



318 Cayuga Street
Salinas, CA 93901
831.754.2444
JRGattorneys.com

August 3, 2021

Via E-Mail

City of Salinas Planning Commission
City of Salinas City Hall
200 Lincoln Ave.
Salinas, CA 93901

PARTNERS

Aaron P. Johnson
Paul A. Rovella
Managing Partner
Jason S. Retterer
Robert E. Rosenthal
Jeff R. Gilles
Founding Partner
Stephan A. Barber
Ren Nosky
Peter D. Brazil

ATTORNEYS

Patrick S. M. Casey
S. Craig Cox
Rudolph P. Darken
Jeffrey S. Lind
Cat Mineo
Matthew R. Rankin
Nelson T. Rivera
Logan R. Walter

OF COUNSEL

David W. Balch
Doug K. Dusenbury
Natalie M. Lupo
Ronald A. Parravano

Re: General Plan Amendment 2020-001 and Rezone 2020-001 – Big Sur Land Trust Park and Wetland Restoration Project – Carr Lake

Dear Honorable Chair and Planning Commission:

Our office represents the Higashi family and the Hibino family, who own the balance of Carr Lake that is contiguous to the Big Sur Land Trust (“Land Trust”) property. Our clients have been aware of this proposed park and wetland restoration project for the past couple of years thanks largely to the Big Sur Land Trust’s proactive outreach to the family regarding the project. Representatives of the Higashi and Hibino families have met with the BSLT to review the project and to discuss concerns relating to potential off-site impacts on the families’ farmland that abuts the proposed wetland and habitat restoration areas. During our last couple of meetings, the families conveyed the following concerns:

- The project description states that “limited fencing at the site perimeter” is proposed. However, it does not describe the type of fencing that will be constructed or the location. The families request that fencing be strategically placed in areas that are easily accessible between the Land Trust property and the families’ properties to prevent the public from wandering onto the farmland from the Land Trust property and to prevent public from crossing the families’ property to access the Land Trust property.

The families also have concerns relating to food safety due to the potential increase in wildlife activity as a result of the wetland restoration effort. The families do not want their lettuce fields to become nesting and feeding ground for geese, frogs, and other wildlife that might thrive in this restoration area. During the grow season, the families request that Land Trust install 30” high plastic fencing to assure frogs do not leave their section. There could be other types of wildlife exclusion fencing that could be equally effective.

Johnson, Rovella, Retterer, Rosenthal & Gilles, LLP

SALINAS MONTEREY HOLLISTER PASO ROBLES KING CITY WATSONVILLE

- Another issue that has surfaced recently and has presented challenges to farming is insect control and disease vectoring by insects. If the Land Trust restoration area becomes host to insects that are vectoring this new INSV lettuce disease, the families have concerns about their inability to protect their crops.
- The families also have concerns about weed propagation. Kent Hibino has already worked with Land Trust employees on weed identification and has arranged a hoeing crew for them to clean the garden of weeds. It will be critical that there is continually monitoring the restoration area to ensure that undesirable weeds are regularly removed and destroyed.
- The families have also previously expressed concerns about sediment build up after significant storm events. However, there is no discussion in the IS/MND of any sediment control or maintenance plan. The families have requested that Land Trust monitor the restoration areas after storm events and remove, as necessary, any excessive sediment or debris from the newly created channels and water bodies on the Land Trust property that could create a flood hazard for the adjacent farmland.

In response to these concerns, the Land Trust has verbally committed to securing funding for the long-term management of the property to address weed propagation, vector control, and sediment control within the restoration area, and collaboratively with the families on such a plan.

The Land Trust also committed to working with the family on a fencing plan that includes two types of fences around the perimeter. The first type of fence would be more permanent in nature and would prevent park visitors from trespassing on the families' property. We understand that because the property is located within a floodway and floodplain area that any fencing would need to be designed in a manner that would not collect trash, sediment or debris that could impede water flow during the rainy months when flooding can occur over Carr Lake. The second type of fence would be more temporary and only installed during the dry months when the families are actively farming the property. This temporary fence would be installed for food safety purposes to prevent the migration of wildlife into the farm fields.

If the Planning Commission decides to recommend approval of this project to the City Council, we would request that the Planning Commission's recommendation include the following conditions of approval on the Rezone and General Plan Amendment. We think these conditions are reasonable, not unduly burdensome on the Land Trust, and are consistent with the Land Trust's verbal commitment to the families as part of our on-going dialogue relating to this project:

1. Prior to the City's issuance of building or grading permits for the project, the Land Trust shall prepare and submit for the City's review and approval a long-term adaptive management plan for the park and wetland restoration area, including vegetation management, insect and pest control, weed control, and sediment removal to maintain the flow and storage capacity of the new channels and ponds. The plan must identify

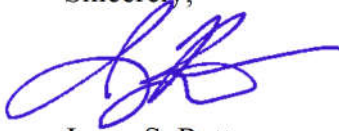
proposed funding sources and anticipated annual budget for proposed management activities.

2. Prior to issuance of building and grading permits for the project, the Land Trust shall prepare and submit for the City's review and approval a fencing plan that identifies the location and design of fencing that is appropriate for placement within a floodway. The fencing plan should also identify the type and location of temporary wildlife exclusion fencing that would be placed along perimeters of the property that are abutting farmland during the dry season when active farming is occurring on adjacent areas.

We believe that for this project to be successful, the project must strike the important balance of providing additional park space and outdoor educational opportunities for City and County residents and visitors and ensuring the ongoing viability of this important and remaining farmland in the city. We appreciate the Land Trust's willingness to collaborate with the families to address these issues and look forward to working with them in the future.

We appreciate the Planning Commission's consideration of these comments.

Sincerely,



Jason S. Retterer

cc: Courtney Grossman, Planning Manager
Tom Wiles, Senior Planner