

**CALIFORNIA STATE LANDS  
COMMISSION**

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February 3, 2025

File Ref: SCH # 2024120924

Morgan M. Jones  
County of Santa Barbara  
Department of Public Works, Transportation Division  
123 East Anapamu Street  
Santa Barbara, CA 93101

VIA ELECTRONIC MAIL: [SandylandShorelineProtectionProject@countyofsb.org](mailto:SandylandShorelineProtectionProject@countyofsb.org);  
[mmjones@countyofsb.org](mailto:mmjones@countyofsb.org)

**Subject: Notice of Preparation for an Environmental Impact Report for the  
Sandyland Shoreline Protection Project, Santa Barbara County**

Dear Morgan M. Jones:

The California State Lands Commission (Commission) staff has reviewed the subject Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Sandyland Shoreline Protection Project (Project), which is being prepared by the County of Santa Barbara. The County of Santa Barbara (hereinafter referred to as "the County") is the public agency preparing the EIR with the purpose of informing decision-makers and the public regarding the potential environmental effects of the proposed Project, and is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, since the Project will involve work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency. Commission staff requests that the County consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a) and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

**Commission Jurisdiction and Public Trust Lands**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and

submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The rock revetment in the subject location is within and adjacent to the Pacific Ocean, which in this location is ungranted sovereign land. Therefore, the State's sovereign fee ownership in this location extends landward to the MHTL, and Commission authorization, generally in the form of a lease, is required for any proposed use of property waterward of the MHTL.

Commission staff maintains that, due to artificial influences, the legal boundary between the privately-owned uplands and State sovereign tidelands in this location is the last natural MHTL, the best evidence of which is the MHTL surveyed in 1964 for certain areas of the revetment and the 1983 interpolated MHTL for other areas of the revetment.

The existing rock revetment in the subject location is leased from the Commission to the County under Lease 9527, which expires on December 10, 2028 ([Item 54, December 3, 2018](#)). Under Lease 9527, prior to the expiration or sooner termination of the lease, the County must remove any improvements (i.e., the existing rock revetment) from the lease area. Additionally, pursuant to Lease 9527, The County will need to apply for a lease amendment from the Commission to authorize any major structural modification of the existing revetment waterward of the MHTL during the term of the lease. Likewise, the County will need to apply for a new lease if the County intends to retain the revetment after the current lease expires on December 10, 2028. As part of the application process, Commission staff will expect the County to analyze alternatives to repairing the existing revetment, which should include the potential relocation of the revetment landward to minimize or eliminate occupation of the lease premises, as well as alternatives incorporating nature-based strategies, sand replenishment, and sand retention. Additionally,

Commission staff understands that there is an ongoing Coastal Act enforcement action relating to the revetment, and the Commission will expect that the County be in compliance with the Coastal Act when applying for a new lease or lease amendment.

### **Project Description**

The County proposes to repair the Sandyland seawall (rock revetment) to the 1983 design, which will restore the revetment's hydraulic stability and shoreline protective function to current coastal engineering standards with the ability to adapt to future sea level rise (SLR) hazards. The revetment serves as shoreline protection to 25 homes and accessory structures located along Sand Point Road in Santa Barbara County.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Repair and restoration of rock revetment: The rock revetment would be restored to the 1983 design, which includes a 16.4-foot crest elevation (relative to NAVD88 vertical datum), a 2:1 (horizontal: vertical) seaward slope, and a crest width of 10 feet. To restore this configuration, rock would be reworked, new (imported) rock would be added, low points would be filled, dislodged rock would be replaced, and the width of the revetment crest would be reduced.
- Dune vegetation enhancement: Construction and enhancement of the existing dune feature could require the import of sand to locations where sand does not naturally cover.
- Public access stairways: The restoration of the rock revetment would include the removal of 12 private access stairways, and the remaining 11 stairways would be repaired and built to be publicly accessible.

### **Environmental Review**

Commission staff appreciated the inclusion of the Environmental Scoping Document with the release of the NOP that identifies potential issues and discusses the draft EIR's analysis approach. Staff requests that the County also consider the following comments when preparing the EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a future lease approval for the Project.

### General Comments

1. Project Description: A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, construction staging areas, etc.), as well as the details of the timing and length of activities. In particular, figures and engineering plans should depict the MHTL and provide written description of construction activities occurring below the MHTL and include a cross-section schematic of the revetment that depicts the current and repaired revetment size and elevations. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.
2. Alternatives: The EIR should analyze a broad range of alternatives to the repair and restoration of the rock revetment that would reduce significant environmental impacts to the State's public trust resources caused by the repair activities and by the perpetuation of the rock revetment itself. The Alternatives Analysis should consider multiple nature-based strategies, which State policy recommends as a preferred strategy for coastal resilience ([Ocean Protection Council, 2024](#); [California Coastal Commission, 2024](#)). Specifically, these should include replacing the revetment with native dune restoration, dune-covered cobble revetments, and sand replenishment and retention. The Alternatives Analysis should also consider potential relocation of the revetment landward of the current lease premises or otherwise minimizing the extent of public tidelands and beach occupied by the revetment.

### Biological Resources

3. Special status species: Revetment restoration activities, such as the relocation and addition of rock and sand, could result in disturbance of plant and animal communities in proximity to the revetment. In addition, Carpinteria Salt Marsh Reserve sits landward of the revetment, northeast of Sand Point Road. For land under the Commission's jurisdiction, the EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to

reduce those impacts. The County should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special status plant or wildlife species that may occur in the Project area. The EIR should also include a discussion of consultation with CDFW, USFWS, and the National Marine Fisheries Service (NMFS), as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.

4. Construction Noise: The EIR should also evaluate noise and vibration impacts to birds and other animal species from heavy equipment used for revetment restoration. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.
5. Hazardous Materials and Debris: Construction equipment used for revetment repairs and new sand placement may be used on the beach seaward of the revetment. Mitigation measures should include spill contingency plans for any construction equipment used on beaches. The EIR should also include mitigation measures detailing how trash and debris will be secured and removed, during and following construction, as unsecured trash could negatively impact the beach, ocean, and nearby salt marsh.

### Climate Change

6. Sea Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. The impacts of sea level rise on Public Trust lands can be exacerbated by shoreline protective structures, such as the rock revetment, that prevent shorelines from migrating inland and contribute to erosion.

In January 2018, the State of California released the [2018 Update to the Safeguarding California Plan](#) to provide policy guidance for State decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers. Specifically, the Safeguarding Plan acknowledges that shoreline protective structures result in the loss of beach and lateral beach public access and asks agencies to take steps to minimize the

adverse effects of sea level rise, erosion, and storms. According to the Safeguarding Plan, “[t]he loss of beaches due to armoring and sea level rise will in turn result in loss of public beach access, tourism losses, losses of marine mammal haul-out area and sandy beach habitat, and loss of beach buffering capacity against future bluff erosion.”

In addition, the Ocean Protection Council released the [2024 State of California Sea Level Rise Guidance](#) in June 2024, which recommends that “adaptation strategies should prioritize protection of coastal habitats and public access” and “prioritize social equity, environmental justice, and the needs of the underserved and vulnerable communities.” The Guidance emphasizes the importance of California’s beaches, which are used regularly for recreation by working-class residents, and how adaptation strategies should protect public access to and along beaches to maximize free or affordable use of the coast for the benefit of all people.

Commission staff acknowledges that shoreline protective structures are necessary in some circumstances to protect existing structures. However, it is equally important to assess whether portions of protective structures can be moved landward or removed completely and replaced with alternative strategies in order to maximize or uncover beach area and improve lateral public beach access. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea level rise on their proposed project, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their project, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access and coastal habitats.

### Cultural Resources

7. Title to Resources: Restoration of the rock revetment could uncover buried cultural resources. The EIR should also mention that the title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313). In addition, Commission staff requests that the following statement be included in the EIR’s Mitigation and Monitoring Plan: “The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission.”

### Tribal Cultural Resources

8. Consideration of Tribal Cultural Resources: The County identifies tribal cultural resources as an issue for evaluation in the forthcoming EIR and states that consultation will be performed under AB 52 and SB 18. AB 52 includes both procedural *and* substantive requirements, including the requirement that lead agencies strive to avoid significant adverse changes to tribal cultural resources, regardless of whether consultation is requested or occurs, and incorporate mitigation measures recommended by tribes unless the lead agency determines those suggestions are not feasible. Commission staff encourages the County to go beyond the requirements of AB 52 by conducting outreach and consultation with all tribes culturally affiliated with the Project area, as determined by the Native American Heritage Commission. The Commission strongly encourages early, frequent, and meaningful engagement with all culturally affiliated tribes that may be affected by this Project.

### Recreation

9. Public Access and Beach Loss: The County states that the Project may impact public access and recreation on the beach seaward of the rock revetment by causing temporary closures and/or limiting or restricting public access along the beach during construction. The Environmental Scoping Document also notes that permanent impacts to recreation could result following restoration of the rock revetment due to overall reductions in beach width and increased sand loss over time from erosion. Staff suggests that the EIR consider project designs which would minimize temporary disruptions to public access and recreation, to the extent feasible, as well as designs which would minimize the overall loss of the beach in the long term. Additionally, the EIR should clarify how the public access stairs would be utilized by the public, considering Sand Point Road is a private, gated road.
10. Public Safety: Due to the narrow beach width caused by the location of the rock revetment and its effects on erosion, the rock revetment could pose public safety risks to recreational users that become trapped between the rocks and incoming waves, causing serious injuries or drowning when individuals get slammed against the rocks. The EIR should consider the public safety risks posed by the revetment and how they can be reduced by either replacing the revetment with the alternatives or relocating it further landward, off the beach.



## Environmental Justice

11. Environmental justice is defined by California law as “the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code § 65040.12) This definition is consistent with the Public Trust Doctrine’s principle that management of trust lands is for the benefit of all people. The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency’s processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its policy, the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations.

Although not legally required in a CEQA document, Commission staff suggests that the County include a section describing the environmental justice community outreach and engagement undertaken in developing the EIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the project planning process. Commission staff strongly recommends using the [CalEnviroScreen](#) tool and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommends incorporating or addressing opportunities for community engagement in mitigation measures. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests consultation on this



Project and to be kept advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the EIR is being prepared.

Please refer questions concerning environmental review to Robin Tuohy, Environmental Scientist via email at [Robin.Tuohy@slc.ca.gov](mailto:Robin.Tuohy@slc.ca.gov). For questions concerning Commission leasing jurisdiction, please contact Jeff Plovnick, Public Land Management Specialist via email at [Jeffrey.Plovnick@slc.ca.gov](mailto:Jeffrey.Plovnick@slc.ca.gov).

Sincerely,



Nicole Dobroski, Chief  
Division of Environmental Science,  
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cc: Office of Planning and Research  
B. Johnson, Commission  
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