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

Go to original staff report

W12a

ADDENDUM

DATE: October 7, 2013

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item W12a, Application No. 4-12-064 (Santa Barbara County Flood Control District), Wednesday, October 9, 2013

The purpose of this addendum is to: (1) clarify **Special Condition Two** (Operation Staging and Project Site Maintenance Responsibilities) and related findings in the staff report regarding project operations in the field, and (2) modify **Special Condition Four (**Pre- and Post-Desilting Operation Plans) to clarify pre-operation plan submittal timing requirements.

Note: ~~Strikethrough~~ indicates text to be deleted from the September 19, 2013 staff report and <u>underline</u> indicates text to be added to the September 19, 2013 staff report.

1.) The Santa Barbara County Flood Control District has clarified the project description regarding the areas of vegetation that will be left undisturbed during flood control maintenance activities in Devereux Creek, including yearly vegetation mowing and as-needed desilting. The applicant has provided clarification that vegetation will be left undisturbed along *both sides* of the creek in the project reach to leave, at a minimum, an approximately 8 ft. band of creek bank and transitional wetland vegetation along each side of the creek (16 ft. total), and not a 10 ft. band of vegetation along only one side of the creek as the report describes. Additionally, the Flood Control District has clarified that material removed from the creek will need to be temporarily stockpiled for dewatering prior to upland disposal, whereas sediment removed from the debris basin may not need to be dewatered and may be taken directly to an upland disposal site. Therefore, based on the applicant's clarification of the project description, **Special Condition Two** on Pages 5-6 of the report shall be modified as follows:

2. Operation Staging and Project Site Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

(1) Desilting and vegetation mowing/maintenance in Devereux Creek shall be implemented so as to leave an undisturbed approximately <u>16 ft. wide band of creek bank and transitional wetland vegetation (approx. 8 ft. wide on each side of the creek) in the project reach</u> ~~10 foot-wide strip along one side of the creek~~ to minimize potential adverse impacts to tidewater goby and other sensitive species.

…

(3) ~~No desilted material shall be stockpiled on or adjacent to the site and all desilted material shall be trucked offsite for disposal at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.~~ The following measures shall apply to temporary stockpiling of desilted material from Devereux Creek:

a. Permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed. Sediment shall be retained at the designated temporary stockpile areas for dewatering, for up to one month, until removed to an appropriate approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such material.

b. Stockpiled materials shall be located as far from stream areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of a stream bank.

c. Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial project operations and shall be monitored and maintained until all stockpiled material has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site. The stockpile sites must be cleared and returned to their pre-construction condition with no remaining equipment, silt fencing, or construction equipment remaining onsite within two weeks of the end of each project (after sediment has been trucked offsite).

…

(7) Construction debris and sediment shall be removed from project areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from project activities, other than stockpile sites, shall be removed from the project site within 24 hours…

2). The Project Description (3rd paragraph on page 10 of the staff report) shall be modified as follows:

…Sediment with high fine grain content is generally not appropriate for beach replenishment projects in the area. ~~Therefore, all desilted material is proposed to be directly loaded onto trucks and taken to an upland disposal site. No stockpiling of sediment is proposed.~~ Removed sediment will be stockpiled no less than 30 ft. in distance from the top of the creek within the Flood Control District easement/maintenance access roadway adjacent to Devereux Creek for dewatering prior to disposal at an upland site. No vegetation is proposed to be removed for stockpile sites.

3.) The following changes to Section IV. Findings and Declarations shall be made to the first paragraph on page 24 of the staff report:

The Commission finds that excavated materials or other construction debris that may be inadvertently left on the site are subject to increased erosion and could potentially cause adverse effects to adjacent streams and wetland areas from resedimentation and increased turbidity. The Commission also finds that additional landform alteration would result if the excavated material

were to be retained on site. Removed sediments will be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank within the Flood Control District easement/maintenance access roadways adjacent to Devereux Creek. No vegetation is proposed to be removed for stockpile sites. ~~Therefore, although no stockpiling is proposed and sediment will be trucked offsite for disposal, i~~In order to ensure that excavated material will not be retained onsite and that erosion and resedimentation of the streams on site are minimized during project activities, **Special Condition Two (2)** requires several operation staging and project site maintenance responsibilities. **Special Condition Two (2)** incorporates the following restrictions: permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed; sediment shall be retained at the designated temporary stockpile areas (at least 30 ft. from top of bank within designated access road areas) for dewatering, for up to one month with temporary erosion control measures, until the desilted material is removed to an appropriate approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill~~no desilted material shall be stockpiled on or adjacent to the site and all desilted material shall be trucked offsite for disposal at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material~~; staging areas shall be used only during active construction operations and shall not be used to store materials or equipment between operations; the applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion; no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project; construction equipment shall not be cleaned near the creek, and construction debris and sediment shall be removed from project areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Further, **Special Condition Two (2)** requires that any and all debris, other than stockpile sites, resulting from project activities shall be removed from the project site within 24 hours…

4.) The following change to Section IV. Findings and Declarations shall be made on page 16 (1st paragraph), page 18 (2nd paragraph) and page 20 (1st paragraph):

… **Special Condition Two (2)** requires the applicant to maintain ~~a 10 foot-wide buffer strip along one edge of creek~~ an undisturbed approximately 16 ft. wide band of creek bank and transitional wetland vegetation (approx. 8 ft. wide on each side of the creek) in the project reach during desilting and vegetation maintenance activities to allow a refuge area for sensitive species that may be present in the project area.

5.) To clarify that the applicant may submit a pre-operation desilting plan at least 30 days prior to each desilting event, or earlier if the Flood Control District has the desilting plan available**, Special Condition Four** shall be revised, as follows:

4. Pre- and Post-Desilting Operation Plans

A. Pre-Operation Submittal. The applicant shall submit a pre-operation desilting and disposal operation plan ~~within~~ at least thirty (30) days, but no later than two (2) weeks, prior to each desilting operation for the review and approval by the Executive Director…

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W12a

Filed: 5/22/13
180th Day: 11/18/13
Staff: A.G.
Staff Report: 9/19/13
Hearing Date: 10/9/13

STAFF REPORT: REGULAR CALENDAR

Application No.:	**4-12-064**
Applicant:	**Santa Barbara County Flood Control District**
Agents:	**Maureen Spencer and Seth Shank**
Project Location:	**Lower Devereux Creek, 6925 Whittier Drive, Goleta, Santa Barbara County**
Project Description:	**Implement an annual desilting program for five years to remove up to 5,000 cu. yds. of sediment per year from lower Devereux Creek as-needed, disposal of excavated sediment at an upland disposal site, and yearly vegetation mowing.**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project **with eight (8) special conditions** regarding (1) timing of operations, (2) operation staging and project site maintenance responsibilities, (3) biological monitoring, (4) pre- and post-desilting operation plans, (5) herbicide use, (6) assumption of risk, waiver of liability and indemnity, (7) required approvals, and (8) duration of permit.

The Santa Barbara County Flood Control District proposes a desilting and vegetation maintenance program in lower Devereux Creek for a term of five years. The project includes desilting approximately 2,200 linear feet of lower Devereux Creek, including the existing sediment basin, on an as-needed basis, to remove up to a cumulative maximum of 5,000 cu. yds. of sediment per year. Sediment is proposed to be taken directly to an upland disposal site because the high fines content of the desilted material is unsuitable for beach nourishment. The project also includes yearly vegetation maintenance, including mowing and hand removal of emergent vegetation, along a 2,200 ft. stretch of lower Devereux Creek. The purpose of the proposed project is to remove sediment and vegetation in order to reduce the risk for flooding in the nearby University Village subdivision caused by sedimentation of lower Devereux Creek.

The subject reach of Devereux Creek is identified as an environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat. In addition, the subject reach of Devereux Creek is upstream and adjacent to environmentally sensitive habitat areas of Devereux Slough and Coal Oil Point Reserve (COPR). The proposed project will take place in a portion of lower Devereux Creek that is located entirely within the boundaries of the former Ocean Meadows Golf Course property. In January 2013, the Commission approved Coastal Development Permit No. 4-12-044 for the subdivision of the 70.32-acre former Ocean Meadows Golf Course property into three lots of 63.93, 5.89, and 0.5 acres in size. The purpose of the subdivision was to facilitate the transfer of the larger 63.93 acre parcel to the Trust for Public Land and allow for future residential development on the two smaller resultant lots. The Commission approved the subdivision subject to an open space deed restriction over the entire 63.93-acre parcel. Creek desilting, grading, and vegetation clearance for flood control and/or restoration activities are allowable activities on the site pursuant to the terms and provisions of the recorded open space deed restriction. The Trust for Public Land subsequently transferred ownership of the subject site to the University of California, which is currently developing a habitat restoration and public access plan for the former golf course property.

In 2002, the Commission approved Coastal Development Permit (CDP) No. 4-02-176 for a Santa Barbara County Flood Control District flood carrying capacity improvement and maintenance project within lower Devereux Creek for a term of 10 years. Since the initial project, desilting of the basin has taken place one time and no desilting of lower Devereux Creek has taken place. Yearly vegetation mowing was conducted from 2002-2012. The applicant is proposing this subject application to conduct desilting and vegetation maintenance and mowing operations on an as-needed basis for an additional five-year term until 2018.

Since the 2002 approval, the tidewater goby (*Eucyclogobius newberryi*), federally-listed as an endangered species, has been discovered within the project reach of lower Devereux Creek, which was formerly considered extirpated. Additionally, the southwestern pond turtle (*Actinemys marmorata pallida*), classified as a Species of Special Concern by the California Department of Fish and Wildlife, has also been recently identified in the project reach. In order to minimize adverse impacts to these and other sensitive species, special conditions are required regarding timing of operations to avoid sensitive species, project staging and operation responsibilities, biological monitoring, and operation plan submittal requirements. Additionally, the applicant is proposing to apply the herbicide, *Aquamaster*^{TM}, to obstructive patches of vegetation (both native and non-native) in the creek channel as part of the as-needed vegetation maintenance activities. The Commission did not previously approve the use of herbicides pursuant to CDP 4-02-176 and no herbicides were used during any prior flood control maintenance activities in lower Devereux Creek. A special condition is required that would prohibit herbicide use within any portion of the stream channel as measured from toe of bank to toe of bank while still allowing for herbicide use outside of the creek channel in upland areas for the elimination of non-native and invasive vegetation.

Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, this project is located within an area of Santa Barbara County where the Commission has retained jurisdiction over the issuance of coastal development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act.

TABLE OF CONTENTS

APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

Exhibit 1. Vicinity Map
Exhibit 2. Site Plan Sheet 1
Exhibit 3. Site Plan Sheet 2
Exhibit 4. Site Plan Sheet 3

LOCAL APPROVALS RECEIVED: Central Coast Regional Water Quality Control Board, Technically Conditioned Water Quality Certification Number 34211WQ06 for Annual Routine Flood Control and Debris, June 5, 2012; California Department of Fish and Game, Streambed Alteration Agreement #R5-2002-0083, August 19, 2003; California Department of Fish and Game, Amendment of Lake or Streambed Alteration Agreement Notification No. 1600-2002-0083-R5, August 13, 2012; U.S. Fish and Wildlife Service Programmatic Biological Opinion (1-8-96-F-11), August 29, 1997; U.S. Fish and Wildlife Service, Biological Opinion, Routine Maintenance of Four Drainages in Goleta, Santa Barbara, and Carpinteria, California (1-8-08-F-44), August 6, 2009; U.S. Army Corps of Engineers, Regional General Permit 200500145-JCM.

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

> *I move that the Commission **approve** Coastal Development Permit No. 4-12-064 pursuant to the staff recommendation.*

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:

> *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. Timing of Operations

All project operations, including channel desilting, operation of equipment, and channel clearing of target emergent vegetation by the use of mowers/machinery or hand tools shall occur only between September 1 and December 15 of any given year to avoid impacts to sensitive species that may occur in the project area, including: avian species during breeding nesting season (approximately March 15 through August 31), tidewater goby during the peak spawning seasons (spring and late summer), and steelhead trout during spawning season (approximately December 15 through June 1st when high winter stream flows occur) unless additional time is granted by the Executive Director for good cause and authorization is granted by other resource agencies, including but not limited to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the California Department of Fish and Wildlife.

2. Operation Staging and Project Site Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

(1) Desilting and vegetation mowing/maintenance in Devereux Creek shall be implemented so as to leave an undisturbed approximately 10 foot-wide strip along

one side of the creek to minimize potential adverse impacts to tidewater goby and other sensitive species.

(2) All creek bank areas disturbed as a result of this project shall be planted and maintained with native plant species appropriate for riparian and wetland areas for erosion control and habitat restoration purposes as soon as possible after disturbance has occurred. Any native vegetation which is inadvertently destroyed or damaged during implementation of the project shall be replaced at a 1:1 or greater ratio with locally native seeds or plants endemic to native riparian habitat areas, wetlands, or native upland species, as appropriate.

(3) No desilted material shall be stockpiled on or adjacent to the site and all desilted material shall be trucked offsite for disposal at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

(4) Staging areas shall be used only during active construction operations and shall not be used to store materials or equipment between operations.

(5) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.

(6) Construction equipment shall not be cleaned near the creek.

(7) Construction debris and sediment shall be removed from project areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from project activities shall be removed from the project site within 24 hours. Debris and materials shall be disposed at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

3. Biological Monitoring

At least two (2) weeks prior to commencement of any creek desilting event or vegetation mowing and maintenance activity, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. Project activities shall be carried out consistent with the following:

A. The environmental resource specialist shall conduct a survey of the project site one week prior to all desilting and vegetation mowing or maintenance activities to ensure that initiation of work will not impact any sensitive species or habitats and shall survey the project site each day prior to commencement of any desilting or vegetation mowing and maintenance activities to determine whether any sensitive wildlife species are present. The results of these surveys shall be included in the post-operation submittal pursuant to **Special Condition 4**, below. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any project activities to move sensitive species (such as southwestern pond turtles, Belding's savannah sparrow, western least bittern, tricolored blackbird, wandering skipper, tidewater goby, southern California steelhead, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource

avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. If the presence of any such sensitive species requires review by other resource agencies, such as the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such authorizations are received. Project activities shall resume only upon written approval of the Executive Director.

B. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The environmental resource specialist shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit occur. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts and to restore the respective habitat if necessary. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

4. Pre- and Post-Desilting Operation Plans

A. Pre-Operation Submittal. The applicant shall submit a pre-operation desilting and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each desilting operation for the review and approval by the Executive Director, including:

(1) Site plan (drawn to scale) depicting the portions of the creek or sediment basin to be desilted, access routes,

(2) Detailed description of the planned desilting operation, including measures to avoid the habitat restoration area, description of equipment to be used, volume of excavated materials to be removed, and disposal site location,

(3) Schedule of proposed beginning and ending dates consistent with timing constraints listed in **Special Condition One**, and

(4) Results of pre-project biological surveys, including results of sensitive species surveys utilizing specific protocols for the sensitive species potentially occurring in the area and an updated biological assessment of the potential for significant adverse impacts to species or habitats.

B. Post-Operation Submittal. The applicant shall submit an annual post-operation assessment (within 60 days of completion of each operation) summarizing the desilting operations. The post-operation submittal shall include information such as project timing, amount of sediment excavated, disposal site location, any necessary vegetation replanting resulting from disturbance during operations, and biological monitoring results, including whether any sensitive species were observed and any measures taken to avoid or mitigate disturbance.

C. Proposed changes to the project may require a permit amendment or new permit. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

5. Herbicide Use

Herbicides shall not be used within any portion of the stream channel as measured from toe of bank to toe of bank. Herbicide use in upland areas outside of the stream channel shall be restricted to the use of Glyphosate Aquamaster^{TM} (previously Rodeo^{TM}) 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, or (b) utilize a plastic sheet/barrier to shield native vegetation or surface water from any potential overspray/over application 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.

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 storm waves, surges, erosion, and flooding; (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 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 Department of Fish and Wildlife, United States Department of Fish and Wildlife, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers).

8. Permit Term

A. This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of five (5) years, commencing upon the date of Commission approval of Coastal Development Permit No. 4-12-064, after which time the authorization for continuation and/or retention of any development approved as part of this

permit shall cease. After the authorization for the development expires, any vegetation or sediment removal within the project area will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

B. If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue the annual desilting and vegetation management program prior to the date that authorization for the development expires, the applicant shall cease all vegetation and sediment removal activities.

C. 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The project site is located along approximately 2,200 feet of lower Devereux Creek flowing through the former Ocean Meadows Golf Course in Santa Barbara County, immediately upstream from Devereux Slough (Exhibits 1). The project site is bounded on the north by the University Village neighborhood, to the east by Storke Road and residential development, and to the south and west by University of California at Santa Barbara property, including Coal Oil Point Nature Reserve immediately to the south of the project site.

The proposed project is for the implementation of a desilting and vegetation maintenance program in lower Devereux Creek for a term of five years. The project consists of two separate components: (1) implementation of sediment basin and creek desilting on an as-needed basis and (2) yearly vegetation mowing. The project includes desilting approximately 2,200 linear feet (approximately 1-acre) of lower Devereux Creek, including the existing sediment basin, on an as-needed basis, to remove up to a maximum of 5,000 cu. yds. of sediment per year. The project also includes yearly vegetation maintenance, including mowing and hand removal of emergent vegetation along the 2,200 ft. stretch of creek.

The proposed project will take place in a portion of lower Devereux Creek that is located entirely within the boundaries of the 70-acre former Ocean Meadows golf course property. The golf course (recently closed) was built in the 1960s and is located on fill overlying the former northern portion of the Devereux Slough and is subject to flooding during even moderate rainfall events. The purpose of the proposed project is to remove sediment and vegetation in order to reduce the risk for flooding in the University Village subdivision caused by sedimentation of lower Devereux Creek (Exhibit 1). This project is located within an area of Santa Barbara County where the Commission has retained jurisdiction over the issuance of coastal development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act.

Devereux Creek and Sedimentation Basin Desilting

The applicant proposes to remove a maximum of 5,000 cu. yds of sediment per year from a 2,200 ft. stretch of lower Devereux Creek (0.8 acre area) and sediment basin (0.2 acre area) on an as-needed basis. A maximum of 4,000 cu. yds. of sediment is proposed to be removed from the creek based on yearly visual inspections and inspections after storm events. Accumulated sediment will be removed using an excavator or other excavator with a bucket attachment operated from the maintenance access pathways adjacent to the creek bank. An approximately 8 ft. wide band of vegetation within the channel is proposed to be left on both sides of the creek in order to provide wildlife habitat and a refuge area for sensitive species, including tidewater goby and pond turtle. Lower Devereux Creek has not been desilted since the initial channel carrying capacity improvements in 2002 conducted pursuant to Coastal Development Permit No. 4-02-176 when approximately 3,900 cu. yds. of material was removed.

Additionally, the applicant proposes to remove a maximum of 1,000 cu. yds. of material from the sediment basin when sedimentation raises the bottom of the basin to the approximate elevation of the adjacent streambed based on yearly visual inspections and inspections after storm events. Sediment is proposed to be removed from the basin using a crane rigged with a clamshell or dragline bucket operated from the adjacent stream bank. The sediment basin was initially constructed pursuant to Coastal Development Permit No. 4-02-176 at the confluence of the east and west branches of Devereux Creek at the northern portion of the proposed project site. The basin is approximately 9,300 sq. ft. in area with a capacity of approximately 1,000 cu. yds. The bottom of the basin is approximately 4 ft. lower than the streambed upstream and downstream. The most recent desilting event in the sediment basin took place in November 2009 and approximately 750 cu. yds. of sediment was removed and trucked offsite.

Sediment removal may need to occur as frequently as once every 2-3 years, depending on rainfall. The applicant proposes to conduct any as-needed desilting between September 1 and December 15 of any given year to avoid sensitive biological species nesting and breeding periods and to comply with timing restrictions required by other resource agency permits and approvals. Maintenance of the sediment basin for each event could require up to one week (five working days). Staging areas for the excavator, crane and trucks will be located along the existing maintenance/access areas adjacent to the creek and outside of the habitat enhancement areas planted pursuant to Coastal Development Permit No. 4-02-176. The applicant proposes to replace any riparian areas inadvertently damaged during desilting operations. Previous testing of sediment from lower Devereux Creek indicated that the grain size of the channel sediment is primarily fine material. Sediment with high fine grain content is generally not appropriate for beach replenishment projects in the area. Therefore, all desilted material is proposed to be directly loaded onto trucks and taken to an upland disposal site. No stockpiling of sediment is proposed.

Vegetation Maintenance Activities

The applicant proposes to remove obstructive vegetation in the Devereux Creek channel, such as California bulrush and cattail, on a yearly basis to maintain channel flow. A Gradall® excavator or other excavator with a mower attachment/extension arm will be driven along the creek edge to trim the obstructive vegetation in the creek invert above the water line from the upper section of the channel, from the point Devereux Creek enters the golf course property, downstream to the

end of the project reach (Exhibits 1-4). The mowing area is proposed to be approximately 17,600 sq. ft. (2,200 ft. long by 8 ft. wide) in area. An approximately 8 ft. wide band of vegetation within the channel is proposed to be left on both sides of the creek in order to provide wildlife habitat and a refuge area for sensitive species, including tidewater goby and pond turtle. Access will be along the top of the banks in designated access locations adjacent to the riparian/high marsh areas planted for habitat enhancement and restoration pursuant to Development Permit No. 4-02-176 (discussed below). Equipment access to the site is taken from either Marymount Way to the north or a maintenance road at the south end of the project site within the applicant's easement. Vegetation in the habitat enhancement area that may be inadvertently damaged by equipment taking access is proposed to be replanted. At smaller, hard to reach places, the applicant proposes to clear vegetation by hand using weedeaters, loopers, or chainsaws without entering the active creek channel. Annual vegetation mowing is expected to take five days to complete.

The applicant also proposes to apply herbicide to obstructive vegetation in the channel in the fall and again in May or June. The project description provided by the applicant indicates that implementing herbicide use in lower Devereux Creek could possibly fulfill the Regional Water Quality Control Board's requirement to reduce chronic maintenance by reducing mowing to every other year or longer if herbicide use prevents vegetation from colonizing the creek invert.

B. PAST COMMISSION ACTION

In 2002, the Commission approved Coastal Development Permit (CDP) No. 4-02-176 for a Santa Barbara County Flood Control District flood carrying capacity improvement and maintenance project within lower Devereux Creek for a term of 10 years. The approved project included desilting approximately 2,200 linear feet (approximately 1-acre) of lower Devereux Creek to remove approximately 3,872 cu. yds. of sediment in order to construct a 12-foot to 14-foot ft. wide open water channel ranging in elevation from 3.5 to 5 feet above mean sea level. The approved project also included supplemental desilting of the channel on a periodic basis (removal of no more than 1,000 cu. yds. of sediment/year) to maintain proposed channel design. Additionally, the project included construction of a permanent 9,320 sq. ft. sedimentation basin immediately upstream of the confluence of Devereux Creek and East Branch Devereux Creek and on-going maintenance (removal of no more than 2,000 cu. yds. of sediment/year), as needed to maintain the design profile of the sedimentation basin. Other project elements included the replacement of 147 linear feet of 42-inch culvert in two locations and the replacement of two existing wooden bridges over Devereux Creek with new 8 ft. by 35 ft. wooden bridges for golf cart access. Lastly, that project also included a vegetation enhancement plan, consisting of approximately 3.05 acres of restoration, including 54,253 sq. ft. (approx. 1.25 acres) of freshwater marsh enhancement (5,525 cu. yds. of restorative cut grading), 47,555 sq. ft. (approx. 1.1 acre) of riparian enhancement, and 31,212 sq. ft. (approx. 0.7 acre) of high salt marsh enhancement within the Lower Devereux Creek corridor.

Since the initial project, including construction of the sediment basin and creek capacity improvements in 2002, desilting of the basin has taken place one time and no desilting of lower Devereux Creek has taken place. Sediment basin desilting event was conducted in October 2009 within an approximate 120 ft. long portion of the sediment basin. An excavator working from the top of the east bank removed approximately 750 cu. yds. sediment. The sediment was placed directly into trucks and transported to an upland site for disposal. Additionally, the habitat

enhancement and revegetation program approved as part of that permit was has been implemented and is on-going. Also, since 2002, vegetation mowing has been conducted yearly along lower Devereux Creek. CDP 4-02-176 expired on November 5, 2012; therefore, the County is proposing this subject application to conduct desilting and vegetation maintenance and mowing operations for an additional five year term until 2018.

Additionally, on January 10, 2013, the Commission approved Coastal Development Permit No. 4-12-044 for the subdivision of one privately owned 70.32-acre lot (the Ocean Meadows Golf Course property constructed in the 1960's) into three lots of 63.93, 5.89, and 0.5 acres in size located at 6925 Whittier Drive, Goleta, Santa Barbara County. The portion of lower Devereux Creek that is the subject of the present flood control application runs through the now closed golf course property. The purpose of the subdivision was to allow for future residential development on the two smaller resultant properties while facilitating the transfer of the larger 63.93 acre parcel to the Trust for Public Land. The Commission approved the subdivision subject to several special conditions including the recordation of an open space deed restriction over the entirety of the larger 63.93-acre parcel. Grading and vegetation clearance for flood control and/or restoration activities are allowable activities on the site pursuant to the terms and provisions of the recorded open space deed restriction and the special conditions required pursuant to CDP No. 4-12-044. The Trust for Public Land subsequently transferred ownership of the subject site to the University of California, which is currently developing a habitat restoration and public access plan for the former golf course property. The Santa Barbara County Flood Control District has indicated that they intend to coordinate with the University to incorporate flood control maintenance activities for lower Devereux Creek as part of the comprehensive restoration plan for the site.

C. ENVIRONMENTALLY SENSITIVE HABITAT AND MARINE RESOURCES

Section 30230 of the Coastal Act states that:

> *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, minimizing alteration of natural streams.*

Section 30236 of the Coastal Act states that:

> *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section 30240 states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas*
> .
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

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 30236 allows for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. 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.

The applicant proposes to remove a maximum of approximately 5,000 cu. yds of sediment per year, cumulatively, from a 2,200 ft. stretch of lower Devereux Creek (0.8 acre area) and sediment basin (0.2 acre area) on an as-needed basis. Accumulated sediment will be removed from the creek using an excavator with a bucket attachment and sediment is proposed to be removed from the basin using a crane rigged with a clamshell or dragline bucket. Equipment will be operated from the maintenance access pathways adjacent to the creek bank. Each maintenance event could require up to one week (five working days). The applicant proposes to revegetate any upland riparian areas inadvertently damaged during desilting. All desilted material is proposed to be directly loaded onto trucks and taken to an upland disposal site. No stockpiling of sediment is proposed.

The applicant also proposes to remove obstructive vegetation in the creek channel, including California bulrush and cattail, on a yearly basis to maintain channel flow. An excavator with a mower attachment/extension arm will be driven along the creek edge to trim the obstructive vegetation in the creek invert above the water line from the upper section of the channel, from

the point Devereux Creek enters the golf course property, downstream to the end of the project reach (Exhibits 1-4). The mowing area is proposed to be approximately 17,600 sq. ft. (2,200 ft. long by 8 ft. wide) in area. An 8 ft. wide band of vegetation within the channel is proposed to be left on both sides of the creek in order to provide a refuge area for sensitive species. Access will be along the top of the banks in designated access locations adjacent to the riparian/high marsh areas planted for habitat enhancement and restoration. Annual vegetation mowing is expected to take five days to complete. The applicant also proposes to apply herbicides to obstructive vegetation in the channel in the fall and again in May or June, discussed further below.

The subject reach of the Devereux is identified as an environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat. In addition, the subject reach of Devereux Creek is upstream and adjacent to environmentally sensitive habitat areas of Coal Oil Point Reserve (COPR). COPR is situated within the University's West Campus, including Devereux Slough, the surrounding marshy areas and riparian woodland, the grassland on the west side of the marsh, and the coastal dunes are recognized in the University's 1990 Long Range Development Plan (LRDP) as environmentally sensitive habitat areas (ESHA).

Lower Devereux Creek in the project area has little open water with dense emergent vegetation. The project area consists primarily of dense California bulrush and cattail stands within the creek channel. Riparian vegetation includes few scattered willows in and adjacent to the Devereux Creek channel in the lower and central project area with dense areas of willows at the upstream end of the project site. The creek corridor previously included a mix of aquatic, salt marsh, and upland species, with the lower banks bordering the creek consisting primarily of salt grass, pickleweed, and alkali heath and the higher banks dominated by a mix of upland and salt marsh species. The habitat revegetation plan implemented pursuant to CDP No. 4-02-176 included the addition of approximately 3.05 acres of a mosaic of willow riparian, freshwater marsh, and high salt-marsh habitat. The original plan was modified to eliminate cottonwood and sycamore in favor of more appropriate salt-tolerant species. The existing high salt marsh community includes a dense understory of pickleweed, alkali heath, and saltgrass and a taller shrub layer with saltbush, coyote brush, and coast golden bush in addition to other species. Some of the groundcover is subject to some weedy growth due to the adjacent golf course. (Lower Devereux Creek Mitigation-Restoration Final Report, January 2013) The planting design was created to account for areas where access for project maintenance would need to occur for desilting and vegetation management.

Lower Devereux Creek supports aquatic invertebrates, non-native mosquitofish and crayfish, Pacific chorus frogs (tree frogs), and birds associated with freshwater marsh vegetation. The latter includes song sparrow, snipe, sora rail, common yellowthroat, common mudhen, mallard, snowy egret, great blue heron, and black-crowned night heron. Birds associated with the adjacent uplands include white-tailed kite, killdeer, Canada geese, Brewer's blackbird, American crow, house sparrow, rock dove, red-shouldered hawk, and red-tailed hawk. Burrowing owls may be present in the general area during the winter. (Neg. Dec., August 16, 2002) In addition, Devereux Slough is an important habitat adjacent to, and downstream of, the project area, which is utilized by sensitive species and an abundance of wildlife, including over 100 bird species, several fish species, and mammals such as bobcat, badger, red fox and raccoon. The Devereux Slough provides perennial and seasonal habitat for several sensitive wildlife species including common loon, American white pelican, brown pelican, double-crested cormorant, white-faced ibis,

osprey, bald eagle, northern harrier, peregrine falcon, snowy plover, California gull, elegant tern, black tern, Belding's Savannah sparrow, and tricolored blackbird.

An existing weir (at the downstream terminus of the project reach) separates lower Devereux Creek from the slough, restricting the stream from tidal influence. This structure extends across the entire width of the active stream channel and presents a significant obstacle to fish movement up and downstream. The County has indicated that the date of construction of the structure is unknown but that it was most likely built in the 1960s concurrent with the construction of the golf course, prior to the passage of the Coastal Act.

Sensitive Species and Habitats

No state- or federally-listed species of plants or animals were observed in biological surveys prepared for the initial lower Devereux Creek flood control maintenance activities in 2002, although the Belding's savannah sparrow, state-listed as endangered, was known to occur in salt marsh habitat associated with Devereux Slough (SAIC, May 2002). Additionally, in 2002, the project reach was designated as critical habitat for the southern steelhead (*Oncorhynchus mykiss*), federally-listed as threatened; however, protocol surveys did not find steelhead and found and found that "no suitable habitat for any life stage of this species is present within the project area." (Neg. Dec. August 16, 2002). The applicant has provided a Biological Resources Assessment for the subject project that indicates Devereux Creek is no longer designated as critical habitat for steelhead. (SBCFCD Biological Resources Assessment, April 2013). Further, the tidewater goby, (*Eucyclogobius newberryi*), federally-listed as endangered, was considered extirpated as of 2004 according to the USFWS Recovery Plan for the tidewater goby. However, tidewater gobies were discovered in the project reach in 2007, further discussed below. (SBCFCD Biological Resources Assessment, April 2013).

Tidewater Goby (*Eucyclogobius newberryi*)

The tidewater goby is a member of the Gobiidae family and is the only species in the genus Eucyclogobius. It is a small fish that rarely exceeds 50 millimeters in length, and is characterized by large pectoral fins and a ventral sucker like disk formed by the complete fusion of the pelvic fins. The tidewater goby can reproduce year-round; however peak spawning activity takes place in spring and late-summer. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009) April and May are generally considered to be the period of the year when most breeding occurs. (USFWS, Biological Opinion 1-8-96-F-11, August 29, 1997) The Tidewater goby was listed as an endangered species by USFWS on March 7, 1994 and critical habitat was designated by the USFWS on January 31, 2008, which did not include Devereux Slough or Devereux Creek or associated tributaries. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009) The Tidewater goby was last reported in Devereux Slough in 1968 until it was discovered in the project area in 2007 by Santa Barbara County Flood Control District biologists and UCSB biologists when surveys were conducted for an adjacent bridge replacement project. Tidewater goby was found 1.7 kilometers upstream of Devereux Lagoon. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009)

Tidewater gobies are subject to habitat loss and changes in salinity and hydrologic regime caused by culver impasses, channelization, water diversions, and encroaching development. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009) According to the environmental document

prepared for the nearby Santa Barbara County Flood Control District creek desilting project in the Goleta Slough, tidewater goby mortality may occur as a result of starvation caused by dredging-related degradation of foraging habitat and, in addition, mortality may occur as a result of direct contact with dredging equipment and entrainment. (FSEIR, October 2010). To reduce impacts to tidewater goby in the Goleta Slough and associated tributaries as part of the Commission's previous approval for that project, CDP No. 4-11-069 included a special condition requiring the applicant to leave a 10 foot-wide strip of streambed along one edge of creek undisturbed from desilting and vegetation clearance activities in order to minimize impacts to fish species, including tidewater. As part of the subject application, the applicant has proposed to avoid an 8-10 ft. wide area on either side of Devereux Creek during desilting and vegetation maintenance activities. In order to ensure this measure is adequately implemented and to ensure that an adequate area for sensitive species (including tidewater goby and pond turtles) to seek refuge during desilting and vegetation removal activities, **Special Condition Two (2)** requires the applicant to maintain a 10 foot-wide buffer strip along one edge of creek during desilting and vegetation maintenance activities to allow a refuge area to minimize adverse impacts to tidewater goby.

Further, to ensure that that the applicant's proposal to only carry out project activities between September 1 and December 15 is adequately implemented in order to avoid adverse impacts to sensitive bird and aquatic species during nesting and breeding seasons, **Special Condition One (1)** has been required. Special Condition One (1) requires all project operations, including channel desilting, operation of equipment, and channel clearing of target emergent vegetation by the use of mowers or hand tools to occur only between September 1 and December 15 of any given year. This timeframe will avoid potential impacts to tidewater goby during the peak spawning seasons (spring and late summer).

Additionally, to ensure that the potential disturbance from maintenance equipment and desilting activity on tidewater goby is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Three (3)** requires that a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any desilting or vegetation mowing or maintenance activity to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Condition Three (3)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

Steelhead (*Oncorhynchus mykiss)*

Southern steelhead occur in coastal streams and creeks in Central, Northern California, and Oregon. The populations that occur between Los Angeles County and northern Santa Barbara County constitute the South-Central Evolutionary Significant Unit (ESU) which has been designated an endangered species by the National Marine Fisheries Service. Southern steelhead are anadromous (migrating from freshwater to the ocean as juveniles and returning to freshwater as an adult to spawn). Spawning occurs from December through June when higher winter stream flows occur.

Devereux Creek was formerly designated by the USFWS as critical habitat for steelhead trout, but is no longer designated as critical habitat. Further, steelhead have not been reported in Devereux Slough and steelhead have been detected during annual inspections and monitoring according to the Biological Resources Assessment prepared for the project. (SBCFCD Biological Resources Assessment, Lower Devereux Creek Project, April 2013) Further, the Biological Survey (SAIC, May 2002) and Final Negative Declaration by Santa Barbara County Flood Control District dated August 16, 2002 prepared for the initial flood control project in 2002 found that there has been no historic evidence of migration and spawning of steelhead in Devereux Creek.

Thus, based on the above information, the potential for the project reach to harbor steelhead species is very low. However, given that the area was formerly designated critical habitat for a federally listed endangered species, and given that the permit encompasses a term of five years, the Commission finds it necessary to limit project operations during steelhead spawning season. **Special Condition One (1)** requires all project operations to occur only between September 1 and December 15 of any given year. This timeframe will avoid potential impacts to steelhead trout during spawning season (approximately December 15 through June 1st when high winter stream flows occur).

Additionally, to ensure that the potential disturbance from maintenance equipment and desilting activity on steelhead is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Three (3)** requires that a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any desilting or vegetation mowing or maintenance activity to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Condition Three (3)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

Southwestern Pond Turtle (*Actinemys marmorata pallida)*

The southwestern pond turtle is classified as a Species of Special Concern by the California Department of Fish and Wildlife, and previously classified as a Category 2 species by the USFWS. Although southwestern pond turtles were not identified in prior surveys of the project area for the 2002 flood control project, according the Biological Resources Assessment prepared by the applicant for the proposed project, southwestern pond turtles were observed in the project area in 2009 and 2001. The turtles were detected in puddles of open water in the main channel of lower Devereux Creek and in the sediment basin. Habitat requirements for adults include permanent freshwater lakes, ponds, and low-flowing streams, rivers, and irrigation ditches. These water sources must be fairly deep, support adequate growths of aquatic vegetation, as well as a diverse invertebrate fauna, and possess suitable protected basking sites (rocks, ledges, logs, etc.). Breeding habits are poorly known. Information provided for previous flood control projects in the vicinity of the Goleta Slough indicates that pond turtle activity is greatly reduced by early fall and individuals are expected to leave the stream channel in favor of upland areas during the winter. (Storrer Environmental Services, November 8, 1995)

The proposed creek desilting and vegetation mowing activities have the potential to adversely affect sensitive species such as the Southwestern Pond Turtle. The applicant has proposed to implement the project between September 1 and December 15 of any given year. To ensure that the applicant's proposal that development shall only occur between September 1 and December 15 is adequately implemented, **Special Condition One (1)** requires all project operations, including channel desilting, operation of equipment, and channel clearing of target emergent vegetation by the use of mowers or hand tools to occur only between September 1 and December 15 of any given year when southwestern pond turtle may be less likely to be present. Additionally, **Special Condition Two (2)** requires the applicant to maintain a 10 foot-wide buffer strip along one edge of creek during desilting and vegetation maintenance activities to allow a refuge area for sensitive species that may be present in the project area.

Additionally, to ensure that the potential disturbance from maintenance equipment and desilting activity on pond turtles is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Three (3)** requires that a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any desilting or vegetation mowing or maintenance activity to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Condition Three (3)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

California Red-Legged Frogs

The closest known breeding population of red-legged frogs is located approximately 1.7 miles to the west of the project site at Bell Canyon Creek. Individual red-legged frogs have also been observed at the Sandpiper Golf Course about 1.3 miles to the west of the subject site. (SAIC, 2002) However, no red-legged frogs have been detected in lower Devereux Creek during any past surveys, annual inspections, or biological monitoring and California Natural Diversity Database (CNDDB) records show no occurrences of red-legged frogs in Devereux watershed. No red-legged frogs were detected during biological monitoring for the 2009 basin desilting event. Although saline conditions do not prohibit the presence of red-legged frogs in a water body, the species is very unlikely to occur in Devereux Creek. (SBCFCD Biological Resources Assessment, Lower Devereux Creek Project, April 2013)

Although the presence of red-legged frogs is low in the project reach, to ensure that the potential disturbance from maintenance equipment and desilting activity on red-legged frogs is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Three (3)** requires that a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any desilting or vegetation mowing or maintenance activity to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Condition Three (3)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

Avian Species

Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) (federal species of special concern and state-listed as endangered) is known to breed and occur year-round in Devereux Slough. (SBCFCD Biological Resources Assessment, Lower Devereux Creek Project, April 2013) Also, as described above, the project area supports a variety of bird species associated with fresh water marsh vegetation, including song sparrow, snipe, sora rail, common yellowthroat, common mudhen, mallard, snowy egret, great blue heron, and black-crowned night heron. (Neg. Dec., August 16, 2002)

The proposed creek desilting and vegetation mowing activities have the potential to adversely affect sensitive bird species such as the Belding's savannah sparrow. To ensure that that the applicant's proposal to only carry out project activities between September 1 and December 15 is adequately implemented in order to avoid adverse impacts to sensitive bird species during nesting and breeding seasons, **Special Condition One (1)** has been required. **Special Condition**

One (1) requires all project operations, including channel desilting, operation of equipment, and channel clearing of target emergent vegetation by the use of mowers or hand tools to occur only between September 1 and December 15 of any given year, which avoids bird breeding nesting season (approximately March 15 through August 31). Additionally, **Special Condition Two (2)** requires the applicant to maintain a 10 foot-wide buffer strip along one edge of creek during desilting and vegetation maintenance activities to allow a refuge area for sensitive species that may be present in the project area.

To ensure that the potential disturbance from creek desilting activities and vegetation mowing on sensitive avian species and other sensitive species is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Three (3)** requires that a qualified environmental resource specialist conduct a survey of the project site each day prior to commencement of any desilting or vegetation mowing or maintenance activity to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Condition Three (3)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

Herbicide Use

As mentioned above, the applicant proposes to apply the herbicide, *Aquamaster*™, to obstructive patches of vegetation (both native and non-native) in the creek channel during as-needed vegetation maintenance activities. The active ingredient in *Aquamaster*™ is glyphosate, which inhibits the synthesis of amino acids in plants and inhibits cell growth and reproduction. The applicant proposes to spray plant foliage in the fall when water levels in the creeks have decreased such that crews can walk in the channel without difficulty. The applicant also proposes to spray again in May or June of the following year to ensure that affected vegetation does not recover. Herbicide is proposed to be applied directly to vegetation using a spray nozzle.

Glyphosate herbicide is currently registered by the United States Environmental Protection Agency (EPA) as a non-selective herbicide of relatively low toxicity suitable for use in wetland and riparian areas. The Glyphosate Environmental Assessment Report by the EPA dated September 1993 states:

> *Glyphosate is of relatively low oral and dermal acute toxicity. It has been placed in Toxicity Category III for these effects (Toxicity Category I indicates the highest degree of acute toxicity, and Category IV the lowest)…Based on current data, EPA, has determined that the effects of glyphosate on birds, mammals, fish, and invertebrates are*

> *minimal….Glyphosate adsorbs strongly to soil and is not expected to move vertically below the six inch soil layer…Glyphosate is readily degraded by soil microbes…However, glyphosate does have the potential to contaminate surface waters due to its aquatic use patterns…If glyphosate reached surface water, it would not be broken down readily by water or sunlight.*

The County has prepared a Routine Maintenance Program EIR (November 2001) for Flood Control practices throughout Santa Barbara County. The EIR reports the following regarding Glyphosate:

> 1. *Since glyphosate is a non-selective herbicide capable of controlling a variety of species of plant life, it can impact plants that are considered to be rare or of regional significance. Non-target plants located in and around flowing channels subject to Aquamaster TM treatment would be especially vulnerable.*
>
> *2. Glyphosate application can result in ecological upset for avian species that have considerable interaction with creek channel environments.*
>
> *3. A low potential exists for bioconcentration of glyphosate in aquatic organisms. …12. Non-target plants outside the intended spray area may also be affected due to herbicide drift from aerial application.*

The Routine Maintenance Program EIR (November 2001) further states:

> *The primary water quality impact is the potential for elevated levels of herbicide (and its active ingredient, glyphosate) in the water of a drainage. Herbicides can only be introduced to the drainage water by three mechanisms: (1) overspray that deposits herbicide directly into open water; (2) overspray that deposits herbicide on dry substrates where it may be dissolved by flowing water at a later time; and (3) herbicide dripping from a plant leaf onto water below due to excessive application.*

In previous permit actions, the Commission has allowed for the use of Glyphosate herbicide (*Aquamaster*^{TM}) within sensitive wetland and riparian habitats when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and may still result in some adverse effects to wildlife when used in sensitive habitat areas such as the subject site. In the case of the proposed project, Glyphosate herbicide (*Aquamaster*^{TM}) is proposed to be sprayed to plants (native and non-native) to patches of vegetation located in the stream channel.

The Commission notes that some level of flood control maintenance is necessary within the subject reach of Atascadero Creek. In addition, the Commission notes that alteration of streambeds, as proposed by this project, is consistent with Section 30236 of the Coastal Act when required for flood control projects and when necessary to protect public safety or existing development. However, the Commission further notes that Section 30236 also requires that such projects shall incorporate the best mitigation measures feasible. In addition, Section 30240 of the Coastal Act requires that all development within environmentally sensitive habitat areas must be carried out in a manner designed to minimize or prevent potential adverse effects to those

resources. As such, the Commission notes that flood control activities on the subject site, including herbicide application, should be carried out in the least environmentally damaging manner. In this case, alternatives exist to the proposed annual maintenance activities which would reduce adverse effects to wetland and riparian habitat on site, such as mechanical and hand removal of vegetation (or mowing and cutting of vegetation) within the stream channel instead of utilizing herbicide in the stream channel.

In this case, the County has stated that they believe the use of herbicide within the creek channel itself would assist them in meeting the Regional Water Quality Control Board's requirement to reduce chronic maintenance in streams by reducing mowing to every other year or longer if herbicide use prevents vegetation within the creek channel from quickly recolonizing. However, the Commission finds that the use of herbicides in riparian and wetland habitat areas, such as the creek channel on site, may also result in significant adverse impacts to sensitive fauna and flora within riparian and wetland areas. Moreover, given that it would be necessary to apply herbicide to vegetation within the active creek channel, a certain amount of overspray from the application of the herbicide would be unavoidable, even with the proper application. As a result, the herbicide would likely be introduced to the aquatic environment, resulting in potential adverse impacts to sensitive riparian and wetland flora and fauna. Given that the project site is designated environmentally sensitive wetland habitat, that the Flood Control District has managed vegetation along this creek corridor since 2002 without using herbicides, and that other methods of vegetation removal for flood control purposes are proposed to be implemented, including vegetation mowing, the Commission finds that removal of the vegetation in the creek channel itself without the use of herbicides is a feasible alternative. Therefore, in order to minimize adverse effects to aquatic species and wetland habitat areas from the implementation of the annual flood activities, **Special Condition Five (5)** restricts herbicides from being applied within any portion of the stream channel as measured from toe of bank to toe of bank. Herbicide use in upland areas outside of the stream channel 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 and conducted according to the specified guidelines as described in Special Condition Five (5). Native vegetation shall be clearly delineated on the project site with fencing or survey flags and protected.

The Commission finds that the proposed project, only as conditioned, will serve to minimize adverse effects to existing habitat and wildlife resources on site while meeting necessary flood control requirements. However, the Commission also finds that the riparian and wetland habitats on site are subject to potential changes over time as new species migrate into the area or as potential unidentified impacts may be discovered over time. In this case, the applicant is requesting authorization of this desilting and vegetation removal program for a 5-year period. Moreover, staff notes that the University is currently in the process of developing a long-term, comprehensive management and wetland restoration plan for the subject site which will likely incorporate provisions for flood control activities on site. Therefore, in order to ensure that the applicant's proposal is adequately implemented in a manner that any potential changed circumstances which may be discovered at some future point in time, such as new information regarding sensitive habitat and wildlife resources on site, are considered, Special **Condition Eight (8)** specifically limits the duration of all activities approved by this permit to a period of no more than five (5) years from the date of Commission action, after which time this permit shall expire. Any flood control activities in lower Devereux Creek after the expiration of this permit will require the issuance of a new coastal development permit.

Further, the proposed project will involve work within streams and wetland areas and will also require approval from other agencies such as the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Department of Fish and Wildlife, and the Regional Water Quality Control Board. Therefore, **Special Condition Seven (7)** requires the applicant obtain all other necessary State or Federal approvals and permits that may be necessary for all aspects of the proposed project.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

D. HAZARDS AND SHORELINE PROCESSES

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.*

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed creek desilting and vegetation maintenance program is to maintain the flood water carrying capacity in Devereux Creek to reduce the likelihood of flood damage to adjacent residential areas, including the University Village subdivision to the north. (Exhibit 1)

The applicant proposes to remove a maximum of approximately 5,000 cu. yds of sediment per year, cumulatively, from a 2,200 ft. stretch of lower Devereux Creek (0.8 acre area) and sediment basin (0.2 acre area) on an as-needed basis. Accumulated sediment will be removed from the creek using an excavator with a bucket attachment and sediment is proposed to be removed from the basin using a crane rigged with a clamshell or dragline bucket. Equipment will be operated from the maintenance access pathways adjacent to the creek bank. Each maintenance event could require up to one week (five working days). The applicant proposes to replace any upland riparian areas inadvertently damaged during desilting. All desilted material is proposed to be directly loaded onto trucks and taken to an upland disposal site. No stockpiling of sediment is proposed.

The applicant also proposes to remove obstructive vegetation in the creek channel, including California bulrush and cattail, on a yearly basis to maintain channel flow. An excavator with a mower attachment/extension arm will be driven along the creek edge to trim the obstructive vegetation in the creek invert above the water line from the upper section of the channel, from the point Devereux Creek enters the golf course property, downstream to the end of the project reach (Exhibits 1-4). The mowing area is proposed to be approximately 17,600 sq. ft. (2,200 ft. long by 8 ft. wide) in area. An 8 ft. wide band of vegetation within the channel is proposed to be

left on both sides of the creek in order to provide a refuge area for sensitive species. Access will be along the top of the banks in designated access locations adjacent to the riparian/high marsh areas planted for habitat enhancement and restoration. Annual vegetation mowing is expected to take five days to complete.

The Commission finds that excavated materials or other construction debris that may be inadvertently left on the site are subject to increased erosion and could potentially cause adverse effects to adjacent streams and wetland areas from resedimentation and increased turbidity. The Commission also finds that additional landform alteration would result if the excavated material were to be retained on site. Therefore, although no stockpiling is proposed and sediment will be trucked offsite for disposal, in order to ensure that excavated material will not be retained onsite and that erosion and resedimentation of the streams on site are minimized during project activities, **Special Condition Two (2)** requires several operation staging and project site maintenance responsibilities. **Special Condition Two (2)** incorporates the following restrictions: no desilted material shall be stockpiled on or adjacent to the site and all desilted material shall be trucked offsite for disposal at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material; staging areas shall be used only during active construction operations and shall not be used to store materials or equipment between operations; the applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion; no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project; construction equipment shall not be cleaned near the creek, and construction debris and sediment shall be removed from project areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Further, **Special Condition Two (2)** requires that any and all debris resulting from project activities shall be removed from the project site within 24 hours. Debris and materials shall be disposed at a disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

Additionally, to prevent erosion along the creek banks from inadvertent damage to vegetation, **Special Condition Two (2)** also requires that all creek bank areas disturbed as a result of this project shall be planted and maintained for erosion control and habitat restoration purposes as soon as possible after disturbance has occurred. Any native vegetation which is temporarily impacted or inadvertently destroyed or damaged during implementation of the project shall be replaced at a 1:1 or greater ratio with locally native seeds or plants endemic to native riparian habitat areas or native upland species, as appropriate.

In order to ensure that the applicant implements the required staging, project site maintenance responsibilities, and timing requirements, **Special Condition Four (4)** requires the applicant to submit a pre-operation plan within thirty (30) days, but no later than two (2) weeks, prior to each desilting operation for the review and approval by the Executive Director, including: a site plan (drawn to scale) depicting the portions of the creek or sediment basin to be desilted and access routes; a detailed description of the planned desilting operation, including measures to avoid the habitat restoration area; a description of equipment to be used, volume of excavated materials to be removed, disposal site location, and a schedule of proposed beginning and ending dates consistent with timing constraints listed in Special Condition One; and the results of pre-project biological surveys, including results of sensitive species surveys and an updated biological assessment of the potential for significant adverse impacts to species or habitats. Further, Special

Condition (4) requires the applicant to submit a post-operation summary within 60 days of completion of each operation, including the amount of sediment excavated, any necessary vegetation replanting, and the results of all monitoring conducted pursuant to this permit, including but not limited to biological monitoring results.

In addition, the Commission notes, based on the information submitted by Santa Barbara County Flood Control District, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding. The applicant has indicated that the developed areas adjacent to the project site, such as the University Village Subdivision to the north, may be subject to seasonal flood events during the winter storm season. As such, the Commission notes that evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

The Commission further notes that although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas immediately upland of the project site, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Six (6)** requires the applicant 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; 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 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.

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. 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 impacts 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.

APPENDIX 1

Substantive File Documents

Coastal Development Permit (CDP) 4-02-176 (Santa Barbara County Flood Control District); Lower Devereux Creek Mitigation-Restoration Final Report, prepared by Santa Barbara County Flood Control District, January 2013; Santa Barbara County Flood Control District, Final Mitigated Negative Declaration for the Lower Devereux Creek Project (Santa Barbara County, September 2002); Final Biological Survey Report, Lower Devereux Creek, Ocean Meadows Golf Course (SAIC, May 2002).; Final Subsequent Environmental Impact Report (SCH No. 2000031092), Santa Barbara County Flood Control and Water Conservation District, October 2010; Routine Maintenance Program EIR (November 2001), Santa Barbara County Flood Control District.

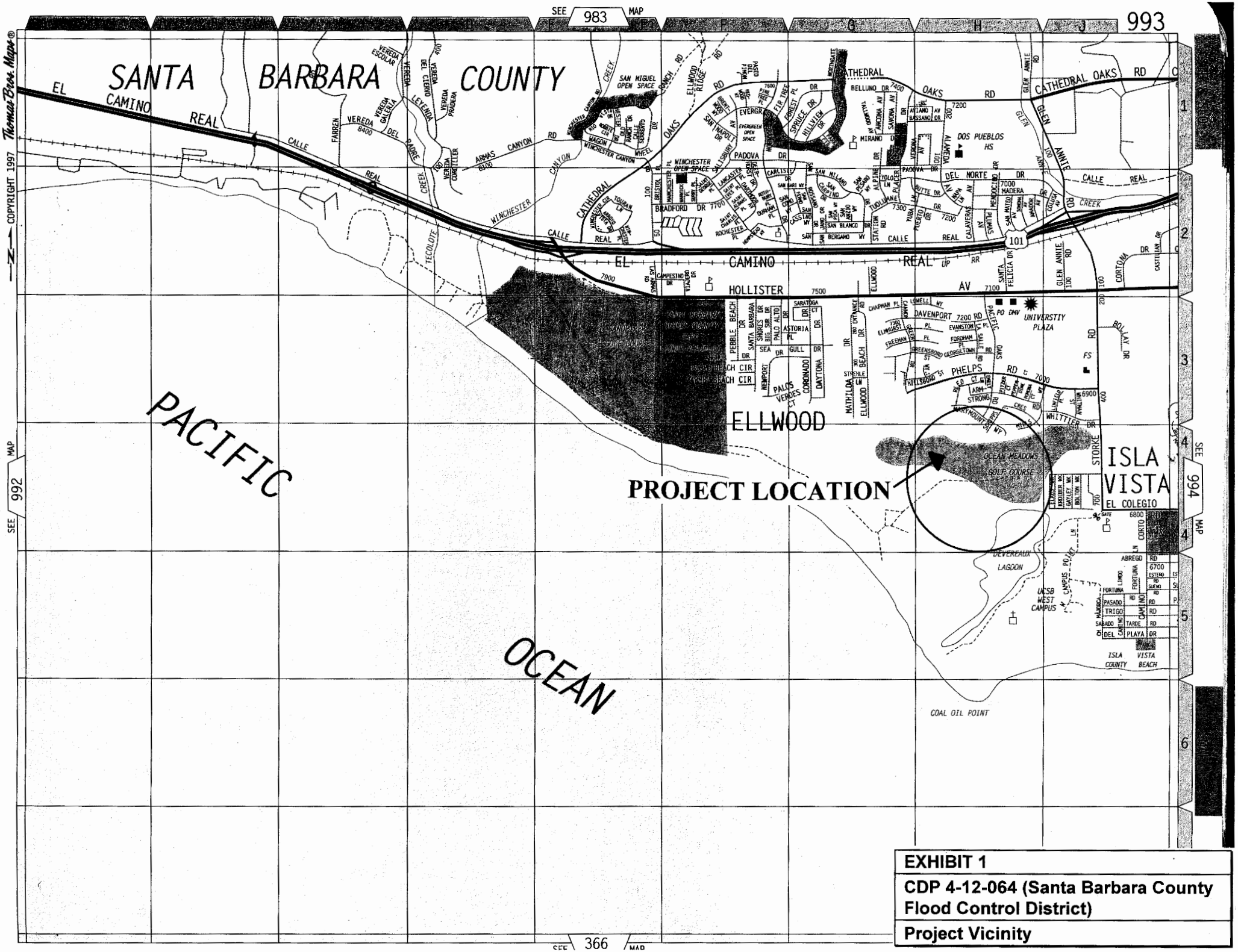


EXHIBIT 1

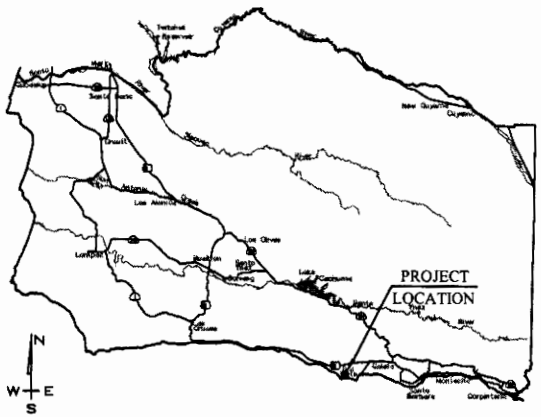
CDP 4-12-064 (Santa Barbara County Flood Control District)

Project Vicinity

SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

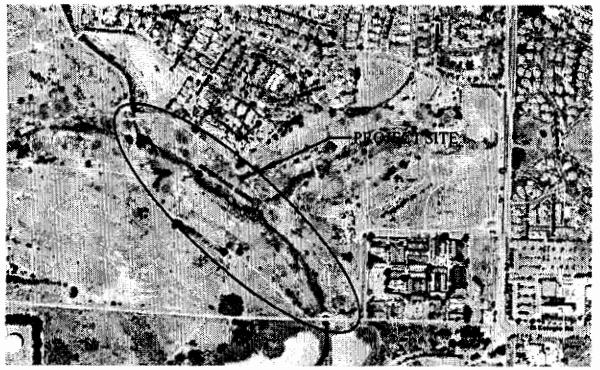
LOWER DEVEREUX
CREEK MAINTENANCE

IN THE GOLETA AREA
OF
SANTA BARBARA COUNTY, CALIFORNIA



VICINITY MAP
No Scale

INDEX TO SHEETS



SITE MAP
No Scale

REVISIONS			
NO.	DESCRIPTION	DATE	APP

DESIGNED BY: _____ DATE _____

SANTA BARBARA COUNTY
FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
130 E. VICTORIA STREET
SANTA BARBARA, CA 93101
(805) 568-3440

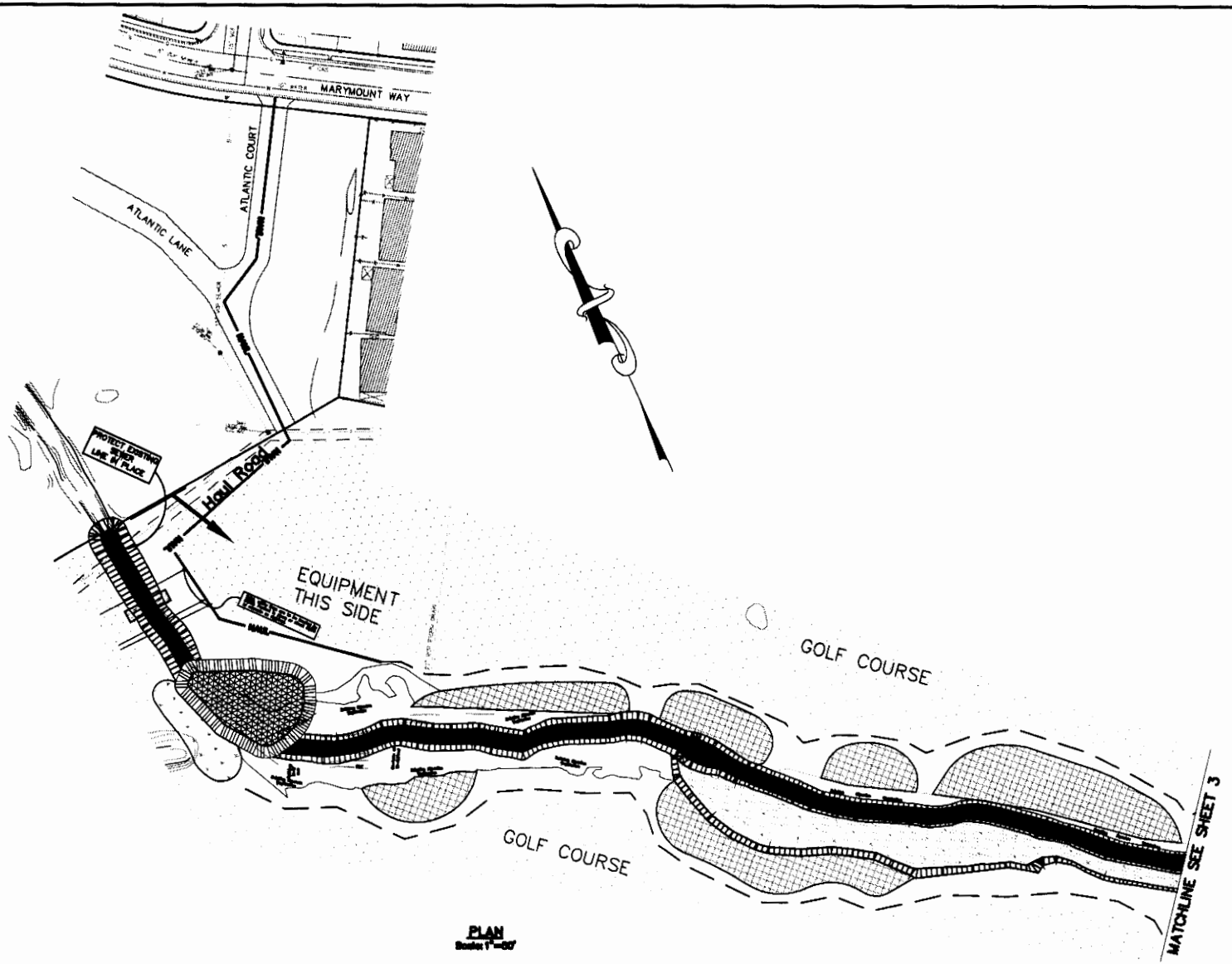
LOWER DEVEREUX
CREEK PROJECT
AREA OF GOLETA
SANTA BARBARA COUNTY, CALIFORNIA

TITLE SHEET

DESIGNED BY: SS
DRAWN BY: JT
CHECKED BY: MS

SHEET 1 OF 3

EXHIBIT 2
CDP 4-12-064 (Santa Barbara County Flood Control District)
Site Plan Sheet 1



PLAN
Scale: 1"=60'

LOWER DEVEREAUX MAINTENANCE

- DESILT
- OBSTRUCTIVE VEGETATION REMOVAL/POTENTIAL DESILTING AREA
- ACCESS ROAD

- Freshwater Marsh
- Open Water Area
- Riparian Buffer
- High Salt Marsh Buffer
- Bank

ALL UNDERGROUND UTILITIES SHOWN ARE PLOTTED BASED ON INFORMATION PROVIDED BY OTHERS AND ARE APPROXIMATE. OVERHEAD UTILITIES ARE NOT SHOWN.

THE SANTA BARBARA COUNTY FLOOD CONTROL DISTRICT IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT A MINIMUM OF TWO WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION @ 1-800-422-4133.

REVISIONS			
NO.	DESCRIPTION	DATE	APP

DESIGNED BY: DATE

SANTA BARBARA COUNTY
FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
123 E. ANAPAMU STREET
SANTA BARBARA, CA 93101
(805) 568-3440

LOWER DEVEREUX
CREEK MAINTENANCE
AREA OF GOLETA
SANTA BARBARA COUNTY, CALIFORNIA

MAINTENANCE PLAN

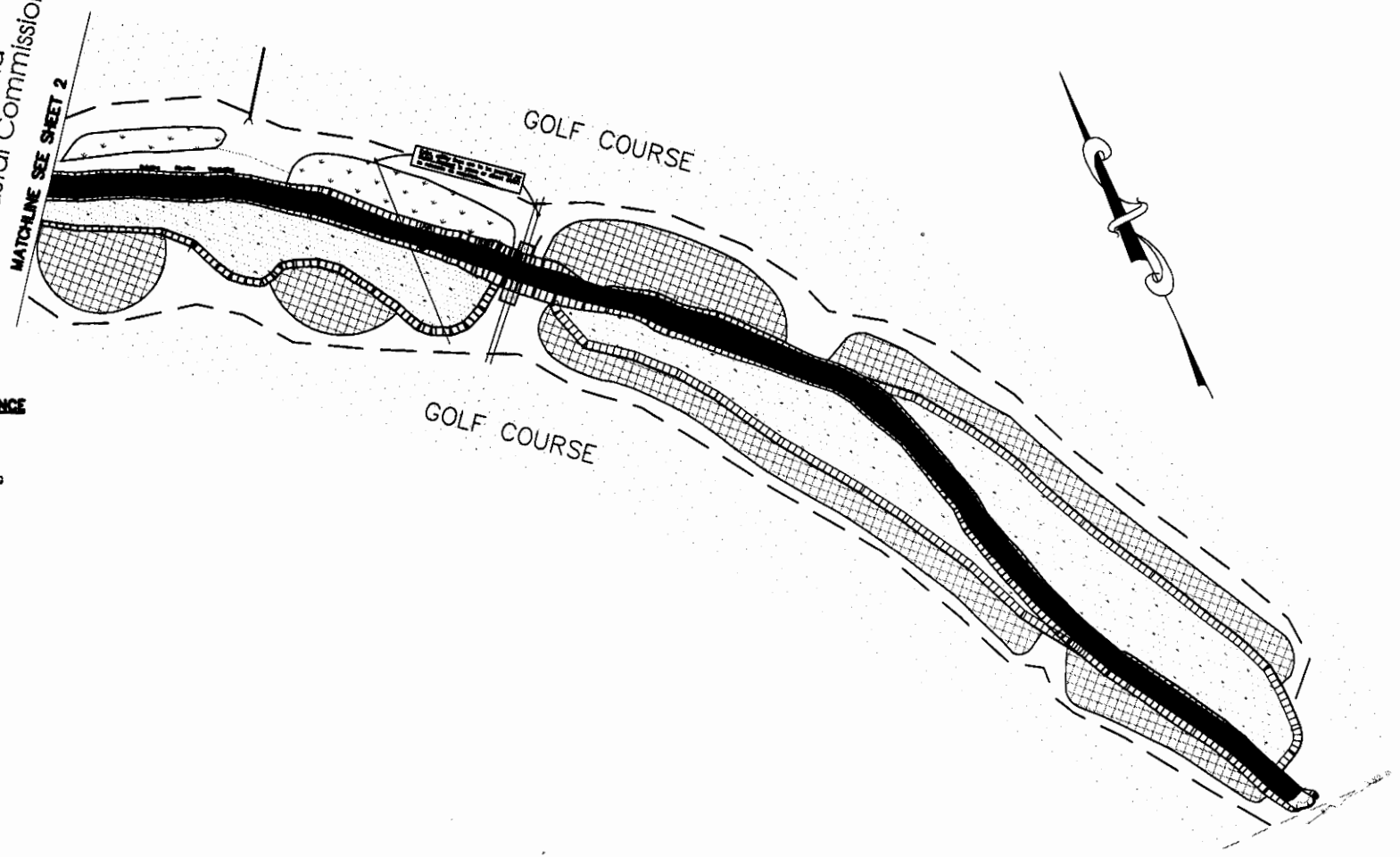
DESIGNED BY: SS
DRAWN BY: JT
CHECKED BY: MS

SHEET 2 OF 3
Filename: Desilting 2012.DWG

EXHIBIT 3

CDP 4-12-064 (Santa Barbara County Flood Control District)

Site Plan Sheet 2



LOWER DEVEREAUX MAINTENANCE

- DESILT
- OBSTRUCTIVE VEGETATION REMOVAL/POTENTIAL DESILTING AREA
- ACCESS ROAD

- Freshwater Marsh
- Open Water Area
- Riparian Buffer
- High Salt Marsh Buffer
- Bank

PLAN
Scale 1"=40'

ALL UNDERGROUND UTILITIES SHOWN ARE PLOTTED BASED ON INFORMATION PROVIDED BY OTHERS, AND ARE APPROXIMATE. UNDERGROUND UTILITIES ARE NOT SHOWN.

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UNAUTHORIZED CHANGES AND USES:
THE SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT AND ITS EMPLOYEES WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL PROPOSED CHANGES TO THE PLANS MUST BE SUBMITTED IN WRITING TO THE DISTRICT AND APPROVED IN WRITING BY THE DISTRICT PRIOR TO IMPLEMENTATION OF ANY SUCH REVISED OR USE.

REVISIONS			
NO.	DESCRIPTION	DATE	APP.

DESIGNED BY: DATE

SANTA BARBARA COUNTY
FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
123 E. ANAPAMU STREET
SANTA BARBARA, CA 93101
(805) 568-3440

LOWER DEVEREUX
CREEK MAINTENANCE
AREA OF GOLETA
SANTA BARBARA COUNTY, CALIFORNIA

MAINTENANCE PLAN

DESIGNED BY: SS
DRAWN BY: JT
CHECKED BY: MS

SHEET 3 OF 3
Filename: Desilting 2012.DWG

EXHIBIT 4

CDP 4-12-064 (Santa Barbara County Flood Control District)

Site Plan Sheet 3