

**SANTA BARBARA RANCH
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**SECTION 15.0
RESPONSES TO COMMENTS**

*Section 15.0
Responses to
Comments*

15.1 INTRODUCTION

This section contains responses to comments received on the Revised Draft Environmental Report (RDEIR). The numbering of the responses corresponds to the numbering of The comments and comment letters located in Section 14.0 (e.g., response to comment F-1-1 in this section addresses comment F-1-1 in Section 14.0). Table 5-1 is a list of the responses.

**Table 15-1
List of Responses to Comments**

Comment Letter	Commenter and Date of Comment	Page Number
Federal Agency: F-1	NOAA NMFS Letter Dated January 8, 2008	15-
Federal Agency: F-2	U.S. Fish and Wildlife Service Letter Dated January 23, 2008	15-
State Agency: S-1	California Native American Heritage Commission Letter Dated November 28, 2007	15-
State Agency: S-2	California Coastal Commission Letter Dated January 23, 2008	15-
State Agency: S-3	California Office of Historic Preservation Letter Dated January 23, 2008	15-
State Agency: S-4	State of California Resources Agency, Department of Parks and Recreation Letter Dated January 22, 2008	15-
State Agency: S-5	Department of Conservation Letter Dated January 22, 2008	15-
State Agency: S-6	California Department of Fish and Game Letter Dated January 22, 2008	15-
State Agency: S-7	Public Utilities Commission Letter Dated December 21, 2007	15-
State Agency: S-8	Governor's Office of Planning and Research Letter Dated December 10, 2007	15-
State Agency: S-9	Governor's Office of Planning and Research Letter Dated January 24, 2008	15-
State Agency: S-10	Governor's Office of Planning and Research Letter Dated January 28, 2008	15-
State Agency: S-11	California Department of Transportation Letter Dated December 3, 2007	15-
Local Agency: L-1	City of Goleta Letter Dated January 23, 2008	15-
Local Agency: L-2	Center for Archaeological Research California State University, Bakersfield Letter Dated January 22, 2008	15-
Local Agency: L-3	County Riding and Hiking Trails Advisory Committee Letter Dated January 21, 2008	15-
Local Agency: L-4	County of Santa Barbara Fire Department Letter Dated November 30, 2007	15-

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Local Agency: L-5	Santa Barbara County Flood Control and Water Conservation District Letter Dated January 19, 2008	15-
Local Agency: L-6	Santa Barbara County Public Health Department Letter Dated January 4, 2008	15-
Local Agency: L-7	County of Santa Barbara Parks Department Letter Dated January 22, 2008	15-
Local Agency: L-8	Central Coast Regional Water Quality Control Board Letter Dated January 24, 2008	15-
Local Agency: L-9	Central Coast Regional Water Quality Control Board Letter Dated February 13, 2008	15-
Group: G-1	Bioregional Planning Associates Letter Dated January 23, 2008	15-
Group: G-2	Environmental Defense Center Letter Dated January 23, 2008	15-
Group: G-3	David Magney Environmental Consulting Letter Dated January 23, 2008	15-
Group: G-4	Integra Reality Resources, John Ellis Letter Dated January 22, 2008	15-
Group: G-5	Santa Barbara County Archaeological Society Letter Dated January 23, 2008	15-
Group: G-6	Los Padres ForestWatch Letter Dated January 23, 2008	15-
Group: G-7	Santa Barbara County Action Network Letter Dated January 23, 2008	15-
Group: G-8	Marc Chytilo for Naples Coalition Letter Dated January 23, 2008	15-
Group: G-9	Videoscapes, as Requested by Marc Chytilo Letter Dated January 21, 2008	15-
Group: G-10	Santa Barbara Urban Creek Council Letter Dated January 22, 2008	15-
Group: G-11	Santa Barbara Urban Creek Council Letter Dated January 16, 2008	15-
Group: G-12	Cox, Castle & Nicholson LLP Letter Dated December 10, 2007	15-
Group: G-13	Santa Barbara Audubon Society Letter Dated January 23, 2008	15-
Group: G-14	League of Women Voters of Santa Barbara Letter Dated January 23, 2007	15-
Individual: I-1	Kalon Kelley Letter Dated January 22, 2008	15-
Individual: I-2	Roberta Reyes Cordero Letter Dated January 23, 2008	15-
Individual: I-3	Sandy Lejeune Letter Dated January 23, 2008	15-
Individual: I-4	Martha Sadler Letter Dated January 23, 2008	15-
Individual: I-5	Frank Arredondo Letter Dated January 23, 2008	15-
Individual: I-6	Cecelia Brown Letter Dated December 30, 2007	15-
Individual: I-7	Cecelia Brown Letter Dated January 23, 2008	15-

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Comment Letter	Commenter and Date of Comment	Page Number
Individual: I-8	Cecelia Brown Letter Dated January 23, 2008	15-
Individual: I-9	Nathan Post Letter Dated January 18, 2008	15-
Individual: I-10	Lee Heller Letter Dated December 31, 2008	15-
Individual: I-11	Mark Kram Letter Dated December 22, 2008	15-
Individual: I-12	Steve Forsell Letter Dated December 22, 2007	15-
Individual: I-13	Dr. Edo McGowan Letter Dated December 21, 2007	15-
Individual: I-14	M. Lunsford Letter Dated December 10, 2007	15-
Individual: I-15	Susan Kelly Nakao Letter Dated December 10, 2007	15-
Individual: I-16	Carrieraven E-mail Dated November 17, 2007	15-
Individual: I-17	Antonia Robertson and Laurence Dworet Letter Dated January 10, 2008	15-
Individual: I-18	Vincent Armenta Dated May 7, 2007	15-
Transcript: T-1	Comments Made at Public Meeting on December 10, 2007	15-

15.2 RESPONSES TO COMMENTS FROM FEDERAL AGENCIES

Response to NOAA NMFS Letter F-1 Dated January 8, 2008

F-1-1

In response to this comment, Sections 3.4.2.4.6 (MOU Project) and 9.4.2.4.6 (Alternative 1) in the Final EIR have been corrected to identify Dos Pueblos Creek as designated critical habitat for the southern steelhead (*Oncorhynchus mykiss*). This addition does not affect the conclusion of the RDEIR that the project will not have an adverse effect on the species. As discussed in Sections 3.4.3.3 (MOU Project) and 9.4.3.3 (Alternative 1), as well as Section C.2.2 in Appendix C of the RDEIR, Dos Pueblos Creek may have historically supported the southern steelhead, however, as a result of man-made barriers built in the downstream portion of Dos Pueblos Creek, southern steelhead have been extirpated from Dos Pueblos Creek, and no longer have a means of accessing the creek from the ocean. The remaining portion of this comment introduces the NMFS' concerns regarding the RDEIR's discussion of the project's impact to the southern steelhead critical habitat. The subsequent comments (and following responses) address these potential effects.

F-1-2

The comment seeks information regarding how the proposal would affect critical habitat for steelhead in Dos Pueblos Creek. Steelhead is mentioned in the discussion of aquatic habitat in Section 9.4.2.3.6, and is listed in the table of sensitive wildlife species in Table 9.4-4, which notes

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that no impacts are expected on this species. As explained in the text and in Appendix C, there are several barriers to migrating steelhead in Dos Pueblos Creek. A single rainbow trout was observed upstream from the most significant barrier (Highway 101 culvert and drop structure), but migrating steelhead do not occur in most of Dos Pueblos Creek. Implementation of the MOU Project or Alternative 1 will not directly alter or impact habitat within or nearby the creek. The closest development envelopes in the Alternative 1 design are 500 feet (DP-16) to 600 feet (DP-15, DP-03) from the creek and the MOU Project design does not involve any development near the creek. Indirect effects related to erosion, sedimentation, and water quality might occur, and are addressed. Table 3.3-3 shows that less than 1 percent of the Dos Pueblos Creek watershed would be affected by structures, roads, and landscaping in the MOU Project. Table 9.3-3 indicates that for Alternative 1 this figure is 1.1 percent. These proportions are well below the County threshold of 25 percent used as a guideline to identify potentially significant water quality impacts and are such a small percentage that any change in runoff and infiltration would not be significant in Dos Pueblos Creek. Nevertheless, mitigation measures applicable to other watersheds within the project area, which require stormwater management and the use of Best Management Practices during construction and in the design of permanent drainage facilities, will be applied to the Dos Pueblos Creek watershed as well. See Mitigation Measures WQ-1a and 1b.

Nearly all of the MOU Project lies outside of the Dos Pueblos Creek watershed and would have no effect on designated steelhead habitat. Dos Pueblos Ranch, which is part of the Alternative 1 configuration, includes about half of the creek's watershed with the remaining area in Los Padres National Forest. The RDEIR identifies the long-term protection of most of the ranch's native vegetation, grazing, and orchard areas in an Agricultural Conservation Easement (ACE), which would allow the existing pattern of agricultural use to continue. The ACE is designed to maintain and continue current agricultural operations, and also preserve and enhance areas of natural, scenic, wildlife, biological, open space, and drainage corridors within the easement. The agricultural conservation easement is proposed to be dedicated as a perpetual conservation easement to a qualified non-profit land preservation organization. Impact Bio-20 in Section 9.4 explains that the ACE would not have a significant impact. The Alternative 1 proposal also would also use lot mergers and lot line adjustments to "extinguish" the residential development potential represented by the existing Naples townsite lots within DP-17 (see Figure 8.2-1). These existing lots are on or near Dos Pueblos Creek and its eastern tributary, just upstream from their confluence.

In summary, the project design and implementation of the above-cited mitigation measures would avoid any potential impacts to the southern steelhead critical habitat. The same is true for the MOU Project. Neither of the two configurations would create conditions that would preclude opportunities to recover the Dos Pueblos Creek steelhead. The Southern Santa Barbara County Steelhead Assessment and Recovery Project (Stoecker Ecological, 2007) identified Dos Pueblos Creek as the 13th out of 14 streams that have fish barriers that have regional priority for implementing upstream steelhead passage projects. The MOU Project (or Alternative 1) will have no effect on potential future actions related to habitat enhancement.

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F-1-3

Sections 3.4.2.3.6 (MOU Project) and 9.4.2.3.6 (Alternative 1) of the RDEIR state that “Dos Pueblos Creek probably originally supported southern steelhead...but habitats for [this species] have been eliminated or severely modified.” Appendix C.2.2 continues by stating that the “lower reaches of [Dos Pueblos Creek] now contain several barriers to upstream and downstream migration...” This includes a concrete culvert and drop structure under Highway 101, beyond which steelhead cannot pass.

Table 3.4-4 in the RDEIR identifies the sighting of one individual resident rainbow trout (which was seen upstream from Highway 101); however, the California Department of Fish and Game also has stocked rainbow trout (*O. mykiss*) in the main stem of Dos Pueblos Creek. It is therefore possible that the observed individual was a native fish, a stocked fish, a descendant of the stocked population, or the result of interbreeding between stocked fish and native rainbow trout in the stream. *O. mykiss* therefore may be present as resident rainbow trout in Dos Pueblos Creek. However, as a result of the existing barriers and concrete lined flood control channel in the downstream portion of Dos Pueblos Creek, which would prevent the entry of the southern steelhead into the upper reaches of Dos Pueblos Creek within the project area, the RDEIR determines that anadromous southern steelhead do not exist within the project area and have not for several generations given the age of the structures.

F-1-4

The following responses (F-1-6 through F-1-26) address comments submitted by NMFS on September 26, 2006, pertaining to the initial circulated DEIR. The September 26, 2006 letter was included with the NMFS’ January 8, 2008 comment letter regarding the recirculated RDEIR.

F-1-5

The Final EIR has been corrected in Sections 3.4.3.1.1 (MOU Project) and 9.4.3.1.1 (Alternative 1), Federal Authorities and Administering Agencies, to identify the NMFS’ jurisdiction and regulatory authority under the U.S. Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

F-1-6

This comment states NMFS jurisdiction. Although steelhead are not present in Dos Pueblos Creek, resident rainbow trout are present and the creek is designated critical habitat, therefore the following comments regarding NMFS concerns about impacts to endangered steelhead critical habitat are addressed.

F-1-7

As discussed in ES.3.3, Executive Summary of the RDEIR, the project would require a U.S. Army Corps of Engineers (ACOE) Section 404 notification and/or permit, and it is anticipated

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Section 15.0 Responses to Comments that the ACOE would consult with NMFS as required under Section 7 of the Endangered Species Act prior to permit issuance.

F-1-8

As explained above in response F-1-3, endangered steelhead is not present in Dos Pueblos Creek above Highway 101. Responses F-1-15 and F-1-26 provide more information relating to marine mammals.

F-1-9

The Final EIR has been modified to identify the Dos Pueblos Creek as being included in the critical habitat for this species. The remaining body of The comment explains the meaning of this designation and describes habitat requirements for the species. This discussion does not alter the conclusions of the RDEIR.

F-1-10

As noted in responses F-1-2 and F-1-3, the project will not have any direct impact on steelhead, because they are prevented from using Dos Pueblos Creek by several barriers in the creek bed. The project will not have any direct impact on habitat in the creek, because the nearest proposed development would be located well away from the creek bed. The project will not have any indirect impacts, because the development would constitute an extremely small proportion of the creek watershed and because mitigation measures for this small effect would be applied in any event.

F-1-11

The MOU Project or Alternative 1 will not have an adverse affect on the surface flows of Dos Pueblos Creek. Please refer to General Response 13.4 for a detailed discussion of the issue of water supply. That response reviews published data regarding surface flows in Dos Pueblos Creek (after the diversion system was installed), two technical reports on the water system and available water supply, and additional water supply information provided by the applicant and reviewed by the County as part of this EIR preparation. The project as proposed will not have any discernable effect on surface water flows, and the applicant has reaffirmed the position that all new domestic use will be supplied by the State Water Project and supplies delivered by the Central Coast Water Authority. Statements in The comment implying or alleging that there are adverse effects on the aquatic environment of the creek are purely speculative.

F-1-12

NMFS' comment is concerned that the project-related elements which increase the potential for causing impacts to the southern steelhead critical habitat require further impact analysis. This comment introduces the list of elements, which are addressed in responses to comments F-1-14

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through F-1-19. None of these elements represent components or aspects of the project as proposed.

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F-1-13

As demonstrated throughout this series of responses, the project will not have any effect on critical habitat for steelhead. Steelhead are not currently present, the project will not directly affect Dos Pueblos Creek, and would have a negligible effect within the watershed, and includes mitigation measures to reduce that negligible effect. The project would not affect diversions of surface water, which do not significantly affect flows in the creek under the current conditions. The project would not preclude or affect any future efforts to enhance habitat within the creek, other than by restricting future agricultural activities in or adjacent to the creek as part of the ACE under the Alternative 1 configuration. No additional analysis is necessary, and no other revisions are necessary in the EIR.

F-1-14

The project as proposed will not increase or decrease water diversion from Dos Pueblos Creek. The existing diversion system has been operated and maintained since the 1940s, and represents the existing conditions and is not related to the project.

F-1-15

The existing diversion weir is part of the diversion system, and is thus part of the existing conditions not related to the project. The weir is periodically inspected and maintained. The condition of the screening at system intakes was not reviewed as part of this EIR.

F-1-16

This comment pertains to the project's impact regarding bypass or minimum flows proposed for creeks downstream of the water abstraction areas. As discussed in General Response 13.4, total diversions in the system are well below surface flows in Dos Pueblos Creek in all wet and average years. Even in dry years, surface flows have been maintained in the creek at a level of about 170 acre-feet per year (afy). As discussed in response to comment F-1-15, the project will not have any affect on surface water diversions.

F-1-17

As described in Sections 3.4.1, 3.4.2.2 (MOU Project), 9.4.1, and 9.4.2.2 (Alternative 1) of the RDEIR, the existing watersheds in the MOU Project and Alternative 1 area have been subjected to decades of agricultural practices and livestock grazing. This activity is unrelated to the project proposed. If the Alternative 1 design is approved, the Agricultural Conservation Easement will serve to provide some additional protection of creek resources by prohibiting the expansion of any grazing or agricultural uses.

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Section 15.0 **F-1-18**

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As discussed in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1), the project would result in an estimated increase of impervious ground surface of less than 1 percent in the MOU Project area, and 1.1 percent in the Alternative 1 configuration to the Dos Pueblos Creek Watershed. This is a negligible alteration. Nevertheless, development within the Dos Pueblos Creek watershed would be subject to the same mitigation measures applicable to the remainder of the project. These include mitigation measures WQ -1a and -b which require runoff control and water quality protection measures during construction and for the final project.

F-1-19

Impact WQ-1 in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) of the RDEIR address the project's potential erosion and sedimentation impacts resulting from grading activities. As discussed, the greatest potential impacts would occur during construction, when areas of ground are exposed and may become eroded by rainfall or runoff. Estimates of the increases in impervious surfaces within each of the watersheds affected by the project are provided in Tables 3.3-4 (MOU Project) and 9.3-4 (Alternative 1) of the RDEIR. As already noted in earlier responses in this series, the proportion of development within the Dos Pueblos Creek watershed is very small (1.1 percent for Alternative 1 and less than 1 percent for the MOU Project). The RDEIR identifies Mitigation WQ-1a to manage potential construction-related erosion and sedimentation impacts and Mitigation WQ-1b to manage post-construction-related and long-term erosion control and sedimentation impacts.

F-1-20

NMFS requests more clarity to the type, amount, and extent of adverse effects on steelhead and their habitat. The potential effects of the project on steelhead and their habitat in Dos Pueblos Creek are discussed in responses to comments F-1-2, and F-1-12 through F-1-17. In summary, because the project would not affect the flows or water quality of Dos Pueblos Creek, there would be no adverse impacts to steelhead habitat.

F-1-21

NMFS requests clarity on the capacity of monitoring plans to detect adverse effects on steelhead and their habitat. Mitigation measures WQ-1a, WQ-1b, WQ-1c, and Bio-9, as well as implementation of the ACE and Impact Bio-21 (proposed OSCE on the eastern tributary to Dos Pueblos Creek) include regular monitoring requirements subject to County and other regulatory agency review and enforcement, to ensure the effectiveness of the mitigation measure and activity. The potential impacts and mitigation measures described relate to other watersheds within the project boundaries that will be subject to more development. Even though the Dos Pueblos Creek watershed will not be substantially affected by the project, development within the watershed would be subject to the same requirements. Because impacts to steelhead habitat would not include any direct intrusion or habitat modification, and because these impacts would

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be mitigated as described in response to comment F-1-18, monitoring for steelhead within Dos Pueblos Creek is not proposed.

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F-1-22

As discussed in response to comment F-1-21, the monitoring activities required by the mitigation measures set forth in the RDEIR will be subject to regulatory agency review and enforcement. No reconciliation of adverse effects on species in Dos Pueblos Creek is anticipated, since no impacts will occur.

F-1-23

As discussed in response to comment F-1-18, the project's entire effect on southern steelhead habitat would be limited to negligible hydrologic and water quality-related impacts, both of which would be mitigated to a less than significant level, and no destruction or modification of Dos Pueblos Creek would occur. As a result, the NMFS' recommendation to include an Adaptive Management Plan to address and reconcile uncertainties regarding the project's impact to the southern steelhead is not necessary.

F-1-24

As discussed in the foregoing responses, the project's potential effects on southern steelhead would be less than significant, and no destruction or modification of the Dos Pueblos Creek drainage would occur. Consequently, the proposed project is not expected to have an adverse effect on this species, and does not believe that take authorization by NMFS will be necessary. However, as discussed in ES.3.3, Executive Summary of the RDEIR, components of the project outside of the Dos Pueblos Creek watershed would require an U.S. Army Corps of Engineers (ACOE) Section 404 notification and/or permit, and it is anticipated that the ACOE would consult with NMFS as required under Section 7 of the Endangered Species Act prior to permit issuance.

F-1-25

This comment repeats information from the EIR and states that the harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), and northern elephant seal (*Mirounga angustirostris*) occur within the project vicinity. Sections 3.4.3.4.1 (MOU Project) and 9.4.3.4.1 (Alternative 1) of the RDEIR address the presence of these species, and discuss the nearby harbor seal haul-out beach approximately 1,600 feet east of the eastern project boundary.

F-1-26

This comment describes the protection of harbor seals and other pinniped species as covered by the Marine Mammal Protection Act (MMPA), as is described in Sections 3.4.3.4.1 (MOU Project) and 9.4.3.4.1 (Alternative 1) of the RDEIR. This comment does not raise issues regarding the content of the document.

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Section 15.0 **F-1-27**

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This comment expresses support for the open space management plan, and for the beach management plan originally described in the 2006 Draft EIR. In response to other comments on the original Draft EIR, the beach management plan was deleted from the mitigation requirements and replaced with a more stringent requirement for beach closure during a significant period of the year. The final decisions regarding the extent of visitor access to the beach, and controls regarding it, will be made by the Planning Commission and Board of Supervisors, with review by the Coastal Commission. The project anticipates coordination with NMFS in the development of any measures related to protecting marine mammals, as suggested in The comment.

Response to U.S. Fish and Wildlife Service Letter F-2 Dated January 23, 2008

F-2-1

This comment introduces the USFWS' review of the RDEIR and subsequent comments pertaining to the federally-listed species which may occur or have the potential to occur within the project vicinity, as identified in the RDEIR.

F-2-2

This comment introduces the USFWS' review of sections addressing biological resources, sections which may be associated with biological resources, project activities that have the potential to affect federally-listed species, and concerns for listed species within the USFWS' jurisdiction under the Endangered Species Act of 1973.

F-2-3

This comment pertains to the USFWS' concerns regarding water diversion from Dos Pueblos Creek and potential impacts on California red-legged frogs. The topic is addressed in the RDEIR in Sections 3.4.2.3.6 (MOU Project) and 9.4.2.3.6 (Alternative 1), Aquatic Habitat, and 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply. Impact PS-9 addresses the water supply system, concluding that the project would not have a significant effect. Additional information regarding this topic is provided in General Response 13.4.

F-2-4

In this comment, USFWS is concerned that implementation of activities allowed by the existing diversion permit may result in the dewatering of Dos Pueblos Creek. The most recent update in the existing permit was made in 1991. There are no new activities to be implemented related to the diversion permit. All improvements and activities related to the diversion have been in operation for decades. The project applicant proposes to use imported water from the State Water Project and the Central Coast Water Authority to serve all new domestic needs of the development, and to continue using existing water sources, only one of which is the diversion of

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surface water, for ongoing agricultural irrigation. Use of reclaimed water from the development may also offset some existing agricultural water use. Additional information regarding this topic is provided in General Response 13.4.

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F-2-5

The comment is incorrect in identifying the County of Santa Barbara as the agent implementing activities authorized under the diversion permit. The permit is currently held by the Schulte Trust, owners of the Dos Pueblos Ranch, who use water for agricultural irrigation, stock watering, and for storage to allow use for these purposes during the dry season. The Naples Water Company uses a portion of diverted water to provide domestic water service to some residences in the area, and irrigation water to an existing orchard on the Santa Barbara Ranch property. The Naples Water Company would use imported State Water Project supplies to serve any new domestic uses from the development project. The owner does not believe that the current and proposed operations will result in any violations of the Endangered Species Act.

F-2-6

In this comment, USFWS requests that if SWRCB is involved in examining terms under the diversion permit, they should incorporate measures to maintain aquatic resources by allowing sufficient water to bypass any diversions throughout the year. The water system itself provides a significant augmentation of surface water flows through discharges from four horizontal wells in the far upstream portion of Dos Pueblos Creek. The diversion allowed by the permit occurs in the upstream portion of the creek, and does not affect runoff or surface flows in the downstream areas. No revision in the terms of the permit is proposed. Additional information is provided in General Response 13.4.

F-2-7

The USFWS' recommendations to ensure compliance with the Migratory Bird Treaty Act have been incorporated into Mitigation Measure Bio-9a in Sections 3.4.4.2.3 (MOU Project) and 9.4.4.2.3 (Alternative 1), Special-status Wildlife, of the Final EIR. These recommendations consist of: 1) timing land clearing or other surface disturbance activities to avoid potential destruction of bird nests or young of birds; or 2) in the event that seasonal restriction is not possible, a qualified biologist shall survey the area for nests or evidence of nesting prior to commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area to prevent destruction or disturbance to nests until they are no longer active.

F-2-8

The sensitive plant species listed in The comment include Gambel's Water Cress (*Rorippa gambellii*), Marsh Sandwort (*Arenaria paludicola*), Lompoc Yerba Santa (*Eriodictyon capitatum*), California Orcutt Grass (*Orcuttia californica*), and spreading Navarretia (*Navarretia fossalis*). None of these species were observed in surveys on the property, and none were identified in literature

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Section 15.0 searches as being in the project vicinity (as shown in Figure 9.4-4). This review included a
Responses to standard search of the California Natural Diversity Data Base covering the nine 7.5' USGS
Comments quadrangles centered on the project site. No records for any of the species in question were located within this search. Although the probability of their occurrence on the property is very low, and no impacts are expected, Tables 3.4-3 and 9.4-3 have been revised to include these species. In this manner, they are identified for consideration as part of pre-construction surveys required by mitigation measures Bio-1b, 2b, and 5.

F-2-9

In accordance to the USFWS' recommendation, Sections 3.4.3.3 (MOU Project) and 9.4.3.3 (Alternative 1), Special-status Wildlife, of the Final EIR have been revised to include references to the Southern sea otter (*Enhydra lutris nereis*) at appropriate points in the text and in Tables 3.4-4 and 9.4-4 identifying sensitive wildlife species that may occur in the area. This subspecies occurs in the near shore marine environment that is discussed with Naples Reef. Potential effects would be related to increased visitor use, which is discussed in Impact Bio-6 and Mitigation Measure Bio-4. Potential indirect effects related to changes in runoff are discussed elsewhere in the EIR (Impact WQ-1 and Mitigation Measures WQ-1a, b, c, and d). No additional changes are necessary in the EIR.

F-2-10

As an introduction to subsequent comments, this comment lists special-status species from Tables 3.4-4 and 9.4-4 of the RDEIR identified either as occurring or having potential to occur in the project area: California brown pelican, vernal pool fairy shrimp, southwestern willow flycatcher, tidewater goby, and California red-legged frog.

F-2-11

As discussed in Sections 3.4.3.4.2 (MOU Project) and 9.4.3.4.2 (Alternative 1), Naples Reef, at low tide, the exposed portions of the Naples Reef, along with the surface portions of the dense kelp beds it supports, provide foraging and roosting habitat for numerous species of shorebirds, including California brown pelicans. The RDEIR also provides the following mitigation measures which would avoid disturbance of roosting California brown pelicans: Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4) prohibits dogs or pets on the beach at any time and closes the beach from March to July (or other period as determined by the County); Mitigation Measure Bio-9 (Sections 3.4.4.4 and 9.4.4.4) requires that CC&Rs for this development shall prohibit the use of rodenticides, pesticides, herbicides, and other chemicals and poisons outside the proposed building envelopes that are toxic to wildlife as well as requiring posting of biological resource protection signage; Mitigation Measure WQ-1a (Sections 3.3.3.2.2 and 9.3.3.2.2) to require storm water, erosion and sedimentation, and pollutant Best Management Practices (BMPs) during construction activities; Mitigation Measure WQ-1b (Sections 3.4.4.4 and 9.4.4.4) to minimize discharges of pollutants from the project during residential use; WQ-1c (Sections 3.4.4.4 and 9.4.4.4) for preparation of an animal waste management plan and Storm

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Water Management Plan (SWMP) to manage pollutants from the proposed equestrian center; and WQ-1d to require preparation of a SWMP specifically addressing the beach public parking area, picnic area, restrooms, coastal access trail, and beach access stair structure. Implementation of the above-summarized mitigation measures would minimize and/or avoid the project's potential disturbance to California brown pelican that may roost in the project area.

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F-2-12

This comment pertains to the project's avoidance and minimization of impacts to seasonal water bodies, some of which could contain vernal pool species. Mitigation Bio-5 explains project modifications to avoid direct impacts to wetlands and seasonal water bodies, and requires the project to provide a minimum 100-foot buffer from all delineated wetlands as a condition of issuance of a Coastal Development Permit (CDP) or Land Use Permit (LUP). Additionally, the RDEIR proposes Mitigation Measures Bio-9, WQ-1a, WQ-1b, and WQ-1c, as described in response to comment F-2-11 in order to minimize the project's potential impacts to water quality and affected wetland habitat. No changes are necessary in the RDEIR.

F-2-13

The reference to Mitigation Measure Bio-15 in The comment is incorrect, and originates from review of the earlier 2006 DEIR. In response to this comment, Mitigation Measure Bio-8 in Sections 3.4.4.4 and 9.4.4.4 of the Final EIR has been modified to include cooperation with USFWS during the development of the brown-headed cowbird control plan.

F-2-14

Figures 3.4-4 and 9.3-4 show the results of data base searches, which did not reveal records of tidewater goby in Dos Pueblos Creek. The nearest recorded occurrences were at the mouth of Refugio Creek, approximately 3.5 miles up the coast and Eagle Creek about 2 miles down the coast from the project site. Critical habitat has not been designated for tidewater goby, and there is no recovery plan for the species yet. As discussed in Sections 3.4.2.3.6 and 9.4.2.3.6, as well as C.2.2 of Appendix C of the RDEIR, suitable tidewater goby habitat has been eliminated from the lower portions of the Dos Pueblos Creek drainage by channelization of the lower streambed and loss of the terminal lagoon. Based on the lack of a suitable habitat to support the tidewater goby, this species is not expected to occur in Dos Pueblos Creek. The mouth of Dos Pueblos Creek is outside of the project boundary, no changes are proposed there. In addition, neither the MOU Project nor the Alternative 1 design proposes new development in or near Dos Pueblos Creek. There would be no direct impacts to the creek system, no changes in the flow regime of the creek, and no significant effects with respect to water quality. Responses F-2-3 and F-2-4 above provide more information in this regard. The RDEIR has proposed Mitigation Measures Bio-9, WQ-1a, WQ-1b, and WQ-1c, as described in response to comment F-2-11 in order to minimize the project's potential impacts to water quality.

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This comment provides background information, and is concerned with the project's impact to California red-legged frog movement areas. Additionally, USFWS states that in 2002, the USFWS determined that the Dos Pueblos Creek area is important for recovery of the California red-legged frog. Impact Bio-12 in Sections 3.4.4.2.3 and 9.4.4.2.3 address the project's potential effect to increase restriction of wildlife movement. As discussed, the configuration of the proposed building envelopes and associated access roads on the coastal terrace portions of the project area south of Highway 101 could significantly fragment or isolate seasonal water bodies in grasslands in this portion of the project area and inhibit wildlife (i.e., the California red-legged frog) attempting to move east-west between the project area and open space to the east and west (e.g., between Dos Pueblos Creek and Tomate Canada Creek and other drainages), via the coastal terraces. Project construction and occupation of parcels north of Highway 101 may have similar impacts on habitat fragmentation and wildlife movements, but the magnitude here is expected to be lower because of the greater extent and connectivity of habitat north of Highway 101. The effect of the development will be to reduce the available habitat by the area occupied by buildings and roads, and to fragment and further divide the coastal terrace grassland areas from one another.

As a result, the RDEIR has modified the project design from the original proposed configuration described in the DEIR (2006), and proposes mitigation measures in order to lessen potential impacts to the project area's wildlife movement areas. As discussed in Impact Bio-12 in Sections 3.4.4.2.3 and 9.4.4.2.3, access roads and driveways have been consolidated as much as possible, and have been located as close as possible to the existing major travel routes (UPRR tracks, Langtry Avenue, and Dos Pueblos Canyon Road). The roadway design itself is intended to minimize the barrier effect by using rounded and natural lined drainage improvements instead of traditional curbs and gutters. The fencing plan proposed with the project avoids barrier fences along property lines, and requires pasture fences to have designs that will allow the passage of wildlife.

The proposed project has increased the contiguous nature of grassland habitat to be preserved in open space easements (as described in Mitigation Measure Bio-2a and Bio-2b in Sections 3.4.4.4 and 9.4.4.4) and agricultural easements (Mitigation Measure Aq-1 in Sections 3.7.4.4 and 9.7.4.4). The Open Space and Habitat Management Plan (OSHMP) includes requirements to revegetate coastal scrub habitat located along the Tomate Canada drainage to convert existing non-native grassland to coastal scrub at a ratio of 3:1 for the coastal scrub potentially affected by the project. Additionally, Mitigation Measure Bio-6 (Sections 3.7.4.4 and 9.7.4.4) requires revegetation of 1.0 acre of willow riparian scrub along the Tomate Canada drainage, and is also accomplished as part of the OSHMP. Lastly, the project includes Mitigation Measure Bio-5 (Sections 3.7.4.4 and 9.7.4.4) to modify the project design to avoid direct impacts to wetlands and seasonal water bodies, and to provide a minimum 100-foot buffer between the limit of all wetlands and all new development.

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As a result, the project design features as well as implementation of the proposed mitigation measures serve to mitigate the contribution of the project towards the overall loss of contiguous habitat along this region of the Gaviota Coast and ensure that the degree of wildlife mobility that currently exists is maintained. In this way, the project's potential to affect ground-dwelling wildlife movements south and north of Highway 101 is reduced to a less than significant level.

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F-2-16

This comment pertains to the USFWS' concerns regarding potential adverse impacts to the California red-legged frog associated with the proposed project activities. As discussed in response to comment F-2-3, the project will not influence the pattern of existing diversion of water in Dos Pueblos Creek. Additional information on this issue is provided in the General Response 13.4. Mitigation Measure Bio-9 in Sections 3.4.4.4 and 9.4.4.4 addresses the project's measures to minimize the project's potential effects, as well as effects resulting from the increased human presence, on wildlife mortality. Such measures include providing education to the home owners' association to discuss proactive measures that landowners can implement to reduce or avoid negative human-wildlife interactions, including but not limited to: leash requirements for dogs on hiking trails; fencing to keep dogs from roaming habitats outside the building envelopes; eliminating food sources and other attractive nuisances to wildlife in and around building envelopes; and prohibitions against release of non-native animals into open spaces and collecting of native wildlife. Additionally, CC&Rs for this development would prohibit both the use of pesticides and other chemicals and poisons toxic to wildlife outside the building envelopes, as well as the introduction of non-native plants and animals into aquatic and terrestrial habitats. Biological resource protection signage shall be installed at trailheads and other open space access points, and the applicant shall post a speed limit of 20 mph or less on all access roads. As a result of implementing these measures, the RDEIR concludes that the effects of project activities, including the increased human presence, on resident wildlife would be mitigated to a less than significant level.

F-2-17

As described in ES.3.3, Required Approvals and Implementation, the project expects to include at least notification to the U.S. Army Corps of Engineers under Section 404 (Clean Water Act), which would include consultation with U.S. Fish and Wildlife Service and potentially require application for an incidental take authorization through Section 7 (Endangered Species Act). For clarification, the role of USFWS has been identified in a revision to this section in the Final EIR. In a situation similar to that described in response to comment F-2-5, the County would not have a direct role in any such consultation, which would be between the property owner or developer and the appropriate federal agencies. The County will cooperate in providing any relevant documents regarding these possible permit applications and consultations.

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As noted in response to comment F-2-17, Section ES.3.3 has been revised to identify the role of USFWS explicitly under the federal Endangered Species Act.

The County has no role as an agent for the proposed project and therefore is not the entity that would be responsible for applying for either Section 7 or Section 10 incidental take permit. The County will cooperate in providing any relevant documents regarding these possible permits.

15.3 RESPONSES TO COMMENTS FROM STATE AGENCIES

Response to California Native American Heritage Commission Letter S-1 Dated November 28, 2007

S-1-1

This comment is an introductory paragraph that does not raise any issues regarding the content of the document.

S-1-2

This comment recommends conducting a site record search, conducting a survey as needed, and contacting the NAHC to conduct a Sacred Lands File Check, and provides a list of Native American Contacts for consultation purposes. These actions have been conducted and are reported in RDEIR Sections 3.11.1.1.6 (MOU Project) and 9.11.1.1.6 (Alternative 1) for the site record search. Sections 3.11.1.1.4 (MOU Project), 9.11.1.1.4 (Alternative 1), and General Response 13.3.1.2 provide discussion of archaeological investigations conducted within the project area. See General Response 13.3.6 for a summary of Native American consultation efforts.

S-1-3

The comment states the mitigation plan should include provisions for the identification and evaluation of accidentally discovered archaeological resources. In addition, The comment notes the need for a qualified archaeologist and culturally affiliated Native American monitor during ground disturbing activities. The RDEIR complies with these recommendations for identification and evaluation of accidental discoveries and monitoring. See Section 3.11.3.3 (Mitigation Measures Cultural-3, -4, and -5) and Section 9.11.3.3 (Mitigation Measures Cultural-5, -6, and -7).

S-1-4

The comment notes the mitigation plan should include provisions for the curation of recovered artifacts. Mitigation measures in Sections 3.11.3.3 (MOU Project) and 9.11.3.3 (Alternative 1) indicate archaeological and historic resource investigations for this project must comply with

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County Archaeological Guidelines and curation is one requirement of the Guidelines (see page 68 of the Guidelines), discussed in Sections 3.11.3.3 (MOU Project) and 9.11.3.3 (Alternative 1).

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S-1-5

The comment notes the mitigation plan should include provisions for the discovery of Native American remains, as per Health and Safety Code §7050.5, CEQA guidelines §15064.5(e), and Public Resources Code §5097.98. The RDEIR includes provisions for discovery of Native American human remains (See Section 3.11.3.3, Mitigation Measure Cultural-5, and Section 9.11.3.3, Mitigation Measure Cultural-6).

Response to California Coastal Commission Letter S-2 Dated January 23, 2008

S-2-1

This comment acknowledges receipt of the Revised Draft EIR (RDEIR), identifies actions involved with the project, and documents Coastal Commission staff review of the RDEIR. The comment does not address the contents of the RDEIR.

S-2-2

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

S-2-3

This comment provides a partial summary of differences between the originally proposed MOU Project and the design as currently proposed and analyzed in the RDEIR. Section ES.2 provides a more thorough listing of these changes.

S-2-4

This comment provides a summary of information presented in the RDEIR. The Alternative 1 design, proposed by the applicant, is analyzed in the RDEIR at a project-level of detail to allow consideration of this alternative by the County for approval. This comment does not raise any issues regarding the content of the document.

S-2-5

This comment provides a partial summary of changes from the original configuration of Alternative 1 and the current design presented and analyzed in the RDEIR. Section ES.2 provides more information in this regard. The comment does not raise any issues regarding the content of the document.

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Section 15.0 **S-2-6**

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Within the Alternative 1 design, the 14 lots to be “relocated” from the Santa Barbara Ranch (SBR) property northward to the Option Property are all north of U.S. Highway 101 (as noted in Section ES.6.1), and only 12 of the 14 lots are in the Coastal Zone or have proposed development that extends into the Coastal Zone. The Planning and Development Department considers Alternative 1 as the environmentally superior and preferred alternative among those considered. The explanation for this conclusion is provided in Section 11.9. In summary, the design changes incorporated into Alternative 1 for the RDEIR are responsive to the same environmental issues addressed by Alternative 4 (Reduced Development), and additional reductions in development may be achieved in the event that the Transfer of Development Rights (TDR) program raises sufficient funds to acquire and extinguish development rights on other lots. Of the alternatives considered which are feasible, Alternative 1 provides the extinction of development rights over the greatest number of lots in the Coastal Zone and is, thus, most consistent with the first project objective stated in section ES.3.5:

Provide for a project that would result in fewer environmental impacts than would otherwise result from development of all of the existing Naples town site lots.

S-2-7

Dos Pueblos Ranch (DPR) contains 16 Naples town site lots: 14 south of U.S. Highway 101, and 2 north of the highway in what is referenced as the Option Parcel. Of the 14 Naples lots on DPR south of the highway, only 12 are within the area considered within Alternative 1. Two of the Naples lots in DPR are located south of the UPRR line and are not part of the project site. Of the 274 Naples lots identified in the Official Map of the town of Naples recognized by the County, 233 lots will be resolved (219 on the SBR property and 14 on the DPR property).

S-2-8

Coastal Development Permits will be required for any development within the Coastal Zone. The comment states that voluntary lot mergers and lot line adjustments would require a coastal development permit (CDP). Lot line adjustments would require a CDP. However, voluntary mergers in Santa Barbara County, unlike lot line adjustments, are ministerial decisions and since Santa Barbara County has no discretionary authority over voluntary mergers, these mergers would not be subject to appeal within the County or to the Coastal Commission. It is our understanding that the Coastal Commission has rarely, if ever, attempted to assert jurisdiction over voluntary lot mergers. The comment’s contention therefore suggests that the Coastal Commission is making an exception to normal practice. Such an exception would also not be consistent with Santa Barbara County’s Local Coastal Plan, which does not require that voluntary lot mergers be accompanied by a CDP. Recent case law limits Coastal Commission authority to those approval processes that are specifically mentioned in the LCP where a County has a certified LCP.

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S-2-9

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This comment provides a partial quote of Policy 2-13 from the County's Coastal Land Use Plan. The entire policy is stated in Section ES.3.4. The sentence immediately preceding the selected quote states: "[t]he County shall discourage residential development of existing lots."

S-2-10

It is possible that Coastal Commission staff is not familiar with the County's efforts to comply with Policy 2-13 by acting to discourage development at Naples. The County has enacted various restrictive land use regulatory processes for the Naples area and has defended these processes in court; one such restrictive regulatory process was in fact declared invalid by the California Supreme Court. The County's efforts to encourage and assist the landowner in transfer of development rights off of Naples include a three-year effort to identify possible receiver sites and work with stakeholder groups to establish a feasible TDR program. The County expended a considerable effort—measured by consultant time, staff time, dollars, and the participation of the Cities of Santa Barbara and Goleta—over the last three years to develop the TDR program, which will be in place prior to any project approvals. The County maintains its conclusion that the TDR approach is partially feasible in the sense that it may allow for the purchase and extinction of some development rights within the Naples town site but not all of the development potential. Furthermore, based on the history and outcome of its prior attempts to discourage development at the Naples town site, the County remains committed to a free market approach to establish and implement a TDR program. On February 5, 2008, the Board of Supervisors directed County staff to proceed with a County ordinance to establish the TDR program and to return the matter to the Board after Planning Commission hearings on the matter.

S-2-11

This comment, and subsequent comments related to the TDR program are apparently based on the Coastal Commission staff review of the original 2006 TDR Study. In a joint effort funded by the County, the City of Santa Barbara, and by the project applicant, the TDR Study was updated in 2007 as part of work on an implementing ordinance. This statement is not supported. CEQA allows financial feasibility to be used as a factor to determine feasibility. While alternatives should be examined that may not meet all feasibility requirements, CEQA does not require an agency to pick an alternative based on *Citizens for Goleta Beach*. There is no support for Commission's staff contention that the Commission or the County can determine what an applicant's reasonable rate of return is. The 2007 update did, in fact, analyze the value of the current pattern of lots under the Alternative 3A (Grid Development) in the RDEIR. The 2007 TDR Study also updated the development value of the lots proposed in the Alternative 1 configuration, as well as in the MOU Project as originally studied. While "...reasonable rate of return on investment..." may be an appropriate standard for economic feasibility, The comment provides no guidance regarding how this standard is determined. If there is not a free market condition (i.e. a willing seller and willing buyer) no program will be feasible. Furthermore, the

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Section 15.0 Responses to Comments updated TDR Study demonstrates that the value of the Naples town site with the Existing Grid pattern of lots is higher than that of the proposed development in the MOU Project or Alternative 1 configuration. The more feasible approach, therefore, to implementing a TDR program will be to apply it in the context of an approved development, which will provide a willing seller and a lesser overall value (if one were trying to acquire all development rights). In any event, there is no reason or requirement to analyze the feasibility of a TDR program or its economic feasibility as applied to all of the alternatives considered in the DEIR. The applicant's desired rate of return is not a project objective and the EIR complies with CEQA's requirement to consider reasonable alternatives by considering project elements and alternatives that meet the project objectives and that are feasible.

S-2-12

This comment provides a summary of information presented in the RDEIR, which in turn is a summary of the material presented in the original TDR Study, and does not raise any issues regarding the content of the document.

S-2-13

This comment addresses results of the original 2006 TDR Study, and judgments related to preferred targets for acquisition and extinction of development rights. The goal of preserving the viewshed of U.S. Highway 101 has been the highest priority of the County, but the Board of Supervisors could alter this decision. Coastal Commission staff may have a different opinion in this regard, which they could implement if they were to establish and implement a TDR program. The EIR discusses whether the project is inconsistent with land use plans, including the County Local Coastal Plan, in Section 10.10. For instance, Policy 4-9 requires that structures be sited and designed to preserve unobstructed views of the ocean from Highway 101. Also, Section 35-96 of the County's Coastal Zoning Ordinance establishes a View-Corridor Overlay District, which requires the County to consider views from the Highway. There is no support in the LCP for The comment statement that bluff lots should get priority for extinguishment over other coastal zone lots. Policy 4-1 requires design review approval from the CBAR and that review process contributed to the formation of the EIR Alternatives. As noted above in response to comment S-2-11, the updated TDR Study did examine the Existing Grid Development scenario. The answers to the questions of how many and which lots can be eliminated by pursuit of a TDR program are provided on pages 40 through 44 of the updated TDR Study (and were provided in the equivalent section of the original 2006 TDR Study). Depending on the development scenario and exact locations, the anticipated TDR program would be able to acquire up to 3-4 of the coastal bluff lots or up to 2-3 dozen of the other lots within the project area.

S-2-14

This comment questions certain TDR study elements and conclusions. These conclusions are discussed, referenced and supported by historical TDR examples in the 2007 TDR Study and

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The comment provides no support for its contentions that the TDR discussion and conclusions are not appropriate. Additionally, these conclusions relate to the County’s feasibility determination regarding the County’s potential action to rezone and not to CEQA’s requirements. As discussed in response to comment S-2-11, the TDR Study and the EIR include lengthy and comprehensive documentation and analysis regarding whether a TDR program is a feasible alternative that could meet the project’s objectives.

S-2-15

This comment cites some of the results from the original 2006 TDR Study, and suggests that the estimated development values were too high since they were based on proposed development scenarios instead of the existing pattern of lots. The 2007 update to the TDR Study (on page 3) provides revised estimates of total development value as follows:

- Existing Grid Pattern of lots \$204,810,147
- MOU Project \$125,563,237
- Alternative 1 \$155,392,675

The TDR analysis did not include any “reduced or relocated development scenarios” since these alternatives are not feasible without the cooperation of the involved property owners. The EIR itself, however, did discuss both reduced and relocated development alternatives and found that those alternatives did not meet the project objectives or were infeasible.

S-2-16

To summarize from the above responses, (1) the TDR Study is not part of the RDEIR, and the adequacy of the RDEIR is not related to the TDR Study; (2) the TDR Study has already been updated and the update includes an evaluation of the development rights based on the Existing Grid pattern of lots; (3) the TDR program will be based on a free market approach, with willing buyers and sellers of development rights; and (4) the Board of Supervisors has already directed staff to continue and complete processing of the TDR ordinance.

Therefore, The comment’s conclusion that the EIR is “inadequate” is incorrectly based on the contention that the “grid” scenario was not considered in the TDR study. In addition, The comment does not provide any support for the contention that because a TDR program may have some potential to transfer some development rights from Naples that the EIR’s range of alternatives and impact analysis were not accurate. Finally, the success of a TDR program on its own or as a project element is speculative given the feasibility problems discussed in Section 11.7 of the EIR, which considers TDR as an alternative.

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Section 15.0 **S-2-17**

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Some rights may feasibly be transferred from the Naples area. As a result, an analysis of adoption of a TDR program has been initiated in order to continue to comply with Policy 2-13's requirement to encourage and assist the transfer of rights.

S-2-18

This comment provides a summary of information presented in the RDEIR. Section ES.6.1 states:

Alternative 1 is a project alternative that the County will consider and may approve in lieu of the project. As with the MOU Project, the applicants propose to proceed with development of inland portions of the project that do not require Coastal Commission approval before the Coastal Commission acts on the approvals within the coastal zone.

The comment does not raise any issues related to the content of the RDEIR.

S-2-19

In the potential event described—where the County approves inland portions of the proposed project and the Coastal Commission denies the coastal portions of the project—the current configuration of Naples town site lots in the Coastal Zone would remain unchanged. Coastal Development Permits would continue to be required in the Coastal Zone for single family residences on legal lots, but based on its past experience, there would be little recourse or ability to deny such permits. This event would not intensify development over and above the Naples town site lots, but it would result in a greater number of residences in the Coastal Zone when compared to either the MOU Project or Alternative 1. Infrastructure for these lots would be in the Coastal Zone, and Coastal Development Permits would be necessary for improvements.

S-2-20

There is no specific sequencing proposed in the project, but as a matter of practicality (and for analytical assumptions in some topics) it is expected that the inland lots within the SBR property will be developed first. This possibility is expressly provided in the MOU between the project applicant and County. The only internal “transfer” of development rights to the inland area, as described in The comment, is in the Alternative 1 proposal. A different internal shift of development right would require the cooperation of the property owners involved. Any additional TDRs to a different receiver location would occur under the TDR program as provided for in Policy 2-13.

S-2-21

The comment contends that the “early” approval of inland lots will limit the Coastal Commission’s “ability” to relocate development potential to inland lots. The comment is correct

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in suggesting that the ability of the Coastal Commission to force a “transfer” of development rights from one portion of the project area to another is limited. The Coastal Commission’s regulatory jurisdiction is limited to the Coastal Zone and the Commission does not have the authority to relocate development outside the coastal zone. Therefore, withholding approval for inland lots based on authority the Coastal Commission does not have is not reasonable. As required and authorized by state law, the County is considering a comprehensive approach to development in the Naples area, and is considering the such relocation and transfer of rights both within the project area and to other locations. Approval of inland lots that have been considered and legally permitted by the County in a comprehensive manner would not constitute “early” approval. If necessary amendments to the CLUP and other project approvals are denied by the Coastal Commission, the effect will be to retain the existing pattern of legal lots in the Naples town site within the Coastal Zone. Within the MOU Project, there are no “newly created” lots in the inland area—all of the residences proposed for the inland area would be on existing Naples town site lots, or on merged lots. In the Alternative 1 design, there would be new lots created outside of the Coastal Zone within the Option Parcel (part of the Naples town site) and within the portion of DPR north of Highway 101. Concurrently, the potential for development in the Coastal Zone would be reduced through the merger of Naples town site lots on both the SBR and DPR properties, and the placement of these areas in an Agricultural Conservation Easement. If the Coastal Commission is opposed to the merger of lots to reduce development potential, and the placement of these areas in a conservation easement, then the existing pattern of Naples town site lots would remain.

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S-2-22

This comment regarding the environmentally superior alternative is addressed above; see response to comment S-2-6. The remaining portions of this comment repeat information from the RDEIR, and do not require any additional response.

S-2-23

This comment repeats the description of Alternative 2 from the RDEIR (summarized in Section ES.6.2 and presented in more detail in Section 11.3). Although the RDEIR presented information regarding an estimate of the number of dwelling units necessary to provide economic feasibility, the rejection of the alternative as infeasible was not based on this part of the analysis. Rather, as noted in the RDEIR:

One significant barrier to pursuing this alternative is the fact that it would require the cooperation of two separate landowners, Vintage Properties for the SBR land and the Schulte family for the DPR land. Without the cooperation of both of these owners, implementation of Alternative 2 would require condemnation and would likely not be feasible.

The text of the Final EIR has been revised to delete the discussion regarding a potentially higher number of dwelling units beyond the 64 residences proposed by the Naples Coalition.

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Section 15.0 **S-2-24**

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This comment is a summary of the evaluation of the relative impacts of Alternative 2 when compared to the MOU Project. Alternative 2 would have potentially greater impacts in the inland areas, which presumably can be mitigated, and less impact in the Coastal Zone.

S-2-25

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document. Therefore, no additional response is necessary. The text of the Final EIR has been revised in Section 11.8 to include the first objective, which was inadvertently omitted in that discussion.

S-2-26

The RDEIR project objectives were determined by the County, and can be found in Section ES.3.5, Project Objectives. The CEQA Guidelines state the following regarding project objectives (14 CCR 15124(b)):

A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

This guidance does not prohibit legal considerations from the statement of project objectives. Furthermore, the CEQA Guidelines include “legal” among the other factors that affect feasibility (14 CCR 15364). Resolution of a 20-year legal dispute centered on discouraging development in an attempt to implement the CLUP is one appropriate project objective.

S-2-27

As noted in response to comment S-2-24, Alternative 2 would have less impact in the Coastal Zone and more impact in the inland areas. On balance, this does not demonstrate that Alternative 2 is environmentally superior, and Alternative 2 is not considered feasible in any event.

S-2-28

The description of Alternative 3A (Grid Development) makes no assumptions regarding the design of homes within this development alternative.

S-2-29

There would presumably be some differences in the extent and scale of individual homes in Alternative 3A Grid Development when compared to the MOU Project or to Alternative 1. Whether these differences would be “drastic” is speculative. Under Alternative 3A (Grid

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Development), the typical lot sizes would be 3.8 acres—the nominal lot size in the Naples town site map. The homes proposed in the MOU Project and in Alternative 1 could be accommodated on such lots. Since the development under Alternative 3A would likely occur as a series of unrelated applications, there is no way to predict the style and size of homes that would be proposed.

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S-2-30

The analysis of Alternative 3A (Grid Development) considers reasonable environmental constraints posed by biologically sensitive areas and other conditions on the property. The details of house size, accessory structures, yard size, and other aspects of development would have to be determined on a lot by lot basis within the allowable uses and development standards of the AG-II-100 (coastal) and U (inland) zone. Even if the Coastal Commission could force a reduced dwelling unit size, as implied in The comment, the number of units in Alternative 3A and their distribution across the property would greatly reduce the size and connectivity of any remaining open space and agricultural areas. Lot by lot permitting would limit the County and the Coastal Commission in exacting conditions related to preserving biological diversity and agricultural conservation because lot by lot development contemplated by Alternative 3A would not provide the constitutionally required nexus or proportionality to require a comprehensive OSHMP, permanent agricultural easements or extensive coastal access proposed in the MOU or Alternative 1. With respect to meeting the first project objective of minimizing environmental impacts from development of the Naples town site lots, there is little doubt that the MOU Project design is preferable to Alternative 3A.

S-2-31

With respect to the DPR property, the value of the Alternative 1 configuration lies in its resolution of development potential on most of the Naples town sites on the property south of Highway 101 and in the creation of the Agricultural Conservation Easement to preserve agricultural uses in the Coastal Zone as well as in most of the current Williamson Act area to the north. The particular Naples town site lots involved occur on and adjacent to the downstream portions of Dos Pueblos Creek and its eastern tributary, both of which contain well developed riparian habitat. The extinction of development rights in this area is of value in helping to preserve these resources.

S-2-32

The area which was formerly referenced as Lot DP-19 has been removed from the project. It contains two Naples town site lots and two other lots. The land is not available for beach access or a trail connection through the site.

S-2-33

Section ES.3.2 of the RDEIR describes the Official Map of the town of Naples. Adoption of the Official Map did not represent development or a change in development potential, but is instead

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Section 15.0 Responses to Comments an unconditional recognition of previously existing legal lots akin to unconditional certificates of compliance. The Coastal Commission has been aware of this map's existence for 13 years and has never made this contention previously. Further, the County is not aware of Coastal Commission policy or precedent for jurisdiction over unconditional certificates of compliance. There are extensive public policy and legal considerations to an unprecedented assertion of authority over 13 year old certificates of compliance. In any event, this comment does not relate to the content of the RDEIR.

S-2-34

The RDEIR includes a discussion of the Coastal Trail in Section 8.4.4, Public Access, Trails, and Recreation. Section 9.10.1.1.4 also includes a description of the Coastal Trail in the project vicinity. The relationship between the proposed Coastal Trail segment within the project area and adjacent segments is presented clearly as Impact Rec-1 in Section 9.10.3.2 for the Alternative 1 design. Similar discussions are provided for the MOU Project in Sections 3.10.1.1.4 and 3.10.3.2.

While the intent to provide access to and along the coastal bluffs where feasible is recognized, it is not feasible along portions of the Gaviota Coast. The only completed portion of the Coastal Trail along the Gaviota Coast is the segment between El Capitan and Refugio State Beaches, a portion of which is generally along the bluffs between the two parks. The referenced Coastal Conservancy report, in its Recommendations for Action: Projects to Complete the Coastal Trail (page 49), states that projects to complete the trail would include:

Assist Santa Barbara County to design and implement pedestrian and bicycle trail improvements parallel to Highway 101 along the Gaviota Coast.

The County continues to work with property owners to provide easements and improvements for the Coastal Trail and for coastal access.

S-2-35

Impact Rec-1 in Section 9.10.3.2 describes the interconnections between the proposed segment of the Coastal Trail and the adjacent segments as proposed in other projects. As noted above in response to comment S-2-32, the private property on DPR at the Dos Pueblos Creek mouth is not available for trail connections or for public access.

S-2-36

The comment is correct in assuming that the intent of the project is to provide lateral access for public access along the foot of the bluffs and beach. These areas, and the public access improvements, are within the proposed open space conservation easement. The homeowners association will be responsible for maintenance of the improvements. The County will be named in the easement and will have the authority to enforce maintenance and other provisions of the easement.

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S-2-37

The RDEIR includes discussion of beach access in Sections 2.4.4.2 (MOU Project) and 8.4.4.2 (Alternative 1), Beach Access. The temporary impacts associated with construction of the trails and other access improvements are discussed in Impact Rec-4 (both for the MOU Project and Alternative 1). Impacts of the trail system on native grassland areas are accounted for in the larger discussion within Impact Bio-7. The particular alignment of the proposed trail system and location of the stairway to provide beach access were chosen to minimize physical changes to the environment. Existing ranch roads and trails were used as much as possible, and locations where existing trails descend along drainages were used to minimize the need for additional grading. The portion of the trail system between the proposed parking area and the top of the beach access would be accessible to people with disabilities. The proposed stairway design includes drainage improvements to collect and route runoff in a manner that will retard erosion in this area, and the proposed location provides the most favorable point for a stairway to the beach on the SBR property. Any other location on the property would entail greater modifications to the bluff face.

S-2-38

The RDEIR discusses visual impacts of beach access stairway in Impact Vis-8A and 8B in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. Based on the discussion, the visual impact of the structure would be potentially significant, but can be reduced through the use of appropriate color and texture. The size and configuration of the structure provides full access, including access for those with disabilities, to the top of the stairway and viewing platform. A smaller structure would be feasible, but would not provide the full access amenity of the project as proposed. No changes are necessary in the RDEIR.

S-2-39

The particular stairway access point was chosen since this location provides the most accessible pathway to the beach on the SBR property. Alternate beach access points might be possible within the property, but would involve a greater vertical distance from bluff top to beach. The beach along the entire property is relatively narrow, particularly at high tide, when compared to high recreational use beaches. Alternate locations within the property would not offer any recreational advantages. No changes in the RDEIR are necessary.

S-2-40

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

S-2-41

The analysis in the RDEIR (Impacts Bio-6, -10, and -16, and Mitigation Measure Bio-4) addresses potential adverse effects to beach and nearshore marine resources, and attempts to

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balance the protection of these resources with the provision of improved access facilities to increase visitor use of the coastal zone. The original Draft EIR published in 2006 contained a more extensive adaptive management approach to address this issue, which included monitoring, selective restrictions, increased public education, and other features intended to achieve the balance between resource protection and improved public access. Many groups and individuals were opposed to this approach, believing that it did not go far enough in restricting human access to and activity on the beach. In response, the RDEIR suggests a complete closure of access to the beach for a portion of the year in order to reduce the human presence and any adverse effects it may have. The closure is intended not only to minimize disturbance to the harbor seal haul out area, but also to allow for recovery or regeneration of any other resources associated with the beach, rocky subtidal zone, and Naples Reef. Simply moving the access point farther upcoast might reduce potential effects at the seal haul out area, but would not change potential effects to the beach, subtidal, and reef resources.

Beyond the seasonal closure outlined in Mitigation Measure Bio-4, no other specific timing restrictions have been proposed. It is expected, however, that the County will require that the parking area be closed at nighttime for safety and security purposes.

S-2-42

The RDEIR is based on comprehensive biological surveys. The quantification of all habitat to be removed or affected is found in Tables 3.4-1 (MOU Project) and 9.4-1 (Alternative 1), and is discussed as appropriate within various impact sections. The proposed mitigation ratio is 3:1 for all native vegetation types affected by the project. Subsequent survey work is necessary with respect to those specific resources whose occurrence or nature tends to change. These include surveys for sensitive species not found on the property but with the potential to occur (Mitigation Measures Bio-1b, Bio-2b), or found on the property but capable of changing location or configuration (Mitigation Measures Bio-5 and Bio-7).

The level of detail in the mapping of vegetation or plant communities outside of the MOU Project area (Figures 9.4-1A through E) is equivalent to that in the MOU Project area. No changes are necessary in the RDEIR.

S-2-43

The RDEIR includes reference to special-status wildlife species mapping in Sections 3.4.2.1.2 (MOU Project) and 9.4.2.1.2 Field Methods and Vegetation Mapping (Alternative 1). All parts of the project area were visited at least once during biological resources surveys, and for the Alternative 1 area the survey effort was concentrated in those portions of the site previously surveyed and which would be subject to development. Detailed information regarding the relationships between the existing native vegetation areas and the proposed configuration of lot lines, development envelopes, building footprints, access roads and driveways, and utilities where outside of roadways, is shown on Figures 9.4-1A through 9.4-1E. The physical size of these graphics was necessarily limited in the printed copies of the RDEIR, but higher resolution

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graphics were available in the electronic versions of the RDEIR. The actual impact analysis was performed using GIS tools and higher resolution files of the proposed project design. The layout of the project intentionally avoids areas of native vegetation, and places development in areas of non-native grassland or other areas such as older orchards where the potential for sensitive species occurrence is relatively lower. As described in Section ES.2, design revisions were incorporated into the project specifically to avoid or minimize development over native vegetation areas. No changes in the RDEIR are necessary.

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S-2-44

Figure 3.4-3, referenced in The comment, is a sub-regional map showing known locations of sensitive species in the vicinity of the project. Figures 3.4-1A and B (MOU Project) and Figures 9.4-1A, B, C, D, and E (Alternative 1) show the details of project design (development envelopes, building footprints, all roads and driveways, drainage, and utilities) overlaying vegetation communities and habitat areas. The project design would avoid direct impacts to sensitive species associated with mapped areas of native grassland, all riparian corridors, coastal drainages, eucalyptus windrows, and most areas of coastal scrub. No changes are necessary in the RDEIR.

S-2-45

The RDEIR addresses Monarch butterfly sites with regard to local adopted policy, CLUP Policy 9-22 and 9-23, which protects Monarch butterfly trees. Impact Bio-14 identifies potential effects on Monarch butterfly roosts, and notes that the project design was modified to provide a minimum 50 feet distance between residential development and eucalyptus groves known to be used by Monarch butterflies. Mitigation Measure Bio-7 includes additional survey and monitoring requirements and other restrictions to ensure that temporary construction effects are also mitigated. Certain sensitive raptor species are known to exist on or to use the project site for foraging, and are identified in Tables 3.4-4 (MOU Project) and 9.4-4 (Alternative 1). The project design avoids direct effects to all riparian areas and eucalyptus windrows that may be used for nesting and/or roosting by raptors. Surveys and monitoring will be necessary to ensure that noise and disturbance from construction activities do not cause significant effects. Mitigation Measure Bio-9 (Wildlife Mortality) has been expanded into 9a and 9b in order to make the pre-construction survey and management requirements explicit. No other changes in the RDEIR are necessary.

S-2-46

In the MOU Project area, the only Environmentally Sensitive Habitat Area (ESHA) mapped in the CLUP is the riparian corridor along the eastern tributary of Dos Pueblos Creek. In the Alternative 1 design, additional mapped ESHAs include Dos Pueblos Creek itself and the Monarch butterfly overwintering areas in the eucalyptus groves in the southwest portion of the Alternative 1 area. To these areas, the RDEIR identifies and adds areas of native grassland, coastal drainages, and several isolated wetlands in the southern portion of the SBR property. The

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Section 15.0 Responses to Comments EIR addresses project buffers surrounding ESHAs and Wetlands within the Local Coastal Plan policy consistency analysis, Coastal Plan Policy 9-9 and 9-37. Further discussion can be found in Impact Bio-8 and Mitigation Measure Bio-5, both of which deal with coastal wetlands. The project designs retain large areas within open space and agricultural conservation easements, in part to maintain foraging habitat for raptors in the vicinity. These are shown on Figures 2.3-2 (MOU Project) and 8.3-2 (Alternative 1).

S-2-47

All wetlands within the MOU Project boundary and the Alternative 1 limits have been identified. As explained in the discussion of Impact Bio-5, the precise boundaries of seasonal water bodies in the coastal terrace portion of the SBR property are subject to change. All other wetlands, including areas with riparian vegetation, defined stream channels, and isolated seeps associated with stream banks remain as mapped on Figures 3.4-2 (MOU Project) and 9.4-2 (Alternative 1). In the Alternative 1 configuration, wetlands are also associated with defined stream channels and riparian vegetation, as mapped on Figures 9.4-1C through 9.4-1E.

S-2-48

The comment is correct; in the Section 3.4 discussion of Wetlands and Aquatic Habitat, the update mapping of wetlands and seasonal water bodies is Figure 3.4-4. This change has been made in the Final EIR.

S-2-49

Yes, the remaining wetlands as originally mapped by SAIC associated with defined drainage courses, riparian vegetation, and isolated seeps, and shown on Figure 3.4-2, are unchanged by the updated information presented in the RDEIR on Figure 3.4-4.

S-2-50

Wetland features associated with defined drainages, including isolated seeps along the banks of the drainages (SAIC Nos. 1, 2, 3 and 5), are not addressed by and were not modified on Figure 3.4-3. Table 3.4-2 identifies every feature mapped by any of the surveys as a wetland, and Table 3.4-5 explains the disposition of each.

S-2-51

Table 3.4-5 already identifies features which are man-made intentional watering sources. These include the features noted as LHa, LHb, LH c1, and LH c2 (shown on Figure 3.4-4). None of these were mapped as wetlands by SAIC.

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S-2-52

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The RDEIR discusses Wetland delineations in Sections 3.4.2.1.3 Characterization of State and Federal Jurisdictional Waters. Wetland Delineations of the SBR property and limited portions of the DPR property were conducted by SAIC (2004, 2005) and their analysis was incorporated into this RDEIR. The discussion in the RDEIR also explains the subsequent work performed. In the coastal terrace portion of the property, the dominance of non-native facultative wetland species (Harding's grass, for example), and the peculiar soil properties present (non-hydric soils, notwithstanding their low chroma and iron mottling appearance) create an atypical situation. This special circumstance, combined with the fact that on-going agricultural activities cause conditions to change seasonally, make conventional wetland delineation difficult. As noted above in response to comment S-2-50, the other wetland areas associated with coastal drainages, riparian vegetation, and seeps within drainages were not modified by Figure 3.4-4. All of the wetland areas are addressed in Table 3.4-5. Therefore, no changes are necessary in the RDEIR.

S-2-53

All areas of new development will provide a 100-foot buffer between new construction and wetland areas. Instances where some activity or other features are within the 100-foot buffer include the following:

- Areas mapped as SIAC 1, 2, and 3, where the public access trail will be within 100 feet as noted in Table 3.4-5.
- The small wetland mapped as SAIC 4 on Figures 3.4-2 and 3.4-4, where existing improvements (the UPRR tracks) are within 100 feet.
- Small areas in the coastal terrace portion of the project where drainage improvements or grading to provide drainage may extend within the coastal drainage setbacks. No building footprints or hardscape would be located in the buffer areas.
- The identified stream crossings (SAIC 8, and the streambeds north of Highway 101 identified in Table 9.4-5 for the Alternative 1 design).

As shown in both Figure 2.3-2 (MOU Project) and 8.3-2 (Alternative 1), the undeveloped areas within the coastal terrace containing isolated wetlands would be retained in either open space conservation easements or private agricultural conservation easements. The latter would be restricted to prohibit intensive cultivation or similar uses. These areas would be allowed to continue grazing activities similar to those which exist on the property now. In this manner, the foraging value of the existing land would be retained. No changes are necessary in the RDEIR.

S-2-54

All native grassland areas have been mapped. As discussed in Section 3.4.2.2.2 (MOU Project) and Section 9.4.2.2.2 (Alternative 1), there are some areas where isolated native grasses occur within the non-native grasslands, which are not mapped but whose locations and descriptions

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S-2-55

Neither the MOU Project nor the Alternative 1 proposal involves creek diversion in excess of that which is currently permitted and occurring, and which has occurred regularly for over 60 years. The general response provided in Section 13.4 provides more information on this matter. No changes are necessary in the RDEIR.

S-2-56

This comment provides background information from the Zoning Code. While the information in The comment is accurate, it would still be reasonable to expect development on the property under the existing zoning and lot configuration. This issue is reviewed in detail as Alternative 3A, No Project with Grid Development in Section 11.4.1.2. Accessory structures would be allowed to the extent they could be accommodated within the existing 3.8 acre lots consistent with applicable coastal and comprehensive plan policies.

S-2-57

This comment repeats a policy statement, which is discussed in the RDEIR in Section 10.6.2.

S-2-58

Appendix B of the RDEIR included a copy of the draft language for the proposed Naples Planned Development (NPD) zone district. Sec. 35-xxx.2.4 as proposed states,

This zoning district shall only be applied to parcels depicted on the Official Map, provided the said district may be applied adjoining lands identified for relocation or reduction of Official Map parcels consistent with the intent of Local Coastal Plan Policy 2-13, and the agriculture and resource protection policies of the Local Coastal Plan.”

S-2-59

Table 2.3-1 (MOU Project) clearly shows that many of the proposed lots would include guest houses of 800 square feet (43 out of the 54 lots proposed). The NPD district as proposed allows for such units if consistent with an approved development plan. All building footprints, development envelopes, and other measures of the project as proposed included the guest houses as shown in submitted plans. A new guest house on a lot not initially proposed with such a structure would require amendment of that lot’s development plan, which is a discretionary action requiring review under CEQA. Thus, the analyses in the RDEIR did incorporate guest houses as proposed, and no additional such units can be developed without approval of a new

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development plan. No changes are necessary in the RDEIR. However, CEQA does not require that an EIR discuss the impacts of potential RSUs, where the development application and plans do not specifically request approval for RSUs.

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S-2-60

This comment discusses fencing requirements and does not address the analysis or conclusions in the RDEIR.

S-2-61

Within the SBR property, the only existing notable structure is the residence on Lot 132. Other minor structures include the abandoned railroad water tank on the north side of the UPRR tracks, a small shed of recent construction to represent the old “Naples Depot,” and an abandoned shed in the south of the property formerly used as part of a duck hunting club. The DPR property has been occupied and used for farming and ranching for over 100 years. A number of structures, including residences, barns, shops, equipment and storage sheds, greenhouses, and similar facilities exist. A detailed review of the permit history for each structure has not been performed by the County as part of the review for this project, but an inventory of the structures is provided in the draft Agricultural Conservation Easement language (Attachment J to the staff report prepared for the Planning Commission workshop, April 3, 2008). This comment does not relate to the contents of the RDEIR.

S-2-62

Baseline information regarding environmental resources and constraints is provided throughout the analytical sections of the RDEIR in the “Existing Conditions” discussions within Sections 3 and 9. The “reconfiguration/redevelopment” of the site under either the MOU Project or Alternative 1 is “significant” only when compared to the current pattern of uses. In fact, development under either alternative would be much less than that under the No Project alternative, which is described in Alternative 3A. Again, the baseline information regarding hazards, cultural and biological resources, etceteras, is provided throughout the RDEIR in the “Existing Conditions” discussions. Both the MOU Project and Alternative 1 are preferable to Alternative 3A since the latter would ultimately result in a greater number of residences, developed over more lots, extending over a greater area, and with less open space and agricultural conservation than the project as proposed.

S-2-63

The particular access road in question—involving Lots 103, 104, and 109—already exists. No changes in the RDEIR are necessary.

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The packaged wastewater treatment plant, proposed on Lot 167 (MOU Project) or Lot 188 (Alternative 1) would be situated as close as possible to an access road at an elevation capable of receiving wastewater from as many lots as possible via gravity feed. The proposed location is within the mapped drainage of Tomate Canada. Although SAIC mapped this particular location, as well as two others within the same drainage, as wetland, the vegetation here is uniformly non-native grassland. The slopes at this location are marked with the disturbance from the installation and removal of prior orchards, and the land is currently used for grazing. The impact analysis (Impact Bio-8) includes the wastewater treatment plant as part of the road crossing proposed at this location, and computes the area of impact based on the mapped locations of the stream bank edges (not the smaller wetland area mapped by SAIC). The total area of impact is estimated at 0.5 acre, and the required mitigation (Mitigation Measure Bio-6) includes restoration of a larger area of better quality habitat. The mitigation ratio is 3:1, and an editorial error in Section 3.4.4.4, Mitigation Measure Bio-6, has been corrected to specify revegetation of 1.5 acres of willow riparian scrub along this drainage.

S-2-65

The CLUP (Policy 9-37) states the following:

The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. The minimum buffers may be adjusted upward or downward on a case-by-case basis.

Thus, even in the coastal zone the setback of 100 feet is not universally required for streams. The County Land Use and Development Code defines a major stream as having a drainage area of 500 acres or more, and the only drainage in or near the property with such an area is Dos Pueblos Creek. For smaller streams, a setback distance of 50 feet is common.

S-2-66

The physical condition of this proposed stream crossing is discussed in response to comment S-2-64. Elimination of the access road between Lots 167 and 188 (MOU Project) or between Lots 188 and 193 (Alternative 1) would foreclose use of the southeast entrance to the property at Calle Real as an emergency access route, either for emergency service or evacuation if necessary. Since the proposed bridge would have minimal impact, which will be mitigated through the creation of a larger area of higher quality habitat, its design is appropriate. The reference to the box culvert at this location (in Impact Geol-2 for both the MOU Project and Alternative 1) has been corrected, along with other minor editorial updates in those paragraphs.

S-2-67

The impact analyses included in Tables 3.4-1 and 9.4-1 (right hand column in both tables) does incorporate very small effects anticipated from thinning vegetation for fire protection purposes.

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Since the time of preparation of the original Conceptual Fire Safety and Fuels Management Plan (2003), the State of California and County of Santa Barbara adopted regulations and guidelines to identify defensible space structures for fire management purposes. While very similar to the management procedures as proposed, the requirements are for a 30-foot inner zone, within which vegetation would be strictly cleared or selected for its fire retardant properties, and an outer zone extending to 100 feet within which vegetation would be thinned and selectively cleared according to specifications. In the vast majority of the proposed lots, the development envelope as proposed is large enough to include the 30-foot zone where strict vegetation management is required. The 30- to 100-foot zone, within which selective brush clearing is necessary and where trees must be trimmed, does extend into coastal scrub or other native vegetation areas in some instances. Impacts from clearing or thinning of native vegetation are accounted for in Tables 3.4-1 and 9.4-1, and discussed in the text as appropriate. No reduction or modifications of the fire department requirements in this regard are proposed.

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S-2-68

The description cited in The comment is simply a short-hand way to describe the open space conservation easement areas, and was not meant to imply that open space is merely left over land not suitable for other purposes. The original MOU Project and Alternative 1 submittals identified creek corridors and bluff edges and incorporated generally adequate setbacks from both. During preparation of the EIR, additional environmental resources were identified (native grasslands, wetlands, Monarch butterfly roosting areas, etc) and a detailed review of the relationships between the proposed development and these resources was performed. Several design changes were suggested and incorporated into the project. The resulting open space conservation easements grew out of this process. The private agricultural conservation easements were developed, distinct from the agricultural conservation easements, in part as a means to increase the area of foraging habitat that would be retained in the project design. Remaining land—most of which was either already in agriculture or was not proposed for any land use change—was then proposed for agricultural conservation easements.

S-2-69

Examples of existing improvements within proposed open space conservation easements include existing ranch roads, some of which would be used in the public and private trail system shown on Figures 2.3-1 and 8.3-1, existing agricultural irrigation lines (which are not shown in figures), and existing fences around the perimeter of the project site. Other improvements proposed as part of the project, but which would be “existing” from the perspective of new homeowners, include the proposed private trail system, fencing to separate agricultural from residential areas, and for some lots drainage improvements necessary to carry and discharge runoff in a safe manner. The open space easement would be irrevocable, and the County would be named and would have the ability to enforce open space easement provisions, if necessary.

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Much of this comment repeats information from the RDEIR. The types of uses/structures allowable within the ACE would be determined by the underlying zoning, which would remain AG-II-100, although the ACE places additional restrictions on uses. The reference to measures identified in Mitigation Measure Ag-1, relates both to the MOU Project (Section 3.7.4.4) and to Alternative 1 (Section 9.7.4.4). The key to understanding the “maximum level of development anticipated” lies in recognizing that all development is limited to that shown on the Coastal Development Permits (Coastal Zone) or Land Use Permits (Inland area). No additional structures or development could occur within the ACE areas in the Coastal Zone without a new Coastal Development Permit. The ACE as proposed would be irrevocable.

S-2-71

The Agricultural Resource sections of the RDEIR (Section 3.11 for the MOU Project and 9.11 for Alternative 1) only briefly mention applicable coastal policies. Chapters 4 (MOU Project) and 10 (Alternative 1) contain a more extensive discussion of policy consistency. Section 30241 of the Coastal Act is discussed in the RDEIR starting in Section 4.4.4 (MOU Project) and 10.4.4 (Alternative 1). As noted in that discussion, the Coastal Act Section 30241 deals with the conservation of prime agricultural land. Of the six criteria or procedures mentioned in the section, two involve issues directly related to the location of the urban/rural boundary in the CLUP and do not relate to this project. The remaining subsections of 30241 (c through f) deal with allowing the conversion of prime agricultural land under specific conditions, as discussed in Sections 4.4.4 (MOU Project) and 10.4.4 (Alternative 1) of the RDEIR.

The comment is wrong in saying that both proposals result in the conversion of significant areas of existing agricultural land to residential development. First, the actual areas of “conversion” measured by building footprint or development envelope are modest when compared to the size of the project. Second and more important, Coastal Act Section 30241 addresses the conversion and retention of prime agricultural land. Alternative 1 includes the new preservation of a large area of prime agricultural land, not currently protected. The analysis in the RDEIR includes details of both “conversion” and preservation in Tables 3.7-1 and 9.7-3, for the MOU Project and Alternative 1, respectively. The Coastal Commission staff perception that Alternative 3A Grid Development might result in no accessory structures or a smaller development envelope is addressed above in response to comment S-2-30. Regardless of the potential size of development envelope under a lot-by-lot approach in Alternative 3A, a greater area of agricultural land would be lost to development and there would be no mechanism to ensure retention and preservation of any agricultural land. There would certainly be no mechanism to ensure a unified management approach that would help to maximize agricultural productivity.

S-2-72

Most of this comment either repeats information from the RDEIR, or expresses opinion that does not conflict with any results or conclusions in the RDEIR. A clustered development

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alternative is analyzed in the RDEIR (Alternative 5 in Chapter 11). In general, this alternative would potentially have less impact on agriculture due to its overall smaller footprint. This alternative is undesirable for other reasons, however, and would not include the agricultural features (permanent preservation of agricultural land, uniform agricultural management, and capital facilities for agricultural production) that are in the MOU Project or in Alternative 1.

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S-2-73

The project design includes a buffer distance of 100 feet between residential use and agricultural land. Potential conflicts between the two uses are addressed in the RDEIR (Impact Ag-1 in Section 3.7 for the MOU Project, and Impact Ag-5 in Section 9.7 for Alternative 1). Additional measures, beyond the buffer distance, to reduce potential conflicts are identified in Mitigation Measures Ag-2 and Ag-3.

S-2-74

Potential hazards or contaminated soils remaining from past activities are identified in the RDEIR in Sections 3.5 and 9.5. The property is known to have been the site of past oil exploration, but no producing oil wells are believed to have been located on the property. The comment is correct in noting that detailed surveys, including subsurface sampling, have not been performed on the site. The comment is incorrect, however, in saying that any understanding of the extent of remediation is deferred. The project region has experienced a substantial amount of remediation activities associated with removal or remediation of contaminated soils remaining from exploration or production oil wells. The potential impact or constraint associated with this hazard is identified in the RDEIR, and appropriate measures to mitigate the effect at the appropriate time are identified. Subsequent work will not be deferred until an “unknown time.” Rather, the point in time prior to which the detailed investigations and/or remediation must be completed is the issuance of Land Use or Coastal Development Permits.

S-2-75

Phase II surveys involve subsurface sampling and analysis, and such investigations are required by Mitigation Measure HM-2, to be followed by the series of measures necessary to remove or remediate such soils as described in Mitigation Measures HM-3 through HM-6. Based on the historical records and the limited exploration activity on the property, the likelihood of hazardous materials being so extensive as to affect the developability of each parcel, or to require the reconfiguring of lot lines, is very low. In the unlikely event that any remediation activities require construction or operation beyond defined development envelopes or in a manner that is not consistent with approved Land Use Permits or Coastal Development Permits, then additional permits with associated CEQA review will be necessary.

S-2-76

DPR includes activities that are on record as being a generator of hazardous waste, as noted in Section 9.5. These activities included fueling operations and the handling of agricultural

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chemicals, primarily at the ranch and farming compound on the DPR south of Highway 101. Most of the development proposed in Alternative 1 is on the SBR property and on the DPR property north of Highway 101, just north of SBR—locations well removed from the ranch compound. As shown on Figure 9.5-1, several dry oil exploration wells are located in the vicinity. The development on DPR south of Highway 101 would be limited to construction of five new homes within the family property on the ranch. The RDEIR identifies the potential hazard or constraint posed by past activities; identifies appropriate steps to be taken; and links those steps to the appropriate point in time to ensure that they will be completed prior to development. Performing subsurface investigations throughout the entire property is neither practical nor necessary at present, when the County is considering project approval.

S-2-77

The estimated grading volumes for the two proposals (MOU Project and Alternative 1) have been updated in the FEIR. The total grading volume in Alternative 1 is greater than the MOU Project, and has increased since publication of the RDEIR. The major change contributing to the increased grading volume for Alternative 1 was the lowering of the pads and building elevations to minimize visual effects and to comply with recommendations by the Central Board of Architecture Review. The figures in the RDEIR have been updated to reflect the newer estimates, and they do include all grading proposed.

S-2-78

The road crossing Lots 35 and 12 is an existing ranch road, which the project will pave to provide a secondary or emergency access route for the area of the project south of the UPRR tracks. Consistent with conditions applicable to the rest of the development, there are no homes or structures proposed within 50 feet of the trees adjacent to this road. Seasonal restrictions or pre-construction surveys and monitoring will be required to minimize potential effects to any raptors, other migratory birds, or Monarch butterflies that might be present. No changes are necessary in the RDEIR.

Response to California Office of Historic Preservation Letter S-3 Dated January 23, 2008

S-3-1

This comment identifies the responsibility of the California Office of Historic Preservation (OHP) and acknowledges receipt of the Revised Draft EIR (RDEIR). The comment indicates that previous comments were not addressed in the RDEIR. All previous and current comments of OHP are addressed in General Response 13.3, as detailed below.

S-3-2

The RDEIR does, in fact, identify and evaluate all historic and cultural resources to the threshold of the California Register of Historic Places (CRHP). Specific discussions of resource

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identification and evaluation are provided in General Response 13.3.1. Additional mitigation measures to avoid and minimize impacts by redesign (relocation) are described in General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts. Additional efforts are described in General Response 13.3.4, Indirect Impacts and Avoidance. These discussions include reference to modifications that have been made to RDEIR discussions of mitigation measures in Sections 3.11.3.3 and 9.11.3.3.

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S-3-3

Project elements affecting cultural resources have been the subject of public debate and hearings and General Response 13.3, Cultural Resources, and responses to other OHP comments below address common areas of public concern. See especially General Responses Sections 13.3.1, Adequacy of Resource Identification, and Evaluation; 13.3.2, Archaeological Resources – Efforts to Avoid Impacts; 13.3.3, Project-level EIR; 13.3.4, Indirect Impacts and Avoidance; 13.3.5, Santa Barbara Guidelines Are Not the Standard; 13.3.6, SB-18 and Ethnic Concerns; and 13.3.7, The Issue of Deferred Phase II Significance Testing. These sections describe how impact assessments have been made more detailed, describe recent survey efforts to avoid and minimize impacts to archaeological resources, and describe how mitigation measures in sections 3.11.3.3 and 9.11.3.3 have been revised to place much greater emphasis on avoiding and minimizing direct as well as indirect impacts. CEQA provides that “public controversy” over environmental effects is not a factor in determining whether an effect is significant but is instead dependent on substantial evidence of significant effects (CEQA Guidelines §15064(f)(4)).

S-3-4

The comment points out that the cultural resource sections had areas of needed improvement, particularly with respect to resource identification and evaluation, impact avoidance and other mitigation measures. General Response 13.3, Cultural Resources (all sub-sections) and responses to other OHP comments described below respond to OHP comments regarding RDEIR inadequacies. These responses and changes to RDEIR cultural resource Sections 3.11 and 9.11 result in regulatory compliance and increased avoidance and minimization of direct and indirect impacts. These responses all provide references to mitigation measures identified in the RDEIR which address and comply with the specific mitigation requirements of Public Resources Code § 21083.2(a-i).

Purchase is considered fiscally infeasible and tax relief would not avoid impacts under the MOU Project and Alternative 1. Over 80 percent of land within archaeological site boundaries would be protected due to establishment of the Agricultural Conservation Easement and the Open Space Conservation Easement. Any development not identified in the site plans accompanying the Coastal Development Permits would be prohibited. Please see General Response 13.3.2.3, The Agricultural Conservation Easement and Impact Avoidance, and General Response 13.3.2.4, Land Use Planning and Restriction of Further Development.

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The comment outlines the inadequacies of resource identification, the deferral of Phase II significance testing, and lack of addressing indirect impacts. Please see General Responses Section 13.3.1, Adequacy of Resource Identification and Evaluation, Section 13.3.4, Indirect Impacts and Avoidance, and Section 13.3.7, The Issue of Deferred Phase II Significance Testing. In addition, revised mitigation measures are discussed in General Responses 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, 13.3.4, Indirect Impacts and Avoidance, and 13.3.6, SB-18 and Ethnic Concerns. RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised accordingly.

S-3-6

The commenter states that the RDEIR does not address avoidance of resources through project changes or placement of resources in the planned open space. Additional efforts made to avoid and minimize impacts by redesign (relocation) are described in General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts. Additional avoidance efforts are described in General Response 13.3.4, Indirect Impacts and Avoidance. These discussions include reference to changes that have been made to RDEIR discussions of mitigation measures in Sections 3.11.3.3 and 9.11.3.3. In addition, the Alternative 1 description has been augmented to include measures that would avoid and minimize impacts to cultural resources, particularly prehistoric villages on Dos Pueblos Ranch.

S-3-7

A new Historic Landscape Report has been prepared by an architectural historian (EDAW 2008) in response to this comment and others like it. The report indicates that there is a significant historic landscape present but the project would not have a significant impact on it. Please see General Responses Section 13.3.1.1, Historic Resource Identification and Evaluation – DPR and SBR, for discussion. The RDEIR has been revised to incorporate the results of this study (see RDEIR Sections 3.11.1, 3.11.3, 9.11.1, and 9.11.3. A copy of the report will be provided to the OHP as part of the FEIR.

S-3-8

The comment states that the determination of Rural/Historical Landscape eligibility is inadequate. Please see response to comment S-3-7.

S-3-9

The comment states that the sacred or ceremonial significance of known sites to the Chumash have not been addressed. Please see General Response 13.3.6, SB-18 and Ethnic Concerns.

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S-3-10

The comment states that the RDEIR fails to address impacts to sites of sacred or ceremonial significance. Please see General Responses Section 13.3.6, SB-18 and Ethnic Concerns.

S-3-11

The comment outlines the requirements of the Coastal Act §30244 and states that adequate mitigation measures in accord with the State Historic Preservation Officer (SHPO) and Native American Heritage Commission (NAHC) guidelines need to be developed. Please see response to comment S-3-4.

S-3-12

The comment states that the RDEIR does not assess potential impacts to cultural resources and mitigation measures are not adequately developed. Please see responses to comments S-3-3 and S-3-4

The comment states that photo documentation is inadequate as a mitigation measure in many cases. See response to comment S-3-45, below, for a discussion of resource documentation. The comment states that Phase II significance testing is not an adequate mitigation measure. Please see General Response 13.3.7, The Issue of Deferred Phase II Significance Testing.

S-3-13

The comment states that resource identification and evaluations are inadequate, and avoidance efforts are lacking. As a result, the proposed mitigation measures are also inadequate. Avoidance on significant sites has now been explored. See General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts; and 13.3.4, Indirect Impacts and Avoidance. Data inadequacies have now been addressed in General Response 13.3.1, Adequacy of Resource Identification and Evaluation. Responses to comments in letter L-2 also address related comments by the Center for Archaeological Research, California State University, Bakersfield.

S-3-14

The comment states that the RDEIR is supposed to be analyzed at the project level. Please see General Response 13.3.3, Project-level EIR. In addition, various RDEIR figures show the proposed location of developments within each development envelope. Preliminary grading, drainage, roads, and utilities maps are illustrated on Figures 2.3-1A through 2.3-1D and on Figures 8.3-1A through 8.3-1F. These figures illustrate proposed locations of individual house sites, garages, out buildings, house pads constructed by cut and fill, buried utilities, leach fields, and so on. In addition, typical elevations and plan views of house sites are provided in Figures 2.3-3A through 2.3-3D.

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Section 15.0 **S-3-15**

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The comment states that avoiding project impacts to cultural and historical resources by placing them in planned open space has not been discussed. Most of SBA-78 and -79 would be incorporated into the proposed Agricultural Conservation Easement (see Figure 8.3-2) and all of SBA-144 and most of SBA-77 would be incorporated into the proposed Open Space Conservation Easement (see Figure 2.3-2). Please see General Responses Section 13.3.2.3 and Section 13.3.2.4 for a discussion on Conservation Easements and Land Use Planning.

S-3-16

The comment states there is no provision for preventing future vandalism. Please see General Response 13.3.4, Indirect Impacts and Avoidance, for a discussion on Unauthorized Artifact Collection (Vandalism).

S-3-17

The comment states that the cultural resource sections had areas of needed improvement. Please see General Response 13.3.1 for a new discussion on Adequacy of Resource Identification and Evaluation. General Response 13.3.1.1.2 addresses the question of whether a district exists. General Response 13.3.2 includes a description of recent identification efforts (field survey and mapping) within and adjacent to proposed development areas in SBA-78 and -79. The comment ends with the opinion that recirculation should be conducted. General Response 12.4 addresses this issue.

S-3-18

The comment states the DEIR does not appear to evidence that identification and evaluation of historical and cultural resources has occurred to the standards of the California Register of Historical Places. The comment is addressed in General Responses Section 13.3.1, Adequacy of Resource Identification and Evaluation. A discussion in response to The comments is made in Sections 13.3.1.1 and 13.3.1.2. In regards to mitigation measures, RDEIR Sections 3.11.3.3 and 9.11.3.3 have been augmented to incorporate additional measures, including those mentioned in CEQA Statute 21083.2(b). Please also see mitigation measures discussed in General Responses 13.3.2, Archaeological Resources-Efforts to Avoid Impacts, and 13.3.4 for a discussion of measures designed to avoid and minimize indirect impacts.

S-3-19

The comment summarizes the broad outline of the project description. No specific comment is made on the content of the RDEIR.

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S-3-20

The comment summarizes the general purposes of an EIR and the responsibilities of each public agency. No comment concerning specifics in the RDEIR is made

S-3-21

The comment summarizes CEQA guidelines in regards to determining the significance of impacts on historical and unique archaeological resources. No comment concerning specifics in the RDEIR is made.

S-3-22

The comment suggests that the identification and evaluation of cultural resources has not occurred. As a result, The comment states that impacts have not been addressed and mitigation measures are not adequate. Please see General Response 13.3.1, Adequacy of Resource Identification and Evaluation, for additional clarifying information. Impacts and mitigation measures are also addressed in General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4, Indirect Impacts and Avoidance. RDEIR Sections 3.11.3.3 and 9.11.3.3 have been augmented to incorporate these additions and changes to mitigation measures. These measures are considered feasible and collectively reduce impacts below significance.

S-3-23

The comment states that impacts to cultural resources has not been addressed, and mitigation measures are inadequate because they are based on incomplete resource identification and evaluation. Please see response to comment S-3-22.

S-3-24

The comment asserts that the County of Santa Barbara criteria are immaterial to CEQA. Please see General Response 13.3.5, Santa Barbara County Guidelines Are Not the Standard.

S-3-25

The comment states that Dos Pueblos Ranch (DPR) has not been adequately identified and evaluated for historical resources. Please see General Response 13.3.1.1, Historical Resource Identification and Evaluation-DPR and SBR.

S-3-26

The comment states that Santa Barbara Ranch (SBR) has not been adequately identified and evaluated for historical resources. Please see response to comment S-3-25.

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Section 15.0 **S-3-27**

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The comment notes the lack of identifying a historic district. Please see General Responses Section 13.3.1.1.2, Determination of a Historic District.

S-3-28

The comment states that an evaluation of historic buildings as potential district-contributors has not occurred. Please see response to comment S-3-27.

S-3-29

The comment notes the lack of historical evaluation on the water wells and 40 oil and gas wells on the Dos Pueblos and Santa Barbara Ranch properties. Please see General Response 13.3.1.1.3 for a discussion of Water Wells and Oil and Gas Wells.

S-3-30

The comment notes the lack of discussion on the potential existence of a cultural landscape. Please see General Response 13.3.1.1.1 for a discussion of the Determination of a Rural/Historical Landscape.

S-3-31

The comment states that the RDEIR failed to address the historical resources as a whole. Please see General Responses 13.3.1.1.1 and 13.3.1.1.2 for a discussion of a rural landscape and a historic district.

S-3-32

The comment states that Page 18 is missing from the printed report, and therefore lacks further discussion on historical themes. Page 18 of the Nye (2005) historic resource report, includes a discussion of the Transportation theme. URS can provide a copy if requested.

S-3-33

The comment states that DPR forms and trinomials are missing. The Nye historic resource report does not include DPR forms or trinomials. Mitigation measure Cultural-1 (Section 3.11.3.3) and measure Cultural-3 (Section 9.11.3.3) have been revised to recommend completing DPR forms and trinomials even though the historic resources described are now avoided.

S-3-34

The comment indicates that the Phase I survey arrives at very narrow resource identifications but does not provide specifics. It is believed that the reference is to the issues of whether the project area contains a rural historic landscape and a historic district. Please see General

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Responses 13.3.1.1.1 and 13.3.1.1.2 for discussion of these topics. Please also see General Response 13.3.5, Santa Barbara County Guidelines Are Not the Standard.

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S-3-35

The comment lists references to three circulated reports. This comment makes no specific statement in regard to the EIR.

S-3-36

The comment states that the reports only address sites CA-SBA-77 and -144. Please see General Responses Section 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144. That section identifies a number of relevant archaeological studies of SBA-78 and -79 that were not previously considered in the RDEIR, including survey and testing projects conducted in 1979 and URS survey and mapping completed for this project in 2008.

S-3-37

The comment accurately cites Carbone's July 2005 report. However, the RDEIR addresses the site's significance in terms of criteria for listing in the California Register (see RDEIR Section 3.11.1.1.6).

S-3-38

The comment states the RDEIR lacks information on current archaeological evaluations of CA-SBA-78 and -79. Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144. That section identifies a number of relevant archaeological studies of SBA-78 and -79 that were not previously considered in the RDEIR, including survey and testing projects conducted in 1979 and URS survey and mapping efforts completed for this project in 2008.

S-3-39

The comment states that the EIR has not addressed whether potentially impacted sites qualify as significant under CEQA. The RDEIR determines that all resources qualify as significant under CEQA because they appear to be eligible for listing in the California Register (see Sections 3.11.1.1.6 and 9.11.1.1.6). Please also see General Response 13.3.1 (and all sub-sections) for a discussion of Adequacy of Resource Identification and Evaluation.

S-3-40

The comment outlines current CEQA and Public Resource Code Guidelines. Santa Barbara County Guidelines references to CEQA are out of date. The comment is correct, although that fact does not affect the substance of the impact assessment or mitigations.

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The comment states that the EIR contains a faulty interpretation of CEQA guidelines in regards to evaluating cultural resources because it relies on Santa Barbara County standards. Please see General Responses Section 13.3.5, Santa Barbara County Guidelines Are Not the Standard.

S-3-42

The comment questions the difference in meaning between “no direct impact” vs. “will not be directly affected.” No direct impact to SBA-77, -78, -79, and -144 means the project would not directly affect the ground within the boundaries of the sites. There is no substantive difference between this statement and one that states the sites would not be directly affected.

S-3-43

The comment states that discussion of indirect impacts is lacking. Please see General Responses Section 13.3.4, Indirect Impacts and Avoidance.

S-3-44

The comment states that the EIR does not detail impacts to the Naples Railroad Depot Complex, the Water Tower, Langtry Avenue, and the Historic El Camino Real/Stage Coach Highway. RDEIR Section 3.11.3.2 incorrectly states that the Naples Railroad Depot Complex and Water Tower would be affected. The road once proposed in the DEIR distributed in 2006 to run along the southern edge of Lot 69 was relocated to the northern edge (see RDEIR Figure 2.3-1A). This relocation, proposed before the November, 2007 RDEIR was distributed, was implemented to avoid all cultural resources. RDEIR Section 3.11.3.2 clearly identifies that proposed changes to Langtry Avenue and the Historic El Camino Real/Stage Coach/Highway 101 Fragment consist of widening and paving. Bulleted items at the beginning of that section indicate these changes will not affect their historic alignments and that no significant features will be affected. As a result, impacts are expected to be less than significant. Nonetheless, although not required for less than significant impacts, mitigation measures are suggested. Unfortunately, this clear wording is not reflected in the subsection entitled Impact Cultural-1, wherein the impacts are described as significant but mitigable (Class II) with additional recordation. As a result, RDEIR Impact Cultural-1 in RDEIR Section 3.11.3.2 has been revised to reflect a less than significant impact and Mitigation Measure Cultural-1 has been re-written to indicate that preparation of DPR forms for these two resources is suggested but not required. These changes have been carried through to the relevant Alternative 1 RDEIR Sections 9.11.3.2 and 9.11.3.3.

Similarly, although the bulleted items at the beginning of Section 3.11.3.2 correctly indicate the Naples Railroad Water Tower would not be directly affected, Impact Cultrual-1 erroneously indicates it would be affected by construction activities. To correct this, RDEIR Impact Cultural-1 in Section 3.11.3.2 has been revised to reflect a less than significant impact and Mitigation Measure Cultural-1 in Section 3.11.3.3 has been rewritten to indicate that preparation

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of DPR forms is suggested but not required. These changes have been carried through to the relevant Alternative 1 RDEIR Sections 9.11.3.2 (Impact Cultural-3) and 9.11.3.3 (Mitigation Measure Cultural-3).

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The comment also indicates there have been no alternatives that would incorporate the sites into the project or avoid impacts. In fact, most of SBA-78 and -79 would be incorporated into the proposed Agricultural Conservation Easement (see Figure 8.3-2) and all of SBA-144 and most of SBA-77 would be incorporated into the proposed Open Space Conservation Easement (see Figure 2.3-2). Please see General Response 13.3.2.3 for a discussion on Conservation Easements, and 13.3.2.4 regarding Land Use Planning. For additional discussion of avoidance efforts and related mitigation measures, please see General Responses 13.3.2, Archaeological Resources – Efforts to Avoid Impacts; 13.3.4, Indirect Impacts and Avoidance; and 13.3.6, SB-18 and Ethnic Concerns. RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised accordingly.

S-3-45

While in certain circumstances resource documentation does not mitigate demolition to a less than significant level, demolition of a CEQA historical resource would not occur, as described in response to comment S-3-44. That is, none of the historical resources would be significantly affected and mitigation is not required.

Please see General Response 13.3.7, The Issue of Deferred Phase II Significance Testing that agrees with The comment that significant evaluation is a necessary task required during the CEQA process.

S-3-46

The comment is addressed in General Response 13.3.1, Adequacy of Resource Identification and Evaluation. A discussion of The comment's concerns follows in General Responses 13.3.1.1 through 13.3.4. Also see responses to comments S-3-5 and S-3-6.

The comment states that mitigation may not be deferred to the future but this is probably a misstatement because mitigation can only happen after the EIR is certified.

S-3-47

This comment was made in the 2006 OHP letter and references direct impacts that have now been avoided by project changes and corrections:

- Lot 13 is not located in a way that would affect the Dos Pueblos Ranch Headquarters. The two are physically and visually separated by a creek and its associated tall trees.
- The Naples Town site is similarly avoided as it is separated from proposed residential development by creeks, tree, and roads. In addition, the Naples Town site will be protected from future development as it is within the proposed Agricultural Conservation Easement (ACE).

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Section 15.0 Responses to Comments The historic Highway 101/El Camino Real/stage coach road fragment would be widened and paved. These resources are significant as historic transportation alignments and the project would not change the alignments and significant impacts are not expected. Please see response to comment S-3-44, second paragraph. Finally, RDEIR Sections 3.11.3.2 and 9.11.3.2 have been augmented with more specific and detailed descriptions of potential impacts.

S-3-48

The comment states that Phase II testing to determine significance of CA-SBA-78 and -79 is inappropriate mitigation. In addition, The comment suggests that resource documentation of the Dos Pueblos Ranch Headquarters Complex is inadequate mitigation for demolition. Please see General Responses Section 13.3.7 for a discussion on the Issue of Deferred Phase II Significance Testing. The comment is incorrect in stating that the Dos Pueblos Ranch Headquarters Complex would be demolished or otherwise directly disturbed.

S-3-49

The comment states that mitigation measures are inadequate because they are based on insufficient resource identification and evaluation. Please see response to comment S-3-46.

S-3-50

The comment asserts that references to project-level impacts are vague. Please see General Response 13.3.3, Project-level EIR. In addition, various RDEIR figures show the proposed location of developments within each development envelope. Preliminary grading, drainage, roads, and utilities maps are illustrated on Figures 2.3-1A through 2.3-1D and on Figures 8.3-1A through 8.3-1F. These figures illustrate proposed locations of individual house sites, garages, out buildings, house pads constructed by cut and fill, buried utilities, leach fields, and so on. In addition, typical elevations and plan views of house sites are provided in Figures 2.3-3A through 2.3-3D. Finally, RDEIR Sections 3.11.3.2 and 9.11.3.2 have been augmented with more specific and detailed descriptions of potential impacts.

S-3-51

The comment states that the EIR is not a project-level CEQA document. Please see response to comment S-3-50.

S-3-52

The comment notes the lack of discussion on SB-18 and Native American consultation. Please see General Responses Section 13.3.6 for a discussion of SB-18 and Ethnic Concerns.

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S-3-53

The comment reiterates the RDEIR’s need to apply the standards of the California Register as required by CEQA. Please see response to comment S-3-22. The comment recommends the Cultural Resource sections of the RDEIR be re-issued. Please see General Response 12.4, Recirculation of EIR – Not Required.

S-3-54

The input regarding download times for the RDEIR materials made available on the internet is appreciated and efforts will be made to improve download times for future documents. It should also be noted that CDs of the entire document, including all figures and appendices, are available upon request.

Response to State of California Resources Agency, Department of Parks and Recreation Letter S-4 Dated January 22, 2008

S-4-1

This comment provides the State of California Department of Parks and Recreation’s mission to ensure the preservation of the State’s diversity, protecting its natural and cultural resources and for creating opportunities for high quality outdoor recreation within the Channel Coast District park units. As depicted on Figures 2.1-1 and 8.1-1 of the RDEIR, the nearest public land under State Parks is located at El Capitan State Park, which is approximately 2.0 miles and 1.5 miles west of the MOU Project and the Alternative 1 configuration, respectively. This comment introduces the Department’s concerns regarding potential impacts to historic resources and increased human presence associated with implementation of the project. Each comment is addressed below.

S-4-2

As stated in The comment, Government Code 51182(a)(2) defines limits to vegetation clearing to be measured from the “occupied structure” or “occupied dwelling”. Therefore, Impact Bio-2 does not need to be revised to refer to “habitable structures.”

S-4-3

This issue is addressed in Impact Bio-7 (Executive Summary and Section 3.4) and mentioned in Impact Bio-1 (Executive Summary, Sections 3.4 and 9.4).

The RDEIR states that vegetation management for fire protection purposes does not require the clearing of grass vegetation, but does require that grass height be kept below four inches within 30 feet of structures during the fire season. This fire protection vegetation management practice would cause periodic and temporary affects to native grasslands. An estimated total of 0.22 acre

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Fire management of areas 30 to 100 feet from structures shall conform to Government Code 51182 and Public Resources Code 4291, which state that “Grass and other vegetation located more than 30 feet from the dwelling or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.”

In addition, as discussed in Mitigation Measure Bio-1a (included in the Executive Summary, Section 3.4, and Section 9.4), the proposed project would revegetate native grasslands at a ratio of 3:1 for the area of native grassland that may be affected by other aspects of the project.

S-4-4

As described in Section 2.0, Project Description – MOU Project, and Section 8.0, Description – Alternative 1, buildings and structures would be located within each lot’s development envelope. Areas within 30 feet of each structure, which would be maintained for fire protection purposes, would also be included within each lot’s development envelope. No native grassland is expected to be impacted by fire protection activities in the MOU Project or the Alternative 1 design.

S-4-5

The State of California Department of Parks and Recreation recommends that a biological monitor or a person knowledgeable of native plants be present during grassland thinning activities. Mitigation Measures Bio-1Aa and Bio-1b, which include implementation of the Open Space and Habitat Management Plan (OSHMP) to preserve and enhance native grassland areas, are expected to reduce potential impacts to native grassland habitats to less than significant levels.

S-4-6

The State of California Department of Parks and Recreation’s recommendation to treat non-native plant communities according to the recommendation of the Santa Barbara County Weed Management Area will be considered for incorporation into the Open Space and Habitat Management Plan (OSHMP), which is included in Mitigation Measure Bio-1a.

S-4-7

This issue is addressed under Impact PS-5 (Section 3.15 [MOU Project] and Section 9.15 [Alternative 1]), which discusses the applicant’s Conceptual Fire Safety and Fuels Management Plan (Fire Management Plan). The Fire Management Plan prescribes fire-prevention strategies pertaining to building requirements and design, material use, fuels management, etc., consistent with Santa Barbara County Fire Department guidelines for residential developments in high fire hazard areas.

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S-4-8

Please refer to response to comment S-4-7. In addition, fuel modification activities shall be limited to those described in Sections 3.4 and 9.4. The State of California Department of Parks and Recreation’s recommendation to require homeowners to clear debris, flammable non-native ornamental shrubbery and other flammable material from within their property boundaries prior to vegetation modification in native natural areas is addressed in the applicant’s Fire Management Plan.

S-4-9

The Department recommends an additional notify property owners of fire prevention requirements. Every property owner is required to comply with state and local guidelines related to providing a mandatory defensible space for fire protection purposes around all structures. An Additional notice to property owners as suggested in this comment is not necessary. Additionally, the property purchase agreement shall include a recommendation to participate in the “Fire Safe Program” through the Santa Barbara Fire Safe Council during the annual homeowner education program regarding wildfires.

S-4-10

The RDEIR proposes Mitigation Bio-9 in sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1), which entails providing public education regarding cat predation on wildlife, the importance of birds in the habitat, and measures to implement to reduce or avoid negative human and domestic pet interactions with wildlife.

S-4-11

The State of California Department of Parks and Recreation recommends annual beach monitoring to assess the condition of the resources and ensure adequate protection and effectiveness of beach closure. Mitigation Bio-4 states that “P&D and a qualified local biologist approved by the County shall monitor Plan compliance throughout the performance period, as appropriate.” Therefore, no changes are needed.

This comment also relates to the enforcement of the beach closure and no-dog policy issue. Mitigation Bio-4 states that “Responsibility for supervising access and communicating the access restrictions to the public shall be borne by the applicant or subsequent manager and Homeowners Association. Prohibitions or requirements that would affect the homeowners association or the activities of future owners and residents, as identified in the various actions of the OSHMP, shall be incorporated into the CC&Rs prepared for the project.” The text for Mitigation Bio-4 has been modified to add that the area should be included on the route of law enforcement or other security personnel to enforce beach closure and no-dog policies.

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The project acknowledges the State of California Department of Parks and Recreation's support for the Project's development of the Coastal and De Anza trail segments, which would enable better access and facilities to this portion of the coastline than currently exists. No additional response is necessary.

S-4-13

This comment states that the recreational experience of the Gaviota Coast will be negatively impacted due to the change in visual character resulting from the project. The RDEIR recognizes the change in visual character as a significant and unavoidable impact that would result from the project (Impact Vis-0). No further response is needed.

S-4-14

Please refer to the Cultural Resources General Response 13.3, which addresses potential impacts of the construction activities to cultural resources. The comment also states that special consideration should be given to protect cultural and historic resources and the areas surrounding them, to preserve the possibility of future interpretive programs or other educational opportunities. The project does not propose public access to areas where extensive cultural resources have been identified and encountered. As noted in General Response 13.3.1.1, the proposed project would not affect the historic rural landscape setting, thus no mitigation is necessary.

S-4-15

This comment summarizes the State of California Department of Parks and Recreation's concerns regarding the project's potential impacts to the natural environment and to the cultural history and values of the Gaviota Coast area, addressed in the responses above.

Response to Department of Conservation Letter S-5 Dated January 22, 2008

S-5-1

This comment provides a summary of information presented in the RDEIR describing the MOU Project, and does not raise any issues regarding the content of the document.

S-5-2

This comment provides a summary of information presented in the RDEIR related to the Alternative 1 design, and does not raise any issues regarding the content of the document.

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S-5-3

The RDEIR discusses agricultural land protection in Sections 3.7.2 (MOU Project) and 9.7.2 (Alternative 1), Regulatory Framework.

The particular language addressed by The comment occurred in Sections 3.7.2.1 (MOU Project) and 9.7.2.1 (Alternative 1), which referenced Department of Conservation policies or guidelines related to defining impacts and mitigation. As noted in The comment, requirements to define impacts and mitigation stem from CEQA. The language has been revised to eliminate the reference to Department policies or guidelines.

CEQA does require that agencies mitigate significant impacts. However, CEQA, including CEQA case law, does hold that any amount of conversion of agricultural use to non-agricultural use is considered a significant impact. Further, CEQA does not require that less than significant impacts be mitigated. The EIR identifies the appropriate CEQA criteria recommended in the CEQA checklist and Santa Barbara County adopted significance thresholds in Sections 3.7.2, 3.7.3.1 (MOU Project), 9.7.3, and 9.7.4.1 (Alternative 1). Regarding conversion, Impact Ag-3 discusses the conversion of agricultural lands and the offsetting of that conversion by the dedication of additional lands for agricultural conservation easement that is provided for in the project description.

S-5-4

This comment clarifies that the placement of land in an Agricultural Conservation Easement (ACE) as part of a Williamson Act Contract exchange is a mechanism used in lieu of paying contract cancellation fee penalty to the State General Fund. The text of the FEIR has been revised in Section 9.7.2 to include this clarification.

S-5-5

The discussion in Section 9.6.4 is related to the interrelationship of approvals between the County and the California Coastal Commission. Section 8.9.2 in the Alternative 1 Description identifies the role of the Department of Conservation in reviewing and approving the Williamson Act - ACE Easement Exchange. The language in this section has been modified to explain the Department's role more clearly.

S-5-6

Section 8.9.2 has been modified to describe the Department of Conservation role more accurately.

S-5-7

The Final EIR has been modified in Section 9.7.1 (Alternative 1) to identify the authority of the Department of Conservation to enforce the provisions of an ACE.

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Section 15.0 **Response to California Department of Fish and Game Letter S-6 Dated January 22, 2008**
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S-6-1

This comment reports the MOU Project information from the RDEIR which pertains to The comment letter's subsequent questions regarding biological resources. While a portion of the California Department of Fish and Game (CDFG) comments reference the MOU Project only, for completeness and relevance to the subject areas, the corresponding responses also address the Alternative 1 configuration in addition to the MOU Project.

S-6-2

CDFG summarizes information from the RDEIR regarding the potential project impacts to habitats and wildlife and presents a generalized and shortened list of the project's proposed mitigation measures. CDFG's statement regarding the loss of coastal scrub as a result of the project is inconsistent with the current information contained in the RDEIR. As shown in Table 3.4-1 in Section 3.4.2.2.2 of the RDEIR, the project's impact to coastal scrub is 0.32 acre, and not 1.11 acres, as stated in CDFG's comment.

All of the Federal and State special-status wildlife species listed in this comment were evaluated in the RDEIR, see Sections 3.4.3 (MOU Project) and 9.4.3 (Alternative 1), and Tables 3.4-4 (MOU Project) and 9.4-4 (Alternative 1). Based on the RDEIR analysis, not all of the special-status species listed in The comment would be potentially affected by the project. See response to comment S-6-9 below for a review of how potential effects and mitigation measures are addressed for individual sensitive species.

S-6-3

This comment states the CDFG's role as Trustee Agency with jurisdiction over natural resources affected by the project and as a Responsible Agency over those aspects of the proposed project that would be under the purview of the Fish and Game Code Section 1600 et seq.

S-6-4

In this comment, CDFG states that Santa Barbara County's standards (from the Santa Barbara County Environmental Thresholds of Significance Report [2002]) have not been correctly applied in the RDEIR's assessment for native grasslands in the project area. According to CDFG, the RDEIR fails to include all native grassland species in its calculation of total relative cover. Based on thorough review of the SAIC 2004 biological report, the criteria for native grasslands were applied correctly by the authors of the SAIC report. The SAIC report explicitly states that both native grasses and native herbaceous grassland species were included in the percentage cover calculations. SAIC had used calibration transects to determine percent cover of "native grassland species" in identified areas, then sampled within native grassland polygons using point-intercept (hit/miss) method to confirm greater than 10 percent relative cover of

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“native grassland species,” as per the County of Santa Barbara threshold. All areas of “native grassland species” greater than 0.25 acre were mapped, and are reported in Table 3.4-1 Section 3.4.2.2.2 of the RDEIR. Only non-native grasses, other non-native species, bare ground, and thatch were counted as “misses” in the percentage cover calculations (SAIC 2003).

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S-6-5

The list, on page 3.4-9 of the RDEIR, of native herbaceous species found and counted within native grassland areas was not exhaustive. The additional native herbaceous species, on page 3.4-10, more commonly found in non-native grassland areas, were also considered in the mapping of native grasslands. The text of the Final EIR has been modified to clarify this issue in Sections 3.4.2.2.2 and 9.4.2.2.2.

S-6-6

Please refer to General Response 13.4, Water Supply – Issue of Potential Creek Diversions. The water system described is part of the existing baseline conditions and will not be affected by the project. The comment also states that the RDEIR fails to acknowledge applicable sections of the Fish and Game Code related to water diversion. This issue is addressed in response to comment S-6-7.

S-6-7

This paragraph cites Fish and Game Code Section 5937. This and related water code sections may apply to the existing water supply systems, but those systems are not part of the project and will not be affected by it. Therefore, there is no increased water usage or diversion as assumed in The comment. General Response in Section 13.4 provides more information on this issue.

S-6-8

The FEIR has been corrected to identify the Dos Pueblos Creek as designated critical habitat for southern steelhead (*Oncorhynchus mykiss*). As discussed in Sections 3.4.2.3.6 and 9.4.2.3.6, and Section C.2.2 in Appendix C of the RDEIR, southern steelhead (*O. mykiss*) may have historically used Dos Pueblos Creek as a spawning stream. However, lower reaches of the watercourse now contain several barriers to upstream and downstream migration, such as: a) several hundred feet of the lower stream course has been channelized with concrete; b) the former terminal lagoon, which may have provided nursery habitat for young steelhead, has been modified by pipelines and pumps for a commercial shellfish farm; c) at-grade stream crossings for ranch roads; d) culverts and a drop structure beneath Highway 101; and e) construction of an in-channel reservoir in the unnamed eastern tributary of Dos Pueblos Creek. Therefore, while Dos Pueblos Creek is designated as a critical habitat for the southern steelhead, the creek, at least above Highway 101, does not support migrating steelhead.

Tables 3.4-4 and 9.4-4 of the RDEIR indicate that a rainbow trout was observed in Does Pueblos Creek. As stated in Section C.2.2 in Appendix C of the RDEIR as well as the CDFG

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comment letter, CDFG has stocked rainbow trout (*O. mykiss*) in the main stem of Dos Pueblos Creek in the past. While the origin of the observed rainbow trout is not known (i.e., the trout may be of either native or hatchery origin), analysis of the project area indicates that the ocean-going southern steelhead have no means of using Dos Pueblos Creek. The project's potential impacts to Dos Pueblos Creek are described in Impact Bio-4 (Sections 3.4.4.2.1 and 9.4.4.2.1 of the RDEIR), Impact Bio-13 (Sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR), and Impact WQ-1 (Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR). Corresponding mitigation measures are addressed in Impact Bio-21 (proposed Open Space Conservation Easement [OSCE] with implementation of the associated Open Space Habitat Management Plan [OSHMP]); and mitigations WQ-1a through WQ-1c, and WQ-2 (Sections 3.3.3.4 and 9.3.3.4 of the RDEIR). The project would result in permeable surfaces well below County thresholds for water quality impacts. In addition, implementation of the proposed mitigation measures would further reduce project effects. No modification of the Dos Pueblos Creek channel or surrounding riparian areas would occur as a result of the proposed project.

S-6-9

The RDEIR addresses each species, analyzes the project's potential impact to the specie and its habitat, and when applicable, proposes feasible mitigation measures to reduce potential significant impacts to less than significant levels, as follows.

The project's potential impact to the southern tarplant (*Centromadia parryi australis*) is described in Impact Bio-1 in Sections 3.4.4.2.1 and 9.4.4.2.1 of the RDEIR. As indicated, the project's potential impacts to special-status plants associated with grassland habitats are expected to be significant, but feasibly mitigated through implementation of Mitigation Measures Bio-1a and Bio-1b in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR.

The RDEIR addresses potential impacts to Nuttall's scrub oak (*Quercus dumosa*) and black flowered figwort (*Scrophularia atrata*) in Impact Bio-1 and Impact Bio-2, in Sections 3.4.4.2.1 and 9.4.4.2.1. The proposed project's potential impacts to special-status plant species due to development activities and vegetation thinning in coastal scrub are considered significant, but feasibly mitigated with Mitigation Measures Bio-2a and Bio-2b in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR.

As described in Impact Bio-11 in Sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR, the project's potential impact to the white-tailed kite (*Elanus leucurus*) would be considered significant, but feasibly mitigated through Mitigation Measures Bio-1a, Bio-2a, and Bio-9, in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR. The project design was also revised in the area south of Highway 101 to provide larger and more contiguous areas of grassland. The Private Agricultural Conservation Easement (PACE) proposed in these areas will prohibit intense cultivation and maintain existing grazing grasslands. Additionally, as reflected in the Final EIR, Mitigation Measure Bio-9 has been revised to include pre-construction surveys to protect potentially occurring special status species and nesting birds.

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The California red-legged frog (*Rana aurora draytonii*) is addressed in Impact Bio-13 in Sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR. The project's potential impacts to aquatic wildlife are considered significant, but feasibly mitigated to a less than significant level through implementation of Mitigation Measures WQ-1a through WQ-1d in Sections 3.3.3.4 and 9.3.3.4 of the RDEIR. Mitigation Measure Bio-9 has also been clarified to identify pre-construction surveys and management steps to avoid potential effects.

Impact Bio-14 in Sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR addresses the project's potential impacts to the Monarch butterfly (*Danaus plexipus*). The proposed project has the potential to significantly impact Monarch butterflies; however, the project's effects would be feasibly mitigated with implementation of Mitigation Measure Bio-7 in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR.

The RDEIR addresses the project's potential impacts to the southwestern willow flycatcher (*Empidonax traillii extimus*) in Impact Bio-15, in Sections 3.4.4.2.3 and 9.4.4.2.3. The project's potential impacts to riparian and hole-nesting birds by attracting cowbirds and starlings are considered significant, but feasibly mitigated through implementation of Mitigation Measure Bio-8 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR).

Impact Bio-5 in Sections 3.4.4.2.3 and 9.4.4.2.3 in the RDEIR pertains to the project's potential impacts to vernal pool fairy shrimp (*Branchinecta lynchi*). In order to avoid disturbance to jurisdictional waters, wetlands, and seasonal water bodies, the project would implement Mitigation Measure Bio-5 (Sections 3.4.4.4 and 9.4.4.4 in the RDEIR), which modifies the project design to avoid direct impacts to wetlands and seasonal water bodies, and requires the project to provide a minimum 100-foot buffer from all delineated wetlands as a condition of issuance of a Coastal Development Permit (CDP) or Land Use Permit (LUP). Additionally, Mitigation Measures Bio-9 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR) and WQ-1a, WQ-1b, and WQ-1c (in Sections 3.3.3.4 and 9.3.3.4 of the RDEIR) would minimize the project's potential impacts to water quality and the branchiopod habitat to acceptable levels.

As described in response to comment S-6-8, the proposed project would not involve any modification to Dos Pueblos Creek or the adjacent riparian areas, and potential impacts to southern steelhead (*O. mykiss*) would be limited to minor indirect effects related to limited development within the watershed. These impacts would be mitigated by Mitigation Measures WQ-1a and WQ-1b (Sections 3.3.3.4.3 and 9.3.3.4.3) identified in the RDEIR.

S-6-10

Based on this comment, pre-construction surveys for the California red-legged frog, burrowing owl (*Athene cunicularia*), coast horned lizard (*Phrynosoma coronatum frontale*), Coast range newt (*Taricha torosa torosa*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), silvery legless lizard (*Anniella pulchra pulchra*); San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and the San Diego desert woodrat (*Neotoma lepida intermedia*) will be performed. Mitigation Measures Bio-9 in Sections 3.4.4.4 and 9.4.4.4 of the Final EIR has been modified in response to this comment.

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Section 15.0 **S-6-11**

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Pre-construction surveys for the species listed in response to comment S-6-10 will be performed according to the conditions provided in this comment. This pre-construction survey mitigation measure appears in Mitigation Measure Bio-9, in Sections 3.4.4.4 and 9.4.4.4 of the Final EIR

S-6-12

In response to this comment, Mitigation Measure Bio-9 in Sections 3.4.4.4 and 9.4.4.4 of the Final EIR has been modified to include the recommended mitigation for impacts to nesting birds as part of Mitigation Measure Bio-9a.

S-6-13

In this comment, CDFG disagrees with the RDEIR's assessment that no additional feasible measures exist to mitigate the cumulative loss of coastal terrace grassland habitat, as stated in Impact Bio-22 in Sections 3.4.4.3 and 9.4.4.3. CDFG also states that the Dos Pueblos Ranch contains 1,327 acres of high conservation value habitat, according to CDFG's Gaviota Coast Conceptual Area Protection Plan, and has also been identified as having high priority for conservation in the Conception Coast Project's (a nonprofit organization) Regional Conservation Guide.

The cumulative impact Bio-22 focuses primarily on the relatively higher value non-native grassland occurring on the coastal terrace portions of the Gaviota Coast. In this context, "relatively higher value" involves comparison to the foraging value of similar non-native grassland that occurs extensively on the Gaviota Coast on the north side of Highway 101 extending into the hillsides. The comment's suggestions regarding additional mitigation measures involving preservation of more non-native grassland warrant two responses: (1) preservation of non-native grassland covering the inland areas of the Gaviota Coast would not offset the loss of the coastal terrace grasslands, which are the topic of the cumulative impact Bio-22, and (2) the particular reports cited in The comment either do not address this habitat type (the Conception Coast Project Regional Conservation Guide that focuses primarily on steelhead habitat), or do not provide guidance or implementation for any habitat conservation (Gaviota Coast Conceptual Area Protection Plan, an unpublished and unavailable document).

The comment is correct, however, in recognizing that there are some areas of non-native grassland that have been preserved along the Gaviota Coast. The referenced non-native grassland on the Dos Pueblos Ranch, characterized by The comment as "...high conservation value habitat..." is within the boundaries of the Alternative 1 design discussed in Volume 2 of the RDEIR. Summarizing from Table 9.4-1, there are about 942 acres of non-native grassland mapped in Alternative 1. This value is somewhat less than that noted in The comment because the biological surveys for Alternative 1 did not extend into the northern reaches of the property that would not be affected by development. Of the 942 acres of non-native grassland mapped, only about 122 acres would be subject to development; the remainder (820 acres of non-native grassland) would be in Agricultural Conservation Easement (ACE), Open Space Conservation

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Easement (OSCE) or Private Agricultural Conservation Easement (PACE). Most of the preserved non-native grassland would be on sloping land north of Highway 101. While contributing some habitat value, these lands do not offset the cumulative effects on the coastal terrace grasslands, which are the topic of Impact Bio-22. They do, however, provide some habitat and foraging value.

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The conclusion in the EIR regarding the cumulative Class I impact refers to the cumulative loss of the coastal terrace non-native grassland throughout the region, much of which has already occurred and is irreversible. The project as designed (both the MOU Project and Alternative 1) incorporate measures to preserve as much of this habitat as possible in areas that are as contiguous as possible. While reducing the contribution of the project towards the cumulative impact, these measures cannot undo the past losses that have occurred, and may not influence the pattern of future land use decisions in the vicinity.

S-6-14

As discussed in Sections 3.4.4.2.1 and 9.4.4.2.1 of the RDEIR, vegetation management for fire protection purposes does not require the clearing of grass vegetation, but does require that grass height be kept below 4 inches within 30 feet of structures. Tables 3.4-1 and 9.4-1 (Sections 3.4.2.2.2 and 9.4.2.2.2 of the RDEIR) note in their right-hand columns the areas affected by thinning for fire protection. As depicted on Figure ES-4 of the RDEIR, structures are limited to the development envelopes on each lot, and each structure was sited such that the fire protection areas (i.e., within 30 feet of structures) were also included within the development envelope. Fuel management activities would also involve thinning scrub vegetation in accordance with state regulations and County fire department guidelines out to a distance of 100 feet from all structures. The 100-foot thinning zone is also within the development envelopes for most lots, but several lots will require vegetation thinning activities that would extend into the nearby scrub vegetation. As shown on Figures 3.4-1A and 3.4-1B in Section 3.4.2.2.1 and Figures 9.4-1A through 9.4-1E in Section 9.4.2.2.1 of the RDEIR, the project's building footprints and development envelopes were sited to reduce potential effects to native grassland vegetation.

The proposed project is expected to result in no impact to native grassland as a result of fuel modification zones for both the MOU Project and the Alternative 1 configuration, which is reflected in Tables 3.4-1 and 9.4-1 of the RDEIR. Furthermore, as discussed in Mitigation Measure Bio-1a in Section 9.4.4.4 of the RDEIR, the proposed project would revegetate areas of non-native grasses with native grasslands at a ratio of at least 3:1 for the native grassland potentially affected by the project. In this way, the RDEIR assesses that the project's impacts to grasslands would be potentially significant, but mitigable to less than significant levels.

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Section 15.0 **S-6-15**

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This comment states that CDFG disagrees with the RDEIR's conclusion that Alternative 1 is the environmentally superior alternative. The specific reasoning for this argument, and a response, are presented in responses to comments S-6-16 and S-7-17.

S-6-16

The choice of Alternative 1 as the environmentally superior alternative is explained in Section 11.9 of the RDEIR, and is based on a combination of environmental factors and project objectives related to policy consistency. An important factor in the identification of Alternative 1 as the preferable alternative lies in the extinction or removal of development potential from the 10 existing Naples town site lots in the area of Lot DP-17. These existing Naples town site lots are located on or adjacent to the riparian area of Dos Pueblos Creek, south of Highway 101. Potential future development in this area would have several environmental effects that would be relatively greater because of the proximity of the creek. The issues that would be adversely affected by this potential development include biological resources, water quality and sedimentation in the creek. Avoidance of these potential effects, and avoidance of the policy conflicts that development in this area would raise, are advantages of Alternative 1 that would not result from Alternative 4. The RDEIR also states:

“...the current proposal for Alternative 1 incorporates several of the design changes identified as mitigation measures in the first Draft EIR, as well as some other aesthetic changes recommended by the Board of Architectural Review. Thus, the current configuration of the Alternative 1 design has moved significantly towards the environmentally superior as it was defined earlier.”

Finally, the RDEIR discussion also lists possible modifications that may be identified through the TDR process to reduce the number of lots in the development.

S-6-17

The comment repeats information from the RDEIR, and illustrates some contradictions in the comparisons of alternatives as originally prepared. With respect to Geology and Soils, and Hydrology and Water Quality, it is true that the Alternative 1 design would involve additional development into areas farther to the north. This fact would lead to additional grading and an increase in potential effects relative to these topics. At the same time, however, Alternative 1 would reduce development in the northwest hillside area and would avoid development altogether on the Naples town site lots along Dos Pueblos Creek south of Highway 101. Alternative 1 also would reduce development in the coastal zone north of the highway, which would avoid grading and related impacts there. In these respects, Alternative 1 would have fewer and reduced effects when compared with the MOU Project or with Alternative 4 (Reduced Development). The original comparisons in the RDEIR did not address foreseeable consequences of development that can be expected offsite in the MOU Project or in Alternative 4 (Reduced Development). Because of the intentional design of the project, which directs

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development into disturbed areas and attempts to minimize grading, the differences between the MOU Project, Alternative 1, and Alternative 4 (Reduced Development) are relatively minor within the Santa Barbara Ranch property. The text and Table 11.1-1 in the Final EIR have been revised to clarify the descriptions and comparisons of impacts among the various alternatives.

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S-6-18

The RDEIR is consistent with The comment that the proposed project would be expected to require a Streambed Alteration Agreement (e.g., for the construction of the span bridge over Tomate Canada drainage), as identified in tables 3.4-5 and 9.4-5 of Sections 3.4 and 9.4 , respectively, and Section ES.3.3 in the Executive Summary of the RDEIR.

S-6-19

This comment states that the RDEIR does not fully identify potential impacts to the Tomate Canada drainage or resources, and does not provide adequate mitigation measures. The RDEIR addresses potential impacts to biological resources in the Tomate Canada Creek in Impact Bio-9 of Sections 3.4.4.2.2 and 9.4.4.2.2 of the RDEIR. The impact analysis identifies the habitats in the area and within the vicinity of the proposed activities, provides specific details of the proposed activities in both the MOU Project and Alternative 1 designs, and reports the potential impact on the habitats as the result of the proposed activities. The RDEIR addresses mitigation for the bridge in Mitigation Measures Bio-2a and Bio-6 in Sections 3.4.4.4 and 9.4.4.4 , and indirect impacts resulting from the construction of the bridge are addressed in Mitigation Measures WQ-1a and WQ-1b. It should be noted that the bridge may provide a beneficial impact to wildlife because if properly constructed, it could create valuable roosting habitat for bats, swifts, and swallows.

As a summary of the RDEIR impact discussion, the area is dominated by non-native grasslands and weeds, and the nearest native vegetation is coastal scrub located upstream from the proposed stream crossing. Based on preliminary plans, the proposed bridge would be prefabricated, and would measure 80 feet long, 20 feet wide, and two feet thick, and would be elevated approximately 6 feet above the existing ground surface at the centerline of the drainage. The maximum area of disturbance within the stream banks is approximately 0.5 acre, and the area of streambed potentially impacted is approximately 1,600 square feet (0.04 acre).

The following discussion summarizes the RDEIR's mitigation measures as well as monitoring and enforcement responsibilities associated with the Tomate Canada bridge construction. As described in Mitigation Measure Bio-6 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR), the project will incorporate revegetation of riparian scrub vegetation at a ratio of 3:1 for the area affected. The mitigation measure specifies that the revegetation occur in the same drainage, upstream adjacent to existing willow riparian scrub vegetation. A vegetation restoration plan would be required prior to the issuance of any Land Use Permit (LUP) or Coastal Development Permit (CDP), and the restoration activities would be monitored by the County and a qualified local biologist.

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Section 15.0 Because the stream area proposed for disturbance supports non-native grassland instead of riparian vegetation, the creation of willow riparian scrub habitat at a 3:1 ratio would lead to a net improvement in the quality of the stream.
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Potential indirect impacts to wetlands related to erosion and sedimentation during construction would be minimized through implementation of Mitigation Measures WQ-1a, and WQ-1b, as described in Sections 3.3.3.4.2 and 9.3.3.4.2 in the RDEIR. As described in the RDEIR, Mitigation Measure WQ-1a requires the application and subsequent compliance and monitoring under an NPDES General Permit for Construction Activities through the Regional Water Quality Control Board (RWQCB), with County oversight and inspections during the construction activities. Mitigation Measure WQ-1b requires the preparation of a Storm Water Quality Management Plan (SWQMP) to address water quality control throughout the life of the project, and would be enforced by the County, with periodic inspections from Project Clean Water, Flood Control, and/or County staff.

S-6-20

This comment states that CDFG believes that the RDEIR does not provide sufficient detail for adequate review of the potential project impacts or effectiveness of mitigation measures to minimize significant adverse impacts. The responses above and the changes to the Final EIR address CDFG's comments and concerns and note where specific discussions and analyses are located in the EIR. Mitigation measures have been proposed to the extent feasible to reduce potential impacts from the project. The Final EIR has incorporated revisions and clarifications, when applicable.

The remaining material in the CDFG comment letter provides background information related to the conduct of burrowing owl surveys, and assessing impacts and mitigation measures related to this species.

Response to Public Utilities Commission Letter S-7 Dated December 21, 2007

S-7-1

The EIR has been revised to include the California Public Utilities Commission's (CPUC) jurisdiction over the safety of highway-rail crossings in California. Sections 3.12.2.2 (MOU Project) and 9.12.2.2 (Alternative 1), State Authorities and Administering Agencies, and Sections 2.9.2 (MOU Project) and 8.9.2 (Alternative 1), State and Federal, shall be revised to include the PUC jurisdictional authority.

S-7-2

The issue of grade separation at US Highway 101 crossing is discussed in Section 3.12.1.2.1 (MOU Project) and Section 9.12.1.2.1 (Alternative 1), U.S. Highway 101. Under the MOU Project or Alternative 1, a new concrete access tunnel would provide pedestrian and equestrian

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access under the UPRR right-of-way. There would be one at-grade roadway-railroad crossing within the MOU Project or Alternative 1 area at the existing Langtry Avenue crossing.

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S-7-3

The comment points out that the RDEIR discussion of noise did not address noise from train horns. The noise discussion in the RDEIR does address train noise, and includes field measurements of trains as they passed through the property. At the time the noise work was done and when the first Draft EIR was published in 2006, trains were not required to sound their horns at the private road crossing (Langtry Avenue) on the property. Federal regulations changed in 2006, reducing the discretion of train operators and requiring train horns to be sounded at all crossings.

The typical train horn produces a noise level of 104 decibels (dBA) at 100 feet. Using the same assumptions for train operation as presented in the RDEIR, the Federal Railroad Administration Horn Noise Model predicts that the effect of including horn noise would be to extend the 65 dBA Day-Night Average Noise Level (Ldn) contour from a distance of 362 feet out to 465 feet from the railroad tracks, over a distance of about one-half mile centered on the Langtry Avenue railroad crossing. Two lots on the SBR property might be influenced by this change (Lots 69 and 97). For these lots, the effect of adding in train horn noise would be to increase Ldn values by approximately 2 dBA. Since changes typically less than 3 dBA are not discernable for most people, such a small change is not considered a significant impact. Train horns would certainly be audible, but they would not contribute substantially to the 24 hour average noise environment.

The new federal regulations (49CFR222) also provide that communities and property owners may petition the Federal Railroad Administration to establish a “quiet zone,” within which train operators would be relieved from the mandate to sound warning horns. Specific conditions must be met to establish such a quiet zone, but it is likely that the project would qualify. The Langtry Avenue crossing will remain a private road, a security gate and other safety devices will be provided, and vehicle traffic volumes would be quite low. The option to pursue the “quiet zone” designation would be at the discretion of the future residents. For these reasons, the recent requirements regarding the sounding of train warning horns are not expected to represent a significant impact.

S-7-4

The CPUC recommends that the County meet with the CPUC Rail Crossings Engineering Section (RCES) and UPRR Company to discuss relevant safety issues prior to filing a formal application for a grade separation of a railroad crossing.

S-7-5

Please refer to response to comment S-7-2. The issue of grade separation at US Highway 101 crossing is discussed in Sections 3.12.1.2.1 (MOU Project) and 9.12.1.2.1 (Alternative 1), U.S.

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Section 15.0 Highway 101. Additional discussions of grade separation regarding pedestrian crossings are included in Sections 2.4.4.1 (MOU Project) and 8.4.4.1 (Alternative 1), Trail System.
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S-7-6

Please refer to response to comment S-7-2.

S-7-7

The CPUC recommends that the County work with the CPUC during the conceptual design phase to help improve safety to motorists and pedestrians. This comment is not germane to the adequacy of the RDEIR but remains part of the public record for consideration by decision-makers.

Response to Governor's Office of Planning and Research Letter S-8 Dated December 10, 2007

S-8-1

This letter from the Office of Planning and Research informs all reviewing agencies of the extension of the review period for the RDEIR, which ended on January 23, 2008.

Response to Governor's Office of Planning and Research Letter S-9 Dated January 24, 2008

S-9-1

The letter from the Office of Planning and Research states that comments received during the public review period were sent to the County and that the Draft EIR complies with the State Clearinghouse review requirements, pursuant to CEQA.

Response to Governor's Office of Planning and Research Letter S-10 Dated January 28, 2008

S-10-1

This letter from the Office of Planning and Research states that additional comments were received after the end of the state review period. The Office of Planning and Research states that even though CEQA does not require the Lead Agency to respond to late comments, the Office recommends consideration of these comments during the preparation of the Final EIR. The response to all comments is included in this document.

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Response to California Department of Transportation Letter S-11 Dated December 3, 2007

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S-11-1

The RDEIR discusses the numbers of beach users in Sections 3.10.1.1.4 (MOU Project) and 9.10.1.1.4 (Alternative 1), Other Recreational Facilities. The parking area as proposed would not provide direct access to the beach, but would be located at a trail head requiring a walk of approximately 3,000 feet to reach the beach. As proposed, the beach access itself would be closed during a substantial fraction of the year. No controls or restrictions of parking are proposed by the project, but such controls could be added if deemed necessary by Caltrans or the County (such as closing the lot at night).

S-11-2

This comment requests additional information related to traffic generation associated with the proposed equestrian facility. The RDEIR Appendix D, Traffic, indicates that separate trip generation was not assigned to the proposed equestrian center. As noted in the footnote in Tables 3.12-3 (MOU Project) and 9.12-3 (Alternative 1) peak-hour traffic of an equestrian center does not overlap with other peak hour trips assigned to the proposed project. There are no standard trip generation rates for this type of facility in the Institute of Transportation Engineers (ITE) handbook, and the County was unable to identify a similar facility where published trip generation data were available. Based on conversations with operators at a similar facility, and with experienced users of such facilities, the traffic generation from the proposed equestrian facility is estimated at 20 to 30 average daily trips. This is based on accommodations for 40 horses, and assumes that typical use involves two visits (or 4 trips) per week. This total represents about 4 percent of the MOU Project Generation and about 3 percent of the Alternative 1 trip generation. If the distribution of these trips were similar to residential traffic, they would represent an addition of only 2 to 3 trips to peak hours. As noted in Tables 3.12-1 and 3.12-2, the existing segments of Highway 101 operate at a peak hour Level of Service of A or B, and the existing ramps to and from the project site at Dos Pueblos Canyon Road operate at LOS A. The same information is presented in Tables 9.12-1 and 9.12-2 for the Alternative 1 discussion. Based on the impact criteria in Sections 3.12.3.5.1 (MOU Project) and 9.12.3.5.1 (Alternative 1), the addition of 2-3 peak hour trips would not cause a significant impact.

With respect to operational considerations and the movement of vehicles with horse trailers into and out of the facility, the major factor noted by operators and users was the need for a large and continuous route to allow circling of vehicles, as opposed to the provision of defined parking spaces. As depicted in Figures 2.3-1A and 8.3-1A, the facility is designed with a loop road access, and large cul-de-sac that would provide access to a large open area to the west of the equestrian structures. This design will provide necessary vehicle access.

The conclusions in the Final EIR are not affected by this updated information.

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This comment requests additional trip generation related to trash collection and other infrastructure service activities at the project. Trash collection in residential neighborhoods typically involves 2-6 trips (counting both inbound and outbound) on a single day per week. Numbers vary depending on recycling equipment and truck capacities, but a single packer-hauler trash truck can typically carry about 7 tons of refuse, which is greater than the expected weekly volume of trash from either the MOU Project or the Alternative 1 proposal. It should be noted that trash collection is a routine activity associated with all residential developments. The empirical data, upon which the ITE trip generation rates are based, include all trips associated with residential uses. Therefore, it should not be necessary to add trash collection trips separately to estimates of the project trip generation.

Operation and maintenance trips associated with the water treatment and sewage treatment facilities would amount to approximately 2 additional trips per week. These additional trips would amount to 0.04 percent (four-hundredths of one percent) of the MOU Project traffic generation and a smaller fraction of the Alternative 1 traffic generation. This minor increase would not affect the traffic analysis conclusions in Sections 3.15.1.1.8 (MOU Project) and 9.15.1.1.8 (Alternative 1). Some of the service traffic, and trash truck traffic, would involve medium-duty trucks. Highway 101 was originally built as a U.S. Highway and is maintained by Caltrans in a condition that is capable of carrying such trucks. The existing ramp system at Dos Pueblos Canyon Road is also capable of accommodating such trucks, and does so as part of the on-going agricultural operations at Dos Pueblos Ranch. Improvements at the Highway 101/Dos Pueblos Canyon Road ramp system are discussed in response to comment S-11-4.

S-11-4

This comment requires additional information related to the ramp configuration from Highway 101 to Dos Pueblos Canyon Road. The design and construction of ramp improvements must be coordinated with Caltrans, and is best handled through the Caltrans design and review process. When the first EIR was circulated for this project in 2006, Caltrans did not respond or request additional information regarding the project. In the RDEIR, the potential need for improvements at this location was identified as Impact Traffic-2 for both the MOU Project and Alternative 1. In response to this comment in 2008, the applicant submitted preliminary plans for a northbound deceleration lane and reconfiguration of the northbound off ramp and on ramp at Dos Pueblos Canyon Road (or El Camino Real, as the frontage road on the north side of Highway 101 is shown on some maps). The design is intended to avoid any work that would affect the main lanes of Highway 101, and to avoid the need for work in or near Dos Pueblos Creek and the riparian habitat associated with it.

Caltrans has performed an initial review of the preliminary design, and responded in a letter dated May 16, 2008, to L & P Consultants. The Caltrans response describes the preliminary design as “workable,” although there were challenges and requirements that would need to be worked out within Caltrans’ Project Development Process framework.

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The Text of the Final EIR for impact Traffic 2 is revised to update the discussion. The conclusion for that impact—that the project represents a potential significant impact that can be mitigated through appropriate ramp improvements—remains the same.

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S-11-5

The comment requests additional discussion of the length of the Highway 101 off ramp serving the proposed project. This issue is discussed in comment and response to comment S-11-4. The preliminary design submitted includes a deceleration lane.

S-11-6

The comment points out potential changes to an off ramp at Dos Pueblos Creek. Such design decisions would be made in the context of Caltrans' Project Development Process framework. See response to comment S-11-4.

S-11-7

This comment emphasizes the importance of safety in maintaining smooth traffic flow on Highway 101, and does not raise any issues related to the content of the RDEIR.

S-11-8

The County has vacated this portion of the former Dos Pueblos Canyon Road, and the roadway is currently a private road. The project does not visualize this road being used for any purpose other than continued use by landowners on Dos Pueblos Ranch and adjacent properties.

S-11-9

The project proposes use of the secondary access at the southeast corner of the Santa Barbara Ranch property north of Highway 101 for emergency uses only, as noted and recommended in The comment. Other recommendations in The comment, involving additional improvements to the frontage roads on either side of Highway 101, eliminating at-grade crossings of the Highway, and planning for full freeway improvements, are matters of regional planning that are beyond the scope of this project.

S-11-10

The referenced use of the word “impediments” in RDEIR Section 3.3.1.2 has been changed to “restriction.” Section 9.3.1.2 was also changed to maintain consistency.

S-11-11

As discussed in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1), Water Quality Impacts, the project's contribution towards increasing impervious surfaces in drainages north of Highway 101 ranges from 0 to 20 percent, with the higher value based on a worst-case

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Section 15.0 Responses to Comments assumption that the entire surface of the development envelope would be impervious. The scale of these increases is such that no discernable effect is anticipated on the 100 year flood flows and no improvements of culverts passing under Highway 101 are necessary. Additionally, see response to comment L-5-1, which states the project drainage design and calculations have been prepared and submitted to the Public Works Department as part of the project review. The County will apply standard conditions of approval to ensure that the capacity of existing drainage facilities will not be exceeded.

S-11-12

The CPRT map shows general trail corridors, but not specific alignments. Essentially, two trails parallel to the coast are shown: one along the beach itself, which is not passable in some areas at high tide, and an inland corridor. As proposed in the Alternative 1 alignment, the De Anza Trail segment across the property would join with the segment to the east (Makar), and would provide access to the existing and planned segments to the west. The discussion of trails in the RDEIR was based on consultations with County staff from the Departments of Planning and Development (P&D) and Parks and Recreation; documents and maps from the County of Santa Barbara *Comprehensive Plan: Completing the California Coastal Trail* (California Coastal Conservancy 2003), and *A Perspective on Gaviota Coast Resources* (County of Santa Barbara Planning and Development Department, 2002). The comment's citation of the *Gaviota Coastal Trail Study* is apparently a reference to a P&D Project Summary of the same title. Work on this project was suspended along with that on the Gaviota Community Plan, and information from this effort was incorporated into other documents. See also General Response 13.6, Coast Trail.

S-11-13

The comment requests the use of “or” rather than “and” in distinguishing between the MOU Project number of residences and that for the Alternative 1 design. The comment relates to the Notice of Completion, which is already published. This matter will be made more clear in subsequent notices.

S-11-14

These last comments deal with coordination among Caltrans and local agencies regarding planning for long-term transportation and access improvements along the Gaviota Coast. They do not question information or conclusions within the RDEIR. The comments are appreciated and are included in the public record for consideration by decision makers.

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15.4 RESPONSES TO COMMENTS FROM LOCAL AGENCIES

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Response to City of Goleta Letter L-1 Dated January 23, 2008

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L-1-1

The Naples project site is located within the City of Goleta's adopted Planning Area. The Planning Area identifies future service delivery areas and potential city boundary extensions. However, no discretionary approval is required from the City of Goleta for the proposed project.

L-1-2

The RDEIR includes typical detailed plans for both the MOU Project and Alternative 1 to reduce the already large document size. According to the County Board of Supervisor's approved Memorandum of Understanding (MOU Project), the applicant submitted an application package consisting of the detailed plans on November 7, 2003 (application number 03DVP-00000-00041), which is available for review at County of Santa Barbara Planning and Development. Relevant aspects of those plans area cited in the appropriate impacts analysis. Also see response to comment S-2-29.

L-1-3

Potential cumulative water quality impacts resulting from an incremental increase in pollutants from residential uses, the equestrian center, equestrian use on individual lots, and increased agricultural activities are addressed in Sections 3.3.3.3.2 (MOU Project) and 9.3.3.3.2 (Alternative 1), Impact WQ-3: Cumulative Development Pollutants. As a result of the control of pollutants through development review and implementation of the identified Best Management Practices, the EIR determines that the project's incremental impact on cumulative water quality impacts is cumulatively significant, but feasibly mitigated.

L-1-4

Management of post-construction best management practices (BMP) monitoring and maintenance requirements is addressed in Sections 3.3.3.4.3 (MOU Project) and 9.3.3.4.3 (Alternative 1) of the RDEIR. Rather than relying on traditional end-of-pipe stormwater treatment and detention facilities which require dedicated long-term maintenance, the mitigation measures for stormwater require that stormwater retention and infiltration be incorporated as Low Impact Development (LID) structural elements to be maintained by the individual homeowners and the HOA. The incorporation of LID elements in new development is identified by the County of Santa Barbara Stormwater Management Plan (SWMP) as being required to meet the Maximum Extent Practicable (MEP) stormwater treatment standard established by the Environmental Protection Agency. The Design Guidelines for the project emphasize LID elements in requiring the retention of natural drainage hydrology where practicable and the limiting of grading profiles to limit runoff. Additional LID elements shall be

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incorporated into the final landscape designs for the project consistent with the Design Guidelines. LID elements to be included in the final landscape designs will include runoff and retention controls such as bioswales, bioretention and permeable pavement, as well as re-use elements such as tree box filters and cisterns. The incorporation of LID elements into the design of the project will maintain existing hydrology as close as possible to existing conditions, thus serving to maintain pre-development stormwater runoff volumes and rates. As LID elements rely on on-site retention and re-use, long-term maintenance requirements for stormwater BMPs will be minimal and can be addressed as part of routine landscape maintenance by the individual homeowners and HOA.

L-1-5

Response to comment L-1-4 addresses this comment.

L-1-6

The potential water quality impacts which may result from locating onsite septic systems in an area underlain by adverse geologic conditions are addressed in Impact WQ-2 and Mitigation Measure WQ-2 in Sections 3.3.3.3.2 (MOU Project) and 9.3.3.2.2 (Alternative 1), Hydrology and Water Quality. As discussed in Mitigation Measure WQ-2, due to potential lack of suitable geologic conditions to environmentally sustain onsite septic systems, all proposed individual septic systems will be subject to review and approval of the RWQCB, prior to the County's issuance of a LUP/CDP for the site. The RDEIR concludes that the impact of wastewater treatment and disposal would be potentially significant, but feasibly mitigated with Mitigation Measure WQ-2. It is expected that implementation of Mitigation Measure WQ-2 would mitigate potential impacts to water quality to acceptable levels, and would not incrementally contribute to cumulatively significant effects.

L-1-7

The RDEIR describes the proposed wastewater treatment system including the subsurface collection system in Sections 3.15.1.1.7 (MOU Project) and 9.15.1.1.7 (Alternative 1), Sanitary Waste Service. The actual wastewater treatment system used for the project will be chosen by the engineer at the time of submittal of the application for the wastewater treatment plant Major CUP. The facility design will be selected to meet the demands of the project and manage risks such as pipe fracture and power failure mentioned by The commenter. The commenter's suggestions of inclusion of risk reduction features (i.e. back-up power source) for the wastewater treatment system within the RDEIR's mitigation measures are noted and are addressed in response to comment L-9-3.

L-1-8

The RDEIR includes a description of biological resources survey methodology in Sections 3.4.2.1 (MOU Project) and 9.4.2.1 (Alternative 1), Methodology. The biological resource impacts for this document were based on project field surveys and previous field surveys of the study

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area and surrounding environs by other biologists, and a review of pertinent scientific literature, technical reports, and environmental documents prepared for a variety of projects in the coastal area between Goleta and the Gaviota Coast. The commenter is correct that focused, protocol-level surveys for particular special-status wildlife species were not conducted as part of this document because other consulting firms hired by the applicant (Holland, 2003) and the County of Santa Barbara (SAIC, 2004; 2005) had previously conducted extensive plant and wildlife surveys on the SBR property. The County as lead agency is responsible for determining completeness under CEQA Guidelines. Previous biology studies are available for review upon request at the County.

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L-1-9

The RDEIR discloses the detailed site visit information in Sections 3.4.2.1.2 (MOU Project) and 3.4.2.1.2 (Alternative 1), Field Methods and Vegetation Mapping. Site visits by vehicle and on foot were made in order to conduct reconnaissance-level surveys of vegetation and water bodies (Donald Mitchell – three site visits) and wildlife (Lawrence E. Hunt – amphibians, reptiles, birds, and mammals – four site visits; David Kisner – birds – one site visit). All parts of the project area were visited at least once during these surveys. A total of eight visits are identified above. The commenter’s concerns about the number of site visits performed are noted.

L-1-10

The RDEIR addresses impacts to native grasslands in Sections 3.4.4.2.2 (MOU Project) and 9.4.4.2.2 (Alternative 1), Special-status Habitats (refer to Impact Bio-7: Effects on Native Grasslands). The MOU Project’s potential impacts to special-status plants associated with grassland habitats are considered *significant, but feasibly mitigated (Class II)*. Mitigation Measures Bio-1a and Bio-1b address retention and enhancement of native grassland, and the handling of sensitive grassland plant species if any are encountered. The commenter is correct, the designs for lots 39, 63, 66, 91, and 93 have been adjusted to avoid direct impacts to mapped areas of native grassland, as well as the proposed Marine Wildlife Interpretive Kiosk in the southeastern corner of Lot 122. Under the MOU Project 12.5 acres meet the County’s criteria, having a projected temporary disturbance of 0.22 acre for drain lines and beach access. The Open Space and Habitat Management Plan (OSHMP) includes a component to restore, preserve, and promote the growth of native grassland in appropriate open space areas, therefore complying with the intent of the Coastal Act §30240, which states that environmentally sensitive habitat areas (ESHAs) shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

Under Mitigation Measure Bio-1b, a qualified biologist shall be retained to survey the development envelopes and other areas to be disturbed by the construction of roadways or other improvements, at appropriate times of the year. The proposed mitigation is expected to reduce potential impacts to less than significant levels. The commenter’s recommendation regarding Mitigation Measure Bio-1b is noted.

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Section 15.0 L-1-11

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The project has been revised to provide a minimum of 50 feet buffer distance between any structure and the nearest tree identified as a roosting site for Monarch butterflies. This revision of the project evaluated on the first DEIR, in conjunction with an additional mitigation measure to monitor and restrict construction activity to avoid times when Monarch butterflies are roosting (Mitigation Measure Bio-7), will serve to mitigate potential effects on the butterflies. The commenter's recommendations for 100-foot buffers from aggregation sites and 200-foot buffers during the overwintering season (October 1 to March 1) are noted. However, further modifications to this mitigation measure are not needed.

L-1-12

The discussion of potential impacts of increased human accessibility to Naples Reef is included in Sections 3.4.4.2.2 (MOU Project) and 9.4.4.2.2 (Alternative 1), Special- status Habitats, under Impact Bio-6: Increased Beach Use and Effects on Naples Reef. This impact is considered *significant, but feasibly mitigated (Class II)*. Mitigation Measure Bio-4: Naples Reef would reduce potential impacts.

L-1-13

Short-term construction impacts to air quality, and noise are discussed in Sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1), Mitigation Measures (refer to Mitigation Measure Bio-7: Monarch Butterflies). Grading and construction activities that require use of heavy equipment, including backhoes, shall be timed to avoid or minimize noise, dust, and increased human activity impacts to overwintering Monarch butterflies. In addition, it is important to note that currently the project site is not pristine. The site has ongoing agricultural production and is bisected by the UPRR rail track, which contributes to the existing conditions in air quality, noise, and lighting.

L-1-14

The potential impact of light "pollution" which could increase at night around development envelopes is addressed in Sections 3.4.4.2.3 (MOU Project) and 9.4.4.2.3 (Alternative 1), Special-status Wildlife, under Impact Bio-11: Degradation of Grassland Foraging Habitat for Raptors and Other Special-status Wildlife. This impact may be beneficial for bat foraging behavior, but may negatively affect diurnal raptors that roost in trees near these areas, as well as owls that may be foraging in these areas at night.

L-1-15

Per CEQA Guideline 15120(a) Article 9, Contents of Environmental Impact Reports, an Initial Study need not be prepared prior to the issuance of a Notice to Prepare an Environmental Impacts Report. An Initial Study was not prepared for this project. The County agricultural suitability determination procedures were applied to the project site for both the existing

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conditions and for the configuration after development of the project. Appendix G contains the results of that analysis, which are summarized in the discussions in Sections 3.7.3.2 (MOU Project) and 9.7.4.2 (Alternative 1), Project Impacts (refer to Agricultural Impact AG-5). The suitability impacts were assessed according to County policy; therefore recirculation and additional public comment are not necessary prior to certification.

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L-1-16

The County as the lead agency has the authority to determine the sufficiency of mitigation measures. The comment is included in the public record for consideration by decision-makers consideration. The potential fragmentation of agricultural lands has been discussed in Impact AG-3, which states that loss of agricultural viability could result from fragmentation of agricultural lands into properties that are probably too small to sustain viable agricultural operations, or from land use conflicts between agricultural and residential land uses. This impact is mitigated with the establishment of agricultural conservation easements, either PACE (MOU Project) or ACE (Alternative 1), preserving the existing prime agricultural land and additional grazing land in perpetuity. Additionally, residences would be subject to the development standards of a new NPD land use designation and zoning ordinance. The NPD ordinance would limit the extent and type of residential uses that could occur in proximity to ongoing agricultural operations. Additional feasible mitigation, such as a buyer notification requirement, would further reduce the potential for land use conflicts between agricultural and residential land uses. Taken together, these measures would reduce the potential cumulative effects of the project on the viability of agricultural operations on the Gaviota Coast. The project's potential cumulative effects on agricultural resources are considered *potentially significant but subject to feasible mitigation (Class II)*.

L-1-17

This comment is addressed in response to comment L-1-16.

L-1-18

The County as the lead agency has the authority to determine the sufficiency of mitigation measures. The comment will be included in the document for the County's decision-makers consideration. The RDEIR includes analysis of the land use conflicts having potential to occur between existing agricultural operations, and residential uses in Sections 3.7.3.2 (MOU Project) and 9.7.4.2 (Alternative 1), Project Impacts. Buyer notifications are commonly used in rural residential areas and are generally effective in minimizing land use conflicts between agricultural and residential uses. Potential conflicts can be minimized and any reductions in productivity in some areas should be offset by the provision of additional agricultural support facilities, expansion of some orchard areas, and by the proposed combined management approach for most of the agricultural operations within the MOU Project and Alternative 1 areas. In addition to the buyer notification of ongoing agricultural productions, 100-foot minimum use buffers are included to reduce conflicts.

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The County as the lead agency has the authority to determine the sufficiency of mitigation measures. The comment will be included in the document for the County's decision-makers consideration. The potential cumulative impacts to Agricultural resources are addressed in Sections 3.7.3.3 (MOU Project) and 9.7.4.3 (Alternative 1), Cumulative Impacts. The proposed project would create a either PACE (MOU Project) or ACE (Alternative 1), that would preserve the existing prime agricultural land and additional grazing land in perpetuity. Enforcement of agricultural conservation easements is primarily monitored by the County, with oversight from the California Department of Conservation (for Alternative 1).

L-1-20

The project application package included detailed site plans, landscape plans, and elevations. Exterior lighting plans were not included in the package; however the visual resources section includes a night lighting discussion with mitigation measures. For publication purposes the RDEIR included typical examples of site plans and elevations. Figures 2.3-1A through 2.3-1C show typical elevations for the MOU Project residences and Figures 8.3-1A through 8.3-1C show typical elevations of the Alternative 1 configuration residences. Development and landscape envelope as well as structure footprints are shown in Figures 2.2-1 (MOU Project) and 8.3-1 (Alternative 1). This level of detail is sufficient for evaluating environmental impacts. The visual analysis of the RDEIR sufficiently describes the proposed project modification to the existing condition per County Thresholds and Significance Guidelines, therefore no additional change is necessary.

L-1-21

The RDEIR appropriately applies the significance thresholds included in CEQA Guidelines Appendix G Section I concerning potential aesthetic impacts in its consideration of the MOU Project's potential impacts to visual resources (RDEIR, Section 3.9.4.2.1). It also applies the County's Environmental Thresholds and Guidelines Manual's guidance regarding visual resources to analyze the potential for the project to result in a significant visual impact under the Appendix G thresholds. Lastly, in order to apply the County's significance thresholds relating to visual impacts, the RDEIR employs the Bureau of Land Management's (BLM's) Visual Resource Management System. The use of this system facilitates evaluation of the MOU Project's potential visual impacts under the County's CEQA thresholds.

L-1-22

Site specific plans were included the RDEIR for each lot in Table 2.3-1. Additionally Figures 2.3-1 through 2.3-3 show details of the MOU Project, including: existing land uses, proposed locations of development envelopes and structures, and proposed open space and agricultural easement areas. Typical elevations of proposed residences are provided in Figure 2.3-3. The visual simulations of the project included in Section 3.9, Visual Resources, were generated from

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drawings of the project development designs and building elevations submitted with the project application package.

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L-I-23

The commenter is correct that both the Naples Planned Development (NPD) and Local Coastal Plan (LCP) remain in draft form, and are subject to change prior to adoption by the County. The visual impact simulation and discussion has been based upon site plans, elevations, landscape plans for each proposed lot submitted to the County. Design measures including vegetative screening, low elevation residences, rustic architectural forms, and shielded light fixtures would be implemented to reduce these potential effects on specific views. The NPD includes no limitation on building size, or minimum requirements for open space and landscape areas. Any modification to the proposed Development Plan shall require additional separate approval process, where consistency with the NPD shall be determined on a case-by-case basis.

L-I-24

The commenter is correct in that the RDEIR includes the draft NPD zoning ordinance. While the proposed changes to the County's Comprehensive Plan are not included, changes shall be limited to additional inclusion of the NPD designation. The visual impacts analysis of the Inland Area is based upon the definitive changes found in the NPD zoning ordinance. Appendix B contains all applicable policies and ordinances related to the proposed project.

L-I-25

The RDEIR discusses the visual impacts at KOP 2 under the MOU Project in Section 3.9.4.3.2, Specific Visual Effects. Travelers will have a brief but direct northern and northwestern view of ridge development north of the highway from KOP 2. However, views tend to focus on the landscaped tree row placed in the midground viewshed. The existing transmission lines, the roadway running parallel to the highway, the existing signage within the viewshed, and the highway itself further reduce the quality of the view from this location. Thus the overall visual quality from this KOP is rated as moderate. Based on this existing condition, the view for Highway 101 northbound would not be substantially and adversely altered.

L-I-26

The visual impacts potentially resulting from the development of MOU Project lots 108, 131, 137, 138, 139, 158, 159, and 167 are analyzed in Section 3.9.4.3.2, Specific Visual Effects, and illustrated in Figure 3.9-16. From KOP 4 located at Farren Road, introduction of structures would contrast with the existing rural character, but visual contrast is rated only moderate because all of the structures would be in the midground and distant views, and only a small portion of the structures would be visible. The units visible from KOP 4 extend only about half way across the view, and in no case would an entire structure be visible. For this reason, project dominance is rated moderate for the MOU Project. The project would intrude on midground, yet scenic views to the mountain or ocean backdrops would not be greatly affected, therefore, the

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scenic backdrop would be only partially impaired. View impairment is rated moderate. The visual impact susceptibility is classified as high based on high ratings for view quality, viewer exposure, and viewer sensitivity (Table 3.9-1). Visual impact severity is classified as moderate based on moderate ratings for view impairment, visual contrast, and project dominance (Table 3.9-2). Therefore, the MOU Project's potential impacts to visual resources from KOP 4 are considered *significant but feasibly mitigated (Class II)*.

L-1-27

This comment is a summary statement, and has been addressed in detail above. Please refer to responses to comments L-1-20 through L-1-26.

The RDEIR discusses the residual visual impacts of the MOU Project in Section 3.9.4.6, Residual Impacts. With the incorporation of the mitigation measures listed in Section 3.9.4.5, Mitigation Measures, Impacts Vis-1, -2, -4, -6, -7, -8, -9, -10, and -11 would be mitigated to levels that are less than significant. The RDEIR visual analysis states that Impact Vis-5 would remain *significant and unavoidable (Class I)* after implementation of the required mitigations.

The RDEIR discusses the cumulative impacts on the Gaviota Coast in Section 3.9.4.4, Cumulative Impacts (Impact Vis-12: Cumulative Impacts). The cumulative effect of the MOU Project in combination with other proposed projects could adversely affect the rural, scenic, and recreational character of the Gaviota Coast. The size of the region and the effects of topography and vegetation in shielding views into the many canyons and drainages will allow the Gaviota Coast to accommodate this limited development (maximum build-out of 200 units over 40,000 acres) while retaining its rural or low density character. The extent of potential cumulative visual effects would be a function of the siting and design of individual projects and their consistency with this character. The low development potential of the region added to the implementation of the project's mitigation measures would result in cumulative visual impacts that are *potentially significant, but feasibly mitigated (Class II)*.

The Final EIR has been modified to correct a numbering error; Visual Impact Vis-12 refers to short-term construction impacts. Visual Impact Vis-13 in the Final EIR refs to Cumulative Impacts.

L-1-28

The RDEIR discusses the visual impacts from KOP-1 thru KOP-5 under Alternative 1 in Section 9.9.4.3.2, Specific Visual Effects. The significance thresholds included in CEQA Guidelines Appendix G and the County's Environmental Thresholds and Guidelines Manual's guidance regarding potential aesthetic impacts were used in the analysis for the MOU Project and Alternative 1 (refer to the RDEIR Sections 3.9.4.2 and 9.9.4.2). In addition, in order to apply the County's significance thresholds relating to visual impacts, the RDEIR employs the BLM's Visual Resource Management System. The comment regarding the significance of the visual impact is acknowledged and is included in the public record for consideration by decision-makers.

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L-1-29

The RDEIR discusses the impacts of night lighting under the MOU Project and Alternative 1 in Sections 3.9.4.3.3 and 9.9.4.3.3, Summary of Visual Impacts. Lighting impacts have the potential to be significant but can be reduced to a less than significant level (Class II) with the application of Mitigation Measure Vis-4 (see Section 3.9.4.5.4, Mitigation Measure Vis-4: Lighting [MOU Project], and Section 3.9.4.5.4, Mitigation Measure Vis-4: Lighting [Alternative 1]). Mitigation Measure Vis-4 states that the County will ensure that the exterior lighting plan includes measures such as shielding, non-reflective surfaces, and use of low intensity fixtures for preventing nighttime glare. Permit Compliance staff will monitor installation as necessary.

L-1-30

The RDEIR discusses the impacts of streetlights in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects (see Impact Vis-10: Light and Glare). While the project would create a new source of light, adverse impacts to nighttime views are not expected, as discussed in response to comment L-1-29. In addition, there are no elements proposed that would cause a substantial impact due to glare. Therefore, the MOU Project's potential impacts due to light and glare are rated as *significant but feasibly mitigable (Class II)*. Lighting design requirements can serve to minimize the contrast and intensity of lighting from the project. Mitigation Measure Vis-4 states that site security and street lighting shall be shielded so as not to create glare when viewed from the KOPs. The light poles and fixtures shall not be obtrusive to travelers along Highway 101 or nearby roadways or public or private view areas. If streetlights obscure a view or are exceptionally bright they have the potential to create significant visual impacts; however, streetlights installed as part of the proposed project would be designed and located to not obscure any significant view.

L-1-31

In this comment the City of Goleta strongly encourages a trail alignment across DPR utilizing existing ranch roads on the south side of Highway 101, which would include future connection points to the Las Varas property. Please refer to General Response 13.6 for a discussion of the trail alignment.

L-1-32

The comment questions whether the proposed 30 parking spaces would be sufficient to meet average public parking demand during summer months. Access to this portion of the coast is presently limited due to its distance from other public trailheads and parking areas. Numerous Coastal Act policies and County CLUP policies address the demand for public coastal access. The Las Varas Ranch, located adjacent to and west of Dos Pueblos Ranch, presents a proposed project would include a vertical beach access and a possible Coastal Trail segment along the private ranch road that parallels Highway 101. The proposed project would improve public access to the Gaviota Coast by providing a public parking area, trails, and vertical beach access. County policies and regulations require that projects adjacent to the coast provide coastal access

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Section 15.0 Responses to Comments whenever feasible, taking into consideration the site-specific resource constraints and considering private property rights. The proposed project is consistent with these policies. There are no specific requirements regarding the number of parking spaces for this type of use.

L-I-33

The comment suggests a change in the location of the proposed parking/trailhead facility to an area closer to the beach and south of the railroad. The applicant's proposal attempts to balance the LCPs designed to encourage visitor use and policies requiring preservation of coastal resources. The project's proposed recreational uses are for day use only, principally for local residents. The location of the parking is a reflection of these considerations. CLUP Policy 7-14 establishes a preference to locate parking lots north of Highway 101 in the Ellwood to Gaviota area.

L-I-34

The commenter's analysis assumes that shopping trips overlap or dominate morning and afternoon peak hour traffic periods. In fact, the morning and peak hour trips are mainly influenced by home to work and home to school commuting trips. The RDEIR includes analysis of the Peak Hour Trips. The traffic analysis does not consider the regional shopping centers located at the Storke/Glen Annie/101 interchange and Fairview/Calle Real intersection in the City of Goleta because they do not substantially influence peak hour traffic. No significant impacts are anticipated; therefore no mitigation measures are necessary.

L-I-35

As stated in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, development in the MOU Project or Alternative 1 and in other unincorporated areas and in the City of Goleta would be required to pay impact fees towards construction of the new fire station. However, the RDEIR does not designate a pro rata contribution of a specific amount for the provision of fire protections services.

L-I-36

The growth potential on the Gaviota Coast is correlated with the availability of buildable lots. As discussed in Section 5.5.1, Background and Regional Pattern of Land Use, approximately 100 lots have development potential. The issue of potential growth inducement of the project should be placed in the context of the pattern of land use and potential growth in the larger Gaviota Coast area, not just in the immediately surrounding lands. A detailed assessment of all the available parcels within the Gaviota Coast has been conducted and is summarized in Section 5.5.1.21.

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L-1-37

The RDEIR discusses the Growth Inducing Effects resulting from the introduction of package sewage WWTPs in Section 5.5.2, Removing Obstacles, and Section 5.5.5, Growth Inducing Effects. Because of the relatively low number of potential future residential units along the Gaviota Coast (approximately 100 in addition to either the MOU Project or Alternative 1, see Section 5.5.1), and the relatively large areas of land involved, it is likely that water availability and the capacity to handle wastewater will not be significant constraints to this level of future development.

L-1-38

This comment summarizes previous comments presented in the letter and addressed above.

**Response to Center for Archaeological Research California State University,
Bakersfield Letter L-2 Dated January 22, 2008**

L-2-1

The comment about irreparable damage to SBA-78 and SBA-79 is consistent with the RDEIR impact assessment in Section 9.11.3.2. The comment about SBA-77 appears exaggerated because Carbone's extended Phase 1 boundary definition project failed to recover artifacts from the area that would be disturbed by the project. The adequacy of Carbone's methods is discussed in response to comment L-2-15. Although that discussion suggests his methods were adequate to define site boundaries, isolated features, small artifact concentrations and isolated artifacts could still be present. Mitigation measures requiring archaeological and Native American monitoring during grading and excavation in cultural deposits are designed to protect such resources (see Mitigation Measure Cultural-3 in RDEIR Section 3.11.3.3 and Mitigation Measure Cultural-5 in Section 9.11.3.3).

Please also see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, for a discussion of Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144, and Section 13.3.2, Archaeological Resources- Efforts to Avoid Impacts.

L-2-2

The comment is correct in that Carbone's reports do not emphasize the importance of these sites to the Chumash people and the archaeological and historical communities. Please see General Responses 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144; 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, for additional fieldwork conducted by URS; and 13.3.6, SB-18 and Ethnic Concerns.

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The comment suggests that reports conducted by Carbone fail to cite pertinent archaeological investigations which highlight site preservation. The comment is correct. These studies are now reviewed and addressed. Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation SBA-77, -78, -79, and -144.

L-2-4

The comment notes previous test excavations conducted by Norman Gabel (1958) and William Harrison (1965). RDEIR Section 9.11.1.1.3 contains a detailed discussion of Gabel's excavations reported by Harrison (1965).

L-2-5

The comment describes the results of test excavations as reported by Harrison (1965). The high density of artifacts reported by Harrison (1965) is high by any standard. It is worth noting that although the area reported by Harrison is south of the project area, the dense shell midden he describes extends into the project area and could be affected. Please see General Response Cultural Resources Sections 13.3.1.2, Archaeological Resources Identification and Evaluation--SBA-77, -78, -79, -144; 13.3.2, Archaeological Resources-Efforts to Avoid Impacts; and 13.3.4, Indirect Impacts and Avoidance

L-2-6

The commenter states that Gabel's 1958 test excavations were limited to only a small portion of CA-SBA-79. The comment is correct; Harrison did only excavate a small proportion of SBA-78. RDEIR Section 9.11.1.1.3 contains a detailed discussion of *Mikin* and the impact assessment in RDEIR Section 9.11.3.2 acknowledges that the project as proposed would destroy significant archaeological information at this site. Please also see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144.

L-2-7, L-2-8

These two related comments describe previous reports not discussed in Carbone's reports. They have been reviewed now, along with the important survey work conducted by King and Gamble (1979). Moreover, a new survey has been conducted within parts of SBA-78 and -79. Please see General Response Cultural Resources Sections 13.3.1.2, Archaeological Resources Identification and Evaluation-- SBA-77, -78, -79, -144; 13.3.2, Archaeological Resources-Efforts to Avoid Impacts; and 13.3.4, Indirect Impacts and Avoidance.

L-2-9, L-2-10, L-2-11

These comments are addressed as one because they represent related parts of a single argument or statement. Comment L-2-9 states that Carbone's recommendations regarding SBA-78 and -79

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are “misguided and inappropriate” because he did not review and incorporate the findings of previous studies. The comment goes on to state that Carbone recommends conducting Phase II testing and if the sites are found significant, then Phase III data recovery should be conducted. In contrast to Carbone, comment L-2-10 makes a correct assertion that enough is known from Harrison (1965) and Haley et al (1979) to determine that both SBA-78 and -79 meet criteria for listing in the California Register and, thus, are considered significant. As a result, comment L-2-11 states that data recovery will be necessary.

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These comments are all correct. There is sufficient evidence to assess the sites as significant and the RDEIR does consider them significant (see RDEIR Section 9.11.1.1.6). However, Mitigation Measures Cultural-1 and -2 (RDEIR Section 9.11.3.3) do not reflect this and have been revised to indicate that additional recovery of scientific data is required because these sites are significant and adverse impacts from the project would be significant.

In addition, please see General Response Cultural Resources Sections 13.3.1.2, Archaeological Resources Identification and Evaluation--SBA-77, -78, -79, -144, and 13.3.2, Archaeological Resources-Efforts to Avoid Impacts.

L-2-12, L-2-13

The comment L-2-12 indicates that data recovery would be “excessively destructive” and extremely costly and, as a result, comment L-2-13 indicates that other measures would be more reasonable and prudent, including 1) planning to avoid impacts; 2) incorporation into parks, greenspace, or other open space; 3) capping recorded sites; or 4) deeding sites into a conservation easement.

Archaeological excavation is indeed a destructive science and data recovery is indeed costly. Avoidance is always preferred and impacts that cannot be avoided should be minimized whenever feasible. The MOU Project and Alternative 1 would incorporate most of SBA-78 and SBA-79 in an Agricultural Conservation Easement that would allow existing farming activities to continue but would protect the sites from further development. To further avoid and minimize impacts, RDEIR mitigation measures in Sections 3.11.3.3 and 9.11.3.3 have been revised to emphasize re-location of planned developments, use of fill to cap sites, and use of construction techniques that result in less subsurface disturbance, among other measures. In addition, measures to protect sites from indirect impacts have also been added (see also General Response 13.3.4, Indirect Impacts and Avoidance).

L-2-14

The comment notes that Carbone’s report on his testing at SBA-77 includes few details on his methods and does not include excavation profiles, thus making an independent assessment of his findings “impossible”. His methods are described in Section 5 of Carbone’s report (Carbone 2005b: 20-29). The assertion that an independent assessment of his findings is impossible is an exaggeration, although concerns about the study are understandable. Although profiles are useful and almost always included in a professional archaeological excavation report, Carbone

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Section 15.0 Responses to Comments does provide a description of site stratigraphy and the report includes a photograph of a representative trench profile (Carbone 2005: 27-28). While the lack of profiles is considered a deficiency, the adequacy of the field methods used is the most important factor to consider when assessing the results of an archaeological investigation. This issue is the subject of response to comment L-2-15.

L-2-15

This comment asserts that most archaeologists would consider Carbone's methods inadequate because only a sample of excavated soil was screened. In response to The comment that Carbone's methods are inadequate because he only sampled excavated materials, it is important to note that sampling is a well-recognized and accepted scientific technique. To suggest that sampling is an inadequate technique because it does not recover all artifacts is to ignore that the express purpose of sampling is to gain information about a population, in this case a population of artifacts, by studying a part of the whole. The important issue to consider is whether the sampling was adequate to detect the presence of artifacts both horizontally and vertically within the site.

At least four points can be made regarding this process:

- 1) The 31 trenches were systematically placed throughout the entire accessible part of the site, thereby providing a good spatial sample (see Carbone 2005: Figure 4).
- 2) 100 percent of all excavated levels in every trench was sampled, yielding a sample of 156 excavated levels.
- 3) A 5-gallon bucket sample was taken out of each excavated level and screened through 1/8-inch mesh. This is not an uncommon sampling procedure for an extended Phase 1 investigation, although the sensitivity of this site suggests that a larger volumetric sample probably would have reduced concerns about the findings.
- 4) A consideration in evaluating the findings is whether the data are strongly patterned. If the sampling methods were inadequate to define site boundaries, then either no artifacts would be recovered or artifacts would be recovered by random chance and a random recovery generally would not be expected to yield a horizontal and vertical pattern as strong and as coherent as the one Carbone reports. His 31 trenches were placed from less than 10 feet to the canyon rim to approximately 325 feet from the canyon rim. He found artifacts in only 5 trenches and all were located within 80 feet of the rim. That is a very strong, non-random pattern. Other strong patterns noted include the low density of artifacts noted in each of the 5 trenches and the vertical distribution of artifacts was limited to the upper 60 cm of the soil column.

These results make sense in light of comments by Rogers (1929) who states that during his 1925 excavations a large portion of the site fell into the ocean because of the massive earthquake that virtually leveled the City of Santa Barbara. Also, it is worth noting that when the site was recorded by Harrison in 1957, he noted only 30 artifacts across the entire surface of the site.

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Perhaps what remains is the edge of the original site, most of which apparently fell into the ocean long ago.

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In sum, the locations of Carbone's trenches and the sampling procedures employed are considered adequate for the limited goals of his investigation, that is, to define gross site boundaries.

Nonetheless, it is also important to recognize that individual features, small artifact concentrations, isolated artifacts, or other small-scale archaeological phenomena could still occur in the area where Carbone tested. Mitigation Measure Cultural-3 (RDEIR Section 3.11.3.3) provides for archaeological and Native American monitoring of all construction grading or excavation activities occurring in historic and/or prehistoric soil deposits. Should subsurface artifacts be discovered within the original boundaries of SBA-77 (as well as all other parts of the project area), construction activities at the location would be halted until emergency discovery procedures are implemented by qualified archaeologists and Native Americans in consultation with the County.

Mitigation Measure Cultural-3 (RDEIR Section 3.11.3.3) has been revised to indicate that all grading and excavation on the project are subject to archaeological and Native American monitoring, not just activities within prehistoric and historic soil deposits. This change makes this measure consistent with Mitigation Measure Cultural-5 (RDEIR Section 9.11.3.3).

L-2-16, L-2-17

The comment describes Carbone's subsurface investigations which warranted recommendations of avoidance of the western portion of CA-SBA-77. The comment suggests these recommendations have not been carried out. These comments assume the area in question lies within the project's area of impact but it does not. Instead it lies within the proposed Open Space Conservation Easement and would be protected if the project is approved. Although the applicant reports may not be consistent with CEQA § 15064.5, the RDEIR is compliant (see Sections 3.11 and 9.11, and General Response 13.3.1.2, Archaeological Resources Identification and Evaluation--SBA-77, -78, -79, -144).

L-2-18, L-2-19

The comment states that the reports prepared by Carbone (2002, 2005a and 2005b) do not fulfill the developer's obligations regarding compliance with CEQA guidelines. As noted above, although the applicant reports may not be consistent with CEQA §15064.5, the RDEIR is compliant and is in agreement with The comment that SBA-78 and -79 are clearly significant from an archaeological and cultural standpoint (see RDEIR Sections 3.11 and 9.11, and General Response 13.3.1.2 for a discussion of identification and evaluation and General Response 13.3.6 for a discussion of ethnic concerns). The RDEIR also concludes that SBA-77 meets criteria for listing in the California Register, (see Section 3.11.1.1.6) while acknowledging that Carbone's (2005) extended Phase 1 boundary definition suggests the site is smaller than previously mapped.

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Section 15.0 Responses to Comments In regards to mitigation measures, RDEIR Sections 3.11.3.3 and 9.11.3.3 have been augmented to incorporate additional measures, including those mentioned in CEQA Statute 21083.2(b). Please also see General Response 13.3.2, Archaeological Resources-Efforts to Avoid Impacts, and Section 13.3.4 for a discussion of measures designed to avoid and minimize indirect impacts.

Response to County Riding and Hiking Trails Advisory Committee Letter L-3 Dated January 21, 2008

L-3-1

The County Riding and Hiking Trails Advisory Committee (CRAHTAC) has received the opportunity to review the proposed Coastal trail improvements as proposed in the RDEIR for the Santa Barbara Ranch and Dos Pueblos Ranch properties. CRAHTAC serves in an advisory role, as appointed by the Santa Barbara County Board of Supervisors, to review programs, policies and procedures affecting County recreational riding and hiking trails and their use.

L-3-2

The comment identifies “problematic” concerns with the proposed trail and beach access. See responses to comments L-3-3 through L-3-8.

L-3-3

Policy 7-19 states that “in order to protect the marine resources of Naples Reef and the adjacent beach as a hauling out area for harbor seals, intensive recreational use shall not be encouraged. Access to the site should continue to be by way of boats.” The concern regarding the project’s potential inconsistency with Santa Barbara County CLUP Policy 7-19 is addressed in response to comment G-1-20. As discussed in Sections 3.4.4.2.2 (MOU Project) and 9.4.4.2.2 (Alternative 1), Special-status Habitats, the proposed trail and beach access is anticipated to increase the overall frequency of beach use by project residents and guests, as well as the public; however, the trail facilities would be designed to limit the type and frequency of visitors to the bluff and beach area. The proposed parking facility would be approximately 0.75 acre, accommodating an estimated 30 vehicles. The proposed trail between the parking facility and bluff top would be approximately 0.5 mile long, and would be designated and designed for passive users (hiking, bicycling, and equestrian use). Additionally, as addressed in Impact Bio-6, Impact Bio-10, and Mitigation Measure Bio-4 in Sections 3.4.4.2.2 (MOU Project) and 9.4.4.2.2 Special-status Habitats (Alternative 1), potential impacts to the Naples Reef and harbor seal haul-out area would be significant, but feasibly mitigated by providing visitor information regarding the sensitive nature of the surrounding habitats, prohibiting visitor pets on the trail and beach, and closing beach access for a substantial portion of the year during the harbor seal breeding season (months of March through July, or as determined by the County). Intensive recreational use will not be encouraged as the beach is located approximately 3,000 feet from the parking lot and the beach access structure is self limiting.

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L-3-4

This comment addresses concern for the intrusive visual impacts of the proposed beach access structure. This comment is addressed in Impact Vis-8A and Vis-8B (Stairway Access to Beach) and Mitigation Measure Vis-3 (Coastal Access Structure). As discussed, the proposed beach access structure and viewing platform would be designed with structure material colors and textures selected to blend with adjacent coastal bluffs, and subject to the Central Board of Architectural Review approval.

Also see response to comment S-2-38.

L-3-5

This comment concerns access for mobility-impaired visitors and the commenter's belief that the issue is not addressed in the RDEIR. However, this issue is discussed in Impact Vis-8A and 8B, found in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects.

Also see response to comment S-2-38.

L-3-6

The comment states concern for the erosion and maintenance related to the beach access structure. This comment is addressed in Impact Geol-1 and Mitigation Geol-1 in Sections 3.2.3.2.1 (MOU Project) and 9.2.3.2.1 (Alternative 1), Topography, Slopes, and Erosion Potential; Impact Rec-5 in Sections 3.10.2.1, Project Impacts; 9.10.3.2, Alternative 1 Impacts; and Impact Vis-8A and 8B in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. As discussed, the beach stairway access structure is designed to minimize alterations to the bluff. The access structure avoids cutting into the cliff face, and would stand off from the cliff up to eight (8) feet in order to meet outdoor stairway design safety standards. Additionally, stormwater catch basins are proposed at the top of the cliff, with drainage piping discharging stormwater at the base of the cliff in order to manage stormwater flows and reduce effects of erosion. Dedicated trail easement and permanent maintenance provisions would be included as a part of the Open Space and Habitat Management Plan for the entire proposed public access trail areas (See Figure 9.10-1).

L-3-7

See response to comment S-2-34.

L-3-8

The comment claims the beach access point, as proposed along the cliff, is unsafe and may result in trapping users during high-tide. The RDEIR addresses beach access and user safety in

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Section 15.0 Responses to Comments Sections 3.10.1.1.4 (MOU Project) and 3.10.1.1.4 (Alternative 1), Other Recreational Facilities, which state that information kiosks will disclose beach hazards including high-tide and the cliffs.

L-3-8

The alignment of the De Anza Trail is a policy matter outside of CEQA. Please see Responses S-11-12 and I-4-1 for further information, as well as General Response 13.6. The commenter's opinion will be part of the record for consideration by decision-makers.

L-3-9

The commenter claims the objective of the CLUP 7-13 which describes the De Anza trail location proximity to the ocean remains unmet by the proposed project. See response to comment S-2-34.

Response to County of Santa Barbara Fire Department Letter L-4 Dated November 30, 2007

L-4-1

This comment requests re-wording of Impact PS-5 and Mitigation Measure PS-2, related to fire protection services, and suggests that this impact be considered Class 1—significant and not mitigated—until an agreement is reached to provide funding for a new fire station.

Impact PS-5 (Fire Protection) in the Final EIR has been revised in the Public Services Sections 3.15.3.2, Project Impacts, and 9.15.3.2, Alternative 1 Impacts, to reflect the County of Santa Barbara Fire Department's language, but the basic conclusion from the RDEIR regarding the significance of this impact has been retained. The revisions are as follows:

Impact PS-5: Fire Protection. The proposed MOU Project would present an increase of population ranging from approximately 163 to 250 new residents requiring fire protection services. Based on the Goleta Community Plan, it is clear that a new fire station must be constructed and staffed in order to support any further large development in the Western Goleta Valley. Currently, the City of Goleta, Santa Barbara County Fire Department, and all affected applicants are working on a plan that will provide documentation of all of the required funding and sources of such funding for the new fire station.

This impact is considered significant, and will remain significant until the new fire station is operational. Thus, there would be a short-term impact on fire protection services until the new fire station is operating. This impact is considered *potentially significant but feasibly mitigated (Class II)*.

Although the project area is west of the Goleta Community Plan area, and west of the City of Goleta, the concerns regarding fire protection services in this region and the need for the new

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Fire Station 10 are acknowledged. The Final EIR continues to recognize this issue and to identify the project effects on fire protection services as a significant impact. However, incorporation of the new text does not change the impact analysis and the conclusion that this impact can be feasibly mitigated through steps that lead to the construction of the new fire station. For this reason, the Final EIR retains the identification of this impact as Class II.

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With respect to the language for Mitigation Measure PS-2, which deals with the use of developer impact fees, the language in the Final EIR has been revised to reflect the Fire Department's suggestion. The revisions are as follows:

Mitigation PS-2: Impact Fees. The applicant shall pay the applicable Development Impact Fees in effect at the time of issuance, including school and sheriff, prior to issuance of building permits (*addresses Impacts PS-3, PS-4, and PS-10*). The developer will contribute a one-time payment for the construction of Fire Station 10 in western Goleta. The fee shall be collected prior to the issuance of the first building permit and deposited into a dedicated account for the construction of this new fire station. The County of Santa Barbara in coordination with the City of Goleta will determine the amount of this fee through a fair share analysis in conjunction with other City and County projects that will contribute to the construction of the future County fire station (*addresses Impact PS-5*).

L-4-2

The FEIR Public Services Sections 3.15.3.4 (MOU Project) and 9.15.3.4 (Alternative 1), Mitigation Measures, have been amended in response to this comment regarding Mitigation PS-2 (Impact Fees). Based on the significance thresholds from the County of Santa Barbara Planning and Development Department and Appendix G of the CEQA Guidelines, the associated residual impact (Impact PS-5, Fire Protection) would be significant but mitigated to a less than significant level by implementation of Mitigation Measures PS-2 and PS-3.

L-4-3

The Fire Department recommends removal of Mitigation PS-3 (Short-Term Fire Protection Facilities); however, this mitigation measure provides a means for reducing short-term impacts in order to avoid adverse impacts. The Fire Department would retain the discretion to determine interim on-site station areas for fire protection equipment and operations or potential service coordination with the California Department of Forestry and Fire Protection, as appropriate. As a result, Mitigation Measure PS-3 has not been removed from the EIR.

L-4-4

The FEIR is updated in Sections 3.15.1.1.2 Fire Protection (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, to reflect the current number of County Fire Stations increase by one to sixteen, with the inclusion of the City of Solvang.

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The FEIR has been updated in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, to reflect that the Office of Emergency Services (OES) is no longer a division of the Fire Department, and no longer provides expanded dispatch services during fire emergencies.

L-4-6

This comment requests the inclusion of policy Public Facilities (PF) 9.3 from the City of Goleta General Plan, and this addition has been made in the Final EIR. PF 9.3 is applicable to projects located within the city limits of Goleta and therefore does not apply directly to the project. The policy does, however, identify the general principle of requiring developers to contribute towards necessary public improvements as part of the new development process.

L-4-7

The EIR has been modified to reflect the recommended change in this comment. In addition, the language in Mitigation Measure PS-2 regarding development impact fees has been revised.

L-4-8

The FEIR has been modified in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, amending Impact PS-5 (Fire Protection). The impact finding however, would remain as *potentially significant, but feasibly mitigated (Class II)*, as discussed in response to comment L-4-1.

L-4-9

Impact PS-11 (Cumulative Impact) in the FEIR has been amended in Sections 3.15.3.3 (MOU Project) and 9.15.3.3 (Alternative 1), Cumulative Impacts, to reflect this comment with the exception of the impact classification. When the project is considered in combination with other proposed development in the Gaviota area, it is anticipated that the project would contribute incrementally to cumulative impacts to fire protection services in the Gaviota area. The planned construction of the new Fire Station 10 will serve to reduce cumulative effects on fire protection services. Based on the significance thresholds presented in Sections 3.15.3.1.4 and 9.16.3.1.4, the cumulative effects of this project and anticipated future development in the area on fire protection services are considered *adverse but less than significant (Class III)*.

L-4-10

As addressed in response to comment L-4-2, the EIR has been corrected in Sections 3.15.3.4 (MOU Project) and 9.15.3.4 (Alternative 1), Mitigation Measures, to reflect this comment's suggested text change to the Mitigation Measure PS-2 (Impact Fees) mitigation discussion. However, as discussed in response to comment L-4-2, based on significance thresholds from the

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County of Santa Barbara Planning and Development Department and Appendix G of the CEQA Guidelines, the associated residual impact would be significant, but mitigated to an acceptable level.

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L-4-11

See response to comment L-4-3.

**Response to Santa Barbara County Flood Control and Water Conservation
District Letter L-5 Dated January 19, 2008**

L-5-1

The comment states that the project areas which include proposed development are significant in area and that FEMA considers these areas unstudied. The comment states that the unstudied watershed should be subject to hydrologic analysis to confirm whether or not the proposed building sites are located in FEMA special flood hazard zones. Drainage calculations for the project design have been prepared and submitted to the Public Works Department as part of the project review. The Public Works Department has also prepared preliminary project conditions (also referenced in response to comment L-5-4) which require demonstration of compliance with the County's standard requirements. These requirements are consistent with the discussion of this issue in Impact Flood-1 and Mitigation Measure Flood-1. The discussion in the Final EIR has been revised in Section 9.3.3.2.1, Impact Flood-1 for Alternative 1, to clarify the applicability of the County conditions.

L-5-2

The comment states that the storm water retention and protection structures incorporated into "Mitigation Flood-1: Storm Water Control Structures and Devices" do not meet the intention of County Flood Control. It was not the intention of County Flood Control to require detention, given the building sites' proximity to creeks and the ocean. The comment further states that the only way to assure that post-project run-off volumes do not exceed pre-project volumes is to either not increase impervious areas or provide ground water recharge. The language in the RDEIR was not intended to specify an exact engineering solution, and has been revised to reflect the clarification in this comment.

L-5-3

The comment states that a drainage study should evaluate existing drainage facilities including the culverts (US HWY 101 and UPRR) to assure that capacity is sufficient for increased runoff. As noted above in response to comment L-5-1, the required studies have been submitted to the Public Works Department, and draft conditions have been prepared to ensure compliance with County requirements.

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Section 15.0 **L-5-4**

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The comment states that dam failure inundation areas should be mapped and a determination made as to the safety of the proposed structures. A review of preliminary mapping of inundation limits by the California Office of Emergency Services indicates that no new homesites in either the MOU Project or in Alternative 1 would be subject to inundation. As noted in response to comment L-5-1, preliminary project conditions have been prepared. These conditions require that final design plans show the limits of inundation along with compliance with other drainage design requirements. The text of the Final EIR has been revised in Section 9.3.3.2.1, Impact Flood-1 for Alternative 1, to clarify the applicability of the County conditions.

Response to Santa Barbara County Public Health Department Letter L-6 Dated January 4, 2008

L-6-1

The comment states that the RDEIR contains a proposal to develop 16 inland lots using on-site wastewater treatment systems utilizing drywells for disposal. The commenter states that this would be in conflict with a letter dated December 17, 2003 from the Regional Water Quality Control Board. The commenter requests that the MOU Project description be corrected. The potential impact to groundwater from the MOU Project is described in Section 3.3.3.2.2, Water Quality Impacts under Impact WQ-2: Wastewater Treatment and Disposal, as well as in Section 3.15.3.2, Project Impacts, under Impact PS-2: Wastewater Treatment and Disposal. The RDEIR provides a summary of the Regional Board's December 17, 2003, letter and its conclusion that operation of the drywells at that site is not supported by the sub-surface geology. The RDEIR states that operation of the drywells may have the potential to adversely impact groundwater. Mitigation PS-4: Use of Package Sewage Treatment Plant addresses Impacts WQ-2 and PS-2. The description of operation of the drywells and their potential impact is adequately described in the RDEIR and does not require further revision.

L-6-2

The comment states that the RDEIR proposes the use of package treatment plants but there is no mention of how they would be maintained and by whom. The commenter states that both environmental health services and the Regional Water Quality Control Board would require that a public agency such as a Sanitary District or a Community Services District to operate and maintain the package treatment plants. Sections 3.15.1.1.7 and 9.15.1.1.7, Sanitary Waste Service, of the RDEIR have been revised to include a description of maintenance requirements for the wastewater treatment plant according to manufacturer standards. In addition, text has been added to Sections 3.15.1.1.7 and 9.15.1.1.7, Sanitary Waste Service, of the RDEIR requiring that the managing entity of SBR retain the contract services of a public agency such as a Sanitary District or Community Services District to operate and maintain the wastewater treatment systems.

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L-6-3

The RDEIR provides lines and easements for the recycled water lines on Figures 2.3-1c (MOU Project) and Figure 8.3-1b (Alternative 1), which show the recycled water tank on Lot 138 (MOU Project) and on Lot 188 (Alternative 1), respectively. In addition, the recycled water must meet Title 22 of the California Code of Regulations. In response, the final configuration of the recycled water lines will be provided in the final plans submitted for approval.

L-6-4

The reference to Mr. Norman Fujimoto in Section 9.15.1.1.6, Water Treatment and Supply, does not refer to wastewater. The reference applies to test results of water supply samples from the Naples Water Company. The testing was conducted in 2005 and Mr. Fujimoto's data showed trace organic compounds, such as trihalomethane and haloacetic acids, in concentrations that exceeded the State maximum contaminant levels (MCLs) for drinking water. Mr. Fujimoto stated in the referenced report that he believed the exceedances to be caused by chlorination of the water in the GWD highline in conjunction with the extended contact time within the conduit.

Response to County of Santa Barbara Parks Department Letter L-7 Dated January 22, 2008

L-7-1

The comment states that the proposed alignment of the Coastal Trail north of Highway 101 would result in cumulative impacts to recreation, safety, and alternative transportation.

The County Parks Department is responsible for the long-term establishment of parks and other recreational resources. The County Parks Department's conclusions regarding cumulative impacts are noted and will be included in the document for consideration by decision-makers.

The concerns regarding the alignment proposed for the Coast Trail in the Alternative 1 proposal are discussed in the EIR as Impact Rec-1 in Section 9.10.3.2. The discussion recognizes the adverse effect of the proposed alignment, but does not conclude that it represents a significant impact, meaning a substantial adverse change in the environment as the term is defined in CEQA. As noted in the General Response in Section 13.6, the issue of the exact trail alignment is considered to be more a matter of policy consistency, rather than a physical environmental impact.

L-7-2

The comment requests that the RDEIR analyze the impacts of the proposed north alignment, with attention to the vertical access to the west (Las Varas Ranch).

The RDEIR includes a discussion of the Coastal Trail in Section 8.4.4, Public Access, Trails, and Recreation. Section 9.10.1.1.4 also includes a description of the Coastal Trail in the project

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Section 15.0 Responses to Comments vicinity. The relationship between the proposed Coastal Trail segment within the project area and adjacent segments is discussed in Impact Rec-1 in Section 9.10.3.2 for the Alternative 1 design. The General Response in Section 13.6 provides more information on this issue.

L-7-3

The comment states that the intent of the Coastal Trail is to provide recreation and alternative transportation opportunities along the coast as well as to expand recreational opportunities by providing vertical beach access.

The RDEIR describes the California Coastal Trail, as a state-designated non-motorized trail system that links coastal communities throughout California, in Sections 3.10.1.1 (MOU Project) and 9.10.1.1 (Alternative 1), Regional Overview. In addition, the Coastal Commission issued *Completing the California Coastal Trail*, January 2003, defining of the California Coastal Trail as a continuous public right-of-way along the California coastline; a trail designed to foster appreciation and stewardship of the scenic and natural resources of the coast through hiking and other complementary modes of nonmotorized transportation. The following principles of alignment would apply to all of the different components of the California Coastal Trail: proximity (wherever feasible, within sight, sound, or at least the scent of the sea), connectivity (effectively link starting points to destinations), integrity (continuous and separated from motor traffic), respect (located and designed with a healthy regard for the protection of natural habitats, cultural and archaeological features, private property rights, neighborhoods, and agricultural operations along the way), and feasibility (to achieve timely, tangible results with the resources that are available, both interim and long-term alignments of the Coastal Trail will need to be identified). These various factors are discussed in the General Response, Section 13.6. As previously noted, the issue of the exact trail alignment (both vertical and lateral access) is considered to be a matter of policy consistency that is under the purview of decision makers to determine.

L-7-4

The comment states that the northern alignment of the Coastal Trail would by-pass an opportunity to access the Las Varas vertical beach access, which would to be reached mostly by motor vehicles, causing recreation impacts and secondary safety issues to the users. The Las Varas Canyon Trail is the second proposed trail near the project area and is displayed on the County Comprehensive Plan Parks Recreation and Trails (PRT) map as immediately adjacent to the west boundary of the proposed Alternative 1 area. For additional information on the Las Varas Canyon Trail see General Response 13.6.4, Local Setting.

In addition please refer to the responses to comments L-7-1 through L-7-3.

L-7-5

This comment requests modifications to the mitigation measures to address connectivity of the proposed Coastal Trail alignment with the neighboring Las Varas Ranch trail and vertical beach

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access. The EIR includes discussions of the Department's concerns, but does not conclude that the concern regarding the alignment of the Coast Trail proposed in Alternative 1 rises to the level of a significant impact. Therefore, no changes in mitigation measures are needed. The General Response in Section 13.6 provides more information on this issue.

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**Response to Central Coast Regional Water Quality Control Board Letter L-8
Dated January 24, 2008**

L-8-1

The Central Coast Regional Water Quality Control Board states a request to discuss comments regarding wastewater management (disposal drywells, proposed package WWTP and permitting) and storm water (hydro-modification, low impact development and permitting). This comment does not raise any specific issues regarding the content of the document.

Additionally, the Central Coast Regional Water Quality Control Board submitted a formal comment letter dated February 13, 2008. See comment letter L-9 and responses to comments L-9-1 through L-9-5.

**Response to Governor's Office of Planning and Research Letter S-9 Dated
January 24, 2008**

S-9-1

The letter from the Office of Planning and Research states that comments received during the public review period were sent to the County and that the Draft EIR complies with the State Clearinghouse review requirements, pursuant to CEQA.

15.5 RESPONSES TO COMMENTS FROM GROUPS

Response to Bioregional Planning Associates Letter G-1 Dated January 23, 2008

G-1-1

This comment introduces the Bioregional Planning Associates' comment letter, which states that the RDEIR is incomplete because the document inadequately classifies and identifies significant impacts, important constraints, and existing policies associated with the coastal bluff, beach, and nearshore marine area of the project area. Additionally, this letter includes comments suggesting that the RDEIR lacks analysis and baseline characterization of cultural resources. This comment also states that Bioregional Planning Associates had submitted a comment letter addressing the initially-circulated DEIR in July 2006, which is discussed in response to comment G-1-2.

G-1-2

As explained in Section ES.1 of the RDEIR, the County prepared the RDEIR in order to clarify certain information regarding the project and to refine the analysis of the project. The comments

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the County received on the previous DEIR will not remain part of the record of the proceedings for the project and written responses to those comments will not be included in the Final EIR (FEIR), as allowed in the CEQA Guidelines (14 CCR 15088.5(f)(1)). Section ES.1 also states that as a result of the decision to prepare this RDEIR, persons wishing to submit comments that will be addressed in the FEIR must submit those comments during the public review period for this RDEIR.

G-1-3

This comment states that the RDEIR does not draw from available published material regarding the project area in the coastal marine area. Please refer to General Response 13.5.2 for the response to this comment.

G-1-4

This comment states that the RDEIR draws from the Chambers Group (1986) as the only source of information for biology of the Naples coastal marine area. This is not a correct statement because as provided in Sections 3.4.2.1.1 and 9.4.2.1.1, General Biological Resources, the RDEIR identifies biological species in the project area, which include the coastal marine ecosystems, through: field surveys performed for the EIR; previous field surveys of the study area and surrounding environs by other biologists; and review of sources which include current lists of federal sensitive plants and wildlife, California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDB), biological information recorded by the County of Santa Barbara Planning Development Mapping, and the Santa Barbara Botanic Garden lists of species of local concern.

G-1-5

As discussed in response G-1-4, the description of existing biological resources, including birds, in the project area is based on: field surveys and previous field surveys of the study area (which includes the project area and surrounding environs) by biologists; review of pertinent scientific literature, technical reports, and environmental documents (examples of which are provided in Sections 3.4.2.1.1 and 9.4.2.1.1 of the RDEIR); and review federal and state resources for potential occurrence of special-status species in the study area. The purpose of the reconnaissance-level surveys of birds performed in the project area for the RDEIR is to identify bird species based on sight and sound observations, and to characterize the project area habitat in order to determine potential occurrence of other bird species.

Regarding field surveys, the RDEIR draws upon two independent site surveys performed during Spring 2005, which covered the entire project area, as discussed in the Sections 3.4.2.1.2 and 9.4.2.1.2, Field Methods and Vegetation Mapping, of the RDEIR. The RDEIR also draws upon two field surveys performed by SAIC biologists on non-consecutive days (SAIC, 2004). For the purposes of identifying and characterizing the existing study area conditions necessary for a proper CEQA review of the proposed project, sufficient data gathering and reconnaissance was performed for the project area to constitute substantial evidence under CEQA.

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G-1-6

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This comment states that the RDEIR provides no analysis to support the classification of Class II impacts to the coastal marine ESHA and associated species of concern. Analysis supports the classification of Class II impacts to the coastal marine ESHA in Impact Bio-6 (Sections 3.4.4.2.2 and 9.4.4.2.2) and Impacts Bio-10 and Bio-16 (Sections 3.4.4.2.3 and 9.4.4.2.3). As discussed in the RDEIR, Impact Bio-6 addresses the potential effect of increased beach use on Naples Reef, an exceptional local and regional biological ESHA of significance. Additionally, Impact Bio-6 analyzes the design of the beach access facilities, which would tend to limit the number of public visitors to the bluff and beach area at any one time (the proposed trail between the parking facility and the bluff top would be approximately 0.5 mile long and the 0.75 acre-parking facility would accommodate an estimated 30 vehicles). Impact Bio-10 analyzes potential impacts on the beach resulting from the project's increased recreational use; and Impact Bio-16 evaluates the project's potential effects on intertidal and interstitial invertebrates. As a result of these potential impacts, the RDEIR proposes Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4), which reduces the project's potential significant impacts on Naples Reef and the beach habitats to less than significant effects by closing the beach and beach access trail for at least five months each year, and by prohibiting pets on the beach and the beach access trail at all times.

In response to this comment, the EIR has been revised to include the southern sea otter (*Enhydra lutris nereis*) in the review of the project. The southern sea otter is typically expected to have a low potential for occurrence in the project area, based on the USFWS identification of the southern sea otter's range (*Final Revised Recovery Plan for the Southern Sea Otter*, USFWS 2003) along the Central California coast. Additionally, the CDFG CNDDDB search did not result in occurrences of the southern sea otter in the project area, as shown in figures 3.4-4 and 9.4-4 in the RDEIR. However, based on the USGS' Spring 2007 survey, 29 southern sea otters were identified in the Naples Reef area, indicating a potential for southern sea otter occurrence in the Naples Reef area. Naples Reef is located approximately 1600 feet (about 1/3 mile) offshore. The proposed project involves the construction of a beach access structure to Naples beach.

As discussed in Impact Rec-4 (Sections 3.10.3.2 and 9.10.3.2), construction of the structure would result in potential significant impacts to the Naples coastal area; however, as also addressed in Impact Rec-4, construction would be temporary, and implementation of Mitigation Measure Geol-2, WQ-1a, and Noise-1 would feasibly mitigate the potential project-construction geologic, water quality, and noise impacts to less than significant levels. Impact Bio-6 (Sections 3.4.4 and 9.4.4) addresses post-construction conditions, and analyzes the proposed project's effect to increase beach use and effects on Naples Reef and the coastal area; however, implementation of the associated Mitigation Measure Bio-4 (Sections 3.4.4 and 9.4.4) would reduce potential impacts to acceptable levels. Additionally, the project would result in potential water quality impacts resulting from the increases in impervious surfaces; however, implementation of Mitigation Measure WQ-1d (Sections 3.3.3.4.3 and 9.3.3.4.3) would provide coastal trail and beach access BMPs that would reduce water quality impacts to less than significant levels. With consideration of the proposed project's low potential to impact the southern sea otter in conjunction with implementing the mitigation measures discussed above,

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Section 15.0 the EIR concludes that with implementation of the above measures, the proposed project's
Responses to impacts to the southern sea otter in the Naples marine area would be less than significant.
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G-I-7

This comment states that the proposed coastal development and recreational amenities would increase the public use and access of the ESHA, that this increased use could impact the associated species of concern, and that the RDEIR does not provide an analysis of the impacts of public access. The RDEIR analyzes potential impacts resulting from the project's increased public access, including the proposed stairway, on coastal-dependent species in Impact Bio-6 (increased beach use and effects on Naples Reef), Impact Bio-10 (effects of increased recreational use on seal haul-out area), Impact Bio-13 (effects on aquatic-associated wildlife), and Impact Bio-16 (effects on beach invertebrates). These impact discussions are located in Sections 3.4.4 and 9.4.4 of the RDEIR.

Additionally, The comment states that the Open Space Habitat Management Plan (OSHMP) (referred to as an OSP in this comment) fails to offer mitigation measures to protect the sensitive coastal beach, intertidal reef wetlands, and nearshore marine areas. As discussed in Appendix G of the RDEIR, the OSHMP provides a framework to address the long-term management of open space and environmentally-sensitive habitat areas in the project area, which include mitigation measures proposed for the project. Following certification of the EIR for the proposed development (and prior to the issuance of any coastal zoning permits), the OSHMP will be updated to include specific measures to implement any mitigation required by the EIR. In this way, mitigation measures discussed and referenced in Sections 3.4.4.4 and 9.4.4.4 as well as the remaining portions of the EIR that protect the sensitive coastal beach, intertidal reef wetland, and nearshore marine areas would be included in the final OSHMP. These mitigation measures include Bio-4, Bio-5, and Bio-9 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR); and WQ-1a, WQ-1b, WQ-1c, and WQ-1d (full text appearing in Sections 3.3.3.4 and 9.3.3.4 of the RDEIR) Geol-1 and Geol-2 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR), Rec-4 (Sections 3.10.3.2 and 9.10.3.2), Noise-1 (Sections 3.13.3.4 and 9.13.3.4 of the RDEIR).

G-I-8

Analysis, characterization, and classification of potential impacts resulting from terrestrial inputs (i.e., increased water pollution and other terrestrial inputs) for coastal watersheds on coastal marine species and the ESHA are provided in Impact Bio-13 (sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR). In the event that the project would use water diverted from Dos Pueblos Creek, the project's potential impacts on coastal marine species and the ESHA would be negligible, as discussed in General Response 13.4.1.

The RDEIR provides mitigation measures to manage potential storm water pollution in sections 3.3.3.4.3 and 9.3.3.4.3. Mitigation WQ-1a manages potential storm water pollution during construction, and Mitigation WQ-1d manages potential post-construction storm water pollution.

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As discussed in Response G-1-7 above, the OSHMP (referred to as OSP in The comment) is designed to incorporate all mitigation required by the EIR following certification of the EIR.

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G-1-9

This comment states that the RDEIR fails to characterize and address impacts of equestrian use on the ecology of the coastal watersheds and terrestrial environment, such as increased water pollution and the introduction of non-native, invasive species. The comment also references a USGS report (2002) noting that invasive plants may be introduced directly through seeds in manure, and indirectly because horse hooves disturb soils and disturbed soils are especially conducive to establishing invasive growth.

The EIR characterizes and addresses the impacts of the project's proposed equestrian uses on the coastal watersheds and terrestrial environment in several discussions. Impact Bio-19 (Sections 3.4.4.2 and 9.4.4.2 of the RDEIR) addresses the project's potential livestock impacts resulting from grazing and soil destabilization, and is mitigated through the project's uniform agricultural management service as proposed in Impact Bio-20 (Sections 3.4.4.2 and 9.4.4.2 of the RDEIR). The RDEIR also provides Impact Bio-15 and Mitigation Measure Bio-8 (Sections 3.4.4 and 9.4.4 of the RDEIR) to address bird nest parasitism. Additionally, Impact Bio-5 and its associated Mitigation Measure Bio-3 (Sections 3.4.4 and 9.4.4 of the EIR) have been modified to include consideration for invasive non-native species growth in horse use areas. The project's potential impacts resulting from equestrian-related water pollution are addressed in Impact WQ-1 (Sections 3.3.3 and 9.3.3 of the RDEIR). The corresponding Mitigation Measure WQ-1c (Sections 3.3.3.4 and 9.3.3.4 of the RDEIR) provides for a storm water quality management plan (SWQMP) to manage water quality and an animal waste management plan to ensure regular removal of manure from use areas.

G-1-10

This comment suggests that the proposed equestrian uses be eliminated. This comment is included in the public record for consideration by decision-makers.

G-1-11

This comment states that no comprehensive assessment of the long-term impacts of equestrian use on the project site was undertaken in RDEIR, and that a long-term monitoring program is required to assess and address potential inputs from equestrian uses. As discussed in Response G-1-9, the EIR analyzes and addresses multiple potential impacts resulting from the proposed equestrian-related uses relating to non-native invasive species management, water quality management, soil erosion, and predatory bird control on a long-term basis. Also, the RDEIR proposes mitigation measures to manage each of these areas provide long-term monitoring and evaluating programs which extend through the duration of the project lifetime.

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Section 15.0 **G-I-12**

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Please refer to General Response 13.5.2, which addresses the project area's ecological baseline information and carrying capacity, which addresses potential future levels of use and the related cumulative assessment associated with the coastal marine area.

G-I-13

This comment states that the proposed public access point and stairway would significantly impact coastal-dependent species. The RDEIR analyzes and addresses potential impacts to coastal-dependent species resulting from both the construction and use (including the potential for increased human presence) of the vertical access structure to the Naples beach area. The project's potential impact analysis on the proposed beach access is described in the RDEIR, and includes impacts Bio-6, Bio-10, Bio-13, and Bio-16 in Sections 3.4.4.2 and 9.4.4.2, and Rec-4 in Sections 3.10.3.2 and 9.10.3.2. The RDEIR proposes implementation of mitigation measures associated with these impacts, which include Mitigation Measures Bio-4 and Bio-9 (Sections 3.4.4.4 and 9.4.4.4), Geol-2 (Sections 3.2.3.4 and 9.2.3.4), Noise-1 (Sections 3.13.3.4 and 9.13.3.4), and WQ-1a and WQ-1d (Sections 3.3.3.4 and 9.3.3.4). The project's implementation of these measures would reduce potential impacts (where applicable) to less than significant levels. As a result, the project's potential impacts from the public access point would result in less than significant impacts to coastal-dependent species.

G-I-14

The comment is concerned with the proposed stairway presenting a public safety hazard because of the geology of the sea cliff-bluff area. The RDEIR addresses public safety pertaining to the beach access structure using the County of Santa Barbara Environmental Thresholds and Guidelines (2003), which considers areas constrained by geology relative to proximity to active or potentially active faults, underlying rock types associated with compressible or collapsible soils, or susceptibility to landslides or severe erosion. Additionally, the County establishes Special Problems Areas based on additional geological constraints, flood hazards, and other physical limitations to development. Based on these thresholds, the RDEIR has identified potential project-related significant impacts discussed in Impact Geol-1, which addresses bluff retreat, and Impact Geol-2 addressing erosion from grading, in Sections 3.2.3.2.1 and 9.2.3.2.1. The associated mitigation measures, Geol-1 and Geol-2 are provided in Sections 3.2.3.4 and 9.2.3.4. As the impact and mitigation discussions indicate, potential impacts of the project relative to geologic hazards are significant, but feasibly mitigated.

G-I-15

This comment states that alternative public beach access points should be evaluated in the RDEIR as a result of The comment's claim that the project access structure is proposed amidst apparent inconsistency between the County's LCP 7-18 and policies LCP 3-1 and LCP 3-5. The project's proposed public beach access is consistent with County LCP 7-18, which establishes a priority for expansion of access and recreation on the Gaviota Coast planning area. Dos Pueblos

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Canyon is identified in the CLUP as an access point; however, as discussed in the General Response 13.5.2 public access at Dos Pueblos Creek is not desirable due to potential resource conflicts with ESH, agriculture and cultural resources. The County LCP 3-1 pertains to the construction of seawalls, which is not applicable to the proposed project. Finally, the proposed project is consistent with LCP 3-5, which addresses measures to preserve bluff stability. Further details on the proposed project's consistency with the County's LCP policies are provided in sections 3.10.2.3.1 and 9.10.2.3.1 of the RDEIR.

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G-1-16

Response to comment G-1-6 addresses the proposed project's potential impacts to the southern sea otter. Based on the project's low potential to impact the southern sea otter in conjunction with the implementing mitigation measures identified in response to comment G-1-6, the project would not expect to result in any take of the southern sea otter. As a result, the project does not anticipate requiring a Section 7 consultation with USFWS regarding this species.

G-1-17

This comment states that the RDEIR fails to provide any discussion as to the impact of noise, disturbance, and other constraints on the sea otter and other coastal marine species, such as shorebirds. The RDEIR discusses noise, disturbance, and other potential impacts to wildlife and their habitat in its analyses, which include Impact Bio-6 (Sections 3.4.4.2.2 and 9.4.4.2.2), Impact Bio-22 (Sections 3.4.4.2.3 and 9.4.4.2.3), Impact Rec-4 (Sections 3.10.3.2 and 9.10.3.2), Impact Noise-1 (Sections 3.13.3.2 and 9.13.3.2), WQ-1 (Sections 3.3.3.2.1 and 9.3.3.2.1), along with associated mitigation measures, where applicable.

G-1-18

The RDEIR did not identify the California least tern (*Sternula antillarum*) as a species to potentially breed in the project area based on CNDDDB literature search, which resulted in no occurrence of the California least tern within the study area, and characterization of habitats that are not considered suitable for California least tern nesting and breeding, as observed during site surveys. However, responses to comments F-2-7 and F-2-9 identify modifications to the Final EIR that will include addition of the California least tern.

G-1-19

The unlikely occurrence of the California least tern in the project area is discussed in response to comment G-1-18. The comment's concern regarding existing constraints is addressed in response to comment G-1-14. Additionally, response to comment G-1-15 addresses the project's consistency with coastal policies previously identified in The comment letter. Sections 4.0 and 8.0 provide further analyses of the proposed project's policy consistency, and conclude that the project is consistent with coastal policies. This comment does provide a recommendation for an alternative public access point at the western end of the property, and this recommendation is part of the record for consideration by decision-makers.

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Section 15.0 G-I-20

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The comment states that in general, the RDEIR fails to offer the range of protection measures required to protect the Naples Reef and intertidal wetland area required for an ESHA, as per the County in its Local Coastal Plan and in State law. The RDEIR recognizes the significance and importance of the Naples Reef and intertidal wetland area, and does require a range of measures to protect the ESHA. The RDEIR specifically analyzes the project's consistency with state law (i.e., California Coastal Act) and the County's Local Coastal Program (which is a component of the County's Comprehensive Plan) policies in Sections 4.0 and 10.0 of the RDEIR. As discussed, policies pertaining to the protection of Naples Reef and intertidal wetland areas include: Coastal Act Sections 30210, 30214 and 30240, and CLUP Policies 2-11, 7-19, 9-1, 9-9, 9-14, 9-16a, 9-24, 9-25, 9-30 through 9-33, and CLUP text (pp. 212-213), which states that "*due to the uniqueness and value of the area [Naples Reef] for scientific study, recreational uses of the area may need to be limited in the future to prevent degradation of habitat values.*" As provided throughout the document, the RDEIR proposes project design elements and where needed, mitigation measures to satisfy the project's consistency with state and county policies. Mitigation measures corresponding to the project's consistency with the above-listed policies include: Bio-4, Bio-5, Bio-9 (Sections 3.4.4.4 and 9.4.4.4); Noise-1 (Sections 3.13.3.4 and 9.13.3.4); Geol-1 (Sections 3.2.3.4 and 9.2.3.4); and Flood-1, WQ-1a, WQ-1d, and WQ-2 (Sections 3.3.3.4 and 9.3.3.4). As discussed in Sections 4.0 and 10.0, in its examination of state and county policies with respect to the project design and proposed mitigation measures, the EIR maintains that the proposed project is considered consistent with applicable policies in the Coastal Act and Coastal Land Use Plan.

G-I-21

This comment states that the RDEIR does not include information from the studies of the marine and coastal area, including the LTER or PISCO. Please refer to General Response 13.5.2 for the response addressing this comment.

G-I-22

This comment states that historical records indicate that the mouth of Dos Pueblos Creek included a coastal wetland. As shown on Figure ES-4 (as well as other project area figures in the RDEIR), the mouth of Dos Pueblos Creek is located outside the project boundaries (shown south of lot DP-16). As no construction or development would occur within the Dos Pueblos Creek watershed, the proposed project would not result in any direct or indirect impacts on the mouth of Dos Pueblos Creek.

G-I-23

The comment notes that the creek and riparian area also include important habitat for the southern steelhead trout (referred to as southern steelhead salmon in this comment). As discussed in Sections 3.4.3.3 and 9.4.3.3 as well as Section C.2.2 in Appendix C of the RDEIR, Dos Pueblos Creek may have historically supported the southern steelhead. However, lower reaches of the watercourse now contain several barriers such that the creek, at least above

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Highway 101, does not support migrating steelhead. Dos Pueblos Creek however, is within designated critical habitat for the southern steelhead. As discussed in response to comment F-1-2, the project would implement mitigation measures resulting in less than significant impacts to the southern steelhead designated critical habitat.

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G-1-24

This comment is concerned that the RDEIR fails to characterize and address the potential impacts of changes in land use and public access to the Naples coastal, intertidal wetland, and nearshore marine areas. The comment restates information found in Sections 3.4.3.4.2 and 9.4.3.4.2 of the RDEIR that the intertidal wetland area now serves as a roosting area for shorebirds and invertebrates, and contains a wide diversity of habitats.

The RDEIR characterizes and addresses the project's potential impact of changes in land use in the entire project area, including the Naples coastal area, in Sections 3.6.6 and 9.6.6 of the RDEIR. As discussed, the RDEIR evaluates the project's changes in land use by applying both Appendix G CEQA Guidelines and the County of Santa Barbara Environmental Thresholds and Guidelines Manual (2002).

Responses to comments G-1-14 and G-1-15 address The comment's statement that the RDEIR fails to characterize and address potential impacts of the public access to the Naples coastal, intertidal wetland, and nearshore marine areas. The RDEIR analyzes potential impacts resulting from the project's public access, including the proposed stairway, on coastal-dependent species as well as special-status species in Impact Bio-6 (increased beach use and effects on Naples Reef), Impact Bio-10 (effects of increased recreational use on seal haul-out area), Impact Bio-13 (effects on aquatic-associated wildlife), and Impact Bio-16 (effects on beach invertebrates). These impact discussions are located in Sections 3.4.4.2 and 9.4.4.2 of the RDEIR.

This comment also identifies a figure compiling data from the UCSB LTER project that depicts the downward trend of kelp forest biomass at Naples Reef. The EIR's response pertaining to the project's potential impacts to the kelp forest at Naples Reef is found in General Response 13.5.2.

G-1-25

This comment is concerned that the project (as an urban development) would incrementally contribute to cumulative impacts of increased terrestrial runoff and water pollution, and increased disturbance from public use, among other constraints which would exacerbate the recovery of kelp ecosystems of this area. As evidenced in the description of the project (Sections 2.2 and 8.2 of the RDEIR), the project is a low-density development, and is not characterized as an urban development. As stated in Sections 3.3.3.1 and 9.3.3.1, the RDEIR analyzes the project's potential impacts to runoff and water pollution based on Appendix G CEQA Guidelines and the County of Santa Barbara's Surface and Storm Water Quality Constraints Guidelines (Chapter 16 of the County of Santa Barbara Environmental Thresholds and Guidelines Manual, 2002). Additionally, the RDEIR impact analysis includes the County of Santa Barbara's requirements for projects to incorporate and implement design, construction,

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Section 15.0 Responses to Comments and post-construction BMPs, and to demonstrate that the project would result in a less than significant impact on hydrology and surface water quality.

As discussed in Impact WQ-1 in Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR, the project's potential to introduce pollutant sources into the project area watersheds would be effectively mitigated through implementation of construction BMPs (Mitigation Measure WQ-1a in Sections 3.3.3.4.2 and 9.3.3.4.2); occupancy storm water BMPs and water quality management plan (WQMP) (Mitigation Measure WQ-1b in Sections 3.3.3.4.3 and 9.3.3.4.3); equestrian center WQMP and animal waste management plan to control runoff (Mitigation Measure WQ-1c in Sections 3.3.3.4.3 and 9.3.3.4.3) and coastal trail and beach access area BMPs and WQMP (Mitigation Measure WQ-1d in Sections 3.3.3.4.3 and 9.3.3.4.3). The project would potentially result in potentially significant impacts to the project area water quality; however, implementation of the mitigation measures would feasibly mitigate these potential impacts to less than significant effects.

The project analyzes potential erosion effects from grading activities in Impact Geol-2 (Sections 3.2.3.2.1 and 9.2.3.2.1 of the RDEIR), and as a result, proposes erosion and sedimentation control measures to reduce the project's potential impacts in Mitigation Measure Geol-2 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR). Additionally, Impact WQ-2 (Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR) discusses the project's potential impact to water quality as result of septic tank systems. In response, the project would reduce potential impacts from septic tank systems with the proposed Mitigation Measure WQ-2 (Sections 3.3.3.4.3 and 9.3.3.4.3 of the RDEIR) for domestic wastewater treatment. Furthermore, Mitigation Measure Bio-9 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR) prohibits the use of pesticides, other chemicals, and poisons outside the proposed building envelopes, and within building envelopes, and emphasizes non-chemical controls over chemical control methods. By minimizing and managing the project's potential contribution of storm water pollutants, including soil erosion and sedimentation, the project would result in a less than significant impact to the kelp ecosystems.

The project's cumulative analyses (Sections 3.3.3.3 and 9.3.3.3 of the RDEIR) consider pending projects in the project vicinity that also shown to be low-density developments. Based on the analysis of the project's effect on cumulative development pollutants in Impact WQ-3 (Sections 3.3.3.3.2 and 9.3.3.3.2), as a result of several factors: incorporation of storm water management design features into the landscaping and construction features of the pending project; the pattern of drainages on the Gaviota Coast; and the control of pollutants through development review and implementation of BMPs during construction and post-construction activities, the EIR concludes that the project would be expected to result in a cumulatively significant, but feasibly mitigated incremental impact to water quality. In this way, the project would result in a less than significant incremental contribution to cumulative impacts on the kelp ecosystems.

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G-1-26

This comment describes the Naples Reef in terms of its classification as a “Reef Wetland,” and the presence of plant, animal, and algae species potentially common to this habitat. Please refer to General Response 13.5.2.

G-1-27

This comment states that the RDEIR provides very little in terms of additional protection measures that are warranted given the coastal marine areas’ identification as an ESHA by the County’s LCP. This comment has been addressed in response to comment G-1-20. The comment also references the southern steelhead trout (referred as southern steelhead salmon in this comment), which has been addressed in response to comment G-1-23.

This comment also states that the Open Space Habitat Management Plan (OSHMP) (referred to as an OSP in this comment) fails to offer mitigation measures to protect the sensitive coastal beach, intertidal reef wetlands, and nearshore marine areas. As discussed in Appendix G of the RDEIR as well as response to comment G-1-6 above, the OSHMP provides a framework to address the long-term management of open space and environmentally sensitive habitat areas in the project area. Following certification of the EIR for the proposed development and prior to the issuance of any coastal zoning permits, the OSHMP will be updated to include specific measures to implement any mitigation required by the EIR. In this way, mitigation measures discussed and referenced in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR (and Final EIR) that protect the sensitive coastal beach, intertidal reef wetland, and nearshore marine areas would be included in the final OSHMP. These mitigation measures include Bio-4, Bio-5, Bio-9, WQ-1a, WQ-1b, WQ-1c, and WQ-1d, and protect not only the harbor seal, but also the plants, other wildlife, and habitats in the Naples Coastal area, as described in the RDEIR (Sections 3.4.4.4 and 9.4.4.4) and summarized in tables 3.4-6 and 9.4-6 of the RDEIR.

G-1-28

This comment states that the RDEIR fails to identify or classify several species of concern in the coastal marine area. The RDEIR identified Species of Concern in the project area by evaluating species listed as endangered or threatened under the Endangered Species Act (ESA) and the California Endangered Species Act (CESA), locally sensitive species as identified by the CDFG CNDDDB, the California Native Plant Society (CNPS), the Santa Barbara Botanic Garden, the ; County of Santa Barbara Planning and Development Department for adopted “locally sensitive” species; field surveys and previously-performed field surveys; and pertinent scientific literature, technical reports, and environmental documents prepared for a variety of projects in the coastal area between Goleta and Gaviota. The additional special-status species which were not encountered during this search process, but have since been added to the project consideration in response to this comment letter are the southern sea otter (addressed in response to comment G-1-6) and California least tern (addressed in response to comment G-1-18).

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This comment states that the RDEIR inadequately characterizes the impacts to coastal-dependent species not identified in the RDEIR from the proposed changes in land use, coastal access, and residential development. While the southern sea otter and the California least tern were not specifically identified in the RDEIR, the RDEIR's characterization of the project's potential impacts to coastal-dependent species and their associated habitats would still be applicable to the project's potential impacts to the southern sea otter and California least tern, as described in responses to comments G-1-6 and G-1-18, respectively. Similarly, mitigation measures included in the RDEIR to mitigate impacts to coastal habitats would mitigate impacts to these species as well.

G-1-30

This comment states that the RDEIR inadequately identifies or addresses the impacts of terrestrial runoff and water pollution from the two creeks in the project area on the coastal marine ecosystem during construction and after development. The project's potential impacts to terrestrial runoff and water pollution in the project area, which encompasses the two creeks referenced in The comment, are included in response to comment G-1-25.

G-1-31

As described in responses to comments G-1-6 (portion describing mitigation measures) through G-1-9, G-1-13, G-1-14, and G-1-25, the EIR provides a range of mitigation measures to reduce potential significant impacts on coastal marine ecosystems and associated species, including coastal dependent birds and marine life.

G-1-32

This comment states that the DEIR (June 2006) noted that a future beach and watershed plan would be developed for the area. The intent of the beach and watershed plan in the DEIR was to manage potential impacts resulting from the project's increase of public use, to the Naples coastal area wildlife and habitats, particularly during the harbor seal pupping and haul-out periods. Following circulation of the DEIR, the future beach and watershed plan was found to be an unacceptable means to control the public's potential impact to the harbor seals. As a result, the project minimized the potential for public use to impact the harbor seal's seasonal use of the Naples coastal area by restricting public access during a substantial portion of the year and by prohibiting pets on the beach at any time, as described in Mitigation Measure Bio-4 in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR. Specifically, public access would be restricted by closing access to the beach for at least five (5) months from March through July for the harbor seal breeding season and during the most frequent period for the harbor seal haul-out. The prohibition of pets on the beach at any time and the beach closure under Mitigation Measure Bio-4 also serves the intent to reduce potential impacts from public access and resource use on the coastal ESHA and species of concern in the Naples coastal area.

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As discussed in response to comment G-1-7 above, the OSHMP (referred to as OSP in The comment) is designed to incorporate all mitigation required by the EIR following certification of the EIR. Currently the mitigation measures which provide BMPs for coastal watersheds or beach areas are located in Mitigation Measure WQ-1a, WQ-1b, WQ-1c, and WQ-1d, in Sections 3.3.3.4 and 9.3.3.4 of the RDEIR.

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G-1-33

The RDEIR discusses the project's consistency with the Coastal Act Section 30240(b) in Sections 4.14 and 10.14. Section 30240(b) states that "development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." The RDEIR analyzes the project's potential impact to increasing beach use (Impact Bio-6 and Bio-16), habitat alteration (Impacts Bio-1, Bio-2, Bio-5, Bio-7, Bio-8, Bio-11, Bio-12, and Bio-17), increased pollutant loads (Impact WQ-1), and impacts of introduced plant and animal species (Impacts Bio-5 and Bio-18), and potential effects on fish and wildlife populations that are dependent on waters of the coastal marine area (Impacts Bio-10 and Bio-13).

G-1-34

This comment pertains to the project's potential impact to degrade water quality and result in impacts to aquatic habits, species associated with the coastal watersheds including the nearshore system, and the health of the terrestrial system. The project's potential to degrade water quality is addressed in responses to comments G-1-9 and G-1-25.

The comment also recommends that the project support a sampling strategy for water quality testing in order to determine whether the project area habitat systems are affected by decreased water quality. As discussed in Sections 3.3.3.4 and 9.3.3.4 of the RDEIR, and referenced in the responses to comments G-1-9 and G-1-25, the project would be subject to construction and post-construction storm water quality monitoring programs to monitor water quality. These programs consist of implementation of construction storm water pollution prevention plan (SWPPP) with applicable reporting and sampling requirements under a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities; post-construction monitoring through SWQMP for the residential, equestrian, open space, coastal trail, and beach access areas, and roads; and an animal waste management plan.

G-1-35

Please refer to response to comment G-1-25 for the discussion regarding the project's potential impact on increased pollution and sedimentation on the kelp forest in the Naples coastal area.

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Section 15.0 **G-1-36**

Responses to Comments

The EIR addresses the review and analysis of impacts associated with increasing public access and coastal resource use in General Response 13.5.2. The commenter's statement that large numbers of people may gain access to the Naples coastal area throughout the year is incorrect. The project manages visitor foot traffic through the project design, which entails a modest public parking lot, 0.5 mile coastal trail, and through implementation of Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4), which closes the beach access for at least 5 months each year in order to increase protection to marine and shore species and habitats; while achieving objectives of the Coastal Act. The project would also protect marine resources by providing public education on sensitive species in the project area, as proposed in Mitigation Measure Bio-9 (Sections 3.4.4.4 and 9.4.4.4 in the RDEIR), and would prohibit pets on the beach and along the coastal trail in Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4). Additional mitigation measures designed to protect the preserve the Naples coastal area are referenced in response to comment G-1-6. Mitigation measures addressing the project's potential impact to coastal-dependent species including but not limited to pinnipeds is addressed in response to comment G-1-13. In consideration of the correct project design details and applicable mitigation measures, the EIR concludes that the project would result in less than significant impacts to the Naples coastal area.

G-1-37

Please refer to: General Response 13.4, which discusses the project's potential water diversion from Dos Pueblos Creek; responses to comments G-1-23 and F-1-3, for discussions regarding the Dos Pueblos Creek north of Highway 101 no longer supporting migrating steelhead, and well as the project's potential impacts to other aquatic species; response to comment G-1-7, for the purpose and development of the OSHMP (referred to as OSP in The comment); and response to comment G-1-25 for the project's proposed BMPs to address potential impact to the coastal watershed areas resulting from the change in land use.

G-1-38

This comment states that Sections 3.16 and 9.16 inadequately characterize the impacts that may occur on the coastal areas as a result of anthropogenic climate change and the associated sea level rise. The RDEIR analyzes and addresses potential impacts to sea level rise in Impact Geol-1 (Sections 3.2.3.2.1 and 9.2.3.2.1 of the RDEIR) by considering recent and predicted sea level rises according to the Center for Sponsored Coastal Ocean Research (2007) and the American Geophysical Union (2007). As a result, the project proposes Mitigation Measure Geol-1 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR) which incorporates a minimum setback for the project's residential structures that is more than double the County's 75-year setback requirement. Recognizing that accurate estimates for sea level rises resulting from global climate change have not yet been established in the scientific and regulating community, Mitigation Measure Geol-1 also provides for alternative setback distances, pending on new estimates and/or guidance from the state.

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The comment also states that the RDEIR does not include analysis of a range of impacts from climate change on the area, including a decrease in state water availability, increase in coastal erosion and bluff landslides, and general loss of coastal and marine habitats due to major changes in sea surface temperature and storm activity. The RDEIR does analyze the potential decrease in state water availability resulting from global climate change in Sections 3.15.1.1.6, 9.15.1.1.6, 3.16.1.3, and 9.16.1.3, and considers the assessment results of the Department of Water Resources (DWR) climate report, *Progress on Incorporating Climate Change into Management of California's Water Resources*. The RDEIR addresses the effects of climate change on bluff retreat (referred to as coastal erosion and bluff landslides in The comment) in Impact Geol-1 (Sections 3.2.3.2.1 and 9.2.3.2.1) and Sections 3.16.1.2 and 9.16.1.2, with corresponding Mitigation Measure Geol-1 proposed in Sections 3.2.3.4 and 9.2.3.4. The general loss of coastal and marine habitats resulting from global climate change may be reduced to a certain extent as a result of the project's proposed mitigation measures and OSHMP; however, it is important to note that impacts to coastal and marine habitats, the proposed recreational amenities, private properties, etc., from global climate change occurs on a global scale and results from global contributions.

The RDEIR does propose a range of mitigation measures in order to manage the project's potential individual contributions to greenhouse gases, which are summarized in Sections 3.16.2.3 and 9.16.2.3.

G-1-39

This comment states that the RDEIR fails to identify species of concern and does not adequately characterize the impacts to the coastal ESHA associated with the Naples coastal marine area. The RDEIR's identification of the species of concern is addressed in response to comment G-1-29. The RDEIR characterizes impacts to the coastal ESHA based on thresholds from Appendix G of the CEQA Guidelines and the County of Santa Barbara Environmental Thresholds and Guidance Manual (2002), which are appropriate sources of CEQA significance criteria. The EIR's analysis of impacts on ESHA may be referenced in discussions included in responses to comments G-1-6, G-1-7, G-1-8, and G-1-20.

This comment also states that the RDEIR fails to address recreational impacts, land use activity, and public access on coastal-dependent species, and in so doing, does not justify its Class II finding. The project's potential recreational and land use impacts have been addressed previously in response to comment G-1-25, above. As indicated in the referenced thresholds of significance and impact analysis, characterization and mitigation, the RDEIR does provide justification for its classification findings.

G-1-40

The commenter's concerns regarding the increase of human population residing in the Southern California coastal zone, declines in biodiversity from sewage, industrial effluents, and urbanization, visitor foot traffic impacting ecology, consumption of organisms, moving of rocks

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The MOU Project and Alternative 1 coastal zone areas currently consist of 203 and 221 lots respectively, according to the Official Map of Naples, 1995. The MOU Project and Alternative 1 designs propose 38 and 33 lots respectively, from the existing lots, which effectively reduces the development potential by 165 and 188 lots for the MOU Project and Alternative 1 configurations. As a result, the project would create low density development, and in the case of the Alternative 1 configuration, would also provide preservation of open spaces and agricultural easements. The RDEIR's Mitigation Measure WQ-2 (in Sections 3.3.3.4.3 and 9.3.3.4.3 of the RDEIR) would discourage the use of septic systems, and the project does not involve industrial effluents. The project manages visitor foot traffic through the project design, which entails a modest public parking lot, 0.5 mile coastal trail, and through implementation of Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4), which closes the beach access for at least 5 months each year in order to increase protection to marine and shore species and habitats; while achieving objectives of the Coastal Act. The project would also protect marine resources by providing public education on sensitive species in the project area, as proposed in Mitigation Measure Bio-9 (Sections 3.4.4.4 and 9.4.4.4 in the RDEIR), and would prohibit pets on the beach and along the coastal trail in Mitigation Measure Bio-4 (Sections 3.4.4.4 and 9.4.4.4). Additional mitigation measures designed to protect the preserve the Naples coastal area are referenced in response to comment G-1-13. The project's potential cumulative impacts in land use on coastal marine species and habitats are addressed in response to comment G-1-25.

G-1-41

This comment states that the RDEIR provides no analysis of the impacts of public access, including the proposed stairway and on coastal-dependent species. The RDEIR does provide analysis of the proposed stairway on coastal-dependent species, which has been previously addressed in response to comment G-1-13.

G-1-42

The RDEIR addresses potential impacts from the project's equestrian use to watersheds within the project area (which include coastal areas and habitats within the project area) in Impact WQ-1, in Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR.

G-1-43

This comment generally describes the formation of seacliffs and coastal bluffs, identifies the terms "coastal bluff," and "seacliff," and states that erosion of the entire seacliff-bluff system must be considered together. The RDEIR evaluates the erosion of the entire seacliff-bluff system in its analysis of the project's potential impact on bluff retreat (or seacliff erosion), which inherently considers both the seacliff and coastal bluff relationship in the erosion process (Impact Geol-1, Bluff Retreat, in Sections 3.2.3.2.1 and 9.2.3.2.1).

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G-1-44

This comment is concerned that as a result of bluff face erosion and landslides, the proposed public access structure and beach access would present a public safety hazard. The RDEIR evaluates bluff retreat and landslide hazards in the project area, as presented in Impact Geol-1 and Impact Geol-4 (Sections 3.2.3.2 and 9.2.3.2). Without mitigation, such hazards would be significant; however, the RDEIR provides several measures to address these potential hazards. The project's Mitigation Measure Geol-1 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR) proposes a minimum building setback that is more than double the County's requirement. Mitigation Measure Geol-4 requires geological and/or soils engineering studies to be used in the preparation of structural design criteria, as recommended by the Building & Safety Division and the County Standard Conditions Manual. Implementation of Geol-1 and Geol-4 feasibly mitigate potentially significant impacts from bluff retreat (referred to as bluff face erosion in The comment) and landslides.

G-1-45

As previously addressed in response to comment G-1-14, with respect to geologic hazards, the proposed stairway and public access point would result in potentially significant but feasibly mitigated impacts through Mitigation Measures Geol-1 and Geol-2 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR). The comment references the project's consistency with Section 30253 of the Coastal Act, which requires new development to: 1) minimize risks to life and property in areas of high geologic, flood, and fire hazards; and 2) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is consistent with Section 30253 of the Coastal Act. The RDEIR addresses conditions 1 and 2 by providing the following mitigation measures: Geol-1 (Sections 3.2.3.4 and 9.2.3.4) to avoid bluff retreat hazards; Geol-2 (Sections 3.2.3.4 and 9.2.3.4) to minimize the project's potential effects on erosion and sedimentation; Geol-3 (Sections 3.2.3.4 and 9.2.3.4) for structural design in accordance to Uniform Building Code Seismic Zone 4; Geol-4 and Geol-5 (Sections 3.2.3.4 and 9.2.3.4) for either avoidance or County-approved grading, foundation design, and safety code enforcement in consideration of potential landslide or unstable soil deposits; PS-2 and PS-3, (Sections 3.15.3.4 and 9.15.3.4) which consider short-term and long-term fire protection; as well as implementation of a Fire Management Plan (as described in Impact PS-5 in Sections 3.15.3.2 and 9.15.3.2), which prescribes fire protection strategies consistent with Santa Barbara County Fire Department guidelines. Implementation of the above measures would reduce the project's geologic, flood, and fire hazards to a less than significant level. Additionally, the project's proposed activities would assure geologic stability and integrity, while minimizing potential erosion and geologic instability. Lastly, the project does not entail destruction of the site or surrounding area, and does not involve construction of protective devices that would alter natural landforms along the bluffs.

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G-1-46

The project's proposed public access point's potential impact on coastal-dependent species would be less than significant, as previously addressed in response to comment G-1-13.

G-1-47

The project's consistency with LCP 3-1, 3-5, and 7-8 has been addressed previously in response to comment G-1-15 and in further detail in Sections 4.0 and 10.0 of the RDEIR, which in summary, finds the project consistent with applicable policies.

The comment continues by stating that CLUP policies 7-19, 9-24, 9-25, 9-31, and 9-33 provide inconsistent policy requirements. The RDEIR evaluates the above-listed policies in Sections 4.6.2 and 10.6.2, and addresses the overlapping policies for coastal access and Naples Reef. As discussed, the RDEIR states that "the overlap of these policies would be addressed through project design and recommended mitigation measures that would require implementation of an OSHMP as well as other education, monitoring and management programs, to ensure that impacts from public coastal access and trails would not result in significant adverse impacts to biological resources." These mitigation measures have been proposed in the RDEIR, and are described in responses to comments G-1-6, G-1-7, G-1-9, G-1-13, G-1-14, G-1-17, G-1-27, G-1-32, and G-1-36. As a result of the project design and proposed project activities, in the full context of the Coastal Act and CLUP policies requiring coastal access and addressing Naples Reef, the proposed project is found to be consistent.

G-1-48

This comment states that additional open space easements are required to protect the coastal area, which would prevent the future development of a seawall along the Naples coast. As discussed previously in response to comment G-1-15, the project does not involve construction of or future development of a seawall. As a result, this comment's statement that additional open space easements are required is unfounded and unsupported.

G-1-49

This comment states that the RDEIR fails to identify and evaluate cultural resources on both Santa Barbara Ranch and Dos Pueblos Properties.

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Please see General Response 13.3.1 through Section 13.3.1.2 for a discussion of historical and archaeological resource identification and evaluation on Dos Pueblos Ranch and Santa Barbara Ranch.

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G-I-50

This comment states that site evaluations and impacts were not properly assessed. Please see General Responses Section 13.3.1 through Section 13.3.1.2 for a discussion of historical and archaeological resource identification and evaluation on Dos Pueblos Ranch and Santa Barbara Ranch.

The comment asserts that deferring Phase II testing to the future is an incorrect basis for classifying impacts as Class II. URS agrees that a CEQA document must make a determination of site significance in order to assess impacts and the RDEIR does assess sites in terms of criteria for listing in the California Register. URS also notes that Phase II significance testing is no longer listed as a mitigation because existing data are sufficient to make a significance determination (see responses to comments L-2-9, L-2-10, and L-2-11).

The comment also suggests that impacts are Class I, not Class II. RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to better emphasize impact avoidance and minimization and impacts are considered Class II. Please see General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts and General Response 13.3.4, Indirect Impacts and Avoidance.

G-I-51

Please see General Response 13.3.1, Adequacy of Resource Identification and Evaluation and General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and General Response 13.3.4, Indirect Impacts and Avoidance. With regard to the need to define the boundary of SBA-77 in Lot 12, please see responses to comments L-2-14 and L-2-15 for discussion.

G-I-52

RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to better emphasis impact avoidance and minimization. See General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and General Response 13.3.4, Indirect Impacts and Avoidance.

G-I-53

Please see responses to comments L-2-7 and L-2-8, and L-2-14 and L-2-15.

G-I-54

Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79 and -144.

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RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to better identify measures to avoid and minimize impacts through redesign, capping, and other mitigations.

G-1-56

RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to include measures that will better avoid and minimize impacts to the prehistoric village sites. See General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and General Response 13.3.4, Indirect Impacts and Avoidance.

RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to include a measure that specifies that the project applicant and local Native Americans should consult to identify mutually agreeable parameters that would allow local Native Americans spiritual and ceremonial access to *Mikiv* and *Knyama*.

G-1-57

See response to comment G-1-2.

Response to Environmental Defense Center Letter G-2 Dated January 23, 2008

G-2-1

This is a general statement regarding the Environmental Defense Center (EDC), its relationship with the Surfrider Foundation, and these groups' objectives.

G-2-2

This is a general statement regarding the RDEIR. EDC comments that the RDEIR must be further revised and re-circulated to comply with CEQA. Individual comments on the adequacy of the RDEIR are addressed in the responses to comments found in this Section.

G-2-3

This is an introductory comment that summarizes multiple comments that follow in the EDC letter. Individual comments on the adequacy of the RDEIR are addressed in responses to comments found in this section.

G-2-4

The comment states that the Project Objectives fail to identify that compliance with CLUP Policy 2-13 and the County's requirement to transfer development rights is a mandatory objective for the proposed project and any project alternative. CEQA Guidelines §15124(b) require an EIR to include a statement of objectives, which describes the underlying purpose of

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the proposed project. The purpose of the statement of objectives is to aid the lead agency in identifying alternatives and the decision-makers in preparing a statement of findings and a statement of overriding considerations, if necessary. Compliance with CLUP Policy 2-13 is part of the regulatory setting for the proposed project, but is not one of the underlying purposes of the proposed project. No changes to the RDEIR are needed.

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G-2-5

The comment claims the RDEIR's project descriptions are confusing because of the complexity of the MOU Project and full description of Alternative 1, not required under CEQA.

See response to comment G-8-16.

G-2-6

See response to comment G-8-53.

G-2-7

See response to comment G-8-37.

G-2-8

The comment claims that the RDEIR Project Description fails to include or adequately describe the following elements: RSUs, utility lines, agricultural activities, Dos Pueblos Creek Diversion, other project water supplies, sewage sludge processing, and habitat management and restoration plans.

Response to comment G-8-126 discusses the issue of RSUs; see also General Response Section 13.2.

Utility easements are included on Figures 2.3-1a through 2.3-1d (MOU Project) and 8.3-1a through 8.3-1f (Alternative 1), and agricultural activities are described in Sections 2.4 and 8.4.

The existing Dos Pueblos Creek water diversion activity and other water supplies are described in Sections 2.5.2.1 (MOU Project) and 8.5.2.1 (Alternative 1), Water Supply; see also General Response Section 13.4, Water Supply – Issue of Potential Creek Diversions. Sewage treatment processes including handling of sludge are discussed in response to comment L-9-3, and the draft Open Space and Habitat Management Plan is included as Appendix G.

G-2-9

The commenter claims the Project Description, Section 8.0, fails to discuss the Dos Pueblos Ranch (DPR) elements proposed. The RDEIR discusses the DPR components of Alternative 1 in Section 8.2, which includes a description of the Option Property, DPR north of Highway 101, and DPR south of Highway 101.

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The commenter claims that the Project Description, Section 8.0, fails to discuss the Agricultural Conservation Easement (ACE) proposed. The RDEIR presents the proposed ACE Areas in Section 8.4.1. Also see response to comment S-2-31.

G-2-11

The comment claims that the following components of the RDEIR are lacking: fire management plan, beach access, water and waste water infrastructure, road improvements, public utility extensions, and operation and maintenance activities.

The issues identified are discussed in other responses; see response to comment S-4-7 for additional discussion of the Fire Management Plan, and S-2-37 for additional discussion regarding beach access. Potable water and waster water treatment is discussed in Sections 9.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), and road way improvements proposed are included in Tables 2.1-1 (MOU Project) and 8.1-1 (Alternative 1), Site Information. Public utilities extensions are discussed and figures are identified in response to comment G-2-8, and operation and maintenance activities are discussed in the relevant discipline in Sections 3 and 9; see also responses to comments G-2-166, L-9-3, and S-11-3.

G-2-12

This is an introductory comment regarding the provision of a baseline with respect to habitats, cultural resources, and hazardous soil contamination in the RDEIR. Individual comments on the adequacy of the description of the biological resources, cultural resources, and hazardous materials baseline conditions are addressed in responses to comments G-2-17, G-2-24, and G-2-18 respectively.

G-2-13

This is an introductory comment regarding the adequacy of the environmental analysis in the RDEIR under CEQA. Individual comments on the adequacy of the environmental analysis under each discipline are addressed below, in responses to comments G-2-71, and G-2-15 through G-2-46.

G-2-14

The comment states that the discussion of mitigation measures is flawed because it defers the preparation of many mitigation plans and fails to address the impacts of some mitigation measures.

This comment contains no reference to specific mitigation measures, therefore no specific response is possible. However, mitigation measures by definition are implemented after an EIR is approved. The preparation of some mitigation plans in the RDEIR may be completed after

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such time as final design details and specifications, as well as the extent and location of resources, are known. This has been done bearing in mind the period of time which may elapse between preparation of the RDEIR and actual implementation of any required measures, in order to ensure that impacts are effectively mitigated, and that specific mitigation requirements are not based on conceptual or preliminary project designs or outdated resource information. The mitigation measures identified in the RDEIR are presented in sufficient detail to provide performance standards for the deferred plans, as specifically allowed under Section 15126.4(b) of the State CEQA Guidelines.

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Regarding the impacts of proposed mitigation measures, this comment does not specifically identify which measures the commenter believes may result in impacts undisclosed by the RDEIR, and no specific response is possible. In instances where proposed mitigation measures have the potential to result in impacts, those impacts are discussed in the RDEIR but at a lesser level of detail than the impacts of the proposed project.

G-2-15

This is a general comment stating that the RDEIR fails to adequately: consider impacts to homes situated near landslides; address impacts associated with bluff erosion; address sea level rise; address bluff-top irrigation; address impacts from grading; and mitigate potential of radon gas exposure and instead defers preparation of a plan. This comment has been addressed in responses to comments G-2-191, G-2-193, G-2-200, and G-2-206 through G-2-209.

G-2-16

The comment states that RDEIR fails to describe the following: baseline conditions for ocean and reservoir quality, impacts due to the diversion of water from Dos Pueblos Creek, consistency with County water quality standards and thresholds, adequately analyze the impact from wastewater treatment and disposal, adequately analyze project-specific and cumulative impacts from the use of septic systems, adequately mitigate potential water quality impacts and adequately analyze consistency with County and State limitations of septic systems.

Water quality and biological data for the Naples reef are discussed in General Response Section 13.5.2, which provides a baseline for the near-shore ocean environment.

The Dos Pueblos reservoir is used for water storage for agricultural purposes. During wet weather, water discharged from Dos Pueblos Creek is diverted and stored in the Dos Pueblos Reservoir. Additional sources of water for Dos Pueblos Creek include surface water runoff, State Project Water and groundwater from the three shallow on-site wells. Water quality in the Dos Pueblos Creek may or may not be indicative of water quality in the reservoir. The Central Coast Regional Water Quality Control Board (RWQCB) conducts stream water quality monitoring as part of its Central Coast Ambient Monitoring Program (CCAMP). Water quality data from Dos Pueblos Creek CCAMP monitoring is provided in Table 3.3-1 of the MOU Project and Table 9.3-1 of Alternative 1.

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The potential for impacts as result of diversion of water from Dos Pueblos Creek is addressed in General Response Section 13.4, Water Supply. The commenter is incorrect that the County of Santa Barbara would set water quality standards applicable to the Project. Surface water quality standards are set by the RWQCB and are applicable to discharges regulated under the National Pollutant Discharge Elimination (NPDES) program. As no surface discharge will occur as a result of operation of the WWTPs, discharges will be monitored under the issuance of a Waste Discharge Requirements (WDR) from the RWQCB. Compliance with the WDR will ensure that discharges from the WWTP will meet State surface and groundwater water quality standards.

A complete analysis of wastewater treatment and disposal is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) Impact WQ-2; Wastewater Treatment and Disposal. The potential impact to groundwater and surface water from the 16 proposed dry wells is discussed in detail in Section 3.3.3.2.2 and previous comment letters from the RWQCB and Santa Barbara County Environmental Health Services (EHS) are summarized.

The potential impact of operation of the package wastewater treatment systems is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) Impact WQ-2; Wastewater Treatment and Disposal. Also, please see response to comment L-9-3, RWQCB, dated February 13, 2008, which addresses routine maintenance and operation of the WWTPs.

Discharges of stormwater from the Project will be regulated post construction under the County of Santa Barbara Stormwater Management Program (SMP). The Project will be constructed, operated and maintained in compliance with the requirements of the SMP. Also, please see response to comment L-9-4, RWQCB, dated February 13, 2008, which addresses compliance with the regulatory requirements of the SMP.

This comment provides no additional information that would further contribute to the analysis of impacts provided in the RDEIR. The information currently provided by the RDEIR is adequate to provide a description of baseline water quality and supply conditions as well as adequately analyze impacts to public facilities, water quality and supply. No further response is needed.

G-2-17

This is a general comment stating that the RDEIR provides incomplete and inadequate baseline information regarding species and habitats, and also that the RDEIR fails to adequately analyze impacts to various rare, threatened, and endangered species, fails to identify conflicts with County and State laws and policies protecting sensitive biological resources, fails to adequately address impacts to Naples Reef and Tomate Canada Creek watershed, neglects to adequately analyze or mitigate impacts to wildlife movement, fails to analyze biological effects of the Dos Pueblos Creek water diversion and fails to provide an adequate disclosure of impacts to various species and their habitats. Lastly, this comments states that the RDEIR relies on management plans to mitigate impact without complete information, analysis, or adequate performance standards. The topics listed in this comment have been addressed in responses to comments G-

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2-54 through G-2-66 (environmental baseline), General Response 13.5.3 (project consistency to State and County laws and policies regarding sensitive biological resources), G-1-6 (impacts to Naples Reef), S-6-19 (impacts to Tomate Canada Creek Watershed), F-2-15 (analyses and mitigation for impacts to wildlife movement), and General Response 13.4 (biological effects and impacts from potential water diversion from Dos Pueblos Creek). As indicated in the referenced responses and mitigation measures in the RDEIR, the project measures do contain performance standards. Additionally, mitigation measures Bio-1a, Bio-1b, Bio-2a, Bio-2b, and Bio-5 have been updated with a greater level of detail to address this issue.

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G-2-18

This comment claims that the RDEIR fails to adequately describe existing environmental hazards, for example sumps, well sites, potential for vapor intrusion into proposed residential units, and remediation activities.

The comment is incorrect. The RDEIR addresses the existing conditions in Sections 3.5.2 (MOU Project) and 9.5.2 (Alternative 1), Existing Conditions, which include Past Oil Field Activities, Existing Oil and Gas Facilities in the Project Vicinity, and Agricultural Operations and Other Historic Uses. The approximate locations of these wells are shown on Figure 3.5-1 and summarized in Table 3.5-1. The RDEIR addresses Potential Contaminated Soil (Oil Well Activity) in impacts analysis HM-2: “Soils in the proposed Project area are potentially impacted by hazardous materials associated with past oil exploration... Construction activities associated with residential development could uncover hydrocarbon impacted soils. Other than noting the general locations of the exploration wells discussed above in Impact HM-1, it is not possible to be more specific regarding the exact locations of, or even the presence of, hydrocarbon impacted soils.”

G-2-19

This comment presents a summary of the claims of inadequacies, flaws, and subsequent conclusions of the RDEIR. Detailed responses to each claim shall follow.

G-2-20

See response to comment S-2-20.

G-2-21

The RDEIR discusses the agricultural impacts resulting from conversion of Williamson Act lands under Alternative 1 in Section 9.7.4.2, Project Impacts. This development would remove approximately 75 acres of the 517 acres of prime agricultural land from the existing Williamson Act contract area (refer to Table 9.7-2). An area of 596 acres will be preserved in the new Agricultural Conservation Easement (ACE) (refer to Table 9.7-2). The net effect of the proposed Alternative 1 actions will be an increase in prime agricultural land protected by

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Section 15.0 Responses to Comments contract or easement. The effect of the project on conservation of prime agricultural land is considered *less than significant* (Class III).

Section 10.3 of this RDEIR discusses Alternative 1's potential consistency with applicable Coastal Act, County Coastal Land Use Plan (CLUP) and Comprehensive Plan policies. From that section, policies that address agricultural resources include: Coastal Act Section 30242 and CLUP Policy 8-2, related to conversion of agricultural land in the Coastal Zone; Comprehensive Plan Agricultural Element Goals I through VI; and agricultural goals of the Comprehensive Plan Land Use Element Area/Community Goals for the Goleta Valley.

G-2-22

The comment claims the RDEIR fails to address the state and federal scenic stature of the site, which results in extremely high level view sensitivity. See response to comment G-2-421.

Additionally, it claims several KOPs are omitted, resulting in understated visual impacts. See response to comment G-2-440.

The comment claims the RDEIR fails to avoid or substantially lessen the impacts, and relies on ineffective mitigation measures. See response to comment G-2-461.

G-2-23

The comment states that the RDEIR fails to include an alternative vertical coastal access at Dos Pueblos Canyon. In addition, the comment states that the RDEIR does not evaluate a trail alignment that is closer to the bluff.

The proposed beach access at Santa Barbara Ranch, with seasonal limitations as required by RDEIR Mitigation Bio-4, is preferable to Dos Pueblos Canyon due to the presence of sensitive resources located on Dos Pueblos Ranch immediately west of Santa Barbara Ranch including archeological sites (CA-SBA-78 and 79) environmentally sensitive habitat (Dos Pueblos Creek) and agricultural operations (aquaculture and farming). Because an alternative vertical coastal access at Dos Pueblos Canyon would result in impacts upon these resources that are greater than those of the proposed project, access at Dos Pueblos was not considered in the RDEIR.

With regard to the alignment of the coastal trail to be in closer proximity to the bluff, such an alternative was not considered in the RDEIR because it would not avoid or substantially lessen the environmental impacts of the proposed project.

G-2-24

The comment states that the RDEIR failed to include Phase I and II surveys of the DPR site, and failed to address impacts to the historic setting at DPR. In addition, the comment addresses the need for complete Native American consultations.

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Please see General Response Section 13.3.1, for a discussion of Adequacy of Resources Identification and Evaluation; Section 13.3.1.1, Cultural Resources for Historical Resource Identification and Evaluation for DPR and SBR; Section 13.3.1.2 for a discussion of Archaeological Resource Identification and Evaluation, and Section 13.3.6, for SB-18 and Ethnic Concerns.

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Responses G-2-491 through G-2-514 address comments on the Cultural Resources section of the RDEIR. Topics include the following: Adequacy of Historical and Cultural Resource Identification and Evaluation, Indirect Impacts and Impact Avoidance, Mitigation Measures, and SB-18 and Ethnic concerns.

G-2-25

The comment states that the RDEIR fails to analyze consistency with the maximum roadway capacity for Highway 101 and fails to include RSUs in determining trip generation rates.

As stated in Section 3.12.3.2.1 of the RDEIR, the analysis used a trip generation rate of 12 trips per day per estate lot, which is higher than the rate of 9.57 trips per day commonly used in Santa Barbara County. The higher value accounts for the estate nature of the project's residences. Most of the proposed residences would include guest houses. Trip generation from these guest houses is assumed within the higher rates used for the primary residences. The RDEIR states in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1) viewer exposure in "based on traffic count data compiled for this RDEIR (refer to Sections 3.12 and 9.12, Traffic and Circulation), an average of 930 northbound and 1,805 southbound vehicles pass the project site during the A.M. peak hours period, and an estimated 1,930 northbound and 1,340 southbound vehicles pass this area during P.M. peak hours period."

G-2-26

This is a general comment stating that the RDEIR fails to consider pollution impacts associated with increased traffic and energy use from the NPD build-out, the RSUs, and other ancillary development, and that the RDEIR overlooks the significance of project-specific and cumulative climate change impacts associated with greenhouse gas emissions from the project. Impact AQ-3 (Sections 3.14.2.2 and 9.14.2.2 of the RDEIR) provides air pollution impacts associated with the sources listed in this comment. Please refer to General Response Section 13.2.2 regarding the environmental review process required for potential RSUs. Project-specific and cumulative climate change impacts have been addressed in response to comment G-2-523.

G-2-27

The RDEIR discusses the impacts and mitigation measures regarding Public Services and Infrastructure in Sections 3.15.3 (MOU Project) and 9.15.3 (Alternative 1), Impacts and Mitigation. Fire service impacts are potentially significant but feasibly mitigated (Class II); construction solid waste impacts are adverse, but less than significant (Class III). Additionally, the RDEIR discusses water supply in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6

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G-2-28

See response to comment G-8-36.

G-2-29

The comment claims that the RDEIR Alternatives analysis is flawed because Transfer of Development Rights has not been included within each proposed alternative per policy 2-13.

Policy 2-13 states the following:

County shall encourage and assist the property owner(s) in transferring development rights from the Naples town site to an appropriate site within a designated urban area which is suitable for residential development. If the County determines that transferring development rights is not feasible, the land use designation of AG-II-100 should be re-evaluated.

Therefore, inclusion of TDR within each of the proposed alternatives is not required per policy 2-13.

Please see General Response Section 13.1, Transfer of Development Rights.

G-2-30

The commenter claims that Alternative 1 is not the environmentally superior alternative, because it does not lessen impacts compared to the MOU Project and other alternatives.

The Planning and Development Department considers Alternative 1 the environmentally superior and preferred alternative among those considered. See response to comment S-2-6 for additional discussion.

G-2-31

The comment claims that Alternative 2 is not fairly compared to Alternative 1 because the total number of units developed was increased to reflect the project value demanded by the applicant.

See response to comment S-2-23.

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G-2-32

The comment claims that the Alternative 3A (Grid Development) development potential is overstated, as the constraints to development are not built in.

See response to comment S-2-30.

G-2-33

As quoted in response to comment G-2-19, Policy 2-13 requires the County to assist the property owner in Transfer of Development; no direction is provided for the development of project alternatives under CEQA.

For additional information on TDR please see General Response Section 13.1, Transfer of Development Rights.

G-2-34

The comment claims that the RDEIR alternatives analysis fails to analyze modifications to the NPD District which may minimize project impacts. The RDEIR included a copy of the draft language for the proposed Naples Planned Development (NPD) zone district in Appendix B. This district is not the project or a project alternative. The NPD is an implementing tool.

G-2-35

The comment states that the RDEIR relies on mitigation measures that are inadequately defined or improperly deferred until further studies, plans, designs, and analyses are completed.

Please refer to the response to comment G-2-14.

G-2-36

This comment states that the RDEIR fails to adequately disclose the significant irreversible environmental effects of the project, including the permanent loss of native grasslands, wetlands, and coastal terrace habitat, harm to Naples Reef, permanent conversion of prime agricultural land, and degradation of scenic views along Highway 101 and the Gaviota Coast. The RDEIR addresses significant irreversible environment effects in Section 5.4. The project's impacts to the issues listed in this comment are not considered significant irreversible environmental effects, for reasons contained in response to comments L-1-10 (native grasslands), G-3-106 (wetlands), G-13-8 (coastal terrace habitat), G-1-20 (Naples Reef), and G-2-21 (conversion of prime agricultural land). The project's impacts to scenic views are described in response to comment G-2-470.

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The RDEIR addresses the growth inducing effects of the MOU Project and Alternative 1 in Section 5.5.1.21, Summary, which includes discussion of removing obstacles, promoting economic activity, and setting a precedent.

The RDEIR addresses the addition of a fire station in Sections 3.15.3.3 (MOU Project) and 9.15.3.3 (Alternative 1), Cumulative Impacts, Cumulative Impact PS-11: Fire Protection Services. “When the project is considered in combination with the other proposed development in the Gaviota area, as described above, it is anticipated that the [Project] would contribute incrementally to cumulative impacts to fire protection services in the Gaviota area.”

The RDEIR analyses the visual character of the proposed residential development in Sections 3.9.4.4.1 (MOU Project) and 9.9.4.4.1 (Alternative 1), Impact Vis-12: Cumulative Impacts. “Thus, as a result of the total low-development potential of the region as well as implementation of the project’s mitigation measures, cumulative visual impacts are potentially significant, but feasibly mitigated (Class II).”

G-2-38

Under CEQA Guidelines Section §15088.5(f)(1) a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the DEIR has been revised and the entire document has been recirculated. The County has complied with all provisions of Section §15088.5(f)(1). Please see response to comment G-8-7.

G-2-39

The lead agency followed the CEQA Guidelines requirements for public distribution of the RDEIR. Hardcopies of the RDEIR were available at libraries and the electronic copy was available online for public review. Electronic copies of the RDEIR on CD were also available to the public free of charge; hard copies were available at cost of publication.

G-2-40

The commenter’s recommended project modifications are not viable, as Alternative 1 is not considered legally infeasible.

G-2-41

As indicated in the recommended project modification, the RDEIR addresses this issue under Alternative 5.

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G-2-42

The comment recommends that the project be modified to eliminate Tomate Canada Bridge. The RDEIR analyzes the proposed project infrastructure components; therefore the commenter's opinion is included in the public record for consideration by decision-makers.

G-2-43

The comment recommends that the project be modified to eliminate MOU Project Lots 158-161, 163, 164, and 167 to mitigate impacts to Tomate Creek, and eliminate Lot 104 to mitigate impacts associated with the creek and slopes.

Please see response to comment G-2-42.

G-2-44

The comment recommends that the project be modified to add vertical access to DPR and a pedestrian coastal trail on the bluff, set back from ESHA and the coastal erosion zone when feasible.

Please see General Responses 13.6 Coastal Trail, and 13.5.3 Biological Resources, ESHA.

G-2-45

The comment recommends that the project be modified to eliminate the allowance for RSUs.

It is assumed that the commenter's reference to RSUs is a reference to "Residential Second Units," a use defined in Development Code section 35.42.230. Such units, in contrast to guest houses, may be up to 1,200 square feet in size, may be permanently occupied, and are specifically prohibited from being constructed on a property that contains a "guest house." No secondary units are proposed for the MOU Project. Accordingly, the RDEIR was not required to discuss or analyze RSUs as part of the Project.

For further discussion on secondary residential units and guests houses please see response to comment G-8-44.

G-2-46

Policy 2-13 does *not* expressly require the development or implementation of a TDR Program. For complete discussion of TDR implementation please see General Response Section 13.1.4, Implementing Program.

G-2-47

Please see responses to comments G-8-24 through G-8-30, and G-8-53 through G-8-57.

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As stated in the comment, the language in Policy 2-13 is to “discourage” residential development at the Naples town site, and not “avoid.” While residential development should be discouraged, if a transfer of development rights is not feasible, the land use designation of AG-II-100 at the Naples town site should be evaluated. Therefore, no changes to the objectives are needed.

Please see response to comment G-2-29.

G-2-49

No additional water diversion from Dos Pueblo Creek shall occur. Section 1.2 of the EIR has been modified to add USFWS and NOAA Fisheries to the list of reviewing agencies. Additionally, Sections 3.4.3.1 (MOU Project) and 9.4.3.1 (Alternative 1), Regulatory Framework, have been revised to include NOAA federal requirements for the protection of marine resources.

Also please see General Response Sections 13.5.2, Marine Resources; and 13.4, Water Supply.

G-2-50

The comment claims that the RDEIR fails to accurately describe the approval process for the MOU Project and Alternative 1 related to the adoption of the TDR. Please see response to comment S-2-6.

G-2-51

The comment claims that the applicant performed work to access roads and made improvements without a Coastal Development Permit, and that the proposed project includes earlier CDP activities, bringing unpermitted improvement into compliance. Please see responses to comments G-2-122 and G-2-248.

G-2-52

The comment claims that the RDEIR fails to list the requirement for a Minor CUP in association with infrastructure totaling 20,000 square feet within the coastal zone. The comment is correct and the project description for both the MOU Project and Alternative 1 have been corrected to so indicate.

G-2-53

The comment claims that the MOU Project prohibits sequencing of inland and coastal approvals. Please see response to comment S-2-19.

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G-2-54

The comment claims that the MOU requires a CUP for lot 185 for the improvement of a road used both by the coastal and inland lots, which is appealable to the CCC. Please see response to comment S-2-8.

G-2-55

See responses to comments G-2-52 and G-2-53.

G-2-56

The comment claims that the action of merging the coastal lots can be appealed to the CCC. Please see response to comment S-2-8.

G-2-57

See responses to comments G-2-52, G-2-53, and G-2-56.

G-2-58

See response to comments G-2-52, G-2-53, and G-2-56.

G-2-59

See response to comment G-2-51.

G-2-60

See response to comments G-2-52, G-2-53, and G-2-56.

G-2-61

See response to comments G-2-52, G-2-53, and G-2-56.

G-2-62

Please see response to comments G-2-122 and G-2-248.

G-2-63

See response to comments G-2-52, G-2-53, and G-2-56.

G-2-64

See response to comments G-2-52, G-2-53, and G-2-56.

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The comment is not related to the adequacy of the RDEIR, therefore no response is needed.

G-2-66

See response to comments G-2-52, G-2-53, and G-2-56.

G-2-67

The comment states that intensification of water use of coastal zone wells and water treatment plant constitutes “developments” in the Coastal Zone and require a CDP with the requirement of oversight by the California Coastal Commission (CCC). A description of potential impacts to the coastal zone as a result of water supply and treatment is incorporated into Sections 3.15.3.2 (MOU Project) and 9.15.3.2 (Alternative 1). The project assumes that a CDP and potentially a Minor Conditional Use Permit (MCUP) will be required for the construction of the water treatment plant.

G-2-68

The comment states that in addition to the CDP an MCUP will be required for the coastal infrastructure of the inland lots. A description of potential impacts to the coastal zone as a result of water supply and treatment is incorporated into Sections 3.15.3.2 of the MOU Project and Section 9.15.3.2 of Alternative 1. A discussion of the Project’s compliance with Santa Barbara Coastal Zone Policy 2-10 is included in Sections 4.0 (MOU Project) and 10.0 (Alternative 1) of the EIR. The project assumes that a CDP and potentially a MCUP will be required for the construction of the water treatment plant. No further comment is necessary.

See response to comment G-2-67.

G-2-69

The comment claims that the RDEIR fails to include that the Development Agreement proposed under Alternative 1 approval sequencing including CCC approval. Please see response to comment S-2-19.

G-2-70

This comment is an introductory statement for the subsequent comments G-2-71 through G-2-104, and notes that the majority of stated comments also apply to Alternative 1. No further response is necessary.

G-2-71

The comment claims that the RDEIR lacks adequate detail on several project elements. The elements and the locations of their discussion follow:

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- Morehart, DPR, and Makar properties – Sections 2.1.1 (MOU Project) and 8.1.1 (Alternative 1) of the RDEIR.
- Existing and preliminary grading, drainage, roads and utilities – response to comment G-8-2.
- Residential Secondary Units (RSUs) are not proposed as part of the project, however for further discussion see responses to comments G-2-45 and G-8-44, and General Response Section 13.2.2.
- Proposed employee dwelling units by parcel – response to comment G-2-86.
- Agricultural use elements – response to comments G-2-131 through G-2-147.
- Lot line adjustments on DPR (Alternative 1) – response to comment S-2-8.
- Habitat Restoration activates recommended in an earlier public comment letter directed to the 2006 Draft EIR, recommending restoration of Dos Pueblos Creek for Steelhead trout. As stated in the RDEIR Section ES.1, CEQA requires written responses to comments received during the public comment period to be included in the FEIR. Please refer to response G-2-932.
- proposed Fire Management Plan and Stormwater Management Plan – response to comments S-4-7 and L-1-4 accordingly.
- Fire Station construction impact assessment and potential mitigation measures – response to comments L-1-35, L-4-1, and G-2-169.
- Agricultural Conservation Easement (ACE) – response to comment F-1-2.
- The Agricultural Support Facility (Lot 97) is discussed in response to comment G-7-6. The agricultural support facility has been shifted from Lot 57 to Lot 97, where it would be developed in conjunction with the equestrian center and associated uses. Lot 57 will be retained for a combination of open space and agricultural uses, preserving the large contiguous area of native grassland habitat, adjacent to the coast-live oak riparian woodland along the Dos Pueblos Creek tributary.
- The project site may require soil remediation as discussed in Sections 3.5.4.2 (MOU Project) and 9.5.4.2 (Alternative 1) of the RDEIR. For additional discussion, see response to comment S-2-74.
- Dos Pueblos Creek water diversion – see response to comment G-2-8.
- Wastewater treatment plant discharges – see Sections 9.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), and response to comment L-9-3.

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- Sewage sludge, drying, transport and disposal – see Sections 9.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), and response to comment L-9-3.

G-2-72

The commenter questions the market value of the coastal bluff lots “sender sites,” based on the Kerry Mormann and Associates Real Estate Listing downloaded on January 19, 2008.

See General Response Section 13.1.2, Valuation Methodology.

G-2-73

Summary comment claims the RDEIR project description is deficient, see response to comments G-2-8 and G-2-9.

G-2-74

The comment suggests that the proposed project must be revised to include the maximum extent feasible implementation of TDR.

Per CEQA the RDEIR analyzes the direct and indirect environmental impacts of the alternatives identified in Section ES.3.5. Also see response to comment G-8-7.

G-2-75

Please see response to comment G-2-596.

G-2-76

The comment claims that the RDEIR policy consistency analysis lacks analysis, and proposed policies contained with in Appendix B that modify LCP and Zoning District also be analyzed. Policy consistency analysis is contained in Sections 4.0 (MOU Project) and 10.0 (Alternative 1). As noted in each section, the discussion of project consistency with applicable County policies is outside the realm of CEQA.

G-2-77

The RDEIR’s Appendix B is a Draft of the Naples Planned Development; revisions shall include the new NPD zone district under the County Zoning Ordinance under Article III for inland lots within the SBR property and inland residential lots on the Option Property and the DPR property discussed in Sections 2.9.1.1 (MOU Project) and 8.9.1.1 (Alternative 1). These policies are not a sub-set of the RDEIR’s project description.

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G-2-78

This comment suggests that the project does not comply with Coastal Act Section 30240, where proposed policies 2-25 and 2-28 should specify avoidance and protection of ESHA rather than “conservation” of ESHA and efforts that “minimize disturbance to...habitat areas.” The commenter’s opinion regarding the language of the draft NPD policies do not pertain to the adequacy of the RDEIR. The commenter’s opinion on this matter will be placed before the County’s decision-makers for their consideration.

G-2-79

The comment questions the consistency of policies proposed as part of the NPD designation with those of the California Coastal Act. These are matters for the California Coastal Commission to determine and are outside of CEQA.

G-2-80

The comment seeks to qualify Policy 2-31 of the proposed Naples Planned Development NPD designation in relation to the Coastal Act. These are matters for the California Coastal Commission to determine and are outside of CEQA.

G-2-81

The project as proposed would not extend wastewater and water supply facilities to support Makar and Morehart properties.

Please see response to comment G-2-197.

G-2-82

The comment claims the RDEIR fails to correctly analyze implementation of the TDR Study prior to rezoning as required under Policy 2-13.

The RDEIR discussed project implementation under Policy 2-13 in Section 10.6; in light of the lot density at Naples, reevaluation of the current A-II-100 land use designation is contemplated for the Naples town site in the event that the Transfer of Development Rights (TDR) program is infeasible.

G-2-83

Please see response to comment S-2-58.

G-2-84

The comment inaccurately claims that Section 35-xxx.3 of the NPD discussed the requirements for rezoning related to implementation TDR balanced with project economic feasibility.

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Section 15.0 Responses to Comments The RDEIR appendix B contains a Draft of the Naples Planned Development District which states the following:

Sec. 35-xxx.3 Processing.

1. An application for a rezoning to this district shall include a Development Plan as part of the application, as provided in Section 35-174 (Development Plans). No such application to rezone to the Naples Planned Development district shall be approved without concurrent approval of a Development Plan. At the discretion of the Board of Supervisors, the approved Development Plan may be incorporated into the rezoning ordinance.

Also please see General Response Section 13.1.1, Feasibility Determination.

G-2-85

The comment states that per Appendix B, Sections 35-xxx.4, subsection 7, RSUs must be either deleted or fully analyzed in the RDEIR.

Sec. 35-xxx.4 Permitted Uses.

7. One Attached Residential Second Unit subject to the provisions of Sec. 35-142 (Attached Residential Second Units), or one Detached Residential Second Unit subject to the provisions of Sec. 35-142A (Detached Residential Second Units) when constructed in place of a guest house or artist studio.

The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-86

The comment states that Appendix B, Section 35-xxx.5 should include Major CUP for the following actions: lots of 40 acres or less, structures within Highway 101 viewshed, Water Treatment Plants (capacity 40 AFY), Creek Water Diversion, and Residential Secondary Units within the RDEIR.

Sec. 35-xxx.5 Uses Permitted With a Major Conditional Use Permit.

1. Wastewater treatment plants, wastewater package plants, water treatment and reclamation facilities or other similar facilities, pursuant to Section 35-145. Services, utilities and other related facilities.
2. Agricultural or equestrian buildings in excess of 200 square feet.

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3. Farm labor camps, including trailers, for housing five or more persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Sec. 35-132.9 (General Regulations) and provided that only one Major Conditional Use Permit shall be issued for such uses in connection with each approved Development Plan.

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The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-87

The comment states that the MOU Project Description is not consistent with the MOU regarding the requirement for various infrastructure needing Minor Conditional Use Permits. The project descriptions for both the MOU Project and Alternative 1 have been corrected to so indicate.

G-2-88

The comment states that Appendix B, Sections 35-xxx.6 subsection 3 should be modified to limit the number of onsite employee units to support agricultural operations, for the prevention of illegal rental units.

The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-89

The comment states that Appendix B, Sections 35-xxx, should be modified to include prohibited uses including: RSUs, private desalination projects, oil and gas facilities; and non-agricultural Commercial and institutional uses.

The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-90 through G-2-99

No content bracketed.

G-2-100

The RDEIR includes a draft version of the Naples Planned Development (NPD) District as Appendix B. The commenter's opinion on the draft discussion of the Height Limits in Sec. 35-xxx.10 is included in the public record for consideration by decision-makers.

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Section 15.0 See responses to comments G-2-429 and G-2-448 for discussion of project impacts on skyline and above ridgelines.
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G-2-101

The RDEIR includes a draft version of the NPD District as Appendix B. The commenter's opinion on the draft discussion of the Open Space and Habitat Management Plan in Sec. 35-xxx.12 is included in the public record for consideration by decision-makers.

G-2-102

The RDEIR includes a draft version of the Naples Planned Development (NPD) District as Appendix B. The commenter's opinions on the draft discussion of the Visual Development Standards in Sec. 35-xxx.13 follow below:

The commenter requests Subsection 2(iv) be modified to prohibit lighting of access roads and driveways. The subsection currently provides explicit guidance for exterior landscaping, driveways and roads. No environmental basis is provided for this recommendation.

“No uplighting of landscape or structures shall be allowed and exterior lighting... shall be the minimum necessary to provide safety and security” and “prior to issuance of any Coastal Development Permit for any aspect of an approved Final Development Plan, final lighting details shall be submitted for review and approval by the Board of Architectural Review as provided in Sec. 35-329.”

The commenter requests Subsection 5, which includes visual discussion of the proposed project's beach access staircase be modified to include discussion of all recreational improvements. Subsection 5 includes guidance for review of all public trail and bluff improvements, therefore no change is necessary.

“Concept drawings of all public trail and bluff access improvements shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Planned Development district. Prior to issuance of any Coastal Development Permit for any aspect of an approved Final Development Plan, final design details of all public trails and bluff access stairway(s) (if any) shall be submitted for review and approval by the Board of Architectural Review as provided in Sec. 35-329.”

The commenter questions the feasibility of Subsection 7 to direct adjacent properties' maintenance of trees. The existing adjacent property vegetation shall be paralleled by the applicant with a comparable hedgerow prior to issuance of a CDP for any aspect of an approved Final Development Plan, and Vegetative Hedgerow Plan (VHP) shall be submitted to the Planning and Development Department as described in Sec. 35-169.4.

These comments shall be included in the public record for consideration by the decision-makers.

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G-2-103

The RDEIR includes a draft version of the NPD District as Appendix B. The commenter's opinion on the draft discussion of the Sea Walls or Other Bluff Protective Devices and Public Access Stairway in Sec. 35-xxx.16 is included in the public record for consideration by decision-makers.

G-2-104

The RDEIR includes a draft version of the NPD District as Appendix B. The commenter's opinion on the draft discussion of the animals in Sec. 35-xxx.19 is included in the public record for consideration by decision-makers.

Regarding the commenter's request to modify subsection 3, limiting domestic cats to indoors, the RDEIR discusses the adverse biological effects of cats, followed by Mitigation Measure Bio-8, states, "free-roaming or feral cats will not be encouraged in and around the equestrian center." In addition Bio-9: Wildlife Mortality, states that owners shall be educated with "...measures to prevent domestic cats and dogs from roaming habitats outside the building envelopes; preventing domestic cats and dogs from reproducing and becoming feral."

Additionally, the commenter's opinion on enclosures for all small animals is included in the public record for consideration by decision-makers.

G-2-105

The comment claims the RDEIR fails to describe the development constraints to the DPR. See response to comment G-2-615.

G-2-106

The County has conducted a review of available records dating back to the 1970s and consulted with Schulte family members and its representatives regarding the Coastal Commission materials submitted by the Commenter. As a result of this investigation, the County can confirm that, while a Coastal Development Permit was approved by the Coastal Commission in 1979, the conditions of that CDP were not accepted or performed by the then-owner of Dos Pueblos Ranch, Rudolf Schulte, and thus the CDP never became effective and expired. Accordingly, the 1979 CDP does not, as the comment contends, constitute a binding restriction on Dos Pueblos Ranch.

By its own terms, the CDP, as approved by the Coastal Commission in 1979, automatically expired two years after issuance if its conditions were not met. They were not, and thus the CDP expired decades ago. As well, Tentative Parcel Map 12,740, which is the tentative parcel map referenced in the June 7, 1979 letter from Schulte Ranches to Peggy Burbank at the Coastal Commission and included with the Commenter's submission, also expired without a final parcel map ever being recorded.

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Section 15.0 Responses to Comments Mr. Schulte’s 1979 CDP application was related to modifying parcel sizes to qualify Dos Pueblos Ranch areas south of Highway 101 for Agricultural Preserve status under then-existing zoning and agricultural preserve rules. It is the recollection of the Schulte family that the conditions the Coastal Commission placed on the 1979 CDP were deemed excessive by Rudolf Schulte and that the development effort was abandoned by Mr. Schulte when he determined to refuse to accept any condition for coastal access.

This recollection is further supported by the following:

- The copy of CDP #300-03, “issued” June 22, 1979 provided by the Commenter contains no signature of acceptance by Mr. Schulte at the bottom of the page, and a search of Schulte family files did not disclose a signed copy of the CDP (or any materials related to this matter);
- TPM 12,740 was never the subject of a final map, and the lots on Dos Pueblos Ranch remain as they were in 1978, as opposed to the configuration proposed in 1979;
- No offer to dedicate a bicycle trail on Dos Pueblos Ranch was ever recorded, as set forth in Special Condition No. 1 (a prerequisite to “issuance” of the coastal development permit (by its own terms);
- Those areas of Dos Pueblos Ranch south of Highway 101 were never placed into an Agricultural Preserve (i.e., into a Williamson Act contract), which was Special Condition No. 2 of the CDP “issued” on June 22, 1979 – again a prerequisite to “issuance” of the coastal development permit (by its own terms);
- Dos Pueblos Ranch areas south of Highway 101 include several parcels with certificates of compliance, but none of these is 66 acres or 84 acres in size.

Thus, the comment by EDC that CDP #300-03 constitutes “constraints on existing DPR lots” is without merit. The conditions in the CDP were never accepted by Rudolf Schulte, and the permit was never effective. Accordingly neither the adjustment of property boundaries contemplated in the original application, nor the conditions were ever binding or carried out.

G-2-107

See response to comment G-2-725.

G-2-108

The comment claims the value of the transfer is not justified by any analysis in the RDEIR resulting in inequitable transfer, thus increasing the development potential results in greater environmental impacts associates with runoff, visual resources, and water demand.

Please see General Response 13.1.2, Valuation Methodology.

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G-2-109

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The comment claims that the MOU includes flexibility to not build a guest house (800 square feet maximum) in exchange for a RSU (1,200 square feet maximum), and that therefore the impacts should be analyzed as part of the project.

RDEIR Section 2.0, Project Description, describes guest houses and other accessory structures proposed on these lots, including garages, a private cabana (poolside dressing and rest room on Lot 119), a storage area, and a marine wildlife interpretive pavilion along a portion of the designated coastal access trail; these are detailed in Table 2.3-1. The associated environmental impacts are analyzed within each subsequent discipline area. No RSUs are proposed in the MOU Project.

For additional discussion, please see General Response Section 13.2, Project Description – Guest Houses and Residential Second Units.

G-2-110

The comment claims that the NPD allows property owners the right to build one employee dwelling unit per lot, housing up to four employees, resulting in impacts not addressed within the RDEIR.

The RDEIR addresses all physical development that is presently proposed, including guest houses and employee dwellings. As the NPD regulations are presently written, the applicant or subsequent lot owners who might later seek approval for residential uses not currently proposed would need to modify the Development Plan including, as appropriate, conducting a subsequent environmental analysis. Specific language to this effect is found in Appendix B, Naples Planned Development District (NPD), Sec. 35-xxx.3 Processing, which states as follows:

All development for which a Coastal Development Permit is required under this Section shall be subject to design review and approval of the Board of Architectural Review, as specified in DIVISION 12, Administration, Sec. 35-184. Such authority shall include, but not be limited to, ***residential second units, guest houses, employee dwellings and buildings which are accessory and incidental to permitted uses of the property.***

The RDEIR Project Descriptions (Sections 2.0 [MOU Project] and 8.0 [Alternative 1]) both include Employee Housing (see Tables 2.3-1 [MOU Project] and 8.3-1 [Alternative 1], Project Lot Details). For additional discussion, please see General Response 13.2, Project Description – Guest House or Second Unit Use.

G-2-111

The comment claims that the RDEIR fails to map infrastructure relative to coastal zone and within CCC jurisdiction, and claims that Figures 8.3-1 8.3-2 and 8.3-3 in the RDEIR fail to depict utility crossings into the Coastal Zone. The referenced figures show preliminary grading,

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Section 15.0 drainage, Roads and Utilities. There the Coastal Zone line occurs on the property, it is shown in
Responses to each figure. Each figure clearly shows where roads and other development features cross the
Comments Coastal Zone line.

See response to comment S-2-19 and G-2-42.

G-2-112

The commenter questions the legality of the Lots (DP-12, DP-13, DP-15, DP-16 and DP-20) created south of Highway 101 by means of lot line adjustment. This comment is not related to the adequacy of the RDEIR, and no response is required.

G-2-113

The comment claims the Alternative 1 fails to include constraints to development (ESHA and FEMA 100 Year Flood areas within the Dos Pueblos Ranch lots south of Highway 101). ESHA areas for Alternative 1 are discussed in response to comment S-2-46, and project flood considerations are discussed in response to comment L-5-1.

G-2-114

The commenter questions the legality of the Lots (DP-12, DP-13, DP-15, DP-16 and DP-20) created south of Highway 101 by means of lot line adjustment. This comment is not related to the adequacy of the RDEIR, and no response is required.

G-2-115

The comment claims that Alternative 1 illegally creates 5 “new” non-conforming lots within an area zoned with 100-acre minimums. The DPR property south of Highway 101 contains 21 lots, ten of which are part of the Naples town site. The issue of the legality of other preexisting lots is a matter for the County to resolve and does not relate to the analysis of impacts and mitigation for the project.

G-2-116

The comment claims that Alternative 1 lot line adjustments are not consistent with Article II, §35-134 (Coastal Zone) and Article III (Inland Zone), §35-284 and that findings of consistency with the County’s Comprehensive Plan and Coastal Zoning Ordinance, along with an agricultural viability study, must be conducted. This comment is not related to the adequacy of the RDEIR, and no response is required.

G-2-117

No non-conforming lot sizes are proposed under the MOU Project or Alternative 1; therefore the findings cited by the commenter are not required. Also see response to comment G-14-12.

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G-2-118

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The RDEIR includes discussion of the EHS and RWQCB permitting requirements based on the development proposal deemed complete by the County in 2004.

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G-2-119

The RDEIR discusses the agricultural land viability for the existing and proposed parcels in Sections 3.7.4.3 (MOU Project) and 9.7.4.3 (Alternative 1), Cumulative Impacts. Impacts AG-3 (MOU Project) and AG-6 (Alternative 1) include a discussion of how agricultural viability could be affected by fragmentation of agricultural lands into properties that are too small to sustain viable agricultural operations, or from land use conflicts between agricultural and residential land uses. The project's potential cumulative effects on agricultural resources are considered potentially significant but subject to feasible mitigation (Class II). With implementation of Mitigations Measures AG-1, AG-2, and AG-3 this impact would be reduced to less than significant levels

Consistency of the Alternative 1 design, which includes the referenced areas on the Dos Pueblos Ranch, with the applicable General Plan policies is discussed in Section 10.13. That discussion concludes that the design is consistent with all applicable CLUP and Comprehensive Plan policies. The comment's references to specific findings of the County's Uniform Rules governing agricultural preserves or other provisions of the zoning ordinance do not relate to the content of the RDEIR.

G-2-120

The comment claims that the non Naples town site lots (DPR lots south of Highway) should not be included in the project based on language in the Article II Finding 6.1.3.2 and Article III Finding A.3.b. This comment deals with the interpretation of County zoning and other code sections, and does not address environmental issues. The comment, however, offers only a partial summary of the applicable code section. The finding requirement in Section 21-93 (a)(3) clearly provides a mechanism for compliance for lots outside of Naples:

- (3) Except as provided herein, all parcels resulting from the lot line adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A lot line adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with subsection A or B listed below:
 - (A) The lot line adjustment satisfies all of the following requirements: ...
 - B) The parcels involved in the adjustment are within the boundaries of an official map for the Naples Townsite adopted by the county pursuant to Government Code Section 66499.50 et seq. and the subject of an approved development agreement that sets forth the standards of approval to be applied to lot line adjustments of existing adjacent parcels within the boundaries of the Naples

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Townsite official map. This exception provision shall expire five years after its effective date (October 12, 2005) unless otherwise extended.

G-2-121

The comment claims existing non-conforming structures (referenced in 2006 DEIR) limit the opportunity to perform lot line adjustments based on Article II Finding 6.1.5 (Coastal Zone) and Article II Finding A.5 (Inland Zone). The issue addressed in this comment is related to code enforcement. As with G-2-120, this comment does not address environmental issues. Once again, however, the comment fails to quote the entire code section 21-93(a)(5):

This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the respective county ordinances: article II (section 35-161 and 35-162), article III (section 35-306 and 35-307), and article IV (section 35-476 and 35-477).

G-2-122

The comment claims the RDEIR fails to analyze any existing non-conforming uses, which could be remedied by pending lot line adjustments, for example the DPR lots with unpermitted septic systems.

See response to comment G-2-248.

G-2-123

This is a summary comment based on comments G-2-113 through G-2-122; no further response is necessary.

G-2-124

The comment claims that the RDEIR should include cumulative and project-specific impacts of existing non-conforming structures as part of the project. The existing non-conforming structures are part of the baseline environmental setting for the RDEIR. Because approving the necessary permits to bring these existing structures into conformance would not result in any physical effects on the environment, inclusion of such permits in the CEQA analysis is not necessary.

With regard to cumulative impacts, the existing structures within the project area are minor in nature and are spread across many acres. These past projects do not contribute substantially to the existing environmental conditions in the project region, and therefore were not included in the cumulative analysis.

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G-2-125

The comment claims the deletion of DP Lot 19, precludes an environmentally superior alternative based solely on personal or economic preferences, per *Citizens for Goleta Valley v. Board of Supervisors (1998)*. Please see response to comment G-8-44 discussion of DP-19.

G-2-126

The comment disagrees with the number of lots within the Coastal Zone north of Highway 101 under Alternative 1. The discrepancy noted by the commenter is likely associated with the location of several lots containing areas on either side of the Coastal Zone boundary. The Alternative 1 project includes nine lots north of Highway 101 that are entirely within the Coastal Zone (lots 109, 137, 137, 160, 186, 187, 188, 193, and 195), and an additional eight lots that are partially within the Coastal Zone (lots 48, 104, 108, 133, 135, 136, 164, and 185). Of this total, six lots (lots 109, 132, 133, 136, 137, and 160) would include dwelling units located north of Highway 101, within the Coastal Zone, west of the Canada Tomate drainage. Please refer to Figure 8.3-1a for a graphical depiction of these lots and their locations.

G-2-127

The comment disagrees with the number of lots outside the coastal zone and north of Highway 101 under Alternative 1. As with comment G-2-126, the discrepancy noted by the commenter is likely associated with the location of several lots containing areas on either side of the Coastal Zone boundary. Alternative 1 includes 34 lots that are located entirely outside of the Coastal Zone, including SBR and DPR lots. Please refer to Figure 8.3-1a for a graphical depiction of these lots and their locations.

G-2-128

The comment points out that several of the project's access components appear to require minor CUPs or CDPs, and that these permits would be appealable to the CCC under the terms of the MOU.

The comment is correct in stating that the CCC has appeals jurisdiction over some of the proposed project features, and in the event that any project-related CUPs or CDPs for these features are appealed to the CCC, construction of the proposed features would not proceed until resolution of the appeal process. The comment does not address the content of the RDEIR, and no further response is necessary. Please see response to comment S-2-8.

G-2-129

The comment claims that the DP-6 thru DP-10 sites' access improvements would require a minor CUP and CDP appealable to the CCC. Please see response to comment S-2-8.

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The comment claims that the RDEIR Alternative 1 lacks inclusion of the K-1 West Road, which is included in the MOU Project discussion. This comment is unclear as to where in the RDEIR such a distinction has been made. The listing of Quasi-Adjudicative Approvals and Ministerial Permits in both the MOU Project and Alternative 1 descriptions refers to roads, utilities, and related infrastructure in generic terms with specific reference to specific geographic segments (e.g., K-1 West Road versus other access roads). The generic distinction between coastal and inland improvements has been clarified in the redlined revisions to the RDEIR, but the specific K-1 segment remains unnamed.

G-2-131

The RDEIR introduces ACE contract discussion in Sections 3.7.1 (MOU Project) and 9.7.1 (Alternative 1), Existing Conditions. Enforcement of the ACE setbacks is identified in the mitigation measures. The ACE would be governed by Public Resources Code Section 10200 et seq., which defines agricultural conservation easement as an interest in land, less than fee simple, which represents the right to prevent the development or improvement of the land for any purposes other than agricultural production. For discussion of the MOU Project Private Agricultural Conservation Easement (PACE), see Section 3.7.2.1, State Policies and Requirements.

The ACE is a component of the Alternative 1 proposal, and is discussed throughout Section 9.0 as appropriate. A preliminary version of the ACE language has been prepared (Attachment J to the Planning Commission staff report of April 13, 2008). The final language of the ACE will not be determined until after approval by the Board of Supervisors, followed by approval by the State Department of Conservation.

G-2-132

The RDEIR discusses County-proposed CC&R prohibitions within Alternative 1's ACE in Section 9.7.4.4 (Alternative 1), Mitigation Measures. The County has the right to approve any amendments to the CC&Rs, therefore no additional change is necessary. Environmental impacts resulting from Agricultural easements are assessed in Section 9.7.4.2 (Alternative 1), Project Impacts, resulting in *less than significant* impacts (Class III) for AG-1 and AG-3.

G-2-133

The RDEIR discusses the Private Agricultural Conversion Easement (PACE) in Section 3.7.4.4 (MOU Project), Mitigation Measures. Environmental impacts resulting from a PACE are assessed in Section 3.7.4.2 (MOU Project), Project Impacts, and are feasibly mitigated through the implementation of fencing requirements at the perimeter of residential development areas, through implementation of the proposed PACE restrictions, and a buyer notification program that would ensure that new residents are made aware of the continued agricultural production

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within the area. Therefore, the potential impacts related to land use conflicts are *considered potentially significant but subject to feasible mitigation* (Class II).

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G-2-134

The RDEIR discusses the Open Space and Habitat Management Plan functional measures for mitigating biological impacts (Bio-1 and Bio-7) caused by development in Sections 3.4.4.2 (MOU Project) and 9.4.4.2 (Alternative 1), Impacts to Special-status Species and Habitats.

G-2-135

This comment states the opinion that restoration of steelhead habitat along Dos Pueblos Creek should be reinstated as a beneficial project component.

Impact Bio-13 addresses the potential effects on aquatic habitat along Dos Pueblos Creek and other riparian areas on the property. Neither the MOU Project nor the Alternative 1 design would have any direct effects on habitat along Dos Pueblos Creek. Potential effects from runoff would also be minor and are addressed in mitigation measures WQ-1b and WQ-1b. The early proposal to enhance steelhead habitat in Dos Pueblos Creek was voluntary, and not a mitigation measure since the project would have no impacts on steelhead. The project does not propose any new diversions from Dos Pueblos Creek. See the General Response Sections 13.4 and 13.5 for additional information.

G-2-136

The RDEIR discusses the Open Space and Habitat Management Plan (OSHMP) impacts and policy consistency in Sections 2.4.2 (MOU Project) and 8.4.2 (Alternative 1), Open Space Conservation Easement Areas, and in Appendix G. The OSHMP states, “following certification of the Environmental Impact Report (EIR) for the proposed development, but prior to issuance of any coastal zoning permits, this OSHMP will be updated to include specific measures to implement any mitigation required by the EIR, including specific performance standards, success criteria, and monitoring requirements.”

G-2-137

This comment states that mitigation measures must be supported by substantial evidence in the record, and that the OSHMP is not described with sufficient detail or performance standards to provide that evidence.

CEQA (13 PRC 21081.5), cited in the comment, actually identifies the need for substantial evidence if a mitigation measure is rejected as infeasible. Preparation of an OSHMP was initially a voluntary proposal made by the applicant, and has since become a requirement set forth in the draft NPD distinct ordinance. A draft OSHMP has been prepared and submitted. The OSHMP itself is not a mitigation measure, but several mitigation measures describe inclusions or modifications to be incorporated into the OSHMP. These specify minimum areas of native plant

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Section 15.0 revegetation to provide mitigation and describe the specifications and performance standards to be included in the OSHMP.
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G-2-138

The comment is correct that Lot 57 is not included the proposed Open Space Habitat Conservation Easement discussed in the Draft OSHMP, attached in Appendix G of the RDEIR. Lot 57 is currently in agricultural use as grazing land. No change in use is proposed; therefore no impacts to Lot 57 would occur. The ACE as currently drafted includes a prohibition against expanding any agricultural activities within the defined stream corridors. Response to comment G-2-131 provides more information regarding the ACE.

G-2-139

This comment states that the entire Lot 57 should be placed in the OSCE with ESHA protection measures in the OSHMP. This comment also states that the entire lower reach of Tomato Creek and its buffer below Lot 164 and north of Highway 101 are in an ACE but should be in a protected OSCE area to ensure appropriate protection.

Because the areas in question are currently within agricultural lands, an OSCE on those areas is unnecessary to avoid project impacts. The proposed ACEs would preclude development on the sites, and would retain the existing uses and levels of resource disturbance such that the proposed project would not result in any changes to the quality of these areas.

G-2-140

This comment states that the RDEIR and OSHMP fail to identify coastal sage as an ESHA, and cites the Coastal Act sections 30107.5 and 30240. Please refer to General Response 13.5.3, which addresses the project's approach to ESHAs and areas supporting identified vegetation communities, habitats, and sensitive species. General Response 13.5.3 also addresses ESHA protection with respect to Coastal Act sections 30107.5 and 30240.

G-2-141

This comment states that the project should consider the coastal grassland ESHA due to its support for numerous rare species and interrelatedness with the intervening drainages, wetlands, coastal bluffs, and native grasslands. This issue has been addressed in General Response 13.5.3.

This comment also states that the draft OSHMP lists 36 sensitive plant species for the project site, while the RDEIR Table 9.4-3 lists more than 40 sensitive species. As stated in Section 3.1 of the draft OSHMP, the list of all sensitive plant species known and potentially occurring on the property will be revised pending the final EIR.

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G-2-142

The typographic error on page 2-11 suggesting that the bluff OSCE is 554 acres has been corrected to 55 acres.

G-2-143

The RDEIR discusses the need for fire management within the Biological Resources Impacts Bio-1 and Bio-2. Fuel management activities would involve clearing vegetation within 30 feet of all structures and thinning scrub vegetation in accordance with state regulations and County fire department guidelines out to a distance of 100 feet from all structures. The smaller 30-foot clearance zone is contained within the defined development envelopes for all proposed lots near coastal scrub vegetation. The Fire Management Plan prepared by the applicant has been superseded by more recent legislation and guidelines at the state and local level regarding the maintenance of defensible space around structures. The areas affected by clearing for fire protection purposes were based on the statutory and guidance limits published by the State of California.

G-2-144

This comment recommends that vertical public beach access should be proposed at DPR as part of Alternative 1, where vertical access at Dos Pueblos Canyon has the potential to avoid significant coastal resource impacts and to comply with LCP Policy 7-18. Locating a public access trail at Dos Pueblos Canyon would involve similar types of potential conflicts to coastal resources, since the Does Pueblos Creeks contains riparian habitat that is also considered an ESHA. Further details are provided in General Response Section 13.6.7.1. Additionally, the comment states that the Coastal Trail should follow the bluff-top, rather than the paved road. This issue is addressed in General Response 13.6.6.1, 13.6.6.2, and 13.6.6.3.

G-2-145

The comment agrees with statements within Sections 2.4.4.3 (MOU Project) and 8.4.4.3 (Alternative 1), Permitted Public Uses, which limits equestrian access to the beach.

G-2-146

This comment again states that there should be a pedestrian-only trail along the bluff-top. The specific issue of the Coast Trail alignment is discussed in General Response Section 13.6.6.

G-2-147

This comment objects to the phrase “remainder parcel” to describe Lot DP-11, and argues that it should be included as part of the project. Components of DP-11 that will require a Land Use Permit, such as placement of the proposed residence within the designated development envelope, are part of the Alternative 1 proposal. Use of the term “remainder parcel” simply

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Section 15.0 Responses to Comments indicates that this would be contained in a separate parcel after the subdivision of Lots DP1 through DP-10 creates those lots as separate new parcels.

G-2-148

The comment states that all applicable water demand must be analyzed in the RDEIR. Please refer to Table 13.4-2 – Summary of Sources and Uses of Water, Alternative 1, incorporated into General Response Section 13.4, Water Supply. This additional analysis is provided to support the description of water supply provided in the Public Services analysis in Section 3.15.1.1.6 (MOU Project) and Section 9.15.1.1.6 (Alternative 1). The information provided on water supply in the RDEIR is adequate to describe all of the applicable water demand of the MOU Project.

G-2-149

The commenter states that drought conditions were not analyzed as part of the water supply analysis. Please refer to General Response Section 13.4, Water Supply, and Table 13.1, Summary of Estimates for Surface Water Availability. Estimates are based on available surface water information including “dry” and “very dry” year conditions. This additional analysis is provided to support the description of water supply provided in the Public Services analysis in Section 3.15.1.1.6 (MOU Project) and Section 9.15.1.1.6 (Alternative 1). The analysis provided on water supply in the RDEIR incorporates drought conditions and is adequate to describe the impact of drought on the water supply of the MOU Project.

G-2-150

The commenter states that no analysis of the biological safe yield of Dos Pueblos Creek is provided to ensure diversions do not cause significant impacts and comply with state and federal regulations. Please refer to General Response Section 13.4, Water Supply – License for Diversion and Use of Water. Dos Pueblos Creek is a coastal creek with a highly variable flow. In addition, historical activities have significantly altered the natural drainage of Dos Pueblos Creek. Due to the highly modified nature of stream flow, a biological safe yield cannot be established for Dos Pueblos Creek. Also, please see response to comment F-1-4. This response addresses the potential impacts of project development on Dos Pueblos Creek.

A description of the aquatic habitat within Dos Pueblos Creek is provided in Section 3.4.2.3.6 (MOU Project) and 9.4.2.3.6 Aquatic Habitats (Alternative 1); Biological Resources. As stated in the RDEIR, Dos Pueblos Creek probably originally supported southern steelhead (*Oncorhynchus mykiss*) but habitat for this species has been eliminated or severely modified due to anthropogenic modifications.

Appendix C of the RDEIR contains an analysis of biological resources for the MOU Project. Section C.2.2 of Appendix C incorporates an analysis of project impacts on special status fish including Steelhead. As stated in the response to comment G-11-1 to the Santa Barbara Urban Creek Council (January 16, 2008), steelhead probably historically used Dos Pueblos Creek as a spawning stream, however lower reaches of the watercourse now contain several barriers to

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upstream and downstream migration. These barriers are described in Appendix C of the DEIR and function to prevent contact between resident rainbow trout and anadromous fish. The RDEIR provides a survey of existing information regarding fisheries and aquatic habitat which is adequate for purposes of analyzing potential project impacts.

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The comment does not provide any additional information which would clarify the analysis of impacts provided in the RDEIR.

G-2-151

Water supply will be provided by the Naples Water Company from several sources. Please refer to General Response Section 13.4. This additional analysis is provided to support the description of water supply provided in the Public Services analysis in Section 3.15.1.1.6 (MOU Project) and Section 9.15.1.1.6 (Alternative 1). The information provided on water supply in the RDEIR is adequate to describe all of the applicable water demand of the MOU Project. The comment does not provide any additional information which would clarify or expand upon the analysis of impacts in the RDEIR.

G-2-152

The comment claims that the RDEIR fails to map existing and proposed water lines in relation to the Coastal Zone boundary. It further claims that existing water lines installed without permits need a CDP for coastal zone utility trenching, which are appealable to the CCC. Please see response to comment S-2-8.

G-2-153

The comment claims that the water treatment plants within the Coastal Zone will require a CDP and Minor CUP, which are appealable to the CCC. Please see response to comment S-2-8.

G-2-154

The comment states that the RDEIR fails to address wastewater discharges or chemical use from the wastewater treatment facility. A complete description of wastewater treatment and disposal is provided in Sections 3.15.1.1.7 (MOU Project) and 9.15.1.1.7 (Alternative 1). The potential impact of operation of the package wastewater treatment systems is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) under Impact WQ-2: Wastewater Treatment and Disposal. Also, please see response to comment L-9-3, which addresses routine maintenance and operation of the WWTPs. The RDEIR adequately describes the operation of the wastewater treatment systems for purposes of analyzing potential impacts under CEQA. The comment does not provide any additional information which would serve to clarify the impacts of operation of the package wastewater treatment plants.

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A complete analysis of wastewater treatment and disposal is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) under Impact WQ-2: Wastewater Treatment and Disposal. The potential impact to groundwater and surface water from the 16 proposed dry wells is discussed in detail in Section 3.3.3.2.2, and previous comment letters from the RWQCB and EHS are summarized. The discussion in the RDEIR is adequate to address the potential impacts of the proposed dry wells for the MOU Project for purposes of CEQA. The comment does not provide any additional information which would serve to clarify the impacts of dry wells on surface and subsurface water quality.

G-2-156

The commenter states that Alternative 1 would use septic tanks and leach fields or dry wells for DP-11 through DP-20. The RWQCB has stated that all SBR ranch lots should be on package wastewater treatment plants.

The commenter states that the RDEIR should disclose whether the proposed DPR lots south of Highway 101 are suitable for septic systems and whether the required tests for the septic systems have been undertaken. A discussion of wastewater treatment and disposal is provided in Section 3.3.3.2.2 of the RDEIR for the MOU Project and Section 9.3.3.3.2.2 of Alternative 1 under Impact WQ-2, Wastewater Treatment and Disposal. The RDEIR does not address the placement of individual septic systems on the Dos Pueblos Ranch properties and does not analyze the impact of the individual septic systems. However, regardless of the results of percolation tests within this area, the size of the lots will allow for the maximization of leach line length and isolation of leach fields. Impacts from individual septic systems on 20- to 30-acre lot sizes will be insignificant due to the available dilution factors. In addition, plans for the individual septic systems will be submitted to P&D for review as part of the permit application for the development. The RDEIR incorporates information that seeks to avoid or minimize the use of individual septic systems and subject proposed individual septic systems to review and approval by the RWQCB. Please refer to response G-2-233 for further clarification.

G-2-157

The commenter refers to the existing residences along the tributary to Dos Pueblos Creek north of Calle Real downstream from the dam that are on septic systems located close to the tributary. The commenter states that although the residences are not located within the Alternative 1 site, they are within the same watershed as other existing and proposed septic systems on Dos Pueblos Ranch. These systems are known to have problems and should be evaluated along with the Project for potential water quality impacts.

An analysis of baseline hydrology, surface and groundwater water quality within Alternative 1 and surrounding areas is included in Section 9.3.1. The analysis of water quality for Dos Pueblos Creek includes the results of surface water monitoring conducted by the County of Santa Barbara Clean Water Program Central Coast Ambient Monitoring Program (CCAMP). The

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CCAMP monitoring established the water quality in Dos Pueblos Creek to be indicative of a coastal stream with agricultural and grazing uses. A single sample with elevated total coliform was attributed to adjacent grazing uses. The single high total coliform sample in Dos Pueblos Creek was not enough to warrant a designation for impairment under the 2001 CCAMP Monitoring Report. Because uses within this area have not changed significantly since 2001, the baseline monitoring indicates that although the existing septic systems in the area may have had a localized impact to groundwater, there is no direct impact to surface water quality in Dos Pueblos Creek. Because the RDEIR adequately incorporates existing groundwater and surface water quality data, the CEQA requirements for a baseline analysis are satisfied. It is not the intent of CEQA to require additional studies to characterize all potential impacts resulting from existing facilities or structures outside of the Project area once an adequate baseline has been established. Because the baseline analysis is adequate, no further analysis of the existing septic systems outside Alternative 1 area is necessary.

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G-2-158

A complete analysis of wastewater treatment and disposal is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) under Impact WQ-2: Wastewater Treatment and Disposal. The potential impact to groundwater and surface water from the 16 proposed dry wells is discussed in detail in Section 3.3.3.2.2, and previous comment letters from the RWQCB and EHS are summarized. The discussion in the RDEIR is adequate to address the potential impacts of the proposed dry wells for the MOU Project for purposes of CEQA. The comment does not provide any additional information which would serve to clarify the impacts of dry wells on surface and subsurface water quality.

G-2-159

A complete analysis of wastewater treatment and disposal is provided in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1) under Impact WQ-2: Wastewater Treatment and Disposal. The potential impact to groundwater and surface water from the 16 proposed dry wells is discussed in detail in Section 3.3.3.2.2, and previous comment letters from the RWQCB and EHS are summarized. The discussion in the RDEIR is adequate to address the potential impacts of the proposed dry wells for the MOU Project for purposes of CEQA. The comment does not provide any additional information which would serve to clarify the impacts of dry wells on surface and subsurface water quality.

G-2-160

The comment states that the RDEIR fails to clearly describe the volume of sewage sludge generated by the package treatment plants. The disposal of sewage sludge will be done in accordance with the requirements of the Goleta Sanitary District. The cost of the removal will be incorporated into the management charter of the wastewater treatment plant. The specifics of the management of the wastewater treatment plant will be incorporated into the CUP to be granted to the MOU Project by the County of Santa Barbara. In addition, please refer to

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Section 15.0 Responses to Comments response to comment L-8-3. Specific requirements for sludge handling are incorporated into the response although the RDEIR does not specify the final configuration of the wastewater treatment plants.

G-2-161

The comment states that the RDEIR fails to map or describe the lift stations required to pump sewage uphill from the 9 bluff lots. The comment further states that the RDEIR fails to state the energy demand associated with the wastewater treatment plants and lift stations, and that the RDEIR does not appear to include the impact of RSUs on wastewater generation rates. The project currently proposes a wastewater treatment plant to be located on the north side of Highway 101. The location of the proposed wastewater treatment plant is shown on Figures 2.3-1A and 8.3-1A. A lift station may be required to lift sewage to the wastewater treatment plant; however, specific details of the sewage system infrastructure have not been finalized.

The final selection of the wastewater treatment plant and associated infrastructure will not be completed until project plans are submitted for P&D review. This will not have an impact on water quality because the required effluent limitations must be met no matter what system of treatment is selected. Therefore, specifying particular operational methods is premature at this time. It is not the intent of CEQA to analyze the impact of infrastructure on energy use.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR; therefore, no further response is necessary.

G-2-162

The comment states that the sewage collection lines and reclaimed water distribution lines are not all depicted in the RDEIR. The comment states that these lines should be depicted in relation to the Coastal Zone boundary and the CCC appeals jurisdiction to ascertain exactly what permits are needed. Please refer to the response to comment G-2-161. The specific locations of infrastructure for the MOU Project have not been designated at this time. A CDP will be required for the project within the coastal boundary, which will address the requirements of wastewater infrastructure.

G-2-163

The commenter states that a CSD must be formed to ensure proper operation of the wastewater treatment plants. The commenter states that private HOAs do not have the wherewithal or public accountability to ensure compliance with conditions and discharge requirements. The final management of WWTPs for the development will be established under the conditions to be incorporated into the CUP and/or CDP to be issued by the County of Santa Barbara. However, the management entity for WWTPs will be responsible for meeting the treatment and operational conditions set for the WWTPs by the RWQCB. The waste discharge requirements set by the RWQCB are based on meeting the requirements of the Clean Water Act and the applicable water quality standards in the Central Coast Basin Plan. The management entity will

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not have an impact on the stringency of requirements set by the RWQCB. The comment does not provide additional clarification of the impacts of the proposed Santa Barbara Ranch WWTPs or provide any new information; therefore, no further response is necessary.

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G-2-164

This comment pertains to previous work performed on Lot 132, where fill material from the work was deposited on lots 49 and 50, and states that the DEIR should “describe the link between this work and drainage improvements.” This comment is not clear on the reference to “this work.” Regardless of whether “this work” refers to previous work performed on Lot 132, or previous deposition of fill materials on lots 49 and 50, both scenarios bear no relationship to the proposed drainage improvements.

G-2-165

The comment claims that the permeable stone gutters (storm drains) fail to be described within the RDEIR, and that a Minor CUP is required within the Coastal Zone, which is appealable to the CCC. Please see response to comment S-2-8.

G-2-166 and G-2-167

The comment claims that the RDEIR lacks operation and maintenance impact analyses for: storm drains, roads, sediment and debris basins, retention basins, water treatment plant, waste water treatment plant and sludge, creek water diversion, flood control facilities, storm water runoff filters/treatment facilities, lift stations, landscaping, and agriculture. The routine operations and maintenance elements’ environmental impacts have been analyzed as cited below.

The operational impacts of storm drains and culverts are provided in Section 3.3 and 9.3, Hydrology and Water Quality.

The RDEIR’s Sections 3.3.2.2.4 (MOU Project) and 9.3.2.2.4 (Alternative 1), State Water Resources Control Board (SWRCB), states that the SWRCB manages the program for control of discharges from construction sites and from general industrial land uses. Dischargers whose projects disturb one or more acres of soil are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

The RDEIR discusses the waste water treatment in Sections 3.15.1.1.7 (MOU Project) and 9.15.1.1.7 (Alternative 1), Sanitary Waste Service. The operation of the wastewater facility would be largely remote, with routine visits from operations and maintenance (O&M) personnel. The

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Also see response to comment L-9-3.

G-2-168

The comment claims that construction of a new fire station is a project mitigation measure, and the project should analyze the growth inducement related.

See responses to comments G-2-531 below and L-1-35.

G-2-169

The comment claims that the interim fire station “staging area” must be analyzed and permitted. As stated in Mitigation Measure PS-3, an onsite staging area would only be required in the event that Fire Station 10 in the City of Goleta is not operational by the time the first residential unit in the proposed project is occupied. In addition, the use of an onsite staging area is only one of several interim fire protection scenarios available to the County, along with service coordination with the California Department of Forestry and other options. Because the creation of an onsite staging area for fire protection is uncertain, and is therefore not a reasonably foreseeable result of approving the proposed project, inclusion of a staging area among the project features to be evaluated in the RDEIR is not appropriate.

G-2-170

See response to comment G-2-111.

G-2-171

The comment claims the NPD should be analyzed for consistency with the Costal Act and County policies, with particular focus on the residential secondary units (RSU), and employee dwellings.

This comment repeats earlier comment; see response to comment G-2-85. Additionally, Sections 3.6.3.1 (MOU Project) and 9.6.3.1 (Alternative 1), Proposed NPD Development Standards, identify that uses permitted with a Major Conditional Use Permit would include specified infrastructure improvements, agricultural or equestrian buildings in excess of 200 square feet, and farm labor camps (for five or more employees), provided that only 1 Major Conditional Use Permit shall be issued for such uses in connection with each approved Development Plan.

G-2-172

The project description has been revised to retain the “Special Problems Area” designation.

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G-2-173

See response to comment S-2-8.

G-2-174

The comment claims that the RDEIR separates approvals of the LCP from the LUPs and CDPs for Development. Please see response to comments S-2-8 and S-2-19.

G-2-175

The comment claims that the proposed project description lacks inclusion of a new water rights permit for the Dos Pueblos Creek diversion from the State Water Resources Control Board.

The existing water diversion permit includes supplying water for use including irrigation, livestock, and domestic use. Additionally during high flow periods, such as a storm event or rainy season, supplies can be diverted for storage.

G-2-176

The comment requests that the RDEIR include state and federal agencies requiring approvals prior to development. The Required Approvals and implementation are included in Section ES.3.3. A CDFG permit not shall be required for water diversion at Dos Pueblos Creek, as an existing diversion permit is part of the baseline condition; see General Response Section 13.4.3. For additional discussion of the NOAA and USFWS permit requirements, please see responses to comments F-1-7 and F-2-4.

G-2-177

The comment claims that the Tajiguas Landfill Expansion Project is an approved ongoing project. The RDEIR Cumulative Impacts analysis includes the Tajiguas Landfill in Sections 5.5.1.5 (MOU Project) and 10.5.1.5 (Alternative 1), Santa Barbara County Landfill and Adjacent Areas. Also see response to comment G-2-122.

G-2-178

The comment claims that the RDEIR cumulative analysis in Tables 8.10-1 and 8.10-2 should also include the City of Goleta and County policy amendments affecting rural agricultural lands.

References the County “Uniform Rules Final EIR”, Section 3.7 Cumulative Impacts.

Response needed. Larson

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Section 15.0 **G-2-179**

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The comment claims that the Makar and Morehart pending projects should be included within the cumulative projects discussion.

The comment is incorrect; the Makar (10 lots) and Morehart (12 lots) properties are included. See Sections 5.5.1.16 and 5.5.1.14. A total of 22 lots of the 100 number of new residences (beyond the MOU Project or Alternative 1) is expected.

G-2-180

The comment claims that the RDEIR cumulative impacts assessment is inadequate because the Acciona (Lompoc) Wind Energy Project was not addressed.

This Lompoc Wind Energy Project (LWEP) is located 32 miles northwest of the proposed project, not within the same geographic area of the Gaviota Coast. The LWEP Draft EIR Cumulative Impacts discussion included a list approach to cumulative analysis, provided by the City of Lompoc and County of Santa Barbara, in Tables 4-1 and 4-2, Lompoc Valley and City of Lompoc subsequently, CEQA Guidelines Section 15130(b)(1)(A).

G-2-181

The comment claims the environmental baseline is not properly understood, therefore environmental impacts cannot be assessed. Additionally, claims the RDEIR lack of sufficient environmental baseline will provide a basis for a court to invalidate an EIR. See response to comments S-2-62 and G-2-725.

G-2-182

The RDEIR provides locations of existing habitat mapped in Figures 3.4-1A and 3.4-1B (MOU Project) and 9.4-1A through 9.4-1E (Alternative 1). Biological Resources surveys are discussed in response to comments F-2-7, F-2-8, F-2-14, S-2-42, S-2-43 and S-2-45.

The RDEIR discusses the known regional geology, faults, and seismicity as well as landslides and slope stability within Sections 3.2.1.2 and 3.2.1.3 (MOU Project) and 9.2.1.2 and 9.2.1.3 (Alternative 1). The RDEIR finds the potential Geol-3 (Seismicity) and Geol-4 (landslide) impacts are both significant, but feasibly mitigated (Class II).

The RDEIR's discussion of Cultural Resources in Sections 3.11 (MOU Project) and 9.11 (Alternative 1) has been supplemented with General Response 13.3 Cultural Resources. Potential hazards or contaminated soils remaining from past activities are identified in the RDEIR in Sections 3.5 (MOU Project) and 9.5 (Alternative 1), see response to comment S-2-74.

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G-2-183

The comment claims the impact severity evaluation a classification requirements per CEQA Guidelines §15126 and §15126.2 fail to be met due lacking existing environmental setting.

The portion of this comment dealing with impact analysis and environmental setting is not specific enough to enable a specific response. The RDEIR complies with §15126, by evaluating the proposed project impacts on the environment for planning, development and operation, as there is no acquisition proposed. Chapters three and nine assess the issue area from CEQA Appendix G. Per CEQA §15126.2 guidelines the significant environmental impacts are discussed in detail within each resource topic and summarily within the Table ES-1, Summary of Impacts and Mitigation Measures – MOU Project.

Regarding impacts to the future resident population of the site, such impacts are discussed in Sections of the RDEIR dealing with hazards and hazardous materials (3.5.4.2 and 9.5.4.2) and Geology, Geologic Hazards, and Soils (3.2.3.2 and 9.2.3.2). Specific discussions related to earthquake faults are presented in Sections 3.2.3.3.2 and 9.2.3.3.2.

G-2-184

The comment claims that the RDEIR lacks identification, evaluation or classification of impacts to waste water treatment plants, Residential Secondary Units (RSUs), and Dos Pueblos Creek water diversion.

The RDEIR discusses the Sanitary Waste Service in Sections 3.15.1.1.7 (MOU Project) and 9.15.1.1.7 (Alternative 1); Dos Pueblos Creek Diversion within Water Treatment and Supply Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1); and additional discussion is located in General Response Section 13.4.3.

See response to comment G-8-45.

G-2-185

This comment serves as an introduction to further comments in the letter, and does not contain enough specific detail to facilitate a specific response. However, the responses to each of the comments following this introductory comment address the issues presented in this comment.

The RDEIR identifies all significant impacts within each resource area based on the County's adopted Thresholds and Guidelines and other guidelines as required. Project mitigation measures are applied on a case by case basis, to avoid or substantially lessen impacts. Exceptions which remain significant are included in Table ES-1, Summary of Impacts and Mitigation Measures – MOU Project.

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Section 15.0 **G-2-186**

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This comment notes that the subsequent comments G-2-187 through G-2-209 apply to both the Alternative 1 configuration and the MOU Project. No further response is necessary.

G-2-187

This comment states that the RDEIR incorrectly reports the project's elevations at 1,320 feet above sea level; whereas Figure 9.2-1 shows that the project site ranges to at least 1,500 feet above sea level. The EIR has been revised to report maximum elevation of 1,500 feet in the Alternative 1 configuration.

G-2-188

This comment states that the RDEIR does not specifically map the North Branch of the More Ranch Fault(s). This comment also states that the RDEIR's mitigation measures do not require avoidance of this fault (if onsite) by 50 feet, as per County LCP Policy 3-10. The north branch of the More Ranch fault does not appear to be mapped through any portions of nor near the project site. It is mapped to extend offshore at Coal Oil Point. Setbacks from the fault are not necessary because the known mapped trace(s) of the fault are not within 50 feet of the project site. Therefore, LCP Policy 3-10 is not applicable. If a fault is active and poses a rupture hazard, then appropriate setbacks would be applicable but since the fault trace does not appear to go by the project site, there is no issue. Ground shaking in the event of an earthquake is covered by the standard Probabilistic Seismic Hazard evaluation and mitigation as required by building code design requirements.

G-2-189

This commenter is concerned that potential impacts from the San Cayetano Fault are not specifically mitigated, based on the comment's claim that the project's proposed mitigation defers building foundation design recommendations and does not require the County's prescribed 50-foot setback from active faults. As described in Mitigation Geol-3 in sections 3.2.3.4 and 9.2.3.4 of the RDEIR, the project is required to design to Uniform Building Code (UBC) Seismic Zone 4 standards, which provide specific performance standards permissible through in Section 15126.4 (a)(1)(B) of the California Environmental Quality Act. The San Cayetano Fault is considered an active fault by the CGS, but is largely at depth and mapped in Ventura County; as a result, the County's requirement for a 50-foot setback from active faults is not applicable because it is not relevant to this fault. The seismic shaking hazard posed by the San Cayetano Fault is mitigated as per Mitigation Geol-3 described above.

G-2-190

This comment states that the RDEIR provides insufficient environmental setting pertaining to ground-shaking from the North Branch of the More Ranch Fault, Glen Annie Fault, and the San Cayetano Fault. As a result, the comment concludes that without this environmental setting

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information, the RDEIR also provides insufficient impact analysis. Impact Geol-3 (sections 3.2.3.2.2 and 9.2.3.2.2 of the RDEIR) analyzes ground-shaking data from active faults near to the project area. The applicability of the North Branch is addressed in response to comment G-2-188, San Cayetano Fault is addressed in response to comment G-2-189, and the Glen Annie Fault is addressed in sections 3.2.1.2 and 9.2.1.2 of the RDEIR.

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G-2-191

This comment states that the RDEIR fails to list soil hydrology as a factor that contributes to slope instability. This comment also states that the RDEIR fails to analyze whether soil hydrology may be altered by project irrigation and treated wastewater discharges in a way that would reduce stability, and states that the irrigation water may result in a movement of water atop impermeable strata that may surface as a spring. The comment references Dr. Robert Norris regarding the potential for the springs to create gullies. The comment then uses this argument to claim that the project would significantly accelerate erosion rates, which would lead to a significant geological impact and related safety impact to users of the beach below. Sections 3.2.1.4 and 9.2.1.4 of the RDEIR describe soil types and soil conditions in the project area. As shown, the project area consists of well-drained soils. Additionally, the project would minimize excess water from irrigation and runoff through measures included in response to comment G-3-35. Based on the project area soil conditions and project measures, the likelihood that the project would result in increased slope instability, springs, and gullies is very low.

G-2-192

The comment requests clarification between the RDEIR's statement regarding 23 landslides mapped by the County in comparison with a Department of Conservation Map (Figure 9.2-5) showing at least 40 slides. There are two reasons why there are different numbers of mapped landslides in the project area. First, landslide maps often are largely interpretive maps because they show the authors' interpretation of the landscape and hence, what features are landslides. The second reason is that the County map (portraying 23 landslides) was prepared earlier (1991) than the CGS prepared map (showing 40 landslides) (2000); additional landslides may have appeared during that interval. The RDEIR takes both the County and the CGS sources into consideration, and bases its impact analysis on the more recent CGS landslide map.

G-2-193

This comment states that the RDEIR does not specifically address the potential impacts of siting several lots/building envelopes near active landslides. This comment also states that setbacks from landslides are needed to mitigate potentially significant geological impacts, and should be set forth in the NPD and proposed CLUP policies. The comment also inquires about the slope stability and landslide-related impacts of sedimentation in downstream waterways and their mitigation. The RDEIR addresses potential impacts of landslide hazards in Impact Geol-4 (sections 3.2.3.2.3 and 9.2.3.2.3 of the RDEIR) and mitigations Geol-4 and -5 (sections 3.2.3.4 and 9.2.3.4 of the RDEIR). As discussed, constraints related to landslides or soil conditions can

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be mitigated through proper grading, foundation design, inspection, and enforcement of building and safety codes. These design measures are included in the geological and/or soils engineering study required and approved prior to the issuance of any CDP or CLUP for the project. This comment's recommendation for landslide setbacks to be included in the NPD and proposed CLUP policies does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be placed before the County's decision-makers for their consideration.

G-2-194

This comment states that the RDEIR defers mitigation for landslide and slope stability impacts without providing performance standards or enforceable requirements. This comment is incorrect. Mitigations Geol-4 and -5 (sections 3.2.3.4 and 9.2.3.4 of the RDEIR) commit to performance standards established through the County Standard Conditions Manual and the Building & Safety Division. Enforcement of mitigations Geol-4 and -5 are provided by the P&D Building and Safety Division and Public Works' required review and approval of reports and plans prior to issuance of any CDP or LUP for the project. Additionally, the project would be monitored by grading inspections during the technical aspects of grading activities.

G-2-195

This comment states that soils and geological constraints are not analyzed with respect to potential impacts related to increased irrigation (i.e., reclaimed sewage water). This issue has been addressed in response to comment G-2-191.

G-2-196

This comment continues the previous comment and Dr. Norris (introduced in response to comment G-2-191) regarding potential effects of sewage wastewater treatment plant and irrigation impacts. This issue has been addressed in response to comment G-2-191.

G-2-197

This comment states that impacts of increased irrigation on potential liquefaction impacts are not analyzed. As discussed in response to comment G-2-196, the project would result in a negligible change to potential liquefaction impacts from existing conditions.

G-2-198

This comment states that the RDEIR fails to consider Section 404 of the Clean Water Act, which requires avoidance of filling jurisdictional wetlands when a less damaging practicable alternative exists, due to the proposed and potential wetland filling (e.g. the bridge in Canada Tomate Canyon). The bridge proposed across Tomate Canada Creek is a vehicular span bridge that would be required to access the lots on the easternmost portion of the SBR property north of Highway 101. Construction of the bridge would require a Section 404 notification and/or

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permit, as described in response to comment F-1-24. As discussed in sections 4.14 and 10.14 of the RDEIR, construction of the bridge would be consistent with applicable policies. The bridge would avoid direct impacts to the narrow seasonal stream channel. A potentially feasible alternative access to these project lots that would avoid this span bridge would be from the existing gate and Calle Real frontage road north of Highway 101, at the southeast corner of the property. This access is currently proposed for emergency use only, and would require resurfacing and other upgrades along Calle Real, a County road. If this access were to be used as a primary access, then a secondary emergency ingress/egress would still be required for these homes. Construction of another roadway would likely result in impacts to other areas of the site, and potentially require a separate stream crossing. In addition, the span bridge would not directly affect the Tomate Canada Creek streambed due to its design and dimensions in relation to the narrow stream channel and relative lack of riparian habitat. Construction and occupancy BMPs would be implemented and monitored.

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G-2-199

This comment states that the RDEIR should include references to LCP Policy 3-10 in Section 9.2.2.3, since this policy requires 50-foot setbacks from even potentially active faults (for example, North More Ranch Fault). This comment has been addressed in response to comment G-2-188.

G-2-200

This comment states that the RDEIR's assessment and mitigation of bluff erosion/sea-level rise impacts in Impact Geol-1 and Mitigation Measure Geol-1 are not based on substantial evidence. Impact Geol-1 in Sections 3.2.3.2 and 9.2.3.2 of the RDEIR bases bluff erosion and sea-level rise estimates on historical data and predictions from the American Geophysical Union. Mitigation Geol-1 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR) proposes setback requirements that at a minimum are more than double County requirements, and includes provisions for alternative setback distances based on updated estimates and new guidance. Additionally, the project proposes storm water and erosion control measures, as described in Sections 3.3.3.4 and 9.3.3.4, which further protect against bluff erosion. These assessments and measures mentioned above are based on current information, and provide for modifications when appropriate. As a result, the project is expected to result in less than significant impacts from bluff erosion/sea-level rise effects.

G-2-201

This comment continues the earlier discussion regarding the potential geologic impacts from bluff-top irrigation, which has been addressed in response to comment G-2-191.

G-2-202

This comment states the project's potential creation of a perched water table, citing Dr. Barry Keller, and other potential hazards resulting from increasing soil moisture levels. As discussed

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Section 15.0 Responses to Comments previously in response to comment G-2-191, based on proposed mitigation measures and practices, the project is not expected to result to significantly increase soil moisture levels. As a result, the project would not be expected to create perched water tables.

G-2-203

This comment states that the RDEIR geologic impacts do not address the role of storm drain outlets in slope and bluff stability. Please refer to response to comment L-3-6, which addresses the project's storm drain system to prevent degradation of slope and bluff stability.

G-2-204

This comment states that if the increasing bluff erosion rate has not been adequately predicted, the project may create a perceived desire by future landowners to install seawalls, which would be inconsistent with County LCP policies. As discussed in response to comment G-2-200, the project proposes measures to protect against the effects of bluff erosion, such that the resulting potential effects are less than significant.

G-2-205

This comment inquires about the project's estimated grading volumes, and whether the quantities include utility installations, WWTPs, and roads, including those already completed on Lots 49 and 50. Grading estimates appearing in Sections 2.6.3 and 8.6.3 of the RDEIR were provided by the applicant's civil engineer, and include the proposed installations, sewage treatment plants (referenced as WWTPs in this comment), and roads.

G-2-206

This comment states that the RDEIR analysis and conclusions regarding grading and disturbance along steep stream banks and coastal bluffs ignores the beach access staircase, and grading for the access roads to lots DP-04 and -05, and Lot 214. The overall estimated grading work required for each portion of the project is provided in the preliminary grading, drainage, roads and utilities plans (Figures 2.3-1 and 8.3-1 in the RDEIR) and discussed in Sections 3.2.1.5 and 9.2.1.5. These estimates are considered in Impact Geol-2 (Sections 3.2.3.2.1 and 9.2.3.2.1 of the RDEIR) and Mitigation Geol-2 (Sections 3.2.3.4 and 9.2.3.4 of the RDEIR), and would be further refined as the preliminary plans are finalized.

G-2-207

This comment states that Mitigation Geol-2 for grading within 50 feet of the top of bank of creeks is inconsistent with LCP Policy 9-37, which requires 100-foot creek setbacks for major streams in rural areas. Dos Pueblos Creek and its tributary crossing Lot 57 are considered minor streams, and minimum 50-foot setbacks from development from the exiting road will remain. For additional discussion of the consistency finding with Policy 9-37, see Sections 4.14 (MOU Project) and 10.14 (Alternative 1).

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G-2-208

This comment states that Mitigation Geol-2(b), which allows grading during the rainy season, fails to mitigate impacts to the maximum extent feasible. Mitigation Geol-2 in sections 3.2.3.4 and 9.2.3.4 of the RDEIR requires controls measures (i.e., approved erosion and sediment control plans) in the event that excavation and grading cannot occur during the dry season. Additionally, the project requires enforced implementation of storm water BMPs, as described in Mitigation WQ-1a (sections 3.3.3.4 and 9.3.3.4 of the RDEIR). As a result, project provides measures to reduce potentially significant impacts to less than significant levels.

G-2-209

This comment states that Mitigation Measure Geol-6 defers preparation of a report documenting testing results for the presence of radon, with no performance standards to ensure effective mitigation, and that Impact Geol-6 should remain Class I.

Mitigation Measure Geol-6 in Sections 3.2.3.4 and 9.2.3.4 of the RDEIR prescribes radon testing prior to issuance of any CDP or LUP. In the event that radon gas is present, the RDEIR commits the residence to be designed and construction according to EPA Guidelines. The EPA Guidelines for minimizing impacts associated with radon gas exposure represent performance standards that the project is required to uphold. As discussed in Section 15126.4 (a)(1)(B) of the California Environmental Quality Act, mitigation measures may specify performance standards which would mitigate the significant effect of the project. As a result, the project's proposed Mitigation Geol-6 is adequate to prevent potential significant radon exposure to public health (Class II impact), and does not constitute a deferral of mitigation.

G-2-210

This is a general comment and provides no new information, and no additional response is necessary.

G-2-211

The comment states that the RDEIR fails to identify the CCC's role in protecting water quality. Sections 3.3.2 (MOU Project) and 9.2.2 (Alternative 1) describe the functions of the Santa Barbara County Local Coastal Plan. Regulatory authority for the protection of surface water quality is designated to the RWQCB.

G-2-212

The commenter states that the regulatory and permit framework related to the Dos Pueblos Creek water diversion project is not presented in the RDEIR. The commenter states that the RDEIR does not identify and describe the water rights permits which allow diversion of water from Dos Pueblos Creek and asks to clarify the nature of the existing and planned Dos Pueblos Creek diversion authorizations.

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Section 15.0 Responses to Comments Diversion from Dos Pueblos Creek is permitted under State of California State Water Rights Board License For Diversion and Use of Water, License Number 4578 (License). The License was originally issued to Signal Oil and Gas Company on March 13, 1957. In October 24, 1977, ownership of the License was transferred to Rudolph Schulte. It is currently held by the Schulte 1991 Trust and the Morehart Land Company. The License permits direct diversion of water from Dos Pueblos Creek continuously from April 1 through November 1 annually at the rate of up to 1.75 cubic feet per second (786 gallons per minute), or up to approximately 743 AFY, for domestic and agricultural purposes. Combined with diversions for storage between October 31 and May 1 annually of 389 AFY, the License allows for diversion of a total of 1,132 AFY. No amendments to the License are required or warranted to serve the MOU Project or Alternative 1.

No water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development under Alternative 1. The RDEIR and the Project Applicants' Water Supply Analysis includes information regarding the existing withdrawals of water from Dos Pueblos Creek for ongoing agricultural operations that will continue to occur on the land adjacent to and in the vicinity of the proposed new residential development. Because these agricultural operations have been occurring on land adjacent to and in the vicinity of the proposed new development on the MOU Project and Alternative 1, data regarding water diversions from Dos Pueblos Creek was included in the RDEIR as part of a discussion of baseline water usage.

As the comment does not provide any additional information to clarify the discussion of impacts or improve mitigations proposed in the RDEIR, no further comment is necessary.

Also see General Response 13.4 Water Supply – Issues of Potential Creek Diversion.

G-2-213

The commenter asks what are the hydrological impacts of the maximum allowed diversion rates from Dos Pueblos Creek given that maximum allowed diversion rates and the minimum withdrawal rates exceed the annual production of the Creek. The commenter also asks whether the project will result in any increase in the total amount of water diverted from Dos Pueblos Creek, the diversion rate, or the season or duration of diversions. The commenter also asks if the water diversions will be metered. The MOU Project does not propose to use any diversions from Dos Pueblos Creek for any of the proposed residential development or any uses related to the proposed residential development. As a result, the MOU Project will not result in any increase in the total amount of water diverted from Dos Pueblos Creek, nor will it alter the current diversion rate, season, or rate of diversion.

Diversions that are directed to the Lake Reservoir will be metered and water drawn from the Lake Reservoir will be metered in order to assure that diversions to the Lake Reservoir from Dos Pueblos Creek do not exceed amounts drawn from the Lake Reservoir for agricultural purposes.

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RDEIR Mitigation Measure PS-12 provides that “through the use of multiple water sources and water conservation strategies, the project would provide domestic water service without diverting water from the Dos Pueblos Creek” (RDEIR at p. 3.15-24). The NWC will be able to satisfy the water demands of the MOU Project or of Alternative 1 (an alternative with increased water demand) without any new or increased diversions from Dos Pueblos Creek.

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For evaluation purposes, the water demand for the MOU Project is estimated to be 119 Acre Feet per Year (AFY). This figure is based on the Naples Water Company’s (NWC) current service to the Project site of 58 AFY, plus an estimated additional demand of 61 AFY for the MOU Project’s domestic and landscaping water needs. The water demand for Alternative 1 is estimated to be 140 AFY (the current NWC demand of 58 AFY, plus an estimated 82 AFY demand for domestic and landscaping water needs.) These estimates are high, likely overstate actual demand, and therefore represent very conservative estimates.

The RDEIR analysis shows that the estimated water demand is less than the NWC entitlement from the Central Coast Water Agency (CCWA). NWC has a contract to receive 200 AFY in State Water Project (SWP) water from CCWA. Through CCWA, NWC is entitled to receive another 20 AFY as a “drought buffer,” which brings NWC’s total allocation of SWP water to 220 AFY.

CCWA reports that, at present, it can deliver virtually 100 percent of NWC allocation because the current participant demand is significantly less than the 39,078 AFY entitlements from the SWP. According to CCWA, it has access to a number of other water sources through which it can supplement SWP water as needed on a yearly basis in order to maintain the ability to deliver virtually 100 percent of the NWC allocation. These sources include the following:

- Acquiring water from the State “Turnback Pool,” an internal SWP mechanism that pools unused SWP supplies early in the year for purchase by other SWP contractors at a set price. CCWA has also established its own Turnback Pool program, whereby CCWA project participants can buy and sell excess entitlement among themselves before submitting it for sale in the state Turnback Pools program.
- CCWA also has the ability to acquire water from the State Water Bank during those years the bank is implemented by the State to market water that it purchases on the open market (i.e., non-SWP water). The bank was first implemented in 1991 as the State Drought Water Bank and has since been used during certain dry years when additional water is needed by SWP contractors.
- CCWA also has the ability to obtain water through water purchases and sales of SWP entitlement by CCWA project participants in accordance with CCWA Water Transfer Procedures adopted in March 2006. The procedures typically cover multi-year temporary and permanent sales of SWP entitlement.

The RDEIR also considers NWC’s ability to meet the estimated water demands solely from the SWP allocation in normal years, drought years and multiple drought years. This analysis assumes

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- Normal Year Water Availability: While SWP deliveries may fluctuate over time, based on the California Department of Water Resources' (DWR) recently released Draft 2007 State Water Reliability Report (2007 Draft Reliability Report), CCWA has the ability to provide 70 percent of the SWP allocation or a yearly average of 139 AFY, which would be enough to meet the estimated demand for both the MOU Project and Alternative 1. There are additional factors that show that in normal years, SWP deliveries would be adequate to meet Alternative 1 estimated demand without the need for water from Dos Pueblos Creek. These include the following:
 - Two of the six residential lots on DPR south of Highway 101 are existing residences that are currently served by the Goleta Water District (GWD) and would continue to receive GWD service. That reduces the Alternative 1 demand for SWP water by 2.26 AFY.
 - The remaining DPR residences to be built south of Highway 101 would likely also receive water service from GWD, which would reduce the Alternative 1 demand for SWP water by an additional 4.52 AFY.
 - The project will be served by a sewage treatment plant (STP) that will treat domestic wastewater. The applicants are proposing two options for the advanced treatment of wastewater, AdvanTex[®] Treatment Systems by Orenco Systems[®] and ZeeWeed[®] by Zenon. Wastewater technologies have evolved to provide better products and treatment options. As a result, the actual system used may differ, based on the technologies available at the time of construction. DPR proposes to use the reclaimed water from the STP to irrigate the avocado orchard on SBR adjacent to Highway 101.
 - The avocado orchard on SBR adjacent to Highway 101 demands 30 AFY in a normal year and 24 AFY in a dry year.

Under the MOU Project, if the domestic wastewater is treated in the STP to surface irrigation standards, there would be 17.3 AFY available to irrigate the avocado orchard on SBR, which would reduce the existing water demand for the orchard to between 12.7 AFY and 16.7 AFY, and the combined water demand of the existing domestic connections and expected domestic water demand of the project is between approximately 98.1 AFY and 102.1 AFY. If the domestic wastewater is treated in the STP to subsurface irrigation standards, there would be approximately 9 AFY available to irrigate the avocado orchard on SBR, which would reduce the existing water demand for the avocado orchard from between 30 AFY and 34 AFY to between 20.9 AFY and 24.9 AFY, and the combined water demand of the existing domestic connections and expected domestic water demand of the project to between approximately 106.2 AFY and 110.2 AFY.

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Under Alternative 1, if the domestic wastewater is treated in the STP to surface irrigation standards, there would be 23 AFY available to irrigate the avocado orchard on SBR, which would reduce the existing water demand for the orchard to between 7 AFY and 11 AFY, and the combined water demand of the existing domestic connections and expected domestic water demand of Alternative 1 to between approximately 106 AFY and 110 AFY. If the domestic wastewater is treated in the STP to subsurface irrigation standards, there would be approximately 12.1 AFY available to irrigate the avocado orchard on SBR, which would reduce the existing water demand for the avocado orchard from between 30 AFY and 34 AFY to between 17.9 AFY and 21.9 AFY, and the combined water demand of the existing domestic connections and expected domestic water demand of Alternative 1 to between approximately 117 AFY and 121 AFY.

- Drought Years: NWC will use the on-site Lake Reservoir to bank SWP water for use in the event CCWA could not deliver enough water to meet the MOU Project or Alternative 1's estimated water demands. NWC will bank its CCWA drought supplement and use the on-site Shale Wells in order to maintain a reserve domestic water supply. (The on-site Shale Wells withdraw water from the Monterey Shale aquifer, are 464 to 506 feet deep, are not part of the Dos Pueblos Creek aquifer, and are not currently being used to provide water for any purpose.) In the unlikely event that there were no SWP water deliveries over a period of years, the Lake Reservoir (which has a holding capacity of 300 AFY) would be adequate to meet the combined existing NWC demand and the estimated MOU Project demand for 2.5 years and the combined existing NWC demand and estimated Alternative 1 demand for 2.1 years. It is likely that the Lake Reservoir can meet the estimated demand for a longer period for the following reasons:
 - With the addition of 50 AFY from the on-site Shale Wells, the Lake Reservoir could meet all of the existing NWC and projected MOU Project demands for 4.3 years. In the case of Alternative 1, the Lake Reservoir could meet existing and projected demand for 3.3 years.
 - The use of reclaimed water, combined with the addition of the 50 AFY from the onsite Shale Wells, would increase the ability of the Lake Reservoir to meet overall demand with respect to the MOU Project to between 5 years and 5.8 years, depending on whether reclaimed water is treated to surface or subsurface irrigation standards. With respect to Alternative 1, the Lake Reservoir would be able to meet overall demand from between 3.8 years and 4.4 years, depending on whether reclaimed water is treated to surface or subsurface irrigation standards.
 - With respect to Alternative 1, when the water demand for the two DPR lots that are already served by GWD, and the four DPR lots that will also likely be served by GWD, are taken into account along with the use of reclaimed water from the STP, the Lake Reservoir has the capacity to meet the total existing and estimated Alternative 1 demands for between 4.2 and 5 years, depending on whether reclaimed water is treated to surface or subsurface irrigation standards.

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This analysis assumes no water deliveries from SWP, which is a more conservative assumption than that made by DWR in the 2007 Draft Reliability Report. The Report estimates that the SWP will still deliver 6 percent of the CCWA water entitlement in a single dry year scenario. This analysis shows that NWC has more than sufficient capacity to meet MOU Project or Alternative 1 demands.

- Two Year Drought: In its 2007 Draft Reliability Report, DWR estimates that the SWP will still deliver between 26 percent and 27 percent of CCWA water entitlements in a 2-year drought scenario. Assuming that SWP deliveries met only 25 percent of the NWC allocation and CCWA could not augment that amount, NWC would still receive 50 AFY, which, combined with the annual Shale Well production, would be able to meet all but 19 AFY of the overall MOU Project demand. When reclaimed water is factored in as well, there would be a 1.7 AFY shortfall if water is treated to surface irrigation standards, which the Lake Reservoir could supply for 176.5 years, and a 10 AFY shortfall if subsurface treatment is used, which the Lake Reservoir could supply for 30 years. With respect to Alternative 1, without accounting for the DPR residences that would be supplied by GWD and the use of reclaimed water, the SWP delivery and Shale Well production would meet all but 40 AFY of the total water demand. In that scenario, the Lake Reservoir would be able to supply the shortfall for 7.5 years. When the two DPR lots supplied by GWD plus the four DPR lots that will likely be served by GWD are factored in, the shortfall comes down to 33.22 AFY, which the Lake Reservoir could supply for 9 years. When reclaimed water is factored in as well, there would be a 10.22 AFY shortfall if water is treated to surface irrigation standards, which the Lake Reservoir could supply for 29.4 years, and a 21.12 AFY shortfall if subsurface treatment is used, which the Lake Reservoir could supply for 14.2 years. This analysis assumes only 25 percent water deliveries from SWP, which is a more conservative assumption than that made by DWR in its most extreme 2-year multi-year drought scenario.
- Multiple-drought Years: The RDEIR analysis looked at multiple drought years scenarios assuming that SWP deliveries met only 30 percent of the NWC allocation and CCWA could not augment that amount. In that scenario, the NWC would still receive 60 AFY, which, combined with the annual Shale Well production, would be able to meet all but 9 AFY of the overall MOU Project demand. When the use of reclaimed water is factored into the analysis, the overall demand would be less than the amount of SWP deliveries and Shale Well production NWC would receive in the multiple drought year scenario. With respect to Alternative 1, without accounting for the DPR residences that would be supplied by GWD and the use of reclaimed water, the SWP delivery and Shale Well production would meet all but 30 AFY of the total water demand. In that scenario, the Lake Reservoir would be able to supply the shortfall for 10 years. When the two DPR lots currently supplied by GWD are factored in, as well as the four additional lots that will likely be served by GWD, the shortfall comes down to 23.2 AFY, which the Lake Reservoir could supply for 13 years. When reclaimed water is factored in as well, NWC would be able to meet all of the water demand from the water supplied by the SWP and the Shale Wells if water is treated to surface irrigation standards and an 11.1 AFY shortfall is subsurface treatment is used, which the Lake Reservoir could supply for 27 years. This analysis assumes only 30 percent water

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deliveries from SWP, which is a more conservative assumption than that made by DWR. In its 2007 Draft Reliability Report, DWR estimates that the SWP will still deliver between 33 percent and 36 percent of CCWA water entitlements in a 6-year drought scenario and between 32 percent and 37 percent in a 4-year drought scenario.

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The foregoing assessments assume no conservation measures. In periods of extended drought, it is likely that water conservation measures would be employed that would reduce the overall water demand, and, in turn, increase the ability of the Lake Reservoir, Shale Wells and reduced CCWA water deliveries to meet all of the NWC water requirements.

Consistent with Mitigation Measures PS-11 and 12, and subject to the development of still more effective measures, the following are examples of conservation measures that may be employed in the MOU Project or in the project alternatives:

- High-efficiency dish washers and washing machines
- Tankless water heaters
- Ultra low flush toilets
- Smart irrigation controllers

Given that the MOU Project, or alternately, Alternative 1, will not alter the amount of withdrawals from Dos Pueblos Creek, the MOU Project, or alternately Alternative 1, will have no hydrological impacts on Dos Pueblos Creek.

G-2-214

The commenter states that the RDEIR fails to describe the baseline conditions for marine and reservoir water quality. Near-shore ocean baseline data is provided in General Response 13.5.2. No baseline data is available for the Dos Pueblos Reservoir. However, Sections 3.3.3.2.2 and 9.3.3.2.2 discuss the potential impacts to water quality from stormwater runoff from developed areas. Impacts to water quality within the Project area are considered to be significant but feasibly mitigated. Table 3.3-4 shows the increase in impermeable area within the watershed associated with Dos Pueblos Reservoir (W3 – Eastern Tributary to Dos Pueblos Creek) is less than 1 percent. This will not significantly increase the amount of impervious surface area discharging stormwater to Dos Pueblos Reservoir. The implementation of low impact development (LID) elements into the design of the Project in addition to stormwater mitigation measures (Sections 3.3.3.4.2 and 9.3.3.4.2 for construction, Sections 3.3.3.4.3 and 9.3.3.4.3 for post-construction) will minimize the impact of stormwater to surface water quality in Los Pueblos Reservoir. The information provided in the RDEIR is adequate to provide an analysis of impacts to both surface and near-shore marine water quality for purposes of CEQA.

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The commenter states that the RDEIR does not describe the current hydrological conditions with regards to the waste-water treatment plants proposed discharge. Please see response to comment I-13-1. The response addresses the impact of wastewater quality in terms of the proposed use for agricultural irrigation. Because wastewater generated by the Project package treatment plants will be used for subsurface irrigation of orchards, there will be no surface discharge or impact to groundwater quality. There will be no significant impact to water quality as a result of operation of the wastewater treatment plants. The comment provides no new or additional information that would clarify the discussion of impacts to water quality.

G-2-216

The comment is inaccurate in that the RDEIR includes a thorough description of watersheds and water impoundment features located within the Project area. Sections 3.3.1.1 (MOU Project) and 9.3.1.1 (Alternative 1) of the RDEIR include a discussion and description of all the watersheds associated with the project. A description of the water impoundment features located within the local area is included in Sections 3.3.1.2 and 9.3.1.2 of the RDEIR. Wetlands, streams, drainages and seasonal waterbodies are described in the RDEIR at Sections 3.4.2.3. (MOU Project) and 9.4.2.3 (Alternative 1), Biological Resources. Tables 3.4-2 (MOU Project) and 9.4-2 (Alternative 1) include a description of all wetlands, seasonal waterbodies, permanent waterbodies, streams and drainages located within the project boundaries. The water features information in the RDEIR adequately describes the project area per CEQA.

G-2-217

Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative 1) of the RDEIR include a description of the closest available FEMA National Flood Insurance Rate Maps (FIRM) to the Project area. No FIRM is available for the MOU Project or Alternative 1.

G-2-218

The commenter states that a reference to California Fish and Game Codes should be incorporated into Sections 3.3.2.2.2 (MOU Project) and 9.3.2.2.2 (Alternative 1). The Section referred to addresses water resources as they apply to water quality. The California Fish and Game codes applicable to releases to support fish habitat are referenced in Sections 3.4.3.1 (MOU Project) and 9.4.3.1 (Alternative 1).

G-2-219

The commenter states that the RDEIR does not accurately describe the Coastal Act's water quality standards of no degradation in Sections 3.3.2.2.3 (MOU Project) and 9.3.2.2.3 (Alternative 1). Those sections of the RDEIR refer to Coastal Act policies §30231.1 through §30231.3 and refers to several aspects of these policies which are implemented to protect surface water quality. Protection of surface water quality is an adequate reference to anti-degradation.

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The actual regulatory authority to enforce anti-degradation is held by the RWQCB under the Central Coast Basin Plan referred to in Mitigation Measure WQ-2.

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G-2-220

The comment claims that the RDEIR fails to discuss the role of federal agencies administering the Endangered Species Act (ESA) related to Dos Pueblos Creek water diversion, may result in a potential “take” of endangered southern steelhead and threatened California red-legged frogs.

The commenter presents information discussed in responses to comments F-1-1 and F-2-3, southern steelhead and California red-legged frog subsequently.

G-2-221

The Dos Pueblos Creek water diversion License allows for the diversion of 786 gpm, “more than seven time the Creek’s base flow rate.” The RDEIR should analyze the impact of this diversion on the Creek’s support of wetlands, riparian habitat and species of concern. The comment request the “restrictions” on the water rights permit for diversions from Dos Pueblos Creek to protect biological resources.

As discussed in response to comment G-2-213, no water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development under Alternative 1, or any other alternative. Neither the MOU Project, nor any of the project alternatives, including Alternative 1, will result in an increase in the withdrawal of water from Dos Pueblos Creek beyond current conditions. Existing licensed withdrawals from the Creek for agricultural uses are part of the environmental baseline of the MOU Project, and are therefore not evaluated as potential impacts of the MOU Project. Accordingly, neither the MOU Project, nor Alternative 1, will reduce surface water available to support biological resources.

The comment restates information discussed in responses to comment F-1-1 southern steelhead.

G-2-222

The comment refers to exclusion of specific provisions of the Coastal Act and that the RDEIR does not consider relevant LCP policies concerning the protection of groundwater basins and hydrological resources. Sections 3.3.2.2.3 and 9.3.2.2.3 of the RDEIR are intended to provide a general summary of the California Coastal Act. Greater detail on applicable coastal policies is provided in Sections 3.3.2.3.1 and 9.3.2.3.1 of the RDEIR.

Both MOU Project, and Alternative 1 are consistent with LCP Policy 2-2. Policy 2-2 concerns the protection of the long-term integrity of groundwater basins located within the Coastal Zone. The MOU Project, or, alternately, Alternative 1, will rely on SWP water, not groundwater. To the extent that any groundwater is used in dry or multiple dry years to augment NWC’s supply of SWP water, that water will come from existing on-site Shale Wells that withdraw water at a depth of 464 to 506 feet from the Monterey Shale aquifer. The wells have the capability of

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Section 15.0 Responses to Comments producing approximately 50 AFY without impacting the long-term integrity of the aquifer. An analysis of the safe yield of aquifer was prepared by Michael Hoover and Associates in 1995 in a study entitled *Final Report, Pilot Study of Conjunctive Use Monterey Formation Wells Santa Barbara Ranch*.

Both the MOU Project and Alternative 1 are consistent with LCP Policy 2-3. Policy 2-3 provides that the County may require the installation of meters on private wells. As discussed in the RDEIR, metering of wells is a condition of project approval. Further, the on-site Shale Wells on Santa Barbara Ranch are already metered.

Both the MOU Project and Alternative 1 are consistent with LCP Policy 2-4. Policy 2-4 concerns designated urban areas and requires that new development in those areas be served by existing water companies. The MOU Project, or, alternately, Alternative 1, will be served by the existing Naples Water Company.

Both the MOU Project and Alternative 1 are consistent with LCP Policy 2-5. Policy 2-5 requires the installation of water-conserving devices in new development. As required by Mitigation Measure PS-12 and detailed in response to comment G-2-213, the MOU Project, or alternately Alternative 1, will implement a variety of conservation measures, including the installation of water-conserving devices such as ultra low flush toilets.

Both the MOU Project and Alternative 1 are consistent with LCP Policy 2-6. As it pertains to hydrological resources, Policy 2-6 requires that new development projects be adequately served by water services. As discussed in response to comment G-2-213, NWC has adequate water to serve either the demands of the MOU Project, or alternately, Alternative 1, even in dry or multiple-dry years.

The RDEIR does consider the provisions of LCP Policy 3-19, which requires that development projects not result in degradation of the water quality of groundwater basins, nearby streams, or wetlands. Water Quality Impacts are consider in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1), potential to impacts water quality in the vicinity of the project site and concludes that any potential impacts are significant but feasibly mitigated.

G-2-223

The commenter states that the RDEIR fails to provide details on County strategies to address water quality pollution from new developments. The project mitigation measures discussed in Sections 3.3.3.4 (MOU Project) and 9.3.3.4 (Alternative 1) are adequate for the purposes of the CEQA.

G-2-224

The commenter states that the RDEIR does not refer to the LCP Policy 3-19 standard for prohibition of coastal degradation. Anti-degradation requirements are incorporated into the Central Coast Basin Plan implemented by the RWQCB. The RWQCB has regulatory authority

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for the implementation of water quality standards for new development under the County of Santa Barbara Stormwater Management Program. Implementation of the stormwater mitigations described in RDEIR Sections 3.3.3.4.2 and 9.3.3.3.4.2 will address compliance with the Santa Barbara County Stormwater Management Plan (SMP). As the comment does not provide any additional information which would clarify impacts to water quality, no further response is necessary.

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G-2-225

The commenter states that the RDEIR fails to correctly apply the thresholds of significance for water quality impacts. Please refer to response to G-2-224. The County of Santa Barbara thresholds of significance for water quality impacts are met by compliance with the regulatory requirements enforced by the RWQCB and incorporated into the Santa Barbara Stormwater Management Program. Compliance with the requirements of the Santa Barbara SMP is a required mitigation within the RDEIR.

G-2-226

Please refer to the discussion in General Response Section 13.4, and responses to comments G-2-213 and G-2-221. The project would result in a negligible effect on water diversion and abstraction. No further response is necessary.

G-2-227

As described in Impact Flood-1 (Sections 3.3.3.2.1 and 9.3.3.2.1 in the RDEIR), project development would reduce the amount of ground surface capable of absorbing and infiltrating rainfall; therefore, would potentially increase both the net storm water runoff and peak flows within watercourses. As a result, the project proposes Mitigation Flood-1 to require the construction and operation of storm water retention and protection structures (i.e., detention basins, outlet dissipaters, etc.) and other industry standard erosion protection devices (i.e., silt fences, jute netting, straw bales, bioswales, etc.) during the initial phases of site grading. Additionally, post-construction surface runoff volumes from the new residential developments shall not exceed existing conditions. The RDEIR adequately addresses the potential impact of flooding along Dos Pueblos Creek.

Also see response to comment G-2-217.

G-2-228

The comment is confusing in that it refers to the RDEIR relying on mitigation measures not included in the RDEIR. A thorough hydrologic analysis of existing peak stormwater flow and volume is being prepared as an attachment to the RDEIR. The hydrologic analysis will be referenced in Sections 3.3.3.4.3 (MOU Project) and 9.3.3.4.3 (Alternative 1) of the RDEIR under Water Quality Mitigation Measures. Post construction peak stormwater flows and volumes will be maintained consistent with the finding in the hydrologic analysis.

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The commenter states that the RDEIR fails to analyze creek water quality impacts caused by project reliance on creek water diversions. Please refer to General Response Section 13.4. The proposed project will not cause a substantial adverse change in surface water flows in Dos Pueblos Creek by increasing the rate of diversion from the watershed. As a result, there will be no impact to water quality in Dos Pueblos Creek due to additional surface water diversions related to the Project. As the comment provides no new information that would clarify project impacts, no further comment is necessary.

G-2-230

The commenter states that the RDEIR fails to analyze water quality impacts associated with WWTP discharges. Please see response to comment I-13-1. The response addresses the impact of wastewater quality in terms of the proposed use for agricultural irrigation. Because wastewater generated by the Project package treatment plants will be used for subsurface irrigation of orchards, there will be no surface discharge or impact to groundwater quality. There will be no significant impact to water quality as a result of operation of the wastewater treatment plants. The MOU Project or Alternative 1 propose guest houses, no RSUs are proposed.

G-2-231

The commenter states that the RDEIR fails to analyze various elements and impacts of the proposed wastewater treatment plants. Please refer to response to comments G-2-230 and L-9-3. Detailed operations and maintenance requirements for the proposed wastewater treatment plants are incorporated into the response to the RWQCB letter. However, the final selection of the wastewater treatment plant will not be completed until project plans are submitted for County Planning and Development review. This will not have an impact on water quality as the effluent limitations to be met must be met no matter what system of treatment is selected. Therefore, specifying particular operational methods is premature at this time.

G-2-232

The commenter refers to wetlands to be created on the coastal lots by the discharge of treated wastewater. No treated wastewater will be discharged from the properties within the coastal lots. Clarified wastewater will be transported to the package WWTPs. Treated wastewater will be used for subsurface irrigation of orchards and will not impact wetlands within the coastal bluffs.

See response to comment I-13-1.

G-2-233

The commenter refers to runoff and discharge from various lots within the project area. As discussed in Impact WQ-2 (Sections 3.3.3.2.2 and 9.3.3.2.2 in the RDEIR), the proposed project or Alternative 1 may result in impacts to water quality as a result of the potential use of septic

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tanks and dry wells at the 16 individual lots proposed within the MOU Project, as well as 5 additional lots in the Alternative 1 configuration. As a result, the project proposes Mitigation WQ-2 (Sections 3.3.3.4.2 and 9.3.3.4.2 of the RDEIR) to avoid or minimize the use of individual septic systems and subject proposed individual septic systems to review and approval by the RWQCB. As the comment provides no new or additional information that would clarify project impacts, no further response is necessary.

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See response to comments G-2-231 and G-2-232.

G-2-234

The RDEIR does not address the placement of individual septic systems on the Dos Pueblos Ranch properties and does not analyze the impact of the individual septic systems. However, regardless of the results of percolation tests within this area, the size of the lots will allow for the maximization of leach line length and isolation of leach fields. Impacts from individual septic systems on 20 to 30 acre lot sizes will be insignificant due to the available dilution factors. In addition, plans for the individual septic systems will be submitted to review to P&D as part of the permit application for the development. The permitting requirements for septic systems within the coastal zone are provided in Division 8, Services, Utilities and Other Related Facilities, within the County of Santa Barbara Coastal Zoning Ordinance. The purpose of this Division in the Coastal Ordinance is to provide for the siting of small scale public works, utilities and private service facilities in all zone districts including designated Special Problems Areas. According to the Division, development subject in Special Problems Areas are subject permitting under a Minor Conditional Use Permit and Coastal Development Permit (Section 35-169 *et seq.*). These permits allow for the design review and inclusion of septic tanks or dry wells on all lots in designated Special Problems Areas for sewage disposal.

The RDEIR incorporates information that seeks to avoid or minimize the use of individual septic systems and subject proposed individual septic systems to review and approval by the RWQCB. The balance of remaining comment is unclear and the responder was not able to clarify the full intent of the comment. Please refer to response to comment G-2-233 for further clarification.

G-2-235

The comment addresses the Alternative 1 only. The comment states that mitigation WQ-2 allows more septic systems than Alternative 1 would allow. Mitigation Measure WQ-2 for Alternative 1 is consistent with the stated RDEIR goal of avoiding or limiting the use of individual septic systems. Please refer to the responses to comments G-2-233 and G-2-234. The comment provides no new information that clarifies the analysis of impacts in this RDEIR.

G-2-236

The comment states that Mitigation Measure WQ-2 is unenforceable. Regulatory authority will act to limit the construction of dry wells in unsuitable areas within the MOU Project area,

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Section 15.0 Responses to Comments approval by RWQCB is required for dry wells. It has been documented in the RDEIR that the RWQCB will subject applications for dry wells from the MOU Project to rigorous scrutiny. Adequate soil percolations rates must be demonstrated for permit approval. Septic or dry-well systems in unsuitable areas will not meet the required criteria for permitting. WQ-2 is consistent with the submittal of the RWQCB's review of the submitted soils testing data.

G-2-237

This comments states that WQ-2 defers determination on which lots can be on septic systems or dry wells and which must be tied to the WWTP. The RDEIR provides adequate information to analyze the potential impacts of dry wells and septic systems and describes mitigation measures adequate to reduce impacts to less than significant. The design and construction of dry wells and septic systems for the project will be subject to permitting under the County of Santa Barbara Coastal Zoning Ordinance and to permitting under the RWQCB. The results of percolation tests will be reviewed by the appropriate regulatory agencies prior to the issuance of building permits. Authorization will not be granted to dry wells by the RWQCB or P&D if the results of percolation tests show that sub-surface conditions are such that groundwater or surface water would be negatively impacted. For the large lots in the Dos Pueblos Ranch development, leach fields of adequate size will be required by the Minor Conditional Use Permit and Coastal Development Permit (Section 35-169 *et seq.*). These permits must be in place prior to issuance of building permits by the P&D. The comment provides no new information that clarifies the analysis of impacts in this RDEIR.

See response to comment G-2-236.

G-2-238

The comment address the potential water quality impacts from the use of septic systems and dry wells and references the no degradation standard in the LCP Policy 3-19. The LCP Policy 3-19 upholds the regulatory authority held by the RWQCB's anti-degradation policy incorporated into the Central Coast Basin Plan. The RWQCB is required to address the anti-degradation requirement in the issuance of permits including waste discharge requirements for dry wells and leach fields. In addition, P&D is required to address the needs of LCP Policy 3-19 in the issuance of MCUPs and CDPs. Prior to construction of septic systems and leach fields within the MOU Project, these permits must be approved. Mitigation WQ-2 requires that the MOU Project comply with the requirements of the RWQCB and the Coastal Policy of Santa Barbara. Therefore, the RDEIR provides an adequate analysis of impacts of the use of septic systems and dry wells and appropriate mitigations for potential impacts.

Also see response to comment G-2-234.

G-2-239

The commenter states that the County lacks evidence to support a finding that the Special Problems Area designation for Naples can be deleted. Naples is identified as a Special Problems

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Area due to constraints on wastewater discharges and septic systems. However, the commenter disputes the County's ability for a finding under CZO Section 35.142.4.2 that Naples is no longer a Special Problems Area.

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G-2-240

The commenter states that sewer lines may be required to cross Highway 101 and that horizontal or slant drilling will be required. This would be considered part of the project and would be incorporated into the CDP and MCUP to be issued by P&D. In addition, all applicable environmental approvals must be in place prior to construction. An encroachment permit may be required from Caltrans for the sewer line. If the project has the potential to discharge drilling muds, a waste discharge requirement (WDR) application must be submitted to the RWQCB and approved prior to commencement of construction.

G-2-241

The commenter requests additional information regarding set-backs for surface and groundwater quality as well as wetland protection. The RDEIR does not establish set-backs for septic system leach fields in the DPR portion of the MOU Project. However, the CDP and MCUP required for development of leach fields must be approved by P&D.

G-2-242

It is unclear what the commenter is asking in this comment, however, part of the comment addresses the analysis of cumulative water quality impacts for Alternative 1. The assessment of cumulative impacts incorporated into Section 9.3.3.3 includes an assessment of cumulative impacts associated with development pollutants. The DPR portion of the development is incorporated into WQ-3: Cumulative Development Pollutants. Alternative 1 will contribute to an incremental increase in pollutants from residential uses that could degrade water quality. However the development proposed is low intensity, which is the case for the 20 to 30 acre lots in DPR, which will serve to limit the development footprint and reduce impacts. The DPR portion of the MOU Project will be subject to the same design review by P&D for all infrastructure development including post development stormwater management and drainage design. No special considerations need to be applied to the DPR portion of the project.

G-2-243

The commenter states that the RDEIR does not incorporate an analysis of the project without the proposed wastewater treatment plants. The proposed project requires the approval and construction of the WWTPs in order to protect surface water quality. An alternative project without WWTPs has not been included in this RDEIR.

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Section 15.0 **G-2-244**

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The commenter states that wastewater generation rates should be based on bedroom count and amenities. Please see response to comment G-11-2.

G-2-245

The commenter asks if the wastewater impacts of the guest houses are included in the wastewater impact analysis. Please see response to comment G-2-244 and the detailed response at G-2-537. The estimation of water usage and associated wastewater generation are extremely conservative based on the guidelines provided in the County of Santa Barbara Environmental Thresholds Manual. No further response is necessary.

G-2-246

The commenter states that the MOU Project violates RWQCB and EHS direction regarding wastewater treatment. A complete analysis of wastewater treatment and disposal is provided in Section 3.3.3.2.2 of the RDEIR for the MOU Project under Impact WQ-2; Wastewater Treatment and Disposal. The potential impact to groundwater and surface water from the 16 proposed dry wells is discussed in detail in Section 3.3.3.2.2 and previous comment letters from the RWQCB and EHS are summarized. The RDEIR clearly states the impacts associated with the 16 proposed inland dry wells. The comment provides no additional information that would clarify the analysis of impacts due to operation of these facilities.

G-2-247

The commenter states that a community services district should be formed to ensure proper management and operation of the wastewater treatment plant. The purpose of the RDEIR is to provide adequate information regarding project impacts and necessary and feasible mitigation measures to reduce impacts where feasible to less than significant. Under CEQA, the purpose of the RDEIR is not to proscribe a specific type of community based management for project infrastructure. Although the RDEIR describes the type and function of management entities that would be appropriate for management of the wastewater treatment facilities, it does not proscribe a specific management entity as this is not a function of the RDEIR. The comment does not provide any additional information that would clarify the environmental impacts of operation of the wastewater treatment plant. The RDEIR provides a cogent analysis of potential impacts to water quality from operation of the wastewater treatment plants and provides appropriate mitigations for an assessment of a Class II impact. The reference to the County discouraging the project has no relevance to the RDEIR.

G-2-248

The commenter states that the RDEIR fails to analyze the cumulative impacts of the existing legal non-conforming structures septic systems combined with Alternative 1. The assessment of cumulative impacts incorporated into Sections 3.3.3.3 (MOU Project) and 9.3.3.3 (Alternative 1)

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includes an assessment of cumulative impacts associated with development pollutants. The DPR portion of the development is incorporated into WQ-3: Cumulative Development Pollutants. The MOU Project and Alternative 1 will contribute to an incremental increase in pollutants from residential uses that could degrade water quality. The commenter requests a detailed analysis of the impact of the non-conforming septic systems in the Dos Pueblos basin and Special Problems Area. However, please refer to Section 12.3, Standard of Response (Final EIR). Revisions to the RDEIR have been incorporated to include substantially new or significant information that informs or clarifies the analysis of environmental impacts or substantially improves previously proposed mitigation measures. CEQA does not require the granting of all requests to incorporate additional studies or information that would not significantly add to the analysis of impacts or mitigation of project impacts. The area in question is already designated a Special Problems Area for septic use. Due to this designation any additional development is already subject to addition permitting requirements by P&D and additional scrutiny by the RWQCB. A minor CUP as well as a CDP will be required to be submitted and reviewed by P&D prior to issuance of building permits for development in this area. The request for further detailed study of existing septic conditions will not add significantly to the assessment of cumulative impacts or provide a better or more effective means of mitigation beyond what is currently proposed in the RDEIR.

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G-2-249

The commenter states that mitigation WQ-1a states that the SWPPP must contain some or all of the laundry list of BMPs listed in the RDEIR. This statement is not relevant to the analysis of impacts in the RDEIR. The SWPPP will be prepared separately from the RDEIR and must conform to the regulatory requirements established by the RWQCB. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-250

The commenter states that the RDEIR should incorporate the water quality mitigation measures required by the CCC for the Bay View development. The comment also states that the preparation of the SWQMP after EIR certification does not allow for effective mitigation as performance standards have not been presented. Additional comments are provided regarding the submittal of monitoring and maintenance information by the HOA. Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR propose Mitigation WQ-1a to require storm water, erosion and sedimentation, and pollutant Best Management Practices (BMPs) under the NPDES General Permit for Construction Activities; Mitigation WQ-1b to address structural and non-structural designs (e.g., erosion control landscaping, detention features, bioswales, permeable pavement, etc.) and BMPs required for post-construction activities to minimize the discharges of pollutants from the residential units, roads, equestrian facilities, and open space easements; and Mitigation WQ-1c for preparation of an animal waste management plan and Storm Water Quality Management Plan (SWQMP) to manage pollutants from the proposed equestrian center. All of these mitigations will be prepared in accordance with the current County of Santa Barbara

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Stormwater Management Plan (SMP). Further information regarding the requirements of the Santa Barbara SMP can be found on the County's website. The SMP provides a rigorous set of performance measures that must be met for the implementation of BMPs pre- and post-construction. The incorporation of low impact development (LID) elements into the project design is a requirement under the SMP to meet performance measures set by the EPA for the protection of water quality. The MOU Project and Alternative 1 will meet the "maximum extent practicable" MEP performance standard for pre- and post-construction stormwater BMPs. Therefore the RDEIR does incorporate performance standards for effective mitigation of water quality impacts. The timing for commencement of monitoring and maintenance records would be established by the County under the monitoring and maintenance plan for the project.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-251

The commenter states that the RDEIR lacks mitigation measures for stream flow protection. The commenter states that despite the characterization of Dos Pueblos Creek as "semi-annual," the creek is perennial. The commenter states that the RDEIR does not consider the thresholds of significance and impact criteria (on page 3.3-23) and does not analyze or identify impacts to perennial stream flows caused by the proposed Dos Pueblos Creek water diversion component of the project's water supply.

Neither the MOU Project or Alternative 1 will result in an increase in the withdrawal of water from Dos Pueblos Creek beyond current conditions. Existing licensed withdrawals from the Creek for agricultural uses are part of the environmental baseline of the MOU Project. The water supply analysis for the MOU Project and Alternative 1 does not assume the availability of water from Dos Pueblos Creek to serve new domestic or landscaping demands. The RDEIR and the Project Applicants' Water Supply Analysis includes information regarding the existing withdrawals of water from Dos Pueblos Creek for ongoing agricultural operations that will continue to occur on the land adjacent to and in the vicinity of the proposed new residential development. Existing licensed withdrawals from the Creek are part of the baseline of the MOU Project, and these ongoing withdrawals are therefore not an impact of the MOU Project or Alternative 1. Because the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-252

The commenter states that the SBR Project will modify the watersheds onsite, resulting in increased runoff, decreased recharge and infiltration, higher pollutant loads and greater velocity and erosive forces. The commenter states that water quality degradation is not the only impact of hydromodification. Hydromodification reduces recharge and may dry up the wetlands in the coastal terrace drainage but this impact was not evaluated. The commenter states that

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hydromodification of the Coastal Terrace and Canada Tomate watersheds includes significant impacts that are not identified or mitigated.

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The commenter is correct in stating that hydromodification of the Coastal Terrace drainages would result from a change in the hydrologic regime (in this case solely represented by stormwater runoff) associated with development activities such as grading. Grading and development activities within the Project area resulting in a significant increase in impermeable surface area would decrease the amount of stormwater infiltration and increase peak runoff rates. Increased peak stormwater runoff rates would also increase erosion and associated hydromodification impacts such as the downcutting of drainages. Water quality impacts are closely associated with the hydromodification impacts due to the discharge of sediments and fines in unstable channels. The Coastal Terrace (Watershed W-7) does not have a defined watercourse or streambed that would be subject to hydromodification. The unnamed tributary designated as Canada Tomate (Watershed W-4) does have a defined stream channel that could be subject to hydromodification and subsequent impacts to stormwater quality. Impact WQ-1, described in Sections 9.3.3.2.2 and 3.3.3.2.2, addresses the potential for the increase in impermeable surface area to increase stormwater peak flow rates and volumes with an associated impact to water quality.

The SWRCB, CCC, and other state agencies have identified management measures (MMs) to address hydromodification sources of nonpoint pollution affecting state waters. Hydromodification management measures have been incorporated into the Stormwater Management Plans required by the MS-4 stormwater permits for cities and counties. The Stormwater Management Plan (SMP) for Santa Barbara County does not incorporate specific MMs to address the potential hydromodification post-construction impacts. However, the SMP does incorporate BMPs that address erosion and stormwater management with the goal to maximize infiltration and maintain post-construction peak stormwater flow volumes and rates at pre-construction levels. Low impact development (LID) measures will be incorporated into the design and construction of the SBR Project to maximize infiltration and maintain stormwater peak flow volumes and rates to the pre-construction level.

Mitigation WQ-1b in Sections 3.3.3.4.3 and 9.3.3.4.3 describe the type of BMPs that will be implemented at the SBR Project. A combination of non-structural and structural improvements and BMPs (e.g., erosion control landscaping, detention features, bioswales, permeable pavement) will serve to increase infiltration and minimize erosion and, by association, eliminate the potential for hydromodification impacts. All structural and non-structural BMPs shall conform to the latest edition of the California Stormwater Best Management Practices Guidebooks for New Development (California Storm Water Quality Associations) or other similarly accredited guidance document approved by the County. To ensure that the MEP standard for the SWMP is met, LID elements such as bioswales, bioretention, permeable pavement, tree box filters, and cisterns shall be incorporated into the final landscape designs as appropriate, consistent with the Design Guidelines for Santa Barbara Ranch. Approximately one-third of the paved areas such as patios, walkways, and driveways on individual lots located along the coastal bluffs (Lots 12, 35, 39, 63, 66, 91, 93, 119, and 122) shall be composed of permeable surfaces. The incorporation of

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Section 15.0 Responses to Comments LID elements and BMPs into the post-construction design of the SBR Project will result in less than significant impacts to water quality due to increases in stormwater peak volumes and flow rates. In addition, maintaining high levels of infiltration through the incorporation of LID design elements will serve to maintain existing wetlands. The SBR Project will result in no hydromodification impacts in the Coastal Terrace watershed and no discussion of hydromodification is necessary in the RDEIR. No further response is required.

G-2-253

This comment is an introductory statement for the subsequent comments G-2-254 through G-2-360, and notes that the majority stated comments also apply to the MOU Project. No further response is necessary.

G-2-254

This comment states that biological environmental setting is inadequately described because the project's methods used to map habitats and document species' use of the project areas do not conform to the adopted Santa Barbara County Thresholds and Guidelines Manual for EIR preparation or to the CCC's protocols. Specifically the comment identifies raptor surveys, wetland delineations, and native grassland maps as not being performed in accordance with the County's protocol. The EIR addresses the project's conformance to required protocols in response to comments S-2-45 for raptor surveys, G-3-95 through G-3-97 regarding wetland delineations, and S-6-4, which addresses the project's native grassland mapping.

G-2-255

This comment states that bird surveys were not conducted in a manner consistent with the CCC's protocol for raptor surveys, and references the attached "California Coastal Commission protocol for raptor surveys" and "September 26, 2006 letter from Morgan Ball to Tom Figg, Santa Barbara County." This issue has been addressed in response to comment S-2-45, which describes the project's provisions for protocol-level raptor surveys.

G-2-256

This comment states that wetlands were not delineated through the Dos Pueblos Ranch area according to Army Corps of Engineers methodology, which in doing so, does not comply with the Coastal Commission method, and does not comply with the County Thresholds and Guidelines Manual. Additionally, the comment states that by failing to delineate wetlands for the entire Alternative 1 area, the RDEIR fails to present an adequate description of the existing wetland setting. This comment also references two letters from David Magney Environmental Consulting dated September 25, 2006 and January 23, 2008. This issue has been addressed in response to comment G-3-97.

G-2-257

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This comment states that the RDEIR notes that seven other seasonal water bodies existing on the SBR property south of Highway 101 in addition to wetlands that were previously delineated by SAIC in 2005, and that not all of these seven seasonal water bodies appear to be mapped, where Figure 3.4-4 shows only five wetlands south of 101 not previously mapped by SAIC. The status and circumstances of the seasonal bodies noted in this comment are described in sections 3.4.2.3.3 and 9.4.2.3.3 of the RDEIR. As discussed, two of the seven features were dry during visits in fall 2006, which accounts for the apparent discrepancy.

G-2-258

This comment states that some of these wetlands are directly threatened by the project. The comment provides one example in Lot 93 where a wetland is threatened by construction of a driveway and Langtry Avenue, but is not treated as a wetland. This issue has been addressed in response to comment G-3-102. The remainder of the comment pertains to the need for formal delineation conducted according to County Thresholds and Guidelines Wetland Definition and the CCC's standards, which has been addressed in response to comment G-3-97.

G-2-259

This comment states that the RDEIR fails to include maps that overlay areas of delineated and potential wetlands with the project footprints. For the purpose of the CEQA process, the RDEIR provides information in Impact Bio-8 (sections 3.4.4.2.2 and 9.4.4.2.2) and tables 3.4-5 and 9.4-5 regarding the disposition of each potential wetland area identified on the properties adequate to determine the approximate extent of wetlands within the project site, and to identify whether a significant impact would occur.

G-2-260

This comment states that on the August 20, 2006 site visit, an EDC biologist identified curly dock, a wetland indicator species, on lots 41-43, 69-71, and 97, some of which have been identified as wetlands in the RDEIR (Lots 41, 69, and 97). The RDEIR's provisions for wetland delineation are described in response to comments G-3-95, G-3-96, and G-3-97. The remainder of the comment pertains to the need for formal delineation conducted according to County Thresholds and Guidelines Wetland Definition and the CCC's standards, which has been addressed in response to comment G-3-97.

G-2-261

This comment states that wetlands delineated by SAIC were remapped in the updated compilation map as non-wetlands, based on visual estimations. This comment has been addressed in response to comments G-3-100 and G-3-101. The comment's reference to the RDEIR's wetlands figure has been corrected to refer to Figure 3.4-4 in the MOU Design.

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This comment states that eleven native wetlands species and three introduced wetlands species were noted as “common species in these small marshes,” while the referenced and attached Holland report (2003) confirms that there are “depressions and small pools along the drainages and riparian woodland areas that support small patches of freshwater marsh vegetation.” The RDEIR’s provisions for wetland delineation with respect to compliance with the CEQA process are contained in response to comment G-3-97.

G-2-263

This comment pertains to the RDEIR’s declassifying wetlands, and has been addressed in response to comment G-3-100 and G-2-101.

G-2-264

This comment pertains to the project’s native grasslands mapping, and has been addressed in response to comments S-6-4 (regarding County standards), G-3-46 and G-3-47 (pertaining to species used in percent cover measurement), G-3-48 and G-3-49 (addressing the late-blooming fasciculated tarplant), G-3-44 (regarding native grass species versus native grassland species), and G-3-23 (pertaining to County Thresholds and Guidelines for grouping patches of native grasslands).

G-2-265

The project’s coastal scrub (referred to as coastal sage in this comment) mapping has been addressed response to comment G-3-31.

G-2-266

The comment states that the RDEIR fails to include coastal sage as an ESHA. For the response to this comment, please see the response to comment G-3-83.

G-2-267

The comment states that the RDEIR failed to address impacts to sandy beach and rocky intertidal habitats (other than the discussions of the seal haul out and Naples Reef), and that there is substantial evidence in the record that these impacts should be considered significant. The RDEIR identified potential impacts on beaches in the project area, including increased recreational use by humans and pets and potential wildlife mortality associated with this increased use. The RDEIR did not identify impacts as significant on the beach itself; rather, the RDEIR evaluated impacts for significance based on the presence of sensitive resources, such as Naples Reef and the seals that use the beach as a haul-out site.

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G-2-268

The comment states that the RDEIR fails to consider eucalyptus windrows that support nesting and/or roosting by sensitive raptors as ESHA. For a discussion of the criteria used to determine the location and extent of portions of the project area qualifying for protection as ESHA, please refer to General Response 13.5.3.

G-2-269

The comment states that the native and non-native grasslands within the project area support many sensitive wildlife species, and that the grasslands should therefore be considered ESHA. For a discussion of the criteria used to determine the location and extent of portions of the project area qualifying for protection as ESHA, please refer to General Response 13.5.3.

G-2-270

The comment states that because of high wildlife diversity and suitability as a movement corridor, non-native grasslands onsite should be considered ESHA. For a discussion of the criteria used to determine the location and extent of portions of the project area qualifying for protection as ESHA, please refer to General Response 13.5.3.

G-2-271

The comment states that the RDEIR was incorrect in stating that steelhead no longer occur within Dos Pueblos Creek. For a response to this comment please refer to the response to comment S-6-7.

G-2-272 through G-2-274

The comments state that the vegetation maps in the RDEIR improperly characterize the existing conditions on the project site. For a response to these comments, please refer to the responses to comments G-3-27 and G-3-31.

G-2-275

The comment states that the RDEIR failed to address impacts stemming from water diversions on Dos Pueblos Creek. The proposed project would not result in any changes in the rate of water diversion from Dos Pueblos Creek. For more information, please refer to General Response 13.4.

G-2-276

The comment states that the water diversions caused by the project would likely result in take of steelhead and California red-legged frogs, and that the RDEIR should describe the permitting process for authorizing such take. The proposed project would not result in any changes in the

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Section 15.0 rate of water diversion from Dos Pueblos Creek. For more information, please refer to General
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G-2-277

The comment states that the RDEIR failed to address sections 30233 and 30236 of the California Coastal Act, and states that these sections are pertinent to the proposed project. The comment also states that the project would fill 0.05 acres of wetlands in the coastal zone. Coastal Act section 30233, deals with the continued movement of sediment and nutrients, but does contain a provision that permits diking, filling, and dredging in coastal wetlands under certain circumstances. However, the proposed project would not result in the filling of any wetlands in the coastal zone; rather, all wetlands present would be preserved and protected with a 100-foot buffer as described in mitigation measure Bio-5 in the RDEIR. Given this, Coastal Act section 30233 does not have applicability to the proposed project.

Coastal Act section 30236 deals with channelizations, dams, and other substantial alterations of rivers and streams. The proposed project would not result in any of these activities, and this section is therefore also not applicable to the proposed project.

G-2-278

The comment states that the RDEIR fails to include relevant Fish and Game Code sections, such as those dealing with proposed water diversions (section 5937) and fully protected species. The proposed project does not propose to install a water diversion, and section 5937 is therefore not applicable. For more information please refer to general response 13.4. Statutes dealing with fully protected wildlife species are applicable to the proposed project, and were addressed in sections 3.4.3.1.2 and 9.4.3.1.2 of the RDEIR.

G-2-279

The comment states that the RDEIR failed to analyze consistency with Coastal Act policies pertaining to the white-tailed kite. Consistency of the proposed project with CLUP policies 9-26 through 9-29 was not performed because these are location-specific policies pertaining to the preservation of kites on More Mesa. This issue has been addressed in further detail in General Response 13.5.

G-2-280

The comment states that the RDEIR omits relevant elements of the Comprehensive Plan Conservation Element, including recommendations for creek setbacks and grassland avoidance. The Conservation Element includes descriptions and conservation recommendations for some major streams in Santa Barbara County, and states that for certain streams, greater protection than that afforded to streams simply classified as delicate habitat is deserved. Dos Pueblos Creek is listed among these streams, due to the protected nature of the headwaters in the Los Padres National Forest and the relatively unaltered condition of the stream. The Conservation Element

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recommends establishment of a buffer strip of at least 100 feet in width to protect this drainage. The proposed project would not result in any development within 500 feet of Dos Pueblos Creek, and this substantial buffer zone complies with the intent of the Conservation Element policy to preserve the drainage.

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With regard to native grasslands, the Conservation Element states that native grasslands should be subjected only to regulated scientific study wherever they occur. As required by mitigation measure Bio-1a in the RDEIR, all native grasslands within the project area would be precluded from any development potential, and most would be preserved in Open Space Conservation Easements. The application of a 3:1 compensatory mitigation ratio would offset any impacts resulting from installation of trails or infrastructure, and would ensure that the project would not result in a net loss of native grasslands.

G-2-281

The comment states that the proposed project would restrict the range of the California red-legged frog, and that this impact must be considered significant. The range of the California red-legged frog's includes coastal streams and wetlands throughout central California, and the proposed project would not alter this distribution. Impacts to overland dispersal of this species between areas of suitable habitat were addressed in Impact Bio-12 in the RDEIR.

G-2-282

The comment states that there is a discrepancy in the RDEIR between Table 9.4-4 and Figure 9.4-4 regarding the sandy beach tiger beetle. Tables 3.4-4 and 9.4-4 have been updated to indicate that an occurrence of this species has been documented within the project area.

G-2-283

This comment states that the monarch butterfly was listed as occurring within the project area in Table 9.4-4, but that the species was not depicted on the map in Figure 9.4-4. The locations of special-status species shown on Figure 9.4-4 are based on a review of the California Department of Fish and Game Natural Diversity Database, review of a compilation of Biological Information recorded by the County of Santa Barbara Planning Development Mapping, and personal observations by Lawrence Hunt, a professional biologist. Because none of these sources included mapped occurrence information for the monarch butterfly within the project area, no such occurrences were mapped on Figure 9.4-4. However, additional field observations and anecdotal records have indicated that the monarch butterfly does indeed occur within the project area, and the species has therefore been included in Table 9.4-4.

G-2-284

The comment states that the RDEIR does not address the California least tern and southern sea otter, special-status species that occur at Naples Beach and Naples Reef, and pinniped species that use the Naples beach area. Please see to the responses to comments G-1-18 regarding the

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Section 15.0 California least tern, F-2-9 pertaining to the southern sea otter, General Response 13.5.2
Responses to regarding sensitive species in the Naples Reef and beach area, and F-1-25 for pinniped species.
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G-2-285

The comment states that the proposed project is inconsistent with LCP policies for protecting wetlands and native grasslands, and that this inconsistency is a significant impact. Sections 4.14 and 10.14 of the RDEIR addresses policies related to environmentally sensitive habitat areas, including each of the policies listed in this comment. Whereas this comment states that LCP Policy 9-9 requires avoidance of wetlands, the actual LCP Policy 9-9 text requires that “[a] buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands...” Similarly, as this comment states that LCP Policy 9-18 requires avoidance of native grasslands, the actual LCP Policy 9-18 text states that “[d]evelopment shall be sited and designed to protect native grassland areas.” As addressed in detail in sections 4.14 and 10.14 of the RDEIR, the project demonstrates consistency with each of the listed policies.

G-2-286

The comment states that the proposed project would adversely affect sensitive habitats and sensitive wildlife species, such as the California red-legged frog and American Badger, and that these impacts are not mitigated to a less than significant level by measures proposed in the RDEIR. The proposed project’s potential impacts on sensitive habitats are mitigated by measures Bio-1a (native grasslands), Bio-2a (coastal scrub), Bio-4 (Naples Reef), Bio-5 (wetlands), and Bio-6 (riparian woodlands). These measures would ensure avoidance of the most sensitive habitat areas, and would provide compensation through revegetation for areas impacted by the proposed project. Impacts to special-status wildlife species were addressed through mitigation measure Bio-9 (wildlife mortality). Federally- and state-listed threatened and endangered species are also protected by endangered species acts, which would require additional authorizations prior to carrying out activities that would result in take of these species.

G-2-287

The comment states that the required fuel modification zones around proposed residences were not mapped in the RDEIR. Although not depicted graphically, fuel modification zones were included in the impact calculations conducted for the RDEIR, and areas where fuel modification would occur in existing habitat were counted as impacted habitat areas. Mitigation measures requiring revegetation, such as measures Bio-1a and Bio-2a, would require vegetation for habitat disturbed by fuel modification activities as well as for habitat directly displaced by the proposed project.

G-2-288

The comment states that the proposed project fails to avoid all areas of native grassland. Mitigation measure Bio-1a in the RDEIR would ensure that all development and landscaping envelopes would be sited to avoid native grasslands, and that for non-development related

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impacts (trails, infrastructure, fuel modification, etc.) new native grasslands would be created to replace lost habitat at a ratio of 3:1. For more information please refer to the response to comment G-13-8.

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G-2-289

The comment states that the project would impact 0.22 acres of native grassland, and that this impact should be avoided if possible. The project has been modified from the design evaluated in the original DEIR in order to better accomplish this. For more information please see responses to comments G-2-288 and G-13-8.

G-2-290

The comment states that the proposed project would impact native grasslands, and that this creates a policy inconsistency with CLUP policies protecting grasslands. Please see response to comment S-6-14.

G-2-291

The comment states that the project would remove 194 acres of non-native grassland habitat, and that this impact should be considered significant. Please see response to comment S-6-13.

G-2-292

The comment states that the RDEIR's mitigation measures for impacts to coastal sage scrub are inadequate because the measures defer details to the OSHMP, to be prepared at a later date. Mitigation measure Bio-2a has been updated to include more detail regarding the requirements and specifications that will be included in the OSHMP.

G-2-293

The comment states that the access road in the northwest corner of lot DP-01 would result in direct impacts to area mapped as oak woodland, and that this impact was overlooked in the RDEIR. While the RDEIR figures show the access road slightly overlapping the mapped oak woodland polygon, the extent of this overlap is so slight that it is possibly an artifact of the figure scale, and would not change the significance of the project's Class III impact on oak woodlands.

G-2-294

The comment states that the proposed project would direct runoff towards seeps and the Canada Tomato drainage, and that this impact was omitted in the RDEIR. Please refer to the response to comment S-6-19.

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The comment states that the RDEIR fails to consider the impacts of water diversions from Dos Pueblos Creek on sensitive hydrophytic plants. The proposed project would not result in any changes in the rate of water diversion from Dos Pueblos Creek. For more information, please see general response 13.4.

G-2-296

The comment states that the water quality-related mitigation measures presented in the RDEIR are inadequate in that they do not contain standards to ensure effective performance. While the mitigation measures do not contain design-level details regarding the types of BMPs to be constructed, the measures state that the structures shall be located and designed according to specifications detailed in the County of Santa Barbara Flood Control District Standard Conditions of Project Plan Approval. Compliance with this published standard will ensure that the performance of the BMPs is adequate to mitigate hydrologic and water quality-related impacts to a less than significant level.

G-2-297

The comment states that the RDEIR did not evaluate the spreading of non-native plant seeds through grading, livestock feed, and other practices in its discussion of exotic plant impacts. The proposed project would not increase the extent of livestock feeding within the project area, and no impacts associated with livestock feeding would result from the proposed project. With respect to grading activities, all of the building pads and access roads required by the project have been located within habitats dominated by non-native species to the maximum extent feasible. This minimizes the interface between areas proposed for grading and native habitats, thereby reducing the potential for introduction of non-native plant propagules into these areas.

G-2-298

The comment states that the RDEIR fails to classify monarch butterfly roosts, coastal scrub, coastal terrace foraging habitat, and oak woodlands as sensitive habitats. For a response to this comment, please refer to general response 13.5.3.

G-2-299

The comment states that the project's impact on Naples Reef may exceed the reef's commercial or recreational carrying capacity, and suggests measures to reduce the project's impact on the reef. For the responses to this multi-faceted comment, please refer to the responses to comments G-1-6, G-1-7, G-1-36, and General Response 13.5.2

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G-2-300

The comment states that the draft OSHMP is not sufficient to mitigate impacts to Naples Reef and coastal wildlife species. The OSHMP that was circulated in Appendix G of the RDEIR was in draft form, and will be revised by the project applicant and resubmitted to the County for final review and approval. However, because the comment does not state any specifics regarding the plan other than that the commenter believes it to be inadequate, no specific response to this comment is possible.

G-2-301

The comment states that the enclosed alternative beach access proposal (vertical access at Dos Pueblos Canyon and a coastal trail located along the bluff top) would substantially reduce impacts while not relying on beach closures that are potentially infeasible. The alternative trail alignment proposed by the commenter has been identified as infeasible, because the alignment would require the trail to be installed through the ownership property of a landowner who will not grant access. For more information, please refer to General Response 13.6.

G-2-302

The comment states that the proposed project fails to adequately buffer all wetlands onsite from development, and therefore results in a policy inconsistency. Incorporation of mitigation measure Bio-5 would result in the protection of all wetlands onsite with a 100-foot buffer. For more information, please refer to the response to comments G-3-95 and G-3-96.

G-2-303

This comment states that the RDEIR should include maps of all delineated wetlands, including 100-foot buffers. Although 100-foot buffers were not depicted graphically in the RDEIR, mitigation measure Bio-5 requires that all wetlands be formally delineated and that areas within 100 feet of wetlands be precluded from development potential.

G-2-304

The comment states that the proposed project would result in the destruction and degradation of wetlands in violation of the LCP and Coastal Act, and cites examples of wetlands the commenter believes will be either impacted or inadequately buffered. Please see the responses to comments G-3-95 and G-3-96 and G-3-102.

G-2-305 and G-2-306

The comment states that the Canada Tomato drainage supports riparian vegetation, red-legged frogs, seeps, a state wetland, a rare plant species, and sensitive habitats, and should therefore be considered ESHA and protected with a 100-foot buffer. Please refer to General Response 13.5.3, which addresses the project's approach to ESHAs and areas supporting identified

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Section 15.0 vegetation communities, habitats, and sensitive species. Response to comment S-6-19 provides a
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G-2-307 and G-2-308

The comment states that the RDEIR is incorrect in stating that development envelopes are located more than 100 feet from creeks, since the bridge over Canada Tomato and the water diversion at Dos Pueblos Creek are located less than 100 feet from creeks, and constitute development. The water diversion in Dos Pueblos Creek is an existing structure, and is not a part of the proposed project. The Tomato Canada Creek is not considered a major stream; therefore, the proposed bridge is not required to be located 100 feet from the creek. Additionally, as described in CLUP Policy 9-38 and addressed in greater detail with respect to the project's consistency in sections 4.14 and 10.14 of the RDEIR, "...bridges (when support structures are located outside the critical habitat) may be permitted [in stream corridors] when no alternative route/location is feasible."

G-2-309

The comment states that the setback between development and the tributary to Dos Pueblos Creek is less than 100 feet, and is therefore inadequate. The comment is incorrect. The proposed development envelopes do not encroach into the required 100-foot buffer around Dos Pueblos Creek or its tributaries, Tomato Canada Creek, or the unnamed drainage along the eastern border of the project area north of Highway 101.

G-2-310

The comment states that several bluff-top development envelopes encroach into the 50-foot setback designated in Figure 4.9-1b, and that the setback should be increased. Although there are some minor overlaps between the development/landscaping envelopes and the 50-foot buffer surrounding the coastal drainages, no dwelling units or other structures are proposed within the buffer area. A buffer greater than 50 feet in width would exist between all proposed dwellings and coastal drainages, and the buffer would adequately protect these drainages from edge effects associated with the proposed dwellings.

G-2-311

The comment states that the proposed bridge crossing the Canada Tomato drainage should be eliminated, and states that with the elimination of some of the proposed dwellings, the bridge could be eliminated while maintaining compliance with fire department standards. Impacts associated with the Canada Tomato bridge would be mitigated to a less than significant level through incorporation of the mitigation measures identified in Section 9.4 of the RDEIR. Therefore, it is unnecessary to consider additional alternatives that would have the same effect.

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G-2-312

The comment states that the 50-foot buffer proposed around the coastal terrace drainages is insufficient, and that the development envelopes encroach into this buffer. The decision to use a 50-foot buffer for these drainages was based on the fact that these streams are ephemeral in nature, and that the 50-foot buffer, recommended by CLUP Policy 9-37 to protect major streams in urban environments, should be adequate to preserve these smaller streams in the non-urban project area. The proposed project does not include any dwelling units within the 50-foot buffer surrounding the coastal terrace drainages. Even in the areas where minor overlaps between the development/landscaping envelopes and drainage buffers occur, a buffer greater than 50 feet would still exist between proposed residences and the coastal terrace drainages.

G-2-313

The comment states that the project proposes to fill two drainages with culverts to construct an access road, and that this could be avoided by removing the three lots served by the road. The proposed road crossing culverts are proposed in locations where ranch roads currently exist, and the culverts would require only minimal habitat removal. Furthermore, as stated in Section 9.4 of the RDEIR, all of the impacts of installing the culvert crossings would be mitigated to a less than significant level through the mitigation measures recommended in the RDEIR. Therefore, it is unnecessary to consider additional alternatives to accomplish this goal.

G-2-314

The comment points out that the tributary to Dos Pueblos Creek is a major stream, and states that the proposed project fails to maintain a 100-foot buffer between this stream and proposed access roads. The proposed development envelopes do not encroach into the required 100-foot buffer around Dos Pueblos Creek or its tributaries, Tomate Canada Creek, or the unnamed drainage along the eastern border of the project area north of Highway 101. However, in specific locations, topographic constraints necessitate the placement of roadways within the 100-foot buffer zone. CLUP Policy 9-37 does not prohibit the placement of roadways within the buffer zones, and the very limited extent of the proposed disturbance would not substantially affect the capability of the buffer to maintain the stream's productivity, water quality, and hydrologic characteristics.

G-2-315

The comment states that the RDEIR fails to explain why impacts to Canada Tomate related to hydrology, water quality, and wildlife movement are mitigated to a less than significant level. As stated in Section 9.3 of the RDEIR, impacts to this drainage associated with changes in hydrology would be mitigated through the installation of erosion protection devices. The devices shall be located and designed according to specifications detailed in the County of Santa Barbara Flood Control District Standard Conditions of Project Plan Approval. Mitigation measure Flood-1 also specifies that the post-construction runoff from developed areas shall not exceed existing rates. The many requirements imposed by mitigation measures WQ-1a through WQ-1d,

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Section 15.0 including preparation of a Stormwater Pollution Prevention Plan, would mitigate all impacts associated with contaminated runoff and water pollution.

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The proposed bridge across Canada Tomate would be a full-span bridge over the drainage, and would not result in impacts to wildlife movement. Fish and wildlife species would be able to move up- and downstream by passing under the proposed bridge.

G-2-316

This comment states that the RDEIR fails to analyze potentially significant impacts of the Dos Pueblos Creek water diversion and water well components of the project. The project would result in negligible effects to the riparian and aquatic habitats in the event that the water diversion and the associated use of water wells are required, as discussed in General Response 13.4.

G-2-317

This comment pertains to the RDEIR's lack of a complete assessment of impact to steelhead and red-legged frog due to water diversions from Dos Pueblos Creek.

This comment's issue regarding steelhead has been addressed in response to comment F-1-2. The project's potential impact to the California red-legged frog with respect to water diversion has been addressed in response to comment F-2-3. Additional information regarding the project's effects from potential water diversion has been provided in General Response Section 13.4.

G-2-318

This comment states that the RDEIR fails to identify mitigation to replace the lost coastal terrace grassland habitat. Please refer to response to comment G-13-8, which discusses the project's measures to reduce impacts grassland areas. The comment also states that the raptor surveys for the RDEIR did not comply with CCC protocol. This issue has been addressed in response to comment S-2-45, which describes the project's provisions for protocol-level raptor surveys.

G-2-319

This comment states that given the lack of specific, adequate mitigation proposed, impacts to grasslands and special-status grassland wildlife species should be considered significant and unavoidable (Class I). As discussed in response to comment G-13-8, the project proposes multiple, specific efforts including project design and mitigation measures to reduce impacts to grasslands and special-status wildlife species. Please refer to response to comment G-13-8 regarding the project's measures to minimize impacts to grassland areas, and response to comment F-2-16, which addresses the project's measures to reduce or avoid negative human-wildlife interactions, including management of pets.

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G-2-320

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This comment states that the fragmentation, degradation, and loss of the most contiguous section of coastal terrace remaining (south of Highway 101) and the effect on nesting raptors results in a significant unavoidable impact. As discussed previously, the project provides measures to reduce impacts to the coastal terrace in response to comment G-13-8. Additionally, the project provides for protocol-level raptor surveys, as addressed in response to comment S-2-45, such that the project's impacts to raptors remain less than significant.

This comment also recommends the Alternative 5 scenario as a more feasible alternative. This recommendation is included in the public record for consideration by decision-makers.

G-2-321

This comment states white-tailed kite habitat warrants designation as ESHA. The comment also states that the project omits LCP policies 9-26 through 9-29 and is in violation of LCP Policy 9-29.

The project's white-tailed kite foraging habitat cannot be designated as ESHA because it does not satisfy the definition established in the certified LCP. An essential element of the ESHA definition in the LCP is vulnerability to disturbance by human activity. The existing environmental setting of the MOU Project site in the Coastal Zone is the result on ongoing human activity that has been occurring for more than 100 years. This activity annually disturbs the habitat on the site. The wildlife habitat onsite exists in the face of, or because of, ongoing human disturbance. Therefore, it is not a habitat that is easily disturbed or degraded as a result of human activity.

The County's LCP incorporates the Coastal Act's ESHA definition and recognizes that ESHA is not simply any habitat supporting a specific species of animal or plant. It must be a habitat that is both rare or especially valuable and easily disturbed or degraded by human activities and developments. (LCP at p. 116 [“Although most undeveloped areas of the coastal zone provide a ‘habitat’ for many species of animals and plants, the intent of the Coastal Act is preservation of significant habitat resources”].)

The LCP states that “environmentally sensitive habitat areas are defined as ‘any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem *and which could be easily disturbed or degraded by human activities and developments.*” (*Id.*, citing Coastal Act § 30107.5, emphasis added.) The LCP also states that “habitats are considered to be environmentally sensitive when they exhibit extreme vulnerability to disturbance or destruction from human activities.” (LCP at p. 117.) However, non-native grasslands exist within California primarily because they are disturbance promoted, whether the disturbance is from animal grazing or caused by a relatively high frequency of fires (see letter from Darryl Koutnik to Tom Figg, May 30, 2008).

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Despite the fact that the white-tailed kite habitat onsite does not qualify for protection as ESHA, the RDEIR appropriately identified a potential Class II Impact (Bio-11) relating to white-tailed kite foraging areas. Section 3.4.4.2.3 of the RDEIR states “the MOU Project would eliminate foraging habitat for these species [including white-tailed kite] within the building envelopes and access roads in the project area.” The RDEIR also notes that the introduction of human development into foraging area could impact those areas through light pollution, construction of roads, and introduction of non-native grasses. (*Id.*) The RDEIR concludes that, given the design features in the MOU Project and Alternative 1, which have been developed to minimize these potential effects, and the implementation of Mitigation Measures Bio-1a, Bio-2a, Bio-3, and Bio-9, any adverse effects on grassland foraging by raptors such as white-tailed kites will be mitigated to a less than significant level.

These measures are consistent with LCP policy 9-29 [Coastal Zoning Ordinance Section 35-97.14 (4)] which requires that the maximum feasible area shall be retained in grassland to provide feeding area for the kites. Policy 9-29 does not preclude development in white-tailed kite foraging areas determined to be ESHA. Instead it requires only that the maximum feasible area shall be retained in grassland to provide feeding areas for the kites. Here, under the MOU Project, approximately 197 acres of non-native grasslands within the Coastal Zone will remain and be within private agricultural easements or protected open space. Under Alternative 1, 570 acres of non-native grasslands within the Coastal Zone will remain within private agricultural easements or protected open space. Further, the one roosting pair of white-tailed kites located in the vicinity of the MOU Project or Alternative 1 sites is located on the site known as the Makar Property, and the pair has an area of over 200 acres of suitable habitat within which to forage, which is more than sufficient pursuant to the LCP’s standard of 30 –125 acres per roosting pair. (LCP at p. 129).

For more information, please refer to General Response 13.5.3, which addresses designations of ESHA. Additionally, the EIR addresses white-tailed kite habitat and the project’s consistency with LCP policies 9-26 through 9-29 in General Response 13.5.3.2.7.

G-2-322

This comment states that the mitigation for (Impact Bio-11) replacing lost habitat is not adequate. Mitigation measures will not substantially reduce significant impacts to special-status raptors.

The comment also states that the RDEIR’s mitigation approach fails to follow the County Thresholds and Guidelines Manual “Mitigation Hierarchy” by failing to attempt to avoid the impacts to biological resources first. Additionally, the impact represents an apparent conflict with the Coastal Act due to the conversion of coastal terrace sensitive grassland habitat.

As discussed in response to comment 321, the project’s white-tailed kite foraging habitat cannot be designated as ESHA because it does not satisfy the definition established in the Certified LCP. In addition, the LCP does not contain any provisions that would allow for the designation

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of the site as ESHA for other special status bird and mammal species. The LCP identifies the following habitat types as areas that may be designated as ESHA: Dunes; Wetlands; Native Grasslands; Vernal Pools; Butterfly Trees; Marine Mammal Rookeries and Hauling Grounds; White-tailed Kite Habitat; Subtidal Reefs; Rocky Points and Intertidal Areas; Kelp Beds; Seabird Nesting and Roosting Areas; Native Plants; and Streams (LCP at pp. 119-120).

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The LCP includes policies concerning each of the LCP's ESHA habitat categories. These policies are reproduced as development standards Sections 35-97.7 – 35.97-19 of the County's Coastal Zoning Ordinance. The policies, and their parallel Coastal Zoning Ordinance provisions, govern development in or adjacent to those habitat areas. (LCP at pp. 118, 120 – 139.) Coastal Zoning Ordinance section 35-97.3 also states that "if newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Secs. 35-97.7 – 35.97-19 shall apply."

None of the other species identified as dwelling within the native and non-native grasslands on the Coastal Zone lots in Table 9.4-4 of the RDEIR fall within any of the thirteen categories of ESHA identified in the County's certified LCP. (LCP at pp. 119-120.) While Coastal Zoning Ordinance section 35-97.3 allows the County to designate additional areas as ESHA, such designations are subject only to the policies that apply to those thirteen categories of ESHA enumerated in the LCP. The LCP does not contain provisions that allow the County to designate additional categories of ESHA or to apply resource policies that differ from the policies contained in the LCP for the specific categories of ESHA recognized in the LCP. Accordingly, the "special status birds or mammals" generally referenced in the comment cannot be considered as potential ESHA under the County's LCP.

Thus, to the extent the County could designate the site as containing ESHA, the LCP directs that it can only do so with respect to the application of policies concerning the categories of ESHA specifically enumerated in the LCP. The LCP does not contain provisions that would allow for the protection of other types of habitats or habitats for other species.

The LCP notes that the Coastal Act sets forth the "guiding policies for the protection of land marine habitat in the coastal zone," including Coastal Act section 30240. (LCP at p. 114- 166.) However, the LCP governs the implementation of those policies by the County. Under the Coastal Act, the provisions of the LCP prevail over the general Chapter 3 policies in the Coastal Act, including Coastal Act section 30240. (Coastal Act § 30604(b); *see also Security National Inc. v. California Coastal Commission* (2007) 159 Cal.App.4th 402.)

G-2-323

This comment claims that turkey vulture roosts are ESHA, and states that the RDEIR should be revised to acknowledge an apparent turkey vulture roosting site in an apparent dead cypress tree as an ESHA. Turkey vulture roosts are not specifically-designated ESHA under the County's

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Section 15.0 LCP Section 3.9.4. Please refer to General 13.5.3, which addresses the RDEIR's approach towards designations of ESHA.
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G-2-324 and G-2-325

These comments state that the RDEIR fails to identify a significant impact to wildlife movement or habitat fragmentation. The RDEIR analysis has determined that the project would result in a less than significant impact to wildlife movement or habitat fragmentation for the reasons discussed in response to comment F-2-15.

G-2-326

This comment is concerned with the project's potential to fragment and eliminate wildlife habitat and movement areas. Please see response to comment F-2-15.

G-2-327

This comment states that the RDEIR notes certain species may disappear from south of Highway 101, but does not specify which species will be directly impacted by the MOU Project or Alternative 1. Examples of species that may potentially disappear from south of Highway 101 are provided in sections 3.4.3.4.3 and 9.4.3.4.3 of the RDEIR. The project's potential to fragment habitat and wildlife movement corridors has been addressed in response to comment F-2-15, while the project's potential impacts to the coastal terrace grassland habitat (referred to as coastal plain in the comment) has been addressed in response to comment S-6-13.

G-2-328

The comment states that the proposed project would result in impacts to wildlife movement by obstructing east-west movements along the coastal bluffs and by installing a culvert road crossing across at least one of the coastal bluff drainages. Impacts to wildlife movement due to development were evaluated as Impact Bio-12 in the RDEIR, and were found to be Class III (less than significant). For a discussion of the criteria used to determine the location and extent of portions of the project area qualifying for protection as ESHA, please refer to General Response 13.5.3.

This comment also suggests shifting development envelopes further from the bluff edge to preserve a wildlife movement corridor. The commenter's suggestion is included in the public record for consideration by decision-makers.

G-2-329

This comment states that the RDEIR fails to provide adequate mitigation measures for impacts resulting from development of the Tomate Canada Canyon Creek watershed. Please refer to response to comment S-6-19 regarding the project's measures to reduce potential impacts resulting from development of Tomate Canada Canyon Creek bridge. The hydrologic and water

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quality-related effects of development on the Canada Tomato drainage are addressed in Table 9.3-3 and Impact WQ-1 in section 9.3 of the RDEIR, and are mitigated to a less than significant level through incorporation of mitigation measures WQ-1 and WQ-2. These measures would ensure that post-project runoff rates do not exceed existing rates in the drainage, and that Best Management Practices are in place to protect the drainage from pollutants.

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G-2-330

This comment, which is a continuation of comment G-2-329, states that impacts to wildlife movement north of Highway 101 are not addressed in the RDEIR, and suggests that lots DP-04, DP-05, and 214 should be eliminated to avoid this impact. This comment has been addressed in response to comment G-2-329. The commenter's suggestion to eliminate lots DP-04, DP-05, and 217 is included in the public record for consideration by the County's decision-makers.

G-2-331

This comment suggests that the RDEIR should identify all barriers on the project site which may reduce opportunities for steelhead migration to and from the ocean. General Response 13.5.1.3 and response to comment S-6-8 describe the barriers in Dos Pueblos Creek that would impede anadromous steelhead in the project area. The existing barriers are not located within the project area, and are not a part of the proposed project.

G-2-332

The comment states that the RDEIR provides no biological evidence that the implementation of a 50-foot setback will avoid impacts to monarch butterfly roosts. The EIR addresses monarch butterfly sites and protection criteria in accordance to adopted policies, CLUP policies 9-22 and 9-23. As described in Impact Bio-14 in Sections 3.4.4.2.3 and 9.4.4.2.3 of the RDEIR, the project design was modified to provide a minimum 50-foot distance between residential development and eucalyptus groves known to be used by monarch butterflies. Additionally, Mitigation Bio-7 in Sections 3.4.4.4 and 9.4.4.4 of the RDEIR includes additional survey and monitoring requirements and other restrictions to ensure that temporary construction effects are also mitigated.

G-2-333

This comment is concerned with the lack of evidence of effective mitigation measures for Impact Bio-15 Riparian Bird Nest Parasitism, and also suggests including more extensive restoration of riparian areas to provide more nesting sites for native riparian birds. Please see response to comment G-13-5.

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This comment addresses Impact Bio-18 Wildlife Mortality, and suggests that the project is in conflict with coastal policies for protection of ESHA and Coastal Act Section 30240. Please refer to response to comment F-2-16, which addresses the project's measures to reduce its wildlife mortality impacts. Additionally, please refer to General Response 13.5.3, which discusses the designation of ESHAs and the project's conformance with CLUP, Comprehensive Plan, and Coastal Act policies.

G-2-335

The comment states that the RDEIR finds that increased grazing pressure could exceed the environmental carrying capacity, and states that this should have been identified as a Class I impact due to the lack of enforceable mitigation. The referenced text in the RDEIR states that grazing intensity within the project area could increase following implementation of the proposed project. This text was overstated, and has been revised to indicate that grazing pressure would remain at existing levels post-project.

G-2-336

This comment suggests there should be a cap on the number of horses allowed in the equestrian center to avoid impacts to water quality and biological resources. Please see response to comment G-1-9.

G-2-337

The comment states that the proposed restrictions on conversion of grazing lands to orchards and row crops within PACEs should extend to areas north of Highway 101. In addition, the comment adds that the continuance of existing agricultural practices could be inconsistent with CLUP policies if grazing is allowed in native grasslands or wetlands. The proposed project would not permit grazing within wetlands in the ACEs and PACEs, per the terms of mitigation measure Bio-5. With respect to grasslands, the project site has been grazed historically and is grazed currently, and the proposed project would not result in a change in the intensity of grazing practices within the project area. The current level of grazing impacts, including impacts to native grasslands, are part of the environmental baseline in the RDEIR, and would continue into the future regardless of whether the proposed project were approved or not.

G-2-338

This comment addresses Impact Bio-22, Cumulative Loss of Coastal and Foothill Habitats, and states that the RDEIR does not attempt to avoid or lessen impacts to grasslands. For the reasons described in response to comment S-6-13, the project would not result in cumulative loss of coastal terrace habitats. The project's practices, as described in response to comment S-6-13, as well as measures to protect raptors as discussed in response to comments S-2-45 and G-3-321, would also avoid cumulative impacts to raptors.

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G-2-339

The comment states that the RDEIR failed to disclose impacts associated with the wastewater treatment facility on Lot 188, and asserts that these impacts could include risk of spills, noise/vibration, introduction of weeds, and soil compaction. The project does not agree that noise, potential for weed introduction, and soil compaction are impacts unique to the wastewater treatment facility. These types of impacts can be associated with and sort of construction, and were disclosed and analyzed in the RDEIR, with mitigation measures identified where appropriate. Regarding the potential for spills, the proposed facility design would be selected to meet the demands of the project and to manage risks such as pipe fracture, such that the potential for an environmental release from the facility is remote.

G-2-340

This comment states that the RDEIR does not analyze impacts of the projects, staircase, and beach access components to shorebirds and special-status species. It also notes that the southern sea otter should be on the list of special-status species in Table 9.4-4. The EIR has addressed these issues in response to comments F-2-11, F-2-9, G-1-6 and G-1-7.

G-2-341

This comment is concerned with soil remediation which may require development envelope adjustment and the potential removal of sensitive habitats, and asserts that the RDEIR needs to include analysis of this potential impact. As described in the RDEIR, mitigations HM-2, HM-3, HM-4, and HM-5 (Sections 3.5.4.4 and 9.5.4.4) require assessment and remediation activities where applicable, as condition(s) for approval of issuance for the individual CDP/LUP for the lot(s) of concern. To determine potential loss or degradation of habitats caused by soil remediation activities outside of the proposed development envelopes would be conjecture. The project provides for additional discretionary review in the event that remediation areas exceed development envelopes in order to ensure the protection of sensitive habitats.

G-2-342

The comment states that the RDEIR fails to mention the Mitigation Hierarchy identified in the County's Environmental Thresholds and Guidelines Manual, that the manual requires avoidance first, and that in general the RDEIR fails to avoid impacts before relying on less effective forms of mitigation. The Mitigation Hierarchy in the Environmental Thresholds and Guidelines Manual does not require avoidance of impact prior to relying on mitigation. Rather, the Mitigation Hierarchy explains three available mitigation options (avoidance, mitigation onsite, and mitigation offsite) in the order of effectiveness.

G-2-343

The comment states that the RDEIR defines "private lot areas" as those areas within lot boundaries, including development envelopes and adjacent areas, that are not constrained by

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G-2-344

This comment deals with the general issue of the changes to the project since the original DEIR being too minor. Changes in the RDEIR compared to the original DEIR include the consolidation and realignment of driveways and access roads to preserve more contiguous patches of unimpacted habitat, and restrictions on land uses requiring that areas within the ACEs and PACEs historically used for grazing continue to be used for this purpose. Combined, these changes reduced impacts to wildlife movement and raptor foraging by decreasing habitat fragmentation and preventing the conversion of grazing land to other uses. The commenter’s opinion that the changes were too minor will be included in the public record for consideration by decision-makers.

G-2-345

The comment states that the past changes to the project were insufficient to fully mitigate impacts to native grasslands, and that the RDEIR must focus on mitigating the remaining impacts. The RDEIR, through incorporation of mitigation measure Bio-1a, would ensure that all native grasslands within the project area are protected from development. In addition, in areas where development-related infrastructure or fuel modifications would result in unavoidable impacts to native grasslands, this mitigation measure would require compensatory mitigation for impacted native grasslands at a ratio not less than 3:1. This mitigation measure would ensure that the project would not result in any net loss of grasslands, and would probably even result in an increase in native grassland acreage due to the ratio applied.

G-2-346

The comment states that mitigation for the project’s impacts to native grasslands is improperly deferred to the OSHMP, and that no performance standards are present in the RDEIR’s mitigation measures. The mitigation measures in the RDEIR contained performance standards, including a mandated acreage of compensatory mitigation for impacts to native grasslands. However, mitigation measures Bio-1a, Bio-1b, Bio-2a, Bio-2b, and Bio-5 have been updated with a greater level of detail to address this issue.

G-2-347

The comment states that RDEIR mitigation measures Bio-1b and Bio-2b do not contain sufficient details and performance standards to be effective. Mitigation measures Bio-1b and Bio-2b have been updated to address this issue.

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G-2-348

This comment is concerned with the adequacy of the wetland delineations performed for the RDEIR assessment of project impacts. This issue has been addressed in response to comments G-3-95 and G-3-96.

G-2-349

The comment reports that mitigation measure Bio-5, as written in the RDEIR, states that if after project approval when formal delineations are done and it is found that there are not 100 foot wetland buffers, “the applicant may modify the design of the [a]ffected lot.” This comment incorrectly reports the RDEIR language. Mitigation Bio-5 in the RDEIR states that “in the event that a formal wetland delineation indicates that there are no wetlands present, using the definition from the County LCP, the applicant may modify the design for the affected lot.”

G-2-350

The comment states that mitigation measure Bio-4 does not mitigate impacts to the maximum extent feasible, and that providing beach access at Dos Pueblos Canyon instead of the proposed location would be environmentally superior. Beach access at Dos Pueblos Canyon is not desirable due to potential resource conflicts with ESH, agriculture, and cultural resources. See response to comment G-1-15. For more information, please refer to General Response 13.6.

G-2-351

As discussed in General Response 13.4, the project would not have a discernible affect on the surface flows of Dos Pueblos Creek and the riparian habitat, associated wildlife, and special-status species.

G-2-352

This comment states that Mitigation Bio-8B should require the owners to control and remove feral cats, and Bio-8d should include owl and kestrel boxes in every lot except near highways where they would encourage raptor road kill mortality. Mitigation Bio-9b (Sections 3.4.4.4 and 9.4.4.4. of the EIR) provides measures to control feral cats. The commenter’s suggestion regarding additions to Mitigation Bio-8d is included in the public record for consideration by decision-makers.

Additionally, this comment states that Mitigation Bio-8 defers preparation of plans and designs for native bird protection. Details regarding plans for native bird protection, including performance standards, are provided in response to comment G-13-5.

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This comment states that while well-intentioned, the RDEIR's proposed Mitigation Bio-9 provides no evidence or requirements that new homeowners would review and comply with the mitigation provisions. Mitigation Bio-9 (sections 3.4.4.4 and 9.4.4.4 of the RDEIR) provides an enforcement framework for its provisions, where prohibitions or requirements that would affect the homeowners association (HOA) or the activities of future owners and residents shall be incorporated in the covenants, conditions, and restrictions (CC&Rs) for the project. As discussed in further detail in General Response 13.7, the HOA would enforce the CC&Rs; however, the County would have the authority to enforce measures in the event that the HOA should decline or default in its responsibilities.

G-2-354

This comment states that mitigation measures and the OPHMP should specify that habitat protection will take precedence over access and recreation (when conflicts arise). This issue has been explained in General Response 13.6.7. Additionally, as provided in Mitigation Bio-4 (sections 3.4.4.4 and 9.4.4.4 of the RDEIR), the public access structure may be closed for a period greater than the proposed 5 months in the event that biological monitoring information supports the need for further restrictions.

G-2-355

This comment states that the OSHMP should also provide standards to ensure that vertical access to the beach can be provided while avoiding a structure on the bluff if feasible. The commenter's opinion is included in the public record for consideration by decision-makers.

G-2-356

This comment states that the RDEIR takes no measure to reduce the impacts of fuel management activities. The project's efforts to reduce the impacts of fuel management activities are described in response to comment S-6-14.

G-2-357

The comment states that mitigation measure Bio-9 will not mitigate impact Bio-18 to a less than significant level because the proposed resident education program will not change the behavior of all residents, and wildlife mortality would therefore still occur. As stated in the RDEIR, Mitigation measure Bio-9 would impose restrictions on the homeowners intended to reduce the incidence of wildlife mortality, and these measures would be incorporated in the Conditions, Covenants, and Restrictions for the proposed development. The measure would also provide funding for monitoring and enforcement to ensure the effectiveness of mitigation. Although it is foreseeable that some violations of these terms would occur, the CC&Rs would provide penalties to discourage violators, and the project's impact on wildlife mortality would

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nonetheless be reduced to a less than significant level. For more information, please refer to the response to comment G-2-353.

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G-2-358

The comment states that clustering development as proposed in Alternative 5 is a feasible way to avoid impacts on sensitive habitats. Alternative 5 was included in the range of alternatives evaluated in the RDEIR, and analysis of this alternative is presented in Section 10 of the RDEIR.

G-2-359

The comment states that measures such as reducing the size of proposed lots and development envelopes would be a feasible way to mitigate some of the project's impacts on special-status species and sensitive habitats. Because the mitigation measures proposed in the RDEIR also would mitigate impacts to sensitive species and habitats to a less than significant level, the County is not required to impose additional mitigation measures to further lessen these impacts. The commenter's opinion is included in the public record for consideration by decision-makers.

Additionally, this comment states that the RDEIR fails to consider basic approaches to mitigating biological resource impacts. As described in the response to comment G-2-360, the RDEIR proposes a number of design and mitigation provisions to result in less than significant residual impacts to the commenter's identified issues of concern.

G-2-360

This comment claims that a number of residual impacts remain significant. Please refer to response to comment L-1-10 which addresses the project's measures to reduce impacts to native grasslands to less than significant effects; response to comment F-2-15 regarding the project's measures to reduce impacts to wildlife movement to acceptable levels; response to comment G-13-8, which discusses the project's efforts to minimize impacts to the coastal terrace to less than significant impacts; response to comment G-1-6 which pertains to the project's Class II impacts to the coastal marine area; and General Response 13.5.3, which addresses the project's consistency with ESHA policies.

G-2-361

The comment provides a summary statement that all of the Hazardous Materials comments referencing Section 9.5 (Alternative 1) are also applicable to Section 3.5 (MOU Project). This comment is not related to the adequacy of the RDEIR.

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This comment claims that the RDEIR defines raw sewage as a hazardous material, yet no discussion of this potential impact is presented within Sections 3.5 (MOU Project) and 9.5 (Alternative 1).

The commenter claim is inaccurate; the RDEIR does not define sewage as a hazardous material. The RDEIR discusses impacts from accidental release of hazardous materials, Impact HM-4, in Sections 3.5.4.2 (MOU Project) and 9.5.4.2 (Alternative 1), Project Impacts. The packaged water and sewage treatment plants often use chlorine or other hazardous compounds to produce potable water or to treat wastewater. Provided that such facilities using hazardous substances are designed, constructed, and operated in accordance with applicable regulations, no significant impacts are expected to occur.

G-2-363

This comment claims that the lack of assessment for soil contamination results in improper deferral of the environmental setting, and requests comprehensive characterization (Phase II groundwater and soil assessments).

The RDEIR discusses impacts from potential contaminated soil, Impact HM-2, in Sections 3.5.4.2 (MOU Project) and 9.5.4.2 (Alternative 1), Project Impacts.

G-2-364

The comment claims that the RDEIR Hazardous Materials mitigation measures HM-2 and HM-3 defer setting standards to ensure proper identification and clean-up.

The project site remediation standards are set forth by federal, state, and local agencies. Standards are not based on the mitigation measures identified within a project-specific EIR. See Sections 3.5.3 (MOU Project) and 9.5.3 (Alternative 1), Regulatory Framework, of the RDEIR for the regulating and permitting requirements.

G-2-365

The comment claims that the RDEIR fails to analyze the potential hazardous risks associated with the proposed WWTPs. As stated in response to comment G-2-362, sewage is not defined as a hazardous material in the RDEIR. The operation of the WWTP's discharges will be monitored under the issuance of a Waste Discharge Requirements (WDR) from the RWQCB. Sewage treatment processes including handling of sludge are discussed in responses to comments L-9-3 and G-2-16.

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G-2-366

The comment claims that the RDEIR defers assessment of underground structures including wells and sumps, and therefore lacks the existing condition required for a finding. See response to comment S-2-74.

G-2-367

The comment claims that the RDEIR's Mitigation Measure HM-4 defers soil remediation through the implementation of a Remediation Action Plan (RAP).

The comment is inaccurate. The RDEIR states in the following in Sections 3.5.4.4 (MOU Project) and 9.5.4.4 (Alternative 1), Mitigation Measures, that prior to approval of any CDP/LUP for the project, the applicant shall conduct a survey of the areas and determine the appropriate well abandonment requirements where applicable, required by the FPD and DOGGR.

G-2-368

The comment claims that Mitigation Measure HM-54 is infeasible; no such mitigation measure exists within the RDEIR. Based on the content of the comment, it is believed the commenter is finding fault with HM-5: Site Remediation.

The RDEIR Sections 3.5 (MOU Project) and 9.5 (Alternative 1), Hazardous Materials, identify the known types of materials based on the existing assessment data. Remediation scenarios include, at a minimum, the following impacts HM-2, HM-3, and HM-4.

G-2-369

The comment claims that the RDEIR fails to identify potential hazardous impacts, discussion of the potential impacts from hazardous vapor; see response to comment G-2-18. The comment claims that the RDEIR fails to analyze surface water impacts to watersheds; see Table 3.3-3 which illustrates that less than 1 percent of the Dos Pueblos Creek watershed would be affected by structures, roads, and landscaping in the MOU Project. Table 9.3-3 indicates that for Alternative 1 the maximum area affected would be 1.1 percent. The soil remediation comments raised by Dr. Kram are discussed in detail in responses to comments I-11-3 and I-11-4.

Additionally, the comment claims that under Alternative 2, contaminated soils are avoided by limiting development on the coastal bluffs. See response to comment G-2-840.

G-2-370

The RDEIR evaluates the existing allowable build out under Alternative 3A, No Project Grid Development, in Section 11.4.2.

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Section 15.0 **G-2-371**

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See responses to comments G-2-82 and G-4-2.

G-2-372

The NPD's development standards are not considered mitigation measures for the proposed development. The proposed development mitigation measures are included by issue area. For example, Visual Resources Sections 3.9 and 9.9 include mitigation measures such as Mitigation Vis-1: Design Guidelines, which shall reduce visual impacts of the proposed development. Following adoption, the NPD shall guide development based on the policies and standards. Each subsequent project shall be interpreted by decision-makers when proposed.

G-2-373

The RDEIR analyzed Comprehensive Plan Land Use Policy 4 in Section 10.7, Policies Related to Public Services.

G-2-374

See response to comments L-4-1 and L-4-2.

G-2-375

The REDIR discusses CEQA Appendix Guidelines for Land Use in Sections 3.6.6.2 and 9.6.6.2 Project Impacts; the project would not divide an established community. The proposed development could result in two potential neighborhood incompatibility issues; residential development where a primarily agricultural uses exist (see Sections 3.7 and 9.7, Agricultural Resources), and difference in character between the proposed residential development and the existing pattern of development along the Gaviota Coast (see Sections 3.9 and 9.9, Visual Resources (refer to Impact Vis-0).

G-2-376

Currently beach access is often achieved by trespassing through private properties along the coast with no existing safety measures. The RDEIR discusses beach access in Sections 3.10.1.1 (MOU Project) and 9.10.1.1 (Alternative 1), Regional Overview.

Also see response to comment G-8-196.

G-2-377

The RDEIR discusses neighborhood compatibility as a subset of "Quality of Life" in Sections 3.6.6.2 (MOU Project) and 9.6.6.2 (Alternative 1), Project Impacts. The effects on existing and future residential users and the public would be reduced to acceptable levels with the implementation of the provided mitigation measures. The RDEIR assesses the following land

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use impacts (Impact Land-1-applicable land use plans, policies and regulations, Impact Land-2-neighborhood incompatibility, and Impact Land-3-cumulative land use impacts), all resulting in less than significant (Class III).

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G-2-378

The comment disagrees with the environmental baseline as applied to LU-2, and claims that proper implementation would result in significant unavoidable impacts. The opinion expressed by the commenter, is noted in the public record for consideration by decision makers.

G-2-379

The RDEIR analyzes the current number of agricultural units within Sections 3.7.3.3 (MOU Project) and 9.7.3.3 (Alternative 1), Cumulative Impacts, Impact AG-4, supporting 0.3 animal units per acre. Based on the County Thresholds and Guidelines Manual the potential reduction in grazing is less than significant (Class III).

For discussion of residential and agricultural buffers, see response to comment S-2-73.

G-2-380

See response to comments G-2-82 and G-4-2.

G-2-381

The commenter's opinion of land use policy consistency will be included in the FEIR for the County's decision-makers' consideration.

Also see response to comment G-2-82.

G-2-382

See response to comments G-2-82 and G-4-2.

G-2-383

The RDEIR discusses change in visual character within Section 10.10.1 Overall Change in Visual Character, by first addressing the overall change in visual character associated with Alternative 1, and then reviews each of the four concepts or issues identified County polices CLUP 4-3 and Policy 2 for a finding of Potentially Consistent. Per CEQA this Vis-0 results in significant and not mitigable (Class I) impact.

G-2-384

See response G-8-33, G-8-37, G-8-39 and G-8-40.

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Section 15.0 **G-2-385**

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The commenter is incorrect the MOU Project proposed 54 units while the Alternative 1 includes 72 units. RSUs are not part of the proposed project; therefore the impacts are not analyzed. See response to comment G-2-85.

G-2-386 and G-2-387

The commenter is incorrect the total build out of the proposed project is addressed above, see response to comment G-2-385. Per CEQA alternatives analysis to be discussed is guided by the “rule of reason”, for additional discussion see response to comment G-8-47.

G-2-388

The RDEIR access the cumulative land use impact of the proposed project in Sections 3.6.6.2 (MOU Project) and 9.6.6.2 (Alternative 1), Project Impacts. See response to comment G-2-386.

G-2-389

See response to comment L-1-36.

G-2-390

The comment claims absent application of TDR the impacts to land use pattern on the Gaviota Coast would result in a Class I Impacts.

Summary comment of earlier claims, see response to comments G-2-384 through G-2-388. Therefore no additional response is necessary.

G-2-391

The comment not related to the adequacy of the RDEIR, therefore no change is necessary. See General Response 13.2 for discussion of Guest Houses and RSUs.

G-2-392

The comment claims the RDEIR allows for annexation of land within adjacent properties, which results in increased impact of the NPD.

The RDEIR includes the following processing information within Appendix B, Naples Planned Development District (NPD), Sec. 35-xxx.2 Subsection 4 Applicability.

4. This zoning district shall only be applied to parcels depicted on the Official Map, provided the said district may be applied adjoining lands identified for relocation or reduction of Official Map parcels consistent with the intent of Local Coastal Plan

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Policy 2-13, and the agriculture and resource protection policies of the Local Coastal Plan.

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Therefore the commenter has misinterpreted the NPD Section 35-xxx.2 Subsection 4, no additional response necessary.

G-2-393

The comment claims the RDEIR should limit the development envelopes or home sizes as a mitigation measures to reduce the impacts to visual resources, agriculture, and public services.

The RDEIR includes impacts and mitigation measures for Sections 3.9.4 (MOU Project) and 9.9.4 (Alternative 1), Visual Resources, Sections 3.7.3 (MOU Project) and 9.7.3 (Alternative 1), Agricultural Resources, and Sections 3.15.3 (MOU Project) and 9.15.3 (Alternative 1), Public Services. The potential impacts related to land use conflicts are considered potentially significant but subject to feasible mitigation (Class II).

G-2-394

The comment states that there are inconsistencies in numbers related to areas of prime agricultural lands. On the DPR property, there are 647 acres of prime agricultural lands, not all of which are prime soils as stated in the comment. The cited discussion from the RDEIR states that there would be a loss of 45 acres of prime agricultural lands on DPR north of Highway 101, and a loss of approximately 20 acres of prime agricultural lands on DPR south of the Highway. The latter figure is a conservative (high) estimate, based on a development envelope of 4 acres each for the five new residences proposed there. The sum of these areas (65) plus the 1 acre of impact expected on the SBR property is 66 acres. The comment is correct in noting that the result is not consistent with the discussion of impacts in Section 9.7.4.2 Impact AG-3, which states the total as 63 acres. In their final design, the development envelopes on the DPR parcels south of the highway will be somewhat smaller—typically 2 acres. The numbers in the Final EIR have been updated, and a more accurate estimate of this total is as follows:

- Area in DPR north of Hwy 101: 43.5 acres
- Area in DPR south of Hwy. 101: 11.3 acres
- Area of SBR: 1.4 acre
- TOTAL: 56.2 acres

With respect to the SBR property, the comment cites Section 3.7.1 (RDEIR page 3.7-3) which states there would be a loss of 2 acres of prime agricultural land. This statement reflects the MOU Project design, where a small portion of the existing avocado orchard north of Highway 101 would be displaced by the access road on Lot 158 (see Figure 3.7-2, or Figure 3.4-1A for better detail). In the Alternative 1 design, however, the configurations of lots and the access road at this location are different, resulting in a smaller encroachment into the avocado orchard (see

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Section 15.0 Responses to Comments Figures 9.7-2 and 9.4-1B). The RDEIR estimates this encroachment as 1 acre, which is conservative (high). In any event, it is not correct to add the impact from the MOU Project to that from the DPR areas in the Alternative 1 design, as done in the comment.

In summary, the total acreage of this impact—the loss of prime agricultural land to development—will be equal to or less than that stated in the RDEIR (63 or 66 acres). The updated estimate of this number in the Final EIR is 56 acres. This impact will be offset by the inclusion of an additional area of prime agricultural land within the ACE, above and beyond that necessary to satisfy the Williamson Act cancellation requirement. This excess area of prime agricultural land that would be protected by the Alternative 1 design is 79 acres (see Table 9.7-3). Thus, this impact remains less than significant, as stated in the RDEIR.

G-2-395

The comment states that the RDEIR lacks substantial evidence for the claim that reduction in grazing caused by the project would not be a significant impact. The grazing land in the Alternative 1 area, which has an existing usage rate of 0.3 animal units per acre, does not meet the criteria for prime agricultural grazing land, defined as supporting 1 animal unit per acre or more.

County Environmental Thresholds and Guidelines state,

“It should be noted that the Santa Barbara County Cattlemen’s Association has stated that an appropriate threshold for impacts to grazing land in the County is the displacement or division of land capable of sustaining between 25 to 30 animal units per year. This “threshold” utilizes a carrying capacity threshold similar to the weighting system below. Because of this, on grazing projects, detailed information of the number of animal units supportable on a particular parcel should also be considered in the project’s environmental document.”

“The Agricultural Threshold is weighted toward physical environmental resources rather than economics. This emphasis is in keeping with CEQA’s emphasis on physical environmental impacts and not social or economic impacts (State CEQA Guidelines Section 15131). Given high land values in the County and the subdivision and turnover of agricultural lands in some areas of the County, agricultural production on some lands may be economically marginal. Because of these factors, economics is considered primarily a planning issue and will not be addressed in environmental documents.”

G-2-396

The comment states that there are mathematical inconsistencies regarding the acreage of farmland that would be impacted vs. placed into easements. Sections 3.7 and 9.7 of the RDEIR have been modified to correct the numeric discrepancies.

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G-2-397

It is the commenter's opinion that there are policy inconsistencies. This opinion is a policy matter outside the scope of CEQA. The commenter's opinion will be before the County's decision-makers for their consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

The Alternative 1 proposal would concurrently cancel the Williamson Act contract, create a replacement contract, and create an ACE that would allow for a net increase in prime agricultural land under long term protection. This is considered a *less than significant impact* (Class III).

CEQA Guidelines 15364 state: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

The RDEIR discusses feasibility of concurrently canceling the Williamson Act contract, creating a replacement contract, and creating an ACE, in Section 9.7.2, Regulatory Framework.

The Board must make one of the following two findings to grant such a request pursuant to Govt. Code Section 51282 (a):

- Cancellation would be consistent with the purposes of Chapter 7 of the Government Code, Sec. 51200 et seq., the California Land Conservation Act of 1965.
- Cancellation would be in the public interest.

There is no premature or unnecessary conversion of agricultural land to urban uses.

The FEIR has been updated to reconcile current Williamson Act contract acres on Table 9.7-2.

G-2-398

Determination of compliance with state code, and the eligibility of the proposed ACE is a matter for the County and California Department of Conservation to address. This issue does not relate to environmental issues.

G-2-399

As with the previous comment, this comment addresses the responsibility of the County and California Department of Conservation to determine the eligibility of the proposed ACE to be used in the exchange process. The comment does not address the EIR or environmental issues.

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Section 15.0 **G-2-400**

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This comment cites requirements for evaluating the proposed ACE, and the County's responsibility to make specific findings related to the ACE exchange process.

G-2-401 and G-2-402

As with previous comments, these comments do not relate to environmental issues in the EIR.

G-2-403

This comment states that Mitigation Ag-2 should require the NPD to include open space buffers of at least 200 feet between residential development envelopes and agricultural lands, in addition to wildlife-friendly fencing. This comment's recommendation to modify the NPD is not related to the adequacy of the EIR. The commenter's opinion is included in the public record for consideration by decision-makers.

The comment states that currently no buffer is proposed for the MOU Project, while the Alternative 1 configuration proposes 100-foot buffers.

Additionally, this comment states that the project is not consistent with Policy 8-2 or Section 30242, and the proposed ACE does not render the project consistent. Additionally, the comment states that if the County cannot make the necessary ACE findings, the ACE cannot be used to mitigate land use or agricultural impacts.

G-2-404

The RDEIR states that County and California Department of Conservation policies regarding the replacement or exchange of agricultural lands may be used to assess the changes involved in Alternative 1 and the adequacy of mitigation measures. See Section 9.7.4.1, Thresholds of Significance. Impact AG-1 concludes that because the project will provide an offsetting increase in protected land through a combination of a new replacement Williamson Act Contract and a new ACE, this aspect of the proposal will have a less than significant impact (Class III) on agricultural resources.

G-2-405

Sections 3.7.3.4 (MOU Project) and 9.7.4.4 (Alternative 1), Mitigation Measures, of the RDEIR include several mitigation measures for reducing conflicts between agricultural and residential uses. Mitigations include AG-2 (Agricultural Fencing) and AG-3 (Buyer Notification). In addition, the buyer notification statement in mitigation AG-3 directly addresses the commenter's concerns for conflicts of pesticides, odors, and noise.

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G-2-406

The RDEIR states that the overall effect of the project on agricultural suitability is generally neutral, as the beneficial and negative effects of Alternative 1 tend to offset one another. The potential for conflicts can be reduced through design and notification measures described in Mitigations AG-2 and AG-3. The effect of Alternative 1 on overall agricultural suitability of the area is considered a *potentially significant impact that can be mitigated* (Class II). The effectiveness of the proposed mitigation measures is under the jurisdiction of the County. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

G-2-407

The comment states that mitigation measure AG-2 should require a 200-foot buffer between agricultural areas and residential uses. Mitigation measure Ag-2 provides for fencing to protect development from grazing and other agricultural uses, but does not include a buffer requirement. However, the project design includes buffers exceeding 100 feet in nearly all locations, and exceeding 200 feet in most locations. The proposed design, combined with the mitigation measures set forth in the RDEIR, is sufficient to mitigate impacts associated with the urban/agricultural interface to a less than significant level.

G-2-408

The comment incorrectly states that the RDEIR concluded these impacts were "...not mitigated to less than significant (Class I)."

The RDEIR discusses project Impact AG-5: Agricultural Suitability and Land Use Conflicts, in Sections 3.7.3.2 (MOU Project) and 9.7.4.2 (Alternative 1), Project Impacts. The potential for conflicts can be reduced through design and notification measures described below (Mitigations AG-2 and AG-3). The effect of the MOU Project or Alternative 1 on overall agricultural suitability of the area is considered a potentially significant impact that can be mitigated (Class II).

Additionally, mitigation measures include 100-foot buffers, limiting removal of trees, and buyer notification to limit use conflicts resulting from dust and pesticide application.

The comment claims that Impact AG-5 blends two discrete impacts, first creation of the PACE (beneficial impact), and second loss of Williamson Act protected lands (adverse impact). See response to comment S-5-5, of the Department of Conservation Letter S-5 dated January 22, 2008.

G-2-409

This comment states that the RDEIR fails to identify a Class I impact associated with the conversion of prime soils and prime agricultural lands, and also states that conversion of prime

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Section 15.0 Responses to Comments farmland is listed in the RDEIR as a CEQA and County Threshold of Significance. For a response regarding this issue, please refer to the response to comment G-2-411.

The comment also discusses the impacts resulting from the loss and conversion of prime agricultural soils in Sections 3.7.3.2 (MOU Project) and 9.7.4.2 (Alternative 1), Project Impacts. Soil classification is one of the nine components of the County's Environmental Thresholds and Guidelines Manual applied to both sets of land considered. The proposed project would result in conversion of existing agriculturally designated land to residential uses beyond the urban/rural boundary, and would result in a use that is not regarded as a priority use under the Coastal Act.

The County Guidelines (County of Santa Barbara 2003:14) recognize that in a detailed evaluation of agricultural effects, the analysis "...should focus upon the factors and criteria, but not the points in the weighting system of these guidelines, and any other relevant factors such as the history of agricultural use on the site, land use trends, etc."

The commenter points out discrepancies in Table 9.7-4 with respect to Lots DP-6, DP-7, DP-8, DP-9, and DP-10, identifying what the commenter considers low point scores for various criteria. The RDEIR analysis and identification of a Class II impact is accurate and in conformance with the County Guidelines. The commenter's opinion on this issue will be included in the public record for consideration by decision-makers.

G-2-410

The commenter is correct; the MOU Project would create a PACE that would cover 163 acres, including the existing orchards, and convert 27.1 acres of prime agricultural lands while losing approximately two acres for road access improvements. This area is not intended to be considered as an agricultural conservation easement as the term is used in State law (Public Resources Code Section 10200 et seq.), therefore County findings do not need to find consistency with Public Resource Code 10251 and 10252, unlike Alternative 1 which uses an ACE. Additionally, the specifications and requirements under the State sanctioned type of agricultural conservation easement are not applicable to the MOU Project.

G-2-411

The comment states that the RDEIR uses loss of prime farmland as a threshold of significance, but fails to identify a significant impact despite the project's conversion of prime farmland to urban uses. The project's impact on prime agricultural land was characterized in the RDEIR as Class III (less than significant impact) due to the PACE's proposed as part of the project design. The proposed project is multifaceted, and while the development aspect of the project would convert 1 acre of prime farmland to non-agricultural uses, the aspect of the project intended to preserve important farmlands and agricultural uses would place 24 acres of prime farmland into PACEs to be preserved for agricultural use in perpetuity. Thus, the impact of the proposed project on prime farmlands is the permanent preservation of 24 acres at the expense of 1 acre converted to non-agricultural uses. This would not constitute a substantial adverse effect on agricultural resources. The impacts to prime agricultural land under the proposed project are

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associated with the construction of agricultural and access roads, and cannot be feasibly avoided due to the configuration of the resource and the need for road access and connectivity throughout the site.

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For a response to concerns related to the Mitigation Hierarchy presented in the County's Environmental Thresholds and Guidelines Manual, please refer to the response to Comment G-2-322.

G-2-412

The commenter is correct, the 271 acres referenced in Table 9.7-2, do represent loss of prime agricultural lands, while an additional 68 acres for a total of 2,634 acres is proposed for preservation in perpetuity with the establishment of an ACE. The Cumulative impacts (AG-6) discussion addresses the loss of lands (see Section 9.7.4.3, Cumulative Impacts), stating that impacts are *potentially significant but subject to feasible mitigation* (Class II).

G-2-413

The comment states that a conflict with existing zoning for agricultural use is among the significance criteria used in the RDEIR, and that the project inherently conflicts with existing zoning for agricultural use. The comment further states that rezoning the property conflicts with County and Coastal Act provisions intended to protect agriculture. Potential conflicts between the proposed land uses and the existing zoning onsite were evaluated in sections 3.7 and 9.7 of the RDEIR, identified as impact Ag-5. With regard to determinations of consistency of rezoning the project site with applicable policies and regulations, policy consistency analysis is beyond the scope of CEQA and such determinations are at the discretion of the County Board of Supervisors.

G-2-414

The comment states that the proposed ACEs would permit facilities such as agricultural support buildings, animal boarding and breeding facilities, and roads, but that these facilities are not analyzed in the RDEIR. The existing Williamson Act restrictions on the lands in question would permit the uses identified above. The proposed project would not include the construction of agricultural support facilities, but the use has been allowed to maintain consistency with the existing permitted uses under the Williamson Act. Because the proposed project would not result in any change from existing conditions pertaining to agricultural support facilities as an allowable use, it is not necessary to evaluate those uses as impacts of the proposed project.

G-2-415

Alternative 5 (Clustered Development Alternative) proposed 54 new residences on approximately 97 acres, with remaining portions of 485 acres of Santa Barbara Ranch property remaining in agriculture. This alternative considers reduced impacts to the existing site's agricultural production. The clustered areas would concentrate development away from trail

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Section 15.0 users and outside of the highway view shed, avoid biological resources, and avoid agricultural
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As is discussed in the Project Objectives and in Section 11 of the RDEIR concerning the various Project Alternatives, the goal of the applicants is to develop a reduced density project in lieu of developing the Naples town site lots at their full density. Accordingly the RDEIR does not discuss the alternatives' ability to meet the Project Objectives as a simple issue of economic feasibility. Rather, the applicants are seeking approval to develop a project that will result in a *reduced* economic return, as compared to that which they would receive if they were to develop all of the existing Naples Town site lots under their control. Therefore, as stated in Section 11 of the RDEIR, the Project's goal is a "suitable return" – i.e. obtaining a return from reduced development of the Naples town site lots sufficient for the applicants to forgo the greater economic return they would otherwise realize from the full development of those lots.

G-2-416

The commenter is incorrect; the County shall have the right to approve any amendments to the CC&Rs, as stated in Sections 3.7.3.4 (MOU Project) and 9.7.4.4 (Alternative 1), Mitigation Measures (AG-1). Additionally, the CC&Rs shall comply to earlier regulatory requirements identified in Sections 3.7.2 (MOU Project) and 9.7.2 (Alternative 1), Regulatory Framework. The County has also developed standard mitigation measures to reduce the impact of non-agricultural uses encroaching on agricultural operations. These mitigation measures include details on fencing to create a physical barrier between agricultural operations and non-agricultural uses, and a Buyer Notification statement to be included with the final map that specifies where agricultural activities will occur within the area. Therefore, the proposed mitigation measures (AG-1, AG-2, AG-3, AG-4, AG-5, and AG-6) all conform to the County's performance standards for protecting agricultural land adjacent to non-agricultural uses.

G-2-417

The comment states that no areas within building envelopes should be included within ACEs, and that the RDEIR is inconsistent regarding whether or not there are areas within building envelopes that are also within ACEs. As depicted on Figure 9.7-2, no areas within development envelopes are proposed to be included within ACEs.

G-2-418

The comment states that the MOU Project should place all 27 acres of prime farmland not proposed for development into a PACE to mitigate the proposed loss of 2 acres of prime farmland that would result from the proposed project. This additional measure is unnecessary, as the preservation in perpetuity of 24 acres of prime farmland in PACEs as proposed by the RDEIR is already sufficient to mitigate the loss of 2 acres of prime farmland. The comment also states that impacts to prime farmlands could be further avoided by eliminating the proposed Canada Tomato bridge from the proposed project. For a discussion regarding the feasibility of eliminating the proposed bridge, please refer to the response to comment G-2-770.

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G-2-419

The comment states that impacts to agricultural resources could be further reduced by eliminating lots, clustering development, or reducing the size of building envelopes. Because the mitigation measures proposed in the RDEIR would reduce the project's impacts on agricultural resources to a less than significant level, consideration of additional mitigation measures to reduce impacts even further is not required.

G-2-420

This is a summary comment; for discussion of the change in visual character, see response to comment G-2-421; project area setting including Los Padres National Forest and Santa Ynez Mountains, see response to comment G-2-431; exclusion of RSUs, see responses to comments G-2-85, G-2-385, and G-8-44; visual policy analysis, see responses to comment G-2-429.

G-2-421

The commenter mischaracterized a National Park Service Gaviota Coast Draft Feasibility Study and Environmental Assessment study. The study evaluated 76 miles of Santa Barbara Coastline for its significance, suitability and feasibility, concluding that although the area contains nationally significant natural and cultural resources, suitability is not feasible for including in the National Parks System. Inclusion of this reference has not established Federal scenic stature as claimed in comment G-2-22.

G-2-422

The commenter claims if the proposed action limits the state's future Scenic Highway designation, a goal identified in Policy 4-8, then the visual and land use impacts should be modified to Class I Significant impacts.

Coastal Plan Policy 4-8:

The County shall request the State of California to designate that portion of Highway 101 between Winchester Canyon and Gaviota State Park as a "Scenic Highway."

See response to comment G-2-693.

G-2-423

This is a summary comment which refers to Section 3.9.2.1.4 of the RDEIR. See response to comments G-2-424, G-2-425, and G-2-426.

G-2-424

All views addressed in these County guidelines are public views, not private views.

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Section 15.0 G-2-425

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The comment claims that the RDEIR visual resources analysis is lacking because inclusion of flight path views were not considered.

As a matter of policy, the County considers important visual resources to encompass scenic highway corridors, parks and recreational areas, environmental features and scenic areas (County of Santa Barbara Environmental Thresholds Manual, page 182). Prominent vantage points, for purposes of conducting visual impact analysis, are further defined as those which provide public views (as opposed to private) which are: “...*readily accessible to the general public which provide the greatest opportunity for viewing natural features of the project area taking into account physical topography, foreground obstructions, proximity to the project site, viewing duration, number of viewers and similar considerations that limit visibility of the proposed development.*” (Naples Planned Development Zoning Ordinance, Section 35-xxx/13, RDEIR, Appendix B). These existing and proposed policies were utilized in determining Key Observation Points for purposes of conducting the visual impact analysis set forth in the RDEIR. The commenter’s opinion that views from public air space should be included in the inventory of KOPs is a matter of policy interpretation and is included in the public record for consideration by decision makers.

G-2-426

The comment claims the viewer sensitivity from the passenger trains (KOP 1A) should be changed from moderate to high. See response to comment G-8-150.

Additionally, the perspective of KOP 1A “represents two sensitive viewer types: 1) trail users along the existing private trail and future coastal trail location, and to a lesser extent; 2) railroad travelers who have more restricted views through the windrow along the UPRR that passes through the southern portion of the development.” The KOP 1A vantage point represents both viewer types specified, therefore no modifications in the perspective are required.

G-2-427

The commenter is incorrect; there are no existing public recreational trails on the Santa Barbara Ranch site. Therefore no further visual resource analysis is required. Also see response to comment G-8-204.

G-2-428

The comment claims that the RDEIR fails to adequately address the heightened viewer sensitivity of the Highway 101 users. See responses to comments L-1-27, G-2-421, and G-8-147 which discuss the visual analysis included in the RDEIR for Highway 101 users.

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G-2-429

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The comment claims that the project is inconsistent with County policies protecting intrusions into the skyline at KOP 3, KOP 5, and KOP 6.

Coastal Plan Policy 4-3:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

The County's visual aesthetics guidelines were applied to all of the KOPs included in the RDEIR. KOP 3, which is discussed in Section 9.9.4.3.2, states, "the project design in this location appears to be consistent with applicable policies." Also see response to comment G-8-170. The viewer experience of KOP 5 is discussed in response to comment G-9-3. The commenter refers to KOP 6 which is actually two KOPs: KOP 6A includes views of Highway 101, while KOP 6B includes views of southbound Highway 101. Each area is discussed in response to comments G-2-452 and G-9-16 subsequently. The RDEIR has reviewed each KOP for consistency with applicable County land use policies.

G-2-430

The comment claims that the Visual Resource impacts in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), which are lessened by existing and proposed vegetative screening, may not be sufficient in the case of a fire or other damage.

See responses to comments G-2-438, L-1-23, and G-9-5.

G-2-431

The comment claims that the RDEIR visual resources assessment lacks inclusion of views of the Santa Ynez Mountains south of the project site. These views are discussed in the RDEIR in KOP 6B, therefore no modifications are necessary.

G-2-432

The comment claims the RDEIR's use of the BLM visual resource management system is inconsistent with County thresholds and Guidelines. See responses to comments L-1-21, L-1-28, G-8-121, G-8-139, and G-9-8.

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Section 15.0 G-2-433

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The comment claims the RSUs must be included within the Visual Resources analysis of the RDEIR. See response to comments G-2-385 and G-8-44.

G-2-434

The commenter disagrees with viewer sensitivity ratings based on the types of potential users. See response to comments G-9-7 and G-9-9. Also see response to comments G-9-10 and G-9-11 for discussion of the public facility and trail user's experience.

G-2-435

The comment claims the RDEIR visual resources viewer sensitivity rating improperly applies a future setting, rather than existing condition. The existing condition includes site improvements; residential units, agricultural operations, roads and fencing, therefore the commenter is incorrect to claim that the baseline should be based on a pristine setting. Also see response to comment G-9-8.

G-2-436

The comment states that six passenger trains traverse the site daily, and that visual impacts to train riders were improperly dismissed in the RDEIR as riders in elevated trains would be able to see some of the development.

As acknowledged in the County's Environmental Threshold Guidelines: "...*the classification of a project's aesthetic impacts as beneficial or adverse, and insignificant or significant, is clearly subject to some personal and cultural interpretation...*" While recognizing this inherent limitation, the approach used in the RDEIR (adapted from the Visual Resource Management System developed by the Bureau of Land Management in 2005) provides an analytical basis for discussing policy consistency as well as environmental impacts. The opinion expressed by the commenter, which differs from conclusions reached in the RDEIR, is noted and is included in the public record for consideration by decision makers.

G-2-437

The comment claims the RDEIR viewer exposure to Highway 101 should also include average daily trips (ADT) in addition to peak hour trips. The RDEIR discloses the visual impact susceptibility methodology, which includes viewer exposure in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1), and states viewer exposure is "based on traffic count data compiled for this RDEIR (refer to Section 9.12, Traffic and Circulation), an average of 930 northbound and 1,805 southbound vehicles pass the project site during the A.M. peak hours period, and an estimated 1,930 northbound and 1,340 southbound vehicles pass this area during P.M. peak hours period."

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For ADT and A.M. and P.M. peak hour traffic volumes of U.S. Highway 101, see Figures 3.12-2 and 9.12-2.

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Also see response to comments G-9-7 and G-9-12.

G-2-438

The commenter claims the Central Board of Architectural Review (CBAR) recommended that the project screening be limited to topography, not vegetation. Primarily, this claim is unsubstantiated with supporting documentation from the CBAR. Secondly, this request would be in conflict with the existing baseline condition where vegetation currently obscures portions of the view corridors, for example from the Highway 101 towards the Ocean. Thirdly, the County development standards include landscape design guidelines that require landscape improvements, refer to Sections 3.9.4.5 (MOU Project) and 9.9.4.5 (Alternative 1) for Mitigation Measure Vis-1: Design Guidelines that include maintaining existing orchards and Mitigation Measure Vis-2: Windrow Maintenance.

See also response to comments G-2-100, G-2-383, and G-8-187.

G-2-439

The commenter requests the RDEIR's Visual Resources also include nighttime existing views, to determine the impacts of any lighting of the developed areas. See response to comments G-9-6, G-9-15, and I-9-9.

G-2-440

The comment claims that the number of KOPs included under-represents that vast area impacted. The RDEIR describes the methodology for analyzing the visual effects of the proposed project, in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1) for Visual Impact Susceptibility and 3.9.2.3.2 (MOU Project) and 9.9.2.3.2 (Alternative 1) for Visual Impact Severity. Once visual "susceptibility" and "severity" have been determined the degree of effect or impact can be defined, and then applied to each KOP selected for analysis. KOPs are locations selected to be representative of the most critical locations from which the project will be viewed, see Sections 3.9.2.3.3 (MOU Project) and 9.9.2.3.3 (Alternative 1) for a comprehensive discussion of the selection process.

The RDEIR explains that each KOA is a snap shot view, understood to be representative of the types of views modified by the proposed project. The simulations of all the view perspectives are not required per the BLM or County visual resource assessment protocols. Please also see response to comments G-2-425 and G-2-436.

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Section 15.0 **G-2-441**

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The comment claims that the RDEIR lacks policy analysis discussion parallel to the associated impacts, in particular related to Visual Resource Section 3.9 (MOU Project) and 9.9 (Alternative 1). The references cited by the commenter do not relate to policy analysis of visual resources, therefore based on a lack of accurate information no additional changes are required.

The commenter cites Section 8.3.3 which includes a description of the proposed Santa Barbara Ranch Coastal Development North of Highway 101 (Coastal Portion of Applicant's Development Plan Region 1); visual resources impacted are highlighted, not analyzed.

The RDEIR's Visual Resources Sections 3.9 (MOU Project) and 9.9 (Alternative 1) both comply with County adopted methodology; therefore no additional analysis is required. See response to comment G-2-437.

G-2-442

The comment takes issue with an example included in Sections 3.9.3.3.2 (MOU Project) and 9.9.3.3.2 (Alternative 1) which states "as an example, the intrusion of the roofline of one or two residences into the sky may be considered inconsistent with above policy, but it may not represent a high impairment of a scenic view." As noted in the County's Environmental Thresholds Manual (page 7), policy consistency is not always a determinate of environmental impact and vice versa. It is further noted that a potential policy conflict does not always translate to a significant visual impact (Santa Barbara County Environmental Thresholds Manual, page 183); rather, the identification of potential policy conflicts is simply one of a number of criteria in determining whether a significant impact indeed occurs. Just as the County's Environmental Threshold Guidelines recognize that visual impact assessment "*...is clearly subject to some personal and cultural interpretation...*," the application of policy is also subject to interpretation. To illustrate, the phrase "intrude into the skyline" is not absolute; rather, the question of policy consistency turns on such considerations as magnitude of skyline penetration (a chimney vs. an entire structure), duration of view and degree to degradation. These considerations, and determination of policy consistency in general, are matters for decision makers to decide. The commenter's opinions are included in the record for consideration by decision makers.

G-2-443

The comment claims that Table 9.9-1, Visual Impact Susceptibility, and Table 9.9-2, Visual Impact Severity, both lack inclusion of County Thresholds and Guidelines Manual questions, resulting in confusing conclusions. The RDEIR's visual resources methodology is adapted from the Visual Resource Management System, developed by the BLM (2005); see Sections 3.9.2.3 (MOU Project) and 9.9.2.3 (Alternative 1) and responses to comments G-9-7 and G-9-12.

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G-2-444

The comment claims that County Thresholds and Guidelines Manual questions are listed on Page 9.9-17, yet are not applied to the impact analysis. Each question is applied to the KOPs individually in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1) Specific Visual Effects. Additionally, visual resources methodology has been adapted from the Visual Resource Management System, developed by the BLM (2005); see Sections 3.9.2.3 (MOU Project) and 9.9.2.3 (Alternative 1) and responses to comments G-9-7 and G-9-12. This is the methodology used to determine the significance of environmental change to each KOP, therefore the commenter's claims that many KOPs findings would be Class I is inaccurate.

The discussions and comments regarding visual effects may reflect different opinions. These varying opinions are included in the public record for consideration by decision makers.

G-2-445

The commenter is correct that the MOU Project would have a significant and unavoidable impact (Class I) to KOP 5. The finding for Alternative 1 potential impacts to KOP 5 are considered significant, but feasibly mitigated (Class II), because visual impact severity is classified as moderate based on moderate ratings for visual contrast and project dominance, and a low rating for view impairment (see Table 9.9-2). See response to comments G-9-6, G-9-7, and G-9-12.

G-2-446

The comment claims that the baseline applied results in an incorrect significance finding of Class II for Vis-1A. The viewer sensitivity is considered moderate, because railroad passengers are often distracted by the traveling environment and traveling at high rates of speed. See responses to comments G-8-150 and G-9-10.

The discussions and comments regarding visual effects may reflect different opinions. The opinion of the commenter is included in the public record for consideration by decision makers.

G-2-447

The comment claims that the description of KOP 1B lacks details describing the individual proposed changes within the view shed, and disagrees with the RDEIR's significance findings based on detailed introduction of resources which lead to the visual quality of the area. See responses to comments G-9-5 and G-9-15.

The discussions and comments regarding visual effects may reflect different opinions. The opinion of the commenter is included in the public record for consideration by decision makers.

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Section 15.0 **G-2-448**

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Vis-2 would include four rather than eight homes, as no RSUs are included within the proposed project. See Section 8.0, Description – Alternative 1. The RDEIR discloses that the project may not be completely consistent with the CLUP and Comprehensive Plan policy related to preserving ridgeline views since the roofline on Lot 193 would extend slightly into the skyline from this KOP.

The RDEIR states the following per KOP 2 question 2b:

The project design in this location appears to be consistent with applicable policies. While the proposed residences will partially obstruct views, they are all designed as single story structures with minimal grading that conform to the landform. They are on relatively large lots that retain large view areas, and incorporate landscaping that helps to reduce the horizontal elements of the structures themselves.

The discussions and comments regarding visual effects may reflect different opinions. These varying opinions are part of the public record that will be available for consideration by decision makers.

For additional discussion of Impact Vis-2, see responses to comments G-8-169, G-8-184, G-8-187, G-9-11 and G-9-16.

G-2-449

The proposed agricultural support facility Lot 97 is included in KOP 7, which reflects a project description change between the 2006 DEIR and 2007 RDEIR.

G-2-450

See response to comment G-8-171.

G-2-451

The comment claims that under Alternative 1, KOP 5 includes no mitigation measures, plan requirements or monitoring provisions, therefore must be considered a Class I impact.

The RDEIR description of KOP 5 states:

“various existing man-made alterations to the landscape in the mid and foreground are less aesthetic. Nevertheless, the diversity of this view, including the riparian vegetation, hillsides, and distant mountain components, leads to a rating of **high** visual quality for KOP 5.”

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Inclusion of the MOU Project visual contrast (high) and dominance (high) ratings were not intended to be considered baseline, this parenthesized inclusion is merely to compare the finding of two project alternatives.

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See responses to comments G-2-429, G-2-445, and G-9-3.

G-2-452

The comment claims that under Alternative 1, KOP 6A incorrectly applies the RDIER's methodology for dominance and visual contrast, which when applied according to the commenter's opinion would result in Class 1 impacts. The RDEIR's description of KOP 6A in Section 9.9.2.2.3 states this "KOP represents a brief view to proposed development north of Highway 101 from the northbound lanes" this fact in combination with the additional discussion in Section 9.9.4.3.2 leads to moderate ratings for both visual contrast and project dominance. For a finding of a Class 1 impact for KOP 6A the combined Visual Impact Susceptibility and Visual Impact Severity each would require two or more of the contributing factors rated high. The comment offers a different opinion, which along with the Final EIR will be presented to decision makers for their consideration as part of the review process for this project.

G-2-453

The comment claims that under the MOU Project and Alternative I, KOP 6B conflicts with CLUP Policy 4-3, as three rooflines would extend into the skyline. See response to comments G-2-429 and G-9-17.

G-2-454

The comment claims that under the MOU Project and Alternative 1, KOP 7 understates the number of proposed residential units. The commenter claims the RDEIR fails to include guest houses and RSUs in the visual impacts analysis. RSUs are not part of the proposed project improvements; see responses to comments G-2-385 and G-8-44. Also, see response to comment G-8-176.

G-2-455

The comment claims that the beach access stairway design solution results in visual impacts to the skyline. See response to comments S-2-38, L-3-4, L-3-5, G-8-177 and G-8-187. Also, see response to comment G-1-15 which discusses alternative siting within Dos Pueblos Canyon and see response to comments L-3-3 and G-2-478 for discussion of LCP policies 7-18 and 7-19. The commenter provides various unsupported claims for changing the visual impact susceptibility and severity to high. The commenter's opinion is included in the public record for consideration by decision-makers.

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Section 15.0 **G-2-456**

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The commenter references Figure 9.9-12 as a simulation of KOP-9 Distant Views from the Pacific Ocean, in fact this figure represents existing and proposed views from KOP 2. Additionally, the commenter attempts to find fault in the baseline assumptions for the distant Pacific Ocean views analysis for Vis-9. The following statement from Section 9.9.2.3.3 Key Observation Points remains accurate: “The model assumed that each home site would be set back from the bluff approximately 200 to 500 feet (as shown in the Alternative 1 plans), and would have a maximum elevation of approximately 25 feet above grade (as shown in the typical architectural elevations).” The visual resource analysis included in the RDEIR analyzed the MOU Project in Section 3.9 and Alternative 1 in Section 9.9, not the development guidelines of the NPD. Also, RSUs are not part of the proposed project improvements; see responses to comments G-2-385 and G-8-44. The commenter’s opinion is included in the public record for consideration by decision-makers.

G-2-457

The comment claims that the RDEIR fails to adequately address nighttime lighting impacts, and without extensive project modification this impact would be Class 1. The RDEIR discussion in Section 3.9.2.2 (MOU Project) and 9.9.2.2 (Alternative 1) Nighttime Conditions, states the existing condition includes light sources from roadways, existing operations and offshore rigs. Impact Vis-10 states, “the project would create a new source of light, adverse impacts to nighttime views are not expected” and “potential impacts due to light and glare are rated as significant but feasibly mitigable (Class II)” with the application of lighting design requirements included in Mitigation Measure Vis-4. Also see response to comments L-1-30, G-9-6, and G-8-180 which also discuss the impact findings of Vis-10. The comment offers a different opinion, which along with the Final EIR will be presented to decision-makers for their consideration as part of the review process for this project.

G-2-458

The comment claims the project as proposed is inconsistent with the Draft NPD Sec. 35-xxx.13(3), requiring siting of roads, driveways and parking areas to avoid public viewing area. No existing public view areas currently exist within the proposed project area, therefore this avoidance requirements has been met.

G-2-459

See response to comment G-2-385 for discussion of RSUs, and S-2-19 NPD regarding build out. The visual resources analysis includes these elements of the proposed project descriptions in Sections 2.0 (MOU Project) and 8.0 (Alternative 1).

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G-2-460

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The comment claims that the RDEIR's visual resource cumulative impacts findings are deficient because Lot 132 was not considered. This lot contains an existing improved residence which is part of the environmental baseline if the RDEIR, and impacts of this existing structure are not included as impacts of the proposed project. The commenter claims the Ballantyne Project intrudes into the skyline, and that the proposed project would contribute considerably to this cumulative impact and did not comply with Policy 2, therefore when considering the projects cumulative effect of ridge-top home the impact is significant.

See response to comment L-1-27.

G-2-461 through G-2-467

This and the following comments claim that a series of visual resource mitigation measures are absent in the RDEIR; these include:

- The Draft NPD Sec.35.xxx.13 should require moving all structures out of the Highway 101 viewshed; see response to comment G-8-275.
- Visual Development Standards should limit screening to topography; also see response to comments G-9-11 and G-2-430.
- Limit visual impacts to Coastal Trail users by eliminating or clustering development further north; see response to comment G-2-102.
- Eliminate or relocate estates to avoid changing rural character of the landscape. The commenter disagrees with the CLUP policy 4-3 and Visual Resource Policy 2 findings in Sections 4.10 (MOU Project) and 10.10 (Alternative 1).
- The Proposed project includes no RSUs; see responses to comments G-2-85 and G-8-44.
- The massing and siting along ridgelines at KOP 5 should be mitigated, see response to comment G-9-15.
- Existing lighting sources should be retrofitted by the applicant. This request is outside the scope of the RDEIR, and lighting improvements include mitigation measures to reduce light and glare; see response to comments G-9-6, G-9-15, G-9-17 and I-9-9.

These recommended changes to the visual resources sections of the RDEIR are the opinion of the commenter. This opinion is included in the public record for consideration by decision makers.

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Section 15.0 **G-2-468**

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The comment repeats earlier claims about the use of vegetation screening on behalf of the CBAR; see response to comment G-2-438.

G-2-469

The commenter requests modifications to Mitigation Measure Vis-4, to reduce all proposed exterior lighting standards to less than six feet, and requests that all existing unshielded lights be retrofitted by the applicant; see response to comments G-9-6, G-9-15 and I-9-9. The RDEIR includes lighting impact reduction measures in Sections 3.9.4.5.4 (MOU Project) and 9.9.4.5.4 (Alternative 1) which address the Vis-10 project impacts.

G-2-470

The comment claims the following residual impacts under Alternative 1: twenty lots (48, 49, 51, 52A, 104, 105, 107A, 107B, 108, 109, 133, 134, 135, 137, 188, 193, 195, 210, 215 and DP-4) would be visible to Highway 101 travelers, resulting in Class 1 impacts at KOP 1A, KOP 1B, KOP2, KOP4, KOP5, KOP6B, KOP 6C, KOP 7, KOP 8A, and KOP 8B. The RDEIR in Section 9.9.4.6, Residual Impacts, states “[w]hile it may be possible to reduce visual impacts further, it is not possible to avoid the alteration in visual character inherent with development of this project site with the number and types of units proposed. Thus, impact Vis-0 related to visual character will remain *significant and unmitigable*.”

For discussion of views from the Pacific Ocean (impact Vis-9) and light and glare impact (impact Vis-10), see responses to comments G-2-456 and G-9-6, G-9-15 and I-9-9 subsequently.

G-2-471

This comment states that the Gato Canyon Trail, the Condor Point Trail, and the Los Padres National Forest are important recreational features overlooked in the environmental setting.

All three of the features mentioned in the comment are mentioned in the Recreation sections of the RDEIR (Sections 3.10 and 9.10). However, the Gato Canyon and Condor Point trails are not discussed in great detail due to their relatively low importance compared to the other recreational features in the project vicinity. The Los Padres National Forest, while a substantial recreational asset, was not described in great detail due to the large size of the forest and very low potential for a small development the size of the proposed project to have any appreciable effect on such a resource.

G-2-472

The comment states that Alternative 1 should include a public trail connecting the Coastal Trail through Dos Pueblos Ranch to the Los Gatos Trail and Camino Cielo.

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The addition of the proposed trail to the Alternative 1 design would not serve to avoid or substantially lessen any of the project’s significant impacts, and was therefore not considered in the RDEIR.

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G-2-473

The comment states that the RDEIR does not include CCC and Coastal Conservancy policies for locating the Coastal Trail on the bluff top.

For a response to this comment, please refer to General Response Section 13.6, Coast Trail.

G-2-474

This is an introductory comment which prefaces several comments regarding perceived policy inconsistencies. No specific response is required.

G-2-475

The comment states that LCP policy 7-2 requires vertical coastal access to be provided unless access results in adverse impacts. The comment then concludes that there is ample information to support a finding of adverse impacts at the proposed vertical access location, and that the vertical access should be located at Pos Pueblos Ranch instead.

The language in Coastal Land Use Plan Policy 7-2 excepting developments from providing coastal access easements states that vertical access need not be provided where it would result in *unmitigable* adverse impacts to habitat areas, not just adverse impacts. As described in the RDEIR, all impacts associated with the proposed vertical coastal access would be mitigated to a less than significant level, and no unmitigable impacts would therefore occur. Second, the provision of vertical coastal access at Dos Pueblos Canyon would be environmentally inferior to access at the proposed Santa Barbara Ranch location. For more information on this issue, please refer to General Response Section 13.6.

G-2-476

The comment states that CLUP policy 7-4 was not included in the RDEIR, that this policy requires preparation of carrying capacity studies for natural resources at recreational areas sited near wetlands or habitat areas, and that no such studies were included or proposed in the RDEIR.

Policy 7-4 is a general policy, not specific to the Gaviota coast or the project site. The Policy reads, in part, that: “The *County, or appropriate public agency*, shall determine the environmental carrying capacity for *all existing and proposed* recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or other areas designated as “Habitat Areas” by the land use plan.” This policy anticipates a broader determination of carrying capacity than what the commenter believes is specific to the project. It is further noted on page 82 of the

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CLUP that quantification and measurement of recreational carrying capacity is difficult and that qualification is acceptable. The description of biological resources specific to the Naples reef and adjacent beach, as well as the resulting mitigation measures, conform to the general standards set forth in the CLUP for measuring recreational carrying capacity and instituting appropriate management measures. While the proposed project would increase the intensity of recreational use on Naples Beach during a portion of the year (August through February, when access to the beach via the proposed stair structure would be permitted) the intensity of such uses would remain fairly low. The proposed parking area would accommodate only 30 vehicles and is located at a considerable distance from the beach. These design features, coupled with the self limiting feature of the beach access structure, would effectively limit the number of visitors to the beach. In addition, the proposed closure of the beach from March through July each year would actually reduce recreational use during these months compared to existing conditions. Given these considerations, the level of recreational use facilitated by the proposed project would not be in conflict with environmental protection.

G-2-477

The comment states that the RDEIR omits important language in its summary of CLUP policy 7-18. The comment states that this policy would require the vertical coastal access to be located at Dos Pueblos Canyon, and not at the proposed Santa Barbara Ranch location.

While CLUP policy 7-18 includes Dos Pueblos Canyon as a planned point of future access to the Gaviota coast, it is important to bear in mind that the CLUP policies are intended to establish guidelines for the dedication of appropriate public access easements in private development. In this instance, location of the vertical coastal access at Santa Barbara Ranch would achieve the basic objective of providing public access to the Santa Barbara Ranch/Dos Pueblos Ranch region of the Gaviota coast in a manner environmentally superior to that envisioned at the time the CLUP policy was created in 1980 (see General Response 13.6). The provision of vertical coastal access at the proposed Santa Barbara Ranch location is consistent with CLUP policy 7-18.

G-2-478

The comment states that due to CLUP policy 7-19, which states that access to the beach adjacent to Naples Reef should be by boat only, the proposed vertical coastal access at Santa Barbara Ranch should be abandoned. This point is further stressed in the comment by discussions regarding CLUP policy 7-18, which indicates Dos Pueblos Canyon as a location for planned coastal access, statements about the geologic and ESHA-related impacts of the proposed vertical access, and a statement that further recreational uses at the beach should not be encouraged due to biological and health/safety reasons.

Please see General Response 13.6.

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G-2-479

The comment recommends an alternative alignment for the coastal trail that would remain closer to the bluff and coast compared with the Alternative 1 alignment, and would include beach access at Dos Pueblos Canyon. The comment claims that this alignment would involve lesser environmental impacts than the Alternative 1 alignment with respect to beach ESHAs, coastal bluff scrub ESHA, Naples Reef, coastal bluff stability, and visual resources.

Impacts of the proposed trail alignment and vertical coastal access would be mitigated to less than significant levels by the mitigation measures included in the RDEIR. In addition, the RDEIR evaluated a reasonable range of alternatives to the proposed project, presented in Section 11.0. Therefore, while additional project alternatives may exist which would also mitigate these impacts, analysis of these additional alternatives is not required under CEQA.

G-2-480

This comment states that the proposed project would have impacts on views, land use, and biological resources.

The stated impacts would occur if the proposed project were approved, and these impacts have been addressed and mitigated to less than significant levels in the RDEIR. Impacts on views were addressed in RDEIR Sections 3.9.4.3 and 9.9.4.3, impacts related to land use and potential policy conflicts were addressed in Sections 3.6.6.2 and 9.6.6.2, and impacts related to biological resources were addressed in Sections 3.4.4.2 and 9.4.4.2.

G-2-481

The comment states that the project would construct residences within the area designated on County, Coastal Conservancy, and CCC maps for the coastal trail. Further, the comment states that realigning the coastal trail away from the coastal bluff area would not mitigate the impacts to this trail, as the trail's unique attribute is that it follows the coastline.

For a response to this comment, please see General Response 13.6.

G-2-482

Mitigation Measure Rec-1 (Alternative 1) does not improperly defer plan development for a coastal trail segment. Development of the trail segment is feasible, the only question relates to its exact location, and the resolution of that question requires coordination with adjacent projects. General Response 13.6 provides more information on this topic.

No specific performance standards are necessary for this mitigation measure – other than the joint approval by Parks and Recreation and Planning and Development departments. The text of the mitigation measure has been revised to clarify this point. The coastal trail is not being displaced by large mansions; General Response 13.6.6 discusses issues that affect the trail

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Section 15.0 Responses to Comments alignment. The proposed alignment for the trail is shown on the RDEIR in Figure 9.10-1 (insert). The issue of bluff top feasibility is addressed in General Response 13.6.6, and the potential alignment south of the highway requires coordination with other projects.

G-2-483

The comment states that the RDEIR fails to address effects on existing recreation, including the physical blocking of existing trails and restriction of the current year-round recreation on Naples Beach.

The commenter incorrectly characterizes the proposed beach closure as prohibiting current existing access. The closure proposed in the RDEIR is relative to the new trail that is proposed on SBR as part of the proposed project. The public does not presently have legal access across SBR to reach Naples beach. Existing access to Naples along the Gaviota coastline would remain unimpeded by the project.

G-2-484

The comment states that the proposed vertical coastal access is inconsistent with CLUP policy 7-18, which requires access at Dos Pueblos Canyon.

For a response to this comment, please see General Response 13.6.

G-2-485 and G-2-486

The comments state that the calculation of increased use of existing recreational facilities in the RDEIR is flawed because the calculation does not include the allowed RSUs among the total dwelling unit count, and because the assumption of 3.0 persons per household is an underestimate given the size of the proposed residences.

No residential second units (“RSUs”) are proposed as part of either the MOU Project or Alternative 1. As such, there are no impacts attributable to such units. Please see General Response 13.2.2.

G-2-487

The comment states that the stair structure will be the only structure visible in a currently pristine view of the bluffs, and then references other sections of the commenter’s letter. As this comment does not contain any specific concerns regarding the content of the RDEIR, no specific response is necessary. Responses to the referenced sections of the commenter’s letter can be found in the responses to comments G-2-420 through G-2-470, and G-2-580 through G-2-588.

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G-2-488

The comment states that the RDEIR and proposed CLUP Policy 2-31 should prohibit coastal access structures on the bluff if there are feasible alternatives that avoid bluff structures, and should prohibit more than one structure in the event that alternative access is not feasible (e.g., Dos Pueblos Canyon).

For a response to this comment please see General Response 13.6.

G-2-489

The comment states that there should be a minimum 150-foot buffer between the trail and proposed development envelopes to mitigate impacts to the trail users' recreational experience.

In nearly all locations, the proposed trail alignment is situated such that the buffer distance from the trail to the edge of the nearest development and landscaping envelope is substantial, and exceeds even the 150-foot distance proposed by the commenter. However, constraints occurring in specific locations along the trail route necessitate the use of a smaller buffer between the trail and development/landscaping envelopes. For the MOU Project, short segments of the proposed trail within lots 122 and 93 are the only locations in which the trail would be within 150 feet of a development envelope, and this would not affect the recreational experience of users of the trail.

G-2-490

The comment states that seasonal beach closure may be infeasible, and that the relocation of the proposed beach access to Dos Pueblos Canyon would better mitigate impacts of additional recreational use on the beach.

The proposed mitigation measure requiring seasonal closure of the proposed beach access is feasible. A response to the portion of this comment dealing with relocating the proposed beach access to Dos Pueblos Canyon can be found in General Response 13.6.

G-2-491

This comment notes that the RDEIR does not follow LCP policies 10-1, 10-2 and 10-3 requiring avoidance of archaeological resources where feasible. Please see General Responses Sections 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4, Indirect Impacts and Avoidance.

G-2-492

Please see General Responses Section 13.3.6, SB-18 and Ethnic Concerns.

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The comment related to access to DEIR appendices is not related to the adequacy of the RDEIR, therefore no response is necessary.

G-2-494

The mention of Phase II studies is a reference to significance testing at SBA-79 by Haley et al. (1979). Please see General Response 13.3.1.2.2 SBA-78 and -79.

G-2-495

Please see General Responses Sections 13.3.1 Cultural Resources for a discussion of Adequacy of Resource Identification and Evaluation, 13.3.1.2 Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, and 13.3.2 Archaeological Resources for a discussion of additional supplemental archaeological surveys conducted by URS.

G-2-496

The comment incorrectly states that Carbone did not survey the DPR property. In addition, intensive survey of SBA-78 and -79 by King and Gamble (1979) now has been reviewed. Please see General Responses Sections 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, 13.3.2 Archaeological Resources – Efforts to Avoid Impacts, and 13.3.7 The Issue of Deferred Phase II Significance Testing.

G-2-497

This comment states that the RDEIR needs Phase I and Phase II studies on Dos Pueblos Ranch. Please see response to comment G-2-496. The comment also states that Phase III mitigation would be needed if Phase II studies identified significant resources that could not be avoided; statement is consistent with the RDEIR Sections 3.11.3.3 (MOU Project) and 9.11.3.3 (Alternative 1). However, the comment incorrectly states that Phase III studies would be part of the RDEIR baseline. Instead, Phase III studies are mitigations that would be implemented only after approval of the FEIR. The comment also states that Phase II must be conducted as part of the EIR process. Please see General Responses Section 13.3.7 The Issue of Deferred Phase II Significance Testing.

G-2-498

The comment reiterates that Phase II testing and NAHC consultation need to be conducted as part of the EIR process. Please see General Responses Sections 13.3.7 The Issue of Deferred Phase II Significance Testing, and 13.3.6 SB-18 and Ethnic Concerns.

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G-2-499

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This comment states that resources must be evaluated against criteria noted in the RDEIR. Please see General Responses Sections 13.3.1.2 Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144 and 13.3.7 The Issue of Deferred Phase II Significance Testing.

G-2-500 and G-2-501

The comment incorrectly states that archaeological sites are not defined by the spatial distribution of artifacts but by their landscape setting. While it is true that the setting of an archaeological site may contribute to its significance, the comment is not really referring to the landscape or the setting. Instead it is referring to a relatively small area that represents neither the site's setting nor its landscape. The area in question was mapped within the site based on surface survey. More recent subsurface testing suggests the area lacks artifacts, which is consistent with historical evidence that much of the site fell into the ocean as a result of the 1925 earthquake that leveled most of the City of Santa Barbara. Despite the apparent lack of artifacts in this area, all construction-related ground disturbances would be monitored by professional archaeologists and Native American monitors to ensure that any unanticipated discovery of significant archaeological materials is identified and properly treated by avoidance or data recovery.

The setting of these sites is the coastal bluff flanking a perennial stream, and much of the original setting has been modified by grading and construction associated with orchards, paved and unpaved roads, water and irrigation lines, power poles, residential development, railroad tracks, railroad trestle, and other modern developments.

However, it is recognized that to local Native Americans, the entire Gaviota coast is considered sacred, particularly areas within and surrounding village sites and cemeteries, regardless of the location of artifacts.

G-2-502

To address the potential impact on the historic landscape, please see General Responses Section 13.3.1.1. The commenter is incorrect in their statement that the DPR Headquarters will be directly impacted.

Photographs of the historic components are provided in the Nye (2005) report found in Confidential Appendix F of the FEIR. Additional photographs are also found in the historic landscape study (EDAW 2008) that is also included in Appendix F of the FEIR.

G-2-503 and G-2-504

A new historic landscape study (EDAW, 2008) has been prepared in response to OHP comment. Please see FEIR Appendix F and General Responses Section 13.3.1.1.1 Determination of a Rural/Historical Landscape. The comment indicates that mitigation of

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Section 15.0 Responses to Comments significant sites “must” be coordinated through the OHP. The OHP assists agencies develop mitigations that minimize or mitigate project effects. The comment notes that there are historic road segments that would be affected under Alternative 1, which is consistent with the RDEIR. However, these impacts are not considered significant; see FEIR sections 3.11.3.2 and 9.11.3.2.

Also see response to comments G-2-502.

G-2-505

The original Naples structures were demolished between 1918 and 1925, with the exception of the Naples Railroad Water Tower and Langtry Avenue. Therefore, there are no structural elements that would be affected by proposed homes. Moreover, the project no longer proposes construction within Lot DP-17 where the Town was once located; see RDEIR Figure 2.3-1A. RDEIR Sections 9.11.3.2 and 9.11.3.3 have been revised accordingly.

G-2-506

Please see General Response Sections 13.3.1.2 Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, 13.3.2 Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4 Indirect Impact and Avoidance.

G-2-507

DP-13 is located approximately 500 feet west of the DPR Headquarters Complex and the two locations are separated by a 300-foot wide grove of trees that would screen the two locations (EDAW 2008: 24). Thus proposed construction within DP-13 would have no affect on the Headquarters Complex; see FEIR Appendix F, EDAW 2008: 24. RDEIR Sections 9.11.3.2 and 9.11.3.3 have been revised accordingly.

The comment states that Phase I and II studies must be conducted during the public review process. Please see General Response 13.3.1 Adequacy of Resource Identification and Evaluation.

G-2-508

Please see General Responses 3.3.1, Adequacy of Resource Identification and Evaluation; 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4 Indirect Impacts and Avoidance. RDEIR Sections 3.11.3.1 and 9.11.3.1; 3.11.3.2 and 9.11.3.2; and 3.11.3.3 and 9.11.3.3 of the MOU Project and Alternative 1 respectively, have been revised to accurately and comprehensively address baseline conditions, impacts, and mitigations.

G-2-509

The RDEIR was incorrect in stating that there will be impacts in DP-17 to the Town site. Original project designs have been modified and now no construction is proposed in DP-17; see

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RDEIR Figure 8.3-1A. RDEIR Sections 3.11.3.2 and 9.11.3.2; 3.11.3.3 and 9.11.3.3 of the MOU Project and Alternative 1 respectively, have been revised.

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The comment indicates that the Town site is not contained within DP-17 and would be affected by numerous lots south of the railroad. However, the buildings and structures associated with the Town were located in DP-17 and the Town had no physical manifestations in other lots where construction is proposed. See RDEIR Appendix F, Nye 2005: Appendix 2, Area Map 5; Appendix 4, map entitled Naples, 1903.

G-2-510

Please see responses to comments G-2-505 and G-2-509. The existing open and rural character of the area in question has been determined to be a rural historic landscape that would not be affected by the project; see FEIR Appendix F, EDAW 2008: 24. RDEIR Sections 3.11.3.2 and 9.11.3.2; 3.11.3.3 and 9.11.3.3 of the MOU Project and Alternative 1 respectively, have been revised accordingly.

G-2-511

Please see General Responses 13.3.1.2 Archaeological Resources Identification and Evaluation; 13.3.2 Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4 Indirect Impacts and Avoidance.

G-2-512

The comment incorrectly states that potential impacts from road construction along the west side of Lot 12 were not considered in the RDEIR. The road would not impinge on cultural resources but the residential development would impinge on an area that was once within the boundaries of SBA-77. Subsurface testing failed to locate any artifacts in the area that would be affected by construction in Lot 12. Despite the apparent lack of artifacts in this area, all construction-related ground disturbances would be monitored by professional archaeologists and Native American monitors to ensure that any unanticipated discovery of significant archaeological materials is identified and properly treated by avoidance or data recovery. See response to comment G-2-500.

G-2-513

The comment states that avoiding the coastal bluffs would reduce impacts to cultural resources. The comment does not raise any issues with the RDEIR.

G-2-514

In response to recent recommendations on how to further reduce impacts (see General Response Sections 13.3.2 Archaeological Resources – Efforts to Avoid Impacts, and 13.3.4 Indirect Impacts and Avoidance), the Alternative 1 description in Section 8.0 and RDEIR

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Section 15.0 Responses to Comments Sections 3.11.3.2, 3.11.3.3, 9.11.3.2, and 9.11.3.3 has been revised. Collectively, these changes and revisions will greatly reduce direct and indirect impacts to SBA-77, -78, and -79 and will permanently include more than 90 percent of the site areas either in the proposed Agricultural Conservation Easement or in the proposed Open Space Conservation Easement. While recognizing that development in the region has resulted in a significant cumulative loss of archaeological and cultural resources, the changes and revisions noted above are such that the project's contribution to the cumulative impact is less than considerable.

G-2-515

The comment states that the ECD letter comments to follow apply to both Sections 3.12 (MOU Project), and 9.12 (Alternative 1) Traffic and Circulation discussion of the RDEIR.

G-2-516

The comment introduces no new information; see response to comment G-2-25. Additionally, the commenter's requests that the County reexamine the classification of Highway 101 is a policy issue outside the scope of the RDEIR. The commenter's opinion is included in the public record before decision-makers.

G-2-517

The commenter states that neither the Policy Consistency discussion Sections 4.0 (MOU Project) nor 10.0 (Alternative 1) include Comprehensive Plan Circulation Element consistency analysis as stated in Sections 3.12.2.3.1 (MOU Project) and 9.12.2.3.1 (Alternative 1).

Applicable circulation element policies from the Comprehensive Plan Circulation Element are:

- (A) The roadway classifications, intersection levels of service, and capacity levels adopted in this Element shall apply to all roadways and intersections within the unincorporated area of the County...

- (E) A determination of project consistency with the standards and policies of this Element shall constitute a determination of project consistency with the Land Use Element's Land Use Development Policy #4 with regard to roadway and intersection capacity.

The project demonstrates consistency with Policy (A) in Impact Traffic-1 (sections 3.12.3.2.2 and 9.12.3.2.2 of the RDEIR). As described, the project would not contribute traffic amounts exceeding ADT thresholds for Highway 101 and roadways, and would abide with roadway and intersection standards. The RDEIR addresses consistency analysis with policy (E) in sections 4.7 and 10.7, which demonstrate the project's consistency with this policy.

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G-2-518

The RDEIR trip generation rates need not include traffic generation analysis for potential future uses such as RSUs, employee dwelling units, and guest houses. These uses are not proposed as part of the project being analyzed.

See response to comment S-11-2.

G-2-519

The Noise impacts methodology is described in Sections 3.13.1 (MOU Project) and 9.13.1 (Alternative 1) which states that R measurements were made to capture the noise level from a close-range passby of a train on the Union Pacific Railroad (UPRR) track. The commenter has compared a single L_{max} at location R-1 of 84 dBA “peak rating” to the County’s “24-hour average noise levels” 65 dBA exterior residential significance criteria.

The RDEIR discusses and analyzes impacts of the site’s transportation-related noise in Sections 3.13.3.2 (MOU Project), and 9.13.3.2 (Alternative 1), which includes aircraft overflights, traffic on Highway 101, and trains on the Union Pacific Railroad track. The only significant noise impacts relate to construction activities, which are mitigated to a finding of short-term, but significant and feasibly mitigated (Class II) with measures Noise-1, Noise-2, and Noise-3.

G-2-520

This comment notes that the subsequent comments G-2-521 through G-2-528 apply to the MOU Project and Alternative 1. No further response is necessary.

G-2-521

This comment has been previously addressed in response to comment G-2-26.

G-2-522

This comment states that the RDEIR does not adequately analyze the project’s contributions to greenhouse gas emissions, where the RDEIR should analyze the project’s contributions related to methane (e.g., from WWTPs) and carbon dioxide via energy consumption (e.g., auto trips, lift stations, WWTPs). Methane generation results from anaerobic processes. As detailed in the response to comment L-9-3, the project’s proposed sewage treatment plants are aerobic systems that would result in negligible methane generation. Impact AQ-7 (sections 3.14.2.3 and 9.14.2.3 of the RDEIR) provides estimated greenhouse gas contributions using URBEMIS2002 Version 8.7 modeling, which analyzes the project’s direct and indirect greenhouse gas emission contributions, including those mentioned in the comment. Additionally, this comment cites CEQA Guidelines 15126.2(a) regarding consideration and discussion of significant environmental impacts, which has been demonstrated for this topic area in the above-referenced

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Section 15.0 RDEIR sections. This comment also cites *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004), which is not applicable to this topic area.
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G-2-523

This comment states that “any new emissions must be considered significant,” and that the RDEIR must identify the project-specific and cumulative greenhouse gas emission from the project as a significant effect. Response to comment G-1-38 provides a summary of mitigation measures that the project would implement to reduce the project’s contribution to greenhouse gases. The project’s implementation of these measures would result in less than significant incremental contributions to greenhouses gases.

This comment also states that the lack of established thresholds does not negate this requirement, and adds a statement from the Attorney General that “even if there is no established threshold I law or regulation, lead agencies are obligated by CEQA to determine significance. Neither CEQA nor the regulations authorize reliance on the lack of an agency-adopted standard as the basis for determining that a project’s potential cumulative impact is not significant.” The RDEIR addresses the lack of thresholds pertaining to GHG in sections 3.16.2.1 (MOU Project) and 9.16.2.1 (Alternative 1) stating that “until specific thresholds or guidelines are available, the emphasis in reporting and evaluating GHG emissions is on estimating inventories of GHG and their proportional contribution to such emissions in California...” Furthermore, the RDEIR discussion continues with “[t]he difficulty of assigning a specific impact threshold for an individual project does not diminish the importance of global climate change, or the need to consider and implement feasible measures to minimize GHG emissions wherever possible.” Following this discussion in the document, the RDEIR addresses project impacts and mitigation measures in sections 3.16.2.3 and 9.16.2.3, which demonstrate the project’s adherence to these statements.

G-2-524

This comment states that the RDEIR must disclose specific impacts of adding to global climate change. This issue has been addressed in the response to comment G-1-38.

G-2-525

This comment states that the EIR must contain a detailed statement of all significant effects on the environment of the proposed project, and must analyze and disclose any irreversible effects. As consistent with §21100, the RDEIR provides a detailed statement of environmental impacts, including significant effects of the project in Table ES-1 and Sections 5.3 and 10.3 of the RDEIR, and addresses irreversible effects in Section 5.4 of the RDEIR.

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G-2-526

This comment states that the RDEIR must analyze the potential effects of increased climate change on the project. Potential effects of increased climate change on the project have been addressed in response to comment G-1-38.

G-2-527

The project's contribution to global climate change has been addressed in response to comment G-2-523.

G-2-528

This commenter states that the RDEIR identifies GHG reduction measures that the Attorney General considered were "feasible mitigation," in a lawsuit with the County of San Bernardino's General Plan Update EIR, and is concerned that the project implements few of these GHG reduction measures. The proposed project is a residential development, in comparison to the County of San Bernardino's General Plan Update EIR project. As a result, the RDEIR proposes mitigation measures from the Attorney General's list that are relevant and feasible to residential development projects.

G-2-529

This comment notes that comments to follow also apply to Section 3.15 unless otherwise specified.

G-2-530

The comment claims that the RDEIR fails to include NPD-permitted uses, RSUs, and in some cases guest houses within the public services impacts analysis.

The RDEIR discusses the project impacts identified in Tables 2.3-1 MOU Project Lot Details, and 8.3-1 Alternative 1 Lot Details in the Public Services impact analysis Sections 3.15.3.2 (MOU Project) and 9.15.3.2 (Alternative 1), Project Impacts. Alternative 1 would generate approximately 217 to 330, or 163 to 250 under the MOU, new residents in the area. Please see response to comment G-8-44.

G-2-531

The comment claims the fire protection services are inadequate, resulting in significant project and cumulative impacts. The RDEIR discusses fire protection policy within the Public Services in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, which states that the project impacts are potentially significant but feasibly mitigated (Class II), and cumulative impacts are adverse but less than significant (Class III).

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Section 15.0 Responses to Comments RDEIR Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, states there are no emergency response standards for rural areas within Santa Barbara County. Additionally, Fire Protection (Impact PS-5), states there would be a short-term impact on fire protection services until the new fire station is operational; see response to comment G-2-169 above. This impact is considered potentially significant but feasibly mitigated (Class II).

G-2-532

The comment claims the RDEIR fire protection mitigation measure PS-2, as proposed includes no assurance of implementation. The RDEIR in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1), Fire Protection, has been updated to reflect the Calle Real location of Fire Station 10 as shown on Figures 3.15-2 (MOU Project) and 9.15-2 (Alternative 1), along with other potential sites.

The comment claims SP-5 and SP-11 are both Class I impacts. See response to comments G-2-531 and L-4-2.

G-2-533

The comment claims short-term fire protection fails to adequately mitigate because PS-3 is deferred and effectiveness cannot be ensured. Additionally, the RDEIR description lacks operations, terms, location, size, performance standards, staff, and equipment for the short-term fire station.

The RDEIR discusses Public Services Impacts PS-2 and PS-3 (sections 3.15.3.4 and 9.15.3.4), which consider short-term and long-term fire protection, as well as implementation of a Fire Management Plan (as described in Impact PS-5 in sections 3.15.3.2 and 9.15.3.2), which prescribes fire protection strategies consistent with Santa Barbara County Fire Department guidelines. Implementation of the above measures would reduce the project's fire hazards to a less than significant level.

Also see response to comment G-2-169.

G-2-534

The comment provided no new information. Please see response to comment G-2-169 for full discussion of temp-fire station impacts.

G-2-535

Under Alternative 1, the proposed site populations included are either guest houses or RSUs; therefore, the impacts of SP-5 are correctly analyzed.

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G-2-536

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The RDEIR's Public Services Section 9.15.3.2 Alternative 1 Impacts, Alternative 1 population estimates include 72 proposed single-family residential units. Please see response to comment G-2-535.

The commenter incorrectly assumes a generation factor of 0.11 for schools impacts, claiming a significant Class I impact. The commenter is also incorrect relative to residential second units; none are proposed as part of the project.

The RDEIR discusses the generations factors used for determining the student population in Section 9.15.1.1.3 Schools. GUSD's generation factor, which is the predicted number of students generated by anticipated development within the Goleta area, is 0.273 for single family detached units (Pachter, 2005). The SBHSD generation factor is 0.05 per SFD unit for grades 7-8 and 0.11 per SFD unit for grades 9-12 (Sage Institute, 2003). The impacts to local schools would be considered potentially significant but feasibly mitigated (Class II).

G-2-537

The commenter states that the RDEIR's analysis of water treatment and supply impacts is incomplete and inadequate. The comment states six factors for inadequacy which are addressed under separate headings in this response:

- Bypass flows related to the Dos Pueblos Creek water diversion project:
 - The water supply figures for the MOU Project do not assume the availability of water from Dos Pueblos Creek to serve new domestic or landscaping demands.
 - Under the existing License, at a minimum, any flows exceeding 3.75 cfs from October 31 to May 1 or 1.75 cfs at any other time of the year bypass the diversion point and flow through the Creek. If storage is full or water is not needed for permitted uses, then diversion rates are reduced and additional flows may flow through the Creek.
- Reduced SWP deliveries due to the impacts of drought or climate change:
 - Drought – Please see response to comment G-2-213 for a detailed analysis of NWC's ability to serve the MOU Project in the event SWP deliveries are impacted by drought.
 - Climate Change – DWR's recently released *2007 Draft Reliability Report* provides the most current information regarding DWR's estimate of how climate change may affect its ability to provide SWP water. The *Draft Reliability Report* provides estimates of SWP deliveries under future (2027) conditions which incorporate four modified scenarios of climate change. The *2007 Draft Reliability Report's* findings regarding the impacts of climate change on SWP deliveries are as follows:

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- Long-term average – between 66 and 69 percent of SWP (more than the 63 percent DWR estimates in the *2007 Draft Reliability Report* that it can provide under current conditions)
- Single dry year – 7 percent (more than the 6 percent DWR estimates in the *2007 Draft Reliability Report* that it can provide under current conditions)
- 2-year drought – 26 to 27 percent (less than the 34 percent DWR estimates in the *2007 Draft Reliability Report* that it can provide under current conditions)
- 4-year drought – 32 to 37 percent (less than the 35 percent DWR estimates it can provide under current conditions in the *2007 Draft Reliability Report*)
- 6-year drought – 33 to 35 percent (less than the 35 percent DWR estimates it can provide under current conditions in the *2007 Draft Reliability Report*)

Therefore, even assuming the worst case scenario of DWR's latest estimates of the impact of climate change on SWP deliveries, SWP would be able to deliver 32 percent of its water in a multiple-year drought and between 26 percent and 27 percent in a two-year drought. As discussed in response to comment G-2-213, even with SWP deliveries as low as 26 percent, the demands of the MOU Project, or even the higher demands of Alternative 1, could be met.

- Reduced surface runoff into the reservoir during droughts:
 - The Lake Reservoir will receive some water from rainfall as well as runoff from the Lake Reservoir watershed. In extremely dry years (representing a one in 50-year occurrence), this will add approximately 30 AFY to the Lake Reservoir. However, that water source is not included in the calculations of water sources available to supply the MOU Project or Alternative 1.
 - Guest houses. The estimated water demand accommodates for the proposed guest houses. The MOU Project's domestic water use is estimated at 300 gallons of water per day per residence, which equates to approximately 0.33 AFY per residence. On average, the ornamental landscaping for each residence is estimated to use an additional 0.8 AFY. This combines for what is known as a "water duty factor" of 1.13 AFY. This is an extremely conservative estimate of water demand, as demonstrated by the County's Environmental Thresholds and Guidelines Manual, which sets forth a water duty factor of just 0.70 AFY for a single dwelling unit on one acre in the Goleta Valley. (*See* page 119 of the County's Manual.) Accordingly, under the County's standards, the MOU Project's water duty factor is high enough to accommodate one dwelling unit, the ornamental irrigation of, on average, one acre, and still allow for the consumption of up to 0.43 AFY of water by the occupants of a guest house.
 - Residential second units. No secondary units are proposed for the MOU Project. Accordingly, the RDEIR was not required to discuss or analyze Residential Second Units as part of the Project. However, if a Residential Second Unit was proposed for

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any of the lots, by law, a Residential Second Unit and a guest house could not exist on the same lot. (Development Code section 35.42.230.) As discussed with reference to guest houses, the MOU Project’s “water duty factor” already includes the water demand of guest houses. Therefore, to the extent that a Residential Second Unit was proposed for a lot, it would take the place of a guest house and so the water demand would equal that estimated for the MOU Project, which already considers the water demands of guest houses

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-538

The commenter refers to the total water demand for Alternative 1 during normal and drought conditions and whether this impact agricultural operations. Alternative 1 proposes to construct 72 additional single family residences and allow for landscaping on pads that average approximately one acre in size. Domestic water use is estimated at 300 gallons of water per day per residence, which equates to approximately 0.33 AFY per residence. On average ornamental landscaping consumes an addition 0.8 AFY per irrigated acre.

The combined domestic and landscaping water demand for Alternative 1 is approximately 81.8 AFY in a normal year. Though the implementation of conservation measures in drought years will reduce this demand, the analysis has assumed that water demand remains at normal year levels in order to provide a conservative estimate of the ability for NWC to supply the domestic and landscaping water demands of Alternative 1. Please see response to comment G-2-213 for a discuss of NWC’s ability to meet Alternative 1’s 81.8 AFY water demand during dry and multiple-dry years.

The domestic and landscaping water demands of Alternative 1 during drought years will have no impact on agricultural operations. Ongoing agricultural operations on the Alternative 1 site will continue to be served by licensed withdrawals from Dos Pueblos Creek. Alternative 1 does not involve any change in the ongoing agricultural use on land adjacent to the residential development

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further response is necessary.

G-2-539

The commenter states that the Project Applicants’ Water Supply Analysis states that DPR’s agricultural water demand is 713 AFY during dry years. The creek diversion can only yield 322 during very dry years and this does not account for expected state and federal agency requirements to protect in-stream resources. Accordingly, commenter states that the yield from Dos Pueblos Creek will likely be less than stated in the RDEIR.

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Section 15.0 The water supply figures for the MOU Project do not assume the availability of water from Dos Pueblos Creek to serve new domestic or landscaping demands.
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Neither the MOU Project or Alternative 1 will result in an increase in the withdrawal of water from Dos Pueblos Creek beyond current conditions. Existing licensed withdrawals from the Creek for agricultural uses are part of the environmental baseline of the MOU Project. No state or federal agency requirements related to in-stream resources are triggered by the MOU Project because neither the MOU Project or Alternative 1 will reduce surface water available to support biological resources

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-540

The comment concludes the RDEIR water supply analysis is inadequately, proceeds to reassess water supply figures during drought years. The RDEIR does not adequately explain how, during dry and very dry years, there will be enough water for the existing and proposed agricultural uses (totaling 713 AFY in dry years under the Project Applicant’s Water Supply Analysis) and existing and proposed residential uses. Water shortfall in these years “could have devastating effects on endangered and threatened species and agricultural operations in the proposed ACE.”

Please see responses to comments G-2-213, G-2-537 and G-2-538 for an analysis of the ability to serve the MOU Project with water in dry and multiple-dry years. Agricultural uses that receive water from licensed withdrawals from Dos Pueblos Creek will continue to be served by Dos Pueblos in the same manner they are served now.

Please note that because no water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development under Alternative 1, neither the MOU Project nor Alternative 1 will affect the any endangered or threatened species or agricultural operations in the proposed ACE.

The RDEIR discusses water supply in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1) Water Treatment and Supply. The NWC has contracted to the State Water Project to receive up to 200 acre feet per year (AFY) of raw (untreated) water. An additional 20 AFY is available as “drought buffer,” for a total SWP allocation of 220 AFY. Project’s potential impacts to groundwater resources and to downstream water users are considered adverse but less than significant (Class III). Please see, Table 13.1 Summary of Estimates for Surface Water Availability, for a complete discussion of Water Supply.

G-2-541

The commenter states that the RDEIR contains inconsistent estimates of water demand for Alternative 1. The commenter concludes that the total demand of Alternative 1 is 140 AFY with

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82 AFY of that demand for new domestic and landscaping uses, but the description of Alternative 1 states that there is a existing demand of 100 AFY for agriculture

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The RDEIR estimates of water demand for Alternative 1 are not inconsistent. The 140 AFY is the estimated water demand for the uses that would be supplied by NWC. The 100 AFY water demand for existing agriculture reported in the RDEIR (which is actually more likely approximately 500 to 600 AFY) is an estimate of the Dos Pueblos Creek water currently used for the ongoing agricultural operations on Dos Pueblos Ranch, which historically have been served by diversions from Dos Pueblos Creek and will be continued to be served by such diversions. The on-going agricultural demand estimate is not included in the 140 AFY demand figure because it will not be served by the NWC and, therefore, is not part of the NWC water demand. In addition, since the estimate relates to existing ongoing agricultural operations that are not changing as a result of the MOU Project or Alternative 1, it is not part of any increased water demand as a result of the MOU Project or Alternative 1.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-542

The comment claims the RDEIR fails to consistently discuss water supply analysis for drought years inconsistent 80 percent in Sections 3.15 (MOU Project) and 9.15 (Alternative 1), Public Services (page 9), while Sections 3.16 (MOU Project) and 9.16 (Alternative 1), Global Climate Change states the delivery ranges from 50 percent to 80 percent.

The RDEIR's water supply analysis assumed that SWP is 80 percent reliable on average but the Climate Change section of the RDEIR reports that SWP will be 50 to 80 percent reliable. Further, in 10 percent of the years the SWP will deliver less than 30 percent of the NWC's supply.

The RDEIR's climate change section does include an estimate of the effect of climate change on the reliability of SWP water which concludes that SWP will be between 50 to 80 percent reliable. That estimate has been updated in response to comment G-2-537 with the estimates of the potential impact of climate change on SWP reliability contained in DWR's 2007 *Draft Reliability Report*. As set forth in response to comment G-2-537, under these updated estimates of the impact of climate change on SWP reliability, the water demands of the MOU Project and Alternative 1 can be adequately served even in years when SWP deliveries are either extremely low or non-existent. Accordingly, the RDEIR's conclusion that there are sufficient water supplies to meet the demands of the MOU Project and the alternatives, even if SWP water deliveries are impacted by climate change, remains correct.

The 80 percent reliability factor is based on CCWA's estimate of reliability on a year-in and year-out basis. Based on information obtained from CCWA, during dry years when availability of SWP is less than CCWA participants' demand, stored drought buffer water (and stored entitlement water) can be used to augment SWP deliveries. CCWA estimates that on a long-term

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average basis, this results in the equivalent of 80 percent delivery of full annual entitlement year in and year out. The 80 percent figure has been adjusted to 70 percent based on the information in the latest *DWR Draft Reliability Report*. It is important to note that these percentages relate only to the SWP water component of the CCWA water supply. However, CCWA reports that it has the ability to meet virtually 100 percent of the NWC water entitlement annually based on existing participant demand and the availability of water from other sources.

G-2-543

The comment claims 2002 Michael F. Hoover Report (*Hoover Report*) recommends shutting down use of the four horizontal wells during four months of the year, thus reducing the source output to 318 AFY and 180 AFY during normal and drought years accordingly.

The RDEIR discusses the horizontal wells estimates within Sections 3.3.1.1.5 (MOU Project), and 9.3.1.1.5 (Alternative 1) Groundwater Conditions. Evaluation of the water supplies within the Project area (Hoover, 2002; Penfield & Smith, 1984) provides some information on groundwater yields from four horizontal wells developed on U.S. Forest Service lands by Signal Oil/DPR in the 1940's. The flows from the horizontal wells discharge to Dos Pueblos Creek; their gallons per minute (gpm) and acre-feet per year (AFY) estimated yields range from 296 gpm and 477 AFY for a normal precipitation year down to 164 gpm and 264 AFY for a severe drought year.

The RDEIR's analysis of the water supply available from Dos Pueblos Creek is overstated based on assumptions regarding the continual operation of horizontal wells, and lack of discussion of possible overdrafting and evapotranspiration.

The water supply analysis for the MOU Project and Alternative 1 does not assume the availability of water from Dos Pueblos Creek to serve new domestic or landscaping demands.

No water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development under Alternative 1. The RDEIR and the Project Applicants' Water Supply Analysis includes information regarding the existing withdrawals of water from Dos Pueblos Creek for ongoing agricultural operations that will continue to occur on the land adjacent to and in the vicinity of the proposed new residential development.

G-2-544

The commenter states that the RDEIR fails to notes that best practice suggests that the horizontal wells should not be operated year round. Please refer to the response to comment G-2-543. As no new water will be diverted from Dos Pueblos Creek for the MOU Project or Alternative 1, operation of the horizontal wells is not relevant to the discussion of impacts in the RDEIR. The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

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G-2-545

The commenter states that the RDEIR fails to describe whether all of the water from the horizontal wells reaches the point of diversion or whether some recharges to local aquifers. Please refer to the response to comment G-2-543. As no new water will be diverted from Dos Pueblos Creek for the MOU Project or Alternative 1, operation of the horizontal wells is not relevant to the discussion of impacts in the RDEIR. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further response is necessary.

G-2-546

The commenter states that the RDEIR should be revised to analyze the impacts of water diversions from Dos Pueblos Creek on endangered and threatened species included steelhead.

No water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development under Alternative 1. The RDEIR and the Project Applicants' Water Supply Analysis includes information regarding the existing withdrawals of water from Dos Pueblos Creek for ongoing agricultural operations that will continue to occur on the land adjacent to and in the vicinity of the proposed new residential development. Existing licensed withdrawals from Dos Pueblos Creek are part of the baseline of the MOU Project and these ongoing withdrawals are therefore not an impact of the MOU Project or Alternative 1.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-547

The commenter states that to comply with the "public trust doctrine, ESA and CESA" the RDEIR should document the Dos Pueblos Creek water supply and its capacity to deliver water needed for the Project in normal and drought years (responses to comments G-2-547, G-2-548)

- The water supply figures for the MOU Project do not assume the availability of water from Dos Pueblos Creek to serve new domestic or landscaping demands.
- Neither the MOU Project, nor any of the project alternatives, including Alternative 1, will result in an increase in the withdrawal of water from Dos Pueblos Creek beyond current conditions.
- The RDEIR and the Project Applicants' Water Supply Analysis includes information regarding the existing withdrawals of water from Dos Pueblos Creek because these withdrawals will continue to serve agricultural uses on and in the vicinity of the MOU Project site and therefore form part of the baseline of water usage at the site.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

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The commenter states that the analysis of water supply in the RDEIR fails to take sufficient account for the extent to which water availability will be reduced in drought years and that the RDEIR should provide expert estimates of the extent to which Dos Pueblos Creek flows may be reduced in extreme drought years. Please refer to the responses to comments G-2-540 and G-2-547. Neither the MOU Project, nor any of the project alternatives, including Alternative 1, will result in an increase in the withdrawal of water from Dos Pueblos Creek beyond current conditions. The assessment of water supply for both the MOU Project and Alternative 1 takes into account the impacts to water supply of severe drought conditions.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-549

The commenter states that the Table A allocations to the County should be considered “paper water” which varies in reliability from 39 to 100 percent. The commenter further states that SWP deliveries are likely to be substantially restricted during future droughts. The comment cites SWP delivery data from the Santa Barbara County Flood Control and Water Conservation District (SBC FC and WCD).

Please see responses to comments G-2-213 and G-2-537 for a discussion of the reliability of SWP under the most recent DWR estimates included in DWR’s *2007 Draft Reliability Report* and an analysis of how the water demands of the MOU Project and project alternatives can be adequately served in years when SWP deliveries are either low or non-existent.

SBC FC and WCD is not a water supplier to the Project or to NWC and data regarding its management of SWP is not indicative of CCWA’s management of its supplies or of NWC’s entitlements to SWP water.

The table included in the comment demonstrates that, over the nine year period presented, 78 percent of SWP water was available to the SBC FC and WCD. Per responses to comments G-2-213 and G-2-563, this is a SWP reliability number far in excess of what is required for CCWA to serve NWC with sufficient water to meet the demands of the MOU Project or Alternative 1. Further the table demonstrates that there is a regularly an unused balance of SWP water available to SBC FC and WCD.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-550

The commenter states that the RDEIR should be revised to reflect updated information regarding constraints on SWP deliveries as a result of restrictions on SWP pumping due to the

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Federal Court ruling imposing interim rules to protect delta smelt and to reflect the restrictions of an ongoing lawsuit by the California Sportfishing Protection Alliance Conservation Element's California Endangered Species Act lawsuit against DWR.

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The *2007 Draft Reliability Report* recently issued by DWR assumed the long-term continuation of the restrictions on SWP pumping imposed by the Federal Court's interim rulings for the protection of delta smelt. This Federal ruling is also consistent with the state court's actions in the California Sportfishing Protection Alliance lawsuit. Accordingly, the analysis of SWP reliability provided in response to comment G-2-213 already incorporates those restrictions in its assessment of SWP reliability.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-551

The commenter states that the reliance of the Naples project on water provided by the SWP is also compromised by a lawsuit presently being promulgated in state court (*Watershed enforcers, a project of the California Sport fishing Protection Alliance v. California Department of Resources, et al.*). Please refer to the response to G-2-213 and G-2-500. The analysis of SWP reliability provided in previous responses already incorporates the restrictions on SWP pumping imposed by the Federal Court's ruling.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-552

The commenter states that the RDEIR should be revised to reflect updated information regarding the impact of climate change on SWP reliability. Please see response to comment G-2-537 regarding the impact of climate change on SWP reliability.

G-2-553

The commenter states that the MOU Project's water duty factor of 1.13 AFY per unit (per the January 2, 2008 Planning Commission Briefing) is very high and asks to explain why it is so high despite the proposed water conservation measures.

The water duty factor is high and is intended to serve as a conservative estimate of water demand. The actual demand is likely to be considerably less, even without water conservation measures. The inclusion of water conservation measures would further reduce the demand. However, in order to test the conclusion that the increased water demand for the MOU Project and Alternative 1 can be met by NWC without the need to draw water from Dos Pueblos Creek, a generous water duty factor was selected based on a 300 gpd domestic usage and a 0.8 AFY landscape demand. If, as the RDEIR analysis shows, NWC can meet a water demand based on a

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Section 15.0 Responses to Comments high water duty factor, without diversions from Dos Pueblos Creek, the same will be true for lower demands.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-554

The commenter states that the RDEIR fails to define the limit on water treatment plant capacity. Please refer to Section 3.15.1.1.6 (MOU Project) and Section 9.15.1.1.6 (Alternative 1) which describe water treatment and supply. Water treatment and distribution are discussed in these sections in a general sense. The discussion provided is adequate to analyze the potential impact of the additional water supply and the requirement for additional water treatment. The specific design and capacity of the water treatment plant will be provided in the specifications to be provided to P&D to satisfy the requirements of the CDP and, if required, a MLUP. The water treatment facility must meet the requirements of the State of California Department of Health Services in regards to operator certification and treatment.

G-2-555

The commenter recommends the use of evapotranspiration controls to meter out landscape irrigation based on ambient conditions, in addition to the measures proposed in Mitigation Measure PS-11.

The use of evapotranspiration controls will be added to the list of potential water conservation measures that can be incorporated into the ornamental landscaping within the project site. No further response is necessary.

G-2-556

The commenter requests that the County provide the Water Management Plan for public review. The Water Management Plan can be obtained from the County.

G-2-557

The commenter states that the RDEIR states in Section 3.15.1.1.6, Water Treatment and Supply, that Dos Pueblos Creek water will be one of the primary sources of water for the MOU Project. The commenter also states that the County should require no increased diversions from Dos Pueblos Creek for domestic or agricultural uses consistent with Mitigation Measure PS-12. The commenter then states that PS-12 should also require metering of creek diversions and that the RDEIR should explain exactly how water diversion will serve as one of two primary water supplies when the RDEIR states that there will be no increased diversions for domestic use.

The RDEIR incorrectly states that Dos Pueblos Creek water will be a water source for the MOU Project. Consistent with the MOU Project as proposed and with Mitigation Measure PS-12, no

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water will be diverted from Dos Pueblos Creek for any MOU Project development or for any new residential development on either the MOU Project or Alternative 1.

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The existing withdrawals of water from Dos Pueblos Creek will continue to serve agricultural uses on and in the vicinity of the MOU Project site. In order to ensure that water diverted from Dos Pueblos Creek to serve agricultural uses is not used for domestic purposes, water meters will be installed in the Lake Reservoir to assure that Creek diversions to the Lake match amounts drawn for agricultural use.

Please see response to comment G-2-213. The MOU Project does not propose to use any diversions from Dos Pueblos Creek for any of the proposed residential development or any uses related to the proposed residential development. As a result, the MOU Project will not result in any increase in the total amount of water diverted from Dos Pueblos Creek, nor will it alter the current diversion rate, season or rate of diversion.

G-2-558

The commenter states that Alternative 1 exceeds the County's 196 ton per year project-specific solid waste impact threshold and is therefore a Class I Solid Waste/Public Services impact. The analysis provided in Impact PS-8 is based on the currently available information for the MOU Project. The commenter's assumption of increased habitation levels for the households in the Santa Barbara Ranch community is conjectural and not based on any information other than assumptions. The additional sources of solid waste are attributed to specious descriptions such as "large home sizes." Because the households in the Santa Barbara Ranch development are most likely to be used as second homes, they can be assumed to be inhabited only partially during the year and to actually generate less waste. This assumption was not used for the analysis of Impact in PS-8. Therefore, the assumption of solid waste generation being based on year-round habitation is conservative. The comment provides no additional information that will clarify the discussion of impacts in the RDEIR. No further response is needed.

G-2-559

The commenter states that the thresholds for determining a significant project specific solid waste impact also include a second threshold: generation of "5% or more of the expected average annual increase in County waste generation" as a significant impact. Please refer to the response to comment G-2-558. The analysis of impacts in PS-8 is adequate to address the generation of solid waste at the MOU Project. The comment provides no additional information that will clarify the discussion of impacts in the RDEIR. No further response is needed.

G-5-560

The commenter states that Mitigation Measure PS-8: Solid Waste Management Program defers identification of the specific measure or measures that will be implemented. Specific mitigation measures will be incorporated into the CUP or CDP issued to the project. The comment provides no additional information that will clarify the discussion of impacts in the RDEIR.

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The commenter states that the wastewater treatment plant will cause significant impacts. Please refer to response to comment G-2-154.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-562

The commenter states that for Alternative 1, Impact PS-2 notes that the use of septic systems for Dos Pueblos Ranch lots south of Highway 101 may cause ground surface and ocean water contamination. Please refer to response to comment G-2-234. Due to the large size of the lots, potential impacts to water quality from use of on-site septic systems are feasibly mitigated by proper design.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-563

The commenter states that Impact PS-2 and mitigation PS-4 fail to address the cumulative effects of the DPR lots combined with existing septic systems. Please refer to response to comments L-1-6, G-2-16 and G-2-242. Cumulative impacts of the use of septic systems within the project have been adequately addressed in the RDEIR.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-564

The commenter asks if soil and groundwater tests have been undertaken for the proposed DPR south septic systems. At the present time no testing of soil and groundwater has been conducted for the construction of septic systems in this portion of the project.

See response to comment L-1-6.

G-2-565

The commenter states that if the MOU Project cannot accommodate 16 inland septic systems, then it should be modified to delete all inland lots or rely on WWTPS. Please refer to response to comments G-2-16 and G-2-157. The RDEIR has identified the 16 inland dry wells as having a potentially significant impact and it incorporates a mitigation to minimize the use of dry wells within the project area.

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G-2-566

The commenter inaccurately characterizes the discussion of impacts to surface water and ocean water quality PS-2 impacts in Sections 3.15.3.2 (MOU Project) and 9.15.3.2 (Alternative 1). Water quality impacts are possible, due to the migration of contaminated groundwater to surface streams and to the ocean, particularly after rain events and during periods of high groundwater. The water quality impacts to humans associated with inadequately treated wastewater are well documented, and are discussed further in Sections 3.3 and 9.3, Hydrology and Water Quality. In light of these potential water quality impacts, the RWQCB recommends that the project avoid the use of individual septic systems and that all wastewater be conveyed to the proposed STP. As discussed above, use of the proposed STP systems would be required in order to avoid impacts to groundwater and surface water quality. Impacts to water quality as a result of the Alternative's wastewater disposal systems are considered potentially significant but feasibly mitigated (Class II).

G-2-567

The commenter states that sludge generation from the package wastewater treatment plants must be disposed of properly. Please refer to response to comment L-9-3. Specific requirements for sludge handling are incorporated into the response although the RDEIR does not specify the final configuration of the wastewater treatment plants. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-568

The RDEIR discusses the project's energy demands and supply in Sections 3.15.1.1.9 (MOU Project), and 9.15.1.1.9 (Alternative 1) Electrical and Gas Energy. Adequate surplus supplies exist to meet all demand from the MOU Project or Alternative 1. Both SCE and SoCal Gas confirmed sufficient capacity was available to provide service to the Alternative 1 site (Papurello, 2005; Moreno, 2005). Additionally, the County does not have a specific threshold of significance for addressing energy consumption. The Comprehensive Plan Energy Element, contains general objectives that require developments be phased so as not to exceed the service capacities of major public facilities and infrastructure. The additional energy demand represented by this alternative's scope is considered adverse but less than significant (Class III).

G-2-569

The commenter states that it will be difficult to hold private water and wastewater treatment plant operators accountable to the Coastal Act's resource protection policies during the life of the project. The commenter's assumption that privately owned and operated water and wastewater treatment plants are not subject to oversight and regulation is erroneous. The operation of the wastewater treatment plants will be regulated by the RWQCB water discharge requirements for the facility. Compliance with the WDR will require the facility to meet effluent limitations for the use of recycled or reclaimed water under Title 22 of the California Water

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Section 15.0 Code. Operators for both the water and wastewater treatment plants must be certified under
Responses to operator certification programs for the State of California. These requirements will be in place
Comments and fully enforceable during the full operational life of the water and wastewater treatment
facilities. As the comment does not provide any additional information to clarify the analysis of
impacts in the RDEIR, no further comment is necessary.

G-2-570

The commenter states that private water treatment plants can be growth inducing and therefore unaccountable to the Coastal Act's regulations limiting growth inducement. Please refer to response to comment G-2-554. The RDEIR addresses the needs of the Santa Barbara Ranch and the infrastructure of the proposed development. The RDEIR does not accommodate alternatives that would approve additional growth within the service area of the wastewater and water treatment plants. Additional development that would require expansion of the water and wastewater treatment plants would be addressed in further CEQA analyses applicable to an entirely new project. Therefore, the current RDEIR is compliant with the Coastal Act's policies limiting growth inducement.

G-2-571

See response to comment L-9-3.

G-2-572

The commenter states that private water supply and treatment may take the public's water supply away from important priority uses. The commenter then refers to increased water diversion from Dos Pueblos Creek, which would reduce the flow of water into the Coastal Zone. No increase in water diversion is proposed. This comment is conjectural and incorrect in that the project will not result in an increased water diversion from Dos Pueblos Creek. Please refer to response G-2-212.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary

G-2-573

The comment provides no new information. See response to comments G-2-569, G-2-570, G-2-572, and L-9-3.

G-2-574

The comment provides no new information. See response to comments G-2-27, G-2-168, G-2-169, G-2-531, G-2-532, and G-2-533.

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G-2-575

The comment expresses an opinion that is at variance with the conclusions in the RDEIR, but does not offer evidence to support its opinion. The comment is included in the public record for consideration by decision makers.

G-2-576

The comment references an earlier EIR for an adjacent project (Arco Dos Pueblos Golf Links) in claiming that proposed fire protection mitigation measures would not result in adequate response times, therefore resulting in cumulative significant impacts on fire protection services.

In 1993 when the Arco Dos Pueblos Golf Links project was proposed, the area was unincorporated County land. In 2002, the City of Goleta incorporated and has recently adopted a General Plan guiding future development. As noted in Section 9.15 of the RDEIR, applicable policies in the City of Goleta General Plan/Coastal Land Use Plan read as follows:

PF 3.2 New Fire Station in Western Goleta. [GP/CP] *The Santa Barbara County Fire department has determined that the most under-served area in Goleta is the extreme western portion near Winchester Canyon. In conjunction with the fire department, **the City shall provide a site consisting of approximately 2 acres of land for proposed new Fire Station 10** to serve the western area of the city, as shown on the map in Figure 8-1. The Santa Barbara County Fire Department will construct Fire Station 10 as soon as funding becomes available.*

PF 3.3 Impact Fees for Fire Protection Facilities/Equipment. [GP] *Construction of the new **Fire Station 10 shall be funded in part by revenues from an impact fee imposed on new development within the City, as well as upon development in the nearby unincorporated areas.** Such fees may also be imposed for upgrades of existing fire stations and for new fire apparatus.*

The County of Santa Barbara has included Fire Station 10 in its Capital Improvement Program. The provision of this fire station, using land provided by the City of Goleta and funding from developer impact fees, will serve to avoid the negative effects of the proposed project (as well as other development in the area) on fire protection services. It is possible however, that some residences within Alternative 1 would be completed and occupied before the new fire station is constructed. In this case, there would be a short-term impact on fire protection services until the new fire station is operational. This impact is considered potentially significant but feasibly mitigated (Class II).

G-2-577

Please see response to comments G-2-558 and G-2-559.

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The comment claims the Public Services impacts would be reduced following a reduction in the number of proposed residents.

As is discussed in the Project Objectives and in Section 11 of the RDEIR concerning the various Project Alternatives, the goal of the applicants is to develop a reduced density project in lieu of developing the Naples town site lots at their full density. The commenter's opinion on this matter will be included in the Final EIR and reviewed by the County's decision-makers for their consideration.

G-2-579

The commenter states that reducing the size of the development envelope will reduce the demand for public services. Reduction in lot size was not considered as part of the RDEIR in order to reduce the overall impact of the project. Smaller lot sizes would result in a greater number of developable lots within the project area and would actually significantly increase the need for public utilities and the potential impacts associated with this use. In addition, a higher concentration of development may result in additional diversion being required from Dos Pueblos Creek. The current project would not result in additional diversions from Dos Pueblos Creek. Please refer to response G-2-212. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-580

The comment claims the RDEIR must discuss inconsistencies between applicable General Plans and Regional plans per CEQA Guidelines 15215(b). Goes on to cite the following litigation:

- *de Bottari v City of Norco (1985)*
- *Lesher Communications Inc. v. City of Walnut Creek (1990)*
- *Citizens of Goleta Valley v. Board of Supervisors (1990)*

As noted in Sections 4.0 (MOU Project) and 10.0 (Alternative 1), the obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). Appendix G of the CEQA Guidelines also places emphasis on identifying conflicts between a proposed project and any applicable land use policy "...adopted for the purpose of avoiding or mitigating an environmental effect." This requirement is satisfied in Sections 3.6 and 9.6 (Land Use). The broader policy consistency analysis contained in Sections 4.0 and 10.0 addresses many other types of policy statements, and is furnished for information purposes only and is not considered part of the Revised Draft EIR (RDEIR). It is further noted that the County of Santa Barbara Board of Supervisors (BOS) is responsible for determining if the project is consistent with

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applicable plans and policies. As such, the assessment contained in Sections 4.0 and 10.0 is preliminary and subject to change prior to the time that the project is acted upon by the decision makers.

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G-2-581

This comment summarizes multiple comments that follow in the EDC letter regarding the project's consistency with applicable County plans and policies. Individual comments on the adequacy of the RDEIR regarding policy consistency are addressed in the response to comment G-2-397.

G-2-582 and G-2-583

These comments restate Section 10.6.2 content from the RDEIR, therefore no response is necessary.

G-2-584

The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-585

See response to comment G-14-10.

G-2-586

See response to comments G-2-86, G-2-88, G-2-89, G-2-643, G-2-729 and G-2-730.

G-2-587

See response to comments S-5-4, S-5-5, G-2-21, G-2-119 and G-8-284.

G-2-588

The comment claims the RDEIR policy inconsistencies can be resolved following the implementation of TDR. See response to comments T-L-2 and G-8-144, G-8-187 and General Response 13.1.1.

G-2-589

This opinion is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors. Also see response to comment G-2-721.

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An EIR must describe a reasonable range of alternatives. See response to comment G-8-47.

G-2-591

The RDEIR discussed the existing Grid Lot (Alternative 3A) development potential in Section 11.4.1.2, Table 11.4-1 Range of Developable Lots Under Alternative 3A – No Project, Grid Development between 114 and 125. Figure 11.4-1 shows the configuration of existing lots along with setbacks from coastal drainages and other features that would pose constraints to development in order to achieve consistency with coastal policies.

G-2-592

The comment claims the RDEIR fails to include partial TDR, a feasible alternative. The RDEIR Alternatives discussion includes analysis of TDR. See Section 11.1.2 and General Response 13.1.1 Feasibility Determination.

G-2-593

This comment incorrectly states that the NPD and LCP policies are proposed as part of the project. Additionally, this comment's concerns pertaining to the adequacy or consistency in NPD and LCP policies do not relate to the adequacy of the RDEIR. The project is consistent with LCP Policy 7-19, as discussed in detail in sections 4.12 and 10.12 of the RDEIR. The project would not result in significant impacts to coastal resources and ESHA, as discussed in response to comment G-1-6. Lastly, the commenter's opinion regarding an alternative trail location is included in the public record for consideration by decision-makers.

G-2-594

The comment disagrees with the RDEIR's finding that the proposed project would not result in any major planning issues with regard to access, recreation, and marine resources. The project's impacts with respect to access, recreation, and marine resources were evaluated in the RDEIR in Sections 3.10.3.2 or 9.10.3.2 and 3.4.3.4 or 9.4.3.4, respectively. The commenter's opinion on Chapter 3, Articles 2 and 3 of the California Coastal Act with respect to the proposed NPD designation and ordinance is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers.

G-2-595

As discussed in the previous comment, the commenter's opinion regarding the consistency of the proposed NPD and LCP policies with respect to the California Coastal Act is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. As discussed previously in response to comment G-2-305 and G-2-306 regarding Tomate Canada Creek Bridge, and response to comment G-2-345, pertaining

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to fuel management, the RDEIR would not result in incompatible uses in ESHA that would displace or degrade habitats.

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G-2-596

It is the commenter's opinion that policy inconsistencies related to prime agricultural land conversion exist between the Coastal Act and proposed Naples Planned Development (NPD), and Local Coastal Plan (LCP). The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinions are a part of the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-597

The RDEIR includes discussion of the development of the Coastal Act in Section 10.4.5, the intent of Coastal Act Policy §30250 protective measures require balancing with property rights discussed in Coastal Act Policy §30010. The RDEIR states, "the proposed configuration of lots, including the subdivision of a portion of the DPR property, would be more protective of coastal, as well as inland agricultural, resources when compared with the likely pattern of development under the current conditions within the Naples town site in the SBR and DPR properties."

G-2-598

This opinion is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-599

The RDEIR analyzes partial TDR within the Alternatives Section 11.0, under Alternative 4 Reduced Project.

G-2-600

This opinion is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors. Also see response to comment G-2-597.

G-2-601

The commenter's opinion on this policy matter will be included in the Final EIR and reviewed by the County's decision-makers for their consideration.

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Please see response comment I-14-3.

G-2-603

The comment asserts that the transfer of development rights would avoid impacts and policy conflicts.

Please see General Response 13.1 for a general discussion of TDR, its feasibility and relationship to CEQA. The commenter's objection to County policy interpretation and conclusions regarding TDR feasibility is noted and will be included in the administrative for decision makers to consider.

G-2-604

Please see response to comment G-2-82.

G-2-605

(a) The comment states that the proposed project would result in a net loss of agricultural lands. While this is true, as the project does not propose to create any additional agricultural lands from non-agricultural areas to offset project impacts, the project would offer substantial agricultural benefits in the form of conservation easements. The proposed ACEs and PACEs would retain large amounts (596 acres under Alternative 1) of prime agricultural land under agricultural uses in perpetuity, and this preservation would mitigate the loss of prime farmlands.

(b) The commenter disagrees with policy consistency analysis conclusions; this opinion is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

(c) through (d) The comment states that the RDEIR relies on measures that could be applied to any alternative to show that Alternative 1 is consistent with CLUP Policy 2-13. While it is true that the measures listed could be applied to other alternatives besides Alternative 1, the comment is incorrect in stating that the proposed measures would not make this alternative more consistent with Policy 2-13. The mere fact that these measures could not be applied solely to Alternative 1 would not lessen the effectiveness of the proposed measures.

(e) This comment states that any alternative could incorporate various measures to increase public coastal access and reduce potential impacts to resources. This statement is true. This comment also states that incorporating these measures does not make the proposed project more consistent with Policy 2-13. This statement is also true, where any alternative providing public recreation and coastal access features, including vertical beach access and new trail

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segments for the California Coast Trail would be consistent with this particular component of Policy 2-13.

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(f) This comment states that any alternative could incorporate development standards in accordance with the new NPD land use designation and implementing zoning ordinances. This statement is true, where any alternative creating a new NPD land use designation and implementing zoning ordinance that would establish low-density residential development standards specific to the Naples town site lots would be consistent with this particular component of Policy 2-13.

G-2-606

Please see response to comment G-2-82.

G-2-607

The RDEIR addresses CLUP 1-2 and 1-3 in Sections 4.6.2 (MOU Project) and 10.6.2 (Alternative 1). These policies are closely linked to Policy 2-13, which concludes the NPD District and Ordinance are consistent, as policies 1-2 and 1-3 are general in nature and provide guidance on the approach to policy analysis.

G-2-608

The comment restates conclusions from the RDEIR, therefore no response is necessary.

G-2-609

The commenter's opinion on this policy matter will be included in the Final EIR and reviewed by the County's decision-makers for their consideration.

G-2-610

The RDEIR recognized that the potential land use incompatibility of the proposed project, including the land use redesignation and rezone components, would affect the existing regional land use setting by introducing 54 (MOU Project) or 72 (Alternative 1) single family residences on 485 (MOU Project) or 3,245 (Alternative 1) acres of existing agriculturally designated land. Also see General Response 13.1.1.

G-2-611 and G-2-612

The CLUP Policy 1-4 requires a general finding of consistency with all other applicable policies. Due to the potential inconsistencies listed in Section 4.3, the MOU Project as proposed is potentially not consistent with this policy. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

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G-2-613

The RDEIR analyzes various development constraints of the MOU Project, and various Alternatives which are presented in Table 11.1-1. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-614

The feasibility of a TDR study is not pending on the completion of the project-based EIR; see response to comment S-2-10. For additional discussion of the TDR feasibility, see General Response 13.1.1.

G-2-615

The RDEIR Grid Development Alternative 3A has included development constraints which have limited the buildable lots to between 114 and 125 buildable lots. Parcels under the Alternative 3A would occur on a lot-by-lot basis. Therefore the Coastal Commission's authority would be limited to each individual CDP application. Modification to the Naples town site as a whole would no longer be available to the Coastal Commission's purview. For additional information on the Coastal Commission's authority, see response to comments S-2-8 and S-2-10.

G-2-616

See response to comment G-2-613.

G-2-617

Please see response to comment S-2-6.

G-2-618

The RDEIR analyzes the project's consistency with policies cited by the commenter in Sections 4.0 (MOU Project) and 10.0 (Alternative 1).

Coastal Act policy Section 30250, the MOU Project and Alternative 1 are not consistent with the first statement "new" development is not proposed away from existing development, nor is it consistent with the minimum lot size prescription in the A-II-100 CLUP land use designation. For additional discussion of this policy, see Sections 4.4.5 (MOU Project) and 9.4.5 (Alternative 1). Implementation of TDR would not result in consistency with Policy 30250; the project site would still be in a "new" development area.

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G-2-619

Based on the County Code Land Use & Development Code, Table 2-1 Water Supply & Wastewater Facilities require a Minor CUP. For discussion of fire protection and Solid Waste Disposal please see response to comments G-2-531 and L-1-35 of the City of Goleta Letter L-1 dated January 23, 2008, and G-2-558 respectively.

G-2-620

Please see response to comment G-2-597.

G-2-621

The commenter states that development under the MOU Project would be consistent with the maximum density allowed under the NPD, but since the NPD is driven by the MOU Project development plan, this comparison makes little sense. The NPD is not ‘driven’ by the MOU development plan, rather, development of the district is required under Section 35-1 of Ordinance 661. Since the project would reside within the NPD, it follows that the project would have to be consistent with development densities under the NPD.

G-2-622 through G-2-624

The Grid Development (Alternative 3A) is not a speculative proposal; it is the no project alternative. The RDEIR policy consistency discussion of Coastal Act Policy 30242 and CLUP Policy 8-2 are grouped by topic, as they essentially cover the same topics, in Sections 4.5 (MOU Project), and 10.4 (Alternative 1).

G-2-625

The RDEIR analyzes impacts resulting from land conversion (prime agricultural land) in the Coastal Zone according to the Coastal Act §30241 in Sections 3.7.3 (MOU Project) and 9.7.3 (Alternative 1), Applicable County Policies. Coastal Act policies 30241 and 30242 are referenced within the County’s CLUP Policy 8-2, therefore no additional change is necessary.

G-2-626

The RDEIR discusses the loss in prime agricultural land under Alternative 1 in Section 9.7.4.2.4, Inland Area – Dos Pueblos Ranch Property, impacts AG-2 and AG-3, and Section 10.6.2, Policies that are Closely Linked to Policy 2-13. The commenter’s assertion of 67 acres lost is incorrect; expected loss is 63 acres. Alternative 1 would result in conversion of existing agriculturally designated land to residential uses beyond the urban/rural boundary, and would result in a use that is not regarded as a priority use under the Coastal Act. Alternative 1 has been found to be consistent with CLUP Policy 8-2 for the following reasons: Alternative 1 would result in a net increase in both the total agricultural acreage and the acres of prime soils in ACE, as compared to the present Williamson Act contract; Alternative 1 would both minimize the

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G-2-627

This comment repeats an earlier claim regarding cumulative impacts and growth inducing effect of building a new fire station. Please see response to comment G-2-37 above.

G-2-628

Please see General Response to comment Section 13.4.3 License for Diversion and Use of Water.

G-2-629

Please see General Response Section 13.5.1, Creek Riparian Habitat.

G-2-630

The commenter states that the RDEIR fails to address the biological needs of federally listed species in Dos Pueblos Creek. The commenter then states that until such assessment is made a finding that the project protects the integrity of the groundwater basins cannot be made. A thorough evaluation of the impact of creek water diversion and wells is requested.

The biological needs of aquatic species in Dos Pueblos Creek have been analyzed in accordance with CEQA in the RDEIR. In addition, the analysis of water supply shows that no increased diversion of Dos Pueblos Creek will occur as a result of the MOU Project or any of the alternatives, so there will be no impact to the subsurface aquifer underlying Dos Pueblos Creek. Please see response to comments G-2-16, G-2-535 and G-2-549 and General Response to comment Section 13.4.2 Available Water, Table 13.1 Summary of Estimates for Surface Water Availability.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further response is necessary.

G-2-630

The commenter states that the RDEIR fails to address the biological needs of federally listed species in the Creek. The commenter then states that until such assessment is made, a finding that the project protects the integrity of the groundwater basins cannot be made. A thorough evaluation of the impact of Creek water diversion and wells is requested. The biological needs of aquatic species in Dos Pueblos Creek have been analyzed in accordance with CEQA in the RDEIR. In addition, the analysis of water supply shows that no increased diversion of Dos Pueblos Creek will occur as a result of the project so there will be no impact to the

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subsurface aquifer underlying Dos Pueblos Creek. Please refer to response to comments G-2-16, G-2-535 and G-2-549.

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As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-631

The commenter states that metering of creek diversions and wells is needed to protect coastal resources dependent on surface and groundwater. Please see response to comment G-2-213.

The comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-632

The comment claims the project lacks lifetime solid waste capacity, having only 14 years of additional capacity. The RDEIR discusses long-term solid waste capacity in Sections 3.15.1.1.8 (MOU Project) and 9.15.1.1.8 (Alternative 1), Solid Waste. The Tajiguas Landfill expansion has been approved by County of Santa Barbara, Regional Water Quality Control Board (RWQCB) and the California Integrated Waste Management Board to provide approximately 15 years of solid waste disposal capacity, having disposal capacity until the year 2020. Per the County significance criteria solid waste impacts would be *adverse, but less than significant* (Class III).

MOU Project would result in the generation of approximately 154 tons of solid waste per year (3.01 persons/single family residence x 0.95 tons/individual), not considering potential recycling reductions. Alternative 1 would result in the generation of approximately 206 tons of solid waste per year (3.01 persons/single family residences x 0.95 tons/individual), not considering potential recycling reductions. Total solid waste generated would exceed the project-specific significance threshold of 196 tons per year, however, implementation of a solid waste management program for the Alternative 1 development would reduce impacts to less than significant levels.

G-2-633

The commenter states that inadequate fire protection services, coupled with a lack of proposed new fire station and funding for fire department, render projects inconsistent with LUP policy 4 and CLUP Policy 2-6.

The comment is incorrect in that fire protection for the Project will be consistent with County land use policies as required under the CDP and Minor CUP that will be required for the project.

The commenter states that the project relies on paper water and that water and wastewater findings of adequacy are premature. Please see responses to comments G-2-13, G-2-214, G-2-535 and G-2-549.

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Section 15.0 The RDEIR provides an adequate analysis that shows that water supply and wastewater treatment capacity will be adequate to serve the needs of the project.
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As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR.

G-2-634

Number skipped during bracketing process.

G-2-635

The comment addresses the annexation of rural areas into a sanitary district or extension of sewer lines. The proposed project does not propose annexation or extension of the existing sewer system. Also please see responses to comments G-2-569 and G-2-570.

G-2-636

The comment claims the RDEIR mitigation measures WQ-2 and PS-4 shall fail to ensure avoidance of significant water quality impacts caused by the Sewer Treatment Plants (STPs).

Please see responses to comments G-2-569 and G-2-570.

G-2-637 and G-2-638

The comment claims that policies 2-29 and 2-30 would be inconsistent with Policy 2-10. Issues regarding inconsistencies among policies do not pertain to the adequacy of the EIR. Moreover, this comment's claim that policies 2-29 and 2-30 would be inconsistent with Policy 2-10 are addressed in detail in sections 4.7 and 10.7 of the RDEIR.

This comment also states that the project cannot adequately demonstrate that the proposed STPs will not impact groundwater quality. Potential impacts and proposed mitigations pertaining to the project's STPs are addressed in Impact WQ-2 (sections 3.3.3.2.2 and 9.3.3.2.2) and Mitigation WQ-2 (sections 3.3.3.4.3 and 9.3.3.4.3) of the RDEIR. As discussed, the project STPs would require RWQCB approval prior to County's issuance residential building permits, and would be subject to specific discharge requirements and a monitoring and reporting program (overseen by the RWQCB).

No changes to the public services discussion are necessary to achieve compliance with applicable policies.

G-2-639

The comment states that Mitigation Measure PS-4 does not include any limitation on STP capacity, as stated in the referenced page in Section 10.7 of the RDEIR. The discussion

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regarding STP capacity and design criteria is located in Impact WQ-2, Wastewater Treatment and Disposal, in Sections 3.3.3.2.2 and 9.3.3.2.2 of the RDEIR.

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G-2-640

The comment states that the proposed project is inconsistent with CLUP Policy 2-11 due to displacement of native grasslands, impacts to riparian habitat at the Canada Tomate bridge site, impacts to coastal bluff scrub at the proposed staircase, impacts to riparian and aquatic habitats downstream of the water diversion on Dos Pueblos Creek, and impacts to raptor foraging habitat on the coastal terrace. The comment is predicated on the assumption that all of these resources are designated ESHA, as Policy 2-11 addresses only development adjacent to ESHA.

The proposed project would avoid siting development envelopes within native grasslands and the only impacts to these areas, which would be associated with fuel modification, infrastructure, and public trails, would be mitigated at a 3:1 ratio. For more information regarding the project's impacts on native grasslands, please refer to response S-6-14.

The commenter's assertion that the Canada Tomate bridge would displace riparian habitat is incorrect. While the Canada Tomate drainage does contain riparian vegetation farther upstream, the proposed bridge site is located entirely within non-native grassland.

Although the proposed project would result in some impacts to coastal sage scrub along the coastal terraces, such impacts would be mitigated through restoration at a 3:1 ratio, ensuring that no net loss of this vegetation type occurs.

The commenter's claim that the proposed project would result in impacts to aquatic and riparian habitats within Dos Pueblos Creek downstream of the diversion structure is incorrect. The nearest development envelope to Dos Pueblos Creek would be located more than 500 feet from the stream, and all potential hydrologic and water quality-related impacts would be mitigated by measures presented in sections 3.3 and 9.3 of the RDEIR. In addition, the proposed project would not result in any increases in the amount of flow diverted from the stream by the existing diversion structure.

While the RDEIR acknowledges impacts to raptor foraging habitat on the coastal terraces (impact Bio-11), this habitat is not ESHA and is therefore not subject to the provisions of CLUP Policy 2-11. For more information regarding designated ESHAs in the project area, please refer to General Response 13.5.3.

G-2-641

The comment adds to the list of alleged inconsistencies with CLUP Policy 2-11 presented in comment G-2-640. Additional concerns raised by this comment include fragmentation of coastal terrace habitats, potential filling or inadequate buffering of wetlands, and sedimentation impacts associated with the access road to the central portion of the site.

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Section 15.0 Responses to Comments Coastal terrace habitats within the project area consist primarily of non-native grasslands, and these habitats are not considered ESHA. CLUP Policy 2-11 is therefore not applicable to these areas. For more information regarding designated ESHAs in the project area, please refer to General Response 13.5.3.

With regard to wetlands, mitigation measure Bio-5 in the RDEIR would require formal delineation and avoidance of all areas within 100 feet of wetlands. This requirement is in accordance with CLUP policies intended to protect wetlands (Policy 9-9), and would ensure the project's consistency with CLUP Policy 2-11 as well.

Potential sedimentation impacts associated with construction of access roads, and indeed with all proposed construction activities within the project area, would be mitigated to a less than significant level through the incorporation of Best Management Practices as required by mitigation measures WQ-1a and WQ-1b.

For responses to the portions of the comment addressing the Canada Tomate bridge, the Dos Pueblos Creek diversion, and native grasslands, please refer to the response to Comment G-2-640.

G-2-642

Please see response to comments G-2-446, G-8-187 (KOP-1A) and G-2-444 (KOP-5).

G-2-643

This comment states that the project is inconsistent with the comprehensive plan area/community goals for the Goleta Valley with respect to transportation pollution impacts associated with sprawl development. As provided in sections 2.0 and 8.0 of the RDEIR, the project is not characteristic of sprawl development; on the contrary, the project provides an organized, low-density development that actually prevents a likely sprawl development resulting from the Official Map from the Town of Naples (1995). As a result, this comment is incorrect.

G-2-644

This comment states that the RDEIR lacks substantial evidence that the proposed bluff setback is adequate to avoid the 75-year bluff retreat; and if the setbacks are not adequate, the Project's bluff lots may require seawalls, which would be inconsistent with these policies. This comment has been previously addressed in response to comments G-2-200 and G-2-204.

G-2-645

This comment recommends that the beach access stairway be eliminated in its proposed location, and instead, pursue an alternative vertical access at Dos Pueblos Canyon, as specified in LCP Policy 7-18. This recommendation is a part of the public record for consideration by decision makers.

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G-2-646

This comment regarding storm drains potentially increasing bluff erosion has been addressed in response to comment G-2-203.

G-2-647

This comment pertains to potential hazards resulting from bluff-top irrigation and STP discharges, and has been previously addressed in response to comment G-2-191.

G-2-648

This comment pertaining to the More Ranch Fault and the project's consistency with CLUP Policy 3-10 has been addressed previously in response to comment G-2-188.

G-2-649

This comment states that the RDEIR fails to: map onsite flood hazards; discuss flood hazards for the existing houses and legal non-conforming structures on and near the project site; analyze whether existing parcels are constrained by flood hazards; and whether such parcels possess development rights that can be transferred to inland areas nonetheless. According to the comment, without this information, an accurate assessment of policy consistency is impossible. The RDEIR addresses existing flood hazards in the project area in sections 3.3.1.2 and 9.3.1.2, and potential flood hazards on the project in Impact Flood-1 (sections 3.3.3.2.1 and 9.3.3.2.1). This information is adequate to assess potential project impacts and assign appropriate mitigation measures as per the CEQA process.

G-2-650

This comment states that the project defers mitigation for potential flooding. The project's mitigation for potential flooding (Mitigation Flood-1 in sections 3.3.3.4.1 and 9.3.3.4.1 of the RDEIR) provides a performance standard, "[p]ost-construction surface runoff volumes from the new residential developments shall not exceed existing conditions." As discussed in Section 15126.4 (a)(1)(B) of the California Environmental Quality Act, mitigation measures may specify performance standards which would mitigate the significant effect of the project. As a result, the project's proposed flooding mitigation does not defer mitigation.

G-2-651

The commenter states that all wetlands have not been delineated for purposes of the RDEIR and that the project would potentially degrade wetlands. However, detailed descriptions of watersheds, drainages and potential flood impacts are provided in the RDEIR. The RDEIR discusses the proposed project site watersheds Sections 3.3.1.1.1 (MOU Project) and 9.3.1.1.1 (Alternative 1); Hydrology and Water Quality. Specific watersheds and flood hazards are mapped on Figures 3.3-1 (MOU Project) and 9.3-1 (Alternative 1). A description of existing drainages,

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water features and the potential for flood impacts is included in Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative 1). Wetlands, streams, drainages and seasonal waterbodies are described in the RDEIR at Sections 3.4.2.3 (MOU Project) and 9.4.2.3; Biological Resources. Tables 3.4-2 (MOU Project) and 9.4-2 (Alternative 1) include a description of all wetlands, seasonal waterbodies, permanent waterbodies, streams and drainages located within the project boundaries. Mitigations adequate to address the protection of wetlands including Mitigation Bio 5 are included to protect wetlands. The RDEIR adequately describes wetlands within the boundaries of the project area and incorporates adequate mitigation measures to address development impacts.

G-2-652

The commenter states that the reliance on coastal zone well water and Dos Pueblos Creek water diversions threatens coastal zone resources. Water for the project will be supplied by the NWC. Please refer to the response to G-2-213. Water supply for the project will not result in impacts to coastal zone well water or Dos Pueblos Creek. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-653

The commenter states that the reliance on septic systems and/or dry wells threatens water quality and biological productivity in the Coastal Zone. The impact of septic systems and dry wells proposed for the project has been adequately addressed in the RDEIR. Please refer to the response to G-2-16.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-654

This comment pertains to the use of septic systems and drywells with respect to the area's geology and soils, and has been previously addressed in response to comment G-1-40.

G-2-655

The commenter states that urban runoff will degrade water quality. The RDEIR identifies the potential for project development to significantly impact water quality but these impacts can be feasibly mitigated to less than significant. Please refer to the response to G-2-16.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary.

G-2-656

The comment states that the RDEIR failed to address consistency with Section 30230 of the Coastal Act, and that the project may affect the productivity of coastal waters through

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dewatering streams and wetlands and degrading water quality. Coastal Act Section 30230 was not addressed in the RDEIR because this section regulates uses of the marine environment, and is not directly applicable to the proposed project. However, potential impacts on streams, wetlands, and water quality are addressed in sections 3.3 and 3.4 (9.3 and 9.4 for Alternative 1) and are mitigated to a less than significant level.

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G-2-657

The comment claims the Tomate Canada Creek Bridge fails to minimize cut and fill operations according to CLUP Policy 3-13 requirements, and that the proposed bridge could be eliminated from the project design. The comment does not substantiate the claim that the proposed Canada Tomate bridge could be constructed with less cut and fill than proposed. The proposed bridge would consist of one prefabricated piece that would span the entire drainage, and cut and fill operations associated with bridge construction would be minimal. No piers or extensive abutments would be required. Regarding the feasibility of removing the bridge from the project design altogether, please refer to the response to comment G-2-770.

G-2-658

The comment states that according to CLUP Policy 3-15, clearing of land should be avoided during the rainy season, and that since the project allows grading during the rainy season (Mitigation Geol-2), the project would therefore be in conflict with CLUP Policy 3-15. With regards to the rainy season, CLUP Policy 3-15 states that “[t]he clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.” The project’s measures to minimize potential impacts from grading during the rainy season have been addressed in response to comment G-2-208.

G-2-659

Alternative 1 analysis in Section 9.3 includes analysis of Hydrology and Water Quality resources. Based on the commenter’s focus, it is assumed the commenter intended to reference Section 9.2 Geology, Geologic Hazards, and Soils. The project area is crossed by at least three major fault zones: Eagle, Dos Pueblos, and Carneros, while the Glen Annie and the North Branch More Ranch faults have surface expression just east of the project property. Project area faults are mapped on Figures 9.2-2.

Section 9.2.3.2.2 (Impact Geol-3) states no faults considered active by the CGS cross any portion of the Alternative 1 area; therefore the potential for direct ground displacement is low. Potential impacts relative to seismicity and groundshaking are significant, but feasibly mitigated (Class II). Additionally, easterly portion of the Option Property and much of the sloping areas within the DPR property north of Highway 101) contain mapped landslide deposits identified in impact Geol-4. Potential impacts related to landslides are significant but feasibly mitigated (Class II).

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The commenter incorrectly assigns inconsistency conclusions to policies discussed in response to comments G-2-656 through G-2-659. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-661

The RDEIR analyzes the total effect on watershed resulting from the proposed project improvements; Table 9.3.3 shows a comparison of development acreage by watershed and the percentage of land area devoted to irrigated landscaping, roads, and structures. The Alternative 1 watershed impacts individually range from zero to 30 percent dedicated to development and landscaping, not pavement as claimed by the commenter.

The RDEIR policy consistency Section 10.7 states that Alternative 1 is consistent with Comprehensive Plan Land Use Element Regional Goal – Open Land. Alternative 1 would maintain grazing and other agricultural operations in ACE, and protect open areas that are particularly important to wildlife habitat and watershed maintenance, through the use of OSCE.

Additionally, the commenter cites Table 9.3-2, which is a summary CCAMP Report 2001 Monitoring Assessment of all of the coastal sampling sites along the South Coast Hydrologic Unit and is not directly related to the commenter's claims to the project site paving activities.

G-2-662

The RDEIR includes Watersheds and Flood Hazard Overlay for Alternative 1 on Figure 9.3-1, not Figure 8.2-1 as cited by the commenter. None of the proposed development envelopes are within the flood hazard overlay, which depicts the 100 year flood zone. Therefore the commenter is incorrect in their claim that 100 year flood hazards exist within the DPR lots.

G-2-663

The comment claims Alternative 1 excludes RSUs in Section 10.10 of the RDEIR. No RSUs are proposed under this alternative, therefore they need not be considered. Also see responses to comments G-2-385 and G-8-44.

G-2-664 through G-2-666

The comment deals with a potential policy inconsistency, which the RDEIR acknowledges in Section 10.3. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

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G-2-667

The comment claims Policy 2-13 is not correctly interpreted in the RDEIR. See response to comment S-2-10.

G-2-668

The comment restates earlier policy consistency comments; see response to comment S-2-10.

G-2-669

The comment restates earlier comments discussing the Coastal Commission decision-making authority, and development potential. See response to comment S-2-10.

G-2-670

See response to comments G-2-36, G-2-383 and G-2-420.

G-2-671

The comment claims the RDEIR fails to analyze the existing inconsistencies between LCP Policy 2-26 and the Coastal Act §30251 policies. The commenter's interest in policy consistency findings with the Coastal Act §30251 shall be included in the FEIR for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

The comment claims the Draft NDP lacks inclusion of visual compatibility with Coastal Act Section §30251. Sec 35-xxx.13(1) of the Draft NPD, which disuses visual development standards, states "[t]he visual analysis shall be performed and submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Planned Development district and shall be used to demonstrate consistency with relevant visual resource policies of the Local Coastal Plan." The County's LCP was found to be consistent with the intent of the Coastal Act prior to adoption.

G-2-672

The commenter's interest in policy consistency findings with the Coastal Act §30251 shall be included in the FEIR for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-673

See response to comment G-2-470.

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Section 15.0 **G-2-674**

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The recommended modification to the Visual Resources Sections 3.9 (MOU Project) and 9.9 (Alternative 1) of the RDEIR are the opinion of the commenter, and will be presented to decision-makers for their consideration as part of the review process for this project. See response to comments G-2-470 and G-9-8.

G-2-675

The RDEIR addresses the change in overall visual character as a Class I significant not mitigable impact; see response to comment G-2-470. The commenter's opinion on Policy 2-26 of the draft NPD proposed LCP Amendments is included in the public record for consideration by the decision-makers.

G-2-676

The comment states that the proposed mitigation measures would not make the proposed project consistent with Coastal Act section 30251. An evaluation of policy consistency is beyond the scope of CEQA, and will be determined by the County Board of Supervisors.

G-2-677

The commenter's opinion on the policy conflict resulting from the development within the skyline at KOP 1B is included in the public record for consideration by the decision-makers. See responses to comments G-2-440, G-2-447, G-2-470, G-9-5, G-9-12, G-9-13, and G-9-14.

G-2-678

The comment claims skyline intrusion at KOP 2 and KOP 6 are unmitigated, while intrusion at KOP5 is not fully mitigated.

Sections 9.9.4.5 of the RDEIR states “[i]mplementations of the guidelines as proposed are necessary mitigation measures for the project, and will reduce visual impacts Vis-1 through Vis-8.”

The discussions and comments regarding visual effects may reflect different opinions. The opinion of the commenter is included in the public record for consideration by decision makers.

G-2-679

The comment restates earlier claims that the RDEIR's visual resource sections 3.9 (MOU Project) and 9.9 (Alternative 1) policy consistency analysis uses the wrong baseline. See response to comment G-2-664.

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G-2-680

The comment states that the RDEIR should include an analysis of other residential unit size in square feet on the Gaviota Coast to determine compatibility with visual character of the area.

As noted in Sections 3.9 and 9.9 of the RDEIR, the MOU Project and Alternative 1 would both change the existing rural character of the area. This effect would be most noticeable from Highway 101 southbound in views towards the north into the property. Design measures including vegetative screening, low elevation residences, rustic architectural forms, and shielded light fixtures would be implemented to reduce these potential effects on specific views. However, the overall change in the character of the landscape is attributable to the visibility of a large number of homes and a Class I significant adverse unavoidable impact would still occur, irrespective of individual house sizes.

G-2-681

The commenter's interest in policy consistency findings with the Coastal Act §30251 is included in the public record for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-682

The comment claims that Figure 9.9-7 inaccurately illustrates the views of bluff top residences. See response to comment G-2-456.

G-2-683

The comment claims that the RDEIR's analysis and inaccurate evidence when corrected would result in inconsistencies with Coastal Act Policy §30251.

The commenter's interest in policy consistency findings with the Coastal Act §30251 is included in the public record for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-684

The comment claims the MOU Project is inconsistent with CLUP Policy 4-3 and Comprehensive Plan Land Use Element Visual Resources Policy 2, because numerous residences would be visible from the Highway 101 looking north and south, and the proposed Coastal Trail.

The commenter's interest in policy consistency findings is included in the public record for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

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Section 15.0 **G-2-685**

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The comment states that the proposed project would result in policy inconsistencies due to the fact that the proposed structures would contrast with the surrounding landscape. The comment states that the proposed mitigation measures would not make the proposed project consistent with Coastal Act section 30251. An evaluation of policy consistency is beyond the scope of CEQA, and will be determined by the County Board of Supervisors.

G-2-686

The comment claims the MOU Project is inconsistent with CLUP Policy 4-3 and Comprehensive Plan Land Use Element Visual Resources Policy 2.

The commenter's interest in policy consistency findings are included in the public record for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-687

The comment restates disagreement with the baseline comparison for policy consistency analysis; see response to comment G-2-686.

G-2-688

The comment claims KOP 1B is incompatible with the intent of CLUP Policy 4-3 and Comprehensive Plan Land Use Element Visual Resources Policy 2. See response to comments G-2-426 and G-2-685.

G-2-689

The comment disagrees with the interpretation on CLUP Policy 4-3 and Comprehensive Plan Land Use Element Visual Resources Policy 2 based on the intrusion in to the skyline at KOP 7A and KOP 7B illustrated in Figures 3.9-19 and 3.9-20.

KOP 7 includes views of Dos Pueblos Canyon Road view to the south into Equestrian Village area; no beach views are within the view angle. See response to comments G-9-6, G-9-15 and I-9-9. The discussions and comments regarding visual effects may reflect different opinions. The opinion of the commenter is included in the public record for consideration by decision makers.

G-2-690 through G-2-692

The comment claims the Alternative 1 is inconsistent with CLUP Policy 4-3 and Comprehensive Plan Land Use Element Visual Resources Policy 2, because numerous residences would be visible from the Highway 101 looking north.

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The comment claims KOP 1A, KOP 1B, KOP 2 and KOP 5 under Alternative 1 intrude into the skyline.

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The comment claims under Alternative 1, KOP 5 impacts are not mitigated with mitigation measure Vis-1.

The commenter's interest in policy consistency findings is included in the public record for the County's decision-makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-693

The comment incorrectly assigns CLUP Policy 4-8 a finding of inconsistency, as the RDEIR states in Section 10.10.1, a consistency determination finding with CLUP Policy 4-8 is not applicable. The County's Scenic Highways Element considers the entire length of Highway 101 is eligible for "Scenic Highway" as designation in the State's master plan for scenic highways. Currently, the request for Scenic Highway designation is unfulfilled.

G-2-694

The comment claims the MOU Project and Alternative 1 fail to preserve open space for scenic and aesthetic value, a goal of the County's Comprehensive Plan, by not implementing TDR to the maximum extent feasible.

With or without TDR, the MOU Project and Alternative 1 both affirmatively further the goals of open space preservation through mergers, reconfigurations and reduction of the legal lots that presently exist at the Naples townsite. In addition, the MOU Project and Alternative 1 also provide for open space preservation through conservation easements that do not presently exist, nor would such easements likely occur should the legal lots be developed incrementally under the baseline ("Grid") scenario.

G-2-695

The comment claims the RDEIR fails to address Coastal Act §30253; see response to comment G-1-45.

G-2-696 through G-2-698

The comment claims LCP policies 4-9, 4-10 and 4-11 are applicable to the proposed project and have not be included in the policy consistency discussion.

The RDEIR states in Sections 4.10.1 (MOU Project), and 10.10.1 (Alternative 1), Overall Change in Visual Character, "[a]s discussed in Section[s] 4.6.2 [and 10.6.2], Policy 1-2 provides that where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence." Therefore particular policies which are less restrictive have not been analyzed to limit duplication.

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Section 15.0 **G-2-699**

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The comment claims the proposed project is inconsistent with LCP Policy 4-11, because the building heights exceed 15 feet maximum, and the development siting lacks clustering of buildings. NPD District includes CLUP policies which apply to the Naples Towne site with flexible development standards which supersedes Policy 4-11. The draft NPD District policies are included in Appendix B of the RDEIR.

G-2-700

The comment claims the proposed projects (MOU *Project* and Alternative 1) are inconsistent with CLUP Policies 5-5 and 5-6 and implementation of TDR would result in greater range of housing types resulting in consistency:

CLUP Policy 5-5 states: In large residential developments of 20 units or more, housing opportunities representative of all socioeconomic sectors of the community shall be preferred. Such developments would include a range of apartment sizes (studios, one, two, three, and four bedroom units) and a mix of housing types (apartments, condominiums, and single family detached) to provide for balanced housing opportunities, where feasible.

CLUP Policy 5-6 states: Review and evaluation of proposed residential developments necessary to carry out the policies set forth in this housing component shall be performed by the planning analyst who is responsible for implementation of the County's Housing Element.

The duties of this staff position shall include: 1) staff analysis of proposed residential projects in the coastal zone to determine appropriate incentives for the applicant to construct new low and moderate income housing; 2) requirements or conditions of approval to obtain the necessary number of low and moderate income units; and 3) mechanisms for ensuring that low and moderate income units are retained as affordable units over the long term.

Implementation of TDR to the proposed project would require transferring the value of the development to receiving sites of equivalent development value, therefore TDR would not stimulate unit affordability.

Policy 5-5 indicates a preference, but is not compulsory. As such, the proposed project does not conflict with its application. Policy 5-6 is to be satisfied through payment of lieu fees that flow from the County's current adopted Housing Element.

G-2-701

The RDEIR includes the County Housing Elements policy analysis as last adopted in May of 2006 by the County Board of Supervisors. Housing Elements are updated on a five-year basis for approval by the State Department of Housing and Community Development.

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Comprehensive Plan policies pertaining to land use density, development in rural areas, and avoidance of sensitive resources, are summarized in the policy consistency analysis presented in Sections 4.0 (MOU Project) and 10.0 (Alternative 1). See response to comments G-2-801 through G-2-812.

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G-2-702

The comment states that the proposed Coastal Trail would impact various ESHAs, and that the RDEIR fails to address a means of providing public coastal access while avoiding these impacts.

The proposed alignment of the Coastal Trail was designed with the intent to avoid environmentally sensitive areas whenever possible. However, because the project area contains some EHSAs (stream corridors and associated riparian vegetation and native grassland habitats) that are linear in nature and traverse large portions of the site, limited impacts to ESHA by the trail cannot be avoided. For an evaluation of why rerouting the trail entirely and using Dos Pueblos Canyon as the beach access point was not considered in the RDEIR, please see General Response 13.6.

G-2-703

The comment notes that LCUP Policy 1-2 states that when policies within the CLUP overlap, the policy most protective of coastal resources shall take precedence.

The comment does not contain enough information to facilitate a specific response.

G-2-704

The comment states that the Coastal Trail should be located as close as possible to the bluffs, consistent with the alignment shown on County PRT maps, and that bluff lots should be relocated inland (north) to accommodate this.

For a response to this comment, please refer to General Response 13.6.

G-2-705

The comment states that the proposed Coastal Trail should be realigned as shown in an attached drawing, with a pedestrian-only trail following the blufftop and a bike/equestrian trail farther inland.

For a response to this comment, please refer to General Response 13.6.

G-2-706

The comment states that vertical coastal access should be provided at Dos Pueblos Canyon rather than the proposed location.

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Section 15.0 For response to this comment please see General Response 13.6.

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G-2-707

The comment states that in order to protect sensitive coastal resources, no bicycle or equestrian uses should be allowed on the beach.

Although not explicitly forbidden, it is highly unlikely that equestrian users would access the beach due to the pedestrian-only nature of the proposed vertical access staircase structure. With regard to bicycles, it is not necessary to restrict bicycle access to the beach to protect resources. This is based on the fact that, although most County beaches are accessible to bicyclists, bike riding on the actual beach is seldom observed (possibly due to the very strenuous nature of this activity) and no bicycle-related resource impacts have been documented.

G-2-708

The comment states that vertical coastal access should be at Dos Pueblos Canyon instead of the proposed location, in order to protect coastal resources.

For a response to this comment, please see General Response 13.6.

G-2-709

The comment states that CLUP policy requires preparation of carrying capacity studies for natural resources at recreational areas sited near wetlands or habitat areas, that no such studies were included or proposed in the RDEIR, and that the RDEIR did not analyze consistency with this policy.

Please see response to comment G-2-476.

G-2-710

This comment is substantially identical to comment G-2-475. For a response to this comment, please refer to the response to G-2-475.

G-2-711

The comment states that CLUP Policy 7-3 requires granting of a lateral access easement along the shore, that the proposed Coastal Trail alignment is too far inland to satisfy this requirement, and that locating the trail along the blufftop would help satisfy the requirement.

For a response to this comment, please refer to General Response 13.6.

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G-2-712

The comment states that the proposed vertical coastal access at Santa Barbara Ranch involves substantial alteration of the terrain compared with vertical access at Dos Pueblos Canyon.

For a response to this comment, please refer to General Response 13.6.

G-2-713

The comment states that CLUP Policy 7-18 requires acquisition of a vertical access easement by a public agency at Dos Pueblos Canyon.

For a response to this comment, please refer to General Response 13.6.

G-2-714

The comment states that the proposed vertical coastal access at Santa Barbara Ranch would be inconsistent with LCP policies for bluff and ESHA protection, and that access at Dos Pueblos Canyon would be environmentally preferable.

For a response to this comment, please refer to General Response 13.6.

G-2-715

The comment states that due to: ESHA impacts, existing policies stating that coastal access should be at Dos Pueblos Canyon and by boat only, and bluff stability concerns, the proposed vertical coastal access at Santa Barbara Ranch should be abandoned.

For a response to this comment, please refer to General Response 13.6, and G-2-477 above.

G-2-716

The comment states that the Coastal Act requires public access from the nearest roadway unless such access would pose a risk to public safety, and the proposed staircase location presents a safety hazard due to high tides and cliff erosion.

See response to comments G-9-204 and T-G-6.

G-2-717

The comment states that the Coastal Act requires that the proposed vertical coastal access be relocated to Dos Pueblos Canyon to protect fragile coastal resources.

For a response to this comment, please refer to General Response 13.6.

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Section 15.0 **G-2-718**

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The comment points out the Coastal Act's language regarding the limitation of time, place, and manner of coastal access depending on site-specific constraints, and implies that the project's biological and health and safety impacts may necessitate these limitations.

The project's impacts on sensitive coastal resources must be mitigated, and mitigation measures to that end are included in the RDEIR. Mitigation measure Bio-4 would limit the timing of coastal access, as suggested by this comment, and would require closure of the proposed beach access from March through July to mitigate impacts on Naples Reef and the marine mammals that use the adjacent beach for pup rearing each spring.

G-2-719

The comment states that the beach access at Dos Pueblos Canyon is ideal for recreation, given existing vehicle access and sandy beach, and states that public access should be provided at that location if Dos Pueblos Ranch is involved in the project.

For a response to this comment, please refer to General Response 13.6.

G-2-720

The comment states that the RDEIR failed to analyze impacts to recreational areas caused by adjacent development, and claims that this impact is significant.

Due to the large lot sizes and very low-density nature of the proposed development, no adverse impacts on planned recreational areas are expected to be caused by the project. Because the adjacent lots would not degrade the nearby recreational areas, no conflicts with Coastal Act Section 30420 would occur.

G-2-721

The comment states that each of the Coastal Act policies needs to be addressed for consistency in the RDEIR, and that the RDEIR must provide decision-makers with the complete text of each policy rather than selections chosen to support the proposed project.

The RDEIR's analysis of policy consistency includes all applicable policies. However, the full text of each policy should not be included, as such inclusions would be lengthy and would impair the usefulness of the RDEIR as an informational and decision-making document. The regulatory summaries provided in the RDEIR are intended to concisely convey the intents and requirements of the applicable regulations and policies, and are not intended to bias the decision-making process.

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G-2-722

The comment states that Alternative 1 should include a public trail connecting the Coastal Trail through Dos Pueblos Ranch to the Los Gatos Trail and Camino Cielo.

The addition of the proposed trail to the Alternative 1 design would not serve to avoid or substantially lessen any of the project's significant impacts, and was therefore not considered in the RDEIR.

G-2-723

The RDEIR discusses the feasibility of canceling the Williamson Act contract; currently 2,566 out of the 3,237 acres of land within the project area for Alternative 1 are under Williamson Act contract (Contract Number 77-AP-014). Williamson Act contracts are voluntary ten-year agreements. The proposed conversion of agricultural land to non-agricultural uses would occur in parallel with a program to preserve both prime and non-prime agricultural land through the Agricultural Conservation Easement (ACE) designation. ACEs similar to Williamson Act contracts preserve existing agricultural lands as required under County policies sited in Section 9.7.3, Applicable County Policies.

G-2-724

The RDEIR discusses the consistency with adopted agricultural policies and goals Sections 3.7.3 (MOU Project) and 9.7.3 (Alternative 1), Applicable County Policies. Additionally, further policy consistency discussion found in Section 10.13, Policies Related to Agriculture, finds Alternative 1 consistent. The ACE will result in a net increase of preserved land (by 68 acres) and an increase in the area of preserved prime agricultural land from 517 acres to 596 acres. The Alternative 1 proposal would also result in increased agricultural capital expenditures and a professional agricultural management program on the SBR property.

G-2-725 and G-2-726

The RDEIR addresses conflicting existing and proposed uses. The proposed recreation facilities of the MOU Project have been incorporated to provide safe public access to the California Coastal Trail. The project objectives address the conflicting policy based goals which include: public access, protection of biological resources, preservation of agricultural lands, and resolution of existing Naples developable lots. The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinions are included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

G-2-727

The comment claims that the RDEIR policy consistency analysis Section 4.13 page 4-51 is unclear and appears to present the CLUP 2-13 as a superseding policy to the Comprehensive

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Section 15.0 Plan Agricultural Element Goal II. The commenter is accurate Policy 2-13 is directed to the particular issues of the Naples Town Site.

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G-2-728

The comment claims the proposed project creates land use conflicts, rather than resolve them.

The RDEIR Agricultural Resources Sections 3.7.2.2 (MOU Project) and 9.7.2.2 (Alternative 1), County Policies and Procedures, directly address the potential land use conflicts. Under the proposed development, the MOU Project would create and implement a new Naples Planned Development (NPD) land use designation and zone district that would be uniquely applicable to and recognize the special circumstances of the Naples Official Map area covered by Policy 2-13 of the Coastal Land Use Plan. The MOU Project would result in a voluntary lot merger of certain existing parcels on the site, resulting in 56 or 72 compared to 219 parcels recognized under the Official Map of Naples.

G-2-729

The comment is incorrect; several Comprehensive Plan Land Use Element and Agricultural Element policies relate to preservation and expansion of agricultural land in the Inland area. Each of these policies is discussed in Sections 4.3 (MOU Project) and 10.3 (Alternative 1), Summary of Preliminary Policy Analysis.

G-2-730

This comment claims that the RDEIR finding for the proposed project is not consistent with Comprehensive Plan Agricultural Element Policy III.A.

The RDEIR discusses the policy consistency with applicable Comprehensive Plan Elements and policies in Sections 4.3 (MOU Project) and 10.3 (Alternative 1), Summary of Preliminary Policy Analysis, which states that both the MOU Project and Alternative 1 are consistent. While the project creates a new land use designation and zone district of more development intensity than the current rural environment, the project resolves land use conflicts as directed by Policy 2-13 without expanding an urban sphere.

G-2-731

The comment claims the TDR policy should be included within the project descriptions.

The County has developed and adopted TDR guidelines as a tool for reducing the impacts to environmentally sensitive areas. The TDR findings and relevant documents were submitted to separate public hearings by the Planning Commission and Board of Supervisors in late 2007 and early 2008. Please see General Response 13.1.4.

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G-2-732

The RDEIR performs policy consistency analysis in Sections 4.4.4 (MOU Project) and 10.4.4 (Alternative 1), Coastal Act – Land Resources, which include discussion of Section 30243 (timberlands) Chapter 3, Article 5 of the California Coastal Act addresses Land Resources and focuses on environmentally sensitive habitats, which does not relate to this area.

G-2-733

The comment claims the projects water supply for agricultural uses are unreliable, particularly in times of drought.

The RDEIR discusses water resource availability for agricultural use in Tables 3.7-4 (MOU Project) and 9.7-4 (Alternative 1), Summary of Agricultural Suitability Determinations. Water for irrigation is currently available over the project area, and would remain so. The land use designations and protective measures provided by the Williamson Act and ACE are designed to preserve agricultural use, so the overall suitability in this regard would change very little.

G-2-734

This comment pertains to the Coastal Act mandate to protect ESHAs and parks and recreation areas. The project demonstrates compliance with the Coastal Act Section 30240(b) in sections 4.14 and 10.14 of the RDEIR. Further details regarding the project's protection of ESHA and parks and recreation areas are provided in response to comment G-1-33.

G-2-735

As discussed at length in General Response 13.4, the project would result in negligible effects to Dos Pueblos Creek and its associated habitats in the event that water diversion is required for the development. As a result, the project's potential water diversion activities remain consistent with ESHA protection requirements.

G-2-736

This comment claims that a number of project activities represent inconsistent uses in ESHAs. Designation of ESHA is addressed in General Response 13.5.3. Please refer to response to comment F-1-2 regarding the project's measures to protect the Dos Pueblos Creek ESHA, and response to comment L-1-10 pertaining to the project's protection of native grassland ESHA.

G-2-737

The comment states that the portion of Canada Tomate where the proposed wastewater treatment facility would be sited (Lot 188) is an ESHA due to the presence of riparian vegetation and the sensitive Santa Barbara honeysuckle, and that construction of the facility would violate Coastal Act policies if these resources were adversely affected. The portion of the Canada

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Section 15.0 Tomato drainage where the wastewater treatment facility is proposed does not contain the rare
Responses to Santa Barbara Honeysuckle, and no riparian vegetation is present. However, this drainage is
Comments considered ESHA due to its status as a coastal stream.

G-2-738

This comment states that because the coastal terrace supports various bats, other mammals, and special-status raptors, the coastal terrace should be considered an ESHA. Designation of ESHA and consideration for white-tailed kite habitat are addressed in General Response 13.5.3. Additional discussions regarding the project's provisions for raptors and raptor foraging habitat protection may be referenced in response to comment G-13-8.

G-2-739

See response to comment G-2-323.

G-2-740

This comment is concerned with the project's impacts to grassland habitats, including wildlife mortality and other impacts to wildlife and special-status species occurring within the development on the coastal terrace and the foothill grasslands. Please see response to comment G-13-8.

G-2-741

This comment infers that scrub and chaparral habitats are special status habitats because they support species of special status. Based on the content of this comment (i.e., references to policies pertaining to impacts to ESHA), as well as the context of the following comment, this comment infers that scrub and chaparral habitats should be considered ESHA. The EIR addresses sensitive species with respect to ESHA in General Response 13.5.3.

This comment also states that the RDEIR policy consistency analysis does not discuss the project's consistency with Section 30240 or other relevant coastal policies and Comprehensive Plan policies with respect to impacts to scrub and chaparral habitats. The RDEIR specifically analyzes policy consistency of applicable aspects of the project with respect to Section 30240, other relevant coastal policies, and the Comprehensive Plan in sections 4.14 and 10.14. This comment also states that these habitats are ranked by the CDFG CNDDDB as rare habitats. The project's measures to protect these habitats are addressed in response to comment G-3-83.

G-2-742

This comment states that the RDEIR policy consistency analysis does not consider impacts to oak woodland and willow riparian woodland tributaries to Dos Pueblos Creek resulting from the project's potential sedimentation, which may conflict with Section 30240 of the Coastal Act. The RDEIR analyzes potential impacts from sedimentation to riparian corridors and minor streams

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and oak woodlands in the context of Section 30240 of the Coastal Act in sections 4.14 and 10.14. Further details pertaining to the project's measures to minimize potential erosion and sedimentation impacts may be referenced in response to comment F-1-19.

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G-2-743

The comment states that the pipelines connecting proposed homes to the proposed wastewater treatment facilities, regardless of whether they have been constructed already, must be evaluated for consistency with Coastal Act policies. The comment is incorrect. Previously constructed facilities are considered part of the baseline environmental setting, against which project impacts are to be measured. No environmental or policy consistency analysis of previously constructed facilities is necessary in an EIR except in the cumulative impacts context.

Regarding wastewater lines included in the proposed project, the vast majority of such lines are proposed to be located within development envelopes and access road rights-of-way. In instances where wastewater lines are proposed outside these areas, the impacts associated with these facilities were included in the impact calculations included in sections 3.4 and 9.4 of the RDEIR.

G-2-744

The comment cites the Comprehensive Plan, stating that significant wildlife areas should be identified and protected by regulations, and that any development in these areas should be at a sufficiently low density to avoid detrimental effects to wildlife. Numerous policies and regulations exist within the County that serve to identify and protect significant natural resources and wildlife areas, including the LCP, Zoning Ordinance, and specific regulations such as the Deciduous Oak Tree Protection and Regeneration Ordinance. However, no applicable policies or regulations identify the terrestrial project area as a significant wildlife habitat. (Naples Reef is identified as a sensitive habitat in the LCP, and potential impacts to this feature are identified and mitigated in the RDEIR.) Despite this, the RDEIR contains measures to mitigate all impacts of the proposed project on biological resources to a less-than-significant level.

G-2-745

This comment states that the project would remove significant habitat for wildlife, including rare and diminishing species on the coastal terrace. The project's measures to reduce impacts to the coastal terrace to less-than-significant levels are described in response to comment F-2-15.

This comment also states that proper surveys for burrowing owls and other raptors have not occurred. The project's efforts to survey and protect burrowing owls and other raptors have been addressed in response to comments F-2-7 and S-2-45.

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Section 15.0 **G-2-746**

Responses to Comments

This comment's assertion that the coastal terrace is an ESHA has been addressed in General Response 13.5.3. Additionally, the project reduces effects to fragment and otherwise adversely impact the coastal terrace habitat to less-than-significant levels (Class II), as discussed in response to comment F-2-15. In the context of the above portion of this response, this comment's statement that the project is inconsistent with the Comprehensive Plan goal to protect ESHAs is not applicable.

G-2-747

The comment states that the RDEIR failed to delineate all wetlands within the project area, and that the RDEIR's claim that all wetlands will be avoided with a 100-foot buffer is therefore incorrect. Please see responses to comments G-3-95 and G-3-96. The comment also states that construction of the Canada Tomate bridge violates LCP policy 9-9. This issue has been addressed previously in responses to comments G-2-307 and G-2-308.

G-2-748

The comment states that the RDEIR misapplies LCP Policy 9-9 with regard to the types of facilities permitted within the 100-foot buffer zone surrounding wetlands, and states that the policy requires a 100-foot buffer from all development including grading, fences, and access roads. The comment is incorrect. Policy 9-9 specifically excepts minor facilities such as fences and public trails from the 100-foot buffer requirement.

G-2-749

The comment states that the CCC recommends a buffer much larger than 100 feet for projects such as the proposed project, and references the "California Coastal Commission Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone." The referenced document states that coastal wetland buffers should be a minimum of 100 feet in width; should serve to minimize the disturbance to wetlands from adjacent development; should be designed when necessary to minimize the effects of erosion, sedimentation, and pollution; should provide habitat for species; and should allow for passive recreational uses in the area. Other than these stated objectives, the document does not further discuss the issue of coastal wetland buffers, and no quantitative discussion of this topic is included.

G-2-750

The comment states that the RDEIR fails to analyze the project's consistency with Section 30233 of the Coastal Act, which prohibits the fill of coastal wetlands for residential uses. Please see response to comment G-2-277.

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G-2-751 and G-2-752

The comment states that the RDEIR fails to address impacts associated with potential leakage from the proposed wastewater treatment facilities, such as geologic, hydrologic, and water quality-related impacts. As discussed in response to comment G-2-339, the proposed facility design would be selected to meet the demands of the project and to manage risks such as pipe fracture, such that the potential for an environmental release from the facility is remote. Please see response to comment L-1-6.

G-2-753

The comment states that eliminating the residential second units from the proposed project would reduce treatment plant discharges and therefore lessen project impacts. No significant impacts have been identified associated with the proposed treatment facilities, and reducing the size or capacity of the treatment plants would therefore not lessen any significant environmental impacts of the proposed project. The project does not propose RSU's, see General Response 13.2.

G-2-754

The project manages its effects on runoff and water quality to Tomate Canada Creek and the coastal terrace as described in response to comments F-1-19, S-6-19, and G-3-35 which collectively describe the project's measures to minimize runoff and impacts to water quality. The project as proposed complies with CLUP Policy 9-14, for the reasons discussed in sections 4.14 and 10.14 of the RDEIR. This comment also suggests deleting the bridge and eliminating, relocating, and/or clustering bluff lots further north than currently proposed. The commenter's recommendation is included in the public record for consideration by decision-makers.

G-2-755

The comment states that the RDEIR's prohibition on grazing within wetland areas in ACEs is not included in the project description or mitigation measures, and that the prohibition is therefore unenforceable. As described in section 10 of the EIR, grazing uses within the project site would be limited to the ACE areas, and would be maintained at existing levels of. The project would not result in any increase in grazing intensity or areas affected by grazing. The existing agricultural and grazing uses in the project area constituted a baseline level of grazing pressure, and because the project would not increase grazing beyond that baseline, impacts of grazing are not included among the impacts of the proposed project.

G-2-756

The comment states that the RDEIR and agricultural conservation easement language must provide a buffer to protect wetlands from agricultural and grazing impacts. CLUP Policy 9-16a prohibits grazing activities within coastal wetlands, but does not require the designation of buffer areas. See the response to comment G-2-755.

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Section 15.0 **G-2-757**

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The comment states that wetlands and other sensitive habitats should be included within OSCEs rather than ACEs in order to ensure adequate protection. Mitigation measure Bio-5 has been updated to require avoidance of wetlands within agricultural conservation easements, thereby guaranteeing a level of protection commensurate with the OSCE designations.

G-2-758

The comment states that the proposed project violated CLUP policies due to its impacts on native grasslands. Please see response to comment G-3-59.

G-2-759

The comment states that the RDEIR claims a 100-foot buffer would be provided to protect native grasslands from agricultural and grazing activities, but that such a requirement is not present in the project description or mitigation measures. The referenced language in the RDEIR occurs in Section 10.14, and has been updated to correct this inconsistency.

G-2-760 and G-2-761

The comment states that the RDEIR failed to disclose potential impacts to the vernal pool fairy shrimp. Although the RDEIR did identify impacts to special-status invertebrates, vernal pool fairy shrimp were not explicitly mentioned among the species potentially affected. The RDEIR has been revised to clarify this. Impacts to the vernal pool fairy shrimp would be significant absent mitigation, but would be mitigated to a less than significant level through incorporation of Mitigation Measure Bio-5, which requires the avoidance of all wetlands, including vernal pools, with a 100-foot buffer (Class II impact).

G-2-762

The comment states that the future homeowners may wish to control mosquitoes in the wetlands onsite, and that increasing the buffer distance between wetlands and proposed residences would lessen this impact. The proposed 100-foot minimum setback between wetlands and development envelopes is sufficient to minimize the need for mosquito abatement activities within the project area. The educational materials provided to residents pursuant to mitigation measure Bio-9 would include information regarding the potential for humans to be infected by mosquito-borne pathogens, and recommended measures to reduce these risks.

G-2-763

This comment states that policies pertaining to the ARCO Dos Pueblos Gold Course Project (Makar property) regarding white-tailed kite habitat protection must also apply to the project. Please see response to comment G-2-321.

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G-2-764

The comment states that the proposed project concentrates development within white-tailed kite foraging habitat, in violation of CLUP Policy 9-29 and section 35-97.14(4) of the Coastal Zoning Ordinance. CLUP policy 9-29 is a location-specific policy intended to guide future land uses and conservation efforts on More Mesa, located many miles from the project area, and does not apply to the proposed project. Although this policy does not apply to the project area, the proposed project is designed to preserve white-tailed kite foraging habitat (within the project area this is primarily non-native grassland) to the extent feasible. The project's impacts would result in the loss of 77 acres of non-native grassland suitable for kite foraging (137 acres for Alternative 1), but the project would preserve 138 acres of this habitat in its current grazing use in perpetuity (193 acres for Alternative 1). The preservation of suitable kite foraging habitat at a ratio greater than 1:1 would further reduce impacts to this species, and to non-native grasslands in general.

G-2-765

The comment states that the coastal bluffs support white-tailed kite foraging habitat, and should therefore be qualify for protection as ESHA. For a response to this comment, please refer to General Response 13.5.3.

G-2-766

The comment states that seasonal closure of the proposed vertical beach access may prove infeasible, and that offering a trail along the bluff top with vertical access at Dos Pueblos Canyon would comply with LCP policies and protect ESHA. Public beach access at Dos Pueblos Canyon has been found infeasible due to opposition by the landowner, and due to biological and cultural resources associated with the creek corridor and adjacent land. For more information, please refer to General Response 13.6.

G-2-767

The comment states that CLUP policy 9-37 requires a 100-foot buffer around major drainages in rural areas, and that the proposed bridge and wastewater treatment plant do not afford the Canada Tomate drainage an adequate buffer. Please see responses to comments G-2-307 and G-2-308, pertaining to the non-applicability of the comment's stated 100-foot buffer, and G-2-760 and G-2-761 regarding to the proposed wastewater treatment facility.

G-2-768

The comment states that some of the coastal terrace drainages are not afforded a 50-foot buffer by the proposed project, and that wetlands must be avoided with a 100-foot buffer. The commenter's concern regarding buffer widths on coastal terrace drainages are addressed in the response to comment G-2-310. With regard to wetlands, mitigation measure Bio-5 in the

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Section 15.0 RDEIR would ensure that all wetlands within the project area are formally delineated and avoided with a 100-foot buffer.

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G-2-769

The comment states that mitigation measure Geol-2 would allow grading, a form of development, within 50 feet of creeks, and that the consistency of this measure with CLUP Policy 9-37 should have been evaluated in the RDEIR. As stated in the response to comment G-2-310, the proposed project would provide a buffer greater than 50 feet in width between minor drainages and proposed residences. However, road and trail crossings would be required across some of these drainages. For a discussion of the policy consistency issues associated with road crossings across coastal drainages, please see responses to comments G-2-307 and G-2-308.

G-2-770

The comment states that the RDEIR is incorrect in claiming that the bridge across Canada Tomate would still be required if the easternmost access off of Calle Real were made into a primary access. The comment states that since this access serves fewer than 25 residences, secondary access would not be required, and the proposed bridge could therefore be eliminated. A strict interpretation of the County Fire Department's development standards would conclude that the comment is correct, and that the proposed lots could be served by a single access road. However, the number of units served by the road is nearly enough to trigger the requirement for secondary access, and it is prudent to have an alternative means of emergency ingress and egress even if not required by Fire Department standards.

G-2-771

The comment states that CLUP Policy 9-39 requires installation of fish passage facilities in Dos Pueblos Creek where the diversion structure acts as a barrier to migration. The proposed project would not involve the installation of any dams or structures within Dos Pueblos Creek. The existing diversion structure installed in the creek is part of the environmental baseline considered in the RDEIR, and mitigation or rectification of any impacts related to this existing structure is not required under CEQA.

G-2-772

The comment states that the project is inconsistent with section 30236 of the Coastal Act, which prohibits major alterations of streams, because the project would use water diverted from Dos Pueblos Creek. Although the project would use water from Dos Pueblos Creek, the project would not result in any alteration of this stream, because the water diversion structure is pre-existing and therefore considered part of the environmental baseline. In addition, the rate of flow diversion from this existing structure would not change as a result of the proposed project. For more information regarding the diversion of flow from Dos Pueblos Creek, please refer to General Response 13.4.

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G-2-773

The comment states that the Alternative 1 is inconsistent with Policies 10-1, 10-2, and 10-3, and sufficient site identification and evaluation did not take place. It addresses the issue of deferred Phase II Testing.

Please see General Response Sections 13.3.1.2 Archaeological Resources Identification and Evaluation SBA-77, -78, -79, and -144; 13.3.2, Archaeological Resources Efforts to Avoid Impacts; and 13.3.7, The Issue of Deferred Phase II Significance Testing.

G-2-774

The comment states that the RDEIR failed to consider impact avoidance. Please see response to comment G-2-514.

G-2-775

The comment addresses the need for Native American consultation. Please see General Responses Section 13.3.6 SB-18 and Ethnic Concerns.

G-2-776

This comment introduces subsequent comments, which pertain to the commenter's claim that the RDEIR overlooks certain County policies. The EIR addresses these comments in the following responses G-2-777 through G-2-816.

G-2-777

The commenter states that the diversion of water from Dos Pueblos Creek would reduce downstream groundwater recharge. Please refer to the responses to comment G-2-540. The project will not result in additional diversion from Dos Pueblos Creek so there will be no impact to downstream groundwater recharge.

G-2-778

The commenter states that the conservation element encourages the County to study land development in areas relying on septic tanks to assess the impact of alternate densities on water quality. The MOU Project and Alternative 1 are extremely low density developments. Alternative densities could result in significantly greater environmental impacts.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further response is necessary.

G-2-779 and G-2-780

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Section 15.0 Responses to Comments The comment states that the proposed project is inconsistent with the Comprehensive Plan's Conservation Element recommendation that streams be buffered by 100 feet.

The RDEIR analyzes policy consistency with respect to the Naples coastal area in sections 4.12, 4.14, 10.12, and 10.14. As discussed, the project is consistent with policies to protect the Naples coastal area and marine resources in the project area. Please see responses to comments G-1-6 and G-1-20 for more details.

G-2-781

The project provides protection from runoff and pollution, increased foot traffic and recreation as described in response to comments G-1-6 and G-1-20.

G-2-782 and G-2-783

The comments states that the proposed project will convert rocky shores into recreational areas, and that increased recreational use of the beach will reduce its scientific importance. As stated in the responses to comments G-1-7 and G-1-36, measures incorporated into the project design, along with Mitigation Measure Bio-4, will reduce the intensity of recreational impacts to Naples Beach to a less than significant level.

G-2-784

The RDEIR analyzes policy consistency with respect to the Naples coastal area in sections 4.12, 4.14, 10.12, and 10.14. As discussed, the project is consistent with policies to protect the Naples coastal area and marine resources with respect to recreational use and water pollution. Please see responses to comments G-1-6 and G-1-20 for more details.

G-2-785

The project demonstrates protection for Dos Pueblos Creek as described in General Response 13.4, which addresses the project's negligible effects from potential water diversion, and response to comments F-1-2-18 and F-1-19, which address the project's measures to minimize potential impacts to Dos Pueblos Creek.

G-2-786

The comment states that the County must follow the recommendations of the Comprehensive Plan, and suggests the implementation of parks and open spaces to avoid impacts to sites.

The comment is generally consistent with the RDEIR. Under Alternative 1, for example, more than 90 percent of the site areas would be included either in the proposed Agricultural Conservation Easement or in the proposed Open Space Conservation Easement.

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G-2-787

The commenter states that that County policy requires the protection of groundwater quality and discourages degradation. The commenter states that the project would increase groundwater pollution by increasing discharges of treated wastewater, septic effluent and urban runoff. The RDEIR identifies the potential for project development to significantly impact water quality but that these impacts can be feasibly mitigated to less than significant. Mitigation of impacts to surface water would also mitigate impacts to groundwater from the percolation of surface water. Please refer to the response to comment G-2-16.

G-2-788

The commenter states that the groundwater tapped by the three project wells south of the UPRR tracks is of moderate to poor quality. The commenter then states that development of the Naples area is expected to increase the salt content and amount of pollutant loading. The RDEIR identifies the potential for project development to significantly impact water quality but that these impacts can be feasibly mitigated to less than significant. Please refer to the response for comment G-2-16.

G-2-789

The commenter states that the reliance on septic systems in a County “Special Problems Areas” for septic disposal is further grounds for mandating additional measures to protect groundwater. The potential impacts to groundwater have been adequately addressed in the RDEIR. Please refer to the responses to comments G-2-154 and G-2-155.

G-2-790

The comment states that Action 3.3.2 requires the County to “conserve waters to the extent feasible through the exercise of the County’s discretionary land use planning and permitting decisions,” and that the RDEIR should evaluate consistency with this requirement. An evaluation of policy consistency is beyond the scope of CEQA, and will be determined by the County Board of Supervisors.

G-2-791

The commenter states that the County shall not allow, through its land use permitting decisions, any basin to become seriously overdrafted on a prolonged basis. The project water supply will not depend on local groundwater or diversions. Please refer to responses to comments G-2-543 and G-2-549.

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Section 15.0 **G-2-792**

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The comment is significantly similar to comment G-2-791. Please refer to responses to comments G-2-543 and G-2-549. As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary

G-2-793

The commenter states that the County must ensure that all new urban development maximizes the use of effective and appropriate natural and engineered recharge measures within the project design. The project will incorporate elements of low impact development (LID) design which reduces peak stormwater flows and volumes by maximizing recharge. Please refer to the response to comment L-9-4.

G-2-794

The commenter states that reducing the development's density by combining lots and deleting envelopes would help fulfill the Conservation Element's policies. Please refer to the responses to comments G-2-579 and G-2-212.

As the comment does not provide any additional information to clarify the analysis of impacts in the RDEIR, no further comment is necessary

G-2-795

The comment opining states both Alternatives 2 and 5 comply more with the intent of the County's Open Space Element (OSE) over the MOU Project and Alternative 1. The commenter's opinion shall be included in the public record for consideration by decision-makers.

For additional discussion of the OSE intent, see response to comment G-2-796.

G-2-796

The comment states that the project would increase the intensity of recreational use on the beach, contrary to the provision in the Comprehensive Plan's Open Space Element stating that recreational use in these areas "should be very light, if it is to be permitted at all."

The proposed project would increase the intensity of recreational use on Naples Beach during a portion of the year (August through February, when access to the beach via the proposed stair structure would be permitted) the intensity of such uses would remain fairly low. The proposed parking area would accommodate only 30 vehicles, effectively limiting the number of visitors to the beach. In addition, the proposed closure of the beach from March through July each year would actually reduce recreational use during these months compared to existing conditions. Given these considerations, the County maintains that the level of recreational use facilitated by

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the proposed project would not be in conflict with the Open Space Element of the Comprehensive Plan.

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G-2-797

The comment claims Alternative 5 Clustered Development and/or Alternative 2 Offsite DPR would reduce site density thus conforming more to the County's Open Space Element. In fact, Alternative 5 would result in a higher density of development in the area between Highway 101 and the UPRR, and north of and adjacent to Highway 101, as compared to the proposed MOU Project, increasing the visual resources impacts. Under Alternative 2, residences would not be visible from Highway 101 due to topography and tall windrows, yet the area is visible from both the railroad and proposed public access trails.

G-2-798

The comment contends that the proposed project would be inconsistent with the Open Space Element of the Comprehensive Plan. An evaluation of policy consistency is beyond the scope of CEQA, and will be determined by the County Board of Supervisors.

G-2-799

The comment claims implementation of the Opens Space Element policies have synergistic positive effects on other site constraints; these include: visual, archeological, biological, and hydro-geological. The commenter's opinion is included in the public record for consideration by decision makers.

G-2-800

The comment states that the RDEIR does not include the Comprehensive Plan Housing Element policies and goals. See responses to comments G-2-802 through G-2-812.

G-2-801

The comment is a summary statement; please see response to comments G-2-802 through G-1-810.

G-2-802 through G-2-804

The comment claims that the RDEIR lacks assessment of Goal 1 of the County's Housing Element, as amended:

Goal 1: Enhance Diversity and Quantity of Housing Supply. Promote the development of new housing with a diversity of types, sizes, tenures, densities, and locations in the necessary quantities to meet the needs of all economic segments of the community.

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Section 15.0 Responses to Comments This is a goal and not a policy. In either event, the obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The broader policy consistency analysis, contained in Sections 4.0 and 10.0 of the RDEIR, addresses many other types of policy statements (including housing), is included for information purposes only, and is not considered part of the RDEIR.

G-2-805 through G-2-807

The comment claims that the RDEIR lacks assessment of Policy 1-9 of the County's Housing Element, as amended:

Policy 1-9: Infill Development. The county shall promote moderate to higher density residential or mixed use development on in-fill sites within the urban boundaries of the county to encourage efficient use of land and existing infrastructure.

This policy pertains to infill sites within urban areas of the County and is not applicable to the Naples townsite. The proposed project would not interfere or impede the policy's application. Please also note that the term "promote" is neither compulsory nor absolute. This is particularly relevant given the uniqueness of the Naples townsite which already has legal lots. The proposed project would reduce the number, not expand, the legal lots that already exist. The commenter's opinion regarding policy consistency is noted and is part of the public record for decision makers to consider. Please see response to comment G-2-802.

G-2-808

The comment claims the RDEIR lacks assessment of Goal 5 and Policy 5-1 of the County's Housing Element, as amended:

Goal 5: Quality Housing Design. Promote efficient use of land and well-designed, energy efficient housing units in keeping with the character of surrounding neighborhoods.

The obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The broader policy consistency analysis contained in Sections 4.0 and 10.0 of the RDEIR addresses many other types of policy statements (including housing), and is included for information purposes only and is not considered part of the RDEIR. The commenter's opinion regarding policy consistency is noted and is part of the public record for decision makers to consider.

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G-2-809

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The comment claims that the RDEIR lacks assessment of Policy 5-5 of the County's Housing Element as amended:

Policy 5-5: The County shall continue to encourage development within existing urban boundaries of the county and the preservation and/or protection of rural land uses outside the urban boundaries.

The obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The MOU Project and Alternative 1 are both consistent with this policy. The proposed Naples Planned Development land use designation and zoning regulations expressly promote the preservation and protection of rural resources at the Naples townsite. This is further evidenced through the merger, reconfiguration and reduction of legal lots that already exist.

G-2-810

The comment claims that the RDEIR lacks assessment of Goal 7 of the County's Housing Element, as amended:

Goal 7: Cooperative Relationships. Form strong collaborative working relationships with the public and all providers of and advocates for housing; and assist these collaborators in all feasible ways with the process of accessing and/or developing affordable housing.

This is a goal and not a policy. In either event, the obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The broader policy consistency analysis contained in Sections 4.0 and 10.0 of the RDEIR addresses many other types of policy statements (including housing), and is included for information purposes only and is not considered part of the RDEIR. The proposed project would neither interfere nor impede the Goal 7 of the Housing Element.

G-2-811

The comment claims that the RDEIR lacks assessment of Policy 9.1 of the County's Housing Element, as amended:

Policy 9.1: State and Federal Funding. The county shall actively pursue and use various sources of revenue in order to assist the development, acquisition, and

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Section 15.0 rehabilitation of affordable housing and provide financing assistance to first time
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The obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The broader policy consistency analysis contained in Sections 4.0 and 10.0 of the RDEIR addresses many other types of policy statements (including housing), and is included for information purposes only and is not considered part of the RDEIR. The commenter's opinion regarding policy consistency is noted and is part of the public record for decision makers to consider.

G-2-812

The comment claims the RDEIR lacks assessment of Policy 9.4 of the County's Housing Element, as amended:

Policy 9.4: County Owned Lands. The county shall make the provision of affordable and/or special needs housing a priority when considering the future use or sale of county-owned land.

The obligation of a lead agency for conducting a policy consistency analysis under CEQA is limited to "...an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls" (Section 15063(d)(5) of the CEQA Guidelines). This requirement is satisfied in Sections 3.6 (MOU Project) and 9.6 (Alternative 1). The broader policy consistency analysis contained in Sections 4.0 and 10.0 of the RDEIR addresses many other types of policy statements (including housing), and is included for information purposes only and is not considered part of the RDEIR. It is further noted that the TDR study referenced by the commenter is not part of the RDEIR. The commenter's opinion regarding policy consistency is noted and is part of the public record for decision makers to consider.

G-2-813

The comment claims implementation of TDR would reduce energy consumption; therefore the project would comply with the Comprehensive Plan Energy Element Policy 3-1 and 3-9.

County's Planning and Development staff selected the applicable policies to be included in the RDEIR based on their applicability to the proposed action.

Also see response to comment G-2-568.

G-2-814

The commenter states that Goal 4 of the Energy Element requires the County to increase the efficiency of water and resources use. County's Planning and Development staff selected the

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applicable policies to be included in the RDEIR based on their applicability to the proposed action. The RDEIR discusses these elements of public service demand for water in Sections 3.15.1.1.6 (MOU Project) and 3.15.1.1.6 (Alternative 1), Water Supply and Treatment, and energy resource demand 3.15.1.1.9 (MOU Project) and 9.15.1.1.9 (Alternative 1), Electrical and Gas Energy.

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G-2-815

The comment claims the section of Highway 101 through and adjacent to the project is a rural expressway; therefore a maximum of 33,000 trips per day would comply with the Comprehensive Plan Circulation Element. An evaluation of policy consistency is beyond the scope of CEQA, and will be determined by the County Board of Supervisors.

G-2-816

The comment claims the MOU Project and Alternative 1 violate the Scenic Highways Element (SHE). See response to comment G-2-693.

G-2-817

See response to comment G-8-47.

G-2-818

The comment claims the RDEIR fails to use the correct baseline for comparing alternatives. The opinion of the commenter will be included in the public record for consideration by decision-makers.

G-2-819

The comment claims the RDEIR is confusing because alternatives are compared to both the MOU Project and Alternative 1. See response to comment G-8-16.

Additionally the comment claims Alternative 1 is not the Environmentally Superior Alternative. See response to comments S-2-6 and G-2-30.

G-2-820

Summary comment which introduces no new comments, see response to comments G-2-817 through G-2-819.

G-2-818a

The comment objects to a public hearing statement about the selection of alternatives process made by the applicant's attorney following the publication of the RDEIR. The comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

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Section 15.0 **G-2-819a**

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The commenter provides descriptions of two new possible alternatives that include a reduced project and cluster development. The comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

G-2-820a

The comment restates content of the RDEIR alternatives discussion, therefore no response is required.

G-2-821

The comment claims that both the MOU Project and Alternative 1 result in the same level of impacts to wetlands, beaches, raptor foraging habitat. The comment restates content of the RDEIR's Section 11.0, therefore no change is necessary.

G-2-822

The comment claims Alternative 1 should be removed as an alternative because it would increase significant impacts compared to the MOU Project. For information regarding the selection of Alternative 1 as the environmentally superior alternative, please refer to response to comment G-8-69 and General Response 13.1.5.

G-2-823

The comment claims the RDEIR understates the significant effects of the Alternative 1 compared to the MOU Project for loss of grasslands and prime farmland. The RDEIR in Section 11.2.2 finds Alternative 1 preferable from an agriculture perspective, as it would result in a more comprehensive and integrated agricultural program than the MOU Project, and the Alternative 1 design preserves more prime agricultural land. See response to comment S-2-44 for discussion of MOU Project and Alternative 1 impacts to grassland habitat.

G-2-824

The comment claims the comparison between the Alternative 1 and MOU Project is flawed as the DPR conversion of open space and agricultural lands impacts are not part of the MOU Project. For the purposes of analyzing the environmental impacts for each issue area, the MOU Project and Alternative 1 need not contain all of the same project elements.

G-2-825

The comment claims that when comparing the physical impacts, Alternative 1 does not avoid or substantially lessen impacts compared to the MOU Project. Section 11.2.2 of the RDEIR comparison of the impacts between the MOU Project versus Alternative 1 states, "effects related to these issues (Geology and Soils, Hydrology and Water Quality, Traffic, Air Quality,

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and Public Services) may potentially be more extensive under Alternative 1 when compared to the MOU Project, all of these effects are considered mitigable to a level less than significant.” This comment restates information provided in the RDEIR without a point of contention with the findings.

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G-2-826

The commenter provides background information on the basis for determining the elements of the Naples Coalition Alternative which resulted in Alternative 2 in the RDEIR. The comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

G-2-827

The RDEIR need not be revised to update an alternative to the proposed project based on a project objective, economic feasibility. Per CEQA, alternatives analysis is guided by the “rule of reason.” See response to comment G-8-47.

G-2-828

See response to comment G-7-5.

G-2-829

The comment requests that the RDEIR alternatives discussion be revised to include an earlier version of the Alternative 2, as originally provided by the Naples Coalition.

See response to comment G-2-826.

G-2-830

The comment claims Alternative 2 is not consistently compared to the MOU Project. The comment is incorrect. Section 11.3.2 consistently compares Alternative 2 to the MOU Project by each issue area discussed in Chapter 3 of the RDEIR. In some cases, the MOU Project and Alternative 1 are compared to Alternative 2.

G-2-831

The comment claims that the finding of “bluff erosion rates...somewhat lower potential to create impacts” in Section 11.3.2.1 for Alternative 2 should be revised to say substantially reduced, as no bluff development is proposed. Bluff erosion rates are part of the existing condition; no development on the coastal bluffs would prevent future changes from occurring.

G-2-832

The commenter claims the Alternative 2 project as proposed by the Naples Coalition would not include between 94 and 105 units, therefore the runoff when compared to the MOU Project

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G-2-833

The commenter states that the 54-unit NC Alternative has smaller homes, smaller development footprints, and results in less water quality and hydrology impacts compared to the MOU Project and the larger Alternative 1. The commenter states that the NC Alternative would result in considerably less urban runoff. The comment provides no additional information to clarify the discussion of impacts associated with the Alternative 1 and MOU Project alternatives. Discussion of the NC Alternative is not within the scope of this EIR and is therefore not relevant to the discussion of impacts associated with Alternative 1 or the MOU Project.

G-2-834

The commenter states that the RDEIR inexplicably excludes a public restroom for Alternative 2 and, as a result, finds water quality impacts not associated with the MOU Project. This comment is not clear and it is uncertain what impact is being discussed for the MOU Project. The commenter does not explain how excluding a public restroom would result in finding water quality impacts not associated with the MOU Project. In any event, the inclusion of a public restroom would not result in significant additional water quality impacts as the footprint of the paved area would be very small in relationship to the total area of the project. Wastewater from the restroom would be managed as part of the sewer infrastructure of the project. The impact of the package WWTPs to public services and water quality has been addressed in detail in the RDEIR. Because the comment does not provide any additional clarification or information, no further response is necessary.

G-2-835

The commenter states that Alternative 2 reduces water quality impacts because this Alternative has a smaller equestrian facility, provides a public restroom, lessens reclaimed water discharges, and avoids all proposed septic systems on DPR south of Highway 101. The comment provides no additional information to clarify the discussion of impacts associated with the Alternative 1 and MOU Project alternatives. Discussion of Alternative 2 is not within the scope of this EIR and is therefore not relevant to the discussion of impacts associated with Alternative 1 or the MOU Project.

G-2-836

This comment states that Alternative 2 would avoid significant biological impacts and policy conflicts claimed to result from the MOU Project and Alternative 1 configurations with respect to wetland fill and/or inadequate buffers on coastal terrace, loss of coastal terrace as wildlife/raptor habitat, loss of coastal terrace on wildlife movement corridors, impacts to habitats associated with hazardous soils remediation, and loss of native grasslands and

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inadequate buffer for native grasslands under bluff-top lots. Neither the MOU Project nor the Alternative 1 configuration would result in significant biological impacts to wetlands (as described in Mitigation Bio-5 in sections 3.4.4.4 and 9.4.4.4 of the RDEIR), coastal terrace as wildlife habitat and movement corridor (as discussed in response to comment G-3-18), habitats associated with soils remediation (addressed in response to comment G-3-341), and native grasslands (as demonstrated in response to comment G-3-35).

G-2-837

This comment continues the previous comment with the recommendation for Alternative 2, and states that Alternative 2 would reduce the impacts to biological resources as compared to the MOU Project. This comment has been addressed in response to comment G-2-836, and the commenter's opinion is included in the public record for consideration by decision-makers.

G-2-838

The comment states that Alternative 2 should contain a coastal access at Dos Pueblos Ranch. As described in General Response 13.6, coastal access at Dos Pueblos Ranch is not desirable due to potential resource conflicts with ESH, agriculture, and cultural resources. See response to comment G-1-15. Because alternatives evaluated under CEQA are deemed feasible, incorporation of an infeasible coastal access proposal into Alternative 2 was not appropriate and was therefore not undertaken in the RDEIR.

G-2-839

The comment states that Alternative 2 avoids and substantially lessens impacts of the proposed project on biological resources. Section 11.3.2.3 of the RDEIR acknowledges that Alternative 2 would result in reduced impacts to biological resources compared to the proposed project. No further response is necessary.

G-2-840 through G-2-841

The comment claims Alternative 2 avoids potentially unknown oil wells on the coastal terrace, unlike the MOU Project and Alternative 1. The Section 11.3.2.1 Geology and Geologic Hazards of the RDEIR states “[o]n balance, Alternative 2 has greater overall impacts related to geology and geologic hazards as compared to the MOU Project or Alternative 1 due to the number of single family residences that would be located on or near steep slopes north of Highway 101.” Additionally the approximate sites on known and undisclosed well sites are extensively outside of the coastal terrace; see Figures 3.5-1 (MOU Project), and 9.5-1 (Alternative 1). The commenter's opinion regarding this matter will be included in the public record for consideration by decision-makers.

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The RDEIR discusses in Section 11.3.2.6, Agricultural Resources, the merits of Alternative 2 compared to the MOU Project and Alternative 1. The potential impacts of Alternative 2 related to agricultural resources would be equivalent to the potential impacts of the MOU Project.

G-2-843

The comment claims the Alternatives analysis Visual Resources Section 11.3.2.8 fails to compare the Alternative 2 impacts to Alternative 1. Per CEQA Guidelines 15126.6(d), EIRs “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” See response to comment G-8-21.

G-2-844

The comment requests visual simulations of Alternative 2 for illustrating the avoidance of impacts compared to Alternative 1 and the MOU Project. Per CEQA, alternatives analysis is guided by the “rule of reason.” See response to comment G-8-47.

G-2-845

The comment states that Alternative 2 substantially reduces the cultural resource impacts of the project, which is consistent with the RDEIR (see RDEIR Section 11.3.2.10), and that those impacts are not reasonably mitigated in the “proposed project.” Please see response to comment G-2-514.

G-2-846

The commenter claims the Alternative 2 project as proposed by the Naples Coalition would not include between 94 - 105 units, therefore the traffic and circulation impacts would be fewer when compared to the MOU Project. The RDEIR has analyzed the Alternative 2 project as understood by the County. As stated in Section 11.5.2.11 Alternative 4 (Reduced Development), the effects on traffic and circulation would be less than for the MOU Project.

G-2-847

With either MOU or Alternative 2, the population increase demand would place roughly equivalent demands on public services such as fire protection, law enforcement, schools, and hospitals.

G-2-848

See response to comments G-2-826 through G-2-847.

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G-2-849

The comment claims the Alternative 3A (Grid) is not an appropriate alternative because it would not substantially lessen the impacts of the MOU Project. Alternative 3 is the No Project alternative presented in Section 11.4.

G-2-850

The comment claims Alternative 3A is not accurately described because it fails to identify site modifications (i.e., unit locations). Alternative 3A would potentially build out the lots of the Official Map of the Town of Naples, which is included in the RDEIR as Figure ES-3.

G-2-851

The comment claims Alternative 3A (Grid Development) is not accurately described because it fails to describe where reclaimed water would be discharged.

The description of Alternative 3A presented in section 11.0 of the RDEIR is sufficiently detailed to allow meaningful evaluation, analysis, and comparison with the proposed project, as required by CEQA. Description of alternatives to the same level of detail as the proposed project is not required.

G-2-852

The comment claims the Coastal Commission has not confirmed the development potential of Alternative 3A (Grid Development).

See response to comment S-2-8.

G-2-853

The comment claims the coastal drainages, wetlands and ESHA will limit development potential of Alternative 3A (Grid Development).

See response to comment G-2-591.

G-2-854

The comment references a *EDC Grid Lot Development Potential Analysis Map* prepared jointly by EDC and Surfrider, not included in the attachments provided to the County. The comment does not address the adequacy of the RDEIR, and no response is necessary.

G-2-855

The comment claims 22 of the (114-125) Alternative 3A (Grid Development) lots would be impacted by development constraints which should be reflected in a revised draft of the EIR.

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Section 15.0 Alternative 3A's approximate unit total at buildout already includes foreseeable development
Responses to constraints. See response to comments S-2-8 and G-2-591.
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G-2-856

The comment restates an earlier comment. See response to comment G-2-72.

Also see General Response 13.1.2 Valuation Methodology.

G-2-857

The comment claims the RDEIR findings for Alternative 3A (Grid Development) compared to MOU Project for Air Quality, noise, and public services are inaccurate because the Grid Development would not include RSUs. RSUs are not part of any alternative impact analysis.

G-2-858

See response to comments G-2-850 through G-2-857.

G-2-859

The comment claims Alternative 3A is flawed as it does not implement TRD to a maximum extent feasible. TDR is not a requirement of each alternative; no modifications to Alternative 3A are required.

G-2-860

The comment claims Alternative 4 (Reduced Development) substantially lessening of all significant impacts that occur under the MOU Project is not supported by evidence in the RDEIR, and claims that visual impacts would remain significant. As stated in Section 11.5, visual impacts from Alternative 4 are less than those of the proposed project because the number of lots developed is reduced, and the particular areas where development would be eliminated were chosen in part for the visual resources present. Thus, although visual impacts of the proposed project would not be completely eliminated by adoption of Alternative 4, those impacts would be substantially lessened.

G-2-861

The comment claims in addition to visual resource impacts mentioned in comment G-2-860, the agricultural Support facility north of Highway 101 results in undisclosed visual impacts. The analysis of Alternative 4 presented in section 11 of the RDEIR is sufficiently detailed to allow meaningful evaluation, analysis, and comparison of this alternative with the proposed project. Analysis of the environmental impacts of alternatives at the same level of detail as the proposed project is not required. The agricultural support facility is a minor component of the proposed project, and the RDEIR provides an accurate description of the impacts of Alternative 4 without going into specific details regarding this project component.

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G-2-862

See response to comment G-2-860.

G-2-863

The comment claims the basis of Alternative 4's financial infeasibility is inconsistent with the MOU; and has less than 54 units, which are both economic feasibility determinations defined by the client.

See response to comment G-8-53.

G-2-864

The commenter misinterprets Policy 2-13, TDR is not mandated it is recognized as a potential tool for removing development from the Naples town site to extent feasible. Additionally, the commenter is mixing project objectives and mitigation measures, the latter are identified to reduce identified impacts of a development proposal.

See response to comment S-2-10.

G-2-865

The comment claims Alternative 4 is compared to Alternative 1, rather than the MOU Project, resulting in findings that the commenter does not agree with. Section 11.5.2 includes Comparative Impacts between Alternative 4 and the MOU Project for each issue area discussed in Chapter 3, therefore no change is required. The commenter's opinion shall be included in the public record for consideration by decision-makers.

G-2-866

The comment requests that the RDEIR be revised to include a reduced feasible project alternative that substantially lessens significant impacts. The comment is not related to the adequacy of the RDEIR, therefore no additional change is necessary.

G-2-867

The comment supports Alternative 5 (Clustered Development) over MOU Project, Alternative 1, Alternative 3A and Alternative 4. The commenter's opinion is part of the public record for consideration by decision makers.

G-2-868

The comment restates the content of the RDEIR Section 11.6.1; therefore no additional response is necessary.

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Section 15.0 **G-2-869**

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The comment disagrees that noise-associated impacts are reduced for Alternative 5 (Clustered Development) cited in the RDEIR in Section 11.6.2.12 which states, “[a]lternative 5 would cluster residential units in areas that would be somewhat more exposed to noise from the highway (north of Highway 101) and from the railroad tracks (south of Highway 101)... overall noise levels at homesites would be higher than those in the MOU Project.” Because more (sensitive receptors) single family residences would be located in closer proximity to the major noise sources in the area, the overall noise effects would be greater.

G-2-870

The comment is a summary statement that concludes Alternative 5 (Clustered Development) is the preferred Environmentally Superior Alternative. The commenter’s opinion is part of the public record for consideration by decision makers.

G-2-871

The comment summarizes the implementation of TDR under Alternative 6. See response to comment G-2-872.

G-2-872

The comment claims TDR is a feasible way to avoid and substantially lessen otherwise unavoidable significant impacts and policy conflicts caused by the MOU Project.

The TDR process including receiver sites is discussed in the response to comment S-2-10. The economic feasibility of TDR discussion is found in General Response 13.1.1, Feasibility Determination. County planning and Development staff agree that a limited number of lots may be transferred from Naples townsite to receiver locations. The commenter’s description of the TDR funding, timeline and process lacks disclosure of all the meeting, participants, and actions taken in the two-year period described. Specifically, an adopted TDR ordinance would apply to the entire County, not just to the Naples townsite.

See response to comment S-2-16 for further discussion of TDR, and see General Response 13.1.

G-2-873

The TDR study is not a part of the RDEIR, but further clarification of the TDR study prepared for the MOU Project and Alternative 1 configurations is included in General Response 13.1.

G-2-874 and G-2-875

See response to comment G-4-2.

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G-2-876

See response to comment G-4-3.

G-2-877

See response to comment G-4-2.

G-2-878 through G-2-880

See response to comment G-4-3.

G-2-881

The comment references the attached Kerry Mormann and Associates Real Estate listing, which is already discussed in response to comment G-2-72.

G-2-882

The commenter claims the development rights values are speculative because Coastal Commission and County approvals are pending.

See response to comment G-4-3.

G-2-883

The commenter's option of the Alternative 4 analysis is based on the 2006 TDR study, which was updated in 2007. The TDR study is not a part of the RDEIR, but further clarification of the TDR study is included in General Response 13.1.

G-2-884

See response to comments S-2-26 and I-1-1.

G-2-885

The comment expresses an opinion about the project objective that requires compliance with the MOU (a legally binding agreement between the multiple landowners and the County). This comment to disregard the MOU agreement is not related to the adequacy of the RDEIR. The commenter's opinion is part of the public record for consideration by decision makers.

Additionally, sequencing is discussed in response to comment S-2-20.

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Section 15.0 **G-2-886**

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The proposed project applicant and landowners of parcels included in various alternatives do not represent the same parties, therefore some portions of the alternative explored are infeasible due to an unwilling landowner. See response to comments G-8-44 (subpart DP-19), and G-8-49.

G-2-887

The County's second project objective states "[a]chieve a long-term solution to the potential development of the existing Naples townsite lots that would resolve pending litigation and future disputes over the potential development of the property between the landowners and the County." Alternative 1 includes resolution of all Naples townsite buildable lots, with the exception of Makar (10 lots) and Morehart (12 lots). For a discussion of the DPR issues to be resolved by the proposed action, see response to comment S-2-7. The policy inconsistency issues currently exist; adoption of the Final NPD district shall resolve pending policy conflicts.

G-2-888

The comment claims Alternative 2 avoids disturbance of wetlands, native grasslands, and sensitive coastal terrace habitat. Implementation of mitigation measures Bio-1a and Bio-5 would ensure that the proposed project and Alternative 1 would avoid wetlands and native grasslands as well. However, the potential impact of Alternative 2 related to biological resources would be less than potential impact of the MOU Project (or Alternative 1) as stated in Section 11.3.2.3 Biological Resources of the RDEIR, due to the avoidance of development on the grassland terrace areas adjacent to the coastal bluff.

G-2-889

The comment claims the RDEIR should have included an ACE as a component of Alternative 2 in its impacts analysis, and was inconsistent in its treatment of that alternative. If an ACE were incorporated into Alternative 2, the impacts of that alternative regarding agricultural resources would be reduced. The extent of the reduction would be dependent on the size of the ACE proposed and the acreage of important farmland included.

G-2-890

The comment disagrees with the finding that Alternative 2 is inconsistent with the MOU as stated in Section 11.8.2. The commenter's opinion is part of the public record for consideration by decision makers.

G-2-891

The comment requests that Table 11.8-1 be modified to state that Alternative 2 is equal with Alternative 1 in the following issue areas:

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- MOU, see response to comment G-2-890.
- Open Space, see response to comment G-2-XXX.
- Agriculture, see response to comment G-2-889.
- Residential uses, see response to comment G-2-XXX.

G-2-892

The comment claims the RDEIR lacks discussion for finding that Alternative 4 (Reduced Density) is inconsistent with the MOU.

The RDEIR discusses the rationale for inconsistency with the MOU in Section 11.8.4, therefore no change is necessary.

G-2-893

The commenter opinion on the alternative analysis of Alternative 6's inclusion of TDR is inaccurate. TDR is not mandatory under either LCP Policy 2-13 or Coastal Act §30250. Section 11.7.1 Description of Alternative 6, discloses that "TDR is a tool or an implementation procedure."

G-2-894

The comment responds to a statement in the DEIR about Alternative 6, not the RDEIR, therefore no response is necessary.

G-2-895

The comment restates an earlier comment. See response to comments G-2-30 and G-2-819.

G-2-896

The comment restates earlier comments. See response to comments G-2-826, G-2-831, G-2-832, G-2-840, G-2-843, and G-2-846.

G-2-897

The comment restates the content of the RDEIR's Table 11.1-1 which summarizes the results of a qualitative comparison of environmental impacts associated with each alternative, as compared to the proposed SBR Project, therefore no change is necessary.

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Section 15.0 **G-2-898**

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The comment claims that Alternative 2 would mitigate impacts to the extent feasible by applying TDR and removing development from the viewshed, concluding that this alternative could be considered environmentally superior to all others.

See response to comment G-2-981.

G-2-899

Neither Alternative 4 nor 5 achieve the desired resolution compared to the MOU Project or Alternative 1. One of the County's objectives includes achieving resolution to the Naples townsite developable lots. See response to comments S-2-26 and S-2-31.

G-2-900

The commenter recommends analysis of Alternative 5 (Cluster Development) and Alternative 4 (Reduced Density) development alternative for the purposes of avoiding Coastal Terrace on Santa Barbara Ranch and Dos Pueblos Ranch, resulting in an environmentally superior alternative. The RDEIR evaluated a reasonable range of alternatives as required by CEQA, and additional alternatives analysis is not required. For more information, please refer to General Response 13.1.5.

G-2-901

The comment requests modifications to the RDEIR to include mitigation measures related to NPD. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary.

G-2-902

The comment claims LCP Policy 2-24 in the Draft NPD is too flexible and would result in precedent-setting. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary.

See response to comment I-3-11.

G-2-903

The comment restates earlier agricultural buffers recommendations from the County's Agricultural Preserve Advisory Committee. See response to comment G-2-407.

G-2-904

The comment requests modification to LCP Policy 2-31 contained in the Draft NPD. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary.

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See response to comments G-2-488 and General Response 13.6.

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G-2-905

The comment requests modification to Sec.35-xxx.8 Setbacks for Buildings and Structures, contained in the Draft NPD district to include setbacks from Agricultural Easements, Open Space Easements, and active landslides. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary. The NPD included in the RDEIR was a draft document, and will be subject to revision prior to approval.

G-2-906

The comment requests modifications to Sec.35-xxx.8 Setbacks for Buildings and Structures, contained in the Draft NPD to include a maximum development envelope or unit size of 5,000 sq. ft. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary.

The RDEIR includes measures to protect agricultural operations in Sections 3.7.4.2.4 (MOU Project) and 9.7.4.2.4 (Alternative 1), impacts are potentially significant impacts that can be mitigated (Class II). Operations conflicts can be reduced through design and notification measures described in Mitigation Ag-2 and Ag-3.

For a discussion of the Dennis Schneider residence, see response to comment G-2-419.

G-2-907

The comment requests modification to Sec.35-xxx.9 Distance Required Between Buildings and Designated Trails, contained in the Draft NPD district to include a 150-foot setback between trails and development envelopes. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary. The NPD included in the RDEIR was a draft document, and will be subject to revision prior to approval.

G-2-908

The comment requests the proposed Coastal Trail be located as close to the bluff as feasible avoiding ESHA. A bluff-top trail alignment was rejected as infeasible due to the opposition of the landowner and biological- and cultural-resource related factors. For more information, please refer to General Response 13.6.

G-2-909

The comment requests modification to Sec.35-xxx.10 Height Limits, to contained in the Draft NPD district to remove of all references to oil and gas derricks. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary. The NPD included in the RDEIR was a draft document, and will be subject to revision prior to approval.

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Section 15.0 **G-2-910**

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The comment requests modification to Sec.35-xxx.10 Height Limits, contained in the Draft NPD to limit heights to comply with LCP Policy 4-11. This comment is not related to the adequacy of the RDEIR, therefore no change is necessary.

G-2-911

The comment recommends changes to Sec. 35-xxx.13 Visual Development Standards of the Draft NPD. These include the following:

- Contends the RDEIR fails to analyze MOU Project and Alternative 1 consistency with subsection 1, which requires siting of roads and driveways to avoid public view areas. No public areas exist within the existing project site, therefore no analysis is necessary. See response to comment G-2-102.
- Requires avoiding placement of structures in the viewshed of Highway 101 to the maximum extent feasible. See response to comment G-8-275.
- The comment cites unsupported CBAR recommendations for the project site screening limited to existing features, excluding existing vegetation (i.e., existing windrows, understory vegetation, and agricultural trees). See response to comment G-2-438.

Also see response to comment L-1-23.

G-2-912

See response to comment G-2-911.

G-2-913

See response to comment G-2-911.

G-2-914 and G-2-915

This comment states that the RDEIR overlooks the project's significant irreversible impacts to natural resources with respect to the following issue areas (a) through (d):

(a) The project would not result in significant irreversible impacts to Naples Beach and Naples Reef, as provided in response to comments G-1-6 and G-1-7.

(b) As demonstrated in response to comment G-3-35, the project would not result in significant irreversible impacts to native grasslands.

(c) The project would avoid impacts to wetlands, through mitigation Bio-5 (Sections 3.4.4.4 and 9.4.4.4) in the RDEIR.

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(d) As described in response to comment G-3-18, the project would not result in significant irreversible impacts to the coastal terrace habitat.

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G-2-916

The RDEIR addresses the growth inducing effects of the MOU Project and Alternative 1 in Section 5.5.1.21, Summary, which includes discussion of removing obstacles, promoting economic activity, and setting a precedent. The commenter's claims are misleading; the RDEIR includes discussion of CEQA Guidelines Section 15126 within Section 5.1.1.

Please see response to comment G-2-37.

G-2-917

The comment claims that Alternative 1 shall result in a loss of prime and other farm lands, setting a precedent for future land conversion.

The RDEIR discusses the conversion of agricultural lands in Sections 3.7.3.3 (MOU Project) and 9.7.4.3 (Alternative 1), Cumulative Impacts: "potential cumulative effects on agricultural resources are considered potentially significant but subject to feasible mitigation (Class II)."

G-2-918 and G-2-919

The comment claims that the guest houses can be converted to Residential Secondary Units without discretionary permits.

This claim is inaccurate; the guest houses are not Secondary Residential Units and the limitations for size, use, and occupancy are defined in Section 35.42.160 of the Santa Barbara County Land Use and Development Code ("Development Code").

The RDEIR discusses the existing and proposed zoning in Sections 3.6.1.2 (MOU Project) and 9.6.1.2 (Alternative 1), Existing and Proposed Land Use Designations and Zoning. The County Residential Agricultural Unit Ordinance referred to by the commenter is not applicable.

Most of the Alternative 1 area is zoned AG-II-100, but both the SBR and DPR properties have small areas zoned Unlimited Agriculture (U), 10 acre minimum parcel size, under the County's Zoning Ordinance 661 (Figure 9.6-2). The MOU Project inland portion is currently designated A-II-100, 100-acre minimum parcel size (Figure 3.6-1), and zoned Unlimited Agriculture (U), 10 acre minimum parcel size, under the County's Zoning Ordinance 661 (Figure 3.6-2).

The comment claims that the proposed project (MOU Project or Alternative 1) is not in conformance with the County RAU Ordinance.

Please see response to comment G-8-44.

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This comment cites inconsistencies with the requirements on the RAU ordinance, which lacks compliance with development envelope of 2 acres, or 3 percent of the lot size. The RAU Ordinance is not applicable to the MOU Project or Alternative 1. Please see response to comment G-2-918.

G-2-921

The comment claims the RDEIR fails to address additional RAU inconsistencies regarding secondary units within areas defined as “Special Problems Areas.” The RAU Ordinance is not applicable to the MOU Project or Alternative 1.

Please see response to comment G-2-918.

G-2-922

This comment claims that the project description’s inclusion of guest houses within the coastal zone results in nonconformity with the County RAU Ordinance. The RAU Ordinance is not applicable to the MOU Project or Alternative 1.

Please see response to comment G-2-918.

G-2-923

This comment claims that the project description cites secondary units; no secondary units are proposed, and that proposed project guest houses (intruding in the skyline and public views) result in nonconformity with the County RAU Ordinance. The RAU Ordinance is not applicable to the MOU Project or Alternative 1.

Please see response to comment G-2-918.

G-2-924

The comment claims that the RDEIR lacks discussion of the RAU Ordinance economic protective measures. The RAU Ordinance is not applicable to the MOU Project or Alternative 1.

Please see response to comment G-2-918 above.

G-2-925

The comment provides no new information, therefore no response is necessary. Please see the response to comment G-2-37 for discussion of the proposed fire station and potential growth inducing effects. The RDEIR includes discussion of CEQA Guidelines 15126.2(d) in Section 5.1.1. See also the response to comment G-2-916.

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G-2-926

This comment claims the proposed project's inclusion of residential units sized greater than 5,000 sqf results in a growth-inducing impact, and cites the Gaviota Coast Conservancy, Gaviota area home size survey.

Square footed of residential unit is not correlated to growth-inducing impacts per CEQA Guidelines Section 15126.2. For further discussion, please see Section 5.5, Growth Inducing Effects, of the RDEIR.

G-2-927

This comment provides no new information. See response to comments G-2-37, and G-2-916.

G-2-928

This comment provides no new information. See response to comment G-2-917.

G-2-929

The comment claims that the RDEIR fails to consider the growth-inducing nature of the proposed project by virtue of increased property values compared to the baseline of the existing grid lots.

As described in General Response 13.1, a TDR study has been completed for the proposed project. The TDR study concludes that: "...while it may be possible to extinguish at least some development potential at Naples, a complete extinguishment of development rights is improbable." These findings and relevant documents were the subject of separate public hearings by the Planning Commission and Board of Supervisors in late 2007 and early 2008. Among other findings, the TDR study concludes that entitlement values for the "baseline condition" (i.e., Grid development) are actually higher than either the MOU Project or Alternative 1. Thus, growth inducement by virtue of economic "spillover" (as characterized by the commenter) is lower under the proposed project compared to the baseline condition. It is further noted, in contrast to the baseline, that both the MOU Project and Alternative 1 include the permanent preservation of agricultural land and open space to counteract the pressures for future development.

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Final Revised 2007 TDR Study Update	Grid (125 Lots)	MOU Project (54 Lots)	Alternative I (72 Lots)
Average House Size (Sq. Ft.)	3,660	4,500	4,631
Development Right Value			
Total	\$205 M	\$126 M	\$155 M
Average/Lot Value	\$1.64 M	\$2.24 M	\$2.07 M
Receiver Site Valuation Capacity	\$73.2 M	\$73.2 M	\$73.2 M
Valuation Differential	\$131.8 M	\$52.8	\$81.8

Sources: Santa Barbara Ranch Transferable Development Rights (TDR) Feasibility Analysis (page 59), Solimar Research Group, March 3, 2006. Summary Report to Update the Santa Barbara Ranch TDR Feasibility Study (Table 4.1, page 28), Solimar Research Group, Inc., August 30, 2007.

Notes: Figures shown above reflect a 70% downward adjustment in maximum development proposed under each scenario.

G-2-930

The comment provides no new information, therefore no response is necessary. See response to comment G-2-179.

G-2-931

The comment claims the MOU Project and Alternative 1 result in an increased potential for significant growth inducement.

The RDEIR analyzes the growth-inducing impacts including agricultural land preservation in ACE and PACEs, in Section 5.5, Growth-Inducing Effects.

G-2-932

The comment calls for RDEIR revisions and recirculation for public comment.

Under CEQA Guidelines Section §15088.5(f)(1), a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the DEIR has been revised and the entire document has been recirculated. The County has complied with all provisions of Section §15088.5(f)(1).

Response to David Magney Environmental Consulting Letter G-3 Dated January 23, 2008

G-3-1

The comment is introductory, and does not discuss the content of the RDEIR.

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G-3-2

The comment states basic information regarding the MOU Project and Alternative 1, but does not discuss the content of the RDEIR.

G-3-3

The comment states that there are constraints that would render each of the 114-124 lots deemed potentially buildable the County's analysis of Alternative 3A undevelopable.

While construction on many of the lots deemed buildable under the Alternative 3A scenario would be constrained by regulatory and environmental factors, many others would be developable and residential use on these legal lots could not be reasonably denied. The commenter claims that these considerations would render each of the 114-124 grid lots undevelopable. As discussed in Section 11.4.1.2 of the RDEIR, there are 219 lots recognized within the Santa Barbara Ranch property. The discussion within that section describes the general constraints and rationale for estimating that the range of developable lots would be from 114 to 125. Some development infrastructure is already present on the property, including roadway access and water service. The degree of constraint varies considerably from lot to lot based on location, proximity to sensitive areas, and other factors. Further, the fact that additional state and/or federal regulatory approvals would be needed would not necessarily preclude the acquisition of such approvals and subsequent development.

G-3-4

The comment states that the analysis of Alternative 3A (Grid Development) in the RDEIR fails to consider 100-foot setbacks from wetlands and drainages. Figure 11.4-1 shows that 100-foot setbacks from the coastal drainages are considered in the estimate of developable lots within Alternative 3A.

G-3-5

The comment states that the railroad tracks within the project area are owned by Southern Pacific Transportation Company, not Union Pacific Railroad as stated in the RDEIR. Union Pacific Railroad acquired control of Southern Pacific Lines on September 11, 1996.

G-3-6

The comment states that The commenter was unable to locate the comprehensive list of vascular plants identified within the project site.

The environmental baseline for special-status plant species used in the RDEIR was derived from field work conducted by Holland (2003), SAIC (2004 and 2005) on Santa Barbara Ranch, and from field reconnaissance conducted by URS Corporation on Dos Pueblos Ranch. Comprehensive lists of vascular plants observed were included in the Holland and SAIC

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Section 15.0 biological survey reports. The URS Corporation botanical field work on Dos Pueblos Ranch was
Responses to focused on rare plant species which are identified in Tables 3.4-3 and 9.4-3 of the RDEIR. A list
Comments of non-sensitive species occurring was not compiled.

G-3-7

The comment states that the biological surveys for the project did not include Dos Pueblos Ranch, and that the plant lists therefore do not include all species occurring within the project site. Without this information, Alternative 1 cannot be evaluated at the same level of detail as the proposed MOU Project.

The commenter is correct in stating that a comprehensive list of plants and wildlife within the Alternative 1 area is not included in the RDEIR. The biological surveys performed on the Dos Pueblos Ranch property included mapping of vegetative communities, and preliminary surveys for sensitive species. Since non-sensitive plant and wildlife species are not tied to any of the significance criteria adopted in the County Environmental Thresholds and Guidelines Manual and used in the RDEIR, such a list was not necessary for the purposes of identifying significant impacts of Alternative 1.

G-3-8

The comment states that the RDEIR fails to mention the list of Rare Plants of Santa Barbara County developed by CNPS and the Santa Barbara Botanic Garden. There is no fixed definition of "special status species" used by either the CEQA Guidelines Appendix G or by the County of Santa Barbara. Both the CEQA Guidelines and the County of Santa Barbara Thresholds and Guidelines Manual specifically reference federal and state species listed as endangered or threatened. Beyond officially listed species, the Thresholds and Guidelines Manual (County of Santa Barbara 1994:A-10) does provide additional direction, clearly under the heading of a "Guideline", as follows:

The species and habitats are not necessarily limited to those that have been "listed" by state and federal agencies, but include any species that, based upon all available data, can be shown to be rare, threatened and/or endangered. These can include "federal candidate" species, "state special concern" species, and those of local concern such as those species which are endemic, rare in the region, or declining in number.

The original vegetation surveys and mapping by SAIC and the updated surveys conducted by URS included references to listed species, and to species published by the California Native Plant Society (CNPS) in their *Inventory of Rare and Endangered Plants of California*. Section 3.4.3.1 provides a more thorough review of how special-status species were determined for this project, and what publications were reviewed. The listing includes publications by the Santa Barbara County Botanical Garden and the CNPS. The update of the particular listing referenced in The comment was not prepared until after work on the RDEIR was completed.

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G-3-9

The comment states that the SAIC biological report for the project failed to identify numerous taxa to subspecies or variety, which could have resulted in the omission of sensitive species from the impacts analysis.

The SAIC report represented a springtime biological survey report and was intended to supplement the earlier botanical survey report prepared by Holland. Most of the plant species listed in the SAIC report as occurring on the property were identified in the earlier survey by Holland. URS biologists reviewed the prior reports, combined the information with that gained in the URS fieldwork, and compiled the lists of special-status plant species that may occur on the property (Tables 3.4-3 and 9.4-3). As noted in The comment, most of the 21 species listed in The comment are likely relatively common taxa. Any species (or subspecies) considered sensitive or special status by any of the publications or listings described in response to comment G-3-8 above were included in the tables. It is recognized, however, that no matter how complete such a listing may be there is always the potential for isolated sensitive plant species to occur, particularly when there is a time lag of several years between the survey work and the time when a project can be implemented. The potential for impacts to sensitive plant species is recognized in the RDEIR and is addressed in Impacts Bio-1 through Bio-4, and Mitigation Measures Bio-1b and 2b.

G-3-10

The comment states that the RDEIR should be revised to include a checklist of all plant species fully identified and all special-status species evaluated for significance of impacts.

Where sensitive plant species were identified in the California Natural Diversity Data Base (CNDDDB), and/or the CNPS statewide listing of rare and endangered plants in California, they were included in Tables 3.4-3 and 9.4-3, with identification to subspecies where applicable. At issue is whether or not additional subspecies believed by The comment author to be sensitive should also be included. There is no need to include a new checklist with all plant species fully identified to subspecies in the EIR. Implementation of Mitigation Measures Bio-1b and 2b will be based on the information contained in the Final EIR which includes the information in The comments and responses.

G-3-11

The comment states that the Holland (2003) and SAIC (2004, 2005) botanical surveys were not conducted following agency established protocols.

The Holland (2003) survey was conducted on behalf of the applicant. The SAIC surveys were conducted under contract with the County of Santa Barbara, and the RDEIR compilation of this material was also conducted under contract with the County of Santa Barbara. There is no requirement to use all agency protocols in these surveys. The general procedures and

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Section 15.0 requirements followed are listed in Appendix A of the County's Guidelines and Thresholds Manual (1994:A-10).
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G-3-12

The comment states some minimal professional standards for conducting botanical surveys. It also states that the surveys conducted did not meet USFWS guidelines for botanical surveys.

The referenced USFWS survey protocol is intended for use in surveying for federally listed, proposed, and candidate plant species in the context of Endangered Species Act permitting processes. The level of regulatory protection afforded listed species is great, and the requirements for protocol surveys can be quite rigorous. However, such a level of rigor is not necessarily required to comply with CEQA (see *Association of Irrigated Residents v. County of Madera* (2003), 107 Cal. App. 4th 1383.) The survey methods employed by Holland, SAIC, and URS Corporation were conducted at appropriate times of year to detect and identify rare plants in their floristic forms, surveys were conducted by qualified botanists with knowledge and expertise in the regional flora, and survey results were mapped to facilitate environmental analysis of the proposed project. Therefore, the RDEIR contained substantial evidence supporting the environmental setting with regard to sensitive botanical species occurring onsite.

G-3-13

The comment contains the survey guidelines referenced in comment G-3-12, but does not address the content of the RDEIR. Many of the specific steps described in these guidelines were followed, but as noted in response to comment G-3-12, there is no rigid requirement to follow the listed protocols. No response is required.

G-3-14

The comment states that there are numerous bryophyte and lichen species tracked by CNDDDB, and that the RDEIR fails to include analysis of impacts to nonvascular plants such as bryophytes and lichens.

Because appropriate federal, state, and local agencies have not designated any lichens likely to occur within the project area as sensitive, the botanical surveys conducted for the project did not include these species. However, Mitigation Measures Bio-1b and Bio-2b require that sensitive plant surveys be conducted prior to construction and that any sensitive plants impacted be compensated for through revegetation. Should any lichens be designated as sensitive plants between the time of this writing and commencement of construction on the project, these measures would require compensation for any impacts.

G-3-15

The comment states that the County's Environmental Thresholds and Guidelines Manual was not followed completely in the RDEIR, and includes an excerpt from the manual. The comment

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serves to introduce comments G-3-16 through G-3-19, and does not contain sufficient detail to facilitate a specific response.

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G-3-16

The comment states that there is no evidence that seasonal surveys for special-status plants were conducted, except for the statement in the RDEIR listing several dates when reconnaissance-level surveys were performed.

The referenced surveys were performed in a time and manner adequate to identify the extent of sensitive plants on the project site for purposes of a CEQA baseline and to satisfy the requirements of the County's Environmental Thresholds and Guidelines Manual. For more information, please see the response to comment G-3-12.

G-3-17

The comment states that proper seasonal botanical surveys should be conducted of the entire Santa Barbara Ranch and Dos Pueblos Ranch project area, and that the RDEIR should be revised to include this assessment.

Please see responses to comments G-3-12 and G-3-16.

G-3-18

The comment states that a statewide rare and endangered plant *Lonicera subspicata* ssp. *subspicata* (CNPS List 1B) was reported on Santa Barbara Ranch, but was listed in the RDEIR only as a "locally sensitive" species.

The RDEIR contains an editorial error with regard to the status of the Santa Barbara honeysuckle. Tables 3.4-3 and 9.4-3 have been updated to acknowledge this plant as a CNPS List 1B species.

G-3-19

The comment states that the RDEIR does not contain any measures to mitigate impacts to the Santa Barbara honeysuckle.

The RDEIR contains mitigation measures to address this species. Mitigation Measures Bio-1b and Bio-2b require preconstruction surveys for sensitive plants and compensation through revegetation for any impacted individuals.

G-3-20

The comment states that *Brodiaea terrestris* ssp. *terrestris* and *Sidalcea malviflora* ssp. *californica* should be treated and assessed as locally rare plants due to their rarity in the County, despite the fact that the species are not on any formal list.

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Section 15.0 This issue was addressed in responses to comments G-3-8, G-3-9, and G-3-10.

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G-3-21

The comment states that the plant *Brodiaea terrestris* ssp. *terrestris* should be treated as locally rare, since it is clearly rare in the County and is on the CNPS list of locally rare plants of Santa Barbara County.

This issue is addressed in general in responses to comments G-3-8 through G-3-10. In particular, this species was identified on the property by the original Holland (2003) survey (although not to subspecies), and was also identified in association with native grassland mapping in the SAIC work in 2004 (SAIC 2004: Table 3). Given its association with the native grassland areas, it is not likely to be impacted by the project. The potential for impacts to sensitive plant species is recognized, however, and is addressed through Mitigation Measure Bio-1b.

G-3-22

The comment states that there is potential for additional locally rare plants to be present, including *Clematis paucifolia*, *Malacothrix saxatilis* var. *arachnoidea*, and *Sidalcea malviflora* ssp. *californica*, and that impacts to these species should be addressed in the EIR.

This issue was addressed in responses to comments G-3-8, G-3-9, and G-3-10. Mitigation Measures Bio-1b and Bio-2b require surveys for sensitive plants to be performed in all development envelopes prior to construction, and require that, in the event that sensitive species are present, impacts be offset through revegetation requirements.

G-3-23

The comment states that the RDEIR describes and maps vegetation only generally, and that of the ten communities identified by SAIC only nine are mapped in the RDEIR.

Existing vegetation within the project area was mapped using the Holland classification system, an established protocol which is widely used in the CEQA context, especially when the project site is large. With regard to the mapping of vegetation identified in the SAIC report, the areas of non-native grassland containing native grassland species at less than 10 percent cover were mapped as a distinct vegetation type by SAIC but were counted as non-native grasslands in the RDEIR. As consistent with the County's guidelines, these areas are not considered native grasslands for which impacts in excess of 0.25 acre would be considered significant. It is possible, however, that sensitive plant species could be located here (and in other areas mapped as non-native grasslands). This separate issue is addressed as impact Bio-1 and Mitigation Measure Bio-1b.

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G-3-24

The comment states that the annual grasslands mapped in the SAIC report are subdivided, in that areas containing native grassland species of less than 10 percent cover were mapped separately from other non-native grasslands. Large areas of the non-native grasslands are dominated by taller weed species (mainly black mustard). Both SAIC and URS biologists distinguished these areas in their mapping of vegetation communities. These ruderal dominated grasslands provide a generally lower quality foraging habitat. The issue of non-native grasslands with less than 10 percent native species is addressed in response to comment G-3-23.

G-3-25 and G-3-26

The comments state that using the Holland classification of vegetation communities instead of the Sawyer/Keeler-Wolf classification reduces the quality, accurateness, and completeness of the RDEIR, and that the vegetation should be mapped using the Sawyer/Keeler-Wolf classification.

The Holland classification system includes mapping of vegetation polygons and identification of plant communities based on the species present and their relative abundance. The results of such classification enable the identification of all riparian and other sensitive vegetation communities within the project area. Because this classification is sufficient to allow an understanding of the significant effects of the project, the more rigorous subclassification of these vegetation types into specific “series” as included in the Sawyer/Keeler-Wolf system is not required.

G-3-27

The comment states that the vegetation mapping appears very coarse, resulting in many errors of omission due to “lumping.”

While the project size may be small compared to the County as a whole, it is large when compared to many other projects. The MOU Project covers 485 acres, as noted in The comment, but the Alternative 1 design includes the Dos Pueblos Ranch and brings the overall project size to over 3,000 acres. All of the mapping was done by professional biologists, approved by the County and using techniques accepted in the County. In some cases, “lumping” did occur. For example, there are areas of existing improved roads and adjacent ornamental vegetation that run in or adjacent to riparian areas mapped by SAIC. SAIC did not distinguish these existing disturbed areas and separate them from the riparian vegetation as mapped. In other areas, individual eucalyptus trees or small clumps of eucalyptus trees occur in areas mapped as non-native grassland. These isolated trees or small groves were not mapped separately. Transitions from non-native grassland to coastal scrub vegetation are sometimes gradual, and placing a precise line to separate the two is a matter of professional judgment. All mapping was done on air photographs, and these are reproduced in the EIR. For a response to this comment, please refer to the response to comment G-3-23.

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The comment states that the vegetation within the project area should be mapped to a 0.25-acre or smaller scale, and notes that some EIRs prepared for the County have mapped vegetation to hundredths of an acre. Response to comment G-3-27 addresses this issue. There was no single “scale” used to map vegetation. Some features known to be sensitive, such as isolated wetland seeps, were mapped even though they are much smaller than 0.25 acre.

G-3-29

The comment lists several instances where The commenter believes that vegetation was mischaracterized by the maps and text in the RDEIR.

This issue is addressed in response to comment G-3-27. The area of Dos Pueblos Creek near the water diversion structure is about two miles upstream from any areas proposed for development in the Alternative 1 design, and would not be subject to any changes with the project.

G-3-30

The comment states that areas of coastal scrub and riparian vegetation are mapped as native or non-native grassland.

There are isolated areas of coastal bluff scrub on the coastal bluffs immediately adjacent to the beach or ocean areas to the south of the Santa Barbara Ranch property. SAIC did not map these areas as they were difficult to access and were not to be affected by the project. There are no extensive areas of coastal scrub associated with the coastal drainages on the property. There are isolated areas where eucalyptus and other non-native shrubs or trees are growing along the drainages, and some areas where trees have been planted. In some cases, these may be relics of previous duck hunting activities on the property. SAIC mapped a few of the more densely planted areas as “planted trees” and chose to incorporate others within non-native grassland.

G-3-31

The comment states that the area around the lake mapped as coastal scrub includes other land covers including groves of trees and a house, and that errors such as this oversimplify the habitat diversity of the project site. The area in question, around the lake, is outside of the Santa Barbara Ranch property (MOU Project) considered by SAIC. SAIC apparently extended their mapping in this area on the basis of air photo interpretation, without detailed field checking. More detailed mapping of this area was completed by URS biologists and is included in Figure 9.4-1E. The tabulations of vegetation community types and impacts presented in Table 3.4-1 do not include areas outside of the property, so there is no skewing or oversimplification of the results.

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G-3-32

The comment states that the colors on the vegetation map do not match the legend, making the map hard to read. Also, The comment inquires as to the reason non-native grasslands containing less than 10 percent cover of native grassland species were mapped separately in the SAIC report but not in the RDEIR.

Some confusion may occur in interpreting Figures 3.4-1A and 3.4-1B. This is due to the use of transparent fill polygons over an aerial photo base layer, which alters the colors. The figures are nonetheless legible, and for the RDEIR, hatching was added to the one mapping unit where confusion was the most likely (willow riparian woodland) that the colors are close enough to those in the legend to avoid confusion. With respect to the non-native grassland issue, please see the response to comment G-3-23.

G-3-33

The comment states that according to the County Environmental Thresholds and Guidelines Manual, the RDEIR needs to address the relative rarity of onsite habitats, and state whether they are isolated or connected to adjacent, offsite habitats.

The comment is apparently paraphrasing language from the County Guidelines and Thresholds Manual (in Section 6.C.2.1, page 37), and directs particular attention to the RDEIR discussion of non-native grassland habitat. The accounts of all vegetation types presented in the RDEIR provide information regarding their sensitivity. With respect to non-native grassland habitat and its ecological role in the region, RDEIR Impacts Bio-12 and Bio-22 provide additional information.

G-3-34

The comment contains excerpts from the Coastal Act related to ESHAs, but does not address the content of the RDEIR. The General Response in Section 13.5.3 provides more information regarding ESHAs, how they are identified in the County's Coastal Land Use Plan, policies that relate to them, and the relationship between the project design and these policies.

G-3-35

The comment states that the proposed buffers around development envelopes are inadequate to protect against indirect impacts on grasslands such as fuel modification, irrigation runoff, exotic species, and pets.

As discussed in Impact Bio-7 (Sections 3.4.4.2.2 and 9.4.4.2.2 of the RDEIR) the project has been redesigned since the DEIR (2006) to avoid direct impacts to native grasslands. The proposed structures and development envelopes with respect to native grasslands are depicted on Figures 3.4-1B and 9.4-1B of the RDEIR. The RDEIR recognizes and accounts for the temporary disturbance associated with the installation of storm drains. These improvements are

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Section 15.0 Responses to Comments necessary to reduce the potential effects of runoff and erosion and will serve to protect the adjacent native grassland habitat. The RDEIR also accounted for potential impact due to fuel modification within 30 feet of all structures, although it is likely that final design changes will avoid this effect altogether. The total area of native grassland directly or indirectly impacted by the project is 0.22 acre.

The project also requires water conservation and minimization of runoff through Mitigation Measure PS-9, which requires development of landscape plans to maximize the use of low-water demand species; and Mitigation Measure PS-12, which provides for a coordinated water management plan. Additionally, as stated in Mitigation Measure Flood-1 (Sections 3.3.3.4.1 and 9.3.3.4.1 of the RDEIR), the project is required to ensure that post-construction surface runoff volumes will not exceed existing conditions by implementing a number of storm water structures and drainage devices.

Additionally, Mitigation Measure Bio-3 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR) would restrict the use of non-native plants based on the potential for invasiveness or other adverse effects, protect the genetic integrity of native plant populations on undeveloped portions of the properties, and prohibit buried irrigation infrastructure outside of building development envelopes. Furthermore, Mitigation Measure Bio-9 (Sections 3.4.4.4 and 9.4.4.4 of the RDEIR) would prohibit the introduction of non-native plants and animals in areas outside of the proposed building envelopes.

G-3-36

The comment extends the discussion of indirect effects to include those from the spread of invasive non-native plants, predation by domestic pets, and invasion by Argentine ants and garden snails from developed areas on adjacent grasslands. The comment states that these were not evaluated in the RDEIR.

The potential introduction of non-native plants is addressed in impact Bio-5. Domestic pets and other threats to wildlife are addressed in impact Bio-18. Management of Argentine ants within native grasslands and other areas within Open Space and Conservation Easements within the property can and should be addressed by the Open Space and Habitat Management Plan. Factors known to influence Argentine ant habitat suitability are increasing soil moisture and compaction associated with development. As noted above in response to comment G-3-35, the project is designed to avoid development within native grassland areas and incorporates several design and mitigation measures to minimize and control runoff in these areas.

G-3-37

The comment states that the RDEIR provides no supporting evidence for the claim that historical grazing practices are the reason native grasslands have been greatly reduced onsite.

The EIR does not state that livestock grazing resulted in the destruction of native grasslands onsite. The exact statement from the RDEIR is as follows:

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It appears that previous and existing land use practices, along with almost constant grazing pressure, have extirpated native bunchgrasses as a dominant component of grasslands throughout much of the project area.

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Previous land use on the coastal terraces where the areas of native grassland remain included intensive cultivation. The reason for the limited extent of native grasslands onsite is not directly relevant to the current analysis, as any historical impacts that affected the state of the resource in the past, regardless of cause, were accounted for in the baseline environmental setting and therefore did not effect the impacts analysis in the RDEIR.

G-3-38

The comment states that the SAIC biology report should have discussed non-native grasslands more clearly, and should have included a broader array of native grassland species.

The SAIC report provided adequate discussion and delineation of native grasslands to comply with the guidelines set forth in the Environmental Thresholds and Guidelines Manual, as discussed in more detail in responses to comments G-3-41 through G-3-44. The SAIC report was commissioned by the County for specific purposes, as outlined in the report, and was not intended to present an overall evaluation of habitat values on the project sites. The RDEIR addresses the habitat value of non-native grassland areas in Impacts Bio-12 and Bio-22. More information on this issue is provided in response to comment G-3-60.

G-3-39

The comment states that it is unclear whether the SAIC biological report rounded the transect scores to the nearest whole number when making native grassland determinations.

Figure 2 in the SAIC report shows the location of grassland transect GT-1, in the southwestern portion of the property. It is part of an area mapped as native grassland species present but less than 10 percent.

G-3-40

The comment states that the locations of SAIC's grassland survey transects are not shown in the RDEIR, and that the field methods used by URS Corporation on Dos Pueblos Ranch were not the same as those used by SAIC on Santa Barbara Ranch, and that the URS methods did not follow the County's guidelines.

Although body of the RDEIR does not show the locations of the grassland transects sampled, the locations are shown on Figure 2 of the SAIC (2004) report. A URS botanist surveyed the Dos Pueblos Ranch portions of the Alternative 1 design using meandering, crisscrossing pathways through the non-native grassland areas. No areas were identified with sufficient coverage of native grassland species to warrant quantitative transects. The isolated occurrences of purple needlegrass are described in the text (Section 9.4.2.2.2). This result—the absence of

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Section 15.0 native grasslands on the hillsides north of Highway 101—is consistent with the SAIC report that
Responses to covered the Santa Barbara Ranch property including the hillsides immediately north of the
Comments highway.

G-3-41 and G-3-42

The comments state that it is unclear in the RDEIR whether native grassland polygons less than 0.25 acre in size were aggregated by SAIC when mapping grasslands.

According to the SAIC report, grassland mapping was performed in accordance with the County policy on native grasslands. This policy encourages the aggregation of native grassland patches less than 0.25 acre in size when such patches occur in high density or as part of significant native grassland, but not when the patches are isolated. Thus, the patches excluded due to their small size were isolated, and were not part of a larger, significant native grassland unit. Distances between these isolated patches were not reported, but the lack of this information does not invalidate the mapping.

G-3-43

The comment states that according to the RDEIR, areas of native grassland less than 0.25 acre were not grouped together.

The reference to the RDEIR is to Section 9.4.3.2.2, which is part of the discussion of wildlife habitats and is not the formal description of native grasslands that occurs in Section 9.4.2.2.2. The exact language from the cited page of the RDEIR is as follows:

These native grassland areas are distributed as ten patches exceeding 0.25 acre in size scattered throughout this portions of the project area, but occur primarily south of the UPRR tracks along the coastal drainages and on Lot 57 between Dos Pueblos Canyon Road and Highway 101

This passage does not address grouping of small areas of native grassland.

G-3-44

The comment raises an issue regarding whether native grasslands were mapped based on cover of native *grass* species, as written in the RDEIR, or native *grassland* species, as required by County policy.

The mapping of grasslands was conducted in accordance with County policy, and the text of the SAIC biological survey report states that all native grassland species, not just grasses, were included in the calculations. Sections 3.4 and 9.4 of the RDEIR have been revised to clarify the description of the isolated patches of native grasses and grassland species.

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G-3-45

The comment states that the Coastal Commission considers native grasslands ESHA, and that development impacting ESHA is prohibited.

This comment has been addressed in General Response 13.5.

G-3-46 and G-3-47

The comments include a table of native grassland species of the Santa Barbara Ranch area, and state that those species should be included as native grassland species for purposes of identifying native grasslands.

The mapping effort conducted by SAIC included all native grassland species present in the calculations, as required by County policy and as stated in the SAIC (2004) biological survey report. Comments and responses to comments G-3-38 and G-3-39 above provide more information on this issue. The speculation that a higher percentage of native grassland species would be identified if the entire Dos Pueblos Ranch property were to be included is not consistent with either the SAIC results north of Highway 101, where no native grassland areas were mapped, or with the URS survey results in this region.

G-3-48 and G-3-49

The comments state that the late-blooming fasciculated tarplant was not captured as an important native grassland contributor on Dos Pueblos Ranch due to the limited surveys conducted onsite, and that seasonal surveys for all species should be conducted.

The referenced botanical surveys were conducted by a qualified botanist during the spring season of a wet year, when the likelihood of detecting and identifying species was high. The level of survey effort was adequate to detect rare plants occurring within the project area for the purpose of establishing a baseline environmental setting. Also, Mitigation Measures Bio-1b and Bio-2b contain provisions for additional rare plant surveys in development areas prior to construction, further reducing the probability that a species would go undetected. Therefore, additional botanical surveys of the project site are not necessary at the present time.

G-3-50 and G-3-51

The comment suggests that because the native grassland surveys were conducted in April, when common native grassland species were not at their maximal aerial extent, the surveys favored non-native grasses and therefore underestimated the extent of native grasslands onsite.

The relative cover of various plant species can vary depending on the time of year. As described in The comment, this variation could bias estimates of relative cover away from native grass species such as *Nasella sp.* The inclusion of herbaceous species may also bias the procedure towards larger native grassland areas. Procedures used by SAIC followed the County's

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Section 15.0 Thresholds and Guidelines Manual, and the assessment of native grasslands in the RDEIR was sufficiently accurate to identify all significant impacts of the proposed project
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G-3-52

The comment states that, because the General Plan has a goal of protecting sensitive biological resources, the County should take great care to protect such resources and not rely solely on an arbitrary 10 percent cover threshold when there is no perfect means of identifying whether a site with native grassland species meets this threshold.

The General Plan goals regarding sensitive resources are very important, and thresholds have been established in the Environmental Thresholds and Guidelines Manual to facilitate the attainment of such goals. The County's method for delineating native grasslands relies on point transects to determine percent cover of native grassland species, and the method is rigorous enough to yield accurate, repeatable results under most conditions. In this RDEIR and with other projects, the County ensures that sensitive resources are not significantly impacted through the incorporation of mitigation measures, such as RDEIR Mitigation Measure Bio-1a, that require compensatory creation of sensitive habitats at a ratio greater than a simple 1:1 replacement. Even though the direct and indirect effects of the project on native grasslands are expected to be under the County threshold for a significant impact (0.25 acre) the mitigation measure will ensure that there is a net gain of sensitive habitat acreage. Thus, if there are any minor uncertainties in the mapping or determination of impacts, the procedures and required mitigation measure are adequate to offset their effects.

G-3-53

The comment states that the 0.22 acre impact to native grasslands is calculated based on a 30-foot fire clearance zone around structures, and that three of the proposed lots appear to include structures within 30 feet of native grasslands.

Areas of potential impact to native grassland were reduced from earlier designs by moving building locations to avoid direct impact. The commenter is correct in noting that proposed structures in lots 63, 91, and 93 (and also lots 39 and 66, though not mentioned in The comment) may be within 30 feet of areas mapped as native grassland. Thus, areas of native grassland in these locations may be subject to management for fire protection. The degree of impact represented by this activity is not certain, however, as stated in response to comment G-3-35. Nevertheless, the RDEIR counted this potential disturbance as an impact, along with temporary disturbance for other improvements, in calculating the impact area of 0.22 acre.

G-3-54

The comment states that there is no buffer around native grasslands within proposed landscape/development envelopes, and that this violates the Coastal Act and LCP.

For a response to this comment, please see General Response 13.5.

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Specific language in the Coastal Act is as follows:

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- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The specific policies related to native grasslands from the CLUP are as follows:

9-17: Grazing shall be managed to protect native grassland habitat.

9-18: Development shall be sited and designed to protect native grassland areas.

None of these policy statements specifies an exact buffer width, and none implies that 100 percent of all ESHAs must be protected from all disturbance. The project is consistent with Coastal Act and CLUP policies designed to protect native grassland and other ESHAs.

G-3-55

The comment states that the 30-foot fire clearance zone around structures is not credible, and that the RDEIR underestimates the amount of fire clearance that will be necessary to comply with fire department and insurance company requirements. The prescribed fire protection measures referenced in the RDEIR are consistent with the California Government Code Section 51182, California Public Resources Code Section 4291, and the Santa Barbara County Fire Department guidelines for residential developments in high fire hazard areas. Response to comment G-3-35 above also notes that periodic mowing or clipping may not be harmful, and may be beneficial, to native grassland areas.

G-3-56

The comment states that the direct loss of 0.22 acre of native grassland is not consistent with the Coastal Act or LCP, since the impacts can be avoided and are not necessary to support or maintain existing grassland habitat.

Disruption of less than 0.25 acre of native grassland is a less than significant effect based on the County Environmental Thresholds and Guidelines Manual. The vast majority of native grassland areas will be retained in Open Space Conservation or Agricultural easements. Thus, the habitat value of the native grassland areas will not be significantly disrupted or degraded and the project design is considered consistent with applicable coastal policies. Response to comment G-3-54 provides more information on this issue.

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The comment states that the proposed coastal access trail could be located along Dos Pueblos Creek using existing access roads.

Locating a public access trail along Dos Pueblos Creek would involve the same types of potential conflicts as native grasslands—the creek contains riparian habitat that is also considered an ESHA. General Response 13.6.7.1 provides more information on this issue.

G-3-58

The comment states that the RDEIR fails to address the impacts associated with fire clearance, and includes an excerpt from a study describing the adverse effects of fuel modification and irrigation on arthropods.

The impacts of fuel modification are described in Sections 3.4.4.2 and 9.4.4.2 of the RDEIR under impacts Bio-1, which addresses impacts to sensitive plant species in grassland habitats; Bio-2, which describes the effects of fire clearance on scrub habitats; Bio-5, which deals with potential introductions of non-native species; Bio-7, which describes the effect on native grasslands; and Bio-17, which describes the effects on sensitive invertebrates such as the San Francisco lacewing and the Santa Ynez Mountains walking stick. Balancing the need to provide fire protection through defensible space with ecological concerns is at the heart of current defensible space guidelines.

G-3-59

The comment is related to comment G-3-58, but states that the acreage of natural habitat significantly altered by fuel modification will be approximately 177 acres.

The commenter does not provide a method or justification for the 177-acre value stated in The comment. Habitats that would be affected by the project are reported in the RDEIR in Table 3.4-1 for the MOU Project, and Table 9.4-1 for the Alternative 1 configuration, both of which consider effects from clearing for fire protection purposes. As presented in the tables and impact discussions (Sections 3.4.4.2 and 9.4.4.2 in the RDEIR) fire protection, beach access trail, and temporary effects from drainage line installation activities in the MOU Project would affect 0.79 acre of scrub vegetation and 0.22 acre of native grassland, for a total area of 1.01 acres disturbed.

In Alternative 1, fire protection activities, beach access trail, and temporary effects from drainage line installation would affect 0.8 acre coastal scrub and 0.22 acre grassland, for a total area of 1.02 acres disturbed.

The affected areas are mitigated through Mitigation Measure Bio-2a, which revegetates affected scrub habitat at a 3:1 ratio and Mitigation Measure Bio-1a, which revegetates affected grasslands at a 3:1 ratio.

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G-3-60

The comment states that the ecological value of non-native grassland is underestimated, and that this community can be rich in native plant and wildlife species.

The concern about non-native grassland habitat was first expressed in Comment G-3-33 above. While the project design is oriented towards developing the relatively less sensitive non-native grasslands, large areas of this habitat will also be preserved in open space or maintained in agricultural easements. With respect to non-native grassland habitat and its ecological role in the region, the RDEIR Impacts Bio-12 and Bio-22 provide additional information. The commenter expresses concerns about the importance of non-native grasslands. However, as this community is not considered sensitive by any regulatory agency, does not support any resident sensitive species within the project area, and is abundant throughout the project region, the non-native grasslands are not considered to be a sensitive habitat. See General Response 13.5.3.2.7, which provides more information on this issue.

G-3-61

The comment states that the term “non-native grassland” imparts a psychological bias against this plant community, and recommends the use of “annual grassland” instead.

The baseline environmental setting and impacts analysis for plant communities was based on the vegetation maps in the SAIC biological survey report. Because the term “non-native grassland” was used in that report, the term was carried forward into the RDEIR for consistency and to avoid confusion. Furthermore, because native grasslands are considered an ESHA and there are specific polices oriented towards preserving habitat values in native grasslands, the term “non-native grassland” helps to avoid confusion between native grasslands and “annual grasslands.” The impacts analysis in the RDEIR takes into account the value of non-native grasslands, particularly with respect to wildlife habitat (see Impacts Bio-12 and Bio-22).

G-3-62

The comment cites the City of Goleta, and states that annual grasslands provide important foraging habitat for raptors and nesting habitat for many birds.

The RDEIR addresses the habitat value of non-native grasslands, and identifies this issue in Impacts Bio-12 and Bio-22.

G-3-63

The comment states that non-native grasslands act as sources of seeds for birds and mammals, and that the abandoned burrows of these species can be used by other species, such as reptiles and burrowing owls.

See responses to comments G-3-33 and G-3-60 through 62.

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Section 15.0 **G-3-64**

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The comment references some statistics in the RDEIR related to the acreages of impact to non-native grassland under the MOU Project and Alternative 1.

The comment does not address analysis or conclusions of the RDEIR, and no response is necessary.

G-3-65 and G-3-66

The comments state that non-native grasslands should be considered as sensitive habitats, and should be assessed for significance in the RDEIR.

Non-native grasslands have not been designated as a sensitive community by any federal, state, or local agency, and the County's Environmental Thresholds and Guidelines Manual does not consider impacts to non-native grasslands to be significant absent other resource considerations. In fact, the proposed project has been designed to locate proposed residences in the lower sensitivity, non-native grasslands in order to preserve the more sensitive native grasslands, riparian areas, and coastal scrub habitats. Non-native grasslands are abundant in the project region and throughout the county, and are not sensitive to human disturbance. Virtually any plot of flat land in the County, if graded or disked and then left alone, would become a non-native grassland.

In instances where impacts to annual grasslands would result in the direct mortality of a sensitive species (i.e., the grassland supports a resident population of a sensitive species, rather than being used by the species only for foraging or as a movement corridor), the RDEIR considers these impacts significant, consistent with the County's Environmental Thresholds and Guidelines Manual. This is not the case with the proposed project. In instances where the annual grasslands are used by sensitive species only for purposes of foraging or wildlife movement, as is the case with the proposed project, the impact significance is determined based on the acreage of habitat impacted, the degree of dependence of the species on the non-native grassland habitat, presence and extent of other suitable foraging habitat in the vicinity, and the availability of alternative movement corridors.

G-3-67

The comment states that because the non-native grasslands onsite support many special status species, the grasslands are not of low value.

Non-native grasslands are considered of low value in relation to the habitat value of other vegetation communities on the property and in the region. The issue of non-native grasslands and their habitat value is discussed in the RDEIR, and in responses to comments G-3-33, and G-3-60 through G-3-66.

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G-3-68

The comment states that the connectivity between the non-native grassland habitats and other, native habitats onsite further supports the claim that the non-native grasslands onsite are not of low value.

Due to the relatively open and contiguous nature of the project area, the non-native grasslands onsite are adjacent to other habitats, especially in the southernmost portion of the site. While this means it is likely that the annual grasslands may serve a function as a passable movement corridor between other habitat types, impacts to this habitat type should nevertheless not be considered significant absent other biological concerns such as wildlife movement corridors or sensitive species. Impacts of the proposed project on sensitive species and on wildlife movement, which would be considered significant if they occur, were addressed in the RDEIR in Sections 3.4.3.3 and 3.4.3.4.3, respectively.

G-3-69

The comment states that the non-native grasslands within the project area are ESHAs pursuant to the Coastal Act, and therefore must be avoided.

Please see the responses to comments G-3-65 and G-3-66. More information on this issue is provided in General Response 13.5.3.

G-3-70

The comment states that the RDEIR's claim that historical livestock grazing has affected the potential for the non-native grasslands onsite to support sensitive species is unsupported.

Please see the response to comment G-3-37. Past and current grazing activities are only one use that has altered the native vegetation of the property.

G-3-71

The comment states that based on The commenter's experience and a literature search, the RDEIR's claim that intensive grazing has impacted rare plants does not hold true as a general statement.

The RDEIR's claim that the chance of encountering special-status plant species in non-native grasslands is less than the chance of encountering such species in native grasslands is based on the lower species diversity observed in the non-native grassland habitats onsite. This decreased diversity appears to have been the result of past cultivation and grazing activities, as explained in the response to comment G-3-37. The RDEIR recognizes the potential for sensitive species to exist in the non-native grassland areas, and addressed this issue in Impact Bio-1 and Mitigation Measure Bio-1b.

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The comment states two examples of areas where plant diversity has remained high despite historical livestock grazing. Absent specific information regarding these sites and the historical practices in question, it is not possible to discern the reasons for the differing responses to grazing pressure on these sites compared to the project area. It is possible that land in the examples cited was not subject to intense cultivation prior to grazing, as was Santa Barbara Ranch. The comment does not specifically address the content of the RDEIR, and no further response is required.

G-3-73

The comment states that, in The commenter's professional opinion, the species richness in non-native grasslands onsite would have been found comparable to the two examples described in response to comment G-3-72 had the botanical surveys been performed in accordance with the survey protocols referenced in response to comment G-3-12.

The botanical surveys performed for the proposed project were conducted according to methods acceptable for establishing an environmental setting under CEQA, as described in response to comment G-3-12. The comment is also based on speculation that the past histories of the subject property and the examples cited are comparable.

G-3-74

The comment states that the RDEIR must consider the area and permanency of habitat impacts, that the project would convert and fragment large areas of grassland and displace sensitive species, and that the mitigation proposed is inadequate to mitigate impacts.

This comment is a re-statement of an issue raised in prior comments. As stated in responses to comments G-3-65 and G-3-66, non-native grasslands are not considered as a sensitive plant community, and impacts to non-native grasslands are not considered to be significant. No mitigation is therefore required for the project's impacts on non-native grasslands. Impacts on special status species, some of which may utilize non-native grasslands for foraging, are identified in the RDEIR in Section 4.4.3.3. That section identifies mitigation for those effects found to be significant.

G-3-75

The comment states that the changes in the access road for lots on Santa Barbara Ranch south of the railroad tracks are insufficient to substantially lessen impacts on sensitive species, grasslands, and wildlife movement.

Altering the project design was one of several measures, either designed into the project or required as mitigation, that help to reduce the adverse effects of the project on sensitive animal species associated with non-native grassland habitat. All roads designed in the project are of the

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minimum width allowed by fire department standards, and all drainage culverts are of a low-impact cobble lined design. These measures help to reduce the barrier effect of development to the movement of small animals. Relatively large areas of both native grassland and non-native grassland will be retained in open space conservation easements. Additional areas of non-native grassland will be retained in Private Agricultural Conservation Easements, which will limit future agricultural use to grazing of livestock similar to the pattern of existing uses.

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G-3-76

The comment states that the proposed project does not cluster the proposed dwellings, and would fragment the existing grassland habitat onsite.

Impacts of the proposed project on habitat fragmentation and wildlife movement are addressed in Section 3.4.3.4.3 of the RDEIR. A more dense clustering of development may provide additional benefits from a habitat viewpoint, and is addressed as Alternative 5 in the RDEIR.

G-3-77

The comment cites a study on ecological value of grasslands, stating that the cited study "...found that native grasslands ranked lower in ecological value than non-native grasslands in San Diego County, providing evidence of the importance and functions of non-native grasslands in southern California." The comment then states that the proposed project's roads would lower the ecological value of grasslands onsite.

This comment may be in error citing the findings of the referenced paper (Adaptive Management for Southern California Grasslands, Chadden *et al.*, 2004). The paper did not conclude that non-native grasslands had a higher ecological value than native grasslands; on the contrary, the researchers stated that non-native grasslands had much lower condition scores than native grasslands. This was a key point in the paper, as the focus of the research was on using adaptive management to prevent native grasslands from becoming converted into non-native grasslands.

With regard to the fragmentation of non-native grassland areas by roads, this is a re-statement of the issue raised in comments G-3-75 and G-3-76 above. The RDEIR evaluated effects of the proposed project on wildlife movement and habitat connectivity in Section 3.4.3.4.3.

G-3-78

The comment states that while proposed mitigation measures may improve habitat conditions somewhat, but would not mitigate the project's loss and fragmentation of grasslands.

As stated in the responses to comments G-3-65 and G-3-66, the County Environmental Thresholds and Guidelines Manual does not consider impacts to non-native grasslands significant, and no mitigation for direct loss or modification of non-native grasslands is therefore required. With regard to the fragmentation of non-native grassland areas by roads, the RDEIR

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Section 15.0 evaluated effects of the proposed project on wildlife movement and habitat connectivity in
Responses to Section 3.4.3.4.3.
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G-3-79

The comment states that Mitigation Bio-9 does not offset direct losses of and degradation of grasslands onsite.

The direct loss and degradation of native grasslands is mitigated to a less than significant level by Mitigation Measure Bio-1, which requires replacement of grasslands removed at a 3:1 ratio. As stated in the responses to comments G-3-65 and G-3-66, impacts to non-native grasslands are not considered significant, and no mitigation for direct loss or modification of non-native grasslands is therefore required.

G-3-80

The comment states that the currently proposed mitigation measures are inadequate to mitigate the direct and cumulative loss of grasslands.

The comment is mixing issues, impacts, and mitigation measures associated with native grasslands and non-native grasslands. The direct loss and degradation of native grasslands is mitigated to a less than significant level by Mitigation Measure Bio-1, which requires replacement of grasslands removed at a 3:1 ratio. As stated in the responses to comments G-3-65 and G-3-66, the County does not consider impacts to non-native grasslands significant, and no mitigation for direct loss or modification of non-native grasslands is therefore required. Cumulative impacts to grasslands, in particular non-native, or coastal terrace grasslands (referred to as annual grasslands in this comment) has also been addressed in response to comment S-6-13.

G-3-81

The comment inquires regarding the criteria for a vegetation polygon to be considered a “fragment” in the SAIC (2005) report. The SAIC report uses the term “fragment” to describe a portion of vegetation that is surrounded by larger areas containing a vegetation type different than those found in the fragment. In this context, the use of “fragment” is not based on a numerical threshold, but by relative comparison of size.

G-3-82

The comment interprets the RDEIR’s statements about the extent of coastal scrub vegetation onsite to mean that the extent would have been larger absent historical grazing practices.

References in the RDEIR to past agricultural practices, particularly with respect to alterations to previous coastal scrub areas, include intensive cultivation primarily of orchards. Extensive orchards exist on the Dos Pueblos Ranch property on similar slopes and adjacent to remaining

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coastal scrub vegetation. In areas where orchards have since died out, succession to coastal scrub is evident. A good example of this is in proposed Lot DP-05, on Figure 9.4-1E. The comment also implies that increased grazing may be beneficial to coastal scrub habitat, but such changes are not proposed with either the MOU Project or Alternative 1.

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G-3-83

The comment states that Coastal Scrub vegetation is considered a sensitive vegetation type, and that impacts to it must be evaluated for significance under CEQA. The comment lists a number of sensitive coastal scrub communities present or potentially present within the project area.

Impacts to coastal scrub vegetation were considered and tabulated in Tables 3.4-1 (MOU Project) and 9.4-1 (Alternative 1). For example, in Table 9.4-1 for Alternative 1, there are a total of approximately 165 acres of coastal scrub, or coastal scrub dominant, plant community. Of these, the total impacts, including direct loss and possible alteration due to clearing or thinning for fire protection purposes, would be 6.2 acres. The detailed vegetative composition of the coastal scrub is not necessary for this assessment.

G-3-84

The comment states that the Class II impact finding for impacts to coastal scrub vegetation is premature, since feasible mitigation has not been demonstrated.

The RDEIR does contain feasible mitigation for this impact. As acknowledged by The commenter, Mitigation Measure Bio-2a in the RDEIR requires the preparation of a mitigation plan to address the project's impacts on coastal scrub habitats. However, deferring preparation of this plan is permissible under CEQA because the mitigation measure contains a performance standard that guarantees that the impact will be mitigated. In this case, Mitigation Measure Bio-2a states that coastal bluff scrub and coastal scrub displaced by development will be replaced at a 3:1 ratio. This ensures that the project will not result in a net loss of this vegetation, and should even be sufficient to realize a net increase in coastal scrub within the project vicinity. Some modifications have been made to the mitigation text in the RDEIR to provide additional detail regarding the required mitigation plans.

G-3-85

The comment cites three sections of the Coastal Act, and states that any natural habitat satisfying the cited sections should be considered ESHA.

The cited sections do not contain any definitions of ESHA. The first section states the Act's intent to maintain and restore coastal ecosystems, and the latter two sections contain restrictions on land uses within and surrounding ESHAs. The commenter's request to use the cited sections as criteria for delineating ESHAs would not be feasible, given that the cited sections contain no criteria. The Coastal Land Use Plan for Santa Barbara County is the implementing tool for the

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Section 15.0 Coastal Act within the County, and contains definition and locations of ESHAs. General
Responses to Response 13.5.3 provides more information on this issue.
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G-3-86

The comment states that the botanical surveys for the proposed project were flawed, and that any determinations regarding whether onsite vegetation is ESHA or not should therefore be redone.

The botanical surveys for the project followed County procedures and were adequate, and represent an appropriate tool for assessing the vegetation onsite for ESHA applicability. Please see the response to comment G-3-12, and General Response 13.5.3.

G-3-87

The comment states that wetlands, coastal scrub, native grasslands, and non-native grassland containing a significant amount of native grassland species or supporting special-status species should be treated as ESHA.

Wetlands and native grasslands are explicitly identified as ESHAs in the County's Coastal Land Use Plan. Both communities are addressed in the RDEIR. Coastal scrub is in the ESHA category of "Native Plant Communities" in the CLUP, and is addressed by two policies (Policies 9-35 and 9-36). Neither policy requires complete preservation of all coastal scrub vegetation. The project's consistency with these policies is addressed in General Response 13.5.3.

G-3-88

The comment states that both the MOU Project and the Alternative 1 would result in habitat fragmentation, and that habitat fragmentation thresholds are different depending on the mobility of the species in question. The comment also states that the overland movements of the California red-legged frog onsite would be blocked.

This is a re-statement of the concerns raised in comments G-3-75 through G-3-78. Please see the responses to those comments above. Please refer to response to comment F-2-15 regarding the dispersal and movement of the California red-legged frog.

G-3-89

The comment states that there is no basis for the classification of habitat fragmentation impacts as less than significant, and points out that less mobile species may become isolated and unable to move between remaining habitat patches.

This issue is the topic of Impact Bio-12, which devotes three pages of discussion to the potential effects of habitat fragmentation. The conclusion that the project's effects would be less than significant is based on factors identified in that discussion. Briefly, these include: revisions to the project design that concentrate the location of new access roads and driveways along existing

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corridors to minimize the effect of creating new barriers, the roadway design itself that minimizes the barrier effect by avoiding steep curbs and gutters, the project fencing requirements that minimize wildlife barriers, retention of areas of native and non-native grassland, all streambeds, and coastal scrub vegetation in open space easements and agricultural easements.

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G-3-90

The comment states that the RDEIR's evaluation of impacts to wildlife movement is biased towards larger, more mobile species, and that smaller and less mobile animals are likely to become isolated and unable to move between remaining habitat patches.

Please see responses to comments G-3-75 through -78, and G-3-88 and -89.

G-3-91

The comment states that the less-mobile species referenced in the previous comment require a certain minimum habitat patch size for survival, and that the RDEIR does not include any population studies.

The RDEIR assessed potential impacts based on the procedures in the County's Environmental Thresholds and Guidelines Manual. Please see responses to comments G-3-88 and -89.

G-3-92

The comment states that the RDEIR should look at habitat fragmentation from the perspective of different species groups, or else from the perspective of the least mobile, most vulnerable group.

This comment is a re-statement of the concerns regarding habitat fragmentation. Please see responses to comments G-3-75 through -78, G-3-88 and -89. In addition, the guidance presented in Section 12.2 should be reviewed. In short, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

G-3-93

The comment states that the original EIR found habitat fragmentation impacts to be significant, and the minor modifications to proposed driveways are not enough to mitigate the impacts to a less than significant level.

This exact issue is addressed in response to comment G-3-75.

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Section 15.0 **G-3-94**

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The comment cites the RDEIR's methods for delineating wetlands in the project area, and serves to introduce comments G-3-95 through G-3-113. The comment does not specifically reference the content of the RDEIR, and no specific response is possible.

G-3-95 and G-3-96

The comments state that formal wetland delineations for the entire project area should be performed to that the project's impacts on wetlands can be quantitatively identified.

The delineation work performed by SAIC and URS was adequate to determine the approximate extent of wetlands within the project site, and to identify whether or not a significant impact would occur. The discussion in Impact Bio-8, along with the information provided in Tables 3.4-5 (MOU Project) and 9.4-5 (Alternative 1), provides information regarding the disposition of each potential wetland area identified on the properties. Mitigation Measure Bio-5 requires that prior to construction, a formal wetland delineation be conducted and that all wetlands identified be avoided and protected with a 100-foot buffer. This performance standard will ensure that, although the exact extent of wetlands potentially vulnerable to construction impacts is not currently known (and cannot be known, given the unknown length of the project approval process and the propensity of wetlands to vary in location and extent over time), the project's potential impacts on wetlands will be fully avoided.

G-3-97

The comment states that some of the wetlands delineation work performed for the RDEIR was not performed according to the Corps of Engineers' manual, and that the wetlands delineation was not verified by the Corps.

Corps methods were only used on the Santa Barbara Ranch portion of the project area. However, all impacts to wetlands would be avoided by the project, as required by Mitigation Measure Bio-5 in the RDEIR. Please see responses to comments G-3-95 and G-3-96. There is no explicit requirement in CEQA or the CEQA Guidelines regarding the performance of wetland delineations. The County Environmental Thresholds and Guidelines Manual references the federal agency definitions of wetlands and uses that definition as guidance to define the wetland/upland boundary. The procedures and definitions of the U.S. Army Corps of Engineers were used by both SAIC and URS biologists, but a formal delineation was not performed by URS for the reasons explained in the RDEIR (see Sections 3.4.2.2.2, and 9.4.2.2.2, Wetlands and Aquatic Habitat, and in Impact Bio-8 for both the MOU Project and Alternative 1).

G-3-98

The comment consists of 13 bullet points making claims about the completeness, accuracy, and number of wetlands delineation forms contained in the SAIC 2004 biological report.

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The environmental baseline for wetland locations used in the RDEIR was derived from field work conducted by SAIC (2004) on Santa Barbara Ranch, and from work conducted by URS Corporation on Dos Pueblos Ranch. Please see the responses to comments G-3-95 and G-3-96.

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G-3-99

The comment states that the wetlands delineation was not prepared using the Arid Southwest Supplement to the Corps' wetland delineation manual, as currently required by the Corps.

The fieldwork relied upon in the RDEIR predates the release of the Arid West Regional Supplement, as the fieldwork was conducted in 2004 and early 2005, and the regional supplement was not finalized by the Corps until December of 2006. However, Mitigation Measure Bio-5 requires that formal wetlands delineations be performed prior to issuance of a CDP or LUP for each proposed lot, and that minimum 100-foot buffers be established between development/landscaping envelopes and any wetlands identified. Mitigation Measure Bio-5 has been revised to specify that formal wetlands delineations will be conducted in accordance with the Arid West Regional Supplement to the Wetlands Delineation Manual.

G-3-100 and G-3-101

The comment states that wetlands delineated by SAIC in 2005 and recorded by Holland in 2003 were excluded from the RDEIR by URS with no apparent justification and no updated wetlands delineation.

The only "wetland" delineated by SAIC that was "excluded" by the RDEIR is that which is identified as SAIC 9 in Tables 3.4-2 and 9.4-2. As described, no wetland parameters could be identified at this location in a subsequent survey by URS biologists, and it appears to have been related to a pipe leak. The update information presented on Figures 3.4-3 and 9.4-3 relates to the seasonal water bodies or temporary pools. None of the wetland areas delineated by SAIC in conjunction with the coastal terrace drainages were excluded in the RDEIR. No formal wetland delineations were conducted as explained in responses to comments G-3-95 and G-3-96.

G-3-102

The comment states that the RDEIR is inadequate without fully identifying the location, type and size of each wetland onsite, particularly if any are to be impacted.

Please see responses to comments G-3-95 and G-3-96. The project was redesigned to provide 100-foot buffers around all of the potential wetland areas as described in Tables 3.4-5 and 9.4-5. It is recognized that, because of the conditions on the property and the length of time anticipated before actual construction might begin, there is some uncertainty involved in this determination. That is why Impact Bio-8 and Mitigation Measure Bio-5 are in the RDEIR.

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The comment states that 100-foot buffers should be mapped around all wetlands, and any encroachment into the buffers should be considered a significant impact.

Please see the responses to comments G-3-95 and G-3-96 and G-3-102.

G-3-104

The comment states that the RDEIR fails to address impacts to wetland functions, and that a functional assessment method should be used to determine these impacts.

As described in the responses to comments G-3-95 and G-3-96, the mitigation measures in the RDEIR would ensure that federally protected wetlands are not encroached upon by development, and that a 100-foot buffer is established to protect against indirect impacts. The proposed mitigation is adequate to guarantee that no significant impacts on wetlands would occur. Given this, it is not necessary to conduct further analysis of this issue for purposes of the project CEQA documentation. Furthermore, as an additional safeguard, because wetlands are subject to the Clean Water Act and the Corps' Section 404 regulatory program, any encroachment into these areas would require federal authorization and functional assessments could be required during permitting if deemed appropriate by the Corps. The hydrogeomorphic model described in The comment is not part of the County's guidelines or thresholds.

G-3-105

The comment cites the RDEIR in stating that development of lots 41 and 42 would result in the potential elimination of wetlands, and that this potential impact would be mitigated to a less than significant level through preserving the wetland with a 100-foot buffer or creating additional wetlands to create those eliminated. The comment also states that since all wetlands have not been delineated, it is unclear that all wetlands will be avoided.

The RDEIR has been incorrectly cited as stating that impacts to wetlands would be mitigated by creating new wetlands to replace those lost. Mitigation Measure Bio-5 requires a 100-foot buffer between all wetlands and development, and does not permit the elimination of wetlands in the lots where they occur. With regard to the portion of The comment addressing the fact that not all wetlands onsite were delineated in the RDEIR, please refer to responses to comments G-3-95 and G-3-96.

G-3-106

The comment lists many possible components of mitigation measures, and suggests that these components be incorporated into mitigation measures of the RDEIR.

As stated in the RDEIR, the existing mitigation measures presented in the RDEIR are adequate to avoid all of the proposed project's potential impacts on wetlands. Many of the specific

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protection measures noted in The comment are part of the Best Management Practices for Low Impact Development, procedures required by the County in the management of stormwater runoff from all construction and project sites. Other measures mentioned in The comment related to wetland restoration, which, as noted in response to comment G-3-105, is not part of the current project.

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G-3-107

The comment states that the deferral of formal wetlands delineations until after project approval violates CEQA.

Please refer to responses to comments G-3-95 and G-3-96. There is no improper deferral of mitigation proposed.

G-3-108

The comment states that the RDEIR does not contain performance standards to ensure that impacts to wetlands would be mitigated to a less than significant level, and that these impacts should therefore be identified as Class I impacts.

The project design already includes a 100-foot buffer between all development and areas identified as potential wetlands. Mitigation Measure Bio-5 requires a formal wetland delineation to confirm adherence to this standard, prior to issuance of a CDP or LUP. This measure is fail-safe, in that it does not allow development within 100 feet of identified wetlands, and all potential impacts would therefore be avoided.

G-3-109

The comment states CLUP policy 9-37, which deals with buffers surrounding coastal streams. The comment does not address the content of the RDEIR.

G-3-110 and G-3-111

The comment cites RDEIR text regarding the buffer widths incorporated into the proposed project by design. Other than this citation, The comment does not address the content of the RDEIR. No response is necessary.

G-3-112

The comment claims that the proposed setbacks would not mitigate impacts to Tomate Canada Creek and the minor creeks south of Highway 101 to a less than significant level.

The conclusions in the RDEIR are based on the following factors: (1) compliance with the County's CLUP policies related to stream setbacks, (2) the dominance of non-native grassland and related disturbances from past agricultural uses on the property in the streambeds in question, (3) the lack of any known sensitive species uniquely associated with any of these

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Section 15.0 streams, and (4) reference to water quality mitigation measures that will serve to minimize
Responses to adverse effects of runoff on the streambeds. In contrast, The comment offers no support for its
Comments suggestion that the setbacks would not provide adequate avoidance of potential impacts.

G-3-113

The comment states that the RDEIR did not include justification for using a 50-foot buffer from the creeks onsite, when a 100-foot buffer is required by CLUP policy 9-9 in rural areas.

The comment confuses two of the policies in the County's CLUP. Policy 9-9 provides minimum buffer width regulations for coastal wetlands, not streams. Buffer widths for coastal streams are addressed separately, in CLUP policy 9-37, which only requires a 100-foot buffer for major drainages in rural areas, as cited above in response to comment G-3-109. The language immediately preceding this policy in the CLUP states that wetlands are not included in the definition of coastal streams. For a discussion of the proposed 50-foot minimum buffer width for minor streams, please refer to the response to comment G-3-112.

G-3-114

The comment states that the RDEIR fails to consider avoidance of impacts to coastal scrub, Tomato Creek, the coastal terrace, and other biological resources.

The project design and mitigation measures identified in the RDEIR reduce potential impacts to the identified resources to a less than significant level. The range of alternatives compared and evaluated in the RDEIR may further reduce impacts in some areas. The comment incorrectly assumes that there is a responsibility to avoid all effects whatsoever to biological resources. CEQA, the County's Guidelines, and the County's CLUP contain no such requirement.

G-3-115

The comment states that the details of the RDEIR's mitigation measures are deferred to the OSHMP.

Mitigation measures are defined in the RDEIR. Some of the mitigation measures require the revegetation or restoration of areas of native vegetation to offset small losses of these areas caused by portions of the project. These revegetation areas would be in the Open Space Conservation Easement within the project, and would be implemented through the Open Space and Habitat Management Plan. The text of the Final EIR has been revised in some areas to identify additional performance criteria and requirements for some mitigation measures. Following certification of the EIR for the proposed development, but prior to issuance of any coastal zoning permits, the OSHMP will be updated to include specific measures to implement any mitigation required by the EIR.

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G-3-116 and G-3-117

The comment states that Mitigation Measures Bio-1a, Bio-1b, and Bio-2a do not contain sufficient details or performance standards to ensure that these measures will mitigate impacts as intended.

At issue in this comment is not the adequacy of mitigation measures but the assurance of implementing mitigation measures. The particular mitigation measures in question—revegetation of areas with native vegetation, and implementing Best Management Practices to control runoff and erosion during construction—are typical in Santa Barbara County and are routine conditions found on many projects. Some of the project’s mitigation measures that require preparation of plans to be completed at a future date, including Mitigation Measures Bio-1a and Bio-2a, have been modified to add more detailed success criteria and monitoring requirements for the required plans. Fire protection measures involving vegetation modification are now set forth in statutes and guidelines at the state level, which are available to the public, which have been referenced in the RDEIR, and which supersede the earlier fire management plan prepared for this project.

G-3-118

The comment is a summary of previously stated comments in the letter, including those related to grasslands, wetlands, rare plants, and vegetation mapping. All of the topics included in this summary comment were addressed in previous responses, including responses to comments G-3-34 through G-3-80 (grasslands), G-3-94 through G-3-113 (wetlands and riparian areas), G-3-6 through G-3-22 (rare plants), and G-3-23 through G-3-33 (vegetation mapping).

G-3-119

The comment states that the project’s impacts on biological resources are improperly found to be mitigated to Class II, when proposed mitigation measures will either fail to mitigate impacts or significant residual impacts will remain after incorporation of the proposed mitigation measures.

The comment deals with general issues raised elsewhere in The commenter’s letter, but does not contain enough information to facilitate a specific response. Discussions regarding the adequacy of mitigation measures to reduce impacts to a less than significant level can be found in the responses to the preceding comments.

G-3-120

The comment recommends that the RDEIR be revised again to address the inadequacies described in The commenter’s letter.

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Section 15.0 Responses to Comments Recirculation of the EIR is not required, insofar as revisions prepared for the Final EIR do not identify any new significant and unmitigated impacts. See the discussion in Section 12.4 for more information on this issue.

G-3-121

This comment provides closing salutations for The comment letter. The project has appreciated the opportunity to reply to these comments. No further response is necessary.

G-3-122

The comment consists of an attachment to the overall comment letter. The attachment is the California Native Plant Society Collecting Guidelines and Documentation Techniques, which has been addressed in response to comment G-3-10. No further response is necessary.

G-3-123

This comment consists of an attachment to the overall comment letter. The attachment is the California Native Plant Society Botanical Survey Guidelines, which has been addressed in response to comment G-3-11. No further response is necessary.

Response to Integra Reality Resources, John Ellis Letter G-4 Dated January 22, 2008

G-4-1

This comment incorrectly claims that the Summary Report to Update the Santa Barbara Ranch Transfer of Development Rights (TDR) Feasibility Study prepared by Solimar Research Group, August 30, 2007 was included in the RDEIR as Attachment E. This report was included as Attachment E to a County Planning Commission Staff Report on September 27, 2007. No such attachment was included in the RDEIR. Appendix E of the RDEIR includes Air Quality supplemental information.

Per CEQA Guidelines Section §15088.5(f)(1), a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the RDEIR has been revised and the entire document has been recirculated. The EIR has demonstrated compliance with all provisions of Section §15088.5(f)(1). Therefore the prior letter sent by Integra Realty Resources dated September 26, 2006 shall not be addressed in this response to comment period.

G-4-2

The comment claims that the TDR Feasibility Study dated August 30, 2007 uses inappropriate valuation methodology. The TDR Study is not a part of the RDEIR, but further clarification of

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the TDR Study prepared for the MOU Project and Alternative 1 configuration is included in General Response 13.1. The comment is included in the public record for consideration by decision-makers.

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The comment misinterprets the Alternative 3A (Grid Development) as requiring more development restriction compared to Alternative 1. In fact Alternative 1 includes more development restrictions, including fewer units, large areas of open space and other easements, requirements for public recreation improvements, and requirements to maintain agricultural operations and lands.

In summary, the conclusions initially reached by Solimar in its 2006 TDR Feasibility Study are reaffirmed in its August 2007 update; while it may be possible to extinguish at least some development potential at Naples, a complete extinguishment of development rights is improbable. These findings and relevant documents were submitted to separate public hearings by the Planning Commission and Board of Supervisors in late 2007 and early 2008. As provided in CLUP Policy 2-13, the determination of TDR feasibility is to be made exclusively by the County. Pursuant to this authority, the Board of Supervisors affirmed the Commission's recommendation and declared on February 5, 2008: (i) only a partial transfer of development potential at Naples/Santa Barbara Ranch is possible; and (ii) the land use designation of AG-II-100 should be re-evaluated as provided by Policy 2-13 of the County's Coastal Land Use Plan.

Also see response to comment G-4-1.

G-4-3

The TDR Study is not a part of the RDEIR, but further clarification of the TDR Study prepared for the MOU Project and Alternative 1 configurations is included in General Response 13.1. The commenter's opinion regarding the Revised TDR Study does not pertain to the adequacy of the RDEIR. The comment is included in the public record for consideration by decision-makers.

G-4-4

See response to comment G-4-1 and G-4-2.

G-4-5

This comment states that the RDEIR's Alternative 5 (Cluster Development) analysis identifies major development constraints not considered in the Alternative 3A Grid Development of the TDR Study. Development constraints include: slopes, presence of cultural resources, view corridors, and potential land slide deposits which may influence the pattern of development. Alternative 5 can respond in an entirely different way by concentrating development to avoid site constraints, dissimilar to the lot by lot development proposed in Alternative 3A.

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See response to comment G-4-3.

G-4-7

See response to comment G-4-3.

**Response to Santa Barbara County Archaeological Society Letter G-5 Dated
January 23, 2008**

G-5-1

The comment incorrectly claims the RDEIR lacks additional information from the DEIR. The decision to prepare an RDEIR was largely for the purpose of clarifying certain information regarding the project and to refine the analysis of the project. See Section ES.2 for a Summary of Changes included in the RDEIR.

G-5-2

Please see response to comment G-8-7.

G-5-3

Thank you for your comment. Land use impacts are addressed in RDEIR Sections 3.6 and 9.6.

G-5-4

Thank you for your comment. The lands are currently in private ownership and will remain in private ownership with project implementation. There are no requirements that would force the landowners to provide access to the project area beyond requirements for coastal access as provided under the California Coastal Act, the County's Coastal Land Use Plan, and case law.

G-5-5

Please see General Response 13.4, Water Supply, and Table 13-1, Summary of Estimates for Surface water Availability.

G-5-6

The comment states that Cultural Resources need to be identified and protected.

Please see General Responses Sections 13.3.1, Cultural Resources for a discussion on Adequacy of Resource Identification and Evaluation; 13.3.1.1, Historical Resource Identification and Evaluation; 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79,

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and -144; and 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, for a discussion on supplemental surveys conducted by URS.

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G-5-7

The comment suggests that Native Americans should have unfettered access to ancestral lands.

Please see General Responses section 13.3.6 for a discussion of SB-18 and Ethnic Concerns.

G-5-8

Thank you for your comment recommending transfer of development rights. This comment, and others like it that express an opinion beyond the RDEIR, are part of the public record for consideration by decision makers.

Response to Los Padres ForestWatch Letter G-6 Dated January 23, 2008

G-6-1

Los Padres ForestWatch’s stated objective is to ensure that land use activities on or near the Los Padres National Forest do not significantly impact forest resources. This comment provides an introduction to the Los Padres ForestWatch nonprofit organization and its concerns that the project may present significant impacts to the Los Padres National Forest resources. These concerns are addressed below. No additional response is necessary.

G-6-2

The Alternative 1 area includes an area within the National Forest boundaries, as depicted on Figure 8.1-1, Location Map – Alternative 1 of the RDEIR. However, the project area within and adjacent to the National Forest boundaries would be dedicated as an Agricultural Conservation Easement (ACE) occupying approximately 2,294.6 acres, as shown in RDEIR Figure 8.3-2. The development envelope is located further south, and the closest proposed lot lines occur approximately 0.5 mile south of the National Forest boundary (Lots DP09 and DP03). Under the MOU Project configuration, the closest proposed lot lines would be located approximately 1.5 miles from the National Forest boundaries.

As stated in Sections 3.15.3.2 and 9.15.3.2, under Impact PS-5: Fire Protection, much of the MOU Project and Alternative 1 areas is located within a declared Very High Fire Hazard Severity Zone and a Conceptual Fire Safety and Fuels Management Plan (Fire Management Plan) was prepared by the applicant for the project. The Fire Management Plan discusses the existing and proposed natural environment and associated fire danger, and means by which the project can be constructed and maintained to ensure that fire protection requirements are met. The Fire Management Plan prescribes fire prevention strategies that are generally consistent with Santa Barbara County Fire Department guidelines for residential developments in high fire hazard areas.

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Section 15.0 Fire fuel management activities would involve clearing vegetation within 30 feet of all structures and thinning scrub vegetation in accordance with state regulations and County Fire Department guidelines out to a distance of 100 feet from all structures. The smaller 30-foot clearance zone is contained within the defined development envelopes for all proposed lots near coastal scrub vegetation. The 100-foot thinning zone is also within the development envelopes for most lots, but several lots will require vegetation thinning activities that would extend into the nearby scrub vegetation. Impact Bio-2 discusses the removal of special-status plants associated states “[v]egetation thinning activities for fire control will involve a total of approximately 0.46 acre.”

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Creation and maintenance of defensible space would occur in areas within 100 feet of each structure, and structures are limited to the development envelope within each property. As presented in Section 3.4, Figures 3.4-1A through 3.4-1B (Existing Vegetation – MOU Project Regions 1 and 2) and Section 3.9, Figures 9.4-1A through 9.4-1E (Existing Vegetation – Alternative 1 Project Regions 1 through 5), the development envelopes and to a large extent, the properties have been sited primarily on non-native grassland, ruderal, and existing orchard regions. As discussed in Sections 3.4 and 9.4, the potential impact of fuel management on sensitive species and habitat is evaluated under Impact Bio-2: Removal of Special-status Plants Associated with Scrub Habitats, Impact Bio-5: Introduction of Non-native Plants, Impact Bio-7: Effects on Native Grasslands, and Impact Bio-17: Effects on Special-status Invertebrates in Scrub and Riparian Habitats. These impacts were found to be significant, but feasibly mitigated.

G-6-3

As discussed in response to comment G-6-2, the project area adjacent to and in the vicinity of the National Forest would be a dedicated ACE. As a result of the property configurations (i.e., relatively far distance to the National Forest) as well as fire management plan strategies (as discussed in Sections 3.15 and 9.15 of the RDEIR), the proposed project would not require fuel breaks offsite. None of Los Padres National Forest lands are within the project site.

G-6-4

As discussed in Sections 3.15 and 9.15, Public Services, and response to comment G-6-2 above, the applicant prepared a Fire Management Plan addressing the means by which the project may be constructed and maintained to ensure that fire protection requirements within a declared VHFHSZ are met according to Santa Barbara County Fire Department guidelines. The Fire Management Plan designates the project’s measures to mitigate wildfire risk, including use of building materials (i.e., class A roof covering assembly, use of fire resistant building materials), landscaping materials (i.e., maintaining approved Santa Barbara County Wildland Fire Code Zone A landscaping and plant palette criteria), structural design and siting (i.e., interior sprinkler systems, and placement of home to minimize threat to and from wildland fire), among other measures.

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G-6-5

As discussed in response to comment G-6-2, the closest project properties would be located approximately 0.5 mile and 1.5 miles south of the National Forest boundary under the Alternative 1 and MOU Project configurations, respectively. As a result of the distance and proposed fire management strategies (discussed in response to comment G-6-4). See response to comment G-6-5.

G-6-6

This comment is addressed in response to comment G-6-2.

G-6-7

This comment is addressed in response to comment G-6-2.

G-6-8

This comment is addressed in responses to comments G-6-2 and G-6-4.

Response to Santa Barbara County Action Network Letter G-7 Dated January 23, 2008

G-7-1

This comment thanks the County for the opportunity to comment, and does not raise any issues regarding the RDEIR content.

G-7-2

This comment provides a summary of the objectives of SBCAN and does not raise any issues regarding the content of the RDEIR.

G-7-3

This comment introduces The commenter's areas of concern. Each area of concern is addressed in the responses below.

G-7-4

The RDEIR discusses the Naples Planned Development District (NPD) in Sections 2.9.1.1 (MOU Project) and 8.9.1.1 (Alternative 1), Proposed Legislative Changes. Additionally, a draft of the NPD Local Coastal Plan amendments and NPD zoning ordinance amendments are provided in Appendix B of this RDEIR.

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Section 11 of the RDEIR evaluates the potential impacts of each alternative and whether the alternatives would meet the overall project objectives included in the Executive Summary. There is no project objective for meeting applicant's desired profit. Section 11 does not state that alternatives that do not match the applicant's desired profit are not feasible.

G-7-6

The EIR analysis reviews County habitat and species preservation policies in Sections 4.14 (MOU Project) and 10.14 (Alternative 1), Policies Related to Environmentally Sensitive Habitats (ESHs).

The MOU Project and Alternative 1 as originally proposed were inconsistent with these policies in Section 4.14, because the proposed Agricultural Support Facility on Lot 57 (between Highway 101 and Dos Pueblos Canyon Road) would have resulted in significant and unavoidable impacts to native grassland habitats. However, both the MOU Project and Alternative 1 were redesigned by relocating the agricultural facility to a site where it would not adversely affect native grassland or other sensitive biological resources (Lot 97). The designs have been modified to avoid encroachment into any wetland areas.

G-7-7

The commenter's statement is not true. The RDEIR discusses workforce housing in Sections 4.11 (MOU Project) and 10.11 (Alternative 1), Policies Related to Housing. To comply with the County's housing policy, the project applicant will be required to pay in-lieu fees, which will be dedicated towards providing low and moderate income housing in existing County programs.

G-7-8

The EIR addresses alternative transportation policy in Sections 4.12 and 10.12, Policies Related to Access and Recreation. The MOU Project and Alternative 1 are both consistent with the Coastal Act § 30252, which protects the potential for public transit for high-intensity uses such as high-rise office buildings. The scale of the development does not warrant inclusion of public transit as a form of alternative transportation. The proposed project, combined with recommended mitigation measures, would provide non-automobile circulation within the development (i.e., hiking, biking, and equestrian trails).

Public transit does not currently serve other public coastal access points on the rural Gaviota Coast and public transit service is not proposed to serve the project. The nearest public transit service to public coastal access is located near the City of Goleta's Ellwood Mesa property, near the western boundary of the City of Goleta, approximately 2.5 miles east of the project site.

The increase in ADT presented in the RDEIR (Sections 3.12.3.2 for the MOU Project and 9.12.3.2 for Alternative 1) includes traffic from the completed project.

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G-7-9

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The EIR described water supply and diversion from Dos Pueblos Creek in Sections 2.5.2 (MOU Project), and 8.5.2 (Alternative 1), Proposed Water Supply System. Water supply to the SBR property will include the following sources: 1) possibly part of the Dos Pueblos Creek diversion permit allotment for agricultural purposes only, 2) the State Water Project allotment contracted to the NWC, for domestic use, 3) continued use of groundwater to irrigate agricultural land on the DPR, 4) re-use of treated wastewater to supplement irrigation water. Of these, the first two are the most important in serving the proposed development, and are reviewed in detail in the following paragraphs. Additional further discussion of the water supply is found in Sections 3.15.1.1.6 and 9.15.1.1.6. In summary, the project (either the MOU Project or Alternative 1) is not expected to affect the current augmentation and diversions of surface flow in Dos Pueblos Creek, which is fully permitted and has been occurring since the 1940s, and will not have any effect on surface flows in the creek.

Although steelhead do not currently occur in Dos Pueblos Creek, potential effects to rainbow trout and other species associated with the aquatic habitat are discussed in Impact Bio-13. No direct effects are anticipated, since all development is well removed from the vicinity of Dos Pueblos and other creeks. Indirect effects related to water quality, are discussed and appropriate mitigation measures are identified.

California red-legged frogs have the potential to occur from lower Dos Pueblos Creek and Tomate Canada Creek (south of UPRR tracks) and are probable elsewhere in these watersheds. California red-legged frogs occur in the Eagle Canyon, Tomate Canada, and Dos Pueblos Creek watersheds and may move between aquatic habitats in these watersheds by traversing hundreds or thousands of feet of intervening grassland, coastal scrub, and oak woodland habitats to access these aquatic sites. The proposed development envelopes do not encroach into the required 100-foot buffer around Dos Pueblos Creek or its tributaries, Tomate Canada Creek, or the unnamed drainage along the eastern border of the project area north of Highway 101. Therefore, these habitats are not likely to be directly affected. However, they could be indirectly affected during construction by sedimentation, bank erosion, and pollution from grading access roads and development envelopes near slopes that contribute to this watershed, as well as from runoff carrying sediment, concrete, stucco, and paint wash water, and other construction-related pollutants. Impacts associated with project occupation could be direct or indirect, including pollution from uncontrolled surface runoff from horse or other livestock facilities, sedimentation, and unauthorized collecting. Additional discussions of the impacts to California red-legged frog are found in Sections 3.4.4.2.3 (MOU Project) and 9.4.4.2.3 (Alternative 1), Special-status Wildlife.

See also General Response 13.5, Biological Resources.

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The RDEIR discusses wetland delineations in Section 3.4.2.1.3, Characterization of State and Federal Jurisdictional Waters. Wetland delineations of the SBR property and limited portions of the DPR property were conducted by SAIC (2004, 2005) and their analysis was incorporated into this RDEIR in Sections 3.4.2.2.2 and 3.4.2.3.3 for the MOU Project and Sections 9.4.2.2.2 and 9.4.2.3.3 for Alternative 1. All of the areas identified either as wetlands by SAIC or as seasonal water bodies in the first Draft EIR, as well as similar areas identified in subsequent field visits, are listed in Tables 3.4-2 and 9.4-2. Some of these features are clearly associated with intentional man-made discharges of water for the purpose of watering livestock (cattle and horses) on the property.

G-7-11

The RDEIR discusses the extent of suspected soil contamination in Sections 3.5.4.2, Project Impacts, and 9.5.4.2, Alternative 1 Impacts. These sections include discussion of Impact HM-2: Impacts from Potential Contaminated Soil (Oil Well Activities). Construction activities associated with residential development could uncover hydrocarbon impacted soils. Other than noting the general locations of the exploration wells discussed in Impact HM-1, it is not possible to be more specific regarding the exact locations of, or even the presence of, hydrocarbon impacted soils. Phase II surveys involve subsurface sampling and analysis, and such investigations are required by Mitigation Measure HM-2, to be followed by the series of measures necessary to remove or remediate such soils as described in Mitigation Measures HM-3 through HM-6. The impacts (and/or hazards) from potentially contaminated soil in the project area are considered to be *significant but feasibly mitigated (Class II)*.

G-7-12

The approximate locations of these wells are shown on Figures 3.5-1 and 9.5-1 and summarized in Tables 3.5-1 and 9.5-1. DOGGR well files and abandonment records were found for one of the three exploration wells that were located on or near the MOU Project area: Advanced Petroleum, LTD. 7 (abandoned 1980). Sections 3.5.4.2 (MOU Project) and 9.3.4.2 (Alternative 1) both include mitigation measure HM-1 which details steps required for unlocated and/or abandoned oil wells. Additionally, Impact HM-2 discusses potential hazards from soil contamination.

G-7-13

The RDEIR visual impacts assessment methodology is found in Sections 3.9.4.1 (MOU Project) and 9.9.4.1 (Alternative 1), Impact Assessment Methodology. While many views in the region are stunning, it is also true that many views from Highway 101 passing through the project site are of windrows (aligned eucalyptus trees or other trees with understory vegetation), which block or greatly obscure views to the ocean or mountains. Specific visual effects analyze ten Key Observation Points (KOPs) with the following criteria: Visual quality, viewer sensitivity, viewer exposure and visual impacts susceptibility. With the incorporation of the mitigation measures,

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Impacts Vis-1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 13 would be mitigated to levels that are less than significant, while Vis-0, which addresses the overall visual character of the project, as opposed to specific views, would remain significant and unavoidable.

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G-7-14

The RDEIR discussion of potential impacts of the alternatives is included in Section 11 and summarized in Table 11.1-1, Comparison of Impacts from Alternatives to the Proposed Project. Section 11.8 discusses the consistency of each alternative with the project objectives. Section 11.9 identifies the environmentally superior alternative. Alternative 2 generally has fewer impacts in the Coastal Zone than either the MOU Project or Alternative 1, but has greater impacts inland due to the extent of its development in steeper slope areas. Alternative 5, Clustered Development, would generally have fewer physical and biological impacts than other alternatives, but would involve a denser pattern of development and concentration of residential uses greatly out of character with the region.

G-7-15

The Transfer of Development Rights program continues to be pursued by the County, and may be capable of further reducing the effects of any development on the project site. See response to comment S-2-10, which details the County's progress in developing a TDR program.

Response to Marc Chytilo for Naples Coalition Letter G-8 Dated January 23, 2008

G-8-1

This is an introductory comment that summarizes the intent of the Naples Coalition comment letter. The comment does not specifically address the adequacy of the RDEIR, therefore no response is necessary.

G-8-2

This is an introductory comment that summarizes the Naples Coalition's claims of inadequacy of the RDEIR. Each specific comment is addressed below; therefore no further response is necessary.

G-8-3

The comment cites the Gaviota Coast Conservancy in describing the natural and cultural significance of the Gaviota Coast. This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

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Section 15.0 **G-8-4**

Responses to Comments

The comment states that the proposed project will conflict with applicable policies. The commenter's opinion regarding determinations of policy consistency is a policy matter outside the scope of CEQA. The commenter's opinion is included in the public record for consideration by decision makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

The commenter adds that the proposed project would have environmental impacts, including change in the rural character of the area. The change in visual character resulting from the implementation of the proposed project is addressed in the RDEIR as impact Vis-0, which is considered significant and unavoidable. The comments related to specific environmental impacts are addressed in the responses below. Therefore, no further response is needed.

G-8-5

The comment states that the RDEIR fails to identify feasible mitigation measures and alternatives that would minimize the proposed project's impacts to acceptable levels.

Alternatives that included reduced development and/or relocation of structures away from the coastal bluff were included in the RDEIR as Alternative 2 (Off Site DPR Alternative), Alternative 4 (Reduced Development Alternative), and Alternative 5 (Clustered Development Alternative). The guiding principles for the selection of alternatives for analysis in an EIR are provided by the State CEQA Guidelines (§15126.6). Section 15126.6 requires the discussion of *"a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."* According to CEQA Guidelines 15126.6(f)(1), *"among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site."* In addition, per CEQA Guidelines 15126.6(d) *"The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed."*

The focus and definition of the alternatives evaluated in this RDEIR is governed by the "rule of reason" in accordance with §15126.6(f) of the State CEQA Guidelines. That is, the range of alternatives presented is limited to those that would permit a reasoned choice by the decision-makers.

Section 11 of the RDEIR reflects the above-mentioned CEQA guidance.

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Further, The comment states that the County should encourage and assist the transfer of development rights (TDR) to the extent feasible for each alternative prior to rezoning the property. Please refer to General Response 13.1, Transfer of Development Rights.

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G-8-6

This is a general comment that does not refer to specific issues in the RDEIR. No response is needed.

G-8-7

The commenter claims that the RDEIR's format and organization are "unwieldy" and that the document is "oversized".

CEQA Guideline Section §15141, which uses the term "should" to discuss EIR length, provides generalized advice to lead agencies and does not preclude a lead agency from preparing an EIR that is of adequate length to address the complexities of a project and its potential environmental impacts. CEQA Guideline Section §15005 provides that the use of the term "should" in a Guideline does not reflect a mandatory provision but is simply "guidance."

Please refer to *City of Fremont v. San Francisco Bay Area Rapid Transit District* (1995) 34 Cal.App.4th 1780, 1784: the Court noted the advice in CEQA Guidelines Section §15141 regarding EIR length, but upheld the adequacy of an EIR with a draft EIR of 800 pages and a Final EIR of more than 1,200 pages.

In addition, CDs of the RDEIR were made available to the public to facilitate review.

G-8-8

The comment states that the RDEIR is 1600 pages long, but based on the table of contents, the RDEIR, including Figures, is approximately 860 pages. Please refer to response G-8-7.

G-8-9

The comment suggests that the RDEIR's "Summary of Project Changes" does not satisfy the provisions of CEQA Guideline Section §15088.5(g) because it does not describe changes made to the analytic sections of the DEIR. The Summary of Project Changes explains what changes were made to the Project in the context of how those changes address, reduce, or alter impacts previously identified in the DEIR. This satisfies Section §15088.5(g)'s requirements.

The commenter notes that the RDEIR does not provide a "red-line" comparing the DEIR with the RDEIR: this is correct, as it is not required by CEQA. CEQA Guidelines Section § 15088.5 (g) states that "*When recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.*" This is included in the RDEIR's Summary of Project Changes.

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Section 15.0 **G-8-10**

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The comment claims that the County must respond to comments on the prior DEIR under CEQA Guideline Section §15088.5(f). However, under CEQA Guidelines Section §15088.5(f)(1) a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the DEIR has been revised and the entire document has been recirculated. The EIR has demonstrated compliance with all provisions of Section §15088.5(f)(1).

G-8-11

The comment claims that the public was not properly notified of changes to the environmental document, and that this circumvents an essential part of the CEQA process. Please refer to responses G-8-9 and G-8-10.

G-8-12

The comment claims that the RDEIR contains unnecessary detail and too little analysis. This generalized comment appears to rely on CEQA Guidelines Section §15006(c) which advises the lead agency to prepare analytic EIRs. The RDEIR included an appropriate analysis of all potential Project impacts.

The comment also states that the RDEIR appears to have been written by different individuals using different standards. The comment mentions that the biological resources section is long and detailed when compared to the agricultural resources section, which is concise. The RDEIR was prepared by a multidisciplinary team, and each section includes the adequate amount of detail needed to provide a meaningful evaluation of potential impacts and mitigation measures. The length of each section, the amount of detail, and the evaluation criteria included in the RDEIR varies according to the degree of complexity and applicable requirements for each issue area.

G-8-13

The comment states that the RDEIR lacks focus and analysis. Please refer to response G-8-12.

G-8-14

The comment states that because many people will likely not read the RDEIR, the document fails utterly in fulfilling CEQA's full disclosure purposes. The RDEIR makes information available to the public as required by law, but the public cannot be forced to read the document. However, the RDEIR contains an executive summary to facilitate an understanding of the project's impacts by readers who do not wish to read the RDEIR in its entirety.

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G-8-15

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The comment claims that the RDEIR is missing the “issues to be resolved” section required by CEQA Guideline Section §15123(b)(3) (Comment 15 incorrectly identifies this Guideline Section as §15123(a)(3).) Section §15123 concerns the contents of the “brief summary” to be part of each EIR, including the “issues to be resolved including the choice among alternatives and whether or how to mitigate the significance effects.” The Executive Summary does include a discussion of the Project’s potential impacts and the choice among alternatives (Executive Summary ES.4 Areas of Controversy).

The comment states that the RDEIR fails to include analysis of how alternatives might be employed to reduce project impacts. Section 11 evaluates and analyzes alternatives that could reduce certain environmental impacts and their feasibility, and compares impacts of alternatives to those of the proposed project. Please note that the discussion of policy consistency with applicable County policies is outside the scope of CEQA.

The comment states that transfer of development rights has been evaluated as an “all or nothing” proposal in the RDEIR, and that CEQA requires analysis of a scenario combining partial project approval with a partial TDR. Refer to Section 13.1 Transfer of Development Rights general response.

The comment further states that the RDEIR overlooks the effect that trenching, septic tanks, drywell, increased agriculture operations, and other subsurface excavation activities would have on cultural resources. Please see General Response 13.3 Cultural Resources. EIR section 3.11.3.2 and 9.11.3.2 have been revised to address impacts more specifically, and mitigation measures in Sections 3.11.3.3 and 9.11.3.3 have been augmented to greatly increase impact avoidance and minimization. It is important to note that existing agricultural operations will not be increased by either the MOU Project or Alternative 1.

G-8-16

The commenter claims Alternative 1 should have been “scoped” as a project and alternatives developed to Alternative 1. Alternative 1 is presented and discussed in the RDEIR as an alternative. As required by Public Resource Code Section §21002 and CEQA Guidelines Section §15126.6, the range of alternatives to the MOU Project selected by the County were those that were determined to avoid or substantially lessen the significant effects of the MOU Project while feasibly attaining most of the MOU Project’s basic objectives. No provision of CEQA restricts the development of alternatives based on the size or unit count of the proposed project.

To the extent that the RDEIR includes a detailed analysis of Alternative 1, this does not violate CEQA or subject the discussion of Alternative 1 to additional requirements. Nothing in CEQA prohibits an EIR from including information above and beyond that which is required by the statute. Such information simply provides even greater disclosure of information to decision-makers and the public, furthering CEQA’s fundamental purposes as reflected in Public

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Section 15.0 Resources Code Section §21002 and CEQA Guidelines Section §15002(a) and 15003(c), (d) and (s).
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G-8-17

The comment states that Alternative 1 is not a true alternative due to its larger acreage and unit count, and states that the CEQA process should be begun anew with this alternative as the proposed project if Alternative 1 is to be considered. See response to comment G-8-16.

G-8-18

The comment states that because Alternative 1 was not scoped as required, input from agencies with jurisdiction over affected resources were not able to provide guidance to the County regarding the content of the RDEIR. See response to comment G-8-16.

G-8-19

The comments state that Alternative 1 covers a substantially larger area than the MOU Project; therefore the probable environmental impacts of Alternative 1 are very different from the MOU Project. The comment further mentions that due to lack of scoping for Alternative 1, the cultural resources section does not include significant resources in the Dos Pueblos Ranch (DPR) area.

The RDEIR includes detailed analysis of the Alternative 1 potential impacts. Please see revised EIR Sections 3.11 and 9.11. Also see General Response 13.3 Cultural Resources, all subsections.

G-8-20

The commenter states the opinion that Alternative 1 should have been compared to Alternatives 2 through 5. Under CEQA Guidelines Section §15126.6(d), EIRs should “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” The RDEIR considers just one proposed project – the MOU Project - and, pursuant to CEQA Guidelines Section §15126.6(a), it also describes a reasonable range of alternatives to the MOU Project, including Alternative 1. The RDEIR appropriately provides information sufficient to allow Alternatives 1 through 5 to be compared with the MOU Project.

Please refer to Section 11, Tables 11.1-1 and 11.8-1 for a comparison of impacts and consistency with project objectives for all alternatives. For consistency in the comparisons, the discussions of the relative effects of Alternatives 2 through 5 are oriented towards the MOU Project. When particular issues warrant, comparisons between different alternatives and Alternative 1 are also provided in the RDEIR.

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G-8-21

The comment states that Alternative 2 is compared to the MOU Project in the RDEIR, and not to Alternative 1. Please refer to response G-8-20.

G-8-22

The comment states that alternatives to Alternative 1 should have been developed. The proposed project is the MOU Project, and Alternative 1 is one of a range of alternatives considered. See response to comment G-8-16.

G-8-23

The comment states that because Alternative 1 was not scoped as a separate project, the analysis in the RDEIR is corrupt, and conclusions touting Alternative 1 over the proposed project are misplaced. The RDEIR evaluates Alternative 1 at the same level of detail as the MOU Project, which goes above and beyond the statutory requirements of the CEQA alternatives analysis. This added level of effort facilitates a fair and objective comparison between the MOU Project and Alternative 1. See response to comment G-8-16.

G-8-24

The commenter claims that the RDEIR includes inappropriate project objectives and omits project objectives it should have included. The scope of project objectives was considered reasonable and appropriate given the applicants' goals for the project and the considerations of the MOU.

G-8-25

The commenter claims that the RDEIR should explain what level of development rights are required to meet the project sponsor's "expectations." See responses to comments G-8-24, G-8-53 and General Response 13.1.5 Project Alternatives.

The comment claims that the proposed project is inextricably related to the applicant's asserted and potential takings claims, but that articulation of the legal standards for a takings analysis and the evaluation of the landowner's economic expectations are absent from the RDEIR.

The MOU Project's key Project Objectives are to achieve a long-term plan for the development of the Naples town site lots while approving a project that will have fewer planning and environmental problems than development of each of the existing Naples town site lots. The MOU Project would also meet the Project Objective of resolving pending litigation and future disputes over the potential development of the property between the landowners and the County. Some of these disputes encompass takings claims, however, the purpose of the project is misstated by The commenter.

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Section 15.0 With regard to the level of economic return expected by the project applicant, please refer to the response to comment G-8-53 and General Response 13.1.5 Project Alternatives.
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G-8-26

The comment states that the project objective stated in the RDEIR are artificial, and that the applicant's true objective involves realizing a profit by exploiting a loophole created by the County's recognition of the 1995 Official Map. The objectives stated in the RDEIR represent the County's purpose in pursuing the proposed project.

G-8-27

The comment states that the RDEIR fails to assess the reasonableness of the applicant's economic expectations, and that this failure prevents the RDEIR from addressing the core tension inherent in this project (related to a balance between policy conflicts and threats of a takings claim) and robs the alternatives analysis of import. Please see response to comment G-8-53.

G-8-28

The comment disagrees with steps taken to comply with Policy 2-13 which requires the implementation of a TDR program. See responses to comments S-2-10, G-8-53 and General Response 13.1 Transfer of Development Rights.

The comment disagrees with steps taken to comply with Policy 2-13 which requires the implementation of a TDR program. As provided in CLUP Policy 2-13, the determination of TDR feasibility is to be made exclusively by the County. Pursuant to this authority, and on the basis of evidence and testimony in the record, the Board of Supervisors affirmed the Planning Commission's recommendation and declared on February 5, 2008: (i) only a partial transfer of development potential at Naples/Santa Barbara Ranch is possible; and (ii) the land use designation of AG-II-100 should be re-evaluated as provided by Policy 2-13 of the County's Coastal Land Use Plan. See responses to comments S-2-10, G-8-53 and General Response 13.1 Transfer of Development Rights.

G-8-29

The commenter claims that the Project Objectives should include consistency with applicable policies of the California Coastal Act. The development of the Naples town site in balance with agricultural, open spaces, recreational, and residential uses consistent with the California Coastal Act is a Project Objective, as included in the RDEIR Executive Summary, ES.3.5 Project Objectives.

The commenter's opinion regarding determinations of policy consistency is a policy matter outside the scope of CEQA. The commenter's opinions will be included in this document and

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considered by the County’s decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

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G-8-30

The comment states that a key function and objective of the RDEIR is to identify a project that can meet applicable policies and regulations. The DEIR is not required to identify and delineate a project that can meet and accommodate all of the applicable policies, but to evaluate the environmental impacts of the proposed project and to identify mitigation measures and alternatives that would significantly reduce those impacts. Further, the discussion of policy consistency with applicable County policies is outside the scope of CEQA.

G-8-31

The commenter claims that the RDEIR project description of the baseline physical condition is flawed because the RDEIR understates the “scenic, cultural, biological, and recreational value of Naples and the Gaviota Coast.” The comment does not include any factual basis for its contentions. The RDEIR describes the existing conditions for Biological Resources, Land Use, Visual Resources, Recreation, and Cultural Resources (Sections 3.4.1, 3.6.1, 3.9.2 and 3.10.1, and 3.11.1, respectively) for the MOU Project site in Chapter 3 of the RDEIR.

G-8-32

The commenter claims the RDEIR does not provide sufficient information to determine the environmental baseline for cultural resources and hazardous materials. The comment does not include any facts to support its conclusion. Please see General Response 13.3 Cultural Resources, and responses to comments TQ-2 and TQ-3.

G-8-33

The comment claims that an accurate, stable and finite project description is a necessary element of an adequate EIR.

The comment does not include any facts to substantiate the claim that the RDEIR’s Project Description is incomplete or unstable. The RDEIR’s Project Description includes all of the required elements set forth in CEQA Guidelines Section §15124. Further, Section §15124 provides that a project description should not supply extensive factual detail beyond that need for evaluation and review of a project’s physical impacts on the environment.

The RDEIR satisfies CEQA’s requirement for a complete and stable project description. The EIR analysis of a project’s potential environmental impacts must take into account the full extent of a proposed project. Section 3 of the RDEIR, “Environmental Analysis of the MOU Project” considered the full scope of potential impacts of the MOU Project, satisfying CEQA’s requirements.

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The commenter claims that the RDEIR should include an independently established “economic baseline,” subject to public comment and peer-reviewed, addressing the economic expectations and return reasonably required to address property rights claims.

CEQA does not require an EIR to include a discussion of an “economic baseline.” CEQA Guideline 15125 requires that an EIR include a description of the “*physical* environmental conditions in the vicinity of the project,” which shall constitute the “baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (Emphasis added.) Financial discussions are not part of an EIR’s baseline of physical conditions.

Further, under CEQA Guidelines Section §15131, economic effects of a project “shall not be treated as significant effects on the environment.”

G-8-35

The commenter claims that the RDEIR fails to identify specific legislative authorizations required for the project: “General Plan, Local Coastal Plan and two zoning ordinances” and does not describe their potential impacts.

The RDEIR’s Project Description identifies the need for these legislative authorizations in Sections 2.9 Project Approvals (MOU Project), and 8.9 Project Approvals (Alternative 1) (p. 2-20, and 8-21) of the RDEIR.

The RDEIR’s Land Use Section discusses and analyzes the proposed draft Naples Planned Development (NPD) policies to be added to the Local Coastal Plan and discusses the proposed NPD standards to be included in the NPD zoning ordinance. Refer to Sections 3.6.3.1 (MOU Project) and 9.6.3.1 (Alternative 1), Proposed NPD Development Standards.

G-8-36

The commenter claims the RDEIR should include proposed amendments to address inconsistencies between the MOU Project and the Comprehensive Plan’s Land Use, Scenic Highway, Open Space, Agricultural, and Noise Elements. The comment does not include any factual basis for its contentions.

The RDEIR does not identify any inconsistencies between the MOU Project and these Comprehensive Plan elements and does not propose amendments to those elements. (See RDEIR Section 4: Plan Consistency – MOU Project.) The RDEIR appropriately identifies and analyzes the need to amend the Comprehensive Plan to create a Naples Planned Development land use designation category for inland lots. Refer to Section 2.9.1.1 Proposed Legislative Changes.

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G-8-37

The commenter claims that Appendix B of the RDEIR states that the draft LCP and zoning ordinances will be further modified; therefore these elements of the project description are not sufficiently developed to be analyzed under CEQA.

Appendix B includes two draft pieces of legislation. Changes proposed to the CLUP are limited to defining and creating the NPD land use designation and zoning district, and policies that are limited to this new designation. The NPD designation and zoning are not programmatic, as they could not be applied throughout the County. The NPD designation and zoning are quite limited in their application. They are specifically designed as the mechanism to implement the project as proposed. As such, their environmental effects are identical to and limited to the effects of the project.

G-8-38

The comment states that the proposed changes to the LCP will require complete environmental review. See response to comment G-8-37.

G-8-39

The comment claims the RDEIR failed to conduct environmental review of the proposed LCP and zoning amendments. The comment further states that the RDEIR fails to include the entire project because the LCP and zoning amendments are not final. The entire MOU Project is described in the RDEIR in Section 2.0. The NPD designation and zoning are specifically designed as the mechanism to implement the project as proposed. As such, their environmental effects are identical to and limited to the effects of the project. The project has not been “piecemealed.” Please see response to comment G-8-33.

G-8-40

The comment states that the RDEIR does not evaluate the environmental impacts of the proposed changes to the LCP. Please see responses to comments G-8-33, G-8-37, and G-8-39.

G-8-41

The comment states that the Project site only includes 85% of the Naples town site, but the LCP and zoning ordinance will apply to all of the Naples town sites, including the Makar, Morehart, and Shulte properties, which are each the subject of development applications. The comment states that the RDEIR should have analyzed the impacts of the LCP and zoning amendments on these properties.

See responses to comments G-8-33 and G-8-39.

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The commenter claims that the draft LCP amendments are too vague and should be subject to public review separate from the Project. The commenter's opinion regarding the draft LCP policies do not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be included in the public record for consideration by the County's decision-makers.

G-8-43

The comment claims the RDEIR failed to conduct environmental review of the proposed Coastal Zoning Ordinance amendments. The entire MOU Project is described in the RDEIR in Section 2.0. The NPD designation and zoning are specifically designed as the mechanism to implement the project as proposed. As such, their environmental effects are identical to and limited to the effects of the project. Please see response to comment G-8-33.

G-8-44

The commenter claims the RDEIR does not consider the impacts of the following project elements: guest houses, RSUs, accessory buildings, Canada Tomato bridge, photovoltaic array, DP-19, and soundwalls. Each of these items is addressed below.

Guest Houses. The MOU Project proposes a limited number of "guest houses," an accessory use to single family residences as defined in Section 35.42.160 of the Santa Barbara County Land Use and Development Code ("Development Code"). Under Section 35.42.160, "guest houses" may not exceed 800 square feet in size, cannot include a kitchen or cooking facility, and can be used only on a temporary basis - no more than 120 days in any 12-month period - by the occupants of the main dwelling, employees, or their nonpaying guests. In other words, "guest houses" are not residential units – they are temporary sleeping quarters for use by guests of the "primary residential use of the lot."

In those sections of the RDEIR where the footprint, location and/or height of the guest houses were relevant to the impacts analysis, the guest houses were taken into account:

- RDEIR Section 3.2, Geology, Geologic Hazards and Soils, considers the Project's potential erosion impacts due to grading of residential sites based on the "project-wide preliminary grading and drainage details [...] shown on Figure 2.3-1." Figure 2.3-1, entitled "MOU Project Lot Details," expressly lists each proposed guest house and provides its square footage.
- RDEIR Section 3.3, Hydrology and Water Quality, considers the Project's potential effects on water quality resulting from development within watersheds. These potential effects are analyzed using "the development envelope for the MOU Project area in Figure 2.3-1A." Figure 2.3-1A, entitled "Preliminary Grading, Drainage, Roads & Utilities – MOU Project," shows the location of all structural footprints, including those of the proposed guest houses.

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- RDEIR Section 3.4.4.2.1 Special-status Plants considers the Project’s potential impacts on biological resources. Within the Project area, impacts are evaluated on the “138 acres of direct removal of [...] habitat by grading, paving, and the development of buildings and development envelope area,” an envelope defined in Figure 3.4-1A and Figure 3.4-1B, both of which show the location of all structural footprints, including those of the proposed guest houses.
- The visual simulations of the Project in RDEIR Section 3.9.4.1 Impact Assessment Methodology, were “generated from drawings of the project development designs and building elevations submitted with the project application package.” The layout, position and general height of the guest houses are reflected in the Project Description’s visual renderings on Figures 2.3-1A – 2.3-3C, and are included as part of the MOU Project application.
- Section 3.12.3.2.1 Project Trip Generation, the Traffic analysis section, states that “most of the proposed residences would include guest houses, which may be accessory structures for family members or worker quarters. Trip generation from guest houses is assumed within the higher rates used for the primary residences.”

In other sections of the RDEIR, such as Recreation and Public Services, the analysis of potential impacts is based on the total number of residents proposed for the MOU Project. That number, 165 persons, is based on the proposed 54 single-family residences with an assumed household average of 3.0 persons. As discussed above, by law, guest houses cannot serve as residences. Therefore, the RDEIR appropriately does not include the persons who may occupy guest houses as residents of the MOU Project. Similarly, the Public Services section states that the MOU Project’s water demand is 61 acre feet per year (3.15.3.2 Project Impacts) or .33 acre feet for each of the 54 residences, using a standard estimate water demand for single-family residences of the scale proposed in the MOU Project.

Certain sections of the RDEIR assume a range of 163 to 250 potential residents; see 3.15.3.2 Project Impacts, discussion of potential Fire Protection impact PS-5. This number is still based upon the proposed design of the MOU Project and was employed to ensure that the RDEIR did not understate any impacts of the MOU Project.

Residential Second Units. It is assumed that The commenter’s reference to RSUs is a reference to “Residential Second Units,” a use defined in Development Code section 35.42.230. Such units, in contrast to guest houses, may be up to 1,200 square feet in size, may be permanently occupied, and are specifically prohibited from being constructed on a property that contains a “guest house.” No secondary units are proposed for the MOU Project. Accordingly, the RDEIR was not required to discuss or analyze Residential Second Units as part of the Project.

Further, the inclusion of guest houses on a majority of the lots the MOU Project precludes the construction of Residential Second Units. By law, Guest Houses and Residential Second Units cannot exist on the same lot. (Development Code section 35.42.230.) Accordingly, the RDEIR was not required to discuss Residential Second Units.

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With respect to those lots where no guest house is proposed, the RDEIR is not required to analyze Residential Second Units. In *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App. 1437, the court held that an EIR is not required to discuss the possibility of second dwelling units where the project under review does not propose second dwelling units. The question as to whether future owners might choose to seek a permit for such units is “extremely uncertain” and “highly speculative” and therefore not subject to review under CEQA. (*Id.* at 1450.)

Accessory Buildings. The commenter does not describe what “Accessory Buildings” its comment refers to. Guest houses, as discussed above, are considered accessory uses under the County’s Development Code, and, as also discussed above, were appropriately analyzed in the RDEIR. Further, as with the guest houses, wherever the footprint, location and/or height of the proposed structures in the Project were relevant to the impacts analysis, they were taken into account in the RDEIR. By taking into account the building footprints reflected in, for example, Figure 2.3-1, “MOU Project Lot Details,” and Figure 2.3-1A, “Preliminary Grading, Drainage, Roads & Utilities – MOU Project,” the RDEIR considered the potential impacts of all proposed structures in the Project, including Accessory Buildings.

Photovoltaic Array. Photovoltaic arrays are not proposed in the MOU Project and are no longer proposed under Alternative 1.

DP-19. The Project applicants do not own lot DP 19 and, after the initial circulation of the Draft EIR, the owners of Lot DP 19, the Schulte family, requested that the lot be taken out of Alternative 1 as they are unwilling to grant access to that property for any purpose. Accordingly, there is no requirement that the RDEIR analyze the inclusion of DP 19 as part of the Project or as part of any Project alternatives.

G-8-45

The comment states that specifics of easements proposed for agricultural and open space conservation purposes should be provided in the RDEIR. There is no requirement that the proposed agricultural and open space conservation easements be included with the RDEIR. The scope of operation of both easements is described in detail in Section 2.4.1 Agricultural Conservation Easement Areas of the RDEIR. Further, the RDEIR includes detailed performance standards for both easements in Section 3.7.2.2 County Policies and Procedures. A draft Open Space and Habitat Management Plan is included as Appendix G to the RDEIR containing further details regarding the proposed open space conservation easement.

Further, The commenter’s request to conduct a clause by clause legal review of the easements goes beyond the scope of CEQA. Sufficient detail is provided regarding both easements to allow for analysis of physical impacts of these components of the MOU Project.

Regarding cultural easements: it is beyond the County’s jurisdiction to require private property owners to grant an easement or access to anyone other than the public.

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G-8-46

The comment states that specifics of natural resources protection and restoration plans should be provided in the RDEIR as part of the project description. There is no CEQA requirement that the proposed natural resources protection, restoration, and management plans be included in the project description.

Also see response to comment G-8-45.

G-8-47

The comment states that the EIR must describe a reasonable range of alternatives to the project.

“There is no ironclad rule governing the nature or scope of the alternatives to be discussed [in an EIR] other than the rule of reason.” (CEQA Guidelines 15126.6(a); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) “CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose . . .” (*Id.* at 566.) Under the rule of reason, an EIR need discuss “only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines § 15126.6(f); *Residents Ad Hoc Stadium Comm. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286.)

Also see responses to comments G-8-16 and G-8-45.

G-8-48

The comment states that Alternative 1 is not really an alternative to the MOU Project, and that alternatives to this alternative should be evaluated in the EIR. See responses to comments G-8-16, G-21, G-8-45, and G-8-47.

G-8-49

The comment states that Alternative 1 should have included a different proposed location for the Coastal Trail. The commenter’s opinion regarding a preferred location for the Coastal Trail does not pertain to the adequacy of the RDEIR. The commenter’s opinion on this matter is included in the public record for consideration by decision-makers. Further, The commenter’s proposed alternate location for the Coastal Trail is not legally feasible. The Project applicants do not own lot DP 19 and the lot owners, the Schulte family, is unwilling to grant access to that property for any purpose.

Also see response to comment G-8-16.

G-8-50, G-8-51, and G-8-52

The comment states that Lot DP 19 should be added back to Alternative 1. The inclusion of Lot DP 19 in Alternative 1 is not legally feasible. Contrary to The commenter’s statements, the

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Section 15.0 Project applicants do not own lot DP 19. After the initial circulation of the Draft EIR, the
Responses to owners of Lot DP 19, the Schulte family, requested that the lot be taken out of Alternative 1 as
Comments they are unwilling to grant access to that property for any purpose. Accordingly, there is no requirement that the RDEIR analyze the inclusion of DP 19 as part of the Project or as part of any Project alternatives.

It is unclear why commenter has cited *Residents Ad Hoc Stadium Committee v. Trustees of the California State University* (1979) 89 Cal.App.3d 274 to support the contention that DP 19 must be returned to Alternative 1 as that case does not consider the development of alternatives outside of an applicant's control. The commenter also cites *Monroe County Conservation Council v. Adams* (2nd Cir. 1977) 566 F.2d 419. This is a federal case concerning the National Environmental Policy Act, and does not pertain to the requirements of CEQA.

G-8-53

The comment claims that the RDEIR should include more information regarding the economic infeasibility of the various project alternatives. As is discussed in the Project Objectives and in Section 11 of the RDEIR concerning the various Project Alternatives, the goal of the applicants is to develop a reduced density project in lieu of developing the Naples town site lots at their full density. Accordingly the RDEIR does not discuss the alternatives ability to meet the Project Objectives as a simple issue of economic feasibility. Rather, the Project applicants are seeking approval to develop a project that will result in a *reduced* economic return, as compared to that which they would receive if they were to develop all of the existing Naples Town site lots under their control. Therefore, as stated in Section 11 of the RDEIR, the Project's goal is a "suitable return" – i.e. obtaining a return from reduced development of the Naples town site lots sufficient for the Project applicants to forgo the greater economic return they would otherwise realize from the full development of those lots.

As stated in the Project Objectives "a CLUP that reduces the potential density that would result from the development of the existing Naples town site lot can be achieved only if the landowners are willing to develop a reduced density project in lieu of the possible density of the existing lots." A review of each alternative demonstrates that only Alternative 1 reduces the density of development on the Naples town site lots while still providing a suitable economic return in comparison to the full development value of the lots such that the Project applicants are willing to forgo pursuing the higher density development.

As disclosed in the Santa Barbara Transferable Development Rights Feasibility Analysis ("TDR Report") by the Solimar Research Group, even conservatively assuming that development of the "Grid" of Naples town site lots only allowed for development of 125 lots, the development rights value of those lots would be \$205 million. This value can be assigned to Alternative 3A (No Project with Grid Development), an alternative with well accepted policy, planning and environmental problems.

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Per the TDR report, development under the MOU Project would result in a development rights value of \$126 million, or a reduction in return of \$79 million as compared to the Grid development. Also per the TDR report, development under Alternative 1 would result in a development rights value of \$155 million, or a reduction in return of \$50 million when compared with the Grid development.

Alternative 3B and Alternative 5 both exclude development of the 9 coastal terrace lots that are part of the MOU Project. As determined in the TDR Report those lots, conservatively, have a development rights value of nearly \$100 million. Accordingly, pursuing either Alternative 3B or Alternative 5 would require the Project applicants not only to forgo between \$79 and 50 million dollars in development rights value, but to also forgo nearly \$100 million in an additional development rights value. With a reduction this significant in the level of economic return, the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots.

Development under Alternative 2 would also preclude the development of the 9 coastal terrace lots, again requiring the Project applicants not only to forgo the \$79 to \$50 million dollars in development rights value available through the Grid development, but also the additional nearly \$100 million in development rights value. With a reduction this significant in the level of economic return the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots. Further, as described in the RDEIR, development under Alternative 2 would require the cooperation of the Schulte family, who have confirmed that they will not allow development of their DP parcels under consideration in Alternative 2, rendering this Alternative legally infeasible unless the County were to pursue condemnation of the Schulte family's property.

Finally, as valued in the TDR Report, pursuing Alternative 6 would likely result in a return of just \$20 million, again a reduction so significant in the level of economic return that the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots.

G-8-54

The RDEIR did not “unilaterally” increase the number of lots in Alternative 2 from the 64 originally proposed by the Naples Coalition. In fact, a potential increase in the number of units was first suggested by the Naples Coalition in their letter dated January 26, 2005. The concept was also articulated by the Citizens Planning Association in their letter dated February 4, 2005, which emphasized the importance of the economic viability of any alternative. Public statements by both organizations early in the EIR process reinforced this concept. Economic data from the TDR study allowed the estimate of the number of lots necessary to achieve economic parity, and this discussion was added to the EIR presentation of Alternative 2. Economic return, however, is not the central issue in considering the feasibility of this alternative. Since the Naples Coalition now objects to the discussion, it has been removed from the Final EIR text. More information

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Section 15.0 Responses to Comments on this issue is presented in response S-2-23, which answers a similar comment by the California Coastal Commission staff.

See response to comment G-8-53.

G-8-55

The comment states that the project applicant has been marketing portions of the property in 10 and 30 acre parcels, undermining the veracity of the grid configuration evaluated in the RDEIR. The County does not have regulatory authority to prevent the sale of property in whole or in part. The commenter does not explain how such transactions invalidate the environmental analysis. Alternative 3B provides one possible outcome.

G-8-56

The comment claims that the RDEIR should state that the purpose of the Project is to avoid a takings claim. The MOU Project's key Project Objectives are to achieve a long-term plan for the development of the Naples town site lots while approving a project that will have fewer planning and environmental problems than development of each of the existing Naples town site lots. The MOU Project would also meet the Project Objective of resolving pending litigation and future disputes over the potential development of the property between the landowners and the County. Some of these disputes encompass takings claims; however, the purpose of the project is misstated by The commenter.

Also see response to comment G-8-53.

G-8-57

The comment states that economic analyses should have been incorporated into the RDEIR and circulated for public review. See response to comment G-8-53.

G-8-58

The comment suggests the inclusion of an alternative under which the coastal zone portion of the project area is re-zoned to allow development of the existing lots permitted, subject to receipt of a Major CUP. This proposed alternative is not distinguishable from Alternative 3A (Grid Development) would still be allowed to proceed in the coastal zone. The County is not required to consider alternatives proposed in public comment where there is no evidence that the alternative offers a substantial environmental advantage in comparison with the MOU Project or the alternatives already included in the RDEIR. (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143.)

G-8-59

The comment states that the amending the zoning ordinance is an alternative that should have been included in the alternatives analysis. See response to comment G-8-58.

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G-8-60

The comment suggests the consideration of a Reduced Development Envelope Alternative, which would shrink the development envelopes to the 10,000 square foot size sanctioned by the Coastal Commission. This proposed alternative would be inconsistent with the County's current zoning for the Naples town site lots and would, by reducing the development potential of these legal lots, violate the legal principles established in *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725.

Also see response to comment G-8-58.

G-8-61, G-8-62, and G-8-63

The comment suggests the evaluation of a TDR Alternative, which would require TDR buy-down of part of the development prior to allowing the project applicants to proceed with a less intensive development on a portion of the property. This alternative is not legally feasible as, under Coastal Land Use Plan Policy 2-13 the County may only "encourage" property owners to transfer development rights and cannot mandate TDR. The comments also state that the public preservation of Naples through a buy out could potentially be a corollary to the TDR alternative.

Also see response to comment G-8-58.

G-8-64

The commenter claims that the RDEIR's analysis of alternatives is inadequate. The commenter is mistaken. The RDEIR spends 45 pages considering the environmental impacts of each alternative, as compared with the MOU Project, for each environmental issue considered in Chapter 3 of the RDEIR. (RDEIR Section 11, pages 11-1 – 11-45.)

Also refer to the response to comment G-8-53 and General Response 13.1.5 Alternatives.

G-8-65

The comment states that there is no evidence to support the rejection of Alternative 2. Alternative 2 is rejected as legally infeasible. As described in the RDEIR, it requires the cooperation of the Schulte family, who has confirmed that they will not allow development of the DP parcels under consideration in Alternative 2. This renders the Alternative infeasible unless the County were to pursue condemnation of the Schulte property.

The comment also states that Alternative 3B should not be rejected for failing to balance land uses in a manner consistent with the CLUP policies because the County has no authority to "balance" inconsistent land uses or policy conflicts. It is The commenter's opinion that there are policy inconsistencies. The commenter's opinion on this issue is a policy matter outside the scope of CEQA. The commenter's opinions are included in the public record for the decision-

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Section 15.0 Responses to Comments makers' consideration. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

In addition, Alternative 3B is the “no project” alternative. As a result, it does not satisfy any of the Project Objectives. (RDEIR at ES-7.) Accordingly, it is not a feasible alternative.

Also refer to the response to comment G-8-53 and General Response 13.1.5 Alternatives.

G-8-66

Considering the No Project Alternative 3B in the sense of a “no build” alternative would avoid all or most of the environmental effects of the project. Under this scenario, current agricultural uses would continue at present levels (land would not be preserved in Agricultural Conservation Easement or similar preservation tool), current informal beach access and use would continue with present levels, and no other improvements or development would occur. However, this description of the No Project alternative does not address the fact that there has been a 20-year history of litigation involving development on the SBR property or answer the question of how to implement a No Project alternative.

Since Alternative 3B is the “no project” alternative, the RDEIR assumes that it would likely not include the elements from the MOU Project, which would include agricultural conservation easements and improved visitor access.

Also refer to the response to comment G-8-53 and General Response 13.1.5 Alternatives.

G-8-67

The comment states that Alternative 4, the reduced development alternative, is eliminated from consideration because it is not consistent with the MOU. There were other considerations included in the RDEIR evaluation of Alternative 4, such as the fact that achieving other objectives related to balancing residential, agricultural, recreational, and biological values would require property owner cooperation and expenditures for permanent open space, public improvements, and agricultural support. A suitable return must be provided on the overall development to gain the cooperation of the property owner, and such cooperation is less likely under Alternative 4. This reduces the overall probability of achieving the project objectives through this alternative.

Also refer to the response to comment G-8-53 and General Response 13.1.5 Alternatives.

G-8-68

The commenter is questioning why consistency with the MOU Project is a consideration in evaluating alternatives, when the RDEIR does not include the Managed Agricultural Product alternative required in the MOU Project and so is not itself consistent with the MOU. Consistency with the MOU is a consideration included in the Project Objectives. As noted in the

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Project Description, the “project configuration is derived from the [MOU].” The MOU also sets forth the general scope of the alternatives to be considered in the EIR. Accordingly, discussion of the alternatives’ consistency with the MOU is appropriate.

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See responses to comments G-8-53, G-8-67 and General Response 13.1.5 Alternatives.

G-8-69

The commenter claims that speculation regarding landowner cooperation is not a legitimate ground for rejecting Alternative 5, and that Alternative 5 is a superior alternative when compared to the MOU Project. Alternative 5 is not rejected on the grounds of lack of landowner cooperation. As discussed in the RDEIR, Alternative 5, the clustered development alternative, includes a project design and range of residential housing types that are inconsistent with the rural and agricultural nature of the Gaviota Coast. (RDEIR at 11-40.) The lack of landowner cooperation for Alternative 5 is also an appropriate basis for determining that Alternative 5 does not meet a basic project objective: to obtain landowner cooperation necessary to achieve a reduced density development of the existing Naples town site lots.

Refer to the response to comment G-8-53 and General Response 13.1.5 Alternatives.

G-8-70

The commenter claims that the Lead Agencies (County) cannot approve a more impactful project if a less impactful alternative “generally meets the project’s objectives.”

The commenter has misstated Public Resources Code Section §21002. Section §21002 provides that lead agencies should not approve projects as proposed if there are “feasible alternatives” which would “substantially lessen the significant environmental effects of such projects.” Section §21002 also provides that a lead agency may determine that “specific economic, social or other conditions” render a project alternative infeasible, and allows the approval of individual projects despite one or more significant effects.

Also refer to the General Response 13.1.5 Alternatives.

G-8-71

The comment questions whether Alternative 1 should be considered the environmentally preferred alternative. Refer to the response to comment S-2-6 and General Response 13.1.5 Alternatives.

G-8-72

The comment states that the RDEIR offers very little explanation for why Alternative 5 is not the environmentally superior alternative. See response to comment G-8-69 and General Response for Alternatives, Section 13.1.5.

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The comment states that the landowner does not have a veto over CEQA alternatives and that the presence of a viable environmentally superior alternative prevents the lead agency from approving the project. The RDEIR does not state that the landowner has a veto over CEQA. In addition, Alternative 1 is considered the environmentally superior alternative. Also refer to the General Response 13.1.5 Alternatives.

G-8-74

The comment states that the alternatives analysis is a critical element of the EIR, and must be thoroughly revised. Refer to the General Response 13.1.5 Alternatives.

G-8-75

The comment claims that the Projects impacts on archeological and historical resources are subject to a heightened level of environmental review. CEQA requires that lead agencies consider a project's potential to impact historical resources as defined in Public Resources Code Section §21084.1 and archeological resources as defined in Public Resources Code Section §21083.2. While, as noted in the RDEIR, these provisions of CEQA, as well as the implementing regulations found in CEQA Guidelines sections 15065.4, and 15126.4, inform a lead agency's consideration and analysis of potential impacts to those types of resources, there is no "heightened review" required for a lead agency's consideration of historical or archeological resources under CEQA beyond the review set forth in those sections.

The RDEIR appropriately identifies CA-SBA-77, -78, -79, and -144 as sites containing significant resources and analyzes the Project's potential impacts on those resources. Please see revised EIR sections 3.11 and 9.11 which include more specific discussion of impacts and refined mitigation measures that avoid and minimize impacts to a greater degree than they did in the RDEIR.

The erroneous heading at page 3.11.17 has been changed in the FEIR.

The comment claims that the RDEIR fails to follow Public Resources Code Section §21083.2, a provision which "substantially expands the scope of environmental review and requires much more effective mitigation measures." The RDEIR does take into account the provisions of Public Resources Code Section §21083.2. The RDEIR sets forth, on pages 3.11-18 – 3.11-20, the standards for determining unique and non-unique archeological resources under Section §21083.2 and how archeological resources must be considered for their eligibility for the California Register of Historic Resources. The RDEIR then applies those standards by identifying the MOU Project's potential to impact subsurface historic and prehistoric resources that may be eligible for the California Register, as well as the potential for disturbance of human remains. (RDEIR at p. 3.11-21 – Impact Cultural-2, -3, and -4. ; note mitigation numbers such as Cultural-2 have been changed in the FEIR to reflect refinements and augmentations).

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The RDEIR includes effective mitigation measures that require monitoring for subsurface resources during construction, the halting of construction to properly manage any discoveries of subsurface resources and the detailed management of the handling of any discoveries of human remains – all in a manner consistent with Public Resources Code Section §21083.2 and CEQA Guidelines Section §15064.5. (RDEIR at 3.11-22 – 3.11-23.). The FEIR has expanded the discussion of monitoring (see FEIR Sections 3.11.3.3 and 9.11.3.3).

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This same step-by-step analysis, pursuant to Public Resources Code Section §21083.2 and CEQA Guidelines Section §15064.5, is also included in the RDEIR’s consideration of Alternative 1. (See RDEIR at 9.11-18 – 9.11-28.)

In addition, the Alternative 1 description (RDEIR Section 8.0) and cultural resource sections 3.11.3.2, 3.11.3.3, 9.11.3.2 and 9.11.3.3 have been revised to better avoid and minimize cultural resource impacts. Please see response to comment G-2-514; General Response 13.3.2, Archaeological Resources-Efforts to Avoid Impacts and General Response 13.3.4, Indirect Impacts and Avoidance.

G-8-76

The comment claims that the RDEIR fails to identify the Chumash Villages and characterize the property. The commenter is incorrect. The Chumash villages are discussed in Sections 3.11.1.1.3 Previous Scientific Analysis (MOU Project), and 9.11.1.1.3 Previous Scientific Analysis (Alternative 1). The Project area is within an intensive area of Chumash settlement: the mouth of Dos Pueblos Creek. Twin villages named *Mikin* and *Kuyamu* occupied the banks of Dos Pueblos Creek at its confluence with the Pacific, giving the creek its name.

Additional information on the boundaries of the Chumash villages and nature and extent of the resources have been reviewed and incorporated into the revised RDEIR in order to better avoid and minimize impacts and develop more refined mitigation measures. Please see response to comment G-2-514; General Response 13.3.2, Archaeological Resources-Efforts to Avoid Impacts and General Response 13.3.4, Indirect Impacts and Avoidance.

G-8-77

The comment claims that the Cultural Resources environmental setting, per CEQA Guidelines 15125(a), is inadequate. As described in General Response 13.3.1.2 Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, and 13.3.2- Archaeological Resources – Efforts to Avoid Impacts, the RDEIR Sections 3.11 and 9.11 have been modified to reflect additional relevant cultural resources information.

Also see response to comment G-8-76.

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The comment states that previous site disturbance (i.e. rail road, highway and other roads) to the *Mikin* and *Kuyamu* Villages do not diminish historical significance or reduce the need to determine boundaries of these sites. The RDEIR considers the sites in question to be historically significant despite previous disturbances (see Sections 3.11.1.1.6 and 9.11.1.1.6) and additional site boundary information for SBA-78 and -79 from King and Gamble (1979) has been incorporated into Section 9.11.1.1.6. Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144; also see General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts for a discussion of supplemental surveys conducted by URS.

Also see responses to comments G-8-76, and G-8-77.

G-8-79

The comment claims that the RDEIR considered cultural resources impacts only to the proposed development envelopes, and failed to analyze the effects of the operations of the proposed project development.

Please see General Responses section 13.3.4, Indirect Impacts and Avoidance.

G-8-80

The comment claims that the RDEIR failed to include existing surveys (i.e., Pacific Pipeline). Additionally, The comment states that the site is historically significant and suitable for listing.

The project area has been adequately surveyed for cultural resources and all resources have been evaluated in terms of criteria for listing in the California Register of Historic Places. Please see General Responses section 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77,-78, -79, and -144. In regard to The comment that it is ludicrous to disturb these sites further, over 90% of the site areas would be incorporated into the proposed Agricultural Conservation Easement and the proposed Open Space Conservation Easement, and therefore protected in from further development.

G-8-81

Please see response to comment L-2-15 for a detailed discussion of the study's adequacy. Also see General Responses section 13.3.1.2-Cultural Resources for a discussion of Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144.

Trench locations are plotted in Carbone (2005b: Figure 4). The trenching was conducted as part of an extended Phase I study to define subsurface boundaries. In contrast to the assertion by The commenter, this is not only an orthodox method, it is very common. The trenching was monitored by a Chumash representative. The survey method included screening a sample of all

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excavated soils to determine whether artifacts were present. Archaeological excavation does in fact disturb archaeological materials at the excavation location but in most cases it is the most effective way to determine if subsurface materials are present. The comment implies that artifacts were not reported because doing so would somehow admit to desecration of the site. However, the report did indicate that artifacts were found. Implying that the trenching was somehow illegal or improper indicates The commenter lacks practical experience with the application of archaeological methods.

The comment asserts that the surveyor’s opinion was used to reduce the site boundary. In fact, it was the results of the trenching, not an opinion, that suggested the site was smaller than mapped.

G-8-82

The RDEIR has availed itself of information regarding the findings of previous investigations and assessed the sites as significant under CEQA based on existing information and criteria for eligibility for listing in the California Register of Historical Resources (CRHR) (see RDEIR Sections 3.11.1.1.6 and 9.11.1.1.6). In addition, FEIR Sections 3.11 and 9.11 have been revised to include more descriptive information from previous studies to bolster the RDEIR’s statements that the archaeological sites are considered eligible for listing in the California Register of Historical Resources. Please see General Response 13.3.1., Adequacy of Resource Identification and Evaluation; General Response 13.3.2, Archaeological Resources – Efforts to Avoid Resources; ad 13.3.4, Indirect Impacts and Avoidance. Based on the above, an appropriate baseline has been established and direct and indirect impacts have been disclosed.

G-8-83

The FEIR acknowledges that the Chumash sites in the project area are of cultural and religious importance to modern Chumash (Please see General Response 13.3.6, SB-18 and Ethnic Concerns).

The commenter claims the Native American cultural resources within the Project site include “ceremonial sites that are used by Chumash today” and, therefore, the RDEIR should have considered the MOU Project’s potential to impact religious or spiritual sites as defined by the Native American Heritage Commission.

The commenter provides no factual support for its statement that any portion of the MOU Project site, or the Alternative 1 site, is used today as a ceremonial site by the Chumash. The MOU Project site and Alternative 1 site are privately-owned and the Project applicants have not authorized the members of any Native American tribe to come onto the property for such purposes. Further, none of the referenced documents and studies reviewed to prepare the Cultural Resources section of the RDEIR indicates any current or even recent use of the site for Native American ceremonial purposes.

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The commenter claims that the entire Gaviota Coast and the entire project site in particular is a “cultural place,” a “sacred place,” and a significant historical resource. The comment further states that the RDEIR does not consider the Project’s impacts on the area as a whole or address these broader impacts with mitigation or alternatives.

The commenter provides no additional factual information supporting its contention that the entire Project site is a cultural place and no information to support a finding that the area is a “sacred place” or a historical resource as defined by CEQA. Please see response to comment G-8-87.

The RDEIR does recognize the cultural significance of the Project site (see also General Response 13.3.6, SB-18 and Ethnic Concerns) and new EIR sections have been added to identify Native American Heritage Concerns in more detail (FEIR Sections 3.11.3.2.3 and 9.11.3.2.3). The Cultural Resources section of the RDEIR begins by noting and discussing the Project area’s prehistoric significance (“archeological remains are known to be present in the general project region,” the “MOU Project area falls within the traditional lands of the Chumash Native American tribal groups”) and also discusses the Project area’s notable history, including its association with rancher Nicholas Den, as well as John H. Williams, the creator of the “town of Naples.” (RDEIR at 3.11-1 – 3.11-12.) The RDEIR identifies the location of a variety of pre-historic and historically significant sites within the Project area based on their affiliation with these culturally significant settlements and people. (RDEIR at 3.11-12 – 3.11-15.) This discussion identifies the presence of two prehistoric Chumash villages (*Mikiw* and *Kuyamu*), as well as historic structures such as the Naples Railroad Depot Water Tower and the Naples Railroad Depot Complex. Also see response to comment G-8-83.

G-8-85

The commenter claims that the project site is a “cultural landscape.” A new study (FEIR Appendix F, EDAW 2008) concludes that the project site is a rural historic landscape but that the project would not have a significant impact on it. See also responses to comments G-8-76 and G-8-84 above.

G-8-86

The commenter that claims the “entire project site” is a “sacred place” under Public Resource Code section 5097.9 and 5097.94, a “cultural place” per the California Tribal Consultation Guidelines, and ‘almost certainly has tremendous ceremonial, religious, and social significance as a sacred site” to the Chumash. The comment offers no evidence to support the claim that “entire project site” is a “sacred place” under Public Resource Code section 5097.9 and 5097.94.

The RDEIR’s analysis of potential cultural resources considers the types of resources defined under Public Resources Code section 5097.9. That section concerns Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines. The definition of

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historical and archeological resources employed in the RDEIR, per CEQA sections 21084.1 and 21083.2 and CEQA Guidelines Section §15064.5, encompasses such potential cultural resources.

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The commenter refers to the California Tribal Consultation Guidelines' definition of "cultural places." These Guidelines do not apply to or govern review under CEQA but instead concern the implementation of Senate Bill 18 ("SB 18"), a statute which requires consultation by local agencies with Native American tribes under specific circumstances. SB 18 consultation and CEQA processes are legally separate. There is no provision in SB 18 requiring any action by a local government under SB 18 beyond compliance with its noticing and consultation requirements. (Govt. Code §§ 65352.3, 65352.4.) Further, CEQA does not require the completion of the SB 18 consultation process prior to publication of a draft EIR.

The County has been engaged in SB 18 consultation since the publication of the original draft EIR in June of 2007 and no new information regarding the archeological resources described in the RDEIR has been revealed through that process.

G-8-87

The commenter states that consultations with Native Americans are "required" to develop mitigation measures, including access guarantees for ceremonial uses as mitigation for Project impacts to the site. The comment misstates the law. The County cannot require access to private property under Public Resources Code section 5097.9. Section 5097.9 applies only to public property.

There is no evidence that the Project will result in any impacts to the cultural significance of the Project site requiring mitigation in addition to what is already proposed in the RDEIR, although mitigation measures have been refined and augmented in the FEIR to better avoid and minimize impacts. CEQA is concerned with direct and indirect physical impacts to the environment and with the mitigation of those physical impacts. Requiring private property owners to allow Native Americans onto the Project site would not mitigate any physical impacts of the Project and would not be consistent with CEQA Guidelines Section §15126.4(4).

Please see General Responses section 13.3.6-Cultural Resources for a discussion of SB-18 and Ethnic Concerns. Also see responses to comments G-8-75, G-8-83, G-8-84, and G-8-86 above.

G-8-88

Areas south of Highway 101 have been determined to be a historic landscape eligible for listing in the CRHR (see FEIR Appendix F, EDAW 2008: 24). Further, archaeological resources within the project area, including *Kuyamu* and *Mikim*, are also considered eligible for listing in the CRHR. Please see General Responses section 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144.

The comment indicates the entire Gaviota Coast, including that portion that is the "entire project site", is eligible for listing on the CRHR because it is associated with events that made a

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Section 15.0 significant contribution to the broad patterns of California’s history and cultural heritage. The
Responses to same statement could be made about much of California’s coastline.
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Moreover, The comment presents no factual data to support that contention and resorts to making speculative statements such as “The Gaviota Coast *was likely* a point of embarkation for early travel to the islands...” (emphasis added). The comment then goes on to say that “the area surrounding the “dos pueblos” of *Kuyamu* and *Mikiv* *may have been* one of the earlier sites of habitation in the region, serving as a unique site in human and regional history” (emphasis added). Given that the “area surrounding” *Mikiv* and *Kuyamu* is by definition outside the site boundaries because it lacks artifactual remains, it is not a reasonable assumption that an area lacking artifacts would represent “one of the earlier sites of habitation in the region.”

Similarly, The comment states that the entire project site is eligible for listing because it has yielded or may be likely to yield important information, though most of the project site lacks any artifactual evidence. Similarly, The comment states that the “project site” may be one of the few sites that were occupied before 9,000 years ago. This may be true of the Dos Pueblos sites, although no such early dates have been reported, but The comment ascribes this possibility to the project site as a whole even though much of the project site lacks artifactual remains. The comment is extrapolating the significance of these prehistoric habitation sites to surrounding areas that lack evidence of prehistoric occupation.

Therefore, although it is accepted that prehistoric people did not leave artifactual evidence everywhere they went, areas lacking physical evidence of prehistoric life are not likely to yield important information about prehistory. The comment provides no new information that would indicate the entire project site is eligible for listing.

G-8-89

This comment is a summary statement regarding The commenter’s opinions on the Cultural Resource analysis. See prior responses G-8-76 through G-8-88. Measures to avoid and minimize impacts to a far greater extent have been incorporated into FEIR Sections 3.11.3.3 and 9.11.3.3.

G-8-90

The commenter claims that the County failed to engage in consultation with Native American tribes regarding the Project potential impact on “ethnic values” per the County CEQA Thresholds and Guidelines Manual and per CLUP section 35.60.040 – a broader consultation than required under SB 18.

Please see General Response 13.3.6, SB-18 and Ethnic Concerns.

The County engaged in consultation with Native American bands regarding the EIR. For instance, the County coordinated with the Santa Ynez Band of Chumash Indians, resulting in the Band’s July 2006 request to participate in site monitoring in July of 2006. (See January 10, 2007 email from Sam Cohen to Tom Figg.)

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Additionally, through the SB-18 consultation process, the County made repeated efforts to hold substantive meetings with both the Santa Ynez Band of Chumash Indians and the Coastal Band of the Chumash Nation to discuss the MOU Project. In April 2008 several site visits were conducted with both Bands, the County, URS and other interested parties to better explain the project and additional efforts being made to avoid and minimize impacts.

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Also see responses to comments G-8-75 through G-8-78.

G-8-91

The comment states that consultations with Native Americans should have been contacted when the project was first proposed. Please see General Responses section 13.3.6, SB-18 and Ethnic Concerns.

Also see responses to comments G-8-75 through G-8-78 and G-8-90.

G-8-92

The comment states that the importance of the site as a spiritual place and ceremonial gathering site was understated in the RDEIR, and that an easement should be granted so that these uses can continue. Please see General Responses section 13.3.6, SB-18 and Ethnic Concerns. See FEIR Sections 3.11.3.2.3 and 9.11.3.2.3.

Also see responses to comments G-8-75 through G-8-78, and G-8-90.

G-8-93

The comment states that the prominence of local, unrecognized but well established Chumash bands requires enhanced input to the lead agency by the local bands. Please see General Responses section 13.3.6, SB-18 and Ethnic Concerns.

Also see response to comment G-8-90.

G-8-94

The comment states that the cultural resource impacts analysis in the RDEIR contains no meaningful analysis. Please refer to General Response 13.3, Cultural Resources (all sub-sections, especially Section 13.3.3, Project Level EIR) and responses to The comments made by the Office of Historic Preservation (comments within S-3), which respond comments related to RDEIR inadequacies, including the need for more detailed descriptions of potential impacts. These responses and changes to RDEIR cultural resource Sections 3.11 and 9.11 result in regulatory compliance and increased avoidance and minimization of direct and indirect impacts. These responses all provide references to and in some cases refinements of mitigation measures identified in the RDEIR which address and comply with the specific mitigation requirements of Public Resources Code § 21083.2(a-i).

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Section 15.0 See response to comment G-8-97 below.

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G-8-95 and G-8-96

The comments state that the RDEIR fails to establish that Chumash sites will not be impacted by the MOU Project and Alternative 1. The referenced impact statement was based on analysis of data presented in RDEIR Section 3.11.1.1.4, although the analysis could have been described in more detail. For example, the residential development in Lot 12 would extend into an area once mapped within SBA-77's boundary. Recent extended Phase 1 testing (Carbone 2005b) did not recover artifacts from the area that would be affected, hence the conclusion that there would be no direct impact from the MOU Project. Please see responses to comments L-2-14 and L-2-15 for further discussion.

The comment questions the assessment of potential Alternative 1 impacts on SBA-77 because the RDEIR presents no data to support the conclusion that Alternative 1 is immediately adjacent to the site but would not affect it. The RDEIR's characterization of the spatial relationship between Alternative 1 and the site as "immediately adjacent" is misleading. In fact, the nearest Alternative 1 development is located on the other (west) side of Dos Pueblos Creek from SBA-77, a distance of approximately 800 feet. Despite the lack of presented detail, the RDEIR conclusion that Alternative 1 would not affect SBA-77 is correct. Similarly, SBA-144 would not be affected because it is located on private property not part of either the MOU Project or Alternative 1. SBA-144 is separated from MOU development by approximately 200 feet of private property and separated from Alternative 1 development by approximately 1,000 feet, including Dos Pueblos Creek.

G-8-97

The commenter believes that the RDEIR fails to acknowledge that cultural resource sites may be indirectly impacted by the Project and thus fails to consider all reasonably foreseeable impacts, including cumulative impacts.

Please see General Response 13.3.4, Indirect Impacts and Avoidance.

G-8-98 and G-8-99

The comment states that the RDEIR does not evaluate all reasonably foreseeable impacts of the proposed project. Please see General Response 13.3.4, Indirect Impacts and Avoidance and General Response 13.3.3, Project-level EIR.

FEIR Sections 3.11.3.2 and 9.11.3.2 address such ancillary sources of impact. Please also see General Response 13.3.4, Indirect Impacts and Avoidance and General Response 13.3.3, Project-level EIR.

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G-8-100

The comment states that the RDEIR failed to consider indirect impacts such as those caused by increased human presence on the project site. FEIR Sections 3.11.3.2 and 9.11.3.2 address indirect impacts from residents and the public the existing mitigation measure are sufficient. See also General Response 13.3.4, Indirect Impacts and Avoidance.

G-8-101

The comment states that the RDEIR fails to address the potential impacts the project's agricultural and equestrian operations and other permitted uses may have on the site's cultural and historic sites. Equestrian uses are restricted to areas lacking archaeological resources. Although the proposed project would seek to continue agricultural and grazing practices within the project area, these existing uses are part of the environmental baseline, and are not considered impacts of the proposed project.

G-8-102

The FEIR does recognize the cultural significance of the Project site (see also General Response 13.3.6, SB-18 and Ethnic Concerns) and new EIR sections have been added to identify Native American Heritage Concerns in more detail (FEIR Sections 3.11.3.2.3 and 9.11.3.2.3). Please see General Responses Section 13.3.6, SB-18 and Ethnic Concerns. See responses to comments G-8-75, G-8-84, and G-8-90 above.

G-8-103

Please see response to comment G-8-88 regarding The comment's assertion that the entire project site is a significant cultural resource. The RDEIR assessed impacts on all recorded cultural and historical resources, including the historic landscape.

G-8-104

The comment states that the RDEIR failed to address cumulative impacts on cultural resources. Please see response to comment G-2-514; General Response 13.3.2, Archaeological Resources -- Efforts to Avoid Impacts; and General Response 13.3.4, Indirect Impacts and Avoidance. Sections 3.11.3.5 and 9.11.3.5 have been revised in the FEIR.

Also see response to comment G-8-83.

G-8-105

The commenter claims the RDEIR failed to follow the County CEQA Thresholds and Guidelines Manual and CEQA by not prioritizing avoidance of archeological and historical sites.

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Section 15.0 Responses to Comments Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation; General Response 13.3.2, Archaeological Resources-Efforts to Avoid Impacts; and General Response 13.3.4, Indirect Impacts and Avoidance.

Please refer to response to comment S-3-4.

G-8-106

Site boundaries have been identified by multiple studies. The comment selectively refers to only one of the studies used to identify archaeological resources in the project area. RDEIR Sections 3.11.1.1.3 and 9.11.1.1.3, among others, have been augmented with recent review of other relevant studies (Haley et al, 1979; King and Gamble 1979) that provide additional confirming information but do not, however, modify the site boundaries used in the RDEIR impact assessment to any substantial degree. Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144; and General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, which includes a discussion of supplemental surveys within certain parts of SBA-78 and -79.

G-8-107

The comment states that the RDEIR's approach to cultural resources violates other sources of authority which prioritize avoidance. Please see response to comment S-3-4.

Also see responses to comments G-8-75, and G-8-105 and G-8-106 above.

G-8-108

The comment states that the RDEIR's treatment of Chumash cultural resources runs afoul of LCP and Land Use and Development Code requirements. Please see response to comment S-3-4.

See responses to comments G-8-75, G-8-105, and G-8-106 above.

G-8-109

The commenter claims that the mitigation measures calling for Phase II testing improperly defer the determination of appropriate mitigation and conflicts with CLUP Section 35.60.040(2) as well as Native American Heritage Commission (NAHC) Guidance.

CLUP section 35.60.040(2) does not discuss Phase II testing but simply states that mitigation for potentially impacts archeological sites should be designed in compliance with guidelines of the SHPO (OHP) and NAHC. The SHPO (OHP) and NAHC both recommend Phase II testing but suggest that it take place prior to Project construction.

While the RDEIR's proposed mitigation for Alternative 1 does call for Phase II testing to further evaluate the nature, extent and significance of cultural resources at CA-SBA-78 and 79,

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the County recognizes the significance of the subsurface resources on those sites and, consistent with NAHC guidelines, has determined the archeological site boundaries, assessed the integrity of the sites and evaluated the significance of the features and artifacts on the sites. These sites are considered eligible for listing in the California Register of Historical Resources.

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Finally, see General Response 13.3.7, The Issue of Deferred Phase II Testing.

G-8-110

The NAHC guidelines referred to in the comment address mitigations within sites. The MOU Project would not directly impact such sites, so the RDEIR mitigation measures discussed in the comment are appropriate. The only location where the MOU Project was close a known site was explored with trenches (Carbone 2005c). It is impractical to excavate exploratory trenches throughout the MOU Project in areas that have been surveyed with negative results.

Please see responses to comments G-8-75 and G-8-94.

Also see General Responses section 13.3.1, Adequacy of Resource Identification and Evaluation.

G-8-111

This comment is not applicable to the RDEIR. The American Indian Religious Freedom Act is applicable only to federal actions and is therefore not applicable to the present case. The NAHC's right to discuss matters with private property owners is not a subject of the EIR and thus this comment is not a comment on the adequacy of the RDEIR. PRC §5097.9 states that public agencies and private parties using public property shall not interfere with Native American religious expression or exercise; no public agency is interfering with such rights and no private party is using public lands.

See response to G-8-87, above.

G-8-112

The comment states that the RDEIR fails to acknowledge the project area as a sacred place for which access must be provided for purposes of Native American ceremonies. See responses to comments G-8-87 and G-8-111 above.

G-8-113

The comment claims that the Project will completely or partially destroy historic resources and the RDEIR does not provide adequate mitigation for these impacts. Please see responses to comments S-3-44 and -45.

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The commenter believes that the RDEIR's discussion of what constitutes a "direct impact" to historical resources is inadequate and vague.

EIR sections 3.11.3.2 and 9.11.3.2 have been revised to clarify that the only direct impacts to historic resources would be widening and resurfacing two historic road fragments. Please also see General Response 13.3.3 Project-Level EIR, and General Response 13.3.4, Indirect Impacts and Avoidance.

G-8-115

The comment claims that the RDEIR improperly constrains analysis to construction-related direct impacts and thus fails to discuss potential indirect impacts to historic resources.

See response to comment G-8-114. See General Responses section 1.3.4, Indirect Impacts and Avoidance. Also, the project description of Alternative 1 (RDEIR Section 8.0) has been modified to incorporate mitigation measures to avoid and reduce indirect impacts.

The comment indicates that although the RDEIR states that various historic resources would not be affected by "development or excavation," various other activities are proposed. The comment incorrectly implies that historical resources would be affected by these other activities. The "other activities" cited include: "laying of utility lines, septic systems, and alterations in hydrological and geologic conditions." However, construction of utility lines and septic systems are considered "development or excavation" activities and, as the RDEIR indicates, such activities would not affect the historic resources cited in The comment. As for the impacts related to the alteration of hydrological and geological conditions, such impacts with the potential to affect cultural resources are usually associated with flooding and erosion. All project-related hydrological and geological impacts are considered significant but feasibly mitigated (Class II) so there should not be associated cultural resource impacts. However, the RDEIR provides that all construction-related elements, including ground disturbance associated with erosion and flood control, would be sited to avoid cultural resources to the extent feasible and, if avoidance was not feasible, impacts would be adequately mitigated. In addition, the RDEIR specifies that all ground disturbances, including those associated with erosion and flood control, would be monitored by archaeologists and Native Americans to ensure that unanticipated discoveries are treated according to approved mitigation measures.

G-8-116

See General Response 13.3.3 Project-level EIR; General Response 13.3.4, Indirect Impacts and Avoidance; and revised impact and mitigation measures discussions in FEIR Sections 3.11.3.2, 3.11.3.3, 9.11.3.2, and 9.11.3.3. In addition, the Alternative 1 description in Section 8.0 now includes additional measures that avoid and minimize direct and indirect impacts to cultural resources.

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G-8-117

The quoted CEQA language says alteration *may* be a significant effect. In the present case, the project would not affect the historical alignments of the road fragments and the proposed widening and resurfacing are considered less than significant impacts. See response to comment G-8-113 above.

G-8-118

The comment states that the RDEIR fails to comply with requirements to avoid historic resources. Please see responses to comments S-3-44 and S-3-45.

EIR sections 3.11.3.2 and 9.11.3.2 have been corrected; the only historical resources that would be directly affected are the two road segments. Indirect impacts to historic resources due to increased human presence would be mitigated with a measure to increase homeowner awareness of the importance of cultural resources and provide homeowners with a list of prohibited activities that could adversely effect cultural resources (see FEIR sections 3.11.3.3 and 9.11.3.3). Please see responses to comments S-3-44 and S-3-45.

G-8-119

See response to comment G-8-118.

G-8-120

See response to comment G-8-118, S-3-44, and S-3-45.

G-8-121

The comment states that the Gaviota Coast is “a spectacular remnant of natural and undeveloped southern California coast. It possesses visual and scenic qualities not present elsewhere in the mainland and has exceptional significance and sensitivity.” This is The commenter’s opinion and will be included in the public record for consideration by decision-makers. The RDEIR appropriately applies the significance thresholds included in CEQA Guidelines Appendix G section I and the County’s Environmental Thresholds and Guidelines Manual’s guidance in its consideration of the Project’s potential impacts to visual resources. In addition, the RDEIR employs select portions of the BLM’s VRMS as part of the visual impacts analysis. No further response is required.

G-8-122

The comment states that CEQA Guidelines establish that any substantial negative aesthetic effect is to be considered a significant environmental impact for CEQA purposes. The RDEIR appropriately applies the significance thresholds included in CEQA Guidelines Appendix G section I concerning potential aesthetic impacts in its consideration of the Project’s potential

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impacts to visual resources (RDEIR at p. 3.91-6). It also applies the County’s Environmental Thresholds and Guidelines Manual’s guidance regarding visual resources to analyze the potential for the proposed Project to result in a significant visual impact under the Appendix G thresholds. Lastly, in order to apply the County’s significance thresholds relating to visual impacts, the RDEIR employs select portions of the BLM’s VRMS. Use of this System facilitates evaluation of the proposed Project’s potential visual impacts under the County’s CEQA thresholds.

The commenter cites to *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597 for the proposition that “any substantial negative effect of a project on view and other features of beauty could constitute a ‘significant’ environmental impact under CEQA.” That case concerned whether a fair argument had been made that a project could result in a potentially significant visual impact such that an EIR was required. Unlike *Quail Botanical Gardens* case, the County prepared an EIR for the MOU Project to consider potentially significant impacts, including those to visual resources. Accordingly *Quail Botanical Gardens* is not relevant to the RDEIR’s analysis of visual resources.

The RDEIR also appropriately considers alternatives with reduced visual impacts, namely Alternatives 1, 2, 4 and 5, see Table 11.1-1.

G-8-123

The comment claims that an assessment of the visibility of all structures from publicly accessible viewing places should be included in the RDEIR by identify the location of all structures, such as accessory structures, guest houses, grading and road improvements.

The project application package included detailed site plans, landscape plans, and elevations. Additionally, site plans, elevations and a grading for each building site were available at the County for pubic review. Exterior lighting plans were not included in the package; however the visual resources section includes a night lighting discussion with mitigation measures. For publication purposes the RDEIR included typical examples of site plans and elevations. Figures 2.3-A through 2.3-C show typical elevations for the MOU residences, and Figures 8.3-4A through 8.3-4C show typical elevations of the Alternative 1 proposed residences. Development and landscape envelope, as well as structure footprints are shown in Figures 2.3-1 (MOU Project) and 8.3-1 (Alternative 1). The County requires an EIR to analyze the development plans submitted, not Final Development Plans. The visual analysis of the RDEIR sufficiently describes the proposed project modification to the existing condition per County Thresholds and Significance Guidelines, therefore no additional change is necessary.

See response to comment G-8-126 below.

G-8-124

The comment states that all structures were not characterized by story poles and site visits or simulations. See response to comment G-8-123 above.

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G-8-125

The comment states that changes to the project since the DEIR must be represented and analyzed in the RDEIR. See response to comment G-8-123 above.

G-8-126

The commenter claims that the RDEIR fails to include visual simulations of residential second units on the MOU Project or Alternative 1 sites. Please refer to response to comment G-8-44, and General Response 13.2 Project Description – Guest Houses and Residential Second Units.

G-8-127

This comment requests story poles for MOU Lots 161 and 163 to determine the significance of an aesthetic impact under CEQA. Section 3.9.2.3 Methodology and Key Observation Points of the RDEIR details that the RDEIR analysis is adapted from the VRMS, developed by the Bureau of Land Management (2005). CEQA does not require visual analysis of a proposed development to include story poles. Visual Impact Severity is defined in Section 3.9.2.3.2. The degree of visual change is based on the following key factors: visual contrast, project dominance, and view impairment.

See response to comment G-8-123 above.

G-8-128

The commenter claims that impacts to the private views of residences on lots 109 and 132, as well as of “a number of existing residences in Dos Pueblos Canyon” must be considered when determining the significance of an aesthetic impact under CEQA.

CEQA does not require the County to evaluate the impacts on the private views of a few individuals. The commenter points to only two residences whose views might be impacted and references some unspecified residences in Dos Pueblos Canyon. But “under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.” (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 901-903, citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492) Similarly, as the Court of Appeal held in *Association for Protection etc. Values v. City of Ukiah* (1991) 2. Cal.App.4th 720, when rejecting the visual impact claims of an individual appellant, “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general.” In *Ocean View Estates v. Montecito Water District* (2004) 116 Cal.App.4th 396, 403, the case cited by The commenter, the Court of Appeal stated, “[i]f it were merely the matter of expressions of concern by one or two people, we might agree that there is no substantial evidence of a negative impact” on aesthetics. In *Ocean View Estates* the Court found that “[t]he evidence here goes beyond a few people expressing concern about the aesthetics of the project.” That is not the case here. The

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Section 15.0 County was not, therefore, required to consider potential view impacts to a small number of residences.
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The comment also references a potential impact on new coastal zone structures within the MOU Project on new inland structures. CEQA does not require the analysis of the impacts of one project segment on another.

Further, the County's Environmental Threshold and Guidelines Manual expressly states that all views to be addressed "are public views, not private views" (page 178.)

Also see response to comment G-8-122 above.

G-8-129

The comment claims the RDEIR includes no night lighting and glare impact simulations. Sections 3.9.4.3.2 Specific Visual Effects (MOU Project), and 9.9.4.3.2 Specific Visual Effects (Alternative 1), include discussion of the night lighting and glare potential impacts resulting from the proposed project. The RDEIR states that, nighttime lighting sources where there are currently none will draw the viewer's attention, thereby further accentuating these manmade additions to this currently rural landscape. No additional glare sources would be present as most of the materials chosen for inclusion in the proposed development architectural designs are ranch-like in tone and nature (i.e., there are no mirrored surfaces or urban-like elements in any of the proposed development). There is no requirement under CEQA that a night lighting simulation be prepared.

G-8-130

The comment claims that the photovoltaic panels are not included within the Project Description of the RDEIR. Photovoltaic arrays are no longer proposed in the MOU Project or Alternative 1.

See response to comment G-8-129 above.

G-8-131

The comment related to the PV cells, no longer part of the proposed project. See response to comment G-8-130 above.

G-8-132

The comment related to the PV cells, no longer part of the proposed project. See response to comment G-8-130 above.

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G-8-133

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The commenter claims that simulations of views of the Project from the ocean, specifically from Naples Reef, are not included in the RDEIR.

There is no provision of CEQA, the CEQA Guidelines or of CEQA case law that requires a lead agency to consider a Project's potential impact to views of those viewing the project from the ocean. Further, in related case law, *Schneider v. California Coastal Commission* (2006) 140 Cal.App.4th 1339, the Court of Appeal confirmed that the Coastal Commission does not have the authority to consider an ocean boater's right to view the coastline from the ocean in conditioning its issuance of Coastal Development Permits. There is similarly no requirement that the discussion include a visual simulation.

Nevertheless, the RDEIR includes a discussion of potential view impacts to boaters. (RDEIR 3.9-37 - 3.9-38)

G-9-134

The comment claims that the RDEIR Visual Resources Section should address the future installation of antennas and satellite dishes. The project description includes the level of detail required by the County for permitting a residential development. Potential ancillary improvements shall be permitted when proposed by each home owner subject to the County Land Use & Development Code. The Land Use & Development Code 35.44.020 establishes the allowable zones, permit requirements, and development standards applicable to noncommercial telecommunications facilities as allowed by this Section of the Code. Different permit processes shall be required depending on the type of the noncommercial telecommunication facility being proposed and whether the facility complies with different development standards.

G-8-135

The comment states that visual simulations should represent all views without proposed mitigation measures (i.e. landscaping).

The RDEIR Visual Resources Sections 3.9 (MOU Project), and 9.9 (Alternative 1), address potential visual resource impacts based on CEQA and Local agency review. These include: potential changes to the visual character of the area, potential changes to specific views (KOP) into the project site, and glare or night lighting affecting area, see Sections 3.9.2.3 (MOU Project) and 9.9.2.3 (Alternative 1) Methodology and Key Observation Points. The site existing condition includes landscaping and features windrows, citrus and avocado trees and regional habitat. Presenting the KOPs without landscaping identified in mitigation measure would not accurately reflect landscaping plans submitted to the County.

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The comment claims that the represented views from KOP 2 are not meaningful because the perspective differs in each of the visualizations.

The RDEIR Visual Resource Sections 3.9 (MOU Project) and 9.9 (Alternative 1) analyze the visual change to the existing environment. In some cases the KOP's perspectives can differ depending on the proposed change to the environment. As discussed in the RDEIR, KOP 2 represents views from travelers along northbound Highway 101. Under Alternative 1, KOP 2 extends the view to include all of the proposed improvements within Lot 210 and DP 04, as illustrated in Figure 9.9-12. While under MOU Project KOP 2 results in a comparatively narrower view because Lot 210 and DP 04 are not developed, see Figure 3.9-12.

G-8-137

The comment claims that the views of the project from El Capitan State Park would be significant impacts under CEQA and would conflict with Coastal Act §30251.

The panoramic view is representative for rural residential locations and foothill and mountain trail users. The proposed project profile has been designed to protect views to and along the ocean and scenic coastal areas for conformance with Coastal Act §30251. Additionally, the RDEIR addresses the impacts and mitigation of nighttime lighting in Sections 3.9.4.5.4 (MOU Project) and 9.9.4.5.4 (Alternative 1) Mitigation Vis-4: Lighting.

Also see response to comment G-8-144 below.

G-8-138

The commenter claims the project site is within 4 miles of the Santa Barbara Municipal Airport, and that views of the project from mobile viewers in commercial aircraft should be considered and analyzed in the RDEIR. The commenter is incorrect instating that the project area is within four miles of the airport; the project location is approximately 6.5 miles west of the airport. There is no applicable statute, regulation or policy identifying scenic views from commercial aircraft, and evaluating the project's visual impacts from this perspective is neither reasonable nor required by CEQA given the great distance and brief duration of these views. In addition, The commenter's characterization of the project as a "sprawling subdivision" is not accurate. The proposed project is very low density, with 54 units on 485 acres (MOU Project), and 72 units on 3,254 acres (Alternative 1).

G-8-139

The commenter claims that the County did not employ its own CEQA thresholds in conducting its analysis of potential view impacts.

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The RDEIR expressly employed the County’s CEQA thresholds for assessing potentially significant visual impacts. For each identified Key Observation Point (KOP), the RDEIR considers whether MOU Project could result in visual impacts by considering the five impact questions set forth in the County’s CEQA thresholds. (RDEIR 3.9-19 – 3.9-38.) The results of this analysis are further summarized in Tables 3.9-1 through 3.9-3. In order to apply the County’s significance thresholds relating to visual impacts, the RDEIR also employs select portions of the BLM VRMS. Use of this System facilitates evaluation of the MOU Project’s potential visual impacts under the County’s CEQA thresholds.

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The comment states that BLM factors were employed “selectively” in the RDEIR’s visual impacts analysis but did not identify any omissions in the application of the BLM the factors set forth at length in the RDEIR’s Section 3.9.2.3.1 and applies throughout the RDEIR’s impact analysis.

Also see response to comment G-8-121.

G-8-140

This comment is a summary statement of the earlier comments see response G-8-123 through G-8-139.

G-8-141

The comment claims that the “scarcity” factor used in the BLM VRMS (VRMS) (2005) is not incorporated in the RDEIR. Scarcity is one of seven factors used by the BLM’s VRMS to evaluate scenic quality, for the purposed of analyzing scenic quality the RDEIR uses visual quality, which is one of three factors for determining visual impact susceptibility. In addition to the County Thresholds and Guidelines, the RDEIR employs select portions of the BLM’s VRMS System as part of the visual impacts analysis.

G-8-142

The comment claims that the public interest factor included in the BLM VRMS (2005) is not incorporated into the analysis in the RDEIR, resulting in lower visual quality ratings for the site. Similar to the response to comment G-8-141 the County’s Thresholds and Guidelines were applied in combination with select portions of BLM’s VRMS. The fact that there is substantial public concern regarding the proposed project is well understood, and this factor was not overlooked during preparation of the RDEIR. See response to comment G-8-139.

G-8-143

The commenter claims that the RDEIR inappropriately treats Class II impacts as “intermediate” impacts rather than significant but feasibly mitigated impacts. As a result, there is no analysis as to whether proposed mitigation measures will actually mitigate visual impacts to a level of less than significant.

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Section 15.0 Responses to Comments The RDEIR does not reference Class II visual impacts as “intermediate” impacts. Rather, consistently throughout the visual impact analysis, it discusses those potentially significant visual impacts that can be feasibly mitigated as Class II impacts and then describes how, with the implementation of landscaping, the maintenance and improvement of windrows, as well as with the implementation of design guidelines, those impacts can be mitigated to a level of less than significant.

Also see response to comment G-8-121.

G-8-144

The commenter claims the RDEIR fails to identify the project’s inconsistency with visual policies, specifically Comprehensive Plan Visual Resources Policy 2, and to acknowledge that such inconsistency has a significant impact. The comment states that the RDEIR also fails to identify inconsistency with Coastal Act Section §30251.

The RDEIR discusses those visual policies which have potential application to the MOU Project in Section 3.9.3.3.2. It then analyzes whether there are any inconsistencies with these policies as to each KOP identified in the RDEIR in Section 3.9.4.3.2. Further, in Section 4, section 4.10, the RDEIR considers MOU Project consistency with Coastal Act and County Comprehensive Plan policies related to visual resources and aesthetics (RDEIR at 4-31 – 40).

The RDEIR discusses the MOU Project’s consistency with Comprehensive Plan Visual Resources Policy 2 at length in Section 4.10.1.

The RDEIR discusses the MOU Project’s consistency with Coastal Act Section §30251 at length. See Sections 4.10 (MOU Project), and 10.10 (Alternative 1), Policies Related to Visual Resources/Aesthetics.

To the extent that The commenter disagrees with the RDEIR’s conclusions regarding policy consistency, those comments are noted and will be before the County’s decision-makers who must make the ultimate determination of policy consistency with regard to the project.

Also see response to comment G-8-121.

G-8-145

The comment disagrees with Visual Resource impact conclusions from KOP 1B. See response to comments G-8-122 and G-8-144.

G-8-146

The comment states that the RDEIR fails to evaluate consistency with Section 30251 of the Coastal Act. For a response to this comment, see responses G-2-671, G-8-122, and G-8-144.

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G-8-147

The comment requests additional KOPs to identify views from the Highway 101 to the Pacific Ocean, based on LCP Policy 4-9. The RDEIR states in Section 3.9.1 (MOU Project) and 9.9.1 (Alternative 1) Introduction and Summary, that the KOPs were selected to illustrate potential changes to specific views into the project site, and include representative views from the Highway 101 visual corridor.

Additionally, LCP Policy 4-6 states: *Signs shall be of sized, location, and appearance so as not to detract from scenic areas or views from public roads and other viewpoints.* The proposed project improvements shall include signage directing traffic and recreational users, analyzed in Sections 3.9.3.3.1 (MOU Project) and 9.9.3.3.1 (Alternative 1), Santa Barbara County Local Coastal Program.

G-8-148

The comment claims the ratings of visual impacts methodology is flawed. The visual ratings categories of low, moderate and high were derived from BLM's VRMS three tier system. See response to comment G-8-139.

G-8-149

This summary comment claims the RDEIR discounts viewer sensitivity from public viewing places including rail, highway, and recreational users. See response to comments G-8-150, G-8-151, and G-8-152 for detailed discussions of viewer sensitivity analyzed in the RDEIR.

G-8-150

The comment claims the RDEIR discounts viewer sensitivity from KOP 1A for the railroad traveler.

The comment is referring to the Visual Resources discussion within Section 4.6 Gaviota Coast of the Local Coastal Plan which describes the unique scenic value, states that energy and recreation development have affected the visual resources of the area. No policy statements are included within this section of the LCP. Therefore no additional response is necessary.

G-8-151

The comment claims the RDEIR discounts the viewer sensitivity of commuters traveling Highway 101. See Section 9.9.2.3.1 Visual Impact Susceptibility of the RDEIR.

The RDEIR states the following: "Consistent travelers along this roadway or "commuters" are still sensitive of surrounding views, although they are traveling to a particular destination on a regular basis and tend to be relatively less sensitive than viewers headed toward recreational destinations."

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Section 15.0 Responses to Comments The commenter sites another comment letter submitted by Videoscapes on January 21, 2008, authored by Kenneth Doud, a Visual Resource Consultant, see Letter G-9. See responses to comments G-8-149, G-8-150 and G-9-7

G-8-152

This comment claims the RDEIR discounts viewer sensitivity of trail users from KOP 1B. Please see responses to comments G-8-149, G-8-150, G-8-151 and G-9-7.

G-8-153

The comment claims the RDEIR fails to adopt the BLM's visual resource analysis methodology for scenic quality.

The RDEIR discusses the Bureau of Land Management's VRMS, for categorizing project effects on scenic views in Sections 3.9.2.3 (MOU Project), and 9.9.2.3 (Alternative 1) Methodology and Key Observation Points (KOPs). For additional discussion, see response to G-9-8..

G-8-154

This comment claims the RDEIR fails to adopt the BLM's visual resource analysis methodology for visual quality. See response to comment G-8-153.

G-8-155

The commenter stated that, Under *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 939 the RDEIR must consider view impacts even through no "panoramas" are involved, such as to KOP 2 under Alternative 1.

Pocket Protectors holds that it is possible that a citizen's contentions that there are impacts to a non-scenic vista may raise a fair argument that an EIR must be prepared. Here, the RDEIR does consider the potential for view impacts to non-scenic vistas, such as those from the vantage point of KOP 2, which are described as "moderate" because they "tend to focus on the landscaped tree row placed in the midground viewshed" and because "the existing transmission lines, the roadway running parallel to the highway, the existing signage within the viewshed, in addition to the highway itself, further reduce the quality of the view from this location" of Section 9.9.4.3.2. The RDEIR then notes that viewers traveling along the highway at this point would be less sensitive to view impacts due to the lack of significant panoramas in this area of the road, and also less focused on the view due to the high speeds at which they are traveling (Id.). Even given the evidence of the moderate value of this view, the RDEIR concludes that the project will result in significant but feasibly mitigated impacts to this KOP in Section 9.9.4.3.2.

G-8-156

This comment repeats KOP 2 claims discussed above for KOP 1A. See response to comment G-8-155.

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G-8-157

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The commenter believes that the RDEIR understates project impacts, and that they remain significant after mitigation. The RDEIR Visual Resources Sections 3.9.2 (MOU), and 9.9.2 (Alternative 1) Existing Conditions both describe the existing condition and assess the environmental impacts based on changes to the environmental. The Gaviota Coast is not undeveloped. Existing development includes: two oil and gas processing facilities (at Gaviota and Las Flores Canyon), the Tajiguas Canyon Landfill, state park beaches and campgrounds, and primarily isolated single family homes. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

For further discussion of the existing condition, please see response to comment S-2-62.

G-8-158

The comment states that CEQA requires mitigation to avoid or minimize environmental damage where feasible; the RDEIR's mitigation measures are inadequate, and the RDEIR fails to avoid visual impacts through siting and project design changes.

The RDEIR concludes that there are two significant and unavoidable visual impacts (Vis-0 and Vis-5) even with revisions to project design. Mitigation of this impact is not feasible because it would require the removal of residences from the lots situated on the northwestern hillside, directly impacting the MOU Project's ability to meet the Project Objectives.

The comment states that more emphasis should have been given in the development of alternatives to removing structures from ridges and coastal bluffs. The RDEIR includes a reasonable range of alternatives, proposing alternatives that avoid or reduce significant visual impacts (Alternatives 1, 2, 4, and 5). (*See Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143.)

Also see response to comment G-8-121.

G-8-159

This comment generally restates earlier claims of a faulty visual impacts analysis. See responses to comments L-1-24, L-1-27, G-8-122, G-8-126, G-8-139, G-8-143 and G-9-14.

G-8-160

The comment claims that the RDEIR fails to establish that it is infeasible to mitigate the Class I visual impact Vis-0 to a less than significant level as required by CEQA Guidelines Section §15021(a)(2) or to "seriously consider" a reduced development alternative.

The RDEIR explains that the MOU Project will replace the existing sloping hillsides visible to the north of Highway 101 with a large lot residential development project (RDEIR 3.9-18). The RDEIR concludes that this significant effect will remain even after the implementation of

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See responses to comments S-4-13 and G-9-2.

G-8-161

This comment repeats earlier comments. Please refer to the responses to comments G-8-121 and G-8-160.

G-8-162

The comment claims the RDEIR Visual Resources assessment of Vis-1a for the (MOU Project and Alternative 1) from KOP 1A improperly discounts the sensitivity of recreational and railroad passengers. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

See response to comments G-8-150 and G-2-426.

G-8-163

This comment claims that the RDEIR's KOP 1A visual analysis is incomplete and is not representative of the viewshed of the train passengers, and disagree with the significance findings post mitigation, without stating a reason. The commenter's opinion on this matter will be before the County's decision-makers for their consideration. See response to comments G-8-150 and G-2-426.

G-8-164

The comment states the RDEIR's proposed visual mitigation measures would not reduce Impact Vis-1a to a less than significant Class II, and that the project should be redesigned to accomplish this. The RDEIR discusses the mitigation measures for KOP 1A in Sections 3.9.4.5 (MOU Project), and 9.9.4.5 (Alternative 1). The commenter's opinion on this matter will be before the County's decision-makers for their consideration. See responses to comments G-8-150 and G-2-426.

G-8-165

This comment claims the RDEIR's Visual Resources analysis of Vis-1B for recreational and trail users discounts viewer sensitivity. The RDEIR discusses the visual impacts to KOP 1B in

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Sections 3.9.4.3.2 Specific Visual Effects (MOU Project), and 9.9.4.3.2 Specific Visual Effects (Alternative 1). The commenter's opinion on this matter will be before the County's decision-makers for their consideration. See responses to comments G-9-5 and G-9-15.

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G-8-166

The commenter disagrees with the attribute rating for KOP 2, moderate for both view quality and sensitivity, Section 3.9 (MOU Project), and 9.9 (Alternative 1). The RDEIR rates KOP 2's visual impact susceptibility as moderate based on moderate ratings for view quality, viewer exposure and viewer sensitivity (Tables 3.9-1 or 9.9-1). Visual impact severity is classified as moderate based on high ratings for visual contrast, moderate ratings for project dominance, and low ratings for view impairment (Tables 3.0-2 or 9.9-2). Therefore, the potential impacts to visual resources from KOP 2 are considered *significant but feasibly mitigated (Class II)*. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

See response to comment G-9-3.

G-8-167

The comment disagrees with the RDEIR conclusions for KOP 2, viewer discount viewer exposure rated moderate.

The RDEIR Visual Resources analysis of KOP 2 states according to the County's visual aesthetics guidelines, from KOP 2 only a few project structures would be visible and these would have only a slight view impairment effect. No significant vegetation would be removed; no important open space would be lost. From KOP 2, most of the natural character of the hillside would be retained; landscaping and grading would both be consistent with applicable policies. Also see responses to comments G-8-165, G-8-166 and G-9-3.

G-8-168

This comment restates viewer exposure claims for KOP 2, discussed above. See responses to comments G-8-166 and G-8-167.

G-8-169

The comment acknowledges the modification to view based on the changes Impact Vis-2 under Alternative 1. Comment is not related to the adequacy of the EIR, no additional response is necessary.

G-8-170

The comment claims the RDEIR fails to apply BLM's VRMS to Impact Vis-3, by not supporting a moderate rating for view quality.

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The commenter is incorrect, the RDEIR Specific Visual Effects Sections 3.9.4.3.2 (MOU Project), and 9.9.4.3.2 (Alternative 1), include the following description of KOP 3. The KOP's "midground views consisting of a flattened undeveloped plateau lined by low wooden fence posts, views of vegetation including shrubs and trees; and a background view of coastal mountain ridgelines. This stretch of highway is one of few lacking tree row screening on either side of the roadway..." The distinctive change in view, when compared with the longer tree windrows to the east and west, leads to a higher sensitivity for this short segment of the highway and the viewer sensitivity is rated high. The placement and direct view to the property itself allows the viewer exposure to be rated as high.

Additionally, as originally proposed, a large barn would have been visible at this location as part of the agricultural support facility on Lot 57 (now on Lot 97), leaving the area virtually undeveloped open space. In conclusion, the visual impact susceptibility is classified as high based on high ratings for viewer sensitivity and viewer exposure at this highway segment in combination with moderate view quality (Tables 3.9-1 and 9.9-1).

G-8-171

The comment claims the RDEIR improperly characterizes the visual contrast as moderate for Impact Vis-4 for both the MOU Project and Alternative 1.

The RDEIR's visual resources methodology in Sections 3.9.2.3 (MOU Project), and 9.9.2.3 (Alternative 1) visual contrast occurs when the improvement is in opposition or unlikeness of different forms, lines, colors, or textures in a landscape. The RDEIR states that introduction of structures would contrast highly with the existing rural nature and character of the land, but visual contrast is rated only moderate because all of the structures would be in the midground and distant views, and only the uppermost portions of the rooftops would be visible from KOP 4.

G-8-172

The comment claims the RDEIR determines the Impacts Vis-5 (KOP 5) viewer sensitivity rating of moderate is unsupported. See response to comment G-9-3.

G-8-173

The comment claims the RDEIR visual quality from Vis-6A (KOP 6A) ranking as moderate is not reflective of user experience of the view. The degree to which the windrows north of Highway 101 obscure views may be subject to interpretation. The RDEIR does not imply that there is a complete blockage of views in this manner, only an effect that reduces the views of the hillsides to the north. No changes in the RDEIR are necessary.

Additionally, commenter references the Videoscapes, as requested by Marc Chytilo, Letter G-9.

See response to comment G-2-420.

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G-8-174

This comment restates earlier claims concerning the RDEIR's classification of viewer exposure, see responses to comments G-8-173 and G-9-7.

G-8-175

The comment disagrees with the findings of the RDEIR for Vis-6B (KOP 6B). The RDEIR discusses the visual impacts at KOP 6B in Sections 3.9.4.3.2 Specific Visual Effects (MOU Project), and 9.9.4.3.2 Specific Visual Effects (Alternative 1). The commenter's opinion on this matter will be before the County's decision-makers for their consideration. See response to comment G-9-17.

G-8-176

The comment claims Impact Vis-7 (KOP 7) lacks description for finding visual quality, sensitivity, and exposure all to be rated moderate.

The RDEIR includes the following description of Vis-7, Sections 3.9.2.3 (MOU Project) and 9.9.2.3 (Alternative 1). The greatest number of viewers at this location would be residents and visitors coming into this portion of the development, people driving to the equestrian center, or visitors driving into the public parking, and coastal access trail on Lot 97. The foreground view includes the roadway and the thin eucalyptus windrow along the southern edge of the roadway, pasture land beyond the trees, and the dense windrow in the distance along the northern side of the UPRR tracks. The ocean is not visible from KOP 7 because of the UPRR windrow. Therefore no additional discussion is warranted; no additional response is necessary.

G-8-177

The comment disagrees with the RDEIR's visual impairment finding of low for Impact Vis-8A and Vis-8B (KOP 8), stairway access to the beach.

The proposed stairway would not impede views to existing scenic backdrops. The stairway would not likely block an observer position, defined as the placement and relationship of a viewer to the landscape which is being viewed according to the BLM's Visual Resources Manual¹. See responses to comments S-2-38 and L-3-4 through L-3-5.

G-8-178

This comment claims the beach access stairway would result in dominance. As stated in response to comment L-1-26, dominance is a measure of visibility, and therefore the height of the structure exceeding the cliff would increase visibility. The beach access stairway would be blocked by the height of the cliffs. See response to comment G-8-177.

¹ <http://www.blm.gov/nstc/VRM/8400.html#Anchor-Glossary-35326>.

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Section 15.0 **G-8-179**

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The comment claims the RDEIR fails to characterize the views from the ocean. The RDEIR includes visual impacts analysis from the ocean; see Impact Vis-9. A conservative model was used relying entirely on ground topography and does not account for intervening vegetation of other aboveground screening features. The results of this analysis are illustrated in Figure 9.9-12.

For further discussion of the project visibility, see response to comment G-2-456.

G-8-180

The comment requests that the RDEIR include simulated light and glare impacts resulting for the project. The RDEIR's impact Vis-10 assessment includes BLM's VRMS, complete development plans for elevations, rooflines, and landscape plans. The use of story poles for visualizing the proposed project would be a repetitive technique.

G-8-181

The RDEIR identified the use of sound walls for mitigation in Sections 3.13.3.4 (MOU Project), and 9.13.3.4 (Alternative 1) Mitigation Measures. Mitigation Noise-3 states as part of the monitoring "erection of temporary soundwall barriers will be considered where project activity is unavoidably close to noise-sensitive receptors." Also see responses to comments G-8-253 and G-14-17.

G-8-182

The RDEIR discussed the residual impacts of landscaping as a mitigation measure in Sections 3.9.4.6 (MOU Project) and 9.9.4.6 (Alternative 1), Residual Impacts.

See response to comment G-8-181.

G-8-183

This comment restates Mitigation Vis-1: Design Guidelines process information in Sections 3.9.4.5.1 (MOU Project), and 9.9.4.5.1 (Alternative 1) of RDEIR; therefore no additional response is necessary.

G-8-184

The comment claims the mitigation measures for Vis-2 (KOP 2) shall not require the relocation or redesign of proposed structures (i.e., siting strategies) under Alternative 1. Siting strategies have been incorporated into the design of each lot. The project incorporates siting strategies have not been incorporated into the MOU Project design, therefore Vis-2 would be implemented accordingly. See response to comment G-8-181.

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G-8-185

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This comment claims the adverse impacts of the RDEIR proposed mitigation measures must be addressed per CEQA guidelines 15126.4(a)(1)(D). The project results in loss of scenic view corridors, views of mountains, and scenic ridges, ocean and Channel Islands, and references KOP 1B on page 3.9-22 and Figure 3.9-11. See response to comment G-8-181.

G-8-186

The comment claims the RDEIR visual resources analysis does not include catastrophic events. Loss of vegetation resulting from wildlife or climate change is speculative analysis. The project includes fuel management strategies to reduce the destruction caused in the event of a fire, see Sections 3.4.4.2 (MOU Project) and 9.4.4.2 (Alternative 1), Impacts to Special-status Species and Habitats.

G-8-187

This summary claims the RDEIR lacks substantial evidence that the proposed visual resources mitigation measures would reduce impacts.

From the following KOPs:

- Vis-1A from KOP 1A, claims the proposed project will significantly obstruct the ocean views, see responses to comments G-2-246, G-8-150, G-8-162, and G-8-163.
- Vis-1B from KOP 1B the proposed development intrudes into skyline, General Plan conflicts and significantly obstructs views, see responses to comments G-2-440, G-2-447, G-2-470, G-9-5, G-9-12, G-9-13, and G-9-14.
- Vis-2 structures viewed from KOP 2 including lots 193 and 243, skyline, General Plan inconsistency, see responses to comments L-1-25, G-8-169, G-8-184, G-9-11 and G-9-16.
- Vis-4 from KOP 4 the proposed development intrudes into skyline, General Plan conflicts and significantly obstructs views; see responses to comments L-1-26, G-8-137, G-8-171, and G-9-18.
- Vis-6A from KOP 6A obstructs views of the Santa Ynez Mountains; see responses to comments G-2-420, G-2-421, G-2-429, G-2-452, and G-8-173.
- Vis-6B from KOP 6B intrudes into the skyline, see responses to comments G-2-429, G-2-452 and G-9-16.
- Vis-8A and Vis-8B, beach access stairway alters views of the coastal bluff, see responses to comments S-2-38, L-3-4 through L-3-6.

Also please see responses to comments G-8-182 and G-8-185.

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Section 15.0 **G-8-188**

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This comment references a summary discussed in response to comment G-8-187.

G-8-189

This comment claims the cumulative visual effects of the project result in a new character for the Gaviota Coast.

The RDEIR discusses the cumulative visual effects in Sections 3.9.4.4.1 (MOU Project), and 9.9.4.4.1 (Alternative 1), Impact Vis-12: Cumulative Impacts, which states the cumulative effect of the proposed project, in combination with other proposed projects, could adversely affect the rural, scenic, and recreational character of the Gaviota Coast. The total low-development potential of the region and as well as implementation of the project's mitigation measures, cumulative visual impacts are potentially significant, but feasibly mitigated (Class II).

G-8-190

The comment claims, currently the Gaviota Coast development pattern results in views of single units, with the proposed project having six or more houses visible at one time. Additionally The commenter claims the project opens the door to future development of like style and density.

The RDEIR discusses the cumulative visual effects of the development pattern in Sections 3.9.4.4.1 (MOU Project), and 9.9.4.4.1 (Alternative 1), Impact Vis-12: Cumulative Impacts. With the adoption of the LCP in the 1980s, all of the proposed development along the Gaviota Coast has involved single home construction or relatively small projects relying on lot consolidations and lot line adjustments. Given that the maximum build-out of 200 units would be distributed over 40,000 acres, the region's development potential is considered limited and low-intensity. The size of the region and the effects of topography and vegetation in shielding views into the many canyons and drainages, will allow the Gaviota Coast to accommodate this limited development while retaining its rural or low density character. The extent of potential cumulative visual effects would be a function of the siting and design of individual projects and their consistency with this character. Future development on the Gaviota Coast would be constrained by, for example, zoning acreage minimums, public service limitations, topographical conditions and public opposition. For further discussion on the growth inducing effects, see Sections 5.5 (MOU Project) and 10.5 (Alternative 1).

Also see response to comment G-8-189.

G-8-191

The commenter disagrees with the cumulative buildable lots and total acreage figures in Section 5.5.1 Background and Regional Pattern of Land Use. The commenter incorrectly compares the RDEIR's Cumulative Project list to the County's Gaviota Coast Projects List, October 2006.

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G-8-192

The comment claims that the RDEIR does not address the project's consistency with the County's Open Space Element. To the extent that The commenter disagrees with the RDEIR's conclusions regarding policy consistency those comments are noted and will be before the County's decision-makers, who must make the ultimate determination of policy consistency with regard to the project.

G-8-193

The comment claims that the RDEIR does not address the project's consistency with the County's Open Space Action Plan. To the extent that The commenter disagrees with the RDEIR's conclusions regarding policy consistency those comments are noted and will be before the County's decision-makers, who must make the ultimate determination of policy consistency with regard to the project.

G-8-194

The comment claims the County cannot proceed with the proposed project per Govt. Code §65564 (open space zoning ordinance), §65566, and §65567, and without Local Open Space Action Plan cite Save El Toro Ass'n v. Days (1984). To the extent that The commenter disagrees with the RDEIR's conclusions regarding policy consistency those comments are noted and will be before the County's decision-makers, who must make the ultimate determination of policy consistency with regard to the project.

G-8-195

The comment claims that there are prescriptive rights on the project site that must be acknowledged. Further, the MOU Project should maximize opportunities for public recreational use of the site. The presence of prescriptive rights over a parcel of land can only be resolved through judicial declaration of property rights, and, as such, cannot be considered by the County absent such adjudication. (*LT-WR L.L.C. v. California Coastal Commission* (2007) 152 Cal.App.4th 770.) The commenter's opinion that private property should be made available for public recreational opportunities does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

G-8-196

The comment states the MOU Project lacks sufficient public access to the shoreline as required under the Coastal Act (Public Resources Code Section §30210, 30212).

The MOU Project and Alternative 1 are consistent with these provisions of the Coastal Act. The MOU Project would provide and maintain a public coastal access trail system that includes an additional segment of the Coastal Trail, parking restrooms, and vertical beach access on the SBR

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The commenter's opinion regarding a preferred location for the Coastal Trail does not pertain to the adequacy of the RDEIR.

Further, coastal access over the DPR property is not legally feasible. The Schulte family is unwilling to grant access to Lot DP 19 for any purpose. For more information, please refer to General Response 13.6.

G-8-197

The comment claims the proposed trail alignment conflicts with the California Coastal Trail objective to maximize public access to the coast. The RDEIR discusses the conflicting objectives of the Coastal Commission.

Please see General Response 13.6 Coastal Trail.

G-8-198

The comment states that the California Coastal Trail must run as close as possible along the coast.

The commenter's suggestion to locate the trail closer to the ocean than proposed is not feasible, due to the opposition of an adjacent landowner whose property would be traversed if the trail were aligned along the coast. For more information, please see General Response 13.6 Coastal Trail.

G-8-199

This comment claims the cliff setback area of approximately 100 feet would allow for the location of a Coastal Trail on the ocean side of the proposed bluff top lots. See responses to comments S-2-34, S-2-35 and General Response 13.6 Coastal Trail.

G-8-200

The comment states that the MOU Project will hinder the completion of the California Coastal Trail.

The commenter's opinion regarding the completion of the Coastal Trail does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

The MOU Project appropriately proposes a new segment of the Coastal Trail on property controlled by the Project applicants. The Project applicants cannot create new segments of the

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Coastal Trail on portions of the Gaviota Coast that are not within the Project site and are not controlled by the Project applicants.

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While there are no connections to the Coastal Trail on the east and west boundaries of the MOU Project site, the RDEIR states other projects are also currently proposed in the Project vicinity that would substantially contribute to the Coastal Trail linkages in the eastern portion of the Gaviota Coast. The Las Varas Ranch project, adjacent to and west of Dos Pueblos Ranch, would include a vertical beach access, and a possible Coastal Trail segment along the private ranch road that parallels Highway 101; see Sections 3.10.3.2 (MOU Project), and 9.10.3.2 (Alternative 1) Impacts.

See General Response 13.6 Coastal Trail.

G-8-201

This comment provides discussion of policy outside the scope of the RDEIR. Please see response to comment G-8-200 and General Response 13.6 Coastal Trail.

G-8-202

Please see response to comment G-8-200 for discussion of the Las Varas trail, and General Response 13.6 Coastal Trail.

G-8-203

The comment states that a lateral access easement along the bluff must be dedicated under County Land Use and Development Code Section §35.60.050 and 35.60.070.

The commenter's opinion as to how the County should enforce the provisions of Section §35.60.050 does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

Regarding the legal infeasibility of an easement along the coastal bluff, see response to comment G-8-196 and General Response 13.6 Coastal Trail.

G-8-204

This comment claims the proposed trail alignment north of Highway 101 and UPRR generates significant safety risks and noise impacts, and per CEQA §15065(a)(4), a mandatory finding of significance must be found where a project directly or indirectly causes substantial adverse effects on human beings.

The RDEIR discusses the proposed trail system in Sections 2.4.4 (MOU Project), and 8.4.4 (Alternative 1), Public Access, Trails, and Recreation. There is presently no public access infrastructure on the Project site. A proposed public access and trail system would provide parking, trails, restrooms, and beach access in the bluff area of the SBR property south of

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Please see response to comment G-8-200 and General Response 13.6 Coastal Trail.

G-8-205 and G-8-206

These comments restate discussion of County Land Use Code §35.60.050(B) and §35.60.070, please see response to comment G-8-203.

G-8-207

The comment claims the vertical beach access stairway creates significant environmental impacts to visual, recreational users, and biological resources.

The comment restates earlier claims about the visual and recreational user impacts of the beach access stairway, see responses to comments S-2-38, L-3-4 through L-3-5 and G-8-177. The RDEIR discusses the biological resource impacts resulting from the beach access stairway in Sections 3.4.4.2.1 (MOU Project), and 9.4.4.2.1 (Alternative 1), Special-status Plants are assessed Impact Bio-2. The potential impacts due to habitat loss/fragmentation of special-status plants associated with scrub habitats are considered significant, but feasibly mitigated (Class II). Mitigation measures Bio-2a and Bio-2b address retention and enhancement of coastal scrub, and the handling of sensitive coastal scrub plant species if any are encountered, respectively.

G-8-208

This comment restates earlier comments about the visual impacts resulting from of the beach access stairway improvements; see responses to comment S-2-38, L-3-4 through L-3-5, G-8-177, G-8-207. Therefore no additional response is necessary.

G-8-209

The comment provides no new information about the visual impacts resulting from of the beach access stairway improvement; see responses to comments S-2-38, L-3-4 through L-3-5, G-8-177, G-8-207. Therefore no additional response is necessary.

For additional discussion of protective measures related to improved beach access, see General Response 13.5.2 Marine Resources.

G-8-210

This comment repeats earlier claims that beach access limitations should be supplemented by locating the coastal trail along the beach bluffs. Please see responses to comments G-8-200, G-8-209 and General Responses 13.6 Coastal Trail and 13.5.2 Marine Resources.

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G-8-211

The comment claims an existing prescriptive easement per Coastal Act 30211 and County Land Use Code 35.60.050 (B). Comment not related to the adequacy of the RDEIR, therefore no response is necessary.

G-8-212, G-8-213, and G-8-214

The comment states that the RDEIR fails to meet CEQA's minimum standards of disclosure and analysis of air quality impacts. Specifically, The comment states that the RDEIR did not establish an environmental baseline, identify all emissions associated with the project, assess the impact of emissions on ambient air quality, and evaluate alternatives that would avoid air quality impacts.

The RDEIR's air quality analysis is consistent with the requirements of CEQA and the County's CEQA Thresholds and Guidelines Manual, and the Santa Barbara County Air Pollution Control District's technical guidance for the scope and content of air quality sections in environmental documents.

The comment states that the air quality analysis in the RDEIR is outdated, relying on a 2001 Clean Air Plan. The FEIR as been modified to reflect the most up to date version of the 2007 Clean Air Plan. The County's EIR consultant has re-run the URBEMIS modeling for the MOU Project's potential air quality impacts using the latest version of the URBEMIS program, issued in March 2008, to address this issue. The results of this revised data run have been included in Sections 3.14 and 9.14 of the Final EIR and confirm the RDEIR's determinations. The County's EIR consultant has also applied the most up-to-date version of the ACPD's Clean Air Plan.

The comment states that the RDEIR must "identify each and every potentially feasible mitigation measure available to reduce the significance of project impacts ... " The comment misstates the law. The County is only required to incorporate mitigation measures that would "substantially lessen" a significant environmental effect. Pub. Res. Code § 21002; CEQA Guidelines § 15021(a)(2), see *San Franciscans For Reasonable Growth v. City & County of San Francisco* (1989) 209 Cal. App. 3d 1502, 1519.

G-8-215

The comment states that the RDEIR fails to disclose that the project area is non-attainment for the eight hour ozone standard adopted by CARB. The Final EIR has been updated to incorporate the new ozone standard.

G-8-216

The comment claims that the RDEIR fails to address the revised PM_{2.5} standard for air quality particulate matter.

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Section 15.0 Responses to Comments The Federal PM_{2.5} standard is included in the RDEIR's Table of Ambient Air Quality Standards, Table 3.14.1, which also notes that there is no separate state PM_{2.5} standard. See response to comment G-8-212.

G-8-217

The comment claims that the exposure of project residents to unhealthful air quality conditions is a significant impact and this impact exists whether or not the project exceeds Appendix G significance thresholds. The comment reflects The commenter's opinion and is not supported by evidence to justify the assertion that the County's air quality thresholds are inadequate to analyze the MOU Project. See response to comment G-8-212.

G-8-218

The comment claims that the contribution of project emissions on regional air quality must be examined. The cumulative impacts sections address regional impacts.

The comment also states that the El Capitan monitoring station violates the revised 24 hour "particulate matter standard" of 35 µg/cubic meters. This standard applies to PM_{2.5}. The El Capitan monitoring station does not monitor PM_{2.5}. The Santa Maria and Santa Barbara stations, which do monitor PM_{2.5}, have not experienced exceedances of this standard.

The comment also claims that the RDEIR errs in concluding that the Gaviota Coast does not violate the federal annual standard. The federal annual standard and 3-year standards were revoked in 2006 and are no longer in effect.

G-8-219

This comment restates ambient air quality standards not applicable to the RDEIR. Please see responses to comments G-8-212 and G-8-217.

G-8-220

The FEIR has been revised to include the 2007 Clean Air Plan. See response to comment G-8-212.

G-8-221

The comment claims that the RDEIR fails to analyze the air quality effects caused by the Great Circle ship emissions in the Santa Barbara Channel.

Marine shipping, the largest unregulated source of oxides of nitrogen (NO_x) emissions, represents a significant long-term obstacle to achieving ozone standards in the coastal areas,

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including Santa Barbara County (see Santa Barbara APCD whitepaper, The Need to Reduce Marine Shipping Emissions: A Santa Barbara County Case Study (Paper # 70055)²).

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The APCD is required to monitor air pollutant levels to ensure compliance with federal and state air quality standards. The RDEIR in Sections 3.14 (MOU Project), and 9.14 (Alternative 1) Air Quality, have been updated to include the 2007 Clean Air Plan, for the County to be adopted by the APCD Board. Shipping emissions are included within the Clean Air Plan's; no changes in the impacts occur.

G-8-222

The comment states that the RDEIR fails to use the EMFAC2007 model recently approved by the EPA to estimate mobile source emissions. The RDEIR has been revised in Sections 3.14.2.2.1 (MOU Project), and 9.14.2.2.1 (Alternative 1) Long-term Emissions Impact AQ-3 to include the EMFAC2007 methodology.

G-8-223

The commenter claims the project emissions estimations are incomplete and inaccurate for operational emissions (agricultural operations, recreation).

The RDEIR discusses cumulative greenhouse gas emissions impacts AQ-7. The project will contribute to cumulative greenhouse gas emissions through the release of carbon dioxide in motor vehicle exhaust and indirectly through the consumption of energy for the residences, equestrian, agricultural, and other uses.

PM₁₀ is produced either by direct emissions of particulates from a source (primary PM₁₀), or by the formation of aerosols from chemical reactions in the atmosphere involving precursor pollutants (secondary PM₁₀). Major sources include dust from entrained paved road dust, construction, demolition, agricultural tilling, entrained road dust from unpaved roads, natural dust and sea-salt and particulate matter released during fuel combustion.

The comment disagrees with the trip distribution assumptions in Sections 3.12.3.2.2 (MOU Project) and 9.12.3.2.2 (Alternative 1) Project Trip Distribution, which assigns 90 percent of the trips to and from the Goleta-Santa Barbara (south), and 10 percent to and from Buellton, Lompoc, and other points (north). Table 3.12-1 shows U.S. Highway 101 currently operates at LOS A-B during the A.M. peak hour period and LOS B during the P.M. peak hour period.

G-8-224

The comment states that due to the luxury nature of the proposed homes, trip generation estimates should be adjusted to reflect the project residents' lifestyle. The RDEIR applies rural estate trip generation rates in Sections 3.12.3.2.1 (MOU Project) and 9.12.3.2.1 (Alternative 1),

² <http://www.sbcapcd.org/itg/download/awma03finalpaper.pdf>.

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Section 15.0 Responses to Comments Project Trip Generation. The trip generation estimates for the single-family residential units are based on the rates contained in the San Diego Association of Governments Traffic Generators manual for rural/urban estates (San Diego Association of Governments, 2002). The trip generation rate used for each residence (12 trips per day) is higher than that commonly used in Santa Barbara County (9.57 trips/day). Additionally, trip generation for the guest houses is assumed within the higher rates used for the primary residences.

Agricultural operations shall continue as an existing operational use, therefore no additional traffic or air quality analysis is required.

G-8-225

The comment states that the RDEIR improperly excludes recreational uses from trip generation rates. The RDEIR includes analysis for the Beach-Trail Use in Tables 3.12-3 (MOU Project), and 9.12-3 (Alternative 1) Santa Barbara Ranch Trip Generation Estimates, which account for recreational trip generation. In The Preserve at San Marcos EIR of 2004, the analysis revealed more recreational trip generation than residential trips for various reasons. These include number and type of residential units, a total of twenty (15 single-family residential and 5 condos resulting in 209 ADT), and the recreational facility is a neighborhood park (297 ADT). Therefore The commenter has attempted to compare two projects' trip generation conclusions, when in fact the project components (number and type of units) and regional setting (urban/rural) are dissimilar.

G-8-226

The comment states the RDEIR fails to quantify construction emissions.

The RDEIR provides estimated construction emissions in Table 3.14-3 for ROG, NO_x CO, SO_x and PM₁₀; see sections 3.14.2.2.1 (MOU Project) and 9.14.2.2.1 (Alternative 1) Santa Barbara Ranch Residences.

Also see response to comment G-8-212.

G-8-227

The commenter claims the RDEIR fails to address known toxic air contaminants. The RDEIR discusses toxic air contaminants, see Tables 3.14-1 (MOU Project), and 9.14-1 (Alternative 1) Ambient Air Quality Standards. The Air Resource Board (ARB) has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants. Project Area Air Quality Data (Parts per Million) in Tables 3.14-2 (MOU Project), and 9.14-2 (Alternative 1) do not include any toxic air contaminants as described above.

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G-8-228

The comment states that locomotives and Highway 101 are substantial sources of air pollution including diesel particulates which have been identified as human carcinogens. The comment also states that the RDEIR should model the intensity of these pollutant sources to project future conditions against which to evaluate the proposed project. The RDEIR discusses the existing air quality resulting from current activities including Union Pacific Railroad (UPRR) and Highway 101 in Sections 3.14.1.2 (MOU Project) and 9.14.1.2 (Alternative 1), Existing Air Quality Conditions. Additionally, the Projects Area Air Quality Data (Parts per Million) from both the El Capitan and Goleta-Fairview stations are presented in Tables 3.14-2 (MOU Project) and 9.14-2 (Alternative 1). The impacts of diesel particulates and other air toxics are localized near the emission sources. Health risk modeling for local impacts from Highway 101 and the railway is not warranted because sensitive receptors and residences are not planned in the immediate vicinity of these sources.

G-8-229

The comment states that the proposed project would place residential uses in the midst of agricultural operations, often without buffers, and that the RDEIR needs to disclose impacts related to pesticide exposure. The set backs are identified for offset agricultural productions from residential footprints; see Land Use Sections 3.6.8 (MOU Project), and 9.6.8 (Alternative 1) Residual Impacts. Impact Land-2 (Potential Neighborhood Incompatibility) would be reduced to less than significant levels with incorporation of the recommended mitigation measures throughout Sections 3.0 and 9.0 of the RDEIR. Measures include, but are not limited to, restrictions on the siting of residential structures within 200 feet of areas that will continue to be used for agriculture, planting of native grass in areas bordering the landscaped development envelope for each residence, and training for residents regarding control of domestic house pets. Less than significant (Class III) residual impacts would occur.

G-8-230

The comment restates that the RDEIR fails to analyze the potential for increased marine shipping emissions impacts. Please see response to comment G-8-221.

G-8-231

The comment states that the RDEIR must evaluate the potential human health consequences of the proposed project in a health risk assessment. See responses to comments G-8-212 and G-8-217.

G-8-232

The comment states that once the RDEIR is modified to address the shortcomings in methodology, the regional significance of emissions may be evaluated. The Air Quality discussion in Sections 3.14.2.2.1 (MOU Project) and 9.14.2.2.1 (Alternative 1), have been revised

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Section 15.0 Responses to Comments to include EMFAC2007 inputs and revision of the emissions evaluations. The County's EIR consultant has re-run the URBEMIS modeling for the MOU Project's potential air quality impacts using the latest version of the URBEMIS program, issued in March 2008, to address this issue. The results of this revised data run included in Sections 3.14 and 9.14 of the EIR confirm the RDEIR's determinations. Please see response to comment G-8-212.

G-8-233

The comment claims the RDEIR lacks mitigation measures intended to reduce the operational impacts, such as public transit programs. The RDEIR discusses operational air quality ROG and NO_x emissions from all combined residential project sources, including vehicular traffic, wood burning fireplaces, space heating, water heating, and consumer products. The long-term emissions from motor vehicles associated with land use projects were calculated using the computer program URBEMIS, which uses EMFAC2007 emission factors. The proposed projects operational emission impacts are considered adverse, but less than significant (Class III). Therefore no air quality operation mitigation measures are required.

G-8-234

The comment states that there are numerous additional relevant and reasonable measures contained in the CEQA Guidelines and rules of air districts that should be required for the proposed project. The comment reflects The commenter's opinion and is not supported by evidence to support the assertion that the County's air quality thresholds are inadequate to analyze the Project. The RDEIR analyzes the impacts of particulate matter in Sections 3.14.1.2.1 (MOU Project) and 9.14.1.2.1 (Alternative 1) Air Quality Standards. Additionally, the RDEIR includes Project Area Air Quality Data in Parts per Million, see Tables 3.14-2 (MOU Project), and 9.14-2 (Alternative 1).

Policy concerns are outside the scope of this document; therefore The commenter's opinions regarding SCAQMD, and Clark County Nevada are not applicable. The mitigation measures contained in the RDEIR would reduce the proposed project's air quality impacts to a less than significant level, and no additional mitigation measures for these impacts are required.

G-8-235

The comment states that the CEQA guidelines of other California air districts contain feasible mitigation measures for fugitive dust that are routinely required in EIRs, and provides a list of mitigation measures for fugitive dust impacts. The RDEIR discusses the impacts of fugitive dust in Sections 3.14.2.2.1 (MOU Project) and 9.14.2.2.1 (Alternative 1), Impact AQ-1: Construction PM₁₀ Emissions. The project's contribution to cumulative levels of PM₁₀ emissions would be potentially significant, but feasibly mitigated (Class II). Implementation of standard County Grading Ordinance and APCD dust control measures are based on the County's AQAP. Proposed mitigation measures in Sections 3.14.2.4 (MOU Project) and 9.14.2.4 (Alternative 1), are based on the County Planners Guide to Approval and Mitigation Measures (County of Santa

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Barbara, 2002). Dust generated by project construction shall be kept to a minimum by following the dust control measures, see Mitigation AQ-1: Construction PM10 Emissions, which address impacts AQ-1 and AQ-4). This mitigation measure would reduce impacts associated with fugitive dust to a less than significant level, and no additional mitigation measures are required.

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Also please see response to comment G-8-234.

G-8-236

The comment states that the mitigation measures listed in response to comment G-8-235, which reduce fugitive dust impacts are more protective than those included in the RDEIR.

Because the mitigation proposed in the RDEIR would reduce fugitive dust impacts to a less than significant level, no additional mitigation for these impacts is necessary.

G-8-237

The comment claims use of biofueled vehicles may reduce some of the construction emissions.

The RDEIR includes mitigation measures for reducing construction emissions in Sections 3.14.2.4 (MOU Project), and 9.14.2.4 (Alternative 1), Mitigation Measures. ROC and NO_x emissions generated by project construction shall be kept to a minimum by the following control measures listed Mitigation AQ-2, which address impacts AQ-2 and AQ-4. The proposed project Air Quality impacts AQ-2 adverse, but less than significant (Class III), while impact AQ-4 is potentially significant, but feasibly mitigated (Class II). Therefore no additional construction mitigation measures for air quality are warranted.

Also please see response to comment G-8-234.

G-8-238

The comment states that the project conflicts with the 2001 Clean Air Plan (CAP). The RDEIR discusses the 2007 CAP long-range emissions projection and plan element in Sections 3.14.2.2.1 (MOU Project), and 9.14.2.2.1 (Alternative 1), Santa Barbara Ranch Residences. The project site is within the jurisdiction of the County. Because the project is compliant with growth projections and other plan elements within the established County Comprehensive Plan and Coastal Land Use Plan, the project is considered to be consistent with the APCD 2007 CAP (APCD, 2007).

G-8-239

The comment acknowledged the inclusion of the 2007 Clean Air Plan (CAP) in the Air Quality Resource discussion of the RDEIR, therefore no response is necessary.

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Section 15.0 **G-8-240**

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The comment states that the proposed project will disproportionately increase emissions of greenhouse gases as compared to residential development near urban services. The RDEIR includes the air quality emissions contributions of the proposed project in Sections 3.14.2.2.1 (MOU Project) and 9.14.2.2.1 (Alternative 1), Impact AQ-3: Long Term Emissions. The EIR analyzes the proposed project cumulative impact on climate change in Sections 3.14.2.5 (MOU Project), and 9.14.2.5 (Alternative 1), Residual Impacts. The project's contribution to greenhouse gas emissions and global climate change would also be less than significant. Implementation of Mitigation Measure AQ-3 would further reduce the effects of Impact AQ-7. The project's contribution towards greenhouse gas emissions and global climate change would be considered adverse, but less than significant (Class III).

G-8-241

The comment claims the Noise Section impact findings are based upon questionable data. The RDEIR noise analysis methodology is included in Sections 3.13.1 (MOU Project), and 9.13.1 (Alternative 1), Existing Conditions. Also see response to comment G-8-242.

G-8-242

The comment claims the Santa Barbara County Environmental Thresholds and Guidelines Manual, states a licensed acoustical engineer should perform all noise studies evaluating ambient noise levels and changes resulting from project development. The RDEIR noise analysis was performed by Michael Greene a licensed acoustic engineer credentials include board certified with Institute of Noise Control Engineering (INCE).

The Short-Term (ST) measurements were attended (i.e., performed by persons with training and experience in measuring environmental sound). In addition to operating the Sound Level Meter (SLM), the noise specialist actively observed and noted the acoustical, weather, and community activity conditions.

G-8-243

The comment claims the Noise Analysis lacks complete information, and recommends a revised noise study be included within an appendix of the RDEIR. The comment lists several perceived deficiencies in the noise analysis.

The RDEIR Noise Sections 3.13 (MOU Project), and 9.13 (Alternative 1) both evaluate the noise impacts according to the County Thresholds and Guidelines and the General Plan Noise Element. The short-term sound level measurements (SLM) period occurred over a 30-hour period April 20 and 21 of 2005. No noise measurement guidelines recommend reference measurements to occur under worst case conditions, (i.e., reduced vegetation and higher traffic volume).

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The commenter recommends the inclusion of precise distances, and more complete description of locations of noise reference. The RDEIR includes locations of the ST, LT, and R measurements on Figure 3.13-1.

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The RDEIR discusses the 15-minute sampling measurements as representative of the hourly noise level occurring at the measurement sites.

The comment inaccurately claims the Noise Analysis lacks measurements combining both freeway and railroad. RDEIR Sections 3.13.1.3 (MOU Project), and 9.13.1.3 (Alternative 1) both calculate the noise contribution of railroad activity to the existing noise environment using the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment model (FTA, 1995) for the Amtrak passenger trains and Assessment of Noise Environments Around Railroad Operations model (Wyle, 1973) for freight train line operations.

The RDEIR includes summarized Long-Term (LT) noise measurement data in Table 3.13-1. The ST and R measurement data is summarized in Table 3.13-2. Metrological conditions during the noise assessments are included in Sections 3.13 (MOU Project) and 9.13 (Alternative 1). Tables 3.13-3 (MOU Project), and 9.13-3 (Alternative 1) of the RDEIR discuss the maximum noise levels for nuisance, which requires for acoustic report for multi-family structures in areas with exterior CNEL over 60 dBA.

G-8-244

The comment states that the RDEIR failed to disclose the health effects associated with noise exposure, and that CEQA requires a mandatory finding of significance for adverse effects to human beings. The RDEIR noise impacts analysis conforms to the Noise Element standards of the Santa Barbara County Comprehensive Plan (County, 1986), which provides a thorough background discussion of noise and its effects on human health and quality of life. For additional discussions of the noise regulatory framework, see Sections 3.13.2 (MOU Project), and 9.13.2 (Alternative 1) Regulatory Framework.

The RDEIR noise impact analysis includes no significant health impacts findings, per CEQA Guidelines 15065 (a)(4). The only significant noise impact identified in this EIR relates to construction activities, and this impact would be short-term in nature and would be reduced with appropriate project conditions.

G-8-245

The comment cites various studies on the health effects of noise exposure. The comment does not pertain to the adequacy of the RDEIR; no response is necessary.

See response to comment G-8-244.

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Section 15.0 **G-8-246**

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The comment states that the RDEIR should have considered projected increases in vehicular and rail traffic when evaluating noise impacts. The RDEIR noise analysis model for future use of the railroad and freeway is based on expected growth. The projected traffic volumes and associated levels of service used for this study were provided by the traffic study completed for the project in Traffic Sections 3.12 (MOU Project), and 9.12 (Alternative 1).

G-8-247

The comment states that the RDEUR maximum noise levels are inadequately addressed, particularly train noise and train horn noise. For response to this comment, please refer to the response to comment S-7-3.

G-8-248

The comment states that the RDEIR should better characterize the duration and intensity of train noise. The project site train frequency and level of noise are both presented and analyzed in Sections 3.13.1.2 (MOU Project), and 9.13.1.2 (Alternative 1) Roadway Noise. Please see response to comment S-7-3.

G-8-249

The comment cites health impacts from noise exposure, and claims that “human response” is expected due to the train traffic possible in the near future. The RDEIR discusses the impacts of trains in Sections 3.13.1.3 (MOU Project) and 9.13.1.3 (Alternative 1) Railroad Noise. Individual trains are, and will continue to be, clearly audible within a few hundred feet of the railroad tracks. However, due to the low number of trains per day, the total noise energy from railroad operations does not cause a significant impact. Section 3.2 and Appendix A of the FTA Transit Noise and Vibration Impact Assessment Manual contain in-depth discussions of the sound descriptors used in rail noise impact assessment.

G-8-250

The comment states that the project’s consistency with the County CEQA Thresholds concerning exterior noise surrounding residential uses is not sufficient to resolve CEQA issues. Under *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872,882, the RDEIR should consider the noise impacts of train horns and train pass-by noise. Please see response to comment S-7-3.

The commenter provides no factual support for its contention that train horn and train pass-by noise is not appropriately evaluated through the application of the County’s CEQA Thresholds. The FEIR is revised and includes the train horn impact analysis; see Sections 3.13.1.3 (MOU Project) and 9.13.1.3 (Alternative 1), Railroad Noise.

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Further, *Oro Fino Gold Mining Corp. V. County of El Dorado*, the case regarding noise impacts cited by The commenter, does not concern the adequacy of CEQA thresholds to evaluate noise impacts but rather holds that where a fair argument is made that a project may result in significant noise impacts, an EIR must be prepared. Here, an EIR was prepared and expert evidence presented concerning the noise impacts of railroad operations. The RDEIR uses the FTA Transit Noise and Vibration Impact Assessment Manual Model for Amtrak passenger trains as well as the Assessment of Noise Environments Around Railroad Operations model for freight train operations, 3.13.1.3 (MOU Project) and 9.13.1.3 (Alternative 1), Railroad Noise. This evidence was incorporated into the RDEIR's assessment of the overall exterior noise that would surround the proposed residential uses. Those noise levels were determined not to result in a significant impact.

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G-8-251

The comment restates earlier comments, therefore no response is necessary. Please see responses to comments G-8-244, G-8-250 and S-7-3.

G-8-252

The comment states that the RDEIR fails to consider noise reduction strategies, and that the RDEIR is silent on whether train horn noise was measured or considered in the analysis. A description of the likely effects of train horn noise on future site residents, along with a feasible measure for reducing this impact, is presented in the response to comment S-7-3.

G-8-253

The comment states that the RDEIR mentions sound walls, and states that this feature cannot be drafted into the project description through an oblique reference in one impact area. The RDEIR discusses the potential implementation of sound walls in Sections 3.9.4.3.2 (MOU Project), and 9.9.4.3.2 (Alternative 1) Specific Visual Effects. Impact Vis-11, Sound Walls and Perimeter, states that currently, no extensive sound walls are proposed with the project or considered necessary by the analysis in the RDEIR. This potential impact is, therefore, considered significant but feasibly mitigated (Class II). Implementation of sound walls would reduce potential noise impacts for any of the residences near the railroad tracks. Sound walls are permitted within the development envelope of lots, not along the transit corridors; therefore no reflection would adversely affect sensitive receptors.

G-8-254

The comment claims the noise analysis is inadequate and must be revised. Revisions are proposed to include the train horn noise impacts; no additional changes are required. Please see response to comment S-7-3.

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The comment states that due to the project's coastal location, it will be particularly susceptible to the effects of global climate change. Sections 3.16 (MOU Project) and 9.16 (Alternative 1) of the RDEIR appropriately disclose the generally understood negative consequences of temperature increases in global climate change including reduced water supplies in some areas, ecological changes that threaten some species, reduced agricultural productivity in some areas, and increased coastal flooding.

G-8-256

The comment states that bluff retreat will ultimately result in the collapse of the coastal bluff into the sea, and states that the project should be conditioned to ensure that a seawall is never constructed on the site. The comment does not address the adequacy of the RDEIR, and no response is necessary. The commenter's opinion will be included in the public record for consideration by decision-makers.

G-8-257

The comment cites a "rolling easement" as a mitigation measure for the proposed development. The RDEIR did not identify any significant impacts associated with sea level rise or bluff retreat, and no mitigation measures are required.

G-8-258

The comment states that the RDEIR "admits" that even slight increases in GHG emissions warrant implementation of mitigation measures. The comment then claims that any increase in GHG emissions, however slight, is a significant impact under CEQA, requiring mitigation and consideration of alternatives to reduce the impact.

The comment mischaracterizes the conclusions of the RDEIR. The RDEIR concludes that "although the project's contribution towards GHG emissions and global climate change are not expected to be cumulatively considerable, it is recognized that all feasible mitigation measures should be applied. This is because of the cumulative nature of the GHG emissions and their contribution to global climate change and the uncertainty involved in most predictions associated with this issue"; see Sections 3.16.2.3 (MOU Project) and 9.16.2.3 (Alternative 1) Mitigation Measures.

The RDEIR does not determine that there is a cumulative impact to climate change associated with the MOU Project and thus is proposing to do more than is required by CEQA. Because there is no determination of a significant impact, the EIR is not required to consider project alternatives to reduce this less-than-significant impact.

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G-8-259

The comment claims that additional vehicle traffic due to the remote location of the MOU Project increases GHG emissions, as does the proposed size of the residences.

The MOU Project's potential contribution to the emission of GHGs is acknowledged and regulated through several air quality mitigation measures design to control exhaust emissions, as well as energy conservation measures; see Sections 3.16.2.3.1 (MOU Project), and 9.16.2.3.1 (Alternative 1), Reduction of GHG Emissions.

The comment states that the MOU Project will entail more emissions than developments within urban limit lines or with more modestly-sized houses but does not provide facts to support this assumption.

Also see response to comment G-8-255.

G-8-260

The comment restates existing conditions identified in the RDEIR Agricultural Resources Sections 3.7.1 (MOU Project) and 9.7.1 (Alternative 1) Existing Conditions, therefore no response is necessary.

G-8-261

The commenter quotes the County's Comprehensive Plan discussion of the Gaviota Coast. Comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

G-8-262

The comment restates descriptions from the Agricultural Resources of Tables 3.7-1 (MOU Project), and 9.7-1 (Alternative 1), Change in Agricultural Lands, which include existing and proposed agricultural production by type. The comment also claims the project would result in significant project-specific and cumulative impacts on agricultural resources, and states that impacts to grazing lands within the Alternative 1 site are not disclosed. Section 9.7.1 Existing Conditions, states grazing operations are not considered commercially viable in either DPR and SBR properties; therefore detailed information is not available and is not included in agricultural production records shown in Table 9.7-1. The RDEIR discusses the impacts of agricultural land conversion to residential uses in Sections 3.7.3.2 (MOU Project) and 9.7.3.2 (Alternative 1) Project Impacts, Impact AG-2 (MOU Project) and AG-3 (Alternative 1). Loss of prime agricultural land is less than significant (Class III). The commenter does not provide rationale for the opinion that the project's impacts on agricultural resources are significant; however, The commenter's position will be included in the public record for consideration by decision-makers.

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The comment states that Alternative 1 was never the subject of an Initial Study. An Initial Study is not required under CEQA Guidelines §15126.6 for the project alternatives. Please see response G-8-16 for additional discussion of the alternatives analysis.

G-8-264 and G-8-265

The comment states a rather vague position that the Point System used for evaluating impacts to agricultural resources is not sufficiently encompassing, and prefers a synthesized agricultural viability analysis. The RDEIR Agricultural Sections 3.7 (MOU Project) and 9.7 (Alternative 1) both assign weighted point values to the properties based on nine components or criteria in Sections 3.7.1 and 9.7.1, Existing Conditions, which are: parcel size, adjacent land uses, water availability, comprehensive plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations. The Agricultural Suitability Determinations are summarized in Tables 3.7-4 (MOU Project) and 9.7-4 (Alternative 1).

Additionally, the point system is designed for use in the Initial Study process and to identify the factors or issues that should be discussed in evaluating agricultural suitability. The County agricultural suitability determination procedures were applied to the project site for both the existing conditions and for the configuration after development of the MOU Project. Appendix G contains the results of that analysis, which are summarized in the discussions; see Impact AG-5.

G-8-266

The comment claims the RDEIR's discussion of professional management of agricultural resources conflicts with the project description. Please see response to comment G-19 for implementation of agricultural management practices as part of Bio-20 mitigation measure. The commenter's opinion is part of the public record for consideration by the County's decision-makers.

G-8-267

The comment states that the proposed building envelopes are excessively large and incompatible with productive agricultural uses of the land. The commenter's opinion recommending modifications to the proposed building envelopes does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

G-8-268

The comment states that impacts to agricultural resources would be exacerbated by the conversion of other agricultural lands. The RDEIR addresses the cumulative impacts on

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Agricultural Resources in Sections 3.7.4.3 (MOU Project), and 9.7.4.3 (Alternative 1). Considered in combination with other pending residential projects in the Gaviota Coast area (e.g., the property directly adjacent to the east of the proposed project, the Las Varas Ranch project to the west, and various other proposed projects in the Gaviota Coast area), the cumulative effect could be an overall loss in agriculturally viable land in an area that has historically been largely dedicated to agricultural uses. The project's potential cumulative effects on agricultural resources are considered potentially significant but subject to feasible mitigation (Class II).

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G-8-269

The comment claims approval of the proposed project will induce development of other agriculturally zoned parcels, therefore setting a precedent for additional future development of the Gaviota Coast. Please see responses to comments L-1-6, G-2-21, G-2-37, G-2-119, G-2-916, and G-2-917.

G-8-270

The comment claims the County will not be able to make the required findings of Williamson Act consistency for Alternative 1.

Findings of consistency have already been made by the County's Agricultural Preserve Advisory Committee (APAC) whose charge is to administer the County's Uniform Rules. APAC's findings have been provided to the Planning Commission to consider in their deliberations. The commenter's opinion as to whether findings of consistency with the Williamson Act can be made will likewise be part of the public record for the County's decision-makers to consider.

G-8-271

The comment states the equestrian use impacts are not addressed adequately in the Hydrology, and Biological Resources Sections of the RDEIR. Please see responses to comments G-2-145 and G-2-146. The biological impacts of Alternative 1 are compared to each proposed alternative see Section 11.3.2.3 of the RDEIR.

G-8-272

The comment restates policy consistency claims regarding the Comprehensive Plan Open Space Element. Please see response to comment G-8-192.

G-8-273

The comment restates policy consistency claims regarding the Open Space Action Plan requirement. Please see response to comment G-8-194.

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The comment states that public or private acquisition of all or a portion of the development entitlement should be considered, and that the measures identified in the Scenic Highways element of the General Plan should be considered as mitigation measures. As all project impacts would be reduced to a less than significant level by the mitigation measures identified in the RDEIR, no additional mitigation is required.

G-8-275

The comment states that the entire length of Highway 101 within Santa Barbara County is eligible as a “State Scenic Highway,” per the County Comprehensive Plan, Scenic Highways Element (October 1975.)

However, The commenter is incorrect, regarding the mandated zoning; the adopted Scenic Highways Element discusses preservation measures, and the subsection Regulation of Land Use states “[f]or rural portions of scenic highways this will be accomplished by zoning to “AL-Limited Agricultural District” or similarly restrictive district with “D” combining regulation.” This comment does not address the adequacy of the RDEIR; therefore, no modification is necessary.

G-8-276

The comment states that the Scenic Highways Element mandates controls on grading in scenic highway corridors. The proposed project site is not within a designated Scenic Highway, therefore the project is not subject to ordinance controls applicable to scenic highway corridors that regulate grading and landscaping. The proposed project site grading activities shall comply with County of Santa Barbara’s Grading Ordinance, and landscaping shall comply with Santa Barbara Ranch Design Guidelines. A description of the State Scenic Highways Program is found in Sections 3.9.3.2.2 (MOU Project), and 9.9.3.2.2 (Alternative 1).

Also see responses to comments G-8-275 and G-2-693.

G-8-277

The comment claims the County of Santa Barbara lacks policies and standards for evaluating the proposed sewage treatment facilities.

The RDEIR discusses the use of package sewage treatment plant (Mitigation PS-4) in Sections 3.15.3.4 (MOU Project), and 9.15.3.4 (Alternative 1), Mitigation Measures. Mitigation measure PS-4 requires that the applicant demonstrate that the proposed STP design, location, and capacity is adequate to service the additional units, and requires P&D review and approval of the grading, drainage, and infrastructure plans prior to any CDP or LUP approval. In addition, P&D shall inspect the development for compliance prior to occupancy clearance. Monitoring and

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operational requirements are established by the Central Coast Regional Water Quality Control Board.

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For further discussion of the sewage treatment plant operation and maintenance, see response to comment L-9-3.

G-8-278

The comment claims the RDEIR fails to analyze the hazardous conditions of the site's potential impacts on humans. The RDEIR discusses occupancy clearance review and approval by the County Fire, Planning and Development, and Public Works in Sections 3.15.3.4 (MOU Project), and 9.15.3.4 (Alternative 1) Mitigation Measures, prior to habitation of the project site improvements.

G-8-279

The comment claims project siting of residential uses that are downstream of existing dams poses risks of inundation that are not discussed in the RDEIR.

The potential risks of dam failure are discussed in the Hydrology and Water Quality Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative 1), Drainage and Flooding Setting. Water impoundment features in the local area include: 1) the reservoir dam and spillway with associated sedimentation basins located within in the Eastern Tributary to Dos Pueblos Creek (W3) watershed; and 2) coastal swales within the MOU Project area/Naples Coastal Terrace (W7) watershed that contain several earthen bermed ponds. The reservoir, within DPR, holds approximately 20 acre-feet of water and has a maximum depth in excess of 25 feet. Due to the height of the dam, the reservoir is subject to regulation by the California Division of Safety of Dams. Spillway improvements were made at the dam in 2005 responding to a recent inspection and permit update to ensure that the reservoir complies with all current standards. The inspection report concluded that the slopes of the dam were in satisfactory and stable condition, and that the reservoir and its associated improvements were judged satisfactory for continued use (Department of Water Resources, 2003:2).

Additionally, extended periods of heavy rainfall can produce floods that are characterized by a rapid rise in stream flow and a recession that is almost as rapid. Streams in the region may flood over their banks for only a few hours or for several days. Large floods have been produced by storms in series and by single, stalled floods during winter months. These floods have damaged property by erosion, flotation, inundation, and deposition of debris against bridges and on downstream properties.

G-8-280

The comment claims the RDEIR's Sections 3.3 (MOU Project) and 9.3 (Alternative 1) Hazards and Hazardous Materials fail to address high-speed train and freeway safety risks. The issue of grade separation at U.S. Highway 101 crossing is discussed in Section 3.12.1.2.1 U.S. Highway

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G-8-281

The comment claims the Public Services Sections 3.15 (MOU Project) and 9.15 (Alternative 1) determinations for fire and police protective services should be a significant impact.

The County P&D does not have a specific threshold of significance for fire and police protection services. The CEQA Guidelines that provide a framework for the analysis of impacts to public services and infrastructure are discussed in Sections 3.15.3.1.4 (MOU Project), and 9.15.3.1.4 (Alternative 1) Fire and Police Protection.

Police Protection (Impact SP-4) states the proposed project would not impact response time to calls for emergency services, and the number of existing officers would be adequate to provide police protection to the area served by the residential development, concluding impacts are considered adverse, but less than significant (Class III). Additionally, Fire Protection (Impact PS-5), states there would be a short-term impact on fire protection services until the new fire station is operating. This impact is considered potentially significant but feasibly mitigated (Class II).

G-8-282

The comment states that the RDEIR fails to address problems with emergency response at times of limited highway access. The RDEIR addresses available emergency service access points in Sections 3.12.1.1 (MOU Project), and 9.12.1.1 (Alternative 1) Street Network. The proposed project site via U.S. Highway 101/Dos Pueblos Canyon Road Interchange provides full access between U.S. Highway 101 and both sections of the MOU Project. The intersections comprising the interchange do not have traffic signals. Movement is controlled by stop signs or yield right of way signs. Secondary emergency access is available via Calle Real a two-lane frontage road located on the north side of U.S. Highway 101 that extends from Goleta to a locked gate at the southeast corner of the northerly portion of the Project area.

G-8-283

The comment states that the RDEIR piecemealed the cumulative analysis of the proposed project, and cites various definitions from the State CEQA Guidelines pertaining to cumulative impacts. The RDEIR evaluates the impacts of the proposed project in the context of other past, present, and reasonably foreseeable future projects, as required by CEQA. The project was considered in its entirety, and piecemeal analysis was avoided.

G-8-284

The comment states that the RDEIR fails to identify elements of the proposed project that could be used elsewhere, and that could therefore be considered precedent-setting. The RDEIR discusses the existing Land Use designation and site history in Sections 3.6.1.2 (MOU Project),

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and 9.6.1.2 (Alternative 1), Existing and Proposed Land Use Designations and Zoning. The Naples townsite is mapped by the County as a Special Problems Area for planning and permitting purposes due to its unique high density of legal lots in a rural area and due to site constraints such as septic effluent disposal limitations.

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Alternative 1 would result in a net increase in both the total agricultural acreage and the acres of prime soils in ACE, as compared to the present Williamson Act contract. Williamson Act cancelation and conversion to ACE are discussed in Section 9.7.4.2 Project Impacts; see impact AG-1. Also see response to comment G-8-270.

The comment claims the proposed project would induce growth pressure on other Gaviota Coast land owners. Comment repeats concerns of earlier comments; please see comment L-1-36, G-8-189, G-8-190, G-8-191, and G-8-223.

For a discussion of Open Space Action Plan preservation techniques, see the response to comment G-8-194.

G-8-285

See response to comment G-8-284.

G-8-286

The comment claims the RDEIR states that 14-20 percent of the Naples town lots are not included within the proposed project; these remaining undistinguished lots should be include within the cumulative build out totals for Gaviota Coast.

The comment is incorrect. The Makar (10 lots) and Morehart (12 lots) properties are included; see Section 5.5.1.16 and 5.5.1.14, respectively, resulting in a total of 22 lots of the 100 number of new residences (beyond the MOU Project or Alternative 1) expected.

G-8-287

The comment restates earlier comments; therefore no additional response is necessary. For discussion of Alternative 1, see the responses to comments G-8-16 and G-8-21.

G-8-288

The comment claims the County is required to balance decision making and thorough and robust environmental impacts analysis leading to the most environmentally appropriate solution.

The County as lead agency is limited in time per CEQA Guidelines § 21151.5 which states, a time limits of one year for completing and certifying EIRs measured from the date an application requesting approval is received and accepted as complete by the local agency. The applicant's application was deemed complete in 2004, time extension for revisions to the EIR have totaled approximately 2 years. The lead agencies responsibility consideration and discussion

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G-8-289

The comment states that because changes to the RDEIR since the original DEIR have been superficial, the County is obligated to respond to all comments received on both EIRs.

Please see response to comment G-2-38.

G-8-290

The comment states that economic analysis supporting assertions of economic infeasibility was not provided in the RDEIR. Comment restated earlier statements; please see response to comment G-8-53.

G-8-291

The comment thanks the County for consideration of The commenter's letter. The comment is not related to the adequacy of the RDEIR, therefore no additional response is necessary.

Response to Videoscapes, as Requested by Marc Chytilo Letter G-9 Dated January 21, 2008

G-9-1

This comment provides a summary of The commenter's expertise as a visual resource private consultant, and does not raise any issues regarding the content of the document.

G-9-2

Each of the criteria or thresholds identified in the CEQA Guidelines, and listed in Sections 3.9.4.2.1 (MOU Project) and 9.9.4.2.1 (Alternative 1), uses the word "substantially" in describing the resources, character, or effect of a project in assessing the significance of the impact. The particular issues include scenic vista, specific scenic resources, visual character, and nighttime glare. The assessment of these issues involves a degree of judgment and subjectivity. Similarly, the County's assessment procedures (listed in Sections 3.9.4.2.2 and 9.9.4.2.2) also involve subjectivity. The Key Observation Points (KOPs) and analysis of visual effects associated with them were included in the RDEIR to provide a framework for the discussion.

The discussions and comments regarding visual effects may reflect different opinions. These varying opinions are part of the record that will be presented to County decision makers.

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This comment also summarizes comments included in the letter, addressed below.

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G-9-3

The comment and associated exhibits present an alternative characterization of views from Highway 101. With respect to the particular view discussed – towards the north, from the southbound lane, as one approaches the western boundary of the Santa Barbara Ranch property – the relatively steep hillside to the north (covered by avocados) restricts one’s view until the scene opens up at Dos Pueblos Creek, at which point one’s view of the hillside to the north (now on the Santa Barbara Ranch property) is generally open, and contrasted with the riparian vegetation in the creek foreground. This view is clearly explained and noted in discussion of KOP 5. The comment suggests an adjustment or different interpretation for the exact point at which this view becomes open. However KOP 5 explains the rationale for the visibility points; additionally The comment does not provide information that renders KOP 5 inadequate.

G-9-4

The degree to which the windrows north of Highway 101 obscure views may be subject to interpretation. The RDEIR does not imply that there is a complete blockage of views in this manner, only an effect that reduces the views of the hillsides to the north.

G-9-5

The photosimulation cited – KOP 1B – does not include any “screening” beyond that provided by the existing windrows. Additional reductions in views towards the north are anticipated as the windrows fill in over time. Mitigation Measure Vis-2 is intended to ensure that the windrow is maintained.

G-9-6

The RDEIR analyses the proposed nighttime conditions in Sections 3.9.2.2 (MOU Project) and 9.9.2.2 (Alternative 1), Nighttime Conditions. There are no elements proposed that would cause a substantial impact due to glare, therefore potential impacts due to light and glare are rated as *potentially significant but feasibly mitigated (Class II)*. While the project would create a new source of light, adverse impacts to nighttime views are not expected, as discussed under Impact Vis-10. Visual resources within KOP 7 are of only moderate quality, and analysis of the nighttime conditions from KOPs 5 and 7 would not alter the significance finding for Impact Vis-0, Change in Visual Character, which is considered significant and unavoidable.

G-9-7

The RDEIR discusses viewer exposure related to Highway 101 in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1), Visual Impact Susceptibility. As described in these sections, visual impact susceptibility rating is derived from a combination of three existing factors: visual quality, viewer sensitivity, and viewer exposure. The statement referenced in The comment is

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Section 15.0 Responses to Comments included in the “viewer exposure” discussion. Viewer exposure describes the degree to which viewers are exposed to views of the landscape. The discussion following the referenced statement explains that “The site is visible for brief to extended periods of time (depending on rate of travel and focus of view) to travelers along Highway 101 and the railroad and for more extended periods of time to viewers using recreational parks, beaches or surrounding trails.”

The referenced statement does not state or imply that commuters are insensitive to views—only that people traveling to the Gaviota Coast specifically for recreational purposes may be more sensitized or have relatively higher reaction to the scenery. The analysis in the RDEIR addresses views from the highway itself, and also those from trail corridors which are part of the recreational improvements anticipated with the project. There may be differing opinions regarding the frame of mind of commuters, but that does not require any revision in the information contained in the RDEIR. The subjectivity involved in assessing visual aesthetics was noted in response to comment G-9-2.

G-9-8

The RDEIR discusses the Bureau of Land Management’s (BLM’s) Visual Resource Management (VRM) System, for categorizing project effects on scenic views in Sections 3.9.2.3 (MOU Project), and 9.9.2.3 (Alternative 1), Methodology and Key Observation Points. The VRM system involves inventorying scenic values and establishing management objectives for those values through the resource management planning process, and then evaluating proposed activities to determine whether they conform to the management objectives. The system allows for the evaluation of impacts to views, and the identification of measures to reduce those impacts, but it is oriented towards broader program development rather than assessment of individual projects. As discussed in the RDEIR sections cited above, this VRM system was adapted for use to evaluate impacts at identified KOPs. One component of the evaluation is the determination of Visual Impact Susceptibility. Visual Impact Susceptibility gives a composite and relative rating of Visual Quality, Viewer Sensitivity, and Viewer Exposure. Each of these contributors is, in turn, evaluated through several factors. Scarcity is one of seven factors of scenic quality evaluations, according to the BLM’s 8400 Visual Resource Manual.

The comment argues that the regional views within the Gaviota Coast should be considered “scarce” because the region contains “...one of the last stretches of undeveloped coastline in southern California.” If undeveloped coastline is the factor that makes the view “scarce” in this context, then views including the ocean and coastline must figure in that determination. From publicly accessible portions of the subject property, however, many views do not include the ocean since it is blocked or obscured by the windrows along the highway. In this context, there would be a diminished Visual Quality rating because the views from the highway are not “scarce” since they do not include views of the ocean and undeveloped coastline.

It is also arbitrary to select southern California as the baseline against which scarcity should be measured or determined. If the project is placed in the context of undeveloped stretches of coastline in southern California, its contribution towards cumulative visual effects is quite small.

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The RDEIR provides a framework for discussion and evaluation of visual effects, but recognizes that opinions regarding the analysis and results will vary.

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G-9-9

The RDEIR discusses viewer sensitivity levels and public interest in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1), Visual Impact Susceptibility, which states the following:

“Applicable planning policies and regulations are also considered as an indicator of viewer sensitivity reflecting the public’s interest in the visual environment and desire to protect resources along the coast. The County’s Local Coastal Plan (LCP), Comprehensive Plan, and Environmental Thresholds Manual, along with application of Coastal Act policies, provide indicators of high viewer sensitivity. Conclusions regarding viewer sensitivity have been developed based on all of these factors for individual views in this analysis.”

Public interest is addressed as one of the factors in viewer sensitivity level; therefore no revisions are necessary.

The relative importance of public interest, in contrast to other factors influencing Viewer Sensitivity, is a matter of opinion. The degree of public interest shown in the project is a matter of record, and will be considered by decision makers.

G-9-10

The RDEIR discusses the visual impacts to KOP-1A in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. The overall visual quality is considered high. However, since the entrance to this trail will be from an improved complex with parking lot, picnic area, restrooms, and related facilities, viewers could not expect a pristine or fully natural view. Travelers using the railroad are often distracted by the traveling environment and traveling at high rates of speed. Therefore, railroad passengers would have a moderate sensitivity. An additional factor may also be considered in this respect. The particular viewpoint in question (the trail providing access to the beach) would not be available to the public without the project itself being approved. The comment offers additional opinion regarding specific interpretations or ratings involved with this KOP. In the opinion of the RDEIR authors, however, the viewer sensitivity remains rated as moderate for this KOP.

G-9-11

The visual impact susceptibility for this KOP is classified as moderate based on high ratings for view quality and moderate ratings for viewer sensitivity and viewer exposure. Visual impact severity is classified as high based on moderate ratings for view impairment and high ratings for visual contrast and project dominance. Although building features (e.g., low elevations of residential development, ranch-style homes) would lessen this impact, the nature of change to the existing environment would be substantial. Therefore, the project impacts for this KOP are

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Section 15.0 rated *significant but feasibly mitigated (Class II)*. The landscaping would help to reduce the visual contrast, and thus would reduce the overall visual effect.

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The retention of pasture land as the dominant visual element at this location addresses the question of whether the project would obstruct public views, be incompatible with surrounding uses, remove significant amounts of vegetation, cause the loss of important open space, or result in substantial alteration of natural character or extensive grading. The retention of pasture land is not considered a mitigation measure. Mitigation Measures Vis-1, Design Guidelines, and Vis-2, Windrow Maintenance, address Impact Vis-1.

Views from Amtrak passenger trains to the ocean are fleeting due to the effect of windrows. The RDEIR concludes that visual impacts to trail users and train passengers would be potentially significant but can be reduced to acceptable levels through mitigation measures. The comment offers a different opinion based primarily on the information provided in the RDEIR, and suggests alternate design measures—primarily the deletion of development on seven lots—to reduce impacts further.

As with other portions of this discussion, The comment offers a different opinion and will be presented as part of the public record.

G-9-12

The RDEIR discussed the visual impacts to recreational users at KOP 1B in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. The analysis in the RDEIR considers viewer sensitivity for travelers along the highway and for those using a trail system within a developed area as moderate for different reasons as explained, and there is no contradiction. The comment expresses a different opinion, arguing that both should be considered “high.” This opinion is part of the public record for consideration by decision makers.

G-9-13

The RDEIR discusses project dominance as a factor in visual impact severity in Section 9.9.2.3.2, Visual Impact Severity (Alternative 1). Project dominance refers to the project’s relationship to other visible landscape components in terms of vertical and horizontal extent. A project’s scale and spatial relationship to the existing landscape can be categorized as subordinate, co-dominant, or dominant. The KOP 1B conclusions based on the actual contrast between the building appearance and adjacent grassland or tree vegetation are high, but the views are in the distant mid-ground or background, and the buildings do have a low profile. For these reasons, the visual contrast of Alternative 1 in KOP 1B is considered moderate to high. For similar reasons, the project dominance is considered moderate in this KOP. Overall visual sensitivity is moderate, and the visual impact severity is also moderate. The proposed residences are designed with minimal grading that conforms to the hillside contours, and with generally low-profile horizontal structures. While the intensity of development—in terms of number of residences visible from KOP 1B—would be higher than nearby areas, the existing windrows and

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proposed landscaping in conjunction with the muted building colors would reduce the visual contrast. The project impacts for this KOP are rated *significant but feasibly mitigated (Class II)*. The opinion being expressed is included in the public record for consideration by decision makers. Please see response to comment G-9-2.

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G-9-14

Item 3 of the County’s Environmental Thresholds and Guidelines for the evaluation of visual impacts, found in Alternative 1 Section 9.9.4.2.2 Environmental Thresholds and Guidelines Manual, states: “Does the project have the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping, or extensive grading visible from public areas?” The conclusion for KOP 1B is that Alternative 1 includes structures that will partially contrast with the natural hillside backdrop, yet will not substantially block views of the distant mountains, will not remove substantial vegetation, or eliminate important open space. Therefore no project reduction is necessary to reduce impacts. Additionally, the type of landscaping proposed shall conform to the County’s design standard.

The comment expresses a different opinion, and is part of the public record for consideration by decision-makers.

G-9-15

The visual simulation at KOP 1B does not include any screening beyond the existing eucalyptus windrow. Removal of this windrow would indeed expose additional residences to view in the photosimulation, but such removal is not part of the project and is not anticipated. The comment suggests a photosimulation of nighttime lighting in this portion as a way to “...augment the documentation of an overly dense development on the hill incorporating lots 48 to 51...” The issue of “overly dense” development in this area is better illustrated by KOP 5, which has a more direct, less obscured view of the same area.

Section 35.xxx.13 of the Naples Development district ordinance includes a series of design and review measures intended to minimize the visual effects of development.

G-9-16

The comment is apparently confusing presentations from two different sections of the RDEIR. For KOP 2 in the MOU Project, represented in Impact Vis-2 and on Figure 3.9-12, the rating of “project dominance” is high. For the Alternative 1 design, however, as shown on Figure 9.9-12 and discussed in Impact Vis-2, there is a change in design that removes residences from the viewpoint and reduces the dominance of the Alternative 1 appearance. Residences would be located at a greater distance from the viewpoint, and would be backdropped by distant mountains as opposed to extending into the skyline. The project dominance for Alternative 1 only is considered moderate.

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Section 15.0 The comment may be expressing an opinion that the project dominance of Alternative 1, as seen from KOP 2, should remain high.
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G-9-17

The RDEIR discusses the visual impacts at KOP 6B in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. The RDEIR classifies the visual contrast rating as moderate primarily because only a few homes would be visible beyond a large open space and agricultural area. Additionally, residences and night lighting would be well-spaced. The comment offers a different opinion, which along with the Final EIR will be presented to decision makers for their consideration as part of the review process for this project.

G-9-18

The RDEIR addresses the Scenic Highway visual impacts in Sections 3.9.2.1.3 (MOU Project) and 9.9.2.1.3 (Alternative 1), Surrounding Uses. Highway 101 is eligible for State Scenic Highway status by the California Department of Transportation (Caltrans), but is not so designated. See Sections 3.9.3.2 and 9.9.3.2 (State Regulatory Sections) for more information relating to the Scenic Highway Program. The only Designated State Scenic Highway within the project vicinity is SR-154 (San Marcos Pass) 10-15 miles to the northeast.

The comment cites a "...considerable potential to continue the historical trend of building out the few remaining places on the South Coast where urban development is not a visually prominent feature." There is, in fact, some additional development potential along the Gaviota Coast as described in Section 5.5 of the RDEIR, but the potential is limited to the existing pattern of generally large lots in the region. The comment also argues for consideration of views from existing residences. In fact, this consideration is in the RDEIR as KOP 4 (Figure 3.9-14 for the MOU Project and Figure 9.9-14 for Alternative 1). The analysis of KOP 4 indicates that the project effects from this KOP would be potentially significant but mitigable.

The issue of conforming to the overall visual character of the region is the topic of Impact Vis-0 for both the MOU Project and Alternative 1, where the RDEIR concludes that there would be a significant and not mitigable impact. The reference to siting of residences on the high elevation portions of the property appears to relate to the Alternative 1 design. In Alternative 1, the movement or re-location of residences towards the north, out of the Coastal Zone, decreases their visibility from Highway 101.

In summary, this comment appears to agree with the RDEIR conclusion with respect to impacts on the overall visual character of the region, but disagrees with other statements in the document. As a component of the Final EIR, these varying opinions are part of the public record for consideration by decision makers.

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G-9-19

The RDEIR has evaluated the visual impacts of the proposed project based on the adopted policy and the information and graphics as presented. According to the CEQA Guidelines, 16126.69(a) environmental analysis shall be conducted with the rule of reason. The commenter offers differing opinions and interpretations of specific views. The graphics, photosimulations, RDEIR analysis, and The commenter's opinions are included in the public record for consideration by decision makers as part of the review process.

G-9-20

This view is discussed in response to comment G-9-3. As shown in this photograph, only the topmost portion of the distant hillside (with the eucalyptus grove) is visible above the intervening avocado orchard.

G-9-21

The similar photosimulation from KOP 1B is discussed in response to comment G-9-15. A photosimulation of residences in this area using The commenter's photograph would indicate that some would be visible on the mid-background hillside, some would be blocked by the windrow, and from this view none would have roof lines projecting into the sky. While different from photosimulations presented in the RDEIR, this particular vantage point does not present any new issues or information.

G-9-22

The statement provides information on The commenter's experience with visual analysis and does not include comments on the RDEIR.

Response to Santa Barbara Urban Creek Council Letter G-10 Dated January 22, 2008

G-10-1

This introductory comment provides a summary of the Santa Barbara Urban Creek Council's involvement in watershed management along the Gaviota Coast. A statement is made that there are omissions and deficiencies in the RDEIR sections pertaining to hydrology and water quality. However, no description of these omissions or deficiencies is provided in The comment.

G-10-2

The RDEIR discusses the proposed project site watersheds in Sections 3.3.1.1.1 (MOU Project) and 9.3.1.1.1 (Alternative 1). Additionally specific watersheds and flood hazards are mapped on Figure 3.3-1 (MOU Project) and Figure 9.3-1 (Alternative 1). A description of drainage and the potential for flood impacts is included in Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative

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1). The descriptions of the watersheds and drainages provided in the RDEIR are detailed and based on accurate, current information. The scope and depth of the discussion provided in the RDEIR is adequate to describe the potential impacts due to flooding impacts and to water quality in accordance with CEQA.

The additional issues referenced by The commenter include a request to describe the functional impact of the watersheds on fire safety, habitat for important species, linkages between ecosystems, recreation, and aesthetics. In general, these issues are not discussed on a watershed by watershed basis within the RDEIR as this is not a requirement of the applicable laws, regulations or ordinances (LORS) applicable to these issues nor would such discussion provide additional clarification of impacts for purposes of CEQA. The methodology used to identify species habitat and the linkages between ecosystems is described in the RDEIR in Section 3.4.2 (MOU Project) and Section 9.4.2 (Alternative 1), Existing Conditions. Detailed ecological information is provided in the RDEIR based on field surveys, review of existing biological survey data, aerial photos, and maps. Due to the small size of the watersheds, breaking down habitat values and ecosystems on a watershed basis would not provide a better assessment of impacts, as specific habitats incorporate portions of multiple watersheds. In addition, the habitats within the project area have historically been fragmented and altered due to oil exploration, agriculture, and grazing in a pattern inconsistent with watershed boundaries.

An analysis of aesthetics, i.e., visual impacts based on watershed boundaries would not provide additional clarifications of impacts. Impacts to visual resources are described in Sections 3.9.4.3 (MOU Project) and 9.9.4.3 (Alternative 1) of the RDEIR. As stated, the major visual effect of the project will be to replace the existing sloping hillsides visible to the north of Highway 101 with a large lot residential development. This impact is a function of structure elevation and does not have any relationship to the location of watershed boundaries.

The requirements for addressing fire safety are stated in Sections 3.15.1.1.2 (MOU Project) and 9.15.1.1.2 (Alternative 1) of the RDEIR. Criteria used to determine adequacy of fire protection services include: a five-minute response time; the ratio of firefighters to population; and the population served. The five-minute response time is considered the most critical criterion in providing prompt urban fire protection and emergency medical services. This requirement has no relationship to the location of watershed boundaries within the project area.

In conclusion, an assessment of fire protection, recreation, and aesthetics on a watershed by watershed basis would not provide an adequate assessment of impacts for the project, as specific development areas span multiple watersheds. The needs for fire protection and recreation are consistent with the needs of residents based on population regardless of watershed boundaries. For example: the majority of the development footprint is located within one specific watershed, i.e., the MOU Project Area/Naples Coastal Terrace (W7). However, isolating an analysis of fire protection, recreation, and aesthetics just for the development within this watershed would not provide an adequate analysis of overall project impacts for purposes of CEQA.

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G-10-3

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The commenter requests additional descriptive analysis and better characterization of pre-disturbance hydrologic and drainage conditions. The commenter also requests that additional historic maps and/or aerial photographs be included in the RDEIR. However, detailed descriptions of watersheds, drainages, and potential flood impacts are provided in the RDEIR. The RDEIR discusses the site watersheds Sections 3.3.1.1.1 (MOU Project) and 9.3.1.1.1 (Alternative 1), Watersheds. Specific watersheds and flood hazards are mapped on Figures 3.3-1 (MOU Project) and 9.3-1 (Alternative 1). A description of existing drainages, water features, and the potential for flood impacts is included in Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative 1). Wetlands, streams, drainages and seasonal waterbodies are described in the RDEIR at Sections 3.4.2.3 (MOU Project) and 9.4.2.3, Wildlife Habitats. Tables 3.4-2 (MOU Project) and 9.4-2 (Alternative 1) include a description of all wetlands, seasonal waterbodies, permanent waterbodies, streams, and drainages located within the project boundaries. Descriptions of historic and existing water supply and associated man-made water supply structures and their operation are supplied at Section 3.15.1.1.6 (MOU Project) and Section 9.15.1.1.6, Water Treatment and Supply. An additional analysis of historic water supply facilities and operation is also provided in General Response 13.4.2. Based on the above survey of information provided in the RDEIR, the discussion of existing hydrological conditions for the MOU Project and Alternative 1 is adequate for purposes of CEQA. Additional maps or aerial photographs would not provide any additional clarification of the impacts stated in the RDEIR.

G-10-4

The commenter requests a review of historic fisheries data and descriptive information of habitat for anadromous fish. A description of the aquatic habitat within Dos Pueblos Creek is provided in Sections 3.4.2.3.6 (MOU Project) and 9.4.2.3.6 (Alternative 1) Aquatic Habitats. As stated in the RDEIR, Dos Pueblos Creek probably originally supported southern steelhead (*Oncorhynchus mykiss*) but habitat for this species has been eliminated or severely modified due to anthropogenic modifications. Appendix C of the RDEIR contains an analysis of biological resources for the project. Section C.2.2 of Appendix C incorporates an analysis of project impacts on special-status fish including steelhead. As stated in response to comment G-11-1 to the Santa Barbara Urban Creek Council (January 16, 2008), steelhead probably historically used Dos Pueblos Creek as a spawning stream, however lower reaches of the watercourse now contain several barriers to upstream and downstream migration. These barriers are described in Appendix C of the DEIR and function to prevent contact between resident rainbow trout and anadromous fish. The RDEIR provides a survey of existing information regarding fisheries and aquatic habitat which is adequate for purposes of analyzing potential project impacts. Additional review of historic information would not provide any additional clarification to the analysis of impacts provided in the RDEIR.

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The commenter again refers to additional descriptive analysis needed to describe prior disturbances in Dos Pueblos Creek. Please refer to the responses to comments G-10-3 and G-10-4. The RDEIR provides a survey of existing information in regards to Dos Pueblos Creek which is adequate for purposes of analyzing potential project impacts to water quality, hydrology, and aquatic habitats. Additional review of historic information would not provide any additional clarification to the analysis of impacts provided in the RDEIR.

G-10-6

The commenter asks for an explanation of the use of the statement “no defined watercourse” to characterize watershed conditions in the RDEIR. The RDEIR discusses site watersheds in Sections 3.3.1.1.1 (MOU Project) and 9.3.1.1.1 (Alternative 1). Additionally, specific watersheds and flood hazards are mapped on Figure 3.3-1 (MOU Project) and Figure 9.3-1 (Alternative 1). All water features are identified and described for each watershed. However, the watersheds described within the RDEIR in Table 3.3-3 (MOU Project) and Table 9.3-3 (Alternative 1) range in size from 1,868 acres (W1) to 62 acres (W9). The description for each watershed identifies all drainages including un-named secondary tributaries with the exception of the property on the coastal terrace (W9). Because of the small acreage of W9, stormwater flowing onto the watershed does not have a long enough flow path to concentrate into a single drainage which can be identified. The RDEIR describes stormwater within the northern portion of W9 as flowing along the highway roadbed. Stormwater within the southern area of W9 would either percolate or flow off the coastal terrace as sheet flow. Therefore, the description of W9 as having “no defined watercourse” is accurate.

G-10-7

The commenter requests that a rationale be provided that substantiates the assumption that steelhead may have existed in Dos Pueblos Creek and not in the other watershed and sub-watersheds under review including unnamed tributaries. This comment is substantially similar to previous comments. Please refer to responses to comments G-10-2, G-10-3 and G-10-4. This comment does not provide any additional information or clarification.

G-10-8

The commenter requests identification of diversions and modifications to groundwater flow that may have had negative impacts to streams and water resources. A description of existing groundwater conditions as it relates to the RDEIR project area is provided in Sections 3.3.1.1.5 (MOU Project) and 9.3.1.1.5 (Alternative 1), Groundwater Conditions. Additional descriptions of existing and historic groundwater conditions and withdrawals within the project area and within the vicinity of Dos Pueblos Creek are provided in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply, and General Response 13.4.2. The discussion within the RDEIR is adequate to describe existing groundwater conditions, withdrawals and the potential impacts of the project on base flows in Dos Pueblos Creek.

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General Response 13.4.2 provides a detailed summary of existing water conditions and provides an analysis that concludes that the historic diversion in Dos Pueblos Creek has not negatively impacted base flows within Dos Pueblos Creek or surrounding un-named drainages. Based on this analysis, neither the MOU Project nor Alternative 1 will negatively impact base flows in Dos Pueblos Creek. The comment does not provide any new or additional information that would serve to clarify project impacts.

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G-10-9

This comment does not provide any new information that would serve to clarify project impacts. Please refer to response to comment G-10-8.

G-10-10

This comment does not provide any new information that would serve to clarify project impacts. Please refer to response to comment G-10-4.

G-10-11

The commenter requests an analysis of known disposal sites, major fill, berms or dams to ensure that they could withstand seismic forces. Descriptions of the potential waste disposal sites located within the sites are provided in Sections 3.5.4.2 (MOU Project) and 9.5.4.2 (Alternative 1). A small, unregulated waste disposal area has been observed adjacent to the sea cliff on Lot 35 in the southwestern portion of the SBR property, and a smaller waste disposal site has been observed in the adjacent drainage to the west of this site. These disposal areas appear to have been used primarily for vegetation burning since at least 1977. However, in the 1960s and possibly early 1970s, the area appears to have been used for disposal of solid waste. The identified impact from these disposal areas is primarily soil and groundwater contamination due to the erosion of these areas onto the adjacent beach. However, no threat to public safety due to seismic considerations for these disposal areas is identified in the RDEIR. The very low profile and isolated nature of these disposal sites precludes any catastrophic failure of overlying or adjacent structures.

The only fill structure within the RDEIR project area with the potential to fail due to seismic activity is the dam retaining the 8.3-acre reservoir in the eastern tributary to Dos Pueblos Creek (W3). This dam is described in Sections 3.3.1.2 (MOU Project) and 9.3.1.2 (Alternative 1). Due to the height of the dam, the reservoir and dam are subject to regulation by the California Division of Safety of Dams (Division) under the Department of Water Resources. The Division has several programs that ensure dam safety. When a new dam is proposed, Division engineers and geologists inspect the site and the subsurface exploration to learn, firsthand, of the geologic conditions and use this information during the application process. After a dam is constructed each permitted dam is inspected by the Division on an annual basis to ensure the dam is performing as intended and is not developing problems. Roughly a third of these inspections include in-depth instrumentation reviews. Lastly, the Division periodically reviews the stability of dams and their major appurtenances in light of improved design approaches and requirements,

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Section 15.0 Responses to Comments as well as new findings regarding earthquake hazards and hydrologic estimates in California. As stated in the RDEIR, improvements made to the dam in 2005 were inspected by the Division and determined to meet all current safety and seismic requirements. No additional fill structures are present within the project area.

G-10-12

This comment does not provide any additional or new information that would provide clarification to the analysis of project impacts. Please refer to response to comment G-10-11.

G-10-13

The commenter refers to the unreliability of the State Water Project. An analysis of the reliability of the State Water Project is provided in General Response 13.4.7 which summarizes the conclusions of the updated Draft Reliability Report dated December 2007. Reductions in overall State Water Project deliveries do not directly translate to reductions in water supply available to the project as the Central Coast Water Agency continues to develop alternate supply options. These options are described in General Response 13.4.6. A water balance for Alternative 1 is provided in General Response 13.4.6 and shown in Table 13-3, Summary of Sources and Uses of Water, Alternative 1. The water balance supports a conclusion that differences in water withdrawals represented by the project are very small when compared to surface flows in Dos Pueblos Creek for both wet and dry years. As a result the project will have no impact to endangered steelhead as a result of diversions of surface flows in Dos Pueblos Creek. Additionally, the impact of physical obstructions within Dos Pueblos Creek to potential steelhead habitat is discussed in Appendix C of the RDEIR. A description of the aquatic habitat within Dos Pueblos Creek is provided in Section 3.4.2.3.6 (MOU Project) and 9.4.2.3.6 (Alternative 1), Aquatic Habitats. As stated in the RDEIR, Dos Pueblos Creek probably originally supported southern steelhead (*Oncorhynchus mykiss*) but habitat for this species has been eliminated or severely modified through anthropogenic activities.

The potential impacts to water quality resulting from the project are described in Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1). Potential impacts to water quality are described in the RDEIR as significant but feasibly mitigated and mitigations for water quality to reduce the impact to less than significant are provided as Mitigation Measures WQ1a, WQ1b, WQ1c, and WQ1d. As part of the analysis of potential water quality impacts, the estimated increase in impervious surface area for each watershed within the MOU Project and Alternative 1 areas is provided in Tables 3.3-4 and 9.3-4, respectively. The increase in impervious surface area is associated with increased runoff and pollutant loading associated with stormwater. The increase in impermeable surface area for the majority of the watersheds is minimal with the exception of the MOU Project Area/Naples Coastal Terrace (W7) where the increase has been estimated to exceed 25 percent. To address impacts to water quality within W7, mitigation to address potential impacts to surface water quality will be required. This includes the incorporation of Low Impact Development (LID) elements into the design of the project. Many elements of LID design have been incorporated into the Design Guidelines for the Santa

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Barbara Ranch and additional elements of LID design will be incorporated into the project plans submitted to P&D prior to issuance of building permits. Implementation of the mitigation measures described in the RDEIR, however, will be global throughout the development. Implementation of the water quality mitigation measures in the RDEIR will be adequate to reduce the potential impact to water quality to less than significant levels. Therefore a reduction of the project footprint is not required to mitigate project impacts to water quality.

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G-10-14

The commenter recommends that County policy 2-13 be used to reduce the project footprint by determining the total non-impact developable area, then transferring the development rights of the remaining entitlement transferred to suitable urban locations. The commenter states that a transfer of development rights (TDR) must be pursued as a means to pay the developer not to build on the Gaviota Coast. A discussion of the TDR process and associated issues is provided in General Response 13.1. As provided by County land use planning (CLUP) Policy 2-13, the County Board of Supervisors declared on February 5, 2008, that only a partial transfer of development potential is possible.

G-10-15

The commenter states that Dos Pueblos Creek has been identified as highly suitable habitat for steelhead and that creek diversions could negatively impact steelhead habitat. Please refer to responses to comments G-10-2, G-10-3 and G-10-4 in regards to existing habitat values for steelhead within Dos Pueblos Creek and the impact of project-related creek diversions. A discussion of the potential project impacts to riparian habitat, endangered red legged frogs, steelhead, and all special-status species is provided in Sections 3.4.2.3.6 and 9.4.2.3.6, Aquatic Habitats. The comment provides no new or additional information in regards to potential project impacts.

Response to Santa Barbara Urban Creek Council Letter G-11 Dated January 16, 2008

G-11-1

The commenter states that Table 3.4-4 appears to assume that there are no steelhead in Dos Pueblos Creek and requests that Table 3.4-4 be revised. The EIR has been revised to identify the Dos Pueblos Creek as designated critical habitat for southern steelhead.

See response to comment S-6-8.

G-11-2

The comment states that it is unclear how the water usage figures are calculated. Water usage for the project was originally calculated based on the City of Goleta Urban Water Management Plan (UWMP) dated December 20, 2005. Calculations of water usage in the City of Goleta UWMP is

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Section 15.0 based on a usage of 0.275 AFY³ per single family residential unit including both water for
Responses to domestic and landscaping uses. This usage was projected to remain steady for both the existing
Comments condition and projected build-out in 2030.

The MOU Project proposes to construct 54 single family residences and allow for landscaping on pads that average approximately one acre in size. Based on the City of Goleta UWMP estimate of 0.275 AFY per single family residential unit, the total projected water use for the residential units at the SBR Project would be 14.85 AFY.

For comparison, a more conservative per unit demand is provided by the County of Santa Barbara Environmental Thresholds and Guidelines Manual (Santa Barbara County, 1993). The Guidelines Manual provides two means for calculating water use from new development. Water usage can be calculated either on the specific type of land use designation (i.e., single family residential) or on a summation of individual indoor and outdoor uses (i.e., gallons per shower, sink, toilet, etc.). The water usage factor for the land use designation of large single family dwelling (22,000 to 1 acre lot size) is 0.85 AFY/unit.

The SBR Project RDEIR water supply analysis incorporates a domestic use for the project of 0.33 AFY per residential unit with an additional estimate for ornamental landscaping of 0.8 AFY per irrigated acre. The per unit estimate of combined domestic and landscaping use for the SBR Project is 1.13 AFY and the total projected use for the SBR Project is 61 AFY. This is approximately the same usage factor as incorporated in the Guidelines Manual. The water supply analysis is updated and using a higher water consumption factor.

G-11-3

The comment states that in Section 3.15, the Central Coast Water Authority (CCWA) estimates that State Water Project (SWP) water can reliably deliver 80 percent of its Table A allotment and asks if onsite water diversion will make up the difference. Estimates of water supplies from the SWP were provided in the RDEIR based on the 2005 State Water Project Delivery Reliability Report and information provided by the CCWA.

The State Department of Water Resources (DWR) updated their SWP water reliability projections in *The State Water Project Delivery Reliability Report 2007, Draft* (December, 2007). The availability of SWP water supplies varies with hydrologic cycles and overall SWP demand. During wet years the SWP is able to deliver sufficient water to meet most or all SWP delivery requests. During extended dry year conditions, the SWP can deliver only a portion of requested deliveries. In addition, other factors such as climate change, levee failure and endangered species can also have an impact on SWP reliability. The reliability SWP Table A allocations are shown graphically in the Reliability Report in terms of percentages. For example: delivery probabilities for current Table A allocations can be expressed as 80 percent of the full allocation being available 25 out of 50 years, 70 percent of the allocation being available 30 out of 50 years and

³ AFY = acre-foot per year. An acre-foot is the amount of water needed to cover one acre of land one foot deep.

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50 percent of the allocation being available 40 out of 50 years. In 2005, the average long-term reliability for Table A allocations was approximately 80 percent. This was decreased to 63 to 67 percent depending on the year in the 2007 report.

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The combined existing agricultural and SBR Project demand from the Naples Water Company (NWC) would equal a total demand of 119 AFY. The applicant proposes to meet this demand through reliance upon the base SWP allocation of 200 AFY available to the NWC from the CCWA. An additional 20 AFY is available to the NWC from the CCWA as “drought buffer,” for a total SWP allocation of 220 AFY. Presently, CCWA deliveries to project participants, including NWC, are virtually 100 percent reliable, and with increased demand resulting from the proposed project, CCWA has several mechanisms to fill delivery requests in the event of a shortage of SWP supplies.

The additional 20 AFY “drought buffer” available to NWC is part of the CCWA’s water reliability strategy. In June 1993 CCWA retained an additional 3,908 acre-foot “drought buffer” entitlement to partially firm up the reliability of the 39,078 acre-feet of SWP entitlement for which CCWA (Santa Barbara County) project participants contracted. During those years that availability of SWP water exceeds project participants’ demand, project participants can store drought buffer water (and unused WSA entitlement allocations) either directly into a groundwater basin or on an in-lieu basis (i.e., by taking delivery of the drought buffer and reducing groundwater pumping by an equal amount). During dry years when availability of SWP water is less than CCWA project participants’ demand, stored drought buffer water (and stored entitlement water) can be used to augment SWP deliveries. On a long-term average basis, this results in the equivalent of 80 percent delivery of full annual entitlement (i.e., the 39,078 acre feet). In the meantime, the reliability of requested deliveries by CCWA project participants is much higher – virtually 100 percent – because their current total demand is significantly less than 39,078 acre feet per year.

Additionally, CCWA may acquire water from the State “Turnback Pool,” which is an internal SWP mechanism that pools unused SWP supplies early in the year for purchase by other SWP contractors. In addition, CCWA has established its own Turnback Pool Program, whereby CCWA project participants may buy and sell excess entitlements among themselves before submitting it for sales in the State turnback pools program.

CCWA also has the ability to acquire water from the State Water Bank during those years the bank is implemented by the State to market water that it purchases on the open market (i.e., non-SWP water). The bank was first implemented in 1991 as the State Drought Water Bank, and has since been used during certain dry years when additional water is needed by SWP contractors.

Another mechanism available to CCWA to meet participants demand in dry years is term water purchases and sales of SWP entitlements by CCWA project participants in accordance with CCWA Water Transfer Procedures adopted in March 2006. The procedures typically cover multi-year temporary and permanent sales of SWP entitlement.

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Section 15.0 CCWA estimates that, on a long-term average basis, while SWP deliveries may fluctuate, CCWA
Responses to has the ability to provide 80 percent of the NWC entitlement, which equates to approximately
Comments 160 AFY. Under limited circumstances, it may be necessary for the NWC to draw from its 252
AFY allotment from the Dos Pueblos Creek diversion system.

Agricultural demands would continue to be met through the use of well water, and water stored from the Dos Pueblos Creek diversion during wet months. The project would augment these sources with the use of treated wastewater. The discussion of water supply in Sections 3.15.1.1.6 and 9.15.1.1.6, Water Treatment and Supply, of the RDEIR have been updated based on the 2007 SWP Reliability Report and updated information from the CCWA website. The Santa Barbara Ranch Water Management Plan was submitted April 2008 to the County Planning and Development Department.

G-11-4

The comment states that Dos Pueblos Creek Watershed is critical habitat for steelhead and requires specific analysis of how it will be impacted by this project.

Appendix C of the DEIR contains an analysis of biological resources for the SBR Project. Section C.2.2 of Appendix C incorporates an analysis of project impacts on special status fish, including steelhead. Based on the analysis provided in Appendix C, the DEIR concludes that the project will have no impact on steelhead.

G-11-5

The Santa Barbara Urban Creeks Council included a letter dated August 31, 2006, prepared in response to the 2006 Draft EIR. As stated in the RDEIR Section ES.1, CEQA requires written responses to comments received during the public comment period to be included in the FEIR. Because this RDEIR supersedes the DEIR, The comments received during the public comment period for this RDEIR will be The comments that will be addressed in writing in the FEIR as allowed in the CEQA Guidelines (14 CCR 15088.5(f)(1)).

The comment states that the effect of the project on Dos Pueblos Creek should be evaluated in the EIR. Please refer to responses G-11-1 through G-11-4 above. In addition, please refer to General Responses 13.4 Water Supply – Issue of Potential Creek Diversions for further information on this issue.

Response to Cox, Castle & Nicholson LLP Letter G-12 Dated December 10, 2007

G-12-1

This comment references the extension of the public review period for the RDEIR and does not raise any issues regarding the RDEIR content.

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G-12-2

This comment provides no new information regarding the content of the RDEIR.

G-12-3

The applicant agreed to reissue the DEIR. This comment provides no new information regarding the content of the RDEIR. This document is included in the public record for consideration by decision-makers.

Response to Santa Barbara Audubon Society Letter G-13 Dated January 23, 2008

G-13-1

This comment introduces the Santa Barbara Audubon Society as being a strong supporter of the protection of Gaviota Coast, and reviews the general types of comments contained in the letter. The comment also states that in general, the RDEIR (referred to as a draft EIR) provides limited data on the potential presence of plant and animal species within the project site.

The RDEIR identifies existing biological resources in the project area and its vicinity based on: field surveys performed and drawing upon previous field survey data of the study area (which includes the project area and surrounding environs) by biologists; review of pertinent scientific literature, technical reports, and environmental documents (examples of which are provided in Sections 3.4.2.1.1 (MOU Project) and 9.4.2.1.1 (Alternative 1); and review of federal and state resources for potential occurrence of special-status species in the study area. The purpose of the reconnaissance-level surveys for biological resources in the project area performed for the RDEIR was to identify habitats and special-status species and, based on habitat identification, determine potential occurrence of other special-status species in the project area.

G-13-2

This comment states that throughout the RDEIR, the Alternative 1 configuration is compared with the MOU Project, as well as to changes from Alternative 1 as previously proposed in the 2006 DEIR. The comment also states that the CEQA process requires that the project be compared with baseline conditions at the time of application submittal. Contrary to The commenter's statement, the RDEIR was prepared in accordance with Section 15125(a) of the California Environmental Quality Act (CEQA), which is pertains to analysis of the proposed project's impacts based on existing conditions, as referenced in The comment. The RDEIR analyzes the potential project impacts based upon existing (baseline) conditions, as provided in Section 3 for the MOU Project and Section 9 for the Alternative 1 configuration.

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This comment inquires about existing employee dwellings in Dos Pueblos Ranch, which are presumed to remain, but do not appear on Table 8.3-1. This comment also states that the development rights seem to move to north of the freeway, but leave behind the existing housing. Table 8.3-1, Alternative 1 Lot Details, is intended to provide lot development details, and not existing conditions in the Alternative 1 area. As stated in the table, Lot DP-16 will undergo replacement of the existing residence, where the new residence would occupy the existing development envelope. The existing employee dwellings are located on lots DP-15, DP-16, and DP-17 (shown on Figure 9.4-1C), and will remain as a portion of the Alternative 1 area that is not included in Alternative 1's development activities. The existing 15 employee dwellings comprise baseline conditions. Further details regarding the project's transfer of development rights are presented in General Response 13.1, Transfer of Development Rights.

G-13-4

This comment states that as per Policy 2-13 of the Local Coastal Plan, all alternatives proposed in the RDEIR should incorporate the transfer of development rights (TDR), and that alternative 4 does include partial TDR where feasible. The methodology for applying TDR considerations to the alternative scenarios is addressed in General Response 13.1, Transfer of Development Rights.

G-13-5

This comment is concerned that the project's proposed mitigation to control brown-headed cowbird may not be helpful and can be potentially harmful, and references two experts, both of whom presumably agree with this statement. The RDEIR describes the project's efforts to mitigate potential increases in brown-headed cowbird in Mitigation Measure Bio-8 in Sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1). As shown, Mitigation Measure Bio-8 prescribes a brown-headed cowbird control plan following methods used by the U.S. Fish and Wildlife Service (as described in *Final Recovery Plan for Southwestern Willow Flycatcher*, August 2002). Additionally, Mitigation Measure Bio-8 reduces the potential to harm non-target birds by requiring at least four (4) brown-headed cowbird surveys each season; establishing numerical thresholds that would have to be met before cowbird trapping would be implemented or continued, in the case during where trapping has commenced; and requiring daily attendance to the traps.

This comment also states that a more effective mitigation than cowbird control would be to expand the riparian corridor with restoration of riparian vegetation. The commenter's suggestion will be included in the public record for consideration by decision-makers.

G-13-6

This comment states that based on comments provided for the previous DEIR (2006), raptor surveys did not meet Coastal Commission protocol, and that Audubon does not find any

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indication in the RDEIR that the raptor surveys had been updated. This issue has been addressed in response to comment S-2-45, which describes the project's provisions for protocol-level raptor surveys.

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G-13-7

This comment states that the RDEIR (referred to as DEIR in this comment) says little about protection of raptor roosting and nesting sites with respect to project activities. Mitigation Measure Bio-9a in Sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1) of the EIR has been revised according to CDFG and federal MBTA (1918) criteria to include pre-construction raptor and nest surveys and potential avoidance (i.e., through placement of protective buffer or delay of construction activities) or relocation in order to protect raptors and raptor breeding and nesting.

This comment also states that "consideration to preserve [raptor] habitat...must be made." As addressed in response to comment S-2-45, the project design avoids direct effects to all riparian areas and eucalyptus windrows that may be use for nesting and/or roosting by raptors.

G-13-8

This comment states that mitigation measures provided in the RDEIR (referred to as DEIR in The comment) seem insufficient to reduce potential project impacts on the loss of grassland raptor foraging habitat and foraging for other special-status species to less than significant levels.

As described in Impact Bio-11 of the RDEIR, the project includes design features to minimize the project's impacts to raptor and wildlife species' habitat. The RDEIR's Alternative 1 configuration has been re-designed to avoid direct impacts to mapped areas of native grasslands (described in detail in Impact Bio-7); access roads and driveways have been consolidated where possible; and the project would avoid standard curbs and gutters, fence types, and features which would hinder wildlife movement. In addition to these design measures, which are part of the project as proposed, the project provides several mitigation measures in Sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1) to minimize adverse effects on grassland foraging habitat: Mitigation Measure Bio-1a to protect and revegetate native grasslands at a ratio of at least 3:1; Mitigation Bio-3 to control non-native plants; and Mitigation Measure Bio-9 to minimize the effect of the project and people on wildlife mortality. As a result of the project's proposed design features and mitigation measures listed above, the project's impact to raptor and wildlife species' habitats have been minimized to less than significant levels.

The comment also suggests two measures to reduce habitat fragmentation: 1) reduce development envelopes of homes on the bluff, moving building envelopes and development back further from the bluff edge; and 2) restore non-native grasslands to native grasslands. In addition to the project incorporating design features to enlarge contiguous areas of grassland and scrub habitat, and Mitigation Measure Bio-1a and Mitigation Measure Bio-3 listed above, which reduce the project's effect to fragment habitats, the project also proposes open space conservation easements (OSCEs) to provide long-term protection of open space areas, and

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Section 15.0 Responses to Comments agricultural conservation easements (ACEs) which include provisions to protect riparian corridors. In consideration of the project's proposed design features, mitigation measures, and conservation easements, the RDEIR has adequately reduced impacts to habitat fragmentation to less than significant levels.

G-13-9

This comment pertains to the potential presence of tidewater goby in the Dos Pueblos Estuary, and potential impacts of increased water diversion and other development from the proposed project. This comment has been addressed in response to comment F-2-14.

G-13-10

The EIR has been revised in Sections 3.4.3.2.1 (MOU Project) and 9.4.3.2.1 (Alternative 1) and Tables 3.4-3 and 9.4-3 to designate the Santa Barbara honeysuckle as a California Native Plant Society List 1B plant, in addition to being locally sensitive.

G-13-11

This comment inquires whether the RDEIR followed the County of Santa Barbara's Guidelines and Thresholds for native grasslands mapping. Please refer to response to comment S-6-4, which addresses this issue.

G-13-12

This project pertains to the Alternative 1 wetlands delineation, which has been addressed in responses G-3-94 through G-3-97 and additional information is provided in General Response 13.5.

G-13-13

This comment states that Alternative 1 provides a connector north of Highway 101 to the adjacent property to the west, but no beach access. The comment also suggests that adding a trail adjacent to Dos Pueblos Creek would provide access from Dos Pueblos Ranch and a loop trail (at low tide) along the beach.

This alternative would reduce the impact on marine resources and direct visitors westward and away from the harbor sea haul-out area, disperse human impacts on Naples Reef, and provide an alternate safe exit route. The commenter's suggestion for an alternative public access trail has been included in the public record for consideration by decision-makers.

G-13-14

This comment states that the bluff trail should extend all across the bluffs of Santa Barbara Ranch (in either the MOU Project or Alternative 1) removed back from the bluffs to reduce impacts to ESHA associated with the bluffs and drainages. The location of the proposed bluff

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trail was sited to minimize potential impacts to ESHAs, as shown in Figures 3.4-1B and 9.4-1B , while complying with the objectives of the California Coastal Conservancy, as described in General Response 13.6.

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G-13-15

This comment inquires how restricted beach access (Mitigation Measure Bio-4) would be enforced. This issue has been addressed in response to comment S-4-11.

G-13-16

This comment states that if an additional beach access near Dos Pueblos Creek is developed (as discussed in Comment G-13-13), impacts to the seal haul-out would be reduced. This comment is addressed in response to comment G-13-13.

G-13-17

This comment states that water quality monitoring of water just inland of the outlet to the ocean is needed to assess water quality impacts. The RDEIR addresses and proposes water quality monitoring measures in the project area in mitigations WQ-1a, WQ-1b, WQ-1c, and WQ-1d in Sections 3.3.3.4 (MOU Project) and 9.4.4.4 (Alternative 1).

G-13-18

This comment states that the project's potential increased water diversion of Dos Pueblos Creek may adversely impact listed species. The project's potential water use through the Dos Pueblos Creek diversion scenario would result in negligible effects in water levels, as described in detail in General Response 13.4, Water Supply – Issue of Potential Creek Diversions. As a result, the project would be expected to result in less than significant impacts to listed species identified in The comment.

G-13-19

This comment generally states that the RDEIR's proposed mitigation measures to address the project's impact to global warming are inadequate. As presented in Sections 3.16.2.3 (MOU Project) and 9.16.2.3 (Alternative 1), the project proposes multiple mitigation measures to address potential impacts to global warming: Mitigation Measures AQ-2a and AQ-2b which control construction exhaust emissions; Mitigation Measure AQ-3 to incorporate feasible energy conservation measures into project building plans; Mitigation Measure Geol-1 to help protect the project from potential bluff retreat; and mitigation PS-9 (Landscape Plan), PS-10 (Reclaimed Water), PS-11 (Indoor Water Use), and PS-12 (Water Management Plan) to provide water conservation measures for the project. In the absence of established guidelines and thresholds, these measures are adequate until such standards are available.

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This comment also states that the project's proposed large houses would promote commuting during habitation, and reverse commuting for services, including public services, construction, and domestic and landscape workers. The size of the houses is a design consideration outside of CEQA. The commenter's opinion is included in the record for consideration by decision-makers.

G-13-20

This comment recommends that the project propose smaller houses to increase efficiency of resources in construction and operations. Again, the size of the houses is a design consideration outside of CEQA. The commenter's opinion will be part of the record for consideration by decision-makers. This comment also remarks that "meeting or exceeding California Title 24 Energy Code without specifics means no better than meeting the minimum requirements." The RDEIR lists the project's compliance with California Title 24 Energy Code as one of eight requirements for the project to conserve energy in Mitigation Measure AQ-3. The assumption that only minimum standards would be met is conjecture. The comment also suggests utilizing the new City of Santa Barbara building codes for energy efficiency where compatible with County guidelines. Applying building codes from a jurisdiction other than the presiding jurisdiction is a consideration outside of CEQA. The commenter's opinion is included in the record for consideration by decision-makers.

G-13-21

This comment states that the RDEIR (referred to as DEIR in The comment) seems to suggest the combined use of a solar hot water and an on-demand system at each residence. This subject appears in Mitigation Measure AQ-3 in Sections 3.14.2.4 (MOU Project), 9.14.2.4 (Alternative 1), 3.16.2.3.1 (MOU Project), and 9.16.2.3.1 (Alternative 1). To clarify The comment's question, where feasible, the project would incorporate the use of solar water heating systems and on-demand water heating systems in the project as a whole, with one or the other at each residence, and not a combination of both.

This comment also states that solar electric would be appropriate for large homes, and roofs should be oriented to maximize solar panels. The orientation of the house roofs is a design consideration outside of CEQA. The commenter's opinion is included in the record for consideration by decision-makers.

G-13-22

This comment inquires about the RDEIR's (referred to as DEIR in this comment) mention of potential reclaimed water use, and that the RDEIR is unclear whether the reclaimed water would be obtained onsite or in the event of a reclaimed line from the City of Goleta. As discussed in further detail in response to comment G-2-213, the project would use reclaimed water from the onsite sewage treatment plants (STP). This comment also states that the design of greywater use for each residence for landscape irrigation should be included in conjunction with low-water landscape plans. The suggestion for greywater use is included in the public record for

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consideration by decision-makers. Lastly, the RDEIR proposes low-water demand landscape plans through Mitigation Measure PS-9 in Sections 3.15.3.4 (MOU Project) and 9.15.3.4 (Alternative 1).

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G-13-23

This comment recommends the investigation of a Flexcar car-sharing program should be investigated, to reduce the number of vehicles needed. This suggestion has been included in the public record for consideration by decision-makers.

G-13-24

This comment summarizes the Santa Barbara Audubon Society comment letter, and states that the project site and adjacent Naples Reef and have high biological value that must be protected under any development scenario, and that the project should incorporate additional mitigation measures and adequate surveys of raptors and wetlands. The response to the issue areas listed in this comment are addressed in the previous responses to comments G-13-1 through G-13-23.

G-13-25

This comment number identifies the article included as an attachment to The comment letter, entitled “Trash Birds: Brown-headed Cowbird, Villain or Scapegoat?” It is included in the public record.

Response to League of Women Voters of Santa Barbara Letter G-14 Dated January 23, 2007

G-14-1

CEQA Guidelines Section 15141 provides generalized advice regarding EIR length to lead agencies and does not preclude a lead agency from preparing an EIR that is of adequate length to address the complexities of a project and its potential environmental impacts. See *City of Fremont v. San Francisco Bay Area Rapid Transit District (1995) 34 Cal.App.4th 1780, 1784.*

In addition, as stated in Section ES.1 of the RDEIR, “CEQA requires written responses to comments received during the public comment period to be included in the FEIR. Because this RDEIR supersedes the DEIR, The comments received during the public comment period for this RDEIR will be The comments that will be addressed in writing in the FEIR. The comments the County received on the previous DEIR will not remain part of the record of the proceedings for the project; however, written responses to those comments will not be included in the FEIR, as allowed in the CEQA Guidelines (14 CCR 15088.5(f)(1)).”

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Section 15.0 **G-14-2**

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The EIR for Santa Barbara Ranch will have had over ten publically noticed informational meetings and hearings. The EIR itself has been noticed and re-circulated as required by CEQA. An appropriate analysis of all potential project impacts was included in the RDEIR. Additionally, CDs of the RDEIR were made available to the public to facilitate review.

G-14-3

See General Response 13.2, Project Description – Guest Houses and Residential Second Units.

G-14-4

The RDEIR discusses partial transfer of development rights for Alternatives 3B and 7 found in Sections 11.4.1.3, Description of Alternative 3B – Retention of Existing Condition, and 11.7, Alternative 6: Transfer of Development Rights. See response to comment S-2-10 and General Response 13.1.

G-14-5

The commenter requests that the NPD be analyzed as part of the proposed project, as the RDEIR states in Sections 3.6.2 (MOU Project) and 9.6.2 (Alternative 1), “[a]s part of the project, a new Naples Planned Development (NPD) land use designation and implementation zoning ordinance district would be created and implemented in both the inland area and in the Coastal Zone.” The effects of the change in zoning and land use designation, which would occur with the implementation of the NPD designation, are evaluated in the RDEIR in Sections 3.6 Land Use (MOU Project) and 9.6 Land Use (Alternative 1). Since the NPD would be adopted for implementation of the proposed project and would be applicable exclusively to the project site, potential impacts correspond to the project impacts evaluated in the RDEIR. Accordingly, the RDEIR describes the environmental impacts of this contemplated change in land use and zoning to the NPD designation.

The RDEIR includes the draft Naples Planned Development (NPD) district; see Appendix B. Implementation of the project would require changes to the County’s CLUP and certification by the Coastal Commission, as well as an amendment of the County’s Comprehensive Plan, as included in Sections 2.9.1.1 (MOU Project) and 8.9.1.1 (Alternative 1), Proposed Legislative Changes.

The commenter requested that a programmatic Environmental Impact Report be prepared for the NPD to analyze the new proposed designation and zoning. The County (lead agency) and responsible agency has the authority to determine the type of document needed to permit an action. Per CEQA Guidelines 21002.1(a), a project-level Environmental Impacts Report was selected to identify the significant effects on the environment, identify alternatives, and indicate which significant effects can be mitigated or avoided.

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G-14-6

The commenter disagrees with the County's approach to resolving the ongoing constraints related to the Santa Barbara Ranch project (including multiple-litigation suits, environmental constraints, and policy overlapping) with the implementation of the NPD designation.

The RDEIR project description includes the change in land use designation and rezoning of the project from the existing designations to NPD. The RDEIR addresses this issue in Section 3.7.3.2 (MOU Project) under Impact AG-1: Agricultural Suitability and Land Use Conflicts, in Section 3.7.3.3 under Impact AG-5: County Agricultural Suitability and Land Use Conflicts, and in Section 9.7.4.2 (Alternative 1) Impact AG-5: Agricultural Suitability and Land Use Conflicts. These impacts are considered *potentially significant but subject to feasible mitigation (Class II)*. Mitigation Measures AG-2: Agricultural Fencing and AG-3: Buyer Notification would reduce impacts to less than significant levels.

The commenter also questions whether the NPD has environmental impacts of its own. Since the NPD would be adopted for implementation of the proposed project and would be applicable exclusively to the project site, potential impacts correspond to the project impacts evaluated in the RDEIR. Accordingly, the RDEIR describes the environmental impacts of this contemplated change in land use and zoning to the NPD designation.

G-14-7

Planned development districts are often formed to respond to specific community needs and specific development proposals. The Santa Barbara County LCP, specifically Section 2-13, contemplates a designation change on the Naples Area. The Naples Plan was filed in 1888 with the County Recorder, as stated in Section ES.3.2. Additionally, the project proponent's application was deemed complete by the County in 2004. The subsequent proposed legislative changes, as included in Sections 2.9.1.1 (MOU Project) and 8.9.1.1 (Alternative 1), Proposed Legislative Changes, have been identified to meet project objective two: "achieve a long-term solution to the potential development of the existing Naples town site lots that would resolve pending litigation and future disputes over the potential development of the property between the landowners and the County."

G-14-8

The NPD is not a part of the proposed project to be analyzed in the RDEIR. However, the effects of the change in land use designation and zoning within the proposed project site are evaluated in the RDEIR, as discussed in response G-14-5, above. Additionally, the Land Use Sections (MOU Project and Alternative 1) discuss and analyze the proposed draft NPD policies to be added to the Local Coastal Plan and discuss the proposed NPD standards to be included in the NPD zoning ordinance in Sections 3.6.3.1 (MOU Project) and 9.6.3.1 (Alternative 1) of the RDEIR.

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The commenter states their perspective on the County's process to approve the proposed project, and bases the discussion regarding the process upon opinion alone. The County's actual hearing and approval process for legislative changes required are included in Sections 2.9.1.1, 2.9.1.2 (MOU Project), 8.9.1.1, and 8.9.1.2 (Alternative 1) of the RDEIR. In addition, the policy consistency analysis and evaluation of alternatives clearly refer to the NPD as "proposed" or "new" designation, which will be considered by the County for adoption.

The commenter's opinion on this matter is included in the document for consideration by decision-makers.

G-14-10

The RDEIR discusses the consistency with applicable Land Use Plans, Policies and Regulations for the MOU Project in Section 3.6.6.2, Project Impacts, under Impact Land-1. Section 4.0 of the RDEIR discussed these plans and policies in detail. Please see General Response 13.1 for further clarification.

G-14-11

The RDEIR directly addresses the potential for neighborhood compatibility between residential development and agricultural uses in Sections 3.7.4.2 (MOU Project), and 9.7.4.2 (Alternative 1), Project Impacts. Impact AG-5 states that the potential for conflicts can be reduced through the design and notification measures described in Mitigation Measures AG-2 and AG-3. The effect of the project on overall agricultural suitability of the area is considered *a potentially significant impact that can be mitigated (Class II)*.

G-14-12

The RDEIR recognized that the potential land use incompatibility of the proposed project, including the land use redesignation and rezone components, would affect the existing regional land use setting by introducing 54 (MOU Project) or 72 (Alternative 1) single family residences on 485 (MOU Project) or 3,245 (Alternative 1) acres of existing agriculturally designated land. The pattern and potential for future residential development along the Gaviota Coast is established by virtue of existing parcel configurations and the areas that have been subject to acquisition or open space easements that limit future development, as discussed in Section 5.5, Growth-Inducing Effects.

The unique circumstance of Santa Barbara Ranch and the Naples township lies in the fact that over 200 recognized, legal, non-conforming lots exist and could be sold independently and developed; this is the "no project" alternative. Existing conditions, and existing land use designations, could permit greater development of individual lots than either the MOU Project or Alternative 1. The MOU Project or Alternative 1 represents a *reduced* number of potential residential units while presenting an increased protection of agricultural, recreational, and other

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resources. As the NPD designation represents a resolution to the *existing, recognized* Naples township lots, it cannot be applied to any other zone.

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The total cumulative residential development for the foreseeable future along the Gaviota Coast is expected to range from about 170 to 200 residences, for the MOU Project. The MOU Project and Alternative 1 would contribute about 27 to 31 percent (MOU Project) and 35 to 42 percent (Alternative 1) of the total number of residential units that may be built along the Gaviota Coast. Although the proposed project would allow for construction of a substantial number of units, the cumulative effect of this project on the development pattern and conversion of land uses along the Gaviota Coast would be *less than significant (Class III)*. It is important to note that the NPD designation would be applicable to the proposed project site only, and that the site's historical pattern of lots is unique in the Gaviota Coast. Development of the proposed project would not be replicated along the Gaviota Coast because these conditions do not occur elsewhere.

G-14-13

The environmental impacts for the MOU Project and Alternative 1 are analyzed individually in Sections 3 (MOU Project) and 9 (Alternative 1), under Project Impacts for each subject area, according to all applicable policies. The County included an appropriate analysis of all potential project impacts in the RDEIR.

Additionally, the MOU also sets forth the general scope of the alternatives to be considered in the EIR. Accordingly, discussion of the alternatives' consistency with the MOU is appropriate, and is included in Section 11, Alternatives.

G-14-14

The referenced views are not currently recognized by the federal government, although Highway 101 is eligible for designation as a scenic highway. Sections 3.9.2.1.1 (MOU Project), and 9.9.2.1.1 (Alternative 1), Regional Character and Views, identify the high quality views of resources available from public locations (roads, railroads, trails, and ocean) to the west, south, north, and east along Highway 101 and the Union Pacific Railroad (UPRR). The County Comprehensive Plan policies pertaining to visual resources are analyzed in Sections 3.9.3.3.2 (MOU Project) and 9.9.3.3.2 (Alternative 1), Santa Barbara County Comprehensive Plan. The visual resource impact findings are based on CEQA Guidelines and the County Environmental Thresholds and Guidelines Manual, by applying a rating methodology which requires that two conditions must exist for a visual impact to be considered significant: 1) the existing landscape must be of high quality and be highly valued by the public; and 2) the perceived incompatibility of one or more proposed project elements or characteristics must tend toward the high end of the scale, leading to a substantial reduction in visual quality. In addition, the RDEIR recognizes the change in visual character as a significant, unavoidable impact of the project (Vis-0).

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Section 15.0 **G-14-15**

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The baseline for impact analysis is the environmental condition at the time of the publishing of the notice of preparation, not a past natural condition. Most views into the Project area from Highway 101 are currently obscured by windrows along the freeway, or blocked completely by cut banks. There are a few existing direct and open views into the property, however, and these are analyzed in detail in Sections 3.9 and 9.9, Visual Resources, along with views from other key points on public trails or recreation areas. Please refer to Section 3.9.2.1.4 and Section 9.9.2.1.4 regarding existing views from Highway 101 (MOU Project and Alternative 1, respectively). Refer to Figure 3.9-8 for Highway 101 views partially obstructed by existing windrows, eucalyptus, avocado orchards, and cypress. Refer to Section 3.9.4.5 and 9.9.4.5 for Mitigation Vis-1: Design Guidelines that include maintaining existing orchards and Mitigation Vis-2: Windrow Maintenance.

G-14-16

The RDEIR analyzed the environmental impacts of the proposed project alternatives included in Section 11.0, in accordance to Section 15126.6(a) of the CEQA Guidelines. Mitigation measures have been included to reduce the structure size (see Mitigation Vis-1: Design Guidelines). In addition, please refer to Alternative 5, Clustered Development Alternative, analyzed in Section 11.6.2, Comparative Impacts.

G-14-17

Project simulations have been generated from drawings of the project development designs and building elevations for both the MOU Project and Alternative 1. See Sections 3.9.4.1 (MOU Project) and 3.9.4.1 (Alternative 1), Impact Assessment Methodology. Design standards and protection of open space and agricultural resources would be applied to the inland portions of the property, as described in Sections 2.4 (MOU Project) and 8.4 (Alternative 1). Since sound walls are not proposed it would not be appropriate to require a prohibition of such walls.

G-14-18

The RDEIR addresses policy in consistency in detail, as required under CEQA, in Sections 4.3 (MOU Project) and 10.3 (Alternative 1). The commenter's interest in policy consistency findings with the Coastal Act 30251 is included in the public record for consideration by decision-makers. Final County determinations of policy consistency with the County's LCP are within the discretion of the Board of Supervisors.

G-14-19

The RDEIR discusses Policy 2-13 in Sections 4.6 (MOU Project) and 10.6 (Alternative 1). In light of the lot density at Naples, reevaluation of the current A-II-100 land use designation is contemplated for the Naples town site in the event that the Transfer of Development Rights (TDR) program is infeasible. The comment states that there are different interpretations of

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Policy 2-13 and disagrees with County staff's interpretation and analysis regarding Policy 2-13. The comment also states that proposed legislative changes to use designations in the Naples area are improper. The Board of Supervisors has the legislative authority to interpret and amend its own policies, including those within an approved Local Coastal Plan (LCP). The Coastal Commission must approve changes to an LCP. The RDEIR includes discussion regarding an analysis of Policy 2-13 that relies on historical compliance of Santa Barbara County with Policy 2-13 (see response to comment S-2-10), and on an extensive, detailed study on the feasibility of a TDR program (see response to comment S-2-14). Final County determinations of policy consistency are within the discretion of the Board of Supervisors. The commenter's opinion is included in the public record for consideration by decision-makers.

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G-14-20

Please refer to response to comment G-14-1. The Summary of Project Changes explains what changes were made to the Project in the context of how those changes address, reduce, or alter impacts previously identified in the DEIR. This satisfies CEQA Guideline Section 15088.5(g) requirements.

15.6 RESPONSES TO COMMENTS FROM INDIVIDUALS

Response to Kalon Kelley Letter I-I Dated January 22, 2008

I-I-1

The FEIR has been revised in Section 11, Alternatives, by correctly referencing project objectives found in ES3.5, rather than Section 1.3.

I-I-2

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

I-I-3

One of the project objectives is to "Maintain long-term continued agricultural use within the project site and on adjacent properties that is compatible with a low-density residential development on the Naples town site." The fact that the proposed project would not establish any precedent for development on other areas of the Gaviota Coast makes it consistent with the objective of preserving the agricultural operations near the project.

I-I-4

The RDEIR discusses the project approvals required for implementation of the proposed project in Sections 2.9 (MOU Project) and 8.9 (Alternative 1). The RDEIR addresses cumulative projects in Sections 2.10 (MOU Project) and 8.10 (Alternative 1). In addition, please refer to

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Section 15.0 Responses to Comments Section 3.6.6.2 and 9.6.6.2, Impact Land-3: Cumulative Impacts: Long Term Changes in Land Use Patterns on the Gaviota Coast. The potential for the proposed project to induce growth is further addressed in Section 5.5.

I-1-5

Please refer to response to comment I-1-4.

I-1-6

The project objectives pertain to this specific project, and are not required to address broader County policy.

I-1-7

The FEIR is revised in Table 11.8-1 to include project objective 1.

I-1-8

The analysis of alternatives includes economic considerations as only one of multiple factors to assess feasibility. Alternative 2 was not deemed infeasible based solely on economic considerations. As stated in Section 11.3.1, “One significant barrier to pursuing this alternative is the fact that it would require the cooperation of two separate landowners, Vintage Properties for the SBR land and the Schulte family for the DPR land. Without the cooperation of both of these owners, implementation of Alternative 2 would require condemnation and would likely not be feasible.”

I-1-9

Development under Alternative 2 would preclude the development of the 9 coastal terrace lots. The TDR study gives an aggregate value of about \$220,000,000 for the nine coastal bluff single family residences and the seven equestrian center single family residences. (Solimar Research, 2006: Table 6.1 and 2007 Table 4.2). The average value of homes proposed in the hillside areas of the SBR and DPR properties ranges up to a high of about \$4,000,000. Thus, one would need about 55 hillside lots in order to achieve the same value as the coastal bluff, equestrian center, and DPR south development proposed under Alternative 1. With such a substantial reduction in the level of economic return, the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots. Further, as described in the RDEIR, development under Alternative 2 would require the cooperation members of the Schulte family, who have confirmed that they will not allow development of the DPR parcels under consideration in Alternative 2, rendering this alternative legally infeasible unless the County were to pursue condemnation of the Schulte family’s property.

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I-1-10

As requested by The commenter, all references to the 94 to 105 homes under Alternative 2 have been removed.

I-1-11

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

I-1-12

As described in the RDEIR, development under Alternative 2 would require the cooperation of the Schulte family, who has confirmed that it will not allow development of the DPR parcels under consideration in Alternative 2, rendering this alternative legally infeasible unless the County were to pursue condemnation of the Schulte family's property.

I-1-13

CEQA states that alternatives be analyzed based on criteria including project feasibility. Under California Resource Code 15364, feasibility means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Multiple property owners' conflicting interests can limit the feasibility of implementing a proposed alternative.

I-1-14

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

I-1-15

The comparison between the MOU Project and project alternatives, including Alternative 1, is clearly stated in each issue area's section. No additional change is necessary.

I-1-16

Section 11.1.2 of the RDEIR describes a range of alternatives for the proposed Santa Barbara Ranch (SBR) Project, and presents a comparative evaluation of the alternatives as required by CEQA. For consistency in the comparisons, the discussions of the relative effects of Alternatives 2 through 5 are oriented towards the MOU Project. When particular issues warrant, comparisons between different alternatives and Alternative 1 are also provided. Furthermore, the comparison in both cases is based on the project description furnished by the Naples Coalition for Alternative 2.

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Section 15.0 **I-1-17**

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The RDEIR discussed grading impacts to inlands and bluff top locations in Sections 3.2.1.5 (MOU Project) and 9.2.1.5 (Alternative 1), Summary of Issues by Subarea. The project-wide preliminary grading and drainage details are shown on Figure 2.3-1 (MOU Project) and Figure 8.3-1 (Alternative 1).

The conclusion of the Section 11.3.2.1 evaluation states that: “On balance, Alternative 2 has greater overall impacts related to geology and geologic hazards as compared to the MOU Project or Alternative 1 due to the number of single family residences that would be located on or near steep slopes north of Highway 101.”

The comparison of geology and geological hazards impacts included in Section 11.3.2.1 states that “Alternative 2 would avoid residential development on the bluff, where sea cliff retreat has the potential to result in long-term threat to bluff-top development. The MOU Project (and Alternative 1) residences would be adequately set back from the bluff; however increased runoff from the residences could potentially increase bluff erosion rates. In this respect, Alternative 2 has a somewhat lower potential to create impacts.” In addition, although Alternative 2 would have reduced bluff top erosion related to the placement of residences near the coastal bluffs, the RDEIR states that “Both projects [MOU Project and Alternative 2] would result in increased public use of the bluff area trails; this activity could lead to accelerated bluff erosion, and exposure of the public to hazards from rockslides due to increased beach use near the unstable bluff face. Thus, Alternative 2 would be similar to the MOU Project or Alternative 1 in this regard.” Therefore, the issue of bluff erosion is adequately addressed in this section.

I-1-18

Please refer to response to comment I-1-17.

I-1-19

The conclusion regarding the comparison of geology and geological hazards impacts was based on the fact that potential bluff top erosion impacts would be somewhat lower for Alternative 2 when compared to the MOU Project or Alternative 1, but not substantially lower. Refer to Section 3.2.3.2.1 and 9.2.3.2.1, Impacts Geol-1 and Geol-2 for a description of potential erosion impacts from the MOU Project and Alternative 1 configurations. The MOU Project and Alternative 1 design avoids grading and disturbance along steep stream banks and the coastal bluffs, so the potential effects of erosion and sediment production will be limited to relatively flat areas. These effects will also be minimized through the regulatory processes that already apply to the development, including requirements to prepare grading and erosion control plans, and the inspection and enforcement activities by the County and other agencies. In addition, the design setbacks would exceed the County’s adopted requirements.

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I-1-20

The MOU Project and Alternative 1 both have 30 parking spaces, while Alternative 2 includes 20 parking spaces. No further modifications are required.

I-1-21

The Alternative 2 analysis reflects the project description furnished by the Naples Coalition for Alternative 2. A parking lot is included in the description of Alternative 2, and therefore included in the evaluation of impacts, but no public restrooms were proposed. No further response is needed.

I-1-22

The comment states that Alternative 2 would have no concerns regarding bluff-top erosion due to landscaping practices of homes on the bluff. The comment does not question the adequacy of the RDEIR.

The County Grading, Erosion, and Sediment Control Ordinance (Ordinance No. 4477) requires that an Erosion and Sediment Control Plan be submitted and approved as part of the permit conditions, which would contribute to reduce potential erosion impacts of the MOU Project and Alternative 1.

I-1-23

The RDEIR states that “Impacts associated with increased public use of the bluff, beach and Naples Reef area would be equivalent because it is anticipated that open space and recreation uses under Alternative 2 would be similar to those under the MOU Project (or Alternative 1).” Potential impacts associated with increased public use of the bluff, beach, and Naples reef area under the MOU Project and Alternative 1 configurations would be feasibly mitigated to less than significant levels, which makes the level of impact similar for the MOU, Alternative 1, and Alt 2.

The RDEIR includes the evaluation of impacts to the bluff tops and Naples Beach in Sections 3.10.3.2, MOU Impacts, and 9.10.3.2, Alternative 1 Impacts. The potential short-term effects associated with construction of the recreational facilities are evaluated in Sections 3.2 thru 3.15 and 9.2 thru 9.15 of the RDEIR. The construction and maintenance of access roads, parking area, restroom, railroad under-crossing, bluff trails, and bluff stairway structure could result in adverse effects on air quality, noise, biological resources, water quality, and other resource areas that are fully analyzed in the RDEIR. Given the temporary nature of these activities and the incorporation of relevant County policies and mitigation measures discussed in other sections of the RDEIR, this potential impact is considered *significant but feasibly mitigated (Class II)*.

Long-term impacts to biological resources resulting from increased bluff top and beach access are addressed in Sections 3.4.4.2.2 (MOU Project) and 9.4.4.2.2 (Alternative 1), Special-status Habitats. The proposed public access road, parking areas, picnicking areas, and coastal access

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Section 15.0 Responses to Comments trail to the bluffs proposed to run along the eastern boundary of the project area south of Highway 101, as well as the proposed staircase down to the beach, will increase the number of visitors, residents, and their dogs to bluff top areas. The adjacent beaches could receive similar human increase, but animals would be prohibited. Potential impacts were considered significant, but feasibly mitigated (Class II).

I-1-24

The RDEIR concludes that agricultural resource impacts under Alternative 2 would be equivalent to potential impacts of the MOU Project. Alternative 1 would be preferable from an agriculture perspective, since it would result in a more comprehensive and integrated agricultural program than the MOU Project. Although both the MOU Project and Alternative 1 would result in increases in preserved agricultural land, when compared to the status quo, the Alternative 1 design preserves more prime agricultural land.

Under Alternative 1, most of the Williamson Act contract area would be retained in a replacement contract, and a larger area would be preserved in the ACE, which would also include more prime agricultural land than is currently protected by the Williamson Act area. Development of Alternative 2 would require cancellation of the existing contract, and some provision to replace the lost agricultural preserve area. Since the Alternative 2 concept would place development on several hundred acres in the existing Williamson Act contract area, it is not known if an equivalent or better preservation of agricultural lands could be achieved with this alternative. Alternative 2 would create Compatible Agricultural Areas (CAAs). Although the uses and restrictions of the CAA designation are not defined, it is assumed for the purpose of this analysis that the CAA would provide the same level of protection for agriculture (i.e., preservation of agricultural land in perpetuity) and nearby open space conservation lands (i.e., setbacks between agriculture and riparian corridors and special habitats) as the PACE designation that is proposed under the MOU Project.

I-1-25

The RDEIR includes the visual resource impacts in Section 11.1.2, Range of Alternatives, for each alternative. Inclusion of comparative analysis between each alternative is not required under CEQA; each alternative needs to be compared to the MOU Project. The RDEIR Alternatives section describes a range of alternatives for the proposed SBR Project, and presents a comparative evaluation of the alternatives as required by CEQA. For consistency in the comparisons, the discussions of the relative effects of Alternatives 2 through 5 are oriented towards the MOU Project. When particular issues warrant, comparisons between different alternatives and Alternative 1 are also provided.

I-1-26

The RDEIR discusses access to mobility impaired to public recreation areas in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. Both the MOU Project and Alternative 1 propose a viewing platform and trail with access for mobility impaired individuals.

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Alternative 2 proposes a rustic beach access trail with no decking; this access would be less accommodating for wheelchair access than under the MOU Project-proposed trail and stair structure with wood decking.

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I-1-27

The comment refers to the description of the coastal trail under Alternative 2, as included in the document “Naples Coalition Comments to Santa Barbara Ranch DEIR Appendix A.” The level of detail included in the document leads to the assumptions presented in the RDEIR. Please see General Response 13.6, Coastal Trail, for additional information on the MOU Project and Alternative 1 alignment of the coastal trail.

I-1-28

Please see General Response 13.6, Coastal Trail, for a response regarding the connection with Dos Pueblos Canyon Road.

I-1-29

Please see General Response 13.6 Coastal Trail. The analysis presented in the RDEIR is based on the project description furnished by the Naples Coalition for Alternative 2. No revisions are proposed to the Alternative 2 project description, 20-parking spaces are provided as described in Section 11.1.3 of the RDEIR.

I-1-30

The RDEIR concludes the recreation impacts in Sections 3.10.3.2, Project Impacts, and 9.10.3.2, Alternative 1 Impacts. Inclusion of additional comparative analysis between each alternative is not required, as stated in responses to comments I-1-16 and I-1-25.

I-1-31

The RDEIR analyses noise impacts in Sections 3.13.3.2 (MOU Project) and 9.13.3.2 (Alternative 1), Impacts. For Alternative 1, the major long-term noise sources are rail traffic on the UPRR south of Highway 101, vehicle traffic on Highway 101, and aircraft departures from Santa Barbara Airport. The basic threshold used to determine significant impacts to residential uses is an exterior CNEL or Ldn greater than 65 dBA, as given in the County Thresholds and Guidelines Manual. Under Alternative 1 noise levels are below the threshold, therefore no significant impacts were identified. Given that the threshold of 65 dBA is not reached by any of the options identified (MOU Project, Alternative 1, Alternative 2) all three options would result in less than significant impacts under CEQA.

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Section 15.0 **I-1-32**

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The RDEIR addresses the noise generated by the train in Sections 3.13.1.3 (MOU Project) and 9.13.1.3 (Alternative 1), Railroad Noise. Individual train events will be audible within a few hundred feet of the railway. However, because of the low number of trains per day that is typical and expected for this railroad line, the overall noise from railroad operations will not cause a significant impact. Please see response to comment I-1-33.

I-1-33

The RDEIR discusses temporary soundwalls as an element of Mitigation Noise-3 for construction noise in Sections 3.13.3.4 (MOU Project) and 9.13.3.4 (Alternative 1), Mitigation Measures. No mitigation measures are necessary for the reduction of roadway or rail noise effects to the areas that are proposed for development or that will remain in permanent open space and agricultural uses.

Identified construction noise impacts can be reduced through the imposition of standard conditions that are recommended in the Santa Barbara County Guidelines and Thresholds Manual. Best Management Practices, which include erection of temporary soundwall barriers, will be considered where project activity is unavoidably close to noise-sensitive receptors. Additionally, noise control features and plans shall be reviewed and approved by a noise control engineering professional. The mitigation measures described in Section 9.13.3.4 would not eliminate construction noise, but they would minimize the potential for significant impacts by eliminating the disturbance of noise at nighttime and by reducing major stationary noise sources during construction. The remaining construction noise effects would remain potentially significant, but would be mitigated to less than significant levels.

I-1-34

The comment refers to the summary for objective 2, which reads: “Achieve a long-term solution to the potential development of the existing Naples town site lots that would resolve pending litigation and future disputes over the potential development of the property between the landowners and the County.” The scope of project objectives was determined to be reasonable and appropriate given the applicants’ goals for the project and the considerations of the MOU. This is only one of six project objectives. The commenter’s opinions are included in the public record for consideration by decision-makers.

I-1-35

The comment refers to the summary for objective 3, which reads: “Achieve a comprehensive development concept for Naples that would afford the County the opportunity to control land use planning for the entire Naples town site that would not leave the County to address development at Naples on an ad hoc, fragmented basis.” Alternatives 3A and 3B would leave the County to address development on a fragmented basis, therefore not achieving this objective.

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I-1-36

Refer to response to comment I-1-35. Alternatives 2, 4, and 5 were considered as achieving most objectives because implementation of any of these alternatives would require the cooperation of the property owners and a potential economic return that would support the investment to achieve these alternatives' features, which is not certain.

I-1-37

The comment refers to the summary for objective 4, which is to “Maintain long-term continued agricultural use within the project site and on adjacent properties that is compatible with a low-density residential development on the Naples town site.”

Prime agricultural lands with class IIe soils are considered either important or prime agricultural lands by the County. The potential impacts of Alternative 2 related to agricultural resources would be equivalent to the potential impacts of the MOU Project, based on the considerations in Section 11.3.2.6, Agricultural Resources. When compared to Alternative 1, however, it is likely that Alternative 2 would have greater impacts on agricultural resources. Alternative 1 would be preferable from an agriculture perspective, since it would result in a more comprehensive and integrated agricultural program than the MOU Project or Alternative 2. Although both the MOU Project and Alternative 1 would result in increases in preserved agricultural land, when compared to the status quo, the Alternative 1 design preserves more prime agricultural land.

I-1-38

The RDEIR determines that continued agricultural uses are mostly met under Alternative 2 (see Table 11.8-1). Alternative 2 would remove a substantial area from within the current Williamson Act preserve, with no concrete proposal to replace it. In this respect, Alternative 2 may not be consistent with County and coastal policies regarding agricultural preservation and may not be acceptable to the California Department of Conservation.

I-1-39

The comment refers to the summary for objective 5, which is to “Allow residential development within the Naples town site that balances agricultural, open space, recreational, and residential uses consistent with the California Coastal Act, the CLUP, Comprehensive Plan and the MOU.” Alternative 2 fails to meet several project objectives related to agriculture, open space, recreation and residential for the reasons noted in responses to comments I-1-9, I-1-24, and I-1-26. Alternative 2 fails to meet several project objectives.

I-1-40

Refer to response to comment I-1-4. The RDEIR evaluates the environmental impacts of the proposed project, including any growth-inducing effects. Additionally, The commenter's

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Section 15.0 proposition regarding the County’s Urban Limit Line effectiveness for preventing sprawl is a matter outside the scope of CEQA.
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I-1-41

The RDEIR discusses the project objectives in the Executive Summary. In Section 11.8, Consistency of Alternatives with Project Objectives, the alternatives analysis assesses the ability of the proposed MOU Project and the alternatives under consideration to meet the project objectives. Additionally, the RDEIR considers the environmental impacts of each alternative, as compared with the MOU Project, for each environmental issue considered in Section 3 of the RDEIR. Under CEQA Guidelines section 15126.6(d), EIRs must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” Here, the RDEIR considers one proposed project – the MOU Project - and, pursuant to CEQA Guidelines section 15126.6(a), it also describes a reasonable range of alternatives to the MOU Project, including Alternative 1. There is no requirement in CEQA that the RDEIR compare Alternative 1 to Alternatives 2-5. Instead, the RDEIR appropriately provides information sufficient to allow Alternatives 1 through 5 to be compared with the MOU Project.

I-1-42

Section 11 compares potential environmental impacts of each alternative with the MOU Project. Section 11.8 discusses the consistency of alternatives with project objectives. In considering all of the environmental factors and project objectives Alternative 1 was identified as the environmentally superior alternative. As stated in Section 11.9, the current proposal for Alternative 1 incorporates several of the design changes identified as mitigation measures in the first Draft EIR, as well as some other aesthetic changes recommended by the Board of Architectural Review. Thus, the current configuration of the Alternative 1 design has moved significantly towards the environmentally superior alternative. It also meets the fundamental criteria of feasibility (unlike Alternative 2). Remaining changes that could be considered if a mechanism becomes available to reduce the number of developed lots further or if it is feasible to alter the physical design from this point include: deletion or lowering the elevation of the residences on lots 52A, 215, and 216. These changes would avoid any portion of the rooflines from these units extending into the sky. If the terms and implementation of the MOU can be maintained in this combination, then the advantages to resolving legal disputes, preserving agriculture, and providing a balanced approach to using and preserving coastal resources can be accomplished. Achieving this combination, perhaps through the mechanism of Alternative 6: TDR, would be the environmentally preferable alternative in the context of the existing lot pattern and the history of land use decisions at the Naples town site.

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Response to Roberta Reyes Cordero Letter I-2 Dated January 23, 2008

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I-2-1

The commenter states that previous Cultural Resource studies were inadequately conducted, and sites CA-SBA-78 and -79 were not evaluated for potential impacts. The commenter suggests the need for additional cultural resource studies. Please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144, Section 13.3.7, the Issue of Deferred Phase II Significance Testing, and Section 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, for a discussion of supplemental surveys conducted by URS.

I-2-2

The commenter states that evaluation studies conducted by Carbone do not consider the results from other cultural resource evaluation studies conducted in the project area. Please see General Responses 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144, and 13.3.2, Archaeological Resources – Efforts to Avoid Impacts.

I-2-3

The commenter states that a Phase II study cannot be deferred to the future. Please see General Response 13.3.7 for a discussion on the Issue of Deferred Phase II Significance Testing.

I-2-4

The commenter states that the RDEIR lacks new archaeological data and therefore comes to the same conclusions as the DEIR. In addition, The commenter states that mitigation measures to avoid impacts are inadequate. Please see General Responses 13.3.1, Resource Identification and Evaluation, and 13.3.2, Archaeological Resources-Efforts to Avoid Impacts.

I-2-5

The commenter states that the County of Santa Barbara criteria are immaterial to CEQA and cannot be the standard under CEQA. Please see General Response 13.3.5, Santa Barbara County Guidelines Are Not the Standard.

I-2-6

The commenter states that the provisions of SB-18 are not fully taken into account. Please see General Response 13.3.6, SB-18 and Ethnic Concerns.

I-2-7

The commenter suggests that a cultural conservation easement should be established. Please see General Response 13.3.6, SB-18 and Ethnic Concerns.

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Section 15.0 **Response to Sandy Lejeune Letter I-3 Dated January 23, 2008**

*Responses to
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I-3-1

This is an introduction to The commenter's background and provides no specific comment on the RDEIR.

I-3-2

The RDEIR discusses policy consistency in Sections 4.6.2 (MOU Project) and 10.6.2 (Alternative 1), Policies that are Closely Linked to Policy 2-13. Although the proposed project would result in conversion of some existing agriculturally designated land to residential uses not regarded as a priority use under the Coastal Act beyond the urban/rural boundary, it would be accomplished through implementation of Policy 2-13, which governs this site due to its unique history. Moreover, the proposed conversion of agricultural land to non-agricultural uses would occur in parallel with a program to preserve both prime and non-prime agricultural land through the Agricultural Conservation Easement (ACE) designation. Therefore, the proposed project is consistent with the intent of Coastal Act §30242 and CLUP Policy 8-2 because either configuration would both reduce the potential for agricultural land conversion, as compared to the potential build-out of the existing legal lots, and increase the amount of land that is to be kept in agricultural use in perpetuity. It would also introduce priority recreational and public access uses, and preserve environmentally sensitive habitats consistent with Policy 8-2.

I-3-3

The RDEIR addresses policy consistency with the County's Comprehensive Plan Land Use Element Regional Goals, addressing agricultural resources in Sections 4.13 (MOU Project) and 10.13 (Alternative 1), Policies Related to Agriculture. Consistency is found with all policies.

I-3-4

The RDEIR discusses conversion of existing agriculturally-designated land into rural residential uses in Sections 3.7.3.2, 3.7.3.3 (MOU Project), 9.7.4.2, and 9.7.4.3 (Alternative 1). Sections 4.13 and 10.13, Policies Related to Agriculture, address the project's consistency with the Comprehensive Plan Agricultural Element Policy II.D. While the proposed project would result in loss of existing agricultural lands, there would be an increase in the amount of agricultural lands preserved in perpetuity with the formation of a private Agricultural Conservation Easement (PACE) or ACE. Alternative 1 would concurrently cancel the Williamson Act contract, create a replacement contract, and create an ACE that would allow for a net increase in prime agricultural land under long term protection.

I-3-5

The RDEIR discusses impacts related to the loss of agricultural land in Sections 3.7.3.2, 3.7.3.3 (MOU Project), 9.7.4.2, and 9.7.4.3 (Alternative 1). Under the Alternative 1 design,

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approximately 63 acres of prime agricultural land within Williamson Act protection will be lost to development (AG-2). However, with the proposed creation of a new Williamson Act contract and ACE, Alternative 1 would result in a net increase in prime agricultural land protected by contract easement. Under the MOU Project approximately 1 acre of prime agricultural land will be lost to development (AG-2). This loss of 1 acre of prime agricultural land to development would be more than offset by the preservation of 24 acres of prime agricultural land within the proposed PACE.

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The MOU Project and Alternative 1 both result in less than significant impacts.

I-3-6

This comment requests the consideration of the loss of non-prime farmland in the RDEIR and states The commenter's disagreement with the policy consistency conclusions in the RDEIR. Please refer to responses to comments I-3-2 through I-3-5.

I-3-7

Please refer to responses to comments I-3-4 and I-3-5.

I-3-8

The comment repeats earlier stated claims; see response to comment I-3-4.

I-3-9

The RDEIR discusses the impacts to agricultural lands production resulting from land use conversion in Sections 3.7.3.2, Project Impacts (MOU Project), 3.7.3.3, Cumulative Impacts (MOU Project), and Section 9.7.4.2.4, Inland Area – Dos Pueblos Ranch Property (Alternative 1). The County Environmental Thresholds and Guidelines Manual states that a weighting system is provided to perform a preliminary screening of a project's agricultural impacts during the initial study process. The initial study screening looks at the value of a site's agricultural suitability and productivity, to determine whether the project's impact on loss or impairment of agricultural resources would be a potentially significant impact. These are guidelines, to be used with flexibility in application to specific sites, taking into account specific circumstances and specific agricultural uses.

Agricultural land conversion does not necessarily result in a Class I Impact. Concurrent with the Williamson Act contract cancellation and replacement contracts, Alternative 1 would place 2,634 acres of agricultural land on the combined DPR and SBR properties into a new ACE. A total of 87 percent of the original contracted lands, plus additional land on SBR and on DPR south of Highway 101, would be covered by the proposed ACE. These increases more than offset the reduction in total area and in area of prime agricultural land. As discussed above, the proposed ACE would require regulatory review and approval to ensure that appropriate management

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Section 15.0 policies and procedures are established, and the ACE would preserve agricultural land uses in perpetuity. See response to comment S-5-4.
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I-3-10

The RDEIR discusses the cumulative impacts to agricultural lands in Section 3.7.3.3 Cumulative Impacts, MOU Project Impact AG-3: Cumulative Conversion of Agriculturally Designated Lands to Non-agricultural Uses, which concludes that impacts are *potentially significant but subject to feasible mitigation (Class II)*. Section 4.6.2, Policies that are Closely Linked to Policy 2-13, discusses consistency of the MOU Project with CLUP Policy 8-2 and Coastal Act Policy 30242. Further, development within the proposed project area would be subject to the development standards of a new NPD land use designation and zoning ordinance, which is not applicable to other portions of the Gaviota Coast. The MOU Project would create and implement a new Naples Planned Development (NPD) land use designation and zone district that would be uniquely applicable to and recognize the special circumstances of the Naples Official Map area covered by Policy 2-13 of the Coastal Land Use Plan.

I-3-11

Impact AG-5: County Agricultural Suitability and Land Use Conflicts states that the potential for conflicts can be reduced through design and notification measures described in Mitigation Ag-2 Agricultural Fencing and Ag-3 Buyer Notification. In addition, the proposed NPD policy specifies the following language:

Policy 2-24 Development within the Naples Planned Development designation shall be compatible with the preservation of adjacent and adjoining agricultural lands through the establishment of conservation easements, buffer areas and similar measures that impede the conversion of agricultural lands elsewhere along the Gaviota coast.

Policy 2-27 Development within the Naples Planned Development designation shall provide for the continuation of agricultural uses in those areas best suited for existing agricultural activities and where such activities are compatible with both adjoining residential uses and identified habitat and open space enhancement/restoration areas.

The potential effect of the MOU Project on other Gaviota Coast properties is discussed in Section 5.5, Growth Inducing Effects.

I-3-12

The RDEIR discusses the criteria of prime agricultural land in Section 3.7.1 (MOU Project) and 9.7.1, (Alternative 1) Existing Conditions. The California Department of Conservation, California Farmland Mapping and Monitoring Program categories were utilized for Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. These four classifications were considered to be prime agricultural land. In addition, The Soil Conservation Service Class IIe soils were also considered prime agricultural lands,

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according to the County of Santa Barbara classification. In addition, Section 10.6.2, Policies that are Closely Linked to Policy 2-13, discusses consistency of the Alternative 1 configuration with CLUP Policy 8-2 and Coastal Act Policy 30242. Consistency with other policies related to agriculture is addressed in Section 10.13.

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I-3-13

The RDEIR discusses the net increase of protected agricultural lands in Section 9.7.1 Existing Conditions. The ACE proposed under Alternative 1 would cover 2,634 acres, including 87 percent of the original Williamson Act contracted properties. The ACE area would include 129 acres within SBR and 198 acres within DPR south of Highway Route 101 that are currently not under Williamson Act Contract. The ACE designation would result in a net gain of 68 acres preserved for agricultural use in perpetuity. The area of prime agricultural land preserved would increase from the current 517 acres in the existing Williamson Act contract to the proposed 596 acres within the new Williamson Act and/or ACE areas (an increase of 79 acres).

I-3-14

The RDEIR discusses the potential impacts to agricultural production in Section 9.7.4.2 (Alternative 1). Additionally, Table 9.7-4 presents a summary of agricultural suitability for various lots or areas within Alternative 1. In general, Alternative 1 provides an overall increase in average lot size and the opportunity for greater combination of agricultural operations through capital facilities and a single management. The effect of Alternative 1 on overall agricultural suitability of the area is considered a *potentially significant impact that can be mitigated (Class II)*.

I-3-15

The RDEIR describes the cancellation of a Williamson Act contract and creation of an ACE in Section 9.7.4.2, Project Impacts (Alternative 1). Concurrent with the Williamson Act contract cancellation and replacement contracts, Alternative 1 would place 2,634 acres of agricultural land on the combined DPR and SBR properties into a new ACE. A total of 87 percent of the original contracted lands, plus additional land on SBR and on DPR south of Highway 101, would be covered by the proposed ACE. This action would result in a net gain of 68 acres preserved for agricultural use, and a net gain of 79 acres of prime agricultural land within the ACE and replacement contract areas, as compared to the prime agricultural lands presently covered under Williamson Act contract. These increases more than offset the reduction in total area and in area of prime agricultural land.

Factors used to identify agricultural land include parcel size, adjacent land uses, water availability, Comprehensive Plan Designation, Agricultural Preserve Potential, existing land use, soil classification, agricultural suitability, combined farming, and operations. Soil type is just a single factor for determining viability of agricultural lands. In addition, Section 10.6.2, Policies that are Closely Linked to Policy 2-13, discusses consistency of the Alternative 1 configuration with CLUP Policy 8-2 and Coastal Act Policy 30242.

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The RDEIR discusses the impacts of losing existing prime agricultural lands in Section 9.7.4.2.4, Inland Area – Dos Pueblos Ranch Property (Alternative 1). Additionally consistency is found with the Coastal Act and Comprehensive plan in the policy analysis Section 4.6.2, Policies that are Closely Linked to Policy 2-13. The resulting agricultural lands shall be protected in perpetuity in an agricultural easement.

I-3-17

The RDEIR finds that potential agricultural and residential land use conflicts can be reduced through design and notification measures described in Mitigations Ag-2 and Ag-3 in Section 9.7.4.4, Mitigation Measures (Alternative 1). The effect of overall agricultural suitability of the area is considered a *potentially significant impact that can be mitigated (Class II)* for Alternative 1.

I-3-18

The FEIR has been modified in Sections 3.7.1 (MOU Project) and 9.7.1 (Alternative 1), Existing Conditions, and 3.7.3.3 (MOU Project) and 9.7.4.3 (Alternative 1), Cumulative Impacts, to reflect consistency in the acreage of impacts resulting from development.

I-3-19

The RDEIR addresses climate change in Sections 3.16 (MOU Project) and 9.16 (Alternative 1), Global Climate Change.

I-3-20

This comment number identifies the article attached entitled, “Eating Close to Home: the Global Implications of Preserving our Farms and Fisheries,” and is included in the record.

Response to Martha Sadler Letter I-4 Dated January 23, 2008

I-4-1

The RDEIR discusses public access north of Highway 101 in Sections 3.10.1.1.4 (MOU Project) and 9.10.1.1.4 (Alternative 1), Other Recreational Facilities.

Santa Barbara County proposes two trails adjacent to the MOU Project area in the officially adopted Parks Recreation & Trails (PRT) map (Santa Barbara County Comprehensive Plan, 1980). The Farren Trail is a proposed trail on the east side of the project area that leads north through private land, into the National Forest. Farren Road is located approximately 1.5 miles east of the MOU Project site north of Calle Real and parallel to Tecolote Canyon. The proposed trail would extend north from the existing road, into the Los Padres National Forest, and along Eagle Canyon to Condor Point. This proposed forest trail would be located as near as approximately one mile east of the proposed project area.

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The Las Varas Canyon Trail is the second proposed trail very near the project area; this trail is displayed on the PRT map as immediately adjacent to the west boundary of the proposed MOU Project area. This proposed trail leads north from Highway 101 along Las Varas Canyon. As the trail meets the Los Padres National Forest, it veers slightly west to merge with Gato Canyon, which leads to Cachuma Lake. At Cachuma Lake, this proposed trail would connect with the existing Sweetwater Trail that borders the southwest end of the lake.

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As proposed in Alternative 1, the Coast Trail (De Anza Trail) would exit the western boundary of the project area north of the highway. From this point, the existing right-of-way for Calle Real on the north side of the highway could be developed as a trail to connect to the Las Varas Canyon Trail (see the insert in Figure 9.10-1).

Response to Frank Arredondo Letter I-5 Dated January 23, 2008

I-5-1

The commenter states that cultural resources were not adequately identified and evaluated under CEQA standards and impacts and mitigation measures were not outlined. Please see General Response 13.3.1, Adequacy of Resource Identification and Evaluation, especially sub-Section 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144. See also General Response 13.3.3, Project-level EIR.

I-5-2

The commenter states that mitigation measures and impacts were not adequately addressed because they are based on incomplete identification and evaluation studies. Please see General Response 13.3.1, Adequacy of Resource Identification and Evaluation, especially Section 13.3.1.1, Historical Resource Identification and Evaluation – DPR and SBR. See General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts, and Section 13.3.4, Indirect Impacts and Avoidance. With these additional measures and changes, impacts are considered Class II.

I-5-3

The commenter states that historical resources were not properly identified and evaluated. In addition, The comment asserts that Santa Barbara County guidelines are immaterial the CEQA standards. Please see General Response 13.3.1, Adequacy of Resource Identification and Evaluation, especially Section 13.3.1.1, Historical Resource Identification and Evaluation – DPR and SBR. Please see General Response 13.3.5, Santa Barbara County Guidelines are not the Standard.

I-5-4

The commenter states that CA-SBA-77 has not been properly evaluated for eligibility into the California Register of Historic Resources. In addition The comment states that

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Section 15.0 Responses to Comments recommendations made by Carbone have not been included in the RDEIR. In response to site evaluations and eligibility for the California Register of Historic Resources (CRHR), please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144. Regarding SBA-77, please see responses to comments L-2-14 and L-2-15.

I-5-5

The commenter asserts that statements within ES-61, regarding Potential Disturbance of Unanticipated Human Remains, are incorrectly worded. Wording in the ES and Sections 3.11.3.3 and 9.11.3.3 has been changed to reflect The commenter's request to use the full text of Section 15064.5(e).

I-5-6

The commenter clarifies CEQA guidelines under Section 15064.5(e) regarding Native American consultation, and outlines statements within the RDEIR that need to be changed to properly reflect Section 15064.5(e). RDEIR Sections 3.11.3.3 and 9.11.3.3 have been revised to include provision for development of a cultural resources monitoring plan that would include detailed procedures that would be followed in the event of discovery of human remains. Those procedures would be developed through coordination and communication with the NAHC and local Native Americans, the project archaeologist, and the County.

Wording in the ES and RDEIR Sections 3.11.3.3 and 9.11.3.3 has been changed to reflect The commenter's request to use the full text of Section 15064.5(e).

I-5-7

The commenter asserts that the RDEIR falsely states ethnic concerns are addressed within Appendix F. The wording has been revised to accurately discuss ethnic impacts. Please also see General Response 13.3.6, SB-18 and Ethnic Concerns.

I-5-8

The comment identifies a lack of discussion on Ethnic concerns and Native American tribal consultation. Please see General Response 13.3.6 SB-18 and Ethnic Concerns.

I-5-9

The comment suggests the coastal access trail will directly impact CA-SBA-144 and states that potential impacts to CA-SBA-144 have not been addressed. No trail, road or any other proposed project element would run through SBA-144. The coastal access trail would be located approximately 200' east of the site and would not affect it. Moreover, construction of the trail would be monitored by archaeologists and Native Americans and any unanticipated discoveries would be identified and treated appropriately.

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I-5-10

This comment appears to refer to SBA-77 and asks for clarification of why Rogers' (1929) and Carbone's (2005b) description of the site's dimensions are so different. Roger's dimensions are based on surface inspection conducted in 1925 and he notes that during his work much of the site was dislodged by the 1925 earthquake and fell into the ocean (see RDEIR Section 3.11.1.1.3). Also, coastal bluff erosion and retreat have certainly reduced the site area to some degree since 1925. As a result of all these natural processes, even if Carbone's (2005b) dimensions are not accepted by all, site dimensions recorded in 1925 would be expected to be quite a bit larger than they are today.

The comment also questions how a population that apparently numbered up to 1,100 people living in 120 houses could have occupied such a small site as SBA-77. First, SBA-77 was once much larger and second, the population estimates and house counts would have included SBA-78 on the other side of the creek. That site was the larger village and today that site alone measures almost 28 acres in size and it, too, must have been much larger originally.

I-5-11

The commenter asserts that the RDEIR should have incorporated comments in regards to Cultural Resources made in connection with the original EIR. Regarding the need for additional survey and Native American participation, please see General Response 13.3.1.2, Archaeological Resources Identification and Evaluation – SBA-77, -78, -79, and -144, and Section 13.3.6, SB-18 and Ethnic Concerns.

Response to Cecelia Brown Letter I-6 Dated December 30, 2007

I-6-1

This comment requests the RDEIR's groundwater supply information be clarified. General Response 13.4 Water Supply provides the information requested. For a detailed summary of surface water availability, see Table 13.1. The Dos Pueblos creek water diversion permit was last updated in 1991; details of the license for diversion and use are found in General Response 13.4.3. The license does not explicitly address biological resources. The project (either the MOU Project or Alternative 1) represents such a small fraction of the watershed (less than 2 percent) that it will have no discernable effect on infiltration and the water supply.

I-6-2

This comment requests additional information about the Naples Water Company (NWC)—its history, operations and maintenance, infrastructure, and responsible parties.

General Response 13.4 contains a description of the physical improvements that constitute the water supply and delivery system on the Dos Pueblos Ranch. The system is owned and operated by the Schulte Trust (owner of Dos Pueblos Ranch). The NWC is a mutual water company

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formed by, and successor to the water operations of, the Morehart Land Company. The NWC has rights to a portion of the Dos Pueblos Ranch water supply under a separate contract with the Schulte Trust, and operates the treatment and delivery system for potable water to residences in the area, and for agricultural water to the Santa Barbara Ranch. The overall water system has been operated by property owners more or less continuously since 1947.

The water supply discussion in the Final EIR has been updated to describe the NWC sources of water more clearly. The NWC allotment of 200 afy is actually from the Central Coast Water Authority, of which NWC is a member. There are several different mechanisms with the State Water Project and CCWA to provide a drought buffer or supplies outside of a contracted allotment. These mechanisms serve to increase reliability of the supply system, but do not necessarily result in regular increases of water delivered.

The most recent SWP Reliability Report (2007) has been used to update the water supply discussion in the Final EIR. The probabilities of various delivery amounts have been estimated and are included in the discussion. Interruptions from catastrophic events, such as damage to the Tecolote Tunnel might affect water supply. The Dos Pueblos Ranch, however, has considerable storage capacity and the NWC agreement allows it access to a portion of the storage in the Lake Reservoir (Ranch Reservoir). The updated SWP Reliability Report addressed scenarios wherein additional water may be withheld for Delta smelt habitat, and also addresses uncertainties associated with global climate change.

The Ranch reservoir (Lake Reservoir) has been in existence since the mid-1940's, owned and operated by Dos Pueblos Ranch permitted by the State of California Division of Dam Safety. Spillway improvements were made at the dam in 2005 responding to a recent inspection and permit update to ensure the reservoir complies with all current standards. The reservoir was designed with two settling basins on the upstream edge functioning as siltation basin which minimizes siltation. The original permitted capacity was 300 acre-feet, but its capacity has been estimated at about 250 acre feet, allowing for siltation. As of 2007, it holds about 225 acre-feet. The 355 acre-feet cited in the comment was an editorial error in the draft EIR.

The fraction of its CCWA entitlement used by NWC is not related to use of SWP water by the Goleta Water District. Water consumption factors used in the EIR are described in the General Response in Section 13.4, and they include all existing customers of the NWC, full buildout domestic use, landscaping use, and agricultural use. The water consumption factor for potable water demand was supplied by the applicant, reviewed and compared with Goleta Water District's demand calculations and with other literature values, and then used in the RDEIR. See General Response 13.4 Water Supply.

I-6-3

This comment asks if the water treatment plant has any discharges. Potable water treatment plants involve filtering water, sometimes with the use of a coagulant material, and disinfection. Solids are typically collected as a sludge or slurry, stored in a tank, and periodically removed for

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disposal at a sewage treatment plant. Depending on the size of the storage tank, maintenance trips might occur at a frequency varying from once per week to about once per month.

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I-6-4

No historical records are available for the agricultural operations water demand, but estimates supplied by the applicant as part of their Water Supply Management are included in the General Response in Section 13.4. There may be some increases in agricultural water consumption, but these would be at least partially offset by re-use of treated wastewater.

I-6-5

The comment correctly cites from an earlier Fire Department letter suggesting that conditions related to verifying information on potential contamination be completed “prior to project approval.” The Planning and Development Department interprets the requirement as applying prior to permit issuance, as is the case with many similar Land Use Permits throughout the County.

The comment also indicates confusion about the RDEIR’s description of oil wells on or near the site, with references to both nine and five wells. Figure 9.5-1 illustrates two data sets, the nine known locations and plugged wells, while five DOGGR abandonment records (plugged wells) are known on or near site. None of these wells were oil production wells; they were all exploration wells. Potential hazards from these types of installations include improperly abandoned wells or boreholes, abandoned drilling mud sumps, and miscellaneous deposits of petroleum contaminated soil. It is not necessary to investigate these hazards completely, and to resolve them completely, within the EIR. The County, and other jurisdictions, routinely requires investigations and appropriate response or remediation measures to be completed prior to issuance of a permit.

I-6-6

This comment inquires about the California Coastal Commission review of the proposed ACE/Williamson Contract exchange, which is part of the Alternative 1 design. Only a very small portion of the 2,566 acre Williamson Act contract land extends into the Coastal Zone, and all of that portion would be retained in its existing condition, within the remainder parcel of Lot DP-11. It is therefore not clear that the ACE/Williamson Act contract exchange would meet the definition of “development” in the Coastal Act. The question must be referred to the Coastal Commission staff.

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Section 15.0 **Response to Cecelia Brown Letter I-7 Dated January 23, 2008**

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I-7-1

The comment requests that changes to the Final EIR from the RDEIR be made in underline/strikeout format for easier comprehension. The revisions to the Final EIR are included in redline strikeout as requested by The comment.

I-7-2

The comment expresses concern that Mitigation Measure Bio-4 would not be enforceable, and that impacts to biological resources would result from people bringing dogs to the beach despite the mitigation measure. The limitations on pets and beach access required by Mitigation Measures Bio-4 and Bio-9 would be incorporated into the CC&Rs for the proposed development. The Home Owners Association (HOA) would be required to provide funding for monitoring and enforcement of proposed measures, and the County would retain the authority to enforce these measures in the event that the HOA should decline or default in its responsibilities.

The comment also requests clarification of the public amenities to be provided under the MOU Project, specifically the presence or absence of a picnic area and a shower. As stated on page 2.0-12 of the RDEIR, the proposed project would include a shower at the public parking and trailhead area. With regard to picnic areas, no improved picnic areas are proposed. Impact Bio-6 identifies picnic areas as a cause of increased recreational use of the site because the project area would likely be attractive for this purpose despite the lack of formal or improved picnic areas.

I-7-3

The comment claims the effects of humans visiting the beach may result in impacts associated with increased trash, that the RDEIR fails to consider this impact, and that the impacts could result in possible abandonment of the beach by the seal population. The beach is currently visited by approximately 20-40 people daily, and this level of use has not lead to adverse impacts associated with trash. Although the proposed project would increase the level of recreational use during a portion of the year, significant trash-related impacts are not anticipated. The importance of proper trash disposal would be included among the items addressed by the resident information packages required by Mitigation Measure Bio-9. As described in Impact Bio-4 in the RDEIR, the project's impacts to the seal haul out area would be mitigated to a less than significant level, and impacts would not result in seals abandoning this area. For more information, please refer to General Response 13.5.2.

I-7-4

The comment states that mitigation measure Bio-4 would place a substantial economic burden on the entity responsible for monitoring and enforcement. For a response regarding this concern, please refer to the response to comment I-7-2.

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The comment also questions what is intended when Mitigation Measure Bio-4 states that the County could require additional beach closures with supporting biological information, and inquires as to whether a baseline study will be required to determine if adverse effects are occurring. No formal baseline studies are proposed to specifically accompany Mitigation Measure Bio-4. The County would instead rely on the mitigation monitoring requirements in the OSHMP to detect deficiencies in the effectiveness of mitigation. Additional beach closures could be required if the County identifies the need for additional protection of Naples Reef or the beach.

I-7-5

The comment states that the National Audubon Society's annual bird counts have revealed declines in many once-common species of songbirds, that habitat destruction and domestic cats are implicated as the causes for these declines, and that the RDEIR understates the effects of cats on native bird populations. Due to the low density of the proposed development (less than one dwelling per acre), and the large size of proposed development and landscaping envelopes, the impact of cats on native bird populations would be reduced compared to a typical subdivision. Nonetheless, mitigation measure Bio-9 would require residents to be educated regarding the impacts pets can have on native species, methods for avoiding these interactions, and measures to prevent pets from propagating and creating feral cats and dogs.

I-7-6

The comment states that the requirement in mitigation measure Bio-9 to educate residents annually about the prevention of wildlife mortality impacts should extend in perpetuity, and not expire five years after project approval. Mitigation Measure Bio-9 in the RDEIR has been updated to address this concern.

I-7-7

The comment states that it would be helpful if the information and language in the RDEIR, the OSHMP, and the Naples Zone District were reported consistently across the various documents. Due to the draft nature of the documents in question, it was difficult to coordinate the exact terms and language across all three documents at the time of the RDEIR's writing. However, the RDEIR contains requirements for the contents of the OSHMP, and any mitigation measures in the certified Final EIR would become conditions of approval for the proposed project. This common thread should ensure that there will be a greater level of continuity between these documents at the final stage.

I-7-8

The comment states that the standards for lighting in the Naples Planned Zone District should be repeated in the OSHMP since they are more stringent than what is written in the OSHMP, and cites this as another example of language that needs to be consistent between these documents. For a response to this comment, please refer to the response to comment I-7-7.

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The comment states that the OSHMP's statements regarding long-term monitoring and reporting are unclear, and that if not conducted in perpetuity, the document should explain how mitigation measures would be effective. The OSHMP included in Appendix G of the RDEIR was a draft document, and will undergo substantial revisions prior to approval by the County. Because the final OSHMP will conform to the provisions of the mitigation measures included in the Final EIR when it is certified, mitigation timing will be spelled out in detail in the final OSHMP.

Regarding the timing and effectiveness of mitigation measures, these criteria vary depending on the measure in question, and are described for each measure in the EIR. Some measures apply only to the construction timeframe (Bio-1b, for example), others have requirements for revegetation and subsequent maintenance and monitoring for a set period of time (the seven-year monitoring requirement in Bio-1a, for example), and still others require actions to be undertaken in perpetuity (seasonal closures of Naples Beach required by Bio-4, for example).

I-7-10

The comment states that the RDEIR indicates that the OSHMP contains a component to restore, preserve, and promote growth of native grasslands, but that no such language was included in the OSHMP. As stated in the responses to comments I-7-7 and I-7-9, the OSHMP is in draft form, and the final version will be required to conform to the provisions of the mitigation measures in the Final EIR when certified. Because mitigation measure Bio-1a contains provisions requiring avoidance and compensatory mitigation for impacts to grasslands, these components must be included in the final OSHMP.

I-7-11

The comment states that it is unclear what is meant by the statement that if no third party easement holder can be found, the County is ultimately responsible for enforcement. As stated in section 2.0 of the RDEIR, all areas of the project not designated as development envelope or PACE or shown as an access or utility service corridor would be dedicated as a perpetual Open Space Conservation Easement (OSCE) to a qualified non-profit land preservation organization. It is anticipated that the receiving organization would assume responsibility for enforcement of the project mitigation measures within the conservation easement areas. However, in the event that a land preservation organization willing and able to assume this responsibility cannot be identified, the County would be responsible for enforcement of the mitigation measures.

I-7-12

The comment states that due to the impacts of cats on native wildlife, the Naples Planned Development District section should contain some information about cats and the need to keep them indoors at all times. The RDEIR contains the requested information. The comment does not address the adequacy of the RDEIR, and no response is necessary.

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I-7-13

The comment states that the RDEIR should have used the County's maps instead of state information when determining potential impacts associated with the More Ranch Fault. For a response to this comment, please refer to the response to comment G-2-188.

I-7-14

The comment states that the RDEIR should have included decreases in the availability of State Water Project water due to the delta smelt decision in the water supply analysis. Also, The comment inquires about the extent of Naples Water Company's service area. For a response to this comment, please refer to General Response 13.4.6.

Response to Cecelia Brown Letter I-8 Dated January 23, 2008

I-8-1

The comment requests that the Final EIR discuss the impacts of climate change on the project's water supply from both the SWP and rainfall. The Update for State Water Project Reliability Report includes modified water supply volumes based on global climate impacts identified by the SWP; see General Response 13.4.7. Rainfall is not addressed in the RDEIR; the issue is addressed in the report cited above.

The RDEIR disuses the effects of climate change on bluff retreat in Sections 3.16.1.2 (MOU Project) and 9.16.1.2 (Alternative 1), which state that there is very little potential for coastal flooding, or a significant influence on tsunami or other wave hazards.

Response to Nathan Post Letter I-9 Dated January 18, 2008

I-9-1

The RDEIR describes in detail the history of the project site in Sections ES.3.2 (MOU Project), and ES.9.2 (Alternative 1), Official Map of Naples. The proposed project occupies a portion of the Naples town site originally recognized in 1888; subsequently various litigation between various land owners and the County has resulted in the proposed project.

The town site encompasses an area of 800 acres and is comprised of 274 legal lots under the Official Map of Naples. The Official Map was approved by the County Board of Supervisors on October 3, 1995, and filed for the record on December 19, 1995, in Book 99, at Pages 4 through 9 of Maps. The area occupied by SBR encompasses 219 Official Map lots, equal to roughly 80 percent of the entire Naples town site.

The MOU preserves the opportunity to control land use planning for Naples as opposed to a situation where individual lot owners could seek development permits for single family homes under the current "Grid" configuration of the Official Map. Under the MOU, the County

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Section 15.0 Responses to Comments retains the ability to reject the project. At the same time, the applicants retain the ability to terminate the MOU as well as the ability not to use the entitlements the County approves. If any of these scenarios occur, the applicants would still have 219 lots that potentially could be developed.

Please refer to General Response 13.1 for information on the Transfer of Development Rights Study.

I-9-2

This comment states that Bio Impact 22 discusses the loss of coastal and foothill habitats. Impact Bio-22 discusses the cumulative loss of coastal and foothill habitats, which is considered a *significant and unavoidable impact (Class I)*.

I-9-3

The RDEIR discusses the visual impacts of homes related to the visual character in Sections 3.9.4.3.1 (MOU Project) and 9.9.4.3.1 (Alternative 1), under Impact Vis-0: Change in Visual Character. Impact Vis-0 states that one of the major visual effects of the project will be to replace the existing sloping hillsides visible to the north of Highway 101 with a large lot residential development. This change in visual character is not dependent on any one view or KOP, but is anticipated as a broader perception by travelers on the highway, users of the trail system, or other visitors to the area. The visual character of the project, at least that which will be visible to the north of the highway, will be one of a planned residential development as opposed to a rural and agricultural landscape. For these reasons, in assessing the overall visual effect of the project, it is considered to have a significant and not mitigable (Class I impact) on the visual character of the landscape. This comment does not raise any new issues regarding the content of the document.

I-9-4

The RDEIR discusses the impacts of the beach access stairway on the Seal Haulout in Sections 3.4.4.2.3 (MOU Project) and 9.4.4.2.3 (Alternative 1) under Impact Bio-10: Effects of Increased Recreational Use on Seal Haul-out Area. The impact is considered significant, but feasibly mitigated. Mitigation Measure Bio-4 (included in Sections 3.4.4.4 [MOU Project] and 9.4.4.4 [Alternative 1]) would contribute to reduce impacts to less than significant levels. Information will be provided at the coastal access trail head and in the information kiosk, and through educational materials distributed to all residents, regarding the measures to protect the marine resources present at the nearby seal haul-out beach and at Naples Reef. The measures will include the prohibition of all dogs or other pets on the beach and closure of the beach access stairway from March through July (or other time period if determined appropriate by the County). This comment does not raise any new issues regarding the content of the document.

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I-9-5

The RDEIR discusses the agricultural suitability and residential land use potential impacts in Section 3.7.3.2, Project Impacts (MOU Project). Land use conflicts would be feasibly mitigated through the implementation of fencing requirements at the perimeter of residential development areas, and through implementation of the proposed PACE restrictions and a buyer notification program that would ensure that new residents are made aware of the continued agricultural production within the area. Buyer notifications are commonly used in rural residential areas and are generally effective in minimizing land use conflicts between agriculture and residential uses. Potential conflicts can be minimized and any reductions in productivity in some areas should be offset by the provision of additional agricultural support facilities, expansion of some orchard areas, and by the proposed combined management approach for most of the agricultural operations within the project area. Therefore, the potential impacts related to land use conflicts are considered *potentially significant but subject to feasible mitigation (Class II)*.

I-9-6

Section 3.7.3.3 of the RDEIR states that the cumulative impacts of agriculturally designated lands to non-agricultural uses are considered potentially significant and subject to feasible mitigation, not less than significant as The commenter suggests. In addition, the proposed project is not expected to set a precedent for future subdivisions with densities exceeding the density allowed by existing zoning and land use designations, as discussed in Section 3.6.6.2, under Impact Land-3: Cumulative Impacts: Long Term Changes in Land Use Patterns on the Gaviota Coast. As discussed in ES.3, Project Overview, the existing lots in the MOU Project area and associated regulatory framework are unique, and would have no influence on development in other areas within the Gaviota Coast.

I-9-7

The RDEIR finds that potential agricultural and residential land use conflicts can be reduced through design and notification measures described in Mitigation Measures Ag-2 and Ag-3 in Section 3.7.4.4 (MOU Project), Mitigation Measures. The effect of the MOU Project on the overall County agricultural suitability and on land use conflicts (Impact Ag-5) is considered a *potentially significant impact that can be mitigated (Class II)*.

I-9-8

The RDEIR is discusses the potential visual impacts of the beach access staircase in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. Visual impact severity is classified as moderate based on a low rating for view impairment, high rating for visual contrast, and moderate project dominance. Therefore, the potential impact to visual resources from the proposed public beach access stairway is considered *significant but feasibly mitigated (Class II)*.

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The RDEIR finds that the potential visual impacts of light and glare are rated as *significant but feasibly mitigable (Class II)*. Lighting design requirements can serve to minimize the contrast and intensity of lighting from the project. If streetlights obscure a view or are exceptionally bright they have the potential to create significant visual impacts; however, streetlights installed as part of the proposed project would be designed and located to not obscure any significant view. Additionally, any installed lighting would be shielded (full cutoff) such that the lamp itself or the lamp image is not directly visible beyond the area of illumination; therefore avoiding offsite glare, light spillover into adjacent properties, or upward illumination into the night sky.

I-9-10

The commenter refers to Impact Visual 13, under Section 3.9. An editorial error in Section 3.9.4.4 of the RDEIR, which has been corrected, identified two separate impacts as “Vis-12”; Vis-13 now refers to cumulative impacts.

The Gaviota Coast is characterized by open space, agriculture, agricultural support structures, limited industrial development, and limited residential development. Scenic views of the ocean, coastal mesas, foothills, and mountains are commonplace. The area is recognized by local, state, and federal resource agencies as an area of regional and national significance for its recreational and scenic resources, as well as its cultural, historic, and natural resources. Changes to this regional landscape would alter the experience of visitors to the south coast of Santa Barbara County. In particular, users of Highway 101 and recreational visitors to the three State Parks and private campground facilities, as well as day-use visitors at beaches and mountain hiking trails, would experience a change in the scenic landscape due to the gradual development of this region.

The extent of potential cumulative visual effects would be a function of the siting and design of individual projects and their consistency with this character. Thus, as a result of the total low-development potential of the region as well as implementation of the project’s mitigation measures, cumulative visual impacts are *potentially significant, but feasibly mitigated (Class II)*. It is because of the relatively low development potential of the remaining areas in the Gaviota Coast, when compared with that of the Naples town site, that individual project design reviews and the incorporation of appropriate siting, architectural, and landscaping measures can avoid a cumulatively significant visual impact. Please note that the change in visual character is addressed under Impact Vis-0, which is considered a significant and unavoidable impact of the MOU Project.

I-9-11

The comment refers to the Transfer of Development Rights cited in Policy 2-13, but does not provide comments on the RDEIR or its adequacy under CEQA. Please refer to the General Response found in Section 13.1, Transfer of Development Rights, for further information on the TDR Study.

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The comment also states that the proposed project would create neighborhood incompatibilities. This issue is addressed in response to comment I-9-5. Regarding the change in zoning, Policy 2-13 states that the land use designation for the proposed project area should be re-evaluated in the event that a TDR is evaluated and deemed infeasible, as detailed in Sections 3.6.2.2, 3.6.3, and 4.0. The March 2006 TDR Study and the September 2007 update of the TDR study, discussed in Section 3.6.2.2, conclude that a full extinguishment of development rights is not feasible. Based on this determination, Policy 2-13 provides for redesignation of land use such that the allowed density within the proposed project site would be re-evaluated and potential inconsistencies with applicable plans and regulations may be eliminated.

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I-9-12

The MOU Project does not propose 250 residential units. The MOU Project proposes 54 units. Although the numbers presented in the RDEIR discussion are only estimates, future residential development along the Gaviota Coast could amount to about 100 to 130 additional units (beyond the 54 single family residences proposed in the MOU Project).

The MOU Project would contribute roughly one third of the total number of residential units that may be built along the Gaviota Coast. The proposed MOU Project would not result in a significant cumulative impact because the potential total of 150 to 180 new homes in the entire Gaviota Coast area would not be a significant impact. The total number of homes is small and the development footprint would also be small relative to the 40,000 acres of the Southern Gaviota Coast.

In addition, the proposed MOU Project would not result in a significant cumulative impact for the following reasons: 1) it would represent a reduction of the total number of units when compared to the baseline condition (Grid Development or Alternative 3A); 2) it would not set a precedent for future subdivisions with higher densities than the densities allowed by land use designation and zoning; and 3) the potential total of 150 to 180 new homes in the entire Gaviota Coast area would not be a significant cumulative impact. Therefore, even though the proposed MOU Project would allow for construction of a substantial number of units, the cumulative effect of this project on the development pattern and conversion of land uses along the Gaviota Coast would be *less than significant (Class III)*.

Alternative 1 proposes 72 units, and therefore would not result in a significant cumulative impact for the following reasons: 1) it would represent a reduction of the total number of units when compared to the baseline condition (Grid Development or Alternative 3A); 2) it would not set a precedent for future subdivisions with higher densities than the densities allowed by land use designation and zoning; and 3) the potential total of 170 to 200 new homes (72 units from Alternative 1 plus 100 to 130 units for the remainder of the Gaviota Coast) in the entire Gaviota Coast area would not be a significant cumulative impact. Therefore, even though the proposed Alternative 1 configuration would allow for construction of a substantial number of units, the cumulative effect of this project on the development pattern and conversion of land uses along the Gaviota Coast would be *less than significant (Class III)*.

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The RDEIR discusses the visibility of homes from the ocean in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. The analysis of the project's visual effect related to the visibility of ridgelines is due to Comprehensive Plan Visual Resource Policy 2 and CLUP Policy 4-3, which relate to overall visual compatibility and to preventing the effect of structures being visible against the skyline above ridgelines. The viewshed analysis indicates that blufftop homes would not be visible from the beach or nearshore waters out to approximately 0.25 mile from the beach. Blufftop homes would be visible from recreational and commercial boaters located offshore at greater distances in most directions.

Response to Lee Heller Letter I-10 Dated December 31, 2008

I-10-1

This comment introduces the subsequent comments in this comment letter, and cites the CEQA Guidelines Section §15088 requirement for the lead agency to consider and respond to comments. This comment generally states that the RDEIR fails to adequately comply with CEQA requirements, which are detailed in subsequent comments.

I-10-2

This comment states that the RDEIR does not provide description and analysis of the Naples Planned Development District (NPD) which it creates, and which allows for annexation of adjoining parcels containing the Naples townsite lots.

See response to comment G-2-392.

I-10-3

The comment claims that the RDEIR lacks adequate description of the water supply. See General Response 13.4. The RDEIR discusses the existing creek water diversion in Sections 3.3.1.1.5 (MOU Project) and 9.3.1.1.5 (Alternative 1). For additional discussion of Dos Pueblos Creek diversion impacts see General Response 13.4.3 and 13.5.1.

I-10-4

As discussed in Sections 3.4.3.3 and 9.4.3.3, as well as Section C.2.2 in Appendix C of the RDEIR, Dos Pueblos Creek may have historically supported the southern steelhead; however, lower reaches of the watercourse now contain several barriers such that the creek, at least above Highway 101, does not support migrating steelhead. Further details regarding the southern steelhead are provided in response to comment F-1-3.

Please refer to response to comment F-2-16 for the project's potential impacts to the California red-legged frog.

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I-10-5

Please refer to responses to comments S-11-3, L-6-1 and G-2-213, which address the proposed sewage treatment plants and their operation.

I-10-6

This comment states that the RDEIR does not adequately delineate all wetlands on the project site, as required to ensure avoidance and protection. Details regarding the project's wetland delineation are provided in responses to comments S-2-50 through S-2-52. The RDEIR provides Mitigation Measure Bio-13, which requires a 100-foot buffer around Dos Pueblos Creek or its tributaries, Tomate Canada Creek, and the unnamed drainage along the eastern border of the project area north of Highway 101. The potential impacts to aquatic wildlife are considered *significant, but feasibly mitigated (Class II)* for both the MOU Project and Alternative 1.

I-10-7

Please refer to General Response 13.3, which addresses the Chumash villages on either side of Dos Pueblos Creek.

I-10-8

This comment states that the RDEIR does not provide an adequate baseline description of potential soil contamination or identify areas of high contamination within the project area such that the proposed homes may avoid such areas.

Please see responses to comments S-2-74 and G-2-18.

I-10-9

This comment generally states an opinion that the County's adopted thresholds for determining the significance of environmental impacts are not employed consistently in the RDEIR. The commenter's opinion is included in the public record for consideration by decision-makers.

I-10-10

This comment generally states that the RDEIR overlooks County policies, which trigger findings of significant impacts to habitats and rare species. The RDEIR include a policy consistency analysis in Sections 4.0 and 10.0, which find the MOU Project and Alternative 1 consistent with applicable policies. Additionally The commenter fails to provide the policies which it deems inconsistent, therefore no specific response is possible.

I-10-11

This comment claims that the RDEIR fails to sufficiently consider view impacts, and claims that existing views would be blocked by the proposed development. The RDEIR analyzes visual

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Section 15.0 Responses to Comments impacts of the MOU Project and Alternative 1 in Sections 3.9 and 9.9 subsequently; numerous KOPs that represent the changes to the existing condition are adequately analyzed. The comment does not provide any additional information which would clarify the analysis of impacts provided in the RDEIR.

I-10-12

As discussed in Section 15126.4 (a)(1)(B) of the California Environmental Quality Act, mitigation measures may specify performance standards which would mitigate the significant effect of the project. As a result, the project's prescribed mitigations are adequate to prevent significant impacts to the environment and public health, and do not represent a deferral of mitigation.

I-10-13

The comment claims that the RDIER fails to objectively compare the impacts of the various alternatives. The RDEIR's alternatives analysis in Section 11.0 includes discussion of each alternative in comparison with the MOU Project, and in some cases the impacts are also compared to Alternative 1. The comment does not provide any additional information which would clarify the analysis of impacts provided in the RDEIR.

The comment claims that the RDEIR Alternative analysis assumes feasibility to be linked to the applicant's desired profit. Please see response to comment G-7-5.

I-10-14

The comment claims that the environmentally superior alternative identified in the RDEIR would result in significantly more development, while only reducing impacts to the views from Highway 101 users. The specific reasoning for this argument, and a response, are presented in responses to comments S-2-6, S-6-16 and S-7-17.

I-10-15

This comment disagrees with the environmentally superior alternative conclusion of the RDEIR, please see response to comment I-10-14.

I-10-16

The comment claims that the RDEIR should have considered TDR in every project alternative, and not as an alternative in and of itself. Please see discussion of the application of the TDR program per project alternative in response to comment S-2-11.

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Response to Mark Kram Letter I-11 Dated December 22, 2008

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I-11-1

This comment introduces The commenter, The comments contained in the letter, and The commenter's biographical statement, which was attached to The comment letter.

I-11-2

As discussed in the Executive Summary of the RDEIR, following the receipt of public comments on the DEIR, the RDEIR was prepared in order to clarify certain project information and to refine the project analysis (14 CCR 15088.5). The best method concluded for responding to comments on the DEIR would be to revise and re-circulate the entire RDEIR document for public review, as opposed to only responding to individual comments or re-circulating portions of the DEIR. Because the RDEIR supersedes the DEIR, The comments received during the public comment period for the RDEIR will be The comments that will be addressed in writing in the FEIR. Written responses to comments the County received on the previous DEIR will not be included in the FEIR, as per 14 CCR 15088.5(f)(1).

I-11-3

This comment states that it is impossible to understand impacts from potential hazardous materials in the project area without intrusive characterization, and recommends that such activities be commenced immediately. Based on consultation with regulatory agencies, site reconnaissance, review of historical records, and review of a Phase 1 Environmental Site Assessment (ESA) performed by the applicant on the MOU Project area, the RDEIR identifies and characterizes potential hazardous materials and soil contamination that may in the project area. Such characterization is adequate to understand baseline conditions to the extent that potential impacts and appropriate mitigation measures may be identified, such that implementation of the proposed mitigation would result in less than significant impacts.

I-11-4

This comment states that the project defers impact analysis and mitigation by proposing to evaluate risks after the EIR is approved. The RDEIR evaluates existing conditions and analyzes potential hazards, including hazardous materials, using data acquired through consultation with regulatory agencies, site reconnaissance, review of historical records (which includes data from the Department of Conservation and the California Division of Oil, Gas, and Geothermal Resources [DOGGR]), and review of a Phase 1 ESA performed by the applicant on the MOU Project area.

The RDEIR provides impact analysis in Sections 3.5.4.2 and 9.5.4.2 based on knowledge and characterization of past activities in the project area. These impact analyses consist of: Impact HM-2, which identifies impacts from potential contaminated soil from oil well activities; and

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Section 15.0 Impact HM-3, which addresses potential contaminated soils from agricultural operations and past solid waste disposal practices.

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Mitigation Measures HM-2 through HM-6, and HM-8 in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR are proposed to reduce potential effects of these impacts to less than significant levels. As discussed in the RDEIR, compliance with the applicable mitigation measures require various approvals from the Santa Barbara County Fire Department (FPD), prior to issuance of any coastal development permit (CDP) or land use permit (LUP). In the event that remediation activities are required on specific development envelopes, the project would be required to remediate according to established residential cleanup standards as a condition of obtaining FPD approval. The residential cleanup standards represent performance standards that the project is required to uphold, and are enforced through the required FPD approvals. As discussed in Section 15126.4 (a)(1)(B) of the California Environmental Quality Act, mitigation measures may specify performance standards which would mitigate the significant effect of the project. As a result, the project's prescribed mitigations are adequate to prevent significant impacts to the environment and public health, and do not represent a deferral of mitigation.

I-11-5

The commenter is concerned that The comments from the DEIR and RDEIR would not be included in the EIR. As previously discussed in response to comment I-11-2, the County concluded that the best method for responding to comments on the DEIR would be to revise and re-circulate the entire RDEIR document for public review. Comments received for the RDEIR will be included, along with their associated responses, in the Final EIR.

I-11-6

This comment provides a re-introduction of The commenter and re-introduction of the nature of The comments contained in the letter.

I-11-7

This comment states that the project defers impact analysis and mitigation by proposing to evaluate risks after the EIR is approved. This comment has been previously addressed in response to comment I-11-4.

I-11-8

This comment states that the RDEIR fails to properly describe baseline conditions regarding potential soil and groundwater contamination, which would preclude the public from being able to comment on specific impacts, mitigation measures, and alternatives that may be required. This comment is a continuation of the issue presented in the previous comment, and has been addressed in responses to comments I-11-3 and I-11-4.

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I-11-9

The commenter is concerned that from the applicant's perspective, costs from potential remediation would render the proposed project economically non-viable. The contents and project area characterization in the RDEIR is public information that has been made available to the applicant. The economic viability of the proposed project is case-specific consideration outside of CEQA that is subject to the applicant's discretion. The commenter's opinion is included in the record for consideration by decision-makers.

This comment also states that the RDEIR fails to disclose the contamination type and extent, which would preclude assessment of the effectiveness of proposed mitigation measures at reducing impacts to less than significant. As discussed in responses to comments I-11-3 and I-11-4, the RDEIR does identify the type of potential contamination, provides measures that do not constitute deferral of mitigation, and would effectively reduce potential impacts to less than significant levels.

I-11-10

As described in response to comment I-11-4, potential remediation activities must comply with performance standards that have been established to protect the health of the public and the environment. Since potential remediation activities would have to be completed and approved prior to any construction on affected lots, future inhabitants would not be placed at risk of potential exposure to hazardous materials. As a result, this comment's statement that Alternative 1 places more future inhabitants at risk than Alternative 2 with respect to exposure to suspected oil well activities disregards the project's sequence of necessary activities and approvals prior to inhabitation, and therefore, provides an incorrect comparison of between the Alternative 1 and Alternative 2 scenarios.

I-11-11

This comment inquires whether recent intrusive investigations have been performed, and then questions the consistency between a statement on page 3.5-7 of the MOU Project regarding identified releases and the statement that no onsite investigations of hazardous releases have been conducted. This comment indicates a misunderstanding of the RDEIR discussion. The referenced discussion in Section 3.5.4.1 of the RDEIR states that "previous assessments in nearby locations have identified residual petroleum hydrocarbons..." which identifies residual petroleum hydrocarbons in the vicinity of the project area. The statement in Section 3.5.4.1 is consistent with the RDEIR identifying the need still for onsite intrusive investigation.

I-11-12

Additional site investigations have not been performed since the release of the initial DEIR. The commenter also recommends that intrusive efforts be performed. The RDEIR does recommend intrusive efforts where applicable, which are addressed in detail in Mitigation Measures HM-2 and HM-3, in Sections 3.5.4.4 and 9.5.4.4.

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This comment states that if any residual organic contamination has been identified, it is essential that an investigation to determine the potential for vapor intrusion, since the dwellings are proposed where known contaminants are likely disposed. The issue area of this comment has been addressed in response to comment I-11-4, which addresses the applicable residential cleanup standards required prior to issuance of CDP/LUP for any affected lots. In the event that remediation activities are required and subsequently completed, removal of potentially-occurring organic contamination would preclude the potential for vapor intrusion in the project development.

I-11-14

Responses to comments I-11-3 and I-11-4 address information about soil contamination, proposed investigations for potential contamination, and The commenter's assertions that the RDEIR defers assessment of the project area. Additionally, existing groundwater conditions in the project area as discussed in Sections 3.3.1.1.5 and 9.3.1.1.5 do not indicate petroleum-related contamination.

I-11-15

This comment states that a comprehensive hazardous waste assessment should be completed prior to release of any draft EIR, where all risks must be identified and effective mitigation measures identified and evaluated before the EIR can be certified and before any development can be approved. The commenter's reference to and description of a "comprehensive hazardous waste assessment" is characteristic of a Phase II ESA, which the project proposes in mitigations HM-2 and HM-3 in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR. The remaining portion of this comment is a restatement of several previous comments, and has been addressed in responses to comments I-11-3 and I-11-4.

I-11-16

This comment lists data that would be developed, where applicable, during the Phase II ESA for affected lots, which would be completed according to provisions set forth in Mitigation Measures HM-1 through HM-5 in Sections 3.5.4.4 and 9.5.4.4 in the RDEIR.

I-11-17

As discussed in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR, a risk assessment would be performed according to the conditions and schedule addressed in mitigations HM-2 and HM-3. Mitigations HM-2 and HM-3 also provide the appropriate framework coordination with the FPD.

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I-11-18

The RDEIR provides investigative measures for potential pesticide, herbicide, and waste pit contamination, as shown in Mitigation Measures HM-2 and HM-3, and HM-5 (Sections 3.5.4.4 and 9.5.4.4 of the RDEIR).

This comment also states that the RDEIR claims that active erosion is a reason for low to moderate risk associated with the waste pits. This is an incorrect statement. The RDEIR characterizes the potential for groundwater contamination to be low to moderate, based on review of historical and current site conditions. This text appears in Impact HM-3 in Sections 3.5.4.2 and 9.5.4.2 of the RDEIR. Additionally, the RDEIR provides information that is used to characterize the types of waste that would be reasonably expected to occur in the waste pits in Sections 3.5.2.3 and 9.5.2.3. The remainder of this comment is a restatement of comment I-11-4, which is addressed in response to comment I-11-4.

I-11-19

This comment is concerned that potential mitigation may require years or decades or millions of dollars. The feasibility of mitigation from the applicant's perspective has been addressed previously in response to comment I-11-9. As stated in further detail in response to comment S-2-74, the County of Santa Barbara has experience with remediation activities necessary to remove or remediate contamination from such activities. The project's evaluation of the project area and impact analysis has been previously addressed in response to comment I-11-4.

I-11-20

This comment restates that the project must conduct intrusive characterization prior to classifying impacts, which again, has been addressed in response to comment I-11-4.

I-11-21

This comment has been previously stated, and has been addressed in responses to comments I-11-3 and I-11-4.

I-11-22

This comment restates the previous comment I-11-10, which has been addressed in response to comment I-11-10. It follows that this comment's request for the County to prepare a new figure displaying the Alternative 1 and 2 development footprints to conduct a vicinity analysis and comparison is unnecessary.

I-11-23

This comment makes several inquires about the potential occurrence of hazardous materials related to the aboveground storage tanks used for fueling ranch vehicles and equipment. As

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provided in Sections 3.5.2.3 and 9.5.2.3, no spills or leaks are known to have occurred, based on the evaluation of data and information listed in response to comment I-11-4. In the event that potential contamination from a fuel tank is discovered, the project would follow applicable measures prescribed in HM-2 through HM-6, and HM-8, in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR. If applicable, the project would have to comply with RCRA requirements. However, since the project area is not a designated Superfund site, CERCLA is not applicable.

I-11-24

This comment has been addressed in responses to comments I-11-3, I-11-4, and I-11-23.

I-11-25

This comment references page 9.5-4 of the RDEIR, and asks what source of data is used to substantiate a statement. As indicated in Section 9.5.2.3, the RDEIR's statement that the potential for significant soil and/or groundwater contamination at this site regarding unregulated waste disposal is considered low to moderate is based on the data contained in the Phase I ESA (Russell Consulting, 2002).

I-11-26

This comment once again pertains to the assertion that intrusive investigations are required for potential impact assessment, which has been addressed in responses to comments I-11-3 and I-11-4.

I-11-27

This comment is an iteration of Comment I-11-4. While The comment references the CERCLA regulation appearing in the RDEIR's regulatory framework (Sections 3.5.3.1 and 9.5.3.1), The comment has been addressed previously in responses to comments I-11-3 and I-11-4.

I-11-28

This comment is another iteration of Comment I-11-4, which has been addressed in response to comment I-11-4. This comment also claims that the RDEIR does not disclose knowledge of hazardous releases. Characterization of the site and available knowledge of the site are made available to the public through the CEQA process (i.e., releases of draft EIR and final EIR). Additionally, the RDEIR provides a framework for assessing and removing contaminated and hazardous materials (mitigations HM-1 through HM-8 in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR) with proper agency coordination and approval protocol.

I-11-29

The commenter refers to real estate disclosure laws, and states that the community cannot afford to let a loophole regarding potential problems on a site be made available to the applicant in a

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circumstance where the County could later be named a defendant in a lawsuit. However, characterization of the site is available to the public through the CEQA process (i.e., releases of draft EIR and final EIR). Additionally, the RDEIR provides a framework for assessing and removing contaminated and hazardous materials (Mitigation Measures HM-1 through HM-8 in Sections 3.5.4.4 and 9.5.4.4 of the RDEIR) with proper agency coordination and approval protocol.

I-11-30

This comment is another version of Comment I-11-4, which has been addressed in response to comment I-11-4. The commenter expressed concern regarding the difficulty of remediating potential contamination remaining from exploration or production oil wells. Please see response to comment S-2-74.

I-11-31

This comment has been previously addressed in responses to comments I-11-3 and I-11-4.

I-11-32

The first part of this comment restates project information contained in Mitigation HM-6 in Sections 3.5.4.3 and 9.5.4.3 of the RDEIR. The commenter also recommends hiring practices for the County to follow during earthwork activities. The commenter's opinion will be taken into consideration by the decision-makers.

I-11-33

This comment is a restatement of the previously stated comments, and is addressed in response to comment I-11-4.

I-11-34

This comment is concerned with potential water shortages in the project area. Please refer to General Response 13.4, which addresses how the project's water supply is adequate, sustainable, would have no significant impact on agriculture, and would have no significant impact on seawater intrusion.

I-11-35

This comment suggests that the project be given a lower priority for receiving water allocations as a result of the project being developed in an area "far from centralized water resources and infrastructure, and without adequate long-term water supplies." The basis for this comment's suggestions is incorrect on both counts. The project would receive water through the Naples Water Company (NWC), which is an existing water company that currently serves the Santa Barbara Ranch property and the surrounding environs. Additionally, as described in General

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Section 15.0 Responses to Comments Response 13.4, the project would be expected to have adequate long-term supplies to support the development. As a result, The commenter's suggestion is appreciated but not necessary for consideration.

I-11-36

This comment is concerned with the project resulting in a significant leach field load. Conventional septic systems and leach fields would only be potentially used on a maximum of six (6) lots in the Alternative 1 configuration. As described in Mitigation Measure PS-4 (Section 9.15.3.4 of the RDEIR), the use of conventional septic systems would only be permitted with approval from the RWQCB, which would require demonstration that adequate leach field conditions exist in the project area.

I-11-37

This comment expresses a concern for potential occurrence of carcinogens in equestrian effluent. It is presumed that "equestrian effluent" refers to equestrian-related feces and urine waste. As discussed in Sections 3.3.3.4.3 and 9.3.3.4.3 of the RDEIR, the project proposes Mitigation WQ-1c for the preparation of an animal waste management plan and SWQMP to manage equestrian-related waste and runoff to less than significant levels.

I-11-38

This comment concludes the letter while providing The commenter's resume and bio-sketch. It is included in the public record.

Response to Steve Forsell Letter I-12 Dated December 22, 2007

I-12-1

This comment states a general support of Chumash comments regarding the project, but does not identify which comments it supports and does not raise any specific issues regarding the content of the document. As a result, no additional specific response can be provided. However, the reader is directed to General Response 13.3, Cultural Resources.

Response to Dr. Edo McGowan Letter I-13 Dated December 21, 2007

I-13-1

This comment states that the RDEIR has not adequately addressed the public health impacts related to antibiotic resistant pathogens contained within sewage and its byproducts. The comment further states that not including a discussion of this issue within the RDEIR would deprive the public and decision-makers of critical information necessary to consider the project's impacts.

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Dr. McGowan describes the data he has collected regarding tertiary treated and chlorinated reclaimed/recycled wastewater treated to Title 22 criteria levels. Sample data collected from effluent used to irrigate parks, golf courses and school playing fields indicated the presence of drug resistant and chlorine resistant pathogens. Some of this effluent was found to contain pathogens that in addition to being chlorine resistant, were resistant to 11 of 12 antibiotic challenges. Some of this same type of water was used to irrigate ground crops that are eaten raw such as strawberries, lettuce, broccoli, and spinach.

Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply, describe the proposed water supplies for the SBR property. One of the sources of water for the project is the re-use of treated wastewater to supplement irrigation water. Sanitary Waste Service for the SBR property is described in Sections 3.15.1.1.7 and 9.15.1.1.7, Sanitary Waste Service. The wastewater system for both the MOU Project and Alternative 1 will collect sewage from individual septic systems and transport it through a subsurface collection system of gravity pipelines, pumps, and force mains to a package treatment plant.

Prior to treatment, solids will be removed from the sewage either by individual septic systems and/or a trash trap located at the wastewater treatment plant. Solids will be retained in the individual septic tanks or at the wastewater treatment plant until removed by a qualified sludge removal company under contract to the SBR managing entity. Solids from the SBR will be then be permanently disposed of off-site according to State and Federal guidelines.

The particular wastewater treatment system originally proposed for the MOU Project and Alternative 1 is manufactured by Smith & Loveless, and is known as the Fixed Activated Sludge Treatment (FAST) System. This system, or equivalent or superior technology (see response to comment L-9-3 for additional discussion), would be utilized. Post treatment, the clarified effluent will meet standards for fecal chloroform, nitrogen, and total suspended solids (TSS) below required state and federal thresholds for disposal and will meet all requirements for Title 22 recycled water. The clarified effluent will be transported either to the sub-surface distribution pipeline and subsurface irrigation lines to agricultural orchards or to a subsurface 100,000-gallon treated wastewater effluent storage tank on Lot 138. Wastewater will be stored in the effluent storage tank for subsequent use as subsurface irrigation for orchards.

In all instances, the applicant's proposal identifies that agricultural irrigation of effluent will take place using subsurface irrigation lines. These lines are located within the soil vadose zone where available subsurface water is taken up by the roots of trees. The orchards consist primarily of avocados. Regardless of density, avocado orchards use approximately 4 acre feet per acre per year⁴ (0.082 gallons per square foot per day).

Section 9.3.3.2.2 (Alternative 1), Water Quality Impacts, gives the discharge rates for the three package wastewater treatment plants proposed for Alternative 1 stated as average daily flow and peak flow. Total average daily flow for the combined plants is estimated at 51,000 gpd (57 acre

⁴ An acre-foot is the amount of water needed to cover one acre area one foot deep. This is equivalent to 43,560 square feet or 748 gallons.

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Section 15.0 Responses to Comments feet per year [AFY]) and total peak flow at 102,000 gpd (102 AFY). Land application rates for the effluent are stated in the DEIR as being 0.1 gallon per square foot per day. This is much lower than the required 0.082 gallons per square foot per day irrigation rate required by avocado orchards. The avocado orchards would require supplemental water supplies during irrigation.

The 100,000- (133 AF-) gallon treated wastewater effluent storage tank on Lot 138 will be adequate to provide annual irrigation storage for approximately 33 acres of avocados using the application rate of 4 acre feet per acre per year. In an average year, the combined effluent flows from the wastewater treatment plants would be adequate to irrigate 11.7 acres of avocados using the same application rate. Sections 3.7.1 (MOU Project) and 9.7.1 (Alternative 1), Existing Conditions, state the amount of irrigated agriculture to be retained in the form of orchards. The minimum amount of orchard acreage would be retained by the MOU Project at 163 acres. If planted in avocados, this acreage would require 652 AFY of irrigation.

Based on the estimates of available recycled water for orchard irrigation, it is clear that the recycled water will provide only part of the water needed for irrigation of the avocado groves incorporated into the MOU Project and Alternative 1. In addition to absorption by roots within the vadose zone, the recycled water will therefore also be subject to dilution by the additional water needed for irrigation.

It is true that where undiluted recycled water is used for the irrigation of ground crops or landscaping, there is a possibility that antibiotic and/or chlorine resistant pathogens may come into contact with people with resulting impacts to human health. There may be direct skin contact with pooled irrigation water or sprinkler aerosols. Pathogens on skin can enter the body through wounds in the skin, hand to mouth contact or contact with the mucous membranes of the nose or eye. Aerosols from the spraying of irrigation water can be breathed in or absorbed by mucous membranes in the nose, eyes, and mouth. Pathogens can also be directly ingested by the consumption of ground crops such as strawberries which have been irrigated with effluent.

In the case of SBR, irrigation will take place entirely subsurface. Uptake of irrigation water by citrus and avocados has been highly studied and the standard irrigation rate (four acre feet per acre per year) maintains irrigation water within the vadose zone (California Avocado Council, 2008). The localized use of recycled water for irrigation coupled with the high rate of water uptake of the irrigated crops will result in a low rate of infiltration to subsurface groundwater. To reiterate, recycled water will not be used for above ground landscape irrigation.

Due to the nature of the use of recycled water within the MOU Project, human contact with effluent will be limited or non-existent. Limited contact with effluent aerosols may occur during routine operation and maintenance of the waste-water treatment system. However, this contact would be sporadic and limited based on the maintenance schedule. In addition, the contract employees retained to maintain the system will be required to comply with all the applicable health and safety requirements established by the contracting agency.

In summary, the existence of antibiotic and chlorine resistant pathogens is a legitimate concern in the use of recycled water. However, the project proposal to use recycled water in addition to

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current agricultural irrigation supplies for the sub-surface irrigation of orchard crops is highly unlikely to involve human contact. In addition to the sub-surface transport and irrigation of recycled water, substantial subsurface dilution will occur due to the need for supplemental irrigation water. The potential for impacts to human health from contact with resistant pathogens in recycled water used in the project area is less than significant. State Health Regulations are the guiding force regarding recycled water use and the project will be conditioned to comply.

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I-13-2

This comment elucidates the regulatory environment in regards to recycled water. A statement is made that Title 22 requirements for recycled water are not protective of public health. The comment further states that the recycled water will meet Title 22 but that EPA does not have sufficient data to make a determination that Title 22 is protective of human health. However, use of the recycled water in the project area is limited to subsurface irrigation of orchards. In addition, this subsurface irrigation will be subject to considerable dilution by additional irrigation water. As a result, use of recycled water in the project area will result in less than significant impacts to public health.

I-13-3

The commenter provides additional information and examples regarding the validity of pathogen data in effluent samples. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-4

The commenter provides additional information and examples regarding the validity of pathogen data in effluent samples. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-5

The commenter provides additional information and examples regarding validity of pathogen data in effluent samples. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-6

The commenter provides additional information regarding aquifers and current assumptions regarding separation distances from domestic water wells and septic field percolation areas. For the wastewater treatment plants in the MOU Project or Alternative 1, treated effluent will not be sent to a spreading ground but will be used for subsurface irrigation of avocado orchards. The

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Section 15.0 Responses to Comments recycled water will remain primarily in the vadose zone of the soil and percolation to subsurface aquifers will be highly limited and diluted. No domestic water wells will be impacted by the use of recycled water in the project area.

I-13-7

The comment states that in addition to potential pathogens, the recycled water may contain other genetic material or chemicals that would require further analysis. Also, The commenter suggests that there would be cumulative added impact to marine systems. Due to the subsurface application and dilution of the recycled water, there will be no significant impact to human health that would require additional analysis. The recycled water will be used only for subsurface irrigation and will be subject to significant dilution. As a result, stormwater runoff will not come into contact with recycled water. Sections 3.3.3.2.2 (MOU Project) and 9.3.3.2.2 (Alternative 1), Water Quality Impacts, state that pollutants in stormwater runoff from the MOU Project and Alternative 1 have the potential to impact water quality. Marine systems may be impacted by the discharge of poor quality stormwater to Dos Pueblos Creek or culverts discharging to the beach. However, as no recycled water will contact stormwater runoff, the use of recycled water has no potential to impact marine systems.

I-13-8

The comment compares the MOU Project to other aquaculture systems that have been impacted by sewage. The MOU Project will use recycled water for the sub-surface irrigation of avocado orchards. No antibiotics such as those used for aquaculture will be used for the agricultural operations at the MOU Project.

I-13-9

The comment includes a summary of a paper copyrighted by the American Chemical Society titled, “Antibiotic Resistance Genes as Emerging Contaminants: Studies in Northern Colorado”. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-10

The comment states that in 2002 the NAS/NRC called into question the U.S. EPA Part 503 guidelines for land application of sewage sludge (biosolids) specifically based on EPA’s failure to consider antibiotic resistance. The comment further criticizes the lack of action of the part of EPA to further investigate resistant pathogens. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

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I-13-11

The comment provides citations for papers pertaining to antibiotic resistance and sewage. However, The comment does not raise any additional issues regarding the content of the RDEIR.

I-13-12

The comment includes a summary of a study presented at the general meeting of the American Society for Microbiology. The study determined that substantial numbers of antibiotic-resistant bacteria were present in municipal waste-water. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-13

The comment further summarizes a study presented at the general meeting of the American Society for Microbiology. The study determined that substantial numbers of antibiotic-resistant bacteria were present in municipal waste-water. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in response to comment I-13-1.

I-13-14

The comment summarizes a study entitled: “Human Enteric Viruses in Groundwater from a Confined Bedrock Aquifer”. The study determined that substantial numbers of enteric viruses were present in domestic wells confined by an extensive shale aquitard. However, The comment does not raise any additional issues regarding the content of the document that have not been addressed in responses to comments I-13-1 and I-13-6.

Response to M. Lunsford Letter I-14 Dated December 10, 2007

I-14-1

The public review period was extended in order to provide the public with additional time to review and comment on the RDEIR and to review Sections 3.16 and 9.16 addressing Global Climate Change. The RDEIR complies with CEQA Guidelines Section 15105. The public had the opportunity to comment at the public hearing and to provide written comments for the duration of the public review period. Although CEQA encourages public participation as part of the environmental review process, CEQA Guidelines Section 15202(a) states that “CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication.”

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Section 15.0 I-14-2

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Section 2, Project Description – MOU Project, and Section 8, Description – Alternative 1, provide information regarding which lots have proposed guest houses. Guest house impacts were evaluated as part of the proposed project. Guest houses were taken into account in the traffic estimates. It is further noted that guest houses are not living units, they cannot have kitchens, and occupancy is limited to 120 days in a calendar year.

I-14-3

With regard to discouraging residential *density*, Policy 2-13 states that “*The existing town site of Naples is within a designated rural area and is remote from urban services. The County shall discourage residential development of existing lots. The County shall encourage and assist the property owner(s) in transferring development rights from the Naples town site to an appropriate site within a designated urban area which is suitable for residential development. If the County determines that transferring development rights is not feasible, the land use designation of AG-II-100 should be re-evaluated.*” Refer to response to comment I-14-2. Policy consistency for the MOU Project is included in Section 4.0 and for the Alternative 1 configuration in Section 10.0.

I-14-4

The RDEIR included a discussion of the State Water Project (SWP) and the reliability of deliveries of water from SWP in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1). For an updated discussion of the State Water Project supply analysis in the Draft Reliability Report, please see General Response 13.4.7, Update for State Water Project Reliability Report.

I-14-5

The comment states that if future residents of the MOU Project lived within the urban boundary, greenhouse emissions from vehicle travel would be lower. This statement is speculative, as a large amount of the population in Central and Southern California commutes to work and to school regardless of living within the urban boundary or not.

I-14-6

This comment is a statement that the Global Climate Change sections of the document recognize the lack of established standards and thresholds for impact evaluation and also mention the AB 32 requirements for such standards to be published by June 2008. No specific question is raised regarding the content of the RDEIR.

I-14-7

The RDEIR addresses the proposed project based upon the regulatory framework at the time that the application is deemed complete, which occurred in 2005. Policies adopted following

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completion of the application are not applicable to the proposed project. Therefore pending climate change requirements are not addressed in the RDEIR.

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Response to Susan Kelly Nakao Letter I-15 Dated December 10, 2007

I-15-1

The comment describes historical evidence regarding the important Dos Pueblos Chumash villages and describes the Chumash's hardship and loss of control over their lands as a result of European and American conquest and occupation. The comment notes that Chumash people are not restricted solely to the Santa Ynez Band but include a total of over 6,000 people. The comment does not specifically discuss the RDEIR, but the consultation regarding the RDEIR and the SB-18 process include Chumash from the Coastal Band as well as the Santa Ynez Band. Please see General Responses Section 13.3.6, SB-18 and Ethnic Concerns.

I-15-2

The transfer of Native American lands to Spanish, Mexican, and American powers without Chumash approval is far beyond the scope of the EIR to address. The comment stating that one man does not have the right to "downsize" village sites is probably a reference to Carbone's extended Phase 1 boundary definition at SBA-77. Carbone was hired to assess the size of what remained of the village based on where artifacts were found. Given that he was hired by the current landowner, he did have the right to report his findings.

I-15-3, I-15-4

These two related comments state that this project will result in the "taking" of human rights to protect their environment and also state that environmental protections in the EIR are generally weak, inadequate, vague, and lack accountability to the public good. However, the public review process required under CEQA is one way that California law protects the public's right to protect their environment and makes governmental actions accountable to the public.

The commenter does not offer specific examples of how measures are "weak, inadequate" and so on but cultural resources mitigation measures in RDEIR Sections 3.11.3.3 and 9.11.3.3 have been refined to be more specific in terms of avoidance and minimization of both direct and indirect impacts. The comment that the true cumulative impact needs to be the "reality presented, not the stages or steps that minimize the true scope of the project" is not specific enough to address here.

The commenter states that the "existing laws and regulations for Naples need to be honored" and that their intent is to preserve our resources. However, existing laws and regulations allow far greater residential development in the project area than proposed by either the MOU Project or Alternative 1 (please see RDEIR Section ES-3.2 for details).

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Section 15.0 Responses to Comments The rest of comment I-15-4 notes that cumulative development will change the character of the environment forever and lists reasons why The commenter opposes the development. For example, The commenter indicates the project represents a “taking” of the coast, including the “privatization of our oceans, watersheds, and even the air.” The commenter strongly prefers natural views instead of large homes and states that “rights” to that view will have been taken by “the government”. However, there is no further discussion of the content of the RDEIR to which a response would be possible.

I-15-5

The comment summarizes suggestions that for the most part seem possible only if there is no future development of the Gaviota Coast. The comment expresses a desire to 1) “expand and repatriate the village sites” instead of mitigation or downsizing of Chumash villages, 2) avoid environmental disturbance altogether, develop a comprehensive environmental monitoring system, and “share and protect our commons”, and 4) do the most we can to avoid impacting the environment through the use of sustainable water systems, energy systems, and agricultural practices. The comment asks “What is the carbon footprint of your project?” These suggestions and questions reflect a general opposition to development of the Gaviota coast and do not comment on the specifics of the RDEIR

Also see response to comment T-aa-12.

I-15-6

This comment reflects a general opposition to development of the Gaviota coast and does not address the specifics of the RDEIR

Response to Carrieraven E-mail I-16 Dated November 17, 2007

I-16-1

The RDEIR discusses the proposed projects impacts on the character of the Gaviota Coast in Sections 3.9.4.3.3 (MOU Project) and 9.9.4.3.3 (Alternative 1), Summary of Visual Impacts.

The overall effect of the MOU Project and Alternative 1 on the visual character of the landscape is discussed under Impact Vis-0 and is expected to be *significant and not mitigable (Class I)*. A combination of the number of units proposed, their visibility from Highway 101, and the uniformity and clear association between the residences due to their location and design, will transform the appearance and character of a major portion of the MOU Project area in a way that has not occurred elsewhere on the Gaviota Coast. No further response is needed.

I-16-2

The RDEIR discusses the marine terraces located on the south of Highway 101 in Sections 3.4.2.2.1 (MOU Project) and 9.4.2.2.1 (Alternative 1), Overview of Project Area Vegetation. The

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coastal terraces have been subjected to decades of intensive agricultural practices and livestock grazing. Consequently, the distribution, appearance, and species composition of existing vegetation types have been significantly altered from their original state. Yet, the eucalyptus windrows associated with the UPRR tracks on the coastal terrace south of Highway 101 and elsewhere north of the highway provide roosting and nesting sites for red-tailed hawks, turkey vultures, white-tailed kites, great horned owls, and other raptors. The project's potential impacts to special-status plant species due to development activities and vegetation thinning in coastal scrub and special status plants are considered *significant, but feasibly mitigated (Class II)*.

I-16-3

The RDEIR discusses the Highway 101 visual impacts in Sections 3.9.4.3.2 (MOU Project) and 9.9.4.3.2 (Alternative 1), Specific Visual Effects. The project is located two miles west of the City of Goleta's western boundary, which is considered the urban/rural boundary in this portion of the County. Most views into the MOU Project area from Highway 101 are obscured by windrows along the freeway, or blocked completely by cut banks. There are a few direct and open views into the property, however, and these are analyzed in detail in Sections 3.9 and 9.9, along with views from other key points on public trails or recreation areas.

I-16-4

The RDEIR discusses the existing and pending residential development on the Gaviota Coast in Sections 3.6.6.2 (MOU Project) and 9.6.6.2 (Alternative 1), Project Impacts, under Impact Land-3 Cumulative Impacts: Long Term Changes in Land Use Patterns on the Gaviota Coast. The proposed project would not result in a significant cumulative impact for the following reasons: 1) it would represent a reduction of the total number of units when compared to the baseline condition (Grid Development or Alternative 3A); 2) it would not set a precedent for future subdivisions with higher densities than the densities allowed by land use designation and zoning; and 3) the potential total of 150 to 180 new homes in the entire Gaviota Coast area would not be a significant cumulative impact. Therefore, even though the proposed project would allow for construction of a substantial number of units, the cumulative effect of this project on the development pattern and conversion of land uses along the Gaviota Coast would be *less than significant (Class III)*. The potential for the proposed project to induce growth is discussed in Section 5.5.

I-16-5

The RDEIR discusses Alternative 2 impacts in Section 11.3.1. Alternative 2 is less feasible because it requires the cooperation of two separate landowners, Vintage Properties for the SBR land and the Schulte family for the DPR land. The impacts under Alternative 2 that are greater than the MOU include geology and hydrology.

Additionally, Alternative 2 would remove a substantial area from a Williamson Act Contract, with no concrete proposal to replace it. In this respect, Alternative 2 may not be consistent with County and coastal policies regarding agricultural preservation and may not be acceptable to the

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Section 15.0 California Department of Conservation. Alternative 2 would not be consistent with the MOU, and for this reason is considered less supportive of the objectives overall than other alternatives.
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I-16-6

The RDEIR analyses prohibiting development on the bluffs and within the highway viewshed, implementation of TDR, and residential unit size limitations in Section 11.3.1, Description of Alternative 2. The suggested project modifications are analyzed under Alternative 2, therefore no additional change is necessary.

Response to Antonia Robertson and Laurence Dworet Letter I-17 Dated January 10, 2008

I-17-1

The RDEIR approach exceeds the analysis required under CEQA for the purpose of including extended discussion of each issue area. The RDEIR reviews not only the proposed MOU Project, but the Alternative 1 configuration at a project level of detail. CEQA Guidelines Section 15141 provides generalized advice regarding EIR length to lead agencies and does not preclude a lead agency from preparing an EIR that is of adequate length to address the complexities of a project and its potential environmental impacts. See *City of Fremont v. San Francisco Bay Area Rapid Transit District* (1995) 34 Cal.App.4th 1780, 1784: Court noted the advice in CEQA Guideline section 15141 regarding EIR length but upheld the adequacy of an EIR with a draft EIR of 800 pages and a Final EIR of more than 1,200 pages.

I-17-2

The RDEIR impact analysis was based on various biological resource studies and surveys as cited in Sections 3.4.2.1.2 (MOU Project) and 9.4.2.1.2 (Alternative 1), Field Methods and Vegetation Mapping.

Creek diversion is described and discussed in Sections 3.3.1.1.5 and 9.3.1.1.5, Groundwater Conditions. A diversion weir located in the upper reach of Dos Pueblos Creek connects with two pipelines, which feed the Lake Reservoir in the W3 watershed and provide part of the supply for the Naples Water Company. The actual amount of water that can be withdrawn from Dos Pueblos Creek depends on the amount of rainfall and water in the creek at any given time, but the minimum withdrawal rates are estimated to be between 251 and 296 (12.5 to 15 percent) acre feet per year of the average 2,000 acre feet per year flowing in the creek. Water withdrawals for domestic use and storage, as specified in the water diversion permit, will have little or no effect on surface water flows. Potential biological resources impacts resulting from water diversions are addressed in General Response 13.4 of this document. Since there will be no change to surface flows due to water diversion, no biological impacts resulting from the water diversion would occur as a result of the proposed project.

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The project would include a privately owned and operated package sewage treatment plant (STP), described in Sections 3.15 and 9.15. The STP would be adequately sized to accommodate the planned development, including the private residences, agricultural support facility, and public restroom facility. No special districts would be formed or expanded. No impacts of the sewage treatment plant on biological resources are expected. As detailed in response to comment L-9-3, the proposed treatment plant would have an emergency system to avoid spills in case of a power outage or problems with the system. Maintenance of the plant is also discussed in response to comment L-9-3. The increase in traffic resulting from maintenance is not substantial and, therefore, potential impacts to wildlife are among those addressed in Impact Bio-18.

Potential impacts to biological resources resulting from increased access to sensitive areas are addressed in Sections 3.4.24.2.2 and 9.4.4.2.2 under Impact Bio-6: Increased Beach Use and Effects on Naples Reef. Potential impacts to biological resources resulting from increased human proximity and contact are addressed in Sections 3.4.4.2.3 and 9.4.4.2.3 under Impact Bio-18: Wildlife Mortality.

I-17-3

The RDEIR analysis of policy consistency regarding agricultural land conversion is included in Sections 4.6.2 (MOU Project) and 10.6.2 (Alternative 1), Policies that are Closely Linked to Policy 2-13, as well as in Sections 4.13 and 10.13, Policies Related to Agriculture.

I-17-4

The comment states that the RDEIR fails to address Chumash concerns and comply with SB-18 consultation requirement. The County initiated and continues to carry on SB 18 consultation; however the consultation is outside of the scope of CEQA. See also General Responses 13.3 and 13.3.6.

I-17-5

The RDEIR addresses public access in Sections 3.10.1.1.4 (MOU Project) and 9.10.1.1.4 (Alternative 1), Other Recreational Facilities. The proposed project would improve public access to the Gaviota Coast by providing a public parking area, restrooms, trails, and vertical beach access. Access to this portion of the coast is presently limited due to its distance from other public trailheads and parking areas.

Open space easements have been identified for preservation of public access and use, habitat, maintaining existing wildlife corridors, and protection of threatened and endangered species. Open space easements are identified in Sections 2.4.2 and 8.4.2.

Under the MOU Project, the proposed NPD designation and implementing zoning ordinance would establish development standards that balance a higher density residential development (as compared to the present 100-acre requirement in the AG-II-100 zoning) with public access and

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Section 15.0 recreational opportunities, open space, and habitat preservation, while minimizing potential
Responses to impacts to surrounding agricultural lands.
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The Alternative 1 design contains substantial areas of open space and agricultural conservation easements. The NPD designation and Alternative 1 propose a combination of residential, open space, and agricultural components that would result in a conversion of some agricultural land to residential use, and a concurrent dedication of 2,634 acres of agricultural land in perpetuity through the creation of a new Agricultural Conservation Easement (ACE), increasing preservation compared with the existing Williamson Act contract (2,566 acres), which has a renewable term of 10 years.

I-17-6

The RDEIR discusses Alternative 2 Offsite DPR Alternative impacts in Section 11.3.1. Alternative 2 is less feasible because it requires the cooperation of two separate landowners, Vintage Properties for the SBR land and the Schulte family for the DPR land. The impacts under Alternative 2 that are greater than the MOU include geology and hydrology. Additionally, Alternative 2 would remove a substantial area from a Williamson Act Contract, with no concrete proposal to replace it. In this respect, Alternative 2 may not be consistent with County and coastal policies regarding agricultural preservation and may not be acceptable to the California Department of Conservation. Alternative 2 would not be consistent with the Memorandum of Understanding, and for this reason is considered less supportive of the objectives overall than other alternatives.

Please refer to General Response 13.1, Transfer of Development Rights.

Response to Vincent Armenta Letter I-18 Dated May 7, 2007

I-18-1

This comment summarizes the SB-18 process and does not address the content of the RDEIR. See General Response 13.3.6 SB-18 and Ethnic Concerns.

I-18-2

This comment summarizes the project as described in the DEIR and indicates that it doesn't seem to address Dos Pueblos Ranch (i.e., Alternative 1). Please see FEIR Section 9.11 for a detailed discussion of Alternative 1 and the cultural resources on Dos Pueblos Ranch.

I-18-3

Please see General Response 13.3.1.2 Archaeological resources Identification and Evaluation – SBA-77, -78, -79 and -144 for a discussion of each site. Mitigation measures to greatly avoid and reduce impacts to Mikiw and SBA-79 have been identified and agreed to by the applicant. See FEIR Section 9.11.3.2 and 9.11.3.3.

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I-18-4, I-18-5

Mitigation measures for both Dos Pueblos ranch and Santa Barbara Ranch recommend Native American and archaeological monitoring for ALL ground disturbance that would take place during construction regardless of location. These measures were in RDEIR Sections 3.11.3.2 and 9.11.3.2.

I-18-6

This comment provides descriptive information regarding the important Dos Pueblos village. No comment is made about the RDEIR.

I-18-7

The sites certainly do exist even though they have been adversely affected by agriculture, artifact collectors in the 1800s, and other sources of impact. Nonetheless, these are unique archaeological resources considered eligible for listing in the California Register of Historical Resources. Please see General Response 13.3.1.2 Archaeological resources Identification and Evaluation – SBA-77, -78, -79 and -144 for a discussion of each site. Mitigation measures to greatly avoid and reduce impacts to Mikiw and SBA-79 have been identified and agreed to by the applicant. See FEIR Section 9.11.3.2 and 9.11.3.3.

I-18-8

The comment is correct in that the copy of Carbone’s testing report on file at URS Corporation does not seem to include a map of new site boundaries.

I-18-9

The 10-15 meter transect is a reasonably well accepted transect interval and, with respect to the commenter, actually is well suited to locate most archaeological sites.

I-18-10

Due to the archaeological sensitivity of the area, all ground disturbance will be closely monitored as the commenter requests. Dos Pueblos Ranch has been well investigated and many refined mitigation measures have been identified that will avoid and greatly reduce impacts. Please see 9.11.3.2 and 9.11.3.3.

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Section 15.0 **15.7 RESPONSES TO COMMENTS FROM TRANSCRIPT**

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Response to Comments Made at Public Meeting on December 10, 2007

T-aa, Susan Kelley Nakao

This portion of the transcript represents a reading of Ms. Nakao's letter (I-15), although the letter had a general closing that did not address the contents of the RDEIR. Therefore, please refer to responses to comments I-15-1 through I-15-5.

T-aa-1

See response to comment I-15-1.

T-aa-2

Please see response to comment I-15-2.

T-aa-3

Please see response to comment I-15-3.

T-aa-4

Please see response to comment I-15-4.

T-aa-5

Please see response to comment I-15-5.

T-ab, Mark Lundford

T-ab-1

For discussion of the RDEIR's availability to the public for review and understanding, see response to comment I-14-1.

T-ab-2

See responses to comments I-14-2 and I-14-3.

T-ab-3

See responses to comments I-14-6 and I-14-7.

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T-ab-4

See General Response 13.4.2, Available Water.

T-ab-5

See response to comment I-14-5.

T-ac, Shamus Collins

T-ac-1

The degree of public interest shown in the project is included in the public record for consideration by decision makers. Also see response to comment G-9-9.

T-ac-2

Currently, site and beach access are both achieved by trespassing through private properties. The proposed project includes access to the beach, site improvements for public parking, and interpretive kiosks as described in Sections 2.4.4 (MOU Project) and 8.4.4 (Alternative 1), Public Access, Trails, and Recreation.

T-A, Marcus Lopez

The following responses address comments made by Marcus Lopez, a member of the Chumash Council. His comments primarily are concerned with SB18 and Native American Consultation, and the protection of and consideration of spiritual or sacred lands to the Chumash.

T-A-1

The commenter states that CEQA's recommendations for evaluating impacts apply only to empirical evidence; therefore, The commenter suggests that Native American concerns, such as the identification of and impacts to cultural places, are neglected. Sections 3.11.3.2.3 and 9.11.3.2.3 Native American Heritage Concerns have been added to the EIR. For additional discussion on Ethnic Concerns, please see General Response 13.3.6.

The RDEIR identifies requirements of Public Resources Code 5097.9 in Sections 3.11.2.2 (MOU Project) and 9.11.2.2 (Alternative 1), CEQA, Public Resources Code §15064.5. This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

T-A-2, T-A-3

The commenter discusses definitions of a cultural place in terms of sites listed in or eligible for listing in the California Register but does not address the EIR. However, the RDEIR did address the project's effects on such resources.

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This comment indicates that SB18 expands the focus of the (CEQA) process to include traditional tribal cultural places and defines a cultural place as a landscape feature, a site, or cultural resources with a relationship to a tribe or is an historic or archaeological site of significance or potential significance. The commenter asserts this is different than described in the EIR, but does not identify the difference.

The commenter's discussion of a cultural place refers to the California Tribal Consultation Guidelines' definition of "cultural places." These Guidelines do not apply to or govern review under CEQA, but instead concern the implementation of Senate Bill 18 ("SB18"), a statute that requires consultation by local agencies with Native American tribes under specific circumstances. SB18 consultation and CEQA processes are legally separate.

The stated goal of SB18 consultation is to preserve or mitigate impact to cultural places.

There is no provision in SB18 requiring any action by a local government beyond compliance with its noticing and consultation requirements. (Govt. Code §§ 65352.3, 65352.4.)

T-A-5, T-A-6, T-A-7

These comments describe The commenter's understanding of the SB18 process and its goals, and indicate that the EIR does not describe the SB18 process in the same language. Please see General Response 13.3.6, SB18 and Ethnic Concerns, and RDEIR Sections 3.11.2.1 and 9.11.2.1.

T-A-8

The commenter asserts that the dates and details of consultations with the Santa Ynez and Coastal Chumash are not included in the RDEIR. Please see General Response 13.3.6, SB18 and Ethnic Concerns.

T-A-9

The commenter suggests a particular group of Chumash representatives were not participants in the consultation process. The transcriber failed to document this particular group name; therefore this comment cannot be directly addressed. For a discussion on the SB18 process and Ethic Concerns, please see General Response 13.3.6.

T-A-10

This comment appears to be reintroducing the concept that archaeological methods focus on empirical evidence, which does not take into consideration Chumash cultural place concerns. Although this comment does not provide details on these concerns, such concerns were clarified in April 2008 when Native American representatives, County representatives, and landowner representatives visited SBA-77, -78, and -79. At that time, it was expressed that, among other

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things, areas within or immediately adjacent to these sites are still considered culturally significant even though they may lack archaeological deposits or have been disturbed. The importance of these sites has led to a much greater effort to avoid and minimize impacts, through relocation of developments, reducing the size of development envelopes, use of construction techniques that reduce ground disturbance, capping the site deposits, and other measures that would reduce direct and indirect impacts. Please see the revised project description for Alternative 1 (FEIR Section 8.0; General Response 13.3.2, Archaeological Resources – Efforts to Avoid Impacts; General Response 13.3.4, Indirect Impacts and Avoidance; and corresponding changes in RDEIR Sections 3.11.3.2, 3.11.3.3, 9.11.3.2, and 9.11.3.3.

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T-A-11

The commenter is incorrect in his claim that SB18 and CEQA are related processes. SB18 consultation is a separate consultation and assessment process that occurs outside of the CEQA process, and does not alter the assessment contained within the CEQA document.

T-A-12

The commenter is incorrect in his claim that SB18 process can create physical impacts to the project. The SB18 consultation process, as well as subsequent outcomes of consultation processes, will not result in new physical impacts to the project area.

Please see General Responses section 13.3.6, SB18 and Ethnic Concerns.

T-A-13

The commenter's claims are incorrect; the Native American Chumash have been participating in SB18 consultation with the County of Santa Barbara. Please see General Response 13.3.6, SB18 and Ethnic Concerns.

T-A-14

This comment provides no new information, and no additional response is necessary.

T-A-15

The current SB18 consultation process includes Native American Tribes (Santa Ynez Band of Chumash Indians, Coastal Chumash, and other interested individuals) in support of modifications to the CLUP and Comprehensive Plan amendments.

T-A-16

The commenter reiterates that SB18 incorporates the protection of tribal cultural places into land use planning.

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Section 15.0 **T-A-17**

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The commenter mentions California Administrative Code, Title 14 and the relationship between California Parks and Recreation and paleoanthropological research. The commenter states these details are not included in the RDEIR. It is not clear what details The commenter is referring to because Title 14 discusses of variety of issues concerning Natural Resources.

The California Administrative Code Title 14, as administered by Parks and Recreation addresses prehistoric and historic resources in §15064.5-Determining the Significance of Impacts to Archaeological and Historical Resources. Guidelines of 14 CCR §15064.5 were implemented in the cultural resource evaluation process.

T-A-18

The commenter is incorrect in asserting that the California Coastal Commission will be issuing a Coastal Development Permit for the MOU Project or Alternative 1.

For the Coastal Zone areas, any approvals by the County prior to the Coastal Commission certification of the Local Coastal Plan (LCP) amendment and zone change (discussed below) is contingent upon approval by the Coastal Commission.

T-A-19

See response to comment T-A-8.

T-A-20

This comment provides no new information, and no additional response is necessary.

T-A-21

The EIR takes Native American concerns into consideration with the organization of the Cultural Resources section. This comment provides no new information, and no additional response is necessary.

T-B, Roberta Cordera

The following responses address comments regarding the adequacy of site identification and evaluation, site impacts and mitigation measures, and Native American consultation.

T-B-1

The commenter addresses herself. This comment provides no new information, and no additional response is necessary.

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T-B-2

The commenter, a member of Coastal Band and Chumash Nations, acknowledged the current and ongoing SB18 consultation with Mr. Figg, Santa Barbara County Project Manager. This comment provides no new information, and no additional response is necessary.

T-B-3

The commenter is dismayed that comments made in response to the former draft EIR will not be included in the Final EIR.

The comments in response to the former draft EIR have been taken into consideration with the Final EIR. Under CEQA Guidelines Section §15088.5(f)(1) a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the DEIR has been revised and the entire document has been recirculated. The EIR has demonstrated compliance with all provisions of Section §15088.5(f)(1).

T-B-4

The commenter claims that the existing cultural resources studies are inadequate.

Please see General Responses Section 13.3.1 through 13.3.1.2.2 for a discussion of the Adequacy of Resource Identification and Evaluation, and General Responses Section 13.3.2.

T-B-5

The commenter states that the URS report does not introduce any new archeological studies or reports since the three Carbone reports.

The FEIR incorporates previous archaeological studies by King and Gamble (1979) and Haley et al. (1979), among others, and Nye's (2005) historic survey and EDAW's (2008) cultural landscape study. Please see response to comment T-B-5.

T-B-6

Please see General Responses section 13.3.1.2 and all subsections for Archaeological Resources Identification and Evaluation—SBA-77, -78, -79, and -144, and Section 13.3.2, Archaeological Resources – Efforts to Avoid Impacts.

T-B-7

Please see response to comment T-B-4, and Sections 3.11.1.1.6 (MOU Project) and 9.11.1.1.6 (Alternative 1) of the RDEIR.

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Please see General Responses Section 13.3.1.2 in regards to the Site Identification and Evaluation of *Mikin*, CA-SBA-78, and Section 13.3.2 for a discussion on supplemental surveys conducted by URS.

T-B-9

The commenter states that the County of Santa Barbara historical criteria are not the standard and are immaterial to CEQA.

Please see General Responses Section 13.3.5-Cultural Resources; Santa Barbara Guidelines are not the Standard.

T-B-10

The commenter addresses the County of Santa Barbara guidelines' consistency with CEQA.

Please see response to comment T-B-9.

T-B-11

The commenter questions sufficiency of mitigation measures.

Please see response to comment T-B-4, and General Responses Section 13.3.2 through 13.3.4, which address Impact Avoidance.

T-B-12

The commenter questions deferral of Phase II as a mitigation measure.

Please see General Response 13.3.7 for a discussion on The Issue of Deferred Phase II Significance Testing.

T-B-13

The commenter states that resource avoidance and alternatives to the project have not been developed as mitigation measures.

Please see General Responses Sections 13.3.2 through 13.3.4 including all subsections, for discussions on Impact Avoidance and Addressing Indirect Impacts.

T-B-14

The commenter is incorrect. SB18 consultation has been initiated by the County of Santa Barbara; see Sections 3.11.2.1 (MOU Project) and 9.11.2.1 (Alternative 1), Senate Bill 18, of the RDEIR.

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Please see response to comment T-B-11, and General Responses Section 13.3.6 for a discussion on SB18 and Ethnic Concerns.

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T-B-15

The commenter states that Tribal consultations are not complete.

Please see General Responses section 13.3.6 for a discussion of the ongoing SB18 process and Ethnic Concerns.

T-B-16

The commenter states that as a Chumash representative, they (Chumash) have cultural, spiritual, and ceremonial concerns, and suggests the establishment of a cultural conservation easement. In response to cultural concerns, please see response to comment T-B-15.

It is acknowledged that the project area includes archaeology sites with a high level of cultural importance. SB18 Consultations with Native American representatives have been initiated to discuss matters involving land use changes, including General Plan Amendments, in order to identify sacred sites or areas with religious or ceremonial importance. The sites are not officially listed in the Native American Heritage Commissions records of Sacred Lands, and have been in private ownership for over a hundred years precluding ceremonial or religious use of the sites. According to Public Resource Code Section §5097.9, the County cannot require access to private property. The Cultural Resource section of the RDEIR has been revised to include measures to avoid and reduce impacts to sites. For a discussion on Impact Avoidance Measures, please see General Responses 13.3.2, Archaeological Resources – Efforts to Avoid Impacts and 13.3.4-Indirect Impacts and Avoidance.

T-B-17

SB18 tribal consultations are an ongoing process. The commenter is incorrect in her claim that SB18 and CEQA are related processes, therefore the EIR can continue to move forward prior to completion of SB18 consultation. SB18 consultation is a separate consultation and assessment process that occurs outside of the CEQA process, and does not alter the assessment contained within the CEQA document.

T-C, John Parona

T-C-1 and T-C-2

The RDEIR discusses the impacts resulting from Climate Change on State Water Supply in Sections 3.16.1.3 (MOU Project), and 9.16.1.3 (Alternative 1), Effect of Global Climate Change on Water Supply.

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Section 15.0 Responses to Comments The proposed development (MOU Project and Alternative 1) have access through the Naples Water Company (NWC) to State Water amounting to a maximum of 220 AFY (including the drought buffer). The Central Coast Water Authority (CCWA) indicates that approximately 80 percent of the State Water Project allotment can be reliably delivered over a long term. This amount can be increased through banking of the drought allotment, purchase of water from the “turnback pool,” or other mechanisms.

T-C-3

The RDEIR includes a discussion of Climate Change in Sections 3.16 (MOU Project) and 9.16 (Alternative 1), Global Climate Change.

T-C-4 and T-C-5

The RDEIR addresses the variables in climate changes impacts to State Water in Sections 3.16.1.3 (MOU Project) and 9.16.1.3 (Alternative 1), Effect of Global Climate Change on Water Supply.

“In July 2006 DWR released a report entitled Progress on Incorporating Climate Change into Management of California’s Water Resources (Anderson et al., 2006), which is the first in a series of biennial reports on the effect of climate change on State Water resources. The Climate Report models produced varying results regarding the State Water Project’s ability to deliver water to various water contractors around the state, including the Central Coast Water Authority (CCWA) that provides water to the Naples Water Company (NWC) serving the project area. The results ranged from a net one percent increase in water supplies to a net reduction of approximately 10 percent.”

T-C-6

The RDEIR described water supply in details in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply. Water supply to the SBR property will include the following sources: 1) possibly part of the Dos Pueblos Creek diversion permit allotment, 2) the State Water Project allotment contracted to the NWC, 3) continued use of groundwater to irrigate agricultural land on the DPR, and 4) reuse of treated wastewater to supplement irrigation water.

The following actions are planned to be taken during (drought) years when availability of State Water exceeds project participants’ demand, project participants can store drought buffer (and unused entitlement allocations) either directly into a groundwater basin or on an in-lieu basis (i.e., by taking delivery of drought buffer and reducing groundwater pumping by an equal amount). CCWA estimates that on a long-term average basis, this results in the equivalent of 80 percent delivery of full annual entitlement. Also see General Response 13.4, Water Supply.

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T-C-7

The commenter mentions climate change information available in IPCC reports; the RDIER climate change analysis relies on the DWR Climate Report. See response to comment T-C-8.

T-C-8

The RDEIR discusses the reductions of rainfall by incorporating the findings of the 2006 DWR report entitled *Progress on Incorporating Climate Change into Management of California's Water Resources* (Climate Report), which is the first in a series of biennial reports on the effect of climate change on State Water resources. Additional impacts to water supply are in Sections 3.15.1.1.6 (MOU Project) and 3.15.1.1.6 (Alternative 1), Water Treatment and Supply.

T-C-9

The comment provides no new information. See response to comment T-C-7.

T-C-10

The RDEIR addresses rise in ocean level impacts on bluff retreat and water quality in Sections 3.16.1.2 (MOU Project) and 9.16.1.2 (Alternative 1), Effect of Global Climate Change on Bluff Retreat.

T-C-11 and T-C-12

The RDEIR discusses salinity caused by increased sea level in the Delta in Sections 3.16.1.3 (MOU Project) and 9.16.1.3 (Alternative 1), Effect of Global Climate Change on Water Supply. The DWR 2006 Climate Change report notes that there are no technical tools available currently to model these issues.

T-C-13

The FEIR has been updated to addresses water supply forecasting in Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply. The State Department of Water Resources (DWR) prepared *The State Water Project Delivery Reliability Report, Public Review Draft* (December 2007), which assessed the existing delivery capacity of the SWP over a range of hydraulic conditions, including historic extended dry cycles and long-term averages. In a 50-year period, the foregoing probabilities show that: 1) SWP is likely to be able to deliver more than 30 percent of the CCWA entitlement in 45 out of 50 years; 2) SWP is likely to be able to deliver more than 65 percent of the CCWA entitlement in 37 out of 50 years; 3) SWP is likely to be able to deliver more than 85 percent of the CCWA entitlement in 25 out of 50 years; and 4) SWP is likely to be able to deliver 100 percent of the CCWA entitlement in 12 out of 50 years. See response to comment G-2-213.

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Section 15.0 **T-C-14**

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The comment provides no new information. For discussion of water supply see response to comment T-C-13.

T-D, Sam Cohen

The following responses address comments made by Sam Cohen, employee of the Santa Ynez Band of Chumash Indians. Comments concentrate on the lack of response to previous comments in the RDEIR, and question the relationship between CEQA and SB18.

T-D-1, T-D-2

The commenter claims that comments on prior DEIR have not been responded to as required under CEQA Guideline Section §15088.5(f)

Please see response to comment T-B-3.

T-D-3

The commenter notes that The comments by the California Office of Historic Preservation (OHP), in a letter dated October 6, 2006, were not addressed in the draft EIR. These comments are addressed in responses to comments S-3-18 through S-3-54.

T-D-4, T-D-5

The commenter questions the relationship between SB18 and CEQA.

The RDEIR addresses the SB18 consultation process underway in Sections 3.11.2.1 Senate Bill 18 (MOU Project) and 9.11.2.1 (Alternative 1), Senate Bill 18.

Also, please see General Responses Section 13.3.6 for a discussion of SB18 and Ethnic Concerns.

T-D-6

The commenter is incorrect in his statement; the SB18 consultation process and CEQA review are not linked processes. Completion of the EIR will not impact the SB18 consultation currently ongoing, therefore no additional comment is required.

T-D-7

The SB18 consultation process and CEQA review are not linked processes. Completion of the EIR will not impact the SB18 consultation currently ongoing.

Also see General Responses section 13.3.6 in response to SB18 and Ethnic Concerns.

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T-D-8

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The RDEIR archeological studies discuss species damage to the cultural resource, in particular the damage caused by Gopher holes.

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Mainland archaeology sites typically exhibit degrees of disturbance caused by rodent burrowing; yet these sites are still considered significant and eligible for listing in the California Register of Historic Resources (CRHR). Also see General Responses section 13.3.1.2-Cultural Resources for a discussion of Archaeological Resource Identification and Evaluation.

T-D-9

Please see FEIR Sections 3.11.3.2.3 and 9.11.3.2.3 and General Response 13.3.6-SB18 and Ethnic Concerns for a discussion on the cultural significance of archaeological sites.

T-E, James Tur

T-E-1 through T-E-4

The commenter, James Tur, on behalf of the UCSB student community, claims the RDEIR schedule for public hearings limited UCSB students' ability to participate.

This comment provides no new information relevant to the adequacy of the RDEIR.

Ms. Diane Black, Director of Development Services for the County of Santa Barbara, responded to this concern by explaining the procedural matters of EIR adequacy hearings vs. "decision-making" hearings, and encouraging students to submit their comments in writing or via email before January 23, 2008. Her response can be reviewed in its entirety in comment T-E-5.

T-E-5

The commenter does not address the RDEIR.

T-F, Michael O'Brien

The following responses address comments from Michael O'Brien focus on Cultural Resources and Land Use. Specifically, The comments address the concept of implementing a cultural easement and issues with public access to land, and describe the quality of the land.

T-F-1

The commenter introduces himself, and states that he will be addressing issues concerning a cultural easement zone for the Naples development. This does not address the RDEIR.

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Section 15.0 **T-F-2 and T-F-3**

Responses to Comments

The commenter describes his personal feelings towards the land. The commenter does not address the RDEIR.

T-F-4

The comment does not address the RDEIR.

T-F-5

The RDEIR addresses public access to the coast in Sections 3.10.1.1.4 (MOU Project) and 9.10.1.1.4 (Alternative 1), Other Recreational Facilities. Additionally, a coastal trail along the Gaviota Coast has been a high priority for local, state, and federal agencies in their efforts to provide better public access. The Santa Barbara Coastal Access Implementation Plan identifies important recreational resources along a portion of the proposed Coastal Trail. Public access to private property, however, is not within the scope of the EIR.

T-F-6

The comment does not address the RDEIR.

T-F-7 and T-F-8

The RDEIR addresses maintaining equestrian access in Sections 3.10.1.1.4 (MOU Project) and 9.10.1.1.4 (Alternative 1), Other Recreational Facilities. Additionally, equestrian access opportunities exist at Santa Barbara Shores Park/Ellwood Mesa to the east of the Alternative 1 area, the El Capitan Canyon facilities to the west of the Alternative 1 area, and the single segment of the California Coastal Trail between El Capitan State Beach and Refugio State Beach allows equestrian use. The Gaviota State Park allows equestrians on a beach-to-backcountry trail to National Forest lands.

T-F-9

The commenter requests a cultural easement for the Chumash and Native Americans.

Please see response to comment T-B-16.

T-F-10

The RDEIR addresses the high quality of the area in Sections 3.9.2.1.1 (MOU Project) and 9.9.2.1.1 (Alternative 1), Regional Character and Views. In addition, the impacts to visual resources are assessed in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1), Visual Impact Susceptibility, by three metrics: visual quality, visual sensitivity, and visual exposure for each Key Observation Point (KOP).

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T-F-11

The RDEIR includes federal qualitative evaluations of the Gaviota Coast in Sections 3.10.2.1 (MOU Project) and 9.10.2.1 (Alternative 1), Federal Authorities and Administering Agencies. A National Parks Service 2003 study concluded that the area is not a feasible addition to the System for several reasons: sufficient land is not currently available to NPS; strong opposition from study area landowners makes it unlikely that effective NPS management could occur; and NPS is not able to undertake new acquisition or management responsibilities of this cost and magnitude, given competing priorities in existing units and the need to concentrate on addressing the backlog of deferred maintenance. NPS concluded that the most effective and efficient means of protecting these significant resources and for providing public enjoyment along the Gaviota Coast is for local protection strategies to continue and grow without further NPS involvement.

T-F-12 and T-G-13

The commenter is requesting a cultural easement for the Chumash and Native Americans on the site to maintain access and use. Please see response to comment T-B-16..

T-G, Christina McGinnis

T-G-1

It has been concluded that the best method for responding to comments would be to revise and recirculate the entire RDEIR document for public review as opposed to simply responding to individual comments or recirculating portions of the DEIR.

T-G-2 and T-G-3

The revisions between the RDEIR and Final EIR will be tracked using strike-out underline or an alternative tracking form. See response to comment G-8-7.

T-G-4

For discussion of the RDEIR's availability to the public for review and understanding, see response to comment I-14-1.

T-G-5

The RDEIR discusses beach access in Sections 3.10.1.1 (MOU Project) and 9.10.1.1 (Alternative 1), Regional Overview. The particular issue of beach access safety shall be addressed in detail in the proposed Open Space Management Plan. Additionally, beach access is often achieved by trespassing through private properties along the coast with no existing safety measures.

Also see response to comment G-8-196.

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Section 15.0 **T-G-6**

Responses to Comments

The RDEIR in Sections 3.10.2.3.1 (MOU Project) and 9.10.2.3.1 (Alternative 1), Santa Barbara County Local Coastal Program, adequately address high-tide risks. Coastal Act §30210 requires that projects provide and post maximum access consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Also see responses to comments S-2-39, S-11-12, G-2-716, G-9-204 and G-8-204.

T-G-7 and T-G-8

The RDEIR adequately discusses the cliff retreat and public safety of the beach in Sections 3.2 (MOU Project) and 9.2 (Alternative 1), Geology, Geologic Hazards, and Soils. Please see response to comment G-8-256.

T-G-9 through T-G-11

The commenter claims groundwater control structures are not identified to reduce impacts on the ocean and Naples Reef aquatic habitat. The RDEIR discusses surface water quality in Sections 3.3.1.1.7 (MOU Project), and 9.3.1.1.7 (Alternative 1), Surface Water, and in Impact WQ-1: Pollutants in Surface Waters. The proposed project will further alter watershed conditions by introducing new ground disturbance and new pollutant sources associated with residential uses, equestrian use, and increased agricultural activities. These changes are considered *significant, but feasibly mitigated* (Class II). Also see response to comment T-G-12.

T-G-12

The RDEIR discusses surface water quality runoff in Sections 3.3.1.1.7 (MOU Project) and 9.3.1.1.7 (Alternative 1), Surface Water. The Surface and Storm Water Quality Constraints Guidelines (Chapter 16 of the County of Santa Barbara Environmental Thresholds and Guidelines Manual, updated July, 2003) provide preliminary criteria for determining whether a particular activity could have a potentially significant impact on the environment. The proposed project and Alternative 1 are required to incorporate and implement design, construction, and residency-occupancy, Best Management Practices (BMPs) to protect sensitive riparian, wetland, and marine environments, reduce adverse effects to runoff water quality, and treat runoff generated by the development to existing condition levels.

T-G-13

The RDEIR discusses the marine water environment impacts in Sections 3.3 (MOU Project) and 9.3 (Alternative 1), Hydrology and Water Quality. The RDEIR depicts watersheds, watercourses, waterbodies, and nearshore marine areas, which are wholly and partially within the Alternative 1 area. Biological Resources Sections 3.4.3.4.2 (MOU Project) and 9.4.3.4.2 (Alternative 1) Naples Reef, state that County of Santa Barbara policies (e.g., LCP–Coastal Plan Policy 9-33) classify Naples Reef as an ESH.

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T-G-14

The comment requests no equestrian uses on the entire project site. The RDEIR analyzes the impacts of the proposed project which includes equestrian uses. See response to comment F-1-3.

T-G-15

The commenter states that equestrian uses introduce invasive plants and manure-related nitrates, resulting in impacts to the ocean and the watersheds. Additionally use of horse trails results in erosion impacts. See response to comment F-1-3.

T-G-16

The commenter introduces citations from *Exotic Species Invasion and Structural Damage Along Horse Trails in Sensitive Natural Areas* (USGS 2002). The study concludes that horse trails are related to increases in invasive plants, and demise of native plants. See response to comment F-1-3.

T-G-17

See response to comment T-G-16.

T-G-18

See response to comment T-G-15.

T-G-19

The commenter restates conclusions from the RDEIR.

T-G-20

The commenter claims that the water quality impacts to marine resources were not included in the RDEIR. See response to comment T-G-13.

T-G-21

The commenter claims that increased beach access by humans and pets could result in an adverse effect on the near shore Naples Reef. See response to comment S-2-37.

T-G-22 and T-G-23

The RDEIR addresses the increased beach user population impacts with the application.

The RDEIR Biological Resource Sections 3.4.4.4 (MOU Project) and 9.4.4.4 (Alternative 1), Mitigation Measures, discuss limits on user access. The measures will include the prohibition of all dogs or other pets on the beach, closure of the beach access stairway from March through

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Section 15.0 July (or other time period if determined appropriate by the County). These steps were identified in the following Impacts Bio-6, Bio-10, and Bio-16.
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T-G-24

The commenter requests the RDEIR include long-term water quality monitoring to determine potential impacts to the marine environment. RDEIR Sections 3.3.3 (MOU Project), and 9.3.3 (Alternative 1), Project Impacts and Mitigation, assess potential impacts to hydrology and water quality from construction and residential-occupancy phases and recommends mitigation measures for each phase that will reduce potential impacts. Sections 3.3.3.4.3 (MOU Project) and 9.3.3.4.3 (Alternative 1), Water Quality Mitigation Measures, include a Post-construction Phase Storm Water Management Plan.

T-H, Michael McGinnis

T-H-1

The commenter provides detailed description of the Naples Reef. It is not related to the adequacy of the RDEIR.

T-H-2

The commenter provides a description of uniqueness of the intertidal wetland at Naples Reef, one of two in the United States. It is not related to the adequacy of the RDEIR.

T-H-3 and T-H-4

This comment requests that the Naples Reef be treated as an ESHA. The RDEIR states in Sections 3.4.3.4.2 (MOU Project), and 9.4.3.4.2 (Alternative 1), that Naples Reef is classified as an Environmentally Sensitive Habitat (ESH) per the County of Santa Barbara policies (e.g., LCP – Coastal Plan Policy 9-33).

T-H-5 through T-H-7

The commenter claims that the Naples Reef and marine area is one of the most studied areas in the world. This comment is related to the adequacy of the RDEIR.

T-H-8

The commenter claims that species existing within the project site are missing from the RDEIR Biological Resources analysis.

The FEIR shall be revised to include additional species identified to occur within the project site. Please see General Response 13.5.2, Marine Resources.

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T-H-9 and T-H-10

The commenter claims that the southern sea otter is known to be present. See response to comment T-H-8.

T-H-11

The commenter claims California Least Tern is known to be present. See responses to comments F-2-7 and T-H-8.

T-H-12 and T-H-13

The commenter claims that too much focus is given to the Harbor Seal haul-out, that the entire coastal area supports a range of coastal dependent species of concern, and Threatened and Endangered (T&E) species. The commenter opinion is part of the public record for consideration by decision-makers. See response to comment S-2-41.

T-H-14

The commenter claims that the proposed beach access stairway is geologically unsuitable. See responses to comments S-2-34, S-2-36, and S-2-37.

T-H-15

The commenter claims that the proposed beach access stairway is approximately half-a-block from the Harbor seal haul-out. See response to comment F-1-25.

T-H-16

The commenter requests a secondary beach access point, for the purposes of avoiding impacts on wildlife. See response to comment S-2-39.

T-H-17

The commenter claims that the proposed beach access violates County-adopted policies protecting ESH. See responses to comments S-2-6 and S-2-41.

T-H-18

The commenter requests increased attention to the performance of Biological Resources Mitigation Measure Bio-4.

Please see General Response 13.5.2, Marine Resources.

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The commenter focuses on Bio-4 impacts to terrestrial inputs on the coastal marine area, narrow beach, sea level rise, bluff top erosion, and landslides.

Please see General Response 13.5.2 Biological Resources, Marine Resources.

T-H-20

The comment claims that the public safety impacts resulting from Climate Change are not addressed in the RDEIR. Please see response to comment G-1-38. Project-specific and cumulative climate change impacts have been addressed in response to comment G-2-523.

T-H-21

This comment refers to Comment T-G-6. See response to comment T-G-6.

T-H-22

The commenter requests that the County decision-makers consider that the project impacts the commons, including the coastal marine system. See response to comment S-2-4.

T-H-23 and T-H-24

The commenter requests that the County decision-makers consider that the project impacts the commons, and right to private property.

This generalized comment relies on CEQA Guidelines Section §15006(c), which advises the lead agency to prepare analytic EIRs. The RDEIR included an appropriate analysis of all potential project impacts.

T-I, Anne Criton

T-I-1

This opening statement from Ann Criton, of the Naples Coalition, provides no new information relative to the adequacy of the RDEIR.

T-I-2

The commenter generally claims deficiencies in certain impact areas.

T-I-3

This comment claims that the Visual Resources Impacts analysis is incomplete because no views from the ocean were analyzed. There is no provision of CEQA, the CEQA Guidelines, or of CEQA case law that requires a lead agency to consider a project's potential impact to views of

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those viewing the project from the ocean. For further discussion, please see response to comment G-8-133.

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T-I-4

The commenter claims that the Visual Resources Impacts analysis is incomplete because no night lighting views were analyzed. The commenter is correct. However, while there are no visual simulations of nighttime conditions, the RDEIR does analyze the proposed nighttime condition in Sections 3.9.2.2 (MOU Project) and 9.9.2.2, (Alternative 1), Nighttime Conditions. For further discussion, please see responses to comments G-9-6 and G-9-15.

T-I-5 and T-I-6

The commenter claims that the Visual Resources Impacts analysis is incomplete because not “all structures” are represented in the visual simulations. The RDEIR discusses viewer sensitivity levels and public interest in Sections 3.9.2.3.1 (MOU Project) and 9.9.2.3.1 (Alternative 1), Visual Impact Susceptibility. For further discussion, please see response to comment G-9-9.

T-I-7

The commenter claims that the adequacy of the Visual Resources mitigation measures has not been established. The proposed mitigation measures in Sections 3.9.4.5 (MOU Project) and 9.9.4.5 (Alternative 1), Mitigation Measures, conform to County-adopted design guidelines. For further discussion, please see response to comment G-9-4.

T-I-8

The commenter identifies that mitigation measures include landscaping to reduce impacts associated with skyline intrusion or obstruction of views.

T-I-9

The commenter claims that landscaping due to mitigation measures would result in impacts that obstruct views. The RDEIR visual analysis is consistent with adopted County policy, which considers the use of landscaping, plants, and trees as acceptable methods of screening development. For further discussion, please see response to comment G-9-5.

T-I-10

The commenter claims that the noise levels at the project site resulting from Highway 101, railway, and airplane over flight would result in significant impacts.

The RDEIR analyzes the impacts of noise generators in Sections 3.13.1 (MOU Project) and 9.13.1 (Alternative 1), Existing Conditions. For further discussion, please see response to comment G-8-250.

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Section 15.0 **T-I-11**

Responses to Comments

The commenter claims the noise threshold used in the RDEIR lacks consideration for human health impacts that occur at lower thresholds.

The RDEIR noise impacts analysis conforms to the Noise Element standards of the Santa Barbara County Comprehensive Plan (County, 1986), which provides a thorough background discussion of noise and its effects on human health and quality of life. For additional discussions of the noise regulatory framework, see Sections 3.13.2 (MOU Project) and 9.13.2 (Alternative 1), Regulatory Framework.

T-I-12

The commenter claims that the Coastal Trail is supposed to be located as close as possible to the coast.

The commenter's opinion regarding a preferred location for the Coastal Trail does not pertain to the adequacy of the RDEIR. The commenter's opinion is included in the public record for consideration by decision-makers.

T-I-13

The commenter claims the RDEIR fails to consider the relocation or addition of a second vertical beach access.

The commenter's opinion regarding a preferred location and number of vertical beach access points does not pertain to the adequacy of the RDEIR. The commenter's opinion on this matter will be before the County's decision-makers for their consideration.

T-J, Brian Trautwein

T-J-1

The commenter Brian Trautwein of EDC requests additional modifications to the RDEIR to be followed by a second recirculation for public review because there are four basic flaws: project description, baseline, impact analyses, and alternatives analysis. See response to comment G-2-2.

T-J-2

The commenter claims that the RDEIR project description is flawed, however he does not include any factual basis for his contentions. The RDEIR both describes the project description and complies with CEQA Guidelines §15378(a), which define a project as the whole of an action that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The RDEIR includes a project description in Sections 2.0 (MOU Project) and 8.0 (Alternative 1).

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T-J-3

The commenter claims that the RDEIR baseline is flawed. The commenter does not include any factual basis for his contentions.

See response to comment G-2-181.

T-J-4

The commenter claims that the RDEIR impact analyses are flawed. The commenter does not include any factual basis for his contentions.

T-J-5

The commenter claims that the RDEIR alternatives analyses are flawed. The commenter does not include any factual basis for his contentions.

T-J-6

The commenter claims that all of the elements of the proposed project are not included within the project description.

T-J-7

The commenter provides an example of a project description deficiency. The commenter claims adjoining parcels within the Naples Planned Development such as the Morehart and Makar properties are excluded. Please see response to comment G-2-20.

T-J-8

The commenter claims that the RDEIR does not address impacts of future annexations. See response to comment T-J-9.

T-J-9

The commenter claims that because the project description does not include discussion of presumed annexation and future buildout, the RDEIR lacks assessment of associated open space loss. The RDEIR does discuss the total impact in Sections 3.4.4.2 (MOU Project) and 9.4.4.2 (Alternative 1), Impacts to Special-status Species and Habitats. The proposed alternatives remove 138 (MOU Project) or 194 (Alternative 1) acres of habitat by grading, paving, and the development of buildings and development envelope area.

T-J-10

The commenter claims that because the project description does not include discussion of presumed annexation and future buildout, the RDEIR lacks assessment of associated agricultural

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Section 15.0 loss. The RDEIR presents the total loss of agricultural lands in Table 3.7-1 (MOU Project) and
Responses to Table 9.7-1 (Alternative 1), Change in Agricultural Lands.
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T-J-11

The commenter claims that because the project description does not include discussion of presumed annexation and future buildout, the RDEIR lacks assessment of associated water pollution.

The RDEIR discusses the existing water quality and potential impacts in Sections 3.3 (MOU Project) and 9.3 (Alternative 1), Hydrology and Water Quality, which provide both regional and site-specific descriptions of the hydrologic processes, including water resources and flooding potential.

T-J-12

The commenter claims that because the project description does not include discussion of presumed annexation and future buildout, the RDEIR lacks assessment of associated loss of habitat used by rare species. The RDEIR discusses the habitat loss and impacts to rare species in Sections 3.4.3.5 (MOU Project) and 9.4.3.5 (Alternative 1), Summary of Special-status Wildlife Occurrence. The Biological Resources sections evaluated the distribution, habitat associations, and known or potential occurrence of 80 special-status wildlife species. These species are summarized in Tables 3.4-3 and 9.4-3, and are described more fully in Appendix C.2.

T-J-13

The commenter claims that the RDEIR lacks assessment of the impacts of adjacent properties that can be annexed into the Naples Planned Development Area. Please see response to comment G-2-20.

T-J-14

The commenter claims that the RDEIR project description is deficient, and does not include both the MOU Project and Alternative 1 sites. The commenter does not include any factual basis for his contentions. The RDEIR describes the environmental setting per CEQA Guidelines §15125.

T-J-15

The commenter claims that the unit count is flawed, because secondary residential units are not counted towards the 54 (MOU Project) or 72 (Alternative 1) units.

No secondary units are proposed for the MOU Project. Accordingly, the RDEIR was not required to discuss or analyze RSUs as part of the project. For further discussion, please see response to comment G-8-44.

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T-J-16

The commenter claims the RDEIR lacks a thorough description of the water supply for the proposed project.

The RDEIR discusses the water supply in detail within Sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 (Alternative 1), Water Treatment and Supply. Water supply to the SBR property will include the following sources: 1) possibly part of the Dos Pueblos Creek diversion permit allotment, 2) the State Water Project allotment contracted to the NWC, 3) continued use of groundwater to irrigate agricultural land on the DPR, and 4) reuse of treated wastewater to supplement irrigation water.

T-J-17

The commenter claims the project description lacks a thorough description and impact analysis of the water diversion from Dos Pueblos Creek. Please see response to comment T-C-6.

T-J-18

The commenter claims that the project description does not address how diversion of the (preexisting) Dos Pueblos Creek could impact Steelhead and Red Legged Frog, both of which depend upon the existing water supply of the Dos Pueblos Creek.

The RDEIR discusses the species known to occur within Dos Pueblos Creek and the creeks watershed in Sections 3.4.2.3 (MOU Project) and 9.4.2.3 (Alternative 1), Wildlife Habitats. See Figures 3.4-2 and 9.4-2. The potential project-related impacts to Steelhead (no impact) and California Red-legged Frog are analyzed; impacts have been determined to be *significant, but feasibly mitigated (Class II)*. Mitigation measures WQ-1a, WQ-1b, WQ-1c, and WQ-1d are all designed to minimize any effect to aquatic wildlife. Also see General Responses 13.4 Water Supply and 13.5 Biological Resources.

T-J-19

The commenter claims the project description fails to include adequate details describing the three sewage treatment plants.

The RDEIR discusses the proposed sanitary waste treatment plants in detail within Sections 3.15.1.1.7 (MOU Project), and 9.15.1.1.7 (Alternative 1), Sanitary Waste Service. See responses to comments L-6-1 and L-6-2 for additional discussion of waste treatment.

T-J-20

The commenter claims the wastewater treatment plant sludge is not analyzed in the RDEIR.

See response to comment T-J-19.

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Section 15.0 **T-J-21 and T-J-22**

Responses to Comments

The commenter claims that the environmental setting fails to present all the wetlands delineations.

The project site wetlands are mapped on Figures 3.4-3 (MOU Project), and 9.4-3 (Alternative 1), Wetlands and Seasonal Water Bodies. Wetland delineations of the SBR property and limited portions of the Dos Pueblos Ranch property were conducted by SAIC (2004, 2005) and their analysis was incorporated into the RDEIR. Additionally, the issue of wetlands is made more complex due to naturally changing physical conditions on the property as well as the need for policy interpretation that is independent of the biology or biological methods used to assess wetlands.

T-J-23

The commenter claims the archeological surveys are inadequate in assessing the location of the Chumash villages.

Please see General Responses section 13.3.1.2 for a discussion of Archaeological Resource Identification and Evaluation—SBA-77, -78, -79, and -144, and section 13.3.2.1, including all subsections, for supplemental surveys conducted by URS.

T-J-24

The commenter claims the cultural resources environmental baseline is inadequate.

Please see General Responses Cultural Resources sections 13.3.1 through 13.3.4 for a discussion of the Adequacy of Cultural Resource Identification and Evaluation, as well as a discussion on Addressing Impacts.

T-J-25

The commenter claims that the RDEIR fails to describe the location and extent of suspected soil and hazardous contaminations caused by abandoned oil wells.

In Sections 3.5.4.2 (MOU Project) and 9.5.4.2 (Alternative 1) Project Impacts, the RDEIR maps the approximate locations of these wells (shown on Figure 3.5-1 [MOU Project] and 9.5-1 [Alternative 1], and summarized in Tables 3.5-1 and 9.5-1 [Alternative 1]). With respect to the MOU Project, DOGGR well files and abandonment records were found for one of the three wells located on or near the MOU Project area: Advanced Petroleum, LTD. 7 (abandoned 1980). With respect to Alternative 1, DOGGR well files and abandonment records were found for five of the wells that are believed to be located on or near the Alternative 1 site. See Sections 3.5.4.2, Project Impacts, and 9.5.4.2, Alternative 1 Impacts.

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T-J-26 and T-J-27

The commenter claims that comments on the prior DEIR regarding the location of contaminated soil were not addressed.

Under CEQA Guidelines Section §15088.5(f)(1) a lead agency is not required to respond to comments received during the earlier circulation period when an EIR has been substantially revised and the entire document is recirculated. This is the case here where every section of the DEIR has been revised and the entire document has been recirculated. The EIR is in compliance with all provisions of Section §15088.5(f)(1).

T-J-28

See response to comment T-J-25.

T-J-29

The commenter claims that the RDEIR needs to be revised and recirculated, see response to comment G-2-38. It provides no new information.

T-K, Dean Playster

T-K-1

The commenter concurred with previous comments made by Christina McGinnis (T-G), Michael McGinnis (T-H), and Brian Trautwein (T-J) regarding water pollution and water diversion from Dos Pueblos Creek, see earlier responses and General Response 13.4 Water Supply – Issues of Potential Creek Diversion.

T-K-2, T-K-3

The commenter disagrees with the selection of Alternative 1 as the environmentally superior alternative, recognizing Alternative 5 (Clustered Development) as a preferred development. Please see response to comment S-2-6.

T-L, Sandy Lejeune, Surfrider Foundation, (Letter I-3)

T-L-1

The commenter describes her affiliation with farming in Santa Barbara County. This information is not related to the adequacy of the RDEIR.

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Section 15.0 **T-L-2**

Responses to Comments

The commenter disagrees with Sections 4.13 and 10.13 policy consistency analysis conclusions for the Coastal Act §30242, and CLUP Policy 8-2, which addresses conversion of agricultural land in the Coastal Zone. Please see response to comment G-8-37.

T-L-3

The commenter restates County Comprehensive Plans Agricultural Element goals and policies presented within the RDEIR in Sections 4.13 and 10.13, which is not related to the adequacy of the RDEIR.

T-L-4

The commenter claims the conversion of agricultural lands under the MOU Project and Alternative 1 would result in significant unmitigatable impacts.

In RDEIR, Table 9.7-2 (Alternative 1) identifies conversion of prime agricultural lands. 2,634 acres is proposed for preservation in perpetuity with the establishment of an ACE. The Cumulative impacts (AG-6) discussion addresses the loss of lands in Section 9.7.4.3 (Alternative 1), Cumulative Impacts, stating that impacts are *potentially significant but subject to feasible mitigation (Class II)*.

T-L-5

The commenter provides a description of Class IIIe soils currently farmed at Fairview Gardens located in Goleta. RDEIR Agricultural Resources Sections 3.7 (MOU Project) and 9.7 (Alternative 1) define mapped lands using both the County of Santa Barbara *Environmental Thresholds and Guidelines Manual* (2003:14-21) agricultural lands evaluation system assigns weighted point values to a property based on nine components or criteria, one of which is soil classification, and the California Farmland Mapping and Monitoring Program (California Department of Conservation 2004:6) which establishes seven standardized farmland classifications. The RDEIR maps prime farm land and Soil Conservation Service Class IIe soils, as these areas are considered either important or prime agricultural lands by the County of Santa Barbara. See Figures 3.7-1 (MOU Project) and Figure 9.7-1 (Alternative 1). The RDEIR analyzes Farmlands based upon adopted County policy.

T-L-6

The commenter claims that converting agricultural land to development land on the coastal bluffs of Santa Barbara Ranch is a mistake. The commenter's opinion on this matter is included in the public record for consideration by decision-makers.

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T-L-7

The commenter’s opinion regarding determinations of policy consistency is a policy matter outside the scope of CEQA. The commenter’s opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

T-L-8

This comment provides no new information.

T-M, Kalon Kelly

T-M-1

The commenter Kalon Kelly of the Naples Coalition claims the RDEIR analysis is flawed or incomplete regarding the impacts resulting from Alternative 1 and Alternative 2 (Naples Coalition).

As required by Public Resource Code Section §21002 and CEQA Guidelines Section §15126.6, the range of alternatives to the MOU Project selected by the County were those that were determined to avoid or substantially lessen the significant effects of the project while feasibly attaining most of the project’s basic objectives.

To the extent that the RDEIR includes a detailed analysis of Alternative 1, this does not violate CEQA or subject the discussion of Alternative 1 to additional requirements. Nothing in CEQA prohibits an EIR from including information above and beyond that which is required by the statute. Such added information simply provides even greater disclosure of information to decision-makers and the public, furthering CEQA’s fundamental purposes as reflected in Public Resources Code Section §21002 and CEQA Guidelines Section §15002(a) and §15003(c), (d), and (s).

Under CEQA Guidelines Section §15126.6(d), EIRs must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” Here, the RDEIR considers just one proposed project—the MOU Project—and, pursuant to CEQA Guidelines Section §15126.6(a), it also describes a reasonable range of alternatives to the MOU Project, including Alternative 1. There is no requirement in CEQA that the RDEIR compare Alternative 1 to Alternatives 2-5. Instead, the RDEIR appropriately provides information sufficient to allow Alternatives 1 through 5 to be compared to the MOU Project.

T-M-2

Alternative 2 (Offsite DPR Alternative) an approach suggested by the Naples Coalition includes 64 residences, plus undetermined number of additional residences on approximately 600 acres.

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Section 15.0 Responses to Comments Additionally, during the scoping process for this RDEIR, representatives from the Naples Coalition indicated that additional units may be allowed under this alternative as necessary to provide a sufficient economic return to make the alternative feasible. The resulting number of units necessary to achieve the development value then would be proportionately higher. The upper limit is uncertain, but allowing a 10 percent variation leads to a range of 94 to 105 residences for Alternative 2.

Also see responses to comments I-1-9, and I-1-13.

T-M-3

The commenter claims that case law does not require alternatives to provide the same economic return as the preferred project. See response to comment I-1-13.

T-M-4

The commenter is incorrect: home sized would be limited to range from 3,500 to 5,000 square feet, including garages, guest-houses, and associated improvements. See Section 11.3.1 Description of Alternative 2, for complete discussion of this alternative.

T-M-5

The commenter claims the RDEIR includes inappropriate project objectives and omits project objectives it should have included. County representatives, in concert with the project applicants, determined that the scope of project objectives was reasonable and appropriate given the applicant's goals for the project and the considerations of the MOU.

T-M-6 through T-M-9

The commenter claims that an additional project objective should be added: minimize the precedent for other development on the Gaviota Coast.

The RDEIR includes a detailed discussion of the growth-inducing effects in accordance with Section §15126.2(d) of the CEQA Guidelines related environmental impacts that directly or indirectly result from implementation of the proposed project. See Sections 5.5 (MOU Project) and 10.5 (Alternative 1), Growth-Inducing Effects.

T-M-10

The RDEIR discusses the location of the development site on the Gaviota Coast along U.S. Highway 101 in a rural, unincorporated area of Santa Barbara County approximately two miles west of the City of Goleta's western boundary, which approximates the urban/rural boundary defined in the Coastal Land Use Plan. The growth potential on the Gaviota Coast is correlated with the availability of buildable lots. As discussed in Section 5.5.1, Background and Regional Pattern of Land Use, approximately 100 lots have development potential. The issue of potential

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growth inducement of the project should be placed in the context of the pattern of land use and potential growth in the larger Gaviota Coast area, not just in the immediately surrounding lands. A detailed assessment of all the available parcels within the Gaviota Coast has been conducted and is summarized in Section 5.5.1.21.

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T-M-11

This comment provides no new information. See responses to comments T-M-6 and T-M-10.

T-M-12

The commenter correctly identifies that the project objectives can only be met with cooperation of the landowner.

Also see response to comment G-8-24.

T-M-13 and T-M-14

The commenter claims that the agricultural lands maintained under Alternative 2 are more productive and fertile than the agricultural lands preserved under Alternative 1.

The agricultural lands preserved under each alternative are mapped based on the criteria discussed in Sections 3.7.1 (MOU Project) and 3.7.1 (Alternative 1), Existing Conditions. Additionally, please see response to comment T-L-5.

T-M-15

The RDEIR discusses the environmental impacts to agricultural lands, open space, and residential uses with respect to Alternative 2 in Section 11.3.2.6, Agricultural Resources: “The potential impacts of Alternative 2 related to agricultural resources would be equivalent to the potential impacts of the MOU Project.... When compared to Alternative 1, however, it is likely that Alternative 2 would have greater impacts on agricultural resources.”

T-M-16

The commenter restates conclusions from the RDEIR.

T-M-17

This comment provides no new information. See responses to comments T-M-6 and T-M-10.

T-M-18

The RDEIR compares the Geological impacts of the MOU Project and Alternative 2 in Section 11.3.2.4, Hazards and Hazardous Materials. This states that the potential impacts of Alternative

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Section 15.0 Responses to Comments 2 related to hazards and hazardous materials would be equivalent to the potential impacts of the MOU Project. Alternative 1 is not included in this discussion.

T-M-19

The RDEIR compares the Hydrology and Water Quality impacts of the MOU Project and Alternative 2 in Section 11.3.2.2, Hydrology and Water Quality. The potential impacts of Alternative 2 related to hydrology and water quality would be greater than the potential impacts of the MOU Project.

The comparisons focus on the MOU Project for two reasons. First, most of the environmental effects of development within the Naples town site are anticipated within the MOU Project area. Second, Alternative 1 has a much larger area and a different scope that makes it less comparable to the other alternatives. Therefore Alternative 1 is not compared to Alternative 2.

T-M-20

This comment provides no new information, and does not question the adequacy of the RDEIR.

T-M-21

The commenter restates conclusions from the RDEIR comparison of the alternatives biological resource impacts and does not question the adequacy of the RDEIR.

T-M-22

The commenter restates conclusions from the RDEIR comparison of the alternatives land use impacts, therefore no response is necessary.

T-M-23

This comment provides no new information. See response to comment T-M-15.

T-M-24

The commenter claims the RDEIR Visual Resources comparison of the alternatives is unfair because it compares Alternative 2 to the MOU Project. See response to comment T-M-19.

T-M-25

The commenter claims the visual resources analysis impacts of Alternative 2 are clearly less.

The commenter disagrees with Visual Resource impact conclusions of the RDEIR. See responses to comments G-8-122 and G-8-144.

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T-M-26

This comment claims the RDEIR Recreation comparison of the alternatives is unfair because it only compares Alternative 2 to the MOU Project. See response to comment T-M-19.

T-M-27

The commenter claims Alternative 2 would result in more beneficial impact on Recreation, as compared to the MOU Project and Alternative 1 options. See response to comment G-8-195.

T-M-28

This comment provides no new information. See response to comment T-I-10.

T-M-29

The commenter claims the RDEIR fails to address the increase noise impacts to Alternative 1 from the Railway and Highway, and that these impacts would be significant. See responses to comments G-8-241 through G-8-254.

T-M-30

The commenter repeats an earlier comment regarding the environmentally superior alternative. Please see response to comment S-2-6.

T-M-31

The commenter claims the RDEIR failed to consider all the alternatives when determining the Environmentally Superior Alternative. See response to comment S-2-6.

T-M-32

This comment provides no new information. See response to comment T-I-19.

T-M-33

The commenter provides a description of a City of Santa Barbara EIR for the Veronica Meadows proposal. The comment does not address the adequacy of the RDEIR; therefore, no response is necessary.

T-N, Nathan Alley

T-N-1

The commenter Nathan Alley who is speaking on behalf of Surfrider Foundation, recognizes the Public Comment period extension, therefore no response necessary.

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Section 15.0 **T-N-2**

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The commenter requests recirculation of the RDEIR. See response to comment T-J-1.

T-N-3 and T-N-4

The commenter claims the project fails to comply with the LCP policies. The commenter's opinion is included in the public record for consideration by decision-makers. See response to comment G-8-38.

T-N-5 and T-N-7

The commenter vaguely claims that the RDEIR does not comply with CEQA requirements. See response to comment G-8-47.

T-N-8

The commenter claims that the policy inconsistencies are rampant. See responses to comments T-L-2, G-8-144, and G-8-187.

T-N-9

The commenter claims that the RDEIR lacks analysis of project impacts on visual resources. See response to comment G-8-121.

T-N-10

The commenter claims that the RDEIR lacks analysis of project impacts on recreation resources. See responses to comments G-8-195 thru G-8-211.

T-N-11

The commenter claims the RDEIR mitigation measures are improperly deferred, and lack demonstrable performance standards.

The commenter claims that the RDEIR lacks analysis of project impacts on recreation resources. See responses to comments G-8-84, G-8-97, G-8-212, and G-8-256.

T-N-12

This comment generally claims that the alternatives analysis is confused. Without additional detail, it is not possible to respond further.

T-N-13

The commenter claims that Alternative 1 is not an alternative under CEQA, yet is a primary proposal. While Alternative 1 is the applicant's preferred project, the MOU Project as defined by

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the Memorandum of Understanding between the county and the Applicant remains the proposed project. The term primary proposal is not a CEQA term of art.

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T-N-14

The commenter claims the RDEIR Alternatives collectively lack a range of reduction or avoidance of impacts to the environment. See response to comments G-8-7.

T-N-15

The commenter requests inclusion of TDR in each of the alternatives analyzed within the RDEIR. See response to comment G-8-61.

T-N-16 and T-N-17

This comment provides no new information. See response to comments T-N-15.

T-N-18

The commenter repeats an earlier comment regarding the Environmentally Superior Alternative. Please see response to comment S-2-6.

T-O, Darlene Chirman

T-O-1

The commenter Darlene Chirman of the Santa Barbara Audubon Society contends that Alternative 1 should be compared to the existing condition and not the MOU. See response to comment G-8-21.

T-O-2

The commenter contends that each Alternative should require components such as setbacks. See response to comment G-8-16.

T-O-3

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

T-O-4

The commenter claims the biological resources discussion focuses beyond the observed species, and should focus more on the species known to occur, for example the Western Snowy Plover.

The RDEIR Biological Resources Sections 3.4 and 9.4 both focus on vegetation, wildlife habitats, non-regulated wildlife, and special-status plants and animals as they relate to the Project

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area. Special-status species occurrence records on the coastal terraces and south-facing slopes of the Santa Ynez Mountains between Goleta and Point Conception are evaluated. The RDEIR's methodology is presented in Sections 3.4.2.1 (MOU Project), and 9.4.2.1 Methodology (Alternative 1), which is divided in the following sub-categories for analyzing the existing condition and impacts to the proposed alternatives: General Biological Resources, a description of existing biological resources; Field Methods and Vegetation Mapping; and Characterization of State and Federal Jurisdictional Waters.

T-O-5

The Western Snowy Plover is included in the Biological Resources Sections 3.4 (MOU Project) and 9.4 (Alternative 1) of the RDEIR, in Tables 3.4-4 and 9.4-4. Analysis indicates a low potential for occurrence in project area, therefore no impact. See response to comment T-0-4. For additional discussion of the Least Tern see responses to comments F-2-7, F-2-9 and G-1-18.

T-O-6

The commenter claims the access stairway is closer to the seal haul-out than necessary. This comment provides no new information. See response to comment T-H-15.

T-O-7 and T-O-8

The comment on Impact Bio-10: Effects of Increased Recreational Use on Seal Haul-out Area, which includes restriction of public access to the beach during the harbor seal pupping season March to July. In addition to signage, public access restrictions will be identified to homeowners and visitors through the public education component of the OSHMP and in CC&Rs. The MOU Project's potential impacts to the seal haul-out are considered *significant, but feasibly mitigated (Class II)*. Mitigation measure Bio-4, relating to effects on Naples Reef, will also be applicable.

T-O-9

The commenter contends that mitigation measures be developed to result in a meaningful protection of environmental resources. See response to comment G-8-75.

T-P, Frank Arredondo, Coastal Band Chumash

The following responses for commenter Frank Arredondo of the Coastal Band Chumash, regarding SB18 and Native American consultation, the need for thorough cultural resource site identification and evaluation, and site impacts and mitigation measures.

T-P-1 through T-P-5

Please see General Responses Cultural Resources Section 13.3.6 in regards to SB18 Consultation.

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T-P-6 and T-P-7

The commenter is correct in his understanding; the SB18 consultation process and CEQA review are not linked processes. However, completion of the EIR will not impact the SB18 consultation currently ongoing. Also see response to comment T-P-1.

T-P-8

Please see General Response 12.4, Recirculated EIR – not needed.

Any newspaper account indicating that Native American consultations would have no affect on the EIR. Native American written and verbal comments pointed out that more efforts should have been made to avoid and reduce impacts to these culturally important sites and such concerns, among others, prompted additional surveys and development of many mitigation measures that would greatly reduce impacts.

T-P-9

The commenter addresses the RDEIR’s need to include complete cultural resource surveys and involvement of Native American consultation. Please see General Response 13.3.1.2 for a discussion of Archaeological Resource Identification and Evaluation—SBA-77, -78, -79, and -144, and section 13.3.2 for supplemental surveys conducted by URS. In response to Native American representation, please see General Responses 13.3.6- SB18 and Ethnic Concerns, and 13.3.4-Addressing Indirect Impacts, which recommend the presence of a Native American monitor during ground disturbing activities.

T-P-10

The commenter questions the validity of Carbone’s (2005) site survey methodology using a backhoe. Backhoes have been routinely used for many years to search for subsurface site boundaries when the original ground surface is obscured by fill or other obstruction. Locally such surveys are called extended Phase 1 surveys.

T-P-11

See response to T-P-10.

T-P-12

Please see response to comment T-P-10. The intent was to locate the boundary of the site to determine whether it could be affected by the proposed project. To avoid a site, it first must be located. Also, please see General Response 13.3.2-Efforts to Avoid Impacts.

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Section 15.0 **T-P-13**

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The comment states that for very large projects, an environmental quality assurance plan will be prepared to supplement the MMRP.

T-P-14 through T-P-17

Please see General Responses 13.3.2 through 13.3.4 for a discussion on impact avoidance, and measures to address indirect impacts.

T-Q, Mark Manny

T-Q-1

The commenter Mark Manny provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document.

T-Q-2

The commenter claims the RDEIR lacks discussion of known hazardous materials including barium salts still remaining onsite as a result of oil exploration and operations.

The RDEIR presents the known historical site operations in Sections 3.5.2.1 (MOU Project), and 9.5.2.1 Past Oil Field Activities (Alternative 1). The California Division of Oil, Gas, and Geothermal Resources (DOGGR) have specific requirements for abandonment or reabandonment of oil wells. Formerly abandoned oil wells may or may not have been abandoned in accordance with the standards of the time, which were not as strict as current standards. Impact from Potential Contaminated Soil (Oil Well Activity) HM-2 impacts (and/or hazards) from potentially contaminated soil in the proposed project area are considered to be *significant but feasibly mitigated (Class II)*, see Mitigation HM-7: Response to Unexpected Wells or Piping. Contaminants of concern include petroleum hydrocarbons (volatile organic compounds, semi-volatile organic compounds including polynuclear aromatic hydrocarbons), and metals.

T-Q-3 and T-Q-4

The commenter claims the grading activities identified in the RDEIR may result in exposed toxic materials.

The RDEIR contains a mitigation measure (HM-6) which identifies the need for a Soil Management Plan for the proposed development envelopes that shall be developed and implemented, as appropriate. The objective of the Soil Management Plan is to provide guidance for the proper handling, onsite management, and disposal of impacted soil that may be encountered during construction activities (i.e., excavation and grading). The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as FPD remediation standards that are

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protective of the planned use. Appropriately trained professionals will be onsite during preparation, grading, and related earthwork activities to monitor soil conditions encountered in order to confirm the absence or presence of hazardous substances on the site.

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T-Q-5

The commenter claims removal of development from the project site between Highway 101 and the ocean would result in prevention of excessive toxic runoff to Naples Reef. The development south of the Highway may result in exposure of hazardous materials, for this reason the RDEIR includes mitigation measures HM-1 through HM-6.

T-Q-6

The commenter claims the proposed development would further the environmental degradation with the introduction of residential lawns and pesticides.

The RDEIR Sections 3.3 (MOU Project) and 9.3 (Alternative 1) Hydrology and Water Quality, contains discussion of adopted policy for maintaining water quality. Pollutants, such as fertilizers and pesticides, are carried by particulate matter in runoff. If uncontrolled, these materials can enter natural drainages and their habitats. The NPDES Construction General Permit requires landowners to file a Notice of Intent (NOI), prepare a Storm Water Pollution Prevention Plan (SWPPP), and pay associated fees in order for the RWQCB to issue a determination that they are covered under the General Permit. An Erosion and Sediment Control Plan must be submitted and approved as part of the permit conditions.

T-R, Dan Fontaine

T-R-1

The commenter Dan Fontaine repeats earlier claims regarding water diversion from Dos Pueblos Creek. No new issues introduced, therefore see response to comment T-C-6.

T-R-2 and T-R-3

The commenter claims additional analysis for water usage, water infrastructure, water storage, water exploration (i.e., wells), and site drainage in the event of a storm is warranted.

The RDEIR Sections 3.3 (MOU Project) and 9.3 (Alternative 1) Hydrology and Water Quality address these issues. Detail is presented in Sections 3.3.1.1.5 (MOU Project), and 9.3.1.1.5 Groundwater Conditions (Alternative 1).

T-R-4

This comment provides no new information. See response to comment T-J-21.

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Section 15.0 **T-S, Mark Chytilo**

*Responses to
Comments* **T-S-1**

This Commenter Mark Chytilo of the Naples Coalition provides no new information. See response to comment T-J-1.

T-S-2

The comment claims the recirculation schedule occurred during an in opportune time of the year for UCSB students to participate. This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

T-S-3

The commenter claims volume of response to the RDEIR would likely result in increased diversity of opinion. This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

T-S-4

The commenter claims the RDEIR should have illustrated the changes between the Draft EIR and Revised Draft EIR applying interdelineation or red-line strikeout, for the benefit of the public. The comment does not raise any issues regarding the content of the document.

T-S-5

This comment provides no new information. See response to comment T-S-2.

T-S-6

This comment provides no new information. See response to comment T-S-2.

T-S-7 through T-S-10

These comments claim the project is not fully described, and mention the second units.

No RSU's are proposed for the MOU Project. Accordingly, the RDEIR was not required to discuss or analyze Residential Second Units as part of the Project. For further discussion, please see response to comment G-8-44.

T-S-11

The commenter claims that policy inconsistencies must be resolved, unlike significance finding in CEQA where an overriding consideration can be determined.

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To the extent that The commenter disagrees with the RDEIR's conclusions regarding policy consistency those comments are noted. The commenter's opinion is included in the public record for consideration by decision-makers. Final determinations of policy consistency are solely within the discretion of the Board of Supervisors.

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T-S-12

The commenter claims the project description in the RDEIR shall need to be modified because of policy inconsistencies. See response to comment T-S-11.

T-S-13

The commenter claims that the SB18 consultation process will result in a change to the project description.

CEQA processes are legally separate. There is no provision in SB18 requiring any action by a local government under SB18 beyond compliance with its noticing and consultation requirements (Govt. Code §§65352.3, 65352.4). Further, CEQA does not require the completion of the SB18 consultation process prior to publication of a draft EIR.

The County has been engaged in SB18 consultation since the publication of the original draft EIR in June of 2006 and no new information regarding the archeological resources described in the RDEIR has been revealed through that process.

T-S-14

This comment provides no new information. See response to comment T-S-11.

T-S-15

The commenter claims the impacts analysis is flawed and that the RDEIR does not comply with CEQA requirements. See response to comment G-8-47.

T-S-16

The commenter claims issue areas should have been classified as Class I impacts rather than Class II. See response to comment T-S-15.

T-S-17

The commenter claims the RDEIR impacts to water quality, sewer capacity, septic access, sprawl, visual resources, cultural resources, and noise should all be classified as significant impacts.

The RDEIR discusses the impacts to Water Quality and Hydrology in Sections 3.3.3.2.2 (MOU Project), and 9.3.3.2.2 (Alternative 1) Water Quality Impacts; all impacts are mitigated to less

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than significant levels. The MOU Project is located beyond the service boundary of the Goleta West Sanitary District. The MOU Project proposes to install 16 individual septic systems consisting of septic tanks and dry wells on the inland lots located north of Highway 101. The project's potential impacts to public services as a result of the proposed use of septic systems is considered potentially significant, but feasibly mitigated (Class II), see Sections 3.15.3.2 (MOU Project) and 9.15.3.2 (Alternative 1) Project Impacts for full discussion.

For discussion of the visual resource impacts, see response to comment G-8-121.

T-S-18

The commenter claims the RDEIR mitigation measures lack sufficient clarity to assure that the resulting impacts are mitigated to a point of insignificance.

The comment is vague. The RDEIR includes mitigation measures reducing the impacts of various significant environmental impacts. Each impact and proposed mitigation measure is included in the Table ES-1 Summary of Impacts and Mitigation Measures – MOU Project.

T-S-19

The commenter claims that alternatives analysis is considered a central part of an EIR.

The Alternatives Analysis is found in Section 11.0 of the RDEIR, which includes fifty pages of analysis considering each issues area by alternative. CEQA Guidelines §15120 includes the information required in an EIR, no preferential ranking is stated. Additionally, CEQA Guidelines §15126.6, provide guidance for consideration and discussion of alternatives to the proposed project environmental impacts.

T-S-20

The commenter claims that CEQA directs an approval body to consider a feasible alternative, and failure to develop a robust alternatives analysis infects the conclusions of the EIR process.

As required by Public Resource Code Section §21002 and CEQA Guidelines Section §15126.6, the range of alternatives to the MOU Project selected by the County were those that were determined to avoid or substantially lessen the significant effects of the Project while feasibly attaining most of the Project's basic objectives. Also see response to comment G-8-16.

T-S-21

The commenter claims the alternatives analysis approach, comparing MOU Project and Alternative 1, demonstrates the failure within the RDEIR.

Alternative 1 is presented in the RDEIR as an alternative, and it is discussed as an alternative. Should Alternative 1 be approved, Alternative 1 would have to be approved as an alternative to the MOU Project. Also see response to comment G-8-16.

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T-S-22

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The commenter restates conclusions from the RDEIR, therefore no response is necessary.

T-S-23 and T-S-24

The commenter claims the MOU Project and Alternative 1 should have had a separate list of alternatives each.

Please see responses to comments T-S-21 and G-8-16.

T-S-25

The commenter restates claims the RDEIR's approach to alternatives analysis presented by earlier Commenters. See response to comment T-M-1.

T-S-26

The commenter claims the applicant is requiring one hundred percent economic return.

As noted in the introduction to Section 11, Alternatives, of the RDEIR, an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. For additional discussion, please see General response Transfer of Development Rights 13.1.5 Project Alternatives.

T-S-27

This summary comment claims the RDEIR lacks full disclosure of all the significant impacts.

The project applicants have attempted to mitigate the environmental impacts by avoiding, minimizing, and reducing project effect. Nevertheless, there remain several environmental impacts that are identified as *Class I; Significant and Not Mitigable*, are listed in Table ES-1.

T-T, Kristen Hoy

T-T-1 through T-T-3

The commenter Kristen Hoy of the Naples Coalition restates an earlier comment regarding the scheduling of the RDEIR, claiming the Revised Draft was scheduled for public review in March.

The commenter reflects on the EIR public comment process, and is not related to adequacy of the RDEIR, therefore no response is necessary.

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Section 15.0 **T-T-4**

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The commenter claims the RDEIR should be revised updating the analysis and subsequent mitigation measures.

The RDEIR has been revised to produce the Final EIR. Revisions are marked to show changes made in the RDEIR. Some revisions merely correct typographic or editorial errors that were made in the RDEIR, but many revisions incorporate information from comments contained in this volume. See Section 12.2, General Description of the Final EIR.

T-T-5

This comment provides a summary of information presented in the RDEIR, and does not raise any issues regarding the content of the document. Please see General Response 13.1.3, TDR Capacity.

T-T-6

The commenter describes the TDR study process, transferring the development rights from the Naples lots to other sites that are already planned for development, increasing density of those projects. Please see General Response 13.1.3, TDR Capacity.

T-T-7

The commenter claims the TDR study found that fifty-seven percent of the proposed development could be transferred from the Santa Barbara Ranch property to various other locations within Santa Barbara County.

The comment is accurate. The Summary Report to Update the 2007 TDR Feasibility Study, includes the three scenarios; scenario 1 transfers 37 lots from the grid development (Table 6.1 Grid, MOU, Alternative 1 Development Right Transfer Summary). Under the MOU Project, 31 units would be retired of the 54 lots, resulting in a 57 percent reduction.

T-T-8

The commenter claims that transfer of fifty-seven percent of the development rights from the Naples site and other mitigation may allow for the complete preservation of the proposed development, thereby saving the Gaviota Coast from development. This comment does not raise any issues regarding the adequacy of the RDEIR, so no response is necessary.

T-U, Ann Ostrivsky

T-U-1

This commenter Ann Ostrivsky reflects on the EIR public comment process, and is not related to adequacy of the RDEIR.

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T-U-2 and T-U-3

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The commenter claims that no enforcement by the County occurs during the construction phase of development.

The RDEIR includes mitigation measures which require County staff, biologists or other identified personnel to be present during various phases of the construction process.

Additionally, the Division of Building and Safety implements the Planning and Development Department enforcement program by responding to complaints on potential zoning and housing violations.

T-U-4

The commenter claims the Goleta Water District is not prepared to provide water for to the proposed project.

CCWA delivers water from the State Water Project, and the allotment to the Naples Water Company is delivered by the Goleta Water District (GWD) through its 33-inch water transmission pipeline that crosses Dos Pueblos Ranch on its way to serving other GWD customers farther west along the Gaviota Coast. Also see response to comment G-11-3.

T-U-5

The commenter claims that in areas beyond the urban limit line, potable water is provided in bottles.

This comment is accurate; the Goleta Water District provides potable water within the service district.

T-U-6

The commenter claims that the water supplies to be delivered by the State Water Project are paper water and is not available to support the proposed developments water requirements.

This comment is unsubstantiated; see response to comment T-U-4.

T-U-7

This comment does not address the content or adequacy of the RDEIR, so no response is necessary.

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Section 15.0 **T-V, Arriana Catovich**

*Responses to
Comments* **T-V-1**

This commenter Arriana Catovich of Earth Island Institute comments do not address the content or adequacy of the RDEIR, so no response is necessary.

T-V-2

The commenter claims the RDEIR's wetlands and watershed analysis are both lacking analysis.

See response to comment T-J-21.

T-V-3

See response to comment T-J-21.

T-V-4

The commenter claims the RDEIR fails to portray the significance of the Gaviota Coast wetlands and watershed. See response to comment F-2-15.

T-V-5 through T-V-8

These comments are not related to the adequacy of the RDEIR, therefore no response is necessary.

T-V-9

Improvement to the County of Santa Barbara Circulation Plan is a question of policy, outside of the scope of this EIR.

T-V-10

The commenter claims the global issue of Peak Oil should be addressed within the RDEIR's climate change analysis.

Peak Oil is the peak point of oil extraction and refining, or in other words, the half way point of the world's oil supply. Peak Oil is a global matter of consumption outside the scope of the RDEIR. The RDEIR includes discussion on Climate Change with the passage of the California Global Warming Solutions Act (AB 32) in 2006 see Sections 3.16 (MOU Project), and 9.16 (Alternative 1).

T-V-11

This comment provides no new information. See responses to comments T-G-13, T-G-22, T-J-12, T-J-21, and T-O-4.

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T-V-12

The commenter claims the proposed project should utilize the development technologies which result in low and no impact solutions. Suggestions include using Levi's in the composition of the walls, all hardscape surfaces should be permeable and vertical gardens. The comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

T-V-13

This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

Y-W, Ken Pallee, Surfrider Foundation

T-W-1

This commenter Ken Pallee of Surfrider Foundation presents concepts not related to the adequacy of the RDEIR, therefore no response is necessary.

T-W-2

The commenter claims the RDEIR is substantially flawed and does not comply with CEQA requirements. See response to comment G-8-47.

T-W-3

The commenter claims defects exist within the project description, resulting in a flawed analysis of the environmental impacts. Please see response to comment T-J-2.

T-W-4

The commenter claims the RDEIR fails to analyze water supply, resulting in a flawed analysis of the environmental impacts.

The FEIR has been updated addresses water supply forecasting in sections 3.15.1.1.6 (MOU Project) and 9.15.1.1.6 Water Treatment and Supply. The State Department of Water Resources (DWR) prepared *The State Water Project Delivery Reliability Report, Public Review Draft* (December 2007), which assessed the existing delivery capacity of the SWP over a range of hydraulic conditions, including historic extended dry cycles and long-term averages. For additional discussion on Water Supply please see General Response 13.4 Water Supply.

T-W-5

The commenter claims the RDEIR fails to analyze the effects water diversion from Dos Pueblos Cheek, resulting in a flawed analysis of the environmental impacts.

Please see General Response 13.4, Water Supply.

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Section 15.0 **T-W-6**

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The commenter claims the RDEIR fails to analyze the effects of the sewage treatment plants, resulting in a flawed analysis of the environmental impacts.

The RDEIR describes the proposed wastewater treatment system including the subsurface collection system in Sections 3.15.1.1.7 (MOU Project), and 9.15.1.1.7 Sanitary Waste Service (Alternative 1). See response to comment L-1-7.

T-W-7

The commenter claims the RDEIR fails to analyze the effects of the historical oil exploration, resulting in a flawed analysis of the environmental impacts.

The RDEIR addresses the existing condition in Sections 3.5.2 (MOU Project) and 9.5.2 (Alternative 1) including Past Oil Field Activities, Existing Oil and Gas Facilities in the Project Vicinity, and Agricultural Operations and Other Historic Uses. Please see response to comment G-2-18.

T-W-8

The commenter claims the RDEIR fails to analyze the effects to the Chumash archeological and cultural artifacts, resulting in a flawed analysis of the environmental impacts. Please see response to comment T-A-1.

T-W-9

The commenter claims approval of the RDEIR will alter the Gaviota Coast in perpetuity. The comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

T-W-10

The commenter asserts that the Planning Commission website lists 24 projects under review for the Gaviota Coast.

The Gaviota Coast pending projects are listed and discussed within the RDEIR Section 5.5.1 Background and Regional Pattern of Land Use.

T-W-11 and T-W-12

This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.

T-W-13

The commenter claims the environmentally superior alternative would move all of the development off of the Coast Bluff to the north side of Highway 101.

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See response to comment S-2-6.

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T-W-14

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This comment is not related to the adequacy of the RDEIR, therefore no response is necessary.