

**APPENDIX F:
COMMENTS RECEIVED IN RESPONSE TO
SCOPING LETTERS**



Santa Barbara County
Air Pollution Control District

Our Vision  Clean Air

November 6, 2009

Jeffrey Smith, Project Manager
RMT, Inc.
4 West 4th Avenue, Suite 303
San Mateo, CA 94402



Re: **NOP of an IS/EA for the Channel Islands Telecommunication Project**

Dear Mr. Smith:

The Santa Barbara County Air Pollution Control District (District) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a joint Initial Study/Environmental Assessment (IS/EA) for the Channel Islands Telecommunication Project. The California Public Utilities Commission proposes to install cellular telecommunication infrastructure on the five islands that comprise the Channel Islands National Park. The infrastructure consists of various antennas, solar panels, and other electronic equipment to 17 locations on the islands. The equipment would be mounted on poles, exterior walls, or roofs of existing structures using screws and brackets. Hand trenching over approximately 20 linear feet for cable installation is proposed at one of the sites, with no ground disturbance proposed at the other 16.

APCD staff reviewed the NOP for the IS/EA, and concurs that air quality impacts will be potentially significant. APCD's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated June, 2008) is available online at www.sbcapcd.org/apcd/landuse.htm. This document should be referenced for general guidance in assessing air quality impacts in the IS/EA. The IS/EA should evaluate the following potential impacts related to the Channel Islands Telecommunication Project:

- 1. Attainment Status and Consistency with the APCD 2007 Clean Air Plan (CAP).** The APCD has posted the most up-to-date attainment status for the County on the APCD website www.sbcapcd.org/sbc/attainment.htm and the most recent Clean Air Plan is available at www.sbcapcd.org/cap.htm. The website should be consulted for the most up-to-date air quality information prior to the release of the IS/EA. Commercial or industrial projects will be considered consistent with the CAP if they are consistent with APCD rules and regulations.
- 2. Construction Impacts.** The IS/EA should discuss the potential air quality impacts associated with construction activities for the proposed project. APCD's June, 2008 *Scope and Content* document, Section 5.1, presents recommended mitigation measures for fugitive dust and equipment exhaust emissions associated with construction projects. Construction mitigation

Terence E. Dressler • Air Pollution Control Officer

260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • www.sbcapcd.org • 805.961.8800 • 805.961.8801 (fax)

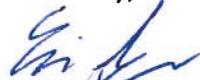
measures should be enforced as conditions of approval for the project. The IS/EA should have a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigations and establishes a mechanism for enforcement.

3. Global Climate Change/Greenhouse Gas impacts. Global climate change is a growing concern that needs to be addressed in CEQA documents, and we recommend that the discussion be included under cumulative impacts. Although there are currently no published thresholds for measuring the significance of a project's cumulative contribution to global climate change, the California Office of Planning & Research (OPR) issued a Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (dated June 19, 2008, available at the OPR website, www.opr.ca.gov). In light of guidance from OPR, APCD staff strongly recommends disclosing potential GHG emissions associated with the proposed project and the use of all feasible mitigation measures for long-term impacts.

For more information regarding these and other mitigation measures, please refer to the *CAPCOA CEQA & Climate Change document*, available at www.sbcapcd.org/apcd/landuse.htm, and to the California Attorney General's list of mitigation measures at www.ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

We hope you find our comments useful. We look forward to reviewing the IS/EA. Please contact me at 961-8893 or by e-mail at edg@sbcapcd.org if you have questions.

Sincerely,



Eric Gage
Air Quality Specialist
Technology and Environmental Assessment Division

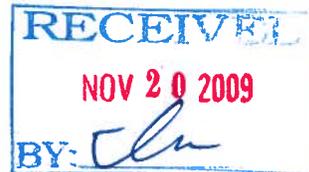
cc: TEA Chron File

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



November 17, 2009



Jeffrey Smith
California Public Utilities Commission
4 West 4th Avenue, Suite 303
San Mateo, CA 94402

RE: SCH#2009101079 Channel Islands Telecommunication Project; Ventura and Santa Barbara Counties.

Dear Mr. Smith:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ 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.
 - 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in blue ink that reads "Katy Sanchez".

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact
Ventura and Santa Barbara Counties
November 16, 2009

✓ Charles Cooke
32835 Santiago Road
Acton , CA 93510

(661) 733-1812 - cell
suscol@intox.net

Chumash
Fernandeno
Tataviam
Kitanemuk

✓ Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517 Chumash
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

✓ Ernestine DeSoto
1027 Cacique Street, #A
Santa Barbara CA 93103
(805) 962-3598

Chumash

✓ Julie Lynn Tumamait
365 North Poli Ave Chumash
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

✓ Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandeño

✓ Patrick Tumamait
992 El Camino Corto Chumash
Ojai , CA 93023
(805) 640-0481
(805) 216-1253 Cell

✓ Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road Chumash
Bradley , CA 93426
(805) 472-9536

✓ San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road Chumash
Grover Beach CA 93433
cheifmvigil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009101079 Channel Islands Telecommunication Project; Ventura and Santa Barbara Counties.

Native American Contact
Ventura and Santa Barbara Counties
November 16, 2009

John Ruiz
1826 Stanwood Drive
✓ Santa Barbara CA 93103
(805) 965-8983

Chumash

✓ Stephen William Miller
189 Cartagena
Camarillo , CA 93010
(805) 484-2439

Chumash

✓ Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks, CA 91320
(805) 375-7229

Chumash

✓ Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Chumash

✓ Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley , CA 93426
(805) 472-9536
(805) 835-2382 - CELL

Chumash

✓ Randy Guzman - Folkes
655 Los Angeles Avenue, Unit E
Moorpark , CA 93021
ndnRandy@gmail.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

✓ Diane Napoleone and Associates
Diane Napoleone
1433 Camino Trillado
Carpinteria , CA 93013
805-684-4213

Chumash

✓ Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464
Santa Barbara CA 93140
805-964-3447

Chumash

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Native American Contact
Ventura and Santa Barbara Counties
November 16, 2009

✓ Charles S. Parra
P.O. Box 6612
Oxnard , CA 93031
(805) 340-3134 (Cell)
(805) 488-0481 (Home)

Chumash

✓ Melissa M. Para-Hernandez
119 North Balsam Street
Oxnard , CA 93030
805-988-9171

Chumash

✓ Richard Angulo
P.O. Box 182
Salome , AZ 85348

Chumash

✓ Frank Arredondo
PO Box 161
Santa Barbara Ca 93102
805-617-6884
ksen_sku_mu@yahoo.com

Chumash

✓ Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

Chumash

✓ Carol A. Pulido
165 Mountainview Street
Oak View , CA 93022
805-649-2743 (Home)

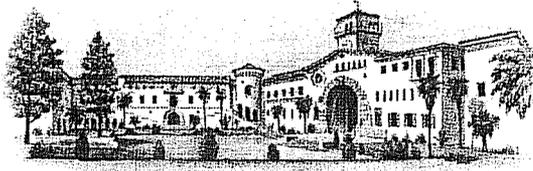
Chumash

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009101079 Channel Islands Telecommunication Project; Ventura and Santa Barbara Counties.

County of Santa Barbara



Michael F. Brown
County Executive Officer

105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.countyofsb.org

Executive Office

November 18, 2009

Jeffery Smith
Project Manager
RMT, Inc
4 West 4th Avenue, Suite 303
San Mateo, CA 94402

FAX: (650) 373-1211
Email: jeff.smith@rmtinc.com

RE: Notice of Preparation Initial Study/Environmental Assessment-Channel Islands
Telecommunication Project

Dear Mr. Smith:

Thank you for the opportunity to comment on the Notice of Preparation for an Initial Study/Environmental Assessment for the Channel Islands Telecommunication Project. At this time, the County is submitting the attached comment letters from the Planning and Development Department-Development Review Services and the County Fire Department.

The County has no further comments on this project at this time and looks forward to continued dialogue on future projects. If you should have further questions, please do not hesitate to contact my office directly, or Derek Johnson, Director in the Office of Long Range Planning at (805) 568-2072.

Sincerely,

Michael F. Brown
County Executive Officer

cc: Glenn Russell, Director, Planning and Development
Derek Johnson, Director, Office of Long Range Planning
David Ward, Deputy Director, Development Review Services
Richard Todd, County Fire Marshall

Attachments: Development Review Services-Letter dated November 17, 2009
County Fire Department-Letter dated November 3, 2009

ATTACHMENT A

County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning



November 17, 2009

Jeffrey Smith
Project Manager
RMT, Inc
4 West 4th Avenue, Suite 303
San Mateo, CA 94402

Mr. Smith:

Thank you for the opportunity to comment on the above referenced NOP. On the whole, the NOP appears fairly complete. Development Review has the following comments:

1. Under Biological Resources, an analysis will need to be made to ascertain potential physical impacts to biological resources from fire clearance and any mitigations. Also, the analysis should focus on physical impacts from the project on biological resources rather than "impacts to local policies or ordinance protecting biological resources". The NOP appears to cover a consistency analysis of the project against policies and ordinances adopted for purposes of mitigating environmental impacts under Land Use.
2. Under Hazardous Materials, the document should confirm that the facilities would be operating within the allowable FCC radio frequency ranges.
3. Document needs to be site specific to the Channel Islands and should not reference San Mateo (air basin).

It is unclear if this is a federal or private entity installing the cell sites on federal lands. The distinction is important as to whether or not the project would be subject to County permit requirements under our Telecommunication Facility Ordinance, or just subject to federal project consistency determination pursuant to the California Coastal Commission. We recommend your identify the proper permit or consistency determination process early in the scope of the project.

If you have additional questions, I can be reached at (805) 568-2520 or dward@co.santa-barbara.ca.us.

Sincerely,

David B Ward
Deputy Direction – Development Review

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

ATTACHMENT B



Fire Department

"Serving the community since 1926"

Michael W. Dryer
Fire Chief
County Fire Warden

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

Christian J. Hahn
Deputy Fire Chief

November 3, 2009

Ms. Susan Curtis
Senior Planner
County of Santa Barbara
Office of Long Range Planning
30 East Figueroa
Santa Barbara, CA 93101

Dear Ms. Curtis:

SUBJECT: Project Description: Channel Islands Telephone Company IS/EA

Fire Department staff has reviewed the above referenced project and has no development conditions to place on the project as presented at this time.

The Fire Prevention Division must be notified of any changes to the project proposal. Further intensification of use or change in the project description may cause additional conditions to be imposed.

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

In the interest of life and fire safety,

Rick Todd
Fire Marshall

RJ:mkb

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Laura Hocking/Dawnyelle Addison, Planning

DATE: November 12, 2009

FROM: Alicia Stratton

SUBJECT: Request for Review of Environmental Assessment for the Channel Islands Telecommunication Project, Channel Islands National Park, California Public Utilities Commission and National Park Service (Reference No. 09-050)

Air Pollution Control District staff has reviewed the subject project, which is a proposal for construction of standard cellular telecommunication infrastructure facilities on 17 sites on the five islands that comprise the Channel Islands National Park. The project location is offshore Ventura County.

The application is complete for the purpose of evaluating air quality impacts. No significant air quality impacts are expected to result from the project. Because the project is temporary in nature, no significant air quality impacts would result.

Regional Air Quality Impacts

Based on information provided by the applicant, air quality impacts will be below the 25 pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines. Therefore, the project will not have a significant impact on regional air quality.

Local Air Quality Impacts

Based on information in the project application, the subject project will generate local air quality impacts but those impacts are not likely to be significant.

If you have any questions, please call me at (805) 645-1426.

November 20, 2009

RMT, Inc.
4 West 4th Ave., Ste. 303
San Mateo, CA 94402
Attn.: Jeffrey Smith

E-mail: jeff.smith@rmtinc.com

Subject: Comments on NOP for an IS/EA for Channel Islands Telecommunication Project

Dear Mr. Smith:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,



Tricia Maier, Manager
Program Administration Section

Attachment

County RMA Reference Number 09-050





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
81440-2010-CPA-0013

November 25, 2009

Jeffrey Smith, Project Manager
RMT, Incorporated
4 West 4th Avenue, Suite 303
San Mateo, California 94402

Subject: Notice of Preparation of an Initial Study/Environmental Assessment for the Channel Islands Telecommunications Project, Ventura and Santa Barbara Counties, California

Dear Mr. Smith:

We are responding to your request for comments on a Notice of Preparation of an Initial Study/Environmental Assessment for the Channel Islands Telecommunications Project. The Notice of Preparation (NOP) was received in our office on October 22, 2009. The NOP covers Anacapa, San Miguel, Santa Barbara, Santa Cruz, and Santa Rosa Islands, Ventura and Santa Barbara counties, California. We understand that the California Public Utilities Commission (CPUC) is the state lead agency, and the National Park Service (NPS) is the Federal lead agency.

Channel Islands Telephone Company proposes to install cellular telecommunication infrastructure at 17 locations on all five islands of the Channel Islands National Park. Of these 17 locations, one is located on Santa Barbara Island, one on Anacapa Island, two on San Miguel Island, six on Santa Cruz Island, and seven on Santa Rosa Island. No ground disturbance is required for staging or project activities with the exception of the single location on Anacapa Island where a trench approximately 20 linear feet would be required to connect the new cables to existing cables. At all locations, telecommunication equipment would be installed using hand tools and be mounted on exterior and interior walls or roofs of existing buildings and structures. Each site would require approximately 2 to 3 days for a two person crew to complete equipment installation. The entire installation of all 17 locations would take approximately 34 to 43 work days to complete and is expected to be completed over a 4-month time period.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation, which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by

annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

Exemptions to the prohibitions against take in the Act may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If the proposed project does not involve a Federal agency, but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. To qualify for the permit, you would need to submit an application to the Service together with a habitat conservation plan (HCP) that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated and how the plan would be funded. A complete description of the requirements for a HCP can be found at 50 CFR 17.32.

The Service holds the conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). Under the MBTA, nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Such destruction may be in violation of the MBTA. Therefore, we recommend land clearing, or other surface disturbance associated with the proposed project, be conducted outside the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

We do not have any other specific comments at this time on the proposed project; however, we do recognize the effort to use existing structures to limit ground disturbance. Further, if the NPS determines that the project may affect listed species or their habitat, the NPS as the lead Federal agency would be required to contact the Service to initiate consultation.

We appreciate the opportunity to provide comments on the proposed NOP and look forward to working with you in the future. If you have any questions regarding this matter, please contact Robert McMorran of our staff at (805) 644-1766, extension 232.

Sincerely,



Chris Dellith
Senior Biologist

cc:

Kate Faulkner, Channel Islands National Park Service