

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application Number: **4-14-0492**

Applicant: **Santa Barbara County Flood Control**

Agents: **Seth Shank**

Project Location: **Carpinteria Salt Marsh, Santa Barbara County**

Project Description: **Implementation of a 5-year Maintenance Dredging Program for portions of Franklin and Santa Monica Creeks and the mouth of the Carpinteria Salt Marsh. The program includes the removal of sediment using dragline desilting methods from the lower reaches of Franklin Creek and Santa Monica Creek on a periodic basis (typically every 3 to 5 years; however may occur as frequently as annually) with removal of between 6,000 cu. yds. and 40,000 cu. yds. of sediment per dredging event and in no case shall the amount of excavation exceed 40,000 cu. yds. of sediment per year. Excavated material from the creek(s) will be temporarily stockpiled in designated areas adjacent to the creek(s) for dewatering purposes and subsequently removed to an authorized disposal site. The program also includes breaching the mouth of the Carpinteria Salt Marsh by means of a bulldozer and/or loader, on an as-needed basis in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with special conditions. As described above, the proposed project includes implementation of flood control projects for a period of five years, including dredging sediment basins in Franklin and Santa Monica Creek as-needed with a maximum 40,000 cu. yds. to be dredged in any one event and opening of the Carpinteria Salt Marsh mouth as-needed.

The Carpinteria Salt Marsh is a 230-acre estuary located in Santa Barbara County adjacent to the City of Carpinteria (Exhibit 1-2). Santa Monica and Franklin Creeks are located in the eastern portion of the Carpinteria Salt Marsh. The Marsh is relatively undeveloped with the exception of Sandyland Cove Road and berms that have been placed along the banks of the creeks. The area between Franklin and Santa Monica creeks is bisected by north-south trending Sandyland Cove Road, a paved, two-lane road that provides access to the residences along Del Mar Avenue.

The proposed dredging operations would occur within Franklin and Santa Monica Creeks as well as the Carpinteria Salt Marsh mouth. Project-related construction activities, including human presence, lighting, and noise may cause wildlife movement, foraging, and nesting to decline. The ability to forage and obtain food is particularly important during the breeding and nesting cycle. Staff recommends Special Condition One (1) to ensure that all project operations occur outside of the bird breeding and nesting season and Special Condition Four (4) to require sensitive species surveys and monitoring to ensure that no breeding activity is present in the vicinity prior to construction and that a biological monitor be present during all dredging/desilting, hauling, and maintenance activities.

There are two wetlands delineated upland of the west side of Franklin Creek. The access road, dewatering site, and project staging for the Franklin Creek dredging operations are adjacent to both of these wetlands. However, the project has been designed to avoid encroachment into these wetlands. Further, the erosion control plans submitted by the applicant indicate that silt fencing would be placed between the construction area and wetlands to ensure that the wetlands are not adversely impacted as a result of project operations. To ensure that wetlands are protected as proposed, staff is recommending Special Conditions Three (3) and Six (6) which require implementation of these wetland protection measures.

As mentioned above the proposed project includes opening the marsh mouth. Although mouth opening events may be necessary to improve oxygen levels in the estuary, such breaching events may also result in potential impacts to fish species. In order to ensure that potential adverse impacts to marine species are minimized and that such breaching shall occur only when needed to avoid an imminent fish kill event, Special Condition Ten (10) requires the applicant to submit to the Executive Director for review and written approval, a plan for periodic opening of the Carpinteria Salt Marsh that establishes the water quality, oxygenation levels, and any other criteria that would trigger the necessity for slough mouth opening in order to prevent fish kill events.

Excavated materials that are placed in stockpiles are subject to increased erosion, potentially contributing to adverse impacts to the adjacent streams and wetland areas from sedimentation and increased turbidity. Staff is recommending Special Condition Five (5), which includes requirements for the implementation of erosion control measures that include the placement of silt fencing along the dewatering sites to protect delineated wetlands and Franklin and Santa Monica Creeks from the potential effects of erosion.

Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, the proposed project is located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter 3 policies of the Coastal Act. The proposed project, only as conditioned, will be consistent with the applicable provisions of the Coastal Act.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Aerial Photograph
- Exhibit 3. Project Plans

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit Number 4-14-0492 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 shall occur between September 1 and February 28 to avoid impacts to the breeding birds, including Belding's savannah sparrow, light-footed clapper rail, and snowy plover, unless additional time is granted by the Executive Director for good cause.

2. Permit Expiration

Authorization for the operations granted pursuant to CDP 4-14-0492 shall expire five years from the date of Commission action. Any routine dredging/desilting, marsh mouth opening, sediment transport, or maintenance activities after the expiration of this permit will require the issuance of a new coastal development permit.

3. Project Responsibilities

It shall be the applicant's responsibility to assure that the following occurs during project operations:

1. The work area shall be flagged to identify limits of construction and identify natural areas off limits to construction traffic.
2. No construction materials, debris, or waste shall be placed or stored where it may be subject to erosion and dispersion.
3. Any and all debris resulting from construction activities shall be removed from the project area on a daily basis.
4. No equipment shall be stored in the project area, including designated staging and/or stockpile areas, except during active project operations and consistent with sensitive resource timing constraints identified pursuant to **Special Condition One (1)**.
5. Permanent stockpiling of material on site shall not be allowed. Sediment shall be retained at the designated temporary stockpile areas for dewatering, up to three months, 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 fill.
6. Evidence of the final disposal site and quantity of excavated material shall be provided to the Executive Director within 7 days of proposed disposal. If the disposal site is located

in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

4. Sensitive Species Surveys and Monitoring

The applicant shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct sensitive species surveys and monitor project operations. At least two (2) weeks prior to commencement of each project operation, including any channel dredging or desilting event, the applicant shall submit the name and qualifications of the biologist or specialist, for the review and approval of the Executive Director. The applicant shall ensure that the Environmental Specialist shall perform all of the following duties, and the applicant shall observe the following requirements. The biologist or specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

1. The environmental resource specialist shall: (1) conduct a survey of the project site, to determine presence and behavior of sensitive species, no more than three days prior to the commencement of any project operations including dredging, and desilting activities (2) immediately report the results of the survey to the applicant and the Commission, and (3) monitor the site during all breaching, dredging, and desilting operations:
 - (a) In the event that any sensitive wildlife species (including but not limited to tidewater goby, Belding's savannah sparrow, California least tern, western snowy plover, light-footed clapper rail) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
 - (b) In the event that any sensitive wildlife species are present in the project area, which do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. The applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continued until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.
2. The environmental resource specialist shall be present during dredging and desilting activities. 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(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-14-0492 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised, or supplemental

program to adequately mitigate such impacts. Any native vegetation which is inadvertently destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

5. Erosion Control Plans

- A. By acceptance of this permit, the applicant agrees to comply with the submitted erosion control plans, including the following criteria:
 1. Plans show delineated areas to be disturbed by flood control activities, including access roads, staging and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
 2. Should work shall take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, vegetated filter strips, additional silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, stabilize open trenches as soon as possible, and use silt fencing and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Silt fences shall never be placed on slopes.
 3. Erosion control measures shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during work. All sediment should be retained on-site unless removed to an appropriate approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
 4. The plan includes temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. All disturbed areas, including the dewatering/access road sites as well as the access road adjacent to the south and east of Franklin Creek, shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
 5. All excavated material shall be contained within the designated access and stockpile sites. During dewatering, the site(s) shall be lined with silt fencing to prevent any silt from entering the creeks/channels/wetlands.
- B. The applicant shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan. Throughout the work period, the applicant shall conduct regular inspections of the

condition and operational status of all structural BMPs required by the approved Erosion Control Plan. The applicant shall repair or replace failed or inadequate BMPs expeditiously.

6. Wetland Protection Measures

- A. No work shall take place within delineated wetlands within Carpinteria Salt Marsh and no dredging spoils or sediment shall be placed within any wetlands.
- B. Before the start of any dredging and desilting operations in Franklin Creek and Santa Monica Creek, silt fencing shall be installed along the access roads adjacent to wetland areas to assure that dredged material and sediment will not enter the adjacent wetlands. Silt fencing shall be removed when the access road is no longer necessary for that particular dredging/desilting event.

7. Signage Program

A minimum of two weeks prior to any dredging or desilting event, the applicant shall post temporary signage at the Franklin Creek pedestrian bridge and other locations along the public path to notify the public that access to the area will be limited during dredging operations and stating the estimated dates that dredging will occur.

8. 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, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers).

9. 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 flooding, tsunami, surges, liquefaction, and erosion; (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.

10. Slough Mouth Opening

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a plan for periodic opening of the Carpinteria Salt Marsh. The plan shall specify the following:

- (1) water quality, oxygenation levels, and any other criteria that would trigger the necessity for slough mouth opening in order to prevent fish kill events or flooding of adjacent developed areas;
- (2) Description of biological resource avoidance procedures and mitigation measures to minimize all potential adverse impacts to sensitive species within and near the slough, including but not limited to Tidewater goby.
- (3) Breaching shall occur in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and all other applicable state and federal resource agencies.
- (4) The applicant shall submit to the Executive Director, an annual post-action assessment describing any slough opening activities that have occurred, indicating the event's conformance with all slough mouth opening criteria and whether any sensitive species were observed and any measures taken to avoid or mitigate disturbance.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION, BACKGROUND, AND LOCATION

Project Description

The Santa Barbara County Flood Control district proposes to implement a 5-year Maintenance Dredging Program for portions of Franklin and Santa Monica Creeks and the mouth of the Carpinteria Salt Marsh. The program includes the removal of sediment from the instream sedimentation basins in Franklin Creek and Santa Monica Creek using dragline desilting methods on a periodic basis (typically every three to five years; however may occur as frequently as annually) with removal of between 6,000 cu. yds. and 40,000 cu. yds. of sediment per dredging event, and in no case shall the amount of excavation exceed 40,000 cu. yds. of sediment per year. Both Franklin Creek and Santa Monica Creek are concrete lined channels that drain into Carpinteria Marsh. The instream sedimentation basins in both creeks were constructed pursuant to CDP 4-03-060. Material excavated from the creek(s) will be temporarily stockpiled in designated areas adjacent to the creek(s) for dewatering purposes and subsequently removed to an authorized disposal site. Detailed project descriptions for each creek are as follows.

Franklin Creek

On an annual or as-needed basis (typically every 3 to 5 years), sediment would be removed from the end of the concrete channel downstream approximately 1,500 ft. This would be done with a crane rigged with a dragline. The target elevation is -4 MSL, or 3 ft. lower than the concrete channel

immediately upstream. Sediment volumes to be removed range from approximately 3,000 cu. yds. to 20,000 cu. yds. Sediment will be temporarily stockpiled within designated areas on the access road for dewatering. Silt fencing would be placed along the access road to contain the recently removed sediment.

Franklin Creek will be accessed from Sandyland Cove Road via Carpinteria Avenue. Once on Sandyland Cove Road, equipment will immediately turn left onto an existing access road on Santa Barbara Land Trust property. Equipment will continue east towards the Silver Sands Mobile Home Park, but remain on the west side of Franklin Creek. No grading is proposed. The public pedestrian bridge over Franklin Creek will not be impacted during dredging operations. However, public access to the bridge may be restricted temporarily during active dredging operations.

Santa Monica Creek

On an as-needed basis (typically every 3 to 5 years), sediment would be removed from the Union Pacific Railroad (UPRR) bridge downstream approximately 1,500 ft. This would be accomplished with a crane rigged with a dragline. The target elevation is -4 MSL, or approximately 4 ft. lower than the concrete channel immediately upstream. Sediment volumes to be removed range from approximately 3,000 cu. yds. to 20,000 cu. yds. per dredging event. Sediment would be temporarily stockpiled within the designated areas on the access road for dewatering. Silt fencing would be placed along the access road to contain the recently removed sediment.

Santa Monica Creek basin will be accessed from Estero Way via Carpinteria Avenue. Once inside the Carpinteria Salt Marsh on Estero Way, equipment will immediately turn left onto an existing access road on land owned by the University of California, Nature Reserve System. Equipment will continue towards the east, but remain on a berm along the west side of Santa Monica Creek. No additional grading is proposed.

The proposed program also includes breaching the mouth of the Carpinteria Salt Marsh by means of a bulldozer and/or loader, on an as-needed basis in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. The Flood Control District proposes to open the mouth of the marsh to allow tidal fluctuation in the marsh in order to improve water quality, as deemed appropriate by coordination and consultation with CDFG, USFWS, and NRCS. Depending on the conditions, this would typically be done with dozer/loader.

Location and Background

The Carpinteria Salt Marsh is a 230-acre estuary located in Santa Barbara County adjacent to the City of Carpinteria (Exhibit 1-2). Santa Monica and Franklin Creeks are located in the eastern portion of the Carpinteria Salt Marsh. The Marsh is relatively undeveloped with the exception of Sandyland Cove Road and berms that have been placed along the banks of the creeks. The area between Franklin and Santa Monica creeks is bisected by north-south trending Sandyland Cove Road, a paved, two-lane road that provides access to the residences along Del Mar Avenue. Of the 230 acres, 120 acres belong to the University of California Natural Reserve System, 34 acres are owned by the Santa Barbara County Land Trust, and the Flood Control District owns a 1.5-acre parcel located west of Sandyland Cove Road and a linear strip along the east side of Basin 1. The remainder is owned privately by various entities, such as a 38-acre parcel owned by the Sandyland Protective Association.

Land uses to the north of Carpinteria Marsh include the Union Pacific Railroad tracks and U.S. Highway 101, condominiums, and Aliso School. Single family residences lie to the south and west; a mobile home park and the Carpinteria Salt Marsh Nature Park lie to the east, and open space is west of the Marsh.

There was significant flooding in the Carpinteria Valley in the 1960s due to a combination of large winter storms, fires in the upper watershed, sediment-laden streams, and poor channel capacity in the estuary. As a result, the Carpinteria Valley Watershed Protection Program (CVWPP) was developed in 1968 by the Soil Conservation Service and its local sponsors, the Flood Control District and City of Carpinteria. The CVWP has largely been completed including the construction of 5.7 miles of concrete-lined channels on Franklin and Santa Monica creeks. Debris basins were also constructed on each creek.

B. PAST COMMISSION ACTION

In 1998, the Commission granted to the County of Santa Barbara Flood Control District, Coastal Development Permit (CDP) 4-98-022 to remove 30,000 cu. yds. of sediment from Franklin and Santa Monica Creeks within the Carpinteria Salt Marsh, to follow up emergency actions. Staff concluded that “the proposed project is within the previously modified (realigned, shaped, and dredged) lower portions of Franklin and Santa Monica Creek, is necessary for public safety and to protect existing development, and provides significant protection for the larger Carpinteria Salt Marsh.” The approval was subject to four conditions regarding waiver of liability and evidence of a U.S. Army Corps of Engineers permit, California Department of Fish and Wildlife Streambed Alteration Agreement, and State Lands Commission authorization.

In 2004, the Commission approved CDP 4-03-060 for flood control activities, marsh restoration, and public access projects in Carpinteria Salt Marsh, including: (1) construction of a berm and concrete floodwall to contain 100-year flood flows requiring approximately 6,500 cu. yds. (4,500 cu. yds. fill, 2,000 cu. yds. cut) of grading; (2) raising the height of existing floodwall along Franklin Creek 2 feet; (3) constructing permanent instream sedimentation basins on Franklin and Santa Monica Creeks to be dredged as-needed with a maximum 40,000 cu. yds. to be dredged in any one event; (4) modification of the mouth of the marsh by dredging a larger inlet channel to the Main Channel through berm removal, requiring approximately 10,125 cu. yds. of cut grading; (5) opening of marsh mouth as-needed; (6) one-time dredging of Basin 3 channels with a maximum of 17,300 cu. yds. of sediment removal; (7) new tidal connections and channels and wetland restoration in the South Marsh, requiring approximately 4,653 cu. yds. of cut grading; (8) new tidal connections and channels and wetland restoration in Basin 1, requiring approximately 12,234 cu. yds. of cut grading; (9) channel dredging in upper Basin 3 along Estero Way requiring approximately 900 cu. yds. of cut grading and replacement of six 36” culverts for tidal circulation between Basins 2 and 3; (10) lowering of berm in Basin 2 requiring 3,900 cu. yds. of cut grading; (11) dredging of maximum 6,200 cu. yds. from the Main Channel; (12) removal of four berms along the Main Channel requiring approximately 11,496 cu. yds. of cut grading; and (13) public access improvements including 1,200 ft. long path, bridge across Franklin Creek, interpretive stations, and signage.

In 2009, the Commission approved CDP 4-08-084 for the implementation of a 5-year Maintenance Dredging Program for portions of Franklin and Santa Monica Creeks and the mouth of the Carpinteria Salt Marsh. The 5-year program authorized by CDP 4-08-084 was for

essentially the same development that is now proposed pursuant to this permit application and included the removal of sediment using dragline desilting methods from the lower reaches of Franklin Creek and Santa Monica Creek on a periodic basis (typically every 3 to 5 years; however could occur as frequently as annually) with removal of between 6,000 cu. yds. and 40,000 cu. yds. of sediment per dredging event and in no case to exceed 40,000 cu. yds. of sediment per year. Excavated material from the creek(s) could be temporarily stockpiled in designated areas adjacent to the creek(s) for dewatering purposes and subsequently removed to an authorized disposal site. The program also included breaching the mouth of the Carpinteria Salt Marsh by means of a bulldozer and/or loader, on an as-needed basis in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Additionally, all excavated material suitable for beach nourishment purposes could be placed in the surfzone along the beach south of the Del Mar Avenue residences as delineated in the project plans.

Other past actions also include approval of exotic vegetation removal and revegetation projects (4-02-123-X, 4-98-113-X, and 4-02-256) within the Marsh. Similarly, the Commission approved Coastal Development Permit 4-96-111 for the adjacent Carpinteria Salt Marsh Restoration Plan, Ash Avenue Properties Implementation Plan to remove about 24,000 cubic yards of fill, enhance tidal circulation, create a range of salt marsh and upland habitat, create new tidal channel, construct two tide gates, restore coastal dune habitat, construct an interpretative center, amphitheater, overlook area, and trails.

C. ENVIRONMENTALLY SENSITIVE HABITAT, WETLANDS, AND STREAM ALTERATION

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states that:

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

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) 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.

Coastal Act Section 30240 affords protection of environmentally sensitive habitat areas as follows:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation 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 Carpinteria Salt Marsh (area north of Sand Point and Del Mar Roads and south of the railroad right-of-way) is designated as Environmentally Sensitive Habitat (ESH) under Santa Barbara's certified Local Coastal Plan. The Marsh is zoned as Resource Management (RES), minimum 100 acres. The purpose of the RES zone district is to ensure protection of lands that are unsuited for intensive development.

The Commission notes that some level of flood control activities are necessary within the Marsh. In addition, the Commission notes that alteration of streambeds, as proposed, 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 in Santa Monica Creek, Franklin Creek, and the mouth of the marsh on the subject site should be carried out in the least environmentally damaging manner.

Carpinteria Salt Marsh

Historically, Carpinteria Salt Marsh extended beyond its current boundaries, but agriculture and urban development, including historic filling of wetlands and flood control activities, have reduced the extent of the wetlands by approximately one half. The Marsh covers approximately

230 acres and includes intertidal estuarine wetlands, adjacent palustrine wetlands and some subtidal deep water habitat in natural and artificial channels.

The Carpinteria Marsh is an environmentally sensitive habitat area (ESHA). It is important habitat for migratory waterfowl as well as several endangered species, including the salt marsh bird's beak, Belding's savannah sparrow, and light-footed clapper rail. It is also an important nursery for marine and estuarine fish.

The estuary is subdivided into three large "basins" separated by artificial channels lined with earthen berms. Basin 1 is the eastern portion of the marsh and is bordered by Franklin Creek on the east and south and Santa Monica Creek on the west. Basin 2 is the central portion of the marsh and extends from Santa Monica Creek to Estero Way, an exploratory oil and gas road constructed in the marsh in 1945. The northern boundary of Basin 2 is adjacent to the railroad right-of-way and the Main Channel delimits the southern boundary. Basin 3 extends from Estero Way to the western boundaries of the estuary. It is bordered on the north by the railroad and on the south by Santa Claus Lane and residences. In addition, a small portion of the marsh, known as South Marsh, borders the residences along Del Mar Avenue on the south side of Franklin Creek as it curves around the southern boundary of Basin 1 and the Main Channel south of Basin 2.

The watershed of the Marsh is confined to the drainages of Franklin and Santa Monica creeks and a smaller unnamed drainage west of Santa Monica Creek. Santa Monica Creek extends about 5 miles southward from the crest of the watershed to the Marsh, where it joins Franklin Creek to the Main Channel, which extends to the mouth of the estuary. Franklin Creek extends about 4 miles southward from the foothills of the Santa Ynez Mountains to the confluence of the tidal portion of the creeks.

Wetland vegetation in the salt marsh is divided into vegetation "zones" that typically correspond to elevation gradients and hydrologic regime. These zones are classified as low, middle, and high marsh.

Low salt marsh habitats are inundated by tidal action at least daily and include estuarine intertidal mudflats and tidal channels. In other salt marsh habitats in central and southern California, the tidal estuarine flats and tidal channels may support Pacific cordgrass (*Spartina foliosa*), but this species is absent from Carpinteria Salt Marsh as well as other local coastal estuaries in Santa Barbara County. The tidal mudflats are flooded and exposed daily. These habitats do not support vegetation but provide an abundance of invertebrates and are considered important foraging habitat for birds that frequent the salt marsh. Tidal mudflats in the Carpinteria Salt Marsh typically occur between 2.2 to 2.6 feet above MSL.

Middle coastal salt marsh is regularly inundated during high tides and is dominated by monotypic stands of pickleweed (*Salicornia virginica*, WIS=OBL). This is the dominant habitat type in the Carpinteria Salt Marsh and typically occurs above 2.6 feet MSL.

High salt marsh is found in association with the middle coastal salt marsh but at slightly higher elevations and is inundated only during extreme high tide events. Pickleweed (OBL) is still present with alkali heath (*Frankenia salina*, FACW+) and fleshy jaumea (*Jaumea carnosa*, OBL) codominant. Parish's glasswort (*Salicornia* [= *Arthrocnemum*] *subterminalis*, OBL) often

replaces pickleweed in the higher elevations of the coastal salt marsh. In the Carpinteria Salt Marsh, high salt marsh habitat typically occurs at the fringes of the middle marsh, often within the same elevation range, but the topography and hydrology prevent these areas from being inundated except during extreme high tide events (monthly or seasonally). Salt pans or unvegetated saline flats that are above the reach of most or all lunar tides are interspersed with the vegetation within the high salt marsh habitats. Spearscale (*Atriplex triangularis*, FACW), an annual species commonly found in salt marshes or alkali flats, is also present in patches, especially around the upper margins of the high salt marsh areas.

In addition to the salt marsh vegetation, areas in the marsh have a freshwater influence and support brackish and/or freshwater marsh plant species such as alkali bulrush (*Scirpus maritimus*, OBL). These areas include low spots that are isolated from tidal influence where runoff or rainwater collects and areas within the channels where the freshwater influx is stronger than the tidal backflow.

In addition, a unique assemblage of plant species may occupy areas that are transitional from wetland to upland plant communities. Transition areas may include narrow bands along the banks of channel berms or occupy wide, flat areas just above the elevation of the highest high tide. Transition habitats typically include a mixture of common upland and salt marsh species. Other plant species such as western goldenrod (*Euthamia occidentalis*, OBL), salt grass (*Distichlis spicata*, FACW), quail bush (*Atriplex lentiformis*, FAC), and coast goldenbush (*Isocoma menziesii*, no WIS) are common components of transition habitats in the Carpinteria Salt Marsh. Transition areas are typically not saturated for prolonged periods of time. However, western goldenrod is an obligate wetland plant that is found in scattered locations along the fringes of the salt marsh in transition habitats, which may indicate that some transition areas are periodically saturated for sufficient time to support wetland vegetation. All areas where salt marsh or other wetland species are dominant would meet the criterion for wetland vegetation.

Portions of Carpinteria Marsh are presently considered degraded wetlands due to high sedimentation rates, inflow of nutrient-rich water from upstream areas, past dredging/filling activities, poor tidal flushing, and occasional closure of the estuary mouth. In addition to this degradation, the high sediment loading has reduced channel capacity in the estuary and increased the flooding hazard for nearby residential areas.

Sensitive Species and Habitats

Past studies of Carpinteria Salt Marsh have identified 190 species of birds, 37 species of fish, 11 species of mammals, 5 species of reptiles and amphibians, and over 100 species of invertebrates in the marsh (Ferren et al. 1997). All of the fish, most of the invertebrates, and many of the birds are associated with the creek channels in the marsh or the mouth of the estuary. Water channels are present in South Marsh, but these are narrow and primarily conduct run-off from the residences to Franklin Creek. Both Basin 1 and South Marsh support a much smaller number of animal species than Basins 2 and 3, which contain open water channels. The recently restored Carpinteria Salt Marsh Nature Park has several channels that are connected to the Main Channel, and this portion of the marsh already provides resources for numerous invertebrates, fish and avian species.

In addition to providing habitat for aquatic and upland bird species, the Marsh provides upland and transition areas which serve as important habitat for raptors. Several raptors are regularly observed foraging in the area including American kestrel, red-shouldered hawk, red-tailed hawk, white-tailed kite, and northern harrier. In addition, the area supports several loggerhead shrikes (California species of special concern). White-tailed kites are frequently observed foraging over all of the Carpinteria Salt Marsh. During past SAIC surveys, it appeared that kite foraging focused more on the disturbed upland habitats and outer edges of the wetland habitat including the salt pans within Basin 2. However, kites have been observed on several occasions to hover over the larger sections of pickleweed-dominated habitat. Osprey are also known to frequent the marsh.

It is expected that rodents are more commonly found in the higher elevations because these areas do not flood during rain events. After the rainy season, rodents are expected to move out into the lower elevations. The presence of healthy populations of harvest mice, house mice, gophers, and ground squirrels provide an important prey base for raptor species such as barn owl, northern harrier, white-tailed kite, red-tailed hawk and red-shouldered hawk.

The regularly flooded salt marsh habitats do not support many mammal or reptile species. However, the upland vegetation along the berms supports a few common species of reptiles, such as western fence lizard and side-blotched lizard. Mammal species include raccoon, opossum, gopher, and house mouse. Other mammals that use the salt marsh include feral or pet cats and dogs.

The stream channels in the areas to be desilted have soft sediment beds composed primarily of sand and silt. These sediments provide habitat for a variety of invertebrates (e.g., polychaete worms, crabs, snails, and clams) that live in or on them. Density and species composition vary seasonally and with the rate of sediment deposition/scour during the rainy season. The California oyster is present in rocky areas near the mouth of the estuary. Ghost shrimp, blue mud shrimp, and jackknife clams are also present, and mussels are attached to the exposed portions of the metal culverts under Estero Way. Other invertebrates have been observed in the marsh channel as well, particularly in Basin 3. The fiddler crab is known to be present in the bend of the channel in the northeast corner of Basin 3.

Several fish species are resident in the estuarine waters, such as long-jawed mudsucker, California killifish, arrow goby, and cheekspot goby. Other species are visitors that use the estuary as a nursery [e.g., California halibut, diamond turbot, and starry flounder] or for feeding at high tide. In Basin 3 and the southwest corner of Basin 2 (Final EIR citing Brooks 1999), the dominant species were the California killifish, arrow goby, and topsmelt. Other common species were staghorn sculpin, long-jawed mudsucker, diamond turbot, cheekspot goby, speckled midshipman, and California halibut. Abundance of most fish species was found to increase in late spring and decline in fall.

The proposed project involves dredging of coastal waters. The Commission notes that dredging and disposal in and near areas identified as providing habitat for sensitive wildlife species has the potential to adversely impact those species. Several sensitive species are present in the project area, some only seasonally, including plant species such as salt marsh bird's beak, Coulter's goldfields. Sensitive wildlife species which are known residents or visitors include Belding's savannah sparrow, light-footed clapper rail, California brown pelican, American peregrine

falcon, osprey, white-tailed kite, northern harrier, merlin, long-billed curlew, steelhead, and tidewater goby.

Belding's savannah sparrows have been consistently observed at Carpinteria Marsh. Fifty-two territories were recorded throughout the entire marsh in 1991 (USFWS 1991). Most of the breeding pairs were located in Basin 2 of the marsh. These results were comparable to those of 1986 surveys, suggesting a stable population. Holmgren (personal communication, 2002) reports observing at least ninety pairs in 1995, 69 individual adults in 1996, and 98 individual adults in 1997. Several pairs of Belding's savannah sparrows were observed during the SAIC surveys for this species conducted in Basins 1 and 2 during the spring of 2000, but none were observed in South Marsh. Although suitable nesting and foraging habitat is potentially present in the Carpinteria Salt Marsh Nature Park, this species was not observed during the SAIC March 2002 site visit.

Marsh habitat appears to be essential for both nesting and foraging for the light-footed clapper rail. Food items include fish, clams, crabs, snails, insects, and other invertebrates. Clapper rail nesting occurs from mid-March to July with most egg laying occurring from early April to early May.

California brown pelicans are regularly observed along the coastline near the Carpinteria Salt Marsh, and occasionally, low numbers of pelicans can be seen roosting and bathing in the channels within the marsh (SAIC, unpublished field notes). California brown pelicans are expected to be present in the channels adjacent to Basins 1 and 2 on an infrequent basis. Along the Santa Barbara County coast, numbers of California brown pelicans are highest in July and lowest in late winter and early spring (Lehman 1994).

Steelhead historically passed through the estuary to spawn in Santa Monica Creek (Ferren et al. 1997), but flood control modifications (concrete lining on steep slopes) to that creek upstream of the estuary now preclude use by steelhead (SAIC personal observation). Franklin Creek is lined with concrete for over one mile upstream of the marsh (with no steep slopes) and is unlikely to support steelhead in the remainder of the creek. Steelhead could be transitory visitors to the estuary during winter when runoff is sufficient to allow migration into coastal streams. Since access to suitable spawning habitat in Santa Monica Creek is blocked by the concrete channel and Franklin Creek has essentially no suitable spawning and rearing habitat, few if any steelhead are likely to pass through the estuary.

Tidewater gobies were reported in El Estero (Carpinteria Salt Marsh) in 1923 (Swift et al. 1989) and in 1984 (CNDDDB 2003); however, surveys of the marsh in 1993-1995 found the species to be absent (Ambrose 1995). Tidewater gobies are known to inhabit Carpinteria Creek, the next drainage to the east, and recolonization of the marsh could occur.

Desilting and dredging construction-related activities, including human presence, lighting, and noise may cause wildlife movement, foraging, and nesting to decline. The ability to forage and obtain food is particularly important during the breeding cycle. To ensure that the impact to breeding birds is minimized, **Special Condition One (1)** prohibits all project construction activity in the project area during the recognized breeding/nesting season, from March 1 to August 31. In addition, to ensure that no breeding activity is present in the vicinity, **Special Condition Four (4)** requires that a survey be conducted for breeding activity no more than three

days prior to construction and that a biological monitor be present during all dredging/desilting, hauling, and maintenance activities. In the event that any sensitive wildlife species (including but not limited to tidewater goby, Belding's savannah sparrow, California least tern, western snowy plover, light-footed clapper rail) exhibit reproductive or nesting behavior or are within the estimated breeding/reproductive cycle of the subject species, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Additionally, the biological monitor shall have the responsibility and authority to require the applicant to cease work should any breach in the scope of work occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-14-0492 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

Marsh habitat and species may further be impacted by construction-related debris and if construction is not contained within the designated accessways and staging areas. **Special Condition Three (3)** requires the applicant to flag and identify the limits of the construction area in and around the marsh and stream areas. Special Condition Three (3) further outlines the applicant's responsibilities to properly store and dispose of construction materials, debris, or waste to ensure that debris is not dispersed into the surrounding environment. The applicant shall not leave equipment or materials in the project area, including designated staging and/or stockpile areas, except during active project operations consistent with the provisions of this permit and sensitive resource timing constraints.

In addition, the proposed project will involve work within streams and the Marsh mouth that may require additional approvals from the United States Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. Therefore, **Special Condition Eight (8)** requires the applicant obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project.

D. DIKING, FILLING, DREDGING OF COASTAL WATERS

Section 30233 of the Coastal Act states, in part:

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

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

- (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - (3) *In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
 - (4) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
 - (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - (7) *Restoration purposes.*
 - (8) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.*
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*
- (d) *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are*

the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) 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 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries, and for maintaining or restoring previously dredged depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30233 of the Coastal Act also mandates that dredging and disposal operations shall be carried-out to avoid disruption of marine and wildlife habitats, and that suitable dredge sediments shall be deposited for beach replenishment.

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. 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.

The flood control activities include dredging of two creeks in the Carpinteria Salt Marsh, Franklin and Santa Monica Creeks. These activities constitute stream alteration for flood control purposes, and therefore are authorized under Section 30236 of the Coastal Act. The authorization for flood control activities under Section 30236 governs this component of the project, rather than the provisions of Section 30233(a) regarding allowable purposes for diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes.

The project also includes opening of the marsh mouth to facilitate habitat restoration and flood control in the marsh. Dredging associated with the salt marsh mouth is authorized under Section 30233(a)(7) of the Coastal Act. According to the 2003 Final EIR, opening the marsh mouth is necessary to increase tidal inundation and increase the tidal prism. Further, opening the mouth would allow sediment transport to the ocean and decrease potential for sediment loading within the marsh.

In 2013, Emergency Coastal Development Permit G-4-13-0203 was issued to the University of California's Carpinteria Salt Marsh Reserve for the one-time opening of the Carpinteria Marsh mouth in order to restore water quality and oxygenation levels to prevent fish kill. Dr. Andrew Brooks, Director of the University of California's Carpinteria Salt Marsh Reserve, provided an analysis of the potential for fish kill due to decreased oxygen levels and related eutrophication and the need for opening of the slough mouth. The analysis found that the Carpinteria Salt Marsh has previously experienced periods of severely degraded water quality associated with the closure of the mouth of the estuary. Excessive nutrient loading via Franklin and Santa Monica

creeks has resulted in increased abundances of marine macroalgae, especially the green alga *Enteromorpha intestinalis*. This condition of hyper-abundant algal populations has significantly impaired levels of dissolved oxygen throughout the marsh. Measured levels of dissolved oxygen have been below 1.0 part per million since the bar began restricting tidal flushing of the marsh on or about April 19, 2013. Previous data obtained from Dr. Mark Page of the University of California, Santa Barbara indicates that measures of dissolved oxygen within the waters of the Carpinteria Salt Marsh has been as low as approximately 0.2 parts per million. This is significantly below the 3.0 parts per thousand level that is used to categorize a water body as hypoxic. Additionally, salinity levels within the marsh have previously fallen to values approaching 29 parts per thousand adding an additional source of physiological stress to the marine organisms inhabiting the Carpinteria Salt Marsh. As a result, environmental conditions within the marsh are favorable for the potential occurrence of a large fish kill that would primarily of fishes that are intolerant of low oxygen conditions such as topsmelt (*Atherinops affinis*), jacksmelt (*Atherinopsis californiensis*) and certain benthic species such as the California halibut (*Paralichthys californicus*). Also likely are increased mortalities of large macroinvertebrates and benthic infaunal species such as amphipods, benthic copepods and polychaetes.

In order to address the issue of potential fish kills due to low oxygen levels and eutrophication, the applicant has requested authorization to open the slough mouth on as-needed basis for a period of five years. However, although mouth opening events may be necessary to improve oxygen levels in the estuary, such breaching events may also result in potential impacts to fish species such as small estuarine fish such as gobies being entrained in the flow going out when the actual breach occurs. In order to ensure that potential adverse impacts to marine species are minimized and that such breaching shall occur only when needed to avoid an imminent fish kill event, **Special Condition Ten (10) requires** the applicant to submit to the Executive Director for review and written approval, a plan for periodic opening of the Carpinteria Salt Marsh that establishes the water quality, oxygenation levels, and any other criteria that would trigger the necessity for slough mouth opening in order to prevent fish kill events. The marsh mouth opening plan must also include all appropriate biological resource avoidance procedures and mitigation measures, require the applicant to submit an annual post-action assessment describing any slough opening activities that have occurred, indicating the event's conformance with all marsh mouth opening criteria and whether any sensitive species were observed and any measures taken to avoid or mitigate disturbance. In addition, Special Condition Ten (10) also requires that any marsh mouth opening events shall occur in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and all other applicable state and federal resource agencies.

No wetlands are proposed to be impacted. The flood control plans show the alignment of the access and stockpile road area for Franklin Creek and Santa Monica Creek outside of wetland areas. **Special Condition Six (6)** requires wetland protections measures, before the start of any dredging and desilting operations in Franklin Creek and Santa Monica Creek. Specifically, silt fencing will be placed along the access roads adjacent to wetland areas to assure that dredged material and sediment will not enter the adjacent wetlands. Special Condition 6 requires that silt fencing be removed when the access road is no longer necessary for that particular dredging/desilting event. Additionally, Special Condition 6 requires that no dredging spoils or sediment shall be placed within any wetlands. Further, to assure the proper disposal location of all sediment materials and to assure that they will not be disposed of on-site, **Special Condition**

Three (3) requires the applicant to provide evidence of the final disposal location of all sediment materials within 7 days of proposed disposal. Thus, the project, as conditioned, will avoid impacts to wetlands.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30233 and 30236 of the Coastal Act.

E. HAZARDS

Section 30253 of the Coastal Act states, in 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, geologic 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 provide for geologic stability and integrity and minimize risks to life and property. Carpinteria Marsh is generally a coastal floodplain, located at the base of coastal streams derived from the nearby Santa Ynez Mountains. Marsh and upland areas lie adjacent to channels. The marsh is an approximately level floodplain incised by tidal channels. The marsh is filled with sediments from the upland watershed and from the ocean.

The proposed flood control activities in the marsh are intended to increase flood flow for Franklin and Santa Monica Creeks above and through the marsh, as well as provide sediment management. Without the project, sediments would be deposited in the marsh and the lined sections of the creeks above the marsh, increasing the flood hazard in large areas of residential and commercial development in the City of Carpinteria. The purpose of the proposed desiltation program is to maintain the floodwater carrying capacity in Franklin and Santa Monica Creeks to reduce the likelihood of flood damage to adjacent residential areas.

Sediment will have to be disposed of after each dredging event, up to 20,000 cu. yds. of sediment from Franklin Creek and up to 20,000 cu. yds. of sediment from Santa Monica Creek. The applicant has stated that the excess excavated material and debris shall be removed to a suitable disposal site, and such site(s) have not been determined. Staff notes that a suitable site is one that has all the necessary federal, state, and local approvals to receive such material. To ensure that this is fully implemented and properly disposed, **Special Condition Three (3)** requires that prior to disposal of excess excavated material, the applicant shall provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill.

Dredging activities are expected to result in the removal of no more than 40,000 cu. yds. of material in any one year. The desilting/dredging activities will occur by use of a crane rigged with a dragline that is operated from the adjacent stream bank. All dredged material will be stockpiled in designated areas adjacent to the creek where it is allowed to dewater. The sediment will be allowed to dewater for several weeks until it is hauled to a suitable disposal site. The County estimates desilting is typically necessary in the project reach every three to five years.

However, the proposed desilting would occur on as-needed basis because high sediment laden flows can result in sedimentation that requires desilting. The applicant is requesting five years of desilting on an as-needed basis.

As stated above, all dredged material will be stockpiled in designated areas adjacent to the creek for dewatering. However, the Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and potential adverse effects to adjacent streams and wetland areas from resedimentation and increased turbidity. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. Therefore, in order to ensure that dredged material will not be permanently stockpiled on site and that erosion and resedimentation of the streams on site are minimized during any temporary stockpiling activities, **Special Condition Five (5)** requires that temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Specifically, Special Condition Five (5) requires the applicant to comply with the submitted erosion control plans, which delineate all areas to be disturbed by grading or construction with all natural areas flagged or fenced. If project activities take place during the rainy season the applicant proposes to install and monitor temporary erosion control measures. The applicant shall undertake development to minimize the area of bare soil exposed at any one time and clear only the areas essential for construction. Further, **Special Condition Three (3)** prohibits permanent stockpiling of material on site and requires the applicant to provide evidence of the final disposal location to the Executive Director within 7 days of proposed disposal.

The applicant estimates that desilting activities are only necessary every three to five years, or potentially during severe flood seasons. To allow further evaluation of the adequacy of the flood control activities and allow controlled evaluation of the success of the implementation of the mitigation measures, the Commission finds it necessary to restrict the subject permit to five years of desiltation activities from the date of Commission action, as described under **Special Condition Two (2)**.

Additionally, given the nature and location of the proposed project in a marsh and along streams, the proposed development will be subject to hazards, particularly flooding and debris flows. 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 erosion and flooding, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Nine (9)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30253.

F. PUBLIC ACCESS AND VISUAL RESOURCES

Coastal Act Sections 30210 states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 (a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....

Section 30213 of the Coastal Act states:

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

Section 30214 (a) of the Coastal Act states:

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case....

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Likewise, Coastal Act Section 30240 (b) also requires that development not interfere with recreational areas and states:

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance

visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. In addition, Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

Carpinteria Salt Marsh is one of only a few coastal estuaries of substantial size left in Santa Barbara County, and it is considered a visually sensitive resource. Most of the 230-acre Marsh has a natural appearance, although some obvious modifications have occurred, including two roads, build-out of residential development and associated coastal armoring of both the upcoast and downcoast sandspits, berms and flood control access roads and staging areas.

The Marsh is largely surrounded by development, although the recently completed Nature Park lies just east of Franklin Creek and includes approximately 14 acres of salt marsh and upland habitats, along with trails, a small amphitheater, low walls and benches, and interpretive signs. The trails are located on the eastern and northern upland areas of the park and are open to the general public. A mobile home park adjoins the Nature Park on the north. U.S. Highway 101 and Union Pacific Railroad tracks lie to the north of the Marsh, as do condominiums, commercial development, and Aliso School. Residential developments present south of the Marsh. Commercial and residential development near Santa Claus Lane border the Marsh on the west.

The Marsh is visible from several public vantage points, including U.S. Highway 101, the UPRR tracks, and the Nature Park. From northbound U.S. Highway 101, the Marsh, primarily the westerly portion of Basin 3, is visible for about 10 seconds. From the southbound lanes, this area is visible for about 8 seconds. The remainder of the Marsh is either largely or completely hidden from the highway by vegetation growing along the edge of the Marsh or buildings. U.S. Highway 101 is not currently designated as a scenic highway, although the California Streets and Highways Code identifies it as eligible for such a designation (City of Carpinteria 2003). There are no other designated scenic highways in Carpinteria. The Marsh is more highly visible to passengers on trains since the tracks border the Marsh and seats are elevated. Views of the Marsh are available from the Nature Park, although the lower areas of the Marsh (within the three basins) are largely obscured by the existing berms and Sandyland Cove Road and intervening vegetation. The Marsh is not visible from the Santa Claus Lane due to screening vegetation. Only very limited and sporadic views are possible from Carpinteria Avenue due to the buildings lining the south side of the street.

The proposed desilting operations may temporarily impact public views. The project includes as-needed desilting of Franklin and Santa Monica Creeks. Temporary stockpiles would be expected to remain on site for a few months until all material has been adequately dewatered and removed to a suitable disposal site. Stockpiled materials, which would be visible from public viewing areas including the Nature Park adjacent to the site, would result in some unavoidable temporary adverse impacts to public views. The Commission notes that excavated materials that are placed

in stockpiles are subject to increased erosion and that additional landform alteration would result if the excavated material were to be permanently retained on site. The resulting landform alteration and increased erosion on site would adversely impact public views from then Nature Park. Therefore, in order to ensure that the adverse impacts to public views are minimized **Special Condition Three (3)** requires that stockpile sites be temporary, and only as long as necessary for the dewatering process to be complete. The stockpile material shall be 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.

Presently, public access to the Marsh is restricted. No public access is available from Estero Way, and Sandyland Cove Road is private and only provides access to the residences along Del Mar Avenue. However, there is public access in the Nature Park immediately adjacent to east Carpinteria Marsh.

Public access over the pedestrian footbridge crossing Franklin Creek from the Nature Park, may be temporarily restricted during active project operations. The footbridge, constructed pursuant to CDP 4-03-060, connects the trail system with existing pathways in the Nature Park. As such, the Commission finds that adequate noticing of the restricted area is essential to inform the public of the restrictions and ensure public safety while these temporary activities occur. Therefore, in order to ensure that the public has notice about possible access restrictions around Franklin Creek and Santa Monica Creek during dredging operations, **Special Condition Seven (7)** requires that the applicant post temporary signs to notify the public that access to the area will be limited during dredging operations and stating the approximate dates that dredging will occur.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30211, and 30251 of the Coastal Act.

G. 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

Carpinteria Salt Marsh Enhancement Plan, Final EIR (Santa Barbara County, June 2003); Final Report, Carpinteria Salt Marsh Enhancement Plan for Basin 1 and the South Marsh (Moffatt & Nichol Engineers & SAIC, June 2004); Carpinteria Marsh Flood Control Improvements and Marsh Enhancement Project Preconstruction Survey Report (SAIC, August 2004); Carpinteria Salt Marsh Enhancement Plan Project, Santa Barbara County (January 3, 2006); Carpinteria Salt Marsh Wetland Enhancement Project Biological Monitoring Report (Bowland & Assoc., January 2008); Carpinteria Salt Marsh Management Program Biological Report (Andrew Raaf, October 2014) Carpinteria Salt Marsh Mouth, Report of Sediment Sampling and Testing (MNS Engineers, Inc., August 2004); Pre-Construction Tidewater Goby Surveys in Carpinteria Salt Marsh for Proposed Santa Barbara County Flood Control Maintenance Projects (Entrix, Inc. November 2008); Carpinteria Salt Marsh Wetland Enhancement Project Second Annual Biological Monitoring Report (Bowland & Assoc., February 2009); Franklin Creek Dredging and Disposal Operations Plan (SB. Co. Flood Control District, 2005); Franklin Creek Desilting Sampling & Analysis Plan (SB Co. Flood Control District, 2005); Franklin Creek Debris Management Plan (SB Co. Flood Control District, 2005); Franklin Creek Sediment Sampling and Testing Results (MNS Engineers, Inc., November 2005); Franklin Creek Post-Dredging Annual Report (SB Co. Flood Control District, 2005)



Exhibit 2
4-14-0492
Aerial Photograph

Scale 1" = 100'

FLOOD CONTROL ROUTINE DESITING PLAN

IN USES; ANY FLOOD CONTROL & WATER CONSERVATION DISTRICT AND ITS EMPLOYEES WILL OR BEABLE OR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL THESE PLANS MUST BE PRESENTED IN WRITING TO THE DISTRICT AND APPROVED IN

Exhibit 3
4-14-0492
Project Plans



Scale 1" = 100'

UNPLANNED CHANGES OR USES.
THE STATE BOARD OF WATER CONSERVATION, IN ITS
DISCRETION, MAY APPROVE UNPLANNED CHANGES TO OR
USE OF THE STATE'S WATER RESOURCES, PROVIDED THAT
ALL PROPOSED CHANGES TO THE STATE'S WATER RESOURCES
WILL NOT HARM THE STATE'S WATER RESOURCES AND WILL BE
MADE IN ACCORDANCE WITH THE STATE'S WATER RESOURCES
POLICY AND APPROVED IN WRITING BY THE DISTRICT PRIOR TO IMPLEMENTATION