



Council Agenda Correspondence

DATE: October 18, 2021

TO: Mayor and Council

FROM: Greg Hermann, Deputy City Manager

VIA: Derek Johnson, City Manager

SUBJECT: Item # 7a – Winter Evening Hours of Use at Cerro San Luis Natural Reserve

Staff has received inquiries from Council Members, whom upon review of the Council Agenda Report for the subject item that is scheduled to be heard on October 19, 2021, have requested that staff clarify or provide additional information on the following items:

1. The duration and timeframe for the proposed ongoing Winter Evening Hours of Use at Cerro San Luis Natural Reserve program.
2. Whether Council direction at the March 16, 2021, Study Session was to establish an ongoing program in December only, or during the timeframe when daylight savings time is not in effect as was conducted under the prior Pilot Program.
3. The ongoing cost to administer the proposed program.
4. Request for copy of the email correspondence with Mr. Fred Collins, Tribal Spokesperson for the Northern Chumash Tribal Council.
5. Request to distribute Appendix C of the General Plan Conservation and Open Space Element (2006).
6. Request to distribute Exhibit B to the Deed of Conservation Easement that encumbers the Maino Open Space portion of Cerro San Luis Natural Reserve.
7. On page 802, the staff report states that if the EcoCounter found more than 65 people after hours, during any of the other non-December days, that this would trigger automatic permitting on the next day after the overage. Please clarify.
8. Page 804, is it standard that [publication of the] notice of the intent to adopt a negative declaration is solely in the New Times, a weekly paper?
9. On page 819 of the packet, there is a list of the animals that were seen during the pilot program by the firms conducting investigations of present wildlife. Were these sightings at night (during the pilot hours) or during the day? And, do we have an idea of numbers in both?

10. On page 826 of the Negative Declaration, in e, it notes a less than significant finding, rather than a “no impact.” Please explain.
11. [There is] a discrepancy between the feedback received from the Northern Chumash Tribal Council and the yak tityu yak tilhini – Northern Chumash Tribe. One seemed opposed and the other just wanted signage. Do either have opposition to the allowance of hiking at all, even during the day, on the property? Or are these reservations just nighttime reservations?
12. One equity question that has been raised by the public is that the permits are via a phone app—is there an alternative method to get a permit?

Staff responses to these items are as follows and are listed with the same enumeration as above:

1. There is an instance in the Council Agenda Report discussing when the proposed program will end and revert back regular hours of use that inadvertently states “...when daylight savings time is not effect...” This Council Agenda Correspondence is intended to correct this clerical error and clarify when the proposed program will start and when it will end.

The proposed program would occur during the winter months when daylight savings time is not in effect, as follows:

Month	Open until 1 Hour After Sunset	Open until 8:30 PM PST
January		X
February		X
March*	X	X
April	X	
May	X	
June	X	
July	X	
August	X	
September	X	
October	X	
November*	X	X
December		X

* The exact date when daylight savings time ends in November and begins in March varies from year to year. In the 2021-2022 winter season, for example, daylight savings time will end on November 7, 2021, and will start again on March 13, 2022. The expanded winter evening hours of use until 8:30 PM would therefore be allowed during the timeframe between November 7, 2021, and March 13, 2022, during the first year of ongoing implementation.

2. In reviewing the video of the deliberation and motion at the March 16, 2021, it is clear that Council’s intent was to continue the Winter Evening Hours of Use Program in a manner commensurate with the prior Pilot Program. At roughly three

hours and thirty minutes into the meeting, Former Mayor Heidi Harmon makes a motion on this item as follows: "I would like to make the motion that we continue the program as-is, with the potential addition of only having the permit system in December, as Council Member Pease and others have suggested." The motion is then seconded by Council Member Pease, followed by roll call. The video of the meeting can be retrieved as follows: <https://www.youtube.com/watch?v=SUJWNreTD20>.

3. Ongoing staff time necessary to administer the proposed program on an ongoing basis was described in the Council Agenda Report for the March 16, 2021, Study Session item on this topic (see Packet Pages 88-89). Ranger Service staff time was estimated at \$25,000 and Natural Resources Program staff time was estimated at \$5,000. Ongoing expenses are comprised of periodic replacement costs for field equipment and costs associated with hosting the permit system "app" and EcoCounter™ device. The Council Agenda Report for the March 16, 2021, Study Session item can be retrieved as follows: <http://opengov.slocity.org/WebLink/DocView.aspx?id=139031&dbid=0&repo=CityClerk>.
4. A copy of the email correspondence with Mr. Fred Collins is attached, as requested. Unfortunately, and sadly, Mr. Collins has passed away since this correspondence took place. Staff have since followed up with Violet Sage Walker, whom we understand is now the correct Tribal Administrator for the Northern Chumash Tribal Council.
5. A copy of Appendix C of the General Plan Conservation and Open Space Element (2006) is attached, as requested.
6. A copy of the Exhibit B to the Deed of Conservation Easement that encumbers the Maino Open Space portion of Cerro San Luis Natural Reserve is attached, as requested. Although not specifically requested, a copy of the Deed of Conservation Easement itself is also attached for context and reference.
7. The Council Member observes that reverting back to requiring permits if the EcoCounter device indicates that levels of use exceed 65 individuals presents logistical challenges for staff to implement and communicate effectively with the public. This process is also described in the Initial Study / Negative Declaration as a mechanism to ensure that keeping use to the average baseline level of use of 65 individuals is adhered to. Staff has provided an Alternative to require permits during all program months of operation that is available to the Council.
8. The California Environmental Quality Act requires that a Notice of Intent document is noticed in a newspaper of general circulation that is published in the area effected by the project. It is the City's standard practice to use the *New Times* for this purpose, which is a free publication. The Notice of Intent was also posted with the County-Clerk Recorder's Office, with the State Clearing House, and posted on the City's website with notification of its availability.

9. The wildlife surveys conducted by Tenera Environmental in 2004 in support of the Cerro San Luis Natural Reserve Conservation Plan were conducted during both daytime and evening hours. The wildlife surveys by Terra Verde Environmental that were conducted prior to and during the Pilot Program were conducted at nighttime during hours commensurate with the Pilot Program. The survey work conducted by both firms was designed to determine presence only of wildlife species; they did not track total numbers or volume of wildlife present.
10. The Initial Study identifies a less than significant impact for conversion of farmland (or rangeland) agricultural resources. While this potential is considered to be very remote, there is a possibility of an indirect impact. An example might be if a cattle gate were to be left inadvertently open causing indirect impacts to the cattle operator.
11. The Northern Chumash Tribal Council and yak tityu yak tilhini – Northern Chumash Tribe are separate tribes. Both are on the State of California's current Native American Heritage Commission (NAHC) list of historically and culturally affiliated tribes. Staff assumes their responses were related to the winter evening hours of use program as the subject matter at hand, but neither response explicitly indicated whether their comments were related to winter evening hours of use or to use in general at any time of day.
12. A permit for the Winter Evening Hours of Use program does not necessarily require the mobile phone or computer-based "app." A permit could also be obtained at the front counter or by telephone from the Parks and Recreation Department Office and from a Ranger at the trailhead prior to entry, if permits were to still be available.

Should you have further questions or desire additional information, please feel free to be in contact with Robert Hill, Sustainability & Natural Resources Official, by email at rhill@slocity.org or by phone at (805) 781-7211.

Attachments:

- A. Copy of the email correspondence with Mr. Fred Collins
- B. Appendix C of the General Plan Conservation and Open Space Element (2006)
- C. Deed of Conservation Easement and Exhibit B, Baseline Conditions Report