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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff Report: 4/22/98
Hearing Date: 5/12-15/98
Commission Action: Final

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-022

APPLICANT: County of Santa Barbara Flood Control District AGENT: Karl Triberg

PROJECT LOCATION: Franklin and Santa Monica Creeks within Carpinteria Salt Marsh, County of Santa Barbara

PROJECT DESCRIPTION: Remove 30,000 cubic yards of sediment from Franklin and Santa Monica Creeks within the Carpinteria Salt Marsh.

Zoning:	Res 100 (Resources Management, 1000 acre minimum)
Plan designation:	Rec (Recreation)/Open Space
Lot Area:	9.0 acres

LOCAL APPROVALS RECEIVED: Mitigated Negative Declaration #98-ND-14

SUBSTANTIVE FILE DOCUMENTS: Sediment Sampling & Testing (CFS Engineering, 1998); Sediment Transport Analysis (Simons & Li)

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act. Staff recommends special conditions regarding meeting permitting requirements from the U.S. Army Corps of Engineers, and the Department of Fish & Game, timing of construction, and waiver of liability for flood hazards.

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, is located between the sea and the first public road nearest the shoreline, 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

Desilting, stockpiling, and sediment disposal activities shall be confined to the months of September through March unless field surveys by a qualified biologist show that no sensitive species are present near the work areas.

2. Waiver of Liability

Prior to the issuance of the coastal development Permit, the applicant shall submit a written document, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazards from erosion and or flooding and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

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

Prior to the commencement of construction of the desilting operation, the applicant shall provide the Executive director of the Commission with a valid 404 permit from the U.S Army Corps of Engineers, and evidence that no such permit is needed.

4. California Department of Fish and Game Stream Alteration Agreement

Prior to commencement of construction of the desilting operation, the applicant shall provide the Executive Director of the Commission with a copy of a valid 1600 stream alteration agreement between the applicant and the California Department of Fish and Game.

5. State Lands Commission Authorization

Prior to the commencement of the desilting operation, the applicant shall submit a written determination form the State Lands Commission that: (a) No state lands are involved in the development; or (b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or (c) State lands may be involved in the development, but pending a final determination of state land involvement, an agreement has been made by the applicant with the State Land Commission for the project to proceed without prejudice to the determination.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project Background

In response to winter storms, the applicant was granted an Emergency Permit (4-98-022G) by the California Coastal Commission on February 6, 1998 to remove

approximately 15,000 cubic yards of material from Franklin Creek and deposit approximately 12,000 cubic yards of material in the surf zone near the City of Carpinteria; the remainder of the material dredged from Franklin Creek was deposited at upland disposal sites. The applicant is applying for a regular Coastal Development Permit to cover this work, as well as additional sediment removed from Franklin and Santa Monica Creeks.

The already conducted and proposed desilting of Franklin and Santa Monica Creeks is proposed as an interim desilting project. The applicant is currently preparing a Carpinteria Salt Marsh Enhancement Plan which includes the removal of recently deposited sediment from Franklin and Santa Monica Creeks in order to improve flood conveyance, sediment retention, and improve habitat for fish and invertebrates.

Because the proposed project is located on historic state tidelands, and is subject to regular tidal action, the project falls within the retained original coastal permit jurisdiction of the Coastal Commission. (Exhibits 1 and 2.)

2. Project Description

Franklin Creek: Franklin Creek currently is approximately 55 feet wide with a bottom elevation of about 1 foot above mean sea level. The creek would be desilted for a width of approximately 45 feet and lowered to an elevation of between minus 2 and minus 4 feet below mean sea level.

Between 2 and 3 feet of sediment would be removed by a crane rigged with a dragline or clamshell bucket from an approximately 1,500 foot length of creek downstream of the Union Pacific Railroad tracks. Approximately 15,000 cubic yards of material was removed during the February 1998 storms and deposited within the surf zone near the City of Carpinteria.

The approximately 7,500 cubic yards of additional material that would be removed would be stockpiled on the existing access road along the west bank of the creek. Approximately 5,000 cubic yards of material would be stockpiled in a 300 feet long by 70 feet wide area surrounded by a three foot berm. The remainder of the material would be stockpiled immediately south of the Union Pacific Railroad tracks west of the concrete lined portion of Franklin Creek, and along the access road downstream of the bermed area. The material would be allowed to dry prior to being hauled to a suitable agricultural or construction site for disposal permitted to receive such material.

Santa Monica Creek: Santa Monica Creek currently is approximately 55 feet wide, with a bottom elevation of about one foot below mean sea level. The creek would be desilted for a width of approximately 45 feet and lowered to an elevation of 2 to 4 feet below mean sea level.

A crane rigged with a dragline or clamshell bucket would be used to remove approximately 9,000 cubic yards of sediments. This material would be stockpiled on the existing access road along the west bank of the creek and allowed to dry prior to being hauled to a suitable upland disposal site, either to an agricultural field or a construction project.

Desilting would occur concurrently from both creeks, and is proposed to be completed as soon as possible. Desilting would take no more than two weeks and the material would be allowed to dewater for several months, with the removal of the dewatered sediments being completed in approximately 10 days.

3. Coastal Issues

a. Protection of Marine and Wetland Resources

Public Resources Section 30230 provides that:

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

Public Resources Code Section 30231 provides, in part, 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, . . .

Public Resources Code Section 30233 provides, in part, that:

(a) The diking, filling, or dredging of open coastal waters . . . 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:

(4) In open coastal waters, . . . new or expanded boating facilities . . .

Public Resources Code Section 30240 provides that, part, 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, shall be compatible with the continuance of those habitat and recreation areas.

Franklin and Santa Monica Creeks are located in the eastern portion of Carpinteria Salt Marsh. The stream channels in the area to be desilted have soft sediment beds composed primarily of sand and silt. These sediments provide habitat for a variety of invertebrates that live in or on them. Density and species composition vary seasonally with the rate of sediment deposition during the rainy season. Franklin Creek is lined with concrete for over one mile upstream of the Carpinteria Salt Marsh.

Uplands adjacent to Franklin and Santa Monica Creek are dominated by non-native grasses with several native and non-native herbaceous plants. No rare, threatened or unique species of plant are found within the project area; however, there are several sensitive species of wildlife, such as the federally endangered Belding's savannah sparrow which are found in adjacent salt marsh habitat.

The proposed project consist of dredging out sediments from the lower reaches of Franklin and Santa Monica Creeks for the dual purposes of (1) restoring the flood flow carrying capacity of the channels, and thus reduce flooding of adjacent developed areas, and (2) restoring the sediment trapping capacity of the channels, and thus reduce the sedimentation of the tidal flat and tidal channel portions of the Carpinteria Salt Marsh.

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.

As such the project is a permitted use within a wetland habitats associated with Franklin and Santa Monica Creeks.

Removal of sediments from Franklin and Santa Monica Creeks would cause a temporary disturbance of the aquatic habitat present in the streams. Invertebrates living in the sediments would be removed from the habitat and placed in upland areas where those on or near the surface of the stored sediments would be preyed upon. Also, conducting desilting activities during the period from September through March could disrupt the breeding activities of the Belding's savannah sparrow, a state listed endangered species. Finally, placing sediment removed on the upland access road and berm adjacent to the creek would cover no-native vegetation.

The project has been designed to mitigate the temporary impacts resulting from the removal of sediments by limiting the timing of the work, and area of dredging, and the temporary placement of dredge spoil materials.

Special Conditions No. #1 restricts the types of construction activities during the months of September through March to protect the breeding activities of Belding's savannah sparrows, unless field surveys show that no sensitive species are present near the work area.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30230, 30231, 30233, and 30240.

c. Beach Replenishment

Public Resources Code Section 30233(b) provides, in part, that:

Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beach or into suitable long shore current systems.

As noted above, during the emergency desilting operations performed in Franklin Creek in February 1998, 12,000 cubic yards of the 15,000 cubic yards of material dredged from Santa Monica Creek were deposited within the surf zone near the City of Carpinteria. The deposition of sediments dredged from Franklin Creek into the surf zone during the February storms was comparable to the natural deposition of material transported to the surf zone by Franklin Creek and had no significant adverse impacts on marine resources. Subsequent to this emergency action, however, an analysis of the sediments in both Franklin Creek and Santa Monica Creek was conducted to determine the suitability of depositing additional material under a regular Coastal Development Permit within the surf zone for the purposes of beach replenishment.

The samples taken from Franklin and Santa Monica Creeks consisted of silty Sand [SM] and sandy Silt [ML], respectively. The samples taken from the seafloor south of Ash Avenue in the City of Carpinteria consisted of poorly grade sand [SP]. Because of the disparity in grain size between the source (Franklin and Santa Monica Creeks) and the disposal area (south of Ash Avenue), it was determined that the sediments from the two Creeks was not suitable for disposal in the nearshore area. Consequently, the project does not include any further deposition of dredge materials into the surf zone, but rather temporary storage of materials for dewatering, and subsequent land disposal, in for agricultural or construction purposes.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30233(b)

c. Flood Control

Public Resources Code 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.

The proposed project consist of dredging out sediments from the lower reaches of Franklin and Santa Monica Creeks for the dual purposes of (1) restoring the flood flow carrying capacity of the channels, and thus reduce flooding of adjacent developed areas, and (2) restoring the sediment trapping capacity of the channels, and thus reduce the sedimentation of the tidal flat and tidal channel portions of the Carpinteria Salt Marsh.

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.

As such the project is a permitted use within the stream channels of Franklin and Santa Monica Creeks. Further, the project has been designed to mitigate the temporary impacts resulting from the removal of sediments by limiting the timing of the work, and area of dredging, and the temporary placement of dredge spoil materials. (See Special Conditions #1, #3, and #4.)

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

d. Hazards

Public Resources Code 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.

The system of creeks, including Franklin and Santa Monica Creek feeding into the Carpinteria Salt Marsh carry runoff from the Carpinteria Valley through the Carpinteria Salt Marsh and discharge to the Pacific Ocean. Because of the steep mountainous terrain of the Franklin and Santa Monica Creek watersheds, the two creeks are subject to periodic flood flows, carrying substantial amounts of sediment and debris. These flows have the potential to, and in the past have caused, substantial flooding of adjacent low lying areas, including residential areas within the City of Carpinteria.

While the project will reduce the potential for flooding in adjacent low-lying areas, Franklin and Santa Monica Creek will still retain the potential to cause flood damage.

Special Condition No #2 requires that the applicant acknowledge the flood hazards associated with the project site, and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the design, construction, operation, and of the permitted project in an area where an extraordinary potential for damage from flooding and erosion exists as an inherent risk to life and property.

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

e. Coastal Access

PRC Sections 30210 through 30212 provide that maximum public access to and along the coast shall be provided consistent with public safety, including military security needs, and the need to protect public rights, the right of private property owners, natural resources, and agriculture.

The proposed project is located between the sea and the first public road paralleling the sea, Carpinteria Avenue. Access is generally restricted to the Carpinteria Salt Marsh, a substantial portion of which is part of the University of California's Natural Land and Water Reserve System. Currently there is not public access, except for authorized research, and guided tours to or along the reaches of Franklin and Santa Monica Creek which are the site of the proposed project. Public access to the shoreline fronting the Carpinteria Salt Marsh is made via the southern end of Linden Avenue. As a result, the proposed use of the access maintenance roads for equipment staging and temporary storage of dredged sediments would not impede or disrupt any existing public access to or along the shoreline associated with the Carpinteria Salt Marsh.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30210 through 30212.

4. LCP/CEQA

The proposed site lies within the County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on potential state tide lands or is below the mean high tide line. The Commission has certified the Local Coastal Program for the the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies of the Waterfront Planing area, including those regarding the protection of marine and other environmentally sensitive habitats.

Section 13096 of the Commission's Code of Regulations requires the Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 there are feasible alternatives or feasible mitigation measures available which would substantially less any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. The attached mitigation measures will minimize all adverse environmental effects. As conditioned, there are no feasible alternative measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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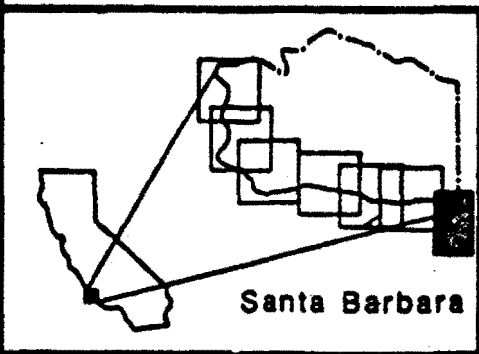
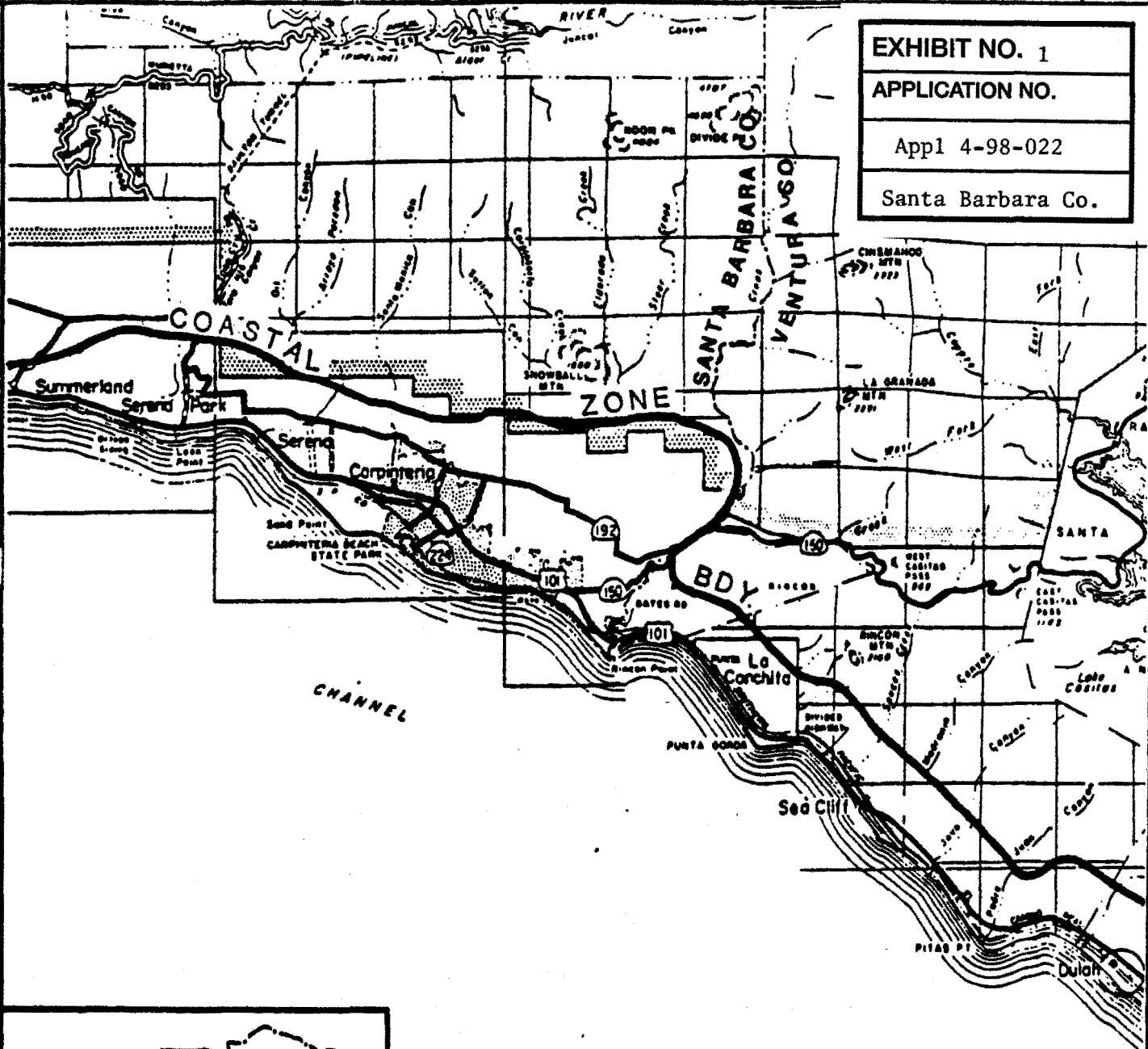
EXHIBIT NO. 1

APPLICATION NO.

App1 4-98-022

Santa Barbara Co.

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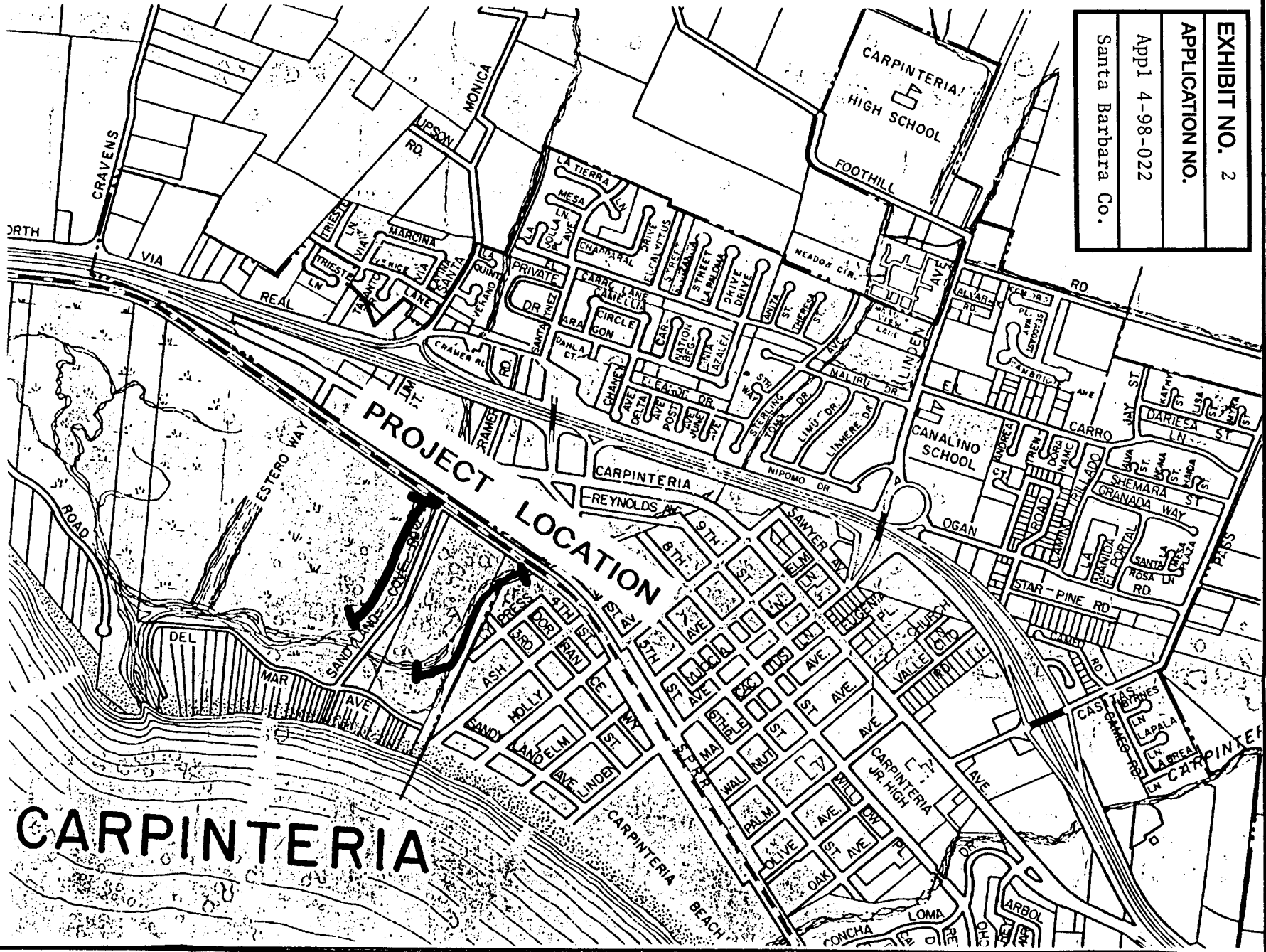


California Coastal Commission

LOCATION MAP



EXHIBIT NO. 2
APPLICATION NO.
Appl 4-98-022
Santa Barbara Co.



CARPINTERIA