CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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DATE: December 20, 2007

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, South Central Coast District Manager
Melissa Hetrick, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) 3-07,** for the East Storke Wetland Restoration Program, for Public Hearing and Commission Action at the January 9, 2007, Commission Meeting in Marina Del Rey.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of restoration of the 3.6 acres of wetland and upland habitat in the area of East Storke Wetland. The wetland is bordered by Los Carneros Road to the west, Mesa Road to the north, Harder stadium to the east, and a parking lot and playing field to the south. The purpose of the proposed project is the restore the native diversity of the wetland and upland habitat areas on site by eradicating noxious weeds and non-native plant/tree species and replanting with native species on 3.6 acres of wetland and upland habitat around the East Storke Wetland. Specifically, the project will include removal of non-native plants and 7 trees, planting of 40 native trees and various native shrub, wetland, and grassland plant species; training and education of college students; and installation of educational signs. No grading would occur as part of the project. As conditioned, the project will not impact sensitive species during construction and will result in a net increase in raptor habitat in the area. As conditioned, the project is consistent with the certified UCSB Long Range Development Plan and Chapter 3 of the Coastal Act.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office and the notice was deemed filed on December 4, 2007.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified University of California at Santa Barbara Long Range Development Plan (LRDP) with **two (2) special conditions** regarding: 1) sensitive species surveys and construction monitoring and 2) herbicide. The project is consistent with all resource protection policies and provisions of the Long Range Development Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is the policies of the certified LRDP.

I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Article 14, §13547 through §13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

Within thirty days of filing the notice of impending development, the Executive Director shall report to the Commission about the nature of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified LRDP.

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. NOID 3-07: APPROVAL AS CONDITIONED

MOTION I: ***I move that the Commission determine that the development described in the Notice of Impending Development 3-07 (East Storke Wetland Restoration Program), as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.***

STAFF RECOMMENDS A YES VOTE: Passage of this motion will result in a determination that the development described in the Notice of Impending Development 3-07 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION I: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 3-07, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Sensitive Species Surveys and Construction Monitoring

The University shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct sensitive species surveys and monitor project operations. At least two (2) weeks prior to commencement of any project operations, the applicants shall submit the name and qualifications of the biologist or specialist, for the review and approval of the Executive Director. The biologist or specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

A. The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, prior to any vegetation eradication.

B. In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the environmental specialist shall require the University to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

C. In the event that any sensitive wildlife species are present in the project area, which do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. The University shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Game, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.

D. The environmental resource specialist shall be present during all vegetation eradication and removal activities. The environmental resource specialist shall require the University to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of the scope of Notice of Impending Development 3-07 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently contacted with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental,

program shall be processed as an amendment to this coastal development permit.

2. Herbicide

Herbicide use shall be restricted to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within upland and transitional areas of the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS SUBMITTED

The following findings support the Commission's approval of the Notice of Impending Development, as submitted. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION & BACKGROUND

The impending development consists of restoration of the 3.6 acres of wetland and upland habitat in the area of East Storke Wetland (**Exhibits 1-2**). The wetland is bordered by Los Carneros Road to the west, Mesa Road to the north, Harder stadium to the east, and a parking lot and playing field to the south. The wetland portion of the subject site is vegetated with degraded palustrine and forested riparian wetland plant species. the associated upland habitat on the site is vegetated with a mix of native, non-native, and invasive trees and shrub species. The project site is part of the larger Goleta Slough watershed and provides the link between the California Fish and Game Refuge, West Storke Wetland, and the University of California at Santa Barbara (UCSB) San Clemente Housing storm water management wetland. The wetland and upland habitat on site has been previoulsy degraded due to pressures from urbanization, the ongoing bark beetle induced die off of trees on site, the lack of an adequate buffer from the adjacent roadway, and the hydrological and ecological impact of invasive weeds encroaching on the wetland. The purpose of the proposed project is the restore the native diversity of the wetland and upland habitat areas on site by eradicating noxious weeds and non-native plant/tree species and replanting with native species on 3.6 acres of wetland and upland habitat around the East Storke Wetland. Specifically, the project will include removal of non-native plants and 7 trees, planting of 40 native trees and various native shrub, wetland, and grassland plant species; training and education of college students; and installation of educational signs. No grading would occur as part of the project.

Most of the non-native plants would be removed by hand. Ice plant would be removed by solarization and fennel and arundo by hand and herbicide (Glyphosate). Non-native plants removed would include arundo donax, Schinus molle (pepper trees), and fennel. Trees removed include one 20 foot high myoporum tree and two 20 foot high palm trees. Five medium sized eucalyptus trees onsite will be girdled. There are no identified active nesting areas for raptors or sensitive bird species on site; however, in order to minimize impacts to these species from the loss of potential roosting/nesting sites, the dead trees will be left standing. Eventual removal of the eucalyptus would be phased and timed with native tree re-planting and growth to avoid impact to raptor habitat. All vegetation removal would occur after bird breeding season ends in September. If restoration activities occur during bird breeding season (February 15 through August 31) the University would conduct a bird survey to be performed by a biologist prior to eradication activities. Native plants, including 40 native trees (consisting of a mix of coast live oak, cottonwood, sycamore, elderberry, and alder), will be planted along the perimeter of East Storke Wetland adjacent to Mesa and Los Carneros Roads.

B. CONSISTENCY ANALYSIS

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). UCSB's LRDP was certified by the Commission in 1990 and contains policies and provisions that identify areas for campus development while protecting coastal resources including environmentally sensitive habitat areas, scenic and visual resources, and public access and recreation.

Coastal Act Section 30230, which has been included in the certified LRDP, states that marine resources shall be maintained, enhanced and where feasible restored and that special protection shall be given to areas and species of special biological significance. Section 30231 of the Coastal Act, which has also been included in the certified LRDP, states, in part, that the quality of coastal waters, streams, and wetlands shall be maintained and where feasible restored. Section 30233 of the Coastal Act, included in the certified LRDP, states, in part, that the diking, filling, or dredging of wetland areas shall not be allowed with the exception of development for incidental public services, restoration purposes, and nature study or aquaculture. Further, Section 30240 of the Coastal Act, which has been included in the certified LRDP, states that environmentally sensitive habitat areas (ESHAs) shall be protected and that only uses dependent upon such resources shall be allowed in such areas. Section 30240 also requires that development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas. ESHA are defined as areas in which plan or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Finally Sections 30250, 30210, 30211, and 30212 protect the visual resources of the coast and public access to the coast.

The East Storke wetlands are designated as Environmentally Sensitive Habitat Area (ESHA) in UCSB's 1990 LRDP. According to provisions and policies in the LRDP,

habitat restoration is an allowable use in designated ESHA areas. Policy 30240 (a). 1 of the 1990 LRDP directs the University to manage the Storke Wetlands in accordance with recommendations in the Wetlands Restoration and Management Plan for Storke Wetland and Devereux Slough that was approved by the Campus Wetlands Management Committee and UCSB in 1985 and amended thereafter. This plan contains several recommendations for management of the wetlands, including reducing the draining impacts of the ditches on adjacent wetland by lowering the elevation of higher elevation areas, removal of noxious weeds, and restoration of wetland and transitional areas.

The proposed project includes the removal of invasive and non-native vegetation and revegetation with native plant species in order to enhance existing degraded wetland and upland habitat areas on site. The University proposes to remove non-native vegetation manually, and to apply Glyphosate Aquamaster™ herbicides to the stems of cut arundo plants in order to prevent regrowth. In previous permit actions, the Commission has allowed for the use of Glyphosate Aquamaster™ when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes that Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and could result in some adverse effects to wildlife or non-targeted vegetation should overspray or downstream migration occur. In order to minimize the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation, **Special Condition Two (2)** restricts the use of herbicides to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within upland and transitional areas of the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

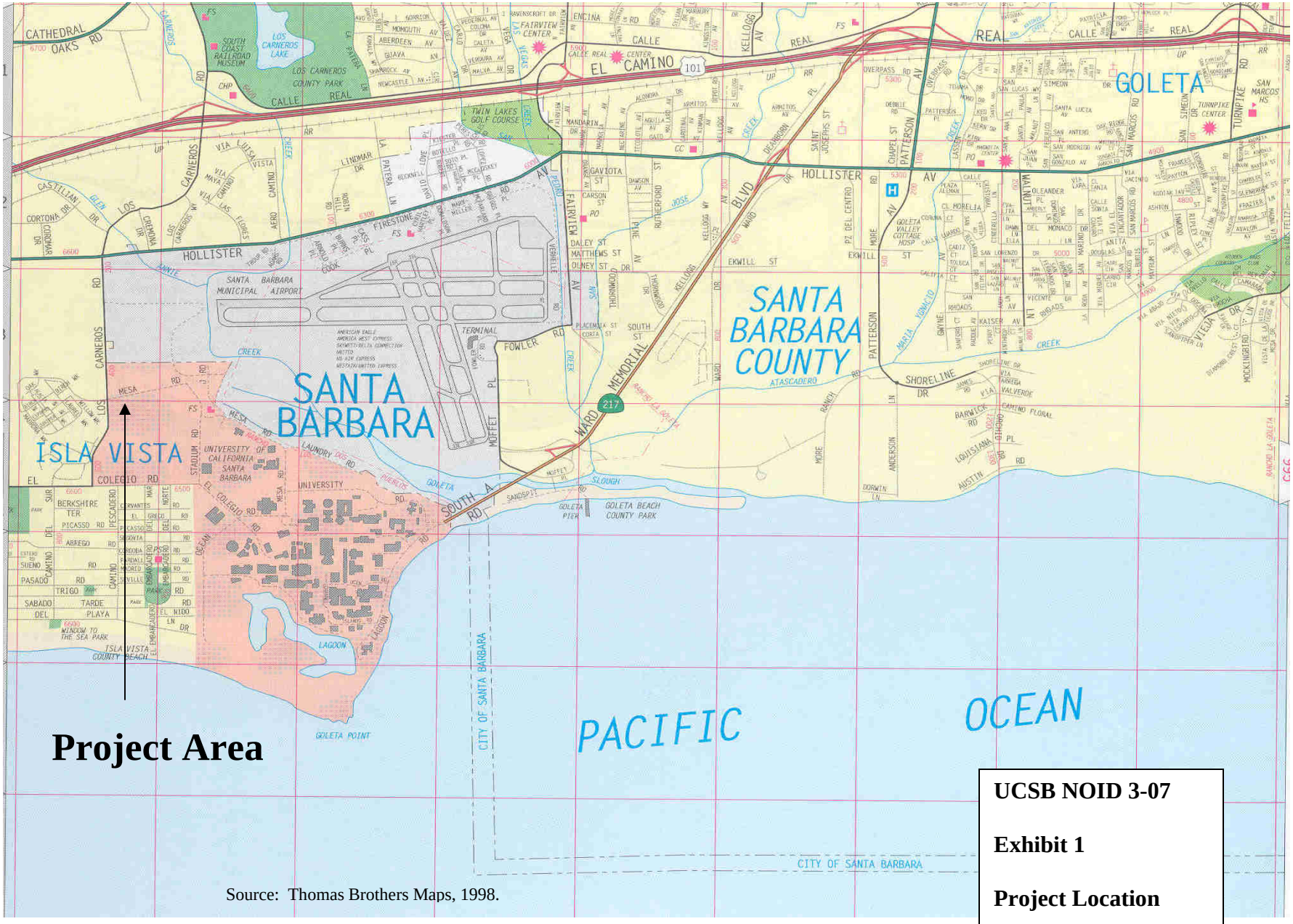
Although there are no identified active nesting or roosting areas for raptor or sensitive bird species on site, the area surrounding the East Storke Wetland, including the project site, is known to provide potential habitat for a number of raptor species, including white tailed kites. In this case, most of the vegetation species proposed for removal do not provide for potential nesting habitat for raptors or other sensitive bird species. However, the University is proposing to eventually remove five eucalyptus trees onsite which could potentially provide such roosting and nesting habitat. Thus, while the University is proposing to plant over 40 trees onsite to increase raptor habitat in the area, the trees will be small when planted and will need several years to mature which could result in the loss of potential nesting and roosting habitat for bird species. The University is, therefore, proposing to “girdle” the five eucalyptus trees and leave the dead trees standing onsite for a period of approximately 5-7 years until the planted new trees are mature enough to provide nesting and roosting habitat for raptors and other sensitive bird species. Therefore, as proposed to phase the removal of the existing non-native/invasive trees on site over several years, no loss of habitat (either temporary or

permanent) for raptor and other sensitive bird species is expected to occur as a result of the removal of the existing trees on site. It is possible, however, that rare, threatened, endangered, or sensitive wildlife and plant species may be present in the project area during the time of vegetation removal and may be impacted temporarily by these activities. In order to ensure that the proposed activities minimize impacts on sensitive species, **Special Condition One (1)** also requires the University to obtain the services of an environmental resource specialist to survey the site prior to construction, and remain on site to monitor all project activities. Special Condition Three (3) also requires the University to cease work should any breach in permit compliance occur, should any nesting or reproductive behavior be observed, or if other unforeseen sensitive habitat issues arise. **Special Condition One (1)** further stipulates that if significant impacts or damage occur to sensitive habitats or to wildlife species, the University shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

For the reasons stated above, the Commission, therefore, finds that the notice of impending development, as conditioned, is consistent with the recommendations of the Wetlands Restoration and Management Plan for Storke Wetland and Devereux Slough and with the applicable LRDP policies with regards to environmentally sensitive habitat areas and wetland areas.

In addition, there are no public trails in the project area, thus, the proposed project will not result in any impacts to public access areas. In addition, although the project site is visible from public roadways (Los Carneros and Mesa Roads) and involves the removal of vegetation, in this case, because the project also includes the revegetation of all disturbed areas with native vegetation, the project will not result in any adverse impact to visual resources or public views. Thus, the Commission, therefore, finds that the impending development, as proposed, is consistent with the policies of the certified LRDP regarding visual resources and public access.

Therefore, in conclusion, the Commission finds that the notice of impending development, as conditioned, is consistent with all applicable policies of the certified UCSB LRDP.



Source: Thomas Brothers Maps, 1998.

UCSB NOID 3-07

Exhibit 1

Project Location

Figure 1.

Greater Storke Wetland Area

Indicate direction of water flow

East Storke project falls within a Matrix of current projects at CDFG wetland, San Clemente Wetland and West Storke Restoration Project.

UCSB NOID 3-07
Exhibit 2a
Restoration Plans

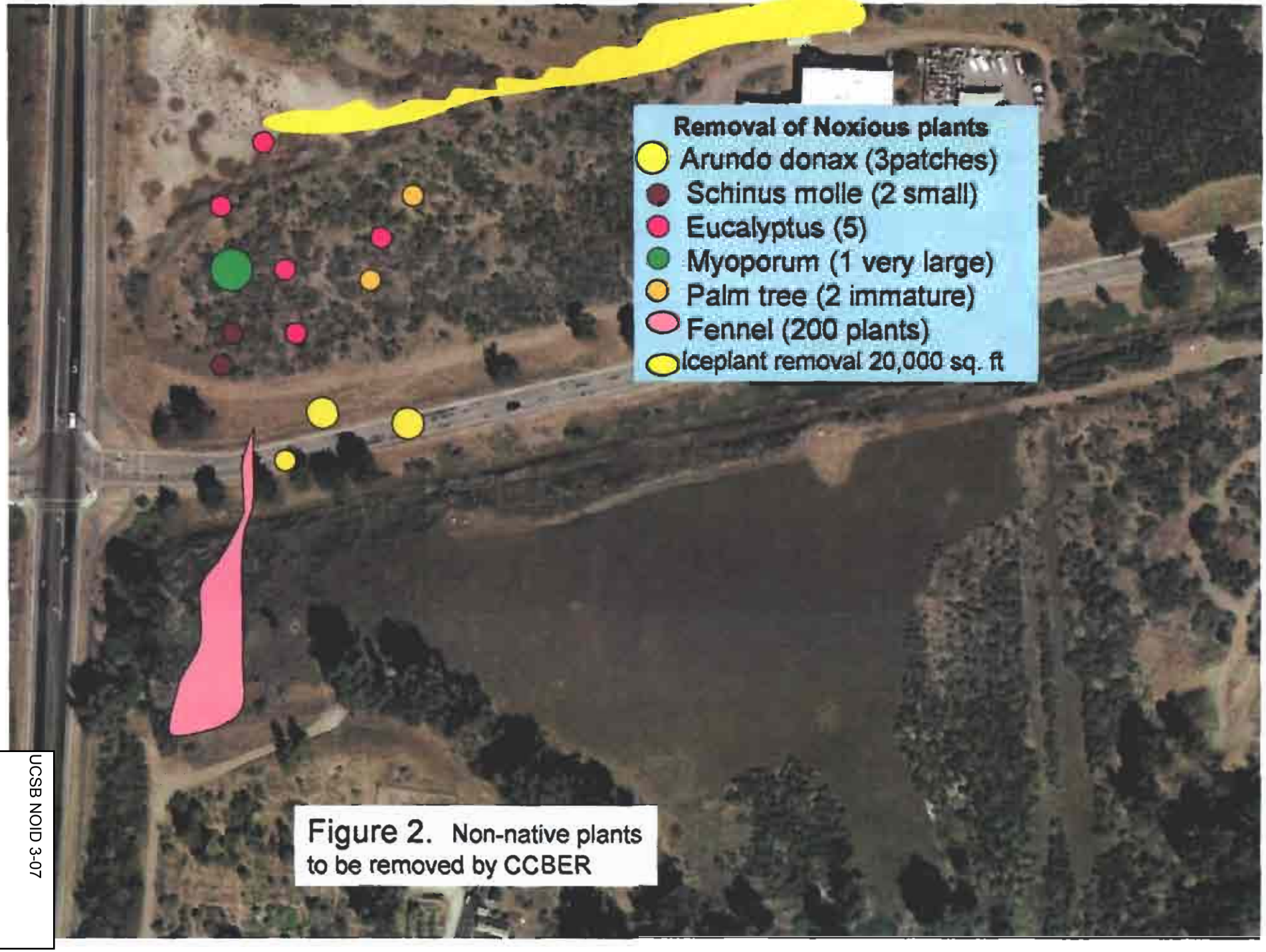


Figure 2. Non-native plants to be removed by CCBER

UCSB NOID 3-07
Exhibit 2b
Restoration Plans

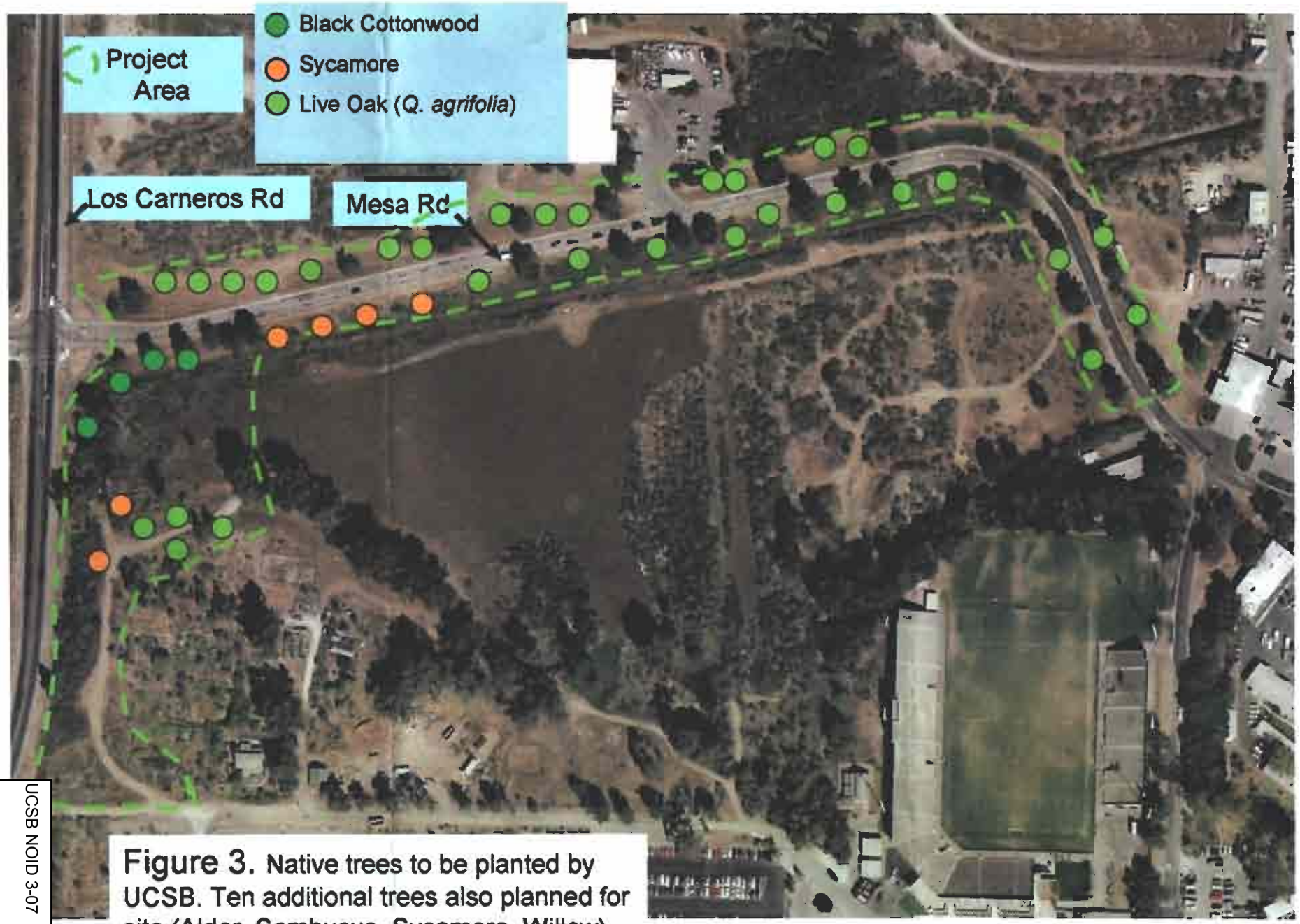


Figure 3. Native trees to be planted by UCSB. Ten additional trees also planned for site.(Alder, Sambucus, Sycamore, Willow)

UCSB NOID 3-07
Exhibit 2c
Restoration Plans