

Lenzi, Chelsea

From: Brian Trautwein <btrautwein@environmentaldefensecenter.org>
Sent: Thursday, February 06, 2014 2:41 PM
To: sbcob
Subject: EDC - SBCAN Comment letter re Mosby
Attachments: EDC - SBCAN letter re Mosby 2-6-14.pdf

Dear Clerk of the Board,

Please find and distribute the attached letter to the Board of Supervisors from EDC on behalf of SBCAN.

Please let me know if you have any questions or require additional information.

Thank you.

Sincerely,

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February 6, 2014

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

Re: Proposed Mosby Sports & Outdoor Recreation Facility Project

Dear Chair Lavagnino and Honorable Supervisors,

The following comments on the proposed Mosby Sports & Outdoor Recreation Facility Project (Project) are submitted by the Environmental Defense Center (EDC) on behalf of the Santa Barbara County Action Network (SB CAN). SB CAN works within Santa Barbara County to promote social and economic justice, to preserve environmental and agricultural resources, and to create sustainable communities. EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast.

SB CAN urges the Board to uphold the Planning Commission's denial of the Project due to its impacts to agriculture, biological resources, and impairment of public views, and due to its inconsistency the County's Comprehensive Plan.

In the alternative, should the Board pursue this ill-planned and poorly sited Project, the County must first prepare an Environmental Impact Report (EIR) because substantial evidence in the record supports a fair argument that the Project may result in significant agricultural, land use, biological and aesthetic impacts.

THE PROJECT

The proposed Project is a request for the approval of: (1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot

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area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use & Development Code (LUDC); and (2) a Conditional Use Permit (CUP) to rectify an existing zoning violation for unpermitted outdoor recreational development and activities consisting of a paintball field, athletic fields and a remote controlled car track.

Consistency Rezone: The subject 9.99 and 9.50 gross/acre parcels are legal non-conforming as to size and are currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. Ordinance 661 does not allow outdoor recreational activities to be permitted on parcels with a 40-AG zone designation. In order to permit the subject recreational development and activities, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40), consistent with the current Land Use and Development Code. The subject parcels would remain non-conforming as to size.

CUP: Applicant requests approval of a CUP to permit existing unpermitted outdoor development and recreational activities consisting of a paintball field, athletic fields, and a remote controlled car track on the subject parcels. These activities received a zoning violation since their use is not permitted under the existing Ordinance 661 zoning. Existing unpermitted development consists of a paintball field of approximately 1.5 acres, 2 athletic fields of approximately 4.5 acres, and a remote control car track of approximately 5 acres. One hundred and fifty parking spaces composed of compacted base and screened with a landscaped berm planted with pine trees would be provided on APN 099-141-017, which apparently contains some prime soils.

PROJECT IMPACTS

There is substantial evidence that supports a fair argument that significant impacts have been and/or will be caused by the Project.

Agricultural Resources and Land Use Consistency

The County's thresholds require an analysis of the site using the point analysis for agriculture. These points have been incorrectly assigned as noted below. Additionally, the project converts prime and non-prime agricultural land into a non-agricultural active recreation use that has dramatically altered the onsite soils from grading and compaction due to parking, new structures, and paintball detritus. The analysis must show a map of the various soil types and describe the exact amount of prime/non-prime soils that are affected. The historic cultivation of the site must be carefully evaluated.

The soils classification has not been correctly assigned, as both parcels contain some prime soil (one with 40% prime), and should be increased respectively to 10 points for APN 099-141-017 and 12 points for APN 099-141-016. This increase must reflect the

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actual percentages of soils classifications as they relate to prime/non-prime acreage. Water availability points should be increased to 15 for APN 099-141-017. The MND's assertion that the onsite well on APN 099-141-017 does not provide enough water to support irrigated crops is illogical and unsupported, given the site's proximity to the Santa Ynez River, which receives nearly annual ground water recharge releases from Cachuma Reservoir pursuant to State Water Resources Control Board Order 89-18. The low producing existing well may be old, poorly sited, inadequately drilled, or provided with inadequate pumps.

Agricultural suitability points should also be increased given the success of surrounding growers and the quality of the on-site soils. Adjacent land uses points should be increased to 10 for each parcel, as there are numerous agricultural support facilities in the region and the site is in close proximity to other surrounding agriculture. Parcel 099-141-016 is adjacent to the following parcels:

- Parcel 099-141-007, which is zoned Ag 40 and currently is being farmed.
- Parcel 099-141-015, which is zoned Ag 40 and currently is being farmed.
- Parcel 099-150-003, which is zoned Ag 40, is in the Williamson Act, and is currently being farmed.

The agricultural preserve potential of the site should be increased, as the site could qualify for at least a non-prime agricultural preserve with adjacent parcels, to which 3 points should be assigned.

The MND assigns 0 points for combined farming operation because “the agricultural uses occurring on the adjacent parcel to the north are not directly related to the recreational or agricultural activities occurring on the project site.”¹ However, EDC has been informed that all three parcels may use a shared water system, shop, restroom, and farm equipment.

While it is recognized that that assignment of points for each of the categories can be somewhat subjective, those challenged herein deal with physical conditions that cannot be disputed. The increase in points triggers the threshold for a significant impact to agricultural resources and, if the Commission recommendation for denial is not upheld, then an EIR must be prepared for the project.

Additionally, the precedent-setting nature of conversion of viable agricultural land into a non-agricultural, active recreation use that has the potential to permanently impact the quality of on-site soils due to fill and compaction, the use of paintball materials and associated solid waste, and the placement of structures, parking of cars, etc. would have a direct impact on the future potential for the land to be utilized for agriculture.

¹ MND at 13.

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Several Planning Commissioners also took issue with the point system analysis of impacts to agriculture. On November 13, 2013, Chair Hartmann stated that she has “serious problems with the ag viability analysis. If you are looking at potential, you could get very different numbers than what we have here.” She concluded that this is “a great project in the wrong place,” and that significant conflicts with agriculture are not “easily overcome.” Fourth District Commissioner Ferini had similar concerns about effects on adjacent agriculture. “Good buffers make good neighbors,” he said as he noted that this project lacks buffers to protect adjoining agricultural operations.

The conversion of land out of agriculture is one that the County has always carefully considered, and allowing this illegal use to continue and potentially receive permits for a non-agricultural use is a very bad precedent for agricultural lands throughout the entire County. This Project, if approved, would encourage other agricultural landowners to convert land into other uses, and to ask for approval after the impacts have already been realized. This is inconsistent with sound planning in Santa Barbara County.

The conversion of agricultural lands to other, non-agricultural uses is also inconsistent with the County General Plan. For instance Comprehensive Plan Land Use Element Regional Goal for Agriculture requires areas of prime and non-prime farmland to be reserved for agricultural uses. Similarly, Agricultural Element Goal I requires the County, through its land use authority, to assure and enhance the continuation of agriculture. Agricultural Element Policy 1.A is even more pertinent: “The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.” Agricultural Element Goal II requires the County to protect agricultural lands “from adverse urban influence.” The Project would allow adverse urban influences in the form of active recreational uses, which do not allow for the continued viability of agriculture on the site.

The Agricultural Advisory Committee (AAC) spoke at the Planning Commission’s November 13 hearing, delivering a short but important comment: by a unanimous vote the AAC stated, “Active recreational uses are not compatible with adjacent agricultural uses. We recommend denial of this CUP.” In addition, the President of the Grower-Shipper Association of Santa Barbara County (GSA), Claire Wineman, testified that the project results in a “significant negative impact on surrounding agricultural uses.” Ms. Wineman and the GSA concluded that the project establishes a “sensitive site” next to farms and that this will lead to “significant restrictions” and create “a great hardship on farmers.” This testimony constitutes substantial evidence from a qualified agricultural expert that the project has and will cause a significant impact on agriculture. EDC and SB CAN agree that this impact cannot be fully mitigated if the project is approved.

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Moreover, the Project introduces urban influences that will adversely affect agriculture on adjacent and nearby rural parcels. Chair Hartmann commented during deliberations on November 13 that the “Santa Ynez River has functioned as a natural barrier between the urban and agricultural areas.” As noted by the agricultural community and Planning Commissioners, allowing urban land uses outside the urban boundary sets a precedent for leapfrog development, which will threaten other viable agricultural parcels. As a result, the Project is inconsistent with the County Agricultural Element Goals and Policies and findings for approval cannot be made. These policy inconsistencies result in significant Land Use impacts that cannot be mitigated. While recreational facilities may be an allowed use under the AG-II-40 zone designation, they are not appropriate for every agricultural property, especially where there is a potential for projects to create cumulative and/or growth-inducing impacts.

The Project is incompatible with the surrounding agricultural area. The Board should uphold the Planning Commission Recommendation for denial to ensure that this Project does not create a precedent or become a model for other properties to be converted out of agriculture or to constrain true agricultural uses.

Biological Resources

The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that they provide potential foraging habitat for one or more special-status wildlife species. Prior to construction of the Project, the parcels likely provided foraging, nesting and/or cover habitat for numerous special-status species. These species are known from the vicinity of the Project, such as in Santa Ynez River riparian and aquatic habitats. Historic aerial photographs show that the subject parcel bordered by River Park Road and Highway 246 contained grassland and shrubland vegetation, and sandy soils that could have been used by one or more of the following:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper’s hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
- Burrowing owl (*Athene cunicularia*) - California Species of Special Concern (foraging and possible nesting habitat)
- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)

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- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillei*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).²

Removal of all vegetation and grading of the parcels for the Project likely eradicated habitat for one or more of the aforementioned animals. The greatest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss).³

Similarly, conversion of the parcel from fallow field to recreational uses removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat.⁴

The proposed MND states that the remote control car track was installed in 2010, and that "immediately prior to development of the track, this area of the parcel was devoid of vegetation." (Proposed Final MND, at p. 20.) However, aerial photographs show that native vegetation *was* present onsite prior to construction of the Project; biology expert Lawrence E. Hunt specifically notes that shrubby vegetation, which he

² See attached letter from Lawrence E. Hunt, Hunt & Associates Biological Consulting Services. September 2, 2013.

³ *Id.*

⁴ *Id.*

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believes to have been native plants including coyote brush and coast golden bush, was present on the site in 2009, prior to construction of the Project.⁵

Hunt concludes that impacts to biological resources could have been mitigated to a level below significant if: (1) pre-project surveys were undertaken; (2) work was scheduled to avoid/minimize impacts; and/or (3) a biological monitor had been hired to oversee construction. These measures, however, were not implemented concurrently with the Project's construction, and so Hunt concludes the impacts were likely significant. Removal of the Project facilities would enable the site to recover and once again provide habitat for these species.

Aesthetics/Visual Resources

The Project is located on the north side of Highway 246, approximately 0.5 miles north-east of the City of Lompoc and the intersection of Highway 1 and Highway 246. The subject parcel is visible to travelers on Highway 246. The overall visual characteristics of the neighborhood include scattered residential and agricultural buildings amongst an area that supports a public passive-use park (River Park), the County's road yard, vineyards, orchards, grazing land and residential ranchettes, and the Santa Ynez River.

Visual Resources Policy 2 of the Land Use Element requires that development in rural areas be compatible with the character of the surrounding natural environment. The Project grading and structures are not compatible with the surrounding environment and do not follow the contours of the site. As a result, the Project is inconsistent with policies for protecting the County's beautiful rural areas of the County.

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe and *travel corridors* as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, *obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas*. (Proposed Final MND, p. 4, emphasis added.)

It is clear that the Project has created significant visual impacts. The zoning violation was originally reported due to the public's clear observation of major, non-agricultural extensive grading along Highway 246. The erection of fencing and numerous other structures for the paintball operation and other aspects of the active recreational use are also extensive and change the views of the site from the public, passive park adjacent to the site, at River Park. Additionally, the natural character of the site has been substantially altered. The addition of at least 150 parked cars on a daily

⁵ Hunt. November 8, 2013.

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basis that would be visible from Highway 246 is a significant impact. While mitigation, such as planting plants to screen views from the road, was proposed in the MND and discussed by the Commission, such vegetation would not fully screen the site from travelers in Highway 246, nor would it screen the Project from River Park Road.

DENIAL WILL NOT PRECLUDE PUBLIC RECREATION IN THE AREA

Although denial would result in the removal of unpermitted recreational facilities from these agriculturally designated parcels, it would not preclude adequate recreational amenities in the area. The City of Lompoc has more than \$2 million in development impact fees earmarked for recreational improvements in the City:

- Park Land Acquisition \$ 593,748.11
- Park Improvements \$1,353,268.93
- Community and Recreation Center Facilities \$ 366,021.58⁶

The City intends to repair existing soccer fields damaged by gopher holes.⁷ In addition, the City has planned and begun construction of a sports complex at the north end of McLaughlin Road including 6 recreational fields, and parking for 580 cars; on the south side of the road, parking for another 308 cars and 4 additional fields are planned.⁸ This information demonstrates that the City of Lompoc has funding and nearby land available to provide additional recreational uses to Lompoc residents. Therefore, denial of this Project will not deny residents recreational facilities; instead, such recreational facilities can and will be constructed in more appropriate urban locations for use by all Lompoc and County residents.

CONCLUSION

The Project is incompatible with agricultural land uses and is inconsistent with the County's strong agricultural protection policies. It sets a land use precedent for urban type development outside the urban area, and in doing so threatens additional areas of prime and important farmland. The Project has resulted in significant impacts to agriculture, views and biological resources.

A coalition of the County's leading environmental and agricultural groups are speaking in complete unison in opposition to permitting this project. This alliance underscores the significance of this precedent-setting issue to the residents of Santa Barbara County, demonstrates the validity of the Commission's recommendation, and supports Board denial of this controversial Project.

⁶ September 17, 2013 Lompoc City Council Agenda Report at page 2.

⁷ Lompoc Record. January 19, 2014.

⁸ Lompoc Record. October 1, 2013.

DRAFT – PRIVILEGED & CONFIDENTIAL

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Thank you for considering our recommendations.

Sincerely,



Linda Krop,
Chief Counsel



Brian Trautwein,
Environmental Analyst / Watershed Program Coordinator

cc: SB CAN

Attachments: Letter from Lawrence E. Hunt, Hunt and Associates Biological Consulting Services. November 8, 2013.

Letter from Lawrence E. Hunt, Hunt & Associates Biological Consulting Services. September 2, 2013.

**Lawrence E. Hunt
Consulting Biologist**

Brian Trautwein and Nathan Alley
Environmental Defense Center
906 Garden Street
Santa Barbara, California 93101

2 September 2013

Subject: Draft Review of Potential Biological Resources Affected by the Mosby Recreational Fields Project, Santa Barbara County, California.

Methods. The site and the surrounding parcels were surveyed on foot and from existing public roadways by Lawrence E. Hunt on 30 August 2013 to characterize existing conditions and land use within and around the subject parcels. I reviewed California Natural Diversity Data Base (CNDDB) records of special-status plants and animals known from the Lompoc, Lompoc Hills, and Santa Rita Hills quadrangles. Potential impacts to special-status plants and animals from the project also are based on 29 years of field experience in the vicinity of the project area.

Existing Conditions. The subject parcels (APN 099-141-017 and APN 099-141-016) are located northwest of the intersection of Buellton-Lompoc Road and River Park Road and east of the City of Lompoc. The parcels total approximately 19.5 acres and are situated on a former river terrace along the eastern edge of the Santa Ynez River floodplain. The northern parcel (017, north of River Park Road) is bounded on the north by agricultural fields, on the east by Buellton-Lompoc Road and additional agricultural acreage to the east, and on the south and west by River Park Road. The southern parcel (016) is bordered by River Park Road on the north, the riparian corridor along the eastern bank of the Santa Ynez River on the south, and Buellton-Lompoc Road on the east.

The eastern portions of the northern parcel have been disked or otherwise graded in the recent past to remove vegetation, and is now being re-colonized by ruderal vegetation that consists of a mixture of grasses, forbs, and shrubs that are adapted to disturbed conditions. Most of the species present are native (bolded) and include: **telegraph weed** (*Heterotheca grandiflora*), **western ragweed** (*Ambrosia psilostachya*), **dock** (*Rumex* sp.), **California croton** (*Croton californica*), annual brome grasses (*Bromus* sp.), **coyote brush** (*Baccharis pilularis*), **coast goldenbush** (*Hazardia squarrosa*), and Russian thistle (*Salsola tragus*). A play field and a paintball park occupy the western half of the northern parcel.

The margins of both sides of River Park Road are lined with mature Monterey pines (*Pinus radiata*). The northern portion of the southern parcel is being used as a parking

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lot for a radio-controlled car race track that has been created along the southern half of this field. The northwestern portion of the southern lot supports ruderal vegetation (species similar to those described above). Separating the race track from the Santa Ynez River riparian corridor is an approximately 75-100 foot-wide disturbed expanse of brome grass and scattered, re-colonizing shrubs.

The riparian corridor of the Santa Ynez River adjacent to the southern parcel is restricted to the top-of-bank, bank, and the edges of the river channel and consists of a variable cover of mature arroyo willow (*Salix lasiolepis*), black cottonwood (*Populus balsamifera* subsp. *trichocarpa*), elderberry (*Sambucus mexicanus*), with a dense to sparse understory of shrubs dominated by coyote bush and mule-fat (*Baccharis salicifolia*). The river channel is mostly open with a relatively flat gradient that creates a braided flow configuration. Water was flowing continuously through the channel during the 30 August 2013 site visit as a result of upstream water releases from Bradbury Dam, but this reach of the river is frequently dry for several months in summer and fall. Bare ground covers at least 70% of the channel bed; the remainder is vegetated with mule-fat and herbaceous vegetation.

Review of Aerial Photography (1964-2012):

1964 (aerial photograph base maps in: Shipman, G.E. 1972. Soil survey of northern Santa Barbara County. Soil Conservation Service, Washington D.C.): Both the northern and southern parcels are under cultivation up to the edge of the riparian corridor along the top of bank of the Santa Ynez River. River Park Road and River Park do not exist.

2 September 1994: The northern parcel appears to be vegetated with a variable cover of shrubs, probably coyote bush, herbaceous vegetation, and annual grasses. There are a few larger shrubs along the margin of Buellton-Lompoc Road that may be elderberry. The parcels to the north are under cultivation. The southern parcel is an open field, apparently vegetated with annual grasses and widely scattered clumps of shrubs, probably coyote brush and/or elderberry. River Park campground is visible in this photo.

19 June 2003: Vegetation described in the 1994 photo of the northern parcel is denser and forms an almost continuous shrub canopy across most of the parcel. The northern portions of this parcel have been cleared for agricultural use and removed shrubs and grassland vegetation in an area approximately 100 feet wide x 890 feet long (about 2 acres). The southern parcel appears the same as in 1994, except that shrub cover has expanded since that time.

30 July 2004: The northern parcel has been cleared of shrub vegetation. The southern parcel has been disked, but a small amount of shrub cover remains there.

13 December 2005: Both parcels are devoid of shrub vegetation and appear to be bare soil. Tire marks made by tractors are evident across both parcels.

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4 September 2006: The northern parcel appears to be vegetated with annual grasses; no shrubs. The southern parcel has what appears to be a cover crop on the eastern three-quarters of the parcel (disking marks are evident). There are vehicles and a fence-like structure and bare soil on the western 25% of the southern parcel.

22 March 2009: The northern parcel supports grass and sparse re-colonizing shrubs and herbaceous plants, probably coyote brush and coast goldenbush. The northern portion of this parcel (same area as in 2003 photo) is being farmed. On the southern parcel, the same area being farmed in the 2006 photo is under cultivation and has been heavily disked. A dirt road runs between these cultivated areas and the riparian corridor and connects to other dirt roads in the western portion of the parcel. The western quarter of the parcel appears to have a baseball diamond on it.

5 June 2009: Same conditions as in the 22 March 2009 photo.

6 June 2012: The northern parcel has been cleared of all vegetation and has been graded to create what appear to be a dirt bike track and other recreational areas. The southern parcel is unchanged from the 2009 descriptions, except that baseball diamond has been removed. The southern parcel would be characterized as heavily disturbed open space with no agricultural activity at this time. Remnants of the dirt road are evident in the western half of the southern parcel.

30 August 2013 (site visit): The eastern 75% of the southern parcel supports a radio-controlled car racetrack and a parking lot. Vegetation in the western 25% of the parcel consists of ruderal grasses, forbs, and shrubs that presumably covered the eastern portions of the parcel prior to grading. The western, less disturbed portions of the southern parcel support dense colonies of pocket gophers (*Thomomys bottae*), California ground squirrels (*Spermophilus beecheyi*), and other burrowing rodents that provide prey for raptors and other wildlife. These prey species presumably readily re-colonized both the southern and northern parcels when fallow.

Conclusions:

- The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species.

Based on analysis of aerial photographs, the subject parcels were under cultivation at various times between 1964 and the early 1990s. They were left fallow and reverted back to a mixture of native and non-native vegetation until sometime in 2003-2004 when they were again cleared of vegetation. In the

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intervening 10 years or so a shrub community developed on the parcels that likely supported generalist wildlife species and was likely used as foraging habitat by raptors and other birds nesting in the vicinity (e.g., the Santa Ynez River riparian corridor). During that ten-year period, from the early 1990s to the early 2000s, the parcel may have provided foraging, nesting, and/or cover habitat for the following special-status species. These species are known from the vicinity of the project, such as in Santa Ynez River riparian and aquatic habitats, and the subject parcels contained grassland and shrubland vegetation and sandy soils that could have been used by one or more of these species:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
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- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
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It is important to repeat however, that the condition of the subject parcels as wildlife habitat is an ephemeral occurrence because one or both parcels have been repeatedly converted to agriculture over the past 50 years.

- The width of the riparian corridor along the eastern side of the Santa Ynez River channel does not appear to have changed between 1964 and 2013, and does not appear to have been affected by the project.
- Removal of all vegetation and grading of the parcels in 2005 would have eradicated habitat for one or more of the aforementioned animals, if present. The largest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss). None of these species would have occupied the subject parcels permanently at that time because of surrounding disturbance and their relatively small size. Whether or not these species occurred there seasonally at that time would have depended on the timing and intensity of surrounding land use, colonization of the parcels by prey species, and other factors.
- Conversion of the northern parcel from a fallow field to recreational uses sometime between 2009 and 2012 and conversion of the southern parcel sometime between June 2012 and August 2013 removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat. Conversion to recreational use probably would have been considered a Class II impact in a Biological Assessment of the project that could have been mitigated to less than significant levels by pre-construction surveys, construction monitoring, and/or timing constraints.
- No impacts to special-status plants are expected as a result of the project.

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Santa Barbara, California 93101

8 November 2013

Subject: Comments on Final Mitigated Negative Declaration (12NGD-00000-00024), 15 August 2013, for the Mosby Recreational Fields & Consistency Rezone Project, Santa Barbara County, California.

The comments in this letter are based on site observations and conclusions of my review of the Draft Mitigated Negative Declaration for this project summarized in my letter, dated 2 September 2013.

Final Mitigated Negative Declaration. The conclusions in the Final MND regarding potential impacts of the proposed project on biological resources are basically unchanged from those in the Draft MND. Although the Final MND uses both the “pre-grading” and “existing” condition of the parcel (APN 099-141-017), the condition of the parcel before unpermitted grading and vegetation removal occurred is not adequately described. Consequently, I believe the potential project-related impacts to wildlife resources in the area have been underestimated. The Conclusion section at the end of this letter contains an evaluation of potential impacts to wildlife resources caused by the unpermitted grading and conversion of the parcel.

Aerial Photographs: see following pages.

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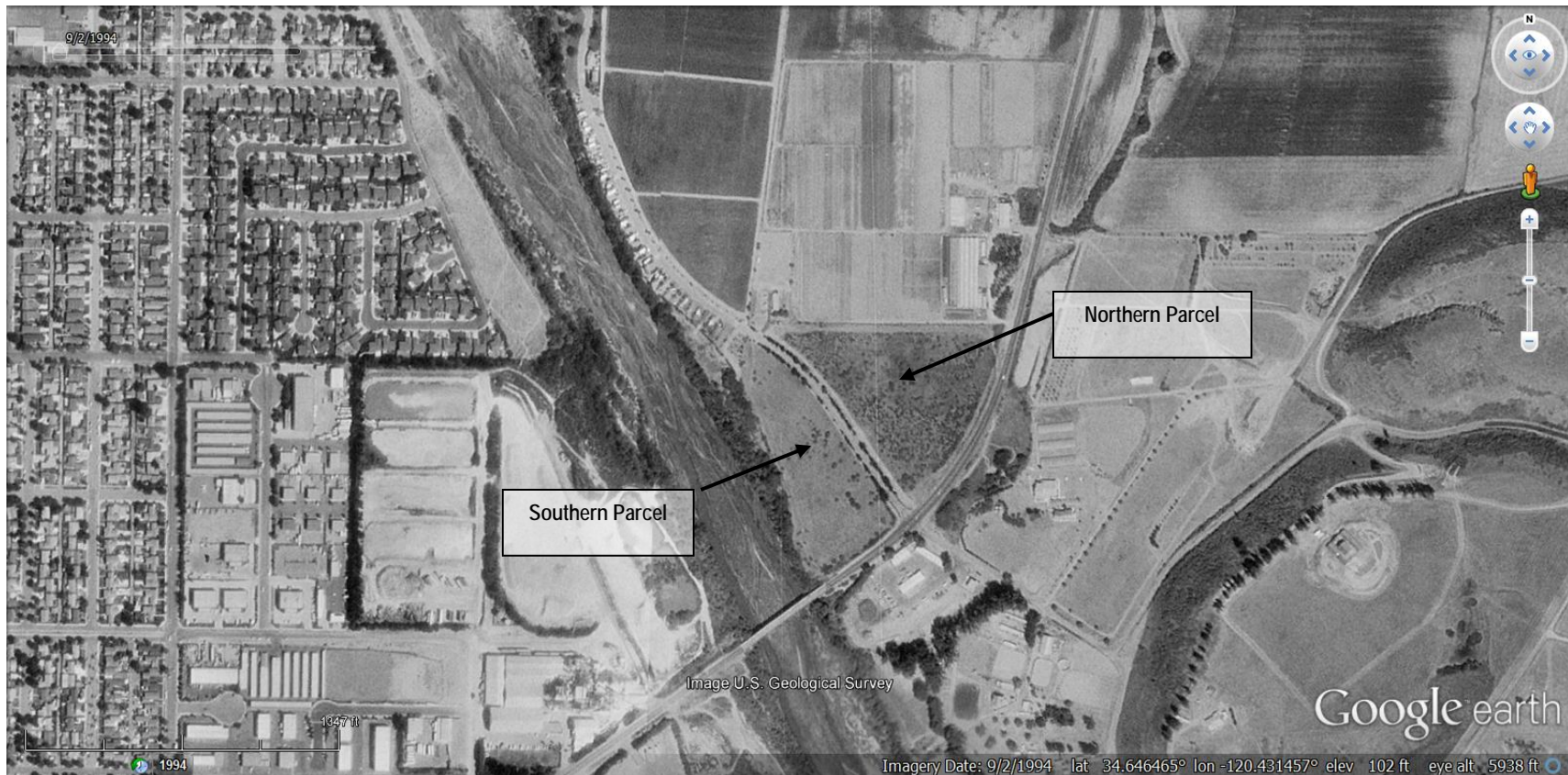
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January 1938: Subject parcels are indicated by circle in lower left portion of photo. The subject parcels are under cultivation at this time. Signs of recent overwash during flood events is evident. River Park Road does not exist; note location of Lompoc-Buellton Road bridge upstream of current position.

1964 (no photo; evaluation is based on aerial photograph base maps in: *Shipman, G.E. 1972. Soil survey of northern Santa Barbara County. Soil Conservation Service, Washington D.C.*): Same conditions as in 1938 photo—parcels are under cultivation. River Park Road and River Park do not exist.

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2 September 1994: The northern parcel appears to be vegetated with a variable cover of shrubs, probably coyote bush, herbaceous vegetation, and annual grasses. There are a few larger shrubs along the margin of Buellton-Lompoc Road that may be elderberry. The southern parcel is an open field, apparently vegetated with annual grasses and widely scattered clumps of shrubs, probably coyote brush and/or elderberry. River Park campground is visible in this photo.

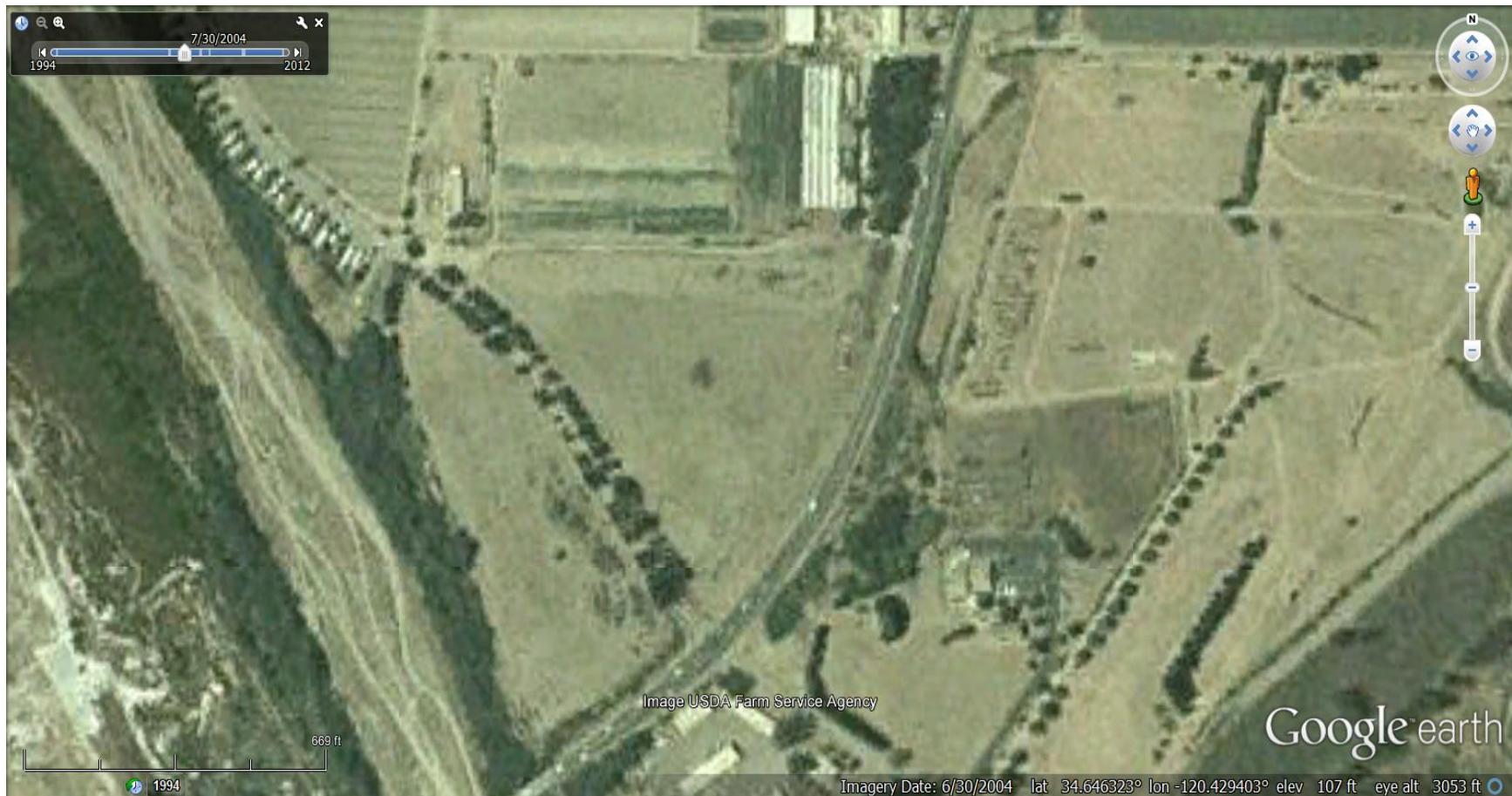
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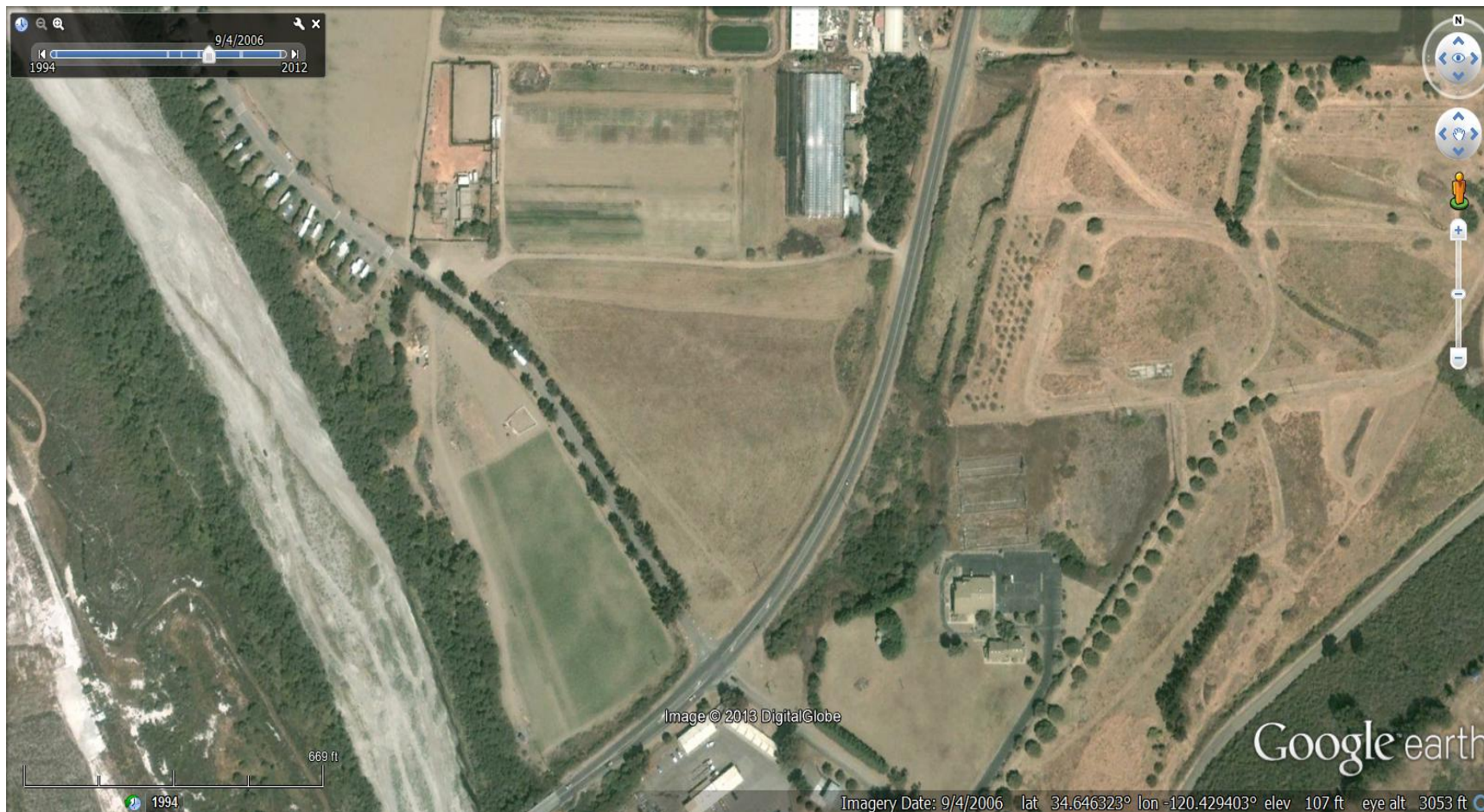
19 June 2003: Vegetation described in the 1994 photo of the northern parcel is denser and forms an almost continuous shrub canopy across most of the parcel. Shrubs are likely to be native coyote brush and coast goldenbush because these species occur today in lightly disturbed areas adjacent to this reach of Lompoc-Buellton Road. Compare conditions to the northern portions of this parcel, which have been cleared for agricultural use. The parcel south of River Park Road appears the same as in 1994, except that shrub cover has expanded since that time.

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30 July 2004: The northern parcel has been cleared of shrub vegetation. The parcel south of River Park Road has been disked, but a small amount of shrub cover remains.

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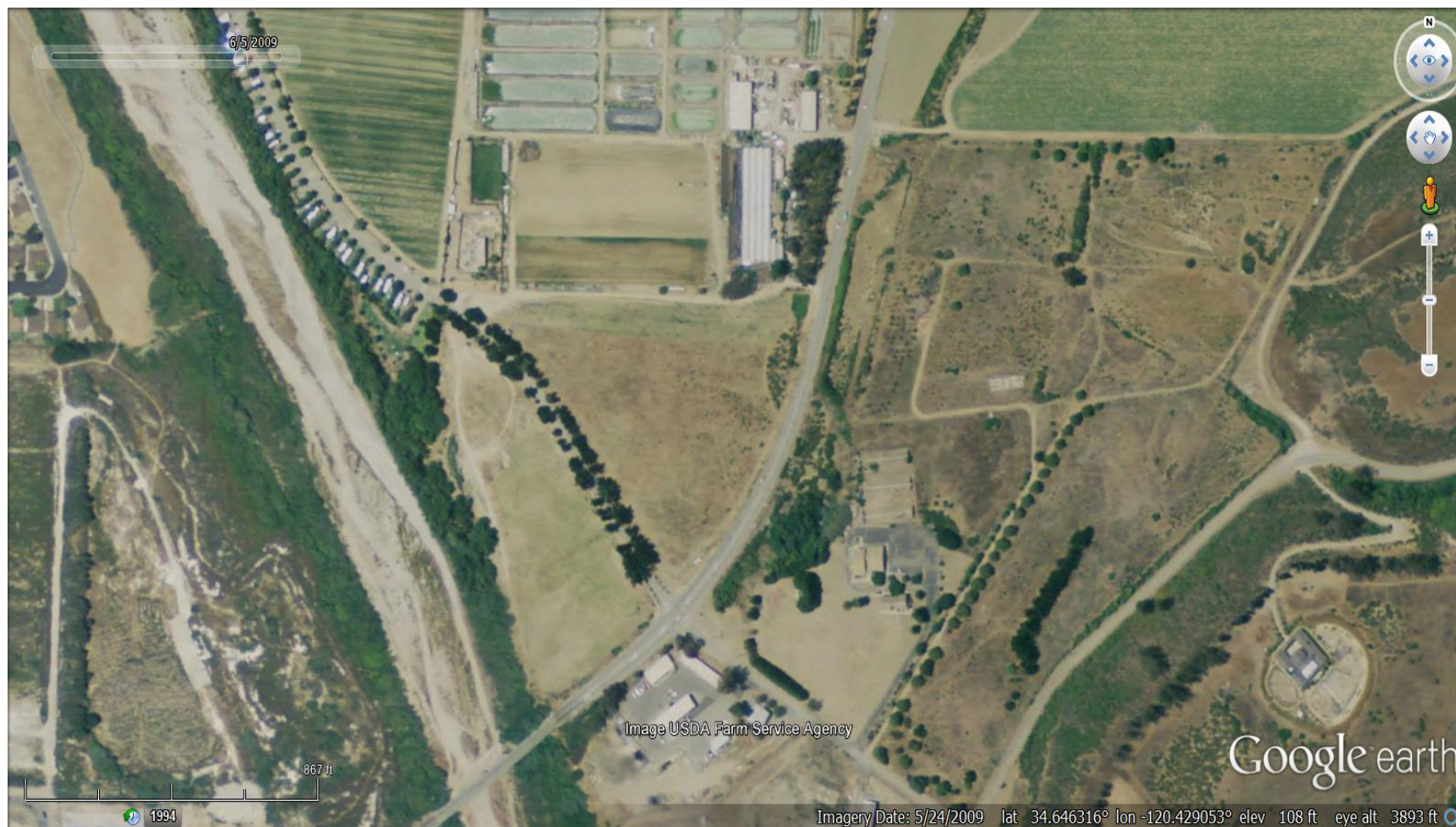
4 September 2006: The northern parcel appears to be vegetated with annual grasses; no shrubs. Note patch of shrubs, probably coyote bush and coast goldenbush, along east edge of this parcel along Lompoc-Buellton Road. The southern parcel has what appears to be a cover crop on the eastern three-quarters of the parcel (disking marks are evident). There are vehicles and a fence-like structure and bare soil on the western 25% of the southern parcel.

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22 March 2009: The northern parcel supports grass and sparse re-colonizing shrubs and herbaceous plants, probably coyote brush, coast goldenbush, and western ragweed. Note denser shrub cover in patch along Lompoc-Buellton Road. The northern portion of this parcel (same area as in 2003 and 2006 photo) is being farmed. On the southern parcel, the same area being farmed in the 2006 photo is under cultivation and has been heavily disked. A dirt road runs between these cultivated areas and the riparian corridor of the Santa Ynez River and connects to other dirt roads in the western portion of the parcel. The western quarter of the parcel appears to have a baseball diamond on it.

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5 June 2009: Same conditions as in the 22 March 2009 photo in dry season. Note shrubs in dry grass on northern parcel and denser shrub patch along Lompoc-Buellton Road (also visible in 2006 photo).

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6 June 2012: The northern parcel has been cleared of all vegetation and has been graded to create what appear to be a dirt bike track and other recreational areas. The parcel south of River Park Road is unchanged from the 2009 descriptions, except that baseball diamond has been removed.

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Conclusions. The Final MND concluded there was no native vegetation present on the northern parcel when it was converted for recreational purposes sometime between 2009 and 2012. The aerial photos show taken in 2009 show that this parcel likely supported non-native annual grasses and a sparse cover of native shrubs, probably coyote bush, western ragweed, and coastal goldenbush, which is present in relatively undisturbed areas along the eastern margin of this parcel adjacent to Lompoc-Buellton Road. The grass/shrub cover here would have provided foraging and nesting habitat for seed- and insect-eating birds and small mammals. Grading eradicated pocket gophers, ground squirrels, and other rodents that probably inhabited the parcel. These species are prey for a variety of raptorial birds, so grading potentially affected the foraging habits of raptors and larger mammals, including special-status species known to occur in the region, such as Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat. Grading in the context of converting the parcel to recreational use would have been considered a Class II impact in a Biological Assessment of the project. This impact could have been mitigated to less than significant levels by timing grading to avoid the breeding season for ground-nesting birds and raptors, pre-construction surveys and/or monitoring during initial vegetation grubbing, and by implementing some form of habitat restoration in the area between the southern parcel and the existing riparian canopy along the Santa Ynez River.

Additionally, the noise impacts generated by the project were evaluated in the Final MND solely in terms of its impact on sensitive human receptors, and did not consider impacts to sensitive wildlife receptors, such as birds, including a number of special-status species, that use the adjacent riparian corridor along the Santa Ynez River as foraging and nesting habitat. Increased noise in this area could cause birds to abandon this area as nesting habitat or significantly alter foraging patterns, a Class II impact.

Recommended After-the-Fact Mitigation. The riparian corridor of the Santa Ynez River adjacent to the southern parcel is restricted to the top-of-bank, bank, and the edges of the river channel and consists of a variable cover of mature arroyo willow (*Salix lasiolepis*), black cottonwood (*Populus balsamifera* subsp. *trichocarpa*), elderberry (*Sambucus mexicanus*), with a dense to sparse understory of shrubs dominated by coyote bush and mule-fat (*Baccharis salicifolia*). There is an opportunity to expand the width of the riparian corridor through habitat restoration of the grassy space between the existing edge of the riparian corridor and the radio-controlled vehicle track/BMX track (see following photo).

Habitat Enhancement Program: A minimum of 100 native riparian trees and 175 native riparian scrub shrubs of the following species and numbers should be planted in the area outlined in the following photo:

Trees: coast live oak (*Quercus agrifolia*)--25; black cottonwood (*Populus balsamifera* subsp. *trichocarpa*)—35; arroyo willow (*Salix lasiolepis*)—40. The

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trees should be 15-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions, Goleta (805.452.7561). All trees should be placed on temporary drip irrigation for a period of three years until self-sufficient.

Shrubs: coast goldenbush (*Hazardia squarrosa*)—50; elderberry (*Sambucus mexicana*)—25; mule-fat (*Baccharis salicifolia*)—50; toyon (*Heteromeles arbutifolia*)—25; lemonadeberry (*Rhus integrifolia*)—25. All shrubs should be 5-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions, Goleta (805.452.7561). All shrubs should be placed on temporary drip irrigation for a period of three years until self-sufficient.

The landowner could enlist the help of a local volunteer group to install and regularly care for these plants for a period of three years post-planting, when they can be taken off drip irrigation and the temporary drip lines removed. The drip irrigation system should be placed on a timer and maintained by the landowner.



Recommended Habitat Enhancement Site.

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