

San Mateo  
Coastal Annexation

Final Environmental Impact Report/  
Responses to Comments

May 2003

Midpeninsula Regional  
Open Space District

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330 Distel Circle  
Los Altos, CA 94022  
(650) 691-1200, fax (650) 691-0485

[www.openspace.org](http://www.openspace.org)

## Table of Contents

- I. Introduction and Summary
- II. General Responses to Comments
- III. List of all Comments Received, both Verbal and Written
- IV. Responses to Verbal Comments
- V. Responses to Written Comments
- VI. Draft Environmental Impact Report Text Changes and Additions
- VII. Mitigation Monitoring Plan
- VIII. References

## Appendices

- Appendix A Original Comment Letters
- Appendix B Proposed Willing Seller Ordinance
- Appendix C Response to Agricultural Comments, by Strong Associates, May 14, 2003
- Appendix D Fire Hazard and Ignition Risk Appraisal, by Moritz Arboricultural Consulting and Landscape FIRES, May 2003
- Appendix E Expert Opinions and Wildland Fire Analysis, by FIREWISE 2000, Inc.
- Appendix F Revised level of Service Analysis for the Coastal Annexation Area, by Hexagon Transportation Consultants, Inc., February 10, 2003
- Appendix G Public Use Ramifications for Sudden Oak Death Syndrome, by Moritz Agricultural Consulting and Landscape FIRES, May 2003

## I. Introduction and Summary of Public Comments

The Midpeninsula Regional Open Space District's (District) Coastal Annexation Area Environmental Impact Report (*DEIR*) was published on June 13, 2002, and was prepared in conformance with the California Environmental Quality Act (CEQA), as amended. Copies of the EIR and a notice were sent to the State Clearinghouse for distribution to state agencies. Public notice of availability of the *DEIR* was provided in accordance with CEQA. Responsible and trustee agencies were also notified. The 45-day public comment period ended on August 2, and was extended to August 28, 2002.

Prior to preparing the *DEIR*, the District held three public scoping meetings to receive public comment on the environmental issues, mitigation measures, and alternatives to be addressed in the *DEIR*: 1) Half Moon Bay on June 20, 2000; 2) Pescadero on June 22, 2000; and 3) at the District's Los Altos offices on June 27, 2000. After preparation of the *DEIR*, the District held three public meetings to take comments during the review period: 1) Pescadero on July 9, 2002; 2) Half Moon Bay on July 17, 2002; and 3) at the District's Los Altos offices on July 31, 2002. The public meeting at the District offices had all District Board members in attendance.

Over 250 verbal comments and 320 written comments were received during the public comment period, in the form of 62 verbal commenters, 5 Agency letters, 17 letters from Organizations, and 75 letters from members of the public.

When responding to comments, lead agencies evaluate and respond to significant environmental issues raised. Some comments on the San Mateo Coastal Annexation *DEIR* may have generally expressed either opposition to or support for the project. Although no response is required for such comments, this FEIR responds to all comments addressing the adequacy of the *DEIR*. Where changes to the *DEIR* text are required, the indicated text from the *DEIR* is quoted, with the original text in ~~strikeout~~, and the corrected text in underline. All text changes can be found in Chapter VII of this Final EIR document.

Chapter II of this document contains General Responses. Chapter III contains a list of all verbal commenters and comment letters that were received during the public review period. Chapter IV contains the Verbal Comments and Responses; Chapter V contains the Written Comments and Responses, and Chapter VI contains the text changes that will be incorporated into the *DEIR*. Chapter VII contains the Mitigation, Monitoring and Reporting Plan.

## II. General Responses

Many of the comments on the San Mateo Coastal Annexation Draft Environmental Impact Report (*DEIR*) address similar issues; for example, questions regarding agricultural-related issues are raised in a number of written and verbal comments. To avoid duplication and for ease of reference, this section of the Final EIR presents general responses to comments that were raised on similar issues by several commenters (see “General Responses” below). Where appropriate, specific responses to the comments in sections IV and V of this document will refer the reader to these general responses.

The General Responses to Comments listed here are in the same order as the *DEIR*, as applicable. The notation of “General Response” or “No General Response” as listed below describes the *DEIR* Chapters discussed in this Section.

- I) Introduction – *No general response*
- II) Project Description -- General Responses 1-5
  - IV-A) Land Use -- General Responses 6-7
  - IV-B) Agriculture -- General Response 8
  - IV-C) Public Services -- General Responses 9-12
  - IV-D) Hazards and Hazardous Materials -- General Response 13
  - IV-E) Noise -- *No general response*
  - IV-F) Air Quality -- *No general response*
  - IV-G) Aesthetics -- *No general response*
  - IV-H) Hydrology -- *No general response*
  - IV-I) Biology -- General Responses 14-15
  - IV-J) Cultural Resources -- *No general response*
  - IV-K) Geology -- *No general response*
- V- Alternatives -- General Response 16
- VI- CEQA and Cumulative Issues -- *No general response*

### II. Project Description

#### **GENERAL COMMENT 1: Eminent Domain Use in the Coastal Annexation Area**

Some commenters requested information about the District’s intention to establish a policy prohibiting the use of eminent domain for land acquisition in the Coastal Annexation Area (CAA). Some commenters requested an explanation of this policy, how this policy would insure that a future Board would not use the power of eminent domain, and what remedies exist in the event a future District Board were to attempt to rescind or to violate this policy.

#### **General Response 1:**

In response to comments from residents of the Coastal Annexation Area (hereinafter known in this chapter as the CAA) who desired that the District make a commitment to prohibit the use of

eminent domain to acquire land within the CAA, the District Board of Directors required that the *Draft Service Plan* contain an Eminent Domain Policy (Permanent Policy P.1) and Implementation Actions (Implementation Actions P.1.A, P.1.B, P.1.C and P.1.D), which will apply to the District's activities in the CAA. This Policy and Implementation Actions will be an integral part of the *Draft Service Plan* to be submitted to San Mateo County Local Agency Formation Commission (LAFCo), and which will govern the District's activities in the CAA if an annexation is approved. This Policy and Implementation Actions are listed in the *DEIR* at p. II-10 and are listed below for clarity:

**Permanent Policy P.1**

Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area.

**Implementation Action P.1.A.(i)**

This policy within the defined Coastal Annexation Area shall be a permanent policy of the District adopted by ordinance of the District Board of Directors.

**Implementation Action P.1.B.(i)**

This policy is a basic component of the District's application to the San Mateo Local Agency Formation Commission. It will be a basic component of the Service Plan to be approved by LAFCo. The District will request that this policy be made a Finding by the San Mateo LAFCo in its decision.

**Implementation Action P.1.C.(i)**

This policy will be adopted by the District as an ordinance, and through the District Board of Directors' certification of the Coastal Annexation Area Environmental Impact Report, will serve as an agricultural impact mitigation measure pursuant to the California Environmental Quality Act (CEQA).

**Implementation Action P.1.D.(i)**

This policy will be referenced in every governing document and proposal by the District in connection with the Coastal Annexation Area.

There are specific Government Codes that the an agency such as the District must abide by when considering an annexation proposal. Most of these are listed on page 1 in the *Draft Service Plan*, under the heading "Cortese-Knox Hertzberg Local Government Reorganization Act of 2000." In addition, per Government Code Section 56653, when an agency submits a resolution of application to LAFCo for annexation, it must submit a *Draft Service Plan*, which describes the nature of services to be provided, and other conditions the agency would impose in the area to be annexed. The District will include its Eminent Domain Policy in its LAFCo *Draft Service Plan* in the description of services to be provided and as a condition that the District would impose within the affected territory. The Policy will also be included in any Resolution of Application.

Therefore, if the *Draft Service Plan* is adopted and annexation approved, this Policy will apply to all decision-making and District programs in the CAA and will be a formal part of the annexation proposal submitted to LAFCo. County Counsel has issued an opinion that the District may include this Policy in any proposal and service plan it submits to LAFCo and in any Resolution of Application for the annexation project (Letter from Thomas Casey, County Counsel, Dec.2, 1999). Several commenters observed that integrating the Eminent Domain Policy into the LAFCo process would be an appropriate and secure manner of prohibiting the use of eminent domain.

The District has also included its Eminent Domain Policy as a Mitigation Measure in the Draft EIR (see Mitigation Measure AGR-1c at p. IV-B-8).

Finally, the District has prepared a draft Ordinance to be adopted as part of the proposed project. This Ordinance would formally readopt the policies of the *Draft Service Plan* in legislation by declaring that:

The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property within any territory annexed to the Midpeninsula Regional Open Space District pursuant to said Resolution of Application for Annexation.

By taking these steps, the District will insure that its Eminent Domain Policy is an integral part of all components of its LAFCo proposal and this Environmental Impact Report, in addition to its status as a formal ordinance of the District.

A comment was made about a separate issue: what would happen if a future Board tried to violate the Policy? In the event that that were to occur, the first remedy would be through the public review process that applies to all District land acquisitions. Members of the public and the affected property owner would have the opportunity to object to a proposed condemnation as violating the Policy and Ordinance. If the Board disregarded these objections and the condemnation was approved by the 4/5 vote required by state law, the next opportunity to challenge the decision would be through the courts as the appropriate body to determine any legal issue. In the event the District were to attempt to condemn property in violation of its own adopted Ordinance, the property owner would be able to demonstrate that the District was attempting to violate its own Policy and Ordinance. This would be a defense to such an attempt to condemn and would also entitle the property owner to attorneys' fees against the District if either the owner shows that the District violated its own Ordinance or even if the District were to dismiss the proceedings on its own. In addition, members of the public affected by the Board's decision would have the opportunity to seek a writ of mandate reversing the Board's decision for failure to comply with District Policy or Ordinance.

A commenter asked what would happen if a future Board tried to repeal this Policy. First, a change in this Policy would be subject to review under the California Environmental Quality Act. The District would be required to evaluate and disclose to the public any likely environmental effects resulting from a change in policy. The public would be given an opportunity to comment on the environmental evaluation. The District would also be required to hold a public meeting with an opportunity for public comment on any change. Second, an interested person could seek judicial review of this decision by a writ of mandate. This process focuses on whether an agency has done something, which amounts to an abuse of discretion. Abuse of discretion is generally shown where an agency does not proceed in a manner authorized by law. This

includes a failure to follow its own ordinances or policies. Third, the District will request LAFCo to adopt the Policy as a formal Finding or Condition of Approval.

In addition, the District will also be subject to other legal and statutory prohibitions against the use of eminent domain when using grant funds to acquire land or easements in the CAA. Most grant programs prohibit the acquisition of land or easements through the use of eminent domain. These include the California Farmland Conservancy Program the Coastal Farmland Preservation Program, the California Forest Legacy Program, grants funded by the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12), grants funded by the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40), and other state open space grant programs. In Years 1-5 of the proposed Annexation Project, grants and gifts are anticipated to be a primary source of funding for acquisitions. 75% of fee title acquisitions and 90% of easement acquisitions will be funded by grants or gifts. Grants are typically a much larger source of funding than gifts. After Year 5, all acquisitions are anticipated to be funded by grants or gifts. Eminent domain could not be used in most of these grant-funded acquisitions, and any attempt to repeal the Willing Sellers Ordinance could not affect these prohibitions. This will provide further assurance that the use of eminent domain in the Annexation Program will be permanently prohibited.

By making the Eminent Domain Policy an integral part of its *Service Plan*, EIR, Resolution of Application to LAFCo, as well as an Ordinance, the District is making the Policy such an integral and basic part of the Project that legal remedies would be available in the event some future Board were to attempt to violate or repeal the Policy.

A commenter asked whether the District would be able to use another agency's power of eminent domain to acquire land. San Mateo County and the cities and special districts within San Mateo County have the power of eminent domain. These are independent government agencies. The District may not exercise the eminent domain power of another government agency. A commenter asked whether the District would retain its power of eminent domain in the current District boundaries. This power would be retained. The Permanent Policy for the CAA arose out of the recommendations of the Coastal Advisory Committee to address the specific circumstances of this annexation proposal, and does not address District operations within its current boundaries. The District has adopted a variety of distinct policies applicable in the CAA, recognizing the specific and different nature of its proposed program in the CAA.

## **GENERAL COMMENT 2: Land Acquisition Information**

Several members of the public requested additional information regarding the specific lands that would be acquired by the District as part of the project.

### **General Response 2:**

The project evaluated in the *DEIR* is adoption of a proposed annexation application to the San Mateo County Local Agency Formation Commission to expand the District's sphere of influence and extend its boundaries to include a portion of coastal San Mateo County. The *DEIR* notes that lands to be acquired by the District if the annexation is approved have not been identified. (*DEIR*, p. II-1.) The *DEIR* explains that acquisition depends on a number of factors. These include (1) the availability of land from a willing seller (*DEIR* p. II-1); (2) the availability of funding for the acquisition and subsequent management of the land (*DEIR* p. II-1); (3) evaluation of the suitability of the acquisition in light of applicable *Draft Service Plan* policies through preparation of a Preliminary Use and Management Plan (*DEIR* p. II-9); (4) evaluation of the environmental



effects associated with the acquisition pursuant to CEQA (*DEIR* p. I-4 and II-1); and (5) consideration of the proposed acquisition at a public meeting (*DEIR* p. II-9). In light of these factors it is not possible to identify at this time the specific lands that will be acquired in the event the project is approved. The variations over time in the availability of properties offered by willing sellers and of funding for acquisitions alone make it difficult to ascertain the precise lands that would be acquired over the *DEIR*'s 15 year planning horizon.

Because it is not possible to identify specific properties that would be acquired, the *DEIR* considered the types of lands and resources that could possibly be acquired in the future if the annexation were to be approved. For each impact area the *DEIR* describes existing conditions in the Coastal Annexation Area as they relate to the attributes of the environment that could be affected by the project and then analyzes the potential effects on those resources of implementing the *Draft Service Plan*. (*DEIR* p. IV-1.) For example, the Biological Resources chapter of the *DEIR* describes the range of biotic communities found in the CAA and then describes how District ownership and management of land in those communities could affect those resources. (*DEIR* pp. IV-I-1 et seq.) The impacts of specific acquisitions in the future would be the subject of a separate site-specific environmental evaluation.

Because of the large geographic area under consideration and the relatively general nature of the policy issues addressed in the *Draft Service Plan*, this EIR is what CEQA refers to as a Program EIR. As described at pages I-3 through I-4 of the *DEIR*, the CEQA Guidelines encourage preparation of a Program EIR when the project in question anticipates a series of interrelated individual actions to be carried out over a period of time.

While it is not possible to identify the lands that will be acquired if the annexation is approved, the District does have information on some parcels that may be considered for acquisition. These are parcels for which the owner has indicated to the District an interest in selling the property. These properties include the Driscoll Ranch property (approximately 3,690 acres) adjacent to the District's existing La Honda Creek Open Space Preserve; the Miramonte Ridge/Gilcrest Ranch property (approximately 556 acres) adjacent to the District's existing Mills Creek Open Space Preserve; the Connor property (approximately 164 acres) adjacent to the District's existing Russian Ridge Open Space Preserve; the Frenz property (approximately 157 acres) adjacent to the District's existing Purisima Creek Redwoods Open Space Preserve; the Tunitas Creek property (approximately 708 acres) between the District's existing Purisima Creek Redwoods and El Corte de Madera Creek Open Space Preserves; and the Peery property (approximately 53 acres) adjacent to the District's existing Purisima Creek Redwoods Open Space Preserve.

As noted above, even assuming a willing seller, no decision to acquire these properties could be made until the District and the seller agreed on price, and the District obtained funding for acquisition and management, completed a preliminary Use And Management Plan, conducted an acquisition-specific CEQA analysis, and held a public hearing before the District's governing Board. The District has conducted a preliminary review of information available concerning the resources on these properties and how those resources could be affected if the lands were acquired and opened to public access. This site review considers land use, agriculture, public services, hazards and hazardous materials, noise, aesthetics, hydrology and water quality, biological resources, cultural resources, and geology. Based on the analysis, the lands are substantially similar to the lands evaluated in the *DEIR* and are examples of the type and location of lands likely to be considered for potential acquisition as discussed in the *Draft Service Plan* and *DEIR*. Accordingly, if these lands are acquired following the annexation, the environmental effects of District ownership and management would be consistent with the

potential effects described in the *DEIR*. (Memorandum, May 21, 2003, Preliminary Site Assessments, Cathy Woodbury, Planning Director, MROSD).

### **GENERAL COMMENT 3: Relationship with Other Open Space Providers**

Some commenters requested information on the relationship between the District and other potential open space providers in the CAA.

#### **General Response 3:**

In its current boundaries, the District has worked with other public recreation and open space providers, conservation agencies, and non-profit land trusts to acquire and manage open space. The Project anticipates that the District will pursue similar partnership opportunities in the CAA. The *Draft Service Plan* identifies several potential public and nonprofit partners that either have been active in acquiring property in the CAA, or that may be potential partners in future projects (see *Draft Service Plan*, "Partnerships", p. 16). Specifically, Guideline G.8 provides that:

The District shall work with other public recreation and open space providers, conservation agencies, non-profit land trusts, and community organizations for the preservation and management of open space resources that are regionally significant. District participation, to the extent allowed by law, could include: partial financing for land acquisition; temporary receivership of property; coordination of technical planning and legal services relating to open space issues; joint grant proposals; co-sponsorship and participation in demonstration projects; and joint open space resource management training.

Potential partners in the CAA include a wide variety of public agencies such as the California Department of Parks and Recreation, California Department of Fish and Game, Coastal Conservancy, San Mateo County Parks Department, City of Half Moon Bay, Midcoast Community Council, the Pescadero Municipal Advisory Council, and the Resource Conservation District. Non-profit land trusts and organizations include the Peninsula Open Space Trust [POST], the Trust for Public Lands, Sempervirens Fund, the Audubon Society, Save the Redwoods League and the San Mateo County Farm Bureau.

The mandate and capabilities of these partners is described in the *DEIR* on pages V-2 and V-3. Partnership projects must fall within the mandate of the partner agency.

Opportunities to partner with other public agencies and with private organizations for land acquisition or management by the District will depend on a number of factors, including the availability of land from a willing seller, the availability of funding for the project, the evaluation of the suitability of the project in light of the *Draft Service Plan*, and the preparation of a site specific Use and Management Plan. These issues are discussed in General Response 2.

Some commenters requested additional information concerning the District's potential projects with POST. Due to the factors that will determine the District's ability to acquire or manage land, it is not possible to identify which properties in the CAA will be acquired or managed by the District. POST partners with a wide variety of service providers in addition to the District. For example, one commenter requested information concerning the potential for POST's Rancho Corral de Tierra property to be transferred to the District.

There is no agreement between the District and POST, nor with any other potential service provider or partner (whether governmental or private nonprofit), as to which if any of its properties, including Rancho Corral de Tierra, the District may acquire or manage if the Annexation Proposal is approved. Although it is likely the District will acquire some POST property during the *DEIR*'s 15-year planning period, specific acquisitions can only be determined after consideration of factors such as those discussed in General Response 2. When and if such lands are acquired, whether and to what extent these lands will be opened to public recreation will be determined during the Use and Management Planning Process and evaluation of potential environmental impacts. The amount and nature of public access will also be affected by the nature of the land acquisition. Conservation easements, agricultural easements, and management of privately owned lands (e.g., POST) tend to provide fewer opportunities for public access and recreation.

Some commenters requested information on whether the District would assume the responsibility and liability of remediating any potential hazardous conditions on lands acquired from or managed on behalf of POST or other third parties. Each potential acquisition will be negotiated with a willing seller. The purchase agreement for such acquisition will normally set out the responsibilities of the seller and purchaser to remediate any pre-existing hazardous conditions that may exist on a parcel. The District will typically assume full responsibility and liability for lands it owns, and may negotiate full or partial remediation of any potential hazards with a seller.

Mitigation of potential hazards on lands to be acquired or managed by the District is discussed in Chapter IV, Pages IV-D-4 and IV-D-5 of the *DEIR*. Mitigation Haz-1 provides that the District will complete the equivalent of a Phase I real estate investigation prior to acquisition. If potential hazards are identified in the Phase I assessment, a more detailed Phase II assessment will be done. The District must comply with all applicable hazardous waste laws in the event it undertakes a remediation project.

Absent acquisition or acceptance of liability in a formal land management agreement, the District has no liability for the condition of lands owned by a private or public third party.

Some commenters requested information concerning the District's potential liability for damage or injuries on acquired or adjacent property. In order to encourage public and private landowners to open their lands for recreational use without fear of liability for injury to recreational users, the California Legislature has established strong legal immunities from lawsuits due to such injuries. Private landowners are protected from liability by the provisions of Government Code Section 846, which makes landowners immune from lawsuits from those who enter private lands for recreational purposes. Government agencies like the District have similar immunities (see Government Code Sections 831.4 and 831.7). These immunities apply even where the use occurs without the property owner's permission.

The potential for new trails or open space users to impact adjacent properties is addressed in Chapter IV of the *DEIR* (see Page IV-A-9-10). Mitigation Measures LU-1a and LU-1b include measures to avoid conflict with adjacent land uses by, among other things, the use of buffers, fencing and signage.

**GENERAL COMMENT 4: District's Resource Management Five Year Strategic Plan and other Pertinent Plans not Mentioned in DEIR**

Several commenters raised questions about the District's *Resource Management Five Year Strategic Plan* resource management plans and how they may apply in the Coastal Annexation Area.

#### **General Response 4:**

Voluntary watershed planning efforts, including the Coordinated Resource Management Planning (CRMP) process, are typically facilitated by representatives from state or federal agencies that have signed a Memorandum of Understanding to engage in CRMP efforts, such as the US Natural Resources Conservation Service or the California Department of Fish and Game. If the Annexation Project is approved, the District will be eligible to participate in the CRMP process or in the development of basin-wide or watershed-level plans. The CRMP process is not required by CEQA. The *DEIR* has evaluated potential hydrological and watershed impacts of the project (*DEIR*, IV-H-1 through 8) and appropriate integration measures are proposed to avoid any significant impacts on watersheds and water resources.

Page II-2 of the *DEIR* discusses other specific management plans:

As stated in Chapter I, Introduction, if the Coastal Annexation Area project is approved, future District actions will be subject to subsequent planning processes. Prior to making lands that it acquires or manages open to public access, the District will prepare a Use and Management Plan for these lands, and will prepare CEQA documentation for each use and management plan.

Specific lands to be acquired by the District have not been identified. The District would focus its preservation and management in part on lands that contain sensitive resources. These sensitive resources include lands that are critical to protecting watershed integrity, water quality, and special-status species such as steelhead. Some acquired lands would thus likely contain sensitive natural communities, such as riparian habitat and wetlands.”

In 1994, the District Board adopted a comprehensive set of resource management policies to serve as the foundation for the District's resource management program by outlining a wide range of goals and policies necessary to ensure the long-term protection of natural and cultural resources on District preserves. (*Resource Management Policies*, adopted October 1994). The District Board recently approved a *Resource Management Strategic Plan* that provides a blueprint for implementing the high-priority resource management goals for the next five years. (*Midpeninsula Regional Open Space District Resource Management Five-Year Strategic Plan*, approved January 29, 2003). This plan will be used to direct and focus District staff on resource management activities. The *Strategic Plan* is a working document that is flexible and will respond to emerging and immediate high priority resource management needs. If the Coastal Annexation Project is approved, the resource management policies will be reviewed and, as a part of the Use and Management Planning Process, a determination will be made whether the policies will be applicable to the Coastal Annexation Area in their current form or with appropriate modifications to respond to coast side characteristics and resource issues. The *Strategic Plan* will be modified as appropriate to respond to high-priority resource management goals for the CAA.

#### **GENERAL COMMENT 5: Representation**

Some commenters requested more information concerning the potential number of the District's elected officials and their corresponding wards in the event the annexation project were approved, as well as how the CAA would be represented on the District's Board. Although

these comments do not address the environmental effects of the proposed project, they are discussed here for informational purposes.

#### **General Response 5:**

The subject of representation is discussed in detail in the *Draft Service Plan* (see *Draft Service Plan*, "Representation" on p. 13). This section is also referenced in the *DEIR* on page II-7. By statute, the District is limited to seven elected Directors representing seven geographical wards of approximately equal population. While no additional wards may be created if the annexation is approved, there will be an opportunity for Coast residents to work with the District to develop a redistricting plan that best reflects their desired ward configurations. The CAA could be included in one or more wards, thus enabling one or more Coast residents the opportunity to run for and serve on the District's Board of Directors.

The *Draft Service Plan* proposes including the input of Coast residents and the input of local elected officials, government agencies, and government-sponsored agencies in its planning and decision-making. Annexation will also enable the District to conduct public Board meetings in the CAA to provide opportunities for public participation in Board decisions. The effect of representation will not have an impact on environmental conditions in the CAA.

#### **IVA. Land Use**

Some of the comments pertained to the housing supply in the Coastal Annexation Area, land use policies and land use regulations.

#### **GENERAL COMMENT 6: Housing Issues as a Result of Coastal Annexation**

##### **General Response 6:**

As part of the scoping and Notice of Preparation (NOP) process, housing was determined not to be a potentially significant impact of the CAA program (see *DEIR*-VI-2). The reasons for this determination include the following: The project description states that the District's main acquisition interests will be large, undeveloped, or sparsely developed parcels (*DEIR* II-4). The Environmental Assessment of Land Use Impacts further describes that, in the event structures are acquired, such structures will be maintained and either made available for rental or will continue to be occupied by existing residents through such mechanisms as life estates (*DEIR* IV-A-12). Thus, the project will not displace substantial numbers of people or housing. Since the purpose of the project is preservation and management of open space and agricultural land of regional significance, open space lands typically purchased by the District have no, or very limited, services and housing. However, when land purchases include housing, the District will employ several methods to retain viable housing. These will include life estates for existing residents and making the structures available for rental (*DEIR* II-9, 10 and IV-A-12). It should be noted that dilapidated or dangerous structures and other hazardous structures not of historic or scenic value would likely be demolished; this is not expected to affect a substantial amount of housing. Please see General Response 8 for a discussion of farmworker housing.

#### **GENERAL COMMENT 7: Land Use Policies and Regulations**

Some of the comments on the Coastal Annexation Draft EIR pertained to land use policies and land use regulations.

**General Response 7:**

Several comments inquired as to the District's obligations to obtain land use approvals from San Mateo County and other regulatory agencies for the proposed project. The specific project under review in the *DEIR* is the *Draft Service Plan* for the CAA and the proposed annexation of the CAA. No permits or approvals are required for adoption of the *Draft Service Plan*. LAFCO review and approval is required for the annexation. The review process is described in the *DEIR* Introduction and in the Project Description (*DEIR* Chapters I and II).

As stated in the *DEIR*, if the annexation is approved, implementation of improvements and public use of the land as discussed in the *Draft Service Plan* will require land use approvals from San Mateo County and other regulatory agencies. The District has no land use regulatory powers and must conform to all San Mateo County land use policies and regulations and comply with all applicable environmental regulations. As discussed in connection with Impact LU-2 (on p. IV-A-10 of the *DEIR*), the District is required to and will secure permits from regulatory agencies to develop its facilities. Policy P.2 of the *Draft Service Plan* assures that the District does not propose general plan or zoning changes in the Coastal Zone and mitigation measure LU-2 would expand this to apply to the entire CAA. Policy P.3 requires the District to obtain all required permits for all District activities and further requires the District to comply with all applicable County policies and regulations. Guideline G.7 further provides that all District management and public access plans must be designed to comply with all applicable local, state, and federal laws.

Specific land acquisitions and management plans will also require project-specific environmental review. For reasons discussed in General Response 2, specific lands that will be acquired in the CAA cannot be identified. As properties are identified and considered by the Board for acquisition, the environmental effects of the acquisition will be reviewed pursuant to CEQA. A similar review will be conducted prior to adopting a specific use and management plan for lands acquired or managed by the District. This process is discussed throughout the *DEIR*.

As stated in the *DEIR* on page II-10, the District's main interest is in large, undeveloped parcels of open space land. The smallest parcels likely to be acquired will be 40 acres; however, the majority of parcels are anticipated to be 100 acres or more. It is most likely that lands acquired or managed by the District in the Coastal Annexation Area will be in areas designated in the San Mateo County General Plan as either General Open Space, Agriculture, Timber Production, and Public Recreation, shown in Map 4 of the *DEIR*. Some of these lands may be adjacent to established communities. The District will not seek to change the land use or zoning on any property acquired and will work within the context of existing County and City land use and zoning designations. Therefore, the project will not physically divide an established community.

**IVB. Agriculture****GENERAL COMMENT 8: Agriculture. Definition of Agricultural Land, Agricultural Conversion, Bioterrorism and Economic Viability**

Some of the comments on the Draft EIR related to the definition of agricultural land, compatibility of open space and agriculture, viability of agriculture in connection with the proposed project, conversion of agricultural land, the agricultural community's desire for specific agricultural policies and guidelines, and the potential for bio-terrorism as a result of public access. These and related issues are discussed below.

**General Response 8:**

Preservation of economically viable agriculture on lands acquired by the District on the San Mateo county coast is a major component of the District's proposed annexation project. The District's mission for the Coastal Annexation Area as stated on page 9 of the *Draft Service Plan* is:

To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.

The *DEIR* lists the *Draft Service Plan* policies and guidelines that specifically relate to continuing agricultural use on lands acquired in the CAA. These policies can be found in the Agricultural Resources impact analysis beginning on page IV-B-1 of the *DEIR*. New mitigation measures that are recommended to further clarify this text and that of the mission, above, are added at the end of this response. These mitigation measures do not mitigate any new impact not discussed in the *DEIR* but serve to clarify and expand upon the measures in the *DEIR*.

Definition of Prime Agricultural Land

Several commenters requested clarification of the definition of "Prime Agricultural Land" in the EIR and in the *Draft Service Plan*. As noted in the EIR, there are several different definitions of Prime Agricultural Lands used under various legislative programs. Those definitions are provided for informational purposes at the end of this response. The Draft EIR included two maps of Prime Farmland, one based on the Farmland Mapping and Monitoring Program ("FMMP") administered by the California Dept. of Conservation and one showing prime farmlands as defined by the Williamson Act. No maps are available showing prime agricultural lands as defined by the San Mateo County Local Coastal Plan. The *Draft Service Plan* includes the two definitions of prime agricultural land most relevant to the proposed annexation, one based on the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and one based on the County Local Coastal Program. The *DEIR* explains that "Prime Farmland" under the FMMP is land which the state has determined has the best combination of physical and chemical features able to sustain long-term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been in production of irrigated crops at some time during the two updated cycles prior to the mapping date.

Impact AGR-1 considers the potential for the project to directly convert Farmland to non-agricultural use. In that discussion, "Farmland" includes prime farmland, unique farmland, and farmland of statewide importance as those farmland types are shown on Farmland Mapping and Monitoring Program of the California Resources Agency. While the Resources Agency definition of prime farmland is somewhat narrower in some respects than that of the County LCP's definition of prime agricultural lands, the *DEIR* considered LCP prime agricultural lands (and other lands) by also including unique farmlands and farmlands of statewide importance in assessing the potential for farmland conversion. As noted, Map 12 in the *DEIR* shows the Farmland in the project area.

In order to clarify the *Draft Service Plan*, it is recommended that the *Draft Service Plan* include a single definition of "Prime Agricultural Land" based on the County Local Coastal Plan. This would be consistent with *Draft Service Plan* policies requiring compliance with San Mateo

County plans and ordinances. The Cortese-Knox-Hertzberg (“CKH”) definition remains relevant for the District’s application to LAFCO.

The definitions of prime farmland used by the LCP, the CKH, and the Williamson Act are presented at the end of this General Response. The differences between the CKH and the LCP definitions are as follows:

- a) The LCP definition includes all Class I and II lands as well as Class III lands that can grow artichokes or brussel sprouts. The CKH definition includes only Class I and II lands that are irrigated or capable of being irrigated.
- b) The LCP definition requires that the carrying capacity of grazing land be calculated in accordance with standards defined by the U.S. Department of Agriculture (“USDA”). The CKH definition specifies the exact USDA definition to be used.
- c) The LCP definition provides that certain lands will qualify if their production returns \$200 per acre adjusted for inflation using 1965 as the base year. This is equivalent to approximately \$1125 per acre in 2002. The CKH definition relies on a flat rate of \$400 per acre with no indexing for inflation.

In order to clarify the scope of the recommended mitigation in the *DEIR*, all references to prime agricultural lands in the proposed mitigation should be revised to refer to prime agricultural lands as defined in the *Draft Service Plan* as well as Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency.

#### Prime Agricultural Lands Not in Agricultural Use

Mitigation measure AGR-1a in the Draft EIR provides that new buildings and staging areas may not be located on prime agricultural lands that are being used for agricultural purposes. Several commenters requested that this measure be expanded to preclude buildings and staging areas on prime agricultural lands that are not being used for agricultural production. This would help further minimize the project’s effects on agriculture. To implement this recommendation the mitigation measure is revised as shown at the end of this General Response.

#### Non-Prime Agricultural Lands Suitable for Farming

Several commenters requested that the EIR be revised to include protections for lands designated as “Suitable for Agriculture” under the County’s Local Coastal Program. These include lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting. As discussed under Impact AGR-2 in the Draft EIR, lands designated as “Agriculture” under the County’s LCP include both prime agricultural lands and lands designated by the County as suitable for agriculture. The County requires a conditional use permit for conversion of any land with the Agriculture designation to a recreational use. The Draft EIR sets forth various County policies applicable to conversions of Land Suitable for Agriculture including the following:

##### *\*5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture*

- a. *Prohibit the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:*



- (1) *All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;*
  - (2) *Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;*
  - (3) *Clearly defined buffer areas are developed between agricultural and non-agricultural uses;*
  - (4) *The productivity of any adjacent agricultural lands is not diminished;*
  - (5) *Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.*
- b. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions (3), (4) and (5) in subsection a. are satisfied.*

Similar requirements apply outside the Coastal Zone pursuant to the County's Planned Agricultural District zoning regulations. These may be found in section 6355.F of the San Mateo County Zoning Regulations.

Policy P.3 of the *Draft Service Plan* requires the District to comply with all applicable County land use policies and regulations and Policy P.2 provides that the District will not initiate any activities within the Coastal Zone that would require a General Plan amendment or zoning change. Mitigation AGR-2 proposes revising Policy P.2 to provide that the District will not seek General Plan amendments or zone changes anywhere in the Annexation Area. Taken together, these policies and the mitigation measure will ensure that any District activities on lands suitable for agriculture comply with the standards listed above and other County policies and regulations in the LCP, General Plan, and zoning ordinance. These requirements together with the other *Draft Service Plan* policies and recommended mitigation measures are sufficient to ensure that the project will not directly or indirectly convert a substantial amount of Farmland or other agricultural lands to non-agricultural use.

#### Trail and Facility Siting Criteria

To ensure that trails and other facilities would have a minimal effect on agriculture in the CAA, Mitigation Measure AGL-3a proposed adding the underlined text below to the *Draft Service Plan*:

Mitigation AGL-3a: Guideline 3.2 in the Draft Service Plan should be modified to state: "Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible, all trails and other public facilities should be located so as not to fragment agricultural operations. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided where feasible. If trails must traverse cultivated lands then

adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations shall be implemented.”

Some commenters suggested that the trail siting requirement proposed by this measure allowed too much discretion to site trails in a manner that could adversely affect agriculture. The intent of the mitigation measure was to ensure that trails be allowed to traverse cultivated lands only when there was no other feasible alternative. Based on the District’s past experience in trail design there are generally numerous trail design alternatives and there would be very few circumstances in which no feasible alternative would be available. In the unlikely event that no alternative was available, the mitigation measure would allow a trail to traverse the land only if buffers and other tools are implemented in a manner sufficient to ensure that trail use does not interfere with agricultural operations. The measure is clarified to reflect this intent at the end of this General Response. The measure is also revised to recommend deleting wording in the first sentence that could have had the effect of allowing interference with agricultural operations in limited circumstances. These requirements will be effective to ensure that the District operations in the CAA do not have a significant impact on agricultural resources in the CAA.

#### Compatibility with Adjacent Agricultural Uses

A number of comments raised questions concerning the effect of recreational uses on agricultural land uses adjoining District lands. This issue is addressed in the discussion of Impact AGR-3 in the *DEIR*. The *DEIR* notes that future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts and explains that such conflicts could indirectly cause indirect conversion of agricultural uses (see *DEIR* p. IV-B-12).

The *DEIR* recommends six mitigation measures to avoid this impact. Several of these measures would require the district to adequately protect adjacent agricultural uses through the use of buffers. The performance standards for the buffers are set forth in the mitigation measures:

- a) Measure AGL-3a requires that trails traversing cultivated agricultural lands be designed with buffers and other measures sufficient to “ensure that trail use does not interfere” with agricultural operations.
- b) Measure AGL-3c provides that “agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences) or other non-disruptive methods.”
- c) With respect to lands adjacent to trail uses, mitigation measure AGL-3d provides that lands between trails and adjoining uses shall be sufficiently wide “so as to not preclude the viability of those uses.”

These measures would be made a part of the *Draft Service Plan*. Under these policies, the District would not be permitted to develop a trail if it would either interfere with agricultural operations on lands crossed by a trail or preclude the viability of agricultural uses adjoining a trail. This requires that all trails be designed in a manner that avoids interference with agricultural operations.

The *Draft Service Plan* contains several policies and guidelines to ensure that the District receives adequate input from land owners and other members of the public in siting trails and related buffers:

- a) Guideline G.6.3 states that site-specific resource management and public access plans will include opportunities for public involvement.
- b) Implementation Action G.6.A(i) requires public hearings which “shall address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agriculture and timber production; inter-agency relationships; and public information.”
- c) Implementation Action G.6.C(i) states that “a District staff liaison will be assigned to the Coastal Annexation Area to work with local residents, property owners, government, and interest groups in developing recommendations to the District Board of Directors.” The District can also obtain valuable assistance from the San Mateo County Environmental Services Agency (ESA). The ESA has staff familiar with agricultural production and the relationship between agricultural and non-agricultural land uses in the coastal area. The Office of the County Agricultural Commissioner is also a part of the ESA. In order to take advantage of this expertise the District should consult with the ESA in preparing use and management plans for District lands in the annexation area.

The District will be required to use the procedures identified above in developing trails plans including the portions of those plans that address providing sufficient buffers for agriculture. In addition, mitigation measure AGL-3c would specifically require the District to consult with operators of adjoining agricultural operations. Some commenters noted that there may be circumstances where an active operator is not available. Accordingly, this measure is revised as indicated at the end of this General Response to require consultation with the owner or operator.

In addition to being required to comply with its own policies, the District is required to comply with San Mateo County ordinances and policies. As discussed above, all lands opened to public recreational use in the coastal zone or other planned agricultural district would be required to obtain county approval pursuant to the LCP and/or the County zoning ordinance. This approval can be granted only where the District demonstrates that (1) there are clearly defined buffer areas between agricultural and non-agricultural uses and (2) the productivity of any adjacent agricultural land will not be diminished (see LCP Policy 5.8 and San Mateo County Zoning Code section 6355D). This finding must be made by the County Planning Commission after public notice and hearing and is subject to final consideration by the County Board of Supervisors.

Several commenters requested that the District develop more specific policies regarding buffers between recreational and agricultural land uses and adopt a specific minimum buffer. Several studies have investigated the issues that should be addressed in an effective buffering policy: Great Valley Center (2003), British Columbia Ministry of Agriculture (2002), Handl (1994), and Coppock (1990). These studies conclude that siting trails and the extent of setbacks or buffer areas needed to protect adjoining farm uses from recreational uses and other can only be effectively determined on a site-by-site basis. For that reason, the *DEIR* recommended mitigation measures to ensure that such protection will be provided. The Draft Service Plan includes guidelines for applying the policies and defines a process by which site-specific planning will occur.

Factors affecting the size and management of the buffer can include:

- a) The nature of the proposed public access (e.g., a staging area may require a different type of buffer than a remote trail).

- b) The nature of the adjoining land use and potential land uses (e.g., grazing land requires a different buffering strategy than would row crops which in turn could require a different sort of buffer than greenhouses).
- c) The topography and other physical characteristics of the buffer area (e.g., land that is substantially higher in elevation than an adjoining agricultural use would require a different buffer than land that is lower; similarly, land that is separated by a ravine or solid fence will require a different buffer than land where the uses have no physical separation).
- d) Biological site conditions (e.g. to reduce potential spread of non-native invasive species or pathogens onto adjacent agricultural lands).
- e) Likelihood and extent of potential pesticide drift.

Recreational use and agricultural uses successfully operate on adjacent lands and, in some cases, on the same parcel. Local examples of these uses include numerous lands in the East Bay Regional Park District and the Pt. Reyes National Seashore.

In order to enhance the buffer policies proposed in the EIR, the mitigation measures should be revised to clarify the following:

- a) All buffers must be developed to address the circumstances unique to each site based on consideration of the factors discussed above.
- b) All buffers must be of sufficient width to allow agricultural use of adjoining agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment.
- c) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
- d) The District shall be responsible for the management and maintenance of all lands used as buffers.
- e) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.
- f) All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

The revised mitigation measures are presented at the end of this section. Note too that because the District is required to comply with County ordinances and policies the District would be required to comply with any buffer policies adopted by the County.

#### Management of Agricultural Lands Acquired by the District

Some commenters requested additional information regarding the manner in which the District would manage acquired lands for agricultural use. The nature of management will depend on the resources available on specific parcels acquired. The Draft Service Plan establishes a number of guidelines requiring management to support agricultural uses. The *DEIR* notes that Implementation Actions G.3.A(i) and B(i) will guide development of management plans. Those actions provide as follows:

In acquiring lands and preparing site assessments, the District shall recognize that agriculture in the marketplace is dynamic and that agricultural use practices must be evaluated on a case-by-case basis, relative to current marketplace conditions. On a case-by-case basis, the District shall determine how best to continue agricultural uses consistent with protection of rare,

threatened and endangered plant and animal species and their habitat.

The *Draft Service Plan* requires broad consultation in preparing site assessments and access plans for District lands. This consultation will include local agricultural interests such as the San Mateo County Agricultural Advisory Committee, the Resource Conservation District, and the local Farm Bureau in addition to other public review.

Neither of the implementation actions noted above includes a specific requirement for an agricultural assessment and management plan for parcels acquired in the Coastal Annexation Area. In order to ensure that agricultural land management issues are considered as an integral component of site planning, a new mitigation measure is proposed at the end of this General Response to revise Guideline G.6.3 (concerning preparation of resource management plans) to include specific references to agricultural resources and to require an agricultural management plan. This will ensure that full consideration is given to the optimal approach to managing agricultural resources whether as lands are acquired in fee or via an agricultural easement or lease.

#### Sale and Leaseback of District Lands

The *Draft Service Plan* contemplates that the District may acquire agricultural lands and then lease those lands for agricultural production or sell the lands for agricultural use after retiring the development rights. Several commenters requested inclusion of a policy specifying a timeline for such leasebacks and sales following acquisition to ensure that agricultural lands in agricultural use at the time of acquisition by the District would not be removed from agricultural production for an extended period. The following policy addresses this concern:

When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

This policy would ensure that existing operators of agricultural lands acquired by the District are not displaced by the acquisition and can continue to operate while the District completes a use and management plan for the property. The plan would be subject to all the requirements of the *Draft Service Plan* and any other plans or policies in effect at the time of the acquisition. Based on the planning process the District would determine whether to retain an agricultural easement and sell the property or to instead retain fee ownership and lease the property. Because there are numerous variables that affect the time required to prepare a use and management plan it is not feasible to specify that all sales or leasebacks will take place within a specified time as requested by some commenters. This policy will ensure the continued agricultural use of such lands, however, by allowing existing uses to be maintained until the property is offered for sale or lease pursuant to the use and management plan.

### Conditions in Agricultural Easements and Leases

Several commenters noted that conditions imposed by the District in agricultural easements or leases could be so restrictive as to limit the economic integrity of a parcel in agricultural use. The *Draft Service Plan* proposes leases and agricultural easements as tools to help maintain agricultural use. According to the American Farmland Trust, agricultural easements offer numerous benefits to farmers and ranchers:

- a) ·Farmland is permanently protected while keeping the land in private ownership
- b) ·Revenue is provided to continue agricultural operation
- c) ·Can provide tax benefits including income, estate and property tax reductions
- d) ·Helps farmers and ranchers transfer their operations to the next generation
- e) ·Continued eligibility for state and federal farm programs

The *DEIR* noted that because the District's management objectives include recreational access and habitat protection there could be potential for incompatibilities with agriculture. Mitigation measure AGR-1b addressed this issue by providing: "Trails and habitat preservation areas shall either be located to avoid prime agricultural lands or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands." This measure protects the economic integrity of agricultural lands by requiring the District to design recreation and habitat protection programs in such a way that the potential of land is not substantially reduced. This measure would apply to all methods of implementing recreation and habitat protection programs, including conditions imposed in agricultural easements and leases. Similarly, measure AGL-3c would require the District to consult with operators of agricultural uses on District lands to ensure that trail plans (including lease and easement restrictions to accommodate trails) do not interfere with agricultural operations.

As noted above, the District will also be subject to County policies and ordinances. Policy 5.8(b) of the Local Coastal Program provides that where public agencies seek approval of recreational facilities on prime agricultural lands, the agency will be required:

- a) To execute a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture, and
- b) Whenever legally feasible, to agree to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.

These requirements will apply to the District.

The process of developing easements and lease conditions can be streamlined by a policy specifically addressing leases and agricultural easements. This policy should provide as follows:

The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:

- a) Be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;

- b) Specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- c) Include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- d) Include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- e) Ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and
- f) In the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

Agricultural conservation easements have proven to be effective tools to protect agriculture together with important open space areas in many parts of the Bay Area and elsewhere in the state and nation.

### Agricultural Grant Programs

Several commenters suggested that the District partner with agricultural operators to obtain grants to support agricultural preservation. The Legislature has established several grant programs for the preservation of agriculture through the purchase of agricultural easements and the provision of grant funds for other agricultural projects. The District is a public agency eligible to participate in these programs. This can include contribution of any required matching funds. The California Farmland Conservancy Program administered by the Department of Conservation provides funds for acquisition of agricultural easements, fee title, land improvement projects, and other assistance. Fee title projects must be either placed under a Department approved agricultural easement or sold within three years to a private agricultural operator. The Rangeland, Grazing Land, and Grassland Protection Act established a program to provide grant funds for the acquisition of agricultural easements to protect and restore grazing lands. The District, as an open space and park district, is expressly eligible to seek such grant funds under both of these programs.

To ensure that the District takes advantage of programs of this kind, a mitigation measure is recommended at the end of this General Response proposing a *Draft Service Plan* policy amendment that the District to work actively with agricultural operators on District lands to obtain grant funding for agricultural preservation. Some of these grant programs require the sale or lease back of lands acquired by these funds. The *Draft Service Plan* policies will facilitate this.

### Farmworker Housing

Some commenters expressed concern that land acquisition by the District could result in the removal of farmworker housing. The County has guidelines that allow farm worker housing based on identifiable needs and necessary support infrastructure. Land under District ownership leased for agriculture or under an agricultural easement would be subject to the same guidelines. Nothing in the *Draft Service Plan* would require removal of farmworker housing; the District's current operations generally retain existing housing on District lands wherever possible. District staff, with its knowledge and experience in land use permit processing, might offer assistance to farmers leasing District-owned land in preparing applications and related materials to develop additional farm worker housing.

It is possible that housing that is dangerous or dilapidated could be removed. In such event the District would work with the operator to facilitate replacement of the housing. In addition, where expanded housing is important to support agricultural operations on District lands the District would work with operators to allow such expansion consistent with County regulations and other legal requirements.

#### District's Ability to Manage Agricultural Lands

Several commenters requested additional information regarding the District's expertise in managing agricultural lands. The District has general agricultural land stewardship experience from its current operations on the bayside include the following: the District leases a 70-acre Christmas tree farm at Monte Bello and Skyline Open Space Preserves; the recently acquired 770-acre Big Dipper Ranch is leased by the District for grazing; the District leases 3-acre Picchetti Ranch Winery, including vineyards; and, until recently, a 2-acre chestnut orchard at Skyline Open Space Preserve was leased to the family who originally owned the property. In addition, the District is currently working with Ridge Vineyards to acquire conservation easements over vineyards at Monte Bello Open Space Preserve.

The District also recognizes that agriculture in the CAA differs from that in its current service area. Accordingly, the *Draft Service Plan* states that the District will retain additional personnel to assist in land management in the CAA if the project is approved. The first staff to be hired will be a planner responsible for working with local residents to develop basic policies for the project area. In addition, in light of the extensive agricultural lands in the CAA, the District would seek qualified staff with the necessary expertise in agricultural operations and management. It is also possible that, in lieu of employees, the District may retain expert consultants to assist in managing particular types of resources including agriculture. Different management skills are generally needed for different types of agriculture. *Draft Service Plan* Guideline G.2 provides as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no significant negative impact on existing services; and adequate stewardship to protect natural resources will be provided.

Because agricultural lands are among the resources that the District is seeking to protect pursuant to the *Draft Service Plan*, this policy would require the District to ensure that it has the personnel available to properly manage those lands. A mitigation measure to clarify this policy's applicability to agricultural resources is presented at the end of this General Response.

#### Timberland Issues

Several commenters raised a concern that District acquisitions could remove timberland from production, thus adversely affecting the local timber industry. This concern would be warranted if the District buys a significant amount of current productive timberlands and also eliminates them from production. However, the *Draft Service Plan* for the Coastal Annexation Area does not preclude harvesting timber on District-owned land. Although the District is not in the commercial forestry business, consistent with General Plan Policy 9.36(c), the *Draft Service Plan* recognizes that in limited circumstances the removal of trees is in the best interest of managing the ecological health and public safety conditions of the site. The *Draft Service Plan* provides specific guidelines for commercially harvesting timber.



The District has acquired properties within its existing boundaries that have been logged under a Timber Harvest Plan (THP). The District has also acquired properties that were the subject of an on-going timber harvest operation, as was the case with the acquisition of the Bear Creek Redwoods Open Space Preserve in Santa Clara County, and Purisima Creek Redwoods and El Corte de Madera Creek Open Space Preserves in San Mateo County. In such circumstances, the District works collaboratively with the landowner and the timber operator to successfully complete the harvest consistent with the District's resource management goals. District staff also works very closely with the timber operator to ensure public safety. These sites remain closed to the public until the operation and public access planning are completed. In view of this successful experience, the *Draft Service Plan* provides that the District may purchase property with approved timber harvest plans. The intent of Guideline 6.4.2 is to enable the District to have the flexibility to consider these acquisitions and to determine whether in the particular case to implement all or a portion of the THP.

There are management techniques that can allow timber harvesting to proceed in a manner that is compatible with recreational uses and with preservation of natural qualities. The Quincy Library Group (<http://www qlg.org/>) has developed guidelines for dual-use that are now being applied to 2.4 million acres in Lassen, Plumas and Tahoe National Forest areas. These guidelines were adopted by Congress in 1997 (see HR 858 and S 1028).

The Hungry Creek Project is an example of the Quincy Library Group approach and is described in some detail at: [http://www qlg.org/pub/act\\_acp/fhp/Projects/hungry/hungry.htm](http://www qlg.org/pub/act_acp/fhp/Projects/hungry/hungry.htm). The project was developed by Michael De Lasaux, Natural Resources Advisor for Plumas and Sierra Counties U.C. Cooperative Extension, this project demonstrated a combination of harvesting and restoration designed to: reduce cumulative watershed impacts; decrease impacts on wildlife; reduce fire risk; and protect scenic qualities. This project demonstrates the feasibility of developing site-specific plans to allow regulated harvesting on timberlands considered for District acquisition.

It should also be noted that programs to acquire conservation easements over forest lands on the federal and state level have been found to be valuable in conserving timberlands threatened with conversion. Population growth and development create significant pressure for development conversion of forest lands, and successor owners often find it necessary to harvest prematurely to pay taxes or other costs. Conservation easement programs can conserve timberlands for future generations. One model is the federal and the California Forest Legacy Program. The California program establishes a collaborative program administered by the Department of Forestry and Fire Protection working with the Wildlife Conservation Board to seek funds for acquisition of such timber easements. The District would be eligible to participate in this program.

### Terrorism Risks to Agriculture

Some commenters requested an analysis of the potential that the proposed project would adversely affect agriculture by facilitating terrorist acts against agricultural operations. The possibility that San Mateo Coast agricultural lands would be a target of bio-terrorism is very small. The "Database of Incidents Involving Sub-National Actors and Chemical, Biological, Radiological, or Nuclear Materials," maintained by the Center for Nonproliferation Studies at the Monterey Institute of International Studies (Vogel (2001)), lists all terrorist incidents in the last century. Most of these 21 incidents were unsophisticated and ineffective, lacking significant impact. Only five occurred in the United States, and almost all attacks were very small scale. Five attacks were criminal rather than political in nature, and several of the others were purely

personal (motivated mainly by revenge). The majority of these incidents might more appropriately be described as product tampering rather than agricultural terrorism.

The risks are higher now than in the past century. However, anyone planning for high-impact bio-terrorism would be much more likely to seek a concentrated target, for example food processing or distribution centers, rather than the diffuse and localized impact of farmlands. In addition to the remote nature of the general risk, the proposed project would have little effect on the risk. The database contains no evidence to indicate that increased recreational opportunities in agricultural areas such as the San Mateo County coast will increase the risk of terrorist action.

In August 2002, the County of San Mateo Board of Supervisors accepted a report from the County's Health Officer regarding Public Health Preparedness for Biological or Chemical Terrorist Events and authorized an agreement with the State Department of Health Services Emergency Preparedness Office to address emergency response to local bioterrorism activities. The Board of Supervisors also authorized funding for bioterrorism preparation and defense planning, and approved additional staffing for the County Health Services Agency as required for the State agreement for bioterrorism activities. The agreement between the County and the State, and the bioterrorism preparation and defense planning do not involve the District. However, to the extent that a Mutual Aid Agreement between the County and the District provides for the District's assistance in responding to bioterrorist events, the District will fulfill its obligation.

### **Recommended Additions and Revisions to Proposed Mitigation Measures**

(Revisions to original text are shown in ~~strikeout~~ and added text in underline.)

The Mitigation Measures in the *DEIR* are added to and revised as follows:

#### **New Measure AGR-1d**

**Mitigation AGR-1d:** Amend the Draft Service Plan to include the following:

The term "prime agricultural land" as used in this Plan means:

- a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- b) All land which qualifies for rating 80-100 in the Storie Index Rating.
- c) Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
- d) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.

- e) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsections d) and e) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

### Revised Measure AGR-1a

**Mitigation AGR-1a:** No new buildings or staging areas shall be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency that are being used for agricultural purposes. To implement this Mitigation Measure, In order to avoid conversion of Farmland to non-agricultural use, the *Draft Service Plan* should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency Farmland in agricultural use.

### Revised Measure AGR-1b

**Mitigation AGR-1b:** Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Owners and operators of active agricultural activities lands shall be consulted to identify appropriate routes on those lands they cultivate. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

### Revised Measure AGL-3a

**Mitigation AGL-3a:** Guideline 3.2 in the *Draft Service Plan* should be modified to state: "Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible, all~~ All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided ~~where feasible.~~ If trails must traverse cultivated lands ~~then~~ they shall be permitted only if adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations ~~shall be~~ are implemented."

### Revised Measure AGL-3c

**Mitigation AGL-3c:** Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a

manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. Owners and operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

### Revised Measure AGL-3d

**Mitigation AGL-3d:** The District lands or easements that comprise the trail setting upon which trails are sited shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:

- a) Buffers shall be designed in relation to the nature of the of the adjoining land use and potential land uses proposed public access;
- b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;
- c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;
- d) Buffers shall be of sufficient width to allow agricultural use of adjoining agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment, taking into account the likelihood and extent of potential pesticide drift;
- e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
- f) The District shall be responsible for the management and maintenance of all lands used as buffers.
- g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.
- h) All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

In addition, implementation of Mitigation LU-2 will ensure that the proposed project and subsequent actions will not preclude the reliability of adjacent uses.

### New Mitigation AGR-3g

**Mitigation Measure AGR-3g:** Amend the *Draft Service Plan* to include the following policy:

When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive

habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

### New Mitigation AGR-3h

**Mitigation Measure AGR-3h:** Revise *Draft Service Plan* Guideline G.6.3 as follows:

#### GUIDELINE G.6.3

Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; agricultural resources; water quality; visual resources; unique biological resources, including heritage and significant trees; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources.

Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a use and management plan, which, includes site-specific resource management and public access components plan for any lands acquired by the District or managed through contract for other public or private non-profit property owners. All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.

The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:

- a) Availability of labor, including farm labor housing;
- b) Availability of farm support services and goods;
- c) Necessary capital improvements (e.g. water storage, fencing, land leveling)
- d) Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
- e) Water use and availability;
- f) Access to transportation and markets; and
- g) Promoting agricultural production on District-owned land.

In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.

The development of use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo County Environmental Services Agency in addition to other include opportunities for public involvement.

### New Mitigation AGR-3i

**Mitigation Measure AGR-3i:** Amend *Draft Service Plan* Guideline G.2 as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no significant negative impact on existing services; and adequate stewardship to protect natural and agricultural resources will be provided.

### **New Mitigation AGR-3j**

**Mitigation Measure AGR-3j:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to:

- a) Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo.
- b) Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs.
- c) Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.

### **New Mitigation AGR-3k**

**Mitigation Measure AGR-3k:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:

- a) be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;
- b) specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- c) include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- d) include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- e) ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and
- f) in the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

### **Definitions of “Prime Agricultural Lands”**

#### **Williamson Act Definition:**

California Government Code section 51201(c) provides that

“Prime agricultural land” means any of the following:

- 1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
- 2) Land that qualifies for rating 80 through 100 in the Storie Index Rating.
- 3) Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- 4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
- 5) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

### **Cortese-Knox Hertzberg Act Definition:**

California Government Code section 56064 provides that

“Prime agricultural land” means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- 1) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- 2) Land that qualifies for rating 80 through 100 Storie Index Rating.
- 3) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- 4) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- 5) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

### **San Mateo County Local Coastal Plan Definition:**

#### 5.1 Definition of Prime Agricultural Lands

Define prime agricultural lands as:

- 1) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- 2) All land which qualifies for rating 80-100 in the Storie Index Rating.
- 3) Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.

- 4) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.
- 5) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years. The \$200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

#### **IVC. Public Services**

##### **GENERAL COMMENT 9: Fire Risk and provision of Public Services in the Coastal Annexation Area**

A number of comments were received regarding the potential fire risk in the Coastal Annexation Area, and public services available for wildland fire suppression and emergency medical services (see also General Response 13 Hazards and Hazardous Materials).

##### **General Response 9:**

The Public Services and Infrastructure section, beginning on page IV-C-1 of the *DEIR*, discusses the cooperative relationship between the District, the California Department of Forestry (CDF), San Mateo County, other agencies and volunteer fire companies and how the agencies and organizations work closely to respond to fire incidents and medical emergencies. Additional information and discussion about the risk of fire in the Coastal Annexation Area and the District's capabilities to supplement and assist other public service providers is included below. New mitigation measures that will clarify the *DEIR* discussion and this text will be added at the end of this response. These mitigation measures do not mitigate a new impact, but serve to make clear the District's practices to reduce fire risk and respond to emergencies and fire incidents

##### **Loss of Fire Protection Tax Revenue**

The potential fiscal impact of the project on the tax revenue to the County and the methodology used is evaluated in the *Fiscal Impact Analysis*, prepared by Economic Research Associates, May 2003.

##### **Escalated Wildfire Threat**

The *Fire Hazard and Ignition Risk Appraisal*, prepared for the District by Moritz Arboricultural Consulting and Landscape FIRES, May 2003, ("Moritz") concluded that increased hiking and other non-fire related recreational activities do not substantially increase wildland fire ignitions. Moritz cited the Sonoma County study, *Sonoma County Regional Parks Fire Incident History*, which validates the experiences found by other regional parks and open space providers throughout Northern California. That study stated that recreational usage such as, overnight camping with camp or warming fires, and motorcycle or off-road vehicle use are the leading causes of fire associated with open space recreational use.

District lands are closed to motorcycle and off-road vehicle use, and overnight camping is currently limited to one designated site for backpackers. Camping is not a recreational use planned as part of the Coastal Annexation project. Therefore, fire risk due to motorcycles, off-road vehicles and campfires will not be an issue. Open fires and smoking are prohibited on



District lands, which are regularly patrolled by District rangers. Fire prevention information is posted at each trailhead and seasonal fire hazard warnings are posted where appropriate. These policies and practices will also be implemented in the CAA.

Richard Montague of Firewise 2000, Inc., assisted the District in evaluating the environmental issues regarding wildland fire and emergency response. Montague, former Fire Chief to Regional Director for Fire and Aviation Management for all National Forest lands within the Pacific Southwest (California) Region, is an experienced wildland firefighter, engine captain and helitack manager. *Expert Opinions and Wildland Fire Analysis*, prepared by Firewise 2000, Inc., May 2003, "Firewise 2000", concurred with Moritz that increased recreational use within the San Mateo Coastal Annexation Area will not create a significant increase in fire ignitions.

### Additional Resources

San Mateo County and the La Honda Fire Brigade stated they would be negatively impacted as a result of the Coastal Annexation. Firewise 2000 analyzed the potential impact on services and the mitigation recommended by the County and Fire Brigade, and noted that the comments did not take into consideration the amount of personnel, fire, and other emergency apparatus the District currently has available to supplement the existing County and Fire Brigade resources. Guideline G.2 of the *Draft Service Plan* requires that additional facilities and equipment be available within the annexation area as lands are acquired and opened for public use and the *Fiscal Impact Analysis* takes into account these additional resources. Fire suppression and prevention on District lands is a responsibility of all District rangers and therefore, the District includes detailed procedures in the *Ranger Field Operations Manual*, dated May 3, 2000, that outline the role of District staff in fighting fires. As an active member of the San Mateo County Fire Safe Committee the District cooperates with and encourages cooperation between governmental agencies, community organizations, and individuals in developing effective fire prevention practices. District staff participates in joint training in wildland fire suppression with the County and CDF, which is often conducted on the District open grasslands. All District rangers complete the 32-hour wildlands certified training program and annually attend a refresher class on fire behavior and equipment operations. In addition to fire prevention and suppression activities on District lands, District rangers may also assist another agency on the scene of a neighboring wildfire when personnel resources available at the scene are not sufficient and a quick response will significantly lessen damage or prevent the fire from spreading to District land.

The District fire and emergency staff and equipment are currently sited at two field facilities: the Foothills Ranger Office, located at Rancho San Antonio Open Space Preserve, serves the foothills area on the east side of the Santa Cruz Mountains, and the Skyline Ranger Office, located on Skyline Boulevard at Alpine Road, serves the mountain areas on both sides of the ridge. Further, District rangers reside in housing throughout District lands so that they can respond quickly to emergency situations 24 hours a day. Although the District does not record statistics on the District staff's response time, the field offices and employee residences are strategically located to serve their geographic areas in an efficient and timely manner.

Sixteen District ranger vehicles are equipped with brush patrol units during the fire season. Both the Skyline and Foothills Field Offices have four new model brush patrol units with foam capability and equipment to qualify as brush patrols within the state and federal Incident Command System (ICS). Each field office is scheduled to acquire two additional brush patrol units with foam capability by summer of 2003.

The District is also planning to purchase a 1,500 to 2,000-gallon water tender for road and trail maintenance. This water tender would be a valuable water source for any fire emergency on District lands or as a Mutual Aid Fire Resource. The road system maintained by District staff throughout its lands provides fire and emergency vehicle access and the District provides detailed maps of all roads and trails, staging areas, access points and helicopter landing sites to public emergency service providers.

The District has in the past and does intend to share in the responsibility to mutually assist in providing emergency services personnel and equipment for the protection of their users and neighboring communities. The District staff's knowledge of the topography, vegetation and other characteristics of the land enable them to assist the designated fire agency in planning and organizing wildland fire suppression activities.

It is anticipated that the Skyline Ranger Office would serve the Coastal Annexation Area initially. As District land holdings on the coastside increase, staff will be added to meet the corresponding land management needs (see *Draft Service Plan*, page 19.) In the near term, additional field staff would be located in temporary facilities provided in existing buildings on lands acquired by the District in the Coastal Annexation Area. Firewise 2000 concluded that:

Due to the low wildland fire risk, as well as existing and anticipated District staff and equipment, there will be no significant impact on the resources of the fire service agencies in the Coastal Annexation Area. The District will be providing additional equipment and staff sufficient to mitigate the low wildland fire risk.

Although not needed to address a significant impact, revised Mitigation Measure HAZ-2a, providing for the availability of a District-owned water tender for use by other fire service providers, is included below. In addition, Mitigation Measure HAZ-2c on page IV-D-6 of the *DEIR* requiring the District to formalize mutual aid and cooperative efforts will enhance the ability of all affected agencies to respond to fire and Emergency Medical Service (EMS) incidents.

### Communications Facilities

The District's field personnel are trained observers equipped with a radio system to communicate with other agencies. The District's two-way radio system includes 24-hour emergency dispatch services, provided under contract by the City of Mountain View. Each District vehicle is equipped with a two-way radio and all patrol staff carry hand-held radios. Vehicle and hand-held radios have two-way capabilities on 40 different channels, linking District staff to the San Mateo County Public Communications Center, CDF, local fire jurisdictions, and other emergency service providers. The Radio and Remote Repeater System is designed specifically to meet the District's needs in a mountainous area, providing two-way radio service to approximately 95% of District lands. This system will be extended to the CAA. Firewise 2000 determined that:

The District's Radio and Remote Repeater System together with ranger patrols and staff on call 24-hours per day will provide effective communication for prompt notification to emergency service providers in the event of a wildland fire or EMS call.

### Fuels Management Plan

The District recognizes that pre-fire activities are necessary before wildfire occurs to reduce the potential spread of fire and threat to people and property. Therefore, the District's fuel management program includes effective fuel management practices. District staff maintains disk lines around the perimeter of preserves with highly flammable grassland vegetation and provide a defensible space and fire safe zone around structures. The District uses prescribed burns to reduce fuel load and manage invasive plants in grasslands when environmental conditions allow. In addition, goat and cattle grazing have been used as a resource management tool and for fuel load reduction on an experimental basis.

*Grazing.* According to Firewise 2000, historic grazing has played a major role in reducing fuel volumes within the CAA. The District intends to continue animal grazing on lands acquired in the CAA and various forms of grazing can be strategically placed to provide fire protection. For example, cattle, horse and sheep grazing can be most effective in reducing fuel loading in grassland areas. In addition to traditional grazing, strategic grazing areas can be pre-determined and permits or leases issued for the purpose of fuel reduction and cost effective meat production. The permittee(s) can use selective fencing, salt placement and water storage to contain the animals only to the strategic grazing areas.

*Prescribed Fire.* Firewise 2000 noted that the District has demonstrated their ability to use prescribed fire as a management tool in fuel reduction. Most of the District's prescribed fires have centered on reducing thatch in grasslands. A combination of prescribed fire and strategic grazing can be used to form a low fuel volume buffer between District lands and adjacent property.

*Discing and Brushing.* The District works with fire agencies to identify critical areas where disc lines will be most effective. District staff regularly maintains disc lines around the perimeter of the lands with highly flammable grassland vegetation, and clears fire safe zones around all structures to provide a defensible space.

In Firewise 2000's expert opinion:

The District's current fuel management practices are adequate. The effectiveness in fuel reduction could be enhanced by coordination with other fire service providers such as, County Fire and CDF. It is recommended that mitigation measures in the EIR reflect the importance of this coordination.

As part of any land acquisition, the District prepares a Use and Management Plan, which contains a site assessment that includes natural resources. This plan will address where fuel treatments are needed to prevent overall natural resource damage from wildland fire and to form a buffer between highly flammable vegetation and the urban intermix communities. Prescribed fire, traditional and selective grazing, and discing and brushing are viable forms of fuel management that the District will consider, along with practices recommended by CDF, in development of the fuels management component of Use and Management Plans for District lands in the Coastal Annexation Area.

Although not needed to address a significant impact, adoption of a mitigation measure to formalize coordination with County Fire and CDF in preparing a fuels management component for each Use and Management Plan in is listed in HAZ-2d below.

### Additional Water Supplies

Water supply has previously been addressed in “Additional Resources” above. The District’s staff and equipment will ensure availability of water supplies for wildland fire suppression. In view of the Moritz conclusions that there is no potential significant increased fire risk from the coastal annexation project, the project will not create a need for additional water supply.

Nonetheless, the District notes that although not required for the project, other forms of remote area water supplies can be developed on lands acquired by the District in the CAA by constructing dry hydrants. Firewise 2000, Inc. describes dry hydrants as follows:

Dry hydrants are defined as water sources where engines can draft water from a standpipe connected to a pond, tank, or other forms of water storage. These can be stock watering holes, diverted water storage from creeks and water storage from active wells. The intent is to establish underground plumbing between the water storage and to a drivable area where the engine can back up to and draft water to fill its tank. The plumbing is usually a 2 ½-inch or 4-inch line connected to a 2 ½-inch standpipe that is placed above ground like a typical fire hydrant.

These water sources can also be used as quail guzzlers and other wildlife drinking facilities. These sources should not be used in a case where groundwater supply would be affected.

Dry hydrants should only be constructed when they do not adversely impact riparian habitats and water rights. Although not needed to address a significant impact, adoption of a mitigation measure to provide these additional water resources on lands acquired by the District would enhance the available water supply in the Coastal Annexation Area. This mitigation measure is listed in HAZ-2a below.

### Emergency Medical Service (EMS)

Increased recreation will increase the number of EMS responses. To determine the potential increase in EMS calls that may result from the project, Firewise 2000 reviewed the District’s Annual Activity Reports of EMS incidents on District lands for the last five years. Over the five-year period, an average of 56 accidents occurred annually on approximately 45,000 acres of District land. This count included both accidents and illnesses that required a response by another EMS provider, as well as incidents where no EMS response by another service provider was needed. District rangers responded and provided treatment for minor injuries. Firewise 2000 concluded that:

Based on this data, a conservative projection is that an EMS response rate of one incident per year per 800 acres may occur as a result of the annexation. Given a projection of 11,800 acres of lands that may be acquired, this would result in an annual call volume of 15 calls, or a little more than one per month. In addition, given the relative distance of the annexation area to urbanized areas, as well as limited trail development, accident rates should be well below those on existing District lands.

District rangers are trained to aid victims of accident or illness occurring on District land, and lead or participate in search and rescue operations according to the procedures outlined in the District's *Ranger Field Operations Manual*. These rangers actively patrol District property so they are often first on the scene of District EMS incidents in addition to incidents on nearby public roads and highways. District staff are trained and equipped to meet the Basic Life Support incidents until the County Fire Advanced Life Support Unit arrives. All District rangers are required to maintain minimum First Responder and CPR Certificates. The District's maintenance staff is required to possess Basic First Aid and CPR Certificates. A number of rangers maintain higher Emergency Medical Technician (EMT) certification, which the District supports. Incident Command System (ICS)-trained staff have been integrated into the leadership structure of wildland fire and search and rescue operations.

As District land holdings on the coastside increase, staff will be added to meet the corresponding land management needs (see *Draft Service Plan*, page 19). Firewise 2000 concluded that:

If annexation does take place, given the District's trained staff and equipment, the District will have a positive impact on the County and La Honda Fire Brigade EMS and Rescue workload, and on EMS resources in general.

The project will not significantly increase wildland fire risk and will not significantly affect EMS service provider resources. In addition, no new or increased public services facilities will be needed as a result of the Coastal Annexation project.

### **Recommended Revisions to Proposed Mitigation Measures**

The Mitigation Measures in the *DEIR* are revised as follows:

#### **New Measure HAZ-2d:**

**Mitigation HAZ-2d** In addition to continuing its current fuel management practices, as new lands are acquired, the District shall consult with the San Mateo County Fire Department and the California Department of Forestry in developing site-specific fuel modification and management programs for specific lands acquired, as part of its Use and Management planning process.

#### **Revised Measure HAZ-2a:**

**Mitigation HAZ-2a** During preparation of plans for specific facilities, the District shall:

- a) Review, in conjunction with the local fire protection services, available water resources. In consultation with the County of San Mateo Environmental Services Department and the California Department of Forestry, the District shall determine whether the construction of dry hydrants on specific lands acquired is feasible in order to provide additional remote area water supplies for fire suppression activities. The District shall purchase 1,500 - 2,000-gallon maintenance -style water truck. The District-owned water truck shall be available for mutual aid calls during fire suppression activities.

- b) Select indigenous plant materials and/or seed mixes utilized at staging areas or along trails for their low maintenance and drought and fire resistant characteristics to minimize additional fuel available to wildland fires to the extent feasible.

## **GENERAL COMMENT 10: Traffic Impacts**

### **General Response 10:**

Comments on the *DEIR* raised questions concerning both the general methodology used in the *DEIR* as well as the conclusions of the *DEIR* traffic study. Public comments concerning the traffic analysis and potential traffic impacts associated with the proposed project were reviewed by traffic consultant Hexagon Transportation Consultants. Table 1 presents more detailed information concerning the project's anticipated effects. The discussion below addresses comments on the methodology as well as the projected impacts.

#### Methodology

The traffic analysis in the *DEIR* was based on the methodology prescribed by the San Mateo County Congestion Management Program adopted in 2001 (CMP). The analysis evaluated the project's likely effects on roadway segments most likely to be affected by the proposed project. All of the segments were classified as two-lane highways. A two-lane highway is defined as a two-lane roadway having one lane for use by traffic in each direction. Passing of slower vehicles requires the use of the opposing lane where sight distance and gaps in the opposing traffic stream permit. As the volumes and/or geometric restrictions increase, the ability to pass decreases, resulting in the formation of platoons in the traffic stream. Motorists in the platoons are subject to delay because of inability to pass.

Traffic conditions on the subject highway segments were evaluated using the two-lane highway level of service methodology set forth in the CMP. Level of service (LOS) is a qualitative description of a roadway's operating condition. Level of service is designated by a letter grade ranging from A (free-flow conditions with little or no delays) to F (jammed conditions with excessive delays). The LOS for two-lane highways is based on mobility, or the ability of motorists to pass slower moving vehicles. Thus, terrain type, two-way traffic volume, and percentage of the highway where passing is not permitted (percentage no-passing zones) are critical parameters for determining two-lane highway LOS. As prescribed in the CMP, the level of service for two-lane highway segments is determined by comparing the prevailing volume-to-capacity (V/C) ratio for the segment against calculated threshold maximum V/C ratios for LOS A through LOS E operating conditions.

The CMP is designed to account for the specific characteristics of each roadway segment under review. The prevailing V/C ratios are calculated by dividing the actual measured traffic volume for the segment by the ideal capacity for a two-lane highway (2,800 vehicles per hour). The San Mateo County CMP methodology is based on the 1994 Highway Capacity Manual (HCM) methodology for two-lane highway level of service, which, as noted above, takes into account other factors that affect LOS such as terrain type and percentage of no-passing zones. The HCM methodology accounts for these factors by adjusting the ideal capacity of the segment to arrive at a prevailing capacity for each segment. However, the CMP methodology accounts for these factors by establishing separate V/C thresholds for different combinations of terrain type and percent no-passing zones. Thus, the LOS analysis is carried out by calculating a V/C ratio for each segment by dividing the traffic volume on the segment by the ideal capacity (2,800

vph), then comparing the calculated V/C to the threshold V/C ratios in the CMP to determine the LOS on the segment.

During the development of the 1991 CMP, the City/County Association of Governments of San Mateo County (C/CAG) selected different LOS standards for different roadway segments in the County based on the location of the segment and on existing (1990/91) and projected (year 2000) levels of service for each segment. The current LOS standard for each roadway segment in the County are identified in the County's Final Congestion Management Program for 2001. The LOS standard for each of the study highway segments is summarized in Table 1.

### Projected Traffic Impacts

Weekend traffic counts were obtained from Caltrans for each of the study highway segments. Table 1 shows the Saturday peak hour traffic volumes, V/C ratios, and LOS under existing conditions. All the highway segments currently operate within their respective LOS standard.

A background study scenario was identified to account for the residential growth in San Mateo County that is projected for next the 15 years. The growth in "background" traffic was projected based on the increase in San Mateo County households (ABAG Projections 2000) over a 15-year period. An average annual growth factor of 0.7% per year was applied to the existing volumes to obtain "background" traffic volumes. Table 1 shows that all of the highway segments would continue to operate within their respective LOS standard with the addition of future "background" traffic growth.

The potential increases in traffic associated with future preserves within the Coastal Annexation Area was projected based on traffic counts collected at two of the District's existing preserves: Windy Hill (1,132 acres) and Purisima Creek (2,633 acres; see Table 1). These two preserves were chosen because they are representative of the predominant land types and staging areas that would be typical of the Coastal Annexation Area. This analytic approach is typical for programmatic planning projects such as the proposed CAA annexation. The trip generation estimates are based on traffic counts conducted at these two preserves on July 7 and 8, August 11 and 25, and September 9, 2001.

The 1,132 acre Windy Hill Open Space Preserve generated 34 total trips per peak hour (total trips are equal to the sum of inbound and outbound trips), an average of roughly one trip per 33 acres. The 2,633-acre Purisima Creek Open Space Preserve generated 83 total trips per peak hour, an average of roughly one trip per 31 acres of preserve space per peak hour.

Based on these data, the current trip generation for open space preserves was calculated to be one trip per 32 acres of open space. The analysis assumed that the project would allow public access to approximately 12,000 acres over a 15-year period. Therefore, the total trip generation for the project would be approximately 383 trips per peak hour. This analysis assumes that the project related trips would be distributed over the roadway system within the Coastal Annexation Area in proportion to the existing traffic volumes on the roadway system.

Project trips were added to the background traffic volumes to obtain project traffic volumes. The results of highway LOS analysis under project conditions are shown on Table 1. The results of this analysis indicate that all of the study roadway segments would continue to operate within their respective LOS standard with the addition of project related traffic. Therefore, the project would not cause any significant impacts to the study roadways.

**Table II - 1. Coastal Annexation Project - Highway Level of Service Analysis**

Road	Location	LOS Standard /a/	% No Passing	Max. Allowable V/C Ratio /b/	Existing			Projected Growth	Existing + Background			Existing + Background + Project			
					Traffic Volume	V/C Ratio	LOS		Traffic Volume /c/	V/C Ratio	LOS	Project Trips	Traffic Volume	V/C Ratio	LOS
Rte 1	Route 84 - Tunitas Crk Rd	D	30%	0.54	1002	0.36	C	105	1113	0.40	D	32	1145	0.41	D
	Main St-Half Moon Bay Rd	E	90%	0.90	1297	0.46	E	136	1440	0.51	E	41	1481	0.53	E
Rte 35	Alpine Road - Woodside Dr	E	60%	0.91	191	0.07	B	20	212	0.08	B	6	218	0.08	B
	Kings Mountain Rd - SR 92	B	60%	0.17	180	0.06	B	19	200	0.07	B	6	206	0.07	B
	SR 92-I-280	B	50%	0.18	443	0.16	B	47	492	0.18	B	14	506	0.18	B
Rte 84	Skyline Blvd - Woodside	C	100%	0.28	469	0.17	C	49	521	0.19	C	15	536	0.19	C
	Woodside -Portola Road	E	40%	0.92	387	0.14	B	41	430	0.15	B	12	442	0.16	B
	Kings Mtn Rd - Whiskey Hill Rd	E	40%	0.92	794	0.28	C	83	882	0.31	C	25	907	0.32	C
	Whiskey Hill Rd - I-280	E	40%	0.92	2108	0.75	E	221	2341	0.84	E	66	2407	0.86	E
Rte 92	Rte 1- Half Moon Bay	E	30%	0.93	1677	0.60	E	176	1862	0.66	E	53	1915	0.68	E
	Half Moon Bay - Skyline Blvd	E	20%	0.94	1995	0.71	E	209	2215	0.79	E	63	2278	0.81	E
	Skyline Blvd - I-280	E	50%	0.91	1591	0.57	E	167	1766	0.63	E	50	1816	0.65	E
<b>Notes:</b>															
/a/ Level of Service (LOS) standard is based on San Mateo County Congestion Management Program (CMP) level of service standards for CMP Roadway Segments as documented in <i>City/County Association of Governments of San Mateo County Final Congestion Management Program for 1999</i> .															
/b/ Maximum allowable Volume-to-Capacity (V/C) ratios are based on V/C threshold values for LOS A through LOS E operating conditions on two-lane highway segments as reported on Table B-3 of the San Mateo County's Final Congestion Management Program for 1999.															
/c/ Background traffic volumes were calculated by applying a growth factor to existing traffic volumes to account for 15 years of growth at an annual rate of 0.7% per year.															



**GENERAL COMMENT 11: Service Provider and MROSD Staffing Resources/Visitor Services for Coastal Annexation Area**

Some commenters raised concerns about visitor services impacts in the Coastal Annexation Area.

**General Response 11:**

The impacts of annexing the area are contained in the *DEIR*. Because no specific parcels are proposed to be acquired at this time, the *DEIR* states on page II-9 that:

Before District Board approval of any proposed acquisition in the Coastal Annexation Area, District staff will prepare a Preliminary Use and Management Plan, which contains an initial site assessment describing in general the natural resources, potential trail connections, and other features which support the recommendation for acquisition. All District approvals for lands to be acquired in the Coastal Annexation Area will be presented to the Board for consideration at a public meeting.

Such acquisitions will require CEQA review to determine if there are any environmental impacts.

The destinations for most of the current visitors to the CAA are the coastal beaches and parks, which are owned and managed by other public agencies such as, Pescadero Creek County Park, James V. Fitzgerald Marine Reserve and San Gregorio State Beach. The public beaches and other publicly-owned parks in the CAA provide parking and restroom facilities for their visitors. Local visitor-serving commercial establishments also provide facilities for their guests, as required by County regulations. The District will provide the public services needed for its own visitors including parking and restrooms on District lands in the CAA that are open for public access. The *DEIR* discusses the provision for vault toilets at pages IV-C-10 and 11, and visitor parking at page IV-C-9. Further, the traffic analysis described in General Response 10 and in the *DEIR* at pages IV-C-7-9, concluded that the Coastal Annexation project is not expected to generate a significant number of trips. Therefore, the Coastal Annexation project will not have a significant impact on visitor-serving facilities in the CAA.

**GENERAL COMMENT 12: Service Providers and Fiscal Impact Methodology**

Some commenters raised specific concerns about potential impacts on schools in the Coastal Annexation Area and fiscal impact methodology.

**General Response 12:**

The proposed project will not have a significant impact on schools as discussed on page IV-C-7 of the Draft EIR. In addition, a component of the District's mission for the Coastal Annexation Area is to provide opportunities for scientific research, resource conservation demonstration projects, outdoor environmental education programs, and interpretive programs. The District currently offers Spaces and Species, an environmental science educational program, to students in grades 3-6. There are additional opportunities for school groups, including teens, to participate in field projects through the District's Preserve Partner program, or individually as a Special Project Volunteer. Spaces and Species would continue to be available to the entire community. The field programs would be extended to lands acquired in the Coastal Annexation Area.

The District offers seasonal employment for those 18 years of age and older. Seasonal Open Space Technicians work with District maintenance and construction staff on a variety of resource management projects and on many small construction projects such as, new trails, fences and signs. College students who are studying environmental science, parks management or recreation often seek these job opportunities to gain hands-on experience.

The Coastal Annexation project would not result in the need to construct any new facilities in that it will not have a significant impact on schools, and the District will provide opportunities on lands it acquires for scientific research, resource conservation demonstration projects, and outdoor environmental education and interpretive programs that will enhance those currently offered by schools in the CAA.

The potential fiscal impact of the project on schools and the methodology used is evaluated in the *Fiscal Impact Analysis*, prepared by Economic Research Associates, May 2003 (see also *Fiscal Impact Analysis*, Response to *DEIR* Comments).

#### **IVD. Hazards and Hazardous Materials.**

##### **GENERAL COMMENT 13. Fire Hazards in the Coastal Annexation Area**

Some commenters stated concerns about a potential increase in wildland fire hazard in the CAA as a result of the project.

##### **General Response 13:**

The District consulted with Moritz Arboricultural Consulting and Landscape FIRES to provide supplemental information on the proposed Coastal Annexation program relative to the wildland fire hazard and the potential ignition risk resulting from recreational use. Ray Moritz is a Certified Urban Forester and fire ecologist with over 24 years of experience consulting with public agencies on fire hazard in California. (Also refer to General Response 9 Fire Risk and Provision of Public Services in the Coastal Annexation Area). In the *Fire Hazard and Ignition Risk Appraisal for MROSD San Mateo Coastal Annexation*, Moritz states that:

The level of Fire hazard is based on weather, topography and fuels. Ignition risk is based on the type and level of use. The annexation area is in the "Coastal Zone" and is dominated by a maritime climate. This climatic zone is not conducive to severe wildland fire behavior except under extreme, "Santa Ana" type weather conditions.

Moritz describes ignition risk as a critical factor in assessing fire hazard. The level of ignition risk and hazard are relative and affected by land use practices, changes in vegetation, fire prevention activities, and fire suppression capabilities. Moritz states:

The risk of ignition and fire hazard attached to a given public access area not only depends on the type and level of use of the property but on the type and level of use of adjacent properties in the area. The use of the adjacent properties and the general area for ranching and farming historically had a significant level of ignition risk and fire hazard. As urban development increases, the risk of ignition will increase. Also, to some extent the fuel hazard may increase because the extent and intensity of grazing could be expected to decline due to development. To the extent the annexation reduces future

development, future increase in ignition risk will be reduced. The known causes of ignition: construction, equipment operation, vehicle use, power lines, children playing, etc. will be dampened to the extent that future increases in these activities are reduced by annexation.

Moritz observed that public access and visitor use on lands acquired by the District in the CAA will increase ignition to some extent. However, developing and managing the access points, as set out in Mitigation HAZ-2b at page IV-D-6 of the *DEIR* and Moritz's report, can mitigate that increase to an insignificant level. Moritz cited the study conducted by Sonoma County of the relationship between trail use and fire risk, *Sonoma County Regional Parks Fire Incident History*, which found that increased public use of open space for hiking is not significantly related to wildland fire ignitions. The experience of Sonoma County Parks revealed that by limiting the use of trails to hiking, bicycling, horseback riding and other low-intensity recreation, the risk of ignition was reduced to an insignificant level. The District's program for the CAA provides for low-intensity recreation, which will limit public use of District lands to hiking, horseback riding and bicycling. According to Moritz:

The most comprehensive study of the relationship between trail use and ignition risk had concluded that fire occurrence in regional parks is not significantly related to public use of open space for hiking. The increased risk of ignition connected with the proposed annexation can be mitigated to an insignificant level.

In the Moritz report, staging and trailhead design features and management programs are recommended to further ensure that the risk of wildland fire and the potential ignition risk from the project will not be significant. These design features and management programs are included as mitigation measures below.

### **Summary of Recommended Mitigation Measures**

Mitigation Measures are added to the *DEIR* as follows:

#### **New Measure HAZ-2e**

**Mitigation HAZ-2e** The District shall limit trail use to low-intensity hiking, bird watching, bicycling, equestrian use, environmental education and other similar low hazard uses, and prohibit smoking, camping, picnicking, fireworks and off-road vehicle use.

#### **New Measure HAZ-2f**

**Mitigation HAZ-2f** The District shall develop and maintain staging areas and trail heads to incorporate:

- a) Fenced parking areas paved with gravel or asphalt in a narrow configuration to discourage irresponsible vehicle use.
- b) Entrance and road shoulders designed to discourage parking and to facilitate emergency access.
- c) Gates that are at least 12 feet wide constructed of heavy materials with a protected locking system for District and fire service access.
- d) 10-foot radiuses paved with gravel around trailheads.
- e) Signage that describes prohibited uses and warns against fire hazards.

- f) Low ignition fuels, such as grasses, planted adjacent to trail heads and staging areas that shall be mowed annually as soon as 30 per cent of the light ground fuel is cured.
- g) Close trail access points on all predicted high fire response level days (Burn Index of 41, or higher) and post such closures on the District website.
- h) Periodic patrols by District staff.

#### **IV. Biology**

##### **GENERAL COMMENT 14: Resource Protection on Smaller Parcels than 100 Acres or within Half Moon Bay City Limits**

A number of comments were received encouraging the District to consider acquisition of and resource protection for parcels within Half Moon Bay City limits regardless of their size.

##### **General Response 14:**

The *DEIR* lists the rationale for acquisition of lands typically outside of Half Moon Bay and lists the District's goals for land acquisition within the Coastal Annexation Area. The 2<sup>nd</sup> paragraph on page II-10 of the *DEIR* states:

The *Draft Service Plan* states that "parcels of 40 or more acres will typically be considered for purchase, however some smaller parcels may be sought for acquisition. The District's acquisition interests will typically be large, undeveloped or sparsely developed parcels of land. These may include parcels that are key habitat, trail routes, inholdings, or parcels needed for service access." The *Draft Service Plan* also states that "District land acquisition will tend to emphasize properties that are contiguous with District lands along and west of Skyline Ridge. The land acquisition program of the District will be limited by the District's fiscal capability to manage lands."

Therefore, while acquisition of parcels smaller than 40 acres is not foreclosed by the project, these would be smaller than lands generally anticipated to be acquired. It is anticipated that the smallest parcels acquired will typically be 40 acres and the majority will be 100 acres or more.

##### **GENERAL COMMENT 15: Biology. Invasive species, pathogens**

A number of comments were received concerning the potential spread of invasive pathogens and species from District lands onto adjacent properties within the Coastal Annexation Area.

##### **General Response 15:**

Additional documentation has been prepared as a result of these comments regarding invasive non-native animal and plant species, and pathogens such as Sudden Oak Death. The data is as follows:

##### **Non-Native Invasive Plant Species**

Control of non-native invasive plants is a major component of the District's Resource Management Program. In 1998 and again in 2002, all roads and trails on District lands were

inventoried to identify and prioritize populations of non-native invasive plant species. High priority areas were targeted for weed eradication and restoration. As of March 2003, District field staff devoted approximately four days per month to these on-the-ground stewardship activities. During these events, District crews were often supplemented by volunteers, the California Conservation Corps, the California Youth Authority, or other groups to eradicate non-native species and to restore sites with native vegetation.

Weed control will remain a priority for the District's Resource Management Program, as new lands acquired by the District typically suffer from the presence of non-native invasive plant species. Control of non-native invasive plant species is a major component of the District's 5-Year Resource Management Strategic Plan. To begin addressing this issue on a regional scale, in early 2003 the District co-sponsored two workshops, one devoted to control of Yellow Star Thistle, and the other to mapping and monitoring weed populations using Global Positioning System (GPS) and Geographic Information System (GIS) technology.

The *Draft Service Plan* addresses protection of natural and cultural resources within the Coastal Annexation Area through development of site-specific resource management plans (see Policy Guideline G.6.3). Under this Guideline, these plans are tied to public access. This Guideline should be revised to clarify that all lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public

See also Agricultural Mitigation Measure AGL 3d, which addresses buffer areas as a land management tool to prevent recreational impacts to adjacent properties.

### Feral Pigs

Feral pigs are known to occur throughout the Santa Cruz Mountains and the Coastal Annexation Area. While annexation alone will not increase their numbers, feral pigs could be present on lands acquired by the District as they travel across the landscape in search of forage. The District recognizes the importance of controlling their numbers to minimize resource damage to District lands and neighboring properties.

In response to increasing rooting damage to grassland, oak woodland, and aquatic/wetland resources from feral pigs, occurring in wide areas of San Mateo County, the District entered into a formal Memorandum of Understanding with the California Department of Fish and Game to initiate a feral pig control program. The District's feral pig control program began in September 2000. Components of this program include coordination with other agencies, neighbors, and large landowners in the region, and utilization of a professional trapper. By March 2003, 271 pigs were trapped on District lands. In April 2003, the District contracted for additional feral pig trapping services in the amount of \$30,100.00.

District staff annually monitors open space preserves for signs of new or recurrent rooting. Since the trapping program began, there has been a marked decrease in the amount of rooting observed on District lands. Staff from other agencies and landowners in the area also report a substantial reduction in the number of pigs observed since the program began. The District plans to continue the program in the future and anticipates extending trapping efforts to new acquisitions in the Coastal Annexation Area where natural resources are at risk from pig rooting.

### Sudden Oak Death Syndrome

The District contracted with Ray Moritz, a statewide expert and a consulting ecologist who serves on the Board of Directors of the California Oak Mortality Task Force, to address concerns that annexation could increase the spread of Sudden Oak Death (SODS) into the Coastal Annexation Area. His findings on the distribution and spread of SODS are summarized below.

SODS was first identified as a distinct syndrome by Ken Bovero of Marin County Arborists, in 1994. At that time the syndrome appeared to be limited to a small area in Kent Woodlands and Larkspur. In 1995, the syndrome was identified in Corte Madera and Mill Valley (to the south), well into the Marin Municipal Water District lands (to the west), farther north into Kent Woodlands, and into the developed hills of Larkspur. By the year 2002, SODS had spread throughout Marin County, to Sonoma, San Mateo, Santa Clara, Santa Cruz, and five other Counties. In Spring of 2000 the University of California Berkeley CAMFER program began monitoring the spread of this syndrome.

SODS is now found in eleven counties of California, in southwest Oregon and in Europe on nursery plants, principally *Rhododendron* and *Vaccinium*. Symptomatic trees were found throughout the coastal zone of the Bay Area. It appears that less than one percent of the trees have died and also display SODS symptoms. There are numerous cases of SODS in both eastern and western portions of San Mateo County.

The mode of spread and the possible vectors of this fungus remain unknown. It has been hypothesized by several recent observers and researchers that this fungus may be spread by human travel and mechanical devices. These conclusions are based on analogies drawn from the mode of spread of other species of *Phytophthora*. There is no direct evidence or data to support these conclusions with respect to SODS. In fact, repeated sampling of the roots of infected trees, have failed to isolate the fungus. The fungus has been found on shoes of hikers, in rain water and the surrounding soil and/or the duff layer.

Concern about short distance spread by humans and mechanical equipment is not supported by the pattern of infection of the trees or spread of the syndrome. Also, inspections have revealed no evidence that the use of arborist equipment has spread this disease. No primary infections of this fungus have been identified as initiating at trimming wounds.

If SODS proves to be spread in wood materials or contaminated soil, long distance spread may be successfully limited by the institution of quarantines and sanitation of equipment. However, local spread cannot be effectively contained by such methods because of the large number of potential vectors.

If the *Phytophthora ramorum* fungus proves to be dispersed by wind there is little chance of controlling its spread throughout the County and annexed lands. If SODS is spread by water there is little chance of control. The steep terrain and therefore the movement of surface runoff is extensive over the annexation area. If it is demonstrated to be vectored principally by an insect, control of the insect may mitigate the spread of the disease. The distribution of symptomatic trees does not support the conclusion that SODS is spread largely by water or insects. Most likely it is spread by more than one means.

Several researchers have suggested limiting human use of wildlands as a means of limiting the spread of this syndrome. However, there is no direct evidence of human spread and such a conclusion ignores the large and more significant transport of soil particles by other species

such as, birds, reptiles, deer, rodents, squirrels, raccoons, skunks, and feral pigs. Heavy mammalian use and soil disturbance is apparent throughout the Coastal Annexation Area. Foraging and excavation by feral pigs is evident in some areas. The pigs do much of their foraging and excavation under or around oak canopies. If mammalian activity were proven to spread SODS, feral pigs would be an important potential vector. A feral pig control program would be an effective management approach. However, foraging and excavation by the many species of wild mammals and birds is simply unavoidable.

Concern about short distance spread by humans is not supported by the pattern of infection in the hosts or spread pattern of the syndrome. If SODS proves to be spread in wood materials or contaminated soil, long distance spread may be successfully limited by the institution of quarantines and sanitation practices. However, local spread cannot be effectively contained by such methods because of the large number of potential animal vectors. Because SODS is already established in the Coastal Annexation Area, even if it were demonstrated that SODS were spread by animal vectors, the potential human contribution would be insignificant and would pale in comparison with the potential of other animal vectors.

The District is committed to protecting the preserves' resources from SODS to the extent feasible. District staff have been trained in monitoring protocols established by the California Oak Mortality Task Force and regularly send samples to the Plant Pest Diagnostics Center in Sacramento to confirm suspected cases of SODS on District lands. Confirmed sites and areas of high risk are mapped with GPS and entered into the District's GIS to facilitate monitoring efforts.

District staff works closely with representatives from the California Oak Mortality Task Force to stay abreast of the latest science and news regarding the spread and control of SODS. To be prudent, the District follows "clean practices" recommended by the California Oak Mortality Task Force. When working in high-risk areas, District crews and contractors clean tools and equipment to prevent the potential spread of SODS into new areas. In accordance with guidelines established by the Task Force and the California Department of Forestry, dead oak trees are left on site to prevent spread into new areas. As noted previously, the District plans to continue its feral pig control program in the future on new lands acquired in the Coastal Annexation Area where natural resources are at risk from pig rooting. In the event that feral pigs are identified as a vector for the spread of SODS, the District believes this will be an effective management tool. In addition, District Open Space Preserves with high-risk areas have been posted with educational materials and signage encouraging visitors to stay on trails and to clean their boots before leaving the preserves to prevent the spread of SODS.

#### **GENERAL COMMENT 16: Alternatives**

Some commenters raised concerns about project alternatives, and the no project alternative.

#### **General Response 16:**

The Alternatives analysis for the Coastal Annexation program is found in Chapter V of the *DEIR*. It is not deferred. A wide range of alternatives is analyzed, including two no-project alternatives as well as alternate geographic areas and other project alternatives.

### III. List of all Verbal and Written Comments

Three public hearings were held to receive verbal testimony, on July 9, July 17, and July 31, 2002. The listing of the 62 commenters that gave verbal testimony is contained below. For each hearing, speakers are listed in alphabetical order. Speakers are assigned a code of VC- (for Verbal Comment) and a number. Statements addressing the adequacy, accuracy, or content of the DEIR or the Draft Service Plan are assigned a comment number. The responses to these comments is found, with a complete listing of the comments, in Chapter IV of this document.

As stated in Chapter I, Introduction and Summary of this document, 320 written responses were received during the public review period. They are also listed below, and are arranged by the date that the comment was written.

Verbal commenters usually identify their location of residence and sometimes an organizational affiliation. This information is provided here if it was provided at the hearing and is thus a part of the context for the testimony. However, organizational affiliation does not necessarily mean that the speaker formally represents the organization.

#### A. Verbal Comments from the Three Public Hearings

##### **July 9, 2002 Hearing, Pescadero**

- VC1. Jeff Allen, Pescadero Municipal Advisory Committee (PMAC) member
- VC2. Oscar Braun
- VC3. B.J. Burns
- VC4. Neal Curry
- VC5. Meg Delano
- VC6. John Donovan
- VC7. Chuck Gust
- VC8. Herb Hamor
- VC9. Peter Marchi
- VC10. Bob Mitton
- VC11. Irma Mitton
- VC12. Maeva Neale
- VC13. Meredith Reynolds
- VC14. Jim Rourke
- VC15. Jim Schweickert
- VC16. Frank Vento

##### **July 17, 2002 Hearing, Half Moon Bay**

- VC17. Jessica Agramonte
- VC18. Andrea Braun
- VC19. Meg Delano
- VC20. John Donovan
- VC21. John Dixon
- VC22. Gael Erickson
- VC23. Julie Lancelle



VC24. Peter Marchi  
VC25. Jack McCarthy  
VC26. Todd McGee  
VC27. Irma Mitton  
VC28. Maeva Neale  
VC29. Catherine Peery  
VC30. Nina Pellegrini  
VC31. Mario Pellegrini  
VC32. John Plock  
VC33. Chris Powell  
VC34. Meredith Reynolds  
VC35. Lennie Roberts  
VC36. Jim Rourke  
VC37. Mr. Sehnal  
VC38. Barbara Sehnal  
VC39. Marta Sehnal  
VC40. Bern Smith  
VC41. Jay Snyder  
VC42. Judith Staples  
VC43. Jon Staples  
VC44. April Vargas  
VC45. Frank Vento  
VC46. Leonard Woren

**July 31, 2002 Hearing, District Headquarters, Los Altos**

VC47. Jeff Allen  
VC48. Rick Barnes  
VC49. Oscar Braun  
VC50. John Donovan  
VC51. Terry Gossett  
VC52. Harry Haeussler  
VC53. Michael Murphy  
VC54. Jack Olson  
VC55. Mario Pellegrini  
VC56. Nina Pellegrini  
VC57. Bill Prince  
VC58. Lennie Roberts  
VC59. Jim Rourke  
VC60. Barbara Sehnal  
VC61. Carol Simon  
VC62. Georgia Stigall

**B. Written Comments from Agencies**

A1. O'Neill Brian. GGNRA  
A2. Raines, Marcia. County of San Mateo Environmental Services Agency  
A3. Poyatos, Martha. San Mateo Local Agency Formation Commission  
A4. Raabe, Gail. County of San Mateo Agricultural Commissioner  
A5. Noel, Dunia. Santa Clara County LAFCO

**C. Written Comments from Organizations**

- O1. Lansing, Kevin J. Half Moon Bay Open Space Trust
- O2. Woodbury, John. Bay Area Open Space Council
- O3. Crealock, Anne. Greenbelt Alliance
- O4. San Mateo County Resource Conservation Dist.
- O5. Wilson, John. La Honda-Pescadero School District
- O6. Braun, Oscar. Half Moon Bay Coastsides Foundation
- O7. POST (Peninsula Open Space District)
- O8. Wirth, Tim. The Trust for Public Land
- O9. Whitney, Larry. La Honda Fire Brigade
- O10. Smernoff, David. Acterra: Action for a Sustainable Planet
- O11. Neale, Maeva. Pescadero Municipal Advisory Council
- O12. Cattermole, George. Coastsides Habitat Coalition
- O13. Singer, Steve. Santa Cruz Mountain Bioregional Council
- O14. Pantano, Dennis. San Mateo County Association of Realtors
- O16. Braun, Oscar. Half Moon Bay Coastsides Foundation
- O17. San Mateo County Farm Bureau

**D. Written Comments from the Public**

- P1. Burkhart, Tim
- P2. Galiher, G
- P3. Allen, Rod and Linda Cohen
- P4. Waldhauer, Ruth
- P5. Waldhauer, Ruth
- P6. Simon, Carol
- P7. Spilker, James
- P8. Peery, Catherine
- P9. Roberts, Raymond J. and Lynn H.
- P10. Brancart, Christopher
- P11. Barnes, Richard
- P12. Vento, Frank
- P13. Young, William
- P14. Stigall, Georgia
- P15. Wyant, Roger
- P16. Allen, Geoff
- P17. Hamor, Herb
- P18. Maes, Jose
- P19. Dryer, Dianne
- P20. Haussler, Harry
- P21. McCarthy, Jack
- P22. Hamor, Herb
- P23. Simon, Carol
- P24. Smith, Larry
- P25. Hamor, Herb
- P26. Rosen, Jane
- P27. Schorr, David
- P28. Woods, Douglas
- P29. Jaureguy, Phyllis

- P30. Domitilli, Bill
- P31. Graff, Mark
- P32. Irwin, R.E.
- P33. Armstrong, Tom
- P34. Trudeau, Richard
- P35. Hamor, Herb
- P36. Hamor, Herb
- P37. Hamor, Herb
- P38. Gossett, Terry
- P39. Oku, Steve
- P40. Powell, Christine
- P41. Pellegrini, Nina
- P42. Hamor, Herb
- P43. Halterman, Charles and Gwendolyn
- P44. Young, William
- P45. Prince, Bill
- P46. Krzaszczak, John
- P47. Marchi, Peter
- P48. Hamor, Herb
- P49. Gust, C
- P50. Montalvo, Alex
- P51. Marx, Bob
- P52. McCrary, Homer
- P53. Roberts, Lennie
- P54. Arraine, Jean
- P55. Domitilli, Bill
- P56. Wassall, Richard D and Alyce B
- P57. Dade, Denice
- P58. Sturgeon, Ron
- P59. Conner, Marianne
- P60. Allen, Geoff
- P61. Hamor, Petrea
- P62. Danzig, Toni
- P63. Hamor, Herb
- P64. Hamor, Herb
- P65. Krzaszczak, John
- P66. Stariha, Marina
- P67. Figone, Louis
- P68. Mitton, Bob
- P69. Curry, Neil & Alix

## IV. Verbal Comments and Responses

The District received over 250 verbal comments on the *DEIR* over the course of three public hearings held during the public review period. The verbal comments are summarized below with their corresponding responses. Comments are organized first by hearing date and then by the order in which the comments were presented.

Some comments expressed either support or opposition to the project. These comments are noted as indicated below. Other comments addressed fiscal or policy issues that are not related to the project's potential environmental effects; and comments on these issues will be addressed in the *Fiscal Impact Analysis* for the project or the staff report to the District Board of Directors as appropriate. The responses below address those comments regarding the adequacy of the *DEIR*. Where changes to the *DEIR* text are required, the indicated text from the *DEIR* is quoted, with the original text in ~~strikeout~~, and the corrected text in underline. All text changes can be found in Chapter VI of this Final EIR document.

### July 9, 2002 HEARING, PESCADERO

#### **VERBAL COMMENT 1: Geoff Allen, Pescadero Municipal Advisory Committee (PMAC) member**

**COMMENT VC1-1:** Process has been slanted from the start.

**Response to Comment VC1-1:** Comment noted.

**COMMENT VC1-2:** Coastal Advisory Committee picked by the District was slanted.

**Response to Comment VC1-2:** Comment noted.

**COMMENT VC1-3:** South Coast won't get to vote on the issue, because the District got new funding and won't need to ask for a tax advisory vote.

**Response to Comment VC1-3:** Comment noted. The commentor is correct that no tax advisory vote will be required for the project. The District has not received new funding, however. Existing resources would be used for land acquisition and management in the CAA. Beginning on Page VI-3, the *DEIR* discusses the possibility that additional revenue sources could be sought in the future.

**COMMENT VC1-4:** He doesn't trust MROSD, especially regarding eminent domain.

**Response to Comment VC1-4:** See General Response 1.

**COMMENT VC1-5:** There have been only 12 houses built on the south coast in the last several years, there is no need for more protection.

**Response to Comment VC1-5:** Comment noted.

**COMMENT VC1-6:** There is nothing in this proposal for the south coast, only the impacts from more visitors.

**Response to Comment VC1-6:** Comment noted. See General Response 11 regarding the effects of increased visitation to the Coast.

**COMMENT VC1-7:** Fire fuel load will grow from unmanaged properties that the District acquires.

**Response to Comment VC1-7:** See General Response 9 and 13.

**COMMENT VC1-8:** Geoff has counted the number of cars in existing open space preserves along skyline and has noted that they are never full; there are more cars at places like Alice's Restaurant.

**Response to Comment VC1-8:** Comment noted. The *DEIR* used conservative assumptions to estimate expected usage levels. This is discussed in General Response 10.

**VERBAL COMMENT VC2: Oscar Braun, Half Moon Bay Coastside Foundation. 7/9/2002**

**COMMENT VC2-1:** He handed out a copy of a petition which he stated could be found online at petitiononline.com. It states that the Fire Safe Council's preferred alternative is the no annexation alternative.

**Response to Comment VC2-1:** Comment noted.

**COMMENT VC2-2:** He read from the petition regarding the Mid-peninsula Regional Open Space District *Draft Service Plan* For San Mateo County Coastal Annexation Area:

"The act of annexation is a legal and administrative change to the District's boundary and does not itself produce an environmental effect. The District Board and staff chose to have an Environmental Impact Report prepared to ensure a very thorough analysis of potential environmental issues and public concerns raised during the scoping process. The annexation of the San Mateo County coast, adoption of the *Draft Service Plan*, adoption of an annexation policy for the Coastal Annexation Area, and an adoption of a willing sellers only ordinance is the proposed project."

"CEQA Requires Due Diligence Review of the Findings of Fact. The Mid-Peninsula Open Space District, as quoted above, is proposing a legal annexation of the coastal area of San Mateo County. They have drafted a "conceptual" *Draft Service Plan* that only describes the "conceptual purposes and goals" of their coastal annexation proposal while listing the obvious environmental risks and conceptual mitigation schemes. CEQA requires that MROSD must first develop and adopt a real Coordinated Resource Management Plan aka CRMP for their San Mateo County Coastal Annexation proposal before being reviewed under CEQA. The standard of review under CEQA is that the "Preferred Alternative" is selected after a due diligence review of the "Findings of Fact..."

"Each case must be evaluated on its facts, which in turn must be reviewed in light of statutory purpose. Informed by that purpose, we here affirm the principle that an *DEIR* for any project subject to CEQA review must consider a reasonable range of alternatives to the project or the location of the project..."

**Response to Comment VC2-2:** Comment noted. The project description and issues pertaining to adoption of a Coordinated Resource Management Plan are addressed in General Response 4.

**COMMENT VC2-3:** The *DEIR* is filled with policies from other agencies, and it doesn't address the District's specific mitigation schemes. You have to have a real plan then investigate the impacts to see which alternative provides the most protection of the environment. That is the cornerstone of CEQA.

**Response to Comment VC2-3:** Specific mitigation measures are listed in Section IV of the *DEIR*. The *Draft Service Plan* is presented in Appendix C to the *DEIR*. Alternatives analysis is provided in the *DEIR* in Section V.

**COMMENT VC2-4:** He read from petition:

"Coastside Fire Safe Council Findings of Fact:

MROSD states in their 2001/2002 annual report that they spent 1% of their revenues for resource management and annexation (approximately \$280,000). MRSOD has NO adopted CRMP for their current 46,000 acres holdings and all resource management is conducted under adopted "policies". NO CRMP for their Coastal Annexation Proposal. NO Experience in managing Rural Lands Communities. No funding scheme or streams to support their Annexation concept. No CEQA required standard of review adopted findings of fact for their conceptual *Draft Service Plan*. The Board of Directors for the Half Moon Bay Coastside Fire Safe Council have adopted the above findings of fact and has declared the No Annexation Alternative as the most protective and least environmentally damaging to our coastal communities. Please help Protect California Future by signing this petition..."

**Response to Comment VC2-4:** Comment noted. The CRMP process is discussed in General Response 4. The *DEIR* compares the environmental effects of the alternatives in Chapter 5 and in the *DEIR* Summary chapter. The *DEIR* concludes that mitigation measures are available for all potentially significant impacts associated with the proposed project and that the No Project alternative would likely diminish the long term protection of coastal environmental resources (*DEIR* p. S-4).

**COMMENT VC2-5:** There is no adopted Coordinated Resource Management Plan (CRMP) for the San Mateo County Coastal Annexation Area, CEQA requires that the District must adopt a CRMP before being reviewed under CEQA.

**Response to Comment VC2-5:** See General Response 4.

**COMMENT VC2-6.** Because of small population or rural coast, they won't have a voice (no representation).

**Response to Comment VC2-6:** See General Response 5.

**COMMENT VC2-7:** Writ of mandate will be sought if process not done properly (will seek judicial review of adequacy of *DEIR*).

**Response to Comment VC2-7:** Comment noted.

**VERBAL COMMENT VC3: B.J. Burns, Farm Bureau. 7/9/2002**

**COMMENT VC3-1:** On behalf of the Farm Bureau, he asked that the *DEIR* comment period to be postponed for 60 days because they just got the *DEIR* yesterday and need more time to review and comment on it.

**Response to Comment VC3-1:** As provided in the CEQA Guidelines (section 15105), the *DEIR* Comment period was set at 45 days from June 13, 2002 through August 2, 2002. It was later extended by 26 days to August 28, 2002.

**COMMENT VC3-2:** There are no agricultural activities going on at the McDonald Ranch where the District restored the Red Barn.

**Response to Comment VC3-2:** Comment noted. The commentator is referring to an 1,100-acre property within the District's existing boundaries that was acquired in 1990. The property had historically been used for agricultural activities including timber harvesting, grazing and a dairy operation. The most recent owners grazed cattle on the property, and were allowed to continue their operation. In 1995, the District executed a lease for cattle grazing and some time later the former owners ceased their operation. The property has remained closed to the public pending completion of a comprehensive Use and Management Plan, which is scheduled for completion in 2005.

**COMMENT VC3-3:** Open space and agriculture is already protected by POST, the State, the County and the Williamson Act and the local landowners. He's not sure why the District needs to come here. The area won't be developed with all the existing protection.

**Response to Comment VC3-3:** Comment noted. Alternative A.2 in Chapter V of the *DEIR* considers the option of no action by the District in the CAA with open space and agricultural protection being offered by alternative service providers.

**COMMENT VC3-4:** Supports the idea of a local election on the issue.

**Response to Comment VC3-4:** Comment noted. An advisory vote was held in 1998 and 55% of CAA residents voted in support of annexation.

**VERBAL COMMENT VC4: Neal Curry, local farmer. 7/9/2002**

**COMMENT VC4-1:** The District says that they don't know about agriculture, but they will learn; there is no evidence of District land stewardship. They have not demonstrated it elsewhere.

**Response to Comment VC4-1:** Comment noted. The District's existing staff currently consults with experts who are knowledgeable and experienced in agricultural land preservation and management on an as-needed basis. The *Draft Service Plan* provides a discussion on staffing levels when the annexation is completed (see *Draft Service Plan*, page 19). Initially, it is anticipated that a planning staff person would be hired to work with local residents and agricultural interests. In light of the extensive agricultural lands in the project area, the District would seek a staff person with the necessary expertise in agricultural operations. It is also possible that the District would retain consultants with expertise in planning and managing particular types of agriculture to assist staff. Examples of District agricultural land stewardship within current boundaries include the following: the District leases a 70-acre Christmas tree farm at Monte Bello and Skyline Open Space Preserves; the recently acquired 770-acre Big Dipper Ranch is leased by the District for grazing; the District leases 3-acre Picchetti Ranch Winery, including vineyards; and, until recently, a 2-acre chestnut orchard at Skyline Open Space Preserve was leased to the family who originally owned the property. In addition, the District is currently working with Ridge Vineyards to acquire conservation easements over vineyards at Monte Bello Open Space Preserve. Also see General Response 8.

**COMMENT VC4-2:** Agriculture is a secondary priority for the District, not the first priority.

**Response to Comment VC4-2:** The *Draft Service Plan* does not place the value of protection of agricultural land or open space lands either above or below the other. Because the *Draft Service Plan* requires that any visitor serving open space uses not adversely affect agriculture there is no need to set one as having priority over the other. The objective of the *Draft Service Plan* is that these two uses co-exist successfully and compatibly by the use of appropriate mitigation measures and land management practices.

**VERBAL COMMENT VC5: Meg Delano, PMAC member. 7/9/2002**

**COMMENT VC5-1:** *DEIR* Map 15 is incorrect, it doesn't show area around Loma Mar as important agricultural land. It is not consistent with Maps 12 and 13 showing prime agricultural land near Loma Mar. Those maps should be corrected or withdrawn.

**Response to Comment VC5-1:** Maps 15, 12 and 13 come from three different sources and each has its own purpose. Map 15 is taken from data supplied by the California Gap Analysis Project (4/26/2000) This Gap Analysis project is done at a scale of 1:100,000 and within each mapped area, primary land cover is typically 60% or more, but may be as low as 30% where multiple land cover or vegetation types are present. Therefore it is more of a broad brush map that identifies the primary land cover in an area, which in this case is "Redwood Forest". It is used for more broad analysis to look at the predominate land cover of an area. It doesn't necessarily indicate other vegetation or agricultural land that occurs in area if they are not the predominate type of land cover. Map 12 is from the Farmland Mapping and Monitoring Program, California Department of Conservation (2001) and focuses on mapping agricultural land. Map 13 is the Williamson Act Lands from San Mateo County Planning and Building Division (1997) and focuses on mapping agricultural lands which are under Williamson Act Contracts.

**COMMENT VC5-2:** *DEIR* can't say no impact on housing. POST takes over farm labor housing. They have over 20 farm labor housing units on their land; there needs to be some assessment on the impact of farm labor housing.

**Response to Comment VC5-2:** See General Response 6. See also Response to Comment VC27-5.

**COMMENT VC5-3:** The *DEIR* says that buildings taken over by the District will not be expanded for farm labor housing, this won't help support agriculture.

**Response to Comment VC5-3:** See General Response 6 and 8.

**COMMENT VC5-4:** Would like to see the District actively promote the economic vitality of this community by supporting agriculture, there is a lack of addressing the needs of the farmers and would like to see more input from the agricultural community in the planning process.

**Response to Comment VC5-4:** See General Response 8.

**VERBAL COMMENT VC6: John Donovan, PMAC member. 7/9/2002**

**COMMENT VC6-1:** There will not be equal representation of the south coast because there won't be a ward representing just that area.

**Response to Comment VC6-1:** Comment noted. See General Response 5.



**COMMENT VC6-2:** PMAC asked the Board of Supervisors to place a measure on the ballot regarding the proposed annexation of the south coast by the District, the Board of Supervisors said no, it was too expensive.

**Response to Comment VC6-2:** See Response to Comment VC3-4.

**COMMENT VC6-3:** He asked Martha Poyatos, (LAFCO staff) what would happen if the PMAC came to LAFCO and said they don't want the annexation. Martha Poyatos's response was that PMAC was just an advisory board. It's that kind of attitude that has drawn the line in the sand.

**Response to Comment VC6-3:** LAFCO is legally obligated to consider the comments and views of all agencies and members of the public that comment on a proposed annexation. LAFCO is not authorized to defer to any specific agency or organization.

**COMMENT VC6-4:** If the coast is annexed, it will be legally designated as open space with all the laws that go with it and there will not be representation of the south coast.

**Response to Comment VC6-4:** The project description does not include redesignation of any permitted land uses. The power to legally designate land for open space or some other use rests exclusively with cities and counties. As discussed in chapter IV-A of the *DEIR*, the District is required to comply with those land use designations. The effect of the annexation will be to allow the District to play a more active role in protecting and managing open space and agricultural resources in the CAA. As to the representation issue please see General Response 5.

**COMMENT VC6-5:** The *DEIR* notice of preparation said that there will be no impacts to population/ housing, recreation and land use/planning. It's not true. They will be affected.

**Response to Comment VC6-5:** The document that is referred to in this comment is the Notice of Preparation and Initial Study Checklist prepared in June 2000. The Notice of Preparation (NOP) and Initial Study Checklist was prepared for this project under CEQA Guidelines. The purpose of the NOP is to invite agency and public comment on the scope and content of the environmental review which is germane in connection with the proposed project. The *DEIR* is then prepared on the basis of the Initial Study and any comments received during the scoping process. It is possible that conclusions reached during the Initial Study phase could be altered based on public input or any new information uncovered during the preparation of the *DEIR*. The three areas indicated by the commentor were discussed in the Initial Study Checklist and under preliminary review of the project were found to have no "Potentially Significant Impacts". For discussion of Population/Housing issues, please see General Response 6. Impacts on recreation are discussed at page IV-A-12 of the *DEIR*. Impacts in the area of Land Use/Planning are addressed throughout section IV-A of the *DEIR*, which finds that all potentially significant Land Use impacts can be mitigated to less than significant levels.

**COMMENT VC6-6:** The document says the District is not a land use regulatory agency. That's not true. The District has the power to tax without representation.

**Response to Comment VC6-6:** The project proposes only the addition of a specified geographic area to the District's boundary. As discussed in Response to Comment VC6-4, the District has no power to regulate land use. There are currently no proposals to tax property owners. It is possible that the District would seek additional revenue sources in the future, but any taxes would require voter approval.

**VERBAL COMMENT VC7: Chuck Gust, Pescadero resident. 7/9/2002**

**COMMENT VC7-1:** Twenty- five years ago, the GGNRA made lots of promises about providing access and trails to the Portola Discovery Site in Pacifica; maybe 5% of the promises have been kept.

**Response to Comment VC7-1:** Comment noted.

**COMMENT VC7-2:** The existing landowners have been good stewards of the land and that is why so many people visit the area.

**Response to Comment VC7-2:** Comment noted.

**COMMENT VC7-3:** He supports comments made by other commenters, including impacts to farm labor housing, housing in general, lack of representation, and tax loss.

**Response to Comment VC7-3:** As to farm labor and other housing issues see General Responses 6 and 8. As to representation see General Response 5. As to tax loss see the fiscal analysis prepared for the annexation.

**COMMENT VC7-4:** He would like to postpone the *DEIR* process and have more time to look at it.

**Response to Comment VC7-4** Please see Response to Comment VC3-1 .

**COMMENT VC7-5:** Re: Trip generation numbers on local highways. Where is the demand for recreation and open space? The trip numbers are too low.

**Response to Comment VC7-5:** See General Response 10.

**COMMENT VC7-6:** Develop a master plan with more emphasis placed on how to sustain agriculture.

**Response to Comment VC7-6:** Comment noted. Page II-3 contains the general goals of the *Draft Service Plan* for the Coastal Annexation Area and states that a central objective of the project is to "maintain long-term opportunities for economically viable agriculture" The *Draft Service Plan* also states that preservation of agriculture is one of the guiding principles for the project (see *Draft Service Plan*, pp. 11-12).

**COMMENT VC7-7:** He would like to know more about the recreational telephone survey cited in the *DEIR*; it didn't identify who was contacted. He owns hotel in Pacifica and said thousands of people come stay overnight and enjoy getting something to eat ( none of these type of people were contacted). The survey is slanted. He wants a breakdown of how many phone calls were made and who was contacted.

**Response to Comment VC7-7:** The *Draft Needs Analysis & Tax/Assessment Feasibility Study* (August 2001) for San Mateo County Parks and Recreation was conducted by an independent firm, Strategy Research Institute, for San Mateo County. The Needs Analysis included a survey of San Mateo County residents in general and also a focused survey of mid-coast residents (Montara, Moss Beach, Princeton, Miramar, El Granada). The survey consisted of a random telephone sample of 204 registered voters throughout San Mateo County, 202 residents

contacted through random digit dialing, and 72 residents of the mid-coast communities for a total of 478 completed surveys.

**VERBAL COMMENT VC8: Herb Hamor, Pescadero resident. 7/9/2002**

**COMMENT VC8-1:** The south coast has been developed as a recreation area for the rest of the County and the whole world, there is already enough recreation in this area

**Response to Comment VC8-1:** Comment noted.

**COMMENT VC8-2:** Where is the beginning of the impact yard stick in the *DEIR*, it doesn't take into account the existing recreational facilities. Has there been a study on whether this area has already reached its limits for recreation?

**Response to Comment VC8-2:** Comment noted. Please see Response to Comment VC7-7, above and General Response 11.

**COMMENT VC8-3:** Adding more vehicles will add more pollution such as road sediment.

**Response to Comment VC8-3:** General Response 10 describes the methodology used to assess the increase in traffic. These increases are projected to be insignificant. Pollution associated with increased vehicles is also projected to be insignificant. Roadway sediment (caused by inadequacies in roadway drainage and erosion from roadcuts, especially on unpaved roads) has not been identified as a pollution source of concern because no unpaved vehicle use roads are proposed at this time. If such roads are to be proposed, they will be part of a Use and Management Plan for specific properties, and as stated at page S-1 in the *DEIR*, all subsequent Use and Management Plans will be subject to separate CEQA review.

**COMMENT VC8-4:** More animals will be killed by the increase in cars.

**Response to Comment VC8-4:** General Response 10 discusses the increase in traffic associated with the project. While increased traffic may result in increased animal mortality, there is no evidence to indicate that any candidate, special status, or sensitive species are at increased risk due to increased traffic volumes.

**COMMENT VC8-5:** Should this area really see more people?

**Response to Comment VC8-5:** Comment noted.

**VERBAL COMMENT VC9: Peter Marchi, local farmer. 7/9/2002**

**COMMENT VC9-1:** He asked for a 60-day extension on the *DEIR* comment period to review it responsibly.

**Response to Comment VC9-1:** Please see Response to Comment VC3-1.

**COMMENT VC9-2:** At the Coastal Advisory Committee, he asked a question about eminent domain. If you say you won't use eminent domain on a home, what would you do if a home on a 150 acre ranch? The District said they could put a trail through the property if they own land on both sides or they could leave home on one acre and leave the rest.

**Response to Comment VC9-2:** See General Response 1. The *Draft Service Plan* and proposed ordinance would preclude use of eminent domain in the CAA under any circumstances.

**COMMENT VC9-3:** The PMAC voted unanimously against eminent domain, one person voted against the entire District annexation of the coast.

**Response to Comment VC9-3:** Comment noted.

**VERBAL COMMENT VC10: Bob Mitton, Pescadero resident. 7/9/2002**

**COMMENT VC10-1:** He doesn't see the problem that needs to be fixed.

**Response to Comment VC10-1:** Comment noted.

**COMMENT VC10-2:** There are red flags in the fiscal analysis: 80% of the land to be acquired is already owned by POST which already removed from the tax rolls when it was purchased. MROSD doesn't take the hit of removing the land from the tax rolls, POST does.

**Response to Comment VC10-2:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC10-3:** There will be a financial impact to those people who don't sell their land because land prices will be driven up; people won't be able to afford to live there anymore.

**Response to Comment VC10-3:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC10-4:** There is already major protection of land by existing land owners.

**Response to Comment VC10-4:** Comment noted.

**COMMENT VC10-5:** The District will have tenant farmers on the land. Will the District provide housing for *farmworkers* and help sell products?

**Response to Comment VC10-5:** See General Response 6 and 8.

**COMMENT VC10-6:** Please prove that the District has done land stewardship (the District doesn't have experience in land stewardship).

**Response to Comment VC10-6:** See General Responses 4 and 7. Also see Response to Comment VC4-1.

**COMMENT VC10-7:** The District will be creating parks and recreation for people who don't live here.

**Response to Comment VC10-7:** Page II-3 of the *DEIR* states the District's overall goals: "The District's enabling legislation (California Public Resources Code sec. 5500) allows it to acquire land rights and interests in land, and to operate and maintain a system of public ecological and open space preserves, trails, and other facilities for the use, education, and enjoyment of all the inhabitants of the District. "

The annexation of the Coastal Area, will allow the District to operate within this area and to create parks and recreation for residents of the area as well as others.

**COMMENT VC10-8:** There will be a loss in tax revenue; there are not enough services to be provided to new users of the area.

**Response to Comment VC10-8:** See *Fiscal Impact Analysis* and accompanying Response Memorandum, and General Response 9 regarding public services.

**COMMENT VC10-9:** Why is everything considered “minimal impact” in the *DEIR* summary?

**Response to Comment VC10-9:** Not everything is not considered a minimal impact in the *DEIR* Summary. There are 21 impacts that were found to be potentially significant impacts requiring mitigation. These are listed on pages S-5 - S-34 of the *DEIR*. However, the *DEIR* concluded that if implemented mitigation measures would reduce all of these significant impacts to a less than significant level.

**VERBAL COMMENT: VC11 Irma Mitton, Pescadero resident. 7/9/2002**

**COMMENT VC11-1:** She supports previous comments about supporting the agricultural industry in this area in order for it to remain a strong agricultural community. The District should consider more programs to preserve agricultural sustainability in this area if the area is annexed.

**Response to Comment VC11-1:** See Response to Comment VC4-1.

**COMMENT VC11-2:** Re: the fiscal analysis in the appendix of the *DEIR*. The revenue loss to the County is not negligible and a more realistic number of assessed value per acre should be used. It's too low. The figure used is the average assessed value at \$460/acre whereas the current market value is \$8000/acre. She would like to see a more realistic number somewhere in between.

**Response to Comment VC11-2:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC11-3** The fiscal analysis is misleading when it states that all service providers said “no significant impact” to services, but there will be an impact to service providers. For example, more trash pick up due to more visitors. They currently struggle with existing services like sidewalks and public restrooms.

**Response to Comment VC11-3:** See General Responses 9 and 11.

**COMMENT VC11-4:** The *DEIR* says that before opening up lands to the public, the District will have a plan. If there is no plan in place the lands will remain gated off and in limbo, and there won't be any vegetation management which would be a fire hazard. Lands will be locked up for many years while management plans are prepared.

**Response to Comment VC11-4:** See General Response 4.

**COMMENT VC11-5:** She would like to see an analysis of what ratio of concentrated development is required to support open space. How much more development in Pescadero will be needed to make up for the loss of tax revenue by taking tracts of land of the tax roll?

**Response to Comment VC11-5:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**VERBAL COMMENT VC12:** Maeva Neale, PMAC member. 7/9/2002

**COMMENT VC12-1:** What is the purpose of acquisition? Is it for recreation or wildlife preservation? And what is the major purpose?

**Response to Comment VC12-1:** If the project is approved, acquisitions and land management agreements would be pursued to satisfy the project objectives set forth in the *Draft Service Plan* in the manner and subject to the policies set forth in the *Draft Service Plan*. Project objectives are set forth in section II.A of the *DEIR*.

**COMMENT VC12-2:** What are the impacts on flooding in Pescadero and marsh restoration?

**Response to Comment VC12-2:** Section IV-H, Hydrology of the *DEIR* contains analysis and mitigation measures that address effects of flooding from future actions taken by the District if the proposed Coastal Annexation Area project is approved. The following portions of that section are presented here for clarity:

Page IV-H-1 of the *DEIR* states: "As stated in other sections in this Chapter, environmental analysis in this section finds that the Coastal Annexation project by itself will not cause significant environmental impacts. However, the annexation project has the potential to cause indirect hydrological and water quality environmental impacts from future activities. These impacts can be mitigated to less than significant levels with application of mitigation measures listed in this section."

Page IV-H-4 of the *DEIR* lists three standards of significance specifically related to flooding:

HYD-2 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or place within a 100-year flood hazard area structures which would impede or redirect flood flows;

HYD-4 Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;

HYD-5 Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam;

Pages IV-H-5 through IV-H-7 contain the analysis related to these standards and presents mitigation measures that, once implemented will avoid or reduce impacts to less than significant levels. While it is not known whether the District would acquire or manage any lands with the potential to affect flooding or marsh restoration in the Pescadero area, if lands were acquired or managed, implementation of the referenced mitigation measures and other *Draft Service Plan* policies would avoid any significant adverse effect on flooding or habitat. Further, as stated in the *DEIR*, all future acquisitions will have Use and Management Plans and subsequent CEQA review prepared.

**COMMENT VC12-3:** He is concerned that once the land is sold, it will go out of agriculture or habitat or housing which are all great necessities here.

**Response to Comment VC12-3:** The effects of the proposed project on agricultural lands are discussed in section IV-B of the *DEIR* and General Response 8. The effects on habitat are discussed in section II-I of the *DEIR* and General Response 15. Housing issues are discussed in General Response 6.

**COMMENT VC12-4:** PMAC asked the Board of Supervisors for an advisory vote for the South Coast, but Supervisor Rich Gordon said it was too expensive. If local people paid to put it on the ballot and the local vote rejected the annexation, would the District still annex?

**Response to Comment VC12-4:** Comment noted. See response VC3-4.

**VERBAL COMMENT VC13: Meredith Reynolds, PMAC member. 7/9/2002**

**COMMENT VC13-1:** The *DEIR* is not readily available. More should be available and they should be cheaper, not everybody has access to the internet.

**Response to Comment VC13-1:** Review copies of the *DEIR* were available at the following locations: the Half Moon Bay Public Library, Woodside Public Library, Los Altos Public Library, Pescadero Bookmobile and the District's administrative office in Los Altos. Printed copies of the *DEIR* were available from Kinko's in Mountain View and Ocean Shore Printing in Half Moon Bay. The charge for printed copies equalled the cost of reproduction. Copies were also available on CD-ROM at no charge.

**COMMENT VC13-2:** The PMAC members didn't get copies. We're not ready for this meeting since PMAC didn't receive the *DEIR*.

**Response to Comment VC13-2:** The District mailed public notices of the *DEIR*'s availability to all individuals and organizations requesting notice, in addition to all responsible and trustee agencies. The *DEIR* was available for review or purchase beginning on June 2, 2002. Copies of the *DEIR* were delivered to the PMAC Chair for distribution to PMAC members.

**COMMENT VC13-3:** She feels disenfranchised since most people are in the north coast and they have all the votes. Pescadero voted against it, but they would be providing most of the land.

**Response to Comment VC13-3:** Comment noted. Because no specific acquisitions are proposed as part of the project, it is not possible to predict whether acquisitions will be located predominantly in one part of the CAA or another. The *Draft Service Plan* at pages 18-19 describes the nature of services that would be extended to the CAA and states that "acquisition will tend to emphasize properties that are contiguous with the District lands along and west of Skyline Ridge." (p. 19.) The alternatives analysis in chapter V of the *DEIR* considers alternatives that would limit the annexed area to specified portions of the CAA. Page II-1 of the *DEIR* states:

"Specific lands to be acquired by the District have not been identified. The District would focus its preservation and management in part on lands that contain sensitive resources. These sensitive resources include lands that are critical to protecting watershed integrity, water quality,

and special-status species such as steelhead. Some acquired lands would thus likely contain sensitive natural communities, such as riparian habitat and wetlands.”

Further, page II-10 of the *DEIR* states that

“The *Draft Service Plan* states that “parcels of 40 or more acres will typically be considered for purchase, however some smaller parcels may be sought for acquisition. The District’s acquisition interests will typically be large, undeveloped or sparsely developed parcels of land. These may include parcels that are key habitat, trail routes, inholdings, or parcels needed for service access.”

**COMMENT VC13-4:** Where is the second vote on the tax assessment? That vote won’t happen until after the annexation. They were told they would vote before the annexation.

**Response to Comment VC13-4:** There is no proposal for a tax in the CAA. If a tax is proposed, a vote would be required. As stated on page I-3 of the *DEIR*, “Financing for services would be from existing District revenues augmented by other government and private funding.”

Further, page I-1 of the *DEIR* states

“The *Draft Service Plan* is intended to be used as the ongoing District program for the Coastal Annexation Area. After annexation approval by the San Mateo County LAFCo, the District will conduct hearings in the Coastal Annexation Area to develop Basic Policies for the CAA consistent with the *Draft Service Plan*. These hearings will address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agriculture and timber production; inter-agency relationships; and public information. These project characteristics of the Coastal Annexation are outlined in Chapter II, Project Description and in the *Draft Service Plan*.”

**COMMENT VC13-5:** Until the *DEIR* is better circulated to the community, this is not a valid public hearing in Pescadero.

**Response to Comment VC13-5:** Please see responses to comments VC13-1 and VC13-2.

**VERBAL COMMENT VC14: Jim Rourke, Pescadero resident. 7/9/2002**

**COMMENT VC14-1:** He appreciates *DEIR* being prepared since it is a low impact issue.

**Response to Comment VC14-1:** Comment noted.

**COMMENT VC14-2:** The District would be managing land in a low intensity way compared to a hotel or health spa which would have more impacts.

**Response to Comment VC14-2:** Comment noted.

**COMMENT VC14-3:** He appreciates the District’s willingness to accept criticism.

**Response to Comment VC14-3:** Comment noted.

**COMMENT VC14-4:** The farm bill will help some of the farmers in the area.

**Response to Comment VC14-4:** Comment noted.



**COMMENT VC14-5:** Wildlife has been diminished in the area (people not following the rules).

**Response to Comment VC14-5:** Comment noted.. Impacts to biological resources are discussed in chapter IV-I of the *DEIR*.

**COMMENT VC14-6:** "Willing sellers only and people don't have to sell." This issue is used as a red herring to confuse the issues.

**Response to Comment VC14-6:** Comment noted.

**COMMENT VC14-7:** He hopes the District is successful with the annexation (gone about it in a slow and methodical way and out in the open).

**Response to Comment VC14-7:** Comment noted.

**COMMENT VC14-8:** Local businesses depend on outside customers to support them as most customers are not local.

**Response to Comment VC14-8:** Comment noted.

**COMMENT VC14-9:** The high land prices are being set by the real estate community.

**Response to Comment VC14-9:** Comment noted.

**COMMENT VC14-10:** The annexation has been known about for a long time. People don't need the additional 60 days to review the *DEIR*.

**Response to Comment VC14-10:** Comment noted. The *DEIR* review process is discussed in Response to Comment VC3-1.

**VERBAL COMMENT VC15: Jim Schweickert, PMAC former member. 7/9/2002**

**COMMENT VC15-1:** He's concerned about local representation. There should be an 8<sup>th</sup> district. The District says that it's against the state law to have an additional district for the coast because there isn't enough population. We may need to change the state law to allow an additional district.

**Response to Comment VC15-1:** See General Response 5.

**COMMENT VC15-2:** All the votes are on the other side of the hill.

**Response to Comment VC15-2:** See General Response 5.

**VERBAL COMMENT VC16: Frank Vento. 7/9/2002**

**COMMENT VC16-1:** Pescadero Creek Park gets a lot of use (sees litter impacts and other impacts of people).

**Response to Comment VC16-1:** Comment noted. Pescadero Creek Park is operated by San Mateo County Parks and Recreation and provides more intense facilities than does the District. In addition to the trail system, Pescadero Creek Park provides family and group campgrounds,

family and group picnic areas, an amphitheater and camp store. The *Draft Service Plan* specifies that recreational use of lands acquired or managed by the District would be low-intensity. The effects of the expected use levels are analyzed in each of the sections of the *DEIR*. The *Draft Service Plan* also establishes other objectives, in addition to recreation, that differ from the management objectives associated with Pescadero Creek County Park. The project is not anticipated to significantly affect use of this park.

**COMMENT VC16-2:** Daly City won't happen over here because there are too many restrictions.

**Response to Comment VC16-2:** Comment noted.

**COMMENT VC16-3:** There will be more impact when you open up a ranch to visitors than one rancher with cows.

**Response to Comment VC16-3:** The effects of visitor use are addressed throughout the *DEIR*. The *DEIR* concludes that there are potentially significant impacts associated with the proposed project and that those impacts can be mitigated to a less than significant level. The relative impacts of public access and grazing programs depend to a large extent on the manner in which the grazing and the public access are managed. The *Service Plan* calls for the District to pursue both recreational and agricultural objectives together with habitat protection. The policies in the *Draft Service Plan* and the mitigation measures proposed in the *DEIR* together would avoid significant effects from either recreational or agricultural use of District-managed lands.

**COMMENT VC16-4:** How many people have been to Pescadero Creek Park?

**Response to Comment VC16-4:** Pescadero Creek Park is operated by San Mateo County Parks and Recreation. It is not relevant to the proposed project because the objectives and policies of the *Draft Service Plan* would not authorize management of this type of park, and the project is not anticipated to significantly affect use of this park. See also Response to Comment VC41-1.

**COMMENT VC16-5:** What are you saving the coastside from?

**Response to Comment VC16-5:** Comment noted. The project objectives are described in the *Draft Service Plan* (at page 9).

**July 17, 2002 HEARING, HALF MOON BAY**

**VERBAL COMMENT VC17: Jessica Agramonte, Half Moon Bay resident. 7/17/2002**

**COMMENT VC17-1:** She is in favor of the District coming to the coast to protect open space and agriculture.

**Response to Comment VC17-1:** Comment noted.

**COMMENT VC17-2:** She lived next to land owned by the District and had a very positive experience. She could walk on the trails. There were no privacy issues and the staff was very sensitive to the neighbor's issues.

**Response to Comment VC17-2:** Comment noted.

**VERBAL COMMENT VC18: Andrea Braun, Half Moon Bay Coastside Foundation (gave handout). 7/17/2002**

**COMMENT VC18-1:** She lives adjoining State Park and POST lands about 5-10 years ago and there were fire trails from the Johnston Ranch to Skyline. She used to have them when privately held, but now they are all grown over. The fire roads are gone.

**Response to Comment VC18-1:** Comment noted. The *DEIR* considers an alternative of no annexation and deferring to management by other agencies and private organizations such as POST in Chapter V. In that discussion the *DEIR* notes that these organizations may not have the resources or expertise to manage lands for public access.

**COMMENT VC18-2:** When privately held, there were hunters there. They have been replaced by methamphetamine labs instead. Two men came on to their property. She prefers hunters to methamphetamine labs. There is no management of these lands going on.

**Response to Comment VC18-2:** Comment noted. The *Draft Service Plan* would require regular patrols of all District owned or managed property even in advance of public access or where such land is to be managed for agricultural or habitat preservation purposes. Illegal use will also be discouraged by public access.

**COMMENT VC18-3:** No fire management and no fuel management available, who is overseeing all this open space?

**Response to Comment VC18-3:** The *Draft Service Plan* and *DEIR* address this issue directly. See General Response 9

**COMMENT VC18-4:** Comments from Half Moon Bay Coastside Foundation: the District is neither a competent resource manager of its current 46,000 acre biomass fuel depot nor are they prepared to provide San Mateo County coastal residents with a watershed resource management plan.

**Response to Comment VC18-4:** With respect to fire and fuels management please see General Response 9. As to the role of a watershed resource management plan see General Response 4.

**VERBAL COMMENT VC19: Meg Delano, PMAC member. 7/17/2002**

**COMMENT VC19-1:** She asked Craig Britton and Tom Reid to clarify their earlier statements. Re: management of POST land. POST has bought many ranches on the coast, which are agricultural, but the District says it won't take over agricultural land until agricultural policies are developed.

**Response to Comment VC19-1:** See General Response 8 and Response to Comment O17-4.

**COMMENT VC19-2:** POST owns approximately 10-20% of farmworker and farmer housing. Why has the *DEIR* not addressed impacts on housing if the anticipation that the District will be taking over land purchased by POST?

**Response to Comment VC19-2:** See General Responses 3, 6 and 8, and Response to Comment VC27-5.

**COMMENT VC19-3:** Quote from Economist article: "The knowledge that local people have about local conditions, the best farming practices and the best forestry practices is much better than absentee elites."

**Response to Comment VC19-3:** Comment noted. Please see General Response 5.

**COMMENT VC19-4:** She wished POST and the District would think about why they are moving away from private property rights for those who are farming and performing forestry in their local areas.

**Response to Comment VC19-4:** Comment noted.

**VERBAL COMMENT VC20: John Donovan, PMAC member. 7/17/2002**

**COMMENT VC20-1:** PMAC voted unanimously against annexation.

**Response to Comment VC20-1:** Comment noted.

**COMMENT VC20-2:** He vehemently opposed to annexation of the south coast for three reasons:

1) Because of lack of consent of those to be governed - PMAC against it and 2) south coast residents voted against it by 56%.

**Response to Comment VC20-2:** Comment noted.

**COMMENT VC20-3:** Lack of representation.

**Response to Comment VC20-3:** See General Response 5.

**COMMENT VC20-4:** Lack of fiscal responsibility - only 1% of funds will be delegated to property management and annexation.

**Response to Comment VC20-4:** Guideline G.2 at page 11 in the *Draft Service Plan*, states that "Prior to making any lands available to public access for low-intensity recreation in the

Coastal Annexation area, the District shall have personnel and equipment available to manage public access such that: there would be no significant negative impact on existing services; and adequate stewardship to protect natural resources will be provided.” The *Draft Service Plan* discusses how staffing levels would increase after annexation at page 19. The *Fiscal Impact Analysis* discusses the allocation of funds for management of current District lands and potential land acquisitions in the CAA., and concludes that the available cash flow is more than adequate to cover the projected expense of implementing the Basic Service Plan.

**COMMENT VC20-5:** *DEIR* says that there is no plan or project but only a concept, p. II-1 specific lands to be purchased have not been identified (can't do an *DEIR* since the District is not laying out what it wants to do).

**Response to Comment VC20-5:** See General Response 2.

**COMMENT VC20-6:** This is perversion of democratic process. They will not be represented in the LAFCO process and Board of Supervisors are elected at large. So there is no representation there. The District is elected by people on the other side of the hill.

**Response to Comment VC20-6:** See General Response 5.

**COMMENT VC20-7:** This is another regional body coming and wanting power of taxation without representation.

**Response to Comment VC20-7:** Comment noted. There are currently no proposals to tax property owners. It is possible that the District would seek additional revenue sources in the future, but any taxes would require voter approval.

**VERBAL COMMENT VC21: John Dixon, PMAC member, on San Mateo County Historical Resources Board. 7/17/2002**

**COMMENT VC21-1:** Annexation without representation.

**Response to Comment VC21-1:** See General Response 5.

**COMMENT VC21-2:** We already have enough recreation (no benefit to the South Coast).

**Response to Comment VC21-2:** Comment noted. See Response to Comments VC8-7 and VC41-1.

**COMMENT VC21-3:** Development doesn't pose a threat with the protection of the Local Coastal Program and the California Coastal Commission.

**Response to Comment VC21-3:** Comment noted.

**COMMENT VC21-4:** Pescadero as a visitor serving center will be impacted.

**Response to Comment VC21-4:** See General Response 11.

**VERBAL COMMENT VC22: Gael Erickson, El Granada resident. 7/17/2002**

**COMMENT VC22-1:** Appreciates the District in maintaining property sometimes better than the County and the State and hopes annexation happens soon.

**Response to Comment VC22-1:** Comment noted.

**VERBAL COMMENT VC23: Julie Lancelle, Pacifica resident. 7/17/2002**

**COMMENT VC23-1:** It's ironic in doing an *DEIR* on open space, since it's normally done on projects that impact the environment.

**Response to Comment VC23-1:** Comment noted.

**COMMENT VC23-2:** She enjoys open space on coast.

**Response to Comment VC23-2:** Comment noted.

**COMMENT VC23-3:** Farmlands in Santa Clara Valley are gone.

**Response to Comment VC23-3:** Comment noted.

**COMMENT VC23-4:** Bay area needs agriculture to remind what life is all about and to protect for future generations.

**Response to Comment VC23-4:** Comment noted.

**COMMENT VC23-5:** Coast is a significant part of the Bay Area.

**Response to Comment VC23-5:** Comment noted.

**COMMENT VC23-6:** A tragedy to lose agricultural land lost to housing.

**Response to Comment VC23-6:** Comment noted.

**COMMENT VC23-7:** She supports the strategy of buying only from willing sellers.

**Response to Comment VC23-7:** Comment noted.

**VERBAL COMMENT VC24: Peter Marchi, local farmer. 7/17/2002**

**COMMENT VC24-1:** Requested 60-day extension of *DEIR* review period.

**Response to Comment VC24-1:** See Response to Comment VC3-1.

**COMMENT VC24-2:** The District will acquire 80% of POST property. POST pays taxes, the District doesn't.

**Response to Comment VC24-2:** See General Response 2.

**COMMENT VC24-3:** The south coast voted against the annexation.

**Response to Comment VC24-3:** Comment noted.

**COMMENT VC24-4:** He doesn't see how annexation can benefit farmers

**Response to Comment VC24-4:** See General Response 8.

**VERBAL COMMENT VC25: Jack McCarthy, Half Moon Bay resident. 7/17/2002**

**COMMENT VC25-1:** He supports the initiative.

**Response to Comment VC25-1:** Comment noted.

**VERBAL COMMENT VC26: Todd McGee, Montara resident. 7/17/2002**

**COMMENT VC26-1:** Supporter of the District - built trails for the District.

**Response to Comment VC26-1:** Comment noted.

**COMMENT VC26-2:** He has sat in 200 meetings at the District - where there were 300 people begging the District to not take an action, 4 people spoke in favor and the District approved it.

**Response to Comment VC26-2:** Comment noted.

**COMMENT VC26-3:** Reconsider having a representative from the Coast and give people a voice.

**Response to Comment VC26-3:** See General Response 5.

**VERBAL COMMENT VC27: Irma Mitton, PMAC member. 7/17/2002**

**COMMENT VC27-1:** *DEIR* proposes Alternatives, north coast alternative dismissed because the south coast would not receive the potential benefits from the annexation. What are the potential benefits to the south coast?

**Response to Comment VC27-1:** The benefits of annexation to the South Coast are described in the Alternatives section of the *DEIR*.

Page V-6 of the *DEIR* states: "Reducing the annexation area would limit the overall environmental benefit from the project. The Southern... geographic area [is] biologically and agriculturally rich, but would not receive the potential benefits of the proposed open space preservation program such as acquisition, management and preservation."

Page V-8 of the *DEIR* states: "Some of the planning characteristics for the Southern Watershed are:

- There is development pressure/potential (i.e. density credits, large parcels already subdivided on paper)
- There are opportunities to expand Cloverdale Ranch and Butano State Park and connect with Big Basin Redwoods State Park

The area has important concentrations of rare species and anadromous fisheries

- The area has important viewsheds and scenic Highway 1."

The characteristics described above would not receive potential protection that the District can provide if the Annexation Area is reduced.

**COMMENT VC27-2:** *DEIR* or *Draft Service Plan* does not address the flooding problems such as streams clogged with sediment and fighting 12 different agencies to come up with a stream management plan. The District annexing the coast will add yet another agency to claim responsibility to creeks and streams and not be able to solve the quagmire of bureaucracy that prevents stream restoration.

**Response to Comment VC27-2:** Please see Response VC12-2, above. As a result of the coastal stewardship conference held in 2002, the District is currently working with the Bay Area Open Space Council, San Mateo County Farm Bureau, resource agencies and coastside agricultural and environmental stakeholders on an off-stream impoundment project that will provide water for agricultural operations while protecting salmonid habitat. The District recently partnered with San Mateo County on a joint grant application to fund the San Mateo County Coastal Watershed Sediment Reduction Project, which will result in a substantial reduction of sediment into Pescadero, San Gregorio and San Francisquito Creeks.

**COMMENT VC27-3:** Infrastructure problems not addressed. *DEIR* says no impact on public access to services when roads are already overcrowded on the weekend, no public restroom in Pescadero, parking problems in Pescadero, very limited visitor serving services in Pescadero.

**Response to Comment VC27-3:** See General Responses 10 and 11.

**COMMENT VC27-4:** Fiscal Analysis says that Pescadero school district won't be impacted by loss of tax revenue because the State will pick up the gap. The State is under severe budget constraints (it's misleading).

**Response to Comment VC27-4:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC27-5:** POST has already had a significant impact on agriculture, housing and access (some lands closed to hiking now).

**Response to Comment VC27-5:** The effects of open space and agricultural land management by private organizations such as POST are considered in the *DEIR's* alternatives analysis in Chapter V. The *DEIR* notes that access to such lands could be limited in comparison to lands managed by the District and that land management efforts by such organizations would not be subject to the requirements of the *Draft Service Plan* and mitigation measures proposed in the *DEIR*. The *DEIR's* cumulative impacts analysis discusses the cumulative environmental effects of the project taken together with other expected future activities in the CAA, including continued acquisitions by private land trusts. State and County park agencies have no significant acquisition plans within the CAA.

POST's mission in the Coastal Annexation Area includes the preservation of agriculture. POST states that it protects agriculture by acquiring agricultural easements or by sale/leaseback projects. POST states that it has preserved more than 2,000 acres of agricultural land and more than 4,000 acres of grazing lands in San Mateo County since 1987. POST currently leases land to nine farmers in the Coastal Annexation Area for row crop agriculture, dry farming, and cattle grazing for a total of 1108 acres; holds conservation easements on 523 acres of land in row crop cultivation; leases grazing land for a total of 4,087 acres; and has sold back 1197 acres of agricultural land for active farming. Where POST has bought lands in agricultural production, it has not taken any of these lands out of agricultural production. Therefore, there are no significant cumulative impacts on agriculture associated with POST programs in the CAA.



POST typically acquires large tracts of undeveloped or sparsely developed land. In a few instances, POST has acquired lands with existing housing in the CAA. POST typically retains acquired housing unless the structure is dangerous or dilapidated. POST's usual practice is to make the housing it acquires available for rental or continued occupancy. Therefore, there are no significant cumulative impacts on housing associated with POST's programs in the CAA (Pers.Comm., Deirdre Holbrook, Director of Communications, POST, May 19, 2003).

**COMMENT VC27-6:** Why doesn't the District think they can manage their own lands? They are perfectly capable.

**Response to Comment VC27-6:** Comment noted. The District's land management expertise is discussed in the *DEIR*, Chapter II, pp. 10 and 11.

**VERBAL COMMENT VC28: Maeva Neale, PMAC member. 7/17/2002**

**COMMENT VC28-1:** South coast rejected the annexation in the advisory vote (all 13 PMAC members voted against the annexation).

**Response to Comment VC28-1:** Comment noted.

**COMMENT VC28-2:** No coastal representative of the District's board.

**Response to Comment VC28-2:** See General Response 5.

**COMMENT VC28-3:** PMAC asked Supervisor Gordon to put on Board of Supervisor agenda to discuss an advisory vote. It will be on the agenda on Aug. 6<sup>th</sup> at 10 am and will invite people from the south coast to attend the meeting and share their opinions.

**Response to Comment VC28-3:** Comment noted.

**VERBAL COMMENT VC29: Catherine Peery, Butano Canyon resident. 7/17/2002**

**COMMENT VC29-1:** Incorporated people are for the annexation and unincorporated areas are against it.

**Response to Comment VC29-1:** Comment noted.

**COMMENT VC29-2:** She is opposed to the annexation.

**Response to Comment VC29-2:** Comment noted.

**COMMENT VC29-3:** Surrounded by State, County Parks, Pacific Land Trust - terrible fire danger not being taken care of.

**Response to Comment VC29-3:** See General Responses 9 and 13.

**COMMENT VC29-4:** Flooding and fire danger will not be solved by the annexation.

**Response to Comment VC29-4:** The commentor is correct. Flooding and fires are difficult to predict and difficult to control in natural open areas. The risk of these events occurring in the Coastal Annexation Area will never be completely eradicated. The *Draft Service Plan* contains policies, however, that would operate to reduce the risk of flooding and fire on lands managed

by the District. In addition, the *DEIR* proposes mitigation measures that, if implemented, would avoid or reduce flooding effects and fire danger from the acquisition and operation of new preserves and easements in the Coastal Annexation Area to less than significant levels. The risk of flooding is discussed in Response to Comment VC12-2. Fire risks are discussed in General Responses 9 and 13.

**VERBAL COMMENT VC30: Nina Pellegrini, Montara resident. 7/17/2002**

**COMMENT VC30-1:** She is concerned about the restricted signs on Rancho Corral de Tierra and used to walking there but now there are no trespassing signs posted by POST. She thought open space meant open space and people are upset that they can't walk there anymore. Now they need written permission.

**Response to Comment VC30-1:** This comment is referring to lands currently managed by POST, another entity, and not MROSD. The effects of open space and agricultural land management by private organizations such as POST are considered in the *DEIR*'s alternatives analysis in Chapter V. The *DEIR* notes that access to such lands could be limited in comparison to lands managed by the District and that land management efforts by such organizations would not be subject to the requirements of the *Draft Service Plan* and mitigation measures proposed in the *DEIR*. The *DEIR* notes that if MROSD were to purchase land currently owned by POST, it could be opened to public access after a Use and Management Plan and appropriate CEQA documentation have been prepared.

**COMMENT VC30-2:** There are enough regulations in the area now.

**Response to Comment VC30-2:** Comment noted. To clarify, the project would not involve adoption of any regulations governing private property. The *Draft Service Plan* notes at page 17 that the District is not a land use regulatory agency and that the District must comply with all applicable County and city land use regulations. The *Draft Service Plan* and subsequently adopted use and management plans would apply to lands owned or otherwise managed by the District.

**VERBAL COMMENT VC31: Mario Pellegrini, Montara resident**

**COMMENT VC31-1:** We have federal, state, county, municipal and coastal commission regulating the area where they live, this is one of the most regulated areas of the County.

**Response to Comment VC31-2:** Comment noted. See Response to Comment VC30-2.

**COMMENT VC31-2:** Constitution of U.S. gives rights for private property.

**Response to Comment VC31-2:** Comment noted.

**COMMENT VC31-3:** He met all standards of the County, had 2 years of lawsuits (\$70,000 of professional fees), met all the standards of all the appeals to build a house; this process was abused.

**Response to Comment VC31-3:** Comment noted. See Response to Comment VC30-2.

**COMMENT VC31-4:** There are too many restrictions on building a house.

**Response to Comment VC31-4:** Comment noted. See Response to Comment VC30-2.

**COMMENT VC31-5:** They should recognize the constitutional rights of private property owners.

**Response to Comment VC31-5.** Comment noted.

**VERBAL COMMENT VC32: John Plock Half Moon Bay Coastside Foundation. 7/17/2002**

**COMMENT VC32-1:** There isn't much in the *DEIR* about management plans. He is concerned about peninsula land owners to implement fire protection systems (peninsula fires every 30,40, 50 years). See General Responses 4 and 9.

**Response to Comment VC32-1:** See General Response 4.

**COMMENT VC32-2:** The Foundation is opposed to the annexation (sees no need for it).

**Response to Comment VC32-2:** Comment noted.

**COMMENT VC32-3:** He's speaking on own behalf (30% spent on management vs other numbers say 1%).

**Response to Comment VC32-3:** Comment noted. See Response to Comment VC20-4 and See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC32-4:** He read from *DEIR* p.S-1:

"Management of lands acquired by the District and management of lands through contract with other public and private property owners (e.g. Peninsula Open Space Trust (POST), State of California) involving stewardship programs and visitor-serving low-intensity recreation access."  
--has read the same statement on POST applications except they say that management will be by Midpeninsula Open Space District

**Response to Comment VC32-4:** Comment noted. See General Response 3.

**COMMENT VC32-5:** State has funding problems and doesn't want to take over management of new lands.

**Response to Comment VC32-5:** Comment noted. The *DEIR's* project description notes that this is one of the factors contributing to the need for the proposed project. The *DEIR's* alternatives analysis in Chapter V considers the effects of an alternative with land management provided by existing CAA service providers.

**COMMENT VC32-6:** He sees this as an outside agency to come over and expand their tax base.

**Response to Comment VC32-6:** Comment noted. The proposed project includes no increase in taxation. Beginning on Page VI-3, the *DEIR* discusses the possibility that additional revenue sources could be sought from voters in the future

**VERBAL COMMENT VC33: Chris Powell, El Granada resident. 7/17/2002**

**COMMENT VC33-1:** Thanks District for coming to the coast for the hearings.

**Response to Comment VC33-1:** Comment noted.

**COMMENT VC33-2:** HMB Review article about funding for city parks is jeopardized

**Response to Comment VC33-2:** Comment noted.

**COMMENT VC33-3:** If annexation didn't occur there are two possible outcomes: 1) Lessening or end to acquisition of open space, 2) Open space that is acquired won't receive the stewardship that it needs.

**Response to Comment VC33-3:** Comment noted. These options are discussed as part of the analysis of the No Project alternative in Chapter V of the *DEIR*.

**COMMENT VC33-4:** *DEIR* did address the coastal open space needs to manage differently than properties on the bayside and that eminent domain would not be used.

**Response to Comment VC33-4:** Comment noted.

**VERBAL COMMENT VC34: Meredith Reynolds, PMAC member. 7/17/2002**

**COMMENT VC34-1:** Family owned agricultural land for 150 years. Previous commentators don't understand agriculture. It takes a long time to get to know land and takes a long time to care for it. The responsibilities are greater than one imagines.

**Response to Comment VC34-1:** Comment noted.

**COMMENT VC34-2:** Half Moon Bay and Midcoast voted for the annexation. The District has experience in dealing with open space next to urban and suburban areas and should respect their vote.

**Response to Comment VC34-2:** Comment noted.

**COMMENT VC34-3:** The documents defined the South Coast as south of Pomponio. People who voted against the annexation are south of Tunitas Creek.

**Response to Comment VC34-3:** The boundaries for the three different geographic regions in the Alternatives section of the *DEIR* (Chapter V) are Northern Watersheds, Skyline Upper Watersheds and Southern Watersheds, and were defined by the boundaries of physical watersheds rather than political and voting boundaries.

**COMMENT VC34-4:** Skyline cannot be separated from the coast because that is where the creeks are born. When you look at these areas, they cannot be separated.

**Response to Comment VC34-4:** Comment noted. Section B.2 of Chapter V considers the environmental effects of an alternative to the proposed project that would annex only the Skyline Upper area. The *Draft Service Plan* policies of the proposed project and the proposed mitigation measures described in the *DEIR*'s discussion of water quality impacts would apply within this limited area and would serve to ensure that there would be no significant adverse effects to water quality in streams within the annexation area and that the annexation and projects pursued as a result also would not cause significant impacts to downstream water quality.

**COMMENT VC34-5:** South coast didn't invite you to come. She asks that their vote against the annexation be respected.

**Response to Comment VC34-5:** Comment noted.

**VERBAL COMMENT VC35: Lennie Roberts, Committee for Green Foothills. 7/17/2002**

**COMMENT VC35-1:** Thanked Board members for holding hearings on coastside even though its not required.

**Response to Comment VC35-1:** Comment noted.

**COMMENT VC35-2:** Congratulated District and Thomas Reid Associates for doing *DEIR*. It's unusual to see one done on something that will help preserve open space.

**Response to Comment VC35-2:** Comment noted.

**COMMENT VC35-3:** The District has existing resource management policies such as restoring sites, managing invasive species, feral pigs, pampas grass, broom

**Response to Comment VC35-3:** See General Responses 4 and 15.

**COMMENT VC35-4:** Coastal plan is a result of 40 public hearings and a lot of public input. The District will help further the goals of the coastal plan.

**Response to Comment VC35-4:** Comment noted. The relationship between the proposed project and the Local Coastal Plan and other local regulations is discussed in section IV-A of the *DEIR*.

**VERBAL COMMENT VC36: Jim Rourke. 7/17/2002**

**COMMENT VC36-1:** The District will have a positive impact and will repair past poor land practices.

**Response to Comment VC36-1:** Comment noted.

**COMMENT VC36-2:** What are you saving and why are you saving it?

**Response to Comment VC36-2:** Comment noted. The project objectives are described in the *Draft Service Plan* at page 9.

**COMMENT VC36-3:** There was only one real estate office in Pescadero in the 1960's. People make a living on the real estate transactions.

**Response to Comment VC36-3:** Comment noted.

**COMMENT VC36-4:** He read from real estate section of HMB Review, it describes explosion of number of real estate agents and properties for sale.

**Response to Comment VC36-4:** Comment noted.

**COMMENT VC36-5:** What are we trying to save? We are trying to save our way of life.

**Response to Comment VC36-5:** Comment noted.

**VERBAL COMMENT VC37: Mr. Sehnal, La Honda resident. 7/17/2002**

**COMMENT VC37-1:** He would like to see a detailed financial statement to show how the annexation will be paid for.

**Response to Comment VC37-1:** Funding for the project is described beginning at page II-9 of the *DEIR*. Also see the *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT VC37-2** Will there be an annexation tax for every resident? How much will every resident pay?

**Response to Comment VC37-2:** The *DEIR* explains that under the proposed project no lands will be taxed or assessed (see p. II-9). There will be no annexation tax. Residents will pay nothing. The *DEIR* notes that in the future it is possible that the District would seek approval of a funding measure for operations in the CAA but that the specifics of such a measure cannot be determined at this time.

**COMMENT VC37-3:** Re: the Alternatives Map. It's not clear what sections are being annexed.

**Response to Comment VC37-3:** Page II-5 of the *DEIR* Project Description states the sections proposed to be annexed by the project:

\*\*\*on the east by the existing District boundary and San Francisco watershed lands;

\*\*on the west by the Pacific Ocean;

\*\*on the north by the southern boundary of the City of Pacifica; and

\*\*on the south by the San Mateo/Santa Cruz boundary"

Please also refer to Maps 1 and 2 of the *DEIR* which show the area proposed for annexation.

Map 17 shows the geographical subareas considered as possible alternative annexation areas in Chapter V of the *DEIR*. As alternatives to annexing the entire CAA, the alternatives analysis considered the options of annexing either (1) the Northern Watersheds only, (2) the Skyline Upper Watersheds only, (3) the Skyline Upper and Northern Watersheds, or (4) the Skyline Upper and Southern Watersheds.

**COMMENT VC37-4:** He would like to see what the legal impacts are for all property owners. What will be the legal restrictions put on property owners? These should be detailed, for example, what restrictions will be placed on trees?

**Response to Comment VC37-4:** The proposed project would not involve adoption of any regulations governing private property. The *Draft Service Plan* notes at page 17 that the District is not a land use regulatory agency and that the District must comply with all applicable County and city land use regulations. The *Draft Service Plan* and subsequently adopted use and management plans would apply only to lands owned or otherwise managed by the District. Property owners would have the opportunity to enter into agreements with the District for sale of lands or easements in land. Any restrictions imposed by these agreements would be only with the consent of the property owner and compensation in an amount agreed to between the property owner and the District.

**COMMENT VC37-5:** He's suspicious of the POST and the District when they're coming from both sides and it's financed by the East Coast.

**Response to Comment VC37-5:** Comment noted.

**VERBAL COMMENT VC38: Barbara Sehnal, representing a group of La Honda residents. 7/17/2002**

**COMMENT VC38-1:** What is the substantiation of the public need for open space tripling the size of the District?

**Response to Comment VC38-1:** The *DEIR* addresses Project Objectives beginning on Page II-2. Objectives are also discussed in the *Draft Service Plan*.

**COMMENT VC38-2:** There's already a 40-acre minimum that make it very difficult to get a building permit for a second house.

**Response to Comment VC38-2:** Comment noted.

**COMMENT VC38-3:** Re: eminent domain. She acknowledges that the District says that they won't exercise eminent domain; but it's on the District's website and in their documents, they have the right to exercise eminent domain.

**Response to Comment VC38-3:** See General Response 1.

**COMMENT VC38-4:** District exercised eminent domain on properties on Page Mill Rd. 20 years ago and also the issue with the nun convent that was taken to court.

**Response to Comment VC38-4:** Comment noted.

**COMMENT VC38-5:** How would the District deal with property surrounded by open space (or is desirable because of scenic corridor or trails)?

**Response to Comment VC38-5:** Because the District is not a regulatory agency it can deal with adjoining property owners only on a consensual basis. The District has no authority to regulate adjoining land uses. The *Draft Service Plan* contains policies requiring the District to obtain land and easements from willing sellers only in the CAA. This is discussed further in General Response 1.

**COMMENT VC38-6:** How will the annexation lands be exempted from eminent domain under California law (e.g. timberlands)?

**Response to Comment VC38-6:** See General Response 1.

**COMMENT VC38-7:** Lands in La Honda are not visible or easily accessible to urban areas.

**Response to Comment VC38-7:** Comment noted.

**COMMENT VC38-8** Why is the District doing and approving its own *DEIR*? It should be done by an outside agency.

**Response to Comment VC38-8:** According to the CEQA Guidelines Section 15051, it is appropriate for the District to be the Lead Agency on this project. Section 15051 "Criteria for Identifying the Lead Agency" states that if project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency. Because the decisions as to whether to apply for annexation and what policies to include in the *Draft Service Plan* for the annexation must be made by the District, the District is the appropriate lead agency. This is consistent with the San Mateo County LAFCO Guidelines which provide that public agencies applying for annexation are usually designated as the lead agency for the project. (See San Mateo LAFCO Procedures for the Evaluation of Proposals(2001), Section II(3)(E).)

**VERBAL COMMENT VC39: Marta Sehnal. 7/17/2002**

**COMMENT VC39-1:** 3/4 of the land in California is owned by government. She lived half of her life in communist country and doesn't know where we are heading. If everything is owned by government, it's not easy.

**Response to Comment VC39-1:** Comment noted.

**COMMENT VC39-2:** Please make a park in the city for people from the country to use.

**Response to Comment VC39-2:** Please see Response to Comment VC12-1. The *Draft Service Plan* notes that the District's enabling legislation authorizes it to operate and maintain public ecological and open space preserves. Typically project acquisitions are not anticipated to be within the city of Half Moon Bay, but the *Draft Service Plan* would not preclude the District from establishing such a preserve, if land meeting the objectives of the *Draft Service Plan* were to become available from a willing seller.

**VERBAL COMMENT VC40: Bern Smith, El Granada resident. 7/17/2002**

**COMMENT VC40-1:** He's interested in the upcoming process especially in addressing agricultural management. He's happy to help out in the planning process. There are a lot of people in the farming community who know their stuff.

**Response to Comment VC40-1:** Comment noted.

**COMMENT VC40-2:** He doesn't see any reason why the District should be incompatible with agricultural preservation.

**Response to Comment VC40-2:** Comment noted.

**VERBAL COMMENT VC41: Jay Snyder, La Honda resident. 7/17/2002**

**COMMENT VC41-1:** How much land does the District really need? There is a lot of recreation area on the coast already.

**Response to Comment VC41-1:** Comment noted. A discussion of current land uses within the CAA is discussed in Section IV-A of the *DEIR*. While land acquired by the District will serve recreational interests, that is only one of several project objectives. The *Draft Service Plan* notes that acquisitions and management agreements would be directed towards protecting watersheds and sensitive resources, maintaining long term opportunities for economically viable



agriculture, and opportunities for scientific research and education in addition to developing trails and other forms of low-intensity recreation. A discussion of the recreation impacts from the proposed project is discussed in the *DEIR* on page IV-A-12. It was determined that no impacts to existing recreation facilities would occur, and instead the proposed project would be likely to lessen the intensity of use in existing nearby parks in the Coastal Annexation Area by offering additional hiking and equestrian opportunities. Because no impacts to existing recreation facilities would occur from the proposed project, no mitigation measures are necessary.

**Response to Comment VC41-2:** Comment noted.

**COMMENT VC41-3:** When will people's questions be answered?

**Response to Comment VC41-3:** This document responds to questions concerning the environmental effects of the proposed projects. Other questions will be addressed in the fiscal analysis and staff report for the project.

**COMMENT VC41-4:** District's pamphlet says the preserves are open 7 days a week, but that is not true.

**Response to Comment VC41-4:** Preserves are open 7 days a week from dawn until one half-hour after sunset. This is stated on all the District's brochures, maps, newsletters and website. Preserves are closed on high fire hazard days and where necessary to avoid threats to public health and safety.

**COMMENT VC41-5:** A lot of people haven't heard about the meetings.

**Response to Comment VC41-5:** Comment noted. Notices of meetings were mailed to more than 13,000 residents, were published in the San Mateo County Times and the Half Moon Bay Review, posted on the District's website, and listed in documents available in public libraries in Woodside, Half Moon Bay, Los Altos and the Pescadero Bookmobile.

**VERBAL COMMENT VC42: Judith Staples. 7/17/2002**

**COMMENT VC42-1:** She is vehemently opposed to this annexation.

**Response to Comment VC42-1:** Comment noted.

**VERBAL COMMENT VC43: Jon Staples. 7/17/2002**

**COMMENT VC43-1:** I am opposed to annexation

**Response to Comment VC43-1:** Comment noted.

**VERBAL COMMENT VC44: April Vargas, MCC member. 7/17/2002**

**COMMENT VC44-1:** 1997/1998 group of people discuss that things were changing fast and asked what could be done. They decided that having the District's presence on the coast would be benefit a citizen driven project. They asked the District to come and passed by vote over 55%.

**Response to Comment VC44-1:** Comment noted.

**COMMENT VC44-2:** While there are people opposed to the project, a very extensive citizen's advisory committee process took in the opinions of all the groups and as a result eminent domain was abandoned.

**Response to Comment VC44-2:** Comment noted.

**COMMENT VC44-3:** *DEIR* discusses conflicts of recreational land and agricultural land.

**Response to Comment VC44-3:** Comment noted.

**COMMENT VC44-4:** District won't purchase agricultural land until agricultural policies are developed with input of the agricultural community on the coast.

**Response to Comment VC44-4:** Comment noted.

**COMMENT VC44-5:** Thanks District for trying hard to recognize what is at stake here.

**Response to Comment VC44-5:** Comment noted.

**VERBAL COMMENT VC45: Frank Vento. 7/17/2002**

**COMMENT VC45-1:** He reads from Appendix C, *Draft Service Plan* p.5: "State Open Meeting Law that prohibits the District Board from conducting meetings outside its boundaries, which, in turn, would not provide for local representation and would not encourage local participation in District programs". He asks that is this an illegal meeting?

**Response to Comment VC45-1:** The public meeting to accept comments from the public was not a meeting of the MROSD Board of Directors and therefore was not subject to the State Open Meeting Law. Meetings of the Board in the CAA would be allowed if the annexation were approved.

**COMMENT VC45-2:** From p.7, it states "Opportunity for local residents to be elected to the District Board of Directors would be provided."

**Response to Comment VC45-2:** Comment noted.

**COMMENT VC45-3:** On p.13, it states "Maximum of seven wards, which represent roughly the same number of people. The District is composed of seven wards with approximately 100,000 people in each...Since the population within the Coastal Annexation Area is below 100,000, a separate ward for the San Mateo Coast is not anticipated." This is back to the lack of representation.

**Response to Comment VC45-3:** Comment noted. See General Response 5.

**COMMENT VC45-4:** We have enough entities with Federal, State and County government imposing restrictions against building.

**Response to Comment VC45-4:** The proposed project would not involve adoption of any regulations governing private property. The *Draft Service Plan* notes at page 17 that the District is not a land use regulatory agency and that the District must comply with all applicable County

and city land use regulations. The *Draft Service Plan* and subsequently adopted use and management plans would apply only to lands owned or otherwise managed by the District.

**COMMENT VC45-5:** We could better utilize the dollars to help with problems on the coast such as cleaning up the creeks in Pescadero.

**Response to Comment VC45-5:** Comment noted.

**VERBAL COMMENT VC46: Leonard Woren. 7/17/2002**

**COMMENT VC46-1:** He strongly supports annexation on original committee where they looked at a dozen agencies and decided that the District was the appropriate agency. They invited the District to come over to the coast.

**Response to Comment VC46-1:** Comment noted.

**COMMENT VC46-2:** Eminent domain issue is just paranoia.

**Response to Comment VC46-2:** See General Response 1.

**COMMENT VC46-3:** We can't have a plan if you don't know what properties will be bought.

**Response to Comment VC46-3:** See General Response 2.

**COMMENT VC46-4:** He wants to know where all the people are and who have had a bad experience with the District.

**Response to Comment VC46-4:** Comment noted.

**COMMENT VC46-5:** The District's existing boundary is very large whereas the lands the District actually owns are concentrated in a strip along the ridge line.

**Response to Comment VC46-5:** The commentor is correct that the District boundaries indicate only the area within which the District may acquire and manage lands. The *Draft Service Plan* will apply to guide the District in identifying properties for acquisition and then to guide in management of those lands. It will not apply to lands not owned or managed by the District. The *DEIR* estimates that the District would acquire and manage fewer than 12,000 acres of the 140,000 total acres in the CAA after 15 years.

**COMMENT VC46-6:** Rancho Corral de Tierra, Bolsa Point, and Cloverdale Ranches were owned by absentee elite owners.

**Response to Comment VC46-6:** Comment noted.

**July 31, 2002 HEARING, LOS ALTOS**

**VERBAL COMMENT VC47: Geoff Allen, Pescadero resident, PMAC member . 7/31/2002**

**COMMENT VC47-1:** The *DEIR* talks about 11,000 acres of acquisition over 15 years – this won't come from the area around Half Moon Bay where the voters are, it will come from the southern area where there is little support for annexation.

**Response to Comment VC47-1:** Comment noted. Also see Response to Comment VC13-3.

**COMMENT VC47-2:** There may be unanticipated biological impacts of annexation: Nile virus, mad cow disease, med flies, sudden oak death syndrome, all can be brought into the area by visitors.

**Response to Comment VC47-2:** See General Response 15.

**COMMENT VC47-3:** Open space affects adjoining agriculture.

**Response to Comment VC47-3:** See General Response 8.

**COMMENT VC47-4:** Pescadero roads cannot handle the visitor traffic on weekends. One million cars annually is 10,000 cars per week.

**Response to Comment VC47-4:** See General Response 10.

**VERBAL COMMENT VC48: Rick Barnes, San Bruno. 7/31/2002**

**COMMENT VC48-1:** Supports annexation, financial strategy defines a range of possible actions.

**Response to Comment VC48-1:** Comment noted.

**VERBAL COMMENT VC49: Oscar Braun, resident of rural lands above Half Moon Bay, Coastside Fire Safe Council, Half Moon Bay Coast Foundation. 7/31/2002**

**COMMENT VC49-1:** Concerned about MROSD relationship to POST. *DEIR* is supposed to inform before decisions are made, but MROSD has already entered into cooperative agreement with POST.

**Response to Comment VC49-1:** See General Response 3.

**COMMENT VC49-2:** Will MROSD assume liability for all POST lands? How will it provide riparian protection? How much will it spend to prevent flooding on Butano Creek? Will it restore water rights taken by POST? Will it pay to clean up abandoned landfill on Johnson Ranch? How much will it spend to protect Rancho Corral de Tierra from illegal OHV use and drug cultivation?

**Response to Comment VC49-2:** See General Response 3.

**VERBAL COMMENT VC50: John Donovan, Loma Mar resident, PMAC member. 7/31/2002**

**COMMENT VC50-1:** How can Coastside residents be adequately represented? Annexation should not proceed without representation.

**Response to Comment VC50-1:** See General Response 5.

**COMMENT VC50-2:** Urban sprawl is not a threat to Coastside south of Half Moon Bay. See small area of "urban" on Map 9 in *DEIR*, see other exhibits submitted (attached). In unincorporated southern area, from 1981 to 1995, 57 new dwellings were built (4 per year), from 1996 to present, only 4 total have been built.

**Response to Comment VC50-2:** Comment noted.

**COMMENT VC50-3:** There is already plenty of public ownership in Coastside south of Half Moon Bay.

**Response to Comment VC50-3:** Comment noted.

**VERBAL COMMENT VC51: Terry Gossett, Pescadero resident, PMAC member. 7/31/2002**

**COMMENT VC51-1:** MROSD has been a good neighbor, but thinks that there has been too much public land acquisition. Personally had eminent domain used on him by MROSD.

**Response to Comment VC51-1:** Comment noted. Regarding eminent domain, see General Response 1.

**COMMENT VC51-2:** Concerned over creek pollution. Coastal creeks are not safe, what measure will MROSD use to show progress in protecting and improving creeks?

**Response to Comment VC51-2:** Section IV-H, Hydrology, of the *DEIR* contains specific discussion of creek pollution and contains analysis to determine the extent of creek pollution that may occur as a result of annexation. Mitigation measures HYD-1a, HYD-1b, HYD-1c, HYD-1d and HYD-2 are presented on pages IV-H-5 through IV-H-7 that, once implemented, will avoid or reduce significant impacts to less than significant levels.

**Comment VC51-3:** The *DEIR* needs to address scenarios for coastal area funding, local only and district-wide.

**Response to Comment VC51-3:** Funding for the proposed project is described beginning on page II-9 of the *DEIR*.

**COMMENT VC51-4:** Eminent domain is not the only way the District can oppress landowners.

**Response to Comment VC51-4:** Comment noted. Regarding eminent domain, see General Response 1.

**VERBAL COMMENT VC52: Harry Haeussler, Los Altos resident. 7/31/2002**

**COMMENT VC52-1:** Eminent domain is just as inappropriate for the District to use in its existing Bayside service area as it is for the proposed Coastside area.

**Response to Comment VC52-1:** See General Response 1.

**COMMENT VC52-2:** Use of existing revenues on coastal annexation is unfair to Bayside taxpayers; nothing should be done on Coastside until Coastside voters tax themselves.

**Response to Comment VC52-2:** Comment noted.

**VERBAL COMMENT VC53: Michael Murphy, Half Moon Bay resident. 7/31/2002**

**COMMENT VC53-1:** This is already farming country, do not need MROSD to preserve agriculture. POST is already having trouble with farm use of its properties.

**Response to Comment VC53-1:** Comment noted.

**COMMENT VC53-2:** Annexation will increase visitor travel and impact.

**Response to Comment VC53-2:** See General Response 10.

**COMMENT VC53-3:** Public access increases spread of disease.

**Response to Comment VC53-3:** See General Response 15.

**COMMENT VC53-4:** Among preservation entities on Coastside, MROSD has at least been responsive to issues such as Eminent domain; POST and Golden Gate National Recreation Area are more of concern.

**Response to Comment VC53-4:** Comment noted.

**VERBAL COMMENT VC54 Jack Olson, San Mateo Farm Bureau. 7/31/2002**

**COMMENT VC54-1:** Requests 30 day extension of time to comment.

**Response to Comment VC54-1:** See Response to Comment VC3-1.

**COMMENT VC54-2:** Sudden Oak Death (SOD) a threat to area agriculture because it means restriction of certain agricultural exports to Canada. So far restriction is only 10 counties, don't want this to spread. MROSD lands harbor SOD.

**Response to Comment VC54-2:** See General Response 15.

**COMMENT VC54-3:** There are new guidelines for restricting access to agricultural properties in response to bioterrorism concerns following September 11 for such things as hoof and mouth disease.

**Response to Comment VC54-3:** See General Response 8.

**VERBAL COMMENT VC55: Mario Pellegrini, Montara resident. 7/31/2002**

**COMMENT VC55-1:** Concerns as a property owner is complex overlay of federal, state, and local authority over land use. Wants to avoid over-regulation and deprivation of private property rights.

**Response to Comment VC55-1:** See Response to Comment VC45-4.

**COMMENT VC55-2:** Opponents to annexation also want clean air and water, these can be obtained by mutual cooperation.

**Response to Comment VC55-2:** Comment noted.

**VERBAL COMMENT VC56: Nina Pellegrini, Montara resident. 7/31/2002**

**COMMENT VC56-1:** Questions whether the present voluntary exclusion of Eminent domain for the Coastal annexation area will be reversed and in fact, MROSD might revert to eminent domain.

**Response to Comment VC56-1:** See General Response 1.

**COMMENT VC56-2:** Fiscal analysis of schools relies on State to fill gap in revenues. State is short of money now, that may not happen.

**Response to Comment VC56-2:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**VERBAL COMMENT VC57: Bill Prince, resident of headwaters of Pescadero. 7/31/2002**

**COMMENT VC57-1:** He lives next to a MROSD preserve, MROSD has been a good neighbor; MROSD rangers have often been first to arrive for fire or enforcement.

**Response to Comment VC57-1:** Comment noted.

**COMMENT VC57-2:** Coastside has important differences, though; District will have to develop expertise in dealing with agriculture.

**Response to Comment VC57-2:** Comment noted.

**VERBAL COMMENT VC58: Lennie Roberts, Portola Valley resident, Committee for Green Foothills. 7/31/2002**

**COMMENT VC58-1:** Supports annexation, open space conservation on Coastside needed to offset environmental effects of urbanization on Bayside.

**Response to Comment VC58-1:** Comment noted.

**COMMENT VC58-2:** MROSD already manages lands at the head of coastal watersheds that flow into Coastal annexation area. That land management already provides benefits for sediment and erosion (water quality) and control of feral pigs. Shows map of Skyline Ridge area and existing MROSD preserves that protect west facing slopes of Coastal watersheds.

**Response to Comment VC58-2:** Comment noted.

**COMMENT VC58-3:** Fears of annexation impact on property unfounded; MROSD has no land use regulatory powers – it is itself subject to the regulatory authority of the County and Local Coastal Programs.

**Response to Comment VC58-3:** Comment noted.

**COMMENT VC58-4:** MROSD *DEIR* unusual in analyzing policies in advance of adoption rather than analyzing a development proposal.

**Response to Comment VC58-4:** Comment noted.

**VERBAL COMMENT VC59: Jim Rourke, Pescadero resident. 7/31/2002**

**COMMENT VC59-1:** Supports annexation, notes inconsistencies in arguments against annexation.

**Response to Comment VC59-1:** Comment noted.

**VERBAL COMMENT VC60: Barbara Sehnal, La Honda resident. 7/31/2002**

**COMMENT VC60-1:** Annexation will lead to violation of private property rights; District ordinance on eminent domain not durable enough.

**Response to Comment VC60-1:** See General Response 1.

**COMMENT VC60-2:** Threat of urbanization not significant on Coastsides; project not needed.

**Response to Comment VC60-2:** Comment noted.

**COMMENT VC60-3:** Where will funding come from to repair some of rural roads affected by MROSD preserves.

**Response to Comment VC60-3:** According to the section of the *DEIR* that discusses traffic impacts of the project (pp.IV-C-7 - IV-C-9, ) the project will not be a major contributor to the decay of rural roads and is therefore not responsible for funding their upkeep. Funding is the responsibility of the appropriate jurisdiction (eg. Highway 84, 1 and 92 is the responsibility of Caltrans and County maintained roads are the responsibility of the County)

**COMMENT VC60-4:** There is already too much public land ownership: three quarters of California is public. Note that U.S. parks are actually governed by United Nations treaties.

**Response to Comment VC60-4:** Comment noted.

**VERBAL COMMENT VC61: Carol Simon, Pescadero resident, PMAC member . 7/31/2002**

**COMMENT VC61-1:** There is already enough agriculture and public open space to maintain existing rural quality in Pescadero area.



**Response to Comment VC61-1:** Comment noted.

**COMMENT VC61-2:** MROSD acquisition would remove land from active agricultural use and eliminate housing.

**Response to Comment VC61-2:** See General Responses 8 and 6.

**COMMENT VC61-3:** MROSD acquisition would eliminate any housing present; housing is very scarce in southern annexation area.

**Response to Comment VC61-3:** See General Response 6.

**Comment VC61-4:** *DEIR* needs to evaluate the effects of traffic on areas outside of preserve, e.g. Pescadero. Trip generation not just a function of the preserve size, but also of facilities and visitor attractions.

**Response to Comment VC61-4:** See General Response 10.

**COMMENT VC61-5:** Concerned that MROSD will not engage the local community; POST has set a poor example of local sensitivity.

**Response to Comment VC61-5:** The *DEIR* contains several references to involving the local communities in the Coastal Annexation Area in all of the processes of land planning and resource management. Page II-6 of the *DEIR*, 1<sup>st</sup> paragraph under the "Planning" section, states:

"To further ensure recommendations representing local involvement are considered in all significant District planning and decision-making relating to the Coastal Annexation Area, the District shall directly notify adjacent property owners, community-interest groups, non-profit land trusts, elected officials, and other conservation-oriented organizations and interested parties. Following annexation, no action regarding adoption of Coastal Annexation Area policies shall be taken by the District without consultation with elected officials, government agencies, and government-sponsored organizations within the Coastal Annexation Area."

**VERBAL COMMENT VC62: Georgia Stigall, Woodside/South Skyline resident. 7/31/2002**

**COMMENT VC62-1:** Private landowners will benefit from MROSD annexation and conservation through preservation of beauty and retention of property values.

**Response to Comment VC62-1:** Comment noted.

**COMMENT VC62-2:** MROSD has been a good neighbor to the South Skyline residents.

**Response to Comment VC62-2:** Comment noted.

**COMMENT VC62-3:** Agrees with comment on rights of private property owners (elimination of eminent domain).

**Response to Comment VC62-3:** See General Response 1

## V. Responses to Written Comments

The comment letters received on the *DEIR* are included at the end of this document in Appendix A. Each letter is coded according to the type of commenter (agency or organization or the public), and each section of the letter identified as a discrete comment is shown with a number in the left-hand margin. The responses here do not paraphrase or repeat the comment; the reader should refer to the original comment letter and find the corresponding coded number in the right hand margin of each letter. For example, A2-5 is the code for the 5th comment in Agency letter 2. The response with that code number is the response to that portion of the comment letter.

Some comments expressed either support or opposition to the project. These comments are noted as indicated below. Other comments addressed fiscal or policy issues that are not related to the project's potential environmental effects; these issues comments will be addressed in the fiscal analysis for the project or the staff report to the District Board of Directors as appropriate. The responses below address those comments regarding the adequacy of the EIR. Where changes to the EIR text are required, the indicated text from the *DEIR* is quoted, with the original text in ~~strikeout~~, and the corrected text in underline. All text changes can be found in Chapter VI of this Final EIR document.

### A. Responses to Written Comments from Agencies (Letters A1 through A5)

#### COMMENT LETTER A1: O'Neill Brian. GGNRA. 8/2/2002

**Response to Comment A1-1:** Comment noted.

#### COMMENT LETTER A2: Raines, Marcia. County of San Mateo Environmental Services Agency. 8/29/2002

**Response to Comment A2-1:** Comment noted. This FEIR will reflect these text changes.

**Response to Comment A2-2:** Page IV-B-5 of the *DEIR* states that

Zoning Regulations section 6355 provides permit issuance criteria for conversion of agricultural land. That same page also lists the LCP policies governing permitted uses and conversion of Prime Agricultural Lands and Lands Suitable for Agriculture.

As noted by the commenter, any conversion requires that very specific findings be made. Since the District is subject to all county regulations, any uses must comply with these regulations. The commenter is correct that acquired lands would be used for open space, low-intensity recreation, and agriculture and that these lands would likely include prime agricultural land and land suitable for agriculture. The commenter does not explain why the statement on *DEIR* page IV-B-7 regarding the continuation of agricultural production should be deleted. The District does not propose to change the EIR to reflect this comment, as the District anticipates continuation of agricultural production. The origin of the classification system discussed on *DEIR* page IV-B-1 – IV-B-2 is noted. Zoning Regulations 6355, which addresses Prime Agricultural Lands and Lands Suitable for Agriculture is discussed on page IV-B-5 – IV-B-6. *Draft Service Plan Policy P.2* mandates that the District will not initiate any activities that would require a General Plan amendment or zoning change. Any proposed improvements would need to comply with the

strict LCP conversion restrictions (see LCP Policies 5.8 and 5.10), which apply to all prime farmland or lands suitable for agriculture that are designated as agriculture.

**Response to Comment A2-3:** Comment noted. The Fiscal Analysis contained in the *DEIR* examines the amount of potential tax loss as a result of annexation. Please see *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment A2-4:** See General Responses 9 and 13.

**Response to Comment A2-5:** See General Response 8. In addition, Mitigation Measure AGR-1a in the *DEIR* requires that the *Draft Service Plan* be revised to provide that the ranger office/maintenance facility and staging areas may not be located on *Farmland* in agricultural use. "Farmland" is not limited to prime agricultural land, but includes Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance as discussed on pages IV-B-1 – IV-B-2. AGR-1a would thus apply to all of these lands. It is recommended that this mitigation measure be revised to include prime agricultural lands not being used for agricultural production. The *Draft Service Plan* Policy P.2 mandates that the District will not initiate any activities that would require a General Plan amendment or zoning change. Any proposed improvements would need to comply with the strict LCP conversion restrictions (see LCP Policies 5.8 and 5.10), which apply to all prime farmland or lands suitable for agriculture. The definition of Lands Suitable for Agriculture (Policy 5.3) includes lands on which existing or *potential* agricultural use is feasible. It also extends to lands suitable for dry farming, grazing, and timber. These policies and the recommended mitigation measures are sufficient to insure that the project will not directly or indirectly convert a substantial amount of farmland or other agriculture lands to non-agricultural use.

**COMMENT LETTER A3: Poyatos, Martha. San Mateo Local Agency Formation Commission. 8/30/2002**

**Response to Comment A3-1:** Comment noted. Page I-2, a new paragraph will be added after to the fourth paragraph and will read:

Section 56430 of the Cortese-Knox-Hertzberg Act of 2000 requires that in order to prepare and update spheres of influences in accordance with Section 56425, LAFCo shall conduct a service review of all agencies that provide identified service or services in the subject geographic area. Therefore, this review has been conducted by preparing a Fiscal Analysis (Appendix D of the EIR) which includes a detailed analysis of fiscal impacts to all of the affected agencies within the Coastal Annexation area and this EIR which includes discussion of impacts to relevant service providers in the Plan Consistency Chapter, Section III and the Public Services Section, Section IV-C.

**Response to Comment A3-2:** Comment noted. Page V-9, fifth paragraph, a new second sentence will be added and will read:

In accordance with Section 56133 of the Cortese-Knox-Hertzberg Act of 2000, the District may provide new or extended services by contract or agreement outside its sphere of influence only if it first requests and receives written approval from LAFCo.

Page V-10, a new eighth paragraph will be added and will read:

In accordance with Section 56133 of the Cortese-Knox-Hertzberg Act of 2000, the District may provide new or extended services by contract or agreement outside its sphere of influence only if it first requests and receives written approval from LAFCo.

**COMMENT LETTER A4: Raabe, Gail. San Mateo County Agricultural Commission.**

**Response to Comment A4-1:** See General Response 8. In addition, it is recommended that Mitigation AGR-1 be revised to apply to prime agricultural lands as defined in the LCP as well as to farmlands as defined by the Resources Agency. Mitigation AGR-1a extends the measure to these other Farmlands, whether or not they are considered prime agricultural lands by the County.

**Response to Comment A4-2:** See General Response 8. In addition, the commenter is incorrect about the coverage of Mitigation AGR-1a. AGR-1a requires that the *Draft Service Plan* be revised to provide that the ranger office/maintenance facility and staging areas may not be located on *Farmland* in agricultural use. "Farmland" is not limited to prime agricultural land, but includes Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance as discussed on pages IV-B-1 – IV-B-2. AGR-1a would thus apply to all of these lands. It is recommended that this mitigation measure be revised to include prime agricultural lands not being used for agricultural production. Nonetheless, *Draft Service Plan* Policy P.2 mandates that the District will not initiate any activities that would require a General Plan amendment or zoning change. Any proposed improvements would need to comply with the strict LCP conversion restrictions (see LCP Policies 5.8 and 5.10), which apply to all prime farmland or lands suitable for agriculture. The definition of Lands Suitable for Agriculture (Policy 5.3) includes lands on which existing *or potential* agricultural use is feasible. It also extends to lands suitable for dry farming, grazing, and timber.

**Response to Comment A4-3:** Regarding the comment on the definition of prime agricultural lands and impacts to Lands Suitable for Agriculture, please see General Response 8 and the response to comment A-4-2. Preparation of a site's Use and Management Plan would be in conformance with LCP Policies 5.8 and 5.10, discussed in the response to comment A-4-2, and with adopted mitigation measures. Trail route planning would be done in consultation with owners and operators as well as public agencies, including the County Environmental Services Agency in addition to the other public involvement described in recommended Guideline G.6.3.

**Response to Comment A4-4:** As discussed above, preparation of a site's Use and Management Plan would be in conformance with LCP policies 5.8 and 5.10 and with adopted *DEIR* mitigation measures. The LCP policies require buffers, as appropriate, to ensure that the productivity of any adjacent agricultural lands is not diminished. AGR-1b, 3a, 3c, and 3d are recommended to be revised to clarify specific performance standards to insure buffers are adequate and effective. Please also see General Response 8.

**Response to Comment A4-5:** See General Response 8. See also the Response to Comment A4-4. Recommended buffer performance standards require trail design to avoid potential invasive vegetation and pathogen impacts on agricultural land.

**Response to Comment A4-6:** See General Response 8. Mitigation AGR-3a is recommended to be revised to address trail and facility siting to insure adverse impacts to agricultural land are avoided.

**Response to Comment A4-7:** Please see the response to comments A-4-3, 4, and 5, and General Response 8.

**Response to Comment A4-8:** Please see the response to comment A-4-4 and General Response 8.

**Response to Comment A4-9:** See General Response 8. The commenter is correct that adequate buffers would be an important component of addressing potential hazards from agricultural spraying. Please see the response to comment A-4-4 regarding minimum buffer width.

**Response to Comment A4-10:** See General Response 8. Because this is a programmatic EIR, specific parcels cannot be identified and specific board feet of timber to be acquired cannot be calculated. Under *Draft Service Plan* Guideline G.4.3, the District may permit limited tree removal if such actions are shown to be in the best interest of managing the ecological values, protecting public safety, or controlling disease within the property or watershed. Thus the District has the ability to protect forest health through harvest if necessary. In addition, the District can and has acquired property with approved timber harvest plans and on which commercial harvesting has occurred. Nonetheless, failure to manage timber resources on a particular parcel could affect the economic integrity of that particular resource. As noted on *DEIR* page IV-B-10 – IV-B-11, however, due to the small amount of timber resources likely involved, the impact would not be significant. The higher cost of lands with approved timber harvest plans in conjunction with the limited resources available for acquisition is one basis for the conclusion that only a small amount of timber resources would be affected. This conclusion is consistent with the requirement of AGR-3f that District land management practices *must not* have an adverse significant impact on timberland preserves. As noted on *DEIR* page IV-B-10, by the preventing residential encroachment, District acquisition would benefit agriculture and timber production.

**Response to Comment A4-11:** See General Response 8.

**Response to Comment A4-12:** See General Response 8.

**Response to Comment A4-13:** See General Response 8.

**Response to Comment A4-14:** See General Response 8.

**COMMENT LETTER A5: Noel, Dunia. Santa Clara County LAFCO. 8/30/2002**

**Response to Comment A5-1:** Comment noted. Page S-1, first paragraph, sixth line, will be revised to read:

The proposed annexation to the District is subject to Santa Clara County Local Agency Formation Commission (LAFCo) review/recommendation, and approval by the San Mateo County Local Agency Formation Commission (LAFCo).

Page II-1 of the *DEIR*, first paragraph, sixth line, will be revised to read:

The proposed annexation to the District is subject to Santa Clara County Local Agency Formation Commission (LAFCo) review/recommendation, and approval by the San Mateo County Local Agency Formation Commission (LAFCo).

**Response to Comment A5-2:** Comment noted. Page III-1-III-2 of the *DEIR* (the entire section entitled 1. San Mateo Local Agency Formation Commission (LAFCo) Policies) will be revised to read:

### **1. San Mateo Local Agency Formation Commission and Santa Clara (LAFCo) Policies**

The San Mateo Local Agency Formation Commission (LAFCo) and Santa Clara LAFCo have jurisdiction over boundary changes for local governmental agencies including cities and special districts in their respective counties. Following a recommendation by Santa Clara LAFCo, the District will need to gain approval from San Mateo LAFCo in order to amend its Sphere of Influence and to annex the Coastal Annexation Area.<sup>1</sup> San Mateo and Santa Clara LAFCos both have a sets of adopted standards, procedures and policies that govern boundary changes such as the one proposed by the District. San Mateo and Santa Clara LAFCo policies were both amended recently to take into account changes enacted by the Cortese-Knox-Hertzberg Act of 2000 (San Mateo LAFCo policies are already in effect and new Santa Clara LAFCo policies will take effect January 2003). In addition to this EIR, three other documents that address the relevant LAFCo policies, the *Draft Service Plan*, the *Fiscal Impact Analysis* and accompanying Response Memorandum, and the LAFCo Application, will be submitted to the San Mateo and Santa Clara LAFCos.

Some of the changes enacted by the Cortese-Knox-Hertzberg Act of 2000 (Act) are relevant to the District's proposed annexation. These changes include strengthening LAFCo powers to prevent sprawl and ensure the orderly extension of government services. The Act also strengthened LAFCo policies to protect agriculture and open space lands. These changes were incorporated into San Mateo and Santa Clara LAFCo policies.

A general summary of the LAFCo policies of both jurisdictions that are relevant to the project is provided below. Since San Mateo and Santa Clara LAFCo policies are both based on the State legislation, they are summarized together. The appropriate analysis is relevant to both jurisdictions.

**Analysis:** LAFCo policies encourage planned, orderly, and efficient patterns of urban development (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). While the project itself will not result in urban development, it will promote orderly urban development by preserving open space and agricultural lands outside urban areas.

LAFCo policies encourage the preservation of agriculture and open space (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The project will promote the preservation of agriculture and open space through purchase and management programs.

LAFCo policies particularly emphasize the importance of preserving prime agricultural land (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The *Draft Service Plan* contains Guidelines (G.3.1, G.3.2) and Implementation Actions (G.3.A.(I), G.3.B(I), and G.3.C.(I)) which address agricultural use within lands acquired and managed by the District. They also address impacts of District properties on adjacent agricultural lands. These Guidelines and Implementation

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<sup>1</sup> For an explanation of the LAFCo approval process, please see *DEIR Section 1, Introduction*. The project will be referred to Santa Clara LAFCo for a recommendation on the project.

Actions are designed to protect prime agricultural land, both those owned or managed by the District, as well as prime agricultural lands contiguous to properties owned or managed by the District.

LAFCo policies encourage the efficient provision of services (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The *Draft Service Plan* and *Fiscal Impact Analysis* and accompanying Response Memorandum conclude that the District is capable of providing the service of open space preservation without significantly impacting existing services. LAFCo policies require LAFCo to consider the consistency of the proposal with relevant City or County General or Specific Plans (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). Other parts of this Plan Consistency section analyze the proposal's conformity with relevant Plans. In general, the proposal is consistent with the County of San Mateo General Plan and Local Coastal Program. It is also consistent with the City of Half Moon Bay's Local Coastal Program. The Coastal Annexation project is considered consistent with relevant San Mateo and Santa Clara LAFCo policies.

## **B. Responses to Written Comments from Organizations (Letters O1 through O19)**

### **COMMENT LETTER O1: Lansing, Kevin J. Half Moon Bay Open Space Trust. 7/18/2002**

**Response to Comment O1-1:** See General Response 14.

**Response to Comment O1-2:** . Section III of the *DEIR*, Plan Consistency, includes only documents that have been officially adopted. As of this printing, the Open Space Element is a draft document which has not been adopted by the City of Half Moon Bay. If and when it is adopted, any actions taken by the District within Half Moon Bay must be consistent with the Open Space Element.

**Response to Comment O1-3:** See General Response 14.

**Response to Comment O1-4:** See General Response 3.

### **COMMENT LETTER O2: Woodbury, John. Bay Area Open Space Council. 7/26/2002**

**Response to Comment O2-1:** Comment noted.

### **COMMENT LETTER O3: Crealock, Anne. Greenbelt Alliance. 7/26/2002**

**Response to Comment O3-1:** Comment noted.

### **COMMENT LETTER O4: San Mateo County Resource Conservation Dist.. 7/26/2002**

**Response to Comment O4-1:** Comment noted. The *Draft Service Plan* encourages partnership with local public partners such as the San Mateo County Resource Conservation District. See General Comment 3.

### **COMMENT LETTER O5: Wilson, John. La Honda-Pescadero School District. 7/29/2002**

**Response to Comment O5-1:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment O5-2:** See General Response 6. The potential housing loss resulting from property acquisition is addressed in General Response 6. Because the District is a public agency that acquires and manages open space preserves, no new housing on newly acquired lands is proposed as part of this project. Potential availability of existing housing for government employees is discussed in General Response 6.

**Response to Comment O5-3:** The District offers “Spaces and Species” an environmental science educational program for students in grades 3-6, in which both La Honda and Pescadero Elementary Schools have participated. There are additional opportunities for school groups, including teens, to participate in field projects through the District’s Preserve Partner program, or individually as a Special Project Volunteer.

The District also provides seasonal employment opportunities in the Operations Department for those 18 years of age and older. Seasonal Open Space Technicians work with District maintenance and construction staff on a variety of resource management projects and on many small construction projects such as, new trails, fences and signs. College students who are studying environmental science, parks management or recreation often seek these job opportunities.

**Response to Comment O5-4:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment O5-5:** As provided in the CEQA Guidelines (section 15105), the EIR Comment period was set at 45 days from June 13, 2002 through August 2, 2002. It was later extended by 26 days to August 28, 2002.

**COMMENT LETTER O6: Braun, Oscar. Half Moon Bay Coastside Foundation. 7/31/2002**

**Response to Comment O6-1:** The District would assume responsibility for any land acquired, and may negotiate full or partial remediation of any potential hazards from the seller. As discussed more fully in General Response 3, there is no agreement between the District and POST as to which, if any of its properties the District may acquire or manage if the Annexation Proposal is approved. If the District does acquire lands from POST or any other agency, the process of cleaning up and restoring these lands will be done according to the protocol described on page II-9 of the *DEIR*. As there is not yet any agreement between POST and the District regarding specific property, the District cannot speculate as to the costs of management or remediation of properties it has not yet reviewed.

Flooding issues are discussed in the Hydrology analysis in the *DEIR*, Section IV-H. The District will only acquire POST lands if they meet the District’s criteria, as listed in the *DEIR* and *Draft Service Plan*.

**Response to Comment O6-2:** See General Response 9, which discusses the mitigation of fire risks. In response to the comment regarding fire liability insurance, the District is a member of the California Joint Powers Insurance Authority with liability coverage limits of \$50 million. As part of the District’s program of controlled burns for training, resource management, and fuel reduction, there have been approximately 308 acres of prescribed burns since 1997, and 154 additional acres anticipated in 2003.



**Response to Comment O6-3:** In 1998, Godbe Research & Analysis polled voters within the current District boundaries and concluded that there is widespread support to extend the District's boundaries to include the San Mateo County coast. The poll also revealed that a majority of the same voters support a tax increase within the current District to purchase and manage lands in the Coastal Annexation Area, which indicates a willingness to spend their tax dollars on coastal land preservation without contributions from coastside residents. The poll did not query voters on issues related to eminent domain. For a discussion of eminent domain, see General Response 1.

**Response to Comment O6-4:** The question of District policy regarding Advisory Votes is not a CEQA issue. For a discussion of the possible acquisition of individual POST properties as well as the assumption of potential liability, see Response to Comment O6-1 above, General Response 3, and *DEIR* Section IV-D, Hazards.

**COMMENT LETTER O7: POST. 8/2/2002**

**Response to Comment O7-1:** Comment noted. The *Draft Service Plan* encourages partnership with private partners interested in land and resource conservation such as the Peninsula Open Space Trust.

**COMMENT LETTER O8: Wirth, Tim. The Trust for Public Land. 8/2/2002**

**Response to Comment O8-1:** Comment noted.

**COMMENT LETTER O9: Whitney, Larry. La Honda Fire Brigade. 8/9/2002**

**Response to Comment O9-1:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment O9-2:** See General Response 9.

**Response to Comment O9-3:** See General Response 9.

**Response to Comment O9-4:** See General Responses 6 and 9. Mitigation measure PSI-3a (as listed in General Response 9) calls for the District to enter into a Master Mutual Aid Agreement with the County of San Mateo to share in the responsibility to assist in providing fire suppression and emergency services personnel and equipment for the protection of District visitors and neighboring communities.

With regard to the Brigade's second suggested mitigation measure, the *DEIR* lists Mitigation Measure LU-7, which ensures that the proposed annexation will not displace existing housing, and that housing may be available for rental to others. Please also see General Response 6.

**COMMENT LETTER O10: Smernoff, David. Acterra: Action for a Sustainable Planet. 8/12/2002**

**Response to Comment O10-1:** Comment noted.

**COMMENT LETTER O11. Neale, Maeva. Pescadero Municipal Advisory Council. 8/26/2002**

**Response to Comment O11-1:** Comment noted.

**Response to Comment O11-2:** See General Response 5.

**Response to Comment O11-3:** See General Responses 2 and 11. The project's impacts on coastal communities is addressed in the *DEIR* in Section IV-A, Land Use. In accordance with CEQA Guidelines, the EIR considered whether the project would divide existing communities.

**Response to Comment O11-4:** See General Response 6.

**Response to Comment O11-5:** See General Responses 8 and 9.

**Response to Comment O11-6:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment O11-7:** See General Response 9.

**Response to Comment O11-8:** As stated in the *Draft Service Plan*, Permanent Policy P.1 "Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers..." This means that no private landowners would be required to provide access to newly purchased lands without their consent. Thus, this perceived negative impact will not occur.

**Response to Comment O11-9:** See General Response 12.

**Response to Comment O11-10:** Comment noted.

**Response to Comment O11-11:** See General Response 1.

**Response to Comment O11-12:** Comment noted.

**Response to Comment O11-13:** Comment noted.

**Response to Comment O11-14:** Comment noted.

**Response to Comment O11-15:** Comment noted.

**Response to Comment O11-16:** Comment noted. The specifics of implementing the program in the annexation area start on page II-9 of the *DEIR*, under the heading "3. Land Acquisition". The specifics of funding are listed in the *DEIR* on Pages II-8 and II-9, and are listed in the *Draft Service Plan* (Appendix C of the *DEIR*) on page 20. These specifics are also detailed on page 8 of the Fiscal Analysis (Appendix D) which states:

"The Basic *Draft Service Plan* assumes that the District will fund its activities in the Coastal Annexation Area only from existing revenue sources...[I]n years one through five, grants and gifts are expected to fund at least 75 percent of the District's coastal fee acquisitions and 90 percent of easements acquisitions."

**Response to Comment O11-17:** Comment noted.

**COMMENT LETTER O12: Cattermole, George. Coastside Habitat Coalition. 8/27/2002**

**Response to Comment O12-1:** Comment noted.

**Response to Comment O12-2:** Impact Bio-1, referred to in this comment, is an impact discussion, not a mitigation measure. In accordance with the suggested mitigation measure, Mitigation BIO-1b states that the District *shall* protect sensitive habitat areas and other areas where special-status species may be adversely affected. Possible protective measures include trail relocation, closures, and fencing. In addition, Mitigation measure BIO-1c ensures protection of special-status resources.

**Response to Comment O12-3:** As discussed in General Response 2, specific parcels for acquisition have not been identified. It is conceivable that the most appropriate plan for a particular site may involve some insignificant impact to sensitive habitats. The District has determined the requirement that such impacts be avoided to “the maximum extent feasible,” in conjunction with other mitigation measures, adequately ensures that significant impacts to special-status species would not occur.

**Response to Comment O12-4:** See Response to Comment O12-3, above. Mitigation BIO-1b requires impact avoidance to the maximum extent feasible when planning trails and other facilities. If such avoidance is somehow infeasible, Mitigation BIO-1j requires revegetation and enhancement to mitigate the impact.

**Response to Comment O12-5:** At least some equestrian (and mountain bike) trails would likely need to cross streams that also provide salmonid habitat. Mitigation BIO-1h requires that stream and drainage trail crossings *shall* be designed to minimize disturbance, whichever is least environmentally damaging. The District does not agree that such crossings always require bridges at all times of the year to avoid significant impacts to salmonids and other native fish. However, this mitigation measure is clarified to ensure impacts are avoided. Thus, Mitigation BIO1h on page IV-I-21 of the *DEIR* will be modified as follows:

**Mitigation BIO-1h** Trail crossings of streams and drainages shall be designed to minimize disturbance through the use of bridges, fords, or culverts, whichever is least environmentally damaging. Bridges and culverts shall be designed so that they visually and functionally blend with the environment and do not substantially interfere with the movement of native fish. Sufficient depth and velocity of water through the culvert shall exist in fish-bearing streams for passage of native fish and other native aquatic species during high and low flow conditions. All trail stream crossings shall be restricted at fish-bearing streams during critical times, such as during spawning, unless bridges and culverts are provided.

**Response to Comment O12-6:** Trails and other improvements should avoid directly impacting wetlands and other jurisdictional waters. Nonetheless, installation of a proper culvert, for example, which may be necessary to protect the aquatic resource, is a direct impact into a jurisdictional water. The District thus determined that “where feasible” is necessary to allow for appropriate management.

The District does not agree that 300- to 500-foot setbacks are necessary to avoid significant impacts to special-status species, given the nature of the proposed use. For example, trails have to have stream crossings, which would need to be within the setback. Other site conditions may not allow for smaller setbacks while still avoiding significant impacts. Nonetheless, the District recognizes that due to the sensitive nature of aquatic resources, a larger setback should generally be recommended. Mitigation BIO1i on page IV-I-21 of the *DEIR* will be modified as follows:

**Mitigation BIO-1i** Trails and other improvements shall avoid wetlands and other jurisdictional waters, including seasonal wetlands, seeps, springs, and farm ponds, whenever possible. A wetlands biologist will conduct reconnaissance-level surveys of all improvements in areas with potential wetlands. Any improvements adjacent to wetland areas will be constructed so that fills avoid wetland impacts and minimum setbacks are allowed. Where feasible, setbacks from wetlands and other jurisdictional waters shall be a minimum of ~~25~~50 feet for trails and ~~50~~100 feet for staging areas and other improvements. A formal wetland delineation will be required for any improvements that may directly impact wetlands.

**COMMENT LETTER O13: Singer, Steve. Santa Cruz Mountain Bioregional Council. 8/29/2002**

**Response to Comment O13-1:** Comment noted.

**COMMENT LETTER O14: Pantano, Dennis. San Mateo County Association of Realtors. 8/29/2002**

**Response to Comment O14-1:** See General Response 10.

**Response to Comment O14-2:** See General Response 10.

**Response to Comment O14-3:** See General Response 10.

**COMMENT LETTER O15: Dixon, John. Pescadero Municipal Advisory Council. 8/30/2002**

**Response to Comment O15-1:** Comment noted.

**COMMENT LETTER O16: Braun, Oscar. Half Moon Bay Coastside Foundation. 8/30/2002**

**Response to Comment O16-1:** See General Response 2.

**Response to Comment O16-2:** See General Response 2.

**Response to Comment O16-3:** See Response O6-1.

**Response to Comment O16-4:** Comment noted.

**Response to Comment O16-5:** Comment noted.

**Response to Comment O16-6:** See General Response 15.

**Response to Comment O16-7:** See Response O6-1.

**Response to Comment O16-8:** See General Response 9 and Response to Comment O6-2.

**Response to Comment O16-9:** See General Response 4.

**COMMENT LETTER O17: San Mateo County Farm Bureau. 8/30/2002**

**Response to Comment O17-1:** An overlay of Maps 10 and 14 would not change the analysis of potential impacts. Williamson Act contracts can expire or be cancelled pursuant to certain requirements. Such lands are thus not considered to be permanently protected from development. Regarding this last point, please also see the response to Comment O17-3. The total acreage of Williamson Act Lands in San Mateo County as of 2001 is provided in the *DEIR* on page IV-B-1.

**Response to Comment O17-2:** See General Response 8, which clarifies the definition of “prime agricultural lands.”

**Response to Comment O17-3:** See General Response 8 and Implementation Action G.3.A (i) at page 12 in the *Draft Service Plan*. To provide additional information for the commenter, the District consulted with Strong Associates, a firm that has conducted dozens of agricultural economic studies throughout California, many of them specifically focused on coastal areas. According to the firm’s analysis of the Agricultural Commissioner’s reports from 1989 through 2001, overall, agriculture is going toward higher value vegetable crops. Strong also observed that farmers in San Mateo County face the same issues as farmers throughout the State including: foreign competition, crop values not keeping pace with inflation, water availability, urban or suburban encroachment, and rising land costs of farmlands.

Strong stated that a major beneficial side-effect of open space acquisition programs is removing the economic pressure for urbanization from farm lands such as dedicating farmlands for agricultural use in perpetuity, stopping urban or suburban encroachment that creates land use conflicts with farm use, and eliminating speculative value that makes agricultural lands unaffordable to farmers.

Strong concluded that the District’s acquisition plan can benefit agriculture with a policy of willing sellers, offering agricultural leases and easements, and ensuring that recreational uses are compatible with agriculture.

**Response to Comment O17-4:** See General Response 8. Feasibility will be addressed during preparation of a site’s Use and Management Plan in consultation with County staff and agricultural interests (see, e.g., *Draft Service Plan* Policy G.3.B(i) and Mitigation Measure AGL-3b). The *DEIR* also states that land in agricultural production is anticipated to continue.

In addition, the recommended *Draft Service Plan* policies will involve the agricultural sector in development of site-specific management plans, including any agricultural production plan component. The *Draft Service Plan*, together with the policies and mitigation measures either proposed in, or recommended for incorporation in, the Final *Service Plan* are adequate to insure that adverse impacts on agriculture will not be significant. The recommended policies set performance standards for trial and facility siting, buffers, and agricultural easements and leases so that recreational uses are compatible with agricultural uses, and so that agricultural lands can remain economically viable and productive.

In the event the annexation project is approved, it is the District’s stated intent to work with local groups to develop more detailed policies to help implement these *Draft Service Plan* policies and to address other concerns of the local and agricultural community. For example, implementing policies can address in more detail: procedures for effective public involvement in review of use and management plans and agricultural production plans; development of models of agricultural easements and leases which will successfully meet the desired *Draft Service Plan* performance standards; development of more technical specifications for buffers to insure the

Draft Service Plan's performance standards are met; and development of guidelines for owner/operators of District lands to facilitate technical assistance where needed in issues such as farmworker housing, collaborative grants, and water rights issues.

**Response to Comment O17-5:** See General Response 15.

**Response to Comment O17-6:** See General Response 15.

**Response to Comment O17-7:** See General Responses 3 and 8.

**Response to Comment O17-8:** See General Response 15.

**Response to Comment O17-9:** Comment noted.

**Response to Comment O17-10:** See General Response 8.

**Response to Comment O17-11:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment O17-12:** According to the San Mateo County Assessor's data, approximately 30,230 acres within the County are in the Timber Preserve Zone (TPZ). Not all of the lands zoned TPZ are within the Coastal Annexation Area, thus the difference between the 23,000 acres listed in the *DEIR* and this 30,230-acre number from the County Assessor is not considered significant. Also, see General Response 8.

**Response to Comment O17-13:** Comment noted. The Annexation Project is consistent with the concepts of AB 3057, and annexation will enable the District to support those concepts.

**Response to Comment O17-14:** Page IV-I-3 of the *DEIR* states that areas subject to *intensive* cultivation provide limited wildlife habitat value due to extensive and repetitive disturbance, use of chemicals, and the monoculture that defines intensive cultivation. The *DEIR* further notes that irrigated pasture and fallow fields can provide good quality wildlife habitat. In other words, some agricultural lands provide better habitat than others, depending on the nature of the use.

**Response to Comment O17-15:** A full economic review of the potential loss to all service providers was contained in the *DEIR* as Appendix D. See *Fiscal Impact Analysis* and accompany Response Memorandum.

**Response to Comment O17-16:** See General Response 1.

### **C. Responses to Written Comments from the Public (Letters P1 through P69)**

#### **COMMENT LETTER P1: Burkhart, Tim. 6/24/2002**

**Response to Comment P1-1:** Comment noted.

#### **COMMENT LETTER P2: Galiher, G. 6/27/2002**

**Response to Comment P2-1:** Comment noted.

**COMMENT LETTER P3: Allen, Rod and Cohen, Linda. 7/18/2002**

**Response to Comment P3-1:** Comment noted.

**Response to Comment P3-2:** The project does not involve the rezoning or redesignation of property. As discussed in General Response 7, the District does not have the power to rezone. The DSP includes a policy that lands will be acquired only from willing sellers.

**COMMENT LETTER P4: Waldhauer, Ruth. 7/18/2002**

**Response to Comment P4-1:** See General Response 5.

**COMMENT LETTER P5: Waldhauer, Ruth. 7/18/2002**

**Response to Comment P5-1:** See General Response 8.

**COMMENT LETTER P6: Simon, Carol. 7/18/2002**

**Response to Comment P6-1:** Comment noted.

**Response to Comment P6-2:** The District may purchase lands anywhere within their mandate, as long as these lands meet the District's criteria. Thus, the District may choose to purchase lands in both the Skyline Area and the LCP area once annexation is approved.

**Response to Comment P6-3:** See General Response 6.

**Response to Comment P6-4:** See General Responses 9,10, and 11.

**Response to Comment P6-5:** See General Responses 9 and 10.

**Response to Comment P6-6:** Comment noted.

**COMMENT LETTER P7: Spilker, James. 7/18/2002**

**Response to Comment P7-1:** Comment noted.

**COMMENT LETTER P8: Peery, Catherine. 7/19/2002**

**Response to Comment P8-1:** The District is legally obligated for any lands owned or operated by the District, and after annexation, operation of such lands must conform to the *Draft Service Plan*. Therefore, any cooperative agreement with any other entity in the Coastal Annexation Area regarding property must be consistent with the *Draft Service Plan*.

**Response to Comment P8-2:** See General Response 9.

**Response to Comment P8-3:** See Mitigation Measure HYD-1c in the *DEIR*.

**Response to Comment P8-4:** Specific timelines for trail closures cannot be estimated. All trail closures are listed on the website and are updated as necessary. Trail maps are updated as necessary when conditions have changed and it is appropriate to do so.

**Response to Comment P8-5:** See General Comment 11. As stated on page II-13 of the *DEIR*, visitor services, such as vault toilets, will be provided at staging areas. A typical vault toilet is shown in the photograph on page II-13 of the *DEIR*.

**Response to Comment P8-6:** The alternatives of not acquiring land in Tunitas Creek are considered in the *DEIR* as the "Skyline Upper Only" and "Southern Watersheds and Skyline Upper" Alternatives.

**COMMENT LETTER P9: Roberts, Raymond J. and Lynn H. 7/25/2002**

**Response to Comment P9-1:** Comment noted.

**COMMENT LETTER P10: Brancart, Christopher. 7/29/2002**

**Response to Comment P10-1:** See General Response 10.

**COMMENT LETTER P11: Barnes, Richard: 7/31/2002**

**Response to Comment P11-1:** Comment noted.

**Response to Comment P11-2:** Comment noted.

**COMMENT LETTER P12: Vento, Frank. 7/31/2002**

**Response to Comment P12-1:** Comment noted.

**COMMENT LETTER P13: Young, William G. 7/31/2002**

**Response to Comment P13-1:** Comment noted.

**COMMENT LETTER P14: Stigall, Georgia. 7/31/2002**

**Response to Comment P14-1:** Comment noted.

**COMMENT LETTER P15: Wyant, Roger. 7/31/2002**

**Response to Comment P15-1:** Comment noted.

**COMMENT LETTER P16: Allen, Geoff. 8/1/2002**

**Response to Comment P16-1:** Comment noted.

**Response to Comment P16-2:** Three no annexation options are explored in the *DEIR*: No Action; Public Agencies as service providers; and private non-profit land trust as an open space conservation service provider.

**Response to Comment P16-3:** See General Response 15.

**Response to Comment P16-4:** See General Response 10.

**Response to Comment P16-5:** See response to Comment O6-2. The mitigation of risks posed by visitors is addressed in General Responses 9, 13, and 15.



**Response to Comment P16-6:** See General Response 1.

**Response to Comment P16-7:** The *Draft Service Plan* discusses how the District will provide sufficient staff and funding for the project (see *Draft Service Plan*, pp. 19-20).

**Response to Comment P16-8:** See General Response 6.

**COMMENT LETTER P17: Hamor, Herb. 8/1/2002**

**Response to Comment P17-1:** See General Response 12.

**Response to Comment P17-2:** The Existing Setting section of *DEIR* describes existing conditions in the proposed annexation area as they relate to the attributes of the environment that may be affected by the Project. In addition, as stated in the *DEIR* and the General Responses 4 and 7, all new acquisitions will be subject to a Use and Management Plan and appropriate CEQA analysis. CEQA analysis for a specific acquisition will contain a thorough discussion of the existing conditions of the site in question. References that form the basis for this analysis are presented in Section VI of the *DEIR*. Because this is a Program EIR and no specific property is being evaluated, the degree of specificity desired by commentator in an evaluation of current conditions throughout the annexation area is infeasible.

**Response to Comment P17-3:** See Response P17-2. To determine effects of the proposed project on county roads, it is necessary to determine the percentage of projected District users of a new open space acquisition in relation to existing and projected population growth in the annexation area. For this discussion, please See General Response 10.

**Response to Comment P17-4:** See Response P17-2 and General Responses 2, 4, and 7.

**Response to Comment P17-5:** See Response P17-2. See also General Responses 11 and 12.

**Response to Comment P17-6:** See Response P17-2. See also General Response 12.

**Response to Comment P17-7:** See Response P17-2. See General Responses 9 and 13.

**Response to Comment P17-8:** See Response P17-2. See General Response 15.

**Response to Comment P17-9:** Comment noted.

**COMMENT LETTER P18: Maes, Jose. 8/1/2002**

**Response to Comment P18-1:** See General Response 1.

**Response to Comment P18-2:** "Low intensity recreational facilities" is defined in the *DEIR*, page II-13 in the fourth paragraph, last line as "limited visitor-serving facilities that would generally be in the form of staging areas and unpaved trails."

**Response to Comment P18-3:** See General Response 4.

**Response to Comment P18-4:** See General Response 2.

**Response to Comment P18-5:** The action of putting trails on a private property without an owner's consent would not be possible. See General Response 1.

**COMMENT LETTER P19: Dryer, Dianne. 8/2/2002**

**Response to Comment P19-1:** Comment noted.

**COMMENT LETTER P20: Haussler, Harry. 8/4/2002**

**Response to Comment P20-1:** See Response O6-1. The District will assume full responsibility for any parcels that it undertakes to purchase, but will not assume all liabilities for all POST holdings, as POST is a separate entity and not part of the District. Thus, there is no burden of responsibility for the District to assume responsibility for a separate organization. Also see General Response 3.

**Response to Comment P20-2:** See Response O6-1.

**Response to Comment P20-3:** See General Response 9.

**Response to Comment P20-4:** Comment noted. All Coastside residents will continue to be notified of all actions that the District undertakes in the Coastal Annexation Area. This fact is noted in both the *DEIR* (page I-1) and in the *Draft Service Plan*. Also see Response O6-3.

**COMMENT LETTER P21: McCarthy, Jack. 8/8/2002**

**Response to Comment P21-1:** Comment noted.

**Response to Comment P21-2:** Comment noted. In general, it is District policy to purchase lands outside of city limits, however the District may consider parcels within a city that meets their criteria for purchase or management. See also General Response 14.

**Response to Comment P21-3:** Section III of the *DEIR*, Plan Consistency, includes only documents that have been officially adopted. As of this printing, the Open Space Element is a draft document which has not been adopted by the City of Half Moon Bay. See also Response to Comment O1-2.

**Response to Comment P21-4:** See General Response 14.

**Response to Comment P21-5:** See General Response 3.

**COMMENT LETTER P22: Hamor, Herb. 8/11/2002**

**Response to Comment P22-1:** See General Response 10.

**COMMENT LETTER P23: Simon, Carol. 8/16/2002**

**Response to Comment P23-1:** See General Response 15.

**Response to Comment P23-2:** See General Response 15.

**COMMENT LETTER P24: Smith, Larry. 8/15/2002**

**Response to Comment P24-1:** Comment noted.

**COMMENT LETTER P25: Hamor, Herb. 8/19/2002**

**Response to Comment P25-1:** The commenter does not indicate which specific map to which he is referring. There are at least two maps that indicate urban and rural areas: Maps 9 & 15. Map 9, Existing Land Use, is based on data from the Associated Bay Area Governments (ABAG) and shows existing land use patterns. Where there are land uses that are not considered rural, such as residential or commercial uses then it is considered urban on this map. Although it is not urban in the terms of being located inside of a city, it indicates some level of man-made development.

Map 15, Vegetation, is from the California Gap Analysis Project and shows predominate vegetation types in the area. Within each mapped area, primary land cover is typically 60% or more, but may be as low as 30% where multiple land cover or vegetation types are present. Therefore it is more of a broad-brush map that identifies the primary land cover in an area, which in this case is either vegetated or urban. Although it is not urban in the terms of being located inside of a city, it indicates some level of man-made development. This type of map is used for more broad analysis to look at the predominated land cover of an area. It doesn't necessarily indicate other land use types that occur in area if they are not the predominate type of land cover.

**COMMENT LETTER P26: Rosen, Jane. 8/20/2002**

**Response to Comment P26-1:** Comment noted.

**COMMENT LETTER P27: Schorr, David. 8/20/2002**

**Response to Comment P27-1:** Comment noted.

**COMMENT LETTER P28: Woods, Douglas. 8/20/2002**

**Response to Comment P28-1:** Comment noted.

**COMMENT LETTER P29: Jaureguy, Phylis. 8/20/2002**

**Response to Comment P29-1:** Comment noted.

**COMMENT LETTER P30: Domitilli, Bill. 8/21/2002**

**Response to Comment P30-1:** Comment noted.

**COMMENT LETTER P31: Graff, Mark. 8/21/2002**

**Response to Comment P31-1:** Comment noted.

**COMMENT LETTER P32: Irwin, R.E. 8/22/2002**

**Response to Comment P32-1:** The process for determining significance is discussed in the *DEIR*, Chapter IV. The comment seeking further discussion of the district's liability for damages

or injuries is noted. Also see *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P32-2:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P32-3:** For a complete discussion of fiscal effects, please see the *Fiscal Impact Analysis* and accompanying Response Memorandum. The *DEIR* uses the same acreage number as that found in the *Draft Service Plan*, which is 40 acres. As stated in the first full paragraph on page II-10 of the *DEIR*,

The *Draft Service Plan* states that ‘parcels of 40 or more acres will typically be considered for purchase, however some smaller parcels may be sought for acquisition. The District’s acquisition interests will typically be large, undeveloped or sparsely developed parcels of land. These may include parcels that are key habitat, trail routes, inholdings, or parcels needed for service access.’

The use of a 40-acre parcel size for environmental analysis in the EIR is conservative and recognizes that although the majority of parcels acquired will likely be larger than 40 acres, the District may also acquire some smaller parcels. It is anticipated that the smallest parcels acquired will typically be 40 acres in size and the majority will be 100 acres or more. Irrespective of the size of the parcel there is no difference in the environmental impact analysis. Parcels acquired will have the resource characteristics and anticipated uses analyzed in the *DEIR* so that the environmental effects would not differ.

The *Draft Service Plan* also states that District land acquisition will tend to emphasize properties that are contiguous with District lands along and west of Skyline Ridge. The 100-acre parcel size is more representative of these properties. Further, the 100-acre parcels are more likely to be of interest to the District. The rationale for the use of a 100 acre parcel size is more fully discussed in the *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P32-4:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P32-5:** Comment noted.

**COMMENT LETTER P33: Armstrong, Tom. 8/22/2002**

**Response to Comment P33-1:** Comment noted.

**COMMENT LETTER P34: Trudeau, Richard. 8/23/2002**

**Response to Comment P34-1:** Comment noted.

**COMMENT LETTER P35: Hamor, Herb. 8/23/2002**

**Response to Comment P35-1:** Pesadero Marsh Natural Preserve is owned and operated by the California Department of Parks and Recreation. Page III-11, first paragraph, fourth line, the following sentence will be added:

Pesadero Marsh is a Natural Preserve also operated by State Parks.

**COMMENT LETTER P36: Hamor, Herb. 8/23/2002**

**Response to Comment P36-1:** That is how the communities are described in the San Mateo County General Plan (November 1986).

**Response to Comment P36-2:** That is how the service centers are described in the San Mateo County General Plan (November 1986, see pages 9.6 and 9.8, Rural Land Use Element).

**Response to Comment P36-3:** The source of the statement in the *DEIR* is from the San Mateo County General Plan (November 1986).

**Response to Comment P36-4:** See Response P17-2.

**COMMENT LETTER P37: Hamor, Herb. 8/23/2002**

**Response to Comment P37-1:** In all of these cases, urban is defined as some level of man-made development, whether it's a cluster of homes, a YMCA camp, or commercial development (as in the case of La Honda or Pescadero).

**COMMENT LETTER P38: Gossett, Terry. 8/24/2002**

**Response to Comment P38-1:** Comment noted.

**Response to Comment P38-2:** Comment noted.

**Response to Comment P38-3:** The Midpeninsula Region Open Space District is not exempt from any of San Mateo County's zoning codes and general plan guideances. The *DEIR* is a program-level document; therefore, all subsequent facilities will go through the typical planning process.

**Response to Comment P38-4:** Comment noted. The District's impact analysis is detailed in the *DEIR*, Section IV. Potential impacts to housing and traffic are addressed in General Responses 6 and 10 respectively. For impacts to tax revenue, see *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P38-5:** Comment noted. However, these concerns are beyond the scope of the environmental review required by CEQA.

**Response to Comment P38-6:** See General Response 6.

**Response to Comment P38-7:** Housing concerns are addressed in General Response 6. While the commentator's query as to the project's beneficiaries is noted, this comment does not relate to the environmental impacts of the project.

**Response to Comment P38-8:** See General Response 10.

**Response to Comment P38-9:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P38-10:** A thorough discussion of relevant agencies that have jurisdiction over the project area and which regulate land use is found in Section III, Plan Consistency, of the *DEIR*.

**Response to Comment P38-11:** Please refer to page I-2 of the *DEIR* for a description of the LAFCo process. The project will be reviewed by San Mateo and Santa Clara LAFCos. Santa Cruz LAFCo has no jurisdiction over this project since it is located entirely within San Mateo County. Public hearings will be held by the District and by both LAFCo's giving the citizens of Santa Clara and San Mateo Counties further opportunities to participate in the process.

**Response to Comment P38-12:** The passage of Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) and Proposition 40 (California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002), provide increased opportunities for the District to acquire land and easements by gift or grants. Proposition 12 provides \$2.1 billion and Proposition 40 provides \$2.6 billion acquisition, development and restoration of parks, open space recreation areas and historical resources and for land, air and water conservation and stewardship programs.

As described on page 8 of the *Fiscal Impact Analysis*, in years one through five of the program, grants and gifts are expected to fund at least 75 percent of the District's coastal fee acquisitions and 90 percent of easement acquisitions. After year five all acquisitions will be made through grants and gifts.

**Response to Comment P38-13:** See General Response 10.

**Response to Comment P38-14:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P38-15:** See General Response 1.

**Response to Comment P38-16:** A thorough discussion of the impacts of the proposed project is found in Chapter IV of the *DEIR*, Environmental Issues.

**Response to Comment P38-17:** For a discussion of proposed alternatives, including no project alternatives, see General Response 16 and *DEIR* Chapter V. Comments regarding agency input are noted.

**Response to Comment P38-18:** Comment noted.

**Response to Comment P38-19:** As stated in the first paragraph of page III-3 of the *DEIR*, "Section III of the *DEIR* evaluates the consistency of the District's proposed *Draft Service Plan* for the Coastal Annexation Area with the established plans and policies of the government agencies regulating land use in the project area." All of the other factors that are considered under CEQA are included in this section, including traffic, tax revenues (as they relate to physical environmental impacts), school districts and housing.

**Response to Comment P38-20:** Risks and liabilities associated with the acquisition of property by the District are discussed in General Responses 3 and 9. While the District notes the commentors' suggestion regarding the District's assumption of liability for actions involving private land owners, this concern is not related to the environmental matters, which require discussion under CEQA.

**Response to Comment P38-21:** See Response to Comment P38-20.

**Response to Comment P38-22:** Comment noted. Hydrology and water quality issues are discussed fully in the EIR in Section IV-H.

**Response to Comment P38-23:** Please refer to page I-2 of the EIR for a description of the LAFCo process. The project will be reviewed by San Mateo and Santa Clara LAFCo's. Santa Cruz LAFCo has no jurisdiction over this project since it is located entirely within San Mateo County. However any person or public body from Santa Cruz County is welcome to comment on the EIR and to participate in the San Mateo and Santa Clara County LAFCo review process. Public hearings will be held by the District and by both LAFCo's giving the citizens of Santa Clara and San Mateo Counties further opportunities to participate in the process.

**Response to Comment P38-24:** See General Response 3, Response to Comment P38-12.

**Response to Comment P38-25:** See General Response 3. The proposed extension of the GGNRA boundaries is discussed in the *DEIR*, Section III-B-4. As with POST, there are no agreements regarding the acquisition of specific property, funding, or easements.

**Response to Comment P38-26:** See General Response 10.

**Response to Comment P38-27:** See General Response 3.

**Response to Comment P38-28:** See page I-3 of the *DEIR* for a listing of "Issues Found not to have Potential Environmental Impacts." "Mineral Resources" was not considered further after the Notice of Preparation (6/00) because of 1) the exact location of properties to be acquired is unknown at this time, and 2) the subsequent Use and Management Plans and site-specific CEQA analysis will determine the specific impacts on mineral resources of any subsequently acquired properties.

**Response to Comment P38-29:** See General Response 6. There will not be a significant diminished amount of land available for housing as a result of this project. Housing growth is anticipated to occur in the urban areas and the project description does not typically anticipate purchasing lands in these areas.

**Response to Comment P38-30:** See General Responses 8 and Response to Comment VC27-5.

**Response to Comment P38-31:** See General Response 10.

**Response to Comment P38-32:** See General Response 10.

**Response to Comment P38-33:** For a complete listing of impacts to scenic resources, please see Section IV-G of the *DEIR*. Mitigation measures are found on pages IV-G-4 and IV-G-5. Scenic roads are discussed under the heading "AES-1" under subsection 4. *Impacts and Mitigation Measures*.

**Response to Comment P38-34:** See General Response 10.

**Response to Comment P38-35:** If approved, The District will submit an application to LAFCo for the proposed Coastal Annexation Area which will include the EIR, the *Draft Service Plan* and the Fiscal Analysis. The entire LAFCo application will also be available for public review once it

is submitted to LAFCo. There will be public hearings held by the District, San Mateo LAFCo and Santa Clara LAFCo giving the public, and affected local agencies, further opportunities to review these documents and comment on the project. Comments are submitted directly to LAFCo and are one of several factors LAFCo considers when deciding whether to approve the District's annexation proposal..

**Response to Comment P38-36:** See General Response 8.

**Response to Comment P38-37:** See General Response 6.

**Response to Comment P38-38:** The *Draft Service Plan* was specifically prepared to enumerate and describe the services to be extended to the affected territory (see Appendix C of the *DEIR*). The issue of housing is addressed above in Response P38-37 and in General Response 6. The issue of tax revenue loss is addressed in the Fiscal Analysis (see Appendix D of the *DEIR*). The issue of impacts to agriculture is addressed in Section IV-B of the *DEIR* and in General Response 8. The issue of traffic is addressed in General Response 10.

**Response to Comment P38-39:** Please see Responses P38-35 through P38-38 above. The public already has had the opportunity to review these documents since they are attached to the *DEIR* in the appendix. The entire LAFCo application will also be available for public review once they are submitted to LAFCo.

**Response to Comment P38-40:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P38-41:** See General Response 1. The District's relationship with POST is discussed in General Response 3.

**Response to Comment P38-42:** Service impacts on San Mateo County agencies and districts are discussed in Section IV of the *Fiscal Impact Analysis*.

**Response to Comment P38-43:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT LETTER P39: Oku, Steve. 8/24/2002**

**Response to Comment P39-1:** Comment noted.

**COMMENT LETTER P40: Powell, Christine. 8/25/2002**

**Response to Comment P40-1:** Comment noted.

**Response to Comment P40-2:** Comment noted. Mitigation measure AES-2 specifically addresses new sources of light and glare, and can be found on page IV-G-5 of the *DEIR*.

**COMMENT LETTER P41: Pellegrini, Nina. 8/26/2002**

**Response to Comment P41-1:** Comment noted.

**Response to Comment P41-2:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.



**Response to Comment P41-3:** See General Response 10 and General Response 6.

**Response to Comment P41-4:** Comment noted.

**Response to Comment P41-5:** Comment noted.

**COMMENT LETTER P42: Hamor, Herb. 8/27/2002**

**Response to Comment P42-1:** These detention facilities are not relevant to the project.

**Response to Comment P42-2:** The camps the commentor refers to are represented in the “urban” category on the maps and tables because they are man-made development and are thus listed.

**Response to Comment P42-3:** The 1995, ABAG data is the most recent for the area. Land use change on the coastside that has occurred would likely be indistinguishable on a map of that scale.

**COMMENT LETTER P43: Halterman, Charles and Gwendolyn. 8/27/2002**

**Response to Comment P43-1:** The current project is an annexation of a geographic area in order to include the area in the District’s boundary. There are currently no proposals to tax property owners. It is possible that the District would seek a tax in the future, but that would require a 2/3 approval of voters in the area proposed for a new tax.

**Response to Comment P43-2:** The cost for the District to propose the Coastal Annexation is not a CEQA issue.

**Response to Comment P43-3:** The coastal population can express its views on both the EIR and the annexation through the submission of verbal or written comments. See Response P38-35.

**COMMENT LETTER P44: Young, William. 8/27/2002**

**Response to Comment P44-1:** Comment noted.

**COMMENT LETTER P45: Prince, Bill. 8/27/2002**

**Response to Comment P45-1:** Comment noted.

**Response to Comment P45-2:** See General Response 5.

**COMMENT LETTER P46: Krzaszczak, John. 8/28/2002**

**Response to Comment P46-1:** Comment noted.

**Response to Comment P46-2:** See General Response 5.

**Response to Comment P46-3:** Comment noted.

**COMMENT LETTER P47: Marchi, Peter. 8/28/2002**

**Response to Comment P47-1:** See General Response 1. Issues raised in the letter attached to this comment are also addressed in General Response 1.

**COMMENT LETTER P48: Hamor, Herb. 8/28/2002**

**Response to Comment P48-1:** The reason that Mitigation Measure LU-3 is considered “less than significant impact” is listed on page IV-A-11 of the *DEIR* and included here for clarity:

As stated in the Project Description, if the Annexation project is approved, subsequent District actions within the Coastal Annexation area will be subject to the District’s Open Space Use and Management Planning Process. Project-specific CEQA documentation will be prepared on each easement acquisition and Use and Management Plan.

It is the District’s goal to purchase parcels typically greater than 40 acres in size. The District’s main acquisition interests [is] in large, underdeveloped or sparsely developed parcels of land. Therefore, acquiring a large parcel of land for open space conservation and low-intensity recreation purposes in an area of mostly open spaces would not physically divide an established community. No mitigation is necessary.

**COMMENT LETTER P49: Gust, C. 8/28/2002**

**Response to Comment P49-1:** See General Response 8.

**Response to Comment P49-2:** See General Response 5.

**Response to Comment P49-3:** Comment noted.

**Response to Comment P49-4:** Comment noted.

**Response to Comment P49-5:** As stated in the first row of the table on page II-8 of the *DEIR*, if the annexation is successful, “the District’s existing Master Plan and Regional Open Space Study will be expanded to include the Coastal Annexation Area.”

**Response to Comment P49-6:** Comment noted.

**Response to Comment P49-7:** See General Response 8.

**Response to Comment P49-8:** Comment noted. The District has no regulatory power over how other individuals or agencies use or manage their property.

**Response to Comment P49-9:** Comment noted. The District’s *Draft Service Plan* estimates that the District will acquire or manage approximately 12,000 acres in the Coastal Annexation Area after a 15-year period. The entire Coastal Annexation area is approximately 140,000 acres. That amount does not constitute what is considered a continuous greenbelt.

**Response to Comment P49-10:** Comment noted.

**COMMENT LETTER P50: Montalvo, Alex. 8/28/2002**

**Response to Comment P50-1:** Comment noted.

**Response to Comment P50-2:** The current project is an annexation of a geographic area in order to include the area in the District's boundary. There are currently no proposals to tax property owners. It is possible that the District would seek a tax in the future, but that would require a 2/3 approval of voters in the area proposed for a new tax.

**Response to Comment P50-3:** See General Response 1.

**Response to Comment P50-4:** Comment noted.

**Response to Comment P50-5:** The District is organized under the State of California. In accordance with those laws, it is considering filing an application with the State-recreated local agency formation commission (LAFCO) to extend its boundaries in the manner described in the project description. The relevant legal references are cited in the *Draft Service Plan*.

**Response to Comment P50-6:** Comment noted.

**Response to Comment P50-7:** Comment noted.

**COMMENT LETTER P51: Marx, Bob. 8/28/2002**

**Response to Comment P51-1:** See General Response 1.

**COMMENT LETTER P52: McCrary, Homer. 8/29/2002**

**Response to Comment P52-1:** See General Responses 3, 8. The project description does not contemplate acquiring all of POST's lands. The *DEIR* states, "Any restoration activities or agricultural operations that might occur on District parcels would be conducted in accordance with existing water rights." The proposed project would not require additional water entitlements. The District's intent is promote agriculture and to support the farmers' historical use of water in the CAA. The *Draft Service Plan* provides that land management activities shall not adversely affect agriculture. The proposed project will be in conformance with all applicable General Plan and LCP policies.

**COMMENT LETTER P53: Roberts, Lennie. 8/29/2002**

**Response to Comment P53-1:** Comment noted.

**Response to Comment P53-2:** Comment noted. The commenter is correct in noting that any future easements and lands acquired as a result of the approval of the proposed annexation project will not have activities that would involve large-scale timber harvesting, development of houses which would involve land clearing, grading, and permanent installation of impervious surfaces, and will not incur impacts from accelerated erosion, sedimentation and turbidity in the Coastal Annexation Area's critical coastal streams.

**Response to Comment P53-3:** See General Response 4.

**Response to Comment P53-4:** Page IV-B-2 of the *DEIR* notes the broader LCP definition of prime farmland. This LCP definition is provided in the *Draft Service Plan*. LCP policies and zoning regulations regarding conversion of agricultural land are discussed on *DEIR* page IV-B-5. These definitions and policies were considered during preparation of the *DEIR* analysis.

**Response to Comment P53-5:** The last paragraph on page IV-D-4 of the *DEIR* addresses when it would be necessary to perform more rigorous investigation processes (known as Phase II reports). This paragraph states: "If present, further work would be done under Phases II and/or III (mechanisms for development and implementation of a remediation plan that would comply with applicable laws and policies). Implementation of Mitigation HAZ-1 would reduce the potential significant adverse effects from hazardous materials to a less than significant level."

**Response to Comment P53-6:** Comment noted.

**COMMENT LETTER P54: Arraine, Jean. 8/29/2002**

**Response to Comment P54-1:** See *Fiscal Impact Analysis* and accompanying Response Memorandum, and General Response 10.

**COMMENT LETTER P55: Domitilli, Bill. 8/29/2002**

**Response to Comment P55-1:** Comment noted.

**COMMENT LETTER P56: Wassall, Richard D and Alyce B. 8/29/2002**

**Response to Comment P56-1:** Comment noted.

**COMMENT LETTER P57: Dade, Denice. 8/30/2002**

**Response to Comment P57-1:** Comment noted.

**Response to Comment P57-2:** We agree that the cumulative effect on watersheds will improve under the proposed project. As stated in the *DEIR*, the cumulative effects will be beneficial. The *DEIR* also lists as the first objective on page II-3 is to "protect watersheds and water quality."

**Response to Comment P57-3:** See General Response 4.

**COMMENT LETTER P58: Sturgeon, Ron. 8/30/2002**

**Response to Comment P58-1:** Neither CEQA nor the Cortese-Knox-Hertzberg Act require that LAFCO be the Lead Agency for a District annexation. San Mateo LAFCO Procedures for the Evaluation of Proposals recognizes that "If a city, the county, or a special district is the proponent, it is usually the lead agency." Here, MROSD, a special district, is the proponent for the annexation. Thus, it is entirely appropriate that MROSD be the lead agency. CEQA Guideline 15051 specifies that LAFCO is a responsible agency in cases of city annexation. CEQA Guideline 15051 also states that, in the case where two or more public agencies are involved in a project, "the agency which will act first on the project in question shall be the Lead Agency." Because MROSD acted first in initiating the Project, it should be the Lead Agency.

**Response to Comment P58-2:** See General Responses 4, 7.

**Response to Comment P58-3:** Cumulative effects are discussed in the *DEIR* in Section VI. Alternatives are discussed in the *DEIR* in Section V.

**Response to Comment P58-4:** Cumulative effects are discussed in the *DEIR* in Section VI.

**Response to Comment P58-5:** See General Response 2.

**Response to Comment P58-6:** Comment noted. See General Response 8. Commenter is not specific in which way the mitigation measures AGL-3a through AGL-3f are inadequate. Implementation of these 6 general mitigation measures, combined with the *Draft Service Plan* Guidelines as listed on page IV-B-11 and 12, together with recommended revisions to the *Draft Service Plan* and mitigation measures, will ensure that the proposed annexation project will not result in significant impacts related to changes in the existing environment that could result in the conversion of Farmland or other agricultural lands.

Further, because this is a Program EIR, as stated on page II-1 of the *DEIR*, “[I]f the Coastal Annexation Area project is approved, future District actions will be subject to subsequent planning processes. Prior to making lands that it acquires or manages open to public access, the District will prepare a use and management plan for these lands, and will prepare CEQA documentation for each use and management plan.”

**Response to Comment P58-7:** See General Response 8.

**Response to Comment P58-8:** Comment noted.

**Response to Comment P58-9:** See General Response 1.

**Response to Comment P58-10:** See General Response 8. Regarding the impacts of adjacent development on agriculture, please see the response to comment O17-3. The commenter’s disagreement with the conclusions is noted.

**Response to Comment P58-11:** See General Response 1.

**Response to Comment P58-12:** See General Response 16.

**COMMENT LETTER P59: Conner, Marianne. 8/30/2002**

**Response to Comment P59-1:** Comment noted.

**Response to Comment P59-2:** See General Response 5.

**Response to Comment P59-3:** See General Response 6 and 8.

**Response to Comment P59-4:** See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**Response to Comment P59-5:** See General Responses 9 and 13,

**Response to Comment P59-6:** *Draft Service Plan* Policy P1 provides that the District may acquire interest in land (e.g. easements) only from willing sellers. Therefore, public access could not be required from private landowners.

**Response to Comment P59-7:** Comment noted.

**Response to Comment P59-8:** Comment noted.

**Response to Comment P59-9:** Comment noted.

**Response to Comment P59-10:** See General Response 2 and the *Draft Service Plan* for implementation and funding.

**Response to Comment P59-11:** See General Response 12.

**COMMENT LETTER P60: Allen, Geoff. 8/30/2002**

**Response to Comment P60-1:** See General Response 1.

**Response to Comment P60-2:** Existing hazards on lands that the District intends to purchase within the Coastal Annexation Area are discussed in the *DEIR* in Chapter IV-D, Hazards and Hazardous Materials. The impact discussion and mitigation measures listed in this section will avoid or reduce all significant impacts to less than significant levels.

**Response to Comment P60-3:** See General Response 1.

**Response to Comment P60-4:** See General Response 2 and 16. The District has the statutory authority to acquire lands outside its boundaries. See Chapter V of the *DEIR*, Alternatives, at page V-8.

**Response to Comment P60-5:** See General Response 2.

**Response to Comment P60-6:** See General Response 10.

**COMMENT LETTER P61: Hamor, Petrea. 8/30/2002**

**Response to Comment P61-1:** Comment noted.

**COMMENT LETTER P62: Danzig, Toni. 8/30/2002**

**Response to Comment P62-1:** See General Response 4. See also Guideline G.6.3 of the *Draft Service Plan*. Some areas may be deemed too sensitive to have low-intensity recreational facilities.

**COMMENT LETTER P63: Hamor, Herb. 8/30/2002**

**Response to Comment P63-1:** See General Response 9. Public services impacts, including the 6 potential impacts listed in the comment, are addressed in various parts of this FEIR/Responses to Comments document. Therefore, the 6 potential impacts will be listed here with cross-referenced to applicable responses:

1. The commenter is correct. Map 11: CDF and Volunteer Firehouses are given the same distinction in the Skyline and Southern watersheds because they are rated the same as response facilities.
2. See General Response 9.
3. The details of the “contract of emergency services” between CDF and San Mateo County are only relevant in the Coastal Annexation Area *DEIR* because of the proposed annexation area program’s potential impact on provision of those services. Because the *DEIR* and Fiscal Analysis did not find the Coastal Annexation Area program to have significant impacts on the provision of existing emergency services, the details of this contract are not relevant.

4. See response to item 3, directly above.
5. See response to item 3, directly above.

**COMMENT LETTER P64: Hamor, Herb. 8/30/2002**

**Response to Comment P64-1:** For a map of the area's roads, please see pages 114-115 of the Northern California Atlas & Gazetteer (1988) by Delorme Mapping Company.

**Response to Comment P64-2:** See General Response 11.

**Response to Comment P64-3:** The District has standards for District maintenance of roads and trails. For those areas that are sensitive, patrols may be done on foot or bicycle. Mitigation measures listed in the Hydrology section of the *DEIR* address concerns of use of roads and trails and associated sedimentation. Implementation of these mitigation measures would ensure that no significant hydrological effects would occur.

**Response to Comment P64-4:** As to housing and emergency response, see General Responses 6 and 9. As stated in page IV-C-7, cited by commentor, the District may retain existing housing on acquired property to house District staff. No new housing is proposed. While the District may house a small number of personnel to manage open space preserves, this is not a significant impact in light of the total population in the CAA. The proposed project will not generate *additional* residents, since any housing used by District staff will be pre-existing.

**COMMENT LETTER P65: Krzasczak, John. 8/30/2002**

**Response to Comment P65-1:** No comments were submitted by the Cuesta La Honda Guild. Page IV-C-2, third paragraph, ninth line will be corrected as follows: "...including the Gesta Cuesta La Honda Guild..."

**Response to Comment P65-2:** Comment noted. Information regarding Rural Service Centers was based on the San Mateo County General Plan (November 1986) and the San Mateo County Local Coastal Program (June 1998).

**COMMENT LETTER P66: Stariha, Marina. 8/30/2002**

**Response to Comment P66-1:** See General Fiscal Responses.

**Response to Comment P66-2:** See *DEIR* Alternative—Alternative 1, which contemplates not annexing the southern part of the area. For fire issues, see General Response 9.

**COMMENT LETTER P67: Figone, Louis. 8/30/2002**

**Response to Comment P67-1:** According to records from Economic Research Associates, preparers of the Fiscal Analysis, Louie Figone, who is the RCD Board President was interviewed on October 13, 2000.

**COMMENT LETTER P68: Mitton, Bob. 8/30/2002**

**Response to Comment P68-1:** Comment noted.

**Response to Comment P68-2:** See General Responses 10 and 11.

**Response to Comment P68-3:** See General Responses 6 and 8.

**Response to Comment P68-4:** See General Response 12.

**Response to Comment P68-5:** See General Response 3.

**Response to Comment P68-6:** See General Response 15.

**Response to Comment P68-7:** See General Responses 9 and 13.

**Response to Comment P68-8:** Comment noted. See *Fiscal Impact Analysis* and accompanying Response Memorandum.

**COMMENT LETTER P69: Curry, Neil & Alix. No date**

**Response to Comment P69-1:** The benefits that the District offers to coastside residents and visitors to the coast are described in Section II, Project Description, of the *DEIR*, starting on page II-6, under "Project Characteristics." Overall features of the MROSD to benefit the Coastal Annexation Area are stated on page II-4 of the *DEIR* and repeated here:

"The District uses a substantial portion of its resources to acquire interest in parcels having high open space values, and which might otherwise be developed if the District fails to preserve these parcels. Examples of criteria that make an area one of high open space value include: a parcel's importance as scenic backdrop; importance for trail connections; a fragile ecosystem or critical habitat for wildlife, particularly a "threatened" species; it fills a "gap" in an existing open space preserve or corridor; or it improves public access to existing open space lands.

In addition, the District seeks acquisitions or easements that would extend the Bay Area Ridge Trail, a network of trails that will eventually form a loop along the ridge tops surrounding San Francisco Bay, already crosses over District lands and utilizes existing District trails (Excerpt from the Land Acquisition Policies and Procedures, 1988.)

Most of the District's land purchase transactions have been initiated by landowners who were interested in selling their property. In some cases, the District has initiated contact when previous acquisitions in a certain area have made the purchase of additional parcels desirable. The District's main acquisition interests are in large, undeveloped or sparsely developed parcels of land."

For a more definitive discussion of agricultural issues, see also General Response 8.

**Response to Comment P69-2:** The commenter does not indicate which specific map he considers inaccurate. There are at least two maps that indicate "urban areas": Maps 9 & 15. Map 9, Existing Land Use, is based on data from the Associated Bay Area Governments (ABAG) and shows existing land use patterns. Map 15, Vegetation, is from the California Gap Analysis Project and shows predominate vegetation types in the area. Within each mapped area, primary land cover is typically 60% or more, but may be as low as 30% where multiple land cover or vegetation types are present. Therefore it is more of a broad-brush map that identifies the primary land cover in an area, which in this case is "Urban". It is used for more broad analysis to look at the predominate land cover of an area. It doesn't necessarily indicate other land use types that occur in area if they are not the predominate type of land cover.

**Response to Comment P69-3:** See General Response 8.

**Response to Comment P69-4:** See General Response 15.



**Response to Comment P69-5:** See General Response 11.

**Response to Comment P69-6:** When a Lead Agency (in this case the Midpeninsula Regional Open Space District) makes findings on significant effects identified in an EIR, an agency must also adopt a program for monitoring mitigation measures that will be adopted. Pub. Res. Code sec. 21081.6 (a); [CEQA] Guidelines secs. 15091 (d), 15097. The monitoring program is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. (*CEQA Deskbook [2000 supplement], page 117*).

Therefore, a Mitigation Monitoring Plan will be part of this FEIR/Responses to Comments document. This document will contain a listing of all mitigation measures as listed in the *DEIR* and this FEIR/Responses to Comments document, who will be responsible for implementing the mitigation measures, who will be financially accountable for implementing the measures, who will monitor the implementation of the measures, and who will report on the monitoring plan.

## VI. Text Changes to the DEIR

This chapter contains all revisions to the Draft Environmental EIR, as stated in Section 15132 (a) of the CEQA Guidelines. As stated in Section I of this document, this FEIR responds to all comments addressing the adequacy of the EIR. Where changes to the EIR text are required, the indicated text from the Draft EIR is quoted, with the original text to be deleted in ~~strikeout~~, and the corrected text in underline.

### Chapter S, Summary

Page S-1, first paragraph, sixth line, will be revised to read:

The proposed annexation to the District is subject to Santa Clara County Local Agency Formation Commission (LAFCo) review/recommendation, and approval by the San Mateo County Local Agency Formation Commission (LAFCo).

### Chapter I, Introduction

Page I-2, a new paragraph will be added after the fourth paragraph and will read:

Section 56430 of the Cortese-Knox-Hertzberg Act of 2000 requires that in order to prepare and update spheres of influences in accordance with Section 56425, LAFCo shall conduct a service review of all agencies that provide identified service or services in the subject geographic area. Therefore, this review has been conducted by preparing a Fiscal Analysis (Appendix D of the EIR) which includes a detailed analysis of fiscal impacts to all of the affected agencies within the Coastal Annexation area and this EIR which includes discussion of impacts to relevant service providers in the Plan Consistency Chapter, Section III and the Public Services Section, Section IV-C.

### Chapter II, Project Description

Page II-1 of the DEIR, first paragraph, sixth line, will be revised to read:

The proposed annexation to the District is subject to Santa Clara County Local Agency Formation Commission (LAFCo) review/recommendation, and approval by the San Mateo County Local Agency Formation Commission (LAFCo).

### Chapter III, Plan Consistency

Page III-1-III-2 of the DEIR (the entire section entitled 1. San Mateo Local Agency Formation Commission (LAFCo) Policies) will be revised to read:

#### ***1. San Mateo Local Agency Formation Commission and Santa Clara (LAFCo) Policies***

The San Mateo Local Agency Formation Commission (LAFCo) and Santa Clara LAFCo have jurisdiction over boundary changes for local governmental agencies including cities and special districts in their respective counties. Following a recommendation by Santa Clara LAFCO, the District will need to gain approval from both San Mateo and Santa Clara LAFCos in order to

amend its Sphere of Influence and to annex the Coastal Annexation Area <sup>1</sup>. San Mateo and Santa Clara LAFCoS both have a sets of adopted standards, procedures and policies that govern boundary changes such as the one proposed by the District. San Mateo and Santa Clara LAFCo policies were both amended recently to take into account changes enacted by the Cortese-Knox-Hertzberg Act of 2000 (San Mateo LAFCo policies are already in effect and new Santa Clara LAFCo policies will take effect January 2003). In addition to this EIR, three other documents that address the relevant LAFCo policies, the Draft Service Plan, the Fiscal Impact Analysis and the LAFCo Application, will be submitted to the San Mateo and Santa Clara LAFCoS.

Some of the changes enacted by the Cortese-Knox-Hertzberg Act of 2000 (Act) are relevant to the District's proposed annexation. These changes include strengthening LAFCo powers to prevent sprawl and ensure the orderly extension of government services. The Act also strengthened LAFCo policies to protect agriculture and open space lands. These changes were incorporated into San Mateo and Santa Clara LAFCo policies.

A general summary of the LAFCo policies of both jurisdictions that are relevant to the project is provided below. Since San Mateo and Santa Clara LAFCo policies are both based on the State legislation, they are summarized together. The appropriate analysis is relevant to both jurisdictions.

**Analysis:** LAFCo policies encourage planned, orderly, and efficient patterns of urban development (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). While the project itself will not result in urban development, it will promote orderly urban development by preserving open space and agricultural lands outside urban areas.

LAFCo policies encourage the preservation of agriculture and open space (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The project will promote the preservation of agriculture and open space through purchase and management programs.

LAFCo policies particularly emphasize the importance of preserving prime agricultural land (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The Draft Service Plan contains Guidelines (G.3.1, G.3.2) and Implementation Actions (G.3.A.(I), G.3.B(I), and G.3.C.(I)) which address agricultural use within lands acquired and managed by the District. They also address impacts of District properties on adjacent agricultural lands. These Guidelines and Implementation Actions are designed to protect prime agricultural land, both those owned or managed by the District, as well as prime agricultural lands contiguous to properties owned or managed by the District.

LAFCo policies encourage the efficient provision of services (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). The Draft Service Plan and Fiscal Impact Analysis and accompanying Response Memorandum conclude that the District is capable of providing the service of open space preservation without significantly impacting existing services. LAFCo policies require LAFCo to consider the consistency of the proposal with relevant City or County General or Specific Plans (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, San Mateo LAFCo policies, 2001, Santa Clara LAFCo policies 2003). Other parts of this Plan Consistency section analyze the proposal's conformity with relevant Plans. In general, the proposal is consistent with

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<sup>1</sup> For an explanation of the LAFCo approval process, please see DEIR Section 1, Introduction. The project will be referred to Santa Clara LAFCo for a recommendation on the project.

the County of San Mateo General Plan and Local Coastal Program. It is also consistent with the City of Half Moon Bay's Local Coastal Program. The Coastal Annexation project is considered consistent with relevant San Mateo and Santa Clara LAFCo policies.

Page III-11, first paragraph, fourth line, the following sentence will be added:

Pesadero Marsh is a Natural Preserve also operated by State Parks.

## **Chapter IV-B, Agricultural Resources**

Mitigation measures AGR-1a and AGR-1b on page IV-B-8 shall be changed as follows:

**Mitigation AGR-1a:** No new buildings or staging areas shall be located on prime agricultural lands as defined in the Draft Service Plan or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency that are being used for agricultural purposes. To implement this Mitigation Measure, ~~In order to avoid conversion of Farmland to non-agricultural use,~~ the draft service plan should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands as defined in the Draft Service Plan or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~Farmland in agricultural use.~~

**Mitigation AGR-1b:** Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Owners and operators of active agricultural activities ~~lands~~ shall be consulted to identify appropriate routes on those lands they cultivate. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

Mitigation measures AGL-3a, AGR-3c, & AGR-3d on page IV-B-12 shall be changed as follows:

**Mitigation AGL-3a:** Guideline 3.2 in the *Draft Service Plan* should be modified to state: "Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible,~~ all All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided ~~where feasible.~~ If trails must traverse cultivated lands ~~then~~ they shall be permitted only if adequate buffers, signs, and other measures

necessary to ensure that trail use does not interfere with the agricultural operations ~~shall be~~ are implemented.”

**Mitigation AGL-3c:** Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. Owners and operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

**Mitigation AGL-3d:** The District lands or easements ~~that comprise the trail setting upon which trails are sited~~ shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:

- a) Buffers shall be designed in relation to the nature of the of the adjoining land use and potential land uses proposed public access;
- b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;
- c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;
- d) Buffers shall be of sufficient width to allow agricultural use of adjoining agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment, taking into account the likelihood and extent of potential pesticide drift;
- e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
- f) The District shall be responsible for the management and maintenance of all lands used as buffers.
- g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.
- h) All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

In addition, implementation of Mitigation LU-2 will ensure that the proposed project and subsequent actions will not preclude the reliability of adjacent uses.

New mitigation measures AGR-3g, AGR-3h, AGR-3i, AGR-3j, & AGR-3k to be added at the end of page IV-B-13.

**Mitigation Measure AGR-3g:** Amend the *Draft Service Plan* to include the following policy:

When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

**Mitigation Measure AGR-3h:** Revise *Draft Service Plan* Guideline G.6.3 as follows:

## GUIDELINE G.6.3

Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; agricultural resources; water quality; visual resources; unique biological resources, including heritage and significant trees; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources. Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a use and management plan, which, includes site-specific resource management and public access components plan for any lands acquired by the District or managed through contract for other public or private non-profit property owners. All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.

The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:

- a) Availability of labor, including farm labor housing;
- b) Availability of farm support services and goods;
- c) Necessary capital improvements (e.g. water storage, fencing, land leveling)
- d) Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
- e) Water use and availability;
- f) Access to transportation and markets; and
- g) Promoting agricultural production on District-owned land.

In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.

The development of use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo

County Environmental Services Agency in addition to other include opportunities for public involvement.

**Mitigation Measure AGR-3i:** Amend *Draft Service Plan* Guideline G.2 as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no significant negative impact on existing services; and adequate stewardship to protect natural and agricultural resources will be provided.

**Mitigation Measure AGR-3j:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to:

- a. Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo.
- b. Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs.
- c. Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.

**Mitigation Measure AGR-3k:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:

- a) be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;
- b) specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- c) include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- d) include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- e) ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and in the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

## Chapter IV-C, Public Services & Infrastructure

Page IV-C-2, third paragraph, ninth line will be corrected as follows:

“...including the ~~Cesta~~ Cuesta La Honda Guild...”

Page IV-C-6, the impact notation on PSI-3 shall be changed from “Less Than Significant Impact” to “Less Than Significant Impact With Mitigation Incorporation”.

Page IV-C-8: The second paragraph on page IV-C-8 shall be changed as follows:

“Generation of an additional 383 trips would not cause a substantial increase in traffic such that the LOS would worsen at any intersection within the Coastal Annexation Area. The project would not cause traffic volumes to exceed the LOS levels deemed acceptable by the City of Half Moon Bay (LOS C except during the 2-hour commuting period and the 10-day average peak recreational hour when LOS E is acceptable) ~~and~~ but background levels after 15 years along Highway 92 between Half Moon Bay and Skyline Boulevard and along Highway 84 from Whisky Hill Road to I-280 in the County are projected to be at LOS F which would exceed LOS standards (LOS E during recreation peak periods) (See Table 1). However, based on existing traffic volumes, the projected number of trips generated by land and easement acquisition over the next 15 years in the Coastal Annexation Area, and the LOS standards set by the City of Half Moon Bay and the County, the project would not cause an increase in traffic that is substantial in relation to existing traffic loads and street capacity.

#### **Chapter IV-D, Hazards and Hazardous Materials**

Page IV-D-5, Mitigation measure HAZ-2a shall be changed as follows:

**Mitigation HAZ-2a:** During preparation of plans for specific facilities, the District shall:

- a) Review, in conjunction with the local fire protection services, available water resources. In consultation with the County of San Mateo Environmental Services Department and the California Department of Forestry, the District shall determine whether the construction of dry hydrants on specific lands acquired is feasible in order to provide additional remote area water supplies for fire suppression activities. The District shall purchase 1,500 - 2,000-gallon maintenance -style water truck. The District-owned water truck shall be available for mutual aid calls during fire suppression activities.
- b) Select indigenous plant materials and/or seed mixes utilized at staging areas or along trails for their low maintenance and drought and fire resistant characteristics to minimize additional fuel available to wildland fires to the extent feasible.

Page IV-D-6, at the end of the third paragraph: new mitigation measures HAZ-2d, HAZ-2e, HAZ-2f shall be added as follows:

**Mitigation HAZ-2d:** In addition to continuing its current fuel management practices, as new lands are acquired, the District shall consult with the San Mateo County Fire Department and the California Department of Forestry in developing site-specific fuel modification and management programs for specific lands acquired, as part of its Use and Management planning process.

**Mitigation HAZ-2e:** The District shall limit trail use to low-intensity hiking, bird watching, bicycling, equestrian use, environmental education and other similar low hazard uses, an prohibit smoking, camping, picnicking, fireworks and off-road vehicle use.

**Mitigation HAZ-2f:** The District shall develop and maintain staging areas and trail heads to incorporate:



- a) Fenced parking areas paved with gravel or asphalt in a narrow configuration to discourage irresponsible vehicle use.
- b) Entrance and road shoulders designed to discourage parking and to facilitate emergency access.
- c) Gates that are at least 12 feet wide constructed of heavy materials with a protected locking system for District and fire service access.
- d) 10-foot radiuses paved with gravel around trailheads.
- e) Signage that describes prohibited uses and warns against fire hazards.
- f) Low ignition fuels, such as grasses, planted adjacent to trail heads and staging areas that shall be mowed annually as soon as 30 per cent of the light ground fuel is cured.
- g) Close trail access points on all predicted high fire response level days (Burn Index of 41, or higher) and post such closures on the District website.
- h) Periodic patrols by District staff.

## Chapter IV-I, Biological Resources

Page IV-I-21, Mitigation BIO1h shall be modified as follows:

**Mitigation BIO-1h:** Trail crossings of streams and drainages shall be designed to minimize disturbance through the use of bridges, fords, or culverts, whichever is least environmentally damaging. Bridges and culverts shall be designed so that they visually and functionally blend with the environment and do not substantially interfere with the movement of native fish. Sufficient depth and velocity of water through the culvert shall exist in fish-bearing streams for passage of native fish and other native aquatic species during high and low flow conditions. ~~Equestrian trail access~~ All trail stream crossings shall be restricted at fish-bearing streams during critical times, such as during spawning, unless bridges and culverts are provided for horse use.

Page IV-I-21, Mitigation BIO1i is will be modified as follows:

**Mitigation BIO-1i:** Trails and other improvements shall avoid wetlands and other jurisdictional waters, including seasonal wetlands, seeps, springs, and farm ponds, whenever possible. A wetlands biologist will conduct reconnaissance-level surveys of all improvements in areas with potential wetlands. Any improvements adjacent to wetland areas will be constructed so that fills avoid wetland impacts and minimum setbacks are allowed. Where feasible, setbacks from wetlands and other jurisdictional waters shall be a minimum of ~~25~~50 feet for trails and ~~50~~100 feet for staging areas and other improvements. A formal wetland delineation will be required for any improvements that may directly impact wetlands.

## Chapter V, Alternatives:

Page V-9, fifth paragraph, a new second sentence will be added and will read:

In accordance with Section 56133 of the Cortese-Knox-Hertzberg Act of 2000, the District may provide new or extended services by contract or agreement outside its sphere of influence only if it first requests and receives written approval from LAFCo.

Page V-10, a new eighth paragraph will be added and will read:

In accordance with Section 56133 of the Cortese-Knox-Hertzberg Act of 2000, the District may provide new or extended services by contract or agreement outside its sphere of influence only if it first requests and receives written approval from LAFCo.

## VII. Mitigation Monitoring Plan

In accordance with Section 15097(a) and (c) of the CEQA Guidelines, in order to ensure that the mitigation measures and project revisions identified in the EIR are implemented, the Midpeninsula Regional Open Space District shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

The District will monitor all mitigation measures contained in the Mitigation Monitoring Plan. "Monitoring" is generally an ongoing or periodic process of project oversight. All mitigation measures will be implemented by appropriate District personnel or Department. All mitigation measures will be incorporated into the Final Service Plan.

The following table lists the Impacts, Mitigation Measures, Timing of the Mitigation Measure (when the measure will be implemented), and the Department responsibility for ensuring that the mitigation measure will be implemented. Changes to DEIR text is shown as either underline where new or ~~strikeout~~ where deleted.

**Table V-1  
Mitigation Monitoring Plan**

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>LAND USE</b>			
<p><b>Impact LU-1:</b> Land uses and users adjacent to any property that the District may acquire within the Coastal Annexation Area could pose significant health hazards to future preserve users. For example, timber harvesting could occur adjacent to future preserves, thereby causing potential hazards from falling trees, limbs and/or debris.</p>	<p><b>Mitigation LU-1a:</b> In areas where trails would pass potentially hazardous adjacent land uses (e.g., timber operations), trail structures such as fences, barriers, and signs shall be used to deter trail users from leaving the trail and encountering unsafe conditions. Temporary trail closures shall be employed during intermittent operations, such as agricultural spraying, that would jeopardize the safety of an otherwise safe trail.</p>	<p>Prior to opening trails for public access; ongoing project oversight thereafter.</p>	<p>Operations</p>
<p><b>Impact LU-1:</b> Land uses and users adjacent to any property that the District may acquire within the Coastal Annexation Area could pose significant health hazards to future preserve users. For example, timber harvesting could occur adjacent to future preserves, thereby causing potential hazards from falling trees, limbs and/or debris.</p>	<p><b>Mitigation LU-1b:</b> The following measures will be included in every future Use and Management Plan for parcels within the Coastal Annexation Area:</p> <ol style="list-style-type: none"> <li>1. In areas where trail routes are immediately adjacent to private property, fencing shall be employed as necessary to deter users from leaving the trail. Specific fence, gate, and crossing designs will be determined in consultations with adjacent affected property owner(s) at the Use and Management Plan stage.</li> <li>2. All new trails/facilities will be sited away from the edges of new preserves.</li> <li>3. All new trails/facilities will be designed to preserve existing vegetation within new preserves and at the property lines so that preserve users will not be able to view land uses in adjacent properties.</li> <li>4. Trail uses will be consolidated where safe within the same trail way, depending on the steepness, available right-of-way, safety, user frequencies, and other conditions. A type of use on a trail may be prohibited for safety or environmental reasons, such as erosion and water quality. Where a trail is restricted to a particular type of user, the trail shall be clearly designated as such and shall be equipped with use signs and appropriate barriers to discourage unauthorized use.</li> <li>5. Trails shall be sited as far away from occupied dwellings as practical. Trails not within planned road rights-of-way shall be set back a minimum distance from occupied dwellings in accordance with Table IV-A-4 (below).</li> </ol>	<p>Trail design and siting prior to Board approval of Use and Management Plan , and prior to opening trails for public access; ongoing project oversight thereafter.</p>	<p>Planning (design and siting) and Operations (closures, construction supervision, and ongoing oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department								
	<p>Where setbacks specified in Table IV-A-4 are not feasible, potential noise and privacy impacts must be evaluated for any subsequent District action and shall be reduced by use of berms, fencing, landscaping, and other feasible and compatible means, if necessary.</p> <p>Table IV-A-4 Recommended trail setbacks from occupied dwellings</p> <table border="1" data-bbox="764 500 1339 626"> <thead> <tr> <th>Land Use</th> <th>Recommended Setback</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>50 feet</td> </tr> <tr> <td>Agricultural</td> <td>50 feet</td> </tr> <tr> <td>Timber Production</td> <td>50 feet</td> </tr> </tbody> </table>	Land Use	Recommended Setback	Residential	50 feet	Agricultural	50 feet	Timber Production	50 feet		
Land Use	Recommended Setback										
Residential	50 feet										
Agricultural	50 feet										
Timber Production	50 feet										
<p><b>Impact LU-2:</b> Permanent Policy 2 from the Draft Service Plan contains provisions for only the Coastal Area and does not include the Skyline Area.</p>	<p><b>Mitigation LU-2:</b> Permanent Policy 2 in the Draft Service Plan shall be modified to state:</p> <p>“Within the <u>Coastal Annexation Area</u>, <del>Coastal Zone</del>, the District will not initiate any activities that would require a General Plan amendment or zoning change.”</p>	<p>Prior to Board approval of Final <i>Service Plan</i></p>	<p>Planning</p>								

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>AGRICULTURE</b>			
<p><b>Impact AGR-1:</b> The Coastal Annexation Area contains Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Some parcels acquired by the District would likely contain lands with one or more of these designations. Acquisition of these lands by the District would not in and itself convert the lands to non-agriculture use.</p>	<p><b>Mitigation AGR-1a:</b> No new buildings or staging areas shall be located on prime agricultural lands <u>or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency that are being used for agricultural purposes.</u> <del>To implement this Mitigation Measure, in order to avoid conversion of Farmland to non-agricultural use, the Draft Service Plan should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency Farmland in agricultural use.</del></p>	<p>As to siting of facilities, prior to Board approval of Use and Management Plan and prior to preparation of any project design.</p> <p>As to <i>Service Plan</i> revision prior to Board approval of Final <i>Service Plan</i></p>	<p>Planning</p>
<p><b>Impact AGR-1:</b> The Coastal Annexation Area contains Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Some parcels acquired by the District would likely contain lands with one or more of these designations. Acquisition of these lands by the District would not in and itself convert the lands to non-agriculture use.</p>	<p><b>Mitigation AGR-1b:</b> Trails and habitat preservation areas shall either be located to avoid prime agricultural lands <u>and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency</u> or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. <u>Owners and operators of active agricultural activities lands shall be consulted to identify appropriate routes on those lands they cultivate.</u> The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.</p>	<p>As to siting and design prior to Board approval of Use and Management Plan and prior to opening any trails to public access; project oversight thereafter</p>	<p>Planning (siting and design)</p> <p>Operations (construction supervision and ongoing oversight)</p>
<p><b>Impact AGR-1:</b> The Coastal Annexation Area contains Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Some parcels acquired by the District would likely contain lands with one or</p>	<p><b>Mitigation AGR-1c:</b> The District shall adopt Draft Service Plan Policy P.1 by ordinance. This policy reads as follows: “Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area.”</p>	<p>Prior to Final <i>Service Plan</i> approval</p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>more of these designations. Acquisition of these lands by the District would not in and itself convert the lands to non-agriculture use.</p>			
<p><b>Impact AGR-1:</b> The Coastal Annexation Area contains Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Some parcels acquired by the District would likely contain lands with one or more of these designations. Acquisition of these lands by the District would not in and itself convert the lands to non-agriculture use.</p>	<p><b>Mitigation AGR-1d:</b> Amend the Draft Service Plan to include the following: The term “prime agricultural land” as used in this Plan means:</p> <ul style="list-style-type: none"> <li>a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.</li> <li>b) All land which qualifies for rating 80-100 in the Storie Index Rating.</li> <li>c) Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.</li> <li>d) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.</li> <li>e) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.</li> </ul> <p>The \$200 per acre amount in subsections d) and e) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.</p> <p>The term “prime agricultural land” as used in this Plan shall also include Unique Farmland and Farmland of Statewide Importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency.</p>	<p>Prior to Board approval of the Final <i>Service Plan</i></p>	<p>Planning</p>
<p><b>Impact AGR-2:</b> Subsequent to annexation, the District would likely acquire some parcels subject to</p>	<p><b>Mitigation AGR-2:</b> See Mitigation LU-2</p>	<p>Prior to Board approval of <i>Service Plan</i></p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>Williamson Act contracts. Under the Williamson Act, recreational and open space uses are allowable uses on lands subject to contract. District acquisition of Williamson Act lands for such uses would thus not conflict with the contract or related agricultural preserve designation.</p>		<p><i>Service Plan</i></p>	
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3a:</b>                      Guideline 3.2 in the <i>Draft Service Plan</i> should be modified to state:                      “Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on <u>Farmland Mapping and Monitoring Program of the California Resources Agency toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible, all</u> All trails and other public facilities should be located so as not to fragment agricultural operations <u>unless no feasible alternative is available</u>. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided <u>where feasible</u>. If trails must traverse cultivated lands <u>then they shall be permitted only if adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations shall be are implemented.</u>”</p>	<p>Prior to Board approval of Final <i>Service Plan</i>; as to siting and design, prior to approval of Use and Management Plan; ongoing project oversight thereafter.</p>	<p>Planning (siting and design)                       Operations (ongoing project oversight)</p>
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3b:</b> The District shall provide private property signs where appropriate and provide trail users information regarding private property rights to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property rights to minimize trespassing and conflicts with agricultural users.</p>	<ol style="list-style-type: none"> <li>1. Install private property signs immediately after acquisition.</li> <li>2. Install other signs prior to opening trails for public use.</li> </ol>	<p>Operations</p>



Impact	Measure	Timing	Monitoring Responsibility— District Department
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3c:</b> Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. <u>Owners and operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.</u></p>	<p>Prior to Board approval of Use and Management Plan, and prior to opening any trails to public access</p>	<p>Planning (siting and design)  Operations (construction, supervision, and ongoing project oversight)</p>
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3d:</b> <u>The District lands or easements that comprise the trail setting upon which trails are sited shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:</u></p> <ul style="list-style-type: none"> <li>a) <u>Buffers shall be designed in relation to the nature of the of the adjoining land use and potential land uses proposed public access;</u></li> <li>b) <u>Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;</u></li> <li>c) <u>Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;</u></li> <li>d) <u>Buffers shall be of sufficient width to allow agricultural use of adjoining agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment taking into account the likelihood and extent of potential pesticide drift.;</u></li> <li>e) <u>All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.</u></li> <li>f) <u>The District shall be responsible for the management and maintenance of</u></li> </ul>	<p>Prior to Board approval of Use and Management Plan, and prior to opening any trails to public access</p>	<p>Planning (siting and design)  Operations (ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
	<p><u>all lands used as buffers.</u></p> <p>g) <u>If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.</u></p> <p><u>All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.</u></p>		
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3e:</b> Where herbicides are used for vegetation control, including control of noxious weeds, they must be handled, applied, and disposed of in such a manner that they do not adversely affect adjacent agriculture. Herbicide use shall be guided by label restrictions and any advisories published by the California Department of Pesticide Regulation (CDPR) or the County Agricultural Commission. These chemicals shall only be applied by a person who is properly trained in their application.</p>	<p>Immediately upon acquisition; ongoing project oversight thereafter.</p>	<p>Operations</p>
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation AGR-3f:</b> The District shall conduct its land management practices such that they do not have an adverse significant impact on the physical and economic integrity of timberland preserves on or contiguous to properties owned or managed by the District and so that the safety of visitors to District preserves is not compromised by timber harvesting (e.g., establishing appropriate buffers on District lands).</p>	<p>Upon acquisition; ongoing project oversight thereafter</p>	<p>Planning (siting and design)</p> <p>Operations (ongoing project oversight)</p>
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails</p>	<p><b>Mitigation AGR-3g:</b> When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm</p>	<p>Include continuation of agricultural use in Preliminary Use and Management Plan; evaluate agricultural and</p>	<p>Acquisition and Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p>operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.</p>	<p>recreational use prior to Board approval of Use and Management Plan; offer for sale or lease accordingly. Upon Board approval of Use and Management Plan</p>	
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation Measure AGR-3h:</b> Revise <i>Draft Service Plan</i> Guideline G.6.3 as follows:</p> <p>GUIDELINE G.6.3                      Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; <u>agricultural resources</u>; water quality; visual resources; <u>unique biological resources, including heritage and significant trees</u>; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources. Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a <u>use and management plan, which, includes site-specific resource management and public access components plan</u> for any lands acquired by the District or managed through contract for other public or private non-profit property owners. <u>All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.</u></p> <p><u>The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to</u></p>	<p>Prior to Board approval of Final <i>Service Plan</i>.</p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
	<p><u>agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:</u></p> <ul style="list-style-type: none"> <li>a) <u>Availability of labor, including farm labor housing;</u></li> <li>b) <u>Availability of farm support services and goods;</u></li> <li>c) <u>Necessary capital improvements (e.g. water storage, fencing, land leveling)</u></li> <li>d) <u>Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;</u></li> <li>e) <u>Water use and availability;</u></li> <li>f) <u>Access to transportation and markets; and</u></li> <li>g) <u>Promoting agricultural production on District-owned land.</u></li> </ul> <p><u>In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.</u></p> <p>The development of <u>use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo County Environmental Services Agency in addition to other</u> include opportunities for public involvement.</p>		
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner</p>	<p><b>Mitigation Measure AGR-3i:</b> Amend <i>Draft Service Plan</i> Guideline G.2 as follows:</p> <p>Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no significant negative impact on existing services; and adequate stewardship to protect natural <u>and agricultural</u> resources will be provided.</p>	<p>Prior to Board approval of Final <i>Service Plan</i></p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
that avoids such conflicts whenever feasible.			
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation Measure AGR-3j:</b> Amend the <i>Draft Service Plan</i> to include the following policy:</p> <p>The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to:</p> <ol style="list-style-type: none"> <li>a. Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo.</li> <li>b. Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs.</li> <li>c. Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.</li> </ol>	<p>Prior to Board approval of Final <i>Service Plan</i>; ongoing project oversight thereafter</p>	<p>Planning</p>
<p><b>Impact AGR-3:</b> Notwithstanding the foregoing policies that are a part of the project, future public recreation at new preserves within the Coastal Annexation Area may conflict with existing agricultural and timber uses on and adjacent to District lands if trails and other recreation areas are not designed and managed in a manner that avoids such conflicts whenever feasible.</p>	<p><b>Mitigation Measure AGR-3k:</b> Amend the <i>Draft Service Plan</i> to include the following policy:</p> <p>The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:</p> <ol style="list-style-type: none"> <li>a. Be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;</li> <li>b. Specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;</li> <li>c. Include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;</li> <li>d. Include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;</li> <li>e. Ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and</li> </ol>	<p>Prior to Board approval of Final <i>Service Plan</i>; ongoing project oversight thereafter.</p>	<p>Planning and Acquisition (development of conforming easements and lease terms; seeking opportunities for such transactions)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
	f. In the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.		

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>PUBLIC SERVICES &amp; INFRASTRUCTURE</b>			
<p><b>Impact PSI-1:</b> Annexation and subsequent acquisition of land, absent further land use changes, would not affect traffic safety. Access to preserves eventually acquired after annexation could slightly increase use of winding, steep roads that could become hazardous depending on the amount and type (trucks, cars, motorcycles, etc.) of traffic.</p>	<p><b>Mitigation PSI-1a:</b> The District will not permit access in places where the access would create a hazard due to a design feature such as a sharp curve or dangerous intersection.</p>	<p>Prior to opening lands for public access</p>	<p>Planning</p>
<p><b>Impact PSI-1:</b> Significant hazards to pedestrians and equestrians could occur as a result of excessive speed of cyclists on trails.</p>	<p><b>Mitigation PSI-1b:</b> A maximum speed limit of 15 miles per hour shall be placed on all trails that permit cyclists and other trail users (e.g., pedestrian, equestrian). Signs shall be located at trail entrances that indicate that a speed limit is in effect.</p>	<p>Prior to opening trails for public access</p>	<p>Operations</p>
<p><b>Impact PSI-2:</b> The lack of adequate emergency access would be a significant impact because it may preclude adequate response time by public safety agencies.</p>	<p><b>Mitigation PSI-2:</b> The Implementation Action G.6.E(i) shall be added to the Draft Service Plan to ensure adequate emergency access.</p>	<p>Prior to Board approval of Final <i>Service Plan</i></p>	<p>Planning (design), Public Affairs (maps), Operations (ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>Impact HAZ-1:</b> Acquired lands may contain hazardous materials, such as leaking fuel storage tanks, agricultural chemicals, asbestos, or abandoned oil or gas wells. If such a site is not properly remediated, the public, including students at nearby schools, and the environment could be exposed to hazardous materials. Under certain circumstances, this exposure would be a significant impact.</p>	<p><b>Mitigation HAZ-1:</b> The District shall also review local, state, or federal government hazardous sites lists prior to acquiring a property to determine if the area is a hazardous materials site. The following resources and agencies can be consulted:</p> <ul style="list-style-type: none"> <li>• Federal and state database information</li> <li>• Water Quality Control Board (San Francisco Bay Region)</li> <li>• San Mateo County Health Services Agency</li> </ul> <p>If a parcel is found to contain a hazardous materials site, trails, staging areas, or other facilities will not be constructed on the parcel until plans can be developed and implemented to either remediate the hazard or ensure that the public will not have access to hazardous areas.</p>	<p>Prior to Board approval of Preliminary Use and Management Plan</p>	<p>Acquisition (pre-acquisition assessment), Planning (remediation and siting)</p>
<p><b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk of a wildland fire. There is also the concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.</p>	<p><b>Mitigation HAZ-2a:</b> During preparation of plans for specific facilities, the District shall:</p> <p>a) Review, in conjunction with the local fire protection services, available water resources. <u>In consultation with the County of San Mateo Environmental Services Department and the California Department of Forestry, the District shall determine whether the construction of dry hydrants on specific lands acquired is feasible in order to provide additional remote area water supplies for fire suppression activities. The District shall purchase 1,500 - 2,000-gallon maintenance -style water truck. The District-owned water truck shall be available for mutual aid calls during fire suppression activities.</u></p> <p>b) Select indigenous plant materials and/or seed mixes utilized at staging areas or along trails for their low maintenance and drought and fire resistant characteristics to minimize additional fuel available to wildland fires to the extent feasible.</p>	<p>Prior to Board approval of Use and Management Plan; ongoing project oversight thereafter</p>	<p>Planning (design), Operations (equipment purchase and ongoing project oversight)</p>
<p><b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk of a wildland fire. There is also the</p>	<p><b>Mitigation HAZ-2b:</b> Where compatible with other trail characteristics, planners shall locate trail alignments and access points to allow trails to also serve as emergency access routes for patrol or emergency medical transport. Where feasible for more remote areas, emergency helicopter landing sites</p>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>



Impact	Measure	Timing	Monitoring Responsibility— District Department
concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.	shall be provided.		
<b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk of a wildland fire. There is also the concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.	<b>Mitigation HAZ-2c:</b> The District shall coordinate with appropriate agencies, such as the County and the California Department of Forestry to formalize mutual aid agreements.	Prior to opening land to public access	Administration and Operations
<b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk of a wildland fire. There is also the concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.	<b>Mitigation HAZ-2d:</b> In addition to continuing its current fuel management practices, as new lands are acquired, the District shall consult with the San Mateo County Fire Department and the California Department of Forestry in developing site-specific fuel modification and management programs for specific lands acquired, as part of its Use and Management planning process.	Prior to Board approval of Use and Management Plan; ongoing project oversight thereafter.	Planning (development of Use and Management Plan), Operations (ongoing project oversight)
<b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk of a wildland fire. There is also the concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.	<b>Mitigation HAZ-2e:</b> The District shall limit trail use to low-intensity hiking, bird watching, bicycling, equestrian use, environmental education and other similar low hazard uses, and prohibit smoking, camping, picnicking, fireworks and off-road vehicle use.	Prior to opening trails to public use; ongoing project oversight thereafter.	Operations
<b>Impact HAZ-2:</b> When open space areas are opened to the public, users could potentially be exposed to the risk	<b>Mitigation HAZ-2f:</b> The District shall develop and maintain staging areas and trail heads to incorporate: a. Fenced parking areas paved with gravel or asphalt in a narrow	Prior to opening facilities for public access;	Planning (design, siting, and construction),

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>of a wildland fire. There is also the concern that allowing public recreation access to an area carries an increased likelihood of human caused fire and hence increases the risk of wildland fire in the area as a whole.</p>	<p>configuration to discourage irresponsible vehicle use.</p> <p>b. Entrance and road shoulders designed to discourage parking during closure and to facilitate emergency access.</p> <p>c. Gates that are at least 12 feet wide constructed of heavy materials with a protected locking system for District and fire access.</p> <p>d. 10-foot radiuses paved with gravel around trailheads.</p> <p>e. Signage that describes prohibited uses and warns against fire hazards.</p> <p>f. Low ignition fuels, such as grasses, will be planted adjacent to trail heads and staging areas, and will be mowed annually as soon as 30 per cent of the light ground fuel is cured.</p> <p>g. Close trail access points on all predicted high fire response level days (Burn Index of 41, or higher) and post such closures on the District website.</p> <p>h. Periodic patrols by District staff.</p>	<p>ongoing thereafter</p>	<p>construction), Operations (ongoing project oversight)</p>
<p><b>Impact HAZ-3:</b> District acquisition or management of land alone would not increase public exposure to other significant health or safety hazards. However, use of future District facilities, including trails, could adversely affect trail users.</p>	<p><b>Mitigation HAZ-3a:</b> The District shall routinely monitor trails and provide regular maintenance to avoid public exposure to hazardous conditions. Trails or other facilities shall be closed for construction or repair, or when another hazardous condition exists (e.g. landslide during flooding or extremely wet weather) that renders trail use especially hazardous, or where adjacent land uses may present unsafe conditions that could affect open space users. Where use limitations or closures are in place, the area shall be clearly designated and shall be equipped with use signs and appropriate barriers to discourage unauthorized use. Missing or damaged signs, gates, fences, and barriers shall be repaired or replaced as soon as possible. Closure notices shall include the reason(s) for the closure, an estimate of how long the facility will be closed, and a telephone number to call for further information.</p>	<p>Prior to opening trails to public access; ongoing project oversight thereafter</p>	<p>Operations</p>
<p><b>Impact HAZ-3:</b> District acquisition or management of land alone would not increase public exposure to other significant health or safety hazards. However, use of future District facilities, including trails, could adversely affect trail users.</p>	<p><b>Mitigation HAZ-3b:</b> District preserve maps for the public shall be kept up-to-date to the extent feasible. Trail maps shall also provide trail use rules, emergency information, trail accessibility, other pertinent safety information and shall be available at all staging areas.</p>	<p>Upon opening lands for public access; ongoing thereafter</p>	<p>Public Affairs (map preparation), Operations (placement of maps and ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>AIR QUALITY</b>			
<p><b>Impact AIR-1:</b> Any future project within the Coastal Annexation Area could produce significant localized air emissions, both during project construction and operation. These projects could generate fugitive dust, including PM10.</p>	<p><b>Mitigation: AIR-1:</b> The District shall insure that the following measures are included in all future construction contracts to control fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;</li> <li>• Cover all trucks hauling soil, sand and other loose materials and/or require all trucks to maintain at least two feet of freeboard;</li> <li>• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas for construction sites;</li> <li>• Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites;</li> <li>• Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;</li> <li>• Enclose, cover, water twice daily or apply non-toxic soil binders to any exposed stockpiles (dirt, sand, etc.);</li> <li>• Limit traffic speeds on unpaved roads to 15 mph.;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible;</li> <li>• Suspend excavation and grading activity whenever the wind is so high that it results in visible dust plumes despite control efforts.</li> </ul>	<p>Prior to bid and prior to start of construction; ongoing project oversight thereafter</p>	<p>Planning (inclusion in construction documents), Operations (ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>AESTHETICS</b>			
<p><b>Impact AES-1:</b> Limited improvement of open space areas for recreational use after the proposed annexation project is approved could include trails, parking areas, portable sanitary facilities, fencing, signs, and access roads. The District may also develop a field office and maintenance facilities. These developments could create a significant effect on scenic vistas.</p>	<p><b>Mitigation AES-1a:</b> Trail alignments and their associated facilities shall be sited and designed to be in harmony with surrounding natural and cultural settings and to retain natural appearances and values.</p>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>
<p><b>Impact AES-1:</b> Limited improvement of open space areas for recreational use after the proposed annexation project is approved could include trails, parking areas, portable sanitary facilities, fencing, signs, and access roads. The District may also develop a field office and maintenance facilities. These developments could create a significant effect on scenic vistas.</p>	<p><b>Mitigation AES-1b:</b> Trail alignments across the face of open hillsides and near the top of ridgelines shall be sited to avoid creating new, permanent, noticeably visible lines on the existing landscape when viewed from points looking up at or perpendicular to the trail. Conditions to be considered when siting trails include, but are not limited to, avoiding excessive cuts in slopes that could not be effectively revegetated, and presence of native soil to support revegetation.</p>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>
<p><b>Impact AES-1:</b> Limited improvement of open space areas for recreational use after the proposed annexation project is approved could include trails, parking areas, portable sanitary facilities, fencing, signs, and access roads. The District may also develop a field office and maintenance facilities. These developments could create a significant effect on scenic vistas.</p>	<p><b>Mitigation AES-1c:</b> Screening berms, perimeter planting, and parking area trees that provide a canopy shall be used at major staging areas to visually buffer views into the staging area from sensitive view points.</p>	<p>Prior to completion of construction and opening staging area</p>	<p>Planning (design and siting)</p>
<p><b>Impact AES-1:</b> Limited improvement of open space areas for recreational use</p>	<p><b>Mitigation AES-1d:</b> All structures proposed that are located in scenic corridors shall be screened using native landscaping with plants indigenous to</p>	<p>Prior to completion of</p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>after the proposed annexation project is approved could include trails, parking areas, portable sanitary facilities, fencing, signs, and access roads. The District may also develop a field office and maintenance facilities. These developments could create a significant effect on scenic vistas.</p>	<p>the localized area.</p>	<p>construction</p>	
<p><b>Impact AES-1:</b> Limited improvement of open space areas for recreational use after the proposed annexation project is approved could include trails, parking areas, portable sanitary facilities, fencing, signs, and access roads. The District may also develop a field office and maintenance facilities. These developments could create a significant effect on scenic vistas.</p>	<p><b>Mitigation AES-1e:</b> Any utilities constructed within a State scenic corridor for District facilities shall be underground.</p>	<p>Prior to completion of construction</p>	<p>Planning</p>
<p><b>Impact AES-2:</b> The field office or maintenance facilities may require lighting for security or safety. Lights from these facilities could affect nighttime views in the area.</p>	<p><b>Mitigation AES-2:</b> Any new lighting as part of the proposed project will have light shields and other devices to ensure that no new light or glare will impact sensitive receptors.</p>	<p>Prior to completion of construction</p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>HYDROLOGY</b>			
<p><b>Impact HYD-1:</b> The Santa Cruz Mountains are known for intense rainfall with large volume flows through creeks and drainage. The annexation area is windward of incoming storms and would receive intense rainfall capable of eroding and destabilizing project area trails. No effluent waste would be discharged due to the proposed annexation project. Future toilet facilities would be self-contained at preserves, or connected to existing sewer systems, as in the case of the District developing a field office and maintenance facilities in the Coastal Annexation Area. Overall, the project should be beneficial due to protection of watersheds and associated water quality.</p>	<p><b>Mitigation HYD-1a:</b> Trails shall be sited to minimize potential water pollution and stream bank erosion. Equestrian trails shall not be sited parallel to “blue line” streams (as mapped on USGS 7.5 minute quadrangle maps) and major drainages (determined during the preparation of individual trail design) within 150 feet of the streambank in such watersheds. Where equestrian trails must cross streams or major drainages in water supply watersheds, the trail shall be sited perpendicular to the stream (to the extent allowed by topography and vegetation) through the 300-foot buffer zone (150 feet on each side). Equestrian trails shall not be located within 150 feet of the high water line of a drinking water reservoir. These measures may be modified on a case-by-case basis upon the advice of a qualified biologist or water quality specialist and the concurrence of the applicable water agency.</p>	<p>Prior to Board approval of Use and Management Plan; ongoing project oversight thereafter</p>	<p>Planning (design and siting), Operations (ongoing project management)</p>
<p><b>Impact HYD-1:</b> The Santa Cruz Mountains are known for intense rainfall with large volume flows through creeks and drainage. The annexation area is windward of incoming storms and would receive intense rainfall capable of eroding and destabilizing project area trails. No effluent waste would be discharged due to the proposed annexation project. Future toilet facilities would be self-contained at preserves, or connected to existing sewer systems, as in the case of the District developing a field office and</p>	<p><b>Mitigation HYD-1b:</b> Storm water quality Best Management Practices (BMPs) as listed in this section shall be implemented to reduce potential water quality impacts. BMPs include:</p> <ol style="list-style-type: none"> <li>1. Flow of runoff from drainage structures will be directed to vegetated areas, away from creeks and drainages as is practical.</li> <li>2. Conduct any trail maintenance work during low flow periods</li> <li>3. Use erosion and sediment control measures to minimize water quality impacts and ensure no sediment at heavily traveled trails flows into creeks. These measures include: <ul style="list-style-type: none"> <li>• Silt Fences</li> <li>• Straw Bale Barriers</li> <li>• Brush or Rock Filters</li> <li>• Storm Drain Inlet Protection</li> </ul> </li> </ol>	<p>Prior to and during construction and ongoing project oversight thereafter</p>	<p>Planning (siting and design), Operations (ongoing maintenance and project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>maintenance facilities in the Coastal Annexation Area. Overall, the project should be beneficial due to protection of watersheds and associated water quality.</p>	<ul style="list-style-type: none"> <li>• Sediment Traps</li> <li>• Sediment Basins</li> <li>• Erosion Control Blankets and Mats</li> <li>• The District shall prevent erosion on steep slopes by using erosion control material according to manufacturer’s specifications.</li> </ul> <p>4. If soil is to be stockpiled for any reason at creeksides, no run-off will be allowed to flow back to the creek.</p>		
<p><b>Impact HYD-1:</b> The Santa Cruz Mountains are known for intense rainfall with large volume flows through creeks and drainage. The annexation area is windward of incoming storms and would receive intense rainfall capable of eroding and destabilizing project area trails. No effluent waste would be discharged due to the proposed annexation project. Future toilet facilities would be self-contained at preserves, or connected to existing sewer systems, as in the case of the District developing a field office and maintenance facilities in the Coastal Annexation Area. Overall, the project should be beneficial due to protection of watersheds and associated water quality.</p>	<p><b>Mitigation HYD-1c:</b> When acquiring new property, the District shall carefully evaluate existing roads and trails before adopting a Preliminary Use and Management Plan and opening them to the public to ensure that their design is compatible with resource protection and recreational uses. In some cases, the District may close and restore poorly designed roads and trails to restore the land to its natural conditions. Where roads exist in area of geologic sensitivity (areas prone to landslides or earth movement), the District may conduct a roads assessment to identify corrective actions necessary to reduce sediment input into streams.</p> <p>Trail surfaces appropriate to intended use shall be selected so as to minimize runoff and erosion problems. Trail designs shall conform to the County Surface Runoff Management Plan, County Excavating, Grading, Filling, and Clearing Regulations Ordinance, and the County Topsoil Ordinance, as defined in this chapter. Surface water shall be diverted from trails by out sloping the trail tread 3% where feasible. Where necessary, shallow ditches or water bars shall be used to divert water on running slopes greater than 5%. Other trail drainage techniques may include rolling dips, culverts, or ditches on sides of trails. Erosion control plans shall comply with erosion control policies in the County General Plan and Local Coastal Program.</p>	<p>Evaluation prior to Board approval of Preliminary Use and Management Plan; trail surfaces selection and design prior to construction; ongoing project oversight thereafter</p>	<p>Acquisition (preparation of Preliminary Use and Management Plan), Planning (siting and design)</p>
<p><b>Impact HYD-1:</b> The Santa Cruz Mountains are known for intense rainfall with large volume flows through creeks and drainage. The annexation area is windward of incoming storms and would receive intense rainfall capable of eroding and destabilizing project area trails. No effluent waste would be discharged due to the proposed</p>	<p><b>Mitigation HYD-1d:</b> No large-scale grading shall be used for trail construction. The degree of cut allowed on a slope depends on the soil type, hardness, and surrounding natural resources. Ultimate cuts shall be contoured to blend with the natural slope. Steep areas shall be handled by limited terracing to avoid large-scale grading. Surface soil disturbance shall be kept to a minimum to reduce erosion and maintenance problems. Only those rocks, stumps, and roots that interfere with safe passage shall be removed.</p>	<p>Prepare grading plans or details prior to bid and construction; implement grading practices during construction.</p>	<p>Planning (siting and design), Operations (ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>annexation project. Future toilet facilities would be self-contained at preserves, or connected to existing sewer systems, as in the case of the District developing a field office and maintenance facilities in the Coastal Annexation Area. Overall, the project should be beneficial due to protection of watersheds and associated water quality.</p>			
<p><b>Impact HYD-2:</b> The annexation project would not substantially alter the existing drainage pattern of the area.</p>	<p><b>Mitigation HYD-2:</b> Culverts shall be designed so that they do not limit the ability of debris to pass. Structures over water courses shall be carefully placed to minimize disturbance and should be located 2 feet above the 100-year flood elevation or 2 feet above the Flood Hazard Flood Insurance Rate Map flood elevation. Maintenance of culverts and drainage structures shall be performed as needed to ensure proper functioning.</p>	<p>Prepare plans or details prior to bid and construction; Implement installation practices during construction</p>	<p>Planning (design and siting), Operations (maintenance and ongoing project oversight)</p>



Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>BIOLOGY</b>			
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.</p>	<p><b>Mitigation BIO-1a:</b> Biological resource assessments shall be conducted during preparation of Use and Management Plans. Assessments shall be conducted by a qualified biologist and will include surveys for sensitive habitats and special-status species in the appropriate seasons. These assessments will include recommendations to align potential trails to avoid impacts to sensitive habitats, special-status species, and heritage and significant trees. If any trail alignment may affect such resources, the District will consult with the appropriate agencies (e.g., CDFG, USFWS, NMFS) to ensure that impacts will be avoided or mitigation is adequate.</p>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affects sensitive species and or/natural communities.</p>	<p><b>Mitigation BIO-1b:</b> The District shall protect sensitive habitat areas and other areas where special-status species may be adversely affected when planning trails and other facilities. To the maximum extent feasible, trail alignments and other improvements shall avoid impacts to sensitive habitats, including habitats for special-status plants and animals. All improvements shall be evaluated on a case-by-case basis by a qualified biologist to identify impact avoidance measures or mitigation measures for biotic impacts.</p> <p>Consideration shall be given to:</p> <ul style="list-style-type: none"> <li>• Relocating trails or other improvements</li> <li>• Periodic closures</li> <li>• Revegetation prescriptions</li> <li>• Buffer plantings</li> <li>• Discrete barrier fencing that accommodates wildlife passage</li> <li>• Other appropriate measures</li> </ul> <p>Removal of native vegetation shall be avoided as much as possible. The appropriate resource agencies shall be contacted regarding any trail alignments or other improvements that may impact sensitive habitats, special-status species, or their habitat. Plant replacement shall be native to the area and suitable for the site conditions.</p>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are</p>	<p><b>Mitigation BIO-1c:</b> In special-status species habitat areas, trail use levels shall be limited as appropriate to ensure protection of resources. Techniques for limiting use may include, but are not limited to:</p>	<p>Determine trail use level prior to Board approval</p>	<p>Planning (design),</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
currently closed to public use could adversely affect sensitive species and or/natural communities.	<ul style="list-style-type: none"> <li>• Physical access controls</li> <li>• Seasonal or intermittent closures</li> </ul>	of Use and Management Plan; ongoing project oversight thereafter	Operations (ongoing project oversight)
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1d:</b> Existing access routes shall be used wherever suitable to minimize impacts of new construction in special-status species habitats. Realignment will be implemented where necessary to avoid adverse impacts on resources.	Prior to and during construction	Planning
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1e:</b> Trail design shall include barriers to control trail use and prevent environmental damage. Barriers may include fences, vegetation, stiles, and/or fallen trees or branches.	Prior to construction	Planning (design), Operations (ongoing project oversight)
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1f:</b> A particular trail or other facility may need to be closed during seasonal periods critical to special-status species, where overuse threatens resource values, or for other reasons to protect biological resources. Where a trail or surrounding habitat warrants special notice limiting trail use, the trail shall be clearly designated and should be equipped with use signs and appropriate barriers to discourage unauthorized use. Missing or damaged signs, gates, fences, and barriers shall be repaired or replaced as soon as possible. Closure notices shall include the reason(s) for the closure, an estimate of how long the facility will be closed, and a telephone number to call for further information.	Ongoing project oversight	Planning (assessment of closure), Operations (ongoing project oversight)
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1g:</b> When parallel to a stream or riparian zone, trails shall generally be set back from the top of bank or from the outside edge of the riparian zone, whichever is greater, except where topographic, resource management, or other constraints or management objectives make such a setback not feasible or undesirable. Riparian setbacks may be adjusted on a case-by-case basis based upon advice of a qualified biologist and with the concurrence of reviewing agencies, where applicable.	Prior to Board approval of Use and Management Plan	Planning (siting and design)

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.</p>	<p><b>Mitigation BIO-1h:</b> Trail crossings of streams and drainages shall be designed to minimize disturbance through the use of bridges, fords, or culverts, whichever is least environmentally damaging. Bridges and culverts shall be designed so that they visually and functionally blend with the environment and do not substantially interfere with the movement of native fish. Sufficient depth and velocity of water through the culvert shall exist in fish-bearing streams for passage of native fish and other native aquatic species during high and low flow conditions. Trail access shall be restricted at fish-bearing streams during critical times, such as during spawning, unless bridges and culverts are provided for use.</p>	<p>Prior to construction; ongoing project oversight thereafter</p>	<p>Planning (siting and design)</p>
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.</p>	<p><b>Mitigation BIO-1i:</b> Trails and other improvements shall avoid wetlands and other jurisdictional waters, including seasonal wetlands, seeps, springs, and farm ponds, wherever possible. A wetlands biologist will conduct reconnaissance-level surveys of all improvements in areas with potential wetlands. Any improvements adjacent to wetland areas will be constructed so that fills avoid wetland impacts and minimum setbacks are allowed. Where feasible, setbacks from wetlands and other jurisdictional waters shall be a minimum of 25 feet for trails and 50 feet for staging areas and other improvements. A formal wetland delineation will be required for any improvements that may directly impact wetlands.</p>	<p>Prior to Board approval of Use and Management Plan; ongoing project oversight thereafter</p>	<p>Planning</p>
<p><b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.</p>	<p><b>Mitigation BIO-1j:</b> Revegetation and/or enhancement shall be undertaken where any sensitive habitat or special-status species habitat will be disturbed or destroyed by facility construction. Revegetation work shall be implemented prior to or concurrently with the development. The design of an appropriate revegetation program shall fully compensate for the lost habitat, with no net loss of habitat functions and values. Riparian and wetland habitat impacts will typically be mitigated at a 3:1 ratio for high quality habitat areas and at lower ratios where lower habitat quality justifies a lower ratio. A lower ratio may also be justified if habitat mitigation is implemented and verified as successful prior to the occurrence of impacts. Mitigation shall be based on in-kind replacement of impacted habitat with habitat of equal or better biotic value. The revegetation program shall be designed by a qualified biologist or ecologist and submitted to the appropriate regulatory or trustee agency for approval. At a minimum, the revegetation program shall include a description of project impacts, mitigation calculations, the mitigation site, revegetation techniques,</p>	<p>Prior to construction; ongoing project oversight thereafter</p>	<p>Planning</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
	maintenance measures, a long-term monitoring program, and contingency measures. Native plant materials suited to the site will be utilized in all mitigation work.		
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1k:</b> Periodic monitoring of known sensitive habitats adjacent to trails or other facilities shall be conducted to determine if unacceptable soil compaction or other adverse impacts are occurring. If monitoring reveals that undesirable soil compaction or impact to a sensitive habitat is occurring, barriers or other appropriate measures (such as trail rerouting) shall be employed as needed to discourage off-trail use. Brush or other aesthetically acceptable barriers can be used to cover illegal trails, abandoned trails, or shortcuts to discourage use until natural vegetation returns.	Ongoing project oversight	Planning (monitoring), Operations (ongoing project oversight)
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1l:</b> Should sensitive habitat be impacted such that it necessitates permanently closing a trail or staging area, a management program to rehabilitate the area will be developed. Such a program shall include discing and replanting or other techniques appropriate to the habitat type to return the site to a natural condition and sufficiently blocking the trail with barriers to effectively prohibit use. Management shall include monitoring the site to ensure that it returns to a natural condition without the intrusion of invasive exotic plants. Management shall also include design elements, maintenance, and monitoring to ensure that erosion is minimized.  Construction and maintenance of trails will require the trimming and/or removal of vegetation along the trail route and staging areas.	Ongoing project oversight	Planning (design of management program), Operations (monitoring, maintenance and ongoing project oversight)
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are currently closed to public use could adversely affect sensitive species and or/natural communities.	<b>Mitigation BIO-1m:</b> Existing native vegetation shall only be removed as necessary to accommodate the trail clearing width. The minimum horizontal clearing width from physical obstructions varies based on the type of trail but should be no less than two feet from the outer limits of the trail tread and shall be determined on a case by case basis to protect special natural features. Maximum vertical distance from overhanging branches shall be 12 feet on trails open to equestrian or bicycle use. Maximum vertical distance from overhanging branches shall be eight feet on hiking trails. Clearing shall be determined on a case-by-case basis to protect special natural features.	Ongoing project oversight	Operations
<b>Impact BIO-1:</b> Constructing improvements and introducing recreational uses into areas that are	<b>Mitigation BIO-1n:</b> Good pruning practices should be followed when vegetation growth must be cleared. Ground cover plants and low shrubs should not be cleared beyond the original construction stand. The	Ongoing project oversight	Operations

Impact	Measure	Timing	Monitoring Responsibility— District Department
currently closed to public use could adversely affect sensitive species and or/natural communities.	construction stand shall be defined as the trail tread width plus 1-2 feet from each side of the edge of the trail tread. Noxious plants (e.g., yellow star-thistle) shall be controlled along trails and the edges of staging areas in a timely manner. Potential adverse impacts on biological resources would also be mitigated by Hyd-1 through Hyd-2.		
<b>Impact BIO-2:</b> The construction of new fences on lands acquired or managed by the District could restrict wildlife movement within open space areas.	<b>Mitigation BIO-2:</b> The District shall minimize fragmentation of interior habitat, reduce barriers to wildlife movement within preserves, identify and protect established wildlife crossings to allow movement across existing roads, remove unnecessary fences and barbed wire from preserves, and seek to reduce barriers to wildlife movement on a more regional basis. The construction of new fences constructed on District owned or managed lands shall not restrict wildlife movement. Fence rails shall be designed with openings large enough for native mammals to pass through.	Evaluation and recommendations prior to Board approval of Use and Management Plan	Planning (siting and design), Operations (ongoing project oversight)
<b>Impact BIO-3:</b> Construction of District improvements on open space lands could result in the removal or trimming of heritage and/or significant trees in compliance with of the San Mateo County Ordinance.	<b>Mitigation BIO-3:</b> See Mitigation AGR-3(h)	Prior to Board approval of Final <i>Service Plan</i> and prior to opening trails to public access	Planning

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>CULTURAL RESOURCES</b>			
<p><b>Impact CUL-1:</b> Specific lands to be acquired by the District have not been identified, but lands acquired may contain historical resources. Due to public safety concerns, historical structures may need to be removed. At a minimum, treatment of a building and/or structure to be affected should provide for mitigation options and procedures for both the building to be affected by the project and any adjacent buildings with the potential to be affected by either direct or indirect impacts. Mitigation Measures CUL-1a and 1b will mitigate all impacts to historic structures to less than significant levels.</p>	<p><b>Mitigation CUL-1a:</b> The protocol for determining if structures are of historic value is as follows:</p> <ol style="list-style-type: none"> <li>1. The property and building types will be identified and evaluated by a qualified cultural consultant;</li> <li>2. The cultural consultant will determine if the structures in question are currently included in a local register of historic resources, on the California Register of Historic Resources or on the National Register of Historic Places;</li> <li>3. If it is determined that the structures in question are not currently included in a local register of historic resources, on the California Register of Historic Resources or on the National Register of Historic Places, a DPR 523 form issued by the California Department of Parks and Recreation (DPR) will be completed by the cultural consultant and the structural and building data sent to a qualified architectural historian;</li> <li>4. If it is determined that the structures in question are currently on the California Register of Historic Resources or if the building has been determined to be of historic value, there are two options that would mitigate any impact to the historic values:                             <ol style="list-style-type: none"> <li>a) Retain and rehabilitate the building according to the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings (U.S. Department of Interior 1990). New construction near this building should be consistent with its historic character; or</li> <li>b) Move the building to a different location on its current parcel or to a different parcel appropriate to its historic character.</li> </ol> </li> </ol>	<p>Prior to Board approval of Use and Management Plan</p>	<p>Planning</p>
<p><b>Impact CUL-1:</b> Specific lands to be acquired by the District have not been identified, but lands acquired may contain historical resources. Due to public safety concerns, historical structures may need to be removed. At a minimum, treatment of a building and/or structure to be affected should</p>	<p><b>Mitigation CUL-1b:</b> Short-Term/Construction activities may impact nearby historic properties. These impacts may include dust accumulation on building facades, and increased noise and vibration from construction equipment. Construction period impacts could be mitigated to a less-than-significant level by implementing the following mitigation measures:</p> <ol style="list-style-type: none"> <li>1. Project specifications should shall require the contractor(s) and any subcontractors to conform to the County's noise control requirements.</li> </ol>	<p>Prior to and during construction</p>	<p>Planning (development of project specifications), Operations (ongoing project oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<p>provide for mitigation options and procedures for both the building to be affected by the project and any adjacent buildings with the potential to be affected by either direct or indirect impacts. Mitigation Measures CUL-1a and 1b will mitigate all impacts to historic structures to less than significant levels.</p>	<ol style="list-style-type: none"> <li>2. Project specifications should shall require the general contractor and any subcontractors to control dust and exhaust emissions of particulate through water sprinkling during demolition and excavation activities; covering of stockpiles of soil, sand and other such materials; covering trucks hauling debris, soil, sand and other such materials; street sweeping of the streets surrounding excavation and construction sites; equipment maintenance to reduce emissions; and, prohibitions on idling engines when not in use.</li> <li>3. Cleaning of the adjacent historic buildings may be necessary after construction activities to prevent long-term damage to the building fabric. The need for cleaning shall be determined by a qualified Historic Architect, shall follow the standards set by the Secretary of the Interior, and shall be completed in consultation with the Historic Architect.</li> <li>4. A structural engineer should inspect the buildings prior to construction to determine if the noise and vibration anticipated during construction will affect the buildings framework and fabric. The report, with any recommendations and mitigation measures, should be reviewed by a qualified Historic Architect.</li> </ol>		
<p><b>Impact CUL-2:</b> Removal or other substantial changes to not yet identified archaeological or paleontological resources may be significant.</p>	<p><b>Mitigation CUL-2:</b> Application of the Standard Protocol for Unexpected Discovery of Archaeological and Paleontological Cultural Materials will be applied. See <i>DEIR</i>, page IV-J-12 for a complete description of this Plan.</p>		<p>Planning (development of Action Plan) Operations (construction oversight)</p>
<p><b>Impact CUL-3:</b> Ground excavation or other ground disturbance during development of improvements, such as trails, could disturb human remains, including those interred outside of formal cemeteries.</p>	<p><b>Mitigation CUL-3:</b> Application of the Native American Burial Plan (NABP) will be applied. See <i>DEIR</i>, page IV-J-13-14 for a complete description of this Plan.</p>	<p>Prior to and during construction</p>	<p>Planning (implementation of Plan) Operations (construction oversight)</p>

Impact	Measure	Timing	Monitoring Responsibility— District Department
<b>GEOLOGY</b>			
<p><b>Impact GEO-1:</b> Future District facilities such as a field office or maintenance building could be constructed in an area subject to geologic hazards such as seismic shaking or liquefaction. When open space areas are opened to the public, users could potentially be exposed to geologic hazards such as unstable slopes in landslide areas.</p>	<p><b>Mitigation GEO-1a:</b> Surveys shall be conducted as part of trail route site planning to identify the occurrence of any potentially hazardous geologic conditions such as unstable slopes in landslide areas. Such areas shall be avoided or necessary construction design measures shall be incorporated into the trail design to assure that:</p> <ul style="list-style-type: none"> <li>• Users will not be exposed to the identified hazard</li> <li>• Trails would not contribute to increasing the degree or extent of instability</li> <li>• Drainage from the trail would be routed away from the instability</li> </ul> <p>In no event shall a trail be routed across an instability that is actively supplying sediment directly into a channel within a watershed known to support anadromous fish species, unless the instability is stabilized.</p>	<p>Prior to Board approval of Use and Management Plan; ongoing project oversight thereafter</p>	<p>Planning (siting and design) Operations (ongoing project oversight)</p>
<p><b>Impact GEO-1:</b> Future District facilities such as a field office or maintenance building could be constructed in an area subject to geologic hazards such as seismic shaking or liquefaction. When open space areas are opened to the public, users could potentially be exposed to geologic hazards such as unstable slopes in landslide areas.</p>	<p><b>Mitigation GEO-1b:</b> The District shall routinely monitor trails and provide regular maintenance to avoid public exposure to hazardous conditions.</p>	<p>Ongoing project oversight</p>	<p>Operations</p>
<p><b>Impact GEO-1:</b> Future District facilities such as a field office or maintenance building could be constructed in an area subject to geologic hazards such as seismic shaking or liquefaction. When open space areas are opened to the public, users could potentially be exposed to geologic hazards such as unstable slopes in landslide areas.</p>	<p><b>Mitigation GEO-1c:</b> Where structures are proposed, a geotechnical evaluation shall be conducted to identify engineering methods to reduce the potential for structural failure due to geological hazards. All buildings shall be designed in a manner that reflects the geologic hazards on the site, and shall be consistent with local and Uniform Building Codes.</p>	<p>Prior to bid and construction</p>	<p>Planning</p>



## VIII. References

***Conflicts and Solutions: When Agricultural Land Meets Urban Development*** Mary Handl's 1994 M.S. Thesis. Department of Community Development, U.C. Davis.

***A Guide to Developing Trails in Farm & Ranch Areas***, British Columbia Ministry of Agriculture, [http://www.agf.gov.bc.ca/trail\\_guide/agtrails\\_complete.pdf](http://www.agf.gov.bc.ca/trail_guide/agtrails_complete.pdf)

***The Art of Rural Trail Deal***, by Don Coppock (a Coastal Conservancy program manager for agriculture), <http://www.apgar.net/ridgetrail/RuralTrailDeal.html>

"Database of Incidents Involving Sub-National Actors and Chemical, Biological, Radiological, or Nuclear Materials," maintained by the Center for Nonproliferation Studies at the Monterey Institute of International Studies (Vogel (2001)), (<http://www.thebulletin.org/issues/2001/so01/so01vogel.html>)

San Mateo Coastal Annexation Program EIR

## Appendix A

### Original Comment Letters

Midpeninsula Regional Open Space District  
May 2003



United States Department of the Interior

A-1

NATIONAL PARK SERVICE  
Golden Gate National Recreation Area  
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:  
L76 (GOGA-PLAN)  
AUG - 2 2002

Cathy Woodbury  
Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Re: *Cathy* San Mateo Coastal Annexation Draft Environmental Impact Report

Dear Ms. Woodbury:

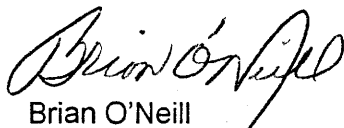
Thank you for the opportunity to review the San Mateo Coastal Annexation Draft Environmental Impact Report (DEIR) and National Park Service (NPS) staff appreciate your presentation to the park on July 17, 2002. The NPS supports the mission of the Midpeninsula Regional Open Space District (District) and supports the expansion of the District into coastal San Mateo County.

The NPS wants to continue to work in partnership with the District on preserving important open space for future generations. As you know, the NPS is beginning a planning process to define management of NPS managed lands in San Mateo County to ensure that resources are protected and recreational opportunities are enhanced for the public. The NPS and District must coordinate the identification, evaluation, and acquisition of appropriate open space where our boundaries are adjacent or overlap. It is imperative that coordination between the NPS and District staff is maintained as the District expands to the coast.

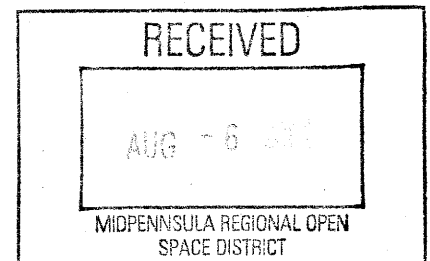
The NPS acknowledges the District's commitment to operational coordination as stated on Page III-13 in the DEIR. " If the District plans to purchase adjacent to GGNRA lands, it will consult with the National Park Service during the planning process for that particular property to ensure that any future plans for the property are consistent with the operation of the adjacent GGNRA property."

Thank you for working with the GGNRA on this important project. Please call Nancy Hornor on my staff at (415) 561-4937 with any questions regarding this letter.

Sincerely,

  
Brian O'Neill  
General Superintendent

cc: GGNRA Advisory Commission



A-1-1



August 29, 2002

Cathy Woodbury, Planning Manager  
MidPeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404

**RE: Comments on the San Mateo Coastal Annexation  
Draft Environmental Impact Report**

**ENVIRONMENTAL  
SERVICES  
AGENCY**

Dear Ms. Woodbury:

The Environmental Services Agency managers reviewed the *San Mateo Coastal Annexation, Draft Environmental Report (EIR)* dated June 2002. Four divisions of the Environmental Services Agency (Parks, Planning and Building, Fire and Agricultural Commissioner) have the following comments.

- 1. *Parks related comments* - At the time the Draft EIR was created, the County had not anticipated the acquisition of Mirada Surf. You may want to add this to the inventory of County land.

The document states that County Parks has recently completed a Recreation Needs Assessment for San Mateo County. This should be modified to reflect the correct title of the study, *MidCoast Recreation Needs Assessment* as the study addresses the MidCoast and not the entire County.

- 2. *Planning related comments* - The Draft EIR needs to state that the County's Local Coastal Program (LCP) and Planned Agricultural District regulations prohibit the conversion of Prime Agricultural Land and Land Suitable for Agriculture unless very specific findings can be made.

The Draft EIR implies that conversion may likely occur more than the County's regulations would allow. Impact AGR-1, page IV-B-6, should state that acquired lands would be utilized for open space, low-intensity recreation, and agriculture on any lands meeting the definitions of Prime Agricultural Land and Land Suitable for Agriculture. Further, it should delete the statement that land in agricultural production would likely continue as such depending on site-specific resource characteristics.

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

A-2-1

A-2-2

The narrative on Important Farmlands, page IV-B-1, should be amended to state that the classification system was developed by the State to monitor the conversion of agricultural land throughout the State. It is not part of the County's General Plan policies or zoning regulations. The County has its own classification system for regulating the use of agricultural land. The County's classification system is:

A-2-2

(1) Prime Agricultural Land, (2) Land Suitable for Agriculture, and (3) Other Land. There are specific policies and regulations that control use and conversion of each of these three categories.

3. *Public Services (Fire) related comments* - Our concern is that the Draft EIR does not adequately address the effect the property acquisition will have on the property tax base of the County. Acquisition will result in a net reduction in dollars available to fund County Fire. The reduction will directly affect both capital equipment costs and operating costs of providing services to the community. This potential reduction of funds at a time when operation and equipment costs continue to grow is of great concern in regards to providing an adequate level of service to the community. A method to address this is to ask the District to re-estimate the loss of tax base to the County and develop a plan to compensate public service programs. Development of such a plan should also include the estimated loss of a tax base that results from some percentage of properties that have been sold that may have been otherwise developed with tax increasing improvements.

A-2-3

Over the past decade along the south coast, the lands have been virtually free of wild land fire of a large magnitude. The combination of limited public access and historic agricultural grazing has kept the fuel for such wildfires to a minimum. Greater access by the public to the lands that were once private potentially means increasing incident activity for the area. These activities will likely result in increased workload and wear and tear on fire apparatus, which will also result in increased costs for fuel and supplies. We suggest the District work with County Fire to equip the region with additional equipment resulting from expected or anticipated increased service calls, that can be retained in this area regardless of wild land season requirements.

A-2-4

Furthermore, any resulting wild land fires caused by the introduction of additional public access will have direct impact on the watershed possibly decreasing water availability. We would recommend the Draft EIR address water availability which may be impacted by such actions as annexation of lands in this vicinity. We also suggest the District work with County Fire to address a fuel modification program for any lands acquired. In addition, we suggest water supplies for

remote areas are studied with County Fire and a plan developed for sharing of water resources.

As land is acquired, we suggest a plan be developed for effective public communication in this area. Currently cellular telephone service is limited in the south coast area. Prompt notification of emergencies by the public in this area will require improvements to either the cellular phone or public telephone systems.

It is imperative the document address the entire issue of the annexations impact on the call volume of County Fire involving both volunteer and career resources. The District must provide necessary funds to offset the impact of the increased responsibility. Volunteer companies in this area receive indirect dollars from community support through fundraising events as well as direct ability to raise funds. The Draft EIR needs to address potential reductions in these funds resulting from annexation of these lands by the District and develop a plan to anticipate a drop in financial resources.

A-2-4

- 4. *Agricultural related comments:* Agriculture on the San Mateo coast is business: it is the production of food and fiber, employment for agricultural workers, and represents over \$600 million dollars to the economy of San Mateo County. Although farms, dairies and ranches were once located throughout San Mateo County, the only remaining agricultural district producing locally grown agricultural products is on the coastside, in the proposed Coastal Annexation Area.

As a public agency, the District should work with representatives of the agriculture community to establish clear, detailed District agricultural policies and directives.

The Draft EIR states that although current District policies, "Would discourage siting facilities on farmland in agricultural use, they would not prohibit it." This mitigation measure states that, "No new buildings or staging areas shall be located on prime agricultural lands...that are being used for agricultural purposes." The Draft EIR is unclear with respect to which definition of "prime agricultural lands," the document is referencing - the *San Mateo County Local Coastal Plan (LCP)* or the *California Department of Conservation Important Farmlands Survey*. As stated in the Draft EIR, the LCP "Prime Farmland" definition includes more agricultural land. Prime agricultural land, as it pertains to the annexation project, should be clearly outlined in the Draft EIR and should be consistent with the LCP. As written, the mitigation measure only applies to lands currently being used for agricultural purposes. There should be similar protection for lands historically farmed, but currently not in production, and for lands suitable for future cultivation or grazing.

A-2-5

Regarding trails and habitat preservation areas, please note that agricultural land may not currently be in production. In the absence of an "operator," who will determine trail route placement and buffers for protecting potential agricultural activities? A minimum buffer distance should be specified in the mitigation measure. A physical barrier, such as a fence, may be inadequate to prevent significant interference with a grower's ability to perform agricultural activities. For example, without an adequate trail buffer, or mandatory trail closures, an agricultural lessee on District land could be severely restricted in the use of pesticides, which could affect the economic viability of the farming operation. Construction of trails providing public access for hikers, bikers, and horses could introduce livestock or plant pathogens and spread noxious weed seeds into agricultural areas. The mitigation measure does not address these potentially serious impacts to agriculture.

In order to implement the trail closure mitigation measures listed in the document, the District would need to provide advance notice that a pesticide application was scheduled for an adjacent property. With the exception of certain soil fumigants, law or regulation does not require neighbor notification of pesticide applications. The adjacent agricultural operation could provide notification voluntarily to the District, but this transfers the burden and responsibility for mitigation onto the neighboring operator. There can also be logistical problems since scheduled applications to crops may be cancelled at the last minute or performed on short notice due to changes in weather. Additionally, the application of certain pesticides requires a regulatory buffer zone to mitigate safety concerns. If a trail is too close to an adjacent property, portions of a field would have to remain untreated to accommodate the buffer zone requirement. Again, the most effective mitigation measure is a minimum trail setback from the adjacent agricultural operation.

A-2-5

The San Mateo County LCP includes timber harvesting under the definition of "Lands Suitable for Agriculture." San Mateo County timber harvest in 2001 generated 4,151,000 board feet at a value of \$2,742,000. District acquisition of lands currently under a sustainable timber harvest plan could result in significant adverse impacts to this industry. The environmental assessment should provide additional factual data and analysis to support the stated conclusion that the amount of land removed from production would not be substantial.

The potential sale or lease of District owned lands for agricultural uses after conservation or public access easements or conditions are applied to the property needs further explanation. For example, the sale or

lease of agricultural farmland by the District is entirely discretionary and there is no specified time frame following land acquisition within which sale or lease actions must take place. The absence of a definitive District policy for the Coastal Annexation Area directing the sale or lease of agricultural land represents a significant environmental impact that has not been addressed.

Information on conservation easements and associated conditions should be clearly outlined and analyzed in the document. A conservation easement could be very basic such as the purchase and retirement of a density credit from an agricultural parcel, or there could be irrigation, crop, or operational conditions placed on the parcel that are so restrictive, the economic integrity of the agricultural land is effectively lost.

A-2-5

We believe the acquisition of open space and protection of agricultural land is achievable. The Draft EIR needs to outline how both objectives will be achieved with greater detail information. Please incorporate these staff concerns into the final EIR.

Please let us know, if you need additional information.

Sincerely,



Marcia Raines  
Environmental Services Agency Director

cc: John Maltbie, County Manager





August 30, 2002

**A-3**

Cathy Woodberry, Planning Manager  
 Midpeninsula Regional Open Space District  
 330 Distel Circle  
 Los Altos, CA 94022

Subject: San Mateo Coastal Annexation Draft Environmental Impact Report

Dear Ms. Woodberry;

Thank you for the opportunity to review and comment on the San Mateo Coastal Annexation Draft Environmental Impact Report. Both San Mateo and Santa Clara LAFCos as responsible agencies will rely on the EJR in considering the District's sphere amendment and annexation application. The following comments relate to considerations related to LAFCo review that could be included or more clearly referenced in the environmental document for the sphere amendment and annexation.

Municipal Service Review (Section 56430)

Section 56430 of the Cortese-Knox-Hertzberg Act of 2000 requires that in order to prepare and update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of all agencies that provide the identified service or services in the subject geographic area. In this case, staff believes that the Draft E.I.R. includes adequate discussion of the service providers to be included in the service review in Section III-B—*Consistency with Other Parks and Open Space Providers* and recommends that the *Project Description and Actions Pending Sections* include reference to Municipal Service Review in conjunction with the sphere of influence review as required by Section 56430.

A-3-1

Project Alternatives and Extension of Service Outside District Boundaries (Section 56133)

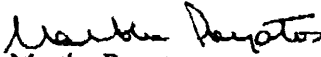
The project alternatives section includes several alternatives including amendment of the sphere of influence only and management of lands owned by other entities. It would be helpful to LAFCo if this section could address application of Government Code Section 56133 which requires LAFCo approval before a city or district can extend services outside jurisdictional boundaries but within its sphere of influence.

A-3-2

San Mateo Coastal Annexation Draft E.I.R.  
August 30, 2002  
Page 2

On behalf of the Commission, thank you for the opportunity to comment on the Draft E.I.R. I believe that incorporation of the above noted recommendations will assist staff and the Commission in their consideration of the proposed annexation.

Sincerely,

  
Martha Poyatos  
Executive Officer

CC: Members, Formation Commission  
Carol Woodward, Deputy County Counsel  
Marcia Raines, Director, Environmental Services Agency  
Neelima Palacherla, Executive Officer, Santa Clara LAFCo



August 30, 2002

MROSD  
330 Distel Circle  
Los Altos, CA 94022  
Attn: Cathy Woodbury

**ENVIRONMENTAL  
SERVICES  
AGENCY**

Re: San Mateo Coastal Annexation Draft Environmental Impact Report

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

I am forwarding my comments on the Midpeninsula Regional Open Space District Draft Environmental Impact Report (EIR) for the Coastal Annexation Project. As the San Mateo County Agricultural Commissioner, my review of the Draft EIR focused specifically on potential impacts and mitigation measures pertaining to agricultural resources in the Coastal Annexation Area.

Animal Control

In the "Environmental Assessment" Section of the EIR document, significant potential impacts on agricultural resources are identified as outlined below.

Cooperative Extension

A project could have a significant effect on agriculture resources if it would:

AGR-1 Directly convert substantial farmland to non-agricultural use.

Fire Protection

AGR-3 Involve other project changes in the existing environment which, due to their location or nature, could result in substantial conversion of farmland or other agricultural lands to non-agricultural use.

LAFCo

The Draft EIR concludes that there will be "less than significant impact with mitigation incorporation".

Library

After reviewing the various mitigation measures and Draft Service Plan policies and guidelines, I have concluded that the identified mitigation measures for the significant impacts identified above do not adequately address the potential loss of crop, livestock and timber production. Land currently in agriculture, could in fact be converted to non-agricultural use under the proposed Coastal Annexation Project. My specific areas of concern are outlined below.

Parks & Recreation

Planning & Building

A-4-1

Mitigation AGR -1a – The Draft EIR states that although current District policies “would discourage siting facilities on Farmland in agricultural use, they would not prohibit it”. This mitigation measure states that “No new buildings or staging areas shall be located on prime agricultural lands... that are being used for agricultural purposes”.

- The Draft EIR is unclear with respect to which definition of “prime agricultural lands” the document is referencing - the San Mateo County Local Coastal Plan(LCP) or the Calif. Dept. of Conservation Important Farmlands Survey. As stated in the Draft EIR, the LCP “Prime Farmland” definition includes more agricultural land. Prime agricultural land, as it pertains to the annexation project, should be clearly outlined in the EIR and should be consistent with the LCP.
- The mitigation measure provides no protection for LCP “Lands Suitable for Agriculture” (which includes dry farming, animal grazing and timber harvesting).
- As written, the mitigation measure only applies to lands that are currently being used for agricultural purposes. There should be similar protection for lands historically farmed but currently not in production, and for lands suitable for future cultivation or grazing.

A-4-1

A-4-2

Mitigation AGR -1b – The mitigation measure states that trails and habitat preservation areas shall be located to “avoid prime agricultural lands” or “traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands”. Additionally, “operators of active agricultural activities would be consulted to identify appropriate routes on lands they cultivate”. Agricultural activities “shall be protected and buffered from trail user impacts by means of distance, physical barriers or other non-disruptive methods”.

- The definition of prime agricultural lands is unclear, and adverse impacts from trails on “Lands Suitable for Agriculture” are not specifically mitigated.
- Agricultural land may not currently be in production. In the absence of an “operator”, who will determine trail route placement and buffers for protecting potential agricultural activities?
- A minimum buffer distance should be specified in the mitigation measure. A physical barrier, such as a fence, may be inadequate to prevent significant interference with a grower’s ability to perform agricultural activities. For example, without an adequate trail buffer, or mandatory trail closures, an agricultural leasee on District land could be severely restricted in the use of pesticides, which could affect the economic viability of the farming operation.

A-4-3

A-4-4

- Construction of trails providing public access for hikers, bikers, and horses could introduce livestock or plant pathogens and spread noxious weed seeds into agricultural areas. The mitigation measure does not address these potentially serious impacts to agriculture.

A-4-5

Mitigation AGR-3a – As stated in this measure, the protection of adjacent agricultural lands from the impacts of public facilities and trails appears to be discretionary and therefore the impacts may not be mitigated. Facilities would be sited away from prime agricultural lands “unless such location would not promote the planned, orderly, efficient use of an area”. Trails and facilities would be located so as not to fragment agricultural operations “to the extent feasible”. Again, adverse impacts on Lands Suitable for Agriculture are not specifically mitigated.

A-4-6

Mitigation AGR-3c – See comments on Mitigation AGR-1b.

A-4-7

Mitigation AGR-3d – Minimum buffer distances should be specified to ensure mitigation of impacts from trails adjacent to agricultural lands.

A-4-8

Mitigation LU-1a – Although this mitigation measure is under “Land Use”, it has implications for agricultural operations adjacent to District lands. Specifically, this mitigation measure states that “in areas where trails would pass potentially hazardous adjacent land uses..... temporary trail closures shall be employed during intermittent operations, such as agricultural spraying, that would jeopardize the safety of an otherwise safe trail”.

- In order to implement the trail closure mitigation measure, the District would need advance notice that a pesticide application was scheduled for an adjacent property. With the exception of certain soil fumigants, neighbor notification of pesticide applications is not required by law or regulation. The adjacent agricultural operation could provide notification voluntarily to the District, but this transfers the burden and responsibility for mitigation onto the neighboring operator. There can also be logistical problems since scheduled applications to crops may be cancelled at the last minute or performed on short notice due to changes in weather. Additionally, the application of certain pesticides requires a regulatory buffer zone to mitigate safety concerns. If a trail is too close to an adjacent property, portions of a field would have to remain untreated to accommodate the buffer zone requirement. Again, the most effective mitigation measure is a minimum trail setback from the adjacent agricultural operation.

A-4-9

Mitigation AGR-3f – This mitigation measure states: “The District shall conduct its land management practices such that they do not have an adverse significant impact on the physical or economic integrity of timberland preserves on or contiguous to properties owned or managed by the District...”

A-4-10

- On page IV-B-10, the Draft EIR states: “Lands acquired by the District would not be proposed for commercial timber production. District acquisition of timberland thus

could result in some of these lands being removed from production, but this amount would not be substantial". These statements are inconsistent with the language in mitigation measure AGR-3f above.

- The San Mateo County LCP includes timber harvesting under the definition of "Lands Suitable for Agriculture". San Mateo County timber harvest in 2001 generated 4,151,000 board feet at a value of \$2,742,000. District acquisition of lands currently under a sustainable timber harvest plan could result in significant adverse impacts to this industry. The environmental assessment should provide factual data and analysis to support the stated conclusion that the amount of land removed from production "would not be substantial".

A-4-10

#### Project Description

The Draft EIR lists the activities that will be introduced into the Coastal Annexation Area as a result of the proposed expansion of District boundaries. Included is the following:

Potential sale or lease of District owned lands for 1) agricultural uses after conservation or public access easements or conditions are applied to the property based on site specific resource characteristics of the property.

- CEQA and the County Local Coastal Plan both include agriculture as a resource to be protected. There is no language in the Draft EIR document or the Draft Service Plan stating that the District shall sell or lease agricultural land to ensure the continuance of agricultural production. The sale or lease of agricultural farmland by the District is entirely discretionary and there is no specified time frame following land acquisition within which sale or lease actions must take place. The absence of a definitive District policy for the Coastal Annexation Area directing the sale or lease of agricultural land represents a significant environmental impact that has not been addressed.
- Additionally, information on conservation easements and associated conditions should be clearly outlined and analyzed in the environmental assessment. A conservation easement could be very basic such as the purchase and retirement of a density credit from an agricultural parcel, or there could be irrigation, crop, or operational conditions placed on the parcel that are so restrictive, the economic integrity of the agricultural land is effectively lost.

A-4-11

A-4-12

#### Consultation With Interested Parties

The Draft Service Plan contains a number of statements, specific guidelines, and implementation actions that reference District consultation with coastal annexation residents, government agencies, local agricultural interests, the Agricultural Advisory Committee, etc. on the development of agricultural policies, preparation of site assessments and access plans. The Draft Service Plan and EIR do not definitively state that the District is obligated or required to secure approval from any outside advisory committees or government agencies prior to agricultural land

A-4-13

Page Five

acquisition, or the development of agricultural polices, site plans or easement conditions. District implementation of recommended actions from interested parties is entirely discretionary.

For this reason, the current environmental review process should include the formulation, review, and analysis of detailed District policies and procedures that will be utilized by the District in the acquisition, development, sale or lease of agricultural lands. Specific District policies and procedures can in fact have a significant effect on agricultural resources, and disclosure of this information should be part of the CEQA process prior to annexation.

A-4-13

Project Objectives

The Draft Service Plan states the following: The Midpeninsula Regional Open Space District is a public agency that acquires and manages open space resources.

Agriculture is not open space. Agriculture is business; it is the production of food and fiber, employment for agricultural workers, and represents over \$600 million dollars to the economy of San Mateo County. Although farms, dairies and ranches were once located throughout San Mateo County, the only remaining agricultural district producing locally grown agricultural products is on the coastside, in the proposed Coastal Annexation Area.

A-4-14

As a public agency, the Midpeninsula Regional Open Space District should establish clear, detailed District agricultural policies and directives, and perform a thorough environmental assessment prior to annexation, in order to ensure that the Coastal Annexation Project will result in no adverse impact to agricultural production in the County.

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report for the Coastal Annexation Project. I can be reached at (650) 363-4700 if you have any questions regarding my comments.

Sincerely,



Gail M. Raabe  
Agricultural Commissioner/Sealer

cc: Marcia Raines, San Mateo County Environmental Services Agency



August 30, 2002

Cathy Woodbury, Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, Ca 94022-1404

Re: **Comments on the Draft Environmental Impact Report for MROSD's San Mateo Coastal Annexation**

Dear Ms. Woodbury:

Thank you for giving the Santa Clara County Local Agency Formation Commission (LAFCO) the opportunity to comment on the **Draft Environmental Impact Report for MROSD's San Mateo Coastal Annexation**. Santa Clara County Local Agency Formation Commission has some comments regarding the *Draft EIR*, specifically relating to Santa Clara County LAFCO's role in reviewing and making a recommendation for the project and the *EIR's* discussion of Santa Clara County LAFCO's policies for annexations and sphere of influence amendments (SOIs). The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), specifically §56425, addresses Sphere of Influence (SOI) amendments. In addition, §56430 of the CKH Act requires that LAFCO conduct a municipal service review before, or in conjunction with, but no later than the time LAFCO establishes or updates a Sphere of Influence (SOI).

A-5-1

**Santa Clara LAFCO's Role in the Annexation and SOI Amendment Process**

The *EIR* includes several references to San Mateo LAFCO's role in the coastal annexation and SOI amendment process. However, on several occasions the *EIR* fails to acknowledge that both San Mateo LAFCO and Santa Clara LAFCO have a joint role in the annexation and SOI amendment process. When appropriate, the two LAFCOs should be mentioned together in the *EIR*. For example, (Page S-1 and Page II-1, first paragraph, last sentence) could be revised to read, "The proposed annexation to the District is subject to Santa Clara County Local Agency Formation Commission (LAFCO) review/recommendation, and approval by the San Mateo County Local Agency Formation Commission (LAFCO).

**Consistency with Santa Clara County LAFCO Policies**

The annexation and SOI amendment proposal will be referred to Santa Clara County LAFCO for a recommendation prior to San Mateo County LAFCO taking a final action on the project. Santa Clara County LAFCO staff will be analyzing the project to determine whether the project is consistent with Santa Clara County LAFCO policies and

A-5-2



local plans and policies. The EIR includes a discussion concerning whether the project is consistent with San Mateo County LAFCO policies (Page III-1). However, the EIR fails to address whether the proposed project is consistent with Santa Clara County LAFCO policies. I have attached the relevant Santa Clara County LAFCO policies for your information, and request that the EIR provide a detailed discussion concerning the project's consistency with those policies. This additional information will assist Santa Clara County LAFCO's preparation of a recommendation for this project.

A-5-2

**Conclusion**

In closing, LAFCO believes that the abovementioned changes will result in a more accurate Draft EIR and will provide LAFCO with the additional information it needs to make a more timely recommendation concerning the proposal.

Thank you for the opportunity to review and comment on the *Draft EIR*. If you have questions regarding these comments, you can reach me at (408) 299-5148.

Sincerely,



Dunia Noel, LAFCO Analyst

Cc: Santa Clara County Local Agency Formation Commission (LAFCO)

**Attachment**

Attachment A - Santa Clara County LAFCO Annexation Policies

Attachment B - Santa Clara County LAFCO Sphere of Influence Policies

<b>POLICIES RELATIVE TO ANNEXATION/REORGANIZATIONS FOR CITIES AND SPECIAL DISTRICTS</b>
---

**A. GENERAL GUIDELINES**

1. The Commission will encourage city processing of annexations and reorganizations within Urban Service Areas without LAFCO review, pursuant to Government Code Section 56826.
2. Urban development should take place in cities rather than in unincorporated territory
3. Whenever possible, cities should pursue development of vacant incorporated land before annexation of fringe areas.
4. Annexations and reorganizations should result in logical and reasonable expansions for cities and special districts.
5. Cities are encouraged to pursue annexation of unincorporated islands.
6. Cities are encouraged to exchange territory between them to improve illogical boundary or service situations.
7. The Commission encourages local agencies to seek means for increasing governmental efficiency and reducing overlaps of service provisions. Specifically:
  - a. Annexation to an existing agency is favored over creation of a new agency.
  - b. Creation of subsidiary districts, and mergers or consolidation of special districts, are encouraged whenever possible.

**B. ANNEXATION/REORGANIZATION POLICIES**

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.

2. Where development outside Urban Service Areas will necessitate annexations to special districts, LAFCO will consider city general plans, joint city/county plans, and land use studies, such as the South County Plan and Preservation 2020, in reviewing proposals.
3. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.
4. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.
5. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.
6. Pre-zoning is a requirement for city annexation, unless it can be clearly demonstrated by the applicant that pre-zoning is unnecessary. Where territory is pre-zoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to:
  - a. Steer growth away from agricultural areas; and
  - b. Determine that annexation and development of land for non-agricultural purposes is not premature.
7. For annexations for residential development of five acres or more, a copy of the application shall be sent to the appropriate school district(s) for the purpose of ascertaining the impact the proposal may have on the district's ability to provide educational services.
8. All applications for annexations where pre-zoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the County Transportation Agency for comment as to impact on regional transportation facilities and services.
9. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.
10. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.

11. Special district annexations which result in duplication of authority to perform similar functions must be clearly justified. Reasonable justifications shall include, but not be limited to:
  - a. Health-related needs for services outside city boundaries, such as sewer services to replace a failing septic system for existing development.
  - b. Safety-related needs for services outside city boundaries such as provision of fire protection service to unincorporated development.

### C. STREET ANNEXATION POLICIES

1. Cities will be required to annex entire street sections whenever possible.
2. When streets are used as a boundary for an annexation, the annexation proposal shall be designed to include a continuous section of roadway sufficient in length to allow maintenance and policing of the street by a single jurisdiction. Annexation of full-width sections normally shall be made in increments of not less than one thousand feet, or the distance between two consecutive intersections, where 50 percent or more of the frontage on both sides of the street in said increment has been or is to be included in the city. This policy shall not supercede other provisions in State law.
3. Annexation of existing short segments of county road to provide single-agency jurisdiction of a full-width section of the road or to provide continuity of city limits shall be accomplished in the most practical manner.
4. When a street is the boundary line between two cities, the centerline of the street may be used as the boundary. Such street annexations shall occur in increments as described in Policy 2, above.
5. Half-street annexations will not be approved except as provided in Policies 3 and 4, above, unless otherwise provided by State law.

## **SPHERE OF INFLUENCE POLICIES**

### **A. General Guidelines**

1. Pursuant to Government Code Section 56425, LAFCO must adopt a Sphere of Influence for each local governmental agency. Once established, a Sphere of Influence shall be used as a guide to LAFCO in the determination of any proposal concerning cities or special districts and territory adjacent thereto.
2. LAFCO may include areas of planning concern in city Spheres of Influence. Inclusion of territory within a Sphere of Influence should not necessarily be seen as an indication that the city will either annex or develop to urban levels such territory. The Urban Service Area boundary will serve as LAFCO's primary means of indicating a city's intention of development and provision of urban services.
3. The Commission may periodically review and update the Spheres of Influence developed and determined by it, either at the request of a local government agency or at its own discretion.

### **B. Adoption and Amendment Policies for City Spheres of Influence**

1. LAFCO will require consistency with city general plans in adopting or amending a Sphere of Influence. Joint City/County Specific Plans and factors such as density policies, development standards, geology, and future use will be considered by the Commission when establishing Spheres of Influence.
2. Pursuant to Government Code Section 56425, LAFCO will consider and make a written finding regarding the following, in adopting or amending a Sphere of Influence:
  - a. The present and planned land uses in the area, including agricultural and open space lands;
  - b. The present and probable need for public facilities and adequacy of public facilities and services in the area;
  - c. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide;
  - d. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

3. LAFCO will consider fiscal impacts of proposed Sphere amendments. Where such amendments may have negative fiscal impacts upon the County of other local agencies, LAFCO may require mitigations thereof from the city proposing the amendment.
4. LAFCO will consider city annexation proposals outside the Urban Service Areas, but within Spheres of Influence, only if such annexations will promote LAFCO's mandate to preserve open space areas, including agricultural open space and greenbelts.
5. LAFCO shall amend the Sphere of Influence of an affected agency in the event a change of organization is approved which does not conform to the adopted Sphere of Influence.
6. Spheres of Influence for cities and special districts may overlap when both agencies expect to provide service to the area.
7. In the case of Palo Alto, the following policies apply:
  - a. The Sphere of Influence includes all lands within the Palo Alto Boundary Agreement Area except those Stanford lands outside the Palo Alto Urban Service Area which are reserved for academic use.
  - b. It is acknowledged that the establishment of these boundaries is not meant to imply that it would be appropriate to allow new governmental formations within the territory that is excluded from the Palo Alto Sphere of Influence merely because such territory is being excluded therefrom at this time.
  - c. The Palo Alto Sphere of Influence boundary should be reviewed in the future if:
    - 1 There is any amendment of the County General Plan or the University's Land Use Plan that changes an academic land use designation to non-academic, or the reverse; or
    - 2 Santa Clara County adopts any other policy that might alter the likelihood or annexation of any areas of Stanford.

**C. Adoption and Amendment Policies for Special District Spheres of Influence**

1. Adoption or amendment proposals for special district Spheres of Influence will be reviewed for conformity with the County General Plan and the general plans of the cities served by the district. Spheres

of Influence for districts which provide urban services will generally be tied to city growth plans.

2. LAFCO will discourage duplications in service provision in reviewing new or amended Sphere proposals. Where a special district is coterminous with, or lies substantially within, the boundary or Sphere of Influence of a city which is capable of providing the service, the special district may be given a zero sphere of influence which encompasses no territory.
3. LAFCO will consider fiscal impacts of district growth upon the County, affected cities, and other special districts.

**Cathy Woodbury**

---

**From:** <kevin.j.lansing@sf.frb.org>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Thursday, July 18, 2002 1:38 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Kevin  
last name = Lansing  
email = [kevin.j.lansing@sf.frb.org](mailto:kevin.j.lansing@sf.frb.org)  
street address = 359 Filbert Street  
city = Half Moon Bay  
state = CA  
zip = 94019  
home phone = 650-726-9089  
office phone = 415-974-2393  
message = Dear MROSD:

I fully support annexation as a method for protecting and managing precious open space on the coastside. I have the following comments on the draft EIR

p, III-8, Consistency with Half Moon Bay Plans and Policies

1. Regarding the statement about purchasing lands within the city limits of HMB:  
This statement appears overly restrictive to me. MRSOD should consider acquisition of parcels in HMB regardless of their size if such acquisitions would serve MRSOD goals. There are many opens space areas in HMB that are smaller than 40 acres that contain significant natural and cultural resources as well as critical habitat. **O-1-1**

2. In its current update of the General Plan, the City of HMB has hired a consultant to write an "Open Space Element" that will list the various open space areas in the city, catalog the resources, assign rankings for protection, and identify methods of protection. The EIR should address how coastal annexation will be consistent with the Open Space Element of the City's General Plan. The draft Open Space Element can be found at **O-1-2**

<http://www.half-moon-bay.ca.us/indextoopenspaceelement.html>

3. Currently San Mateo County owns many land parcels within the city limits of HMB. The EIR should address MROSD's policy on how such parcels might be acquired ensure protection as open space. **O-1-3**

4. The EIR should address how MROSD will work with local land trusts on the Coastside to achieve common goals of open space protection and stewardship. Two such local land trusts are Midcoast Park Lands (El Granada) and Half Moon Bay Open Space Trust. **O-1-4**

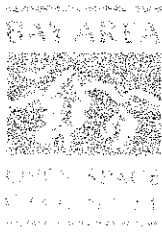
Kevin J. Lansing, Ph.D.  
Member of Board of Directors, Half Moon Bay Open Space Trust



Member, City of HMB Open Space Element Steering Committee

Submit = Send

\*\*\*\*\*



**STEERING COMMITTEE**

**STEVE ABBORS**  
East Bay Municipal Utility District

**CRAIG ANDERSON**  
LandPaths

**TINA BATT**  
Muir Heritage Land Trust

**ROBERT BERNER**  
Marin Agricultural Land Trust

**FRANCES BRIGMANN**  
County of Marin, Open Space District

**CRAIG BRITTON**  
Midpeninsula Regional Open Space District

**CRAIG BRONZAN**  
City of Brentwood, Parks and Recreation Department

**RON BROWN**  
Save Mount Diablo

**HARRIET BURGESS**  
American Land Conservancy

**MARY BURNS**  
County of San Mateo, Parks and Recreation Department

**RICH BURNS**  
U.S. Bureau of Land Management, Ukiah Field Office

**DAN CATHER**  
City of Walnut Creek

**JANET COBB**  
California Oak Foundation

**LAURA COHEN**  
Rails to Trails Conservancy

**KENNETH CRAIG**  
Livermore Area Recreation and Park District

**BOB DOYLE**  
East Bay Regional Park District

**HARRY ENGLEBRIGHT**  
Tri-City and County Cooperative Planning Group

**NADINE HITCHCOCK**  
California State Coastal Conservancy

**JOHN HOFFNAGLE**  
Land Trust of Napa County

**BETH HUNING**  
San Francisco Bay Joint Venture

**DAVID KATZ**  
Sonoma Land Trust

**LISA KILLOUGH**  
County of Santa Clara, Parks and Recreation Department

**TOM KRUSE**  
Greater Vallejo Recreation District

**ANDREA MACKENZIE**  
County of Sonoma, Agricultural Preservation and Open Space District

**JEREMY MADSEN**  
Greenbelt Alliance

**MOLLY MATULL**  
Presidio Trust

**JANET MCBRIDE**  
San Francisco Bay Trail Project

**DAVID MITCHELL**  
City of San Jose, Parks, Recreation, and Neighborhood Services Department

**BRIAN O'NEILL**  
Golden Gate National Recreation Area

**NANCY RICHARDSON**  
Land Trust for Santa Clara County

**AUDREY RUST**  
Peninsula Open Space Trust

**PHILIP SALES**  
County of Sonoma, Regional Parks Department

**BARBARA SALZMAN**  
Marin Audubon Society

**SUSAN SMARTT**  
California State Parks Foundation

**FRED SMITH**  
City of Brisbane

**MIKE STALLINGS**  
City of Daly City, Parks and Recreation Department

**BRIAN STEEN**  
Sempervirens Fund

**HOLLY VAN HOUTEN**  
Bay Area Ridge Trail Council

**LLOYD WAGSTAFF**  
Santa Clara County Open Space Authority

**DAN WILLIAMS**  
City of Palo Alto, Recreation, Open Space, and Sciences

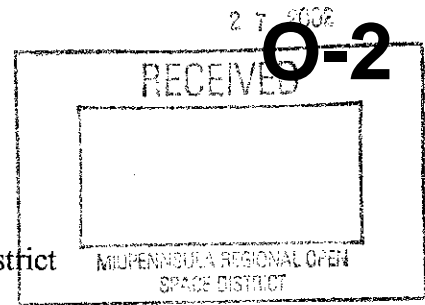
**TIM WIRTH**  
Trust for Public Land

**EXECUTIVE DIRECTOR**  
Solano Land Trust

**EXECUTIVE DIRECTOR**  
South Livermore Valley Agricultural Land Trust

July 26, 2002

Cathy Woodbury  
Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022



RE: Proposed annexation of coastal San Mateo

Dear Ms. Woodbury:

Coastal San Mateo contains a wealth of natural resources, important habitats and species, and unique farmlands. This incredible array of open space and agricultural resources, just minutes from a metropolitan region of over six million people, also provides valuable outdoor recreational and educational opportunities.

The Bay Area Open Space Council formed to help the Bay Area protect and steward regionally-significant open space resources, and to assist public agencies and non-profit land trusts achieve their locally-adopted goals. The Council, which includes representatives from over 50 public agencies and land trusts with responsibilities in the Bay Area, recognizes that our region's quality of life is tied to the quality of our environment, and that the quality of our environment depends on each part of the region identifying local resources and goals, and successfully achieving protection and stewardship of those resources. As a result, one of the purposes of the Council is to support sufficient organizational and institutional capacity for all parts of the nine-county region to implement their adopted open space and farmland protection goals.

Much of coastal San Mateo lacks sufficient public agency capacity to protect and adequately steward the resources identified as important in numerous adopted plans and public policies. Annexation of the area into the jurisdiction of the Midpeninsula Regional Open Space District, and tailoring the District's policies and tools to fit the unique circumstances found on the coast, would help close this critical gap in institutional capacity.

Sincerely,

John Woodbury

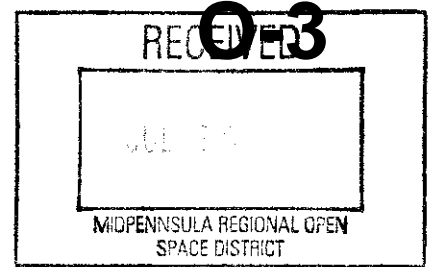
BAY AREA OPEN SPACE COUNCIL

John Woodbury, Director

246 John Street, Oakland, CA, 94611 • tel: 510-654-6591 • fax: 510-654-5673 • djohnw@ix.netcom.com

www.openspacecouncil.org

O-2-1



July 26, 2002

Cathy Woodbury  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

RE: San Mateo Coastal Annexation Draft Environmental Impact Report

Dear Ms. Woodbury:

Greenbelt Alliance would like to express our support for the Midpeninsula Regional Open Space District's (MROSD) proposed annexation of Coastal San Mateo County for the following reasons:

First, the District has made a substantial effort to seek public comment on this project. Opportunity for public comment has included three public hearings and over one dozen meetings with a citizens' coastal advisory committee. The District has been extremely responsive to the concerns raised at these meetings.

Second, in a 1998 advisory vote 55% of affected San Mateo County voters supported annexation by MROSD.

Third, the District has committed to supporting existing agriculture. In particular, Mitigation Measures AGR-3a-f address concerns regarding the balance of recreational needs with those of the agricultural community. For example, the DEIR states that language in the Draft Service Plan will be modified in several places to ensure that future public recreation will not interfere with agricultural viability. This is vital because the US loses approximately 1 million acres of agricultural land each year. The Bay Area alone has lost over 1 million acres of agricultural land since 1949.

Fourth, the District has included numerous mitigation measures to ensure that new trails will avoid impacts to sensitive habitats and species (Mitigation Measures BIO-1a-n). The

O-3-1

Cathy Woodbury

July 26, 2002

Page 2 of 2

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District has provided several mitigation measures such as riparian and wetland setbacks; the avoidance of habitat fragmentation; 3:1 revegetation of impacted high-quality riparian and wetland habitats; seasonal trail closures; and the avoidance of sensitive areas. In addition, Mitigation Measure BIO-1n indicates that the District will control exotic invasive plants along trails and staging areas in a "timely manner." Together, such actions would be vital in limiting the impacts of new trails in undisturbed natural areas.

O-3-1

Preserving open space protects wildlife habitat, provides recreational opportunities, and promotes agricultural viability. It also encourages smarter growth by helping to redirect development into urban areas thus contributing to a more sustainable vision for San Mateo County and the Bay Area as a whole.

Thank you for the opportunity to comment on the Draft EIR for the District's proposed annexation.

Sincerely,



Anne Crealock  
South Bay Field Representative  
Greenbelt Alliance  
1922 The Alameda, Suite 213  
San Jose, CA 95126

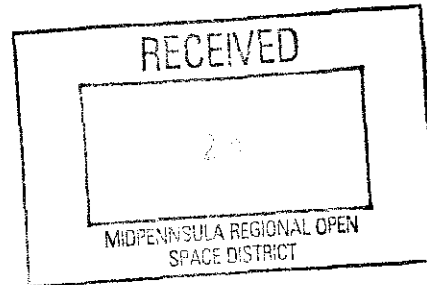
SAN  
MATEO  
COUNTY

RESOURCE  
CONSERVATION  
DISTRICT

625 Miramontes St., Ste. 103  
Half Moon Bay, CA 94019-1942  
Phone (650) 712-7765 \* Fax 726-0494

July 26, 2002

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022



RE: June, 2002, Draft Environmental Impact Report

Dear MROSD Directors:

The San Mateo County Resource Conservation District (SMC RCD) has not taken a position on the proposed MROSD San Mateo Coastal Annexation Area issue. As a neutral entity, the SMC RCD has chosen not to comment on the Draft EIR. The SMC RCD does agree, however, with the inclusion of the RCD under Implementation Action G.3.B(i) and Partnerships of the MROSD Draft Service Plan. In the spirit of partnerships, the SMC RCD offers the following information about our organization and our statutorily assigned powers and purposes in hopes that they may help guide decisions and actions by the MROSD Board in the coming months and years ahead resulting in cooperative efforts between the two districts for the benefit of the Coastside community. The majority of SMC RCD activities are based on voluntary partnerships with both private and public land owners in our District.

O-4-1

The SMC RCD encompasses 157,119 acres of coastal San Mateo County that includes nearly the entire 140,000 acres to be annexed under the MROSD proposal. The SMC RCD is a Special District organized under Division 9 of the California Public Resources Code. The purpose of an RCD is to help secure adoption of state conservation practices including farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resource, soil, water, and air of the state from unreasonable and economically preventable waste and destruction. RCDs ensure consistency with authorities and policies of the United States, the state, local government, other RCDs, persons, associations, and corporations. RCDs facilitate coordinated resource management efforts for watershed restoration and enhancement and may construct necessary works for erosion control, stabilization and prevention. RCDs may use public funds to implement these works on public and private lands.

The SMC RCD was initially formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities. The California Legislature expanded the duties of RCDs to meet all local resource conservation needs mentioned above including fish and wildlife, riparian areas, watersheds, and public education on conservation issues. Conservation education may include both adult and youth programs.

RCDs are empowered to conduct surveys, investigations and research relating to conservation of resources and the preventive and control measures and works of improvement needed. The RCD may undertake demonstration projects as a means of disseminating information on conservation practices. Watershed planning, interagency cooperation, resource coordination, and public outreach are all important functions of RCDs. RCDs network both regionally and statewide to coordinate activities and share information. The California Department of Conservation serves as an overall coordinating mechanism and information source for all RCDs in the state.

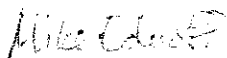
Lands included within an RCD initially started out as those generally of value for agricultural purposes. However, the Legislature revised the law to be more inclusive of other lands necessary for fully accomplishing the purposes for which the district is formed. These include both publicly and privately owned lands. RCDs may own land, lease land, manage property and purchase conservation easements and prepare management plans for easements consistent with state conservation plan goals. Private landowners participate with the RCD on a voluntary or consent basis and may receive technical assistance, material assistance, loaning of equipment, and help with obtaining financial assistance in implementing a conservation plan or practice. The Legislature has determined that use of public funds for these activities constitutes expenditure for the general public benefit. Operations and improvements on public lands may be made in cooperation with the administering agency having jurisdiction over the land.

The SMC RCD believes in promoting conservation of natural resources while maintaining the economic vitality of our region through the development of sound land stewardship ethics that result in long term sustainability of our rich and diverse natural resource heritage. During the past 63 years the SMC RCD has engaged in nearly all the activities listed above throughout the Coastside on a case by case basis when a need was identified by constituents and/or board members. In recent years the SMC RCD, in addition to helping landowners develop conservation plans and implement soil and water conservation practices, has undertaken watershed planning, research and coordination activities including instream and riparian restoration projects. One major issue that has emerged for the RCD to address is the facilitation of a balanced water allocation process that can help meet the needs of fish and wildlife, farmers, and people.

The SMC RCD has maintained a special relationship over the years with the agricultural industry and with state and federal agricultural programs providing assistance to farmers. Many RCD Directors over the years have made their living from agriculture furthering this special relationship and understanding of farmers and their needs. The SMC RCD is presently working in partnership with landowners, coastal RCDs, and state and federal agencies in implementation of the Agriculture and Rural Lands plan, a proactive and voluntary process that is coordinated by the Monterey Bay National Marine Sanctuary. With the recent signing of the 2002 Farm Bill, a number of new conservation opportunities and partnerships will be emerging between farmers and the SMC RCD, some that will help implement the Agriculture and Rural Lands plan. A portion of these Farm Bill programs will expand existing and offer new farmland protection programs designed to help preserve American agriculture and the rural way of life. The exact nature of these programs and relationships, however, are awaiting the issuance of new federal regulations that are anticipated to be published in the next 45 to 60 days. These new regulations and accompanying programs will have a profound impact on agriculture in San Mateo County as well as throughout the state and nation over the next seven years and beyond.

The SMC RCD would like to extend an invitation to the MROSD Board and staff to continue to work with us in seeking new partnerships that address both agriculture and resource conservation needs in coastal San Mateo County. The SMC RCD will keep MROSD staff apprised of our activities and work that occurs within the Resource Conservation District boundaries. I have enclosed a copy of our Annual Work Plan, 2002-2003, for your reference. Please feel free to contact me or any of my Board members to see how the SMC RCD can be of assistance to MROSD.

Sincerely,



Mike Ednoff  
Executive Director

CC: SMC RCD Board  
enclosure

## **San Mateo County Resource Conservation District Annual Work Plan, 2002-2003**

### **Introduction**

The 2002-2003 San Mateo County Resource Conservation District (RCD) Annual Work Plan describes the resource conservation problems and concerns of the constituents and jurisdictions within the RCD's boundaries. During the coming year the RCD will pursue priority action items and projects to be addressed and/or facilitated by RCD staff in partnership with community members, landowners, government agencies, and other organizations.

Resource conservation is of fundamental importance to the prosperity, welfare, and quality of life of people living in the State of California, San Mateo County, and the local Coastside. Conservation traditionally includes the protection and efficient use of soil and water, control of runoff, prevention and control of soil erosion, and erosion stabilization. Conservation practices are used selectively in open space areas, agricultural areas, urban neighborhoods, areas supporting wildlife, and recreational lands. Practices are applied to watershed planning and management, the protection of water quality and water reclamation, the development of storage and distribution of water, and in the treatment of each acre of land according to its needs. The RCD promotes conservation by working cooperatively with all stakeholders including public and private landowners, government agencies, community organizations, and individuals.

The RCD has been serving the public through partnerships with landowners since 1939. Historically the RCD served a unique role as a local entity that bridged federal technical assistance and funding with farmers to implement soil and water conservation practices on their land. Over the years the partnership expanded to include all landowners, public and private, within the RCD and now addresses all resource conservation issues. The RCD now looks at resource conservation from a broad perspective, considering ecological interactions of land, water and species. Individual projects are viewed within the context of an entire watershed where conservation measures are assessed based on their cumulative benefits to the environment. Today the expanded role of the RCD includes outreach, education, training, technical assistance, fisheries enhancement, riparian restoration, assisting in the protection of endangered species, watershed coordination, and facilitating solutions to conservation problems through information exchange, advisory committees and by directly assisting landowners.

### **Mission Statement**

The mission of the San Mateo County Resource Conservation District is to promote the conservation of natural resources while maintaining the economic vitality of our region through the development of land stewardship ethics that result in long term sustainability of the state's rich and diverse natural resource heritage. The mission is achieved by working in partnership with land owners and managers, project funders, technical advisory sources, area jurisdictions, government agencies, and other groups and individuals.

The RCD is a special district organized under California law and authorized by the state to "save basic resources- soil, water, and air - from unreasonable and economically preventable waste and destruction". The RCD encompasses the western portion of San Mateo County from Skyline

## **San Mateo County Resource Conservation District Annual Work Plan, 2002-2003**

Boulevard on the east to the Pacific Ocean on the west, and from the Santa Cruz County line on the south through parts of South San Francisco, San Bruno, Pacifica and Daly City on the northern boundary. The RCD is a public resource agency and has no enforcement nor regulatory functions or authority. Landowners, be they public or private, partner with the RCD on a voluntary basis. The RCD is managed by five non-salaried directors, appointed for staggered terms by the San Mateo County Board of Supervisors. Operating funds are derived from a local tax base, contracts and grants and fundraising activities. The RCD may receive tax deductible donations under Internal Revenue Service Code Section 170 (b) and (c) (1).

### **RCD Objectives and Activities**

Provide assistance to private and public land owners with:

- Land stewardship plans
- Habitat preservation and rehabilitation including wildlife, riparian corridors along streams, and instream habitat restoration
- Management of exotic invasive plants
- Control of erosion and sedimentation
- Water conservation including reuse, multiple use and recycling of nutrients
- Developing water supplies and water distribution
- Watershed restoration including preservation and enhancement of a clean water supply

These goals will be implemented through:

- Outreach, education, and communication with all residents of the District
- Developing relationships and seeking input from farmers, ranchers, and landowners
- Training and technical assistance, including sponsoring workshops and special activities
- Leadership, facilitation, and coordination activities, including linking of all projects to assess cumulative impacts and benefits to the entire watershed
- Serving as a repository of information and technical reports, and providing brochures and other publications to interested constituents
- Coordination with County, State and federal agencies and other organizations, especially those dealing with natural resources, watersheds, and agriculture.
- Demonstrations of suitable practices, land use alternatives, water conservation techniques, waste reduction, and other land and water management practices
- Continuing to issue properly reviewed and approved road grading exemptions
- Support of state and federal legislation that benefits conservation and natural resource objectives
- Keeping government officials informed of RCD activities, projects and programs, along with benefits of RCD funding
- Developing grant support and cost share funding to implement conservation practices on private and public lands

### **Continuation of Existing RCD Projects in 2002-2003**

#### **1. Pilarcitos Creek Restoration Plan**

- Prepare final report and presentation on projects completed and monies expended by the Pilarcitos Restoration Fund.



## **San Mateo County Resource Conservation District Annual Work Plan, 2002-2003**

- Initiate Apanolio Creek Restoration project: Apply for permits, seek grant and private funding for final project component, and develop contracts for restoration work tentatively scheduled for late summer, 2003.
  - Finish sediment assessment and repair catalog and organize all data analyzed to date for the Pilarcitos Creek watershed.
  - Seek new funding for: continued watershed coordination; resumption of volunteer water monitoring with high school students and others; and stream care workshops.
  - Continue to work with Pilarcitos Creek Advisory Committee in developing new projects and funding within the watershed, including revisiting the Arroyo Leon Steelhead Enhancement and Farm Irrigation Project, and increasing water flows from Stone Dam into the watershed for steelhead enhancement and public water supplies.
2. Agricultural Plan implementation
- Refine planning and coordination objectives into a written outline delineating roles and responsibilities for further implementation of strategies within San Mateo County contained in the Agriculture and Rural Land Plan.
  - Compile and distribute technical information on agricultural and conservation practices
  - Hold workshops and determine further information that is needed for improving the agricultural community's knowledge and access to funding sources.
  - Seek input and develop strong relationships with farmers, ranchers and landowners
  - Facilitate coordinated permitting for agriculture practices, especially off stream water storage impoundments
3. Horse Boarding
- Seek funding for Phase III of the project: Off-site manure management
  - Continue to implement Phase II: On-site manure management including establishing a demonstration site and holding public workshops
  - Seek cost share funds for stable owners
  - Examine opportunities for commercial and practical uses of recycled horse manure
4. Initiate and complete the Oral History study in the Pescadero - Butano watershed

### **New concepts and projects proposed for consideration in 2002-03**

#### **1. Agriculture:**

- Promotion of local farmers' market and other alternative markets for farmers
- Sustainable agriculture methods and practices
- Reduction in the use of pesticides and herbicides throughout Coastside
- Alternative commercial crops, including organic production, niche crops, specialized enterprises, and permaculture
- Coalition of organic farmers and/or other marketing organizations
- Water issues including off-stream storage, water supply and distribution, permitting facilitation, and water conservation practices.
- Managing invasive exotic plants on farms and rangelands
- Educational resource conservation programs involving young people
- Outreach into the Spanish-speaking community

## San Mateo County Resource Conservation District Annual Work Plan, 2002-2003

- Coordination with San Mateo County Cooperative Extension (UCCE) and Farm Bureau

### 2. Community

- Coastside water issues: fish, farmers and folks
- Flooding and flood prevention
- Continued coordination and interaction with community groups and organizations
- Participation in outreach programs including environmental and resource conservation education.
- Produce materials and investigate holding a workshop on gully formation, control and repair and prevention.

### 3. Watersheds

The RCD will continue to address factors such as stream blockage, barriers, debris, nonpoint source pollution, land uses and land use practices, erosion, gullies, water quality, dumping, rural roads, riparian corridors, sediment loads, and other factors, and then look for specific issues, problems or solutions to facilitate or pursue in each watershed. Each watershed listed below includes brief comments and suspected issues. Each watershed will be addressed in the RCD five year strategic plan, however, some issues under a given watershed may be addressed during 2002-2003 if community interest and landowner participation are high and funding becomes available.

**Pilarcitos** (see continuation of RCD projects)

**Pescadero-Butano** – The largest watershed and marsh in San Mateo County encompassing 84 square miles, draining the crest of the Santa Cruz Mountains to the Pacific Ocean.

- Coordinate with the Monterey Bay Sanctuary on the watershed/sediment assessment and provide assistance as requested. Use results to help set future course of action.
- Seek funding support from various sources and work with the members of the community and applicable government agencies to develop a process on how to work together to identify issues that would lead to a new effort for a restoration plan for the marsh and watershed. The effort should not be driven by regulatory pressures, but rather by the needs identified by the residents. The anticipated outcome would be a process that unites people from the community and agencies to work together in developing a "plan".
- Coordinate with San Mateo County Parks with their plans to reduce sedimentation caused by rural roads and provide assistance as requested.

**Frenchman's Creek** – A 4.5-square-mile watershed originating west of Scarper Peak and entering the Pacific at Venice Beach. Issues identified include non-point source pollution from agriculture and storm water, a perched culvert, culvert maintenance on public roads (CalTrans), invasive plants, and encroachment into riparian corridors.

**San Vicente Creek** – A 5.5-square-mile watershed originating on Montara Mountain and entering the Pacific at Fitzgerald Marine Reserve. Issues include invasive, exotic plants, a

## San Mateo County Resource Conservation District Annual Work Plan, 2002-2003

damaged culvert at the mouth of the stream and water containing high coliform counts from non-point sources entering the reserve.

**Purissima Creek** - A 9-square-mile watershed draining the canyon south of the Pilarcitos watershed and entering the Pacific at Eel Rock. Issues identified include invasive plants, encroachment into riparian corridors and non-point source pollution from agriculture, storm water and roads.

**Tunitas Creek** - A 12-square-mile watershed draining Kings Mountain and entering the Pacific at Tunitas Beach. Non-point source pollution from agriculture, storm water and roads. Cattle grazing instream and exotic invasive plants.

**San Gregorio Creek** - A 53-square-mile watershed draining the area from Kings Mountain south to MacDonald County Park and entering the Pacific at San Gregorio Beach. Non-point source pollution from agriculture, storm water and roads. Cattle grazing instream, municipal and rural road maintenance problems, erosion problems, riparian corridor encroachment, invasive plants, and water diversion structures. The RCD will coordinate with other projects in this watershed.

**Pomponio Creek** - A 7.2-square-mile watershed between San Gregorio and Pescadero watersheds that meets the Pacific at Pomponio State Beach. Non-point source pollution from agriculture, storm water and roads. Cattle grazing instream, erosion and gully along stream, invasive plants, and encroachment into riparian corridors.

**Gazos Creek** - An 11.2-square-mile narrow canyon watershed that enters the Pacific 1.5 miles south of Pidgeon Point. Storm water runoff, invasive plants, road maintenance problems and agricultural water supply issues. The RCD will coordinate with other projects in this watershed.

**Whitehouse Creek** - A 5-square-mile watershed that drains the north edge of Big Basin State Park. Fish migration barriers, invasive plants and agricultural water issues.

### General RCD Activities for 2002-2003

- Update written policies covering fiscal management of state and federal grants, fiscal management of RCD contracts, human resources, purchasing and other internal practices in need of review or updating.
- Develop a five year strategic plan
- Develop a long term funding strategy
- Continue professional development of staff and directors
- Develop and propose a competitive benefit package for RCD employees
- Expand the capabilities of the RCD through volunteers
- Provide information on the purpose, projects and successes of the RCD to the community
- Support the activities of regional area, state and national conservation districts
- Staff perform all administrative duties for the RCD including Board members and meetings and manage all projects, contracts and grants.
- Other issues, programs and projects as may be identified by the RCD Board

**SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT  
2002 DIRECTORS AND STAFF**

<u>Directors:</u>	<u>Telephone</u>	<u>Email</u>
Louie Figone, President	650-726-5833	louiemtb@aol.com
Barbara Kossy, Vice-President	650-728-8720	bkossy@igc.org
Chuck Gust, Treasurer	650-359-3900	cgsstageranch@aol.com
Jim Rourke, Director	650-879-0368	
Toni Danzig, Director	650-879-1232	tonid@southcoast.net

Associate Directors:

Julia Bott	650-321-5812	julia@supportparks.org
Jack Olsen	650-726-4485	smcfbhmb@aol.com
John Wade	650-879-3244	jwsavslan@aol.com

RCD Staff

Mike Ednoff, Executive Director	650-712-7765	execsmrcrd@earthlink.net
Vacant, Program Manager	650-712-7765	smrcrd@earthlink.net
Renee Moldovan, Fiscal Manager	650-712-7765	

National Resource Conservation Staff

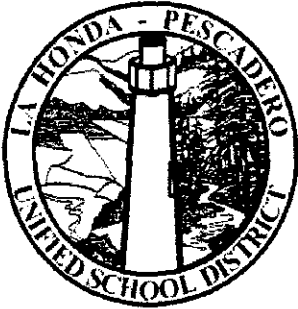
Richard Casale, District Conservationist	831-475-1967	richard.casale@ca.usda.gov
Kelli Camara, Soil Scientist	831-595-4861	kelli.camara@ca.usda.gov

The San Mateo County Resource Conservation District is located at:

625 Miramontes Street, Suite 103  
Half Moon Bay, CA 94019  
650-712-7765  
650-726-0494 fax  
smrcrd@earthlink.net

Regular meetings of the Board of Directors of the San Mateo County Resource Conservation District are held at the RCD office on the first Thursday of each month at 6:00 PM. The public is invited to attend and participate in all meetings.

The San Mateo County Resource Conservation District Board of Directors authorized adoption of this Annual Work Plan at a regular meeting held July 8, 2002.



**O-5**

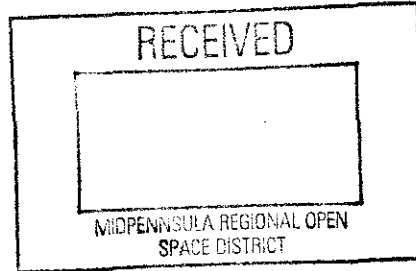
**LA HONDA-PESCADERO UNIFIED SCHOOL DISTRICT**  
**P.O. Box 189 • 620 North Street, Pescadero, CA 94060**  
**650-879-0286 • FAX 650-879-0816**

John Wilson, *Superintendent*

**A Lighthouse District**

July 29, 2002

Cathy Woodbury, Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404



Dear Ms. Woodbury:

This letter is in response to the San Mateo Coastal Annexation Draft Environmental Impact Report. I would like to thank you and Mr. Britton, MROSD General Manager, for attending the special meeting of the La Honda-Pescadero Unified School District Board of Trustees Thursday evening, July 25<sup>th</sup>. As you know, the purpose of the meeting was to provide the Board an opportunity to discuss the San Mateo Coastal Annexation Draft Environmental Impact Report and its implications for LHPUSD operations. Your presentation of information and response to questions from members of the Board and general public served to clarify many of the issues and concerns raised by your District's proposed annexation of the San Mateo coast.

At the meeting, the La Honda-Pescadero Board of Trustees identified the following questions and comments for consideration and inclusion in the San Mateo Coastal Annexation Draft Environmental Impact Report:

- 1) What might be the impact to LHPUSD caused by property acquired by MROSD not being developed, e.g., indirect census (enrollment) loss, loss of potential for increased tax base, etc.?
- 2) If properties within LHPUSD boundaries are not acquired and eventually developed, could the district potentially become a basic aid district?
- 3) Has MROSD studied the potential housing loss resulting from property acquisition? The loss of even a few families for a small school district can have a significant negative impact.
- 4) Has MROSD ever had an affordable housing component included in a plan?
- 5) Would MROSD be open to donating a piece of land for use in developing affordable housing for LHPUSD teachers, local fire fighters, MROSD staff, etc.?
- 6) Has MROSD committed to or be willing to commit to a 'no housing loss' or 'replacement of housing' policy to help mitigate potential impact upon LHPUSD? Have any of your 'sister' organizations done this?
- 7) What opportunities might there be for cooperation and collaboration between LHPUSD and MROSD for the benefit of local teens, e.g., summer jobs with MROSD; internships, environmental education instruction and/or curriculum, etc.?
- 8) One issue overlooked at the meeting, but which the LHPUSD Board would like included in the EIR, is the potential loss of Developer Fee revenues. This could be in the millions of dollars long term, considering that in one POST acquisition approximately 40+ density credits/developable sites were lost.
- 9) The LHPUSD Board of Trustees requests that the deadline for review and comment on the Draft Environmental Impact Report be extended beyond August 2, 2002.

O-5-1

O-5-2

O-5-3

O-5-4

O-5-5

Once again, thank you for your efforts to clarify the potential impact of this complex annexation proposal upon our school district's operations and for receiving comments from the LHPUSD Board for inclusion in the Draft Environmental Impact Report.

Sincerely,

John Wilson  
Superintendent

# Half Moon Bay Coastside Foundation Coastside Fire Safe Council



O-6

*"Change is inevitable...  
Survival is not."*

July 31, 2002

To: MROSD Board of Directors

From: Oscar Braun, Executive Director

Re: Comments and Questions Coastal Annexation Program: Key Facts & Draft EIR

- CEQA purpose is to inform the public and its responsible officials of the environmental consequences of their of their decisions before they are made. Thus the EIR protects not only the environment but also informed self-government.
- Why a Coastal Annexation Program? To provide open space and agricultural preservation and management services . Coastal lands purchased by other organizations (POST) need to be managed.
- Will MROSD assume full responsibility and assume all liabilities for all of POST holdings including their riparian maintenance agreements with the state?
- How much is the District tax payers prepared to spend to abate the Butano Creek flooding of Pescadero and restore it to a forty year flood level, as it was when POST signed the stewardship contact with the State.
- Will MROSD tax payers restore the Gusti family farm irrigation water rights from the Arroyo Leon that was just taken away by POST after 90 years of continued use? Or will the District pay the Gusti family not to farm the Johnston Ranch after over 50 years?
- Will MROSD current tax payers provide the tens of millions of dollars to clean up the POST owned 250 acre Johnston Ranch illegal landfill ?
- How much will the District tax payers spend annually to protect POST's new 4200 acre Rancho Corral de Tierra from destructive off road vehicles recreational use, poaching, vegetative fuel management and illegal marijuana cultivation (80% found on public lands)?
- How much wildfire liability insurance does the District carry now in the event that one of their Russian Ridge Open Space Preserves type burns gets out of control as in New Mexico? \$1 Billion? \$3 Billion?
- The Districts Wildland Urban Green Belt consists of 46,000 of vegetative fuel.....how many acres are under a "fire fuel management plan"? What is the total annual expenditure by the District on watershed fire fuel management? How many acres had a control burn?
- Has the District informed their current tax paying members that MROSD will seek not taxes from the annexation area and that the use of Eminent Domain only applies to only the non-coastal areas?
- Will the District seek an "Advisory Vote" from their current tax paying members before they commit of acquiring all of POST's environmental liabilities?

O-6-1

O-6-2

O-6-3

O-6-4



## Peninsula Open Space Trust

### Board of Directors

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Susan Ford  
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Sukey Grousebeck  
Christina A. Holloway  
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Rosemary Young  
Leah Zaffaroni

### President

Audrey C. Rust

3000 Sand Hill Road, 4-135  
Menlo Park, California 94025  
Tel: (650) 854-7696  
Fax: (650) 854-7703  
www.openspacetrust.org

August 2, 2002

Mr. L. Craig Britton  
General Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404

Dear Craig:

Thank you and your staff for preparing such a complete EIR on the Coastal Annexation. Having worked closely with the District for 25 years, POST is very familiar with your programs and operations and we find the EIR does a good job of representing those programs.

As you and your Board already know, POST is most supportive of the Coastal Annexation Program. POST has been actively working within the area proposed for annexation for over 15 years. During that time we have acquired tens of thousands of acres of land for conservation purposes through purchase or donation. As we look to the future, we know that we will continue to be an active part of the conservation of these coastal resources. But, it is important to note, POST is not a public agency and although we have been successful in raising private funds, they are not enough. Further, as a private organization we are not equipped to open lands for public use, nor do we conduct the kinds of public hearings and public dialogue which the District does so well, and is essential to our democracy.

We are missing a public partner with the fine track record accumulated by Midpeninsula Regional Open Space District – a track record of excellent land management, natural resource protection and development of wonderful low-intensity recreational opportunities. While there are county, state and federal agencies that operate on the San Mateo coast, as they do throughout the region, none has the consistent ability to bring the local regional viewpoint, resource protection and public recreation programs that the District will.

Coastal San Mateo County is a very special place. It is all of our responsibility to assure its protection and stewardship for generations to come. Annexation would allow us to work together to fulfill this responsibility and to create a sustainable future.

Sincerely,

O-7-1

Recycled Paper

O-6-3

O-6-



Conserving Land  
for People

August 2, 2002

Honorable Jerry Hill  
President, San Mateo County Board of Supervisors  
400 County Center  
Redwood City, California 94063

Re: Midpeninsula Regional Open Space District Coastal Annexation Advisory Vote

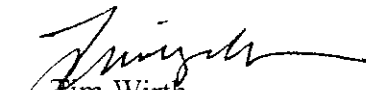
Dear President Hill and members of the Board of Supervisors:

I am writing to express the Trust for Public Land's strong support for the Midpeninsula Regional Open Space District's proposed coastal annexation program. It my understanding the Board of Supervisors will consider a proposal to hold another advisory vote regarding the proposed coastal annexation program at your August 6<sup>th</sup> meeting, which would delay the Open Space District's application to the Local Agency Formation Commissions. The annexation proposal has overwhelming public support and the Open Space District has conducted a fair and thorough public review process. I urge you to oppose another advisory vote.

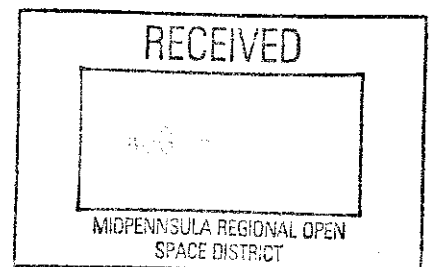
O-8-1

Thank you for your consideration.

Sincerely,

  
Tim Wirth  
Senior Project Manager

cc: Cathy Woodbury, MPOSD



The Trust for Public Land  
Western Region  
116 New Montgomery  
Third Floor  
San Francisco, CA 94105

(415) 495-5660  
Fax (415) 495-0541



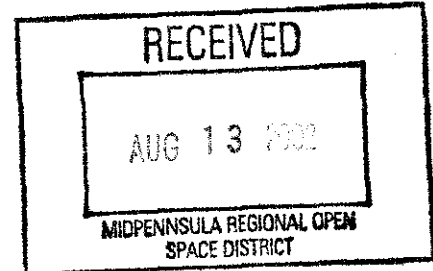
# LA HONDA FIRE BRIGADE

8945 Hwy 84 • P.O. Box 97 • La Honda • California • 94020  
Business Phone (650) 747-0381 • Fax (650) 747-0763

O-9

August 9, 2002

Ms. Cathy Woodbury  
Planning Manager  
Midpeninsula Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404



Re: San Mateo Coastal Annexation  
Environmental Impact Report

Dear Ms. Woodbury:

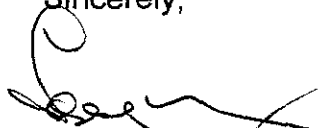
Enclosed please find the La Honda Fire Brigade's comments concerning the above referenced report. The La Honda Fire Brigade provides, as a part of the San Mateo County Fire Department, emergency services to La Honda and the surrounding area. As such, the Districts expansion to the San Mateo County South Coast will have an effect on our organization, and the service we provide to the public.

Our response is in accordance with a resolution of our board of directors approving it's sending. We reserve the right to modify our response for any reason should our board deem it appropriate, during the comment period.

After the District reviews our response, we will be pleased to answer any questions that may come about. Communications on this matter should be directed to the undersigned.

Thank you for the opportunity to make our thoughts known.

Sincerely,



La Honda Fire Brigade Inc.  
Larry Whitney  
Volunteer Chief

Midpeninsula Regional Open Space District

San Mateo  
Coastal Annexation

Draft Environmental Impact Report

Response

August 1, 2002

La Honda Fire Brigade Inc.

8945 La Honda Rd. P.O. Box 97  
La Honda CA 94020  
650-747-0381. fax 650-691-0485

[www.Lahondafire.org](http://www.Lahondafire.org)

Response to Midpeninsula Open Space District  
Draft EIR by La Honda Fire Brigade Inc. August 1, 2002

**Introduction:**

Since 1953, the La Honda Fire Brigade (Brigade) and its predecessor the La Honda Canyon Society, has provided community services to the unincorporated town of La Honda. Today the Brigade counts 250 local households as members of our association. Starting in approximately 1965 this non-profit corporation commenced providing fire suppression services to the area and today is a part of the San Mateo County Fire Department (County Fire). The Brigades role is that of a Volunteer "Multi-Risk" Fire Company providing first due Structure and Wildland Fire Suppression, Rescue, Haz Mat and BLS Emergency Medical response to an approximately 56 square mile area of this county. The Brigade's response zone includes Hwy 84, from Hwy 35 to Hwy 1 and Alpine Rd. to Portola State Park Rd. There are approximately 1,583 permanent residents living here as well as several government institutions.

The purpose of this response is to set forth what we believe the impact of the Mid Peninsula Regional Open Space District's (District) planned Coastal Annexation may be on the Brigade and the service it provides. Our comments are based on the District's provided Draft Environmental Impact Report dated June 2002.

**Issues:**

**Tax Loss as a result lands purchased for open space:**

The District's EIR acknowledges that property acquired by the District as part of its Coastal Annexation, will result in a net reduction in the property tax base of San Mateo County. In addition to lands purchased directly by the District, other land trusts and non-profit organizations are purchasing or have purchased large parcels on the South Coast. The cumulative effect of these open space purchases will be a reduction in the tax base available to fund public services such as County Fire.

The Brigade's Volunteer Fire Company relies heavily on County Fire tax dollars for both capital equipment and operating costs. A reduction in tax base could result in a reduction of funds available to our program. This would result in a decrease in the level of service we provide, a matter of great concern to the community and our organization.

The EIR does attempt to quantify the dollars various agencies would lose based on certain assumptions. The Tax Revenue Estimation Methodology used in the EIR primarily reflects the loss of Tax Base as a result of private land purchased directly by the District.

O-9-1

We believe a better way to gauge the effect of open space expansion and the District's effects on public services would be to include the loss in Tax Base from:

- a) The sale of Private Land directly to the District.
- b) The sale of private land to other open space organizations (both recent and anticipated purchases) that the District may either have a relationship or partnership with.
- c) The estimated loss of Tax Base resulting from the failure of the County to reap the effects of a re-appraisal of the properties based on the new sale price in a private owner to private owner sale.
- d) The estimated loss of Tax Base as a result of some percentage of the properties being sold that would have otherwise been developed with property tax increasing improvements.

O-9-1


We ask the District to re-estimate the loss of tax base to the County. It should then develop a plan to compensate the County Fire program for its loss of tax dollars as a result of annexation.

**Wildfire Threat:**

Over the last decade the San Mateo County South Coast, with two notable exceptions, has been virtually free of any sort of Wildland Fire. The combination of limited public access, especially in grassland areas, and the lands historical agricultural and grazing uses have help kept vast portions of the South Coast free from Wildfires.

The fire season on the South Coast tends to lag behind what is generally thought to be the most dangerous times of year in most parts of the state. Although a wildfire can start at any time of year, given the right set of circumstances, it's the typical fall weather patterns that pose the greatest threat. It has been during this period that most of the coasts large acreage fires (greater than five acres) have occurred. For the few fires that have occurred most have been after the close of the state budgeted fire season when the California Department of Forestry (CDF) is at its minimum staffing level.

O-9-2

With the Districts expansion comes a change in the formula that has helped protect this area. On lands that the District already owns within our response area there are now large tracts of grass that, in the summer and fall can easily ignite and rapidly carry fire. The introduction of people into such an area will clearly increase the possibility of ignition. It is important to note that the two largest Wildland Fires, both greater than twenty acres (1), which have occurred in this area over the last six year  have been on District lands.

We would recommend that the following be considered as mitigation measures for this increased threat:

- a) In addition to the measures listed in the EIR the District should consult with the CDF to develop a comprehensive program to minimize the effects of a Wildfire and to protect the South Coasts residential communities. The program should specifically address fuels modification around the perimeter of all lands acquired by the District. The purpose of this would be to hold wildfires originating on District Lands to District Land.
- b) Develop to CDF and the County Fire Marshals recommendations firefighting water supplies for all remote areas.
- c) Provide for reasonable deployment of Public Telephones (there is no cellular telephone service through out most of the South Coast) for prompt notification of fire emergencies
- d) We would highly encourage the District to equip County Fire with two four-wheel drive Type 3 Fire Engines. We recommend that these Engines be positioned at the County Fire Station in Pescadero and at the La Honda Volunteer Fire Station. These two engines would be available for service year around without regard to the state fire season or the draw down of state resources.

O-9-2



District lands adjacent to Highway 84  
La Honda Creek Open Space Preserve

### **Increase in Volume and Complexity of Calls:**

Perhaps the greatest burden that the District's annexation poses to the fire service will be an increase in EMS and Rescue call volume. Both County Fire and more specifically the Brigade's Volunteer Company have seen substantial growth in call volume over the last decade. Last year was an all time high for the Brigade which responded to 271 calls. Approximately eighty percent of these calls were to aid people who do not maintain a residence in the local community. The prospect for increased call volume even without the District's annexation is quite high.

To predict the number of calls that the District's Annexation might bring to this area, we consulted with the King's Mountain Volunteer Fire Brigade (KMFB), who does track calls generated on District lands within their response area. Over the ten year period from 1992 to 2001 emergency calls generated on District property amounted to just under nine percent of KMFB's total call volume.

EMS and Rescue calls generated on open space lands tend to be more complex than comparable calls occurring on a roadway or at a specific address. Locating and accessing victims can at times be difficult and time consuming. KMFB'S District responses take on average 79 minutes some 34 minutes longer than our current average EMS call.

O-9-3

A second concern of this increase in call volume is the draw down on Advance Life Support Engine Companies (ALS Engine). Whenever there is an EMS call within the Brigades response area one of the Brigade's BLS Engines or Rescue and a County Fire ALS Engine is dispatched. In accordance with the San Mateo County EMS plan and County Fire protocols, when a County Fire ALS Engine is dispatched it's station must be back filled by a cover ALS Engine. This creates a ripple effect of "move up and covers". For the area west of La Honda it takes 3 ALS Engines to fill this need, in the area to the east it takes two. Based on today's call volume most of these cover assignments are fill by existing County Fire resources.

With the District's expansion the propensity of more than one call occurring at a time will increase. As it does the need to draw ALS Engines from progressively further away stations will increase.

The EIR addresses a portion of the access problem by stating that helicopters can be used in some instances to remove a victim. It is important to remember that local air ambulance helicopters can only be used on clear days and nights. Even now, it is all too common for an air ambulance be requested and they are not able to arrive as a result of fog or other weather conditions.

As mitigation for the above we recommend:

- a) The District re-address the entire issue of the annexations impact on the call volume of County Fire Volunteer and Career resources.
- b) That upon the completion of this re-assessment that the District provide the necessary funds to County Fire, to off set the impact of this increase in responsibility.
- c) That the District assist the County with the development of a benefit plan for the Volunteer Companies within the annexation area. It is clearly in the public's, the District's, and the County's interest to maintain a strong and healthy Volunteer Fire Fighting force.

O-9-3

#### **Impact on the Brigade:**

Our all-volunteer Brigade depends upon the good will and generously of the community we serve. The community supports our mission by being involved and serving as Volunteer Firefighters, Neighborhood Emergency Service Team Members, or joining our Board of Directors. Its support is financial as well. We receive direct contributions from our dues paying members and through donations. We receive indirect dollars from the community's support of our many fund raising events. (Pancake Breakfasts, Crab Cioppino Dinner etc.)

O-9-4

The impact of the Districts expansion will mean there will be fewer private property owners in our response area. It is private property owners especially owners of large amounts of acreage that have a vested interest in our fire departments success. Reducing their ranks will have a direct effect on our ability to raise funds.

To mitigate this effect we ask:

- a) That the District itself becomes a dues paying member of our organization. We would suggest that the District take out a membership for each parcel it acquires just as we would ask of a private property owner.
- b) The District should make every effort to maintain the housing stock in this area. As properties are acquired the existing homes should be re- rented as soon as possible and maintained in a habitable condition.
- c) Whenever housing surplus to the Districts own needs becomes available, a plan to prioritize renting such to public service employees based in the area should be established. Priority should be given to existing Volunteer or Career Firefighters, Law Enforcement Personnel and Teachers.

O-9-4

- (1) Largest Wildland Fire within CDF/County Fire Battalion Five  
1995-2001  
Incident # CZU-3902, Apx. 20 acres, Nov.23, 1995  
Incident # CZU-6430, Apx. 54 acres, Oct. 14, 2001



**Cathy Woodbury**

---

**From:** MROSD <mrosd@openspace.org>  
**To:** Craig Britton <cbritton@openspace.org>; Cathy Woodbury <cwoodbury@openspace.org>; Del Woods <dwoods@openspace.org>; John Escobar <jescobar@openspace.org>; Stephanie Jensen <sjensen@openspace.org>; Sally Thielholdt <sthiefoldt@openspace.org>; Sue Schectman <sschectman@openspace.org>; John Maciel <Jmaciel@openspace.org>  
**Sent:** Monday, August 12, 2002 2:29 PM  
**Subject:** Fw: MROSD annexation

fyi

----- Original Message -----

**From:** "David Smernoff" <DavidS@Acterra.org>  
**To:** <jhill@co.sanmateo.ca.us>; <mchurch@co.sanmateo.ca.us>; <rgordon@co.sanmateo.ca.us>; <rosejg@co.sanmateo.ca.us>; <mnevin@co.sanmateo.ca.us>  
**Cc:** <mrosd@openspace.org>  
**Sent:** Monday, August 12, 2002 11:56 AM  
**Subject:** MROSD annexation

> Dear Supervisors -  
 >  
 > Thank you for your recent vote to deny the request for a second  
 > advisory vote on the annexation of coastal lands to the Midpeninsula  
 > Regional Open Space District (MROSD).  
 >  
 > Your unanimous support for the democratic process will keep the  
 > process of adding coastal lands to the Open Space District moving  
 > forward. We look forward to the day when MROSD will provide public  
 > open space and agricultural preservation and management services to  
 > the Coast!  
 >  
 > The District provides an invaluable service to all residents of San  
 > Mateo (and Santa Clara) county and on behalf of all the members of  
 > Acterra, we look forward to your continued support of the the MROSD  
 > annexation of the priceless coastal lands in San Mateo County.  
 > Current and future generations alike will thank us for having the  
 > foresight to keep the land in agriculture and as open space.  
 >  
 > Thank you again for your support,  
 >  
 > David Smernoff  
 > --  
 > David Smernoff  
 > Executive Director  
 > Acterra: Action for a Sustainable Earth  
 > (Formerly Bay Area Action + Peninsula Conservation Center Foundation)  
 >  
 > 3921 East Bayshore Road

O-10-1

> Palo Alto, CA 94303-4303

> 650-962-9876 x 340

> 650-962-8234 fax

> [DavidS@Acterra.org](mailto:DavidS@Acterra.org)

> <http://www.Acterra.org>

>

> -----

> Acterra: Action for a Sustainable Earth. We bring people together to

> shape sustainable communities and preserve natural resources through

> education, action and advocacy.

O-11

# Pescadero Municipal Advisory Council

Post Office Box 249    Pescadero, California 94060    pmac@southcoast.net

To:    Board of the Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022 - 1404

From: The Pescadero Municipal Advisory Council

Date: August 26, 2002

Regarding: Reasons for South Coast opposition to annexation by MROSD

Dear Board Members,

I have enclosed a list of concerns about the annexation of the South Coast by MROSD. These concerns were developed by the PMAC and the Land Use Committee.

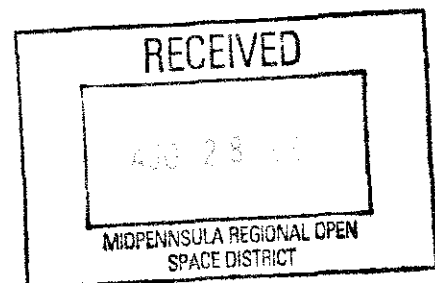
As you know, the majority of voters in the South Coast area rejected the annexation proposal. We hope that you will take this democratic vote into consideration when drawing boundaries for the proposed annexation.

Thank you for your attention to our concerns.

Sincerely,



Maeva Neale, Chair  
PMAC



**REASONS FOR OPPOSITION TO SOUTHCOAST ANNEXATION  
BY THE MID-PENINSULA REGIONAL OPEN SPACE DISTRICT  
[MROSD]**

**Annexation without Representation**

- The advisory vote in 1998 showed a majority of Southcoast voters opposed to annexation; the rural constituents strongly oppose the proposed annexation; apparent disregard of public input and voting results. O-11-1
- All 13 elected members of the Pescadero Municipal Advisory Council are opposed to the annexation.
- There would be no coastal representative on the MROSD Board, despite the fact that the proposed annexation area is approximately 3 times the area currently being managed by the District. O-11-2
- The EIR has no specific facts regarding lands to be purchased, increase of visitors to the coast and location of parking lots.

**Effect on Farmers and Home Owners**

- A probable negative effect on the sustainability and vitality of small coastal communities. O-11-3
- Agricultural lands - with low-cost housing - would be subject to purchase; loss of housing on open space and rural lands. O-11-4
- Concern regarding water supply for agriculture, fire suppression, and communities.
- Possible adverse effect on ground water and riparian water and ground water and riparian water rights. O-11-5
- Adverse impact on agriculture and on water for agriculture and on access to water by farmers and communities.
- Negative impact on County property tax revenues O-11-6
- Increased risk of fire in the dry season due to increased number of visitors, lack of plans for fire mitigation, and vegetation/fuel management practices O-11-7
- Negative impact on private parcels which have existed for many decades and which would be required to provide access to purchased lands. O-11-8
- Negative impact on school population, possibly resulting in the closure of schools or increasingly inadequate school facilities. O-11-9
- Future taxation for land acquisition. O-11-10
- Possible future implementation of eminent domain. O-11-11
- Potential for decrease in property value and increasing building costs and site restrictions. O-11-12

**An adequate number of opportunities for recreation already exist**

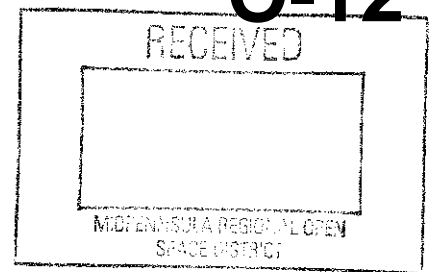
- There are numerous beaches, parks and open space preserves on the Southcoast. POST recently acquired thousands of acres of Southcoast lands. O-11-13
- Acquisition of lands means control of access to beaches and lands that are currently being used by the public; denial of access to beaches and lands.

**No perceived beneficial effect for the Southcoast**

- No impact on our major problems: flooding, affordable housing, infrastructure [Pescadero doesn't even have a public toilet in town.] O-11-14
- Numerous restrictions on development already exist related to the Coastal Act, FEMA, and the current proposal for design, size and height limitations with regard to coastal property. O-11-15
- The draft service plan and the EIR do not provide specifics of implementation and funding. O-11-16
- MROSD's lack of experience in stewardship of coastal/agricultural lands. O-11-17

Cathy

O-12



To: MROSD

From: Dr. George Cattermole, Director, Coastside Habitat Coalition

Re: Draft EIR for Proposed Coastal Annexation Area

COMMENTS:

Standing and Background

The Coastside Habitat Coalition represents over 2000 people concerned about the fate of threatened and endangered species living on the San Mateo Coast. Acting from the axioms that we all have a moral obligation to leave to the next generation a world at least as healthy and beautiful as the one we enjoy and that to be effective environmentalism needs to start in one's own backyard, the Coalition focuses on coastal species including: the San Francisco Garter Snake (SFGS), California Red-Legged Frog (CRLF), Western Pond Turtle, Steelhead Trout, and Coho Salmon. Our task involves: (1) identifying the biological processes critical to establishing self-sustaining populations of these imperiled species and their habitat; (2) identifying the threats to the survival of these species; (3) representing these species in forums in which their fate is discussed; and (4) developing and implementing policies and activities which will ensure both their recovery and a secure future.

Several years ago, representatives from MROSD met with several concerned coastal residents at Jim Rourke's house to discuss their plans to come to the coast. It was pointed out to them that ALL of the brochures describing permitted activities on their then present holdings indicated that recreation, not habitat (or agriculture) preservation was the primary and central feature offered and advertised as available on these holdings: trails of all sorts and recreational infrastructure had been constructed or refurbished on EVERY holding. CHC representatives pointed out that RECREATION IS DEVELOPMENT and that bringing large numbers of people into habitat that has been until now relatively undeveloped could harm species and their habitats. MROSD representatives agreed that were they to "come over the hill" they would manage their coastal acquisitions differently.

At the meeting and many times since, CHC has suggested that the concept of "SANCTUARY for ENDANGERED SPECIES" be used as one of the guiding goals/possibilities for MROSD's coastal projects. MROSD's representatives have indicated that they share our concerns for the species and that they realize that: (1) mistakes had been made in managing existing holdings, e.g. trails had been sited too close to streams and off-road bikes were destroying ecosystems, and (2) their coastal holdings would need to be managed differently, i.e., in ways that would preserve agriculture and sensitive habitat. They also have agreed informally that the goal of establishing sanctuaries for species is a worthy one. However, the Draft EIR does not reflect a serious response to the above concerns. See discussion of Impact **BIO 1** below.

MROSD's annexation of large tracts of coastal lands has the potential to be of great benefit for the species. However, if the lands acquired by MROSD are not properly managed, annexation also has the potential to destroy species and their habitat. MROSD will be OPENING spaces which have, by and large, remained CLOSED and protected from the public by private landowners. It is perhaps possible to open these habitats in an environmentally responsible manner, but the tone and content of this EIR do not bode well for coastal endangered species.

Trails in or near sensitive habitat pose many threats to the species living there. Something

O-12-1

as seemingly innocuous as someone washing her hands in a stream can disrupt salmonids' sense of smell. It is normal and natural for young children and uneducated adults to chase, capture and sometimes accidentally "love to death" the wonderfully intriguing critters they have never seen before, and, as a result of their innocent enthusiasm, may never see again.

Again and again, in MPOSD's Draft EIR guidelines are introduced to protect species AFTER policies have been introduced that create the need for triaging their habitat. Instead of the fulfillment of a Skyline to the Sea trail dream and the promise of "providing key links" to other open spaces for OUR species(LU6), how about promising to purchase and provide corridors kept safe and sound for the species that were here long before our species began wiping them out? Providing functional connectivity for ALL the NON HUMAN threatened species should be an explicitly stated concern that "trumps" the "need" for recreation. Must there always be a recreational component introduced in every property purchased by MROSD? CHC hopes that MROSD will place the highest priority on locating and protecting property containing endangered species - a responsibility far more important than providing yet more recreation for our already too numerous and too destructive species.

O-12-1

We also would hope that MROSD would develop policies more stringent than those of San Mateo County, which are unfortunately dominated by a preoccupation with recreational development at the expense of biodiversity. Scenic correctness, - we don't want to see the new home or we want to see the beautiful view - is a concern that often steers development into and onto endangered species habitat. (See, for example, **Section 1.29 of the San Mateo General Plan**)

\*\*\*\*\*

MPOSD's Proposed EIR provisions relevant to endangered species

Over the past six years, studies done by CHC and Dan Holland, an expert on our aquatic and semi-aquatic endangered species, have determined that the California Red Legged Frog is present in all coastal watersheds, almost all ponds (both permanent and seasonal), most perennial water courses, and many seasonal seeps and streams. Steelhead trout have also been found in all major coastal streams and many of their tributaries. It is therefore almost certain that MPOSD will be acquiring actual or potential prime habitat for these species.

What few "objective" or quantifiable mitigating measures that are promised in the EIR are inadequate and would in all probability fail to prevent and even contribute to the destruction of endangered species and their habitat. Measures containing no specific and precise limits on recreational development contain either "motherhood and apple pie" bromides or qualifications that permit recreation at the expense of the species.

O-12-2

**Impact BIO I:** "Areas found to be vital wildlife or plant habitats may be designated as refuge areas, and in these areas access will be severely restricted."

*Comment*

CHC is disappointed to find in this EIR no definitive commitment to acquire and manage

“formal” sanctuaries, i.e. protected spaces for species to be visited by humans only when supervised by those who have extensive knowledge of the importance of the resident species and what is needed for their continual survival. Given that the ENTIRE coastal area is a “hotspot” of biodiversity, it is highly likely that MROSD will acquire “vital” habitat.

**Recommendation**

Change “may” to “shall” to reflect MROSD’s intentions to place the needs of endangered species before the “need” for “opening” more of their habitat for human activity.

O-12-2

**Mitigation BIO-1b:** “To the maximum extent feasible, trail alignment and other improvements shall avoid impacts to sensitive habitats, including habitats for special-status plants and animals.”

**Comment**

Why the qualification “To the maximum extent feasible”? This phrase makes it clear that MROSD’s primary purpose is to open hitherto unopened spaces for human recreation, it’s *raison-de’etre* being trail construction and maintenance instead of protection of biodiversity. To repeat: the most potent and prevalent threats to coastal species are us.

O-12-3

**Recommendation**

Strike the phrase “To the maximum extent feasible”.

**Mitigation B10-1j:** Makes reference to and provides mitigation for “...any sensitive habitat or special-status species habitat that will be disturbed or destroyed by facility construction.....Riparian and wetland habitat impacts will typically be mitigated at a 3:1 ratio for high quality habitat....Mitigation shall be based on in-kind replacement of impacted habitat of equal or better value.”

**Comment**

Ask Native Americans how such swaps have benefitted them. This mitigation presumes that habitat of equal or better “biotic value” exists, or can be created to meet replacement ratios, with “no loss of habitat functions and values.” This presumption is untenable as the track-record for such schemes shows. Almost all of the original habitat for the CRLF and SGERC has already been destroyed or severely compromised. While revegetation is the main subject of this section, reference is made to “any sensitive habitat” and, given that the the well-being of resident animal species in such habitat is directly related to that of the flora, this replacement strategy will certainly disrupt and may cause a taking of the CRLF, SFGS, the Western Pond Turtle, Steelhead Trout or Coho Salmon. The relevant principle here is: “IF IT AIN’T BROKE, DON’T BREAK IT.”

O-12-4

**Recommendation**

This section should read: “Facilities shall not be constructed in sensitive habitat or special-species habitat.”

**BIO-1h:** "Equestrian trail access shall be restricted at fish-bearing streams during critical times...unless bridges and culverts are provided for horses."

*Comment and Recommendation*

Horse trails (and bike trails) never belong in salmonid streams. Bridges should be required.

O-12-5

**Impact BIO - 1i** "Trails and other improvements shall avoid wetlands and other jurisdictional waters, including seasonal wetlands, seeps, springs, and farm ponds, whenever possible. ....Where feasible, setbacks from wetlands and other jurisdictional waters shall be a minimum of 25 feet for trails and 50 feet for staging areas and other improvements."

*Comment*

The qualification "Where feasible", for all practical purposes, vitiates what follows. And, to add insult to almost certain injury to the species, what follows (setback requirements) is not consistent with the letter and intent of the Federal Rule for Designation of Critical Habitat for the CRLF.

The U.S. Fish and Wildlife's Proposed Rule for Designation of Critical Habitat for the (CRLF) defines critical habitat for the frog as including **all area within 300 feet of the water sources in which the species is found.** (The original distance in the Proposed Ruling, determined by scientific study of the species' needs, was 500 feet. After public process such as this one, 500 feet was whittled down to 300 feet so that our species could have more room for recreation and making money.) These determinations were based in large part on the fact that the frog resides in ponds, seeps and streams and travels up to 1.25 miles following and traversing water courses. The CFLF is prime prey for the San Francisco Garter Snake which can travel up to 2.25 miles and requires upland habitat to recreate. These needs, combined with salmonids need for a sufficient amount of clean water, dictate that coastal ponds and watercourses be protected from human degradation.

O-12-6

The Final Rule further identifies habitat loss and **recreation** (my emphasis) as threats to the frog. Citing several studies showing negative effects of traffic and highways on the species, the document states specifically that "...roads are an important human-caused landscaped component hindering amphibian movement and thereby fragmenting amphibian populations" and identifies "operation of vehicles within aquatic habitat" as "Activities that may destroy or adversely modify critical habitat". (p. 54893). It is highly probable that bike trails in species habitat pose an even greater threat than the likely increase in auto and truck traffic that would result from MROSD's developments. Snakes like to bask in the sun and paths are often used for this purpose. The last SFGS sited by CHC (outside the Ano Nuevo pond) was a dead one, killed by a bicycle.

In a letter dated June 6, 1995, Joel Medlin of USFWS wrote to the director of the San Francisco airport, pointing out that the San Francisco Garter Snake was in "imminent threat of extinction" and identified the "factors that may have led to the drastic decline" of the snake: "...saltwater intrusion...bullfrogs...recreational use of the site...vehicular use of access roads...and management activities such as..... servicing of facilities". Since that time, several SFGS's have been destroyed, and what was once the more numerous and vigorous population of SFGS's is surrounded by intense development, freeways and BART.

*Recommendation*



Strike "Where feasible" in the first sentence and "whenever possible" in the second. Forbid construction of off-road bike and vehicular trails from anywhere within 1.25 miles from wetlands, ponds and watercourses. Require 300 foot setbacks for foot trails and 500 feet for staging areas and other "improvements". And please, dear reader, think about the meanings of "staging area" and "improvements" from a frog's point of view.

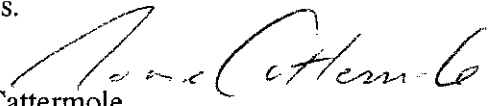
O-12-6

### Conclusion

MROSD may be saving open space from certain forms of development, but if it develops this same land by attracting large numbers of visitors into and around sensitive habitat, it will be saving the species from one doom, only to inflict another. We must face the fact that there are too many of us and too many of the the too many are too often damaging the homes and health of other species.

Because wilderness and its component species have persisted since the beginning of life, they provide us with the most pervasive norm of the ecosphere, that is, the only known scientifically demonstrable standards against which the success or failure of biological resource exploitation and development can be judged. Thomas Berry has noted that "....the integral functioning of the natural world is taken as the supreme model of managerial success". Biodiversity norms should be "north stars" guiding all resource managers in their zoning and development activities for the simple reason that biodiversity is critical to the quality of life, future options, and security of our own species.

It is imperative that alternative sites for existing and proposed recreational development be considered if and when those contemplated are located in or near sensitive habitat. MPOSD needs to forgo its preoccupation with recreation and make it clear that preserving San Mateo Coast's biodiversity is its primary goal. To this end, MPOSD needs to rework this EIR into a document that promises to enhance and in no way degrade the last remaining relatively undemolished habitat for our invaluable community of endangered species.

  
Dr. George Cattermole  
Director, Coastside Habitat Coalition

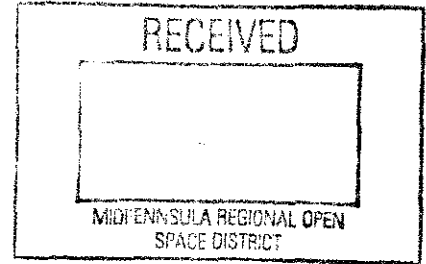
650 726-0565

PO Box 71  
San Gregorio, CA.  
94074

georgecattermole@earthlink.net

Post Office Box 1286  
Los Altos, CA. 94033

August 28, 2002



Board of Directors  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA. 94022-1404  
ATTENTION: Ms. Cathy Woodbury

Dear Members of the Board,

The Santa Cruz Mountains Bioregional Council would like to comment on the District's proposed San Mateo County Coast Annexation. The Bioregional Council strongly supports the annexation of the full Coastal Annexation Area, including the area from Half Moon Bay south to the San Mateo - Santa Cruz County line. We feel that this annexation provides the best opportunity to conserve important biological resources of the region on District lands while at the same time maintaining opportunities for sustainable economic development on adjacent parcels.

The Midpeninsula Regional Open Space District has a good track record of protecting important biological resources on its preserves and this annexation would allow the District to protect biologically-sensitive habitats in the coastal area. We applaud the District's stated management objectives - "to protect watershed integrity and water quality, to protect sensitive resources such as habitats for special-status species, and to provide opportunities for scientific research, resource conservation demonstration projects, outdoor environmental education programs, and interpretive programs". The Bioregional Council looks forward to working with the District to protect fragile ecosystems and critical wildlife habitat in the San Mateo County Coast.

O-13-1

The Santa Cruz Mountains Bioregional Council is the biodiversity planning and conservation group for the Santa Cruz Mountains area that includes Santa Cruz, San Mateo, San Francisco, and part of Santa Clara counties. The Council is governed by a seven-member steering committee of natural resource professionals from state and local governments, private industry, academia, and conservation groups. A major goal of the Bioregional Council is to encourage cooperative efforts between agencies, landowners, and conservation groups through improved coordination, the exchange of scientific information, the encouragement of collaborative efforts, and support of regional programs to conserve biological diversity. Thank you for this opportunity to comment.

Sincerely,

Steven Singer  
President



# San Mateo County Association of REALTORS®

O-14  
AUG 29 02 1:00PM

August 29, 2002

Board of Directors  
Mid-Peninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404

Dear Directors:

The San Mateo County Association of REALTORS® wishes to express our concerns about the Mid-Peninsula Regional Open Space District's (MPROSD) San Mateo Coastal Annexation Draft Environmental Impact Report (EIR). We wish to comment on what we believe to be inadequacies in the EIR with regard to the increased traffic congestion that the annexation will generate in the proposed annexation area. In several respects, we think the study is flawed.

The issue of increased traffic is addressed in the Draft Environmental Impact Report, Page IV-C-7. We agree that the majority of preserve visitors would arrive via car predominantly on weekends and holidays, but we suggest that using the traffic experience from MPROSD's current preserves as a predictor for estimating the future traffic impact to the new acquisitions would not be accurate. In Appendix B: Traffic and Parking Study of the San Mateo Coastal Annexation Program Environmental Impact Report, four traffic counts were conducted at MPROSD's current preserves of Windy Hill and Purisima Creek. We think that four counts are inadequate to effectively assess the potential traffic impact on the San Mateo Coast, especially since the counts were all conducted within the months of July and August of 2001. We suggest that a more comprehensive study over the better part of a year, including traffic counts from three seasons (excluding Winter because of the colder weather), would be a better study of potential traffic impact.

Additionally, the study failed to encompass the wide range of determinates influencing visitor traffic to any given preserve on any given weekend, such as weather, proximity to potential preserve visitors' homes, and other local events in the Bay Area that attract visitors who might otherwise visit the preserves on those weekends studied. The proposed coastal annexation area is much closer, and, therefore, much more accessible and convenient to San Francisco and northern San Mateo County residents than are MPROSD's current preserves of Windy Hill and Purisima Creek. Residents from these areas would constitute a whole new set of potential visitors to MPROSD lands if the annexation were to occur. While some may argue that San Francisco residents would be more attracted to the open space preserves in Marin County, we would counter that the upcoming Golden Gate Bridge toll increase to \$5 and the possibility of peak traffic pricing would influence many to go south instead to the Coastside for open space with similar terrain.

According to Table IV-C-2, the capacity of a *typical* two-lane, undivided road are 2800 cars. We would suggest, however, that the highways leading to the proposed Coastal Annexation area are

O-14-1

O-14-2

*atypical* due to the intersection of U.S. Highway 1 and U.S. Highway 92, whose logistics already cause backups in the area in and around Half Moon Bay. Further, U.S. Highway 1 is already in itself a destination for visitors to the Bay Area as well as the residents of the nine counties in the San Francisco Bay Region.

The highways leading to the coast are described as operating below capacity, based on the assumption that the capacity is 2800 cars for *both lanes*, an assumption that does not take into account peak traffic. In the proposed Coastal Annexation area, most of the traffic flow is in one direction in the early afternoon and the opposite direction in the early evening. Dividing the capacity in half (2800 / 2), gives a capacity of 1400 per lane. Given the normal weekend traffic scenario in the San Mateo Coastside, where at least 70%<sup>1</sup> of the traffic flow is inwards towards Half Moon Bay, we would posit that the capacity has already been reached and surpassed during these peak use periods. Below is a table of the proposed actual traffic flow and impact which indicates that in some areas capacity has been reached, if not already surpassed. Any additional traffic caused by visitors to the proposed annexation would only exacerbate this problem.

O-14-2

Road	Location	Traffic Flow towards Coastside during peak traffic hours (12 –3 PM) <sup>2</sup>	Capacity for One Lane towards Coastside <sup>3</sup>
Route 1	Route 84 – Tunitas Creek Road	701.4	1400
	Main Street – Half Moon Bay Road	907.9	1400
Skyline Boulevard	Alpine Road – Woodside Drive	133.7	1400
	Kings Mountain Road – SR 92	126	1400
	SR 92 – I-280	310.1	1400
Route 84	Skyline Boulevard	328.3	1400
	Woodside – Portola Road	270.9	1400
	Kings Mountain Road -- Whiskey Hill Road	555.8	1400
	<b>Whiskey Hill Road – I-280</b>	<b>1475.6<sup>4</sup></b>	<b>1400</b>
Route 92	Route 1 -- Half Moon Bay	1173.9	1400
	<b>Half Moon Bay – Skyline Boulevard</b>	<b>1396.5</b>	<b>1400</b>
	Skyline Boulevard – I-280	1113.7	1400

<sup>1</sup> We believe this to be a conservative estimate of the one-way directional flow of traffic in the area on weekends.

<sup>2</sup> This is calculated using an estimated 70% of Estimated Traffic Flow from Table 2 in Appendix B of the San Mateo Coastal Annexation Draft Environmental Impact Report.

<sup>3</sup> This is calculated by dividing the Capacity from Table 2 in Appendix B of the San Mateo Coastal Annexation Draft Environmental Impact Report in half to get the capacity for one lane.

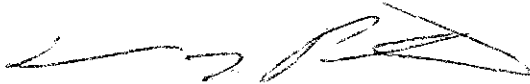
<sup>4</sup> We have bolded the routes that are near or above capacity.

Further, the estimate of a 1400 capacity per lane might need to be adjusted down to account for the *atypical* nature of the road due to inadequate maintenance. Therefore, some of the other routes, such as 'Route 1 – Half Moon Bay' and 'Skyline Boulevard – I-280' might also be above capacity if the atypical nature of the routes were taken into account.

In conclusion, we would like to reaffirm our opposition to the current draft of the Mid-Peninsula Regional Open Space District's San Mateo Coastal Annexation Environmental Impact Report. We feel that before any decision of annexation can be made, a more comprehensive study and analysis of the potentially negative impacts of increased traffic must be thoroughly addressed.

Thank you for your consideration of our views in this matter. Should you have any questions of us, please feel free to call me or our Governmental Affairs Director, George Mozingo, at (650) 696-8214.

Sincerely,



Dennis J. Pantano  
President, Board of Directors

.....

Land Use Committee  
P.O. Box 249  
Pescadero, Cal. 94060

**O-15**  
AUG 30 02 4:18 PM

Date: August 30, 2002

To: Kathy Woodbury- MROSD

Re: Response to Draft EIR

Dear Ms. Woodbury,

The PMAC and its subcommittees' are elected representatives of four districts in the South coast of San Mateo County. We are to be liaison to the Board of Supervisors in all that affects our communities. The members of the PMAC and the community have allied to voice their opposition to the Coast side and most importantly, the South Coast Annexation. Representation is the key issue. There remains no voice from our area. There are no provisions within your Draft which allow for such representation. Without representation in the discussions of " Significant Impact", the EIR becomes a invalid in all respects.

As a result of our concerns, we have circulated Petitions of Opposition (included). We will continue this pursuit until such time as your project does not include those that have rejected it by Ballot.

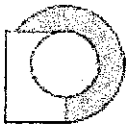
The South Coast is a way of Life , not just Open Space.

Thank you

John Dixon-

**O-15-1**

.....



## We Oppose the Annexation of the South Coast

**We endorse the We Oppose the Annexation of the South Coast Petition to The San Mateo County Board of Supervisors, San Mateo and Santa Clara County LAFCOs, MROSD Board of Directors.**

[Read the We Oppose the Annexation of the South Coast Petition](#)

[Sign the We Oppose the Annexation of the South Coast Petition](#)

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Name	Address, City, Zip Code	Comments
72. Steve Nichols	94060	
71. Lyn Belingheri	P.O. Box 222, La Honda, 94020	
70. nina judd	pescadero ca 94060	no annexation
69. Lee Robert De Lapp	139 Wurr Road, Loma Mar, 94021	
68. Teresa Crispin	133 Redwood Drive, Loma Mar, CA 94021	
67. Lloyd Olsen	49 Cedar Ave, Pescadero	
66. David Pepper	701 Madrone Ave, Pescadero	
65. Rob Johnson	PO Box 680 Pescadero	
64. Lary Lawson	PO Box 680 Pescadero CA	
63. Jill York	915 Dearborn Park Road, P.O. Box 797, Pescadero, CA 94060	
62. Debbie Bennett	P.O. Box 464, Pescadero, CA 94060	
61. Janet Periat	660 Redwood Avenue, Pescadero, 94060	
60. Trageen Baumgart	PO Box 797 Pescadero, CA 94060	
59. Petrea Hamor	861 North Street, PO Box 733, Pescadero, CA 94060	

58. Charles Allen  
Lowder 300 S. Ranch Rd.  
Pescadero, Ca. 94060-  
0248

57. Arnold C.  
Wong 637 Crane Ave.,  
Foster City, CA 94404

56. Catherine  
Raye-Wong 637 Crane Ave.,  
Foster City, CA 94404

55. phylis Gandy  
jaureguy Rt3 Box 107, La  
Honda, ca. 94020

54. Todd and  
Shirley Shirley P.O. Box 314,  
Pescadero

53. Dean  
Hodgkinson 56 Madrone Avenue  
Pescadero, CA 94060

52. James T.  
Kinsella PO Box 765  
Pescadero CA 94019

51. dierdre a.  
geraci 11340 Cabrillo  
Highway (po box 743)

50. Gillian H. Allen P.O. Box 2,  
Pescadero, Ca. 94060

49. Jean W. Arrain 170 Creekside Drv.  
Half Moon Ca, 94019

48. Geoffrey H.  
Allen P.O. Box 2,  
Pescadero, Ca.94060

47. Bryan  
Manternach Boulder Creek, Ca,  
95006

46. Douglas  
Hawkins 1 Serenity Valley  
Drive

45. Carol Myers 2975 Cloverdale Rd.  
Pescadero, Ca. 94060

44. Julie  
Krzaszczak P.O.Box 514 La  
Honda , Ca 94020

43. John  
Krzaszczak P.O.Box 514 La  
Honda , Ca 94020

42. Barbara and  
Thomas  
Grauke P.O.Box 486 La  
Honda, Ca. 94020

41. Paul Willems Box 833, Pescadero,  
94060

40. Marcia E.  
Robinson 655 North St.  
Pescadero, CA 94060

39. William J.  
Domitilli 305 Canyon View  
Drive La Honda, CA  
94020

38. Jerry Haddox 332 Madrone,  
Pescadero, CA 94060

we own a lot in Butano Canyon and believe that annexation will harm with further regulation, rather than help. Sensitivity of coastal issues in this area is best dealt with by people who live there, not by further layers of regulation and government.

We have the Coastal Commission. We have lot development restrictions. We can pass rules and regulations to control development that we, the community, want. We do not need another organization that has authority over our communities.

Housing is in enough of a shortage, and far too much "open space" is not open to public recreation as it is.

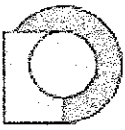


37. Molly McCahon POB 56, Pescadero  
CA 94060
- Linda Amezcua, 752 North St. POB  
36. DVM 216
35. Dianna Killeen PO Box 82 Pescadero and we are both registered voters, so please remember  
and John Killeen CA 94060 that we are against annexation
34. Herbert Hamor 861 North St., PO Box It's time to audit San Mateo County. The South Coast  
733, Pescadero, Ca. is in jeopardy because of poor management.  
94060 Mandating another layer of government will destroy  
the unigue history of the South Coast.
33. Judith E. Periat P.O. Box 326  
Pescadero, CA 94060
32. Lois D. Korhonen 5671 Cloverdale Rd.  
Pescadero, CA 94060
31. Willis K Korhonen 5671 Cloverdale Rd.  
Pescadero, CA 94060
30. Andrew C Hall, Jr. 7691 Alpine Rd. La  
Honda, Ca. 94020
29. K.Sandra Hall 7691 Alpine Rd.  
LaHonda, Ca 94020
28. Gordon Kooyers P.O. Box 407, 183  
Madrone Pescadero  
94060
27. Nancy Kooyers P.O. Box 407, 183  
Madrone, Pescadero  
94060
26. Katherine Hall 7691 Alpine Road, La  
Honda CA 94020
25. Sylvie Paris P.O. Box 375 La  
Honda 94020
24. Pete Congdon 127 Goulson Street, Please Stop Mid Pen Now!  
Pescadero, CA. 94060
23. Dennis J Freeman 8170 Pescadero Creek  
Rd Loma Mar, CA  
94021

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The We Oppose the Annexation of the South Coast Petition to The San Mateo County Board of Supervisors, San Mateo and Santa Clara County LAFCOs, MROSD Board of Directors was created by the Pescadero Municipal Advisory Council and written by [Irina Altona](#). The petition is hosted here at [www.PetitionOnline.com](http://www.PetitionOnline.com) as a public service. There is no express or implied endorsement of this petition by Artifice, Inc. or our sponsors. The petition scripts are created by Mike Wheeler at [Artifice, Inc.](#) For Technical Support please use our simple [Petition Help form](#).



## We Oppose the Annexation of the South Coast

**We endorse the We Oppose the Annexation of the South Coast Petition to The San Mateo County Board of Supervisors, San Mateo and Santa Clara County LAFCOs, MROSD Board of Directors.**

[Read the We Oppose the Annexation of the South Coast Petition](#)

[Sign the We Oppose the Annexation of the South Coast Petition](#)

*Use the Reload button in your web browser to see new signatures*

Name	Address, City, Zip Code	Comments
22. John M Lindstrom	344 Redwood Ave, Pescadero, 94060	
21. Donna Richeson	3800 Cloverdale Road	Pescadero is suffering from an imbalance of decision making powers by well-intentioned people who do not have the perspective of this community. Time to pause to establish some balance.
20. Kathryn Marley	P.O. Box 407, 183 Madrone, Pescadero, 94060	
19. Antonette D Kinsella	PO Box 765 Pescadero CA 94019	We are entitled to decide our fate as South Coast residents. We choose to live here.
18. Cathy Cumming	229 Redwood Ave, Pescadero, 94060	
17. Raymond Lavine	11300 Cabrillo Highway, Pescadero, Ca. 94060	The Board of Supervisors must always consider, before Special Interests, the Community Interest, Public Policy, and Private Interests
16. Kathleen D. Skinner	PO Box 39, Pescadero, CA 94060	You can't get it together to stop our flooding so the least you can do is respect our already voted position on this!
15. Charles R. Skinner	Pescadero, CA 94060	Please respect our position, at least once in your life!
14. Curtis Conroy	1039 Berkeley Ave, Menlo Park, CA 94025	

- 13. Lillian Allouise Hawkins P. O. Box 176, 1 Serenite Valley Drive
- 12. Jon A. Staples 5 Pope Road, La Honda, CA 94020
- 11. Judith K. Staples 181 N. Balsamina Way, Portola Valley, CA 94028

MROSD will have a significant impact on the South Coast and most importantly on the "Rural Service Center" Pescadero. The South Coast is better served by diverse stewardship. Stewardship that can share ideas and strategies to preserve and protect the essence of the South Coast - its diversity and sense of community. The uniformity of stewardship that MROSD represents and presents, will further detract focus from the important issues already faced by the South Coast. I am and will remain adamantly against the Annexation of the Coastside by MROSD.

- 10. John W. Dixon P.O.Box 537 Pescadero, Cal 94060
- 9. Jennifer S. Domitilli 305 Canyon View Dr., La Honda, CA 94020

Public Land has already been sold back to the private market, which only proves we do not have the means to carry out the stewardship and proper maintenance of any more lands at this time. We should be directing our monies toward education, and public services, and concern ourselves with maintaining what we already have. Passing on more debt to the state, because we have over spent or frivolously spent our local buget is neglegent. This expense is superfluous to our current needs. We need to be directing funds and attention to our children, our future, for education, rather than spending it so we can have more hiking trails in an area where the public already has much recreational access. Ultimately annexation of the Southcoast will result in higher taxation either in the name of replenishing used funds from another source (namely education) or to fund maintenance of the properties.

- 8. Shannon Webb 5600 Gazos Crk. Rd./Pescadero, CA 94060
- 7. joan owens 1024 Cedar St., Montara, Ca 94037
- 6. June K. Hurley 5601 Pescadero Rd. Pescadero 94060
- 5. Pamela McReynolds P. O. Box 464, La Honda, CA 94020
- 4. Eugene W. Richeson 3800 Cloverdale Road
- 3. Carol F. Simon 721 Madrone Avenue, Pescadero CA 94060
- 2. Robert Mitton PO Box 864, Pescadero 94060

Annexation will significantly HARM our communities.

1. Irma Mitton PO Box 864, Annexion is unnecessary and an irresponsible use of our tax  
Pescadero 94060 dollars.

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The [We Oppose the Annexation of the South Coast](#) Petition to The San Mateo County Board of Supervisors, San Mateo and Santa Clara County LAFCOs, MROSD Board of Directors was created by the Pescadero Municipal Advisory Council and written by Irma Mitton. The petition is hosted here at [www.PetitionOnline.com](http://www.PetitionOnline.com) as a public service. There is no express or implied endorsement of this petition by Artifice, Inc. or our sponsors. The petition scripts are created by Mike Wheeler at [Artifice, Inc.](#) For Technical Support please use our simple [Petition Help](#) form.

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# P E T I T I O N

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

Wendy DeShazo

2101 CA Highway

Tom S. Johnson

10000 Highway One, Larkspur

Usta Snyders

2000 27th Avenue

James Silva

2300 Alameda Blvd. La Honda

Ray Cox

1500 Alameda Blvd. La Honda

Lorraine Hoff

1500 Alameda Blvd. La Honda

George

1500 Alameda Blvd. La Honda

Ann Marie

1500 Alameda Blvd. La Honda

Ann Marie

1500 Alameda Blvd. La Honda

Neil Williams

1100 Alameda Blvd. La Honda

Neil Williams

1100 Alameda Blvd. La Honda

Neil Williams

1100 Alameda Blvd. La Honda

# PETITION

In signing this petition below, I am expressing my opinion that: I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

(please print name 1<sup>st</sup> line, signature on next line)

PAUL G. MACLEOD  
*[Signature]*

8031 Pescadero Creek  
Loma Mar, Ca 94021

BLAINE C. TANK  
*[Signature]*

C SYLVAN WAY  
BLUNN TERRACE  
Redwood City, CA 94061

WYNNE F. TANK  
KENNETH J. TANK

Box 452  
P.O. Box 131  
Redwood City, CA 94061

*[Signature]*

707  
372 The Heights Blvd  
San Bruno, CA 94066

*[Signature]*

245 Allen Road (over Woodside)  
17507

# PETITION

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

Ken Strawn

P.O. Box 131 San Gregorio CA

John McAlister

P.O. Box 16 San Gregorio CA 94074

Therese M. Miller

16000 San Gregorio Ave. San Gregorio, CA 94074

Frank Atkinson

100 N. Bellmont Blvd. #111 CA 94028

Don Staples

5 Poplar Ln. Los Honda CA 94020

David Johnson

40000 Rd. 20000, CA 94020

[Signature]

[Signature]

Donnell LA Honda, CA 94020

IKMA Mission

Box 804 Pescadero CA 94060

[Signature]

10000 Pescadero CA 94060

[Signature]

10000 Pescadero CA 94060

[Signature]

[Signature]

10000 Pescadero CA 94060

[Signature]

10000 Pescadero CA 94060

# PETITION

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

Deborah C Vento

PO Box 505  
Pescadero 94060

Larry Lawson

PO Box 680 Pescadero 94060

Charles H. Gray

PO Box 850 Pescadero 94060

Chris True

PO Box 35 La Honda, 94020

Theresa Jones

PO Box 35 La Honda 94020

J. M. REYNOLDS

PO Box 156 Pescadero 94060

Ann Pellegrini

PO Box 1387 Montara, CA 94037

Maria Pellegrini

PO Box 1387 Montara, CA 94037

TANVE L. WEA

PO Box 733 LA HONDA, CA 94020

~~Christina Beckwith~~  
Christina Beckwith

RT 2 BOX 189 La Honda 94020

Jaw & Sun

7415 Alpine Rd, La Honda 94020



# PETITION

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

[Signature]

PO BOX 375 BC Costa Real Laguna

[Signature]

Red Box 419 La Honda CA

[Signature]

7 [unclear] [unclear] CA

[Signature]

10 [unclear] Dr. La Honda 94020

William Lan

Starlite Box 90, Woodside CA

Bonnie Rapley

2200 Labitas Creek Hills<sup>45061</sup> CA

[Signature]

3125 [unclear] Ln SS. 95122 CA

[Signature]

1655 [unclear] Blvd Woodside 94062

[Signature]

481 [unclear] Rd Palo Alto

[Signature]

210 R<sup>th</sup> St Menlo Park CA

KEUSA HERRERA

LA HONDA, P.O. BOX 425

Jack Cover

La Honda, CA 94025

**P E T I T I O N**

**In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program**

**(Please print and sign your name)**

**NAME**

**ADDRESS**

J. A. FARNSWORTH

1332 Birch St. Montara

DON E. BACON

1435 Avulber, Montara

Greg Markus *[Signature]*

P.O. Box 371242 Montara

\_\_\_\_\_  
\_\_\_\_\_  
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# P E T I T I O N

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program

(Please print and sign your name)

<u>NAME</u>	<u>ADDRESS</u>
SIAN CARLO Hnatt	PO Box 370833 Montara 94037
Kerrie Holley Ledge ddy	PO Box 370686 Montara
Steven Groulant <i>[Signature]</i>	PO Box 465 Montara 94037
Ray Elaine Raye Elaine	POB 370172 Montara 94034
<i>[Signature]</i> Sarah Sarah	PO Box 370679 Montara
<i>[Signature]</i> Al MacMorres	PO BOX 370355
<i>[Signature]</i> Julie Horner	POB 370448
<i>[Signature]</i> Chris Wason	POB 0287
<i>[Signature]</i> GREG TAMS Greg	1215 371215
<i>[Signature]</i> David Wagner	1480 East Ave.
<i>[Signature]</i> RICHARD D. WASSALLI	P.O. BOX 370443 1385 LE CONTE AVE. MONTARA
<i>[Signature]</i> JAMES L. HAYLES	371-1480 MONTARA 94037

# P E T I T I O N

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed **COASTAL ANNEXATION AREA PROGRAM**

(Please print and sign your name)

NAME

ADDRESS

Jay Ellison VENISE AGUILA Clemis Cruda	Jay Ellison 1013 Shoreline Dr San Mateo CA 94407 PO Box 370983 Montara 94037
Christopher A. Devlich Christopher A. Devlich	331 Winwood Ave Pacifica CA 775 JOHNSTON ST. HALF MOON BAY MONTANA 94037
DEAN ROCCERS Eric Simon Eric Simon	411 3rd St 94037 P.O. Box 370899 94037
Gwen Hawkins Gwen Hawkins	Montara Ca P.O. Box 370525 419 Fifth St
Robert M Buehler R M Buehler	P.O. Box 370193 Montara 94037
Jacqueline Wilson Jacqueline Wilson	Box 370332 (4th - 7th St) Montara Cal 94037
Jim Reed Jim Reed	P.O. Box 370230 MONTARA CA 94037
Robert J. Alaimo Ralt J Alaimo	PO Box 370354 MONTARA CA 94037
Loraine Alaimo Loraine Alaimo	PO Box 370661 Montara Ca 94037-0661
John Sarno John Sarno	PO Box 370661 Montara, CA 94037
Victor Schubert Victor Schubert	PO Box 81 Montara CA 94037

# PETITION

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

MARIO Pellegrini Jr.

1532 Hawser Lane, HUMB, CA. 9401

Michael Wolff - of the City of...

P.O. Box 370133, Montara, CA 94037

DANTE M. PELLEGRINI

P.O. BOX 370757, Montara, CA 94037

Esperanza R. Crancer  
ESPERANZA L CRANCER

29 HARDIE DR. MORAGA, CALIF 94555

MICHAEL HALL

527 8th St MONTARA CA 94019

SARAH HALL

527 8th St. Montara CA 94019

Janet Van Swoll  
Janet Van Swoll

504 8th Montara CA 94037

ZION BENARAT

440 PIERCE POINT Rd, Pescadero, CA 94060

Mike deBeer

503 4th, Montara 94037

Mike deBeer

512 7th St. Montara 94037

STEVE NELSON

485 Marine Blvd Moss Beach 94058

LEN Banks

411 3rd St Montara, CA 94037

# PETITION

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

Larry A. Montague

226 CUESTA ROAD, LA HONDA

Gail Chatlos

P.O. Box 393, La Honda CA 94020

Gail Chalias

Ann J. Kipab

Ann J. Kipab

P.O. Box 305, La Honda, Ca 94020

Victoria Murray King

Victoria Murray King

STATE ST. BOX 159A WOODSIDE, CA 94062

Robert J. Latta

Robert J. Latta

POB 189 La Honda, CA 94020

Catherine Victoria Latta

Catherine Victoria Latta

POB 189 LA HONDA, CA 94020

Kevin O'Brien

Kevin O'Brien

PO Box 154 La Honda, CA 94020

Stacy O'Brien

Stacy O'Brien

PO Box 124 La Honda CA 94020

Paul Corcoran Williams

Paul Corcoran Williams

P.O. Box 404 La Honda CA 94020

Henry Dilling

Henry Dilling

General Delivery La Honda

Liz Kelly

Liz Kelly

PO Box 928 La Honda Ca 94020

Guy A. O'Connor

Guy A. O'Connor

Rt 2 Box 250 LA HONDA CA 94020

# PETITION

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

## NAME

## ADDRESS

Jane Copley	9713 Alpine Rd
<del>Patricia H. H. H.</del>	<del>Box 3531 La Honda CA 94029</del>
Norma Jane	300 Alpine 10 Box 35 La Honda
James Young	P.O. Box 382 La Honda
Lala Sell	P.O. Box 474 La Honda CA 94020
Christine	P.O. Box 370244 LA Honda CA 94024
Cynthia Beck	38 Canada Vista La Honda, Ca.
Don Jones	100 Canada Vista La Honda
Kathleen M. Crane	110 Canada Vista La Honda, Ca. 94029
DANA SMYTH	1115 Redwood Dr La Honda, Ca. 94029
MARTA JOSEPHAL	7415 ALPINE RD LA HONDA, CA 94020
BARBARA SENN	7415 Alpine Rd La Honda, CA 94029
Paulina Senn	

# PETITION

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

<u>NAME</u>	<u>ADDRESS</u>
<u>[Signature]</u>	<u>871 Lakewood Way Woodside</u>
<u>Nancy Gilman</u>	<u>9 Birchwood Way Woodside</u>
<u>Robert F. McCauley</u>	<u>50 Huckleberry Lane LA Honda</u>
<u>Charles Borden</u>	<u>225 Redwood Dr. La Honda</u>
<u>Tom Harris</u>	<u>165 Recreation Dr. La Honda</u>
<u>[Signature]</u>	<u>13994 LA Honda Rd Wood</u>
<u>[Signature]</u>	<u>200 Costa Real LH</u>
<u>[Signature]</u>	<u>1485 Fordway S. Palo Alto</u>
<u>[Signature]</u>	<u>165 CANADA VISTA La Honda</u>
<u>[Signature]</u>	<u>365 Tamara Ct Foster City</u>
<u>[Signature]</u>	<u>61 Venus Ranch Rd.</u>
<u>[Signature]</u>	<u>225 Redwood Dr. La Honda</u>
<u>[Signature]</u>	<u>P.O. 138 La Honda 9402</u>
<u>[Signature]</u>	<u>138 La Honda Rd Woodside 9406</u>



Name

Address

- James Edwin Whitman  
Applefield
- [unclear]
- Roger Baumgard
- Margaret Helmer

180 Oak Ridge Rd Los Gatos 95032  
P.O. Box 430. Lafayette, Ca 94501  
P.O. Box 397 Pescadero 94060 CA  
P.O. Box 83 San Gregorio, Ca 94071

# P E T I T I O N

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

SIGN + PRINT

NAME

ADDRESS

Bob & Angela  
Boeh McGhee

8181 CA Honda RD La Honda CA

John M. McShee

3570 La Honda Way San Francisco  
94024

JARI DELSON

110 HLOABMAN LA HONDA

Fair Dredds  
John J. adds

3865 La Honda Rd.

Steve Dennis  
John J.

15 Redwood La Honda

Kathleen Wolf

402 Judson Dr La Honda

Robert Wolf

402 Judson Dr La Honda

John Wolf

402 Judson Dr La Honda

John Wolf

402 Judson Dr La Honda

Steve Wolf

402 Judson Dr. La Honda

Tom Disten

24 Redwood Terr. La Honda

John Deaton

7 Pope Rd, La Honda 94020

# P E T I T I O N

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

*please sign and print your name*

**NAME (sign & print)**

**ADDRESS**

VD # 21  
MD # 22

P.O. Box 34 - SAN GREGORIO CA 94068

Chris DeBartolani  
Carol Adriano  
Michelle Romano

928 South Rd Belmont CA 94001  
P.O. Box 26 - San Francisco

John A. Deane  
B. Gillis  
P.O. # 100

33 Quince Kent CA 94024

TREVOR W. EISENMAN  
Trevor W. Eisenman

100 Redwood Dr - LINDSEY 94021  
309 WOODLAND VISTA, SAN ANTONIO, TX 78248

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# PETITION

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*please sign and print your name*

**NAME (sign & print)**

**ADDRESS**

*Lester Grinnin*  
Lester Grinnin

RT 3 Box 112 La Honda

*[Signature]*

P.O. Box 752, 440 Terrace, Moss BE

*[Signature]*

491 Pine Ave Hill B C, 94019

Robert Wolf

402 Judson CA Honda

Cheryl Moore

PO Box 527 Pescadero CA

*[Signature]* Michael B. Ordway

424 Lee Ave HMB, CA 94019

Steve Holmquist STEVE HOLMQUIST

110 SAN LUCAS AVE MOSS BEACH, CA 94038

*[Signature]* EVALYN JURIGAN

10480 CABRILLO HWY, Pescadero CA 9

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# P E T I T I O N

In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

*please sign and print your name*

NAME (sign & print)

ADDRESS

JOAN JAYNE

PO BOX 128  
4820 LA Honda Rd. San Gregorio, CA 94068

Sandra Lehner  
Sandra Lehner

2 Marina Rd Woodside, CA 94062  
PO BOX 672 (217 Redwood Dr.)

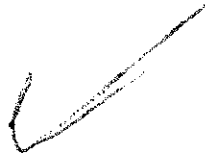
Ann Snyder  
Ann Snyder

La Honda CA 94070

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# PETITION



In signing this petition below, I am expressing my opinion that I AM AGAINST the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

## NAME

## ADDRESS

6 RONALD A. PATTON  
R.A.A. Patton  
HAROLD GRAGG

1029 PEARL AVE M.B

2 Wm. J. Long

504 8<sup>TH</sup> ST. MONTARA

10 ANNA O'KEEFE

504 8<sup>TH</sup> ST. MONTARA

Anna O'Keefe

Steven Patton

9 Steve Patton

1029 Pearl Ave M. Beach

10 Tom Kunkel

Tom Kunkel

1029 Pearl Ave Moss Beach

# PETITION

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

NAME

ADDRESS

(please print name 1<sup>st</sup> line, signature on next line)

James George W. Fuman

180 Oak Ridge Rd Los Gatos Ca 950  
Santa Cruz County

Rose B. Berton

245 Allen Rd Woodside, CA 94062

Rose Mayel

P.O. Box 201  
La Honda CA  
94020

Kay Bell  
by Bell

3781 La Honda Rd  
San Gregorio

John Newland Jr.  
John B. Newland Jr.

P.O. 487  
Pescadero, CA 94060

Jimi Russell  
Jimi Russell

12 Durham Rd  
WOODSIDE, CA 94062

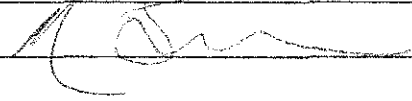
# P E T I T I O N

In signing this petition below, I am expressing my opinion that **I AM AGAINST** the San Mateo County Board of Supervisors and The Midpeninsula Regional Open Space District's proposed Coastal Annexation Area Program:

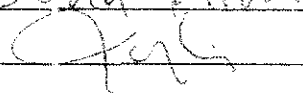
## NAME

## ADDRESS

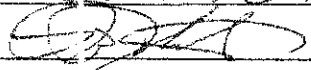
(please print name 1<sup>st</sup> line, signature on next line)

MICHAEL SCHLESZ  


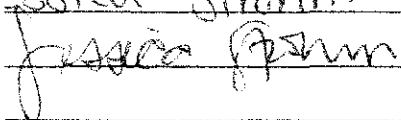
590 E FREMONT AVE  
SUNNYVALE CA 94089

John Kimm  


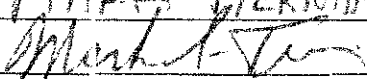
28605 Lathonia rd  
Lathonia Ca 94019

PHILIP ROBERTS  


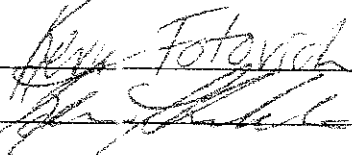
120 ESCOBAR PL. LA Honda CA 94020

Jessica Strahm  


PO Box 538  
Lathonia CA 94020

MARK TIERNANO  


6700 LA HONDA RD  
LA HONDA, CA 94020

Kenn Fotorovich  


8728 La Honda Rd  
La Honda, CA 94020





# O.T.H.

## WE OPPOSE THE ANNEXATION OF THE SOUTH COAST

The undersigned San Mateo County registered voters strongly oppose annexation of the unincorporated South Coast (Pescadero, La Honda, Loma Mar and San Gregorio) by the Midpeninsula Regional Open Space District.

www.petitionOnline.com

132	Printed Name: N. Squarrot Signature: N. Squarrot	Mailing Address: 1133 Chestnut St City, Zip: Menlo Park, CA 94025
133	Printed Name: Cynthia L. Beaman Signature: Cynthia Beaman	Mailing Address: 1365 Hopkins Ave. Apt 4 City, Zip: Redwood City, CA 94062
134	Printed Name: ADELE LIEBERMAN Signature: Adele Lieberman	Mailing Address: 5 Ridgewood Dr City, Zip: Menlo Park CA 94025
135	Printed Name: BARBARA GOODALE Signature: Barbara Goodale	Mailing Address: 1145 McCausser City, Zip: Menlo Park CA 94025
136	Printed Name: PHILIP WALK Signature: Philip Walk	Mailing Address: 204 E. 2nd Ave. City, Zip: SAN MATEO, CA 94401
137	Printed Name: M. HORN Signature: M. Horn	Mailing Address: 214 Thrushbird Cir. City, Zip: Redwood Trees, CA 94065
138	Printed Name: JERI NAIRT Signature: Jeri Nairt	Mailing Address: 1056 Walse Dr City, Zip: Belmont CA 94002
139	Printed Name: ROBERT SHYPLUSKI Signature: Robert Shypluski	Mailing Address: 415 CLAYDEN DR City, Zip: ATH CA 94025
140	Printed Name: James Neilson Signature: James Neilson	Mailing Address: 175 Van Buren St City, Zip: San Mateo, CA 94403
141	Printed Name: John Messick Jr. Signature: John Messick Jr.	Mailing Address: 1725 Van Buren St City, Zip: San Mateo 94403
142	Printed Name: Stephen J. Burke Signature: Stephen J. Burke	Mailing Address: 5116 Shelter Creek Lane City, Zip: San Bruno, CA 94066
	Printed Name: Signature:	Mailing Address: City, Zip:
	Printed Name: Signature:	Mailing Address: City, Zip:
	Printed Name: Signature:	Mailing Address: City, Zip:
	Printed Name: Signature:	Mailing Address: City, Zip:

please do not put on mailing list

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**WE OPPOSE THE ANNEXATION OF THE SOUTH COAST**

The undersigned San Mateo County registered voters strongly oppose annexation of the unincorporated South Coast (Pescadero, La Honda, Loma Mar and San Gregorio) by the Midpeninsula Regional Open Space District.

114	Printed Name: Charles R. Skinner Signature: <i>Charles R. Skinner</i>	Mailing Address: P.O. Box 39 City, Zip Pescadero 94060
115	Printed Name: Kathleen D. Skinner Signature: <i>Kathleen D. Skinner</i>	Mailing Address: P.O. 39 City, Zip Pescadero 94060
116	Printed Name: Margaret Nowland Signature: <i>Margaret Nowland</i>	Mailing Address: PO Box 487 City, Zip Pescadero, Ca. 94060
117	Printed Name: Tony Prigan Signature: <i>Tony Prigan</i>	Mailing Address: City, Zip P.O. 33 94060-33
118	Printed Name: Françoise Johnson Signature: <i>Françoise Johnson</i>	Mailing Address: 1251 Rosita Rd City, Zip Pacifica Ca 94041
119	Printed Name: Floyd Johnson Signature: <i>Floyd Johnson</i>	Mailing Address: 1251 ROSITA RD City, Zip Pacifica CA 94044
120	Printed Name: JUNG H. PETERSON Signature: <i>Jung H. Peterson</i>	Mailing Address: 1293 CROMPTON RD City, Zip REDWOOD CITY, CA 94061
121	Printed Name: Debra Peterson Signature: <i>Debra Peterson</i>	Mailing Address: 1293 Crompton Rd City, Zip Redwood City, CA 94061
122	Printed Name: Sylvia Merchant Signature: <i>Sylvia Merchant</i>	Mailing Address: 287 Alameda De los Pulgas City, Zip Redwood City, Ca. 94062
123	Printed Name: Elizabeth Merchant Signature: <i>Elizabeth Merchant</i>	Mailing Address: Box 613 City, Zip Pescadero CA 94060
124	Printed Name: BARRY STOKK Signature: <i>Barry Stokk</i>	Mailing Address: City, Zip San Mateo, CA 94402
125	Printed Name: James Hanson Signature: <i>James Hanson</i>	Mailing Address: 1228 Crespi Drive City, Zip Pacifica Ca. 94044
126	Printed Name: MAJ BLOOM Signature: <i>Maj Bloom</i>	Mailing Address: 182 HAWKINS City, Zip APTOS, CA. 93003
127	Printed Name: JOHN NOWLAND Signature: <i>John Nowland</i>	Mailing Address: P.O. Box 487 City, Zip Pescadero, Ca. 94060
128	Printed Name: Sarina Bromberg Signature: <i>Sarina Bromberg</i>	Mailing Address: PO B 12 City, Zip Pescadero, 94060





**WE OPPOSE THE ANNEXATION OF THE SOUTH COAST**

The undersigned San Mateo County registered voters strongly oppose annexation of the unincorporated South Coast (Pescadero, La Honda, Loma Mar and San Gregorio) by the Midpeninsula Regional Open Space District.

96	Printed Name: Richard Fieskes Signature: Richard Fieskes	Mailing Address: 235 GARDNER City, Zip E PALO ALTO CA 94303
97	Printed Name: R.D SCOFIELD Signature: R.D. Scofield	Mailing Address: 21 Big tree Rd City, Zip Redwood City CA 94062
98	Printed Name: JOHN KEEL Signature: John Keel	Mailing Address: PO BOX 487 City, Zip LA HONDA CA 94020
99	Printed Name: JANICE PETERSON Signature: Janice Peterson	Mailing Address: P.O. BOX 78 City, Zip SAN GREGORIO, CA 94064
100	Printed Name: ERICK EISENMAN Signature: ERICK EISENMAN	Mailing Address: P.O. BOX 3917 City, Zip La Honda 94020
101	Printed Name: TRISTAN EMERSON Signature: Tristan Emerson	Mailing Address: STAR RTE BOX 90 City, Zip WOODSIDE CA 94062
102	Printed Name: REGINALD KOOPMAN Signature: Reginald Koopman	Mailing Address: PO BOX 161 City, Zip La Honda, CA 94020
103	Printed Name: TERRY M. BROWN Signature: Terry Brown	Mailing Address: P.O. BOX 643 City, Zip LA HONDA, CA 94020
104	Printed Name: CATHLEEN RANDALL BROWN Signature: Cathleen Randall Brown	Mailing Address: P.O. BOX 643 City, Zip La Honda, CA 94020
105	Printed Name: CRAIG R. EDDY Signature: Craig R Eddy	Mailing Address: P.O. BOX 92 City, Zip LA HONDA CA 94020
106	Printed Name: Thomas N Stoffel Signature: Thomas Stoffel	Mailing Address: P.O. BOX Star RTE BOYD - A City, Zip La Honda, CA 94020
	Printed Name: Signature:	Mailing Address: City, Zip
	Printed Name: Signature:	Mailing Address: City, Zip
	Printed Name: Signature:	Mailing Address: City, Zip
	Printed Name: Signature:	Mailing Address: City, Zip



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Printed Name: <i>Jonathan C Barrett</i>	Mailing Address: <i>1060 Warr Rd</i>
Signature: <i>Jonathan C Barrett</i>	City, Zip <i>Loma Mar CA 94021</i>
Printed Name: <i>STEVEN G. GIBBS</i>	Mailing Address: <i>P.O. BOX 608</i>
Signature: <i>Steven Gibbs</i>	City, Zip <i>PESCADERO, CA. 94060</i>
Printed Name: <i>CONLEY F. LAW</i>	Mailing Address: <i>P.O. BOX 257</i>
Signature: <i>Conley F. Law</i>	City, Zip <i>LA HONDA CA 94020</i>
Printed Name: <i>Theodore J. Crespo</i>	Mailing Address: <i>PO BOX 177</i>
Signature: <i>T.J. Crespo</i>	City, Zip <i>La Honda Ca. 94020</i>
Printed Name: <i>James A Moore</i>	Mailing Address: <i>PO BOX 785</i>
Signature: <i>JAMES A MOORE</i>	City, Zip <i>HALF MOON BAY 94018</i>
Printed Name: <i>LIBERT HESS</i>	Mailing Address: <i>C/O RANCHO ROAD WEST</i>
Signature: <i>Libert Hess</i>	City, Zip <i>USED HESS PO BOX PESCADERO 94060</i>
Printed Name: <i>GID LINDSEY</i>	Mailing Address: <i>P.O. BOX 112</i>
Signature: <i>Gid Lindsey</i>	City, Zip <i>MASS BEACH, CA 94038</i>
Printed Name: <i>Ken Staal</i>	Mailing Address: <i>P.O. Box 137</i>
Signature: <i>Ken Staal</i>	City, Zip <i>San Gregorio, CA 94037</i>
Printed Name: <i>CATHARINE F. SIMM</i>	Mailing Address: <i>P.O. Box 137</i>
Signature: <i>Catharine Simm</i>	City, Zip <i>San Gregorio, CA 94037</i>
Printed Name: <i>RONALD DUARTE</i>	Mailing Address: <i>202 Stage Rd.</i>
Signature: <i>Ronald Duarte</i>	City, Zip <i>94060 Pescadero, Ca.</i>
Printed Name: <i>Caesar Silvestri</i>	Mailing Address: <i>PO Box 247</i>
Signature: <i>Caesar Silvestri</i>	City, Zip <i>Pescadero Ca. 94060</i>
Printed Name: <i>ANNE FLINT</i>	Mailing Address: <i>PO BOX 519</i>
Signature: <i>ASTON F. PERIAT</i>	City, Zip <i>PESCADERO, CA</i>
Printed Name: <i>Tony A Gomes</i>	Mailing Address: <i>PO BOX 13</i>
Signature: <i>Tony A Gomes</i>	City, Zip <i>Pescadero</i>
Printed Name: <i>John B Nowlan</i>	Mailing Address: <i>200 WARR RD</i>
Signature: <i>John B Nowlan</i>	City, Zip <i>Loma Mar, CA 94021</i>
Printed Name: <i>Tim Sullivan</i>	Mailing Address: <i>3041 Pescadero Rd</i>
Signature: <i>Tim Sullivan</i>	City, Zip <i>Pescadero Cal 94060</i>

**WE OPPOSE THE ANNEXATION OF THE SOUTH COAST**

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Printed Name: Janice Keen Signature: Janice Keen	Mailing Address: 10599 Cabrillo Hwy. City, Zip Pescadero CA 94060
Printed Name: DAVID F. AUGUSTINE Signature: David F. Augustine	Mailing Address: 1500 CLOVERDALE RD. City, Zip PESADERO, CA. 94060
Printed Name: Robert W. McClawort Signature: Robert W. McClawort	Mailing Address: PO Box 56 City, Zip Pescadero, CA 94060
Printed Name: Chris Connor Signature: Christopher Connor	Mailing Address: 10056 Pescadero Rd City, Zip Loma Mar 94024
Printed Name: GAEL SOLOS Signature: Gael Solos	Mailing Address: P.O. 842 City, Zip Pescadero 94060
Printed Name: Belinda Caughney Signature: Belinda Caughney	Mailing Address: P.O. BOX 71 City, Zip LA HONDA, CA. 94020
Printed Name: Patricia Sayabca Signature: Patricia Sayabca	Mailing Address: PO Box 224 City, Zip Pescadero, Ca 94060
Printed Name: Signature: M. D. A.	Mailing Address: City, Zip P.O. Box 1000 Pescadero
Printed Name: Robert E. Neumann Signature: Robert E. Neumann	Mailing Address: P.O. Box 798 City, Zip Pescadero, CA 94060
Printed Name: Chuck Sporn Signature: Chuck Sporn	Mailing Address: PO 821 City, Zip Pescadero CA. 94060
Printed Name: Ronald F. McDevitt Signature: Ronald F. McDevitt	Mailing Address: P.O. Box 244 City, Zip 94060
Printed Name: RICHARD J. PORAZYSKI Signature: Richard J. Porazyski	Mailing Address: PO Box 718 City, Zip PESADERO, CA 94060
Printed Name: EDWARD A. ZUKOSKY Signature: Edward A. Zukosky	Mailing Address: 309 STAGGERD. PO Box 145 City, Zip PESADERO, CA. 94060
Printed Name: Geraldine M. Burns Signature: Geraldine M. Burns	Mailing Address: 773 North St Bx 31 City, Zip Pescadero Cal. 94060
Printed Name: Steve D. Simms Signature: Steve D. Simms	Mailing Address: P.O. Box 9 City, Zip Pescadero 94060

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Printed Name: MAEY WALKER Signature: <i>M. Walker</i>	Mailing Address: P.O. Box 883 City, Zip PESCADERO 94060-0883
Printed Name: Daisy Walker Signature: <i>D. Walker</i>	Mailing Address: P.O. Box 883 City, Zip PESCADERO, 94060-0883
Printed Name: Joan Rohde Signature: <i>JOAN ROHDE</i>	Mailing Address: P.O. Box 68 City, Zip Pescadero, ca.
Printed Name: Maeva Neale Signature: <i>Maeva Neale</i>	Mailing Address: PO Box 750 City, Zip Pescadero, CA 94060
Printed Name: KAY NELSON Signature: <i>Kay Nelson</i>	Mailing Address: 5751 Pescadero Rd City, Zip Pescadero CA 94060
Printed Name: MICHAEL JACKSON Signature: <i>Michael Jackson</i>	Mailing Address: P.O. Box 755 City, Zip PESCADERO, CA 94060
Printed Name: DEE LAF VAN BROCKHUIJ Signature: <i>Dee Laf van Brockhuij</i>	Mailing Address: 423 DEARBORN PK RD City, Zip PESCADERO, CA 94060
Printed Name: VON BROCKHUIJ Signature: <i>Wavin van Brockhuij</i>	Mailing Address: " RAINE City, Zip
Printed Name: Rodger Reinhardt Signature: <i>Rodger Reinhardt</i>	Mailing Address: 443 Dearborn Park Rd City, Zip Pescadero, CA 94060
Printed Name: Robert Reinhardt Signature: <i>Robert Reinhardt</i>	Mailing Address: 443 Dearborn Park Rd City, Zip Neale Park 94029
Printed Name: LYNN BOWMAN Signature: <i>Lynn Bowman</i>	Mailing Address: 443 DEARBORN PK City, Zip PESCADERO, CA 94060
Printed Name: Maive Stickney Signature: <i>Maive Stickney</i>	Mailing Address: PO Box 745 City, Zip Pescadero CA 94060
Printed Name: A. B. LATIMER Signature: <i>A. B. Latimer</i>	Mailing Address: PO Box 517 PESCADERO CA 94060
Printed Name: Willie Sue Orr Signature: <i>Willie Sue Orr</i>	Mailing Address: PO Box 577 City, Zip Pescadero, CA 94060
Printed Name: web PRIGAN Signature: <i>web Prigan</i>	Mailing Address: P. O. Box 33 City, Zip Pescadero 94060

**WE OPPOSE THE ANNEXATION OF THE SOUTH COAST**

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Printed Name: Vince Narez	Mailing Address: PO BOX 127
Signature: <i>Vince Narez</i>	City, Zip Pescadero 94060
Printed Name: Robert C Johnson	Mailing Address: PO Box 680
Signature: <i>Robert C Johnson</i>	City, Zip Pescadero, CA 94060
Printed Name: John Neate	Mailing Address: Box 750
Signature: <i>John Neate</i>	City, Zip Pescadero CA 94060
Printed Name: SIBBARD	Mailing Address: PO Box 538
Signature: <i>SIBBARD</i>	City, Zip Pescadero, CA 94060
Printed Name: Norman Armstrong	Mailing Address: P.O. Box 852
Signature: <i>Norman Armstrong</i>	City, Zip Pescadero CA 94060
Printed Name: Meredith Reynolds	Mailing Address: PO Box 156
Signature: <i>Meredith Reynolds</i>	City, Zip Pescadero CA 94060
Printed Name: Dante Silvestri	Mailing Address: PO BOX 118
Signature: <i>Dante Silvestri</i>	City, Zip Pescadero CA 94060
Printed Name: Robert Talley	Mailing Address: P.O. Box 742
Signature: <i>Robert Talley</i>	City, Zip Pescadero CA 94060
Printed Name: KILLGREN	Mailing Address: P.O. BOX 82
Signature: <i>KILLGREN</i>	City, Zip Pescadero, CA 94060
Printed Name: I. Roberts	Mailing Address: P.O. Box 688
Signature: <i>I. Roberts</i>	City, Zip 94060
Printed Name: Stephen Okun	Mailing Address: PO Box 399
Signature: <i>Stephen Okun</i>	City, Zip Pescadero, CA 94060
Printed Name: Edward W. Weeks	Mailing Address: PO Box 115
Signature: <i>Edward W. Weeks</i>	City, Zip Pescadero CA 94060
Printed Name: Lewis J. J. J. J.	Mailing Address: BOX 447
Signature: <i>Lewis J. J. J.</i>	City, Zip Pescadero, CA 94060
Printed Name:	Mailing Address: Box 263
Signature: <i>Donnie Sarabia</i>	City, Zip Pescadero, CA 94060
Printed Name: DONNIE SARABIA	Mailing Address: BOX 374
Signature: <i>Donnie Sarabia</i>	City, Zip Pescadero, CA 94060

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www. PetitionOnline. com	
Printed Name: CHRIS SCHMIDT Signature: <i>Chris Schmidt</i>	Mailing Address: PO Box 48 City, Zip Loma Mar 94021
Printed Name: Donald S. Booher Signature: <i>Don Booher</i>	Mailing Address: PO Box 16 City, Zip Loma Mar 94021
Printed Name: JOHN C. TOOLE Signature: <i>John C. Toole</i>	Mailing Address: 6150 PESCADERO RD City, Zip LOMA MAR, CA 94021
Printed Name: JEDI ERIKSEN Signature: <i>Jedi Eriksen</i>	Mailing Address: 20 WARR ROAD PO Box 40 City, Zip Loma Mar, Ca 94021
Printed Name: GEORGE DeROCHES Signature: <i>George DeRoches</i>	Mailing Address: PO BOX 8 City, Zip LOMA MAR 94021
Printed Name: Alex Jones Signature: <i>Alex Jones</i>	Mailing Address: PO Box 44 City, Zip Loma Mar, CA 94021
Printed Name: Leona Cash Signature: <i>Leona M. Cash</i>	Mailing Address: City, Zip
Printed Name: CRYSTAL KLINGEL Signature: <i>Crystal Klingel</i>	Mailing Address: PO-Box 42 City, Zip Loma Mar, Ca. 94021
Printed Name: WILLIAM H. CHASE SR Signature: <i>William H. Chase Sr.</i>	Mailing Address: PO Box 134 City, Zip LOMA MAR CA 94021
Printed Name: MIAN DWARTE Signature: <i>Mian Dwarde</i>	Mailing Address: PO BOX 39 City, Zip LOMA MAR CA 94021
Printed Name: Vicki Rupe Signature: <i>Vicki Rupe</i>	Mailing Address: 125 Warr Rd City, Zip Loma Mar CA 94021
Printed Name: HARRY SELINGER Signature: <i>Harry Selinger</i>	Mailing Address: 1000 BARRIDGE RD Box 174 La Honda 94020
Printed Name: Mark Schmeide Signature: <i>Mark Schmeide</i>	Mailing Address: 1480 WARR RD City, Zip Loma Mar Ca 94021
Printed Name: MARIANNE CONNER Signature: <i>Marianne Conner</i>	Mailing Address: 410 WARR RD City, Zip Loma Mar 94021
Printed Name: GARRISON Ruiz Signature: <i>Garrison Ruiz</i>	Mailing Address: 540 WARR RD City, Zip LOMA MAR, CA 94021

AD. SAN B  
94020



### WE OPPOSE THE ANNEXATION OF THE SOUTH COAST

The undersigned San Mateo County registered voters strongly oppose annexation of the unincorporated South Coast (Pescadero, La Honda, Loma Mar and San Gregorio) by the Midpeninsula Regional Open Space District.

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Printed Name: JOE MUZZI	Mailing Address: P.O. 186
Signature: Joe Muzzi	City, Zip PESCADERO 94060
Printed Name: ERIC WEBB	Mailing Address: P.O. Box 378
Signature: Eric Webb	City, Zip Pescadero CA 94060
Printed Name: CLIFFORD J. MOORE	Mailing Address: P.O. Box 162
Signature: Clifford J. Moore	City, Zip PESCADERO CA 94060
Printed Name: GARY MARSH	Mailing Address: P.O. Box 99
Signature: Gary Marsh	City, Zip Pescadero, Ca. 94060
Printed Name: <del>XXXXXXXXXXXX</del>	Mailing Address:
Signature: <del>XXXXXXXXXXXX</del>	City, Zip
Printed Name: BOB BURTON	Mailing Address: P.O. Box 163
Signature: Bob Burton	City, Zip Pescadero CA 94060
Printed Name: ROY STURGEON	Mailing Address: P.O. Box 36
Signature: Roy Sturgeon	City, Zip San Gregorio 94074
Printed Name: MARILYN JOHNSON	Mailing Address: 100 Fish Ridge Rd.
Signature: Marilyn Johnson	City, Zip SFB, CA 94019
Printed Name: DAVID COOPER	Mailing Address: 5701 Pescadero Creek Rd
Signature: David Cooper	City, Zip Pescadero CA 94060
Printed Name: MELINDA LAUDY	Mailing Address: P.O. Box 74
Signature: Melinda Landy	City, Zip LA HONDA, CA 94028
Printed Name: KELLY MCKNIGHT	Mailing Address: POB 800
Signature: Kelly McKnight	City, Zip Pescadero CA 94060
Printed Name: STEVEN FELSOVANYI	Mailing Address: POB 488
Signature: Steven Felsovanyi	City, Zip PESCADERO, CA 94060
Printed Name:	Mailing Address:
Signature:	City, Zip
Printed Name:	Mailing Address:
Signature:	City, Zip
Printed Name:	Mailing Address:
Signature:	City, Zip

SOUTHERN - WAREHOUSES

# WE OPPOSE ANNEXATION OF T.L. COAST

The undersigned registered voters strongly oppose annexation of the San Mateo County coast by the Midpeninsula Regional Open Space District (MROSD).

Please Include Printed Name, Mailing Address, and Signature	
Printed Name: William Peck Signature: <i>William T. Peck</i>	Mailing Address: P.O. Box 65 City, Zip Pescadero CA 94060
Printed Name: JACQUE GARNEL Signature: <i>Jacq. Garnel</i>	Mailing Address: 770 Woodside Drive City, Zip Woodside, CA 94062
Printed Name: Penelope Garnel Signature: <i>Penelope Garnel</i>	Mailing Address: P.O. Box 690267 City, Zip Woodside, CA 94062
Printed Name: John Mary Sinclero Signature: <i>John Mary Sinclero</i>	Mailing Address: P.O. Box 146 City, Zip Pescadero CA 94060
Printed Name: E. Clement Signature: <i>E. Clement</i>	Mailing Address: P.O. Box 153 City, Zip Pescadero 94060
Printed Name: RAY DUGLON Signature: <i>Ray Duglon</i>	Mailing Address: P.O. Box 188 City, Zip PESCADERO CA 94060
Printed Name: MARY ELSA WYANT Signature: <i>Mary Elsa Wyant</i>	Mailing Address: 10008 Pescadero Rd City, Zip Loma Mar 94021
Printed Name: SPURST CIMOS Signature: <i>Spurst Cimos</i>	Mailing Address: P.O. Box 305 City, Zip Redwood City CA 94061-0305
Printed Name: Zoe Peepson Harrington Signature: <i>Zoe Peepson Harrington</i>	Mailing Address: 77 UPenof RD City, Zip Woodside CA 94062
Printed Name: Andrea Nichols Signature: <i>Andrea Nichols</i>	Mailing Address: City, Zip
Printed Name: Michael G. Knab Signature: <i>Michael G. Knab</i>	Mailing Address: P.O. Box 303 City, Zip LA Honda, CA 94020
Printed Name: <del>XXXXXXXXXX</del> Signature: <del>XXXXXXXXXX</del>	Mailing Address: <del>XXXXXXXXXX</del> City, Zip <del>XXXXXXXXXX</del>
Printed Name: Dierdra Geraci Signature: <i>Mrs. Dierdra Geraci</i>	Mailing Address: Box 743 City, Zip Pescadero CA 94060
Printed Name: Richard E Mesak Signature: <i>R. Mesak</i>	Mailing Address: P.O. Box 620648 City, Zip Woodside, CA 94062
Printed Name: Steve Karab Signature: <i>Steve Karab</i>	Mailing Address: 317 Channing St City, Zip Santa Cruz, CA 95060



# WE OPPOSE ANNEXATION OF T.L. COAST

The undersigned registered voters strongly oppose annexation of the San Mateo County coast by the Midpeninsula Regional Open Space District (MROSD).

Please Include Printed Name, Mailing Address, and Signature	
Printed Name: GORDON YEE Signature: Gordon Yee	Mailing Address: 62 SOLANO ST. City, Zip BRISBANE, CA 94005
Printed Name: KAY NELSON Signature: Kay Nelson	Mailing Address: 5751 Pescadero Rd City, Zip Pescadero CA 94060
Printed Name: Jenny Scarlett Signature: Jenny Scarlett	Mailing Address: 1233-B Hidden Creek City, Zip Santa Rosa CA 95409
Printed Name: JOAN DICKEY Signature: Joan D. Dickey	Mailing Address: P.O. Box 133 City, Zip Moss Beach CA 94038
Printed Name: JOHN B. NOWLAND Signature: John B. Nowland	Mailing Address: 200 WYRER RD City, Zip LOMA MAR, CA 94021
Printed Name: Michael W. ZRLIN Signature: Michael W. Zrlin	Mailing Address: PO Box 127 City, Zip Loma Mar, CA 94020-0127
Printed Name: ROY BRIXEN Signature: Roy Brixen	Mailing Address: 2599- 31st Ave City, Zip SF, CA 94116
Printed Name: EDWIN NUNES Signature: Edwin Nunes	Mailing Address: P.O. Box 113 City, Zip 94060
Printed Name: CAROL SEALEY Signature: Carol Sealey	Mailing Address: 200 BOX 522 City, Zip Pescadero CA 94060
Printed Name: ROIS MURISON Signature: Rois Murison	Mailing Address: 439 MYRTLE ST City, Zip HALF 94019
Printed Name: Vicki M. Brodie Signature: Vicki M. Brodie	Mailing Address: 1511 Newlands Ave #1 City, Zip Burlingame 94010
Printed Name: OSAR BRAUN Signature: Osar Braun	Mailing Address: 1587 Higgs Hill Canyon Rd City, Zip Half Moon Bay, CA 94019
Printed Name: Paula Christensen Signature: Paula Christensen	Mailing Address: P.O. Box 757 City, Zip Pescadero, CA 94060
Printed Name: DAVID PAUL Signature: David Paul	Mailing Address: 2071 Siam Wood Dr. City, Zip San Jose 95132 7045
Printed Name: Kathy Albrecht Signature: Kathy Albrecht	Mailing Address: PO BOX 832 City, Zip Pescadero CA 94060

# WE OPPOSE ANNEXATION OF THE COAST

The undersigned registered voters strongly oppose annexation of the San Mateo County coast by the Midpeninsula Regional Open Space District (MROSD).

Please Include Printed Name, Mailing Address, and Signature	
Printed Name: <u>Barne Joye</u> Signature: <u>[Signature]</u>	Mailing Address: <u>4751 La Honda Rd.</u> City, Zip <u>La Honda, Ca 94020</u>
Printed Name: <u>Leslie Fleming</u> Signature: <u>[Signature]</u>	Mailing Address: <u>PO Box 509</u> City, Zip <u>Pescadero CA 94060</u>
Printed Name: <u>Norm Bunkowski</u> Signature: <u>[Signature]</u>	Mailing Address: <u>595 Dearborn Park Rd</u> City, Zip <u>Pescadero CA 94060</u>
Printed Name: <u>Marden Shubert</u> Signature: <u>[Signature]</u>	Mailing Address: <u>595 Dearborn Park Rd</u> City, Zip <u>Pescadero CA 94060</u>
Printed Name: <u>Beth McGhee</u> Signature: <u>[Signature]</u>	Mailing Address: <u>PO Box 655</u> City, Zip <u>LA HONDA CA 94020</u>
Printed Name: <u>Stacy Burnett</u> Signature: <u>[Signature]</u>	Mailing Address: <u>PO Box 655</u> City, Zip <u>La Honda CA 94020</u>
Printed Name: <u>Robert E Conkey</u> Signature: <u>[Signature]</u>	Mailing Address: <u>131 Ave Granada</u> City, Zip <u>El Granada CA 95</u>
Printed Name: <u>Henry Yelaman</u> Signature: <u>[Signature]</u>	Mailing Address: <u>517 Poplar St</u> City, Zip <u>LA Honda CA 94020</u>
Printed Name: <u>Beth Hechtman</u> Signature: <u>[Signature]</u>	Mailing Address: <u>1941 Channing Ave</u> City, Zip <u>Palo Alto CA 94303</u>
Printed Name: <u>SUSAN SQUIREN</u> Signature: <u>[Signature]</u>	Mailing Address: <u>BOX 881</u> City, Zip <u>Pescadero CA 94060</u>
Printed Name: <u>David Zigler</u> Signature: <u>[Signature]</u>	Mailing Address: <u>Box 581</u> City, Zip <u>Pescadero CA 94060</u>
Printed Name: <u>Carol C. Fields</u> Signature: <u>[Signature]</u>	Mailing Address: <u>PO Box 72</u> City, Zip <u>ALBION CA 94037</u>
Printed Name: <u>JAMES B. SCHERR</u> Signature: <u>[Signature]</u>	Mailing Address: <u>P.O. Box 483</u> City, Zip <u>LA HONDA CA 94020</u>
Printed Name: <u>James Arnold</u> Signature: <u>[Signature]</u>	Mailing Address: <u>24142 Big Basin Way</u> City, Zip <u>Saratoga CA 95070</u>
Printed Name: <u>DALE PORTER</u> Signature: <u>[Signature]</u>	Mailing Address: <u>5069 Rio Vista Ave</u> City, Zip <u>San Jose, CA 95129</u>

# WE OPPOSE ANNEXATION OF THE COAST

The undersigned registered voters strongly oppose annexation of the San Mateo County coast by the Midpeninsula Regional Open Space District (MROSD).

Please Include Printed Name, Mailing Address, and Signature	
Printed Name: <u>Yvonne Corven</u> Signature: <u>[Signature]</u>	Mailing Address: <u>267 S. 14th St</u> City, Zip: <u>SAN JOSE CA 95112</u>
Printed Name: <u>Ralph Dias</u> Signature: <u>[Signature]</u>	Mailing Address: <u>100 Glen Eerie #2</u> City, Zip: <u>San Jose CA 95125</u>
Printed Name: <u>Deborah Vento</u> Signature: <u>Deborah Vento</u>	Mailing Address: <u>PO Box 505</u> City, Zip: <u>Pescadero 94060</u>
Printed Name: <u>Jim Gorman</u> Signature: <u>[Signature]</u>	Mailing Address: <u>Zangley Hill Rd</u> City, Zip: <u>Andover Woodside CA 94062</u>
Printed Name: <u>BARBARA Mc CREARY</u> Signature: <u>Barbara E. Mc Creary</u>	Mailing Address: City, Zip:
Printed Name: <u>PATRICK D WILLIAMS</u> Signature: <u>Pat Williams</u>	Mailing Address: <u>P.O. Box 404</u> City, Zip: <u>LA HONDA CA 94020</u>
Printed Name: <u>THOMAS FULLER</u> Signature: <u>[Signature]</u>	Mailing Address: <u>604 Mystric Ln</u> City, Zip: <u>FOSTER CITY, CA 94404</u>
Printed Name: <u>MARLYSE FULLER</u> Signature: <u>[Signature]</u>	Mailing Address: <u>604 Mystric Ln</u> City, Zip: <u>FOSTER CITY CA 94404</u>
Printed Name: <u>MICHELLE JACKSON</u> Signature: <u>Michelle Jackson</u>	Mailing Address: <u>1026 S Idaho</u> City, Zip: <u>San Mateo CA 94402</u>
Printed Name: <u>BUD BOGUE</u> Signature: <u>Bud Bogue</u>	Mailing Address: <u>PO Box 45</u> City, Zip: <u>DAVENPORT 95011</u>
Printed Name: <u>Frank Muzzie</u> Signature: <u>[Signature]</u>	Mailing Address: <u>Po Box 398</u> City, Zip: <u>Pescadero 94060</u>
Printed Name: <u>MIKE HOL</u> Signature: <u>[Signature]</u>	Mailing Address: <u>P.O. Box 425</u> City, Zip: <u>Pescadero CA 94060</u>
Printed Name: <u>Thomas Marks</u> Signature: <u>[Signature]</u>	Mailing Address: <u>PO. Box 716</u> City, Zip: <u>Pescadero 94060</u>
Printed Name: <u>Margaret A. Young</u> Signature: <u>Margaret A. Young</u>	Mailing Address: <u>1230A Marin Ave.</u> City, Zip: <u>Albany, CA 94706</u>
Printed Name: Signature:	Mailing Address: City, Zip:

# WE OPPOSE ANNEXATION OF THE COAST

The undersigned registered voters strongly oppose annexation of the San Mateo County coast by the Midpeninsula Regional Open Space District (MROSD).

Please Include Printed Name, Mailing Address, and Signature	
Printed Name: <i>Scott Sokol</i> Signature: <i>[Signature]</i>	Mailing Address: <i>General Delivery</i> City, Zip: <i>San Francisco Ca 94074</i>
Printed Name: <i>John Stewart</i> Signature: <i>[Signature]</i>	Mailing Address: <i>212 Kelly St</i> City, Zip: <i>Half Moon Bay 94019</i>
Printed Name: <i>Jim Toranzo</i> Signature: <i>[Signature]</i>	Mailing Address: <i>General Delivery</i> City, Zip: <i>San Geronimo Ca 94074</i>
Printed Name: <i>Jeff Worley</i> Signature: <i>[Signature]</i>	Mailing Address: <i>P.O. Box 3319</i> City, Zip: <i>Half Moon Bay Ca 94019</i>
Printed Name: <i>PAULA BRISKER</i> Signature: <i>[Signature]</i>	Mailing Address: <i>P.O. Box 3319</i> City, Zip: <i>Half Moon Bay, CA 94019</i>
Printed Name: <i>Geoffrey H. Allen</i> Signature: <i>[Signature]</i>	Mailing Address: <i>P.O. Box 2</i> City, Zip: <i>Pescadero, Ca 94060</i>
Printed Name: <i>Leah Reedy</i> Signature: <i>[Signature]</i>	Mailing Address: <i>530 Wynn Rd</i> City, Zip: <i>Loma Mar, Ca 94021</i>
Printed Name: <i>Ba. N. U</i> Signature: <i>[Signature]</i>	Mailing Address: <i>365 Henderson Dr</i> City, Zip: <i>San Jose CA 95123</i>
Printed Name: <i>Charles Harris</i> Signature: <i>[Signature]</i>	Mailing Address: <i>P.O. Box 183</i> City, Zip: <i>LA Honda 94020</i>
Printed Name: <i>Kathleen Greenberg</i> Signature: <i>[Signature]</i>	Mailing Address: <i>P.O. Box 973</i> City, Zip: <i>La Honda Ca 94020</i>
Printed Name: <i>Lucas Demitilli</i> Signature: <i>[Signature]</i>	Mailing Address: <i>Str Rt 3 P.O. Box 86</i> City, Zip: <i>La Honda CA 94020</i>
Printed Name: <i>JACQUES ZINERT</i> Signature: <i>[Signature]</i>	Mailing Address: <i>951 OAKCOURT Rd</i> City, Zip: <i>BERMONT CA 94002</i>
Printed Name: <i>Kimberly Stefana</i> Signature: <i>[Signature]</i>	Mailing Address: City, Zip:
Printed Name: <i>Michael Carr</i> Signature: <i>[Signature]</i>	Mailing Address: City, Zip:
Printed Name: <i>Jim HAGG BUCKLE</i> Signature: <i>[Signature]</i>	Mailing Address: <i>7300 LA BONPARD</i> City, Zip: <i>LA HONDA CA 94020</i>











**Cathy Woodbury**

---

**From:** Save Our Bay <Oscar@saveourbay.org>  
**To:** Cathy Woodbury <cwoodbury@openspace.org>  
**Cc:** Geoff Allen <fogline@southcoast.net>; Mario P. Pellegrini <info@vitaproductions.com>; Herb Hamer <hph@neteze.com>; John Donovan <krishnajd@earthlink.net>; John Plock <plck@pacbell.net>; PMAC <pmac@southcoast.net>; Pacific Legal Foundation <hej@pacificlegal.org>  
**Sent:** Friday, August 30, 2002 4:54 PM  
**Subject:** Draft EIR Comments & Questions

Dear Kathy,

I received the MROSD mailer "Answers to Questions Regarding the Proposed Coastal Annexation Program".....I have the following comments and questions regarding the MROSD Annexation EIR draft being processed under CEQA.

The District anticipates it could , with existing funds, purchase or manage approximately 11,800 acres of land within the entire Coastal Annexation Area. The District estimates that 80% of the land to be cquired is likely to be purchased from other agencies or organizations.

- Questions: Please identify all the lands that make up 11,800 within the Coastal Annexation area that the District may acquire.
- Are any of these lands currently owned by POST?
- Does POST have an option to acquire any of these lands?
- Will the District assume All the liabilities for cleaning up and restoring the polluted lands of POST?
- Will the District disclose to the public the environmental condition of all lands BEFORE they acquire them?
- How much is the District prepared to spend in cleaning up the POST current holdings from oil wells, toxic chemical dumpinig and other landfill pollution?
- Wil the District register the POST unlicensed landfills and comply with Federal laws requiring monitoring wells and clean up?
- Will the District provide a complete GIS maping for all the hazardous materials currently located on POST lands in the Coastal Annexation area?

O-16-1

O-16-2

O-16-3

- How much per year will the District invest in protecting the local surface and ground water in the proposed annexation area? O-16-4
- Does the District inform the public when they are acquiring pollution lands? O-16-5
- Will the District provide the public with a complete inventory of environmental and biological resources located on proposed Coastal Annexation lands? O-16-5
- How is the District going to prevent the migration of "feral pigs" from their current holdings to the Coastal Area? What is the current pig population on MROSD lands? How many pigs are killed per year? O-16-6
- How is the District going to STOP the spread of "sudden Oak death syndrome" from their current open space lands to the proposed Coastal annexation area? O-16-6
- Will all the lands currently owned by POST and closed to the public be open to public access and recreation if the District acquires POST holdings? If so, which lands? O-16-7
- Will the District restore the irrigation rights to the Giusti farm family from the Arroyo Leon that POST took away after 150 years of continues use? O-16-7
- How much does the District anticipate that the two hundred arce Johnston Ranch polluting unlicensed landfill cost? O-16-7
- How much will the District tax payers spend annually to protect POST's new 4200 acre Rancho Corral de Tierra from destructive off road vehicles recreational use, poaching, vegetative fuel management and illegal marijuana cultivation? O-16-7
- How much wildfire liability nsurance does the District carry now in the event that one of their Russian Ridge Open Space Preserves prescription burnes gets out of control as in New Mexico? \$ billion? \$3-5 billion? How much? O-16-8
- The District does not currently have a watershed fire fuel management plan in place. What is the average fuel tonage per acrea in the proposed annexation area? How much of the District budgets will be used in implementing a vegetative fuel management plan? How many acres of control burn currently does the District do annually? How much will they spend in the new proposed annexation area? How will they protect the Wildland Urban Interface of the proposed annexation area? What's O-16-8

- their fuel management plan?
- Will the District adopt a certified Natural Resource or Watershed Management Plan for the Coastal annexation area BEFORE acquiring Coastal Lands? If not, why not?

O-16-9

Thank you for providing the Coastside Fire Safe Council this opportunity to ask questions and make comments regarding MROSD Draft EIR for their proposed coastal annexation'

Regards, Oscar Braun

*"Change is inevitable... Survival is not"*  
**Half Moon Bay Coastside Foundation**

Also known as Save Our Bay!

COASTSIDE WATERSHED POSSE NEEDS YOU! | HMB COASTSIDE FOUNDATION HOME  
FIRE SAFE SAN MATEO COUNTY | COORDINATED RESOURCE MANAGEMENT PLAN "CRMP"  
FIRE SAFE COUNCIL MEMORANDUM OF UNDERSTANDING "MOU" | E-MAIL CONTACT

1589 Higgins Canyon Road. Half Moon Bay, California. 94019 Ph: 650.599.1954 Fax: 650.726.2799

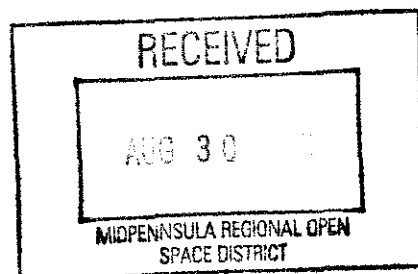


O-17  
**SAN MATEO COUNTY FARM BUREAU**

765 MAIN STREET  
HALF MOON BAY, CALIFORNIA 94019  
PHONE (650) 726-4485



August 30, 2002



Midpeninsula Regional Open Space District  
Board of Directors  
330 Distel Circle  
Los Altos, CA 94022-1404

Re: San Mateo County Farm Bureau Comments on the Midpeninsula Regional Open Space District's San Mateo Coastal Annexation Draft Environmental Impact Report

Ladies and Gentlemen:

The following comments are made on behalf of the San Mateo County Farm Bureau (Farm Bureau) on the draft Environmental Impact Report for the San Mateo Coastal Annexation by the Midpeninsula Regional Open Space District (MROSD or District).

As you no doubt are aware, Farm Bureau has been an active participant in the administrative process leading up to this Draft Environmental Impact Report (DEIR). Farm Bureau and its individual members have been active participants in the workshops and public hearings over the years concerning this proposed annexation, and these comments are certainly not the first written communication you have received from Farm Bureau on the proposal.

As you know, Farm Bureau is a non-governmental, non-profit, voluntary membership organization. It works under the umbrella of the statewide California Farm Bureau Federation. The goal of both organizations is to work for the protection of agriculture in the rural environment and to find solutions to the farm, the farm home, and the rural community, both in San Mateo County (County) and the whole of California. The statewide organization's membership consists of 53 individual county Farm Bureaus, with a total statewide membership in excess of 95,000 from farming and ranching communities throughout California. The statewide organization is the largest agricultural organization in the state, representing approximately 80% of production agriculture. That percentage is probably even greater in San Mateo County's farming and ranching community. Farm Bureau's current membership in San Mateo County is in excess of 1100 member families.

This comment letter discusses 14 issues of concern to Farm Bureau which have been raised by the DEIR. We are of the opinion that each should be addressed in the final EIR, and, if Farm Bureau's recommended resolution to any of the following issues is adoption or implementation of a program, that recommendation should be incorporated into the DEIR for certification by your board.

1. Map #10 omits several parcels which are now in public or protected ownership. These include the Driscoll Ranch holdings of POST, and Mirada

Surf, Cabrillo Unified School District, City and County of San Francisco, as well as areas that are currently under conservation easements, including Giusti, Bridge, Talbot, Marsh, McCracken and others. The result of these omissions will be errors in the Tabular Analysis of Map 10. Overlays of Map #10 and Map #14 are needed to show that contracted Williamson Act lands and Farmland Security Zone lands are already protected by enforceable contracts, and thus will not require additional protection under the ambit of the District's open space acquisition program. These already protected lands need to be shown on a map of their own with an accompanying compilation of acreage.

O-17-1

2. The definition of "prime soils" needs to be clarified. The DEIR refers to both the Local Coastal Plan (LCP) and state criteria; one must, however, also look at the Williamson Act definition as well as at the Cortese-Knox Local Government Reorganization Act, and other legislation enactments pertaining to farmland protection. (See attached definitions from the California Government Code)

O-17-2

3. Unfortunately, the economic data in the DEIR relating to agricultural production in the County is already over two years old. But even current data standing alone is not enough. Data from several years should be developed accompanied by a discussion of possible emerging trends and their

O-17-3

implications in a district which has as among its stated goals the preservation of a viable agricultural economy in the County. Changes in the relative economic conditions of agriculture can be used to make assumptions for the future. If the future does not seem promising, what District policies might be implemented to change that result?

O-17-3

4. On page IV-B-7, the reader is advised agricultural activities will continue except in circumstances where such is not feasible. Who is to make that determination? What are to be the guidelines? It would be Farm Bureau's expectation that the agricultural sector would be looked to in order to make that determination. But regardless, one cannot determine if there are significant impacts without first being advised of the proposed policies and guidelines for activities in areas controlled by the District. Future likely impacts on agriculture can only be determined following the development and approval of a complete set of guidelines to be used to oversee agricultural activities.

O-17-4

5. Sudden Oak Death Syndrome has already been identified as occurring on some property in the annexation area. This has created a significant impact on the economic viability of San Mateo County agriculture. The Federal Register contains standards for a *Phytophthora Ramorum* quarantine (Sudden Oak Death) and a proposed regulatory scheme to combat its spread.

O-17-5

The DIER is silent on this issue as well as how other animal and plant pests that could be introduced accidentally, naturally, or because of terrorist activity might be controlled. Sudden Oak Death, as with the movement of any disease organism, can occur through human interaction or vehicular contact. The MROSD should review this issue in the DEIR and establish a program to ensure the protection of the County's agricultural economy. (See attached Federal Register Vol. 67, No. 31.)

O-17-5

6. San Mateo County LCP Policy #7.52, Public Agency Requirements, requires public agencies, in so far as feasible, to remove invasive and undesirable pampas grass and French, Scotch, and other invasive brooms from their lands. This list of noxious weeds will probably be expanding in the near future. MROSD should review the extent of any such infestations on the land proposed for acquisition. A plan of eradication should be put in place if the results of that survey indicates it is warranted. The long-term cost and source of funding for any such plan should also be addressed.

O-17-6

7. With the large number of public and private open space landowners (State Parks, County Parks, POST, HOST, GGNRA, Audubon Society, Sempervirens, San Mateo County Office of Education, City of Half Moon Bay, TPL) now present on the coast, how will priorities be established for who goes first, and who will utilize the limited resources for stewardship activities?

O-17-7



There needs to be a delineated plan and program for stewardship activities within the annexation area.

O-17-7

8. Since September 11, 2001, consideration of bio-security issues has been elevated to a much higher level than previously. On August 20, 2002, the County Board of Supervisors approved a resolution creating a bioterrorism preparedness plan. Since MROSD and POST both have agricultural areas under their jurisdiction, the introduction of bioagents could impact agricultural production. MROSD should prepare a plan similar to that developed by the County and the State Office of Emergency Services. (See County Ordinance and Staff Report, "California Responds to Terrorism," California Journal, August 2002, attached.) The recent outbreak of bubonic plague at Donner Lake State Park, followed by its closing to public use, is an example of the impact on open space utilization which can result from concerns for public health and safety when adequate preventative programs are not in place.

O-17-8

9. Under the discussion of Impact AGR-3 on Summary page S-10, it is stated MROSD will post areas adjacent to private property and work to keep trespassing to a minimum. MROSD recognizes the trespass problem. Now, does it intend to compensate landowners for economic loss created by the trespasser? POST has done this in the past. The California Cattleman's Association has legislation pending to increase trespass from an infraction to

O-17-9

a misdemeanor. Will MROSD assist in the passage of this legislation? Will MROSD be sensitive to the need to use on occasion agricultural chemicals by their neighbors in order to keep agricultural production viable? Will the District close its trails to allow adjoining agricultural operators to utilize chemicals as part of a pest and herbicide control program? These are policies which should be in place before the annexation goes forward.

O-17-10

10. The economic analysis provided by Economics Research Associates uses numbers which fail to reflect current land values. POST has spent an average of \$12,000 per acre over the last several years. (SAVING THE ENDANGERED COAST, Peninsula Open Space Trust.) There must be a more accurate assessment of the economic loss to local government with the removal of open space properties from the tax rolls. In other areas of the state, open space groups have voluntarily paid the property taxes, which would otherwise be lost because of acquisitions, to assist local jurisdictions in maintaining acceptable service levels. In many instances, these services are required even after the lands' dedication to open space uses. MROSD should institute such a policy. Otherwise, how will contributions be provided to support lost revenues for service support to schools, fire, police, and public works?

O-17-11

11. On page IV-B-3, a reference is made to the views of Frank Newell with the County Assessor's Office. In our opinion, the figure he gives as to acres in timberland preserves is not entirely accurate. The County Planning Department has a number of land use maps which should be able to provide a complete listing and location of all areas that are currently zoned as Timber Production Zones (TPZ). This information is essential to complete a thorough review of this DEIR. Consideration should also be given to President Bush's proposal made just this week intended to focus on restoring forest health by reducing administrative and legal barriers to thinning forests: "Healthy Forests: An Initiative for Wildfire Prevention and Stronger Communities." The fire at Port Reyes National Seashore several years ago points out that some management of coastal forest lands may be appropriate.

O-17-12

12. Consideration must be given to the goals of AB 3057. This bill provides for agricultural land inventories with the goal and policy objectives of supporting long-term conservation of agricultural land, and protecting the viability of the agricultural economy. This legislation, if it becomes law, will be a factor for consideration by MROSD. Even if it fails to pass, there is no reason why the concept cannot be incorporated into the annexation program.

O-17-13

13. On page IV-I-3, Agricultural Land, references are made about a lack of "good habitat" on agricultural land. This statement is debatable. Agricultural lands

O-17-14

provide one of the greatest remaining land areas for habitat in this state. Agriculture and species co-exist on a regular basis. If your claim is that habitat and agriculture cannot co-exist, what is the District's scientific evidence for that position?

O-17-14

The DEIR now denies statements previously made by several of the impacted Special Districts. (San Mateo County RCD, San Mateo County Fire, La Honda Fire) Please refer to Farm Bureau's issue 9. A full economic review should be done of lost revenue to all service providers which could result from the annexation. Full disclosure is required for the annexation process to continue.

O-17-15

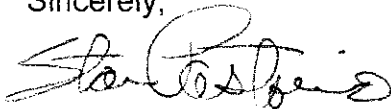
14. MROSD's decision to establish a primacy policy that eminent domain shall not be used in its annexation area is appreciated. However, the path chosen to implement this policy by way of a board resolution really lacks any degree of permanence. Farm Bureau is seeking here a resolution of this issue on a more permanent basis.

O-17-16

Farm Bureau appreciates having the opportunity to comment on this DEIR. Agricultural production is a business and a way of life. It allows for the production of food, flora, and fauna, and contributes in excess of \$800,000,000 to the economy of San Mateo County. This County was at one time the breadbasket for San Francisco. But with the advent of modern transportation, much of our County's agriculture has moved from the bay side to the Coast of

San Mateo County. This is the area to be annexed. It forms the land base for the agricultural economy of the County. Much of San Mateo's LCP, zoning requirements, and policy are intended to protect, enhance, and foster the long-term economic viability of the remaining agriculture on the coast. Without the agricultural policies defined, one cannot truly assess or determine the effects of annexation on agriculture in San Mateo County. We look forward to working with your representatives to resolve all issues of concern raised in this letter, and continuing our discussions toward the finalization of this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Pastorino". The signature is fluid and cursive, with a large initial "S" and "P".

Stan Pastorino  
President

# CATTLE: The cows to stay on POST land

Continued from Page 1A

Paul Kephart, a restoration ecologist from Carmel Valley who is helping to implement the plan, said the benefits of conservation grazing are many.

Not only do cattle mow down non-native grasses, he said, but they also help reduce fire hazards by keeping re-established native grasses low.

Using controlled burns to manage grasses is problematic because of air quality issues and the danger of fires spreading, he said.

The plan has an added benefit for ranchers. Because European, non-native grasses grow annually, they only offer a food source for cattle part of the year. Hay must be trucked in to supplement their diet. But perennial native species can feed cattle year-round, and their deeper root structure helps prevent erosion.

Kephart likes the idea because it promotes stewardship of the land and sound ecological practices.

"It lets people know ranchers are concerned about their environment," he said.

Lennie Roberts, legislative advocate for the Committee for Green Foothills, supports the plan as long as it is carefully monitored and the cattle are kept out of creeks.

"If you have a well-articulated plan ... I think that's fine."

For Driscoll, selling the land for public use fulfills his late father's wishes. The elder Driscoll bought the land in 1968 with the idea of one day turning it over to a land trust for recreational use.

"This is what my father wanted," he said.

## Got milk? \$21 million buys cattle

By STEVE HOLBROOK  
Half Moon Bay Review

Cattle are not usually thought of as agents of environmental restoration.

Left to roam, cattle can trample vegetation, muddy creeks and taint water supplies.

But in the first project of its kind in San Mateo County, ranchers and grassland experts have created a plan to restore native plants to a massive tract of South County land by letting bovines do what they do best: eat.

The project is a partnership between rancher Rudy Driscoll and the Peninsula Open Space Trust. Last week, Driscoll agreed to sell his family's 3,681-acre ranch near La Honda to the land trust for \$21 million.

While plans call for the cre-

*Review 1/13/72*  
"Cattle, if used correctly, can actually benefit the land. My ultimate goal is to show cattle can be a very good management tool."

—Rudy Driscoll

ation of a public park on the rolling hills and pastures, Driscoll will still run a herd of cattle.

But instead of running amok, Driscoll will put the cattle's munching mouths and stomachs to work chewing up non-native grasses.

The Black Angus herd, which Driscoll culled from 300 to 175 to accommodate the project, will

graze for short periods and then be rotated to other sites.

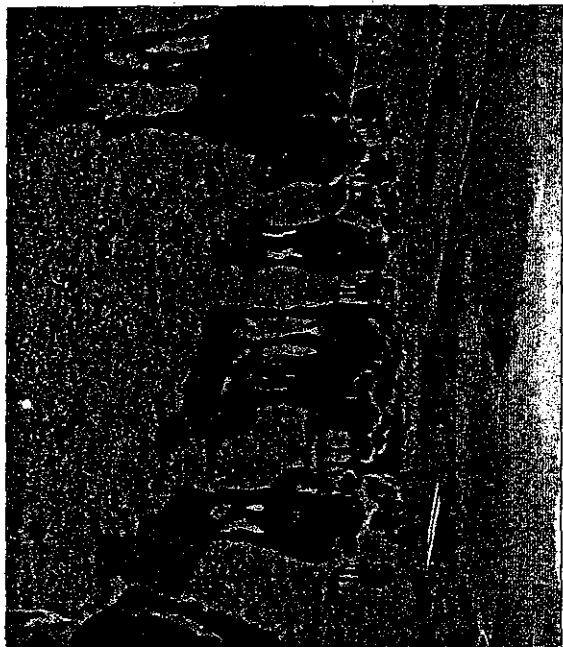
"Cattle, if used correctly, can actually benefit the land," said Driscoll, who inherited the land from his father. "My ultimate goal is to show cattle can be a very good management tool."

He also wants to counter the notion that cattle ranchers have no regard for the environment.

Paul Ringgold, stewardship director for the land trust, said the plan is a first for the agency and is the result of a compromise: the land trust wanted to buy the land and Driscoll wanted to sell provided he could keep cattle on the property.

"Our prime objective is restoration and protection of the environment," Ringgold said.

See CATTLE, Page 11A



Rudy Driscoll agreed to sell his family's ranch near La Honda to POST, but it

### INSIDE

■ Half Moon Bay makes Mein's Journal magazine's Top 50 best places to live in America, Page 2A

■ Mystery of why birds is finally solved, Page 3A

■ City and taxpayers pay almost \$17,000 for "dumb" sound system, Page 3A

■ Benefits of Waldorf education explored by local parents, Page 7A

■ 19th Assembly's two new endorsements

# Rules and Regulations

Federal Register

Vol. 67, No. 31

Thursday, February 14, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 01-054-1]

#### Phytophthora Ramorum; Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearings.

**SUMMARY:** We are quarantining 10 counties in the State of California and a portion of 1 county in the State of Oregon because of the presence of *Phytophthora ramorum* and regulating the interstate movement of regulated and restricted articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of *P. ramorum* to noninfested areas of the United States. **DATES:** This interim rule is effective February 14, 2002. We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 15, 2002. We will also consider comments made at public hearings to be held in Petaluma, CA, on February 27, 2002; and in Riverdale, MD, on March 27, 2002.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or electronically. If you use postal mail/commercial delivery, please send four copies (an original and three copies) to: Docket No. 01-054-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-054-1. To submit a comment electronically, please visit <http://comments.aphis.usda.gov>.

You may read any comments that we receive on this docket in our reading

room, or by visiting <http://comments.aphis.usda.gov>. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the Federal Register, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webreport.html>.

Public hearing regarding this rule will be held at the following locations:

1. Petaluma, CA: Petaluma Community Center, 320 N. McDowell Blvd., Petaluma, CA.
2. Riverdale, MD: USDA Center at Riverdale, 4700 River Road, Riverdale, MD.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Jones, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737; (301) 734-8247.

#### SUPPLEMENTARY INFORMATION:

##### Public Hearings

We are advising the public that we are hosting two public hearings on this interim rule. The first public hearing will be held in Petaluma, CA, on Wednesday, February 27, 2002. The second public hearing will be held in Riverdale, MD, on Wednesday, March 27, 2002.

A representative of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA or the Department), will preside at the public hearings. Any interested person may appear and be heard in person, by attorney, or by other representative. Written statements may be submitted and will be made part of the hearing record. A transcript of the public hearings will be placed in the rulemaking record and will be available for public inspection.

The purpose of the hearings is to give interested persons an opportunity for oral presentation of data, views, and arguments. Questions about the content of the interim rule may be part of the commenters' oral presentations.

However, neither the presiding officer nor any other representative of APHIS will respond to comments at the hearings, except to clarify or explain provisions of the interim rule.

The public hearings will begin at 9 a.m. and are scheduled to end at 4:30 p.m., local time. The presiding officer may limit the time for each presentation so that all interested persons appearing at each hearing have an opportunity to participate. Each hearing may be terminated at any time if all persons desiring to speak have been heard.

Registration for the hearings may be accomplished by registering with the presiding officer between 8:30 a.m. and 9 a.m. on the day of the hearing. Persons who wish to speak at a hearing will be asked to sign in with their name and organization to establish a record for the hearing. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. Those who wish to form a panel to present their views will be asked to provide the name of each member of the panel and the organizations the panel members represent.

Persons or panels wishing to speak at one or both of the public hearings may register in advance by phone or e-mail. Persons wishing to register by phone should call the Regulatory Analysis and Development voice mail at (301) 734-4330. Callers must leave a message clearly stating (1) the location of the hearing the registrant wishes to speak at, (2) the registrant's name and organization, and, if registering for a panel, (3) the name of each member of the panel and the organization each panel member represents. Persons wishing to register by e-mail must send an e-mail with the same information described above to [ispm@aphis.usda.gov](mailto:ispm@aphis.usda.gov). Please write "Public Hearing Registration" in the subject line of your e-mail. Advance registration for the Petaluma, CA, hearing must be received by 3 p.m. on Monday, February 25, 2002. Advance registration for the Riverdale, MD, hearing must be received by 3 p.m. on Tuesday, March 26, 2002.

If you require special accommodations, such as a sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

### Parking and Security Procedures at the USDA Center

Please note that a fee of \$2.25 is required to enter the parking lot at the USDA Center. The machine accepts \$1 bills and quarters.

Upon entering the building, visitors should inform security personnel that they are attending the *Phytophthora ramorum* quarantine public hearing. Identification is required. Security personnel will direct visitors to the registration tables located outside of Conference Rooms C and D on the first floor. Registration upon arrival is necessary for all participants, including those who have registered to speak in advance. Visitor badges must be worn throughout the day.

### Background

*Phytophthora ramorum* is a harmful fungus that has been found in arrowwood (*Viburnum x bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* spp., including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*).

According to available research and observations, similar symptoms of infection with *P. ramorum* have been identified in tanoak, coast live oak, black oak and Shreve's oak. Although symptoms are similar in these species, their appearance, both chronologically and physically, varies somewhat. In tanoak, leaf symptoms are usually the first to appear, as new growth may droop or turn yellow to brown. In coast live oak, black oak, and Shreve's oak, the earliest symptom is the appearance of a bleeding canker; burgundy-red to tar-black thick sap oozes on the bark surface. Similar bleeding, though less viscous, has been observed on tanoak, although tanoak may not show the bleeding symptom at all. This bleeding is a response to infection with *P. ramorum*, and is typically found from the root crown (the area where the trunk fans out to the roots) to a height of 6 feet. Bleeding has occasionally been observed at greater heights. Oaks showing these symptoms typically die within a few months of the appearance of symptoms. Other hosts are not typically killed by *P. ramorum*.

Symptoms of infection in other hosts include leaf spotting and stem canker infections.

Since its initial discovery in Marin County, CA, in 1995, *P. ramorum* has been confirmed to exist in nine additional counties along or near the northern California coastline: Alameda, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. *P. ramorum* also has been found in a portion of Curry County, OR. *P. ramorum*, which has been commonly referred to as Sudden Oak Death or Oak Mortality Syndrome, has caused the death of thousands of mature oaks in these counties, and there is presently no known treatment for infected plants that kills the fungus but allows plants to survive.

Infected plants and plant products that move interstate could serve as a pathway for the introduction of *P. ramorum* to other areas of the United States. It is unclear how *P. ramorum* spreads, though available research suggests it is spread by water, soil, and infected plant material. It is also possible that *P. ramorum* spreads by air. Regardless, the movement of infected plants and plant products of the *P. ramorum* hosts listed earlier in this document is believed to provide a pathway for the spread of *P. ramorum*.

As explained below, the States of California and Oregon have restricted the intrastate movement of certain articles from infested areas to prevent the spread of *P. ramorum* within California and Oregon. However, Federal regulations are necessary to restrict the interstate movement of certain articles from the infested area to prevent the spread of *P. ramorum* to noninfested areas of the United States.

We are amending the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart, "Phytophthora Ramorum" (§§ 301.92 through 301.92-10, referred to below as the regulations). The regulations, which are described below, quarantine portions of the States of California and Oregon because of *P. ramorum* and restrict the interstate movement of regulated and restricted articles from quarantined areas. The interstate movement of regulated and restricted articles from nonquarantined areas is not restricted under this interim rule.

### Section 301.92—Restrictions on the Interstate Movement of Regulated Articles

Section 301.92 prohibits the interstate movement of regulated and restricted articles from quarantined areas except in accordance with the regulations.

### Section 301.92-1—Definitions

Section 301.92-1 contains definitions of the following terms: *Administrator, Animal and Plant Health Inspection Service, bark chips, certificate, compliance agreement, departmental permit, duff, firewood, forest stock, inspector, interstate, log, moved (move, movement), mulch, nursery stock, person, Plant Protection and Quarantine, quarantined area, regulated article, restricted article, soil, and State.*

### Section 301.92-2—Regulated and Restricted Articles

Certain articles present a significant risk of spreading *P. ramorum* if they are moved from quarantined areas without restrictions. We call these articles regulated and restricted articles. Regulated articles may be moved interstate from quarantined areas under certificates issued by an inspector in accordance with § 301.92-5. Restricted articles, however, may only be moved interstate by USDA under departmental permits issued in accordance with § 301.92-4(a)(2).

Paragraph (a) of § 301.92-2 lists soil and nursery stock (except acorns and seeds), unprocessed wood and wood products including firewood, logs, lumber, wreaths, garlands, and greenery of the following species as regulated articles:

- Arrowwood (*Viburnum x bodnantense*);
  - Big leaf maple (*Acer macrophyllum*);
  - Black oak (*Quercus kelloggii*);
  - California bay laurel (*Umbellularia californica*);
  - California buckeye (*Aesculus californica*);
  - California coffeeberry (*Rhamnus californica*);
  - California honeysuckle (*Lonicera hispidula*);
  - Coast live oak (*Quercus agrifolia*);
  - Huckleberry (*Vaccinium ovatum*);<sup>1</sup>
  - Madrone (*Arbutus menziesii*);
  - Manzanita (*Arctostaphylos manzanita*);
  - Rhododendron (*Rhododendron* spp., including azalea);
  - Shreve's oak (*Quercus parvula* var. *shrevei*);
  - Tanoak (*Lithocarpus densiflorus*);
  - and
  - Toyon (*Heteromeles arbutifolia*).
- Paragraph (b) of the regulations lists bark chips, forest stock, and mulch of the species of plants listed above as restricted articles. Again, restricted articles may only be moved interstate by USDA under a departmental permit

<sup>1</sup> Fruits of huckleberry are not regulated articles.



issued in accordance with § 301.92-4(a)(2).

The regulations in § 301.92-2 also provide that any other product or article that an inspector determines to present a risk of spreading *P. ramorum* can also be considered a regulated or restricted article if the inspector notifies the person in possession of the product or article that it is subject to the restrictions in the regulations. This provision is necessary to ensure that APHIS is able to regulate the movement of all articles, especially newly identified hosts of *P. ramorum* not listed in the regulations, that pose a risk of spreading *P. ramorum* if moved without restriction.

#### Section 301.92-3—Quarantined Areas

Paragraph (a) of § 301.92-3 provides the criteria for the inclusion of States, or portions of States, in the list of quarantined areas. Under these criteria, any State or portion of a State in which *P. ramorum* is found by an inspector, or in which the Administrator has reason to believe that *P. ramorum* is present, will be listed as a quarantined area. These criteria also provide that an area will be designated as a quarantined area when the Administrator considers it necessary due to the area's inseparability for quarantine enforcement purposes from localities in which *P. ramorum* has been found.

Paragraph (a) of § 301.92-3 also provides that we will designate less than an entire State as a quarantined area only if we determine that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed on the interstate movement of regulated articles and that the designation of less than the entire State as a quarantined area will prevent the interstate spread of *P. ramorum*. These determinations would indicate that infestations are confined to the quarantined areas and eliminate the need for designating an entire State as a quarantined area.

We have determined that it is not necessary to designate the entire States of California and Oregon as quarantined areas. The State of California has adopted restrictions on the intrastate movement of regulated and restricted articles from the following counties: Alameda, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

The State of Oregon has adopted restrictions on the intrastate movement of regulated and restricted articles from a 9-square-mile area near the Brookings area of Curry County.

*P. ramorum* has not been found in any other areas of California or Oregon besides those listed above, and California and Oregon have adopted and are enforcing restrictions on the intrastate movement of regulated and restricted articles from those areas that are substantially the same as those we are imposing on the interstate movement of regulated and restricted articles.

The State of California is not attempting to eradicate *P. ramorum* from the State, and has quarantined any county where *P. ramorum* has been confirmed to exist, regardless of the distribution of *P. ramorum* within that county. APHIS is also using this criterion in setting the *P. ramorum* quarantine boundaries for the State of California.

Oregon is attempting to eradicate *P. ramorum* from the area in Curry County where it has been detected. The quarantined area covers 9 square miles in the Brookings area of Curry County. All boundaries of the quarantined area are at least ½ to 1 mile from any *P. ramorum* detection site. APHIS believes that this distance is sufficient to ensure that *P. ramorum* is not spread to areas outside the quarantined area. The boundary lines may vary due to factors such as the location of *P. ramorum* host material and the use of clearly identifiable lines for the boundaries. The boundaries themselves are described in the rule portion of this document.

Paragraph (b) of § 301.92-3 provides that we may temporarily designate any nonquarantined area in a State as a quarantined area when we determine that the nonquarantined area meets the criteria for designation as a quarantined area described in § 301.92-3(a). In such cases, we will give the owner or person in possession of the area a copy of the regulations along with written notice of the area's temporary designation as a quarantined area, after which time the interstate movement of any regulated or restricted article from the area will be subject to the regulations. This provision is necessary to prevent the spread of *P. ramorum* during the time between the detection of the disease and the time a document quarantining the area can be made effective and published in the Federal Register. In the event that an area's designation as a temporary quarantined area is terminated, we will provide written notice of that termination to the owner or person in possession of the area as soon as is practicable.

#### Section 301.92-4—Conditions Governing the Interstate Movement of Regulated and Restricted Articles from Quarantined Areas

This section provides that regulated articles may be moved interstate from quarantined areas if they are accompanied by a certificate issued in accordance with §§ 301.92-5 and 301.92-8, and provided that they are moved through the quarantined area without stopping except for refueling, rest stops, emergency repairs, and for traffic conditions, such as traffic lights or stop signs.

Additionally, this section provides that restricted articles may be moved interstate from quarantined areas by APHIS or the Department for experimental or scientific purposes. Such articles must be moved in accordance with a departmental permit issued by the Administrator, under conditions specified on the permit to prevent the spread of *P. ramorum*.

Regulated or restricted articles that are moved from outside quarantined areas and that are accompanied by a waybill that indicates the point of origin may be moved interstate through a quarantined area without a certificate or a departmental permit. The articles must also be moved from outside the quarantined area through the quarantined area without stopping (except for refueling, rest stops, emergency repairs, and for traffic conditions such as traffic lights and stop signs), and the articles must not be unpacked or unloaded in the quarantined area.

#### Section 301.92-5—Issuance and Cancellation of Certificates

Certificates are issued for regulated articles when an inspector finds that, because of certain conditions, there is no disease risk associated with moving a regulated article from a quarantined area. Regulated articles accompanied by a certificate may be moved interstate without further restrictions. Section 301.92-5(a) provides that a certificate will be issued by an inspector for the movement of regulated articles if the inspector determines that any one of the following conditions have been met:

- The regulated articles have been treated under the direction of an inspector in accordance with § 301.92-10 of this subpart.
- The regulated articles are wood products such as firewood, logs, or lumber that are free of bark.
- The regulated article is soil that has not been in direct physical contact with any article infected with *P. ramorum*.

and from which all duff<sup>2</sup> has been removed.

• The regulated articles are articles of nursery stock that (1) are shipped from a nursery or premises in a quarantined area that is inspected annually by an inspector for *P. ramorum* in accordance with the inspection and sampling protocol described in § 301.92-11(a), and that has been found free of *P. ramorum*; (2) are part of a shipment of nursery stock that has been inspected immediately prior to interstate movement in accordance with § 301.92-11(b), and that has been found free of *P. ramorum*; (3) have been kept separate from regulated articles not inspected between the time of the inspection and the time of interstate movement; and (4) have not been grown in, or moved from, other areas within a quarantined area except nurseries or premises that have been inspected for *P. ramorum* in accordance with this section; and that have been found free of *P. ramorum*.

The regulations in § 301.92-5(a) also require that inspectors may only issue certificates for the interstate movement of regulated articles if the inspector determines that the regulated articles: (1) Are to be moved in compliance with any additional emergency conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714)<sup>3</sup> to prevent the spread of *P. ramorum*, and (2) are eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

We have included a footnote that provides an address for securing the addresses and telephone numbers of the local Plant Protection and Quarantine offices at which services of inspectors may be requested. We have also included a footnote that explains that the Secretary of Agriculture can, under the Plant Protection Act, take emergency actions to seize, quarantine, treat, destroy, or apply other remedial measures to articles that are, or that he or she has reason to believe are, infested or infected by or contain plant pests.

<sup>2</sup> Duff is decaying plant material including leaf litter, green waste, stem material, bark, and any other plant material that, upon visual inspection, does not appear to have completely decomposed into soil.

<sup>3</sup> Sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754) provide that the Secretary of Agriculture may, under certain conditions, hold, seize, quarantine, treat, apply other remedial measures to destroy or otherwise dispose of any plant, plant part, plant product, article, or means of conveyance that is moving, or has moved into or through the United States or interstate if the Secretary has reason to believe the article is a plant pest or is infested with a plant pest at the time of movement.

Paragraph (b) of § 301.92-5 allows any person who has entered into and is operating under a compliance agreement to issue a certificate for the interstate movement of a regulated article after an inspector has determined that the article is eligible for a certificate under § 301.92-5(a).

Also, § 301.92-5(c) contains provisions for the withdrawal of a certificate by an inspector if the inspector determines that the holder of the certificate has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact in the event that the person wishes to appeal the cancellation.

#### Section 301.92-6—Compliance Agreements and Cancellation

Section 301.92-6 provides for the issuance and cancellation of compliance agreements. Persons who enter into compliance agreements with APHIS are allowed to self-certify that certain regulated articles meet APHIS requirements for interstate movement. Compliance agreements are provided in order to facilitate the interstate movement of certain regulated articles while still minimizing the risk that *P. ramorum* could spread interstate. A compliance agreement will be issued when an inspector has determined that the person requesting the compliance agreement is knowledgeable regarding the requirements of the regulations and the person has agreed to comply with those requirements. Since movements of nursery stock are dependent on inspection or testing by an inspector, compliance agreements will not be issued to persons interested in moving nursery stock interstate. Inspectors will issue certificates for the interstate movement of regulated articles of nursery stock after they inspect, and if necessary, test regulated articles of nursery stock and determine that they are free of *P. ramorum*.

Section 301.92-6 contains a footnote that explains how compliance agreements may be arranged. Section 301.92-6 also provides that an inspector may cancel the compliance agreement upon finding that a person who has entered into the agreement has failed to comply with any of the provisions of the regulations. The inspector will notify the holder of the compliance agreement of the reasons for cancellation and offer an opportunity for a hearing to resolve any conflicts of material fact in the event that the person wishes to appeal the cancellation.

#### Section 301.92-7—Assembly and Inspection of Regulated Articles

Section 301.92-7 provides that any person (other than a person authorized to issue certificates under § 301.92-5(b)) who desires a certificate to move regulated articles must request, at least 14 days before the desired interstate movement, that an inspector issue a certificate. The regulated articles must be assembled in a place and manner directed by the inspector. These provisions are necessary to ensure that persons desiring inspection services can obtain them before the intended movement date.

#### Section 301.92-8—Attachment and Disposition of Certificates

Section 301.92-8 requires the certificate issued for movement of the regulated article to be attached, during the interstate movement, to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill. Further, the section requires that the carrier must furnish the certificate to the consignee listed on the certificate upon arrival at the location provided on the certificate. These provisions are necessary for enforcement purposes.

#### Section 301.92-9—Costs and Charges

Section 301.92-9 explains the APHIS policy that the services of an inspector that are needed to comply with the regulations are provided without cost between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, to persons requiring those services, but that we will not be responsible for any other costs or charges (such as overtime costs for inspections conducted at times other than between 8 a.m. to 4:30 p.m., Monday through Friday, except holidays).

#### Section 301.92-10—Treatments

Section 301.92-10 lists treatments that qualify soil and certain regulated articles for interstate movement with a certificate, as provided in § 301.92-5(a)(1)(i).

Under paragraph (a), soil may be heat-treated to a temperature of at least 180 °F for 30 minutes in the presence of an inspector.<sup>4</sup>

Under paragraph (b), wreaths, garlands, and greenery of arrowwood (*Viburnum × bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeyes (*Aesculus californica*),

<sup>4</sup> Soil may also be moved interstate without heat treatment if it meets the requirements in § 301.92-5(a)(1)(iii) or (iv).

California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* spp., including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*) may be dipped for 1 hour in water that is held at a temperature of at least 160 °F.

#### Section 301.92-11—Inspection and Sampling Protocol

Section 301.92-11 describes the inspection and sampling protocol that must be followed by nurseries moving regulated articles of nursery stock interstate from quarantined areas. Under the regulations, regulated articles of nursery stock will be subject to two kinds of inspections: (1) Annual inspection and sampling of regulated articles of nursery stock contained in a nursery, and

(2) inspection of individual interstate shipments of nursery stock and testing of symptomatic plants prior to interstate movement of the shipment from the quarantined area.

#### Annual Nursery Inspections

For an annual nursery inspection, an inspector must visually inspect regulated articles of nursery stock for symptoms of *P. ramorum*. If the nursery contains 100 or fewer regulated articles, an inspector will inspect each regulated article. If the nursery contains more than 100 regulated articles, an inspector will inspect 100 regulated articles and at least 2 percent of the number of regulated articles contained in the nursery that exceeds 100. The regulated articles to be inspected will be randomly selected from throughout the nursery.

If symptomatic plants are found upon inspection, the inspector will collect at least one sample per symptomatic plant. If fewer than 40 symptomatic plants are found in a nursery during an inspection, the inspector must collect samples from nonsymptomatic regulated articles of nursery stock so that the total number of sampled plants is at least 40. Samples must then be labeled and sent for testing to a laboratory approved by APHIS.

If any regulated articles within a nursery are found to be infected with *P. ramorum*, the nursery will be prohibited from moving regulated articles interstate until such time as an inspector can determine that the nursery is free of *P. ramorum*.

#### Inspections of Individual Interstate Shipments

For an inspection of a shipment of regulated articles of nursery stock, an inspector must visually inspect the nursery stock for symptoms of *P. ramorum*. If the shipment contains 100 or fewer regulated articles, an inspector will inspect each regulated article. If the shipment contains more than 100 regulated articles, an inspector will inspect 100 regulated articles and at least 2 percent of the number of regulated articles contained in the shipment that exceeds 100. The regulated articles to be inspected will be randomly selected.

If symptomatic plants are found upon inspection, the inspector must collect at least one sample per symptomatic plant, and one sample per regulated article of nursery stock that is in close proximity to, or that has had physical contact with a symptomatic plant. Samples must be labeled and sent for testing to a laboratory approved by APHIS, and must be found free of *P. ramorum* prior to the interstate movement of any regulated articles contained in the shipment.

If any plants intended for interstate movement are found to be infected with *P. ramorum*, the nursery from which they originate will be prohibited from moving regulated articles interstate until such time as an inspector can determine that the nursery is free of *P. ramorum*.

#### Request for Information

As stated earlier in this document, there is much that is unknown about *P. ramorum*. In this rule, APHIS has endeavored to regulate the movement of articles that could cause *P. ramorum* to spread to unaffected areas based on the best scientific evidence available to us at this time. We invite the public to submit any information that supports or contradicts our regulatory strategy, including:

- Evidence demonstrating whether contaminated soil provides a viable or likely pathway for the spread of, or infection of natural hosts by, *P. ramorum*.

- Evidence demonstrating whether debarked wood provides a viable or likely pathway for the spread of, or infection of natural hosts by, *P. ramorum*.

- Evidence demonstrating whether acorns, seeds, or fruits of host plants are naturally infected by *P. ramorum* or carry *P. ramorum*, and whether acorns, seeds, or fruits of host plants provide viable or likely pathways for the spread of, or infection of natural hosts by, *P. ramorum*.

- Comments on the inspection and sampling requirements for nurseries, including comments providing a scientific basis for a longer or shorter inspection cycle, or an alternative sampling protocol.

- Data related to the accuracy, specificity, ease of use, and cost effectiveness of tests that can be used to detect *P. ramorum* on nursery stock of host plants.

- Evidence demonstrating whether certain treatments are effective in eliminating *P. ramorum* infection in regulated articles.

#### Emergency Action

This rulemaking is necessary on an emergency basis to prevent *P. ramorum* from spreading to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the Federal Register.

We will consider comments we receive during the comment period for this interim rule (see DATES above). After the comment period closes, we will publish another document in the Federal Register. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is set out below, regarding the economic effects of this interim rule on small entities. Based on the information we have, there is no basis to conclude that adoption of this interim rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this interim rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this interim rule.

The Plant Protection Act (7 U.S.C. 7701-7772) authorizes the Secretary of Agriculture to prohibit or restrict the interstate movement of any plant, plant product, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

As stated earlier in this document, *Phytophthora ramorum* is known to infect arrowwood (*Viburnum x bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* spp., including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*). *P. ramorum* has been confirmed to exist in 10 counties along or near the northern California coastline: Alameda, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. *P. ramorum* also has been found in a portion of Curry County, OR.

This interim rule is issued to quarantine portions of the States of California and Oregon where *P. ramorum* is confirmed to exist, and regulate the movement of certain host articles to prevent the risk of spread of *P. ramorum* to other noninfested areas in the United States. California is not attempting to eradicate *P. ramorum* from the 10 counties in the State where the disease is confirmed to exist. Oregon is attempting to eradicate the disease from an area in Curry County, the only county where *P. ramorum* is known to exist in the State. Both States have restricted the intrastate movement of certain articles from infested areas to prevent the spread of *P. ramorum* within California and Oregon. A Federal quarantine of the affected counties, comprising approximately 5 percent of the area of the State of California, and a portion of one county in Oregon is necessary to protect oak forests and urban tree resources across the United States.

*P. ramorum* is apparently capable of killing healthy, mature black oaks (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), and tanoaks (*Lithocarpus densiflorus*). *Quercus* spp. are considered the most important and widespread of the hardwood trees in the north temperate zone, consisting of

about 300 species. The United States has about 58 oak species of tree size and 10 species that are classified as shrubs. If other *Quercus* or *Lithocarpus* spp. in the Eastern deciduous forests prove susceptible to the pathogen under natural environmental conditions, the economic impact could be significant. The commercial hardwood timber production in the United States alone is worth over \$30 billion. Should the disease become widespread, some countries would likely place restrictions on U.S. exports of oak and other hardwood products which generated nearly \$3 billion in revenue in 2000.

The pathogen has also been isolated from *Rhododendron* spp., arrowwood (*Viburnum x bodnantense*), and in huckleberry (*Vaccinium* spp.), the genus of which includes the commercially important blueberries and cranberries. *P. ramorum* causes leaf spotting and twig dieback on these species, and in severe cases in huckleberry, can kill the plant. Nursery stock is a probable route of long distance spread of the disease since spores that give rise to *P. ramorum* can be dispersed by soil, or infected shoots, and foliage. Federal restrictions on nursery stock is necessary as *Rhododendron* spp. and viburnum are important components of the ornamental nursery trade. Additionally, two of the host species of oak are sold as nursery stock and are used as ornamentals in landscaping. The importance of the Federal quarantine and restrictions is further underscored by the fact that there is currently no known treatment for infected plants that kills the fungus but allows plants to survive. Federal action is necessary to protect the U.S. nursery industry whose sales in 1997 was estimated at almost \$11 billion.

#### Impact of the Interim Rule

Under the interim rule, nursery stock moving interstate from the quarantined area must be accompanied by a certificate stating that, among other things, the stock (1) originates from a nursery that has been inspected for *P. ramorum* on an annual basis and that has been found free, and (2) is part of shipment of nursery stock that has been inspected for *P. ramorum* prior to interstate movement and that has been found free. The impact of the restriction on interstate movement of nursery stock would depend on the amount of host products that are to be moved outside the quarantined area. The 1997 Census of Agriculture data show that in that year, there were some 1,214 nurseries in the 10 affected counties in California which accounted for 24 percent of the number of nurseries and 27 percent of

the value of nursery sales in California, or 5.5 percent of total U.S. sales of nursery stock in 1997. There were 7 nurseries in Curry County, OR, which comprised less than 0.2 percent of the number of nurseries, and 0.15 percent of sales. Not all of the 1,214 nurseries in the 10 California counties, however, are expected to be affected by this rule. Some indication of the impact may be surmised from the preliminary results of a survey jointly conducted by the California Department of Food and Agriculture and USDA/APHIS, between January and March 2001. The respondents to the survey were 517 wholesale and retail establishments in 6 counties in California (no survey was available for Oregon). These businesses include facilities that sold lumber, firewood cutters and dealers, and nurseries involved in propagation and sale of oaks, rhododendrons, and other host products.

Approximately 234, or 45 percent, of the businesses surveyed had contact with host materials. The total sales value of these businesses amounted to some \$7 million. A large amount of the aggregate receipts (nearly 85 percent) were derived from the sale of azaleas and rhododendron. The next largest category of sales is from oak firewood (12.7 percent), followed by oak nursery stock (2.5 percent), and mulch and chips from oak (0.17 percent).

This interim rule may impact some of the wholesale nurseries who move rhododendrons and oak nursery stock to nurseries outside the State. Nurseries that do not meet APHIS's requirements must divert their products to markets within the quarantined area, or if a market cannot be found, lose sales of that commodity. Although some information is available from the survey on the number of businesses who have contact with host materials (234 establishments), and the relatively large amount of receipts earned from sales of *Rhododendron* spp. (including azaleas) is also known, the amount of these hosts that are intended for interstate shipment is unknown. Thus, a conclusive statement cannot be made about the extent of the impact due to the movement restriction. APHIS invites comments from members of the public who may be impacted by the restriction on interstate movement of *Rhododendron* spp.

Besides rhododendrons and azaleas, wholesale nurseries within the affected area that sell oak seedlings and trees to nurseries outside the State would also be affected by the rule. The proportion of the 234 establishments that would be affected by the restrictions on movement of oak seedlings is unknown.

However, trade of seedlings is primarily on one type of host species, the coast live oak, which is not believed to be shipped interstate to a significant degree. We therefore expect that the restriction on the movement of oak nursery stock to be small.

Under this rule, producers in the quarantined counties who wish to sell wreaths, garlands, or greenery outside their counties are required to treat these products with hot water. The cost of hot water treatment is not known, and we invite public comments on treatment costs.

The economic effects that could result from the requirement that unprocessed wood or wood products (including firewood, logs, lumber, and other wood products) be debarked prior to interstate movement are unknown. We invite public comments on any costs to affected entities that may result from the debarking requirements of this rule.

The businesses surveyed that are involved in firewood distribution, from cutters to wholesalers to retailers, are generally small entities who sell primarily intrastate. The economic effects of the rule on entities involved in the firewood business is expected to be small as their sales are believed to be largely to markets within the quarantined area.

The effects of this rule on persons moving soil interstate from quarantined areas, and persons who wish to move forest stock (non-nursery grown trees, shrubs, etc.) interstate is also unknown at this time. We invite public comments on these potential effects.

In general, the economic effects of this rule could be small because many host products are sold primarily within the affected States, often within quarantined areas. Consequently, State regulations on intrastate movement would likely have a larger impact on business within the affected counties than APHIS's quarantine and regulations on interstate movement.

#### Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires that APHIS specifically consider the economic impact of the interim rule on small entities. The Small Business Administration (SBA) has established size criteria for determining which economic entities meet the definition of a small firm. The small entity size standard for nursery and tree production (NAICS 111421) is \$750,000 or less in annual receipts; for forest nurseries and gathering of forest products (NAICS 119210) is \$5,000,000 or less in annual receipts. The SBA classifies logging operations (NAICS 113310), as well as sawmills, and wood

product manufacturers as small entities if fewer than 500 people are employed.

Based on the above criteria, the majority of nurseries in the affected counties of California and Oregon would likely be classified as small entities. The impact of the rule on businesses handling host materials, whether small or large, would depend on the amount of regulated articles moved in interstate commerce that would have to meet APHIS's requirements as a condition of movement. Some businesses may incur additional costs for hot water treatment or debarking.

Preliminary results from a survey of businesses in 6 of the 10 affected counties in California indicate that host materials worth over \$7 million in annual sales may be potentially affected by the interim rule. The actual impact (that is, the number of affected establishments and the amount of additional costs or losses incurred) is not known. The negative impact of this interim rule could be small as a majority of host products is sold primarily within the regulated counties in the States. Consequently, State regulations on intrastate movement would likely have a larger impact on businesses within the affected counties than APHIS's regulations on interstate movement. The public is invited to submit information regarding the percentage of sales of regulated articles that moves intra-county, inter-county, and interstate.

The economic effects of this rule are expected to be offset by large benefits to the public in terms of preventing disease spread and harm to forest and urban resources in unaffected regions across the country.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information

collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579-0191 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following addresses: (1) Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503; and (2) Docket No. 01-054-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 01-054-1 and send your comments within 60 days of publication of this rule.

This interim rule quarantines portions of the States of California and Oregon because of the presence of *P. ramorum* and restricts the interstate movement of regulated articles from quarantined areas. Its implementation will require us to engage in certain information collection activities, in that regulated articles may not be moved interstate from quarantined areas unless they are accompanied by a certificate. A certificate may be issued by an inspector (i.e., an APHIS employee or other person authorized by the APHIS Administrator to enforce the regulations) or by a person who has entered into a written compliance agreement with APHIS. We are soliciting comments from the public concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

*Estimate of burden:* Public reporting burden for this collection of information

is estimated to average 0.07372 hours per response.

*Respondents:* Persons engaged in growing, processing, handling, or moving regulated articles.

*Estimated annual number of respondents:* 387.

*Estimated annual number of responses per respondent:* 43,002.

*Estimated annual number of responses:* 16,642.

*Estimated total annual burden on respondents:* 1,227 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS Information Collection Coordinator, at (301) 734-7477.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

*Authority:* 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 also issued under Sec. 204, Title II, Pub. L. 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 also issued under Sec. 203, Title II, Pub. L. 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. Part 301 is amended by adding a new "Subpart—Phytophthora Ramorum," §§ 301.92 through 301.92-10, to read as follows:

#### Subpart—Phytophthora Ramorum

Sec.

301.92 Restrictions on the interstate movement of regulated and restricted articles.

301.92-1 Definitions.

301.92-2 Regulated and restricted articles.

301.92-3 Quarantined areas.

301.92-4 Conditions governing the interstate movement of regulated and restricted articles from quarantined areas.

301.92-5 Issuance and cancellation of certificates.

301.92-6 Compliance agreements and cancellation.

301.92-7 Assembly and inspection of regulated articles.

301.92-8 Attachment and disposition of certificates.

301.92-9 Costs and charges.

301.92-10 Treatments.

301.92-11 Inspection and sampling protocol.

#### Subpart—Phytophthora Ramorum

§ 301.92 Restrictions on the interstate movement of regulated and restricted articles.

No person may move interstate from any quarantined area any regulated or restricted article except in accordance with this subpart.<sup>1</sup>

#### § 301.92-1 Definitions.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

*Bark chips.* Bark fragments broken or shredded from a log or tree.

*Certificate.* A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article meets the requirements of § 301.92-5(a) of this subject and may be moved interstate to any destination.

*Compliance agreement.* A written agreement between APHIS and a person engaged in growing, processing, handling, or moving regulated articles, wherein the person agrees to comply with this subpart.

*Departmental permit.* A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.92-4(a)(2) of this subpart.

*Duff.* Decaying plant matter that includes leaf litter, green waste, stem material, bark, and any other plant material that, upon visual inspection, does not appear to have completely decomposed into soil.

*Firewood.* Wood that has been cut, sawn, or chopped into a shape and size commonly used for fuel.

*Forest stock.* All flowers, trees, shrubs, vines, scions, buds, fruit pits, or other seeds of fruit and ornamental trees or shrubs that are wild-grown, backyard-grown, or naturally occurring and do not meet the definition of nursery stock, and that are not located on a nursery premises.

<sup>1</sup> Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated or restricted articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

*Inspector.* Any employee of APHIS, the U.S. Department of Agriculture, or other person authorized by the Administrator to perform the duties required under this subpart.

*Interstate.* From any State into or through any other State.

*Log.* The bole of a tree; trimmed timber that has not been sawn further than to form cants.

*Lumber.* Logs that have been sawn into boards, planks, or structural members such as beams.

*Moved (move, movement).* Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

*Mulch.* Bark chips, wood chips, wood shavings, or sawdust, or a mixture thereof, that could be used as a protective or decorative ground cover.

*Nursery stock.* All greenhouse or field-grown florist's stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

*Person.* Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

*Plant Protection and Quarantine.* Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Quarantined area.* Any State, or any portion of a State, listed in § 301.92-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.92-3(b) of this subpart.

*Regulated article.* Any article listed in § 301.92-2(a) of this subpart.

*Restricted article.* Any article listed in § 301.92-2(b) of this subpart.

*Soil.* Any non-liquid combination of organic and/or inorganic material in which plants can grow.

*State.* The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

#### § 301.92-2 Regulated and restricted articles.

(a) The following are regulated articles, and may be moved interstate from a quarantined area only if accompanied by a certificate issued in accordance with the regulations in this subpart:

(1) Nursery stock (except acorns and seeds), unprocessed wood and wood products, and plant products, including firewood, logs, lumber, wreaths,

garlands, and greenery of arrowwood (*Viburnum x bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*) (except fruit), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* spp., including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*).

(2) Soil.

(3) Any other product or article that an inspector determines to present a risk of spreading *Phytophthora ramorum*, if an inspector notifies the person in possession of the product or article that it is subject to the restrictions in the regulations.

(b) The following are restricted articles, and may only be moved interstate from a quarantined area by the U.S. Department of Agriculture for experimental or scientific purposes, and only in accordance with the regulations in § 301.92-4(a)(2) of this subpart:

(1) Bark chips, forest stock, or mulch of arrowwood (*Viburnum x bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* spp., including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*).

(2) Any other product or article that an inspector determines to present a risk of spreading *Phytophthora ramorum*, if an inspector notifies the person in possession of the product or article that it is a restricted article.

§ 301.92-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which *Phytophthora ramorum* has been found by an inspector, in which the Administrator has reason to believe that *Phytophthora ramorum* is present, or that the Administrator considers

necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which *Phytophthora ramorum* has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of *Phytophthora ramorum*.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The following areas are designated as quarantined areas:

California

*Alameda County.* The entire county.  
*Marin County.* The entire county.  
*Mendocino County.* The entire county.  
*Monterey County.* The entire county.  
*Napa County.* The entire county.  
*San Mateo County.* The entire county.  
*Santa Clara County.* The entire county.  
*Santa Cruz County.* The entire county.  
*Solano County.* The entire county.  
*Sonoma County.* The entire county.

Oregon

*Curry County.* That portion of the county bounded by a line drawn as follows: Beginning in the northwest corner of sec. 17, T. 40 S., R. 13 W., then east along sec. 17 and 16, T. 40 S., R. 13 W., to sec. 16, T. 40 S., R. 13 W., then south along sec. 16, 21, 28, and 33, T. 40 S., R. 13 W., to sec. 33, T. 40 S., R. 13 W., then west along sec. 33 and 32, T. 40 S., R. 13 W., to sec. 32, T. 40 S., R. 13 W., then north along sec. 32 and 29, T. 40 S., R. 13 W., to the midway point of the western boundary of sec. 29, T. 40 S., R. 13 W., then west to the center of sec. 30, T. 40 S., R. 13 W., then north through sec. 30 and 19, T. 40 S., R. 13 W., to the center of sec. 19, T. 40 S., R. 13 W., then east to the

western boundary of sec. 20, T. 40 S., R. 13 W., then north along sec. 20 and 17, T. 40 S., R. 13 W., to the point of beginning.

§ 301.92-4 Conditions governing the interstate movement of regulated and restricted articles from quarantined areas.

Regulated articles and restricted articles may be moved interstate from a quarantined area<sup>2</sup> only if moved in accordance with this section.

(a) *With a certificate or departmental permit.*

(1) Any regulated articles may be moved interstate from a quarantined area if accompanied by a certificate issued and attached in accordance with §§ 301.92-5 and 301.92-8 of this subpart, and provided that the regulated article is moved through the quarantined area without stopping except for refueling, rest stops, emergency repairs, and for traffic conditions, such as traffic lights or stop signs.

(2) Any restricted article may be moved interstate from a quarantined area only if the article is moved:

(i) By the United States Department of Agriculture for experimental or scientific purposes;

(ii) Pursuant to a departmental permit issued by the Administrator for the article;

(iii) Under conditions specified on the departmental permit and found by the Administrator to be adequate to prevent the spread of *Phytophthora ramorum*; and

(iv) With a tag or label bearing the number of the departmental permit issued for the article attached to the outside of the container holding the article, or attached to the article itself if not in a container.

(b) *Without a certificate or departmental permit.*

(1) The regulated or restricted article originated outside the quarantined area and the point of origin of the article is indicated on the waybill of the vehicle transporting the article; and

(2) The regulated or restricted article is moved from outside the quarantined area through the quarantined area without stopping except for refueling or for traffic conditions, such as traffic lights or stop signs, and the article is not unpacked or unloaded in the quarantined area. (Approved by the Office of Management and Budget under control number 0579-0191)

<sup>2</sup> Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

## 6836 Federal Register / Vol. 67, No. 31 / Thursday, February 14, 2002 / Rules and Regulations

**§ 301.92-5 Issuance and cancellation of certificates.**

(a) An inspector<sup>3</sup> may issue a certificate for the interstate movement of regulated articles if an inspector determines that:

(1)(i) The regulated articles have been treated under the direction of an inspector in accordance with § 301.92-10 of this subpart; or

(ii) The regulated articles are wood products such as firewood, logs, or lumber that are free of bark; or

(iii) The regulated article is soil that has not been in direct physical contact with any article infected with *P. ramorum*, and from which all duff has been removed.

(iv) The regulated articles are articles of nursery stock that:

(A) Are shipped from a nursery or premises in a quarantined area that is inspected annually in accordance with the inspection and sampling protocol described in § 301.92-11(a) of this subpart, and that has been found free of *Phytophthora ramorum*; and

(B) Are part of a shipment of nursery stock that has been inspected prior to interstate movement in accordance with § 301.92-11(b) of this subpart, and that has been found free of *Phytophthora ramorum*; and

(C) Have been kept separate from regulated articles not inspected between the time of the inspection and the time of interstate movement; and

(D) Have not been grown in, or moved from, other areas within a quarantined area except nurseries or premises that are annually inspected for *Phytophthora ramorum* in accordance with this section, and that have been found free of *Phytophthora ramorum*.

(2) The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714)<sup>4</sup> to prevent the spread of *Phytophthora ramorum*; and

<sup>3</sup> Services of an inspector may be requested by contacting local offices of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Invasive Species and Pest Management, 4700 River Road Unit 134, Riverdale MD 20737-1238, or the APHIS web site at <http://www.aphis.usda.gov/travel/aqi.html>.

<sup>4</sup> Sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7721, and 7754) provide that the Secretary of Agriculture may, under certain conditions, hold, seize, quarantine, treat, apply other remedial measures to destroy or otherwise dispose of any plant, plant part, plant product, article, or means of conveyance that is moving, or has moved into or through the United States or interstate if the Secretary has reason to believe the article is a plant part or is infested with a plant pest at the time of movement.

(3) The regulated article is eligible for unrestricted movement under all other Federal domestic plant quarantine and regulations applicable to the regulated article.

(b) Certificates may be issued by any person engaged in the business of growing, processing, handling, or moving regulated articles provided such person has entered into and is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of regulated articles if an inspector has previously made the determination that the article is eligible for a certificate in accordance with § 301.92-5(a) of this subpart.

(c) Any certificate that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the certificate has not complied with all conditions in this subpart for the use of the certificate. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow.

Any person whose certificate has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0191)

**§ 301.92-6 Compliance agreements and cancellation.**

(a) Any person engaged in growing, processing, handling, or moving regulated articles other than nursery stock may enter into a compliance agreement when an inspector determines that the person understands this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in the compliance agreement.<sup>5</sup>

(b) Any compliance agreement may be canceled, either orally or in writing, by

<sup>5</sup> Compliance agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Invasive Species and Pest Management, 4700 River Road Unit 134, Riverdale, MD 20737-1238, and from local offices of the Plant Protection and Quarantine, which are listed in telephone directories.

an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

**§ 301.92-7 Assembly and inspection of regulated articles.**

(a) Any person (other than a person authorized to issue certificates under § 301.92-5(b) of this subpart) who desires to move a regulated article interstate accompanied by a certificate must notify an inspector<sup>6</sup> as far in advance of the desired interstate movement as possible, but no less than 14 days before the desired interstate movement.

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

**§ 301.92-8 Attachment and disposition of certificates.**

(a) A certificate required for the interstate movement of a regulated article must, at all times during the interstate movement, be:

(1) Attached to the outside of the container containing the regulated article; or

(2) Attached to the regulated article itself if not in a container; or

(3) Attached to the consignee's copy of the accompanying waybill. If the certificate is attached to the consignee's copy of the waybill, the regulated article must be sufficiently described on the certificate and on the waybill to identify the regulated article.

(b) The certificate for the interstate movement of a regulated article must be furnished by the carrier to the consignee listed on the certificate upon arrival at the location provided on the certificate. (Approved by the Office of Management and Budget under control number 0579-0191)

<sup>6</sup> See footnote 3 of this subpart.



**§ 301.92-9 Costs and charges.**

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The user will be responsible for all costs and charges arising from inspection and other services provided outside normal business hours.

**§ 301.92-10 Treatments.**

The following methods may be used to treat the regulated articles listed for *Phytophthora ramorum*:

- (a) Soil must be heated to a temperature of at least 180 °F for 30 minutes in the presence of an inspector.
- (b) Wreaths, garlands, and greenery of arrowwood (*Viburnum × bodnantense*), big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), California coffeeberry (*Rhamnus californica*), California honeysuckle (*Lonicera hispidula*), coast live oak (*Quercus agrifolia*), huckleberry (*Vaccinium ovatum*), madrone (*Arbutus menziesii*), manzanita (*Arctostaphylos* spp.), rhododendron (*Rhododendron* species, including azalea), Shreve's oak (*Quercus parvula* var. *shrevei*), tanoak (*Lithocarpus densiflorus*), and Toyon (*Heteromeles arbutifolia*) must be dipped for 1 hour in water that is held at a temperature of at least 160 °F.

**§ 301.92-11 Inspection and sampling protocol.**

(a) *Annual nursery inspection and sampling.* To meet the requirements of § 301.92-5(a)(1)(iv) of this subpart, nurseries that ship regulated articles of nursery stock interstate must be inspected for symptoms of *Phytophthora ramorum* annually in accordance with this section.

(1) If the nursery contains 100 or fewer regulated articles, an inspector will inspect each regulated article. If the nursery contains more than 100 regulated articles, an inspector will inspect 100 regulated articles and at least 2 percent of the number of regulated articles contained in the nursery that exceeds 100. The regulated articles to be inspected will be randomly selected from throughout the nursery.

(2) If symptomatic plants are found upon inspection, the inspector must collect at least one sample per symptomatic plant.

(3) If fewer than 40 symptomatic plants are found in a nursery during an annual inspection, the inspector must collect samples from nonsymptomatic regulated articles of nursery stock so that the total number of sampled plants is at least 40.

(4) Samples must be labeled and sent for testing to a laboratory approved by APHIS.

(5) If any regulated articles within a nursery are found to be infected with *Phytophthora ramorum*, the nursery will be prohibited from moving regulated articles interstate until such time as an inspector can determine that the nursery is free of *Phytophthora ramorum*.

(b) *Inspection and sampling of individual shipments.* To meet the requirements of § 301.92-5(a)(1)(iv) of this subpart, each shipment of regulated articles of nursery stock intended for interstate movement must be inspected for symptoms of *Phytophthora ramorum* in accordance with this section.

(1) If a shipment contains 100 or fewer regulated articles, an inspector will inspect each regulated article. If a shipment contains more than 100 regulated articles, an inspector will inspect 100 regulated articles and at least 2 percent of the number of regulated articles contained in the shipment that exceeds 100. The regulated articles to be inspected will be randomly selected.

(2) If symptomatic plants are found upon inspection, the inspector will collect at least one sample per symptomatic plant, and one sample per regulated article of nursery stock that is in close proximity to, or that has had physical contact with a symptomatic plant.

(3) Samples will be labeled and sent for testing to a laboratory approved by APHIS, and must be found free of *Phytophthora ramorum* prior to the interstate movement of any regulated articles contained in the shipment.

(4) If any plants intended for interstate movement are found to be infected with *Phytophthora ramorum*, the nursery from which they originate will be prohibited from moving regulated articles interstate until such time as an inspector can determine that the nursery is free of *Phytophthora ramorum*.

Done in Washington, DC, this 12th day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02-3721 Filed 2-13-02; 8:45 am]

BILLING CODE 3410-34-P

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Parts 911 and 944**

[Docket No. FV01-911-2 FR]

**Limes Grown in Florida and Imported Limes; Suspension of Regulations**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This rule suspends regulations for one year for limes grown in Florida and for limes imported into the United States that are shipped to the fresh market. This rule suspends grade, size, quality, maturity, pack, inspection, assessment collection, reporting, and other requirements currently prescribed under the Florida lime marketing order (order). The order is administered locally by the Florida Lime Administrative Committee (Committee). This suspension gives the industry time to evaluate citrus canker eradication efforts and the market effects of suspending regulations for one year. This change reduces costs and will help the industry recover from the effects of citrus canker. The suspension of the grade, size, quality, maturity, and inspection requirements specified in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

**EFFECTIVE DATE:** This final rule becomes effective February 19, 2002 through February 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Doris Jamieson, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, Florida 33884; telephone: (863) 324-3375; Fax: (863) 325-8793; or George Kellhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491; Fax: (202) 720-8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491; Fax: (202) 720-8938, or E-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing

(8) 7 CFR part 3052, "Audits of States, Local Governments, and Non-Profit Organizations."

**§ 25.623 Programmatic changes.**

Prior approval from USDA is required for all changes to the scope or objectives of an approved strategic plan or benchmark activity. Failure to obtain prior approval of changes to the strategic plan or benchmarks, including changes to the scope of work or a project budget may result in suspension, termination, and recovery of USDA EZ/EC grant funds.

**§§ 25.624–25.999 [Reserved]**

Dated: March 18, 2002.  
Ann M. Veneman,  
Secretary.  
[FR Doc. 02–7023 Filed 3–22–02; 8:45 am]  
BILLING CODE 3410–01–P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 301**

[Docket No. 01–054–2]

**Phytophthora Ramorum; Quarantine and Regulations**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and notice of public hearings; correction.

**SUMMARY:** In an interim rule published in the Federal Register and effective on February 14, 2002, we amended the domestic quarantine regulations by quarantining 10 counties in the State of California and a portion of 1 county in the State of Oregon because of the presence of *Phytophthora ramorum* and by regulating the interstate movement of regulated and restricted articles from the quarantined area. The interim rule contained errors in the Supplementary Information section and in the rule portion. This document corrects those errors.

**EFFECTIVE DATE:** February 14, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Jones, Operations Officer, Invasive Species and Pest Management, FPO, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737; (301) 734–8247.

**SUPPLEMENTARY INFORMATION:** In an interim rule published in the Federal Register on February 14, 2002 (67 FR 6827–6837, Docket No. 01–054–1), we amended the domestic quarantine regulations in 7 CFR part 301 by adding a subpart, "Phytophthora Ramorum"

(§§ 301.92 through 301.92–10, referred to below as the regulations). The regulations quarantine portions of the States of California and Oregon because of *Phytophthora ramorum* and restrict the interstate movement of regulated and restricted articles from quarantined areas.

*P. ramorum* is a harmful fungus that has been found in several hosts, including manzanita (*Arctostaphylos manzanita*). In the Supplementary Information section and the rule portion of the interim rule, we incorrectly listed all species of *Arctostaphylos* as regulated and restricted articles by identifying manzanita as *Arctostaphylos* spp. Therefore, in order for the regulations to accurately identify this specific host, we are correcting the errors in the rule portion of the interim rule by replacing *Arctostaphylos* spp. with *Arctostaphylos manzanita*.

In FR Doc. 02–3721, published on February 14, 2002 (67 FR 6827–6837), make the following corrections:

**PART 301—[CORRECTED]**

1. On page 6835, in the first column, in § 301.92–2, in paragraphs (a)(1) and (b)(1), correct "(*Arctostaphylos* spp.)" to read "(*Arctostaphylos manzanita*)".

2. On page 6837, in the first column, in § 301.92–10, in paragraph (b), correct "(*Arctostaphylos* spp.)" to read "(*Arctostaphylos manzanita*)".

Done in Washington, DC, this 19th day of March, 2002.

W. Ron DeHaven,  
Acting Administrator, Animal and Plant Health Inspection Service.  
[FR Doc. 02–7110 Filed 3–22–02; 8:45 am]  
BILLING CODE 3410–34–U

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 989**

[Docket No. FV02–889–3 FIR]

**Raisins Produced From Grapes Grown In California; Extension of Redemption Date for Unsold 2001 Diversion Certificates**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that extended the deadline for raisin handlers to redeem diversion certificates issued under the 2001 raisin diversion program (RDP). The deadline

is specified under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (RAC). This action gave producers additional time to sell their certificates to handlers and thus be compensated for diverting their 2001 production, which is the intent of the RDP.

**EFFECTIVE DATE:** Effective April 24, 2002.

**FOR FURTHER INFORMATION CONTACT:** Maureen T. Pello, Senior Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephones: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule continues in effect an interim final rule that extended the deadline for handlers to redeem diversion certificates issued under the 2001 RDP for Natural (sun-dried) Seedless (NS) raisins. The deadline was extended from December 17, 2001, to January 18, 2002, and applied only to certificates unsold by producers to handlers as of December 18, 2001. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

Definition of Prime Ag Land in the Williamson Act, Section 51201(c) of the Government Code

(c) "Prime agricultural land" means any of the following:

(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

Definition of Prime Ag Land in Cortese-Knox-Hertzberg Local Government Reorganization Act in the Government Code [Note the higher economic threshold.]

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

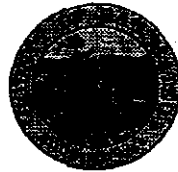
Definition of Prime Ag Land from the Coastal Act in the Public Resources Code [Note this Act dropped the economic threshold for unprocessed agricultural plant products.]

30113. "Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

Definition of Prime Farmland from the Farmland Mapping and Monitoring Program (Government Code Section 65570) that utilizes the USDA land inventory and monitoring criteria, as modified for California

**PRIME FARMLAND:** Farmland with the best combination of physical and chemical features able to sustain long-term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date.

**FARMLAND OF STATEWIDE IMPORTANCE:** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or with less ability to hold and store moisture. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**Health Services Agency**

**DATE:** August 1, 2002

**BOARD MEETING DATE:** August 20, 2002

**TO:** Honorable Board of Supervisors

**FROM:** Margaret Taylor, Director of Health Services *MT*  
Brian Zamora, Director of Public Health and Environmental Protection  
Scott Morrow, M.D., M.P.H., Health Officer

**SUBJECT:** California Department of Health Services Bioterrorism Agreement

**Recommendation**

1. Receive and accept the Report from the Health Officer regarding Public Health Preparedness for Biological or Chemical Terrorist Events.
2. Adopt a Resolution:
  - 1) Authorizing the President of the Board of Supervisors to sign an agreement with the State of California Department of Health Services Emergency Preparedness Office to address emergency response to local bioterrorism activities.
  - 2) Authorizing the President of the Board of Supervisors to sign the subsequent agreements for the remaining 2002-03 funding for Bioterrorism Preparation and defense planning, allocations and other related documents.
3. Adopt a Salary Ordinance Amendment adding staffing for Public Health infrastructure as required for the State Agreement for bioterrorism activities

**Background**

At the federal, state and local levels, a number of activities supporting our disaster and terrorism preparedness have occurred since our nation was attacked last September and October. Our vulnerabilities were made clear as a result of these terrorist acts. While no actual attack occurred here, our collective resources were pushed to their limits. We have been attempting to aggressively address these vulnerabilities in the months since the attacks.

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

**\* \* \* \* \***

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR DEVELOPMENT OF A BIOTERRORISM PREPAREDNESS PLAN**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, there has been presented to this Board of Supervisors for its consideration and acceptance an agreement, reference to which is hereby made for further particulars, whereby the State of California Department of Health Services will provide \$189,111 for two fiscal years, FY 2002-03 and FY 2003-04 for development of a Bioterrorism Preparedness Plan; and

**WHEREAS**, this Board has been presented with a form of the Agreement and has examined and approved it as to both form and content and desires to enter into the Agreement:

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the Board hereby authorizes the President of this Board of Supervisors to execute said Agreement for and on behalf of the County of San Mateo and execute subsequent agreements for the remaining funding for FY 2002-03, and the Clerk of this Board shall attest the President's signature thereto.

**\* \* \* \* \***

4. Item E416S, Medical Office Assistant series, is increased by 1 position for a new total of 8 positions.
5. Item F122S, Physician series, is increased by 1 position for a new total of 3 positions.
6. Item F065S, Public Health Microbiologist series, is increased by 1 position for a new total of 6 positions.
7. Item F040, Public Health Nurse, is increased by 1 position for a new total of 48 positions.

**SECTION 2.** This ordinance is effective at the start of the first pay period 30 days following adoption.

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING THE MASTER SALARY**  
**ORDINANCE ADOPTED ON JULY 30, 2002**

The Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

**SECTION 1.** Part 12 of the Ordinance is amended as indicated:

**ORGANIZATION 18000 INFORMATION SERVICES DEPARTMENT**

1. Item V235, Information Technology Analyst, is increased by 1 position for a new total of 18 positions.

**ORGANIZATION 56000 EMERGENCY MEDICAL SERVICES**

1. Item B182S, Community Program Specialist - unclassified series, is decreased by 1 position for a new total of 0 positions.
2. Item G226S, Community Program Specialist series, is increased by 1 position for a new total of 2 positions.

**ORGANIZATION 59000 ENVIRONMENTAL HEALTH DEPARTMENT**

1. Item J003S, Hazardous Materials Specialist series, is increased by 1 position for a new total of 18 positions.

**ORGANIZATION 62000 PUBLIC HEALTH SERVICES DEPARTMENT**

1. Item G226S, Community Program Specialist series, is increased by 1 position for a new total of 23 positions.
2. Item F002, Epidemiologist, is increased by 1 position for a new total of 4 positions.
3. Item E337, Office Specialist, is increased by 1 position for a new total of 5 positions.



**Exhibit A**  
**Scope of Work**

1. Contractor agrees to provide to the Department of Health Services (DHS) the services described herein.

Contractor shall:

- Develop and submit a Work Plan to address emergency response to local bioterrorism activities (90% of the total contract amount); and
  - Submit a proposed Bioterrorism Preparedness Plan, proposed budget, and budget justification. The proposed budget may include reimbursement of costs associated with addressing local bioterrorism activities that have occurred between September 11, 2001 and February 19, 2002 resulting from the September 11, 2001 attack on the United States (10% of the total contract amount).
2. The services shall be performed at applicable facilities in the County of San Mateo.
  3. The services shall be provided during normal County working hours and days, as well as other hours and days the County deems appropriate.
  4. The project representatives during the term of this agreement will be:

<b>Department of Health Services</b> Lynnette Freitag Telephone: (916) 324-4003 Fax: (916) 324-7806	<b>Contractor</b> John Conley Telephone: (650) 573-2757 Fax: (650) 573-2397
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Direct all inquiries to:

<b>Department of Health Services</b> Emergency Preparedness Office Attention: Lynnette Freitag 601 North 7 <sup>th</sup> Street, MS 244 P.O. Box Number 942732 Sacramento, CA 94234-7320  Telephone: (916) 324-4003 Fax: (916) 324-7806	<b>Contractor</b> Public Health Attention: John Conley 225 37th Avenue San Mateo, CA 94403  Telephone: (650) 573-2757 Fax: (650) 573-2397
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Either party may make changes to the information above by giving written notice to the other party. Said changes shall not require an amendment to this agreement.

**5. Allowable Informal Scope of Work Changes**

- A. The Contractor or the State may propose informal changes or revisions to the activities, tasks, deliverables and/or performance time frames specified in the Scope of Work, provided such changes do not alter the overall goals and basic purpose of the agreement.
- B. Informal SOW changes may include the substitution of specified activities or tasks; the alteration or substitution of agreement deliverables and modifications to anticipated completion/target dates.
- C. Informal SOW changes, processed hereunder, shall not require a formal agreement amendment, provided the Contractor's annual budget does not increase or decrease as a result of the informal SOW change.

1. This Agreement is entered into between the State Agency and the Contractor named below:  

<small>STATE AGENCY'S NAME</small>	California Department of Health Services
<small>CONTRACTOR'S NAME</small>	County of San Mateo (Health Services Agency)
2. The term of this Agreement is: February 15, 2002 through August 31, 2003
3. The maximum amount of this Agreement is: \$ 189,111  
One hundred eighty nine thousand, one hundred eleven
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	4 pages
Exhibit B – Budget Detail and Payment Provisions	2 pages
Exhibit C* – General Terms and Conditions	GTC 201 dated 02/20/01
Exhibit D (F) Special Terms and Conditions (Attached hereto as part of this agreement)	26 pages
Exhibit E – Additional Provisions	1 page
Exhibit F – Contractor's Release	1 page

Items shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts)

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

<b>CONTRACTOR</b>		<i>California Department of General Services Use Only</i>
<small>CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)</small> County of San Mateo Health Services Agency, Public Health Division		
<small>BY (Authorized Signature)</small> Jerry Hill, President Board of Supervisors	<small>DATE SIGNED (Do not type)</small>	
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> ATTEST: Clerk of Said Board		
<small>ADDRESS</small> 225 37th Avenue, San Mateo, California 94403		
<b>STATE OF CALIFORNIA</b>		
<small>AGENCY NAME</small> California Department of Health Services		<input type="checkbox"/> Exempt per:
<small>BY (Authorized Signature)</small> 	<small>DATE SIGNED (Do not type)</small>	
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> Edward Stahlberg, Chief, Program Support Branch		
<small>ADDRESS</small> 1800 3 <sup>rd</sup> Street, Rm. 455, P. P. Box 942732, Sacramento, CA 94234-7320		

**Exhibit A**  
**Scope of Work**

**Goal / Task #1:** Submit a Work Plan that will result in the submission of a bioterrorism plan

Major Objectives	Major Functions, Tasks, and Activities	Timeline	Performance Measure and/or Deliverable
<p>Submit a Work Plan to address bioterrorism threats.</p> <p>Reimbursement for this task shall not exceed 90% of the total contract amount.</p>	<ol style="list-style-type: none"> <li>1. The work plan must clearly demonstrate the critical capacities and benchmarks established by the Centers for Disease Control and Prevention (CDC) for the Focus Areas described below.               <ol style="list-style-type: none"> <li>A. Preparedness Planning and Readiness Assessment</li> <li>B. Surveillance and Epidemiology Capacity</li> <li>C. Laboratory Capacity - Biologic Agents</li> <li>D. Laboratory Capacity - Chemical Agents (not funded)</li> <li>E. Health Alert Network/Communications and Information Technology</li> <li>F. Risk Communication and Health Information Dissemination (Public Information and Communication)</li> <li>G. Education and Training</li> </ol> </li>   <li>2. Each Focus Area includes <b>Critical Capacities</b>, which consist of core requirements that should be implemented as soon as possible to enable a local public health system to prepare for and respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies.</li>   <li>3. The Work Plan must comply with the CDC's "Guidance for Fiscal Year 2002 Supplemental Funds for Public Health Preparedness and Response for Bioterrorism", which is incorporated herein by this reference. This document and its attachments may be accessed at the following Internet site:  <a href="http://www.bt.cdc.gov/Planning/CoopAgreementAward/index.asp">http://www.bt.cdc.gov/Planning/CoopAgreementAward/index.asp</a> </li> </ol>	<p>Within 30 calendar days after execution of the contract (i.e. final approvals obtained from all parties.)</p>	<p>Submission and acceptance of a Work Plan that complies with the cited federal guidelines.</p> <p>Submit 6 copies of the work plan to DHS' designated representative identified in Provision 4 on page 1 of this document.</p>

**Exhibit A**  
Scope of Work

- D. Unless otherwise stipulated in this agreement, all informal SOW changes and revisions are subject to prior written approval by the State.
- E. In implementing this provision, the State may provide a format for the Contractor's use to request informal SOW changes. If no format is provided by the State, the Contractor may devise its own format for this purpose.

**6. Progress Reports**

- A. Contractor shall submit progress reports or attend meetings with state personnel at intervals determined by DHS to determine if the Contractor is on the right track, whether the project is on schedule, provide communication of interim findings, and afford occasions for airing difficulties or special problems encountered so that remedies can be developed quickly.

- 7. See the following pages for a detailed description of the services to be performed.

**Exhibit B**  
**Budget Detail and Payment Provisions**

**1. Invoicing and Payment**

A. For services satisfactorily rendered, and upon receipt and approval of the invoices, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein.

B. Invoices shall include the Agreement Number and shall be submitted in triplicate to:

Department of Health Services  
Emergency Preparedness Office  
Attn: Lynnette Freitag  
601 North 7<sup>th</sup> Street, MS 244  
P.O. Box 942732  
Sacramento, CA 94234-7320

C. Invoices shall:

- 1) Be prepared on the Contractor's letterhead
- 2) Use the Contractor's name as shown on the agreement
- 3) Identify the billing and/or performance period covered by the invoice
- 4) Itemize allowable costs for the billing period
- 5) Be signed by an authorized official, employee or agent certifying that the expenditures claimed represent actual expenses for the service performed under this contract.

D. **This is fixed price agreement.** Payments shall be made incrementally upon receipt of an invoice following completion of the following tasks:

- 1) Submission and acceptance of a Work Plan that results in a Bioterrorism Preparedness Plan. Up to 90% of the total contract amount can be invoiced upon completion of this task.
- 2) Submission and acceptance of a proposed Bioterrorism Preparedness Plan, budget and budget justification by DHS.

Unless advance written approval is obtained from DHS, no more than 10% of the total contract amount can be allocated to county/city public health bioterrorism related costs incurred between 9-11-01 and 2-19-02. Contractor shall maintain on file for audit purposes adequate substantiation to show that each cost claimed was indeed incurred for bioterrorism activities and the expense was incurred in the wake of September 11, 2001.

**E. Future Funding**

DHS cannot assure the Contractor a set amount of funding or funding at a level that will fully cover all expenses associated with implementation of the Contractor's DHS approved Bioterrorism Preparedness Plan.

**2. Budget Contingency Clause**

A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no

**Exhibit A**  
**Scope of Work**

**Goal / Task #2: Submit a proposed Bioterrorism Preparedness Plan**

Major Objectives	Major Functions, Tasks, and Activities	Timeline	Performance Measure and/or Deliverable
<p>Develop comprehensive, strategic Bioterrorism Preparedness Plan that outlines the specific core activities, interventions, and collaborations that are planned.</p> <p><b>Reimbursement for this task shall not exceed 10% of the total contract amount.</b></p>	<ol style="list-style-type: none"> <li>1. The Bioterrorism Preparedness Plan must clearly include details for implementation along with proposed timelines and anticipated funding needs.</li> <li>2. Identify implementation priorities, specific proposed timelines for completing the actions indicated for each critical capacity and include measurable milestones that will trigger completion of each of the proposed actions and/or functions.</li> <li>3. Include a proposed budget by funded focus area that will show how you propose to allocate costs associated with the development and implementation of the Bioterrorism Preparedness Plan.</li> </ol> <p>The proposed budget may include reimbursement of costs associated with addressing local bioterrorism activities that have occurred between September 11, 2001 and February 19, 2002 resulting from the September 11, 2001 attack on the United States.</p> <p>Unless advance written approved is obtained from DHS, no more than 10% of the total contract amount can be allocated to county/city public health bioterrorism related costs incurred between 9-11-01 and 2-19-02.</p> <ol style="list-style-type: none"> <li>4. Include a narrative budget justification for all major expenditures within each focus area.</li> </ol>	<p>Submittal by 9-15-02</p>	<p>Submission of a Bioterrorism Preparedness Plan that will address capacities and benchmarks as identified in the previously submitted Work Plan.</p> <ul style="list-style-type: none"> <li>• The Bioterrorism Preparedness Plan will be evaluated by DHS for compliance with applicable federal guidelines and the State's plan submitted to the CDC.</li> </ul> <p>Submission of a proposed budget for future funding and a narrative budget justification.</p> <ul style="list-style-type: none"> <li>• The proposed budget and budget justification will be evaluated by DHS for compliance with applicable OMB circulars, federal guidelines, and DHS directives.</li> </ul>

## Special Terms and Conditions

*(For federally funded service contracts and grant awards)*

The use of headings or titles throughout this exhibit is for convenience only and shall not be used to interpret or to govern the meaning of any specific term or condition. The terms "contract", "Contractor" and "Subcontractor" shall also mean "grant", "Grantee" and "Subgrantee" respectively.

### Index of Special Terms and Conditions

1. Federal Equal Employment Opportunity Requirements	18. Novation Requirements
2. Travel and Per Diem Reimbursement	19. Debarment and Suspension Certification
3. Procurement Rules	20. Smoke-Free Workplace Certification
4. Equipment Ownership / Inventory / Disposition	21. Covenant Against Contingent Fees
5. Subcontract Requirements	22. Payment Withholds
6. Income Restrictions	23. Performance Evaluation
7. Audit and Record Retention	24. Officials Not to Benefit
8. Site Inspection	25. Year 2000 Compliance
9. Federal Contract Funds	26. Prohibited Use of State Funds for Software
10. Intellectual Property Rights	27. University of California Mutual Indemnification
11. Air or Water Pollution Requirements	28. Use of Small, Minority Owned and Women's Businesses
12. Prior Approval of Training Seminars, Workshops or Conferences	29. Alien Ineligibility Certification
13. Confidentiality of Information	30. Union Organizing
14. Documents, Publications, and Written Reports	31. Contract Uniformity (Fringe Benefit Allowability)
15. Dispute Resolution Process	32. Lobbying Restrictions and Disclosure Certification
16. Financial and Compliance Audit Requirements	
17. Human Subjects Use Requirements	

**Exhibit B**  
**Budget Detail and Payment Provisions**

liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

**3. Prompt Payment Clause**

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

**4. Timely Submission of Final Invoice**

- A. A final undisputed invoice shall be submitted for payment no more than thirty (30) calendar days following the expiration or termination date of this agreement, unless a later or alternate deadline is agreed to in writing by the program contract manager. Said invoice should be clearly marked "Final Invoice", thus indicating that all payment obligations of the State under this agreement have ceased and that no further payments are due or outstanding.
- B. The State may, at its discretion, choose not to honor any delinquent final invoice if the Contractor fails to obtain prior written State approval of an alternate final invoice submission deadline. Written State approval shall be sought from the program contract manager prior to the expiration or termination date of this agreement.
- C. The Contractor is hereby advised of its obligation to submit, with the final invoice, a "**Contractor's Release (Exhibit F)**" acknowledging submission of the final invoice to the State and certifying the approximate percentage amount, if any, of recycled products used in performance of this agreement.



that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs or DHS may direct as a means of enforcing such provisions including sanctions for noncompliance provided, however, that in the event the Contractor becomes involved in, or is threatened with litigation by a subcontractor or vendor as a result of such direction by DHS, the Contractor may request in writing to DHS, who, in turn, may request the United States to enter into such litigation to protect the interests of the State and of the United States.

## 2. Travel and Per Diem Reimbursement

(Applicable if travel and/or per diem expenses are reimbursed with contract funds.)

Reimbursement for travel and per diem expenses from DHS under this agreement shall, unless otherwise specified in this agreement, be at the rates currently in effect, as established by the California Department of Personnel Administration (DPA), for nonrepresented state employees. If the DPA rates change during the term of the agreement, the new rates shall apply upon their effective date and no amendment to this agreement shall be necessary. Exceptions to DPA rates may be approved by DHS upon the submission of a statement by the Contractor indicating that such rates are not available to the Contractor. No travel outside the State of California shall be reimbursed without prior written authorization from DHS.

## 3. Procurement Rules

(Applicable to all agreements in which equipment, miscellaneous property, commodities and/or supplies are furnished by DHS or expenses for said items are reimbursed with state or federal funds.)

### a. Equipment definitions

Wherever the term equipment and/or miscellaneous property is used, the following definitions shall apply:

- (1) **Major equipment:** A tangible or intangible item having a base unit cost of \$5,000 or more with a life expectancy of one (1) year or more and is either furnished by DHS or the cost is reimbursed through this agreement. Software and videos are examples of intangible items that meet this definition.
- (2) **Minor equipment:** A tangible item having a base unit cost of less than \$5,000 with a life expectancy of one (1) year or more that is listed on the DHS Asset Management Unit's Minor Equipment List and is either furnished by DHS or the cost is reimbursed through this agreement. Contractors may obtain a copy of the Minor Equipment List by making a request through the DHS program contract manager.
- (3) **Miscellaneous property:** A specific tangible item with a life expectancy of one (1) year or more that is either furnished by DHS or the cost is reimbursed through this agreement. Examples include, but are not limited to: furniture (excluding modular furniture), cabinets, typewriters, desktop calculators, portable dictators, non-digital cameras, etc.

b. **Government and public entities** (including state colleges/universities and auxiliary organizations), whether acting as a contractor and/or subcontractor, may secure all commodities, supplies, equipment and services related to such purchases that are required in performance of this agreement. Said procurements are subject to Paragraphs d through h of Provision 3. Paragraph c of Provision 3 shall also apply, if equipment purchases are delegated to subcontractors that are nonprofit organizations or commercial businesses.

c. **Nonprofit organizations and commercial businesses**, whether acting as a contractor and/or subcontractor, may secure commodities, supplies, equipment and services related to such

## 1. Federal Equal Opportunity Requirements

(Applicable to all federally funded agreements.)

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. The Contractor will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and career development opportunities and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Federal Government or DHS, setting forth the provisions of the Equal Opportunity clause, Section 503 of the Rehabilitation Act of 1973 and the affirmative action clause required by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212). Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified applicants without discrimination based on their race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era and the rights of applicants and employees.
- b. The Contractor will, in all solicitations or advancements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era.
- c. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice, to be provided by the Federal Government or the State, advising the labor union or workers' representative of the Contractor's commitments under the provisions herein and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Contractor will comply with all provisions of and furnish all information and reports required by Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212) and of the Federal Executive Order No. 11246 as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The Contractor will furnish all information and reports required by Federal Executive Order No. 11246 as amended, and the Rehabilitation Act of 1973, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the State and its designated representatives and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the Contractor's noncompliance with the requirements of the provisions herein or with any federal rules, regulations, or orders which are referenced herein, this agreement may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further federal and state contracts in accordance with procedures authorized in Federal Executive Order No. 11246 as amended and such other sanctions may be imposed and remedies invoked as provided in Federal Executive Order No. 11246 as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Contractor will include the provisions of Paragraphs a through g in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Federal Executive Order No. 11246 as amended, or Section 503 of the Rehabilitation Act of 1973 or (38 U.S.C. 4212) of the Vietnam Era Veteran's Readjustment Assistance Act, so

this agreement. The State reserves the right to request a copy of these documents and to inspect the purchasing practices of the Contractor and/or subcontractor at any time.

- g. For all purchases, the Contractor and/or subcontractor must maintain copies of all paid vendor invoices, documents, bids and other information used in vendor selection, for inspection or audit. Justifications supporting the absence of bidding (i.e., sole source purchases) shall also be maintained on file by the Contractor and/or subcontractor for inspection or audit.
- h. DHS may, with cause (e.g., with reasonable suspicion of unnecessary purchases or use of inappropriate purchase practices, etc.), withhold, cancel, modify, or retract the delegated purchase authority granted under Paragraphs b and/or c of Provision 3 by giving the Contractor no less than 30 calendar days written notice.

#### 4. Equipment Ownership / Inventory / Disposition

(Applicable to agreements in which equipment and/or miscellaneous property is furnished by DHS and/or when said items are purchased or reimbursed with state or federal funds.)

- a. Wherever the term equipment and/or miscellaneous property is used in Provision 4, the definitions in Provision 3, Paragraph a shall apply.

All equipment and/or miscellaneous property that are purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement and not fully consumed in performance of this agreement shall be considered state equipment and the property of DHS.

- (1) DHS requires the reporting, tagging and annual inventorying of all equipment and/or miscellaneous property that is furnished by DHS or purchased/reimbursed with funds provided through this agreement.

Upon receipt of equipment and/or miscellaneous property, the Contractor shall report the receipt to the DHS program contract manager. To report the receipt of said items and to receive property tags, Contractor shall use a form or format designated by DHS' Asset Management Unit. If the appropriate form (i.e., Contractor Equipment Purchased with DHS Funds) does not accompany this agreement, Contractor shall request a copy from the DHS program contract manager.

- (2) If the Contractor enters into an agreement with a term of more than twelve months, the Contractor shall submit an annual inventory of state equipment and/or miscellaneous property to the DHS program contract manager using a form or format designated by DHS' Asset Management Unit. If an inventory report form (i.e., Inventory/Disposition of DHS-Funded Equipment) does not accompany this agreement, Contractor shall request a copy from the DHS program contract manager. Contractor shall:

- (a) Include in the inventory report, equipment and/or miscellaneous property in the Contractor's possession and/or in the possession of a subcontractor (including independent consultants).
- (b) Submit the inventory report to DHS according to the instructions appearing on the inventory form or issued by the DHS program contract manager.
- (c) Contact the DHS program contract manager to learn how to remove, trade-in, sell, transfer or survey off, from the inventory report, expired equipment and/or miscellaneous property that is no longer wanted, usable or has passed its life expectancy. Instructions will be supplied by DHS' Asset Management Unit.

- b. Title to state equipment and/or miscellaneous property shall not be affected by its incorporation or attachment to any property not owned by the State.

- (1) Equipment purchases shall not exceed \$50,000 annually.

To secure equipment above the annual maximum limit of \$50,000, the Contractor shall make arrangements through the appropriate DHS program contract manager, to have all remaining equipment purchased through DHS' Purchasing Unit. The cost of equipment purchased by or through DHS shall be deducted from the funds available in this agreement. Contractor shall submit to the DHS program contract manager a list of equipment specifications for those items that the State must procure. The State may pay the vendor directly for such arranged equipment purchases and title to the equipment will remain with DHS. The equipment will be delivered to the Contractor's address, as stated on the face of the agreement, unless the Contractor notifies the DHS program contract manager, in writing, of an alternate delivery address.

- (2) All equipment purchases are subject to Paragraphs d through h of Provision 3. Paragraph b of Provision 3 shall also apply, if equipment purchases are delegated to subcontractors that are either a government or public entity.

- (3) Nonprofit organizations and commercial businesses, shall use a procurement system that meets the following standards:

- (a) Maintain a code or standard of conduct that shall govern the performance of its officers, employees, or agents engaged in awarding procurement contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a procurement contract in which, to his or her knowledge, he or she has a financial interest.

- (b) Procurements shall be conducted in a manner that provides, to the maximum extent practical, open, and free competition.

- (c) Procurements shall be conducted in a manner that provides for all of the following:

- [1] Avoid purchasing unnecessary or duplicate items.

- [2] Equipment solicitations shall be based upon a clear and accurate description of the technical requirements of the goods to be procured.

- [3] Take positive steps to utilize small and veteran owned businesses.

- d. Unless waived or otherwise stipulated in writing by DHS, prior written authorization from the appropriate DHS program contract manager will be required before the Contractor will be reimbursed for any purchase of \$5,000 or more for commodities, supplies, equipment, and services related to such purchases. The Contractor must provide in its request for authorization all particulars necessary, as specified by DHS, for evaluating the necessity or desirability of incurring such costs. The term "purchase" excludes the purchase of services from a subcontractor and public utility services at rates established for uniform applicability to the general public.

- e. In special circumstances, determined by DHS (e.g., when DHS has a need to monitor certain purchases, etc.), DHS may require prior written authorization and/or the submission of paid vendor receipts for any purchase, regardless of dollar amount. DHS reserves the right to either deny claims for reimbursement or to request repayment for any Contractor and/or subcontractor purchase that DHS determines to be unnecessary in carrying out performance under this agreement.

- f. The Contractor and/or subcontractor must maintain a copy or narrative description of the procurement system, guidelines, rules, or regulations that will be used to make purchases under

liability insurance is in effect during the term of this agreement or any period of contract extension during which any vehicle remains in the Contractor's and/or Subcontractor's possession:

#### **Automobile Liability Insurance**

- (a) The Contractor, by signing this agreement, hereby certifies that it possesses or will obtain automobile liability insurance in the amount of \$1,000,000 per occurrence for bodily injury and property damage combined. Said insurance must be obtained and made effective upon the delivery date of any motor vehicle, purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, to the Contractor and/or Subcontractor.
- (b) The Contractor and/or Subcontractor shall, as soon as practical, furnish a copy of the certificate of insurance to the DHS program contract manager.
- (c) The Contractor and/or Subcontractor agree that bodily injury and property damage liability insurance, as required herein, shall remain in effect at all times during the term of this agreement or until such time as the motor vehicle is returned to DHS.
- (d) The Contractor and/or Subcontractor agree to provide, at least thirty (30) days prior to the expiration date of said insurance coverage, a copy of a new certificate of insurance evidencing continued coverage, as indicated herein, for not less than the remainder of the term of this agreement, the term of any extension or continuation thereof, or for a period of not less than one (1) year.
- (e) The Contractor and/or Subcontractor, if not a self-insured government and/or public entity, must provide evidence, that any required certificates of insurance contain the following provisions:
  - [1] The insurer will not cancel the insured's coverage without giving thirty (30) calendar days prior written notice to the State (California Department of Health Services).
  - [2] The State of California, its officers, agents, employees, and servants are included as additional insureds, but only with respect to work performed for the State under this agreement and any extension or continuation of this agreement.
  - [3] The insurance carrier shall notify the State of California Department of Health Services, in writing, of the Contractor's failure to pay premiums; its cancellation of such policies; or any other substantial change, including, but not limited to, the status, coverage, or scope of the required insurance. Such notices shall contain a reference to the agreement number for which the insurance was obtained.
- (f) The Contractor and/or Subcontractor is hereby advised that copies of certificates of insurance may be subject to review and approval by the Department of General Services (DGS), Office of Risk and Insurance Management. The Contractor shall be notified by DHS, in writing, if this provision is applicable to this agreement. If DGS approval of the certificate of insurance is required, the Contractor agrees that no work or services shall be performed prior to obtaining said approval.
- (g) In the event the Contractor and/or Subcontractor fails to keep insurance coverage, as required herein, in effect at all times during vehicle possession, DHS may, in addition to any other remedies it may have, terminate this agreement upon the occurrence of such event.

#### **5. Subcontract Requirements**

- c. Unless otherwise stipulated, DHS shall be under no obligation to pay the cost of restoration, or rehabilitation of the Contractor's and/or Subcontractor's facility which may be affected by the removal of any state equipment and/or miscellaneous property.
- d. The Contractor and/or Subcontractor shall maintain and administer a sound business program for ensuring the proper use, maintenance, repair, protection, insurance and preservation of state equipment and/or miscellaneous property.
  - (1) In administering this provision, DHS may require the Contractor and/or Subcontractor to repair or replace, to DHS' satisfaction, any damaged, lost or stolen state equipment and/or miscellaneous property. Contractor and/or Subcontractor shall immediately file a theft report with the appropriate police agency or the California Highway Patrol and Contractor shall promptly submit one copy of the theft report to the DHS program contract manager.
- e. Unless otherwise stipulated by the program funding this agreement, equipment and/or miscellaneous property purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, shall only be used for performance of this agreement or another DHS agreement.
- f. Within sixty (60) calendar days prior to the termination or end of this agreement, the Contractor shall provide a final inventory report of equipment and/or miscellaneous property to the DHS program contract manager and shall, at that time, query DHS as to the requirements, including the manner and method, of returning state equipment and/or miscellaneous property to DHS. Final disposition of equipment and/or miscellaneous property shall be at DHS expense and according to DHS instructions. Equipment and/or miscellaneous property disposition instructions shall be issued by DHS immediately after receipt of the final inventory report. At the termination or conclusion of this agreement, DHS may at its discretion, authorize the continued use of state equipment and/or miscellaneous property for performance of work under a different DHS agreement.

**g. Motor Vehicles**

(Applicable only if motor vehicles are purchased/reimbursed with agreement funds or furnished by DHS under this agreement.)

- (1) If motor vehicles are purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, within thirty (30) calendar days prior to the termination or end of this agreement, the Contractor and/or Subcontractor shall return such vehicles to DHS and shall deliver all necessary documents of title or registration to enable the proper transfer of a marketable title to DHS.
- (2) If motor vehicles are purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, the State of California shall be the legal owner of said motor vehicles, and the Contractor shall be the registered owner. The Contractor and/or a subcontractor may only use said vehicles for performance and under the terms of this agreement.
- (3) The Contractor and/or Subcontractor agree that all operators of motor vehicles, purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, shall hold a valid State of California driver's license. In the event that ten or more passengers are to be transported in any one vehicle, the operator shall also hold a State of California Class B driver's license.
- (4) If any motor vehicle is purchased/reimbursed with agreement funds or furnished by DHS under the terms of this agreement, the Contractor and/or Subcontractor, as applicable, shall provide, maintain, and certify that, at a minimum, the following type and amount of automobile

- g. The Contractor shall ensure that all subcontracts for services include provision(s) requiring compliance with applicable terms and conditions specified in this agreement.
- h. The Contractor agrees to include the following clause, relevant to record retention, in all subcontracts for services:

"(Subcontractor Name) agrees to maintain and preserve, until three years after termination of (Agreement Number) and final payment from DHS, to permit DHS or any duly authorized representative, to have access to, examine or audit any pertinent books, documents, papers and records related to this subcontract and to allow interviews of any employees who might reasonably have information related to such records."

- i. Unless otherwise stipulated in writing by DHS, the Contractor shall be the subcontractor's sole point of contact for all matters related to performance and payment under this agreement.
- j. Contractor shall, as applicable, advise all subcontractors of their obligations pursuant to the following numbered provisions of this Exhibit: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 17, 19, 20, 24, and 32.

## 6. Income Restrictions

Unless otherwise stipulated in this agreement, the Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor under this agreement shall be paid by the Contractor to DHS, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by DHS under this agreement.

## 7. Audit and Record Retention

(Applicable to agreements in excess of \$10,000.)

- a. The Contractor and/or Subcontractor shall maintain books, records, documents, and other evidence, accounting procedures and practices, sufficient to properly reflect all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this agreement, including any matching costs and expenses. The foregoing constitutes "records" for the purpose of this provision.
- b. The Contractor's and/or subcontractor's facility or office or such part thereof as may be engaged in the performance of this agreement and his/her records shall be subject at all reasonable times to inspection, audit, and reproduction.
- c. Contractor agrees that DHS, the Department of General Services, the Bureau of State Audits, or their designated representatives including the Comptroller General of the United States shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this agreement. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this agreement. (GC 8546.7, CCR Title 2, Section 1896).
- d. The Contractor and/or Subcontractor shall preserve and make available his/her records (1) for a period of three years from the date of final payment under this agreement, and (2) for such longer period, if any, as is required by applicable statute, by any other provision of this agreement, or by subparagraphs (1) or (2) below.

(1) If this agreement is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(Applicable to agreements under which services are to be performed by subcontractors including independent consultants.)

- a. Prior written authorization will be required before the Contractor enters into or is reimbursed for any subcontract for services costing \$5,000 or more. Except as indicated in Paragraph a(3) herein, when securing subcontracts for services exceeding \$5,000, the Contractor shall obtain at least three bids or justify a sole source award.
  - (1) The Contractor must provide in its request for authorization, all particulars necessary for evaluating the necessity or desirability of incurring such cost.
  - (2) The State may identify the information needed to fulfill this requirement.
  - (3) Subcontracts performed by the following entities or for the service types listed below are exempt from the bidding and sole source justification requirements:
    - (a) A local governmental entity or the federal government,
    - (b) A State college or university from any State,
    - (c) A Joint Powers Authority,
    - (d) An auxiliary organization of a California State University or a California community college,
    - (e) A foundation organized to support the Board of Governors of the California Community Colleges,
    - (f) An auxiliary organization of the Student Aid Commission established under Education Code § 69522,
    - (g) Entities of any type that will provide subvention aid or direct services to the public,
    - (h) Entities and/or service types identified as exempt from advertising in State Administrative Manual Section 1233 subsection 3. View this publication at the following Internet address: <http://sam.dgs.ca.gov>.
  - (4) Unless otherwise mandated by the funding agency (i.e., federal government), DHS may only pay the Contractor's overhead charges or indirect costs on the first \$25,000 of each subcontract.
- b. DHS reserves the right to approve or disapprove the selection of subcontractors and with advance written notice, require the substitution of subcontractors and require the Contractor to terminate subcontracts entered into in support of this agreement.
  - (1) Upon receipt of a written notice from DHS requiring the substitution and/or termination of a subcontract, the Contractor shall take steps to ensure the completion of any work in progress and select a replacement, if applicable, within 30 calendar days, unless a longer period is agreed to by DHS.
- c. Actual subcontracts (i.e., written agreement between the Contractor and a subcontractor) of \$5,000 or more are subject to the prior review and written approval of DHS. DHS may, at its discretion, elect to waive this right. All such waivers shall be confirmed in writing by DHS.
- d. Contractor shall maintain a copy of each subcontract entered into in support of this agreement and shall, upon request by DHS, make said copies available for approval, inspection, or audit.
- e. Sole responsibility rests with the Contractor to ensure that subcontractors, used in performance of this agreement, are paid in a timely manner. The timeliness of said payments may be affected by the timeliness of payments issued by DHS to the Contractor.
- f. The Contractor is responsible for all performance requirements under this agreement even though performance may be carried out through a subcontract.



are made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement.

- (2) For the purposes of this agreement, Intellectual Property means recognized protectable rights and interest such as: patents, (whether or not issued) copyrights, trademarks, service marks, applications for any of the foregoing, inventions, trade secrets, trade dress, logos, insignia, color combinations, slogans, moral rights, right of publicity, author's rights, contract and licensing rights, works, mask works, industrial design rights, rights of priority, know how, design flows, methodologies, devices, business processes, developments, innovations, good will and all other legal rights protecting intangible proprietary information as may exist now and/or here after come into existence, and all renewals and extensions, regardless of whether those rights arise under the laws of the United States, or any other state, country or jurisdiction.
  - (a) For the purposes of the definition of Intellectual Property, "works" means all literary works, writings and printed matter including the medium by which they are recorded or reproduced, photographs, art work, pictorial and graphic representations and works of a similar nature, film, motion pictures, digital images, animation cells, and other audiovisual works including positives and negatives thereof, sound recordings, tapes, educational materials, interactive videos and any other materials or products created, produced, conceptualized and fixed in a tangible medium of expression. It includes preliminary and final products and any materials and information developed for the purposes of producing those final products. Works does not include articles submitted to peer review or reference journals or independent research projects.
- (3) In the performance of this agreement, Contractor will exercise and utilize certain of its Intellectual Property in existence prior to the effective date of this agreement. In addition, under this agreement, Contractor may access and utilize certain of DHS' Intellectual Property in existence prior to the effective date of this agreement. Except as otherwise set forth herein, Contractor shall not use any of DHS' Intellectual Property now existing or hereafter existing for any purposes without the prior written permission of DHS. **Except as otherwise set forth herein, neither the Contractor nor DHS shall give any ownership interest in or rights to its Intellectual Property to the other Party.** If during the term of this agreement, Contractor accesses any third-party Intellectual Property that is licensed to DHS, Contractor agrees to abide by all license and confidentiality restrictions applicable to DHS in the third-party's license agreement.
- (4) Contractor agrees to cooperate with DHS in establishing or maintaining DHS' exclusive rights in the Intellectual Property, and in assuring DHS' sole rights against third parties with respect to the Intellectual Property. If the Contractor enters into any agreements or subcontracts with other parties in order to perform this agreement, Contractor shall require the terms of the agreement(s) to include all Intellectual Property provisions. Such terms must include, but are not limited to, the subcontractor assigning and agreeing to assign to DHS all rights, title and interest in Intellectual Property made, conceived, derived from, or reduced to practice by the subcontractor, Contractor or DHS and which result directly or indirectly from this agreement or any subcontract.
- (5) Contractor further agrees to assist and cooperate with DHS in all reasonable respects, and execute all documents and, subject to reasonable availability, give testimony and take all further acts reasonably necessary to acquire, transfer, maintain, and enforce DHS' Intellectual Property rights and interests.

**b. Retained Rights / License Rights**

- (1) Except for Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement, Contractor shall retain title to all of its Intellectual Property to the extent such Intellectual Property is in

- (2) If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.
- e. The Contractor and/or Subcontractor shall comply with the above requirements and be aware of the penalties for violations of fraud and for obstruction of investigation as set forth in Public Contract Code § 10115.10, if applicable.
- f. The Contractor and/or Subcontractor may, at its discretion, following receipt of final payment under this agreement, reduce its accounts, books and records related to this agreement to microfilm, computer disk, CD ROM, or other data storage medium. Upon request by an authorized representative to inspect, audit or obtain copies of said records, the Contractor and/or Subcontractor must supply or make available applicable devices, hardware, and/or software necessary to view, copy and/or print said records. Applicable devices may include, but are not limited to, microfilm readers and microfilm printers, etc.

## **8. Site Inspection**

The State, through any authorized representatives, has the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed hereunder including subcontract supported activities and the premises in which it is being performed. If any inspection or evaluation is made of the premises of the Contractor or Subcontractor, the Contractor shall provide and shall require Subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the authorized representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

## **9. Federal Contract Funds**

(Applicable only to that portion of an agreement funded in part or whole with federal funds.)

- a. It is mutually understood between the parties that this agreement may have been written before ascertaining the availability of congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the agreement were executed after that determination was made.
- b. This agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the fiscal years covered by the term of this agreement. In addition, this agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms or funding of this agreement in any manner.
- c. It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this agreement shall be amended to reflect any reduction in funds.
- d. DHS has the option to void or cancel the agreement with 30-days advance written notice or to amend the agreement to reflect any reduction in funds.

## **10. Intellectual Property Rights**

### **a. Ownership**

- (1) Except where DHS has agreed in a signed writing to accept a license, DHS shall be and remain, without additional compensation, the sole owner of any and all rights, title and interest in all Intellectual Property, from the moment of creation, whether or not jointly conceived, that



existence prior to the effective date of this agreement. Contractor hereby grants to DHS, without additional compensation, a permanent, non-exclusive, royalty free, paid-up, worldwide, irrevocable, perpetual, non-terminable license to use, reproduce, manufacture, sell, offer to sell, import, export, modify, publicly and privately display/perform, distribute, and dispose Contractor's Intellectual Property with the right to sublicense through multiple layers, for any purpose whatsoever, to the extent it is incorporated in the Intellectual Property resulting from this agreement, unless Contractor assigns all rights, title and interest in the Intellectual Property as set forth herein.

- (2) Nothing in this provision shall restrict, limit, or otherwise prevent Contractor from using any ideas, concepts, know-how, methodology or techniques related to its performance under this agreement, provided that Contractor's use does not infringe the patent, copyright, trademark rights, license or other Intellectual Property rights of DHS or third party, or result in a breach or default of any provisions of this Exhibit or result in a breach of any provisions of law relating to confidentiality.

**c. Copyright**

- (1) Contractor agrees that for purposes of copyright law, all works [as defined in Section a, subparagraph (2)(a) of this provision] of authorship made by or on behalf of Contractor in connection with Contractor's performance of this agreement shall be deemed "works made for hire". Contractor further agrees that the work of each person utilized by Contractor in connection with the performance of this agreement will be a "work made for hire," whether that person is an employee of Contractor or that person has entered into an agreement with Contractor to perform the work. Contractor shall enter into a written agreement with any such person that: (i) all work performed for Contractor shall be deemed a "work made for hire" under the Copyright Act and (ii) that person shall assign all right, title, and interest to DHS to any work product made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement.
- (2) All materials, including, but not limited to, visual works or text, reproduced or distributed pursuant to this agreement that include Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement, shall include DHS' notice of copyright, which shall read in 3mm or larger typeface: "© 2001, State of California, Department of Health Services. This material may not be reproduced or disseminated without prior written permission from the Department of Health Services." This notice should be placed prominently on the materials and set apart from other matter on the page where it appears. Audio productions shall contain a similar audio notice of copyright.

**d. Patent Rights**

With respect to inventions made by Contractor in the performance of this agreement, which did not result from research and development specifically included in the agreement's scope of work, Contractor hereby grants to DHS a license as described under Section b of this provision for devices or material incorporating, or made through the use of such inventions. If such inventions result from research and development work specifically included within the agreement's scope of work, then Contractor agrees to assign to DHS, without additional compensation, all its right, title and interest in and to such inventions and to assist DHS in securing United States and foreign patents with respect thereto.

**e. Third-Party Intellectual Property**

Except as provided herein, Contractor agrees that its performance of this agreement shall not be dependent upon or include any Intellectual Property of Contractor or third party without first: (i) obtaining DHS' prior written approval; and (ii) granting to or obtaining for DHS, without additional compensation, a license, as described in Section b of this provision, for any of Contractor's or

third-party's Intellectual Property in existence prior to the effective date of this agreement. If such a license upon these terms is unattainable, and DHS determines that the Intellectual Property should be included in or is required for Contractor's performance of this agreement, Contractor shall obtain a license under terms acceptable to DHS.

**f. Warranties**

(1) Contractor represents and warrants that:

- (a) It is free to enter into and fully perform this agreement.
- (b) It has secured and will secure all rights and licenses necessary for its performance of this agreement.
- (c) Neither Contractor's performance of this agreement, nor the exercise by either Party of the rights granted in this agreement, nor any use, reproduction, manufacture, sale, offer to sell, import, export, modification, public and private display/performance, distribution, and disposition of the Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement will infringe upon or violate any Intellectual Property right, non-disclosure obligation, or other proprietary right or interest of any third-party or entity now existing under the laws of, or hereafter existing or issued by, any state, the United States, or any foreign country. There is currently no actual or threatened claim by any such third party based on an alleged violation of any such right by Contractor.
- (d) Neither Contractor's performance nor any part of its performance will violate the right of privacy of, or constitute a libel or slander against any person or entity.
- (e) It has secured and will secure all rights and licenses necessary for Intellectual Property including, but not limited to, consents, waivers or releases from all authors of music or performances used, and talent (radio, television and motion picture talent), owners of any interest in and to real estate, sites, locations, property or props that may be used or shown.
- (f) It has not granted and shall not grant to any person or entity any right that would or might derogate, encumber, or interfere with any of the rights granted to DHS in this agreement.
- (g) It has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.
- (h) It has no knowledge of any outstanding claims, licenses or other charges, liens, or encumbrances of any kind or nature whatsoever that could affect in any way Contractor's performance of this agreement.

(2) DHS MAKES NO WARRANTY THAT THE INTELLECTUAL PROPERTY RESULTING FROM THIS AGREEMENT DOES NOT INFRINGE UPON ANY PATENT, TRADEMARK, COPYRIGHT OR THE LIKE, NOW EXISTING OR SUBSEQUENTLY ISSUED.

**g. Intellectual Property Indemnity**

- (1) Contractor shall indemnify, defend and hold harmless DHS and its licensees and assignees, and its officers, directors, employees, agents, representatives, successors, and users of its products, ("Indemnitees") from and against all claims, actions, damages, losses, liabilities (or actions or proceedings with respect to any thereof), whether or not rightful, arising from any and all actions or claims by any third party or expenses related thereto (including, but not limited to, all legal expenses, court costs, and attorney's fees incurred in investigating,

preparing, serving as a witness in, or defending against, any such claim, action, or proceeding, commenced or threatened) to which any of the Indemnitees may be subject, whether or not Contractor is a party to any pending or threatened litigation, which arise out of or are related to (i) the incorrectness or breach of any of the representations, warranties, covenants or agreements of Contractor pertaining to Intellectual Property; or (ii) any Intellectual Property infringement, or any other type of actual or alleged infringement claim, arising out of DHS' use, reproduction, manufacture, sale, offer to sell, distribution, import, export, modification, public and private performance/display, license, and disposition of the Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHS and which result directly or indirectly from this agreement. This indemnity obligation shall apply irrespective of whether the infringement claim is based on a patent, trademark or copyright registration that issued after the effective date of this agreement. DHS reserves the right to participate in and/or control, at Contractor's expense, any such infringement action brought against DHS.

- (2) Should any Intellectual Property licensed by the Contractor to DHS under this agreement become the subject of an Intellectual Property infringement claim, Contractor will exercise its authority reasonably and in good faith to preserve DHS' right to use the licensed Intellectual Property in accordance with this agreement at no expense to DHS. DHS shall have the right to monitor and appear through its own counsel (at Contractor's expense) in any such claim or action. In the defense or settlement of the claim, Contractor may obtain the right for DHS to continue using the licensed Intellectual Property; or, replace or modify the licensed Intellectual Property so that the replaced or modified Intellectual Property becomes non-infringing provided that such replacement or modification is functionally equivalent to the original licensed Intellectual Property. If such remedies are not reasonably available, DHS shall be entitled to a refund of all monies paid under this agreement, without restriction or limitation of any other rights and remedies available at law or in equity.
- (3) Contractor agrees that damages alone would be inadequate to compensate DHS for breach of any term of this Intellectual Property Exhibit by Contractor. Contractor acknowledges DHS would suffer irreparable harm in the event of such breach and agrees DHS shall be entitled to obtain equitable relief, including without limitation an injunction, from a court of competent jurisdiction, without restriction or limitation of any other rights and remedies available at law or in equity.

#### **h. Federal Funding**

In any agreement funded in whole or in part by the federal government, DHS may acquire and maintain the Intellectual Property rights, title, and ownership, which results directly or indirectly from the agreement; except as provided in 37 Code of Federal Regulations part 401.14; however, the federal government shall have a non-exclusive, nontransferable, irrevocable, paid-up license throughout the world to use, duplicate, or dispose of such Intellectual Property throughout the world in any manner for governmental purposes and to have and permit others to do so.

#### **i. Survival**

The provisions set forth herein shall survive any termination or expiration of this agreement or any project schedule.

### **11. Air or Water Pollution Requirements**

Any federally funded agreement and/or subcontract in excess of \$100,000 must comply with the following provisions unless said agreement is exempt under 40 CFR 15.5.

- a. Government contractors agree to comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act [42 U.S.C. 1857(h)], section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations

(40 CFR part 15).

- b. Institutions of higher education, hospitals, nonprofit organizations and commercial businesses agree to comply with all applicable standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.

## **12. Prior Approval of Training Seminars, Workshops or Conferences**

Contractor shall obtain prior DHS approval of the location, costs, dates, agenda, instructors, instructional materials, and attendees at any reimbursable training seminar, workshop, or conference conducted pursuant to this contract and of any reimbursable publicity or educational materials to be made available for distribution. The Contractor shall acknowledge the support of the State whenever publicizing the work under this agreement in any media. This provision does not apply to necessary staff meetings or training sessions held for the staff of the Contractor or Subcontractor to conduct routine business matters.

## **13. Confidentiality of Information**

- a. The Contractor and its employees, agents, or subcontractors shall protect from unauthorized disclosure names and other identifying information concerning persons either receiving services pursuant to this agreement or persons whose names or identifying information become available or are disclosed to the Contractor, its employees, agents, or subcontractors as a result of services performed under this agreement, except for statistical information not identifying any such person.
- b. The Contractor and its employees, agents, or subcontractors shall not use such identifying information for any purpose other than carrying out the Contractor's obligations under this agreement.
- c. The Contractor and its employees, agents, or subcontractors shall promptly transmit to the DHS program contract manager all requests for disclosure of such identifying information not emanating from the client or person.
- d. The Contractor shall not disclose, except as otherwise specifically permitted by this agreement or authorized by the client, any such identifying information to anyone other than DHS without prior written authorization from the DHS program contract manager.
- e. For purposes of this provision, identity shall include, but not be limited to name, identifying number, symbol, or other identifying particular assigned to the individual, such as finger or voice print or a photograph.

## **14. Documents, Publications and Written Reports**

(Applicable to agreements over \$5,000 under which publications, written reports and documents are developed or produced. Government Code Section 7550.)

Any document, publication or written report (excluding progress reports, financial reports and normal contract communications) prepared as a requirement of this agreement shall contain, in a separate section preceding the main body of the document, the number and dollar amounts of all contracts and subcontracts relating to the preparation of such document or report, if the total cost for work by nonemployees of the State exceeds \$5,000.

## **15. Dispute Resolution Process**

- a. A Contractor grievance exists whenever the Contractor believes there is a dispute arising from DHS' action in the administration of an agreement. If the Contractor believes there is a dispute or grievance between the Contractor and DHS, both parties shall follow the procedure outlined

below.

- (1) The Contractor should first discuss the problem informally with the DHS program contract manager. If the problem cannot be resolved at this stage, the Contractor shall direct its grievance together with any evidence, in writing, to the program Branch Chief. The grievance shall state the issues in dispute, the legal authority or other basis for the Contractor's position and the remedy sought. The Branch Chief shall make a determination on the problem within ten (10) working days after receipt of the written communication from the Contractor. The Branch Chief shall respond in writing to the Contractor indicating the decision and reasons therefore. Should the Contractor disagree with the Branch Chief's decision, the Contractor may appeal to the second level.
  - (2) The Contractor must prepare a letter indicating the reasons for disagreement with Branch Chief's decision. The Contractor shall include with the letter a copy of the Contractor's original statement of dispute with any supporting documents and a copy of the Branch Chief's response. This letter shall be sent to the Deputy Director of the division in which the branch is organized within ten (10) working days from receipt of the Branch Chief's decision. The Deputy Director of the division funding this agreement or his/her designee shall meet with the Contractor to review the issues raised. A written decision signed by the Deputy Director of the division funding this agreement or his/her designee shall be returned to the Contractor within twenty (20) working days of receipt of the Contractor's letter.
- b. If the Contractor wishes to appeal the decision of the Deputy Director of the division funding this agreement or his/her designee, the Contractor shall follow the procedures set forth in Division 25.1 (commencing with Section 38050) of the Health and Safety Code and the regulations adopted thereunder. (Title 1, Subchapter 2.5, commencing with Section 251, California Code of Regulations.)
  - c. Disputes arising out of an audit, examination of an agreement or other action not covered by subdivision (a) of Section 20204, of Chapter 2.1, Title 22, of the California Code of Regulations, and for which no procedures for appeal are provided in statute, regulation or the agreement, shall be handled in accordance with the procedures identified in Sections 51016 through 51047, Title 22, California Code of Regulations.
  - d. Unless otherwise stipulated by DHS, dispute, grievance and/or appeal correspondence shall be directed to the DHS program contract manager.

#### **16. Financial and Compliance Audit Requirements**

- a. The definitions used in this provision are contained in Section 38040 of the Health and Safety Code, which by this reference is made a part hereof.
- b. Direct service contract means a contract for services contained in local assistance or subvention programs or both (see Health and Safety [H&S] Code section 38020). Direct service contracts shall not include contracts, grants, or subventions to other governmental agencies or units of government nor contracts with regional centers or area agencies on aging (H&S Code section 38030).
- c. The Contractor, as indicated below, agrees to obtain one of the following audits:
  - (1) If the Contractor is a nonprofit organization (as defined in H&S Code section 38040) and receives \$25,000 or more from any State agency under a direct service contract, the Contractor agrees to obtain an annual single, organization wide, financial and compliance audit. Said audit shall be conducted according to Generally Accepted Auditing Standards. This audit does not fulfill the audit requirements of Paragraph c(3) below. The audit shall be completed by the 15th day of the fifth month following the end of the Contractor's fiscal year, and/or



- (2) If the Contractor is a nonprofit organization (as defined in H&S Code section 38040) and receives less than \$25,000 per year from any State agency under a direct service contract, the Contractor agrees to obtain a biennial single, organization wide financial and compliance audit, unless there is evidence of fraud or other violation of state law in connection with this agreement. This audit does not fulfill the audit requirements of Paragraph c(3) below. The audit shall be completed by the 15th day of the fifth month following the end of the Contractor's fiscal year, and/or
- (3) If the Contractor is a State or Local Government entity or Nonprofit organization (as defined by the Federal Office of Management and Budget [OMB] Circular A-133) and expends \$300,000 or more in Federal awards, the Contractor agrees to obtain an annual single, organization wide, financial and compliance audit according to the requirements specified in OMB Circular A-133 entitled "Audits of States, Local Governments, and Non-Profit Organizations". An audit conducted pursuant to this provision will fulfill the audit requirements outlined in Paragraphs c(1) and c(2) above. The audit shall be completed by the end of the ninth month following the end of the audit period. The requirements of this provision apply if:
- (a) The Contractor is a recipient expending Federal awards received directly from Federal awarding agencies, or
  - (b) The Contractor is a subrecipient expending Federal awards received from a pass-through entity such as the State, County or community based organization.
- (4) If the Contractor submits to DHS a report of an audit other than an OMB A-133 audit, the Contractor must also submit a certification indicating the Contractor has not expended \$300,000 or more in federal funds for the year covered by the audit report.
- d. Two copies of the audit report shall be delivered to the DHS program funding this agreement. The audit report must identify the Contractor's legal name and the number assigned to this agreement. The audit report shall be due within 30 days after the completion of the audit. Upon receipt of said audit report, the DHS program contract manager shall forward the audit report to DHS' Audits and Investigations Unit.
  - e. The cost of the audits described herein may be included in the funding for this agreement up to the proportionate amount this agreement represents of the Contractor's total revenue. The DHS program funding this agreement must provide advance written approval of the specific amount allowed for said audit expenses.
  - f. The State or its authorized designee, including the Bureau of State Audits, is responsible for conducting agreement performance audits which are not financial and compliance audits. Performance audits are defined by Generally Accepted Government Auditing Standards.
  - g. Nothing in this agreement limits the State's responsibility or authority to enforce State law or regulations, procedures, or reporting requirements arising thereto.
  - h. Nothing in this provision limits the authority of the State to make audits of this agreement, provided however, that if independent audits arranged for by the Contractor meet Generally Accepted Governmental Auditing Standards, the State shall rely on those audits and any additional audit work and shall build upon the work already done.
  - i. The State may, at its option, direct its own auditors to perform either of the audits described above. The Contractor will be given advance written notification, if the State chooses to exercise its option to perform said audits.
  - j. The Contractor shall include a clause in any agreement the Contractor enters into with the audit

firm doing the single organization wide audit to provide access by the State or Federal Government to the working papers of the independent auditor who prepares the single organization wide audit for the Contractor.

- k. Federal or state auditors shall have "expanded scope auditing" authority to conduct specific program audits during the same period in which a single organization wide audit is being performed, but the audit report has not been issued. The federal or state auditors shall review and have access to the current audit work being conducted and will not apply any testing or review procedures which have not been satisfied by previous audit work that has been completed.

The term "expanded scope auditing" is applied and defined in the U.S. General Accounting Office (GAO) issued Standards for *Audit of Government Organizations, Programs, Activities and Functions*, better known as the "yellow book".

## 17. Human Subjects Use Requirements

(Applicable only to federally funded agreements/grants in which performance, directly or through a subcontract/subaward, includes any tests or examination of materials derived from the human body.)

By signing this agreement, Contractor agrees that if any performance under this agreement or any subcontract or subagreement includes any tests or examination of materials derived from the human body for the purpose of providing information, diagnosis, prevention, treatment or assessment of disease, impairment, or health of a human being, all locations at which such examinations are performed shall meet the requirements of 42 U.S.C. Section 263a (CLIA) and the regulations thereunder.

## 18. Novation Requirements

If the Contractor proposes any novation agreement, DHS shall act upon the proposal within 60 days after receipt of the written proposal. DHS may review and consider the proposal, consult and negotiate with the Contractor, and accept or reject all or part of the proposal. Acceptance or rejection of the proposal may be made orally within the 60-day period and confirmed in writing within five days of said decision. Upon written acceptance of the proposal, DHS will initiate an amendment to this agreement to formally implement the approved proposal.

## 19. Debarment and Suspension Certification

(Applicable to all agreements funded in part or whole with federal funds.)

- a. By signing this agreement, the Contractor/Grantee agrees to comply with applicable federal suspension and debarment regulations including, but not limited to 7 CFR Part 3017, 45 CFR 76, 40 CFR 32 or 34 CFR 85.
- b. By signing this agreement, the Contractor certifies to the best of its knowledge and belief, that it and its principals:
  - (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
  - (2) Have not within a three-year period preceding this application/proposal/agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph b(2) herein; and
  - (4) Have not within a three-year period preceding this application/proposal/agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
  - (5) Shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under federal regulations (i.e., 48 CFR part 9, subpart 9.4), debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
  - (6) Will include a clause entitled, "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- c. If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall submit an explanation to the DHS program funding this contract.
  - d. The terms and definitions herein have the meanings set out in the Definitions and Coverage sections of the rules implementing Federal Executive Order 12549.
  - e. If the Contractor knowingly violates this certification, in addition to other remedies available to the Federal Government, the DHS may terminate this agreement for cause or default.

## **20. Smoke-Free Workplace Certification**

(Applicable to federally funded agreements/grants and subcontracts/subawards, that provide health, day care, early childhood development services, education or library services to children under 18 directly or through local governments.)

- a. Public Law 103-227, also known as the Pro-children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by federal programs either directly or through state or local governments, by federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed.
- b. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible party.
- c. By signing this agreement, Contractor or Grantee certifies that it will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The prohibitions herein are effective December 26, 1994.
- d. Contractor or Grantee further agrees that it will insert this certification into any subawards (subcontracts or subgrants) entered into that provide for children's services as described in the Act.

## **21. Covenant Against Contingent Fees**

(Applicable only to federally funded agreements.)

The Contractor warrants that no person or selling agency has been employed or retained to solicit/secure this agreement upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except *bona fide* employees or *bona fide* established commercial or selling agencies retained by the Contractor for the purpose of securing business. For breach or violation of this warranty, DHS shall have the right to annul this agreement without liability or in its discretion to deduct from the agreement price or consideration, or otherwise recover, the full amount of such commission, percentage, and brokerage or contingent fee.

## **22. Payment Withholds**

(Applicable only if a final report is required by this agreement. Not applicable to government entities.)

Unless waived or otherwise stipulated in this contract, DHS may, at its discretion, withhold 10 percent (10%) of the face amount of the agreement, 50 percent (50%) of the final invoice, or \$3,000 whichever is greater, until DHS receives a final report that meets the terms, conditions and/or scope of work requirements of this agreement.

## **23. Performance Evaluation**

(Not applicable to grant agreements.)

DHS may, at its discretion, evaluate the performance of the Contractor at the conclusion of this agreement. If performance is evaluated, the evaluation shall not be a public record and shall remain on file with DHS. Negative performance evaluations may be considered by DHS prior to making future contract awards.

## **24. Officials Not to Benefit**

No members of or delegate of Congress or the State Legislature shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefits.

## **25. Year 2000 Compliance**

(Applicable to agreements in which Information Technology (IT) services are provided to DHS or if IT equipment is procured.)

The Contractor warrants and represents that the goods or services sold, leased, or licensed to the State of California, its agencies, or its political subdivisions, pursuant to this agreement are "Year 2000 Compliant." For the purposes of this agreement, a good or services is Year 2000 compliant if it will continue to fully function before, at, and after the Year 2000 without interruption and, if applicable, with full ability to accurately and unambiguously process, display, compare, calculate, manipulate, and otherwise utilize date information. This warranty and representation supersedes all warranty disclaimers and limitations and all limitations on liability provided by or through the Contractor.

## **26. Prohibited Use of State Funds for Software**

(Applicable to agreements in which computer software is used in performance of the work.)

Contractor certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.

## **27. University of California Mutual Indemnification**

(Applicable only to agreements entered with the Regents of the University of California or a University of California campus under its jurisdiction.)

- a. The State and the Regents of the University of California shall mutually defend, indemnify and hold each other and their respective agencies, officers, employees, and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this contract but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of either the State or the Regents of the University of California.
- b. It should be expressly understood that the obligations hereunder shall be conditioned upon this contract being one that falls within the purview of Section 895 of the Government Code.

## **28. Use of Small, Minority Owned and Women's Businesses**

(Applicable to that portion of an agreement that is federally funded and entered into with institutions of higher education, hospitals, nonprofit organizations or commercial businesses.)

Positive efforts shall be made to use small businesses, minority-owned firms and women's business enterprises, whenever possible (i.e., procurement of goods and/or services). Contractors shall take all of the following steps to further this goal.

- (1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
- (2) Make information on forthcoming purchasing and contracting opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
- (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
- (4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
- (5) Use the services and assistance, as appropriate, of such organizations as the Federal Small Business Administration and the U.S. Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

## **29. Alien Ineligibility Certification**

(Applicable to sole proprietors entering federally funded agreements.)

By signing this agreement, the Contractor certifies that he/she is not an alien that is ineligible for state and local benefits, as defined in Subtitle B of the Personal Responsibility and Work Opportunity Act. (8 U.S.C. 1601, et seq.)

### 30. Union Organizing

(Applicable only to grant agreements.)

Grantee, by signing this agreement, hereby acknowledges the applicability of Government Code 16645 through 16649 to this agreement. Furthermore, Grantee, by signing this agreement, hereby certifies that:

- a. No state funds disbursed by this grant will be used to assist, promote or deter union organizing.
- b. Grantee shall account for state funds disbursed for a specific expenditure by this grant, to show those funds were allocated to that expenditure.
- c. Grantee shall, where state funds are not designated as described in b herein, allocate, on a pro-rata basis, all disbursements that support the grant program.
- d. If Grantee makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no state funds were used for those expenditures, and that Grantee shall provide those records to the Attorney General upon request.

### 31. Contract Uniformity (Fringe Benefit Allowability)

(Applicable only to nonprofit organizations.)

Pursuant to the provisions of Article 7 (commencing with Section 100525) of Chapter 3 of Part 1 of Division 101 of the Health and Safety Code, DHS sets forth the following policies, procedures, and guidelines regarding the reimbursement of fringe benefits.

- a. As used herein fringe benefits shall mean an employment benefit given by one's employer to an employee in addition to one's regular or normal wages or salary.
- b. As used herein, fringe benefits do not include:
  - (1) Compensation for personal services paid currently or accrued by the Contractor for services of employees rendered during the term of this agreement, which is identified as regular or normal salaries and wages, annual leave, vacation, sick leave, holidays, jury duty and/or military leave/training.
  - (2) Director's and executive committee member's fees.
  - (3) Incentive awards and/or bonus incentive pay.
  - (4) Allowances for off-site pay.
  - (5) Location allowances.
  - (6) Hardship pay.
  - (7) Cost-of-living differentials
- c. Specific allowable fringe benefits include:
  - (1) Fringe benefits in the form of employer contributions for the employer's portion of payroll taxes (i.e., FICA, SUI, SDI), employee health plans (i.e., health, dental and vision), unemployment insurance, worker's compensation insurance, and the employer's share of pension/retirement plans, provided they are granted in accordance with established written organization policies and meet all legal and Internal Revenue Service requirements.
- d. To be an allowable fringe benefit, the cost must meet the following criteria:
  - (1) Be necessary and reasonable for the performance of the agreement.
  - (2) Be determined in accordance with generally accepted accounting principles.
  - (3) Be consistent with policies that apply uniformly to all activities of the Contractor.

e. Contractor agrees that all fringe benefits shall be at actual cost.

f. Earned/Accrued Compensation

(1) Compensation for vacation, sick leave and holidays is limited to that amount earned/accrued within the agreement term. Unused vacation, sick leave and holidays earned from periods prior to the agreement term cannot be claimed as allowable costs. See Provision f (3)(a) for an example.

(2) For multiple year contracts, vacation and sick leave compensation, which is earned/accrued but not paid, due to employee(s) not taking time off may be carried over and claimed within the overall term of the multiple years of the agreement. Holidays cannot be carried over from one contract year to the next. See Provision f (3)(b) for an example.

(3) For single year agreements, vacation, sick leave and holiday compensation that is earned/accrued but not paid, due to employee(s) not taking time off within the term of the agreement, cannot be claimed as an allowable cost. See Provision f (3)(c) for an example.

(a) **Example No. 1:**

If an employee, John Doe, earns/accrues three weeks of vacation and twelve days of sick leave each year, then that is the maximum amount that may be claimed during a contract period of one year. If John Doe has five weeks of vacation and eighteen days of sick leave at the beginning of the agreement, the Contractor during a one-year agreement term may only claim up to three weeks of vacation and twelve days of sick leave actually used by the employee. Amounts earned/accrued in periods prior to the beginning of the agreement are not an allowable cost.

(b) **Example No. 2:**

If during a three-year (multiple year) agreement, John Doe does not use his three weeks of vacation in year one, or his three weeks in year two, but he does actually use nine weeks in year three; the Contractor would be allowed to claim all nine weeks paid for in year three. The total compensation over the three-year period cannot exceed 156 weeks (3 x 52 weeks).

(c) **Example No. 3:**

If during a single year agreement, John Doe works fifty weeks and used one week of vacation and one week of sick leave and all fifty-two weeks have been billed to DHS, the remaining unused two weeks of vacation and seven days of sick leave may not be claimed as an allowable cost.

## 32. Lobbying Restrictions and Disclosure Certification

(Applicable to federally funded contracts in excess of \$100,000 per Section 1352 of the 31, U.S.C.)

a. Certification and Disclosure Requirements

(1) Each person (or recipient) who requests or receives a contract, subcontract, grant, or subgrant, which is subject to Section 1352 of the 31, U.S.C., and which exceeds \$100,000 at any tier, shall file a certification (in the form set forth in Attachment 1, consisting of one page, entitled "Certification Regarding Lobbying") that the recipient has not made, and will not make, any payment prohibited by Paragraph b of this provision.

(2) Each recipient shall file a disclosure (in the form set forth in Attachment 2, entitled "Standard

Form-LLL "disclosure of Lobbying Activities") if such recipient has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered federal action) in connection with a contract or grant or any extension or amendment of that contract or grant, which would be prohibited under Paragraph b of this provision if paid for with appropriated funds.

- (3) Each recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affect the accuracy of the information contained in any disclosure form previously filed by such person under Paragraph a(2) herein. An event that materially affects the accuracy of the information reported includes:
  - (a) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action;
  - (b) A change in the person(s) or individuals(s) influencing or attempting to influence a covered federal action; or
  - (c) A change in the officer(s), employee(s), or member(s) contacted for the purpose of influencing or attempting to influence a covered federal action.
- (4) Each person (or recipient) who requests or receives from a person referred to in Paragraph a(1) of this provision a contract, subcontract, grant or subgrant exceeding \$100,000 at any tier under a contract or grant shall file a certification, and a disclosure form, if required, to the next tier above.
- (5) All disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the person referred to in Paragraph a(1) of this provision. That person shall forward all disclosure forms to DHS program contract manager.

**b. Prohibition**

Section 1352 of Title 31, U.S.C., provides in part that no appropriated funds may be expended by the recipient of a federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract, the making of any federal grant, the making of any federal loan, entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.



STATE OF CALIFORNIA  
DEPARTMENT OF HEALTH SERVICES

**CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making, awarding or entering into of this Federal contract, Federal grant, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of this Federal contract, grant, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency of the United States Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities" in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontractors, subgrants, and contracts under grants and cooperative agreements) of \$100,000 or more, and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C., any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

_____ Name of Contractor	_____ Printed Name of Person Signing for Contractor
_____ Contract / Grant Number	_____ Signature of Person Signing for Contractor
_____ Date	_____ Title

After execution by or on behalf of Contractor, please return to:

Department of Health Services  
(Name of the DHS program providing the funds)  
P.O. Box 942732  
714 P Street  
Sacramento, CA 94234-7320



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipients at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to Title 31, U.S.C., Section 1352. The filing of a form is required for each payment agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered federal action. Use the SF-LLL Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and the material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for the covered federal action.
4. Enter the full name, address, city, state, and ZIP code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, where the first subawardee of the prime is the 1<sup>st</sup> tier. Subawards include but are not limited to subcontracts, subgrants, and contract awards under grant.
5. If the organization filing the report in Item 4 checks "Subawardee," then enter the full name, address, city, state, and ZIP code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identified in Item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract grant, or loan award number; the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90401."
9. For a covered federal action where there has been an award or loan commitment by the federal agency, enter the federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.
10. (a) Enter the full name, address, city, state, and ZIP code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.
10. (b) Enter the full names of the individual(s) performing services and include full address if different from 10.(a). Enter last name, first name, or middle initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with federal officials, identify the federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project, (0348-0046), Washington, DC 20503.

**Exhibit E**  
**Budget Detail and Payment Provisions**

**1. Contract Amendments**

Should either party, during the term of this agreement, desire a change or amendment to the terms of this Agreement, such changes or amendments shall be proposed in writing to the other party, who will respond in writing as to whether the proposed changes/amendments are accepted or rejected. If accepted and after negotiations are concluded, the agreed upon changes shall be made through the State's official agreement amendment process. No amendment will be considered binding on either party until it is formally approved by the State.

**2. Cancellation / Termination**

- A. This agreement may be cancelled or terminated without cause by either party by giving thirty (30) calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements.
- B. Upon receipt of a notice of termination or cancellation from DHS, Contractor shall take immediate steps to stop performance and to cancel or reduce subsequent contract costs.
- C. Contractor shall be entitled to payment for all allowable costs authorized under this agreement, including authorized non-cancelable obligations incurred up to the date of termination or cancellation, provided such expenses do not exceed the stated maximum amounts payable.

**3. Priority Hiring Considerations**

- A. Contractor agrees that it shall give priority consideration in filling vacancies in positions funded by this agreement to qualified recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions (W&I) Code, in accordance with Article 3.9 (commencing with Section 11349) of Chapter 2 of Part 3 of Division 9 of the W&I Code.
- B. This provision shall not be construed to do any of the following:
  - 1) Interfere with or create a violation of the terms of valid collective bargaining agreements
  - 2) Require the Contractor to hire an unqualified recipient of aid
  - 3) Interfere with, or create a violation of, any federal affirmative action obligation of a contractor for hiring disabled veterans or veterans of the Vietnam era
  - 4) Interfere with, or create a violation of, the requirements of Section 12990 of the Government Code implementing the State of California's nondiscrimination laws.

### Contractor's Release

#### Instructions to Contractor:

With final invoice(s) submit one (1) original and two (2) copies. The original must bear the original signature of a person authorized to bind the Contractor. The additional copies may bear photocopied signatures.

#### Submission of Final Invoice

Pursuant to contract number \_\_\_\_\_ entered into between the State of California Department of Health Services (DHS) and the Contractor (identified below), the Contractor does acknowledge that final payment has been requested via invoice number(s) \_\_\_\_\_, in the amount(s) of \$ \_\_\_\_\_ and dated \_\_\_\_\_. If necessary, enter "See Attached" in the appropriate blocks and attach a list of invoice numbers, dollar amounts and invoice dates.

#### Release of all Obligations

By signing this form, and upon receipt of the amount specified in the invoice number(s) referenced above, the Contractor does hereby release and discharge the State, its officers, agents and employees of and from any and all liabilities, obligations, claims, and demands whatsoever arising from the above referenced contract.

#### Repayments Due to Audit Exceptions / Record Retention

By signing this form, Contractor acknowledges that expenses authorized for reimbursement does not guarantee final allowability of said expenses. Contractor agrees that the amount of any sustained audit exceptions resulting from any subsequent audit made after final payment, will be refunded to the State.

All expense and accounting records related to the above referenced contract must be maintained for audit purposes for no less than three years beyond the date of final payment, unless a longer term is stated in said contract.

#### Recycled Product Use Certification

By signing this form, Contractor certifies under penalty of perjury that a percentage (0% to 100%) of the materials, goods, supplies or products offered or used in the performance of the above referenced contract meets or exceeds the minimum percentage of recycled material, as defined in Public Contract Code Sections 12161 and 12200.

#### Reminder to Return State Equipment/Property (If Applicable)

(Applies only if equipment was provided by DHS or purchased with or reimbursed by contract funds)

Unless DHS has approved the continued use and possession of State equipment (as defined in the above referenced contract) for use in connection with another DHS agreement, Contractor agrees to promptly initiate arrangements to account for and return said equipment to DHS, at DHS's expense, if said equipment has not passed its useful life expectancy as defined in the above referenced contract.

#### Patents / Other Issues

By signing this form, Contractor further agrees, in connection with patent matters and with any claims that are not specifically released as set forth above, that it will comply with all of the provisions contained in the above referenced contract, including, but not limited to, those provisions relating to notification to the State and related to the defense or prosecution of litigation.

Contractor's Legal Name (As on contract): \_\_\_\_\_

Signature of Contractor or Official Designee: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name/Title of Person Signing: \_\_\_\_\_

DHS Distribution: Accounting (Original) Program CMU contract file

CCC201

**CERTIFICATION**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause (s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i>	<i>Federal ID Number</i>
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	
<i>Date Executed</i>	<i>Executed in the County of</i>

**CONTRACTOR CERTIFICATION CLAUSES**

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (GC 12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

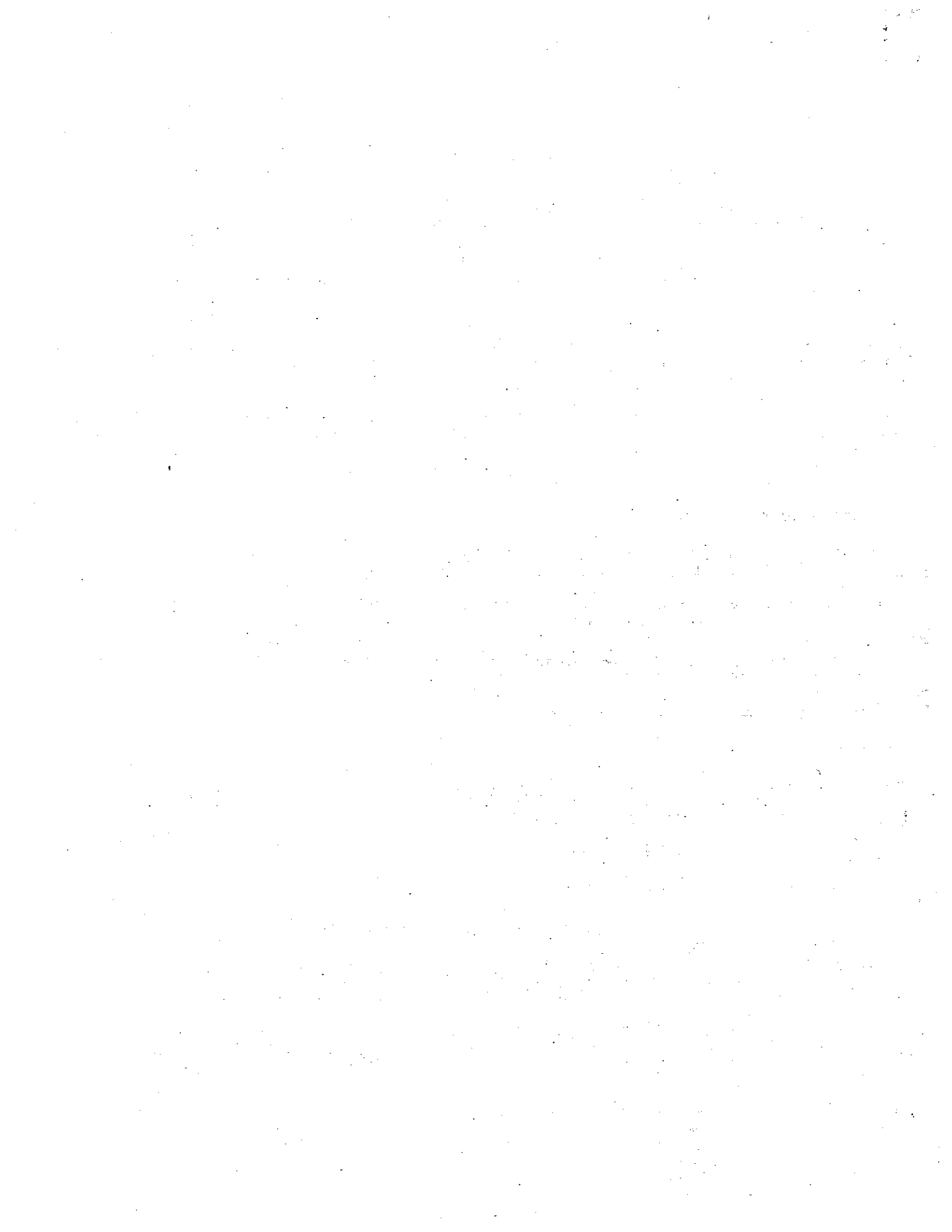
c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: (1) the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court which orders Contractor to comply with an order of the National Labor Relations Board. (PCC 10296) (Not applicable to public entities.)

4. UNION ORGANIZING Contractor hereby certifies that no request for reimbursement, or payment under this agreement, will seek reimbursement for costs incurred to assist, promote or deter union organizing.



## DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

**1. CONFLICT OF INTEREST:** Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

### Current State Employees (PCC 10410):

- 1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

### Former State Employees (PCC 10411):

- 1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (PCC 10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (PCC 10430 (e))

**2. LABOR CODE/WORKERS' COMPENSATION:** Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

**3. AMERICANS WITH DISABILITIES ACT:** Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

**4. CONTRACTOR NAME CHANGE:** An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

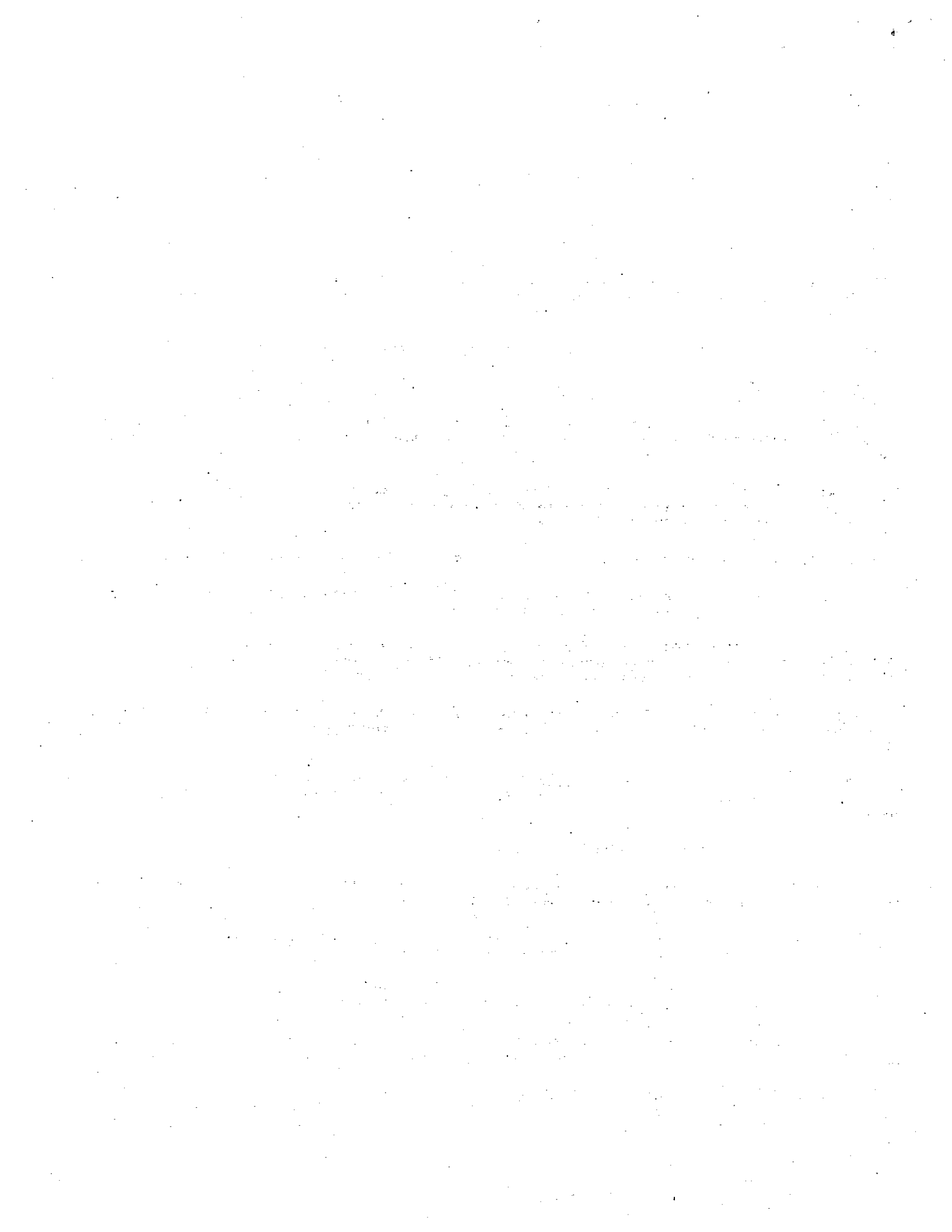
### 5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

- a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.
- b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.
- c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

**6. RESOLUTION:** A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

**AIR OR WATER POLLUTION VIOLATION:** Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to





be in violation of provisions of federal law relating to air or water pollution.

~ PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other government entity.



**County of San Mateo  
Report to the Board of Supervisors on  
Public Health Preparedness  
For a  
Biological or Chemical Terrorist Event**

**Scott Morrow, MD, MPH  
Health Officer**

# **Report on Public Health Preparedness for a Biological or Chemical Terrorist Event**

## **Background**

The attacks of last September and October made both our national and local vulnerabilities clear. The October anthrax attacks were particularly illuminating as to our inadequate response capacity. While no actual attack occurred here, our collective resources were pushed to their limits. At that time we were only facing a perceived threat and our response system almost collapsed. While we have been aggressively attempting to address these vulnerabilities and gaps in capacity over the last year, much more needs to be done. The federal government has recognized that the Public Health infrastructure throughout the nation has badly deteriorated over the last 30 years and that this deterioration has caused a national security risk. In an attempt to remedy this situation, homeland security funds have been made available to begin to build up an adequate Public Health infrastructure. The federal government has made it clear that these funds related to Public Health infrastructure are only to be used to enhance capacity and cannot be used to supplant existing local or state funding. This report provides context to the Board and general public as to the state of our Public Health preparedness by describing:

- the Public Health role and responsibilities in disaster response;
- some key findings from the State's Little Hoover Commission;
- the unique aspects of bioterrorism preparedness and how it differs from other disaster preparedness activities;
- requirements of the federal funding for public health capacity-building; and,
- local accomplishments in the last year.

## **Public Health's Role**

The Health Services Agency is responsible for planning for and responding to the medical/health aspects of natural and man-made (chemical, biological, or nuclear, also known as Weapons of Mass Destruction (WMD)) disasters. These medical/health responses can be divided into three categories: Pre-event response, immediate response, and sustained response.

Pre-event activities include maintaining disaster readiness in Health Services Agency divisions, planning and maintaining a relationship with the local Office of Emergency Services, local law enforcement, fire services, and local medical providers, exercising the plan, and providing training and education in medical/health disaster activities to community physicians, hospital personnel, and first responders (law, fire, and ambulance personnel).

Immediate response activities include fire service and ambulance paramedic response to provide emergency medical care at the emergency scene and to transport victims to hospitals and alternative treatment sites, coordination of emergency care provided at hospitals and alternative treatment sites, protection of water and food supplies, and

protection of the environment by identification, containment, decontamination, and disposal of hazardous materials.

Our most difficult task relates to the need for a sustained response. This is particularly critical in a biological event. The sustained response consists of coordination of sustained medical response at hospital facilities and alternative treatment sites including acquiring medical mutual aid resources, provision of health care services at shelters, provision of accurate public information related to preventing illness and injury in relationship to the specific disaster incident, prevention and treatment of communicable diseases, providing information and resources for managing mental health needs related to the disaster, and addressing our clients' needs relative to the specific disaster.

### **Findings from the Little Hoover Commission**

California's Little Hoover Commission initiated a review of our state of readiness with a belief that the events of September 2001, in the context of the security threats emerging in a global economy and a post-cold war world, fundamentally alter the role of state and local governments in the area of homeland defense.

Much of what the Commission heard during their review supported the assertion that state and local officials must think differently than in the past. Local officials must think differently about the resources that should be dedicated to emergency response and the expertise that must be engaged in preparing organizations and individuals for that response. Local officials also must think differently about the time they have available to respond. It is likely that swift decisions, based on thorough preparation, can reduce the multiple potential consequences of a single act.

What follows are two major findings of the Commission.

**Finding: California has not verified the ability of local agencies to respond adequately to multiple, large-scale disasters, particularly attacks engineered to cause massive casualties, destruction and chaos. While some counties are more ready than others, there is no baseline level of readiness and there is no way of knowing who is really ready.**

It is frequently said that all disasters, like all politics, are local. It is recognized that first responders will always be local, and that even the best mutual aid system will take time to deliver assistance. A federal response to bioterrorism, for instance, *might* be strong, but it will not be immediate. Local agencies need to be capable of sustaining their own response for many hours or even for many days. Emergency response officials reported they were as well prepared as they could be, but *none* felt they were as well prepared as they should be. The actual level of preparedness varies markedly from county to county.

**Finding: The State has not adequately maintained its public health assets to meet the needs of a growing population.**

Perhaps the largest single weakness revealed by the terrorist attacks is our Public Health system. What was once characterized by a robust commitment to public health monitoring, early detection and containment of diseases has largely been supplanted by reliance on health maintenance organizations and insurance-based health care. Local health departments receive far less state money today for disease surveillance than they did 50 years ago, especially after accounting for inflation. Local funds, which are the major source of funds available for these activities, are inadequate. While there are many adverse consequences due to the decline of the Public Health system, one of the more significant is that the relationship between medical providers and local health departments has deteriorated substantially during this time. This particular public policy experiment has failed.

### **The Unique Aspects of Bioterrorism**

San Mateo County and most of California now follow the "all-hazard" approach to disaster planning. The basic planning activities are similar for natural disasters and manmade WMD disasters, but there are distinct differences for WMD and particularly for biological events that need to be taken into account in planning.

**Scale of the emergency-**Much of the planning, prior to September 11<sup>th</sup>, was based upon what has happened in the past, with emergency officials slowly increasing their capabilities to respond to benchmark disasters. But unlike fires, floods, and earthquakes, terrorist attacks are designed to produce maximum levels of chaos, destruction and fear. Most experts concede that our planning to date has been based upon what has occurred, and *not upon what reasonably can occur*. The scale of this type of disaster can be unimaginable. This is best illustrated with a biological agent such as smallpox, which killed over 300 million people in the last century. Granted, the probability of a smallpox attack is low, but the potential consequences are so great that we cannot ignore the threat. A high-ranking federal official has stated that a coordinated attack with smallpox could take the nation "beyond the point of recovery".

**Timing-**Traditional disasters have more distinct beginnings and ends. In an earthquake, or an explosion, the event which causes the disturbance is over in a short period of time. In a biological event, there would be no distinct beginning and no distinct end. The action that would release the organisms would probably not be noticed for at least several days. Our first indication would be that people would be getting sick, each at his or her own rate, and it would take awhile to understand what was occurring. If the organism is communicable (i.e., can be spread from person to person), a type of chaos could arise whereby other people, even friends and neighbors, are viewed as threats. Everyone, including emergency responders, would feel ongoing vulnerability. Unlike physical damage that occurs, it is almost impossible to quantify the damage from this type of scenario.

**Damage to Infrastructure**-Most disasters result typically in massive physical infrastructure damage and relatively few human casualties. In a biological event, there would be little, if any, physical damage, but the result could be massive human casualties.

**Intensity of Response**-Most disaster response is very intense but usually very short-lived. Injured people get to where they need to go and are taken care of. There is usually a large initial need for law enforcement, fire, and health resources that rapidly diminishes to baseline. In a biological event, the response will need to be very intense and will need to be sustained for a long period of time. This will cause physical, emotional, and psychological fatigue in the public and responders.

**Self-sufficiency**-Like with many disasters, we are incapable of fully responding to a biological event on our own. We are dependent on outside resources to assist us. Our reliance on this mutual aid system is fine, because it is highly unlikely for a natural disaster to devastate or paralyze large portions of the country. However, if a biological attack were particularly well coordinated, it could impact the entire country or even the entire world. In that situation there would be no outside help and we would have to get by on our internal resources. This requires us to be self-sufficient at a much higher level than we have been in the past.

**Coordination**-Response to a WMD event requires unprecedented cooperation and coordination between systems that currently are not well coordinated now and to a degree that is not yet well appreciated by the vast majority. While there are some natural links, and while we have a history of cooperation in San Mateo County, the health, fire, and law enforcement links must be strengthened immensely.

**Public Health as a first responder**-Typically Public Health has dealt with the later aspects of a disaster. In WMD, Public Health will become a first responder. This is a cultural and worldview change that both within and outside local health departments, will need to be accommodated.

**Public fear**-People are rightly frightened by invisible organisms that cause disease and death. The likelihood of mass hysteria and public panic is high and will need to be dealt with by accurate and timely communication, strong leadership, the appearance of equity, and the perception of the availability of treatment.

**Training**-Willful release of lethal organisms is not typically what fire and law enforcement personnel or even health providers have to deal with. There are huge training needs for health, fire, and law enforcement.

**Security**-Security is always important in a disaster. However, in a WMD event, law enforcement will be asked to protect and secure things like antibiotics, vaccines, healthcare facilities, and alternative treatment sites. The demands for security at many non-traditional facilities will likely create conflicts and require rigorous triage. Communication of those needs and agreements ahead of time will be important.

**Surveillance**-Biological attacks will most likely be covert. That means that mechanisms and systems that do not currently exist will need to be developed to try to identify attacks as soon as possible. Since the impact of most biological agents can be modified with antibiotics or vaccines, early detection is critical.

**Laboratory and Pharmacy**- While these ancillary health services play a vital role in disaster response in a natural disaster, they play a central role in a WMD event. Most chemical and biological agents can be treated with either antibiotics or antidotes. Having these pharmaceuticals available and in amounts large enough to respond is critical. Laboratories will not only be used to diagnose individual patients but will be used to track the spread of biological agents and measure the level of contamination in the environment.

**Civil Liberties**-Just as security needs will change, security teams may have to protect people from each other and keep some people forcibly separated from others. It is very likely that the imposition of restrictions of civil liberties such as travel restrictions both by air and motor vehicle, isolation and quarantine of people, facilities, and other places will be implemented. Under particular scenarios, there is a very real likelihood of imposition of martial law.

**Simultaneity of events**-Natural disasters have allowed us to neatly contain our activities into a three-stage time frame: preparation, response and recovery. The recent attacks demonstrated the chaos which may result when public agencies and the public must respond to an emergency while simultaneously recovering from another and preparing for a third. The uncertainty of terrorism alone increases demands on the system. For example, not knowing whether an attack is over could seriously undermine the willingness of local agencies to share resources under a mutual aid system that has proven to work well in discrete and isolated events.

**Multiplicity of threats**-Different types of events pose unique management challenges. The layering of multiple and different events impose more daunting challenges than emergency response systems have experienced. The challenges of responding to weapons of mass destruction that may involve chemicals, explosives and diseases impose considerable complexity on decision-makers and on responders.

### **Requirements of the federal funding**

These differences, along with the central role Public Health plays in disease control and surveillance, have caused a major emphasis of the homeland security initiative to be placed on improving Public Health capacity. The federal funding is directed at local and state jurisdictions solely and expressly for the purpose of building Public Health response capacity. We will be receiving a little over \$1 million annually from the federal government for this purpose. While this funding is necessary to achieve a capacity increase, it is insufficient to allow us to fully meet the critical capacities required. The CDC has required a base level of capacity be developed in the following areas over the



next several years. We do not have this base level of Public Health capacity in San Mateo County. The following describes what are being called the critical capacities.

- Establish and maintain a process for strategic leadership, direction, coordination, and assessment of activities to ensure local readiness, interagency collaboration, and preparedness for bioterrorism, infectious disease outbreaks and other Public Health threats and emergencies. This critical capacity has 7 major tasks to accomplish.
- Conduct integrated assessments of Public Health system capacities related to bioterrorism, other infectious disease outbreaks, and Public Health threats and emergencies to aid and improve planning, coordination, and implementation. This critical capacity has 3 major tasks to accomplish.
- Develop and exercise a comprehensive Public Health emergency preparedness and response plan for emergencies caused by bioterrorism, other infectious disease outbreaks, Public Health threats and emergencies. This critical capacity has 6 major tasks to accomplish.
- Ensure that local preparedness for and response to bioterrorism, and other infectious disease outbreaks, Public Health threats and emergencies are effectively coordinated with State response assets. This critical capacity has 3 major tasks to accomplish.
- Plan for the receipt, management, and distribution of the National Pharmaceutical Stockpile. This critical capacity has 5 major tasks to accomplish.
- Rapidly detect a terrorist event through a highly functioning, mandatory reportable disease surveillance system, especially monitoring illnesses and conditions possibly resulting from bioterrorism, other infectious disease outbreaks, and other Public Health threats and emergencies. This critical capacity has 7 major tasks to accomplish.
- Rapidly and effectively investigate and respond to a potential terrorist event as evidenced by a comprehensive and exercised epidemiologic response plan that addresses surge capacity, delivery of mass prophylaxis and immunizations, and pre-event development of a specific epidemiologic investigation and response needs. This critical capacity has 6 major tasks to accomplish.
- Rapidly and effectively investigate and respond to a potential terrorist event, as evidenced by ongoing effective local response to naturally occurring individual cases of urgent Public Health importance, outbreaks of disease, and emergency Public Health interventions such as emergency chemoprophylaxis or immunization activities. This critical capacity has 3 major tasks to accomplish.
- Develop and implement a local program to ensure rapid and effective laboratory services in support of the response to bioterrorism, and other infectious disease outbreaks, Public Health threats and emergencies. This critical capacity has 5 major tasks to accomplish.
- Ensure adequate and secure laboratory facilities, reagents, and equipment to rapidly detect and correctly identify biological agents likely to be used in a bioterrorist incident. This critical capacity has 5 major tasks to accomplish.
- Ensure effective communications connectivity between the local Public Health department, the California Department of Health Services, healthcare

organizations, law enforcement organizations, public officials, and others as evidenced by: a) continuous high-speed connectivity to the internet, b) routine use of e-mail for notification of alerts and other critical communications, and c) a directory of Public Health participants, their roles, and contact information. This critical capacity has 4 major tasks to accomplish.

- Ensure a method of emergency communication for participants in Public Health emergency response that is fully redundant with e-mail. This critical capacity has 2 major tasks to accomplish.
- Ensure the ongoing protection of critical data and information systems and capabilities for continuity of operations. This critical capacity has 2 major tasks to accomplish.
- Ensure secure electronic exchange of clinical, laboratory, environmental, and other Public Health information in standard formats between the computer systems of Public Health partners. Achieve this capacity according to the relevant IT Functions and Specifications. This critical capacity has 3 major tasks to accomplish.
- Provide needed health/risk information to the public and key partners during a terrorism event by establishing critical baseline information about the current communication needs and barriers within individual communities, and identifying effective channels of communication for reaching the general public and special populations during Public Health threats and emergencies. This critical capacity has 5 major tasks to accomplish.
- Ensure the delivery of appropriate education and training to key Public Health professionals, infectious disease specialists, emergency department personnel, and other healthcare providers in preparedness for and response to bioterrorism, other infectious disease outbreaks, and other Public Health threats and emergencies. This critical capacity has 5 major tasks to accomplish.

As you can see, each of these critical capacities is associated with 2 to 7 major tasks that need to be accomplished. The completion of each major task will require many steps by dedicated staff. The purpose of the planning is to begin to identify those steps, the staff who will carry them out, and how to coordinate the entire process both internally and externally. A number of staff from Public Health, Emergency Medical Services, and the Information Services Department have been temporarily reassigned to assist with developing the action plan that will be submitted to the State by October 14, 2002. The private medical community, AMR, and the Office of Emergency Services are assisting with the task of completing the plan. We implemented a draft work plan to allow us to complete the much more complex state plan.

We will add 9.5 staff to enhance public health capacity with the homeland defense funding. They will include: a disaster response planner who will assist with the development of and ensure completion of the plan; a physician who will work to improve our relationships with the local medical community; a Hazardous Materials specialist who will work to improve coordination between Public Health and local fire and law enforcement; an epidemiologist who will work on enhancing our surveillance capacity; a

public health nurse who will provide added capacity in communicable disease control; a microbiologist who will work to enhance lab capacity; a health educator to assist with risk communication efforts; two clerical positions to assist in all the areas; and an ISD analyst to improve and provide for redundant communication and connectivity.

Because of the complexity of the entire project, a lack of adequate existing resources that can be dedicated to developing the work plan, and the very short time frame for completion, the final state plan that will be submitted will not be ready until just prior to the October deadline.

### **Local Activities**

Over the last year we have made some progress on several of these areas without federal or state support. Due to the wisdom and the foresight of the County Manager, after last Fall's attacks a special fund was set up, that was used to improve our readiness. These county funds were used to safeguard the community. In addition, our local partners (law enforcement, fire, ambulance and hospitals) have worked very well together, enabling us to make progress in several priority areas.

During the last year we have made significant progress on the development of a local stockpile of pharmaceuticals. The stockpile, as a local and immediately available asset, is now in place. We were able to establish the stockpile because of the very strong cooperation, collaboration, and fiscal commitment of the Hospital Consortium, all the hospitals located within the county, and the Health Services Agency.

We are currently engaged in developing a full field exercise to test response to a potential WMD event. To accomplish this, we have received training and technical assistance from the Bechtel Corporation. The field exercise is planned for November 2003. In the interim, there will be joint table-top exercises with OES, law enforcement, fire, the ambulance provider, and the hospitals in November 2002 and April 2003 to test our capacity and ready ourselves for the 2003 exercise.

We are actively planning to deploy enhanced surveillance systems to rapidly detect biological threats. We will be testing a system, called RSVP, that was developed by Sandia National Labs in New Mexico. The pilot will take place at local Kaiser facilities.

With the assistance of city governments and OES, we have now identified alternative treatment sites in each city. These sites would be used if the need for treatment or prophylaxis overwhelms traditional health care delivery sites. According to the level of emergency need, the county has between 20 and 127 pre-designated alternative treatment sites.

By working with the County's Information Services Department we have considerably increased our ability with communicate to local health care providers and the public. We have upgraded our phone system to be able to handle large volumes of incoming calls. Medical alerts will be dispatched through an enhanced broadcast fax capability. Staff

have been trained to be able to post updated public information quickly on the County's Public Health web site.

We have done some initial development of training material and some initial training of local medical providers, local law enforcement and fire personnel. These trainings have given these responders the basic information they need to identify and respond to a biological or chemical event. Most of these occurred in the late Fall of 2001. More training sessions are planned.

### **Conclusion**

This report has attempted to provide context about the state of our Public Health preparedness by describing the Public Health role and responsibilities in disaster response, the unique aspects of bioterrorism preparedness, the means by which federal funds will support needed capacity enhancements, and local accomplishments in these areas during the past year.

Since September 11<sup>th</sup>, we have found ourselves in new circumstances which demand our full and immediate attention. We cannot afford to be blithely ignorant of these new threats. Public Health has been moved into the role of first responder in addition to all of its other tasks. Public Health, and the systems with which it interacts, must adapt to that new role. In addition, because of the nature of the threat, I believe that we must become more self-reliant than we ever thought necessary. We have a lot of work to do.

Education and training are large parts of our task. We have to ensure appropriate education and training for key Public Health professionals, and medical, fire, and law enforcement personnel. Planning is another large part. Response to a WMD event requires unprecedented cooperation and coordination between systems that aren't properly coordinated now and to a degree that is not yet well appreciated by the vast majority. Joint planning, at a level never before envisioned, will have to take place and all systems that provide emergency response resources must become cognizant of the differences WMD events --- particularly biological attacks --- entail, and incorporate this information into overall planning efforts.

San Mateo County currently does not have the basic Public Health capacity required by the CDC. Fortunately, we have a rare opportunity to improve the state of Public Health infrastructure and the capacity of Public Health to respond with homeland defense funds. This funding allows us to achieve a significant capacity increase, but it is insufficient to allow us to fully meet the critical capacities. The federal money, spent appropriately, will assist us in becoming better prepared to deal with a WMD event, and it will provide an enhanced level of safety and security for our community. Unfortunately, it will not take us to the level of preparedness that we need to reach. As we move through the planning and assessment process, our current weaknesses will become clear. A complete updated preparedness report will be presented to the Board next summer. That report will more fully quantify gaps and make recommendations on addressing them.

# 'esponds to terrorism

In the wake of September 11, California was better able than most states to protect itself from terrorism. But even a government prepared for fires, floods and earthquakes had to gear up to meet this formidable new threat.

By Bill Ainsworth

**C**apitol visitors no longer glide right into the historic government building. Now, they stop, show identification and submit to a search. Truckers no longer cruise past closed inspection stations. Now, the 15 stations scattered across the state are almost always open, keeping a watchful eye on trucks. Highway patrol officers don't just relax and read on in-state highways anymore. Many of them serve as a new flying plain clothes security force. And the increased hassles of air travel has made 38 percent of Californians more likely to consider driving vacations, according to a survey commissioned by the California Travel and Tourism Commission.

These are just some of the subtle changes experienced by Californians since September 11, 2001, when four California bound planes were hijacked and turned into deadly weapons that killed more than 3,000 people and created a far more frightful world for Americans.

Most Californians have noticed only small differences since those attacks. But officials in key state agencies like the California Highway Patrol, the state Department of Justice and the Office of Emergency Services have seen a dramatic shift in their mission toward preventing and preparing for terrorist attacks. The change in job descriptions also has reached into the governor's office, where Governor Gray Davis has hired a new security coordinator — former FBI agent George Vinson — and set up an information center to help local law enforcement officials investigate terrorist threats. (For a profile of Vinson, see page 33.) Davis, who now gets updates from Vinson nearly every day, says preventing terrorism is a new, time-consuming duty for state government.

"We have to provide the leadership, the direction and the reassurance that Californians are looking for," the governor said earlier this year. "By doing that, other issues take a back seat."

It also is expensive. Six months after the attacks, the state had spent \$50 million in extra costs, including \$17.5 million for new security systems for bridges, \$2.1 million to pay the National Guard

to protect bridges and \$20.7 million in overtime for the California Highway Patrol.

## Defining a role

California has struggled with defining its role in the war against terrorism, which is fought largely by federal agencies like the FBI and the new federal Department of Homeland Security. In November, Davis tried to take on the role of the state's safety guardian, warning about threats to the four major California bridges, including the Golden Gate and San Diego's Coronado bridge. The FBI subsequently determined that the reports weren't credible, a finding that made Davis look opportunistic to some critics. The governor had more success creating the Safe Skies program that allows specially trained CHP officers to serve as an armed security force on state flights.

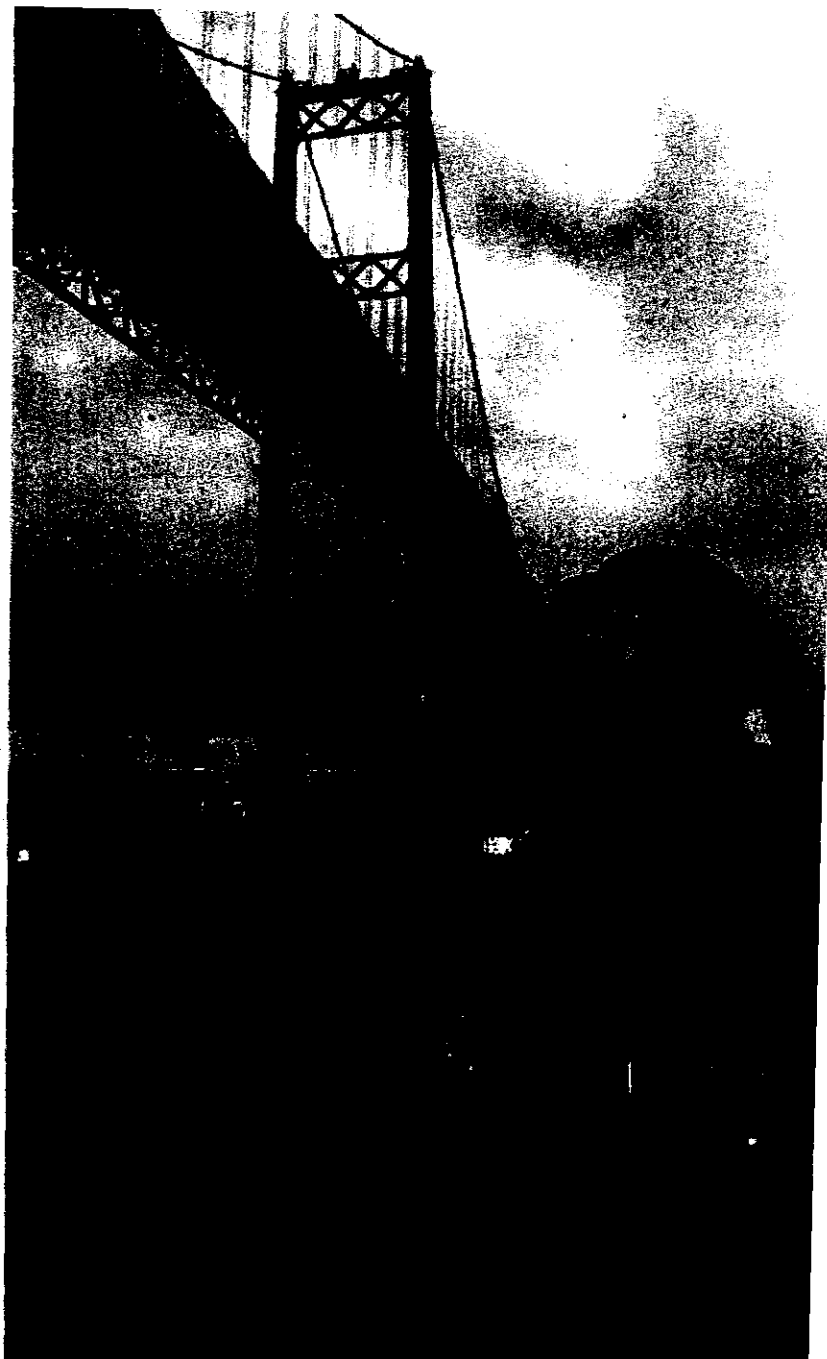
In the rush to seem relevant, lawmakers introduced 100 terrorism-related bills this year. Most of them are now dead, judged by the Legislature's Democratic leadership to be either irrelevant or unnecessarily duplicating federal functions. For instance, Davis wanted to expand the state's wiretapping laws to allow so-called roving wiretaps that allow law-enforcement officers to tap all the phones of a suspect, while Republicans pushed to expand the death penalty to include terror crimes. Both proposals stalled after legislators decided that virtually all terrorist acts would be prosecuted under strict federal laws and penalties.

Even a supporter of increasing state penalties for terrorism, state Senator Bruce McPherson (R-Santa Cruz), acknowledged that these bills failed to reach the heart of the matter. "Penalty enhancements aren't the core of the problem," he said. "The best thing is to prevent something from happening."

An effort to overhaul of the state's public-health laws to deal with the threat of bio-terrorism met a similar fate when legislators determined that public-health officials already had many of the broad powers needed to confront an epidemic. McPherson, chair of the Senate Select Committee on Anti-Terrorism, argued that the state should concentrate on areas where it can make a difference.

"Obviously, the federal government is the main body that has to fight the war on terrorism," he said. "But we can play a role. We can be a leader in cooperation with the federal government."

Two of the most significant terrorism-related bills deal with increasing and improving training for the firefighters, paramedics and police officers who first respond to any terrorism attack and helping upgrade their ability to talk to each other through compatible radio systems. The bills would allow California to tap into the new \$3.5 billion in federal money available for training, equipment and communication compatibility. In a March meeting, U.S. Homeland Security chief Tom Ridge called California's legisla-



National Guard patrolling the Vincent Thomas Bridge at the Port of Los Angeles in San Pedro after terrorist alerts last November 2001. Fred Prouser, Reuters 2001.

tion on training procedures the most comprehensive suggestion the federal government has received from any state, McPherson said.

## Protecting the Capitol

The terrorist attacks also reignited a debate about building a security fence around the Capitol's perimeter — especially after a suicidal trucker with a history of mental illness slammed his rig into the Capitol earlier in 2001. After passionate debates, lawmakers opted instead for new screening for visitors and a series of thick planters designed to deter cars and trucks from crashing into the building. Some Capitol staffers and legislators said that the new security measures were long overdue, even without the September 11 attacks.



Governor Davis with the National Guard at a press conference at Los Angeles International Airport, October 2001. Fred Prouser, Reuters 2001.

As a result of the governor's new focus on terrorism, Davis' security advisor Vinson has emerged as one of the brightest stars in the administration. Vinson provides regular briefings to Davis, gathering information about new threats, coordinating the state's anti-terrorism activities and working with federal and local law enforcement officials.

"California is in really good shape on preparedness and planning," he said. "We're working very hard on training firefighters, police and public health workers."

Israeli anti-terrorism experts are scheduled to provide some training to police authorities in California this summer. They will explain how the Israeli government responds to suicide bombers by cleaning up the devastation as quickly as possible, Vinson said. They are also likely to

talk about preventing suicide bombings. Training local law enforcement officers is of critical importance, he said, because the September 11 hijackers had numerous small collisions with the law, but none of the authorities conducted a deeper investigation that might have prevented the attack.

"We look at our 100,000 police officers as listening posts and sentries," he said. It takes a long time to train local officials about what information to report, Vinson added, but without proper training the state will suffer from information overload.

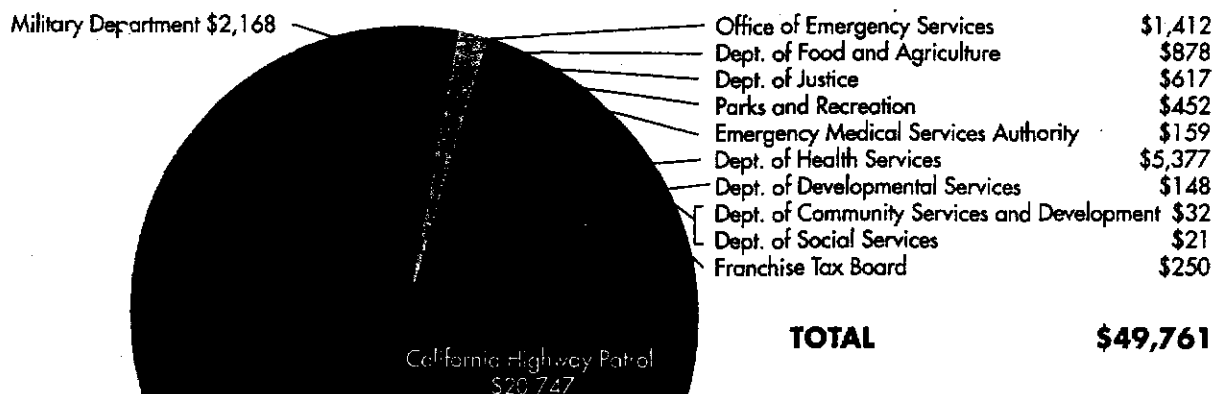
As a state prone to disasters of biblical proportions — floods, fires and earthquakes — California has experience coordinating responses to emergencies through its Office of Emergency Services. Now much of that office is focused on responding to a terrorist attack.

"California has definitely been a leader. The state has had ample opportunity to deal with disasters," said Kae Warnock, research analyst for the National Conference of State Legislatures in Denver.

Right after the September attack, California law enforcement officials decided that the state could lead the way by filling an information gap between the often secretive federal agencies and local law enforcement. They transformed a database and intelligence facility formerly used in the war on drugs into the new California anti-terrorism information center or CATIC. Located in Sacramento, the center produces bulletins that go out to law enforcement officials across the state and monitors investigations from new state terrorist task forces.

"We're the middle man between local agencies and the FBI," said Ed Manavian, who oversees the center for the state Department of Justice.

According to Vinson, the center has helped local offi-



## TERRORISM-RELATED STATE EXPENDITURES

(in the thousands of dollars)

Source: California Department of Finance



**“When it first happened we were shocked, then we were scared, then we were angry, then we were confused. Now, we’re alert.”**

**— San Diego County Sheriff Bill Kolender,**

cial conduct deeper investigations that have unearthed fake documents, money laundering operations and credit card scams. Sometimes it handles lower-level investigations that aren't a priority for the FBI but cause worries among local officials.

Earlier this year, for instance, the center helped Redding police, who were investigating a caller asking suspicious questions to officials of the Redding Air Show. The caller, who had a Middle Eastern last name, wanted to know about security for the show, including the number and type of planes and the number of officers who would be there.

“It seemed very, very suspicious,” said Bob Blankenship, Redding chief of police.

Officials from the anti-terrorism center dispatched a team in Southern California to interview the caller. It turned out that he was merely a curious air show fan, not a potential terrorist. Local officials breathed a sigh of relief and the show went on as planned. Blankenship said the center served a valuable purpose by reassuring local officials.

Unlike the FBI, investigators at the California center can keep local officials apprised of investigations that come from local tips. “The federal government, either by law or by choice, would not share information with locals, or even in some cases among themselves,” said Blankenship.

### Sharing information

Federal legislation would allow the FBI to share more information with local officials. Vinson is trying to get security clearance for key state law enforcement officers so they could view the classified information.

“Everybody is working hard to share information,” said Vinson, “but it’s harder than we thought.”

Usually, Vinson said, the FBI classifies information that might compromise the source. But he has been attempting to persuade his former employer to tell local officials about threats in their area without disclosing the source, so they can prepare for a potential attack.

The new focus on terrorism at the California Department of Justice has some officials worried that work on

stopping gangs and drug dealers will suffer. Many of the 75 agents and analysts who staff the center came from anti-drug units.

“Our focus is now on terrorism,” said Allen Benitez, assistant chief of the newly formed California Criminal Intelligence Bureau. “There’s been a reduction in intelligence work in other areas.” He hopes that the new budget will allow the Department of Justice to replace the agents and analysts who were reassigned.

Similarly, the California Highway Patrol expects to be among the few agencies in state government to add officers and employees during this difficult budget deficit year. Of all the state agencies, the CHP probably has taken on the most new responsibilities. Since the terrorist attacks, officers have put in thousands of hours of overtime guarding the state’s power plants, bridges, dams and aqueducts. CHP planes and helicopters now fly virtually around the clock to monitor activities across the state. Truck inspection stations once open only part-time now operate nearly 24 hours a day, said Anne Da Vigo, spokeswoman for the CHP.

“This has taxed our folks quite a bit,” she said.

In next year’s budget, the CHP has requested five new helicopters and 300 new officers, including 150 to handle truck safety. The agency also is seeking \$2.3 million to give all 7,000 officers a terrorism kit that includes a breathing filter, rubber gloves and protective clothing.

Ultimately, the state’s chief responsibility will be to coordinate local and federal efforts. “It’s important that the state help glue these things together,” said San Diego County Sheriff Bill Kolender, who has noticed a variety of changes in officials and residents throughout California since September 11.

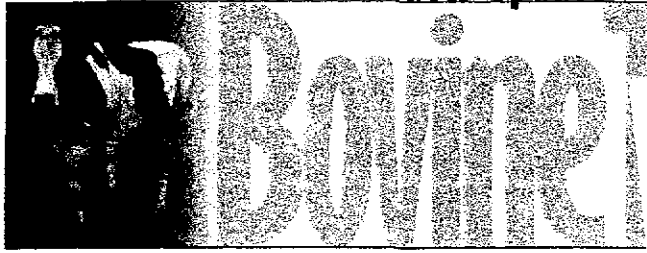
“When it first happened we were shocked, then we were scared, then we were angry, then we were confused,” he said. “Now, we’re alert.” 🕌

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*Bill Ainsworth is a Capitol reporter for the San Diego Union Tribune. Comments on this story may be sent to [edit@statenet.com](mailto:edit@statenet.com).*



# Cattle Producer Update



*Does state have any directions re: humans traversing land where infected cattle have been found? Close trails immediately upon identification of disease animals.*

OF FOOD & AGRICULTURE

July 2002

## Enhancing Communication with Producers

The *Cattle Producer Update* is intended to give producers current information about California's on-going bovine TB investigation. For more comprehensive information, contact the CDFA Headquarters Office at (916) 654-1447, a CDFA fieldoffice listed on the next page or check our web page at [www.cdfa.ca.gov](http://www.cdfa.ca.gov).

## Current Status

California currently has one dairy herd affected with bovine TB. More than 26,000 cattle in California have been tested for exposure to TB since this investigation began. To date, there is no evidence to suggest that infection has spread from this herd.

Cumulative Since May 13, 2002	
Herds tested	19
Affected herds	1
Animals tested	26,478
Initial TB skin test responders	584
Reactors	99
Suspects	47
Reactors & suspects eliminated	146
Traceouts eliminated	175
Exposed animals eliminated from quarantined herd	347
Average field personnel assigned on a daily basis	22

## Background

In May 2002, bovine TB was confirmed in a Tulare County dairy herd. The CDFA, USDA and the industry established a task force and worked together with the herd owner and his veterinarian to control and eradicate the disease from the herd. The work is ongoing.

The California Department of Health Services and Tulare County Health Department representatives addressed public health issues and coordinated TB testing for the dairy's employees.

• Disease?  
ine. The cattle are  
1 those testing  
ted herd to be  
where enhanced  
not infected

- All cattle sold from or associated with the affected herd over the last five years are being traced and tested
- Efforts to purchase and slaughter all cattle that left the affected herd are underway
- Calves from the affected herd are raised away from the adult cattle and are fed only pasteurized products
- Areas on the affected premises that may be contaminated with TB bacteria are cleaned and disinfected

As a precaution and to protect other states, all dairy breeding animals leaving California that are more than six months of age require a negative TB test within 30 days of movement. At this time, this requirement does not apply to beef cattle.

## Investigation Plans

High-risk herds traced out from the affected herd will be tested by late July 2002. Most heifers traced out of the herd will be slaughtered and examined by late July 2002. The USDA will use the information collected from these trace outs to begin conducting a full review.

It will take several months to complete the process of tracing and testing all possible cattle from the affected herd and the herds they entered.

## Potential Impact for California's TB-free status

California's current bovine TB-free status has not changed at this time. There are various status levels that can be assigned to a state under the USDA tuberculosis eradication program: accredited free, modified accredited advanced, modified accredited, accreditation preparatory or non-accredited.

For California to maintain its accredited-free TB status, the USDA currently requires that the affected herd be depopulated and that CDFA complete a full review showing that there is no evidence of TB spread in California.

**CDFA Animal Health Branch Offices**

Sacramento (HQ) 916-654-1447

Modesto 209-491-9350

Ontario 909-947-4462

Redding 530-225-2140

Tulare 559-685-3500

**CDFA Milk and Dairy Foods Control Offices**

Stockton 209-466-7186

Oakland 510-622-4810

Fresno 559-445-5506

Ontario 909-923-9929

**United States Department of Agriculture**  
**916-857-6170 or 877-741-3690**



**California Department of Food and Agriculture**

*William (Bill) J. Lyons, Jr., Secretary*  
*Richard E. Breitmeyer, DVM, MPVM, State Veterinarian*

If the state is unable to satisfy these requirements, California's status could be changed to a modified accredited-free status which would require that all California breeding cattle have official identification and a negative TB test within 60 days of interstate movement OR originate from a TB accredited free herd (mandatory annual TB testing) OR move directly to slaughter.

Should more than three infected herds be found in a year, the status could be designated as modified accredited.

If the USDA recommends a change in California's status, it may occur later this year or early next year.

#### **What can producers do?**

Your veterinarian is an excellent source of information on bovine TB. In addition:

- Practice good biosecurity
- Follow animal import regulations
- Know the TB status of the herd where you purchase animals If you share grazing land with other cattle, know their TB status; grazing animals with or adjacent to Mexican-origin cattle is a potential risk for exposure to TB
- Maintain the permanent identification of your animals and keep records of animal movement into and out of your herd

#### **Public Health**

The risk of people getting bovine TB from animals in the U.S. today is extremely remote. All carcasses are carefully inspected and, if infected, are rejected from the human food chain. The bacterium causing TB is killed when meat is cooked and milk is pasteurized, hence these products are safe to eat. It is also very unlikely that a person would become infected with bovine TB from an infected carcass. People that drink raw milk from infected cattle, and workers who are in close contact with infected animals are at most risk. People who come in close contact with TB-infected animals are encouraged to take extra precautions, and may wish to contact the Department of Health Services at (916) 327-0332.

# Managing Animals During Emergencies



California Department™  
of Food and Agriculture



**Date:** Tuesday July 9, 2002 8:30 A.M. to 11:30 A.M.

**Location:** Provided by City of Menlo Park - Council Chambers

**Hosts:** Santa Clara County Emergency Managers Association  
Peninsula Emergency Services Association

**Planners:** SCCEMA President Russ Patterson, Capt. – Campbell Police Department  
PESA President, Matt Lucett, Program Coordinator San Mateo County EMS

**RSVP** Brian Molver by *e-mail* [bmolver@co.sanmateo.ca.us](mailto:bmolver@co.sanmateo.ca.us) or by *phone* 650.363.4448

## Agenda as of June 5, 2002

### *Welcome and Introduction*

By Matt Lucett, PESA President and Russ Patterson, SCCEMA President

### **Animal Response Emergency System**

By Rita M. Witucki, Program Manager with CA Department of Food and Agriculture Animal Health Branch

### **Foreign Animal Disease Threat**

By Annette Whiteford, DVM – CA Department of Food and Agriculture Animal Health Branch

### **Local Planning Guidance and Exercise**

Annette Whiteford, DVM and Rita Witucki

The Santa Clara County Emergency Manager's Association and the Peninsula Emergency Services Association of San Mateo County are teaming up to coordinate this workshop. The workshop will give you the tools you need to update and/or further develop your existing comprehensive disaster preparedness and response plan. The workshop is presented by The California Department of Food and Agriculture's (CDFA) California Animal Response Emergency System (CARES) unit, who will also facilitate the workshop. When an animal related emergency or disaster strikes, it is likely that some jurisdictions in both counties will interact in support, response and coordination as mutual aid.

**Directions to Menlo Park City Council Chambers**

701 Laurel Street.

From 101 (North or south) take the Willow Road exit heading West. Once you're heading West on Willow Road, continue past Middlefield Road until you reach Laurel Street. Turn right onto Laurel Street and proceed 2.5 blocks. The Council Chambers is close to the duck pond, which is across from the Administration Building.

Or, Take CAL Train to the Menlo Park Station which is located at Santa Cruz Avenue & Merrill Street. Walk East on Ravenswood and turn right on Elm and continue to the City Government Center.

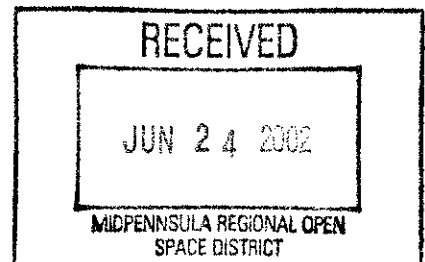
MROSD  
June 21, 2002

You are requesting comments on acquiring more land in San Mateo County, this time along the coast side. I, for one, am totally against any more land grabbing by your agency. Every time you take over property, it is no longer on the tax rolls, and everyone's taxes increase, to make up the difference. As I recall, when your agency was first formed, you were to remain on the east side of Highway 35, and were to go no farther north than San Carlos. You are now north of San Carlos and west of 35. You don't need any land along the coast. I am totally against you "acquiring" any more land in San Mateo County.

P-1-1



Tim Burkhart  
309 Lowell St.  
Redwood City, CA 94062



**P-2**

**Cathy Woodbury**

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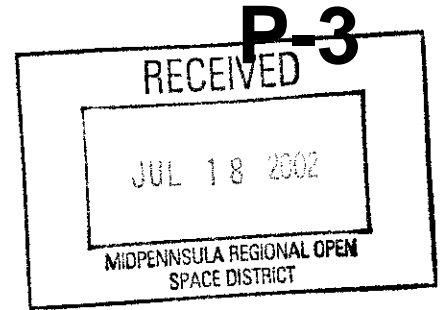
**From:** <GGaliher@aol.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Thursday, June 27, 2002 10:49 PM  
**Subject:** EIR

I am writing to let you know that I think it is a wonderful idea to protect the coastline from Pacifica to Santa Cruz from development! Once it is developed, there is no going back for the wildlife or the human life. I believe that it is very important to preserve the beautiful coastline as it is.

**P-2-1**

L. Galiher

Rod Allen & Linda Cohen  
935 Scott Street  
Palo Alto, Ca 94301  
650-327-6757



Board of Directors

Midpeninsula Regional Open Space District  
330 Distel Circle, Los Altos, California 94022-1404

RE: Jurisdiction Expansion to San Mateo County Coast

Dear Board Members;

We are in favor of this expansion and its plan to add 220 sq. miles of SMC coastal land into its boundaries. The more the better.

We have lived our whole lives in California and see the coast as a worldwide heritage to be preserved for all time. Not that long ago, land in California was not "owned" by anyone. Explorers at one point made claims and from there on out it was first come first serve – more or less. Hopefully, today's "owners" will continue to see their way clear to turning over this resource back to nature and for those who cherish and protect it in it for its own needs to be natural and dynamic.

If this sometimes requires that land be zoned agricultural, we hope that it will be only because that is the only way to acquisition. Hopefully, there will be a clause that states the land, at the owners permission (or whatever), can convert the deed to open space in the future.

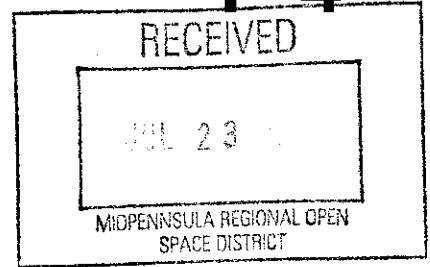
Thank you and good luck.

P-3-1

P-3-2



P-4



July 18, 2002

MROSD  
330 Distel Circle  
Los Altos CA 94022-1404

Attn: Cathy Woodbury

Re: Expansion to Coastside

Attending the hearing on July 17 in Half Moon Bay, I heard several people there speak about the lack of coastside people on the board when the expansion takes place. It reminded me of the situation Skyline residents faced until Larry Hassett joined the MROSD board. Here in the Skyline area where MROSD occupies more than half the land, we did not have a representative on the board. Betsy Crowder was a wonderful Director, serving us well, but she was not a local. We are very pleased to have Larry Hassett on the MROSD board.

Appendix C Draft Service Plan clearly states that by law MROSD is limited to a maximum of seven wards. At present the seven existing wards contain a population of 100,000 each. Population within the Coastal Annexation Area is less than 100,000 therefore a separate ward is not anticipated. The District can include the Coastal Annexation Area within one or more wards.

P-4-1

Representation of the coastside remains a problem. I can well understand the feelings of the coastside residents wanting a local to represent them. I trust you will find a way.

Despite some questions, I support the expansion to the coastside by MROSD.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Waldhauer".

Ruth Waldhauer  
22400 Skyline Blvd. Box 35  
La Honda CA 94020  
waldhauer@batnet.com

CC: Larry Hassett

July 18, 2002

MROSD  
330 Distel Circle  
Los Altos CA 94022-1404

Attn: Cathy Woodbury

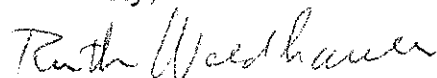
Although at this point in time comments on the draft EIR are being sought, I urge you to look a bit further and consider a policy for acquisition, lease-backs, and conservation easements that will be attractive and fair to farmers and ranchers. At present farmers and ranchers, particularly in the Pescadero area, are very hostile to the coastside expansion. Perhaps is some information about just how farmers and ranchers could benefit would win a few converts. One model to consider is that of Marin Agricultural Land Trust. See [www.MALT.org](http://www.MALT.org). MALT has been in existence for 22 years, and many farmers and ranchers have placed their lands in conservation easements to permanently protect the lands from development and to keep the lands in agriculture.

P-5-1

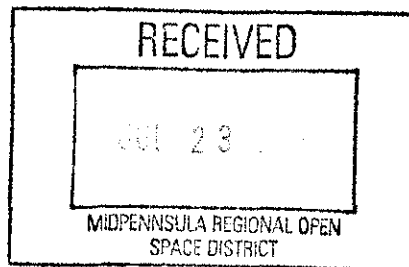
In Appendix C, Table 1: Basic Service Plan very little land acquisition by conservation easements is proposed: year 1 to 5 - 130 to 240 acres; years 6 to 10 - 60 to 110 acres; years 11 to 15 - 8 to 10 acres. Why is this? One would think that more of the agricultural and ranching land protected from future development, the better. Please response to my question if at all possible.

Despite certain questions, I support the coastside expansion of MROSD.

Sincerely,



Ruth Waldhauer  
22400 Skyline Blvd. Box 35  
La Honda CA 94020  
waldhauer@batnet.com



**Cathy Woodbury**

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**From:** Carol Simon <carolfsimon@earthlink.net>  
**To:** <coast-eir@openspace.org>  
**Sent:** Thursday, July 18, 2002 2:49 PM  
**Subject:** Comments on the Draft EIR

July 18, 2002

Cathy Woodbury

Midpeninsula Regional Open Space District

330 Distal Circle

Los Altos CA 94022

Ms. Woodbury:

I am writing to comment on several aspects of the Draft EIR relating to the annexation of the Coastsides.

As a resident of the Southcoast area, I am insulted by the dismissive conclusion in the report that all items noted are "less than significant". Several of the analyses are specious and narrow-sighted and illustrate a clear lack of understanding of the conditions and circumstances that affect our day-to-day life on the Southcoast. **P-6-1**

Land use:

Excerpt from the Overview, Page IV A-1

"Implementation of the proposed annexation project would be a benefit to preserving the existing rural quality of life and would provide more preservation, recreation, and stewardship opportunities in the Coastal Annexation Area."

According to the tabular analysis of Map 9, 42% of the land by area in the southern portion of the annexation area is already owned by state, county, or private land trust designated for open space use. This is more than sufficient for the preservation of open space and to protect and restore the natural environment, preserve the rural character, and to provide recreation, public education and enjoyment. 13.8% of the land is already designated for public recreation. 81% is currently designated as agricultural land. How much more rural does the area need to be? There are many forces already in place (LCP, Williamson Act, etc.) to maintain and preserve agricultural land. Annexation and acquisition of land by MROSD would likely remove land from active agricultural use, not promote it. **P-6-2**

In the northern area, only about 20% of the land is now protected. Emphasis for the annexation should be on that area where there is, indeed, the possibility of increased growth and loss of open space and agricultural productivity.

Housing:

From the EIR LU-7 would the project displace existing housing, necessitating the construction of replacement housing elsewhere? This is rated as "Less Than Significant Impact." **P-6-3**

The EIR states: The project could displace existing residents on parcels that the District may acquire as open space preserves. However, the Draft Service Plan states that "Should the District acquire lands that contain **P-6-3**

existing structures, these structures may be maintained and improved for uses such as staff or caretaker housing or for rental to others (such as farm laborers). Rental preference would be provided to other open space or recreation providers, such as the San Mateo County Parks and Recreation Department, where use of such facilities would benefit public recreation or open space programs. Existing residents may also continue to live on the land through life estates. Structures may or may not be retained depending on their condition and potential for compatible use. If retained, structures would likely not be expanded."

This is really a hot button for our community. Because of the extreme stress the community is under from the FEMA restrictions, the LCP, and the general difficulty with getting permits to build or remodel, the removal of even a single housing unit in our community is a tragedy. What's more, giving preferences to District staff or other recreation providers after displacing a local resident is adding further insult to injury. The follow-on statements do not show that the District would be committed to maintaining or improving any housing units that are land that they may acquire. This shows a clear lack of understanding of the housing crisis in the Southcoast area.

P-6-3

#### Public Services:

The EIR completely downplays the impacts of increased number of visitors that new Open Space Preserves could bring into the area. The EIR only addresses the actual preserves. Visitors must travel to and from the preserves before and after their visits, through our community.

From the EIR: "The proposed annexation and subsequent acquisition of land would not result in an increased demand on public services... Development of a field office, infrastructure and low intensity recreation has the potential to create police and fire protection service calls from the District lands. The additional demand for these services would not be significant. Opening up areas to the public could cause a slight increase in fire risk. Any fires would likely receive response from California Department of Forestry (CDF). The County Sheriff's Department also anticipates a need for additional responses to preserves. Both agencies require access to future preserves. The lack of adequate emergency access would be a significant impact. This section recommends adding an Implementation Action to the Service Plan to ensure adequate emergency access. Compliance with the proposed Draft Service Plan Guidelines, Policies and Implementation Actions and with mitigation measures proposed in this section would ensure that District actions within the proposed Coastal Annexation Area would not result in significant impacts to public services and infrastructure."

P-6-4

I am particularly concerned with increased traffic, parking problems, and the strain on emergency services. The EIR used bogus logic in analyzing the amount of traffic that would be generated. The monitoring team monitored two of the preserves on Skyline for the number of vehicles entering and exiting the parking areas. They then extrapolated the number of vehicles that would be generated over a period of time based on the *NUMBER OF ACRES* in the preserves, i.e. so many vehicles per acre. This is ridiculous. Visitors chose to come to a preserve not because of its size but because of the attractiveness of the area and the special features of the preserve. A small preserve of 10 acres is just as likely to generate x number of visitors as a preserve with 1000 acres. Witness the 55,000 visitors that come to Ano Nuevo every year to visit a very tiny area because of the elephant seals or the thousands that came to the lighthouse every year, which is a miniscule area. This section completely does not address the issues that visitors will likely come into Pescadero village after visiting a preserve to get something to eat or to buy gas, aggravating the amount of traffic that will clog the already congested town streets on the weekends. From my experience as a docent at both state park sites, I can testify that one of the most frequently asked questions by visitors is where is a good place to get something to eat around here.

The treatment of parking impact is also questionable. The report states that there will be sufficient parking at all of the trailheads for the preserves. That's not the issue. The issue is the same as noted above. Visitors will likely come into Pescadero either before or after a visit to a preserve straining already scarce parking resources.

The EIR states that opening areas to the public could cause a slight increase in fire risk. Living where I do, I accept the fact that it will take CDF about 15 minutes to arrive for both response to fire and medical emergencies. I don't like it but I accept it. Having more visitors in the area can only aggravate that situation. It could mean that CDF might then take 20-25 minutes to respond to my neighbors and me because they have more demands on their services. Access to the preserves for emergency services is not the issue. The issue is the strain on the resources of the emergency responders.

P-6-5

I feel that this whole section is way off base and shows a callous attitude toward our community.

While I can also offer several emotional objections to the report and the proposed annexation, I will limit my comments to those stated herein. I am totally opposed to the annexation of the Southcoast into MROSD and will work towards stopping it.

P-6-6

Sincerely,

Carol F. Simon

721 Madrone Ave., Pescadero CA 94060

Butano/Gazos representative to the  
Pescadero Municipal Advisory Council

**P-7**

**Cathy Woodbury**

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**From:** <spilker@stanford.edu>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Thursday, July 18, 2002 5:03 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Prof. James

last name = Spilker

email = [spilker@stanford.edu](mailto:spilker@stanford.edu)

street address = Stanford University, EE

city = Stanford

state = CA

zip =

home phone =

office phone =

message = We strongly object to any encroachment on our lands by the Midpeninsula Regional Open Space District. We are perfectly capable of managing our lands without your interference. Please make sure that our objections are properly recorded. Our property is on the coast in San Gregorio.

Submit = Send

\*\*\*\*\*

**P-7-1**



July 19, 2002

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos CA 94022-1404  
VIA fax 650-691-0485

Re: Written Comments to Draft EIR – San Mateo Coastal Annexation

Page 10: Partnerships with POST and other land trusts will be required for handling stewardship responsibilities. Please add that such partnerships will be reviewed for consistency of the trust's purpose with MRSOD's and monitored for implementation of common projects to be sure the implementation conforms with this documents policies.

P-8-1

Page S-14: Impact and Mitigation Measures: Trail users could create an additional fire hazard in areas with high fuel loads. The mitigation would be to reduce/remove the fuel load and/or to close trails during high fire danger. (I disagree that the significance is small. It's very high in some areas.)

P-8-2

Page S-15 Trail users could be at risk from flash flooding or rapidly rising water along creeks downstream from the coastal mountains. Trails near flood zones should be temporarily closed during the rainy season. Other mitigation measures would be creek restoration to help prevent flooding.

P-8-3

Page S-16: If a trail is closed for repair, there should be some time limit. Either close it permanently, or fix it within a reasonable time—6 months, for example. The maps also need to be updated at least every 6 months.

P-8-4

Page S-19. Providing another parking space, and facilities that are camouflaged or hidden from view is an expensive and unrealistic alternative. Visitor services should be provided in small towns. For example public restrooms should be provided in or near Pescadero and San Gregorio. The least attractive alternative is a string of porta-potties up and down the coastside at the beginning of trails.

P-8-5

Please note that I oppose the annexation in the area south of Tunitas Creek, which is already over-purchased. I'm an avid hiker and there is already more than enough undeveloped open space here.

P-8-6

Sincerely,

*Catherine M. Peery*  
Catherine M. Peery, CPC  
Peery & Associates, Inc.

voting address = P. O. Box 28  
Pescadero CA 94060

**Cathy Woodbury**

---

**From:** General Account  
**Sent:** Thursday, July 25, 2002 12:41 PM  
**To:** John Escobar; Cathy Woodbury; Stephanie Jensen  
**Subject:** Fw: proposed coastal annexation

Comment Re:Coast  
Gloria

----- Original Message -----

**From:** Roberts  
**To:** Midpeninsula Regional Open Space District  
**Cc:** Richard S. Gordon  
**Sent:** Thursday, July 25, 2002 11:36 AM  
**Subject:** proposed coastal annexation

Midpeninsula Open Space District:

We have lived in La Honda for twenty years and are life-time residents of the Bay Area. We moved to La Honda because of its natural beauty.

Offering people the option to freely sell their property to an agency that will properly maintain it and make it available for public use seems an outstanding opportunity to preserve the scenic rural nature of this beautiful area for future generations, and provide willing sellers fair compensation.

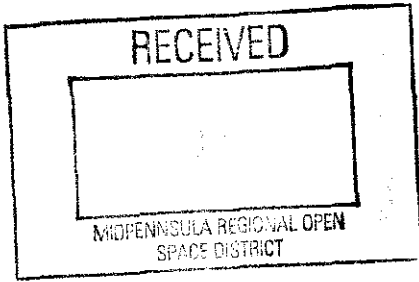
We therefore strongly support the Midpeninsula Open Space District's efforts to extend its boundaries to include the proposed areas on the coast of San Mateo County.

Dr. Raymond J. Roberts  
Mrs. Lynn H. Roberts

La Honda

**P-9-1**





1831 Pescadero Road  
Pescadero, CA 94060  
July 29, 2002

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404

Re: Draft Environmental Impact Report re San Mateo Coastal Annexation

Dear Sir or Madam:

I write to express my concern regarding the adequacy of the above-referenced report. My concern is narrowly focused upon the failure of this report to adequately take into account the impact of additional traffic in the town of Pescadero as a result of the coastal annexation.

It is my understanding that under the coastal annexation MROSD intends to obtain ownership and management of POST properties near Pescadero and to open them to recreational uses by members of the public. While I believe this is a laudable goal, I am concerned about the impact of additional traffic in the town of Pescadero as a result.

Over the past decade, Pescadero has become an ever more popular weekend tourist destination. Consequently, the roads in the town of Pescadero have become increasingly more dangerous, with heavy traffic and out-of-town speeders. Increasing the number of recreational opportunities in the Pescadero area will only increase the amount of traffic in town.

This will have a significant effect on the quality of life in the town of Pescadero which is completely unaddressed in the environmental impact report. I believe that once this problem is examined there will be a need for substantial mitigation measures, including increased enforcement, improved signage and ultimately some type of redesign to the road system to carry this heavy weekend traffic.

Please consider my comments when you evaluate your environmental impact report.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Christopher Brancart". The signature is written in a cursive style with a large, sweeping initial "C".

Christopher Brancart

P-10-1

July 31, 2002

Board of Directors  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Greetings Board Members,

I wish to make comments on the San Mateo Coastal Annexation Draft Environmental Impact Report (EIR). After reading much of the material I am in support of the effort to expand the boundaries of the M.R.O.S.D.

As demonstrated in the Financial Analysis, by using the current funding structure, and taking full advantage of conservation partners such as Peninsula Open Space Trust t (P.O.S.T.) about 12,000 acres could fall under management and protection during the next 15 years.

The provisions for agricultural easements will help to preserve the coastside economy and it's rural character. The Draft Service Plan outlines how the District will achieve this goal in the annexation area. Solutions to issues such as planning, trail construction, maintenance of existing structures and agricultural use are defined. A District presence will bring active management--planning, patrol, fire protection-- to District lands without changing current land use regulations.

One area of concern has been the issue of eminent domain. I believe that the District has shown its sensitivity to these concerns. The issue is addressed throughout the study and accompanying documents. The summary of the Draft EIR clearly states:

*...However, the properties or easements within the Coastal Annexation Area will be purchased by the District from willing sellers only. The District will not exercise its power of eminent domain in the coastal area. This policy is set out in the Service Plan, in this EIR, and will be adopted as an ordinance of the District. It will therefore be an integral part of the Districts Service Plan and annexation application presented to LAFCO for approval.*

P-11-1

The Draft EIR presents a clear and workable plan expand the M.R.O.S.D. to the coast. This is a unique chance for you, Memmbers of the Board, to help preserve a vital regional resource. I fully support your efforts.

P-11-2

Respectfully,

Richard J. Barnes  
5239 Shelter Creek Lane  
San Bruno, CA 94066

[rickyb@igc.org](mailto:rickyb@igc.org)

Dear Mid-Peninsula Regional Open Space District,

7/31/2002

At this point in time I'm not convinced that it's in the best interest of the Coastside at large to have the annexation move forward. As a long time coastside resident and property owner I do not see any benefit to allow a Special District to be formed for this area. We have lots of issues that are constantly in debate in this area as you are well aware of. Another entity with its finger in the pie is not what's needed. I do appreciate the concern you put forth about saving our coastside from development, but we already have enough restrictions and a large lack of infrastructure to feasibly allow any large or small development of this wonderful area I call home.

P-12-1

Sincerely,



Frank Vento

**William G. Young**

---

**P.O. Box 731, Half Moon Bay, CA 94019****Phone: 650/712-9339****E-mail: loon@coastside.net**

July 31, 2002

Ms. Cathy Woodbury  
Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404

Re: MROSD Coastal San Mateo County Annexation Program

Dear Ms. Woodbury:

Please enter this letter into the official record for public comment on the District's San Mateo County Annexation Program Draft EIR.

I would like to thank the Open Space District staff and Board members for holding these public hearings and providing ample opportunity for public participation in the annexation process. I welcome the District's annexation plans for the San Mateo coast.

Thank you also for preparing a thorough Draft Environmental Impact Report. It is a painstakingly prepared, exhaustive document.

The Draft E.I.R. demonstrates the District's sensitivity and response to local issues and concerns. As a local agency, rather than a far-flung federal or state agency, you have shown your commitment to local accountability, by, for example, waiving your power of eminent domain. As a result, the District will purchase properties or easements within the Coastal Annexation Area from willing sellers only. The District also has included many provisions in its plan to protect coastside farmland.

The District's annexation of the coastside comes not a minute too soon, as pressure increases to proceed with rampant development there. I commend the District's efforts to preserve the coastside's open space and agricultural heritage before the opportunities to do so vanish.

As we all know, once open space and farmland disappear, they're gone forever. Just look at Silicon Valley, for example, to see how, in one generation, prime, fertile agricultural land has been transformed into suburban sprawl. The San Fernando Valley, in Los Angeles, is another example of this phenomenon, and the San Joaquin Valley, in central California, is becoming yet another. We need the District's help in preventing such a tragedy from occurring on the coast.

The District has been successful in managing open space in its current jurisdiction. Its presence on the coastside will provide additional opportunities for the preservation and

**P-13-1**

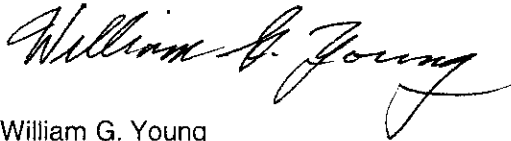
responsible management of the unique open space and rural character we value there. The District will help us protect our natural resources for future generations. The proposed annexation program will produce a net environmental benefit from the District's conservation and stewardship services.

I am a big fan of the Open Space District. Like many coastsiders, I am an avid outdoor enthusiast. I hike the trails of the District's preserves almost every weekend. So on behalf of myself and the many other coastsiders who enjoy the District's docent-led activities, the Daniels Nature Center, and the benefits of walking, hiking, bicycling, horseback riding, and picnicking with our families in the District's preserves, I welcome the District's annexation plans for coastal San Mateo County. We wish you much success there.

**P-13-1**

Again, thank you.

Sincerely,

A handwritten signature in cursive script that reads "William G. Young". The signature is written in black ink and is positioned above the printed name.

William G. Young

**Cathy Woodbury**

---

**From:** <GStigall@aol.com>  
**To:** <coast-eir@openspace.org>  
**Cc:** <GStigall@aol.com>  
**Sent:** Wednesday, July 31, 2002 2:25 PM  
**Subject:** Input to Coastside Expansion Public Comment

July 31, 2002.

To: MROSD via email to coast-eir@openspace.org

Fm: Georgia Stigall, west of Skyline Blvd, southern San Mateo County (see contact information below)

Re: Input to Coastside Expansion for Public Comment Period Ending Friday, August 2, 2002

This letter is written to state my support for expansion of the MROSD to the San Mateo County coast.

I write as a landowner adjacent to MROSD preserves in the South Skyline region.

My land is not currently within the District; however I will be in the District if the expansion occurs.

My reasons in support of the expansion include:

1) Landowners directly benefit from the beauty and quietude of the surrounding open space preserves. This contributes to everyday quality of life, as well as property values.

2) MROSD is a good neighbor, and is a vital part of our community. The presence of rangers in our region includes their help (often first on scene) in accidents, fires and other problems. The resident rangers in this region are friendly and helpful and care about the surrounding neighbors.

They also concern themselves with issues regarding wildlife, oak mortality syndrome and other topics affecting our natural environment.

I feel that their presence is also an additional deterrent to crime, because of their visibility.

Sincerely,  
Georgia Stigall  
(intentionally excluding physical home address)

mailing address:  
17287 Skyline Blvd #102  
Woodside CA 94062-3780

phone: 650-941-1068  
email: gstigall@aol.com

**P-14-1**

**Cathy Woodbury**

---

**From:** <Capitolakid@aol.com>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Wednesday, July 31, 2002 8:42 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Roger

last name = Wyant

email = [Capitolakid@aol.com](mailto:Capitolakid@aol.com)

street address = 2117 Francesco Circle

city = Capitola

state = CA

zip = 95010

home phone =

office phone =

message = I'm against the Mid Peninsula Regional Open Space District annexing the San Mateo Co. coastside. The private property owners have proven their ability to be the only true stewards of the land. This stewardship as well as love for the land has been past on, for generations on the San Mateo county coastside. Ending private property ownership is ruining dreams, and ending a way of life for many.

Submit = Send

\*\*\*\*\*

**P-15-1**



MROSD Draft EIR

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos Ca  
Attn: Cathy Woodbury  
RE: Draft EIR

8/1/02

AUG 1 02 11:29AM

I would like to object to the annexation because the votes from an urban area were used to manipulate the votes in a rural area to gain a majority. Mid Pen has no plans to provide services North of Half Moon Bay, yet the votes of the Northcoast were used to create the illusion of "Majority" in the advisory vote to annex the Southcoast.

P-16-1

The Draft EIR doesn't explore the "No annexation Option". The Rural Lands are better protected with private ownership, because it limits the availability and impact from people on the lands. An example of this is Fitzgerald Marine Reserve on the Northcoast. The negative impact from access to people has had a large negative impact. Recreation=wreck creation.

P-16-2

There is no mention of Sudden Oak Death, or any other disease, or insects in the EIR. The farm lands and agribusiness are at great risk from insects and diseases transported to the area by people, either in their cars or on their clothes. In an era when "The Nile Virus" "Mad Cow Disease", "Glassy Winged Sharpshooters", and other diseases and pathogens can arrive here on an airplane from anywhere in the world in a matter of hours, there is no way to guarantee the pathogens and insects won't be imported here. Twenty ,years ago we had the Medfly invasion. The state of California spent millions of dollars, and had helicopters flying over our homes and land spraying malathion for weeks, to eradicate the medflies. Many farmers and growers on the coast have already experienced problems from being adjacent to open space lands that do not spray when infestations occur. In the nursery business when we sterilize soil to kill pathogens like the ones that spread Sudden Oak Death, we steam the soil till it reaches 212 degrees. Will people who have been to areas with Sudden Oak Death be required to steam their shoes, clothes, picnic blanket, picnic baskets, dogs, kids, and anything else that has come into contact with the air or earth in infected areas, prior to being allowed onto lands on the rural Southcoast?

P-16-3

Midpen states in brochures that they have 1,000,000 visitors a year currently, to their preserves. The roads on the Southcoast will not support more traffic. Even if the 11,800 acres they would like to manage only attracted 250,000 visitors a year that is still in excess of 2500 vehicles a week, assuming that they car pool the the preserves (Most of what I have seen has been 1 or 2 persons per car).

P-16-4

Will the open space district provide liability insurance so that if their invitees damage the environment, (ie. fire or insect or pathogen invasion) the land, homes, business, and way of life of the resident and property owners on the rural Southcoast will be protected.

P-16-5

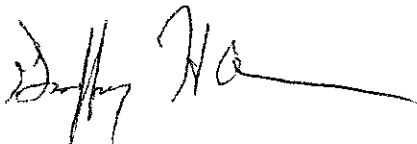
The voters on the rural Southcoast voted overwhelmingly not to be annexed. Will MROSD continue to ignore that? It seems to me that if the policy is "No Eminent Domain", then MROSD needs to quit ignoring the advisory vote. Annexing in spite of the negative vote, is Eminent Domain, without compensation.

P-16-6

MROSD is understaffed now, and relies on volunteers to do much of it's work, how is adding more land going to improve the basic understaffed shortcomings of the organization?

P-16-7

Thank You in advance for answering these questions



Geoff Allen  
P.O. Box 2  
Pescadero, Ca 94060

P.S. Housing is a huge issue, loss of any, including affordable housing units / farm labor, now in POST's hands will affect families, the community and the schools forever.

Continuing to proceed with the annexation against the wishes of the community will harm your cause more than the annexation will hurt it

P-16-8

**Cathy Woodbury**

---

**From:** H & P Hamor <hph@neteze.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Thursday, August 15, 2002 8:31 AM  
**Subject:** Fw: San Mateo County Annexation Project Draft Program Environmental Impact Report

Aug 15, 2002

Dear Ms. Woodbury,

When I first sent my concerns about the Coastal Annexation EIR listed in the email below of Aug 1, 2002, I forgot to ask for a written response.

I am at this time asking for a written response.

Thank you.

Sincerely,

Herb Hamor----- Original Message -----

**From:** H & P Hamor

**To:** mrosd@openspace.org

**Sent:** Thursday, August 01, 2002 10:42 AM

**Subject:** San Mateo County Annexation Project Draft Program Environmental Impact Report

Attention: Cathy Woodbury

MROSD

330 Distel Circle

Los Altos, CA 94022

Subject: MROSD San Mateo Annexation Draft Environmental Impact Report

Dr Ms. Woodbury,

Attached is a copy of an email that I sent Supervisor Rich Gordon after the public meeting held in Pescadero on July 9, 2002 that expressed my feelings about the Annexation and what I said to the panel representing MROSD at that meeting.

This letter to you is to express what I believe to be shortfalls of the EIR Report.

This report is designed like many of the financial statements that have put our Country into a financial spiral. Example: " Appendix D, Fiscal Analysis, Impact on Property taxes " where the statement is made that the tax loss will be minimal because the properties acquired has already been removed from the tax roles because they are non-profit or public lands. How does this fit with the Cortese-Knox-Hertzberg Act by asking the State of California for more funds to offset the County tax revenue loss? The theory presented here is that the tax increase because of inflation will offset the loss but there is not specific information given about inflation of costs and the additional services required by more visitors entering the area. The term " slight increase " is not good enough to calculate an actual impact. Vague policy and facts can be used as one pleases but should not be used in good management practices. In this section the concern by the La Honda Pescadero School District Superintendent " that the schools may have to close because of " Open Space " acquisitions does not seem to be an impact. There is also not a mention of contacting CSA 11.

P-17-1

Under the MROSD's General Managers Recommendation, Agenda Item 1 of June 12, 2002 it is mentioned that the MROSD's District Board wants a " very thorough analysis " from and for this EIR process. The Board also asks the public to look at the EIR and make comments.

I'm aware that " The act of annexation is a legal and administrative change to the District's boundary and does not itself produce an environmental effect " but it is the related intention to do so that causes effect.

Acting in the " Public Participation Process " I cannot use this EIR report to evaluate an environmental impact on the proposed annexation area.

P-17-2

it reads like a " projection sheet for future development " but it has really very little information about the existing conditions of the area that it wants to develop and manage.

How do I know by reading this document that the area will withstand any future impact if I don't have information about its current integrity. Where is that information?

I believe it is necessary to audit the condition of the existing " proposed annexation area, at the very least the public part to see if it can sustain more use.

I do not see facts in the EIR about the current condition of the following public areas:

1. County road serviceability
2. County Parks [location and affect on environs, water, sewage, trails, parking, forest management including fuel load and fire protection, emergency plans etc]
3. Public Service areas [EIR conflicts with current " county policies of no growth "]
4. Schools [enrollment numbers, budgets, teacher housing shortages etc]
5. Other rural County properties [location and affect on environs [service faculties located in wetlands], forest management including fuel load and fire protection]
6. Environmental Problems [non-native plants, feral pigs, diseased trees, clogged tributaries etc]

P-17-3

P-17-4

P-17-5

P-17-6

P-17-7

P-17-8

These are just a few of the facts that would be required of " private property owner " if they wanted to develop anything on the coast.

In the book published by the Sierra Club in 1974 " A Separate Place " Charles Jones writes about the time in the San

P-17-9

Mateo's South Coast history when a battle against putting dams on the Pescadero Creek and the development that would follow was threatening a chosen lifestyle. He seems to want things left alone because he likes it the way it is.

On page 112 he talks about the tax burden, being a part of the "last of the space" in the county, the end of the farms and redwoods, and even about the esthetics of our homes.

Things are not so different now that the "special interest advocates" are misdirecting you and our government.

They propose opening the "tourism/recreational" floodgate that protects the "last of the space".

County services command extra fees [more taxes], farming is on its last leg, special interest groups are misdirecting our elected officials to control the esthetics and viability of our communities. To the greater degree our public assets are mismanaged and are in disrepair.

If the San Mateo County wants to preserve this historical part of the county and make it a more viable asset to the State of California then they should spend more money on it.

Sincerely,

Herb Hamor

PO Box 733

Pescadero, CA 94060

Dear Rich,

You probably have received a overview of the meeting in Pescadero last night.

Once again this community made it clear that what is unique about the Southcoast is simply how the people who live here value it. That value system has for the most part preserved what you see here today.

No one person, group or government agency has always done the very best thing for this area but together they have preserved what is so desirable to others now.

What San Mateo County is allowing in this area in the name of " Preservation " is a vicious way of promoting recreation for the " wide population ". As Aurey Rust puts it " an unparalleled recreation experience for the whole world ".

I asked the MROSD board members to consider the thought that maybe there is already enough or even too much recreation in this area. I'm also asking you to consider that thought along with a serious consideration of what that will happen to the lifestyle chosen by those of us who live here, if more people are invited by the County to visit the coastal area.

P-17-9

In the MROSD EIR a statement leaped off the page at me under San Mateo County, The General Plan " Parks and Recreation Element " page III-9. " The County role is defined as providing parks that cities cannot provide due to spatial and fiscal limitations and serving the needs of the County-wide population ".

If that need exists then wouldn't be better for the wildlife and environment to have those parks as close as possible to the wide population?

Have you considered how the additional people will get to the coast, how many creatures [ including humans ] will be killed or maimed by those vehicles and how many tons of hazardous waste will be left along the roadside? These concerns are not mentioned in the EIR and if they were I would bet they would be termed " Less than Significant ".

You and the other Board of Supervisors are treating this community as " LESS THAN SIGNIFICANT " by promoting the needs of the " wide population ". You have seized the opportunity to use non-profit organizations to purchase open space [ in the name of Preservation ] in order to implement the goals and objectives of the County's Parks and Recreation Master Plan for the coastside which would be managed by MROSD.

In my opinion your actions will be the very thing that destroys the diversity that makes this area unique.

In your impotence as the Board of Supervisors towards resolving the Southcoast communities Creek/Marsh and flooding issues you have lost the trust needed between people and government to solve problems. You can mandate without feeling but there are better ways to live together.

We only ask for your cooperation in allowing us to improve our community and protect it from those elements that will destroy what we cherish.

Sincerely, Herb Hamor

To: MROSD  
 From: José Maes  
 Re: Coastside Annexation  
 Date: August 1, 2002

As I was unable to attend the meeting last night, I am FAXing these questions for your response.

**Questions and Comments**

- |    |   |        |
|----|---|--------|
| 1. | I am delighted to note that the power of "eminent domain" has been eliminated from the draft proposal. What ensures that future Boards won't change this policy? What steps would a future Board have to take to regain the power of eminent domain? What would happen if a future Board decided to use the power – could they be stopped?  | P-18-1 |
| 2. | Page 17 of the Draft Service Plan states that the purpose of the annexation of the coastal area into the District is to "acquire and manage open space resources and, where appropriate, provide low intensity recreation opportunities for the general public. What does this mean?  | P-18-2 |
| 3. | Pages 18 and 19 mention staff and visitor serving facilities. What public facilities are planned? What ability will the public have to comment on future decisions of the Board as to where to locate such "recreational opportunities" and staff and visitor serving facilities? Will there be public hearings on these issues? What guidelines are involved in making such decisions and what ability will the public have to challenge a decision after it is made? Is there an appeal body? | P-18-3 |
| 4. | Recently, the Driscoll Family sold several hundred acres to POST. As it is likely MROSD will purchase said property from POST, how will decisions be made as to what to do with this land? How will the public be involved? How would the public challenge a decision they disagreed with?  | P-18-4 |
| 5. | I read the document as prohibiting establishment of trails without an owner's consent. Is that correct? Is it possible to put trails on a private property without the owner's consent?   | P-18-5 |

Thank you for responding to my questions as soon as you are able.

**Cathy Woodbury**

---

**From:** <ddryer@menlopark.org>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Friday, August 02, 2002 11:15 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Dianne

last name = Dryer

email = [ddryer@menlopark.org](mailto:ddryer@menlopark.org)

street address = 212 Lassen Ave

city = Mtn. View

state = CA

zip = 94043

home phone =

office phone = 650-858-3411

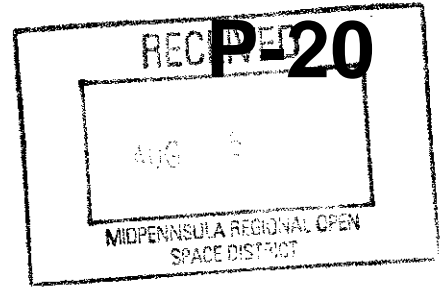
message = I urge the Board of Directors to approve the extension of MROSD boundaries to the San Mateo County coastal areas as proposed.

**P-19-1**

Submit = Send

\*\*\*\*\*





August 4, 2002

Board of Directors  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

At the July 31,02, district BOD meeting I was handed a letter from the Half Moon Bay Coastside Foundation of July 31, 02. addressed to you. Several item in the letter need answering, and that is the purpose of this letter - to seek answers.

The letter asked "Will MROSD assume full responsibility and assume all liabilities for all of Post holdings, including their reparian maintenance agreements with the state?" If MROSD assumes management of POST properties, what is the MROSD responsibility of costs, other than patrolling the area (in dollar amounts annually)? Further, if post gives the lands to MROSD, does MROSD assume all costs Post agreed to with the state or others?

P-20-1

With regard to the Butano Creek flooding, again the same questions asked above need answering.

As for this question "Will MROSD current tax payers provide the tens of millions of dollars to clean up the Post owned 250 acre Johnston Ranch illegal landfill?" I recall the continuing difficulties about cleaning up the former Air Force station, and it appears the public will never be able to use this "gift". Will this be the case on the Johnston Ranch? Who will pay for this?

P-20-2

Finally, the recent and current fire problems throughout the country, aggravated by ill-visioned bureaucrats not allowing small fires to clear fire-fuel from the forests, brings to my mind the sad state of cleaning up fire fuel in MROSD lands. As I recall there is only one small burn per year. In my experience in riding MROSD lands until two years ago, the fire-fuel level is extreme throughout. What is your solution, including insurance?

P-20-3

The last two questions, at the current time, have an obvious "NO." answer. I have seen no newspaper coverage about these two questions, nor TV news stories about them. You claim to try to be good neighbors. How about being good representatives and letting ALL of your constituents know all the facts about this annexation through newspaper ads, news interviews with parties from both sides, and real public relations?

P-20-4

*Harry H. Haeussler, Jr.*

Harry H. Haeussler, Jr.  
1094 Highlands Circle  
Los Altos, CA 94024-7016

Cathy Woodbury

From: lesliemc123@cs.com
Sent: Thursday, August 08, 2002 4:53 PM
To: Coastal Annex Environmental Impact Report; Openspace.org
Subject: Coastside Update Question

Form information follows
\*\*\*\*\*Subject = Coastside Comments
first name = Jack
last name = McCarthy
email = lesliemc123@cs.com
street address = 824 Railroad Ave.
city = Half Moon bay
state = CA
zip = 94019
home phone = 650-712-9079
office phone = 650-525-3435
message = Dear MROSD:

I strongly endorse the District's proposal to annex open space along the coastside of San Mateo County. I think the District has spent a generous amount of time and effort examining this proposal and the results show it would be a popular and meritorious outcome. If approved, this proposal would effectively protect and manage this open space, something we all want to see.

P-21-1

I also have the following comments on the drfat EIR:
p, III-8, Consistency with Half Moon Bay Plans and Policies

1. Regarding the statement about purchasing lands within the city limits of HMB: This statement appears overly restrictive to me. MRSOD should consider acquisition of parcels in HMB regardless of their size if such acquisitions would serve MRSOD goals. There are many open space areas in HMB that are smaller than 40 acres that contain significant natural and cultural resources and critical habitat.

P-21-2

2. In its current update of the General Plan, the City of HMB has hired a consultant to write an "Open Space Element" that will list the various open space areas in the city, catalog the resources, assign rankings for protection, and identify methods of protection. The EIR should address how coastal annexation will be consistent with the Open Space Element of the City's General Plan. The draft Open Space Element can be found at

P-21-3

http://www.half-moon-bay.ca.us/indextoopenspaceelement.html

3. Currently San Mateo County owns many land parcels within the city limits of HMB. The EIR should address MROSD's policy on how such parcels might be acquired ensure protection as open space.

P-21-4

4. The EIR should address how MROSD will work with local land trusts on the coastside to achieve common goals of open space protection and stewardship. Two such local land trusts are Midcoast Park Lands (El Granada) and Half Moon Bay Open Space Trust.

P-21-5

Sincerely
Jack McCarthy
Half Moon Bay
Submit = Send

**Cathy Woodbury**

---

**From:** H & P Hamor <hph@neteze.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Thursday, August 15, 2002 8:34 AM  
**Subject:** Fw: MROSD San Mateo Annexation Draft Environmental Impact Report

Aug 15, 2002

Dear Ms. Woodbury,

When I first sent my concerns about the Coastal Annexation EIR listed in the email below of Aug 11, 2002, I forgot to ask for a written response.

I am at this time asking for a written response.

Thank you.

Sincerely,

Herb Hamor----- Original Message -----

**From:** H & P Hamor  
**To:** mrosd@openspace.org  
**Sent:** Sunday, August 11, 2002 11:11 AM  
**Subject:** MROSD San Mateo Annexation Draft Environmental Impact Report

August 11, 2002

Attention: Cathy Woodbury

MROSD

330 Distel Circle

Los Altos, CA 94022

Subject: MROSD San Mateo Coastal Annexation Draft Environmental Impact Report

Dr Ms. Woodbury,

I appreciate the extension period for comment about the Coastal Annexation EIR Report.

In my previous comment I was concerned about the Traffic Data presented.

Focusing on that concern has brought to mind more issues with the information presented in the EIR.

Once again I would like to mention that most of the developed and undeveloped recreational lands are only accessible by County roads. I agree that the two main ways to the coast are the State highways.

On this fact I would like to question the information presented in the EIR about State Hwy 84 and its' ability to handle 2800 cars per hour. It is located in much narrower canyons then State Hwy 92 and is a very crooked road. It also traffics

**P-22-1**

through the City of Woodside which has a 25-35 mph speed limit.

Aside from the fact that the traffic counts for State Hwy 84 do not include the area East of Hwy 35 to State Hwy 1, a much larger scale of concern is that State highway 84 has been a one lane " Emergency Controlled Traffic " highway since the major earthquake in 1998. State Hwy 84 is located in a " unstable geological " area. San Mateo County Public Works and San Mateo County Building and Planning Departments have maps that show multiple areas of this type that bisect State Hwy 84. Many of the potential slipdowns above State Hwy 84 come close to the Skyline State Hwy 35 and represent great masses of " unstable material " above Hwy 84. The maps are rated for potential movement by rainfall in a given time period. Even in the dry seasons State Hwy 84 is being sheared and rearranged by the pressures exerted by these " slipdowns/landslides ".

Before you continue to reference State Hwy 84 in your EIR as a way to the coast you might want to ask the experts at CalTrans how much it will cost to make this a safe two lane highway that will handle 2800 cars per hour.

I hope someone has considered the resulting " environmental impact " improving State Hwy 84 would cause and how CalTrans would have to use " Eminent Domain " in the process.

Many of us travel " at risk " State Hwy 84 to avoid the traffic on State Hwy 92. It is also the shortest distance to the County Seat and many of the " work sites " for Coastal residents.

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

P-22-1

**Comments on the San Mateo Coast Annexation Draft Environmental Impact Report, June 2002,  
Midpeninsula Regional Open Space District.  
Submitted by Carol Simon, August 16, 2002**

## **Section IV-I Biological Resources**

There is a glaring and disturbing omission in this section. Sudden Oak Death (SOD) syndrome is not even mentioned let alone investigated for the potential impacts that the opening of thousands of acres to the public may have and how this may promote the spread of the disease into areas that are now free of confirmed infestations.

**P-23-1**

The following questions were not addressed in the EIR and should have been. Why?

- Would the proposal result in significant impacts to locally designated species? (E.g. heritage trees such as redwoods)?
- Would the proposal result in significant impacts to locally designated natural communities (e.g. oak forests)?
- Would the proposal result in significant impacts to riparian habitats? Although the issue of impact on riparian habitat was addressed, the indirect effect on riparian habitat of SOD was not addressed. Many of the affected trees, particularly tanoaks, occur in close proximity to riparian corridors. Loss of significant numbers of trees will have a direct affect on the amount and type of run-off that may occur into the various creeks located in the potential annexation area. Increased volume of run-off and siltation may affect endangered and threatened species in the creeks and in the woodland areas, which are habitats to endangered species such as the marbled murrelet.

IF these questions had been posed and addressed honestly the answers to all of the would have to be YES.

**P-23-2**

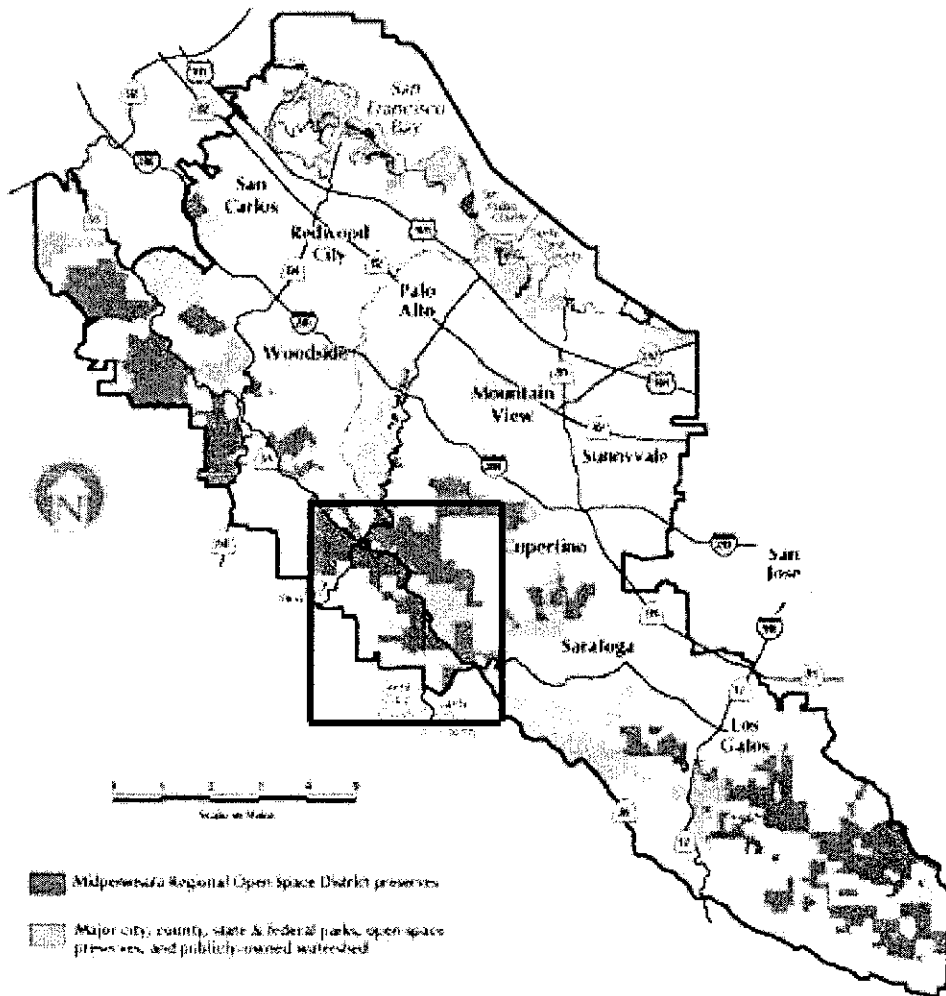
The California Oak Mortality Task Force, (COMTF) a non-profit organization that brings together public agencies, other non-profit organizations and private interests to address the issue of elevated levels of oak mortality. COMTF has developed a strategy for monitoring Sudden Oak Death that includes the University of California's Center for the Assessment and Monitoring of Forest and Environmental Resources, which maintains the OakMapper webGIS application, which allows users to learn about SOD distribution in California.

The map of San Mateo County, from the OakMapper web GIS, on the following page indicates that with the exception of some areas on the edge of the county and a small area in the San Francisco Water District Lands, the county is free of known SOD infestation. It wouldn't take a rocket scientist to conclude that the areas that *are* infested, shown by red dots, are where there is significant public access to woodland trails, the Sawyer Camp Trail and the cluster of MROSD Open Space Preserves along Skyline Drive. See the map entitled Preserve Finder Map following the San Mateo County map for the correlation. Why would MROSD consider opening up lands to the public and risk cross-contamination of our non-infested areas? What mitigations could MROSD put in place that could possibly reduce the impact to less than significant?

SOD has been found to affect many species of trees that are a crucial part of the proposed annexation area. Table IV-I-1 of the EIR shows a total of 48,994 acres (34.9% of the total) of redwood forest and non-redwood forest in the proposed annexation area. While SOD has not been proven to affect redwoods, many of the species that are intermixed with redwoods have been proven to be affected such tanoak, madrone, huckleberry, azalea. The loss of these species within the redwood forests could have far reaching affects on things such as runoff, light availability, susceptibility to winds, lost of habitat for lower story animals, increased fire danger from die-off etc.



# Preserve Finder Map



## Midpeninsula Regional Open Space District



The report of the COMTF Monitoring Committee meeting held on April 26, 2001 charged members with developing a protocol for measuring SOD in large open space areas (parks, preserves, etc.). Two representatives from MROSD attended this meeting, Scott Cotterel and Susannah Anderson-Minshall. Since MROSD is aware of the SOD problem why was this entire issue omitted from the EIR? What protocols have MROSD developed?

Below are some of the Best Management Practices suggested by COMFT. Is MROSD prepared to implement such mitigation measures in existing District areas and in the proposed annexation area? Is funding for these measures available in the current district budget? Most of the measures required some sort of washing activity, shoes, tires, etc. Is MROSD planning to install water supplies at all preserve trailheads? If not, by the time a visitor travels to their home they will already have spread the pathogen.

One of the measures suggests that vehicles be run through a car wash prior to driving to non-infested areas. This is totally impractical in the South Coast area. The nearest car wash is either 25 miles away in Half Moon Bay or 35 miles away in Santa Cruz.

*BEST MANAGEMENT PRACTICES FOR SOD CONTROL AND PREVENTION.*

*Any agent that carries infested soil can spread the disease. Infested soil can be transported on the soles of shoes, animal feet, vehicle tires, and construction equipment. The greatest threat of spread occurs when the soil is damp or wet and readily clings to these surfaces*

*Visitors to infested oak woodlands should be aware that they could spread the pathogen. Accumulations of soil or mud should be washed from shoes prior to leaving an infested site. If this is not possible, change shoes and wash them in an area at home that will not result in mud being washed directly towards other trees. Mountain bikes should also be washed of mud. Horses hooves and dogs paws should be cleaned, if possible, on location. If vehicles have been in an infested area where mud could accumulate in tires, it is suggested that they be run through a car wash prior to driving to non-infested areas.*

*Construction or tree removal equipment working in areas of infestation probably represents one of the more likely causes of soil movement. In particular, vehicles that must go off road represent the greatest risk. Trucks should be washed down prior to leaving any site in which infested oak woodlands are involved. Wash stations should be on asphalt or gravel, well drained, and, if possible, as close to the area where the soil was accumulated.*

The Sudden Oak Death Syndrome Control Act of 2002 currently under consideration by the U.S. Congress contains the following findings:

SEC. 2. FINDINGS.

Congress finds that--

- (1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;
- (2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;
- (3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmittal, and how sudden oak death syndrome can best be treated;
- (4) the Phytophthora fungus has been found on--
  - (A) Rhododendron plants in nurseries in California; and
  - (B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including--

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to--

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododendron, blueberry, and cranberry industries; and

In addition to all of the potential environmental impacts the issues of economic impacts must also be addressed.

The omission of any discussion about Sudden Oak Death syndrome in the Environmental Impact Report and what the spread of the disease to the Coastside could mean is very disturbing.

Send No lawn

8-15-02

As a property owner in Palo Alto as well as the  
State Lands Trustside I whole heartedly suggest your  
concern at that area!!

I get very tired of the constant attacks by some of  
the self serving locals about protection of open space. When  
they say they love the National area, but do nothing to  
protect it. Many show their love by building massive homes  
or trying to subdivide when the price is right. The park will  
stay an open space only until the summer dies and the houses  
sell it off. You are doing what is necessary to save a  
precious resource for all. Stay the course!! Respectfully

P-24

P-24-1

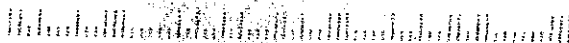


Larry W. Smith  
4245 McKellar Ln  
Palo Alto CA 94306-4334



M R O S District  
330 Distel Cr  
Los Altos CA 94022

03



**Cathy Woodbury**

---

**From:** H & P Hamor [hph@neteze.com]  
**Sent:** Monday, August 19, 2002 1:03 PM  
**To:** Coastal Annex Environmental Impact Report  
**Subject:** San Mateo County Coastal Annexation EIR Draft Report

August 19, 2002

Dear Ms. Woodbury,

I would appreciate a written response to the following concern about the application of the word " Urban " used in the " List of Maps " section of the EIR Draft Report:

1. Several maps are color coded showing " Rural " areas as " Urban " areas.
2. Analysis pages for the maps showing " Rural " areas as " Urban " describe " Rural " areas as " Urban " areas.

As one of the members of the Pescadero Municipal Advisory Council to the San Mateo County Board of Supervisors I was informed by Supervisor Rich Gordon, member of the San Mateo County Board of Supervisors, that the only " Urban " area in the proposed Annexation is the City of Half Moon Bay and that the rest of the area is described as " Rural ".

Why are " Rural " areas plotted and analyzed as " Urban " areas?

Sincerely,

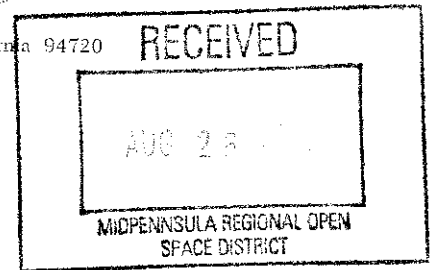
Herb Hamor, PO Box 733, Pescadero, CA 94060

P-25-1



Department of Art

Berkeley California 94720



August 20, 2002

To whom it may concern;

To everyone concerned with the beloved coast I have lived on for the past twelve years, I would like to express my opinion about what is going on with "annexation" right now.

Let me introduce myself. I am Jane Rosen, an artist who came from New York searching for a place to study the laws of nature in a location where nature was larger than culture. I found such a place when I came upon San Gregorio, which seemed to me to be in a right relationship with nature due to the sensitivity of the local inhabitants. It also seemed to me that more people respected and knew of the great blue heron, the osprey, the red tailed hawk, the coyote, the fox, the bobcat, etc. than any other place I have been. The inhabitants are sensitive to and appreciate the reciprocal relationship that a proper balance can offer.

When people live in nature they conserve and respect that which is given them by Nature itself. They become caretakers and so come into the rhythm of the land they care for. It is more of a Native American approach to the land that comes naturally with cycles and seasons of living in the face of nature. When annexation speaks of "limited visitor-serving facilities for low-intensity public recreation" I cringe. I walk every day on the Pescadero beach studying the water flows and population of amazing birds and mammals that inhabit it. Each Monday I spend extra time picking up all the garbage of the so called "low-intensity public recreation". The visitors speed in and over use that which the locals protect.

The local residents don't speed over deer, skunk, bird's etc. They know the locales where animal crossings occur and watch out for their animal neighbors. I came to appreciate this and become part of it. When "visitors" come they often trample the terrain with suburban habits and lack of respect. This is because it takes time for a certain instinct to bring people to the natural rhythms, which are not visible in a city.

Generations of families have cohabited with this natural environment and seem perfectly able to continue to do so. There seems to be no risk of development since the laws that are already in place protect against this. The area can't handle any more traffic than it already has. Just drive south through Half Moon Bay on a weekend. There is ample open space for the visitors now and any further "development" of trails etc. will jeopardize the wildlife habitat.

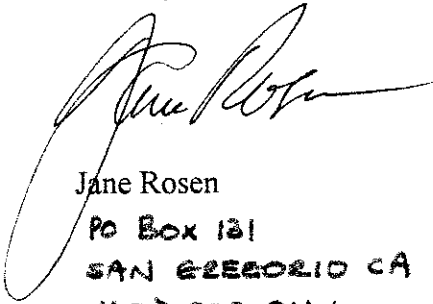
P-26-1

Lastly, I have been bringing students from UC Berkeley, where I teach, to this beloved coast, to try to educate our young people to feel the extraordinary quality of coastal land populated by nature rather than dominated by culture. I find that students slowing down and "drawing" on what is given in nature, is a necessary part of preserving our environment. Please visit the teaching page of our website [www.janerosen.com](http://www.janerosen.com) to see work that these students have done. My own work shows my great concern for what we have done to our earth and my sincere wish as a conservation minded artist to learn from one of the few places where a proper balance remains. If I felt that Midpeninsula Regional Open Space District would provide this balance, I would support it. I honestly feel that it would not. I feel that my sensitivity as an artist and wildlife champion compels me to fight for NO Annexation of this coast. In my mind, preservation of the natural flows of the land and its vast wildlife population will best be served by the people who so carefully inhabit it.

P-26-1

It will not be served well by more traffic, non resident caretakers who don't daily see what is necessary and outside management who can't manage land as well as those who chose to make it a way of life.

Thank you for listening.



Jane Rosen

PO Box 131

SAN GEEBORIO CA 94074

(650) 379 0164

OR 6599 PESCADERO CREEK RD

PESCADERO CA 94060

**Cathy Woodbury**

---

**From:** <dsch@best.com>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Tuesday, August 20, 2002 10:55 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = david

last name = schorr

email = [dsch@best.com](mailto:dsch@best.com)

street address = po box 295

city = la honda1

state = CA

zip = 94020

home phone = 650 747 0753

office phone =

message = I strongly support your annexation of the coastal regions. no eminent domain, adequate representation is good.

Go and buy every scrap of land oyu can before it is gone,and thne open it to the public as fast as you can.

Submit = Send

\*\*\*\*\*

**P-27-1**

**Cathy Woodbury**

---

**From:** <dougw@southcoast.net>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Tuesday, August 20, 2002 8:14 PM  
**Subject:** Coastside Update Question

Form information follows  
\*\*\*\*\*Subject = Coastside Comments

first name = Douglas  
last name = Woods  
email = [dougw@southcoast.net](mailto:dougw@southcoast.net)  
street address = P.O. Box 284  
city = La Honda  
state = CA  
zip = 94020  
home phone = 650-747-0838  
office phone = 650-747-0838  
message = EIR Comments

While I welcome MROSD to acquire lands on the south coast I am against any annexation as a method to accomplish this goal.

At least do not annex the Skyline Upper and Southern Watershed areas.

A suggestion is NOT to annex the same area as the La Honda-Pescadero Unified School District. Roughly everything south of La Honda Road (84) to Skyline then south to the County line but does not most of include Skyline Blvd itself.

thank you  
Submit = Send

\*\*\*\*\*

P-28-1



**Cathy Woodbury**

---

**From:** <phylisgj@southcoast.net>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Tuesday, August 20, 2002 9:43 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = phylis

last name = jaureguy

email = [phylisgj@southcoast.net](mailto:phylisgj@southcoast.net)

street address = rt 3 box 07

city = la honda

state = CA

zip = 94020

home phone = 650 879-0421

office phone =

message = I am against the annexation of the coast.

In my life time I have seen many grabs by agencies to take an area where folks have lived for generations for the amusement and recreation of folks that have chosen by their families to live in metroplitan areas.

We fought back the golden gate recreational area. The damning of Pescadero Creek and will now do so against the Mid Penninsual's Open Space move to grab our land

**P-29-1**

Submit = Send

\*\*\*\*\*

**Cathy Woodbury**

---

**From:** <billd@southcoast.net>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Wednesday, August 21, 2002 2:41 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = William  
last name = Domitilli  
email = [billd@southcoast.net](mailto:billd@southcoast.net)  
street address = 305 Canyon View Dr.  
city = La Honda  
state = CA  
zip = 94020  
home phone = 650-747-0911  
office phone = 408-719-9977

message = I oppose any annexation of the south coast. There are enough laws and agencies involved in our lives already.

However good its intentions may be, history has shown that once a beauracracy exists, its main goal is self-preservation at all costs. I didn't vote for this agency, and I sure as hell don't want them telling me what I can

or can't do with my own land. Private property rights are the basis of Common Law. GO AWAY!!  
Submit = Send

\*\*\*\*\*

**P-30-1**

**Cathy Woodbury**

---

**From:** <mark@markgraff.com>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Wednesday, August 21, 2002 6:34 PM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Mark

last name = Graff

email = [mark@markgraff.com](mailto:mark@markgraff.com)

street address = Star Route 3, Box 27

city = LA Honda

state = CA

zip = 94020

home phone =

office phone =

message = Stay away.

Your help is not needed. Your presence is not wanted. The taxes you would inevitably impose, and the influence over land use you crave, might in time successfully derange the economic forces in balance here so much that outside intervention would in fact be justified. But a better plan is to honor the status quo.

Really, we are managing pretty well. And while you are welcome to come fill your lungs and lower your blood pressure here whenever you like, please remember that the Coastside is not a sandbox to which you may repair to play out your save-the-world urges, but rather a vibrant community populated by successful stewards of the land they live on:

You may wonder why you are receiving relatively few comments in opposition. I suggest it is because your arguments are so disingenuous, so arrogant, so laced with the world-view of the city dweller, as to defy discourse. We gape and stammer; we don't know where to begin.

Attend carefully now: Nothing here needs mending. Go home.

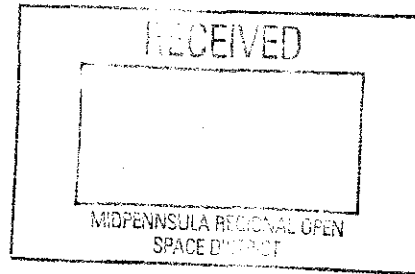
Submit = Send

\*\*\*\*\*

P-31-1

MROSD  
330 Distel Circle  
Los Altos, Ca. 94022

August 22, 2002



Subject: MROSD Coastal Annexation EIR

Dear Deane Little;

I have the following comments regarding the EIR for the proposed annexation and I will appreciate you response.

My comments are in three areas: (1) The reported resolution of potential impacts identified in the EIR, (2) The reasonableness of estimated tax losses to SMC on properties acquired by MROSD and (3) The need for MROSD expansion to the coast.

1. About 30 pages of the EIR are listings of identified environmental impacts anticipated during the 15 years of the project. ( I wonder how many more were not identified?). All of the identified impacts are reported as mitigated to "less than significant". However, little is mentioned about potential impacts on owners of properties adjacent to properties the District might acquire within the CAA. And there is little recognition of the District's liability for damages or injuries.

P-32-1

Questions: What process (tests, historical reviews) was used to determine that all of the identified impacts arising during the 15 years of the project will be insignificant? Why does the EIR not more fully recognize the District's potential liabilities and related costs for damages within the acquired and adjacent properties? Why is there no mention of the impact the acquisitions will have on property values?

2. The projected tax loss of only \$86,123 to SMC over 15 years resulting from MROSD acquisitions of over 11,800 acres is difficult to believe!! And whatever the true loss might be, it will not be limited to the 15 years of this project---but will continue indefinitely.

P-32-2

The EIR states that: "80% of the lands acquired by the District will already have been removed from the tax rolls because the District will be acquiring the lands from other non-profits or public agencies". However, the table in the EIR on Ownership Status indicates up to 100,000 of the 140,000 acres subject to CAA are privately owned and there is an additional 15,000 acres owned by Private Trusts.

Questions: What is the basis for the assumption that 80% of the acreage will have been removed from the tax rolls before being acquired by MROSD? Would there not be a tax loss to SMC from parcels acquired in CAA by other non-profits and later transferred to MROSD? What percentage of properties acquired by the District since the District's inception (30 years ago) were from non-profits or public agencies and removed from the tax rolls before acquired by the District? If the District intends to acquire 80% of the CAA lands from non-profits, why not specify in the EIR that the District must do so?

P-32-3

The EIR states " ERA randomly selected parcels within the Coastal Annexation Area that are representative of the type of properties that might be acquired by the District". The EIR also states : " District staff had no input in the selection of these parcels other than establishing the original criteria by which they were selected".

Questions: Was the criteria established by District staff to identify properties that "might be acquired" confirmed by statistical analysis of the District's prior acquisitions to eliminate potential bias? Why did ERA use a "minimum size of 100 acres" in their criteria to select parcels when the Service Plan in the EIR states "parcels of 40 or more acres will typically be considered for purchase, (and) some smaller parcels maybe sought for acquisition"?

P-32-3

What is the difference in the per acre value of parcels 40 acres or smaller in the CAA compared to parcels of 100 acres and larger? (Can we assume the smaller parcels will have a greater per acre value?)

What is the statistical basis for selecting the final group of 15 parcels for the sample parcels "based on their geographic distribution within the CAA to get a representative mix of the entire area"? Would not a random statistical sample from the total selected parcels minimize potential bias?

P-32-4

The average value of the 15 sample parcels is reported to be \$460 per acre whereas the current market value is reported to be \$8000 per acre. Both of these estimates seem very low. Should these estimates be confirmed by another sample that includes all eligible parcels in CAA and a comparison of the sample values to values/prices paid by other non-profits for parcels acquired recently in the CAA?

3. In my opinion there is no need for another outside organization to further monitor and control development of our coastal communities. We already have an abundance of help from County, State, and Federal governmental organizations as well as from many self-appointed protectors. To name a few: Coastal Commission, Mid-Coast Council, Parks and Recreation staffs, Coastal Conservancy, Committee for Green Foothills, POST, HOST, Trust for Public Lands, Sierra Club, Save the Coast, Save the Redwoods, Coastal Alliance, etc., etc., -----!!

P-32-5

More and more people who live on the coast are coming to the same conclusion after seeing what MROSD is proposing. And the Coastal Annexation proposal would be defeated if it were re-submitted to a vote by the coast side residents!!!

Respectfully,



R.E. Irwin

P O Box 566

Moss Beach, Ca. 94038

**Cathy Woodbury**

---

**From:** <toma@sangregorio.org>  
**To:** Openspace.org <coast-eir@openspace.org>; Openspace.org <paroxysm@pacbell.net>  
**Sent:** Thursday, August 22, 2002 4:44 AM  
**Subject:** Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Tom

last name = Armstrong

email = [toma@sangregorio.org](mailto:toma@sangregorio.org)

street address = 7400 Stage Road

city = San Gregorio

state = CA

zip = 94074

home phone = 712 0835

office phone =

message = I am hearing so many comments against the annexation that I wish to extent my full support for it.

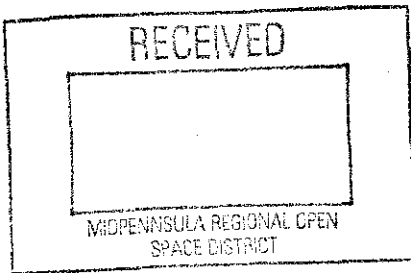
As a 4th generation family farmer, I see the annexation of the Southcoast by MROS as fully compatable with our intersests.

Agriculture is nearly dead here now, if MidPeninsula is indeed interested in fostering and encouraging agriculture it may save it.

Submit = Send

**P-33-1**

\*\*\*\*\*



P-34

633 Los Altos Drive  
Lafayette, CA. 94549  
August 22, 2002

Mrs. Monette Hanko  
Midpeninsula Regional Open Space District  
330 Mistel Circle  
Los Altos, CA. 94022-1404

Dear Monette:

As the retired General Manager of the East Bay Regional Park District (1967-1982), I can enthusiastically endorse your move to extend your borders to the San Mateo Coast.

I initiated the move of the East Bay Regional Park District to extend our borders and action to the Eastshore area of Alameda and Contra Costa Counties when I became General Manager in 1967. This was the best move we ever made and has so proven in the years which followed, including today. I grew up in Seattle and regained my health after a serious illness by hiking and walking along the shoreline parks in Seattle. This led to my move to have the BOARD do the same.

Time will prove to your shoreline residents and the residents of the midpeninsula district that this will be one of the most important moves you could make. Shoreline open space is precious and can only be acquired through professional and citizen support. The advantages you offer are too good to be lost. The San Mateo coastline is, indeed, a treasure. I would hope that the public in your area will give overwhelming support by the August 30 deadline.

Cordially, *Richard C. Trudeau*

Richard C. Trudeau  
(retired), General Manager  
East Bay Regional Park District (still consulting with them)

P-34-1

**Cathy Woodbury**

---

**From:** H & P Hamor <hph@neteze.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Friday, August 23, 2002 6:24 AM  
**Subject:** San Mateo Coastal Annexation EIR Draft Report

August 23, 2002

Dear Ms. Woodbury,

Would you please respond in writing as to why the Pescadero Marsh/ Wetlands is not listed on page III-11 as being owned and operated by California State Parks and Recreation?

**P-35-1**

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060



**Cathy Woodbury**

---

**From:** H & P Hamor <hph@neteze.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Friday, August 23, 2002 7:10 AM  
**Subject:** San Mateo Coastal Annexation EIR Draft Report

August 23, 2002

Dear Ms. Woodbury,

Would you explain in writing why on page IV-A-3 and IV-A-4 under " Description of Rural Service Centers ":

1. Why are La Honda and Loma Mar lumped together? They each have a post office and grocery store but are some distance apart. Loma Mar services more private and public camping facilities plus its communities needs then La Honda and also sells gasoline.

**P-36-1**

2. Why isn't the " rural service boundary " information given for the other " Service Centers " like it is for San Gregorio? How can you analyze impact without this information?

**P-36-2**

3. How do you know that the " rich soils in the alluvial plain " attracted the first house in Pescadero?

**P-36-3**

The historical information is nice but shouldn't this topic have more population information? Populations vary with crop production and recreational seasons. Shouldn't there be more information about schools, banks, gas stations etc. in this report as references or markers to evaluate future impacts?

**P-36-4**

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

**Cathy Woodbury**

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**From:** H & P Hamor <hph@neteze.com>  
**To:** <coast-eir@openspace.org>  
**Sent:** Friday, August 23, 2002 7:22 AM  
**Subject:** San Mateo Coastal Annexation EIR Draft Report

August 23, 2002

Dear Ms. Woodbury,

I have found additional references using the term " Urban " for unincorporated rural areas in the Coastal Annexation EIR Draft Report.

Please respond in writing as to why the term " Urban " is used in the following texts or references for rural unincorporated areas:

1. Section I. Introduction page I-1 " urban areas to the north ".
2. Section II, C. Area Proposed for Annexation page II-5 " a collection of small urban communities ".
3. Section IV, A., Land Use 1.b. page IV-A-2 " roughly 4,300 acres [3%] are in urban land uses, ".
4. Table IV-A-1, page IV-A-2 lists urban acreage in Skyline and Southern Watersheds.
5. Table IV-A-2 titled Existing Rural Land Use Categories uses the word " [urban] " under words Residential/Commercial.
6. Table IV-A-3 on page IV-A-5 shows " Urban/Small Parcels for Skyline and Southern Watersheds.
7. Table IV-B-1, page IV-B-3 " Urban/Water [ no productive soils ] " listed as 4,023 acres.

**P-37-1**

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060



MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

**Memorandum For: MIDPENINSULA OPEN SPACE DISTRICT**  
**Subject: Comments on SMC CAA EIR, dated June 2002**  
**From: Terrence D. Gossett, Moss Beach, CA, August 24, 2002**

The following comments and queries of the proposed San Mateo Coastal Annexation Draft EIR dated June 2002 by MROSD are submitted through the rights granted me in the Cortese Knox Hertzberg (CKH) Government Reorganization Act of 2000. In accordance with the CKH Act I expect a response from MROSD to the following comments and questions. My comments and questions are in **five areas**:

**Long term consequences** to communities and citizens where private property rights are diminished through continual, unrestrained, and intimidating government acquisitions of property.

**Errors, Omissions, Clarifications, and Inconsistencies** within the Draft EIR,

**General Observations** on the Draft EIR report,

**Specific comments and questions** on each section of the EIR, and finally,

**Suggestions for MROSD, other agencies, non-profit groups** and the San Mateo, Santa Clara, and Santa Cruz LAFCo..

**LONG TERM CONSEQUENCES OF CONTINUAL, UNRESTRAINED, AND INTIMIDATING GOVERNMENT ACQUISITIONS OF PROPERTY**

Government should not treat citizens as the enemy in pursuit of no growth policies in the quest for land and power, while ostensibly protecting the environment. Acquisition of land by government and allied non-profit groups reduces the tax rolls, provides no revenues, and adds services to the affected communities without providing off-setting funding.

P-38-1

What are the ultimate outcomes of government policies and actions in this draft EIR document for SMC CAA? The reduced property tax base increases burdens on all of us. For Silicon Valley, workers will leave, or not be able to afford to move here, or will travel long distances from their homes to their workplaces. For SMC coastsiders, the coast will increasingly be a tourist attraction, with NO improvements to serve the tourists NOR the infrastructure for our traffic, health, schools, or services.

P-38-2

In this EIR MROSD maintains that in the course of acquiring 11,800 to 23,000 acres they will not create one solitary new service requirement throughout the

P-38-3

SMC CAA. Summary section pages 1-34 cites **all 57 entries** of “less than significant” impact. If I as a homeowner in Moss Beach were to make that claim as I tried to modify a home or build on a small fraction of an acre, SMC would require permits, provisions for fire and water, soil analyses, payments to Montara Sanitary District, payments to School districts, studies by archaeologists, analyses of parking, access, and drainage, prediction of erosion of bluffs, and much more. This is not speculation, this, and much more, happened to me and my neighbors.

P-38-3

**QUESTION** --Is this disparity between the requirements for the private and public sectors right? Is it legal or ethical? How does MROSD justify saying “less than significant impact” on housing, on tax revenues, and traffic from this plan for major land acquisitions of 11,800 to 23,000 acres over a period of 15 years?

P-38-4

**QUESTIONS**—Who at MROSD and on LAFCo and the SMC Board of Supervisors, by name, is legally and ethically responsible when the SMC CAA causes further overloads an already stressed service system on the SMC coast? Citizens need the same pledge and signature from each District and SMC Board member as is being required by the Securities Exchange Commission of corporate America. Why should MROSD and allied non-profit agencies be allowed to continue acquisitions of land and easements?

P-38-5

**QUESTION** - Who loses if this unabated acquisition of private land by government and non-profit organizations continues? Our kids are less able to afford a house and even live here, our migrant workers are being forced out of the area, our schools are being depleted of tax-base revenues, staff, and pupils, people from out of town can't afford to live here, and our homelessness throughout the Bay Area continues to increase. Does this sound like good government to you?

P-38-6

**QUESTIONS** - Who are the beneficiaries of continued public acquisition of land? Foremost, the lawyers for the environmental groups, government agencies (for the short term), and other local agencies, possibly nearby homeowners (for the moment) and “non-profit” groups supporting this massive transfer of land from the people to the government.

A prescient book entitled, “The Environmental Protection Hustle” written by a Professor of Urban Planning from MIT, Bernard J Frieden, was published in 1979. Frieden focused on the Bay area developments that were disapproved for environmental reasons during the 1970's when MROSD was founded. Frieden presented a number of facts showing how middle-class citizens are being hustled through environmental lawsuits, rising home costs, mostly due to the cost of land, and no-growth policies. Another good book documenting land use in California was written by Ralph Nader's study group entitled “Politics of Land” in 1973. The observations and predictions of these two books has come true, yet lawmakers and government in California, and especially in San Mateo County, are in denial.

P-38-7

On August 4, 2002, the Frontpage Headlines of the San Jose Mercury stated ---WHAT IS BEHIND THE HOUSING CRUNCH? Subtitles were: Areas Closed to Development, AND Cost of Land Drives Prices. The series by the Mercury summarizes our plight very well. "Let housing woes continue to erode employers' ability to recruit and retain employees, to sap the productivity of workers with long commutes, and to push families with moderate incomes inland, leaving the coast to those who can afford it or are willing to pay high rents or share crowded quarters. The Bay Area is already short more than 57,000 housing units, according to some estimates." What legacy are we going to leave our children? Is anyone in government responsible enough to address these issues?

P-38-7

### **ERRORS, OMISSIONS, CLARIFICATIONS, AND INCONSISTENCIES**

**Error** – Appendix B Traffic and Parking Study -- It is an error to state that the traffic for two random reserves on a random Saturday would be the "average" of all 26 MROSD preserves for "normal" Saturdays. And it is the most egregious error to then propose that any of the foregoing analyses applies to average or peak traffic for planned preserves using main thoroughfares of HWY 1, 92, and 84 in the SMC CAA over the next 15 years.

P-38-8

**Error** – Appendix D – Fiscal Analysis – It is an error to state that the total tax revenue loss to San Mateo County over a 15 year period is estimated to be \$86,123. First, these lands will be off the tax rolls for perpetuity, not just 15 years. Second, no tax loss was considered for 80% of acquired lands because it came from non-profit organizations that pay no property tax, BUT the non-profits acquired land for the express purpose of transferring to the government. Hence the lost tax revenues should be based on the "real" market value of \$8000 per acre (per the EIR), or a total of \$94.4M at a 1% tax rate, so a loss of \$944,000 per year in perpetuity without including any inflation. Since most of the acquisitions occur during the first five years, let us roughly start with year 5 with the \$944,000 per year, so for the remaining 10 years that would total \$9.44M loss of tax revenue for the first 15 years. I submit to MROSD and the SMC LAFCo that the real tax revenue loss from this proposal is much closer to \$9.44M than \$86,123 for the first 15 years. Then, since this proposal is for "in perpetuity", the present value of said loss revenues would increase accordingly.

P-38-9

**Omission** – Page S-3, A-1, Plan Conformance – What federal and state and local plans and policies are relevant and need to be included in this list, especially regarding traffic, economy, tax revenues, school districts, and housing? Cortese-Knox-Hertzberg Act of 2000 requires proposals for achieving a fair share of regional housing needs as determined by

P-38-10

appropriate council of governments. Where is the appropriate council of governments concerned with housing?

**Omission** – Page 1-2.A – Where is participation of Santa Clara and Santa Cruz counties, their citizens, and their LAFCoS in this process?

P-38-11

**Omission**—Page II-11, paragraph 2 – It states that Appendix D considers effects of Proposition 12 and 40, but no specific mention of those effects are in Appendix D.

**Clarification** – Page II-11, paragraph 2 –Typically every 2-3 years there is a State Bond issue with funding for acquisitions affecting water and air quality throughout the state. Propositions 12 and 40 were cited here, but further clarification is needed to explain exactly how Prop 12 (\$2.1B) and Prop 40 (\$2.6B) affect this Plan, and to estimate the impact of the probable 3 to 4 additional bond measures during the lifetime of this Plan. So how many acres will **really** be acquired in total in the SMC CAA from Prop 12 and 40? How much funding will MROSD receive from these two Bond issues, and for what purposes? If unknown, what are the ranges of possibilities for these two propositions and **subsequent** propositions?

P-38-12

**Clarification** -- 2800 cars per hour is cited as the maximum capacity combined (both directions) on a typical two lane undivided road. What is the basis for that assertion? Does that assertion apply to the types of roads within the SMC CAA?

P-38-13

**Clarification** – A figure of \$8000 per acre is cited as the current market value for acreage within the CAA. I believe this cost per acre figure should be much higher based upon the prices being paid for recent lands acquired by POST and others in the area., e.g. \$3.95M for 267 acres for San Gregorio Farms in 2000 for **\$14,794** per acre, \$2.65M for 3 acres of Whalers Cove for **\$883,000 per acre**, and \$39M for 1700 acres for Bolsa for **\$22,9400 per acre**.

**QUESTIONS** -- What is the basis for this assertion of \$8000 per acre? Where is the inflation of that figure for out years through year 15? Since the above examples are mostly for hundreds of acres, what size parcels is that based upon? How does that \$8000 figure apply to this plan, **especially** since market value has **no** value in your analysis? Please note that in general ocean view and ocean front parcels over 40 miles of coast of your proposed annexation are more valuable than inland parcels.

P-38-14

**Inconsistencies** – **QUESTIONS** -- How can MROSD apply eminent domain to some citizens and not to other citizens (SMC CAA) in the District? How can MROSD tax some citizens in the District and not other citizens (SMC

P-38-15

CAA)? Does any other special district, or county, or state in the United States of America utilize such an unfair model for eminent domain or taxation?

## GENERAL OBSERVATIONS

It is astounding to me that throughout this report that no effects of the proposed annexation were found to be significant. In a plan that calls for acquiring from 11,800 to possibly 23,000 acres (see page VI-4.b.2) over a 15 year period in a region of one of the richest economies and highest cost properties in the United States, one would expect some acknowledgment of the **possibility** of impacts to water needs, to social equity, and especially to tax revenues, traffic, schools, and businesses. **The statements and assertions in this self-serving report are simply astounding, and merit very close inspection.**

P-38-16

For all proposed plans, there is no worst-case scenario, no zero sum concepts are presented, and no acknowledgment of finite resources or the **possibility that acquisitions will ever end**. Where is John Q Public in all of this, and **who in this process purports to represent him?**

It is appalling to think that MROSD and Economics Research Associates surveyed public officials verbally **before** the draft EIR was prepared in order to assess any significant impact on those agencies. Then based upon responses to **unknown questions** to 27 agencies and districts ERA proclaimed no significant impact. In my humble opinion, the agencies queried should see the entirety of what is in the plan before making any assessment of impact and respond in a thorough and professional manner in writing, as a matter of public record. The agencies queried should also consider their resources, funding, and needs over the life of the plan, not just for their current situation and their current budgets. **QUESTION** – How much money did Economics Research Associates receive for this report? Will the 27 agencies be given the full report and submit their statements in writing? For the past 30 years there has been no indication that these acquisitions by MROSD will ever cease, AND all acquisitions by MROSD are for perpetuity.

P-38-17

## SPECIFIC COMMENTS

Page numbering system -- The next Draft EIR should use sequential page numbers, instead of the assorted page numbering system in this amalgamation. See following page number citations for an example of how it should NOT be done.

P-38-18

Page S-3, A-1, Plan Conformance—

**QUESTIONS** -- What other plans and policies, especially state and federal, are relevant? Where are other factors that should be represented and cited as required by CKH such as housing, traffic, social equity, business, and economy?

P-38-19

Among the cited plans and policies, what is the Hierarchy? Precedence among the plans and policies? Priority of goals and objectives among the plans and policies?

Page S-6, Mitigation LU-1b.1

EIR Plan should state that MROSD is **responsible and liable** for their actions with private land owners regarding fences, gates, and crossings.

P-38-20

**QUESTION**—Why does Appendix D not address these possible liabilities?

Page S-13, Mitigation HAZ-1

EIR should state that MROSD will not acquire said hazardous properties, or if properties are acquired MROSD must provide proof of funding or bond in amount of restitution. **QUESTION** – Why does the fiscal analysis not address these liabilities resulting from hazardous materials on acquired lands?

P-38-21

Page S-21-3, Mitigation HYD-1a-c

EIR cites a host of actions to mitigate negative hydrology effects, but the record should show that with nearly 50,000 acres acquired over 30 years by MROSD, that the creeks, streams, and rivers with headwaters within MROSD are still polluted, quite possibly more so than when acquisitions started 30 years ago. **QUESTIONS-** When has anyone seen a creek in San Mateo County, with headwaters acquired by MROSD, that is SAFE as it enters the Pacific Ocean? Does MROSD bear any responsibility? If it truly is a goal of MROSD to improve watershed hydrology quality, then propose a metric whereby that goal is measurable, monitored, and attained.

P-38-22

Page 1-2

**QUESTIONS** -- How will Santa Clara LAFCo and/or its citizens participate in this EIR, if at all? Are they abdicating? How can Santa Clara County and San Mateo County subvert CKH 2000, by citing an agreement from 1987? Is this willful malfeasance or simply a disregard for the public? Do the citizens of Santa Clara or Santa Cruz counties have any say in this EIR? Why not? This EIR proposes to keep taxing them and use eminent domain against them, while the San Mateo CAA will have neither.

P-38-23

Page II-11, paragraph 2, This is a very significant paragraph involving **Billions** of tax dollars from Proposition 12 (\$2.1B) in 2000, and Proposition 40 (\$2.6B) in 2002 (and the bulk of the funding in these propositions was for acquisition of land), and now we the citizens in the SMC CAA are left hanging in mid-air regarding the following **QUESTIONS:** How many funds from these

P-38-24



propositions will MROSD receive? How many funds will 29 government agencies and districts and approximately 20 non-profit agencies allied with, and interacting with MROSD in the SMC CAA receive? Who will manage these funds from the Propositions and/or other grants and manage the subsequently acquired properties? None of these considerations are reflected in this EIR, Why not? If the above questions cannot be answered, then the fiscal analysis should show the range of possible impacts of these bonds, and any future anticipated bonds, on this SMC CAA plan.

P-38-24

Page II-14, Land Acquisition

Are these land acquisitions just from direct acquisitions by MROSD or does it include acquisitions from Prop 12 and 40, and other non-profit groups?

Page III-12

It states "There are no GGNRA managed units currently in the proposed annexation area." And it goes on to state "The National Park Service is in process of acquiring funding to update this plan (General Management Plan of 1980) to include new areas within the GGNRA boundaries, including northern San Mateo County." **QUESTION** – What specific agreements exist between NPS-GGNRA and POST and MROSD regarding funding for, easements through, acquisition of, and plans for the land within the SMC CAA?

P-38-25

Page IV-C-8

2800 cars per hour is cited as the maximum standard total capacity combined traffic in both directions on a typical two lane undivided road. BUT, the roads in this SMC CAA are ATYPICAL (scenic views, oceans, surfers, curvy mountain roads, BFI garbage trucks and exits, landslides, flooding, quarries, nurseries, PLUS these roads are shared with the main thoroughfares for the populace for work, business, schools, and police and fire departments on a community that relies wholly on HWY 1, 92, and 84)

**QUESTION** -- The choice of Windy Hill and Purissima as traffic indicators for the proposed CAA appears flawed. Both of those MROSD areas are served by minor roads with minimal collateral traffic. Windy Hill is at the end of a dead end road and Purissima Creek is an inland Park. It is specious logic to compare those traffic loads with those in the CAA. Especially when in Appendix C, page 6, it is stated that millions of bay area residents will be within 1 hour of this CAA. In addition, now visitors to the new parks will commingle with regular traffic on Hwy 1, 92, and 84. SO, WHAT is the REAL maximum capacity for roads within the SMC CAA? Traffic should be considered a significant impact.

P-38-26

Page V-3, V.A.2b Private Non-Profit Land Trust –

This section states "These groups and other similar entities, such as the American Land Conservancy, have expressed an intent to continue with

P-38-27

private land acquisition.” **QUESTION** – What agreements exist between private groups and MROSD? What agreements exist for land transfer, for shared acquisition planning, for funding, for trails, for pre-emptive buying by non-profits in the face of eminent domain proceedings in the non-SMC CAA? MROSD as a government agency must show details of their agreements with other entities to the public. Has MROSD done so?

P-38-27

Page VI-2, C , Effects Not Found to be Significant—

**QUESTIONS** --Mineral Resources –What is meant when EIR states “ The CAA would not affect the availability of any of these known resources.”

P-38-28

Population/Housing---The EIR only talks of effects from their own facilities and personnel. The La Honda-Pescadero school district is clearly concerned that land acquisition by MROSD will affect the number of students, housing for their staff, and overall housing units available to the community.

**QUESTION** – What is the total impact on Population/Housing when you consider the real issue of diminished land available for housing for the CAA community, and the subsequent raising of prices for land and homes?

P-38-29

Page VI-6, 2, b Agriculture –

It states “**There will be no significant cumulative impacts associated with actions by other agencies either from purchasing land for open space and recreation or from managing it**”

**QUESTIONS** –Not only is MROSD saying that none of their own planned actions will have any significant impact on any services in the San Mateo CAA, **NOW MROSD is also saying there will be no significant impact by ANY other agencies BY purchasing or managing.**

**How can we trust an agency with this much arrogance?** In my humble opinion, I think that **this is the high-water mark for all environmental proclamations!** How could any agency making such a statement ever acknowledge any impact **AT ALL** from any of their proposals? Why should anyone ever again accept the assertions of MROSD?

P-38-30

Did any of the 27 agencies and districts interviewed by ERA and MROSD concur with this outrageous statement? Hypothetically, how does MROSD know with absolute certainty that no government or non-profit agency will buy, say, 50,000 more acres in the CAA causing significant impact over the next 15 years? Consider what amounts of property government and non-profit agencies already own and have purchased in the SMC CAA over the past 15 years. MROSD and POST and SMC know exactly to the acre. My guess is 50,000 acres purchased and much more in total ownership just in the past 15 years, so who knows what the true amount of land acquisition by government and non-profit organizations will be for the next 15 years and beyond.

Page VI-6, c – Public Services and Infrastructure – It does not appear that anyone from MROSD or Hexagon Transportation Consultants consulted the people in the SMC CAA who use HWY 1 and 92 every day, or have read letters to the editor of the Half Moon Bay Review about traffic congestion and truck traffic on HWY 92, or the daily bottlenecks at HWY 1 and 92 intersection. **QUESTION** – If citizens in SMC CAA currently maintain that public services are delinquent today (especially traffic, tax revenues, housing, and schools), how can there be no significant impact by taking more land off tax rolls and by adding preserves and more traffic?

P-38-31

Appendix A, SMC General Plan, Transportation Policies, Recreational Traffic to the Coastsides states “Seek methods to mitigate the impact of peak recreational traffic to and along the Coastsides” **QUESTION** – How, by adding more recreational parks along the coastsides, can MROSD comply with this SMC policy? No mitigation methods were stated in the EIR. Note the SMC General Plan is concerned with peak traffic not average traffic.

Appendix A, SMC LCP, Public Works, 2.49 Desired Level of Service, and 2.50 Route 1 and Route 92 Phase 1 Capacity Limits, and 2.57 Protecting Road Capacity for Visitors **QUESTION** – Does SMC comply with level of service D and E now? Will the Routes comply after MROSD CAA? Is there a conflict of definitions between SMC and MROSD on level of service?

P-38-32

Appendix A, Scenic Roads and Scenic corridors, 8.28-8.31 –These sections of SMC LCP designate 9 roads throughout the proposed SMC CAA as scenic roads and corridors.

**QUESTION** – Is MROSD EIR in compliance with all SMC and state issues regarding Scenic Roads? Where are the details?

P-38-33

Appendix B, Traffic and Parking Study –

It states “ From the survey, it can be concluded that an average open space preserve will generate between 34 and 83 total trips during the peak hour on a normal Saturday.” **QUESTIONS** – How can you say average open space preserve without showing all preserves and their corresponding traffic levels? How can you say a normal Saturday when you have not shown traffic on all Saturdays? How do you know what is peak without looking at all data points? Also, how can you compare traffic on isolated inland open space preserves like Windy Hill and Purissima Creek with the proposed preserves on 9 scenic corridors in SMC CAA? Why focus on “average” and “normal” when it is the peak that is the issue. What will be the true projected traffic impact on HWY 1, 92, and 84? However, Hexagon Transportation consultants did acknowledge that “there are traffic backups that occur during certain hours on week ends in and around Half Moon Bay.” Given that admission, how is traffic from the

P-38-34

SMC CAA going to be no significant impact or any additional fiscal responsibility over next 15 years?

Appendix B, Table 2

shows an existing traffic volume for HMB-Skyline Blvd as 1995 cars/hour, and 1667 for Route 1 in HMB each with a capacity for 2800 cars per hour.

Section VI-6-c projects an increase in traffic from MROSD planned acquisitions of 719 cars/hour spread over all roads throughout the entire CAA in year 15. AND that is with "the proximity of the CAA, being within a one-hour drive, or less, to literally millions of Bay Area residents" (Appendix C, page 6). The number of 719 cars/hour seems very low for the entire 140,000 acres, and again we are dealing with averages when peak is the concern of the SMC General Plan.

**QUESTION** –Will MROSD get a second opinion of the real increase in traffic from their parks plan for CAA? Will the public get to see a second unbiased opinion before submittal to the SMC LAFCo? How much money did Hexagon Transportation Consultants receive for their report?

P-38-34

Appendix C, Draft Service Plan, page 4 –

It states a minimum of 14 broad areas that the SMC LAFCo must consider when reviewing the draft EIR. Several of these topics were minimally discussed in the draft EIR, such as:

the **comments** of any affected local agency (draft EIR only provides second hand summaries from Economics Research Associates from 27 agencies and districts that were verbally queried, represented, and then tallied only by ERA.)

P-38-35

and the effect of the proposal on maintaining the physical and economic integrity of agricultural lands as defined by government code section 56016,

P-38-36

and the extent to which the proposal will assist the receiving entity in achieving its **fair share of the regional housing needs as determined by the appropriate council of governments.**

P-38-37

The CKH Act requires an enumeration and description of the services to be extended to the affected territory. This EIR provides only a specious extrapolation of traffic services from Windy Hill and Purissima Creek to the SMC CAA, and the same specious extrapolation applies especially to housing, tax revenue loss, and agriculture as well.

P-38-38

**QUESTION** – Will MROSD provide more definitive details on these 4 topics to SMC LAFCo? Will the public and local agencies see these details?

P-38-39

Appendix D, Fiscal Analysis, page 3 –5 – This section states that the net decrease in San Mateo County Tax Revenues over 15 years and with 11,800 to 23,000 acres of land being taken off the tax rolls is \$86,123. **This is bizarre.** On page 4 it states "...approximately 80% of lands acquired by the District will already have been removed from the tax rolls because the District will be acquiring lands from other non-profits or public agencies." I guess it helps to have a middle man, but in this case the middle functioned in anticipation of future transfer to MROSD, as has been the case for 30 years. It appears then that **MROSD is not counting tax revenue loss on 80% of their acquisitions.**

**QUESTION** -- Is it true that MROSD is not counting any tax revenue loss on 80% of their acquisitions? If MROSD were to take a worst case analysis, what would the real tax loss be? If those 11,800 acres had been sold to the public at fair market value of \$8000 per acre (**MROSD numbers**) that would be a total of \$94.4M, and at 1% tax rate that would be lost tax revenues of \$944,000 per year (plus a 2% increase for inflation per year) in PERPETUITY. That would total more than **\$9.44M and is over a hundred times larger than \$86,123** spread over a fifteen year period, with no estimation of the present value of lost tax revenues in perpetuity. **Lost tax revenues are a huge issue in this proposal.** ALSO What if the true number of acres acquired is 23,000 acres or greater, and the real price was \$14,000 per acre, **what would the real lost tax revenue be?**

P-38-40

Appendix D, page 4, states that the current market value of land is estimated to be \$8000 per acre in this analysis. Hence at current values the 11,800 acres should cost \$94.4M, but since the land is being acquired over 15 years there should be some appreciation, say nominally 3% per year. Also on page 12 MROSD states that \$82.7M will be the cost over 15 years for land acquisition and preparation. What is the source of grant monies?

**QUESTIONS** -- Will private land owners get fair price? What markup does MROSD pay middle men such as POST? How does the public and/or LAFCo know what the details are between MROSD and all these middlemen? What are the details of transactions between MROSD and these "middlemen" over the past 5 years?

P-38-41

Appendix D, Fiscal analysis, page 5 Service Impacts on other SMC agencies and districts -- States "All agencies and districts said that they could "accommodate" the estimated increase in service demand following annexation within their current budget allocations."

**QUESTIONS** -- Are we to believe that all 27 agencies and districts cited in the EIR used the same term "accommodate"? What did they mean with that choice of words AND what information were they specifically verbally presented to elicit that response? Will those agencies and MROSD ever do the calculations to assure the taxpayers of not just "accommodation" with

P-38-42

“current” budgets but for budgets over next 15 years? What inflation rates were assumed? Will those agencies and districts put those statements of “accommodation” for “perpetuity” in writing and submit to the taxpayers and/or LAFCo?

P-38-42

Appendix D, page 15,

The average assessed value of 15 sample properties was \$460/acre, but the current market value was estimated at \$8000 per acre. For the fiscal analysis to use the \$460/acre number is hyper-unrealistic and denies the full potential and value of the land. If, as MROSD states, fair market value is \$8000 per acre, then if a citizen bought said property they would be subject to taxes of about \$80/acre per year, or \$944,000 per year for the total 11,800 acres. If MROSD ceased to exist, then assessed values could rise to its current market value through purchases by citizens, and subsequent purchases would raise tax revenues to \$944,000 per year. **QUESTION** –Will MROSD get a second fiscal analysis opinion from an “independent” consultant? If not, why not? Will LAFCo do any analysis? If not, why not?

P-38-43

### **SUGGESTIONS TO MROSD, other agencies, and Non-Profit Allies**

Acknowledge that the Draft EIR for SMC CAA will create **at least three significant** impacts to the community – loss of tax revenues, increased traffic, and decreased housing with higher costs from less available land.

**Quit your continual acquisition of land, show details of agreements with other groups to public,** and modify your policies accordingly.

If you are unwilling to quit these policies for land acquisition, and in good faith wish to proceed, **submit the annexation issues presented in the EIR to the voters within the SMC CAA,** but not to the entire MROSD DISTRICT.

Improve and maintain the lands currently under your purview, and make all the lands available to the public **OR change your name and that of POST to CLOSED SPACE from OPEN SPACE.**

Renew the promises you made to your constituents in 1972, **develop metrics, measure results, monitor progress, and attain your goals. Stop deluding your citizens!**

**Terry Gossett**

**193 Reef Point Road**

**Moss Beach, CA, 94038**

**Email [texterry@pacbell.net](mailto:texterry@pacbell.net) AND PHONE 650-563-9508**



Cathy Woodbury

From: steveo@southcoast.net
Sent: Saturday, August 24, 2002 4:52 PM
To: Coastal Annex Environmental Impact Report; Openspace.org
Subject: Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Steve
last name = Oku
email = steveo@southcoast.net
street address = 4525 Cloverdale Rd
city = Pescadero
state = CA
zip = 94060
home phone =
office phone = 650 245 6754

message =

I do not believe it is in the best interest of Agriculture for you to be involved in the Southern Coastal area of San Mateo County. I have first hand experience of how conservation type organizations who say they want to protect agricultural operations end up destroying what they promise to protect.

I've seen our 86 acres of agricultural lands lose its only water source because the California Coastal Conservancy engaged in an "Agricultural Protection Plan" and purchased the 220 acres of ag. land belonging to our partner in a water delivery system. They came to us a promised that they would do everything to enhance agriculture and invest money to improve the water system with off stream storage.

Because they did not want to spend the money to develop ponds to store winter water on their land. They decided to unilaterally shut down the water delivery system that provided water to our 86 acres as well. They wanted to insure that these properties could never again pump water from the Wadel creek so they gave up the water rights. In doing so they destroyed the agricultural capacity of these 300 plus acres for time! A few fish will now have more water in the summer. However if they kept their promise and built off stream water storage for the farms to draw upon during the summer the farms and the fish would have gained. That solution cannot happen because they lost the water right and have destroyed the system.

The problem lies is with the fact that conservation agencies cannot serve all masters. There are many times when agricultural needs are in conflict with the purest forms of environmental goals. And when this happens it is agriculture that will suffer. On the whole we on the coast who toil the land have been good stewards of the land. We provide open space at no cost to the public. However the reverse is not true. The goals of open spacer have had a tremendous cost to agriculture. Agriculture has suffered great setbacks because of decisions made by open space and conservation organizations. As ag. lands are taken out of production, agricultural infrastructure is lost. As they give in to every demand made by anyone trying to protect this or that, it makes it very difficult for the rest us who do not have the luxury to says it ok --- let's just shut our farms and nurserys down. An open space district can say that--no big deal. However for real farmers, Agricultural land use policies dictate that our lands stay in agricultrue. We are married to our land as never before. Public policy virtually says we must continue to farm or just shut down the operation and let it go to brush and waste. We need neighbors who have a vested interest in keeping agriculture viable. Expierience tells us open space districts and conservation agencies and not the neighbors we need.

Sincerely,

Steve Oku
Submit = Send

\*\*\*\*\*

P-39-1

August 25, 2002

Christine Powell  
P.O. Box  
El Granada, CA 94018  
(650) 712-0773  
[Bernchrisp@aol.com](mailto:Bernchrisp@aol.com)

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022  
Attn: Cathy Woodbury

I am writing regarding the *Draft Program Environmental Impact Report (DEIR)* for annexation to the San Mateo Coast (coast). I spoke at the meeting you held in Half Moon Bay on July 17, 2002, where you solicited public comments on the DEIR. However, I would like to submit my comments in writing for the record. I will address my comments to the following points:

I thank you for producing a well-written DEIR that is easy and clear to read. I appreciate the scenarios, and the consequences of each, which were outlined in the graphs. I also thank you for holding the public meetings, as that was not a requirement of completing the EIR process.

On page 9, you noted that MROSD was asked in petitions, letters and resolutions to extend your authority to the coast. I was one of those Coastside citizens who asked you to extend your boundaries, and was on the Measure F campaign to place this issue on the ballot. I think it is important that you remind detractors of this invitation. Those who oppose land managing agencies from acquiring additional properties often speak of "local control"—which translates into local citizens deciding the future of open space in their own communities. This annexation process is a prime example of local control—coastal citizens desire well-managed open space and therefore asked you to extend your boundaries to the coast.

I would like to commend you for addressing the issue of eminent domain in your DEIR. In several places in the document, you note that you have adjusted your management policies to only acquire property from willing sellers on the coastside ("Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area.") There are those who do not believe you will, indeed, operate in this manner, even after repeatedly stating such. Listing it in your DEIR will formally bind you to operate under that policy and hopefully put to rest any doubts about the issue.

P-40-1



On page 11, you state that you will more formally involve coastal residents in the management decisions of MROSD, and that election to the Board of Directors is one way in which this will occur. It would be helpful if you would address the issue of holding board meetings on the coast and clarify how often they will occur and whether they will occur in both the north and south coast or one location only.

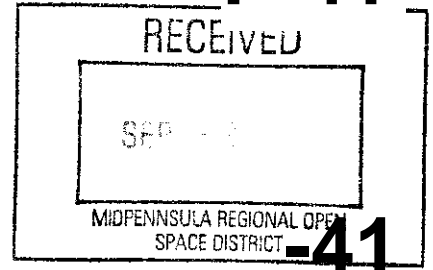
**P-40-1**

I would like to address the issue of lighting for security or safety around maintenance sheds. Your DEIR states “any new lighting as part of the proposed project will have light shields and other devices to ensure that no new light or glare will impact sensitive receptors.”

Light pollution is becoming an increasing problem in urban areas, including the San Francisco Bay Area. Lighting of facilities should be used only when personal safety is at stake. I would urge you to use locks and other security devices on maintenance sheds on District lands and use lighting only when visitor and staff safety is an issue. I believe District preserves are open sunrise to sunset, therefore minimal lighting should be required for visitor safety.

**P-40-2**

Thank you for allowing me to respond to this DEIR. I welcome you to the San Mateo Coast and look forward to working with you when your annexation is completed.



August 26, 2002

Midpeninsula Regional Open Space District  
Board of Directors  
330 Distel Circle  
Los Altos, CA 94022 – 1404

Dear Directors:

I'm writing to you in response to the Annexation of the Coastsides by Midpeninsula Regional Open Space District.

**I am totally opposed to it, for several reasons.**

1. I don't feel comfortable when acquisitions of lands from private property owners, by the government and non-profit groups, becomes fashionable... I am all for open space...but this is a land grab...and I question the motives? It can not be because there is not enough open space ...if you look at your own maps, you will see that the so called urban sprawl, is a very small percentage, compare to the open space. There have been 62 new homes built on the coast in the last 15 years. I would not call that, a land rush.

P-41-1

2. You don't mention in the EIR, the amount of revenues that our schools and services will lose from sales to MROSD and other non-profit groups. At a meeting I asked that question, and was told by Mr. Britton that the State of California will fill the gap. Well, as you probably know the State of California has a dismal economic prognosis...I don't think we should gamble with our children's education and future. They are our biggest treasure and hope for the future...and I don't take their future lightly. Nor should you.

P-41-2

3. You are not addressing our already over used and abused roads. According to your report, you plan to acquire up to 23,000 acres over a period of 15 years, and turn them into open space?? How do you expect to get all the people from over the hill and beyond to all of that open space? Is it through Hwy 1, Hwy 92? Just come to the coast on a weekend and experience the frustration... never mind the risk and dangers of accidents that the extra traffic congestion will bring... that blood will be in your hands. And of course the weekdays are not any better. We just lost our school buses due to lack of funds, wait till we lose more funds (if we are annexed) due to loss from tax revenues. The only good thing is...we will know who is responsible...

P-41-3

4. Our real estate will be totally affected if the annexation takes place. As it is now, we have one of the highest real estate prices in the country, wait till you and the

↓ P-41-4

other non-for profit organizations finish your acquisitions, there will be no affordable land or housing for our young families.

You say, you are all for open space? And again I question the motives, but one thing I know for sure, you are against our coastal heritage, our private property rights and especially our families. Take the land, cut out the money, and make our roads, death traps - That's what annexation of the San Mateo Coast means to me. No place that young families, can call home!

P-41-4

My last reason is the dearest to me... I was born in Cuba, a communist country. My family and myself came to this county in 1961, seeking the freedoms that were taken away from us. It all started one pebble at a time. Each pebble represented a freedom lost, till the pebbles became boulders that we could no longer get out from under.

P-41-5

I am beginning to see those freedoms being lost on the coast, with new regulations and/or annexation. It is a very dangerous turf you are walking on...when you denied the people their individual freedoms...beware...I been there.

Sincerely,



Nina Pellegrini

1430 Audubon Avenue

Montara, CA 94037

[luigisumoII@aol.com](mailto:luigisumoII@aol.com)

Cathy Woodbury

---

**From:** H & P Hamor [hph@neteze.com]  
**Sent:** Tuesday, August 27, 2002 9:57 AM  
**To:** Coastal Annex Environmental Impact Report  
**Subject:** San Mateo County Coastal Annexation EIR Draft Report

August 27, 2002

Dear Ms. Woodbury,

Would please send a written response to me about my concerns:

1. Why aren't the two San Mateo County detention facilities mentioned under A. Land Use, page IV-A-1? Shouldn't the operation of these facilities and the service connection to the judicial facilities located in Redwood City be a factor in this EIR report? P-42-1
2. Why on page IV-A-2, the " Private Recreation " column in Table IV-A-1 is there no record of the acreage for the [3] three private camps in the Skyline area that operate Recreational and " Outdoor Education Programs ", one of which is San Mateo County funded? Hundreds of people reside at these camps and are subject to the current emergency services P-42-2
3. Why are references such as the Association of Bay Area Governments [ABAG, 1995], located on Page IV-A-2, Southern Watersheds, b. Current Land Uses Within the Coastal Annexation Area used if they are [7] years old? Why haven't you gathered more current information for this report? P-42-3

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

CHARLES & GWENDOLYN HALTERMAN  
185 REEF POINT ROAD  
MOSS BEACH, CA 94038

August 27, 2002

MROSD  
330 Distel Circle  
Los Altos, CA 94022

RE: Coastal Annexation--EIR and specifically related subjects

To whom it may concern:

Please answer the following questions:

1. You stated "No taxation would accompany annexation". You stated that presently state law requires 2/3 majority of the voters in order to assess for new taxation.

a. Are there any other means for the District to assess the coastal annexation area?

b. Who would the voters be that approved an assessment? Could it be the hold District or could it necessarily be just specific areas (i.e.: Pescadero)?

P-43-1

2. How much money did it cost for the District to propose the Coastal Annexation Program (i.e.: all meetings, all reports, all material, all personnel involved, etc.)?

P-43-2

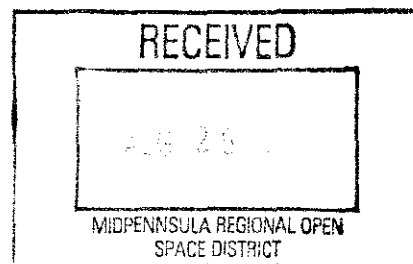
3. We believe that the coastal population needs to vote to approve the annexation and the EIR. What are the means that the coastal population can approve or deny the annexation and the EIR?

P-43-3

If the people want the annexation, let them vote. That is the American way!

Sincerely,  
*Charles Halterman*  
*Gwendolyn Halterman*

Charles Halterman  
Gwendolyn Halterman



**William G. Young**

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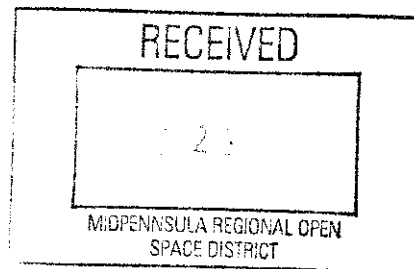
P.O. Box 731, Half Moon Bay, CA 94019

Phone: 650/712-9339

E-mail: loon@coastside.net

Aug. 27, 2002

Ms. Cathy Woodbury  
Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022-1404



Re: MROSD Coastal San Mateo County Annexation Program

Dear Ms. Woodbury:

Please enter this letter into the official record for public comment on the District's Coastal San Mateo County Annexation Program Draft EIR.

I strongly support the District's annexation plan for the San Mateo coast.

I would like to thank the Midpeninsula Regional Open Space District staff and Board members for their efforts to involve the public in the Coastal San Mateo County Annexation process. The District has gone to great lengths to inform the public about the annexation plan, and to solicit and respond to local public comment, even extending the public comment period until August 30.

The seemingly generous amount of "open space" we coastsiders now enjoy is not necessarily preserved open space. It will not remain open space without local public participation. There is increasing pressure to suburbanize coastal San Mateo County. Current land use practices will not survive the next fifty years on their own. We must act now to preserve our unique natural resources before it is too late. We need help in securing and maintaining open space and agricultural preserves.

The choice before us is to leave the future of Coastsides open space and agricultural lands either to "the market," ensuring suburban sprawl by outside developers; or to distant federal or state agencies; or to a locally accountable agency such as the MROSD, whose management expertise and commitment qualify it for this task. The District is by far the best choice for the future of Coastsides open space and agricultural preservation. The results of the 1998 Coastsides advisory vote indicated our preference for District annexation.

At the recent public hearings the District demonstrated much patience when faced with a small, but highly vocal group opposing the Coastal Annexation plan. The adversary group's arguments revealed confusion and thinly veiled pro-development agendas on its part. The District staff and board members went to great lengths to correct misinformation and allay unfounded fears. Thank you.

**P-44-1**

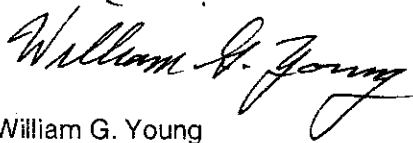
August 27, 2002

I also would like to thank the District for the responsible maintenance of its trails, such as the fine erosion control work that recently was performed on the Harkins Ridge Trail in Purisima Creek Redwoods O.S.P. This work will lessen the erosion and trail damage caused by the predicted El Niño rains next winter. Responsible management such as this recommends the MROSD for the job of securing and managing open space and agricultural preserves on the Coastside.

**P-44-1**

Thank you, and best wishes for the District's Coastal San Mateo County Annexation plan.

Sincerely,

A handwritten signature in cursive script that reads "William G. Young". The signature is written in black ink and is positioned above the printed name.

William G. Young

Date: August 27, 2002  
To: MROSD via email to coast-eir@openspace.org  
From: Bill Prince  
Re: Coast side expansion

I would like to state my support for expansion of the MROSD to the San Mateo County coast.

I have been a property owner in the South Skyline region for several years. My property is west of Skyline Blvd. (within the proposed expansion area), but is also adjacent to existing MROSD property (Skyline Ridge Open Space).

I support the expansion for the following reasons:

1. MROSD has been a good neighbor, and is a vital part of our community. The presence of rangers in our region includes their help (often first on scene) in accidents, fires and other problems. There are times I feel they are the only law enforcement in the area, though I know that is not their duty.
2. I am certain that open space areas such as Russian Ridge, Skyline Ranch, and Long Ridge would have long been developed, and covered with homes if not for MROSD.
3. I visit the coastal areas north and south of Half Moon Bay frequently, and it is my impression that this sort of development (housing) is imminent there in the not so distant future.
4. I understand that the coast side "open space" is different in significant ways from the Skyline area; it is more of a rural/agricultural area than pure open space.

P-45-1

If the MROSD expansion incorporates these issues, the expansion of the district could be beneficial to coast side residents in terms of increasing their property values, while not increasing development density.

It is my understanding that lands in the coast side area are already subject to potential acquisition/management by MROSD (except by current policy). This proposal (to me) merely provides the opportunity for fair representation. I urge the board to revise the proposal so that coast side residents are fairly represented on the MROSD board.

P-45-2

Sincerely,



Bill Prince

(mailing address)

17287 Skyline Blvd #102  
Woodside CA 94062-3780

Phone: 650-917-9279

Email: bill\_prince@yahoo.com



To: [coast-eir@openspace.org](mailto:coast-eir@openspace.org)

## Comments on the EIR and Coastal Annexation

Aug 28, 2002

I find that being a former resident of Los Altos and current resident of La Honda, Ca gives me a unique perspective on MROSD plans to annex the coastal regions of San Mateo County. Having first hand knowledge of the creation of both POST and MROSD is a plus if one intends to sit back and make a determination if MROSD current objective serves the public. But actually being alive long enough to follow MROSD progress in the press, media, and Los Altos public access TV is more than enough information for me to decide if annexation of the coast is a good thing.

In my most humble opinion not only should MROSD drop all plans to expand to the coast but it's board should recommend to the governor that MROSD has been unable to carry out their intended mission and should be disbanded.

I find that over the years MROSD has continually worked outside of what I view to be their intended mandate. MROSD has been a very poor neighbor to individuals who share access rights with MROSD. That MROSD struggles to manage the 45,000 acres under its control at this time, due to, a lack of manpower, poor employee morale and, lack of funds. In addition MROSD is not capable of subdividing out land not needed to complete their mandate and turning it back over to the private sector. This inability has added to the housing crisis in the bay area. That MROSD is by no means a stellar employer, underpaying its staff members and not providing wages and benefits competitive with bay area companies. In addition MROSD gives preference to its employees to rent houses on lands held by MROSD. That MROSD has, by some bastardization of their scope, determined that environmental restoration outweighs anything else in their mandate. So much so, that MROSD is continually the subject of public criticism by equestrian and bicyclist advocates. MROSD has been accused repeatedly of being unfair to the groups mentioned above, by denying equal access to these citizens. I believe that MROSD had no business conspiring with POST to acquire the property known as Driscoll Ranch. I believe that MROSD had no business making a contract or promise, either verbal or written, with POST to purchase this property before MROSD had the legal authority to govern west of Skyline. In addition the use of MROSD employees to maintain or secure private property belonging to POST is not how I would expect any government agency to act. MROSD history over the past thirty years is tainted at best.

MROSD has a cultural problem that runs deep through its staff, managers, officers and supporters. In my humble opinion I find that I am troubled by MROSD's willingness to place what it deems is; best for the environment, over the human condition. It sometimes seems that MROSD employees and supporters are fanatical about their mission.

P-46-1

MROSD would inhibit coastal growth and impact local economies. In my humble opinion several of the coastal towns and villages will incorporate in the next ten years. MROSD will inhibit growth that is needed to support and provide service to local residents.

**P-46-1**

Coastal residents would have no control over MROSD. The coastal population is very small compared to San Mateo County alone. Coastsiders would be continually governed by baysiders. This is not what the founders of this great country had in mind. Without an equal number of seats on the MROSD board coastsiders would not be represented fairly.

**P-46-2**

MROSD is just another example of an out of control bureaucracy that is consumed with the notion that it needs to do more than it was intended to. I believe this organization has lost its focus and this due to a righteous attitude and lack of corporate memory. It's willingness to bend law and its disrespect for private citizens and their needs, tells me that I want nothing to do with it.

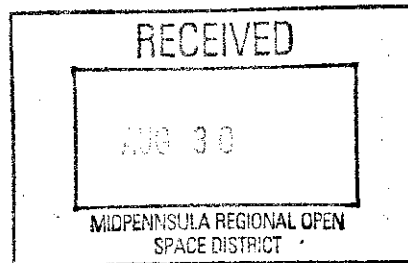
**P-46-3**

The last thing anyone needs is another layer of government telling him or her what to do.

Respectfully Submitted

John W. Krzaszczak  
P.O. Box 514  
La Honda, Ca  
94020

August 28, 2002



Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 940220-404

Dear MROSD Directors and Staff,

Over a year ago coastside residents entered into a Cooperation Agreement with Midpeninsula Regional Open Space District. This was entered into with the exact language that the Cooperation Agreement was written, specifically to bar permanently the use of eminent domain powers to acquire coastside property.

My attorney has reviewed the proposal of the EIR. In her opinion it does not fulfill the requirements of the Cooperation Agreement. This lack of compliance regarding the permanent disbarment of the power of eminent domain in effect violates the terms of the Cooperation Agreement. I feel it is impossible to move forward with MROSD when MROSD can't deal in the language that corresponds with the Cooperation Agreement. Enclosed is a copy of the Cooperation Agreement and a copy of my attorney's opinion.

P-47-1

All use of MROSD properties must provide the best possible buffer zone to agriculture lands. This would protect agriculture lands from the exposure to weeds and disease as well as to protect people from agriculture practices.

Sincerely,

Peter Marchi

# PATRICIA ROMA

Attorney at Law

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745 Mill Street ♦ P.O. Box 644 ♦ Half Moon Bay, CA 94019 ♦ (650) 726-5575 ♦ Fax (650) 726-2214 ♦ E-Mail promaesq@aol.com

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August 26, 2002

PETER MARCHI  
P.O. Box 13  
San Gregorio, CA 94074

Re: Draft Ordinance re Eminent Domain

Dear Peter:

You have asked me to review the Midpeninsula Regional Open Space District and Coastside Residents Cooperation Agreement and the Draft Ordinance regarding eminent domain to determine whether the Ordinance is consistent with the Cooperation Agreement that you signed.

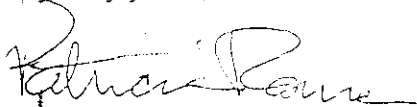
Following my review of these documents I have determined that the proposed Ordinance is not consistent with the Cooperation Agreement. The Cooperation Agreement clearly states that the people signing the agreement would pledge its support to assist the District through the annexation process only if the District Board would **permanently** remove eminent domain from its policies.

It is clear from a reading of the proposed ordinance that no such permanent removal is contemplated. In fact the word "permanently" does not appear anywhere in the proposed Ordinance. The third paragraph on page one of the proposed Ordinance refers to "a policy prohibiting the use of eminent domain to acquire property...". In Section 2 on page two of the proposed Ordinance the Board has ordained that the District "shall not exercise the power of eminent domain to acquire any real property...", but, again the word "permanently" is glaringly absent.

Because the District has not committed to permanently remove eminent domain from its policies, it could later amend the proposed ordinance to include the use of eminent domain. Therefore, the Board in drafting the proposed Ordinance did not follow the clear mandate of the people who signed the Cooperation Agreement.

If you have any further questions do not hesitate to contact me.

Very truly yours,



PATRICIA ROMA

PR/je

Midpeninsula Regional Open Space District and  
Coastside Residents Cooperation Agreement

We, the undersigned, agree that the District and coastside residents have the potential to be excellent partners in shaping and securing the future of the coastside area.

We acknowledge that we share many common goals, that the District could bring significant benefits to the coastside, and that coastside residents could offer significant benefits to the District.

We also recognize that conflict over the potential use of eminent domain on the coastside by the District is jeopardizing the success of the proposed annexation and we further recognize that our common goals can be more effectively achieved without the use of eminent domain.

We therefore agree, that should the District Board pledge to permanently remove eminent domain from its policies in the proposed annexation area in a manner that is secure and acceptable to both the residents and the District (possibly in the LAFCO process), that we, the undersigned, will immediately pledge our full support and best efforts to assist the District through the annexation process and that we will also pledge our full support for a reasonable tax to assist the District with its work on the coastside.

Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address
Signature	Printed Name	Address

Please return to: William Cook  
P.O. Box 913  
Pescadero, CA 94060  
Fax 650-879-9302

OR

Stan Pastorino  
12491 San Mateo Road  
Half Moon Bay, CA 94019  
Fax 650-726-4057

Cathy Woodbury

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**From:** H & P Hamor [hph@neteze.com]  
**Sent:** Wednesday, August 28, 2002 8:01 AM  
**To:** Coastal Annex Environmental Impact Report  
**Subject:** San Mateo Coastal Annexation Draft Environmental Impact Report

August 28, 2002

Dear Ms. Woodbury,

I am requesting a written response to my concerns about the following:

" Mitigation of LU-3, Would the project physically divide an established community? "

1. Why on page IV-A-11 do you rate Mitigation LU-3 " Less Than Significant Impact " on the premise that only land you might acquire is located near " mostly open spaces ", when the largest established community in the purposed annexation area is obviously surrounded by large acreage private properties that " open space non-profits " want to buy?
2. Are you saying that the MROSD will not be a participant in the review process for any changes in these " established communities "?
3. Are you saying MROSD will not own or manage land adjacent to " established communities "?

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

P-48-1

This letter is in reference to the San Mateo Coastal Annexation Draft Environmental Impact Report June 2002 for the Mid Peninsula regional open space district.

The south coast presently provides low intensity uses at the many parks San Mateo provides. There are private lands that also provide public use at low and moderate levels of use.

I do not believe that the district will accommodate working landowners when trial systems are in place rather they will with their influence mandate working ranches, logging, or farms, to create larger setbacks to accommodate their needs putting a burden on the landowner.

P-49-1

The power of public necessity is a huge concern, being that the south coast has limited votes. The peninsula will eventually dictate what happens on the coast linkage with properties (if you get stuck in the middle), or a sphere of influence are very open ended terms that leave a property owner at Mid Peninsula mercy.

P-49-2

The agreement concerning preservation seems to insult the counties policy. There has and will remain slow if any growth in the south coast. The land use policies of San Mateo, although viewed to be restrictive by many, have maintained the rural culture on the San Mateo coast. I do not understand why Mid Peninsula has not adopted and promoted a policy of purchase of development rights and promote the development of agricultural lands for food production. Instead Mid Peninsula promotes and limits the use of land for the consumers of power bars and those who hike. This report suggests that all lands would be used for a select culture. The fit hiker. All others have been forgotten especially the elderly who could only view this magnificent coast from hwy one if that remains accessible.

P-49-3

A better master plan is needed, not just a plan for open space issues, but a master plan that speaks to the cultural change that would take place 10-20 years from now. Home sites, schools, ranches, farms, and Ag use will all be affected. As of this date Pescadero school district suffers from lack of enrollment, acquiring teachers, and a housing shortage, yet without any considerations for the Pescadero area, Post buys land and removes some 40 dincitirty credits from our area.

P-49-4

P-49-5

Land preservation is Mid Peninsulas primary objective like Posts the culture of this coast side is to be changed forever. For 50 years the general public has traveled the coast side because of its ranches farms fresh produce and rural communities. There are more than enough hiking trails on our coast side.

P-49-6

It is reported that hwy 84 and other roads to our parks have low usage inferring that public land hiking areas have low usage. Is there a demand on our coast for more trails? It would seem to me that food production is a greater issue.

Posts accusation of land has left a sour taste in the mouths of many landowners and farmers. I would be happy to provide names for interviews with people that now have to lease the lands back from Post. I do not believe any of the statements concerning Mid Peninsulas intentions of defending or encouraging Ag production. The primary objective of these Mid Peninsulas is open space visual corridors possibly a rural cleansing.

P-49-7

I believe this annexation would also become a new regulatory group to contend with a group of newly elected elitists working to deny the use of the land to the general public.

P-49-8

The EIR is a lot to digest I don't not have the time nor a staff to address the many concerns I have about the annexation. If the intent of Mid Peninsula and post is to develop a GGNRA belt from Pacifica to the south San Mateo boarder then that should be stated. Not in a document that pretends to support agricultural uses or ranching on our coast.

P-49-9

I have come to believe that most land trusts are not forthright in any of their explanations or intentions. I now serve on the resource conservation district of San Mateo county. I must do my best to defend the mission statement of our district with the knowledge that I represent all the voters, landowners and residents of this district. I have attended many of the Mid Peninsula meetings and only see an agency with its first objective being self-preservation. I thank you for the extension of time to respond to the EIR. I can be contacted anytime at 650-359-3900 I will close with this excerpt.

P-49-10

Essentially it is the old story of the frudal lords who are to have vast forests set aside for their enjoyment while surfs dare not to remove a log for their fires or kill an animal for their meal.

My recommendation is no project

C. Gust



From: Alex Montalvo [MONTALVO@PeninsulaHumaneSociety.org]  
 Sent: Wednesday, August 28, 2002 3:41 PM  
 To: Coastal Annex Environmental Impact Report  
 Subject: annexation proposal of Coastside San Mateo County

To whom this concerns:

I personally do not understand the need for such a vast area to become open space.

San Francisco's City and County has a population count similar to San Mateo County's, 800,000 souls. San Francisco has a jewel of a park, Golden Gate Park. That park is on mile wide and five miles long which equals five square miles. That park serves the people of San Francisco well.

P-50-1

San Mateo County on the other hand has exisiting open space as well as numerous State and County parks. There is Huddart Park, Memorial Park, Butano and Portola State Parks.

What I do not understand is why such an expansive land grab. What I also do not understand is where did the \$500,000,000.00 dollars come from to buy out willing property owners and where did the power to tax the unwilling property owners come from. To me that is a clear violation of taxation without representation. Futhermore, the power of eminent domain that is said will not be used but is still a stand by tool to be used if necessary is entirely despotic in my book.

P-50-2

The people behind this land grab are far beyond simple practices such as building moratoriums which the City of Half Moon Bay implemented sucessfully for many years.

P-50-3

I do not know where this agency acquired such an enormous amount of power without a distinct ballot measure by the constituency of San Mateo County. Additionally, the already established open space is for day use only. Over-night hiking and camping is not permissible, it is like " the Sheriff's Forest ".

P-50-4

I frequent the coastside often. What I have seen is a very small segment of San Mateo County residents who actually bother to go up and over the mountain. Those that do are mountain bikers, motorcyclists and some day hikers.

P-50-5

The beaches are no longer free to roam as they were when I was young. Heck, the Pulgas Water Temple is no longer accessible when you want it! Do you actually think that this land under this proposed land grab is really going to be accessible when a citizen wants to use it?

P-50-6

Two hundred and some odd square miles in the name of a few and cloaked under the guise of preservation. Where does this agency get the power to annex a County's resource and it's constituencies property?

P-50-7

I say no to this annexation!

## Cathy Woodbury

---

**From:** General Information  
**Sent:** Wednesday, August 28, 2002 5:05 PM  
**To:** Cathy Woodbury  
**Subject:** Fw: Question

Hi Cathy, Could you please respond to this email?

Gloria

----- Original Message -----

**From:** [RobertLMarx@aol.com](mailto:RobertLMarx@aol.com)  
**To:** [info@openspace.org](mailto:info@openspace.org)  
**Sent:** Friday, August 23, 2002 6:04 PM  
**Subject:** Question

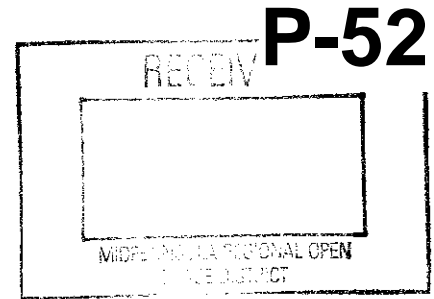
Your current quarterly report seems to state that you will use neither your right to eminent domain nor your right to tax in the new coastal areas into which you are moving.

Am I correct in understanding that you will continue to exercise these rights in the 'old' area while absolving the new areas? If so, why?

I have lived in the 'old' area since 1964, voted for the formation of the special district, but am puzzled by this 'united but unequal' treatment.

Bob Marx  
[robertlmarx@aol.com](mailto:robertlmarx@aol.com)  
T: 408-245-9030 F: 408-245-9030  
1077 Ticonderoga Drive, Sunnyvale CA 94087

P-51-1



August 29, 2002

L. Craig Britton/General Manager  
Midpeninsula Regional Open Space District  
300 Distel Circle  
Los Altos, CA 94022

Dear Craig:

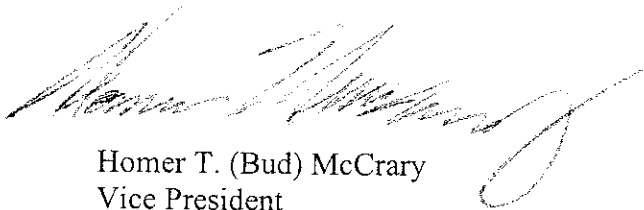
I am appreciative of the District's decision not to pursue eminent domain and to purchase land from willing sellers only within the proposed annexation of the San Mateo coast. I am pleased as well to see that the District has taken steps toward a more proactive approach in the management of its forested reserves. Nevertheless, I remain concerned for the farmers along the San Mateo coast, particularly relative to their interactions with POST on the issue of water use. I believe it is in everyone's interest to support local farming as a continued viable land use.

It has come to our attention that POST has apparently chosen not to support farm use of local water supplies despite their public announcement that they would continue to support farming on coastal acquisitions. POST'S actions in this matter serve to establish a precedent that may affect all coastal water use in the future and is otherwise a cause for concern.

Our company management group assumes POST will continue to acquire land and transfer title to the District. The question is, what will the District's policy and practice be on the issue of farming and water use? Obviously, it would be difficult for us to consider support of the proposed annexation without a guarantee that the District fully intends to support local farmers' continued use of historic water sources.

I apologize for the late nature of this letter. We were not able to convene the management group until recently. I look forward to further discussion of this matter and can be reached at (831) 457-5025.

Yours truly,



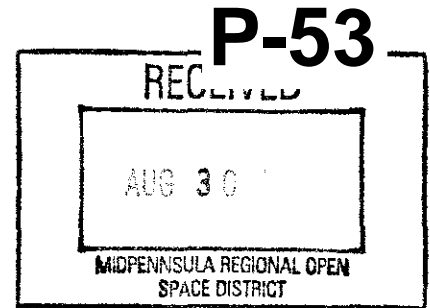
Homer T. (Bud) McCrary  
Vice President

P-52-1

August 29, 2002

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

**Re: San Mateo Coastal Annexation Draft EIR**



Thank you for the opportunity to comment on the above-referenced Draft EIR. On behalf of the Committee for Green Foothills, a membership organization with over 1200 family members, I am submitting the following comments.

It is commendable that the District is preparing an EIR for what is not a typical "project" under CEQA. Permanently protecting coastal resources and open space through acquisition from willing sellers, providing for limited public access, and restoring areas are all environmentally beneficial activities that are currently being carried out within the District's existing Preserves, and are anticipated in the annexation area.

P-53-1

In eliciting public response to the DEIR, the District has gone beyond the minimum required by CEQA in having three public hearings on the Draft document, two of which were within the proposed coastal annexation area, and in conducting a major outreach effort to explain the District's programs and policies.

As we have commented orally at the public meetings, we believe that a map showing the Skyline Ridge and the existing Preserves that are located in the upper coastal watersheds would be helpful. The District's existing boundaries and/or existing Preserves include significant areas that are west of the Skyline Ridge, and therefore physically part of the coastal watersheds. The District already has a number of Preserves that are protecting lands in the upper watersheds of Pescadero, San Gregorio, Purissima, and Pilarcitos Creeks, among others. The acquisition and management of these lands as open space, as opposed to development or resource extractive activities such as timber harvesting, have already had beneficial effects on downstream resources and properties. Pescadero/Butano, and San Gregorio Creeks have been designated as impaired for sediment by the State. Both streams area also salmonid streams, and providing for the recovery of Coho salmon and steelhead trout is a high priority for these listed species. Avoiding such activities as timber harvesting and development of houses which would involve land clearing, grading, and permanent installation of impervious surfaces, will reduce the impacts of accelerated erosion, sedimentation, and turbidity in these critical coastal streams.

P-53-2

The DEIR does not appear to include reference to the District's Resource Management Five Year Strategic Plan. Actions to protect and restore the natural environment, a key component of the District's mission statement, are outlined in the Plan. The DEIR should describe the components of this important program.

P-53-3

The discussion of Agricultural Resources makes reference to the Important Farmlands Map. The categories of agricultural lands used with the map are more limiting than the Coastal Act and Local Coastal Program's definitions of Prime Agricultural Lands. For land to be Prime Farmland, water availability is a key factor, whereas in the LCP and Coastal Act, the definition of Prime Agricultural Lands does not include water availability. The EIR should include the definitions under the Coastal Act and LCP for the proposed Coastal Annexation areas that are within the Coastal Zone, and should

P-53-4

include a more extensive analysis of the Agricultural Component and PAD policies of the LCP.

P-53-4

The discussion of Hazards and Hazardous Materials identifies potential hazards on lands that may be acquired, such as petroleum products, fertilizers and pesticides that have been used in agricultural operations, or soil contamination from agricultural activities. This section of the DEIR should be expanded to include additional hazards. Coastal streams, wetlands, and riparian areas have traditionally been used as dumping grounds for construction debris, auto bodies, containers of hazardous materials, nursery waste, other green waste, horse manure, and household debris that should be disposed of at approved sites.

It has been the practice, historically and even currently, for some landowners to illegally dispose of agricultural and other hazardous materials by burying them on their land. Currently one new landowner is proposing to remove thousands of tires that were buried by a former owner to (unsuccessfully) repair a major gully. We have documented on private coastal lands locations where multiple old vehicles have been abandoned, exposing the adjacent land and streams to runoff from oil, gasoline, batteries, and clutch and brake fluids. There have been two highly publicized locations of methamphetamine laboratories within the annexation area within the last few years, which involve extremely hazardous byproducts that can contaminate soil and water. There are undoubtedly others.

P-53-5

The DEIR states that a "Phase I" real estate report would be conducted on land proposed for acquisition, to survey and remediate hazards. We believe that a more rigorous investigation process would be appropriate, in order to avoid extra costs and other burdens to the public for cleanup.

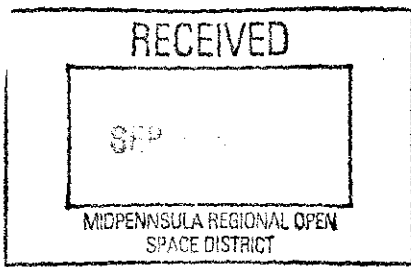
On page VI-5 regarding Regional Growth, the statement is made that there are political and legal means to manage growth within the coastal annexation area. Although the portion of the annexation area within the Coastal Zone requires voter approval of any amendments that would weaken or eliminate key existing voter-approved LCP policies, a significant area of the proposed annexation is not within the Coastal Zone. The Skyline area does not have the equivalent strict limits on growth, or equivalent hurdles for amending those limits. This is a minor but important distinction.

P-53-6

Thank you again for the opportunity to comment, and we look forward to the Final EIR and the next steps of the annexation process.

Sincerely,

Lennie Roberts, Legislative Advocate  
Committee for Green Foothills  
339 La Cuesta  
Portola Valley, CA 94028



Joe Jean P-54  
170 Creekside Drive  
Half Moon Bay, CA  
8-29-02

MROSD  
330 Distel Circle  
Los Altos, CA.  
94022-1489

Re: Annexation of the  
Southeast

To the ~~addressed~~ organization;

I have held leadership positions in conservation, land trust management, and water resource management in Massachusetts and New Hampshire.

Professionally, my careers, <sup>have</sup> included university professorship, textbook editing, educational research and, currently, writing.

Now a resident of, Half Moon Bay, I have also lived <sup>(since 1995)</sup> in Monte Park, Santa Cruz and Pescadero.

Several times a week I walk the trails on Montara Mountain. Trails are poorly maintained, due to "lack of money" (a quote from a Park employee). Unleashed dogs, erosion and horse excrement are significant issues.

Review of the EIR report leads to

questions of its fiscal validity in terms of:

- (1) the projected 93 billion dollar state short fall;
- (2) the current recession;
- (3) the escalating tunnel costs.
- (4) the costs of maintaining Hguys. 92 and 1, due to increased traffic to the Coast, as the result of annexation of the South Coast;
- (5) the expansion of above highways;
- (6) the ~~possible~~ probability of decreased gifts and grants in a recessionary climate.

P-54-1

A failure of the micromanaged compilation of the EIR report is a forecast. The first 17 pages of the report (HWS library copy) were upside down.

Annexation equals vexation.

However, the nature walks and publicity (MROSD) are generally well done.

Cardially,

Joe J. Arkin

cc. County Board of Supervisors  
legal file

**Cathy Woodbury**

---

**From:** General Information <info@openspace.org>  
**To:** Cathy Woodbury <cwoodbury@openspace.org>  
**Sent:** Thursday, August 29, 2002 11:33 AM  
**Subject:** Fw: MROSD proposed annexation of the Southcoast

Hello Cathy Could you please respond to this email?

Gloria

----- Original Message -----

**From:** "Bill Domitilli" <billd@southcoast.net>

**To:** <rgordon@co.sanmateo.ca.us>; <jhill@co.sanmateo.ca.us>;  
<mchurch@co.sanmateo.ca.us>; <RoseJG@co.sanmateo.ca.us>;  
<mnevin@co.sanmateo.ca.us>; <info@openspace.org>; <hmbreview@hmbreview.com>;  
<coastviews@aol.com>; <llinden@angnewspapers.com>

**Sent:** Thursday, August 29, 2002 11:22 AM

**Subject:** MROSD proposed annexation of the Southcoast

> Hello all,

>

> I wish to state my opposition to the proposed annexation of the  
> Southcoast by the Midpeninsula Regional Open Space Trust. The  
> Constitution was written to limit the role of government in citizens'  
> lives. That's worked out well, hasn't it? Besides being taxed and  
> legislated into oblivion, we now face a non-governmental group from  
> outside of our area, with no accountability to anyone, that wants to  
> proclaim land use criteria from Pacifica to the Santa Cruz County line  
> to Skyline. No thank you. Representative bureaucratic lunacy and  
> incompetence is bad enough.

>

> Thank you,

>

> William J. Domitilli  
> 305 Canyon View Dr.  
> La Honda, CA 94020

>

P-55-1



Cathy Woodbury

---

From: Schweikert Wassall [wondercat9@yahoo.com]  
Sent: Thursday, August 29, 2002 2:48 PM  
To: Coastal Annex Environmental Impact Report  
Subject: ATTN: Kathy Woodbury

After examining the pending MROSD, we believe that it is defective, contains errors and omissions, contains known falsehoods, and is misleading and biased. For these reasons we demand that it be rejected.

P-56-1

Richard D. Wassall II & Alyce B. Wassall

P. O. Box 370443/1385 Le Conte Avenue

Montara, CA 94037-0443

-----  
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Yahoo! Finance - Get real-time stock quotes

August 30, 2002

Kathy Woodbury  
Planning Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Re: Draft EIR for the San Mateo Coastal Annexation

Dear Kathy,

Thank you for the opportunity to comment on the San Mateo Coastal Annexation Draft EIR. This annexation effort is tremendously important to the long-term health and vitality of our coastal environs. The District's annexation would provide the opportunity to identify the most significant natural resource and recreational areas and move towards their permanent protection.

P-57-1

As a result of development activity, creeks and other sensitive habitat have been adversely affected over time from timber harvesting, grading and the introduction of impervious surface areas. The DEIR should look at the District's opportunity to provide connections with existing preserves in the upper coastal watersheds and to provide broader protection of coastal watersheds. The cumulative effects to the environment of possible open space acquisition in these watersheds should be discussed in regards to less timber harvesting and development.

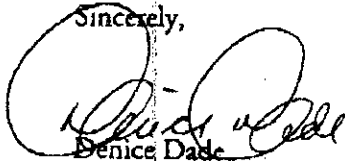
P-57-2

The DEIR should also incorporate a discussion of the District's Resource Management Five Year Strategic Plan. The DEIR should describe the important components of this plan and how these components specifically relate to the coastal annexation.

P-57-3

Thank you again for the opportunity to comment on this important process. As an active community member, I look forward to the Final EIR and the next steps towards annexation.

Sincerely,



Denise Dade  
307 Hillside Drive  
Woodside, CA 94062

August 30, 2002

AUG30 02 4:32P

Ms. Cathy Woodbury  
Midpeninsula Regional Open Space District  
330 Distal Circle  
Los Altos, CA 94022-1404

Re: Comments on the "San Mateo Coastal Annexation 'Draft Environmental Impact Report'" (initial circulation beginning 6/13/02; State Clearinghouse No.   ?  )

Dear Ms. Woodbury:

"Brief" general comments on the California Environmental Quality Act (CEQA) compliance process will be followed by a discussion of the nature and level of analysis required under this Act of the conceivable significant environmental impacts of the proposed project (MROSD's annexation of Coastal San Mateo County; "the project"). This discussion will be followed by examination of the project's 'Draft Environmental Impact Report' (hereafter "the/this EIR") which will specify its errors and deficiencies with particular focus on the inadequacy of the project description and noncompliance with procedural aspects of CEQA resulting in less than adequate disclosure and complete analysis of foreseeable environmental impacts relating to the project. Comment on the "Fiscal Analysis" of the project circulated along with the EIR is deferred; comments on the circulated draft "Willing Seller Ordinance" and related matters are not deferred as this ordinance is incorporated into the EIR "as an agricultural impact mitigation measure".

The "Headnote" of the Appellate Court decision (*Planning & Conservation League v. Dept. of Water Resources*; 83 Cal.App.4th 892 [2000]) affirming a challenge to the certification of an EIR states regarding the contents and sufficiency of an adequate EIR: *Both the mandate and the mechanism of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) are carefully crafted and well ingrained into the law of this state. The environmental impact report (EIR), with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decisionmaking process to public scrutiny. The EIR is the heart of CEQA, an environmental alarm bell, and a document of accountability. Whenever a project may have a significant and adverse physical effect on the environment, an EIR must be prepared and certified (Pub. Resources Code, § 21100, subd. (a)). An EIR provides the public and responsible government agencies with detailed information on the potential environmental consequences on an agency's proposed decision. The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity (emphasis added) if based upon an EIR that does not provide the decision makers, and the public, with the information about the project that is required by CEQA. The error is prejudicial if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process. CEQA's EIR process protects not only the environment but also informed self-government. CEQA assigns primacy to the protection of the environment; EIRs not only inform decision makers and the public of projects' significant environmental effects and ways to reduce them but they also inform the citizenry as to whether the environment is actually being protected and may provide bases for political accountability through disclosing the environmental priorities and values held by elected and appointed officials associated with their crafting, certification or implied acceptance.*

The EIR prepared for MROSD's annexation establishes abuses of discretion resulting from not proceeding in a manner required by CEQA and by not engaging in a good faith effort to fully disclose/describe the proposed project and/or disclose relevant information relating to its significant individual and cumulative environmental impact(s) that may not be mitigable. That a/the project has unmitigable significant environmental impacts/effects does

not in itself preclude its approval; under CEQA what is sought to be precluded is ignorance of the environmental consequences when planning and approving an action or a project of any nature. Although CEQA allows a fair amount of latitude, dictated by reason, in just how the environmental impact(s) assessment for any particular project is accomplished; there are, however, certain procedural and substantive process requirements designed to insure unbiased and full disclosure that must be fulfilled for a "Lead Agency" to insulate an EIR from being deemed a "nullity" (uncertifiable under CEQA) upon review by the Judiciary.

PROCEDURAL ERROR AND INADEQUACIES OF THE EIR:

- o Lead Agency Determination:

MROSD ("the District") under CEQA requirements is the/a "responsible agency" and is inappropriately designated as the "lead agency" for the project; LAFCo is the "lead agency" and as such is the agency that is required to oversee the preparation and certify the EIR as complete. The District argues that it is the "lead agency" for the project since "its' decision as to whether to request LAFCo's approval of annexation is the first decision to be made regarding the project". "Lead agency" is not determined by which agency first envisions or delineates a project; "'Lead Agency' means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment" (Public Resources Code Section 21067; emphasis added). If, as the District is wont to claim, the annexation project "is just about moving a line on a map" then it should be clear that the District does not have the authority to change its own service boundaries otherwise there would be no need for its Application to LAFCo for this purpose; in this instance the San Mateo LAFCo alone has this authority and is therefore under CEQA the appropriately designated "lead agency". The "lead agency" is that agency which has the ultimate responsibility and power to say if the project happens or not; although the District is the proponent and eventual "constructor" of the project and would be in fact the "lead agency" for other/ensuing projects in the annexation area if the proposed project is approved by LAFCo, it has not been properly designated or has improperly designated itself the "lead agency" for the project of the subject EIR.

LAFCo can not delegate its "lead agency" responsibilities under CEQA. The District as the project's proponent may be designated the actual preparer of the EIR for the project, but LAFCo has the responsibility and as the lead agency the only authority to certify it as complete and adequate and is required to be involved in its preparation. Proper designation of "lead agency" is necessary to insure that a proposed project is subjected to unbiased, independent analysis of its environmental setting and impacts; the EIR (the current draft) for the project is a case in point. The District's assuming the role of the "lead agency" has resulted in the EIR containing prejudicial error, with previously identified significant mitigable and unmitigable impacts being omitted leading to inadequate analyses of alternatives (including the no project alternative) and skirting a principle purpose of a "Program EIR" - the opportunity for timely and credible cumulative impact analyses. Given that, to an all to large part, the project is vaguely described by broad "guiding" policies/"principles" that may shape the District's activities in the annexation area if LAFCo approves its application; given that LAFCo's expertise is in existing local plans and policies: LAFCo is also the logical lead agency to determine/know if the District's project/policies are in fact compatible with in place policies and plans directed at protecting this County's deliberatively determined environmental values and priorities. What may be viewed as mere technical procedural violation becomes problematic with respect to CEQA compliance when it results in a skewed environmental analysis lacking objectivity and a "good faith effort at full disclosure" of the project's impacts. (Planning & Conservation League v. Dept. of Water Resources, 83 Cal.App.4th 892 [Sept. 2000])

P-58-1

- o Misrepresentation (misleading characterization) of the nature and scope of a "Program EIR":

Contrary to that which is implied in your and Ms. Schectman's "written recommendations" to the District's Board on 6/12/02 and also intimated throughout the EIR: Under a "Program EIR" the environmental analysis of specific components of the project are not as a matter of course put off until such time as the actual development of site-specific projects are considered. In the "recommendations" of 6/12/02 it is stated: "Analysis of the potential for environmental impact takes into account the guiding principles of the *Draft Service Plan* that would govern site-specific planning and implementation. These policies and guidelines, along with the mitigation measures in the Program EIR, would avoid or minimize the environmental effects associated with future implementation of projects that could potentially result from the annexation. Under CEQA, the District will still be required to undertake an environmental evaluation of subsequent site-specific projects as they are proposed, and determine what additional environmental documentation and review are necessary." (emphasis added) For those who are critical of the project's (as "described" in the *Draft Service Plan*) lack of conservation coherence and specificity (like how much of the proposed 11,800 acres will be acquired for the preservation of agriculture and how much for "low intensity" recreation) and find it therefore difficult to assay the project for environmental benefits or impacts these words may be comforting - they should not be. A project (and this project even with all its conceivable permutations resulting in various and vast consequences to the environment is under CEQA "a project") that is found appropriately considered and certified under a "Program EIR" is actually insulated/exempted by CEQA from further environmental review unless it is determined that the project has changed substantially or there are significant environmental impacts that site-specific projects would have that were not addressed in "Program EIR" (Public Resources Code, § 21166). In the above "recommendation" to the District where it states "Under CEQA, the District will still be required to undertake an environmental evaluation . . ." given that the project has been scrutinized via a "Program EIR", the further scrutiny that is in fact required is only that required by the insertion of 'may' where 'will' occurs.

P-58-2

The selection and use by the District of a "Program EIR" for analysis of the environmental impacts of the project in effect, once the EIR is certified, essentially gives the District something very close to environmental carte blanche regarding its operations within the annexation area - it can do whatever it wants, via Negative Declaration(s) without anymore extensive environmental review as "site-specific projects are proposed". The only recourse anyone would have with objection to any perceived impacts resulting from this environmental free reign may be limited to the courts - whether there is further good faith environmental assessment is otherwise at the sole discretion of the District. The District's remarks regarding the nature and scope of both the project and the environmental assessment involved in a "Program EIR" and the EIR to the extent that they mislead and disarm(ed) timely and exhaustive environmental assessment (particularly of cumulative effects) and the consideration of alternatives undermines any finding of the adequacy and sufficiency of the EIR.

For the EIR to obtain the above indicated procedural benefits CEQA accorded to a "Program EIR" it must before certification identify all the major components of the project and seriously engage in the analysis of their environmental impacts including within reason their secondary and long range environmental impacts associated with implementation of the project. The cumulative and alternatives analysis can not be put off to a later date. That the EIR dismisses such analysis with, paraphrasing: "We have demonstrated that the conceivable environmental impacts from implementing the separate components of the project (of those we have considered significant) all can be mitigated to less than significance; since there is absolutely no identified environmental impact that has not been reduced to insignificance there would be no (couldn't be any) cumulative impact and we have no obligation to inquire into alternatives that would reduce environmental impacts of the project since there aren't any - we would just be wasting everyone's time." The argument is of course fatuous if only those impacts that are in fact mitigable are identified and the cumulative impact(s) of the implementation of the project's various identified components is/are ignored. The EIR asserts

P-58-3

that trails can be constructed so that the agricultural potential of lands they traverse are protected (more on this subject below) and that trail impacts on biological resources can be mitigated to insignificance; however, there is no analysis of the short term or cumulative impacts on agriculture of the combined project's trail and natural resources protection components. What are the cumulative consequences of superimposing a recreational trail grid over a planned agricultural district not just over this or that land but over the whole area? What are the consequences to agriculture of superimposing this grid **and** the implementation of "Implementation Action G.3.A.(i); On a case-by-case basis, the District shall determine how best to continue agricultural uses consistent with protection of rare and endangered plant and animal species and their habitat"? Are the combined cumulative effects of the conservation antinomies embedded in the project description going to have the same cumulative effect on agriculture within the annexation area as their resolution in the Districts current polices have had on agriculture within its present boundary (i.e.; for all intents and purposes, liquidation in favor of "natural resource protection" and availability of recreational opportunities)? What mitigation measure(s) in the EIR address this potentially significant cumulative impact of the project? The one relating to eminent domain (Mitigation AGR-1c)? How? The cumulative impact(s) to a project along with credible analysis of alternatives or mitigation that avoid or reduce them can not be avoided in a "Program EIR" for a project that could conceivably have area wide environmental consequences - it must be embraced.

P-58-4

*A program EIR is designed to "(1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action, [¶] (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis, [¶] (3) Avoid duplicative reconsideration of basic policy considerations, [¶] (4) Allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, [and] [¶] (5) Allow reduction in paperwork." (CEQA Guidelines, § 15168, subd. (b).) Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency; 82 Cal.App.4th 511 (p. 531)*

COMMENTS ON THE SUBSTANTIVE JUDGMENTS AND ANALYSIS OF THE EIR:

- o Multiple and inadequate description of the project:

Mr. Miller, of 2M Associates, was the first to assert that "annexation itself has no environmental impacts". In your communication to the District's Board on 6/12/02 you and Ms.Schectman state: "The act of annexation is a legal and administrative change to the District's boundary and does not itself produce an environmental effect." Subsequently the District's Public Affairs spokesperson is reported in the Half Moon Bay Review to have opined that annexation was just a "metaphysical" act of moving lines on a map and this was repeated by the District's General Manager at its Board Meeting on 7/31/02. These are damaging comments not only to full CEQA analysis and its prescribed informed public participation, but may in themselves be sufficient to overturn a certification of the EIR by the District acting as the "lead agency". There can be no question that LAFCo would not have the same opinion of the consequence of its approval of the District's proposed Application.

P-58-5

The District can not have it both ways: It can not both say that annexation is really about nothing but if it happens it'll be able to bring "benefits" to the coast such as "low-intensity recreation opportunities--regional hiking trail links, such as Skyline to the Sea Trail". The District's characterization of annexation as nothing but a mapping exercise exacerbates its CEQA difficulties not only through hijacking informed public participation but by reinforcing the charge that the project is inadequately described thus not allowing full environmental disclosure.

The first paragraphs of both the EIR's Summary and Introduction states "The District proposes to extend its boundaries to include the majority of the San Mateo Count coastside .

. . . in order to acquire and manage land and easements for the preservation of open space and agriculture, and the protection of sensitive resources". A preponderance of the impacts analyzed in the EIR relate to the District's proposed recreational developments within the Annexation Area following annexation. The District has recently reported that its expectation that 80% of its land acquisitions after annexation "will come from POST". These comments, along with the overriding impact focus of the EIR, reinforce the nebulosity of the project in that POST's President wrote the District's Board, towards the end of the Coastal Advisory Committee meetings, on Nov. 8, 1999: Speaking of POST; "Most of the rural land we acquire will not become either parks or open space preserves. Instead we plan to protect these lands with conservation easements, and resell them once permanently protected, to private owners, carving out where appropriate, trail corridors, beach accessways, and other low intensity recreational uses. A simple example of this type of project is the former Cowell Ranch, now owned and farmed by Aldo Giusti. We also see POST as continuing to hold, monitor and enforce the conservation easements on protected lands. What we hop for is that the Open Space District would manage recreational uses on these private lands, and take title to lands that belong in public ownership to be operated as open space preserves. (all emphases added) **We have not and do not advocate ownership by the District, or any other governmental agency, of lands which will be kept in private use. We also do not advocate ownership by the District of conservation easements over these lands.**" If this communication continues to reflect POST's intentions vis-a-vis the District-regarding conveyance of its holdings it reveals that the District may be essentially limited to delivering the same services in the Annexation Area that it currently provides within its service boundary - recreation and natural preserve management not "agricultural preservation services" as indicated in a District's recent mailer entitled "COASTAL ANNEXATION PROGRAM: KEY FACTS".

P-58-5

The problem that the vague and free floating description of the project poses for the District under CEQA is that the reassurance that anything close to full disclosure of actual environmental impacts is unattainable. If the project encompasses the removal of 80% of the targeted 11,800 acres of predominately agriculturally designated lands into "nature preserves" and recreational uses that is one project; if it is going to primarily preserve these acquisitions for agriculture that is another and the environmental/agricultural impacts are conceivably cumulatively as different as night and day. Ultimately for conservation/environmental assessment and CEQA compliance this is the EIR's biggest weakness and greatest vulnerability. That the project's description, couched in "guiding principles", allows for (is) the implementation of either of these environmentally disparate scenarios (or/and countless others) demonstrates both an inadequate project description for CEQA analysis as well as for competent land planning decision making.

- o Agricultural impact assessment:

The District asserts that the project and "the annexation process" is "governed" by Cortese-Knox-Hertzberg, the Local Government Reorganization Act of 2000. This is the project's basic weakness - it reveals that the District's actual regard for agriculture and agricultural land preservation is no greater than that of a sewer district. The EIR asserts (page III-1) that the changes enacted in this Act actually "strengthened" LAFCo policies to protect agriculture. This is false. This Act actually removed "(f) Land which is used to maintain livestock for commercial purposes" from that which was designated as "prime agricultural land" under its predecessor Cortese-Knox of 1985 - the 2000 changes removed 45,000± acres, 80-85% of the agricultural acreage within the proposed Coastal Annexation Area from that which was previously considered "prime" for urban planning purposes. This did not effect the District's "Service Plan" definition of 'Prime Agricultural Land' in that its definition was taken from the Williamson Act which was identical to that Cortese-Knox (1985) except it did not include this ranchland acreage under "prime land"; and the current Draft Service Plan has adopted the new Act's definition which now not only excludes this

P-58-6

45,000 acres but other acreage that was previously considered as prime but for which irrigation is no longer feasible. The first versions of the "Service Plans" regard for agricultural relating to urban planning purposes was actually initially less than that required of a sewer district.

The District's Service Plan's definition of 'prime agricultural land' is important in that in the EIR the measures proposed to mitigate the identified significant impacts of trails on agricultural lands apply only to those designated as "prime"; trail impacts to other agricultural lands, by omission are deemed insignificant in the EIR [Actually if land is not in current use "for the purpose of producing an agriculture commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program", under the Service Plan's definition, it is not even considered 'agricultural land'. The District's Staff was asked if land enrolled under the Williamson Act was considered "enrolled in an agricultural subsidy or set-aside program" and after some hesitation it was "thought it might be so considered". Given that Williamson Act is actually a "subsidization" of urbans desire to prevent sprawl and prevent the conversion of open space lands to residential uses and it is not generally considered an "agriculture/farm subsidy program"; the extent of District's true regard as expressed in the Service Plan on close reading for agricultural land preservation shrinks even further and is very limited indeed.] There is no question that the District's regard for the impact of trails to agricultural lands is aberrantly limited.

P-58-6

The impact(s) of the trails component of the project receive truncated analysis and inadequate mitigation in the EIR. Conceivable impacts to biological resources are fairly comprehensively assayed and addressed - proposed mitigations of these resources dance all around the "Design Guide" admonition (included in the 2001 San Mateo County Trails Plan) which is recommended for inclusion as an explicit Mitigation Measure in the EIR: "Conflicts between trail alignment and resource protection shall be decided in favor of resource protection". This is also the principle incorporated in the Trails Plan's Program EIR (State Clearinghouse No. 9505371) Mitigation Measure that was submitted to the Planning Commission as to how to address conflict/impacts (specific and cumulative) arising from trail construction across all agricultural lands within a "Planned Agricultural District". That Mitigation Measure states: *Proposed trails shall either be located to avoid prime agricultural lands and lands designated as suitable for agriculture in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of these lands. Operators of active agricultural activities shall be consulted to identify appropriate routes on lands they cultivate. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impact by means of distance, physical barriers (sturdy fences) or other non-disruptive methods* (emphasis added). [This language was constricted however subsequently within the actual Trail Plan's policy crafted to capture the intent of this mitigation measure so as to apply only to "prime lands designated as suitable for agriculture emphasis added". If you don't think you understand the difference or degree of constriction you might consider an inquiry of 2M Associates - the head of your annexation team and presumably your 'author'ity on impacts of trails on agriculture; also an author of the Service Plan (2000); co-author of its/the EIR (2002); and contemporaneously co-author of both the 2001 San Mateo County Trails Plan [within which this constricted and aberrant regard for breakfast, lunch and dinner now resides] and its EIR (1999).

P-58-7

The above Mitigation Measure language allows for public access across agricultural lands such as the Cowell Ranch Access which takes the pressure off agricultural. What Mr. Kozak in his remarks on the Trails Plan Draft EIR found of concern ("I have concern about the potential problems in interfacing public trails and Agricultural areas - Health Hazards would be just one aspect of this issue. (¶) . . . Increased vehicle, pedestrian, horse and bicycle traffic in agricultural areas could be disruptive to certain farming operations and . . . (¶) The EIR should establish a set of guidelines for the trail-agricultural relationship possibly by working with the County Agricultural Advisory Committee and/or the SMCo Farm



Bureau") was alarmingly unaddressed in the final circulated Draft and the matter was taken up with the Planning Commission in particular to address the cumulative environmental impact of superimposing a recreational grid over a planned agricultural district. Leaving aside the arguments, the Commission received and approved (with it subsequently also receiving specific approval by the County Board of Supervisors and is incorporated in the certified County Trails Plan EIR). The above Mitigation Measure language was intended to keep recreational associated pressures/activities from being unnecessarily or recklessly foisted onto agricultural lands/operations with indifference to consequences to agricultural viability, security, and productivity; and to conform with the County's Local Coastal Plan Policies relating to agriculture protection and recreational compatibility.

Some of this language is now found in Mitigation AGL-3c that seeks to address only specific impacts to lands that are of utmost concern under CEQA. Under CEQA it is also necessary to be concerned with the cumulative impacts of trails or any other aspect of a proposed project on local plans and policies it is therefore recommended that the following language be substituted for AGL-3c: *Trails shall either be located to avoid prime agricultural lands and lands designated as suitable for agriculture or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of these lands. The routes over all agriculturally designated lands shall be developed in consultation with and the approval of the SMCo Agricultural Advisory Committee. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes that protect agricultural resource use, utility and value; operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on their land's agricultural resource value, use, or utility. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (sturdy fences) or other non-disruptive methods.* Mitigation Measure AGR-1b should be revised accordingly.

P-58-7

P-58-8

Mitigation Measure AGR-1c relating to eminent domain should be deleted. An EIR is not the place to resolve public controversy; an EIR focuses, by law, on assessment of the physical effects of a project on the environment. Mitigation measures are appropriate when a significant adverse effect can be by addressed by the implementation of certain remedial action(s). Since the use of eminent domain is not a part of the project no significant physical impact of the project is actually mitigated by AGR-1c. If this impact mitigation measure is not deleted than the significant effect(s) it is mitigating must be indicated otherwise it can be concluded that there is/are significant undisclosed impact(s) of the project to agriculture that are not disclosed (and consequently there is no way of knowing if the impact has been fully mitigated).

P-58-9

The Notice Of Preparation indicated that, as then scoped, the project would have no significant impacts on agriculture. Your agricultural impact consultant should be referenced in that the EIR now asserts that there are potentially multiple significant impacts which are all mitigable below significance. Further, what is the basis for the conclusion found in Mitigation AGL-3a that appropriately fenced trails do not fragment grazing lands both agriculturally and as a natural resource. On what authority does the EIR's implied conclusion that fragmentation of agricultural land is the only conceivable impact from trail exposure? Is the Planning Dept. of San Fransico (in comments relating to proposed trail plan routing through their watershed management area) out to lunch when they suggest that the potential for off trail use, trespassing, increased risk for fire, vandalism should be considered - they didn't mention dogs, hoof and mouth disease, hardware poisoning, etc..

P-58-10

The EIR is conclusionary and not persuasive that agriculture is more compatible with adjacent "nature preserves" than adjacent residential development. It is conclusionary that natural resource protection is better accomplished through "nature preserves" with low-impact recreation rather than low-impact residential development. The EIR is not persuasive that the impact on agriculture of multiple nature preserves removing lands suitable for

agriculture permanently from agricultural into recreational production does not have as great an impact environmentally as residential development would if not a great deal more - the loss of critical mass, vital agricultural economy, is the same (maybe a lot less) the impacts to agriculturally adjacent may be more (maybe a lot more), more traffic.

P-58-10

- o Regarding the "Willing Seller Ordinance":

I do not hold that any policy, ordinance, law relating to use of eminent domain can be made permanent - the dead can not govern the living. All that the current Board can do is state and fix/codify as firmly as possible the District's intention not to use it should annexation occur within the annexation area. The Constitution itself (clearly the basic law of the land is) not permanent; in the words of Jefferson: "The idea that the earth belongs to the dead, and not the living, is most absurd." I do think that the proposed ordinance can go a bit further in establishing and solidifying/hardening the District's resolve by a few changes and adding the conservation rationale that instructs future Boards and generations as to why you are relinquishing this power of dubious and counter-productive merit. I therefore urge the insertion of the following recital into the Ordinance:

*WHEREAS, the District recognizes and holds it to be self evident: In order to advance the highest level of environmental stewardship and preservation of the open space resources within the Coastal Annexation Area that the District must collaborate to that end on a free and equitable basis with its resident and their respective communities; further, given the vastness of the Coastal Annexation Area, its widely dispersed population and the complexity of the task, any Area wide effort to conserve resources requires that the District must necessarily participate in and engender a sense of collective responsibility. The District recognizes the counter-productivity, the manifest and potential divisiveness generated by its having and exercising the power of eminent domain within the Coastal Annexation Area; the Midpeninsula Regional Open Space District does hereby agree (and through the approval of its LAFCo application to extend its service boundaries to include the Coastal Annexation Area) and does covenant with the residents of the Coastal Annexation Area singularly and collectively to never utilize or seek the right to use the power of eminent domain within the Coastal Annexation Area.*

P-58-11

I urge the additional changes in the Ordinance (word additions/changes indicated in bold type and language urged to be struck lined):

*WHEREAS, it was the recommendation of the District's Coastal Advisory Committee that the District adopt a policy **permanently** prohibiting the use of eminent domain to acquire . . .*

*WHEREAS, it is the desire of the Board of Directors to further demonstrate its commitment to a prohibition of the use of eminent domain to acquire property . . . , and CEQA Document by adoption and publication . . . setting out its intent that this be a permanent ~~(rule of conduct)~~ **policy and ordinance** of the Midpeninsula Regional Open Space District.*

I urge Section 2 be changed to read:

*The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property within the territory described in Section 1; further, the Midpeninsula Regional Open Space District shall not acquire any real property or any interest in real property or extend any management or other services to real property that has been so acquired bay any*

*other entity through the exercise of the power of eminent domain.*

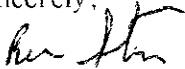
I urge that the recital relating to CEQA be removed from the Ordinance. I also urge that relinquishment of eminent domain not be referred to as a "Guiding Principle" in the Service Plan - a principle can not be compromised. The conservation principle is what informed/prescribed its relinquishment and that is what ought to be prominently placed in the Service Plan as a guiding principle - a policy however declaring that the eminent domain is prohibited in the annexation area is appropriate.

**P-58-11**

In order to get these comments to you before the already extended deadline, I am terminating these comments without engaging the subject of alternatives that ameliorate adverse environmental impacts conceivable resulting from the proposed project and alternatively appropriately engage both the near and long term resource conservation challenges facing the Coastal Annexation Area. I am up both against the clock and my own pessimism at the moment in that I don't think there is much hope for the future when those who have reaped such bounty from free enterprise dismiss the potential of a free and enlightened citizenry acting in democratic community when it comes to the conservation and salvage of an environmentally sustainable future; who think that literally throwing indispensable resources at the acquisition of more "recreation and parks" is actually environmentally commendable when similar existing facilities within the coastal area are near destitute. Alternative analysis is deferred, it isn't exactly timely anyway until revisions in the project are genuinely entertained.

**P-58-12**

Sincerely,



Ron Sturgeon

cc: San Mateo County LAFCo  
State Office of Planning and Research  
State Clearinghouse  
San Mateo County Board of Supervisors

From: marianne@southcoast.net
Sent: Friday, August 30, 2002 9:23 AM
To: Coastal Annex Environmental Impact Report; Openspace.org
Subject: Coastside Update Question

Form information follows

\*\*\*\*\*Subject = Coastside Comments

first name = Marianne
last name = Conner
email = marianne@southcoast.net
street address = 410 Wurr Road
city = Loma Mar
state = CA
zip = 94021

home phone =

office phone =

message = The residents have already voted against this annexation, but once again the wishes of those

who are most effected by the annexation are ignored.

We choose to live here in the southcoast because of its beauty and serenity, despite the disadvantages caused by

its geographic isolation. We are willing to share it but we should not be faced with the risk

and fear of not being able to continue to live here and making it further impossible for our children to live here.

I am opposed to the annexation for the same reasons as expressed by other southcoast residents:

REASONS FOR OPPOSITION TO SOUTH COAST ANNEXATION BY THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (MROSD)

ANNEXATION WITHOUT REPRESENTATION

- The 1998 advisory vote showed a majority of South Coast voters opposed to annexation.
- All 13 elected members of the Pescadero Municipal Advisory Council are opposed to the annexation.
- There would be no direct coastal representative on the MROSD Board, despite the fact that the proposed annexation area is approximately three times the area currently being managed by the District.

P-59-1

NEGATIVE EFFECTS ON FARMERS AND HOME OWNERS

- Agricultural lands -- with low-cost housing -- would be subject to purchase. Once designated as "open space" these lands and housing units could be closed to local use.
- The negative impact on property tax revenues would drain funds from our roads, schools, and other county-provided services.
- There would be a potential greater risk of fire in the dry season due to the increased number of visitors, lack of plans for fire mitigation, and poor vegetation/fuel management practices.
- Annexation and acquisition of more open space could have a negative impact on private parcels which have existed for many decades -- Private home owners could be required to provide public access to acquired lands.

P-59-2

P-59-3

P-59-4

P-59-5

ADEQUATE RECREATIONAL SPACE ALREADY EXISTS

- There are already numerous state and county areas for recreation on the South Coast, including parks, beaches, and other open space preserves.
- POST recently acquired thousands of acres of South Coast lands.
- MROSD is an Urban/Suburban agency. They have no experience in managing large parcels of rural, agricultural lands.

P-59-6

NO PERCEIVED BENEFITS FOR SOUTH COAST RESIDENTS

- MROSD cannot help us solve our major problems: Flooding, lack of affordable housing, lack of infrastructure services such as public toilets, trash removal, etc.

P-59-7

- Numerous restrictions on development already exist related to the Coastal Act, LCP, the Williamson Act, FEMA, and the county's proposed limitations on house sizes in the coastal zone. The South Coast is NOT in danger of becoming over-developed.

P-59-8

- The MROSD's Draft Service Plan and EIR do not provide any specifics of implementation or funding.

P-59-9

- Annexation and turning more productive lands into "protected" open space could have a serious detrimental impact on our population, possibly resulting in the closure of schools or increasingly inadequate school facilities.

P-59-10

Submit = Send

\*\*\*\*\*

Cathy Woodbury

---

From: fogline [fogline@southcoast.net]  
Sent: Friday, August 30, 2002 9:25 AM  
To: Coastal Annex Environmental Impact Report  
Cc: fogline@southcoast.net  
Subject: eir atten kathywoodbury

I find your Draft Eir lacking in depth and details. Please answer these questions

- 1. Would MROSD acquire property through the use of someone else's power of Eminent Domain | P-60-1
- 2. Will MROSD continue to ignore hazardous waste problems on MROSD property, and wait for someone else's money and efforts to solve the problem ( like Mount Umunham) | P-60-2
- 3. Will MROSD continue to ignore the advisory vote in the rural area south of Half Moon Bay, and proceed with annexation against the wishes of the South Coast voters | P-60-3
- 4. Is there a legal/ethical question to MROSD making deals to purchase property outside of it's boundaries prior to any annexation | P-60-4
- 5. What property does MROSD plan to acquire/manage North of Hiway 92 | P-60-5
- 6. According to Craig Britton, MROSD currently has over 1,000,000 visitors a year to existing preserves, would adding 11,800 acres in the rural Southcoast add visitors in the same proportions, to the Southcoasts already overloaded roads. My forecast, using Craig Britton's numbers is that the Southcoast could expect another 250,000 to 300,000 visitors a year. This hardly seems "less than significant". | P-60-6

Please reply in writing with answers to these questions and acknowledge receipt of this communication.

Thank you, Geoff Allen  
P.O. Box 2  
Pescadero, Ca, 94060  
fogline@southcoast.net

Dear Ms. Woodbury,

Thank-you for the opportunity to respond to the San Mateo Coastal Annexation Draft Environmental Impact Report. I wish to identify myself at the outset as an environmentalist. Not by profession but by choice.

Allowing that the EIR is after all a " draft ", I suppose some slack should be allowed that it is not a particularly impressive document except for its' bulk. Much of it seems to be a compilation of information that has been in use for a long time leaving the impression of having been put hastily together.

With all due respect for those of your association who are sincere environmentalists, I am of the opinion that we have reached here a stage of " corporate environmentalism " where concepts that " sound good " to the masses may end up " doing harm." Let me tell you that the draft EIR already reads and feels threatening to this resident of the proposed Annexation area.

The use of the term " willing seller " is an odd term given that there are myriad ways to make landowners willing to sell. To me it sounds more ominous than " eminent domain."

In the EIR Draft " Significance Criteria " has been responded to repeatedly with " less than significant impact." It has never been " anything less than significant " when the flavor and originality of small communities are altered. It is fiction to think that these close knit small communities will retain their character!

I am concerned that there may be a large existing faction of voters who wishes all these changes in order to bring more people to the coastside for commercial reasons.

It is more than insulting to assume that another agency needs to take over the stewardship of our coastside lands. Especially an agency that has no agricultural experience and wants to partner with existing mis-managed, under staffed and poorly funded National, State and County Government Park and Recreational Agencies.

At the very least could it be expected that these agencies put their lands in order before attempting to take over more areas?

Rural America is loosing it's identity! Are we really going to amaze the world with our stupidity by erasing all that is unique?

Should agencies be in control?

Given the protection presently in place to implement that the coastside remain undeveloped in perpetuity, it is curious that you are in such haste to grab it.

The Southcoast area has remained for generations a place of wide open spaces, agriculture, public and private recreation, Environmental Education and un-crowded public beaches.

It has communities of persons who cherish the rural character and have a great longing to remain self-determining. This community of diverse human individuals should not be stripped of its' right to continue to preserve the bountiful natural resources.

Please do not ignore that this Coastal Annexation is simply another type of development.

Please enter my voice clearly in opposition to the land takeover of the San Mateo Coastal Annexation by MROSD.

Thank-you,

Petrea Hamor, PO Box733, Pescadero, CA 94060

P-61-1

From: toni danzig [tonid@southcoast.net]  
Sent: Friday, August 30, 2002 11:35 AM  
To: Coastal Annex Environmental Impact Report  
Subject: Draft EIR for Coastal Annexation

August 30, 2002

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022  
Attn: Ms. Cathy Woodbury

RE: MROSD Coastal Annexation

Thank you for the opportunity to comment on the Draft Environmental Impact Report dated June 2002.

As a restoration ecologist and biologist, as well as long-time resident of the coast, I have been very enthusiastic regarding the prospect of the annexation of MROSD to the coastal area. I worked very hard to see that Measure F was passed and I was also a member of the Coastal Advisory Committee for the 19 months that it was active.

The primary motive for my involvement in this issue is my concern for the rapidly diminishing habitat on the coast and the intensive pressures on biological diversity. As the Draft EIR points out, the coastal lands "harbor an abundance of biological resources". An "abundance attributed to the interaction of climate, topography, soils and the limited development that has occurred in the area". The annexation of coastal areas by MROSD represents a singular opportunity to not only preserve habitats, but to actually enhance them

P-62-1

It is very troublesome that many resources on the coast exhibit signs of severe degradation due to inappropriate practices or a lack of good stewardship. The unwitting victims are wetlands, riparian vegetation, water quality, and viable soils, all of which impact the ability of native plants and wildlife populations to maintain functioning and sustainable communities.



Over the years that I have been aware of and worked with MROSD, I have been impressed with the cautionary approach to acquiring lands either to purchase or to manage. This approach is even more important with coastal lands. The priority should be to establish the current biological value and the potential for enhancing and restoring such amenities as wildlife corridors, watershed systems, and viable biological connections.

Many critics of this annexation have expressed the concern for inviting the public at large to our coastal lands. I admit to having the same concerns but for different reasons. If lands, by mandate, must be opened to the public, it should only be after acceptable and appropriate management plans have been developed and implemented; plans which protect the biological resources.

It is my view that some lands should never be accessible by public traffic other than to monitor and restore them. It is vexing therefore that in Section IV of the Draft EIR all of the discussion is centered around mitigation for trails, landings, parking lots, and either trail alignment, fencing or widening. Even "limited improvements" can have a significant effect when taken cumulatively.

The Draft EIR has made very valuable notations regarding Mitigations, especially Mitigation BIO-2 (Page IV-1-22) and the monitoring recommended in other Mitigations. These recommendations require great attention to continued oversight and constant re-assessment. It is incumbent upon the District to retain and acquire biological staff, as well as contract out for services to maintain this level of stewardship. These costs and obligations must be thoroughly and thoughtfully calculated when considering a property for ownership or easement and for the life of the property.

Again I thank you for the opportunity to comment and look forward to the presence of MROSD on the coast.

Sincerely,

Toni Danzig  
Restoration Ecologist  
P. O. Box 100, Pescadero, CA 94060  
Phone/Fax: (650) 879-1232; email tonid@southcoast.net

**Cathy Woodbury**

---

**From:** H & P Hamor [hph@neteze.com]  
**Sent:** Friday, August 30, 2002 12:14 PM  
**To:** Coastal Annex Environmental Impact Report  
**Subject:** San Mateo Coastal Annexation Draft Environmental Impact Report

August 30, 2002

Cathy Woodbury

Mid-Peninsula Regional Open Space District

330 Distal Circle

Los Altos CA 94022

Dear Ms. Woodbury,

Would you respond in writing to the following concerns that I have about Map 11 and its relationship to the term " Less than Significant Impact " to mitigate " Significance Criteria " related to the safety of the proposed Coastal Annexation area, Residents[year round and seasonal], Visitors and natural resources:

1. Why on map 11 are the CDF and Volunteer firehouses given the same distinction in the Skyline and Southern watersheds? Are they rated the same as response facilities?
2. Why aren't more details given about the firehouses? How many firemen and how much equipment is at each firehouse 24 hours a day, 7 days a week?
3. What are the details of the " contract for emergency services " between CDF and the County of San Mateo?
4. Is it true that only 24 hour 7 days a week primary coverage for the area south of Tunitas Creek to the Santa Cruz/San Mateo County Line of the proposed annexation is at the Pescadero CDF Station?
5. Is it true that a 24 hour, 7day a week, year round staff of only [3] three full time fireman at the Pescadero CDF Station [contracted by San Mateo County] are responsible for over 100,000 acres of watershed which contains [pockets of Ancient Coastal Redwoods and endangered species], thousands of residents [located in permanent residential communities with public service facilities], hundreds of seasonal residents [agriculture, Outdoor Education, Private Recreation and County detention facilities] along with millions of visitors?

P-63-1

6. Is it true that it requires [4] firemen by OSHA's standards to enter a structure?

7. Are the Volunteer Firehouses on Map 11 considered to be reliable by CDF and what are the details of that judgment?

If it is true that only three firemen 24 hours a day, 7 days a week are protecting the area represented by the Skyline and Southern Subareas on Map 17 then it is obvious to me that San Mateo County does not place much value on this part of its' resources, so why is the annexation necessary?

P-63-1

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

**From:** H & P Hamor [hph@neteze.com]  
**Sent:** Friday, August 30, 2002 1:03 PM  
**To:** Coastal Annex Environmental Impact Report  
**Subject:** San Mateo Coastal Annexation Draft Environmental Impact Report

August 30, 2002

Cathy Woodbury

Mid-Peninsula Regional Open Space District

330 Distal Circle

Los Altos CA 94022

Dear Ms. Woodbury,

Would you send in writing a response that would substantiate the following statements about Ranger duties and roads found on page IV-C-6, PSI-3, Less Than Significant Impact, Impact PSI-3?

1. Do you have a map showing the roads mentioned in the following statement: " The Coastal Annexation is covered by an extensive system of roads that would provide access by fire protection vehicles to most areas. "?

P-64-1

2. It is mentioned in paragraph three that District Rangers " would also routinely patrol any newly acquired parcels as a part of this project an average of once a day on weekdays and twice a day on weekends." Can you provide me with copies of records or logs that show this being done on properties presently managed by MROSD?

P-64-2

Additional questions about the above duties:

1. How would this patrolling effect the sedimentation problems of the Coastal Watersheds?

P-64-3

2. If the Rangers respond to emergencies 24 hours a day, [mentioned in paragraph three] and " The proposed project would not generate any residents directly or indirectly because the District is a public agency that acquires and manages open space preserves." [mentioned in paragraph five] where would the Rangers be coming from? How long would it take for them to get there?

P-64-4

Sincerely,

Herb Hamor, PO Box 733, Pescadero, CA 94060

Cathy Woodbury

From: General Account
Sent: Friday, August 30, 2002 1:26 PM
To: Cathy Woodbury
Cc: Craig Britton; Cathy Woodbury; Del Woods; John Escobar; Stephanie Jensen; Sally Thieffoldt; Sue Schectman; John Maciel
Subject: Fw: MROSD insults Cuestains and Board

----- Original Message -----

From: "John" <johnk@southcoast.net>
To: "Lahonda" <LaHonda@yahoogroups.com>; "Open Space District" <mrosd@openspace.org>; <southcoast@yahoogroups.com>
Sent: Friday, August 30, 2002 11:28 AM
Subject: MROSD insults Cuestains and Board

> Greetings,

>
>
> When writing for the net I misspell words all the time but, then again;
> have never considered Email a formal means of communication worthy of
> the time it would take to do a stellar job at it. But, if I was in
> charge of a government agency that was preparing a formal public
> document; be assured that it would be spell checked, edited, reviewed
> again and again until it was pristine. Now I give one of about four
> paragraphs that talks about La Honda in MROSD EIR.

>
> 'Citizens Utility Company is the water provider serving Coastal
> Annexation Area communities north of El Granada. Numerous other mutual
> and private water companies serve the Coastal Annexation Area, including
> the Cesta La Honda Guild, Butano Canyon MutualWater Company, and the
> Loma Mar Mutual Water Company (San Mateo County 1986). Water
> service is limited and the majority of suppliers cannot accommodate a
> significant number of additional service connections. For example,
> Citizens Utility Company currently lacks water
> capacity for additional development (Pacifica, Half Moon Bay, and San
> Mateo County 1998).'

P-65-1

>
> Welcome Cesta La Honda the only thing missing is u? At any rate I find it
> interesting that MROSD considers the Cuesta Guild nothing more then a
> utility and this is the guilds fault. This seems to be the direction
> that the guild has taken since I moved here. Certainly they unwilling to
> enforce the convent and tend to mind their own business unless forced to
> act on a issue. This does mean that all the guild officers are bad, it
> just means that we're really paying too much for water. At this point I
> have to ask did the guild submit comment to MROSD EIR? More so did the
> Guild inform MROSD of the Cuesta La Honda General Plan? Better, does the
> guild have a plan?

>
> Then there's this gem from EIR

>
> 'The San Mateo County Coastside has three small, somewhat isolated rural
> communities designated as "rural service centers" in the San Mateo
> County General Plan. San Gregorio and Pescadero, located just east of
> State Highway 1 in the Coastal zone, provide services to the
> predominantly agricultural and recreational economy of the South Coast.
> La Honda is located in the Santa Cruz Mountains. La Honda is home to
> approximately twice as many permanent residents, many of whom commute to
> jobs in the urban Bayside. La Honda also provides services to employees
> of and visitors to the local park areas and the surrounding timber
> industry (San Mateo County General Plan, Rural Land Use Element, page
> 9.2).'

P-65-2

> Welcome to the La Honda rural service center, how may I help you?  
> Sorry, we haven't offered that service since Venturis closed!  
> You can leave the 'coast side and go to the 'bay side' and seek it.  
> How many tree service companies does it take to create a timber  
> industry? Three, three very small gas powered sawmills use to cut up  
> naturally fallen trees. Well, I do know one true timber. But what's  
> really interesting here is that Pescadero actually has twice the  
> population of La Honda. I think someone was guessing.  
>  
> I guess I expect to much out of government?  
>  
> Have a great weekend.  
>  
> John K  
>  
>  
>  
>

P-65-2

Four comments:

When over 11,000 acres will be purchased, the tax basis will decrease. If the county decides not to have the Williamson Act any longer, then taxes will be increased for those landowners who own 50 acres or more and taxes will also be increased because the county will have lost over 11000 acres in taxes.

Acquisition of this amount of land will make land costs skyrocket even further. Land that has been in families for generations will be lost because of inheritance taxes. This community (West of the Skyline) will become a very exclusive community, which will hurt the economic viability. Or, acquisition of some lands may make neighboring pieces of land fairly worthless if access is affected.

P-66-1

The area south of Half Moon Bay should have been handled as a different area. There are already regulations in place that keep the area pretty much as open space. The owners of the lands are intimately involved and knowledgeable about the management of their lands. If MRSOD purchases vast amounts of acres and are responsible for the stewardship of the land believe two possibilities may occur: There will not be enough funding for the management and the land will be overtaken by flora that will make the lands virtually inaccessible and it will create a huge fire hazard. (Land is not restored or conserved by just leaving it alone)

The second concern is that all this "open space" will be managed by one agency and will be subject to the latest trends in conservation. Many times, unforeseen consequences have occurred even though the intentions have been good.

P-66-2

The last comment is related to the above. The people living in the area south of Half moon Bay and whose land and lives are affected are the "victims" of a imperfect democratic process, therefore, I strongly urge to put this matter to the residents of the area of west of Skyline and south of Half Moon Bay only.

Thank you,  
Marina Stariha  
PO Box 28,  
San Gregorio, Ca  
650-726-4284

Cathy Woodbury

P-67 -

From: Louiemtb@aol.com  
Sent: Friday, August 30, 2002 4:33 PM  
To: Coastal Annex Environmental Impact Report  
Subject: comments on draft eir

Cathy Woodbury:

I have not had the time to review the entire Draft EIR for the San Mateo Coastal Annexation, however I did notice that on page 23 of appendix D, the president of the San Mateo County Resource Conservation District (RCD) was asked by Economics Research Associates (ERA) about the potential impacts of the proposed annexation on the RCD, I am the president of the RCD and was never asked by ERA or any other research firm concerning the impacts of Midpeninsula Regional Open Space District to the RCD. I have to wonder what other items of the EIR are not true. I believe that a through accounting of the EIR would be in order.

P-67-1

Thank you

Louie Figone  
428 Fifth Ave.  
Half Moon Bay, CA 94019  
650-726-2421  
email---louiemtb@aol.com



Cathy Woodbury

P-68

From: Cathy Woodbury  
Sent: Tuesday, September 03, 2002 3:04 PM  
To: Coastal Annex Environmental Impact Report  
Subject: test from Cathy

Cathy Woodbury

From: Bob Mitton [bobmitton@earthlink.net]  
Sent: Friday, August 30, 2002 5:44 PM  
To: Coastal Annex Environmental Impact Report  
Cc: bob@bobmitton.com  
Subject: Comments on Draft EIR

Date: Friday, August 30, 2002

To: MROSD

RE : Comments on San Mateo Coastal Annexation Draft EIR (June 2002)

Thank you for the opportunity to comment on the draft EIR. There has obviously been quite a bit of work put into this effort, and I trust that the comments, concerns and suggestions will be addressed and considered in the same light.

The comments I have fall into several categories

General

Impact on the local communities

Environmental issues

Policies of cooperating agencies

Financial

General

I found the report extensive. A great many pages were devoted to proposin and answering the same questions over and over again. I kept waiting to get to the meat of the discussion, only to find that I had finished the report. If it was the intent to ensure that important information was well hidden, I would say this succeeded. I did however manage to pull out a few facts that I will discuss below, but if this report is indication of the methods that MROSD uses to manage its affairs, it has made a significant negative impact. The number of assertions made with no substantiation or citation of information source throws many, if not all, of the conclusions made into question. If this were a college paper, I venture to say that, at least my professors, would have given it a failing grade on that alone.

P-68-1

Impact on local communities

The list of impacts here is extensive. Let me start with the one that the report considers positive, increased revenue from visitor traffic. If we assume that the reports assertion that there will be minimal traffic to Open Space lands, then it would follow that the percentage of revenue for the community from this traffic will be even less, one would venture to say minimal. So this is truly not a benefit.

P-68-2

However, if MROSD wanted to assert that there was a revenue benefit to the community, then they would have to disagree with the assertion that minimal traffic would occur. Local facilities would be needed to deal with the traffic. What is not considered is that fact that other zoning and regulatory bodies severely limit, if not prohibit, those facilities from

coming into existence, hence creating a burden on the community that outweighs the economic benefit. If MROSD want to help the community, then they need to address how MROSD will help overcome those hurdles.

P-68-2

Further, the discussion of the loss of tax revenue was, in my humble opinion, misguided at best. I will discuss that in more detail below. I will say however, that the loss of housing caused by the purchase and closing of farms and ranches already has created a tremendous burden on the south coast. One estimate has POST controlling approximately 10% of the farm-labor housing in the area. POST has closed or made fallow several of the coastal ranches already. The imminent threat of closing those housing facilities, and turning those farms and ranches fallow will have a lasting negative impact on other agriculture and on the community as a whole. This is anathema to the MROSD stated goal of preserving the coastside way of life.

P-68-3

To quote the Draft EIR "...increased acquisition by the District....may result in a situation where the School District population is not sizeable enough to justify existing schools". Closing schools within this district will have a major negative impact on the community, land values, and way of life. It is in direct opposition to the stated goals of the MROSD and one more reason not to annex the coast.

#### Environmental issues

The Draft EIR reports that CDF will handle fire fighting on MROSD lands. But nowhere is fire suppression addressed. This is a major oversight in the EIR. Relying on the cool foggy climate is not an adequate method of fire suppression. No provision is made for the creation and maintenance of fire roads on the MROSD lands. Further, these roads and trails will create erosion and funding issues that MRSOD will be hard pressed to address.

P-68-4

#### Policies of cooperating agencies

The MROSD's intimate ties with POST as its purchasing arm means POST's methods and policies must be considered when evaluating the Draft EIR. The willing seller proposal and continued farming proposals carry no weight when 80% of the land to be acquired comes from organizations such as POST.

For example, POST closing access to lands purchased. It has been well reported that POST has been erecting fences around previously open land and putting up "No Trespassing Signs". The Draft EIR states that it will take up to 15 years before MROSD open it up again. This can hardly be viewed as "Open Space".

P-68-5

POST has been shutting down farms, the latest being the Guistis on Hwy 1. While Post did not directly shut the farm, they took away his water source, effectively putting 60-70% of his land out of production. There are many other examples of POST removing agricultural land from production. Hence, the MROSD statement that it will keep agricultural land in production does not hold weight, since the POST will have taken it out of production before they pass it on to MROSD.

MROSD and POST are not managing invasive species. To quote the Draft EIR "Noxious plants (e.g. yellow start-thistle) will be controlled along trails and staging areas..." The Yellow Star-thistle is one of the top noxious weed threats to grazing and farming in California. When land is used for grazing or farming, the non-native species are controlled. MROSD and POST, in not adopting a comprehensive mitigation plan are creating a breeding ground for these invasives, threatening wild life and agriculture in the process.

P-68-6

Further, MROSD and POST are not managing non-native animals on their lands, and have been less than amenable to control measures. For example, feral pigs are rampant in the POST properties near Pigeon Point. They are a known threat to humans and can cause severe injury or death. They routinely

venture into populated areas. Pigs can completely excavate large fields, turning over the native grasses and exposing the topsoil below to erosion. This erosion then clogs the streams and threatens the fish habitat. Yet POST refuses to implement any control measures, in direct contrast to their stated goals.

P-68-6

Neither MROSD or POST have mitigation and management plans to prevent increased fuel loads and fire danger. In fact, POST is not managing the land that it currently owns in this regard and has no plans to implement any. If at some point the future MROSD takes over the POST lands, MROSD inherits the problem, but has not planned and budgeted for the mitigation. I can only hope MROSD has a large insurance coverage plan.

P-68-7

#### Financial

The financial analysis was as far as I could tell, all based on the single figure of \$8000/acre acquisition cost. This number was asserted to have come from some analysis of recent purchases. No supporting data was given. \$8000/acre is ludicrous. At a minimum this number in recent times should be \$15,000 to \$25,000/acre. In some cases the number should be as high as \$200K. Based on a more realistic number, it does not appear that MROSD has the financial resources to manage its existing properties, much less any new ones.

#### Opportunity cost of tax loss

The analysis of tax revenue lost, while interesting, was completely inappropriate. An analysis that bases loss on the existing assessment, without taking into account one Prop 13, is embarrassingly flawed - it is only applicable if MROSD and POST do not come to the coast and no property changes hands. Perhaps this is what you are intending. If so, vote no to annexation and move on.

However, if the property does change hands, then the opportunity cost of the sale and resulting tax revenue must be accounted for. A simple calculation of the acreage under management times the more realistic \$15k/ac times the 1.1/1000 tax rate give a tax loss of nearly \$200,000 yearly. The present value of the annuity stream at 7% puts that opportunity cost of acquisition at nearly \$2.6 Million. One could hardly conclude that this is "insignificant" as the Draft EIR does.

P-68-8

#### Staffing levels

The numbers given for staffing levels are arbitrary at best. No basis is given for these assumptions. The salary data and coverage are hence also suspect. The MROSD record of staffing does not portend well to being able to staff at these levels, much less at levels that would be appropriate for an expansion of this size in a much more geographically diverse area than the one MROSD currently attempts to staff.

#### Conclusion

The Draft EIR serves as an exclamation point to the highlight that the MROSD and its cooperating agencies are completely unprepared for an annexation of this magnitude. The analysis is very flawed and the impact on the communities involved is dismissed out of hand. It is fundamentally clear, given this Draft EIR, that MROSD should not move forward with the annexation plans.

MIDPENINSULA REGIONAL OPEN SPACE TRUST 650-691-0485  
ATTN: KATHY WOODBURY

EIR COMMENTS

"The analysis finds that all potential environmental effects are less significant or can be mitigated to less than significant by application of mitigation measures" Quote from MROSD flyer "NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD ON DRAFT ENVIRONMENTAL IMPACT REPORT.

\* We request a written response to our concerns addressed below.

What benefits do MROSD offer the coast when one considers that another open space organization POST has bought much of the agricultural land on the coast and then found itself to be unable to manage those lands? MROSD has stated that it has no experience of and no knowledge of agricultural land management, so why would annexation be a positive thing for coastside residents, if agricultural preservation is part of the overall plan? If this talk of agriculture is purely for the PR benefits then MROSD has nothing to offer.

P-69-1

Why have certain areas on the EIR maps been classified as "urban" when they are in fact "rural"?

If the maps are incorrect then it is obvious that the potential environmental effects will be minimal to an urban area. However rural areas will be strongly impacted and it is of concern that we are being forced to use data that is inaccurate and then being asked to trust MROSD that it can manage us all successfully. Why can we not use accurate data at the start?

P-69-2

We strongly disagree with the EIR as it does not fully address the management of agricultural lands and MROSD has publicly stated that they have no knowledge of the management of said lands. What specific plans does MROSD have in place NOW to manage productive agricultural land?

P-69-3

What is the policy for noxious weed control? How many employees does MROSD intend to hire for noxious weed control? What funding is budgeted for control of noxious weeds?

What is the policy for feral pig control and the associated spread of noxious weeds by these pigs and the detriment to creeks and streams by these pigs? How many employees are aside for feral pig control? What funding is available for control of feral pigs?

P-69-4

How does MROSD intend to manage the lands that it already owns with regard to noxious weeds and feral pigs?

Why would the annexation of more lands cause "less than significant impact" when MROSD cannot effectively manage the lands it already owns? How can MROSD expect to be a "good neighbor" to productive agricultural land which at present is clear of noxious weeds and vermin?

The potential environmental effects of annexation are very significant and MROSD has shown itself to be unable to mitigate the problems it has now. What specific policies for "rural" areas does MROSD have in place?

P-69-4

It is interesting to note that the worst noxious weeds are to be found on publicly held or open space lands and feral pigs are already impacting privately held lands adjacent to open space or public lands. MROSD current feral pig program has shown itself to be expensive and ineffective. What changes are to be made, if any, to this program?

Visitor impact. How many additional employees are to be hired to clean up after the "visitors"?

Where are the public restrooms and facilities going to be on the "rural" lands? If there are to be public restrooms and facilities however low impact, is that not development?

P-69-5

What mitigation measures are in place or going to be in place to address trash, soil compaction, fencing, trail building and the sheer impact of extra humanity on the roads and services already on the coast?

The EIR is either flawed and these points have not been carefully considered or MROSD has paid to have a report that finds the annexation of the coast has little or no significance. On both counts we are presented with a document that is inaccurate and yet we are being asked to accept that flawed information and believe that MROSD will be good for the coast. How will you address these issues and correct these mistakes? How will you apply mitigation measures and what exactly are these mitigation measures if you are looking at maps that have rural areas zoned as urban?

P-69-6

NEIL & ALIX CURRY  
P.O. 830 PESCHERO CA 94060



San Mateo Coastal Annexation Program EIR

## Appendix B

### Proposed Willing Seller Ordinance

Midpeninsula Regional Open Space District  
May 2003

~~DRAFT~~  
ORDINANCE NO. \_\_\_\_

ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
PROHIBITING THE ACQUISITION OF PROPERTY  
BY EMINENT DOMAIN WITHIN SPECIFIED AREAS

ADOPTED \_\_\_\_, ~~2002-2003~~

WHEREAS, it is the desire of the Board of Directors of the Midpeninsula Regional Open Space District to submit a Resolution of Application to the San Mateo County Local Agency Formation Commission for the expansion of the District's boundaries to include the San Mateo County Coast in order to preserve open space and agricultural lands; and

WHEREAS, it was the recommendation of the District's Coastal Advisory Committee that the District adopt a policy prohibiting the use of eminent domain to acquire property on the San Mateo County Coast and that property be acquired from willing sellers only; and

WHEREAS, the District's Board of Directors agrees with the recommendation of the Coastal Advisory Committee and desires to adopt such a policy prohibiting the use of eminent domain on the San Mateo County Coast; and

WHEREAS, some Coastside residents have signed a petition asking the Board of Directors to "pledge to permanently remove eminent domain from its policies in the proposed annexation area in a manner that is secure and acceptable to both the residents and the District (possibly in the LAFCo process)," and pledging their full support for the annexation proposal should the board do so; and

WHEREAS, the District's Board of Directors has approved a Service Plan as required by Government Code Section 56653 in conjunction with its Resolution of Application to the Local Agency Formation Commission for annexation of the Coastal Annexation Area as defined therein, which contains Permanent Policy P.1 prohibiting the use of eminent domain in the area to be annexed; and

WHEREAS, the District has approved the environmental document for this annexation required by the California Environmental Quality Act ("CEQA Document") which contains Mitigation Measure No. AGR-1c prohibiting the use of eminent domain in the area to be annexed; and

WHEREAS, it is the desire of the Board of Directors to further demonstrate its commitment to a prohibition of the use of eminent domain to acquire property in the area to be annexed pursuant to the Resolution of Application, Service Plan, and CEQA Document by adoption and publication of an ordinance of the Midpeninsula Regional Open Space District setting out its intent that this be a permanent rule of conduct of the Midpeninsula Regional Open Space District.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Be it ordained by the Board of Directors of the Midpeninsula Regional Open Space District as follows:

SECTION 1. On \_\_\_\_\_, ~~2002~~2003, the Board of Directors of the Midpeninsula Regional Open Space District approved a Resolution of Application for Annexation (“Resolution of Application for Annexation”), Service Plan, and CEQA Document for submission to the San Mateo County Local Agency Formation Commission to annex the following territory: That area bounded on the north by the southern boundary of the City of Pacifica; on the south by the San Mateo County/Santa Cruz County boundary; on the west by the Pacific Ocean; and on the east by the boundary of the Midpeninsula Regional Open Space District existing on June 12, 2002 and the lands of the San Francisco Watershed owned by the City and County of San Francisco.

SECTION 2. The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property within any territory annexed to the Midpeninsula Regional Open Space District pursuant to said Resolution of Application for Annexation.

SECTION 3: This Ordinance shall be a permanent rule of conduct of the Midpeninsula Regional Open Space District.

SECTION 34. The Board of Directors shall publish this Ordinance once within thirty (30) days after adoption in a newspaper of general circulation printed, published and circulated in the District.

SECTION 45. This Ordinance shall take effect from and after the Effective Date of the annexation pursuant to the Resolution of Application for Annexation, as set out in Government Code Section 57202, and shall be effective within all territory annexed pursuant to such Resolution of Application for Annexation.

SECTION 6: This ordinance shall be broadly construed in order to achieve the purposes stated in this Ordinance. Each section, paragraph, sentence, clause and phrase of this Ordinance is intended to be so broadly construed, and, in addition, is severable and independent of every other section, paragraph, sentence, clause and phrase of this Ordinance. If any section, paragraph, sentence, clause or phrase of this Ordinance is held invalid, the Board of Directors declares that it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

The foregoing ordinance was adopted at the Regular or Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District held on the \_\_\_\_ day of \_\_\_\_\_, ~~2002~~2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
~~Deane Little~~Nonette Hanko, President, Board of Directors

Attest:

Attest:

\_\_\_\_\_  
District Clerk

\_\_\_\_\_  
Kenneth C. Nitz, Secretary



San Mateo Coastal Annexation Program EIR

## Appendix C

Response to Agricultural Comments, by  
Strong Associates, May 14, 2003

Midpeninsula Regional Open Space District  
May 2003

May 14, 2003

To: Cathy Woodbury, Planning Manager  
Midpeninsula Regional Open Space District

From: David Strong, Principal  
Madge Strong, Associate  
Strong Associates

Re: Response to Comments, San Mateo County Coastal Area

This letter will address issues raised by public comments received on the Draft EIR relevant to agricultural and timber economics.

First, Strong Associates' qualifications include extensive experience in agricultural economics. David Strong has over 20 years of background as principal of Strong Associates, as well as 14 years as an analyst with the University of California's Cooperative Extension Service. Madge Strong has been associate principal of Strong Associates for 20 years and served for 7 years as a planner with the California Coastal Commission. Strong Associates has conducted dozens of agricultural economic studies throughout California, many of them specifically focussed on coastal areas. For further information on our background and experience, please refer to our website [www.thestrong1.com](http://www.thestrong1.com).

The agriculture-related public comments on the Draft EIR addressed in this report fall into the following subject areas:

- Economic viability of agriculture and compatibility of recreational uses with agriculture;
- Farm worker housing;
- Timberland conversion; and
- Potential bio-terrorism.

## **1. Economic Viability of Agriculture**

A comment from the Farm Bureau raised a concern that data on San Mateo County farm trends and issues in the Draft EIR were out-of-date. The EIR reported that loss of productive agricultural lands to urbanization is an ongoing statewide problem and that agricultural lands are affected both by direct conversion to non-agricultural uses, such as housing development, and by indirect pressures, such as loss of service providers to the agricultural community, urban demands for water, and complaints from residential neighbors. The EIR noted that according to the San Mateo County Agricultural Economic Viability Project (UCCE 1989), although the total number of commercial farm units in San Mateo County declined and total agricultural acreage

decreased from 1961 to 1986, acreage in intensive crop production and production values increased during that time. It reported that nursery crops are the most economically viable crops within the Coastal Annexation Area and make the greatest dollar contribution towards total agricultural sales, with livestock contributing the least.

Strong Associates has reviewed Ag Commissioner's reports from 1989 through 2001 and has confirmed the assessment set forth in the EIR. As summarized in the attached table, over this 12 year period:

- Vegetable acreage has decreased approximately 12%, from 2,900 acres in 1989 to 2,500 acres in 2001. Artichokes, snap beans, and peas are losing acreage; Brussel sprouts are holding steady; while pumpkins and miscellaneous vegetables have been gaining,.
- Field crops have decreased about 7%, with hay as the biggest loser.
- Floraculture and nursery acreage has also diminished, but land remaining in these crops will not be impacted by the MROSD acquisitions.

Overall, agriculture is continuing the trend toward higher value vegetable crops. This is consistent with trends throughout the state as farmers work to respond to changing market conditions. Key factors posing a challenge to the agricultural production industry include:

- foreign competition;
- elimination of protective tariffs under NAFTA and other free trade agreements;
- crop values not keeping pace with inflation;
- water availability concerns; and
- urban or suburban encroachment and rising land costs of farmlands.

The EIR described the conclusion of the 1989 San Mateo County Agricultural Economic Viability Project (UCCE 1989), that in order to promote the viability of agriculture in San Mateo County, public agencies may need to acquire agricultural lands or easements. This remains an effective tool and has been used on an increasing basis throughout the State since the 1989 report referenced in the EIR. The policies in the District's Draft Service Plan would enhance the viability of agricultural production in the San Mateo County coastal region by:

- Providing public support to keeping farmlands dedicated to agricultural production in perpetuity;
- Acquiring land from willing sellers only in order to eliminate the risk associated with potential condemnation;
- Limiting urban or suburban encroachment that creates land use conflicts with farm uses; and
- Implementing programs to address economic conditions that might otherwise makes agricultural lands unaffordable to farmers.

Notwithstanding these benefits, it is important that the MROSD acquisition plan not exacerbate the challenges facing Coastside farmers. It is important that the District make lands it acquires available for agricultural production and manage lands retained for habitat and recreational purposes in a manner that does not interfere with agricultural production on adjoining lands.

### **A. Supporting Agricultural Production**

The District's proposed program includes the acquisition and/or management of approximately 11,800 acres of land on the San Mateo County coast in 15 years. Specific parcels have not been identified but the District anticipates that out of the 11,800 acre total, 1,800 acres would be in the form of easements over land that would continue to be owned and managed by a private operator, 2,500 acres would be managed for another open space provider and 7,500 acres would be purchased in fee. The Service Plan states that agricultural lands purchased in fee and not needed for the protection and vital functioning of a sensitive habitat would be protected for economically viable agriculture. It is important that the District have a workable program for agricultural easements and leases to implement this part of the plan.

Ag conservation easements and leases have advantages for maintaining agricultural use. An *easement* keeps the land in private ownership but with a public agency purchasing a use restriction over part or all of the property. According to the American Farmland Trust, conservation easements offer numerous benefits to farmers and ranchers:

- Farmland is permanently protected while keeping the land in private ownership;
- Revenue is provided to continue agricultural operation, including needed farm capital improvements;
- Easements can provide tax benefits including income, estate and property tax reductions;
- They help farmers and ranchers transfer their operations to the next generation; and
- Lands under easements continue to be eligible for state and federal farm programs.

An excellent model for such agricultural easements has been successfully operated in Marin County for over 20 years. Marin Agricultural Land Trust (MALT) was the first land trust in the United States to focus on farmland preservation. Founded in 1980 by a coalition of ranchers and environmentalists to preserve farmland in Marin County, California, MALT acquires agricultural conservation easements on farmland in voluntary transactions with landowners. MALT has so far permanently protected 32,000 acres of land on 47 family farms and ranches. It includes limited recreational programs on some of its lands. For more information, contact: <http://www.malt.org/> (The MALT website includes a sample easement at: <http://www.malt.org/about/easements.html>.) Another

resource is Sonoma County's extensive agricultural easement and trails program.

The *lease* option is also an effective tool for maintaining farms in operation. In this case, the public agency acquires the fee title to the land and then enters into a lease with the farm operator. The East Bay Regional Park District is successfully using leases for grazing lands, including policies and a standard lease contract. Another good source of information on agricultural lease provisions is <http://extension.aers.psu.edu/LAW/AgriculturalLeases.pdf>.

Given the District's mission to preserve agricultural land and open space in rural San Mateo County and to encourage viable agricultural operations, the District should adopt a policy setting standards for conservation easements and agricultural leases. All agricultural easements and leases should:

- be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;
- specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and
- in the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

The District can also support agricultural production in the San Mateo County coastal region by partnering with agricultural operators on District lands to obtain grant funding for agricultural protection efforts. The Legislature has established grant programs for the preservation of agriculture through the purchase of agricultural easements and the provision of grant funds for other agricultural projects. The District is a public agency eligible to participate in these programs and is authorized to contribute any required matching funds.

The California Farmland Conservancy Program administered by the Department of Conservation provides funds for acquisition of agricultural easements, fee title, land improvement projects, and other assistance. Fee title projects must be either placed under a Department approved agricultural easement or sold within three years to a private agricultural operator. The Rangeland, Grazing Land, and Grassland Protection Act established a program to provide grant funds for the acquisition of agricultural easements to protect and restore grazing lands. The District, as an open space and park district, is expressly eligible to seek such grant funds under both of these programs.

## **B. Maintaining Compatibility with Agricultural Production**

Concerns were raised regarding potential land use conflicts between recreation and farm uses. The District's EIR described these potential conflicts and proposed several measures to reduce the likelihood of incompatible adjacent uses. While the EIR is correct that recreational uses can be incompatible with agriculture, there are a number of tools available to ensure that all incompatibilities can be avoided. The Pt. Reyes National Seashore and the East Bay Regional Park District are examples of two local areas where recreational uses and active agricultural production occur on adjoining and in some cases the same lands.

The primary tool in ensuring compatibility between lands used for agricultural production and adjoining recreational or other uses is an appropriate buffer. Buffers are best developed on a case by case basis following careful consideration of the nature of the lands in question and the uses expected on those lands. Buffers should be designed in close consultation with not only the affected landowner but also the operator of the agricultural lands if not operated by the landowner.

Factors affecting the size and management of the buffer can include:

- The nature of the proposed public access (e.g., a staging area may require a different type of buffer than a remote trail).
- The nature of the adjoining land use and potential land uses (e.g., grazing land requires a different buffering strategy than would row crops which in turn could require a different sort of buffer than greenhouses).
- The topography and other physical characteristics of the buffer area (e.g., land that is substantially higher in elevation than an adjoining agricultural use would require a different buffer than land that is lower; similarly, land that is separated by a ravine or solid fence will require a different buffer than land where the uses have no physical separation).
- Biological site conditions (e.g. to reduce potential spread of non-native invasive species or pathogens onto adjacent agricultural lands).
- Likelihood and extent of potential pesticide drift.

In addition, it is important that all lands used for buffers should be on land or interests in land owned by the District. Adjoining landowners shall not be required to provide land to buffer new uses proposed by the District. The District should be responsible for the management and maintenance of all lands used as buffers. Finally, if a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location. This will ensure that the use does not interfere with the productivity of the adjoining land.

The various factors affecting effective buffer design and other tools to promote compatibility are discussed in the following reference materials:

- The Art of Rural Trail Deal, by Don Coppock (a Coastal Conservancy program manager for agriculture), <http://apgar.net/ridgetrailRuralTrailDeal.html>
- A Guide to Developing Trails in Farm & Ranch Areas, British Columbia Ministry of Agriculture, [www.agf.gov.bc.ca/trail\\_guide/agtrail.pdf](http://www.agf.gov.bc.ca/trail_guide/agtrail.pdf)
- “Conflicts and Solutions: When Agricultural Land Meets Urban Development” Mary Handl’s 1994 M.S. Thesis. Department of Community Development, U.C. Davis.
- Can City and Farm Coexist? The Agricultural Buffer Experience in California, Great Valley Center Modesto, California (2002).

### **C. Promoting Agricultural Production**

Many of the public comments on the Draft EIR requested additional information on specific actions that the District would take to promote agricultural use of agricultural lands. Because the Service Plan sets policies applicable to land management throughout the annexation area it is not possible to define specific actions at this time. As with buffers, specific land management actions can be most effectively determined with consideration of the specific characteristics of the land in question. In light of the Service Plan’s fundamental policy objective of maintaining long term opportunities for economically viable agriculture, however, it would be appropriate for the Service Plan to include specific policies to ensure that District planning efforts for specific properties are carried out in a manner that protects and promotes agricultural production on and adjacent to District lands in the annexation area.

Based on my experience working with agricultural operations in the vicinity of recreation and open space lands I recommend that following each specific acquisition, the District planning efforts include preparation of a specific plan for promoting agricultural production on District-owned agricultural lands and for protecting agricultural production on lands adjoining District property from any interference from District activities. Such an “Agricultural Production Plan” could be a part of the use and management plan prepared for each District landholding.

The Agricultural Production Plan should incorporate such components as:

- Defining the crops or livestock potential of the land and adjoining lands;
- Availability of labor, including farm labor housing;
- Availability of farm support services and goods;
- Necessary capital improvements (e.g. water storage, fencing, land leveling)
- Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
- Water use and availability; and

- Access to transportation and markets.

For land that is already in production, this plan should be developed with input from the operator/lessee. For agricultural land that is not in production, the District should either work with the former owner (for District owned lands) or owner (for non-District owned lands). The recreation component of the District's use and management plans on in the annexation area should consider the information in the Agricultural Production Plan component and should establish any operating conditions necessary to avoid interference with agricultural operations.

In addition to consulting the affected landowners and agricultural operators, the use and management plans should be prepared with full public consultation. The planning process and public participation process in the Draft Service Plan will satisfy this aspect of the planning process. The Service Plan includes the following among its public participation policies:

- **Implementation Action G.3.B(i)** calls for review of access plans with local agricultural interests and the public;
- **Guideline G.6.3** states that site-specific resource management and public access plans will include opportunities for public involvement.
- **Implementation Action G.6.A(i)** requires public hearings which "shall address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agriculture and timber production; inter-agency relationships; and public information."
- **Implementation Action G.6.C(i)** states that "a District staff liaison will be assigned to the Coastal Annexation Area to work with local residents, property owners, government, and interest groups in developing recommendations to the District Board of Directors."

## 2. Farm Worker Housing

Housing for farm workers is an important component of the County's agricultural economy. The County has guidelines that allow farm worker housing based on identifiable needs and necessary support infrastructure. Land under District ownership leased for agriculture would be subject to the same guidelines. Nothing in the Service Plan would require removal of farmworker housing. In order to maintain the agricultural productivity of agricultural lands as called for in the Service Plan I recommend that the District allow agricultural operators on District lands to maintain farmworker housing consistent with County and state laws. Because these laws can be complex I also recommend that District staff, with its knowledge and experience in land use processing, assist operators of District owned lands or lands where the District holds an agricultural easement in preparing applications and related materials to develop additional farm worker housing.



Throughout the state, farm worker housing that is dangerous and dilapidated beyond the point of repair is generally removed. Similar circumstances may arise on District owned agricultural lands. In that event I recommend that the District work with the operator to facilitate replacement of the housing. If expanded housing is important to support agricultural operations on District lands the District could work with operators to allow such expansion consistent with County regulations and other requirements.

### **3. Timberland Issues**

Public comments also raised the concern that District annexation could take timberland out of production, adversely impacting the economics of the local timber industry that depends on this finite resource. This concern would be warranted if the District buys current productive timberlands and eliminates them from future production.

However, the Draft Service Plan for the Coastal Annexation Area does not preclude harvesting timber on District-owned land. Although the District is not in the commercial forestry business, the Draft Service Plan recognizes that in limited circumstances the removal of trees is in the best interest of managing the ecological health and public safety conditions of the site. The Draft Service Plan provides specific guidelines for commercially harvesting timber.

Three models of forestry management compatible with recreational uses are discussed below:

- **The MROSD:**

The District has acquired properties within its existing boundaries that have been logged under a Timber Harvest Plan (THP). The District has on several occasions acquired properties that were the subject of an on-going timber harvest operation, as was the case with the acquisition of the Bear Creek Redwoods Open Space Preserve in Santa Clara County, and Purisima Creek Redwoods and El Corte de Madera Open Space Preserves in San Mateo County. In those cases the District worked collaboratively with the landowner and the timber operator to ensure that the THP was consistent with the District's resource management goals. District staff also worked very closely with the timber operator to ensure public safety. Sites under harvest remain closed to the public until the operation is complete and the site has been planned to accommodate public access.

- **The Quincy Library Group Guidelines/Pilot Project:**

There are management techniques that may enable timber harvesting to proceed compatible with recreational uses and with preservation of natural qualities. The Quincy Library Group (<http://www qlg.org/>) has developed guidelines for dual-use that are now being applied to 2.4 million acres in Lassen, Plumas and Tahoe National Forest areas and were embodied in legislation HR858 and S1028 in 1997.

The Hungry Creek Project is a pilot project of the Quincy Library Group approach ([http://www.qlg.org/pub/act\\_acp/fhp/Projects/hungry/hungry.htm](http://www.qlg.org/pub/act_acp/fhp/Projects/hungry/hungry.htm)). Developed by Michael De Lasaux, Natural Resources Advisor for Plumas and Sierra Counties U.C. Cooperative Extension, this project demonstrated a combination of harvesting and restoration designed to: reduce cumulative watershed impacts; decrease impacts on wildlife; reduce fire risk; and protect scenic qualities. It may be possible to develop site-specific plans that could enable regulated harvesting on timberlands considered for District acquisition.

- **The State Department of Forestry Demonstration Forests:**

The State Department of Forestry has 71,000 acres of demonstration forests in seven counties that promote timber harvesting compatible with recreational and educational uses. Almost 2,700 acres of these demonstration forests are in Santa Cruz County.

The programs vary from area to area depending on the desired balance between recreation, timber production, and preserving a natural state. Each Demonstration Forest is guided by an environmental stewardship plan that establishes a desired future condition, balancing between issues such as fire protection, plant and animal life, desired tree cover. The Forest Management Plan then carries out those objectives.

Most of the Demonstration State Forests include an educational program, with trails, campsites, and learning centers. The timber harvest revenues help underwrite the costs of educational programs and also contribute to local and state taxes with a timber yield tax.

These programs are monitored and administered by professional State-employed foresters. The foresters would be a resource for assisting MROSD in the event of future timberland acquisitions. Refer to: [www.fire.ca.gov](http://www.fire.ca.gov)

These examples indicate that District-acquired timberlands could still accommodate some carefully managed harvesting operations.

#### **4. Bio-Terrorism**

The possibility that San Mateo Coast agricultural lands would be a target of bio-terrorism is very small. The "Database of Incidents Involving Sub-National Actors and Chemical, Biological, Radiological, or Nuclear Materials," maintained by the Center for Nonproliferation Studies at the Monterey Institute of International Studies, lists all terrorist incidents in the last century. It includes 21 incidents that might be classified as examples of sub-state attacks against agriculture. Most of the 21 incidents were unsophisticated and ineffective, lacking significant impact. Only five occurred in the United States, and almost all attacks were very small scale, involving mostly chemical rather than biological materials. Five attacks were criminal rather than political in nature, and several of the others were purely personal (motivated mainly by revenge). The majority of these incidents might more appropriately be described as product tampering rather than agricultural terrorism. (<http://www.thebulletin.org/issues/2001/so01/so01vogel.html>)

The risks are higher now than in the past century. However, anyone planning for high-impact bio-terrorism would be much more likely to seek a concentrated target, for example food processing or distribution centers, rather than the diffuse and localized impact of farmlands. Recent USDA guidelines on keeping America's food and agriculture safe are directed almost entirely toward such agricultural industrial centers.

The State's role in dealing with any bio-terrorism is primarily to support local first responders. Four recent pieces of legislation outline the State's guidelines and resources. ("Responding to Bioterrorism: Assessing California's Preparedness." by Raymond A. Zilinskas, Ph.D. and Jason Pate, MPM, EMT-1.) San Mateo County has an agreement with the State of California that addresses its emergency preparedness plans. As a matter of policy, MROSD Park Rangers would be part of the integrated County program as needed to respond to any emergency.

The available data do not show any relationship between recreational use and increased risk of bio-terrorism. While recreational uses could theoretically allow terrorists access to farmlands, it also would increase public surveillance on any such activity. It appears that District annexation would have virtually no effect on an already remote risk.

San Mateo Coastal Annexation Program EIR

## Appendix D

Fire Hazard and Ignition Risk Appraisal, by  
Moritz Arboricultural Consulting and Landscape  
FIRES, May 2003

Midpeninsula Regional Open Space District  
May 2003

**FIRE HAZARD AND IGNITION RISK APPRAISAL  
for  
MROSD SAN MATEO COASTAL ANNEXATION**

**PURPOSE**

Moritz Arboricultural Consulting and Landscape FIRES were asked to provide opinions on the proposed change in land use connected with the MROSD's San Mateo Coastal Annexation program relative to fire hazard and ignition risk.

**QUALIFICATIONS**

Ray Moritz is a Certified Urban Forester and fire ecologist. He has been a consultant to federal, state, county and local agencies on fire hazard in California for more than 24 years. In that capacity he has studied the issues of land use and fire risk throughout the Bay Area. He was a wildland fire fighter and Fire Safety Officer for 14 years. He is one of the founders of *FireSafe MARIN*, the first California, nonprofit, public/private sector fire safe council in the state. He has given seminars on fuel/fire management for *FireSafe MARIN* from 1992 to the present. He is the author of the Pine Restoration Project - Itasca State Park, the first plan to reintroduce the ecological factor of wild fire as a vegetation management tool for the headwaters of the Mississippi River (1976). He is the author of numerous publications on fire prevention and hazard assessment (Pyrophytic vs. Fire Resistant Plants (U.C. Cooperative Extension), Fire Resistant Trees and Shrubs (*FireSafe MARIN*), Defensible Space Works - Do it safely (U.C. Cooperative Extension) and Defensible Space - Do It or Lose It! (International Master Gardeners). He was a Fire Ecology consultant of the Mount Tamalpais Area Vegetation Management Plan, 1991-1992. He has been the principle instructor in fire hazard inspection and fire hazard mitigation for the Marin Conservation Corp, the California Conservation Corps and numerous other Conservation Corps and fire departments. He has served on the Scientific Advisory Panel on the Urban/Wildland Interface Fire Problem at the California State Assembly - Natural Resources Committee (1997). He has been a speaker at the California Fire Instructors Workshop, California Fire Training Officers Association. He has presented fire management papers for the Society of American Foresters, the American Society of Consulting Arborists and the International Society of Arboriculture - Western Chapter. He is on the Executive Board and the Board of Directors of the California Oak Mortality Task Force (COMTF). He has lectured on SODS and its implications for fire behavior and tree failure hazards for more than four years. Mr. Moritz has designed fire hazard assessment systems and fire management plans for the U.S Department of Interior, National Park Service, Wildland/Urban Interface Initiative (WUII).

**EXECUTIVE SUMMARY**

**Change of use and the risk of wildland fire:**

The level of Fire hazard is based on weather, topography and fuels. Ignition risk is based

on the type and level of use. The annexation area is dominated by a maritime climate with generally high relative humidity and relatively low temperatures. Wind is typically off the ocean, particularly at the top of the fire day, 12:00pm to 3:00pm. This climatic zone is not conducive to ignition, initial spread or severe wildland fire behavior, except under extreme, Santa Anna type weather conditions. The most comprehensive study of the relationship between trail use and ignition risk had concluded that fire occurrence in regional parks is not significantly related to public use of open space for hiking. The increased risk of ignition connected with the proposed annexation can be mitigated to an insignificant level.

The epidemiology of SODS and experimental burns of SODS infested forests demonstrate that SODS does not have a significant effect on fire behavior.

## **BACKGROUND**

### **Fire Hazard and Public Access:**

The level of fire hazard is based on weather, topography and vegetation fuels. The annexation is not expected to have any significant effect on vegetation fuels and therefore no significant effect on fire hazard. Ignition risk is the risk of a sustained fire being ignited and is based on the type and level of use.

While agricultural lands generally have relatively low fire hazards, some areas of the proposed annexation have significant fire hazards. These areas may have steep slopes, south to west aspects (the most hazardous direction of slope) and relatively high prevailing winds out of the west-northwest. Some areas have limited emergency access.

The combination of exacerbating weather, fuels, topographic conditions, limited emergency water supply, poor equipment access and slow response time could lead to a significant uncontrolled fire on these rural areas.

The risk of ignition and fire hazard attached to a given public access area not only depends on the type and level of use of the property but on the type and level of use of adjacent properties in the area. The use of the adjacent properties and the general area for ranching and farming historically had a significant level of ignition risk and fire hazard. As urban development increases, the risk of ignition will increase. Also, to some extent the fuel hazard may increase because the extent and intensity of grazing could be expected to decline due to development. To the extent the annexation reduces future development, future increase in ignition risk will be reduced. The known causes of ignition: construction, equipment operation, vehicle use, power lines, children playing, etc. will be dampened to the extent that future increases in these activities are reduced by annexation.

### Ignition Risk:

Ignition risk is a critical factor in fire hazard assessment. Any type of development of the annexation area from increased agriculture to home construction is likely to increase ignition

risk. The type, density or intensity of development and the level of use affect ignition risk.

The levels of ignition risk and fire hazard are relative and can only be estimated in broad terms. Many counter-balancing land use practices, vegetation change, fire prevention actions, and suppression capabilities affect the level of risk and hazard.

Recent fire history shows that the number of wildland fire has been effectively reduced through public education and the consequent reduction in ignitions. As Fire Codes were adopted, and became stricter and enforced, the risk of ignition declined. Prevention of ignitions is the best approach to fire prevention (Rice and Montegue, 1990).

Public access and visitor use of the annexation area will increase the risk of ignition to some extent. The level of that increase can be mitigated to an insignificant level of risk depending on the development and management of the access points as set out in the EIR (See Mitigation Measure Haz-2b), and this report. The level of risk may be estimated from a Sonoma County study.

The Sonoma County Study, Sonoma County Regional Parks Fire Incident History:

In 1997 the Sonoma County Regional Parks (SCRP) convened a committee on Solutions to Fire and Security Issues on Sonoma County Public Lands. This committee was composed of Parks, Fire and Law Enforcement authorities. The SCRP Committee reviewed emergency service problems on parklands and recommended solutions.

Paul Curfman of Sonoma County Regional Parks compiled a Fire Incident History for Regional Parks from 1990 to 1996. This history indicates that most of the fires that have occurred in Regional Parks have been connected with picnic areas and campground use.

The ignition and fire history for the SCRP study was based on site investigations, California Department of Forestry and Fire Protection (CDF) Emergency Activity Reports for Sonoma County, interviews with CDF, Sonoma County and local fire authorities, and the Paul Curfman report on Sonoma County Regional Parks Fire Incident History 1990-1996.

Cause and Origin:

The cause and origin of fire in Sonoma County in general and in the Regional Parks specifically were investigated in the ignition risk assessment. The causes of ignitions are typically classified as Equipment Use, Vehicles, Miscellaneous, Electric Power, Undetermined, Debris Burning, Campfires, Arson, Smoking and Playing with Fire. For example:

CDF statistics for the Sonoma County fires in 1996 (a total of 214) break down the causes as follows:

<u>Numbers of Fires</u>	<u>%</u>		
Equipment Use: 49	22.9	Debris Burning: 19	8.9
Vehicles: 38	17.7	Campfires: 12	5.6

Coastal Annexation Program  
Implications for fire hazard and ignition risk

Moritz Arboricultural Consulting and Landscape FIRES  
Ray Moritz, Urban Forester and Fire Ecologist

Miscellaneous: 30	14.0	Arson: 9	4.2
Electric Power: 22	10.3	Smoking: 8	3.7
Undetermined: 21	9.8	Playing with Fire: 6	2.8

#### SCRIP Findings:

In the regional parks 30 fires occurred in the six-year period (1990 - 1996). Only two of those fires were associated with trail use. Both were near high population centers and one was suspected arson (1/4 acre) and the other was smoking related (6 sq. ft.). Fourteen (14) of the fire incidents were not actually working fires but included such evidence as scorch marks on picnic tables, a burning cigarette in an iron ranger, wood assembled for a fire and cold fire rings.

Most (57%) of the Regional Park fire incidents were associated with picnic and camping areas. Of the picnic/camping associated fires most were small and insignificant. Descriptions such as a burned part of a picnic table leg, a garbage can fire, a small fire 5' x 5' in picnic area, and burn marks on picnic table were given. There were no incidents related to children playing with fire on trails.

A Regional Parks review of all Sonoma County fires since 1960, over 100 acres, concluded there was no identifiable relationship to public land.

The SCRIP also reviewed and mapped 1995 and 1996 incidents of trespass onto private property and found no relationship to public lands, except possibly an inverse relationship, where trespass reports seemed to be fewer near many parks.

Curfman concluded that fire occurrence in Regional Parks is not significantly related to public use of open space for hiking.

#### **Solutions/conclusions of the SCRIP Committee relevant to the MROSD annexation are:**

- Parks and trails do not necessarily cause additional problems for fire protection.
- Multiple agency cooperation is essential, both during operations and reporting.
- Construction should accommodate fire equipment in fire prone areas.
- Paved or gravel surfaces in parking areas & initial trail segments will reduce ignitions.
- Wider trail widths near trail heads, narrower in more remote areas will reduce ignitions.
- Permanent signs should describe and warn against fire hazards.
- Prescribed burning reduces fuel volume as does cattle grazing.
- Fire breaks are helpful.
- Outreach to Neighbors: Establish a grid mapping system for effective fire reporting.



- Establish barbeque and fire bans. If closures are necessary, broadcast periods of closure over radio.
- Use CDF response levels or burn index to dictate trail closures.
- Newly opened facilities need more patrols. Problems generally decline after initial opening.
- Establish zones of risk; trail heads should have more patrols.

#### Fire Authority Concerns:

In projects such as this type, fire authorities have expressed concerns about the increased potential for ignitions with increased public use of the annexation area. They were particularly concerned about camping, picnicking, partying, fireworks, off road vehicle use and road shoulder vehicle use ignitions but also ignitions from visitor use for hiking (mainly smoking related ignitions). These uses will not be permitted in the annexation areas.

Some authorities feel that fire prevention signing and park closures in the evening and on high fire danger days alone would not be adequate to prevent ignitions and that patrol and enforcement is key to fire hazard mitigation.

They were concerned that the area would be used by area teenagers for partying. Others felt that proper control of parking and the installation of non-flammable surfaces in the parking areas and at trail head(s) would prevent ninety percent of the potential ignitions.

The potential for arson on the annexation area is very low due to access and location. Most arson fires occur near population centers and public high use areas. The area is not located adjacent to major population centers for a serious threat of casual, unpremeditated arson.

#### **Consultant Recommended Mitigations:**

The Service Plan for the Annexation limits public use to low fire hazard activities such as, hiking horseback riding and bicycling. These low intensity uses have a minimal level of ignition risk. Implementation of mitigation measures set forth in the EIR and recommended in this report will reduce the ignition risk to an insignificant level.

1. A fire prevention signing program for the entrance and trail head(s) should be adopted.
2. Trail use should be limited to hiking, bird watching, bicycling, equestrian use, environmental education and other similar low hazard uses.
3. Off road vehicle use, camping, picnicking, fireworks, partying and other hazardous uses should be prohibited.
4. Smoking on the trails should be prohibited.

5. Trails near population centers, schools or other areas where youths are known to congregate should be closed daily at or about 5:00 pm. The trail access points should be closed on all predicted high fire response level days (Burn index of 41 or higher).
6. The parking areas should be fenced and paved with gravel or blacktop. They should be shaped to discourage irresponsible vehicle use (narrow).
7. Trails should have a ten foot radius of gravel pavement at the trail head.
8. The entrance and proximal road shoulders should be designed to discourage parking to facilitate emergency access.
9. Any gates should be at least twelve feet wide and constructed of heavy materials with a protected locking system for both District and fire service access.
10. The area should be periodically patrolled by District staff.
11. The light ignition fuels adjacent to parking and trailhead areas should be mowed annually as soon as 30 percent of the light ground fuel is cured.
12. MROSD should post closings on their web site.

### **LITERATURE CITED**

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San Mateo Coastal Annexation Program EIR

Appendix E

Expert Opinions and Wildland Fire Analysis, by  
FIREWISE 2000, Inc.

Midpeninsula Regional Open Space District  
May 2003

# **Expert Opinions and Wildland Fire Analysis**

## **For the Midpeninsula Regional Open Space District**

### **San Mateo Coastal Annexation – Draft Environmental Impact Report**

#### **1.0 INTRODUCTION:**

**FIREWISE 2000, Inc.** was requested by the Midpeninsula Regional Open Space District to review and assist the District to evaluate and respond to comments on environmental issues regarding the wildland fire and emergency response comments received as a result of the San Mateo Coastal Annexation Draft Environmental Impact Report (EIR) dated June 2002, and also to analyze and respond specifically to the comments by County of San Mateo Environmental Services Agency dated August 29, 2002 and the La Honda Fire Brigade dated August 9, 2002.

**1.1 Qualifications.** **FIREWISE 2000, Inc.** has prepared our recommendations for the aforementioned areas of concern based upon our personal wildland firefighting experiences in areas and conditions very similar to the proposed San Mateo Coastal Annexation Area. In fact, **FIREWISE 2000, Inc.** has prepared wildland fire and fuels management plans for Los Altos Hills Byrne Preserve Open Space Area, East Bay Municipal Utility District (Seven Watersheds) Open Space Lands and participated in the development of the Fuel Treatment Guidelines for the San Mateo County Fire Chief's Association. We have a thorough knowledge of the Northern California Coastal Range wildland fire weather and fuels conditions.

Richard E. Montague (author) has 50+ years of wildland firefighting experience from firefighter, engine captain, helitack manager, Fire Chief to Regional Director for Fire and Aviation Management for all National Forest lands within the Pacific Southwest (California) Region. He is recognized as an international and national leader in the field of wildland urban interface fire protection and fuels management programs.

#### **2.0 SAN MATEO COASTAL ANNEXATION DRAFT ENVIRONMENTAL REPORT:**

**2.1 County of San Mateo Environmental Services Agency Comments in Letter dated August 29, 2002.** The County of San Mateo Environmental Services Agency addressed a variety of concerns in their August 29, 2002 letter. For the purpose of this analysis, only item 3. *Public Services (Fire) related comments* will be addressed.

**2.2 La Honda Fire Brigade Comments in Letter dated August 9, 2002.** The La Honda Fire Brigade's comments are very similar to the Environmental Services Agency's letter, and appear to be incorporated into the County's comments. Whenever the Brigade's comments were more specific in nature, we plan to address these issues of concern further in this section. La Honda Fire Brigade provides services to the unincorporated town of La Honda and counts 250 local households as members of their association. The Brigade is a Volunteer "Multi-Risk" Fire Company providing first due. For the reasons discussed in this report, any potential increase in demand for EMS services will be minimal and will not result in the need for new or expanded government facilities.

Structure and Wildland Fire suppression, Rescue, Hazard Materials and Basic Life Support (BLS) Emergency Medical response to an approximately 58 square-mile area of San Mateo county. The Brigade's area of response includes Highway 84, from Highway 35 to Highway 1 and Alpine Road to Portola State Park Road. There are approximately 1,583 permanent residents living here as well as several government institutions.

**2.3 Other Comments.** Other comments on environmental issues regarding wildland fire and emergency response were received from the public and a Fire Safe Council that is independent of San Mateo County.

### **3.0 WILDLAND FIRE ANALYSIS AND EXPERT OPINIONS REGARDING PUBLIC COMMENTS**

These comments regarding wildland fire and emergency response can be addressed in seven separate categories:

1. Loss of fire protection tax dollars as a result of private lands being purchased for open space annexation.
2. Escalated wildfire threat due to increased open space recreational use.
3. Need for additional County Fire and La Honda Fire Brigade resources.
4. Need for a District Fuels Management Program.
5. Need for additional water supply in the more remote areas within the proposed annexation.
6. Escalated volume and complexity of emergency medical and rescue calls.
7. Need for increased communications facilities.

**3.1 Loss of fire protection tax dollars as a result of private lands being purchased for open space annexation.** The County Environmental Services Agency and La Honda Volunteer Fire Brigade have stated concerns about the loss of tax revenue when private lands become public (non-taxable) lands. However, the potential fiscal impact of the project on the tax revenues and the appropriateness of the methodology used has been analyzed in the Fiscal Impact Analysis of the proposed annexation and is beyond the scope of this evaluation.

**3.2 Escalated wildfire threat due to increased open space recreational use.** The Sonoma County Study *Sonoma County Regional Parks Fire Incident History* already addressed in the Fire Hazard and Ignition Risk Appraisal by Moritz Arboricultural Consulting and Landscape FIRES (“Moritz”) validates the experiences found by other Regional Parks and Open Space Districts throughout Northern California. Increased hiking and other non-fire related recreational activities do not substantially increase wildland fire ignitions. Recreational usage such as overnight camping with camp or warming fires, motorcycle or off-road vehicle use are the leading fire risks (causes) associated with open space recreational use. Based on the professional experience of *FIREWISE* 2000, Inc., these conclusions are accurate.

The Midpeninsula Regional Open Space District lands are closed to motorcycle and off-road vehicle use, and overnight camping is currently limited to one designated site (Black Mountain Ridge). No open fires and no smoking are allowed on District lands. Only propane-stove-type fires are allowed within the Black Mountain Ridge fire safe triangle area (a cleared area surrounded by logs to designate where only self-contained, propane stoves fires are allowed). Permits must be obtained from the District prior to use of this site. Campsites are not planned as part of the Coastal Annexation project; therefore, fire risk due to campfires will not be an issue.

Based on **FIREWISE 2000's** professional experience, it is our opinion that increased recreational use within the San Mateo Coastal Annexation Area will not create a significant increase in fire ignitions. District law enforcement patrols and fire prevention signing will more than mitigate against any potential recreational use-caused ignitions. This report describes the additional District fire patrols that will occur, and the prevention signing at trailheads and along the well-used trails that should be required. During periods of very high or higher fire danger periods, the District should close trails as discussed by Moritz. These closures and/or restriction should be posted at all trailheads during the times they are in effect. Enforcement of these closures and/or restrictions will require more foot and vehicle patrols by volunteer or District personnel. The additional recreational use and related patrols will also reduce the possibility of arson-related fires.

**3.3 Need for additional County Fire and La Honda Fire Brigade resources.** County Fire and La Honda Fire Brigade stated they will be negatively impacted as a result of the San Mateo County Coastal Annexation. As mitigation for this potential public service impact, they requested that the District purchase two additional Type 3 wildland fire engines, stationing one at La Honda and one at Pescadero (yearlong) to meet the anticipated increase in wildland fire impacts, EMS, and Rescue volume of business due to the Annexation.

What was not taken into consideration in these comments was the amount of personnel, fire, and other emergency apparatus the District currently has available to supplement the existing County and Fire Brigade resources. Guideline G.2 of the Service Plan requires that additional facilities and equipment be available within the annexation area as lands are opened for public access. Management cost projections in the Fiscal Analysis for the Coastal Annexation Area take into account these additional facilities, equipment and staff.

During the summer and fall fire season, sixteen District ranger vehicles are equipped with brush patrol units. The Skyline and Foothills Field Offices have four new model brush patrol units with foam capability and equipment to qualify as brush patrols within the state and federal Incident Command System (ICS). By summer of 2003, each field office is scheduled to acquire two additional brush patrol unit with foam capability.



Photo 1: Example of the District's 4-wheel drive brush patrol unit

The District is also planning to purchase a 1,500 to 2,000 gallon water tender for road maintenance. This water tender would be a valuable water source for any agency of fire emergency on District lands or as an off-District mutual aid fire resource. Water supply is always a critical element on any wildland fire occurring within the rural areas of the Santa Cruz Mountains.



Photo 2: A 2,000-gallon Water Tender with a 300-GPM pump

In addition, this water tender with four Brush Patrol Units would make a good “Rapid Response” Task Force Group. A Task Force is slightly different than a Strike Team. Task Force is defined as a group of unlike (while a Strike Team is all the same type of engines) resources with common communications and a leader. The Task Force may be pre-established and sent to an incident, or formed at an incident. The District’s Task Force should consist of four Brush Patrol Units and the water tender. A 2,000 gallon water tender would be able to refill the four 120-gallon capacity Brush Patrol Units 4.2 times each before refilling.

The water tender would serve the District as a dual-purpose resource, as needed for fire suppression and as a mobile water source for road maintenance (yearlong). A good road and trail maintenance program throughout District lands in the proposed Annexation Area would also assist in quicker fire and emergency vehicle access.

The District fire and emergency resources are currently located within the District near the high-use areas. By the District working closely with the County Fire and La Honda Fire Brigade in mutually supporting projects and operational procedures, the workload could be reduced and supplemented with trained and equipped District staff.

The District’s role can supplement the County Fire and La Honda Fire Brigade emergency services responsibilities in any future annexation. Each agency has a vital role to play in the protection of life, property, and natural resources within and adjacent to District lands.

The District has in the past, and does intend to continue, to mutually assist in providing emergency services personnel and equipment for the protection of their users and neighboring communities. By becoming a partner in both San Mateo and Santa Clara Counties’ and the State of California’s Master Mutual Aid Program, the District can also broaden its mutual assistance resources.

In conclusion, due to the low wildland fire risk, as well as existing and anticipated District staff and equipment; there will be no significant impact on the resources of the fire service agencies in the Coastal Annexation Area. The District will be providing additional equipment and staff sufficient to mitigate the low wildland fire risk.

### **3.4 Need for a District Fuels Management Program.**

The District has a fuel management program that includes grazing, prescribed fire, discing and brushing as described below. The EIR describes the District’s fuel management practices and its cooperative relationship with CDF and the County at pages IV-C-6 and 7, and IV-D-5 and 6.

Historic grazing has played a major role in reducing fuel volumes within the area proposed for Annexation. The District intends to continue animal grazing within the San Mateo Coastal Annexation lands. The degree and amount of grazing will be determined as specific lands are acquired.

Fuel treatments are needed to prevent overall natural resource damage from wildland fire and to form a buffer between the vegetation and the wildland urban intermix communities to contain all wildland fires to within District lands and to keep natural and cultural resource damage to a minimum.

**3.4.1 Grazing.** Cattle, horse, sheep and goat grazing is a viable form of fuel management and can be a low-cost form of fuel reduction in both grassland and shrub-lands, as well as an income-producing technique. Goat grazing is most effective in low shrub-lands where the shrub is less than 5 feet tall and where ground and aerial fuels can be maintained by selective goat grazing. This technique would be suitable for many lands in the annexation area.

The District has used goat grazing on an experimental basis as a resource management tool and for fuel load reduction. This vegetation management tool can be used in strategic areas along the District boundaries to aid in keeping any wildland fire occurring on District lands from leaving District property.



Photo 3: Active goat grazing on District lands

Cattle, horse and sheep grazing can be most effective in reducing fuel loading in grassland areas. In addition to traditional grazing, strategic grazing areas can be pre-determined and permits or leases issued for the purpose of fuel reduction and cost effective meat production. The permittee(s) can use selective fencing, salt placement, and water storage to confine the animals to the strategic grazing areas. This method of fuel reduction will require the educated permittee(s) to become familiar with the selected grazing method. In some cases, additional funds may be required to supplement the permittee and make the program cost effective. Regardless, animal grazing can be accomplished at a lesser cost than with hand labor. Selective fencing can be used to protect sensitive areas (riparian, sensitive species, etc.) and still provide for a cost-effective grazing program.

This practice has proven cost effective in other large open space areas very similar to the San Mateo County Coastal Annexation Area such as, the East Bay Municipal Utilities District Watersheds lands in Contra Costa County.

**3.4.2 Use of Prescribed Fire.** The District has demonstrated their ability to use prescribed fire as a management tool in fuel reduction. While most of this use of fire has centered around reducing thatch in grasslands, prescribed fire can be used in conjunction with grazing to form a low fuel volume buffer strip around parcels of District lands within the wildland urban interface zones. Prescribed fires on District land have also provided critical live fire training opportunities for District rangers and California Department of Forestry and local fire department firefighters.

**3.4.3 Discing and Brushing.** Discing and brushing are effective fire management practices. The District maintains disc lines around the perimeter of District lands with highly flammable grassland vegetation, and provides “defensible space” and fire safe zones around all structures. District staff will work with fire agencies to identify critical areas where disc lines will be most effective.

The District’s current fuel management practices are adequate. The effectiveness in fuel reduction could be enhanced by coordination with other fire service providers such as, County Fire and CDF. It is recommended that mitigation measures in the EIR reflect the importance of this coordination.





Photo 4: Thatch burning on District land



Photo 5: Prescribed fire efforts to reduce fuel loading on District land

**3.4 Need for additional water supply in the more remote areas within the proposed San Mateo County Coastal Annexation.** Water supply has been addressed previously in Section 3.3. in the discussion about a water tender. The District's staff and equipment will ensure availability of this resource. However, it is important to bear in mind this report's conclusions that there is no potential significant increased fire risk from the project.

Despite the low risk of ignition, the District could supplement existing water sources for fighting wildland fires by constructing dry hydrants throughout the various parcels to be acquired through annexation. Dry hydrants are defined as water sources where engines can draft water from a standpipe connected to a pond, tank, or other forms of water storage. These can be stock watering holes, diverted water storage from creeks and water storage from active wells. The intent is to establish underground plumbing between the water storage and to a driveable area where the engine can back up to and draft water to fill its tank. The plumbing is usually a 2 ½-inch or 4-inch line connected to a 2 ½-inch standpipe that is placed above ground like a typical fire hydrant.

These water sources can also be used as quail guzzlers and other wildlife drinking facilities. These sources should not be used in a case where groundwater supply would be affected.



Photo 6: District resources assisting EMS/Rescue mission

**3.6 Escalated volume and complexity of emergency medical and rescue calls.** Increased recreation will increase the number of EMS responses. To determine the potential increase in EMS calls that may result from the project, we reviewed the District's Annual Activity Reports of EMS incidents on District lands for the last five years. During that time, an average of 56 accidents occurred annually on approximately 45,000 acres of District open space land. (Included in this count are both accidents and illnesses which required an EMS response by another EMS service provider, as well as incidents where no EMS response by another service provider was needed, such as minor injuries to which District Rangers responded and provided treatment.) Based on this data, a conservative projection is that an EMS response rate of one incident per year per 800 acres may occur as a result of the annexation. Given a projection of

11,800 acres of lands that may be acquired, this would result in an annual call volume of 15 calls, or a little more than one per month. In addition, given the relative distance of the annexation area to urbanized areas as well as limited trail development, accidents rates should be well below those on existing District lands.

Because District rangers actively patrol District property, they are often first on-the-scene at District EMS incidents, as well as incidents on nearby public roads and highways. Staff personnel are trained and equipped to meet the Basic Life Support incidents until the County Fire Advanced Life Support Unit arrives. All rangers are required to maintain minimum First Responder and CPR Certificates. In addition, a number of rangers maintain higher Emergency Medical Technician (EMT) certification. ICS trained staff have been integrated into the leadership structure of wildland fire and search and rescue operations. District staff can establish procedures for a joint agency rapid EMS response.

The District patrol staff can conduct joint training with La Honda Volunteer Fire Brigade, be equipped and become a vital part of the Brigade's Fire and Emergency Response resource. Joint venture training of District staff with these other fire service providers will be helpful in coordinating fire and EMS response.

If Annexation does take place, given the District's trained staff and equipment, the District will have a positive impact on the County and La Honda Volunteer Fire Brigade EMS and Rescue workload, and on EMS resources in general. Any potential increase in demand for EMS services will be minimal and will not result in the need for new or expanded government facilities.

**3.7 Need for Increase Communication Facilities.** The District's two-way radio system includes 24-hour emergency dispatch services, provided under contract by the City of Mountain View. Each District vehicle is equipped with a two-way radio and all patrol staff carry hand-held radios. Vehicle and handheld radios have two-way capabilities on 40 different channels, linking District staff to San Mateo County Public Communications Center, CDF, local fire jurisdictions, and other emergency service providers. The radio and Remote Repeater System is designed specifically to meet the District's needs in a mountainous area, providing two-way radio service to approximately 95% of District lands. This system will be extended to the Coastal Annexation Area. The District's Radio and Remote Repeater System together with staff on call 24-hours per day will provide effective communication for prompt notification to emergency service providers in the event of a wildland fire or EMS call.

The District's Radio and Remote Repeater System, together with staff on call 24 hours per day, will provide effective communications for prompt notification to emergency service providers in the event of a wildland fire or EMS call.

**4.0 IN SUMMARY.** For the reasons discussed in this report, the project will not significantly increase wildland fire risk and will not significantly affect EMS service provider resources. In addition, no new or increased public services facilities will be needed as a result of the Coastal Annexation project.

Submitted By:

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Richard E. Montague, President  
FIREWISE 2000, Inc.  
1465 Anoché Glen  
Escondido, CA 92026  
Tele/Fax: (760) 745-3947

San Mateo Coastal Annexation Program EIR

Appendix F

Revised level of Service Analysis for the Coastal  
Annexation Area, by Hexagon Transportation  
Consultants, Inc., February 10, 2003

Midpeninsula Regional Open Space District  
May 2003



# Hexagon Transportation Consultants, Inc.

40 South Market Street, Suite 600 • San Jose, California 95113 • (408) 971-6100 • Fax (408) 971-6102

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## Memorandum

To : Christine Schneider, Thomas Reid Associates

From : Mike Waller  
Jeff Elia

Date : February 10, 2003

Subject : Revised Level of Service Analysis for the Coastal Annexation Area.

This technical memorandum presents the findings of the revised level of service analysis for the proposed Coastal Annexation Area in San Mateo County, California. The project proposes to expand the existing open space area boundaries in the western portion of San Mateo County. The purpose of the analysis is to estimate impacts on the nearest highways if portions of the open space were developed as recreational parks similar to those that currently exist in the Coastal Area. The revised analysis evaluates impacts on two-lane highways based on the procedures prescribed in San Mateo County's *Final Congestion Management Program for 2001*.

There are four major state highways in the western San Mateo County that could potentially be used by the traffic from an expended coastal open space area. These are:

- Route 1
- Route 35
- Route 84
- Route 92

These are the major highways providing access to the annexation area. The trips to the project area potentially could use any of these facilities. The traffic analysis consisted of the evaluation of traffic conditions on 12 separate segments of the above State Routes.

### Level of Service Methodology and Standards

All of the subject roadway segments were classified as two-lane highways. A two-lane highway is defined as a two-lane roadway having one lane for use by traffic in each direction. Passing of slower vehicles requires the use of the opposing lane where sight distance and gaps in the opposing traffic stream permit. As the volumes and/or geometric restrictions increase, the ability to pass decreases, resulting in the formation of platoons in the traffic stream. Motorists in the platoons are subject to delay because of inability to pass.

Traffic conditions on the subject highway segments were evaluated using the two-lane highway level of service methodology as prescribed by the San Mateo County Congestion Management Program (CMP). Level of service (LOS) is a qualitative description of a roadways operating condition. Level of service is designated by a letter grade ranging from A (free-flow conditions with little or no delays) to F (jammed conditions with excessive delays). The

LOS for two-lane highways is based on mobility, or the ability of motorists to pass slower moving vehicles. Thus, terrain type, two-way traffic volume, and percentage of the highway where passing is not permitted (percentage no-passing zones) are critical parameters for determining two-lane highway LOS. As prescribed in San Mateo County's *Final Congestion Management Program for 2001*, the level of service for two-lane highway segments is determined by comparing the prevailing volume-to-capacity (V/C) ratio for the segment against calculated threshold maximum V/C ratios for LOS A through LOS E operating conditions. The prevailing V/C ratios are calculated by dividing the actual measured traffic volume for the segment by the ideal capacity for a two-lane highway (2,800 vehicles per hour). The San Mateo County CMP methodology is based on the *1994 Highway Capacity Manual (HCM)* methodology for two-lane highway level of service, which takes into account other factors that affect LOS such as terrain type and percentage of no-passing zones. The HCM methodology accounts for these factors by adjusting the ideal capacity of the segment to arrive at a prevailing capacity for each segment. However, the CMP methodology accounts for these factors by establishing separate V/C thresholds for different combinations of terrain type and percent no-passing zones, as presented in Table B-3 of the County's *Final Congestion Management Program for 1999* (see Appendix A). Thus, the LOS analysis is carried out by calculating a V/C ratio for each segment by dividing the traffic volume on the segment by the ideal capacity (2,800 vph), then comparing the calculated V/C to threshold V/C ratios in Table B-3 to determine the LOS on the segment.

During the development of the 1991 CMP, the City/County Association of Governments of San Mateo County (C/CAG) selected different LOS standards for different roadway segments in the County based on the location of the segment and on existing (1990/91) and projected (year 2000) levels of service for each segment. The current LOS standard for each roadway segment in the County are identified in the County's *Final Congestion Management Program for 2001* on Table 3-2 and Figure 3-2 (see Appendix A). The LOS standard for each of the study highway segments is summarized on Table 1.

## Projected Traffic Impacts

Weekend traffic counts were obtained from Caltrans for each of the study highway segments. Table 1 shows the Saturday peak hour traffic volumes, V/C ratios, and LOS under existing conditions. All the highway segments currently operate within their respective LOS standard.

A background study scenario was identified to account for the residential growth in San Mateo County that is projected for the next 15 years. The growth in "background" traffic was projected based on the increase in San Mateo County households (ABAG Projections 2000) over a 15-year period. An average annual growth factor of 0.7% per year was applied to the existing volumes to obtain "background" traffic volumes. Table 1 shows that all of the highway segments would continue to operate within their respective LOS standard with the addition of future "background" traffic growth.

The potential increases in traffic associated with future preserves within the Coastal Annexation Area was projected based on traffic counts collected at two of the District's existing preserves: Windy Hill (1,132 acres) and Purisima Creek (2,633 acres; see *Table IV-C-1*). These two preserves were chosen because they are representative of the predominant land types and staging areas that would be typical of the Coastal Annexation Area. The trip generation estimates are based on traffic counts conducted at these two preserves on July 7 and 8, August 11 and 25, and September 9, 2001.

The 1,132 acre Windy Hill Open Space Preserve generated 34 total trips per peak hour (total trips are equal to the sum of inbound and outbound trips), an average of roughly one trip per 33 acres. The 2,633 acre Purisima Creek Open Space Preserve generated 83 total trips per peak hour, an average of roughly one trip per 31 acres of preserve space.

Based on these data, the current trip generation for open space preserves was calculated to be one trip per 32 acres of open space. This project is expected to add approximately 12,000 acres over a 15-year period. Therefore, the total trip generation for the expected additional acreage would be approximately 383 trips. This analysis assumes that the project related trips would be distributed over the roadway system within the Coastal Annexation Area in proportion to the existing traffic volumes on the roadway system.

Project trips were added to the background traffic volumes to obtain project traffic volumes. The results of highway LOS analysis under project conditions are shown on Table 1. The results of this analysis indicate that all of the study roadway segments would continue to operate within their respective LOS standard with the addition of project related traffic. Therefore, the project would not cause any significant impacts to the study roadways.

San Mateo Coastal Annexation Program EIR

## Appendix G

Public Use Ramifications for Sudden Oak Death  
Syndrome, by Moritz Agricultural Consulting and  
Landscape FIRES, May 2003

Midpeninsula Regional Open Space District  
May 2003

## **PUBLIC USE RAMIFICATIONS FOR SUDDEN OAK DEATH SYNDROME**

**for**

### **MROSD SAN MATEO COASTAL ANNEXATION**

#### **PURPOSE**

Moritz Arboricultural Consulting and Landscape FIRES were asked to provide opinions on the proposed change in land use connected with the MROSD's San Mateo Coastal Annexation program relative to fire hazard and ignition risk.

#### **QUALIFICATIONS**

Ray Moritz is a certified urban forester and fire ecologist. He has been a consultant to federal, State, county and local agencies on fire hazard in California for more than 24 years. He was one of the first to recognize Sudden Oak Death (SOD) as a unique syndrome in October, 1995. He has studied and worked with this disease as a consultant with the University of California Cooperative Extension on fire hazard and SOD since 1995. He has attended numerous seminars, discussion groups training programs and meetings on this disease. He was appointed to the Strategic Oak Management Task Force Steering Committee in 1999 and has served as Chair of the Education Committee. He is on the Executive Board and on the Board of Directors of the California Oak Mortality Task Force (COMTF). He has lectured on SOD and its implications for fire behavior and tree structural failure hazards since 1995.

#### **EXECUTIVE SUMMARY**

##### **Change of use and the spread of Sudden Oak Death Syndrome:**

Concern about short distance spread by humans is not supported by the pattern of infection in the hosts, or spread pattern of the syndrome. If SOD proves to be spread in wood materials or contaminated soil, long distance spread may be successfully limited by the institution of quarantines and sanitation practices. However, local spread cannot be effectively contained by such methods because of the large number of potential spread by wind, rain and animal vectors. Because San Mateo is already a Zone of Infestation for SOD, even if it were demonstrated that SOD were spread by animal vectors, the potential human contribution would pale in comparison with the potential contribution by other animal vectors.

The epidemiology of SOD and experimental burns of SOD infested forests demonstrate that SOD does not have a significant effect on fire behavior.



## **BACKGROUND**

The impact of SOD (*Phytophthora ramorum*) on a plant community depends on the presence of inoculum, climatic conditions, and the species composition of the plant community.

### **Species Composition of Redwood Forests**

The dominant tree species present in the redwood forest of coastal San Mateo County are Coast Redwood (*Sequoia sempervirens*), Douglas Fir (*Pseudotsuga menziesii*), Tan Oak (*Lithocarpus densiflora*), California Bay (*Umbellularia californica*). All four of these species are hosts to SODS but it is only known to be a killing disease of Tan Oak. Of the shrub species, Rhododendrons (*Rhododendron spp.*), Huckleberry (*Vaccinium ovatum*) and Toyon (*Heteromeles arbutifolia*), all are susceptible to SOD, but it is only known to be a killing disease of Huckleberry at this time.

### **Species Composition of “Non-redwood” Oak and Riparian Hardwood Forests**

The dominant tree species present in the coast live oak, riparian hardwood of coastal San Mateo County are: California bay laurel (*Umbellularia californica*), coast live oak (*Quercus agrifolia*), black oak (*Quercus kelloggii*), Oregon oak (*Quercus garryana*), valley oak (*Quercus lobata*) and California sycamore (*Platanus racemosa*). Other species found in non-redwood forest include: blue oak (*Quercus douglasii*), California buckeye (*Aesculus californica*), madrone (*Arbutus menziesii*) and big leaf maple (*Acer macrophyllum*). Coast live oak and black oak are susceptible to SOD and typically comprise 30% of the riparian hardwood forest. Bay is the dominant channel tree.

Upland groves of coast live oak forest have higher percentages, of coast live oak than in riparian hardwood forest. Most of these groves occur on rocky, droughty substrates. In these groves a higher percentage of trees are vulnerable to SOD. In the smaller groves (10 trees or less) coast live oak or blue oak may comprise up to 100% of the tree contribution, while in the larger groves coast live oak and black oak combined may comprise 50 to 80% of the tree contribution.

Mixed evergreen forest typically consists of California bay laurel (*Umbellularia californica*), coast redwood (*Sequoia sempervirens*), Douglas fir (*Pseudotsuga menziesii*), tanbark oak (*Lithocarpus densiflora*), big leaf maple (*Acer macrophyllum*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), and California sycamore (*Platanus racemosa*).

### **Field Identification of the Syndrome (SOD)**

SOD has both early and late stage symptoms that may differ on the affected species. It is important to inspect all the locally occurring affected species for foliar, branch and trunk symptoms ([suddenoakdeath.org](http://suddenoakdeath.org)). Bay, Redwood, Madrone and Big leaf Maple exhibit primarily foliar symptoms. The oak and tanoak hosts to this disease syndrome exhibit both primary and secondary trunk, branch and foliar symptoms. Early external symptoms include: thinning of the crown, staining on the bark, “bleeding” or discrete exudation of a dark reddish sap-like fluid from the bark (on portions of trees where there is heavy moss or lichen growth the dark sap-like fluid may be less distinct and matted in the moss or lichens.). Beetle entries may be early or late

in the development of the syndrome but heavy infestations are usually late in the development of the syndrome. On Tanoak leaf symptoms may appear first. New shoots and foliage may droop and turn yellow to brown. Mature leaves of tanoak may turn pale green before turning brown. On tanoak long striations of tan or pinkish discoloration may appear on the bark surface.

Late stage external symptoms include: beetle attack, cracking of the bark, the appearance of dark reddish brown exudate inside and around these cracks, the appearance of Hypoxylon fungus fruiting bodies (olive green to black stroma domes) on the bark and in the cracks, and finally the browning of the canopy and tree death. Dead leaves adhere to the tree. Excavation of the bark in the areas of the staining and sap-like exudation reveals areas of saturated or wet-looking inner bark and pinkish healthy inner bark separated by dark interface zone of fungal advance between the dead and living tissue.

The pathogenic fungus-like organism, *Phytophthora ramorum*, is isolated from a zone of demarcation in the inner bark. It is thought that this fungus is the primary pathogen of SOD. Typically samples for culture are taken from the dark zone of demarcation between healthy and necrotic inner bark. The mode of entry, spread, and much of the biology of this *Phytophthora* remains unknown.

Both early and late stage external symptoms (bark staining, fluxing and cracking, Hypoxylon fruiting bodies, beetle attack and browning of foliage) appear on trees infected by six other pathogens and decay rots, or due to other stressful conditions. The COMTF science advisory committee has found that only laboratory culture of the *Phytophthora ramorum* can positively identify SOD. Sampling and culture of this pathogen is very difficult, with an estimated 30 to 85 percent false negatives depending on time of year, weather, host species and other factors. It should be kept in mind that hosts will continue to die from the other pathogens, rots and environmental conditions that caused mortality prior to the recognition of SOD.

There are a number of tree and shrub species that are strictly foliar or foliar and twig hosts. For these species symptoms include irregular necrotic (brown) spots, leaf tip necrosis with an irregular margin and twig necrosis.

### Pattern of Infection

The appearance of symptoms, including the staining of the bark, exudation of dark sap, cracking of the bark, the appearance of Hypoxylon, separation of the bark, the internal symptoms, and beetle attack, typically appear in the lower trunk or large procumbent branches of the infected trees. The majority of these symptoms appear on the lower six feet of the trunk or procumbent branches. However, these symptoms may also appear both on the trunk and on large branches as high as 15 feet. Older trees, stressed trees and trees with structural defects such as abnormally formed trunks, fire scars, large wounds, abnormal bark formation, acute angled crotches, girdle roots, zones of stress below major scaffold branches, etc. appear to be more susceptible.

### Spread of Sudden Oak Death Syndrome

Sudden Oak Death Syndrome was first identified as a distinct syndrome by Ken Bovero of Marin County Arborists, in 1994. At that time the syndrome appeared to be limited to a small area in Kent Woodlands and Larkspur. In 1995, the syndrome was identified in Corte Madera and Mill Valley (to the south), well into the Marin Municipal Water District lands (to the west), farther north into Kent Woodlands, and into the hills of Larkspur. By the year 2002, SOD had spread throughout Marin County, to Sonoma, San Mateo, Santa Clara, Santa Cruz, and five other Counties. In Spring of 2000 the University of California Berkeley CAMFER program began monitoring the spread of this syndrome.

SOD is now found in eleven counties of California, in southwest Oregon and on nursery plants in Europe, principally Rhododendron (and Azalea) and Vaccinium. Symptomatic trees were found throughout the coastal zone of the Bay Area. It appears that less than one percent of the trees have died and also display SOD symptoms. I have identified numerous cases of SOD in both eastern and western portions of the San Mateo County.

In the late spring of 2000, the new species, *Phytophthora ramorum*, was isolated and associated with SOD. This fungus-like pathogen has been likened to several other species in the genus *Phytophthora*, which are also pathogenic organisms (*Phytophthora lateralis*, *Phytophthora cinnamomi*, etc.). However, there is a distinct difference between the pattern of spread of SOD and the pattern of spread of *Phytophthora lateralis* and *Phytophthora cinnamomi*. The mode of spread and the possible vectors of this fungus remain unknown.

It has been hypothesized by several recent observers and researchers that this fungus may be spread by human travel and mechanical devices. These conclusions are based on analogies drawn from the mode of spread of other species of *Phytophthora*. There is no direct evidence or data to support these conclusions with respect to SOD. In fact, repeated sampling of infected tree roots, have failed to isolate the fungus. The fungus has been found on shoes of hikers, in rain water and the surrounding soil and/or the duff layer.

Concern about short distance spread by humans and mechanical equipment is not supported by the pattern of infection of the trees or spread of the syndrome. Also, inspections have revealed no evidence that the use of arborist equipment has spread this disease. No primary infections of this fungus have been identified as initiating at trimming wounds.

If SOD proves to be spread in wood materials or contaminated soil, long distance spread may be successfully limited by the institution of quarantines and sanitation of equipment. However, local spread cannot be effectively contained by such methods because of the large number of potential vectors.

Note: To date no proven treatment or containment protocols have been identified.

### Prevention of Sods Spread

The mechanism(s) of SOD spread are not entirely known at this time. If *P. ramorum* proves to be dispersed by wind there is little chance of controlling its spread throughout the annexation lands and the entire county. If SOD is spread by water there is little chance of control. The steep terrain and therefore the movement of surface runoff is extensive over the annexation area. If it is demonstrated to be vectored principally by an insect, control of the insect may mitigate the spread of the disease. Most likely it is spread by more than one means.

The distribution of symptomatic trees does not support the conclusion that SOD is spread largely by water or insects.

Several researchers have suggested limiting human use of wildlands as a means of limiting the spread of *P. ramorum*. However, there is no direct evidence of human spread and such a conclusion ignores the large and more significant transport of soil particles by other species such as, birds, reptiles, deer, rodents, squirrels, raccoons, skunks, and feral pigs. Heavy mammalian use and soil disturbance is apparent throughout the area.

Foraging and excavation by feral pigs is evident in some areas. The pigs do much of their foraging and excavation under or around oak canopies. If mammalian activity is proven to spread SOD, feral pigs would be an important potential vector. Feral pig control programs, such as the program MROSD has implemented, have proven to effectively eradicate feral pigs on Bay area water sheds (Marin Municipal Water District - feral pig eradication program).

Foraging and excavation by the many species of wild mammals and birds is simply unavoidable.

Livestock is another major potential vector of contaminated soil. Grazing by sheep and cattle is a significant land use in the annexation area. If animals prove to be vectors, livestock would be a more effective vector than humans. However, livestock does not generally forage in the forest, and relative to soil transport by pigs and other animals, livestock soil transport would be insignificant in the closed forest environment.

### Conclusions:

Spread by human use, assuming this is proven to be a significant means of spread, would pale in comparison to other possible modes of SODS spread.

### **Effect of SODS on Fire Hazard**

Initial estimates of impacts on fire hazard assumed that the fire hazard resulting from SODS (*Phytophthora ramorum*) would be substantial to extreme. Citing studies that show tree loss of 40 to 90 percent, fire experts envisioned large numbers of host trees standing dead in leaf-on condition within a single fire season. Experts also were concerned about a large increase in ground fuels that would sustain high intensity crown fires.

However, experience and research has demonstrated that the severity of the potential change in hazard caused by SOD varies depending on site-specific conditions. The areas found to have high infection or mortality rates in the cited studies contain mainly of highly susceptible species. Typically about 30 percent of the woodland areas contain trees highly susceptible to SOD. It remains speculative whether all host trees will die given indications that some trees within SOD-susceptible species demonstrate significant resistance.

The changes in fuel structure that arise as individual trees succumb to *P. ramorum* should be the sole basis for determining changes in potential fire behavior; that is, it is the absolute changes in fuel structure that determine what kinds of changes in fire behavior are likely under the various fire scenarios.

While the long-term outcome is unknown, all evidence to date suggests that in redwood and coast live oak dominated forests, mortality appears to be incremental, and that either individual trees or small groups of trees appear to be dying.

The structural changes occurring as trees die do increase hazard; however, this change appears to be both contextual (i.e., depending on adjacent fuel conditions) and temporary. Either the blocks of forest all dying synchronously need to be fairly large (on the order of 0.5 acres), or the dead trees need to be adjacent to open fuels sufficient to provide surface intensity above the threshold required to initiate crown fire.

In Redwood Forest the highly susceptible species, tanbark oak, tends to be scattered and to have an intermediate canopy status. Thus the canopy is high enough above the sparse ground fuels to make torching unlikely. Even in cases where torching does occur, it is surrounded by a forest canopy that is relatively resistant to crown fire spread.

As individual trees die within an intact hardwood forest fuel system, the changes in canopy fuels in the individual tree are moot – the fire cannot ignite these fuels, regardless of their changes in fuel moisture. The immediate post mortality period that carries the highest increase in crown fire potential, while the dead leaves are adhering to the trees, is short lived (usually only for about one year post-mortem). Further, after the dead leaves have fallen, the live oak, black oak and tanoak canopy architectures render the standing woody fuels (the stem and branch wood) extremely unlikely to be ignited from a surface fire – the branch density is simply too low to provide a continuous canopy fuel system capable of sustained flaming.

The fundamental issue of increased crown fire potential is predicated on a sufficient surface fire intensity interacting with the crown fuels (pre-heating and ignition) to allow for crown fire initiation. Only where there are edges (fuel transition zones) with open grass and brush adjacent to well developed (i.e., extending close to the ground) newly dead foliage do you have a significant crown fire threat. As a point of comparison, some stands in Marin County have shown high levels of mid-story canopy dieback in tanoak. Even in these stands there is no appreciable crown fire threat, because the surface fuel system will not provide enough energy to

ignite the elevated dead crowns.

My field observations at experimental burns support the conclusion that as long as mature dead trees within the forest proper continue to die, that with small exception they do not have the canopy architecture that will result in an increase in crown fire potential during the critical period of increased fuel availability, namely while the dead leaves are still adhering to the branches.

The longer term dynamics of hazard related to the changes in surface fuels that result as dead trees fail and fall over, have an implication for increases in surface fire behavior, and if untreated may provide for isolated areas of increased crown fire potential to the adjacent (live) forest. The exact level of this increase in hazard is of course dependent on the level of mortality, the actual fuel arrangement that results at the surface (no doubt differing from tree to tree), and the spatial fuel arrangement in the vicinity of the failure. The pattern of mortality over space and time does not support the hypothesis that SOD related mortality will increase fire hazard to any substantial level.

Scientific understanding of the spread and effects of SOD is still in its early stages and is constantly evolving. As time goes on, it is possible the disease will spread to other hosts, more will be known about the methods of disease spread and host susceptibility, and more will be known about how to possibly control or eliminate the disease. The most recent developments in this area do not substantially affect my conclusions.

### Conclusions:

The District should adopt an adaptive management strategy for the management of SOD and fire in the Annexation area. An adaptive management approach to dealing with SOD and the fire hazard caused by SOD is the only possible approach to a disease where the knowledge about its method of spread, damage caused, and methods of control are continually evolving.

Opening Annexation Area to public use will not result in any greater spread of SOD in the area than if it were left unopened. As part of the adaptive management approach recommended here, the District would be responsible for taking appropriate precautionary measures reflective of the most current understandings about the disease. Presently, such measures would include posting signs to educate the public to take precautions not to spread contaminated materials to uninfected areas, and disinfection of shoes and equipment used in connection with trail and trailhead construction and maintenance.

The spread of SOD in the area will result in tree death that increases the fuel hazard of the site's woodlands compared to existing conditions. The mitigation measures recommended herein will reduce fire hazards and will ensure that SOD will not substantially increase fire danger in the future.