

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th 12a & 13a

ADDENDUM

DATE: June 7, 2010
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th12a & 13a, Thursday, June 10, 2010, Long Range Development Plan Amendment 1-10 and Notice of Impending Development 8-08.

In order to correct an inadvertent typographical error in Special Condition Seven (7) and clarify the intent of Special Condition Eight (8) of Notice of Impending Development 8-08, the following changes are made as follows (language to be inserted is shown **underlined** and language to be deleted is shown in **~~line out~~**):

Special Condition Seven (7), Subpart C, on pg. 15 of the report shall be revised as follows:

- C. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50 foot wide buffer around the cultural deposit; ~~and 2) no more than the residential enclave or commercial development area within which the discovery is made.~~

Special Condition Eight (8), Subpart A, on pg. 17 of the report shall be revised as follows:

- A. Prior to commencement of development, the University shall submit for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the trail deposition sites and/or staging areas shall be maintained during all project operations. **Upon approval of the Executive Director, this program shall be implemented.**

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Th 12a & 13a

DATE: May 19, 2010

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Andrew D. Berner, Coastal Program Analyst

SUBJECT: **Proposed Major Amendment 1-10** to the UCSB Certified Long Range Development Plan (LRDP) and **Notice of Impending Development (NOID) 8-08**, for the Campus Point/Campus Lagoon Area Restoration and Enhancement Program for Public Hearing and Commission Action at the June 10, 2010, Commission Meeting in Marina del Rey, California.

SUMMARY AND STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Long Range Development Plan (LRDP) Amendment 1-10 to the certified University of California at Santa Barbara Long Range Development Plan, with two suggested modifications, and **approve** Notice of Impending Development (NOID) 8-08, as conditioned. Staff is recommending two suggested modifications regarding: 1) the Protection of Cultural Resources; and 2) Action CR-1.1, and 10 special conditions for Notice of Impending Development 8-08 regarding: 1) Consistency with LRDP; 2) Plans Conforming to Geotechnical Engineer's Recommendations; 3) Biological Surveys and Monitoring; 4) Herbicide Use; 5) Construction Timing and Sensitive Bird Species Surveys; 6) Construction Staging Area and Fencing; 7) Archeological Resources; 8) Public Access Program; 9) Assumption of Risk; and 10) Duration of Permit. **The appropriate motions and resolutions are located on page 5 through 7.**

The proposed Campus Point/Campus Lagoon Area Restoration and Enhancement Program, NOID 8-08, is for implementation of habitat restoration and public access improvements within the Campus Point/Campus Lagoon area including habitat restoration activities to remove exotic vegetation and restoration/enhancement of coastal bluff sage, grassland, oak woodland, salt marsh, Torrey pine, and sand dune plant communities on "Lagoon Island". The habitat restoration/enhancement activities and public access improvements will also include removal of exotic vegetation and existing asphalt surface areas; the installation of 12 educational and interpretive signage exhibits; and improvements to the existing public access trail system around the lagoon and on Lagoon Island including restoration of unauthorized "volunteer" trails and

construction of a new engineered public access stairway where an existing public trail is located on an eroded bluff slope area at the east end of Lagoon Island.

In addition, the related LRDP Amendment 10-1 is proposed to modify the provisions of the previously certified Lagoon Management Plan component of the UCSB LRDP to allow for habitat restoration activities to occur within an area where an existing 16,000 sq. ft. asphalt pad is located on Lagoon Island. Specifically, the proposed amendment to the LRDP would revise the text of the second paragraph on page 3-57 of the Lagoon Management Plan and Action CR-1.1 to allow for the removal of the existing 16,000 sq. ft. asphalt pad (constructed as part of a previous military base on site on site in the 1940's) in an area of Lagoon Island where a registered Native American archaeological site is located provided that a qualified archaeologist and Native American monitor are present on site during all asphalt removal and habitat restoration activities.

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOID is the policies of the certified LRDP. The LRDP Amendment is consistent with the Chapter 3 policies of the Coastal Act as modified. The related NOID, subject to ten (10) special conditions, is consistent with the policies of the certified LRDP.

The LRDP Amendment was filed as complete pursuant to Section 13549 of the California Code of Regulations on May 7, 2010. According to Section 13530 of the California Code of Regulations, the Commission has 90 days from the date of filing to act on the LRDP Amendment. The 90th day after filing the complete submittal is August 5, 2010. Pursuant to Section 30517 of the Coastal Act and California of Regulation Section 13535(c) state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year.

SUBSTANTIVE FILE DOCUMENTS:

University of California, Santa Barbara, 1990 Long Range Development Plan; Management Plan for the Campus Lagoon, July 1999; Final Initial Study Mitigated Negative Declaration, October 2008; Letter to Dr. Lisa Stratton regarding a description and significance assessment of archaeological site CA-SBA-563, located near Campus Point, by Dr. Michael A. Glassow, April 12, 2010. "Geotechnical Engineering Report, Bluff Access Stairway, UCSB Lagoon Restoration Project, University of California, Santa Barbara, California," prepared by Fugro West, Inc., on March 26, 2007; "Evaluation of Bluff Stability, Campus Point Stair Project, UCSB Campus, Goleta, California," prepared by Fugro West, Inc., on October 22, 1999; "Additional Geotechnical Engineering Evaluation, Bluff Stability, Kohn Hall Addition, University of California, Santa Barbara," prepared by Fugro West, Inc., on January 23, 2003; and "Structural Calculations," prepared by Doyle-Morgan Structural Engineering on May 21, 2007 and March 3, 2010

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Exhibit 2:	Site Plan
Exhibit 3:	Labyrinth Plans
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Exhibit 8:	Proposed Changes to Certified UCSB LRDP

I. PROCEDURAL REQUIREMENTS

A. STANDARD OF REVIEW

LRDP Amendment:

The standard of review for the proposed amendment to the certified LRDP, pursuant to Sections 30605, 30512(c), and 30514(b) of the Coastal Act, is that the proposed amendment meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act.

Pursuant to Section 13551(b) of the California Code of Regulations, the University resolution for submittal must indicate whether the LRDP amendment will require formal adoption by the Board of Regents after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Coastal Act Sections 30512, 30513 and 30519. Because this approval is subject to suggested modifications by the Commission, the University must act to accept the adopted suggested modifications and the requirements of Section 13547, which provides for the Executive Director's determination that the University's action is legally adequate, within six months from the date of Commission action on this application before the LRDP shall be effective.

The LRDP Amendment was filed as complete pursuant to Section 13549 of the California Code of Regulations on May 7, 2010. According to Section 13530 of the California Code of Regulations, the Commission has 90 days from the date of filing to act on the LRDP Amendment. The 90th day after filing the complete submittal is August 5, 2010. Pursuant to Section 30517 of the Coastal Act and California of Regulation Section 13535(c) state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year.

Notice of Impending Development:

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.

Pursuant to CCR Section 13550(b)-(d), within thirty days of filing the notice of impending development, the Executive Director shall report to the Commission the pendency 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.

The NOID was filed on March 20, 2010 and was tentatively scheduled for the April 2010 Commission hearing. However, the University submitted a letter waiving the 30-day right to a Commission determination [as otherwise required by CCR Section 13359(b)] in order to allow additional time for the University to process the related LRDP Amendment 10-1.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LRDP. The University held public hearings and received written comments regarding the projects from public agencies, organizations and individuals. The hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations which require that notice of availability of the draft LRDP amendment (LRDPA) be made available six (6) weeks prior to the Regents approval of the LRDP amendment. Notice of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION: MOTION & RESOLUTION

A. LRDP AMENDMENT 1-10: DENIAL AS SUBMITTED

MOTION I: *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-10 (Campus Point/Campus Lagoon Area Restoration and Enhancement Program) as submitted.*

STAFF RECOMMENDATION FOR CERTIFICATION OF LRDP AMENDMENT:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Long Range Development Plan 1-10 and the adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I:

The Commission hereby denies certification University of California at Santa Barbara Long Range Development Plan Amendment 1-10 and adopts the findings stated below on the grounds that the amendment as submitted is inconsistent with Chapter 3 policies of the Coastal Act. Certification of the amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects that the approval of the amendment would have on the environment.

B. LRDP AMENDMENT 1-10: CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-10 (Lagoon Island Restoration and Enhancement Program) if modified as suggested in the staff report.*

STAFF RECOMMENDATION FOR CERTIFICATION OF LRDP AMENDMENT WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Long Range Development Plan 1-10 as modified. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION II:

The Commission hereby certifies the University of California at Santa Barbara Long Range Development Plan Amendment 1-10 as modified and adopts the findings stated below on the grounds that the amendment as modified is consistent with Chapter 3. Certification of the amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amendment on the environment.

C. NOID 8-08: APPROVAL WITH CONDITIONS

MOTION III: *I move that the Commission determine that the development described in the Notice of Impending Development 8-08 (Campus Point/Campus Lagoon Area Restoration and Enhancement 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 8-08 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan as amended pursuant to LRDP Amendment 8-08, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION III: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 8-08, as conditioned, is consistent with the certified University

of California at Santa Barbara Long Range Development Plan, as amended pursuant to LRDP Amendment 1-10 for the reasons discussed in the findings herein.

III. SUGGESTED MODIFICATION TO LRDP AMENDMENT 1-10

The staff recommends that the Commission certify the following, with two modifications as shown below. Language presently contained within the certified LRDP is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined.

1. Protection of Cultural Resources

The second paragraph of Page 3-57 of the certified Lagoon Management Plan shall be amended as follows:

Cultural resources are protected by federal and state laws and should be managed to protect their integrity and preserve them. The site described above should be preserved and protected by essentially leaving it in place. ~~No~~ The driving of vehicles, ~~or unmonitored~~ digging, planting, or removal of plants ~~should~~ shall not occur in or immediately around the site unless a qualified archeological monitor and a Native American monitor are present on site during all activities to ensure that any potential adverse impacts to existing cultural resources are avoided to the maximum extent feasible; ~~plants should be allowed to establish naturally at this location.~~ Also, the asphalt paving that covers the site ~~shall~~ should not be removed or disturbed in any way ~~without an archeological monitor onsite because removing it could cause damage unless a qualified archeological monitor and a Native American monitor are present on site during all such activities to ensure that any potential adverse impacts to existing cultural resources are avoided to the maximum extent feasible.~~

2. Action CR-1.1

Action CR-1.1 on Page 3-57 of the certified Lagoon Management Plan is amended as follows:

Action CR-1.1: The known cultural resource site on Goleta Point will be preserved and protected by not driving vehicles, or digging, planting, removing plants, removing or disturbing the existing asphalt paving that presently covers a portion of the area, or in any other way disturbing the site or the area immediately surrounding the site ~~without an archeological monitor onsite~~ unless a qualified archeological monitor and a Native American monitor are present on site during all such activities to ensure that any potential adverse impacts to existing cultural resources are avoided to the maximum extent feasible.

IV. NOID 8-08 SPECIAL CONDITIONS

1. Consistency with LRDP

Prior to the commencement of any development, certification of the Long Range Development Plan Amendment 1-10 by the Coastal Commission must be final and effective in accordance with the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

2. Plans Conforming to Geotechnical Engineer's Recommendations

The University shall comply with the recommendations contained in the "Geotechnical Engineering Report, Bluff Access Stairway, UCSB Lagoon Restoration Project, University of California, Santa Barbara, California," prepared by Fugro West, Inc., on March 26, 2007; "Evaluation of Bluff Stability, Campus Point Stair Project, UCSB Campus, Goleta, California," prepared by Fugro West, Inc., on October 22, 1999; "Additional Geotechnical Engineering Evaluation, Bluff Stability, Kohn Hall Addition, University of California, Santa Barbara," prepared by Fugro West, Inc., on January 23, 2003; and "Structural Calculations," prepared by Doyle-Morgan Structural Engineering on May 21, 2007 and March 3, 2010 for the construction of the new Campus Point Stairway. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require a new Notice of Impending Development.

3. Habitat Restoration/Enhancement, Monitoring, and Management Program

Prior to the commencement of development of the Lagoon Restoration project, the University shall submit, for the review and approval of the Executive Director, a final Habitat Restoration/Enhancement, Monitoring, and Management Program for the subject area in substantial conformance with the certified Lagoon Management Plan. The program shall be prepared by a qualified biologist(s), ecologist(s), or resource specialist(s), hereafter, referred to as the Environmental Resource Specialist(s), with experience in the field of habitat restoration. The permittee shall provide the resource specialist's qualifications, for the review and approval of the Executive Director, prior to plan development. The Program shall provide, at a minimum, for the following:

A. Habitat Restoration/Enhancement Plan

1. A baseline assessment of all native vegetation and habitat on site, including detailed documentation of existing conditions on site. The plan shall delineate existing vegetation types, show the distribution and abundance of any sensitive species.
2. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage. The plan shall also document the performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working and the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
3. Native seeds shall also be collected in anticipation of future plantings. The plan shall specify the planting palette (seed mix and collected plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region or grown from seeds or vegetative materials obtained from the site or from an appropriate nearby location so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.
4. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
5. Provisions for on-going habitat restoration maintenance and/or management for the term of this notice of impending development. At a minimum, semi-annual maintenance and/or management activities shall include, as necessary, periodic weeding of invasive and non-native vegetation and revegetation consistent with the approved restoration plan.

B. Prescribed Burns

- a. Design the burn plots to avoid trees, allow for wildlife refuge in neighboring areas, and to provide buffer areas from the lagoon.
- b. Conduct immediate planting of the burned areas with native vegetation, which will prevent erosion of the site.

- c. If public trails must be temporarily closed for burning activities, trails will be immediately reopened after it is safe to do so.

C. Monitoring

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards and shall provide the following:

1. **Initial Monitoring Report:** The University shall submit, upon completion of the initial revegetation, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.
 2. **Interim Monitoring Reports:** After initial revegetation/enhancement activities are completed, the University shall submit, for the review and approval of the Executive Director, on an annual basis for a period of five (5) years, a written monitoring report prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.
 3. **Final Report:** A final detailed report on the restoration shall be submitted by the University for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this permit.
- D.** The University shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. **Herbicide Use**

Herbicides shall not be used within any portion of the project area. Herbicide use in Campus Point or Lagoon Island shall be restricted to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation for purposes of habitat restoration only. The environmental resource specialist shall conduct a survey of the project site each day prior to commencement of vegetation removal and eradication activity involving the use of herbicide to determine whether any native vegetation is present. Native vegetation shall be clearly delineated on the project site with fencing or survey flags and protected. In the event that non-native or invasive vegetation to be removed or eradicated is located in close proximity to native riparian vegetation or surface water, the applicant shall either: (a) remove non-native or invasive vegetation by hand (*Arundo donax* shall be cut to a height of 6 inches or less, and the stumps painted with Glyphosate Roundup™ herbicide), or (b) utilize a plastic sheet/barrier to shield native vegetation or surface water from any potential overspray that may occur during use of herbicide. 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.

5. **Construction Timing and Sensitive Species Surveys**

For any construction or habitat restoration/enhancement or tree removal activities between March 1 and August 15, the University shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct raptor and other sensitive bird species surveys and monitor project operations associated with the following activities: 1) the removal of the asphalt pad; 2) the construction of the labyrinth trail; 3) the construction of the staircase; and 4) the removal or modification of any trees.

At least two (2) weeks prior to commencement of any of the above listed project operations, the applicants shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. The University shall ensure that the environmental resources specialist, with experience in conducting bird surveys shall conduct bird surveys 30 calendar days prior to the listed activities to detect any active bird nests in all trees within 500 feet of the project, including the eucalyptus trees to be impacted. A follow-up survey must be conducted 3 calendar days prior to the initiation of clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.

- B. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 300 ft. of the project (500 ft. for raptors), the University shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 at the nest (s) site. If construction noise exceeds a peak level of 65 dB at the nest (s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft for raptors) of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found, the University shall notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. The University shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

6. Construction Staging Area and Fencing

- A. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas (ESHA) shall be avoided. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Prior to commencement of development, the University shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval. The plan shall include the following requirements and elements:
- a. Protective fencing shall be used around all ESHA, wetland areas, and their associated buffers that may be disturbed during construction activities.
 - b. Construction equipment, materials, or activity shall not be placed/occur within any ESHA, wetlands or their buffers, or in any location which would result in impacts to wetlands or other sensitive habitat.

- c. No grading, stockpiling shall occur within ESHA, wetlands or their designated buffers. Heavy equipment may be temporarily permitted for the removal of the asphalt pad, the construction of the Campus Point staircase, and the construction of the Labyrinth Trail.
 - d. No construction materials, debris, or waste shall be placed or stored where it may enter sensitive upland habitat or wetlands, storm drain, receiving waters, or be subject to wind erosion and dispersion;
 - e. The plan shall include, at a minimum, a site plan that depicts the following components: limits of the staging area(s); construction corridor(s); construction site; location of construction fencing and temporary job trailers with respect to existing wetlands and sensitive habitat; and public access route through/around the site.
 - f. The plan shall indicate that construction equipment, materials or activity shall not occur outside the designated staging area(s), construction zone, or corridors identified on the site plan required by this condition.
 - g. During construction, washing of trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. In addition, construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which prevents storm water contamination.
- B. The University shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director to determine if a notice of impending development or amendment to the Long Range Development is required to authorize such work.

7. Archaeological Resources

The University shall ensure that a qualified archaeologist and appropriate Native American consultant shall be present on-site during: (1) grading and installation of the foundation for the Campus Point Stairway; (2) removal of the asphalt pad, driving of vehicles, digging, planting, or removal of plants in or immediately around the asphalt pad site at Lagoon Island/Campus Point; and (3) removal and recompaction activities associated with the construction of the Labyrinth Trail for the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and

written approval of the Executive Director, by the applicant's archaeologist and the native American consultant consistent with CEQA guidelines.

- A. The break up of the asphalt pad shall be conducted using hand tools only and the removal of the fragments shall be conducted with a Bobcat or similar piece of equipment. The Bobcat bucket cannot scrape the ground surface beneath the pavement.
- B. Prior to commencement of development, the University shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:
 1. If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the University shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. No significance testing, investigation or mitigation shall commence until the provisions of this special condition are followed, including all relevant subsections;
 2. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B. of this special condition and the University shall notify the Executive Director of the discovery within 24 hours;
 3. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition, including all subsections;
 4. An archaeologist(s) and appropriate Native American consultant(s) with qualification acceptable to the Executive Director shall be present on-site during all grading activities;
 5. The University shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
 6. If human remains are encountered, the University shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of

remains; recovery, repatriation and reburial of remains; or reburial or other ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.

7. Prior to the commencement and/or re-commencement of any monitoring, the University shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the University shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
- C. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50 foot wide buffer around the cultural deposit; and 2) no more than the residential enclave or commercial development area within which the discovery is made.
- D. Following discovery of the cultural deposits, the University shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the University of that determination in writing.

2. If the Executive Director approves the Significance Testing Plan but determines that the recommended testing measures are not de minimis, significance testing may not commence until after a new notice of impending development and/or a new coastal development permit for the significance testing plan is approved by the Commission.
 3. Once the measures identified in an approved significance testing plan are undertaken, the University shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. After receipt of the results and the archeologist's recommendation, the Executive Director shall make a written determination as to whether the deposits are significant based on the information available to the Executive Director. If the Executive Director determines that the deposits are significant, the University shall prepare and submit to the Executive Director a Supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the Executive Director determines that the deposits are not significant, then, after receiving the Executive Director's written determination that the deposits are not significant, the University may recommence grading in accordance with any measures outlined in the significance testing program.
- E. If the Executive Director determines that the cultural deposits discovered are significant, the University shall submit a Supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection D of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development, if any, and mitigation measures are de minimis in nature and scope, construction may

recommence after the Executive Director informs the University of that determination in writing.

2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the recommended changes to the proposed development, if any, and mitigation measures are not de minimis, construction may not recommence until after a new notice of impending development and/or coastal development permit is approved by the Commission for the Supplementary Archaeological Plan.
- F. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.
- G. The University shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission approved notice of impending development and/or coastal development permit unless the Executive Director determines that no notice or permit is required.

8. Public Access Program

- A. Prior to commencement of development, the University shall submit for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the trail deposition sites and/or staging areas shall be maintained during all project operations.
- B. The report shall include plans for staging and storage of equipment. Where use of public parking spaces is unavoidable, the minimum number of public parking

spaces that are required for the staging of equipment, machinery and employee parking shall be used.

- C. The University shall post each construction site with a notice indicating the expected dates of construction and/or trail closures.

9. Assumption of Risk

The University acknowledges and agrees (1) that the site may be subject to hazards from storm waves, surges, bluff erosion, and flooding; (2) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (3) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (4) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

Prior to commencement of development, the University shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

10. Duration of Authorization

This notice of impending development is valid for a period of five (5) years from the date of Commission action, after which time the authorization for the approved development shall expire, with the exception of any monitoring or supplemental restoration activities required pursuant to Special Condition Two (2) of this notice of impending development.

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

The following findings support the Commission's approval of LRDP Amendment 1-10 as modified in Section III above, and approval of the Notice of Impending Development 8-08, pursuant to the Special Conditions set forth in Sections IV above. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION & BACKGROUND

The University of California at Santa Barbara (UCSB or University) is requesting an amendment to its certified 1990 Long Range Development Plan (LRDP) to allow for the removal of a 16,000 sq. ft. asphalt pad for the Lagoon Restoration Project (LRDP 1-10). The proposed amendment is project driven and has been submitted in conjunction with a related Notice of Impending Development for the Lagoon Restoration Project (NOID 8-08).

The proposed Campus Lagoon Area Restoration and Enhancement Program (LRDPA 1-10 and NOID 8-08) involves habitat restoration/enhancement activities and new public access improvements within the Campus Lagoon area on the Main Campus, including Campus Point and Lagoon Island, consistent with the certified Lagoon Management Plan. The Lagoon Management Plan (LMP) was approved by the Coastal Commission in 1999 as an amendment to the 1990 Long Range Development Plan (LRDP). The LMP designates the lagoon, Lagoon Island, and Campus Point as an environmentally sensitive habitat area (ESHA) and allows for restoration and public access/educational uses within the LMP area.

Specifically, **Notice of Impending Development 8-08** is for implementation of habitat restoration/enhancement and public access improvements within the Campus Point/Campus Lagoon area including restoration activities to remove exotic vegetation and restoration/enhancement of coastal bluff sage, grassland, oak woodland, salt marsh, Torrey pine, and sand dune plant communities on Lagoon Island.

In addition, the related **LRDP Amendment 10-1** is proposed to modify the provisions of the previously certified Lagoon Management Plan component of the UCSB LRDP to allow for habitat restoration activities to occur within an area where an existing 16,000 sq. ft. asphalt pad is located on Lagoon Island. Specifically, the proposed amendment to the LRDP would revise the text of the second paragraph on page 3-57 of the Lagoon Management Plan and Action CR-1.1 to allow for the removal of the existing 16,000 sq. ft. asphalt pad (constructed as part of a previous military base on site on site) in an area of Lagoon Island where a registered Native American archaeological site is located provided that a qualified archaeologist and a Native American monitor are present on site during all asphalt removal and habitat restoration activities. The University's proposed changes to the text of the certified Lagoon Management plan are attached as Exhibit 8.

The restoration/enhancement activities and public access improvements will also include removal of exotic vegetation and existing asphalt surface areas; the installation of 12 educational and interpretive signage exhibits; and improvements to the existing public access trail system around the lagoon and on Lagoon Island including restoration of unauthorized “volunteer” trails and construction of a new engineered public access stairway where an existing public trail is located on an eroded bluff slope area at the east end of Lagoon Island.

The primary strategy used to enhance the native plant communities will be to remove exotic vegetation and replace it with native vegetation. Other non-native vegetation will be removed gradually as native communities are established. Consistent with the certified Lagoon Management Plan, significant non-invasive, ornamental trees will be preserved to maintain the existing character and structure of the lagoon. Existing native vegetation, selected non-native mature trees, and selected habitat features such as bird roosts will be protected during implementation of the project. The restoration effort includes protection and propagation of special-status plant species that are identified in the Lagoon Management Plan.

Approximately 1.9 miles of public trails currently exist within the project area. The project will retain 1.47 miles of trails, restore 0.33 miles of “volunteer” trails (unauthorized trails created by use over time), and relocate 0.12 miles of trail along the bluff edge on the south side of the Lagoon Island approximately 50 ft. further landward in response to continuing erosion of the bluff edge (Exhibits 1 and 2). The minor relocation of the bluff trail to a slightly further landward location will help control erosion, improve safety, and enhance habitat values.

The two sites that make up the Lagoon Restoration project, Campus Point and Lagoon Island, and are characterized by large areas dominated by several non-native and invasive plant species, such as iceplant (*Carpobrotus edulis*), Eucalyptus, golden wattle (*Acacia pycnantha*), and Myoporum. An emergency access road and several primary and secondary trails exist. Lagoon Island has relatively level topography over the central mesa portion of the island, and moderately steep slopes on its sides. Mature non-native trees including Eucalyptus, Monterey Cypress (*Cupressus macrocarpa*), olive (*Olea europaea*), as well as smaller trees or shrubs such as Pittosporum, Myoporum, and Bougainvillea also occur on the island. The local geology of the project area generally consists of marine terrace deposits overlying Sisquoc formation bedrock.

The proposed restoration includes the removal of approximately 23.1 acres of iceplant, exotic shrub species and annual grassland replaced with native vegetation. Native coastal sage scrub and coast live oak communities will be created. Toyon (*Heteromeles arbutifolia*), coffeeberry (*Rhamnus californica*), redberry (*Rhamnus crocea*), elderberry (*Sambucus mexicana*), and lemonadeberry (*Rhus integrifolia*), among other natives, will be incorporated into the landscape in order to maintain the structure and character of the Campus Point area. Three large Torrey Pines on Campus point will be retained as representative coastal species although not local to Santa Barbara.

Part of the collective restoration effort includes the implementation of prescribed burns, proposed to control non-native and invasive species. Following the burns, the burned patches of vegetation will be planted with locally collected native seeds and seedlings. Additionally, a dune scrub and back dune swale area will be created at the Campus Point site through the removal of approximately 1,000 cubic yards of nonnative vegetation. The back dune swale and associated habitat area will encompass approximately 0.69 acres and will take advantage of the clay subsoil on the site to retain freshwater.

The new back dune habitat area will be located within an area of the site currently vegetated with invasive iceplant created by historical agricultural use of the site and will be accomplished by replacing approximately 16,000 square feet of asphalt with coastal dune and sage scrub plantings. Soil excavated to make the dune swale will be retained on site by placing it over the area where the asphalt and iceplant is removed and restored to more historic variable topography which will create a significantly higher diversity in potential plant communities. Diversity in this area will increase from a non-native weed dominated habitat with a few scattered natives to a habitat which will support at least twenty native species adapted to these sandy, bluff top conditions.

One area of known archaeological significance within the subject site is located on Campus Point within the proposed back dune habitat restoration area (Exhibit 7). This is a registered archaeological site, known as CA-SBA-563, and contains marine and estuarine shellfish remains and sparse stone artifacts. This site consists of a dense shell mound, or midden, about 50 ft. in diameter, and was most likely associated with a prehistoric Native American seasonal encampment. The University submitted an archeological analysis of the proposed project site by Dr. Michael A. Glassow, dated April 12, 2010. Dr. Glassow's analysis indicates that CA-SBA-563 functioned as a small encampment which was occupied by Native Americans for short periods of time for the purpose collecting and consuming shellfish. The site was originally recorded in 1948 by archaeologist from the University of California, Berkley and was badly disturbed during the time period in the 1940's when the UCSB property was utilized as a Marine Air Station. It was during that period of time that a large area of Campus Point was covered with an asphalt pad as part of the Marine Base facilities. An approximately 16,000 sq. ft. area of this asphalt pad still remains at Campus Point and is located within a portion of the CA-SBA-563 site.

As proposed, the Lagoon Restoration Project will remove the approximately 16,000 sq. ft. asphalt pad, cover the area with soil (removed to create the back dune swale habitat) to preserve the archeological site, and restore the area with native vegetation. However, LMP Action CR-1.1 provides that the portion of the site where the asphalt pad is located remain undisturbed to avoid disturbance of CA-SBA-563. However, the University has submitted an archaeological analysis prepared by Dr Glassow dated April 12, 2010, which finds that the proposed habitat restoration and enhancement program is not expected to result in any impacts to the archeological resources on sites provided that appropriate demolition/construction practices are followed and archeological monitors are present on site during such activities. Therefore, the University has submitted LRDP amendment 1-10 to modify the LMP language to allow for removal of

the asphalt pad and implementation of habitat restoration within the subject area with the requirement a qualified archeologist and Native American consultant shall be on site and monitor all removal and restoration activities in and around the site.

One large eucalyptus tree will be removed and replaced with a coast live oak, two small olive trees and *Acacia longifolia* will be removed, saplings of eucalyptus will be removed as a management practice and two pink bottle brush shrubs will be removed. Selected non-native trees that provide bird and raptor roosting opportunities, visual interest, or have significant botanical interest will be preserved. The Cheadle Center for Biodiversity and Ecological Restoration (CCBER) conducts monthly bird surveys of the whole campus lagoon area. Since bird surveys are so frequent, impacts to nesting bird species will be avoided at the time of tree removal.

The project will also include installation of 12 educational and interpretive signage exhibits. The educational/interpretive signage will provide the public information regarding native plant communities, plant adaptations, wildlife, restoration activities, Chumash activities in the area, and historical use of the site. All proposed signs will be low profile and will be constructed of materials that blend in with the surrounding environment.

Approximately 0.12 miles (612 linear feet) of trails along and near unstable southerly bluff edges in the area of Campus Point will be closed and/or revegetated. Alternative trails will be maintained or created if needed to provide access and key lookout points. Exhibit 2 identifies existing trails through the project area that are to be maintained, realigned, or closed. Trail closures are proposed in areas where foot traffic is causing an increased rate of erosion along steep unstable bluffs. On Campus Point, trail realignments are proposed to shift the existing trails away from the eroding bluff edge. Approximately 50 cubic yards of removal and recompaction will be required to repair erosion rills that have been created by multiple footpaths (Exhibit 6).

In addition, the University has proposed a new trail feature designed as a “labyrinth” on Lagoon Island to enhance coastal access for pedestrians and runners who use this area. The “Labyrinth Trail” will be located within an area of the site that is currently vegetated with invasive ice plant and will not result in the removal of any native vegetation. The “Labyrinth Trail” will be an approximately 8,500 sq. ft. circular “trail feature” involving placement of small stones which rise no more than 1” above grade to demarcate the circular path configuration and which will serve as a passive recreation and public access improvement. Educational signage and benches will also be installed as part of this feature. Construction will require the removal of approximately 8,500 square feet of Iceplant, a few scattered native specimens of Coyote Brush, and 500 square feet of non-native annual grasses.

Finally, a new staircase is proposed where an existing public trail is located on an eroded bluff slope area at the east end of Lagoon Island to provide access from the base of the bluff at Lagoon Road (adjacent to the Seawater Renewal System Pumphouse) to the bluff top near Campus Point. The footpath provides access to well-traveled lookout points on Campus Point (also known as Goleta Point) and also

contributes to severe gullying of the slopes on the bluff edge. Construction of the stairway is necessary to maintain existing public access to Lagoon Island while reducing an ongoing problem of erosion due to use of the existing public trail located on the bluff slope. To provide public access and safety, a "boardwalk-style" stairway is proposed for this location on the north side of Campus Point as shown in Exhibit 4. Most of the body of the staircase will be above ground, supported by cast-in-place concrete piers that are embedded into the bedrock. It is proposed to be consistent in appearance and design with the staircase leading from Manzanita Village student housing to the Lagoon west of Lagoon Island, which was previously approved by the Commission pursuant to UCSB NOID 98-1 in 1999 (Exhibit 5). The stairway (five ten-foot lengths) will span the distance from the lagoon barrier road to the public trail system on the top of the Campus Point Mesa with four platforms (12 by 12 feet and 15 by 15 feet) and a 175 total feet of boardwalk over the level areas and will be constructed of recycled composite lumber decking and non-chromated copper arsenate (CCA) treated wood. The proposed stairway will include landings and connecting boardwalks. Construction of the stairway will take place in the dry season (May 1 through September 30).

In addition, during the processing of this notice of impending development, Commission staff discovered unpermitted development on the subject site, including the addition of an unpermitted approximately 460 ft. long rock revetment constructed immediately seaward of Lagoon Barrier Road. Commission records indicate that the University previously requested approval for the construction of this rock revetment seaward of Lagoon Barrier Road in 1997, pursuant to LRDP Amendment 1-98 (Lagoon Management Plan), NOID 2-97 (Seawater Renewal System and Rock Revetment), and CDP 4-97-156 (Seawater Renewal System and Rock Revetment). However, the Commission found that a rock revetment was not appropriate at the subject site and only approved the construction of the related seawater renewal system and Lagoon Management Plan (pursuant to LRDP 1-98, NOID 2-97, and CDP 4-97-156) with modifications and special conditions which specifically deleted the proposed rock revetment from all approved plans and exhibits. However, review of historic and recent aerial photographs have confirmed that regardless of the Commission's previous actions prohibiting construction of the rock revetment, the University constructed the rock revetment at some point in time between 1998 and 2010. The unpermitted rock revetment is not part of either the proposed LRDP amendment or the related notice of impending development; therefore, the Commission's enforcement division will evaluate further actions to address this matter.

Although the unpermitted rock revetment on site is not part of the impending development, as originally proposed, the geologic and engineering stability of the stairway appeared to be at least partially dependent on unpermitted rock revetment due to the location of a portion of the foundation for the stairway on the sandy beach in an area of the site potentially subject to wave uprush. At Commission staff's request, the University has revised the design and footprint for the proposed stairway in order to relocate the structure further landward. As now proposed, the stairway will be located landward of all beach areas and would not be dependent on the unpermitted rock revetment to ensure geologic and engineering stability.

B. CONSISTENCY ANALYSIS

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOIDs is the policies of the certified LRDP. NOID 8-08 is not consistent with the certified LRDP unless the proposed LRDP Amendment 1-10 is approved and certified. **Special Conditions One (1)** for NOID 8-08, therefore, stipulates that prior to the commencement of any development, certification of the Long Range Development Plan Amendment 1-10 by the Coastal Commission must be final and effective in accordance with the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

1. Hazards and Geologic Stability

Section 30253 of the Coastal Act, as incorporated into the certified LRDP, states in pertinent part that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The LRDP contains several policies to ensure that new development minimize risks to life and property and assure structural stability and integrity consistent with Section 30253 of the Coastal Act which has been included in the certified LRDP. Further, Policy 30253.2 of the LRDP requires that subsurface and geotechnical studies be conducted to ensure structural and geologic stability.

Additionally, the Lagoon Management Plan specifies the following management goals and objectives for the Campus Lagoon area:

Management Goal ES (Erosion and Slope Management): Reduce erosion and protect slopes, bluffs, and ocean barriers.

Objective ES-1: Reduce erosion associated with public use activities and features, such as paths and trails.

Action ES-1.1: Public access to existing eroded areas or areas that may be prone to erosion impacts should be controlled using a combination of structural and vegetative barriers and information signs.

Action ES-1.4: Already eroded areas and nonessential paths should be protected by using barriers at entries where appropriate and allowed to revegetate with native plants.

Action ES-1.5: For well-established paths that are determined to be essential, the existing natural surface should be maintained in a manner that is appropriate with the natural character of the area.

Objective ES-2: Protect steep slopes and bluffs from human-induced erosion in ESHAs or other areas where special-status species or public safety considerations are present.

Action ES-2.2: Severely eroded areas along the top of the bluffs should be allowed to revegetate with native plants, and, where possible, drainage should be directed away from problem areas and eroded drainages should be repaired or allowed to revegetate.

Due to intensive use associated with the trail system around the Campus Lagoon, the University is proposing to construct a staircase on the north side of Campus Point as shown in Exhibit 4. Most of the body of the staircase will be above ground, supported by cast-in-place concrete piles that are embedded into the bedrock. It will be consistent in appearance and design with the staircase that was previously approved by the Commission on June 7, 1999 pursuant to NOID 98-1, leading from the Manzanita Village Residence Halls down a bluff slope to the lagoon west of Lagoon Island (Exhibit 5). The stairway will span the distance from the eastern trail of the lagoon (Lagoon Barrier Road) to the trail system on the top of the Campus Point Mesa with four platforms (12 by 12 feet and 15 by 15 feet) and a 175 total feet of boardwalk over the level areas and will be constructed of recycled composite lumber decking and non-chromated copper arsenate (CCA) treated wood. The proposed stairway will include landings and connecting boardwalks. Construction of the stairway will take place in the dry season (May 1 through September 30). The stairway will not rely on a shoreline protective device and is not expected to be subject to wave up-rush.

In addition, during the processing of this notice of impending development, Commission staff discovered unpermitted development on the subject site, including the addition of an unpermitted, approximately 460 ft. long rock revetment constructed immediately seaward of Lagoon Barrier Road. Commission records indicate that the University previously requested approval for the construction of this rock revetment seaward of Lagoon Barrier Road in 1997, pursuant to LRDP Amendment 1-98 (Lagoon Management Plan), NOID 2-97 (Seawater Renewal System and Rock Revetment), and CDP 4-97-156 (Seawater Renewal System and Rock Revetment). However, the Commission found that a rock revetment was not appropriate at the subject site and only approved the construction of the related seawater renewal system and Lagoon Management Plan (pursuant to LRDP Amendment 1-98, NOID 2-97, and CDP 4-97-156) with modifications and special conditions which specifically deleted the proposed rock revetment from all approved plans and exhibits. However, review of historic and recent aerial photographs have confirmed that regardless of the Commission's previous actions prohibiting construction of the rock revetment, the University constructed the rock revetment at some point in time between 1998 and 2010. The unpermitted rock revetment is not part of either the proposed LRDP amendment or the related notice of

impending development; therefore, the Commission's enforcement division will evaluate further actions to address this matter.

Although the unpermitted rock revetment on site is not part of the impending development, as originally proposed, the geologic and engineering stability of the stairway appeared to be at least partially dependent on unpermitted rock revetment due to the location of a portion of the foundation for the stairway on the sandy beach in an area of the site potentially subject to wave uprush. At Commission staff's request, the University has revised the design and footprint for the proposed stairway in order to relocate the structure further landward. As now proposed, the stairway will be located landward of all beach areas and would not be dependent on the unpermitted rock revetment to ensure geologic and engineering stability.

The University is required pursuant to Section 30253 of the Coastal Act, which is incorporated by reference into the LRDP, to assure that the design and siting of any new structures. This ensures the proposed development's stability and structural integrity and will not create erosion, instability, or destruction of the site or surrounding areas. Structural calculations for the staircase were done by Doyle-Morgan Engineering and a geotechnical engineering report was prepared by Fugro West, Inc.. These reports address the geologic conditions on the site, including drainage, subsurface condition, groundwater, landslides, faulting, and seismicity. The geologic consultants have found the geology of the proposed project site to be suitable for the construction of the proposed building addition. The report, however, contains several recommendations to be incorporated into project construction, design, drainage, and foundations to ensure the stability and geologic safety for the proposed project site and adjacent properties. To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition Two (2)** of NOID 8-08, requires the University to comply with and incorporate the recommendations contained in the submitted geologic and engineering reports into all final design and construction. Additionally, because this is structurally engineered development, **Special Condition Nine (9)** waives the University's right to claim damage or liability from any and all hazards associated with this development.

Therefore, for the reasons stated above, the Commission finds that the proposed LRDP Amendment, as modified, and the related notice of impending development, as conditioned, are consistent with both the applicable Chapter 3 policies of the Coastal Act and applicable policies of the LRDP with regards to geologic stability.

2. Environmentally Sensitive Habitat Area

All major sections of the Coastal Act relevant to the proposed project have been incorporated into the certified LRDP. Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30233 of the Coastal Act states, in part, that 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. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. No development may be permitted within ESHA, except for uses that are dependent on the resource.

In addition, the LRDP contains several policies which require the protection of ESHA and wetland areas. Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff away from coastal waters and wetlands. Subpart (I) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands.

Campus Point and Lagoon Island are designated as Environmentally Sensitive Habitat Area (ESHA) in UCSB's 1990 LRDP. The Commission notes that proposed development, if constructed immediately adjacent to the ESHA and wetland areas on site without any open-space buffer, will result in adverse effects to sensitive habitat resources including: contaminated and increased runoff, increased erosion, and displacement of habitat. In this case, the proposed project is specifically for the purpose of habitat restoration in which non-native and/or invasive vegetation will be replaced with native vegetation and coastal access improvements, and is, therefore, an allowable use in designated ESHA areas pursuant to the relevant policies of the certified LRDP, including Section 30240, as incorporated in the certified LRDP. Specifically, the Lagoon Management Plan component of the certified LRDP details the following management goals and objectives for the Campus Lagoon area:

Management Goal VH (Vegetation Management and Habitat Improvements): Protect and improve opportunities for maintaining and increasing populations of native plants and wildlife and outstanding horticultural specimens in the Campus Lagoon Management Area.

Objective VH-1: Maintain and enhance existing vegetation resources

Action VH-1.1 Invasive plants should be controlled using appropriate chemical and mechanical methods to reduce their adverse effects on special status plant species and other native plant habitats in areas (e.g. vernal pools and coastal sand dunes) that may contain special-status plants.

Objective VH-2: Protect and, where possible, enhance native vegetation habitats.

Action VH-2.2: Coastal dune vegetation should be protected and, as opportunities become available, enhanced on the bare sand dune areas through revegetation and planting once invasive exotic plants have been controlled.

Action VH-2.3: California sagebrush series vegetation should be protected and, as opportunities become available, enhanced along the coastal bluffs, once invasive exotic plants have been controlled, by collecting, growing, and planting native plants or through natural revegetation resulting from other protection efforts.

Objective VH-5: As opportunities become available, encourage enhancement of roosting and rearing habitat for bats and water birds.

Action VH-5.1: As opportunities become available, additional roosting and rearing habitat for bats could be created by constructing, placing, and maintaining bat boxes in appropriate locations and monitoring their use.

Action VH-5.2: As opportunities become available, habitat islands and water bird roosts could be constructed in the lagoon.

The University is proposing habitat restoration and enhancement activities adjacent to the Campus Lagoon consistent with the Lagoon Management Plan. The primary strategy used to enhance the native plant communities will be to remove exotic vegetation and replace it with native vegetation. Other non-native vegetation will be removed gradually as native communities are established. Consistent with the Lagoon Management Plan, significant non-native, ornamental trees will be preserved to maintain the existing character and structure of the lagoon and because they provide opportunities for nesting and roosting shore birds. Existing native vegetation, selected non-native mature trees that support avian habitat, and selected habitat features such as bird roosts will be protected during implementation of the project. The restoration effort includes protection and propagation of special-status plant species that are identified in the Lagoon Management Plan.

Restoration and Prescribed Burns

As described above, Section 30240 of the Coastal Act, which has been included in the certified LRDP, states in part, that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. No development may be permitted within ESHA, except for uses that are dependent on the resource. Approximately 6.8 acres of iceplant and non-native grasses will be removed and replaced by native coastal scrub species such as seacliff buckwheat (*Eriogonum parvifolium*), coast sunflower (*Encelia californica*), bush monkeyflower (*Mimulus aurantiacus*) and green everlasting (*Gnaphalium californicum*). Eucalyptus and cypress trees (*Cupressus macrocarpa*) will be trimmed to facilitate growth of native species. Dead trees will be removed gradually over time as native trees grow to a sufficient size and stature to replace them. All tree trimming and removal will take place outside of bird nesting season or a bird nesting survey will be performed prior to trimming or removal.

Native coastal sage scrub and coast live oak communities will be created. Toyon (*Heteromeles arbutifolia*), coffeeberry (*Rhamnus californica*), redberry (*Rhamnus crocea*), elderberry (*Sambucus mexicana*), and lemonadeberry (*Rhus integrifolia*), among other natives, will be incorporated into the landscape in order to maintain the structure and character of the Campus Point area. Three large Torrey Pines on Campus point will be retained as representative coastal species although not local to Santa Barbara.

One large eucalyptus tree will be removed and replaced with coast live oak, two small olive trees and *Acacia longifolia* will be removed, saplings of eucalyptus will be removed as a management practice and two pink bottle brush shrubs will be removed. Selected non-native trees that provide bird and raptor roosting opportunities, visual interest, or have significant botanical interest will be preserved. CCBER conducts monthly bird surveys of the campus lagoon area. **Special Condition Five (5)** requires the University to conduct raptor and other sensitive bird species surveys and monitor project operations associated with the removal of the asphalt pad, the construction of the labyrinth trail and Campus Point stairway, and the removal or modification of any trees. If herbicides are to be used, **Special Condition Four (4)** requires treatment to be restricted to the use of Glyphosate Aquamaster for the elimination of non-native and invasive vegetation for the purposes of habitat restoration only.

Separately, while the Lagoon Management Plan does not have any specific provisions for control invasive species on Lagoon Island using prescribed burns, the LRDP does discuss the potential use of burning as a vegetation management tool. Provisions in the management plan state:

...fire is a natural component of grassland and scrub vegetation types in Californian, and the native plants have adapted to periodic wildfires. In fact, if properly applied, fire could be an effective vegetation management tool (i.e. to control some invasive exotic plants, such as annual grasses and herbs).

The University has proposed the restoration of approximately 14 acres of annual grasses through a 5 year series of small (1 to 3-acre) prescribed burns followed by planting and seeding consistent with **Special Condition Two (2) and Nine (9)**. Under NOID 2-06, CCBER conducted a three year study on using prescribed fire with supplemental fuel (cut and dried *Baccharis pilularis*) to reduce the cover, litter and seed bank of annual grasses (primarily *Bromus diandrus*) in order to establish native coastal sage scrub and bluff scrub vegetation. The results demonstrate unequivocally that using supplemental fuel and burning during low humidity conditions significantly reduces annual grass growth and regeneration for long enough to establish native plant communities from seed and seedlings. As required by **Special Condition Two (2)**, burn plots will be designed to avoid trees, allow for wildlife refuge, provide buffer areas from the Lagoon, and the burned patches of vegetation will be planted with using locally collected native seeds and seedlings. As with the earlier prescribed burns, fires will be managed under the direction of the Campus Fire Marshal and supported with fire crews.

Construction Impacts and Erosion Control

Part of the NOID is the proposal to remove an existing asphalt pad (approximately 16,000 square feet [0.37 acre] in size) that was constructed on the bluff top of Campus prior to the effective date of the Coastal Act. The asphalt pad is a remnant from the military era of the UC Santa Barbara campus in the 1940s. Asphalt will be removed by hand and a Bobcat, or similar piece of equipment, will be used to haul and dispose of the asphalt debris. The site will be accessed from the existing dirt road from the west end of the Campus Lagoon to the site at Campus Point. Following removal of the asphalt, the area will be covered by the soil excavated from the back dune swale creation site, and revegetated with native dune and coastal sage scrub species including beach evening primrose (*Camissonia cheiranthifolia*), coast sunflower (*Encelia californica*), coast goldenbush (*Isocoma menziesii*) and other appropriate native plant species. Asphalt would be removed manually with small equipment such as cutting saws. A truck would be used to haul and dispose of the asphalt debris. The site will be accessed from the existing road from the west end of the Campus Lagoon to the site at Campus Point.

Additionally, the University has proposed a new trail feature designed as a “labyrinth” on Lagoon Island to enhance coastal access for pedestrians and runners who use this area. The “Labyrinth Trail” will be located within an area of the site that is currently vegetated with invasive ice plant and will not result in the removal of any native vegetation. The “Labyrinth Trail” will be an approximately 8,500 sq. ft. circular “trail feature” involving placement of small stones which rise no more than 1” above grade to demarcate the circular path configuration and which will serve as a passive recreation and public access improvement. Educational signage and benches will also be installed as part of this feature. Construction will require the removal of approximately 8,500 square feet of Iceplant, a few scattered native specimens of Coyote Brush, and 500 square feet of non-native annual grasses. .

The University has also proposed the construction of a staircase on the north side of Campus Point due to intensive use associated with the trail system around the Campus Lagoon (Exhibit 4). Construction of the stairway is necessary to maintain existing public access to Lagoon Island while reducing an ongoing problem of erosion due to use of the existing public trail located on the bluff slope. Most of the body of the staircase will be above ground, supported by cast-in-place concrete piles that are embedded into the bedrock. It will be consistent in appearance and design with the staircase that was previously approved by the Commission on June 7, 1999 pursuant to NOID 98-1, leading from the Manzanita Village Residence Halls down a bluff slope to the lagoon west of Lagoon Island (Exhibit 5). The stairway will span the distance from the eastern trail (Lagoon Barrier Road) of the lagoon to the public trail system on the top of the Campus Point Mesa with four platforms (12 by 12 feet and 15 by 15 feet) and a 175 total feet of boardwalk over the level areas and will be constructed of recycled composite lumber decking and non-chromated copper arsenate (CCA) treated wood. The proposed stairway will include landings and connecting boardwalks.

Project staging including the equipment access corridors, for the construction of the trail improvements and asphalt removal, has the potential to adversely impact the Lagoon

and ESHA on Lagoon Island. To ensure that project staging is minimized and resource issues are addressed, **Special Condition Six (6)** requires that all construction plans shall clearly identify all wetlands and native and any associated buffers in and around the construction zone. Additionally, construction related disturbances may undermine the habitat value of the wetland complex through improper storage or placement of materials or equipment or through improper release of debris, waste or chemicals. To address the potential adverse impacts during construction, the Commission finds it necessary to provide a framework of the University's responsibilities that would apply during the construction phase of the project, as described in **Special Condition Six (6)**.

The Commission notes that the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and removal and recompaction activities. In order to ensure that any potential adverse effects from these operations on ESHA are minimized, **Special Condition Three (3)** requires the applicant to retain the services of a qualified biologist or environmental resource specialist to be present on site during all grading activity. The monitor shall immediately notify the Executive Director if unpermitted activities occur or if wetland or ESHA habitat is removed or impacted beyond the scope of the work allowed this Notice of Impending Development. If significant impacts or damage occur to any wetland or ESHA resources on site beyond the scope of work allowed for by this Notice of Impending Development, all work will temporarily cease and the monitor shall immediately contact the Executive Director. The University shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program may be processed as a new Notice of Impending Development.

For the reasons stated above, the Commission, therefore, finds that the proposed LRDP Amendment, as modified, and the related notice of impending development, as conditioned, are consistent with the applicable Chapter 3 policies of the Coastal Act and the applicable LRDP policies with regards to environmentally sensitive habitat areas and wetland areas.

3. Public Access and Recreation

Coastal Act Section 30001.5 states in part:

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

The LRDP contains several policies to ensure that new development minimize adverse impacts to public access and recreational resources consistent with Sections 30210 through 30214 and 30221 of the Coastal Act which have been included in the certified LRDP. Additionally, Sections 30252 and 30240, which discuss the location and amount

of new development in relation to public access to the coast, are also incorporated into the certified LRDP.

Additionally, the certified Lagoon Management Plan specifies the following management goals and objectives for the Campus Lagoon area:

Management Goal PU (Public Access Provision and Control): Provide improved, high-quality, and safe public use opportunities that are consistent with other purposes of the management area.

Objective PU-1: Maintain and improve public access opportunities for the lagoon area.

Action PU-1.1: Parking areas and access routes should continue to be maintained in accordance with UCSB and CCC policy. UCSB should continue to make available and maintain access routes throughout the management area for public use.

Action PU-1.2: Informational signs should continue to be maintained at the parking areas. Where informational signs are removed or damaged beyond repair, new signs that are more resistant to vandalism should be installed by UCSB as replacements.

Action PU-1.4: Traditional access routes to beaches and other important destinations through and into the management area should be maintained in a manner that causes the least amount of environmental damage to the area.

Action PU-1.7: For any education or other public use facilities (e.g., interpretive trails, exhibits, or overlooks) planned to be constructed on Campus Point or Lagoon Island, UCSB should carefully consider the environmental impacts and cost of constructing these facilities and work with local interest groups to develop appropriate ways to meet federal and state requirements for providing full access.

Objective PU-2: Control public access in the lagoon area to reduce environmental impacts.

Action PU-2.1: Restrictions on bicycles should continue to be enforced on a regular basis by UCSB police and student workers for all areas where bicycle riding is restricted in the management area (e.g., Lagoon Island and Campus Point).

Action PU-2.4: UCSB should implement a variety of techniques and program to involve and educate people about ways to reduce erosion in the management area (e.g., interpretive exhibits, printed informational

materials, involvement by student groups in organized activities to encourage awareness and self-policing).

Objective PU-5: Maintain and actively encourage use of the lagoon area for teaching and passive recreation activities that are appropriate and consistent with other purposes of the management area.

Action PU-5.1: Interpretive exhibits should be placed at three important primary, high priority entry points to sensitive areas of the lagoon and possibly in other secondary areas where interpretive opportunities may exist. Exhibits should be designed to be durable and resist vandalism. Themes will focus on interpreting the unique environmental and cultural aspects of the lagoon area.

Consistent with Section 30210 of the Coastal Act, the UCSB Long Range Development Plan (LRDP) provides for maximum public coastal access on campus. Public pedestrian access is available to and along the entire 2½ miles of coastline contiguous to the campus. The parking facilities on campus constitute the majority of publicly-available beach parking in the Goleta area. Most of the approximately 6,000+ parking spaces on campus may be used by the general public for a nominal charge. Campus parking facilities provide overflow parking for the County of Santa Barbara operated Goleta Beach Park located adjacent to the campus. Several parking lots on campus have been specifically identified in the LRDP to accommodate public parking demand during Goleta Beach peak use periods.

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The public possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. New development raises issues as to whether the location and amount of new development maintains and enhances public access and recreational opportunities to and along the coast.

The University's certified LRDP incorporates by reference Coastal Act Sections 30210, 30211, 30212, 30213, 30214 and 30252 concerning the protection of coastal recreation and access. Therefore, it is necessary that the development proposed in all Notices of Impending Development be consistent with the requirements of these policies. Coastal Act Sections 30210 and 30211, as incorporated in the LRDP, mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30212 of the Coastal Act, as incorporated in the LRDP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. In addition, Section 30213, as incorporated in

the LRDP, requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible provided. Section 30214 of the Coastal Act, as incorporated in the LRDP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc.

There are approximately 1.9 miles of public trails within the project area. The project will retain 1.47 miles of trails, restore 0.33 miles of “volunteer” trails (unauthorized trails created by use over time), and relocate 0.12 miles of trail along the bluff edge on the south side of the Lagoon Island approximately 50 ft. further landward in response to continuing erosion of the bluff edge. The minor relocation of the bluff trail to a slightly further landward location will help control erosion, improve safety, and enhance habitat values (Exhibit 2). The project will also include installation of educational and interpretive signage.

Although the proposed development will serve to improve public access on campus, short-term adverse impacts to public access due to trail closures during construction and restoration activities. In order to ensure that maximum public access is available during construction of the Campus Point stairway, the removal of the asphalt pad, the construction of the labyrinth, and all restoration efforts, **Special Condition Eight (8)** requires the University to provide a public access program. The program will described the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the deposition sites and/or staging areas. The program will also include plans for staging and storage of equipment, consistent with **Special Condition Six (6)**, and each construction site will be posted with a notice indicated the expected dates of construction and or trail closures.

Therefore, for the reasons discussed above, the Commission finds that the proposed LRDP Amendment, as modified, and the related notice of impending development, as conditioned, are consistent with both the applicable Chapter 3 policies of the Coastal Act and the applicable policies of the LRDP with regards to public access.

4. Archeological Resources

Coastal Act Section 30244 of the Coastal Act, as incorporated in the LRDP, states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Policy 30244.1 of the certified LRDP states:

All available measures shall be explored to avoid development which will have adverse impacts on archaeological resources.

Policy 30244.2 of the certified LRDP states:

The Office of Public Archaeology, Department of Anthropology and Native Americans will be consulted when development may adversely impact archaeological resources.

Policy 30244.3 of the certified LRDP states:

When development is proposed for areas where archaeological resources are affected, the project will be designed to minimize impacts on such resources.

Policy 30244.4 of the certified LRDP states:

During any grading and other activities that may result in ground disturbance on archaeological sites, a non-University of California affiliated archaeologist recognized by the State Office of Historic Preservation and Native American representative shall be present.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. Degradation of archaeological resources can occur if a project is not properly monitored and managed, especially during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, any remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact. UCSB is known to have several archeological and cultural resource sites.

The LRDP contains several policies to ensure that adverse effects to archaeological and paleontological resources from new development are reasonably mitigated consistent with Section 30244 of the Coastal Act which has been included in the certified LRDP. For instance, Policy 30244.4 of the LRDP requires that during any grading activities that may result in ground disturbance of archaeological sites, a non-University of California affiliated archaeologist and a Native American representative shall be present. Policy 30244.5 requires that should any archaeological or paleontological resources be found on site during construction, all activity which could damage such resources shall be suspended until appropriate mitigation measures have been implemented.

Additionally, the Lagoon Management Plan specifies the following management goals and objectives for the Campus Lagoon area:

Management Goal CR (Cultural Resource Management): Protect important cultural resources in the management area.

Objective CR-1: Protect and preserve known cultural resource sites and any new sites that may be discovered, consistent with applicable laws, regulations, UCSB policies, and mitigation measures identified in the LRDP EIR and elsewhere.

Action CR-1.1: The known cultural resource site on Goleta Point will be preserved and protected by not driving vehicles, or digging, planting, removing plants, removing or disturbing the existing asphalt paving that presently covers a portion of the area, or in any other way disturbing the site or the area immediately around the site.

Action CR-1.2: If any new sites or artifacts of historic or archeological importance are discovered in the management area by UCSB, they will be reported to local authorities and the proper steps taken to protect them.

Action CR-1.3: Before any groundbreaking activities are conducted in the management area, UCSB will comply with applicable laws and regulation for avoiding impacts on important cultural resources.

The project site was largely undeveloped and due to its favorable location along the coast, may have been the site of pre-European occupation by Native Americans. Accordingly, it is possible that archaeological/cultural deposits may exist on the site such as skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts, or other artifacts.

One area of known archaeological significance within the subject site is located on Campus Point (Exhibit 7). This is a registered archaeological site, known as CA-SBA-563, and contains marine and estuarine shellfish remains and sparse stone artifacts. This site consists of a dense shell mound, or midden, about 50 ft. in diameter, and was most likely associated with a prehistoric Native American seasonal encampment. The University submitted an archeological analysis of the proposed project site by Dr. Michael A. Glassow, dated April 12, 2010. Dr. Glassow's assessment indicates that CA-SBA-563 functioned as a small encampment which was occupied by Native Americans for short periods of time for the purpose collecting and consuming shellfish. The site was first recorded in 1948 by archaeologist from the University of California, Berkley and was badly disturbed during the time period in the 1940's when the UCSB property was utilized as a Marine Air Station. It was during the period of time that a small area of Campus Point was covered with an asphalt pad as part of the Marine Base facilities. An approximately 16,000 sq. ft. area of this asphalt pad still remains at Campus Point and is located within a portion of the CA-SBA-563 site.

The Lagoon Management Plan (LMP) was approved by the Coastal Commission in 1999 as an amendment to the 1990 Long Range Development Plan (LRDP). The LMP designates the lagoon, Lagoon Island, and Campus Point as an environmentally sensitive habitat area (ESHA) and provides for restoration activities and public access/educational uses within the LMP area. In addition, the LMP also includes several provisions for the protection of cultural resources. The Commission finds that potential adverse effects to archaeological/cultural resources may occur due to

inadvertent disturbance during project activities. Specifically, removal of the asphalt pad, removal of non-native and invasive vegetation, and planting of native vegetation within portions of Campus Point, as proposed as part of the proposed Habitat Restoration and Enhancement Project, would not be consistent with LMP Management Action CR-1.1, as previously certified, since LMP Management Action CR-1.1 prohibited all development within, or near, the CA-SBA-563 site.

At the time the LMP was initially proposed by the University, Commission staff requested the University evaluate the removal of the existing 16,000 sq. ft. asphalt pad area at Campus Point and restoration of the area with native vegetation. However, the University informed Commission staff that funding for restoration activities in that area was not available and since the asphalt also effectively acted as a protective “cap” for a portion of the site where cultural resources may be located; retention of the asphalt was considered appropriate in regards to the protection of cultural resources. Thus, as originally certified, Action CR-1.1 of the LMP provides, in part, that “[t]he known cultural resource site on Goleta Point will be preserved and protected by not driving vehicles, digging, planting, removing plants, removing or disturbing the existing asphalt paving that presently covers a portion of the area...”. The University is now proposing removal of the asphalt and restoration of this area as part of the larger Campus Lagoon Area Restoration/Enhancement Program and have submitted an analysis of from their archeologist, Dr. Glassow, which finds that the removal of the existing asphalt and revegetation of the site with native vegetation is not expected to result in any adverse impacts to existing cultural resources on site provided that the recommendations in his analysis are implemented. Accordingly, the analysis by Dr. Glassow, dated April 12, 2010, states, in part, that:

The proposal to break up the pavement using hand tools and remove the fragments with a Bobcat or similar small piece of equipment would ensure that intact deposits that may exist would not be disturbed, so long as the Bobcat bucket does not scrape the ground surface beneath the pavement. Furthermore, placement of imported fill over the site area would protect the deposits from further disturbance and preserve the site for the future. An archaeologist monitoring these operations would ensure that archaeological deposits are not disturbed any more than they already have been. The monitor should have the authority to halt the work should disturbance to the deposits begin to occur.

In addition, Policy 30244.4 of the certified LRDP specifically requires that an archaeologist and Native American representative must be present during any earth moving activity which has the potential to result in adverse effects to archaeological resources. In this case, the proposed changes to the LMP are intended to allow for limited activities related to habitat restoration to occur within the Campus Point/Lagoon Island area consistent with the continued protection of archaeological resources. However, the changes to the text, as proposed, are not adequate to ensure that all the recommendations of the University’s archeological consultant are adequately implemented or to ensure that a qualified archeological monitor and Native American monitor are on site during all activities that could result in potential disturbance of

cultural resources, as required by Policy 30244.4 of the certified LRDP and as recommended by the University's archeological consultant. Therefore, in order to ensure that the proposed habitat restoration on site is implemented in a manner consistent with the continued protection of cultural resources, **Suggested Modifications One (1) and Two (2)** are necessary. **Suggested Modifications One (1) and Two (2)** require that the known cultural resource site on Goleta Point will be preserved and protected by prohibiting all vehicular use, excavation, planting, removal of vegetation, and removal of the existing asphalt paving on site unless **both** a qualified archeological monitor and a Native American monitor are present on site during all such activities to ensure that any potential adverse impacts to existing cultural resources are avoided to the maximum extent feasible. Only with these two Suggested Modifications, will the proposed amendment ensure that archaeological resources within the subject area are not adversely affected.

Furthermore to ensure that potential adverse effects to archaeological resources are avoided during the removal of the asphalt pad and restoration of habitat on site, consistent with the policies contained in the certified LRDP and Section 30244 of the Coastal Act, **Special Condition Seven (7)** requires the University to ensure that an archaeologist(s) and appropriate Native American consultant(s), with qualification acceptable to the Executive Director, be present on-site during the removal of the asphalt pad and the construction of the staircase. Moreover, in order to ensure that the recommendations of the University's archeological consultant are fully implemented in a manner that will ensure that potential adverse impacts to cultural resources are minimized to the maximum extent feasible, **Special Condition Seven (7)** also requires that the existing asphalt pad may only be removed using hand tools and the fragments removed with a Bobcat or equivalent piece of equipment. Additionally, the University must submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional. If human or archaeological remains are encountered, the University shall comply with applicable State and Federal laws. In the event that cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and an appropriate data recovery strategy will be developed. Following discovery of the cultural deposits, the University shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant.

Therefore, for the reasons discussed above, the Commission finds that the proposed LRDP Amendment, as modified, and the related notice of impending development, as conditioned, are consistent with Section 30244 of the Coastal Act and the applicable policies of the LRDP with regards to archaeological resources.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Long Range Development Plan consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as suggested, is consistent with the policies of the Certified Long Range Development Plan. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

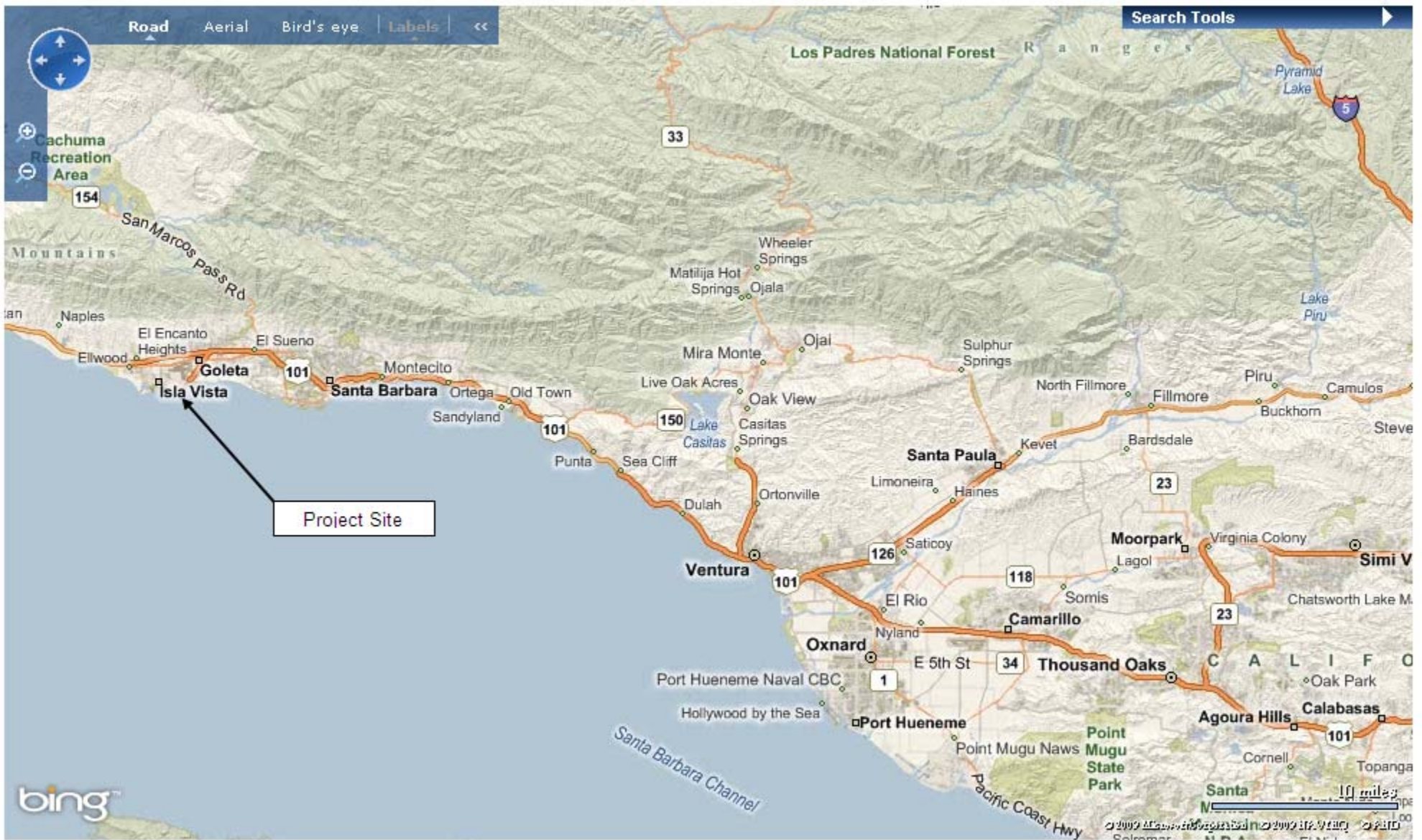


Exhibit No. 1
UCSB LRDPA 10-1 & NOID 8-08
Vicinity Map & Aerial



Exhibit No. 1
UCSB LRDPA 10-1 & NOID 8-08
Vicinity Map & Aerial

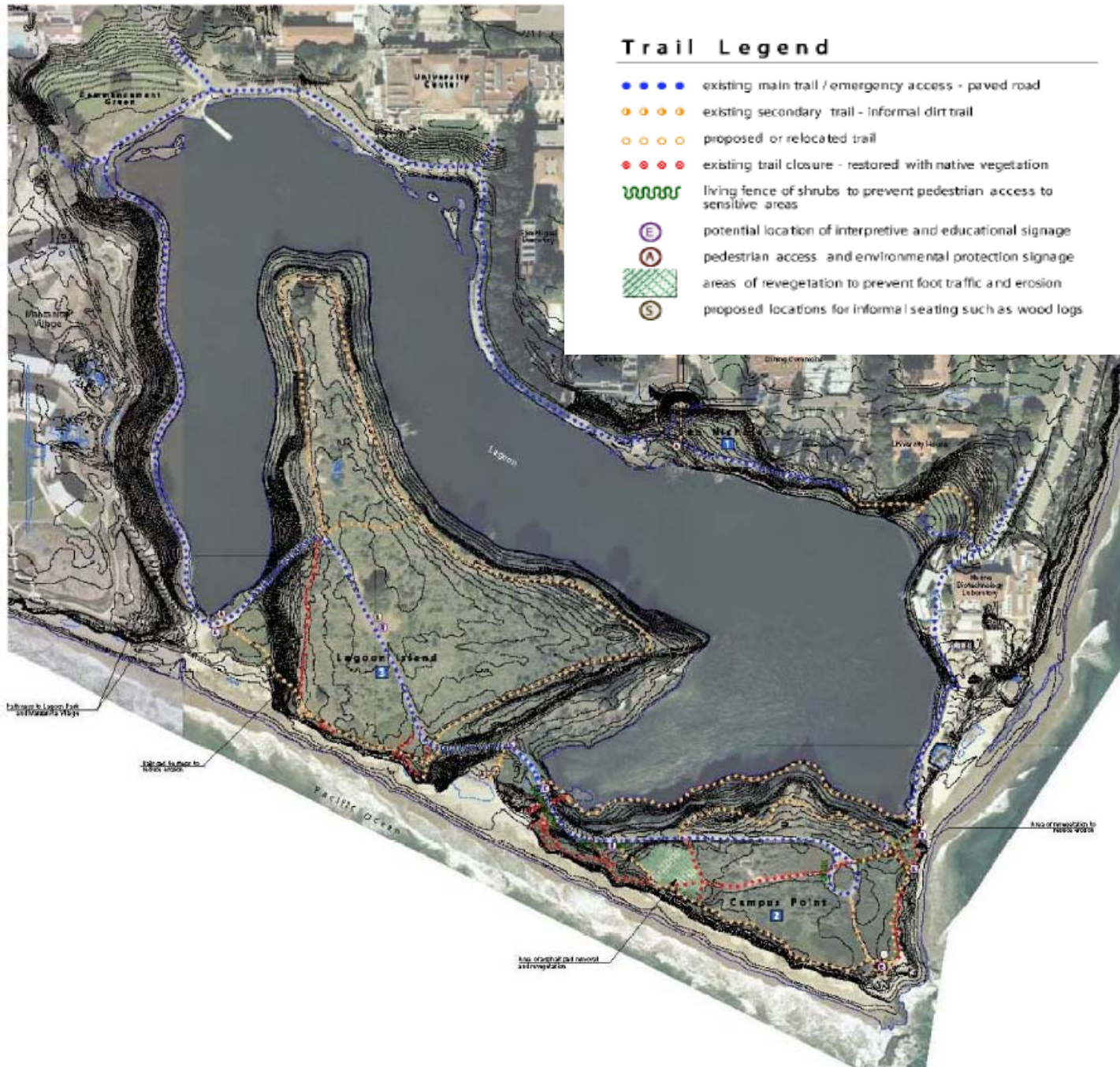
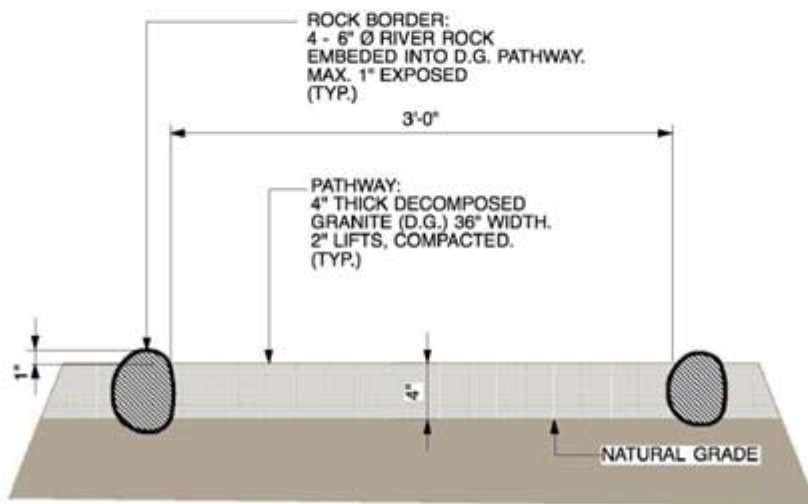
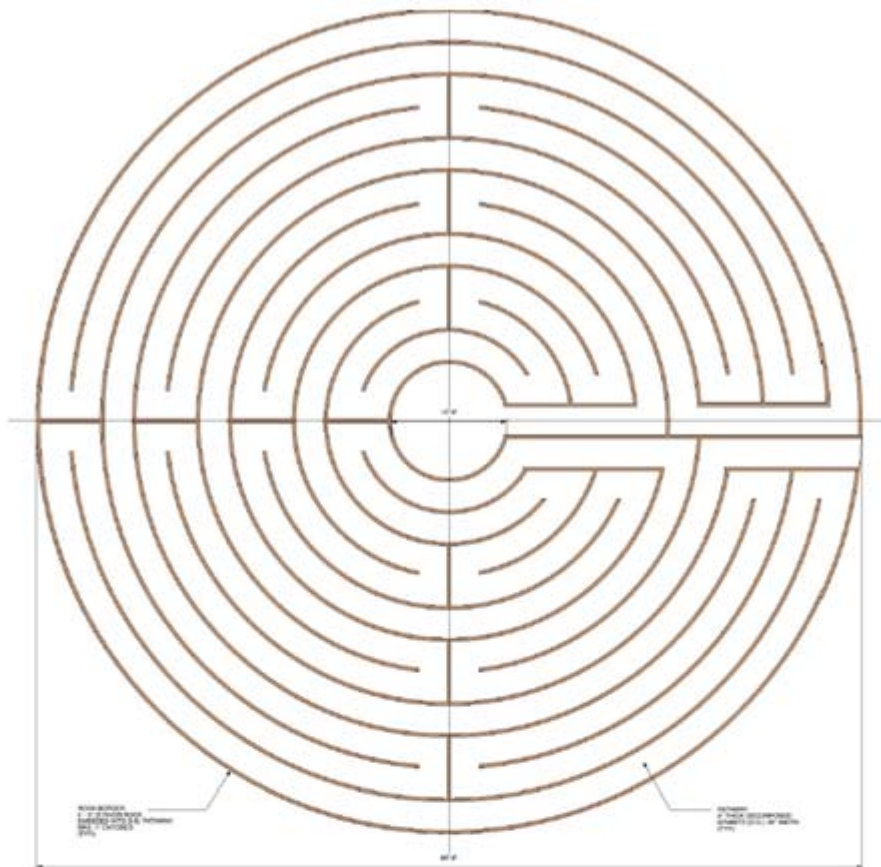


Exhibit No. 2
UCSB LRDP 10-1 & NOID 8-08
Proposed Restoration & Trail Improvements



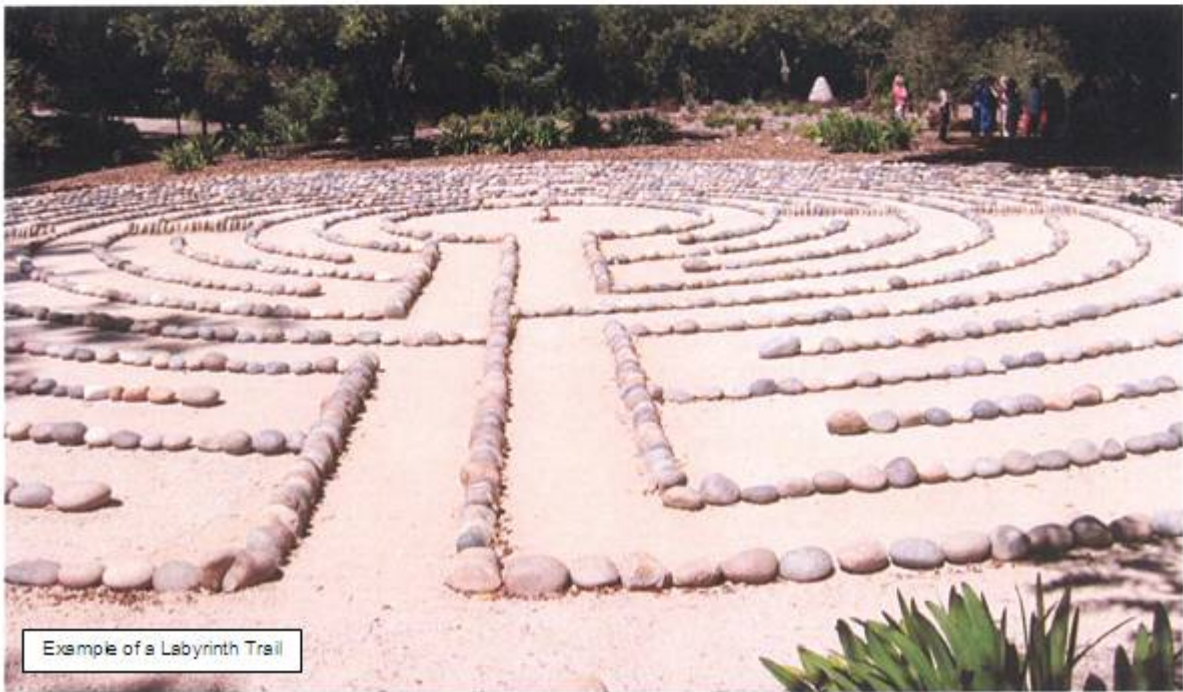
Proposed Labyrinth
Trail improvement site



SECTION THROUGH PATHWAY
SC: 1 1/2" = 1'-0"



Example of a Labyrinth Trail



Example of a Labyrinth Trail



Exhibit No. 4
UCSB LRDP 10-1 & NOID 8-08
Stairway Site Plans

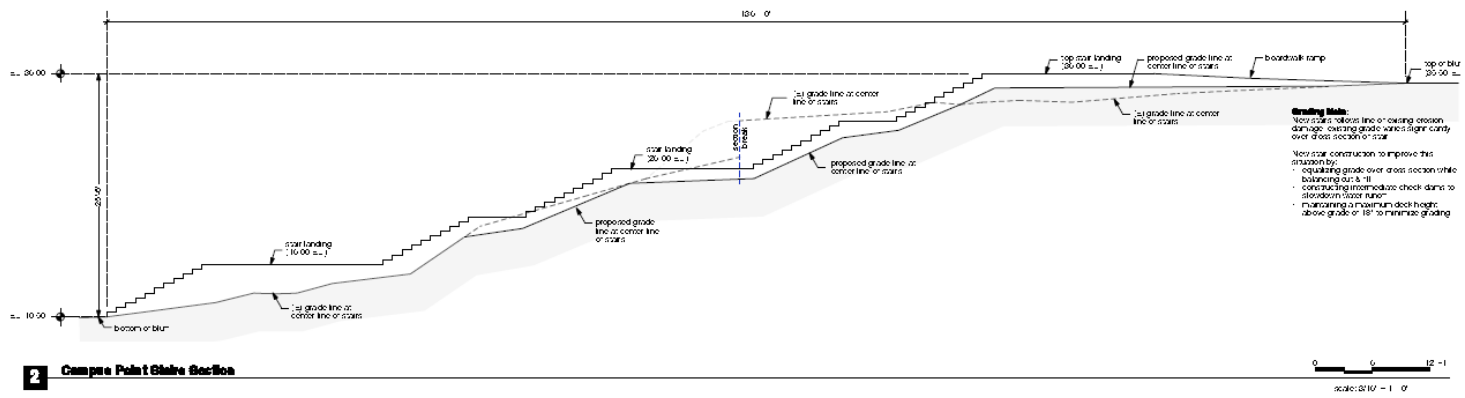
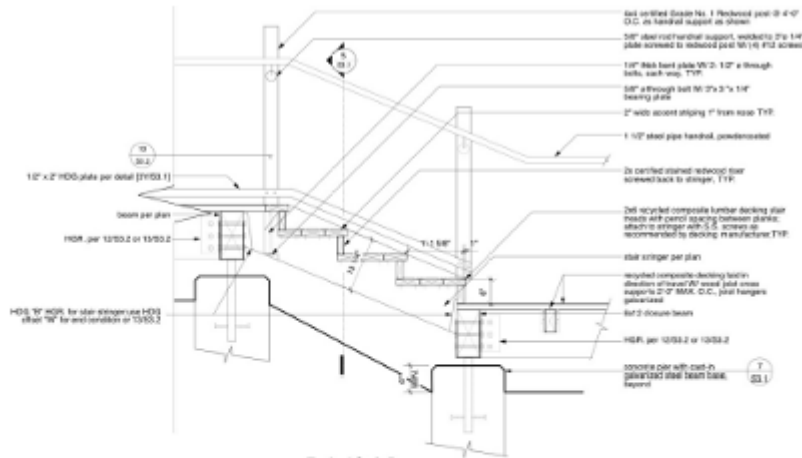
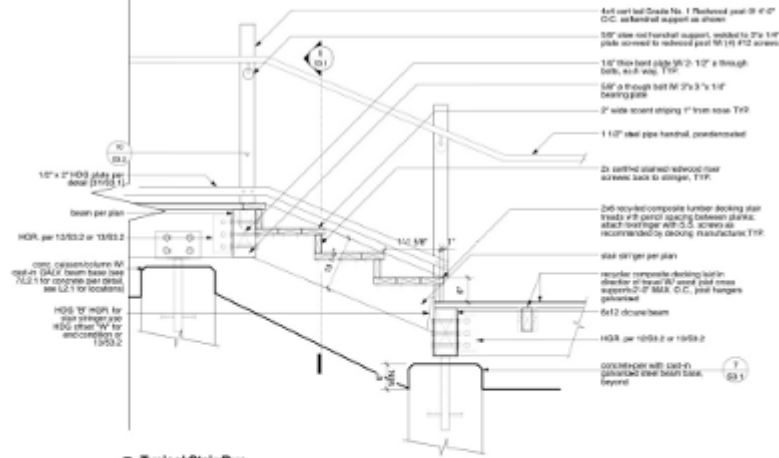


Exhibit No. 4
UCSB LRDPA 10-1 & NOID 8-08
Stairway Site Plans



4 Typical Stair Run
Scale 1/4" = 1'-0"



1 Typical Stair Run
Scale 1/4" = 1'-0"

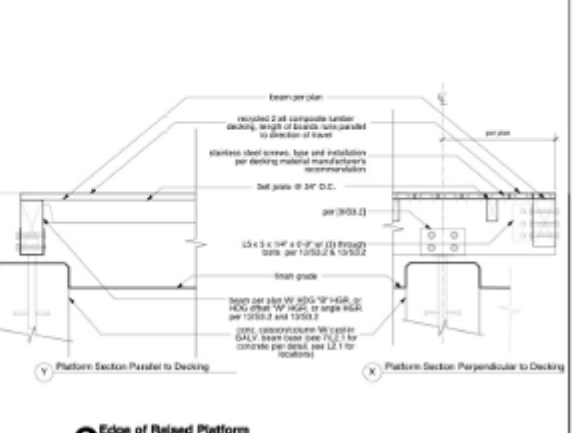
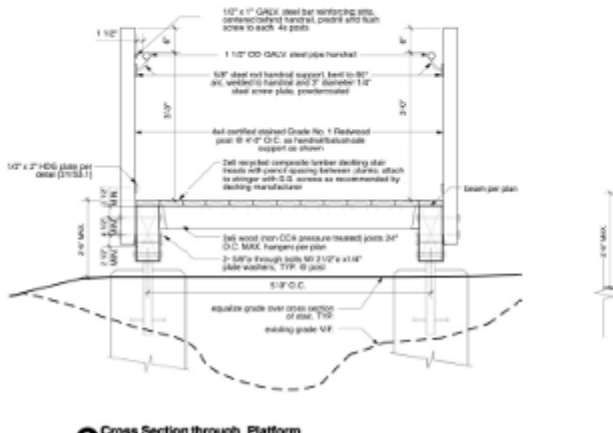
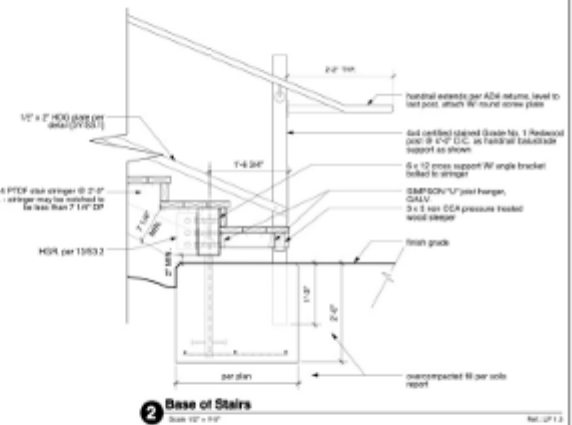
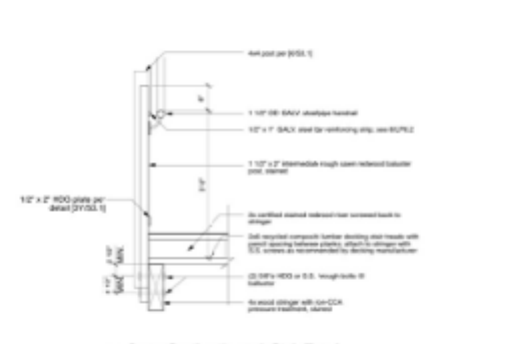
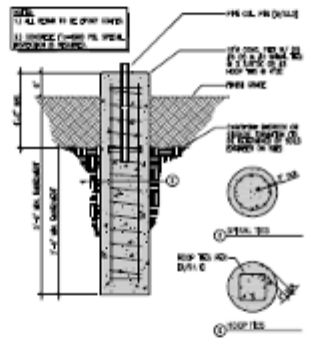
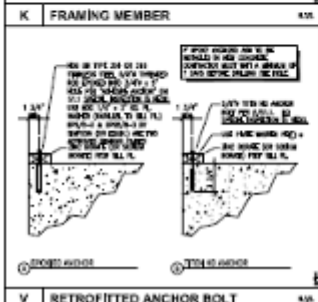
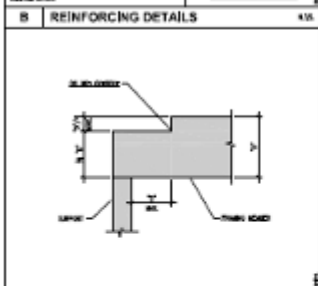
B REINFORCING DETAILS

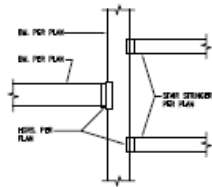
1.0000

BAR SIZE	BAR SPACING	MIN. THICKNESS	MIN. COVER
1/2"	4"	4"	1.5"
3/4"	4"	4"	1.5"
1"	4"	4"	1.5"
1 1/4"	4"	4"	1.5"
1 1/2"	4"	4"	1.5"
2"	4"	4"	1.5"

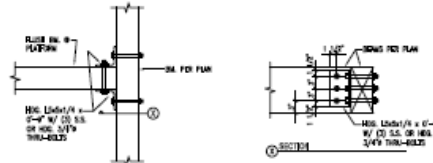
2.0000

BAR SIZE	BAR SPACING	MIN. THICKNESS	MIN. COVER
1/2"	4"	4"	1.5"
3/4"	4"	4"	1.5"
1"	4"	4"	1.5"
1 1/4"	4"	4"	1.5"
1 1/2"	4"	4"	1.5"
2"	4"	4"	1.5"



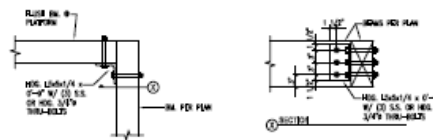


11 TYP. STAIR STRINGER TO RAISED PLATFORM

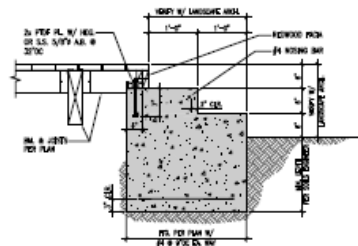


12 BEAM TO BEAM @ RAISED PLATFORM (OPTION TO HGR.)

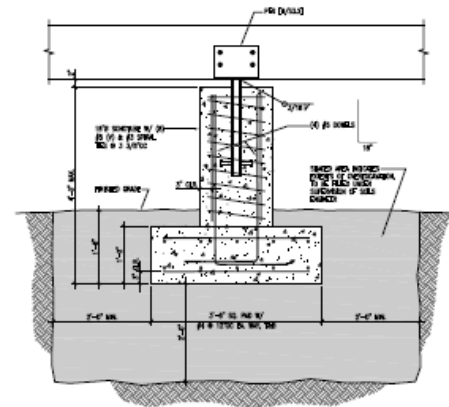
ALL CONNECTORS & HARDWARE TO BE HDG. (NOT DIPPED GALVANIZED) OR S.A. (304/316/SS STEEL)



13 BEAM TO BEAM @ END CONDITION (OPTION TO HGR.)

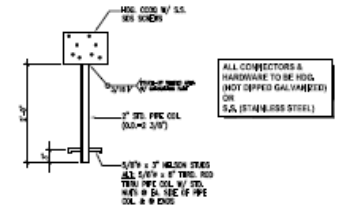


14 CONCRETE STEPS



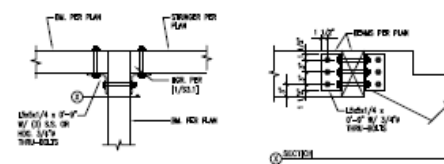
8 PAD FOOTING OPTION FOR DETAIL (7/S3.1)

- 1) SEE SECTION 7/5.1 FOR THE TYPICAL DETAIL.
- 2) THIS IS ALSO AN OPTION TO THE WELDED PER PLANING DETAIL (7/5.3.1)
- 3) ALL HDG. TO BE DRAIN COATED.
- 4) CONCRETE FOOTING PER LOCAL JURISDICTION TO BE OBSERVED.



9 BEAM SUPPORT

NOID PER PLAN TO BE USED FOR THE OPPOSITE SIDE OF A FL.



10 END CONDITION @ STAIR PLATFORM



Exhibit No. 5
UCSB LRDP 10-1 & NOID 8-08
Manzanita Staircase



6a. Eroded trails from barrier road up to Campus Point.



6b. Eroded trails from barrier road up to Campus Point.



6c. Campus Point bluffs



6d. Existing asphalt pad to be removed.



6e. View from Lagoon Island with Campus Point left.



6f. View from Lagoon Island with Campus Point center.



6g. View from barrier road near Campus Point with Lagoon Island in center foreground.



6h. View from Lagoon Island with Campus Point right and barrier road center.



University of California, Santa Barbara

University of California, Santa Barbara

16,000 sq. ft. asphalt pad to be removed

50 feet 20 m

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Exhibit No. 7
UCSB LRDPA 10-1 & NOID 8-08
Asphalt Pad



16,000 sq. ft. asphalt pad to be removed



16,000 sq. ft. asphalt pad to be removed (reverse angle)

Appendix B Amended LRDP LMP Page 3-57

Cultural resources are protected by federal and state laws and should be managed to protect their integrity and preserve them. The site described above should be preserved and protected by essentially leaving it in place undisturbed. No driving of vehicles, or unmonitored digging, planting, or removal of plants should occur in or immediately around the site; plants should be allowed to establish naturally at this location. Also, the asphalt paving that covers the site should not be removed or disturbed in any way without an archeological monitor and a Native American onsite because ~~it helps to protect the site and~~ removing it could cause damage.

Other sites or artifacts of historic or archaeological importance may exist in the management area. If any are discovered, they should be reported to local authorities and the proper steps taken to protect them. Also, before any groundbreaking activities can be conducted in the management area, UCSB must comply with applicable laws and regulations for avoiding impacts on important cultural resources.

Management Actions

Goal CR: Protect important cultural resources in the management area.

Objective CR-1: Protect and preserve known cultural resource sites and any new sites that may be discovered, consistent with applicable laws, regulations, UCSB policies, and mitigation measures identified in the LRDP EIR and elsewhere.

Action CR-1.1: The known cultural resource site on Goleta Point will be preserved and protected by not driving vehicles, or digging, planting, removing plants, removing or disturbing the existing asphalt paving that presently covers a portion of the area, or in any other way disturbing the site or the area immediately surrounding the site without an archeological monitor and Native American onsite.

Action CR-1.2: If any new sites or artifacts of historic or archeological importance are discovered in the management area by UCSB, they will be reported to local authorities and the proper steps taken to protect them.

Action CR-1.3: Before any groundbreaking activities are conducted in the management area, UCSB will comply with applicable laws and regulations for avoiding impacts on important cultural resources.