

COUNTY OF SANTA BARBARA

Department of Public Works, Transportation

**Final Revised Mitigated Negative Declaration**

**Modoc Road Multi-Use Path**

22NGD-00000-00003

State Clearinghouse No. 2022090230

**October 19, 2022**



**PROJECT PROPONENT:**

Santa Barbara County Public Works Department

123 E. Anapamu Street

Santa Barbara, California 93101

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## **1.0 INTRODUCTION**

### **1.1 PURPOSE AND LEGAL AUTHORITY**

The California Environmental Quality Act (CEQA) requires that local, regional, and state agencies and special purpose districts prepare an Initial Study to identify potential environmental impacts associated with discretionary actions. An Initial Study is generally used to determine if significant impacts would occur, and to determine the need for preparation of either a Negative Declaration or further analysis in an EIR. The Santa Barbara County Public Works Department has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Modoc Road Multi-Use Path to comply with the provisions of CEQA.

### **1.2 PROJECT PROPONENT**

Santa Barbara County Public Works Department  
123 E. Anapamu Street  
Santa Barbara, California 93101  
Contact: Mr. Morgan Jones - 805/568-3059

### **1.3 PROJECT LOCATION**

The Modoc Road multi-use path alignment is located approximately 0.25 miles south of the U.S. Highway 101/State Route 154 interchange, and just west of the City of Santa Barbara (see Figure 1). More specifically, the multi-use path alignment is located immediately south of Modoc Road from the western Encore Drive intersection east to the Via Senda intersection. Site photographs are provided as Figures 3 and 4.

### **1.4 PROJECT OBJECTIVES/PURPOSE AND NEED**

The objective of the project is to complete a gap in the regional network of multi-use paths by providing a safe separated (from traffic lanes), Americans with Disabilities Act-compliant path of travel for all user groups. The proposed multi-use path will connect the recently constructed Modoc/Las Positas Multi-Use Path, creating a continuous network from the University of California Santa Barbara and the City of Goleta to the City of Santa Barbara. The project is comprised of a portion of the proposed off-road trail as shown in Figure 16 of the Eastern Goleta Valley Community Plan.

### **1.5 PREVIOUS ENVIRONMENTAL DOCUMENTATION**

A Draft IS/MND was prepared for this project and was circulated for review by responsible agencies and the public between May 12 and June 13, 2022. Based on comments received during the public comment period and other input from the public and user groups, the IS/MND has been revised to modify the alignments considered for the proposed multi-use path. Several multi-use path alignments were identified with the primary goal of reducing the number of trees to be removed and impacts at the Modoc Preserve. As analyzed in this Revised IS/MND, neither alignment would result in unmitigable, significant environmental impacts. The two alignments considered are:

- A. Along the south side of Modoc Road, adjacent to traffic lanes and exclusively within the County right-of-way, which would avoid any impacts to the Modoc Preserve.
- B. Along the south side of Modoc Road, partially within the County right-of-way closer to traffic lanes as compared to the alignment analyzed in the previous IS/MND, and partially within the Modoc Preserve, which would substantially reduce the number of trees requiring removal.

See Appendix C for a depiction of the two potential alignments of the multi-use path.

Alignment B has been identified as the preferred alignment because it would:

- Meet the project objectives of providing a path separated from traffic lanes and connecting existing paths.
- Reduce the number of trees requiring removal.
- Reduce the need for retaining walls.
- Not affect existing trails within the Modoc Preserve.

In addition to Alignment A and Alignment B, Public Works also considered locating the multi-use path along Vieja Drive through the Hope Ranch area. Because this alignment would not achieve the project objectives as it does not meet the project goal of providing an Americans with Disabilities Act-compliant path of travel for all user groups, requires retaining walls, trees removals, new lighting and does not provide connectivity along Modoc Road, it was rejected.

The purpose of this Revised IS/MND is to assess the environmental impacts of the proposed project, using either Alignment A or Alignment B.

## 1.6 PROJECT APPROVALS AND PERMITS

Project implementation may require the County to obtain permits and/or other forms of approval from Federal, State and local agencies. These agencies may include, but are not limited to, the following:

### 1.6.1 State Agencies

- Regional Water Quality Control Board – coverage under the construction storm water discharge general permit.

### 1.6.2 Local Agencies and Organizations

- Santa Barbara County Public Works, Transportation – roadway encroachment permit for temporary lane closures of Modoc Road.
- The Land Trust for Santa Barbara County (non-profit corporation) – an easement would be required for portions of the multi-use path located within the Modoc Preserve.
- La Cumbre Mutual Water District Company (non-profit corporation) - approval would also be required for portions of the project on Water District Company property.

## **1.7 PUBLIC REVIEW**

In compliance with Section 15073 of the State Guidelines for the Implementation of the California Environmental Quality Act, the Santa Barbara County Public Works Department accepted written comments on the adequacy of the information contained in the Draft IS/MND during the public review period (September 14 through October 14, 2022). Comment letters received and responses to these comments are provided in Appendix D of this Final MND. Text changes made in response to these comments are shown in underline/strikeout mode in this Final MND.

## 2.0 PROJECT DESCRIPTION

### 2.1 PROJECT CHARACTERISTICS

The proposed project represents partial implementation of a planned off-road multi-use path as identified in the Eastern Goleta Valley Community Plan and the Santa Barbara County Association of Governments Regional Plan. This project consists of expanding an existing Class 2 bike lane to a Class 1 multi-use bike/pedestrian path along the south side of Modoc Road. The proposed multi-use path alignment extends the Obern Trail (near the western Encore Drive intersection) to near the Via Senda intersection. The western end of the proposed multi-use path would tie into an existing bike path south of the Modoc Road/Encore Drive intersection. The eastern terminus of the proposed multi-use path would be at Via Senda along the southern shoulder of Modoc Road.

Much of the multi-use path would be located just south and parallel to the Modoc Road shoulder; however, under the preferred alignment (Alignment B) portions of the multi-use path would have a meandering alignment further south within the Modoc Preserve. A portion of the multi-use path would be located outside the public right-of-way on the Modoc Preserve, which is managed as open space under a conservation easement by The Land Trust for Santa Barbara County. Santa Barbara County would obtain any necessary rights required to locate portions of the multi-use path outside the Modoc Road right-of-way. If, in the County's sole discretion, construction of Alignment B is impracticable, whether due to difficulty in obtaining the necessary rights to locate portions of the multi-use path outside the Modoc Road right-of-way, or for any other reason, the multi-use path would be entirely located within the County right-of-way along Modoc Road using Alignment A. See Appendix C for a depiction of the two potential alignments of the multi-use path.

**Alignment A.** The multi-use path would be approximately 3,900 feet-long and entirely located within the public right-of-way, just south and mostly parallel to the Modoc Road shoulder. It would be 10 feet wide with potentially up to two-foot-wide shoulder on each side. The multi-use path would be constructed with pervious materials over a clean aggregate base. Alignment A would require approximately 250-foot-long two- to four-foot- high retaining walls on the north side facing Modoc Road, and approximately 1750 linear feet of one- to three- foot high retaining walls on the south side. Implementation of Alignment A would not involve realignment of the equestrian trail or drainage swale.

**Alignment B.** This alignment has been designed to minimize encroachment into the Modoc Preserve and to be consistent with the provisions of the conservation easement held by The Land Trust for Santa Barbara County. It would not conflict with preserving in perpetuity the Preserve's natural, open space, scenic, wetlands, ecological and wildlife habitat attributes. The proposed land use (multi-use trail) would not conflict with the allowed uses under the conservation easement, and would not generate significant noise, traffic, dust, artificial lighting or crowds that could impair the attributes of the Preserve.

The multi-use path would be approximately 3,955 feet-long with up to ~~and 40~~ two feet-foot wide shoulders with on each side where there are not retaining walls. The multi-use path would be constructed with ~~previous~~ pervious asphalt concrete over a clean aggregate base. Two retaining walls (one approximately 1,200 feet long and under 4 feet tall and a second approximately 700 feet and under 2 feet tall) would be required along the multi-use path to provide a level surface and limit earthwork. Landscaping would be provided at the toe of the retaining walls facing Modoc Road (space permitting) to obscure and soften public views of the retaining walls.

Two segments of retaining wall totaling 650 linear feet would be visible from Modoc Road, with an average height of less than four feet. A 1,250-foot-long retaining wall of three feet or less would be located on the south side of the multi-use path alignment and would not be visible from Modoc Road.

A 300-foot long segment of the existing equestrian trail would be realigned by providing a three-foot-wide earthen equestrian trail with a buffer from south of the proposed multi-use path. The limits of earthwork would vary from about 14 to 24 feet wide along the multi-use path alignment.

An existing man-made 750 foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path design. The drainage swale would have a top width of about six feet and depth of about two feet.

## **2.2 CONSTRUCTION METHODS**

The project would be constructed using traditional methods including demolition of the existing pavement on Modoc Road (where required), tree removal, rough grading, retaining wall construction, finish grading and paving. Construction staging would occur on the southern traffic lane and bike lane of Modoc Road. Mature trees located outside the earthwork limits would be flagged and avoided. Riparian vegetation and environmentally sensitive habitat associated with Cieneguitas Creek would be avoided. It is anticipated that construction work would be initiated in 2023 and require about four months to complete.

Two 12 foot by 80 foot construction staging areas have been identified and would be located within the eastbound lane and southern roadway shoulder, one at the Modoc Road/eastern Encore Drive intersection and the second about 1,800 feet to the east (see Figure 2).

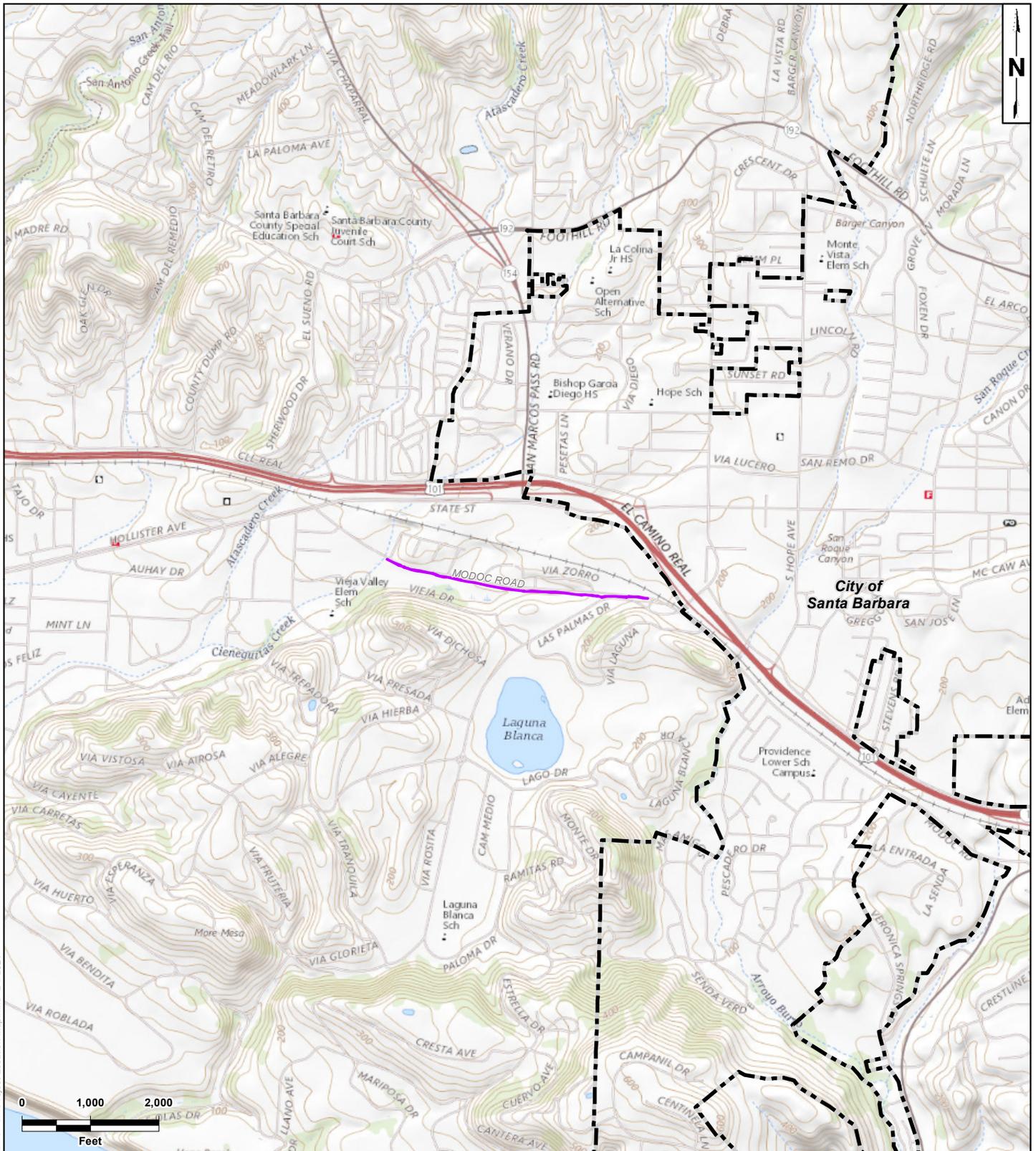
Solid waste would be generated by project construction, including removed trees, asphalt and miscellaneous earth material (soil and old road base). All project-related solid waste would be recycled to the extent feasible.

Equipment and vehicles associated with the project would be fueled from a maintenance vehicle located away from drainages and residences. No storage of fuel is proposed at or near the project site.

Heavy-duty trucks and equipment would enter the construction area (Modoc Road) primarily from State Street via the U.S. Highway 101/State Route 154 interchange. Traffic control (signage and temporary flagmen) would be provided on Modoc Road as needed during construction to avoid conflicts with local traffic and ensure emergency vehicles can safely transit the work area.

For Alignment B, earthwork volumes would include about 3,800 cubic yards of cut and about 1,152 cubic yards of fill, with the balance (about 2,648 cubic yards) exported. Multi-use path construction would require about 1,133 tons of asphalt and about 903 cubic yards of Class II road base (aggregate/gravel). Alignment A would involve less earthwork and earth material export.

For both alignments, disturbed areas outside of the path footprint would be restored with local native plants and a compost blanket. Compost retains a large volume of water, which aids in establishing vegetation growth within the blanket and acts as a cushion to absorb the impact energy of rainfall, which reduces erosion. Compost blankets also stimulate microbial activity that increases the decomposition of organic matter, which increases nutrient availability, improves the soil structure, provides a suitable micro-climate with the available nutrients for seed germination and plant growth, and also removes pollutants such as heavy metals, nitrogen, phosphorus, fuels, grease and oil from stormwater runoff, thus improving water quality.



**LEGEND:**

- Bike Path Alignment
- City Limits

**MAP EXTENT:**



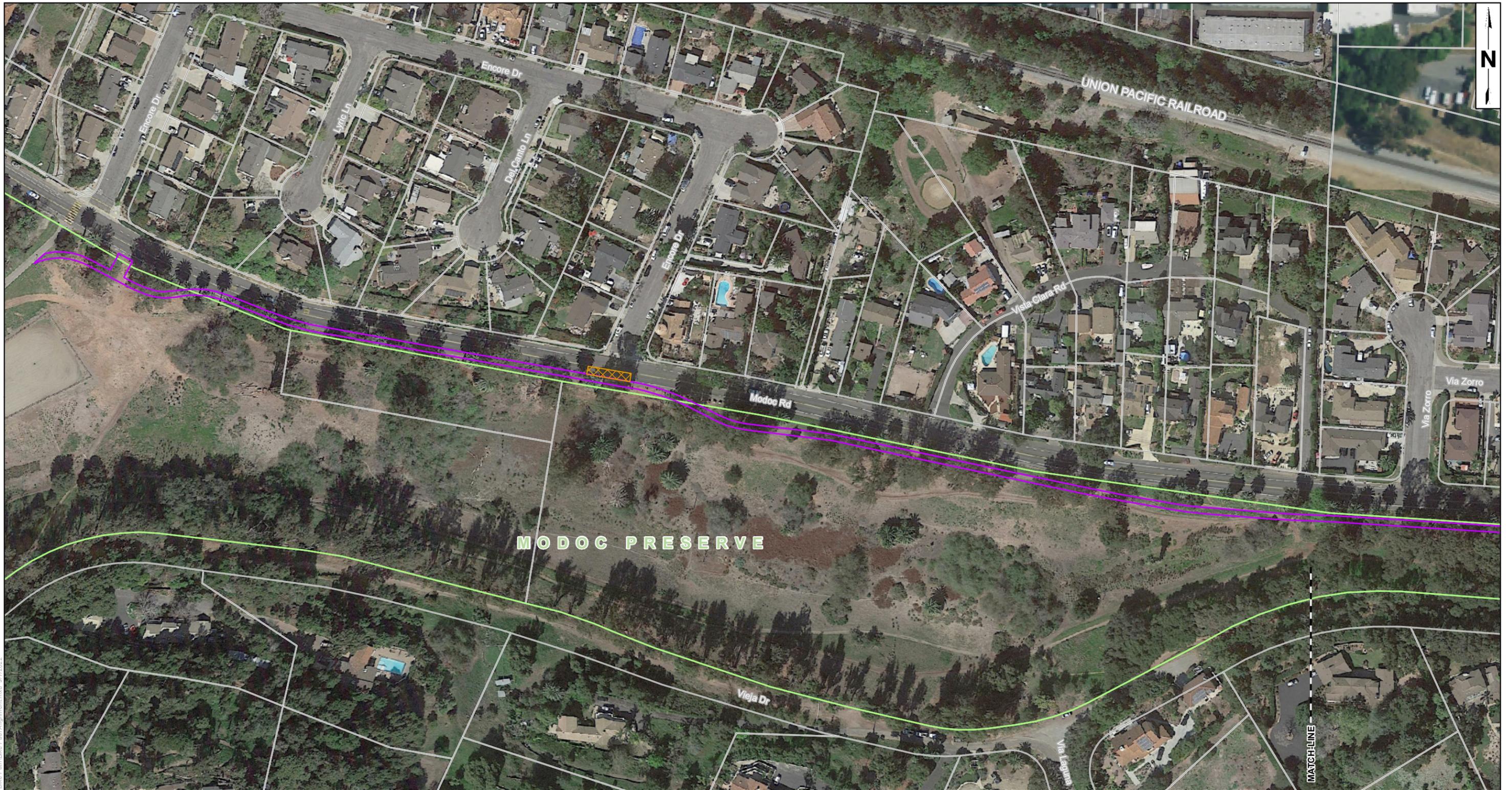
Source: Esri Online Topo Basemap  
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: MODOC ROAD BIKE PATH SANTA BARBARA COUNTY, CA	
PROJECT NUMBER: 2002-8021	DATE: February 2021

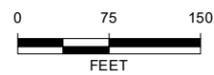
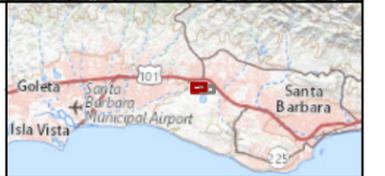
**PROJECT LOCATION MAP**

FIGURE  
1



- LEGEND:**
- Bike Path Alignment
  - Staging Area
  - Modoc Preserve
  - Assessor Parcel Boundary

**MAP EXTENT:**



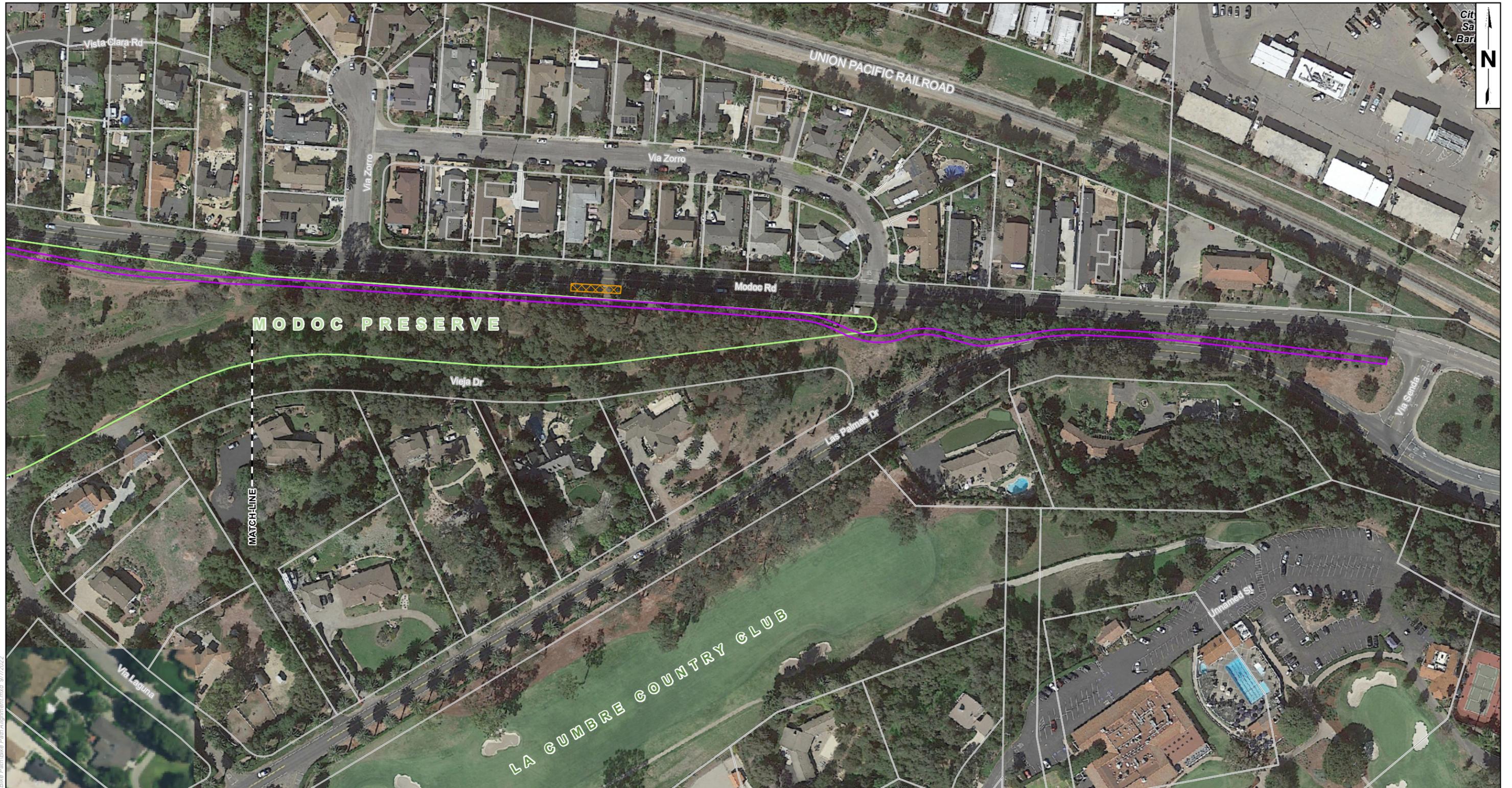
Source: Google Earth Pro Imagery February 2021, NAIP 2020 Imagery, Esri Online Topo Basemap, County of Santa Barbara  
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: MODOC ROAD BIKE PATH SANTA BARBARA COUNTY, CA	
PROJECT NUMBER: 2002-8021	DATE: September 2022

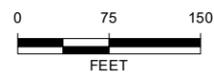
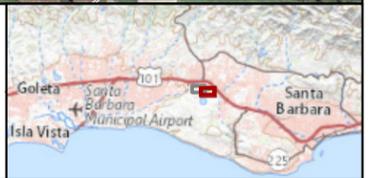
**MULTI-USE PATH  
ALIGNMENT B**

**FIGURE  
2A**



- LEGEND:**
- Bike Path Alignment
  - Modoc Preserve
  - Staging Area
  - Assessor Parcel Boundary
  - City Limits

**MAP EXTENT:**



Source: Google Earth Pro Imagery February 2021, NAIP 2020 Imagery, Esri Online Topo Basemap, County of Santa Barbara  
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: MODOC ROAD BIKE PATH SANTA BARBARA COUNTY, CA	
PROJECT NUMBER: 2002-8021	DATE: September 2022

**MULTI-USE PATH  
ALIGNMENT B**

**FIGURE  
2B**

Z:\GIS\Projects\GIS Maps\Map Project\Modoc Road Bike Path\Bike Path Alignment.mxd, 9/27/2022

Santa Barbara County Public Works  
Modoc Road Multi-Use Path Project



a. Path Alignment B near Via Senda, facing west



b. Path Alignment B ~700 feet west of Via Senda, facing west



c. Path Alignment B near Via Zorro, facing west



d. Path Alignment B (~300 feet west of 3.c), facing west

Santa Barbara County Public Works  
Modoc Road Multi-Use Path Project



a. Path Alignment B near Vista Clara Court, facing west



b. Path Alignment B near Encore Drive (east), facing west



c. Path Alignment B south of Del Canto Lane, facing west



d. Terminus of path Alignment B at Obern bike path

### 3.0 ENVIRONMENTAL SETTING

#### 3.1 EXISTING LAND USE

The proposed multi-use path alignment is located within the planning area of the County’s Eastern Goleta Valley Community Plan, and extends across the following parcels and land uses:

- Modoc Road public right-of-way (no APN assigned)
- APN 061-220-009, 12.26 acres, zoned PU (public utility), land use designation UT (public utility)
- APN 061-220-010, 1.30 acres, zoned PU (public utility), land use designation UT (public utility)
- APN 061-261-001, 14.157 acres, zoned PU (public utility), land use designation UT (public utility)

The area north of Modoc Road along the proposed multi-use path alignment supports single-family residences (see Figure 2) and is zoned 10-R-1 and 10-R-2.

A portion of Alignment B would be located within the Modoc Preserve, which is subject to a recorded conservation easement. A portion of an existing transportation facility, the Obern shared use path, already exists within the Modoc Preserve conservation easement area, and the proposed project would connect to the Obern shared use path.

Comprehensive Plan Designation	<i>UT (public utilities), RES-1.0 (residential)</i>
Eastern Goleta Valley Community Plan Designation	<i>Same as Comprehensive Plan</i>
Zoning District, Ordinance	<i>PU (public utilities), 1.5-EX-1 (one family exclusive residential), LUDC</i>
Site Size	<i>2.2 acres (multi-use path earthwork footprint)</i>
Present Use & Development	<i>Transportation, open space</i>
Surrounding Uses/Zoning	<i>North: Residential (10-R-1, 10-R2), recreation (REC)        South: Open space/Modoc Preserve (PU), residential (1.5-EX-1)        East: Transportation (Modoc Road), residential (1.5-EX-1)        West: Transportation (Modoc Road), residential (20-R-1)</i>
Access	<i>Modoc Road</i>
Public Services	<i>Water Supply: Project does not require water        Sewage: Project would not generate wastewater        Fire: Santa Barbara County Fire Department (Station 13)</i>

### 3.2 OTHER PENDING AND APPROVED DEVELOPMENT

Section 15355 of the State CEQA Guidelines states that "cumulative impacts refer to two or more individual effects which when considered together are considerable or which compound or increase other environmental impacts." Further, "the individual effects may be changes resulting from a single project or a number of separate projects", and "the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

#### 3.2.1 Santa Barbara County

**Public Works Department.** County project 864050: Modoc Road Segment I Bike Path from Santa Barbara City/County boundary to Via Senda at the La Cumbre Road overpass. This project is currently under construction.

**Planning & Development Department.** The following list of projects was obtained from the County's cumulative projects list, focusing on projects that may result in substantial impacts that are located within the Eastern Goleta Valley Community Plan planning area.

- Park Hill Estates: 16 single-family residences (under construction).
- Montessori Center School: 55,779 square feet of improvements (in process).
- Laurel Springs Retreat Center: 39,198 square feet of improvements (in process).
- Galileo Apartment Building: 27 apartment units (in process).

#### 3.2.2 City of Goleta

The following major projects were under review by the City as of March 1, 2022.

- The San Jose Creek Bike Path Project will construct a Class I/Class II bike path adjacent to San Jose Creek, from Hollister Avenue to the Atascadero Creek Class I Bike Path at Goleta Beach. The project is in the conceptual design phase.
- Heritage Ridge: 104 affordable and 228 market rate apartments (in process).
- Sywest industrial building: 70,594 square feet (in process).
- Seymour Duncan: two office/warehouse buildings totaling 197,560 square feet (in process).
- Cabrillo Business Park: 95,490 square foot office building (in process).

#### 3.2.3 City of Santa Barbara

**Las Positas Road/Modoc Road Bicycle & Pedestrian Path Project.** This project is comprised of a 2.6-mile-long separated pathway for bicyclists, runners, and pedestrians of all ages and abilities along Las Positas and Modoc Roads. Construction was completed on March 3, 2022.

#### 4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

**Potentially Significant Impact:** A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

**Less than Significant Impact with Mitigation:** Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to a Less Than Significant Impact.

**Less than Significant Impact:** An impact is considered adverse but does not exceed a significance threshold.

**No Impact:** There is adequate supporting documentation that the impact does not apply to the subject project.

**Reviewed Under Previous Document:** The analysis contained in a previously adopted/certified environmental document adequately addresses this issue and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page or pages where the information is found, and identification of mitigation measures incorporated from those previous documents.

#### 4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?				X	
b. Change to the visual character of an area?			X		
c. Glare or night lighting which may affect adjoining areas?				X	
d. Visually incompatible structures?			X		

**Setting:**

The project site (Modoc Road corridor) is located in an area designated as “low, Class 2” scenic value by the Open Space Element of the Santa Barbara County Comprehensive Plan. Scenic highways in proximity to the project site are U.S. Highway 101 (eligible scenic highway, located 0.2 miles to the north) and State Route 154 (designated scenic highway, located 0.3 miles to the north). The project site is not visible from these scenic roadways. Public scenic resources (mountain views, island/ocean views, 360° views, gateways, local scenic routes) as identified in Table 4 of the Eastern Goleta Valley Community Plan do not occur within or adjacent to the project site. The nearest identified scenic resource to the project site is State Street at State Route 154 which provides mountain/foothill views and is considered a community gateway. This resource is located approximately 1,300 feet north of the project site. The proposed multi-use path alignment is not visible from and provides no contribution to this scenic resource.

The scenic character of the project vicinity is dominated by suburban residential components, including collector streets, single-family residences and mature landscaping. However, the open space area to the south (Modoc Preserve) modifies the residential scenic character to provide a more rural environment. Mountain or ocean views are not available from the project site, as they are obscured by vegetation, structures and/or topography.

The subject segment of Modoc Road is lined with mature Canary Island palm trees to the south and residential landscaping to the north (see Figures 3 and 4). These palm trees provide a distinctive visual character and park-like visual setting.

### **County Environmental Thresholds:**

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and travel corridors as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas. The guidelines address public, not private views.

### **Impact Discussion:**

- a. The proposed multi-use path would be constructed at grade and would not obstruct views of any scenic resources. Therefore, the proposed multi-use path would not create an aesthetically offensive site.
- b. Implementation of preferred Alignment B would require the removal of approximately 21 trees (see Table 8) which may alter the visual character of the Modoc Road corridor. However, the project has been designed to avoid mature trees to the extent feasible by locating the multi-use path adjacent to the roadway shoulder or to the south of many larger trees along the existing trail. None of the 47 mature Canary Island palms lining the subject segment of Modoc Road would be removed, and trees south of the multi-use path alignment would remain and continue to provide a park-like visual setting. Therefore, project-related changes to the visual character of Modoc Road would be minor and considered a less than significant impact.

Implementation of Alignment A would result in the removal of 48 trees, including 29 mature Canary Island palms. However, numerous mature trees (mostly blue gum eucalyptus) south of Alignment A would remain and continue to provide a park-like visual setting. Therefore, project-related changes to the visual character of Modoc Road would be minor and considered a less than significant impact.

- c. The project (either alignment) would not involve any glare-producing features or require night lighting.

- d. Proposed Alignment B would include an approximately 650 linear feet of retaining walls along the northern margin of the multi-use path which would be visible from Modoc Road. At least 300 feet of these walls would be at least partially obscured by intervening vegetation. In addition, proposed landscaping to be planted at the toe of the retaining walls would obscure and soften public views of the retaining walls. Overall, proposed retaining walls would not be visually obtrusive or substantially degrade the visual quality of views from Modoc Road. Alignment A would involve lower and shorter retaining walls and also would not substantially degrade the visual quality of views from Modoc Road.

**Mitigation and Residual Impact:**

No mitigation is required. The project would not create any significant project-specific aesthetic impacts or substantially contribute to cumulative impacts.

**4.2 AGRICULTURAL RESOURCES**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
<b>b.</b> An effect upon any unique or other farmland of State or Local Importance?				X	

**Setting:**

An Important Farmland map for the project area was obtained from the California Department of Conservation. The proposed multi-use path alignment lies within lands designated as “urban or built-up”. Lands designated as prime farmland, statewide-importance farmland and unique farmland does not occur at the project site. The nearest designated important farmlands are Prime farmland (currently planted with row crops) located approximately 1.5 miles to the west and Unique farmland (currently planted with orchards) located approximately 1.1 miles to the northwest. There are no agriculturally zoned lands in proximity to the project site.

**County Environmental Thresholds:**

The County’s Agricultural Resources Guidelines (approved by the Board of Supervisors, August 1993) provide a methodology for evaluating agricultural resources. These guidelines utilize a weighted point system to serve as a preliminary screening tool for determining significance. The tool assists planners in identifying whether a previously viable agricultural parcel could potentially be subdivided into parcels that are not considered viable after division. A project which would result in the loss or impairment of agricultural resources would create a potentially significant impact. The Point System is intended to measure the productive ability of an existing parcel as compared to proposed parcels. The tool compares availability of resources and prevalent uses that benefit agricultural potential but does not quantifiably measure a parcel’s actual agricultural production.

Initial Studies are to use this Point System in conjunction with any additional information regarding agricultural resources. The Initial Study assigns values to nine particular characteristics of agricultural productivity of a site. These factors include parcel size, soil classification, water availability, agricultural suitability, existing and historic land use, comprehensive plan designation, adjacent land uses, agricultural preserve potential, and combined farming operations. If the tabulated points total 60 or more, that parcel is considered viable for the purposes of analysis. The project would be considered to have a potentially significant impact if the division of land of a viable parcel would result in parcels that did not either score over 60 in themselves or resulted in a score with a significantly lower score than the existing parcel. Any loss or impairment of agricultural resources identified using the Point System could constitute a potentially significant impact and warrants additional site-specific analysis.

**Impact Discussion:**

- a. The project (either alignment) would not involve the conversion of agricultural lands, or conflict with existing agricultural uses or preserve programs.
- b. The project (either alignment) would not affect farmland of State or Local Importance.

**Mitigation and Residual Impact:**

No mitigation is required. The project would not result in impacts to agricultural resources or contribute to cumulative impacts.

**4.3 A. AIR QUALITY**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?			X		

**Setting:**

The primary chemical compounds that are considered pollutants emitted into or formed in the atmosphere include ozone, oxides of nitrogen, sulfur dioxide, hydrocarbons, carbon monoxide, and particulate matter.

Ozone is formed in the atmosphere through a complex series of chemical reactions generally requiring light as an energy source. Ozone is a pungent, colorless gas that is a strong irritant and attacks the respiratory system. Respiratory and cardiovascular diseases are aggravated by exposure to ozone. A healthy person exposed to high concentrations of ozone may experience nausea, dizziness, and burning in the chest. Ozone also damages crops and other vegetation.

Oxides of nitrogen ( $\text{NO}_x$ ) which are considered pollutants include nitric oxide (NO) and nitrogen dioxide ( $\text{NO}_2$ ). NO is colorless and odorless and is generally formed by combustion processes combining atmospheric oxygen and nitrogen.  $\text{NO}_2$  is a reddish-brown irritating gas formed by the combination of NO and oxygen in the atmosphere or at the emission source. Both NO and  $\text{NO}_2$  are considered ozone precursors because they react with hydrocarbons and oxygen to produce ozone. Exposure to  $\text{NO}_2$  may increase the potential for respiratory infections in children and cause difficulty in breathing even among healthy persons and especially among asthmatics.

Sulfur dioxide ( $\text{SO}_2$ ) is a colorless, pungent, irritating gas which affects the upper respiratory tract. Sulfur dioxide may combine with particulate matter and settle in the lungs, causing damage to lung tissues. Sulfur dioxide may combine with water in the atmosphere to form sulfuric acid that may fall as acid rain, damaging vegetation.

Hydrocarbons include a wide variety of compounds containing hydrogen and carbon. Many hydrocarbons (known as reactive organic compounds [ROC]) react with NO and  $\text{NO}_2$  to form ozone. Generally, ambient hydrocarbon concentrations do not cause adverse health effects directly, but result in ozone formation.

Carbon monoxide (CO) is a colorless, odorless gas generally formed by incomplete combustion of hydrocarbon-containing fuels. Carbon monoxide does not irritate the respiratory tract, but does interfere with the ability of blood to carry oxygen to vital tissues.

Particulate matter consists of a wide variety of particle sizes and composition. Generally, particles less than 10 microns ( $\text{PM}_{10}$ ) are considered to be pollutants because they accumulate in the lung tissues and may contain toxic materials which can be absorbed into the

The project site is located in Santa Barbara County within the South Central Coast Air Basin (SCCAB) which encompasses three counties: San Luis Obispo, Santa Barbara and Ventura. The Santa Barbara County portion of the SCCAB periodically fails to meet air quality standards and is a designated a "non-attainment" area for the State particulate matter ( $\text{PM}_{10}$ ) and ozone standards.

Air pollution control is administered on three governmental levels. The U.S. Environmental Protection Agency (EPA) has jurisdiction under the Clean Air Act, the California Air Resources Board (CARB) has jurisdiction under the California Health and Safety Code and the California Clean Air Act, and the Santa Barbara County Air Quality Pollution District (APCD) shares responsibility with the CARB for ensuring that all State and Federal ambient air quality standards are attained within the Santa Barbara County portion of the SCCAB.

The 2019 Ozone Plan (2019 Plan) was adopted by the APCD’s Board of Directors in December 2019 and is the ninth triennial update to the initial state Air Quality Attainment Plan (other updates were done in 1994, 1998, 2001, 2004, 2007, 2010, 2013, and 2016). Each of the plan updates have implemented an “every feasible measure” strategy to ensure continued progress toward attainment of the state ozone standards. Since 1992, Santa Barbara County has adopted or amended more than 25 control measures aimed at reducing emissions from stationary sources of air pollution. These measures have substantially reduced ozone precursor pollutants, which includes NOx and ROC.

Along with the implementation of statewide measures, the APCD’s control measure strategy has successfully improved the County’s air quality, as we’ve witnessed a downward trend in ozone exceedances. For the last four years, Santa Barbara County had three or fewer exceedances of the State 8-hour ozone standard, and the County was designated as nonattainment-transitional in April 2017. This designation means that the County is getting close to attaining the standard and the APCD must determine whether additional control measures are necessary to accomplish expeditious attainment of the state standard.

The closest air quality monitoring station and most representative of the project site is the Goleta station, located approximately 3.6 miles west of the project site. The most recent ambient air quality data from the project area is presented in Table 1. These data indicate the State PM<sub>10</sub> standard is periodically exceeded.

**Table 1. Summary of Ambient Air Quality Data**

Pollutant	2019	2020	2021
<b>Ozone – Goleta station</b>			
Highest 1-Hour concentration (ppm)	0.072	0.084	0.063
Highest 8-Hour concentration (ppm)	0.062	0.067	0.055
Number of State Exceedances (8-Hour>0.070 ppm)	0	0	0
Number of Federal Exceedances (8-Hour>0.075 ppm)	0	0	0
<b>Particulate Matter less than 10 microns (PM<sub>10</sub>) – Goleta station</b>			
Highest Sample (micrograms/cubic meter)	63.3	85.8	49.4
Number of State Exceedances (Samples>50)	2	11	0
<b>Particulate Matter less than 2.5 microns (PM<sub>2.5</sub>) – Goleta station</b>			
Highest Sample (micrograms/cubic meter)	26.3	61.2	19.4
Number of Federal Exceedances (Samples>35)	0	6	0

**County Environmental Thresholds:**

The County’s Environmental Thresholds and Guidelines Manual (updated January 2021) provides the following thresholds to determine the significance of long-term air pollutant emissions under the California Environmental Quality Act.

- Emits (from all sources, except registered portable equipment) greater than the daily trigger for offsets in the APCD New Source Review Rule (55 pounds per day for NO<sub>x</sub> or ROC; 80 pounds per day for PM<sub>10</sub>);
- Emits greater than 25 pounds per day of NO<sub>x</sub> or ROC (motor vehicle trips only);
- Causes or contributes to a violation of a State or Federal air quality standard (except ozone).
- Exceeds APCD health risk public notification thresholds.
- Is inconsistent with adopted State and Federal Air Quality Plans (2019 Ozone Plan).

No thresholds have been established for short-term impacts associated with construction activities. However, the County's Grading Ordinance requires standard dust control conditions for all projects involving grading activities. Long-term/operational emissions thresholds have been established to address mobile emissions (i.e., motor vehicle emissions) and stationary source emissions (i.e., stationary boilers, engines, paints, solvents, and chemical or industrial processing operations that release pollutants).

#### **Impact Discussion:**

- a. Short-Term Construction Impacts.** The proposed project would generate air pollutant emissions as a result of construction activities, primarily exhaust emissions from heavy-duty trucks, worker vehicles and heavy equipment. Emissions were estimated for a peak day, during rough grading for the multi-use path. It was assumed that 4 truck trips (8 one-way trips) and 8 worker trips (16 one-way trips) would occur on a peak work day. Project peak day emissions were estimated using the CARB EMFAC 2021 and OFFROAD 2021 emissions models with project-specific inputs (Santa Barbara County, year 2023) and are listed in Table 2. Note that implementation of Alignments A or B would result in virtually the same construction air pollutant emissions. Due to their small magnitude and duration, project emissions are considered a less than significant air quality impact.

Project-related construction activities include minor grading; however, the site is relatively level and earth-moving activities would be minimal. Earth moving operations at the project site would not have the potential to result in significant project-specific short-term emissions of fugitive dust and PM<sub>10</sub>, with the implementation of standard construction emissions reduction measures recommended by the APCD (listed below) and compliance with APCD Rule 345 (Control of Fugitive Dust from Construction and Demolition Activities).

**Table 2. Construction Air Pollutant Emissions**

Source	Pounds per Peak Day			
	ROC	NO <sub>x</sub>	CO	PM <sub>10</sub>
Equipment exhaust	1.7	16.0	16.4	0.8
On-road vehicles	0.1	1.3	2.0	0.1
Fugitive dust	0.0	0.0	0.0	100.9
<b>Total</b>	1.8	17.3	18.4	101.8

Emissions of ozone precursors (NO<sub>x</sub> and ROC) during project construction would result primarily from the on-site use of heavy equipment. Due to the limited period of time that heavy equipment operation would occur on the project site, construction-related emissions of NO<sub>x</sub> and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment/transitional status of the County for the State 8-hour ozone standard, the project would implement construction emissions reduction measures listed below to reduce construction-related emissions of ozone precursors to the extent feasible.

Standard APCD Construction Emissions Reduction Measures. Measures provided in the APCD’s 2022 Scope and Content of Air Quality Sections in Environmental Documents would be implemented and are listed below.

- During construction, use water trucks, sprinkler systems, or dust suppressants in all areas of vehicle movement to prevent dust from leaving the site and from exceeding the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. When using water, this includes wetting down areas as needed but at least once in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.
- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce NOx, diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from in-use (on-road) diesel-fueled vehicles.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NOx idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.
- Diesel-powered mobile equipment shall utilize engines meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.

- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust, and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**Long-Term Operation Emissions.** The proposed project involves a multi-use path which would not directly generate any air pollutant emissions. The project is not expected to attract motor vehicle trips by multi-use path users, as parking areas are not provided. Therefore, the proposed project would not have any long-term air quality impacts.

- b.** Construction of the proposed multi-use path may result in small amounts of smoke and odors related to diesel powered equipment exhaust. However, such smoke and odors would be temporary and occur only periodically during the construction period. Overall, project-related smoke and odors would be minor and not considered objectionable or violate APCD Rule 303 (nuisance).
- c.** See part a. regarding fugitive dust which would be minimized by implementation of standard APCD construction emissions reduction measures and compliance with APCD Rule 345.

**Mitigation and Residual Impact:**

No significant impacts were identified; therefore, mitigation is not required. Residual impacts would be less than significant.

**4.3 B. GREENHOUSE GAS EMISSIONS**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		
<b>b.</b> Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

**Setting:**

Climate change, often referred to as “global warming” is a global environmental issue that refers to any significant change in measures of climate, including temperature, precipitation, or wind. Climate change refers to variations from baseline conditions that extend for a period (decades or longer) of time and is a result of both natural factors, such as volcanic eruptions, and anthropogenic, or man-made, factors including changes in land-use and burning of fossil fuels. Anthropogenic activities such as deforestation and fossil fuel combustion emit heat-trapping greenhouse gases (GHG), defined as any gas that absorbs infrared radiation within the atmosphere.

In 2021, the average contiguous U.S. temperature was 54.5°F, 2.5°F above the 20th-century average and ranked as the fourth-warmest year in the 127-year period of record. The six warmest years on record have all occurred since 2012. The December 2021 contiguous U.S. temperature was 39.3°F, 6.7°F above average and exceeded the previous record set in December 2015.

GHG emissions are a global issue, as climate change is not a localized phenomenon. Eight recognized GHGs are described below. The first six are commonly analyzed for projects, while the last two are often excluded for reasons described below.

- Carbon Dioxide (CO<sub>2</sub>): natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic degassing; anthropogenic sources of CO<sub>2</sub> include burning fuels such as coal, oil, natural gas, and wood.
- Methane (CH<sub>4</sub>): natural sources include wetlands, permafrost, oceans and wildfires; anthropogenic sources include fossil fuel production, rice cultivation, biomass burning, animal husbandry (fermentation during manure management), and landfills.
- Nitrous Oxide (N<sub>2</sub>O): natural sources include microbial processes in soil and water, including those reactions which occur in nitrogen-rich fertilizers; anthropogenic sources include industrial processes, fuel combustion, aerosol spray propellant, and use of racing fuels.

- Chlorofluorocarbons (CFCs): no natural sources, synthesized for use as refrigerants, aerosol propellants, and cleaning solvents.
- Hydrofluorocarbons (HFCs): no natural sources, synthesized for use in refrigeration, air conditioning, foam blowing, aerosols, and fire extinguishing.
- Sulfur Hexafluoride (SF<sub>6</sub>): no natural sources, synthesized for use as an electrical insulator in high voltage equipment that transmits and distributes electricity. SF<sub>6</sub> has a long lifespan and high global warming potential.
- Ozone: unlike the other GHGs, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. Due to the nature of ozone, and because this project is not anticipated to contribute a significant level of ozone, it is excluded from consideration in this analysis.
- Water Vapor: the most abundant and variable GHG in the atmosphere. It is not considered a pollutant and maintains a climate necessary for life. Because this project is not anticipated to contribute significant levels of water vapor to the environment, it is excluded from consideration in this analysis.

The primary GHGs that would be emitted during construction of the proposed project are CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O. The project is not expected to have any associated use or release of HFCs, CFCs or SF<sub>6</sub>.

CO<sub>2</sub> is also used as a reference gas for climate change. To account for different GHG global warming potentials, emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>E). Currently, the CO<sub>2</sub> global warming potential is set at a reference value of 1, CH<sub>4</sub> has a global warming potential of 27.9 (i.e., 1 ton of methane has the same warming potential as 27.9 tons of CO<sub>2</sub>), while nitrous oxide has a warming potential of 273.

In efforts to reduce and mitigate climate change impacts, State and local governments are implementing policies and initiatives aimed at reducing GHG emissions. California, one of the largest state contributors to the national GHG emission inventory, has adopted significant reduction targets and strategies. The primary legislation affecting GHG emissions in California is the California Global Warming Solutions Act (Assembly Bill [AB] 32). AB 32 focuses on reducing GHG emissions in California, and requires the CARB to adopt rules and regulations that would achieve GHG emissions equivalent to statewide levels in 1990 by 2020. In addition, two State-level Executive Orders have been enacted by the Governor (Executive Order S-3-05, signed June 1, 2005, and Executive Order S-01-07, signed January 18, 2007) that mandate reductions in GHG emissions.

In December of 2009, the California Natural Resources Agency adopted amendments to the CEQA Guidelines (Title 14, Cal. Code of Regulations, §15000 et seq.) to comply with the mandate set forth in Public Resources Code §21083.05. These revisions became effective March 18, 2010. According to GHG amendments to the CEQA Guidelines, each public agency that is a CEQA lead agency needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information.

Santa Barbara County completed the first phase (Climate Action Study) of its climate action strategy in September 2011. The Climate Action Study provides a County-wide GHG inventory and an evaluation of potential emission reduction measures. The second phase of the County's climate action strategy is an Energy and Climate Action Plan (ECAP), which was adopted by the County Board of Supervisors on June 2, 2015. The ECAP includes a base year (2007) GHG inventory for unincorporated areas of the County, which identifies total GHG emissions of 1,192,970 metric tons CO<sub>2</sub>E and 28,560 metric tons CO<sub>2</sub>E for construction and mining equipment (primary project-related GHG source). Note that the base year inventory does not include stationary sources and energy use (natural gas combustion and electricity generation).

The focus of the ECAP is to establish a 15 percent GHG reduction target from baseline (by 2020) and develop source-based and land use-based strategies to meet this target. The County has been implementing the ECAP's emission reduction measures since 2016. However, the County did not meet the 2020 GHG emission reduction goal contained within the ECAP, and an updated 2030 Climate Action Plan is in development.

In November 2021, Santa Barbara County completed a Climate Change Vulnerability Assessment as a first step to improving regional resiliency by analyzing how climate change may harm the community. The Assessment considered how severe the effects of climate change hazards are likely to be for the county's people and assets and identifies which groups of people and assets face the greatest potential for harm. The County will use these results to prepare an Adaptation Plan and update the Santa Barbara County Seismic Safety and Safety Element to increase resiliency throughout the unincorporated county.

#### **County Environmental Thresholds:**

On January 26, 2021, the Board of Supervisors adopted interim thresholds of significance for GHG emissions from non-industrial stationary source projects. The numeric screening threshold is 300 MTCO<sub>2</sub>E per year and is used in this Initial Study to determine the significance of the project's GHG emissions.

#### **Impact Discussion:**

- a. **Construction.** Construction of the proposed multi-use path would generate GHG emissions from the engine exhaust of heavy equipment and motor vehicles. Table 3 provides a summary of GHG emissions as compared to the County's interim threshold. Note that implementation of Alignments A or B would result in virtually the same construction GHG emissions. Project-related GHG emissions would be less than the County's interim threshold; therefore, global climate change impacts are considered less than significant.

**Operation.** The project involves a multi-use path to be used by bicyclists and pedestrians and would not generate GHG emissions. The project may result in some shift in transportation mode from motor vehicle to bicycle, which would reduce GHG emissions.

- b. The proposed project is consistent with adopted air quality plans (2019 Ozone Plan) because it would have no effect on population projections upon which the Ozone Plan is based. The proposed project is also consistent with the ECAP.

**Table 3. Construction GHG Emissions (metric tons)**

Source	CO <sub>2</sub>	N <sub>2</sub> O	CH <sub>4</sub>	CO <sub>2</sub> e
Heavy equipment	115.3	<0.1	<0.1	116.2
Motor vehicles	13.7	<0.1	<0.1	14.0
<b>Total</b>	<b>129.0</b>	<b>&lt;0.1</b>	<b>&lt;0.1</b>	<b>130.2</b>
Santa Barbara County Interim Threshold				300

**4.4 BIOLOGICAL RESOURCES**

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
<b>Flora</b>					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?			X		
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?			X		
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?		X			
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
<b>Fauna</b>					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?		X			
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			X		
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?			X		

**Setting:**

The following discussion is based on the results of a tree survey conducted on February 10, 2021 and a biological survey conducted on March 14, 2022 by Padre Associates’ senior biologist Matt Ingamells. In addition, plant and animal species lists developed for the Modoc Preserve Native Grassland Restoration Project were utilized.

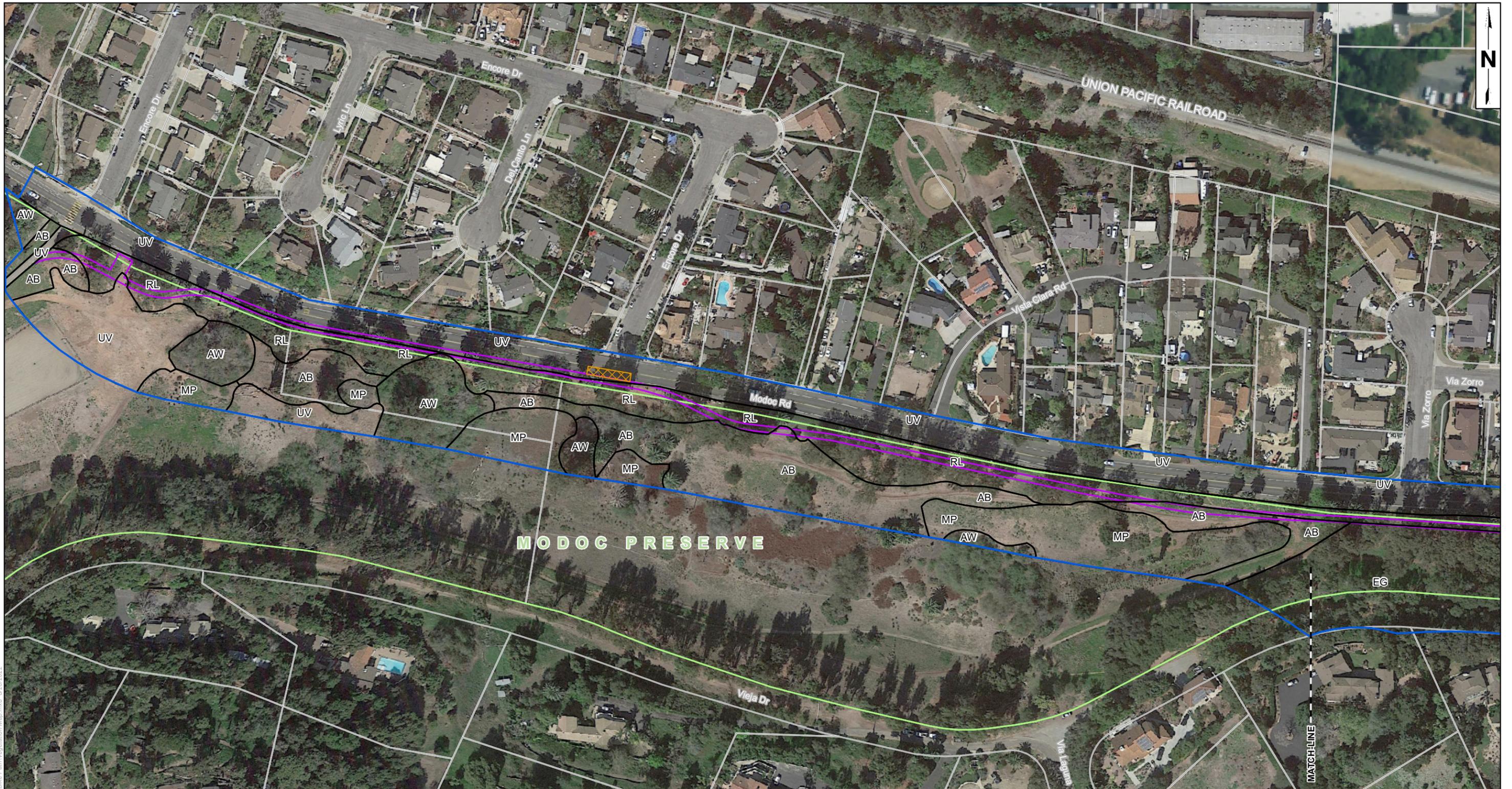
**Vegetation.** A total of 95 vascular plant species were identified within about 150 feet of the multi-use path alignment during the field survey. Plants observed consisted of 39 (41 percent) native taxa and 56 (59 percent) non-native, naturalized, or ornamental taxa. Note that landscaping and ornamental species planted at residential properties on the north side of Modoc Road are not included. A list of all plant species observed along the multi-use path alignment is provided as Appendix A.

Vegetation was mapped along an approximately 150 foot-wide corridor along the multi-use path alignment, and can be divided into five plant communities, based on the vegetation classification system used in A Manual of California Vegetation (Sawyer et al., 2009) as modified to address the disturbed nature of the project site. These vegetation types are depicted on Figure 5 and described below.

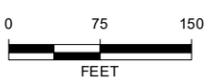
Arroyo Willow Thickets (*Salix lasiolepis* Shrubland Alliance). This term is used to describe patches of arroyo willows at the Modoc Preserve, and riparian vegetation along Cieneguitas Creek. Red willows (*Salix laevigata*) occur with arroyo willows along Cieneguitas Creek.

Roadside Landscaping. This term is used to describe landscape plantings along the south side of Modoc Road, including the linear row of Canary Island palms (*Phoenix canariensis*) located west of the eastern Via Zorro intersection, Catalina cherry (*Prunus lyonii*), cotoneaster (*Cotoneaster pannosus*) and toyon (*Heteromeles arbutifolia*) planted on the slopes east of the eastern Via Zorro intersection and trees planted near the southwestern corner of the Via Senda/Modoc Road intersection. The understory of most these areas is dominated by rip-gut grass (*Bromus diandrus*) and wild barley (*Hordeum murinum*), with patches of Bermuda buttercup (*Oxalis pes-caprae*).

Eucalyptus Groves. This term is used to describe blue gum eucalyptus (*Eucalyptus globulus*) stands located mostly south of the Canary Island palms, and extending to the east along the south side of Modoc Road. The understory is very sparse with occasional goose grass (*Galium aparine*) and toyon.



- LEGEND:**
- Bike Path Alignment
  - Modoc Preserve
  - Staging Area
  - Assessor Parcel Boundary
  - Vegetation Mapping Limits
  - Vegetation Type
  - EG Eucalyptus Groves
  - MP Meadow Plantings (Modoc Preserve)
  - RL Roadside Landscaping (including palms)
  - UV Unvegetated (including Modoc Road)
  - AB Annual Brome Grasslands
  - AW Arroyo Willow Thickets



Source: Google Earth Pro Imagery February 2021, NAIP 2020 Imagery, Esri Online Topo Basemap, County of Santa Barbara  
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
 Notes: This map was created for informational and display purposes only.



PROJECT NAME:  
**MODOC ROAD BIKE PATH**  
**SANTA BARBARA COUNTY, CA**

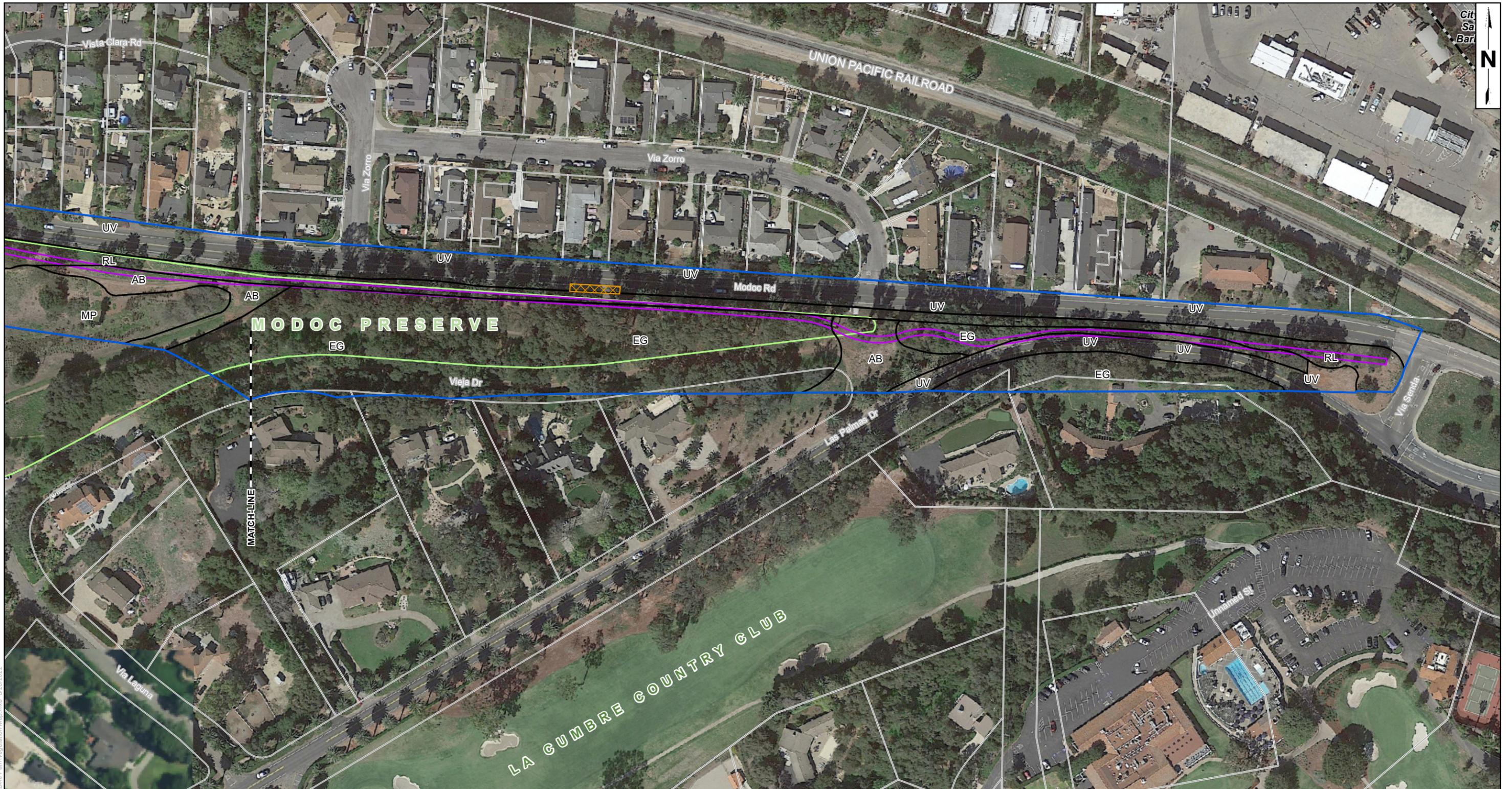
PROJECT NUMBER:  
 2002-8021

DATE:  
 August 2022

**VEGETATION MAP**

**FIGURE 5A**

Z:\GIS\Projects\GIS Maps\Map - Project\Modoc Road Bike Path\Vegetation Map.mxd, 8/26/2022

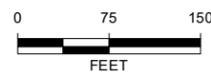
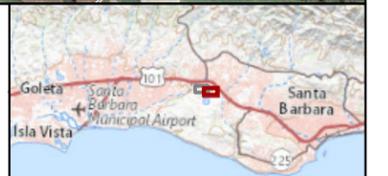


**LEGEND:**

- Bike Path Alignment
- Modoc Preserve
- Staging Area
- Assessor Parcel Boundary
- City Limits
- Vegetation Mapping Limits
- Vegetation Type
- AB Annual Brome Grasslands
- EG Eucalyptus Groves

- MP Meadow Plantings (Modoc Preserve)
- RL Roadside Landscaping (including palms)
- UV Unvegetated (including Modoc Road)

**MAP EXTENT:**



Source: Google Earth Pro Imagery February 2021, NAIP 2020 Imagery, Esri Online Topo Basemap, County of Santa Barbara  
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: MODOC ROAD BIKE PATH SANTA BARBARA COUNTY, CA	
PROJECT NUMBER: 2002-8021	DATE: August 2022

**VEGETATION MAP**

**FIGURE  
5B**

Annual Brome Grasslands (*Avena* ssp.-*Bromus* ssp. Semi-Natural Alliance). This term is used to describe weedy areas located south of roadside landscaping and north of meadow plantings of the Modoc Preserve. Dominant species include rip-gut grass, wild barley and summer mustard (*Hirschfeldia incana*).

Meadow Plantings. This term is used to describe restoration plantings located on the north side of the Modoc Preserve, which include patches of mugwort (*Artemisia douglasiana*), yerba mansa (*Anemopsis californica*), spreading rush (*Juncus patens*) and purple needlegrass (*Stipa pulchra*).

**Wildlife**. The wildlife habitat value of the project site is higher than typical suburban areas given its location adjacent to an open space area. Observed vertebrate species include those seen or detected by track, scat, burrows or vocalizations (calls, songs, etc.) during the biological survey conducted for the project. In addition, wildlife observed at Modoc Preserve as part of monitoring the Modoc Preserve Native Grassland Restoration Project and bird species reported from the Modoc Preserve on eBird.org are likely to occur at the project site. A list of observed and reported wildlife species is provided as Appendix B, including those species reported from the Modoc Preserve.

The western terminus of the multi-use path alignment is located adjacent to Cieneguitas Creek, which is a tributary of Atascadero Creek that flows into the Goleta Slough. This creek reach is maintained periodically by the Santa Barbara County Flood Control District including trimming trees and removing debris and brush from the channel.

Cieneguitas Creek is included in the critical habitat designation for southern California steelhead and this species has been reported from Atascadero, San Jose and San Pedro creeks (Stoecker et al., 2002). However, steelhead have not been reported from Cieneguitas Creek since 1984 due to impassable fish barriers. Fish were not observed in Cieneguitas Creek during the biological survey.

Amphibians and reptiles observed or reported to occur along the multi-use path alignment are limited to Baja California chorus frog, western fence lizard and gopher snake. Low quality pool habitat for western pond turtle was observed in Cieneguitas Creek near the project site during the biological survey. However, this species was not observed during the field survey and has not been observed by Santa Barbara County Flood Control District biologists during maintenance activities.

Twenty-four bird species were observed along the multi-use path alignment during the biological survey. Forty-two additional bird species have been reported from the Modoc Preserve as part of monitoring conducted for the Modoc Preserve Native Grassland Restoration Project, and bird species reported from the Modoc Preserve on eBird.org.

Five mammal species were observed along the multi-use path alignment during the biological survey, including pocket gopher, coyote, California ground squirrel, broad-footed mole and brush rabbit. Two additional species (bobcat, Audubon's cottontail) have been reported from the Modoc Preserve as part of monitoring conducted for the Modoc Preserve Native Grassland Restoration Project. Other mammals likely to occur near the project site include Virginia opossum, raccoon and striped skunk.

**Wildlife Corridors.** Highly mobile species such as larger mammals and birds are expected to move between coastal areas and the Santa Ynez Mountains. Cieneguitas Creek and adjacent bike paths and trails provides a means to traverse developed areas, dense vegetation and steep slopes. Therefore, Cieneguitas Creek may be an important wildlife movement corridor in the area. Wildlife are also likely to utilize the cover and habitat provided by the Modoc Preserve during local movements.

**Invasive Species and Level of Disturbance.** The California Invasive Plant Council has developed an Invasive Plant Inventory which rates weedy non-native plant species based on their potential to have severe ecological effects (high, moderate, limited). Fourteen plant species rated as “moderate” and eleven species rated as “limited” for invasiveness were found along the multi-use path alignment.

The proposed multi-use path alignment site has been disturbed in the past primarily by the construction of Modoc Road including roadside tree plantings and drainage facilities. More recent sources of disturbance include roadway and drainage facility maintenance, establishment and maintenance of trails, and restoration activities (removal of non-native plants, site preparation, planting, monitoring) at the Modoc Preserve.

**Habitats of Concern.** Cieneguitas Creek south of Modoc Road has been designated environmentally sensitive habitat in the Eastern Goleta Valley Community Plan. The multi-use path alignment terminates approximately 20 feet east of Cieneguitas Creek.

**Special-Status Plant Species.** Special-status plant species are either listed as endangered or threatened under the Federal or California Endangered Species Acts, or rare under the California Native Plant Protection Act, or considered to be rare or of scientific interest (but not formally listed) by resource agencies, professional organizations (e.g., Audubon Society, California Native Plant Society [CNPS], The Wildlife Society), and the scientific community.

Santa Barbara County considers oak woodlands, oak forests and individual specimen oak trees as important biological resources. In 2003, The County Deciduous Oak Tree Protection and Regeneration Ordinance (no. 4490) was adopted to protect valley and blue oaks and is codified in Chapter 35, Article IX of the County Code. The County’s Grading Code (County Code Chapter 14) addresses native oak tree removal, including coast live oak. These regulations limit the number of oak tree removals and require replacement for removal over established thresholds. Valley oak trees are considered protected if they are at least 4 inches in diameter at breast height. Coast live oak trees are considered protected if they are at least 8 inches in diameter at breast height. However, projects undertaken by Santa Barbara County are not subject to the Grading Code (see Section 14.6) or Article IX of the County Code (see Section 35.903).

For the purposes of this project, special-status plant species are defined in Table 4. The literature search conducted for this impact analysis indicates eight special-status plant species have the potential to occur within the project area. Table 5 lists these species, their current status, and the nearest known location relative to the project area. Coast live oak was observed within the project site, no other special-status plant species were detected and are considered absent, based on the findings of project-specific botanical survey.

**Table 4. Definitions of Special-Status Plant Species**

- Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species).
- Plants that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register, November 16, 2020).
- Plants that meet the definitions of rare or endangered species under the CEQA (*State CEQA Guidelines*, Section 15380).
- Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2).
- Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Lists 3 and 4).
- Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5).
- Plants listed under the California Native Plant Protection Act (California Fish and Game Code 1900 et seq.).
- Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), State and local agencies or jurisdictions.
- Plants considered sensitive or unique by the scientific community or occurring at the limits of its natural range (*State CEQA Guidelines*).
- Trees protected by Santa Barbara County Ordinances.
- Listed as a Rare Plant of Santa Barbara County by the Santa Barbara Botanic Garden

**Table 5. Special-Status Plant Species Reported within Two Miles of the Project Site**

Common Name	Status	Habitat Description	Nearest Known Location	Status On-site
Coulter's saltbush <i>Atriplex coulteri</i>	List 1B, SBBG	Coastal bluff scrub, dunes, coastal scrub, grassland	~1.6 miles to the east-southeast (historic, 1956) (CNDDDB, 2022)	Not observed during the biological survey, suitable habitat is absent
Southern tarplant <i>Centromadia parryi australis</i>	List 1B, SBBG	Vernal pools, alkaline meadows	~1.0 miles to the west (historic, 1952) (CNDDDB, 2022)	Planted at the Modoc Preserve from 2015- 2017 (Kisner, 2020), not observed during the biological survey
Mesa horkelia <i>Horkelia cuneata ssp. puberula</i>	List 1B, SBBG	Sandy soils in coastal scrub & chaparral	1.8 miles to the northwest (historic, 1977) (CNDDDB, 2022)	Not observed during the biological survey, suitable habitat is absent
Southern California black walnut <i>Juglans californica</i>	List 4, SBBG	Canyons, shady slopes	Modoc Preserve (Kisner, 2020)	Reported from the Modoc Preserve, but not observed along the multi-use path alignment
Spiny rush <i>Juncus acutus ssp. leopoldii</i>	List 4	Washes, sandy floodplains	Modoc Preserve (Kisner, 2020)	Reported from the Modoc Preserve, but not observed along the multi-use path alignment
Santa Barbara honeysuckle <i>Lonicera subspicata var. subspicata</i>	List 1B, SBBG	Chaparral	1.4 miles to the north (CNDDDB, 2022)	Not observed during the biological survey, suitable habitat is absent
Coast live oak <i>Quercus agrifolia</i>	CO-4491	Woodland	On-site, south of Modoc Road	Present
California scrub oak <i>Quercus dumosa</i>	List 1B, SBBG	Chaparral	~1.6 miles to the northeast (historic, 1941) (CNDDDB, 2022)	Not observed during the biological survey, suitable habitat is absent
Sonoran maiden fern <i>Thelypteris puberula var. sonorensis</i>	List 2B, SBBG	Meadows and seeps	~1.6 miles to the southeast (historic, 1932) (CNDDDB, 2022)	Not observed during the biological survey, suitable habitat is absent

**Status Codes:**

- CO-4491 Protected under County Ordinance no. 4491
- List 1B Plants rare, threatened, or endangered in California and elsewhere (CNPS)
- List 2B Plants rare, threatened, or endangered in California, but more common elsewhere (CNPS)
- List 4 Plants of limited distribution (CNPS)
- SBBG Rare Plant of Santa Barbara County (Santa Barbara Botanic Garden)

**Special-Status Wildlife Species.** Special-status wildlife species are defined in Table 6. The potential for these species to occur in the vicinity of the project site was determined by biological surveys, habitat characterization within the project site, review of sight records from other environmental documents and range maps. Table 7 lists special-status wildlife species that have the potential to occur within the project site and includes a brief discussion of their likely status on-site.

**Table 6. Definitions of Special-Status Wildlife Species**

<ul style="list-style-type: none"> <li>➤ Animals listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species).</li> <li>➤ Animals that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act (Federal Register November 16, 2020).</li> <li>➤ Animals that meet the definitions of rare or endangered species under the CEQA (<i>State CEQA Guidelines</i>, Section 15380).</li> <li>➤ Animals listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (14 CCR 670.5).</li> <li>➤ Animal species of special concern to the CDFW (Shuford &amp; Gardali, 2008 for birds; Williams, 1986 for mammals; Moyle et al., 2015 for fish; and Thomson et al., 2016 for amphibians and reptiles).</li> <li>➤ Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).</li> </ul>
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**Table 7. Special-Status Wildlife Species Reported within Two Miles of the Project Site**

Common Name	Habitat	Status	Nearest Known Location Relative to the project site	Status On-site
Monarch butterfly ( <i>Danaus plexippus</i> )	Eucalyptus groves and parks	FC	Hidden Valley Park, 1.0 miles to the south-southeast (Meade, 1999)	Suitable roosting habitat at project site, but not observed
Tidewater goby ( <i>Eucyclogobius newberryi</i> )	Coastal lagoons and adjacent stream reaches	FE, CSC	Arroyo Burro, 1.8 miles to the southeast (CNDDDB, 2022)	No suitable aquatic habitat near project site
Southern California steelhead ( <i>Oncorhynchus mykiss gairdneri</i> )	Coastal streams	FE	Goleta Slough, about 3.5 miles downstream of the project site (CNDDDB, 2022)	Precluded by impassable barriers
Southwestern pond turtle ( <i>Emys marmorata</i> )	Vegetated ponds, stream pools	CSC	Atascadero Creek, two miles to the west-southwest in 1979 (CNDDDB, 2022)	Not known from Cieneguitas Creek near project site
Northern California legless lizard <i>Anniella pulchra</i>	Moist sandy-loam soils, typically under vegetation	CSC	Near Senda Verde, 0.9 miles to the south in 2012 (CNDDDB, 2022)	May occur at Modoc Preserve

Common Name	Habitat	Status	Nearest Known Location Relative to the project site	Status On-site
White-tailed kite <i>(Elanus caeruleus)</i>	Grasslands, forests and wetlands	FP	Antone Road, 1.5 miles to the north in 2007 (CNDDDB, 2022)	Not reported by birders that frequent the Modoc Preserve (eBird.org, 2022)
Cooper's hawk <i>(Accipiter cooperi)</i>	Riparian forest	WL (nest)	Atascadero Creek, two miles to the west-southwest (Lehman, 2019)	Reported from the Modoc Preserve (eBird.org, 2022)
Yellow warbler <i>(Setophaga petechia)</i>	Riparian forest	CSC (nest)	Cieneguitas Creek, near the project site in 2014 (Lehman, 2019)	May occur along Cieneguitas Creek, but habitat quality is low-moderate
Yellow-breasted chat <i>(Icteria virens)</i>	Riparian forest	CSC (nest)	Cieneguitas Creek, about 1.4 miles to the northeast in 2014 (Lehman, 2019)	May occur along Cieneguitas Creek, but habitat quality is low-moderate
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	Coastal salt marshes	SE	More Mesa (wintering), two miles to the southwest in 1982 (CNDDDB, 2022)	Suitable habitat not present at project site
Grasshopper sparrow <i>Ammodramus savannarum</i>	Grasslands	CSC (nest)	East of State Route 154, 1.6 miles to the north in 2007 (CNDDDB, 2022)	Not reported by birders that frequent the Modoc Preserve (eBird.org, 2022)
Oak titmouse <i>Baeolophus inornatus</i>	Oak woodlands	BCC	Found on-site during biological survey	Present
Allen's hummingbird <i>Selasphorus sasin</i>	Chaparral, woodlands	BCC	Found on-site during biological survey	Present
Tricolored blackbird <i>Agelaius tricolor</i>	Ponds, stream edges	ST, CSC	Maria Ygnacio Creek, 2.3 miles to the west in 1971 (CNDDDB, 2022)	Suitable habitat not present at project site
Western red bat <i>Lasiurus blossevillii</i>	Foliage of large cottonwoods and sycamores	CSC, H	More Mesa, 1.7 miles to the southwest in 2008 (CNDDDB, 2022)	Suitable habitat not present at project site
Hoary bat <i>Lasiurus cinereus</i>	Foliage of large cottonwoods	M	More Mesa, 1.7 miles to the southwest in 2008 (CNDDDB, 2022)	Suitable habitat not present at project site
Western mastiff bat <i>Eumops perotis californicus</i>	Rock crevices, buildings, tunnels	CSC, H	More Mesa, 1.7 miles to the southwest in 2008 (CNDDDB, 2022)	Suitable habitat not present at project site
Townsend's big-eared bat <i>Corynorhinus townsendi</i>	Caves, buildings, mines	CSC, H	Near Monte Vista Elementary School, 1.0 miles to the northeast in 1985 (CNDDDB, 2022)	Suitable habitat not present at project site

Status Codes:

- BCC Birds of Conservation Concern (USFWS)
- CSC California Species of Special Concern (CDFW)
- FP Fully protected under Section 4700 of the Fish and Game Code
- FC Federal Candidate (USFWS)
- FE Federal Endangered (USFWS)
- FT Federal Threatened (USFWS)
- ST State Threatened (CDFW)
- H Western Bat Working Group-high priority
- M Western Bat Working Group-medium priority
- WL Watch List (CDFW)

Monarch Butterfly. This species winters in dense roosts, typically in tree stands in protected coastal areas. These winter roosts begin forming in October and persist into February, while autumnal roosts are abandoned early in November or December by individuals seeking more favorable conditions. Meade (1999) reports a roost site (Hidden Valley Park) in Hope Ranch approximately 1.0 miles south-southeast of the project site. Suitable roosting habitat (eucalyptus stands) occurs within the adjacent Modoc Preserve; however, monarch roosting has never been reported here.

Monarch butterfly numbers in the region have dropped drastically in the past few years, with only six or less observed at the Hidden Valley Park aggregation site during Thanksgiving surveys conducted since 2014 (Xerces Society Thanksgiving Monarch Count data, 2021). None were observed at the Hidden Valley Park aggregation site in 2021, and none were observed at the project site during the biological survey and are unlikely to occur due to the lack of observed monarchs at established aggregation sites nearby.

Tidewater Goby. Tidewater goby is a federally listed endangered fish and California species of special concern that inhabits brackish water habitats along the California coast. It is a small fish rarely exceeding two inches in length, and all life stages occur in the upper end of lagoons with salinities ranging from 5 to 20 parts per thousand (ppt). They lack a marine phase, and estuaries with a more permanent ocean connection and higher salinities (20-30 ppt) often do not support tidewater gobies. The species occurs in coastal streams that create deposition berms that dam the mouths of the estuaries for the majority of the year.

Tidewater goby has been reported from the Goleta Slough and lower Arroyo Burro. Cieneguitas Creek is a tributary of Atascadero Creek which flows into the Goleta Slough. Due to fish passage impediments (concrete channelization, grade stabilizers) and distance to the Goleta Slough (about 3.4 creek miles), the tidewater goby is not expected to occur within Cieneguitas Creek near the project site.

Steelhead. Steelhead is an anadromous form of rainbow trout, which reproduces in freshwater but spends much of its life cycle in the ocean where greater prey availability and mass provides a greater growth rate and size. Steelhead have been divided into evolutionary significant units (ESU) based on similarity in life history, location, and genetic markers. The southern California ESU extends from the Santa Maria River south to the Tijuana River, and includes those portions of coastal watersheds which are seasonally accessible to steelhead entering from the ocean. The southern California ESU was listed as endangered by the National Marine Fisheries Service (NMFS) on October 17, 1997.

Cieneguitas Creek is a tributary of Atascadero Creek which flows into the Goleta Slough. The Goleta Slough and tributaries was designated as Critical Habitat on September 2, 2005 as a part of the South Coast Hydrologic Unit. Steelhead were observed in 1984 in Cieneguitas Creek downstream of Modoc Road. However, the channelized portion of Cieneguitas Creek just upstream of its confluence with Atascadero Creek is considered an impassable barrier for steelhead (Stoecker and Conception Coast Project, 2002). Therefore, steelhead do not have access to the project site from the Goleta Slough and Pacific Ocean.

Western Pond Turtle. This turtle is considered a California species of special concern and has been observed in Atascadero Creek downstream of the project site. It is an aquatic turtle inhabiting streams, marshes, ponds, and irrigation ditches within woodland, grassland, and open forest communities, but requires upland sites for nesting and over-wintering. Stream habitat must contain relatively permanent, deep pool areas with moderate-to-good plant and debris cover, and rock and cobble substrates for escape retreats. Due to the lack of suitable stream pools in the adjacent reach of Cieneguitas Creek and lack of sightings by Flood Control District biologists, the likelihood of occurrence of western pond turtle near the project site is low.

Northern California Legless Lizard. Suitable habitat for this species occurs at the Modoc Preserve. However, soil disturbance associated with recent restoration activities may have adversely affected this species if present. Northern California legless lizard is unlikely to occur along the multi-use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians.

White-tailed Kite. White-tailed kite roosts in the project area (Goleta Valley) in fall and winter, and may breed here in small numbers (Lehman, 2019). This species has been reported from the project area, but not the Modoc Preserve.

Cooper's Hawk, Yellow Warbler and Yellow-breasted Chat. Cooper's hawk has been reported from the Modoc Preserve. Cooper's hawk, yellow warbler and yellow-breasted chat have been reported from Atascadero Creek and/or Cieneguitas Creek and may breed in the project area.

Bats. Bat populations in the project area are typically associated with bridges, which offer significant roosting habitat and support substantial populations of bats statewide. Bridges are most often used as night roosts, which are near foraging sites where bats can rest between foraging bouts. Night roosts are typically in more exposed sites than day roosts (Rainey and Pierson, 1995). Some species use bridges as day roosts, where they rest during the day before leaving in the evening to forage. Bridges can also be used as maternity roosts. In areas of major seasonal temperature changes, bats will migrate to warmer climates in the fall. However, bats will use a roost on a year-round basis in areas that do not undergo dramatic temperature changes.

Of the 13 bat species reported from the coastal area of Santa Barbara (Zeiner, et al., 1990b), 11 are known to use bridges as roosts (Rainey and Pierson, 1995). These are Yuma myotis, long-eared myotis, fringed myotis, long-legged myotis, California myotis, small-footed myotis, western pipistrelle, big brown bat, pale big-eared bat, pallid bat, and Brazilian free-tailed bat. The red bat and hoary bat are not known to use bridges for roosting.

Local bridges supporting known bat populations include Cathedral Oaks Road (over San Jose Creek), Hollister Avenue (over Maria Ygnacio Creek) and Cathedral Oaks Road (over San Antonio Creek). There are no bridges or other suitable crevice habitat for bat roosting near the project site. However, bats may forage along Cieneguitas Creek near the multi-use path alignment.

Wetlands. The term “wetland” is used to describe a particular landscape characterized by inundation or saturation with water for a sufficient duration to result in the alteration of physical, chemical, and biological elements relative to the surrounding landscape. Wetland areas are characterized by prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands provide habitats that are essential to the survival of many threatened or endangered species as well as other wetland dependent species. Wetlands also have value to the public for flood retention, storm abatement, aquifer recharge, water quality improvement, and for aesthetic qualities. Wetlands also play a role in the maintenance of air and water quality and contribute to the stability of global levels of available nitrogen, atmospheric sulfur, carbon dioxide, and methane.

Wetlands are rapidly declining within California and efforts are being made to maintain and preserve remaining wetlands within California. Historically, Southern California had extensive wetlands with significant freshwater inflow. The Southern California Coastal Wetland Inventory prepared by the Coastal Conservancy addressed 41 key sites and indicates only about 30 percent of historic coastal wetland area is remaining (Southern California Wetlands Recovery Project, 2001).

Regulatory agencies with jurisdiction over wetlands include the U.S. Army Corps of Engineers (Corps) with authority to enforce two Federal regulations involving wetland preservation; the Clean Water Act (Section 404), which regulates the disposal of dredge and fill materials in waters of the U.S., and the Rivers and Harbors Act of 1899 (Section 10), which regulates diking, filling, and placement of structures in navigable waterways.

State regulatory agencies with jurisdiction over wetlands include the State Water Quality Control Board that enforces compliance with the Federal Clean Water Act (Section 401) regulating water quality; the California Coastal Commission (CCC), which regulates development within the coastal zone as stipulated in the California Coastal Act; and the CDFW, which asserts jurisdiction over waters and wetlands with actions that involve alterations to streams or lakes by issuing Streambed Alteration Agreements under Section 1602 of the California Fish and Game Code.

In the Clean Water Act regulations (33 CFR 328.3.a, effective June 22, 2020), the term “waters of the U.S.” is defined as follows:

- The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide.
- Tributaries.
- Lakes and ponds, and impoundments of jurisdictional waters.
- Adjacent wetlands.

Under Corps and U.S. Environmental Protection Agency (USEPA) regulations, wetlands are defined as: "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

In non-tidal waters, the lateral extent of Corps jurisdiction is determined by the ordinary high water mark which is defined as the: "...line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." (33 CFR 328.c.7).

The U.S. Fish and Wildlife Service (USFWS) and Santa Barbara County define wetlands as: "...lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season each year."

Wetlands meeting the USFWS and Santa Barbara County wetland definition occur within the Modoc Preserve because numerous plant species present are considered hydrophytes (obligate wetland or facilitative-wetland species as listed by the Corps of Engineers) including yerba mansa, tall flat-sedge (*Cyperus eragrostis*), flat-sedge (*Cyperus involucratus*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), spreading rush, curly dock (*Rumex crispus*), willow dock (*Rumex salicifolius*), arroyo willow, California bulrush (*Schoenoplectus californicus*) and Mexican fan palm (*Washingtonia robusta*).

Wetlands meeting the USFWS and Santa Barbara County wetland definition also occur within Cieneguitas Creek due the presence of surface water and hydrophytes, including arroyo willow, red willow and Mexican fan palm.

### **County Environmental Thresholds:**

The following thresholds are taken from the Santa Barbara County Environmental Thresholds and Guidelines Manual.

**General Impacts.** Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

- Substantially reduce or eliminate species diversity or abundance;
- Substantially reduce or eliminate quantity or quality of nesting areas;
- Substantially limit reproductive capacity through losses of individuals or habitat;
- Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources;
- Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes); and/or
- Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

**Wetland Impact Assessment Guidelines.** The following types of project-created impacts may be considered significant:

- Projects which result in a net loss of important wetland area or wetland habitat value, either through direct or indirect impacts to wetland vegetation, degradation of water quality, or would threaten the continuity of wetland-dependent animal or plant species are considered to have a potentially significant effect on the environment.
- Projects which substantially interrupt wildlife access, use and dispersal in wetland areas would typically be considered to have potentially significant impacts.

**Riparian Impact Assessment Guidelines.** The following types of project-related impacts may be considered significant:

- Direct removal of riparian vegetation.
- Disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation.
- Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers listed in the previous section), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion.
- Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e. g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential.
- Construction activity which disrupts critical time periods (nesting, breeding) for fish and other wildlife species.

**Impact Assessment Guidelines for Woodlands and Forest Habitat Areas.** Project-created impacts may be considered significant due to changes in habitat value and species composition such as habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, removal of a significant number of trees that would cause a break in the canopy or disruption in animal movement in and through the woodland.

**Native Tree Impact Assessment.** In general, the loss of 10 percent or more of the trees of biological value on a project site is considered potentially significant.

**Impact Discussion:**

- a. Environmentally sensitive habitat occurs along Cieneguitas Creek near the western terminus of the multi-use path alignment. No direct loss of habitat would occur regardless of whether Alignment A or B were implemented. Indirect impacts (noise, dust, human presence) to environmentally sensitive habitat would be less than significant due to the short duration and small scale of proposed construction activities in proximity to this habitat (multi-use path construction with minimal earthwork).

- b. One special-status plant species was found within the project site: coast live oak. Coast live oak is addressed under question e. below.
- c. Impacts to native vegetation (either Alignment A or B) would be limited to canopy trimming of an arroyo willow thicket overhanging the multi-use path alignment approximately 600 feet east of the western Encore Drive/Modoc Road intersection. The multi-use path would be located adjacent to the roadway shoulder at this location (both alignments) and removal of arroyo willow thickets would not be required. Therefore, impacts to native vegetation are considered less than significant.
- d. Multi-use path construction (either Alignment A or B) would result in the removal of approximately 0.2 acres of non-native eucalyptus groves. Due to the abundance of this habitat in the project area, and occurrence within and adjacent to the Modoc Preserve, this impact is considered less than significant.
- e. Implementation of Alternative A would require the removal of approximately 48 trees, including no native and 48 non-native trees. Implementation of Alternative B would require the removal of approximately 21 trees, including three native and 15 non-native trees (see Table 8). The impact to native trees is considered significant because more than 10 percent of the native trees of biological value found at the project site would be removed.

**Table 8. Tree Removal Summary\***

Species	Alignment A	Alignment B	Origin
Canary Island palm ( <i>Phoenix canariensis</i> )	29	0	Non-native, planted along Modoc Drive
Blue gum ( <i>Eucalyptus globulus</i> )	8	8	Non-native, planted and invasive
Coast live oak ( <i>Quercus agrifolia</i> )	0	3	Native
Peruvian pepper tree ( <i>Schinus molle</i> )	3	3	Non-native, planted and invasive
Fern pine ( <i>Podocarpus gracilior</i> )	2	1	Non-native, planted
Incense cedar ( <i>Calocedrus decurrens</i> )	1	1	Non-native, planted
Lemon gum ( <i>Eucalyptus citriodora</i> )	5	5	Non-native, planted
<b>Total</b>	<b>48</b>	<b>21</b>	

\*Does not include non-native tree saplings

- f. No chemicals, animals, human habitation or invasive plants would be associated with project implementation. Additional herbicide use for weed control and fuel reduction would not be required. The proposed multi-use path may result in an increase in trail use as compared to existing conditions by pedestrians, bicyclists and equestrians. However, this increase in human activity and related disturbance would be minor and significant impacts on local wildlife populations are not anticipated.
- g. **Yellow-warbler and Yellow-Breasted Chat.** These species may forage along Cieneguitas Creek and be present during project construction. Impacts to yellow-warbler and yellow-breasted chat would be limited to reduced foraging opportunities for a few weeks along a short reach of Cieneguitas Creek (about 100 feet) and would not have a significant adverse effect on the local population.
- Cooper's Hawk, Oak Titmouse and Allen's Hummingbird.** These species may breed in trees within or adjacent to the multi-use path alignment. Project-related construction activity during the breeding season may cause active nests to be abandoned and result in the loss of eggs and/or nestlings. This impact is considered potentially significant.
- h. Implementation of Alignment B would result in the loss of approximately 1.3 acres of vegetation/wildlife habitat, limited to non-native vegetation and landscaping. Implementation of Alignment A would have virtually the same habitat impacts as Alignment B due to its very similar length and location. Construction-related disturbance (noise, vibration, equipment activity) would be short-term, localized and occur primarily in previously disturbed areas along Modoc Road. Overall, a reduction in diversity or substantial reduction in numbers of wildlife is not expected. However, trees and other vegetation proposed to be removed may support nests of native bird species protected under the Federal Migratory Bird Treaty Act and/or Sections 3503.5, 3513 or 3700 of the California Fish and Game Code. Removal of active nests may result in mortality of eggs, nestlings or adults, which is considered a potentially significant impact.
- i. As discussed in h., the project would result in the loss of about 1.3 acres of wildlife habitat. However, this habitat is located along Modoc Road, subject to vehicle noise, dust and exhaust emissions and not considered high value or essential habitat for any wildlife species. Overall, the proposed project would not result in the significant deterioration of wildlife habitat in the adjacent Modoc Preserve.
- j. Local wildlife movement may occur along Cieneguitas Creek and the Modoc Preserve. The proposed project would not reduce the value of these potential wildlife movement corridors. No barriers to wildlife would be involved and no work would occur at night, when most wildlife movement occurs. Therefore, impacts to wildlife movement are considered less than significant.
- k. Project implementation would not involve fencing or lighting, but an increase in human presence and noise may occur as a result of multi-use path use. However, this activity would be focused along the multi-use path during daylight hours. Overall, the project would not result in a substantial increase in factors which may hinder normal activities of wildlife. Impacts are considered less than significant.

### **Mitigation and Residual Impact:**

**BIO-1: Oak Trees. Alignment B.** The loss of three protected coast live oak trees (at least six inches in diameter) would be mitigated by planting coast live oaks at a mitigation ratio of 10:1 for one-gallon container plants or 5:1 with fifteen-gallon container plants. Therefore, a total of 30 one-gallon plants or 15 fifteen-gallon plants would be planted.

Alignment A. The loss of no protected coast live oak trees (at least six inches in diameter) and would not require any mitigation by planting coast live oaks be mitigated by planting coast live oaks.

Replacement oak trees would be planted along the multi-use path and/or within the Modoc Preserve or other open space areas managed by Santa Barbara County. The container plants would be propagated from genetic stock originating from the Goleta Slough watershed (if available) or southern Santa Barbara County. Each mitigation tree would be protected against ground disturbance, soil compaction, or over-irrigation. Additionally, the mitigation trees would be fenced or provided with herbivore protection (wire cages, or equivalent) until the trees have attained 8 feet in height.

These mitigation trees would be maintained for five years with the last two years without irrigation. Planting and maintenance techniques should be consistent with the most current edition of the How to Grow California Oaks, a University of California Publication. At the end of the five-year maintenance period, a total of 10 one-gallon oaks (three for each tree removed) or 5 fifteen-gallon oaks should be alive and in good health.

**Plan Requirements and Timing:** Oak tree replacement requirements shall be included in the project's plans and specifications. **MONITORING:** The County project engineer shall ensure compliance with Mitigation Measure BIO-1.

**Residual Impact:** Implementation of the above measures would reduce impacts to oak trees to a level of less than significant.

**BIO-2: Cooper's Hawk, Oak Titmouse, Allen's Hummingbird and other Native Birds.** Impacts to active native bird nests shall be minimized by conducting all project-related vegetation removal prior to construction and outside of the nesting season (February 1 to August 31), if feasible. If vegetation removal must occur during the nesting season, the following avoidance measures shall be implemented:

- a. If vegetation removal is conducted between February 1 and August 31, preconstruction nesting bird surveys shall be conducted no more than one week prior to vegetation removal. If surveys do not find active nests of bird species protected under the Federal Migratory Bird Treaty Act and/or the California Fish and Game Code within 100 feet (300 feet for raptors) of proposed project activities, vegetation removal and construction activities may be conducted.
- b. Vegetation removal or construction activities shall not occur within 100 feet (300 feet for raptors) of active nests of bird species protected under the Federal Migratory Bird Treaty Act and/or the California Fish and Game Code until chicks are fledged or the nest becomes inactive.

- c. The preconstruction nesting bird survey report shall be submitted to the County project engineer prior to the initiation of any ground disturbance or vegetation removal. The survey report shall identify recommended buffers for each active nest found, recommend appropriate fencing or flagging of the buffer zone and make recommendations for nest monitoring as needed. A map of the project site and nest locations shall be included with the survey report. The project biologist conducting the nesting surveys shall have the authority to reduce or increase the recommended buffer depending upon site conditions and the results of nest monitoring.
- d. Occupied nests shall be monitored regularly to document nest success and check for project compliance with buffer zones.

**Plan Requirements and Timing:** These requirements shall be noted in the project specifications and shall be reviewed for consistency with these requirements by the County project engineer prior to construction. Implementation shall occur prior to vegetation removal or ground disturbance

**MONITORING:** The County project engineer and compliance monitoring staff shall perform periodic site inspections to ensure compliance with these requirements.

**Residual Impact:** Implementation of the above measures would reduce impacts to native bird nests to a level of less than significant.

**4.5 CULTURAL RESOURCES**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?				X	
<b>b.</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?		X			
<b>c.</b> Disturb any human remains, including those interred outside of formal cemeteries?		X			

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
<p><b>d.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, scared place, or object with cultural value to a California Native American tribe that is:</p> <ol style="list-style-type: none"> <li>1. Listed or eligible for listing in the California Register of Historic Resources, or in the local register of historic resources as defined in Public Resources Code Section 5020.1(k), or</li> <li>2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to subdivision c. of Public Resources Code Section 5024.1 In applying the criteria set forth in subdivision c. of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</li> </ol>				X	

The following discussion is taken from the Archeological Survey and Extended Phase I Testing Report prepared by Padre Associates for the project.

**Setting:**

**Archeological Context.** For the purposes of this report, the chronological framework postulated by King (1990) and Arnold (1992) for the Santa Barbara Channel region is used to discuss the Paleo-Indian, Early Holocene, Early Period, Middle Period, Middle to Late Transition, and Late periods of cultural development in the larger Santa Barbara County region.

Paleo-Indian Period (~25,000 to 9950 years ago). The Paleo-Indian Period is the earliest known human occupation of the Santa Barbara area, with evidence of a developing maritime culture found mostly on the Channel Islands. Recent work by scholars has pushed these earliest dates back further. There are 50 sites reported on San Miguel and Santa Rosa islands dating between 13,000 and 7,500 years ago (Davis et al., 2010; Erlandson and Braje, 2008). Mainland coastal sites occupied during this time would have been submerged later by rising sea levels.

Millingstone Period (~9950 to 5450 years ago). Appropriately named, the Millingstone Period is defined by the predominance of hand stones and milling slabs in the archaeological record, suggesting a reliance on hard seeds and other plant foods. A variety of flaked stone tools including leaf-shaped bifaces, oval bifacial knives, choppers, and scrapers is also present. This period was a time of rising sea levels that created additional lagoons and estuaries (Glassow et al., 2007). Faunal assemblages from various sites indicate prehistoric populations also consumed terrestrial and marine mammals, fish, and shellfish indicating increased mobility between coastal and inland camps (Jones et al., 1994). Residential bases are presumed to have been comprised of extended families during this period.

Early Period (~5450 to 2550 years ago). Most Early Period archaeological sites are recorded at or near the coast, or on the Channel Islands. This was a time of rising sea levels that created additional lagoons and estuaries (Glassow et al., 2007). This period is characterized by an abundance of manos, metates, and a variety of flaked stone; plano convex cores and core tools of quartzite, basalt and other volcanic stones are common. Although deer are represented in the archaeological record, hunting and fishing contributed little to the diet, with the faunal diet relying heavily on mussels and Pismo clams. On the Channel Islands, millingstones do not occur. The island diet is represented by the remains of shellfish, pinnipeds, and marine birds. Bone gorges occur and *Olivella* spp. spire-lopped shell beads appear in burials (Glassow et al., 2007). Residential bases are presumed to have been comprised of extended families during this period.

Middle Period (~2550 to 950 years ago). Prehistoric technology and economy became markedly more complex about 2550 years ago. The artifact assemblage contains shellfish hooks and other fishing gear, saucer-type *Olivella* spp. beads, and contracting-stemmed projectile points. Subsistence practices emphasized fish and acorns, with a greater use of seasonal resources and the first attempts at food storage (King, 1990). Continuation of trade relationships is evident in the increased number and diversity of obsidian items and beads associated with this period. Settlement patterns were similar to those of the prior period. Sites were occupied on an extensive basis, but not as permanent settlements. These residential bases functioned in conjunction with short-term, smaller occupations at specialized resource processing areas (Jones and Ferneau, 2002).

Middle to Late Transition Period (~950 to 700 years ago). Coastal settlement increases significantly between 950 and 700 years ago. Sedentism is apparent, along with formal architecture, ceremonial structures and traditional cemeteries. Cultural ornamentation and elaboration during this time implies a change in society, elevating attributes of achieved status and wealth. Maritime orientation increases with intensified fishing using circular shell fishhooks. Regional exchange indicates a boost in socioeconomic and political complexity. Faunal remains reveal the exploitation of a diverse array of marine and terrestrial habitats and species. More refined mortars and pestles reflect an emphasis on pulpy plant foods. Ritually associated artifacts, like bear claws, appear in cemeteries on the mainland coast. A dramatic expansion of *Olivella* spp. wall/saucer beads signify increased social differentiation (Glassow et al., 2007).

Late Period (~700 to 181 years ago). During the Late Period, terrestrial resource production is thought to have decreased significantly, while socioeconomic complexity evolved. A conversion to concave based projectile points led to the abandonment of asphaltum, which had been used for hafting. Shellfish remained the principal protein food. A ranked society with hereditary elite was established. Excavations at Mescalitan Island (CA-SBA-46) on the mainland Santa Barbara coast recovered burials on whalebone inlaid with shell beads and rich grave goods, along with tubular beads. Semi-subterranean sweat lodges are also common. Population growth and socioeconomic complexity transpires, along with environmental change (Glassow et al., 2007).

**Ethnographic Context.** The Project site is located within the ethnographic territory of the Chumash, who inhabited an area that extended from Morro Bay to Malibu along the coast (Kroeber, 1925), and east to the Carrizo Plain. The Chumash have been divided into several geographic groups, each associated with a distinct language dialect (Hoover, 1986). The Chumash living in Santa Barbara County formed the *Barbareño* dialect group of the Chumash language family. This group was named for their association with *Mission Santa Barbara*, founded December 4, 1786. The *Barbareño* dialect was spoken throughout the Santa Barbara Channel region. At the time of Spanish contact in A.D. 1542, the *Barbareño* population was concentrated most heavily near the mouths of canyons. Major *Barbareño* Chumash villages include *sukuw* at Rincon Point, *misopsno* at Carpinteria Creek, *helo?* at Mescalitan Island – Goleta Slough, *syuxtun* at Burton Mound, and *mikiw* and *kuyamu* at Dos Pueblos (Grant, 1978).

The Chumash were a non-agrarian culture and relied on hunting and gathering for their sustenance. Archaeological evidence indicates that the Chumash exploited marine food resources from the earliest occupation of the coast at least 9,000 years ago (Greenwood, 1972; 1978). Much of their subsistence was derived from pelagic fish, particularly during the late summer and early fall (Hoover, 1986). Shellfish were also exploited, including mussel and abalone from rocky shores and cockle and clams from sandy beaches. Acorns were a food staple; they were ground into flour using stone mortars and pestles and then leached to remove tannic acid. In addition, a wide variety of seeds, including *chia* from various species of sage, was utilized. The Chumash harvested a number of plants for their roots, tubers, or greens (Hoover, 1986).

In this area, as elsewhere in California, basketry served many of the functions that pottery did in other places. The Chumash used baskets for cooking, serving, storage, and transporting burdens. Some basket makers wove baskets so tightly that they could hold water while others waterproofed their baskets by lining them with pitch or asphaltum (Chartkoff and Chartkoff, 1984).

The coastal Chumash practiced a regular seasonal round of population dispersal and aggregation in response to the location and seasonal availability of different food resources (Landberg, 1965). In this way, large coastal villages would have been fully populated only in the late summer when pelagic fishing was at its peak. Through winter, the Chumash depended largely on stored food resources. During the spring and summer, the population dispersed through inland valleys in order to harvest wild plant resources (Landberg, 1965).

The Chumash lived in large, hemispherical houses constructed by planting willows or other poles in a circle and bending and tying them together at the top. These structures were then covered with tule mats or thatch. Structures such as this housed 40 to 50 individuals, or three-to-four-member family groups. Dance houses and sweathouses are also reported for the Chumash (Kroeber, 1925). Archaeological evidence supports observations that twin or split villages, such as those of *kuyamu* and *mikiw*, existed on opposite sides of streams or other natural features, possibly reflecting the moiety system of native California (Greenwood, 1978).

Chumash political organization was typified by small-scale chiefdoms (Hoover, 1986). Chiefs were associated with villages or segments of larger villages. Higher status chiefs controlled entire regions containing several villages. The chiefly offices were normally inherited through the male line with a primogeniture rule, i.e., the custom of the firstborn inheriting the office, in effect (Hoover, 1986). Chiefs had several bureaucratic assistants to help in political affairs and serve as messengers, orators, and ceremonial assistants. A number of status positions were associated with specialized knowledge and rituals such as weather prophet, ritual poisoner, herbalist, etc. (Bean, 1974).

The protohistoric culture of the Chumash, defined as the time when intermittent trade and contact was experienced between Native Americans and Spanish trading vessels en route to Asia, was disrupted by the arrival of the Spanish expedition led by Gaspar de Portolá in 1769. Historical accounts from the Portolá expedition and subsequent Juan Bautista de Anza expedition in 1774, as well as archaeological evidence, indicate that both expeditions passed through Ventura and Santa Barbara counties, stopping at principal Chumash settlements along the way (Bolton, 1926; Browning, 1992; Priestley, 1937).

The establishment of the Spanish missions of *San Buenaventura* and *Santa Barbara* further disrupted Chumash culture in Santa Barbara and Ventura counties. Archaeological evidence verifies not only that the native population was rapidly decimated by missionization, but also that the culture itself disintegrated rapidly (Greenwood, 1978). Chartkoff and Chartkoff (1984) note that Spanish settlement barred many Native Americans from traditionally important resources including clamshell beads, abalone shells, Catalina steatite, shellfish, and asphaltum.

### **Historic Period Context**

Contact Period (A.D. 1542 - 1776). The historic record of the Santa Barbara Channel began with the arrival of four Spanish expeditions between the years of 1542 (Juan Rodriguez Cabrillo) and 1602 (Sebastian Vizcaino). Cabrillo visited many points along the coast and the Channel Islands while noting the names of the Chumash villages. At one point during the expedition, Cabrillo's ships anchored offshore of the Chumash village of *mishopsh*, now at present-day Carpinteria State Beach. Men from the village paddled out to the ships in plank canoes to trade with the Spaniards. Cabrillo noted that the canoes were of sufficient size to accommodate approximately 12 men (Grant, 1978), and that asphaltum had been used to caulk the seams between the planks. Both Cabrillo and Vizcaino described their interactions with the Chumash as generally positive, friendly encounters. After these initial expeditions, which were essentially confined to the coast, a period of 167 years passed without any additional European arrivals.

The first Spanish land expedition of Gaspar de Portolá passed through Santa Barbara County and camped near present day Santa Barbara on August 18, 1769. In February 1774, Juan Bautista de Anza traveled through Santa Barbara County as leader of the San Francisco colonists. The de Anza expedition camped approximately three miles west of the Project site near present-day Goleta and traveled west as the expedition continued along the Pacific Coast (Galvin, 2011).

Mission Period (A.D. 1772 – 1834). Over the next three decades, the Spanish established twenty-one Franciscan missions and various military presidios and pueblos along El Camino Real between San Diego and Sonoma. Gaspar de Portolá led the first land expedition in 1769, accompanied by Fray Junípero Serra, beginning the establishment of California missions, and European and Mexican occupation. The Spanish founded El Presidio Real de Santa Bárbara in 1782 and Mission Santa Bárbara was established in 1786. Newly baptized Chumash provided almost all the labor to construct and maintain the missions, including aqueducts and dams that directed freshwater to Mission Santa Bárbara (Macko, 1985; Barter et al., 1994).

While the purpose of the missions was to convert the local Native Americans into Catholic citizens of Spain, the mission system was primarily a way for Spain to manage the indigenous populations of Alta California. Particularly in Santa Barbara County, the arrival of the Spanish and the subsequent establishment of the missions was the beginning of the end of tribal life for the local Chumash population. The destruction of native culture was caused by the alteration of the landscape due to the introduction of European plants and animals, the destruction of social systems by new mission life ways, and European diseases (Bean, 1968; Lightfoot, 2005).

Rancho Period (A.D. 1821 – 1845). In 1821, Mexico declared independence from Spain; a year later, California became a Mexican Territory. After the secularization of the missions in 1834, lands were gradually transferred to private ownership via a system of land grants (Hoover, 1990). Specifically, most of the Project site is included within the lands granted to the pueblo of Santa Barbara and the eastern third of the Project site is included within Rancho Las Positas Y La Calera.

The standard rancho comprised a central family house with adjacent quarters for domestic servants and *vaqueros*. The labor force mostly consisted of local Chumash and often small rancherías or villages were scattered about the estate (Lebow et al., 2001). Sheep and cattle ranching became the principal agricultural activities, primarily for the lucrative hide and tallow trade (Bean, 1968).

Anglo-Mexican Period (A.D. 1845-1860). Following the Bear Flag Revolt in 1846, John C. Frémont and his troops marched through the area while traveling to Santa Barbara. President Polk signed the Treaty of Guadalupe Hidalgo in 1848, marking the formal transfer of the territory to the United States. California was recognized as a state in September 1850, although the County of Santa Barbara was incorporated on February 18, 1850.

Americanization Period (A.D. 1860-present). During the early American Period, the *ranchos* continued to raise cattle and sheep, but the industry shifted from hides and tallow to dairy and meat products. A drastic population increase during the Gold Rush caused the demand (and price) for California livestock to soar (Barter et al., 1995). The severe drought from 1862 to 1864 was devastating for the cattle industry. By 1869, emphasis was on dairy cattle, sheep herding and crop farming.

An increase in population through the late nineteenth century encouraged improvements in transportation and shipping in Santa Barbara County. El Camino Real became a county road in 1861, a toll road was built over San Marcos Pass in 1868, and Stearns Wharf was constructed in 1872. The railroads brought the largest improvements: the Pacific Coast Railroad connected Port San Luis Obispo with Los Alamos via the Santa Ynez Valley in 1882, and the Southern Pacific Railroad provided service from San Francisco to Los Angeles (with many stops in Santa Barbara County) by 1905 (County of Santa Barbara, 1993).

Just as quickly as the railroad was built it was supplanted by the automobile and airplane. As part of a statewide Good Roads movement, the citizens of Santa Barbara County passed a large bond issue in 1915 to construct 26 new bridges on the new Coast Highway. San Marcos Pass Road and Foothill Boulevard became part of the state highway system in the 1930s and aviation activity increased significantly at the Goleta Airport (County of Santa Barbara, 1993).

The new transportation systems brought in tourists who decided to settle in the Santa Barbara area. The demand for new housing soared after World War II and led to developer-planned tracts of similarly styled houses on the outskirts of the city. When the city of Santa Barbara placed a limit on population growth, nearby Goleta, Carpinteria, and the Santa Ynez Valley absorbed the overflow (Santa Barbara County, 1993).

**Record Search.** Padre ordered an archaeological records search from the Central Coast Information Center of the California Historical Resources Information System on October 15, 2020. The records search included a review of all recorded historic-era and prehistoric archaeological sites within the Project site and a ¼-mile radius, as well as a review of known cultural resource surveys and technical reports. Padre received the results on November 13, 2020.

The records search revealed that the western end of the Project site crosses through CA-SBA-39, a prehistoric habitation site. The site is a prehistoric to historic habitation site defined by a shell midden with burials that also contains historic period materials. When the site was occupied by the Chumash prior to contact it was known as “Kaswa”. During the Mission Period the site was referred to as Cieneguitas. While CA-SBA-39 has not been formally evaluated, it is assumed eligible for listing on the National Register of Historic Properties and the California Register of Historical Resources.

Additionally, the records search indicated that the eastern end of the project site overlaps with CA-SBA-1489, a prehistoric lithic scatter. The archaeologists that recorded CA-SBA-1489 state that the site is located “on a high knoll” close to the 280-foot contour line (Erlandson and Macko, 1980); however, the project site at this location is at an elevation of 170 feet above mean sea level. Thus, CA-SBA-1489 can be considered outside of the project site because it is at a higher elevation.

The records search also identified five previously recorded cultural resources within a ¼-mile radius of the project site. Table 9 lists and describes these resources.

**Table 9. Cultural Resources Recorded near the Project Site**

Trinomial No.	Description
CA-SBA-38	Habitation Site
CA-SBA-39	Habitation Site with burials
CA-SBA-116	Lithic Scatter
CA-SBA-1719/H	Historic Habitation Debris and One Chert Flake
CA-SBA-1720	Lithics and Shell
CA-SBA-1721/H	Historic Habitation Debris and One Chert Flake

**Archeological Intensive Pedestrian Survey.** Padre archaeologist Christopher Letter conducted an intensive pedestrian survey of the project site (including both Alignments A and B) on April 10, 2020. Mr. Letter examined the project site with parallel transects spaced at no more than 15-meter intervals. Ground visibility ranged from less than ten percent in the more vegetated areas to 100 percent in areas with exposed soil. The total size of the survey area was approximately 5.4 acres. Field conditions were documented with color digital photographs.

A small surface concentration of weathered marine shell was observed at the west end of the project site, within the boundary of CA-SBA-39. The scatter measures approximately 6 feet in diameter and consists of a dozen fragments of various species including *Tivela stultorum*, *Mytilus californianus*, and *Tegula funebris*. The shells are located at the base of a large palm tree. During the extended Phase I testing program Padre learned that these shells are the remnants of a memorial to an individual who perished in a car crash in 2009.

**Extended Phase I Testing.** Padre archeologist Rachael Letter completed the extended Phase I testing program on September 30, 2021, with assistance from Chumash Tribal representative Frank Arredondo. Prior to excavation, Ms. Letter examined the surface of the testing area to ensure that no diagnostic materials were on the ground surface. Underground Service Alert was contacted to obtain utility clearance before the excavation occurred.

Padre excavated three 50-centimeter diameter Shovel Test Probes (STP) spaced at no greater than 15-meter (50 feet) intervals within the portion of the project site (including both Alignments A and B) that overlaps with CA-SBA-39. Each STP was excavated in 20-centimeter levels and the excavated material dry-screened through 1/8-inch mesh. STPs were excavated to a depth of 100 centimeters when feasible. Cultural remains from each level were collected from screens before being bagged together. A standard excavation form was used to document artifacts and soil stratigraphy for each level of the STPs. Soil sediments were described, including Munsell color, texture, and other characteristics. Color digital photographs were taken to document the fieldwork and Padre plotted all STP locations with a Trimble Geo XT GPS unit.

The STPs were excavated parallel to Modoc Road approximately five to ten feet south of the edge of the pavement. The soil stratigraphy was consistent in each STP. Soils observed consisted of a compacted brown (10 YR 4/3) silty clay loam with less than 15 percent subrounded gravels and pebbles (Strat I) above a dark yellow brown (10 YR 4/6) silty sand (Strat II).

Strat I extended to a depth of 85 centimeters in STP 1 and contained 10 shell fragments, three clay tile fragments, one whiteware fragment, one nail, and several fragments of asphalt, glass, concrete, plastic fragments, and metal. STP 1 was terminated at a depth of 100 centimeters and Strat II was determined to be culturally sterile. Strat I extended to a depth of 70 centimeters in STP 2 and contained 32 shell fragments, two chert fragments, and several fragments of glass, plastic, and metal. Strat I extended a depth of 70 centimeters in STP 3 and contained 10 shell fragments, and several fragments of glass, plastic, and metal.

The soil stratigraphy and materials observed during the extended Phase I testing program indicated that disturbed soils are present within the portion of the project site that overlap with CA-SBA-39. Thus, the deposit in this location is so disturbed that it would no longer have the potential to contribute to eligibility for CA-SBA-39 as a whole.

**Tribal Consultation.** On October 1, 2021, County Public Works formally notified the following Native American tribes via certified mail of the decision to undertake the proposed project to allow the tribes to request consultation under Section 21080.3.1(d) of the Public Resources Code.

- Barbareno/Ventureno Band of Mission Indians
- Coastal Band of the Chumash Nation
- Santa Ynez Band of the Chumash Indians

No responses to these requests for consultation have been received as of June 17, 2022. County environmental staff met with Frank Arredondo, Executive Director, Chumash Territory MLD on August 29, 2022 and reviewed proposed alignment changes which will have no additional effects on the prehistoric to historic habitation site in the project area.

**Palm Tree Plantings.** The cultural resources record search included the State Historic Property Data Files, National Register of Historic Places, California Historical Landmarks and California Points of Historic Interest, and did not identify any historic resources in the immediate project area. However, residents in the project area have indicated the Canary Island palms along Modoc Road may have some historical significance, and possibly planted by a person of historical interest (Pearl Chase).

In the Hope Ranch area, about 360 Canary Island palms were first planted in 1904, mostly along driveways on Las Palmas Drive and Marina Drive (Chase, 1963). Canary Island palms were first planted along Modoc Road in 1915 (Morning Press, 1915). Inspection of a January 1928 aerial photograph indicates a linear row of trees (possibly palms) was present on the south side of Modoc Road in the Via Zorro area. Inspection of an August 12, 1958 aerial photograph indicates a linear row of palm trees were present along the south side of Modoc Road. Therefore, at least some of the Canary Island palms along the subject segment of Modoc Road are at least 100 years old.

Archival research (including the County Planning and Development records) by the Santa Barbara County Public Works Department did not identify any historical significance of these palm trees or any connection to a historical property, building or person. Therefore, these trees are not considered a historical resource.

### **County Environmental Thresholds:**

Chapter 8 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (1995, revised January 2021) contains guidelines for the identification, significance evaluation, and mitigation of impacts to cultural resources, including archaeological, historic, and tribal cultural resources. In accordance with the requirements of CEQA, these guidelines specify that if a resource cannot be avoided, it must be evaluated for importance under specific CEQA criteria. CEQA Section 15064.5(a)(3)A-D contains the criteria for evaluating the importance of archaeological and historic resources. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the significance criteria for listing in the California Register of Historical Resources: (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history. The resource also must possess integrity of at least some of the following: location, design, setting, materials, workmanship, feeling, and association. For archaeological resources, the criterion usually applied is (D).

CEQA calls cultural resources that meet these criteria “historical resources”. Specifically, a “historical resource” is a cultural resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, or included in or eligible for inclusion in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1. As such, any cultural resource that is evaluated as significant under CEQA criteria, whether it is an archaeological resource of historic or prehistoric age, a historic built environment resource, or a tribal cultural resource, is termed a “historical resource”.

CEQA Guidelines Section 15064.5(b) states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” As defined in CEQA Guidelines Section 15064.5(b), substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

The significance of an historical resource is materially impaired when a project: (1) demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; (2) demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources; or (3) demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

For the built environment, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, is generally considered as mitigated to a less than a significant impact level on the historical resource.

**Impact Discussion:**

- a. The cultural records search, historical archival research and the intensive pedestrian survey indicates that historical resources do not occur in proximity to the project site, and any such resources would not be adversely affected by project implementation.
- b. Based on the results of the intensive pedestrian survey and Extended Phase 1 testing program, archeological resources do not occur within areas to be disturbed by the proposed project. However, there is a potential to discover unreported archeological resources associated with site CA-SBA-39 during project-related excavation and earthwork.
- c. The intensive pedestrian survey and Extended Phase 1 testing program conducted for the proposed project did not discover any human remains. However, there is a potential to discover human remains (burials) associated with site CA-SBA-39 during project-related excavation and earthwork.
- d. No tribal resources have been identified from the immediate project area (Modoc Road corridor). Therefore, impacts to such resources are not anticipated

**Mitigation Measures and Residual Impacts:**

**AR-1** The following measures shall be implemented to address cultural resources (if any) found during project construction:

- A worker cultural resources awareness program shall be implemented for the project. Prior to any ground-disturbing activity, the County shall provide an initial sensitivity training session to all project employees, contractors, subcontractors, and other workers prior to their involvement in any ground-disturbing activities, with subsequent training sessions to accommodate new personnel becoming involved in the project. The program may be conducted together with other environmental or safety awareness and education programs for the project, provided that the program elements pertaining to cultural resources are provided by a qualified archaeologist.

- Any project-related ground disturbance within the portions of the project site that overlap with CA-SBA-39 shall be monitored by a County-qualified archaeologist and a Native American representative.
- In the unexpected event that potentially significant archaeological resources are exposed during project construction, all earth disturbing work within 100 feet of the find must be temporarily suspended until a qualified archaeologist has evaluated the nature and significance of the find. The County shall be notified of any such find. A Chumash representative should monitor any archaeological field work associated with Native American materials.
- If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. The County shall be notified of any such find.

**Plan Requirements/Timing:** These conditions shall be included in the project plans and specifications. **MONITORING:** The County project manager shall ensure these measures are fully implemented as needed. **Residual Impact:** Full implementation of the above mitigation measures would reduce project-specific and cumulative impacts to cultural and tribal resources to a level of less than significant.

**4.6 ENERGY**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
<b>b.</b> Requirement for the development or extension of new sources of energy?				X	

**Impact Discussion:**

- a.** The project consists of the construction and operation of a multi-use path and would not consume energy such as electricity or natural gas.
- b.** The proposed project would not require energy or the extension of new sources of energy.

**Mitigation and Residual Impact:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.7 FIRE PROTECTION**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Introduction of development into an existing high fire hazard area?				X	
<b>b.</b> Project-caused high fire hazard?		X			
<b>c.</b> Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?				X	
<b>d.</b> Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
<b>e.</b> Development of structures beyond safe Fire Dept. response time?				X	

**Setting:**

The project site consists of the proposed multi-use path alignment, including adjacent construction staging areas. The project site is not located within a Very High Fire Hazard Severity Zone designated by the California Department of Forestry and Fire Protection. Fire hazard is moderate, primarily associated with vegetation within the undeveloped area south of Modoc Road. The nearest County Fire Department facility (Station 13) is located at 4570 Hollister Avenue, approximately 0.8 road miles west of the project site.

**County Fire Department Standards:**

The following County Fire Department standards are applied in evaluating impacts associated with the proposed development:

- The emergency response thresholds include Fire Department staff standards of one on-duty firefighter per 4000 persons (generally 1 engine company per 12,000 people, assuming three firefighters/station). The emergency response time standard is approximately 5-6 minutes.
- Water supply thresholds include a requirement for 750 gpm at 20 psi for urban single-family dwellings in urban and rural developed neighborhoods, and 500 gpm at 20 psi for dwellings in rural areas (lots larger than five acres).
- The ability of the County’s engine companies to extinguish fires (based on maximum flow rates through hand held line) meets state and national standards assuming a 5,000 square foot structure. Therefore, in any portion of the Fire Department’s response area, all structures over 5,000 square feet are an unprotected risk (a significant impact) and therefore should have internal fire sprinklers.

- Access road standards include a minimum width (depending on number of units served and whether parking would be allowed on either side of the road), with some narrowing allowed for driveways. Cul-de-sac diameters, turning radii and road grade must meet minimum Fire Department standards based on project type.
- Two means of egress may be needed and access must not be impeded by fire, flood, or earthquake. A potentially significant impact could occur in the event any of these standards is not adequately met.

**Impact Discussion:**

- a. The proposed project does not involve the construction of habitable structures and would not directly or indirectly lead to any development involving habitable structures that may increase the exposure of the public to fire hazard.
- b. In the short term, construction activities would occur in areas supporting potentially flammable vegetation (roadside trees and the Modoc Preserve) and construction-related ignition sources (exhaust pipes, grinders, welders, worker smoking) have the potential to significantly increase fire hazard to adjacent open space areas and residential areas.

In the long-term, the project-related removal of highly flammable eucalyptus trees (eight under Alignment B and seven under Alignment A) along Modoc Road would reduce the fuel load in the area, which may result in a reduction in the fire hazard to Hope Ranch and adjacent communities. The multi-use path would be maintained to control weeds and associated fuel accumulation. Therefore, operation of the multi-use path is not anticipated to result in a significant increase in fire hazard.

- c. The proposed project does not include any development.
- d. The proposed project does not include any development and would not hamper fire prevention activities.
- e. The proposed multi-use path would be constructed of non-flammable materials (gravel and asphalt concrete). The proposed project does not involve habitable structures and would not require fire protection.

**Mitigation and Residual Impact:**

**FIRE-1** To minimize potential fire hazards during construction, a Fire Awareness and Avoidance Plan shall be implemented. The Plan shall include the following:

- Fire prevention measures addressing cutting, grinding and welding;
- Maintaining fire extinguishers in every vehicle on-site;
- Providing a water truck;
- Minimizing activity during red flag alerts; and
- Communication with emergency response agencies.

**Plan Requirements/Timing:** The Fire Awareness and Avoidance Plan shall be submitted prior to the initiation of construction. **MONITORING:** The County-appointed inspector shall ensure the Plan is fully implemented. **Residual Impact:** full implementation of the above mitigation measure would reduce project-specific and cumulative fire hazard impacts to a level of less than significant.

**4.8 GEOLOGIC PROCESSES**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
<b>b.</b> Disruptions, displacements, compaction or overcovering of the soil by cuts, fills, or extensive grading?			X		
<b>c.</b> Permanent changes in topography?			X		
<b>d.</b> The destruction, covering or modification of any unique geologic, paleontologic, or physical features?				X	
<b>e.</b> Any increase in wind or water erosion of soils, either on or off the site?				X	
<b>f.</b> Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?			X		
<b>g.</b> The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
<b>h.</b> Extraction of mineral or ore?				X	
<b>i.</b> Excessive grading on slopes of over 20%?				X	
<b>j.</b> Sand or gravel removal or loss of topsoil?			X		
<b>k.</b> Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?			X		
<b>l.</b> Excessive spoils, tailings or over-burden?				X	

## **Setting**

Based on the Geologic Map of the Goleta Quadrangle (Dibblee, 1987), the project site is underlain by recent alluvium composed of unconsolidated floodplain deposits. The More Ranch Fault is inferred to be located within or adjacent to the multi-use path alignment. The More Ranch Fault is considered active as it has experienced displacement within the last 11,000 years. The Ground Motion Interpolator developed by the California Geological Survey indicates the project area has a two percent chance in 50 years to experience a shaking event exceeding 1.008 times the force of gravity.

### **County Environmental Thresholds:**

Pursuant to the County's Environmental Thresholds and Guidelines Manual, impacts related to geological resources may have the potential to be significant if the proposed project involves any of the following characteristics:

1. The project site or any part of the project is located on land having substantial geologic constraints, as determined by the Planning and Development Department or Public Works. Areas constrained by geology include parcels located near active or potentially active faults and property underlain by rock types associated with compressible/collapsible soils or susceptible to landslides or severe erosion. "Special Problems" areas designated by the Board of Supervisors have been established based on geologic constraints, flood hazards and other physical limitations to development.
2. The project results in potentially hazardous geologic conditions such as the construction of cut slopes exceeding a grade of 1.5 horizontal to 1 vertical.
3. The project proposes construction of a cut slope over 15 feet in height as measured from the lowest finished grade.
4. The project is located on slopes exceeding 20 percent grade.

### **Impact Discussion:**

- a. Based on the Seismic Safety and Safety Element of the Santa Barbara County Comprehensive Plan, the project site is located in an area assigned low problem ratings for liquefaction, slope stability, tsunami, expansive soils, soil creep, and compressible-collapsible soils and a high problem rating (includes entire south coast) for seismic-tectonic. The project site does not include any slopes, such that landslides and slope stability is not an issue. The immediate project area has been assigned a low-moderate overall geologic problems index. The proposed project would not include any habitable structures; therefore, no persons would be exposed to geologic hazards.
- b. Earthwork associated with the proposed project would be limited to minor grading for the multi-use path. Mass grading or slope construction would not be required. Only a small amount of cut and fill would be required and would be minimized by the use of retaining walls.

- c. The project site is relatively level, such that earthwork would be minimal and changes in topography would be minor, with only small, localized changes associated with the multi-use path alignment.
- d. Based on the Seismic Safety and Safety Element of the Santa Barbara County Comprehensive Plan, no Areas of Special Geologic Interest occur in the project area. A search of the University of California Museum of Paleontology data base did not identify any fossils from the project area. Project-related ground disturbance would occur in recent alluvium, such that intact paleontological resources would not be present. Overall, no impacts to unique geologic, palaeontologic, or physical features would occur.
- e. The project does not involve hillside grading or other components that would increase soil erosion. Potential erosion associated with storm water flows during the construction period is addressed in Section 4.15.
- f. The project does not involve any substantial changes to local drainage patterns or storm run-off and would not result in any increases in erosion or siltation that may modify local stream channels.
- g. The proposed project would not involve the placement of septic systems.
- h. The proposed project does not involve the extraction or processing of minerals or ore.
- i. No grading of slopes is proposed.
- j. Excavation associated with multi-use path installation would mostly occur within previously disturbed areas; however, earthwork associated with multi-use path construction may result in a minor loss of topsoil within the multi-use path alignment. Affected areas would be occupied by the multi-use path and not available for cultivation or other vegetation.
- k. Vibration would be generated by heavy equipment and trucks during multi-use path construction and may be detected at residences along Modoc Road. Based on an analysis using methodology provided in the Caltrans Transportation and Construction Vibration Guidance Manual, vibration levels (peak particle velocity) at the nearest residence during project construction would be 0.0285. This vibration level would be barely perceptible at the nearest residence and much less than needed to cause damage to older residential structures. Therefore, vibration impacts are considered less than significant.
- l. No spoils would be generated and the small amount of material to be excavated would be used on-site or exported for use off-site.

**Mitigation and Residual Impact:**

Mitigation for potentially significant erosion and siltation impacts are addressed under Water Resources (Section 4.15). Residual impacts would be less than significant.

**4.9 HAZARDOUS MATERIALS/RISK OF UPSET**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
<b>b.</b> The use, storage or distribution of hazardous or toxic materials?			X		
<b>c.</b> A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
<b>d.</b> Possible interference with an emergency response plan or an emergency evacuation plan?				X	
<b>e.</b> The creation of a potential public health hazard?				X	
<b>f.</b> Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
<b>g.</b> Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
<b>h.</b> The contamination of a public water supply?				X	

**Setting:**

The project area supports residential land uses. No agricultural or industrial land uses are located in immediate area. Based on review of the GeoTracker (State Water Resources Control Board) and ENVIROSTOR (California Department of Toxic Substances Control) data bases, there are several leaking underground storage tank sites located along State Street north of the site. Each of these cases have been closed except the American Contracting Services site at 4159 State Street, which has been remediated through groundwater treatment but is still being monitored.

**County Environmental Threshold:**

The County’s safety threshold addresses involuntary public exposure from projects involving significant quantities of hazardous materials. The threshold addresses the likelihood and severity of potential accidents to determine whether the safety risks of a project exceed significant levels.

**Impact Discussion:**

- a. The project site is not known to be contaminated by hazardous materials.
- b. Excluding fuels used by construction equipment and vehicles, the project does not involve the use, storage or distribution of hazardous or toxic materials. Equipment and vehicles associated with the project would be fueled from a maintenance vehicle located away from drainages and residences. No storage of fuel is proposed at or near the project site.
- c. No risk of explosion is expected as a result of project-related activities.
- d. The proposed project would not interfere with any emergency response plan. Traffic control would be provided on Modoc Road as needed during construction, and would ensure emergency vehicles can safely transit the work area.
- e. The proposed project does not involve the creation, storage or handling of any hazardous materials, and would not create any potential health hazard.
- f. The proposed project does not include any new development near hazardous materials.
- g. Based on the California Geologic Energy Management Division’s Well Finder, oil and/or gas wells or pipelines are not located within or adjacent to the project site. The project would not increase the exposure of the public to potential hazards associated with these facilities.
- h. The proposed project does not include any activities that would affect public water supplies.

**Mitigation Measures and Residual Impacts:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.10 LAND USE**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> Structures and/or land use incompatible with existing land use?				X	
<b>b.</b> Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		
<b>c.</b> The induction of substantial growth or concentration of population?				X	

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>d.</b> The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
<b>e.</b> Loss of existing affordable dwellings through demolition, conversion or removal?				X	
<b>f.</b> Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
<b>g.</b> Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
<b>h.</b> The loss of a substantial amount of open space?			X		
<b>i.</b> An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
<b>j.</b> Conflicts with adopted airport safety zones?				X	

**Setting:**

The proposed multi-use path alignment extends across the following parcels and land uses:

- Modoc Road public right-of-way (no APN assigned).
- APN 061-220-009, 12.26 acres, zoned PU (public utility), land use designation UT (public utility).
- APN 061-220-010, 1.30 acres, zoned PU (public utility), land use designation UT (public utility).
- APN 061-261-001), 14.157 acres, zoned PU (public utility), land use designation UT (public utility).

The immediate project area is comprised of single-family residential and open space (Modoc Preserve) land uses (see Figure 2). The Cieneguitas Creek corridor is located approximately 20 feet west of the project site has been assigned an environmentally sensitive habitat overlay designation as part of the Eastern Goleta Valley Community Plan.

A portion of Alignment B would be located within the Modoc Preserve, which is subject to a recorded conservation easement. A portion of an existing transportation facility, the Obern shared use path, already exists within the Modoc Preserve conservation easement area, and the proposed project would connect to the Obern shared use path.

### **County Environmental Thresholds:**

The Thresholds and Guidelines Manual contains no specific thresholds for land use. Generally, a potentially significant impact can occur if a project would result in substantial growth inducing effects or result in a physical change in conflict with County policies adopted for the purpose of avoiding or mitigating an environmental effect.

### **Impact Discussion:**

- a. ~~The proposed project is a multi-use path, which is compatible with the residential and open space environment and would serve surrounding residential land uses.~~ The Project is consistent with the authorized uses set forth in the Modoc Preserve conservation easement. The conservation easement authorizes “open space, equestrian, pedestrian” and “other related uses” (Section 3 of the conservation easement) on Modoc Preserve, including the “construction of trails” (Section 3(d)), and “additional improvements accessory to the permitted uses” (Section 3(e)) “to allow public access to the Easement Area”. (Section 3(h).) The conservation easement prohibits the “construction of any road” (Section 4(c)), but the proposed project is not a road. Instead, the proposed project is a “bike path”/“shared use path”, which is defined as a facility “which provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians.” (Streets & Hwys Code § 890.4.) The proposed shared use path would connect to the existing Obern shared use path, a portion of which already exists within the Modoc Preserve conservation easement area.
- b. The proposed project is potentially consistent with all applicable plans and policies (see Tables 10 and 11).
- c. The proposed project does not involve any new development and would not result in population growth or spatial reconfiguration of the existing population.
- d. The proposed project does not include the extension of sewer lines or roadways.
- e. The proposed project would not displace any dwellings.
- f. See e.
- g. See e.

- h. Alignment B would displace about 0.8 acres of open space (within the Modoc Preserve) and provide a recreational facility compatible with open space uses. This small amount of open space conversion is considered less than significant. Alignment A would not displace any open space.
- i. No social or economic effect would occur that would result in a physical change in the local community. Temporary lane closures on Modoc Road may occur during construction but would not result in isolation of any land uses.
- j. The project site is located approximately 3.7 miles east of the Santa Barbara Airport. The project would not conflict with any airport safety zones.

**Mitigation and Residual Impact:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.11 NOISE**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?			X		
b. Short-term exposure of people to noise levels exceeding County thresholds?		X			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?		X			

**Setting:**

Noise sensitive receptors in the immediate vicinity of the project site are primarily residences north of Modoc Road, with addresses on Modoc Road, Encore Drive, Lyric Lane, Del Canto Lane, Clara Vista Court and Via Zorro. A 20-minute baseline noise measurement was taken along the multi-use path alignment adjacent to a residence located on the northwest corner of Via Zorro (western intersection) and Modoc Road. The noise measurement was taken on February 10, 2021 from 7:21 to 7:41 a.m. (during peak hour) at a location approximately 45 feet from the centerline of Modoc Road and yielded a noise level of 65.2 dBA Leq. The dominant noise source was vehicle traffic on Modoc Road, which was approximately 288 vehicles per hour at the time of the noise measurement (15-minute manual count).

### County Significance Thresholds:

County long-term 24-hour noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, and 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses. Noise-sensitive land uses include: residential dwellings; transient lodging; hospitals and other long-term care facilities; public or private educational facilities; libraries, churches; and places of public assembly. Construction activity conducted within 1,600 feet of noise-sensitive land uses is generally considered to result in a significant short-term noise impact.

### Impact Discussion:

- a. The proposed project involves the construction and operation of a multi-use path. Long-term project-related increases in noise levels at sensitive receptors would be limited to bicycle tire noise, mechanical noise (chain, gears) and voices. This increase in noise levels would not exceed County thresholds and would be similar to existing conditions (vehicle, pedestrian and bicycle traffic on Modoc Road and connecting streets). Long-term noise impacts are considered less than significant.
- b. Project-related heavy equipment activity and truck traffic would occur at various times at the site during the construction period. Noise modeling was conducted using the Federal Highway Administration Roadway Construction Noise Model to estimate short term noise levels for a peak day construction scenario, comprised of earthwork using a dozer, backhoe, grader, wheeled loader and dump truck. The estimated noise level is 75.8 dBA Leq at the nearest residence north of Modoc Road. The County has not developed any short-term noise thresholds. However, construction activities within 1,600 feet of residences are considered to generally result in a potentially significant impact (County of Santa Barbara, 2021). Therefore, implementation of either Alignment A or B would result in potentially significant noise impacts.
- c. See b. above.

### Mitigation and Residual Impact:

**NOISE-1** To minimize potentially significant construction-related noise impacts to adjacent residences, the following measures shall be implemented:

- Construction activities involving heavy equipment or heavy-duty truck traffic shall be limited to 8 a.m. to 5 p.m., with no work on weekends or holidays, unless weekend work is required to minimize traffic congestion.
- Stationary construction equipment generating noise exceeding 65 dBA Leq at the project boundaries shall be provided with manufacturer-installed acoustic shielding or surrounded with temporary noise barriers.

**Plan Requirements/Timing:** These conditions shall be included in the project specifications. The selected construction contractor shall develop a plan for temporary noise barrier installation, if required. **MONITORING:** The County-appointed inspector shall ensure these measures are fully implemented, including work hours limitations and noise attenuation of stationary equipment. **Residual Impact:** Full implementation of the above mitigation measures would reduce project-specific and cumulative noise impacts to a level of less than significant.

**4.12 PUBLIC FACILITIES**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>a.</b> A need for new or altered police protection and/or health care services?				X	
<b>b.</b> Student generation exceeding school capacity?				X	
<b>c.</b> Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?			X		
<b>d.</b> A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	
<b>e.</b> The construction of new storm drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	

**County Significance Thresholds:**

**Schools.** A significant level of school impacts is generally considered to occur when a project would generate sufficient students to require an additional classroom.

**Solid Waste.** A project is considered to result in significant impacts to landfill capacity if it would generate 196 tons per year of solid waste. This volume represents five percent of the expected average annual increase in waste generation, and is therefore considered a significant portion of the remaining landfill capacity. In addition, construction and demolition waste from remodels and rebuilds is considered significant if it exceeds 350 tons. A project which generates 40 tons per year of solid waste is considered to have a potentially significant cumulative adverse effect on solid waste generation, and mitigation via a Solid Waste Management Plan is recommended.

**Impact Discussion:**

- a.** The proposed project does not include any new development or any facilities that would require police protection or health care services.
- b.** The project does not include any residential land uses and would not generate demand for school capacity.

- c. The proposed project does not include any new development or any facilities that would generate solid waste. However, solid waste may be generated by project construction, including wood materials generated by tree removal and demolition materials (asphalt, old road base) exported from the project site. Wood materials would be recycled as green waste, and asphalt would be provided to a permitted asphalt recycler. All project-related solid waste would be recycled to the extent feasible and would not exceed the 350 ton County CEQA threshold for construction and demolition.
- d. The proposed project does not include any residential or commercial development and would not generate demand for sewage collection or related facilities.
- e. The proposed project would not require the construction of any storm drains or water quality control facilities.

**Mitigation and Residual Impact:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.13 RECREATION**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
a. Conflict with established recreational uses of the area?			X		
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

**Setting:**

Recreational facilities in the vicinity of the project site include La Cumbre Golf and Country Club (0.1 miles to the south) and Hidden Oaks Country Club (1.3 miles to the southwest). The existing bike lanes on Modoc Road are part of the “Cross-Town Route” and provide recreational opportunities. A Class 1 bike path/trail (Obern Trail) is located along Cieneguitas Creek and ends at Modoc Road just west of the project site. Several undeveloped trails within the Modoc Preserve are used by hikers and runners. The unpaved extension of Vieja Drive immediately south of the Modoc Preserve is used by equestrians.

The proposed project represents partial implementation of a planned off-road bike path/trail as identified in the Eastern Goleta Valley Community Plan.

**County Significance Thresholds:**

The Thresholds and Guidelines Manual contains no threshold for park and recreation impacts. However, the Board of Supervisors has established a minimum standard ratio of 4.7 acres of recreation/open space per 1,000 people to meet the needs of a community. The Santa Barbara County Community Services Department, Parks Division maintains more than 900 acres of parks and open spaces, as well as 84 miles of trails and coastal access easements.

**Impact Discussion:**

- a. Project construction activities may temporarily conflict with existing recreational use of bike lanes on Modoc Road. However, this conflict would be short-term and minor, as the northern bike lane on Modoc Road would remain available during the construction period.
- b. The project site is located adjacent to a paved bike path/trail (Obern Trail) along Cieneguitas Creek, and the proposed multi-use path would connect to this path. Project-related construction activities would not result in the closure of this existing bike/pedestrian path. The proposed multi-use path would not conflict with existing recreational use of the Modoc Preserve but provide a paved path that may provide additional recreational opportunities.
- c. The project does not include residential land uses; therefore, it would not generate demand for recreational facilities or result in associated overuse.

**Mitigation and Residual Impact:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.14 TRANSPORTATION/CIRCULATION:**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?				X	
b. Would the project conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				X	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
d. Result in inadequate emergency access?				X	

**Setting:**

Modoc Road is considered an arterial roadway that links La Cumbre Road and Las Positas Road to Hollister Avenue. Based on traffic counts conducted in 2015, the average daily traffic volume on the subject segment of Modoc Road is 6,237 vehicles. Based on a 15-minute manual traffic count conducted on February 10, 2021, a.m. peak hour traffic volumes are approximately 288 vehicles per hour (97 percent autos and light trucks). These data seem to indicate current traffic volumes are less than measured in 2015, possibly due to COVID-19 restrictions.

The accident rate in the western portion of this roadway segment (west of the eastern Encore Drive intersection) is relatively high at 3.51 per million vehicle miles.

**County Significance Thresholds:**

**Threshold “a” – Potential Conflict with a Program, Plan, Ordinance, or Policy.** The Santa Barbara County Association of Governments (SBCAG)’s 2040 Regional Transportation Plan and Sustainable Communities Strategy (SBCAG, 2013) and the County’s Comprehensive Plan, zoning ordinances, capital improvement programs, and other planning documents contain transportation and circulation programs, plans, ordinances, and policies. Threshold question “a” considers a project in relation to those programs, plans, ordinances, and policies that specifically address multimodal transportation, complete streets, transportation demand management (TDM), and other vehicle-miles-traveled (VMT)-related topics.

The County and CEQA Guidelines Section 15064.3(a) no longer consider automobile delay or congestion an environmental impact. Therefore, threshold question “a” does not apply to provisions that address LOS or similar measures of vehicular capacity or traffic congestion.

A transportation impact occurs if a project conflicts with the overall purpose of an applicable transportation and circulation program, plan, ordinance, or policy, including impacts to existing transit systems and bicycle and pedestrian networks pursuant to Public Resources Code Section 21099(b)(1). In such cases, applicants must identify project modifications or mitigation measures that eliminate or reduce inconsistencies with applicable programs, plans, ordinances, and policies. For example, some community plans include provisions that encourage complete streets. As a result, an applicant for a multifamily apartment complex may need to reduce excess parking spaces, fund a transit stop, and/or add bike storage facilities to comply with a community plan’s goals and policies.

**Threshold “b” – Potential Impact to VMT.** Threshold “b” establishes VMT as the metric to determine transportation impacts. Because VMT is a new metric, this section begins with background information on VMT and then outlines a three-step process for analyzing and, if necessary, mitigating a project’s VMT impacts. The proposed project may be considered a transportation project, although it would not involve any new or modified roadways suitable for motor vehicles. Transportation projects may change travel patterns and increase vehicle travel on the roadway network. This change is commonly known as “induced travel demand.” Induced travel demand is the overall increase in VMT that is attributable to a project, but is distinct from any background changes in VMT caused by population change, economic growth, or other factors.

**Threshold “c” – Design Features and Hazards.** Threshold “c” considers whether a project would increase roadway hazards. An increase could result from existing or proposed uses or geometric design features. In part, the analysis should review these and other relevant factors and identify results that conflict with the County’s Engineering Design Standards or other applicable roadway standards. For example, the analysis may consider the following criteria:

- Project requires a driveway that would not meet site distance requirements, including vehicle queueing and visibility of pedestrians and bicyclists.
- Project adds a new traffic signal or results in a major revision to an existing intersection that would not meet the County’s Engineering Design Standards.
- Project adds substantial traffic to a roadway with poor design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure).
- Project introduces a new use and substantial traffic that would create potential safety problems on an existing road network (e.g., rural roads with use by farm equipment, livestock, horseback riding, or residential roads with heavy pedestrian or recreational use).

If a project would result in potential roadway hazards, the applicant would need to modify the project or identify mitigation measures that would eliminate or reduce the potential hazards. For example, an applicant for a retail shopping center may need to shift the location of a new driveway or add sidewalks or pedestrian crossings to reduce potential conflicts between customers and pedestrians.

**Threshold “d” – Emergency Access.** Threshold “d” considers any changes to emergency access resulting from a project. To identify potential impacts, the analysis must review any proposed roadway design changes and determine if they would potentially impede emergency access vehicles.

A project that would result in inadequate emergency vehicle access would have a significant transportation impact and, as a result, would require project modifications or mitigation measures. For example, a project that modifies a street and, as a result, impairs fire truck access, would require modifications or redesign to comply with County and fire department road development standards.

**Impact Discussion:**

- a. The project does not include any new land uses, would not create demand for transportation facilities and would not conflict with local or regional transportation planning.
- b. The project would not generate any new VMT or vehicle trips. Approximately 24 construction-related vehicle trips may occur on a peak day, which is less than the 110 daily trip screening threshold recommended by the Governor’s Office of Planning and Research (2017). Therefore, the project is consistent with Section 15064.3 of the State CEQA Guidelines.

- c. The Project would not involve any changes to the design or operation of Modoc Road or incompatible uses; therefore, project-related increases in traffic hazards are not anticipated.
- d. The project would not require emergency services or create conditions that would impede emergency access for adjacent land uses.

**Mitigation and Residual Impact:**

No mitigation is required. No cumulatively considerable or residual impacts are anticipated.

**4.15 WATER RESOURCES/FLOODING:**

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			X		
c. Change in the amount of surface water in any water body?				X	
d. Discharge into surface waters or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?		X			
e. Alterations to the course or flow of flood waters, or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	

<b>Will the proposal result in:</b>	<b>Potentially Significant</b>	<b>Less than Significant with Mitigation</b>	<b>Less than Significant</b>	<b>No Impact</b>	<b>Reviewed Under Previous Document</b>
<b>j.</b> The substantial degradation of groundwater quality including saltwater intrusion?				X	
<b>k.</b> Substantial reduction in the amount of water otherwise available for public water supplies?				X	
<b>l.</b> Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?			X		

**Setting:**

**Surface Waters.** The project site is located approximately 20 feet east of Cieneguitas Creek. The Cieneguitas Creek watershed is located within the South Coast Hydrologic Unit and is a tributary to the Goleta Slough watershed. The Cieneguitas Creek headwaters originate at the coastal slopes of the Santa Ynez Mountains at an elevation of about 1,100 feet. From its headwaters to its confluence with Atascadero Creek, Cieneguitas Creek flows about four miles south, draining an area of approximately 1,340 acres.

**Local Drainage.** Storm run-off from the subject segment of Modoc Road and collector streets (Encore Drive, Via Zorro) drains to the Modoc Preserve via sheet flow and storm drain inlets where much of it infiltrates in this depressional area. Excess storm flow discharges via a small earthen channel to Cieneguitas Creek approximately 600 feet downstream (south) of Modoc Road.

**Floodplain.** The project site is located adjacent to the 100-year floodplain associated with Cieneguitas Creek. The National Flood Insurance Program Flood Insurance Rate Map (060331, effective December 12, 2012) indicates a 100-year water surface elevation of 109 feet at the Modoc Road bridge.

**Groundwater.** The project site lies within the Santa Barbara Groundwater Basin, which has a surface area of 9.6 square miles. Water levels typically drop during extended years of drought (1945-1951, 1984-1990, and 2012-2018), and have not rebounded to pre-drought levels. General trends indicate continued increases in storage following above average precipitation in 2017 and 2019 (Santa Barbara County Public Works, 2020).

The 2014 Sustainable Groundwater Management Act requires the formation of groundwater sustainability agencies (GSAs) in high- and medium-priority groundwater basins and sub-basins by June 30, 2017 to meet California Water Code requirements. The Santa Barbara Groundwater Basin is a very low priority basin and formation of a GSA is not required to manage groundwater in this basin.

**Water Quality Regulation.** The Regional Water Quality Control Board (RWQCB) has developed a Water Quality Control Plan for the Central Coastal Basin (Basin Plan) (revised 2011) to protect the water quality of surface and groundwaters of the region. The Basin Plan designates beneficial uses, sets narrative and numerical objectives to protect beneficial uses and describes implementation programs. Beneficial uses are processes, habitats, organisms or features that require water and are considered worthy of protection. Beneficial uses identified for Cieneguitas Creek (as a tributary of Atascadero Creek) in the Basin Plan include municipal water supply, agricultural water supply, groundwater recharge, water contact recreation, non-water contact recreation, wildlife habitat, cold water habitat, warm water habitat, migration habitat, spawning habitat, rare species habitat, freshwater replenishment, and commercial/sport fishing.

Atascadero Creek is on the Section 303(d) impaired waters list under the Clean Water Act due to elevated levels of enterococcus, nutrients, pH, E. coli, fecal coliform, chloride, sodium, temperature dissolved oxygen, toxicity and benthic community effects. Therefore, waters of Atascadero Creek are considered impaired because beneficial uses are not fully supported.

#### **County Environmental Thresholds:**

**Water Resources.** A project is determined to have a significant effect on water resources if it would exceed established threshold values which have been set for each overdrafted groundwater basin. These values were determined based on an estimation of a basin's remaining life of available water storage. If the project's net new consumptive water use [total consumptive demand adjusted for recharge less discontinued historic use] exceeds the threshold adopted for the basin, the project's impacts on water resources are considered significant.

A project is also deemed to have a significant effect on water resources if a net increase in pumpage from a well would substantially affect production or quality from a nearby well.

**Water Quality.** A significant water quality impact is presumed to occur if the project:

- Is located within an urbanized area of the county and the project construction or redevelopment individually or as a part of a larger common plan of development or sale would disturb one (1) or more acres of land;
- Increases the amount of impervious surfaces on a site by 25% or more;
- Results in channelization or relocation of a natural drainage channel;
- Results in removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration projects) from the buffer zone of any streams, creeks or wetlands;
- Is an industrial facility that falls under one or more of categories of industrial activity regulated under the NPDES Phase 1 industrial storm water regulations (facilities with effluent limitation; manufacturing; mineral, metal, oil and gas, hazardous waste, treatment or disposal facilities; landfills; recycling facilities; steam electric plants; transportation facilities; treatment works; and light industrial activity);
- Discharges pollutants that exceed the water quality standards set forth in the applicable NPDES permit, the Regional Water Quality Control Board's (RWQCB) Basin Plan or otherwise impairs the beneficial uses of a receiving water body;

- Results in a discharge of pollutants into an “impaired” water body that has been designated as such by the State Water Resources Control Board or the RWQCB under Section 303 (d) of the Federal Water Pollution Prevention and Control Act (i.e., the Clean Water Act); or
- Results in a discharge of pollutants of concern to a receiving water body, as identified by the RWQCB.

**Impact Discussion:**

- a. Multi-use path construction would avoid surface waters of Cieneguitas Creek. Therefore, impacts related to water movement are not anticipated.
- b. No changes in creek or storm drain locations, dimensions or hydraulic characteristics would occur. Therefore, no changes in drainage patterns would occur. The project includes minor realignment of a drainage swale located south of Modoc Road; however, local drainage patterns would be maintained. The project would involve an increase in impervious surfaces. Approximately 0 acres of impervious surfaces would be added when including reductions associated with the use of previous materials and the removal of impervious surface portions of the existing bike lane associated with the multi-use path construction. This area would be dispersed over the 3,955-foot-long multi-use path alignment and would not substantially alter percolation rates or surface run-off in the project area.
- c. No discharge to surface waters or extraction of surface water is proposed. Therefore, no change in the amount of surface water present in any water body would occur as a result of the project.
- d. Although best management practices would be implemented as required by the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, storm water run-off from project construction areas may transport sediment, hydrocarbons and other pollutants to Cieneguitas Creek and degrade surface water quality.
- e. The proposed project would not alter the course of floodwaters, including local storm drains or flows in Cieneguitas Creek. No changes in the course or flow of flood waters would occur, and no new flood control facilities would be required.
- f. The project would not be located within the 100-year floodplain. The project would not result in land development or otherwise increase the exposure of persons or property to water-related hazards.
- g. The proposed project would not affect groundwater flow as project-related groundwater pumping would not occur, and recharge from Cieneguitas Creek would not be affected.
- h. The project does not involve extraction of groundwater, excavation of aquifers or interference with recharge.
- i. The project would not involve any groundwater extraction or commitment of groundwater.

- j. There is no evidence of seawater intrusion upon the Santa Barbara Groundwater Basin (Santa Barbara County Public Works, 2020). In any case, the proposed project would not involve groundwater extraction or otherwise contribute to seawater intrusion.
- k. The project would not require water (excluding the construction period and temporary irrigation for establishment of replacement trees and native ~~plant~~ plant landscaping) and would not affect public water supplies.
- l. Storm run-off from Modoc Road, other local roadways and adjacent land uses likely contributes pollutants to Cieneguitas Creek. Due its linear configuration and small surface area, the proposed multi-use path would be a minor source of storm water pollutants during the construction period, primarily sediments and asphalt-related hydrocarbons, but would not result in a substantial increase in the discharge of these pollutants.

### **Mitigation Measures and Residual Impacts:**

**WR-1** The project would require coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Water Quality Order 2009-0009-DWQ). As required by the conditions of the General Permit, a Storm Water Pollution Control Plan (WPCP) would be prepared, which would include best management practices to be implemented and a monitoring program. The following Best Management Practices shall be incorporated into the WPCP to minimize potential water quality impacts. These impacts would be mitigated to a less than significant level with the implementation of these measures.

- All ground disturbance shall be limited to the dry season or periods when rainfall is not predicted, to minimize erosion and sediment transport to surface waters.
- Disturbed areas shall be stabilized or re-vegetated prior to the start of the rainy season. Compost blankets shall be used to remove ~~s~~-pollutants from storm water, thus improving water quality.
- Impacts to vegetation within and adjacent to creeks and storm drains shall be minimized. The work area shall be flagged to identify its limits. Vegetation shall not be removed or intentionally damaged beyond these limits.
- Construction materials and soil piles shall be placed in designated areas where they could not enter creeks or storm drains due to spillage or erosion.
- Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from watercourses and shall be disposed of regularly.
- All fueling of heavy equipment shall occur in a designated area removed from Modoc Road and other drainages, such that any spillage would not enter surface waters. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.

- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and coolant and shall be examined for leaks on a daily basis. All maintenance shall occur in a designated offsite area. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.
- Any accidental spill of hydrocarbons or coolant that may occur on the construction site shall be cleaned immediately. Absorbent materials shall be maintained on the construction site for this purpose. The Regional Board shall be notified immediately in the event of an accidental spill to ensure proper clean up and disposal of waste.

**Plan Requirements/Timing:** These measures shall be included in the project specifications and SWPPP. **MONITORING:** The County-appointed inspector shall ensure the measures are fully implemented.

**Residual Impact:** mitigation measures are provided above would reduce construction-related water quality impacts to a level of less than significant.

## 5.0 INFORMATION SOURCES

### 5.1 COUNTY DEPARTMENTS CONSULTED

Public Works Department

### 5.2 COMPREHENSIVE PLAN (CHECK THOSE SOURCES USED):

<input checked="" type="checkbox"/>	Seismic Safety/Safety Element	<input checked="" type="checkbox"/>	Conservation Element
<input checked="" type="checkbox"/>	Open Space Element	<input checked="" type="checkbox"/>	Noise Element
<input type="checkbox"/>	Coastal Plan and Maps	<input checked="" type="checkbox"/>	Circulation Element
<input type="checkbox"/>	ERME	<input type="checkbox"/>	Agricultural Element

### 5.3 OTHER SOURCES (CHECK THOSE SOURCES USED):

<input checked="" type="checkbox"/>	Field work	<input type="checkbox"/>	Ag Preserve maps
<input type="checkbox"/>	Calculations	<input checked="" type="checkbox"/>	Flood Control maps
<input checked="" type="checkbox"/>	Project plans	<input checked="" type="checkbox"/>	Other technical references (reports, survey, etc.)
<input type="checkbox"/>	Traffic studies	<input type="checkbox"/>	Planning files, maps, reports
<input type="checkbox"/>	Records	<input checked="" type="checkbox"/>	Zoning maps
<input type="checkbox"/>	Grading plans	<input checked="" type="checkbox"/>	Soils maps/reports
<input type="checkbox"/>	Elevation, architectural renderings	<input type="checkbox"/>	Plant maps
<input type="checkbox"/>	Published geological map/reports	<input checked="" type="checkbox"/>	Archaeological maps and reports
<input checked="" type="checkbox"/>	Topographical maps	<input checked="" type="checkbox"/>	FEMA Floodplain maps
<input checked="" type="checkbox"/>	Important Farmland Maps		

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## 6.0 PROJECT SPECIFIC (SHORT- AND LONG-TERM) AND CUMULATIVE IMPACT SUMMARY

### 6.1 SIGNIFICANT UNAVOIDABLE IMPACTS

None identified.

### 6.2 SIGNIFICANT BUT MITIGABLE IMPACTS

**Biological Resources.** The proposed project may result in:

- Removal of three coast live oak trees protected by the policies of the Eastern Goleta Community Plan.
- Potentially significant impacts to Cooper's hawk, oak titmouse, Allen's hummingbird and other nesting birds associated with construction activities.

**Cultural Resources.** The proposed project may result in:

- Potential disturbance of unknown buried archeological resources in an archeologically sensitive area.

**Fire Protection.** The proposed project may result in:

- Increased fire hazard to adjacent residential and open space areas associated with construction activities in areas supporting potentially flammable vegetation.

**Noise.** The proposed project may result in:

- Exposure of adjacent residences to temporary construction-related noise generated by heavy equipment and heavy-duty trucks.

**Water Resources/Flooding.** The proposed project may result in:

- Temporary degradation of surface water quality associated with discharge of storm water from project construction areas.

### 6.3 CUMULATIVE IMPACTS

Cumulative impacts are defined as two or more individual effects which, when considered together are considerable, or which compound or increase other environmental impacts. Under Section 15064 of the State CEQA Guidelines, the lead agency (Santa Barbara County Public Works Department) must identify cumulative impacts, determine their significance and determine if the effects of the project are cumulatively considerable.

This assessment is focused on potential impacts of the project that may be less than significant on a project-specific basis, but potentially significant when viewed in combination with other projects in the region. Section 3.2 lists other projects under review or recently approved within the project region (Goleta area).

### 6.3.1 Air Quality

Other land development projects (see Section 3.2) would generate both short-term construction emissions and long-term vehicle emissions. The proposed project would not contribute to cumulative long-term vehicle emissions, but may contribute to cumulative construction emissions, should construction of these projects occur at the same time as the proposed project. However, construction emissions of both the proposed project and other projects would be mitigated by standard measures required by the APCD. Implementation of these measures is considered to prevent significant project-specific and cumulative air quality impacts from construction. Therefore, the incremental air quality impact associated with project construction would not be cumulatively considerable.

### 6.3.2 Water Resources

Most projects listed in Section 3.2 would require potable water service and may affect groundwater supplies. The proposed project would not require a water supply and would not contribute to this impact. Cumulative development would increase pollutant concentrations in storm run-off and may adversely affect surface water quality. During the construction period, the proposed project may contribute to cumulative surface water quality impacts. However, mitigation measures are provided to avoid and minimize impacts to surface water quality.

Similar to the proposed project, some of the cumulative projects are located near drainages and inadvertent spills of fuel or lubricants could occur and percolate into groundwater supplies. The proposed project would contribute to this cumulative impact; however, mitigation measures are provided to avoid and minimize impacts to groundwater quality. The project's contribution to groundwater impacts would not be cumulatively considerable.

### 6.3.3 Biological Resources

**Protected Trees.** Coast live oak is common in the project area, and other projects may result in removal of these trees. However, mitigation measures are provided to avoid and offset impacts to protected trees. Therefore, the incremental contribution of the proposed project to impacts to protected trees would not be cumulatively considerable.

**Cooper's Hawk.** Other cumulative projects may result in adverse impacts to suitable habitat for Cooper's hawk in the region. However, mitigation measures are provided to avoid and minimize potential impacts to this species. Therefore, the incremental contribution of the proposed project to impacts to Cooper's hawk would not be cumulatively considerable.

### 6.3.4 Cultural Resources

Most cumulative projects listed in Section 3.2 are located in previously developed areas and are unlikely to adversely affect intact archeological resources. However, some projects may result in disturbance of known or unknown cultural resources. The proposed project may impact unreported cultural resources along Modoc Road, and could contribute to a cumulative impact. However, mitigation measures are provided to avoid and minimize potential impacts to archeological resources. The project's contribution to cumulative cultural resources impacts would not be considerable.

### 6.3.5 Noise

Other projects (see Section 3.2) would generate both short-term construction noise and long-term traffic noise. The proposed project would not contribute to cumulative long-term traffic noise but may contribute to cumulative construction noise. The proposed project is not located adjacent to other projects and would not contribute to cumulative construction noise. In any case, mitigation measures are provided to avoid and minimize potential noise impacts. The project's contribution to noise impacts would not be cumulatively considerable.

### 7.0 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)			X		
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR?				X	

### **Discussion of Findings:**

1. The proposed project has the potential to substantially degrade the quality of the environment. However, implementation of mitigation measures BIO-1 through BIO-2 would ensure impacts to wildlife and protected trees would be minimized and offset, and prevent fish or wildlife populations from dropping below self-sustaining levels. Due to the small scale of project impacts, it would not threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Based on subsurface archeological testing conducted for the project, no impacts to cultural resources are anticipated, and the proposed project would not eliminate important examples of the major periods of California history or prehistory. Although impacts to unreported cultural resources may occur during project-related earthwork, mitigation measures have been provided (see AR-1) to reduce these impacts to a level of less than significant.
2. The proposed project does not have the potential to achieve short-term to the disadvantage of long-term environmental goals. The proposed project is designed to achieve the long-term goal of the County to create a Class I bike path.
3. The proposed project may contribute to cumulative impacts, but its incremental contribution would not be substantial or result in cumulatively significant impacts.
4. The proposed project may create environmental effects which would cause substantial adverse effects on human beings, including fire hazards, noise and water quality. However, mitigation measures have been provided (see FIRE-1, NOISE-1 and WR-1) to reduce these impacts to a level of less than significant.
5. There is no disagreement supported by facts or any reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR.

## **8.0 PROJECT ALTERNATIVES**

No significant, adverse unmitigable impacts were identified; therefore, no project alternatives were considered.

## 9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

An analysis of the consistency of the proposed project with applicable policies of the County Comprehensive Plan and the Eastern Goleta Valley Community Plan is provided in Tables 10 and 11, respectively. The proposed project, with mitigation, is expected to be consistent with all existing land use and development policies.

**Table 10. Policy Consistency Analysis – County Comprehensive Plan**

Applicable Policy Number	Issue	Consistency Discussion
<b>Circulation Element</b>		
C.	The County shall continue to develop programs to encourage alternative modes of transportation	The proposed multi-use path would expand the bike circulation system and encourage bike use: consistent
<b>Land Use Element</b>		
Hillside & Watershed Protection 1	Plans for development shall minimize cut and fill operations	The proposed multi-use path alignment would be primarily located in level areas, within minimal cut and fill operations: consistent
Hillside & Watershed Protection 2	All development shall be designed to fit site topography, soils, geology and hydrology to minimize grading	The multi-use path alignment has been designed to follow site topography, and would require minimal grading: consistent
Hillside & Watershed Protection 4	Sediment basins shall be installed during initial grading operations and maintained to remove sediment	A water pollution control plan would be developed and would include sediment basins if needed: consistent
Hillside & Watershed Protection 5	Temporary vegetation, seeding, mulching or other soil stabilization method shall be used to protect soils from erosion	A water pollution control plan would be developed and would include temporary soil stabilization measures: consistent
Streams & Creeks 1	All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased run-off, sedimentation, biochemical degradation or thermal pollution	No work within the streambed is proposed. Mitigation measures (WR-1) have been provided to minimize discharge of sediment and reduce erosion during construction: consistent
Flood Hazard 1	All development, including construction, excavation and grading, except flood control projects shall be prohibited in the floodway.	The proposed project would be located outside the floodway: consistent
Historical & Archeological Sites 2	When developments are proposed for parcels where archeological sites are located, project design shall be required which avoids impacts if possible	Known archeological sites are located near the multi-use path alignment; however, the project would not result in significant impacts. Mitigation measures (AR-1) would be implemented to avoid any unreported resources found: consistent

**Table 10. Continued**

Applicable Policy Number	Issue	Consistency Discussion
Parks/Recreation 1	Bikeways shall be provided where appropriate for recreational and commuting use	The proposed multi-use path would expand the bike circulation system and encourage bike use: consistent

**Table 11. Policy Consistency Analysis – Eastern Goleta Valley Community Plan**

Applicable Policy Number	Issue	Consistency Discussion
FIRE-EGV-1.1	The County shall support and pursue collaborative fuel management and wildfire protection programs for the City of Santa Barbara, the City of Goleta, and Eastern Goleta Valley to encourage fire hazard reduction and protection of natural resources.	The proposed project involves removal of up to eight (under Alignment B) flammable blue gum eucalyptus trees which represents a fire hazard reduction on the northern edge of the Hope Ranch community and may reduce the potential wildfire hazard to persons and property: consistent
TC-EGV-2.2	The use of the bicycle as a mode of transportation shall be encouraged by providing and ensuring well-lit, safe, well-connected, and accessible Class I/II/III bikeways to meet the transportation needs of Goleta Valley cyclists.	The project would partially implement a Class I multi-use path consistent with the Eastern Goleta Valley Community Plan: consistent
ECO-EGV-1.1	The County shall designate and provide protection to important or sensitive environmental resources and habitats in Eastern Goleta Valley.	The proposed project avoids the environmentally sensitive habitat area along Cieneguitas Creek: consistent
ECO-EGV-3.1	Habitats to be preserved and enhanced include, but are not limited to creeks, streams, waterways, fish passage, wetlands, vernal pools, riparian vegetation, wildlife corridors, roosting, nesting and foraging habitat for birds and subterranean species.	The proposed project avoids environmentally sensitive stream habitat and riparian vegetation along Cieneguitas Creek: consistent
ECO-EGV-4.1	Existing trees in Eastern Goleta Valley shall be preserved to the maximum extent feasible, prioritizing protected trees.	The proposed project was designed to minimize removal of trees. Up to three <del>six</del> (under Alignment B <del>A</del> ) of the trees to be removed are considered protected under this policy and most trees to be removed are invasive non-native trees: consistent
ECO-EGV-5.1	Environmentally sensitive habitat areas and riparian corridors within Eastern Goleta Valley shall be preserved and, where feasible and appropriate, enhanced.	The proposed project would avoid environmentally sensitive habitat and riparian corridor along Cieneguitas Creek: consistent

**Table 11. Continued**

<b>Applicable Policy Number</b>	<b>Issue</b>	<b>Consistency Discussion</b>
ECO-EGV-6.3	Riparian vegetation shall be protected and not removed except where clearing is necessary for the maintenance of free-flowing channel conditions.	The proposed project would avoid riparian vegetation along Cieneguitas Creek: consistent
HA-EGV-1.1	Protect and preserve known and discovered significant archeological, historic built environment and tribal cultural resources in the Eastern Goleta Valley.	Based on the results of project-specific archeological investigations, the proposed project would not affect significant cultural resources: consistent
N-EGV-1.1	Noise impacts to interior noise-sensitive land uses shall be minimized.	Noise-sensitive residential areas would be adversely affected by project-related construction noise. However, mitigation has been provided to minimize noise impacts: consistent
VIS-EGV-1.1	Development should minimize impacts to open space views as seen from public vistas and scenic local routes and avoid impairment of significant visual resources.	The proposed project would not be visible from or adversely affect any designated public vistas, local scenic routes or community gateways: consistent

## 10.0 RECOMMENDATION BY LEAD AGENCY STAFF

On the basis of the Initial Study, lead agency staff:

Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of a Mitigated Negative Declaration (MND). The MND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas: None

With Public Hearing  Without Public Hearing

**PREVIOUS DOCUMENT:** None

**PROJECT EVALUATOR:** Matt Ingamells, Padre Associates

**DATE:** September 8, 2022

### 11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

I agree with staff conclusions. Preparation of the appropriate document may proceed.

I DO NOT agree with staff conclusions. The following actions will be taken:

I require consultation and further information prior to making my determination.

SIGNATURE: \_\_\_\_\_ INITIAL STUDY DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DRAFT ND DATE: \_\_\_\_\_

SIGNATURE: Alex Tuttle REVISION DATE: 9/8/22

SIGNATURE: Alex Tuttle FINAL MND DATE: 10/19/22

## **APPENDIX A**

# **VASCULAR PLANT FLORA OBSERVED NEAR THE MODOC ROAD BIKE PATH ALIGNMENT SANTA BARBARA COUNTY, CALIFORNIA**

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**Appendix A**  
**Vascular Plant Flora Observed near the Modoc Road Bike Path Alignment**  
**Santa Barbara County, California**

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
<i>Acacia longiflora</i> *	Sydney golden wattle	S	Fabaceae	*	
<i>Acmispon glaber</i> var. <i>glaber</i>	Deerweed, California broom	PH	Fabaceae	*	
<i>Ageratina adenophora</i> *	Crofton weed	PH	Asteraceae	FACU	Moderate
<i>Ambrosia psilostachya</i>	Western ragweed	PH	Asteraceae	FACU	
<i>Anemopsis californica</i>	Yerba mansa	PH	Sauraceae	OBL	
<i>Araujia sericifera</i> *	Bladder flower	PV	Apocynaceae	*	
<i>Artemisia californica</i>	California sagebrush	S	Asteraceae	*	
<i>Artemisia douglasiana</i>	Mugwort	PH	Asteraceae	FAC	
<i>Asclepias fascicularis</i>	Narrow-leaf milkweed	AH	Apocynaceae	FAC	
<i>Atriplex semibaccata</i> *	Australian saltbush	PH	Chenopodiaceae	FAC	Moderate
<i>Avena barbata</i> *	Slender wild oats	AG	Poaceae	*	Moderate
<i>Avena fatua</i> *	Wild oats	AG	Poaceae	*	Moderate
<i>Baccharis pilularis</i>	Coyote brush	S	Asteraceae	*	
<i>Baccharis salicifolia</i>	Mule fat, seep-willow	S	Asteraceae	FAC	
<i>Brachypodium distachyon</i> *	False brome	AG	Poaceae	*	
<i>Brassica nigra</i> *	Black mustard	AH	Brassicaceae	*	Moderate
<i>Brassica rapa</i> *	Field mustard	AH	Brassicaceae	FACU	Limited
<i>Bromus diandrus</i> *	Ripgut grass	AG	Poaceae	*	Moderate
<i>Calocedrus decurrens</i> **	Incense cedar	T	Cupressaceae	*	
<i>Carduus pycnocephalus</i> *	Italian thistle	AH	Asteraceae	*	Moderate
<i>Chenopodium album</i> *	Lamb's quarters	AH	Chenopodiaceae	FACU	
<i>Chenopodium murale</i> *	Nettle-leaf goose-foot	AH	Chenopodiaceae	FACU	
<i>Claytonia perfoliata</i>	Miner's lettuce	AH	Montiaceae	FAC	
<i>Cordylanthus rigidus</i>	Bird's beak	AH	Orobanchaceae	*	
<i>Cotoneaster pannosus</i> **	Silver-leaf cotoneaster	S	Rosaceae	*	Moderate
<i>Cotula australis</i> *	Australian brass-buttons	AH	Asteraceae	FAC	
<i>Cynodon dactylon</i> *	Bermuda grass	PG	Poaceae	FACU	Moderate
<i>Cyperus eragrostis</i>	Tall flat-sedge	PH	Cyperaceae	FACW	
<i>Cyperus involucratus</i> *	Flat-sedge	PH	Cyperaceae	FACW	
<i>Dimorphotheca fruticosa</i> *	African daisy	PH	Asteraceae	*	
<i>Distichlis spicata</i>	Salt grass	PG	Poaceae	FAC	
<i>Encelia californica</i>	California bush sunflower	S	Asteraceae	*	
<i>Eriobotrya japonica</i> **	Loquat	T	Rosaceae	*	
<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>	California buckwheat	S	Polygonaceae	*	
<i>Erodium cicutarium</i> *	Redstem filaree	AH	Geraniaceae	*	Limited
<i>Eschscholzia californica</i>	California poppy	AH	Papaveraceae	*	
<i>Eucalyptus globulus</i> *	Blue gum	T	Myrtaceae	*	Limited
<i>Festuca perennis</i> *	Italian rye-grass	AG	Poaceae	FAC	Moderate
<i>Fraxinus latifolia</i> *	Oregon ash	T	Oleacea	FACW	
<i>Galium aparine</i>	Sticky-willy	AH	Rubiaceae	FACU	
<i>Helminthotheca echioides</i> *	Bristly ox-tongue	AH	Asteraceae	FAC	Limited
<i>Hesperoyucca whipplei</i>	Our lord's candle	S	Agavaceae	*	
<i>Heteromeles arbutifolia</i>	Toyon	T	Rosaceae	*	

**Appendix A**  
**Vascular Plant Flora Observed near the Modoc Road Bike Path Alignment**  
**Santa Barbara County, California**

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
<i>Hirschfeldia incana</i> *	Summer mustard	BH	Brassicaceae	*	Moderate
<i>Hordeum murinum</i> *	Barley	AG	Poaceae	FACU	Moderate
<i>Juncus acutus</i> ssp. <i>leopoldii</i>	Southwestern spiny rush	S	Juncaceae	FACW	
<i>Juncus patens</i>	Spreading rush	PH	Juncaceae	FACW	
<i>Lactuca serriola</i> *	Prickly lettuce	AH	Asteraceae	FACU	
<i>Lavandula angustifolia</i> *	Lavender	S	Lamiaceae	*	
<i>Malva parviflora</i> *	Cheese-weed	AH	Malvaceae	*	
<i>Malvella leprosa</i>	Alkali mallow	AH	Malvaceae	FACU	
<i>Marah macrocarpus</i> var. <i>macrocarpus</i>	Wild cucumber	PV	Cucurbitaceae	*	
<i>Medicago polymorpha</i> *	Bur clover	AH	Fabaceae	FACU	Limited
<i>Nerium oleander</i> **	Oleander	S	Apocynaceae	*	
<i>Oxalis pes-caprae</i> *	Bermuda buttercup	PH	Oxalidaceae	*	Moderate
<i>Peritoma arborea</i>	Bladder-pod	S	Cleomaceae	*	
<i>Phacelia ramosissima</i> var. <i>ramosissima</i>	Branching phacelia	PH	Boraginaceae	FACU	
<i>Pholistoma auritum</i> var. <i>auritum</i>	Fiesta flower	AH	Boraginaceae	*	
<i>Phoenix canariensis</i> **	Canary Island palm	T	Arecaceae		
<i>Pittosporum undulatum</i> *	Victorian box	T	Pittosporaceae	*	
<i>Plantago lanceolata</i> *	English plantain	PH	Plantaginaceae	FAC	Limited
<i>Poa annua</i> *	Annual bluegrass	AG	Poaceae	FAC	
<i>Podocarpus gracilior</i> **	Fern pine	T	Taxaceae	*	
<i>Prunus lyonii</i> **	Catalina cherry	S	Rosaceae	*	
<i>Pseudognaphalium canescens</i>	Everlasting	AH	Asteraceae	*	
<i>Pyracantha fortuneana</i> **	Chinese fore-thorn	S	Rosaceae	*	
<i>Quercus agrifolia</i> var. <i>agrifolia</i>	Coast live oak	T	Fagaceae	*	
<i>Quercus ilex</i> **	Holly oak	T	Fagaceae	*	
<i>Quercus lobata</i> (planted)	Valley oak	T	Fagaceae	*	
<i>Quercus suber</i> **	Cork oak	T	Fagaceae	*	
<i>Raphanus sativus</i> *	Radish	BH	Brassicaceae	*	Limited
<i>Rosa californica</i>	California wildrose	S	Rosaceae	FAC	
<i>Rubus ursinus</i>	California blackberry	PV	Rosaceae	FAC	
<i>Rumex crispus</i> *	Curly dock	PH	Polygonaceae	FAC	Limited
<i>Rumex salicifolius</i>	Willow dock	PH	Polygonaceae	FACW	
<i>Salix laevigata</i>	Red willow	T	Salicaceae	FACW	
<i>Salix lasiolepis</i>	Arroyo willow	T	Salicaceae	FACW	
<i>Salvia leucantha</i> *	Mexican sage	S	Lamiaceae	*	
<i>Salvia mellifera</i>	Black sage	S	Lamiaceae	*	
<i>Salvia spathacea</i>	Crimson pitcher sage	PH	Lamiaceae	*	
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	Blue elderberry	T	Adoxaceae	FACU	
<i>Schinus molle</i> *	Pepper tree	T	Anacardiaceae	FACU	Limited
<i>Schoenoplectus californicus</i>	California bulrush	PH	Cyperaceae	OBL	
<i>Senecio vulgaris</i> *	Common groundsel	AH	Asteraceae	FACU	
<i>Sisymbrium irio</i> *	London rocket	AH	Brassicaceae	*	Limited
<i>Sonchus oleraceus</i> *	Common sow thistle	AH	Asteraceae	UPL	

**Appendix A**  
 Vascular Plant Flora Observed near the Modoc Road Bike Path Alignment  
 Santa Barbara County, California

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
<i>Stellaria media</i> *	Chick-weed	AH	Caryophyllaceae	FACU	
<i>Stipa miliacea</i> var. <i>miliacea</i> *	Smilo grass	PG	Poaceae	*	Limited
<i>Stipa pulchra</i>	Purple needlegrass	PG	Poaceae	*	
<i>Taraxacum officinale</i> *	Dandelion	PH	Asteraceae	FACU	
<i>Ulmus parvifolia</i> *	Chinese elm	T	Ulmaceae	UPL	
<i>Urtica urens</i> *	Dwarf nettle	AH	Urticaceae	*	
<i>Verbena lasiostachys</i> var. <i>scabrida</i>	Verbena	PH	Verbenaceae	FAC	
<i>Vicia sativa</i> *	Common vetch	AV	Fabaceae	FACU	
<i>Washingtonia robusta</i> *	Mexican fan palm	T	Arecaceae	FACW	Moderate

Notes:

Scientific nomenclature follows The Jepson Manual Second Edition (Baldwin et al., 2012), including supplements (old names in brackets).

An "\*" indicates non-native species which have become naturalized or persist without cultivation.

An "\*\*\*" indicates species which have been planted and may not persist without cultivation.

Habit Definitions:

- AF = annual fern or fern ally.
- AG = annual grass.
- AH = annual herb.
- BH = biennial herb.
- PF = perennial fern or fern ally.
- PG = perennial grass.
- PH = perennial herb.
- PV = perennial vine.
- S = shrub.
- T = tree.

Invasiveness Rating from the online database of the California Invasive Plant Council

Wetland Status from Arid West 2020 Regional Wetland Plant List

OBL - Obligate wetland: almost always occurs in wetlands (>99% probability)

FACW - Facultative-Wetland: usually occurs in wetlands (67-99% probability)

FAC - Facultative: equally likely to occur in wetlands or non-wetlands (34-66% probability)

FACU - Facultative-Upland: usually occurs in non-wetlands (1-33% probability)

UPL - Upland: almost always occurs in non-wetlands (>99% probability)

\*: not addressed in the wetland plant list, non-wetland species

## **APPENDIX B**

# **VERTEBRATE ANIMAL SPECIES REPORTED NEAR THE MODOC ROAD BIKE PATH ALIGNMENT SANTA BARBARA COUNTY, CALIFORNIA**

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## Appendix B

### Vertebrate Animal Species Reported Near the Modoc Road Bike Path Alignment Santa Barbara County, California

FAMILY		Habitat	
<u>Common Name</u>	<u>Scientific Name</u>	<u>Use(1)</u>	<u>Status(2)</u>
<b>AMPHIBIANS AND REPTILES</b>			
Hylidae			
Baja California tree frog	<i>Pseudacris hypochondriaca</i>	B/F	--
Iguanidae			
*Western fence lizard	<i>Sceloporus occidentalis longipes</i>	B/F	--
Colubridae			
San Diego gopher snake	<i>Pituophis melanoleucus annectens</i>	B/F	--
<b>BIRDS</b>			
Ardeidae			
Great blue heron	<i>Ardea herodias</i>	F	--
Anatidae			
Mallard	<i>Anas platyrhynchos</i>	F	--
Laridae			
Western gull	<i>Larus occidentalis</i>	F	--
Cathartidae			
Turkey vulture	<i>Cathartes aura</i>	B/F	--
Accipitridae			
*Red-tailed hawk	<i>Buteo jamaicensis</i>	B/F	--
*Red-shouldered hawk	<i>Buteo lineatus</i>	B/F	--
Cooper's hawk	<i>Accipiter cooperi</i>	B/F	WL (nesting)
Sharp-shinned hawk	<i>Accipiter striatus</i>	F	WL (nesting)
Northern harrier	<i>Circus hudsonius</i>	F	CSC
Falconidae			
American kestrel	<i>Falco sparverius</i>	B/F	--
Phasianidae			
California quail	<i>Callipepla californicus</i>	B/F	--
Columbidae			
*Mourning dove	<i>Zenaida macroura</i>	B/F	--
*Rock pigeon	<i>Columba livia</i>	B/F	--
*Eurasian collared dove	<i>Streptopelia decaocto</i>	B/F	--
Band-tailed pigeon	<i>Patagioenas fasciata</i>	B/F	--
Poliptillidae			
Blue-gray gnatcatcher	<i>Poliptila caerulea</i>	B/F	--
Strigidae			
Great horned owl	<i>Bubo virginianus</i>	B/F	--
Trochilidae			
*Anna's hummingbird	<i>Calypte anna</i>	B/F	--
*Allen's hummingbird	<i>Selasphorus sasin</i>	B/F	--

**Appendix B**  
 Vertebrate Animal Species Reported Near the Modoc Road Bike Path Alignment  
 Santa Barbara County, California

FAMILY		Habitat	
<u>Common Name</u>	<u>Scientific Name</u>	<u>Use(1)</u>	<u>Status(2)</u>
Picidae			
Northern flicker	<i>Colaptes cafer</i>	B/F	--
*Acorn woodpecker	<i>Melanerpes formicivorus</i>	B/F	--
Nuttall's woodpecker	<i>Picoides nuttallii</i>	B/F	--
Downy woodpecker	<i>Picoides pubescens</i>	B/F	--
Hairy woodpecker	<i>Picoides villosus</i>	B/F	--
Tyrannidae			
*Black phoebe	<i>Sayornis nigricans</i>	B/F	--
*Western kingbird	<i>Tyrannus verticalis</i>	B/F	--
Say's phoebe	<i>Sayornis saya</i>	B/F	--
Pacific slope flycatcher	<i>Empidonax difficilis</i>	B/F	--
Ash-throated flycatcher	<i>Myiarchus cinerascens</i>	B/F	--
*Cassin's kingbird	<i>Tyrannus vociferans</i>	B/F	--
Corvidae			
Common raven	<i>Corvus corax</i>	B/F	--
*American crow	<i>Corvus brachyrhynchos</i>	B/F	--
*Western scrub jay	<i>Aphelocoma californica</i>	B/F	--
Paridae			
*Oak titmouse	<i>Baeolophus inornatus</i>	B/F	BCC
Aegithalidae			
*Common bushtit	<i>Psaltriparus minimus</i>	B/F	--
Troglodytidae			
Bewick's wren	<i>Thryomanes bewickii</i>	B/F	--
House wren	<i>Troglodytes aedor</i>	B/F	--
Bombycillidae			
Cedar waxwing	<i>Bombycilla cedrorum</i>	F	--
Regulidae			
*Ruby-crowned kinglet	<i>Regulus calendula</i>	F	--
Sylviidae			
Wrentit	<i>Chamaea fasciata</i>	B/F	--
Turdidae			
American robin	<i>Turdus migratorius</i>	B/F	--
Hermit thrush	<i>Catharus guttatus</i>	B/F	--
Western bluebird	<i>Sialia mexicana</i>	B/F	--
Sittidae			
White-breasted nuthatch	<i>Sitta carolinensis</i>	B-F	--
Mimidae			
Northern mockingbird	<i>Mimus polyglottos</i>	B/F	--
California thrasher	<i>Toxostoma redivivum</i>	B/F	--

**Appendix B**  
 Vertebrate Animal Species Reported Near the Modoc Road Bike Path Alignment  
 Santa Barbara County, California

FAMILY		Habitat
<u>Common Name</u>	<u>Scientific Name</u>	<u>Use(1)</u> <u>Status(2)</u>
Vireonidae		
Hutton's vireo	<i>Vireo huttoni</i>	B/F --
Sturnidae		
*European starling	<i>Sturnus vulgaris</i>	B/F --
Parulidae		
Townsend's warbler	<i>Setophaga townsendi</i>	F --
Cardinalidae		
Western tanager	<i>Piranga ludoviciana</i>	B/F --
Passerellidae		
Orange-crowned warbler	<i>Vermivora celata</i>	B/F --
*Yellow-rumped warbler	<i>Dendroica coronata</i>	F --
*Common yellowthroat	<i>Geothlypis trichas</i>	B/F --
*White-crowned sparrow	<i>Zonotrichia leucophrys</i>	B/F --
Song sparrow	<i>Melospiza melodia cooperii</i>	B/F --
Lincoln's sparrow	<i>Melospiza lincolni</i>	F --
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>	F --
Spotted towhee	<i>Pipilo maculatus</i>	B/F --
*Dark-eyed junco	<i>Junco hyemalis</i>	B/F --
*California towhee	<i>Melospiza crissalis</i>	B/F --
*Hooded oriole	<i>Icterus cucullatus</i>	B/F --
Bullock's oriole	<i>Icterus bullockii</i>	B/F --
Fringillidae		
*House finch	<i>Carpodacus mexicanus</i>	B/F --
Lesser goldfinch	<i>Spinus psaltria</i>	B/F --
Passeridae		
House sparrow	<i>Passer domesticus</i>	B/F --
Estrilidae		
Scaly-breasted munia	<i>Lonchura punctulata</i>	B/F --
<b>MAMMALS</b>		
Geomyidae		
*Botta's pocket gopher	<i>Thomomys bottae</i>	B/F --
Canidae		
*Coyote	<i>Canis latrans</i>	B/F --
Felidae		
Bobcat	<i>Lynx rufus</i>	B/F --
Sciuridae		
*California ground squirrel	<i>Spermophilus beecheyi</i>	B/F --
Talpidae		
*Broad-footed mole	<i>Scapanus latimanus</i>	B/F --

## Appendix B

### Vertebrate Animal Species Reported Near the Modoc Road Bike Path Alignment Santa Barbara County, California

FAMILY			Habitat	
<u>Common Name</u>	<u>Scientific Name</u>		<u>Use(1)</u>	<u>Status(2)</u>
Leporidae				
Audubon's cottontail	<i>Sylvilagus auduboni</i>		B/F	--
*Brush rabbit	<i>Sylvilagus bachmanii</i>		B/F	--

\* Observed during field surveys of the bike path alignment

(1) Habitat Use

B= Breeding

F= Foraging

(2) Status

CSC= California Species of Special Concern (CDFW)

WL= Watch List (CDFW)

BCC=Birds of Conservation Concern (USFWS)

Fish nomenclature based on Swift et al. (1993)

Amphibian and reptile nomenclature based upon Jensen (1983)

Bird nomenclature based upon American Ornithologists Union (2020)

Mammal nomenclature based upon Hall (1981)

## **APPENDIX C**

### **MULTI-USE PATH ALIGNMENT MAP**

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## **APPENDIX D**

### **PUBLIC COMMENTS AND RESPONSES**

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**APPENDIX D**  
**COMMENTS RECEIVED ON THE DRAFT**  
**REVISED MITIGATED NEGATIVE DECLARATION**

<u>Party</u>	<u>Date</u>
Sabrina Venskus, Venskus & Associates	October 7, 2022
California Department of Fish and Wildlife	October 12, 2022
La Cumbre Mutual Water Company	October 13, 2022
Martin & Mary Hunt	September 17, 2022
Jaime Turgeon	September 18, 2022
Christine Bourgeois	September 21, 2022
Kelly Bourque	September 23, 2022
Paul Kemper	September 27, 2022
Elvira Rose	September 27, 2022
Linda Tucker	September 23, 2022
Ted Bergstrom	September 28, 2022
Brandon Kuczenski	September 30, 2022
Michael Inbar	October 5, 2022
Meredith Klassen	October 5, 2022
Coni Edick	October 6, 2022
Abbie Nissenson	October 7, 2022
Jonathan Southard	October 7, 2022
Jason Sanders, Venskus & Associates	October 7, 2022
Erik Stassinis	October 7, 2022
Donald Miller	October 8, 2022
Alex Loos	October 9, 2022
Gretchen Murray	October 10, 2022
Celeste Barber	October 10, 2022
Warren & Deb Thomas	October 10, 2022
Lisa Sands	October 10, 2022
William Black	October 11, 2022
Eva Inbar	October 11, 2022
Elizabeth Erickson	October 11, 2022

Terri Jo Ortega	October 11, 2022
Jordan Thomas	October 11, 2022
Cindy McCann	October 11, 2022
Nancy Upton	October 11, 2022
Susan Horne	October 11, 2022
Don Lubach	October 12, 2022
Mike Glick	October 12, 2022
Ann Smithcors	October 4, 2022
Wendy Hawksworth	October 12, 2022
Jayne Johann	October 12, 2022
Jacqueline	October 12, 2022
Bonnie Blakley	October 12, 2022
Fraser Black	October 12, 2022
David Madajian	October 12, 2022
Yvette Keller	October 12, 2022
Dave Montague	October 12, 2022
Christine Schlumberger	October 12, 2022
Jim McClellan	October 12, 2022
Richard Lambert	October 12, 2022
Lyle Harlow	October 12, 2022
Maureen Duris	October 12, 2022
Jim Balter	October 12, 2022
Don Miller	October 12, 2022
Shad Springer	October 12, 2022
Don Miller	October 12, 2022
Meg Miller	October 12, 2022
Michael Guinn	October 12, 2022
Susan Shields	October 12, 2022
Robert Taylor	October 12, 2022
J'Amy Brown	October 12, 2022
Joshua Patlak	October 12, 2022
Helena Breese	October 12, 2022

Heather Deutsch, MOVE Santa Barbara County	October 12, 2022
Steve Nelson	October 12, 2022
Sebastian Baum	October 12, 2022
J. Napel	October 13, 2022
Gray Panthers	October 12, 2022
Nancy Mulholland	October 13, 2022
Twoonethree	October 13, 2022
David Scott	October 13, 2022
Houston Harte	October 13, 2022
Donna Chandler	October 13, 2022
Tom Jacobs	October 13, 2022
David Parker	October 13, 2022
James Jackson	October 13, 2022
Catherine Brozowski	October 13, 2022
Ash Cannon	October 13, 2022
Colleen Beall	October 13, 2022
Ken Yamamoto	October 13, 2022
Patricia Escalera	October 13, 2022
Kitty Christen	October 13, 2022
Kitty Christen	October 13, 2022
Alex Trieger	October 13, 2022
Bob Smith	October 13, 2022
Nancy Vogel	October 12, 2022
Larry Bickford	October 13, 2022
Julie Holmes	October 13, 2022
Dawn Mitcham	October 13, 2022
Jim Kemp	October 13, 2022
Maureen and Mark Groves	October 13, 2022
David Litschel	October 13, 2022
Martha Shilliday	October 13, 2022
Betty Winholtz	October 13, 2022
James Hockin	October 14, 2022

Ralph Waterhouse	October 14, 2022
Sabrina Beane	October 14, 2022
Cathy Rice	October 14, 2022
Jesse Felix	October 14, 2022
Sharon Baumert-Kysely	October 14, 2022
Arden Kysely	October 14, 2022
Jurij Solovij	October 14, 2022
Jean Johnson	October 14, 2022
Jeff Nelson	October 14, 2022
Nancy Rose	October 14, 2022
Amy Anderson	October 14, 2022
Robert Rainwater	October 14, 2022
Robert Martin III, SSL Law Firm LLC	October 14, 2022
John and Nancy Richards	October 14, 2022
Cricket Wood	October 14, 2022
Brigitta Van Der Raay	October 13, 2022
Peter Johnson	October 14, 2022
Susan Bockelman	October 14, 2022
Don Miller	October 14, 2022
Don Miller	October 14, 2022
Brian Ratledge	October 14, 2022
Warren and Deb Thomas	October 14, 2022
Bonnie Ryan	October 14, 2022
Bryan Hope	October 14, 2022
Patrick Zuroske	October 14, 2022
Bob Hamber	October 14, 2022
Autumn Brook	October 14, 2022
Melissa Cunningham	September 15, 2022
Alex Pujo	September 18, 2022
Torrie Cutbirth	September 28, 2022
Eileen McMillen	September 28, 2022
Kelly Bourque	September 28, 2022

Annette Hilliard	September 28, 2022
Doug Fischer	September 28, 2022
Joanna Tang	September 28, 2022
Heather Rose	September 27, 2022
Ian Hewitt	September 29, 2022
Steve Francis	September 29, 2022
Zak Klobucher	September 30, 2022
Joan Vignocchi	September 29, 2022
Rad Schreiber	September 29, 2022
Rod Tucknott	September 30, 2022



**Venskus & Associates**  
A PROFESSIONAL CORPORATION

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OJAI, CALIFORNIA 93023  
TEL: 805-272-8621

1055 WILSHIRE BLVD., SUITE 1996  
LOS ANGELES, CALIFORNIA 90017  
TEL: 213-482-4200

October 7, 2022

**SENT VIA ELECTRONIC MAIL**

Board of Supervisors  
County of Santa Barbara  
105 E Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
c/o: Morgan Jones ([mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)); and  
Clerk of The Board ([sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us))

**RE: Comment Letter on the Proposed Modoc Road Multi-Use Path for the  
County Board of Supervisors' November 1, 2022 Hearing**

**INTRODUCTION**

The Community Association for the Modoc Preserve (“CAMP”) is a grassroots organization dedicated to protecting the Modoc Preserve – a biodiverse oasis with at least 133 plant species and 71 bird species. CAMP represents over 4,060 (and growing) individuals who have signed on to CAMP’s Save The Modoc Road Trees petition (<https://www.change.org/SaveModocRoadTrees>). CAMP hereby submits this comment letter on the proposed Multi-Use Path for the County of Santa Barbara, for which a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act. (“proposed Project”).

1. The County staff has recommended that Alignment B be approved. CAMP opposes both Alignment A and Alignment B as set forth in the Revised MND dated September 8, 2022, and requests that the Board of Supervisors place the entire Multi-Use Path up onto Modoc Road or let the ATP grant expire so that these funds can be used where they are most needed to increase bike safety in Santa Barbara County. The County has already moved the western half of the Multi-Use Path onto Modoc Road using existing asphalt infrastructure in County Right of Way (ROW), north of the valuable tree belt that lines Modoc Road. CAMP calls their proposed alignment placing the entire path onto Modoc Road the "Greenbelt Alignment".

Any decision by the Board of Supervisors to approve the proposed Project as currently formulated will result in multiple violations of the California Environmental Quality Act. First, the Initial Study/Mitigated Negative Declaration (“MND”) prepared

for the proposed Project contains numerous inaccuracies and fails as informational document. Second, Alignment B is not viable since it cannot be constructed in a manner consistent with the Conservation Easement in the Modoc Preserve that the Land Trust for Santa Barbara County currently holds. Third, Alignment A, as currently designed, is not tenable for multiple reasons, not the least of which being that it would destroy 29 majestic Canary Island Palm Trees and a number of native Oak trees not included in the MND's tree survey.

Therefore, CAMP respectfully requests that the Board of Supervisors reject the MND for the proposed Project at this time, and instead, consider the Greenbelt Alignment.

### **LEGAL BACKGROUND**

Once an agency decides that a project is not exempt from CEQA, it prepares an Initial Study. The purpose of the initial study is to inform the choice between a Negative Declaration or an Environmental Impact Report ("EIR"). (14 California Code of Regulations ("CCR" or "CEQA Guidelines") §§ 15063(c)(1); *Inyo Citizens for Better Planning v. Inyo County Bd. of Supervisors* (2009) 180 Cal.App.4th 1, 7.)

1. "In preparing an Initial Study, the Lead Agency bears the burden to investigate the potential environmental impacts. The failure to conduct an adequate Initial Study may limit the substantial evidence upon which the agency determines whether an EIR is necessary. Courts have held that deficiencies in the administrative record, such as an inadequate Initial Study, may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences of possible environmental impact.[.]" (1 California Environmental Law & Land Use Practice § 21.08 (2022).)

When an Initial Study is used to decide whether or not an EIR is necessary, the Lead Agency must determine whether *there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment.* (CEQA Guidelines § 15063(b)(1).)(emphasis added.)

If there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the Lead Agency must prepare a Negative Declaration. (CEQA Guidelines § 15063(b)(2); Public Resources Code ("PRC") § 21080(c)(1).)

On the other hand, if there is substantial evidence that the project may have a potential environmental effect that is significant, then the lead agency must do one of the following: 1) prepare an EIR, 2) use a previously prepared EIR that adequately analyzed issue, or 3) revise or mitigate the project so it no longer causes a significant effect and then issue a mitigated negative declaration. (PRC § 21080(c)(2) and (d); CEQA Guidelines 15063(b)(1).)

These determinations must be based on substantial evidence in the record. (CEQA Guideline § 15064(f).)

Specifically for Mitigated Negative Declarations, “A public agency shall prepare or have prepared a proposed [ ] mitigated negative declaration for a project subject to CEQA when: (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) The initial study identifies potentially significant effects, but: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.” (CEQA Guideline § 15070.)

1.

Any necessary mitigation measures must be specifically set forth in the Mitigated Negative Declaration in advance of Lead Agency adoption of the Mitigated Negative Declaration (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1606 fn 4). When a public agency adopts a Mitigated Negative Declaration, the adopted mitigation measures must expressly be made conditions of project approval. Also, the Lead Agency must adopt a monitoring or reporting program for the mitigation measures that it included in the Mitigated Negative Declaration or made a condition of approval to avoid significant effects on the environment. (PRC § 21081.6(b); CEQA Guidelines § 15074(d); see *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 400–401.)

## **ANALYSIS**

### **1. THE MITIGATED NEGATIVE DECLARATION FAILS AS AN INFORMATIONAL DOCUMENT BECAUSE IT OMITTS AND OBFUSCATES SUBSTANTIAL EVIDENCE OF POTENTIAL ENVIRONMENTAL IMPACTS**

#### **A. The Initial Study/Mitigated Negative Declaration (“MND”) Obfuscates Substantial Evidence Of Potentially Significant Impacts On Biological Resources**

2.

In describing the thresholds of significance for biological resources, the MND admits that the following impacts could be potentially significant: a) A loss or disturbance to a unique, rare or threatened plant community; b) A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants; c) A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements); d) An impact on non-native vegetation whether naturalized or horticultural if of habitat value; e) The loss of healthy native specimen trees; g) A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals; h) A

reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates); i) A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.); and k) Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife. (Revised MND p. 28.)

More specifically, the Santa Barbara County Environmental Thresholds and Guidelines Manual (“County Guidelines”) states that “Assessment of impacts must account for both short-term and long-term impacts. Thus, the assessment must account for items such as immediate tree removal and longer-term, more subtle impacts such as interruption of the natural fire regime or interference with plant or animal propagation.” (County Guidelines, p. 27.) The County Guidelines further state that “Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

2. (1) Substantially reduce or eliminate species diversity or abundance
- (2) Substantially reduce or eliminate quantity or quality of nesting areas
- (3) Substantially limit reproductive capacity through losses of individuals or habitat
- (4) Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources
- (5) Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes)
- (6) Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.”

(County Guidelines p. 27.)

The revised MND obfuscates the existence of substantial evidence that would establish one or more of the above-enumerated factors. Even worse, the lion’s share of evidence the MND has ignored came from studies commissioned by the County of Santa Barbara as part of other County projects.

i. *Obfuscation of the Presence of, and Impacts on, Native/Special-Status Oak Trees*

3. The MND represents to the public and the decision makers that zero (0) Coast Live Oak trees will be removed under the Alignment A scenario. (See MND p. 41, Table 8 [Tree Removal Summary]; see project webpage as of September 27, 2022 <https://www.countyofsb.org/modocmup>.) The evidence demonstrates that this statement in the MND is false.

The County’s own tree base map for the instant proposed Project identified a stand of 7 oak trees situated over what is now Alignments A and B along Modoc Road just before Via Zorro. (Exhibit A [Original Tree Base Map, Sheet 3 of 4, Trees Nos. 103-104, 106-108, and 110-111.].) Photographs confirm the presence of the oak trees in this location.

(Exhibit B [Photographs of Oak Trees Along Modoc Road].) The MND's error is compounded by the fact that the full complement of Coast Live Oaks that are present along this specific stretch of Modoc Road were identified on the original tree base map (See Exhibit A [Original Tree Base Map, Sheet 3 of 4]) but were omitted from the subsequent Alignment Maps (see Exhibit C [August 27, 2022 Alignment Map].) The subsequent maps even misidentified one oak tree as a eucalyptus tree. (*Ibid.*) The stand of Oak Trees is clearly in both Alignments A and B and subject to removal by the proposed Project. (Exhibit D [Photographs of Oak Trees in boundary markers set placed by the county].)

3. When the existence of the stand of oak trees and these other errors were brought to the attention of the senior environmental planner with the County of Santa Barbara, he admitted that the County was aware of this error and subsequently provided a revised tree impact summary noting that 6 Native Coastal Live Oaks may be removed under the proposed Project. (Exhibit E [Morgan Jones E-mail].) This updated information was not included in, or analyzed in, the MND provided to the decision-makers. The MND still indicates that 0 Coast Live Oaks will be removed under Alignment A.

An additional inaccuracy in tree species identification in the MND occurs near Modoc Road and Clara Vista Road. There, the County once again misidentified an Oak Tree as a 33" Eucalyptus Tree. (Exhibit A [Tree Base Map, Sheet 2 of 4, identifying Tree # 77 as "Q" ]; see Exhibit C [August 27, 2022 Alignment Map still reflecting a Eucalyptus Tree, not an Oak Tree]; Exhibit F [Photographs of misidentified Oak Tree].)

Since the full complement of oaks trees subject to removal were not identified or addressed in the MND, the MND fails as an informational document. Moreover, the MND fails to provide mitigation measures for the oak trees that would be removed under Alignment A. For these reasons alone the MND should be rejected.

*ii. Obfuscation of Habitat Loss Data*

4. The County calculated tree canopy habitat loss resulting from loss of trees along a stretch of Modoc Road for a different portion of the Multi-Use Path not directly at issue in the instant project as shown by the following table that CAMP obtained via a California Public Records Act Request:

Habitat Loss					
Species	Average Canopy Radius	Area (ft2)	Number	Total Area (ft2)	Acres
Phoenix	10	314	13	4084	
Eucalyptus globulus	15	707	27	19085	
Quercus agrifolia	10	314	13	4084	
Schinus	10	314	3	942	
Salix	10	314	1	314	
Podocarpus	10	314	2	628	
Eucalyptus citriodora	15	707	1	707	
<b>TOTAL</b>				<b>29845</b>	<b>0.69</b>
<b>Non-Native</b>				<b>25447</b>	<b>0.58</b>

4. But this calculation was not performed in the Revised MND. Per CAMP’s own calculation, the following habitat loss would result in the instant project for Alignment A:

Phoenix canariensis/Canary Island Date palm: 29 trees x 314ft2 ave. canopy area = 9106ft2

Blue gum Eucalyptus: 8 trees x 707ft2 canopy area = 5656ft2

Lemon gum Eucalyptus: 5 trees x 707ft2 = 3535ft

Total tree canopy habitat loss Alignment A: 9106ft2 + 5656ft2 + 3535ft = 18,297ft2. Additionally, if we calculate the loss of shade canopy for the 6 Coast Live oaks (Quercus agrifolia), there is an additional 6 x 314ft2 canopy area = 1884ft2 of canopy loss.

No reasonable person could conclude that losing ~20,000 square feet of habitat and shade canopy is not a significant loss, especially given the state of our climate emergency. Mitigated plantings are only for native trees, which the County states that 0 native oaks would be removed in Alignment A from the County's Table 8 **Tree Removal Summary** ...when in fact, there are 6 Coast live oaks (*Quercus agrifolia*).

*iii. Obfuscation of the Presence of Special-Status Plant Species*

5. The MND indicates that the only special status plants observed on-site were Coast Live Oaks. (MND p. 32.) Substantial evidence indicates that the observer (with only one visit to the site) failed, as there are clearly other special status plants on site, as the photographic evidence and studies commissioned by the County over a 5 year period demonstrate.

The MND admits that plants listed as a “rare plant of Santa Barbara County” by the Santa Barbara Botanic Garden or plants considered by the California Native Plant Society to be “rare, threatened, or endangered in California,” are special-status plants. (MND p. 33.)

According to this definition, then, Southern Tarplant, Yerba Mansa and Spiny Rush are all special status plants. In its 2020 annual grassland restoration report submitted August 25, 2020 to Mr. Alex Tuttle of SB County Public Works by Kisner Restoration and Ecological Consulting, Inc. (KR&EC) along with Dr. Adam Lambert, the County admitted that the Southern Tarplant, Yerba Mansa and Spiny Rush were all classified as rare plants by the Santa Barbara Botanic Garden. (Exhibit G [Grasslands Restoration Project Annual Report, Attachment C, pg C-4.]) For ease of reference, CAMP has extracted the table from the County-commissioned Grasslands Restoration Project Annual Report Attachment C, and display only the relevant plants at issue for purposes of this argument section of this comment letter.

**PLANT SPECIES OBSERVED ON SITE**

5.

Scientific Name	Common Name	Origin	Before Grassland Restoration 2014	Year 1	Year 2	Year 3
<i>Anemopsis californica</i> *	Yerba mansa	N	Preserve	WM		
<i>Centromadia parryii</i> ssp. <i>australis</i> *	Southern tarplant	N (rare)		G/WM		
<i>Juglans californica</i> *	Southern California black walnut	N	G	G		
<i>Juncus acutus</i> ssp. <i>leopoldii</i> *	Southwestern spiny rush	N		WM		
<i>Stachys ajugoides</i> var. <i>ajugoides</i> *	Hedge nettle	N		G/WM		

\*listed on Santa Barbara Botanical Garden's Rare Plants of Santa Barbara County List  
 Preserve: Found on the Modoc Preserve but no within the restoration area; WM: Found in the wet meadow portions of the restoration area.  
 G: Found in the grassland portions of the restoration area; v: volunteer native species; if "p" also listed it was also planted in other areas

Additionally, the Southern Tarplant is also classified as rare, threatened or endangered by the California Native Plant Society. (<https://rareplants.cnps.org/Plants/Details/144>.) In fact, the Southern Tarplant is ranked 1B.1 on California Native Plant Society (CNPS) Rare Plant Inventory List. (<https://rareplants.cnps.org/Search/result?global=southern%20tarplant> [stating 1B.1: Plants rare, threatened, or endangered in California and elsewhere. Plants with a California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.]])

The evidence demonstrates that Southern Tarplant, Yerba Mansa and Spiny Rush are all present in the Modoc Preserve and are in close proximity to the proposed alignments. The County listed Yerba Mansa and Spiny Rush on a list of flora observed **along** the Alignment (MND pg. 28 [“A list of all plant species observed **along the multi-use path alignment** is provided as Appendix A”]; Appendix A pg. 1 [listing Yerba Mansa], pg. 2

[Listing Spiny Rush])(Emphasis added.) This establishes that these two special status plants are not only in the Modoc Preserve, but along the proposed alignments.

The County's 2020 annual report on the Grassland Restoration project confirms that Southern Tarplant was present in the preserve, in close proximity to the alignment areas. (Exhibit G, Attachment C, pg. C-1 [Listing Southern Tarplant].) That same reporting also confirms the presence of all three special status plant species in the preserve as of 2020. (Exhibit G, Attachment C.) This evidence – which is the County's own evidence -- directly contradicts the MND's claims that no Southern Tarplants were observed on site and that Spiny Rush was not observed near the alignment. (MND pg. 33.)<sup>1</sup> Hedge Nettle, another special status plant, was also found to exist on-site by biologists funded by the County (Exhibit G, Attachment C, pg. C-4), but this special status plant is completely excluded from mention and analysis in the MND.

5. It is axiomatic that flora occurring along the proposed Project alignments are in danger of destruction. For example, the California Native Plant Society identifies development, recreational activities, human foot traffic and road widening as threats to the Southern Tarplant. ([https://rareplants.cnps.org/Home/Glossary#\\_Toc72398855](https://rareplants.cnps.org/Home/Glossary#_Toc72398855).) It is difficult to imagine how these threats would not also apply to Yerba Mansa and Spiny Rush. Yet, the MND has not identified these as potential significant impacts on biological resources and does not provide any analysis on these impacts, nor provide any mitigation for these impacts. Despite the fact that Dr. Adam Lambert wrote comments outlining this lack of analysis on 6/17/2022 (last day for comment in first MND) in an email to Morgan Jones...as well as pointing out other discrepancies and omissions, (Exhibit H [Lambert E-Mail]), the Revised MND fails to correct these deficiencies.

These omissions are troubling, given that some, if not all, of these plants were the result of seeding and planting performed under the County's own Grassland Restoration Project, which was implemented as a mitigation measure for significant impacts resulting from another construction project in the area. (See Exhibit G p.1 [discussed in more detail below]). The Revised MND should be rejected on this basis alone.

Furthermore, the County has overlooked, and in some cases contradicted, the presence of multiple special status plants that the County itself spotted on site just two years prior.<sup>2</sup> This only underscores how the MND fails to accurately describe the presence of special status plants on-site and makes the statement that the only special status plants observed on-site were Coast Live Oaks, erroneous. The MND fails as an informational document for this reason alone.

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<sup>1</sup> Perhaps the observer did not do a thorough job observing what is actually on-site.

<sup>2</sup> CAMP has issued a California Public Records Act request that included all annual reports from the Grassland Restoration Project, but to date, the most recent 2021 and 2022 annual survey reports have yet to be provided despite multiple requests for those reports.

6. The MND has also incorrectly framed the vegetation community types in the Modoc Preserve. (Exhibit H [Lambert E-mail].) This issue as well as the general concepts embodied by the issues identified above were brought to the attention of the County staff. (*Ibid.*) Yet, strangely, staff did not include any of this information in the MND.

7. Finally, the County was tasked with preparing a tree survey and tree protection and replacement plan. (See Exhibit I [Description of work for initial study].) The tree base map and the alignment maps, when considered together, do not meet the requirement for a survey of the specific number of individual trees, species and size in diameter breast height (Dbh), approximate height and location as set forth in the description of work. (Exhibit I.) There is no tree replacement and protection plan.

*iv. Failure to Assess Impacts on Restored Native Grasslands*

8. The County implemented a Native Grassland Restoration Project in the Modoc Preserve as a mitigation measure for another development in the area. (Exhibit G [Year 3 Annual Report for Modoc Preserve Native Grassland Restoration for the Boulders Park Hills Estates Project, Santa Barbara, California].) As part of that mitigation measure, a total of 15,749 native plants over 3.64 acres and approximately 45 pounds of seed over 2.23 acres were installed. (Exhibit G, pg. 2-3.) The Native Grasslands Restoration As Built Map shows that several areas that have received planting and seeding under the restoration program are near both alignments of the proposed Modoc Multi-Use Path. (Exhibit G, Attachment A, p. A-1 [As Built Map].) In fact, one planted area abuts Modoc Road near Clara Vista. (*Ibid.*) Photographs taken by CAMP also clearly show that native grass plantings and seedings have been made directly in the path of the proposed alignments. (Exhibit J [Photographs taken and marked by CAMP of Native Grassland located in the proposed Alignments].)

This puts a portion of the very plantings and seedings made as a mitigation measure for another County project at risk of destruction, thereby undermining the mitigation measure and the goals of the County's own Native Grassland Restoration Project. In fact, the County has also smoothly shifted focus away from the included 8' wide adjacent equestrian trail and 4' high fence separation...that could bring the width to 20'-24' in sections...it is impossible to do that and not invade the mitigated plantings in some sections. The destruction of pre-existing mitigation measures is not permissible under CEQA. It also signifies the inadequacy of the MND as an informational document due to its complete failure to identify that native grasslands would be removed under Alignments A and B.

9. The issues with special status plants and native grassland restoration were brought to the attention of County staff by the biologist (Dr. Adam Lambert) who worked on the County's Native Grassland Restoration Project, but, as we understand it, County staff never responded. (Exhibit H [Lambert E-mail].) Nor were these concerns addressed in the MND.

*v. Obfuscation of Presence of Monarch Butterflies*

The MND admits that animals that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act, as well as animal species of special concern to the California Department of Fish and Wildlife (CDFW), are special status species. (MND p. 34.) The Monarch Butterfly meets both of these thresholds. (<https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly>.)

The MND ultimately provides no impact analysis or mitigation measures for Monarch Butterflies because “monarch roosting has never been reported here [in the preserve]” (MND p. 36) and “none were observed at the project site during the biological survey” (MND p. 34). But substantial evidence demonstrates otherwise.

10. CAMP has recent photographs of Monarch Butterflies in the preserve (Exhibit K [Monarch Photographs]) and recent video of Monarchs in the preserve (Exhibit L [Video Link <https://youtu.be/GUur19TqnG0> of Monarchs in the Modoc Preserve].) But the County need not resort to evidence from other sources, when its own 2020 Annual Report from the Grassland Restoration Project admits that “Efforts have continued to increase the number of narrow-leaved milkweed, the host plant for Monarch butterflies. In 2017, 150 milkweed plants were installed and in 2018 an additional 200 milkweed were installed. Monarch caterpillars were observed on many of the planted milkweed in spring of 2019 and 2020.” (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant].) The MND’s claim that Monarch butterflies were not observed on site during the field survey is especially problematic in light of this reporting. It is also suspect that no Monarch butterflies were observed at the project site during the biological survey for the project, when members of the community regularly observe Monarch butterflies at the site, as evidenced by the authenticated photographs and videos. It calls into question the comprehensiveness and propriety of the biological survey that was conducted for this proposed Project. Thus, the MND fails as informational document for this reason alone.

Yet, the MND uses the fiction that Monarch butterflies were not observed in the preserve to avoid identifying or analyzing the potentially significant impacts the proposed Project would have on Monarch butterflies and their habitat. And There is substantial evidence that Monarch habitat loss may occur under the project.

First, even the County itself has admitted that milkweed plants are host plants for Monarch butterflies and that many Monarch caterpillars were observed on said plants in 2019 and 2020. (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant]) The County also admits said plants were observed “along” the proposed alignments. (Revised MND, Appendix A pg. 1.) Again, any plant along the alignment is in danger of removal. Second, “Eucalyptus Trees are the dominate tree used by Monarchs in California.” (Exhibit M [Frontiers in Ecology and Evolution Article].) The MND even admits as much by indicating that “Suitable roosting habitat (eucalyptus stands) occurs within the adjacent Modoc Preserve...” (Revised MND p. 34.) Yet, the MND also admits that

Modoc Preserve contains eucalyptus groves and that 8 eucalyptus trees are subject to removal under either Alignment. (MND p. 41.)

The MND fails to address the impacts of the removal of milkweed and eucalyptus trees on the presence of Monarchs in the preserve (whether or not roosting is occurring on site) and fails to provide mitigation measures for this impact. Thus, the MND is inadequate and fails an informational document for this reason alone.

10. That Monarch butterflies are present in the Modoc Preserve, despite a general decline in overwintering numbers, only underscores the need for a detailed analysis of the impacts the proposed Project may have on the butterflies. (Exhibit M [Frontiers in Ecology and Evolution Article].) The decline should also be placed in context. There is evidence that despite the decline in Monarch butterfly overwintering populations in California as whole, Santa Barbara County [Where Modoc Preserve is located] remains the number 1 county with the largest number of overwintering sites in the state of California. (Exhibit N [State of Overwintering Sites in California]. ) Furthermore, the herbicide ROUNDUP® was used in the Modoc Preserve Restoration Project approved by the County. With the recent ruling on “ROUNDUP” and its drastic impact on the “Monarch” butterfly’s habitat demise, this should have been addressed in the MND, as well by the CDFW, which still has not signed off or issued it's report.

*vi. Obfuscation of the Presence of Other Animals*

11. The MND also fails as an informational document because it misrepresents the number of birds observed near the proposed alignment, as data from ebird.org lists at least 5 more birds as being present in the Modoc Preserve than does the MND. (<https://ebird.org/hotspot/L9995680>.) Another birding group listed another two additional birds not noted in the MND. (<https://sbcobirding.groups.io/g/main> [Hugh Ranson sited 4/19/2020 "hundreds of Vaux's Swifts feeding over Modoc Open Space"... Hugh Ranson sited 1/6/2021: "Baltimore Oriole"].) Substantial evidence of migrating red shouldered hawks using eucalyptus and palm trees in the Modoc Preserve also exists. (Exhibit O [Video Link of Red Shouldered Hawks - <https://youtu.be/NOg7b-licJc> ].) The MND admits that a reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates) or a deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting) are questions that must be answered in the CEQA analysis. But there is no analysis in the MND of the impact on red shouldered hawks from removal of Eucalyptus or Palm Trees.

*vii. Inadequate Wildlife Corridor Analysis:*

12. The MND indicates that “Habitats to be preserved and enhanced include, but are not limited to creeks, streams, waterways, fish passage, wetlands, vernal pools, riparian vegetation, wildlife corridors, roosting, nesting and foraging habitat for birds and subterranean species.” (Revised MND p. 88.) However, the MND neglects to comment on impacts to wildlife corridors with 2000' of 2'-4' high concrete retaining walls.

Retaining walls not only impact the visibility of the beauty of the nature preserve, it also impedes the natural movement of the wildlife. The proposed Project is not consistent with avoiding impediments to the movement of wildlife. Whether it is snakes, foxes, coyotes, possums, skunks, rats, mice, etc...the retaining wall is like a “Berlin Wall“ to wildlife, and also the public, that is supposed to be able to enjoy this area as undeveloped open space.

12. The MND goes on to state that, “Highly mobile species such as larger mammals and birds are expected to move between coastal areas and the Santa Ynez Mountains. Cieneguitas Creek and adjacent bike paths and trails provides a means to traverse developed areas, dense vegetation and steep slopes. Therefore, Cieneguitas Creek may be an important wildlife movement corridor in the area. Wildlife are also likely to utilize the cover and habitat provided by the Modoc Preserve during local movements.” (Revised MND p. 33; Exhibit R [Photographs of Oriole Nest, Cooper’s Hawk and Owl in the preserve].)

The Canary Island Date palms provide habitat for migrating Hooded Orioles...Alexandra Loos image of Oriole nest in Modoc Preserve. Here is a video of a fox trotting down East Encore Dr. to cross Modoc Road into the Modoc Preserve...a 2’-4’ high concrete retaining wall and 14’ wide asphalt road would impact this cross-sectional travel of wildlife into the Modoc Preserve. (<https://youtu.be/HgA6Jsk5Jsl>.)

#### B. The MND Has Not Adequately Analyzed Visual/Aesthetic Impacts

The County Guidelines indicate that the existence of the following visual/aesthetic impacts could be potentially significant: “1) Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible? If so, does the proposed project have the potential to degrade or significantly interfere with the public's enjoyment of the site's existing visual resources?” (County Guidelines p. 184-185.)

13. According to the County Guidelines, the first step in assessing a visual impact is to evaluate the “**visual resources of the project site**. Important factors in this evaluation include the physical attributes of the site, its relative visibility, and its relative uniqueness.” (County Guidelines p. 184-185. )(Emphasis added.)

The MND has not adequately assessed the visual resources of the Modoc Preserve, nor has it asked or answered the fundamental question posed by the County’s own thresholds as to whether the project will degrade or significantly interfere with the public’s enjoyment of the Modoc Preserve’s visual resources. (Revised MND p. 14-16.) The MND merely alludes to the fact that the trees lining Modoc Road provide a park-like setting. (Revised MND p. 15.) Above and beyond just the trees lining Modoc Road, the very nature of the Modoc Preserve would seem to end all disputes of its inherent visual value. Nevertheless, there is substantial evidence that Modoc Preserve has great visibility and uniqueness. (Exhibit G [Grassland Report showing diversity in plants and animals, including special status plants and animals].) If that were not enough, CAMP has

photographed views of the Modoc Preserve that can only be described as majestic. (See Exhibit P [Photographs of views into the preserve]; see also <https://modocpreserve.com/modoc-preserve-gallery-1>; <https://modocpreserve.com/modoc-preserve-videos>.)

The MND states that the scenic resource that is closest to the project site is the intersection of State Street and Route 154 (Revised MND p. 14), an intersection which contains an adult content store and a gas station. (Exhibit P [Photographs].) The superior visual value of Modoc Preserve as compared to this intersection cannot be understated. This bucolic section of Modoc Road, along Modoc Preserve, should be designated a Scenic Roadway.

13. Indeed, the conservation easement for Modoc Preserve recognizes the scenic value of the preserve. (Exhibit Q [Conservation Easement – “the Easement Area...is substantially undisturbed natural condition and the easement area possesses unique and significant natural, open space, scenic, wetlands, ecological and wildlife habitat values (collectively “Conservation Values”) of great importance to LANDOWNER, the people of Santa Barbara County and the people of the State of California...”].)

Yet, when it comes to discussion the proposed Project’s impacts on the visual value of Modoc Preserve itself, the County simply says that despite the removal of some trees along Modoc Road, other trees would remain and continue to provide a park-like setting. (Revised MND p. 15.) The MND then states that the removal of 29 mature palm trees will be minor and considered less than significant, when CAMPs photographs show that these are perhaps some of the most visually appealing trees in the Modoc Preserve. (Exhibit P.)

The County states on Page 15 in the revised MND, "These palm trees provide a distinctive visual character and park-like visual setting." (Revised MND p. 15.) The Canary Island Date palms are heritage trees over 100 years old. Henry Chase, the brother of the revered Pearl Chase, is responsible for planting the majestic Canary Island Palm Trees in the Modoc Road corridor...(<https://www.pearlchasesociety.org/pearl-chase>.)

14. Pearl Chase was a civic leader in Santa Barbara, California. She is best known for her significant impact on the historic preservation and conservation of that city. ([https://en.wikipedia.org/wiki/Pearl\\_Chase](https://en.wikipedia.org/wiki/Pearl_Chase) [*“A pioneer in the fields of conservation, preservation, social services, and civic planning, Pearl Chase was devoted to improving the surroundings of others. For 70 years, from the time of her graduation from UC Berkeley in 1909, until her death, she was a dominant force in molding the character of Santa Barbara. Often referred to as the First Lady of Santa Barbara, she founded many civic and cultural organizations that have profoundly affected the city of Santa Barbara and the state of California, including the local chapter of the American Red Cross, the Community Arts Association, and the Santa Barbara Trust for Historic Preservation. ”*].)

The MND admits at least some of the Palm Trees are at least 100 years old. (Revised MND p. 52 [“The cultural resources record search included the State Historic

14. Property Data Files, National Register of Historic Places, California Historical Landmarks and California Points of Historic Interest, and did not identify any historic resources in the immediate project area. However, residents in the project area have indicated the Canary Island palms along Modoc Road may have some historical significance, and possibly planted by a person of historical interest (Pearl Chase). In the Hope Ranch area, about 360 Canary Island palms were first planted in 1904, mostly along driveways on Las Palmas Drive and Marina Drive (Chase, 1963). Canary Island palms were first planted along Modoc Road in 1915 (Morning Press, 1915). Inspection of a January 1928 aerial photograph indicates a linear row of trees (possibly palms) was present on the south side of Modoc Road in the Via Zorro area. Inspection of an August 12, 1958 aerial photograph indicates a linear row of palm trees were present along the south side of Modoc Road. Therefore, at least some of the Canary Island palms along the subject segment of Modoc Road are at least 100 years old.”.]

But the MND errs by declining to find the Palm Trees a historical resource. (Revised MND, p. 53 [“Archival research (including the County Planning and Development records) by the Santa Barbara County Public Works Department did not identify any historical significance of these palm trees or any connection to a historical property, building or person. Therefore, these trees are not considered a historical resource.”].) This ignores the over a century old plantings of the Palm Trees by a significant historical figure.

15. The MND also downplays the impact of the retaining wall that will be as high as four feet on views into the preserve. At four feet high, the retaining wall would completely block certain views into the preserve from those passing the preserve by car and block other views.

16. Finally, the MND does not identify, analyze or provide mitigation for the impact of converting areas of the Modoc Preserve with special status and otherwise important plants with habitat value into a paved road. This would be the direct antithesis of preserving the conservation values (open space, scenic and wildlife habitat condition) of Modoc Preserve. Put another way, the MND has not acknowledged that loss of certain plants in the Modoc Preserve as a result of the proposed alignments may result in the loss of habitat and therefore the loss of wildlife in the Modoc Preserve. A loss of, for example, the Monarch Butterflies as a result of milkweed plant or eucalyptus tree removal would impair the visual value of the preserve by and through the loss of flora and fauna. In turn, the public’s view into the Modoc Preserve would be impaired because the public would no longer see any, or as many, milkweed plants, eucalyptus trees or the Monarch butterflies that use those plants and trees as habitat. The MND’s failure to address these impacts justifies denial of the proposed Project on this basis alone.

- C. The MND Has Not Analyzed The Impacts Of Degradation Of Topsoil Quality

17. The proposed Project intends to "slightly re-align" the bioswale. The new drainage swale would have a top width of about six feet and depth of about two feet. (Revised MND p. 5 [ “An existing man-made 750 foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path

design. The drainage swale would have a top width of about six feet and depth of about two feet.”].) This is in direct conflict with the provisions of the Deed of Conservation Easement (Exhibit Q, p. 5) a portion of which has been embedded into this comment letter:

(f) **Erosion.** Any use or activity in the Easement Area which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(g) **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for permitted uses within the Easement Area.

(h) **Watercourses.** The alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses for any purpose other than permitted uses of the Easement Area or enhancement of natural habitat or wetland values.

This Modoc Road bioswale filters the runoff feeding into the Modoc Preserve wetland recharges the groundwater and nourishes the trees’ roots. Bioswales provide a way to conserve water, improve water quality, minimize the pollution in waterways and improve biodiversity in our burgeoning concrete jungles.

17. The MND states that “Storm run-off from the subject segment of Modoc Road and collector streets (Encore Drive, Via Zorro) drains to the Modoc Preserve via sheet flow and storm drain inlets where much of it infiltrates in this depressional area. Excess storm flow discharges via a small earthen channel to Cieneguitas Creek approximately 600 feet downstream (south) of Modoc Road.” (Revised MND p. 73.)

The MND also states that “No changes in creek or storm drain locations, dimensions or hydraulic characteristics would occur. Therefore, no changes in drainage patterns would occur. The project includes minor realignment of a man-made drainage swale located south of Modoc Road; however, local drainage patterns would be maintained. The project would not involve an increase in impervious surfaces. Approximately 0 acres of impervious surfaces would be added when including reductions associated with the use of pervious materials and the removal of impervious surface portions of the existing bike lane associated with the multi-use path construction. This area would be dispersed over the 3,955-foot-long multi-use path alignment and would not substantially alter percolation rates or surface run-off in the project area.” (Revised MND p. 75.)

18. Just having heavy equipment anywhere near the soil along this important drainage would degrade the soil. The MND further states "soil disturbance associated with recent restoration activities may have adversely affected this species" and "Northern California legless lizard is unlikely to occur along the multi-use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians." (Revised MND p. 37.) Yet, no mitigation is provided for this species’ impact. (Revised MND p. 37 [“Northern California Legless Lizard. Suitable habitat for this species occurs at the Modoc Preserve. However, soil disturbance associated with recent restoration activities may have adversely affected this species if present. Northern California legless lizard is unlikely to occur along the multi-

18. use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians.”].)

D. The County Has Failed To Consult With CDFW

19. An agency preparing an initial study must consult with all responsible agencies and trustee agencies responsible for resources affected by the project, under PRC §21080.3(a), and CEQA Guidelines § 15063(g). Consultation means the “meaningful and timely process of seeking, discussing, and considering carefully the views of others[.]” (See e.g., Gov’t. Code, § 65352.4.) Thus, consultation is more than just sending a piece of paper to the State Clearinghouse. Here, there is no evidence that the County has consulted with the CDFW on this proposed Project, especially with respect to biological impacts relating to wildlife that are of concern to the CDFW as noted above.

E. The MND Fails To Conduct An Adequate Cumulative Impacts Analysis

20. The MND purports to address cumulative impacts by looking at other projects in the Goleta Area. (Revised MND p. 82, referencing MND Section 3.2.) However, MND Section 3.2 uses a list of project approach. (Revised MND p. 13.) A list of projects approach to cumulative impacts analysis requires the agency to create a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency. (CEQA Guideline Section 15130(b)(1).) However, here, the Revised MND only identifies projects that are pending, have recently been approved, and projects that are currently being constructed. This limited list excludes all probable future projects and prior projects with similar impacts as those of the instant proposed Project, such as oak tree removal, native grassland removal, special status plant removal and other biological impacts. Without a comprehensive list of projects causing related impacts, the MND’s cumulative impact analysis is inadequate as a matter of law.

As just one example, while the list includes the Boulders Park Hills Estates residential development as a project under current development, it fails to address how the construction under the instant proposed Project would impact the mitigatory plantings in the Modoc Preserve that were required by the Park Hills Estate Project approval.

Respectfully submitted,

VENSKUS & ASSOCIATES, A.P.C.



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Sabrina Venskus, Esq.  
Attorney for CAMP

**Commenter:** Sabrina Venskus, Venskus & Associates

**Date:** October 7, 2022

**Response:**

1. This comment discusses the Community Association for the Modoc Preserve (CAMP) preferred alternative and a summary of CEQA requirements and does not address the adequacy of the MND. Therefore, a response is not required.
2. This comment references biological resources significance thresholds taken from the County's Environmental Thresholds and Guidelines Manual, which were faithfully represented in the Draft Revised MND.
3. A tree mapping error was made during preparation of the Revised MND, such that approximately one coast live oak tree is located within the grading limits for Alignment A. However, the trees in this area will be avoided should this alignment be selected, as part of development of detailed construction plans.
4. The portion of an Excel spreadsheet provided in this comment was developed for the earlier project analysis in the May 9, 2022 MND and is not relevant to the alignments currently under consideration. The estimate of non-native vegetation removal (0.2 acres of eucalyptus groves, see page 41 of the Revised MND) would be about the same for both Alignments A and B, and considered less than significant due to the abundance of this habitat in the area.
5. As noted in Table 5 of the Revised MND, southern tarplant, southern California black walnut and spiny rush have been reported at the Modoc Preserve but were not observed along the path alignments during the biological survey and two tree surveys. Yerba mansa was observed during the biological survey (see Appendix A of the Revised MND), but not in close proximity to the grading limits. Hedge nettle was not observed along the path alignments during the biological survey. Relevant comments (June 17, 2022 email) made by Dr. Adam Lambert during the public comment period for the prior MND were addressed in the Revised MND, including noting that spiny rush occurs at the Modoc Preserve. Again, this species does not occur within or near the path alignments under consideration. Therefore, as stated on page 32 of the Revised MND, coast live oak is the only special-status plant species present. Impacts to coast live oak were addressed on page 41 of the Revised MND.
6. Comments (June 17, 2022 email) made by Dr. Adam Lambert concerning vegetation mapping during the public comment period for the prior MND are not considered relevant since vegetation mapping for this project was limited to areas within and adjacent to the path alignments and did not address most of the Modoc Preserve. Therefore, vegetation mapping provided in the Revised MND was not entirely consistent with vegetation maps prepared for the Preserve.

7. The project-specific tree surveys included identifying each tree (at least 4 inches in diameter for oak trees and 6 inches for other trees) within and adjacent to the grading limits, measuring the diameter and noting the location on the site map. A tree replacement plan will be developed to facilitate compliance with Mitigation Measure BIO-1 after the path alignment is selected and replacement areas have been identified.
8. Vegetation mapping conducted for the project recognized nearby native plantings at the Modoc Preserve (including those with native grass species) as “meadow plantings” (see Figure 5A of the Revised MND), which are located outside the proposed grading limits for both path alignments. The distribution of meadow plantings as shown in Figure 5A is similar to the Native Grassland Restoration As Built Map referenced in this comment. Therefore, the proposed project would not adversely affect restored native grasslands.
9. Dr. Adam Lambert’s comments are addressed under the responses to Comments 5 and 6.
10. Monarch butterflies forage widely and may occur in nearly any suburban or rural area in the region and occur at the Modoc Preserve. However, an aggregation site has not been reported at the Modoc Preserve. We expect a monarch butterfly aggregation would have been reported by the numerous biologists that have worked at the Modoc Preserve over the past six years as part of planning, implementing and monitoring restoration activities. We acknowledge narrow-leaf milkweed is a host plant for Monarch butterfly larvae and this species was planted at the Modoc Preserve. One individual narrow-leaf milkweed was observed adjacent to the grading limits during the biological survey. No milkweed would be removed as part of the project. Monarchs are known to feed on nectar found in blue gum eucalyptus flowers, and approximately eight of these trees would be removed. Due the large number of these trees (hundreds) present at or adjacent to the Modoc Preserve and the lack of an aggregation site nearby, the removal of these trees would not adversely affect the local Monarch butterfly population.
11. Vaux’s swift and Baltimore oriole are rare migrants in the project area, and not rare or declining. Red-shouldered hawks are common in the project area and not rare or declining. Project-related habitat loss for these species would be minor compared to that remaining at the Modoc Preserve and other woodland areas south of Vieja Drive, such that a reduction in diversity or numbers is not anticipated. In any case, active bird nests would be avoided as required under Mitigation Measure BIO-2.
12. The Revised MND acknowledges wildlife movement may occur within the Modoc Preserve. The proposed multi-use path would be parallel to and adjacent to Modoc Road, such that wildlife would not need to cross the path. The proposed low retaining walls would not serve as barrier to wildlife and would not impede wildlife moving though the Modoc Preserve, to or from the Cieneguitas Creek riparian corridor.

13. The aesthetics analysis of the Revised MND focused on public views from Modoc Road, since this is the dominant public view affected. As the Modoc Preserve is used by the public, one could consider views from the Preserve as public. The visual resources of the Modoc Preserve are dominated by a varied natural landscape including large trees, grassland, shrubland and wetlands. Canary Island palms line Modoc Road and are mostly not visible from trails within the Modoc Preserve. Project-related tree removal along Modoc Road may adversely affect visual resources of the Preserve, but this impact would be less than significant since only a small fraction of trees would be removed, and all other visual resources would be unaffected.
14. Archival research conducted by County staff (summarized on page 52 of the Revised MND) did not identify any connection between the Canary Island palm trees along Modoc Road and Pearl Chase or any other person of historical interest. The web address provided in this comment does not provide any information regarding tree plantings along Modoc Road. The fact that some of these trees may be over 100 years old does not qualify them as a historical resource, since there is no connection to a historical event, place or person.
15. Retaining walls proposed along the 3,900-foot-long multi-use path visible from Modoc Road would be relatively short (250 feet for Alignment A, 650 feet for Alignment B). These retaining walls would be landscaped to soften their appearance and minimize aesthetic impacts. Note that views of the Modoc Preserve from Modoc Road are currently and would continue to be blocked by intervening trees.
16. Responses to comments related to loss of wildlife habitat, special-status plant species and Monarch butterflies are provided under Comments 5, 10 and 11.
17. The drainage swale would be only slightly re-aligned (few feet laterally) to provide space for the equestrian trail. The swale would be enlarged which would reduce storm flow velocity and reduce erosion, while changes in topography would be minor. This swale is a discontinuous feature transporting storm run-off from Modoc Road and adjacent areas to man-made depressional areas at the Modoc Preserve and is not considered a watercourse. Its function in treating and infiltrating stormwater would not change.
18. The referenced discussion concerning legless lizard is evidence this species is not likely to be present along the path alignment due to past and current soil disturbance. Therefore, impacts are not anticipated, and mitigation is not required.
19. The Revised MND was uploaded to the State Clearinghouse and provided to the California Department of Fish and Wildlife (CDFW) for review and comment. This is the standard and currently required practice for all CEQA documents, and further coordination is not required. However, County staff met with CDFW representatives Sarah Rains and Kelly Schmoker at the site on October 3, 2022 to discuss their concerns. CDFW provided a comment letter dated October 12, 2022 which is addressed in the response to comments attached to the Final MND.

20. The cumulative impact analysis included projects outside the control of the lead agency, including the City of Santa Barbara and City of Goleta. This impact analysis addresses impacts of other projects that may be additive to those of the proposed project. Note that the Boulders Park Hills Estates project is completed and part of the environmental setting, and not a project to be addressed in cumulative impact analysis.



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 12, 2022

Morgan Jones  
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**Subject: Comments on the Draft Mitigated Negative Declaration (DMND) for the Modoc Road Multi-Use Path Project; SCH 2022090230; Santa Barbara County**

Dear Mr. Jones:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Availability of a Draft Mitigated Negative Declaration (DMND) for the Modoc Road Multi-Use Path Project (Project). The County of Santa Barbara (County) is the lead agency preparing a DMND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 *et seq.*) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

1.

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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and Game Code §1900 *et seq.*) authorization as provided by the applicable Fish and Game Code will be required.

## Project Description and Summary

**Objective:** The proposed multi-use path will connect the recently constructed Modoc/Las Positas Multi-Use Path, creating a continuous network from the University of California Santa Barbara and the City of Goleta to the City of Santa Barbara. This project consists of expanding an existing Class 2 bike lane to a Class 1 multi-use bike/pedestrian path along the south side of Modoc Road. The proposed multi-use path alignment extends the Obern Trail (near the western Encore Drive intersection) to near the Via Senda intersection. The western end of the proposed multi-use path would tie into an existing bike path south of the Modoc Road/Encore Drive intersection. The eastern terminus of the proposed multi-use path would be at Via Senda along the southern shoulder of Modoc Road.

Two alignments are considered in the DMND:

- Alignment A. Along the south side of Modoc Road, adjacent to traffic lanes and exclusively within the County right-of-way, which would avoid any impacts to the Modoc Preserves. The multi-use path would be approximately 3,900 feet-long and mostly parallel to the Modoc Road shoulder. It would be 10 feet wide with potentially up to two-foot-wide shoulders on each side. The multi-use path would be constructed with pervious materials over a clean aggregate base. Alignment A would require an approximately 250-foot-long two- to four-foot-high retaining wall on the north side facing Modoc Road, and approximately 1,750 linear feet of one- to three-foot-high retaining walls on the south side. Implementation of Alignment A would not involve realignment of the equestrian trail or drainage swale.
- Alignment B. Along the south side of Modoc Road, partially within the County right-of-way closer to traffic lanes as compared to the alignment analyzed in a previous DMND, and partially within the Modoc Preserve, which would substantially reduce the number of trees requiring removal. The multi-use path would be approximately 3,955 feet-long and 10 feet wide shoulders on each side where there are not retaining walls. The multi-use path would be constructed with a previous materiel over a clean aggregate base. Two retaining walls (one approximately 1,200 feet long and under 4 feet tall and a second approximately 700 feet and under 2 feet tall) would be required along the multi-use path to provide a level surface and limit earthwork. Landscaping would be provided at the toe of the retaining walls facing Modoc Road (space permitting) to obscure and soften public views of the retaining walls. An existing man-made 750-foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path design. The drainage swale would have a top width of about six feet and depth of about two feet.

2.

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**Table 1. Tree Removal Impact Table for the two alternatives:**

Species	Alignment A	Alignment B	Origin
Canary Island palm ( <i>Phoenix canariensis</i> )	29	0	Non-native, planted along Modoc Drive
Blue gum ( <i>Eucalyptus globulus</i> )	8	8	Non-native, planted and invasive
Coast live oak ( <i>Quercus agrifolia</i> )	0	3	Native
Peruvian pepper tree ( <i>Schinus molle</i> )	3	3	Non-native, planted and invasive
Fern pine ( <i>Podocarpus gracilior</i> )	2	1	Non-native, planted
Incense cedar ( <i>Calocedrus decurrens</i> )	1	1	Non-native, planted
Lemon gum ( <i>Eucalyptus citriodora</i> )	5	5	Non-native, planted
<b>Total</b>	<b>48</b>	<b>21</b>	

\*Does not include non-native tree saplings

2.

Alternative B is the County's preferred alternative; however, the DNMD states that deviations and use of both alignment patterns may be used as plans are further engineered and finalized.

**Location:** The proposed project is located approximately 0.25 miles south of U.S. Highway 101/State Route 154 interchange, and just west of the City of Santa Barbara. The multi-use path alignment is located immediately south of Modoc Road from the western Encore Drive intersection east to the Via Senda intersection.

### Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Project Description and Related Impact Shortcoming

3.

#### Comment #1: Impacts to Riparian Resources

**Issue:** CDFW has determined that streams, including the drainage ditch identified in the DNMD, subject to Fish and Game Code, section 1600 *et seq.* may be impacted by the proposed Project.

**Specific Impact:** The DMND states the Project could result in impacts to streams due to the need to realign a drainage ditch and associated culvert features.

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**Why impacts would occur:** The Project may impact surface and subsurface water flow beyond the drainage channels identified in the DMND. The Project may divert surface drainage or otherwise alter the existing drainage pattern of the Project site.

**Evidence impacts would be significant:** The Project may substantially adversely affect the existing stream or drainage patterns of the Project site through the alteration or diversion of water, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage to for information about LSAA notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020d).

3.

CDFW’s issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City of Glendale for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

Any LSAA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSAA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to aquatic resources, additional mitigation conditioned in any LSAA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

**Recommendation #1:** As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW’s broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

**Recommendation #2:** CDFW recommends using native plants appropriate to the local area for revegetating the drainage feature and any landscaping to reduce water consumption and provide erosion control and habitat. Native vegetation also reducing the need to use pesticides and herbicides that may seep into the groundwater table. Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.

**Mitigation Measure #1:** A weed-management plan should be developed for the Project area and implemented both during and long-term post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should

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3. be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included, as the project borders sensitive biological areas.

## Comment #2: Survey and Assessment Methodology – Bats

**Issue:** Several species of bats have the potential to occur in the Canary Island palm trees, coast live oak trees, and other non-native trees proposed for removal. Adequate surveys to detect potential year-round roosting use were not conducted prior to circulation of the DMND to determine if bats currently the trees flagged for removal, for roosting. Therefore, the DMND does not adequately describe the potential for impacts to bats. Visual inspections commonly fail to capture bats occupying the site. Single point in time, daytime visual surveys are not appropriate to capture winter roosting/hibernacula, summer roosting, and maternity roosting of the site.

CEQA Guidelines section 15070 and section 15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, moving out of harm's way, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

4. **Specific impacts:** Potential direct impacts include project removal of trees that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

**Why impact would occur:** The Project site contains suitable habitat for several bat species that have the potential to occur on the Project site including fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), Hoary bat (*Lasiurus cinereus*), western red bat (*Lasiurus blossevillii*), big free-tailed bat (*Nyctinomops macrotis*), and Yuma myotis (*Myotis yumanensis*).

Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines § 15065). CDFW considers adverse impacts to an SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is

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not just exclusion from maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted.

Impacts to bats due to the implementation of the Project are not fully disclosed in the DMND. The DMND relies on future surveys at an undisclosed time and duration to detect bat species present. No bat mitigation is proposed other than exclusion, which is not considered adequate mitigation for impacts to bat roosting habitat (roosting defined as winter hibernacula, summer, and maternity).

**Evidence impact would be significant:** CEQA Guidelines section 15070 and section 15071 requires the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, moving out of harm's way, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Absent the above requested information, the DMND does not analyze impacts to bats, and the DMND does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied bat habitat.

4.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends avoiding any trees that provide roosting habitat for bats. If avoidance is not possible, for bat species utilizing the trees for any roosting activity (solitary bats roost as individuals), replacement habitat should be made available prior to any tree removal. This replacement bat habitat should have the same, species-specific features to accommodate the return of bats to the new created habitat. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan.

Additionally, prior to any exclusion of bats from the trees, temporary roosting habitat specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.

**Mitigation Measure #2:** CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines § 15125). CDFW recommends the DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DMND should document the presence of any bats roosting in or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance.

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To avoid the direct loss of bats that could result from removal of trees or construction on or near bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:

- 1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting.
- 2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height and aspect.)];
- 3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;
- 4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring and demolition);
4. 5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained in the new bridge, or for bats in trees, at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with CDFW;
- 6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,
- 7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

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### Comment 3: Bird Species and Palm Tree Removal

**Issue:** During a site visit, CDFW staff noted acorn woodpecker (*Melanerpes formicivorus*) nesting cavities and granaries in all the Canary Island palm trees slated for removal. Additionally, other bird species were observed entering and exiting large holes in the Canary Island palm trees.

**Specific Impact:** The loss of habitat for acorn woodpecker and other bird species utilizing the Canary Island palm trees for shelter, refuge, and food storage should be addressed in the DMND.

**Why Impact Would Occur:** Acorn woodpeckers work together to maintain and defend their acorn store. Granaries and nesting cavities are maintained for several generations. Removal of 29 Canary Island Palm Trees that are being utilized as granaries could result in a significant loss of habitat and forage for many acorn woodpeckers. Removal of coast live oak trees would further limit the availability of acorns in the preserve.

**Evidence Impact would be significant:** Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

5.

**Mitigation Measure #1:** CDFW recommends mitigating the loss of any Canary Island palm trees by replacing the granary and nesting values they provide.

**Mitigation Measure #2:** CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

### General Comments

6.

- 1) Landscaping. The Department recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for

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better landscape plants can be found at <http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal>.

### Filing Fees

7.

The Project, as proposed, would have an impact on fish and/or wildlife resources, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (California Code of Regulations, tit. 14, § 753.5; Fish and Game Code, § 711.4; Public Resources Code, § 21089).

### Conclusion

We appreciate the opportunity to comment on the project to assist the County of Santa Barbara in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the project. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 848-8382 or [Kelly.Schmoker@wildlife.ca.gov](mailto:Kelly.Schmoker@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

Attachments: Attachment A: Draft Mitigation and Monitoring Reporting Plan

ec: CDFW

Steve Gibson, Los Alamitos – [Steve.Gibson@wildlife.ca.gov](mailto:Steve.Gibson@wildlife.ca.gov)

Sarah Rains, Fillmore – [Sarah.Rains@wildlife.ca.gov](mailto:Sarah.Rains@wildlife.ca.gov)

Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

OPR

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*CHARLTON H. BONHAM, Director*



### Attachment A: Draft Mitigation and Monitoring Reporting Plan

8.

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- Impacts to Riparian Resources</b>	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	Lead Agency/ Applicant
<b>MM-BIO-2- Impacts to Riparian Resources</b>	CDFW recommends using native plants appropriate to the local area for revegetating the drainage feature and any landscaping to reduce water consumption and provide erosion control and habitat. Native vegetation also reducing the need to use pesticides and herbicides that may seep into the groundwater table. Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.	Prior to Project construction activities	Lead Agency/Applicant
<b>MM-BIO-3- Impacts to Riparian Resources</b>	A weed management plan should be developed for the Project area and implemented both during and long-term post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be	Prior to Project construction and activities	Lead Agency/ Applicant

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	<p>monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included, as the project borders sensitive biological areas.</p>		
<p><b>MM-BIO-4- Impacts to Bats</b></p>	<p>CDFW recommends avoiding any trees that provide roosting habitat for bats. If avoidance is not possible, for bat species utilizing the trees for any roosting activity (solitary bats roost as individuals), replacement habitat should be made available prior to any tree removal. This replacement bat habitat should have the same, species-specific features to accommodate the return of bats to the new created habitat. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan.</p> <p>Additionally, prior to any exclusion of bats from the trees, temporary roosting habitat specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>
<p><b>MM-BIO-5- Impacts to Bats</b></p>	<p>CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). CDFW recommends the DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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	<p>sensitive bat species. The DMND should document the presence of any bats roosting in or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance.</p> <p>To avoid the direct loss of bats that could result from removal of trees or construction on or near bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:</p> <ol style="list-style-type: none"><li>1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting.</li><li>2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)];</li><li>3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;</li><li>4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department</li></ol>		
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	<p>requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);</p> <p>5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained in the new bridge, or for bats in trees, at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with CDFW;</p> <p>6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,</p> <p>7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFWa 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified</p>		
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	biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
<b>MM-BIO-6- Impacts to Bird Species and Tree Removal</b>	CDFW recommends mitigating the loss of any Canary Island palm trees by replacing the granary and nesting values they provide.	Prior to Project construction and activities	Lead Agency/ Applicant
<b>MM-BIO-7- Impacts to Bird Species and Tree Removal</b>	CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within	Prior to Project construction and activities	Lead Agency/ Applicant

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	<p>500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors</p>		
<p><b>MM-BIO-8-Landscaping</b></p>	<p>The Department recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (Schinus genus) and fountain grasses (Pennisetum genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for better landscape plants can be found at <a href="http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal">http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal</a>.</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

**Commenter:** Erinn Wilson-Olgin, California Department of Fish and Wildlife

**Date:** October 12, 2022

**Response:**

1. This comment discusses CDFW's role, no response is required.
2. This comment summarizes the project description, no response is required.
3. The drainage swale present at the project site is a discontinuous man-made shallow ditch (see ditch in center of photograph below) transporting storm run-off from Modoc Road and adjacent areas to depressional areas at the Modoc Preserve and is not considered a stream subject to Section 1602 of the California Fish and Game Code. While the Fish and Game Code does not provide a definition of a "stream", Title 14 Section 1.72 of the California Code of Regulations defines a stream as "...a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life." The affected drainage swale only flows immediately following major storm events and does not support riparian vegetation, fish or other aquatic life (see photograph below). A 300-foot segment of this drainage swale would be moved laterally a few feet to make space for the equestrian trail. This would not alter the existing drainage pattern or reduce the amount of storm run-off reaching the restored wetlands at the Modoc Preserve. Also note this project is proposed by Santa Barbara County and not the City of Glendale.



4. As noted in Table 7 of the Revised MND, bats have not been reported near the project site. As stated on page 37 of the Revised MND, suitable habitat for bats does not occur near the project site. Trees to be removed do not provide roosting bat habitat, including the eight bat species listed in this comment. Roosting habitat for these species include:
  - Fringed myotis: caves, mines, old buildings, crevices
  - Pallid bat: caves, mines, old buildings, bridges, crevices
  - Townsend's big-eared bat: caves, mines, old buildings

- Western mastiff bat: crevices in rock outcrops and cliffs, old buildings
- Hoary bat: foliage of large cottonwood, sycamore or willow trees
- Western red bat: foliage of large cottonwood, sycamore or willow trees
- Big free-tailed bat (does not occur in Santa Barbara County): crevices in rock outcrops and cliffs, old buildings
- Yuma myotis: bridges, caves, mines, old buildings, crevices

Since suitable habitat is not present, bat surveys are not needed. As bats would not be affected, mitigation is also not required.

5. Acorn woodpeckers are very common in the region and the loss of a few granary trees is not anticipated to affect the local population. Implementation of Mitigation Measure BIO-2 would avoid active bird nests and minimize impacts to migratory birds. No additional mitigation is needed.
6. Landscaping would not include any invasive species and limited to areas along Modoc Road adjacent to proposed retaining walls.
7. Santa Barbara County will pay CEQA review fees when filing the notice of determination.
8. A future environmental document is not planned, the Revised MND adequately addresses impacts to biological resources and provides suitable mitigation measures.

# La Cumbre Mutual Water Company

695 Via Tranquila, Santa Barbara, CA 93110-2296  
Phone 805 967-2376 Fax 805 967-8102  
WWW.LACUMBREWATER.COM

**DIRECTORS**  
**ALEX RODRIGUEZ**  
*PRESIDENT*  
**MARC RUSSO**  
*VICE-PRESIDENT*  
**DOUG CAMPBELL**  
**JANE LODAS**  
**ROB THOMSON**  
**MIKE ALVARADO**  
*GENERAL MANAGER*

October 13, 2022

Santa Barbara County Public Works Department  
123 E. Anapamu Street  
Santa Barbara, California 93101

Re: La Cumbre Mutual Water Company Comments regarding the Draft Revised Mitigated Negative Declaration, Modoc Road Multi-Use Path 22NGD-00000-00003, State Clearinghouse #2022090230, September 8, 2022

*Submitted Electronically*

To Whom It May Concern:

La Cumbre Mutual Water Company ("LCMWC") owns property and utility infrastructure facilities that will be significantly impacted by the County of Santa Barbara's ("County") proposed Modoc Road Multi-Use Path (22NGD-00000-00003, dated September 8, 2022), the subject of the above-referenced document (the "Project"). The LCMWC-owned property will be adjacent to and/or encroached upon by the Project. Moreover, the LCMWC-owned property that will be impacted by the Project is part of the commonly known as "Modoc Preserve," which is restricted by a Conservation Easement held in Trust by the Land Trust of Santa Barbara County (the "Conservation Easement").

As discussed below, important details contained in the subject-Draft Revised Mitigated Negative Declaration ("MND") are incomplete or inaccurate. Accordingly, LCMWC submits the comments below for the County to consider. Without addressing LCMWC's comments, the County cannot properly analyze the Projects environmental impacts.

## **Section 1.3 – Project Location**

1. The Project Location has changed from the prior draft of the MND and is different than the Project location identified on the County website, which provides: "The path will start where the City of Santa Barbara path ends near Calle De Los Amigos and connect to the Obern Trail Bike Path across from Encore Drive. Phase I: Calle De Los Amigos to Via Senda (1/3 mile) is currently under construction, and Phase II: Via Senda to Encore."

### **Section 1.4 – Project Objectives**

2. This section should include a commitment by the County that the County will attain the Project’s purpose and objectives without undue environmental impacts and impositions to existing uses on the property owned by LCMWC, or the Conservation Easement. At a minimum, the County MUST work with nearby landowners and easement holders, including LCMWC, to mitigate the Project’s impacts, to prevent environmental impacts from affecting adjacent properties and/or, if necessary, modify the Conservation Easement. The County’s unwillingness to work with landowners and easement holders could result in an illegal taking.

### **Section 1.5 – Previous Environmental Documentation**

In the interest of full transparency and encouraging robust public involvement, the County should publish the comments it received from the public regarding the prior draft MND that was circulated for comment between May 12 and June 13, 2022, respond in writing to such comments.

Environmental impacts that occur in the County right-of-way should be identified, even if they do not require mitigation. Further, there are impacts that would occur at the eastern end of the Project area where the Modoc Preserve and the County right-of-way overlap and/or become very close to each other. This is an area where alignment A and B appear to be the same.

Moreover, the Conservation Easement has specific restrictions that the County should evaluate as part of the MND. For the portion of the Project that encroaches into the Conservation Easement area, specific mitigation will be required so as not to violate the Conservation Easement or interfere with the Conservation Easement holder’s rights.

3. The Project’s impacts to the Conservation Easement Area and the Modoc Preserve are not limited to physical ground disturbance or tree removal. The County should evaluate the environmental impacts caused by lighting, water management conflicts with existing uses, utility infrastructure, and utility easements.

The statement that Alignment B is the preferred alignment because it would “[n]ot affect existing trails within the Modoc Preserve” is not consistent with the figures provided by the County. Specifically, the County’s proposed Alignment B would require relocation of existing trails where it encroaches into the Modoc Preserve. Specific mitigation measures should be implemented to address each of these inconsistencies and to address the other concerns expressed in the August 17, 2022, letter from the Land Trust of Santa Barbara County to LCMWC.

For example, providing physical separation between the Project and traffic lanes and existing horse/walking trails will not reduce the impact(s) to insignificant. Significant health and safety, lighting, and noise impacts would remain unmitigated. Additionally, the County should address other environmental impacts, including, but not limited to, those related to onsite or off-site mitigation for surface disturbance, retaining walls, and asphalt.

### **Section 1.6 - Project Approvals**

Section 1.6 identifies the Land Trust and LCCMWC as “local agencies.” Neither the Land Trust of Santa

Barbara nor LCMWC are “Local Agencies.” Both entities are nonprofit corporations; the Land Trust holds a 501(C)(3) designation, and the LCMWC holds a 501(C)(12) designation. LCMWC is a utility and is incorrectly identified as “La Cumbre Mutual Water District” instead of “La Cumbre Mutual Water Company” in the MND.

The County should consider adding a “Section 1.6.3 – Other Approvals and Permits” with subsections for the Land Trust and LCMWC. Under the Land Trust subsection, the County should recognize that the Land Trust is a trustee of the Conservation Easement, which covers a portion of the lands within and adjacent to the Project location. The Land Trust would need to concur that the Project is consistent with the Conservation Easement, following coordination with the landowner.

Under the LCMWC subsection, the County should recognize the following:

4.
  - LCMWC is a not-for-profit, mutual water company, owned by the landowners within its service area;
  - LCMWC is a party to the Conservation Easement that covers a portion of the lands within the Project area and the owner of other lands not covered by the Conservation Easement, but affected by the Project;
  - The County may need to enter into agreements with LCMWC, possibly in the form of an easement, to carry out the portion of the Project located on LCMWC-owned property; and
  - The County will need to coordinate with LCMWC with respect to easements and utilities (for example, at the eastern end of the Project, there is a high-pressure gas pipeline and below-ground LCMWC infrastructure that may be affected by the Project).

## **Section 2 – Project Description**

The Project description and the environmental analysis based on such description has insufficient detail to allow LCMWC to support a determination that either Alignment A or Alignment B is consistent with the Conservation Easement.

### **Section 2.1 – Project Characteristics**

5. The MND’s inclusion of the conclusory statements in Section 2.1 regarding land use consistency under the Conservation Easement and impacts caused by noise, traffic or dust are inappropriate in this section because the analysis to support such statements is located elsewhere in the MND. An example of such a conclusionary statement can be found at the bottom of page 4 of the MND.

Further, the County should provide exact locations for each retaining wall that would be constructed under the Alignment A and Alignment B alternatives.

### **Section 2.2 – Construction Methods**

6. To support the air quality, construction noise and other impact analyses, the County should, for both Alignment A and Alignment B, provide a listing and operations estimate for all construction vehicles to allow the public to compare the impacts caused by construction for each alignment. To the extent available, the County should also provide a construction schedule (by month) to support the analysis of

biological impacts, again clearly delineating the differences under Alignment A and Alignment B. Without this information, any environmental analysis is incomplete.

6. Section 2.2 discusses in detail the volume of “earthwork” that will be cut and filled and the amount of asphalt and concrete that would be used for Alignment B. For Alignment A, however, the MND simply states “Alignment A would involve much less earthwork and earth material export.” Without a quantifiable comparison between Alignment A and Alignment B, the environmental analysis is incomplete.

The figures in Appendix C are also useful but the use of similar shades of green to designate these alignments provides a challenge for the reader.

### **Section 3.1 – Existing Land Use**

This section should, but fails to, describe the existing land uses on the undeveloped property that is restricted by the Conservation Easement as well as undeveloped property outside of the Conservation Easement area. Such land uses include utility infrastructure, and equestrian and walking trails. The Project would interfere with these uses and convert approximately 1.4 acres (4,000 feet in length by 15 feet width) of undeveloped property into the new multi-use path.

7. The unlabeled table immediately above Section 3.2 is inaccurate. For example, stating that the “present use & development” is “transportation, open space” is misleading. While much of the property impacted by this Project is currently part of the Modoc Preserve, other portions are used for water supply facilities and equestrian and pedestrian recreation, which are permitted uses under the Conservation Easement. The County should further consider impacts to these existing land uses.

It is also inaccurate to state in the that the “Project does not require water.” The County will need to use water for the Project during construction and water will be required for several years to establish new vegetation. This is explicitly recognized in MND Section 4.15, Impact Discussion item (k).

To that end, the County has not coordinated with LCMWC for the provision of water, and it is unclear if the County is working with the Goleta Sanitary District to acquire recycled water for these purposes.

### **Section 4.0 – Potentially Significant Effects Checklist**

8. As currently set out in Section 4, it is extremely difficult to evaluate the environmental impacts associated with Alignment A and Alignment B and differentiate between the County’s analysis, if any, for each alternative alignment. For example, it is entirely unclear if the “Will the proposal result in:” charts used for each environmental impact (e.g., visual resources, agricultural resources, etc.) describe the findings for Alignment A, Alignment B or both. The potential environmental impact of each alignment needs to be analyzed separately, and where the analysis is identical, the County must explain why. Further, the detailed effects of the proposed facilities that are described in Section 2 (including the path, retaining walls, staging areas, exclusion fencing, lighting, ...) should be analyzed separately.

It is important to note that lighting is not allowed on the Modoc Preserve pursuant to the Conservation Easement.

9. **Section 4.3 (A) – Air Quality**  
We recommend that recycled water be used, where applicable.

**Section 4.4 – Biological Resources**

Bullets (h) and (i) of the Impact Discussion on page 42 of the MND states that virtually the same habitat impacts will occur regardless of whether the County implements Alignment A or Alignment B.

10. Much of the habitat impacts of Alignment B, however, fall within the boundaries of the Modoc Preserve. The Project would effectively convert potential habitat within the Modoc Preserve into a multi-use path, and thus eliminate the possibility of the restoration of these areas in the future. Considering Alignment A will not encroach upon the Modoc Preserve, it is unclear how the biological impacts could be the same.

Further, Alignment B does not include fencing between the multi-use path and the Modoc Preserve. Without fencing, there would be no effective barrier to prevent the incursion of bicycles, pedestrians, or pets into the Modoc Preserve’s sensitive vegetation. Such incursion will result in the degradation of biological resources.

**Section 4.9 – Hazardous Materials/Risk of Upset**

11. The MND does not analyze the risks (both short term during construction and long-term) of the Project on the existing high-pressure natural gas pipeline that crosses the eastern end of the Project area. This facility, and other below ground utilities, needs to be identified and the risks associated with such facilities, principally during construction, must be evaluated.

**Section 4.10 – Land Use**

The County should list the zoning designation of the evaluated lands by assessor parcel number.

Based on the existing, incomplete Project description, LCMWC disagrees with the conclusion listed under Impact Discussion item (a), primarily because there is no actual analysis, just a conclusion.

12. As for item (h), the assumptions and methods used to calculate the acres of displaced open space (0.65 acres) are entirely unclear. LCMWC believes that this figure is incorrect and underestimated.

Impact Discussion item (i) is incorrect because there will be a physical change using Alignment B, which is a conversion of some of the Modoc Preserve into a multi-use path. The analysis must, at a minimum, consider the primary existing land use (the Modoc Preserve) and the Conservation Easement.

**Section 4.15 – Water Resources/Flooding**

13. Section 4.15 contains several inaccuracies and oversimplifications. Principally, stormwater runoff from the Multi-use Path project area will have little effect on groundwater levels in the Foothill Groundwater Basin. Most runoff will enter Cienegitas Creek and more likely recharge the eastern portion of the Goleta Central Basin.

13. Further, the MND incorrectly states in Impact Discussion item (k) that the Project will not require water. The project will increase consumptive use of water for, and during, construction activities (for dust control) and to establish of vegetation.

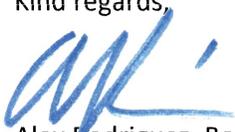
### Conclusion

As discussed above, the MND fails to consider important Project components in its environmental analysis, including the following:

- 14.
- Measures to limit unacceptable intrusions into the Modoc Preserve's sensitive habitats. These intrusions could be prevented with appropriate fencing, vegetation screening, and notices to Project users;
  - Measures to control pollutants (e.g.; runoff and refuse) from Modoc Road and the multi-use path, including typical non-point stormwater devices, and periodic clean-up;
  - Measures to maintain and preserve permitted uses of LCMWC-owned lands without undue environmental impacts, including impacts to existing utility easements and existing and planned facilities;
  - Measures to maintain the multi-use path, its facilities and adjacent lands, especially after significant weather events; and
  - Measures to ensure emergency services will be able to access users of the Project, since portions of Alignment B would not be immediately adjacent to Modoc Road and the current Class 2 bike path.

Accordingly, the MND and the environmental analysis contained in the MND is incomplete. LCMWC looks forward to the County addressing these issues.

Kind regards,



Alex Rodriguez, Board President

**Commenter:** Alex Rodriguez, La Cumbre Mutual Water Company

**Date:** October 13, 2022

**Response:**

1. The project location is accurately described in the Revised MND.
2. The lead agency has been working with the La Cumbre Mutual Water Company and the Land Trust for Santa Barbara County during project planning to reduce impacts while meeting the project objectives.
3. This comment addresses the prior draft MND and not the current Revised MND. Therefore, a response is not required.
4. The legal status of the Water Company and Land Trust have been corrected in the Final MND.
5. Section 2.1 of the Revised MND describes the project and does not address impacts, which are addressed in Section 4 of the Revised MND. The final design of the project is in preparation, and the precise location of retaining walls may be adjusted. Santa Barbara County can provide these final plans upon request.
6. A construction schedule has not been developed to date because the selection of the path alignment has not been finalized. Construction noise and air quality impacts were assessed based on a peak construction day, which does not require a construction schedule or list of all equipment that could be utilized and would be the same for any of the path alignments considered. The precise amount of cut and fill is not needed as the impact analysis was based on ground disturbance (grading limits).
7. The description of existing land use is somewhat generalized as it is based on each of the affected and nearby parcels. More detailed setting information is provided in the individual impact discussions in Section 4 of the Revised MND. The project does not require a new water source or consume water in the long-term. Water would be required for construction and short-term irrigation of landscaping. However, this water would be brought in by water truck with no new utility infrastructure.
8. The impacts of Alignments A and B are discussed separately throughout the impact analysis. Lighting is not proposed along the multi-use path.
9. Recycled water will be considered for dust control during construction.
10. Areas impacted by either alignment are located within 50 feet of the Modoc Road shoulder, which currently supports an informal trail (in part) and landscape plantings (palm and eucalyptus trees). These areas are not planned for restoration. It is anticipated that bicycles and pedestrians using the multi-use path will stay on the path and not wander into the Preserve. Note that the Modoc Preserve is well known by the local public and is currently used by hikers and persons walking their dogs. A project-related increase in use of the Modoc Preserve by pedestrians, bicycles and pets is not expected.
11. Consistent with standard practice, all utilities (including pipelines) will be field located prior to any project-related excavation, and avoided.

12. Section 4.10 of the Revised MND provides the zoning designation of all affected parcels. The conversion of undeveloped open space to a multi-use path is acknowledged. The stated 0.65 acre conversion of open space is the approximate Alignment B footprint outside the Modoc Road right-of-way.
13. It is anticipated much of the storm run-off from the project site would be captured in the depressional areas of the Modoc Preserve and recharge the Santa Barbara Groundwater Basin. Refer to the response to Comment 7 regarding water requirements.
14. The listed measures are not required to address significant impacts and need not be addressed in the Revised MND.

**From:** Mary Hunt <[mmsbca@yahoo.com](mailto:mmsbca@yahoo.com)>  
**Sent:** Saturday, September 17, 2022 8:42 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Cc:** self <[mmsbca@yahoo.com](mailto:mmsbca@yahoo.com)>  
**Subject:** Modoc Multi-Use Path Project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Mr. Jones,

1. This project is not needed. The existing bike path is fine as is.
2. It is a waste of taxpayer money.
3. Will squeeze traffic lanes and create a hazard especially on days when cans are put out for trash pickup.
4. With narrower traffic lanes noise will increase.
5. We don't believe you won't destroy a lot of trees. It would be impossible not to destroy tree roots.
6. It took months to complete the previous stretch of path.  
It will increase noise and traffic jams for how many more months??

We do not wish for you to go forward on this project!

Martin & Mary Hunt

**Commenter:** Martin & Mary Hunt

**Date:** September 17, 2022

**Response:**

Traffic lanes on Modoc Road would not be affected. The Revised MND acknowledges trees would be removed to accommodate the proposed project. Construction would require about four months, with very limited lane closures. Therefore, traffic congestion is not anticipated. Your opposition to the proposed project is noted.

From: Jaime Turgeon <[jaime.turgeon@icloud.com](mailto:jaime.turgeon@icloud.com)>

Sent: Sunday, September 18, 2022 6:28 PM

To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

Subject: Please vote NO

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please vote NO on both Alignment A and Alignment B. Thank you.

Sent from my iPhone

**Commenter:** Jaime Turgeon

**Date:** September 18, 2022

**Response:**

Your opposition to the proposed project is noted.

**From:** Wageneck, Lael <[lwageneck@countyofsb.org](mailto:lwageneck@countyofsb.org)>  
**Sent:** Wednesday, September 21, 2022 2:26 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** FW: The Modoc multi-use path is necessary: THANK YOU for making it happen!

I've added it to the Smartsheet, but here's a comment for your records.  
Thanks,  
Lael

**From:** Christine Bourgeois <[cbarreb@gmail.com](mailto:cbarreb@gmail.com)>  
**Sent:** Wednesday, September 21, 2022 1:59 PM  
**Subject:** The Modoc multi-use path is necessary: THANK YOU for making it happen!

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear official,

Completing the Modoc multi-use path needs to happen for 4 critical reasons:

- **1) Equity:** It will provide equitable access to the public open space of the Modoc Preserve for users of all ages and abilities (not only for local residents who have been keeping the Modoc Preserve "secret" until now...)
- **2) Safety:** Modoc Road has discontinuous sidewalks and narrow and unprotected bike lanes adjacent to road with speeds up to 45 mph. Several people have died on Modoc over the last 10 years: those deaths could have been prevented with better infrastructure.
- **3) Restoration:** There will be no impact to native trees. New trees will be planted with a focus on sustainability and restoring habitats which are Preserve's goals.
- **4) Connectivity:** The Modoc multi-use path is a vital and missing link between two existing multi-use paths. Santa Barbara County needs a more complete network of safe, off-street facilities. To illustrate this urgent need, here is a personal story: On Tuesday morning (maybe around 8:30am), I was riding my bicycle on Modoc where the construction is happening. Several teenagers (at least 6 of them) on e-bike carrying heavy backpacks full of books passed me. It was so nice to see them commuting from downtown to SMHS and not driving a car :) But with a safer Modoc multi-use path, instead of 6 young e-bike commuters, it could become 20 or many more... Please build this multi-use path for the safety of our youth and all of us. Thank you.

Christine (Barré) Bourgeois  
Cell: (805) 284-6787  
Christine's photos: <http://cbarreb.smugmug.com/>

**Commenter:** Christine Bourgeois

**Date:** September 21, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

September 23, 2023

Re: Public Comment for the County's Modoc Multi-Use Path Revised Mitigated Negative Declaration

County of Santa Barbara  
Attention: Morgan Jones  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Dear County of Santa Barbara:

I, Kelly Bourque, am in strong support of the County of Santa Barbara's (County) Modoc Multi-Use Path and I strongly support the County's preferred alignment (Alignment B).

As stated in the Revised Mitigated Negative Declaration, Alignment B is the best alignment because it achieves the following:

- Meets the project objectives of providing a path separated from traffic lanes and connecting existing paths;
- Reduces the number of trees requiring removal;
- Reduces the need for retaining walls; and,
- Does not affect existing trails within the Modoc Preserve.

I use the existing roadside bike path along Modoc Road every weekday (twice a day) to commute to my place of work. Often drivers are exceeding speed limits and are distracted, increasing my vulnerability to injury from an automobile.

It is also important to note that a biking fatality occurred on Modoc Road in 2019. This death could have been prevented with an off-road bike path. The Modoc Multi-Use Path will save lives.

I also support an Americans with Disabilities Act-compliant path that would allow everyone to enjoy the Modoc Preserve.

Thank you for considering this public comment.

Sincerely,

Kelly Bourque  
County of Santa Barbara Resident and Bike Commuter

**Commenter:** Kelly Bourque

**Date:** September 23, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Paul Kemper <[paul\\_chem2000@yahoo.com](mailto:paul_chem2000@yahoo.com)>

**Sent:** Tuesday, September 27, 2022 10:57 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Cc:** Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>

**Subject:** Modoc Rd. Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Morgan Jones-

I wanted to convey some thoughts on the proposed path. When it was first announced I was pleased. I'm a rider (30 yrs bike commuting) and more paths are usually good. Now I am not in favor. My reasons are threefold: there is no need, there is little gain and there is a huge cost. Taking them in turn:

**No need:** The existing class 2 bike path along Modoc Rd. is more than adequate. The lanes are wide and clearly marked. This is not a dangerous section. True - there was a fatality two years ago but it involved someone riding in dark clothes w/o a light (at 2am) who swerved into the traffic lane. I don't think you can blame the bike path. My two children rode to school on the existing path from grades 2 to 12 with never a problem. Ditto for my daily ride to the University. The multi-use aspect sounds good but it involves putting riders and walkers on the same path. Now, they are separate with the bikes on the street and the walkers on their own path in the field. The equestrians won't go near the proposed path.

**Little gain:** You probably know that the finished section of path (Las Positas to Calle de los Amigos) also includes official, marked bike lanes on both sides of Modoc Rd. Why is that? because bikers would rather stay in the street than deal with the path. And that is what you see: the bikers stay in the street. An extended bike path is certainly no gain to them. What of children living on Modoc Rd, Via Zorro, Vista Clara and Encore? To access the proposed path to Vieja Valley School they will have to cross Modoc Rd. (with no crosswalk or guard) and either climb over the border berm and plantings or climb a steep hill and then surmount the berm (depending on the path route taken). I wouldn't allow my kids to do that - would you? So, local children commuting to Vieja Valley will not benefit. They will keep riding on Modoc Rd. just as they have been for fifty years. If children from Hidden Valley commuted to Vieja Valley School, they would benefit. They don't, however. The Hope School District ends before Calle de los Amigos.

**Huge cost:** Leaving aside the \$10M price tag, there remains the large number of trees to be removed. The "A" plan requires the loss of 50 - 60 mature palms and oaks. To be "mitigated" with 1 and 5 gal saplings. The existing row of Canary Palms makes this stretch of Modoc Rd. a treasure which will not be recovered for 30 - 40 years. The alternate "B" plan requires a 14' concrete and asphalt path through a nature reserve and the removal of only 40 - 50 trees. A bad idea on its face and why would the SB Land Trust grant the easement? Putting a bike path near the existing equestrian trails will certainly not be welcomed by the horse people. I repeat: this part of Modoc Rd. is one of the nicest on the Santa Barbara - Goleta area and this project will destroy that.

Finally, I must say the the degree of coercion exhibited by the county is disturbing ("Give us an easement or we'll cut down all your palms. And! there's nothing you can do about it!"). Really, is that how you should treat your constituents?

In conclusion, I think the project will provide minimal improvement at a huge cost in dollars and environmental impact. The existing bike lanes and pedestrian path are working well and the proposed project is a waste of money.

I hope the above will provide some food for thought

best  
Paul Kemper  
4174 Modoc Rd.  
964-9002

**Commenter:** Paul Kemper

**Date:** September 27, 2022

**Response:**

Either path alignment would be constructed of pervious materials over an aggregate base, not asphalt and concrete. The estimated tree removal is 21 for Alignment B. An easement to allow path construction in the Modoc Preserve would be negotiated and could not be coerced. Your opposition to the proposed project is noted.

**From:** Elvira Rose <[buys4rose@gmail.com](mailto:buys4rose@gmail.com)>  
**Sent:** Tuesday, September 27, 2022 7:38 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc bike path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello,

I am a 3rd generation Santa Barbaran. For the past several years, we have lived just off of Puente Rd., so we often use Modoc road coming and going to our home. I ride my bicycle quite frequently and in fact, I've ridden over 20,000 miles on my bicycle. The majority of those miles have been on our local bike paths or streets that I feel safe with. I will not ride my bicycle on Modoc Rd. since I do not feel safe doing so. People speed in their cars and there are too many distracted drivers behind the wheel.

To me, driving along Modoc near the palm trees has always been a pretty drive. As much as I love the trees in that area, I am 100% in favor of a safer bike path along Modoc. I have recently signed an on-line petition in favor of the bike path.

In reviewing the three options for the path, it seems to me that the opponents of the path are neglecting the fact that many trees will be replaced. It would be reasonable to expect removal of some trees and it would also seem reasonable to replace some trees. Nevertheless, it disturbs me that the opponents of the plan have been 'spinning' the facts to fit their viewpoint.

In my mind, providing a safer bike path along a very busy road that will save lives is worth the loss and replacement of some trees.

Sincerely,  
Elvira G Rose

**Commenter:** Elvira Rose

**Date:** September 27, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

Linda A. Tucker  
160 Lyric Lane  
Santa Barbara , CA 93110  
805-967-7889

City of Santa Barbara

Morgan Jones  
Project Team Leader  
Public Works Department

123 E. Anapamu Street  
Santa Barbara , CA

2022/23 September

Dear Mr. Morgan ,

I am writing today to comment on the proposed multi use class 1 bike lane MND for the 22NGD-000000-000003 project. I believe very strongly that no trees at all should be cut down to facilitate construction of it nor should the bike lane be allowed to encroach onto the Modoc Preserve. If it is built at all the entirety of it should be constructed up on the existing Modoc Road.

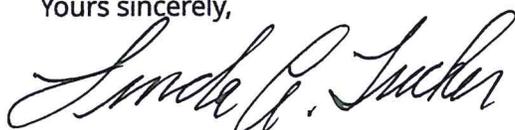
There are many reasons that make me feel strongly about this. #1 is the proposed cutting down of historic , long established trees that run along the edge of the Modoc Preserve property. The eucalyptus and Canary Island Palm trees are vital parts of a thriving habitat for protected hawks , owls ,Hooded Orioles , Monarch Butterflies , and bees. They also provide a much needed shade canopy along the Modoc Road corridor and add greatly to the scenic ambiance of our neighborhood. I take exception with the finding of the project's MND page 27 , 4.4 d , that there is less than significant impact on " non-native vegetation whether naturalized or horticultural if of habitat value. I believe that the MND greatly understates their value and calls for a full EIR .

As stated in 4.4 a , b , c , e , and f ranging from "no impact" to "Less than significant with mitigation" the findings of the current MND could and should be challenged and a full EIR implemented. In Dr. Adam Lambert' s June 2022 e-mail to you he notes several concerns which would need to be addressed before approval of the project should be signed off on. Those same concerns are not even mentioned in the revised MND.

Under the heading of Fauna , Biological Resources 4.4 g-k , the findings ranging from "no impact to "less than significant with mitigation , could and should be challenged by an EIR.

These are just a few of the reasons I am totally opposed to this project. I believe that the entire proposed bike lane should either not happen at all or stay completely on the existing Modoc Road asphalt.

Yours sincerely,



**Commenter:** Linda Tucker

**Date:** September 23, 2022

**Response:**

These comments state disagreement with the findings of the biological resources impact analysis without providing any reasoning. This impact analysis is consistent with the County's Environmental Thresholds and Guidelines Manual. Concerns raised by Dr. Lambert's comments on the previous MND have been addressed in the current Revised MND. Your opposition to the proposed project is noted.

**From:** Ted Bergstrom <[tedb@econ.ucsb.edu](mailto:tedb@econ.ucsb.edu)>  
**Sent:** Wednesday, September 28, 2022 12:27 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc MUP

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello,

I write to express enthusiastic support for the Alignment B plan for a multi-use path along Modoc. I have been commuting by bicycle along that route for more than 20 years, 5 days a week. I think the route is reasonably safe, though I have experienced a couple of near misses and was once knocked off my bike by a right-turning car. I think that the strongest case for constructing Option B is that the path it provides would be a much more pleasant and safe route for everyone. It seems to me that this would be an improvement not only for us commuters, but also for people in the neighborhood. Runners and walkers as well as cyclists would get much pleasure from using a lovely shaded path through this area.

While Alignment A would improve safety for cyclists, it would not provide the serene amenity of Alignment B. Moreover it is understandable that the neighbors would mourn the loss of the Canary Island palms.

Sincerely,  
Ted Bergstrom

**Commenter:** Ted Bergstrom

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Brandon Kuczenski <[brandon@301south.net](mailto:brandon@301south.net)>  
**Sent:** Friday, September 30, 2022 11:22 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc multi-use path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To Morgan Jones:

I am a local resident with an address on Modoc Road near the Eastern intersection with Encore Drive. I am a renter and I have lived at this address with my family for eleven years.

I am writing IN SUPPORT of the proposed multi-use path. My children and I ride bicycles regularly, and my long-standing safety concerns regarding the Modoc road bike lanes would be addressed through the proposal. I also enjoy the use of the Modoc Preserve, however I feel the improvements to transportation (particularly for establishing a safe cycling route to Downtown) will outweigh the loss of natural space, which I consider to be minimal.

Regarding the two proposed alignments, I am slightly in favor of Alignment A for the reasons that it reduces the incursion into the open space and it protects the three native Coastal Live Oak trees that would need to be removed under Alignment B.

Apart from the existing proposal, I request that the County reduce the speed limit on Modoc Road to 35 MPH for the entire stretch of the road between Via Senda and Hollister, and increase traffic enforcement. The speed limit of 45 MPH encourages reckless vehicle use, and drivers often ignore signage for reduced speed zones near the Vista Buena intersection and the Encore Dr. crosswalk.

Thank you for your engagement with the community around this issue.

Brandon Kuczenski  
4182 Modoc Road, Unit B  
Santa Barbara, CA 93110

**Commenter:** Brandon Kuczenski

**Date:** September 30, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** michael inbar <[mickyinbar@gmail.com](mailto:mickyinbar@gmail.com)>

**Sent:** Wednesday, October 5, 2022 9:42 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; eva inbar <[eva\\_inbar@cox.net](mailto:eva_inbar@cox.net)>

**Subject:** Modoc Multi Use Path-Comments

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones,

I came across a fancy sign posted by the county, in which the county describes the merits of the planned path. I have seen the same sign put up in yards of people who are apparently in favor of this monstrous undertaking. The printing and posting of government propaganda on private property constitutes, at best, an unwarranted expenditure of tax payers money. On the same sign you solicit comments. The following are my comments:

1. As presently envisioned, the project entails:
  - a. Paving over a recognized nature preserve.
  - b. Destroying numerous trees some of which are over a 100 years old.
  - c. Doing extensive damage to the habitat of numerous plants and animals.
2. Because of the facts stated above, the county's attempt to circumvent an environmental review is legally questionable and exposes the county to expensive legal challenges.
3. The designation of the project as a multi use path is reckless and will endanger pedestrians, wheelchair users & pets. A growing percentage of bicycle traffic consists of e-bikes. The notion of heavy e-bikes barreling at 30mph down a path used by the disabled resembles a scene out of a horror movie.
4. The project is a total waste of taxpayers money. This monstrosity would not have come about were it not for a grant. THE notion that a grant is not taxpayers money is absurd. Worse, the grant application is riddled with inaccuracies and exaggeration. I fear that the award of the grant itself can (and probably will) be challenged in court.

I strongly urge the county to drop the whole project. As an engineering consultant I am willing to advise the county (free of charge) as to how to improve the existing bicycle path for a fraction of the cost & free of collateral damage.

Best Regards,  
Michael Inbar

**Commenter:** Michael Inbar

**Date:** October 5, 2022

**Response:**

Either path alignment would be constructed of pervious materials over an aggregate base (10 feet wide), and not pave over a nature preserve. The lead agency (Santa Barbara County) has determined that the Revised MND is the appropriate environmental review document. The narrow width and winding nature of the proposed multi-use path is anticipated to cause bicyclists to reduce speed and minimize conflicts with pedestrians. Bicycle commuters (including electric bikes) wishing to maintain high speeds are expected to use the existing bike lanes. Your opposition to the proposed project is noted.

**From:** Meredith Klassen <[girlinsilver@gmail.com](mailto:girlinsilver@gmail.com)>  
**Sent:** Wednesday, October 5, 2022 2:50 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-use pathway (letter in favor for the record)

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones,

Hi there. My name is Meredith Klassen and I am writing to you as a proponent of the Modoc extension of the multi-use bike path. I feel it is important that you receive input regarding the proposed changes along Modoc from residents, like me, that have a long history in the area of the Modoc Preserve and who also currently live in the area. I see the myriad benefits of this enhancement, and my family and I are a great example of why we need this multi-use path through the Modoc open space and beyond.

I was born in Santa Barbara and have lived most of my 56 years on Arboleda Road, just off the bike path at the intersection of Arboleda and Nueces. I live in a multi-generational household with my 86-year old mother, my husband and our kids. We are daily users of the bike path. I walk my dog every morning on the path, and I ride my horse on or around it. My husband takes a morning run on the path. My kids and nieces use it to get to school and work and to visit their friends. And my mother enjoys the flat, safe surface to recreate on and to walk her dog since she uses a cane.

The enhanced multi-use path is necessary for many reasons, but the most important reason is safety. Modoc is a scary road. I see "near misses" along Modoc all the time, most often when someone is crossing the road from one side to the other, or when cars drive too close to bikes on the shoulder of the road. We need a safe passage along the Modoc corridor for kids heading to school, and for pedestrians, baby strollers, dog walkers and disabled persons.

As an equestrian, I use the Modoc Preserve often. I am confident that the multi-use path will not infringe on my ability to enjoy this beautiful open space by horseback - there's more than enough room for all of us to use it. In addition, despite all the noise about the removal of the trees, I know the removal of a few non-native trees will not adversely affect the beauty of this special open space, but will in fact, help maintain it and make it healthier in the long run. Everyone who rides a horse on trails is aware of how dangerous eucalyptus trees and palm fronds can be on a windy day!

I am 100% confident in the abilities of the County planners and professionals working on this project. I know this project will find its way to the best possible outcome for all - a safe and beautiful portal along Modoc Road where our community members, and their kids (and their kids and so on), will be more willing to hop on a bike and head into town using pedal power than to turn on their car engine and drive down.

Thank you for adding this correspondence to the public comments for consideration by stakeholders. I understand the comment period ends on October 14, 2022.

With Great Gratitude,

Meredith McCurdy Klassen  
320 Arboleda Road  
Santa Barbara, CA 93110

**Commenter:** Meredith Klassen

**Date:** October 5, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Coni Edick <[enraptured@outlook.com](mailto:enraptured@outlook.com)>  
**Sent:** Thursday, October 6, 2022 11:49 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan Jones  
County of Santa Barbara

Dear Mr. Jones,

I am commenting on the proposed Modoc Multi Use Path project. I have been biking Modoc Road for years, and have often felt I was taking a chance on my life in doing so! I applaud this proposal to fill in the gap on the multi-use path network.

The new Modoc/Las Positas path has been wonderful, and since its opening I have been frequently using it to bike from my house in the south Turnpike area to Hendry's Beach. The west end of Modoc Road still needs to be braved to get to this path (I sometimes use the Vieja easement to avoid it), so the proposed MMUP will be a welcomed addition.

Alignment B sounds like a good plan. The key "pro" for me is the greater vehicle separation for better safety. Lesser tree removal is a plus. I look forward to a safer pathway in this area!

Thank you.

Coni Edick \_\_\_\_\_  
[enraptured@outlook.com](mailto:enraptured@outlook.com)

**Commenter:** Coni Edick

**Date:** October 6, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Abbie Nissenson <[abbie@301south.net](mailto:abbie@301south.net)>  
**Sent:** Friday, October 7, 2022 9:46 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc MUP

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To Whom it May Concern,

I am a county resident residing at 4182 Modoc Rd. (Unit B). I have lived here with my family for over 11 years and have sent both of my children to Vieja Valley school. We use the bike lanes and bike path daily. I am writing to voice my **support of the Modoc MUP**. To my mind, making our community more walkable and bikeable is a critical climate action that the county is correct to undertake. I would support option B— the path that creates a greater buffer between the Modoc roadway and the bike/pedestrian path. I would love for the path to be scenic and tree-lined; however, I am all for cutting down the Canaries and replacing them with native trees that do not dangerously shed large, sharp fronds onto bikers and walkers. Oaks and sycamores would be great options.

Thank you for working to make our community safer and to mitigate climate change.

Sincerely,  
Abbie Nissenson

**Commenter:** Abbie Nissenson

**Date:** October 7, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Jonathan Southard <[jsouthard.sb@gmail.com](mailto:jsouthard.sb@gmail.com)>  
**Sent:** Friday, October 7, 2022 11:30 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I offer these comments on the proposed Modoc Multi-Use Path as someone who lives nearby, and as an experienced cyclist who regularly rides that route.

The latest MND is correct in stating that the proposed path, as currently conceived, would be a nice step forward for our community in terms of accessibility. The path would make it possible for certain individuals who currently can't use the Modoc preserve to enjoy that area: wheelchair-bound individuals, people with certain types of mobility aids, moms with strollers, etc. This is a very important benefit.

In addition, the MND is correct that this path will provide a place for small children or others who are just learning to cycle to ride and enjoy their bikes and actually go somewhere. As a boy, I was fortunate enough to have a resource like this close to my doorstep, and the result is I'm still riding bikes more than a half-century later. While the existing Modoc Road bike lanes are perfectly safe for cyclists with a modicum of skill and experience (I have ridden them for more than 30 years and I know), they are not safe for young children or others who are just learning. My understanding -- and this is a crucial point -- is that any kind of cycling is prohibited on the existing paths of the reserve, so a bike path for young children and other beginners would be very welcome.

Earlier this year I wrote Supervisor Hart with some criticisms of the project as it was then conceived. I objected to spending money for a "bike path" in an area that's already safe to ride. Those criticisms are no longer applicable to the revised project as described in the latest MND, which correctly states accessibility benefits and benefits for young kids. I was wrong in thinking at that time that young children could ride their bikes in the existing park; I have since learned this may not be the case.

I believe the project in its current form would be a fine addition. The project staff is to be commended for its attention to certain issues voiced by the community.

Thank you very much,

Jonathan Southard

**Commenter:** Jonathan Southard

**Date:** October 7, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Venskus & Associates**  
A PROFESSIONAL CORPORATION

603 WEST OJAI AVE., SUITE F  
OJAI, CALIFORNIA 93023  
TEL: 805-272-8621

1055 WILSHIRE BLVD., SUITE 1996  
LOS ANGELES, CALIFORNIA 90017  
TEL: 213-482-4200

October 7, 2022

**SENT VIA ELECTRONIC MAIL**

Board of Supervisors  
County of Santa Barbara  
105 E Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
c/o: Morgan Jones ([mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)); and  
Clerk of The Board ([sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us))

**RE: Comment Letter on the Proposed Modoc Road Multi-Use Path for the  
County Board of Supervisors' November 1, 2022 Hearing**

**INTRODUCTION**

The Community Association for the Modoc Preserve (“CAMP”) is a grassroots organization dedicated to protecting the Modoc Preserve – a biodiverse oasis with at least 133 plant species and 71 bird species. CAMP represents over 4,060 (and growing) individuals who have signed on to CAMP’s Save The Modoc Road Trees petition (<https://www.change.org/SaveModocRoadTrees>). CAMP hereby submits this comment letter on the proposed Multi-Use Path for the County of Santa Barbara, for which a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act. (“proposed Project”).

The County staff has recommended that Alignment B be approved. CAMP opposes both Alignment A and Alignment B as set forth in the Revised MND dated September 8, 2022, and requests that the Board of Supervisors place the entire Multi-Use Path up onto Modoc Road or let the ATP grant expire so that these funds can be used where they are most needed to increase bike safety in Santa Barbara County. The County has already moved the western half of the Multi-Use Path onto Modoc Road using existing asphalt infrastructure in County Right of Way (ROW), north of the valuable tree belt that lines Modoc Road. CAMP calls their proposed alignment placing the entire path onto Modoc Road the "Greenbelt Alignment".

Any decision by the Board of Supervisors to approve the proposed Project as currently formulated will result in multiple violations of the California Environmental Quality Act. First, the Initial Study/Mitigated Negative Declaration (“MND”) prepared

for the proposed Project contains numerous inaccuracies and fails as informational document. Second, Alignment B is not viable since it cannot be constructed in a manner consistent with the Conservation Easement in the Modoc Preserve that the Land Trust for Santa Barbara County currently holds. Third, Alignment A, as currently designed, is not tenable for multiple reasons, not the least of which being that it would destroy 29 majestic Canary Island Palm Trees and a number of native Oak trees not included in the MND's tree survey.

Therefore, CAMP respectfully requests that the Board of Supervisors reject the MND for the proposed Project at this time, and instead, consider the Greenbelt Alignment.

### **LEGAL BACKGROUND**

Once an agency decides that a project is not exempt from CEQA, it prepares an Initial Study. The purpose of the initial study is to inform the choice between a Negative Declaration or an Environmental Impact Report ("EIR"). (14 California Code of Regulations ("CCR" or "CEQA Guidelines") §§ 15063(c)(1); *Inyo Citizens for Better Planning v. Inyo County Bd. of Supervisors* (2009) 180 Cal.App.4th 1, 7.)

"In preparing an Initial Study, the Lead Agency bears the burden to investigate the potential environmental impacts. The failure to conduct an adequate Initial Study may limit the substantial evidence upon which the agency determines whether an EIR is necessary. Courts have held that deficiencies in the administrative record, such as an inadequate Initial Study, may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences of possible environmental impact.[.]" (1 California Environmental Law & Land Use Practice § 21.08 (2022).)

When an Initial Study is used to decide whether or not an EIR is necessary, the Lead Agency must determine whether *there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment.* (CEQA Guidelines § 15063(b)(1).)(emphasis added.)

If there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the Lead Agency must prepare a Negative Declaration. (CEQA Guidelines § 15063(b)(2); Public Resources Code ("PRC") § 21080(c)(1).)

On the other hand, if there is substantial evidence that the project may have a potential environmental effect that is significant, then the lead agency must do one of the following: 1) prepare an EIR, 2) use a previously prepared EIR that adequately analyzed issue, or 3) revise or mitigate the project so it no longer causes a significant effect and then issue a mitigated negative declaration. (PRC § 21080(c)(2) and (d); CEQA Guidelines 15063(b)(1).)

These determinations must be based on substantial evidence in the record. (CEQA Guideline § 15064(f).)

Specifically for Mitigated Negative Declarations, “A public agency shall prepare or have prepared a proposed [ ] mitigated negative declaration for a project subject to CEQA when: (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) The initial study identifies potentially significant effects, but: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.” (CEQA Guideline § 15070.)

Any necessary mitigation measures must be specifically set forth in the Mitigated Negative Declaration in advance of Lead Agency adoption of the Mitigated Negative Declaration (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1606 fn 4). When a public agency adopts a Mitigated Negative Declaration, the adopted mitigation measures must expressly be made conditions of project approval. Also, the Lead Agency must adopt a monitoring or reporting program for the mitigation measures that it included in the Mitigated Negative Declaration or made a condition of approval to avoid significant effects on the environment. (PRC § 21081.6(b); CEQA Guidelines § 15074(d); see *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 400–401.)

## **ANALYSIS**

### **1. THE MITIGATED NEGATIVE DECLARATION FAILS AS AN INFORMATIONAL DOCUMENT BECAUSE IT OMITTS AND OBFUSCATES SUBSTANTIAL EVIDENCE OF POTENTIAL ENVIRONMENTAL IMPACTS**

#### **A. The Initial Study/Mitigated Negative Declaration (“MND”) Obfuscates Substantial Evidence Of Potentially Significant Impacts On Biological Resources**

In describing the thresholds of significance for biological resources, the MND admits that the following impacts could be potentially significant: a) A loss or disturbance to a unique, rare or threatened plant community; b) A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants; c) A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements); d) An impact on non-native vegetation whether naturalized or horticultural if of habitat value; e) The loss of healthy native specimen trees; g) A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals; h) A

reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates); i) A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.); and k) Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife. (Revised MND p. 28.)

More specifically, the Santa Barbara County Environmental Thresholds and Guidelines Manual (“County Guidelines”) states that “Assessment of impacts must account for both short-term and long-term impacts. Thus, the assessment must account for items such as immediate tree removal and longer-term, more subtle impacts such as interruption of the natural fire regime or interference with plant or animal propagation.” (County Guidelines, p. 27.) The County Guidelines further state that “Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

- (1) Substantially reduce or eliminate species diversity or abundance
- (2) Substantially reduce or eliminate quantity or quality of nesting areas
- (3) Substantially limit reproductive capacity through losses of individuals or habitat
- (4) Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources
- (5) Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes)
- (6) Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.”

(County Guidelines p. 27.)

The revised MND obfuscates the existence of substantial evidence that would establish one or more of the above-enumerated factors. Even worse, the lion’s share of evidence the MND has ignored came from studies commissioned by the County of Santa Barbara as part of other County projects.

i. *Obfuscation of the Presence of, and Impacts on, Native/Special-Status Oak Trees*

The MND represents to the public and the decision makers that zero (0) Coast Live Oak trees will be removed under the Alignment A scenario. (See MND p. 41, Table 8 [Tree Removal Summary]; see project webpage as of September 27, 2022 <https://www.countyofsb.org/modocmup>.) The evidence demonstrates that this statement in the MND is false.

The County’s own tree base map for the instant proposed Project identified a stand of 7 oak trees situated over what is now Alignments A and B along Modoc Road just before Via Zorro. (Exhibit A [Original Tree Base Map, Sheet 3 of 4, Trees Nos. 103-104, 106-108, and 110-111.].) Photographs confirm the presence of the oak trees in this location.

(Exhibit B [Photographs of Oak Trees Along Modoc Road].) The MND's error is compounded by the fact that the full complement of Coast Live Oaks that are present along this specific stretch of Modoc Road were identified on the original tree base map (See Exhibit A [Original Tree Base Map, Sheet 3 of 4]) but were omitted from the subsequent Alignment Maps (see Exhibit C [August 27, 2022 Alignment Map].) The subsequent maps even misidentified one oak tree as a eucalyptus tree. (*Ibid.*) The stand of Oak Trees is clearly in both Alignments A and B and subject to removal by the proposed Project. (Exhibit D [Photographs of Oak Trees in boundary markers set placed by the county].)

When the existence of the stand of oak trees and these other errors were brought to the attention of the senior environmental planner with the County of Santa Barbara, he admitted that the County was aware of this error and subsequently provided a revised tree impact summary noting that 6 Native Coastal Live Oaks may be removed under the proposed Project. (Exhibit E [Morgan Jones E-mail].) This updated information was not included in, or analyzed in, the MND provided to the decision-makers. The MND still indicates that 0 Coast Live Oaks will be removed under Alignment A.

An additional inaccuracy in tree species identification in the MND occurs near Modoc Road and Clara Vista Road. There, the County once again misidentified an Oak Tree as a 33" Eucalyptus Tree. (Exhibit A [Tree Base Map, Sheet 2 of 4, identifying Tree # 77 as "Q" ]; see Exhibit C [August 27, 2022 Alignment Map still reflecting a Eucalyptus Tree, not an Oak Tree]; Exhibit F [Photographs of misidentified Oak Tree].)

Since the full complement of oaks trees subject to removal were not identified or addressed in the MND, the MND fails as an informational document. Moreover, the MND fails to provide mitigation measures for the oak trees that would be removed under Alignment A. For these reasons alone the MND should be rejected.

*ii.      Obfuscation of Habitat Loss Data*

The County calculated tree canopy habitat loss resulting from loss of trees along a stretch of Modoc Road for a different portion of the Multi-Use Path not directly at issue in the instant project as shown by the following table that CAMP obtained via a California Public Records Act Request:

Habitat Loss					
Species	Average Canopy Radius	Area (ft2)	Number	Total Area (ft2)	Acres
Phoenix	10	314	13	4084	
Eucalyptus globulus	15	707	27	19085	
Quercus agrifolia	10	314	13	4084	
Schinus	10	314	3	942	
Salix	10	314	1	314	
Podocarpus	10	314	2	628	
Eucalyptus citriodora	15	707	1	707	
<b>TOTAL</b>				<b>29845</b>	<b>0.69</b>
<b>Non-Native</b>				<b>25447</b>	<b>0.58</b>

But this calculation was not performed in the Revised MND. Per CAMP’s own calculation, the following habitat loss would result in the instant project for Alignment A:

Phoenix canariensis/Canary Island Date palm: 29 trees x 314ft2 ave. canopy area = 9106ft2

Blue gum Eucalyptus: 8 trees x 707ft2 canopy area = 5656ft2

Lemon gum Eucalyptus: 5 trees x 707ft2 = 3535ft

Total tree canopy habitat loss Alignment A: 9106ft2 + 5656ft2 + 3535ft = 18,297ft2. Additionally, if we calculate the loss of shade canopy for the 6 Coast Live oaks (Quercus agrifolia), there is an additional 6 x 314ft2 canopy area = 1884ft2 of canopy loss.

No reasonable person could conclude that losing ~20,000 square feet of habitat and shade canopy is not a significant loss, especially given the state of our climate emergency. Mitigated plantings are only for native trees, which the County states that 0 native oaks would be removed in Alignment A from the County's Table 8 **Tree Removal Summary** ...when in fact, there are 6 Coast live oaks (*Quercus agrifolia*).

*iii. Obfuscation of the Presence of Special-Status Plant Species*

The MND indicates that the only special status plants observed on-site were Coast Live Oaks. (MND p. 32.) Substantial evidence indicates that the observer (with only one visit to the site) failed, as there are clearly other special status plants on site, as the photographic evidence and studies commissioned by the County over a 5 year period demonstrate.

The MND admits that plants listed as a “rare plant of Santa Barbara County” by the Santa Barbara Botanic Garden or plants considered by the California Native Plant Society to be “rare, threatened, or endangered in California,” are special-status plants. (MND p. 33.)

According to this definition, then, Southern Tarplant, Yerba Mansa and Spiny Rush are all special status plants. In its 2020 annual grassland restoration report submitted August 25, 2020 to Mr. Alex Tuttle of SB County Public Works by Kisner Restoration and Ecological Consulting, Inc. (KR&EC) along with Dr. Adam Lambert, the County admitted that the Southern Tarplant, Yerba Mansa and Spiny Rush were all classified as rare plants by the Santa Barbara Botanic Garden. (Exhibit G [Grasslands Restoration Project Annual Report, Attachment C, pg C-4.]) For ease of reference, CAMP has extracted the table from the County-commissioned Grasslands Restoration Project Annual Report Attachment C, and display only the relevant plants at issue for purposes of this argument section of this comment letter.

**PLANT SPECIES OBSERVED ON SITE**

Scientific Name	Common Name	Origin	Before Grassland Restoration 2014	Year 1	Year 2	Year 3
<i>Anemopsis californica</i> *	Yerba mansa	N	Preserve	WM		
<i>Centromadia parryii</i> ssp. <i>australis</i> *	Southern tarplant	N (rare)		G/WM		
<i>Juglans californica</i> *	Southern California black walnut	N	G	G		
<i>Juncus acutus</i> ssp. <i>leopoldii</i> *	Southwestern spiny rush	N		WM		
<i>Stachys ajugoides</i> var. <i>ajugoides</i> *	Hedge nettle	N		G/WM		

\*listed on Santa Barbara Botanical Garden's Rare Plants of Santa Barbara County List  
 Preserve: Found on the Modoc Preserve but no within the restoration area; WM: Found in the wet meadow portions of the restoration area.  
 G: Found in the grassland portions of the restoration area; v: volunteer native species; if "p" also listed it was also planted in other areas

Additionally, the Southern Tarplant is also classified as rare, threatened or endangered by the California Native Plant Society. (<https://rareplants.cnps.org/Plants/Details/144>.) In fact, the Southern Tarplant is ranked 1B.1 on California Native Plant Society (CNPS) Rare Plant Inventory List. (<https://rareplants.cnps.org/Search/result?global=southern%20tarplant> [stating 1B.1: Plants rare, threatened, or endangered in California and elsewhere. Plants with a California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.]])

The evidence demonstrates that Southern Tarplant, Yerba Mansa and Spiny Rush are all present in the Modoc Preserve and are in close proximity to the proposed alignments. The County listed Yerba Mansa and Spiny Rush on a list of flora observed along the Alignment (MND pg. 28 [“A list of all plant species observed along the multi-use path alignment is provided as Appendix A”; Appendix A pg. 1 [listing Yerba Mansa], pg. 2

[Listing Spiny Rush])(Emphasis added.) This establishes that these two special status plants are not only in the Modoc Preserve, but along the proposed alignments.

The County's 2020 annual report on the Grassland Restoration project confirms that Southern Tarplant was present in the preserve, in close proximity to the alignment areas. (Exhibit G, Attachment C, pg. C-1 [Listing Southern Tarplant].) That same reporting also confirms the presence of all three special status plant species in the preserve as of 2020. (Exhibit G, Attachment C.) This evidence – which is the County's own evidence -- directly contradicts the MND's claims that no Southern Tarplants were observed on site and that Spiny Rush was not observed near the alignment. (MND pg. 33.)<sup>1</sup> Hedge Nettle, another special status plant, was also found to exist on-site by biologists funded by the County (Exhibit G, Attachment C, pg. C-4), but this special status plant is completely excluded from mention and analysis in the MND.

It is axiomatic that flora occurring along the proposed Project alignments are in danger of destruction. For example, the California Native Plant Society identifies development, recreational activities, human foot traffic and road widening as threats to the Southern Tarplant. ([https://rareplants.cnps.org/Home/Glossary#\\_Toc72398855](https://rareplants.cnps.org/Home/Glossary#_Toc72398855).) It is difficult to imagine how these threats would not also apply to Yerba Mansa and Spiny Rush. Yet, the MND has not identified these as potential significant impacts on biological resources and does not provide any analysis on these impacts, nor provide any mitigation for these impacts. Despite the fact that Dr. Adam Lambert wrote comments outlining this lack of analysis on 6/17/2022 (last day for comment in first MND) in an email to Morgan Jones...as well as pointing out other discrepancies and omissions, (Exhibit H [Lambert E-Mail]), the Revised MND fails to correct these deficiencies.

These omissions are troubling, given that some, if not all, of these plants were the result of seeding and planting performed under the County's own Grassland Restoration Project, which was implemented as a mitigation measure for significant impacts resulting from another construction project in the area. (See Exhibit G p.1 [discussed in more detail below]). The Revised MND should be rejected on this basis alone.

Furthermore, the County has overlooked, and in some cases contradicted, the presence of multiple special status plants that the County itself spotted on site just two years prior.<sup>2</sup> This only underscores how the MND fails to accurately describe the presence of special status plants on-site and makes the statement that the only special status plants observed on-site were Coast Live Oaks, erroneous. The MND fails as an informational document for this reason alone.

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<sup>1</sup> Perhaps the observer did not do a thorough job observing what is actually on-site.

<sup>2</sup> CAMP has issued a California Public Records Act request that included all annual reports from the Grassland Restoration Project, but to date, the most recent 2021 and 2022 annual survey reports have yet to be provided despite multiple requests for those reports.

The MND has also incorrectly framed the vegetation community types in the Modoc Preserve. (Exhibit H [Lambert E-mail].) This issue as well as the general concepts embodied by the issues identified above were brought to the attention of the County staff. (*Ibid.*) Yet, strangely, staff did not include any of this information in the MND.

Finally, the County was tasked with preparing a tree survey and tree protection and replacement plan. (See Exhibit I [Description of work for initial study].) The tree base map and the alignment maps, when considered together, do not meet the requirement for a survey of the specific number of individual trees, species and size in diameter breast height (Dbh), approximate height and location as set forth in the description of work. (Exhibit I.) There is no tree replacement and protection plan.

*iv. Failure to Assess Impacts on Restored Native Grasslands*

The County implemented a Native Grassland Restoration Project in the Modoc Preserve as a mitigation measure for another development in the area. (Exhibit G [Year 3 Annual Report for Modoc Preserve Native Grassland Restoration for the Boulders Park Hills Estates Project, Santa Barbara, California].) As part of that mitigation measure, a total of 15,749 native plants over 3.64 acres and approximately 45 pounds of seed over 2.23 acres were installed. (Exhibit G, pg. 2-3.) The Native Grasslands Restoration As Built Map shows that several areas that have received planting and seeding under the restoration program are near both alignments of the proposed Modoc Multi-Use Path. (Exhibit G, Attachment A, p. A-1 [As Built Map].) In fact, one planted area abuts Modoc Road near Clara Vista. (*Ibid.*) Photographs taken by CAMP also clearly show that native grass plantings and seedings have been made directly in the path of the proposed alignments. (Exhibit J [Photographs taken and marked by CAMP of Native Grassland located in the proposed Alignments].)

This puts a portion of the very plantings and seedings made as a mitigation measure for another County project at risk of destruction, thereby undermining the mitigation measure and the goals of the County's own Native Grassland Restoration Project. In fact, the County has also smoothly shifted focus away from the included 8' wide adjacent equestrian trail and 4' high fence separation...that could bring the width to 20'-24' in sections...it is impossible to do that and not invade the mitigated plantings in some sections. The destruction of pre-existing mitigation measures is not permissible under CEQA. It also signifies the inadequacy of the MND as an informational document due to its complete failure to identify that native grasslands would be removed under Alignments A and B.

The issues with special status plants and native grassland restoration were brought to the attention of County staff by the biologist (Dr. Adam Lambert) who worked on the County's Native Grassland Restoration Project, but, as we understand it, County staff never responded. (Exhibit H [Lambert E-mail].) Nor were these concerns addressed in the MND.

*v. Obfuscation of Presence of Monarch Butterflies*

The MND admits that animals that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act, as well as animal species of special concern to the California Department of Fish and Wildlife (CDFW), are special status species. (MND p. 34.) The Monarch Butterfly meets both of these thresholds. (<https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly>.)

The MND ultimately provides no impact analysis or mitigation measures for Monarch Butterflies because “monarch roosting has never been reported here [in the preserve]” (MND p. 36) and “none were observed at the project site during the biological survey” (MND p. 34). But substantial evidence demonstrates otherwise.

CAMP has recent photographs of Monarch Butterflies in the preserve (Exhibit K [Monarch Photographs]) and recent video of Monarchs in the preserve (Exhibit L [Video Link <https://youtu.be/GUur19TqnG0> of Monarchs in the Modoc Preserve].) But the County need not resort to evidence from other sources, when its own 2020 Annual Report from the Grassland Restoration Project admits that “Efforts have continued to increase the number of narrow-leaved milkweed, the host plant for Monarch butterflies. In 2017, 150 milkweed plants were installed and in 2018 an additional 200 milkweed were installed. Monarch caterpillars were observed on many of the planted milkweed in spring of 2019 and 2020.” (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant].) The MND’s claim that Monarch butterflies were not observed on site during the field survey is especially problematic in light of this reporting. It is also suspect that no Monarch butterflies were observed at the project site during the biological survey for the project, when members of the community regularly observe Monarch butterflies at the site, as evidenced by the authenticated photographs and videos. It calls into question the comprehensiveness and propriety of the biological survey that was conducted for this proposed Project. Thus, the MND fails as informational document for this reason alone.

Yet, the MND uses the fiction that Monarch butterflies were not observed in the preserve to avoid identifying or analyzing the potentially significant impacts the proposed Project would have on Monarch butterflies and their habitat. And There is substantial evidence that Monarch habitat loss may occur under the project.

First, even the County itself has admitted that milkweed plants are host plants for Monarch butterflies and that many Monarch caterpillars were observed on said plants in 2019 and 2020. (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant]) The County also admits said plants were observed “along” the proposed alignments. (Revised MND, Appendix A pg. 1.) Again, any plant along the alignment is in danger of removal. Second, “Eucalyptus Trees are the dominate tree used by Monarchs in California.” (Exhibit M [Frontiers in Ecology and Evolution Article].) The MND even admits as much by indicating that “Suitable roosting habitat (eucalyptus stands) occurs within the adjacent Modoc Preserve...” (Revised MND p. 34.) Yet, the MND also admits that

Modoc Preserve contains eucalyptus groves and that 8 eucalyptus trees are subject to removal under either Alignment. (MND p. 41.)

The MND fails to address the impacts of the removal of milkweed and eucalyptus trees on the presence of Monarchs in the preserve (whether or not roosting is occurring on site) and fails to provide mitigation measures for this impact. Thus, the MND is inadequate and fails an informational document for this reason alone.

That Monarch butterflies are present in the Modoc Preserve, despite a general decline in overwintering numbers, only underscores the need for a detailed analysis of the impacts the proposed Project may have on the butterflies. (Exhibit M [Frontiers in Ecology and Evolution Article].) The decline should also be placed in context. There is evidence that despite the decline in Monarch butterfly overwintering populations in California as whole, Santa Barbara County [Where Modoc Preserve is located] remains the number 1 county with the largest number of overwintering sites in the state of California. (Exhibit N [State of Overwintering Sites in California]. ) Furthermore, the herbicide ROUNDUP® was used in the Modoc Preserve Restoration Project approved by the County. With the recent ruling on “ROUNDUP” and its drastic impact on the “Monarch” butterfly’s habitat demise, this should have been addressed in the MND, as well by the CDFW, which still has not signed off or issued it's report.

*vi. Obfuscation of the Presence of Other Animals*

The MND also fails as an informational document because it misrepresents the number of birds observed near the proposed alignment, as data from ebird.org lists at least 5 more birds as being present in the Modoc Preserve than does the MND. (<https://ebird.org/hotspot/L9995680>.) Another birding group listed another two additional birds not noted in the MND. (<https://sbcobirding.groups.io/g/main> [Hugh Ranson sited 4/19/2020 "hundreds of Vaux's Swifts feeding over Modoc Open Space"... Hugh Ranson sited 1/6/2021: "Baltimore Oriole"].) Substantial evidence of migrating red shouldered hawks using eucalyptus and palm trees in the Modoc Preserve also exists. (Exhibit O [Video Link of Red Shouldered Hawks - <https://youtu.be/NOg7b-lcJc> ].) The MND admits that a reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates) or a deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting) are questions that must be answered in the CEQA analysis. But there is no analysis in the MND of the impact on red shouldered hawks from removal of Eucalyptus or Palm Trees.

*vii. Inadequate Wildlife Corridor Analysis:*

The MND indicates that “Habitats to be preserved and enhanced include, but are not limited to creeks, streams, waterways, fish passage, wetlands, vernal pools, riparian vegetation, wildlife corridors, roosting, nesting and foraging habitat for birds and subterranean species.” (Revised MND p. 88.) However, the MND neglects to comment on impacts to wildlife corridors with 2000' of 2'-4' high concrete retaining walls.

Retaining walls not only impact the visibility of the beauty of the nature preserve, it also impedes the natural movement of the wildlife. The proposed Project is not consistent with avoiding impediments to the movement of wildlife. Whether it is snakes, foxes, coyotes, possums, skunks, rats, mice, etc...the retaining wall is like a “Berlin Wall“ to wildlife, and also the public, that is supposed to be able to enjoy this area as undeveloped open space.

The MND goes on to state that, “Highly mobile species such as larger mammals and birds are expected to move between coastal areas and the Santa Ynez Mountains. Cieneguitas Creek and adjacent bike paths and trails provides a means to traverse developed areas, dense vegetation and steep slopes. Therefore, Cieneguitas Creek may be an important wildlife movement corridor in the area. Wildlife are also likely to utilize the cover and habitat provided by the Modoc Preserve during local movements.” (Revised MND p. 33; Exhibit R [Photographs of Oriole Nest, Cooper’s Hawk and Owl in the preserve].)

The Canary Island Date palms provide habitat for migrating Hooded Orioles...Alexandra Loos image of Oriole nest in Modoc Preserve. Here is a video of a fox trotting down East Encore Dr. to cross Modoc Road into the Modoc Preserve...a 2’-4’ high concrete retaining wall and 14’ wide asphalt road would impact this cross-sectional travel of wildlife into the Modoc Preserve. (<https://youtu.be/HgA6Jsk5Jsl>.)

#### B. The MND Has Not Adequately Analyzed Visual/Aesthetic Impacts

The County Guidelines indicate that the existence of the following visual/aesthetic impacts could be potentially significant: “1) Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible? If so, does the proposed project have the potential to degrade or significantly interfere with the public's enjoyment of the site's existing visual resources?” (County Guidelines p. 184-185.)

According to the County Guidelines, the first step in assessing a visual impact is to evaluate the “**visual resources of the project site**. Important factors in this evaluation include the physical attributes of the site, its relative visibility, and its relative uniqueness.” (County Guidelines p. 184-185. )(Emphasis added.)

The MND has not adequately assessed the visual resources of the Modoc Preserve, nor has it asked or answered the fundamental question posed by the County’s own thresholds as to whether the project will degrade or significantly interfere with the public’s enjoyment of the Modoc Preserve’s visual resources. (Revised MND p. 14-16.) The MND merely alludes to the fact that the trees lining Modoc Road provide a park-like setting. (Revised MND p. 15.) Above and beyond just the trees lining Modoc Road, the very nature of the Modoc Preserve would seem to end all disputes of its inherent visual value. Nevertheless, there is substantial evidence that Modoc Preserve has great visibility and uniqueness. (Exhibit G [Grassland Report showing diversity in plants and animals, including special status plants and animals].) If that were not enough, CAMP has

photographed views of the Modoc Preserve that can only be described as majestic. (See Exhibit P [Photographs of views into the preserve]; see also <https://modocpreserve.com/modoc-preserve-gallery-1>; <https://modocpreserve.com/modoc-preserve-videos>.)

The MND states that the scenic resource that is closest to the project site is the intersection of State Street and Route 154 (Revised MND p. 14), an intersection which contains an adult content store and a gas station. (Exhibit P [Photographs].) The superior visual value of Modoc Preserve as compared to this intersection cannot be understated. This bucolic section of Modoc Road, along Modoc Preserve, should be designated a Scenic Roadway.

Indeed, the conservation easement for Modoc Preserve recognizes the scenic value of the preserve. (Exhibit Q [Conservation Easement – “the Easement Area...is substantially undisturbed natural condition and the easement area possesses unique and significant natural, open space, scenic, wetlands, ecological and wildlife habitat values (collectively “Conservation Values”) of great importance to LANDOWNER, the people of Santa Barbara County and the people of the State of California...”].)

Yet, when it comes to discussion the proposed Project’s impacts on the visual value of Modoc Preserve itself, the County simply says that despite the removal of some trees along Modoc Road, other trees would remain and continue to provide a park-like setting. (Revised MND p. 15.) The MND then states that the removal of 29 mature palm trees will be minor and considered less than significant, when CAMPs photographs show that these are perhaps some of the most visually appealing trees in the Modoc Preserve. (Exhibit P.)

The County states on Page 15 in the revised MND, "These palm trees provide a distinctive visual character and park-like visual setting." (Revised MND p. 15.) The Canary Island Date palms are heritage trees over 100 years old. Henry Chase, the brother of the revered Pearl Chase, is responsible for planting the majestic Canary Island Palm Trees in the Modoc Road corridor...(<https://www.pearlchasesociety.org/pearl-chase>.)

Pearl Chase was a civic leader in Santa Barbara, California. She is best known for her significant impact on the historic preservation and conservation of that city. ([https://en.wikipedia.org/wiki/Pearl\\_Chase](https://en.wikipedia.org/wiki/Pearl_Chase) [*“A pioneer in the fields of conservation, preservation, social services, and civic planning, Pearl Chase was devoted to improving the surroundings of others. For 70 years, from the time of her graduation from UC Berkeley in 1909, until her death, she was a dominant force in molding the character of Santa Barbara. Often referred to as the First Lady of Santa Barbara, she founded many civic and cultural organizations that have profoundly affected the city of Santa Barbara and the state of California, including the local chapter of the American Red Cross, the Community Arts Association, and the Santa Barbara Trust for Historic Preservation.*”].)

The MND admits at least some of the Palm Trees are at least 100 years old. (Revised MND p. 52 [“The cultural resources record search included the State Historic

Property Data Files, National Register of Historic Places, California Historical Landmarks and California Points of Historic Interest, and did not identify any historic resources in the immediate project area. However, residents in the project area have indicated the Canary Island palms along Modoc Road may have some historical significance, and possibly planted by a person of historical interest (Pearl Chase). In the Hope Ranch area, about 360 Canary Island palms were first planted in 1904, mostly along driveways on Las Palmas Drive and Marina Drive (Chase, 1963). Canary Island palms were first planted along Modoc Road in 1915 (Morning Press, 1915). Inspection of a January 1928 aerial photograph indicates a linear row of trees (possibly palms) was present on the south side of Modoc Road in the Via Zorro area. Inspection of an August 12, 1958 aerial photograph indicates a linear row of palm trees were present along the south side of Modoc Road. Therefore, at least some of the Canary Island palms along the subject segment of Modoc Road are at least 100 years old.”.]

But the MND errs by declining to find the Palm Trees a historical resource. (Revised MND, p. 53 [“Archival research (including the County Planning and Development records) by the Santa Barbara County Public Works Department did not identify any historical significance of these palm trees or any connection to a historical property, building or person. Therefore, these trees are not considered a historical resource.”].) This ignores the over a century old plantings of the Palm Trees by a significant historical figure.

The MND also downplays the impact of the retaining wall that will be as high as four feet on views into the preserve. At four feet high, the retaining wall would completely block certain views into the preserve from those passing the preserve by car and block other views.

Finally, the MND does not identify, analyze or provide mitigation for the impact of converting areas of the Modoc Preserve with special status and otherwise important plants with habitat value into a paved road. This would be the direct antithesis of preserving the conservation values (open space, scenic and wildlife habitat condition) of Modoc Preserve. Put another way, the MND has not acknowledged that loss of certain plants in the Modoc Preserve as a result of the proposed alignments may result in the loss of habitat and therefore the loss of wildlife in the Modoc Preserve. A loss of, for example, the Monarch Butterflies as a result of milkweed plant or eucalyptus tree removal would impair the visual value of the preserve by and through the loss of flora and fauna. In turn, the public’s view into the Modoc Preserve would be impaired because the public would no longer see any, or as many, milkweed plants, eucalyptus trees or the Monarch butterflies that use those plants and trees as habitat. The MND’s failure to address these impacts justifies denial of the proposed Project on this basis alone.

#### C. The MND Has Not Analyzed The Impacts Of Degradation Of Topsoil Quality

The proposed Project intends to "slightly re-align" the bioswale. The new drainage swale would have a top width of about six feet and depth of about two feet. (Revised MND p. 5 [ “An existing man-made 750 foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path

design. The drainage swale would have a top width of about six feet and depth of about two feet.”].) This is in direct conflict with the provisions of the Deed of Conservation Easement (Exhibit Q, p. 5) a portion of which has been embedded into this comment letter:

(f) **Erosion.** Any use or activity in the Easement Area which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(g) **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for permitted uses within the Easement Area.

(h) **Watercourses.** The alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses for any purpose other than permitted uses of the Easement Area or enhancement of natural habitat or wetland values.

This Modoc Road bioswale filters the runoff feeding into the Modoc Preserve wetland recharges the groundwater and nourishes the trees’ roots. Bioswales provide a way to conserve water, improve water quality, minimize the pollution in waterways and improve biodiversity in our burgeoning concrete jungles.

The MND states that “Storm run-off from the subject segment of Modoc Road and collector streets (Encore Drive, Via Zorro) drains to the Modoc Preserve via sheet flow and storm drain inlets where much of it infiltrates in this depressional area. Excess storm flow discharges via a small earthen channel to Cieneguitas Creek approximately 600 feet downstream (south) of Modoc Road.” (Revised MND p. 73.)

The MND also states that “No changes in creek or storm drain locations, dimensions or hydraulic characteristics would occur. Therefore, no changes in drainage patterns would occur. The project includes minor realignment of a man-made drainage swale located south of Modoc Road; however, local drainage patterns would be maintained. The project would not involve an increase in impervious surfaces. Approximately 0 acres of impervious surfaces would be added when including reductions associated with the use of pervious materials and the removal of impervious surface portions of the existing bike lane associated with the multi-use path construction. This area would be dispersed over the 3,955-foot-long multi-use path alignment and would not substantially alter percolation rates or surface run-off in the project area.” (Revised MND p. 75.)

Just having heavy equipment anywhere near the soil along this important drainage would degrade the soil. The MND further states "soil disturbance associated with recent restoration activities may have adversely affected this species" and "Northern California legless lizard is unlikely to occur along the multi-use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians." (Revised MND p. 37.) Yet, no mitigation is provided for this species’ impact. (Revised MND p. 37 [“Northern California Legless Lizard. Suitable habitat for this species occurs at the Modoc Preserve. However, soil disturbance associated with recent restoration activities may have adversely affected this species if present. Northern California legless lizard is unlikely to occur along the multi-

use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians.”].)

D. The County Has Failed To Consult With CDFW

An agency preparing an initial study must consult with all responsible agencies and trustee agencies responsible for resources affected by the project, under PRC §21080.3(a), and CEQA Guidelines § 15063(g). Consultation means the “meaningful and timely process of seeking, discussing, and considering carefully the views of others[.]” (See e.g., Gov’t. Code, § 65352.4.) Thus, consultation is more than just sending a piece of paper to the State Clearinghouse. Here, there is no evidence that the County has consulted with the CDFW on this proposed Project, especially with respect to biological impacts relating to wildlife that are of concern to the CDFW as noted above.

E. The MND Fails To Conduct An Adequate Cumulative Impacts Analysis

The MND purports to address cumulative impacts by looking at other projects in the Goleta Area. (Revised MND p. 82, referencing MND Section 3.2.) However, MND Section 3.2 uses a list of project approach. (Revised MND p. 13.) A list of projects approach to cumulative impacts analysis requires the agency to create a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency. (CEQA Guideline Section 15130(b)(1).) However, here, the Revised MND only identifies projects that are pending, have recently been approved, and projects that are currently being constructed. This limited list excludes all probable future projects and prior projects with similar impacts as those of the instant proposed Project, such as oak tree removal, native grassland removal, special status plant removal and other biological impacts. Without a comprehensive list of projects causing related impacts, the MND’s cumulative impact analysis is inadequate as a matter of law.

As just one example, while the list includes the Boulders Park Hills Estates residential development as a project under current development, it fails to address how the construction under the instant proposed Project would impact the mitigatory plantings in the Modoc Preserve that were required by the Park Hills Estate Project approval.

Respectfully submitted,

VENSKUS & ASSOCIATES, A.P.C.



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Sabrina Venskus, Esq.  
Attorney for CAMP

**Commenter:** Jason Sanders, Venskus & Associates

**Date:** October 7, 2022

**Response:**

Mr. Sanders comments are addressed above under the response to Sabrina Venskus' comment letter.

**From:** [Erik Stassinis](#)  
**To:** [Jones, Morgan](#)  
**Subject:** Modoc Multi Use Path Comments  
**Date:** Friday, October 7, 2022 3:44:56 PM

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**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan Jones,

Thank you for undertaking the role of receiving all the comments over a contentious subject. I am a bike commuter and a resident of Santa Barbara for 37 years. I'm an avid commuter cyclist and have used the Modoc route for many years to go from home to work. Oftentimes 60 to 80 miles per week on the bike.

I might be in the minority, but I have found no improvements in my commute with the recent improvements to the Modoc corridor from Las Positas toward Goleta. I've found that the concrete barrier and new outlined path now creates a corridor for pedestrians, commuter cyclists, and pleasure cyclists that are confined within one area and it increases the chance of interaction. The path also creates a new hazard for cars that need to look down two routes (road and path) for a clear merge into traffic. The path stop signs at intersections also impact egress of bike commuters that now need to stop instead of flow with traffic along Modoc.

Regarding the new Phase II section. I've had no issue with the path as it currently is, but if a new path is to be created, it should be with the original intent which is to create a healthy and environmental option to driving, and be constructed with the lowest impact to natural surroundings. If that's Alignment B, then that's the optimal choice as I see it.

Regards,

Erik

**Commenter:** Erik Stassinis

**Date:** October 7, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

From: Don Miller <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>

Sent: Saturday, October 8, 2022 8:52 AM

To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

Cc: Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>; Hartmann, Joan <[jHartmann@countyofsb.org](mailto:jHartmann@countyofsb.org)>; Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>; Lavagnino, Steve <[slavagnino@countyofsb.org](mailto:slavagnino@countyofsb.org)>; Nelson, Bob <[bnelson@countyofsb.org](mailto:bnelson@countyofsb.org)>

Subject: Modoc Road / bicycle path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Morgan Jones,

I have been waiting to write my responses to the Modoc Bicycle pathway MRN but I see that the Fish and Wildlife statement is still missing? Very curious.

How can this project even be under consideration with out that review ?

I know with the recent announcement from California and the use of round up that may affect their report. After all there is a creek close by.

Can you please let me know when you expect this report. I'll write the BOS to let them know as well. It seems without this report an extension should be granted on the responses of the MRN.

Thank you

Donald E. Miller

Sent from my iPhone

**Commenter:** Donald Miller

**Date:** October 8, 2022

**Response:**

A comment letter dated October 12, 2022 was received from the California Department of Fish Wildlife and is addressed below. Your opposition to the proposed project is noted.

**From:** Alex Loos <[belizeal@hotmail.com](mailto:belizeal@hotmail.com)>

**Sent:** Sunday, October 9, 2022 1:16 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Cc:** Supervisor Das Williams <[SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org)>; Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>; Hartmann, Joan <[jHartmann@countyofsb.org](mailto:jHartmann@countyofsb.org)>; Nelson, Bob <[bnelson@countyofsb.org](mailto:bnelson@countyofsb.org)>; Lavagnino, Steve <[slavagnino@countyofsb.org](mailto:slavagnino@countyofsb.org)>; [laura@lauracapps.com](mailto:laura@lauracapps.com)

**Subject:** Modoc Preserve - Comments on the Revised MND - Alexandra Loos - Birder and Via Zorro Resident

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello,

I have been a Via Zorro resident for over 25 years, I run my business from home and have enjoyed walking in the Modoc Preserve since 2005. I started the Modoc Preserve ebird hotspot and identified 66 bird species from the current list of 71 species recorded so far since 2008.

The traffic on Modoc Road and the vehicles speed has increased over the years and it has become more difficult to cross the road at Via Zorro to go walk in the Modoc Preserve. I prefer walking in the Preserve to enjoy the various habitats and wildlife and rarely walk the path along the road because of the traffic nuisance.

The additional nuisance caused by the potential construction work will be detrimental to my neighborhood quality of life.

I oppose both Alignment A and Alignment B as set forth in the Revised MND dated September 8, 2022, and request that the Board of Supervisors place the entire Multi-Use Path up onto Modoc Road "[Greenbelt Alignment](#)" or let the ATP grant expire so that these funds can be used where they are most needed to increase bike and pedestrian safety in Santa Barbara County.

A simple reduction of the speed limit to 35 mph and enforcement of such, as well as crosswalks would increase bike and pedestrian safety.

**From the Revised MND:**

Alignment B. *This alignment has been designed to minimize encroachment into the Modoc Preserve and to be consistent with the provisions of the conservation easement held by The Land Trust for Santa Barbara County. The multi-use path would also be constructed with pervious materials over a clean aggregate base. It would not conflict with preserving in perpetuity the Preserve's natural, open space, scenic, wetlands, ecological and wildlife habitat attributes. The proposed land use (multi-use trail) would not conflict with the allowed uses under the conservation easement, and would not generate significant noise, traffic, dust, artificial lighting or crowds that could impair the attributes of the Preserve.*

This paragraph is on page 4 of the Revised MND. Every one of the statements in it is false. Alignment B is NOT consistent with the Conservation Easement for these reasons:

**1. Building the Path, whether it is made of pervious or impervious asphalt, is still a road building project.** It would entail taking out 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards removed entirely. Then, 1,133 tons of asphalt and concrete plus 903 cubic yards of road base (aggregate) would be brought in with heavy-duty trucks and equipment, causing the soil to compact. None of this is allowed in a preserve. All of it would conflict with the natural, open space, scenic, wetlands, ecological and wildlife habitat attributes.

**2. Alignment B includes two retaining walls,** one 1,200 feet long and up to 4 feet tall and another 700 feet long and up to two feet tall. Retaining walls are structures in the eyes of any reasonable person, and structures are not allowed in a preserve.

**3. The project would generate significant noise, traffic and light** that would certainly impair the attributes of the preserve, and the neighborhoods in general. Surrounding streets already experience cars that take up parking to use the Obern trail. There will be an increase of out of the area people who will park and then ride or walk or stroll on the new path. More than half of all bikes are now e-bikes, and their share is growing. Many e-bikes have very fat tires that do generate noise, and they have very bright headlights. They can also go up to 25mph – speeds comparable to a car. The noise in this area carries, we hear construction projects from all around us. This project will increase the noise from the construction and for the life of this path.

**4. The Project does conflict with allowed uses which are named in the Easement - walkers and equestrians.** Walkers are threatened by fast moving bikes, particularly e-bikes, whereas now, they are at ease. Equestrians would have a separate trail, but at the eastern end, it is adjacent to the bike path – close enough for horses to be spooked by fast moving bikes, strollers, etc.

**5. 21 trees would be removed for Alignment B and 48 for Alignment A.** Removing any trees in or near a Preserve is NOT consistent with the Conservation Easement.

**6. The closing paragraph of the “Project Characteristics” chapter (p.6) talks a great deal about the beneficial effect of compost.** There is compost now in the project area from years of naturally decomposing organic material, that would all be destroyed and replaced by asphalt. Let’s keep it in place!

**7. A drainage swale would be moved to make room for the path** - in violation of the Conservation Easement which does NOT allow for changes in topography.

**8. The Project would damage the habitat of 71 bird species,** butterflies including monarchs, mammals including foxes and coyotes and rare plants such as *Centromadia parryi* ssp. *australis* (1B.1) grows in the preserve, which may be affected in "Alignment B".

Alexandra Loos

ebird: <https://ebird.org/profile/MTIxMDQ1Nw/world>

**Commenter:** Alex Loos

**Date:** October 9, 2022

**Response:**

1. Impacts related to open space, scenic resources, wetlands and wildlife habitat were fully addressed in the Revised MND. Inconsistency with the Land Trust's conservation easement is not necessarily an environmental impact.
2. Impacts related to the proposed retaining walls were addressed in the Revised MND. Inconsistency with the Land Trust's conservation easement is not necessarily an environmental impact.
3. The project would not generate new parking demand as the path would connect other bike paths and lanes, and would not be a new destination for path users. The path is not anticipated to be used at night. In any case, bike headlights would generate much less light than existing vehicle traffic. Construction noise was adequately addressed in the Revised MND.
4. Due to the narrow width and winding nature of the proposed multi-use path and availability of the bike lanes on Modoc Road for bicycle commuters, bicycle speeds are anticipated to be relatively low and not cause significant safety concerns.
5. Impacts related to tree removal were fully addressed in the Revised MND. Inconsistency with the Land Trust's conservation easement is not necessarily an environmental impact.
6. It is anticipated that the net change in soil amendments (including compost) within the proposed grading limits would be beneficial.
7. Proposed topographic changes for the path and drainage swale would be minimal. Inconsistency with the Land Trust's conservation easement is not necessarily an environmental impact.
8. Southern tarplant (*Centromadia parryi ssp australis*) does not occur in proximity to the proposed grading limits, no impacts would occur.

**From:** [mur47@yahoo.com](mailto:mur47@yahoo.com) <[mur47@yahoo.com](mailto:mur47@yahoo.com)>

**Sent:** Monday, October 10, 2022 9:59 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; [randyrrrowse@gmail.com](mailto:randyrrrowse@gmail.com)

**Cc:** Celeste Barber <[celeste.barber@cox.net](mailto:celeste.barber@cox.net)>

**Subject:** Modoc MUP

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I am writing to protest both Plans A and B. I have ridden the Modoc bikepath, and find that the current bike lanes to be more than adequate. There is a walk path(sidewalk) along Modoc from the La Cumbra undercrossing to Hollister on the east side of the road. The area of the "Preserve" is used to horses. So there currently is a multi-use availability of this area.

I though that "Preserve" meant that it couldn't be taken for other uses. I do not understand the City/County agreeing to this encroachment--except that someone wants to have money spent here. However, the City/County will still have to put in more than \$1,000,000 to complete either plan.

Please stop encroaching, and upgrade the bikepath to meet any required standards.

I have found that we do not use the multi-use bike path from Calle de Los Amigos to Las Positas, as we have to stop at each paved crossing to ensure that there are no cars that will not be stopping at the bikepath intersection. It is easier and safer to stay on Modoc, and continue riding without stopping until a traffic sign or signal.

Kind regards,  
Gretchen Murray

**Commenter:** Gretchen Murray

**Date:** October 10, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Celeste Barber <[celeste.barber@cox.net](mailto:celeste.barber@cox.net)>

**Sent:** Monday, October 10, 2022 12:06 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; Randy Rowse <[randyrowse@gmail.com](mailto:randyrowse@gmail.com)>

**Subject:** Protest Plans A and B for Modoc Road Bikeway

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I oppose the County's plan to encroach into the Modoc Preserve in order to create a bike pathway. This section of Modoc is glorious. The palm trees are old and worthy of historic preservation. Last month when a number of residents protested the planned development, I walked home through the preserve itself. It was beautiful. There were many birds flying about this natural habitat. I also saw that there were several owl huts that had been erected within the preserve. You cut down the trees, you impact the wildlife there, including nesting raptors. (And it doesn't have to be their trees chopped down; any tree close to their nest will suffice to result in abandonment.)

I'd also like to mention that I drive Modoc pretty much daily between Las Positas and La Cumbre. Rarely do I see bikes travelling the new paved pathway on the ocean side of the street. Most prefer to bike along the existing bike lanes parallel to the road. This appears like overkill to me.

One of the things that distinguishes Santa Barbara from other communities is that we still have distinct sections of our town: Hope Ranch; San Roque and the Mesa; the Old Mission and Riviera, and so forth. This section of Modoc is one of those areas that beautifies the community in a unique way. Frankly, I feel these days as if those in charge don't give a hoot about what we who live here desire for our town. But this time, the nays far outnumber the yays. (In fact, many bike riders don't want the trees cut down. They enjoy riding Modoc precisely because of its unique rural beauty and the magnificent palms that align the road.)

No. No. No. NO.

Celeste Barber  
4065 La Barbara Drive  
Santa Barbara, CA. 93110

Sent from [Mail](#) for Windows

**Commenter:** Celeste Barber

**Date:** October 10, 2022

**Response:**

Impacts to wildlife (including raptors) and removal of palm trees was fully addressed in the Revised MND. Your opposition to the proposed project is noted.

**From:** Modoc Preserve <[modocpreserve@gmail.com](mailto:modocpreserve@gmail.com)>

**Sent:** Monday, October 10, 2022 2:58 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; Wageneck, Lael <[lwageneck@countyofsb.org](mailto:lwageneck@countyofsb.org)>; sbcob <[sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)>

**Cc:** [wthomas@modocpreserve.com](mailto:wthomas@modocpreserve.com); Dthomas <[dthomas@modocpreserve.com](mailto:dthomas@modocpreserve.com)>

**Subject:** Comments on Modoc Road Revised MND

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

**\*Please acknowledge receipt of this letter.\*** October 10, 2022 Good Afternoon,  
We are co-founders of The **C**ommunity **A**ssociation for the **M**odoc Preserve (“**CAMP**”), a grassroots organization dedicated to protecting the Modoc Preserve. This is publicly shared private land – a biodiverse oasis with at least 133 plant species and 71 bird species. **CAMP** represents over 4,150 (and growing) individuals who have signed on to **CAMP**’s Save The



Modoc Road Trees petition <https://www.change.org/SaveModocRoadTrees>

See link below to some of the over 200 comments that we have received opposing the construction of the Modoc Road Multi-Use Path (MUP):

1. <https://modocpreserve.com/petition-comments> Please also note that **CAMP** has **4150** petition signers who are opposed to this project compared to the **1456** petition signers in support of COAST+SBBIKE bike coalition's petition for completing the project.  
The County staff has recommended that Alignment B be approved. **CAMP** opposes both Alignment A and Alignment B as set forth in the Revised MND dated September 8, 2022, and requests that SB County Public Works and the Board of Supervisors place the entire Multi-Use Path (MUP) up onto Modoc Road or let the ATP grant expire so that these funds can be used where they are most needed to increase bike safety in Santa Barbara County.

**CAMP** calls their proposed alignment placing the entire path onto Modoc Road the "Greenbelt Alignment".

<https://modocpreserve.com/greenbelt-alignment>

Any decision by SB County Public Works and the Board of Supervisors to approve the proposed Project as currently formulated will result in multiple violations of the California Environmental Quality Act (CEQA).

2. First, the Initial Study/Mitigated Negative Declaration (“MND”) prepared for the proposed Project contains numerous inaccuracies and fails as an informational document. **CAMP**'s October 7, 2022 16 page legal response (excluding exhibits) sent to SB County, in regards to the revised MND, points out numerous inaccuracies, discrepancies, deficiencies, obfuscations and omissions in the revised MND concerning Biology (both flora and fauna), Wildlife and wildlife

corridors, Soil degradation, and other impacts discussed and/or omitted in the MND in context to CEQA laws.

Please find CAMP's legal response and exhibits in this link:

<https://www.dropbox.com/sh/gd51xkbb5m7uquj/AAD8S6uCynjm9SVah3cCkFOBa?dl=0>

Several individual elements stand on their own to highlight that the revised MND fails as an informational document...for example, the omission of 6 native Coast Live oak trees and any mention of mitigating their loss, in Alignment A despite documentation by the County uncovered by a CPRA request, to the contrary. With these individual elements taken in totality, no reasonable person versed in CEQA law would ever consider approving the flawed and deficient revised MND.

2.

Additionally, removal of these 29 heritage palm trees, along with at least 6 native oak trees (Alignment A), and 13 eucalyptus trees and their ~ 20,000 ft<sup>2</sup> of habitat and shade canopy the MND fails to mention, even though a document obtained through the CPRA proves that the County had this information but omitted it, will do irrevocable harm to the aesthetic quality of what is now a beloved scenic road, transforming it into just another sterile, milquetoast Orange County-like, urban street. No reasonable person would conclude that losing ~20,000 square feet of habitat and shade canopy is not a significant loss to both humans and wildlife, especially given the state of our climate emergency.

Second, Alignment B is not viable since it cannot be constructed in a manner consistent with the Conservation Easement in the Modoc Preserve that the Land Trust for Santa Barbara County currently holds. Please find attached the 1999 Deed of Conservation Easement signed between the La Cumbre Mutual Water Company and the Land Trust for Santa Barbara County.

The Modoc Preserve became protected from development “forever” and “in perpetuity” at the signing of this agreement and it is also transferable to any new property owner forever. The letter from LTSB and their counsel to LCMWC and SB County dated August 17, 2022 (attached) outlined the provisions for which a possible project could be done within the boundaries of the Modoc Preserve property under management by LTSB.

3. Permitted uses are open space, equestrian, pedestrian, education, and water company uses... Please reference Permitted Uses Page 3:

**3. PERMITTED USES AND PRACTICES.** LANDOWNER and LAND TRUST intend that this Easement shall confine the uses of the Easement Area to open space, equestrian, pedestrian, educational and water company uses, and such other related uses as are described herein. Such uses shall not result in soil degradation or erosion, or pollution or degradation of any surface waters which significantly impact the existing wetlands, uplands or wildlife habitat, or result in impairment of open space vistas, and shall be consistent with the purpose of this Easement. The following uses and practices, if in accordance with federal, state and local laws and ordinances, and to the extent not inconsistent with the purpose of this Easement, are permitted:

Please reference Prohibited Uses Page 4 & Page 5:

**No roads or structures are allowed...**

Building the 14' wide MUP road, whether it is made of pervious or impervious asphalt, is still a road building project using road building materials incapable of sustaining plant life. **Road construction for anything other than water company access is not allowed in the Preserve.**

It would entail taking out 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards removed entirely. Then, 1,133 tons of asphalt and concrete plus 903 cubic yards (1,264 tons) of road base (aggregate) would be brought in with heavy-duty trucks and equipment, causing the soil to compact. **None of this is allowed in the Preserve.** All of it would conflict with the natural, open space, scenic, wetlands, ecological and wildlife habitat attributes and conservation values legally established in the Modoc Preserve.

Alignment B includes two concrete retaining walls, one 1,200 feet long and up to 4 feet tall and another 700 feet long and up to two feet tall. Retaining walls are structures in the eyes of any reasonable person, and **structures are not allowed in the Preserve.**

3.

4. **PROHIBITED USES.** Any activity on or use of the Easement Area that is inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are inconsistent with the Conservation Values of this Easement and are expressly prohibited:

(a) **Subdivision.** The division, subdivision, or de facto subdivision of the Easement Area.

(b) **Commercial or Industrial Uses.** The establishment of any commercial or industrial uses within the Easement Area, including the construction, placement or erection of any commercial signs or billboards; provided, however, that neither equestrian, water well nor educational uses as contemplated by the provisions of this Easement shall be considered commercial or industrial uses.

(c) **Roads or Structures.** The construction of any road or structure within the Easement Area, except as provided in this Easement.

(d) **Motorized Vehicles.** The use of motorized and/or off-road vehicles, except by LANDOWNER or others under LANDOWNER's control for equestrian, water well, utility, educational, maintenance, restoration or emergency uses of the Easement Area.

**RECREATION:** The Easement Agreement did not allow the use of pedal bikes in the Modoc Preserve...let alone the use of electrically motorized e-bike vehicles capable of going 25mph...and, in close proximity to horses and equestrians. The noise generated by fat tire e-bikes is more capable of spooking a horse. A spooked horse can throw a rider, leading to injury and even death. There is no discussion or analysis of the increased risk of these dangerous encounters, or increased insurance liability contained in the revised MND.

4.

Pedestrian walkers and hikers would now have to share a path with 25mph e-bikes and other users of a MUP, when before it would be just an occasional hiker and/or equestrian with horse... directly contradicting description "b." below...this degrades the "open space" peaceful experience of a walker or hiker...and, by definition a Multi-Use path would cause a conflict between recreational uses when one did not exist before.

*b. The proposed multi-use path would not conflict with existing recreational use of the Modoc Preserve but provide a paved path that may provide additional recreational opportunities.*

In addition, the equestrian trail in this area of the Preserve would either be lost completely or would need to be relocated. There is little to no discussion of the impacts to the existing historical equestrian trail in the revised MND, even though it is specifically called out as an allowed use in the 1999 Deed of Conservation Easement, where bikes are not.

**4.13 RECREATION**

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Significant	No Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?			X		
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

4.

**SOIL DEGRADATION:** The Easement Agreement clearly prohibits degradation of topsoil...prohibits alteration of topography...prohibits alteration or manipulation of watercourses, such as the existing bioswale drainage as outlined in the Easement Agreement and CAMP's legal response.

(f) **Erosion.** Any use or activity in the Easement Area which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(g) **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for permitted uses within the Easement Area.

5. (h) **Watercourses.** The alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses for any purpose other than permitted uses of the Easement Area or enhancement of natural habitat or wetland values.

Third, Alignment A, as currently designed, is not tenable for multiple reasons, not the least of which being that it would destroy 29 majestic Canary Island Palm Trees and a number of native Oak trees not included in the MND's tree survey.

Therefore, CAMP at this point, respectfully requests that SB County Public Works and the Board of Supervisors reject the MND for the proposed Project at this time, and instead, consider the Greenbelt Alignment...keeping the project north of the tree line on Modoc Road.

The County has already moved the western half of the Multi-Use Path onto Modoc Road using existing asphalt infrastructure in County Right of Way (ROW), north of the valuable tree belt that lines Modoc Road. CAMP urges the County to finish its design entirely on Modoc Road as

originally intended when the County applied for the ATP grant back in May, 2018.

A number of issues not included in the legal response from CAMP's attorneys are stated below:

**Noise, Parking, Lighting:**

The project would generate significant noise, traffic and light that would certainly impair the attributes of the preserve, and the neighborhoods in general. Our streets already experience cars that take up parking to use the Obern trail. There will be an increase of out of the area people who will park and then ride or walk or stroll on the new path. We are all for handicap accessibility, but the only parking for ADA access to the proposed project is on neighborhood streets on the north side of Modoc Road, with no safe way to cross in a wheelchair or walker...etc...

More than half of all bikes observed are now e-bikes, and their share is growing. Many e-bikes have very fat tires that do generate noise as previously stated in regards to equestrian safety, and they have very bright headlights. They can also go up to 25mph – speeds comparable to a car. They sneak up on and startle pedestrian walkers, dogs, runners and, other cyclists with little to no time to react. The noise in this valley area carries, we hear construction projects from all around us even from Hope Ranch over ½ mile away. We hear football games and marching band from as far away as San Marcos High School 1.8 miles away, and we also hear the 101 freeway and the train...plus, increasing jet plane noise.

6. Additionally, we are in the helicopter flight path.

This project will increase the noise from the construction, chainsaws, stump grinding, heavy equipment...etc...during construction...as well as adding increased volume and duration of fat tire bike noise for the life of this path.

E-bikes allow an out of shape rider to pedal with pedal assist faster than the most in shape experienced cyclists on the planet...on bikes that weigh 60#-80#...more momentum in a crash...the bike path infrastructure is not set up for the amount of passing that occurs when e-bikes are in the mix with regular bikes...pedestrians...strollers...wheelchairs...etc...because they go so much faster.

City and County ordinances banning and regulating e-bikes are being implemented all across the country and world. The proposed project could take a cyclist across 3 different municipalities with differing rules...Santa Barbara City, Santa Barbara County, & City of Goleta.

**Aesthetics:**

**Bucolic.** A word that perfectly describes the charm of the iconic views of Canary Island Date palms as you drive along Las Palmas Drive, Marina Drive, and Modoc Road sections of unincorporated Santa Barbara County. Modoc Road is both historic and scenic.

7. <https://modocpreserve.com/modoc-preserve-gallery-1>  
<https://modocpreserve.com/modoc-preserve-videos>

These now iconic heritage trees were planted during the era of Thomas Hope and civic leader Pearl Chase, the "First Lady of Santa Barbara". These Canary Island Date palms along the Modoc Road corridor are also survivors of the 1990 Painted Cave Fire. Unbelievably, 29 of

them, some of which are over 100 years old, are now threatened by the County's Alignment A proposal for a redundant bike path, where wide and safe Class II bike lanes already exist.

The \$8MM required for the project, including the CalTrans ATP (Alternative Transportation Plan) grant of \$5.3MM, would be money better spent maintaining existing road infrastructure that is failing including Modoc Road itself and the residential neighborhood streets north of it.

The County has put the cart before the horse developing the Multi-Use bike path plan first, without understanding the Modoc Preserve legal agreement and challenge of procuring an easement.

8. In conclusion, the County's preferred bike path plan Alignment B, would violate a number of environmental provisions and conservation values in the Conservation Easement, notably prohibition of roads or structures, degradation of soil, alteration of topography, alteration of water course or drainage...etc...in fact, the only allowed uses in the Modoc Preserve are open space, equestrian, pedestrian, and education...plus, water company maintenance. Which makes it not viable.

**Our** recommendation is that since Alignment B is not viable and Alignment A would destroy 29 heritage palm trees and excluded the existence of 6 native Coast Live oak trees and their mitigation...is not tenable, the County should finish putting the whole project on Modoc Road, north of this invaluable tree belt...as they have already done for the western half...using the existing asphalt infrastructure in County Right of Way (ROW) which **CAMP** calls the **Greenbelt Alignment**.

**Respectfully submitted,**

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Warren and Deb Thomas  
Co-Founders **CAMP** (Community Association for the Modoc Preserve)  
Encore Dr. Santa Barbara, CA 93110  
<https://modocpreserve.com>

**Preserve the Preserve**

**Commenter:** Warren & Deb Thomas

**Date:** October 10, 2022

**Response:**

1. This comment discusses petition signers and a request to relocate the proposed path to Modoc Road. A response is not required.
2. This comment summarizes the Venskus & Associates comment letter for which responses are provided above.
3. This comment discusses the limitations and requirements of the Land Trust's conservation easement and not the adequacy of the Revised MND. No response is required.
4. Due to the narrow width and winding nature of the proposed multi-use path and availability of the bike lanes on Modoc Road for bicycle commuters, bicycle speeds are anticipated to be relatively low and not cause significant safety concerns with equestrians. The existing equestrian trail is proposed to be integrated into the project design as a separate parallel trail.
5. See responses to Comments 3 and 17 of the Venskus & Associates comment letter.
6. The narrow width and winding nature of the proposed multi-use path is anticipated to cause bicyclists to reduce speed and minimize conflicts with pedestrians. Bicycle commuters (including electric bikes) wishing to maintain high speeds are expected to use the existing bike lanes. Project-related construction noise was fully addressed in the Revised MND.
7. See the response to Comment 14 of the Venskus & Associates comment letter.
8. This comment discusses project funding, opposition to the project and inconsistencies with the Land Trust's conservation easement and not the adequacy of the Revised MND. No response is required.

**From:** Lisa Sands <[lisasandsdesign@gmail.com](mailto:lisasandsdesign@gmail.com)>

**Sent:** Monday, October 10, 2022 3:51 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; Wageneck, Lael <[lwageneck@countyofsb.org](mailto:lwageneck@countyofsb.org)>; [Sneddon@countyofsb.org](mailto:Sneddon@countyofsb.org); Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>; Supervisor Das Williams <[SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org)>; Hartmann, Joan <[jHartmann@countyofsb.org](mailto:jHartmann@countyofsb.org)>; Lavagnino, Steve <[slavagnino@countyofsb.org](mailto:slavagnino@countyofsb.org)>; Nelson, Bob <[bnelson@countyofsb.org](mailto:bnelson@countyofsb.org)>

**Cc:** [info@saludcarbajal.com](mailto:info@saludcarbajal.com); [senator.limon@senate.ca](mailto:senator.limon@senate.ca)

**Subject:** Revised MND -Modoc Preserve

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Sirs and Madams:

The following are my comments regarding the Revised MND on the proposed Multi-Use Bike and Pedestrian Path:

First and foremost, this revision has numerous untruths.

1. Alignment B. "This alignment has been designed to minimize encroachment into the Modoc Preserve AND to be consistent with the provisions of the provisions of the conservation easement held by The Land Trust for Santa Barbara County. The multi-use path would also be constructed with previous materials over a clean aggregate base. It would not conflict with preserving in perpetuity the Preserve's natural, open space, scenic, wetlands, ecological and wildlife habitat attributes. The proposed land use (multi-use trail) would not conflict with the allowed uses under the conservation easement, and would not generate significant noise, traffic, dust, artificial lighting or crowds that could impair the attributes of the Preserve." (this paragraph is on page 4 of the Revised MND. EVERYONE OF THE STATEMENTS IN IT IS FALSE. Fact: Alignment B is NOT consistent with the Conservation Easement for these reasons:

2. Constructing the bike path IS a road building project.

It would entail but not excluding taking out at least 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards "removed" entirely. Additionally, 1,133 tons of asphalt and concrete plus 903 cubic yards of road base (aggregate) would be brought in with heavy duty trucks and equipment, causing the soil to compact. NONE OF THIS IS ALLOWED IN A PRESERVE. All of this would conflict with the natural, open space, scenic, wetlands, ecological and wildlife habitat attributes. A enormous conflict with what exists.

3. 21 trees would be removed for the proposed Alignment B -some over 100 years old plantings. And 48 trees removed for Alignment A. Clearly and without any doubt, removing any trees in or near a Preserve IS NOT consistent with the Conservation Easement.

4. Alignment B includes two retaining was walls, one 1,200 feet long and 4 feet high. Concrete retaining walls, structures, etc., are NOT allowed in a Preserve.

5. The project would generate noise and impair the attributes of the Preserve AND the nearby residents and their neighborhoods.

6. The Project conflicts with allowed uses which are named in the Easement - walkers and equestrians.

7. There are bike paths on Modoc Road now. Use them.

8. The closing paragraph of the "project Characteristics" chapter (page 6) refers to the beneficial effect of compost. The existing decomposing organic material that exists now would be destroyed and REPLACED BY ASPHALT. This is unconscionable.

9. Drainage swale: this would be removed to build the bike path of asphalt. This is in violation of the Conservation Easement which does NOT allow for changes in topography.

10. Fact: The Project would damage important habitat of 71 bird species, butterflies, etc., in addition to rare plants that grow in the Preserve. Alignment B would affect all of this in the most detrimental way. In plain terms, the proposals both Alignment A and Alignment B clearly are not in accordance with ANY uses outlined and protected under The Land Trust.

11. The Multi Use Bike Path is destructive on every level and makes no adherence to the statements, easements, etc., of the (Modoc Preserve) The Land Trust.

How is paving over a recognized nature preserve, destroying numerous mature trees which are over a 100 years old, excluding all Easements and declarations of a Land Trust quantify this Project? This stupefies me.

Further, the Project proposed is a total waste and misuse of taxpayers money. All in the name of a Grant which I highly question, not only in the initial application for such funds, but of the false representations "of the" project AND no clearance from The Land Trust. This is an aberration of fundamental rules governing same. The County's efforts to circumvent environmental review, bypass comments from the public, proceed and accept Grant monies without any due course is without exception unacceptable. But here we are at this juncture.

I urge the County to discontinue these efforts to destroy, and or alter a Preserve worthy of its' governance.

I remain,  
Lisa Sands

**Commenter:** Lisa Sands

**Date:** October 10, 2022

**Response:**

These comments discuss potential inconsistencies of the project with the Land Trust's conservation easement at the Modoc Preserve and not the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** William Black <[williamblack8@gmail.com](mailto:williamblack8@gmail.com)>  
**Sent:** Tuesday, October 11, 2022 8:40 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modicum Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good morning, Mr. Jones. Thank you for making this effort to gather and consider the opinions of those of us in the community.

The two issues that concern me the most are the imposition of hard scape infrastructure requiring the loss of a number of well established trees and the observation that the funds could be far more effectively used solving a far more pressing problem.

The surveyor's tags appear to show that many of the trees will be preserved by moving the path to the south the tree line. While that is good, there are still a number of substantial shade trees that would be lost. Is it not possible to move the two lanes of traffic to the north and build the two lane bike path along the existing southern side of the roadway? Such a path might not have a large separation from the traffic, but it would only affect that portion of the path that currently requires demolition.

The second issue is a more pressing problem problem that continues to be ignored like the proverbial elephant in the closet. The bike path along Las Positas that connects the more populous part of Santa Barbara to the Modoc and the new beach trail is horrifically dangerous to use. The crossing at the intersection of Modoc and Las Positas is poorly designed and blatantly dangerous to use. Las Positas itself has a bike path of sorts, but the path has absolutely no separation from a near constant stream of energetic drivers and quits shortly after it starts. It seems to me that such a project is far more demanding of public funds as it directly impacts pedestrian and cyclist safety.

Thank you for your time and attention to these two points.

With my Regards,

William Black

**Commenter:** William Black

**Date:** October 11, 2022

**Response:**

Alignment B addressed in the Revised MND would minimize tree removal and provide a separation from traffic. Safety issues at the Las Positas Road intersection would not be exacerbated by the proposed project as bicyclists already use the bike lanes on Modoc Road. Your opposition to the proposed project is noted.

**From:** eva inbar <[eva\\_inbar@cox.net](mailto:eva_inbar@cox.net)>  
**Sent:** Tuesday, October 11, 2022 10:20 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Cc:** Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>; Supervisor Das Williams <[SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org)>; Hartmann, Joan <[jHartmann@countyofsb.org](mailto:jHartmann@countyofsb.org)>; Nelson, Bob <[bnelson@countyofsb.org](mailto:bnelson@countyofsb.org)>; Lavagnino, Steve <[slavagnino@countyofsb.org](mailto:slavagnino@countyofsb.org)>  
**Subject:** Comments on Revised MND for Modoc Road MUP

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Sirs and Madams:

Please accept these comments on the Revised MND for the Modoc Road MUP.

**I am opposed to Alignment A because it would destroy 29 historic trees. I am opposed to Alignment B for the reasons listed below.**

Sincerely yours,

Eva Inbar

**The following paragraph is on page 4 of the Revised MND:**

*Alignment B. This alignment has been designed to minimize encroachment into the Modoc Preserve and to be consistent with the provisions of the conservation easement held by The Land Trust for Santa Barbara County. The multi-use path would also be constructed with pervious materials over a clean aggregate base. It would not conflict with preserving in perpetuity the Preserve's natural, open space, scenic, wetlands, ecological and wildlife habitat attributes. The proposed land use (multi-use trail) would not conflict with the allowed uses under the conservation easement, and would not generate significant noise, traffic, dust, artificial lighting or crowds that could impair the attributes of the Preserve.*

**Every one of these statements is false. Alignment B is NOT consistent with the Conservation Easement for the following reasons:**

1. \* Building the Path, whether it is made of pervious or impervious asphalt, is still a road building project. It would entail taking out 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards removed entirely. Then, 1,133 tons of asphalt and concrete plus 903 cubic yards of road base (aggregate) would be brought in with heavy-duty trucks and equipment, causing the soil to compact. None of this is allowed in a preserve. All of it would conflict with the natural, open space, scenic, wetlands, ecological and wildlife habitat attributes.

2. \*Alignment B includes two retaining walls, one 1,200 feet long and up to 4 feet tall and another 700 feet long and up to two feet tall. Retaining walls are structures in the eyes of any reasonable person, and structures are not allowed in a preserve.
3. \* The project would generate significant noise, traffic and light that would certainly impair the attributes of the preserve. More than half of all bikes are now e-bikes, and their share is growing. Many e-bikes have very fat tires that do generate noise, and they have very bright headlights. They can also go up to 25mph – speeds comparable to a car.
4. \* The Project does conflict with allowed uses which are named in the Easement - walkers and equestrians. Walkers are threatened by fast moving bikes, particularly e-bikes, whereas now, they are at ease. Equestrians would have a separate trail, but at the eastern end, it is adjacent to the bike path – close enough for horses to be spooked by fast moving bikes.
5. \* 21 trees would be removed for Alignment B and 48 for Alignment A. Removing any trees in or near a Preserve is NOT consistent with the Conservation Easement.
6. \* The closing paragraph of the “Project Characteristics” chapter (p.6) talks a great deal about the beneficial effect of compost. There is compost now in the project area from years of naturally decomposing organic material, that would all be destroyed and replaced by asphalt. Let’s keep it in place!
7. \* A drainage swale would be moved to make room for the path - in violation of the Conservation Easement which does NOT allow for changes in topography.
8. \* The Project would damage the habitat of 71 bird species including owls and hawks, butterflies including monarchs, mammals including foxes and coyotes and various rare plants.

Ev

**Commenter:** Eva Inbar

**Date:** October 11, 2022

**Response:**

Trees to be removed are not historic. Archival research conducted by County staff (summarized on page 52 of the Revised MND) did not identify any connection between the Canary Island palm trees along Modoc Road and Pearl Chase or any other person of historical interest. Other comments discuss potential inconsistencies of the project with the Land Trust's conservation easement at the Modoc Preserve and not the adequacy of the Revised MND. See responses to Warren & Deb Thomas' comment letter. Your opposition to the proposed project is noted.

From: Libby Erickson <[libbyerickson@gmail.com](mailto:libbyerickson@gmail.com)>  
Sent: Tuesday, October 11, 2022 12:04 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Road Bike Path Project

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Morgan Jones,

My family lives at 202 Las Palmas Drive. We are the first house on the left once you cross Via Senda going into Hope Ranch. My main concern about the bike path is first and foremost what visual barrier will be implemented between Modoc and Las Palmas. The plans seem to indicate the bike path will be directly across Las Palmas from our driveway. All that will remain will be a small open strip of land between Las Palmas, the bike path and Modoc. We hope that the County plans enough vegetation to create and maintain a visual barrier between Las Palmas and Modoc so we don't see just 4 lanes of traffic and a bike path between.

Secondly, we are very fortunate being able to walk our dog right across Las Palmas to access the Modoc Preserve. We love the quiet and natural condition of this open space (including all the trees bordering it on Modoc.) We also understand the desire for a very safe bike path. We just hope that can be created in the least intrusive manner to the Modoc Preserve.

Thank you,  
Elizabeth Erickson

Resident of 202 Las Palmas Drive, Santa Barbara, CA 93110 Sent from my iPhone

**Commenter:** Elizabeth Erickson

**Date:** October 11, 2022

**Response:**

Tree removal associated with the proposed project would not result in the loss of a visual barrier between Modoc Road and Las Palmas Drive, except possibly near Via Senda. Path Alignment B has been designed to minimize adverse effects at the Modoc Preserve while providing separation from Modoc Road.

Santa Barbara County Board of Supervisor  
105 E Anapamu Street  
Santa Barbara, CA 93101  
[sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)

I am writing in support of the Modoc Multi Use Path. I am an avid equestrian and have lived near and ridden in the Modoc Preserve for 50 years. I am currently on the Board of Hope Ranch Riding and Trails Association (HRRTA) which has been deeply involved and included in the planning process and will continue to be involved until it is completed. Once the plan is approved, we can begin to fine tune some of the issues like: making sure there is ample separation between the path and the equestrian trail so that it is safer for all; selecting the type of fence and/or plantings along the MUP that would keep those users from uncontrolled access to the preserve; making sure the entrance into the preserve coming across Modoc from around Vista Clara is safe for equestrians. I am certain that the County will continue to seek our advice to ensure that the finished path is safe for everyone.

In addition to the equestrian issues, there are many benefits the multi use path will provide.

A safer ADA compliant trail from the west end of the Obern Trail to the east end at Via Senda.

Provide funding for a speed study along this stretch of Modoc. This has been a long time request of local residents.

Funding would include a crosswalk toward the Eastern end that would allow safer access to the Preserve for all.

Funding includes native plant restoration into the area along the path.

This valley is rich in cultural and natural history. Funding includes installation of educational signage that would encourage more interest in supporting the Modoc endowment.

I hope that you will approve Alignment B as the preferred alternative. Once it is completed, it will benefit all groups and create a safe path through the Modoc corridor.

Terri Jo Ortega  
365 Arboleda Road  
Santa Barbara, CA 93110  
805-455-7109  
[tjortega2@gmail.com](mailto:tjortega2@gmail.com)

**Commenter:** Terri Jo Ortega

**Date:** October 11, 2022

**Response:**

The proposed project would not provide a speed study along Modoc Road, a crosswalk or native plant restoration along the proposed multi-use path. However, replacement oaks may be planted along the path where space is available. Your support of the proposed project is noted.

**From:** Jordan Thomas <[jordanthomas@ucsb.edu](mailto:jordanthomas@ucsb.edu)>  
**Sent:** Tuesday, October 11, 2022 6:58 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Morgan,

I am emailing you to voice my support for the construction of the Modoc Multiuse path. I am a UCSB researcher and a member of the Graduate Student Association. Our graduate student population is almost 3000, and many of us depend upon the bicycle path for access to Santa Barbara. We would like to see the path be completed because the current route is incredibly dangerous. I am currently mobilizing the graduate student population to ensure that this is a voting issue.

I am also a wildland firefighter. From that perspective, replacing eucalyptus trees for native trees is just common sense.

Thanks so much for working on this.

Best,  
Jordan

--

Jordan Thomas  
PhD Student  
Department of Anthropology  
University of California, Santa Barbara

**Commenter:** Jordan Thomas

**Date:** October 11, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Cindy McCann <[mcwade04@icloud.com](mailto:mcwade04@icloud.com)>  
Sent: Tuesday, October 11, 2022 8:08 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Multi UsePath

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am in favor of creating the Modoc Multi Use Path connecting SB to the UCSB campus.  
Cindy McCann  
3713 Hitchcock Ranch Rd  
Santa Barbara

Sent from my iPhone

**Commenter:** Cindy McCann

**Date:** October 11, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Nancy Upton <[nancyup78@gmail.com](mailto:nancyup78@gmail.com)>  
Sent: Tuesday, October 11, 2022 8:30 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc bike oath

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am in favor of building the Modoc multi use path

Nancy Upton

Sent from my iPhone

**Commenter:** Nancy Upton

**Date:** October 11, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Susan Horne <[susanhorne@cox.net](mailto:susanhorne@cox.net)>  
**Sent:** Tuesday, October 11, 2022 10:03 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Support for Modoc bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I believe that Revised Mitigated Negative Declaration (MND) is sufficiently adequate and complete for this long-needed Coastal Trail gap connection of Modoc Road that will bring so much community benefit and safe access for so many. I live on this road nearby the proposed construction.

Susan Horne  
805-962-2415  
3775 Modoc Rd, Apt. 101, SB, CA 93105

**Commenter:** Susan Horne

**Date:** October 11, 2022

**Response:**

Your comments do not refute the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Don Lubach <[donlubach@gmail.com](mailto:donlubach@gmail.com)>  
**Sent:** Wednesday, October 12, 2022 8:56 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Revised Modoc Multi-Use Path -- I support it

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I have read the updated document 22NGD-00000-00003

Love it. Support it. Let's do it.

Because of good bicycle infrastructure, I can go weeks without using a car. I don't have to join a gym. I don't require a therapist. I smile more than most people.  
I am so excited about this project. Please call upon me if I can help replace trees, help with maintenance, or do whatever you need to be part of a more cycling and less driving world.

Don Lubach  
5082-D Rhoads Ave 93111  
805-722-2349  
[donlubach@gmail.com](mailto:donlubach@gmail.com)

**Commenter:** Don Lubach

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** [bonesjazz0@gmail.com](mailto:bonesjazz0@gmail.com) <[bonesjazz0@gmail.com](mailto:bonesjazz0@gmail.com)>

**Sent:** Wednesday, October 12, 2022 9:50 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** KEEP MODOC PRESERVE COUNTRY

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

NO NEW BIKE PATHS

SAVE THE TREES

NO MORE PAVEMENT

THIS ISN'T ROCKET SCIENCE

MIKE GLICK

**Commenter:** Mike Glick

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.



Dear Sir

I enjoy walking the multuse path every day. I use a walker. Sometimes the bicyclists pass, sometimes two abreast which makes it a bit crowded! The electric cycles whiz by & tend to pass close to me which is scary - wish they were travelling on bike path beside road so they go so fast.

Ann Smeethers  Save the Children.  
805 6825268



Although there are stop signs - these are frequently ignored a several time cars approaching from Palermo & other streets approaching Medoc have to brake swiftly to avoid accidents several people I know have had to avoid <sup>the hazard of</sup> collisions with the bicyclists.

Thank you <sup>et Smithers.</sup>

re bike path - Medoc.



Save the Children.

Ann Smithers 805 682 5268



Mrs. Ann Smithcors  
736 Calabria Dr.  
Santa Barbara, CA 93105

SANTA BARBARA CA 931

4 OCT 2022 PM 2 L



Morgan Jones  
123 E Anapamu St

Santa Barbara CA 93101

93101-202589

**Commenter:** Ann Smithcors

**Date:** October 41, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** wendy hawksworth <[hawksworthw86@gmail.com](mailto:hawksworthw86@gmail.com)>  
**Sent:** Wednesday, October 12, 2022 3:04 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Revised Mitigated Negative Declaration for Modoc Road Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

There are places in our county that are special because of their trees, their animal life, their topography. Some of these places were planned, others are fortuitous. I think that the little grove of palms, eucalyptus and coast live oaks along Modoc Road near Hope Ranch is probably fortuitous. But however it came to be it is a lovely shady route that people enjoy as they drive and bicycle on Modoc. The class 2 bikeway has not been elaborate but has provided access.

Adjacent to the bikeway on its south side is the Modoc Preserve. Many of the areas' trees grow here and this is open space enjoyed by neighbors and other visitors alike. Children play here, people walk their dogs here and ride their horses, people do impromptu nature studies, watch monarch butterflies, take photographs.

I am in favor of protecting the views, the trees, the wildlife and open space along Modoc. I think that class 2 bikeway has been a good match with the crosswalk at Encore Drive getting school children to Vieja Valley School, and adults to UCSB and other destinations.

Cyclists and pedestrians have just gained some nice class 1 mileage on Las Positas and the Vista Del Monte section of Modoc Road. While the Las Positas route seems popular, the Modoc route seems less so. Many riders still use the edge of the road bikeways. Maybe they are commuting and it is faster. Would this happen between Via Senda and Encore Drive as well? Removing trees and altering an open space already being used by the public does not seem to be a good way to find out.

Listening to the public seems like a better option

Sincerely,

Wendy Hawksworth  
[Hawksworthw86@gmail.com](mailto:Hawksworthw86@gmail.com)

Sent from [Mail](#) for Windows

**Commenter:** Wendy Hawksworth

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** [jaynejohnn10@gmail.com](mailto:jaynejohnn10@gmail.com) <[jaynejohnn10@gmail.com](mailto:jaynejohnn10@gmail.com)>

**Sent:** Wednesday, October 12, 2022 3:22 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** Modoc Preserve

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan,

I am writing to you regarding plans to change the Modoc Preserve bike path. This is one of the few open spaces left in Santa Barbara. I just came back from Seattle, a city much larger than Santa Barbara, and was amazed at how many parks, streams, and open spaces available to the public. It is my understanding that the Modoc property became legally protected from development in 1999. The full intent of this Conservation Agreement managed by Land Trust for Santa Barbara County, was to protect this open space for this generation, and future generations to come.

I have lived in Santa Barbara since 1980 and have enjoyed the wonderful feel and natural beauty of the Modoc pathway. Please do not take that away. Please do not remove any trees.

Regards,  
Jayne Johann

**Commenter:** Jayne Johann

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

From: Jacqueline <[bspirit@silcom.com](mailto:bspirit@silcom.com)>  
Sent: Wednesday, October 12, 2022 4:04 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Save the Modoc Preserve Trees

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please do not break the public trust and the public access to the NATURAL TREE LINED Modoc Preserve!

The trees and the rare bucolic open space are home to wildlife and human SANITY.

Santa Barbara is NOT Orange County!!!

The NATURAL ecosystem is a community treasure and we hold our public servants accountable.

~jacqueline

**Commenter:** Jacqueline

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** [bonnieblakley@cox.net](mailto:bonnieblakley@cox.net) <[bonnieblakley@cox.net](mailto:bonnieblakley@cox.net)>

**Sent:** Wednesday, October 12, 2022 4:33 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Cc:** 'Blakley Jim' <[jimblakley@cox.net](mailto:jimblakley@cox.net)>

**Subject:** Modoc bike path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi Morgan,

I hear we are to let you know of our feelings about the new bike path. We are in favor of it.

Cheers!

Bonnie

**Commenter:** Bonnie Blakley

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Fraser Black <[fraser\\_black@yahoo.com](mailto:fraser_black@yahoo.com)>  
**Sent:** Wednesday, October 12, 2022 4:37 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Path - Environmental Impact MND

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi Morgan,

I just want to express my support for the current Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project. I'm impressed by the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward. It looks like the documents are all in order and I agree that the effects to the environment will be minimal. To me the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement.

Please help make this path a resource for all people living in the Santa Barbara area.

Thanks,

Fraser Black  
In the Mesa on Palisades Ave  
Santa Barbara, CA

**Commenter:** Fraser Black

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** David Madajian <[madajian@yahoo.com](mailto:madajian@yahoo.com)>  
**Sent:** Wednesday, October 12, 2022 4:38 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc path comments

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

As a long time Santa Barbara commuting cyclist I have some comments on the new Modoc path: I think it is a good idea, but I really think it should be restricted to human power (walking and bicycle). More and more the bike paths in Santa Barbara are being taken over by high powered electric motorcycles and motorized bicycles. All motor (gas *and electric*) powered vehicles should stay on the street or shoulder. It would be good to have signs indicating this as well as enforcement. Motorized vehicles are already not allowed by law on paths, but it is widely ignored and certainly not enforced.

I am an environmentalist, but have no problem taking out all the trees you want for the path. Especially non-native trees should go. The non-native trees are a fire and limb falling hazard.

Regards,

David Madajian

**Commenter:** David Madajian

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** Yvette Keller <[yvette.keller@gmail.com](mailto:yvette.keller@gmail.com)>  
**Sent:** Wednesday, October 12, 2022 4:39 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:**

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan,

I am writing because as a Mesa resident, I feel that the benefits of providing a safe and accessible path that connects the coast to Goleta for all users justifies the impact to the area within the Modoc Preserve conservation easement.

I am excited to see the project move forward and support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project.

Please reach out if I can support the creation of this vital bicycle commute route in any other way,  
Yvette Keller  
(650) 248-3103 (cell)

Author & Narrator - <http://www.yvettekeller.com/>  
Owner, Mesa Steps Consulting - <http://www.mesasteps.com>

**Commenter:** Yvette Keller

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** [davemont@vanerp.org](mailto:davemont@vanerp.org) <[davemont@vanerp.org](mailto:davemont@vanerp.org)>  
**Sent:** Wednesday, October 12, 2022 4:43 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** FW: Modoc Road bike lane

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project and would like to see the multi-use path approved, implemented, and completed.

Dave Montague

**From:** [davemont@vanerp.org](mailto:davemont@vanerp.org) <[davemont@vanerp.org](mailto:davemont@vanerp.org)>  
**Sent:** Tuesday, September 6, 2022 7:14 AM  
**To:** 'ecamarena@countyofsb.org' <[ecamarena@countyofsb.org](mailto:ecamarena@countyofsb.org)>  
**Subject:** Modoc Road bike lane

I support removing non-native trees along Modoc (or anywhere) for bike lanes.

Dave Montague  
3509 Los Pinos Dr  
Santa Barbara CA 93105

**Commenter:** Dave Montague

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Christiane Schlumberger <[c.schlumberger@me.com](mailto:c.schlumberger@me.com)>  
**Sent:** Wednesday, October 12, 2022 4:46 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello.

I am writing in support of the Modoc Multi-Use Path, alignment B.

- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project.
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward.
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the relatively light impact to the area within the Modoc Preserve conservation easement.

Thank you for your consideration.

Sincerely,

Christiane Schlumberger  
Santa Barbara

**Commenter:** Christine Schlumberger

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Jim McClellan <[mccllellan4sb@hotmail.com](mailto:mccllellan4sb@hotmail.com)>  
**Sent:** Wednesday, October 12, 2022 4:48 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Road Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Over the past 50 years, living in Santa Barbara, I have bicycled many times along the Modoc corridor and feel there is a definite need for this multi-use path. I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement and I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project.

Jim McClellan  
1024 Garden Street  
Santa Barbara, Ca 93101

**Commenter:** Jim McClellan

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Richard Lambert <[rlambert4@cox.net](mailto:rlambert4@cox.net)>  
Sent: Wednesday, October 12, 2022 4:54 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Multi-Use Path project'

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Morgan,

As a 70 year old 50 year resident of the Santa Barbra community I would like to recommend that the bike path connection currently working it's way through the system be completed.

I have one friend who crashed on his bike on that road (tree roots) and was lucky he wasn't run over while he was on the ground.

As a former groundskeeper at the Hope school adjacent to the path it would be a shame if the children riding bikes to school couldn't have a separate path for one small section because of a few neighbors...

As a long time member of the Bike Coalition I ask for this as not everyone is comfortable riding next to cars at high speeds.

Having worked next to the open space for years I don't see the path or the loss of a few trees as being a reason to forego the path. Please do what you can to see the path is finished and connected to the existing ones!

Regards, Richard Lambert (local resident, taxpayer and cyclist)

**Commenter:** Richard Lambert

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Lyle Harlow <[lyleharlow@gmail.com](mailto:lyleharlow@gmail.com)>  
**Sent:** Wednesday, October 12, 2022 5:05 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

## Morgan Jones

- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

Thank you for your time

--

-----

Lyle Harlow  
805-708-4671

**Commenter:** Lyle Harlow

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Moe Duris <[moeduris@yahoo.com](mailto:moeduris@yahoo.com)>  
Sent: Wednesday, October 12, 2022 5:06 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Bike Path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I appreciate the on going efforts to satisfy citizen concerns about the construction of the Modoc bike path. I support the present proposal and hope the project will go forward. The proposal will have minimal impact to the neighboring preserve and save a maximum amount of trees.

Maureen Duris  
111 Crestview Lane  
Santa Barbara, CA 93108

Sent from my iPhone

**Commenter:** Maureen Duris

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Jim Balter <[Jim@balter.name](mailto:Jim@balter.name)>

**Sent:** Wednesday, October 12, 2022 5:13 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** In regard to the Modoc Multi-Use Path project's Revised Mitigated Negative Declaration (MND)

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I have read this document and am impressed by its thoroughness, attention to detail, and the responsiveness to previous statements of public concern.

I think that this plan will provide a safe and accessible path for all users and is well worth the minimal impact to the Modoc Preserve and other areas.

I support the project and the plan and would like to see the project move forward.

Thank you.

Sincerely,

Jim Balter

Santa Barbara resident, environmentalist, cyclist, walker

**Commenter:** Jim Balter

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Don <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>  
Sent: Wednesday, October 12, 2022 5:17 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Revised MRN Modoc Pathway

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello,

This attempt at circumventing a full and complete EIR is a total waste of tax payers money.  
The bicycle coalition should not trying to do this in a legal manner.

I am never going to support the bicycle coalition again.

Don Miller

Sent from my iPhone

**Commenter:** Don Miller

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Shad Springer <[shad\\_springer@yahoo.com](mailto:shad_springer@yahoo.com)>  
**Sent:** Wednesday, October 12, 2022 5:24 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Local resident expressing support for Modoc bike path proposal

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi Morgan,

I am a bike commuter who lives in downtown Santa Barbara and works in Goleta. As such, I bike on Modoc and the bike path twice a day, five days a week. In regards to the proposed new bike path on Modoc, here are my comments:

- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

While these words may be a cut-and-paste, know that I 100% agree with them. The trees proposed for removal are non-native. Furthermore, the benefits of getting more and more people out of their cars and commuting by bicycle to work will have a far greater impact on our air quality, local traffic, and climate change than the removal of a few dozen non-native, invasive trees.

Sincerely yours,  
Shad Springer

**Commenter:** Shad Springer

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Don <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>  
Sent: Wednesday, October 12, 2022 5:35 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: MRN Modoc bike pathway

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I'm curious I see these E Bikes on so many bicycle pathways. This new proposed one is going to be built next to the equestrian horse trail that the Hope Ranch residents ride on. Who is liable for an accident since that wasn't covered in the revised MRN ?

Don Miller

Sent from my iPhone

**Commenter:** Don Miller

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** Meg Miller <[megzeemiller@gmail.com](mailto:megzeemiller@gmail.com)>  
**Sent:** Wednesday, October 12, 2022 5:44 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Project Support

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

- Dear Mx. Jones,
- 
- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project.

Thank you.

Meg Miller

**Commenter:** Meg Miller

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Michael G. <[michael.guinn@mac.com](mailto:michael.guinn@mac.com)>  
**Sent:** Wednesday, October 12, 2022 6:05 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi Morgan,

I began using the Obern Trail in the late 70s in High School when I lived in Isla Vista with my broke mom and sister. IV was the only place we could afford, and that bike path was a wonderful way to shoot downtown. Now, 40+ years later I'm a homeowner on the Mesa and I still love cycling for exercise. I ride from our home near Lazy's to Goleta Beach and back and my biggest fear is still being hit by a car.

I wear the crazy bright highlighter jacket, have 2 rear red lights, and a halogen in front. I do everything I can to be seen and the completion of the Las Positas multi-use path has already raised the odds that I will ride safely. There's just one more stretch that is still quite exposed: Modoc from Calle de Los Amigos to the entrance to the Obern near State.

I'm writing in obvious and complete support of the "Revised Mitigated Negative Declaration (MND)" for the Modoc Multi-Use Path project. People's lives and livelihoods are far more important than a few palm trees in So. Cal. I'm sorry that I cannot grieve the loss of palms to protect human lives. That being said, I believe that everyone is trying to do the right thing and more trees will be planted, etc....

I do appreciate the County's efforts to get this done in response to tree huggers and cyclists who don't want to die. I can't imagine I don't speak for everyone who cycles in this town who has not nearly (or otherwise) been hit by a car. This path will save life and limb. Even if a car doesn't kill you, the injuries can change your life for the worse. The MND looks good enough and we need to move this project forward. The impact on the environment will be minimal because we have fantastic builders and landscapers who are already taking all of that into account.

The need for this safe, accessible path for all users significantly outweighs the minor impact on the Modoc Preserve conservation easement, which more people will actually see and appreciate and want to protect as they cycle in it.

Thank you for making this happen.

Michael Guinn

cell: 805.252.9695 [texting enjoyed]

**Commenter:** Michael Guinn

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Susan Shields <[shields3033@netscape.net](mailto:shields3033@netscape.net)>  
**Sent:** Wednesday, October 12, 2022 6:15 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Alignment B of the Modoc path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I live in the City of Santa Barbara. Having read the description of the revised plan for the Modoc path in which is stated:

"None of the 47 mature Canary Island palms lining the subject segment of Modoc Road would be removed, and trees south of the multi-use path alignment would remain and continue to provide a park-like visual setting. Therefore, project-related changes to the visual character of Modoc Road would be minor and considered a less than significant impact."

I support Alignment B.

Susan Shields  
3033 Calle Rosales, SB 93105

**Commenter:** Susan Shields

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Robert Taylor <[rtaylorpe@cox.net](mailto:rtaylorpe@cox.net)>  
**Sent:** Wednesday, October 12, 2022 6:50 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc MMD

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello,

I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project.

I commute by bike to work from my home on the Mesa to my office in Goleta. The improvements along Las Positas make my daily bike commute safer and more enjoyable.

The extension of the bikeway along Modoc is an essential “next step” toward safer and convenient bike commuting.

Thank you  
Robert Taylor  
Santa Barbara CA

**Commenter:** Robert Taylor

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** JAmy Brown <[j.amy.brown@att.net](mailto:j.amy.brown@att.net)>

**Sent:** Wednesday, October 12, 2022 6:36 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; Supervisor Das Williams <[SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org)>; Elliott, Darcel <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>

**Subject:** Modoc Path Comment--opposition

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I have read the R-EIR on the Modoc path and I do not believe the environmental and aesthetic damages have been effectively mitigated. I can find no need to destroy an historic palm lane for a bike lane. The palm trees MUST be saved as they are a visual touchstone for that neighborhood and the entire Santa Barbara community. They have historic relevance (has this landscape removal been reviewed by HLAC?) and they ADD to the aesthetics and environmental health of Santa Barbara.

Communities all over California are replacing heat-retaining asphalt with cooler greenscapes--reducing pavement temps by 5-10 degrees! Why is SB out of step with current cooling climate-related landscaping? We should be adding shade--not removing it with hot, black, heat-retaining asphalt!

Alternative transportation is important, but not at the cost of local history, aesthetics and environment. As a senior I would NEVER be able to use this path for the stated use of transporting groceries on a bike, but I very much enjoy looking at (and painting) the palm lane--which is older than I am!

I believe the path can be suitably redesigned and relocated--serving all needs-- therefore I oppose this revised plan as presented.

Thank you,

J'Amy Brown, 28-year Santa Barbara County resident, former Commissioner HLAC; Former Commissioner, Montecito Planning Commission; member COAST;

**Commenter:** J'Amy Brown

**Date:** October 12, 2022

**Response:**

The palm trees to be removed are not historic as discussed on page 52 of the Revised MND. The multi-use path would be surfaced with pervious materials and not black asphalt. Aesthetic impacts associated with tree removal are fully addressed in the Revised MND. Your opposition to the proposed project is noted.

**From:** Joshua Patlak <[jpatlak@aol.com](mailto:jpatlak@aol.com)>  
**Sent:** Wednesday, October 12, 2022 7:20 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** MODOC yes!

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

Joshua Patlak

**Commenter:** Joshua Patlak

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** [daybreese@aol.com](mailto:daybreese@aol.com) <[daybreese@aol.com](mailto:daybreese@aol.com)>

**Sent:** Wednesday, October 12, 2022 7:22 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** The revised bike path for Modoc

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Morgan,

I am in support of the revised bike path initiative that takes the route off the side of Modoc and to behind the ancient palms. I support this because as a cyclist it will not only be a much safer route being not adjacent to traffic but also a nicer route away from cars and closer to nature.

Thank you for supporting this alternative route.

Helena Breese

**Commenter:** Helena Breese

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** [heather@movesbcounty.org](mailto:heather@movesbcounty.org) <[heather@movesbcounty.org](mailto:heather@movesbcounty.org)>  
**Sent:** Wednesday, October 12, 2022 8:34 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Cc:** Friedlander, Mark K. <[mkfriedlander@countyofsb.org](mailto:mkfriedlander@countyofsb.org)>  
**Subject:** RE: Revised MRN Modoc Pathway...comment from Don Miller

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Mr. Jones,

Don Miller forwarded the email he sent to you to us. I just wanted to let you know that he is not a supporter of our organization. He signed up 2 months ago to receive our newsletters/e-blasts and provided no name and a fake address.

Sincerely,

Heather

Please note: my email has changed to [Heather@MoveSBCounty.org](mailto:Heather@MoveSBCounty.org)

**Heather Deutsch**

*Executive Director*

**MOVE, Santa Barbara County (formerly SBBIKE+COAST)**

P: 805.845.8955 x 1

**From:** Don <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>  
**Sent:** Wednesday, October 12, 2022 5:18 PM  
**To:** [Admin@movesbcounty.org](mailto:Admin@movesbcounty.org)  
**Subject:** Fwd: Revised MRN Modoc Pathway

Sent from my iPhone

Begin forwarded message:

**From:** Don <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>  
**Date:** October 12, 2022 at 5:16:56 PM PDT  
**To:** [mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)  
**Subject:** Revised MRN Modoc Pathway

Hello,

This attempt at circumventing a full and complete EIR is a total waste of tax payers money. The bicycle coalition should not trying to do this in a legal manner.

I am never going to support the bicycle coalition again.

Don Miller

Sent from my iPhone

**Commenter:** Heather Deitsch, MOVE Santa Barbara

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** STEVE NELSON <[nelsound@mac.com](mailto:nelsound@mac.com)>  
**Sent:** Wednesday, October 12, 2022 10:19 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To the Santa Barbara County Board of Supervisors,  
Care of Morgan Jones,

I am writing in support of the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path Project. I write as a citizen, a cyclist, a walker, a driver, and an enjoyer of our open spaces and the beauty of our locale.

Maintaining the scenic beauty that helps define us is no easy task; it is a balancing act between so many factors, including all those categories mentioned above. One way forward includes safe alternative modalities of transportation; cycling is certainly one. Perhaps the primary reason more people aren't riding bikes as transportation is plain old fear for their personal safety. This multi-use path provides another piece of that growing infrastructure, that will someday make Santa Barbara County a truly bicycle friendly place.

The protests raised against the earlier version of this plan had their points, to be sure. The County has listened and responded. I find the document to be complete and agree that the effects to the environment will be minimal and that the benefits of this project more than justify the minor impact too the area within the Modoc Preserve conservation easement.

Yours sincerely,

Steve Nelson  
451 Albany Ct.  
Goleta, CA 93117

Vice-president  
Echelon Santa Barbara Bicycle Club  
<http://echelonsantabarbara.org>

steve nelson, vice-president  
Echelon Santa Barbara

818/612-1383

**Commenter:** Steve Nelson

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Sebastian Baum <[sebastian.baum@betterearth.solar](mailto:sebastian.baum@betterearth.solar)>

**Sent:** Wednesday, October 12, 2022 6:51 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** Please save the Modoc preserve

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I play here every evening with my young son and would be sad to see it encroached by high speed bike freeway. Not only is it a bad idea but also illegal and inconsistent with its preserve status. When he is old enough to take himself to Vieja Valley I am concerned about safety of crossing the street. This plan is also dangerous for the handicapped while the neighborhood roads are in disrepair as is making skateboarding near impossible. The reports are riddles with lies about their destruction of native trees, the value of mature trees, and the diversity of wildlife that use this preserve. Please do the right thing and stop the project.

**Commenter:** Sebastian Baum

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** j napel <[napelg@hotmail.com](mailto:napelg@hotmail.com)>  
**Sent:** Thursday, October 13, 2022 5:36 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc project alignment b

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello, I am a local cyclist that uses Modoc Hill daily. I appreciate the request to change the plans to accommodate not taking down as many trees

- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

Thank you,

Sent from my Verizon, Samsung Galaxy smartphone

**Commenter:** J. Napel

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



*Educate. Advocate. Agitate.*

#### Officers

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Susan Rose  
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October 12, 2022

ATT: Morgan Jones  
Santa Barbara County Board of Supervisors  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)

Dear Santa Barbara County Board of Supervisors:

The Santa Barbara Gray Panther Network advocates on behalf of older adults by working independently and in coalition with others to achieve social and economic justice, to promote a clean and sustainable environment, to support quality and affordable health care, to create and maintain safe, affordable housing for all income levels as well as addressing other quality of life issues.

After reviewing the available materials on the proposed Modoc Road multi-use path, the Santa Barbara Gray Panther Network supports Alternative B. This alternative will do the least ecological damage, and while we would prefer that no tree removal would occur, we recognize that after much study and discussion only two viable alternatives have been found to be feasible. We strongly support bicycle safety, and recognize that many seniors – including members of our organization - are bicyclists who sometimes use Modoc Rd. Alternative B has emerged as the best way to balance the safety needs of bicyclists with ecological preservation. We also understand that this project cannot go forward, even with County approval, without the support of the Water Company and approval of the Land Trust. We hope that the County can adequately address their concerns; our support is contingent on their approval.

**Commenter:** Gray Panthers

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** Nancy Mulholland <[nmulholland.sbbc@gmail.com](mailto:nmulholland.sbbc@gmail.com)>  
**Sent:** Thursday, October 13, 2022 7:54 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc MultiUse Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project and appreciate the County's efforts in making changes to the project to address concerns, particularly realigning the proposed path to minimize the number of trees to be removed.

I find the document to be complete and agree that the effects to the environment are minimal and can be mitigated.

I feel the benefits of providing a safe and accessible path for all users through this corridor significantly outweigh the impact to the area within the Modoc Preserve conservation easement and would like to see the project move forward to the next phase of design and permitting.

Thank you,

Nancy Mulholland  
County Resident

**Commenter:** Nancy Mulholland

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Gmail <[twoonthree@gmail.com](mailto:twoonthree@gmail.com)>  
Sent: Thursday, October 13, 2022 8:31 AM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc multi use path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Living off of Modoc and being a cyclist and walker of this area it would be amazing to have this path completed as a safe way to bike and walk through the neighborhood without having to worry about the fast traffic that uses Modoc running me over. I really am enjoying the path finished on Modoc down Las Positas whic means I can safely walk to the beach or up to the Mesa without walking in a busy street.

Sent from the ends of the earth 😎

**Commenter:** twoonthree

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** David Scott <[dscottzzz@yahoo.com](mailto:dscottzzz@yahoo.com)>  
**Sent:** Thursday, October 13, 2022 8:56 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path project

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I've read the document related to Modoc Multi-Use Path project and hope the project is approved.

As a frequent bike commuter along Modoc I would be ecstatic to see the route made safer (especially during the winter ride home from work days).

On the subject of environmental impact I'm not an expert, but I would venture to bet that an increase in use of this route will benefit the environment a lot more than any negative impact.

Thank You

David Scott

**Commenter:** David Scott

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Houston R Harte <[houstonrharte@me.com](mailto:houstonrharte@me.com)>

**Sent:** Thursday, October 13, 2022 9:34 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** I support the Modoc Multi-use trail

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

- My grandchild will use the path to get to school

Houston Harte

- 
- 
- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

**Commenter:** Houston Harte

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** donna20601 donna206014 <[donna206014@cox.net](mailto:donna206014@cox.net)>  
**Sent:** Thursday, October 13, 2022 9:39 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** My opposition to proposed Modoc Road new bikepath

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

October 13, 2022

To: Morgan Jones

County of Santa Barbara

I live in the neighborhood that is affected by the proposed bikepath on Modoc Road and am writing you because I am opposed to such a massive and unnecessary project. As you are aware the current bike path ends at Nogal Road. There is no separate bike path for several blocks along Nueces Drive and Arroyo Road, it is just the street itself. The separate bike path then restarts along More Mesa Drive. Clearly there is no continual separate bikepath even if this proposed new project on Modoc Road is completed.

Unfortunately with the recent proliferation of electric bicycles, those of us in the neighborhood have to put up with groups of speeding electric bike riders. Many of these are out of town tourists on rental bikes sponsored by the City of Santa Barbara and available for rent on City sidewalks.

This project claims to be paid for by "Grant Money", which is just another name for our tax dollars. Why cannot we spend less money and restripe Modoc road? I totally object to removal of any of the old Canary Palms in the Modoc Preserve to cater to a specific hobby, bicycling, supposedly under the guise of addressing climate change. I am a member of the Land Trust for Santa Barbara County, which owns the Modoc Preserve. Our donations purchased the Modoc Preserve to be maintained as a preserve for walking, birdwatching, horseback riding, not for accommodating speeding motorized and non-motorized bicyclists and their personal hobby.

Thank you,

Donna Chandler

4587 Atascadero Dr

Santa Barbara, CA 93110

**Commenter:** Donna Chandler

**Date:** October 13, 2022

**Response:**

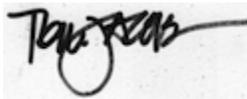
Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Tom Jacobs <[tomejd@cox.net](mailto:tomejd@cox.net)>  
**Sent:** Thursday, October 13, 2022 10:43 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Support Modoc Project; Continue a Good Thing!

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Regards,

Tom

A handwritten signature in black ink, appearing to read "Tom Jacobs", with a horizontal line extending to the right.

Tom Jacobs, AIA

Ensberg Jacobs Design

805.455.5857

[www.ensbergjacobsdesign.com](http://www.ensbergjacobsdesign.com)



**Commenter:** Tom Jacobs

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** David Parker <[davesdecoys@hotmail.com](mailto:davesdecoys@hotmail.com)>  
**Sent:** Thursday, October 13, 2022 11:11 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Preserve Multi Use Trail project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Sir,

I am typing this letter to inform you of my disappointment with your actions concerning the Modoc Preserve Multi Use Path. You have been tasked with the protection and caring for natural treasures in Santa Barbara county of which this is one. There must be an environmental Impact report before any action can begin on or near the preserve. You cannot in good conscious cut down any trees near the preserve and pave a 14 foot wide ribbon of asphalt through this preserve for e-bikes. There was a neighborhood effort after the Painted cave fire burned down several trees in the preserve. Many families from the neighborhood came out and planted oaks and then cared for the them for a year following. There was a promise that all trees would be protected forever. Your actions show a disregard for this promise and for the residents of Modoc road. You have had several missteps since taking on this project. I urge you to abandon this project and wash your hands and come clean. Please get out of the Modoc Preserve and start working for the people not special interests.

Thank you

David Parker

Modoc resident since 1975

Sent from [Mail](#) for Windows

**Commenter:** David Parker

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** James Jackson <[jjackson@sbunified.org](mailto:jjackson@sbunified.org)>  
**Sent:** Thursday, October 13, 2022 11:39 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Car kills cyclist.

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

- Please finish the bike path.... Thank you.
- 
- 
- I support the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project
- I appreciate the County's efforts and responsive changes that have been made to the MND and would like to see the project move forward
- I find the document to be complete and agree that the effects to the environment will be minimal
- I feel the benefits of providing a safe and accessible path for all users significantly outweigh the ultimately light impact to the area within the Modoc Preserve conservation easement

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(Ctrl-V/Cmd-V)

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CONFIDENTIALITY NOTICE: This is a transmission from the Santa Barbara Unified School District and may contain privileged and confidential information. It, and any attachments, are intended only for the addressee(s). If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication and its attachments is strictly prohibited by applicable state and federal law. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and attachments.

Santa Barbara Unified School District - "Every child, every chance, every day."

**Commenter:** James Jackson

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Catherine Brozowski <[catherine@audaciousfoundation.org](mailto:catherine@audaciousfoundation.org)>  
**Sent:** Thursday, October 13, 2022 11:52 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I know there have been questions about the Modoc path. While I understand and cherish our trees, we NEED a safe biking path. I regularly ride Modoc with my family and we love to go from SB out to Goleta. There are several stretches that feel very unsafe for bike riders. We highly value the new biking pathways that have been built thus far. Please develop a path to connect the route entirely for us cyclists to keep us and our young children safe.

Thanks,  
*Catherine*

Catherine Brozowski  
Executive Director



805.564.2186  
[catherine@audaciousfoundation.org](mailto:catherine@audaciousfoundation.org)  
[www.AudaciousFoundation.org](http://www.AudaciousFoundation.org)

**Commenter:** Catherine Brozowski

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Ash Cannon <[cannon\\_ash@yahoo.com](mailto:cannon_ash@yahoo.com)>  
**Sent:** Thursday, October 13, 2022 12:43 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi,

I just wanted to comment on the Modoc multi-use path decision, as the road in that location is very narrow, and currently dangerous for bikes to travers. There is already space off-road for horses, and I don't see why we cannot expand that for multi-use to include bicycles etc. This would also connect with the already established bike path that leads to UCSB, which is very popular among commuters and recreational users.

Thanks for your time,  
Ash Cannon  
Santa Barbara Resident

**Commenter:** Ash Cannon

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

On Oct 13, 2022, at 10:48 AM, Colleen Beall <[colbeall@gmail.com](mailto:colbeall@gmail.com)> wrote:

Don, I am very concerned about the proposed bike path, particularly after seeing the stakes last weekend when I was riding on the trail. It was shocking to see how many trees will be cut to accommodate this trail. Where is the Land Trust? The loss of all of those trees will irretrievably change the flora and fauna so painstakingly re-created in the preserve. It will change the temperature and make it difficult to maintain a wetland. I have not had a chance to review the Negative Declaration but I very much wish a trained biologist would weigh in on the biological impacts.

As far as the incompatibility with the horse back riding, I completely agree with you that this will be dangerous and not feasible. Furthermore, I have ridden on the trails in that valley for over 50 years. I have a prescribed easement to the use of those trails - both through the valley and near the road. There are other riders that also have ridden there consistently for decades. I do not want my prescriptive easement extinguished or negatively impacted.

I have never seen a project in my entire life that proposed to cut so many trees- and that includes 11 years as a land use attorney, many years representing the County planning commission and Board of Supervisors, and then a 5 year stint on the County Planning Commission. I feel this is unprecedented in Santa Barbara County. I would insist that the planning commissioners and Board of Supervisors take a site visit and walk the entire trail now that it is staked to understand the scope of this loss. I can't imagine what decisionmaker wants this clear cut on their record or conscience. And to have such a biological travesty be at the behest of a governmental project is truly a bad look.

I understand there is a strong desire to continue another link of the bike trail. But I feel the County should consider a modest expansion of the existing bike lane with a barrier between the bike lane and the street even though it won't be as wide as the Las Positas bike lane, save the trees, and accommodate the horse trails that have been there long before there was an idea of a bike lane.

Please share this with the appropriate decisionmakers if possible. I am traveling for a few weeks.

Thank you so much.



Colleen Parent Beall

Broker-Agent

c: (805) 895-5881

e: [colbeall@gmail.com](mailto:colbeall@gmail.com) | [ColleenBeall.net](http://ColleenBeall.net)

DRE # 01201456

**Commenter:** Colleen Beall

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Terease Chin <[tychin@pipeline.sbcc.edu](mailto:tychin@pipeline.sbcc.edu)>  
**Sent:** Thursday, October 13, 2022 1:17 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Bike Path

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

i support the Modoc Bike Path. we need more safe Class 1 bike paths.  
and am not concerned about the impact to the Modoc Preserve conservation easement.  
btw, i got run into by a van while on my bicycle last year.  
thank you.

ken yamamoto  
[yamchin@cox.net](mailto:yamchin@cox.net)

**Commenter:** Ken Yamamoto

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

October 13, 2022

Mr. Morgan Jones  
123 E Anapamu Street  
Santa Barbara Ca 93101

Mr. Jones:

I have lived at 4132 Vista Clara Road since 1986. I have been a Shareholder of the La Cumbre Mutual Water Company (LCMWC) the entire time. My family and I experienced the 1995 Painted Cave fire that blew through the Modoc Preserve and caused mass destruction of 500 homes and properties throughout Santa Barbara County and I have a reminder, everyday, of that fire when I see the beautiful trees that survived that fire and still align Modoc Road. I am talking about the Canary Palms, Eucalyptus, Oak and Pepper Trees, etc.

Being a shareholder and the Modoc Preserve being a legal Preserve, the LCMWC had no right to speak with the County of Santa Barbara about negotiations to build a Class One Bike Path on the Modoc Preserve managed by the Accredited Land Trust of Santa Barbara County.

The revised draft of the Mitigated Negative Declaration (MND) has so many "Less than Significant" and "No Impact" answers throughout the entire Declaration that it proves to be full of misconceptions and significant inadequacies (lies) that do nothing but harm the wildlife and native and non-native trees. I believe Padre Associates fabricates the truth, so the Board of Supervisors can Vote on a project, (not just this one, but all class 1 bike paths) just so it would get passed. Just as the County needs to adhere to Measure A Project Cooperative Agreement, the County needs to adhere to The Deed of Conservations Easement which is a legal document where as the Modoc Preserve will stay "development free" in perpetuity. The Easement area possesses outstanding Conservation Values and consists in part of vernal marsh, southern willow scrub, annual grassland and oak woodland habitat with significant natural, open space, scenic, wetlands, ecological and wildlife habitat values, the preservation and management of which is consistent with present and continued use of the Property for urban open space, injection and extraction water wells (including access roads, pipelines, utility lines and associated equipment, equestrian facilities and educations

purposes and Landowner intends that the Conservation Values of the Easement Area be preserved and maintained by permitting only those land uses in the Easement Area that do NOT significantly impair or interfere with those Conservation values. The County of Santa Barbara has established an OPEN SPACE Element and other policies and zoning ordinances to help preserve Santa Barbara County's wetlands, wildlife habitat and open space lands. The County of Santa Barbara's definition of Access Road through a Legal Preserve does not include a Multi-Use Class One Bike Path. The County (which are Santa Barbara residents) willingness to Cut Down fire survival trees and take away natural wildlife habitat in a Protected Preserve, is ridiculous and disgusting. To remove 40 trees from a Preserve and loss of habitat is never a conservation move. These trees and wildlife are life, they live in a protected area, a greenbelt that is less than a mile long. Not only are they here, as a gift from God to protect and house wildlife and their babies, the trees are here for us, human beings. The trees, native and non-native give us shade, oxygen, beauty and a feeling of warmth and serenity while walking or horseback riding along and under them. They smell delightful and you can hear birds happily singing while the Owls rest only to come out at night and hoot. The wetlands, another gift from God, are full of frogs, ducks and other migrating waterfowl, after our rains. The Modoc Preserve is absolutely a delight, just the way it is and the County of Santa Barbara (residents, people just like you and I ) have no heart by wanting to cut, clear and asphalt the beautiful open protected space.

Salud Carbarjal and all of the members of Congress, signed a letter to the Deputy Director, Martha Williams, U.S. Fish and Wildlife Services asking for the Monarch Butterfly be put on a higher priority listing, so the Monarch Butterfly does not go extinct before it actually gets its protection finalized. Two decades ago, there were 1.2 million Monarch Butterflies that overwintered in California, now the recent number is 1,914 seen on the California Coast. Why? Because, of the overdevelopment and removal of non- native Eucalyptus trees that Monarch Butterflies use as their migrating habitat and protection. According to Urban Wildlands . Org, Nearly all California Monarch overwintering groves require non-native trees.

As I was driving up Chapala the other day, I noticed a new Class 1 bike path per the gentlemen who were working on it. I think it was a class 2. It seemed very safe, to me. There was plenty of room for a cyclist, the bike lane was painted

green, designating a bike lane and I thought why can't the County of Santa Barbara, do the same on Modoc Road in lieu of going through the Modoc Preserve and leaving the Preserve off limits to cyclists? Pedestrians and ADA can safely walk in the Preserve, as it is now, leaving the Modoc Preserve preservation, protection, and restoration of the natural environment and of wildlife, as noted as the definition of Conservation. Conservation does not mean take away, conservation, now, so we can have conservation in the future, NO, it means we already have conservation in the Modoc Preserve and the Bicycle Coalition and other cyclists can safely use a Class 2 Bike path for less than mile to the Obern Trail what already appears to be a Class 2 Bike path. Then a cyclist rides their bikes on streets until connecting to Mesa Lane bike path. Does it make sense to the County of Santa Barbara decision makers that not all streets can accommodate a Class 1 bike path. The difference that Modoc has, is it's a Preserve, so pedestrians and ADA users can safely walk along the beautiful God Given Trees and/or Vieja Road, that already exists, for walking and hiking. Vieja Road is currently being used by bicyclists.

A paved bike path makes no sense through a preserve of natural beauty that houses wildlife and their babies. Cemented retainer walls, asphalt, lights do not belong in a protected Preserve, just as motorized and electric Bikes that will soon become the way of travel, for most cyclists. Motorized bicycles and wheel chairs do not belong, together, just like asphalt and cement do not belong in a Preserve protected by the Santa Barbara Land Trust!

I have written to Gary Smart, in the past and most recently to lower the speed limit on Modoc. I hear that it is a speed trap to lower the speed limit per the State of California. Well, now, it appears the County of Santa Barbara has deemed Modoc Road unsafe for bicyclists and pedestrians. Modoc Road can be made safe by lowering the speed limit, adding a few more stop signs and a class 2 bike path on Modoc Road across from the Preserve and the safety issue can be solved without bulldozing trees and killing wildlife in a Protected Preserve.

The Modoc Preserve is Protected Forever

La Cumbre Mutual Water Company and the Land Trust for Santa County created a conservation easement to ensure that this land's scenic, recreational, open space and wildlife values will **always** be retained. The S B Land Trust.

I do not agree with the revised MND as there are many flaws, specifically, saying that there would be less than significant harm to trees and wildlife, as I do not agree that the County has the right to butcher and cut down trees that survived a wildfire and take away protected homes to wildlife and their babies. This mass destruction of current conservation for future conservation is simply terrible and my grown sons and myself are devastated that the County, made up of residents, like ourselves would even think to mow down a Protected Preserve. The County and the City's, for that matter, own children would be so disappointed in their parents who make decisions like this in Santa Barbara County. The photo in the front of the MND, is a perfect example and shows the current God given beauty of the Modoc Preserve and her trees.

To the Board of Supervisors and County decision makers, please vote NO to both alignments and leave the Modoc Preserve protected and enjoyed by hikers, ADA and horseback riders.

Sincerely,

*Patricia M Escalera*

Patricia M Escalera  
4132 Vista Clara Road  
Santa Barbara, CA 93110

**Commenter:** Patricia Escalera

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

From: Kitty Christen <[LakeHouseKittyC@cox.net](mailto:LakeHouseKittyC@cox.net)>  
Sent: Thursday, October 13, 2022 3:19 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Multi-Use Path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Morgan Jones,

I am writing with my comments regarding the Modoc Multi-Use Path.

My husband and I have taken up biking in the area these past few months. We live on Ward Drive, right on the Obern Bike Path, and ride once a week out to Hendry's Beach. We were initially intimidated by riding on Modoc, but after doing it once, found that it is really a nice, wide bike path, and we feel pretty safe using it. We never encounter a lot of traffic through that section.

I have noticed that "serious bikers" use the bike lane (Class II, I believe) all along Modoc and Las Positas, rather than using the new bike path. I imagine this is for speed and to avoid pedestrians, etc. I think this is worth noting for this project.

While I'm sure I would enjoy using the new section, I hate to see any trees cut down to build it. My preference is to leave the area as is. However, as it looks like this project is moving forward, my preference would be Alignment B. (Any way to save the Coast Live Oaks??)

I am adamantly against Alignment A!

\*I would also like to point out that the Obern Trail is in need of maintenance, particularly between Modoc and Nogal Drive. (Though this probably isn't your purview.)

Thank you,  
Kitty Christen

945 Ward Drive  
Santa Barbara

**Commenter:** Kitty Cristen

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

From: Kitty Christen <[LakeHouseKittyC@cox.net](mailto:LakeHouseKittyC@cox.net)>  
Sent: Thursday, October 13, 2022 3:25 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Re: Modoc Multi-Use Path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi Morgan,

Please disregard my last comment below. regarding maintenance. As I was folding up my bike path map, I found the phone number to call for this.

Best,  
Kitty

> On Oct 13, 2022, at 3:18 PM, Kitty Christen <[LakeHouseKittyC@cox.net](mailto:LakeHouseKittyC@cox.net)> wrote:

>

> Dear Morgan Jones,

>

> I am writing with my comments regarding the Modoc Multi-Use Path.

>

> My husband and I have taken up biking in the area these past few months. We live on Ward Drive, right on the Obern Bike Path, and ride once a week out to Hendry's Beach. We were initially intimidated by riding on Modoc, but after doing it once, found that it is really a nice, wide bike path, and we feel pretty safe using it. We never encounter a lot of traffic through that section.

>

> I have noticed that "serious bikers" use the bike lane (Class II, I believe) all along Modoc and Las Positas, rather than using the new bike path. I imagine this is for speed and to avoid pedestrians, etc. I think this is worth noting for this project.

>

> While I'm sure I would enjoy using the new section, I hate to see any

> trees cut down to build it. My preference is to leave the area as is.

> However, as it looks like this project is moving forward, my

> preference would be Alignment B. (Any way to save the Coast Live

> Oaks??)

>

> I am adamantly against Alignment A!

>

> \*I would also like to point out that the Obern Trail is in need of

> maintenance, particularly between Modoc and Nogal Drive. (Though this

> probably isn't your purview.)

>

>

Thank you,  
> Kitty Christen  
>  
> 945 Ward Drive  
> Santa Barbara

**Commenter:** Kitty Cristen

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

From: Alex Trieger <[atrieger@hotmail.com](mailto:atrieger@hotmail.com)>  
Sent: Thursday, October 13, 2022 3:38 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Revised document

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I support the revised plan and feel the benefits outweigh any perceived drawbacks I think planning team has considered all stakeholders and encouraging safe transport and recreation corridors is very important Sent from my iPhone

**Commenter:** Alex Trieger

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Bob Smith <[bsmith661@gmail.com](mailto:bsmith661@gmail.com)>  
**Sent:** Thursday, October 13, 2022 4:19 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Bike Path

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I love trees and I love biking. I support the Modoc Multi-Use bike path because of the safety it will provide for cyclists. I feel strongly that a human life is worth more than a few trees.

Bob Smith  
Lower Riviera, Santa Barbara  
Sent from my iPad

**Commenter:** Bob Smith

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** nancy vogel <[vogeln@hotmail.com](mailto:vogeln@hotmail.com)>  
**Sent:** Wednesday, October 12, 2022 6:54 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Preserve Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

In regard to the proposed Bike/Pedestrian path on Modoc Road, I wish to state my disapproval of the plans to pave and cut down trees for this purpose. Yes, Plan B is the least invasive as far as tree removal, but it still involves paving that area which should be left as is. The dirt paths that are on the Preserve are wonderful walks for pedestrians, their dogs, families with children, and us older folks, and equestrians. Just because the County got a grant, and it is part of a plan, does not mean it has to be paved, if so many are against it.

**Can't the County just widen some of the existing bike path and lower the speed limit so that it is safer for bikers? Put in flashing crossings and/or speed bumps. And make it one speed limit Only. It now goes from 40 to 35 to 25 to 40.** Ridiculous for such a short area to travel. You know when you have that many speeds to pay attention to, most people will go the highest speed or more, and not slow down to the lowest. There is a school crossing and many horses, and people run across to get to walk the Preserve. We will then have to watch for the regular bikers on the outside bike path, and those walkers and bikers on the paved path, and step over small retaining walls, and over the pavement just to get to the good earth and trees we love to walk among.

**I live directly across from the Preserve and have been checking it out more than usual for bikers, as I go up and down Modoc. Day and night going both ways, most of them use the bike lanes and not the newer bike/pedestrian lanes further down Modoc. Has the County done any polls to see just how many people would be walking or riding bikes on the proposed new lane? It is a Preserve and meant to be just that, wild and for people to enjoy walking and riding horses outdoors.**

Is there no possible way Plan C could work? It would be so much better and less expensive. Straight path already there being used by bikes and pedestrians, hardly any trees to cut, not too terribly sloped that would affect those walking or riding after County leveled it, could easily be joined with the Obern path. I know there are a few homes there but they are not right down near the path and they already have people going by walking and riding now! I'm sure they have said no they do not want it, and the Hope Ranch Association probably would never agree to it. What about the Modoc Road shareholders? How many agree to Plan B?

I have ranted long enough. So sorry but this is important to us.

Thanks for listening. Hope something can work out for all to be happy.

Nancy Vogel

**Commenter:** Nancy Vogel

**Date:** October 12, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

From: Larry Bickford <[larrybic@me.com](mailto:larrybic@me.com)>  
Sent: Thursday, October 13, 2022 4:38 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc Multi-use Path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I strongly support the revised MND and urge the County to move with due haste to build and complete the project.

I used to live down the street (Nueces Dr) and walked, biked and rode my horse through the Modoc Preserve. I still do (but not the horse part 😊 and bike along Vieja Dr). Providing a safe and accessible path connecting to the Obern Trail with minimal impact to the Preserve environment has been the goal and I believe we are now there.

Thank you, staff, for working so diligently to address the concerns of the neighbors and our overall community.

Best regards,

Larry Bickford  
Santa Barbara, CA 93105

**Commenter:** Larry Bickford

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** julie holmes <[jholmes920@gmail.com](mailto:jholmes920@gmail.com)>  
**Sent:** Thursday, October 13, 2022 4:53 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Preserve

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I have lived in Santa Barbara for over forty years and near the preserve for over thirty. I remember after the horrific fire in 1990 being relieved to see the grove of Royal Palms still standing. We admire that shady area and take out-of-towners by them as part of our getting to know Santa Barbara tour. I enjoy watching people ride horses, walk, run, and ride bikes by this area. I have walked along the road there myself. In the past years I have seen that people have made little holiday displays for passersby to enjoy, including the children walking to school. It is a charming area that the neighbors obviously take much pride in. Please do not this little oasis of nature from us.

Sincerely,  
Julie Holmes

**Commenter:** Julie Holmes

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Dawn Mitcham <[dawnmitcham@gmail.com](mailto:dawnmitcham@gmail.com)>  
**Sent:** Thursday, October 13, 2022 5:09 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan,

I know the decision on the Modoc path is a hard one and I appreciate the time that both sides have put into the analysis and impact. I support the revised mitigated negative declaration for the Modoc path. I would like to see the project move forward, this is a dangerous area as a rider and a solution that connects the bikeways is needed. Like all choices, there are trade offs and I think the access to the reserve for more people will be a benefit that some people have not considered. I know the reserve will be impacted by the addition of a path but the safety it will provide should outweigh the minor impact.

Thank you for your time and consideration.

--

Dawn Mitcham, CPA  
Pacific Capital Resources  
1321 State Street, 2nd floor  
Santa Barbara, CA 93101  
Work: 805-965-4346  
Fax: 805-965-4356  
Cell: 805-452-1267

**Commenter:** Dawn Mitcham

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

October 13, 2022

Honorable Board of Supervisors  
123 E. Anapamu St  
Santa Barbara, CA 93101

Attn: Morgan Jones

Subject: Modoc Multi-purpose Path Revised Draft MND

Honorable Supervisors:

I have lived in the Hope Ranch Annex area for 28 years. Members of my family enjoy the use of the trails in the Modoc Preserve on foot or horseback nearly every day. We consider the preserve to be a treasure of open space and wildness and a place to disconnect and enjoy nature in the midst of an increasingly urbanized environment. Unfortunately access to this open space is currently limited to those members of the community who are ambulatory and can navigate the rough, uneven trails that have been created. The preserve's access excludes some vulnerable community members who need a smooth, hard, all-weather surface for access including small children, parents with strollers, elderly and mobility challenged individuals. I strongly support the completion of the Modoc Multi-Use Path. If properly constructed, the path will make the use and enjoyment of the preserve much more inclusive and equitable without creating significant environmental impacts.

The existing Class 2 bike lanes on Modoc Road are well used by bicyclists who are confident and skilled but they are not a suitable alternative to the MUP. The Class 2 lanes require bicyclists, runners and walkers to use the shoulders of Modoc Road—a high-speed, high-volume arterial roadway and sometimes alternate route for Highway 101 traffic. To fully address the project objectives the path must be constructed on a new alignment that allows users access to and through the Modoc preserve on a new and separate alignment. The preferred alignment (Alt B) is superior to the Alt A alignment, because it locates more of the path in the Modoc preserve. However, it appears that Alt B would place as much as 1/3 of the path immediately adjacent to the noise, dangers and distractions of Modoc Road. This alignment falls well short of providing equitable access to all users.

It is my understanding that the County revised and issued the draft MND in part to demonstrate that the path can be constructed entirely within the County's Modoc Road rights-of-way (Alternative A) or within the preserve (Alternative B) which better meets the project objectives and reduces the number of tree removals. In fact, there is a virtually limitless number of alignments that could be evaluated and constructed, with some trade-offs, but little or no change to the environmental findings presented in the MND for adoption by the board. Staff has indicated that stakeholder input will be solicited during the final design process and that further refinement will occur to address community and landowner concerns, limit impacts, address unknown site conditions, etc. CEQA does not require every possible alternative to be evaluated nor does it prevent the board from approving the project when the final project design details are not yet known.

1. The non-native specimen trees (Canary Island Palms and Eucalyptus) planted in the Modoc Preserve provide a unique view scape. The MND should provide more information about the value, significance and condition of these trees. Removal of these trees should be minimized as proposed in the MND, but protecting non-native trees that may be damaged, diseased and nearing the end of their lives should not be the only—or even most important—consideration in determining the path alignment. Many Eucalyptus trees have already been cut down due to poor condition and the dangers posed by falling branches. The appearance of many of the Eucalyptus and Canary Island Palms has been significantly degraded by fire, disease and lack of maintenance and removal of

2. | these large trees in the future is inevitable. The alignment of the path should be informed by the age, condition and significance of the trees. Because the path is permanent and the trees are not, the County must take the long view when determining the alignment of the path.

3. | The MND proposes to mitigate the removal of 3 native Coast Live Oak trees by planting replacements on a 10:1 ratio. I recommend that as part of a future project that the County, the Land Trust, the La Cumbre Water Co. and the community collaborate on more extensive planting of native trees and restoring more natural habitat so that the new plantings are well established when the non-native trees must be removed.

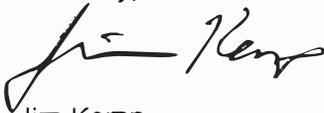
4. | The MND provides scant details on the retaining walls that would be required for drainage, avoiding large grade changes, protecting existing trail access, etc. It is understandable that final design level details have not yet been determined at this early stage of project development. However the document and the community would benefit from a discussion of how the project development process would unfold following the board's approval of the final MND. It would help to know when and how public input would be included in the project development process. It is my understanding that the County staff is open to consideration of ideas to reduce the potential visual effects that will become better understood as the project moves forward. Some of this information has been added recently to the County's project website, but concerns about future opportunities for stakeholder input and measures that could be implemented to reduce the visual effects of the retaining walls should be included in the final MND.

5. | Some community members have suggested that the existing conservation easement granted by the La Cumbre Water Co. to the Land Trust does not allow for changes in the Modoc Preserve that are part of the project including tree removal and placement of new pavement for the path. County staff has concluded otherwise and states in the MND that constructing the new path on the Alt B alignment "...would not conflict with with the allowed uses under the conservation easement..." (p.4). However, the MND fails to note the important role of the Water Co and Land Trust in approving the project with any alignment that encroaches into the preserve. As stewards and owners of the preserve, the Land Trust and Water Co. will need to approve the project and make findings of consistency with the conservation easement. The document should note these roles and note that the County will collaborate with these entities to provide information needed to make the necessary findings and to develop the project in consultation with the Land Trust and Water Co.

I strongly support the project and urge the board to approve the project for purposes of CEQA and direct staff to complete the final MND with needed revisions and proceed with final design and construction of the project. I further urge that the alignment of the new multi-purpose path be located away from the noise and dangers of Modoc Road to afford users an immersive, safe and pleasant experience in this open space. Alignment B is clearly the superior alternative between the two alignments studied, but I believe that an objective assessment by staff and the community will show that we can do better by designing and constructing the path on an alignment that provides equitable access to all community members.

Thank you for considering my comments on the revised draft MND.

Sincerely,



Jim Kemp  
387 Arboleda Rd

**Commenter:** Jim Kemp

**Date:** October 13, 2022

**Response:**

1. The significance of these trees was adequately addressed in the Revised MND, including aesthetic value and as habitat. As non-native and invasive trees, the value of Canary Island palms and blue gum eucalyptus is limited to aesthetics and wildlife habitat. The condition of these trees was not evaluated because the project would not exacerbate any existing safety hazards associated with falling limbs or trees.
2. The path alignment is constrained by many factors including meeting the project objective of separation from Modoc Road, minimizing earthwork and encroachment into the Modoc Preserve. It is not feasible to select the alignment based on the relative health of affected trees.
3. Due to funding and other time constraints, it is not feasible to wait years for replacement oaks to become established before removing trees for construction.
4. The purpose of retaining walls is to limit earthwork and not provide drainage. The proposed project includes landscape plantings to soften the appearance of the retaining walls from Modoc Road, but the County may consider other ideas provided by the community.
5. The Revised MND (page 2) acknowledges project approvals required by the La Cumbre Mutual Water Company and the Land Trust for Santa Barbara County.

Your support of the proposed project is noted.

From: Maureen Groves <[micki.groves@icloud.com](mailto:micki.groves@icloud.com)>  
Sent: Thursday, October 13, 2022 6:44 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Greenbelt Alignment Modoc Road

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am strongly opposed to the Modoc tree removal. We all want the Greenbelt Alignment because it would result in no trees being removed. If the tree removal were to go ahead despite all of our protests, the flora and fauna which all of us have benefitted so much from from would be completely changed, and not for the better. It is my personal mental health relief.

There is no reason to spend so much money to ruin an already perfect and much appreciated nature preserve with a completely functioning bike path. We need this place of quiet beauty, which so many of the locals use, and getting rid of any trees, especially in this time of climate change, is absolutely the wrong move. We love this beautiful tree lined road and don't need more concrete. If these trees go, especially for no good or needed reason, than we lose the whole personality of our neighborhood, and Santa Barbara loses one more place of peace and tranquillity to enjoy nature.

It would be a crime against nature.

Maureen And Mark Groves  
4080 Via Zorro  
Santa Barbara, CA 93110

Sent from my iPhone

**Commenter:** Maureen and Mark Groves

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

From: David Litschel <[dlitschel@cox.net](mailto:dlitschel@cox.net)>  
Sent: Thursday, October 13, 2022 6:58 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Opposition to Plan A of Modoc Bike Lane

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Morgan Jones,

I am a resident in the neighborhood near the area of the proposed Modoc bike lane changes which I oppose. I am a bike rider and ride that area often. I appreciate the beauty of the tall stand of Canary palms along Modoc just as I do the ones along my bike route in Hope Ranch. Cutting down mature trees that have lived for possibly a 100 years and survived the Painted Cave fire would be a disaster for the community who live here and those who pass through to appreciate the natural beauty of Santa Barbara County. Surely there is a way to eliminate proposition A to keep the beauty of the unique Modoc environment along that portion of the road.

David Litschel  
559 Via Rueda  
Santa Barbara, CA 93110

**Commenter:** David Litschel

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Martha Shilliday <[559mls@gmail.com](mailto:559mls@gmail.com)>  
**Sent:** Thursday, October 13, 2022 7:05 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Save the Modoc Trees

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Megan Jones,

The pending decision on the extension of the Modoc bicycle path as it relates to Plan A. I find that this option would be a severe loss of trees will effect majestic beauty along this well traveled road. Having these grand Canary Island Date Palms gives me a strong sense of beauty which I believe Santa Barbara needs to maintain. This portion of Modoc should be seen as a signature to how Santa Barbara has maintained a gorgeous area of beauty. I strongly believe that Plan B is reasonable option to expand the Modoc bicycle path by the Canary Island Date Palms.

Martha Shilliday

Sent from Martha's iPhone

**Commenter:** Martha Shilliday

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**From:** betty winholtz <[winholtz@sbcglobal.net](mailto:winholtz@sbcglobal.net)>  
**Sent:** Thursday, October 13, 2022 9:05 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** MODOC PRESERVE mnd

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones:

Please accept this letter as my comments for the record concerning the MND for the Modoc Preserve.

The CA Coastal Act would consider the removal of the 29 heritage palm trees, along with at least 6 native oak trees (Alignment A), and 13 eucalyptus trees and their approximately 20,000 square -foot habitat and shade canopy as major vegetation removal.

What are you thinking?

The CA Coastal Act would consider construction of a road taking out 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards removed entirely as development. Then, using heavy equipment and trucks to pave a road using 1,133 tons of asphalt and concrete plus 903 cubic yards (1,264 tons) of road base (aggregate) causing the soil in the above image, between these rows of trees to compact.

What are you thinking?

You are paving over a recognized nature preserve.  
You are doing extensive damage to the habitat of numerous plants and animals.

The designation of the project as a multi use path is reckless and will endanger pedestrians, wheelchair users & pets as the growing percentage of bicycle traffic consists of e-bikes who can go as fast as 30mph down a path used by the disable.

The notion that a grant is not taxpayer's money is absurd. Worse, the grant application is riddled with inaccuracies and exaggeration. I fear that the award of the grant itself can (and probably will) be challenged in court.

Alignment B is NOT consistent with the Conservation Easement.

Drop the whole project.

Use the funds elsewhere in the County where they can actually improve bike infrastructure and safety.

It is never too late to do the right thing.

Sincerely,  
Betty Winholtz

**Commenter:** Betty Winholtz

**Date:** October 13, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** jph <[dominoid43@yahoo.com](mailto:dominoid43@yahoo.com)>  
**Sent:** Friday, October 14, 2022 7:45 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Mr. Jones:

I recently read the Revised Mitigated Negative Declaration (MND) for the Modoc Multi-Use Path project, I support the changes that the county made to that document, and I would like to see the project move forward.

I'll also state that I am a senior citizen, a veteran and a County resident since 1971, if any of that matters for your records.

Thanks,

James P. Hockin

**Commenter:** James Hockin

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Ralph Waterhouse <[ralphwaterhouse@icloud.com](mailto:ralphwaterhouse@icloud.com)>

Sent: Friday, October 14, 2022 8:41 AM

To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

Subject: Modoc Rd bike path.

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear County of Santa Barbara

It is a public disgrace making such a radical destruction of an area which has combined nature and a public highway.

There has to be a better way to incorporate a bike path and street which is an example of the best of Santa Barbara! Beauty & Public use!

Very sincerely.

Ralph Waterhouse

Sent from my iPad

**Commenter:** Ralph Waterhouse

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Sabrina <[sabrinab111@yahoo.com](mailto:sabrinab111@yahoo.com)>  
**Sent:** Friday, October 14, 2022 8:48 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Revised MND for the Proposed Modoc Rd Multi-Use Path Project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Morgan Jones,

I'm emailing you with regards to the proposed Multi-use path along the stretch of Modoc between Via Senda and Encore. I apologize for this late email but I just couldn't live with myself if I did not make my feelings known. I have lived on Via Zorro for over 30 years. I biked to work on the Modoc bike path for over 25 years, I never felt unsafe. I don't oppose the construction of the multi-use path, but my husband and I **strongly oppose the removal of ANY mature trees.**

Thank you for your consideration.

Respectfully,  
Sabrina Beane  
4064 Via Zorro  
Santa Barbara, CA 93110  
Cell phone 805-705-4611

**Commenter:** Sabrina Beane

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** cathy rice <[crice1884@aol.com](mailto:crice1884@aol.com)>  
**Sent:** Friday, October 14, 2022 9:20 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Preserve

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Sirs:

I have lived in Santa Barbara for 24 years. Throughout that time, I have traversed Modoc between La Senda and Hollister at least 6 times per day. The balance between cars, pedestrians and horses is ideal and needs no improvement.

I am opposed to your plan to remove trees, which are essential to the health and aura of the Modoc Preserve, for a bike path that is not necessary. I beg you to reconsider. The grant monies plus the other monies involved could be put to such better use in other parts of the city that actually need revising to their bike lanes.

Thank you for you attention,  
Cathy Rice  
Santa Barbara resident and tax payer

**Commenter:** Cathy Rice

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Ras Yaser <[rasyasser@gmail.com](mailto:rasyasser@gmail.com)>  
**Sent:** Friday, October 14, 2022 10:19 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Making moves on Modoc

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good Day:

Thank you for your careful consideration of how best to embrace making the Modoc corridor better serve our collective physical and mental health.

While I love the iconic trees and the present feel of the stretch of Modoc between the bike bath and Las Palmas, it can feel very sketchy to be a bicycle rider or pedestrian in that same area. I am very much in support of the new plan that takes so much input into account, the Revised Mitigated Negative Declaration. The information appears complete and well vetted and I am eager to see this move forward and be completed for our mutual benefit.

The environmental impacts will be few to negligible and while I understand that more light will be present in the area as a result, the safety that is afforded us is priceless.

This is not some ghastly commercial construction or landfill that has folks all nimby and loud, this is a multi-use path that supports sustainable transportation and safe physical exercise. It also would demonstrate placing a value on supporting infrastructure which frequently benefits historically underserved communities, be they communities of color, lower socio-economic class, both and others.

I regularly ride from the East side to UCSB or Goleta and this area is an important piece of this journey, thank you for your thoughtful attention to this improvement!

Jesse Felix  
Eastside SB resident

**Commenter:** Jesse Felix

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Sharon Kysely <[akysely@impulse.net](mailto:akysely@impulse.net)>  
**Sent:** Friday, October 14, 2022 10:31 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Comment on Modoc bike path MND

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones

I write to express my complete opposition to the bike path construction/improvements as proposed. The destruction of mature, large and beautiful trees that give shade, remove carbon, and are beautiful along that stretch of Modoc is absolutely unconscionable. The argument that they are non-native is specious. They are old, established trees that have survived fire and drought. Replacement trees would take decades to attain the same benefits.

I drive down that stretch of road every day and admire the palms and eucalyptus. My husband uses the bike path as currently exists and states he is satisfied with it.

To attempt to put in the bike path into the Modoc Preserve, with retaining walls, miles of hardscape and destruction of habitat goes against the designation of a preserve.

I believe the current bike path, with added lane protection from vehicles, serves its purpose well. I note that further down Modoc where the new multi use path is, is ignored by many cyclists who remain on the road in the additional bike lane.

Please reconsider forever changing the character of Modoc road and leave all the trees in place.

Sincerely,  
Sharon Baumert-Kysely

**Commenter:** Sharon Baumert-Kysely

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Arden Kysely <[arden646@hotmail.com](mailto:arden646@hotmail.com)>  
**Sent:** Friday, October 14, 2022 11:04 AM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Road Bike Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones

My family moved to Hope Ranch Annex in 1962, and I matriculated from Vieja Valley Elementary in 1965. That's how long I've enjoyed the scenic drive down Modoc road, with its stately palms, massive eucalyptus, and other beautiful trees. I still live nearby and use the Modoc Road bike path regularly on my rides. It is much safer and quieter than the path along Hollister. I have never had any kind of incident along that path and see no reason for the destruction the County is planning to make a wider path. With the trees gone, the shade along Modoc will go too, and the asphalt will get hotter.

A simpler plan, worked in among the trees with minimal earth moving and less impermeable coverings, e.g., asphalt and cement, is not out of the question if the planners would listen to the ideas of those who've expressed distress at all of the County's plans. Get creative, not every project needs a bulldozer.

Finally, the argument that the trees to be removed are non-native is specious. If the all the native trees in the County were removed, it would be a desert. And a very hot one before any native vegetation was mature enough to provide shade. This area is made livable and beautiful by its vegetation, both native and non-native. The Modoc corridor is no exception.

If you must build something, please use more money planning a less destructive approach and less on hardscape and diesel. Better yet, address one of the many other areas that truly need a better bike lane.

Sincerely,

Arden Kysely

**Commenter:** Arden Kysely

**Date:** October 14, 2022

**Response:**

The project as currently proposed would be constructed of permeable materials and minimize earthwork and tree removals. Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** [cycle\\_zen@yahoo.com](mailto:cycle_zen@yahoo.com) <[cycle\\_zen@yahoo.com](mailto:cycle_zen@yahoo.com)>

**Sent:** Friday, October 14, 2022 11:27 AM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** Modoc Multiuse path from LaCumbra Overpass to the Junction of current MUP

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

As a Daily cycling user of the Modoc Rd section bike path from the current MUP up to LaCumbra Overpass, I cannot support the Tarmac-zation of the green space between those two points.

The current on-road bike path is quite adequate for much of the users who currently use that corridor.

I do realize that familys may need to pay attention and 'sheperd' a bit more; but the current motor traffic seems well controlled and considerate of cycling users.

I would SUPPORT a gravel type 'path of 8 to 10 ft width, for that area - offset from Modoc road. Reference the Gravel path around the newly created 'Open Space' Eco area done by UCSB in the area which was previously the Small 9 hole golf course - Ocean Meadows - in the Goleta.

Advantages of a Gravel Path, as opposed to a Tarmac/paved pathway.

1. The gravel path would allow create a significantly lower speed use of the pathway, by bicycles and e-bikes and other users, which would increase the safety factor. Creating a Paved MUP in that area would certainly increase the number of on-path incidents/accidents/injuries. Why? Well, it's a LONG downhill section, and those riding down from LaCumbra towards Hollister Ave, will often reach speeds exceeding 30 mph. No form of enforcement will contain this problem.

Make it Gravel and all will be more attentive to maintaining a safer speed !

2. A gravel path would be considerably lower maintenance for number of reasons. a. Rain/water runoff would be better controlled as water makes it's way off the path, onto the surrounding ground. b. path surface maintenance would be significantly reduced due to any developing irregularities, like vegetation intrusion and root welling. c. there would be less need for tree removal since the base preparation is much less intrusive. It would also blend into the green space environment, both visually and ecologically, compared to a tarmac/paved suurface.

3. Reduction of the current Tree canopy would have a very detrimental effect on the current ecology of the green space.

More sun intrusion would mean a change in vegetation, and proolly become dominated by very sun-resistant weeds, some of which already infect the lower area near the current MUP; like Goat Head Weed.

In all, a Paved Path will be nothing but a huge step backward in maintaining what is a very important small open Green space.

No Bike Path, unless it's a gravel path !

Thanks for your consideration

Jurij Solovij

**Commenter:** Jurij Solovij

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** Jean <[jeanrjohnson@gmail.com](mailto:jeanrjohnson@gmail.com)>  
**Sent:** Friday, October 14, 2022 12:02 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** MND Modoc Road Multi-Use Path Project

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please count me in as **opposed** to altering our Land Trust. I feel the footpaths and separate bike path are sufficient as is. Also removing full grown trees would ruin the beauty of the preserve. This project is a waste of taxpayers' money.

Thank you,  
Jean Johnson  
4210 Encore Drive

**Commenter:** Jean Johnson

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

*THE OAK CREEK CO.*  
*Santa Barbara, California*

October 14, 2022

To: County of Santa Barbara

Re: Input on Modoc Road Multi-Use Path Project (Mitigated Negative Declaration)

Dear Lael Wageneck, Morgan Jones and Decision Makers:

This letter is in support of the County approving Alignment B, including the necessary environmental review documents.

The Oak Creek Company is a significant stakeholder in the area, as leading infill developer in Hope Ranch Annex, and developer of the Boulders Project (formerly Parkhill Estates<sup>1</sup>), which has funded the Grassland Mitigation of the Modoc Preserve over the last 9 years. This mitigation transforms that area from an unmitigated weed patch to a rich natural preserve.

Alignment B is a natural and logical path between two rows of trees, one of which is palm trees near the edge of Modoc. Historically, Hope Ranch and Hope Ranch Annex, which is the setting for the Modoc Preserve, were planned together such that the Modoc Preserve is a low spot that would receive overflow waters from Hope Ranch in extreme storms. While this was the original civil engineering, I believe it is correct that no such significant overflow has occurred in recent decades.

Additionally, palm trees were planted along Las Palmas, hence the name, and they wrap around on to Modoc on the edge of the Modoc Preserve. Harold Chase, primary developer of Hope Ranch, had his sister, Pearl Chase, more actively involved in Hope Ranch Annex planning (for which it once won a national planning award).

So while the palm trees are not native, they are part of the historical context where both Hope Ranch and Hope Ranch Annex were planned to provide a sense of arrival in an otherwise fairly stark setting.

This project will address serious safety issues of biking adjacent to Modoc Road in this area. I live in the area and bike west towards UCSB many times a week, but always avoid this stretch of Modoc because it is relatively unsafe. Additionally, from an auto driving vantage point, there are times when early morning sun shining in to cars driving east along Modoc make the bike lane invisible because of shadows. Indeed, I have avoided driving on Modoc at certain times because of the lack of visibility of bikers.

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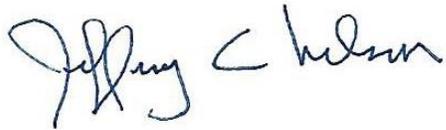
<sup>1</sup> MND page 13, Cumulative Projects List – Parkhill Estates, 15 single family residences

In 2013, La Cumbre Mutual Water District agreed to have our Boulders project do off-site mitigation on their property to replace weeds with native vegetation. This restoration has been remarkably successful through the years and has been augmented with a separate wetland restoration project on this site.

The bike path currently goes through the property at the western end, where the bike path turns from its location near Vieja Valley School towards Modoc, so this would not be a first-time co-existence of the bike path and adjacent La Cumbre Mutual Modoc Preserve property.

I support Alignment B as set forth in the Mitigation Negative Declaration.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Jeffrey C. Nelson". The signature is written in a cursive style with a large initial "J" and a distinct "C" before the last name.

Jeffrey C. Nelson

**Commenter:** Jeff Nelson

**Date:** October 14, 2022

**Response:**

As discussed on page 52 of the Revised MND, the Canary Island palm trees along Modoc Road have no known historical significance. Your support of Alignment B of the proposed project is noted.

**From:** Nancy Rose <[nancymrose1@gmail.com](mailto:nancymrose1@gmail.com)>  
**Sent:** Friday, October 14, 2022 1:06 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Road Proposition

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Morgan Jones,

My husband and I, among many, many others, including bicyclists are vehemently opposed to the plans to "upgrade" the existing bike path along Modoc Road. Santa Barbara is losing its natural beauty little by little, and this would be another of those projects that destroys one of the few lovely, rural roads we have. It seems an unnecessary expenditure. A much simpler and less expensive solution could be to repaint the lines for the bike path, lay road "bumps" that illuminate at night and leave the trees and Preserve area as they are today.

Bicyclists feel this is unneeded, and feel that there are other areas in Santa Barbara that are not safe and could benefit from this type of "upgrade". Most pedestrians prefer to walk the path within the Preserve itself. Why walk on asphalt when you can walk a soft path surrounded by greenery. This Preserve area is meant to be just what the word states-PRESERVED. There is a sidewalk on the opposite side of the street along part of the area involved. Cutting down trees just adds to the area getting warmer and people using the area from being deprived of the shade that the trees provide.

Please rethink this project. I have not spoken to one person locally who is in favor of it. Spend that money where it is truly needed. Meet with the people who ride bikes around town. They can tell you the areas that would really benefit from your proposed idea for Modoc Road. Is Santa Barbar no longer concerned with maintaining the beauty of our town? I drive this stretch of road often and would be very disappointed to see a bike path such as along Las Positas Road. Modoc is a much more residential area. Please consider other areas for your project. I am only one of thousands who are opposed to this project.

Thank you for your consideration.

Sincerely,

Nancy Marie Rose

**Commenter:** Nancy Rose

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Amy Anderson <[anderson.amy.susan@gmail.com](mailto:anderson.amy.susan@gmail.com)>

**Sent:** Friday, October 14, 2022 1:38 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>

**Subject:** in favor of Modoc multi-use path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To whom it may concern,

I am in favor of building the Modoc Multi-Use Path!

As a 7-year resident of Goleta-Santa Barbara, the bike-friendly nature of the city has been a major selling point of living here.

Having such a bikeable space has supported my physical and mental health in ways that have become an indispensable part of my routine, and the further development of pedestrian-cyclist infrastructure only increases community well-being -- albeit, in ways that I know are hard to quantify.

Sincerely,

Amy Anderson

--

PhD

Department of Anthropology

University of California Santa Barbara

**Commenter:** Amy Anderson

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

From: Robert Rainwater <[r.rainwater@cox.net](mailto:r.rainwater@cox.net)>  
Sent: Friday, October 14, 2022 2:00 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: Modoc MUP revised MND support

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Mr. Jones,

I am Robert Rainwater. I live in the neighborhood near the Modoc MUP project. I am 77 years old, still ride a bike, have ridden Modoc hundreds of times, but Modoc's getting too scary for me, and I wish there were a safe route for my grandkids to ride into town with me.

Thank you for making the Modoc Multi-Use Path Mitigated Negative Declaration available for us and for considering public comments.

I commend the county for producing the original document, being responsive to public input, and creating the exemplary revisions.

I hope the county finds the MND to be complete, with the project affecting the area very minimally, and please keep moving the project to completion.

I hope the county can come to an agreement with the water company and land trust so the multi-use path could be more separated from Modoc. However, if agreement is impossible, I support the county constructing the path with alignment A. I'll miss the palms, but value the path more.

Robert Rainwater  
357 Arroyo Rd.  
East Goleta, CA 93110

**Commenter:** Robert Rainwater

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



505 MONTGOMERY STREET, SUITE 620  
SAN FRANCISCO, CA 94111  
TELEPHONE: 415.814.6400  
FACSIMILE: 415.814.6401  
[business@sslfirm.com](mailto:business@sslfirm.com)

ROBERT B. MARTIN III  
DIRECT TEL: 415-243-2669  
[rob@sslfirm.com](mailto:rob@sslfirm.com)

October 14, 2022

*Via E-mail and U.S. Mail*

Morgan M. Jones  
Engineering Environmental Project Team Leader  
Santa Barbara County Public Works  
123 Anapamu Street  
Santa Barbara, CA 93101-2026  
[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)

*Re: Modoc Road Multi-Use Path, State Clearinghouse # 2022090230;  
Comments by The Land Trust for Santa Barbara County to the Draft  
Revised Mitigated Negative Declaration, published Sept. 14, 2022.*

Dear Mr. Jones:

My office represents The Land Trust for Santa Barbara County (“**the Land Trust**”). I write on their behalf to comment on the above-referenced Draft Revised Mitigated Negative Declaration (“**MND**”) concerning the Modoc Road Multi-Use Path (“**Path**”).

1. Formed in 1985, the Land Trust is a non-profit 501(c)(3) organization working to preserve and enhance Santa Barbara County’s natural open spaces and agricultural heritage for present and future generations. Supported by over 900 members, the Land Trust has helped to preserve over 31,850 acres of natural resource and agricultural land, including the Arroyo Hondo Preserve, Sedgwick Reserve, Carpinteria Bluffs, Coronado Butterfly Preserve, Point Sal, Carpinteria Salt Marsh, and the Modoc Preserve. The Land Trust is accredited by the Land Trust Accreditation Commission<sup>1</sup> and holds itself to the highest industry standards for land trust governance and stewardship, including enforcement of conservation easements.<sup>2</sup>

The Modoc Preserve (“**Preserve**”) is valued open space undeveloped for community benefit and owned by La Cumbre Mutual Water Company. Critical for our

<sup>1</sup> See [www.landtrustaccreditation.org](http://www.landtrustaccreditation.org).

<sup>2</sup> See Land Trust Alliance Standards and Practices, Standard 11, at [www.landtrustaccreditation.org/help-and-resources/requirements-manual](http://www.landtrustaccreditation.org/help-and-resources/requirements-manual).

purposes here, it is governed by a Deed of Conservation Easement, recorded September 1, 1999 (“**Conservation Easement**”), and held by the Land Trust. A copy is attached as Exhibit A. As stated in the Conservation Easement, the Preserve “remains in a substantially undisturbed natural condition and ... possesses unique and significant natural, open space, scenic, wetlands, ecological and wildlife habitat values (collectively ‘Conservation Values’) of great importance to Landowner, the people of Santa Barbara County and the people of the State of California.”<sup>3</sup> The Conservation Easement requires the Land Trust to “retain[] in perpetuity [the Preserve’s] natural, open space, scenic, wetlands, ecological and wildlife habitat condition, use, and utility, and to prevent any use of the [Preserve] that would significantly impair or interfere with the Conservation Values.”<sup>4</sup>

Alignment B of the proposed Path—Santa Barbara County’s preferred alignment—likely conflicts with the Conservation Easement. Alignment B encroaches upon the Preserve, and Alignment B’s construction and use would likely violate express prohibitions listed in the Conservation Easement.

1. As discussed further, the Land Trust is legally required and authorized to defend against violations of the Conservation Easement by third parties, including the County.<sup>5</sup> The Land Trust does not oppose the Path in principle, and it has no interest in unnecessary litigation. But as presented in the MND, Alignment B appears to conflict with the Conservation Easement, and the MND does not contain sufficient information for the Land Trust to evaluate the construction and use of Alignment B and whether acceptable alternatives exist for the Path to be consistent with the Conservation Easement.

Because the MND lacks such information, the Land Trust requests the County postpone approval of the MND. The County must first provide sufficient information to the Land Trust for it to determine if Alignment B or alternatives are consistent with the Conservation Easement. Such information should have been included in the MND. Unless the County first provides that information, or in the absence of appropriate action by the County to take the area of the Preserve affected by Alignment B, the Land Trust cannot agree with Alignment B as described in the MND.

### 1. **Conservation Easements Are Important Environmental Preservation Tools in California**

The California Legislature authorized conservation easements under state law, finding “that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California.”<sup>6</sup> A conservation easement is an interest in real property which restricts the use of the affected land in perpetuity with the purpose of retaining “land predominantly in

<sup>3</sup> See Exh. A at 1.

<sup>4</sup> See Exh. A at 2.

<sup>5</sup> See Civil Code § 815.7(b)-(d).

<sup>6</sup> Civil Code § 815.

its natural, scenic, historical, agricultural, forested, or open-space condition.”<sup>7</sup> Conservation easements may be held by nonprofit land trusts, governmental entities, or Native American tribes.<sup>8</sup> Civil Code § 815.7 authorizes the owner of a conservation easement—here, the Land Trust—to protect the easement from actual or threatened injury through litigation.

## 2. The Conservation Easement and the Land Trust Protects the Preserve

Pursuant to the terms of the Conservation Easement and state law, the Land Trust is legally required to protect the Preserve from various prohibited activities. The Land Trust must “prevent any activity on or use of the [Preserve] that is inconsistent with the purpose of this Easement” and restricts use of the Preserve “to open space, equestrian, pedestrian, educational and water company use ...”<sup>9</sup> The Conservation Easement prohibits: (a) “[t]he construction of any road or structure within the Easement Area,” (b) the use of any motorized vehicles, and (c) “[a]ny alteration of the general topography or natural drainage of the Easement Area, including ... the excavation or removal of soil, sand, gravel or rock,” unless such activities are consistent with the Conservation Values of the Easement.<sup>10</sup>

The Land Trust is required to enforce the terms of the Conservation Easement. As a nonprofit public benefit corporation, the Land Trust is required by the Corporations Code to prevent loss of or injury to its charitable assets, including the Conservation Easement. The Land Trust’s obligation to appropriately steward its charitable assets is enforced by the California Attorney General through its Charitable Trusts Section. Failure of the Land Trust to competently manage its charitable assets could result in penalties or loss of its state status as a nonprofit charitable corporation.

## 3. The Proposed Path Encroaches Upon the Preserve and Its Construction and Use Likely Violates the Conservation Easement

Alignment B as described in the MND likely violates the Conservation Easement in several ways, discussed further below. The extent of those violations is unclear, however, because the MND lacks the necessary information to determine whether the construction, maintenance, and use of Alignment B complies with the Conservation Easement restrictions.

Initially, there is no question that Alignment B encroaches upon the Preserve. The MND states “Alignment B would displace about 0.65 acres of open space (within the Modoc Preserve) ...”<sup>11</sup> Thus, the Conservation Easement controls how (or if) Alignment B can be built and used.

<sup>7</sup> Civil Code § 815.1.

<sup>8</sup> Civil Code § 815.3.

<sup>9</sup> Exh. A, ¶¶ 2(c), 3.

<sup>10</sup> Exh. A, ¶ 4. The Conservation Easement also contains multiple other obligations and restrictions, and the summary here is illustrative and not comprehensive.

<sup>11</sup> MND at 64; *see id.* at 2 (Alignment B lies “partially within the Modoc Preserve”); *id.* Appendix C.

Because of that, the MND needs to analyze project compliance with the Conservation Easement in the MND. For example, Section 4.10 of the MND inquires whether the project would result in “land use incompatible with existing land use.”<sup>12</sup> The Conservation Easement dictates existing land use for the Preserve, and so the MND must analyze whether Alignment B is compatible with the Conservation Easement. The MND, however, fails to provide sufficient analysis to that point, and its description of the MND instead suggests Alignment B would violate the Conservation Easement.

For example, the MND states that “[t]wo retaining walls ... would be required along the multi-use path to provide a level surface and limit earthwork,” which the MND concedes would be a change in topography.<sup>13</sup> Other construction work would involve modification of drainage swales, further grading, and earthwork of “14 to 24 feet wide along the multi-use path alignment.”<sup>14</sup> Construction would involve “traditional methods including ... tree removal, rough grading, retaining wall construction, finish grading and paving.”<sup>15</sup>

The Conservation Easement restricts the construction of roads, structures or “[a]ny alteration of the general topography ... including ... the excavation or removal of soil, sand, gravel or rock” in the Preserve unless such work is consistent with the Conservation Values of the Easement.<sup>16</sup> But the MND contains no information or analysis how Alignment B—involving tree removal, grading, earthwork, construction, and resulting in a paved path with retaining walls—is consistent with those Conservation Values.

1.

The MND also contemplates that construction of the path will result in increased use of the Preserve. “The proposed [Path] may result in an increase in trail use as compared to existing conditions by pedestrians, bicyclists and equestrians.”<sup>17</sup> The Conservation Easement, however, prohibits “[a]ny use of the [Preserve] which may generate significant noise, traffic, ... crowds; or which may significantly impair or interfere with the natural, open space, scenic, wetlands, ecological and wildlife habitat values of the [Preserve].”<sup>18</sup> The MND concludes, without analysis, that “this increase in human activity and related disturbance would be minor and significant impacts on local wildlife populations are not anticipated.”<sup>19</sup> But without supporting data or analysis for that conclusion, the Land Trust cannot evaluate whether an increase in use would be consistent with the Conservation Easement.

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<sup>12</sup> MND at 62.

<sup>13</sup> MND at 5, 60.

<sup>14</sup> MND at 5.

<sup>15</sup> *Id.*

<sup>16</sup> Exh. A, ¶ 4.

<sup>17</sup> MND at 42.

<sup>18</sup> Exh. A, ¶ 4(i).

<sup>19</sup> MND at 42.

2. Further, the MND suggests that construction and maintenance of Alignment B would affect several sensitive and protected species within the Preserve. The MND states that Southern Tarplant (*Centromadia parryi australis*)—a rare, threatened, or endangered California plant as recognized by the California Native Plant Society—was “[p]lanted at the Modoc Preserve from 2015-2017 . . . .”<sup>20</sup> But according to land managers at the Land Trust, Southern Tarplant currently exists at the Preserve. It was planted as part of an earlier restoration and has since naturally been re-seeding and spreading through the Preserve. The MND identifies no mitigation measures to avoid disruption of that species.

3. The MND also lists the Monarch butterfly (*Danaus plexippus*) as a special-status wildlife species, notes that the Preserve is “[s]uitable roosting habitat,” but states the species was not observed at the Preserve and is “unlikely to occur” there.<sup>21</sup> This statement is incorrect. Land managers for the Land Trust report they commonly observe Monarch butterflies and caterpillars on the Preserve. Again, the MND identifies no mitigation measures to avoid disruption of that species.

Finally, the MND suggests that construction of Alignment B would require removal of trees within the Preserve, possibly including coast live oaks, another sensitive or protected species.<sup>22</sup> The removal of such trees would conflict with the Conservation Easement, which prohibits significant interference with natural, ecological, and wildlife habitat values in the Preserve.

4. Rather than providing information as to how the above construction and use of Alignment B would comply with the Conservation Easement, the MND suggests without support that Alignment B “has been designed to minimize encroachment into the Modoc Preserve and to be consistent with the provisions of the conservation easement held by The Land Trust for Santa Barbara County . . . .”<sup>23</sup> As shown above, however, that statement is either inaccurate or it is unsupported by sufficient evidence to justify adoption of the MND.

#### **4. The Land Trust Urges the County to Postpone Adoption of the MND to Consider Alternatives**

The Land Trust is not opposed to the Path in principle, but its obligation to protect the Preserve and enforce the Conservation Easement is paramount. The Land Trust is eager and willing to discuss with the County how the Path can be built, even within the Preserve, but the Land Trust needs substantially more information than the County or the MND has provided. As set forth in an earlier letter sent to the County on August 17, 2022,<sup>24</sup> the Land Trust would need the following information to assess whether Alignment B is consistent with the Conservation Easement:

<sup>20</sup> MND at 33.

<sup>21</sup> MND at 34, 36.

<sup>22</sup> MND at 43.

<sup>23</sup> MND at 4.

<sup>24</sup> A copy of the letter is attached as Exhibit B and incorporated herein by reference.

4.

- Trail design, construction, and management plans;
- Specific information on how, and by whom, the County will manage the kinds of bicycles allowed to use the path, speeds, traffic intensity, and lighting;
- Information to show that the construction of and use of Alignment B:
  - will not result in soil degradation or erosion;
  - will not result in pollution or degradation of surface waters that significantly impact the existing wetlands, uplands, or wildlife habitat in the Preserve;
  - will not result in the impairment of open space vistas;
  - Will be consistent with the purpose of the Conservation Easement to “assure that the Easement Area within the Property will be retained in perpetuity in its natural, open space, scenic, wetlands, ecological and wildlife habitat condition, use and utility, and to prevent any use of the Easement Area that would significantly impair or interfere with the Conservation Values”;
  - will prevent use of the path by motorized vehicles;
  - will prevent dumping and garbage;
  - will not cause significant degradation of topsoil quality, significant pollution, or a significant increase in the risk of erosion;
  - will not alter the general topography or natural drainage of the Preserve, including the excavation or removal of soil, sand, gravel, or rock;
  - will not result in the alteration or manipulation of watercourses located in the Preserve or the creation of new water impoundments or watercourses;
  - will not generate significant noise, traffic, dust, artificial lighting, or crowds which may impair the natural open space, scenic, wetlands, ecological, and wildlife habitat values.
- Information on how the County will manage public access to the affected area of the Preserve to protect public safety and the Conservation Values of the Easement.

We recognize the County may not have yet developed the information requested above. Nonetheless, because Alignment B encroaches upon the Preserve, the MND should have included such analysis in determining whether Alignment B is consistent with the Conservation Easement. Such analysis could suggest potential acceptable alternatives to Alignment B. For example, the Preserve currently has public access trails for pedestrian and equestrian use, as is allowed under the Conservation Easement.<sup>25</sup> Alternatives to Alignment B, such as unpaved paths without retaining walls, may be consistent with the Conservation Easement.

But unfortunately, the MND does not contain such analysis. Because of that, and because the current description of Alignment B in the MND appears to violate the Conservation Easement, the County should not approve the MND. Instead, the Land Trust requests the County postpone approval of the MND and first provide sufficient information to the Land Trust for it to determine if Alignment B or alternatives are

<sup>25</sup> Exh. A, ¶¶ 3(d), (h).

4. consistent with the Conservation Easement. Unless the County first provides that information, or in the absence of appropriate action by the County to take the area of the Preserve affected by Alignment B, the Land Trust cannot agree with Alignment B as described in the MND.

Very truly yours,



Robert B. Martin III

cc: Brian R. Pettit, Deputy County Counsel, County of Santa Barbara (by email to bpettit@co.santa-barbara.ca.us)

Mike Alvarado, La Cumbre Mutual Water Company (by email to MAlvarado@lacumbrewater.com)

Mark Manion (by email to MManion@ppplaw.com)

Meredith Hendricks, Executive Director, The Land Trust for Santa Barbara County (by email to mhendricks@smlandtrust.org)

# **Exhibit A**



1999-0069145

Recorded		REC FEE	61.00
Official Records			
County Of			
SANTA BARBARA			
KENNETH A. PETTIT			
Recorder			
LARRY G. HERRERA			
Assistant		AES	
09:46AM 01-Sep-1999		Page 1 of 19	

Recording Requested by and When Recorded Mail To:

LAND TRUST FOR SANTA BARBARA COUNTY  
P.O. Box 91830  
Santa Barbara, California 93190  
Telephone: (805) 966-4520

19

### DEED OF CONSERVATION EASEMENT

This DEED OF CONSERVATION EASEMENT is made this 18th day of May 1999, by LA CUMBRE MUTUAL WATER COMPANY, a California nonprofit mutual water corporation ("LANDOWNER"), in favor of THE LAND TRUST FOR SANTA BARBARA COUNTY, a California nonprofit public benefit corporation ("LAND TRUST"), for the purpose of granting in perpetuity the Conservation Easement and associated rights described below.

WHEREAS, LANDOWNER is the owner in fee simple of certain real property located in the unincorporated portion of the County of Santa Barbara, State of California, identified as Assessor's Parcels No. 61-220-09, 61-220-10 and 61-261-01, and more particularly described in "Exhibit A" attached hereto and incorporated herein by this reference and delineated on the map attached as "Exhibit C" ("Property"); and

WHEREAS, a portion of the Property, identified as the "Easement Area" and described in "Exhibit B" and delineated on the map attached as "Exhibit C", remains in a substantially undisturbed natural condition and the Easement Area possesses unique and significant natural, open space, scenic, wetlands, ecological and wildlife habitat values (collectively "Conservation Values") of great importance to LANDOWNER, the people of Santa Barbara County and the people of the State of California; and

WHEREAS, the Easement Area possesses outstanding Conservation Values and consists in part of vernal marsh, southern willow scrub, annual grassland and oak woodland habitat with significant natural, open space, scenic, wetlands, ecological and wildlife habitat values, the preservation and management of which is consistent with the present and continued use of the Property for urban open space, injection and extraction water wells (including access roads, pipelines, utility lines and associated equipment), equestrian facilities and educational purposes; and

WHEREAS, LANDOWNER intends that the Conservation Values of the Easement Area be preserved and maintained by permitting only those land uses in the Easement Area that do not significantly impair or interfere with those Conservation Values; and

WHEREAS, the County of Santa Barbara has established an Open Space Element and other policies and zoning ordinances to help preserve Santa Barbara County's wetlands, wildlife habitat and open space lands; and

WHEREAS, LANDOWNER intends, as the owner of the Property, to convey to LAND TRUST the right to preserve and protect the Conservation Values of the Easement Area in perpetuity; and

WHEREAS, LAND TRUST is a publicly supported, tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code and Section 23701d of the California Revenue & Taxation Code, whose primary purpose is the preservation and protection of land in its natural, open space, scenic and wildlife habitat condition; and

WHEREAS, the LAND TRUST agrees, by acceptance of this Easement, to honor the intentions of LANDOWNER stated herein to preserve and protect in perpetuity the Conservation Values of the Easement Area for the benefit of this generation and future generations to come; and

WHEREAS, the specific Conservation Values of the Easement Area are further documented in an inventory of relevant features of the Property, dated SEPT 15, \_\_\_ 1999, on file in the office of LAND TRUST ("Baseline Inventory") and incorporated herein by reference, which consists of reports, maps, photographs and other documentation that the parties agree provides an accurate representation of the Easement Area as of the date of this Easement and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Easement;

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California, including Sections 815-816 of the California Civil Code, LANDOWNER does hereby voluntarily grant to LAND TRUST a Conservation Easement ("Easement") in perpetuity over those portions of the Property described in "Exhibit B" attached hereto and incorporated herein by reference ("Easement Area") of the nature and character and to the extent hereinafter set forth, and LAND TRUST hereby accepts said Easement.

1. **PURPOSE.** It is the purpose of this Easement to assure that the Easement Area within the Property will be retained in perpetuity in its natural, open space, scenic, wetlands, ecological and wildlife habitat condition, use and utility, and to prevent any use of the Easement Area that would significantly impair or interfere with the Conservation Values. LANDOWNER intends that this Easement, except as noted herein, will confine the use of the Easement Area to such activities, including, without limitation, those relating to ecological research, open space, wetlands and wildlife preservation which are consistent with the purpose of this Easement.

2. **AFFIRMATIVE RIGHTS CONVEYED TO LAND TRUST.** To accomplish the purpose of this Easement, the following rights and interests are conveyed to LAND TRUST by this Easement:

(a) **Identify Resources and Values.** To identify, preserve and protect in perpetuity the Conservation Values of the Easement Area.

(b) **Monitor Uses and Practices.** To enter upon, inspect, observe, and study the Easement Area for the purposes of identifying the current uses and practices thereon and the baseline condition thereof, to conduct research on and make scientific observations of the ecological systems, to manage, maintain and/or restore the Conservation Values, and to monitor the uses and practices regarding the Easement Area to determine whether they are consistent with this Easement. Such entry shall be permitted upon prior notice to LANDOWNER, and shall be made in a manner that will not unreasonably interfere with LANDOWNER's use and quiet enjoyment of the Property.

(c) **Prevent Inconsistent Uses.** To prevent any activity on or use of the Easement Area that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Easement Area that may be damaged by any inconsistent activity or use.

(d) **Provide Signage.** To erect and maintain a sign or signs or other appropriate markers in prominent locations on the Basement Area, visible from a public road, bearing information indicating that the Easement Area is protected by LANDOWNER and LAND TRUST. The wording of the information shall be determined by LANDOWNER and LAND TRUST, but shall clearly indicate that the Property is privately owned and open to the public only along designated trails. LAND TRUST shall be responsible for the costs of erecting and maintaining such signs or markers.

3. **PERMITTED USES AND PRACTICES.** LANDOWNER and LAND TRUST intend that this Easement shall confine the uses of the Easement Area to open space, equestrian, pedestrian, educational and water company uses, and such other related uses as are described herein. Such uses shall not result in soil degradation or erosion, or pollution or degradation of any surface waters which significantly impact the existing wetlands, uplands or wildlife habitat, or result in impairment of open space vistas, and shall be consistent with the purpose of this Easement. The following uses and practices, if in accordance with federal, state and local laws and ordinances, and to the extent not inconsistent with the purpose of this Easement, are permitted:

(a) **Water Company Uses.** Except as specifically prohibited in Paragraph 4, to utilize the Easement Area for water recharge and extraction of underground water resources, with utility access including but not limited to water extraction and injection wells, access roads, pipelines and electric lines for operation and maintenance of water wells ("Water Company Uses").

(b) **Equestrian Use.** To allow LANDOWNER to utilize the Easement Area for equestrian purposes, including but not limited to trails.

(c) **Educational Uses.** To allow LANDOWNER to install and maintain facilities for educational purposes, including gardens and field study areas, and the public utilities necessary for their use. Such uses shall not include the construction of occupied buildings, roads or parking areas, either temporary or permanent.

(d) **Natural Resources Management, Restoration and Enhancement.** To make improvements which are intended to manage, restore or enhance the natural resource values within the Easement Area, including but not limited to alterations of topography or water courses, removal of non-native plants including trees, planting of additional appropriate plants, construction of trails,

bridges, and installation of related improvements for resource management, educational or scientific purposes.

(e) **Construction, Maintenance and Repair.** To maintain, repair and replace existing structures, fences, roads, ditches, water wells, water lines and other improvements in the Easement Area; and to construct additional improvements accessory to the permitted uses of the Easement Area. The LANDOWNER shall obtain the prior written approval of LAND TRUST for the construction of any such additional improvements, which consent shall not be unreasonably withheld. Prior notice and approval of the LAND TRUST are not required to maintain, repair or replace existing improvements.

(f) **Control of Animals and Plants.** To control problem animals and plants by the use of selective control techniques.

(g) **Utility Easements.** To provide for easements to private, public and quasi-public utilities in furtherance of the purpose of this Easement.

(h) **Public Access.** To allow public access to the Easement Area via a system of designated trails. The LANDOWNER and LAND TRUST shall establish appropriate restrictions on, and measures to manage, public access to the Easement Area, including but not limited to fences, gates, vehicle barriers, signs and time-of-use rules to ensure public safety and protection of the Conservation Values of this Easement.

4. **PROHIBITED USES.** Any activity on or use of the Easement Area that is inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are inconsistent with the Conservation Values of this Easement and are expressly prohibited:

(a) **Subdivision.** The division, subdivision, or de facto subdivision of the Easement Area.

(b) **Commercial or Industrial Uses.** The establishment of any commercial or industrial uses within the Easement Area, including the construction, placement or erection of any commercial signs or billboards; provided, however, that neither equestrian, water well nor educational uses as contemplated by the provisions of this Easement shall be considered commercial or industrial uses.

(c) **Roads or Structures.** The construction of any road or structure within the Easement Area, except as provided in this Easement.

(d) **Motorized Vehicles.** The use of motorized and/or off-road vehicles, except by LANDOWNER or others under LANDOWNER's control for equestrian, water well, utility, educational, maintenance, restoration or emergency uses of the Easement Area.

(e) **Dumping or Disposal.** The dumping or other disposal of wastes, refuse or debris on the Easement Area.

(f) **Erosion.** Any use or activity in the Easement Area which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(g) **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for permitted uses within the Easement Area.

(h) **Watercourses.** The alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses for any purpose other than permitted uses of the Easement Area or enhancement of natural habitat or wetland values.

(i) **Other Incompatible Uses.** Any use of the Easement Area which may generate significant noise, traffic, dust, artificial lighting or crowds; or which may significantly impair or interfere with the natural, open space, scenic, wetlands, ecological and wildlife habitat values of the Easement Area.

5. **RESERVED RIGHTS.** LANDOWNER reserves to itself, and to its personal representatives, heirs, successors and assigns, all rights accruing from the ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Easement Area that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

(a) **Water Rights.** All right, title, and interest in and to all tributary and non-tributary water, water rights, and related interest in, on, under or appurtenant to the Property; provided, however, that such water rights are used in a manner consistent with the purpose of this Easement.

(b) **Mineral Rights.** All right, title, and interest in subsurface oil, gas, and minerals; provided, however, that the manner of exploration for, and extraction of any oil, gas or minerals shall be only by a subsurface method, shall not damage, impair or endanger the protected Conservation Values of the Easement Area, and shall be limited to such activities as are permitted under Internal Revenue Code Section 170(h)(5) and applicable Treasury Regulations.

(c) **Property Management.** LANDOWNER may elect to assign certain responsibilities for planning, oversight and management of activities within the Easement Area to a management committee or site manager of LANDOWNER'S choice. LANDOWNER agrees to inform LAND TRUST of the scope of responsibilities so assigned, and further agrees to ensure that all activities undertaken by any assigned management entity are fully consistent with the terms of this Easement. LAND TRUST agrees to work cooperatively with any assigned management entity to further the purposes of this Easement.

6. **NOTICE AND APPROVAL.** The purpose of requiring LANDOWNER to notify LAND TRUST prior to undertaking certain permitted activities is to afford LAND TRUST an adequate opportunity to monitor the activities in question to ensure that the permitted uses as defined in Paragraph 3 are designed and carried out in a manner that is consistent with the purpose of this Easement. Whenever notice is required, LANDOWNER shall notify LAND TRUST in writing not less than thirty (30) days prior to the date LANDOWNER intends to undertake the activity in

question. The notice shall describe the nature, scope, design, location and any other material aspect of the proposed activity in sufficient detail to permit LAND TRUST to make an informed judgment as to its consistency with the purpose of this Easement. LAND TRUST shall respond in writing within twenty (20) days of receipt of LANDOWNER's written request. LAND TRUST's approval may be withheld only upon a reasonable determination by LAND TRUST that the action as proposed would be inconsistent with the purpose of this Easement.

7. **ARBITRATION.** If a dispute arises between the parties concerning the consistency of any existing or proposed use or activity with the purpose of this Easement, either party is encouraged to refer the dispute to mediation first, or if that fails, to arbitration as an alternative to judicial proceedings, by request made in writing upon the other. If the other party agrees to such arbitration, any and all disputes, controversies and claims arising out of or relating to this Easement or concerning the respective rights or obligations hereunder of the parties hereto shall be settled and determined by arbitration in Santa Barbara, California, pursuant to the then existing provisions of the California Code of Civil Procedure relating to Arbitration (Code of Civil Procedure Section 1280 et. seq.) The arbitrators shall have the power to award specific performance or injunctive relief and reasonable attorney's fees and expenses to any party in any such arbitration. The parties shall have the right to obtain discovery relating to the subject matter of any arbitration as provided in Code of Civil Procedure section 1283.05, including the right to take depositions as provided therein. The arbitration award shall be final and binding upon the parties, and judgment thereon maybe entered in any court having jurisdiction thereof. The service of any notice, process, motion or other document in connection with an arbitration under this Easement, or for the enforcement of any arbitration award hereunder, may be effectuated either by personal service upon a party or by certified or registered mail to the party at its address herein provided.

#### 8. **LAND TRUST'S REMEDIES.**

(a) **Notice of Violation.** If LAND TRUST determines that a violation of any of the terms, conditions, covenants or restrictions contained in this Easement by LANDOWNER has occurred or is threatened, LAND TRUST shall give written notice to LANDOWNER of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Easement Area resulting from any use or activity inconsistent with the purpose of this Easement, to restore that portion of the Easement Area so injured.

(b) **Injunctive Relief.** If LANDOWNER fails to cure a violation which is the result of LANDOWNER's action within a thirty (30) day period after receipt of notice thereof from LAND TRUST, or fails to continue diligently to cure such violation until finally cured, LAND TRUST may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any Conservation Values, including damages for any loss thereof, and to require the restoration of the Property to the condition that existed prior to any such injury.

(c) **Damages.** LAND TRUST shall be entitled to recover damages for violation of the terms of this Easement or injury to any of the Conservation Values protected by this Easement, including, without limitation, damages for the loss of Conservation Values. Without limiting

LANDOWNER's liability therefor, LAND TRUST, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Easement Area.

(d) **Emergency Enforcement.** If LAND TRUST, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the protected values of the Easement Area, LAND TRUST may pursue its remedies under this Paragraph without waiting for the period provided for correction to expire. LAND TRUST shall notify LANDOWNER in a timely fashion of any action either proposed or taken pursuant to this Paragraph.

(e) **Scope of Relief.** LAND TRUST's rights under this Paragraph shall apply equally to threatened as well as actual violations of the terms of this Easement. LAND TRUST's remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

(f) **Costs of Enforcement.** Any reasonable costs incurred by LAND TRUST in enforcing the terms of this Easement against LANDOWNER, including, without limitation, costs and expenses of suit and reasonable attorneys' fees, and any costs of restoration necessitated by LANDOWNER's violation of the terms of this Easement shall be borne by LANDOWNER; provided however that LANDOWNER shall not be responsible for any such costs of restoration necessary to remedy damage to the Easement Area caused by the conduct of third parties acting without permission of LANDOWNER. The prevailing party in any action brought pursuant to the provisions of this Easement shall be entitled to recovery of its reasonable costs of suit, including, without limitation, attorneys' fees, from the other party.

(g) **Enforcement Discretion.** Enforcement of the terms of this Easement shall be at the discretion of LAND TRUST, and any forbearance by LAND TRUST to exercise its rights under this Easement shall not be deemed or construed to be a waiver by LAND TRUST of such rights or of any subsequent breach of the same or any other terms of this Easement, or of its rights under the Easement. No delay or omission by LAND TRUST in the exercise of any right or remedy upon any breach by LANDOWNER shall impair such right or remedy or be construed as a waiver, and LANDOWNER hereby waives any defense of laches, estoppel or prescription.

9. **LANDOWNER'S REMEDIES.** LANDOWNER may pursue all remedies available at law or in equity.

10. **ACTS BEYOND LANDOWNER'S CONTROL.** Nothing contained in this Easement shall be construed to entitle LAND TRUST to bring any action against LANDOWNER for any injury to or change in the Easement Area resulting from causes beyond LANDOWNER's control, including, without limitation, fire, flood, storm and earth movement, or actions by persons outside the control of LANDOWNER, or from any prudent action by LANDOWNER under emergency conditions, to prevent, abate or mitigate significant injury to the Property or lives or other property resulting from such causes. LANDOWNER shall cooperate with LAND TRUST to remedy any such injuries or damage to the Easement Area to the extent feasible.

11. **COSTS AND LIABILITIES.** LANDOWNER retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property for health and safety, including payment of property taxes and assessments of any kind, costs associated with fire management and zoning regulations, and maintenance of adequate comprehensive general liability insurance coverage. LANDOWNER remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use permitted by this Easement, and all such construction or other activity or use shall be undertaken in accordance with all applicable federal, state and local laws, regulations and requirements. LANDOWNER shall not be responsible for any costs associated with maintenance or repair of any additional improvements within the Easement area which may be made for open space, habitat restoration, educational, equestrian, pedestrian or public access purposes.

12. **INDEMNIFICATION.** LANDOWNER shall release and hold harmless, indemnify and defend LAND TRUST and its trustees, officers, members, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions ("Claims"), including, without limitation, reasonable attorneys' fees, arising from or in any way connected with (a) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; (b) the violation or alleged violation of, or other failure to comply with, any state, federal or local law, regulation or requirement, including, without limitation, environmental or hazardous waste provisions; and (c) the obligations and costs associated with the LANDOWNER responsibilities specified in Paragraph 11. LANDOWNER's indemnification obligation shall not apply to any Claims caused by or arising out of the active or passive negligence or willful misconduct of Indemnified Parties. Nothing herein shall impose any obligation on LANDOWNER to be responsible for or liable for consequential damages suffered by LAND TRUST.

13. **SUBSEQUENT TRANSFERS.** LANDOWNER agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without limitation, any leasehold interest. The failure of LANDOWNER to perform any act required by this Paragraph shall not affect the validity of such transfer nor shall it impair the validity of this Easement or limit its enforceability in any way.

14. **EXTINGUISHMENT.** If circumstances arise in the future which render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. The proceeds, if any, from such extinguishment to which LAND TRUST shall be entitled, as determined by the court, shall be the stipulated fair market value of the Easement, or proportionate part thereof as determined by a qualified appraiser mutually agreed upon by LAND TRUST and LANDOWNER, or a court appointed appraiser if the parties cannot reach mutual agreement.

15. **CONDEMNATION.** If all or any part of the Property is taken by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, whether by public,

corporate or other authority, so as to terminate this Easement, in whole or in part, LANDOWNER and LAND TRUST shall act jointly to recover the full value of the interests in the Property subject to the taking or in lieu purchase and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by LANDOWNER and LAND TRUST in connection with the taking or in lieu purchase shall be paid out of the amount recovered. The LAND TRUST share of the balance shall be determined by the pro rata percentage of the value of the Easement compared to the total value of the Property unencumbered by the Easement as determined by a qualified appraiser mutually agreed upon by LAND TRUST and LANDOWNER, or a court appointed appraiser if the parties cannot reach mutual agreement.

16. **SUBORDINATION.** If at the time of conveyance of this Easement, the Property is subject to any mortgage or deed or trust encumbering the Property, LANDOWNER shall obtain from the holder of any such mortgage or deed of trust an agreement to subordinate its rights in the Property to this Easement to the extent necessary for the LAND TRUST to enforce the purpose of this Easement in perpetuity and to prevent any modification or extinguishment of this Easement by the exercise of any rights of the mortgage or deed of trust holder.

17. **GENERAL PROVISIONS.**

(a) **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of California.

(b) **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement.

(c) **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(e) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of LANDOWNER's title in any respect.

(f) **Successors in Interest.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective beneficiaries, personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(g) **Notices.** Any notice, demand, request, consent, approval, or other

communication that either party desires or is required to give to the other party shall be in writing and either delivered personally or sent by first class mail, postage prepaid, addressed to the appropriate party at the address provided in this Easement or at such address as either party or successor in interest shall from time to time designate by written notice to the other.

IN WITNESS WHEREOF, LANDOWNER has executed this Easement and LAND TRUST has accepted this Easement as of the date first written above. This Easement shall become effective as of the date of recordation.

LANDOWNER:

LA CUMBRE MUTUAL WATER COMPANY  
695 Via Tranquila  
Santa Barbara CA 93110  
Telephone: 967-2376 Fax: 967-8102

By B. R. Bertrando  
B. R. Bertrando, President

By George E. Goodall  
George E. Goodall, Secretary

LAND TRUST:

THE LAND TRUST FOR SANTA BARBARA COUNTY  
Post Office Box 91830  
Santa Barbara, California 93190  
Telephone: 805/9664520 Fax: 805 963-5988

By: Robert Isaacson  
Robert Isaacson, Vice President

By: Andrew Mills  
Andrew Mills, Secretary

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.

On MAY 13, 1999 before me, Regina Gonzalez, a Notary Public in and for said State, personally appeared Robert Isaacson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



(SEAL)

WITNESS my hand and official seal.

Signature Regina Gonzalez

STATE OF CALIFORNIA )  
COUNTY OF Santa Barbara ) ss.

On May 18, 1999 before me, Margaret L. Braniff, a Notary Public in and for said State, personally appeared BR. Bertrando, George E. Goodall & Andrew Mills personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Margaret L. Braniff

(SEAL)





## Exhibit A

PARCEL ONE: AP# 61-220-09

Lot No. 62 as shown-and designated on Sheet No. 7 of "Map of Tract No. 1 of La Cumbre Estates, being a Subdivision of a Portion of Hope Ranch" as surveyed by George A. Miller, licensed surveyor, which map was recorded on August 10, 1926 in Map Book 15, at Pages 117 to 126 inclusive, in the Office of the County Recorder of Santa Barbara County.

Together with a strip of land of a uniform width of 30 feet lying Southerly of and adjacent to said Lot 62, lying between the most Easterly line and the most Southwesterly line thereof produced to the centerline of Vieja Drive.

EXCEPTING therefrom:

That portion of Lot 62 of La Cumbre Estates, Tract No. 1, a Subdivision of a portion of Hope Ranch, in the County of Santa Barbara, State of California, according to the map thereof recorded in Map Book 15, Pages 117 to 126 inclusive, in the Office of the County Recorder of said County, described as follows:

Beginning at the most Easterly corner of Lot 54B of La Cumbre Estates, Tract No. 1, on the center line of Vieja Drive, as shown on said map; thence 1st, leaving the center line of Vieja Drive, North  $43^{\circ} 54'$  West, along the Northeasterly line of said Lot 54B, a distance of 364.72 feet to the most Northeasterly corner of said Lot 54B; thence 2nd along the Easterly prolongation of the Northerly line of said Lot 54B, North  $77^{\circ} 32'$  East, a distance of 36.00 feet; thence 3rd, South  $43^{\circ} 54'$  East, a distance of 146.00 feet; thence 4th, South  $67^{\circ} 08'$  East, a distance of 225.71 feet to a point on the center line of said Vieja Drive on the arc of a curve to the left having a tangent at said point which bears South  $51^{\circ} 51' 57''$  West, said Vieja Drive having a right of way sixty feet in width, being, thirty feet along each side of the following described center line; thence 5th, Southwesterly along said center line and along the arc of said curve, the radius of which is 1562.88 feet and through a central angle of  $4^{\circ} 23' 57''$ , a distance of 120.00 feet to the point of beginning.

PARCEL TWO: AP# 61-220-10

Commencing at Stake No. 20 at angle point in the South line of Modoc Road as called for in deed from Delia Hope (a widow) to the Pacific Improvement Company, dated April 4, 1887, and recorded in Book 13 of Deeds, Page 157, et seq., Santa Barbara County Records; thence South  $82^{\circ} 15'$  East on line with a 4" x 4" redwood stake no. 19 as per deed, 435.6 feet to a 4 x 4 inch redwood stake; thence at right angles South  $7^{\circ} 45'$  West 100 feet to a 4 x 4 inch redwood stake; thence North  $82^{\circ} 15'$  West, parallel with the first above mentioned course, 435.6 feet to a 4 x 4 inch redwood stake; thence North  $7^{\circ} 45'$  East 100 feet to place of beginning; containing one acre.

PARCEL THREE: AP# 61-261-01

Lots 64, 65, 66, 67 and 68 as shown on Sheets Nos. 7 and 8 of 10 sheets of that certain Map of Tract No. 1, La Cumbre Estates, being a subdivision of a portion of Hope Ranch, recorded with the County Recorder of Santa Barbara County, California, in Map Book 15 at Pages 117 to 126, inclusive.

"Exhibit B"  
[Legal Description of Easement Area]

## Exhibit B

### DESCRIPTION: Conservation Easement (APN 61-220-09 & 10 and 61-261-01)

An Easement over those portions of Lots 62, 63, 64, 65, 66, 67 and 68 of La Cumbre Estates, Tract No. 1, a Subdivision of a portion of Hope Ranch, recorded in Book 15, Pages 117 to 126, inclusive, of Maps, in the Office of the County Recorder, County of Santa Barbara, State of California, being described as follows:

BEGINNING at a point at the northwesterly corner of said Lot 64, said point being at the northeasterly corner of said Lot 63, at the southerly line of Modoc Road as shown on said map;

Thence along said southerly line of Modoc Road the following courses:

South 81°32'30" East, 314.54 feet to a point;

South 79°27'30" East, 439.11 feet to a point;

South 83°29'30" East, 478.99 feet to a point;

South 88°12'30" East, 974.76 feet to a point of curvature of a tangent curve;

Along a curve to the right having a radius of 15.53 feet, a delta of 169°44'30", a radial line of which bears South 01°47'30" West, an arc length of 46.01 feet to a point in the northerly line of Vieja Drive as shown on said map;

Thence along said northerly line of Vieja Drive the following courses:

South 81°32'00" West, 426.81 feet to a point of curvature of a tangent curve;

Along a curve to the right having a radius of 925.37 feet, a delta of 11°38'00", a radial line of which bears North 08°28'00" West, an arc length of 187.89 feet to a point;

North 86°50'00" West, 227.60 feet to a point of curvature of a tangent curve;

Along a curve to the left having a radius of 551.67 feet, a delta of 32°04'00", a radial line of which bears South 03°10'00" West, an arc length of 308.75 feet to a point;

South 61°06'00" West, 229.74 feet to a point of curvature of a tangent curve;

Along a curve to the right having a radius of 418.56 feet, a delta of 19°36'00", a radial line of which bears North 28°54'00" West, an arc length of 143.18 feet to a point;

South 80°42'00" West, 55.44 feet to a point of curvature of a tangent curve;

Along a curve to the right having a radius of 257.94 feet, a delta of 21°21'00", a radial line of which bears North 09°18'00" West, an arc length of 96.12 feet to a point;

North 77°57'00" West, 133.64 feet to a point of curvature of a tangent curve;

Along a curve to the right having a radius of 2425.70 feet, a delta of 7°46'00", a radial line of which bears North 12°03'00" East, an arc length of 328.81 feet to a point;

North 70°11'00" West, 74.52 feet to a point of curvature of a tangent curve;

Along a curve to the left (at a delta of 5°50'00" and an arc length of 111.12 feet the southwesterly corner of said Lot 64) having a radius of 1091.43 feet, a delta of 7°04'00", a radial line of which bears South 19°49'00" West, an arc length of 134.61 feet to a point;

North 77°15'00" West, 208.55 feet to a point of curvature of a tangent curve;

Along a curve to the left having a radius of 1176.28 feet, a delta of 6°49'00", a radial line of which bears South 12°45'00" West, an arc length of 139.95 feet to a point;

North 84°04'00" West, 216.11 feet to a point of curvature of a tangent curve;

Along a curve to the left having a radius of 363.09 feet, a delta of 43°08'00", a radial line of which bears South 05°56'00" West, an arc length of 273.34 feet to a point;

South 52°48'00" West, 90.85 feet to a point of curvature of a tangent curve;

Along a curve to the left having a radius of 1592.88 feet, a delta of 1°32'23", a radial line of which bears South 37°12'00" East, an arc length of 42.81 feet to a point on the northeasterly line of that certain tract of land described in a deed from the La Cumbre Mutual Water District to the Hope School District of the County of Santa Barbara recorded in Book 1801, Page 365, of Official Records, records of said County;

Thence North 67°08'00" West, leaving said northerly line of Vieja Drive and along the northeasterly line of said Hope School District land, 191.20 feet to a point;

Thence North 43°54'00" West, continuing along said northeasterly line, 146.00 feet to a point;

Thence South 77°32'00" West, continuing along said northeasterly line, 36.00 feet to a point in the westerly line of said Lot 62;

Thence North 01°47'00" East, along said westerly line, 44.54 feet to a point;  
Thence North 45°25'00" East, leaving said westerly line, 295.39 feet to a point;  
Thence South 40°34'40" East, 65.86 feet to a point;  
Thence South 42°18'13" West, 157.41 feet to a point;  
Thence South 45°18'22" East, 100.03 feet to a point;  
Thence North 68°35'33" East, 325.84 feet to a point;  
Thence North 46°08'40" East, 182.90 feet to a point;  
Thence North 26°40'21" East, 120.78 feet to a point in the southerly line of Modoc Road;  
Thence South 69°38'30" East, along said southerly line (at 174.69 feet an angle point in the northerly line of said Lots 62, being the northwesterly corner of said Lot 63), 179.01 feet to a point;  
Thence South 81°32'30" East, continuing along said southerly line of Modoc Road, 431.45 feet to the point of beginning.

Calculated area of easement: Approximately 20.4 acres

Prepared by:

*Joseph E. Waters, Sr.*  
Joseph E. Waters, PLS 3804

Date:

*May 10, 1999*



"Exhibit C"  
Map of "Property" and "Easement Area"

EXHIBIT "C"  
MAP OF EXHIBITS "A" & "B"

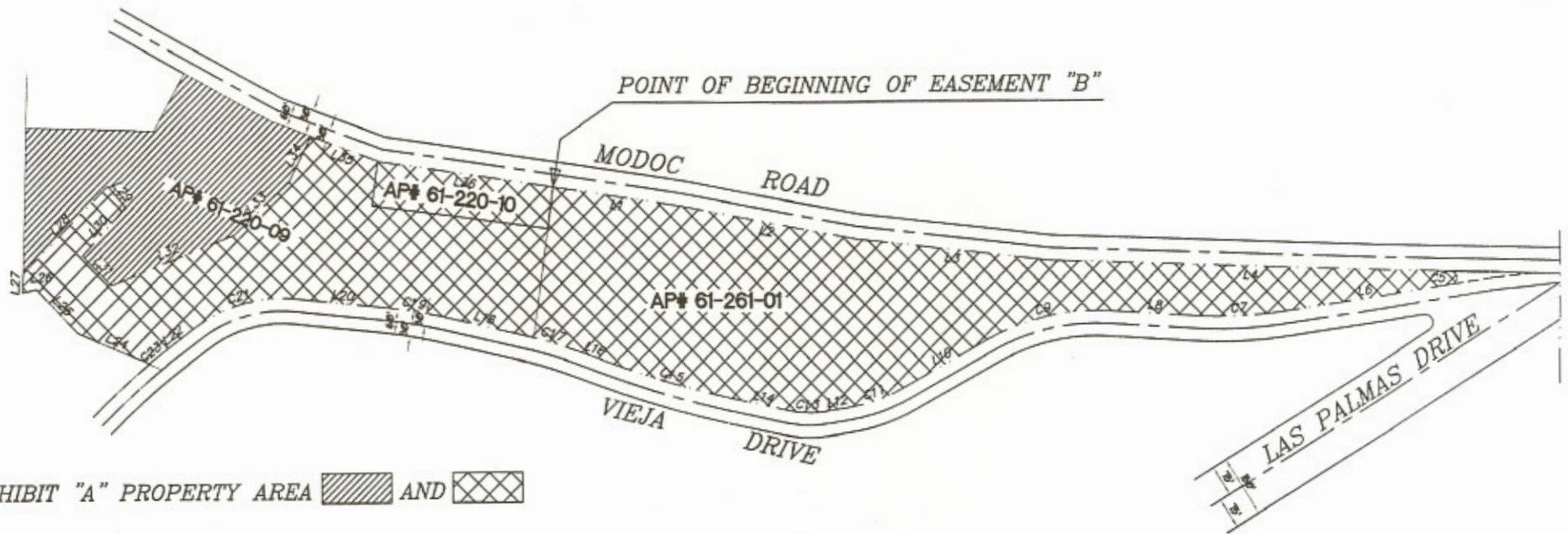


EXHIBIT "A" PROPERTY AREA  AND 

EXHIBIT "B" EASEMENT AREA 



EXHIBIT "B" BOUNDARY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S81°32'30"E	314.54
L2	S79°27'30"E	439.11
L3	S83°29'30"E	478.99
L4	S88°12'30"E	974.76
L6	S81°32'00"W	426.81
L8	N86°50'00"W	227.60
L10	S61°06'00"W	229.74
L12	S80°42'00"W	55.44
L14	N77°57'00"W	133.64
L16	N70°11'00"W	74.52
L18	N77°15'00"W	208.55
L20	N84°04'00"W	216.11
L22	S52°48'00"W	90.85
L24	N67°08'00"W	191.20
L25	N43°54'00"W	146.00
L26	S77°32'00"W	36.00
L27	N01°47'00"E	44.54
L28	N45°25'00"E	295.39
L29	S40°34'40"E	65.86
L30	S42°18'13"W	157.41
L31	S45°18'22"E	100.03
L32	N68°35'33"E	325.84
L33	N46°08'40"E	182.90
L34	N26°40'21"E	120.78
L35	S69°38'30"E	179.01
L36	S81°32'30"E	431.45

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C5	169°44'30"	15.53	46.01
C7	11°38'00"	925.37	187.89
C9	32°04'00"	551.67	308.75
C11	19°36'00"	418.56	143.18
C13	21°21'00"	257.94	96.12
C15	7°46'00"	2425.70	328.81
C17	7°04'00"	1091.43	134.61
C19	6°49'00"	1176.28	139.95
C21	43°08'00"	363.09	273.34
C23	1°32'23"	1592.88	42.81

GRAPHIC SCALE

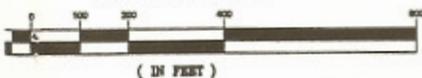


EXHIBIT "C"  
CONSERVATION EASEMENT  
LA CUMBRE MUTUAL WATER COMPANY  
MAY 18, 1999

# **Exhibit B**



# The Land Trust

## For Santa Barbara County

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August 17, 2022

VIA Certified US Mail, Return Receipt Requested, and  
email to malvarado@lacumbrewater.com

La Cumbre Mutual Water Company  
Mike Alvarado, General Manager  
695 Via Tranquila  
Santa Barbara, CA 93110

Santa Barbara County Public Works Transportation Division  
Chris Sneddon, Deputy Director for Transportation  
123 E. Anapamu St.  
Santa Barbara, CA 93101

Re: Proposed Class I Bike Path at Modoc Preserve (Project); Deed of Conservation Easement dated May 18, 1999 from La Cumbre Mutual Water Company (“**Landowner**”) to The Land Trust for Santa Barbara County (the “**Land Trust**”), recorded on September 1, 1999 as Document No 1999-0069145 (the “**Conservation Easement**”) over a portion of Assessor’s Parcel Numbers 61-220-09, 61-220-10, and 61-261-01 (the “**Property**”)

Dear Mr. Alvarado and Mr. Sneddon:

I am reaching out to you regarding the County of Santa Barbara’s proposal to build a Class I Bike Path through the Modoc Preserve (the “**Project**”). As you know, the Modoc Preserve, which is a portion of the above-referenced Property, is subject to the terms, conditions, and restrictions of the Conservation Easement, which is held by the Land Trust.

La Cumbre Mutual Water Company as Landowner under the Conservation has the duty to comply with its terms and it may not allow others, including the County, to engage in any use or activity that violates the terms, restrictions, or conditions of the Conservation Easement. We are specifically including the County as an addressee of this letter to ensure the County is apprised of the Landowner’s obligation to comply with the Conservation Easement and the Land Trust’s legal obligation to enforce the Conservation Easement.

Plans and other documents related to this Project appear to have been developed without due consideration for the provisions of the Conservation Easement or the terms in it that empower and obligate the Land Trust to ensure perpetual conservation. To date, the Land Trust has not been provided with notice or information adequate to determine whether the Project is consistent with the terms of the Conservation Easement. Only if the Land Trust determines that the Project is designed, constructed, and managed in a way that complies with the Conservation Easement can the Land Trust provide approval and support for the Project. The Land Trust, therefore, requests information sufficient to determine if this Project can be constructed in compliance with the Conservation Easement. Please provide the information requested below at your earliest

opportunity. Requests for project approval should come from La Cumbre Mutual Water Company, as the landowner. However, as this is a County project, please work with the County to procure this information.

The Land Trust desires to work with the Landowner and the County to see if the Project can be accommodated under the Conservation Easement, and what it will take for the Project be successful. Although the Land Trust must and will enforce the Conservation Easement, in court if necessary, we believe a collaborative solution would be in the best interest of the Landowner, the Land Trust, and the community.

#### The Land Trust Is Required to Enforce the Conservation Easement in Accordance with its Terms

As the grantee of this Conservation Easement, the Land Trust is charged with enforcing its terms, conditions, and restrictions. This enforcement obligation is codified at Civil Code sections 815–816, which created conservation easements. In addition, the Corporations Code applicable to California nonprofit public benefit corporations requires the Land Trust to prevent loss of or injury to its charitable assets. The Land Trust’s interests in real property, including conservation easements, are assets of the Land Trust. The Land Trust’s obligation to appropriately steward its charitable assets is enforced by the California Attorney General through its Charitable Trusts Section. Failure of the Land Trust to competently manage its charitable assets could result in penalties or even loss of its state status as a nonprofit charitable corporation. This obligation is also a requirement of being a land trust accredited by the Land Trust Accreditation Commission, and the Land Trust is required to enforce each of its conservation easements in accordance with each of their terms. The Land Trust has adopted a written policy and developed written procedures for documenting and responding to potential conservation easement violations, is obligated to investigate potential violations in a timely manner and promptly document all actions taken, and must involve legal counsel as appropriate to the severity of the violation and the nature of the proposed resolution (Land Trust Alliance Standards and Practices, Standard 11.C)

Section 8 of the Conservation Easement states that if there is a threatened violation, the Land Trust may resort to a lawsuit, including an injunction to stop the violation. The Land Trust will be entitled to damages and recovery of its attorneys’ fees and costs both under the Conservation Easement Section 8 and under California Civil Code section 815.7. Section 815.7 also permits the Land Trust to not only recover the costs to restore any harm to the Easement Area and other damages, but also the loss of scenic, aesthetic, and environmental values.

#### Overview of Conservation Easement Provisions

The Recitals section of the Conservation Easement states that the Easement Area shall be preserved and maintained by permitting only those land uses in the Easement Area that do not significantly impair or interfere with identified Conservation Values. Conservation Values are defined as the natural, open space, scenic, wetlands, ecological and wildlife habitat values, which include, but are not limited to, “vernal marsh, southern willow scrub, annual grassland and oak woodland habitat” (“**Conservation Values**”).

Section 1 of the Conservation Easement states that its Purpose is to “assure that the Easement Area within the Property will be retained in perpetuity in its natural, open space, scenic, wetlands, ecological and wildlife habitat condition, use and utility, and to prevent any use of the Easement Area that would significantly impair or interfere with the Conservation Values” (“**Conservation Purpose**”).

Section 2 of the Conservation Easement affirmatively conveys to the Land Trust the right to determine if uses and practices in the Easement Area are consistent with the Conservation Easement, and to prevent any activity on or use of the Easement Area that is inconsistent with the Conservation Purpose.

Section 3 of the Conservation Easement sets out the permitted uses of the Easement Area with the stated intent “that this Easement shall confine the uses of the Easement Area to open space, equestrian, pedestrian, educational, and water company uses and other related uses.” Section 3(e) requires the Landowner to obtain Land Trust’s prior written approval, which “the Land Trust will not unreasonably withhold.”

Section 4 of the Conservation Easement prohibits activities and uses of the Easement Area that are inconsistent with the purpose of the Easement and also lists specific prohibited activities and uses. In particular Section 4(i) states “Any use of the Easement Area which may generate significant noise, traffic, dust, artificial lighting, or crowds or which may impair the natural open space, scenic, wetlands, ecological and wildlife habitat values [is prohibited].”

The Conservation Easement contemplates public access to the Easement Area via a system of designated trails, with restrictions to ensure that public safety and the protection of the Conservation Values. Paved trails are not categorically prohibited so long as the paved trail is compatible with the Conservation Easement, its Conservation Purposes, and Conservation Values. The Conservation Easement is silent on whether bicycles are permitted or prohibited within the Easement Area, but any such use would need to be implemented in ways (including trail design) that ensure the Conservation Purpose to preserve the Conservation Values.

#### Land Trust Requests the Following Design, Construction, and Management Plan Information

Please provide trail design, construction, and management plans of adequate detail to allow the Land Trust to evaluate consistency with the relevant terms of the Conservation Easement. Please also include specific information on how, and by whom, the Project will manage the kinds of bicycles allowed to use the path, speeds, traffic intensity, and lighting, all of which may be incompatible with the protection of the Conservation Values.

In addition, please provide information to show that the construction of and use of the bike path:

- Will not result in soil degradation or erosion (Section 3, preamble);
- Will not result in pollution or degradation of surface waters that significantly impact the existing wetlands, uplands, or wildlife habitat in the Easement Area (Section 3, preamble);
- Will not result in the impairment of open space vistas (Section 3, preamble);
- Will be consistent with the purpose of the Conservation Easement to “assure that the Easement Area within the Property will be retained in perpetuity in its natural, open space, scenic, wetlands,

ecological and wildlife habitat condition, use and utility, and to prevent any use of the Easement Area that would significantly impair or interfere with the Conservation Values” (Section 3, preamble; Section 1);

- Will prevent use of the path by motorized vehicles, such as electric bikes, which are a concern of the Land Trust (Section 4(d));
- Will prevent dumping and garbage (Section 4(e));
- Does not cause significant degradation of topsoil quality, significant pollution, or a significant increase in the risk of erosion (Section 4(f));
- Will not alter the general topography or natural drainage of the Easement Area, including the excavation or removal of soil, sand, gravel, or rock (Section 4(g));
- Will not result in the alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses (Section 4(h));
- Does not generate significant noise, traffic, dust, artificial lighting, or crowds or which may impair the natural open space, scenic, wetlands, ecological, and wildlife habitat values (Section 4(i)); and
- How public access to the Easement Area will be managed and restricted to protect public safety and the Conservation Values (Section 3(h)).

We look forward to hearing from you soon so that all parties can determine if there is a path forward for this project.

Sincerely Yours,



Meredith Hendricks,  
Executive Director  
Land Trust for Santa Barbara County

cc: Doug Campbell, Chair, Modoc Preserve Committee (via email)  
Alison Petro, Land Trust for Santa Barbara County (via email)  
Chris Sneddon, Santa Barbara County Public Works (via email and certified mail)  
Rachel Van Mullem, County Counsel (via email and certified mail)  
Eileen Chauvet, Conservation Partners LLP (via email)

**Commenter:** Robert Martin III, SSL Law Firm LLC

**Date:** October 14, 2022

**Response:**

1. This comment discusses the history of the Land Trust and the Modoc Preserve, and project consistency with the conservation easement held by the Land Trust at the Modoc Preserve and does not address the adequacy of the Revised MND in assessing environmental impacts, no response is required.

With respect to restrictions on the use of motorized vehicles in the Modoc Preserve, the County proposes to construct a “Class 1 bikeway”, also referred to as a “bike path” or “shared use path”, which would “provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians.” (Streets & Highways Code § 890.4.) By definition, a Class 1 bikeway is a “nonmotorized transportation facility.” (Streets & Highways Code § 887.) The shared use path would not be for the use of “motor-driven cycles”, “motorized bicycles”, “motorized scooters”, or any other motorized vehicle, as defined by state law. (See Cal. Vehicle Code §§ 400-407.5.)

- The Vehicle Code defines an “electric bicycle” as a “bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.” (Vehicle Code § 312.5.)
- “An electric bicycle is a bicycle” (Cal. Vehicle Code § 231), and is thus distinct from a “motorized bicycle.”

In sum, the shared use path would be a “nonmotorized transportation facility” that would be “designated for the exclusive use of bicycles and pedestrians.”

2. The proposed project would not adversely affect any sensitive or protected plant species (except oak trees, see page 32 of the Revised MND). Therefore, mitigation is not required.
3. Monarch butterflies forage widely and may occur in nearly any suburban or rural area in the region and occur at the Modoc Preserve. However, an aggregation site has not been reported at the Modoc Preserve. We expect a monarch butterfly aggregation would have been reported by the numerous biologists that have worked at the Modoc Preserve over the past six years as part of planning, implementing and monitoring restoration activities. Monarchs are known to feed on nectar found in blue gum eucalyptus flowers, and approximately eight of these trees would be removed. Due the large number of these trees (hundreds) present at or adjacent to the Modoc Preserve and the lack of an aggregation site nearby, the removal of these trees would not adversely affect the local Monarch butterfly population.
4. This comment discusses project consistency with the conservation easement held by the Land Trust at the Modoc Preserve, and does not address the adequacy of the Revised MND in assessing environmental impacts, no response is required

**From:** John Richards <[pacificlmr@hotmail.com](mailto:pacificlmr@hotmail.com)>  
**Sent:** Friday, October 14, 2022 2:13 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Comments on Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Morgan Jones  
Senior Environmental Planner  
County of Santa Barbara

RE: Comments on Modoc Multi-use Path (MUP)

Hello Morgan,

My family has lived on Via Zorro for 46 years and I have been considering the MUP project that will impact our neighborhood and the surrounding area for several months, studying both the Draft Mitigated Negative Declaration (DMND) and the recent Draft Revised Mitigated Negative Declaration (DRMND). They are both quite comprehensive and provide a wealth of information about the potential positive and negative issues regarding the MUP project, especially the impacts along Modoc Rd. between Via Senda and Encore Dr.

However, I've concluded that the long-term benefits and identified mitigations proposed for the MUP do not outweigh the short term (a few years) and medium term (life time of our grandchildren) impacts on our area and the SB community at large due to the loss of habitat, trees and existing biodiversity (and natural recreational benefits) of the Modoc Preserve. What I did not see in either the DMND or DRMND is any discussion or negotiations between the County and the Santa Barbara Land Trust about the Deed of Conservation Easement (1999) that secured the area south of Modoc Rd. as a natural area in perpetuity.

This encroachment by the MUP into the Preserve and the possible loss of the natural trail along the road (used by hikers, dog walkers, and equestrians) also impacts many of the local residents and other community members who use this area recreationally. Access to the Preserve could be impacted by the MUP, especially if a proposed retaining wall is constructed south of Modoc Rd. The potential recreational impacts are addressed on p. 68 (4.13) of the DRMND, but I disagree with the determination that a.) conflict with established recreational uses of the area are **less than significant**. b.) conflict with hiking and equestrian trails have **no impact** and c.) substantial impact on the quality or quantity of existing recreational opportunities have **no impact**. I believe there will be significant recreational impact to our local community.

We recommend that the County conduct a survey of the residents of our area to get a better idea of how much we use this area (my family and I cross Modoc Rd. to enjoy the hiking trails and natural areas nearly every day). We observe many of our neighbors doing the same.

In closing, our family (four of us) support the idea of improving the existing bike path along this stretch of Modoc Rd. and lowering the speed limit to 35 mph for additional safety for bicyclists. We also suggest that the County consider bringing in a mediation group to bring together the various stakeholder groups to help with conflict resolution and to avoid costly litigation.

Best regards,

John and Nancy Richards  
Via Zorro  
Santa Barbara, CA 93110

**Commenter:** John and Nancy Richards

**Date:** October 14, 2022

**Response:**

Negotiations regarding an easement at the Modoc Preserve are independent of the environmental analysis and not included in the Revised MND. The proposed multi-use path would not affect existing trails at the Modoc Preserve but provide additional recreation opportunities for bicyclists and pedestrians. Your opposition to the proposed project is noted.

From: Cricket Wood <[cricketwood@me.com](mailto:cricketwood@me.com)>  
Sent: Friday, October 14, 2022 2:38 PM  
To: Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
Subject: modoc multi use path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello Morgan Jones and any other interested party,

I am writing to express my concerns and objections to the current revised Mitigated Negative Declaration plan for the Modoc Road multi use path. Although I am a strong supporter of biking and walking and increasing access to more safe bikeways I strongly oppose the plan to route the multiuse path through the modoc preserve along the current equestrian trail there. I am a regular user of that trail and there are few places left for equestrians to ride without running into conflicts with bikes. Most of the front country trails in the Santa Barbara area are now open to bikes and I no longer ride those trails on horse because it is too dangerous. Introducing bike traffic in the modoc preserve is not compatible with the current use and the original intent in making that space a nature preserve. There is a very safe bike lane already available along the side of Modoc road for bike use. There is also a walking path in the modoc preserve for walker which are much more compatible with horses than bikes. There is no need to add an additional path to bring bikes in to the preserve and disturb and disrupt the equestrian use and wildlife there. The modoc preserve is a natural nature preserve and introducing bikes including electric bikes along a paved multi use path doesn't fit in with the goals of the preserve.

As an equestrian user I am very thankful to the county for installing the button activated warning light on the bridge that crosses the stream there and is shared by equestrians and bikes along the Obern trail bike path near the modoc riding ring property. I have experienced several very dangerous and scary interactions between bikes and horses along that bridge and the warning light improvement should greatly improve safety in that location. The installation of the warning lights recognizes the long term use by equestrians of this path and the adjacent trails in the Modoc Preserve. However this plan to route the multiuse path through the preserve and directly along the current equestrian trail does not make sense. The multiuse path is not compatible with equestrian use and mixing horses and bikes along the same path for a great distance or even side by side only creates more safety issues rather than reducing them.

Thank you for your consideration,  
Cricket Wood

**Commenter:** Cricket Wood

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

October 13, 2022

To : Santa Barbara County Planning Staff, Attn: Morgan Jones

Re: Modoc Road Multi-use Path, Revised Draft MND

Thank you for all the work that you have completed on this project and for listening and responding to public input.

I am a former wildlife biologist for the US Forest Service, and worked on environmental assessment and preservation of wildlife and their habitats for various projects. The County's MND does a good job identifying potential environmental impacts associated with the proposed path. The analyses are consistent with the evidence of what is present, likely to be present, and likely to be negatively affected by any aspect of this project. The thresholds of significance that were noted in the MND, seem reasonable and consistent with the resources observed. Due to the lack of presence or anticipated effects, an EIR would be an unnecessary waste of time and money, and could potentially result in a loss of grant funding. This would be a real shame, given the need and benefit of this project.

I feel the MND could be improved with a few changes.

The proposed MUP is required to be ADA compliant, but the MND does not address accessibility, or safe access from the north side of Modoc Road to the MUP.

I believe the MND would be improved by having an arborist evaluate the proposed alignments for two things:

- 1) The mature eucalyptus along the roads were severely topped quite some time ago, and as a result have developed weaker branching and I imagine rotten centers, judging by the amount of shelf fungi sprouting from the base of several of these trees adjacent to the proposed alignments. Weakened trees will eventually fall down, and thus should be removed prior to any MUP placement, to avoid future damage to the path or users. The removal of diseased trees might be seen as a benefit to placing the path within the conservation easement, in terms of safety, liability, and funding for tree removal.
- 2) It would be helpful to have an assessment of how the construction of the MUP, both in terms of path clearing and retaining wall construction, might affect the viability of adjacent trees.

Another slight improvement to the MND would be to address monarch butterfly presence a little more clearly, even though the project determination of effects will remain unchanged. Although they were not seen at the time of the biological survey, monarchs have often been seen within the conservation area. Their presence is likely,

due to the availability of milkweeds and nectar sources, neither of which will be affected by the construction or use of the proposed MUP. In addition, since equestrians and walkers pass through the area daily, any past overwintering use of the trees would have been well documented. The potential for the MUP affecting monarch overwintering remains unlikely.

I appreciate the county's desire to avoid placement of the MUP within the Modoc conservation easement. However, I request that the county revisit the potential for locating the MUP within portions of the conservation easement. Please include such an alternative in the final proposed project and MND, minimizing the removal of healthy mature trees as much as possible, so that it can be evaluated by the Santa Barbara Land Trust and the La Cumbre Mutual Water Company. Alignment of the MUP a few feet along the inside edge of the conservation easement would not result in any different determination of effects. On the other hand, the experience of walking or bike riding within the open space, and off of Modoc Road, would be vastly more scenic, peaceful, educational, and safe, compared to the current Alternative A or B. Once the details of the project are more fleshed out, all parties can make more careful consideration of their concerns and the potential benefits.

Thank you for considering my input,

Brigitta Van Der Raay  
357 Arroyo Road  
Santa Barbara, CA 93110

**Commenter:** Brigitta Van Der Raay

**Date:** October 13, 2022

**Response:**

The proposed multi-use path would be constructed with minimal earthwork, such that disruption of the root system of adjacent trees would be minor, including poorly pruned and declining eucalyptus trees. Retaining walls would be low with a foundation only a few feet wide.

Monarch butterflies forage widely and may occur in nearly any suburban or rural area in the region and occur at the Modoc Preserve. However, an aggregation site has not been reported at the Modoc Preserve. We expect a monarch butterfly aggregation would have been reported by the numerous biologists that have worked at the Modoc Preserve over the past six years as part of planning, implementing and monitoring restoration activities. Monarchs are known to feed on nectar found in blue gum eucalyptus flowers, and approximately eight of these trees would be removed. Due the large number of these trees (hundreds) present at or adjacent to the Modoc Preserve and the lack of an aggregation site nearby, the removal of these trees would not adversely affect the local Monarch butterfly population

**From:** Pete Johnson <[hopduvel.pete@gmail.com](mailto:hopduvel.pete@gmail.com)>  
**Sent:** Friday, October 14, 2022 3:12 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

My name is Peter Johnson. I've lived across from the Modoc Preserve for over 30 years, on Encore Dr.

I used to be a serious cyclist. Spandex pants, drop handlebars kind of guy. I've never had a problem with safety on the existing Modoc bike lane. I have however had a serious crash on the multi-use path to Goleta beach. Kid walking a dog let it cut in front of me, forcing me off the path, over my handlebars and resulted in a broken arm. I want no part of biking on multi-use paths. Most cyclists I know feel the same.

Now that I'm older I don't bike so much, but I do walk my dog a lot. Again, I want no part of walking him on a multi-use path. It's dangerous for the dog and the cyclists.

In summary a multi-use path will not serve the needs of either cyclists or pedestrians. That section of Modoc Road is already blessed with an adequate bike lane and a beautiful shaded pedestrian path. Please keep it that way.

Whenever I've been away for the past 30 years nothing has made me feel more like I'm home than the sight of those trees.

**Commenter:** Peter Johnson

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to the proposed project is noted.

**From:** Susan Bockelman <[susan.bockelman@yahoo.com](mailto:susan.bockelman@yahoo.com)>  
**Sent:** Friday, October 14, 2022 3:33 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Multi-use Path Project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Mr. Jones,

Thank you for allowing my input. I have several things I would like you to consider starts when the project starts.

1. Would you please consider a smaller project, one that would not have the median with plants and trees. Why take out 60 trees only to plant more trees in a median? There is already plenty of beautiful wildlife and nature along Modoc Road in the preserve.

2. The people who live on the north side Modoc Road between Via Senda and Encore who use the preserve to walk their dogs, ride their horses, and take nature walks need access to the preserve. Having these access points is important to all of the people because it means we do not have to walk down or up Modoc Road where there are no sidewalks. We can walk directly across Modoc to get away from fast moving cars. I have lived here and used the preserve for 30 years. I am very familiar with the access points where people walk into the preserve. I will list them below. They are conveniently marked with stakes.

a. West end of Via Zorro

There is a stake marked 20002 where there is a path that families who live on Via Zorro use to enter the preserve to walk dogs and do nature walks.

b. Home owners between Clara Vista and Vista Clara

There is a stake marked 20011 where homeowners in the neighborhood enter the preserve to walk dogs and do nature walks.

c. Vista Clara

There are families on Vista Clara who own horses and love to ride in the preserve. They need a safe access point for their horses by stake marked 20016.

d. East end of Encore

There is a stake marked 20022 where there is a path that families on the east end of Encore use to enter the preserve to walk their dogs.

Please, please give us these four access points. The families along Modoc Road

between Via Senda and Encore will greatly appreciate that you are thinking of their interests and safety.

Regards,

Susan Bockelman

805-618-8180

**Commenter:** Susan Bockelman

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** Don <[danddmiller1@cox.net](mailto:danddmiller1@cox.net)>

**Sent:** Friday, October 14, 2022 3:58 PM

**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>; Wageneck, Lael <[lwageneck@countyofsb.org](mailto:lwageneck@countyofsb.org)>;  
Sneddon, Chris <[csneddo@countyofsb.org](mailto:csneddo@countyofsb.org)>; Nelson, Bob <[bnelson@countyofsb.org](mailto:bnelson@countyofsb.org)>; Lavagnino, Steve  
<[slavagnino@countyofsb.org](mailto:slavagnino@countyofsb.org)>; Hart, Gregg <[gHart@countyofsb.org](mailto:gHart@countyofsb.org)>; Hartmann, Joan  
<[jHartmann@countyofsb.org](mailto:jHartmann@countyofsb.org)>; Supervisor Das Williams <[SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org)>

**Subject:** Revised MND Comments - Modoc Pathway

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Sent from my iPad



**Venskus & Associates**  
A PROFESSIONAL CORPORATION

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October 7, 2022

**SENT VIA ELECTRONIC MAIL**

Board of Supervisors  
County of Santa Barbara  
105 E Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
c/o: Morgan Jones ([mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)); and  
Clerk of The Board ([sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us))

**RE: Comment Letter on the Proposed Modoc Road Multi-Use Path for the  
County Board of Supervisors' November 1, 2022 Hearing**

**INTRODUCTION**

The Community Association for the Modoc Preserve (“CAMP”) is a grassroots organization dedicated to protecting the Modoc Preserve – a biodiverse oasis with at least 133 plant species and 71 bird species. CAMP represents over 4,060 (and growing) individuals who have signed on to CAMP’s Save The Modoc Road Trees petition (<https://www.change.org/SaveModocRoadTrees>). CAMP hereby submits this comment letter on the proposed Multi-Use Path for the County of Santa Barbara, for which a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act. (“proposed Project”).

The County staff has recommended that Alignment B be approved. CAMP opposes both Alignment A and Alignment B as set forth in the Revised MND dated September 8, 2022, and requests that the Board of Supervisors place the entire Multi-Use Path up onto Modoc Road or let the ATP grant expire so that these funds can be used where they are most needed to increase bike safety in Santa Barbara County. The County has already moved the western half of the Multi-Use Path onto Modoc Road using existing asphalt infrastructure in County Right of Way (ROW), north of the valuable tree belt that lines Modoc Road. CAMP calls their proposed alignment placing the entire path onto Modoc Road the "Greenbelt Alignment".

Any decision by the Board of Supervisors to approve the proposed Project as currently formulated will result in multiple violations of the California Environmental Quality Act. First, the Initial Study/Mitigated Negative Declaration (“MND”) prepared

for the proposed Project contains numerous inaccuracies and fails as informational document. Second, Alignment B is not viable since it cannot be constructed in a manner consistent with the Conservation Easement in the Modoc Preserve that the Land Trust for Santa Barbara County currently holds. Third, Alignment A, as currently designed, is not tenable for multiple reasons, not the least of which being that it would destroy 29 majestic Canary Island Palm Trees and a number of native Oak trees not included in the MND's tree survey.

Therefore, CAMP respectfully requests that the Board of Supervisors reject the MND for the proposed Project at this time, and instead, consider the Greenbelt Alignment.

### **LEGAL BACKGROUND**

Once an agency decides that a project is not exempt from CEQA, it prepares an Initial Study. The purpose of the initial study is to inform the choice between a Negative Declaration or an Environmental Impact Report ("EIR"). (14 California Code of Regulations ("CCR" or "CEQA Guidelines") §§ 15063(c)(1); *Inyo Citizens for Better Planning v. Inyo County Bd. of Supervisors* (2009) 180 Cal.App.4th 1, 7.)

"In preparing an Initial Study, the Lead Agency bears the burden to investigate the potential environmental impacts. The failure to conduct an adequate Initial Study may limit the substantial evidence upon which the agency determines whether an EIR is necessary. Courts have held that deficiencies in the administrative record, such as an inadequate Initial Study, may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences of possible environmental impact.[.]" (1 California Environmental Law & Land Use Practice § 21.08 (2022).)

When an Initial Study is used to decide whether or not an EIR is necessary, the Lead Agency must determine whether *there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment.* (CEQA Guidelines § 15063(b)(1).)(emphasis added.)

If there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the Lead Agency must prepare a Negative Declaration. (CEQA Guidelines § 15063(b)(2); Public Resources Code ("PRC") § 21080(c)(1).)

On the other hand, if there is substantial evidence that the project may have a potential environmental effect that is significant, then the lead agency must do one of the following: 1) prepare an EIR, 2) use a previously prepared EIR that adequately analyzed issue, or 3) revise or mitigate the project so it no longer causes a significant effect and then issue a mitigated negative declaration. (PRC § 21080(c)(2) and (d); CEQA Guidelines 15063(b)(1).)

These determinations must be based on substantial evidence in the record. (CEQA Guideline § 15064(f).)

Specifically for Mitigated Negative Declarations, “A public agency shall prepare or have prepared a proposed [ ] mitigated negative declaration for a project subject to CEQA when: (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) The initial study identifies potentially significant effects, but: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.” (CEQA Guideline § 15070.)

Any necessary mitigation measures must be specifically set forth in the Mitigated Negative Declaration in advance of Lead Agency adoption of the Mitigated Negative Declaration (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1606 fn 4). When a public agency adopts a Mitigated Negative Declaration, the adopted mitigation measures must expressly be made conditions of project approval. Also, the Lead Agency must adopt a monitoring or reporting program for the mitigation measures that it included in the Mitigated Negative Declaration or made a condition of approval to avoid significant effects on the environment. (PRC § 21081.6(b); CEQA Guidelines § 15074(d); see *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 400–401.)

## **ANALYSIS**

### **1. THE MITIGATED NEGATIVE DECLARATION FAILS AS AN INFORMATIONAL DOCUMENT BECAUSE IT OMITTS AND OBFUSCATES SUBSTANTIAL EVIDENCE OF POTENTIAL ENVIRONMENTAL IMPACTS**

#### **A. The Initial Study/Mitigated Negative Declaration (“MND”) Obfuscates Substantial Evidence Of Potentially Significant Impacts On Biological Resources**

In describing the thresholds of significance for biological resources, the MND admits that the following impacts could be potentially significant: a) A loss or disturbance to a unique, rare or threatened plant community; b) A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants; c) A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements); d) An impact on non-native vegetation whether naturalized or horticultural if of habitat value; e) The loss of healthy native specimen trees; g) A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals; h) A

reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates); i) A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.); and k) Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife. (Revised MND p. 28.)

More specifically, the Santa Barbara County Environmental Thresholds and Guidelines Manual (“County Guidelines”) states that “Assessment of impacts must account for both short-term and long-term impacts. Thus, the assessment must account for items such as immediate tree removal and longer-term, more subtle impacts such as interruption of the natural fire regime or interference with plant or animal propagation.” (County Guidelines, p. 27.) The County Guidelines further state that “Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

- (1) Substantially reduce or eliminate species diversity or abundance
- (2) Substantially reduce or eliminate quantity or quality of nesting areas
- (3) Substantially limit reproductive capacity through losses of individuals or habitat
- (4) Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources
- (5) Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes)
- (6) Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.”

(County Guidelines p. 27.)

The revised MND obfuscates the existence of substantial evidence that would establish one or more of the above-enumerated factors. Even worse, the lion’s share of evidence the MND has ignored came from studies commissioned by the County of Santa Barbara as part of other County projects.

i. *Obfuscation of the Presence of, and Impacts on, Native/Special-Status Oak Trees*

The MND represents to the public and the decision makers that zero (0) Coast Live Oak trees will be removed under the Alignment A scenario. (See MND p. 41, Table 8 [Tree Removal Summary]; see project webpage as of September 27, 2022 <https://www.countyofsb.org/modocmup>.) The evidence demonstrates that this statement in the MND is false.

The County’s own tree base map for the instant proposed Project identified a stand of 7 oak trees situated over what is now Alignments A and B along Modoc Road just before Via Zorro. (Exhibit A [Original Tree Base Map, Sheet 3 of 4, Trees Nos. 103-104, 106-108, and 110-111.].) Photographs confirm the presence of the oak trees in this location.

(Exhibit B [Photographs of Oak Trees Along Modoc Road].) The MND's error is compounded by the fact that the full complement of Coast Live Oaks that are present along this specific stretch of Modoc Road were identified on the original tree base map (See Exhibit A [Original Tree Base Map, Sheet 3 of 4]) but were omitted from the subsequent Alignment Maps (see Exhibit C [August 27, 2022 Alignment Map].) The subsequent maps even misidentified one oak tree as a eucalyptus tree. (*Ibid.*) The stand of Oak Trees is clearly in both Alignments A and B and subject to removal by the proposed Project. (Exhibit D [Photographs of Oak Trees in boundary markers set placed by the county].)

When the existence of the stand of oak trees and these other errors were brought to the attention of the senior environmental planner with the County of Santa Barbara, he admitted that the County was aware of this error and subsequently provided a revised tree impact summary noting that 6 Native Coastal Live Oaks may be removed under the proposed Project. (Exhibit E [Morgan Jones E-mail].) This updated information was not included in, or analyzed in, the MND provided to the decision-makers. The MND still indicates that 0 Coast Live Oaks will be removed under Alignment A.

An additional inaccuracy in tree species identification in the MND occurs near Modoc Road and Clara Vista Road. There, the County once again misidentified an Oak Tree as a 33" Eucalyptus Tree. (Exhibit A [Tree Base Map, Sheet 2 of 4, identifying Tree # 77 as "Q" ]; see Exhibit C [August 27, 2022 Alignment Map still reflecting a Eucalyptus Tree, not an Oak Tree]; Exhibit F [Photographs of misidentified Oak Tree].)

Since the full complement of oaks trees subject to removal were not identified or addressed in the MND, the MND fails as an informational document. Moreover, the MND fails to provide mitigation measures for the oak trees that would be removed under Alignment A. For these reasons alone the MND should be rejected.

*ii.      Obfuscation of Habitat Loss Data*

The County calculated tree canopy habitat loss resulting from loss of trees along a stretch of Modoc Road for a different portion of the Multi-Use Path not directly at issue in the instant project as shown by the following table that CAMP obtained via a California Public Records Act Request:

Habitat Loss					
Species	Average Canopy Radius	Area (ft2)	Number	Total Area (ft2)	Acres
Phoenix	10	314	13	4084	
Eucalyptus globulus	15	707	27	19085	
Quercus agrifolia	10	314	13	4084	
Schinus	10	314	3	942	
Salix	10	314	1	314	
Podocarpus	10	314	2	628	
Eucalyptus citriodora	15	707	1	707	
<b>TOTAL</b>				<b>29845</b>	<b>0.69</b>
<b>Non-Native</b>				<b>25447</b>	<b>0.58</b>

But this calculation was not performed in the Revised MND. Per CAMP’s own calculation, the following habitat loss would result in the instant project for Alignment A:

Phoenix canariensis/Canary Island Date palm: 29 trees x 314ft2 ave. canopy area = 9106ft2

Blue gum Eucalyptus: 8 trees x 707ft2 canopy area = 5656ft2

Lemon gum Eucalyptus: 5 trees x 707ft2 = 3535ft

Total tree canopy habitat loss Alignment A: 9106ft2 + 5656ft2 + 3535ft = 18,297ft2. Additionally, if we calculate the loss of shade canopy for the 6 Coast Live oaks (Quercus agrifolia), there is an additional 6 x 314ft2 canopy area = 1884ft2 of canopy loss.

No reasonable person could conclude that losing ~20,000 square feet of habitat and shade canopy is not a significant loss, especially given the state of our climate emergency. Mitigated plantings are only for native trees, which the County states that 0 native oaks would be removed in Alignment A from the County's Table 8 **Tree Removal Summary** ...when in fact, there are 6 Coast live oaks (*Quercus agrifolia*).

*iii. Obfuscation of the Presence of Special-Status Plant Species*

The MND indicates that the only special status plants observed on-site were Coast Live Oaks. (MND p. 32.) Substantial evidence indicates that the observer (with only one visit to the site) failed, as there are clearly other special status plants on site, as the photographic evidence and studies commissioned by the County over a 5 year period demonstrate.

The MND admits that plants listed as a “rare plant of Santa Barbara County” by the Santa Barbara Botanic Garden or plants considered by the California Native Plant Society to be “rare, threatened, or endangered in California,” are special-status plants. (MND p. 33.)

According to this definition, then, Southern Tarplant, Yerba Mansa and Spiny Rush are all special status plants. In its 2020 annual grassland restoration report submitted August 25, 2020 to Mr. Alex Tuttle of SB County Public Works by Kisner Restoration and Ecological Consulting, Inc. (KR&EC) along with Dr. Adam Lambert, the County admitted that the Southern Tarplant, Yerba Mansa and Spiny Rush were all classified as rare plants by the Santa Barbara Botanic Garden. (Exhibit G [Grasslands Restoration Project Annual Report, Attachment C, pg C-4.]) For ease of reference, CAMP has extracted the table from the County-commissioned Grasslands Restoration Project Annual Report Attachment C, and display only the relevant plants at issue for purposes of this argument section of this comment letter.

**PLANT SPECIES OBSERVED ON SITE**

Scientific Name	Common Name	Origin	Before Grassland Restoration 2014	Year 1	Year 2	Year 3
<i>Anemopsis californica</i> *	Yerba mansa	N	Preserve	WM		
<i>Centromadia parryii ssp. australis</i> *	Southern tarplant	N (rare)		G/WM		
<i>Juglans californica</i> *	Southern California black walnut	N	G	G		
<i>Juncus acutus ssp. leopoldii</i> *	Southwestern spiny rush	N		WM		
<i>Stachys ajugoides</i> var. <i>ajugoides</i> *	Hedge nettle	N		G/WM		

*\*listed on Santa Barbara Botanical Garden's Rare Plants of Santa Barbara County List*  
 Preserve: Found on the Modoc Preserve but no within the restoration area; WM: Found in the wet meadow portions of the restoration area.  
 G: Found in the grassland portions of the restoration area; v: volunteer native species; if "p" also listed it was also planted in other areas

Additionally, the Southern Tarplant is also classified as rare, threatened or endangered by the California Native Plant Society. (<https://rareplants.cnps.org/Plants/Details/144>.) In fact, the Southern Tarplant is ranked 1B.1 on California Native Plant Society (CNPS) Rare Plant Inventory List. (<https://rareplants.cnps.org/Search/result?global=southern%20tarplant> [stating 1B.1: Plants rare, threatened, or endangered in California and elsewhere. Plants with a California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.]])

The evidence demonstrates that Southern Tarplant, Yerba Mansa and Spiny Rush are all present in the Modoc Preserve and are in close proximity to the proposed alignments. The County listed Yerba Mansa and Spiny Rush on a list of flora observed **along** the Alignment (MND pg. 28 [“A list of all plant species observed **along the multi-use path alignment** is provided as Appendix A”; Appendix A pg. 1 [listing Yerba Mansa], pg. 2

[Listing Spiny Rush])(Emphasis added.) This establishes that these two special status plants are not only in the Modoc Preserve, but along the proposed alignments.

The County's 2020 annual report on the Grassland Restoration project confirms that Southern Tarplant was present in the preserve, in close proximity to the alignment areas. (Exhibit G, Attachment C, pg. C-1 [Listing Southern Tarplant].) That same reporting also confirms the presence of all three special status plant species in the preserve as of 2020. (Exhibit G, Attachment C.) This evidence – which is the County's own evidence -- directly contradicts the MND's claims that no Southern Tarplants were observed on site and that Spiny Rush was not observed near the alignment. (MND pg. 33.)<sup>1</sup> Hedge Nettle, another special status plant, was also found to exist on-site by biologists funded by the County (Exhibit G, Attachment C, pg. C-4), but this special status plant is completely excluded from mention and analysis in the MND.

It is axiomatic that flora occurring along the proposed Project alignments are in danger of destruction. For example, the California Native Plant Society identifies development, recreational activities, human foot traffic and road widening as threats to the Southern Tarplant. ([https://rareplants.cnps.org/Home/Glossary#\\_Toc72398855](https://rareplants.cnps.org/Home/Glossary#_Toc72398855).) It is difficult to imagine how these threats would not also apply to Yerba Mansa and Spiny Rush. Yet, the MND has not identified these as potential significant impacts on biological resources and does not provide any analysis on these impacts, nor provide any mitigation for these impacts. Despite the fact that Dr. Adam Lambert wrote comments outlining this lack of analysis on 6/17/2022 (last day for comment in first MND) in an email to Morgan Jones...as well as pointing out other discrepancies and omissions, (Exhibit H [Lambert E-Mail]), the Revised MND fails to correct these deficiencies.

These omissions are troubling, given that some, if not all, of these plants were the result of seeding and planting performed under the County's own Grassland Restoration Project, which was implemented as a mitigation measure for significant impacts resulting from another construction project in the area. (See Exhibit G p.1 [discussed in more detail below]). The Revised MND should be rejected on this basis alone.

Furthermore, the County has overlooked, and in some cases contradicted, the presence of multiple special status plants that the County itself spotted on site just two years prior.<sup>2</sup> This only underscores how the MND fails to accurately describe the presence of special status plants on-site and makes the statement that the only special status plants observed on-site were Coast Live Oaks, erroneous. The MND fails as an informational document for this reason alone.

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<sup>1</sup> Perhaps the observer did not do a thorough job observing what is actually on-site.

<sup>2</sup> CAMP has issued a California Public Records Act request that included all annual reports from the Grassland Restoration Project, but to date, the most recent 2021 and 2022 annual survey reports have yet to be provided despite multiple requests for those reports.

The MND has also incorrectly framed the vegetation community types in the Modoc Preserve. (Exhibit H [Lambert E-mail].) This issue as well as the general concepts embodied by the issues identified above were brought to the attention of the County staff. (*Ibid.*) Yet, strangely, staff did not include any of this information in the MND.

Finally, the County was tasked with preparing a tree survey and tree protection and replacement plan. (See Exhibit I [Description of work for initial study].) The tree base map and the alignment maps, when considered together, do not meet the requirement for a survey of the specific number of individual trees, species and size in diameter breast height (Dbh), approximate height and location as set forth in the description of work. (Exhibit I.) There is no tree replacement and protection plan.

*iv. Failure to Assess Impacts on Restored Native Grasslands*

The County implemented a Native Grassland Restoration Project in the Modoc Preserve as a mitigation measure for another development in the area. (Exhibit G [Year 3 Annual Report for Modoc Preserve Native Grassland Restoration for the Boulders Park Hills Estates Project, Santa Barbara, California].) As part of that mitigation measure, a total of 15,749 native plants over 3.64 acres and approximately 45 pounds of seed over 2.23 acres were installed. (Exhibit G, pg. 2-3.) The Native Grasslands Restoration As Built Map shows that several areas that have received planting and seeding under the restoration program are near both alignments of the proposed Modoc Multi-Use Path. (Exhibit G, Attachment A, p. A-1 [As Built Map].) In fact, one planted area abuts Modoc Road near Clara Vista. (*Ibid.*) Photographs taken by CAMP also clearly show that native grass plantings and seedings have been made directly in the path of the proposed alignments. (Exhibit J [Photographs taken and marked by CAMP of Native Grassland located in the proposed Alignments].)

This puts a portion of the very plantings and seedings made as a mitigation measure for another County project at risk of destruction, thereby undermining the mitigation measure and the goals of the County's own Native Grassland Restoration Project. In fact, the County has also smoothly shifted focus away from the included 8' wide adjacent equestrian trail and 4' high fence separation...that could bring the width to 20'-24' in sections...it is impossible to do that and not invade the mitigated plantings in some sections. The destruction of pre-existing mitigation measures is not permissible under CEQA. It also signifies the inadequacy of the MND as an informational document due to its complete failure to identify that native grasslands would be removed under Alignments A and B.

The issues with special status plants and native grassland restoration were brought to the attention of County staff by the biologist (Dr. Adam Lambert) who worked on the County's Native Grassland Restoration Project, but, as we understand it, County staff never responded. (Exhibit H [Lambert E-mail].) Nor were these concerns addressed in the MND.

*v. Obfuscation of Presence of Monarch Butterflies*

The MND admits that animals that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act, as well as animal species of special concern to the California Department of Fish and Wildlife (CDFW), are special status species. (MND p. 34.) The Monarch Butterfly meets both of these thresholds. (<https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly>.)

The MND ultimately provides no impact analysis or mitigation measures for Monarch Butterflies because “monarch roosting has never been reported here [in the preserve]” (MND p. 36) and “none were observed at the project site during the biological survey” (MND p. 34). But substantial evidence demonstrates otherwise.

CAMP has recent photographs of Monarch Butterflies in the preserve (Exhibit K [Monarch Photographs]) and recent video of Monarchs in the preserve (Exhibit L [Video Link <https://youtu.be/GUur19TqnG0> of Monarchs in the Modoc Preserve].) But the County need not resort to evidence from other sources, when its own 2020 Annual Report from the Grassland Restoration Project admits that “Efforts have continued to increase the number of narrow-leaved milkweed, the host plant for Monarch butterflies. In 2017, 150 milkweed plants were installed and in 2018 an additional 200 milkweed were installed. Monarch caterpillars were observed on many of the planted milkweed in spring of 2019 and 2020.” (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant].) The MND’s claim that Monarch butterflies were not observed on site during the field survey is especially problematic in light of this reporting. It is also suspect that no Monarch butterflies were observed at the project site during the biological survey for the project, when members of the community regularly observe Monarch butterflies at the site, as evidenced by the authenticated photographs and videos. It calls into question the comprehensiveness and propriety of the biological survey that was conducted for this proposed Project. Thus, the MND fails as informational document for this reason alone.

Yet, the MND uses the fiction that Monarch butterflies were not observed in the preserve to avoid identifying or analyzing the potentially significant impacts the proposed Project would have on Monarch butterflies and their habitat. And There is substantial evidence that Monarch habitat loss may occur under the project.

First, even the County itself has admitted that milkweed plants are host plants for Monarch butterflies and that many Monarch caterpillars were observed on said plants in 2019 and 2020. (Exhibit G [Grassland Restoration Report p. 7 and Attachment B, p. B-19 showing a photograph of a Monarch Butterfly on a Milkweed Plant]) The County also admits said plants were observed “along” the proposed alignments. (Revised MND, Appendix A pg. 1.) Again, any plant along the alignment is in danger of removal. Second, “Eucalyptus Trees are the dominate tree used by Monarchs in California.” (Exhibit M [Frontiers in Ecology and Evolution Article].) The MND even admits as much by indicating that “Suitable roosting habitat (eucalyptus stands) occurs within the adjacent Modoc Preserve...” (Revised MND p. 34.) Yet, the MND also admits that

Modoc Preserve contains eucalyptus groves and that 8 eucalyptus trees are subject to removal under either Alignment. (MND p. 41.)

The MND fails to address the impacts of the removal of milkweed and eucalyptus trees on the presence of Monarchs in the preserve (whether or not roosting is occurring on site) and fails to provide mitigation measures for this impact. Thus, the MND is inadequate and fails an informational document for this reason alone.

That Monarch butterflies are present in the Modoc Preserve, despite a general decline in overwintering numbers, only underscores the need for a detailed analysis of the impacts the proposed Project may have on the butterflies. (Exhibit M [Frontiers in Ecology and Evolution Article].) The decline should also be placed in context. There is evidence that despite the decline in Monarch butterfly overwintering populations in California as whole, Santa Barbara County [Where Modoc Preserve is located] remains the number 1 county with the largest number of overwintering sites in the state of California. (Exhibit N [State of Overwintering Sites in California]. ) Furthermore, the herbicide ROUNDUP® was used in the Modoc Preserve Restoration Project approved by the County. With the recent ruling on “ROUNDUP” and its drastic impact on the “Monarch” butterfly’s habitat demise, this should have been addressed in the MND, as well by the CDFW, which still has not signed off or issued it's report.

*vi. Obfuscation of the Presence of Other Animals*

The MND also fails as an informational document because it misrepresents the number of birds observed near the proposed alignment, as data from ebird.org lists at least 5 more birds as being present in the Modoc Preserve than does the MND. (<https://ebird.org/hotspot/L9995680>.) Another birding group listed another two additional birds not noted in the MND. (<https://sbcobirding.groups.io/g/main> [Hugh Ranson sited 4/19/2020 "hundreds of Vaux's Swifts feeding over Modoc Open Space"... Hugh Ranson sited 1/6/2021: "Baltimore Oriole"].) Substantial evidence of migrating red shouldered hawks using eucalyptus and palm trees in the Modoc Preserve also exists. (Exhibit O [Video Link of Red Shouldered Hawks - <https://youtu.be/NOg7b-lcJc> ].) The MND admits that a reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates) or a deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting) are questions that must be answered in the CEQA analysis. But there is no analysis in the MND of the impact on red shouldered hawks from removal of Eucalyptus or Palm Trees.

*vii. Inadequate Wildlife Corridor Analysis:*

The MND indicates that “Habitats to be preserved and enhanced include, but are not limited to creeks, streams, waterways, fish passage, wetlands, vernal pools, riparian vegetation, wildlife corridors, roosting, nesting and foraging habitat for birds and subterranean species.” (Revised MND p. 88.) However, the MND neglects to comment on impacts to wildlife corridors with 2000' of 2'-4' high concrete retaining walls.

Retaining walls not only impact the visibility of the beauty of the nature preserve, it also impedes the natural movement of the wildlife. The proposed Project is not consistent with avoiding impediments to the movement of wildlife. Whether it is snakes, foxes, coyotes, possums, skunks, rats, mice, etc...the retaining wall is like a “Berlin Wall“ to wildlife, and also the public, that is supposed to be able to enjoy this area as undeveloped open space.

The MND goes on to state that, “Highly mobile species such as larger mammals and birds are expected to move between coastal areas and the Santa Ynez Mountains. Cieneguitas Creek and adjacent bike paths and trails provides a means to traverse developed areas, dense vegetation and steep slopes. Therefore, Cieneguitas Creek may be an important wildlife movement corridor in the area. Wildlife are also likely to utilize the cover and habitat provided by the Modoc Preserve during local movements.” (Revised MND p. 33; Exhibit R [Photographs of Oriole Nest, Cooper’s Hawk and Owl in the preserve].)

The Canary Island Date palms provide habitat for migrating Hooded Orioles...Alexandra Loos image of Oriole nest in Modoc Preserve. Here is a video of a fox trotting down East Encore Dr. to cross Modoc Road into the Modoc Preserve...a 2’-4’ high concrete retaining wall and 14’ wide asphalt road would impact this cross-sectional travel of wildlife into the Modoc Preserve. (<https://youtu.be/HgA6Jsk5Jsl>.)

#### B. The MND Has Not Adequately Analyzed Visual/Aesthetic Impacts

The County Guidelines indicate that the existence of the following visual/aesthetic impacts could be potentially significant: “1) Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible? If so, does the proposed project have the potential to degrade or significantly interfere with the public's enjoyment of the site's existing visual resources?” (County Guidelines p. 184-185.)

According to the County Guidelines, the first step in assessing a visual impact is to evaluate the “**visual resources of the project site**. Important factors in this evaluation include the physical attributes of the site, its relative visibility, and its relative uniqueness.” (County Guidelines p. 184-185. )(Emphasis added.)

The MND has not adequately assessed the visual resources of the Modoc Preserve, nor has it asked or answered the fundamental question posed by the County’s own thresholds as to whether the project will degrade or significantly interfere with the public’s enjoyment of the Modoc Preserve’s visual resources. (Revised MND p. 14-16.) The MND merely alludes to the fact that the trees lining Modoc Road provide a park-like setting. (Revised MND p. 15.) Above and beyond just the trees lining Modoc Road, the very nature of the Modoc Preserve would seem to end all disputes of its inherent visual value. Nevertheless, there is substantial evidence that Modoc Preserve has great visibility and uniqueness. (Exhibit G [Grassland Report showing diversity in plants and animals, including special status plants and animals].) If that were not enough, CAMP has

photographed views of the Modoc Preserve that can only be described as majestic. (See Exhibit P [Photographs of views into the preserve]; see also <https://modocpreserve.com/modoc-preserve-gallery-1>; <https://modocpreserve.com/modoc-preserve-videos>.)

The MND states that the scenic resource that is closest to the project site is the intersection of State Street and Route 154 (Revised MND p. 14), an intersection which contains an adult content store and a gas station. (Exhibit P [Photographs].) The superior visual value of Modoc Preserve as compared to this intersection cannot be understated. This bucolic section of Modoc Road, along Modoc Preserve, should be designated a Scenic Roadway.

Indeed, the conservation easement for Modoc Preserve recognizes the scenic value of the preserve. (Exhibit Q [Conservation Easement – “the Easement Area...is substantially undisturbed natural condition and the easement area possesses unique and significant natural, open space, scenic, wetlands, ecological and wildlife habitat values (collectively “Conservation Values”) of great importance to LANDOWNER, the people of Santa Barbara County and the people of the State of California...”].)

Yet, when it comes to discussion the proposed Project’s impacts on the visual value of Modoc Preserve itself, the County simply says that despite the removal of some trees along Modoc Road, other trees would remain and continue to provide a park-like setting. (Revised MND p. 15.) The MND then states that the removal of 29 mature palm trees will be minor and considered less than significant, when CAMPs photographs show that these are perhaps some of the most visually appealing trees in the Modoc Preserve. (Exhibit P.)

The County states on Page 15 in the revised MND, "These palm trees provide a distinctive visual character and park-like visual setting." (Revised MND p. 15.) The Canary Island Date palms are heritage trees over 100 years old. Henry Chase, the brother of the revered Pearl Chase, is responsible for planting the majestic Canary Island Palm Trees in the Modoc Road corridor...(<https://www.pearlchasesociety.org/pearl-chase>.)

Pearl Chase was a civic leader in Santa Barbara, California. She is best known for her significant impact on the historic preservation and conservation of that city. ([https://en.wikipedia.org/wiki/Pearl\\_Chase](https://en.wikipedia.org/wiki/Pearl_Chase) [*“A pioneer in the fields of conservation, preservation, social services, and civic planning, Pearl Chase was devoted to improving the surroundings of others. For 70 years, from the time of her graduation from UC Berkeley in 1909, until her death, she was a dominant force in molding the character of Santa Barbara. Often referred to as the First Lady of Santa Barbara, she founded many civic and cultural organizations that have profoundly affected the city of Santa Barbara and the state of California, including the local chapter of the American Red Cross, the Community Arts Association, and the Santa Barbara Trust for Historic Preservation.*”].)

The MND admits at least some of the Palm Trees are at least 100 years old. (Revised MND p. 52 [“The cultural resources record search included the State Historic

Property Data Files, National Register of Historic Places, California Historical Landmarks and California Points of Historic Interest, and did not identify any historic resources in the immediate project area. However, residents in the project area have indicated the Canary Island palms along Modoc Road may have some historical significance, and possibly planted by a person of historical interest (Pearl Chase). In the Hope Ranch area, about 360 Canary Island palms were first planted in 1904, mostly along driveways on Las Palmas Drive and Marina Drive (Chase, 1963). Canary Island palms were first planted along Modoc Road in 1915 (Morning Press, 1915). Inspection of a January 1928 aerial photograph indicates a linear row of trees (possibly palms) was present on the south side of Modoc Road in the Via Zorro area. Inspection of an August 12, 1958 aerial photograph indicates a linear row of palm trees were present along the south side of Modoc Road. Therefore, at least some of the Canary Island palms along the subject segment of Modoc Road are at least 100 years old.”.]

But the MND errs by declining to find the Palm Trees a historical resource. (Revised MND, p. 53 [“Archival research (including the County Planning and Development records) by the Santa Barbara County Public Works Department did not identify any historical significance of these palm trees or any connection to a historical property, building or person. Therefore, these trees are not considered a historical resource.”].) This ignores the over a century old plantings of the Palm Trees by a significant historical figure.

The MND also downplays the impact of the retaining wall that will be as high as four feet on views into the preserve. At four feet high, the retaining wall would completely block certain views into the preserve from those passing the preserve by car and block other views.

Finally, the MND does not identify, analyze or provide mitigation for the impact of converting areas of the Modoc Preserve with special status and otherwise important plants with habitat value into a paved road. This would be the direct antithesis of preserving the conservation values (open space, scenic and wildlife habitat condition) of Modoc Preserve. Put another way, the MND has not acknowledged that loss of certain plants in the Modoc Preserve as a result of the proposed alignments may result in the loss of habitat and therefore the loss of wildlife in the Modoc Preserve. A loss of, for example, the Monarch Butterflies as a result of milkweed plant or eucalyptus tree removal would impair the visual value of the preserve by and through the loss of flora and fauna. In turn, the public’s view into the Modoc Preserve would be impaired because the public would no longer see any, or as many, milkweed plants, eucalyptus trees or the Monarch butterflies that use those plants and trees as habitat. The MND’s failure to address these impacts justifies denial of the proposed Project on this basis alone.

#### C. The MND Has Not Analyzed The Impacts Of Degradation Of Topsoil Quality

The proposed Project intends to "slightly re-align" the bioswale. The new drainage swale would have a top width of about six feet and depth of about two feet. (Revised MND p. 5 [ “An existing man-made 750 foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path

design. The drainage swale would have a top width of about six feet and depth of about two feet.”].) This is in direct conflict with the provisions of the Deed of Conservation Easement (Exhibit Q, p. 5) a portion of which has been embedded into this comment letter:

(f) **Erosion.** Any use or activity in the Easement Area which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(g) **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for permitted uses within the Easement Area.

(h) **Watercourses.** The alteration or manipulation of watercourses located in the Easement Area or the creation of new water impoundments or watercourses for any purpose other than permitted uses of the Easement Area or enhancement of natural habitat or wetland values.

This Modoc Road bioswale filters the runoff feeding into the Modoc Preserve wetland recharges the groundwater and nourishes the trees’ roots. Bioswales provide a way to conserve water, improve water quality, minimize the pollution in waterways and improve biodiversity in our burgeoning concrete jungles.

The MND states that “Storm run-off from the subject segment of Modoc Road and collector streets (Encore Drive, Via Zorro) drains to the Modoc Preserve via sheet flow and storm drain inlets where much of it infiltrates in this depressional area. Excess storm flow discharges via a small earthen channel to Cieneguitas Creek approximately 600 feet downstream (south) of Modoc Road.” (Revised MND p. 73.)

The MND also states that “No changes in creek or storm drain locations, dimensions or hydraulic characteristics would occur. Therefore, no changes in drainage patterns would occur. The project includes minor realignment of a man-made drainage swale located south of Modoc Road; however, local drainage patterns would be maintained. The project would not involve an increase in impervious surfaces. Approximately 0 acres of impervious surfaces would be added when including reductions associated with the use of pervious materials and the removal of impervious surface portions of the existing bike lane associated with the multi-use path construction. This area would be dispersed over the 3,955-foot-long multi-use path alignment and would not substantially alter percolation rates or surface run-off in the project area.” (Revised MND p. 75.)

Just having heavy equipment anywhere near the soil along this important drainage would degrade the soil. The MND further states "soil disturbance associated with recent restoration activities may have adversely affected this species" and "Northern California legless lizard is unlikely to occur along the multi-use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians." (Revised MND p. 37.) Yet, no mitigation is provided for this species’ impact. (Revised MND p. 37 [“Northern California Legless Lizard. Suitable habitat for this species occurs at the Modoc Preserve. However, soil disturbance associated with recent restoration activities may have adversely affected this species if present. Northern California legless lizard is unlikely to occur along the multi-

use path alignment due to soil compaction associated with roadway construction and maintenance, and existing trail use by pedestrians, bicyclists and equestrians.”].)

D. The County Has Failed To Consult With CDFW

An agency preparing an initial study must consult with all responsible agencies and trustee agencies responsible for resources affected by the project, under PRC §21080.3(a), and CEQA Guidelines § 15063(g). Consultation means the “meaningful and timely process of seeking, discussing, and considering carefully the views of others[.]” (See e.g., Gov’t. Code, § 65352.4.) Thus, consultation is more than just sending a piece of paper to the State Clearinghouse. Here, there is no evidence that the County has consulted with the CDFW on this proposed Project, especially with respect to biological impacts relating to wildlife that are of concern to the CDFW as noted above.

E. The MND Fails To Conduct An Adequate Cumulative Impacts Analysis

The MND purports to address cumulative impacts by looking at other projects in the Goleta Area. (Revised MND p. 82, referencing MND Section 3.2.) However, MND Section 3.2 uses a list of project approach. (Revised MND p. 13.) A list of projects approach to cumulative impacts analysis requires the agency to create a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency. (CEQA Guideline Section 15130(b)(1).) However, here, the Revised MND only identifies projects that are pending, have recently been approved, and projects that are currently being constructed. This limited list excludes all probable future projects and prior projects with similar impacts as those of the instant proposed Project, such as oak tree removal, native grassland removal, special status plant removal and other biological impacts. Without a comprehensive list of projects causing related impacts, the MND’s cumulative impact analysis is inadequate as a matter of law.

As just one example, while the list includes the Boulders Park Hills Estates residential development as a project under current development, it fails to address how the construction under the instant proposed Project would impact the mitigatory plantings in the Modoc Preserve that were required by the Park Hills Estate Project approval.

Respectfully submitted,

VENSKUS & ASSOCIATES, A.P.C.



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Sabrina Venskus, Esq.  
Attorney for CAMP

**Commenter:** Don Miller

**Date:** October 14, 2022

**Response:**

You attached a copy of the Venskus & Associates comment letter. See the response to this letter above.

Dear Sirs and Madams: 10/14/2022

I want to thank you for allowing me to respond to the newly revised MRN. The proposed Modoc Multi-use Bike and Pedestrian Path.

- Morgan M. JONES replied to one of my earlier inquiries, clarifying exactly what a MRN was for. Morgan M. JONES is the Environmental Project Team Leader SB County Public Works, Transportation Division - Engineering Section.
- “ The Mitigated Negative Declaration is an environmental document”.

I will write additional letters regarding this project but for the life of me I need to ask how can this project even be considered by the public, by the La Cumbre Mutual Water Company, the Santa Barbara Land Trust, and even yourself without any submission, statement, assessment, review or even a NED (No Effect Determination) by the California Department of Fish and Wildlife? I find your submission of the MRN and this Revised MRN incomplete, without a submission from the Department of Fish and Wildlife, a complete waste of taxpayers and county resources. This is a blatant attempt to circumvent the environmental review process. I am completely surprised the BOS is even allowing this to proceed. Why aren't you stopping this? Where is your leadership?

This by itself suffices for an appeal, I just can't imagine anyone would continue work on this project.

Let's review:

Department of Fish & Wildlife:

The Department of Fish & Wildlife manages and protects the state's wildlife, wildflowers, trees, mushrooms, algae and native habitats. (Wikipedia). Just one aspect would do with Governor Newsom's declaration regarding "Round Up" and the Monarch Butterfly being classified as endangered and also this is a "Nature" preserve.

It just goes to show you how out of step Santa Barbara is: The city of Goleta is spending \$3.9 million dollars for the Monarch Butterfly Habitat Management Plan.

H.R. 1983 - 117 th Congress (2021 - 2022): Monarch Action: this bill provides support for the conservation of western monarch butterflies.

Our own Representative Salud Carbajal co-lead introduction of the two bills in the House of Representatives. The MONARCH Act would provide urgent protections for the struggling western Monarch butterfly, an iconic and important butterfly whose population has dropped by 99% since the 1980's.

The California Environmental Quality Act (CEQA) establishes an important role for the Department of Fish and Wildlife.

The Modoc Nature Preserve:

Is protected open space with native plant and animal habitat and public access trails under a conservation easement held by the Land Trust for Santa Barbara County.

How could the Santa Barbara county's MRN resubmission still not include a CDPW statement, assessment, review, a Ned (No Effect Determination).

A Nature Reserve / Preserve: (WIKIPEDIA)

A nature reserve (also known as a wildlife refuge, wildlife sanctuary, biosphere reserve or bioreserve, natural or nature preserve, or nature conservation area) is a protected area of importance for flora, fauna, or features of geological or other special interest, which is reserved and managed for purposes of conservation and to provide special opportunities for study or

research. They may be designated by government institutions in some countries, or by private landowners, such as charities and research institutions. Nature reserves fall into different IUCN categories depending on the level of protection afforded by local laws. Normally it is more strictly protected than a nature park. Various jurisdictions may use other terminology, such as ecological protection area or private protected area in legislation and in official titles of the reserves.

All you have to do is review Phase 1 and then it all starts to come into focus. "Categorical Exemption" which means "I don't have to do it".

Some of you have come by the nature preserve to see it yourself. Thank you. I hope it helped you. We want to preserve this nature preserve for forever just as the sign states.

"This Land is Protected Forever"

"La Cumbre Mutual Water Company and The Land Trust for Santa Barbara County created a conservation easement to ensure that this land's scenic, recreational, open space and wildlife values will always be retained."

Why is the county attacking the integrity of the SANTA BARBARA Land Trust? The SB Land Trust is responsible for safe keeping this land. Thank God. I am so glad because it's so apparent what the county would do. But look at the damage you doing to their reputation? They survive on the generosity of the citizens of Santa Barbara county. Why is the county attacking them? Making them spend valuable resources to protect this nature preserve from the county government. Who ever thought they could push and shove their way and take this land? Never once contacting the La Cumbre Mutual Water Company or the SB Land Trust . How embarrassing.

I believe now, with what we know a "Full and complete EIR" needs to be done. I cannot imagine any judge not agreeing with us. On 12/9/2020 a department representative Morgan Jones signed off on a "Categorical Exemption for Phase 1. That's close to 3 years ago and instead of engineering a solution that would be beneficial to both the Santa Barbara Land Trust and the Bicycle Coalition, creating a pathway that other cities and citizens would admire, they spent the time planting the seeds of hate and distrust. Never once approaching the neighborhood citizenship, the SB Land Trust, the water company. It's not hard to imagine why there is so much distrust and hate today.

Thank you

Donald E. Miller  
821 Chelham Way  
Santa Barbara, Ca.  
93108  
805-637-0557

**Commenter:** Don Miller

**Date:** October 14, 2022

**Response:**

The Revised MND was uploaded to the State Clearinghouse and provided to the California Department of Fish and Wildlife (CDFW) for review and comment. This is the standard and currently required practice for all CEQA documents, and further coordination is not required. However, County staff met with CDFW representatives Sarah Rains and Kelly Schmoker at the site on October 3, 2022 to discuss their concerns. CDFW provided a comment letter dated October 12, 2022 which is addressed in the response to comments and included in the Final MND. Since the Revised MND acknowledges impacts to biological resources, a no-effect determination from CDFW is not appropriate.

The lead agency (Santa Brabara County) has determined that a MND is the appropriate environmental document because all significant impacts can be readily mitigated. Therefore, an EIR is not required.

Your opposition to the proposed project is noted.

**From:** Brian Ratledge <[brian.ratledge@gmail.com](mailto:brian.ratledge@gmail.com)>  
**Sent:** Friday, October 14, 2022 4:27 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Road - Chop the Palms, Plant Oaks!

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good afternoon,

I am a resident of Modoc Road, just across the street from the Modoc Preserve. I'm aware of the local outcry about cutting down the palms along my street, and I'm writing in hopes that I am not the only dissenting opinion to their campaigns. I object to Alignment B of the Modoc Multi-Use Path specifically because of its intent to preserve plant species that do not belong in this part of the world and are displacing native trees that would make Santa Barbara a healthier and more beautiful place in the longer term.

I believe the many voices objecting to Alignment A of the plan are from well-intended people who are not considering the most salient facts of the matter. Alignment A would affect plants that do not belong in the area from an ecological perspective, and whose presence presents a public safety hazard as well as an impediment to environmental restoration efforts. Also please consider that the number of signatures, while impressive, suggests that many of the signers are not residents of the area in question. The people behind "Save Modoc Trees" and related campaigns have created a social media bandwagon effect that lends force to their own opinions via individuals not directly affected by the proposal.

Removing palms is a *benefit*, not a drawback, of the original alignment. This is the first step to restoring the Modoc Preserve area to the ecological balance it enjoyed before the blunders of the twentieth century. Palms sequester only a small fraction of the carbon that mature oaks do, they drop hazardous debris on roadways (including Modoc Road) with every windstorm, and they create a tacky appearance which contrasts with the harmonious beauty of a natural oak woodland. The Canary Island Palm, in particular, is an invasive *plant* (not a tree) as listed by the California Invasive Plant Council (<https://www.cal-ipc.org/plants/profile/phoenix-canariensis-profile/>). I can vouch for this status as I see numerous young palm shoots growing during my walks in the Preserve each week.

The structure of a palm is such that it provides minimal shade, even in maturity, and it will drop heavy debris during storms. Falling fronds are already problematic for Modoc Road bicycle and car traffic. If left along a multi-use path, they would create a trip hazard for walkers, an obstacle for cyclists, and even the possibility of a direct strike to the head from heavy fronds falling to the ground. Falling debris, minimal shade, and competition from abundant invasive seedlings also complicate any effort to plant native oaks alongside an established stand of palms, as an oak seedling typically uses the shade of a neighboring plant to succeed through its first several years of life.

While acorn woodpeckers do use the palms for a makeshift habitat, their natural food sources and nesting areas are oak trees which are displaced by the palms. Arguing for biodiversity and wildlife habitat via the preservation of invasive and non-native species is not a sound line of reasoning. A better long-term plan is to take actions that make habitat restoration possible. On that note, I am pleased to see that Alignments A and B both propose to eliminate a significant number of invasive eucalyptus trees, which present a public safety hazard from trees falling during drought years (as in the Ellwood Butterfly Grove) and which also impede the spread of native oaks through the proliferation of leaf litter and bark on the ground.

Lastly, it appears that Alignment B would divert its path into the Preserve itself, in order to avoid the same stand of invasive palms. I understand that there are limited options for a route, but sending an asphalt path through a nature preserve is just not a solution. Those palms will not last forever. They will likely not even last as long as the path does. Local homeowners are sentimental about them, but it is time to let them go.

I appreciate the County's effort to provide safe opportunities for outdoor recreation and alternative transportation, and the way you have prioritized natural beauty and aesthetics in your efforts. Our neighborhood poses a tricky problem to solve, and I wish you the very best. Thank you for taking all of the facts into account. I hope you can find a solution that satisfies everyone while also serving the long-term needs of our area.

Respectfully,

Brian Ratledge  
4320 Modoc Road #L  
Santa Barbara, CA 93110  
(805) 636-5242

**Commenter:** Brian Ratledge

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your opposition to Alignment B of the proposed project is noted.

**From:** Modoc Preserve <[modocpreserve@gmail.com](mailto:modocpreserve@gmail.com)>  
**Sent:** Friday, October 14, 2022 4:43 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Revised MND Comments

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Mr. Jones,  
October 14, 2022

Good Afternoon,

As co-founders of The Community Association for the Modoc Preserve ("CAMP"), a grassroots organization dedicated to protecting the Modoc Preserve,

<https://modocpreserve.com>

We are submitting for the administrative record that our petition to SAVE THE MODOC ROAD TREES now has 4300 supporters...

<https://www.change.org/SaveModocRoadTrees>

Several hundred comments have also been submitted:

<https://www.change.org/p/save-the-modoc-road-trees/c>

**change.org** Dashboard Petition details Edit Comments

## SAVE THE MODOC ROAD TREES

**4,300**  
Supporters

**SAVE THE MODOC ROAD TREES**

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**PLEASE SAVE US!**  
**These 29 iconic Canary Island Date palms are threatened!**

After an unprecedented public outcry, and this petition with your support, implementation of Alignment A would now result in the removal of 48 trees, including these 29 mature Canary Island Date palms. Originally, the kill zone was 63 trees in total!

**This is still 48 trees too many!**

The removal of 29 heritage palm trees, along with at least 6 native oak trees (Alignment A), and 13 eucalyptus trees and their ~ 20,000 ft<sup>2</sup> of habitat and shade canopy the MND fails to mention, even though a document obtained through the CPRA (California Public Records Act) proves that the County had this information but omitted it, will do irrevocable harm to the aesthetic quality of what is now a beloved scenic road, transforming it into just another sterile, milquetoast Orange County-like, urban street.

No reasonable person would conclude that losing ~20,000 square feet of habitat and shade canopy is not a significant loss to both humans and wildlife, especially given the state of our climate emergency.

No reasonable person would look at construction of a road entailing taking out 3,800 cubic yards of soil and replacing it with 1,152 cubic yards of fill, with 2,648 cubic yards removed entirely. Then, using heavy equipment and trucks to pave a road using 1,133 tons of asphalt and concrete plus 903 cubic yards (1,264 tons) of road base (aggregate)...over 2000 tons of road building material that does not support plant life and removing organic composted

material and soil that took decades to produce and is necessary for filtration of runoff contamination during rains.

None of this is allowed in the Preserve. All of it would conflict with the natural, open space, scenic, wetlands, ecological and wildlife habitat attributes and conservation values legally established in the Modoc Preserve.

Alignment B includes two concrete retaining walls, one 1,200 feet long and up to 4 feet tall and another 700 feet long and up to two feet tall. Retaining walls are structures in the eyes of any reasonable person, and structures are not allowed in the Preserve.

The designation of the project as a multi use path is reckless and will endanger pedestrians, wheelchair users & pets. A growing percentage of bicycle traffic consists of e-bikes. The notion of heavy e-bikes barreling at 30mph down a path used by the disabled resembles a scene out of a horror movie.

The Easement Agreement did not allow the use of pedal bikes in the Modoc Preserve...let alone the use of electrically motorized e-bike vehicles capable of going 30mph...and, in close proximity to horses and equestrians. The noise generated by fat tire e-bikes is more capable of spooking a horse. A spooked horse can throw a rider, leading to injury and even death. There is no discussion or analysis of the increased risk of these dangerous encounters, or increased insurance liability contained in the revised MND.

Pedestrian walkers and hikers would now have to share a path with 30mph e-bikes and other users of a MUP, when before it would be just an occasional hiker and/or equestrian with horse...

E-bikes allow an out of shape rider to pedal with pedal assist faster than the most in shape experienced cyclists on the planet...on bikes that weigh 60#-80#...more momentum in a crash...the bike path infrastructure is not set up for the amount of passing that occurs when e-bikes are in the mix with regular bikes...pedestrians...strollers...wheelchairs...etc...because they go so much faster.

City and County ordinances banning and regulating e-bikes are being implemented all across the country and world. The proposed project could take a cyclist across 3 different municipalities with differing rules...Santa Barbara City, Santa Barbara County, & City of Goleta. The liability issued was never analyzed. With increased risk of bike on bike...bike on pedestrian...bike on dog...spooking of horses...thrown riders...etc...accidents...who exactly is liable?

This project also degrades the "open space" peaceful experience of walkers and hikers...birders...and, by definition a Multi-Use path would cause a conflict between recreational uses, when one did not exist before.

To quote Colleen Parent Beall one of our many supporters:

***"I have never seen a project in my entire life that proposed to cut so many trees- and that includes 11 years as a land use attorney, many years representing the County planning commission and Board of Supervisors, and then a 5 year stint on the County Planning Commission. I feel this is unprecedented in Santa Barbara County. I would insist that the planning commissioners and Board of Supervisors take a site visit and walk the entire trail now that it is staked to understand the scope of this loss. I can't imagine what***

***decision maker wants this clear cut on their record or conscience. And to have such a biological travesty be at the behest of a governmental project is truly a bad look.***

***I understand there is a strong desire to continue another link of the bike trail. But I feel the County should consider a modest expansion of the existing bike lane with a barrier between the bike lane and the street even though it won't be as wide as the Las Positas bike lane, save the trees, and accommodate the horse trails that have been there long before there was an idea of a bike lane.***

***I am very concerned about the proposed bike path, particularly after seeing the stakes last weekend when I was riding on the trail. It was shocking to see how many trees will be cut to accommodate this trail. Where is the Land Trust? The loss of all of those trees will irretrievably change the flora and fauna so painstakingly re-created in the preserve. It will change the temperature and make it difficult to maintain a wetland. I very much wish a trained biologist would weigh in on the biological impacts.***

***As far as the incompatibility with the horse back riding, I feel that this will be dangerous and not feasible. Furthermore, I have ridden on the trails in that valley for over 50 years. I have a prescribed easement to the use of those trails – both through the valley and near the road. There are other riders that also have ridden there consistently for decades. I do not want my prescriptive easement extinguished or negatively impacted.***

***Thank you so much.***

***Colleen Parent Beall"***

Our recommendation again, is that since Alignment B is not viable and Alignment A would destroy 29 heritage palm trees and excluded the existence of 6 native Coast Live oak trees and their mitigation...is not tenable, the County should finish putting the whole project on Modoc Road, north of this invaluable tree belt...as they have already done for the western half...using the existing asphalt infrastructure in County Right of Way (ROW) which CAMP calls the Greenbelt Alignment.

Respectfully submitted,



Warren and Deb Thomas  
Co-Founders CAMP (Community Association for the Modoc Preserve)  
Encore Dr. Santa Barbara, CA 93110  
<https://modocpreserve.com>

Preserve the Preserve

**Commenter:** Warren and Deb Thomas

**Date:** October 14, 2022

**Response:**

The palms trees to be removed have no historical significance as discussed on page 52 of the Revised MND. Therefore, the use of the term “heritage” is misleading. A tree mapping error was made during preparation of the Revised MND, such that approximately one coast live oak tree is located within the grading limits for Alignment A. However, this tree will be avoided should this alignment be selected, as part of development of detailed construction plans.

The narrow width and winding nature of the proposed multi-use path is anticipated to cause bicyclists to reduce speed and minimize conflicts with pedestrians and horses. Bicycle commuters (including electric bikes) wishing to maintain high speeds are expected to use the existing bike lanes.

Comments from Colleen Beale are addressed independently of this comment letter (see above).

**From:** Bonnie Ryan <[bmr.irish@gmail.com](mailto:bmr.irish@gmail.com)>  
**Sent:** Friday, October 14, 2022 4:46 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Public Comment for the Modoc Road Bikepath

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello,

I wanted to leave a comment about the plans for the Modoc Multi-Use Path. There have been signs up in the neighborhood about saving the palm trees, and I see that there is even a new route proposed which would direct the path into the Modoc Preserve to avoid cutting them down. I am actually in favor of cutting them down since they are a non-native species that adds nothing to our local environment. I think they look kitschy and I could just as well do without them. A greater concern for me would be paving over parts of the dirt paths within the preserve, which I use frequently and would like to keep intact.

Thank you,

Bonnie Ryan

**Commenter:** Bonnie Ryan

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required.

**From:** Bryan Hope <[bryan@energizedbikes.com](mailto:bryan@energizedbikes.com)>  
**Sent:** Friday, October 14, 2022 4:52 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Multi-Use Path

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello Morgan,

As a long time Santa Barbara resident, cyclist, and UCSB Environmental Studies graduate **I fully support** the Revised Mitigated Negative Declaration for the Modoc Multi-Use Path project!

I appreciate the County's efforts and willingness to make changes and produce a fair solution to our current and future sustainable transportation needs, and I would like to see this project move forward to connect two separated and existing and safe pedestrian and cyclist paths.

**I have reviewed the plans and feel that the benefits of rider safety and the improved accessibility of alternative modes of transportation far out way any negative environmental effects of the proposed path.**

While I feel that the preservation of open space is critical to a healthy environment, the area being argued over is already heavily impacted by past and present human action and any mitigation would more than make up for the loss of an already disturbed area.

Please move forward with this critical piece of our necessary bike path system. Thank you!

---

Bryan Hope  
Energized Bikes LLC  
805-698-5294

**Commenter:** Bryan Hope

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Patrick Zuroske <[peazur@sbcglobal.net](mailto:peazur@sbcglobal.net)>  
**Sent:** Friday, October 14, 2022 4:59 PM  
**To:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Modoc Corridor Path Project

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Mr. Jones:

As an avid cyclist living in the Hidden Valley neighborhood, I move through this corridor multiple times per week. I highly support moving forward with the path project as proposed. Having a Class 1 path in this area serves many constituencies and will bring a safer, more equitable path of travel through the area.

Patrick Zuroske  
748 Calle De Los Amigos  
Santa Barbara, CA 93105

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**Commenter:** Patrick Zuroske

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**From:** Bob Hamber <[bob\\_hamber@yahoo.com](mailto:bob_hamber@yahoo.com)>  
**Sent:** Friday, October 14, 2022 4:59 PM  
**To:** Wageneck, Lael <[lwageneck@countyofsb.org](mailto:lwageneck@countyofsb.org)>  
**Cc:** Jones, Morgan <[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)>  
**Subject:** Re: Modoc MUP Comments

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Thank you for this. I wouldn't have been able to submit this input without it.

-----

I urge you to approve the Revised MND.

I agree the MND's key finding that "although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts"

While I have studied only portions of the MND that relate to some of the controversies I'm aware of (trees, monarchs, cycling safety, multi-use, visual aesthetics), I've been reminded that the standards for what requires mitigation and what counts as adequate mitigation, are not what a lay person may think, but are criteria that have evolved through policy discussions, negotiations and litigation with landowners, businesses, environmentalists, politicians and others. I agree with the justifications in the document and trust the experts in this field.

So while I feel for my friends who are leaders of CAMP, and am sorry for the sincere and profound sense of loss that will occur, and their objections to the project are valid for their values, as far as I know they haven't found a valid argument that overrides professional opinion of County Staff and the Environmental Herring Officer.

(Now Shelly is a good researcher, and she, or another CAMP ally, may have found one.)

I grew up on Encore Drive from 1962-1972 and have lived there off and on since then as my mom still is Shelly's and Debbie's neighbors). They are good people who share my pro-conservation values. My mom was a co-founder of Santa Barbara Audubon Society, and my dad organized a Modoc litter pickup for our Indian Guides group. Is it coincidence that the SBNP took our photo circa 1963, very close to where the SBNP took Shelly's and Eva's photo for their CAMP article a few months ago?

----- End of Public Comment -----

**Commenter:** Bob Hamber

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

October 14, 2022

To: Santa Barbara County Transportation Planning Staff, Attn: Morgan Jones

RE: Support for the Modoc Multi-Use Path, Revised MND

I am a 30-year resident living along the Obern Trail just a half block from the southwestern end of the Modoc Preserve, which was created in 1999 on land owned by the La Cumbre Mutual Water Company and granted by it to the Land Trust for Santa Barbara County as Trustee and Steward. I worked to help save the land and was later hired as a consultant by the Water Company to prepare the initial circulation master plan and to work with the Land Trust in putting together the Conservation Easement baseline documents. I have also volunteered over the years as a member of the Modoc Committee participating in the long-range planning, native plant restoration, and maintenance projects on the Preserve. Maintenance of the leaf, frond and bark litter, to say nothing of invasive, diseased and unsafe trees is, and will always be, a financial and liability concern on the Preserve and along Modoc Rd. itself.

I have watched the many different types of people with their different modes of transit using the Obern Trail as well as the Preserve itself. Over the years I have seen how able-bodied pedestrians and equestrians have been able to avail themselves of the beauty and immersion in nature that the Preserve invites, on paths that are rustic and sometimes challenging. What I have also seen is how those who are not (or no longer) able to navigate these unstable and uneven paths cannot share in this experience, because of health conditions, pushing strollers or being wheelchair bound. In addition, I have seen how residents along the eastern two-thirds of Modoc Rd. have neither sidewalks nor crosswalks to help them transit this corridor, next to 45mph traffic, while their young children hoping to bicycle to Vieja Valley have no safe route to and from school. And, last but not least, there is the current  $\frac{3}{4}$  mile gap between the Class 1 Obern Trail facilities and the extended Class 1 facilities coming west along Modoc from Las Positas, which almost complete the long-planned regional network from Goleta and UCSB to Santa Barbara.

The Modoc Multi-Use Path project offers the possibility of creatively and realistically solving so many of these long-standing but sometimes hidden problems in our neighborhood and the larger community. This is why I support the Revised MND and would like to offer some recommendations and additions to its text prior to presentation to the Board of Supervisors:

1) I am comfortable with its analyses of potential impacts and recommended mitigations as reviewed and approved by staff. I have been impressed by the willingness of staff to listen to and learn from the ideas and concerns offered by stakeholders as well as their own research into topics needing more clarity. I definitely prefer a route that stays off of Modoc itself as much as possible, if the option to utilize some portion of the Modoc Preserve north of the wetlands proves acceptable to the Land Trust. Incorporating the needs of different types of users in a coordinated system of discrete paths will serve everyone's interests.

2) Add language to the MND about "What's Next" after approval of the draft environmental document, in terms of consultation, collaboration and negotiation with major stakeholders and the community. It's important to make clear in the final MND that alternative routes A and B are not "set in stone", and to acknowledge that the Water Company and the Land Trust hold the authority and responsibility for

evaluating what is acceptable within the Preserve.

3) At the same time, this is a great opportunity for the Land Trust to fulfill more of its vision by making this unique open space equitably accessible while still suitably controlled. The receptivity of County staff to creative problem solving and constructive input, combined with the goals expressed in the Conservation Easement, could lead to a more inviting, immersive and safer route. Only by making space available within the conservation easement boundaries would it be feasible to create pull-off areas where users could rest and enjoy the views and even read natural science and cultural history signage, an unfulfilled goal of the Conservation Easement.

4) Long term planning for plant succession, preparing for ongoing maintenance costs, and adjusting to changing user modes, especially cyclists, will all be part of the Preserve's future regardless of this project and I believe can be better funded and managed if this becomes a public/private partnership. Grants, fundraising and volunteer cleanups are all additional means to help create and maintain a sustainable and inspiring enhancement for the Preserve, adjacent neighborhoods and the wider community.

Thanks for your consideration of these reflections,

Autumn Brook

4435 Nueces Dr,

**Commenter:** Autumn Brook

**Date:** October 14, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

de la Guerra, Sheila General Public Comment

---

**From:** Melissa Cunningham <melissapaine07@gmail.com>  
**Sent:** Thursday, September 15, 2022 11:05 AM  
**To:** Meredith Hendricks; Alison Petro; malvarado@lacumbrewater.com; office@lacumbrewater.com; sbcob  
**Subject:** Modoc Multi-Use Path



**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

As a resident of Santa Barbara, an avid cyclist, walker, runner and outdoor enthusiast, I am writing in support of Alignment B for the Modoc multi-use path connection. There are so many reasons why this connection is important and must get built but I would like to focus on the conservation easement and why the path absolutely fits in with it.

The conservation easement allows for the removal of non-native plants and trees. **(Section 3d. Permitted Uses)** In fact, local environmental biologists suggested a far greater tree removal for a healthy environment, but the County is compromising to make it a win-win situation.

In the same section, the Conservation Easement also allows for the construction of trails. There is also already precedent for a paved path as 300 feet of the Obern trail is within the Preserve.

We need this trail because completes a long-standing plan that is widely supported by community members. It provides safe, ADA access for all users, it will not cause damage to the preserve - it will ultimately enhance it by providing new native plants and trees- and Alignment B is a compromise that will be the Best solution for everyone.

I urge the Santa Barbara Land Trust to grant the county the easement to take a small part of the path into the preserve and behind the canary palms so that those may be saved from being felled and we can have a continuous and safe path that all users can enjoy and have access to.

Thank you so much,  
Melissa Cunningham

Melissa P. Cunningham  
[melissapaine07@gmail.com](mailto:melissapaine07@gmail.com)  
970.209.9560

**Commenter:** Melissa Cunningham

**Date:** September 15, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

Date: September 18, 2022

To: Meredith Hendricks, [mhendricks@sblandtrust.org](mailto:mhendricks@sblandtrust.org)  
Alison Petro, [apetro@sblandtrust.org](mailto:apetro@sblandtrust.org)  
Mike Alvarado, [malvarado@lacumbrewater.com](mailto:malvarado@lacumbrewater.com),  
[office@lacumbrewater.com](mailto:office@lacumbrewater.com)

Cc: Santa Barbara County Board of Supervisors, [sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)

Re: Modoc Multi-Use Path – Preferred Alignment

From: Alex Pujo, AIA. [alex@pujo.net](mailto:alex@pujo.net)

RECEIVED

2022 SEP 19 P 3:41

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

I encourage you to support 'Alignment B' for the proposed Modoc Multi-Use Path (MUP), the preferred alternative outlined in the Mitigated Negative Declaration (MND) prepared by the County. Support by the Land Trust and La Cumbre Water will facilitate construction of this very important bicycle and pedestrian connection while protecting the long row of majestic Canary Island Date Palms adjacent to the Modoc Preserve.

The Modoc MUP will connect two existing multi-use paths and become part of an expanding network of safe, off-the-road facilities spanning from UCSB to Carpinteria, and beyond. This vision is part of the Santa Barbara County Association of Governments (SBCAG) Regional Plan and is listed in the Eastern Goleta Valley Community Plan. More importantly, the goal of a safe, integrated system of bicycle and pedestrian paths protected from traffic is broadly shared by an overwhelming majority of Santa Barbara County residents regardless of age, ethnicity, wealth, background or party affiliation.

Currently, Modoc Road has discontinuous sidewalks and unprotected bike lanes on a roadway with speeds of 35 to 45 mph, raising serious concerns for children, the elderly, those who cannot drive and other vulnerable users. Considering that most vehicles go 5 to 10 miles over posted limits... would you let your children ride their bicycles on Modoc?

The MND analyzed two feasible alignments for this multi-use path. Alignment A is completely within the right-of-way with the path adjacent to the existing roadway. Although numerous eucalyptus trees south of Alignment A would remain and "provide a park-like visual setting", this layout would result in the removal of 29 of the 47 Canary Island palms that constitute the salient visual element of the Modoc Road corridor.

As stewards of the Modoc Preserve, I ask you to consider the visual impact that vegetation removal on adjacent land will have on the Preserve itself. The loss of the Canary Island palms will impact not only users of the roadway and MUP but visitors of

the Preserve as well. On the other hand, Alignment B would require the removal of some trees, mostly Eucalyptus, but none of the Canary Island palms.

The MND outlines extensive restoration and mitigation plans for both alignments to the point that “impacts to the visual character of Modoc Road would be minor and considered less than significant”. However, Alignment B will provide a much stronger visual and physical separation between the MUP and the roadway, thus enhancing the quality of the path’s experience.

I offer these comments as a private citizen and not as a current member of the South County Board of Architectural Review (SBAR). In my professional career I have served on multiple bodies and ad hoc committees that evaluate the aesthetics of highway projects and right-of-way improvements, including Santa Barbara’s Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC), and the County’s Highway 101 Design Review Team (DRT). Thank you for your consideration.

**Commenter:** Alex Pujo

**Date:** September 18, 2022

**Response:**

The visual impact of both alignments was addressed in the Revised MND. Your support for Alignment B of the proposed project is noted.

Brianda Negrete

# General Public Comment-Group 1

**From:** Torrie Cutbirth <torriecutbirth@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:31 PM  
**To:** sbcob  
**Subject:** PLEASE Support the Modoc Multi-Use Path!!

2022 SEP 29 AM 11:45

COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS



**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear SB Board of Supervisors,

My name is Torrie Cutbirth, a local community member and staff member of a local family foundation that supports \$300,000.00 dollars in funding to local environmental organizations in our County each year. I am a student in SBCC's Environmental Horticulture program, and volunteer at many community gardens and other environmental organizations. I am also 29 years old, and I am terrified of the near future of our climate and state of our community.

I am reaching out to urge you to PLEASE support the Modoc Multi-Use Path!!

This project is VITAL to our community's just and equitable transitions to a more green economy and more! The 1-mile Modoc Multi-Use Path will connect the Las Positas-Modoc, Obern and Maria Ygnacio multi-use path systems, providing a continuous connection between homes, jobs, schools and open spaces. The Modoc Path gap closure will result in 14.5 miles of linked multi-use paths. A \$5.4MM use it or lose it grant will fund a safe, separated bike and pedestrian path, provide jobs, and eliminate fatalities and hospitalizations. (9 emergency response actions from car/bike collisions, victims included teen agers, elderly, and 1 death in past 11 years)  
Current plan calls for replacing any trees removed with native oaks. (Preferred option B only affects 3 trees in the Modoc Preserve, and 19 outside the Preserve). Additionally, NEW trees sequester more carbon than mature trees, that slow carbon sequestration as they mature. New, NATIVE tree plantings will not only sequester more carbon, but the native trees will provide a multitude of benefits to the local environment, including the animals we so deeply rely on.

Thank you for your time and I hope you will approve this necessary bike path project!

In Community,

**Torrie Cutbirth**  
Cornell University '16  
(805) 453-6351

**Commenter:** Torrie Cutbirth

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Eileen Mcmillen <mcmillen.eileen@yahoo.com>  
**Sent:** Wednesday, September 28, 2022 11:30 AM  
**To:** sbcob  
**Subject:** Nov 1 Hearing: Support Modoc Path

2022 SEP 29 A 11:45

COUNTY OF SANTA BARBARA  
CLERK OF SUPERVISORS  
BOARD OF SUPERVISORS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please support the Modoc MultiUse Path. We need it for the safety of our cyclists and runners, and walkers.  
Thanks,  
Eileen McMillen

Sent from my iPhone

**Commenter:** Eileen McMillan

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Kelly Bourque <kellylbouque1226@gmail.com>  
**Sent:** Wednesday, September 28, 2022 10:02 AM  
**To:** sbcob  
**Subject:** Support of the Modoc Multi-Use Bike Bath  
  
**Categories:** Public Comment

2022 SEP 29 A 11:45  
COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello County Supervisors,

I am a twice-a-day user of the current Modoc Road bike paths and have nearly been injured on several occasions. I am in STRONG SUPPORT of the Modoc Multi-Use Bike Bath. I am an environmentalist (went to the UCSB Bren School) but I do not support saving trees over saving lives. A bike fatality happened on Modoc Road in 2019, which could have been prevented with an off road path. Me or others could also be at risk of extreme injury without this path. This is a public health and safety issue.

I am a resident of the City of Santa Barbara and I work in the Noleta area. I try to reduce my carbon footprint by biking to work but it is becoming riskier along the Modoc Bike Path.

Please consider my email and my strong support of the Modoc Multi-Use Path.

Thank you, Kelly Bourque  
[kellylbouque1226@gmail.com](mailto:kellylbouque1226@gmail.com)  
858-335-2563

**Commenter:** Kelly Bourque

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** A Hilliard <larksound@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:57 AM  
**To:** sbcob  
**Subject:** Nov 1 Hearing: Support Modoc Path

2022 SEP 29 AM 11:45  
CLERK  
BOARD OF SUPERVISORS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Public Comment

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I support upgrading the MODOC bike path.

Annette L. Hilliard  
Goleta 93117

**Commenter:** Annette Hilliard

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Doug Fischer <dougfischer@cox.net>  
**Sent:** Wednesday, September 28, 2022 9:56 AM  
**To:** sbcob  
**Subject:** Nov 1 hearing: Support Modoc Path

2022 SEP 29 AM 11:45  
COUNTY OF SANTA BARBARA  
CLERK OF SUPERVISORS  
BOARD OF SUPERVISORS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Public Comment

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please support option B on the Modoc bike path. I have ridden this route often and am always nervous about sharing the road with cars on that section. I've seen accidents—one with a biker hauled off in an ambulance—very scary—a separate path will keep people much safer. While losing large trees is unfortunate, replacing non-native trees with natives is actually a win for the environment—even if we weren't also getting big safety benefits!

Thanks,  
Doug Fischer  
2411 Selrose Ln  
Santa Barbara 93109

(Sent from my phone. Please excuse any typos or curttness.)

**Commenter:** Doug Fischer

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of Alignment B of the proposed project is noted.

**Brianda Negrete**

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**From:** joanna.tang@lifesci.ucsb.edu  
**Sent:** Wednesday, September 28, 2022 9:17 AM  
**To:** sbcob  
**Subject:** Modoc Multi-Use Path  
  
**Categories:** Public Comment

2022 SEP 29 A 11:45  
COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS  
LATE DIST

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello,

I hope you're doing well. I am writing in support of the Modoc Multi-Use Path. I bike to work daily and value the investment in a safe, economical, eco-friendly mode of transportation. I support the Modoc Multi-Use Path because:

- The 1-mile Modoc Multi-Use Path will connect the Las Positas-Modoc, Obern and Maria Ygnacio multi-use path systems, providing a continuous connection between homes, jobs, schools and open spaces. The Modoc Path gap closure will result in 14.5 miles of linked multi-use paths.
- A \$5.4MM use it or lose it grant will fund a safe, separated bike and pedestrian path, provide jobs, and eliminate fatalities and hospitalizations. (9 emergency response actions from car/bike collisions, victims included teen agers, elderly, and 1 death in past 11 years)
- Current plan calls for replacing any trees removed with native oaks. (Preferred option B only affects 3 trees in the Modoc Preserve, and 19 outside the Preserve)

Sincerely,  
Joanna Tang

**Commenter:** Joanna Tang

**Date:** September 28, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

**From:** Heather J. Rose <rosehj@gmail.com>  
**Sent:** Tuesday, September 27, 2022 11:09 AM  
**To:** sbcob  
**Subject:** Please support the Modoc Bike Path  
  
**Categories:** Public Comment

RECEIVED  
2022 SEP 29 A 11:45  
COUNTY OF SANTA BARBARA  
CLERK  
BOARD OF SUPERVISORS

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Supervisors,

I have been cycling in Santa Barbara both recreationally and as a commuter since I moved here in 2009. I am also an environmentalist, and yes, a treehugger. Due diligence has been done, adjustments have been made, and it is now time to support the Modoc Bike Path, connecting two other heavily utilized trails. It's time to stop making all cyclists, but especially families and children cross Modoc road with its high speed traffic and climb uphill slowly next to cars in the narrow and bumpy bike path. As always, providing safe alternatives to the expenses of driving is an equity issue.

Let's get our wheels rolling!

Heather Rose

--  
Heather J. Rose, Ph.D.  
Website: [www.freeyourinnermaude.com](http://www.freeyourinnermaude.com)  
IG: free\_maude

**Commenter:** Heather Rose

**Date:** September 27, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**Brianda Negrete**

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**From:** Ian Hewitt <ianrhewitt@gmail.com>  
**Sent:** Thursday, September 29, 2022 12:54 PM  
**To:** sbcob  
**Subject:** In support of the Modoc Multi-Use Path

RECEIVED

2022 SEP 29 P 1:16



COUNTY OF SANTA BARBARA  
CLERK  
BOARD OF SUPERVISORS

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hello county supervisors,

This email is in regard to the proposed bike path in the Modoc area. The project provides critical biking alternatives to car use within the county. We should be trying to push forwards with alternatives to driving and this bike path is critical infrastructure that fights climate change and provides greater mobility access for our fellow citizens. Please support these safe and separated bike paths.

all the best,  
Ian Hewitt

**Commenter:** Ian Hewitt

**Date:** September 29, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Steve Francis <stevefrancis@gmail.com>  
**Sent:** Thursday, September 29, 2022 1:42 PM  
**To:** sbcob  
**Subject:** Nov 1 Hearing: Support Modoc Path

DELETED

2022 SEP 29 P 2:48

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

COUNTY OF SANTA BARBARA  
CLERK OF SUPERVISORS  
BOARD OF SUPERVISORS

**Categories:** Public Comment

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I'm strongly in favor of completing the bike path network - as an older cyclist, I am not comfortable on roads, and limit myself to separated bike paths.

I will ride more (and use my car less) with the addition of these bike paths, as would several others I know.

Please approve!!!

**Commenter:** Steve Francis

**Date:** September 29, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

**Brianda Negrete**

General Public Comment - Group 2

**From:** zak <mczak@aol.com>  
**Sent:** Friday, September 30, 2022 10:30 AM  
**To:** sbcob  
**Subject:** Nov 1 hearing: Support Modoc Path



**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hullo -

I'm a regular cyclist in town who is very excited by the extension of the Modoc Path.

I use segments of the path frequently, and am a huge fan of any new paths that make cycling more pleasant and safer.

I'm shocked that there is any doubt as to whether or not to accept money on this clear improvement in safety, jobs and access.

The only objection seems to be around trees - and any concern around trees is clearly due to a lack of understanding around what the word "renew" means in renewable resources. They will be replaced - unlike any lives lost from dangerous streets.

Thank you for your support.

Regards,  
Zak Klobucher

**Commenter:** Zak Klobucher

**Date:** September 30, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.

## Brianda Negrete

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**From:** Joan Vignocchi <joan@sbhockey.com>  
**Sent:** Thursday, September 29, 2022 4:24 PM  
**To:** sbcob  
**Subject:** Nov 1 hearing: Support Modoc Path



**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Public Comment

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I live at the corner of Hollister and Modoc so I'm inundated with neighbors who are angry about the proposed changes.

I love trees but I also love biking safely. I used to bike commute to work and hope to again soon when I go back to the office after the pandemic is "over." I also bike for fun and exercise. I love how Las Positas and upper Modoc has improved biking safety and think it would be wonderful to have the bike lane be a safe seamless transition between SB and Goleta.

Right at the Modoc crossing it is terribly unsafe. It's a sharp turn and the new turn will be so much better and easier to navigate especially with all the new FAST e-bikes. Bikers v cars is deadly to bikers.

I support the plan where you are planting new oak trees - native to our area - and taking out dangerous and dying eucalyptus trees that are thirsty and a fire hazard. I've lived here since 2006 and have never felt very safe on Modoc. Once I get on the bike path, I feel safe. I cannot wait to have the same experience biking from my house to Hendry's Beach!

My son is 25 and feels the same way. He commutes by bike on Modoc daily to Gelson's area and during the pandemic with fewer cars on the road, he got into biking for fun. He can climb Gibraltar in like 45 minutes! Since starting to bike, he has lost over 40 pounds and has found joy in exercising and being in a sport again like he used to as a kid.

We both support anything that helps promote biking, not just for our health, but also to not have to drive and buy expensive gas that causes global warming.

Please support any plans to expand the bike path at Modoc! (and let's save all the trees we can and plant more!)

Thank you for listening and for serving our community.

--  
Joan Vignocchi  
[joan@sbhockey.com](mailto:joan@sbhockey.com)  
805.455.6763

**Commenter:** Joan Vignocchi

**Date:** September 29, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Rad Schreiber <radschreiber@gmail.com>  
**Sent:** Thursday, September 29, 2022 11:18 PM  
**To:** sbcob  
**Subject:** Nov 1 Hearing: Support Modoc Path

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I support the completion of the modoc bike path. I enjoy the new path each week as I commute in on my bike. I live off of modoc across street from jr high.

Thank you!!  
Rad schreiber  
2303 vista madera  
Santa Barbara, ca 93101

Sent from my iPhone

**Commenter:** Rad Schreiber

**Date:** September 29, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.



**Brianda Negrete**

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**From:** Rod Tucknott <info@rodtucknott.com>  
**Sent:** Friday, September 30, 2022 8:46 AM  
**To:** cityclerkgroup@cityofgoleta.org; sbcob  
**Subject:** Supporting San Jose Creek and Modoc bike path projects...

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good Morning and THANK YOU for all y'all do for our community!

I'm writing in support of both the **San Jose Creek** and **Modoc** bike path projects

I really enjoy riding a bike, but as a professional risk manager in the outdoor industry I am VERY concerned about folks riding with cars. I know a number of people who have been hit and even lost their lives. I'm thinking of Kendra who was a UCSB student on the Tri team that was hit and killed while on a training ride: <https://recreation.ucsb.edu/classes-events/special-events/kendra%27s-race>

We lived near Trader Joe's for over 15 years and I really enjoyed riding my bike to UCSB. I would specifically take the "long" way on the Maria Ygnacio path rather than Fairview because of the risk.

PLEASE SUPPORT good risk management, our biking community, and our environment. THANK YOU!!!

Best,

Rod

--  
Rod Tucknott Photography  
[www.RodTucknott.com](http://www.RodTucknott.com)  
info@RodTucknott.com  
(805) 451-4226  
[facebook.com/RTPhoto](http://www.facebook.com/RTPhoto) <<http://www.facebook.com/RTPhoto>>  
[facebook.com/RodTucknott](http://www.facebook.com/RodTucknott) <<http://www.facebook.com/RodTucknott>>  
[twitter.com/RodTucknott](http://www.twitter.com/RodTucknott) <<http://www.twitter.com/RodTucknott>>  
[linkedin.com/in/rodtucknott](http://www.linkedin.com/in/rodtucknott) <<http://www.linkedin.com/in/rodtucknott>>

**Commenter:** Rod Tucknott

**Date:** September 30, 2022

**Response:**

Your comments do not address the adequacy of the Revised MND. Therefore, a response is not required. Your support of the proposed project is noted.