



CALIFORNIA
STATE LANDS
COMMISSION

100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
GAVIN NEWSOM, Governor

MATTHEW DURLAO, PhD, Executive Officer
Reception: 916.574.1900
TTY: 711

August 17, 2026

VIA ELECTRONIC MAIL ONLY (SandylandShorelineProtectionProject@countyofsb.org)

File Ref.: SCH 2024120924

County of Santa Barbara
Transportation Division, Department of Public Works
Morgan M. Jones
123 E. Anapamu Street
Santa Barbara, CA 93101

Subject: Draft Environmental Impact Report for the Sandyland Shoreline Protection Project, Santa Barbara County

Dear Morgan M. Jones:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report (EIR) for the Sandyland Shoreline Protection Project (Project), which is being prepared by the County of Santa Barbara (herein after referred to as "the County"). The County is the public agency which has prepared the EIR with the purpose of informing decision makers and the public regarding the potential environmental effects of the Proposed Project and is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; and 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present-day site inspections.

The County proposes to repair an existing rock revetment, along the Pacific Ocean, which in this location encroaches upon ungranted State sovereign land. Commission staff maintains that due to artificial influences, the legal boundary between the privately-owned uplands and State sovereign land in this location is the last natural MHTL, which is represented by a MHTL survey in 1964 for certain areas of the revetment, and a 1983 interpolated MHTL for other areas of the revetment, which places the majority of the revetment footprint within State sovereign land. Commission authorization, generally in the form of a lease, is required for any proposed use of land waterward of the 1964 and 1983 surveyed MHTLs.

On December 3, 2018, Lease 9527, a General Lease – Public Agency Use, was issued to the County by the Commission for the repair, operation, and maintenance of the existing rock revetment on State-owned sovereign land in the Pacific Ocean ([Item 54](#)). That lease expires on December 10, 2028. Per Lease 9527, prior to the expiration or earlier termination of the lease, the County must remove any improvements (i.e., the existing rock revetment) from the lease area; and the County would need to apply for Commission authorization to amend the existing lease for any major structural modifications, including removal, of the existing revetment on State sovereign land. However, the County is proposing to restore the revetment to its 1983 design, as described in the Draft EIR. Therefore, because the County intends to retain the revetment in its current location after the lease expires on December 10, 2028, it will need to apply for a new lease and Commission authorization for the proposed Project, subject to the Commission's enforcement of its jurisdiction based on the MHTLs. Commission staff understands the upland property owners dispute the above-mentioned boundary of state jurisdiction, as mentioned in the Draft EIR. Approval or denial of the application is a discretionary action by the Commission. If the Commission denies the application, the Applicant may be required to remove the portion of the revetment from State sovereign land. The lessee has no right to a new lease or to renewal of any previous lease.

Commission staff understands that there is an ongoing Coastal Act enforcement action relating to the revetment, and the Commission will require that the County be in compliance with the Coastal Act when applying for Commission authorization.

Information on the Commission's lease process can be found online at www.slc.ca.gov/leases-permits/application-process/, and the application can be submitted online through the Commission's lease portal at oscar.slc.ca.gov/. If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist Kelly Connor (contact information below).

Project Description

The County proposes to repair the Sandyland seawall, a 3,700-foot-long rock revetment, to its 1983 design, which would restore the revetment's shoreline protective function to "current coastal engineering standards." The proposed revetment design includes: a 2:1 seaward-facing slope, a crest height of 16.4 feet (relative to NAVD88 vertical datum) and width of 10 feet; a landward splash wall made of a buried fence of treated timbers to provide protection from wave overtopping; and a depressional swale between the seawall and splash wall which would enhance existing sand and dune vegetation. In addition, the Project proposes to rebuild 11 of 23 existing stairways across the revetment that provide vertical access between the Sandyland homes and the beach. The Project includes a future maintenance schedule to address impacts from storm damage and future sea level rise. The EIR states that the shoreline protective device would achieve the following:

- Protection of residences, accessory structures, and other infrastructure along Sand Point Road
- Protection and stabilization of Carpinteria Salt Marsh and its tidal inlet
- A design consistent with existing and future coastal processes
- Minimize impacts to and improve coastal dune habitat
- Provide adequate vertical and lateral pedestrian access to and from the beach for all current and future users

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Repair of Existing Revetment. Repair work for the revetment would occur within the existing footprint and would involve re-working or shifting of existing armor rock, using new and imported rock to fill voids, correcting low points and

restoring the height and width of the revetment crest, and addressing areas where rock has become dislodged. Up to 15,000 tons of 3- to 5- ton rock would be imported from a local quarry. Construction would occur from the beach in front of the revetment, and two potential construction accessways across the revetment to the beach are identified on the west and east ends of the revetment. Construction equipment would include long-reach excavators, two front-end loaders, and haul trucks for the imported rock and sand. Future revetment repairs and maintenance would take place every 10 years or on an emergency as-needed basis to respond to severe storms and damage to the revetment and would likely require additional imported rock.

- Sea Level Rise (SLR) Adaptation Measures. Activities to raise the crest height of the seawall (up to 22 feet) would require up to 41,000 tons of additional imported rock to accommodate future sea level rise (SLR) of up to 2.8 feet.
- Dune Vegetation Enhancement. Approximately 1.5 acres of non-native vegetation (e.g., ice plant) would be removed, and native dune vegetation would be planted along select areas of the splash wall. To support and establish the new dune vegetation, 3,000 cubic yards of imported sand would be placed in the areas of new plantings. This would result in approximately 1 acre of dune habitat enhancement.
- Coastal Access Improvements. Eleven of the 23 existing stairways would be reconstructed to provide residential vertical access over the revetment. The rebuilt stairways would include handrails and would remain in their current location or be relocated to avoid sensitive habitat and species. The reconstructed stairways would span the width of the revetment and would be anchored to rock boulders along the splash wall and seawall, and a free-span bridge would be installed to cross over the swale between the splash wall and seawall. The 12 remaining stairways would be removed, and the rock revetment would be restored in those locations.

The Draft EIR identifies the proposed Project as the Environmentally Superior Alternative.

Environmental Review

Commission staff requests that the County consider the following comments on the Project's EIR, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR when considering a future lease application for the Project. Commission staff may need to undertake further environmental review to

support a future Commission action if comments go unaddressed in a recirculated Draft EIR or Final EIR.

General Comments

1. Project Description-Construction Work Areas: The DEIR states (Section 2.3.3, Project Construction) that restoration would require construction and use of heavy equipment on the beach and that rock work would occur in 30 feet linear sections along the revetment. Work would include excavation of the revetment toe via trenching, and trenches would be backfilled each day before the tide rises. However, the project description does not delineate in the text or on figures (including those found in Appendix D) the extent of the construction area on the beach side of the revetment and how far down into the intertidal zone this construction area would reach. The construction work areas should be clearly described in the project description and labeled on figures for Staff to determine the size of temporary construction easements. This information would also support the impact analysis of environmental resources such as biological resources, hazards and hazardous materials, hydrology and water quality, recreation, etc.
2. Project Description-SLR Adaptation Measures: The Project includes future SLR adaptation measures which would raise the height of the revetment crest up to 22 feet NAVD88 vertical datum to accommodate future sea level rise up to 2.8 feet. These adaptation measures are proposed in addition to repairing the revetment to its 1983 design (with a crest height of 16.4 feet) and any future maintenance activities within the revetment's restored footprint (Section 2.3.2, Figures 2-1 and 2-2). The EIR states that the revetment crest would be raised when damaging events to homeowner properties, public access stairways, or dune habitat occur more than once a year. The EIR also states that work activities would be similar to those proposed for the repair and restoration to the 1983 design and the revetment would have the same footprint as the 1983 design. However, the potential schedule, timing, and duration of activities to raise the crest elevation are unknown, as criteria are based on some number of "damaging events" which have not been defined. Therefore, the project description does not appear to meet the definition of "accurate," "stable," and "finite" as required under CEQA (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185)), due to the ambiguous nature of the triggering conditions and the lack of sufficient detail on the elevated crest revetment's design and construction. While the project description may allow for flexibility to respond to unforeseeable events and changing conditions, it must still provide sufficient

information to analyze the environmental impacts of the project. (*The Claremont Canyon Conservancy v. Regents of University of California* (2023) 92 Cal.App.5th 474, 490.)

In order for the EIR to adequately evaluate the potential environmental impacts from raising the height of the revetment at some point in the future, a complete project description is required which would include any plans and maps (such as those in Appendix B, *Project Plans*), cross sections, other supporting figures or technical studies that accurately depict the buildup of revetment to this elevated height. These activities must then be fully incorporated into the EIR's environmental analysis for all applicable resource areas (see Comments 6 and 7, below) and substantial evidence should be provided supporting the County's determination of impacts. As written, the EIR is insufficient. The Commission requires the above information to rely upon the document when considering an application to raise the height of the revetment.

3. Public Agency Approvals: The County has identified the Commission as a Trustee Agency under CEQA Guidelines Section 15386. However, the Commission should be identified as a Responsible Agency with discretionary approval over the Project. The EIR correctly identifies in *Section 2.4 Required Actions and Approvals* that a new lease to the County would be required for the long-term repair, operation, and maintenance of the rock revetment. Therefore, at the end of the second paragraph of Section 2.4.4, State Tidelands, Commission staff requests the following sentence be added to the EIR:

"Commission staff asserts the MHTL as located within the footprint of the existing revetment, with the majority of the revetment footprint residing on State sovereign land."

4. Mitigation Measures: Staff recommends that several Construction Best Management Practices (BMPs, p. 2-14), such as those related to accidental releases from construction equipment that would be used on the beach (e.g., fuels and lubricants), should be incorporated into the Project as mitigation measures (MMs) to better ensure trackability and enforcement if those measures are cited in the environmental impact analysis to reduce a potentially significant impact.

Biological Resources

5. Red Sand Verbena: The Project area has isolated pockets of Dune Mat, an Environmentally Sensitive Habitat, landward of the revetment (Figure 6b, *Section 3.3*). The special status plant, red sand verbena, is found in these locations.

Commission staff commend the County for incorporating removal of invasive ice plant and the creation of additional dune mat habitat along the revetment as part of the Project. However, these activities would potentially impact six red sand verbena plants in proximity to the Dune Mat Restoration Area. The Draft EIR fails to adequately address this impact because it does not include a mitigation measure for red sand verbena to ensure implementation and compliance. Instead, the document simply states as part of the impact analysis narrative that "...the proposed Project would include replacement of red sand verbena..." (page 3.4-34) and relies on a project feature to address the potentially significant impact from plant removal or trampling.

The County must include a mitigation measure for red sand verbena. MM BIO-1 Pre-Construction Special Status Plant Surveys does not adequately address a potentially significant impact to this special status plant because the measure only requires plant surveys to be completed prior to vegetation removal, equipment mobilization, or construction and that native dune mat vegetation or red sand verbena to be flagged for avoidance or salvage. The new mitigation measure should include replacement for impacted plants at a ratio of 3:1 (plants established: plants removed). Staff notes that the text in the Draft EIR (p. 3.4-34) and the Biological Resources Assessment (p. 33) states a replacement ratio of 3:1 (plants removed: plants established), which appears to incorrectly replace fewer plants than what are removed. The County should use a ratio that ensures the establishment and survival of the new plantings, particularly if some plants do not take.

6. Sensitive Dune Habitat: Staff is concerned that future impacts to sensitive dune habitat from SLR adaptation measures (see Comment 2, above) to raise the revetment crest to 22 feet have not been analyzed in *Section 3.3 Biological Resources* or in the supporting Biological Resources Assessment (Appendix F). Since the design of the 22-foot-tall revetment is unknown, the crest and base of the seawall may need to be widened to maintain the 2:1 seaward facing slope, which could require the revetment to move seaward, landward, or potentially widen in both directions. Appendix K Project Alternatives (Figure 4b) suggests that for a taller revetment, the seawall would need to grow landward. If the seawall needs to grow landward from the 1983 design to accommodate the elevated crest height, it will encroach upon the Dune Enhancement Area with red sand verbena.

If the Dune Enhancement Area is reduced or otherwise affected by raising the crest, the sensitive dune habitat and red sand verbena would not only be

impacted but there could be insufficient space to establish new dune habitat and replace red sand verbena (Comment 5). The EIR must identify whether the SLR adaptation measures have potential impacts on sensitive habitat and rare plant species, and if there is insufficient area along the revetment for restoration of sensitive dune habitat and rare plant species replacement, then the EIR needs to identify alternative sites for restoration or include compensatory mitigation for the loss of habitat and for the take of a special status plant (as allowed).

Hydrology, Water Quality, and Coastal Processes

7. Elevated Crest Revetment: Similar to Comment 5, above, the Draft EIR does not analyze impacts from activities required to raise the revetment crest up to 22 ft which would include increased turbidity in the Pacific Ocean, downcoast erosion, and changes to the rates of erosion or accretion on the beach in front of the revetment. The Draft EIR also does not appear to review how effectively the elevated crest revetment would reduce the exposure of existing development (e.g., coastal dependent or coastal-related uses) to substantial risk of loss, damage, or destruction from coastal processes. Therefore, the environmental analysis of these environmental resources is incomplete.
8. Hard Armoring Structures: The impact analysis discussing how the Project would affect coastal processes, such as downcoast erosion and beach erosion or accretion in front of the revetment from hard armoring structures, consistently relies upon older studies (see Impact HYD-2 and Impact HYD-3 of Section 3.7.4). Commission staff recommends the incorporation of more recent studies such as those referenced in the Commission's [2023 Shoreline Adaptation and the Public Trust](#) and the [Ocean Protection Council's 2024 Sea Level Rise Guidance Science and Policy Update](#) reports, as appropriate, to ensure that the best-available science is used in the analysis with respect to the potential impacts from hard armoring structures.

Cultural Resources

9. Title to Resources Within Commission Jurisdiction: The Draft EIR states that the depth of ground disturbance below the beach sand would be as great as 10 feet depending on sand conditions and how deeply the revetment toe is buried. The Draft EIR also states that the Project area is considered to be in a High-Density Zone for both cultural and tribal cultural resources but that the past and ongoing ground disturbance to the area of the revetment, in addition to ongoing coastal processes, would make the likelihood of discovery for these

resources low. Even with this low likelihood, ground disturbance within the footprint of the revetment and below would encompass lands within the Commission's jurisdiction and the EIR should state that the title to all archaeological sites or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313).

Staff requests that the following statement be included in the EIR's MM CTCR-1 Stop Work at Encounter: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

10. Tribal Consultation: At the time the Draft EIR was released (p. 3.4-10), the County had received two tribal requests for participation, pursuant to Public Resources Code Section 21080.3 and provisions set forth in Assembly Bill 52, from the Barbareño/Ventureño Band of Mission Indians and Santa Ynez Band of Chumash Indians. The EIR further discloses that the County then sent electronic and mailed letters on Project components to representatives of the Coastal Band of Chumash Indians, the Chumash Council of Bakersfield, the yak tidy tityu yak tilhini – North Chumash Tribe, the Santa Ynez Bank of Chumash Indians, and the Barbareño Band of Chumash Indians. However, the Draft EIR is silent on whether additional communication has occurred since the first round of outreach in September 2025. As stated above in Comment 9, the Project area is located in a High-Density Zone for both cultural and tribal cultural resources and the County should make a good faith effort to connect with potentially affected tribes. Staff recommends that the County update the EIR to identify all further efforts/consultations that have taken place with tribes. If the County has not yet heard back from potentially affected tribes, then additional attempts at outreach should be made to provide tribes with the opportunity to discuss the Project and to provide information, identify concerns, and recommend mitigation (as applicable).

Staff also recommends that the text of MM CTCR-1 should be edited to include the presence of a Tribal Monitor during any ground disturbing activities for the Project, if so requested by a potentially affected Tribe.

Recreation

11. Public Access: Staff had previously commented on Public Access and Beach Loss from the Project in response to the Notice of Preparation (attached). The Draft EIR states that future public access would require public access easements to be obtained from adjacent private landowners and a pedestrian trail across the railroad that is not considered part of the Project. The revised public access plan continues to remain subject to the private upland property owners' facilitation of vertical access and a railroad crossing component that includes a separate third party. Staff requests additional information on the status of the public access easement negotiations between the County and the upland property owner of APN 005-600-018. Additionally, staff requests clarification on why the entire pedestrian trail connecting the public to Santa Claus Beach is not analyzed as part of the proposed Project, given that the proposed Project objectives include "adequate vertical and lateral pedestrian access to/from the beach for all current and future users." (page 4-2)

Alternatives

12. Comparison of Project Alternatives: As noted within Comment 2 and for other resource areas, the Draft EIR does not adequately describe and analyze the impacts from the SLR adaptation measures, which are included as part of the proposed Project. This issue is also present in Section 4, as the analysis comparing the impacts from Alternatives 1 and 2 to the proposed Project does not clearly explain how construction activities to raise the crest of the existing revetment to 22 feet would have lesser adverse impacts on almost all of the resource areas identified in Table 4-1. If the County determines that the SLR adaptation measures must be retained as part of the proposed Project (see Comment 2 for needed information), then the Alternatives section must appropriately look at the impacts from all Project activities and compare those to Alternatives 1 and 2. Notably, the conclusion in section 4.7 would need to be reviewed and potentially revised. As currently written, the EIR does not have sufficient information on and analysis of the potential impacts of construction/implementation of the SLR adaptation measures for the County to conclude that "...the proposed Project is considered the Environmentally Superior Alternative because it would... result in a lesser degree of impacts when compared to Alternative 1 and Alternative 2." (page 4-29) The Commission requires such information to rely upon the EIR when considering an application to raise the height of the revetment.

13. Pull-back Revetment: Staff appreciates the inclusion of several nature-based alternatives (e.g., cobble revetment, wide sandy beach, revetment burial via sand import) and Alternative 2 Pull-back Revetment, which would pull the revetment back behind the 1964 revetment toe line, in the Draft EIR's Alternatives analysis. The Draft EIR states that Alternative 2 would result in beneficial impacts to Recreation by increasing the width of the sandy beach in front of the revetment and providing more space for lateral access. Staff recommends an addition to text under *Section 4.6.3 Recreation* (p. 4-27) that states that the increased beach width under this alternative would also provide an improvement to public safety, as Staff previously expressed concern that the present narrow beach width presents a risk to recreationalists that could become trapped between the revetment and incoming waves where individuals could be slammed upon rocks, increasing risks of serious injury or drowning (Comment 10 in the NOP letter).

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR when considering issuance of an amended lease. Staff requests that you consider these comments before certifying the Final EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination, approving resolution, and CEQA Findings, and, if applicable, Statement of Overriding Considerations when they are final. Staff recommends that the adopted MMRP include not only all required MMs with specific performance standards; timing for implementation; and parties and/or agencies in addition to the County that are responsible for implementation (e.g., state agencies or federal agencies), but also BMPs and project features that are relied upon to reduce the severity of potentially significant environmental impacts. This approach would support ensuring full implementation and enforcement.

Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit that will be posted online, including relevant CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Morgan M. Jones
August 17, 2026
Page 12

Refer questions concerning environmental review to Robin Tuohy, Senior Environmental Scientist, at Robin.Tuohy@slc.ca.gov or (916) 574-0900. For questions concerning Commission leasing jurisdiction, please contact Kelly Connor, Public Land Management Specialist, at Kelly.Connor@slc.ca.gov or (916) 574-0343.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Dobroski".

Nicole Dobroski, Chief

Division of Environmental Science,
Planning, and Management

cc: Office of Land Use and Climate Innovation
R. Tuohy, Commission
K. Connor, Commission
B. Johnson, Commission
N. Tantraphol, Commission

Attachment: February 3, 2025 Notice of Preparation Comment Letter

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

Grace Kato, Acting Executive Officer

916.574.1800

TTY CA Relay Service: **711** or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

February 3, 2025

File Ref: SCH # 2024120924

Morgan M. Jones
County of Santa Barbara
Department of Public Works, Transportation Division
123 East Anapamu Street
Santa Barbara, CA 93101

VIA ELECTRONIC MAIL: SandylandShorelineProtectionProject@countyofsb.org;
mmjones@countyofsb.org

**Subject: Notice of Preparation for an Environmental Impact Report for the
Sandyland Shoreline Protection Project, Santa Barbara County**

Dear Morgan M. Jones:

The California State Lands Commission (Commission) staff has reviewed the subject Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Sandyland Shoreline Protection Project (Project), which is being prepared by the County of Santa Barbara. The County of Santa Barbara (hereinafter referred to as "the County") is the public agency preparing the EIR with the purpose of informing decision-makers and the public regarding the potential environmental effects of the proposed Project, and is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, since the Project will involve work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency. Commission staff requests that the County consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a) and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and

submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The rock revetment in the subject location is within and adjacent to the Pacific Ocean, which in this location is ungranted sovereign land. Therefore, the State's sovereign fee ownership in this location extends landward to the MHTL, and Commission authorization, generally in the form of a lease, is required for any proposed use of property waterward of the MHTL.

Commission staff maintains that, due to artificial influences, the legal boundary between the privately-owned uplands and State sovereign tidelands in this location is the last natural MHTL, the best evidence of which is the MHTL surveyed in 1964 for certain areas of the revetment and the 1983 interpolated MHTL for other areas of the revetment.

The existing rock revetment in the subject location is leased from the Commission to the County under Lease 9527, which expires on December 10, 2028 ([Item 54, December 3, 2018](#)). Under Lease 9527, prior to the expiration or sooner termination of the lease, the County must remove any improvements (i.e., the existing rock revetment) from the lease area. Additionally, pursuant to Lease 9527, The County will need to apply for a lease amendment from the Commission to authorize any major structural modification of the existing revetment waterward of the MHTL during the term of the lease. Likewise, the County will need to apply for a new lease if the County intends to retain the revetment after the current lease expires on December 10, 2028. As part of the application process, Commission staff will expect the County to analyze alternatives to repairing the existing revetment, which should include the potential relocation of the revetment landward to minimize or eliminate occupation of the lease premises, as well as alternatives incorporating nature-based strategies, sand replenishment, and sand retention. Additionally,

Commission staff understands that there is an ongoing Coastal Act enforcement action relating to the revetment, and the Commission will expect that the County be in compliance with the Coastal Act when applying for a new lease or lease amendment.

Project Description

The County proposes to repair the Sandyland seawall (rock revetment) to the 1983 design, which will restore the revetment's hydraulic stability and shoreline protective function to current coastal engineering standards with the ability to adapt to future sea level rise (SLR) hazards. The revetment serves as shoreline protection to 25 homes and accessory structures located along Sand Point Road in Santa Barbara County.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Repair and restoration of rock revetment: The rock revetment would be restored to the 1983 design, which includes a 16.4-foot crest elevation (relative to NAVD88 vertical datum), a 2:1 (horizontal: vertical) seaward slope, and a crest width of 10 feet. To restore this configuration, rock would be reworked, new (imported) rock would be added, low points would be filled, dislodged rock would be replaced, and the width of the revetment crest would be reduced.
- Dune vegetation enhancement: Construction and enhancement of the existing dune feature could require the import of sand to locations where sand does not naturally cover.
- Public access stairways: The restoration of the rock revetment would include the removal of 12 private access stairways, and the remaining 11 stairways would be repaired and built to be publicly accessible.

Environmental Review

Commission staff appreciated the inclusion of the Environmental Scoping Document with the release of the NOP that identifies potential issues and discusses the draft EIR's analysis approach. Staff requests that the County also consider the following comments when preparing the EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a future lease approval for the Project.

General Comments

1. Project Description: A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, construction staging areas, etc.), as well as the details of the timing and length of activities. In particular, figures and engineering plans should depict the MHTL and provide written description of construction activities occurring below the MHTL and include a cross-section schematic of the revetment that depicts the current and repaired revetment size and elevations. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.
2. Alternatives: The EIR should analyze a broad range of alternatives to the repair and restoration of the rock revetment that would reduce significant environmental impacts to the State's public trust resources caused by the repair activities and by the perpetuation of the rock revetment itself. The Alternatives Analysis should consider multiple nature-based strategies, which State policy recommends as a preferred strategy for coastal resilience ([Ocean Protection Council, 2024](#); [California Coastal Commission, 2024](#)). Specifically, these should include replacing the revetment with native dune restoration, dune-covered cobble revetments, and sand replenishment and retention. The Alternatives Analysis should also consider potential relocation of the revetment landward of the current lease premises or otherwise minimizing the extent of public tidelands and beach occupied by the revetment.

Biological Resources

3. Special status species: Revetement restoration activities, such as the relocation and addition of rock and sand, could result in disturbance of plant and animal communities in proximity to the revetment. In addition, Carpinteria Salt Marsh Reserve sits landward of the revetment, northeast of Sand Point Road. For land under the Commission's jurisdiction, the EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to

reduce those impacts. The County should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special status plant or wildlife species that may occur in the Project area. The EIR should also include a discussion of consultation with CDFW, USFWS, and the National Marine Fisheries Service (NMFS), as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.

4. Construction Noise: The EIR should also evaluate noise and vibration impacts to birds and other animal species from heavy equipment used for revetment restoration. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.
5. Hazardous Materials and Debris: Construction equipment used for revetment repairs and new sand placement may be used on the beach seaward of the revetment. Mitigation measures should include spill contingency plans for any construction equipment used on beaches. The EIR should also include mitigation measures detailing how trash and debris will be secured and removed, during and following construction, as unsecured trash could negatively impact the beach, ocean, and nearby salt marsh.

Climate Change

6. Sea Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. The impacts of sea level rise on Public Trust lands can be exacerbated by shoreline protective structures, such as the rock revetment, that prevent shorelines from migrating inland and contribute to erosion.

In January 2018, the State of California released the [2018 Update to the Safeguarding California Plan](#) to provide policy guidance for State decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers. Specifically, the Safeguarding Plan acknowledges that shoreline protective structures result in the loss of beach and lateral beach public access and asks agencies to take steps to minimize the

adverse effects of sea level rise, erosion, and storms. According to the Safeguarding Plan, “[t]he loss of beaches due to armoring and sea level rise will in turn result in loss of public beach access, tourism losses, losses of marine mammal haul-out area and sandy beach habitat, and loss of beach buffering capacity against future bluff erosion.”

In addition, the Ocean Protection Council released the [2024 State of California Sea Level Rise Guidance](#) in June 2024, which recommends that “adaptation strategies should prioritize protection of coastal habitats and public access” and “prioritize social equity, environmental justice, and the needs of the underserved and vulnerable communities.” The Guidance emphasizes the importance of California’s beaches, which are used regularly for recreation by working-class residents, and how adaptation strategies should protect public access to and along beaches to maximize free or affordable use of the coast for the benefit of all people.

Commission staff acknowledges that shoreline protective structures are necessary in some circumstances to protect existing structures. However, it is equally important to assess whether portions of protective structures can be moved landward or removed completely and replaced with alternative strategies in order to maximize or uncover beach area and improve lateral public beach access. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea level rise on their proposed project, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their project, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access and coastal habitats.

Cultural Resources

7. Title to Resources: Restoration of the rock revetment could uncover buried cultural resources. The EIR should also mention that the title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313). In addition, Commission staff requests that the following statement be included in the EIR’s Mitigation and Monitoring Plan: “The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission.”

Tribal Cultural Resources

8. Consideration of Tribal Cultural Resources: The County identifies tribal cultural resources as an issue for evaluation in the forthcoming EIR and states that consultation will be performed under AB 52 and SB 18. AB 52 includes both procedural *and* substantive requirements, including the requirement that lead agencies strive to avoid significant adverse changes to tribal cultural resources, regardless of whether consultation is requested or occurs, and incorporate mitigation measures recommended by tribes unless the lead agency determines those suggestions are not feasible. Commission staff encourages the County to go beyond the requirements of AB 52 by conducting outreach and consultation with all tribes culturally affiliated with the Project area, as determined by the Native American Heritage Commission. The Commission strongly encourages early, frequent, and meaningful engagement with all culturally affiliated tribes that may be affected by this Project.

Recreation

9. Public Access and Beach Loss: The County states that the Project may impact public access and recreation on the beach seaward of the rock revetment by causing temporary closures and/or limiting or restricting public access along the beach during construction. The Environmental Scoping Document also notes that permanent impacts to recreation could result following restoration of the rock revetment due to overall reductions in beach width and increased sand loss over time from erosion. Staff suggests that the EIR consider project designs which would minimize temporary disruptions to public access and recreation, to the extent feasible, as well as designs which would minimize the overall loss of the beach in the long term. Additionally, the EIR should clarify how the public access stairs would be utilized by the public, considering Sand Point Road is a private, gated road.
10. Public Safety: Due to the narrow beach width caused by the location of the rock revetment and its effects on erosion, the rock revetment could pose public safety risks to recreational users that become trapped between the rocks and incoming waves, causing serious injuries or drowning when individuals get slammed against the rocks. The EIR should consider the public safety risks posed by the revetment and how they can be reduced by either replacing the revetment with the alternatives or relocating it further landward, off the beach.

Environmental Justice

11. Environmental justice is defined by California law as “the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code § 65040.12) This definition is consistent with the Public Trust Doctrine’s principle that management of trust lands is for the benefit of all people.

The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency’s processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its policy, the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations.

Although not legally required in a CEQA document, Commission staff suggests that the County include a section describing the environmental justice community outreach and engagement undertaken in developing the EIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the project planning process. Commission staff strongly recommends using the [CalEnviroScreen](#) tool and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommends incorporating or addressing opportunities for community engagement in mitigation measures. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests consultation on this

Project and to be kept advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the EIR is being prepared.

Please refer questions concerning environmental review to Robin Tuohy, Environmental Scientist via email at Robin.Tuohy@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Jeff Plovnick, Public Land Management Specialist via email at Jeffrey.Plovnick@slc.ca.gov.

Sincerely,

A handwritten signature in black ink, reading "Nicole Dobroski". The signature is fluid and cursive, with the first name "Nicole" and last name "Dobroski" clearly distinguishable.

Nicole Dobroski, Chief
Division of Environmental Science,
Planning, and Management

cc: Office of Planning and Research
B. Johnson, Commission
R. Tuohy, Commission
J. Plovnick, Commission
M. Wells, Commission