

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 1/9/96
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Staff: MHC
Staff Report: 1/19/96
Hearing Date: 2/8/96
Commission Action:

STAFF REPORT: CONSENT CALENDAR**W20e**

APPLICATION NO.: 4-95-252

APPLICANT: California Dept of Parks & Recreation AGENT: Virginia G. Johnson

PROJECT LOCATION: Gaviota State Beach, Santa Barbara County

PROJECT DESCRIPTION: Stabilize 200 feet of bank along Gaviota Creek/Estuary with native plant materials, rock, and Geotextile fabric

Lot area:	2.2774 acres
Building coverage:	NA
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Zoning:	Recreation
Plan designation:	Existing Public or Private Recreation and/or Open Space
Project density:	NA
Ht abv fin grade:	13 feet

LOCAL APPROVALS RECEIVED: None required for project within the Commission's area of original permit jurisdiction

SUBSTANTIVE FILE DOCUMENTS: Application No. 4-95-252; General Plan: Gaviota State Park, 1979

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Construction Timing

No construction activities within the bed and banks of the Gaviota Creek Estuary and stream channel shall be permitted between April 15 and Sept. 15 to ensure protection of the principal breeding season of the Tidewater goby.

2. Department of Fish & Game Stream Alteration Agreement

Prior to the commencement of construction of the project, the applicant shall provide the Executive Director of the Commission with a copy of a valid 1600 stream alteration agreement between the applicants and the California Department of Fish and Game for the proposed Gaviota Creek/Estuary bank stabilization project.

3. U.S. Army Corps of Engineers 404 Permit

Prior to the commencement of construction of the project, the applicants shall provide the Executive Director of the Commission with a valid 404 Permit from the U.S. Army Corps of Engineers for the proposed Gaviota Creek/Estuary bank stabilization project.

4. Project Monitoring

Not later than five years after completion of the project a monitoring report shall be submitted for review and approval of the Executive Director which evaluates the effectiveness of the proposed bank stabilization. If this evaluation indicates that the bank slope stabilization has been ineffective in arresting erosion, the applicant shall include in the monitoring report an analysis of alternative methods of addressing continued bank erosion, including the relocation of the effected portions of the internal circulation road, which would obviate the need for additional artificial bank stabilization.

IV. Findings and Declarations.

1. Background

The January and March 1995 flood flows in Gaviota Creek eroded portions of the west bank of the Creek adjacent to the Gaviota State Beach Campground. Approximately 50 feet of the creek bank was eroded to within 10 feet of the recently constructed internal campground access road; another section of the west creek bank has been eroded to within 6 feet of the road.

Gaviota Creek exhibits a flashy flow regime typical of southern California coastal watershed, with a great deal of variability in flows between winter storm flows and summer base flows. Average daily flow in Gaviota Creek is approximately 6 cubic feet per second, but winter maximum flows of over 5,000 cubic feet per second have been recorded. The 1995 flood events which resulted in 15 to 25 feet of bank retreat were estimated at over 5,000 cubic feet per second, a flow with an estimated recurrence interval of 20 to 25 years .

The proposed project site is located on historic state tidelands where the Commission has retained original coastal permit authority.

2. Project Description

The California Department of Parks and Recreation proposes to protect a 200 foot reach of the southwestern creek bank using bio-engineering methods which will both stabilize the bank and re-establish a riparian canopy along the presently de-nuded bank.

Construction consists of stepped layers of geotextile fabric filled with compacted native soil and rock alternating with layers of willow and mulefat. The layers will be keyed into the creek bank with native rock material set approximately 18 inches below the existing grade of the creek channel. The reconstituted bank will generally follow the line of the existing eroded bank but will be reclaimed at the narrowest point between the internal circulation road and the creek bank to provide a buffer between the road the the creek channel. The slope of the reconstituted creek bank will vary from 1:1 to 4:1. The upstream and downstream ends of the bank stabilization will be wrapped back into the existing bank to protect the stabilization structure from scouring which could destabilize the bank protection.

To install the wrapped-face bank stabilization, the low flows in Gaviota Creek will have to be diverted around the project site to allow placement of the foundation rock material and to avoid working in flowing water. The project will involve excavating approximately 50 cubic yards of sediments from the channel and an additional 431 cubic yards of material from the existing bank.

All excavation will be conducted with a back-hoe from the existing campground road or the more stable portion of the adjacent creek bank top. Approximately 67 cubic yards of fill will be imported to extend a portion of the eroded bank out approximately 5 feet; this material will be derived from existing local spoils areas within or adjacent to the Gaviota State Park. All of the excavated and imported material will be incorporated into the bank stabilization.

Native plant materials lost along the top of the bank as a result of erosion or installation of the project will be replaced with native materials. All plant materials will be collected from the riparian woodland adjacent to Gaviota Creek upstream of the project area. (See Exhibits 1-4.)

3. Coastal Issues

a. Introduction

The project is located in Gaviota State Beach which contains a number of environmentally sensitive habitats, including coastal wetlands, upland coastal scrub, coastal strand, and riparian and aquatic habitats.

The proposed project would directly affect estuarine, riparian, and freshwater habitats. The Gaviota Creek Estuary provides habitat for a wide variety of species of waterfowl and shorebirds, as well as marine/estuarine fishes.

Several species found in the Gaviota Creek estuary are of particular significance. The Tidewater goby, a federally listed endangered species, is restricted to the brackish water of the Gaviota Creek Estuary. The Steelhead rainbow trout, a species proposed for federal listing as threatened or endangered, utilizes the Gaviota Creek lagoon during both adult and juvenile phases to acclimate to ocean and fresh water. The Southwestern pond turtle is a federally proposed threatened species which utilizes the upper end of the Gaviota Creek Estuary and the upstream freshwater habitats.

The lower reach of Gaviota Creek above the area of tidal influence supports a well developed riparian forest dominated by various species of Willow, and includes other species such as Sycamores and Coast live oaks, and White alder. This riparian forest provide habitats for a wide variety of passerine species of birds, as well as a buffer for Gaviota Creek from adjacent human activities and developments.

b. Coastal Wetlands

PRC Section 30233 provides, in part, that:

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

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

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

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

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

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

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

(7) Restoration purposes.

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

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

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. . . .

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.

The proposed project is situated at the upper end of the Gaviota Creek Estuary. The applicant proposes to protect a 200 foot reach of the southwestern creek bank using bio-engineering methods which will both stabilize the bank and re-establish a riparian canopy along the presently de-nuded bank.

The reconstituted bank will generally follow the line of the existing eroded bank but will be reclaimed at the narrowest point to provide a buffer between the adjacent internal campground access road and the creek channel. The slope of the reconstituted creek bank will vary from 1:1 to 4:1.

To install the wrapped-face bank stabilization, Gaviota Creek will have to be diverted around the project site to avoid working in flowing or ponded water, and to allow placement of the foundation rock material. The project will involve excavating approximately 50 cubic yards of sediments from the Gaviota Creek channel and an additional 431 cubic yards of material from the existing bank. All excavation will be conducted with a back-hoe from the existing campground road or the more stable portion of the adjacent creek bank top.

Approximately 67 cubic yards of fill will be imported to extend a portion of the previously eroded bank out approximately 5 feet; this material will be derived from existing local spoils areas within or adjacent to the Gaviota State Park. All of the excavated and imported material will be incorporated into the bank stabilization.

In order to minimize the temporary adverse affects of the installation of the bank stabilization on the Gaviota Creek Estuary the applicant proposes a number of mitigation measures; these include, diverting the creek around the project site and installing a siltation fence to prevent the siltation of the downstream portion of the estuary as a result of the work in the channel. (See Exhibit 5.)

The following additional measure must be incorporated into the project to ensure protection of wetland resources, particularly the Tidewater goby: prohibit construction within the Gaviota Creek/Estuary during the period from April 15 through September 15. This mitigation measure is specified in Special Condition 1.

The proposed project will not result in any fill of coastal wetlands, is the least damaging means of providing protection to the internal circulation road and, as conditioned, incorporates mitigation measures adequate to mitigate temporary as well as any permanent adverse impacts generated by the project.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and is adequate to carry out the provisions of PRC Section 30233.

c. Environmentally Sensitive Habitats

PRC Section 30236 provides that:

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.

PRC Section 30240 provides, that:

(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.

Gaviota Creek and Estuary provides habitat for a number of sensitive, rare, and threatened and endangered animal species; these include the California Red-legged frog, Southwestern pond turtle, Tidewater goby, and Steelhead trout. These species could be adversely affected by the proposed project if adequate mitigation measures are not incorporated into the project relative to temporary loss of habitat and degradation of water quality.

The applicant has proposed a number of mitigation measures as part of a mitigation plan which will reduce the temporary construction impacts as well as potential long term impacts of the project. These include precluding heavy equipment in the active creek channel; determining the presence or absence of sensitive species prior to commencement of construction; retaining a biological monitor during construction; controlling siltation during installation of the slope protection; staking construction and habitat areas; and revegetation of the disturbed portions of the construction site with native plant species. (See Exhibit 5.)

In addition the applicant has prepared a Tidewater goby mitigation plan which is intended to meet the requirement of the U.S Endangered Species Act for this federally listed endangered species. (A section 7 consultation is currently underway between the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service for the tidewater goby.) (See Exhibit 6.)

In addition, the Commission finds that the following additional measures must be incorporated into the project: the applicant is required to provide evidence of a valid stream alteration agreement from the California Department of Fish and Game and a Section 404 Permit from the U.S. Army Corps of Engineers prior to commencement of construction. These mitigation measures are specified in Special Conditions 2 and 3.

The proposed flood control project is one of the permitted uses allowed under PRC Section 30236. Further, the proposed project, as conditioned, will not result in any long term impacts to coastal resources, and will improve wildlife habitat by revegetation of a 200 foot portion of the Gaviota Creek/Estuary bank. In addition the project will reduce erosion along the bank and accompanying siltation into the Gaviota Creek Estuary.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and is adequate to carry out the provisions of PRC Sections 30236 and 30240.

d. Coastal Hazards

PRC Section 30253 provides, 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.

. . . .

Gaviota Creek exhibits a flashy flow regime typical of southern California coastal watershed, with a great deal of variability in flows between winter storm flows and summer base flows. Average daily flow in Gaviota Creek is approximately 6 cubic feet per second, but winter maximum flows of over 5,000 cubic feet per second have been recorded. The 1995 flood event resulted in 15 to 25 feet of bank retreat estimated at over 5,000 cubic feet per second, a flow with an estimated recurrence interval of 20 to 25 years .

The California Department of Parks and Recreation proposes to protect a 200 foot reach of the southwestern creek bank using bio-engineering methods which will both stabilize the bank and re-establish a riparian canopy along the presently de-nuded bank. The proposed bank stabilization utilizes bio-engineering techniques which have been used by other public agencies in the Pacific Northwest, but have not been extensively used in central or southern California. Because coastal streams along the central and southern California coast exhibit flashy flow regimes and carry large sediment loads (particularly bed loads) the effectiveness of bio-engineering techniques should be monitored to determine their effectiveness under these conditions and to identify means of modifying these techniques to improve their effectiveness.

Special Condition 4 requires that the applicant submit for review and approval of the Executive Director a monitoring report which evaluates the effectiveness of the proposed bank stabilization. If this evaluation indicates that the bank slope stabilization has been ineffective, the applicant shall include in the monitoring report an analysis of alternative methods of addressing continued bank erosion, including the relocation of the effected portions of the internal circulation road, which would obviate the need for additional artificial bank stabilization.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and is adequate to carry out the provisions of PRC Section 30253.

V. CEQA/LCP

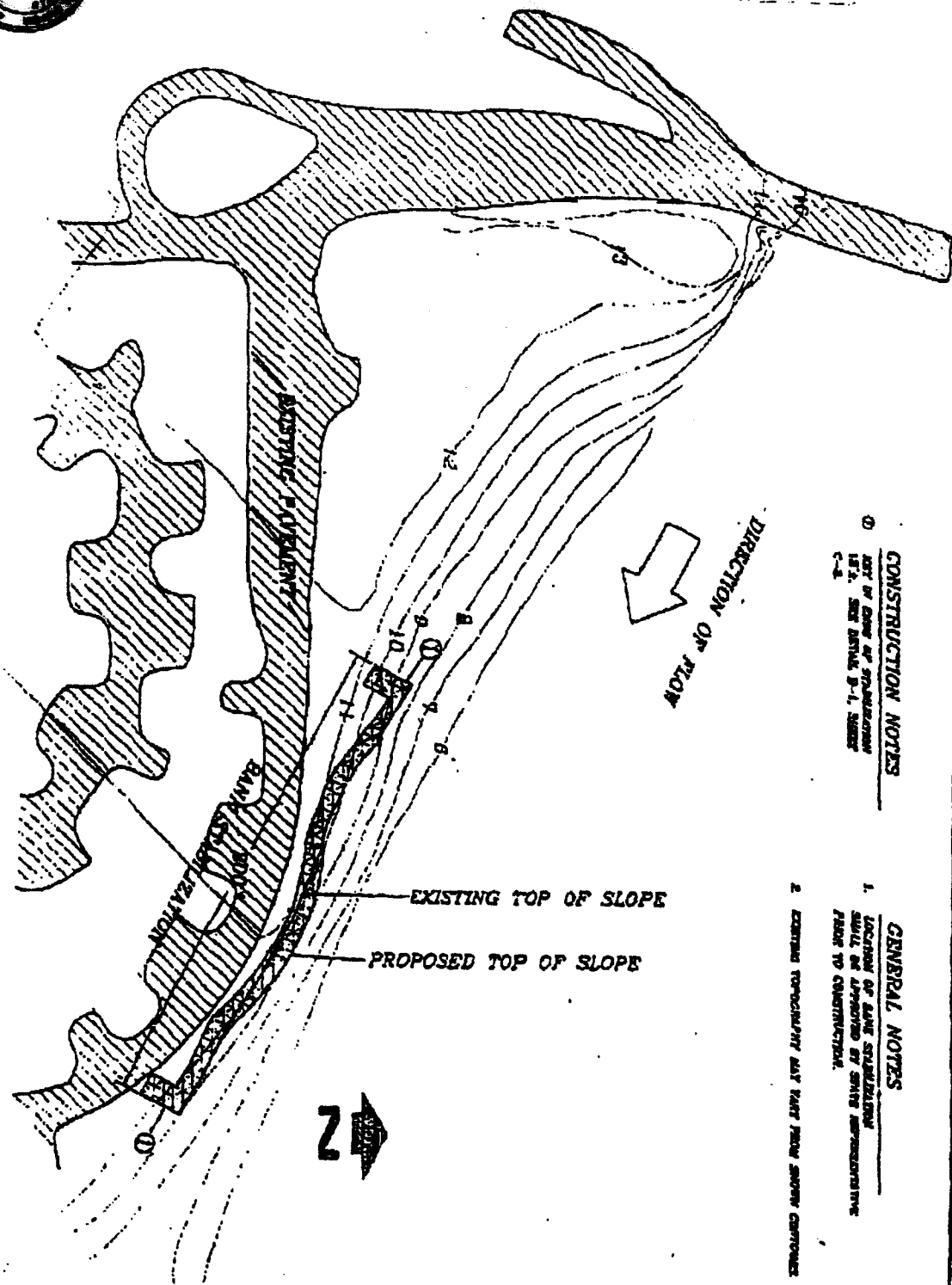
The proposed project is located within the County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on historic public trust lands. The Commission has certified a Local Coastal Program for the County of Santa Barbara which contains policies regarding hazards, coastal recreation, and wastewater treatment. The project, as conditioned, is consistent with the provisions of the County's certified Local Coastal Program, as well as the applicable policies of the Coastal Act.

Section 13096(a) of the Commission's Administrative Regulations requires that Commission approval of a Coastal Development Permit be supported by a finding that the project, as modified by any conditions of approval, be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(5)(2)(i) 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 impact which the activity may have on the environment. As discussed above the proposed project, as conditioned, minimizes any adverse impacts to a less than significant level, and there are no other feasible alternatives which would lessen any adverse effects of the project.

The Commission therefore finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the California Coastal Act.

MHC/
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State Parks



CONSTRUCTION NOTES

NOT BY DANG OF SUBSTITUTION
157. SEE DETAIL P-1, SERIES
C-1

GENERAL NOTES

1. LOCATION OF BANK STABILIZATION SHALL BE APPROVED BY STATE HIGHWAY DEPARTMENT BEFORE CONSTRUCTION.

2. EXISTING TOPOGRAPHY MAY VARY FROM SNOW COVERED

GAVIOTA S.P.
SITE PLAN

DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

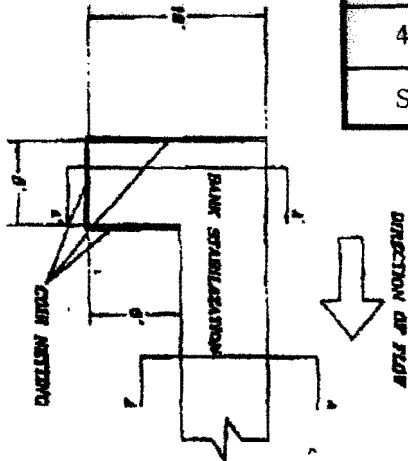
EXHIBIT NO. 5

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State Parks

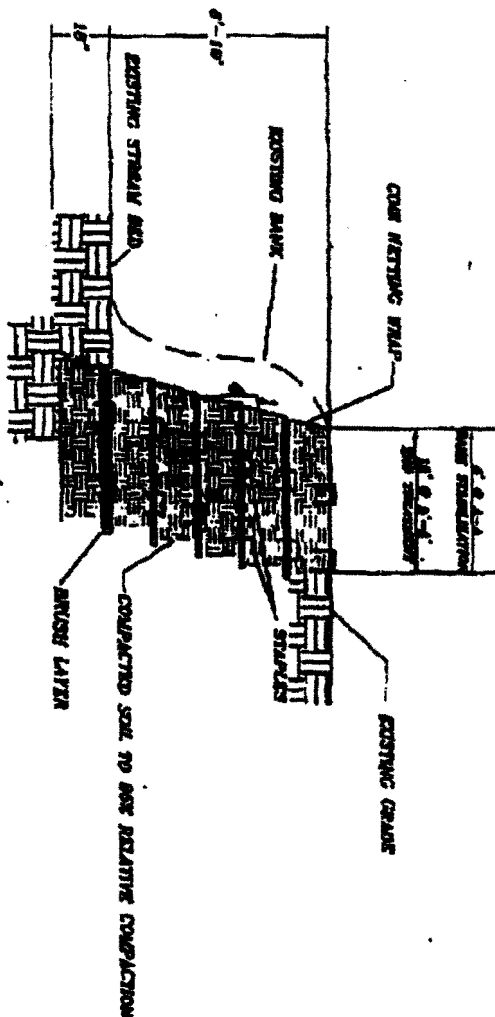
CONSTRUCTION NOTES
1. FOR BANKS, LAY 5'-4" WILLOW OR OTHER APPROPRIATE CUTTINGS COVERED WITH SOIL AND GRADES TO FILL HOLES.
2. COVER CUTTINGS WITH 1" SOIL PRIOR TO PLACING COIR MATS.



PLAN VIEW

A
A

CROSS-SECTION A-A & A'-A'



CAVOTTA S.P.
DETAIL SHEET

DESIGNED AND DRAWN BY
REPLACEMENT OF FENCE AND RECREATION
SUPPORTING SERVICE CENTER

C-8

EXHIBIT NO. 4

APPLICATION NO.

4-95-252

State Parks



OCTOBER 1994



NOVEMBER 1995

MITIGATION MEASURES

In order to minimize impacts to wildlife, and specifically the tidewater goby, CDPR will perform the following mitigation measures.

1. In order to minimize impacts to the tidewater goby, the attached Tidewater Goby Plan will be implemented prior to project commencement.
2. Presence of sensitive animal species will be determined as appropriate for each species. If southwestern pond turtle or red-legged frog are found on the project site, they will be relocated to suitable habitat outside the project impact zone. A biological monitor will be on site during construction activities.
3. At no time will heavy equipment be allowed in the active creek channel. All heavy equipment will be staged in the existing overflow parking area.
4. At no time will stream flows be restricted when diverting water away from the project site.
5. A desilting contingency plan for downstream discharges will be developed prior to the commencement of construction.
6. Prior to significant rainfall, the channel will be returned to its original grade and no holes or pools shall be created by project construction.
7. Prior to project commencement, a meeting will be arranged between regulatory agency staff and CDPR to discuss further mitigation measures and to discuss strategies for evaluating the effectiveness of those measures while work is underway.
8. CDPR will hold a pre-construction meeting with the contractor and discuss the requirements of all permits and environmental documents. A copy of all permits will be provided to all contractors, sub-contractors and forepersons associated with this work.
9. CDPR will stake and flag the entire construction area within the creek and in the riparian habitat prior to construction commencement.
10. All impacted riparian vegetation will either be salvaged and replanted or be replaced at a 1:1 ratio. State Parks will maintain all plantings to prevent invasion by exotic weed species, as necessary to ensure re-establishment of native vegetation. Vegetation monitoring will be conducted quarterly for three years to track the success of all revegetation. Replanting will be conducted, as necessary, until native cover equals or exceeds pre-construction levels.

EXHIBIT NO.	5
APPLICATION NO.	
	4-95-252
	State Parks

TIDEWATER GOBY PLAN

1. No work will occur during peak goby spawning season of mid April through May.
2. Prior to starting work, a qualified biologist, with experience in surveying and **handling tidewater goby**, will survey the project impact zone. A dual strategy of **salinity metering and seining** will be utilized to determine the presence of goby as well as the suitability of the habitat under current conditions.
3. In order to exclude tidewater goby from the project site, biologists will use 1/16 inch block nets upstream and downstream of the project site and then sein to catch and relocate goby. All seining will be conducted prior to creek diversion. All goby that are found in the project footprint will be relocated to suitable habitat outside the project area, within the lower portion of Gaviota Creek. After all tidewater goby are relocated, the creek will be diverted and the project will commence.
4. A qualified biologist will monitor the tidewater goby populations during the construction period and over the year following the completion of the project.
5. If incidental take of tidewater goby occurs as a result of the project, work will stop until the U.S. Fish and Wildlife Service Division of Law Enforcement is notified and a determination is made on how best to avoid any additional take.
6. CDPR will prepare a report, to be submitted to interested agencies and parties, which documents the effectiveness of the mitigation and goby plans for future projects.

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EXHIBIT NO. 6
APPLICATION NO.
4-95-252
State Parks

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