

November 29, 2010

Gaviota Planning and Advisory Committee
County of Santa Barbara
Long Range Planning Division
123 East Anapamu St.
Santa Barbara, CA 93101

RE: Comments on Gaviota Coast Plan

I would like to make some comments for you to consider as you prepare a Gaviota Coast Plan.

Background

My family and I have been a property owner and part-time resident on 107 acres on the Gaviota Coast (Hollister Ranch) for more than 32 years. During that period of time, we have managed our property in a manner that balances the activities of the agricultural operation which takes place on our land (managed cattle grazing by the HR Co-op) with the needs of various unique and rare plants and animals found there, which we value highly. We have also recently completed a lengthy and difficult process seeking building and development permits for a single family home on our property. This experience demonstrated that the current review process conducted by the County fails to protect the biodiversity of the GC, and at great expense to the applicant. I will make some suggestions about how that process might be improved. Finally, I have been involved in several conservation activities along the Gaviota Coast both on and off the Hollister Ranch which I believe provide me with additional insight about problems and opportunities. I was the primary author of the Hollister Ranch Conservation and Restoration Plan adopted by the Hollister Ranch Owners Association in 2006.

Planning Goals

Since the early 1970's, when Jules Berman's El Capitan Ranch housing project was defeated at the ballot box, there has been a general public consensus that the Gaviota Coast (GC) is worth "saving". This consensus is broad; including university scientists who value the biodiversity of the region, environmentalists opposed to sprawl, and land owners who want to see their ranches passed down to future family generations. Therefore, it is unlikely that there will be any major change in public sentiment about protecting the visual, recreational, and natural resources of the region. But there will continue to be debate about the best way to do this. Given the scarcity of funds and strong local opposition, it is unlikely that large-scale, public schemes to protect the GC, like the National Seashore proposal, will be successful. I believe that the GC will remain largely in private hands and that any successful resource conservation scheme will depend on the

cooperation of private landowners to be successful. Many others who have studied this issue have come to the same conclusion.

Therefore, I would suggest your planning goals should be to encourage private land owners to adopt good land stewardship practices, through better regulations and, more importantly, incentives to practice conservation on their property. I believe that managed cattle grazing, which is currently the predominate agricultural operation on the GC, can be done in a way that the natural resources are protected. I also believe that low density housing, per current zoning, need not cause any significant harm if done properly. There are a number of important steps that your group should consider adopting as part of your Plan to help preserve the natural resources and biodiversity of the region. My suggestions are as follows:

1. Keep the Habitat Intact and Reduce Fragmentation

Free access to large areas of relatively undisturbed habitat is essential for survival of the top predators (bear, cougar, etc.) of the region because of their large home ranges. Science increasingly recognizes the importance of top predators in maintaining biodiversity because they keep “mesopredator” (skunk, raccoon, fox, opossum, etc.) populations low which allows for healthy populations of the mesopredator prey species (frogs, turtles, voles etc.). If top predators are removed, a collapse in the populations of lesser creatures follows, due to an overabundance of the mesopredators . For example, this is why we don't find Red-legged Frogs in suburban creeks....too many raccoons.

Actions to reduce habitat fragmentation:

- a. Cattle grazing should be encouraged as the primary agricultural use on the GC. Successful grazing operations require a unified landscape which can also serve as habitat and does not over-tax local water supplies. Well-managed grazing need not impact indigenous or rare plants and animals. Anything we can do to make cattle grazing more successful economically, such as removing ineffective and over-burdensome regulation, will lessen the pressure to convert these lands to more intensive use.
- b. Wildlife crossings should be created and/or maintained to ensure safe passage of large predators across Highways 1 and 101 and around developed areas. Wildlife passage across the highway at the Gaviota Pass is especially needed to maintain linkage between the coastal ranches and the Los Padres National Forest lands. Removal of migration obstacles and reconnection of previously fragmented habitat, for example to restore steelhead on a number of streams on the GC, is another important activity that your Plan should address.
- c. Discourage new agricultural projects other than managed grazing. While a number of row crop, cut flower, and horse operations can be found on the

GC, these can be vastly more damaging to the environment than managed cattle grazing since they can use a lot of water and remove native vegetation. Water resources are very limited and intensive ag. operations often involve diversion of surface waters or reduction of ground water levels with serious impacts on stream-dependent animals. Local stream diversions are rarely licensed by the State and usually result in water being diverted during the dry season, when native plants and animals are most dependant on it. Cattle grazing does not require more water than nature already provides.

- d. Prohibit phony agricultural projects undertaken solely to allow construction of an additional home. Currently, land owners receive a “density bonus” if they develop an ag. operation that meets County thresholds (i.e. a minimum number of horses kept or dollars of ag. income) which allows them to build an ag. employee home in addition to a “main” house and guest house. This density bonus creates a huge incentive for people to develop fake or marginal agriculture projects on their property and sell a partial interest in their property with the right to build the ag. employee home. By law, this ag. employee home is only to be occupied by a bona fide employee but there is no enforcement of this provision and it is repeatedly violated. In addition, ag. employee homes are not required to be clustered with the other homes on the property so we end up with marginal or failing ag projects with their attendant land clearing, water usage, soil disturbance, and increased fragmentation of the landscape by non-clustered homes.
- e. Reduce the impacts of so called ag. employee housing further by requiring it to be clustered and encouraging owners to develop conservation off-sets. Instead of incentivizing artificial ag. projects that are virtually never sustainable, the County could allow the equivalent bonus housing incentives for family members of the main house owners (“granny” housing or Residential Agriculture Unit) in return for property owners agreeing to modestly restrict their use of the property by entering into a conservation easement. Conservation easements could provide a way to implement Best Management Practices in regards to protection of endangered species and habitat, maintain a largely natural landscape, and provide long-term monitoring by the third party easement holder. And conservation easements would be entirely voluntary; only initiated by property owners.
- f. Site new development so that it maintains “flow” across the landscape for both grazing and wildlife. Very light density housing development on existing legal lots can be accommodated on the GC without doing harm and can easily coexist with grazing operations if properly sited. If improperly sited, it can create barriers and “sinks” which can cause the

loss of wildlife populations and make grazing more difficult. Again, clustered development is half the battle here.

- g. Eliminate over-restrictive review of ag.-related beneficial projects and clarify the thresholds at which permits are required. Some financial incentives promoting responsible grazing practices are already offered by the NRCS but overly restrictive permitting requirements from County P&D make it difficult or impossible for ranchers to take advantage of all of these opportunities. For example, normal maintenance of ranch roads or development of off-creek cattle watering should not require permits from the County. Work that takes place in creeks or that involves the diversion of surface water should require a permit. Removal of these obstacles and ambiguities and provision of additional incentives for beneficial grazing practices would be important steps for the County to take to support ranchers who practice managed grazing.
- h. Create a new County position of “Conservation Ombudsman” to be filled by an ecologist with ranching experience who could become a trusted independent advisor and problem solver for land owners to use as a resource. This person could play a role similar to that of an ag. extension advisor or something like what David Chang now does on invasive plant control. There needs to be someone on the “inside” who can be an advocate for conservation but have a real world, practical approach based on an understanding of ranching realities. The current focus of County staff is on regulation but this approach is producing diminishing returns. We need an advocate providing positive support and science-based advice to land owners and County Staff on conservation and restoration issues. The County biologist cannot function this way since that job is part of the regulatory apparatus and thus perceived as having an agenda and “not to be trusted.”
- i. Hire planners with ranching experience and dedicate them to GC projects. Treat them well enough that they stay for awhile and make a career of it. The rapid turnover in planners kills the possibility for any collaboration or trust to be developed with landowners. It also means project applicants end up paying to train new planners through their permitting fees, which is not right.

2. Protect Stream and Riparian Zones.

Healthy streams and riparian zones are essential to preserve the biodiversity of the GC. Many of the threatened and endangered animals found on the GC are dependent on this habitat, which is very sensitive to disturbance. Yet current County practices do a very poor job of protection. The County currently relies on the Environmentally Sensitive Habitat (ESH) designation to require structure setbacks of 100 feet above

top of bank from “blue line” streams and pretty much leaves stream protection at that. The setback concept is usually irrelevant on the large parcels found on the GC. On a 100 acre or larger parcel, intrusion by clustered development into the 100 foot setback frequently does no real harm. Conversely, people are currently free to locate horse facilities within this ESH which creates far worse impacts than any dwelling would. Focus on the setback issue ignores the more real problems that can damage creeks and riparian zones. These are primarily sedimentation from soil disturbance, excessive withdrawal of water either from the surface or subsurface, and overgrazing.

Actions to protect streams and riparian habitat

- a. Be more flexible in the application of the 100 foot top of bank setback. The ordinance allows the setback to be adjusted downwards from 100 feet by the planner but, in practice, this is never done. Tradeoffs between a full setback and other development constraints should be encouraged.
- b. Come up with a better definition of top of bank. Currently, the definition of top-of-bank is not consistent and varies among planners, with a resulting wide variance in the area considered ESH. This uncertainty contributes to the arbitrariness of the planning review.
- c. Coordinate stream and riparian protection guidelines with other agencies. The US Fish and Wildlife Service (USFWS) recommend a minimum of 300 foot setback from streams that contain the California Red-legged Frog (CRLF), which is a conflict with the 100 foot County standard. This causes a major headache for property owners since virtually every stream on the GC is occupied by the CRLF. At the same time, the USFWS admits that frogs are capable of routinely dispersing more than 1 mile from their home waters and thus can be found potentially in all upland habitat. Like John Muir said, it’s all connected and we should normally be more concerned about preserving the connections than any isolated piece of habitat.
- d. Require a Coastal Development Permit for stream and spring diversions or wells tapping riparian subsurface flow. By far the biggest threat to streams is the removal of their water by land owners. This threat is particularly serious on the GC due to the very low rainfall levels and the likelihood that all types of owners will be on the lookout to supplement the usually poor quality deep groundwater that is tapped by wells. Any proposal to use surface water (or shallow subsurface riparian water) should receive the highest level of scrutiny and be carefully conditioned, if approved, to preserve sufficient surface water for aquatic species survival. This is a very difficult problem since land owners often do not disclose their water diversions and many assert that they “own” the water and have a right to use it however they wish. This is not true; all water is owned by the state and subject to reasonable and beneficial use laws regulating the amount

and time of diversion. In addition, the California Department of Fish and Game and State Water Resources Control Board are severely limited in the amount of discretion they can apply when permitting owners who wish to divert water. Thus it falls to the County if this job is going to be done properly.

- e. Require grey water systems and water saving appliances to reduce the total amount of water consumed by domestic use.
- f. Provide local property tax incentives similar to those provided by the Williamson Act for property owners who withdraw some of their land from grazing or other ag. use for conservation purposes.

3. Control Invasive Species

Invasive species, both plant and animal, can make a significant negative impact on populations of indigenous plants and animals. They can be very costly or impossible to control once introduced, so prevention of introduction is the best control measure.

Actions to control Invasive Species:

- a. Limited and managed access should be the policy on the large ranch properties. Intensive public recreation should be limited to those areas currently owned by the public, such as the State beaches and parks. Over-use of public recreational areas is inevitable as the region's population continues to grow, so it becomes especially important to preserve areas where human influence is minimal and restricted. The private ranch lands provide this function at no cost to the public.
- b. Two other primary sources of invasive species on the GC are the railroad and overgrazing. I don't think the County can do much about the railroad and suggestions elsewhere in this document about how to make ranchers lives easier can help address over grazing issues, by improving the overall economics of ranching.

4. Reduce Permit Obstacles for Habitat Restoration Projects

There is no more frustrating obstacle to those of us involved in projects to restore habitat than to be stymied by burdensome permit and mitigation requirements levied by County P&D. For example, current costs to permit projects that entail the removal of obstacles to steelhead migration, such as dams and Arizona crossings can exceed 25% of the total project cost and represent a minimum of 12 to 18 months of time to accomplish. These high permit costs are preventing projects from going forward that would otherwise get done. A number of members of the GAVPAC have personal experience with this problem, so I won't go into depth in my explanation. Suffice it to say that these types of projects which are for the public good should be encouraged

and facilitated and deserve different treatment than projects which are primarily for private benefit.

Actions to Facilitate Habitat Restoration:

- a. Remove mitigation requirements for restoration projects, since they are all essentially mitigation of prior damage
- b. Waive permitting fees for restoration projects
- c. Assign planners experienced with restoration projects and/or agriculture
- d. Provide a “fast track” for restoration project permits.
- e. Provide simplified and stream-lined permit procedures for all projects whose primary purpose is restoration of natural areas or function.

Summary

The County government, as currently structured, has a very limited role to play in saving the Gaviota Coast. The many short-sighted policies currently employed by P&D and the sometimes heavy-handed way they are enforced, has created a very strong anti-County sentiment among the majority of land owners. This is not going to change any time soon. Any new County-led effort to protect the GC needs to come from outside of P&D.

The big issue is that you can't really manage these lands from the outside. Only the owners can take care of all the little issues that could mean the difference between survival and extinction for the stream dwellers, the rare plants on the ridge tops, and the wild cats. Yes, some of us are ignorant of the impacts of our decisions and some of us don't give a damn. But that will always be true. Cooperation and support for those who do care, and who are willing to try and do a better job is a good starting point if you want to change things for the better.

Sincerely,

Signed copy sent by mail

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