

Lenzi, Chelsea

From: Randall Fox <rbfox@reetzfox.com>
Sent: Friday, November 04, 2016 12:31 PM
To: sbcob
Cc: Andrew Coffin; Brent Kilpper
Subject: BOS November 8, 2016 Agenda Item 4, RE: Inland Trail Placement West of Camino Cielo Road
Attachments: Supervisors.16.11.04a.pdf

Clerk of the Board of Supervisors,

Attached is correspondence on behalf of Young America's Foundation, owner of the Reagan Ranch, related to placement of the inland trail in the proposed Gaviota Coast Plan.

The matter is set for the Nov 8 agenda.

Thank you for your attention to this matter.

Randall Fox, Esq.
Reetz, Fox & Bartlett LLP
116 E. Sola Street
Santa Barbara, CA 93101
805.965.0523 / 805.564.8675
rbfox@reetzfox.com
www.reetzfox.com

LAW OFFICES
REETZ, FOX & BARTLETT LLP
116 EAST SOLA STREET
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE: (805) 965-0523 FAX: (805) 564-8675
E-MAIL: frontdesk@reetzfox.com

November 4, 2016

Santa Barbara County Board of Supervisors
c/o Clerk of the Board
105 East Anapamu Street
Santa Barbara, CA 93101
Via Email to: sbcob@co.santa-barbara.ca.us

GAVIOTA COAST PLAN
BOARD OF SUPERVISORS HEARING FOR PLAN ADOPTION
NOVEMBER 8, 2016 ITEM 4: 16-00815

Dear Chairman Adam and Members of the Board,

Our office represents the interests of Young America's Foundation ("YAF"), owners of Rancho del Cielo, one of the most inland properties partially within the Gaviota Plan area and the former home of California Governor and United States President Ronald Reagan (the "Reagan Ranch").

YAF opposes the siting of an unsupervised public trail within the Reagan Ranch because it is a site of historic and cultural significance. There is only one such site in existence. Unsupervised access will lead to damage to this resource.

The problem is created by placing a single specific trail line on the map. Two results then occur:

- a. Legal Problem/ CEQA violation: Mapping a trail over any portion of the Reagan Ranch without adequate environment analysis, avoidance and mitigation is a violation of CEQA.
- b. Policy Problem/ Reduced opportunity to actually develop trails: Mapping a single trail access on any property will inhibit, rather than expand, trail development. Even with trail narratives, once the proposed alignment is mapped only those property owners will be on notice of the trail the Gaviota Coast Plan (the "Plan") seeks to create. If a broad band of "trail area" was adopted (a corridor for trail location as opposed to the actual trail location), multiple owners would consider trails on their property and more are likely to accept county incentives for developing trails. Owner-supported trail development will be more likely to occur than with County mandated fixed detailed trail locations.

The Reagan Ranch is a Site of Significance

The Reagan Ranch is an important and irreplaceable resource. It is the only property in the world to have served as President Reagan's Western White House. It was an active ranch and the west coast retreat for President Reagan during his service as California Governor in the 1970's and as President of the United States during the 1980's.

The Reagan Ranch's significance is not limited to the adobe structure, related outbuildings and features. Artifacts of the presidency are located throughout the entirety of the Reagans' working ranch. Although sites like Mount Vernon and Monticello provide insight into the lives of Presidents Washington and Jefferson, they had to be recreated after years of disrepair. The Reagan Ranch has the unique and special value of being preserved as though President Reagan just left and locked the gate. As time continues to pass, the site's value in providing insight into President Reagan's life as President will only increase.

The Plan threatens the Reagan Ranch site. Although the Plan acknowledges the site as one of value in Chapter 2, the designation of trail alignments in Chapter 4 threatens the site. Staff has failed to consider, adequately avoid or mitigate the impacts that the proposed Trail Alignment for the West Camino Cielo Crest Trail (the "Crest Trail") would have on the property.

Sites of Significance Face Special Dangers

Dangers of unsupervised public trails on or near the Reagan Ranch include: trespass, souvenir hunting, vandalism and theft.¹ (See further examples in YAF's DEIR comment letter dated September 3, 2015 which acknowledges that sites of significance draw public scrutiny, ire, and vandals.) Rather than acknowledging these problems which exist at sites of significance,

¹: Human Action

"By far the most varied and damaging forces on archeological sites are caused by human actions, and by associated institutional actions and legal or regulatory procedures (discussed below). Looting and vandalism are major sources of site damage and destruction. Several studies have begun to identify the magnitude of the problem. According to the 1990 report of the Society for American Archaeology's Conference on Preventing Archaeological Looting and Vandalism, vandals and looters have:

- *attacked 90 percent of known sites on federal lands in the Four Corners area of the American southwest, including over 800 of the known sites on Fish and Wildlife Refuge lands alone;*
- *assaulted nearly all of the Classic Mimbres sites in southwestern New Mexico;*
- *increasingly invaded private and Indian lands, including a 1000 percent increase of looting and vandalism on the Navajo reservation alone between 1980 and 1987;*
- *ransacked historic shipwrecks on both coasts, including priceless Spanish galleons ripped apart in search of gold;*
- *overrun historic Revolutionary and Civil War battlefields tearing up land looking for coins, guns, and bottles.*

"Motivation for site looting and vandalism varies. Archeological sites are "mined" for commercial profit in the Southwest where artifacts have monetary value on the national and international art markets. In other areas, sites are looted to acquire relics for personal collections or smaller scale profit at hobby shows. ..."

County Staff has indicated that challenges with public access near the Reagan Ranch are no greater than any other private property.² This is simply inaccurate.³

The notoriety and impact of President Reagan and preservation of his legacy create unique challenges not faced by other private property owners.⁴ Like other sites of cultural significance in the plan area, trails over the site should be avoided and planning for trails near the Reagan Ranch requires flexibility, caution, and deference.

The Plan's Siting of the Crest Trail is too Specific for mere Project Level Analysis

The Crest Trail text in the Plan before you which effects the Reagan Ranch states:

“2. The proposed trail alignment for the West Camino Cielo crest trail west of Refugio Road generally follows parcel boundaries and the historic alignment⁵ of West Camino Cielo Road west of Refugio Road.

“3. The County shall work with surrounding land owners, Los Padres National Forest, County Parks, CRAHTAC, the Land Trust for Santa Barbara County,

² Comment 11-5 to YAF's DEIR Comment Letter

³ “Although environmental degradation can be significant, human degradation is generally the main source of site damage and is the most difficult type of site destruction to control. Human degradation can take several forms, including development, unintentional damage, vandalism, looting, and mismanagement...”

“Visitors are often unaware of damage they inflict on archeological sites, but can wreak havoc on delicate archeological remains. Climbing or sitting on masonry walls can displace stones and undermine the structural integrity of the architecture. Eating or camping on or near sites attracts rodents and other pests that may damage the site. Fires can leave stains on the ground as well as nearby stone walls. Artifact collection by uninformed visitors reduces the interpretability of the site and removes precious and irreplaceable archeological materials from their original contexts...”

“Much more destructive than the accidental damage caused by visitors, vandalism and looting pose a serious risk to archeological resources. Although vandalism and looting can occur together, their perpetrators tend to be different types of people with different motivations. Vandalism refers to intentional damage to or destruction of resources that is not motivated by profit. Vandalism includes relatively random acts of desecration. The thrill of destruction or the desire to visibly ‘tag’ archeological remains such as masonry walls or petroglyph panels is the primary motivation for vandal behavior. Looting is intentional destruction and theft with the aim of obtaining artifacts with economic or market value. Looting is motivated by the opportunity to profit from the archeological record or the desire to possess archeological materials.”

National Park Service, US Dept. of the Interior, Archeology Program Brief 22, Developing and Implementing Archeological Site Stewardship Programs, Threats to Site Preservation, May 2007.
<https://www.nps.gov/history/archeology/PUBS/techbr/tch22.htm>

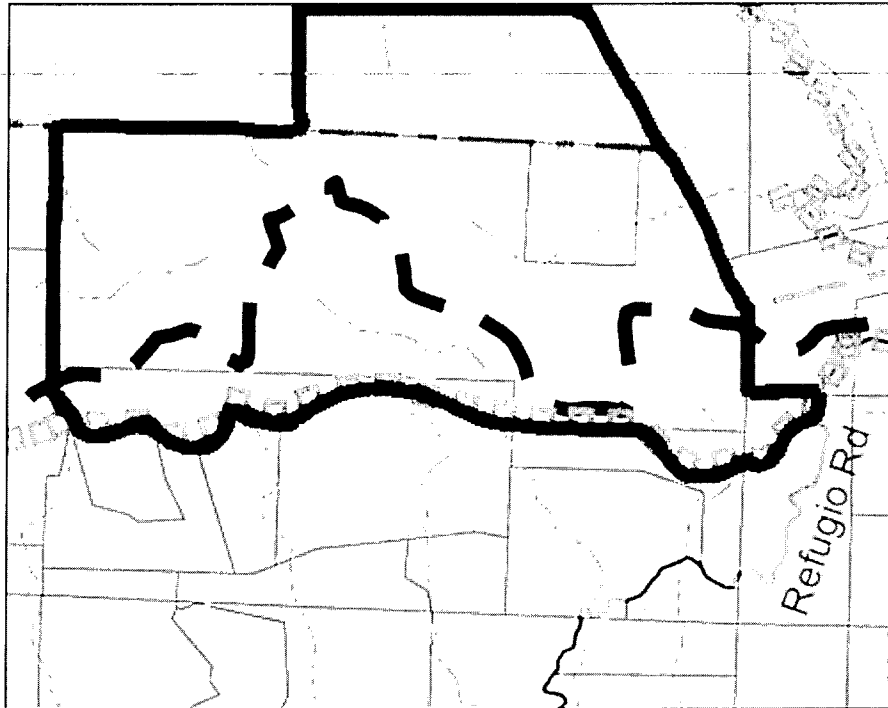
⁴ See Memo to Staff (Brian Tetley) dated May 15, 2015, which indicates that trail users will traverse at least a distance of .4 miles off a designated trail to visit a site of interest. Trail users will inevitably leave the marked trails to see the currently protected site.

⁵ It should be noted that there is no historic alignment of West Camino Cielo Road west of Refugio Road. Staff instead refers to the paved driveway of the Reagan Ranch.

and community groups to consider the potential for alternative trail alignments for the West Camino Cielo crest trail west of Refugio Road, including existing trail easements as an alternative alignment.”

The Plan reference to “parcel boundaries” is specific and identifiable, and thus too specific for project level analysis. Additionally, the language revisions do nothing to avoid or mitigate the impacts created by the single line on the PRT map designating the trail’s location. It is the combination of the PRT-East Panel Map and the narrative which are so detrimental because they dictate the trail’s location over the Reagan Ranch. Rather than creating a corridor for future specific placement, the map and the narrative specifically site the Crest Trail-- through the southern portion of the Reagan Ranch.

Historically, PRT Maps scaling made it difficult to ascertain *where* trails were located, resulting in a general “corridor” for a for future trail siting. However, the new maps use modern technology such that anyone can identify the exact site of the trail corridor on the map with specificity. *Below*, is the portion of the proposed Crest Trail as it crosses the Reagan Ranch.



*Figure: Depiction of the PRT East Panel effecting the Reagan Ranch.
Bold black line shows boundaries of Reagan Ranch.
Orange boxes show proposed location of West Camino Cielo Crest Trail west of Refugio Road.*

The proposed trail is sited on the Ranch's driveway and access to Refugio Road. During the Presidency, the secret service referred to this driveway as Pennsylvania Avenue and it was used by the Reagans, their guests, invitees and/or ranch hands daily. Reagan's last act as owner of the Ranch was locking the driveway gate at the entrance of the Reagan Ranch and Refugio Road.

The alignment to "parcel boundaries" and the specificity of the trail designation line does not avoid or mitigate the environmental problems associated with siting an unsupervised back country trail across the Reagan Ranch. By using such a specific location, the staff placed this trail on a site of historic and cultural significance.⁶ The trail site selected causes significant impacts which should be avoided or mitigated on a protectable site. Additional environmental analysis is required.

Where a trail has been sited with this level of specificity and the County knows of environmental impacts which can and should be avoided or mitigated, there is a duty to address those impacts. (14 Cal Code of Regulations, 15126, 15064.5. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396)

The overly specific depiction of the proposed single line Crest Trail alignment creates a significant environmental impact, because it crosses over a known historical/cultural resource, and no site-specific studies have been done nor have mitigation measures been adopted.

Alternatively, if the County desires to develop trails on or near the Reagan Ranch, a corridor approach could be used. A broad depiction on the map (such as a "corridor for future trail location" – a transparent colorband - extending one mile on either side of the now identified trail location) should be adopted as opposed to the single trail line which is clear, identifiable and fixed. This would be consistent with a project-level environmental review.

CEQA Compliance and a Plan for Success

The Board must act either to: (1) require additional CEQA analysis related to the impacts to the Reagan Ranch or (2) modify the maps and text such that program-level review is actually appropriate. Because the location of proposed trail alignment is currently mapped on the Reagan Ranch with single line particularity, it is not appropriate for project-level review. Adequate environmental analysis is required or you should generalize the trail location by placing a mapped "corridor for future trail location" extending one mile on each side of the current single line trail mapping.

⁶ While Staff points to language in the Plan to explore other options, there is no requirement to do so. And of course exploring options does not solve the problem of specifically mapping a single line trail across the resource.

REETZ, FOX & BARTLETT LLP

Santa Barbara County Board of Supervisors

November 4, 2016

Page 6 of 6

The County's statement of purpose and intent in the Parks, Recreation, Trails Element of the Plan is to: "create quality recreational experiences for the public, *while preserving and protecting valuable* natural resources, *cultural resources*, agricultural operations and adjoining land uses, and the rural character of the Plan Area. ..." The depiction of the Crest Trail on the PRT-East Panel Map, and the description fail to meet this stated purpose.

To bring the Crest Trail into alignment with the requirements of CEQA without conducting additional environmental analysis and to comply with the Plan's stated purpose, you should direct staff to depict trail corridors as such, wide swaths of colored bands, as opposed to pin point depictions on the map, and refine the language of the Crest Trail description further to omit the reference to parcel boundaries.

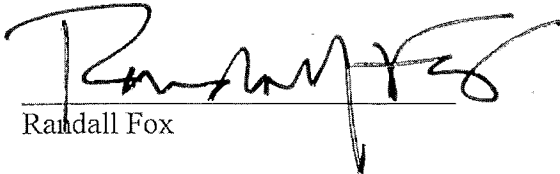
If the County intends to work with various agencies and property owners in the area to determine an appropriate location for a trail in the area, there is no need for the single line trail mapping specificity articulated in the draft Plan before you. In fact, the specific mapping will inhibit the development of an actual trail because every landowner along the route has veto power by refusal to allow the trail.

The trail plan is nearly there, but you must create the needed flexibility (by designating broad corridors for future trail location) such that trails will actually be built. With increased flexibility for siting, the County may be able to locate property owners who want trails in exchange for those benefits the County has to offer as contemplated by the Plan.

We think either option 1 (conduct further CEQA required analysis of the placement of the West Camino Cielo trail west of Refugio Road) or option 2 (replace the single line trail designations with broad "corridors for future trail locations") will avoid a legal challenge to the Plan. We think option 2 will adopt a policy that is most likely to result in the development of actual trails in the foreseeable future.

Sincerely,

REETZ, FOX & BARTLETT LLP



Handwritten signature of Randall Fox in black ink, written over a horizontal line.

Randall Fox

RF/dcb