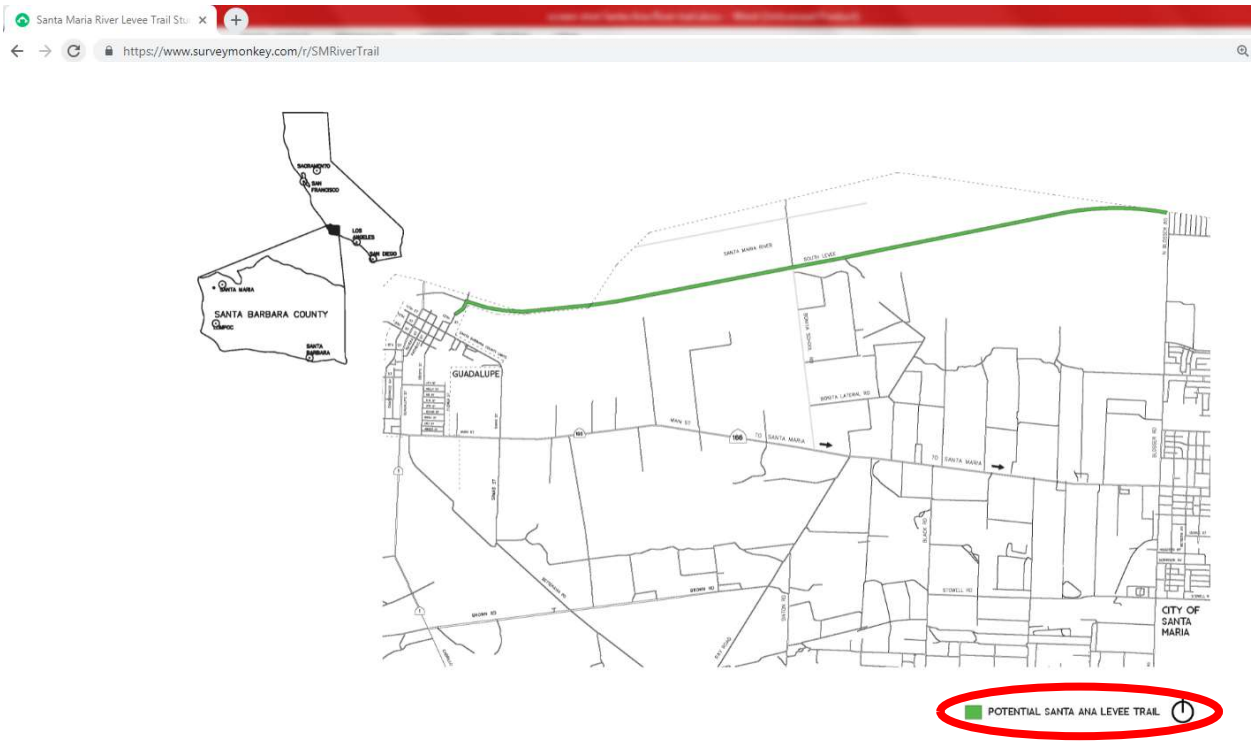
[21] https://imgv2-2-f.scribdassets.com/img/document/249883379/original/1c2485aaa7/1587408002?v=1

area include "asparagus, gourd, squash, and oranges." Notably, these growers might not be subject to the same stringent food safety standards under the U.S. FDA's Food Safety Modernization Act (FSMA) for several reasons. First, "produce that is rarely consumed raw" is not covered by the US FDA FSMA Produce Safety Rule; crop types on this list include asparagus and winter squash.[22] Additionally, depending on the sales and direct to consumer sales of a particular farm, the farm or product might not be covered under the rule or could qualify for a qualified exemption.[23] Most, if not all, of the farms adjacent to the proposed Santa Maria levee trail extension almost certainly are subject to the US FDA FSMA Produce Safety Rule, unlike the farmers in the San Pasqual Valley, due to crop types grown and sales characteristics, so the two are not actually comparable facts and circumstances. Additionally, the shorter ag-trail interface (2.75 miles for San Pasqual one way versus 6.7 miles for the proposed Santa Maria extension) and lower intensity of crop types grown are further differences that do not make for an even comparison.

5.1 Case Studies-Santa Ana River Trail

One case study that would be relevant to include is the Santa Ana River Trail. Although the location is in a more dense urban environment, similarities include the homeless encampment presence, connecting two urban areas (Santa Ana and Orange), and intermittent flows of the river.

Whether intentional or not, the online survey for the Santa Maria River Trail actually mistakenly listed the Santa Maria Levee Trail extension as the Santa Ana Levee Trail:



Additional evidence relevant to the Santa Maria levee trail extension feasibility study includes the following 2018 broadcast from CBS Los Angeles:

https://www.youtube.com/watch?v=nH0OPG-RaJ0

[22] https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-112/subpart-A/section-112.2
[23] https://www.fda.gov/media/94332/download

The broadcast echoes the following 2022 KSBY article on the existing Tom Urbanske Multipurpose Trail in Santa Maria:

https://www.ksby.com/news/local-news/homeless-encampments-are-growing-in-the-santa-maria-riverbed

For these reasons, the Santa Ana Levee Trail would be appropriate to include as a case study demonstrating the challenges with the contemplated project and limitations of use based on real-world challenges to management.

5.1 Case Studies-Santa Barbara County

We have also recently heard descriptions of dramatic conflicts between agriculture and bike paths in Santa Barbara County that would be worth additional investigation. These include the City of Santa Maria Class I Bike Path on the east side of the Santa Maria Airport Property parallel to Broadway/Hwy 135 between Foster Rd and Lakeview Rd as well as the Franklin Trail in Carpinteria.

5.2 Amenities Toolkit

Our concerns about broader land use compatibility and legal issues remain and are in no way lessened by the following specific comments on the proposed design elements:

1. Surface Treatments. If the purpose of the trail is to realistically provide a bicycle commuting route, then a smooth asphalt or concrete surface would likely be necessary. We raise the question of how a surface like asphalt or concrete would impact flows off the levee into the surrounding farm fields or potentially impact the integrity of the levee, especially during higher-intensity rain events.
2. Signage and Wayfinding. Mile markers for emergency response and no trespass signs are absolutely necessary. However, there has been substantial evidence, including in the feasibility study, that current signage is not effective in deterring illegal trespass or criminal activity or prompting compliance with leash laws for dogs.
3. Guardrails. The guardrails on the existing levee trail are consistently bypassed.
4. Fencing.
    a. Option 2 “No fencing is proposed as dog and pedestrian control will be accomplished by the hog wire guardrail” is completely unrealistic and an unacceptable personal safety and food safety risk. Although not specified in this section, the artistic rendering of Option 2 shows a waist-heigh hog wire fence. The low height of the framed hog wire and solid fence top make it easy to climb and bypass. Additionally, the material is subject to vandalism and breakage, allowing dogs and trespass into farm fields.
    b. Although we do not believe it will be successful, a chain link fence or welded wire fence with a minimum height of 8 feet would offer more protection than some of the other, completely unacceptable design alternatives. The addition of vinyl paneling would help to reduce trash blowing into fields and deter climbing. Additional physical deterrents to climbing should be incorporated. Furthermore, regular inspection, repairs, and maintenance must be included to address vandalism and wear.
    c. Adequate fencing must be placed on both sides of the levee (north and south) where there is active farming.
5. Furnishings. Trash receptacles and dog waste stations must be included to reduce impacts to adjacent areas. Benches might encourage illegal overnight stays or other illegal activities, and if included, should be designed to deter such uses. The trash and dog waste stations must be regularly serviced and maintained. Additionally, trash and waste stations must be designed to prevent trash being blown

out by wind and prevent rodents or other pests from accessing waste, infesting the area, or removing trash out of trash receptacles.

6. Staging Areas/Entry Nodes. To help deter human urination and defecation on the levee top or in adjacent farm fields and contaminated runoff into fields and watersheds, toilets must be included at each entry/exit point (three locations) at a minimum. Omitting toilet services would be a further incompatibility with food safety for nearby fresh produce cultivation. The staging areas and parking must be able to restrict access during agricultural and levee operational closures and prevent movement into nearby agricultural fields.
7. Lighting. The hours of operation for the trail must absolutely be limited to allow for law enforcement activities.
8. Security. Patrolling and fencing are two of the most important features for safety. Sporadic cameras will result in blind spots that will be easily known to perpetrators. Images captured from cameras are only useful if individuals are swiftly apprehended and prosecuted, which has not consistently been the case, especially in recent years. More important than a few cameras and call boxes is the question of how will the area be patrolled and rules consistently enforced? What additional burden will the trail place on the Sheriff and nearby farmers and farm employees? What is the opportunity cost to community safety of directing resources towards these enforcement priorities instead of other community needs? What is the legality of drones being used to monitor the area? Will potentially ambiguous jurisdictional issues result in inaction or slowed response to calls for service?
9. Bike parking and placemaking features might be a better fit and more efficient use of finite financial resources for other projects and locations in the County.

5.3 Suggested Trail Design

We agree with the need for proper design, maintenance, and patrol of the proposed extension. In these comments we have pointed out several significant, irreconcilable incompatibilities, including conflicting recommendations from different stakeholders, especially regarding fencing and toilet facilities. Please see previous comments on specific design elements for additional details.

The narrative description in this section regarding chain link fencing could be clarified to be more consistent with the artistic rendering of Option 1. We concur with the description of challenges with fencing included in this section. We will once again raise the need for adequate fencing on both sides of the levee where there is active agricultural production.

As discussed previously, the suggested security measures are inadequate and the focus should instead be on an appropriate location for a trail, appropriate design, and adequate patrolling and enforcement.

Although we agree with law enforcement's concerns about homelessness and vandalism of toilets, restroom facilities are an absolutely essential component should the project move forward. The presence of human urine and feces is both unpleasant and unsanitary for users and nearby lands and also constitutes a significant food safety risk. We also previously called into question the effectiveness of crime prevention through environmental design.

We agree with limited hours of trail operation, although the feasibility study should recognize that this will further limit the viability of the proposed levee extension serving as an active transportation route. Additionally, since almost all County day-use parks and open spaces do not open until 8:00 am and close at sunset,[24] the same hours of operation should be applied to the contemplated levee trail extension. These hours would necessarily limit the trail's utility as an active transportation corridor, given the typical commute patterns noted in the comments regarding the Commute Summary above.

[24] https://countyofsb.org/parks/hours.sbc; Jalama Beach and Cachuma have differing hours of operation.

5.4 Summary of Findings, 5.5 Design Concerns and Solutions
As we have mentioned previously, the estimated costs do not include many important items, such as planning and permitting expenses, including the cost of inverse condemnation and mitigation of significant impacts to agricultural lands; toilets; and levee crossings. Comments specific to the proposed design elements that were selected and omitted can be found above.

As discussed throughout these comments, the current level of detail in the study fails to address several major components and irreconcilable differences and has not been satisfied in a way that decision-makers can make an informed assessment of the feasibility and opportunity cost of proceeding.

6.1 List of Grants, 6.2 Next Steps
We would like to restate our support for recreation and active transportation projects that benefit our community and prevent predictable land use conflicts and conflicts with agricultural operations. As we have previously commented on the Recreation Master Plan, we encourage the County to maximize benefits to the community by focusing efforts on needed services and feasible projects that are consistent with County policies, compatible with surrounding land uses, protective of food safety and public safety, and that can be implemented without significant impediments and opposition.

We also restate the consistent confusion about the true nature and intention of the project and whether it is truly an active transportation project or a recreational project.

Thank you for your attention to these comments and response through significant revisions to the draft prior to docketing the agenda item for Board of Supervisors consideration.

Sincerely,

Claire Wineman

Claire Wineman
President

Attachment A: Letter re. "Countywide Recreation Master Plan/Santa Maria Levee Trail Extension" dated January 26, 2022

cc: Rachel Van Mullem, County Counsel
Rvanmull@co.santa-barbara.ca.us

Scott McGolpin, Public Works Director
mcgolpin@cosbpw.net

Chris Sneddon, Deputy Director, Transportation Division
csneddo@countyofsb.org

Walter Rubalcava, Deputy Director, Water Resources
wrubalc@countyofsb.org

ATTACHMENT A

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

January 26, 2022

Via Electronic Mail Only

Jeff Lindgren, Parks Superintendent
Santa Barbara County Community Services
Department – Parks Division
jlindgren@co.santa-barbara.ca.us

Re: Countywide Recreation Master Plan/Santa Maria River Levee Trail Extension

Dear Mr. Lindgren:

This firm represents the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties,[1] whose members include landowners and agricultural operators along the Santa Maria River Levee in Santa Barbara County (County). The following comments regarding the Countywide Recreation Master Plan (Recreation Master Plan) and the proposed Santa Maria River Levee Trail Extension (Levee Trail Extension Project) are submitted on behalf of the Association and its members, as well as other interested non-member growers and landowners who would be impacted by the Extension Project in both Santa Barbara and San Luis Obispo Counties (collectively, the "Association").

The Association understands that the Board of Supervisors at its February 1, 2022 meeting may be asked to take some action on the Recreation Master Plan. The Association strongly supports the County's efforts to improve recreational opportunities throughout the County. However, such efforts must respect and not conflict with existing agricultural operations and primary County policies for the protection of agriculture. Association members have been active participants as stakeholders in the County Department of Public Works Transportation Division's efforts to study the Levee Trail Extension Project for the recreational trail along the Santa Maria River Levee from Santa Maria to Guadalupe. As articulated in the Levee Trail Extension Project stakeholder process, and discussed further

[1] Association members include over 170 growers, shippers, farm labor contractors, and supporting agribusinesses who grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit.

herein, the Levee Trail Extension Project presents a unique set of environmental, economic, and legal challenges that require further detailed study and consideration. The complexity of the Levee Trail Extension Project should not impede efforts to proceed with the Recreation Master Plan, and the County's efforts to evaluate the Levee Trail Extension Project should remain separate from the Recreation Master Plan process.

I. The Levee Trail Extension Project Threatens Numerous Land Use Conflicts and Impacts to Agricultural Lands and Operations

Association members own property along and immediately adjacent to the proposed Santa Maria River Levee Trail Extension corridor that is under active cultivation for high value crops. Association members also hold easements for access across the Santa Maria River Levee to support their ongoing agricultural operations. The Association and its agricultural operators and landowners members have been actively engaged in the stakeholder process to educate County staff and consultants about the Levee Trail Extension Project's predictable land use conflicts and implementation constraints.

Association farmers are committed to the increasingly challenging task of growing safe, healthy produce to feed families locally and around the world. The Levee Trail Extension Project stakeholder process identified numerous conflicts and impacts to agricultural operations from the existing western end of the Santa Maria River levee trail at Blosser Road in Santa Maria, which has a history of vandalism, trash, homelessness, off-leash dogs, and off-trail humans on both sides of the levee. Extension of the trail through agricultural areas thus presents substantial food safety and other liability concerns resulting from dogs and people traveling off the trail. For example, the federal Food and Drug Administration's Food Safety Modernization Act Standards for Produce Safety Rule includes provisions related to domestic animal intrusion. Similarly, California's Leafy Greens Marketing Agreement requires 100 percent compliance and also outlines the food safety risk from encroachment by animals and urban settings.

The Levee Trail Extension Project stakeholder process identified significant impacts to crops, agricultural operations, food safety, and public safety, including impacts that could lead to the permanent conversion of agricultural lands. Because of these significant impacts, any approvals associated with the Project (including state or local agency grant funding, and license agreements by the County Flood Control & Water Conservation District) will require preparation of a project-specific environmental impact report (EIR) under the California Environmental Quality Act (CEQA). Approvals by the U.S Army Corps of Engineers, and any federal funding for the Levee Trail Extension Project, will require preparation of an environmental impact statement under the National Environmental Policy Act.

The Association urges thoughtful land use planning to prevent predictable land use conflicts. This includes transportation corridors and recreation locations that are compatible with surrounding land uses and protective of food safety and public safety. The existing levee trail follows the footprint of the City of Santa Maria and borders urban and residential uses, which is compatible with a trail. The contemplated Levee Trail Extension Project presents unique and complex facts and circumstances and we urge the Board to further consider the land use planning implications and avoid conflicts.

II. The Levee Trail Extension Project Is Inconsistent with County General Plan Goals and Policies Protecting Agriculture

As recognized by the California Supreme Court, the County's General Plan is the "constitution for all future development." (*Lesher Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.) Indeed, the general plan is the County's single most important planning document. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 570-71.) The Recreation Master Plan must be consistent with the County General Plan. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.) The County's success as one of the most productive agricultural areas in the world is due in no small part to the protections afforded by the County General Plan. The General Plan Agricultural Element acknowledges that "agriculture is a significant and important resource within Santa Barbara County; therefore, the Element has been created to enhance and protect that resource." (General Plan Agricultural Element, p. 13) Further "plan and policies recognize the likelihood that conflicts from trails through agricultural lands can have on agricultural viability and lead to the foreseeable conversion of agricultural lands." (See General Plan Agricultural Element, p. 26.)

County General Plan goals and policies are specifically designed to protect agricultural uses from the types of impacts threatened by the Levee Trail Extension Project. Some of the key General Plan Agricultural Element Goals and Policies relevant to the Levee Trail Extension Project are identified in Exhibit A. Association members have invested in their property and operations along the Santa Maria River Levee in reasonable reliance on the County's continued adherence to its General Plan policies. Due to the numerous land use conflicts, the Levee Trail Extension Project threatens the viability of continued agricultural operations along the nearly 7-mile-long proposed trail extension. Inducing high-intensity public use would be a major impact on agricultural producers in perpetuity, and that impact is certain to increase as production restrictions on agriculturalists expand. Because the Recreation Master Plan must be consistent with the County General Plan, the Levee Trail Extension Project should not be included in the Recreation Master Plan.

III. Levee Trail Extension Project Impacts Will Create Potential Damages and Nuisance Liability for the County, Requiring Adequate Compensation to Affected Property Owners and Agricultural Operators

As recognized in the Levee Trail Extension Project stakeholder process, and in the experience of other similar recreation trails immediately adjacent to cultivated agriculture, the Levee Trail Extension Project likely will result in substantial property damage from trespass by humans and dogs, as well as interference with the landowners' easement rights for access over the levee. Property owners will be entitled to just compensation if their property is damaged by the proposed public use. Project cost estimates will need to account for the County's costs to compensate Property owners for damages, including from inverse condemnation and nuisance. The Association urges the County to focus both its transportation and recreation planning resources on projects that can be accomplished with fewer impacts, at less cost, and without the Levee Trail Extension Project's legal and financial impediments.

IV. Conclusion

The Levee Trail Extension Project stakeholder process has been conducted through the County Department of Public Works Transportation Division and the project has consistently been characterized as a transportation project with recreational benefits, both for planning and funding purposes. Due to the numerous outstanding legal and practical issues with the Levee Trail Extension Project, and project-specific impacts, it would not be appropriate to include the Levee Trail Extension Project in the Recreation Master Plan and Programmatic EIR. The Association respectfully requests that any further efforts related to the Levee Trail Extension Project be considered separate from the Recreation Master Plan. For these reasons and more, the Recreation Master Plan should focus on achievable projects that are compatible with surrounding land uses and protective of food safety and public safety and that can be readily implemented, without the significant environmental and economic impacts and legal impediments of the Levee Trail Extension Project.

Thank you for considering these comments. Please include the Association and this firm on any notice lists for the Recreation Master Plan and Levee Trail Extension projects, including all CEQA notices pursuant to Public Resources Code section 21092.2(a). Please mail notices to my attention at the address on this letterhead, and also email all notices to ktaber@somachlaw.com and claire.wineman@grower-shipper.com. If you have questions

about these comments, please do not hesitate to contact me at (916) 469-3841 or Claire Wineman at (805) 343-2215 to discuss this letter further.

Sincerely,

Kelley M. Taber
Attorney

Exhibit A: County General Plan Agricultural Element Goals and Policies

cc: The Honorable Joan Hartmann, Chair, Santa Barbara County Board of Supervisors
jhartmann@countyofsb.org

The Honorable Das Williams, Vice Chair, Santa Barbara County Board of Supervisors
dwilliams@countyofsb.org

The Honorable Gregg Hart, Supervisor
ghart@countyofsb.org

The Honorable Bob Nelson, Supervisor
bob.nelson@countyofsb.org;

The Honorable Steve Lavagnino, Supervisor
steve.lavagnino@countyofsb.org

Rachel Van Mullem, County Counsel
Rvanmull@co.santa-barbara.ca.us

Chris Sneddon, Deputy Director, Transportation Division
csneddon@co.santa-barbara.ca.us

Mark Friedlander, Project Manager, Santa Maria River Levee Trail
mfriedlander@co-santa-barbara.ca.us

KMT:mb

EXHIBIT A

Exhibit A
Santa Barbara County General Plan
Goals and Policies Relevant to
Santa Maria River Levee Trail Extension
(non exclusive list)

AGRICULTURAL ELEMENT

GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara Country. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

Policy I.A. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances:

   a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel;

Policy I.F. The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.

GOAL II. Agricultural lands shall be protected from adverse urban influence.

Policy II.B: Santa Barbara County shall recognize, and give high priority to, the need for protection from trespass, thievery, vandalism, roaming dogs, etc., on all agricultural lands.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 9, 2024

Kalani Durham
Santa Barbara County Public Works
123 East Anapamu Street
Santa Barbara, CA 93101
SMRLT@countyofsb.org

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SANTA MARIA RIVER LEVEE TRAIL PROJECT, SCH NO. 2024080368, UNICORPERATED SANTA BARBARA COUNTY, CA

Dear Kalani Durham:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the County of Santa Barbara (County; Lead Agency) for the Santa Maria River Levee Trail Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW may also act as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: County of Santa Barbara

Objective: The objective of the Project is to implement design improvements to a 6.7-mile-long segment of the existing 17-mile levee of the Santa Maria River Levee System. Currently, the levee trail system connects the City of Santa Maria to the City of Guadalupe. The Project proposes an alternate connection at the Guadalupe access point which would connect 12th Street to State Route 1 by extending the trail underneath the existing railroad crossing. The alternate connection would increase accessibility for pedestrians and bicyclists compared to the alternate State Route 166 which is heavily used by automotive vehicles. There is also consideration for a crossing point at Bonita School Road and a connection to a new bridge to be constructed over the river to improve public access to the trail system.

Location: The Project area is a 6.7-mile-long segment and 16.3 acres entirely within an unincorporated area of the County of Santa Barbara. The Project area is south of the Santa Maria River which creates a border between San Luis Obispo County in the north and Santa Barbara County in the south. State Route 1 and the City of Guadalupe is west of the Project area and the maintained portion of the levee trail is in the northern limits of the City of Santa Maria on North Blosser Road.

Biological Setting: The levee is about 16-18 ft wide, flat graded, and consists of mostly loose gravel along the south side of the Santa Maria River. The Project area is bisected by Bonita School Road which connects the two counties via a north-south oriented bridge. The Project area lies on multiple parcels that are owned by private landowners or by Santa Barbara County. The proposed trail has an ending point at North Blosser Road in Santa Maria and Peralta Road in Guadalupe.

The area south of the Project area lies active and historical agricultural land. The north area is primarily grasslands with herbaceous features near the river and levee trail. Based on aerial imagery, the Guadalupe end point on the western side of the project

[2] "Take" is defined in Section 86 of the Fish and Game Code as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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consists of open, unpaved lots that hold freight vehicles. The alternate connection through 12th St in Guadalupe includes railroad tracks parallel to State Route 1. The eastern end on North Blosser Road in Santa Maria is residential land. CDFW is concerned that the Project may impact the following special-species wildlife species: blushing layia (*Layia erubescens;* California Rare Plant Rank (CRPR) 1B.2), Crotch's bumble bee (Bombus crotchii; CESA candidate species), La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*; CESA listed-threatened, Endangered Species Act (ESA) listed-endangered, CRPR 1B.1), Nipomo Mesa ceanothus (*Ceanothus impressus* var. *nipmensis;* CRPR 1B.2), Monarch – California overwintering population (*Danaus plexippus plexippus*; ESA candidate species), California red-legged frog (*Rana draytonii*; ESA listed-threatened, California Species of Special Concern (SSC)), western spadefoot (*Spea hammondii*; ESA proposed threatened, SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), western pond turtle (*Emys marmorata*; ESA proposed threatened, SSC), Swainson's hawk (*Buteo swainsoni*; CESA listed-threatened), and nesting birds. No mitigation is proposed in the NOP for this Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

1) Swainson's Hawk. A Swainson's hawk historical observation was recorded through California Natural Diversity Database (CNDDB) on the western portion of the Project area in the City of Guadalupe. To ensure that Swainson's hawk does not currently occupy the Project area, CDFW recommends that the County retain a qualified biologist to conduct focused surveys for Swainson's hawk. The focused surveys should be conducted prior to the preparation of the Project's environmental document. According to the Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (CEC 2010), a qualified biologist should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and the nest/chicks via visual and audible cues within a five-mile radius of the project. All potential nest trees within the five-mile radius shall be surveyed for presence of nests. Surveys should be repeated within the 5- mile radius if a survey season ensues or elapses before the onset of project related activities. If construction begins mid-survey season the year after the initial surveys, then the surveys should continue for that part of the season before construction. Findings and potential impacts should be included in the DEIR. If the Project would impact Swainson's hawk, directly or indirectly, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Swainson's hawk as well as habitat supporting the species.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

If "take" of Swainson's hawk would occur from Project construction or operation, the Project proponent should obtain CESA authorization (i.e., Incidental Take Permit (ITP)). CDFW may consider the City's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

2) Crotch's Bumble Bee. Crotch's bumble bee is a generalist bee species that can utilize a variety of habitats including open areas and desert scrub communities for nesting and foraging opportunities. According to CNDDB, Crotch's bumble bee has been observed within two miles of the Project area (CDFW 2024a). Additionally, the Project area falls within the current range for Crotch's bumble bee based on CDFW's Crotch's Bumble Bee Range Dataset (CDFW 2024b). Focused surveys should be conducted to determine Crotch's bumble bee presence/absence within the Project area. Without a focused survey, Project activities could result in permanent loss of floral resources and nesting sites, nest abandonment, and/or direct injury or mortality of Crotch's bumble bee.

   In preparation of the DEIR, CDFW recommends the County retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys should follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys should also be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Findings from the focused survey should be included in the DEIR for complete public disclosure and review.

   The DEIR should also provide a discussion of habitat suitability for Crotch's bumble bee. Additionally, the DEIR should provide a discussion of the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project would impact Crotch's bumble bee, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. Coordination with CDFW is recommended and may include obtaining appropriate take authorization under CESA.

   Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.

3) California Red-legged Frog. California red-legged frog (CRF) had multiple observations through CNDDB less than a mile from the Project area. Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia. In preparation of the DEIR, CDFW recommends that the County thoroughly discuss the potential impacts. To ensure that CRF do not currently occupy the Project area, CDFW recommends that the County retain a qualified biologist to conduct focused surveys for CRF. The focused surveys should be conducted prior to the preparation of the Project's environmental document. A qualified biologist should survey CRF adhering to survey methods described in Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog (CDFW 2005). Surveys may begin anytime during January and should be completed by the end of September. Multiple survey visits conducted throughout the survey-year (January through September) increase the likelihood of detecting the various life stages of the CRF. The County should also incorporate suitable mitigation measures to offset the impacts on sensitive amphibian species and their habitats.

4) Rare Plants. According to CNDDB, blushing laiya, La Graciosa thistle, and Nipomo Mesa ceanothus were observed less than two miles from the Project area and is presumed extant. Project activities, such as landscaping, vegetation removal, and the implementation of staging areas, may have impacts to plant species with a CRPR 1B.1 and 1B.2 and should be analyzed in the DEIR as they meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). CDFW recommends that the County provides full disclosure of the Project's impact on rare plants and their associated seedbank. CDFW also recommends the County incorporate measures in the DEIR that avoid, minimize, and mitigate potential impacts on rare plants and supporting habitat. The County should also retain a qualified biologist with the appropriate handling permits to conduct a rare plant survey throughout the Project area to confirm presence/absence of rare plants. Surveys should adhere to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Findings of the rare plant survey should be disclosed in the DEIR.

5) Lake and Streambed Alteration. Project activities, such as grading, may occur within the Santa Maria River when constructing a new bridge over the river at Bonita School Road. Manipulation of the levee may also be subject to a Lake and Streambed Agreement if it occurs during Project activities. CDFW recommends the County obtain a Lake and Streambed Alteration Agreement prior to the start of Project activities. The DEIR should discuss any impacts associated with potential construction of a bridge across the river, manipulation of the levee, erosion, impacts to channelized drainages, and alterations to existing drainage patterns. The DEIR

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

should discuss the Project's impact on the streams, include a stream delineation and evaluation of impacts.

CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which include rivers, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project proponent (or "entity") must notify CDFW. Accordingly, because the Project would impact streams, the DEIR should include measures that require the Project proponent to notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2024c).

6) Monarchs. Monarchs have been historically documented along the eastern segment of the Project area. This area also serves as part of CDFW's Monarch Areas on Conservation Emphasis (CDFW 2024d) in the Terrestrial Significant Habitats dataset (CDFW 2020). Tree trimming and vegetation removal may directly impact any monarch butterflies overwintering in the Project area. Additionally, noise from construction activities may disturb overwintering roosts. The DEIR should evaluate the Project's potential direct, indirect, and cumulative impacts on monarchs and overwintering habitat during the construction and operational phase of the Project.

   CDFW recommends the County retain a qualified biologist to assess the Project area for monarchs and overwintering habitat. A qualified biologist should conduct multiple surveys for overwintering monarchs where potential overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season (typically September 15 through March 11) to capture changing distributions through the season and in response to storm events. Findings should be incorporated in the DEIR for public review.

   If the Project would have impacts on monarchs, the DEIR should include measures to first avoid and minimize impacts on monarchs and overwintering habitat. If the Project would result in loss of overwintering habitat, CDFW recommends the County provide compensatory mitigation so that there is no net loss of overwintering habitat. Mitigation for monarchs should be developed in consultation with USFWS. CDFW recommends the County also consult the following resources to develop appropriate measures to mitigate the Project's potential impacts on monarchs.

   - Western Monarch Butterfly Conservation Plan (WAFWA 2019);
   - Overwintering Site Management and Protection (Western Monarch Count 2022);
   - Protecting California's Butterfly Groves (Xerces Society 2017);
   - Managing Monarch Habitat in the West (Xerces Society 2024a);

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

- Pollinator-Friendly Native Plant Lists (Xerces Society 2024b); and,
- CDFW's Monarch Butterfly webpage (CDFW 2024e).

Given the candidate listing under the ESA, we also recommend the County scope the impacts to this species and possible mitigation options with the USFWS.

7) SSC Reptiles. According to CNDDB, coast horned lizard was observed less than half-mile from the Project area. The Project area consists of grassland habitat and asphalt roads which provide suitable habitat for coast horned lizard (California Herps 2024). Additionally, the Western Pond Turtle Predicted Habitat dataset shows a high likelihood of western pond turtle occurring along the Santa Maria River and Project area (CDFW 2024f). Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia for this SSC. In preparation of the DEIR, CDFW recommends that the County thoroughly discuss the potential impacts to these SSC.

   CDFW recommends that the County retain a qualified biologist to conduct a general survey with a focus on SSC species. Additionally, the County should retain a qualified biologist to conduct focused surveys for western pond turtles. The focused surveys should be conducted prior to circulation of the DEIR. A qualified biologist should survey western pond turtle adhering to survey methods described in Draft USGS Western Pond Turtle (*Emys marmorata*) Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Surveys for western pond turtles should be conducted during the time of greatest pond turtle activity, typically during the breeding season (May - July), and when pond turtles have not left the water to aestivate or overwinter in the uplands.

   The County should also incorporate suitable mitigation measures to offset the impacts on sensitive reptile species and their habitats. It should be noted that the temporary relocation of wildlife does not constitute effective mitigation for the purpose of offsetting permanent Project impacts associated with habitat loss.

8) Nesting Birds. The vegetation within the Project area provides suitable habitat for nesting birds. Implementation of the Project during bird breeding and nesting season may result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. CDFW recommends the County provide a discussion of the Project's impact on nesting birds and raptors. Additionally, the County should incorporate measures in the DEIR to fully avoid impacts on nesting birds.

   The California Fish and Game Code (Sections 3503, 3503.5, and 3513), prohibit take of all birds and their active nests, including raptors and other migratory nongame birds as listed under the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any nesting bird.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct weekly bird surveys for nesting birds, within three days prior to work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

9) Lighting. The Project proposes the implementation of security lighting along the trail. Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al. 2023). CDFW recommends the DEIR evaluate lighting impacts, especially nighttime lighting, on wildlife species and biological resources within the Project area during the construction and operational phases. CDFW also recommends the County prepare a lighting plan that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken by the County to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.

10) Wildlife Friendly Fencing. The Project proposes fencing installation within the Project area. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project includes temporary and/or permanent fencing, CDFW recommends the County provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological. The DEIR should discuss how fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value to protect biological resources, habitat, and wildlife movement. CDFW recommends A Landowner's Guide to Wildlife Friendly Fences for information wildlife-friendly fences (MFWP 2012).

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

11) Landscaping. CDFW recommends the County provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project area (e.g., introducing non-native, invasive species). CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2024). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

General Comments

1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:

   a. A complete discussion of the purpose and need for, and description of the proposed Project;

   b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the County select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the County consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

c. Where the Project may impact aquatic and riparian resources, CDFW recommends the County select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage[3].

b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural*

[3] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

Communities[4]. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The Manual of California Vegetation, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.

d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database[5] (CNDDB). The CNDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.

e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines[6] for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS.

[4] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline
[5] https://wildlife.ca.gov/Data/CNDDB
[6] https://wildlife.ca.gov/conservation/survey-protocols

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

f. A recent wildlife and rare plant survey. A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following:

a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
    a. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a));

    b. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;

b. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included; and
c. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

5) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

   Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The County's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the County concludes that the Project would not result in cumulative impacts on biological resources, the County, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

6) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

   a. Specific and Detailed. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

   b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.

8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

9) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

10) Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's Scientific Collecting Permit webpage 7.

Docusign Envelope ID: F109D22F-74E0-4D6E-9B4F-B28E6552C13D

11) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies[7]. Through its Wetlands Resources policy, the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2024). It is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

    b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

[7] https://fgc.ca.gov/About/Policies/Miscellaneous

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDB. The CNDDB website[8] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[9].

The County of Santa Barbara should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County of Santa Barbara in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Joleena De La Fe, Environmental Scientist at (858) 354-3527 or Joleena.Delafe@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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Victoria Tang
Environmental Program Manager
South Coast Region

[8] https://wildlife.ca.gov/Data/CNDDB
[9] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

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EC: California Department of Fish and Wildlife
Victoria Tang
Jennifer Turner
Julisa Portugal
Steve Gibson
Frederic Rieman
Sarah Rains

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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