

CALIFORNIA COASTAL COMMISSION

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



Th13b

ADDENDUM

DATE: June 14, 2011
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 13b, Thursday, June 16, 2011, Coastal Development Permit Application 4-10-109 (City of Santa Barbara Waterfront Department)

The purpose of this addendum is to make changes to the staff report to clarify the permit term for the project. *Note: ~~Strikethrough~~ indicates text deleted from the June 1, 2011 staff report pursuant to this addendum and underline indicates text added to the June 1, 2011 staff report pursuant to this addendum.*

1. Special Condition No. One (1) shall be revised to clarify the term of permit approval for the coastal development permit.

Special Condition No. One (1)(C) on page 4 shall be revised as follows:

- A. This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period ~~This permit approval is valid for a total term~~ of ten (10) years, commencing upon the date of Commission approval of Coastal Development Permit No. 4-10-109, after which time the authorization for continuation and/or retention of any development approved as part of this permit shall cease ~~expire~~. After the authorization for the development expires ~~expiration of this permit~~, the installation of new moorings or continued maintenance of any existing moorings within the project area that have been installed pursuant to CDP No. 4-05-030 and CDP No. 4-10-109 will require the issuance of a new coastal development permit or an amendment to this coastal development permit.
- B. **Prior to the date that authorization for the development expires ~~expiration of Coastal Development Permit 4-10-109~~**, the applicant shall either: (1) remove all moorings installed/maintained pursuant to this permit and restore the project area to its previously existing condition/use or (2) submit a complete permit or amendment application to the California Coastal Commission to continue the East Beach Mooring/Anchoring Program. This application submittal shall include:

1. A report prepared by a qualified biologist or environmental resource specialist summarizing and assessing the results of the biological surveys conducted pursuant to Special Condition No. Two (2) of this permit; and
 2. A report prepared by a qualified biologist or water quality specialist that summarizes and assesses the results of the water quality monitoring required pursuant to Special Condition No. Five (5) and analyzes the project's impacts on water quality; ~~and~~
- C. If a complete permit or amendment application to continue the East Beach Mooring/Anchoring Program is not received by the Commission prior to the date that authorization for the development expires ~~expiration of CDP No. 4-10-109~~, the City shall remove all established moorings and restore the project area to its previously existing condition/use.
- D. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

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Filed: 3/15/11
 49th Day: 5/3/11
 180th Day: 9/11/11
 Staff: Kanani Brown
 Staff Report: 6/1/11
 Hearing Date: 6/16/11

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-10-109
APPLICANT: City of Santa Barbara Waterfront Department
AGENT: Karl Treiberg
PROJECT LOCATION: Offshore of East Beach, City of Santa Barbara, Santa Barbara County

PROJECT DESCRIPTION: Implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels.

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **seven (7) special conditions** regarding (1) permit term, (2) biological survey program, (3) construction responsibilities and debris removal, (4) best management practices program, (5) water quality monitoring program, (6) assumption of risk, and (7) required approvals.

The proposed project is for the implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring area is located immediately downcoast of Stearns Wharf and the Santa Barbara Harbor (Exhibit 1). This mooring/anchoring program was originally approved by the Commission in December 2005 pursuant to Coastal Development Permit (CDP) No. 4-05-030 for a 5-year period of operation. The mooring/anchoring program has been in operation for the past five years and the City is now requesting that authorization for the previously approved mooring/anchoring program be extended for an additional 10-year period until 2021. No changes to the previously approved mooring/anchoring program, with the exception of the duration of the permit, are proposed as part of this new application.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Santa Barbara, the proposed project is located in an area where the Commission has retained jurisdiction over the issuance of coastal development permits (CDP). The standard of review for the proposed project is the Chapter Three policies of

the Coastal Act. In addition, the policies of the certified City of Santa Barbara Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Project Plans
 - Exhibit 3. Mooring Sites
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LOCAL APPROVALS RECEIVED: Notice of Exemption from CEQA Requirements by Santa Barbara County dated January 13, 2005; City of Santa Barbara Planning Commission Resolution No. 004-05 to recommend to the California Coastal Commission approval of the Each Beach Mooring/Anchoring Program (MST2204-00809/CDP2004-00010) dated January 27, 2005; and City of Santa Barbara Harbor Commission review and recommendation of approval to Planning Commission dated April 15, 2004.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit No. 4-05-030; Biological Survey Program, dated September 13, 2006, prepared by Science Applications International Corporation; Waterfront Department Biological Survey

Program, dated January 2011, prepared by Cardno ENTRIX; Biological Survey Program, December 2010 Survey Report Addendum prepared by Cardno ENTRIX, dated May 2011; East Beach Mooring Area Year 1 Water Quality Monitoring Report dated January 2008, prepared by Science Applications International Corporation; East Beach Mooring Area Year 2 Water Quality Monitoring Report, dated March 2009, prepared by Science Applications International Corporation; East Beach Mooring Area Year 3 Water Quality Monitoring Report, dated February 2010, prepared by Science Applications International Corporation; Occupancy Survey Report for East Beach Mooring Program; City of Santa Barbara Public Works pamphlet, "Procedures for the Control of Runoff into Storm Drains and Watercourses;" and California State Lands Commission Lease PRC.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No 4-10-109 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Permit Term

A. This permit approval is valid for a total term of ten (10) years, commencing upon the date of Commission approval of Coastal Development Permit No. 4-10-109, after which time the permit shall expire. After the expiration of this permit, the installation of new moorings or continued maintenance of any existing moorings within the project area that have been installed pursuant to CDP No. 4-05-030 and CDP No. 4-10-109 will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

B. **Prior to the expiration of Coastal Development Permit 4-10-109**, the applicant shall either: (1) remove all moorings installed/maintained pursuant to this permit and restore the project area to its previously existing condition/use or (2) submit a complete permit or amendment application to the California Coastal Commission to continue the East Beach Mooring/Anchoring Program. This application submittal shall include:

1. A report prepared by a qualified biologist or environmental resource specialist summarizing and assessing the results of the biological surveys conducted pursuant to Special Condition No. Two (2) of this permit;
2. A report prepared by a qualified biologist or water quality specialist that summarizes and assesses the results of the water quality monitoring required pursuant to Special Condition No. Five (5) and analyzes the project's impacts on water quality; and

- C. If a complete permit or amendment application to continue the East Beach Mooring/Anchoring Program is not received by the Commission prior to expiration of CDP No. 4-10-109, the City shall remove all established moorings and restore the project area to its previously existing condition/use.
- D. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Biological Survey Program

Prior to the installation of mooring ground-tackle, anchoring weight, or equipment at any of the 13 of the 48 mooring sites where biological surveys have not previously been performed AND in no case later than one (1) year from the date of Commission action, whichever occurs sooner, the applicant shall submit, for the review and approval of the Executive Director, a biological survey report for the 13 mooring sites that have not been previously surveyed, prepared in compliance with all requirements of this condition. The report shall include the results of the required biological surveys for the 13 mooring sites and assess the potential impacts to any identified sensitive resources that would result from the development or continued use of these sites. The Executive Director shall review the submitted Biological Survey Report and provide a written response of: 1) approval of the installation or continued use of mooring ground-tackle; 2) disapproval of installation or continued use of mooring ground-tackle at individual sites due to the presence of sensitive or invasive species; 3) request for additional information; and/or 4) requirement that particular mooring sites receive new, separate coastal development permits, if necessary. No installation of any materials or mooring equipment prior to approval of the Executive Director shall occur. The biological surveys shall be consistent with the following requirements:

1. A biological survey shall be conducted no earlier than 180 days nor later than 15 days prior to installation of any mooring ground tackle or equipment at any of the 13 mooring sites that have not previously been surveyed. Divers, under the supervision of a qualified biologist or resource specialist, shall survey the location proposed for ground tackle installation, as well as a 25-foot radius from the ground-tackle installation location, for sensitive resources, including rocky substrate, coral reef, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*). In addition, the survey shall include an inspection for non-native and invasive plant species including *Caulerpa taxifolia* and Japanese kelp (*Undria pinnatifida*). All surveys shall include a visual examination of the substrate.
2. Survey protocols for *Caulerpa taxifolia* shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

3. If the survey identifies any *Caulerpa taxifolia* within the project area, it shall be reported to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT) and the Executive Director. The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218), Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their designated replacements. In addition, unless the Executive Director otherwise determines, the applicant shall submit an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of installation of the mooring or continued use of the mooring until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.
4. If any environmentally sensitive resources or plant species, including, but not limited to rocky substrate, coral reef, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*), are present at or within the ground-tackle radius described above, the installation of ground-tackle or continued use of ground-tackle shall not occur unless the Executive Director determines that the mooring would not result in any significant adverse effects to sensitive resources. Should the Executive Director determine that the potential for adverse effects to sensitive resources may exist, then installation of the mooring or continued use of mooring shall not occur unless otherwise approved by the Commission as an amendment to this coastal development permit.
5. The applicant and all program permittees shall undertake development and operate the site 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 amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Responsibilities and Debris Removal

The Waterfront Department shall include the following provisions as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this Program as part the permit agreement:

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.

- B. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- D. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity.
- E. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible, but no later than the end of each day.
- F. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- G. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- H. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants and applicants' contractors shall have adequate equipment available to contain any such spill immediately.

4. Best Management Practices Program

Prior to issuance of the coastal development permit, the Waterfront Department shall submit, for the review and approval of the Executive Director, a detailed Best Management Practices (BMP) Program for controlling adverse impacts to water quality related to the public boating facilities associated with this project. The plan shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in the mooring and anchoring areas or using the mooring or anchoring areas on a transient basis are made aware of water quality provisions. The plan shall include, at a minimum, the following provisions:

A. Boat Maintenance and Cleaning Best Management Practices

- Boat maintenance and cleaning shall be performed above the waterline in such a way that no debris falls into the water.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be minimized to the maximum extent practicable.

- Boat repair and maintenance shall only occur in clearly marked, designated work areas for that purpose.
- All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bile pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.

B. Solid and Liquid Waste Best Management Practices

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene, and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or a gutter.

C. Sewage Pumpout System Best Management Practices

- Adequate sewage pumpout facilities to serve the proposed mooring area shall be provided to prevent the overboard disposal of untreated sewage within the project area and surrounding waters.
- Waterfront Department staff shall inform permittees about available pumpout facilities in Santa Barbara Harbor. In addition, Waterfront staff shall inform permittees of all pertinent laws governing disposal of vessel sewage.

D. Public Information and Signage

- The Waterfront Department shall include the Best Management Practices Program as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this Program as part of the permit agreement. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

The permittee shall undertake the development and shall operate the site 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 amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Water Quality Monitoring Program

Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a Water Quality Monitoring Program,

designed to characterize and evaluate the potential impacts of boater-related pollution from the proposed development (mooring/anchoring program) on the receiving waters in the mooring/anchoring area. The monitoring plan and reporting program shall be consistent with the following requirements:

A. Monitoring Plan

1. The monitoring plan shall identify the pollutants of concern for this site (or any appropriate indicator parameters) that will be monitored. The monitoring plan shall identify a process for adding to or deleting parameters from the plan. AT a minimum, these pollutants of concern shall include bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients.
2. The plan shall specify sampling protocols and methodologies to be used for each water quality parameter. Measurements must be precise enough to evaluate whether receiving waters are meeting applicable water quality standards outlined in the California Ocean Plan. These standards shall be specified in the monitoring plan.
3. The plan shall specify the sampling locations in the mooring/anchoring area. These locations shall be selected to provide an adequate representation of the area, and shall include at least 6 sites. The monitoring plan shall include a map of the proposed sampling locations.
4. Baseline water quality data reflecting current conditions in the mooring/anchoring area shall be collected prior to commencement of the mooring/anchoring program. The baseline water quality studies shall be sufficient to document background levels of the contaminants that will be analyzed in ongoing monitoring.
5. The plan shall specify the sampling frequencies for each of the parameters. Sampling for bacteria levels in the water shall occur at a minimum on a bi-monthly basis from April through October. Sampling for heavy metals, hydrocarbons, and nutrients shall occur twice per year from April through October at a minimum. Harbor Patrol shall monitor levels of trash and debris in the mooring area on a weekly basis, year-round. Monitoring shall not occur within five (5) days of a rain event.

B Reporting Program

Annual reports containing data and analytical assessment of data in comparison to any applicable water quality standards, as well as any corrective actions that have been taken, shall be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board by December 31st, each year for a minimum period of five (5) years from the date of Commission action.

If monitoring results indicate that applicable water quality standards are not being met, then the applicant shall: investigate the cause or source of the water quality exceedance(s) and provide a report of this information to the Executive Director. The Executive Director will determine, based on this report and all other information available, whether the exceedance(s) was (were) caused by activities or incidents under the authority of the mooring/anchoring program. If this determination is made, the

applicant shall take corrective actions to remedy the water quality exceedance(s), to be approved by the Executive Director. If these correction actions constitute development under Section 30106 of the Coastal Act, an amendment to this permit shall be required, unless the Executive Director determines no such amendment is required. In addition, if any annual water quality monitoring report indicates that an increase in any levels of pollutants of concern has occurred including, but not limited to, bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients or that any adverse impact to water quality has occurred as a result of the project (as measured by comparison to baseline data from water quality monitoring conducted in 2005-2006) then the monitoring/reporting period shall be extended beyond the first five years of the project and additional annual reports shall continue to be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board for the full 10-year term of this permit authorization.

The permittee shall undertake development and shall operate the site 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 amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from tidal action and storm waves; (ii) 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; (iii) 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 (iv) 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 arising from any injury or damage due to such hazards.

Prior to issuance of the Coastal Development Permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

7. Required Agency Permits and Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including the California State Lands Commission, Regional Water Quality Control Board and the U.S. Army Corps of Engineers).

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is for the implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring area, approximately 350 acres in extent, is located immediately downcoast of Stearns Wharf and the Santa Barbara Harbor (Exhibit 1). This mooring/anchoring program was originally approved by the Commission in December 2005 pursuant to Coastal Development Permit No. 4-05-030 for a 5-year period of operation. The mooring/anchoring program has been in operation for the past five years and the City is now requesting that authorization for the previously approved mooring/anchoring program be extended for an additional 10-year period until 2021. No changes to the previously approved mooring/anchoring program, with the exception of the duration of the permit, are proposed as part of this new application.

Project Background

Prior to the East Beach Mooring/Anchoring Program (Program), vessels wishing to moor or anchor outside Santa Barbara Harbor did so in areas up to one mile east of Stearns Wharf, in water depths ranging from 20 to 50 feet, in waters under the jurisdiction of the City of Santa Barbara and the California State Lands Commission. City of Santa Barbara ordinances prohibited anchoring or mooring within 300 feet of Stearns Wharf from April 1st through October 31st and within half a mile of Stearns Wharf from November 1st through March 31st. Aside from these restrictions, the City had no additional regulations or fees for anchoring/mooring prior to the Program.

According to surveys conducted by the City of the anchoring areas, prior to the commencement of the original program in 2006, up to 80 boats anchored or moored east of Stearns Wharf at any given time during the year (approximately 30 in winter and 80 in summer). While some of these vessels were seaworthy, some were not. Each winter, derelict or abandoned vessels with improper or dilapidated ground tackle and/or anchoring equipment ran aground in the East Beach area. According to City staff, 72 vessels grounded on East Beach from 2000 to 2005, creating safety hazards and pollution problems when vessels broke up in the surf. These groundings also created a financial and administrative drain on the City. The anchoring areas were also the site of neglected and/or abandoned mooring tackle, which created hazards to navigation and impacted biological resources, as well as water quality in the area. In 2003, the City completed the East of Wharf Debris Removal project approved by the Commission in February 2003 as a Waiver de Minimis (CDP No. 4-02-238-W). This project involved the removal of 81 hazards to navigation, ranging from boat hulls to mooring cans, chain, and old mooring lines in the northern portion of the mooring and anchoring areas east of Stearns Wharf. Despite this cleanup, irresponsible use of the mooring and anchoring area continued to add debris to the ocean floor.

In 2005, in response to these problems, the City of Santa Barbara's Waterfront Department proposed implementation of a regulated mooring/anchoring program adjacent to East Beach. On December 16, 2005, the Commission approved Coastal Development Permit No. 4-05-030 (City of Santa Barbara Waterfront Department) for implementation of this regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. Conditions of approval included (1) a five-year permit term, (2) biological survey program, (3) construction responsibilities and debris removal, (4) best management practices program, (5) water quality monitoring program, (6) assumption of risk, (7) other required agency permits and approvals, and (8) use of mooring, anchoring, and visitor slips. The permit was issued on August 22, 2006 and expired on December 16, 2010. This permit application (CDP No. 4-05-030) requests continuation of the originally approved program for a ten-year term. With the exception of the longer duration of the permit authorization, no changes to the previously approved mooring/anchoring program are proposed as part of this new application.

Proposed Mooring and Anchoring Areas

The applicant proposes to use the same mooring and anchoring area approved pursuant to CDP No. 4-05-030. The mooring area, approximately 350 acres in extent, is located outside the harbor, downcoast of Stearns Wharf (Exhibit 1). There are 48 mooring spaces designated for vessels of all sizes located anywhere from 700 feet to 4,550 feet offshore of East Beach. This area is designated for permanent mooring of permitted vessels adhering to the Program described in the following section. Clear zones have been established on the north and south sides of the designated mooring area for both vessel operators and emergency response vessels to access. The mooring area is more than 200 feet from a sewer outfall line and a desalination plant intake line approximately 1,000 feet east of Stearns wharf. The project is outside moderate and high sensitivity zones for archaeological resources. Additionally, no archaeological resources are known to be present in the project area.

Upcoast of the proposed mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary or visiting vessels from 300 feet east of Stearns Wharf to the border of the proposed mooring area (Exhibit 2). Downcoast of the proposed mooring area, the City will continue to allow anchoring year-round to permanent, temporary, or visiting vessels. Anchoring in both the seasonal and year-round areas will not require a permit or a fee. However, City ordinances restrict the use of the areas by severely derelict or abandoned vessels. Boats in both the anchoring and mooring areas will continue to use the five pump out, hull out, cleaning, and maintenance facilities located within the harbor.

The southern portions of the mooring and anchoring areas are located in waters under the jurisdiction of the City of Santa Barbara and the northern portions of the mooring and anchoring areas are under the jurisdiction of the California State Lands Commission. The City is in the process of renewing a lease from the State Lands Commission for the proposed project. The City is also consulting with the Army Corps of Engineers. To ensure that the applicant obtains all other necessary regulatory approvals, Special Condition No. Five (5) requires that by acceptance of this permit, the

applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including the California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers). The entire project area is under the retained jurisdiction of the Coastal Commission, with respect to implementation of the Coastal Act.

Proposed Mooring/Anchoring Program

The implementation of a regulated mooring/anchoring program would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring area is located immediately downcoast of Stearns Wharf and the Santa Barbara Harbor (Exhibit 1). This mooring/anchoring program was originally approved by the Commission in December 2005 pursuant to Coastal Development Permit (CDP) No. 4-05-030 for a 5-year period of operation. The mooring/anchoring program has been in operation for the past five years and the City is now requesting that authorization for the previously approved mooring/anchoring program be extended for an additional 10-year period until 2021. No changes to the previously approved mooring/anchoring program, with the exception of the duration of the permit, are proposed as part of this new application.

Implementation of Program

In the proposed mooring area, the City will continue to issue permits for individuals to establish their moorings for an annual fee of \$100 to \$150. The program permittee will also pay the expense of installation of the ground-tackle (approximately \$2,000), as well as inspection surveys required by the program, described below. Although there are 48 moorings available, lotteries will be held for vacant moorings when the occupancy drops to 30 vessels. This lottery list, to be drawn at Harbor Commission meetings, will be used whenever a mooring spot in the mooring area becomes available.

Once an individual receives a City-issued permit, allowing him or her to moor a vessel in one of the designated mooring spaces, he/she will be required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. The ground-tackle will be supplied by the permittee and installed by the City-certified contractor at the exact location of the designated mooring. Only City-specified or approved materials will be used as ground-tackle for individually permitted vessels within the designated mooring area. Only items such as large diameter chain or a railroad wheel may be used as an anchor weight. The City has stated that no use of engine blocks and concrete blocks, which have been used by unregulated users in the past, shall be allowed under any circumstance pursuant to this Program. The City will retain discretionary authority to approve or disapprove other proposed anchoring devices. As part of an annual permit renewal process, the permittee will be required to have the ground-tackle inspected by one of the City approved contractors and certified as compliant with City-adopted mooring specifications.

Prior to the initial ground-tackle installation at a mooring site that has not been previously surveyed; a diver will survey the deployment area, as outlined in the section below. Installation of the moorings will require a vessel, hoist equipment, and dive

equipment. There will be no staging area for this project, as all of the equipment will be located on the contractor's vessel. In the event that work needs to be conducted on ground-tackle following installation, the ground-tackle will either be repaired by a diver or be removed from its ocean location and be repaired/replaced aboard the contractor's vessel or transported by vessel to land and taken to an appropriate location for the work to be done. All materials will be disposed of in a proper manner. Disposal will be the responsibility of the City-certified contractor conducting the work. All work will be required to follow applicable best management practices for construction as outlined in the City of Santa Barbara Public Works pamphlet, "Procedures for the Control of Runoff into Storm Drains and Watercourses." Ground-tackle installation will occur during daylight when ocean conditions permit this activity. Additionally, work will not be allowed at night or when ocean conditions are unsafe for this activity or prohibit the ability to accurately pinpoint the location for anchor placement.

B. MARINE RESOURCES AND WATER QUALITY

Section **30230** of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section **30231** of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section **30232** of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section **30233** of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Section 30222.5 of the Coastal Act states:

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored. Section 30232 of the Coastal Act requires that protection against spillage of hazardous substances into the marine environment relating to any new development be provided. Section 30233 of the Coastal Act states that diking, filling, and dredging of Coastal Waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities including new or expanded boating facilities in open coastal waters where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The project area is located immediately offshore of Santa Barbara in the Santa Barbara Channel. As the project area was used for many years as an informal mooring and anchoring area prior to the implementation of the initial mooring program in 2007, the sea floor in the project area was largely disturbed before commencement of the program in 2007. In 2005, as part of the City's application for the coastal permit approved by the Commission for the initial mooring program, the applicant submitted a biological survey of the project area entitled *The Santa Barbara Mooring Area*

Environmental Survey (SAIC, July 20, 2005). This report included the findings of diving and side scan sonar surveys conducted in November 2001 and spring 2003 as part of the East Beach Debris Removal Project in the northern portion of the proposed anchoring and mooring areas. The report also included the results of dives conducted at nine transects of the southern portion of the anchoring and mooring area in July 2005.

According to the results of these studies, the substrate in the mooring and anchoring areas was primarily sediment and sand, with a few small rock outcrops located inshore of the proposed mooring area, in the northwestern corner of the proposed mooring area, and in the proposed seasonal anchoring area by the wastewater outfall and seawater intake pipelines. These rock outcrops were periodically covered in sediment.

The biological surveys of the mooring and anchoring areas found a few surfgrass plants (*Phyllospadix* sp.), giant kelp (*Macrocystis pyrifera*) attached to abandoned pipe segments near the wastewater outfall in the seasonal anchoring area, alga (brown and red), oar weed (*Laminaria farlowii*), and a number of common invertebrates including lobsters (*Panulirus interruptus*), spiny sand star (*Astropecten armatus*), Lellet's whelk (*Kelletia kelletia*), octopus (*Octopus* sp.), sea star (*Pisaster* sp.), sea pens (*Stylatula* sp.), tube anemones (*Pachycerianthus fimbriatus*), crab (*Cancer* sp.), and ornate tube worms (*Diopatra ornate*). During the spring 2005 dive surveys, eelgrass (*Zostera marina*) was found in the shallow water at the northwest corner of the proposed mooring area and in the northeastern part of the proposed seasonal anchoring area. According to the applicant's biological consultants, the eelgrass at these locations was "very sparse and would not be considered an eelgrass bed with habitat values for fish and other marine organisms."

The applicant proposes to continue use of the mooring and anchoring area originally approved by the Commission pursuant to CDP No. 4-05-030. The mooring area, approximately 350 acres in extent, is located outside the harbor approximately 2,500 feet downcoast of Stearns Wharf (Exhibit 2). There are 48 mooring spaces designated for vessels of all sizes located anywhere from 700 feet to 4,550 feet offshore of East Beach. This area is designated for permanent mooring of permitted vessels adhering to the Program described in the following section. Clear zones have been established on the north and south sides of the designated mooring area for both vessel operators and emergency response vessels to access. The project is outside moderate and high sensitivity zones for archaeological resources. Additionally, no archaeological resources are known to be present in the project area.

Upcoast of the proposed mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary or visiting vessels from 300 feet downcoast of Stearns Wharf to the upcoast (western) border of the proposed mooring area (Exhibit 2). Downcoast of the proposed mooring area, the City will continue to allow anchoring year-round to permanent, temporary, or visiting vessels. Anchoring in both the seasonal and year-round areas will not require a permit or a fee. However, new ordinances restrict use of the areas by severely derelict or abandoned vessels. Boats in both the anchoring and mooring areas will continue to use the five pump out, hull out, cleaning, and maintenance facilities located within the harbor.

Each permittee is required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. The ground-tackle will be supplied by the permittee and installed by the City-certified contractor at the exact location of the designated mooring. Only City-specified or approved materials will be used as ground-tackle for individually permitted vessels within the designated mooring area. Only items such as large diameter chain or a railroad wheel may be used as an anchor weight. The City has stated that no use of engine blocks and concrete blocks, which have been used by unregulated users in the past, shall be allowed under any circumstance pursuant to this Program. The City will retain discretionary authority to approve or disapprove other proposed anchoring devices. As part of an annual permit renewal process, the permittee will be required to have the ground-tackle inspected by one of the City approved contractors and certified as compliant with City-adopted mooring specifications.

The proposed project will require placement of mooring equipment on the sea floor in coastal waters. As described above, Section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted only when specific criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging feasible alternative; and (c) feasible mitigation measures to minimize adverse effects must be provided. The proposed Mooring/Anchoring Program would provide boating facilities for recreational opportunities, an allowable use for fill of coastal waters under Section 30233(a)(4) of the Coastal Act. In this case, the proposed project would continue a mooring permit program in an area already used by vessels to moor and anchor outside of the Santa Barbara Harbor. The purpose of the Program is to continue to reduce the amount of abandoned mooring tackle, use of dilapidated or environmentally damaging anchoring and mooring equipment, and pollution caused by vessel groundings and inappropriate use of the mooring/anchoring areas. Establishment of the mooring area in another area in the City of Santa Barbara would increase the distance boats would have to go to the harbor for boat maintenance, cleaning, and pump out of sewage. The existing harbor is located immediately west of Stearns Wharf and the proposed seasonal anchoring area and the year-round managed mooring area will continue to occupy the area immediately east of Stearns Wharf. There are no other locations within the vicinity for additional mooring or anchoring facilities, therefore, there are no alternative locations available for the mooring area that would be less environmentally damaging and still meet the purpose and needs of the City of Santa Barbara for regulated anchoring/mooring offshore of East Beach.

The project has the potential to directly impact sensitive resources, including eelgrass, kelp, and rocky substrate that may be present in the project area. Installation and dragging of mooring anchors can directly remove and disturb these resources. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. In order to avoid these potential impacts, the City has proposed ground tackle specifications for permit holders that require use of mooring tackle that reduces drag on the ocean floor and reduces pollution. Use of railcar wheels and heavy chain is encouraged, while use of engine blocks and cement will be prohibited.

Pursuant to Special Condition No. Two (2) of the original permit (CDP No. 4-05-030), the applicant was required to deploy divers to survey each location prior to initial ground-tackle installation to ensure that there were no sensitive resources within a 25-foot radius from the ground-tackle installation location. The first survey was conducted on July 6, 2006 and included 20 representative mooring sites (including 1-5, 8, 12-15, 21-23, 27, 30, 33, 37, 40, Mr. Clean, Tide Mar B, and Tide Mar S). The second survey was conducted on September 11, 2006 and included an additional 13 mooring sites (including 6, 7, 16-18, 24, 25, 29, 31, 32, 35, 36, 46). Additionally, an update was conducted in December 2010 by Cardo ENTRIX, who surveyed 10 mooring sites (including 1, 4, 6, 9, 13, 15, 27, 30, 40, 45) and concluded that the biological conditions have not changed substantially since the baseline surveys conducted in 2006:

Based on the diver observations, biological conditions within the mooring area have not changed substantially since 2006. The area remains a typical sandy bottom habitat with no hard substrates other than man-made debris. Although the shallow sites had a sparse amount of surf grass and giant kelp, these areas will likely experience strong bottom surges and shifting of the sandy substrate during storms in the coming winter that could dislodge or bury these plants. The amount of surf grass in shallow water areas is expected to fluctuate from none to sparse depending on local conditions of storm surge and sand transport, as well as duration of calm conditions. Giant kelp generally attaches to hard substrates, but it is known to grow on sandy bottoms where disturbance from waves is low. The few plants observed are not expected to persist or grow into a kelp forest.

Thus, the City has previously performed dive surveys by biological monitors of 35 of the 48 mooring sites. The survey reports confirmed that there are no sensitive marine plant or animal species present within the footprint of any of the 35 surveyed mooring sites. However, thirteen mooring sites have not yet been surveyed for sensitive resources, including sites 10, 11, 19, 20, 26, 28, 34, 38, 39, 41, 42, 43, and 44. Therefore, to ensure that potential impacts to sensitive marine resources are avoided, Special Condition No. Two (2) requires that prior to the installation of mooring ground-tackle, anchoring weight, or equipment at any of the 13 mooring sites and within one (1) year from the date of Commission action, the applicant shall submit, for the review and approval of the Executive Director, a biological survey report for the 13 mooring sites that have not been previously surveyed, prepared in compliance with all requirements of this condition. Specifically, Special Condition No. Two (2) requires that the applicant will perform dive surveys for each of the 13 mooring sites that have not been previously surveyed either: (1) prior to initial ground-tackle installation or (2) no later than one (1) year from the date of Commission action, whichever event occurs sooner, to ensure that there are no sensitive resources within a 25-foot radius from the ground-tackle installation location.

Special Condition No. Two (2) provides that survey divers shall be properly trained by a biologist, environmental resource specialist, or City staff to identify sensitive resources and non-native or invasive plant species listed below. Divers will be Waterfront Department staff or divers contracted by the Waterfront Department capable of performing this type of work. Sensitive resources and non-native/invasive plant species that divers will specifically identify shall include, but not be limited to, the following: rocky substrate, coral reef, eel grass (*zostera marina*), giant kelp (*macrosystis pyrifera*),

caulerpa taxifolia, and Japanese kelp (*undria pinnatifida*). In the event that archaeological resources are discovered during any survey dives, work shall immediately stop and the City of Santa Barbara Environmental Analyst, as well as the Executive Director, will be contacted for recommendation on how to proceed.

Should these sensitive resources be present at or within the ground-tackle radius described above, the City has proposed that the ground-tackle will be installed at a different location (specified by the Harbor Operations Manager or his/her designee) within that individual mooring space, where conditions permit. If this cannot be accomplished in a manner that safely maintains the project's goal of 48 mooring sites, individual sites may be excluded.

The Commission further finds that the installation of mooring tackle on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia* and Japanese kelp (*Undria pinnatifida*). *Caulerpa taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean¹. Because of the grave risk to native habitats, in 1999 *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor

¹ References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchioretta, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* or Japanese kelp is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *C. taxifolia* and other non-native species, Special Condition No. Two (2) requires surveys of 13 mooring sites, that have not previously been surveyed, for the presence of *C. taxifolia* and Japanese kelp. If *C. taxifolia* or Japanese kelp is present in the project area, no work may commence and the applicants shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

The Commission finds that the proposed installation of mooring equipment will occur over and in the water. Construction of any kind adjacent to or in coastal waters has the potential to impact marine resources and water oriented recreation activities due to the potential generation of debris and/or presence of equipment, materials and hazardous substances that could enter the water. To ensure that construction related adverse effects to the marine environment and water quality are minimized, Special Condition No. Three (3) requires the applicant to implement best management practices including storage of construction materials, staging of equipment, and proper disposal of debris, including dilapidated boats and old mooring and anchoring equipment found in the project area. The condition also requires inclusion of these construction related practices in the permit agreement between users of the mooring area and the City.

Mooring and anchoring of boats in the project area creates potential sources of pollutants such as chemicals, petroleum, and cleaning agents in coastal waters. Additionally, leaks or illegal dumping of sewage in coastal waters from moored and anchored boats could impact water quality and biological resources in the project area. Staff notes that one of the expressed purposes of the Mooring/Anchoring Program is to establish regulations over the existing anchoring areas, in order to reduce pollution. In addition, in order to reduce the threat of pollution in coastal waters, the City Waterfront Department has five pump out stations and two porta-potty dump stations available in the harbor for proper disposal of sewage. According to City staff, there are 1,133 vessels in the harbor and seven pump out stations. The rule of thumb for pump out stations is one per 300 boats. The seven pumpout stations available in the harbor adequately serve the 48 mooring spaces offshore of east beach. Additionally, there are hull out, maintenance, cleaning areas, and waste receptacles established in the harbor

that users of the mooring and anchoring areas may use to avoid maintenance and cleaning in the water. To ensure that adverse impacts to water quality are avoided, Special Condition No. Four (4) requires the applicant to educate all users of the mooring and anchoring areas on measures to avoid impacts to water quality from boat maintenance and cleaning, disposal of solid and liquid wastes, and sewage pumpout. The City shall include these best management practices in the permit agreement between users of the mooring area and the Waterfront Department and to educate the public on these measures.

In order to assess any water quality impacts that may occur due to establishment of the Anchoring/Mooring Program. According to the water quality monitoring reports submitted as part of this application, results for bacteria and chemical water quality are below the acceptable concentration limits established by the Ocean Plan with only two occurrences of zinc and TKN slightly exceeding the limit (at the control location outside the project area):

No trends are apparent to suggest the East Beach Mooring Project is negatively affecting chemical or bacterial water quality characteristics.

Therefore, to ensure that adverse impacts to water quality are avoided, Special Condition No. Five (5) requires the City to continue to conduct water quality monitoring of the anchoring and mooring areas and submit annual reports containing data and analytical assessment of data in comparison to any applicable water quality standards, as well as any corrective actions that have been taken. The annual reports shall be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board by December 31st, each year for a minimum period of five (5) years from the date of Commission action. If monitoring results indicate that applicable water quality standards are not being met, then the applicant shall investigate the cause or source of the water quality exceedance(s) and provide a report of this information to the Executive Director. The Executive Director will determine, based on this report and all other information available, whether the exceedance(s) was (were) caused by activities or incidents under the authority of the mooring/anchoring program. If this determination is made, the applicant shall take corrective actions to remedy the water quality exceedance(s), to be approved by the Executive Director. If these correction actions constitute development under Section 30106 of the Coastal Act, an amendment to this permit shall be required, unless the Executive Director determines no such amendment is required.

In addition, if any annual water quality monitoring report indicates that an increase in any levels of pollutants of concern has occurred including, but not limited to, bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients or that any adverse impact to water quality has occurred as a result of the project (as measured by comparison to baseline data from water quality monitoring conducted in 2005-2006) then the monitoring/reporting period shall be extended beyond the first five years of the project and additional annual reports shall continue to be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board for the full 10-year term of this permit authorization. Further, Special Condition No. One (1) limits the term of the permit to ten (10) years so that the Commission will be

able to assess the success and potential impacts of the project prior to further continuation of the program.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30232, and 30233 of the Coastal Act:

C. RECREATIONAL BOATING, VISITOR-SERVING USES, VISUAL RESOURCES AND PUBLIC ACCESS

Coastal Act Section **30210** states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section **30212.5** states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section **30213** states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section **30220** states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section **30224** states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section **30234** of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30210 of the Coastal Act states that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and protection of natural resources from overuse. Section 30212.5 of the Coastal Act further states that public facilities shall be distributed to mitigate against impacts or overuse of any single area. Section 30213 of the Coastal Act further states that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Sections 30220, 30224, 30234 of the Coastal Act mandate that coastal areas suited for water-oriented recreational facilities shall be protected, recreational boating uses of coastal waters shall be encouraged, and facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Section 30251 further requires that visual resources and public views be protected in the coastal zone.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The harbor is the home base of the local commercial fishing fleet and the U.S. Coast Guard and provides excellent recreational boating opportunities for the public. In addition to providing permanent slips for recreational and commercial vessels, the harbor provides 40 to 100 visitor slips. Prior to the commencement of a regulated mooring program, the area east of the harbor and Stearns Wharf was traditionally used for mooring or anchoring vessels in an "open roadstead." Aside from seasonal restrictions on anchoring within a half mile of Stearns Wharf during the winter and within 300 feet of the Wharf during summer, vessels mooring and anchoring offshore of East Beach were not subject to any other City ordinances, fees, or permitting prior to the program.

The proposed mooring/anchoring program is intended to maintain orderliness of the existing anchoring and mooring area and to reduce the potential for moored vessels to sink, run aground on East Beach, or hit Stearns Wharf during southeasterly winds and seas encountered in Santa Barbara each winter. The program has established a 350 acre area that can permanently accommodate up to 48 moorings used by vessels of various sizes. The mooring permits are offered by the City to the public through a lottery process, with preference given to vessels that have been moored or anchored in the area in the last few years. Mooring permittees are responsible for purchase and installation of moorings, plus annual ground-tackle inspections and maintenance. Anticipated costs include approximately \$2,000 for the purchase of new mooring tackle, plus \$1,000 annually to inspect and repair mooring equipment. In addition, the City charges a \$100 to \$150 per year permit fee to cover program administration. The Program indicates minimum ground-tackle specifications for the boats and does not

allow severely derelict boats to moor. Those vessels not permanently moored in the proposed mooring area, will be able to either occupy permanent or visitor slips in the harbor for a fee or anchor in the seasonal anchoring area adjacent to Stearns Wharf (summer only) or in the year-round anchoring area east of the mooring area for free. The City has ordinances for the seasonal and year round anchoring areas limiting use of the areas by severely derelict and/or abandoned vessels.

Under the Mooring and Anchoring Program, visitors unable to find room in the harbor, or not wishing to pay the harbor's daily use fees, will be able to anchor in the summer anchoring area adjacent to Stearns Wharf and the year round anchoring area east of the mooring area. The summer anchoring area, which can handle up to 45 boats, is the most convenient place for visitors to anchor due to its proximity to harbor facilities. Given the visitor resources provided in the harbor and free anchoring opportunities that will be provided outside the harbor, the Commission finds that the project is unlikely to severely impact low cost visitor resources in the area.

Pursuant to Special Condition No. Eight (8) of the original permit (CDP No. 4-05-030), the applicant was required to conduct surveys of the visitor slips, mooring area, seasonal anchoring area, and year-round anchoring area to assess occupancy rates and usage of the areas. Based on the submitted Occupancy Survey Report, there was no shortage of anchoring area for visitor vessels, as well as visitor slips in the harbor. The total number of visitor slips fluctuates throughout the year and very infrequently does it reach capacity. Complete occupancy of the seasonal anchorage and year-round anchorage areas has also occurred, but only on rare occasions such as holiday weekends and regattas. Thus, based on the results of the usage surveys for the visitor slip and anchoring areas over the past five years, the Commission finds that the mooring program has not an adverse impact on visitor-serving uses in the waterfront area. Therefore, it is not necessary to require the City to continue providing this survey information pursuant to a special condition of this permit.

The Commission further finds that the mooring program will not adversely impact visual resources of the area. Continuation of a regulated mooring area will not significantly change views of the ocean in the area as boats are already moored/anchored in the project area and did so prior to the Program. Additionally, the project involves clear zones in the mooring area that safely allow recreational and commercial vessels to freely move through the mooring area. Further, one of the project goals is to reduce the seafloor debris and groundings at East Beach which are a threat to navigation and recreational and commercial boating and use of East Beach.

The project will, therefore, not diminish recreational and commercial boating recreation in the Santa Barbara area. The Commission therefore finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30220, 30234, and 30251 of the Coastal Act.

D. HAZARDS

Section **30253** of the Coastal Act 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 proposed project is located downcoast of Santa Barbara Harbor and Stearn's Wharf in an area that is partially shielded from strong wave activity; however, winter storm conditions can generate waves in the project area that may cause damage to boats and equipment in the mooring and anchoring areas. Prior to the mooring program, the City had significant problems with boats anchored and moored offshore of East Beach washing ashore. One of the expressed purposes of the proposed project is to reduce the groundings of these vessels by 1) requiring all boats moored or vessels be operable and requiring inspections of mooring equipment; 2) implementing specifications for mooring equipment; and 3) establishing a system of accountability in the mooring area (permittees would have to register and adhere to the conditions of their permit agreements).

Despite these measures, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including tidal action and storm waves, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Therefore, Special Condition No. Six (6) requires that the applicant acknowledges the nature of the tidal and/or storm wave hazards that exist on the site and that may affect the safety of the proposed project and that the applicant waives any future claims of liability against the Commission for damage from such hazards.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

E. LOCAL COASTAL PROGRAM PREPARATION

The proposed project area lies within the City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor-serving facilities, coastal hazards, and public access.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development 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 Coastal Act 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 in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. 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 requirement of the Coastal Act to conform to CEQA.

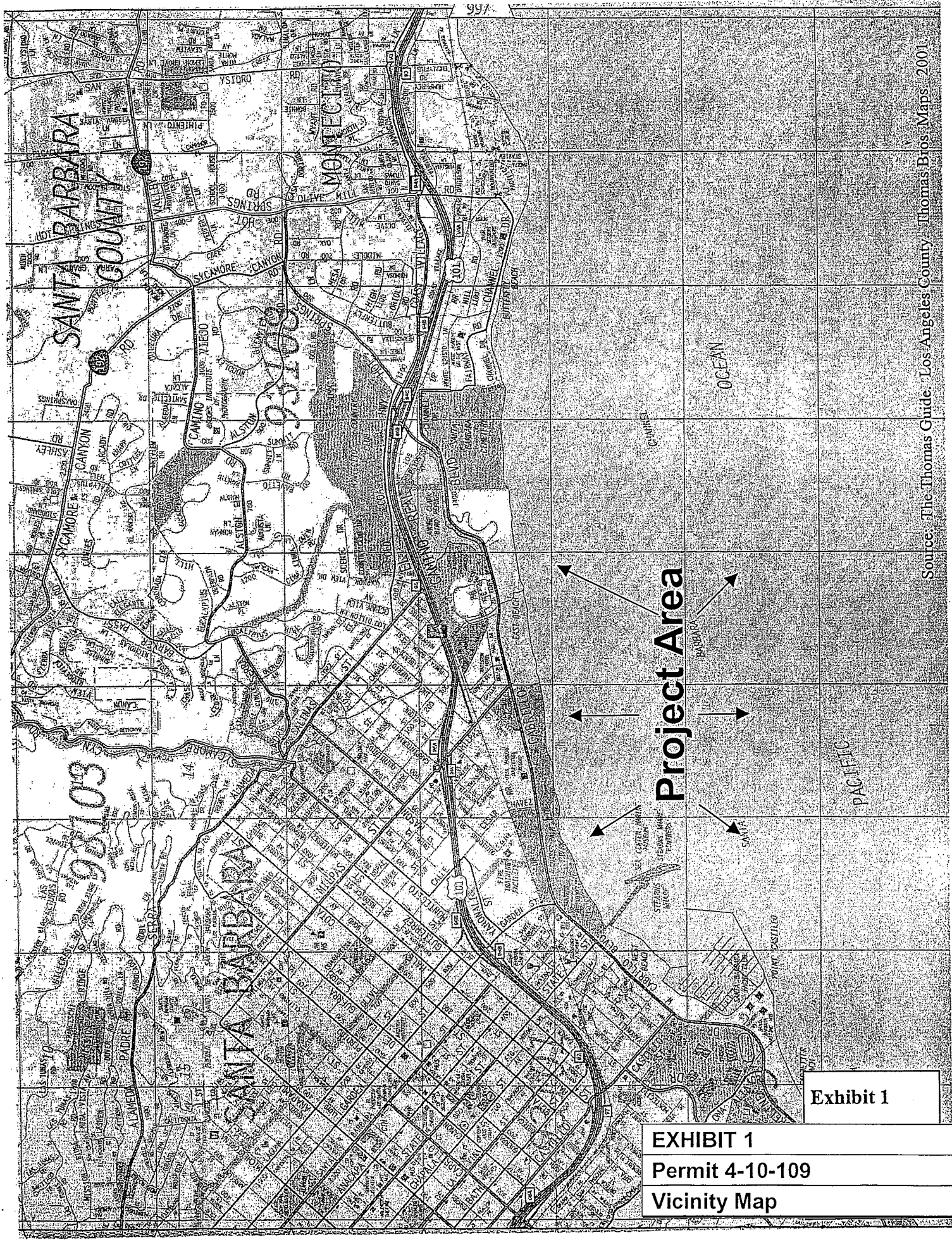


EXHIBIT 1
Permit 4-10-109
Vicinity Map

Exhibit 1

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

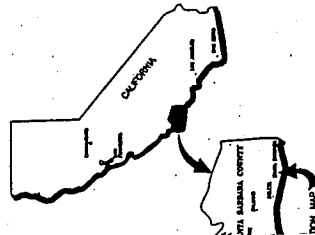
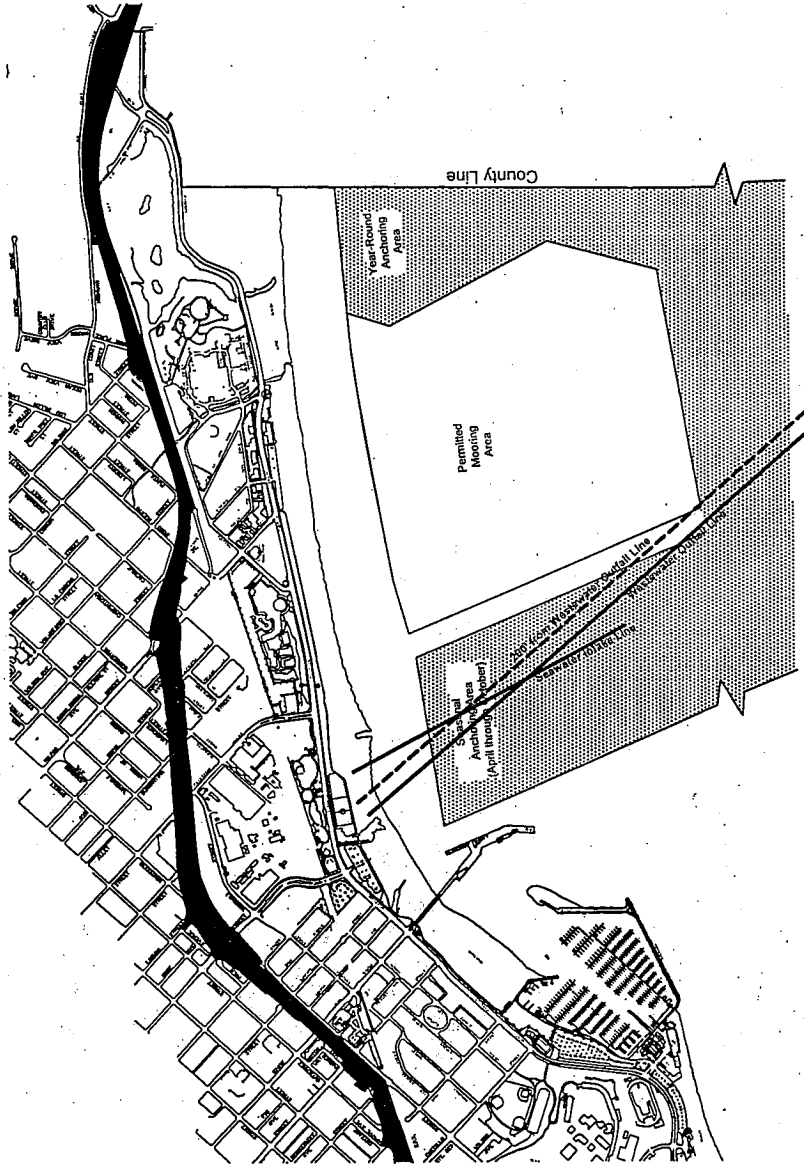
EAST BEACH MOORING/ANCHORING PROGRAM



Project Statistics
 A.P.N. 017-191-0WF
 Zone PR-SD-3
 Latitude 34° 24.59
 Longitude 119° 40.13

Project Owner
 City of Santa Barbara
 Waterfront Department
 PO Box 1990
 Santa Barbara, CA 93102
 (805) 564-5531

Project Description
 The East Beach Mooring/Anchoring Program is designed to provide 48 mooring spaces for individually permitted vessels, plus seasonal anchoring opportunities for non-permitted vessels. By formalizing the mooring area and enforcing ground-lackie specifications for moored vessels, the Waterfront Department hopes to decrease pollution, vessel groundings on East Beach and financial impacts to the City.



Vicinity Map
 NTS

DESIGNER	DATE	APPROVED	ISSUE NO.
DESIGNED BY	DATE	APPROVED	ISSUE NO.
CHECKED BY	DATE	APPROVED	ISSUE NO.
DRAWN BY	DATE	APPROVED	ISSUE NO.
CITY OF SANTA BARBARA	WATERFRONT DEPARTMENT - FACILITIES DIVISION		
Project Location East Beach Mooring/Anchoring Program City of Santa Barbara Waterfront Department			
SCALE: HORIZ.	SCALE: VERT.	SCALE: NOTED	PROJECT NO.
N/A	N/A	N/A	SERIAL NO. 2
N/A	N/A	N/A	DATE 8/20/04

EXHIBIT 2
Permit 4-10-109
Project Plans

Mooring Space Details			
Space #	Diameter	Latitude	Longitude
1	350'	34° 24.7167	119° 40.5667
2	350'	34° 24.7333	119° 40.5000
3	350'	34° 24.7500	119° 40.4333
4	350'	34° 24.7667	119° 40.3667
5	350'	34° 24.7833	119° 40.3000
6	350'	34° 24.8000	119° 40.2333
7	350'	34° 24.8167	119° 40.1667
8	350'	34° 24.8333	119° 40.1000
9	350'	34° 24.8500	119° 40.0333
10	350'	34° 24.8667	119° 39.9667
11	350'	34° 24.8833	119° 39.9000
12	400'	34° 24.8333	119° 40.5333
13	400'	34° 24.6833	119° 40.4667
14	400'	34° 24.7000	119° 40.3833
15	400'	34° 24.7167	119° 40.3000
16	400'	34° 24.7333	119° 40.2333
17	400'	34° 24.7500	119° 40.1500
18	400'	34° 24.7667	119° 40.0667
19	400'	34° 24.7833	119° 40.0000
20	450'	34° 24.6000	119° 39.9167
21	450'	34° 24.6333	119° 40.4167
22	450'	34° 24.6500	119° 40.3333
23	450'	34° 24.6667	119° 40.2500
24	450'	34° 24.6833	119° 40.1667
25	450'	34° 24.7000	119° 40.0833
26	450'	34° 24.7167	119° 39.9833
27	450'	34° 24.7333	119° 39.8833
28	500'	34° 24.5333	119° 40.4500
29	500'	34° 24.5333	119° 40.3667
30	500'	34° 24.5833	119° 40.2833
31	500'	34° 24.5833	119° 40.1833
32	500'	34° 24.6000	119° 40.0833
33	500'	34° 24.6167	119° 39.9833
34	500'	34° 24.6333	119° 39.8833
35	600'	34° 24.4500	119° 40.2833
36	600'	34° 24.5000	119° 40.1833
37	600'	34° 24.5167	119° 40.0500
38	600'	34° 24.5333	119° 39.9333
39	600'	34° 24.5667	119° 39.8167
40	700'	34° 24.3667	119° 40.3500
41	700'	34° 24.3500	119° 40.2000
42	700'	34° 24.4167	119° 40.1000
43	800'	34° 24.4167	119° 39.9000
44	800'	34° 24.4667	119° 39.7500
45	800'	34° 24.2333	119° 40.2667
46	800'	34° 24.3333	119° 39.7833

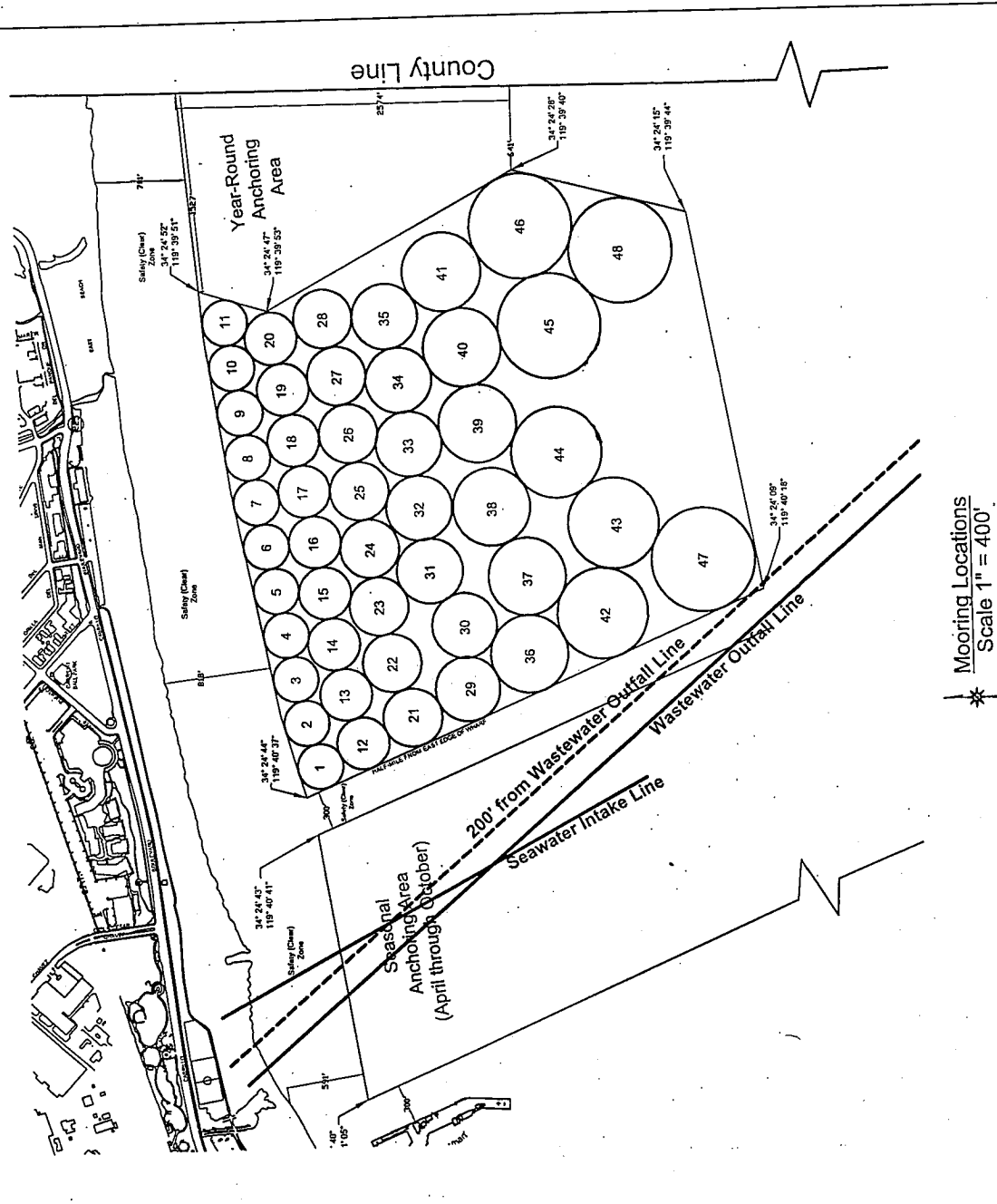


EXHIBIT 3
Permit 4-10-109
Mooring Sites

DATE	1/20/04	BY	APPROVED
DESIGNER	L. NELSON	CHECKER	M. KROMBACH
DRAWN	L. NELSON	DATE	7/18/04
SCALE:	Noted	VERT.	N/A
FACTOR:	N/A	HDR.	N/A
CITY OF SANTA BARBARA		WATERFRONT DEPARTMENT - FACILITIES DIVISION	
East Beach Mooring/Anchoring Program		City of Santa Barbara	
Waterfront Department		Waterfront Department	
PROJECT:	SANTA BARBARA		
NO.:	2 OF 2 SHEETS		
DATE:	6/20/03-009		