Katherine Douglas Public Comment A-42

LATE DIST

From: Marc Chytilo <marc@lomcsb.com>
Sent: Monday, July 14, 2025 3:59 PM
To: sbcob
Subject: Item A-42
Attachments: LOMC FCD AMP Objection letter 7-14-25 with photos.pdf

Dear Clerk – please confirm receipt and distribution of the attached to the Board of Supervisors for tomorrow's hearing.

Thank you

Marc

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ENVIRONMENTAL LAW

July 14, 2025

Chair Laura Capps
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, California 93101

RE: Item A-42: Flood Control District Annual Maintenance Plan

Chair Capps and Honorable Members of the Board of Supervisors:

This office represents the Committees for Land, Air, Water, and Species, Friends of Mission Canyon, and the Santa Barbara Audubon Society. Although these groups have signed a separate group letter, these groups feel, as many others, that sensitive ecological resources have suffered from past Flood Control District maintenance activities that must not continue as proposed without substantial expansion of environmental impact analysis and enhanced avoidance and mitigation measures. It is our belief and contention that the 2001 PEIR and the subsequent environmental review of individual projects – many of which purport to utilize CEQA exemptions and addenda with no public review process - have been and are inadequate to avoid adverse impacts to resources that can and should be protected. Although a renewed public consultation process is necessary, in the mean time, the Flood Control District (FCD) must not be allowed to proceed with continuation of past routine "maintenance" activities without additional environmental analysis. The Board may not make the CEQA or Plan Approval findings as they are not supported by substantial evidence. The Findings fail to address the Plan and FCD's program's consistency with Local Coastal, General and Community Plan policies that are cornerstones of local planning and required by law.

It is surprising that such a substantial and controversial Project is proposed for consideration on the Board's Administrative Calendar. The item should be continued and referred to a future Departmental Agenda hearing.

Summary of Comments

We object to the proposed approval of the Flood Control District Annual Maintenance Plan (Project) and the attempt to circumvent CEQA review of the significant adverse environmental impacts of its implementation. Reliance on the 2001 PEIR, CEQA exemptions and perfunctory addenda for the 2025-2026 Annual Maintenance Plan are improper and legally flawed. The Plan has expanded well beyond the projects, baseline conditions, and impacts that were considered in the 2001 PEIR. Conditions in the creeks and their riparian zones have changed considerably in the 25 years since conditions were assessed for the 2001 PEIR. The cumulative effects of development in every watershed have increased impervious surfaces, exacerbated the flashiness

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of flows that affect native riparian and aquatic species, and encroached into riparian buffers and habitat areas. Many new species of plants and animals have been added to state and federal endangered and threatened species lists, and Critical Habitat designations added (such as for southern Steelhead in 2005) and the impacts on these species have not previously been considered, avoided, or mitigated. Climate and land use change is having many effects on local creek and riparian ecosystems, including prolonged and severe droughts, warming water temperatures, wildfires, more intense rains and subsequent debris flows, increased erosion rates, and species movement in response to changing conditions. When the effects of the Project are superimposed on all these changing conditions, substantially more significant environmental impacts occur than were considered previously.

The 2025-26 CEQA addenda are inadequate based on substantial changes to "the circumstances under which the project is undertaken which will require major revisions of the previous EIR … due to the involvement of new significant environmental effects" or "new information of substantial importance" shows that "the project will have one or more significant effects not discussed in the previous EIR" or that "Significant effects previously examined will be substantially more severe than shown in the previous EIR" rendering a subsequent EIR necessary under Guidelines § 15162 (1) and/or (2).

CEQA disallows the use of a Categorical Exemption when there is a reasonable possibility that the activity will have significant impacts due to unusual circumstances, such as location (in Environmentally Sensitive Habitat Areas) or from location in a particularly sensitive habitat. CEQA Guidelines § 15300.2(c). The particularly sensitive nature of biologically-significant habitat in many creeks, creek beds and riparian areas is well established in the County's Community, Local Coastal and General Plans. In many of these habitat areas, FCD activities have caused initial damage, the habitat began to recover over the course of 1-2 years, then the habitat was damaged again. These repeated and serial impacts in Environmentally Sensitive Habitat Areas and other sensitive habitats have caused significant cumulative impacts. Guideline § 15300.2(b). Other physical actions in these habitats, such as driving all-terrain vehicles through State-owned Ecological Reserves without permission and in violation of applicable law and in wetlands and identified County mitigation areas by Mosquito and Vector Management District staff, under contract to the Flood Control District and other agencies and landowners, have caused cumulative impacts to these habitats. Impacts include crushed sensitive plants, destruction of ground nesting birds and their habitat, compacted soils, and the mortality or displacement of aquatic invertebrates and various endangered and sensitive species, such as *Oncorynchus mykiss* (steelhead and rainbow trout), *Eucyclogobius newberryi* (tidewater goby), and countless shorebirds and other native animals. The Caltrans' Rt. 217 and Highway 101 San Jose Creek Bridge projects have had separate impacts on the same creeks and areas that FCD activity has affected and must be considered when FCD considers the cumulative impacts of proposed routine operations.

This is déjà vu all over again. In response to massive ecological damage from aggressive Flood Control District activities in the 1980s, the Flood Control District prepared a programmatic EIR

in 1991 that recognized many of the significant impacts from these activities, and shifted the Department's approach, to some degree, in adopting a dual role of both managing flood flows while actively managing the sensitive environmental and ecological resources that exist in the County's creeks and riparian corridors. Since that time and more recently, the awareness and elevation of creek health as a concomitant Departmental and County priority have been lost. As a result, Santa Barbara County's creeks and riparian areas, and the environmentally sensitive habitat present in those areas, have suffered past and present negative impacts, and under the Project will have future significant adverse environmental impacts. Regrettably, Flood Control District activities do not affirmatively seek to avoid and mitigate all significant impacts to these habitat areas but, instead, cause adverse ecological harm through aggressive and serial cutting and, in some cases maceration, of wetland woodlands and buffer areas, the application of herbicides harmful to aquatic animals, including invertebrates, dredging and grading creek bottoms and banks, increasing and altering sediment patterns and deposition locations, and other forms of habitat destruction, all of which in any other development review context would be considered to be impacts on extremely important natural habitat and protected Environmentally Sensitive Habitat Areas.

By this letter we incorporate by reference the 1991 Santa Barbara County Flood Control District PEIR, all listings of state and federal endangered species, all Critical Habitat designations for listed animals that rely on creeks included in the 2025-26 Project, and all native plants and animals that occasionally or regularly occupy or rely on creek and riparian habitat in Santa Barbara County. We also incorporate by reference a series of studies and reports identified as Exhibits and in the attached bibliography. Although the project description and impact analysis are opaque (from a 25 year old programmatic study, a number of vague and non-specific CEQA exemptions, cursory and incomplete CEQA addenda, and the conclusory and incomplete individual project descriptions in the proposed Annual Plan), the attached and referenced documents are substantial evidence supporting a fair argument of the unusual circumstances and significant impacts associated with and caused by the proposed Project. As such, neither the Project nor any individual projects may proceed without more complete project descriptions and project-specific CEQA compliance.

Public process

There has not been an open and adequate public review or engagement process for the Project. The few public workshops required pre-registration, excluding attempted drop-in participation, and the few public comments that were offered were not all well-received by an often defensive agency staff, chilling further participation. Further, one of the groups represented here (Audubon) met with Flood Control staff in an attempt to correct this process in advance to address concerns for FCD activities at Atascadero Creek, but instead were largely rebuffed in a contentious response. See Exhibit E, photos of FCD impacts to Atascadero Creek. The 1991 PEIR and Annual Maintenance Planning and programming process included a public review panel that has been abandoned, but should be reactivated.

Although the PEIR states that the FCD's processes associated with exemptions and addenda include specific follow-up project reports, none of those documents are available on the FCD website. It is impossible to determine how the projects approved by the current or previous Annual Plans proceeded, what type of environmental review process was undertaken, and the effectiveness of the purported mitigation measures (other than the few projects that required project-specific MNDs). This lack of transparency, combined with various instances of ecological harm around Project sites, reduce public confidence in the integrity of agency practices. As noted in the Environmental Defense Center's 2022 report (attached as Exhibit F) that evaluated the effectiveness of FCD's revegetation projects and found that 1) FCD does not measure success based on CDFW's measurable performance standards, 2) CDFW does not monitor revegetation sites in person and relies on FCD's qualitative evaluation of effectiveness, and 3) FCD's revegetation sites often do not meet the measurable performance standards and this may be evidence that mitigation is inadequate. Willows and other vegetation were recently removed from a restoration site on San Jose Creek that had been widened and its concrete bottom replaced with a channel bed of articulated concrete blocks, asymmetrical shape, and weirs to enable steelhead passage. This caused the build up of sediment and growth of riparian woodland vegetation. This vegetation was mowed (saplings 10-15 feet tall, 4" diameter at ground level) circa Dec-Jan 2024-25, without apparent CEQA analysis or permit authorization. The CEQA exemption was only for spot spraying of up to 500 square feet with herbicide in a concrete channel. The existence of the restoration project, sediment accumulation, and growth of willow woodland is "new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified" which shows "significant effects previously examined will be substantially more severe than shown in the previous EIR." The exemption is based on the existence of a concrete channel that does not accumulate sediment, is not habitat for steelhead, and does not support riparian vegetation.

Extensive repeated destruction of coastal shrubland and riparian vegetation, as well as grading along the edge of Atascadero Creek between the Parker Trust and SoCalGas parcels adjacent to Goleta Slough, some potentially owing to purported "emergency" actions and others from routine practices repeated over a number of years, has substantially impacted and impaired habitat and degraded water quality from excessive sedimentation, herbicides, and unknown agents causing discoloration of waters in disturbed areas. See Exhibit E. The cumulative effect of the Project, its individual projects, and other projects undertaken by the FCD and other agencies in the same area and impacting the same or connected linear natural resources, has been significant. It appears that great ecological damage is occurring in south coast watersheds and streams possessing and supporting important wildlife.

It is clear that Flood Control District activities have far exceeded activities authorized by previous Annual Maintenance Plans and their environmental review documentation (compare, for example, the project descriptions in the PEIR and exemptions with the FCD website and evidence of activity impacts). Serial CEQA and permitting exemptions, including inappropriate prophylactic "emergency" actions, have worked to evade necessary environmental review and

coastal permitting processes. Although an Annual Maintenance Plan can offer efficiencies and even benefits by describing comprehensive mitigation programs, County projects have been piecemeal, cumulative impacts from other projects in the vicinity of exempted projects (such as Caltrans' grading and construction in Environmentally Sensitive Habitat Areas adjacent to San Jose and Atascadero Creeks for the Rt. 217 bridge replacement project) have been ignored, and both environmental review and coastal permitting has been shortcut.

The Annual Maintenance Planning Program is in need of reform, increased transparency, and a commitment to not only remove sediment and manage vegetation in creeks but to also, at an equal level, protect and enhance the habitat and natural resources present in project areas.

PEIR, Categorical Exemption and Addenda Inadequacies

The County may not tier from the 2001 PEIR or rely on either Categorical Exemptions or Addenda because there is a reasonable probability that implementation of the Plan and the various authorized and otherwise related individual projects will cause significant direct and cumulative adverse environmental impacts to a uniquely sensitive environment and other unusual circumstances. Guidelines § 15300.2 (a-c). The 2001 PEIR is incompetent to serve as an environmental review document for the Plan and projects, and subsequent environmental review is required because the Plan and subsequent projects entail substantial changes from what was studied in the 2001 PEIR, there have been substantial changes in circumstances under which the projects will be undertaken that require major revisions to the 2001 PEIR, and new information of substantial importance to the Plan and projects that was not known at the time of the 2001 PEIR certification. Public Resource Code § 21166, Guidelines § 15162. The existence of any one of these conditions precludes reliance on a CEQA addendum. Guidelines § 15164. The Board must direct FCD to commence preparation of a new PEIR for the Annual Maintenance Plan, and ensure that all FCD activities in watersheds subject to the Plan are identified and considered, all potentially significant impacts are studied, current environmental conditions are established, and a robust program for the pro-active management of these sensitive areas be developed for both managing flood conveyances AND protecting and enhancing habitat values.

1. **The Project Description and Analysis Ignores Current Evidence on the Carcinogenicity and Adverse Ecological Effects From Use of Herbicides.**

    a. **Ecological Harm**

Although herbicides are proposed for use in many watersheds, including those containing salmonids (to which glyphosates even at low concentrations can be toxic) the identity of the type, concentration and quantities of each application are omitted. As noted in the scientific literature, there is new information of substantial importance that was not known at the time of the 2001 PEIR that the exposure of many fish and invertebrates to herbicides containing glyphosates causes significant physiological effects, which ultimately harms these populations and their

viability. (see Exhibits A - D). Despite the numerous documented impacts of glyphosate on human and environmental health, the FCD does not regularly (or possibly ever) measure the concentrations of herbicides in affected waters, even though studies confirm that low concentrations can have adverse physiological impacts on non-target species. Cumulative effects from Mosquito and Vector Management District applications of Methoprene in the same waters have not been considered. Both glyphosate-based herbicides and Methoprene have been demonstrated to adversely affect aquatic invertebrate populations that are one of the "primary constituent elements essential for conservation" of local steelhead populations. 70 C.F.R. 52488, 52537, see also 52521 (9/2/2005). "Methoprene is classified as highly toxic to the planktonic crustacean Daphnia magna. It has adverse effects on freshwater amphipods, Gammarus sp. (Breaud et al. 1977), lobster (Walker et al. 2005), blue crab, Callinectes sapidus (Horst and Walker 1999), fiddler crab (Stueckle et al. 2008), shrimp (Brown et al. 1998; Wirth et al. 2001; Ghekiere et al. 2007), a mayfly species, Callibaetis pacificus, non-biting midges (Chironomidae), and a dytiscid beetle, Laccophilus sp. (Norland and Mulla 1975)." See Exhibit H.

b. Human Health Harm

New information establishes that applications of glyphosate-based herbicides poses human health risks, with young and unborn children at particular risk. Since much of the applications authorized by the Project are near or upstream from residential areas, in waters that are not signed to avoid direct contact, there is potential harm during and after application to both staff and others that may be affected.

The manufacturer of Round-Up, Rodeo, Aquamaster and other glyphosate-based herbicides have contended these products were benign and could be liberally applied in a multitude of settings, evidence developed and disclosed since the 2001 PEIR has established the toxicity and carcinogenicity of these materials. Glyphosate was added to California's Proposition 65 list on July 7, 2017. This listing was based on the determination by the International Agency for Research on Cancer (IARC) in 2015 that glyphosate is "probably carcinogenic to humans" (Group 2A). California's Office of Environmental Health Hazard Assessment (OEHHA) used this classification under the "Labor Code" mechanism of Prop 65. The manufacturer of Roundup, whose products are proposed to be authorized for use by the Board's approval of the Project, has paid nearly $11,000,000,000 (eleven billion dollars) to settle only one class action over the sale of this product. Approximately 177,000 other lawsuits against Monsanto (now Bayer) remain pending. The County's knowing use of this chemical places it in line for exposure to the legal consequences of its use.

Commenters question the County's compliance with Prop 65 in alerting nearby residents, biologists, recreationalists, employees and contractors of exposure to known carcinogens. See Exhibit C, Toxic Effects of Glyphosate on the Nervous System: A Systematic Review (Abstract: "exposure to this pesticide during the early stages of life can seriously affect normal cell development by deregulating some of the signaling pathways involved in this process, leading to alterations in differentiation, neuronal growth, and myelination. Glyphosate also seems to exert a

significant toxic effect on neurotransmission and to induce oxidative stress, neuroinflammation and mitochondrial dysfunction, processes that lead to neuronal death due to autophagy, necrosis, or apoptosis, as well as the appearance of behavioral and motor disorders. The doses of glyphosate that produce these neurotoxic effects vary widely but are lower than the limits set by regulatory agencies.")

The PEIR is inadequate as an informational document and the CEQA exemptions and addenda inapplicable if the County does not identify the quantity, location and specific, known toxic herbicide(s) that are applied as a common treatment in many watersheds. The FCD also does not undertake any follow-up studies of the fate and correlative environmental impacts of herbicide use, such as water testing and systematic assessments of herbicide effects on rare, sensitive and endangered species. Application of large quantities of carcinogenic materials in public places likely affects members of the public and members of our local ecosystems.

2. **Project description inadequacies – physical activities**

The FCD website states the following:

> **Flood Control Maintenance**
> The Flood Control District's aggressive channel maintenance program is directed at preserving and maximizing the flood carrying capacity of existing creeks, channels and rivers. Channels are cleared of obstructive vegetation and deposited sediments in order to allow flood waters to flow unhindered. In addition, the maintenance program operates and maintains a series of debris basins, retardation basins, and groundwater recharge basins. Routine maintenance of these facilities is essential to preserving their operating effectiveness.
>
> Flood control maintenance is accomplished through three basic methods: heavy equipment work, hand clearing, and herbicide application. Throughout the County, natural and man-made flood control facilities in the County are subject to damage and loss of capacity through sedimentation, vegetation growth, bank erosion, and other obstructions by debris. The District uses heavy equipment to remove sediment, clear obstructive vegetation, and correct erosion problems. In many streams on the South Coast, obstructive vegetation is removed by hand crews using chain saws and other hand tools. Throughout the County, herbicides are used to inhibit the growth of obstructive vegetation and to control weed growth on a variety of sites.

The PEIR makes no reference to aggressive tactics, and heavy equipment work is downplayed. Page 101 of the PEIR describes Maintenance Practices, and makes no mention of use of heavy equipment or sediment removal. It is well known that debris and retention dams trap fine sediment, starving local beaches of sand; that they act as barriers to steelhead migration and the movement of other stream organisms; that they degrade stream continuity and convert stream reaches from free-flowing streams to a stagnant pond or mud flat; and that any habitat created by

FCD dams is regularly destroyed by maintenance activities. Stream channelization, including concrete channels, degrade stream habitat quality and reduce the habitat and biological diversity of streams.

3. Biological Survey Work Cited in PEIR is Obsolete

As noted herein, FCD has prioritized activities to maintain channel capacity and paid little attention to resource protection. In various individual projects listed in the PEIR, biological surveys are over decades old and patently inadequate to characterize the current status of populations of rare, threatened and endangered species that are present. In the absence of a requirement that the FCD develop and maintain a publicly-accessible current and accurate survey of the biological resources present in each Project area, it is impossible to determine if resources are being avoided or impacts mitigated.

The CEQA analysis fails to address past FCD restoration failures, and relies on an improbable mitigation bank with very limited justification. While the creation of new habitat for mitigation banking is warranted, restoration is a County goal elsewhere (see General and Community Plans) and should not generate credit authorizing the destruction of existing habitat.

4. Reliance on Ancillary Permitting is Illusory

The PEIR attempts to rely on ancillary permitting by outside agencies, such as the US Army Corps of Engineers, Regional Water Quality Control Board, US Fish and Wildlife Service, and California Department of Fish and Wildlife to meet regulatory requirements for its activities. In fact, FCD has relied on general permits with long duration and avoided detailed analyses of the impacts of most specific projects. Many of those permits have or will shortly expire, and cannot be relied on for the term of the Project. Further, severe weakening of many federal environmental programs and the decimation of federal resource and regulatory agencies constrains the County's reliance on the efficacy of these laws and agencies to provide a balance to FCD's aggressive work in highly sensitive areas.

5. The Impacts of Serial Emergency Exemptions in Areas of Project Work Are Significant and Must be Considered

The Flood Control District has sought and relied excessively on emergency exemptions from permits for activities that have substantial significant impacts on the same resources affected by routine annual "maintenance". As a consequence, the County needs to consider the cumulative impacts of routine maintenance activities against a background of extreme stream and riparian alterations carried out by FCD under emergency permits and exceptions along with projects in the same watersheds proceeding under individual environmental review and permitting, such as Atascadero Creek. **6. Character and Evidence of Impacts**

Serial annual destruction of habitat in our creeks by FCD has caused adverse effects on the County's creeks and riparian areas.

Below is a description of key impacts with reference to scientific sources and agency reports, incorporated herein by reference:

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1. Loss of Riparian Vegetation and Habitat Structure
Impact: Mechanical vegetation removal and bank grading degrade riparian habitat by reducing canopy cover, eliminating native plant species, and disrupting wildlife corridors.
Sources:

- Kondolf, G.M. et al. (2006). *Process-based ecological river restoration: Visualizing three-dimensional connectivity and dynamic vectors to recover lost linkages*. **Ecology and Society**, 11(2): 5.
  - Notes that vegetation removal impairs habitat complexity, thermal regulation, and bank stability. Ironically, the removal of riparian vegetation can cause bank failure during floods, exacerbating flooding impacts.
- California Riparian Habitat Joint Venture (2004). *Riparian Habitat Conservation.*
  - Emphasizes that clearing riparian vegetation reduces biodiversity and contributes to streambank erosion.

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2. Stream Channel Incision and Sediment Transport Disruption
Impact: Channel dredging and straightening can cause incision (lowering of the streambed), disconnecting the stream from its floodplain, lowering groundwater tables, and reducing wetland and riparian function.
Sources:

- Kondolf, G.M. (1997). *Hungry Water: Effects of Dams and Gravel Mining on River Channels*. **Environmental Management**, 21(4): 533–551.
  - Highlights the role of sediment removal in degrading channel morphology and habitat.
- Stillwater Sciences (2007). *Riparian and Aquatic Habitat Assessment of the Santa Clara River Watershed.*
  - Discusses how repeated excavation alters sediment regimes and leads to entrenched channels.

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3. Reduced Aquatic Habitat Quality and Biodiversity
Impact: Simplified channels and frequent disturbances diminish habitat for aquatic species (e.g., salmonids, amphibians), reduce invertebrate populations, and impair water quality through increased turbidity and temperature.
Sources:

- NMFS (2012). *Southern California Steelhead Recovery Plan.*
  - Identifies flood control structures and maintenance as key threats to steelhead habitat quality.

- Holmes, R.W. et al. (2008). *Sources and Pathways of Sediment and Nutrients in the Ventura River Watershed.*
    - Connects sediment removal to declines in aquatic macroinvertebrate communities and fish populations.

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4. Disruption of Natural Hydrologic Processes
Impact: Levees, culverts, and channel modifications disrupt the timing, frequency, and magnitude of natural flows, which are critical for sustaining the ecological functions of riparian systems.
Sources:

- Mount, J. (1995). *California Rivers and Streams: The Conflict Between Fluvial Process and Land Use*. University of California Press.
    - Documents how flood control interferes with sediment deposition, channel migration, and seasonal inundation regimes.
- USGS & California Department of Fish and Wildlife (various).
    - Numerous studies emphasize the ecological importance of flow variability for maintaining species diversity and geomorphic function.

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5. Cumulative and Long-Term Impacts
Impact: Chronic maintenance activities prevent natural recovery and adaptation of riparian ecosystems, leading to long-term ecological degradation and reduced resilience to climate-driven hydrologic changes.
Sources:

- Opperman, J.J. et al. (2005). *Influence of Floodplains on Flood Risk and Hydrologic Connectivity in a Changing Climate*. **Ecological Applications**, 15(5): 1499–1510.
    - Argues for floodplain reconnection as a more sustainable alternative to traditional flood control.
- California Natural Resources Agency (2020). *Safeguarding California: Climate Adaptation Strategy.*
    - Recommends ecologically sensitive flood management to protect biodiversity and ecosystem services.

The Board's Findings Are Not Supported by Evidence and Are Incomplete

The cursory findings included in staff's materials are directly contradicted by incontrovertible evidence and fail to provide the analytical route for approving the Project and finding CEQA compliance. The Staff Report and analysis fail to examine the requirements of the County's Local Coastal, General and Community Plans. Every "action, program or project" is subject to the General Plan authority, and must be "in agreement or harmony" with applicable policies. *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817; see also OPR General Plan Guidelines.

The County's Conservation Element's goal is "to ensure that Santa Barbara County's ecosystems will remain in 50 or 100 years pretty much as they are today." P. 163. Policies from the Land Use Element, Open Space Element, Safety Element govern the Plan, but are not specifically addressed. Local Coastal Plan policies identify coastal creeks as Environmentally Sensitive Habitat Areas and apply substantive protection requirements, in furtherance of Public Resource Code § 30231, which mandates protection and restoration of the "biological productivity and quality of . . . streams [and] wetlands." Numerous creek- and wetland-specific natural resources protection policies are present in each of the various Community Plans (Eastern Goleta Valley Community Plan, Gaviota Coast Plan, Orcutt Community Plan, Montecito Community Plan, Summerland Community Plan, Mission Canyon Community Plan). For example, the Eastern Goleta Valley Community Plan Policy ECO-EGV-3.1 requires preservation and enhancement of creeks, streams and waterways, fish passage, riparian vegetation and wildlife corridors. Policy ECO-EGV-3.3 establishes that "typical wildlife corridors are provided by drainage courses and similar undeveloped areas." Not only is the 2001 PEIR silent on evaluating impacts to wildlife migration, but the 2001 PEIR was certified 15 years before the EGVCP was adopted. To the extent the 2001 PEIR made cursory findings or General Plan consistency based on conditions 25 years ago, that PEIR predated many applicable policies and fails to consider current conditions, including climate-changed drought and flood patterns and the cumulative effect these conditions have upon local wildlife and habitat quality.

For all the reasons stated in this letter, public comment, referenced materials and the on-the-ground conditions, the Board lacks substantial evidence to support the proposed, inadequate findings.

Conclusion

For all the reasons listed above, Commenters object to any reliance on the outdated 2001 PEIR, and separately object to each and every CEQA exemption and addendum referenced, relied upon, or otherwise in support of any project approved by the proposed action.

Commenters respectfully request that the Board of Supervisors continue this matter to a full Departmental hearing, with sufficient notice for interested members of the public to freely express their concerns about this project and FCD practices. The multitude of CEQA exemptions and addenda relied on to support the Project and subsequent individual projects are not supported by the law and expose the County to legal risks. We implore the Board to direct FCD staff to engage productively with representatives of commenting non-governmental organizations to develop interim measures for the 2025-26 clearing program to proceed while commencing the preparation of a new Programmatic Environmental Impact Report to replace the 25 year old document that the FCD currently relies on. The 2001 PEIR is outdated based on substantial new information and conditions that did not exist in 2000 when it was prepared, and is thus inadequate for current use. The FCD cannot tier from the 2001 PEIR or utilize addenda that rely on it due to the major changes in the project descriptions, baseline conditions, and new

information. Proposed CEQA exemptions are defective due to impacts from unusual circumstances and the extreme sensitivity of the affected environment, and reliance on any of the cited CEQA shortcuts subject the Plan and all related projects to legal challenge. A new Flood Control District PEIR is required to replace the 25-year old 2001 PEIR in its entirety. The new PEIR should be prepared by an independent environmental consulting firm using current conditions in order to adequately consider the FCD's future actions and activities.

Findings for approval are not supported by substantial evidence in light of the evidence presented herein and in public comment of these changed conditions, new information, and changed project description.

We request that your Board decline to approve this matter on the Administrative calendar and defer action until a full public hearing with adequate public notification is scheduled and undertaken.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO, APC

By: Marc Chytilo

Exhibits and Bibliography (incorporated by reference)

A: Lissandra Glusczak, Denise dos Santos Miron, Bibiana Silveira Moraes, Róli Rodrigues Simões, Maria Rosa Chitolina Schetinger, Vera Maria Morsch, Vânia Lucia Loro, *Acute effects of glyphosate herbicide on metabolic and enzymatic parameters of silver catfish (Rhamdia quelen)*. Comparative Biochemistry and Physiology Part C: Toxicology & Pharmacology, Volume 146, Issue 4, November 2007, Pages 519-524. https://www.sciencedirect.com/science/article/abs/pii/S1532045607001470

B: Gonzalo Luis Pérez, National Scientific and Technical Research Council, María Solange Vera, Leandro Andrés Miranda, Effects of Herbicide Glyphosate and Glyphosate-Based Formulations on Aquatic Ecosystems, In book: Herbicides and Environment, Chapter: Effects of Herbicide Glyphosate and Glyphosate-Based Formulations on Aquatic Ecosystems, (pp.343-368) https://www.researchgate.net/publication/255897901_Effects_of_Herbicide_Glyphosate_and_Glyphosate-Based_Formulations_on_Aquatic_Ecosystems

C: Carmen Costas-Ferreira 1, Rafael Durán 1, Lilian R F Faro, *Toxic Effects of Glyphosate on the Nervous System: A Systematic Review,* Int J Mol Sci. 2022 Apr 21;23(9):4605. doi: 10.3390/ijms23094605

D: Van Bruggen A.H.C. a b, He M.M. a c, Shin K. a b, Mai V. a, Jeong K.C. a, Finckh M.R. d, Morris J.G. Jr., *Environmental and health effects of the herbicide glyphosate*, Science of The Total Environment, Volumes 616–617, March 2018, Pages 255-268

E: Photos of effects of FCD activities along Atascadero Creek, 2023-2025 (credit: Marc Chytilo) (attached)

F: Blackwelder, Natalie, Trautwein, Brian, *San Jose Creek Flood Control Revegetation Sites and Los Carneros Mitigation Bank – Review and Recommendations*, Environmental Defense Center, October 24, 2022

G: P.S. Evalen, E.N. Barnhardt, J. Ryu, Z.R. Stahlschmidt, *Toxicity of glyphosate to animals: A meta-analytical approach*, Environmental Pollution 347 (2024) 123669

H: Peterson, Robert K.D., Rolston, Marni G., *Larval Mosquito management and risk to aquatic ecosystems: A comparative approach*, Transgenic Res (2022) 31:489-504.

Bibliography of Reports and Studies documenting adverse environmental impacts from clearing and flood control activities in creeks, each of which is incorporated by reference into this letter.

1. Kondolf, G.M. (1997). "Hungry Water: Effects of Dams and Gravel Mining on River Channels." Environmental Management, 21(4), 533–551.

This foundational article explores how sediment removal and flow regulation, both common in flood control, lead to channel incision, habitat simplification, and disconnection of rivers from floodplains. Kondolf emphasizes geomorphic and ecological consequences, many of which directly result from routine flood control maintenance.

2. Kondolf, G.M., Boulton, A.J., O'Daniel, S., Poole, G.C., Rahel, F.J., Stanley, E.H., et al. (2006). "Process-based ecological river restoration: Visualizing three-dimensional connectivity and dynamic vectors to recover lost linkages." Ecology and Society, 11(2): 5.

This article outlines how river restoration must consider connectivity disrupted by flood control. It explains the ecological importance of lateral and longitudinal connectivity, which is often reduced or eliminated by levees, channelization, and vegetation removal.

3. California Riparian Habitat Joint Venture (2004). Riparian Habitat Conservation.

This comprehensive guidance document discusses the ecological functions of riparian systems and the threats posed by routine maintenance, including vegetation clearing and bank grading. It emphasizes the need for integrated habitat conservation planning in flood management.

4. National Marine Fisheries Service (NMFS). (2012). Southern California Steelhead Recovery Plan.

This recovery plan identifies flood control infrastructure and maintenance practices as major barriers to the recovery of endangered Southern California steelhead. It includes a scientific rationale for maintaining riparian vegetation and restoring hydrologic connectivity.

5. Stillwater Sciences. (2007). Riparian and Aquatic Habitat Assessment of the Santa Clara River Watershed.

This technical report evaluates the ecological health of a major coastal watershed and attributes many of the impacts to flood control practices such as sediment removal, channelization, and vegetation management. It provides data on physical habitat degradation and species decline.

6. Mount, J. (1995). California Rivers and Streams: The Conflict Between Fluvial Process and Land Use. University of California Press.

Mount provides a detailed explanation of natural river processes and how human interventions—especially flood control—have disrupted them. He offers scientific and practical insight into how these activities degrade riparian and aquatic ecosystems over time.

7. Holmes, R.W., Mazor, R.D., Gillett, D.J., Brown, L.R., & May, J.T. (2008). "Benthic macroinvertebrate assemblages and habitat in a regulated California river: Correspondence of ecological patterns with land use and water management." River Research and Applications, 24(6), 756–774.

This study documents the sensitivity of aquatic invertebrate communities to habitat alteration from flood control and urbanization. It reinforces the importance of complex, vegetated, and dynamic channels to sustain biodiversity.

8. Opperman, J.J., Luster, R.A., McKenney, B.A., Roberts, M., & Meadows, A.W. (2005). "Floodplains: A natural system to reduce flood risk." Frontiers in Ecology and the Environment, 3(10), 524–531.

This article presents floodplains as ecological assets that can mitigate flood risks naturally. It critiques traditional flood control for reducing the ecological and hydrologic benefits of floodplain connectivity.

9. California Natural Resources Agency. (2020). Safeguarding California: Climate Adaptation Strategy.

This strategic document encourages a shift toward ecologically sensitive flood management that supports both climate resilience and ecosystem function. It highlights how conventional flood control undermines these goals, particularly in coastal areas.

Exhibit E

Photos and evidence of habitat impacts from Flood Control District activities in and near Atascadero Creek, 2023 to present

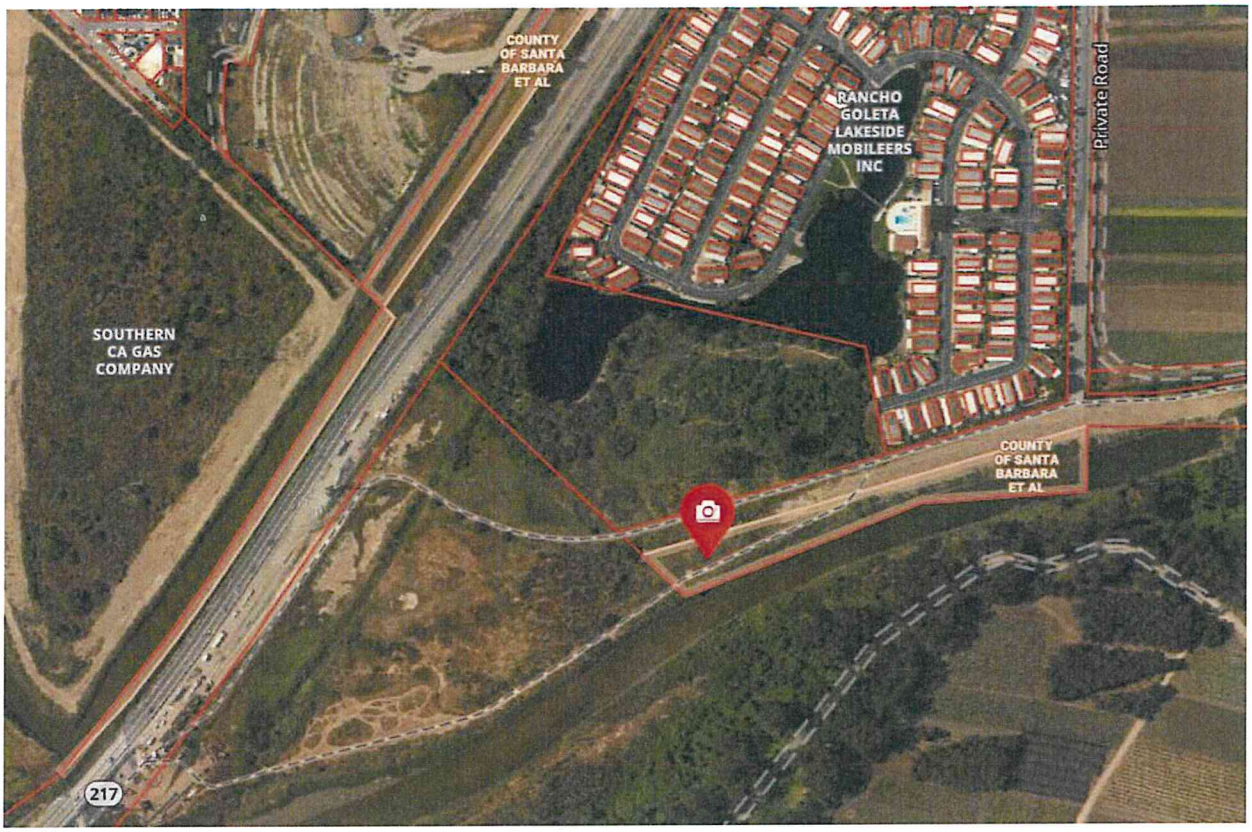

Exhibit E to LOMC Comments to FCD AMP

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Sickly red water coloration calls for water quality testing following In-creek heavy equipment