

Appendix A

Scoping Meeting Minutes



City of Santa Barbara

PLANNING COMMISSION

MINUTES

JULY 16, 2020

1:00 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Deborah L. Schwartz, Chair
Lesley Wiscomb, Vice Chair
Roxana Bonderson
Gabriel Escobedo
Jay D. Higgins
Sheila Lodge
Barrett Reed

STAFF:

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Heidi Reidel, Commission Secretary

CALL TO ORDER

Chair Schwartz called the meeting to order at 1:03 p.m.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Lesley Wiscomb, Commissioners Roxana Bonderson, Gabriel Escobedo, Jay D. Higgins, Sheila Lodge, and Barrett Reed

STAFF PRESENT

Greg Lusitana, Assistant City Attorney
Allison DeBusk, Senior Planner
Ellen Kokinda, Planning Analyst
Timmy Bolton, Associate Planner
Eric Nickel, Fire Chief
Amber Anderson, Wildland Fire Specialist
Joe Poire, Fire Marshal
Jessica Grant, Supervising Transportation Planner
Rosie Dyste, Project Planner
Kelly Brodison, Associate Planner
Tony Ruggieri, City TV Production Supervisor
Heidi Reidel, Commission Secretary

II. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items:

No requests.

B. Announcements and appeals:

No announcements.

C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. July 2, 2020 Planning Commission Minutes

MOTION: Lodge / Wiscomb

Approve the minutes as presented.

The motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

2. Planning Commission Resolution No. 004-20
102 Santa Rosa Place**MOTION: Lodge / Wiscomb**

Approve the resolution as presented.

The motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

3. Reconsideration of June 4, 2020 Planning Commission Minutes adopted on June 18, 2020

Commissioner Comments: Commissioner Bonderson stated that she identified a comment listed under her individual comment section that was inaccurately recorded and conflicted with her earlier vote in the minutes.

Original comments read as follows:

Commissioner Bonderson:

- Supports increasing the maximum building height from 45 feet to 48 feet and the discretionary limitation up to 60 feet. Would like staff to give attention to why and how the 48 feet would be used. Keep in mind that additional height may be used to make residences more luxurious which goes against the intended purpose of the program.
- Supports keeping the in-lieu fee policy and allowing unbundled parking. Does not feel comfortable speaking on the topic of in-lieu parking fees until provided with further information.
- Requests to include supporting figures wherever possible to graphically illustrate the material.
- Recommends that the open yard exemption be extended to both sides of Santa Barbara and De la Vina Streets.

Corrected comments read as follows:

Commissioner Bonderson:

- Supports increasing the maximum building height from 45 feet to 48 feet and the discretionary limitation up to 60 feet. Would like staff to give attention to why and how the 48 feet would be used. Keep in mind that additional height may be used to make residences more luxurious which goes against the intended purpose of the program.
- Supports keeping the in-lieu fee policy and allowing unbundled parking. Does not feel comfortable speaking on the topic of in-lieu parking fees until provided with further information.
- Requests to include supporting figures wherever possible to graphically illustrate the material.

MOTION: Wiscomb / Lodge

Approve the minutes as amended.

The motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

D. Comments from members of the public pertaining to items not on this agenda:

Public comment opened at 1:09 p.m., and as no one wished to speak, it closed.

III. CONTINUED ITEM CONTINUED FROM JULY 9, 2020

ACTUAL TIME: 1:10 P.M.

A. USE DETERMINATION – HRC-II ZONE (PER SBMC §28.22.030.B.2.F)

The Planning Commission is being asked to determine if a yacht and helicopter/plane charter business, including sales, tour services, and a visitor center experience, is an appropriate visitor-serving or commercial recreational use in the HRC-2 (Hotel and Related Commerce) Zone, in accordance with Santa Barbara Municipal Code, Section 28.22.030.B.2.f.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Reed recused himself from hearing this item due to a financial interest.

Allison DeBusk, Senior Planner, gave the Staff presentation.

Kenneth Marshall, Principal, Dudek, gave the Applicant presentation.

Public comment opened at 1:21 p.m., and the following individual spoke:

1. Jack Maxwell

Public comment closed at 1:25 p.m.

MOTION: Higgins / Escobedo

The Planning Commission determines that the use is an appropriate visitor-serving or commercial recreational use in the HRC-2 (Hotel and Related Commerce) Zone, in accordance with Santa Barbara Municipal Code, Section 28.22.030.B.2.f., based on the July 13, 2020 applicant letter, and the floor plan provided which appears to delineate the non-marine uses as accessory as they are less than 50%.

The motion carried by the following vote:

Ayes: 4 Noes: 2 (Lodge and Bonderson) Abstain: 0 Absent: 1 (Reed)

*** THE COMMISSION RECESSED FROM 2:01 TO 2:11 P.M. ***

IV. NEW ITEM**A. ACTUAL TIME: 2:11 P.M.****COMMUNITY WILDFIRE PROTECTION PLAN SCOPING HEARING**

The City of Santa Barbara Fire Department is proposing to implement a comprehensive, coordinated Community Wildfire Protection Plan (CWPP) to protect lives, property, and natural resources threatened by wildland fire. The proposed CWPP updates the City's 2004 Wildland Fire Plan consistent with the federal 2003 Healthy Forests Restoration Act and accounts for changes in the City of Santa Barbara's fire environment and work completed under the 2004 Plan. CWPP is a strategic plan that outlines a series of policies and action items which are intended to guide implementation of the CWPP and focuses on codes and standards, funding, fire rehabilitation, evacuation, fire protection, vegetation/fuels management, and public education. The proposed CWPP is subject to review under the California Environmental Quality Act (CEQA). New policies and actions proposed in the CWPP could result in impacts to the environment, to be analyzed in a Programmatic Environmental Impact Report (PEIR) pursuant to CEQA Guidelines §15083. The Draft CWPP and Initial Study describing potentially significant impacts are available online at CWPP.SantaBarbaraCA.gov. **The public comment period on the Initial Study for the PEIR is from July 3 to August 3, 2020.**

The purpose of this public scoping hearing is to receive comment from agencies, the public, and Planning Commissioners on the scope of analysis for the PEIR to be prepared for the CWPP. No action will be taken at this scoping hearing on the environmental review or on the Draft CWPP.

Amber Anderson, Wildland Fire Specialist, gave the Staff presentation, joined by consultants Jessica Kinnahan, Dudek, and Scott Eckardt, Dudek. Eric Nickel, Fire Chief and Joe Poire, Fire Marshal, were available to answer questions. , .

Public comment opened at 2:33 p.m., and the following individuals spoke:

1. Bob Hart

Written correspondence from Santa Barbara Association of Realtors, Santa Barbara Audubon Society, and Stephen Pearson was acknowledged.

Public comment closed at 2:37 p.m.

Commissioner comments:

Commissioner Lodge:

- The applicant has done an excellent job on scoping for the Environmental Impact Report.
- Other issues that have been raised could be addressed in another way or outside of the EIR document.

Commissioner Wiscomb:

- Excited about the project, it has been a long time coming.
- Would like to see concerns about housing and population addressed.
- Would like to see economic impacts addressed, as this Plan will impact property owners financially.
- The community should give more weight to air quality impacts and storm water runoff.
- Suggests labeling existing and proposed high fire hazard areas with letters, which will help facilitate the discussion on ADUs.

Commissioner Escobedo:

- Thanks staff for the report.
- Would like to see housing and population incorporated into the scope.
- Would like to see an economic analysis included in the CWPP.
- Supports Vice Chair Wiscomb's suggestion about labeling existing and proposed high fire hazard areas with letters.
- Would like to see a stricter definition of what it means to be in the very high fire hazard severity zone versus the high fire hazard severity zone when the CWPP comes back. Define the differences and what that terminology may mean for insurance rates.

Commissioner Reed:

- Supports the inclusion of population and housing in the scope of the EIR.
- The analysis of air quality goes beyond what is stated in the staff report, and would call its inclusion into question.
- It would be great to include economic impacts in the scope of analysis.

Commissioner Higgins:

- Agrees that the housing component should be included.
- The longer this process takes, the more at-risk we are.
- Keep the California Environmental Quality Act document focused, but staff should provide the additionally requested analysis.
- If insurance premiums rise or change, it should be disclosed to the community.
- The program should include information about engaging utility companies in the discussion about undergrounding power lines.
- Would like economics included in the document as an appendix.

Commissioner Bonderson:

- The scoping of the EIR has been done very well.
- Pleased by the cooperation and coordination with the adjacent jurisdictions.
- Agrees with previous comments about including the housing component and economic analysis.
- Strongly supports the labeling efforts put forth by Vice Chair Wiscomb.

Chair Schwartz:

- Looks forward to staff reaching out to other jurisdictions about best practices.
- Housing, population, and economic impacts should be included in decision making, regardless of what other jurisdictions decide to do, as this is not a “one size fits all” solution.
- Concerned with grouping all high fire areas together because the coastal area is very different than the Foothill area.
- Concerned about jurisdictions overreaching or overmapping parts of communities that have never been wildfire hazards, which could restrict future development, and could be a concern relative to requirements from the Department of Housing and Community Development.
- Encourages the plan to come forward and looks forward to its return.

*** THE COMMISSION RECESSED FROM 4:04 TO 4:15 P.M. ***

B. ACTUAL TIME: 4:16 P.M.

APPLICATION OF BRIAN CEARNAL, THE CEARNAL COLLECTIVE, AGENT FOR SERIES A, SERIES B AND SERIES C OF OLD TOWN PROPERTIES, LLC, OWNERS OF 410 STATE, 27 E. GUTIERREZ, AND 409 ANACAPA STREETS, APNS: 037-212-022, -030, AND -35; ZONE: M-C MANUFACTURING COMMERCIAL; LAND USE DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (28-36 UNITS/ACRE)/ PRIORITY HOUSING OVERLAY (37-63 UNITS/ACRE); PLN2020-00220

The project consists of a proposal to merge three parcels located at 410 State Street (vacant commercial building), 27 E. Gutierrez Street (75-space parking lot) and 409 Anacapa Street (commercial building occupied by Reid's Appliances), to create a 59,010-square-foot lot. The proposed development involves construction of a four-story building containing 84 residential rental units (36 studios, 24 one-bedrooms, 12 junior one-bedrooms, and 12 two-bedrooms) averaging 627 square feet per unit, on the existing parking lot located at 27 E. Gutierrez Street, and maintenance of the existing commercial buildings at 410 State and 409 Anacapa Streets. The new building would be approximately 65,885 square feet with a ground floor parking garage, residential lobby, trash enclosure, transformer, and bicycle parking. The proposal includes 83 parking spaces in a combination of surface parking spaces and parking lifts. The Planning Commission will consider findings to allow the project to exceed 45 feet in height per Santa Barbara Municipal Code (SBMC) §30.140.100.B, and will conceptually review the project in accordance with SBMC §30.150.060.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Reed recused himself from hearing this item due to a financial interest.

Kelly Brodison, Associate Planner, gave the Staff presentation.

Brian Cearnal, The Cearnal Collective, gave the Applicant presentation.

Public comment opened at 4:50 p.m., and the following individuals spoke:

1. John Campanella
2. Richard Closson
3. Robin Donaldson
4. Pat Saley

Written correspondence from Fred Sweeney, Gene and Gail Zannon, John Campanella, Patricia Saley, Richard Closson, and Robin Donaldson was acknowledged.

Public comment closed at 5:01 p.m.

MOTION: Wiscomb / Escobedo

The Planning Commission supports the proposed design and improvement of the project and finds that the project is consistent with the General Plan.

The motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Reed)

MOTION: Wiscomb / Escobedo

Assigned Resolution No. 005-20

The Planning Commission makes the findings in Section X of the Staff Report and grants an exception to the 45-foot height limit in the M-C Zone to allow a 52-foot tall building for Community Benefit Housing.

The motion carried by the following vote:

Ayes: 4 Noes: 2 (Lodge and Higgins) Abstain: 0 Absent: 1 (Reed)

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:21 P.M.

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

Commissioner Higgins reported that the Staff Hearing Officer meetings of July 15 and July 29, 2020 are cancelled.

2. Other Committee and Liaison Reports

- a. Chair Schwartz announced the July 20, 2020 preparatory meeting and August 20, 2020 joint meeting with the Montecito Planning Commission about the Olive Mill/ Coast Village Road Roundabout project, and announced the July 23, 2020 special meeting of the Planning Commission.

VI. ADJOURNMENT

Chair Schwartz adjourned the meeting at 6:25 p.m.

Submitted by,

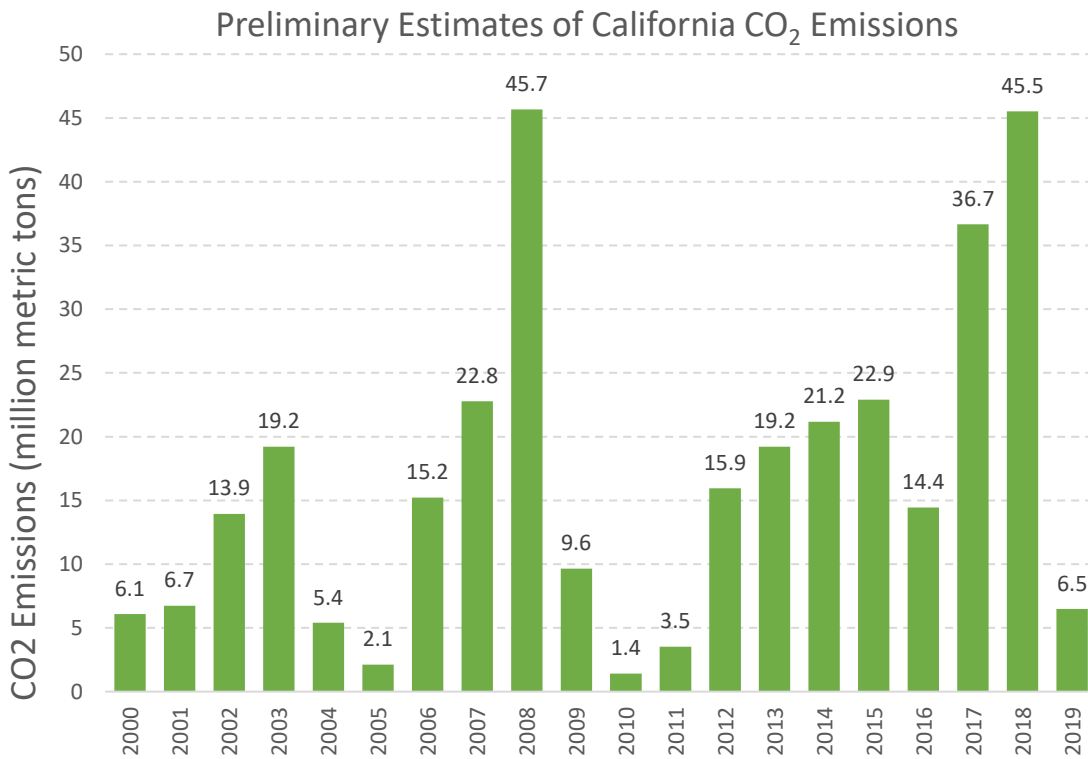
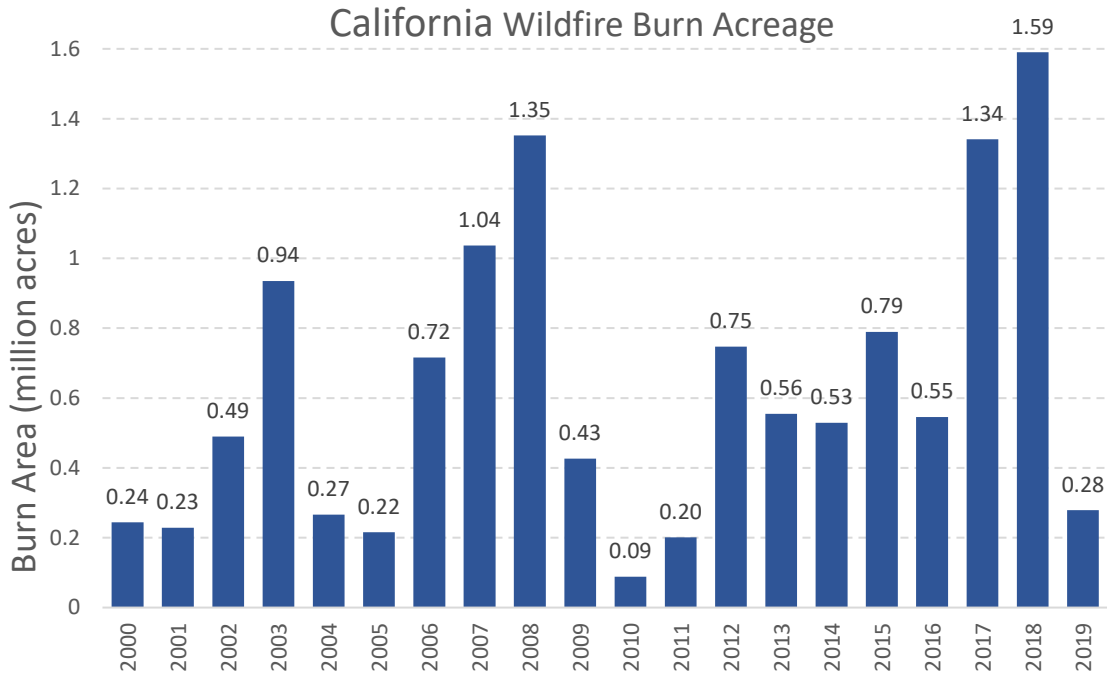


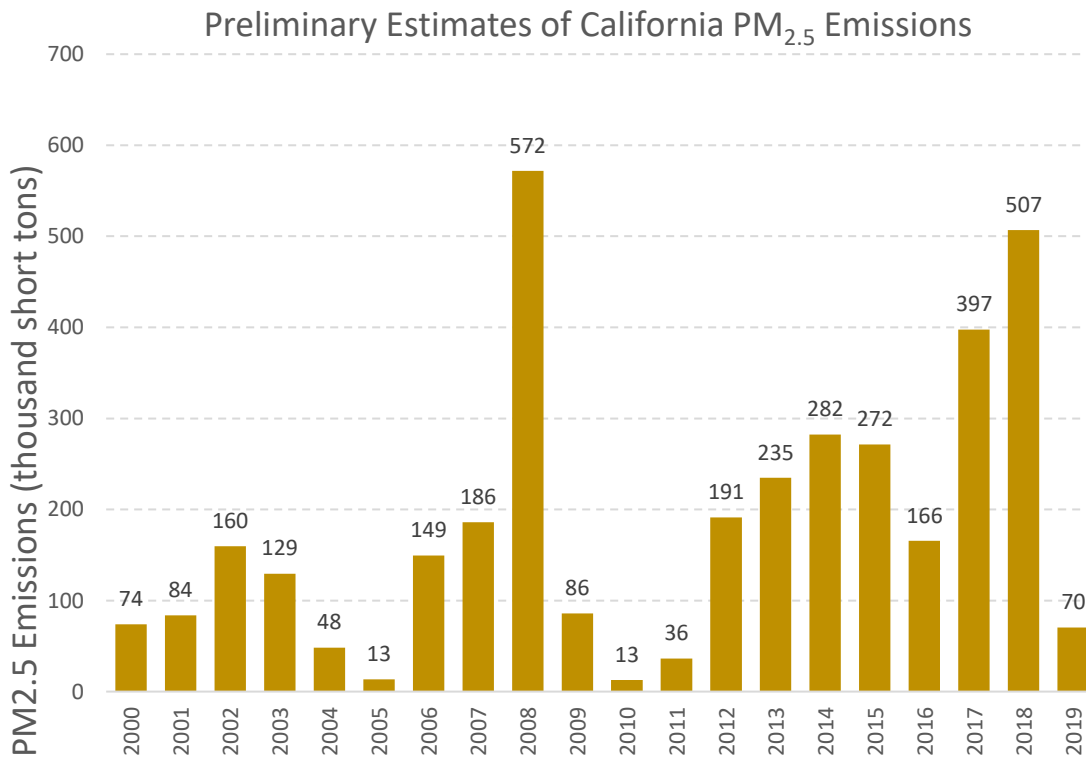
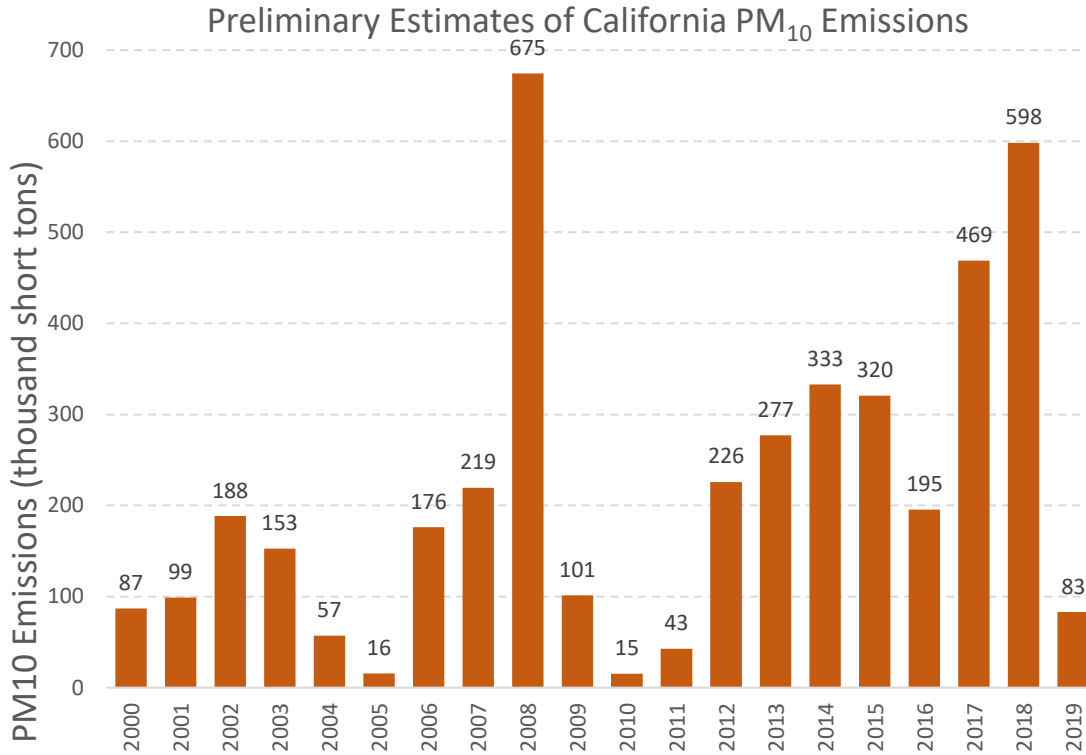
Heidi Reidel, Commission Secretary

Appendix B

CARB Emissions Estimates

California Wildfire Burn Acreage and Preliminary Emissions Estimates





Data Source: California Air Resources Board (CARB) staff's preliminary estimates using the FOFEM model and CALFIRE's fire footprints. FOFEM does not model agricultural and developed lands. All numbers are rounded.

Appendix C

Grazing Biological Resources Evaluation



Skofield Park Biological Survey Report

VAN'S MEADOW AND SOUTHERN SKOFIELD UNITS
FUELS REDUCTION PROJECT

September 8, 2020

Introduction

This report summarizes the biological survey results for a fuel reduction project in the Van's Meadow and Southern Skofield units of Skofield Park in the City of Santa Barbara, California (see map in Appendix A).

The City of Santa Barbara addressed wildfire threats to life, property, and natural resources in its Wildland Fire Plan and associated Program Environmental Impact Report (PEIR) of 2004. Section 3.2.5 of this PEIR requires a qualified biologist to conduct a survey of each project site prior to work to identify any sensitive biological resources such as oaks and oak woodlands, aquatic and riparian areas, sensitive species and habitat, and raptor nests. Oaks and oak woodlands have been previously mapped and are easily identified in the field and impacts will be mitigated by implementing Best Management Practices already identified. The top of creekbanks have also been previously defined and no fuel reduction work will be conducted in sensitive aquatic or riparian areas. Raptors are outside of their nesting season during this fall's work and no raptor roost or nest sites were identified, nor would be directly affected by this project since they occur in the canopy of mature trees that will not be disturbed.

This survey focused on special status sensitive species.

In the Southern Skofield unit, sheep and goats will be temporarily fenced in, along with a guard dog, to forage on the heavier vegetation on the slope below Las Canoas road. Most of this unit is already clear of understory vegetation in the flatter areas and will not need treatment. Hand crews will reduce the vegetation in the Van's Meadow unit using chainsaws and other hand tools, and this cut material will be mechanically chipped and spread out on site and away from the riparian area.

Survey Methods

Previous biological surveys¹² and the California Natural Diversity Database (CNDDDB) were utilized to create a list of sensitive species that may occur in the area.

Biologist Kevin Cooper from Resolute Associates visited the project site with Santa Barbara City Fire Services Specialist Chris Braden in Skofield Park to discuss the project boundaries and potential issues on September 2, 2020, and conducted the biological surveys the same day. A five hour walk through was done to note any special status plants or wildlife or any other species of interest throughout 11.6 acres of both units.

¹ Julie Love, 2008. Biological Resources Evaluation Report for Skofield Park prepared for City of Santa Barbara Fire Department. URS, Santa Barbara, CA 93117

² Marine Research Specialists (MRS), 2017. Santa Barbara City Fire Department Biological Survey Report for the Las Canoas and St. Mary's Vegetation Unit. MRS, Santa Barbara, CA 93101

Table 1 - California Natural Diversity Database Species within a two-mile radius of Skofield Park

SciName	ComName	FedList	CalList	GRank	SRank	RPlantRank
Accipiter cooperii	Cooper's hawk	None	None	G5	S4	
Anniella pulchra	Northern California legless lizard	None	None	G3	S3	
Bombus crotchii	Crotch bumble bee	None	Candidate Endangered	G3G4	S1S2	
Calochortus fimbriatus	late-flowered mariposa-lily	None	None	G3	S3	1B.3
Corynorhinus townsendii	Townsend's big-eared bat	None	None	G3G4	S2	
Coturnicops noveboracensis	yellow rail	None	None	G4	S1S2	
Horkelia cuneata var. puberula	mesa horkelia	None	None	G4T1	S1	1B.1
Laterallus jamaicensis coturniculus	California black rail	None	Threatened	G3G4T1	S1	
Lonicera subspicata var. subspicata	Santa Barbara honeysuckle	None	None	G5T2?	S2?	1B.2
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	None	None	G4T3	S3	1B.3
Nasturtium gambelii	Gambel's water cress	Endangered	Threatened	G1	S1	1B.1
Phrynosoma blainvillii	coast horned lizard	None	None	G3G4	S3S4	
Quercus dumosa	Nuttall's scrub oak	None	None	G3	S3	1B.1
Rana draytonii	California red-legged frog	Threatened	None	G2G3	S2S3	
Riparia riparia	bank swallow	None	Threatened	G5	S2	
Salvadora hexalepis virgultea	coast patch-nosed snake	None	None	G5T4	S2S3	
Scrophularia atrata	black-flowered figwort	None	None	G2?	S2?	1B.2
Taricha torosa	Coast Range newt	None	None	G4	S4	
Thamnophis hammondi	two-striped gartersnake	None	None	G4	S3S4	
Thelypteris puberula var. sonorensis	Sonoran maiden fern	None	None	G5T3	S2	2B.2

Table 2 - Additional species of interest were identified in previous biological surveys as having the potential to occur in the project area but have not been positively identified there.

SciName	ComName	Status
<i>Ribes amarum</i> var. <i>hoffmanii</i>	Hoffman's bitter gooseberry	CNPS list 3
<i>Quercus dumosa</i> var. <i>kinselae</i>	Scrub oak	
<i>Calystegia macrostegia</i> var. <i>macrostegia</i>	Coastal morning glory	
<i>Baccharis plummerae</i>	Plummer's baccharis	
<i>Calochortus catalinae</i>	Catalina mariposa lily	CNPS list 4.2
<i>Cordylanthus rigidus</i> ssp. <i>rigidus</i>	Rigid bird's beak	
<i>Galium cliftonsmithii</i>	Santa Barbara bedstraw	CNPS list 4.3
<i>Phacelia viscida</i> var. <i>albiflora</i>	White flowered sticky phacelia	
<i>Rubus parviflorus</i>	Thimbleberry	
<i>Sanicula hoffmannii</i>	Hoffman's sanicle	CNPS list 4.3
<i>Sidalcea malviflora</i> ssp. <i>californica</i>	California checkerbloom	
<i>Thelypteris puberula</i>	Showy maiden fern	

Survey Results

Southern Skofield Unit

This unit covers the oak grassland and oak chaparral habitat area from Las Canoas Road on the south to the open grasslands in the center of the park. The northern half of this area is presently clear of understory vegetation and only the steeper slopes below Las Canoas Road will need to be browsed by goats to reduce vegetation. There is very little grass forage that sheep could utilize in this entire unit.

At this time of year (September 2) there were no flowers and many annual and biennials were dehisced and not identifiable. Breeding bird activity was also over for the season. While these conditions hamper identification of species that may be at the project site, they also make plant and animal species less sensitive to disturbance by project activities.

General habitat consists of oak grasslands and oak chaparral with the most common understory species being toyon, coyote brush, lemonade berry, California sage, coffee berry, poison oak, giant wild rye, and annual grasses including native *Nassella pulchra* which was dehisced. Several invasive species were detected such as pepper, pittosporum, and ornamentals encroaching from neighboring yards.



Figure 1 Typical habitat in the northern, flatter portions of the Southern Skofield unit.



Figure 2 Typical habitat in the southern, steeper portions of the Southern Skofield unit.

Only one of the species listed in the tables above was preliminarily identified during the survey; Nuttall's scrub oak in the NE corner of the unit (see map in Appendix A). This species has been identified in several drainages nearby but there is some question as to the variety in Skofield Park, and the author was not able to ascertain the subspecies positively. Scrub oak may be browsed by goats.

Van's Meadow Unit

The Van's Meadow unit area lies on the north side of Rattlesnake Creek and consists of large annual grassland openings, oak woodlands, and dense chaparral. The unit has adequate access for vehicles and a chipper, this will allow hand crews to be able to operate to reduce fuel loading without causing an impact. Common understory species include toyon, white sage, California sage, poison oak, coyote brush, ceanothus, elderberry, and lemonade berry. Several invasive non-natives were noted here including pepper and olive trees.



Figure 3 *Ceanothus* in the Van's Meadow unit.

Special status plants identified here include potential Santa Barbara honeysuckle, a very dried out species of gooseberry (*Ribes spp.*) that could be sensitive but was not identifiable at this time of year, and several woodrat nests (see Appendix A).

Wildlife species seen in both areas include black-tailed deer, rabbit droppings, an abandoned fox den (see Appendix A), gray squirrel, ground squirrel, and pocket gopher burrows. Bird species seen were American crow, turkey vulture, scrub jay, Hutton's vireo, bushtit, California towhee, acorn woodpecker, hairy woodpecker, California thrasher, and black-throated gray warbler. Several woodrat nests were also mapped (Appendix A). No riparian or aquatic species were seen in the upland areas and would not be expected here during this dry season. No bumblebees were seen and are likely in burrows during the fall when there are very few flowers to feed on.

Recommendations

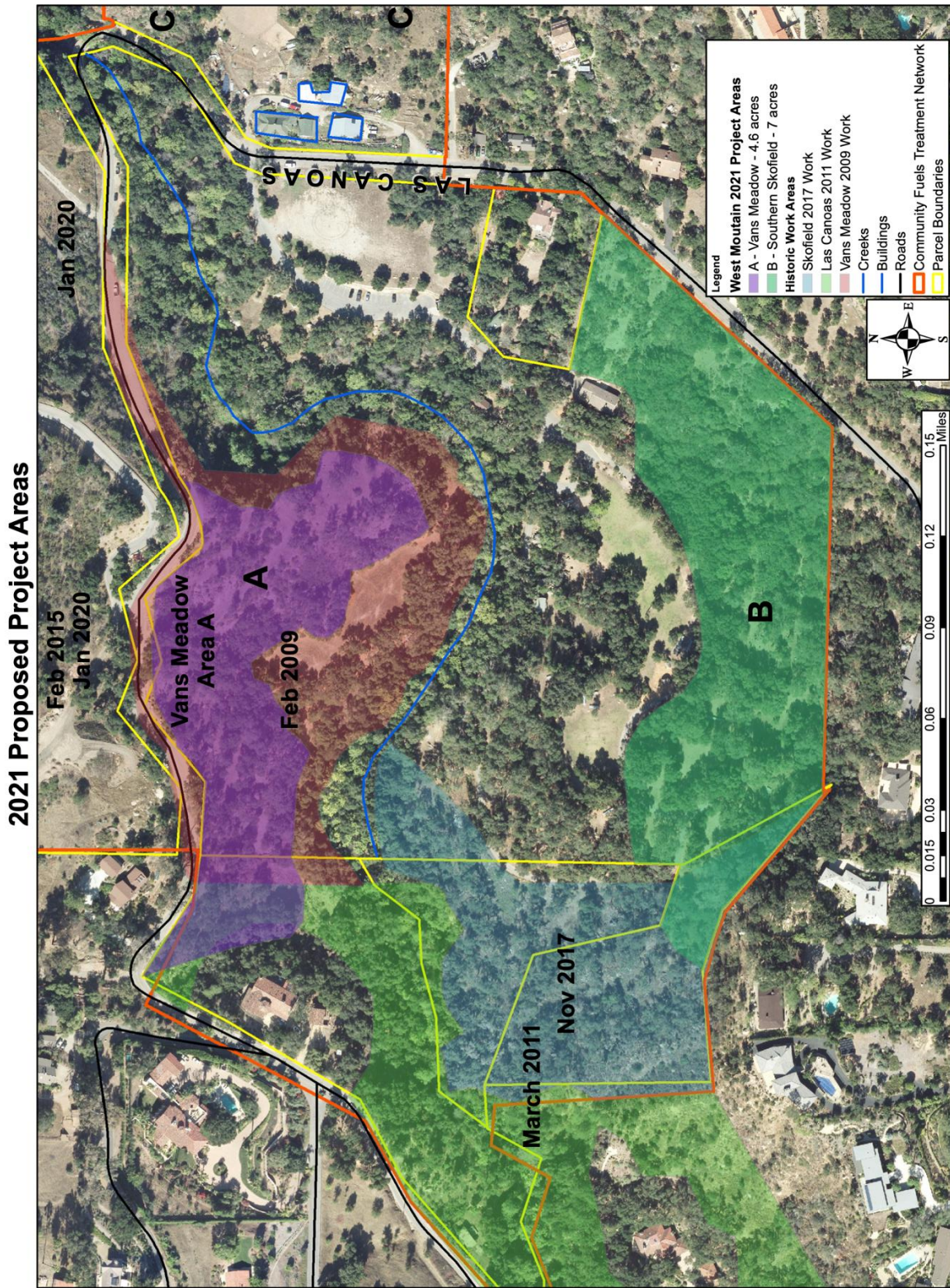
In the **Southern Skofield Unit** it is recommended that caution be used to exclude deer when establishing the temporary electric fence for the goats. Woodrat nests will not likely be disturbed by goats unless they are enclosed too long and begin to trample them, so they should be monitored. The potential Nuttall's scrub oak should also be monitored to prevent over browsing of this species.

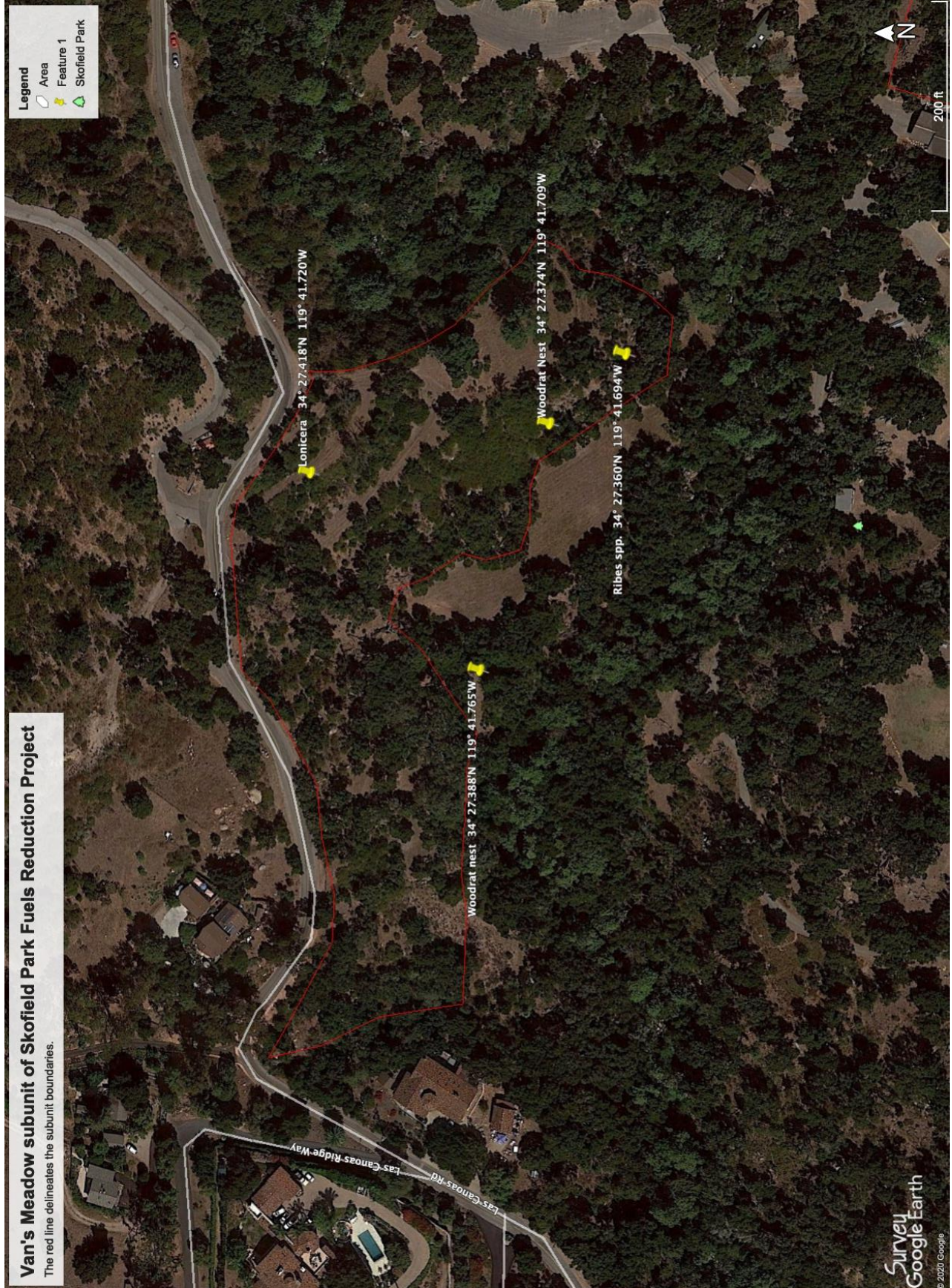
In the **Van's Meadow Unit**, the gooseberry should be retained and any honeysuckle encountered can be trimmed but not completely removed to allow regrowth. Woodrat nests should be retained.

In order to carry out the intent of the project native chaparral species will necessarily have to be partially removed but enough cover of these species can be retained to maintain to retain the habitat composition and not lead toward a type conversion.

Non-native species noted above should be removed if possible to prevent further encroachment into the park that could be encouraged by opening up the vegetative cover through fuels reduction.

Appendix A







Appendix D

CDFW LSAA



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

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 9, 2015

Ann Marx
City of Santa Barbara
Fire Department
925 Chapala Street
Santa Barbara, CA 93101
805-965-5254
amarx@santabarbaraca.gov

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2014-0160-R5

Dear Ms. Marx,

Enclosed is the final Streambed Alteration Agreement (Agreement) for the City of Santa Barbara Assessment District Vegetation Treatment (Project). Before the California Department of Fish and Wildlife (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a Responsible Agency, filed a Notice of Determination (NOD) on the same date it signed the Agreement.

Under CEQA, the filing of a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the Project. You may begin your Project before the 30-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Christine Found-Jackson Senior Environmental Scientist, at 805-684-6281 or Christine Found-Jackson@wildlife.ca.gov.

Sincerely,

Betty J. Courtney
Environmental Program Manager I

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SOUTH COAST REGION
3883 RUFFIN ROAD
SAN DIEGO, CA 92123



LAKE OF STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2014-0160-R5
Unnamed Tributaries

ANN MARX
CITY OF SANTA BARBARA ASSESSMENT DISTRICT VEGETATION TREATMENT
PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Ann Marx from the City of Santa Barbara Fire Department (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, Permittee notified CDFW on 8/28/14, that Permittee intends to complete the Project described herein.

WHEREAS, pursuant to FGC Section 1603, CDFW has determined that the Project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the Project in accordance with the Agreement.

PROJECT LOCATION

The Project is located at five adjacent and contiguous watersheds located within the incorporated boundaries of the City of Santa Barbara. The watersheds consist of Arroyo Burro, Mission Creek, Laguna Channel, Sycamore Canyon and the Andree Clark Watershed. Within these watersheds, 11 separate vegetation management units (VMU's) have been identified, each with a biological assessment. The area is within the County of Santa Barbara, State of California; Latitude 34° 25'10.91" N, Longitude 119° 42'11.58 W, U.S. Geological Survey (USGS) map: San Bernardino Baseline.

PROJECT DESCRIPTION

Permittee proposes to minimize the spread of wildland fires, to protect both the natural environment and surrounding community by reducing the vegetation load. The area consists of 151 acres of public and private land requiring vegetation management, with 85 acres in CDFW's jurisdiction. The area is divided into five assessment districts, 1)

the Arroyo Burro Watershed, 2) Mission Creek Watershed, 3) Sycamore Canyon Watershed, 4) Laguna Channel Watershed, and 5) Andree Clark Watershed. When feasible, the Project will avoid impacts to stream beds, banks and associated riparian habitat. Some limited work within the jurisdictional area will require removal of non-native, invasive and dead vegetation that can contribute to excessive fire load. Limited limbing, chipping and/or trimming of native vegetation may be required in oak woodland habitats. Cut vegetation will not be left within the channel. No permanent impacts are anticipated, and all work will be done using hand tools. Some work will be completed by the property owners through a legal Letter of Understanding (LofU) between the property owner and the City of Santa Barbara. The LofU outlines all conditions that the property owner is required to meet per the Wildland Fire Plan, biological surveys, and to all conditions specified in this Agreement.

PROJECT IMPACTS

Existing fish or wildlife resources the Project could substantially adversely affect include: **Fishes:** steelhead (*Oncorhynchus mykiss irideus*), tidewater goby (*Eucyclogobius newberryi*); **Amphibians:** California red-legged frog (*Rana aurora draytonii*), Pacific tree frogs (*Hyla regilla*); **Reptiles:** southwestern pond turtle (*Emys marmorata pallida*), two-striped garter snake (*Thamnophis hammondi*), coast garter snake (*Thamnophis elegans terrestris*), kingsnake (*Lampropeltis getula californiae*), gopher snake (*Pituophis catenifer*), striped racer (*Masticophis l. lateralis*), Pacific rattlesnake (*Crotalus viridis helleri*), ringneck snake (*Diadophis punctatus*), silvery legless lizard (*Anniella p. pulchra*), western fence lizard (*Sceloporus occidentalis*); **Birds:** turkey vulture (*Cathartes aura*), white-tail kite (*Elanus leucurus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter cooperii*), great horned owl (*Bubo virginianus*), great blue heron (*Ardea herodias*), green heron (*Butorides virescens*), great egret (*Casmerodias albus*), snowy egret (*Egretta thula*), mallard (*Anas platyrhynchos*), green-winged teal (*Anas crecca*), American coot (*Fulica americana*), acorn woodpecker, (*Melanerpes formicivorus*), scrub jay (*Aphelocoma californica*), common crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), California quail (*Callipepla californica*), California towhee (*Pipilo crissalis*); **Mammals:** pallid bat (*Antrozous pallidus pacificus*), ringtail (*Bassariscus astutus*), bobcat (*Felis rufus*), mule deer (*Odocoileus hemionus*), mountain lion (*Felis concolor*), black bear (*Ursus americanus*), striped skunk (*Mephitis mephitis*), brush rabbit (*Sylvilagus bachmani*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*) dusky-footed wood rat (*Neotoma fuscipes*); **Native plants:** coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), arroyo willow (*Salix lasiolepis*), sycamore (*Platanus racemosa*), black cottonwood (*Populus trichocarpa*), elderberry (*Sambucus nigra*), blackberry (*Rubus ursinus*), coyote brush (*Baccharis pilularis*), California wild rose (*Rosa californica*), mugwort (*Artemisia douglasiana*), poison oak (*Toxicodendron diversilobum*), black sage (*Salvia mellifera*), California sage (*Artemisia californica*), giant wildrye (*Leymus condensafus*), cattail (*Typha domingensis*); **Insects:** monarch (*Danaus plexippus*); and other aquatic and wildlife resources in the area, including the riparian vegetation that provides habitat for these species in the area.

These resources are further detailed and more fully described in the reports entitled, *Wildland Fire Plan and Certified Program EIR dated 2004*, and prepared by the City of Santa Barbara.

The adverse effects the Project could have on the fish or wildlife resources identified above include: 1) Removal or impact to trees and other vegetation will decrease the habitat used as cover, food sources and nesting sites for all wildlife species. 2) There could be an overall cumulative decrease of habitat types, including riparian. 3) Disturbing or exposing soil could increase the production of sediment, which could migrate downstream, be re-deposited where the channel grade flattens, or could suffocate frog egg masses if work is done in winter or early spring. 4) If work is done during the bird nesting season, nesting behavior could be disrupted, or nests abandoned and destroyed. 5) Heavy equipment could bury or crush small mammals or reptiles in burrows, destroy the nests or young of ground nesting birds, or run over individual animals that are not able to escape the path of the equipment. 6) Dust from operations could settle on vegetation and coat stomata, preventing the vegetation from normal respiration. 7) Dust could reduce pollination, seed set, and photosynthesis. 8) Removal of vegetation along riparian corridors could disrupt or prevent wildlife migration.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site: Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site: Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions: Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the Project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry: Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with the Agreement.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Vegetation Removal and Restoration

2.1 Tree removal: Any oaks or sycamores that are damaged or removed during construction operations shall be replaced in kind at a 10:1 ratio. Valley oaks shall be replaced in kind at a 15:1 ratio. Elderberry, cottonwood, and willows shall be replaced at 5:1. Pruning or limbing less than 15% of a tree will not require any replanting.

2.2 Success ratios: All planting shall have a minimum of 80% survival the first year and 100% survival thereafter and/or shall attain 75% cover after three years and 90% cover after five years for the life of the project. Prior to the mitigation site(s) being determined successful, they shall be entirely without supplemental irrigation for a minimum of two years; no single species shall constitute more than 50% of the vegetative cover, no woody invasive species shall be present, and herbaceous invasive species shall not exceed 5% cover. If the survival, cover and other requirements described in this Agreement and in the submitted documents have not been met, Permittee is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.

2.3 Irrigation: Permittee shall provide irrigation when natural moisture conditions are inadequate to ensure survival of plants. Irrigation shall be provided for a period of at least two years following the conclusion of planting. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten the survival of plantings. All plants must survive and grow for at least two years without supplemental water for the restoration phase of the project to be eligible for acceptance by CDFW. All planting shall be done between October 1st and December 30st to take advantage of the winter rainy season.

2.4 Plant sources: Any replacement tree stock, which cannot be grown from cuttings or seeds, shall be obtained from a native plant nursery, be local to the area, and shall be ant free. Permittee shall provide a list of all materials which must be obtained from other than onsite sources.

2.5 Exposed areas: Restoration shall include the revegetation and/or reseeding of all stripped or exposed work areas with vegetation native to the area.

2.6 Limits of disturbance: Disturbance or removal of native vegetation shall not exceed the limits approved by CDFW.

2.7 Project delineation: The work area shall be flagged or marked to identify its limits

within the stream. Vegetation shall not be removed or intentionally damaged beyond these limits.

2.8 Vegetation removal: In areas of temporary disturbance, where vegetation must be removed, native trees and shrubs with a DBH of 3 inches or less shall be cut to ground level with hand-operated power tools rather than by heavy equipment.

2.9 Vegetation stock piles: Vegetation removed from the stream shall not be stockpiled in the stream bed or on its bank. The sites selected on which to place this material out of the stream should be selected in compliance with the other provisions of this Agreement.

2.10 Oak root protection: No equipment shall be operated within the dripline of oaks. Protective fencing shall be placed around the dripline of oaks to prevent compaction of the root zone.

Wildlife Protection

2.11 Bird nesting season: Permittee shall not allow any vegetation removal within the site from February 1st to September 1st, the recognized breeding, nesting and fledging season for most bird species. If vegetation has to be removed within these dates, a qualified biologist shall conduct bird surveys for nesting birds prior to construction. If an endangered or threatened bird species is found, a qualified biologist shall conduct 8 bird surveys, 10 days apart, in compliance with Fish and Wildlife Service protocols, and no activity shall be allowed within the site from March 15th to September 15th. If no breeding/nesting birds are observed and concurrence has been received from CDFW, site preparation and construction activities may begin. If breeding activities and/or an active bird nest is located, and concurrence has been received from CDFW, Permittee shall do one of the following to avoid and minimize impacts to nesting birds:

1) Implement default 300 foot minimum avoidance buffers for all passerine birds and 500 foot minimum avoidance buffer for all raptor species around the active nest. The breeding habitat/nest site shall be fenced and/or flagged in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the Project.

2) Develop a Project-specific Nesting Bird Management Plan. The site-specific plan shall be submitted to CDFW for review. The Plan should include detailed methodologies and definitions to enable a CDFW qualified avian biologist to monitor and implement nest-specific buffers based on topography, vegetation, species, and individual bird behavior. This Nesting Bird Management Plan shall be supported by a Nest Log which tracks each nest and its outcome. The Nest Log will be submitted to CDFW at the end of each week.

3) Permittee may propose an alternative plan for avoidance of nesting birds for CDFW concurrence. This Agreement does not allow Permittee, any employees, or agents, to destroy or disturb any active bird nest (Section 3503 Fish and Game Code) or any raptor nest (Section 3503.5) at any time of the year. Before any trees are removed, a survey for raptors nests and cavity nesters shall be completed. The loss of any raptor nest, even if not active, shall be mitigated with a donation to the nearest approved raptor rehabilitation center.

2.12 Storm season: Permittee's activities within the stream course shall be limited to the dry period of the year from May 1st to December 1st or when the stream is not actively flowing, or at its lowest flow, and no measurable rain is forecasted within 48 hours. If measurable rain is predicted within 48 hours during construction, all activities shall cease until storm flows have returned to pre-storm conditions, and protective measures to prevent siltation or erosion are implemented/maintained.

2.13 General Monitoring: A qualified biological monitor, having the appropriate permits, shall be on site at least twice a week during normal operations and shall survey for species prior to construction. The monitor shall be on site on a daily basis during the start of construction, during water diversion, and if endangered or threatened listed species are present within 500 feet of any work. If any species are found in the path of construction, the monitor shall move the species out of harm's way to a safe location. Relocation areas shall be identified prior to the start of construction, and are subject to CDFW's approval. The monitor shall have the ability to stop activities if continued activities will impact resources. A biological monitor shall give tail-gate training to all contractors and explain all conditions, identify species, and ensure compliance prior to and during construction. Field notes shall be kept and submitted to CDFW after the first week of operations and upon completion of the Project. Permittee shall provide a copy of this Agreement, to all contractors, subcontractors, and Permittee's Project supervisors. All contractors shall read and become familiar with the contents of this Agreement.

2.14 Aquatic organisms: Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the Agreement.

2.15 Bats: If bats are present, Permittee shall set up buffers and mitigation measures, approved by CDFW prior to implementation, and shall have a monitor determine if activities are impacting the colony.

2.16 Rodent control: No rodent poisons or rodenticide shall be used to control rodents. These products, even used properly, can lead to secondary exposure to wildlife.

Aquatic and Terrestrial Species Specific Protection

2.17 Relocation plan: Permittee shall submit a Relocation Out of Harm's Way Plan for review and approval for non-listed and/or threatened or endangered species. The plan should consider the various life cycles of the species, species' needs for foraging, habitat, threats of predation, etc. The plan should also include a minimum of two relocation sites.

2.18 Species Protection Plan. Permittee shall in consultation with CDFW develop and submit a Species Protection Plan for Department approval for any sensitive or rare species known to occur or discovered during pre-Project or Project surveys. This plan shall be submitted to CDFW at least 60 days prior to Project initiation/impacts. The plan shall include avoidance and minimization measures as well as mitigation measures to offset any permanent or temporary impacts to that specific species and/or their habitat. If relocation of individuals or creation of habitat is required, the plan should consider the timing constraints and Project implementation constraints needed for the salvage and/or capture of individuals for relocation.

Equipment and Access

2.19 Contaminated equipment: All equipment shall be washed and free of weed seeds and invasive aquatic species prior to delivery to the site. If any equipment was used outside of Santa Barbara County, that equipment shall be steam cleaned to prevent any invasive species from being introduced.

Sedimentation

2.20 Spoil sites: Permanent spoil storage sites shall not be located within 150 feet of a stream, where spoil can be washed back into the stream, or where it will cover aquatic or riparian vegetation.

2.21 Construction materials: Any cut materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life shall be removed from the Project site prior to inundation by high flows.

2.22 Disturbed soils: Areas of disturbed soils with slopes towards the stream shall be stabilized to reduce erosion potential. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials, such as coconut fiber matting, shall be used for such stabilization. No mono-filament material shall be used within any fiber matting. Any installation of non-erodible materials not described in the original project description shall be coordinated with CDFW. Coordination may include the negotiation of additional Agreement provisions for this activity.

2.23 Turbid water: Silty or turbid water from dewatering or other activities shall not be discharged into the stream. Such water shall be settled, filtered, or otherwise treated prior to discharge. Permittee's ability to minimize turbidity or siltation shall be the

subject of pre-construction planning and feature implementation.

2.24 Wash water: Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a flowing stream or placed in locations that may be subjected to high storm flows.

Pollution and Clean Up

2.25 Wet concrete: No concrete or any cement product may be poured if measurable rain is forecasted within 15 days. If any concrete is poured after November 1st, a quick cure ingredient shall be added to the concrete mix to ensure a faster set or drying time. Cement and concrete shall not be poured within 150 feet of a stream during the rainy season. Cement shall not be poured in or near a flowing stream, to reduce the potential for significant adverse impacts to the stream, water, or biota without prior approval. To prevent the release of materials that may be toxic to fish and other aquatic species, the poured concrete structure(s) shall be isolated from water and allowed to dry/cure for a minimum of 30 days. As an alternative, the Responsible Party shall monitor the pH of any water that has come into contact with the poured concrete. If this water has a pH of 9.0 or greater, the water shall be pumped to a tanker truck or to a lined off-channel basin and allowed to evaporate or be transported to an appropriate facility for disposal. During the pH monitoring period, all water that has come in contact with poured concrete shall be isolated and not allowed to enter the water or otherwise come in contact with fish and other aquatic resources. The water shall be retested until pH values become less than 9.0. Once this has been determined, the area no longer needs to be isolated. Results of pH monitoring shall be made available to CDFW upon request. A non-toxic substance that can buffer the pH shall be made available on site to use if any contamination to water occurs.

2.26 Waste: No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete (wet or dry) or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any landscaping, construction, or other associated Project-related activity shall be allowed to contaminate the soil and/or enter into or placed where it may be washed by rainfall or runoff into, waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of Permittee, shall be removed immediately. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

2.27 Clean up: The clean-up of all spills shall begin immediately. CDFW shall be notified immediately by Permittee of any spills and shall be consulted regarding clean-up procedures. If vacuum trucks or pumps are used to clean up any contamination in water, or for any other use, the vacuum hose shall be placed in a 3 to 4 square foot area, protected on all side by exclusionary fencing to lower velocities and

to prevent the uptake of any aquatic life.

2.28 Dust control: No stream water may be used in construction, such as in dust control or irrigation of plants. All construction water shall be from developed sources.

2.29 Litter: Permittee shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to ensure compliance.

2.30 Equipment checks: Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

2.31 Staging areas: Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

2.32 Stationary equipment: Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream/lake shall be positioned over drip pans. If welders are used, fire suppression equipment shall be on site at all times the welder is being used.

2.33 Equipment maintenance: No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.

2.34 Debris: Except as otherwise permitted in this Agreement, the removal of soil, vegetation, and vegetative debris from the stream bed or stream banks is prohibited. Permittee shall remove all human generated debris, such as yard and farm cuttings, broken concrete, construction waste, garbage and trash. Permittee shall remove washed out culverts, and other construction materials, that is placed within, or where they may enter, the stream.

Exotic species control

2.35 Non-native plant removal: Permittee shall remove any non-native vegetation from the work area and shall dispose of it in a manner and a location which prevents its re-establishment. Removal may be done at least twice annually during the spring/summer season, as needed, through the term of restoration. Arundo shall be cut to a height of 6 inches or less, and the stumps painted with an herbicide approved for aquatic use within 5 minutes of cutting or the use of foliar spraying. Herbicides shall be applied at least three times during the period from May 1st to October 1st to eradicate these plants. Where proposed methods for removing giant cane deviate from this procedure, Permittee shall present the alternate methods, in writing, to CDFW for review and approval prior to construction.

2.36 Herbicide use: Whenever possible, invasive species shall be removed by hand or

by hand-operated power tools rather than by chemical means. Where control of non-native vegetation is required within the bed, bank, or channel of the stream, the use of herbicides is necessary, and there is a possibility that the herbicides could come into contact with water, Permittee shall employ only those herbicides, such as Rodeo/Aquamaster (Glyphosate), which are approved for aquatic use. If surfactants are required, they shall be restricted to non-ionic chemicals, such as Agri-Dex, which are approved for aquatic use. All sprays shall contain a dye to prevent overspray. No sprays shall be used when wind speed exceeds 10 mph. No spray shall be used if rain is forecasted within 96 hours.

4. Reporting Measures

Permittee shall meet each reporting requirement described below. Reports should include the LSA number and Project name on the front cover or within the first sentence of the report. Reports shall be submitted to the Regional Office and addressed as follows:

CA Department of Fish and Wildlife
Attn: Streambed Program
3883 Ruffin Road
San Diego, CA 92123

4.1 Start of project: Permittee shall notify CDFW, in writing, at least five (5) days prior to initiation of construction (Project) activities and at least five (5) days prior to completion of construction (Project) activities. Notification shall be sent to R5LSACompliance@wildlife.ca.gov at Reference # 1600-2014-0160-R5.

4.2 Annual report: An annual report shall be submitted to CDFW by January 1st of each year. This report shall include the areas cleared, species pruned or removed, amount of vegetation removed by percentage, exotic plant control efforts, and the method used to clear and assess these parameters shall also be included. Photos from designated photo stations shall be included.

4.3 Final report: Permittee shall provide a final construction report to CDFW no later than two weeks after the Project is fully completed. The construction report at a minimum shall contain total impact areas, number of trees removed or damaged, if any spills occurred, mortality of any species, and if any species were relocated.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Ann Marx
City of Santa Barbara
Fire Department
925 Chapala Street
Santa Barbara, CA 93101
805-965-5254
amarx@santabarbaraca.gov

To CDFW:

Natasha Lohmus
Department of Fish and Wildlife
South Coast Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
805-684-6281
nlohmus@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC Sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource. Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing. The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit

to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC Section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC Section 711.4 filing fee listed at http://www.CDFW.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Long-term Agreement shall expire on **12/1/2024** unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC Section 1605(a)(2) requires. If any species becomes federally or state listed in the future, and that species may be impacted by this Project, or if there are any changes to the Project, this Agreement shall be amended to protect that species.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Wildland Fire Plan and Certified Program EIR dated 2004, and prepared by the City of Goleta, and Project plans and details in the application for each watershed.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.


AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the Project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC Section 1602.

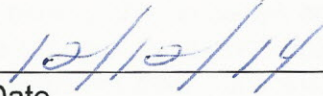
CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

THE CITY OF SANTA BARBARA FIRE DEPT.




Ann Marx
Fire Prevention Officer

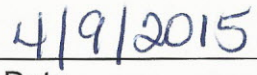


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Betty J Courtney
Environmental Program Manager I



Date

Prepared by: Natasha Lohmus
Environmental Scientist