

Ramirez, Angelica

Public Comment

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From: Teri Bontrager <tbsbfb@hwy246.net>
Sent: Friday, May 6, 2022 8:42 AM
To: sbcob
Cc: Danny Cavaletto; 'Joey Hilliard'; kmerrill@mesavineyard.com; losavocados@cox.net; russelldoty@yahoo.com; Sheldon Bosio
Subject: Santa Maria River Levee Trail Study
Attachments: Santa Maria Trail Project.docx
Importance: High

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Good Morning,

Please include the attached letter in reference to the Santa Maria River Levee Trail Study in the Board of Supervisors packet for the May 17th meeting.

Thank you.

Teri Bontrager

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May 1, 2022

The Honorable Chair Hartmann
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, California

Re: Santa Maria River Levee Trail Study

Dear Chair Hartmann and Board Members:

On behalf of the California Farm Bureau Federation (Farm Bureau), thank you for the opportunity to provide comment on the draft Santa Maria River Levee Trail Study to be presented to the Board of Supervisors on May 17, 2022. The California Farm Bureau is a voluntary, non-profit statewide organization representing more than 34,000 members statewide, including a significant number in Santa Barbara County. We strive to protect and improve the ability of farmers and ranchers to provide safe and reliable food to consumers throughout the state.

We offer the following comments on behalf of the farmers and ranchers of Santa Barbara and County who have expressed significant concern regarding a trail of this magnitude's impact on the farms adjacent to the proposed project. Many of Farm Bureau's members statewide appreciate and support recreational trail projects. Our members agree that access to and connection with nature provides physical, emotional and community value. For these reasons, many of them offer their own lands for access through public easements, support rail-to-trail conversion projects and are they themselves, users of these public projects. A successful project with supportive landholders and trail-enthusiasts can exist. But to do so, the development of any feasibility plan, public outreach, construction, and maintenance, must be grounded in respect for the concerns of every party. We offer the following as an articulation of priority concerns and ask for careful consideration. To be clear, the farm community does not profess NIMBYism, but rather, our concerns are supported by lived experiences and an understanding of the significant consequences of this project, including the impact on livelihoods and farm operations.

Disrupting General Farm Activities

First and foremost, the agricultural community is concerned about the ability to carry out the necessary and appurtenant farm activities on parcels adjacent to the trail. Due to the proximity of the proposed trail to the active use agricultural parcels, it is highly likely that crop protection and pest management tool use will be restricted. As the Study notes, the adjacent parcels cultivate high value commodities such as strawberries, lettuce and broccoli. Strawberries, in particular, organic and conventional, may require the use of fumigants to manage soil borne pests and pathogens. These products are applied by licensed professionals with proper protective gear, under the approval and notification of the County Agricultural Commissioner who imposes

buffer zones, mitigation measures, township caps and application limits. Treatment areas are denoted with signage to limit reentry until it is safe. As the Study identifies, agricultural applicators, farm operators, the Agricultural Commissioner and the Flood Control District work together to ensure that public access is restricted during the time of application. Farm Bureau posits that restricting access on a multi-modal trail will not likely occur or be effective. The Study mentions in several instances that staff witnessed physical barriers yielding to current bystanders and users allowing pets off-leash into the farm fields. Given this and the distance between the edge of the farm fields and the proposed trail, buffer zones requirements will make portions of the farm field ineligible for treatment. Expanding the existing buffer zones, regardless of the pre-empting agricultural activity, will inhibit use of critical compounds to control for pests, resulting in yield loss, subpar commodities and threaten adjacent County farmers. We invite the Board to directly consult with the County Agricultural Commissioner to confirm this impact. Based on the current study, no mitigation or reduction measure was presented in response to this concern.

Additionally, as identified in the Study, operators along the levee, including farmers and Flood Control officials, have need to cross the levees. Flood Control often cross to conduct weed management, general maintenance and may need to in response to an infrastructure issue, such as levee damage or flooding. Many property owners also have legal access rights to cross and to attend to private property on either side of the proposed trail. While the Study suggests that this can be rectified by automatic or locked gates, many of our farmers have expressed concern about gate openings inviting trespassers, the lack of County maintenance of these crossings overtime and of the safety of farm equipment crossing with pedestrians present. Farm Bureau strongly objects to any County activity that would inhibit the legal right to access and utilize private property.

Finally, as noted by many public members, food safety is paramount to any farm or ranch operation. Every farm implements a series of biosecurity measures to ensure their farm field and harvested commodities are grown with consideration for pathogen transference and public health. In addition to the vast array of regulatory and reporting requirements established in state law and local ordinances, most farms, including those that are impacted by this proposed project, are required to comply with the Food Safety Modernization Act (FSMA). This law requires farmers to mitigate for any reasonably foreseeable hazard, including natural and manmade hazards. These hazards could include any pathogens or diseases brought forth by human and animal trespass and be sourced by liter, hazardous waste or other items offered by human-induced activities. The Study, for example, notes that the area is particularly well-known for the dumping of abandoned or stolen vehicles and is a staging area for stripping parts, which often deteriorate and spread hazardous material in the nearby crop rows. Human and animal trespass in farm fields can also have dramatic food safety impacts, leading to transference of E. coli from fecal matter onto fresh produce. The presence of E. coli in leafy green fields in Monterey County in 2018 led to a \$160 million loss and a 4% drop in production value.¹ To note, the recommendations in the Study suggest to not include any restroom facilities or water stations, leading to likely utilizing farm fields. Beyond threatening farms' FSMA compliance, this project's impacts could prove to drive significant public health risks and farm solvency.

¹ [Monterey County's ag industry sees \\$160M loss after E. coli outbreaks \(thecalifornian.com\)](https://www.thecalifornian.com/story/news/monterey-county-ag-industry-sees-160m-loss-after-e-coli-outbreaks/2018/08/22/160m-loss-after-e-coli-outbreaks/1111111)

Threats of Trespass, Waste and Theft

From experience with the vast array of trail projects that have occurred in the State abutting agricultural lands, Farm Bureau believes the Santa Maria River Levee Trail Project will be impacted by trespass, illegal dumping/waste and associated theft. The Study admits in several locations that this project would be blighted these challenges.

Beyond the impact on food safety, as noted above, trespass into farm fields have other significant impacts. Sensitive crops with defined grade and quality standards, as is the case in this instance with lettuce and strawberries, can be damaged by presence of humans or companion animals. This can threaten short- or long-term contracts and sales opportunities for California growers. Farm activities such as pest management action, planting/harvesting/pruning/weeding, field preparation, applications of soil amendments, and irrigation management can be disrupted with the presence of non-employees. Beyond trail users, we also expect homeless encampments to be a significant cause for concern. The case studies the Study notes, including the Bob Jones Trail and Two River Trail, have significant associated environmental health and safety issue from overnight camping including water quality issues, litter, and increased fire risk, along with utilization of farm employee restroom facilities. In response, the trail design components merely suggests call boxes and mile marker signage, none of which would deter illegal trespassers.

Vandalism, theft, and illegal dumping are also likely impacts from this project. Regarding the latter, we expect illegally dumped material to range from liter and debris to hazardous materials such as cars, drug paraphernalia, waste tires, and home materials, like mattresses and appliances. Given the rural nature of the area and the lack of proposed lighting and patrolling, this site will be attractive for illegal dumping activity. While the County or local trail supporters may conduct “clean up” activities, farmers and adjacent landholders will be predominantly responsible for the cost of clean-up and abatement efforts. Farm Bureau also expects vandalism and thievery to occur based on the nearness of the trail to farm fields. This could include farm equipment, farm implements, fixtures, and crops. Catalytic converters are routinely targeted along with the copper wire in irrigation pumps, all of which would be accessible to the public by the proposed trail, regardless of fencing type.

Beyond threatening the capacity for these operations to farm unencumbered, these instances could prove to be serious concerns for employee safety and farm liability. The Study does not address the impacts on a neighboring operation for off-trail activities that may result in physical damage, to either the farm, their employees, or the trail users/trespasser. In the instance of overnight camping, many of our farming families have had to repeatedly work with local law enforcement when campers refuse to vacate private land. In some instances, this has led to altercations with farm employees being threatened or injured by trespassers. The Study offers no recourse or mitigation for these realities, including but not limited to indemnification of liability to neighboring farmers or a fund to compensate growers for immediate impacts.

Public Safety Considerations Inadequate

Also, with respect to public safety, it is Farm Bureau’s position that the Study does not adequate consider several critical variables. Based on the recommendations, the proposed trail would be

comprised of a washed Class 2 surface or decomposed granite, only mile marker signage, a post and rope guard rail, limited staging areas, no lighting, and minimal security with periodic call boxes. Compounded by the likely scenario of off trail use, we are concerned that this does not properly account for public access in the instance for an emergency event. The lack of patrolling and lighting will only exacerbate potential illegal or dangerous activity occurring on and off trail, including theft, property damage, use of motorized vehicles and equipment. Finally, with no expectation that a trail closure could realistically deter access (as noted in the feasibility study), flooding and farm crossing events could prove to be public safety issues, as well.

Fencing: An Unlikely Solution

As drafted, the Study suggests that many of the on-farm impacts can be mitigated or solved by adequate fencing and guardrails. The Study discusses two options for fencing along the proposed trail site— (1) a post and rope guardrails and chain link fencing or (2) hog wire fencing. Authors of the study and County staff identified that neither option will reasonably restrict entry, including for well-intentioned trail users. Additionally, fencing (either post and rope or hog wire fencing) is proposed for the top of the levee but where the former is proposed, a chain link fence is only proposed for the south side. This is an adequate solution considering active farming is occurring on both the north and south side. It has come to our understanding that only a portion of the levee has been reinforced to withstand fencing whereas it is not reinforced beyond Blosser Road. To that end, it is unclear if additional levee work must be completed before a fence is installed. Such work would require extensive coordination, financially and administratively, between the County, the Flood Control District and the U.S. Army Corp of Engineers. Finally, based on the input provided by the Santa Barbara County Flood Control District, a “critical voice in any future plans to extend the trail,” fencing and lighting is strongly opposed. Considering the cumulative unlikelihood of adequate fencing, it is inappropriate for it to be identified as a realistic mitigation measure or solution to neighboring landholders for the issues noted.

Significant Funding Needs Not Noted

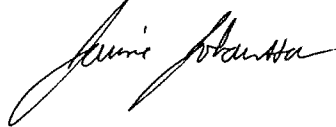
The Study offers an approximate cost range for this project, contingent upon the options and criterion selected. The costs range from \$4.6 million to \$7.3 million. While the cost findings are general estimates with associated line items, several critical costs are not included. These include compliance with the California Environmental Quality Act (CEQA), any subsequent litigation, and long-term maintenance costs. With respect to CEQA, the proposal does not denote the cost to conduct a full Environmental Impact Report or any subsequent mitigation measures. This should realistically include funding necessary for litigation challenging these findings, contract or easement negotiations, and necessary staff time in response to trail user injury or damage. Based on the anticipated impacts to adjacent landholders, we would imagine concerns regarding violation of the Right to Farm provisions, liability claims, and questions of takings to require further resources. Finally, this range does not capture any ongoing maintenance costs or other public costs from policing or emergency services calls. This is shortsighted especially considering the trail features individually had a consideration of short term versus long term maintenance costs. Regardless of the features selected, even the lowest cost option will still require a baseline budget to manage trail maintenance needs.

Reasonable Alternative

While Farm Bureau has significant concerns regarding the process and impacts proposed in the Study, we appreciate County staff working directly with the impacted farmers to hear concerns. In response, we suggest the County consider alternative trail alignment along Main Street. This route would allow for better alignment in the broader plan of connect Guadalupe to the dunes via Main Street. It would allow for greater ridership along Main Street with the general traffic flow and is consistent with the County's goal of creating alternative transportation routes between Guadalupe and Santa Maria. We ask that the County staff continue discussions with the agricultural community to clearly articulate issues and pursue workable, practical solutions.

Thank you for the opportunity to write with concern. Please feel free to contact Farm Bureau with any questions.

Sincerely,



Jamie Johansson, President
California Farm Bureau Federation



Sheldon Bosio, President
Santa Barbara County Farm Bureau