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JANA ZIMMER, ATTORNEY
2640 Las Encinas Lane, Santa Barbara, CA. 93105
zimmerccc@gmail.com (805)705-3784

March 31, 2017

Chair Joan Hartmann
Board of Supervisors
County of Santa Barbara
105 E. Anapamu St 4th Floor
Santa Barbara, CA. 93101

Re: Report on Emergency BMPs- El Capitan Canyon 17 EMP-00000-00001

Dear Chair Hartmann and Honorable Supervisors:

On behalf of the owners and operators of El Capitan Canyon Campground and Resort, we wish to thank you and P&D staff for their cooperation in helping us to respond to the flood emergency that occurred on January 20, 2017. Pursuant to the emergency permit approved on Feb. 2, 2017, the work necessary to remove debris and boulders from El Capitan Creek to restore positive flow to the ocean has been completed. On the recommendation of the project engineer and biologist, it was decided not to pursue creekbank stabilization measures, pending further inspections. Barring any threat of additional damage, flooding or imminent harm this season, the owners' sole focus now is to complete a cleanup of the property to meet a critical May 19 reopening date.

The purpose of this letter is to correct and clarify, for the Board's benefit and for the public, the scope of the emergency work which has actually occurred on the property. Despite the dramatic pictures and video showing the extensive flood damage and first responder operations on January 20, the work subsequently performed by El Cap in the riparian areas and within the creek have been the minimum necessary to prevent additional damage to life and property. Notwithstanding the nomenclature used in your Agenda item, we would like to be clear that El Cap's contractors have not performed any "grading" in the riparian area in the commonly understood sense. The work actually performed and potentially subject to CDP is more accurately characterized as "**Emergency BMPs allowing restoration of positive flow**", and by copy of this letter we request that P&D correct their record and future notifications to reflect this fact.

No bulldozers were used in the creek; rather, the contractor used large excavators located on the creek bank, or on the frontage road, and under the supervision of the project biologist and civil engineer, to pluck boulders, woody debris (and cars) from the creek and parking area. Beyond this removal of material, El Cap has not excavated in the creek bed, nor destroyed, removed or damaged any riparian vegetation (all of which was destroyed by the flood), removed any standing trees, installed any stabilization or flood control structures, or deposited any material into the creek.

The contractor estimates that of the 4376 cubic yards of material removed from 900 linear feet of creek, from the area north of the market, 95% was rock. Below the market, 80% of the material removed was

burned trees, wood and other debris. There were also vehicles and debris from cabins removed from the flooded parking area and creek, which was estimated to be 4% of total material removed.

As you know, the El Capitan/Ocean Mesa Campground is a unique and important facility on the coast. It provides a range of visitor-serving, overnight accommodations and recreational opportunities, to all economic segments of the population, from bike and tent camping, to drive-in RV and owner provided RV cabins. The campground is a “family” operation, employing over 100 local residents, and has been one of the highest generators of TOT in the County. The 2004 CUP revision, which reconfirmed pre-Coastal Act vested entitlements and authorized upgrades to the facility was carefully crafted to assure that campground operations would be compatible with the sensitive creek environment.

The campground has operated successfully and without any issue until the Sherpa Fire of 2016 denuded several thousand acres surrounding the facility. El Capitan experienced many heavier and more intense rainfall events before January 2017, yet run off from the slopes behind El Capitan never before caused catastrophic damage or flooding such as was experienced in January. The Sherpa fire was the predominate cause of the January 2017 losses at El Capitan.

After the fire, and informal consultation with NRCS/Cachuma RCD, ACOE, P&D and County Flood, the owners implemented best management practices (BMPs) on the inland portion of the property outside of the riparian area, which did not require any land use permit. These measures were successful in avoiding slides and erosion from the hillsides on the property. However, boulders, trees and debris originating on public lands above the property scoured the creek and resulted in extensive flooding and debris flow, obliterated the riparian habitat, filled the lower creek area, and blocked the culvert under Highway 101, causing damage to the physical facilities. The Canyon has been closed to the public and “out of business” since January 20.

It is important to understand, too, that a significant portion of the early emergency response work was initially believed to be statutorily exempt from permits under the Coastal Act, as it was performed under both the Board of Supervisors’ and the Governor’s declarations of emergency, by El Cap’s contractor on State Park property and public rights of way, and under oversight and monitoring by various public agencies, including but not limited to State Parks, CalTrans, and the Coast Guard. The focus of the work recommended by these agencies from January 20-23 was to protect State resources and property by removing inundated cars, and other material, by creek clearing below the trash rack, to prepare for an anticipated storm on January 22 which, it was feared, would cause inundation and damage to Highway 101.

The state and federal agency personnel directed daily goals for the contractor, with recommendations (including a recommendation to bring in a 250 ton crane at El Capitan’s cost, which was done), and comments as to implementation. In addition, So Cal Gas marked and monitored clean up within its easement for a major gas pipeline which crosses the property. We do not believe that any of these entities applied for emergency permits for work in the coastal zone. Nevertheless, El Cap was directed to do so, and to submit a follow up coastal development permit application to formally authorize the BMP work performed as “permanent”, and has agreed to do so by April 15. However, any comprehensive, long-range restoration plan for portions of the El Capitan Creek on campground property will require the cooperation and full participation of the US Forest Service, the State and the County, as well as the assistance and support of other relevant agencies.

Thank you for the opportunity to update and correct the record, for the benefit of the public and reviewing agencies, and we look forward to working with County staff to conclude their review of this matter.

Very Truly Yours,

/s/

Jana Zimmer

Attorney for El Capitan Canyon

cc: Roger Himovitz, El Capitan Canyon
Geraldo Hidalgo, ACOE
Paula Richter, RWQCB
Anne Almy, County P&D
Jack Ainsworth, Executive Director, California Coastal Commission