

A-11



Katherine Douglas *Public Comment*

From: julian juliangresser <juliangresser77@gmail.com>
Sent: Monday, January 6, 2025 1:47 PM
To: sbcob; julian juliangresser; Ben Levi
Cc: Katie @ SBBTI; Lesley Weinstock; D Craig; Miriam Lindbeck; Sidnee Cox; Anne-Odile Thomas
Subject: BBILAN Comment for January 7 BOS Meeting
Attachments: 2025-01-07 BBILAN SB BOS Hearing Comments.pdf

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Dear Sir or Madam,

Kindly find enclosed our comments to be included in the record of the January 7 BOS meeting.

Thank you for your consideration,

Julian Gresser

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JG Draft Presentation to SB-BOS Meeting January 7, 2025



Good afternoon. I am Julian Gresser, Co-Founder of the Broadband International Legal Action Network (BBILAN). I am submitting the following comments on behalf of BBILAN and Safe Tech Santa Barbara (STSB). Our comments concern specifically to Agenda items A-11 and A-13.

First, we applaud the Board of Supervisors' vigilance over wildfire protection and its successful efforts to secure federal and state funding. We can all agree that Santa Barbara, as demonstrated by the recent (August 2024) Lake Fire, is extremely vulnerable to wildfires. The BOS, Planning Commission, the Fire Departments, and various community task forces are to be commended for producing the Santa Barbara Climate Change Plan, the Community Wildfire Plan, and other precautionary fire planning measures.

But there is a potentially fatal flaw which our comments today and future comments will address: the significant risks of wildfires ignited by wireless small cell and macro-cell towers, as well as the electrically caused wildfire dangers from the 70-mile Goleta Load Pocket Power Line, are being entirely ignored.

Special Fire Hazards of Small Cell and Macro-Cell Towers

Electrically-caused fires pose unique risks, including toxic smoke, hazardous firefighting conditions and complex evacuation challenges, particularly for vulnerable populations. The Los Angeles Woolsey Fire alone cost \$6 billion. Fire expert Susan Foster, Co-Founder, California Fires and Firefighters, well documents these risks in her White Paper [*How Risks From Telecommunications Equipment, Climate Challenges, and a Dangerous Shift away from Environmental Review Threaten Los Angeles' Future*](#). We commend this article and BBILAN's [May 20, 2024 National Webinar](#) to the Planning Commission and the Board of Supervisors as a useful way to become rapidly informed on this important issue.

Despite these risks, Santa Barbara's current Wildfire Protection Plan entirely ignores electrically-caused fires from proliferating and densifying wireless small-cell and macro-cell towers, leaving the region dangerously unprepared. Violations of the National Electric Code by at least one telecom provider further increase the likelihood of a fire disaster. Local officials have also failed to address these dangers.

Legal Challenges

Voting to approve funding for emergency preparation and management of wild fires in Santa Barbara would seem on its surface an uncontrovertibly beneficial action. Its legal deficiencies all stem from piecemeal uncoordinated planning. They are:

- **Finding of Consistency.** There has been no finding of consistency with the Santa Barbara Climate Action Plan, the Santa Barbara Community Wildfire Action Plan, and other environmental and land use planning laws. There can be no valid finding of consistency if these plans fail to address electrically-caused fires. The only consistency is the stubborn refusal to address this critical public safety hazard.
- **CEQA Exemption.** The Exemption is asserted routinely and without any evidentiary foundation by Planning Departments nationwide. In many instances it is justified. But not in this case. CEQA was enacted precisely to remedy the defect apparent here: to encourage coordinated planning so that when an expenditure of federal and state funds is made, it encourages coordinated environmental planning, which often requires an Environmental Impact Report, or at the very least a Negative Declaration. There is ample evidence that proliferating and densifying small-cell and macro-cell towers present an imminent fire risk, which is significantly amplified in Santa Barbara by the 70-mile power line, the Goleta Load Pocket, which runs through the Los Padres Forest. Moreover, as BBILAN will demonstrate in future submissions, the CEQA Guidelines recognize various Exceptions to the asserted Exemptions relating to cumulative effects, environmentally sensitive areas, historic sites, and other matters. As was recently affirmed by the Superior Court in [Fiber First Los Angeles et. al. v. Los Angeles Board of Supervisors](#), the Santa Barbara Board of Supervisors cannot blithely rely without support on its assertion of an Exception to CEQA.
- **NEPA.** The acceptance and use of \$446,265.00 in HSGP federal grant funds distributed through the California Governor's Office of Emergency Services (Cal OES) with a period of performance from September 1, 2024 to May 31, 2027 constitutes a major federal action under the line of federal NEPA cases recognizing the "small federal handle doctrine." These court decisions necessitate the coordinated preparation of an Environmental Impact Statement by the State of California and the HSGP. (See [Macht v. Skinner, 916 F.2d 13 \(D.C. Cir. 1990\)](#).)
- **Request:** Given Santa Barbara's flammable vegetation, high winds, and other vulnerable environmental conditions, we urge that a significant percentage of

these federal and state funds be dedicated to helping Santa Barbara address the special challenges during emergencies of enhanced fire vulnerability from these factors. Specifically, we request that some of these funds be earmarked by BOS Resolution directing the Planning Commission to address in its emergency preparation electrical fire prevention, mitigation, and management, especially problems of evacuation of minority and disabled communities.

Immediate Action: Meet with Community Experts

Electrical wildfire risks present new complications to an already complex problem: emergency fire preparation and management. For this very reason, we urge the BOS and its Planning Department to get ahead of this problem well before its vote for the amendments to the telecom ordinance on February 4, 2025. (Please note: The proposed telecom amendments have been improperly and misleadingly conflated, arguably in violation of the single subject rule, in the proposed amendments with SB 9, which the Los Angeles Superior Court in the decision of *City of Richmond v. Bonta* declared unconstitutional.) We urge the BOS members (and staff) to meet in person with representatives of STSB and BBILAN well before February 4 to discuss the concerns raised in this testimony and respond to any questions.

Conclusion

Electrically-caused wildfires represent a significant unexamined risk to the entire Santa Barbara Community. The availability of federal and state emergency funding is a boon. The BOS can demonstrate inspired leadership by directing that some of these funds be allocated to mitigating the risks and consequent fire emergencies of unexamined and uncoordinated approval of wireless small-cell and macro-cell tower densification in Santa Barbara.