



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

1

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

2010 SEP 17 PM 2:55

COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS

ADDENDUM

Department Name: Parks
Department No.: 052
For Agenda Of: September 7, 2010
Placement: Set Hearing
Estimated Time: 10 minutes on
September 21 on the
Dept. Agenda
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Thomas D. Fayram, Interim Parks Director, 568-2461
Director(s)
Contact Info: Thomas D. Fayram, Interim Parks Director, 568-2461

SUBJECT: Amendments to Sections 26-37 of Chapter 26 of the County Code

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors set hearing to consider recommendations regarding amendments to Sections 26-37 of Chapter 26 of the County Code, as follows:

- Consider the introduction (first reading) of an Ordinance amending Sections 26-37 of Chapter 26 of the County Code on September 21, 2010 to clarify the definitions that would allow the use of certain pieces of sporting equipment in County Parks for purposes in line with State Department of Fish & Game Regulations and serve to improve conditions at County Parks such as Cachuma Lake;
- Set hearing for September 28, 2010 on the Administrative Agenda to consider the adoption (second reading) of an Ordinance (Attachment 1) amending Sections 26-37 of Chapter 26 of the County Code; and
- Upon adoption, approve a Notice of Exemption (Attachment 2) pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15061(b) (3), finding that the Ordinance is not subject to CEQA because of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and further find that there is no possibility that the enactment of the Ordinance may have a significant effect on the environment.

Summary Text:

The proposed revision to Section 26-37 of the County Code serves to clarify the definitions that would allow the use of certain pieces of sporting equipment in County Parks for purposes in line with State Department of Fish & Game Regulations and serve to improve conditions at County Parks such as Cachuma Lake.

Background:

California Department of Fish & Game Regulations (CCR, T14, Chapter 2, Article 1) explicitly provides for the use of bow fishing sporting equipment for the taking of Carp and other noxious fish species.

Lake Cachuma has seen a dramatic increase of Carp populations and other agencies report a corresponding increase in Carp populations downstream in the Santa Ynez River. Carp populations can impact other desirable fish species and also impact water quality. Many agencies have begun expensive programs of eradication by electro-shock treatment to collect these fish. However, a growing sport of harvesting Carp by bow fishing is gaining popularity and is now implemented in many lakes in California. Organized tournaments are popular which offer to control the populations while bringing visitors and revenue to the Park.

While bow fishing gear is different from traditional archery gear, this clarification to Chapter 26 of the County Code will explicitly bring the County Code in line with California Department of Fish & Game regulations that attempt to encourage the take of Carp. Fish & Game regulations allow the take of Carp year around and there is no limit.

The proposed revisions to the County Code provide for the Parks Department to establish regulations for the use of Bow Fishing gear and will be allowed through an issued permit. Regulations will ensure public safety and tracking of harvested Carp. Having the Public assist with the control of Carp in this manner will save the costs of active eradication by the County.

Allowing Bow-fishing for Carp at the lake will not have a significant effect on the environment since fishing is already a permitted activity and the proposed added method of fishing is currently permitted under applicable California statutes and limited so as to curb the proliferation of non-native, aggressive species that might otherwise adversely impact recreational fishing.

Fiscal and Facilities Impacts:

None

Budgeted: N/A

Narrative:

There are no negative impacts associated with the proposed changes in terms of additional costs to the Department. However, based on discussions with other Recreation Areas and in discussions with interested parties, it is possible that Cachuma Lake would see some increased revenue from day use and / or camping fees. Tournaments are also tentatively planned.

Special Instructions:

After the September 7, 2010 Hearing direct the Clerk of the Board to:

1. Publish the attached Notice of Public Hearing pursuant to Section 6066 of the Government Code (publish within 10 days) in the Santa Barbara Daily Sound and the Santa Maria Times; and
2. Send a copy of the minute order and a signed copy of the Notice of Public Hearing to the Parks Department office, attn: Jessica Opland.

After the September 28, 2010 Hearing direct the Clerk of the Board to:

1. Submit a copy of adopted Ordinance to the Parks Department and County Counsel.
2. Send a copy of the minute order of these actions to the Parks Department, Attn: Jessica Opland.
3. Publish a copy of the amended ordinance or summary of with names of the members of the Board of Supervisors voting for or against the amendment in the Santa Barbara Daily Sound within 15 days of adoption of the ordinance.

Attachments:

Attachment 1 – Ordinance Amending Sections 26-37 of Chapter 26 of the County Code

Attachment 2 – CEQA Notice of Exemption

Authored by: Thomas D. Fayram, Interim Parks Director, 568-2461

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
AMENDING SECTIONS 26-37 OF CHAPTER 26
OF THE SANTA BARBARA COUNTY CODE

WHEREAS, Section 26-37 of the County Code defines, regulates and prohibits, certain items from being brought into County Parks and Beaches; and

WHEREAS, such items defined as weapons are prohibited to protect public safety; and

WHEREAS, the California Department of Fish and Game regulates items allowed as fishing gear and fishing methods (CCR, T14, Chapter 2, Article 1); and

WHEREAS, the growth of Carp in Cachuma Lake has been a point of growing concern; and

WHEREAS, Carp are generally a nuisance fish that can impact other fish species and impact water quality in bodies of water in which they reside; and

WHEREAS, the California Department of Fish & Game explicitly allows for the use of Bow Fishing equipment for the taking of Carp and other detrimental fish species; and

WHEREAS, the California Department of Fish and Game regulations provide for the taking of Carp year round, without any limit; and

WHEREAS, Bow fishing for Carp is a growing sport that can benefit Santa Barbara County through the assisted control of Carp populations which will come at no cost to the County; and

WHEREAS, the amendment of Section 26-37 as proposed herein will authorize the Director of Parks to issue permits allowing the use of bow fishing equipment for the taking of Carp in Lake Cachuma; and

WHEREAS, Bow fishing for Carp will encourage visitors to Santa Barbara County, and Cachuma Lake, thus sustaining revenues to the County; now therefore

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

Section 26-37 of the County Code is hereby amended to read as follows (*additions herein indicated by underline*):

[Continued next page]

"Except as may be required of peace officers, or as may be authorized in writing by the Director of Parks, no person shall bring any firearm, air-powered, gas- or spring-propelled weapon, slingshot, bow, cross-bow, blowgun or other device designed, intended or customarily used to harm, threaten or damage any person, animal or thing into any county park or county beach. Cutlery, utensils, saws and hatchets, properly used in context with the preparation of food, shall be excepted from this prohibition. The Parks Director or designee may issue permits authorizing the possession and use of such items under conditions and limitations deemed appropriate by the Director."

SECTION 2. Publication and Effective Date.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

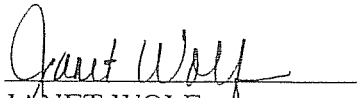
PASSED, APPROVED AND ADOPTED this 28 day of September, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:


JANET WOLF,
Chair, Board of Supervisors

ATTEST:
MICHAEL BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL,
COUNTY COUNSEL

By: 
Deputy County Counsel

ATTACHMENT 2

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Santa Barbara County Parks

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): 145-160-072 and 145-160-075 **Case No.:** N/A

Location: Cachuma Lake Park

Project Title: Cachuma Lake Park – Carp Bow-Fishing

Project Description:

This proposed project is for the approval of Bow-Fishing for Carp at Cachuma Lake. Fishing is already an approved recreation activity at the park and thus allowing for fishing using Bow and arrow does not have the potential for adverse effects on the environment.

Exempt Status: (Check one)

- ☐ Ministerial
- ☐ Statutory
- ☐ Categorical Exemption
- ☐ Emergency Project
- ☒ No Possibility of Significant Effect [§15061(b,3)]

15061. REVIEW FOR EXEMPTION

(b) A project is exempt from CEQA if: (3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Reasons to support exemption findings: Allowing Bow-fishing for Carp at the lake will not have a significant effect on the environments since fishing is already a permitted activity at the lake.



Department/Division Representative

9/16/2010

Date

Note: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: Richard Corral
Project file (when P&D permit is required)

Date File of Counter Clerk