



October 17, 2024

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Re: Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Falcon 9 Launch Cadence Increase at Vandenberg Space Force Base, California.

Dear Ms. Tiffany Whitsitt-Odell,

On behalf of Audubon California, Gaviota Coast Conservancy, Surfrider Foundation, Santa Barbara Audubon Society, Sierra Club, California Coastal Protection Network, Environmental Center of San Diego, Coastal Environmental Rights Foundation, Center for Biological Diversity, and Ventura Audubon Society we respectfully submit these comments regarding the draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Falcon 9 Launch Cadence Increase at Vandenberg Space Force Base (VSFB), California.

The Proposed Action would increase annual SpaceX launches from VSFB on the Gaviota Coast from 36 to 50 annual launches, which represents a nearly 8-fold increase in the historic average of 6.2 annual launches. An Environmental Impact Statement (EIS) is required for this Proposed Action due to its significant effects on the quality of the human environment, including effects on natural resources and on the components, structures, and functioning of affected ecosystems. (NEPA § 102 (2)(C), 40 CFR 1502.3, 40 CFR 1508.1(g)(1))

The Gaviota Coast is Southern California's largest continuous stretch of rural coastal land and contains its healthiest remaining coastal ecosystem.<sup>1</sup> One of only five Mediterranean climate regions which globally encompass only 2% of the world's land area but 20% of its plant species, this region of California is a recognized biodiversity hotspot and refuge for endemic

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<sup>1</sup> Gaviota Coast Plan, County of Santa Barbara, p. 2-1, available at:  
<https://cosantabarbara.box.com/s/67cui9hpdphz64ajtmbdndqwg1x8tr5h>



species that are threatened by human development.<sup>2</sup> At least 83 special status species are within the Proposed Action’s region of influence including 33 special status bird species and 13 special status marine mammal species (EA pp. 3-23-28, 3-34 – 3-35). The Proposed Action is “likely to adversely affect” four threatened and endangered species including Western snowy plover, California least tern, southwestern pond turtle<sup>3</sup> and California red-legged frog. Discussed below, significant adverse effects on these species and their habitats are likely occurring with the existing launch cadence, and efforts to monitor and analyze those effects are currently underway. Any additional increase, including this proposal, requires analysis in an EIS. An EIS is also required to address significant effects related to GHG emissions, beach access, and water resources. Moreover, certain legal deficiencies must be remedied for compliance with NEPA.

1. The Proposed Action Would Have Significant Adverse Effects on Special Status Terrestrial Species.

- a. Federally Threatened Western Snowy Plover

The Western Snowy Plover (*Charadrius nivosus nivosus*) was federally listed as a threatened species in 1993 under the Endangered Species Preservation Act of 1966 and was later listed as a bird species of special concern by the State of California in 1978.<sup>4</sup> Vandenberg Space Force Base sits within the Snowy Plover recovery unit (RU) 5. Based on the 2024 Pacific Coast Distinct Population Segment of Western Snowy Plover 5-year review, RU5 continues to hold the highest number of Snowy Plovers out of the 6 regional units.<sup>5</sup> However, since the 2019 Review, breeding adults counted during the breeding window have declined.<sup>6</sup> The 2024 Review describes threats that Snowy Plovers are faced with which include increased rocket launches from spacecraft. The Review states, “During the terrestrial sonic boom events plovers exhibit stress responses such as hunkering down over the nest or abandoning the nest, which may have resulted in damage to eggs and embryos.”<sup>7</sup> Increased nest abandonment was

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<sup>2</sup> See Jack and Laura Dangermond Preserve, Integrated Resources Management Plan, The Nature Conservancy, available at:

<https://www.scienceforconservation.org/assets/downloads/tncDangermondPreserveIRMP.pdf>

<sup>3</sup> Southwestern pond turtle is not yet listed under the Endangered Species Act but is currently proposed threatened and under federal review for listing under the Act (88 FR 68370).

<sup>4</sup> USFWS, Pacific Coast Distinct Population Segment of Western Snowy Plover 5-Year Review, 2024 ([https://ecosphere-documents-production-public.s3.amazonaws.com/sams/public\\_docs/species\\_nonpublsh/19614.pdf](https://ecosphere-documents-production-public.s3.amazonaws.com/sams/public_docs/species_nonpublsh/19614.pdf))

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Ibid



documented in 2023 and trends showed abandonment was higher for sites closer to rocket launches.<sup>8</sup>

Increased launches at VSFB, carrying one of the largest snowy plover colonies along the U.S. West Coast, could have disproportionately negative impacts to the entire range and must be approached with caution. While these impacts and number of launches will be new to California, populations of Piping Plovers in Texas have shown what the potential impacts are when we increase launches. Based on data from Boca Chica, Texas, Piping Plover population occupancy decreased by 54%.<sup>9</sup> From the 2024 Review, the RU5 Snowy Plover population sits at 676 birds, which is significantly less than the recovery goal of 1200 breeding adults.<sup>10</sup> A drop in population will move us further away from our goal to recover this threatened species.

While predators are an issue at military sites and predator management has been proposed, more must be done to protect these vulnerable species. We support the restoration opportunity at the Santa Ynez River Estuary, as Audubon California created a restoration design for the site several years ago funded by the California State Coastal Conservancy. The 5-Year Review states, "It is possible that effects could affect a broader range beyond Vandenberg Space Force Base depending on the trajectory of launches, but more data are needed to understand the extent of these effects."<sup>11</sup> With the rapid increase in launches, more data must be collected to fully understand the impacts of these launches before 50 launches a year are approved. It is unclear what the effects will have outside of VSFB and with the rapid number of launches requested, mitigation should be considered both onsite and offsite. An In-Lieu Fee (ILF) program should be established to help fund these mitigation projects offsite. Conservation banks along the California coast aren't easily feasible with the lack of habitat and development. An ILF program can offer an opportunity to conserve existing areas Plovers depend on and ensure their population remains stable.

#### b. Federally Endangered California Least Tern

The California Least Tern (*Sternula antillarum browni*) was federally listed in 1969 under the Endangered Species Preservation Act of 1966 and was later listed by the State of California in 1971 under the California Endangered Species Act<sup>12</sup>. The California Least Terns are colonial

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<sup>8</sup> Ibid

<sup>9</sup> Lipton, Eric. "Wildlife protections take a back seat to SpaceX's ambitions" New York Times, 7 July 2024, [https://www.nytimes.com/2024/07/07/us/politics/spacex-wildlife-texas.html?unlocked\\_article\\_code=1.5U0.lrUE.d6z3KNQB\\_TLG](https://www.nytimes.com/2024/07/07/us/politics/spacex-wildlife-texas.html?unlocked_article_code=1.5U0.lrUE.d6z3KNQB_TLG).

<sup>10</sup> USFWS, 5-Year Review, 2024.

<sup>11</sup> Ibid

<sup>12</sup> U.S. Fish and Wildlife Service. 2020. California least tern (*Sternula antillarum browni*) 5-year Review: 2020 Summary and Evaluation. Carlsbad Fish and Wildlife Office, Carlsbad, CA. 2.



seabirds and nest between May and August.<sup>13</sup> Historically CA Least Terns have bred at various locations along the north VSFB coastline from San Anotnio Creek to the Santa Ynez River estuary, spanning 10 km.<sup>14</sup> In 2023 from March to September, Point Blue monitored Western Snowy Plover and California Least Tern nesting sites along VSFB using deployed cameras. It was noteworthy that CA Least Terns were observed flushing from their nest during both initial launch noise and sonic booms.<sup>15</sup> Due to their colonial nature, the entire colony will flush in response to a disturbance. Studies have shown that disturbances that cause flushing can have long term impacts such as reduction in breeding success or population size.<sup>16</sup> The Point Blue study states that it will be important to continue monitoring the potential impacts of launches to CA Least Terns nesting success and breeding population size as the cadence of launches at VSFB increases.<sup>17</sup>

More data is needed to fully understand the impacts of launch noise and sonic booms. While the study by Point Blue in 2023 was conducted during the breeding season, the hard drive where most of the data was stored failed and only a portion of the data was recovered. The Biological Opinion the USFWS conducted in 2024, only covered a three-month span from October to December.<sup>18</sup> These months fall outside of the breeding season for CA Least Terns. It is essential that we obtain data on potential impacts during the nesting season, when these species are at their most vulnerable, before increasing the number of launches in this sensitive habitat area.

### c. Federally Threatened California Red-Legged Frog

The historical range of the California red-legged frog (*Rana draytonii*) extended from the southern Mendocino County coast, inland from the vicinity of Redding, and southward to northwestern Baja California, Mexico, but has sustained a 70 percent reduction in its geographic range and is now listed as threatened under the ESA. USFWS Biological Opinion, 8/28/24, p. 61. California red-legged frogs have been documented in nearly all permanent streams and ponds on VSFB as well as most seasonally inundated wetland and riparian sites. Id.

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<sup>13</sup> Ibid 6.

<sup>14</sup> Robinette, E.Rice, S.Gautreaux, and J.Howar. 2024. Monitoring of California Least Terns and Western Snowy Plovers on Vandenberg Space Force Base during 11 SpaceX Falcon 9 Launches in 2023. 4.

<sup>15</sup> Ibid 44.

<sup>16</sup> Rojek, N.A., M. W. Parker, H. R. Carter, and G. J. McChesney. 2007. Aircraft and Vessel Disturbances to Common Murres *Uria aalge* at Breeding Colonies in Central California, 1997–1999. *Marine Ornithology* 35: 61–69. Cited in Robinette, 2024.43

<sup>17</sup> Robinette, 2024. 44.

<sup>18</sup> U.S. Fish and Wildlife Service. 2024. Biological Opinion on the Launch, Boost-Back, and Landing of the Falcon 9 First Stage at Space Launch Complex 4 (SLC-4) with project modification to include up to 16 additional launches between October 1 and December 31, 2024, Vandenberg Space Force Base, Santa Barbara County, California. Pg.1



Documented populations exist in Bear Creek (located approximately 0.75 mile to the northeast of SLC-4), and Honda Creek (located approximately 2 miles south of SLC-4), and many other locations within the Launch Noise and Overpressure Effect area. Id., pp. 61-62.

The USFWS determined that “the project may result in effects to dispersal behavior, calling, and stress hormone accumulation that could have deleterious physiological effects and overall degrade the quality of existing habitat” and that “using the best available information, the proposed routine noise disturbance over the duration of the proposed project (three months) has the potential to impact the breeding success of California red-legged frog during the 2024 breeding season.” 8/24 BO, p. 86. Meanwhile proposed mitigation for the impacts from launch noise and sonic booms is not protective of the important California red-legged frog habitat within the Launch Noise and Overpressure Effect area, resulting in a loss of important habitat in Bear Creek and Honda Creek that presently supports the threatened species. These significant effects on the reproductive success and important habitats of a threatened species must be studied in an EIS, and mitigated with protective measures *in addition* to compensatory mitigation (e.g. restoration of additional habitat areas).

a. Proposed Federally Threatened Southwestern Pond Turtle

The southwestern pond turtle (*Actinemys pallida*) is not currently listed under the ESA, but is currently proposed threatened and under federal review for listing under the Act (88 FR 68370). Southwestern pond turtles are anticipated to occupy wetland and riparian features across VSFB, including in large perennial features (Santa Ynez River, San Antonio Creek), large portions of which are included in the Launch Noise Effects and Overpressure Effect Areas. EA p. 59. Southwestern pond turtles overwinter in a state of little to no activity (e.g., brumation) during the cooler months of the year, nesting in shallow soils, sometimes with hatchlings. BO p. 41-42. “Disturbance needs to be infrequent enough or of sufficiently low intensity that nesting females are not disturbed.” Id., p. 41. UFSWS admits to have “no specific data on the response of nesting or overwintering southwestern pond turtle to varying levels or duration of exposure to launch operation vibration.” Id., p. 42. However, “the Service anticipates that the proposed project would constitute temporary degradation of southwestern pond turtle habitat across VSFB, particularly in features most adjacent to SLC-4 including Bear Creek, Honda Creek, and portions of the Santa Ynez River due to sensory pollutants (e.g., noise, overpressure, and potential for vibration) associated with the proposed action’s increase in launch operations. Until the novel effects of the project activity are studied, the Service is unable to anticipate the specific response at this time using available information.” Id., p. 104.

Like with California red-legged frog, mitigation for the impacts from launch noise and sonic booms is not protective of the important southwestern pond turtle habitat within the





Launch Noise and Overpressure Effect area, resulting in a loss of important habitat that presently supports the threatened species. Much more data must be collected about the impacts of launch nose, sonic booms, and associated vibrations on southwestern pond turtle, and protective mitigation measures must be developed in addition to compensatory mitigation (e.g. restoration of additional habitat areas).

## 2. The Proposed Action's Effects on Marine Reserves Requires Additional Analysis

On October 11th, the Biden-Harris Administration announced that NOAA is designating 4,543 square miles of coastal and offshore waters along 116 miles of California's central coast the Chumash Heritage National Marine Sanctuary (CHNMS)<sup>19</sup> - the first Tribally nominated National Marine Sanctuary in the US. The EA acknowledges that the Northern Chumash Tribal Council is pursuing designation for the CHNMS and that NOAA accepted the nomination for future consideration. However the EA states that "[b]ecause the CHNMS has not been designated at this time, it is not carried forward for analysis." (EA p. 3-36.) How and whether the Proposed Action, including the deposition of marine debris within the CHNMS boundaries, can be allowed within the CHNMS boundaries must be evaluated in this NEPA process.

## 3. The Proposed Action Would Cause Significant Adverse Effects from GHG Emissions.

"The United States faces a profound climate crisis and there is little time left to avoid a dangerous—potentially catastrophic—climate trajectory. Climate change is a fundamental environmental issue, and its effects on the human environment fall squarely within NEPA's purview." (Council on Environmental Quality (CEQ) 88 FR 1196).

The Proposed Action would result in an additional 18,300 metric tons of CO<sub>2</sub>e per year (EA p. 3-7). The social cost of GHG (SC-GHG) associated with this additional carbon pollution is described in the EA as "over \$14 million, under a 3% discount rate over \$41 million, and at a 2.5% discount rate over \$58 million" (EA p. 3-7) "Under USEPA's draft estimates for SC-GHG's, the Proposed Action would have a SC-GHG of over \$98 million under the 2.5% discount rate, under the 2% discount rate over \$152 million, and at a 1.5% discount rate over \$245 million. (EA p. 3-8) Notwithstanding this dramatic cost to the human environment, the EA does not make any effort to determine the significance of this impact, pointing to the lack of an established FAA significance threshold for climate. (Id.)

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However, CEQ's interim guidance on analyzing greenhouse gas (GHG) and climate change effects advises agencies "that the "rule of reason" inherent in NEPA and the CEQ Regulations should guide agencies in determining, based on their expertise and experience, how to consider an environmental effect and prepare an analysis based on the available information". (Id.) The guidance elaborates:

Where helpful to provide context, such as for proposed actions with relatively large GHG emissions or reductions or that will expand or perpetuate reliance on GHG-emitting energy sources, agencies should explain how the proposed action and alternatives would help meet or detract from achieving relevant climate action goals and commitments, including Federal goals, international agreements, state or regional goals, Tribal goals, agency-specific goals, or others as appropriate.

The interim guidance also reminds agencies "to incorporate environmental justice considerations into their analyses of climate-related effects, consistent with Executive Orders 12898 and 14008." (Id.)

Pursuant to the "rule of reason", 18,300 metric tons of CO<sub>2</sub>e per year, with a societal cost potentially as high as \$245 million, is plainly a significant adverse effect of the proposed action necessitating evaluation in an EIS. Moreover, the SpaceX EA does not explain how the proposed action would detract from achieving relevant climate action goals and commitments, and does not incorporate environmental justice considerations in their analysis of climate impacts.

#### 4. The Environmental Assessment Unlawfully Narrows the Action's Purpose and Need to Eliminate Reasonable Alternatives.

The EA states that the purpose of the Proposed Action—increasing the annual number of Falcon 9 launches from 36 to 50 per year and ultimately to 100 launches per year—“is to provide greater mission capability to the DOD, NASA and commercial customers.” EA at 1.2. The EA states that the need for the Proposed Action is to “ensure United States Space Force (USSF) Assured Access to Space without compromising current launch capabilities.” EA at 1.2. The EA also states that the “current launch capacity is insufficient to meet critical DOD and key commercial launch missions.” EA at 1.1.

The EA lacks information about how many launches are needed to meet critical DOD needs and how many launches would merely provide extra commercial capacity. This information is necessary to determine whether an alternative involving fewer launches per year



could meet the DOD's critical national security needs while minimizing impacts on wildlife, people, and the environment. As case law acknowledges, "an agency cannot define its objectives in unreasonably narrow terms." *City of Carmel-by-the-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997). Indeed, an agency "may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the action," rendering the environmental review a "foreordained formality." *Friends of Southeast's Future v. Morrison*, 153 F.3d 1059, 1066 (9th Cir. 1998).

An agency may not "adopt[] private interests to draft a narrow purpose and need statement that excludes alternatives that fail to meet specific private objectives." *Nat'l Parks & Conserv. Ass'n v. Bureau of Land Management*, 606 F.3d 1058, 1071 (9th Cir. 2010). The Ninth Circuit has rejected a Bureau of Land Management NEPA document where the Bureau adopted a private company's "interests as its own to craft a purpose and need statement so narrowly drawn as to foreordain approval" of the proposed alternative. *Id.* at 1072. The Court upheld the district court's finding that the agency's "purpose and need" violated NEPA and that the agency failed to consider a reasonable range of alternatives. *Id.*

Like the Bureau of Land Management in the National Parks & Conservation Association case, the United States Space Force has adopted Space X's private commercial needs as its own purpose and need, unreasonably restricting the range of feasible alternatives, in violation of NEPA. To correct this error, the United States Space Force must clarify how many launches are necessary to meet DOD and NASA mission critical needs and then identify launch cadence alternatives that meet those needs. Clarity is needed to show how many of the proposed launches will carry out federal agency activities versus private activities.

5. The EA Used Inappropriate Measures to Evaluate the Impact of Noise from Sonic Booms and rocket engines.

The EA recognizes that "[r]ocket engine noise and sonic booms are acute, non-sustained, and unpredictable." EA at 3.2.1. It explains that "[a] sonic boom is an impulsive noise similar to thunder caused when an aircraft or rocket vehicle exceeds the speed of sound." *Id.* To measure the impact of the acute noise from rocket engines and sonic booms, the Agency used Day-Night Average Sound Level, which is "the energy-averaged sound level measured over a 24-hour period." EA at 3.2.1.1.1. The EA acknowledges that it may also use the Community Noise Equivalent Level, which is "an energy-averaged sound level measured over a 24-hour period," to evaluate noise impacts in California. *Id.*





The EA cannot accurately evaluate the impact of acute noises like sonic booms and rocket engines by using a metric that averages noise over 24 hours. While a 24-hour noise average might make sense to evaluate chronic noise from airport take-offs and landings, those metrics mask the true impact of acute noise in contravention of NEPA's charge to take a "hard look" at a project's environmental impacts.

Indeed, the EA's analysis demonstrates the insufficiency of its chosen metric. The EA reasons that because "[a] sonic boom is typically between 300 and 600 milliseconds in duration,... the contribution to the daily exposure is extremely minimal and would not contribute substantially towards reaching a CNEL of 65 dBA." EA at 3.2.2.1.3. The EA also concluded that "injury to the ear has been noted above levels [similar to] 170 psf, very far above predicted levels for the Falcon 9, thus injuries would not occur." Id. Yet this analysis does not examine potentially significant cumulative impacts that the noise from sonic booms and rocket engines might have on people's enjoyment of nearby recreational areas or their homes. To properly analyze noise impacts on people, the EA must identify a different metric that examines acute noise impacts and evaluate those impacts in an Environmental Impact Statement.

6. A Mitigated FONSI Cannot Be Issued Where Impacts From the Sonic Boom Have Not Been Quantified and Cannot Be Mitigated.

The Finding of No Significant Impact (FONSI) is based on a plan to implement mitigation measures. Specifically, the FONSI states that "prescribed mitigation and/or minimization measures [would] ensure no significant impacts occur because of the Proposed Action." FONSI at 3. However, the EA acknowledges, "There are no feasible methods to minimize the intensity of the sonic boom or engine noise." EA Appendix A at 2.3.

The EA acknowledges that "[w]ildlife responses to noise can be behavioral or physiological, ranging from mild, such as an increase to heart rate, to more damaging effects on metabolism and hormone balance." EA 3.3.2.1.1. The EA therefore admits that noise can have significant impacts on wildlife. The EA also admits that "exact predictions of the effects on each species are unreliable without data pertaining to the behavioral responsiveness and physiological sensitivity to noise of those species or similar species." Id. Without data and studies the Agency admits is necessary to evaluate noise impacts on wildlife, the Agency's conclusion that noise "would not have a significant effect on wildlife resources" is arbitrary and capricious and not supported by evidence in the record. EA at 3.3.2.1.1.

Similarly, the EA admits that "the increased tempo of launches and landings would increase the frequency at which listed species and migratory birds could respond behaviorally



and physiologically to noise.” EA at 3.3.2.1.2. The EA recognizes that “[t]here could potentially be a corresponding increase in effects such as long-term habitat avoidance and decreased reproductive success.” Id. The EA also concludes that “[i]t is not feasible to predict the number or exposures that would correspond to these types of effects.” Id. Therefore, the EA admits that it has not evaluated the potential for the noise to cause significant effects on listed species. Instead, the EA suggests “population monitoring may be used to evaluate long-term noise impacts.” Id. In other words, the Proposed Action risks significant negative impacts to listed species because the proposed action is unprecedented in its scope and merely monitoring these potentially significant impacts is proposed. And further, the EA did not conclude, nor could it conclude based on evidence in the record, that the noise impacts to listed species was less than significant.

First, these noise impacts should be evaluated in an EIS because they are potentially significant. Where an EA determines that there may be potentially significant impacts to the environment, the proper next step is an EIS to fully evaluate the impacts, not a FONSI. To the extent that data is unavailable, it should be assumed that the noise impacts from the Proposed Action will significantly affect wildlife. Also, gathering data from the existing launches to inform this current NEPA process is essential. The lack of data from existing launches and launch frequency weighs in favor of assuming that any increase in launch frequency would have significant negative impacts on wildlife.

Finally, a mitigated FONSI is inappropriate unless the record demonstrates that the identified mitigation measures will reduce a proposed action’s impacts to less than significant. See *O’Reilly v. U.S. Army Corps of Engr’s*, 477 F.3d 225, 234 (5th Cir. 2007). The EA cannot rely on the current record, which identifies potentially significant impacts from noise to wildlife and admits that impacts from sonic booms and rocket engines cannot be mitigated, to issue a mitigated FONSI. Indeed, “[t]he record before us... is simply not sufficient to determine whether the mitigated FONSI relies on ‘mitigation measures which... compensate for any adverse environmental impacts stemming from the original proposal’ that, unmitigated, would be significant.” Id.

## 7. The EA Inadequately Evaluates Impacts to Beach Access.

The EA acknowledges that “[i]mpacts to Jalama Beach County Park would result from occasional temporary evacuation of the public during launch/landing events.” EA at 3.8.2.1. The EA does not quantify how many times these evacuations would occur or how many people would be impacted by these evacuations and what type of recreation this would disrupt. Nor does it evaluate how many public evacuations would occur if there was an alternative that



considered only DOD and NASA mission-critical launches instead of expanding commercial launches to meet the desires of private companies. The EA also admits that “Surf Beach and County of Santa Barbara Ocean Beach Park would... be closed during SLC-4 landing events up to 12 times per year.” Id. The EA does not evaluate how many people or what types of recreation would be impacted by these closures or if fewer closures would be possible under an alternative that only provided for DOD and NASA mission critical launches. VSF previously violated a California Coastal Commission Consistency Determination due to launch activities resulting in more beach closures that were agreed upon with the state agency at Jalama Beach County Park. We are concerned that launch activities and the potential need for temporary park evacuation may also deter visitors and negatively impact coastal access. Furthermore, the California Coastal Commission has found that the increase to 50 launches is not consistent with the California Coastal Zone Management Act at their October 2024 hearing.

Further, while the EA concludes that the closures would “not substantially diminish the protected activities, features, or attributes of any section 4(f) properties and... would not result in substantial impairment of the properties,” there is not evidence in the record to support that conclusion. Additionally, the EA does not evaluate whether these impacts on public access and recreation would have a significant impact on beach and public access and recreation. An EIS must be prepared to evaluate these potentially significant impacts.

#### 8. The EA Inadequately Evaluates Impacts to Water Resources.

The EA omits any evaluation of the potential impacts to Spring Canyon, instead referring to a 2023 SEIS. That 2023 SEIS did not evaluate impacts to Spring Canyon from the Proposed Alternative. This evaluation is legally required and must be provided.

Similarly, the EA omits any evaluation of potential impacts to the Broad Ocean from the Proposed Action. Referring to the 2023 SEIS, which did not evaluate the impacts the Proposed Action would have on the ocean, is unlawful. Correcting these omissions is required to comply with NEPA.

#### 9. Conclusion

For the foregoing reasons, we respectfully request that an Environmental Impact Statement be prepared to fully evaluate the significant effects, including cumulative effects, of the Proposed Action on the environment.

Sincerely,



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