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Sent: Friday, August 26, 2022 12:03 PM
To: Hart, Gregg; Nelson, Bob; Lavagnino, Steve; Supervisor Das Williams; Hartmann, Joan; sbcob
Subject: Modoc Multi-Use Connection

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Hello Esteemed Supervisors,

I can't believe I have to write this email just as much as you probably can't believe you have to deal with this whole ridiculous situation.

The people opposed to this project have said they would litigate if even ONE tree is removed. This is irregardless of whether or not it is in the preserve. This was not a County bait and switch. It's called submitting an application, getting funding to work on engineering and design and realizing that some trees need to go that were not originally anticipated. From my understanding, county staff has frantically tried to find a feasible solution once they realized there was a group of concerned citizens. These grants are highly competitive. We should celebrate staff's victory rather than chastise them.

I hope you have had a chance to visit the preserve to see the placement of the path 1st hand to understand that this decision should not be an emotional one, but a technical one. Technically speaking, the purpose of the grant the County won is satisfied by Options A or B, NOT C. Options A and B build off the capital obtained by the City of Santa Barbara to build protected bicycle infrastructure. The small connection at risk of being lost through frivolous litigation is actually a significant one needed to build out a visionary protected bicycle network.

So what are your options:

Option A: The path is not in the preserve. The project opponents can't argue about the conservation easement. They will argue that they want not one tree removed and will litigate for inadequate environmental review. Talk to the experts, biologists in particular, and they will probably tell you a full EIR will not discover new significant environmental impacts that were not already adequately analyzed and mitigated for in the MND. More impactful development happens in this county all the time and these people don't say a thing. I think their threat of litigation is textbook abuse of CEQA requirements.

Option B: They are claiming that a multi-use path is inconsistent with the conservation easement placed over the Modoc Preserve. Many argue that it is consistent with the terms of the conservation easement. This is a lawyer's game because I believe that it can be interpreted in many ways. The document clearly allows removal of non-native trees. Generally speaking I think the issue of the easement isn't a decision maker call. I am not an attorney, but you have attorney's that work for you and I'd be interested to hear what they have to say.

Option C: The opposition is saying this is the only option. Beyond the fact that this option is 1) not protected, 2) presents slopes, and 3) doesn't directly connect to the Obern Trail, the high net worth residents of Vieja Dr. would probably be just as upset that they are increasing traffic on their street and might hire a lawyer to make some sort of BS argument. So it is feasible litigation is still a possibility in this scenario.

I don't envy your position. Aside from the satire that can be made out of this situation if it were to end up in the national news, the Board must make a choice where someone will be upset. As a part-time cycling commuter, I prefer options A and B out of the three options. Perhaps there are other compromises, but I trust staff to present what is feasible to keep the grant funds. Also, I personally know bicycle commuters that frequent this route and families in Hope Ranch Annex that eagerly await the opportunity to use this route once it's fully built out. Families are excited because it will be a fully protected route to the new Modoc-Hendry's Beach paths. Imagine that?! Alleviating some car parking issues at the beach and Alan Rd.

Lastly, remember the cycling community rides for different reasons, some do it out of environmental concern, some for exercise, and some because they can't drive for physical or economic reasons. What unifies us is that we, unfortunately, live in a world that is primarily developed for cars and have to deal with the danger and anger that comes with that. These projects are few and far between and almost always met with some sort of public resistance when they should be met with open arms. Honestly, I've never seen more horrible internet comments than the routine death to cyclists. Many of us are used to it now and maintain hope that there will be a paradigm shift to recognize we are actually in this all together. What I want to say to these people and to the opponents of this project is... Contemplate what our community, especially in a more urbanized area where this project would be located, would look like if everyone who rides a bike decided to jump in a car to drive. That would impact traffic, aesthetics, noise, air quality, trees, owls, hawks, etc. way more than insignificant tree removals as outlined in the draft MND. It must be nice to have time and money to litigate whatever you don't like in this world.

Please make the prudent decision. Also, I welcome you to ride along the new infrastructure the City of SB has built on Modoc and then over to where the multi-use path is proposed.

Respectfully,

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