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LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

August 28, 2020

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

By email to sbcob@co.santa-barbara.ca.us

RE: Caltrans Highway 101 Gaviota Culvert Replacement Appeal; 9/1/20 Agenda Item No. 3

Dear Chair Hart and Supervisors,

This office represents the Gaviota Coast Conservancy (GCC), one of two appellants in this matter. GCC is dedicated to protecting the rural character and environmental integrity of the Gaviota Coast for present and future generations, as well as encouraging public access and recreation. Highway 101 presents a substantial barrier to wildlife movement along the entire eastern Gaviota Coast, and a substantial obstacle to realizing the recreational potential of this extraordinary stretch of coastline. This culvert replacement project causes additional impacts to wildlife and recreation, however also presents an opportunity to provide wildlife passage and public access improvements that would not only offset the Project's direct, indirect, and cumulative impacts, but also begin to improve this section of the Gaviota Coast for wildlife and humans alike.

GCC appealed the Planning Commission's approval because impacts to wildlife and recreation, and consistency with Gaviota Coast Plan policies, were not adequately considered. Since our appeal, additional information has come to light regarding the proposed transfer of 5 acres of California State Park land into Caltrans' jurisdiction including 2 acres that are deed restricted for use as open space, habitat restoration and conservation, and passive recreation including trails and may not be transferred or encumbered without the affirmative authorization of various agencies and NGOs, including the county. Additionally, Coastal Ranches Conservancy (CRC) submitted a letter from Dr. Shilling of UC Davis, confirming and building upon Dr. Stratton's prior report showing high levels of wildlife movement and fatalities in the Project area, and underscoring the need for a wildlife undercrossing in this area.

The Board Letter largely dismisses the concerns raised in both GCC and CRC's appeals. However, as explained below, the record establishes that subsequent environmental review and additional mitigation measures and conditions are required before the Board could be in a position to make approval findings. Accordingly, we request that you grant our appeal and direct subsequent environmental review with respect to wildlife and recreation.

We understand the purpose and need for the Project, and would welcome a Project redesign that allows wildlife passage in conformance with Caltrans' own Wildlife Crossings Guidance

Manual¹ and includes improvements to enhance public trail access and connectivity as provided in the Gaviota Coast Plan (as also suggested in comments from the California Coastal Commission¹).

1. The Project Fails to Comply with CEQA and Policy Requirements

Since Caltrans adopted the MND, changed circumstances and new information have come to light that require major revisions to the document in the form of subsequent environmental review. (See CEQA Guidelines § 15162). The changed circumstances result from the Coastal Commission's certification and full implementation of the Gaviota Coast Plan in the Coastal Zone. As discussed in our appeal letter², the MND did not consider or incorporate these policies. Because the policies took effect in the Project area after Caltrans adopted the MND, they are properly considered a changed circumstance for purposes of CEQA's subsequent environmental review provisions. The Gaviota Coast Plan policies at issue are intertwined with the Project's wildlife and recreation impacts, as discussed below.

a. Subsequent Environmental Review Is Required for the Project's Wildlife Impacts

The MND relied on limited data and narrow assumptions to support its conclusion that wildlife corridors are not present and need not be considered. Specifically, the MND states:

The location of the Gaviota Culvert Replacement project does not represent a core habitat area or key migratory pathway for regional wildlife populations. This is not to say that animals do not attempt to cross US 101. However, given the lack of core habitat on the west side of the highway, the project will not impede any wildlife dispersal along an established regional dispersal corridor. Since wildlife corridors are not present, they are not further discussed in this section.

(MND p. 22.) New information of substantial importance includes an 8/23/20 letter report by Dr. Shilling of UC Davis, and the Gaviota Wildlife Corridor Project Report prepared by Dr. Stratton and others of UCSB's Cheadle Center for Biodiversity & Ecological Restoration (CCBER). These expert reports include much more comprehensive data and detailed analysis than relied on by Caltrans in the MND. Speaking directly to the above-quoted paragraph in the MND, Dr. Shilling responds:

The number of mammals killed by collisions in the immediate area of the culvert and the density per year (2-12) indicate both that there are immediate impacts to large mammals and risk to drivers through this area. The density of collisions with all mammals and with large mammals, 4 per mile per year are among the top 15% I have calculated in California. The number/density of all mammals (51/2 miles) in the immediate area of the culvert project

¹ CCC MND Comments, Board Letter Attachment 5, p. 111.

² GCC Appeal, Board Letter Attachment 8.

and the number/density in the larger area also indicate that there are current impacts to wildlife in this area because they are actually moving, or attempting to move back and forth across the highway.

The Environmental Assessment language quoted above suggests that there is no “core habitat” in the area of the project. The fact that black bears, mountain lions, mule deer, coyotes, bobcat, gray fox, badger and other smaller mammals are all being found dead on this stretch of highway, suggesting that this area is core wildlife habitat and wildlife are apparently moving back and forth. The EA language above also suggests that “the project will not impede any wildlife dispersal along an established regional dispersal corridor.” There is no evidence in California wildlife biology, including in this area that any of the species found dead in the area use the same parts of landscape to move from day to day, season to season, or year to year, which is the idea underlying “wildlife corridors”. Indeed, only ungulate species like elk, caribou, deer, and various African species have been shown to move along linear paths that could be called “corridors”. In California, only a few mule deer herds in the northern part of the state seem to move along similar paths from one year to the next. So the application of the term “regional dispersal corridor” is meaningless here when applied to wildlife that live in this region. A Geographic Information System (GIS)-based map of “core habitats” and “corridors” is meaningless to wildlife conservation, protection, and driver safety if it has no relationship to the presence of wildlife. If the finding here is based on such a GIS-based map, then it is incorrect on its face as obviously wildlife are moving back and forth through this area.

(Dr. Shilling Letter Report, 8/23/20.) Additionally, CRC submitted evidence captured by a wildlife camera trap shows a high concentration of wildlife at both ends of the existing culvert, including a “number of deer that represent a high potential for a serious accident, unless we can build a new culvert that allows them to cross safely beneath the highway.” (CCR Letter to Board, 8/25/20).

The Board Letter responds that the new information “does not demonstrate that the project itself would be the cause of any wildlife-vehicle conflict. Appellants suggest additional design measures that could be taken to benefit wildlife in the area, but CEQA is limited to mitigating impacts caused by a project.” (Board Letter, p. 4.)

In fact, when the new information on wildlife density and collision frequency in the area is taken into consideration, the Project’s onsite restoration component will likely result in increased wildlife-vehicle conflicts by attracting wildlife towards the highway. Caltrans’ Wildlife Crossings Guidance Manual specifically calls out the need to evaluate indirect Project impacts including “the growth of vegetation preferred by herbivorous species, indirectly increasing their susceptibility to vehicle strikes”.³ The MND was silent on indirect impacts to wildlife or roadway safety from

³ Caltrans Wildlife Crossings Guidance Manual, p. 52:

https://roadecology.ucdavis.edu/files/content/projects/CA_Wildlife%20Crossings%20Guidance_Manual.pdf

proposed mitigation, presumably because it erroneously focused on “established regional dispersal corridors” and limited data. CEQA requires an analysis of both direct and indirect impacts (CEQA Guidelines §§ 15126.2, 15358) and impacts resulting from mitigation measures as well as from the Project itself (CEQA Guidelines § 15126.4(a)(1)(D)). Under these circumstances the County must direct subsequent environmental review.

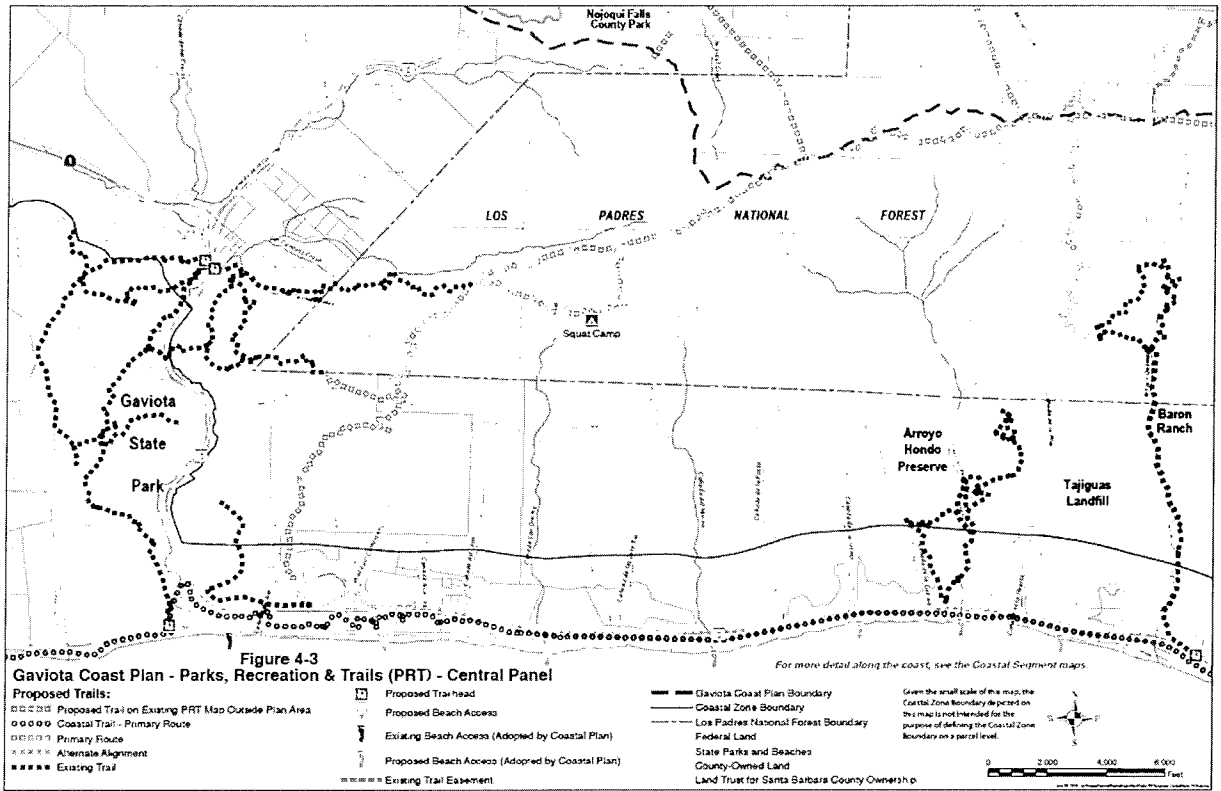
b. Subsequent Environmental Review Is Required for the Project’s Impacts to Recreation

As part of the Project, over 5 acres of State Park land will be transferred into Caltrans’ jurisdiction. This component of the Project was only recently described in communications with the County in preparation for this appeal hearing (*see* Board Letter Attachment 13.) In addition, it recently came to light that the transfer includes over 2 acres of the “Gaviota Village” property, which was acquired with funding from the Coastal and Estuarine Land Conservation Program (CELCP), Santa Barbara County Coastal Resource Enhancement Fund (CREF), and the Goleta Valley Land Trust, and is deed restricted for use as open space, habitat restoration and conservation, and passive recreation including trails. The Grant Deed (attached hereto as Exhibit 1) further requires various approvals before the property can be transferred or encumbered. There is no evidence in the record that this Deed Restriction has been considered, no analysis regarding whether the Project is allowable on this land consistent with the deed restriction. Specifically, the Grant Deed provides:

This property has been acquired in part with funds from a Federal financial assistance award through the Coastal and Estuarine Land Conservation Program (CELCP), a grant from the Santa Barbara County Coastal Resource Enhancement Fund (CREF) and a grant from the Goleta Valley Land Trust. Title to the property conveyed by this deed shall vest in the State of California, acting by and through the Department of Parks and Recreation, subject to certain conditions that the property shall be managed for conservation purposes and consistent with purposes for which it was entered into under the CELCP and in adherence with the CELCP Guidelines. Its use shall be for open space protection, habitat restoration and conservation, passive recreation, a trail, trailhead, parking area and signage consistent with NOAA CELCP, Santa Barbara County CREF and Goleta Valley Land Trust Guidelines. The Department of Parks and Recreation shall not dispose of, exchange, encumber its title or other interests in, or convert the use of this property without the approval of NOAA, the County of Santa Barbara, and the Goleta Valley Land Trust, or their respective successor agencies.

The transfer of State Park land to Caltrans jurisdiction including property expressly designated for passive recreation including a trail and trailhead itself results in impacts to recreation.

Moreover, the Gaviota Coast Plan which took effect after the MND was adopted and was not considered in the document, identifies a robust set of recreation policies and PRT Map (Segment 5) identifies multiple proposed and an existing trail segment in the vicinity of the Project site.



The existing trail segment identified north of 101 on State Parks property appears to directly overlap with the Project construction area, but the Project’s impacts on this trail have not been addressed. The implications for future connectivity to trails proposed on the Gaviota Village property are significant, and must be evaluated in a subsequent environmental review document.

c. Conflicts with the Gaviota Coast Plan Preclude Approval of the Project as Proposed

Irrespective of its responsibilities as a Responsible Agency under CEQA, the Board cannot approve a Project without first determining that it is consistent with the General Plan including the Local Coastal Plan and Gaviota Coast Plan. As proposed, and for reasons discussed above, the Project is not consistent with the following Gaviota Coast Policies:

Policy REC-2: Promote Expansion of Trails, Coastal Access and Recreational Opportunities. The County shall actively promote expansion of public trails, coastal access and recreational opportunities within the Gaviota Coast Plan Area, using its regulatory authority, incentives and other tools to acquire and develop trails, coastal access and recreational facilities, and to encourage provision of lower cost recreational overnight

accommodations. For all pending private and public development projects with planned or existing recreational uses, the County shall fully explore options for new trails, coastal access and parking, lower cost overnight accommodations, and ways to promote their acquisition and development through the environmental and planning review processes.

Policy REC-4: Protect and Preserve Trail Alignments. All opportunities for public trails within the general alignments and locations identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved, provided for, and sited and designed using the considerations in Policy REC-5 and Policy REC-6 during review and approval of development and/or permits requiring discretionary approval.

Policy REC-12: Interagency Coordination. The County shall work cooperatively with organizations including but not limited to the California Coastal Conservancy, California Department of Parks and Recreation, Caltrans, Union Pacific Railroad or its successor, non-profits, and the US Forest Service to establish an effective network of inland and coastal trails where jurisdictions overlap.

Policy NS-6: Wildlife Corridors. Development shall avoid to the maximum extent feasible and otherwise minimize disruption of identified wildlife travel corridors.

Action NS-2: Wildlife Corridors. Landforms and natural features, between the watersheds and mountain and ocean habitats, that are potential wildlife movement areas for apex species and medium and large mammals should be identified in consultation with State and federal wildlife agencies, and/or through specialized scientific studies.

Dev Std NS-1: Wildlife Corridors. (COASTAL) Where avoidance of wildlife corridors is infeasible, development, including fences, gates, roads, and lighting shall be sited and designed to not restrict wildlife movement. Fences and gates shall be wildlife-permeable, unless the fence or gate is associated with an approved agricultural use, is located within an approved development area, or where temporary fencing is required to keep wildlife away from habitat restoration areas..

In addition, a documented Monarch butterfly aggregation site is located within or immediately adjacent to the proposed off-site restoration location on Refugio Creek. Identified as Site 111 – El Rancho Refugio –the site was at one time the largest aggregation sites on native habitat in all of Southern California⁴ The first image, below, from Caltrans’ Mitigation Monitoring Plan (Board Letter Attachment 6, Appendix D), shows the location of the proposed off-site mitigation areas.

⁴ Meade, Daniel, Jessica Griffiths, Charis van der Heide, Francis Villablanca. 2018. et al. *Monarch Butterfly Overwintering Sites, Santa Barbara, California*. Althouse and Meade, Inc., Paso Robles California, pp. 111-112 (Note, the County should have a hard copy of this report, which was recently referenced in the County’s comments on the Refugio Bridge Replacement EIR prepared by Julie Harris)

The second image below shows the mapped location of Site 11, its center immediately north of the proposed mitigation locations.

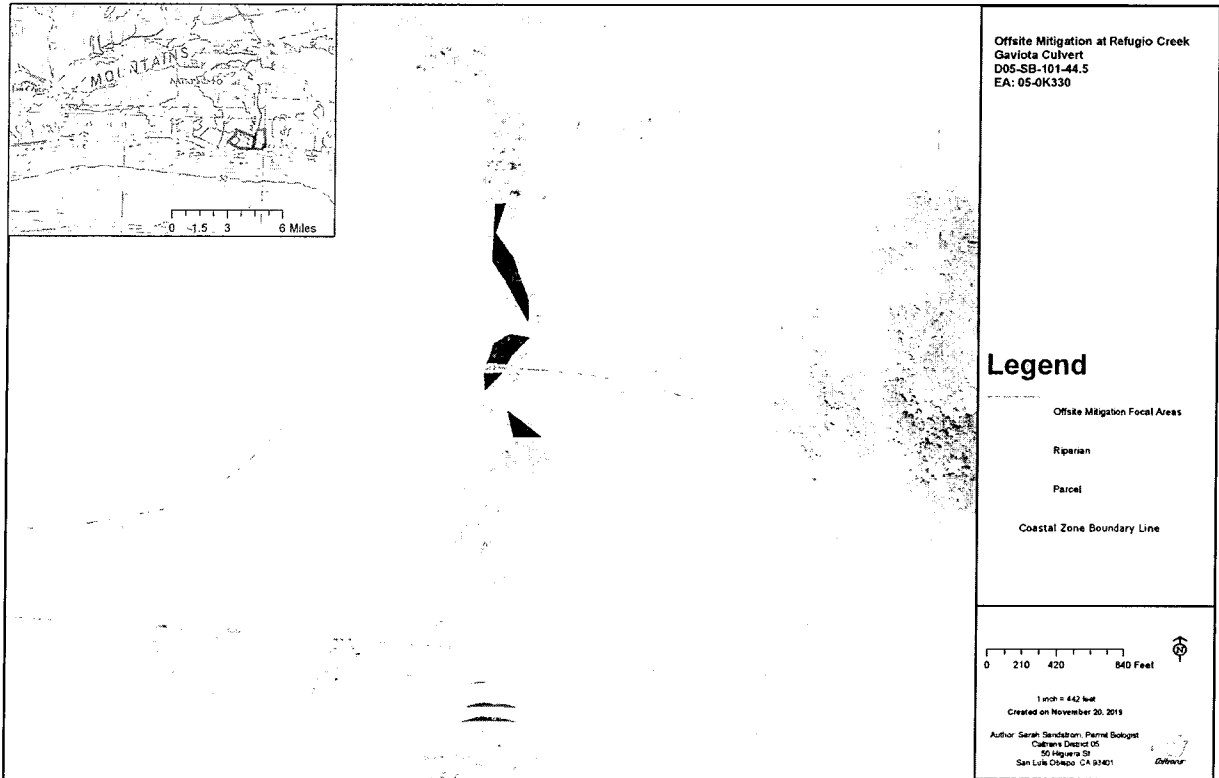
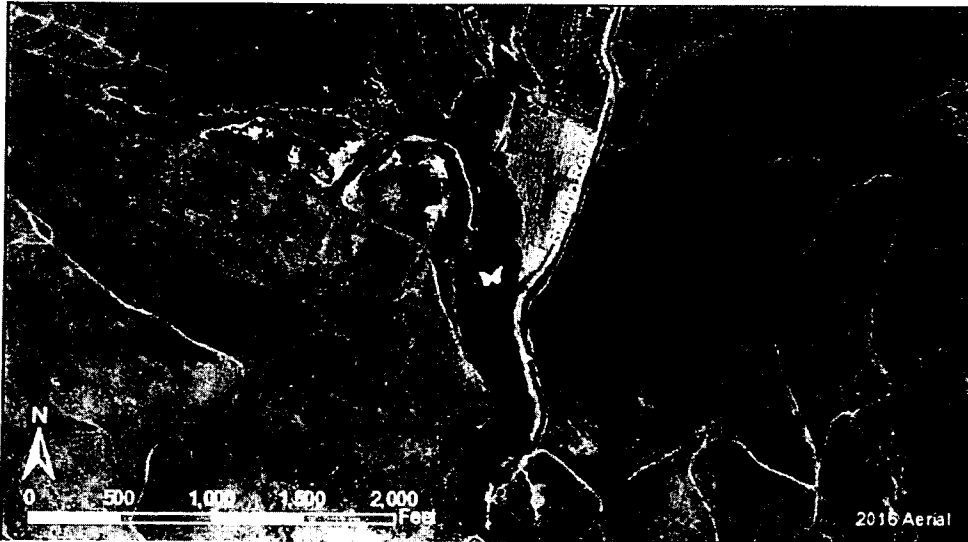




Photo 22. Native plant habitat consisting of sycamore, willow, and cottonwood trees where monarchs aggregate, January 30, 2017.



Monarch Butterfly Overwintering Sites, Santa Barbara County

The record is silent as to this issue, and no avoidance or mitigation measures are included for this important Monarch ESHA as clearly required by the Gaviota Coast Plan including the policies protecting ESHA including Policy NS-2 and the following development standards:

Dev Std NS-2: ESH Setbacks and Buffers. (COASTAL) Buffers shall be provided between ESH and new development to serve transitional habitat and to provide distance and physical barriers to human intrusion. Riparian ESH areas shall have a minimum development area setback buffer of 100 feet from the edge of either side of the top-of-bank of creeks or the edge of riparian vegetation, whichever is further. Wetland ESH areas shall include a minimum development area setback buffer of 100 feet from the edge of the wetland. All other ESH areas shall have a minimum development

area setback buffer of 100 feet from the outer edge of the habitat area. Monarch butterfly trees shall include a minimum development area setback buffer of 50 feet from the edge of the tree canopy. ...

Dev Std NS-4: Sensitive Wildlife Species. (COASTAL) If potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to approval of Coastal Development Permits for any projects in the Gaviota Coast Plan Area, presence/absence surveys focused on the area to be disturbed and/or affected by the project shall be conducted in accordance with applicable county and resource agency protocols to determine the potential for impacts resulting from the project on these species

DevStd NS-6: Butterfly Roosts. (COASTAL) Any construction or grading within 200 feet of known or historic butterfly roosts shall be prohibited during the months between November 1 and April 1. This requirement may be adjusted on a case-by-case basis where P&D, with a qualified biologist, concludes that construction and grading will not impact monarchs on or near the site.

d. Additional Mitigation for Adverse Impacts Is Required for CUP and DP Approval Findings

In addition to CEQA's requirement that significant impacts be reduced to the maximum extent feasible, the County's Coastal Zoning Ordinance imposes the additional requirement for CUPs and DPs that the decisionmaker find that all *adverse* impacts are mitigated to the maximum extent feasible. (CZO §§35-172.8 (2) and 35-174.7 (1)(b).) To the extent the above impacts to recreation and public access are either not "significant" or do not trigger subsequent environmental review under Guidelines § 15162, mitigation measures to address those impacts is still required to make this finding. This feasible mitigation includes accommodating wildlife passage as described in Caltrans' Wildlife Crossings Guidelines Manual ("new culverts may provide an opportunity to enhance existing rates of crossing and decrease rates of vehicle-animal collisions if the new culverts are larger than the existing culverts and include wildlife ledges, fencing, and vegetation to enhance their use") and mitigation necessary to avoid impacts to recreation including existing and proposed trails.


2. Conclusion

For the reasons stated herein, we respectfully request that you uphold the appeal, and direct additional environmental review and/or provide Caltrans the opportunity to revise their Project to accommodate wildlife passage, trail connectivity, and passive recreational use.

Chair Hart and Board of Supervisors
August 28, 2020
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Sincerely,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

Exhibits:

Exhibit 1: Gaviota Village Deed Restriction

**RECORDING REQUESTED BY
CHICAGO TITLE**

WHEN RECORDED MAIL TO



2009-0039846

Recorded | REC FEE 0.00
Official Records |
County of |
Santa Barbara |
Joseph E. Holland |

08:00AM 06-Jul-2009 | Page 1 of 7

STATE OF CALIFORNIA
Department of Parks and Recreation
Acquisition and Real Property Services Division
One Capitol Mall, Suite 500
Sacramento, CA 95814

OFFICIAL STATE BUSINESS - EXEMPT FROM RECORDING FEES PURSUANT TO GOVT. CODE §27383 AND DOCUMENTARY TRANSFER TAX PURSUANT TO REVENUE AND TAXATION CODE SECTION §11922

Corporation Grant Deed

Agency: Department of Parks and Recreation
Project: Gaviota State Park, Gaviota Village
Parcel(s): 14797 DGS: 10546

APN(S): 081-130-72 & 081-130-73 County of Santa Barbara

THE TRUST FOR PUBLIC LAND, a California nonprofit public benefit corporation,

organized under the laws of the State of California hereby GRANTS to THE STATE OF CALIFORNIA, acting by and through the Department of Parks and Recreation, the following described real property situated in the County of Santa Barbara, State of California, described in Exhibit "A" consisting of four (4) pages attached hereto and by this reference made a part hereof and subject to the conditions set forth in the National Oceanic and Atmospheric Administration (NOAA) Grant Agreement No. NA07NOS4190011; the Santa Barbara County Agreement, dated February 3, 2009; the Goleta Valley Land Trust Agreement dated December 15, 2008; and more specifically subject to the following provisions:

This property has been acquired in part with funds from a Federal financial assistance award through the Coastal and Estuarine Land Conservation Program (CELCP), a grant from the Santa Barbara County Coastal Resource Enhancement Fund (CREF) and a grant from the Goleta Valley Land Trust. Title to the property conveyed by this deed shall vest in the State of California, acting by and through the Department of Parks and Recreation, subject to certain conditions that the property shall be managed for conservation purposes and consistent with purposes for which it was entered into under the CELCP and in adherence with the CELCP Guidelines. Its use shall be for open space protection, habitat restoration and conservation, passive recreation, a trail, trailhead, parking area and signage consistent with NOAA CELCP, Santa Barbara County CREF and Goleta Valley Land Trust Guidelines. The Department of Parks and Recreation shall not dispose of, exchange, encumber its title or other interests in, or convert the use of this property without the approval of NOAA, the County of Santa Barbara, and the Goleta Valley Land Trust, or their respective successor agencies.

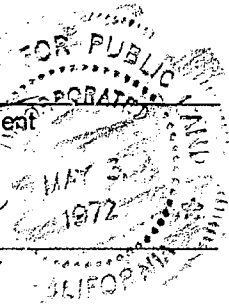
In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Sr. Vice President and Assistant Secretary thereunto duly authorized.

Dated: June 18th, 2009

THE TRUST FOR PUBLIC LAND, a California nonprofit public benefit corporation

By *Nelson J. Lee*
Nelson J. Lee, Senior Vice President

By *Gilman Miller*
Gilman Miller, Assistant Secretary



ACKNOWLEDGMENT

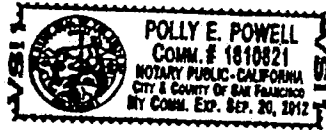
State of California
County of San Francisco

On June 18, 2009 before me, Polly E. Powell,
Notary Public, personally appeared Nelson J. Lee and
Gilman Miller, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Polly E. Powell (Seal)



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL ONE:

Parcel A of Lot Line Adjustment No. 97-LA-035 recorded August 23, 2001 as Instrument No. 2001-0072384, Official Records, in the Office of the County Recorder of Santa Barbara County, described as follows:

Commencing at the Southwest corner of Parcel Two of Parcel Map No 11214 in the County of Santa Barbara, State of California, as shown on map filed in Book 7, Page 4 of Parcel Maps, in the office of the County Recorder of said County;

Thence along the Southerly boundary of said Parcel Two, North 81 ° 44' 20" East, 126.35 feet thence continuing along the Southerly boundary of said Parcel Two, South 79 ° 21' 20" East, 152.97 feet, thence continuing along the Southerly boundary of Parcel Two, North 89 ° 20' 00" East, 507.98 feet, said point being the True Point of Beginning of the parcel described herein as follows:

Thence 1st, leaving said Southerly line, North 00 ° 07' 55" West, 548.70 feet;

Thence 2nd, North 89 ° 20' 00" East, 900.04 feet;

Thence 3rd, South 00 ° 07' 55" East, 548.66 feet, to said Southerly line of Parcel Two;

Thence 4th, along said Southerly line of Parcel Two South 89 ° 20' 00" West, 58.00 feet;

Thence 5th, along said Southerly line of Parcel Two South 81 ° 44' 20" West 151.33 feet

Thence 6th along said Southerly line of Parcel Two South 76 ° 20' 00" West, 68.16 feet;

Thence 7th, along said Southerly line of Parcel Two South 89 ° 20' 00" West, 281.00 feet;

Thence 8th, along said Southerly line of Parcel Two North 07 ° 34' 10" West 20.00 feet;

Thence 9th, along said Southerly line of Parcel Two North 73 ° 33' 50" West, 52.52 feet;

Thence 10th, along said Southerly line of Parcel Two South 89 ° 20' 00" West, 292.02 feet to the True Point of Beginning of the parcel described herein.

Excepting therefrom that portion thereof described in the deed to the State of California, recorded November 23, 1971, as Instrument No. 38202, in Book 2373, Page 671 of Official Records.

EXCEPTING THEREFROM the interest in the minerals and mineral rights in said land, as said minerals and mineral rights are therein defined, as conveyed by deed from Hollister Estate Company to Jane H. Wheelwright and Clinton B. Hollister, as Executors of the Will of J. J. Hollister, deceased, et al., recorded July 20, 1962 as Instrument No. 30286 in Book 1942, page 916 of Official Records as said interests were modified and amended by that certain exchange of deeds between Peter Steffens and Ella Steffens, his wife, et al., and Hollister Company, a joint venture, composed of D-G-J Investment Co., a corporation, and Harwen Company, a limited partnership, recorded August 12, 1965 commencing with Instrument No. 28586 in Book 2116, Page 971 of Official Records and culminating with Instrument No. 28647 in Book 2116, Page 1207 of Official Records.

APN: 081-130-73

Parcel Two:

Parcel B of Lot Line Adjustment No. 97-LA-035 recorded August 23, 2001 as Instrument No. 2001-0072384 Official Records, in the Office of the County Recorder of Santa Barbara County, described as follows:

EXHIBIT "A" (continued)

Commencing at the Southwest corner of Parcel Two of Parcel Map No 11214, in the County of Santa Barbara, State of California, as shown on Map filed in Book 7, Page 4 of Parcel Maps, in the office of the County Recorder of said County, said point being the True Point of Beginning, of the parcel described herein as follows:

- Thence 1st, along the Westerly line of Parcel Two North $00^{\circ} 28' 09''$ West, 800.00 feet;
- Thence 2nd, along the Northerly line of Parcel Two North $89^{\circ} 52' 05''$ East, 2354.50 feet;
- Thence 3rd, along the Easterly line of Parcel Two South $01^{\circ} 23' 00''$ East, 800.00 feet;
- Thence 4th, along the Southerly line of Parcel Two South $88^{\circ} 37' 00''$ West 192.00 feet;
- Thence 5th, along the Southerly line of Parcel Two South $89^{\circ} 20' 00''$ West 492.00 feet;
- Thence 6th, leaving the Southerly line of Parcel Two North $00^{\circ} 07' 55''$ West, 548.66 feet;
- Thence 7th, South $89^{\circ} 20' 00''$ West 900.04 feet;
- Thence 8th, South $00^{\circ} 07' 55''$ East 548.70 feet;
- Thence 9th, along the Southerly line of Parcel Two South $89^{\circ} 20' 00''$ West 507.98 feet;
- Thence 10th, along the Southerly line of Parcel Two North $79^{\circ} 21' 20''$ West, 152.97 feet;
- Thence 11th, along the Southerly line of Parcel Two South $81^{\circ} 44' 20''$ West 126.35 feet to the True Point of Beginning of the parcel described herein;

EXCEPTING THEREFROM the interest in the minerals and mineral rights in said land, as said minerals and mineral rights are therein defined, as conveyed by deed from Hollister Estate Company to Jane H. Wheelwright and Clinton B. Hollister, as Executors of the Will of J. J. Hollister, deceased, et al., recorded July 20, 1962 as Instrument No. 30286 in Book 1942, page 916 of Official Records as said interests were modified and amended by that certain exchange of deeds between Peter Steffens and Ella Steffens, his wife, et al., and Hollister Company, a joint venture, composed of D-G-J Investment Co., a corporation, and Harwen Company, a limited partnership, recorded August 12, 1965 commencing with Instrument No. 28586 in Book 2116, Page 971 of Official Records and culminating with Instrument No. 28647 in Book 2116, Page 1207 of Official Records.

APN: 081-130-72

PARCEL THREE:

An easement for water line, ingress and egress purposes and appurtenances thereto over a portion of Rancho Nuestra Senora Del Refugio, in the County of Santa Barbara, State of California, and according to the U. S. Patent thereof, recorded July 28, 1866, in Book A of Patents, Page 17 et seq., records of said County, included within a strip of land 40 feet wide, the center line of which is described as follows:

Beginning at the Easterly terminus of Course No. 5 of the land described in deed to the State of California recorded in Book 1073, Page 490 of Official Records of said County as having a bearing of South $81^{\circ} 44' 20''$ West, for the purposes of this description said line has a bearing of North $81^{\circ} 34' 00''$ East; thence leaving said Northerly line along the following courses and distances:

North $72^{\circ} 44' 57''$ East 266.81 feet; North $73^{\circ} 35' 33''$ East 167.43 feet; North $62^{\circ} 04' 18''$ East 167.71 feet; North $48^{\circ} 23' 44''$ East 324.05 feet; North $84^{\circ} 01' 45''$ East 657.39 feet; North $2^{\circ} 40' 27''$ East 423.27 feet; North $20^{\circ} 37' 34''$ East 114.36 feet; North $21^{\circ} 08' 03''$ East 289.36 feet; North $62^{\circ} 49' 30''$ East 215.68 feet; North $39^{\circ} 07' 20''$ East 114.70 feet; North $1^{\circ} 07' 09''$ East 109.73 feet; North $49^{\circ} 31' 16''$ East 232.88 feet; North $8^{\circ} 08' 21''$ East 103.30 feet; North $50^{\circ} 28' 34''$ West 74.19 feet; North $9^{\circ} 07' 04''$ West 62.10 feet; and North $40^{\circ} 03' 58''$ East 95.09 feet to the end thereof.

EXCEPTING therefrom that portion included within the land described in deed to Rancho Santa Barbara, recorded November 19, 1968 as Instrument No. 36021 in Book 2252, Page 1019 of Official Records.

EXHIBIT "A" (continued)

PARCEL FOUR:

An easement for installation, maintenance, use, operation and replacement of a water well, related water service facilities, utilities for servicing such facilities, and incidental purposes, in, on, over and under that portion of said Rancho described as follows:

Beginning at the Northerly terminus of the center line described in Parcel Two in the Trustee's Deed Upon Sale to Albert Levinson and Lillian Levinson, recorded February 16, 1984 as Instrument No. 84-8655 of Official Records; thence South 30.00 feet to the true point of beginning; thence East 30.00 feet; thence North 60.00 feet; thence West 60.00 feet; thence South 60.00 feet; thence East 30.00 feet to the true point of beginning.

PARCEL FIVE:

An easement for installation, maintenance, use and operation of a water pipeline, other related water service facilities, utilities for servicing such facilities, and incidental purposes, in, on, over and under that portion of said Rancho included within a strip of land 20 feet wide, the center line of which is described as follows:

Beginning at a point in the Northerly line of that certain parcel of land described in deed to Rancho Santa Barbara recorded November 19, 1968 as Document No. 36021 in Book 2252, Page 1019 of Official Records of said County distant thereon South 89° 09' 35" West 3.00 feet from the Northeasterly corner thereof; thence leaving said Northerly line along the following courses and distances:

North 1° 49' 22" West 704.91 feet; North 57° 45' 00" West 145.44 feet; South 84° 45' 00" West 64.00 feet; North 50° 15' 00" West 20.50 feet; and North 0° 15' 00" West 64.00 feet to the end thereof.

The side lines of said strip to be prolonged or shortened at its Southerly end so as to terminate at said Northerly line and Easterly prolongation thereof.

PARCEL SIX:

An easement for installation, maintenance and use of a water tank, other related water service facilities, utilities for servicing such facilities, and incidental purposes, in, on, over and under that portion of said Rancho described as follows:

Beginning at a point in the centerline of the easement described in Parcel Four in the Trustee's Deed Upon Sale to Albert Levinson and Lillian Levinson, recorded February 16, 1984 as Instrument No. 84-8655 of Official Records distant thereon South 0° 15' 00" East 50.00 feet from the Northerly terminus thereof; thence North 89° 45' 00" East 75.00 feet; thence North 0° 15' 00" West 150.00 feet; thence South 89° 45' 00" West 150.00 feet; thence South 0° 15' 00" East 150.00 feet; thence North 89° 45' 00" East 75.00 feet to the point of beginning.

PARCEL SEVEN:

An easement for installation, maintenance, use and operation of a water aerator, other related water service facilities, utilities for servicing such facilities, ingress, egress and incidental purposes, in, on, over and under that portion of said Rancho described as follows:

Beginning at the Northerly terminus of that portion of the center line as described in Parcel Two in the Trustee's Deed Upon Sale to Albert Levinson and Lillian Levinson, recorded February 16, 1984 as Instrument No. 84-8655 of Official Records as having a bearing and distance of North 8° 08' 21" East 103.30 feet; thence along said center line North 50° 28' 34" West 74.19 feet; thence North 9° 07' 04" West 62.10 feet and North 40° 03' 58" East 95.09 feet to the end thereof; thence South 26° 45' 35" East 100.00 feet; thence South 23° 03' 24" West 100.00 feet more or less to the point of beginning.

PARCEL EIGHT:

An easement for pipe line ingress and egress purposes and appurtenances thereof over a portion of said Rancho included within a strip of land 40.00 feet wide, the centerline of which is described as follows:

Beginning at the Westerly terminus of the line described in Parcel Two in the Trustee's Deed Upon Sale to Albert Levinson and Lillian Levinson, recorded February 16, 1984 as Instrument No. 84-8655 of Official Records having a bearing and distance of North 84° 01' 45" East 657.39 feet; thence along the Westerly

EXHIBIT "A" (continued)

prolongation thereof to the Easterly line of the above mentioned land of Rancho Santa Barbara, described in document recorded November 19, 1968 as Instrument No. 36021 in Book 2252, Page 1019 of Official Records.

PARCEL NINE:

An easement for a water tank site and booster pump facilities over that portion of Rancho Nuestra Señora Del Refugio in the County of Santa Barbara, State of California according to the United States Patent thereof recorded July 28, 1866 in Book "A", Page 7 et seq., of Patents, records of said County, described as follows:

Beginning at the Northeasterly corner of land described in deed to Rancho Santa Barbara, recorded November 19, 1968 as Instrument No. 36021 in Book 2252, Page 1019 of Official Records of said County; thence along the Northerly prolongation of the Easterly line of said land North 1° 49' 32" West 120.00 feet; thence parallel to the Northerly line of said land South 89° 09' 35" West 150.00 feet; thence Southerly along a line parallel to said Northerly prolongation to said Northerly line; thence Easterly along said Northerly line to the point of beginning.

PARCEL TEN:

A non-exclusive easement twenty feet in width for installation, operation and maintenance of a water pipe line and incidental purposes as set forth in that judgment and decree of quiet title filed in Superior Court of the County of Santa Barbara, State of California as Case No. 90176, said judgment and decree was recorded October 8, 1970 as Instrument No. 27651 in Book 2323, Page 684 of Official Records in the County Recorder's office of said County, the centerline is described as follows:

That portion of Rancho Nuestra Señora Del Refugio in the County of Santa Barbara, State of California, according to the United States Patent thereof recorded July 28, 1866 in Book "A", Page 7, et seq. of Patents, records of said County, beginning at a point in the Westerly line of the land of Rancho Santa Barbara, being all that real property described in the exception in that certain deed from Macco Realty Company, a California corporation, to John T. Poole, Jr., dated June 20, 1968, and recorded in Book 2236, Page 878 of Official Records of said County, distant thereon North 0° 54' 31" West 93.92 feet from the Southwesterly corner thereof; thence along the following courses and distances:

North 75° 06' 19" West 537.37 feet; North 82° 51' 15" West 337.96 feet; South 77° 46' 17" West 709.91 feet; South 07° 36' 26" East 78.00 feet; South 21° 10' 02" West 186.15 feet; South 22° 15' 36" West 43.44 feet; North 66° 58' 40" West 330.95 feet; North 68° 08' 00" West 384.78 feet; North 49° 26' 30" West 227.67 feet; North 36° 24' 40" West 97.02 feet; North 55° 45' 27" West 67.37 feet; North 22° 07' 46" West 42.60 feet; North 57° 15' 26" West 40.10 feet; North 79° 12' 26" West 50.80 feet; North 24° 19' 48" West 56.16 feet; North 19° 00' 14" West 24.74 feet; North 11° 52' 44" West 66.48 feet; North 08° 00' 45" West 94.13 feet; North 06° 04' 49" West 103.02 feet; North 04° 27' 00" East 39.27 feet; North 74° 41' 44" West 50.15 feet; North 32° 38' 03" East 9.15 feet; North 11° 59' 22" West 51.57 feet; North 25° 12' 19" East 35.90 feet; North 06° 18' 50" East 47.36 feet; North 26° 55' 45" West 282.80 feet; North 24° 01' 13" West 224.09 feet; North 21° 32' 41" East 134.25 feet; North 15° 14' 11" West 204.32 feet; North 19° 23' 00" West 474.66 feet; North 20° 50' 00" West 805.31 feet; North 15° 28' 10" West 211.62 feet; North 10° 40' 45" West 47.67 feet; North 09° 18' 26" West 60.08 feet; North 12° 27' 23" West 95.52 feet; North 04° 48' 39" West 35.01 feet; North 02° 05' 00" East 40.45 feet; North 04° 51' 44" East 20.40 feet; North 01° 03' 30" West 53.24 feet; North 08° 33' 27" West 190.13 feet; North 01° 44' 44" West 61.00 feet; North 10° 46' 50" East 30.80 feet; North 38° 35' 33" East 57.32 feet; North 34° 00' 48" East 72.30 feet; North 03° 30' 34" East 65.12 feet; North 18° 20' 27" East 10.20 feet; North 11° 30' 55" East 18.68 feet; North 65° 58' 02" East 21.03 feet; North 80° 42' 03" East 35.06 feet; North 84° 14' 03" East 36.18 feet; North 65° 02' 15" East 25.08 feet; North 63° 44' 03" East 35.06 feet; North 56° 38' 59" East 30.07 feet; North 50° 19' 38" East 17.05 feet; North 42° 56' 53" East 28.69 feet; South 32° 55' 11" East 10.00 feet; North 39° 22' 13" East 619.65 feet; North 13° 31' 55" West 53.00 feet; North 18° 44' 36" East 117.32 feet; North 32° 40' 48" East 169.05 feet; North 38° 13' 55" East 165.43 feet; North 46° 26' 30" East 317.74 feet; North 60° 18' 58" East 119.87 feet to the end thereof.

EXCEPTING therefrom that portion included within U.S. Highway 101 as it now exists.

The side lines of said strip of land to be prolonged or shortened as to terminate Easterly at the Westerly line of said land of Rancho Santa Barbara.

CERTIFICATE OF ACCEPTANCE

Agency Department of Parks and Recreation
Project Gaviota Village, Gaviota State Park
Agency Parcel No. 14797
DGS Parcel No. 10546
APN 081-130-72 & 081-130-73
County of Santa Barbara

This is to certify that, pursuant to Sections 15853 and 27281 of the California Government Code, the interest in real property conveyed by the Grant Deed dated June 18, 2009 from The Trust for Public Lands, a California nonprofit public benefit corporation, to THE STATE OF CALIFORNIA, acting by and through the Department of Parks and Recreation is hereby accepted by the undersigned officer on behalf of the State Public Works Board pursuant to authority conferred by resolution of said Board duly adopted June 12, 2009, and the Grantee consents to the recordation thereof by its duly authorized officer.


Note to Recorder: If this certificate is for a correction deed, all corrections and/or changes to the previously recorded deed must be reviewed and accepted by the State prior to recording a correction deed. All correction deeds require a new Certificate of Acceptance dated subsequent to recordation of the original deed or the most recent correction deed, if any.

Accepted STATE OF CALIFORNIA
State Public Works Board

By: 
Jerry Leong
Assistant Administrative Secretary

Dated: 6/22/09

Approved DEPARTMENT OF PARKS AND RECREATION

By: 
Stephan R. Lehman, Deputy Director
Acquisition and Development

Dated: 6/22/09

Approved DEPARTMENT OF GENERAL SERVICES

By: 
Michael Butler, Assistant Chief
Real Property Services Section

Dated: 6/23/09