

MOREHART LAND CO.

3303 PADARO LANE
CARPINTERIA, CALIFORNIA 95013
(408) 656-4179

November 2, 1989

Mr. David Stone
Resource Management Department
Division of Environmental Review
105 E. Anapamu Street, Room 103
Santa Barbara, CA 93101

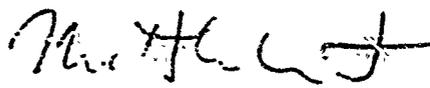
Subject: Case: 89-CP-53(CZ) Cultured Abalone
Proposed Negative Declaration

Dear Mr. Stone:

In comment to the above Proposed Negative Declaration, please be advised that the Site Access Road, as shown on Figure 2 is unavailable for use for this project at this time. This is due to a restriction placed on the underlying property through an easement held by us and other Naples property owners that will not allow the road to be used as primary access to this Project site or the land around it.

We are discussing this matter with Mr. Schulte's attorney and Mr. George Wilson, but as yet it is unresolved. We hope to resolve it but if we are unable to, an alternate access road would have to be created other than as illustrated in Figure 2.

Sincerely yours,



Matthew C. Morehart
President

MCM:cdv

cc. Erickson, State Beach

CALENDAR PAGE	305
MINUTE PAGE	2735

CONTACT LOG

Project: 89-CP-53 (C2)

Staff Member: David Stone

Person/Title: Peggy O'Halloran EHS

Date: 11/1/89

Discussion: The water system is appropriately named
The Morehart Land Company Domestic Water
System. The owner, Matt Morehart, has not
been approached by the applicant. A
revision to the Morehart State Small Domestic
Water System permit would be required.

Project: 89-CP-53 (C2)

Staff Member: David Stone

Person/Title: Teresa Purdy, Comprehensive Planning

Date: 11/1/89

Discussion: Comprehensive Planning Division has
no comment.

2599A

CALENDAR PAGE	356
MINUTE PAGE	2736

SANTA BARBARA COUNTY
RESOURCE MANAGEMENT DEPARTMENT
DIVISION OF ENVIRONMENTAL REVIEW
PUBLIC HEARING MINUTES

Santa Barbara County Administration Building
Board of Supervisors Hearing Room
105 E. Anapamu Street, 4th Floor
Santa Barbara, CA 93101
November 2, 1989 - 9:30 a.m.

89-WD-55

LEAD DEPARTMENT CASE NUMBER: 89-CP-53(cs)

PROJECT APPLICANT: The Cultured Abalone, Inc., Mr. Benjamin Seede and Mr. Richard Craig, 336 Coronado Drive, Goleta, CA 93117

PROJECT LOCATION: The project site is located in the western portion of the Goleta Valley in the southeastern corner of Dos Pueblos Ranch. Access to the site is via U.S. Hwy. 101 to Dos Pueblos Canyon Road, then to a dirt road.

PROJECT DESCRIPTION: The applicant proposes to build an onshore aquaculture facility on 1.1 acres of land capable of producing 500,000 abalone per year. Seawater would be pumped onshore through approximately 1700 linear feet of pipeline to the aquaculture facility where abalone would be fed with harvested kelp and grown in tanks until ready for market. A maximum of 6 employees would be hired at full capacity. Access would be by Dos Pueblos Ranch Road. Potable water would be provided from a Dos Pueblos Ranch reservoir and sewage disposal would be by septic system.

ASSESSOR'S PARCEL NUMBER AND TOTAL ACREAGE: 79-160-01,-14,-15,-28; 2,809.1 acres

ENVIRONMENTAL PLANNER: David Stone

Jeff Harris, Hearing Officer: Read project description into the record and introduced David Stone, planner on the project.

Mr. Stone: The environmental document was prepared by Elihu Givertz of ERCE Consulting Firm. Mr. Givertz will summarize briefly the issue areas in the document.

Mr. Givertz: Reviewed the aesthetics, archaeological resources near the site, terrastarial biological resources, marine biological resources, hazardous resources, polluting (noise, light and glare) air quality, ground water resources, etc.

Mr. Stone: Reviewed the letters of comment. Oct. 10th - Barry Rolle, Transportation Division, Public Works. Oct. 17th - Cultured Abalone, Oct. 23rd - Serne from the Park Dept. Nov. 1st - Peggy O'Halloran from Environmental Health Dept. Received message from her on the answering machine Nov. 1st. The water system that would provide domestic resources is appropriately named Morehart Land Company Domestic Water System. The owner, Matt Morehart, had not been approached by the applicant when Peggy O'Halloran spoke to him. A revision to the Morehart Estate Small Domestic Water System permit would be required for this project. Spoke to Teresa Purdy, Comprehensive Planning Div. on Nov. 1, no comment. Called State

CAL ENDAR PAGE	357
MINUTE PAGE	2337

Clearinghouse in Sacramento. They received the document on October 6, 1989. Mr. Garrett Ashley said that as of today (Nov. 2) no comments had been received. The end of the Clearinghouse period is on November 6, 1989.

Mr. Harris: Any public comment?

Matt Morehart, Morehart Land Company: The easement as shown on Picture 2 of the draft ND is not appropriate at this time in terms of utilizing this primary access to the site because of an easement that exists precludes that road to be used as primary access. Not contacted by the applicant's attorney until recently. Trying to resolve it. Sure it can be done.

Mr. Stone: Mr. Morehart, that easement was for access to the proposed vicinity?

Mr. Morehart: Yes, it would require either an arrangement to be made with the beneficial users which are some of the neighbors, property owners and in that case they could waive that clause with the landowner or if an arrangement can't be made an alternate access road would have to be found.

Mr. Stone: What sort of agreement is in place for activities that use the recreational area right next to the beach

Mr. Morehart: Has nothing to do with easement. This easement would preclude that.

Mr. Stone: Does the Park Dept. requests for an easement for the bike trail on the northerly part of property also affect your easement?

Mr. Morehart: They couldn't use that in terms of the easement that's here now for access to anything.

Benjamin Beede, Cultured Abalone, Inc.: Reviewed clarifications to ND. Summarized letter sent to Mr. Stone on October 17, 1989 that included a list of 11 corrections to the document. Presently in discussion with the Morehart Land Company trying to settle the easement of road. We have no intention of using the Morehart clarification facility.

Mr. Givertz: Mr. Beede, you said that there would be no cut on site you would bring in fill. Is that a change in the project description?

Mr. Beede: It was in project description.

Ms. Serna: Does not understand the bike trail requirements in relationship to the Morehart Land Co.

Mr. Harris: Any comments?

CALENDAR PAGE	358
MINUTE PAGE	2738

Mr. Stone: Was anticipating some input from the Coastal Commission. I would anticipate the State Clearinghouse will receive something from the Coastal Commission by Monday.

Mr. Harris: Considering the State Clearinghouse review period has not closed, we cannot certify this document as being complete and adequate today. We'll continue this hearing for one week until November 9, 1989 in the Planning Commission Hearing Room.

Hear_Min\9CP53_11.2

CALENDAR PAGE	359
MINUTE PAGE	2759

SANTA BARBARA COUNTY
RESOURCE MANAGEMENT DEPARTMENT
DIVISION OF ENVIRONMENTAL REVIEW
PUBLIC HEARING MINUTES
Santa Barbara County Administration Building
Planning Commission Hearing Room
123 E. Anapamu Street, Room 17
Santa Barbara, CA 93101
December 7, 1989 - 9:30 a.m.

CONSENT AGENDA

Continued Items

89-ND-55

LEAD DEPARTMENT CASE NUMBER: 89-CP-53(cz)

PROJECT APPLICANT: The Cultured Abalone, Inc., Mr. Benjamin Beede and Mr. Richard Craig, 336 Coronado Drive, Goleta, CA 93117

PROJECT LOCATION: The project site is located in the western portion of the Goleta Valley in the southeastern corner of Dos Pueblos Ranch. Access to the site is via U.S. Hwy. 101 to Dos Pueblos Canyon Road, then to a dirt road.

PROJECT DESCRIPTION: The applicant proposes to build an onshore aquaculture facility on 1.1 acres of land capable of producing 500,000 abalone per year. Seawater would be pumped onshore through approximately 1700 linear feet of pipeline to the aquaculture facility where abalone would be fed with harvested kelp and grown in tanks until ready for market. A maximum of 6 employees would be hired at full capacity. Access would be by Dos Pueblos Ranch Road. Potable water would be provided from a Dos Pueblos Ranch reservoir and sewage disposal would be by septic system.

ASSESSOR'S PARCEL NUMBER AND TOTAL ACREAGE: 79-160-01,-14,-15,-28; 2,809.1 acres

ENVIRONMENTAL PLANNER: David Stone

Jeff Harris, Hearing Officer: Read the project description into the public record. He then introduced David Stone, planner on the project.

Mr. Stone: What we were trying to accomplish in the continuation of the environmental hearing was to resolve issues regarding potable water source and access to the site. The applicants have come up with some information regarding an alternative water source and it's location of water line which would lead from that water source to the site. Also some options regarding alternative access routes to the site since we've run into some legal issues regarding its successful location. There have been no further comments from the public.

Benjamin Beede, applicant: Provided maps while he described where the fresh water pipeline comes down. The freshwater from the aquaculture site will originate from the Rancho Dos Pueblos well #146 which is presently producing 30 gals per minute. This well is located approximately 1 mile up Dos Pueblos Canyon from the

CALENDAR PAGE 306
MINUTE PAGE 240

project site. A 1.5" PVC pipeline will extend from the well to the project site. The pipeline routing will be through avocado orchards from the well site to Hwy 101 where the pipeline will then turn east and parallel the highway along with existing agricultural pipes. The pipeline will cross under Hwy 101 at Dos Pueblos Creek where it will be placed well above the creek between the headwall of the ranch access road and the freeway overpass pilings. The pipe continues down canyon then crosses Dos Pueblos Creek at the old Hwy 101 bridge where it will be attached to the bottom of the bridge. After crossing another ranch road the pipeline will turn down canyon and reach the aquaculture site through the Christmas Tree farm. Through the avocado orchard and the Christmas Tree Farm the pipeline will be trenched. Where the pipeline crosses roadways it will pass through existing culverts designed for, and presently carrying water supply pipes. The pipeline will traverse the riparian community twice. In both places it will be placed in existing pipeline routes and be tied to the existing pipes. Trenching in these sensitive areas will be done using hand tools only. The second issue concerns the access road. Our initial proposal was to use an existing road on the ranch as our site access road. It was pointed out in the first environmental hearing that there were easement problems using this road with the neighboring ranch. Because of the possibility of legal problems what we're proposing now is a parallel access road that would be next to the existing road and extend another 16' beyond. We are essentially ending up with a 32' wide roadway. This would be the worse case, we're still trying to resolve the matter with the neighboring ranch and if it's at all possible utilize the same road. We also have to find out other details, whether this road needs to be a full 16' or if we can make it a 12' road and utilize the existing road as an emergency vehicle route. The problems that have been pointed out are that we do encroach on the 25' buffer from the edge of the willows so we are looking at various alternatives of the main reservoir tank configuration as a possibility of reducing the impacts on the riparian and the two different widths.

Mr. Harris: Thanked Mr. Beede and asked Mr. Stone for his comments.

Mr. Stone: DER staff feels comfortable with the proposed pipeline route and the impacts associated with construction of that pipeline. We feel that any adverse impacts could be mitigated through the hand trenching proposed by the applicant and where necessary, revegetation in those areas. We're still a little unclear about the residual impacts associated with the revised access road and because of the potential for coming up with alternatives that might reduce the amount of encroachment within the riparian buffer I recommend that the applicant be given another week to try to resolve some issues with the Fire Dept. in ascertaining exactly the minimum amount required for the access road width minimizing consequently the amount of encroachment in the buffer.

CALENDAR PAGE	301
MINUTE PAGE	2741

Mr. Harris: Asked Mr. Beede what he proposed to do in terms of coordinating with the Fire Dept.? Asked if he was working with Warren Dawson.

Mr. Beede: Indicated they were. Their prior communications with him we're stating that there was required a 16' roadway for emergency vehicle access. What we need to determine because of the statement in the covenants of the easement that emergency vehicular travel is allowed on this roadway. Can we make the improvements necessary for the Fire Dept. on that existing road without getting into any legal problems. If that is possible then we would probably only be required to have a 12' easement ourselves.

Mr. Harris: What we will do then in this case to allow additional coordination with the Fire Dept. if we'll continue the hearing until December 14th in the same room and the same time.

Hear_Min\9CP53_12.07_

CALENDAR PAGE	302
MINUTE PAGE	2742

SANTA BARBARA COUNTY
RESOURCE MANAGEMENT DEPARTMENT
DIVISION OF ENVIRONMENTAL REVIEW
PUBLIC HEARING MINUTES

Santa Barbara County Administration Building
Planning Commission Hearing Room
123 E. Anapamu Street, Room 17
Santa Barbara, CA 93101
December 14, 1989

CONSENT AGENDA

Continued Items

89-ND-55

LEAD DEPARTMENT CASE NUMBER: 89-CP-53

PROJECT APPLICANT: The Cultured Abalone, Inc., Mr. Benjamin Beede and Mr. Richard Craig, 336 Coronado Drive, Goleta, CA 93117

PROJECT LOCATION: The project site is located in the western portion of the Goleta Valley in the southeastern corner of Dos Pueblos Ranch. Access to the site is via U.S. Hwy. 101 to Dos Pueblos Canyon Road, then to a dirt road.

PROJECT DESCRIPTION: The applicant proposes to build an onshore aquaculture facility on 1.1 acres of land capable of producing 500,000 abalone per year. Seawater would be pumped onshore through approximately 1700 linear feet of pipeline to the aquaculture facility where abalone would be fed with harvested kelp and grown in tanks until ready for market. A maximum of 6 employees would be hired at full capacity. Access would be by Dos Pueblos Ranch Road. Potable water would be provided from a Dos Pueblos Ranch reservoir and sewage disposal would be by septic system.

ASSESSOR'S PARCEL NUMBER AND TOTAL ACREAGE: 79-160-01, -14, -15, -28; 2,809.1 acres

ENVIRONMENTAL PLANNER: David Stone

Jeff Harris, Hearing Officer: Read the project description into the public record and then introduced David Stone, planner on the project.

Mr. Stone: Two items; the source of potable water and the location of an acceptable access to the project site. Indicated that he had been working with the applicants and had received some revised information regarding the water line which would extend from across U.S. 101 to the project site. The applicant has provided information indicating that the water line, which is a 1.5" water line would not require trenching within any sensitive biological habitat. It would avoid all riparian areas and in one location where it would be within 2 oak trees, it would be laid on the surface. It would be excavated to an 18" depth and avocado and Christmas tree orchards and within the project site. All of these areas are not considered biologically sensitive. The other aspect of the project site that has undergone some revision is the determination of the access road. In respect to an existing dirt access road which may be impossible to utilize due to legal

CALENDAR PAGE
MINUTE PAGE

303
2743

difficulties the applicant has proposed a 16' wide access road directly adjacent to this existing dirt area and there are some encroachment in the 25' buffer from the riparian dripline for this access road as well as the water storage facility that is needed for this project. The applicant has proposed, instead of using one large tank to use two tanks directly adjacent to each other of 25' radii each. The impacts associated with this water tank facility would extend to within 20' of the riparian dripline for the tank itself and the grading for this tank to a 12' minimum distance to the dripline. This encroachment within the dripline would extend for about a 40' distance. The road itself is designed at this point for 16' width but may be able to be reduced to a 12' width. The applicant is discussing this issue with Warren Dawson of the Fire Dept. With a 16' design there would be a minimum distance to the dripline of 12' for an approximate 70' length of the buffer. If a 16' access width is required, the distance to the riparian buffer will increase and this encroachment will be minimized. The applicant has proposed to expand their riparian enhancement program to the westside of the unnamed extension of Dos Pueblos Creek to mitigate the increased encroachment of the access road within the riparian buffer. The proposal has been reviewed by DER biologists and found to be an adverse impact but one that could be mitigated to a level of insignificance by increased revegetation on the westside of this creek. We've received no other communications from the public or county departments.

Mr. Harris: Asked if there was anyone in the audience who would like to comment on the ND. Asked if the applicants would like to make a statement.

Mr. Benjamin Beede, president of The Cultured Abalone: When David was speaking he talked about a 20' radii, it's actually 20' diameter of the tanks. Also, in reviewing the roadway, the 16' width is the maximum width of the roadway. It could be reduced to 12' so that would lessen the encroachment into the riparian buffer.

Mr. Harris: Asked for Mr. Stone's recommendations.

Mr. Stone: Obviously we're trying to achieve the minimum amount of impact to the riparian corridor as possible and we do recognize the need for adequate setbacks from riparian vegetation due to the nature of the project, which after construction the water tanks would not require further disturbance in that riparian area, very minimal human presence in that area that encroachment into the riparian zone is mitigated due to this riparian enhancement program. With these project revisions I recommend that we deem this ND complete and adequate.

Mr. Harris: If there is no further comment, 89-ND-55 is deemed complete and adequate with the revisions as read into the public record this morning and at previous hearings. Good luck.

Hear_Min\9CP53_12.14

CALENDAR PAGE	304
MINUTE PAGE	2744



County of Santa Barbara

RESOURCE MANAGEMENT DEPARTMENT

John Patton, Director

January 29, 1990

Ms. Lisa Stark
Development Review Div.
Resource Management Dept.
County of Santa Barbara

Dear Ms. Stark:

The attached Negative Declaration (ND) was determined to be "complete" in the Division of Environmental Review (DER) public hearing of December 14, 1989.

Attached is one copy of Negative Declaration 89-ND-55.

Please remember that meaningful changes in the project description will require further review by the Division of Environmental Review. Actions which might be taken that have not received proper environmental review are vulnerable to legal action.

Sincerely,

Jeffrey T. Harris, Deputy Director
Division of Environmental Review

JTH:jms:3006A

123 E. Anapamu Street, Santa Barbara, CA 93101
PHONE (805) 568-2000 FAX (805) 568-2080

CALENDAR PAGE	30
MINUTE PAGE	2745



County of Santa Barbara

RESOURCE MANAGEMENT DEPARTMENT

John Patton, Director

TO: Albert J. McCurdy, Deputy Director
Rita Bright, Supervising Planner
Development Review Division

FROM: Jeffrey T. Harris, Deputy Director
David Stone, Environmental Planner
Environmental Review Division *Jeffrey T. Harris*

DATE: January 31, 1990

RE: Finding that Section 15162 of the State CEQA Guidelines
Applied to 89-CP-53(CZ), Cultured Abalone Facility

BACKGROUND AND PREVIOUS REVIEW

The negative declaration evaluating this project, 89-ND-55, was transmitted to your division on 1/29/90. Subsequent to this action, the applicant has pointed out errors addressing the revised project description submitted during the ND public review period.

CHANGES IN PROJECT DESCRIPTION

The following revisions to the 89-ND-55 text are underlined. Only sentences with text changes are included. Other text remains unchanged.

Project Description:

Page 1, Paragraph 5: Potable water would be provided by an existing Rancho Dos Pueblos well 2240 feet north of U.S. 101 and 4000 feet north of the project site.

① → Page 4, Paragraph 5: The project would include 176 growout tanks, each supported by four wood stands.

Page 7, Paragraph 1: The existing dirt road would be improved with a gravel surface or the equivalent and used as a fire access.

Terrestrial Biological Resources:

Page 11, Paragraph 3: The ground disturbance related to grading for the two 12,000 gallon reservoirs would encroach between 12 and 19 feet of the dripline for a distance of 60 feet and grading for the access road would encroach between 15 and 25 feet of the dripline for a distance of 65 feet. The reservoirs themselves would be a minimum of 25 feet from the riparian dripline. The

123 E. Anapamu Street, Santa Barbara, CA 93108
PHONE (805) 568-2000 FAX (805) 568-2030

CALENDAR PAGE
MINUTE PAGE

306
2746

2 → applicant has agreed to restore equivalent portions of the western and eastern sides of the east fork of Dos Pueblos Creek with native riparian species.

Page 11, Paragraph 6: The applicant has proposed that all non-native plants along the both sides of the of site access road be removed and the east side only replanted with native vegetation to improve the general habitat quality of the site.

Page 12, Paragraph 3: A 25 feet buffer on the eastern side of the riparian zone shall be recorded on the final grading plan to provide screening and to minimize human intrusion. This buffer, together with a 125 feet long stretch along the western bank of the eastern fork of the Dos Pueblos Creek, shall be planted with coffeeberry, etc.

Groundwater Resources:

Page 15, Paragraph 4: The project would draw freshwater for employee use from a Rancho Dos Pueblos well 2240 feet north of U.S. 101 and 4000 feet north of the project site.

Energy:

3 → Page 15, Paragraph 5: The nine grow-out areas each would have a 1-hp blower/module to run water from the well and an aeration system.

Mitigation Measures and Compliance Plan:

Page 16, Paragraph 2: A 25 feet buffer on the eastern side of the riparian zone shall be recorded on the final grading plan to provide screening and to prevent intrusion. This buffer, together with a 125 feet long stretch along the western bank of the eastern fork of the Dos Pueblos Creek, shall be planted with coffeeberry, etc.

Page 17, Paragraph 1: All non-native plants along the east and west sides of the site access road be removed and the east side only replanted with native vegetation to improve the general habitat quality of the site.

89-CP-53(C3) Cultured Abalone CEQA 15162 Letter
January 31, 1990
Page 3

FINDINGS:

It is the finding of this Division that the previous environmental document 89-ND-55 may be used to fulfill the environmental review requirements of the current project. No impacts previously found to be insignificant are now significant. Taken together, the original environmental document and this letter fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, no EIR is necessary.

Discretionary processing of 89-CP-53(C3) may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

JTH:DS

cp\89p150.162

CALENDAR PAGE 308
MINUTE PAGE 2748

7 February 1990

David Stone
Environmental Review Division
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: 89-ND-55 for 89-CP-53(cz)

Dear Mr. Stone,

The following is a list of corrections and clarifications for the Negative Declaration prepared by ERC Environmental and Energy Services Co.

1. Page 4, Paragraph 4: the mobile office trailer will have no bathrooms in it. The bathrooms will be in the hatchery.
2. Page 4, paragraph 5: in the hatchery there will be 176 tanks. In the grow-out area there will be 1,064 grow-out tanks. Each set of eight grow-out tanks will be supported by four wooden posts.
3. Page 11, paragraph 3: . . . the applicant has agreed to restore an equivalent portion of the western side of the east fork of Dos Pueblos Creek with native riparian species (mitigation for the east side of the east fork of Dos Pueblos Creek has already been established).
4. Page 15, Paragraph 6: The nine grow-out areas each would have a 1-hp blower ~~module~~ to aerate water in grow-out tanks.

Sincerely,
The Cultured Abalone, Inc.

Benjamin E. Beede

By Benjamin E. Beede,
President

CALENDAR PAGE	369
MINUTE PAGE	2749