



NATIVE AMERICAN HERITAGE COMMISSION

July 30, 2024

Kelly Gleason
City of Atascadero
6500 Palm Avenue
Atascadero CA 93422

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Re: 2024070598, City of Atascadero Comprehensive 2045 General Plan Update Project, San Luis Obispo County

Dear Ms. Gleason:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at:

https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@NAHC.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 30, 2024

Kelley Gleason, Planning Manager
City of Atascadero
6500 Palma Avenue
Atascadero, California 93422
(805) 461-5000
planning@atascadero.org

**Subject: City of Atascadero Comprehensive 2045 General Plan Update (Plan)
Notice of Preparation (NOP)
SCH No.: 2024070598**

Dear Kelley Gleason:

The California Department of Fish and Wildlife (CDFW) received a NOP to prepare a Draft Environmental Impact Report (DEIR) from the City of Atascadero for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

Conserving California's Wildlife Since 1870

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 2

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future project's tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future project's tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for the Project.

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 3

PROJECT DESCRIPTION SUMMARY

Proponent: City of Atascadero

Objective: The Plan is a comprehensive update to the existing 2025 General Plan that will guide growth in Atascadero over the next 20 years through the year 2045. The Plan would define a community vision, provide the legal foundation for local government decision-making, express policy direction in regard to the physical, social, economic, cultural, and environmental character, serve as a comprehensive guide for making decisions regulating land use, circulation, environmental management, parks and recreation, housing, noise, public health, and safety, and provide citizens the opportunity to participate in the planning and decision-making process.

Location: The Plan area is the City of Atascadero in San Luis Obispo County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Atascadero in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document for this Plan.

The NOP indicates that the DEIR for the Plan will consider potential environmental effects of the proposed Plan to determine the level of significance of the environmental effects and will analyze these potential effects to the detail necessary to make a determination on the level of significance. The DEIR will also identify and evaluate alternatives to the proposed Plan. When a DEIR is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Many special-status plant and animal species in the proposed Plan area have been reported to the California Natural Diversity Database (CNDDB) (CDFW 2024). The following species should be considered as part of the DEIR that will be drafted for this Plan:

The State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the State fully protected golden eagle (*Aquila chrysaetos*), the State and federally endangered least bell's vireo (*Vireo bellii pusillus*), and white-tailed kite (*Elanus leucurus*), the State candidate listed endangered Crotch's bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*), the State species of special concern American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), purple martin (*Progne subis*), coast horned lizard (*Phrynosoma blainvillii*), and northern California legless lizard (*Anniella pulchra*), the State species of special concern and federally proposed threatened southwestern pond turtle (*Actinemys pallida*) and

Kelley Gleason, Planning Manager
 City of Atascadero
 August 30, 2024
 Page 4

California red-legged frog (*Rana draytonii*), the State species of special concern lesser slender salamander (*Batrachoseps minor*), the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*), the State species of special concern Pacific lamprey (*Entosphenus tridentatus*) and Monterey hitch (*Lavinia exilicauda harengus*), the State species of special concern and federally threatened steelhead – south-central California coast Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus* Pop. 9), the California Rare Plant Rank (CRPR) 1B.2 Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), the CRPR 1B.1 mesa horkelia (*Horkelia cuneata* var. *puberula*), the CRPR 1B.3 La Panza mariposa-lily (*Calochortus simulans*), and the CRPR 1B.2 Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*), most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*), Ojai fritillary (*Fritillaria ojaiensis*), San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis*), Santa Margarita manzanita (*Arctostaphylos pilosula*), shining navarretia (*Navarretia nigelliformis* ssp. *radians*), straight-awned spineflower (*Chorizanthe rectispina*), and yellow-flowered eriastrum (*Eriastrum luteum*).

Federally Listed Species

CDFW recommends projects tiered from this Plan consult with the U.S. Fish and Wildlife Service (USFWS) on potential impacts to federally listed species. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

Cumulative Impacts

Given that a Plan serves primarily as a planning tool and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all potential biological resources that will either be significantly or potentially significantly impacted by implementation of the this Plan, including those impacts that are determined to be less than significant with mitigation incorporated for those resources that are rare or in poor or declining health and will be impacted by any future project, even if those impacts are expected to be relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 5

California Endangered Species Act

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW advises that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Plan.

CDFW therefore recommends that the DEIR for this Plan include information related to these requirements and advises that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to CESA listed species may require the need to obtain a 2081 ITP.

Lake and Stream Alteration

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration (LSA) Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

CDFW therefore recommends that the DEIR for this Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to obtain a 1600 LSA Agreement.

Botanical Surveys

CDFW recommends that the DEIR for this Plan include a measure requiring that each project site for projects implemented within the Planning area be surveyed by a qualified botanist for any possible special-status plants following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural

Kelley Gleason, Planning Manager
 City of Atascadero
 August 30, 2024
 Page 6

Communities” (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) during biological technical studies completed in support of the future CEQA documents tiered from this Plan. CDFW recommends that the plant surveys be floristic and, if necessary, utilize known reference sites for special-status plants in order to provide a high level of confidence in the effort and results. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the USFWS be conducted to determine permitting needs.

Nesting birds

CDFW recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project’s CEQA document, and then conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 7

support any variance from these buffers and notify CDFW in advance of implementing a variance.

CEQA Alternatives Analysis

CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Plan's CEQA document be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that for all future projects tiered from this Plan, that when efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

CNDDDB

Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. All project's tiered from this Plan should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the project area.

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Filing Fees

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 8

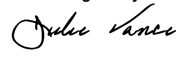
operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Atascadero in identifying and mitigating this Plan's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 9

ec: CESA R4CESA@wildlife.ca.gov

LSA R4LSA@wildlife.ca.gov

FWS steve_henry@fws.gov

State Clearinghouse
Office of Planning and Research
State.clearinghouse@opr.ca.gov

Kelley Gleason, Planning Manager
City of Atascadero
August 30, 2024
Page 10

REFERENCES

California Department of Fish and Wildlife. 2024. Biogeographic Information and Observation System (BIOS). Accessed 26 August 2024.
<https://www.wildlife.ca.gov/Data/BIOS>.



Santa Ynez Band of Chumash Indians
Tribal Elders' Council

P.O. Box 517 ♦ Santa Ynez ♦ CA ♦ 93460

Phone: (805) 688-7997 ♦ Fax: (805) 688-9578 ♦

Wednesday, July 31, 2024

City of Atascadero
6598 Palma Avenue
Atascadero, CA 93422

Att.: Kelly Gleason, Planning Manager

Re: DEIR Comprehensive 2045 General Plan Update

Dear Ms. Gleason:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, we understand that as part of NHPA Section 106, we must be notified of the project.

Thank you for remembering that at one time our ancestors walked this sacred land.

Sincerely Yours,

Crystal Mendoza

Crystal Mendoza
Administrative Assistant | Cultural Resources
Santa Ynez Band of Chumash Indians | Tribal Hall
(805) 325-5537
cmendoza@chumash.gov



City of Atascadero
Community Development Department
Attn: Kelly Gleason, Planning Manager
6500 Palma Avenue
Atascadero, CA 93422
Via email: planning@atascadero.org

August 14, 2024

Subject: NOP of a Draft Environmental Impact Report for the City of Atascadero Comprehensive 2045 General Plan Update

Dear Kelly Gleason,

Please find below the comments of the Santa Lucia Chapter of the Sierra Club for the Notice of Preparation for the Draft Environmental Impact Report on the City of Atascadero's 2045 General Plan Update. We have also attached a reference Memorandum from CDFW supporting comments regarding Salinas River sediment removal (sand mining). The Santa Lucia Chapter of the Sierra Club represents over 3,000 Sierra Club members and supporters who are residents throughout San Luis Obispo County.

The General Plan Update is a key opportunity to ensure protections for local community and ecosystem health in Atascadero and for the impacted areas beyond city limits.

We have significant concerns about the lack of specific, lasting and enforced Land Use and Conservation elements in the proposed update, particularly the absence of secure and enforced protections for various elements of the Salinas River and accompanying wildlife and ecosystems. The DEIR should ensure that future land use planning for Atascadero includes consideration of public health and ecosystem health throughout the General Plan Update and explicitly outlined protections in the updated Land Use, Open Space & Conservation Element for the Salinas River wildlife and ecosystems.

Salinas River Resources

The Salinas River and its watershed are extremely important elements to the environmental, economic, and public health of the City of Atascadero. The river is the primary source of water to the City and the means for banking and recovering the City's Nacimiento Pipeline allotment.

The Salinas River's aquatic and riparian ecosystems are vital for wildlife and residents. Atascadero is the nearest city to the Salinas River headwaters, giving the city a unique responsibility to protect river health and prevent significant impacts for downstream ecosystems and communities all the way to Monterey Bay.

The River is habitat for the South-Central California Coast (SCCC) Steelhead, which are an evolutionary significant unit (ESU). The upper Salinas headwaters, creeks and feeder streams are designated under the Federal Endangered Species Act as critical habitat for the endangered S-CCC steelhead¹. Portions of the Salinas River are habitat for the endangered red-legged frog. The River is home to a thriving colony of beaver, recognized as an important, efficient contributor to watershed health and groundwater storage.

¹ SCCC was designated under the Endangered Species Act on September 8, 2000. SCCC critical habitat was designated effective date of January 2, 2006.

Primary constituent elements (PCE) of designated critical habitat for listed steelhead include water quality and quantity, foraging habitat, natural cover including overhanging large wood, and migratory corridors free of obstructions. These elements are beneficial to all of the species in and around the River and its feeder creeks².

The Draft Environmental Impact Report should carefully consider impacts and protections for species-dependent habitat in and around the Salinas River, the watershed and creeks.

The Salinas River's health not only benefits ecosystems, wildlife and the community's aquifer, but creates the scenic and recreational area that Atascadero residents cherish. Access to safe and quality spaces in nature plays an important role in public health, both physical and mental health³. A balance of access and protection is vital to ensure the integrity and longevity of these ecosystems, as stated in the current General Plan's Land Use, Open Space & Conservation Element, Policy 8.1 Program 9, "Any recreational use of the River and creeks shall minimize its impact on the habitat value and open space qualities of the creeks." The Atascadero community has predominantly expressed the desire to access and protect these spaces. Per the [Emerging 2045 General Plan Update Preferred Alternative](#), community feedback on Focus Area E included "Limit new industrial uses near the Salinas River (68%)" and "Create greater access/recreational opportunities to the Salinas River (73%)."

Significant consideration should be given to protecting and enhancing Public Trust assets of the Salinas River and its tributaries.

We have included an Appendix of resources addressing these issues which we suggest be incorporated in the Draft EIR.

Salinas River Beaver Protections

The EIR should acknowledge that the CDFW launched California's [Beaver Restoration Program](#) in 2022 to bring beavers back into the landscape through a concerted effort to combine prioritized restoration projects, partnerships with local, federal, and state agencies and Tribes, and updated policies and practices that support beaver management and conservation throughout the State. Upon the program's initiation, Brock Dolman, co-director of the WATER Institute, noted the "many opportunities for beavers to create beneficial habitat, help fight drought, wildfire, and climate change, increase abundance of ecologically and significant plants and animals, and improve water quality and flow."

The EIR should incorporate by reference the publication [Beaver in California: Cultivating a Culture of Stewardship](#), to ensure the 2045 General Plan will be consistent with its own [2045 General Plan Update](#)

² "A key component of SCCC steelhead habitat in the Salinas basin is large woody debris, made up mostly of hardwood trees, often still alive. Often, mainstem river and lower reaches of tributary creeks are seasonally dry and these reaches are primarily used as migratory corridors. In cases when large wood provides oversummering habitat, SCCC juvenile steelhead will use mainstem creeks and rivers with perennial flows. These creeks may be important in watersheds where headwater streams are dry during this period (Boughton et al. 2006).

...The potential for catastrophic natural events, including wildfire, drought, and debris flows, to negatively impact habitat availability for SCCC steelhead is considerable. Since these events have the potential to extirpate populations within the SCCC steelhead DPS, they each directly affect the viability of steelhead within the four SCCC steelhead DPS biogeographic groups (Boughton et al 2007)." P.80

Salmon, Steelhead, and Trout in California Status of an Emblematic Fauna [A report commissioned by California Trout, 2008](#)

³ "Now evidence shows us that the quality of our relationship with nature is part of the reason for its positive impact on our wellbeing." P.4

Nature: How connecting with nature benefits our mental health, report by the [Mental Health Foundation, 2021](#)

[Vision and Guiding Principles](#), under the “Our Natural Environment” guiding principle: “Consider Atascadero’s natural, historic, and cultural landscape and resources when planning for the future.” The consideration of beavers in this planning is essential.

Salinas River and Creek Off Highway Vehicles and Enforcement

The [2045 General Plan Existing Conditions Report](#) notes that “illegal off-road use of the Salinas River causes displacement of the riverbed, pollution of the river, and destruction of riparian vegetation (US-LTRCD 2018)” as well as stating that “The creeks have been highly impacted by problems with trash, illegal dumping, offroad vehicle use, and urban pollution that has significantly degraded the quality of the habitat.” It is essential to prioritize the safety and health of the River and creek ecosystems, water quality, and our communities using the River and creeks for its legal uses, including walking, riding horses, bird watching and more. As the illegal off-road uses are directly degrading these resources and adversely impacting public health and safety, this should be prominently noted in the EIR, along with the need for increased enforcement efforts.

Salinas River Sediment Resources

The Salinas River and its tributaries should be protected from any increase of sand mining operations. NOAA guidelines for safe sediment removal (sand mining) are not more than 50% of the sediment recruitment calculated over a period of years. Current permits for mines have overallocated the available sediment resource. Available sand for instream mining of the Salinas and Estrella Rivers are already over-permitted. Removal of gravel in excess of 50% of recruitment can cause undercutting of banks, scouring of stream bed and erosion. Channelized streams increase water velocity in storm events. The natural geomorphology of a stream greatly reduces flow velocities and spreads the waters over a larger area, providing for increased recharge.

“Extraction of bed material in excess of natural replenishment by upstream transports causes bed degradation. This is partly because gravel “armors” the bed, stabilizing banks and bars, whereas removing this gravel causes excessive scour and sediment movement (Lagasse et al. 1980; OWRRI, 1995). Degradation can extend upstream and downstream of an individual extraction operation, often at great distances, and can result from bed mining either in or above the low-water channel (Collins and Dunne 1990; Kondolf 1994a, b; OWRRI, 1995). Headcutting, erosion, increased velocities and concentrated flows can occur upstream of the extraction site due to a steepened river gradient (OWRRI, 1995)⁴.”

We have attached for reference a Memorandum dated May 4, 2009, to Dr. Jeff Single, CDFG Regional Manager, from Kit Custis, Senior Engineering Geologist Dept. of Fish and Game, subject Preliminary Bedload Sediment Budget for Salinas and Estrella Rivers.

Parks and Recreation

With an increase in population targets, there should be an analysis of the ratio of park and recreation acres to population to establish guidelines for increasing park and recreation facilities. The siting of parks, natural areas and habitat connectivity should be considered and planned for in relation to the goals of the California State 30x30 Plan.

Other Considerations

The updated General Plan should include elements coordinating with SLO Regional Transportation Plan and the County Bikeways Plan.

⁴ NMFS Gravel Extraction Policy August 1996



Thank you for this opportunity to comment on the NOP for the Atascadero City General Plan Update. We look forward to working with you throughout the General Plan Update process.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Harvey".

Susan Harvey, Chair

Conservation Committee
The Santa Lucia Chapter of the Sierra Club
San Luis Obispo County, CA
(805) 543-8717
Sierraclub8@gmail.com
P.O. Box 15755, San Luis Obispo, CA 93406

APPENDIX OF RESOURCES

Role of Hardwood in Forming Habitat for Southern California Steelhead

Lisa C. Thompson,² Jenna L. Voss,² Royce E. Larsen,³ William D. Tietje,⁴ Ryan A. Cooper³ and Peter B. Moyle²
https://www.fs.usda.gov/psw/publications/documents/psw_gtr217/psw_gtr217_307.pdf

Upper Salinas Watershed Action Plan Final Report to the State Water Resources Control Board

Upper Salinas Las Tablas RCD
<https://www.us-ltrcd.org/files/35194b753/USLS+RCD+Watershed+Action+Plan.pdf>

NMFS Final Recovery Plan for South-Central California Steelhead

December 01, 2013
<https://www.fisheries.noaa.gov/resource/document/final-recovery-plan-south-central-california-steelhead>

Salmon, Steelhead, and Trout in California

Status of an Emblematic Fauna

A report commissioned by California Trout, 2008
PETER B. MOYLE, JOSHUA A. ISRAEL, AND SABRA E. PURDY
UC DAVIS Center For Watershed Sciences
<https://www.baydeltalive.com/assets/c5f67c17ca965d44d6e39c3bc257f5c8/application/pdf/SOS-Californias-Native-Fish-Crisis-Final-Report-1.pdf>

Salinas Valley Sediment Sources Central Coast Watershed Studies

Report No. WI-2003-06 28th May 2003
The Watershed Institute Earth Systems Science and Policy California State University Monterey Bay
Fred Watson, Ph.D, Mark Angelo, P.E., Thor Anderson, Joel Casagrande, Don Kozlowski, Wendi Newman,



Julie Hager, Doug Smith, Ph.D, Bob Curry, Ph.D

https://science.csumb.edu/~ccows/ccows/pubs/reports/CCoWS_SalSedReport_030530c.pdf

On the Edge: Protecting California's Fish and Waterfowl from Global Warming

National Wildlife Federation

Planning and Conservation League Foundation

<https://www.nwf.org/~media/PDFs/Global-Warming/Reports/CaliforniaGlobalWarmingReport.ashx>

2022 NRPA AGENCY PERFORMANCE REVIEW

National Park and Recreation Association

<https://www.nrpa.org/siteassets/2022-nrpa-agency-performance-review.pdf>

Nature: How connecting with nature benefits our mental health

Mental Health Foundation, 2021

<https://www.mentalhealth.org.uk/our-work/research/nature-how-connecting-nature-benefits-our-mental-health#paragraph-18341>

California Beaver Restoration Program

California Department of Fish and Wildlife

<https://wildlife.ca.gov/Conservation/Mammals/Beaver>

Beaver in California: Cultivating a Culture of Stewardship

WATER Institute, Occidental Arts and Ecology Center

<https://oaec.org/publications/beaver-in-california/>

CDFG/CDFW Memorandum

Subject: Preliminary Bedload Sediment Budget for Salinas and Estrella Rivers

May 4, 2009, to Dr. Jeff Single, CDFG Regional Manager, from Kit Custis, Senior Engineering Geologist Dept. of Fish and Game

See memorandum attached below

Memorandum

Date: May 4, 2009

To: Jeff Single
Regional Manager
Department of Fish and Game
Central Region
1234 E. Shaw Ave.
Fresno, CA 93710

Deborah Hillard
Staff Environmental Scientist
Department of Fish and Game
Central Region
P.O. Box 1388
Morro Bay, CA 93443

From: Kit Custis,
Senior Engineering Geologist
PG #3942, CEG #1219, CHG #254
Department of Fish and Game
Fisheries Engineering Program
Regional Operations Division
1812 9th Street
Sacramento, CA 95811

Subject: Preliminary Bedload Sediment Budget for Salinas and Estrella Rivers
Pehl Mine Conditional Use Permit, DRC2005-00027
Paso Robles, San Luis Obispo

This memorandum presents a summary of most recent efforts to evaluate in-sediment bedload replenishment and potential bedload sediment bypass at in-stream mines on the Salinas and Estrella Rivers in the Paso Robles area. Although this recent work is part of an ongoing evaluation of the potential environmental impacts at the proposed Pankey mine and the framework for an area-wide adaptive management plan, it is relevant to the proposed Pehl mine because it attempts to establish a regional in-stream sediment budget for the mines in the area. Reference is made to my August 21, 2008 memorandum on Pehl mine for a full discussion of my comments and recommendations. The information in this memorandum is still being evaluated as part of the Pankey mine application, and details are subject to revision. The conclusions and recommendations in this memorandum are my own and do not reflect the opinions of the County staff or Pankey mine's consultants. I'm providing this preliminary opinion because the Pehl mine is before the County Board of Supervisors and the information supports my previous

Hillard, F & G
C-3
5/05/09

opinion that the current and proposed permits for in-stream mining in the Paso Robles area have over allocated the available resource. This conclusion of over allocation of the bedload resource should stand regardless of minor changes that will likely occur in the sediment budget as we finalize the environmental evaluation of Pankey mine.

For the purpose of this long-term bedload sediment budget, the upper Salinas River near Paso Robles has been subdivided into five subreaches, Figure 1. The boundaries of these subreaches are somewhat arbitrary, but are intended to capture the potential impacts of the current and proposed in-stream mines and the introduction of additional sediment from major tributaries. The boundaries for the two most downstream these subreaches are defined where the Huerhuero Creek and Estrella River tributaries discharge into the Salinas River. This way the impact of a large additional sediment load can be evaluated. Table 1 describes the five subreaches and lists the total drainage area upstream from the downstream end of the subreach. The Salinas River drainage area for subreach S-1 includes 52 square miles of Vineyard Creek, a tributary that discharges below the confluence of the Estrella River. Table 2 lists the mines in the upper Salinas River area and provides the location on the Salinas River, the permitted extraction volume, whether the mine is in-stream, and the status of the mine.

This attempt to create a technical foundation for an area-wide in-stream mining adaptive management plan is based on the concept that the amount of sediment being delivered to the Salinas and Estrella Rivers is related to the total upstream drainage area. Subreach bedload sediment budgets are calculated by subtracting the cumulative permitted extraction volume of all the in-stream mines above each subreach from the estimated volume of bedload being delivered to the Salinas River at that subreach. The sediment balance is calculated at the downstream boundary of the subreach. In other words, subtracting the potential sediment that can be extracted under the current permits from the average sediment delivered results in the average amount of sediment being bypassed. It should be noted that this bedload sediment budget is for an “average” sediment yield that is developed from the measurement of sediment deposited in the Santa Margarita Reservoir over a long period of time, at least 34 years. Most of this sediment is delivered to the river system during rare, large storm events. Year-to-year sediment delivered and mobilized in the river can be expected to be much less than the “average” values used for this budget. Thus, this type of “average” sediment budget should not be used as an indicator of potential year-to-year impacts to the river system, but used to address the feasibility of in-stream mining over the long-term.

In calculating an in-stream bedload sediment budget, those mines that are off-stream or closed are not included. In addition, two mines, SMARA #91-004-0027 and #91-0040-0052 were not included in the sediment budget. Even though these mines are within the upper Salinas River drainage, their distance from the main stem mines suggests that they be excluded from this calculation. This removes from the sediment balance a permitted extraction volume of 100,000 cubic yards per year, which is a significant volume. To adjust for this, the sediment budget removes the drainage area from each of these mines as a sediment source. Because the estimated bedload yielded upstream of each of these mines is less than the permitted annual extraction, the mines can effectively take 100 percent the bedload being delivered. Thus, removal of their areas from the sediment budget effectively removes their area-wide impact. The site-specific impact of extracting more than replenishment however is not addressed, and the County may wish to evaluate this impact as part of the final area-wide adaptive management plan.

A subject of much discussion in developing a bedload sediment budget has been how to estimate the amount of bedload delivered to the river. The sediment budget has to extrapolated sedimentation rate from adjacent areas because we lack actual long-term measurements of the amount of sediment being transported in the upper Salinas or Estrella Rivers. The closest and likely most reliable is the measurement of sedimentation rate comes from studies on the sediment filling in the Santa Margarita Reservoir. Although we are actively discussing what long-term average sediment yield is appropriate for this in-stream sediment budget, that is, the average cubic yard of bedload delivered to the river per square mile of drainage area, I believe that bedload values of 300 and 200 cubic yards per square mile per year for the Salinas and Estrella Rivers, respectively, are within the range of what would be appropriate for this first attempt at a long-term bedload sediment budget. These unit bedloads values are based on the assumption that 30 percent of the total load on the Salinas River and 20 percent for the Estrella River, based on the recommendation of Watson and other, 2003.

Several tables are attached that I modified for the Pehl mine site from spreadsheets prepared by Pankey's engineering consultant Matt Smeltzer (April 30, 2009). In these tables, the amount of sediment delivered to each subreach is calculated assuming that bedload sediment from the 112 square mile area of the Santa Margarita Reservoir is trapped and therefore removed from the calculation. In addition, the drainage areas above mines #27 and #52 are removed from the calculation, as discussed above. The sediment yield for subreach S-1, the most downstream reach, is calculated by dividing the contributing area into the Salinas and Estrella Rivers and then multiplying the area by the unit bedloads for each river.

Tables 3A and 3B present the bedload sediment budget and percent bedload bypassed for the previous and current baseline conditions. The previous baseline condition does not include the recently permitted extraction of the Viborg-Estrella mine because the mine is not yet operational. However, because the Viborg-Estrella mine is approved, the current baseline condition shown in Table 3B includes the mine's 45,000 cubic yards per year of in-stream extraction.

The percentage of bedload bypassed at each subreach is calculated by subtracting the cumulative permitted extraction from the estimate cumulative bedload being delivered at downstream end of each subreach, and then dividing that difference by the cumulative bedload being delivered. This gives a value that is a relative index of the bedload extracted to the bedload delivered. A negative value indicates that the volume of bedload being extracted exceeds the volume being delivered. In theory, a negative value means that the bedload bypassing the reach is coming from sediment in storage taken either from the channel bed or the channel banks. While the bypass percentage is a relative index, the magnitude of a negative bypass percentage can be interpreted as a relative measure of the potential for adverse impacts to the subreach. A greater the negative value suggests a higher the potential for adverse impacts. Adverse impacts that might occur can include downcutting, bank instability and bank erosion that result because the river needs to adjust to the lack of sediment load, similar to the "hungry water" condition termed for rivers downstream of large reservoirs.

Also include in Tables 3A and 3B is a column listing the sediment balance if only 50 percent of the permitted extraction is taken. This was done because a recent cumulative tabulation by County staff of the average annual extraction over the most recent 7 years by nine County permitted in-stream mines in the Paso Robles found the reported extraction rates were

approximately half that permitted. Because specific information on what each mine extracted during each year is considered proprietary, the 50 percent extraction rate was uniformly assigned to each mine for the purpose of this bedload sediment budget.

The baseline condition bedload sediment budgets show that in the reaches upstream of the Estrella River the permitted extraction rate is greater than replenishment. The greatest deficiency is calculated for subreach S-3, which extends approximately 3 miles upstream from the confluence of the Huerhuero Creek, Table 1 and Figure 1. The additional sediment from the Estrella River helps make up for this deficiency at the subreach S-1, which ends at the County Line. At the estimated 7-year historic average 50 percent extraction rate, the bedload bypass percentage downstream of S-1 was just above the 50% desired by NOAA. Unfortunately, the 50 percent reduction in extraction is not enforceable at this time, and the appropriate calculation of bedload bypass is the permitted 100 percent extraction rate. At 100 percent extraction rate, the calculated bedload bypass is only 5 percent downstream of subreach S-1 when the Viborg-Estrella mine is included, Table 3B. This calculation does not include the impacts of the proposed Pehl, Pankey or Weyrick mines that are in the process of being permitted.

Table 4 shows the bedload sediment budget scenario when the 80,000 cubic yards per year being requested by the Pehl mine is added to currently permitted mines. The negative bedload bypassed value implies that the addition of the Pehl mine extraction further increases the bedload deficiency and thereby increases the potential for channel impacts.

Table 5 shows the bedload sediment budget for a scenario where the proposed Pehl, Weyrick and Pankey mines are all approved to extract at the annual rates in their current applications. The Weyrick mine is applying for extraction volume of 40,000 cubic yards and the Pankey mine for 135,000 cubic yards, 125,000 cubic yards on the Salinas and 10,000 cubic yards on Vineyard Creek. As in Table 4, the sediment bypass percentage for all subreaches negative and the S-1 and S-2 bedload bypass values become significantly more negative. The potential for channel instability and impacts is further increased with the addition of these three mines if they extract at 100 percent of the permitted volume each year.

Conclusions

This preliminary bedload sediment budget for the in-stream mines on the Salinas and Estrella Rivers near Paso Robles indicates that the permits for the current mines have over allocated the available sediment resource. If more than 50 percent of the sediment currently permitted for extraction is removed over a several year period, then the NOAA desired 50 percent bedload bypass will not be achieved on the Salinas River downstream of the San Luis Obispo/Monterey County line. Even with a long-term reduction in the extraction rate of 50 percent or greater, the bedload deficit will apparently continue for approximately 9 miles upstream of the Estrella River confluence. The permitting of additional mines on the Salinas River will only add to this long-term bedload deficit. This bedload deficit raises the potential for channel instability and erosion.

This cumulative impact evaluation of available bedload resources for in-stream mining on the Salinas and Estrella Rivers has been advocated by the Department of Fish and Game for all of the environmental reviews being undertaken for the recent use permit applications for in-stream mining. The conclusion I've reached by this preliminary analysis is that the desire for a cumulative effects analysis and an environmental impact report is well founded.

An additional conclusion that I've reached is that an area-wide adaptive management plan is needed to manage in-stream mining in the Salinas and Estrella Rivers near Paso Robles in order to protect all of the river's resources, and ensure long-term stability of the river and adjacent infrastructure. An area-wide adaptive management plan should include the monitoring and reporting of the volume of sediment being delivered and transported in the mine reaches as well as documentation of long-term effects of mining on the river's geomorphology and adjacent infrastructure.

References

Smeltzer, Matt, April 30, 2009, Final Review Draft, Chapter 4 Excerpts, Area-Wide Adaptive Management Plan, Pankey Mine Conditional Use Permit, DRC2005-00193.

Watson and others, May 28, 2003, Salinas Valley Sediment Sources, Central Coast Watershed Studies, The Watershed Institute, Monterey, California, 227 pp.

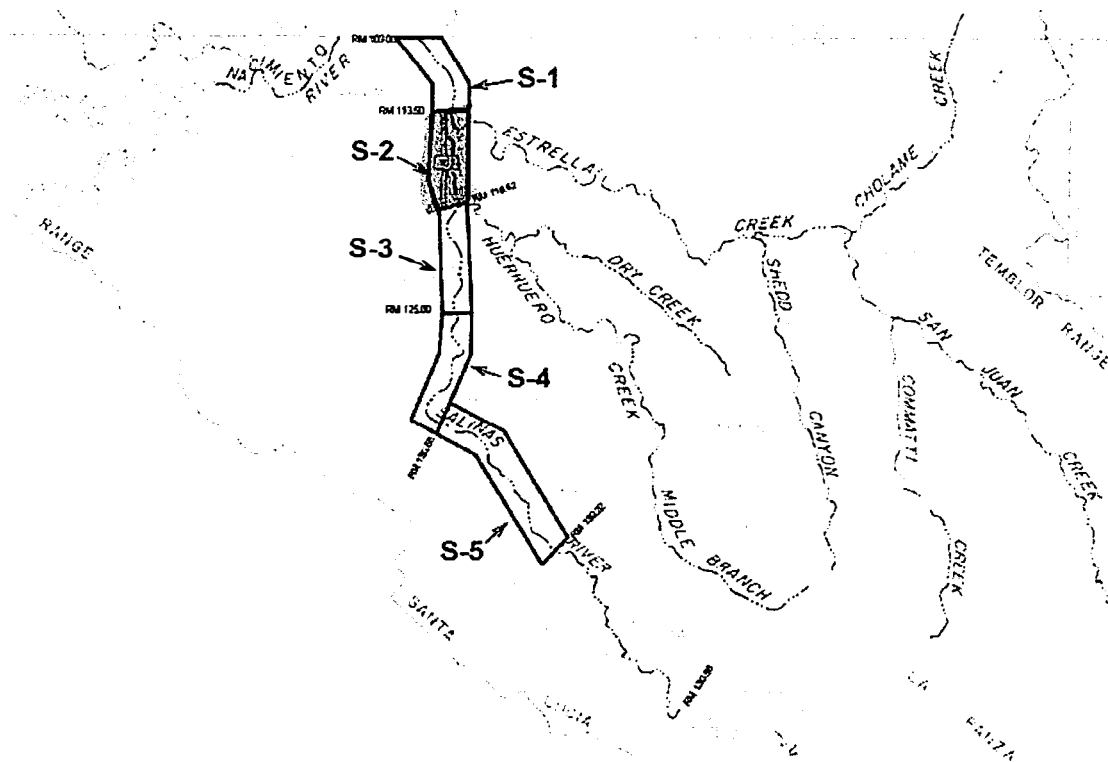


Figure 1: Geomorphic subreaches of the main stem of the Salinas River near Paso Robles. Note that Estrella River is included in subreach S-1. (Map from Smeltzer, April 30, 2009 Draft Area-Wide Adaptive Management Plan).

Table 1 Drainage Areas Salinas and Estrella River near Paso Robles

Subreach		Total Drainage Area Tributary to Downstream End (sq mi)	Drainage Area less Santa Margarita Reservoir (sq mi)	Unit Area Bedload Sediment Yield (CY/sq mi/yr)	Cumulative Estimated Natural Annual Average Bedload Supply (CY/yr)
Reach S-5	Upper Salinas River between approx. 9 mi upstream from Paso Robles to approx. 5 mi upstream from Atascadero	253	141	300	42,300
Reach S-4	Upper Salinas River between approx. 3 mi upstream to approx. 9 mi upstream from Paso Robles	367	255	300	76,500
Reach S-3	Upper Salinas River between Huerhuero Creek and approx. 3 mi upstream from Paso Robles	407	295	300	88,500
Reach S-2	Upper Salinas River between Estrella River and Huerhuero Creek confluence	532	420	300	126,000
Reach S-1	Upper Salinas River between County Line and Estrella River confluence	1,526	1,414		330,000
<i>Reach S-1 subtotals:</i>		Estrella	942	200	188,400
		Salinas	472	300	141,600

Subreach S-1 Salinas River area includes 52 square miles of the Vineyard Creek drainage.

Table 2. Sand & gravel mines near Paso Robles, San Luis Obispo County.

Watershed Location	ID # or Permit Status	Mine Name(s)	Operator	Upper Salinas River Mile (RM)	In stream?	Permitted/ Proposed Annual Maximum Extraction (CY/yr)	County/ City Status	OMR Status
Reach S-5	#42	Sycamore Road	F Borzini S&G	133.90	Yes	50,000		Active
<i>Reach S-5 subtotal:</i>						50,000		
Reach S-4	#53	Smith Pit	Viborg	129.00	Yes	25,000		Active
Reach S-4	#34	Templeton/Ormor	Borzini S&G	128.13	Yes	65,000		Active
Reach S-4	#34b	Finley	nd	127.77	Yes	35,000		nd
Reach S-4	#15	Miller Mine	Riverdown Asphalt	127.40	Yes	20,000	Closed	Active
Reach S-4	#48	Nesbitt	Union Asphalt	126.00	Yes	20,000		Active
<i>Reach S-4 subtotal:</i>						145,000		
Reach S-3	#30	Salinas River Bor	Paso Robles	124.50	Yes	5,000	Idle	Idle
Reach S-3	#40	Lone Oak Rock & Union	Asphalt	122.36	Yes	20,000	Active	Active
Reach S-3	#23	North River Rd B	Viborg	121.85	Yes	50,000	Idle	Closed
Off-channel	#10	North River Road	SBP	na	na	2,500		Closed
<i>Reach S-3 subtotal:</i>						75,000		
Rea/Nuerm Ck	#52	Creston	Union Asphalt	na	Yes	50,000		Active
Reach S-2	Proposed	Pehl	nd	117.52	Yes	80,000		
Reach S-2	Proposed	Weyrick	nd	116.45	Yes	40,000		
Off-channel	#11	North River Road	Union	na	na	10,000		Active
San Marcos Ck	Proposed	San Marcos Ck	na	na	Yes	nd		
Nawajo Ck	#27	Nawajo Rock & Bl	Nawajo Concrete	na	Yes	40,000		Active
<i>Reach S-2 subtotal:</i>						120,000		
Estrella River	Pending	Viborg-Estrella	Viborg	na	Yes	45,000		
Reach S-1	Proposed	Pankey-Salinas	Pankey S&G	112.04	Yes	125,000		
Vineyard Ck	Proposed	Pankey-Vineyard	Pankey S&G	na	Yes	10,000		
<i>Reach S-1 subtotal:</i>						180,000		
<i>Area-Wide Plan area total:</i>						570,000		

Notes

nd - not determined.

na - not applicable.

S.P. denotes closed, off-channel, or mine deemed far enough from mainstem to have negligible impact.

Closed, off-channel, or distant mines not included in subreach subtotals and area-wide plan total.

Finley (#34b) not in OMR database; assigned Mine ID #34b due to proximity to Templeton/Ormonde (#34).

Miller River (#15) is active according to OMR but closed according to County; assumed closed.

North River Road Borrow Pit (#23) is closed according to OMR but idle according to City; assumed idle.

Proposed Pankey mine shown as two line items to reflect mainstem and tributary extraction areas at site.

Modified after Table in M. Smeltzer, April 30, 2009, Draft Area-Wide Adaptive Management Plan

Table 3A Previous Baseline Conditions Bedload Sediment Supply.

Subreach	Cumulative Natural Annual Average Bedload Supply (CY/yr) (Input)	Existing* Mines Annual Maximum Permitted Extraction (CY/yr)	100% of Cumulative Mines Annual Maximum Permitted Extraction (CY/yr) (Output 1)	50% of Cumulative Total Annual Maximum Permitted Extraction (CY/yr) (Output 2)	100% of Cumulative Mining- Reduced Annual Bypass Bedload (CY/yr) (In-Out 1)	50% of Cumulative Mining- Reduced Annual Bypass Bedload (CY/yr) (In-Out 2)	100% Extraction Bedload Bypassed (%)	50% Extraction Bedload Bypassed (%)
Reach S-5	42,300	50,000	50,000	25,000	-7,700	17,300	-18%	41%
Reach S-4	76,500	145,000	195,000	97,500	-118,500	-21,000	-155%	-27%
Reach S-3	88,500	75,000	270,000	135,000	-181,500	-46,500	-205%	-53%
Reach S-2	126,000	0	270,000	135,000	-144,000	-9,000	-114%	-7%
Reach S-1	330,000	0	270,000	135,000	60,000	195,000	18%	59%
Totals:		270,000						

**Viborg-Estrella is not included*

Table 3B Current Baseline Conditions Bedload Sediment Supply.

Subreach	Cumulative Natural Annual Average Bedload Supply (CY/yr) (Input)	Existing* Mines Annual Maximum Permitted Extraction (CY/yr)	100% of Cumulative Mines Annual Maximum Permitted Extraction (CY/yr) (Output 1)	50% of Cumulative Total Annual Maximum Permitted Extraction (CY/yr) (Output 2)	100% of Cumulative Mining- Reduced Annual Bypass Bedload (CY/yr) (In-Out 1)	50% of Cumulative Mining- Reduced Annual Bypass Bedload (CY/yr) (In-Out 2)	100% Extraction Bedload Bypassed (%)	50% Extraction Bedload Bypassed (%)
Reach S-5	42,300	50,000	50,000	25,000	-7,700	17,300	-18%	41%
Reach S-4	76,500	145,000	195,000	97,500	-118,500	-21,000	-155%	-27%
Reach S-3	88,500	75,000	270,000	135,000	-181,500	-46,500	-205%	-53%
Reach S-2	126,000	0	270,000	135,000	-144,000	-9,000	-114%	-7%
Reach S-1	330,000	45,000	315,000	157,500	15,000	172,500	5%	52%
	<i>Totals:</i>	315,000						

**Viborg-Estrella is included*

Table 4 Proposed Conditions with only Pehl mine

Subreach	Cumulative Natural Annual Average Bedload Supply (CY/yr) (Input)	Existing Annual Maximum Permitted Extraction (CY/yr)	Proposed Annual Maximum Permitted Extraction (CY/yr)	Total Annual Maximum Permitted Extraction (CY/yr)	100% Cumulative Total Annual Maximum Permitted Extraction (CY/yr) (Output 1)	100% Cumulative Bypass Annual Average Bedload Supply (CY/yr) (In-Out 1)	100% Extraction Bedload Bypassed (%)
Reach S-5	42,300	50,000	0	50,000	50,000	-7,700	-18%
Reach S-4	76,500	145,000	0	145,000	195,000	-118,500	-155%
Reach S-3	88,500	75,000	0	75,000	270,000	-181,500	-205%
Reach S-2	126,000	0	80,000	80,000	350,000	224,000	-178%
Reach S-1	330,000	45,000	0	45,000	395,000	-65,000	-20%
	<i>Totals:</i>	<i>315,000</i>	<i>80,000</i>	<i>395,000</i>	<i>395,000</i>		

Notes

S-2 excludes proposed Sayer mine at 75,000 CY/yr

Table 5 Proposed Conditions with Pankey, Pehl and Weyrick mines

Subreach	Cumulative Natural Annual Average Bedload Supply (CY/yr) (Input)	Existing Annual Maximum Permitted Extraction (CY/yr)	Proposed Annual Maximum Permitted Extraction (CY/yr)	Total Annual Maximum Permitted Extraction (CY/yr)	100% Cumulative Total Annual Maximum Permitted Extraction (CY/yr) (Output 1)	100% Cumulative Bypass Annual Average Bedload Supply (CY/yr) (In-Out 1)	100% Extraction Bedload Bypassed (%)
Reach S-5	42,300	50,000	0	50,000	50,000	-7,700	-18%
Reach S-4	76,500	145,000	0	145,000	195,000	-118,500	-155%
Reach S-3	88,500	75,000	0	75,000	270,000	-181,500	-205%
Reach S-2	126,000	0	120,000	120,000	390,000	-264,000	-210%
Reach S-1	330,000	45,000	135,000	180,000	570,000	-240,000	-73%
	<i>Totals:</i>	<i>315,000</i>	<i>255,000</i>	<i>570,000</i>	<i>570,000</i>		

Notes

S-2 excludes proposed Sayer mine at 75,000 CY/yr

From: [Sam Mountain](#)
To: [Kelly Gleason](#); [Phil Dunsmore](#)
Cc: [Annette Manier](#)
Subject: FW: response to NOP
Date: Tuesday, July 23, 2024 3:45:09 PM
Attachments: [Document_20240723_0001.pdf](#)
[image001.png](#)
[image002.png](#)

FYI re: the CEQA Notice of Preparation for the General Plan Update.

CC'ing Annette as well.



Sam Mountain

Assistant Planner

smountain@atascadero.org

Phone: 805-470-3404

City of Atascadero | Community Development

6500 Palma Ave | Atascadero, CA 93422

www.atascadero.org

Community Development staff are available by appointment, please call 805-461-5000.

From: Trudy Valdez <valdeztrudy@outlook.com>
Sent: Tuesday, July 23, 2024 3:27 PM
To: Planning <planning@atascadero.org>
Subject: response to NOP

Hello

Attached written comments regarding the project.

Thank you,

Trudy Valdez
530-524-2503

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

Edward Young and Trudy Valdez

9318 Escondido Lane

Redding, CA 96002

City of Atascadero

Community Development Department

Attn: Kelly Gleason, Planning Manager

6500 Palma Avenue

Atascadero, CA 93422

RE: Response to NOP

Hello Kelly Gleason, Planning Manager

I own 11750 and 11800 Viejo Camino, totaling 5.5+ acres. Now and In the future Atascadero will need more housing and my 5.5 acres are perfect for high density housing or mixed use. The property is surrounded by neighboring schools, churches and parks. It has sewer, water, electricity, ingress and egress. And the property is close to HWY 101 and to the center of Atascadero.

There is not much undeveloped land left in the city limits. Because Viejo Camino is being considered for rezoning and there is only so much undeveloped land left on Viejo Camino, I hope the city will consider including housing in your Environmental Impact Report.

Thank you for your time and consideration,

 7/23/2024
Trudy Valdez, FOR Edward Young, owner

Notes for the Scoping issues for the DEIR of the Atascadero 2045 General Plan update

1. Establish an overlay plan for the potential down stream coverage by water of all areas within Atascadero City limits considering the potential failure of the Salinas Dam
 - a. As above, but consider the failure of the dam with the extension of the suggested 19 feet
2. Establish the Salinas River and its tributaries (Atascadero Creek, Paloma creek, and Graves creek) as areas to receive environmental mitigation projects.
3. Establish, name and protect all cultural resources within the city limits
 - a. Establish a procedure for communication with affected communities, and inclusion of their considerations in any mitigations.
4. Mitigate any Atascadero Mutual Water Company projects with the donation of natural areas adjacent to the Salinas River.
5. Re-zone all lands along the Salinas River to non-industrial activities to recreational zoning.
 - a. This would meet the guide set up by the previous General plan.
 - b. The Salinas River is an asset that needs to be protected and developed as essentially a park land for passive uses, and habitat encouragement.
 - c. This area should be defined by the current 100-year flood overlay plans.
6. Review all existing plans for the DeAnza Trail and complete it in all portions of the city boundaries.
 - a. Special attention should be given in the area between the sewer plant and Highway 41. The area from highway 41 north to the Home depot area is relatively well done currently.
 - b. The area between the sewer plant and the southern end of the City limits needs to be managed per the existing general plan rules, and have a designated trail with no motorcycle activity within the 100 year flood plain.
7. Re-zone all AMWC properties to Agricultural or Recreational use with no allowance for commercial uses.
 - a. This is essentially a public utility and should be considered as such. What they do and have done is exemplary, but there should be no allowance for industrialization along the Salinas River frontage, beyond what already exists, with the exception of supporting the water resources of our community.
8. All water leaving the Sewer plant needs to be monitored, and up to a tertiary standard and usable for current public agencies irrigate.
 - a. Water is and will be an extremely important resource. All aspects of its usage and distribution should be part of the general plan. We do recognize that this is currently dealt with by an unassociated agency apart from the city government, but this work needs to be done with complete cooperation and a long term view with the city.

Notes for the Scoping issues for the DEIR of the Atascadero 2045 General Plan update

9. Conservation is an important requirement of all community general plans and any moves to work around or delete this activity is criminal. Our community was the first in the county to initiate a tree ordinance and be listed as a Tree city. We have always worked diligently to create public open spaces, parks and trails. This work need to be increased and made a top priority. Primary areas need to be The river, and all listed creeks in the city. The development of Pine Mountain, Three Bridges and others have placed us in line with San Luis Obispo. These efforts have been much of the basis for the ongoing growth capacity of the city and must not be overlooked.
10. Please keep the general public well informed of the progress of this process. Without being involved with an interested group or three, this would have gone completely unnoticed. This is my way of saying that I apologize for the formatting and brevity of this document. Thank you for the opportunity to express some of my interests and I hope that this plan gets wide involvement and consideration.

From: [Kelly Gleason](#)
To: [Nancy Johnson](#)
Subject: RE: GP/EIR scoping 2045
Date: Wednesday, July 31, 2024 10:43:00 AM

Hi Nancy,
Good to hear from you! See responses below. And please let me know if more questions arise, as I'm sure they will

Kelly Gleason
Planning Manager
Kgleason@atascadero.org
Phone: 805-470-3446

City of Atascadero | Community Development
6500 Palma Ave | Atascadero, CA 93422
www.Atascadero.org

City Hall is offering in-person meetings by appointment only. Community Development staff is available by phone and email. We will respond as soon as possible to your request. Thank you for your patience! Please call (805) 461-5000 if you need an appointment.

-----Original Message-----

From: Nancy Johnson <nancyjohnsonagain@gmail.com>
Sent: Wednesday, July 31, 2024 7:15 AM
To: Kelly Gleason <kgleason@atascadero.org>
Cc: Nancy Johnson <NancyJohnsonagain@gmail.com>
Subject: GP/EIR scoping 2045

Kelly,
Can you clarify a few things for a group I'm working with to provide comments related to the GP and CEQA EIR scoping request?

1. What is the term for environmentally protected areas for non-coastal zones and what agency regulates that criteria (I have searched your existing GP, but I must not be using the correct search terms, since I'm not finding anything equivalent to ESHA as it applies to coastal zone areas other than related to waterways).

I'm not sure I'm fully grasping the question. I know coastal zones are very nuanced. From our inland standpoint, we look at special status species and habitats (DFW jurisdiction), jurisdictional waters including creeks and wetlands (DFW, ACE, RWQCB jurisdiction), archaeological areas (local tribal jurisdiction), and historic resources (local jurisdiction and state/fed for listed properties). Most policies related to these are in the land use, conservation, and open space element.

2. What consultant firm is working on the EIR? What firm is working on the GP update?

SWCA is managing the EIR. The entire update is under contract with MIG.

3. Will the 2045 GP update keep the same zoning designations used in the existing GP/MC/etc. or will you be changing the terminology?

We are changing terminology. If you look at the March 26, 2024 city council meeting/agenda packet, you will see the new placetypes and definitions.

4. Will the goals in the existing GP for Eagle Ranch area continue into the new GP or did the SLO Land Conservancy acquisition of the development rights eliminate the public trail goals for that property?

The land conservancy only has a contract on the portion of the ranch outside of the city's sphere of influence. Most policies will remain likely with some refinement to capture potential partial annexation.

I might have some more, but appreciate if you can address the above.

Thanks for your help.

Nancy Johnson

ATTENTION:

This email originated from outside the City's network. Use caution when opening links and attachments.

From: [Eric Greening](#)
To: [Planning](#)
Subject: Eric Greening comments on scoping for the EIR on the Atascadero General Plan Update
Date: Thursday, August 1, 2024 10:36:40 AM

Thank you for the opportunity to participate in this process. I have a few specific requests:

1. The maps delineating areas subject to dangerous flooding in the event of failure of Salinas Dam need to be updated. Decades ago, such maps were prepared for an EIR commissioned by the City of San Luis Obispo for a proposal to raise the level of Santa Margarita Reservoir by 19 feet. Such a project is still under active consideration; meanwhile, more areas than originally indicated may be subject to sudden flooding with dam failure at the reservoir's PRESENT capacity. Lines must be redrawn both for the present circumstances and for the addition of 19 feet to the dam--a project still under active consideration. The hazards missed by the previous study include the erroneous assumption that a reservoir 101% full represented the worst case scenario--yet the winter of 2023 saw the level rise to 109%--and the lack of acknowledgement that an unpermitted impoundment downstream from Salinas Dam might also fail when overcome by floodwaters, adding perhaps thousands of acre/feet to the wall of water swiftly coursing down the Salinas River and even backing up into some of its tributaries.
2. While CEQA calls for environmental review to use a baseline of EXISTING conditions, the likelihood that accommodating 8000 more people in Atascadero would result in a need for offsite mitigation measures for biological impacts should mobilize a review of historical sources to determine places that formerly contained sensitive and valuable habitats, riparian and otherwise. The recovery of lost habitat values in such areas should be a goal of systematic deployment of offsite mitigation measures for development elsewhere, and these recovery areas should be set aside as open space to allow for such recovery. When it comes to recovering wetland and riparian habitats, the value of recovering and spreading beaver populations should be acknowledged. A wide and deep survey of historical data, especially given that the name of the city reflects a history in which wetlands must have been widely distributed, is a necessary underpinning for a complete and useful EIR.
3. While some elements of non-motorized circulation serve a primarily recreational function, such as the Anza Trail (which needs to be completed through Atascadero), all non-motorized routes should be seen as TRANSPORTATION infrastructure just as roads are; both roads and non-motorized routes can be used for essential commuting and for recreation. The transportation needs of non-drivers need to be recognized as equally valid as those of drivers; many residents and visitors do not drive due to age (too old or too young) , disability, economics, or disinclination. The working papers for the update of our Short-range Transit Plan can and should be reviewed (they are available at the website of the San Luis Obispo Regional Transit Authority), and provide valuable information such as the location and percentage of households that lack any private automobiles. One caveat relative to such information: the number of families needing transit and non-motorized travel is UNDERESTIMATED because families dependent on an UNRELIABLE vehicle are not tracked, and such families avoid using their vehicle whenever possible, and are thus almost equally needful of public transit and safe non-motorized travel routes as are those with no vehicles whatever. My conversations with new riders on the Route 9 provide an anecdotal indication that people avoiding the use of unreliable vehicles they can't afford to replace make up a growing segment of the population.

These are just some of the areas in which data should be gathered in the environmental review of Atascadero's General Plan Update. I may have more thoughts to share before the deadline on scoping comments, but wanted to get these thoughts in your hands as early in the process as possible, since some of them may take time to develop.

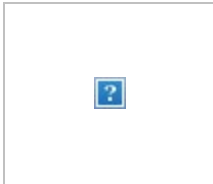
Many thanks,

Eric Greening

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

From: [Sam Mountain](#)
To: [Phil Dunsmore](#); [Kelly Gleason](#)
Subject: FW: 2045 General Plan Update NOP
Date: Monday, August 5, 2024 3:14:46 PM
Attachments: [NOP_Prendergast.pdf](#)
[image001.png](#)
[image002.png](#)



Sam Mountain

Assistant Planner

smountain@atascadero.org

Phone: 805-470-3404

City of Atascadero | Community Development

6500 Palma Ave | Atascadero, CA 93422

www.atascadero.org

Community Development staff are available by appointment, please call 805-461-5000.

From: Alejandra Prendergast <alejandracmch@yahoo.com>

Sent: Monday, August 5, 2024 3:11 PM

To: Planning <planning@atascadero.org>

Subject: 2045 General Plan Update NOP

Attached is a comment regarding the

Attached is a comment regarding the 2045 General Plan Update, specifically the Notice of Preparation of the Environmental Impact Report .

Best regards,

Alejandra Prendergast

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

August 5, 2024

City of Atascadero
Community Development Department
6500 Palma Avenue
Atascadero, CA 93422

Dear Members of the City of Atascadero Community Development Department,

**RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE CITY OF ATASCADERO 2045 GENERAL PLAN UPDATE**

I am writing to express my thoughts regarding the upcoming preparation of the Draft Environmental Impact Report (EIR) for the 2045 General Plan Update for the City of Atascadero.

As part of the EIR process, I believe it is crucial to conduct a baseline mapping of all environmentally sensitive habitat zones within the city limits. These areas should encompass the Salinas River, major tributaries to the Salinas River, fish-bearing streams, old growth oak woodland areas, wetlands, riparian zones, and vegetation containing species of rare or endangered plants and animals. Understanding the locations and extent of these habitats is essential for assessing how the proposed expansion and rezoning will impact them.

Specifically, I would like the EIR to address the following points:

1. **Creation of Adequate Buffer Areas:** Ensure that adequate buffer areas are established to protect environmentally sensitive habitats from degradation due to future developments. These buffers should be compatible with the preservation and continuity of these critical habitat areas.
2. **Development Criteria within Buffers:** Clarify the standards and criteria that would apply if development is permitted within the buffers of these sensitive zones. It is crucial to establish clear guidelines to minimize the environmental impact while allowing for responsible development.
3. **Mitigation Measures and Environmental Protection:** It is common for permitted land uses under specific zoning to take precedence over community concerns about environmental resources. I urge that environmentally sensitive zones throughout Atascadero be rigorously protected. If development does occur, robust mitigation standards must be implemented under the new General Plan to safeguard these zones effectively.

The current General Plan includes commendable language on environmental preservation and conservation. However, there is a need to strengthen these provisions with concrete and numerical standards. This would provide clarity and assurance regarding the commitment to restore and preserve our natural resources. Establishing agreed-upon environmental areas within the community will serve as a foundation for evaluating proposed developments and implementing necessary mitigation measures.

As a resident who is excited about the potential growth of Atascadero, where I am raising my two young sons, I am also deeply concerned about the state of our environmental resources. I believe that conducting baseline mapping of our current environmental resources and developing a clear, concise plan for their preservation and restoration will lay a strong foundation for our city's future.

Thank you for considering my input on this important matter. I look forward to seeing how these considerations are incorporated into the Draft EIR and the future development of the 2045 General Plan.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a final flourish.

Alejandra Prendergast

From: [Audrey Taub](#)
To: [Planning](#)
Cc: [City Council](#)
Subject: Re: Comments Regarding the NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF ATASCADERO COMPREHENSIVE 2045 GENERAL PLAN UPDATE
Date: Tuesday, August 13, 2024 5:24:58 PM
Attachments: [City of Atascadero EIR Scoping Comments.pdf](#)

One additional comment for the NOP. I've added it to the attached document to replace the earlier document sent today.

This is the additional comment:

And finally, within the timeframe of the General Plan 2045, the SLO Beaver Brigade would like to form a Salinas River Conservancy for the primary purpose of obtaining conservation easements and/or development rights and/or direct acquisition of the Salinas River floodplain/riparian corridor areas for the preservation, conservation and protection of the Salinas River and surrounding sensitive riparian habitat.

We would like for the City of Atascadero to include in the Update General Plan 2045:

The City of Atascadero will support and encourage efforts for the acquisition of conservation easements or other binding agreements for the land within the Salinas River corridor/floodplain/riparian (whichever term defines the area between the top of banks that historically has been the boundary of what can be used or developed for privately owned land) inside of the city limits.

Thanks,
Audrey Taub
805-464-1255



Audrey Taub
audrey@slobeaverbrigade.com
Beavers = Water
[SLO Beaver Brigade](#)
805-464-1255

[SLO Beaver Brigade LinkTree](#)

On Tue, Aug 13, 2024 at 7:31 AM Audrey Taub <audrey@slobeaverbrigade.com> wrote:
City of Atascadero Planning Department,
I've attached my comments to the NOP for the DEIR regarding the General Plan Update.
Please let me know if you have trouble reading them.

Thank you,
Audrey Taub
805-464-1255



Audrey Taub

audrey@slobeaverbrigade.com

Beavers = Water

[SLO Beaver Brigade](#)

805-464-1255

[SLO Beaver Brigade LinkTree](#)

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

City of Atascadero EIR Scoping Comments
August 6th 2024
Audrey Taub on behalf of SLO Beaver Brigade
City of Atascadero Resident

<https://www.slobeaverbrigade.com/>
audrey@slobeaverbrigade.com

I am writing to express comments regarding the upcoming preparation of the Draft Environmental Impact Report (EIR) for the 2045 General Plan Update for the City of Atascadero.

Our General Plan should include a Water Element

The Water Element identifies and analyzes the sources and availability of water within the City and establishes policies and programs to maintain its availability, conserve its use, and preserve its quality. The Water Element is an optional Element as permitted by Section 65303 of the California Government Code. **The purpose of the Water Element is to assure that goals and policies are adopted that preserve and enhance the City's water resource availability and water quality.**

1. In order to coordinate long-term land use and water planning, a Water Element is needed to contain all water related goals in one location within the General Plan
 - a. <https://www.jstor.org/stable/24114506> *Addressing California's Uncertain Water Future by Coordinating Long-Term Land Use and Water Planning: Is a Water Element in the General Plan the Next Step?* By Ryan Waterman. It concludes by offering an opinion to both the OPR and DWR on the efficacy of a water element in the general plan process as a means of improving the connection between land use and water planning.

Include a Planning and Regulatory section to list all the regulatory agencies on water for the general public. This would be helpful for landowners and developers to have all in one location. (An example of this can be found in the [Petaluma General Plan](#))

2. The Salinas River historically had a large population of steelhead, but changes in **water quantity and quality** and **the course and speed of these rivers** and their tributaries has negatively impacted steelhead's ability to survive. [...]The construction of dams, changes in flows and timing due to reservoir releases, **stream course straightening**, diversions of stream flow, groundwater pumping, **loss of riparian vegetation**, and passage barriers to perennial headwaters have caused a dramatic decline to the point that NMFS believes SCCC steelhead are likely to become an endangered species within the foreseeable future in these rivers **unless conditions are improved**. (From 2017 [Study of Salinas and Carmel Rivers Basin Study](#), pg 21-22.) **By not having a Water Element in our General Plan, we have allowed our waterways to significantly degrade over an extremely short period of time.**

Include in one location all management plans and environmental assessments associated with our watershed, such as [The Upper Salinas River Watershed Action Plan of 2004](#), [The Salinas River Coordination Final Report 2020](#), [Watershed Fisheries Report 2002](#), [Study of Salinas and Carmel Rivers Basin Study](#), [Central Coast Steelhead Trout in the Salinas River Basin](#), [Steelhead and Salmon Migrations in the Salinas River 1999](#), [Salinas River Watershed Management Action Plan 1999 by the Regional Water Quality Control Board](#). Possibly including Monterey County Management Plans as they may affect our watershed ([Salinas River Management Plan](#)).

3. Even with the extreme wet year of the winter of 2022-2023, [private wells in SLO County are still drying up](#). **Water will be an ongoing issue in our arid area.**
4. A lot of the data in a Water Element will be handled by the Atascadero Mutual Water Company, such as water quality and water quantity. Given that the AMWC's Bylaws state that "each full acre of land within the Service Area shall be entitled to have five shares of stock appurtenant thereon", the amount of land owned determines the number of shares owned of AMWC's. **The largest shareholder is not the City of Atascadero, therefore, it would be prudent for the City of Atascadero to maintain a level of oversight over AMWC should our water resources ever become so low to ensure all residents receive their adequate share of water.**
 - a. Additionally, oversight on dumping fill on AMWC property is necessary. Simply because an area along the floodplain has been dumped on for years and treated poorly in the past does not give permission to keep dumping fill material along our waterways. **Our waterways should be protected regardless of their current state.**
5. Well maintained Rivers and Creeks are attractive to residents, allow for corridors of future trails, are corridors for wildlife and can be attractive to tourists.

Include all trails and future trail plans already in place: such as the [Salinas River Trail Conceptual Master Plan 2014](#), and the [Juan Bautista de Anza National Historic Trail](#).

Our Rivers, Creeks, riparian zones and wildlife corridors should be clearly mapped, protected and zoned accordingly

1. The Industrial Zone bordering the Salinas River should be rezoned from Industrial to Public/Quasi Public to protect the sensitive Salinas River from Industrialization while also maintaining the AMWC's use of their property.
2. Our Rivers and Creeks need to be mapped from mean high water mark to mean high water mark clearly delineating the Waters of the State. We need new floodplain maps made to account for the dyke built on AMWC land and also to account for the potential raising of the Salinas Dam.
3. Our Rivers and Creeks should be protected and maintained for use by all species. **We need language in our City plan allowing for our non-human residents to exist.** We need to have a life-centered plan, not only a human-centered plan.
4. In areas along our creeks and rivers wherever appropriate, we should be allowing and restoring natural processes. **Create a mitigation bank of areas that can and should be restored, prioritizing our waterways.**

And finally, within the timeframe of the General Plan 2045, the SLO Beaver Brigade would like to form a Salinas River Conservancy for the primary purpose of obtaining conservation easements and/or development rights and/or direct acquisition of the Salinas River floodplain/riparian corridor areas for the preservation, conservation and protection of the Salinas River and surrounding sensitive riparian habitat.

We would like for the City of Atascadero to include in the Update General Plan 2045:

The City of Atascadero will support and encourage efforts for the acquisition of conservation easements or other binding agreements for the land within the Salinas River corridor/floodplain/riparian (whichever term defines the area between the top of banks that historically has been the boundary of what can be used or developed for privately owned land) **inside of the city limits.**

Jaimie Jones

From: Nancy Johnson <nancyjohnsonagain@gmail.com>
Sent: Thursday, August 8, 2024 7:07 AM
To: Kelly Gleason; Planning
Cc: Nancy Johnson
Subject: EIR Scoping comments
Attachments: City of Atascadero EIR scoping comments.docx

See attached EIR scoping comments. Please let me know if any of them are not clear.

Thanks.

Nancy Johnson

ATTENTION:

This email originated from outside the City's network. Use caution when opening links and attachments.

August 5, 2024
City of Atascadero EIR scoping comments
Submitted by Nancy Johnson
nancyjohnsonagain@gmail.com

Salinas River (entire width of river between the south and north city limits of Atascadero):

1. Remap the boundaries of the Salinas River (i.e. navigable waters/sovereign land), including a current determination of the top of bank, the development setback areas, the limits of the protected riverbed. Terms used in the narrative (such as riparian corridor, watershed, riverbed, river corridor, high-water mark, floodplain, area meeting the definition of navigable waters, etc.) should be clearly shown on the exhibit map. Mapping should be for the entire width of the Salinas River, including the portion outside of the Atascadero City limits to the east (city limits should be shown on the map)
2. Provide an exhibit with the historic De Anza Trail showing both the original historic trail location, as well as, the current version of the trail in use today (if different from the historic trail).
3. Connectivity of the existing De Anza Trail to other proposed trail systems should be considered in the impacts analysis, which should include possible connection with the two tributaries noted below, connection to public parks/recreation areas and trails in the area (such as the Jim Green Trail)
4. The EIR should outline the legal public use activities allowed on the Salinas River and the blue line stream tributaries, as well as the source agencies for any such use restrictions.
5. The EIR should discuss the five decades (or more) of damage and abuse caused by the unfettered illegal motorized vehicle use and should include a mitigation/monitoring and reporting program. The plan/program should include a current assessment of the damage to the river, plant life, water quality and wildlife and should include a recommendation for an environmental consultant study that will review and monitor the recovery of the river over a multi-year period. The recovery monitoring plan shall include documentation related to return of wildlife to the river corridor, and shall identify the species of wildlife, including birds and fish. The recommendation/mitigation plan should include monitoring the effects of the continuing diligent efforts of the city in enforcement of the municipal code prohibiting motorized vehicles and should include a recommendation that the city formalize joint enforcement agreements with cooperating jurisdictions (San Luis Obispo County) to eliminate the influx of vehicles entering the Salinas River from outside of the city limits.
6. The mitigation/monitoring and reporting program shall examine impacts and provide a plan for the removal of large items dumped in the riverbed, such as cars, trucks, appliances, sheet metal, tires, mattresses, etc. Removal of these items will require heavy equipment entering the riverbed, as such, the means/methods and removal conditions (i.e. time of year and/or threshold based on low water levels and safe

equipment access) should be included in the plan. The timeline for this clean up shall be within the first year of the environmental monitoring of the river recovery as noted above.

7. If there is private or publicly owned undeveloped land within the boundaries of the Salinas River as outlined in item 1 above, the impacts of that possible development should be discussed and recommendations provided (i.e. prohibit the development by a change in the zoning, limit development type and uses, overriding considerations, if any, etc.). If development is allowed within any of the defined areas of the river, it should be clearly explained why that would be allowed and identify the impacts and related mitigation or overriding considerations.

Atascadero Creek & Graves Creek:

1. Provide updated mapping of boundaries and protected areas (as outlined in Salinas River comment 1 above).
2. The EIR should study the effects of multi-use public trails that may be proposed along these tributaries to provide connectivity from neighborhoods to schools, churches, shopping, parks, existing trails, open spaces and recreation areas. The city should determine based on the proposed trail purpose, expected usage population, trail distance and connectivity to other trails, if the trail is appropriate for equestrian use. If so, they should consult with an equine trail specialist for assistance with the design and accommodations (height, width, trail surface, roadway crossings, etc.) for horseback riders to travel safely. Trails designed to accommodate equestrian users generally should prohibit motorized vehicles (including e-bikes, motorize skateboards and segway-like modes of transportation). The city should include in the general plan/land use plan a determination of how they will categorize e-bikes and other motorized forms of transportation (segways, motorized skateboards, etc.) to ensure public safety.

Funding for Salinas River projects:

1. Consider using the Salinas River as a 'mitigation bank' for development projects in other areas that require environmental mitigation, but don't have the excess land for an effective mitigation area. Mitigation can be monetary to be used for above noted river recovery study, restoration of river bed improvements, clean-up efforts of large items dumped in the river, signage related to environmental improvements or trail signage, invasive plant species eradication, trail maintenance, etc. or the developer requiring mitigation measures can be assigned a specific portion of the river that the developer would improve related to their required mitigation (planting , monitoring, re-wilding plant life eliminated by motor vehicles, water way/bank restoration improvement, trail benches, etc.)

City of Atascadero
Community Development Department
Attn: Kelly Gleason, Planning Manager
planning@atascadero.org

Re: General Plan Update
EIR Scoping comments

Submitted by Ann Colby

I'm going to try to list my primary concerns as a resident of Atascadero which I hope will be considered for the above referenced document:

Climate change: As it continues to get hotter, how/where can we find relief? Will we be able to get fire insurance? Are we adequately addressing public safety/wildfire issues?

Where can I go to get re-connected with nature, escape the heat, find quiet and a setting to enjoy and observe wildlife? Sports/playing fields don't provide the quiet and solitude that many seek. I'm much more interested in wildlife and natural habitat conservation. What are we doing to preserve and protect our natural, though severely depleted, neglected and abused assets?

Where will I ride my horse, especially as housing density increases, along with lots more motor vehicles and as the city disappointingly paves over trails originally built as multi-purpose, e.g.: the now paved path, originally horse friendly, along Hwy 41 between Portola and San Gabriel. Our community has almost no sidewalks or walking paths, and lots of narrow, winding roads with poor visibility around curves. The remaining unpaved public rights of way along our paved roads are generally obstructed by endless encroachments such as fences, gates and dense vegetation, or precarious drop-offs, with long stretches often deliberately fenced off by landowners to "seize" and privatize the unpaved portion of the public right of way, compelling walkers, bike riders and horses out onto the paved roadway competing with cars...or to give up and not use the (allegedly) public right of way at all because so many roads are just dangerously unsafe for any form of travel other than motorized vehicles. This seems to stem from an almost complete lack of city planning for any form of traffic other than motor vehicles. This will get worse without a turn around in thinking about transportation safety issues, especially for alternative means of local transportation, as our population grows.

Will we develop and enforce reasonable rules surrounding the many new forms of transportation, eg: electric bikes, "motorized" scooters and skateboards, etc. which are not classified as motorized vehicles by the DMV and are thus apparently exempt from regulations and fines and legal to travel on bike paths, in parks and on horse trails? I understand Class 4 e-bikes can travel at 30-50 mph, clearly not safe on a pedestrian or horse trail. Yet I don't want to see them in the middle of a busy traffic lane either!

Surprisingly, when I think about the concerns listed above, my thoughts turn again and again to the Salinas River corridor. Currently, even in its pitifully compromised state, having been mistreated, polluted and denuded of native vegetation, overtaken by invasive plants, after decades of inappropriate use and little/no regulation, it still has managed, with the help of some very busy

beavers, to show signs of life recently; sections have greened up and provide signs of returning wildlife, year round flowing water in some areas, a significantly lower temperature, and sounds of nature. These small positive changes are giving us a glimpse of what could be, if we begin to support the restoration and provide positive stewardship for our section of the Salinas and its creeks. It could provide a beautiful corridor for passive recreational use for hikers, birdwatchers, kayakers, equestrians, and many more. Returning greenery and water retention provides a tremendous fire break which benefits the entire community. I truly believe this corridor is potentially our greatest asset and believe it is critical that we take steps to protect and help in its recovery. Extending as it does from one end to the other of our community, it can be a powerful link for improved aesthetics, better air quality, greenhouse gas emissions issues, improved water quality, noise reduction, recreation and alternative transportation with community-linking trail planning, and wildfire risk reduction. I don't think you can have a meaningful plan that does not include protection and preservation of this vital asset, both immediately and long term. That would require learning what has harmed it in the past, identifying and curtailing ongoing destructive activities, research and prompt development of a plan for improvement/restoration, as well as how to pay for such a project; could it become a recipient of developer funds from other projects in the City? Could other organizations such as Sierra Club, ALPS, Beaver Brigade be involved to monitor and observe change and improvement or lack thereof?

From: [David Broadwater](#)
To: [Planning](#); [Kelly Gleason](#)
Subject: 2045 General Plan Update - DEIR Scope NOP
Date: Monday, August 12, 2024 8:43:44 AM
Attachments: [deb Scope DEIR 2045 Gen Plan UpDate.pdf](#)

Atascadero Community Development Department,
Attn: Kelly Gleason, Planning Manager

Attached hereto are my comments on the scope of the 2045 General Plan Update Draft Environmental Impact Report pursuant to the Notice Of Preparation issued on 7-12-24. Please ensure that they are made part of the record of this scoping process and provided to the consultants who are conducting the DEIR. Please also provide me with verification that those two things have been accomplished.

Thank you,
David Broadwater
Atascadero

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

To: Atascadero City Community Development Department
re: 2045 General Plan Update - DEIR Scope NOP
date: 8-12-24
from: David Broadwater, 54-year resident

Please incorporate these comments in the record of the scoping process for the Draft Environmental Impact Report on the 2045 General Plan Update. They pertain to the Land Use, Open Space and Conservation Element, Land Use and Community Form Element, and Recreation and Open Space Element, and are additionally relevant to the Economic Development Element and Public Services and Infrastructure Element.

We have an enormous and unique environmental, economic and community resource right in our own back yard. Yet, it remains untapped due to its abuse, neglect of our General Plan and lack of enforcement of our Municipal Code and California laws. That resource is the Salinas River and the ecosystem it supports. We extract our water from the aquifers under it, but don't fully recognize or utilize the potential laying at our feet. It's time to change that, and reap the rewards the Salinas River has to offer us, if we'll only take advantage of them. Within our grasp is the opportunity to stimulate our economy, create businesses and jobs, and to enhance the quality of life for Atascaderans.

For decades, numerous local people have enjoyed walking, riding horses, walking dogs and bird watching along the banks of the River, and experiencing the large ponds created by the beavers whose dams clean the water and recharge the aquifer upon which we depend. Now, folks come from far and wide to see and learn about the benefits this once nearly extinct species provides.

But, for far too long, this area has been ravaged by motorized vehicles (dirt bikes, ATVs, trucks, etc.) rampaging through it night and day, destroying vegetation and trails, scaring people, spooking

horses and driving wildlife away. As a result, the degradation of this resource continues unabated.

The General Plan Update presents an opportunity to, not only repair the damage, but to become acknowledged as stewards of the Salinas River. We're the city closest to it headwaters and have a responsibility to demonstrate its proper care. How we treat it affects those downstream all the way to Monterey Bay.

Included below are excerpts from the current General Plan, and the General Plan Update process, which can serve as a foundation for realizing the potential awaiting us. Following those, are excerpts from the Municipal Code and California laws and regulations. They represent tools available now to protect the Salinas River corridor and prevent further damage to it with our own law enforcement capabilities.

Finally, I add some concluding remarks from a broader and, perhaps, philosophical perspective.

Initially, I object to the removal of Conservation as an element of the proposed 2045 General Plan in the Notice of Preparation for this DEIR. No justification is provided for the elimination of Conservation as an element of the General Plan. As demonstrated by the excerpt below from the City-issued Notice Of Preparation, Conservation is absent from the proposed elements.

The current Land Use, Open Space & Conservation Element is split into two other elements. Land Use is combined with Community Form (whatever that is), Open Space is combined with Recreation (constructed human-related facilities), and Conservation is gone. Apparently, the objective of preserving and protecting the natural environment, and the community's ability to interact with it is no longer worthy of any consideration.

The City is obligated to issue a justification for the deletion of Conservation and explain the consequences of this decision.

City 2045 General Plan DEIR NOP:

"General Plan Elements:

...

"The 2025 General Plan contains the following elements:

- Land Use, Conservation, and Open Space Element

...

"The 2045 General Plan Update would include the following elements:

- Land Use and Community Form Element

...

- Recreation and Open Space Element"

I recommend the retention and inclusion of a Conservation Element in the 2045 General Plan to bring the principles and policies embedded in the current General Plan, enhanced by community input regarding the General Plan Update, into fruition. Those include: Protecting creeks, the Salinas River, and their riparian ecosystems and wildlife habitats; Providing more public access and trails to those areas for passive recreation, e.g., pedestrian, equestrian and mountain biker; and Enhancing the City's economic vitality and the community's quality of life by those two methods.

Further, I recommend securing those principles and implementing those policies by establishing districts zoned for those purposes. This would include designating zones for the protection, reclamation and preservation of the Salinas River corridor and riparian area, for interconnected and adjacent trails (including the Anza Trail) for passive (non-motorized) recreation, and for an interpretive river center for public education, habitat preservation and scientific research.

GENERAL PLAN

Below are excerpts from the Land Use, Open Space & Conservation Element of the current General Plan. It appears that the City has been deficient in implementing some of the guidelines

that are meant to form the basis of its decision-making. Some text is emphasized in **bold**.

Land Use, Open Space & Conservation Element

...

E. Land Use, Open Space, and Conservation Goals, Policies and Programs

...

2. Open Space Policies

...

Goal LOC 6. Preserve natural flora and fauna and protect scenic lands, sensitive natural areas...

Policy 6.1: Ensure... **not degrade scenic and sensitive areas, ... creeks, riparian corridors, wetlands,**... valuable **habitats**.

Programs:

...

4. Scenic and sensitive lands... **creeks, riparian corridors, wetlands... habitat value shall be protected** from **destruction, overuse, and misuse by the use of zoning,**

5. Public and private development in **close proximity** to scenic and sensitive lands, including **creek reservations,**... **flood plains... shall** be designed to **minimize impacts.**

6. ... **open space dedications shall** be **required**... impact, **floodplains, creek reservations...**

7. ...**shall** carefully evaluate... projects to **require the preservation... watersheds... other natural features.**

...

Goal LOC 8. **Watershed... shall be protected.**

Policy 8.1: **Ensure... development** along... **Salinas River... riparian areas** does **not... adversely impact riparian ecosystems** and water quality.

Programs:

1. **Work with other agencies** to implement the Erosion Control Assistance Program for **review** of development proposals to **minimize sedimentation** of creeks and the **Salinas River.**

2. Update the Appearance Review Manual to include provisions

for **preserving, reclaiming and incorporating riparian features** in conjunction with new development.

3. The **waterways** in the City shall be **maintained in a natural state...**

...

6. **Prohibit** new structures or **disturbance** of **riparian habitat** along **creek banks...**

...

9... **Salinas River shall be preserved for open space and recreational use... left in their natural state** for **public enjoyment** and **habitat** purposes.

10. **Land disturbance shall be minimized** in **proximity to watercourses** including necessary flood protection measures,

11. **Areas subject to flooding... shall be protected** from unsound development consistent with the City's flood hazard ordinance requirements.

...

13. **Support** the establishment and **protection** of **floodable terraces, wetlands, and revegetation** along **creeks and streams.**

Policy 8.2: Establish and **maintain setbacks** and development standards for **creek side development.**

Program:

1. ... **setbacks** and development standards **along the banks... Salinas River** to ensure... **protection** of the **riparian ecosystem...**

...

Policy 8.3: **Preserve public creek reserves** for **public access,** and **ensure** that **recreational use** does **not impact habitat value and open space**

Programs:

1. **Develop** park, **trail,** and **recreational amenities...** in public **creek reserves.**

2. **Require... trail easements** and **access points** as part of... development

...

Goal LOC 11. Provide an adequate supply of City park facilities to all Atascadero residents.

Policy 11.1: **Acquire parkland...** future development of **park and recreation facilities**

Programs:

...

7. **Require** new subdivisions along the Salinas River to provide controlled **public access** to the **Salinas River** and **De Anza Trail** for **pedestrian and equestrian recreation**.

8. **Support** the development of **equestrian staging areas** and **trail systems** throughout the community including a **Salinas River / De Anza trailhead** at the north end of town and other **appropriate locations**.

GENERAL PLAN UPDATE

Below are excerpts from documents derived from the General Plan Update process, expressing the desires of the community for improved access to and enjoyment of our natural surroundings, especially the Salinas River area. Some text is emphasized in **bold**.

Community Engagement Series #1 Summary: Vision for the Future

Recreation and Open Spaces

- **Increase Walking/Biking Trails.** Recommendations to **create more walking** and **biking** and **walking trails** and **make connections** between existing trails, parks and **open spaces** and throughout the city. ...
- **Increase or Improve and Maintain Parks and Open Space.** **Acquire and create more** parks and **open space**,...
- **Value Rivers as a Community Asset.** **Create more... open space, access points and paths** all along... rivers (**particularly the Salinas River** throughout town) with amenities (tables/benches, places to recreate) to make them safer and more enjoyable. Maintain regular stream/creek cleanups. **Create a river center for research (Cal Poly/Cuesta students/professors) and education.**

- Parks and **Open Space as Economic Opportunity**... creating **more** attractions, **open spaces**, **increasing and improving**... **river-related features** and **recreational options and events** promoting their use will help **create jobs**, **draw visitors interested in nature and ecotourism**.
- **Protect and Preserve Native Flora, Fauna and Habitat**. **Plant more trees** in the city... **regenerate/protect native wildlife, habitat**, and plants, **specifically beavers**...
- Provide **More Outdoor Recreational Facilities and Activities**.
...
- **Provide Family-Inclusive and Age-Specific Activities**.
Provide activities that are inclusive of all ages... caring for **playgrounds** and **connecting them to trails** providing **easy hikes** and **nature walks** with **educational signage**.

Existing Conditions Atlas

Recreation and Open Spaces

Parks, Open Spaces and Trails: ...

... Opportunities exist to **improve linkages** to parks through **new or expanded trails** (... **Juan Bautista de Anza National Historic Trail**).

... **New trail connections** could be created to better **link** major **recreational destinations** and the **Salinas River**...

...

Creeks and Rivers: ... The waterways **provide important wildlife corridors** connecting the **Salinas River** to the Santa Lucia Mountains are designated **critical habitat** areas for South-Central California Steelhead Trout. They also **provide recreational opportunities** for many residents. The creeks have been highly impacted by problems with trash, illegal dumping, off-road vehicle use, and urban pollution that has significantly degraded the quality of the habitat. **Protecting and enhancing** these areas can better **support the local ecosystem**, and improve water flow (and reduce localized flooding risks), and **increase the quality of life** for residents. In addition, the **Salinas River** has been identified as a

key natural resource that should be **protected and bolstered** as a **region**

MUNICIPAL CODE

Illegal and damaging activities are occurring in the Salinas River riparian corridor, and being conducted with impunity due to the lack of law enforcement by City officials authorized to enforce the Atascadero Municipal Code, violations of which are misdemeanors, not infractions.

Below are the relevant sections of the Municipal Code, including Title 5 Public Welfare - Chapter 8 Waterway Intrusions, Title 1 General Provisions - Chapter 3 Penalty Provisions, and Title 12 Code Enforcement - Chapter 1 Violations, Penalties And Enforcement and Chapter 2 Administrative Citations.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code

Atascadero, California Municipal Code

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5

Title 5 PUBLIC WELFARE

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8

Chapter 8 WATERWAY INTRUSIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_02

Section 5-8.02 Prohibited uses and activities.

Each of the following uses and activities is prohibited:

(a) The parking, operation or use of private motorized vehicles, including but not limited to motorcycles, ATVs, dune buggies, recreational vehicles, automobiles, go-carts, motorized skateboards

or trucks in the riparian corridor.

(b) Allowing or causing the accumulation, storing, placement, dumping or disposing of pollutants in the riparian corridor, unless done with a properly issued City grading permit or in an emergency flooding situation to protect life and property.

(c) Allowing or causing the migration of pollutants into the riparian corridor. (Ord. 236 §1, 1992)

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_03

5-8.03 Enforcement.

A violation of any provision of this title shall be a misdemeanor. Penalties for a violation of this chapter shall be as set forth in Chapter 3, Title 1 of this Code. (Ord. 236 §1, 1992)

Chapter 8 of Title 5 clarifies the terms used in Section 5-8.02:

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_01

5-8.01 Definitions.

(a) "Riparian corridor" means the area of land within the normal high water levels and the land containing riparian vegetation immediately adjacent to the following waterways:

- (1) Atascadero Creek;
- (2) Graves Creek;
- (3) Salinas River.

The definition above shall apply until superceded by an "Official Creekway Map" as adopted by the City Council. When such a map or maps are adopted, the "riparian corridor" shall be that area so designated on that map for that area of the waterway

(b) "Intrusion" means any encroachment or activity into the riparian corridor, as listed in Section 5-8.02 below, which may adversely impact the drainage, flora and fauna of the specified riparian corridors.

(c) Pollutants means any harmful substance, including but not limited to chemicals, fuels, fill materials, lumber, petroleum products, sewage, domestic animal waste and any other substance which could adversely impact drainage; cause flooding; contaminate water; destroy or damage flora or fauna. (Ord. 236 §1, 1992)

Chapter 3 of Title 1 cites violations which are “specifically deemed a misdemeanor by this Code”, as in Section 5-8.03 regarding Waterway Intrusions above. Violations include, in addition to overt acts of commission, covert acts of omission.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1

Title 1 GENERAL PROVISIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1-chapter_3

Chapter 3 PENALTY PROVISIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1-chapter_3-1_3_02_1

1-3.02.1 Infractions: misdemeanors.

Any violation of the provisions of this Code, as amended from time to time, shall be deemed an infraction, unless deemed a misdemeanor pursuant to Section 1-3.03 relating to prior convictions, or unless deemed a misdemeanor by the City Attorney when the complaint is filed with the Clerk of the Municipal Court, or unless specifically deemed a misdemeanor by this Code.

...

1-3.05 Prohibited acts.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 10 § 30, 1979)

...

Chapters 1 and 2 of Title 12 set forth the financial and penal punishments for misdemeanors, and authorize police officers and non-safety employees to issue administrative citations for violations of the Municipal Code.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12

Title 12 CODE ENFORCEMENT

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_1

Chapter 1 VIOLATIONS, PENALTIES AND ENFORCEMENT

...

12-1.05 Misdemeanor.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by Section 12-2.02 of this Code. Any person convicted of a misdemeanor under the provisions of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 460 § 4, 2004)

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_2

Chapter 2 ADMINISTRATIVE CITATIONS

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_2-12_2_02

12-2.02 Authority.

(a) Any responsible person violating any non-emergency health or safety violation provision of this Code, its adopted codes, or applicable State Code, may be issued an administrative citation by

an enforcement officer as provided in this chapter. A violation of this Code includes, but is not limited to, all violations of this Code, the Uniform Codes adopted by the City Council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this Code.

...

CALIFORNIA VEHICLE CODE

Below are two sections of the California Vehicle Code: Division 16.5. Off-Highway Vehicles and Division 17. Offenses and Prosecution. Section 38319 of the CVC makes it illegal to damage land, plants and animals with an off-highway motor vehicle and Section 40000.24 makes that a misdemeanor. As set forth in Municipal Code Section 12-2.02 above, City of Atascadero police officers and non-safety employees are authorized to enforce these sections of the CVC. As with the Municipal Code, violations include acts of omission in addition to acts of commission.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=38319.

California Legislative Information

VEHICLE CODE - VEH

DIVISION 16.5. OFF-HIGHWAY VEHICLES [38000 - 38604] (Division 16.5 added by Stats. 1971, Ch. 1816.)

CHAPTER 5. Off-Highway Vehicle Operating Rules [38280 - 38321] (Chapter 5 repealed and added by Stats. 1976, Ch. 1093.)

ARTICLE 6. Littering and Environmental Protection [38319 - 38321]

(Article 6 added by Stats. 1976, Ch. 1093.)

38319.

No person shall operate, nor shall an owner permit the operation of, an off-highway motor vehicle in a manner likely to cause malicious or unnecessary damage to the land, wildlife, wildlife

habitat or vegetative resources.
(Added by Stats. 1976, Ch. 1093.)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=40000.24.

California Legislative Information

VEHICLE CODE - VEH

DIVISION 17. OFFENSES AND PROSECUTION [40000.1 - 41610]

(Division 17 enacted by Stats. 1959, Ch. 3.)

CHAPTER 1. Offenses [40000.1 - 40273] (Chapter 1 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Violation of Code [40000.1 - 40008] (Article 1 enacted by Stats. 1959, Ch. 3.)

40000.24. A violation of any of the following provisions shall constitute a misdemeanor and not an infraction:

...

(e) Section 38319, relating to protection of the environment.

(Amended by Stats. 1984, Ch. 1015, Sec. 3.)

CALIFORNIA DFW LAWS AND REGULATIONS

Under the California Department of Fish and Wildlife's Fish and Wildlife Protection and Conservation regulations, any activity by anyone that alters or disrupts the natural flow of a river, its banks, channel or bed is committing an illegal act. Note that section 1602 below pertains to the protection and conservation of beaver habitat.

As to whether Section 12-2.02 of the Atascadero Municipal Code authorizes a City official to issue an administrative citation due to violation of these CDFW regulations, i.e., whether either is considered an "applicable State Code", is unknown at this time by the author of this letter. I encourage the City to seek that authority.

<https://wildlife.ca.gov/Conservation/Mammals/Beaver#574411146-laws-and-regulations>

California Department of Fish and Wildlife

Beaver

...

Laws and Regulations

...

FGC § 1602. Fish and Wildlife Protection and Conservation (opens in new tab).

Any person, state or local governmental agency, or public utility must notify CDFW prior to beginning any activity that may divert or obstruct the natural flow of any river, stream, or lake; or change the bed, channel, or bank of any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

Modification of a beaver dam or lodge may require a LSA Agreement. Contact your CDFW local office before installing any beaver devices.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=1602

California Legislative Information

FISH AND GAME CODE - FGC

DIVISION 2. DEPARTMENT OF FISH AND WILDLIFE [700 - 1958]

(Heading of Division 2 amended by Stats. 2015, Ch. 154, Sec. 21.)

CHAPTER 6. Fish and Wildlife Protection and Conservation [1600 - 1617]

(Chapter 6 repealed and added by Stats. 2003, Ch. 736, Sec. 2.)
1602.

(a) An entity shall not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or

ground pavement where it may pass into any river, stream, or lake, unless all of the following occur:

...

CONCLUSION

Something rather profound is emerging from the process of updating our city's General Plan, including and transcending people's desire for enhanced interaction with, and protection of, the Salinas River corridor. There is a nascent recognition of the need to expand and deepen our relationship with it.

While there's widespread desire within our community for more open and natural spaces, trails connecting them, especially along the Salinas River, there's also a broader vision for the future about the value of the River as a regional economic, recreational, educational, and tourist attraction, creating businesses and jobs for Atascaderans.

We can improve the quality of life and stimulate the economy for our neighbors, and be known as premier custodians of that which nourishes our souls and bodies. It's time for a change in our perspective and philosophy in our relationship with this irreplaceable and invaluable resource. If we treat it well, the Salinas River and the environment to which it gives life will return the favor in manifold and unforeseen ways.

Situated as we are, the city nearest the River's headwaters, we can't escape our responsibilities as its caretaker, nor can we afford to separate them from our opportunities. If we accept them, it will take sustained community commitment and resources, but the alternative is to resign ourselves to continued befoulment of our own nest.

The City of Atascadero has a legal and ethical responsibility to enforce its own and the state's laws to protect the invaluable resource that is the Salinas River, its watershed and riparian corridor

from the historical and current degradation to which it has been, and is being, subjected.

The least we can do right now is to begin enforcing the law. There's simply no reason or excuse for not doing so. Only then can we begin to truly respect and embrace that which nurtures us in so many ways. Some straightforward law and order in this area is mandatory, and only a first step in that direction.

This is a simple and fervent plea for you to honor your oaths of office and perform your duties as our elected representatives.

From: [Sam Mountain](#)
To: [Kelly Gleason](#); [Phil Dunsmore](#)
Subject: FW: General Plan 2045 Atascadero. We love A-Town
Date: Tuesday, August 13, 2024 8:37:24 AM
Attachments: [image001.png](#)
[image002.png](#)



Sam Mountain

Assistant Planner

smountain@atascadero.org

Phone: 805-470-3404

City of Atascadero | Community Development

6500 Palma Ave | Atascadero, CA 93422

www.atascadero.org

Community Development staff are available by appointment, please call 805-461-5000.

From: Jennifer Cohn <findjennifercohn@gmail.com>
Sent: Monday, August 12, 2024 6:08 PM
To: Planning <planning@atascadero.org>
Subject: Fwd: General Plan 2045 Atascadero. We love A-Town

Hi! I also emailed this to the "info" general box before I found out best to send it to "planning".

----- Forwarded message -----

From: **Jennifer Cohn** <findjennifercohn@gmail.com>
Date: Mon, Aug 12, 2024 at 6:00 PM
Subject: General Plan 2045 Atascadero. We love A-Town
To: <info@atascadero.org>

This communication bounced back from a black hole. I sent it through the atascadero2045.org portal:. Will you kindly make sure it gets to the **General-Plan-2045** folks by August 14? thanks!::

Greetings,

Wanted to be counted since I have not made it to a meeting. Speaking for our household. Hubby and I don't remember seeing a survey.

The short priority list.

1- Equestrian safety and access to existing trails.

2- Add distance to trails that allow people and horses, not motorcycles (again safety issue). Can we find some countryside elsewhere for the gas engined folks? Our family loves dirt bikes too, but... To trailer horses and equipment, and park! for a 1.5 mile trail out and back isn't worth it to me.

3- Extend trails into Templeton from the west side of Atascadero. Hwy 101 is the huge pedestrian barrier. Everyone in the neighborhood gets in a car and trailers their horses just to go for a ride.

As you know there are tons of horse groups and horsemen's clubs that regularly volunteer a lot of hours to help maintain trails.

The why?

1- Horses are being squeezed out of most towns, let's not be one of those. Instead let's encourage more horses and make riding more accessible. It's healthy and encourages children to be outdoors. The result might bring in more needed equestrian businesses. Neighborhood riding trails are an attractive seller increasing home values. Horses are an important yet fading part of this country's history and ag business growth, as well as possessing the ability to increase the mental well being of any citizens as they are highly intelligent and naturally healing animals.

2- As far as safety on the trails and riverbed, we encourage strong enforcement and guaranteed consequences of illegal motorized bikes etc. It's dangerous! Please make the riverbed safe for hikers and equestrians to enjoy nature and her sounds as created. The bikes affect our quality of life and cause fear that a live animal might react unpredictably during a spook ending with serious or deadly results.

3- I realize extending a trail into Templeton at the northwest side, perhaps at the ned Garcia or other streets, might be a tall order. But the dead end of it all makes the walking or even riding in the neighborhood very limited. I'd like to take our horse off the paved automobile road. Every time I look at the map I think "wow it goes does through", or used to:-(One example is Woodside; their trail system is behind many homes; homeowners allow riders to open the trail gates on private property to enjoy very long wooded trail rides.

One of the reasons we chose to live in Atascadero is because many properties have acreage and there are horses and stock animals. I was disappointed to find riding is not

a thing in the hood.... so I've taken my business to another town. I pay to board there and have to commute to the barn outside of A-town.

A-Town is a really sweet town. Thank you for considering my comments!

Jennifer Cohn

--

Jennifer Cohn

650.291.2000



Proud Mother of a
US Army National Guard Captain

Patriotic Instructor

Blue Star Mothers

www.smcbsm.org

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

13 August 2024

TO: City of Atascadero, Community Development Dept.

FROM: Gordon L. Fuglie, homeowner and affiliated with "Save Our Salinas"

RE:  Response to NOP, Environmental Impact Report under the CEQA for the Atascadero 2045 General Plan

I am writing to express comments regarding the upcoming preparation of the Draft Environmental Impact Report (EIR) for the 2045 General Plan Update for the City of Atascadero.

My wife and I have lived in Atascadero for 16 years. Our home is in The Lakes and our backyard abuts the property of the Atas. Mutual Water Co. and the De Anza Trail.

My following comments address the "environmental factors potentially affected," including Aesthetics, Recreation, Hydrology & H2O quality, Land Use & Planning, Noise, and Geology and Soils.

All these impact the AMWC property and its operations, as well as its public use. For many years, this patchwork of land of some 400 acres has not only guaranteed the city's water supply, but also offered recreation to its residents. Alas, the recreation element has remained under-developed for decades, and this has led to the ongoing degradation of the Salinas River Corridor by incursions from dirt bike motorcycles and all-terrain vehicles. At least since 1986, motorized vehicles have been prohibited on these lands by CA vehicle code 38319. Unfortunately, and since we've lived here, enforcement of this law and citations/fines have been infrequently applied.

This year I've become part of a local group that wants to conserve the Salinas River Corridor (SRC) and restore its natural habitat. We also advocate developing its recreational potential, serving our traditional equestrian community, naturalists, hikers, joggers, bicyclists, dog walkers, and elementary school groups.

AESTHETICS: While the AMWC property has an industrial presence along its length, it is also a natural area. On these lands I advocate the re-vegetation with native plants and trees, screening the well heads/pumping stations. Abandoned or non-functioning well heads should be removed and their area landscaped.

RECREATION: An intentional system of trails should be established and maintained, in addition to the access roads of the AMWC. Naturalists should be consulted to determine if certain access points to the riverbed itself can be built in an environmentally safe manner that is also secure for visitors.

HYDROLOGY AND WATER QUALITY: The general plan update must take measures to guarantee that the AMWC can continue to maintain our water quality and supply, keeping pace with our growing community. A number of us are concerned that the fuels and lubricants of illegal motorized vehicles are polluting the SRC. Petroleum traces have been observed in the river. The SLO Beaver Brigade has alerted us to the importance of beavers and their dams to the ecology of the river. We want to conserve their presence on the river.

LAND USE AND PLANNING: I was astonished to learn that the city's boundaries do not extend to the western banks/bluffs of the Salinas Riverbed, which if they did, are natural and rational boundaries. At present, AMWC property lines make an arbitrary zig-zag course north up to the area near Home Depot. I've been told that the land on the other side of the AMWC zig-zag line belongs to the property owners/ranches on the other (eastern) side of the river. If this is true, I see no evidence of these property owners maintaining "their" land adjacent to the western banks/bluffs. Cannot Atascadero acquire by eminent domain all of the lands that abut the western side of the Salinas River and join it to existing AMWC property for use by its citizens?

NOISE: Those of us with homes along the AMWC property and DeAnza Trail accept the presence of AMWC's maintenance and industrial vehicles. They are indispensable to the production and delivery of water to Atascadero. And these vehicles are active only up to 4 pm, when the AMWC stops work, Monday to Friday. Unless there is an emergency, AMWC vehicles are not present on weekends.

The offensive (and illegal) noise comes from the dirt bikes and ATVs. They are active after the AMWC goes home for the day, and on weekend afternoons, sometimes into twilight. Because dirt bikes are designed to be run at high speeds, rpms. and full throttle, they are VERY noisy, especially when racing along the AMWC access road. This is noise pollution at its worst.

GEOLOGY AND SOILS: Many natural areas of the AMWC property have been torn up by aggressive dirt bike and ATV driving that veer off roads and trails. This destroys the ecological balance of the land and diminishes the presence of native wildlife.

Further, I believe some of the SRC lands have already been used up as quarries. This creates an opportunity for ecological restoration of these sites.

CONCLUSION: The Salinas River Corridor is an under-developed community resource that is poised to benefit the Atascadero of the future. I advocate the city become the stewards of the lands along the length of our city's boundaries, acquiring land to consolidate this territory for environmental conservation and responsible community recreation.

Gordon L. Fuglie
3341 Via del Sueno
Atascadero, CA 93422-1573
gordon.fuglie@charter.net

August 13, 2024

City of Atascadero
Community Development Department
Attn: Kelly Gleason, Planning Manager
6500 Palma Avenue
Atascadero, CA 93422

planning@atascadero.org.

Subject: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE CITY OF ATASCADERO COMPREHENSIVE 2045 GENERAL PLAN UPDATE

Dear Ms. Gleason and members of the Community Development Department:

This letter is in response to your request for comments and recommendations from interested individuals pertaining to the subject above. Here after the subject notice of preparation is referred to as 2045 GPU.

Salinas River Corridor

1. The city of Atascadero shares the river corridor with the County of San Luis Obispo. [The County Park and Recreation Element \(2006\)](#) identifies public ownership of Salinas River Natural Areas as a future project. Therefore river planning with other agencies such as the County must be clearly specified in the 2045 GPU with achievable objectives.
2. Motorized vehicles, except safety vehicles as needed, must be eliminated from the river bed and riparian areas because they are detrimental to drinking water quality as well as a dangerous public nuisance. This also requires interagency cooperation, this time between the City Police and County Sherriff. Policies and required actions must be specified in the 2045 GPU as to how and when eliminating motorized vehicles shall be accomplished.
3. Further, there is public pressure to provide alternate locations where recreational motorized vehicles may enjoy their sport. This too could be addressed within city limits or with cooperating agencies. Cementing this intent in the 2045 CPU would balance actions recommended in number 2 above.
4. The Salinas is a navigable river, hence subject to the Public Trust. This fact of educational importance to the public must be identified in the 2045 GPU, even if the meandering river is sometimes inside and sometimes outside the city boundary.

Recreation in the Salinas Corridor

5. Include in the 2045 GPU existing plans such as the National Park Service's Juan Bautista de Anza National Historic Trail. The Anza Trail is also identified and mapped in the [County Parks and Recreation Element \(2006\)](#) and [Salinas River Trail Conceptual Master Plan \(SLOCOG 2014\)](#). In addition include plans in the 2045 GPU to complete the non-motorized Anza Trail its entire length within the city with consideration of connecting to existing and planned routes beyond city limits.
6. Having pedestrian and bicycle connectivity from all areas within the city to the Anza Trail and the Salinas River (Public Trust) would be a healthy city asset encouraging families, individuals, and visitors to enjoy outside. Also meeting non-motorized transportation objectives.

Wildlife and Endangered Species

7. The 2045 GPU must address how endangered species are to be protected. One example is nesting bald eagles near Atascadero Lake and the Salinas River. Another example is river and river bank restoration where man-made channelization needs to be removed to encourage healthy riparian areas for wildlife. Yet another example, perhaps engaging other agencies, is to encourage Steelhead trout to return beyond an occasional siting. The 2045 GPU must also recognize the existence of beavers, a native species, in the Salinas River and address how they shall be protected from harassment.

Cultural Resources

8. The Anza Trail is not only a passive recreational trail but also a multi-cultural story of a diverse group of individuals seeking a better life in California. The story is part of the cultural fabric of our central coast region. [Juan Bautista de Anza National Historic Trail, Long Range Interpretive Plan \(2003\)](#). Thus the Anza Trail story needs to be recognized as a cultural resource in the 2045 GPU with goals and objectives.

Conservation Element

9. A Conservation Element is a mandatory element of the General Plan. This element appears if be missing in the 2045 GPU. Perhaps this is an accidental oversight. However by California law, the element must address the identification, conservation, development and use of natural resources such as water, forests, soils, waterways, wildlife and mineral deposits. The element's primary focus is on natural resources. This element must be developed in coordination with all local agencies that deal with water in the community. A primary agency is the Atascadero Mutual Water Company. The 2045 GPU must clearly address this element's mandatory topics with precise goals and required actions.

Thank you for considering my comments and recommendations.

Dorothy Jennings
djennings@tcsn.net

From: [T. Robinson](#)
To: [Planning](#)
Subject: Atascadero 2045 General Plan Update
Date: Tuesday, August 13, 2024 4:59:09 PM

City of Atascadero
Community Development Department
6500 Palma Ave.
Atascadero, CA 93422.

Dear Members of the City of Atascadero Community Development Department,

Regarding: Notice of Preparation of a Draft Environmental Impact Report for the City of Atascadero 2045 General Plan Update

Thank you for the opportunity to express our thoughts regarding the upcoming preparation of the Draft Environmental Impact Report for the 2045 General Plan Update for the City of Atascadero.

First and foremost we would like for the word “conservation” to remain prominent in the 2045 general plan update. And we would like for **conservation** and a **healthy environment** to be at the top of the City’s priority list.

As the city of Atascadero grows, it is imperative that we maintain a healthy environment for all our citizens. Below are a few of the many suggestions we believe the City should consider implementing to maintain and improve our local environment.

> Prohibit backyard burning. It decreases our air quality measures and presents a clear fire danger. With global warming, we can no longer continue to have our neighbors having huge fires in their yards. It’s unsafe. It’s unhealthy.

> Prohibit fireworks. Although we do have a City Ordinance prohibiting fireworks, it is not well enforced. Please look into better enforcement measures, which may require the use of drones. Also, the City should set a good example and not be using fireworks at City Hall, as they did this year for International Women’s Day.

> For all new construction, prohibit wood-burning fireplaces. For the reasons mentioned above: air quality and fire danger.

> Start a joint oversight commission for the Salinas River Corridor to include: City officials, police, fire, CDFW, and other users, including the Beaver Brigade, equestrians, hikers, etc. With a purpose of addressing conservation issues related to the Riverbed.

> Prohibit the use of the Salinas Riverbed by motorized vehicles. We should use the off-road vehicle owned by the City, and purchased by the taxpayers, to enforce this issue. Consider the use of drones, and perhaps cooperation with the Sheriff’s Dept (Posse and Helicopter) to enforce “no motorized vehicles” laws.

> Block the illegal off-road vehicles from entering the Riverbed at Halcon Road. Halcon used to have big boulders that went across the road to prevent off-road vehicles from entering.

Since the paved road has washed out, it has become a busy access point for illegal four-wheel drives to enter into the Riverbed.

> Provide citations to motorized vehicles that illegally use the Riverbed. A little enforcement would really help curb this issue!

> Going forward, establish greater setbacks for structures and businesses along the Salinas Riverbed.

> Establish the City's portion of the Salinas Riverbed as the Salinas River Wildlife Refuge. Protect our most precious natural resource... home to bald eagles, beaver, wildcats, and more! The trees and vegetation help clean our air. And, the beaver colonies clean our water and protect us from wild fires. It truly is a gem and has great environmental value, whether it's bringing in tax dollars or not.

> Zero tolerance for homeless encampments in our Riverbed. Atascadero Mutual Water Company has done a great job, and there are zero encampments on AMWC property. However, on Atascadero's property (adjacent to the Waste Treatment Plant) there are currently three encampments. One of these encampments has been there for over five years! The amount of garbage, human waste, and hazmat materials (ie; illicit drugs) that are seeping into our drinking water is dangerous and intolerable.

> Stop the use of pesticides/herbicides/poisons wherever possible. Use weed whacking when available. If poisons need to be used, mandate the use of a dye agent. The dye shows where these poisons have been sprayed, alerting parents, children and people with pets of locations where it is unsafe to walk and play.

> Prohibit all weedkillers in our public schools.

> Protect our waterways: remove encampments along Atascadero Creek. Remove the trash and hazmat materials. Replant native willows along the creekbed to provide habitat and decrease erosion.

> Protect our ground water by preserving the habitat along the Salinas River. Remove encampments. Remove the trash. Set aside open space for wildlife. Worth repeating!

> Encourage a ECHO to stop giving out hundreds of plastic bags and water bottles each week... they all end up in our creeks and Riverbed. Instead they could provide brown bags and a bottle refill station at ECHO.

> For safety of all our children, move Echo away from the preschool, high school, and church. Echo should be located in a more appropriate setting.

Thank you for this opportunity!

John E. Robinson RN
Teresa Robinson MA Ed
7600 Carmelita Avenue
805-423-2204

From: [Jill Urmey](#)
To: [Planning](#)
Subject: Public comment EIR Atas 2045 General Plan Update
Date: Tuesday, August 13, 2024 5:02:24 PM
Attachments:

Hello,

Me and my family are interested parties regarding the general plan update 2045.

We have lived in the county since 1969. I am guessing much longer than most of you reading this letter. We have seen many changes over the years including more traffic, homelessness, and violence.

The ONE constant that has kept us grounded is the open space, clean air, flora and fauna that populate our property and the Salinas River Corridor. I am a retired E.R. nurse and my husband is a retired law enforcement officer. We both had VERY STRESSFUL jobs for years and hiking or horseback riding was our therapy. We have enjoyed riding horses in the Salinas River bed for decades. However, for the past several years there have been more motorcycles and off road vehicles riding in the riverbed. We have seen them ride through and destroy established beaver dams, leave loads of trash including; tires, ice chests, flotation devices, gas cans, fire extinguishers, and even vehicles in the river bed.

We REALLY want the planning department to protect our open space, the flora and fauna within it and allow Atascadero to remain a gem despite growth. We DON'T want to become like S.L.O., S.B., or Paso. We can drive to experience what those cities offer. What they don't offer is peace and quiet when you are enjoying a horseback ride along the river. We live in Atascadero for a reason. It's not as noisy or congested and we can enjoy Three Bridges, Jim Greene, the River bed, the San Juan Bautista trail, or Cerro Alto on a daily basis.

We want to be able to recreate **safely** without motorcycles doing donuts around us and spooking our horses into running which leads to terrible crashes. The off-roaders are noisy, pollute the air/environment, and is NOT SAFE for horseback riders. There are blind turns all over within the river bed and sometimes you can't tell which trail the sand rail or motorcycle is using. We don't want houses, coffee shops, or homes along the riverbed. We want it to remain natural with maybe some nature trails with kiosks for people to enjoy. Let the beaver, coyotes, deer, racoons, skunks, possum, hawks, eagles, egrets, ducks, and other animals raise their families and live in a peaceful environment. This is something that we have that other cities don't. The off-roaders can go to established off roading areas like Pozo to "tear it up". I don't have anything against off roading. Some of my family enjoy it. The difference is, they do it in appropriate, legal areas.

Our family implores you to look long term at preserving recreation & open space while minimizing noise, and maximizing safety. I have experienced several, terrible, horse accidents in the riverbed caused by insensitive off roaders who are breaking the law. Despite reporting these incidents, the perps were not caught. Please see the attached pictures which illustrates what happened to me and I know has happened to others in our horse community.

Concerned family,
Jill & Rob Urmey
Atascadero, CA.

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**

City of Atascadero
Community Development Department
planning@atascadero.org
Attn: Kelly Gleason, Planning Manager
6500 Palma Avenue
Atascadero, CA 93422

August 14, 2024

Dear Ms. Gleason and members of the Community Development Department,

This letter is in response to the request for comments pertaining to the Notice of Preparation of a Draft EIR for the City of Atascadero 2045 General Plan Update.

Environmental Justice:

The U.S. Environmental Protection Agency defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

The Notice of Preparation seems to indicate that the topic of environmental justice may not be included in the General Plan due to the fact that the City of Atascadero does not have a State-identified disadvantaged community designation. However, specific census tract or block group areas within the city of Atascadero do have a Disadvantaged Communities (DAC) designation. Not including the topic of environmental justice will demonstrate a disregard for the current and future historically marginalized and disadvantaged communities of Atascadero. Including the topic of environmental justice in the General Plan will provide an avenue for fair treatment and meaningful involvement of all peoples in Atascadero, even as the forecasted Atascadero population increases at approximately 21% over the 20 year period that this General Plan covers. **Environmental justice should be meaningfully and thoroughly addressed in the Draft EIR and the 2045 General Plan.**

Tribal and Cultural Resources:

Assembly Bill 52 (Gatto, 2014) requires consideration of tribal cultural resources early in the CEQA process, in order to ensure that local and tribal governments, public agencies, and project proponents have information available early in the project planning process to identify and address potential adverse impacts to tribal cultural resources. Section 1 of the bill states the legislature’s intent as follows:

“In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the

Legislature, in enacting this act, to accomplish all of the following: (1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. (2) Establish a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. (3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible. (4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources. (5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental Quality Act environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency. (6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to the California Environmental Quality Act (Division 13 (commencing with § 21000) of the Public Resources Code). (7) Ensure that local and tribal governments, public agencies, and project proponents have information available, early in the California Environmental Quality Act environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process. (8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources. (9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.”

Public Resources Code § 21080.3.1(b) states that a consultation with a California Native American tribe is defined as “the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.”

Tribal Cultural Resources is a separate category from Cultural Resources with separate questions in CEQA Guidelines. **Tribal Cultural Resources, including, but not limited to land, human remains, burial mounds, tribal names, symbols and stories, should be meaningfully and thoroughly addressed in the Draft EIR and in the 2045 General Plan, utilizing tribal consultation and all available substantial evidence.**

Rights of Nature:

The Global Alliance for the Rights of Nature describes the rights of nature as: *The holistic recognition that all life, all ecosystems on our planet are deeply intertwined. Rather than treating nature as property under the law, rights of nature acknowledges that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles.* The rights of nature should be reflected in the General Plan, even as the number of human inhabitants is projected to increase. The installation of new wildlife corridors and mapping and protection of existing wildlife corridors should be included in the General Plan, along with mapping, protection, and restoration of riparian zones and environmentally sensitive habitat areas and acquisition of conservation easements. **Protecting the rights of nature should be reflected with meaningful and concrete actions in the General Plan and addressed in the Draft EIR.**

Thank you for this opportunity to comment.

Sincerely,

Dolores Howard

Resident of Paso Robles, neighbor in the Salinas River Waterhood (Water Neighborhood)

From: [Ranel Porter](#)
To: [Planning](#)
Subject: The Salinas River Deserves Our Reverence and Protection
Date: Wednesday, August 14, 2024 8:47:21 AM

Dear Atascadero City Council Members,

The Salinas River flows through our community like a lifeline, a ribbon of life that connects us to the past, sustains us in the present and holds the promise of a future in harmony with nature. Yet, for too long, we have taken this gift for granted, treating it as something to be used, exploited, and discarded, rather than revered, protected, and cherished.

I write to you with a deep sense of urgency and a plea from the heart: let us change our course before it is too late. The Salinas River is more than just a body of water; it is a sanctuary for wildlife, a corridor for creatures great and small, a source of nourishment for our land, and a sacred site that carries the echoes of those who came before us.

We have allowed illegal ATV use to scar this land, ripping apart what nature has so carefully woven together. In mere moments, these machines undo the beauty that has taken millions of years to form. We must end this destruction and instead build trails that invite us to walk softly, to feel the earth beneath our feet, and to reconnect with the wild beauty that surrounds us.

The beavers, with their gentle persistence, are our silent allies in the fight to preserve this river. They are the guardians of our groundwater, the keepers of our ecological balance. They must be recognized and protected in our plans, for they are as important to our future as the water they help sustain.

The changing climate demands that we think deeply about how we will protect this riverbed. It is not just about today or tomorrow but about the generations yet to come. The river, the riparian zones, the wildlife—they all need our care, our respect, and our commitment.

And let us not forget the ancient spirits that dwell here, the indigenous resources that speak of a time before us. These must remain undisturbed, honored as sacred, and left to rest where they lie.

The Salinas River deserves to be fully mapped, its every twist and turn understood so that we can better protect it. And we must consider the unhoused people who have sought refuge along its banks, not as intruders, but as human beings in need of care and compassion. They deserve safe places to live, not the uncertainty and danger of life by the river.

It is time to heal the wounds we have inflicted on this land. It is time to honor the Salinas River for the giver of life that it is. Please, as you shape the future of our community, let this be a moment of reckoning and renewal.

With hope and reverence,
Ranel Porter
4850 San Jacinto Ave
Atascadero, CA 93422
RanelPorter@gmail.com
(925)765-9243

ATTENTION:

This email originated from outside the City's network. **Use caution when opening links and attachments.**