

Appendix C

NOP Comment Letters and Response

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Synopsis of NOP Comment Letters, Responses, and Reference to DEIR Sections

Introduction

California Environmental Quality Act (CEQA) Guidelines § 21092 requires the lead agency preparing the Environmental Impact Report (EIR) to provide public notice. The public notice shall specify the public comment period. Any person or entity may submit a comment to the lead agency concerning any environmental effect of a project being considered. The County of Santa Barbara Planning and Development Department is the lead agency for the North Fork Ranch Frost Ponds Project (Project) and posted the Notice of Preparation (NOP) for the public to provide comments on the Focused EIR on January 10, 2020, with a comment period extending through February 10, 2020. The County accepted public comments on the NOP through March 6, 2020. This Appendix includes the following:

- Appendix C.1 Synopsis of NOP Comment Letters, Responses, and Reference to DEIR Sections
- Appendix C.2 NOP Comment Letters (Annotated by Comment Number)
- Appendix C.3 County of Santa Barbara Planning and Development Department Notice of Preparation of a Draft Environmental Impact Report, North Ranch Frost Ponds Project dated January 10, 2020

Overview of NOP Comment Letters

Nine comments letters were received by the County in response to the NOP. To support this synopsis and to track that all comments have been addressed, these letters have been annotated with margin notations for each individual comment. The comment letters were received from the following parties and are listed in order of receipt. A complete set of the comment letters are included in Appendix C.2.

Comment Letter 1. Law Offices of Marc Chytilo

Comment Letter 2. United States Department of Fish and Wildlife (USFWS)

Comment Letter 3. California Department of Fish and Wildlife (CDFW)

Comment Letter 4. California Department of Transportation (Caltrans)

Comment Letter 5. Santa Barbara County Air Pollution Control District (APCD)

Comment Letter 6. RLT Business Development

Comment Letter 7. California State Clearinghouse and Planning Unit

Comment Letter 8. California Department of Water Resources (DWR)

Comment Letter 9. Native American Heritage Commission (NAHC)

NOP Comment/Responses

In addition to identifying the parts of this Appendix, this synopsis also includes Table 1. This table lists the comment letter receipt date, comment letter number, commenter, summary of each comment, a response to each comment, and a reference to where additional information to support the response can be found within the Focused DEIR. Table 1 was prepared to comply with CEQA Guidelines §15088, which states:

“(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.”

Table 1 North Fork Ranch Frost Ponds Project Focused EIR NOP Comments and Responses

Letter Date	Letter #	Comment #	Commenter	Comment Summary	Response and EIR Section
3/6/2020	1	1-1	Law Office of Marc Chytilo	Include Cuyama Basin Groundwater Sustainability Plan (Plan) and Well Pumping Data in EIR, including: A. Describe Plan status; B. Add Groundwater Sustainability Agency (GSA) as a trustee agency for CEQA and solicit GSA input on NOP and DEIR; C. Add Plan information into EIR baseline setting, pursuant to CEQA §15125 (a); D. Evaluate CEQA Appendix G, 2018 thresholds related to compliance with applicable Plans; E. Add information related to Applicant's vineyard groundwater pumping data from GSP into EIR; and, F. Review Santa Barbara Independent article, dated March 6, 2020 regarding implementation of the Cuyama Basin Plan.	Preparation of Focused EIR Section 3.9 considered the sources referenced in this comment. Information about the Cuyama Basin GSA and Plan have been added to DEIR Chapters 1 through 5.
3/6/2020	1	1-2	Law Office of Marc Chytilo	Capture all cumulative projects impacting the Cuyama Groundwater Basin and sub-basins.	Focused EIR Chapter 4 presents a cumulative impact analysis that includes a description of projects in the Cuyama Valley considered for this analysis.
3/5/2020	2	2-1	USFWS	Recommends updated surveys be conducted for San Joaquin kit fox (SJKF) to assess potential impacts in the DEIR.	Biological resource field surveys were conducted by a Kevin Merk Associated (KMA) qualified wildlife biologist in spring 2019 and focused on the three reservoir sites and a potential 100-foot wide construction area. Although SJKF protocol surveys were not conducted, no sign of this species was observed during these surveys. The reservoirs are located within the existing North Fork Ranch vineyard which is surrounded by exclusionary deer fencing thus minimizing potential for SJKF to enter the reservoir sites. Refer to DEIR Appendix D.1 Biological Resources Technical Memorandum and Focused EIR Section 3.7 for additional information regarding sensitive biological resources.
3/5/2020	2	2-2	USFWS	Address presence of California red-legged frogs or habitat within the project area.	Potential for California red-legged frogs to use nearby ephemeral drainages or the three reservoir sites is very low due to the distance from locations where the species has been previously recorded. Individuals can move 1.7 miles during a rainy season as noted in the USFWS comment, but the distance to the reservoirs is at least 7 miles away, over four times the expected dispersal distance of the species. No evidence of ponded areas was noted in any of the drainages during the 2015-16 and 2019 biology surveys. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional biological resources information.
3/5/2020	2	2-3	USFWS	Add discussion of purpose and need for the Project.	Refer to DEIR Chapter 1 for Project Objectives.
3/5/2020	2	2-4	USFWS	Describe proposed Project and all feasible alternatives, including the no action alternative.	Refer to DEIR Chapter 6.0 for a discussion of feasible alternatives, including the No Action Alternative. Chapter 6 addresses potential impacts to sensitive biological resources from each alternative.
3/5/2020	2	2-5	USFWS	Discuss specific acreage and detailed descriptions of the amount and types of habitat that the proposed Project or project alternatives may affect.	The amount (acreage) of each habitat type that could be affected by construction of the three ponds has been calculated using GIS and is discussed in Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7.
3/5/2020	2	2-6	USFWS	Include quantitative and qualitative information concerning plant and animal species associated with each habitat type.	Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for a description of plant and animal species that could be present in the Project area and affected by Project activities.

Table 1 North Fork Ranch Frost Ponds Project Focused EIR NOP Comments and Responses

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3/5/2020	2	2-7	USFWS	List and describe sensitive species found at or near the project site with anticipated effects of the Project on these species.	Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for a list and description of federal and State-listed and locally declining /sensitive species occurrence in the proposed Project area.
3/5/2020	2	2-8	USFWS	Project should minimize use of pesticides, herbicides, or rodenticides.	Mitigation Measure (MM) BIO-01.7 in the Focused EIR prohibits the use of rodenticides, herbicides, and pesticides in the Project area. Refer to DEIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional information about sensitive biological resources.
3/5/2020	2	2-9	USFWS	Assess direct, indirect, and cumulative effects on biological resources from the Project.	Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for an impact analysis and discussion of direct, indirect, and cumulative effects on biological resources as required by CEQA.
2/10/2020	3	3-1	CDFW	Recommends conducting new botanical and animal surveys for DEIR, since prior surveys conducted in 2015/2016 are no longer valid and were conducted during an historic drought cycle.	Updated biological resource surveys were conducted in 2019 by KMA qualified biologists. These surveys focused on the three frost pond reservoir locations and a 100-foot construction area around them. Appropriately, timed botanical surveys were conducted as well as observations of wildlife and their sign. The data from these surveys was used to prepare DEIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7.
2/10/2020	3	3-2	CDFW	Recommends focused surveys for special status native plants following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities, 2018. If Project impacts sensitive species or vegetation communities, then specific mitigation to offset the loss of habitat should be included in the DEIR. The DEIR should also identify, map, and discuss specific vegetation communities within the Project Area following CDFW's Protocols.	An updated Biological Resources Assessment (BRA) that included updated biological resource surveys conducted in 2019 by KMA were appropriately timed and conducted by a qualified biologist using current CDFW methods. Survey results confirmed that no sensitive plant species were found within the three reservoir sites or within the adjacent 100-foot potential construction area. No CNPS ranked 1-4 plants were found on or adjacent to the reservoirs sites during the 2019 surveys, so mitigation ratios are not needed. However, native grasslands were found south of Reservoir No. 3. Construction of this reservoir would result in the permanent loss of more than 0.01-acre of native curly bluegrass within the reservoir footprint and construction disturbance area. In addition, the native grassland buffer would be removed, resulting in long term impacts to remaining grassland. MM BIO-02 requires (1) installation of exclusionary fencing around the grassland community within the construction area to limit direct impacts to native grassland, (2) restoration of native grasslands removed or degraded during construction, and (3) additional restoration of native grasslands to offset the loss of the native grassland buffer. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional information about sensitive biological resources.
2/10/2020	3	3-3	CDFW	Recommends focused surveys for animal species, specifically, SJKF, giant kangaroo rat, crotch bumble bee, and blunt-nosed leopard lizard (BNLL) pursuant to CDFW survey protocols.	See response to Comment 3-2. No special-status animal species were found during the KMA 2019 surveys, so no avoidance and mitigation measures are required. The 2020 KMA report notes that the proposed Project site appears to lack sufficient pollen sources and the general vegetative structure and diversity to attract or support the crotch bumble bee and therefore this species is unlikely to be present and therefore, no focused surveys were conducted. Protocol surveys for BNLL were conducted in 2015 in Schoolhouse Canyon and along the Cuyama River in habitat of higher quality for this species than at the three reservoir sites and did not find any BNLL. The closest reported location of BNLL is more than five miles east of the proposed Project site. Based on this information and the current habitat condition at the three reservoir sites, no new focused surveys were conducted. The Focused EIR includes MMs BIO-01.1 and BIO-01.2 to reduce short-term impacts to SJKF in the unlikely event that it inhabits the Project site, including requiring pre-construction surveys. MM BIO-01.4 includes an American badger avoidance measure and required state and federal agency notifications in the event that an endangered species is encountered. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional information about sensitive biological resources.
2/10/2020	3	3-4	CDFW	DEIR to prohibit use of rodenticides that could cause direct or secondary poisoning to native mammals, birds, and raptors.	See response to Comment 2-8, MM BIO-01.7 prohibits the use of rodenticides. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional information about sensitive biological resources.

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Letter Date	Letter #	Comment #	Commenter	Comment Summary	Response and EIR Section
2/10/2020	3	3-5	CDFW	Recommends landscaping with native flora, pursuant to CDFW guidance.	No landscaping is required for the proposed Project, therefore, no requirements have been added.
2/10/2020	3	3-6	CDFW	Address impacts to onsite stream or riparian resources (jurisdictional waters) and whether a Lake and Streambed Alteration (LSA) Agreement and compliance with U.S. Army Corps of Engineers and 404 permit and Regional Water Quality Control Board Section 401 Certification is required.	The proposed reservoirs will not impact stream or riparian resources, therefore, a LSA, 401 permit, and 404 Certification are not required. The 2018 Final MND discussed onsite drainage. The MND described that these drainages bisect the Project property in a primarily south to north direction and that they are dry for most of the year and convey periodic/flashy flows during monsoonal rain events and the winter rain season. As shown on Project plans (Appendix A.1), stormwater drainage from upslope areas adjacent to the reservoirs would be collected by proposed drainage swales. In addition, collected stormwater runoff and discharges from the reservoir's overflow control system would be discharged over rock energy dissipaters and allowed to sheet flow at downslope locations adjacent to the reservoirs. To mitigate these potential short-term impacts to runoff and water quality, the Project plans show the implementation of erosion/sedimentation control Best Management Practices (BMPs). These BMPs include the use of silt fences, straw bales, and maintenance of proposed erosion control measures throughout the rainy season (October 15 through April 15). Long-term erosion from proposed reservoir impoundment berms would have the potential to result in erosion and sediment impacts to drainage channels adjacent to the reservoir sites, however, potential short and long-term impacts would be reduced to a less than significant level though compliance with the County's Grading Ordinance requirements and MMs FLOOD-02.1, 02.2, and 02.3 recognizes compliance with the County's Grading Ordinance and requires preparation and implementation of a plan to control surface water and erosion. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional sensitive biological resources information.
2/10/2020	3	3-7	CDFW	Add a complete description of the purpose and need for the Project, including the Project description and all construction staging areas and access routes and a range of feasible alternatives to the Project to avoid or minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.	Focused EIR Chapter 1 includes Project objectives, Chapter 2 describes the Project, and Chapter 6 includes an analysis of feasible alternatives to avoid or minimize direct and indirect impacts to biological resources and evaporative groundwater loss. Refer to Focused EIR Chapters 1 through 6 and Appendix D.1 Biological Resources Technical Memorandum for additional sensitive biological resources information, including wildlife movement.
2/10/2020	3	3-8	CDFW	Notify CDFW pursuant to § 1600 et seq. of the Fish and Game Code to determine whether a LSA is required. Include a preliminary jurisdictional delineation of onsite streams and associated riparian habitats. If resources present, apply effective setbacks to buffer sensitive areas from Project activities. In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.	See response to comment 3-6 above. The proposed reservoirs will not impact stream or riparian resources, therefore, a LSA and a preliminary jurisdictional delineation are not required. The proposed reservoirs are designed to have a 50-foot setback from the top of bank for ephemeral drainages, however, the reservoirs will not impact ephemeral drainages, therefore, a vegetative buffer is not required. Refer to Focused EIR Section 3.7 for a discussion of potential impacts to biological resources and required avoidance measures to protect native grasslands.
2/10/2020	3	3-9	CDFW	Identify wetlands and watercourses impacted by Project. Avoid wetland resources impacts. If wetland impacts, identify mitigation measures to compensate for the loss of function and value. Avoid use of excessive amounts of water, and minimize impacts to water quality pursuant to Fish and Game Code § 5650.	See responses to comments 3-6 and 3-8 above. Construction of the three reservoirs will not affect wetlands. There are no wetlands present at the three reservoir sites. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional sensitive biological resources information.

Table 1 North Fork Ranch Frost Ponds Project Focused EIR NOP Comments and Responses

Letter Date	Letter #	Comment #	Commenter	Comment Summary	Response and EIR Section
2/10/2020	3	3-10	CDFW	Seek appropriate take authorization under the California Endangered Species Act (CESA) for impacts to State-listed species from Project activities (Fish and Game Code §2081).	As noted above in response to CDFW comment 3-2, no CESA-protected species were found at the reservoir sites therefore, there is no need to consult with CDFW. The 2020 KMA BRA was completed following CDFW survey requirements. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional sensitive biological resources information.
2/10/2020	3	3-11	CDFW	Provide a complete Biological Baseline Assessment of the flora and fauna within and adjacent to the Project area. Include the regional setting. Conduct surveys following CDFW's protocols. Document vegetation using CDFW-accepted sources. Complete a California Natural Diversity Data Bases (CNDDDB) search for any sensitive species and habitats within the Project area. Use CNDDDB survey forms to document onsite biological resource surveys. Focused species-specific surveys should be developed in consultation with CDFW and USFWS. Conduct recent wildlife and rare plant survey, since past surveys may no longer be valid because they are more than two years old and conducted during drought conditions.	KMA qualified biologists conducted plant and wildlife surveys following CDFW protocols and using CNDDDB survey forms in spring 2019 after an above normal rainfall winter. These data were used in the KMA 2020 BRA and included in the baseline environmental setting section in DEIR Section 3.7. The KMA 2020 report includes results of a CNDDDB species and habitat search for information through December 2019. The EIR includes an assessment of rare, threatened, and endangered species as well as other sensitive species. Refer to DEIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional biological resources information.
2/10/2020	3	3-12	CDFW	DEIR to discuss direct, indirect, and cumulative impacts to biological resources resulting from the proposed Project. DEIR to discuss potential adverse impacts from lighting, noise, human activity, exotic species, drainage, and groundwater. DEIR to also discuss indirect impacts on biological resources, including nearby public lands (Fish & Game Code §2081) and maintenance of wildlife corridor areas and access to undisturbed habitat in adjacent areas. In addition, EIR to analyze inadvertent contribution to wildlife-human interaction and measures to reduce these conflicts.	Direct, indirect, and cumulative impacts to sensitive biological resources are addressed in Focused EIR Section 3.7 and Chapter 4 Cumulative Impacts. Mitigation measures have been developed for any potentially significant effects identified from implementation of the frost protection system. The scope of the environmental review is limited to the construction of the three proposed reservoirs and implementation of the frost protection system as described in Chapter 2 Project Description. The three reservoirs are located within the existing boundaries of the North Fork Ranch vineyards. Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 include information about existing conditions within the North Fork Ranch vineyard as well as potential sensitive biological resource impacts from construction and implementation of the frost protection system. These conditions include existing deer exclusionary fencing that prohibits larger wildlife from entering the vineyard and proposed reservoirs area. Mitigation measures are included in the DEIR intended to reduce wildlife-human interactions, such as prohibiting the use of rodenticide and requiring pre-construction surveys for endangered species and requiring a biological resources monitor during construction. Refer to Focused EIR Chapters 1, 2, 3, 6, and Section 3.7, for additional sensitive biological resources information. Also, refer to the responses to USFWS and CDFW comments above which further address this comment.
2/10/2020	3	3-13	CDFW	DEIR to include measures to avoid and protect sensitive plant communities from Project-related direct and indirect impacts.	See response to Comment 3-2 above. Focused EIR Section 3.7 addresses potential impacts to sensitive plant communities. MM BIO-02 addresses potential impacts to the native grassland community located within the construction area for Reservoir No. 3.
2/10/2020	3	3-14	CDFW	DEIR to include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. If onsite mitigation is not feasible, then offsite mitigation should be addressed pursuant to Government Code §65967.	See responses to Comments 3-1, 3-2, and 3-3 above. Focused EIR Section 3.7 addresses potential impacts to sensitive plants, animals, and habitats. MM BIO-02 addresses potential impacts to the native grassland community located within the construction area for Reservoir No. 3. Onsite mitigation is feasible, therefore, no offsite mitigation is recommended. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional sensitive biological resources information.
2/10/2020	3	3-15	CDFW	DEIR to include measures to project targeted habitat values from direct, indirect, and cumulative negative impacts in perpetuity.	Focused EIR Section 3.7 addresses potential impacts to sensitive plant communities. MM BIO-02 addresses potential impacts to the native grassland community located within the 100-foot construction area for Reservoir No. 3. Mitigation consists of exclusionary fencing and avoidance and restoration for direct impacts to the native grassland (3:1 ratio) and loss of buffer

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Letter Date	Letter #	Comment #	Commenter	Comment Summary	Response and EIR Section
					areas (1:1 ratio). Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum, Section 3.7 and Chapter 4 for additional biological resources information.
2/10/2020	3	3-16	CDFW	Recommends measures to avoid Project impacts to nesting birds under the Federal Migratory Bird Treaty Act (MBTA) and the Fish and Game Code.	Focused EIR Section 3.7 includes MM BIO-01.6 to reduce potential impacts to nesting birds to comply with MBTA and Fish and Game Code sections and MM BIO-01.5 requires pre-construction surveys to identify locations of nesting birds. If determined through these surveys that nesting birds or suitable habitat for nesting birds will be impacted during construction, then setbacks will be required to ensure that Project personnel avoid disturbance.
2/10/2020	3	3-17	CDFW	CDFW does not support use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species.	Focused EIR Section 3.7 addresses potential impacts to rare, threatened, or endangered plant or animal species. No federal or state listed plant or animal species are expected to occur within the Project. On-site mitigation is feasible, therefore, use of translocation or transplantation to avoid impacts will not be needed. Refer to Focused EIR Appendix D.1 Biological Resources Technical Memorandum and Section 3.7 for additional sensitive biological resources information.
2/10/2020	3	3-18	CDFW	Recommends use of a qualified biological monitor approved by CDFW to be onsite prior to and during ground and habitat disturbing activities. To avoid direct impacts to special status species or other wildlife of low mobility that could be killed or injured during Project-related construction activities, CDFW recommends that a qualified monitoring be onsite prior to and during ground and habitat disturbing activities to move these species out of harm's way.	Focused EIR Section 3.7 includes MM BIO-01. to reduce potential impacts to sensitive and low mobility species and MM BIO-01.5 requires a qualified biologist to be onsite for pre-construction surveys and during Project-construction activities that could cause injury to these species.
2/10/2020	3	3-19	CDFW	Include restoration and re-vegetation plans prepared in accordance with CDFW recommendations.	Focused EIR Section 3.7 includes MMs BIO-01.1, which required adherence to the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to Ground Disturbance. These recommendations require restoration of the ground surface including recontouring and seeding. These measures would apply to all areas with temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc. These areas will be re-contoured, if necessary, and revegetated to restore the area to pre-construction conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated.
2/10/2020	4	4-1	Caltrans	EIR to address impacts of project berms and grading along SR 166 and irrigation pipelines beneath SR 166.	Focused EIR Section 3.8 and Appendix D.2 Flooding Technical Memorandum confirm potential impacts from project berms, grading, and irrigation pipelines will not result from implementation of the Project subject to compliance with applicable building and engineering standards and that Project plans are revised to make all three reservoirs consistent. Refer to MM FLOOD-01, 02.1, 02.2, 02.3, and 03 in Focused EIR Section 3.8.
2/10/2020	4	4-2	Caltrans	Project should be approved by DWR to ensure berms are structurally adequate.	The Applicant coordinated with DWR Division of Safety of Dams (DOSD) to determine applicable reservoir design and construction requirements. DSOD provided a formal response to the Applicant dated December 17, 2020 (Appendix A.12.) The letter confirmed that any dam that is less than 25-feet high and has storage capacity less than 50 acre-feet is not subject to DWR jurisdiction. DOSD reviewed revised reservoir plans, dated July 17, 2020, and determined that the three reservoirs fall under the DWR capacity limits. The DOSD response letter also noted several good practice design standards for dam safety including increasing the diameter of the proposed spillway pipes and including an alternative means of addressing seepage control, other than using an anti-seepage collar. Appendix D.2 Flooding Impacts Technical Memorandum included a review of existing plans, reports, and DOSD correspondence. This memorandum identifies potential concerns with the proposed design and identifies MMs FLOOD-01, 02.1, 02.2, 02.3, and 03 to address these potential flooding impacts. The analysis presented in Focused EIR Section 3.8 evaluates safety concerns and identifies mitigation measures to address these impacts. The Focused EIR concludes that with implementation of these mitigation measures, flooding impacts will be less than significant.

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Letter Date	Letter #	Comment #	Commenter	Comment Summary	Response and EIR Section
2/10/2020	4	4-3	Caltrans	Potential Project-related construction impacts may warrant need for preparation of a Traffic Management Plan.	The August 2018, Final MND confirmed that short- and long-term traffic generated by the proposed Project would be very low and would not adversely affect the operation of State Highway 166 or substantially increase the need for road maintenance. Adequate sight distance is provided along State Highway 166 to accommodate project-related vehicles that would enter and leave the project site and therefore, the project would result in less than significant traffic-related impacts.
2/10/2020	4	4-4	Caltrans	Requests all earth disturbance within Caltrans right-of-way (ROW) be monitored for cultural resources.	No earth disturbance is proposed in the Caltrans ROW, therefore, there is no need to monitor for cultural resources in the ROW.
2/10/2020	4	4-5	Caltrans	Integrate Dudek's comments on the 2016 KMA BRA into an updated/revised Report.	Responses to the Dudek peer review comments are included in the KMA letter dated June 24, 2016. The 2020 KMA report appends the Dudek peer review comments and includes the results of additional surveys conducted in 2019. Refer to Focused EIR Appendices A.08 and A.11 for BRA information prepared by the Applicant, Appendix D.2 for the Sensitive Biological Resources Technical Memorandum prepared to support the DEIR, and Section 3.7 for additional information regarding sensitive biological resources.
2/10/2020	4	4-6	Caltrans	Any work within the State's ROW requires an encroachment permit from Caltrans.	No work will be conducted in the Caltrans ROW, therefore, no encroachment permit is required.
1/23/2020	5	5-1	Santa Barbara County (APCD)	EIR should address potential air quality impacts from Project construction activities pursuant to APCD guidance (2017).	The August 2018, Final MND evaluated air quality impacts from Project-related construction activities and determined that construction-related emissions would be less than significant. However, due to the non-attainment status of the air basin for ozone and consistent with the 2017 APCD guidance, the project would be required to implement APCD standard conditions to reduce construction-related emissions of ozone precursors to the extent feasible.
1/23/2020	5	5-2	APCD	Include standard APCD mitigation measures for fugitive dust and diesel particulate and NOx emission measures.	The August 2018, Final MND evaluated dust emissions from Project-related construction activities and determined that Project grading would have the potential to be a short-term source of fugitive dust that could have the potential to impact adjacent agricultural operations. The evaluation also noted that Project-related grading would also contribute to regional emissions of PM ₁₀ and PM _{2.5} . Further, the discussion noted that dust emissions resulting from project-related construction would be reduced to the extent feasible through implementation of County Grading Ordinance and APCD requirements, which require the implementation of standard dust control measures to reduce short-term dust emissions to a less than significant level under project-specific and cumulative conditions.
1/23/2020	5	5-3	APCD	EIR should include a Mitigation Monitoring and Reporting Plan (MMRP).	One of the future actions associated with this Project includes adoption of the MMRP. The County will identify applicable sections of the Focused EIR and past proceedings to meet MMRP requirements.
1/20/2020	6	6-1	RLT Business Development (RLT)	Consider visual impacts of reservoirs from SR 166.	The August 2018, Final MND evaluated whether the proposed reservoirs would result in new above ground facilities that would be visible from public viewing locations such as State Highway 166. The evaluation concluded that due to the setback distances between the three reservoir sites and State Highway 166, the reservoirs would not be prominently visible to persons traveling on the highway. Further, the analysis noted that grading required to construct the reservoirs would not result in scars or other alterations to existing topography or vegetation resulting in a significant visual impact. In addition, required erosion control planting on the reservoir berms would help to the berms blend with undisturbed areas near the reservoir sites. Visual impacts were addressed in the 2018 Final MND and are not part of the scope of the Focused EIR.
1/20/2020	6	6-2	RLT	Address reservoir issues resulting from an earthquake and impacts from a water release on SR 166.	Focused EIR Section 3.8 and Appendix D.2 Flooding Technical Memorandum confirm that potential seismic impacts from project berms, grading, and irrigation pipelines will not result from implementation of the Project.
1/20/2020	6	6-3	RLT	Address water loss to evaporation from open reservoirs.	Focused EIR Appendix D.3 and Section 3.9 include information related to potential impacts from evaporative groundwater loss from the three proposed reservoirs. See response to Comment 1-1 above.
1/17/2020	7	7-1	California State Clearinghouse and Planning Unit	Transmittal of NOP for North Fork Frost Ponds draft EIR to responsible agencies for review and comment.	Comment noted. NOP is included in Appendix C.3.

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1/17/2020	8	8-1	DWR	Address whether the three reservoirs meet DWR DSOD requirements of a jurisdictional sized dam. Submit reservoir plans to DSOD for confirmation.	As noted above in response to Comment 4-2, and as requested in the DWR DOSD NOP comment letter, the Applicant coordinated with DWR DOSD to determine whether DOSD design and construction requirements apply to the proposed frost ponds. DSOD provided a formal response to the Applicant dated December 17, 2020. This letter is included in Appendix A, Applicant Provided Information. The letter confirmed that any dam that is less than 25-feet high and has storage capacity less than 50 acre-feet is not subject to DWR jurisdiction. Refer to the Technical Memorandum, included in Appendix D.X, for additional information regarding potential concerns with the proposed reservoir design. In addition to this memorandum, the analysis presented in DEIR Section 3.8 evaluates these safety concerns and identifies mitigation measures to address these impacts. The DEIR concludes that with the implementation of mitigation measures, flooding impacts will be less than significant.
1/14/2020	9	9-1	NAHC	Confirm tribal consultation requirements have been completed consistent with AB 52 and SB 18.	Proof of Tribal consultation is included in the Phase 1 Cultural Resources Study for the North Fork Reservoir Project, Santa Barbara County, California, Rincon Consultants, 2016, included in Appendix A.03.
1/14/2020	9	9-2	NAHC	Discuss impacts to tribal cultural resources in the EIR pursuant to NAHC recommendations.	The 2018 Final MND identified that a Phase 1 investigation (Phase 1 Cultural Resources Study for the North Fork Reservoir Project, Santa Barbara County, California, Rincon Consultants, 2016) of the proposed reservoir and pipeline construction sites was conducted. The survey did not identify any archaeological resources. However, prior to the preparation of the Phase 1 investigation, human remains were identified during excavation of an irrigation pipeline on the north side of Highway 166. Based on the previous discovery of the burial, the Project site is considered sensitive for cultural resources. Based on the Phase 1 investigation there is no indication that the proposed reservoir sites are religiously important or that the Project site is sacred. In compliance with the requirements of AB 52, the Barbareño/Venentureño Band of Mission Indians was formally notified of the proposed project by a letter dated March 13, 2017. No response to this notification has been received. The 2018 Final MND identified mitigation measures to address the unanticipated discovery of sensitive cultural resources during project construction. Mitigation measures from the 2018 Final MND require that an archaeological monitor and Native American representative be present during initial ground disturbance for each of three reservoirs; describe actions to be implemented in the event that previously unidentified cultural resources are discovered; and inform construction workers about cultural resource sensitivity of the Project area. Refer to Appendix A.03.



NATIVE AMERICAN HERITAGE COMMISSION

January 14, 2020

Governor's Office of Planning & Research

Steve Rodriguez
Santa Barbara County
624 W. Foster Road
Santa Maria, CA 93455

JAN 16 2020

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Pomo

9-1

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2017061009, North Fork Ranch Frost Ponds Project, Santa Barbara County

Dear Mr. Rodriguez:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

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3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
- 9-1 (con) 4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - 9-2 c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



JAN 17 2020

Mr. Steve Rodriguez
Santa Barbara County
Planning and Development
624 West Foster Road, Suite C
Santa Maria, California 93455

Governor's Office of Planning & Research

JAN 17 2020

STATE CLEARINGHOUSE

Notice of Preparation for the North Fork Ranch Frost Ponds Draft Environmental Impact Report SCH2017061009
Santa Barbara County

Dear Mr. Rodriguez:

The Division of Safety of Dams (DSOD) has reviewed the Notice of Preparation for the North Fork Ranch Frost Ponds Project (Project) Draft Environmental Impact Report which describes a proposed construction of three reservoirs which would store water to be used for frost protection at the North Fork Ranch Vineyards.

Based on the information in the Project description, the three proposed dams appear to meet the requirements of a jurisdictional sized dam. Therefore, Santa Barbara County Flood Control District needs to submit preliminary plans so that DSOD can make an accurate jurisdictional determination.

As defined in Sections 6002 and 6003, Division 3, of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. The dam height is the vertical distance measured from the maximum possible water storage level to the downstream toe of the barrier.

If the three dams are subject to State jurisdiction, a construction application, together with plans, specifications, and the appropriate filing fee must be filed with DSOD for this project. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direction of a Civil Engineer registered in California. Erik Malvick, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 565-7840.

If you have any questions or need additional information, you may contact, Area Engineer Ashley Moran at (916) 565-7830 or Regional Engineer Rick G. Draeger at (916) 565-7827.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rick G. Draeger'.

Rick G. Draeger, Regional Engineer
Southern Region
Field Engineering Branch
Division of Safety of Dams

cc: Governor's Office of Planning and Research
State Clearinghouse
state.clearinghouse@opr.ca.gov



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Notice of Preparation

RECEIVED

JAN 17 2020

S B COUNTY
PLANNING & DEVELOPMENT

January 10, 2020

To: Reviewing Agencies
Re: North Fork Ranch Frost Ponds
SCH# 2017061009

Attached for your review and comment is the Notice of Preparation (NOP) for the North Fork Ranch Frost Ponds draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Steve Rodriguez
Santa Barbara County
624 W. Foster Road
Santa Maria, CA 93455

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2017061009/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency

2017061009

NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL SCH# _____

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (Overnight/Personal Delivery) (916) 445-0613

Project Title: North Fork Ranch Frost PondsLead Agency: Santa Barbara County, Planning & DevelopmentContact Person: Steve RodriguezStreet Address: 624 W. Foster RoadPhone: (805) 682-3413City: Santa MariaZip: 93455County: Santa BarbaraProject Location: County: Santa BarbaraCity/Nearest Community: New CuyamaCross Streets: State Highway 166Total Acres: 6,565APN # 147-020-045 Section: _____ Twp. _____ Range: _____ Base: _____Within 2 Miles: State Hwy #: SR 166 Waterways: Cuyama RiverAirports: None Railways: None Schools: None

Governor's Office of Planning & Research

JAN 10 2020

DOCUMENT TYPE

CEQA: ☒ NOP☐ Supplement/SubsequentNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ EIR (Prior SCH No.) _____☐ EA☐ Final Document☐ Mitigated Neg Dec☐ Other _____☐ Draft EIS☐ Other _____☒ Draft EIR☐ FONSI

STATE CLEARINGHOUSE

LOCAL ACTION TYPE

☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division☐ Other _____

(Subdivision, Parcel Map, Tract Map, etc.)

DEVELOPMENT TYPE

☐ Residential: Units _____ Acres _____
(ponds), each with capacity to store 49 acre feet of water☒ Water Facilities: Type Three Agricultural Water Storage Reservoirs (frost ponds) MGD _____☐ Office: Sq.ft. _____ Acres _____ Employees _____☐ Transportation: Type _____☐ Commercial: Sq.ft. _____ Acres _____ Employees _____☐ Mining: Type _____☐ Industrial: Sq.ft. _____ Acres _____ Employees _____☐ Power: Type _____ Watts _____☐ Educational _____☐ Waste Trtmt: Type _____☐ Recreational _____☐ Hazardous Wst: Type _____☐ Other: _____

PROJECT ISSUES THAT MAY HAVE A SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACT

☐ Aesthetic/Visual☒ Flood Plain/Flooding☐ Schools/Universities☒ Water Quality☐ Agricultural Land☐ Forest Land/Fire Hazard☐ Septic Systems☒ Water Supply/ Groundwater☐ Air Quality☒ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☒ Archeological/Historical☐ Minerals☒ Soil Erosion/Compaction/Grading☒ Wildlife☒ Biological Resources☐ Noise☐ Solid Waste☐ Growth Inducement☐ Coastal Zone☐ Population/Housing Balance☐ Toxic/Hazardous☐ Land Use☐ Drainage/Absorption☐ Public Services/Facilities☐ Traffic/Circulation☐ Cumulative Effects☐ Economic/Jobs☐ Recreation/Parks☒ Vegetation☐ Other _____☐ Fiscal

PRESENT LAND USE DESIGNATION AND ZONING

Land Use: Rural Area, Agricultural Commercial (AC). Zoning: AG-II-100

PROJECT DESCRIPTION The North Fork Ranch Frost Pond project is a request to construct and operate three reservoirs (frost ponds) that would store water to be used for frost protection at the North Fork Ranch Vineyards. The project also includes the construction of new underground pipelines that would extend between each of the proposed reservoirs and the existing vineyard irrigation system. The Santa Barbara County Board of Supervisors determined that an EIR is required for the project. A proposed Final MND (SCH No. 2017061009) was previously prepared for the project.

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

NOP Distribution List

County: Santa Barbara

SCH# 2017061009

Regional Water Quality Control Board (RWQCB)

- ☐ **RWQCB 1**
Cathleen Hudson
North Coast Region (1)
- ☐ **RWQCB 2**
Environmental Document
Coordinator
San Francisco Bay Region (2)
- ☒ **RWQCB 3**
Central Coast Region (3)
- ☐ **RWQCB 4**
Teresa Rodgers
Los Angeles Region (4)
- ☐ **RWQCB 5S**
Central Valley Region (5)
- ☐ **RWQCB 5F**
Central Valley Region (5)
Fresno Branch Office
- ☐ **RWQCB 5R**
Central Valley Region (5)
Redding Branch Office
- ☐ **RWQCB 6**
Lahontan Region (6)
- ☐ **RWQCB 6V**
Lahontan Region (6)
Victorville Branch Office
- ☐ **RWQCB 7**
Colorado River Basin Region (7)
- ☐ **RWQCB 8**
Santa Ana Region (8)
- ☐ **RWQCB 9**
San Diego Region (9)

☐ Other _____

☐ _____
Conservancy

Last Updated 11/20/19

- ☐ **Caltrans, District 9**
Gayle Rosander
- ☐ **Caltrans, District 10**
Tom Dumas
- ☐ **Caltrans, District 11**
Jacob Armstrong
- ☐ **Caltrans, District 12**
Maureen El Harake

Cal EPA

Air Resources Board

- ☐ **Airport & Freight**
Jack Wursten
- ☒ **Transportation Projects**
Nesamani Kalandiyur
- ☐ **Industrial/Energy Projects**
Mike Tollstrup
- ☐ **California Department of Resources, Recycling & Recovery**
Kevin Taylor/Jeff Esquivel
- ☐ **State Water Resources Control Board**
Regional Programs Unit
Division of Financial Assistance
- ☐ **State Water Resources Control Board**
Cindy Forbes – Asst Deputy
Division of Drinking Water
- ☐ **State Water Resources Control Board**
Div. Drinking Water # _____
- ☒ **State Water Resources Control Board**
Student Intern, 401 Water Quality
Certification Unit
Division of Water Quality
- ☐ **State Water Resources Control Board**
Phil Crader
Division of Water Rights
- ☐ **Dept. of Toxic Substances Control Reg. # _____**
CEQA Tracking Center
- ☐ **Department of Pesticide Regulation**
CEQA Coordinator

Cal State Transportation Agency CalSTA

- ☐ **Caltrans - Division of Aeronautics**
Philip Crimmins
- ☐ **Caltrans - Planning HQ LD-IGR**
Christian Bushong
- ☒ **California Highway Patrol**
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

- ☐ **Caltrans, District 1**
Rex Jackman
- ☐ **Caltrans, District 2**
Marcelino Gonzalez
- ☐ **Caltrans, District 3**
Susan Zanchi
- ☐ **Caltrans, District 4**
Mark Leong
- ☒ **Caltrans, District 5**
Larry Newland
- ☐ **Caltrans, District 6**
Michael Navarro
- ☐ **Caltrans, District 7**
Dianna Watson
- ☐ **Caltrans, District 8**
Mark Roberts

- ☒ **Native American Heritage Comm.**
Debbie Treadway
- ☐ **Public Utilities Commission**
Supervisor
- ☐ **Santa Monica Bay Restoration**
Guangyu Wang
- ☒ **State Lands Commission**
Jennifer Deleong
- ☐ **Tahoe Regional Planning Agency (TRPA)**
Cherry Jacques

- ☐ **Fish & Wildlife Region 4**
Julie Vance
- ☒ **Fish & Wildlife Region 5**
Leslie Newton-Reed
Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6**
Tiffany Ellis
Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6 I/M**
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- ☐ **Dept. of Fish & Wildlife M**
William Paznokas
Marine Region

Other Departments

- ☐ **California Department of Education**
Lesley Taylor
- ☐ **OES (Office of Emergency Services)**
Monique Wilber
- ☐ **Food & Agriculture**
Sandra Schubert
Dept. of Food and Agriculture
- ☐ **Dept. of General Services**
Cathy Buck
Environmental Services Section
- ☐ **Housing & Comm. Dev.**
CEQA Coordinator
Housing Policy Division

Independent Commissions, Boards

- ☐ **Delta Protection Commission**
Erik Vink
- ☐ **Delta Stewardship Council**
Anthony Navasero
- ☐ **California Energy Commission**
Eric Knight

Fish and Wildlife

- ☐ **Depart. of Fish & Wildlife**
Scott Flint
Environmental Services Division
- ☐ **Fish & Wildlife Region 1**
Curt Babcock
- ☐ **Fish & Wildlife Region 1E**
Laurie Harnsberger
- ☐ **Fish & Wildlife Region 2**
Jeff Drongesen
- ☐ **Fish & Wildlife Region 3**
Craig Weightman

Resources Agency

- ☒ **Resources Agency**
Nadell Gayou
- ☐ **Dept. of Boating & Waterways**
Denise Peterson
- ☐ **California Coastal Commission**
Allyson Hitt
- ☐ **Colorado River Board**
Elsa Contreras
- ☒ **Dept. of Conservation**
Crina Chan
- ☐ **Cal Fire**
Dan Foster
- ☐ **Central Valley Flood Protection Board**
James Herota
- ☒ **Office of Historic Preservation**
Ron Parsons
- ☒ **Dept of Parks & Recreation**
Environmental Stewardship Section
- ☐ **S.F. Bay Conservation & Dev't. Comm.**
Steve Goldbeck
- ☒ **Dept. of Water Resources**
Resources Agency
Nadell Gayou

RLT BUSINESS DEVELOPMENT

January 20, 2020

Mr. Steve Rodriguez, Contact Planner
County of Santa Barbara
624 W. Foster Road, Suite C
Santa Maria, CA 93455

RE: Notice of Preparation (7400 Highway 166)

Dear Steve:

I am in receipt of your Notice of Preparation and not quite sure why I have this! However, I am very familiar with the development by Brodiaea, Inc. on the Harvard Endowment Property. I will take this opportunity to respond to the development.

My life has been in Agriculture Business and have strong feelings about Agriculture. What is at stake here however is the long-term water issues in the Cuyama Valley.

I do own property in Cottonwood Canyon. I am aware of the water issues and have studied the assumptions for the aquifer(s) that are found in our area.

I love the way this was developed, however now they are faced with 3 very large water storage reservoirs. Together these constitute dirt movement that could build a dam. They used careful calculations to be sure they are below the dam requirements; they are now reservoirs.

It is disheartening to see what is happening along highway 5 through the San Joaquin Valley. Acres of grapes, nut trees and tree fruit that have been left to die for lack of water. This in my estimation will be the future of this Cuyama project. Maybe not 100% but certainly a very large portion.

Today they feel they need for water storage so the land will be completely changed to provide for this water storage. Have you reviewed what it will look like driving 166? Do we realize the amount of water that could go directly over 166 with a minor tremor from an earthquake? With natural water losses, why would we let water evaporate in open storage reservoirs?

I would love to see this be a success, but the data short and long term do not have the percentages on the side of success.

If in fact you are not the right person for my message, I would appreciate it if you would forward it to the correct person or group.

Regards


Randall Tognazzini

242 Rodeo Dr.
Arroyo Grande, CA 93420
805 448-8108 – randalltognazzini@msn.com

RLT BUSINESS DEVELOPMENT

January 20, 2020

Mr. Steve Rodriguez, Contact Planner
County of Santa Barbara
624 W. Foster Road, Suite C
Santa Maria, CA 93455

RE: Notice of Preparation (7400 Highway 166)

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6-3 amount of water that could go directly over 166 with a minor tremor from an earthquake? With natural water losses, why would we let water evaporate in open storage reservoirs?

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If in fact you are not the right person for my message, I would appreciate it if you would forward it to the correct person or group.

Regards


Randall Tognazzini

242 Rodeo Dr.
Arroyo Grande, CA 93420
805 448-8108 – randalltognazzini@msn.com



air pollution control district
SANTA BARBARA COUNTY

January 23, 2020

Steve Rodriguez
Santa Barbara County
Planning and Development
624 W. Foster Road
Santa Maria, CA 93455

Re: Air Pollution Control District Response to Notice of Preparation of an Environmental Impact Report for North Fork Ranch Frost Ponds Project, 16CUP-00000-00005

Dear Steve Rodriguez:

The Santa Barbara County Air Pollution Control District (District) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the North Fork Ranch Frost Ponds Project. The applicant proposes to construct and operate three water storage reservoirs for frost protection, requiring 257,945 cubic yards of cut and fill grading to be balanced onsite. The project is located along State Highway 166, between Cottonwood Canyon Road and Schoolhouse Canyon Road near the community of New Cuyama.

District staff reviewed the provided Draft MND and NOP of a Draft EIR and concurs that air quality impacts should be addressed in the EIR. The District's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated June 2017), is available online at www.ourair.org/apcd/land-use/. This document should be referenced for general guidance in assessing air quality impacts in the Draft EIR. The EIR should evaluate the following potential impacts related to the North Fork Ranch Frost Ponds Project:

5-1

5-2

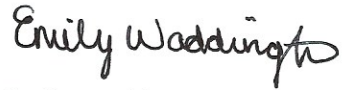
5-3

Construction Impacts. The EIR should include a description and assessment of potential air quality impacts associated with construction activities for the proposed project. The District's June, 2017 *Scope and Content* document, Section 6, presents recommended mitigation measures for fugitive dust and equipment exhaust emissions associated with construction projects. Please see provided attachments "Fugitive Dust Control Measures" and "Diesel Particulate and NO_x Emission Measures" for a full list of recommended measures. Construction mitigation measures should be enforced as conditions of approval for the project. The EIR should include a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigation and establishes a mechanism for enforcement.

We hope you find our comments useful. We look forward to reviewing the Draft EIR. Please contact me at (805) 961-8878 or by e-mail at WaddingtonE@sbcapcd.org if you have questions.

Aeron Arlin Genet, Air Pollution Control Officer

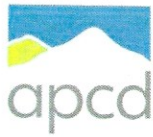
Sincerely,

A handwritten signature in black ink that reads "Emily Waddington". The signature is written in a cursive style with a large, stylized "E" and a long, sweeping underline.

Emily Waddington
Air Quality Specialist
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Planning Chron File



ATTACHMENT A FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

DEPARTMENT OF TRANSPORTATION

CALTRANS DISTRICT 5
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
www.dot.ca.gov/dist05/



Making Conservation
a California Way of Life.

February 10, 2020

SB-166-53.72
SCH # 2017061009

Steve Rodriguez, Planner
County of Santa Barbara
Planning & Development
624 W. Foster Road
Santa Maria, CA 93455

COMMENTS FOR THE NORTH FORK RANCH FROST PONDS PROJECT AT 7400 HWY 166
NEAR NEW CUYAMA

Dear Mr. Rodriguez:

The California Department of Transportation (Caltrans) thanks you for the opportunity to review the Notice of Preparation for the North Fork Ranch Frost Ponds (North Fork) Project Draft Environmental Impact Report (EIR), to construct and operate three frost ponds (reservoirs) for an existing vineyard along State Route (SR) 166. The project site is located approximately nine miles west of the unincorporated community of New Cuyama. Caltrans offers the following comments at this time.

- 4-1 • In our previous North Fork comment letter dated July 7, 2017 (see attached), we stated our concern with potential impacts of the project berms and grading along SR 166, the irrigation pipelines extending beneath SR 166, and other comments that still apply. We request that these concerns be adequately addressed in the Draft EIR, as detailed in our previous comment letter.
- 4-2 • In addition, the project should be approved by the California Department of Water Resources to ensure that the berms are structurally adequate.
- 4-3 • Please disclose the full impacts of the projects construction traffic. The potential intensification of traffic due to construction may warrant the preparation of a Traffic Management Plan.
- 4-4 • Due to culturally sensitive areas near the Caltrans right-of-way, we request that all earth disturbances within the Caltrans right-of-way be monitored for cultural resources.

4-5

- Dudek, an environmental consulting firm, provided peer review for the KMA Biological Resource Assessment Report. Dudek had specific comments and measures they recommended. Caltrans requests that those comments and measures be integrated and updated into a revised report.

4-6

- Please be aware that if any work is completed in the State's right-of-way it will require an encroachment permit from Caltrans and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: <https://dot.ca.gov/caltrans-near-me/district-5/district-5-programs/d5-encroachment-permits>

We look forward to continued coordination with the County of Santa Barbara on this project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3131 or ingrid.mcroberts@dot.ca.gov.

Sincerely,



Ingrid McRoberts
Development Review Coordinator
District 5, LD-IGR South Branch

Attachment

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111



*Serious drought.
Help save water!*

July 7, 2017

SB 166 PM 53.72
SCH# 2017061009

Steve Rodriguez
Planning and Development
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: DRAFT MITIGATED NEGATIVE DECLARATION – NORTH FORK RANCH FROST
PONDS

Dear Mr. Rodriguez:

The California Department of Transportation (Caltrans) District 5, Local Development-Intergovernmental Review (LD-IGR) Branch, appreciates the opportunity to review the draft Mitigated Negative Declaration (MND) for a conditional use permit (16CUP-00000-00005) to construct and operate a 147-acre-foot reservoir for an existing vineyard along State Route (SR) 166. The project site is located approximately nine miles west of the unincorporated community of New Cuyama. Caltrans offers the following comments in response to the project's evaluation of potential impacts to the state highway system as discussed in the draft MND:

Water Resources/Flooding

The document states that the proposed project would be required to comply with County Grading Ordinance requirements to ensure that the proposed reservoir berms are structurally adequate to contain the water impounded by the reservoirs. The document concludes that the project would have **no impact** related to flood-related hazards. However, Caltrans notes that the potential exists for catastrophic failure of the berms and inundation of SR 166 resulting in potentially significant impacts to state facilities. Caltrans is concerned regarding the adequacy of the County Grading Ordinance requirements, and recommends the incorporation of a mitigation measures to require review and approval of the berms by the California Department of Water Resources in order to ensure structural integrity and adequacy and reduce potential impacts to **less than significant with mitigation**.

Encroachment Permits and Irrigation Lines

The project details state that water from wells conveyed to the reservoir will utilize existing vineyard irrigation pipelines extending beneath SR 166. Please provide more information regarding these irrigation lines so they can be positively located. Caltrans notes that there is a record of an encroachment permit (0589 NMC 0256) for a three-inch galvanized steel waterline crossing under SR 166 on the floor of a cattle pass structure located at Post Mile (PM) 53.7 (actual cattle pass is at PM 53.5). However, without positive location Caltrans is not able to verify that these are the same irrigation line being proposed for use by the project. Please be aware that any project-related activities

North Fork Ranch Frost Ponds
July 7, 2017
Page 2

(e.g., construction, maintenance, general operations, etc.) that would occur within the Caltrans right-of-way will require an approved encroachment permit.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to contact me directly at Michael.Hollier@dot.ca.gov or (805) 549-3131.

Sincerely,



MICHAEL D. HOLLIER
Transportation Planner
Development Review Coordinator
District 5, LD-IGR South Branch

cc: none



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 10, 2020

Ms. Holly R. Owen
Supervising Planner
County of Santa Barbara
624 W. Foster Rd. Suite C
Santa Maria, CA 93455
Howen@countyofsb.org

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the North Fork Ranch Frost Ponds Project, SCH# 2017061009, Santa Barbara County

Dear Ms. Owen:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the North Fork Ranch Frost Ponds Project (Project) Draft Environmental Impact Report (DEIR).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The Project is located at 7400 Highway 166, approximately nine miles west of the community of New Cuyama. The project site is on the south side of State Highway 166, between Cottonwood Canyon Road and Schoolhouse Canyon Road. The site is identified as APN 147-020-045, Cuyama Area, Santa Barbara County.

Project Description/Objectives: The proposed Project includes the creation of three, 49-acre feet, frost ponds on a 6,565-acre parcel. The proposed pond sites are currently vacant, and adjacent to existing vineyards. A total of approximately 257,945 cubic yards of cut and fill grading would be required to construct the three proposed reservoirs. The reservoirs would have a maximum depth of 27-28 feet, and in total would occupy an area of approximately 15.6 acres.

The Reservoir No. 1 project site is located on the eastern end of the project property adjacent to Schoolhouse Canyon Road.

The Reservoir No. 2 project site is located on the central portion of the project property. The site generally slopes to the east and is approximately 100 feet west of a small ephemeral drainage.

The Reservoir No. 3 project site is located on the western end of the project property approximately one mile east of Cottonwood Canyon Road. Small ephemeral drainages are located approximately 100 feet to west and approximately 250 feet to the east of the reservoir site.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Glendale in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) Surveys; Drought and Over Two Years Old. The NOP references biological surveys that were conducted mainly in 2015, with some follow-up in 2016. CDFW does not consider surveys more than two years old valid, especially when these surveys were conducted during an historical drought cycle. CDFW recommends conducting new botanical and animal surveys for the DEIR analysis.
- 2) Species Potentially Present on Project - Plants. Due to previous surveys being more than 3-years old as well as conducted during a prolonged drought, CDFW recommends focused surveys for botanical resources, with special focus on the detection of the following species:

Chorizanthe blakleyi (Blakley's spineflower) – This species was observed along School House Canyon road, from the intersection of Highway 166, south onto the Project site, as well as throughout the Project site. CDFW recommends focused surveys for this species be conducted. This plant is a 1B.3, meaning it qualifies under CEQA as rare or endangered under CEQA Guidelines section 15380.

Layia heterotricha (pale yellow layia) – This species was observed on the Project site previously and is listed a CNPS rank 1B.1 plant, meaning it qualifies under CEQA as rare or endangered under CEQA Guidelines section 15380.

3-1

3-2

Eremalche parryi ssp. *kernensis* (Kern mallow) – This species is known from the general Project area. This species is listed as a CNPS 1B.2, meaning it qualifies under CEQA as rare or endangered under CEQA Guidelines section 15380.

Monolopia congdonii (San Joaquin woollythreads) – This federally endangered, CNPS list 1B.2 plant is known from the general Project area.

Chorizanthe rectispina (straight-awned spineflower) – This species is known from the general Project area. This species is listed as a CNPS 1B.3, meaning it qualifies under CEQA as rare or endangered under CEQA Guidelines section 15380.

Caulanthus californicus (California jewelflower) - This species is known from the general Project area. This species is listed as a CNPS 1B.1, meaning it qualifies under CEQA as rare or endangered under CEQA Guidelines section 15380.

Eriastrum hooveri (Hoover's eriastrum) – Historically collected from the general vicinity of the Project. This species is listed as a CNPS 1B.1, meaning it may qualify under CEQA as rare or endangered under CEQA Guidelines section 15380.

CDFW recommends focused botanical surveys be conducted on the Project site to maximize the potential for documenting special status plant species. We recommend that any focused botanical surveys be conducted following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018). The timing of surveys should adhere to blooming periods on nearby reference sites that are known to support populations of target special status plants. Based on the survey results, the final CEQA document should propose avoidance and mitigation for Project impacts to special-status botanical resources.

CDFW considers plants CNPS ranked 1 and 2 meet the definition of rare or endangered under CEQA Guidelines section 15380, subdivisions (b) and (d), including:

- Plants considered by CDFW to be “rare, threatened or endangered in California.” This includes plants tracked by the California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) as California Rare Plant Rank (CRPR) 1 or 2;
- Plants that may warrant consideration on the basis of declining trends, recent taxonomic information, or other factors. This may include plants tracked by the CNDDB and CNPS as CRPR 3 or 4.

CDFW recommends avoiding any CNPS ranked 1-4 plants found on or adjacent to the Project. If avoidance is not feasible, CDFW recommends mitigating at a ratio of no less than 5:1 for impacts to S3 ranked plants, 7:1 for S2 ranked plants and 10:1 for S1 ranked plants. This ratio is for the acreage and the individual plants that comprise each unique community, including density, species richness, cover, abundance, and ensuring the alliance is maintained.

If the Project will impact a sensitive species or vegetation community, specific mitigation to offset the loss of habitat (acreage and type) should be included in the DEIR. Any mitigation

proposed should be covered under a conservation easement, include a long-term management plan, and ensure funding to manage the mitigation land in perpetuity.

CDFW recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The DEIR document should identify, map, and discuss the specific vegetation communities within the Project Area following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Survey Protocols) see: (<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>). Please note, this protocol has been recently updated and the 2018 version referenced here should be used. In order to determine the rarity ranking of vegetation communities potentially affected by the Project, the MCV alliance/association community names should be provided as CDFW tracks rare natural communities using this classification system.

- 3) Species Potentially Present on Project - Animals. Due to previous surveys being more than 3-years old as well as conducted during a prolonged drought, CDFW recommends focused surveys for botanical resources, with special focus on the detection of the following species:

Vulpes macrotis mutica (San Joaquin kit fox) – Both CESA- and ESA-listed, this species is documented as occurring in the Project vicinity. CDFW recommends permitted individuals conduct updated surveys (less than one-year old) for assessment in the current EIR. Survey protocol can be found at <https://ecos.fws.gov/ServCat/DownloadFile/115020?Reference=74123>. CDFW recommends adhering to the “U.S. Fish And Wildlife Service Standardized Recommendations For Protection Of The San Joaquin Kit Fox Prior To Or During Ground Disturbance” guidance located at: https://www.fws.gov/ventura/docs/species/protocols/sjkit/sanjoaquin kit fox_protection.pdf

Dipodomys ingens (giant kangaroo rat) - Both CESA- and ESA-listed, this species is documented as occurring in the Project vicinity. CDFW recommends updated surveys (less than one-year old) for assessment in the current EIR. Survey protocol have been developed for other *Dipodomys* species, CDFW recommends permitted individuals follow relevant portions of this protocol to maximize detection <https://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/SFWO%20Final%20San%20Joaquin%20K-Rat%20Trapping%20Protocol-2013.pdf>.

Bombus crotchii (Crotch bumble bee) – Currently protected under CESA as a candidate species, this species is documented as occurring in the Project vicinity. CDFW recommends updated surveys (less than one-year old) for assessment in the current EIR. Survey protocol have been developed for other *Bombus* species, CDFW recommends permitted individuals follow relevant portions of this protocol to maximize detection https://www.fws.gov/midwest/endangered/insects/rpbb/pdf/Survey_Protocols_RPBB_12April_2019.pdf.

Gambelia sila (blunt-nosed leopard lizard) - Both CESA (fully protected)- and ESA-listed, this species is documented as occurring in the Project vicinity. Additionally, since DFG is not able to issue any form of “take” permit for the blunt-nosed leopard lizard due to its status as a fully-protected animal under the California Fish and Game Code §5050, detection of species presence on a project site is crucial. CDFW recommends updated surveys (less than one-year old) for assessment in the DEIR. Survey protocol have been developed for

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other this species, CDFW recommends permitted individuals follow this protocol to maximize detection <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174900>.

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- 4) Rodenticide Use. Impacts to biological resources can occur from wildlife directly consuming poison, or via secondary poisoning where a bird or animal consumes an organism, such as a mouse/rat/rabbit, that has consumed poison. CDFW confirmed anticoagulant rodenticide in 14 of 14 mountain lions necropsied in 2013 (McMillin, 2013). Lima, et al., tested 96 birds of 11 raptor species in California and found 86 out of 96 raptors tested positive for second generation anticoagulant rodenticides. CDFW recommends the DEIR contain language disallowing the use of rodenticides that could result in direct or secondary poisoning to native mammals, birds and raptors.

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- 5) Landscaping. CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus). A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at <http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal>.

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- 6) Jurisdictional Waters. The NOP lists the source of water for these ponds as well water. Several of the general ecological communities indicate riparian or stream associated vegetation may be affected by increased drawdown of well water (cone of depression or regional lowering of water table). If the Project will impact any feature regulated under Fish and Game Code Section 1600 (including any pond construction or dewatering), a Streambed Notification should be submitted.

As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*

- a) CDFW's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA¹.
- b) The project area may support aquatic, riparian, and wetland habitats; therefore, a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (FWS) wetland definition adopted by CDFW². Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and

¹ A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

² Cowardin, Lewis M., et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, FWS.

Regional Water Quality Control Board Section 401 Certification.

- c) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
- d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- e) As part of the LSA Notification process, CDFW requests the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 2) Lake and Streambed Alteration (LSA) Agreements. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a LSA Agreement with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement¹.

¹ A notification package for a LSA may be obtained by accessing the CDFW's web site at www.wildlife.ca.gov/habcon/1600.

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- a) The Project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW (Cowardian, 1970). Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
- b) In areas of the Project site which may support ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
- c) Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.

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- 3) Wetlands Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state;

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prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).

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- 4) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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- 5) Biological Baseline Assessment. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats, the DEIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)];
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>);
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the project. CDFW's California Natural Diversity Data Base (CNDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat.

CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;

- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California SSC and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
- f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of two years, in non-drought conditions. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

6) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
- c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,

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- d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
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- 7) Avoidance, Minimization, and Mitigation for Sensitive Plants. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation*.
- 3-14
- 8) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 3-15
- 9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 3-16
- 10) Nesting Birds. CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors

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working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

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- 11) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

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- 12) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss. If the project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

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- 13) Revegetation/Restoration Plan. Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
- a) CDFW recommends that local on-site propagules from the Project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.
 - b) Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks and brush piles (see Mayer and Laudenslayer, 1988).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County of Santa Barbara in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 335-9092 or by email at Kelly.schmoker@wildlife.ca.gov.

Sincerely,


Erinn Wilson
Environmental Program Manager I

cc: CDFW
Erinn Wilson – Los Alamitos
Steve Gibson – Los Alamitos
Sara Rains – Fillmore
Dolores Duarte – San Diego
CDFW CEQA Email
Scott Morgan (State Clearinghouse)

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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2020-CPA-0019

March 5, 2020

Steve Rodriguez
Contract Planner
County of Santa Barbara
624 W. Foster Road, Suite C
Santa Maria, California 93455

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the North Fork Ranch Frost Ponds, Cuyama, Santa Barbara County

Dear Mr. Rodriguez:

We have reviewed your January 13, 2020, notice of preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the North Fork Ranch Frost Ponds project. The proposed project site is located at 7400 Highway 166, approximately nine miles west of the community of New Cuyama. The site is on the south side of State Highway 166, between Cottonwood Canyon Road and Schoolhouse Canyon Road, Cuyama, Santa Barbara County (APN 147-020-045).

The project applicant proposes to create three 49 acre-feet frost ponds or reservoirs on a 6,565-acre parcel. A total of approximately 257,945 cubic yards of cut and fill grading would be required to construct the three reservoirs. The reservoirs would have a maximum depth of 28 feet, and in total would occupy an area of approximately 15.6 acres. Reservoir No. 1 would be located on the eastern end of the project property adjacent to Schoolhouse Canyon Road. Reservoir No. 2 would be located on the central portion of the project property. Reservoir No. 3 would be located on the western end of the property approximately one mile east of Cottonwood Canyon Road.

The U.S. Fish and Wildlife Service's (Service) mission is to conserve and protect the nation's fish and wildlife resources and their habitats. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may have an effect on those resources, especially federally listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at section 3(19) of the Act to mean "to harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be

authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act, our comments on the NOP do not constitute a full review of project impacts. We are providing our comments based upon past biological surveys, project activities that have the potential to affect federally listed species, and our concerns for listed species within our jurisdiction related to our mandates under the Act. Based upon our review, we have the following recommendations regarding the NOP:

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Our review of the proposed project indicates that the parcel likely supports the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*). The Cuyama Valley represents the southern end of the species range. The San Joaquin kit fox uses underground dens often previously inhabited by other animals. They also use culverts and other large pipes as dens. The kit fox potentially uses one or more of the habitat types found in the area including grasslands, oak and pine woodlands, and desert chaparral. The Service recommends updated surveys for San Joaquin kit fox for assessment of potential impacts in the DEIR.

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Additionally, the federally threatened California red-legged frogs (*Rana draytonii*) have been documented less than seven miles west of the project site. California red-legged frogs can move up to 1.7 miles in search of breeding opportunities during the rainy season. While dispersing, California red-legged frogs may use waterways for dispersing that would otherwise be unsuitable for breeding or non-breeding occupation and may make straight-line migrations across the landscape, without apparent regard to topographic features. According to California Department of Fish and Wildlife, there is one ephemeral drainage within 100 feet of Reservoir No. 2 and two ephemeral drainages within 250 feet of Reservoir No. 3. Given the presence of these drainages within 1.7 miles of the project site, California red-legged frogs potentially use habitat within the project area. Please know that the Service stands by to assist applicants in understanding how to comply with the Act and provide recommendations to avoid take of listed species.

The Service also believes the following information and recommendations should be addressed in the DEIR:

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1. A complete discussion of the purpose and need for the project.

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2. A description of the proposed project, including all feasible alternatives and the no action alternative. The alternatives analysis is important to the Service's evaluation of the project, as feasible alternatives often reduce effects to biological resources.

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3. Specific acreage and detailed descriptions of the amount and types of habitat that the proposed project or project alternatives may affect.

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4. Quantitative and qualitative information concerning plant and animal species associated with each habitat type.

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5. A list of sensitive species found at or near the project site including candidate, proposed, and federally listed species, State listed species, and locally declining or sensitive species. A detailed discussion of these species, focusing on their site-related distribution and abundance and the anticipated effects of the project on these species, should be included.

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6. Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides, herbicides, or rodenticides should be minimized. This is necessary to prevent potential primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal regulations.

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7. An assessment of the effects on biological resources, including those that are direct, indirect, and cumulative. All aspects of the project should be included in this assessment.

Thank you for the opportunity to comment on the NOP of the DEIR for the North Fork Ranch Frost Ponds project. If you have any questions, please contact Amy Duggal of our staff at (805) 677-3346, or by electronic mail at amrita_duggal@fws.gov.

Sincerely,



Stephen P. Henry
Field Supervisor

LITERATURE CITED

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LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

March 6, 2020

Steve Rodriguez, Contract Planner
County of Santa Barbara
624 W. Foster Road, Suite C
Santa Maria, CA 93455

RE: North Fork Ranch Frost Ponds Project Notice of Preparation

Dear Mr. Rodriguez,

This office represents Roberta Jaffe and Stephen Gliessman, Cuyama Valley residents and farmers of a 5-acre dry-farming operation called Condor's Hope Ranch. Our appeal of the County's Conditional Use Permit triggered the Board of Supervisor's direction to prepare a Draft Environmental Impact Report (DEIR) for the North Fork Ranch Frost Ponds Project (Project), and we appreciate that the County is in the process of preparing this environmental review document. We offer the following comments regarding the scope of issues to be addressed in the DEIR.

1. Integrate the Cuyama Basin Groundwater Sustainability Plan and Well Pumping Data

The Cuyama Basin Groundwater Sustainability Agency (GSA) finalized the Groundwater Sustainability Plan (GSP) for the Cuyama Basin in December 2019. Because the GSA has jurisdiction over natural resources affected by the Project, namely groundwater in the Cuyama Groundwater Basin, it should be treated as a trustee agency for CEQA purposes including by soliciting their input on the NOP and DEIR.

The GSP process has yielded a wealth of information and data regarding baseline conditions in the critically overdrafted Cuyama Groundwater Basin that must be incorporated into the DEIR's environmental setting and inform the analysis of Project impacts to water resources¹. Additionally, the GSP includes information regarding "Undesirable Results" - the significant and unreasonable occurrence of conditions that adversely affect groundwater use in the Basin - that must be used to inform the impact analysis.

¹ "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (CEQA Guidelines § 15125 (a).)

Notably, the Office of Planning and Research recently updated CEQA Guidelines Appendix G to include new requirements to analyze projects for their compliance with GSPs.² Specifically, the new thresholds provide that potentially significant impacts to hydrology and water quality result where the project would “[s]ubstantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin” or “[c]onflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan”. It is essential that the DEIR utilize these updated CEQA thresholds in its analysis of Project-specific and cumulative impacts.

1-1
(con)

Additionally, the DEIR must include and evaluate well pumping data and all groundwater elevation data provided to the Santa Barbara County Water Agency including from the Applicant’s wells. This data from the past 3 years shows that, based on the current vineyard pumping, pumping is exceeding recharge and that the groundwater elevation for wells in the western part of Cottonwood Canyon (including Condor Hope Ranch’s) are trending down. It appears from this data that the Applicant will hit the minimum threshold set by the GSA for the lowest groundwater level permissible for this region within 7 years. Once the minimum groundwater elevation is reached, reductions in pumping must follow. This is thus critical information regarding not only the Project’s impact to the groundwater basin, but also regarding the practical ability to fulfill the Project’s Objectives as it is currently proposed.

As discussed in the recent Melinda Burns article in the Santa Barbara Independent (attached), implementation of the GSP will require reductions in well pumping to achieve a balance in the basin by 2040 described as “catastrophic” for some growers. Reductions in pumping, and thus the ability to fill the project’s frost ponds and sustain the massive vineyards improbably sited in this arid region, are already happening and will continue into the future. The environmental review document must recognize and ensure that the stubborn issue of groundwater basin overdraft is not “swept under the rug.”

2. Capture All Cumulative Projects

1-2

The list of past, present, and probable future projects producing related or cumulative impacts³, must include all such projects impacting the Cuyama Groundwater Basin and, in addition, sorted and assigned to each relevant sub-basin. Among the projects that must be included in this list is the proposed tentative subdivision of the Project-site itself⁴. The cumulative impact analysis must

² Recent revisions to CEQA Guidelines Appendix G are available at:
https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

³ CEQA Guidelines § 15130 (b)(1)(A).

⁴ NORTH FORK RANCH TENTATIVE PARCEL MAP (18TPM-00000-00001)

Mr. Rodriguez
North Fork Frost Ponds NOP
March 6, 2020
Page 3

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(con)

include a discussion of the reasonably foreseeable future development of the property should the tentative subdivision be approved including the potential transition from agriculture to non-agricultural uses.

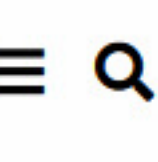
Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

A handwritten signature in dark ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

Attachment: Cuyama Valley Carrot Growers Get the Stick (3/5/20)



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Environment

Cuyama Valley Carrot Growers Get the Stick

Under New State Law, Farmers Face Massive Pumping Reductions to Help Restore Depleted Groundwater Basin

Carrots cover one-third of the irrigated cropland and account for more than half of annual gross revenues in agriculture in the Cuyama Valley. A new state law will force farmers to cut pumping as much as two-thirds to restore the depleted groundwater basin by 2040. | Credit: Paul Wellman File

By **Melinda Burns**

Thu Mar 05, 2020 | 12:00am

The Cuyama Valley is the driest agricultural region in the county; the valley floor gets just a little more rain than the Sahara. Yet for the past 75 years, this high desert region has been a mecca for water-intensive farming on an industrial scale — first alfalfa, and now carrots, a \$69 million annual crop.

Most years, farmers pump 60,000 acre-feet of water out of the valley's giant groundwater basin — enough water, in theory, to supply six cities the size of Santa Barbara. That's three times the sustainable yield of the basin, or the amount of water that reliably flows in from rain and runoff.

In the heavily farmed central portion of the Cuyama Valley, studies show, the water table is dropping as much as eight feet per year, the ground surface is sinking, and well water is 1,000 feet deep in places. Some of the water being sprayed on crops is 33,000 years old. Water quality in the valley is poor.

County, state, and federal agencies have been documenting the de-watering of this basin since the 1950s, even as the Cuyama River marshlands turned into desert, the cottonwoods died, and an entire oak woodland vanished.

Now, to the rescue — belatedly — comes the state Groundwater Sustainability Act of 2014, which aims to halt "significant and unreasonable reduction of groundwater storage." To comply, growers in the central Cuyama Valley may be required to cut their pumping by as much as two-thirds over the next 20 years. The world's two largest carrot producers — Grimmway Farms and Bolthouse Farms of Bakersfield, California — would be hardest hit.

"It was clear the future was borrowed against, and now there are consequences," said County Supervisor Das Williams, who represents the valley and serves on the 11-member board of the Cuyama Basin Groundwater Sustainability Agency. The board recently submitted its pumping reduction plan to the state, meeting a January 31 deadline for basins in "critical overdraft."

CUYAMA VALLEY GROUNDWATER BASIN

Source: Cuyama Groundwater Sustainability Plan | Kristin Jackson Graphic Design

The first cut — 5 percent — is set to go into effect in 2023, followed by a similar cut every year until 2038. The deadline for bringing the basin back into balance is 2040.

Williams concedes that a two-thirds cutback in agricultural pumping in the Cuyama Valley would be "catastrophic" for some growers. According to an economic study for the agency, it would idle 5,000 out of 6,300 acres currently in carrot production, slashing gross annual revenues from \$69 million to \$14 million by 2040.

In all, the study found, nearly two-thirds of valley cropland — including carrots, potatoes, grapes, onions, garlic, lettuce, olives, peaches, pistachios, and alfalfa — would go out of production, and gross annual revenues would plummet from \$121 million to \$45 million by 2040.

But without massive pumping reductions, Williams said, residential wells will go dry. More than 1,000 people live in the valley, many in the rural communities of New Cuyama, Cuyama, and Ventucopa. Wells are their only source of water.

"I don't think you'll find anybody who's happy with this plan," said Williams, who had favored starting the reductions sooner. "We had a pretty intimidating task. I think it took everybody — the small growers and the large growers — to have to go into a place outside our comfort zone to agree to our compromise."

Future of Farming

The state Department of Water Resources is **accepting public comment** on the Cuyama Valley groundwater sustainability plan until April 15. The Cuyama basin is one of 21 groundwater basins in California and the only one in Santa Barbara County to be listed by the state as in critical overdraft. Most are in the Central Valley.

Paul Chounet, a groundwater agency boardmember who is president of the Cuyama Community Services District, says that the millions of dollars that the big growers make in the valley don't stay in the valley. Their workers come in from outside the area, and there are few local businesses to spend money on. Chounet's district supplies water to 600 residents of New Cuyama.

"Agriculture is important to the valley, but 'how important?' is the question," Chounet said. "They're pumping at a rate that's a danger to the whole community. I think people should be able to make money, but not at the cost of everything else."

Heavy irrigation on carrots, a water-intensive crop farmed in the high desert of the Cuyama Valley, has contributed to the dramatic decline of the underlying groundwater basin. Photo courtesy of the Santa Barbara Water Agency.

Louise Draucker, a 72-year-old retired teacher and New Cuyama resident who serves on the groundwater agency advisory committee, said she has witnessed springs drying up, trees dying, and birds vanishing during her 46 years in the valley.

"Something needs to be done, because we're running out of water," she said, adding that she views the new pumping reduction plan as "too little, too late."

"This was a rich birding area," Draucker said. "Not anymore. The aquifer will not recover in my lifetime, and I plan on being around for another 30 years at least."

Brenton Kelly, vice chair of the groundwater agency's advisory committee, sees a bright agricultural future for the Cuyama Valley, absent water-intensive crops. Kelly works at Quail Springs Permaculture, a nonprofit educational farm near Ventucopa that relies on spring water, not well water. Carrots, he said, have been profitable in the valley because growers aren't paying the full cost of water.

"It's next to free to pump the water dry," Kelly said. "They're all crying they're going to be put out of business. The valley's not going to be fallow. We could keep all of the arable land in production if it were growing things like grapes and olives instead of carrots and potatoes."

Alfalfa, a highly water-intensive crop, was the chief crop in the dry Cuyama Valley for decades. Photo courtesy of the Santa Barbara Water Agency.

Where Carrot Is King

Fully one-third of Cuyama Valley cropland is in carrots, and carrots represent more than half the valley's agricultural value. The fields are concentrated in the central valley along Highway 166, between New Cuyama and Highway 33. According to the University of California at Davis, there are two carrot harvests here, one in summer and one in winter. During the growing season, overhead sprinklers run for days on end, even in 95-degree temperatures, turning the dry landscape green.

Jim Beck, the groundwater agency executive director, is vice president of the Hallmark Group, a Bakersfield-based consulting firm that provides services to Grimmway. He cautions that the agency's estimates of future pumping reductions are based on "very preliminary" data.

"We've only just begun the process of a detailed understanding of the operation of the Cuyama basin," Beck said. "It's very clear that the basin is in overdraft, but understanding the local variabilities is really the key."

Beck noted that the plan spells out potential projects such as cloud seeding and stormwater capture that could help replenish the basin and reduce future cutbacks. The cost of these projects — up to \$3.7 million per year — would be borne by the landowners who stand to benefit from them.

Grimmway and Bolthouse officials, including two who serve on the groundwater agency board, did not respond to multiple requests for comment last month. But in recent letters to the agency, both corporations said there was not enough information to accurately determine the sustainable yield of the Cuyama groundwater basin. They reserved the right to comment on or challenge their future pumping allocations.

Challenge or no, however, there is not much wiggle room under the law. If a basin in critical overdraft fails to meet state targets, and water levels underground continue to decline, the state can intervene to impose its own plan and management fees.

The Cuyama groundwater agency board of directors includes five growers and ranchers, and the five count as only three votes. Chounet, Williams, and other public officials from Santa Barbara, Kern, San Luis Obispo, and Ventura counties make up the rest of the board.

In a first for the Cuyama Valley, well records are no longer private. The board required all well owners — including farmers at the western and southeastern ends, where the underground basin has historically been in balance — to submit their 2019 pumping records to the agency by January 31.

There are about 800 wells throughout the valley. The board will use satellite imagery, aerial land-use surveys, growers' reports, and a network of more than 100 wells to monitor future pumping reductions.

Pumping Fees

In another first, the board is charging an "extraction fee" of \$19 per acre-foot of well water to cover the agency's \$1 million budget for 2019-2020. It's due now, and it's being billed as a one-year fee. Beck says the board "will revisit it in great detail" in the coming year.

But farmers with small operations in permaculture, pistachios, vineyards, and apple orchards outside the central part of the valley are worried they will be on the hook for long-term fees. Many of these farmers won't face pumping reductions; they've never had "deep straws" in the basin.

Carrots cover one-third of the irrigated cropland in the Cuyama Valley. A new state law will force massive reductions in agricultural pumping to restore the depleted groundwater basin by 2040. Photo courtesy of the Santa Barbara Water Agency.

"I don't like that somehow we're going to share the cost of fixing that problem," said Byron Albano, the only boardmember to vote against the plan in December. Albano owns Cuyama Orchards, 280 acres of organic Fuji apples on drip irrigation in the upper regions of the valley near Ventucopa. He's paying \$15,000 in pumping fees this year.

"My livelihood and the livelihood of everybody throughout my company all comes out of the valley," Albano said. "We're not gentlemen farmers. We're vested in that valley, and we have planted our crops on the understanding that they're sustainable. There's no overdraft where my farm is."

Beck said that by law, the agency's operational fees must be shared by all.

"Because you're in a basin that's in overdraft," he said, "you have requirements you can't escape, whether an individual landowner is in balance or not."

Cattle ranchers, some of the largest landowners in the valley, are rattled, too. They don't pay pumping fees, but they're worried that the groundwater agency may try to assess a per-acre fee, an option that the board has left open.

Kathleen March, a owner of the 1,000-acre Walking U Ranch, said any future per-acre fee would be tantamount to a property tax and would require an election, which, she said, the agency would lose.

"Cattle ranches are not going to vote to subsidize the water use of carrot growers and other commercial farming," March said. "We use a tiny amount of water."

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North Fork Ranch Frost Ponds

Summary

SCH Number	2017061009
Lead Agency	Santa Barbara County
Document Title	North Fork Ranch Frost Ponds
Document Type	NOP - Notice of Preparation
Received	1/10/2020
Present Land Use	Land Use: Rural Area, Agricultural Commercial (AC). Zoning: AG-II-100

Document Description	The North Fork Ranch Frost Pond project is a request to construct and operate three reservoirs (frost ponds) that would store water to be used for frost protection at the North Fork Ranch Vineyards. The project also includes the construction of new underground pipelines that would extend between each of the proposed reservoirs and the existing vineyard irrigation system. The Santa Barbara County Board of Supervisors determined that an EIR is required for the project. A proposed Final MND (SCH No. 2017061009) was previously prepared for the project.
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Contact Information	Steve Rodriguez Santa Barbara County, Planning & Development 624 W. Foster Road Santa Maria, CA 93455 Phone : (805) 682-3413
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Location

Cities	New Cuyama
Counties	Santa Barbara
Cross Streets	State Highway 166
Total Acres	6,565
Parcel #	147-020-045
State Highways	SR 166
Waterways	Cuyama River

Notice of Completion

Review Period Start	1/10/2020
Review Period End	2/10/2020
Development Type	Water Facilities (Type: Three Agricultural Water Storage Reservoirs (frost ponds))
Local Action	Use Permit
Project Issues	Archaeologic-Historic Biological Resources Flood Plain/Flooding Geologic/Seismic Soil Erosion/Compaction/Grading Vegetation Water Quality Water Supply Wildlife
Reviewing Agencies	California Air Resources Board California Department of Conservation California Department of Fish and Wildlife, South Coast Region 5 California Department of Parks and Recreation California Department of Transportation, District 6 California Highway Patrol California Natural Resources Agency California Regional Water Quality Control Board, Central Coast Region 3 California State Lands Commission

Attachments

Environmental Document

NOP

PDF

88 K

Proposed Final MND

PDF

19402 K

Summary Form

PDF

126 K

NOC

Letter

PDF

74 K

NOC

PDF

912 K

State Comments

2017061009_NAHC_NOP North Fork Ranch Frost Ponds Project 1-14-2020

PDF

238 K

SCH2017061009_DWR_ North Fork Ranch Frost Ponds- 1

PDF

121 K

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County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

NOTICE OF PREPARATION

TO: State Clearinghouse
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95812

FROM: Steve Rodriguez, Contract Planner
County of Santa Barbara
624 W. Foster Road, Suite C
Santa Maria, CA 93455

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

PROJECT NAME: North Fork Ranch Frost Ponds Project

PROJECT LOCATION: The project parcel is located at 7400 Highway 166, approximately nine miles west of the community of New Cuyama. The site is identified as APN 147-020-045, Cuyama Area, Santa Barbara County.

PROJECT CASE NO.: 16CUP-00000-00005

PROJECT APPLICANT: Matt Turrentine- Brodiaea, Inc., P.O. Box 6565, Santa Maria, CA 93455

The County of Santa Barbara will be the Lead Agency and will prepare an environmental impact report for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. The project description, location and the potential environmental effects are contained in a proposed Mitigated Negative Declaration that was prepared for the project but not adopted by the County Board of Supervisors. Additional information regarding the project and EIR scope of work approved by the Board of Supervisors is included in the attached summary form.

Due to the time limits mandated by State law, your response must be received at the earliest possible date but not later than 30 days after receipt of this notice.

Notice of Preparation
North Fork Ranch Frost Ponds Project Focused EIR
January 13, 2020
Page 2

Please send your response along with the name of a contact person in your agency to:

Holly R. Owen, Supervising Planner
624 W. Foster Rd. Suite C
Santa Maria, CA 93455

Date: January 13, 2020

Planner: Steve Rodriguez, Contract Planner

Division: Development Review

Telephone: (805) 682-3413

cc: Clerk of the Board (please post for 30 days)

Attachment: Proposed Final MND on compact disk or at:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=3873113&GUID=0AA1FEA3-59F4-417D-926C-DD2E33908645>