

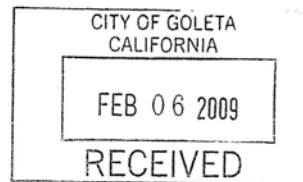
Comment Letter A-1

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



February 3, 2009

Anne Wells
 City of Goleta
 130 Cremona Drive, Suite B
 Goleta, CA 93117

RE: SCH#2005031151 City of Goleta General Plan/Coastal Land Use Plan Amendments (Track 3-Substantive Policy Revisions); Santa Barbara County

Dear Ms. Wells:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ A-1.1 Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ A-1.2 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.
 - 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ A-1.3 Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ A-1.4 Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in cursive script that reads "Katy Sanchez".

Katy Sanchez
 Program Analyst

CC: State Clearinghouse

Native American Contact
Santa Barbara County
February 3, 2009

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Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2005031151 City of Goleta General Plan/Coastal Land Use Plan Amendment (Track 3-Substation Policy Revisions); Santa Barbara County.

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Santa Barbara County
February 3, 2009

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 Santa Barbara County
 February 3, 2009

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Owl Clan
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Response to Comment No. A-1.1

The NAHC recommends that the County contact the appropriate regional archaeological information center for a records search.

The Track 3 environmental document is a Supplemental EIR to the 2006 Final General Plan/Coastal Land Use Plan EIR prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.), CEQA Statutes provided in California Public Resources Code Section 21000 et seq, and conditions and definitions in CEQA Sections 15162 and 15163. The proposed Track 3 revisions do not change the land uses or physical improvements identified in the 2006 Final GL/CLUP EIR. Future site-specific projects within the City of Goleta must comply with General Plan Policies OS 8.1, OS 8.2, OS 8.3, OS 8.4, OS 8.5, OS 8.6, and OS 8.7, which regulate protection of Native American and paleontological resources.

Response to Comment No. A-1.2

The NAHC recommends the preparation of a professional report detailing the findings and recommendations of the records search and field survey if archaeological an inventory survey is required.

See Response to Comment No. A-1.1.

Response to Comment No. A-1.3

The NAHC recommends that the City contact the NAHC for a Sacred Lands File Check and list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.

On January 9, 2008 the City of Goleta Planning and Environmental Services Department notified the tribal contacts (supplied by the NAHC) of the intent to amend the City's General Plan/Coastal Land Use Plan. The purpose of the notification was to invite the Tribes to conduct consultation authorized by SB 18 for the purposes of preserving, or mitigating impacts to cultural resources which may be affected by proposed policy amendments. To date no contact has been received from the designated tribes requesting consultation.

Response to Comment No. A-1.4

The NAHC recommends that the City include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, the disposition of recovered artifacts, and discovery of Native American Resources.

See Response to Comment No. A-1.1.

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Comment Letter A-2



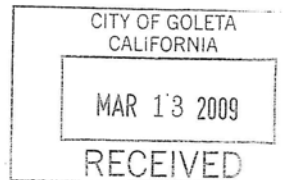
United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Ventura Fish and Wildlife Office
 2493 Portola Road, Suite B
 Ventura, California 93003



IN REPLY REFER TO:
 2009-FA-0066

Dan Nemecek, Senior Planner
 City of Goleta
 130 Cremona Drive, Suite B
 Goleta, California 93117



March 13, 2009

Subject: Scoping Comments on the Supplemental Environmental Impact Report for the City of Goleta General Plan/Coastal Land Use Plan Track 3 revisions, Goleta, Santa Barbara County, California

Dear Mr. Nemecek:

We are writing in response to your letter dated January 28, 2009, and received in our office on January 29, 2009, regarding the availability of the draft supplemental environmental impact report (SEIR) for Track 3 revisions to the General Plan/Coastal Land Use Plan, pursuant to the California Environmental Quality Act. The Track 3 revisions make changes to Regional Commercial Land Use, Nonresident Growth Management, Lateral Shoreline Access, and Environmentally Sensitive Habitat Area (ESHA) definitions, designations, protection, buffers, and development standards for the City of Goleta (City). The SEIR evaluates up to four alternatives for each proposed revision to the plan, including a no change alternative. We are concerned about the potential effects of the revisions to the following federally listed species that occur or have the potential to occur within the project vicinity: the endangered tidewater goby (*Eucyclogobius newberryi*), brown pelican (*Pelecanus occidentalis californicus*), least Bell's vireo (*Vireo bellii pusillus*), light-footed clapper rail (*Rallus longirostris levipes*), *Nasturtium [Rorippa] gambelii* (Gambel's watercress), *Arenaria paludicola* (marsh sandwort), and *Lasthenia conjugens* (Contra Costa goldfields); and the threatened California red-legged frog (*Rana aurora draytonii*), western snowy plover (*Charadrius alexandrinus nivosus*), listed vernal pool branchiopod species (e.g., the threatened vernal pool fairy shrimp (*Branchinecta lynchi*)), and migratory birds.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly

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disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act.

- A-2.1 We are concerned that many alternatives presented in the SEIR depend on the development of several plans (i.e., Biological Assessment Guidelines Manual, Citywide Habitat Management Plan, Streamside Protection Plan, and Riparian and Wetland Mitigation Ordinance) that may impact federally listed species. It is unclear when these plans would be developed and whether
- A-2.2 current General Plan/Coastal Land Use Plan policies would remain in place until these plans are adopted by the City. We encourage the City to work with us when developing any plans and policies that may impact federally listed species.

We have specific concerns about Table 3.4-2, Policy number OS 1.10, OS 7.3, CE 1.2, CE 1.3, CE 1.9, CE 2.2, and the cumulative impacts discussion.

Table 3.4-2. Special-Status Species Associated with Habitats in the City

- A-2.3 As noted in our scoping comments on September 3, 2008, we are concerned that Gambel's watercress and marsh sandwort have the potential to occur within the City's jurisdiction. These species are critically endangered and have the potential to occur within the City of Goleta. The preferred habitats for these species are marshes and riparian areas. We recommend that you add these species to Table 3.4-2 so that biological surveys within the City's jurisdiction may consider these species.

OS 1.10. Management of Public Lateral Access Areas

- A-2.4 Alternatives 2a, 2b, and 3, propose the deletion of a provision that would require a Coastal Development Permit for any temporary event that would be held on sandy beach area and charges for admission or participation. Because the western snowy plover, and it's critical habitat is present on beaches within the City limits, we are concerned with the potential impacts that temporary beach events may have to this species. Potential impacts to the western snowy plover from beach events include increased human traffic, disturbance of dune vegetation, litter deposition, and presence of dogs. We recommend that the City adopt Alternative 1, the no change alternative.

OS 7.3. Open Space for Preservation of Natural Resources

- A-2.5 Alternatives 2a and 2b propose a change in language from, "Figure 3-5¹ designates all ESHAs as protected open space" to, "Figure 3-5 designates areas that may be ESHAs and could be

- A-2.6 ¹ We were unable to find Figure 3-5, and are assuming that the City is referring to Figure 3.4-2 titled, "Special-status species and environmentally sensitive habitat areas." The mistake is repeated throughout Table 2-1, with the "Special-status species and environmentally sensitive habitat areas" map being referred to as Figure 4-1 or 3-5.

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- A-2.5 cont. protected as open space depending on the findings of site-specific biological studies." Table 3.4-8 lists factors that reduce potentially significant impacts associated with the proposed amendment, and indicates that the significance of this proposed change is minimized because "the change does not alter the protection of designated ESHAs or project level review and mitigation requirements. Fewer areas might be designated as ESHAs, the type of resources potentially qualifying as ESHAs would stay the same."
- A-2.7 Numerous federally listed species, listed above, occur or have the potential to occur within the City's jurisdiction and may rely on the habitats that are potentially classified as ESHAs. These species would benefit from greater protections of ESHAs. We disagree with the statement in Table 3.4-8, and believe that repealing the mandatory protection of ESHAs will inherently alter the protection of ESHAs. By making protection of ESHAs dependant on the results of site-specific biological studies, the City may create a patchwork of protected areas that will likely provide a reduced amount of habitat, and inferior quality habitat, than would be provided if the ESHAs shown in Figure 3.4-2 were protected in their entirety. We recommend that the statement in Table 3.4-8 pertaining to OS 7.3 be removed because it does not provide any reduction of the significance of the impact from OS 7.3. Furthermore, we recommend that the City adopt Alternative 1 or 3, the no change alternatives.
- A-2.8
- A-2.9 CE 1.2. Designation of Environmentally Sensitive Habitat Areas
Alternative 2a, and 2b, for CE 1.2 propose a change that would require that a site specific environmental study be done before the City can designate an ESHA. This amendment will cause ESHA designation to be more cost- and time-intensive and will likely decrease the amount of area that receives this designation. As described above, numerous federally listed species may utilize ESHAs and would benefit from additional ESHA designations and protections. Table 3.4-8 lists factors that reduce potentially significant impacts associated with the proposed amendment, and again indicates that the significance of this proposed change is minimized because "the change does not alter the protection of designated ESHAs or project level review and mitigation requirements. Fewer areas might be designated as ESHAs, the type of resources potentially qualifying as ESHAs would stay the same." We disagree that the statement in Table 3.4-8 for CE 1.2 provides a reduction in the significance of the proposed amendment, and recommend that the statement be clarified or removed. Furthermore, we recommend that the City adopt Alternative 1 or 3 because these alternatives do not mandate a site specific environmental study in order to designate an ESHA.
- A-2.10
- A-2.11 CE 1.3. Site-Specific Studies and Unmapped ESHAs
Alternative 2a of CE 1.3 proposes a change in language that would repeal mandatory protections for ESHAs that are not specified in Figure 4-1², but that meet the requirements outlined in CE 1.1 for designating an ESHA. This proposed amendment would effectively reduce the amount of area that receives ESHA designation. As described above, numerous federally listed species may utilize ESHAs and would benefit from additional ESHA designations and protections. As with OS 7.3 and CE 1.2, the City again asserts that the following statement reduces the potential
- A-2.12 ² Figure 4-1 does not show ESHAs, but rather shows future service areas. The mistake is repeated throughout Table 2-1. We are assuming that the City is referring to Figure 3.4-2.

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A-2.12
cont.

significance of this amendment, “the change does not alter the protection of designated ESHAs or project level review and mitigation requirements. Fewer areas might be designated as ESHAs, the type of resources potentially qualifying as ESHAs would stay the same.” This statement does not reduce the potential significance of this amendment and should be clarified or removed. Furthermore, we recommend that the City adopt Alternative 1, 2b, or 3.

A-2.13

CE 1.9. Standards Applicable to Development Projects

Alternatives 2a, 2b, and 3 propose a change in language to subsection i that would repeal the prohibition of grading, earthmoving, and vegetation clearance adjacent to an ESHA during the rainy season (November 1 to March 31) if erosion control measures have been incorporated into the project and are approved by the City. Grading, earthmoving, and vegetation clearance activities may have impacts to species that cannot be mitigated by erosion control measures. For example, California red legged frogs, which have the potential to occur within the City of Goleta, may be actively traveling within and between certain ESHAs during the rainy season and may be directly crushed or otherwise injured by grading and earthmoving activities, and may become vulnerable to predators through vegetation clearance activities. Table 3.4-6 indicates that there is no significant impact identified with this change. We disagree with this statement, as there is a potential impact to California red-legged frogs as described above. We recommend that the City reconsider the potential impacts of the proposed amendment in Table 3.4-6, and adopt Alternative 1, the no change alternative.

CE 2.2. Streamside Protection Areas

Alternatives 2a and 3 propose decreasing the streamside protection areas surrounding creeks from 100 feet to 50 feet at minimum. The Gaviota coastline, adjacent to the City of Goleta, supports many small coastal drainages where California red-legged frogs reside, and it is reasonable to expect that California red-legged frogs may be present in suitable drainages within the City. California red-legged frogs spend most of their lives in and near sheltered backwaters of ponds, marshes, springs, streams, and reservoirs. Deep pools with dense stands of overhanging willows (*Salix* spp.) and an intermixed fringe of cattails (*Typha* spp.) are considered optimal habitat. Eggs, tadpoles, metamorphs, juveniles, and adults also have been found in ephemeral creeks and drainages and in ponds that do not have riparian vegetation. Some California red-legged frogs have moved long distances over land between water sources during winter rains. Adult California red-legged frogs have been documented to move more than 2 miles in northern Santa Cruz County “without apparent regard to topography, vegetation type, or riparian corridors” (Bulger et al. 2003). Migratory birds and listed species such as the least Bell’s vireo also depend on streamside buffers for nesting, foraging, and shelter.

A-2.14

These species, and others, would benefit from a mandatory streamside protection buffer of 100 feet or more. The current habitat within 100 feet of each creek may not be capable of supporting sensitive species, but that does not preclude the restoration of these areas in the future. By permanently allowing the destruction of habitat, or potential habitat, to within 50 feet of the creek the City is losing an opportunity to benefit sensitive species and provide natural areas for residents to enjoy. We recommend that the City adopt Alternative 1 or 2b.

A-2.15

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3.4.3.4. Cumulative Impacts

A-2.16

Section 3.4.3.4 provides a discussion of cumulative impacts and indicates that impacts and mitigation under Alternative 2a, 2b, or 3 would be essentially the same as under Alternative 1 (no action). We agree that the impacts will be generally of the same form as described in Alternative 1, but the magnitude of these impacts will be greater with any of the proposed Alternatives. Specifically, we feel that Alternative 2a, 2b, and 3 may cumulatively cause greater loss of natural open space, greater loss of special status species habitat, greater degradation and fragmentation of upland and riparian areas, greater degradation of water quality in Devereux Creek and Devereux Slough, greater loss and impairment of wildlife linkages, and greater potential for harm of listed species.

This letter does not reflect a comprehensive review of the SEIR on our part; however, we are concerned that the Track 3 revisions, may have adverse impacts on federally listed species and that these impacts are not fully articulated in the SEIR. We made recommendations for the selection of alternatives for OS 1.10, OS 7.3, CE 1.2, CE 1.3, CE 1.9, and CE 2.2 based on the desirable aspects of each alternative, and encourage the City to coordinate with us to ensure compliance with the Act. We appreciate the opportunity to provide comments on the Track 3 revisions and look forward to working with the City in the future to address and minimize the potential impacts on federally listed species within your jurisdiction. If you have any questions regarding these comments, please contact Jenny Marek of our staff at (805) 644-1766, extension 325.

Sincerely,



Chris Dellith
Senior Biologist

cc:
Martin Potter, California Department of Fish and Game

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REFERENCE CITED

Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. *Biological Conservation* 110(2003):85-95.

Response to Comment No. A-2.1 and A-2.2

The commentator is concerned that some of the alternatives depend on the development of plans that have not been initiated and asks for a clarification regarding whether existing policies would remain in effect until such plans were completed.

In the analysis of impacts to biological resources, the Draft SEIR indicates that the potential deferral of mitigation under alternatives entailing preparation of a plan has the potential for resulting in significant impact and that such results could be avoided by keeping the existing policy in place until the plan was adopted (see Tables 3.4-7 and 3.4-8).

Response to Comment No. A-2.3

The commentator recommends that Gambel's watercress and marsh sandwort be added to Table 3.4-2 because they have the potential to occur within the City. In the Final SEIR, Table 3.4-2 has been revised to include the two plants. The commentator also recommends that the two plants be added to the list of special status species in the GP/CLUP so that the City can require biological surveys for these species.

The analysis of potential impacts to special status species in the Draft SEIR is not altered by the addition of the two species to the table. Potential effects to these plants are the same as identified for the other special status plants. It also should be noted that there are no CNDDDB records of the occurrence of either plant within the City.

Regarding the GP/CLUP, special status species in the City are identified in Table 4-1 in the CE. However, as stated in the CE, species that would trigger ESHA determinations are not limited to those listed in Table 4-1. All of the alternatives considered in the SEIR retain subsections a or b of the definition of ESHAs in CE 1.1:

- a. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments.
- b. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas.

Because the two plants are encompassed by subsection a and b, Table 4-1 in the GP/CLUP would not have to be amended for the City to require surveys for these plants in potentially suitable habitat. However, the City does have the authority to make such a change.

Response to Comment No. A-2.4

The commentator recommends that Alternative 1 for proposed changes to OS 1-10 be adopted to avoid impacts to snowy plover and its critical habitat. Comment noted.

Response to Comments Nos. A-2.5, A-2.7, A-2.9, A-2.10 and A-2.11

The commentator disagrees with the analysis of Alternatives 2a and 2b regarding the designation and protection of ESHAs (CE 1.2 and 1.3) and recommends that the statements regarding factors that reduce the potential for significant impacts be clarified or removed from Table 3.4-8. The commentator also is concerned that the resulting ESHAs under Alternatives 2a and 2b would have fewer conservation benefits for sensitive species and would be less protected than under the existing policies.

This response to comments provides the following clarification.

Alternatives 2a and 2b for CE 1.2 and 1.3 propose different ways by which ESHAs would be identified but do not alter the definition of resources that qualify as ESHAs as provided in existing GP/CLUP CE 1.1 and GP/CLUP Tables Table 4-1 and Table 4-2. Because what constitutes an ESHA is not changed by Alternative 2a and 2b, it is reasonable to assume that areas with such resources would be designated as ESHAs regardless of whether they are currently shown on GP/CLUP Figure 4-1. The assumption that areas with sensitive resources would not be designated as ESHAs if the decisions were made based on project-level analyses also disregards the City's project review procedures and CEQA requirements that apply to projects and the City's decisions.

The commentator also recommends that Alternatives 1 or 3 for CE 1.2 and Alternatives 1, 2b, or 3 be adopted. Recommendation noted.

Response to Comment No. A-2.6

The commentator was not able to locate the "Figure 3-5" cited in analysis of OS and ESHA policy alternatives. The reference is to Figure 3-5 in the GP/CLUP, not the SEIR.

Response to Comment No. A-2.8

The commentator recommends that statements in Table 3.4-8 regarding factors that reduce the impacts associated with Alternatives 2a and 2b for OS 7.3 be deleted, and recommends that Alternative 1 or 3 be adopted.

OS 7.3 is the GP/CLUP policy that links ESHA designation and protection policies to City's policies and maps regarding open space. Any changes proposed to the ESHA designation/protection policies also would have to be made to OS 7.3 for the GP/CLUP policies to be internally consistent. The analysis and inclusion of OS 7.3 as presented in Table 3.4-8 is appropriate and does not require modification.

Response to Comment No. A-2.12

The commentator believes the reference to Figure 4-1 in SEIR Table 2-1 and Section 3.4 of the SEIR is in error. The reference is to Figure 4-1 in the GP/CLUP Conservation Element.

Response to Comment No. A-2.13

The commentator disagrees with the analysis of Alternatives 2a, 2b, and 3 regarding CE 1.9 and contends that significant impacts to red-legged frog ESHAs could result. The commentator also recommends adoption of Alternative 1.

Regarding potential impacts to ESHAs and red-legged frogs, the proposed changes under Alternatives 2a, 2b, and 3 do not authorize direct or indirect impacts to any ESHAs from activities adjacent to ESHAs during the rainy season. Approval of the erosion control measures by the City would occur through the project review process, which requires that impacts to ESHAs and special status species be avoided and mitigated where not avoidable. Further, direct and indirect impacts to red-legged frog habitat are subject to federal and state regulations as well as GP/CLUP wetland policies. The proposed change under Alternatives 2a, 2b, and 3 do not alter any requirement to protect ESHAs, listed species, or the habitat of listed species.

Response to Comments Nos. A-2.14 and A-2.15

The commentator opposes Alternatives 2a, 2b, and 3 regarding CE 2.2 (streamside protection area [SPA] buffers) and contends that the proposed changes potentially would have significant impacts on red-legged frogs and migratory and listed birds such as least Bell's vireo. The commentator also is concerned that the changes would result in a loss of future conservation opportunities and would result in overall reduced benefits for special status species. The commentator recommends adoption of Alternative 1 or 2b.

Regarding potential impacts to listed species, migratory birds, and their habitats, Alternatives 2a, 2b, and 3 do not alter GP/CLUP requirements to designate ESHAs and ESHA buffers for special status species and habitats. Regardless of whether the SPA is a minimum of 50 or 100 feet, any area with the resources identified in the comments would be designated as an ESHA and would require an ESHA buffer under the GP/CLUP. Further, the proposed changes do not preclude the City from requiring a wider SPA based on site species considerations.

Regarding potential loss of future conservation opportunities, the comment is noted. However, the areas potentially not included in SPAs would most likely be non-ESHA types with limited biological value. It also should be noted that there are a limited number of vacant parcels in the City in locations where an SPA would be required. The total area of vacant parcels within 100 feet of streams is 19.8 acres. The total area of vacant parcels within 50 feet of streams is 9.8 acres. In contrast to potential SPAs, there are approximately 564 acres of ESHA types within the City.

A detailed response to comments on proposed changes to CE 2.2 is provided in Attachment A. It also should be noted that the City adopted an amended version of CE 2.2 in May 2009 (see Attachment A).

Response to Comment No. A-2.16

The commentator contends that Alternatives 2a, 2b, and 3 may cumulatively cause greater loss of natural open space, greater loss of habitat for special status species, greater degradation and fragmentation of upland and riparian habitats, greater degradation of water quality in Devereaux Creek and Slough, greater loss and impairment of wildlife linkages, and greater potential harm to listed species than Alternative 1.

The SEIR indicates a higher potential for impacts from Alternatives 2a, 2b, and 3. However, for the reasons indicated in responses to comments A-2.1 through A-2.15, the impacts would not be substantially greater than those under Alternative 1 and would be reduced to a less-than-significant level by the factors identified in the SEIR. Because one alternative may have a greater potential for impacts than another option does not mean that the alternative's effects are necessarily significant or could not be reduced to levels considered less than significant under CEQA.



ARNOLD SCHWARZENEGGER
GOVERNOR

March 17, 2009

Anne Wells
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Draft Goleta General Plan/ Coastal Land Use Plan Amendments (Track-3 - Substantive Policy Revisions)
SCH#: 2005031151

Dear Anne Wells:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 16, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

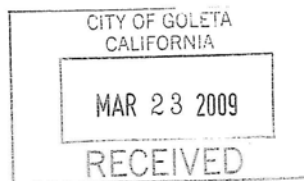
Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comment Letter A-3



CYNTHIA BRYANT
DIRECTOR



**Document Details Report
State Clearinghouse Data Base**

SCH# 2005031151
Project Title Draft Goleta General Plan/ Coastal Land Use Plan Amendments (Track-3 - Substantive Policy Revisions)
Lead Agency Goleta, City of

Type SIR Supplemental EIR
Description The City of Goleta, as Lead Agency, has prepared a program-level draft Supplemental Environmental Impact Report (SEIR) to address the potential new or modified environmental impacts associated with selected revisions (called "Track 3") of the City's adopted General Plan/Coastal Land Use Plan (GP/CLUP) as amended. Pursuant to California Environmental Quality Act (CEQA)(CEQA Sections 15082, 15103, and 15375).

Lead Agency Contact

Name Anne Wells
Agency City of Goleta
Phone (805) 961-7557 **Fax**
email
Address 130 Cremona Drive, Suite B
City Goleta **State** CA **Zip** 93117

Project Location

County Santa Barbara
City Goleta
Region
Lat / Long
Cross Streets Citywide
Parcel No.

| Township | Range | Section | Base |
|----------|-------|---------|------|
| | | | |

Proximity to:

Highways 101
Airports Santa Barbara
Railways UPRR
Waterways All waterways located within the City of Goleta
Schools UCSB
Land Use N/A

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 01/29/2009 **Start of Review** 01/29/2009 **End of Review** 03/16/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter A-3
Attachment same as
A-1

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



February 3, 2009

Cler
3-16-09
e



Anne Wells
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: SCH#2005031151 City of Goleta General Plan/Coastal Land Use Plan Amendments (Track 3-Substantive Policy Revisions); Santa Barbara County

Dear Ms. Wells:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ 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.
 - 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

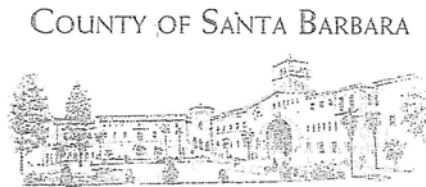
CC: State Clearinghouse

Response to Comment No. A-3.1

The Governor's office of Planning and Research acknowledged that the City of Goleta has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (CEQA). The comment letter also included a copy of comment letter A-1. Comment noted.

Comment Letter A-4

Michael F. Brown
County Executive Officer



105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.co.santa-barbara.ca.us

April 6, 2009

EXECUTIVE OFFICE

Dan Nemecek
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

FAX: 805-685-2635
EMAIL: dnemecek@cityofgoleta.org

RECEIVED

APR 06 2009

City of Goleta
Planning & Environmental Svcs.

RE: Notice of Preparation of the City of Goleta General Plan/Coastal Land Use Plan
Track 3 Draft Supplemental EIR

Dear Mr. Nemecek:

Thank you for the opportunity to comment on the Notice of Preparation of the City of Goleta General Plan/Coastal Land Use Plan Track 3 Draft Supplemental EIR. At this time, the County is submitting the following comments for your consideration:

2.2 Project Location and Background

2.2.1 Location

The Draft Supplemental EIR states, "Potential future City service areas, filling the probable ultimate physical boundaries and service area of the City, are shown in Figure 2-2, Coastal Zone Boundary."

A-4.1

The Draft Supplemental EIR should be revised to reflect the March 5, 2009 determination by Santa Barbara County Local Agency Formation Commission (LAFCO). The LAFCO Commission adopted a Sphere of Influence for the City of Goleta that includes only the territory within the City limit and denied the request to include within the sphere of influence the South Patterson Agriculture Area (Area A), North Fairview Avenue area (Area C) and Glen Annie Golf Course (Area E). The Commission also reconfirmed the existing policy that requires any city sphere expansions within the Eastern Goleta Valley be approved only in conjunction with concurrent annexation to the city.

A-4.2

The Draft Supplemental EIR should include a revised analysis that reflects the elimination of Future Service Area Boundaries A, B, C, D, and E through the LAFCO determination.

The County has no further comments on this project at this time and looks forward to continued dialogue on future projects. If you should have further questions, please do not hesitate to contact my office directly, or David Matson, Deputy Director in the Office of Long Range Planning at (805) 568-2068.

Sincerely,

John Baker
Assistant County Executive Officer/Director of Planning and Development

cc: Derek Johnson, Director, Office of Long Range Planning
David Matson, Deputy Director, Office of Long Range Planning

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Terri-Maus-Nisich
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Susan Paul
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Jason Stilwell
Assistant County Executive Officer
jstil@co.santa-barbara.ca.us

Response to Comment No. A-4.1

The commentator correctly states that the Santa Barbara County LAFCO adopted a SOI for the City of Goleta coterminous with the City's existing boundaries. Draft SEIR Figure 4-1 will be updated to reflect the adopted SOI. Comment Noted.

Response to Comment No. A-4.2

The commentator incorrectly infers that the March 5, 2009 determination by SB LAFCO regarding their modified administrative process relating to concurrent processing of SOI and Annexation applications precludes the City of Goleta from having potential Future Service Areas in a General Plan/Coastal Land Use Plan. Comment noted.