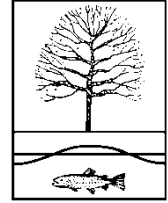


SANTA BARBARA URBAN CREEKS COUNCIL

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October 17, 2015

Santa Barbara County

Board of Supervisors

105 E. Anapamu Street Santa Barbara, CA 93101

Re: Eastern Goleta Valley Community Plan Update

Dear Honorable Chair and Members of the Board of Supervisors:

The Santa Barbara Urban Creeks Council (SBUCC) is a 501(c)3 non profit organization that has defended the environment across the south coast for over 25 years. Over those years we have represented the interests of over 3000 families and members who value watershed resources and who want strong protections for the irreplaceable natural attributes that exist within our remarkable landscape.

We have serious concerns about the last minute change that has been inserted into the staff report for the Oct. 20 hearing, and we strongly oppose staff's proposed last minute change to Policy ECO-EGV-5.4 which will create an internal inconsistency in the Plan and substantially undermine protection for chaparral.

Inconsistency with the Plan's Policy ECO-EGV-5.2, the Plan's very rules for identifying ESH.

The last minute language change to Policy ECO-EGV-5.4 substantially reduces protection for chaparral habitat, even if it meets the ESH definition in ECO-EGV-5.2. This change eliminates five of the defining criteria for ESH set forth in ECO-EGV-5.2. Not only is this change inconsistent with Policy ECO-EGV-5.2, but it is also inconsistent with the fundamental premise of 5.4, which is to designate and map ESH habitat types in accordance with 5.2! (Policy ECO-EGV-5.4 states that "Specific biological resources and habitats shall be considered environmentally sensitive and designated on the Eastern Goleta Valley Community Plan ESH/Riparian Corridor map (EGVCP Figure 22 or where determined to exist during a site survey) *based on the criteria of Policy ECO-EGV-5.2*" (emphasis added).) Therefore, the language limiting the types of chaparral that are protected is inconsistent with both Policies.

This change threatens valuable habitat in two ways: (1) habitats will be removed despite their value to the environment; and (2) these habitats will not be protected when new development projects are proposed.

The number 1 threat to chaparral in the County is unauthorized clearings being done without review by the County. This is the reason we identified harm to chaparral as a problem, submitted a detailed report that documents the problem and asked that the problem be addressed by the county. Staff's last minute language change means that some areas of chaparral will not be protected from such clearings, and even for the areas that should be protected, there will be no way to enforce the ESH Ordinance because once an area is cleared of chaparral, there is no way to go back in time and survey cleared areas for rare species or vegetation. This is not just a minor setback; this change essentially eliminates protection for chaparral against the number 1 threat. Moreover, staff's language would create confusion about what is and what is not ESH, and would result in costly conflict as parties, including the County, try to ascertain if a cleared area was or was not ESH.

The language will create internal inconsistency in the General Plan. Not only is this inconsistency inappropriate and confusing, it is a violation of the law.

Staff's claim that the change is necessary to make the policy and mitigation measure consistent with the EIR's analysis is flawed because the EIR analysis of chaparral as ESH is inconsistent with the Plan's ESH Criteria in Policy 5.2. The analysis in the EIR fails to consider the 7 ESH criteria; however, in the Responses to Comments, the EIR acknowledges that when the 7 criteria are applied, the analysis "provides further support for inclusion of chaparral as ESH." (FEIR at 9-52, Response to Comment 11-23)

Incentive to clear More Chaparral

Staff's new language would create a perverse incentive for landowners to clear chaparral because once cleared, it will be nearly impossible to prove the area ever supported rare species or vegetation.

Forensic Biological Surveys are ineffective for identifying ESH after-the-fact

When pressed on how the County would respond to a report of cleared chaparral, Planning staff indicated they could prove whether a cleared area supported rare plants or animals and therefore was or was not ESH, by conducting "forensic surveys". When an area is cleared leaving only bare dirt, it is typically impossible to ascertain if the area supported a rare plant or animal before the clearing. While a forensic survey may from time to time be able to identify a rare plant based on dead plant material left at the cleared site, the cleared vegetation is usually chipped and may be hauled from the site, making it nearly impossible to determine if rare plants were present before the clearing. This exercise becomes even more futile when trying to identify the prior presence of a rare animal after-the-fact in an area devoid of vegetation. Staff's ineffective proposal to undertake forensic surveys in cleared chaparral areas

underscores the severe problems with their new language and approach: once an area is cleared it is typically too late to ascertain the prior presence of rare species thus next to impossible to enforce the ESH Ordinance. This problem is eliminated by implementing one of the two straightforward solutions we have identified.

Solution

We ask that you support proposed Policy ECO-EGV-5.4, but delete the limiting language, as follows:

- Chaparral (e.g., chamise chaparral, lower montane mixed chaparral, ceanothus chaparral, and soft scrub – mixed chaparral alliances) ~~where it supports rare or vulnerable native vegetation alliances and/or sensitive native plant and/or animal species~~

This change would be consistent with how other habitat types are addressed in Policy ECO-EGV-5.4.

Conclusion

SBUCC has worked hard within the county's process for needed change. We have broad community support, and a coalition made up of more than a dozen other community groups which also want you to take effective measures to protect chaparral. In order to make sure that happens, we ask that you direct staff to adhere to the Planning Commission's original language, or alternatively to abide by the Plan's Policy ECO-EGV-5.2 when addressing chaparral. Thank you for your attention to these comments. The Plan will bring meaningful change with these corrections. Residents will be more fire safe, and watersheds will be better protected. Please do not allow the inappropriate language to remain.

Sincerely,



Eddie Harris

President, Santa Barbara Urban Creeks Council