

Sonoma County Board of Supervisors
2550 Ventura Avenue
Santa Rosa, CA 95403

RE: Sonoma County Local Coastal Program Update – Public Access

To the Sonoma County Board of Supervisors,

The Spaletta Family with their Valley Ford neighbors partnered with the Marin County Planners and Supervisors to remove the proposed California Coastal Trail from private farmland and ranches along the coast of Marin County in the latest Marin County Local Coastal Plan¹. We all agreed the public access component would be detrimental to the fragile coastline and pose new challenges to the agricultural stewards and lands surrounding the Estero Americano. We are now facing the same challenges and threats with the current proposed Sonoma County Local Coastal Program Update.

The Sonoma County Local Coastal Program Update includes several proposed public access points and trails which concern us. We are asking for your help to protect the private agricultural lands and sensitive habitats surrounding the Estero Americano.

The current draft of the Sonoma County Local Coastal Program Update includes map markers and wording which will increase trespassing and damage to the land and sensitive habitats. We would like the following changes:

- Remove *“The coastal route follows the shoreline of the Bodega Harbor subdivision from Doran Regional Park to the Marin County line at the Estero Americano. This pedestrian only route is limited to use during low tides.”* in Appendix B: Public Access Plan. Remove all similar and future wording mentioning a trail route ending at the Estero Americano. The California Coastal Trail does not connect to the mouth of the Estero Americano on the Marin County side.
- Remove the California Coastal Trail drawn on Public Access Maps: Figure C-PA-1i Public Access SubArea 9 State Beach/Bodega Bay and Figure C-PA-1j Public Access SubArea 9 Bodega Bay Vicinity². Remove any braided trails from all Sonoma County maps along the Southern End of Sonoma County ending in the Estero Americano as well as any braided trails inside the Estero Americano. The trail is dangerous, does not consider sea level rise and needs to be continuous, respect and protect the natural resources in a manner consistent with the Coastal Act.³ The trail is also along an extremely hazardous zone as listed on the Slope Instability Hazards area map.⁴
- Remove all proposed developments along the Estero Americano.

¹ Lae, T., 2021, Cecily Condon – Sonoma County Permit and Resource Management Department

² Sonoma County Local Coastal Plan – Public Access, 2023, Sonoma County Permit and Resource Management Department

³ Stats. 1976, Ch. 1330, Coastal Act, Article 4. Marin Environment 30230-30236

⁴ Sonoma County Local Coastal Plan – Slope Instability Hazards Map – Figure C-PS-2c Slope Instability Hazards SubAreas 7-10, 2023, Sonoma County Permit and Resource Management Department

- Remove Public Access Marker *J-2 Estero Americano Preserve*⁵ from all Sonoma County maps and remove wording regarding the proposed public access. There is no public access to this property without permission.
- Remove Public Access Marker *J-3 Estero Americano Water Trail* from all Sonoma County maps and remove wording regarding the proposed public access. The marker is placed in the middle of the water surrounded by private property. The map is misleading. Most people do not read the fine print and will try to access the marker through private property. The established public access marker should be placed where there is actual public boat access to the water trail. Currently there is no public boat access on the Sonoma County side of the Estero Americano. The access point needs to be safe, maintained and have signage educating boaters on boat rules/regulations, trespassing on private property and ways to mitigate harm to the preserve and surrounding areas.
- Remove Public Access Marker *J-4 Estero Trail* from all Sonoma County maps and remove wording regarding the proposed public access to the Bordessa Ranch. The property is not open to the public and the property is in litigation.
- Remove all plans to have a floating mat and/or dock at the *Estero Trail – Bordessa Ranch* and *Estero Trail Project – Public Boat Access Component*. The proposed location of the boat put-out area is habitat for the Western Pond Turtle⁶, a species of special concern designated in California. The increase of kayak recreation is detrimental to the Estero Americano Estuary and will result in increased trespassing and damage to surrounding agricultural lands and wildlife habitats.
- Remove all development plans including a Boat put-in/put-out area and toilets on the edge of the Estero Americano at the *Estero Ranch – Wildlands Conservancy Estero Americano Coast Preserve*. The location is part of the Greater Farallon’s National Marine Sanctuary and the heart of the Pacific Flyway; home to migratory waterfowl, shorebirds, sea otters and steelhead trout. This is an extremely sensitive area and all plans for increased public access should not be considered.
- Only scientific study and/or restoration should be considered along the Estero Americano and its surrounding lands. Sonoma County should follow Marin County’s lead and adopt the same policy in regards to the Estero Americano. The policy is No Development in and on the Estero Americano,.... *In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of scientific study and restoration*⁷.

The Estero Americano is a pristine wildlife habitat because of the surrounding stewards of the land and limited public access. The proposals in the Sonoma County Local Coastal Program and plans for public trails with boat launching sites will be detrimental to the Estero Americano and harmful to the agricultural lands surrounding the Estero Americano and Sonoma-Marin Coast. Let’s continue to keep access and

⁵ Sonoma County Local Coastal Plan – Public Access, 2023, Figure C-PA-1K Public Access SubArea 10 Valley Ford, Sonoma County Permit and Resource Management Department

⁶ Estero Trail Easement: Designation of Trail Corridors and Associated Staging Areas Project, 2016, Sonoma County Permit and Resource Management Department, Appendix B, Page 9

⁷ Marin County Local Coastal Program, Biological Resources C-BIO-15 Diking, Filling, Draining and Dredging, 2019, Marin County Community Development, Page 25

development limited to agricultural operations and scientific research, observation, and restoration for the preservation of the fragile Estero Americano.

Thank you for your consideration,

Concerned Neighbors

<u>Rebecca Ahlers</u>	<u>Rebecca Ahlers</u>	<u>Spaletta Beef Ranch</u>
<u>Lorne Ahlers</u>	<u>Lorne Ahlers</u>	<u>Spaletta Beef Ranch</u>
<u>Nichala Spaletta</u>	<u>Nichala Spaletta</u>	<u>Spaletta Beef Ranch</u>
<u>Ernie Spaletta</u>	<u>Ernie Spaletta</u>	<u>Spaletta Beef Ranches</u>
<u>Ken Lancker</u>	<u>Ken Lancker</u>	<u>Valley Ford Ranch</u>
<u>Karen Moreda</u>	<u>Karen Moreda</u>	<u>Valley Ford Cheese</u>
<u>Brenda Albini</u>	<u>Brenda Albini</u>	<u>Valley Ford</u>
<u>Martin Albini</u>	<u>Martin Albini</u>	<u>Albini Ranch</u>
<u>Agnes Titus</u>	<u>Agnes Titus</u>	<u>Valley Ford, CA</u>
<u>Walt Titus</u>	<u>Walt Titus</u>	<u>Valley Ford, CA</u>
<u>Rosemary Spaletta</u>	<u>Rosemary Spaletta</u>	<u>SPALETTA BEEF RANCH</u>
<u>James E. Spaletta</u>	<u>JAMES SPALETTA</u>	<u>SPALETTA BEEF RANCH</u>
<u>Kathleen Ballatore</u>	<u>KATHLEEN BALLATORE</u>	<u>VALLEY FORD CA.</u>
<u>Ernest Spaletta Jr.</u>	<u>Ernest Spaletta Jr.</u>	<u>Spaletta Beef Ranch</u>
<u>Sally Mazzucchi</u>	<u>Sally Mazzucchi</u>	<u>Mazzucchi Ranch</u>
<u>Stan Mazzucchi</u>	<u>Stan Mazzucchi</u>	<u>Mazzucchi Ranch</u>
<u>ARLON BENEDETTI</u>	<u>(707) 478-8300</u>	<u>Benedetti Ranch</u>
<u>Arthur BENEDETTI</u>	<u>(707) 478-6378</u>	<u>Benedetti Ranch</u>

Continued...

<u>GARY BORDESSA</u>	<u>GARY Bordessa</u>	<u>Bordessa Dairy</u>
<u>Sandra Bordessa</u>	<u>Sandra Bordessa</u>	<u>"</u>
<u>Jack</u>	<u>Gino Bordessa</u>	<u>Bordessa Dairy</u>
<u>Paul Bull</u>	<u>Jarvid Bordessa</u>	<u>Ocean Breeze Dairy</u>
<u>Loretta Bidaurreta</u>	<u>Loretta Bidaurreta</u>	<u>Valley Food</u>

<u>St. P. Bunt</u>	<u>Stacy Blank</u>	<u>Valley Food</u>
<u>Deb Lewis</u>	<u>Wendy</u>	<u>Valley Ind</u>
<u>Ray Burt</u>	<u>DUU Burt</u>	<u>Sebastopol</u>
<u>Paul Smith</u>	<u>Caron Murphy</u>	<u>Valley Food</u>
<u>John Smith</u>	<u>Paul Smith</u>	<u>Petaluma</u>
<u>John Smith</u>	<u>John Smith</u>	<u>Petaluma</u>
<u>John Smith</u>	<u>RICHARD MURPHY</u>	<u>Boyer</u>
<u>John Smith</u>	<u>Pete G. B. B.</u>	<u>Tomales</u>
<u>John Smith</u>	<u>MIKE MORETTI</u>	<u>Tomales</u>
<u>John Smith</u>	<u>ARON MORETTI</u>	<u>Valley Food</u>
<u>John Smith</u>	<u>Dennis King</u>	<u>Petaluma</u>
<u>John Smith</u>	<u>Ron Hale</u>	<u>Petaluma</u>

<u>Caes Crayne</u>	<u>Mike Crayne</u>	<u>Tomales, CA, USA</u>
<u>John</u>	<u>Kurt Hank</u>	<u>Lanker Ranches</u>
<u>John M. J.</u>	<u>Stulle George</u>	<u>Blanchard, CA</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. Lae, T., 2021, Cecily Condon – Sonoma County Permit and Resource Management Department



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

March 8, 2021 (Sent Via Email to PRMD-LCP-Update@sonoma-county.org)

Cecily Condon
Sonoma County Permit and Resource Management Department
2550 Ventura Venue
Santa Rosa, CA 95403

RE: Sonoma County Draft Local Coastal Plan Update - Public Access Plan

Dear Ms. Condon:

I am writing in response to concerns raised by the Spaletta Families in their comment letter dated November 28, 2020 regarding the 2019 Public Review Draft of Sonoma County's Local Coastal Plan Update. Specifically, Section J-1 (Valley Ford Subarea 10) states:

"The coastal route follows the shoreline of the Bodega Harbor subdivision from Doran Regional Park to the Marin County line at the Estero Americano. This pedestrian only route is limited to use during low tides, although portions can be accessed anytime from Doran Beach, Pinnacle Gulch, and Short Tail Gulch Trail."

The recommended coastal route is depicted in Figure C-PA-1K which shows an access point (K-2) at the Estero Americano Preserve. Please note that Marin County does not identify existing, proposed, or continuation of a coastal access alignment from Sonoma County across the county line at the Estero Americano. The Marin County Local Coastal Program identifies the proposed coastal trail alignment inland along Highway 1, which provides a seamless transition into the proposed alignment at Valley Ford, as depicted in Figure C-PA-1k. Our Local Coastal Program identifies the inland (Highway 1) alignment for the proposed coastal trail in recognition of the difficult terrain, sensitive ecosystem, and potential conflict with agricultural uses associated with a coastal alignment.

Please let me know if you have any questions regarding this matter. I can be reached at (415) 473-6292 or by email at tlai@marincounty.org.

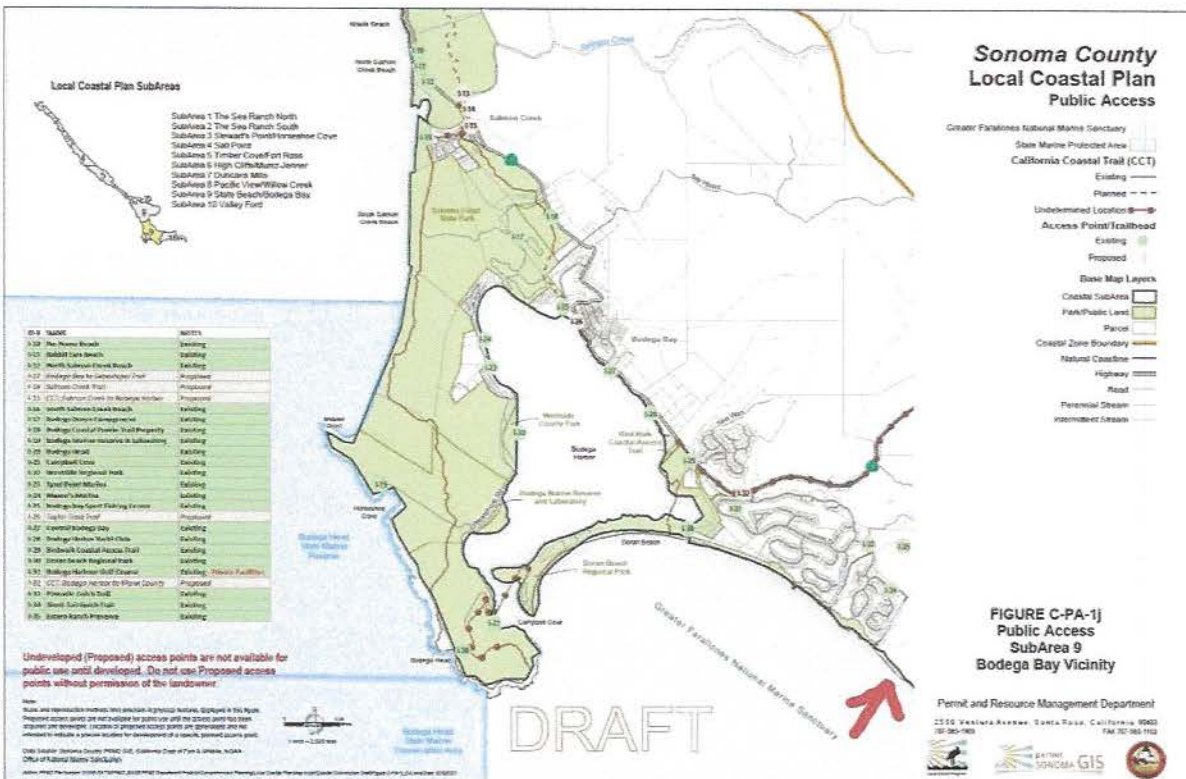
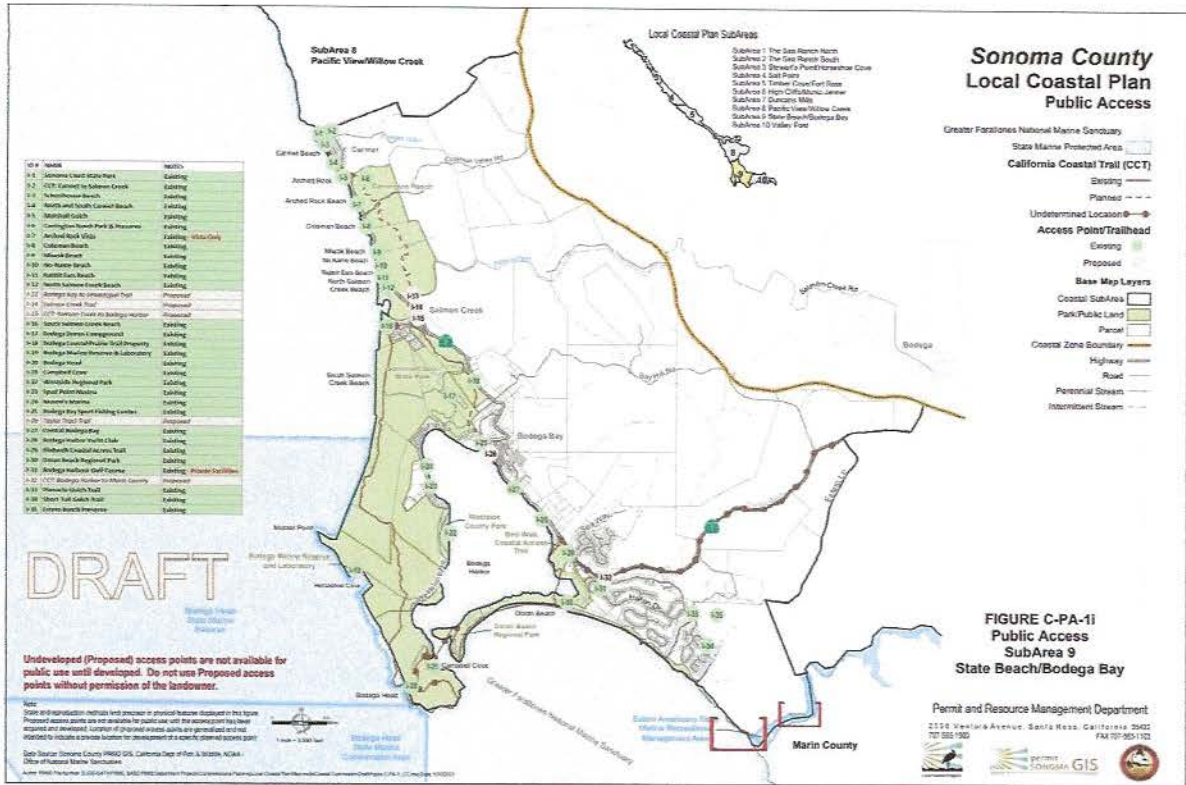
Sincerely,

A handwritten signature in black ink, appearing to read "Tom Lai".

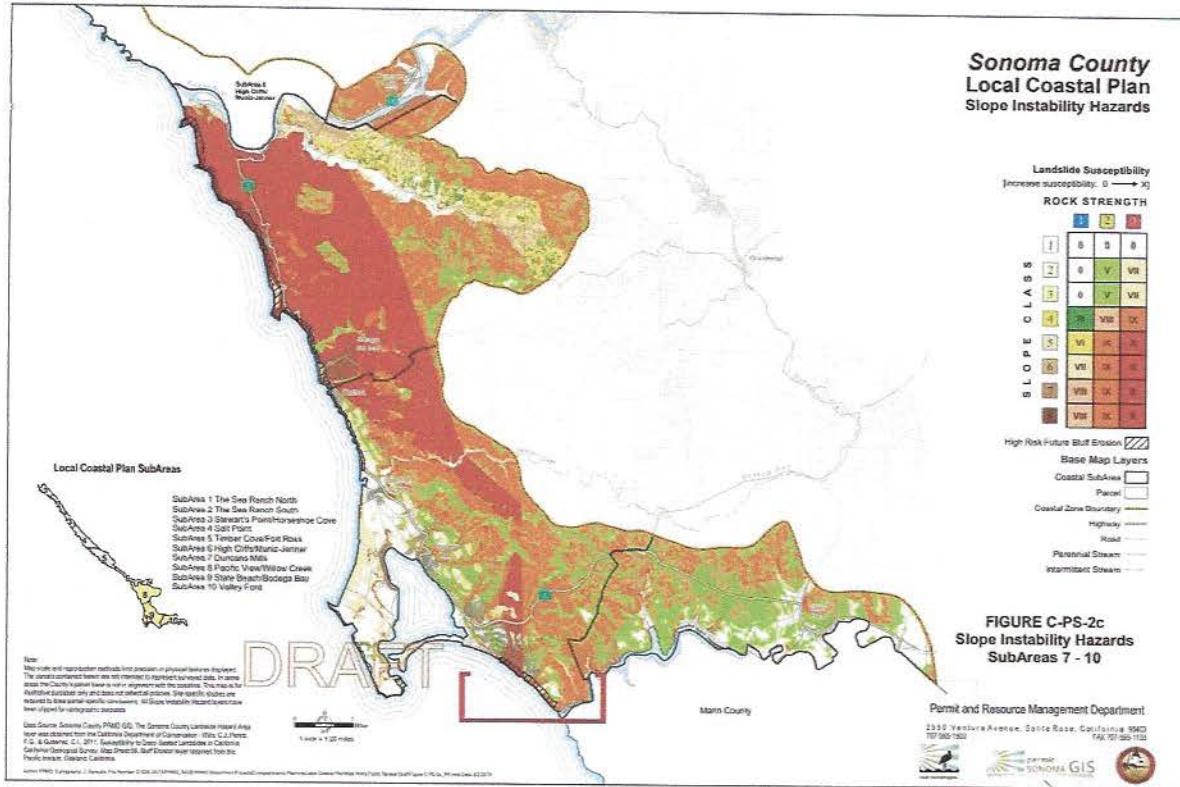
Tom Lai, Interim Director

Attachment: Marin County Local Coastal Program Map 25

2. Sonoma County Local Coastal Plan – Public Access, 05/30/2023, Sonoma County Permit and Resource Management Department



4. Sonoma County Local Coastal Plan – Slope Instability Hazards Map – Figure C-PS-2c Slope Instability Hazards SubAreas 7-10, 05/30/2023, Sonoma County Permit and Resource Management Department



5. Sonoma County Local Coastal Plan – Public Access, 5/30/2023, Sonoma County Permit and Resource Management Department

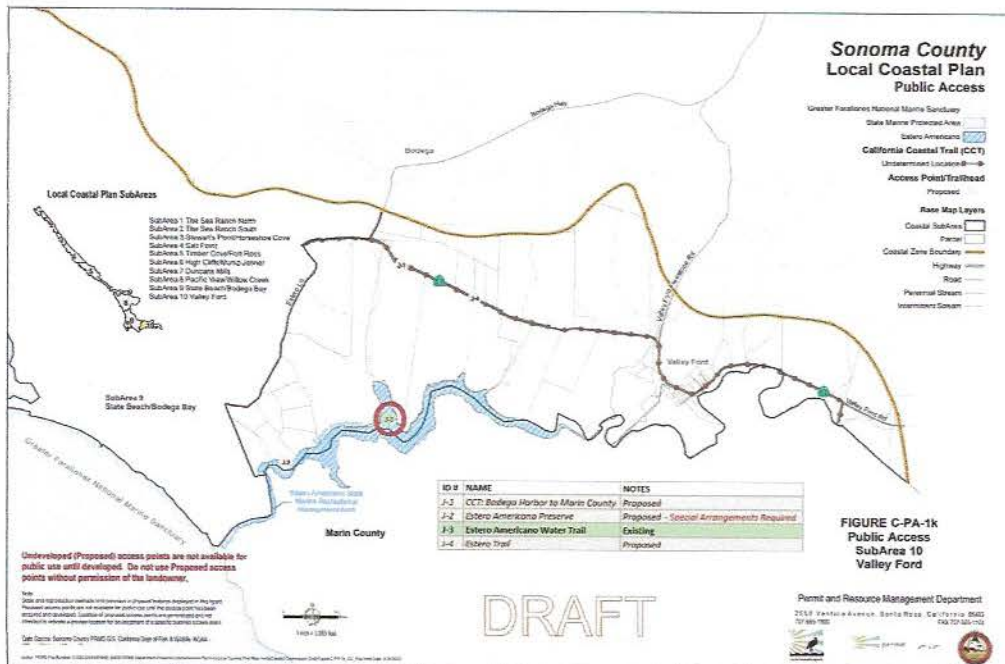
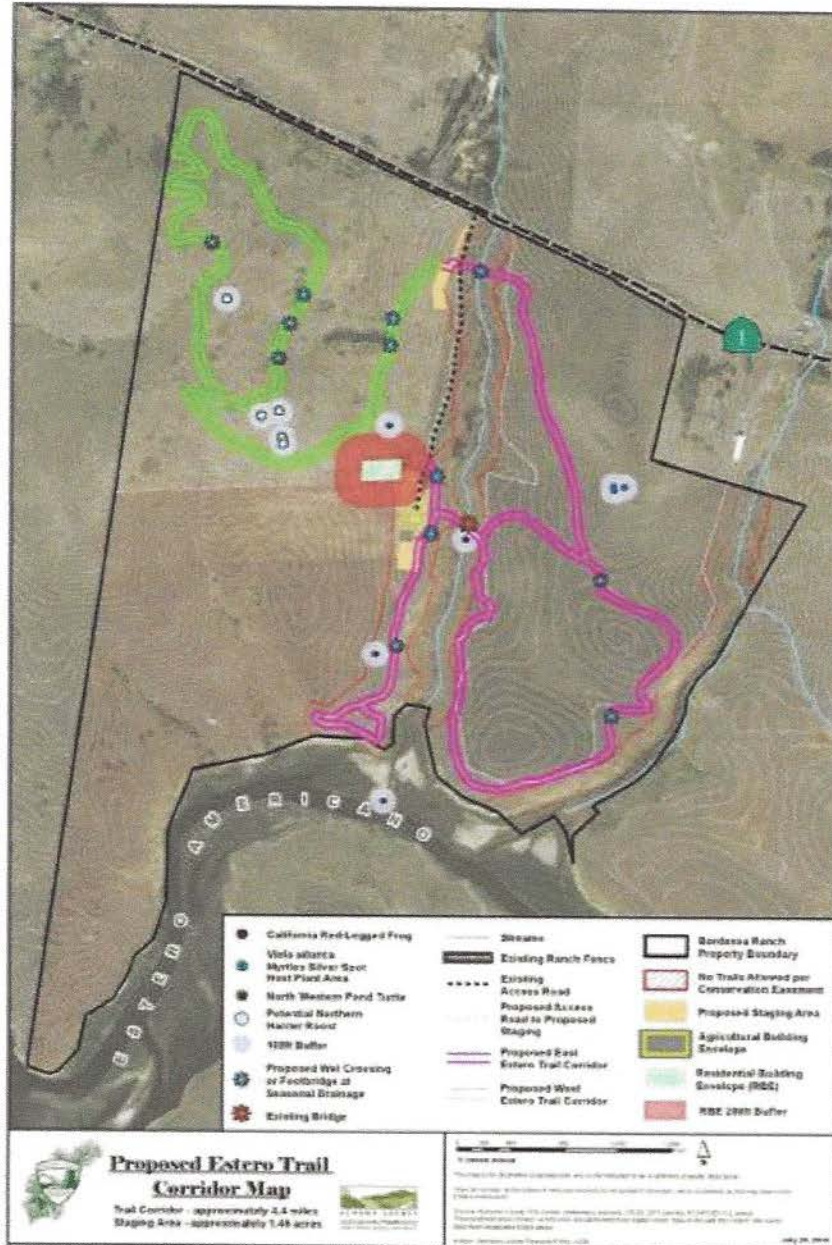


Figure 2 – Site Plan



From: maura.king.beavers
To: District5@somona-county.org; [PRMD-LCP-Update](#); [BOS](#)
Subject: Last minute changes to local coastal plan
Date: Wednesday, July 12, 2023 10:25:14 AM

Dear Supervisor Hopkins, Sonoma County Planning Dept, and SC Supervisors,

I'm writing to express concern at the proposed last minute changes to the Local Coastal Plan.

Many years have gone into the planning thus far, and these changes threaten that process by eliminating the public's ability to review and comment on the changes.

I write as a 40+ year property owner in Bodega Bay with a vested interest in ensuring our beautiful coast stays accessible to the public.

I do not support Supervisor Hopkin's suggested revisions to the LCP.

Thank you,
Maura King Beavers

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From: [Marshall Barnes](#)
To: [district5](#)
Cc: [PRMD-LCP-Update](#); [BOS](#)
Subject: Opposition to Sonoma County Local Coastal Plan Update
Date: Thursday, July 13, 2023 6:41:28 PM

To Whom It May Concern:

We oppose the county's plan to use Short Tail Gulch and Pinnacle Gulch trails for public access to Estero Ranch or Estero Americano.

The 1977 Transcentury Stipulated Judgment (1977 TSJ) states that it created Short Tail Gulch and Pinnacle Gulch for "reasonable public access" to the "*beach area in the Bodega Harbor Development*".

The 1977 TSJ does not state that it created public access to neighboring properties.

We hope you will vote against this item at the July 17, 2023 Board of Supervisors' Meeting.

Thank you for your consideration.

Marshall Barnes
20192 Osprey Drive
Bodega Bay, CA 94923

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From: [Janice Herrmann](#)
To: [PRMD-LCP-Update](#)
Subject: Remove proposed sleeper language
Date: Wednesday, July 12, 2023 12:48:49 AM

**ITEM 5 "CONSIDERATION OF HOUSING AFFORDABILITY...
adding that will make limiting short term rentals possible in the
Coastal Zone.**

**This can allow policy decisions that mirror what has happened to
VRs inland. It is unfair to try to sneak this in without time for
public comment or discussion.**

1. VR limited density (in other words, limiting VRs to 5% or 10% of community homes) in the Coastal Zone.
2. VR limits in R-1 zoned areas in the Coastal Zone. (Where our home is located) This is a TOTAL BAN of VRs in areas considered to be "affordable" is ridiculous. These homes while not the most expensive are still often over a million dollars. Banning homes in R-1 just caters to owners of higher priced homes and is discriminatory. Current owners would be allowed to continue to operate VRs. But when the home is SOLD a new owner could not offer short term rentals. This will reduce the value of our home when we decide to sell. The number of buyers interested in our homes will be reduced due to this policy. It clearly favors higher income home owners in the more expensive subdivision homes. While not providing any additional affordable housing. Homes on the coast will never be affordable. Blocking future rentals in R-1 only insures wealthy individuals can purchase the homes. Likewise, it discriminates against lower income families visiting the coast by only allowing higher cost vacation rentals to operate. Affordable housing needs on the coast do not exist like inland Sonoma County. In fact reducing rental homes will mean less hospitality business and jobs. There are no large businesses to support the need for affordable housing in the coast. It is primarily a retirement and vacation community. Sneaking in added language at this point is unfair to those of us with rentals in the R1 zone.

Sent from my iPhone

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From: [iC](#)
To: [district5](#)
Cc: [PRMD-LCP-Update](#)
Subject: Coastal Zone Update
Date: Saturday, July 15, 2023 12:17:00 PM

To whom it may concern

I just received an email detailing what is suggested to be a last minute, 11th hour, addition to the Coastal Zone Update due to be voted on by the BOS this Monday, 7-17-23. If the email is accurate, the new, unvetted, not previously considered or discussed language, is yet another attempt to get indirectly that which you can't get directly. To the extent the proposed language intends to affect, whether directly or indirectly, coastal vacation rentals, it's last minute submission is totally unconsonable, unfair, and, should not, morally, be included in Monday's vote. This 11th hour submission is reprehensible and an affront to legislative protocol. I could not believe what I was reading. I strongly OBJECT.

Barry Hachmyer
Sebastopol, CA

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From: [MARY LAWLER](#)
To: [PRMD-LCP-Update](#)
Subject: Last minute changes/additions to LCP
Date: Thursday, July 13, 2023 7:30:12 PM

We strongly object to the last minute changes proposed in the LCP Update.

These proposed changes are out of balance with the use of the coast and the means to preserve it now and for the future. Short term rentals are individually owned- we are not corporations. These proposed changes would impact our incomes and the value of our property as future owners would not be able to continue to use the property(s) as a short term rental. It feels like we are being squeezed out. We are vital contributors both to our local community and to the county as a whole through the TOT paid and venue brought to the area. We are not asking for an increase in the number of STR along the coast, but a continuance of the number that we have and a balanced policy going forward that allows for a set number of STR, not a decrease. **After 5 years of revisions, these last minute additions are inherently unfair as we, your constituents, do not have adequate time to respond.**

We agree there is a need for affordable housing, but this is an ill advised and short sighted set of policies that will not address the need countywide of affordable housing. That will only be achieved through building new housing and making affordable rent a policy supported by the county as a whole. Not on the backs of individual property owners. Like many, our STR is our income.

Of concern:

**ITEM 5 "CONSIDERATION OF HOUSING AFFORDABILITY.....".
Proposed addition of language that will make limiting short term rentals possible in the Coastal Zone.
THIS ADDED LANGUAGE can allow policy decisions that mirror what has happened to VRs inland:**

1. VR limited density (in other words, limiting VRs to 5% or 10% of community homes) in the Coastal Zone.
2. VR limits in R-1 zoned areas in the Coastal Zone. This is a TOTAL BAN of VRs in areas considered to be "affordable". Current owners would be allowed to continue to operate VRs. But when the home is SOLD a new owner could not offer short term rentals. This will reduce the value of your home when you decide to sell. A buyer must either live there permanently, use the home as a 2d home, or rent the home long term.

The number of buyers interested in your home will be reduced due to this policy.

This is "sleeper" language that will allow Permit Sonoma to further limit short term rentals in the Coastal Zone after the LCP is approved by the BoS and the CA Coastal Commission.

We do not support his change in the LCP Update.

Regards,

Mary Lawler
Tony Knickerbocker

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From: [Keith Lu](#)
To: [district5](#)
Cc: [BOS](#); [PRMD-LCP-Update](#)
Subject: Opposition to Estero Ranch Access From Bodega Harbour
Date: Saturday, July 15, 2023 11:38:35 PM

EXTERNAL

Dear Supervisor Hopkins,

I am writing to you to express my strong opposition to any access to Estero Ranch from within Bodega Harbour property. The Short Tail Gulch trail, from which Estero Ranch access is proposed, is only to be used for access to the beach, not to the inland ranch property. This was mandated in the 1977 TransCentury Stipulated Judgement that Bodega Harbour is subject to, and must abide by.

Furthermore, there is no infrastructure in place to accommodate public access points to Estero Ranch from within Bodega Harbour. The community is not equipped to handle excess parking, toilet facilities, or trash collection that would be required should large numbers of visitors be allowed such access.

As a resident of Bodega Harbour, I ask you to oppose the county's plan to use existing Bodega Harbour trails to access Estero Ranch. Thank you for your consideration.

Sincerely,
Keith Lu
301 Mainsail Drive
Bodega Bay, CA 94923

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From: [Nathan + Co.](#)
To: [district5; BOS](#)
Cc: [PRMD-LCP-Update](#)
Subject: Local Coastal Plan Update, Monday 7/17/2023
Date: Saturday, July 15, 2023 8:31:51 AM

Dear Supervisor Hopkins and Sonoma County Board of Supervisors:

I oppose your abrupt change in the Local Coastal Plan.

This change shows disregard of the our county's critical review process. Without the benefit of public review and input, these changes are unfair. There should always be consideration of evidence based analysis of the changes and the importance of an inclusive community debate.

My home is in Monte Rio. Although I do not own property in the Coastal Zone, I do enjoy my time visiting and staying in vacation rentals at The Sea Ranch, Bodega Bay and Timber Cove. I'm also part of the home sharing community in Monte Rio and list my home on Airbnb.

Your late stage changes proposed to the Local Coastal Plan, particularly the expansion of considerations for vacation rental restrictions are extremely concerning. Why the abrupt change after working on this for so many years?

My biggest concerns:

- *New language that has not been fully vetted and considered by the Sonoma County public.*
- *No opportunity to express concerns in a public setting or forum.*
- *Language that is contrary to Coastal Commission's desire to keep access to the coast as open and available to visitors as possible.*

Your last minute language appears to be an effort to address the housing affordability issue that faces Sonoma County and the whole state with no data or evidence shown that limiting vacation rentals would significantly affect this issue.

As you already know, vacation rental homes along the coast would never be converted to long term housing. They would remain empty as second homes if not used as a visitor serving lodging option.

Please consider the negative outcomes of restrictions on short term vacation rentals:

- *Sonoma County and the local communities suffer reduction in tax, tot and other miscellaneous visitor generated revenue.*

- Your inclusion of noise and community character are misguided and erroneous. The fact of the matter is the new noise control measures haven't even been implemented - let alone evaluated.
- Changes to the Local Coastal Plan or in the area of short term vacation rentals should be developed through the conventional process and include a separate review by the Coastal Commission.

I urge the Board members to oppose the proposed last-minute changes. Please ensure any modifications are well-considered, beneficial, and representative of the community's needs.

Thank you for your consideration. And, thank you Supervisor Hopkins and Board of Supervisors for your service to our County.

Respectfully,

Nathan Waldon

Monte Rio Homeowner and Airbnb Superhost

Volunteer Co-Leader,

Sonoma & Napa Region Airbnb Host Community Group

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July 16, 2023

To: Sonoma County Board of Supervisors
cc: Permit Sonoma Director Tennis Wick,
Planner Claudette Diaz

Re: Sonoma County Local Coastal Plan (LCP)

Dear Chair Coursey and Sonoma County Supervisors,

The Community Alliance with Family Farmers (CAFF) Sonoma County appreciates the intent to work with coastal farmers and ranchers to develop the latest draft Local Coastal Plan. However, there are several areas of real concern to us in this draft.

First, economic viability must NOT be a land use criteria. To consider moving land out of agricultural designation if the current operation does not show a profit in a five-year period is to rob future generations of the potential for agricultural production and the many other benefits ag land provides. If turning a profit had been a requirement for continued ag land designation historically we would not have land for today's wine industry and would look more like Santa Clara County, not the county many have worked so long and hard to protect. The many values of ag land cannot be calculated by the profit and loss statement of any particular enterprise and the County has no business evaluating the merits of land designation this way.

Please delete Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation.

Likewise, the sentence "...lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible...", is of great concern. Does this refer to economic feasibility or other criteria for feasibility? This is not defined and is very problematic as such a subjective judgement at any point in time could permanently remove the land from what has already been wisely determined to be its long-term best use. Humans will need to eat and manage the land for as long as we are on this planet and there are no better land managers than those living and working on the land every day.

Second, while we have supported modest, rustic camping on ag lands, the proposed language is so broad and vague that this use could easily supplant actual production and impact water use, traffic, etc. There must be restrictions for the number of sites, (as there are for campgrounds in non-coastal zone ag lands), no RVs and proof of water availability and use permits required for showers.

We support restriction of pesticide use in this fragile ecosystem and encourage addition of language used in Malibu and Ventura Counties and rejection of the proposed language that

would allow "excludable activities" within mapped sanctuary preservation and conservation areas.

We support the local fishing community being allowed to have appropriate site-specific processing and packaging, just as we have supported other small scale on-farm ag processing of farm grown products. Fishers need to be able to expand and extend their revenue "season" which would also make their products locally available for a much longer time.

We ask the Supervisors to direct staff make the changes needed to ensure that farming, ranching and fisheries with operations of all sizes can play a significant role in the stewardship and economy of the Coastal zone for the long term.

Thank you for your attention to these comments.

Sincerely,

Wendy Krupnick, Vice President, CAFF Sonoma County



July 14, 2023

Via Email: Claudette.Diaz@sonoma-county.org

Claudette Diaz
County of Sonoma Planning Division
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Local Coastal Plan Update

Dear Ms. Diaz,

Thank you for the opportunity to provide comments on the Sonoma County Local Coastal Plan Update (“LCP”) and the policy options regarding public access at Estero Americano. Sonoma Land Trust (SLT) supports the LCP and its balanced focus to protect the natural and cultural resources of our extraordinary coast while supporting the public’s right to access the coast in an appropriate manner.

SLT has owned and managed the 127-acre Estero Americano Preserve for more than 20 years. We purchased this land to preserve the open space, natural, scenic and agricultural value and to provide limited public access, environmental education programs, and for the protection and restoration of the native habitats. The acquisition and management of the preserve has been funded through grants from local, state, and federal programs, representing a significant public investment in this iconic landscape.

Regarding policy option C and the updated public access map: The point J2 accurately reflects existing ongoing conservation land management, science and monitoring activities and limited guided public access on SLT’s Estero Americano Preserve, which Sonoma Land Trust has been providing since 1997. We want to ensure that moving or removing the dot does not limit our ability to conduct our natural resource management or diminish the important public service we provide through our existing community engagement programs.

Our Preserve provides an important access point to the coast and Estero Americano for citizen science activities, research, science and monitoring, natural lands management demonstration projects, including showcasing agricultural programs for coastal prairie management, youth education, and limited, guided public outings. Our science and monitoring work is critical for assessing conservation and restoration priorities in the region and directing resources to the stewardship and care of these lands and waters. Our educational programs benefit Sonoma County’s youth at a time when we are competing with screens and digital technology for our kid’s attention. The occasional guided outings we provide are the only access opportunities to the Estero Americano on the Sonoma County side. More of these types of educational programs need to be taking place, not less.

As landowners who access our property via Estero Lane, SLT strongly objects to privatization or vacating Estero Lane as a public right of way with a gate at the beginning of the road at Hwy 1, as stated in policy C-PA-1m. Any vacating of Estero Lane would clearly reduce the historic and existing level of public access to the coast and most certainly future public access opportunities.

We already experience inappropriate and threatening interactions with neighbors along Estero Lane as we access our private property and privatization of Estero Lane and a gate at highway one will only serve to exacerbate this inappropriate interference with our lawful activities, reduce historic and legal public use of the road, and shift significant maintenance and repair costs to us and other neighbors. How can this be construed to be in the public's best interest? Please do not include any language suggesting that privatization of an existing public road would not limit public access in the coastal zone.

We appreciate the careful consideration and balancing of multiple interests in the coastal zone. We commend Sonoma County for continuing to protect our treasured coastline and its rich ecological resources and cultural heritage for generations to come. Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink that reads "Bob Neale". The signature is written in a cursive style and is positioned above the printed name.

Bob Neale
Stewardship Director



VIA EMAIL

July 16, 2023

Chairperson Chris Coursey
Members of the Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Inconsistent and Problematic Designation of ESHA*

Dear Chairperson Coursey and Members of the Board:

On behalf of George and Renate Lee, landowners along Coleman Valley Road, I am writing to highlight the draft Local Coastal Plan's (LCP) problematic treatment of Environmentally Sensitive Habitat Areas (ESHA) and propose clarifying language to address it. My clients share in the community's desire to avoid over-development within the Coastal Zone, including an introduction of McMansions along Coleman Valley Road in particular. We take issue, however, with the unfair and costly burden the draft LCP would place on ranchers and ordinary homeowners to prove that their property is *not* ESHA.

As a general matter, absent a categorical exclusion, ESHA land may not be used or developed even for ordinary agricultural activities such as grazing or livestock fencing. Once land has been designated by the County as ESHA and certified as such by the Coastal Commission, it is thereafter subject to a strict application all development restrictions and limitations per the Coastal Act. *Bolsa Chica v. Superior Court*, 72 Cal. App. 4th 493 (1999) (once designated as ESHA, eucalyptus grove may not be removed despite its degraded condition). Moreover, once land is designated as ESHA, "'mitigation' by removal and restoration, at any ratio, is not an option." Zimmer, *Navigating the California Coastal Act*, p. 117 (2018).

Internal Inconsistency In ESHA Treatment

The Draft Land Use maps C-OSRC-2a through 2k are inconsistent with the plan's textual definition of ESHA.

The series of maps are labeled "Environmentally Sensitive Habitat Areas (ESHA)" but that is not in fact what they depict. Specifically, the maps refer to "Sanctuary Preservation Area" as if such land were assumed to be actual ESHA, but the LCP's textual definition of "Sanctuary

Preservation Areas” explicitly *rejects* that assumption. It instead defines such areas as only *potential* ESHA:

Sanctuary Preservation Areas: Are environmentally sensitive areas along the coast often following streamside areas, however, those mapped in Figures C-OSRC-2a through C-OSRC-2k **have the potential for this designation** but should be determined by a site-specific analysis. (2023 policy option) (emphasis added).

In other words, the ESHA maps are identifying land that may be ESHA *or may not be ESHA*. What then will their status be upon Commission certification of this language?¹

To avoid the uncertainty created by this ambiguity, the LCP’s definition of Sanctuary Preservation Area should be modified as follows:

Sanctuary Preservation Areas: Are environmentally sensitive areas along the coast often following streamside areas, however, those mapped in Figures C-OSRC-2a through C-OSRC-2k have the potential for this designation but are not designated as environmentally sensitive area until they have been determined as such by a site-specific analysis.

Such clarifying language would still allow the County to later designate land as ESHA without the need to amend its LCP. *LT-WR v California Coastal Commission*, 152 Cal. App. 4th 770, 793 (2007) (LCP may define ESHA to include “any undesignated areas which meet the criteria and which are identified through the biotic review process or other means...”).

¹The 2001 update to the LCP (III-4) states that the two are the same: “Sanctuary-Preservation areas are the most environmentally sensitive areas along the coast. They correspond to ‘Environmentally Sensitive Habitat Areas’... .” Because the draft LCP now proposes to sever this unity of meaning – some SP areas will be ESHA but some will not – this departure from the LCP’s prior treatment should be clarified as proposed.

Landowners Should Not Be Required in the First Instance
to Disprove the Absence of ESHA

“While ESHA maps can serve as an illustrative tool to help identify the presence of potential resources, it is the *actual presence of ESHA on the site as determined by a site specific analysis that dictates whether ESHA policies apply to a site.* Draft LCP OSRC Element at 36-37 (emphasis added). That principle explains why the ESHA maps C-OSRC-2a through 2k are described as only *potentially* identifying environmentally sensitive areas – because the mapping was not undertaken with any site-specific analysis. Instead, it was created algorithmically by wholesale application of the label “Sanctuary Preservation” to streams depicted on USGS maps irrespective of stream types (many of which are ephemeral), soils, or vegetation.

The draft LCP proposes to address this lack of site-specific analysis by unfairly placing the burden on a landowner to *disprove* ESHA. Specifically, Policy C-OSRC-4I would allow “excludable activities” under the Commission’s Categorical Exclusion and within Sanctuary Preservation-designated areas Order but only if a landowner first undertakes to prove the absence of ESHA:

Policy C-OSRC-4I: Excludable activities may be allowed in areas mapped as sanctuary preservation areas and conservation areas in Figures C-OSRC-2a through C-OSRC-2k if site specific analysis confirms that the project area does not meet criteria for environmentally sensitive habitat areas. (2023 policy option).

Placing the burden on the property owner to establish a negative would require ranchers and homeowners to spend upward of \$10,000 in environmental studies and incur months or years of delay simply to erect some fencing or undertake some other minor development or activity otherwise qualifying for categorical exclusion. Subjecting a landowner to this burden, cost and delay would significantly weaken the policy of having categorical exclusions in the first place, making them “beyond reach” for many owners who have neither the resources, expertise, nor patience to fight the Coastal Commission over “the actual presence of ESHA on the site.”

To eliminate this unfair burden, the policy should be modified to read:

Policy C-OSRC-4I: Excludable activities may be allowed in areas mapped as sanctuary preservation areas and conservation areas in Figures C-OSRC-2a through C-OSRC-2k unless site specific

Board of Supervisors

July 16, 2023

Page 4 of 4

analysis confirms that the project area meets criteria for environmentally sensitive habitat areas.

Thank you for your consideration of these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Haroche".

Bob Haroche

cc: Clients

Tennis Wick

Cecily Condon

Claudette Diaz