

CALIFORNIA COASTAL COMMISSION

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



August 20, 1998

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
Steven Hudson, Coastal Program Analyst

RE: **Revised Findings for Notice of Impending Development 2-97, Pursuant to the University of California Santa Barbara Certified Long Range Development Plan (LRDP) for Public Hearing and Commission Action at the September 10, 1998 Commission Meeting in Eureka.**

COMMISSION ACTION: Approval with Conditions

DATE OF COMMISSION ACTION: June 9, 1998

COMMISSIONERS ON THE PREVAILING SIDE: Allen, Armanasco, Dettloff, Flemming, Johnson, Nava, Rose, Wright, Hickox, and Wan.

SUMMARY OF STAFF RECOMMENDATION ON REVISED FINDINGS

Staff recommends that the Commission adopt the following revised findings in its support of the Commission's action on June 9, 1998, to determine that Notice of Impending Development 2-97, with conditions relating to LRDP consistency and revised plans, is consistent with the University of California, Santa Barbara Long Range Development Plan.

SUMMARY OF IMPENDING DEVELOPMENT

The impending development consists of four different components: (1) expansion of the existing seawater renewal system; (2) improvements to the existing eastern lagoon barrier which include the placement of approximately 700 cu. yds. of fill, pavement of lagoon barrier access road, construction of emergency/service vehicle turnaround, and landscaping; (3) public access improvements including approximately 375 cu. yds. of grading; (4) construction of a new 968 sq. ft. Marine Science Aquatic Teaching Space/Visitor Center/Outdoor Aquarium.

The expansion of the seawater renewal system is proposed in order to meet present and future demands, as well as to ensure a more reliable source of seawater supply, for the Marine Biotechnology Laboratory. The system's capacity will be increased from its current level of 800 gallons per minute (gpm) to a new maximum of 1,200 gpm. The system consists

of offshore and onshore components. The beach and offshore components of the system (beach pumphouse, wet well, and offshore intake lines) are located within State Tidal Lands and subject to a coastal development permit. Therefore, that portion of the development associated with the beach and offshore components of the system has been included as part of Coastal Development Permit 4-97-156 which was approved with conditions by the Commission on June 9, 1998, and is not included as part of this Notice of Impending Development. The development which is included as part of this notice only involves the expansion of the onshore storage, filtration and distribution components of the seawater renewal system which are not located within State Tidal Lands.

Improvements to the existing lagoon barrier involve the placement of approximately 700 cu. yds. fill to raise the height of the barrier from approximately 8 ft. mean sea level (MSL) to approximately 11 ft. MSL, pavement of an access road across the barrier, construction of a turnaround at the terminus of the access road at Lagoon Island, and landscaping. In addition, the pavement of an access road atop the proposed 700 cu. yds. of fill would constitute the construction of a new, or reconfigured, road across the lagoon barrier. Sand elevation is approximately 5 ft. MSL at the lagoon barrier. As the lagoon barrier now exists, beachgoers may easily access the sandy beach from any point along the existing approximately 400 ft. long barrier road with only an approximate change in elevation between the road and the beach of 3 ft. As such, the placement of fill to increase the height of the barrier and reconfiguration of the existing access road raises issue with the certified LRDP in regard to adverse impacts to public access.

Public access improvements include the construction of a sidewalk path from the public blufftop path to the existing access road fronting the Marine Science Laboratory (see figure 3-5). These improvements will include the construction of a sidewalk, stairs, and ramp to provide for universal access, installation of signage indicating beach access, and landscaping. In addition, the existing public restrooms located adjacent to the beach below the Marine Science Laboratory will also be improved to meet the requirements of the Americans with Disabilities Act.

This notice also includes the construction of a new 968 sq. ft. Marine Science Institute teaching space/visitor center/outdoor aquarium. This building will be located adjacent to the Marine Science Laboratory and the existing touch tank building. This facility will be used for educational purposes and will be available not only to UCSB students but also to conduct tours for other local schools and organizations as well.

Additional Information: Please contact **Steve Hudson**, California Coastal Commission, South Central Coast Area, 89 So. California Street, Second Floor, Ventura, CA. (805) 641-0142.

I. Procedure

Section 30606 of the Coastal Act and Sections 13547 through 13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the Notice of Impending Development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

Within thirty days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to impose any conditions necessary to render the proposed development consistent with the certified LRDP.

II. Action on University of California, Santa Barbara Notice of Impending Development 2-97

Following a public hearing, staff recommends that the Commission adopt the following findings. The adopted resolution and Commissioners on the prevailing side are indicated below.

Resolution: *The Commission determines that the proposed Impending Development 2-97, as conditioned, is consistent with the Certified University of California Santa Barbara LRDP for the reasons discussed in the findings herein.*

Commissioners on the Prevailing Side: Allen, Armanasco, Dettloff, Flemming, Johnson, Nava, Rose, Wright, Hickox, and Wan.

III. Special Conditions

1. **Consistency with LRDP**

Prior to the University commencing construction, Long Range Development Plan Amendment 2-97 must be effectively certified and deemed legally adequate by the California Coastal Commission.

2. **Revised Plans**

Prior to the commencement of development, the University shall submit, for the review and approval of the Executive Director, revised plans prepared by a qualified civil engineer which eliminate the placement of any fill which would increase the height of the existing lagoon barrier above its present elevation, pavement of the existing road, or the construction of a turnaround.

IV. Findings and Declarations

The Commission finds and declares as follows:

A. Background

On March 17, 1981 the University's LRDP was effectively certified by the Commission. The LRDP has been subject to seven major amendments. Under LRDP Amendment 1-91, the Commission reviewed and approved the 1990 UCSB LRDP; a 15 year long range planning document, which substantially updated and revised the certified 1981 LRDP. The 1990 LRDP provides the basis for the physical and capital development of the campus to accommodate a student population in the academic year 2005/06 of 20,000 and to expand the building area of the campus by 1.2 million square feet.

B. Description of Impending Development

The impending development consists of four different components: (1) expansion of the existing seawater renewal system; (2) improvements to the existing eastern lagoon barrier which include the placement of approximately 700 cu. yds. of fill, pavement of the lagoon barrier access road, construction of emergency/service vehicle turnaround, and landscaping; (3) public access improvements including approximately 375 cu. yds. of grading; (4) construction of a new 968 sq. ft. Marine Science Aquatic Teaching Space/Visitor Center/Outdoor Aquarium.

The first component of the development involves the expansion of the existing seawater renewal system. The existing seawater renewal system was constructed in the 1970's to provide 500 gallons per minute (gpm) of seawater to campus laboratories. The system was designed to be expandable to a maximum capacity of 800 gpm at which it is now operating. The system consists of offshore and onshore components including offshore intake pipelines, a beach pumphouse, wet well, seawater filtration system, underground storage tanks, supply pumphouse, and distribution lines to several buildings on campus. The expansion of the seawater renewal system is proposed in order to meet present and future demands, as well as to ensure a more reliable source of seawater supply, for the Marine Biotechnology Laboratory.

The majority of the system is located directly adjacent to the Marine Biotechnology Laboratory; however, the pumphouse and wet well are located on the sandy beach in front of the eastern lagoon barrier with intake lines extending offshore. The beach and offshore components of the system (beach pumphouse, wet well, and offshore intake lines) are located within State Tidal Lands and subject to a coastal development permit. Therefore, development associated with the beach and offshore components of the system has been included as part of Coastal Development Permit 4-97-156 which was approved with conditions by the Commission on June 9, 1998, and is not included as part of this Notice of Impending Development. The development which is included as part of this notice only

involves the expansion of the onshore storage, filtration and distribution components of the seawater renewal system which are not located within State Tidal Lands, including the replacement of two existing 80,000 gallon and 28,000 gallon underground seawater storage tanks with two new 150,000 gallon and 36,000 gallon underground seawater storage tanks, expansion of the existing 535 sq. ft. seawater filtration system building to 4,097 sq. ft., and the installation of additional, filters, pumps and distribution lines. The new system's capacity will be 1,200 gpm.

The second component of this notice involves improvements to the existing lagoon barrier which is located on the southeast perimeter of the Main Campus and is bordered by the Marine Biotechnology Laboratory to the north and the "lagoon island" to the south. The barrier separates the Campus Lagoon to the west from the Santa Barbara Channel to the east. The lagoon barrier serves to retain the water of the Campus Lagoon which has a surface elevation of approximately 6 ft. above Mean Sea Level (MSL). Improvements to the existing lagoon barrier involve the placement of approximately 700 cu. yds. fill to raise the height of the barrier from approximately 8 ft. mean sea level (MSL) to approximately 11 ft. MSL, pavement of an access road across the barrier, construction of a turnaround at the terminus of the access at Lagoon Island, and landscaping. Raising the height of the lagoon barrier is an integral component of the proposed rock revetment which is subject to the related Coastal Development Permit 4-97-156. Although there is currently an existing access road across the lagoon barrier, the pavement of an access road atop the proposed 700 cu. yds. of fill would constitute the construction of a new, or reconfigured, road across the lagoon barrier.

The third component of this notice involves the construction of a sidewalk path from the public blufftop path to the existing access road fronting the Marine Science Laboratory (see figure 3-5). These improvements will include the construction of ramp access to provide for universal access, installation of signage indicating beach access, and landscaping. In addition, the existing public restrooms located adjacent to the beach below the Marine Science Laboratory will also be improved to meet the requirements of the Americans with Disabilities Act.

The fourth component of this notice involves the construction of a new 968 sq. ft. Marine Science Institute teaching space/visitor center/outdoor aquarium. This building will be located adjacent to the Marine Science Laboratory and the existing touch tank building. This facility will be used for educational purposes and will be available not only to UCSB students but also to conduct tours for other local schools and organizations as well.

C. Consistency With Certified LRDP

The Commission notes that the University's Notice of Impending Development is subject to the Commission's review and certification of an amendment to the LRDP (LRDP amendment 2-97). By amending the LRDP, components of the University's project, i.e. the expansion of the seawater renewal system, improvements to the lagoon barrier and blufftop path access improvements will be consistent with the LRDP. As such, the subject Notice of Impending Development 2-97 can only be found consistent with the LRDP, if LRDP amendment 2-97 is approved and effectively certified by the Commission. Therefore, in order to ensure that the University does not proceed with development prior to completing the amendment process, Special Condition One (1) has been drafted.

D. Environmentally Sensitive Habitat Area

The LRDP contains many policies which include provisions for minimizing impacts to the biological productivity and quality of wetlands and ESHAs in order to maintain the appropriate populations of wetland organisms, consistent with §30231 of the Coastal Act. LRDP policies 30231.1, 30231.2, and 30231.3 provide for the protection of identified environmentally sensitive habitat areas, Campus wetlands and coastal waters from sediment transfer or contamination from urban runoff during construction implementing grading and erosion control practices and by requiring that all projects be designed to direct surface runoff away from coastal waters and wetlands. Furthermore, LRDP policy 30231.3 requires that drainage and runoff have no adverse affect on the campus ESHAs and wetlands by insuring that pollutants are not allowed in drainage systems and that runoff from the campus does not increase sedimentation.

Section 30230 of the Coastal Act, which is included as a policy in the 1990 LRDP, requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. The existing seawater renewal system allows the Marine Science Program at the University to provide unique educational and scientific opportunities. The expansion of the existing system will serve to meet the growing needs of the program and will not result in significant impacts to the marine environment. In addition, §30240 of the Coastal Act, also included as a policy in the 1990 LRDP, permits development in areas that have been designated as environmentally sensitive habitat areas (ESHAs) only when the location of the proposed development is dependent upon those habitat resources. Therefore, the expansion of the seawater renewal system is consistent with the applicable LRDP policies.

However, all improvements to the lagoon barrier will also be located within ESHA as designated by the LRDP. As stated previously, the improvements to the existing lagoon barrier involve grading, pavement of an access road across the barrier, construction of a turnaround at the terminus of the access at Lagoon Island, and landscaping. The entire project site, including the barrier itself and the sandy beach are designated as ESHA in the 1990 LRDP. The LRDP contains specific policies which require the protection of wetland and ESHA areas . For example, LRDP policy 30233(a)1 states

Fills shall not encroach on Devereux Slough, Storke Campus Wetlands, Campus Lagoon or any other natural watercourses or constructed channels on Campus.

The proposed grading of the barrier will result in the filling of 0.01 acre of the lagoon wetlands and has been identified in the Environmental Impact Report submitted for this notice as a significant impact. In addition, the pavement of an access road atop the proposed 700 cu. yds. of fill would constitute the construction of a new, or reconfigured, road across the lagoon barrier. Although the amount of fill which will impact the Lagoon wetlands is minimal and the University has proposed 1:1 replacement mitigation in the Environmental Impact Report submitted for this notice, the Commission notes that this activity is not consistent with LRDP policy 30233(a)1. As such, the placement of fill in order to increase

the height of the lagoon barrier and construct the turnaround is not consistent with the applicable habitat protection policies of the LRDP. In addition, the Commission notes that the placement of fill along the barrier is integrally related to the construction of a rock revetment (proposed as part of the related LRDP Amendment 2-97 and Coastal Development Permit 4-97-156) which would also result in significant impacts to the beach ESHA. As such, the placement of fill to increase the height of the lagoon barrier is only necessary in conjunction with the proposed rock revetment. Further, the placement of fill in order to increase the height of the lagoon barrier is not consistent with Part 2, Chapter VI, Section D of the 1990 LRDP as recommended by modification one of LRDP Amendment 2-97 which would prohibit the placement of fill in order to increase the height of the existing lagoon barrier. Therefore, Special Condition Two (2) has been required in order to ensure that the proposed improvements to the lagoon barrier, including the placement of fill to increase the height of the barrier, pavement of the road, or the construction of a turnaround, are deleted from the approved project plans.

The Commission, therefore, finds that the Notice of Impending Development, as conditioned, is consistent with the applicable LRDP policies with regards to environmentally sensitive habitat areas.

E. Public Access

Coastal Act §30213, which is included as a policy in the 1990 UCSB LRDP, states that lower cost recreational facilities shall be protected, encouraged and where feasible, provided. §30213 of the Coastal Act specifies that developments providing public recreational opportunities are preferred.

§30210 of the Coastal Act, which is also included as a policy in the 1990 UCSB LRDP, states, in part, that development shall not interfere with the public's right to access the sea. The LRDP also contains policies that require the University to protect coastal visitor parking. In addition, LRDP policy 30210.9 states that the University must conspicuously post public access signs which note the direction of the beach access within parking lots 1, 5, 6, 10, 23 and 24.

As mentioned previously, this notice involves the construction of a sidewalk path from the public blufftop path and parking lot 6 (a designated public access parking lot) to the existing access road fronting the Marine Science Laboratory (see figure 3-5). These improvements will include the construction of ramp access to provide for universal access, installation of signage indicating beach access, and landscaping. In addition, the existing public restrooms located adjacent to the beach below the Marine Science Laboratory will also be improved to meet the requirements of the Americans with Disabilities Act. The construction of these trail and facility improvements will serve to enhance universal public access to the beach as well as the provision of lower cost recreational facilities and are consistent with the applicable LRDP policies.

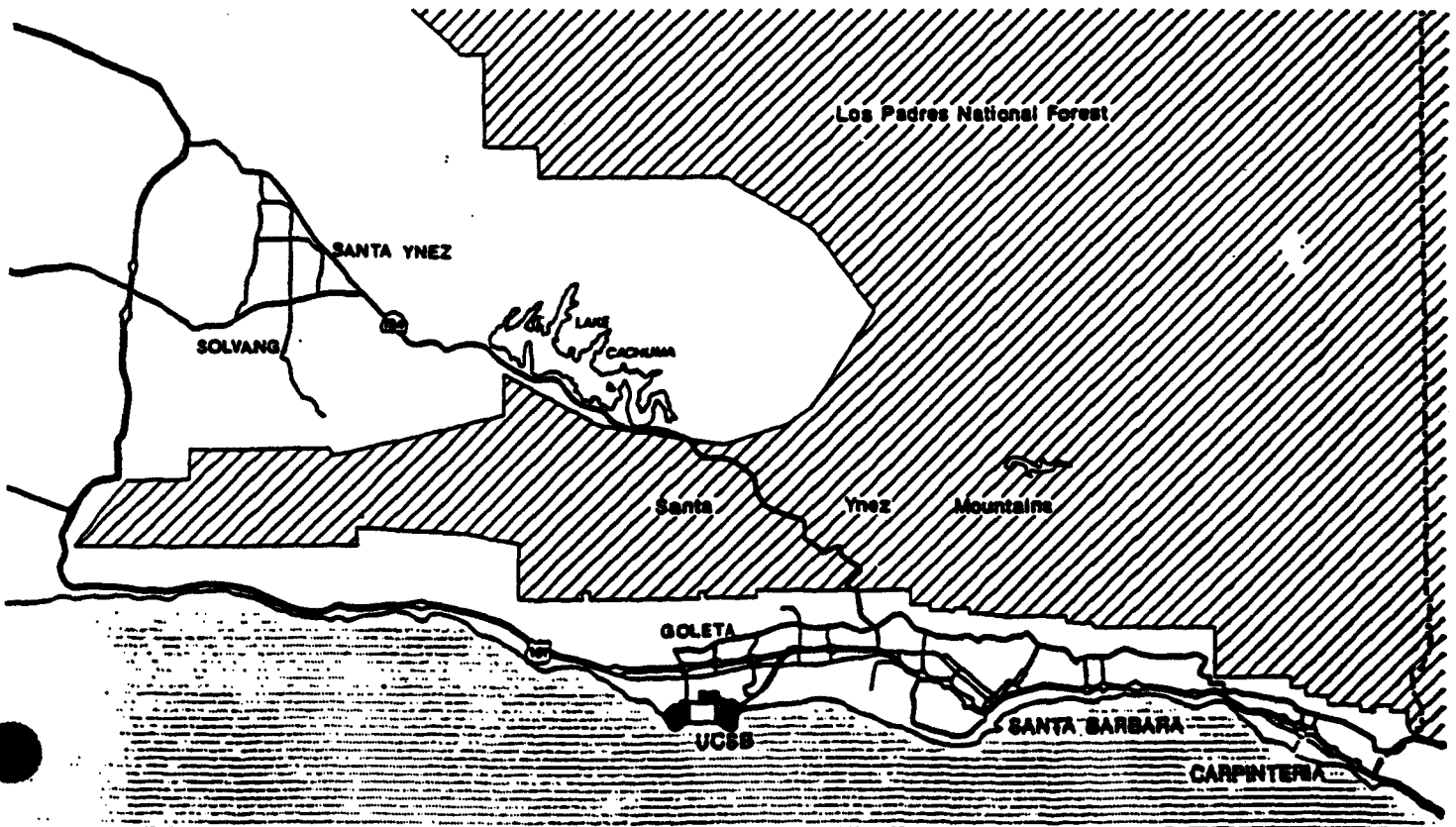
However, this notice also includes improvements to the existing lagoon barrier. These improvements involve the placement of approximately 700 cu. yds. fill to raise the height of the barrier from approximately 8 ft. mean sea level (MSL) to approximately 11 ft. MSL, pavement of an access road across the barrier, construction of a turnaround at the terminus of the access at Lagoon Island, and landscaping. The University has submitted information confirming that the average sandy beach elevation at the barrier is approximately 5 ft. above MSL. As the lagoon barrier now exists, beachgoers may easily access the sandy beach from any point along the approximately 400 ft. long barrier road with only an approximate change in elevation between the road and the beach of 3 ft. The beach within the project area is backed only by the low artificial lagoon barrier rather than the high bluffs characteristic of the surrounding coastline and, thus, constitutes a natural access point for beachgoers. In addition, the beach within the project area serves as one of only two vertical public access points to the sandy beach between Goleta Point and Goleta Beach. The other public access point, an existing stairway from the blufftop located approximately 1,100 ft. to the north of the project area, has been closed by the Campus for safety reasons.

The placement of 700 cu. yds. of fill in order to raise the height of the revetment to 11 ft. MSL and to construct the turnaround will create a difference in elevation between the access road and the sandy beach (sand elevation is approximately 5 ft. MSL at the lagoon barrier according to University information) of approximately 6 ft effectively restricting or eliminating public access to the sandy beach. In addition, the pavement of an access road atop the proposed 700 cu. yds. of fill would constitute the construction of a new, or reconfigured, road across the lagoon barrier. As such, the placement of fill in order to increase the height of the lagoon barrier and construct the turnaround is not consistent with the applicable public access policies of the LRDP. In addition, the Commission notes that the placement of fill along the barrier is integrally related to the construction of a rock revetment (proposed as part of the related LRDP Amendment 2-97) which would also result in significant impacts to public access to and along the beach which is located within public tidal lands. The placement of fill to increase the height of the lagoon barrier is only necessary in conjunction with the proposed rock revetment. Further, the placement of fill in order to increase the height of the lagoon barrier is not consistent with Part 2, Chapter VI, Section D of the 1990 LRDP as recommended to be modified by Modifications One (1) and Five (5) of LRDP Amendment 2-97 which would prohibit the placement of fill in order to increase the height of the existing lagoon barrier. Special Condition Two (2) has been required in order to ensure that the proposed improvements to the lagoon barrier, including the placement of fill to increase the height of the barrier, pavement of the road, or the construction of a turnaround, are deleted from the approved project plans.

Therefore, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable LRDP policies with regards to public access.

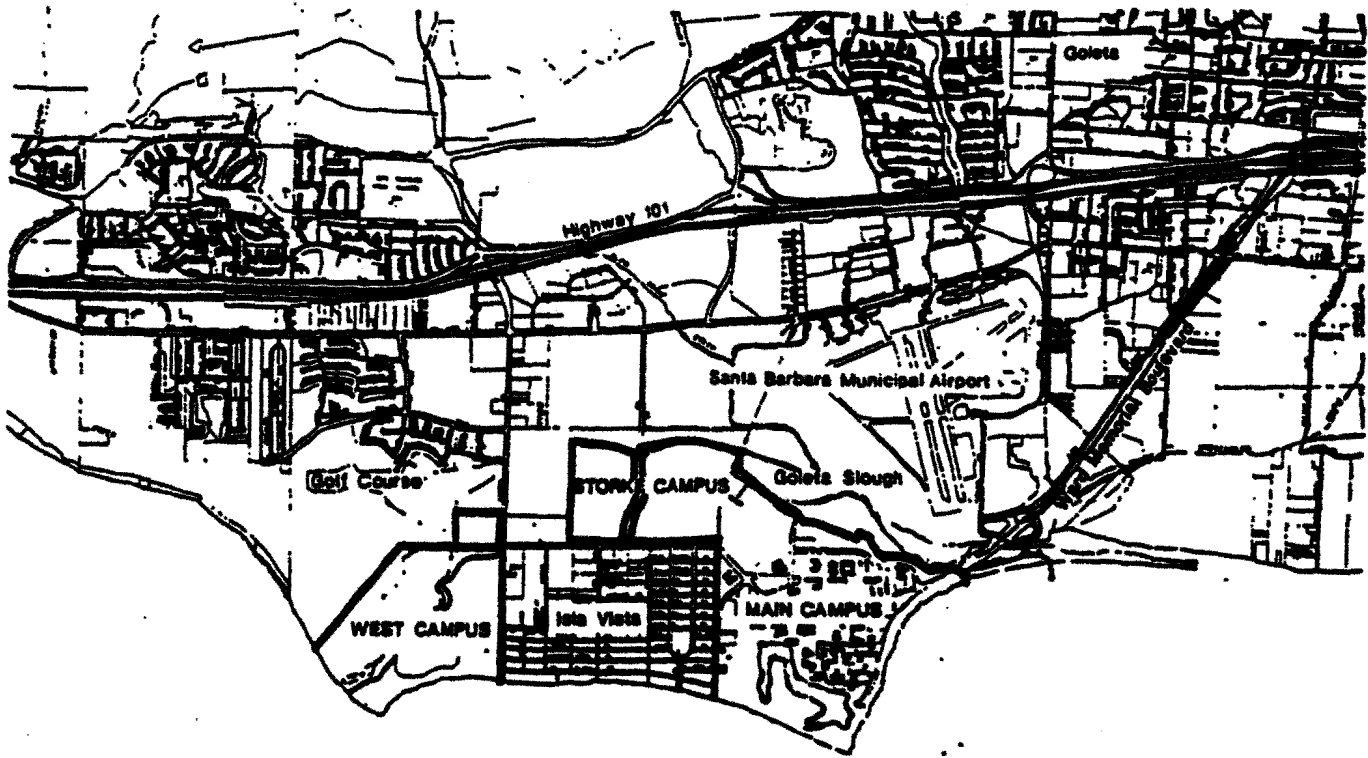


25 50 100 MILES



25 50 100 MILES

EXHIBIT 1
UCSB NOID 2-97
Regional Location

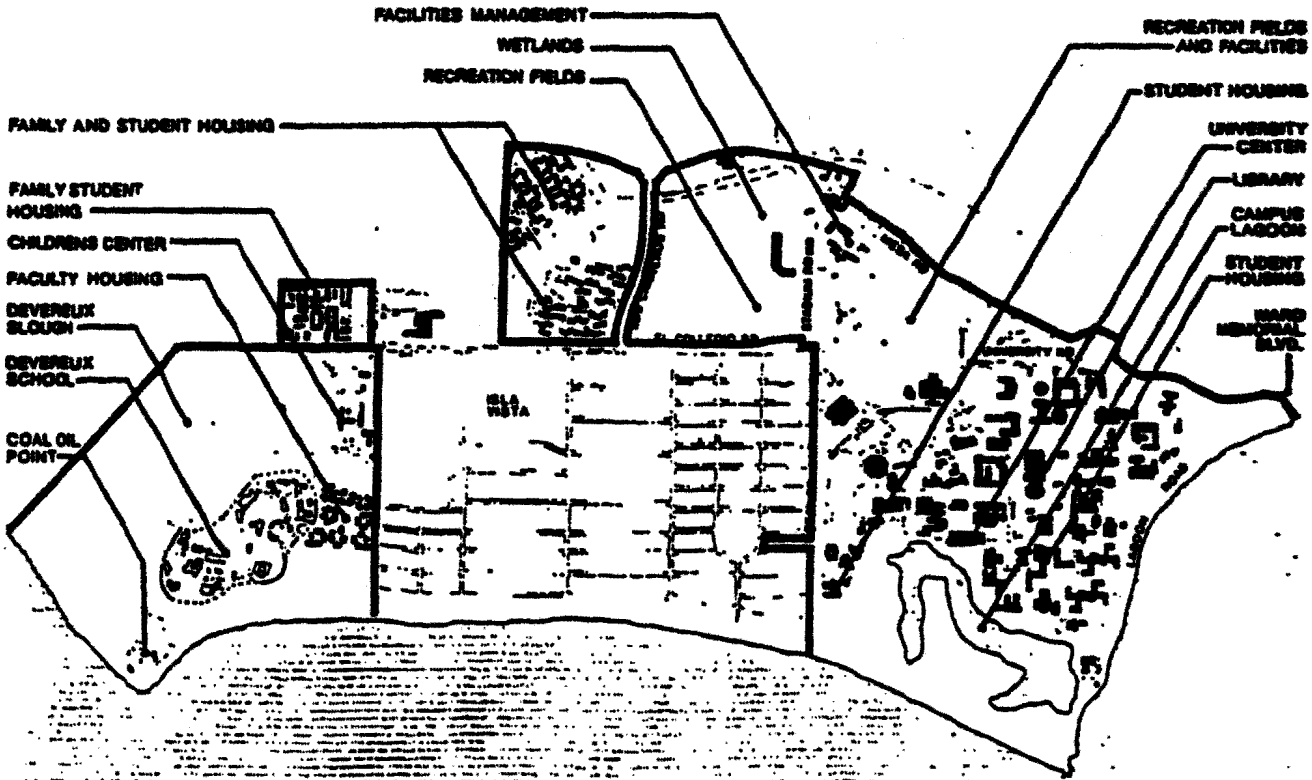


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WEST CAMPUS

STORKE CAMPUS

MAIN CAMPUS



0 500 1000 2000 FEET

EXHIBIT 2
UCSB NOID 2-97
Campus Features

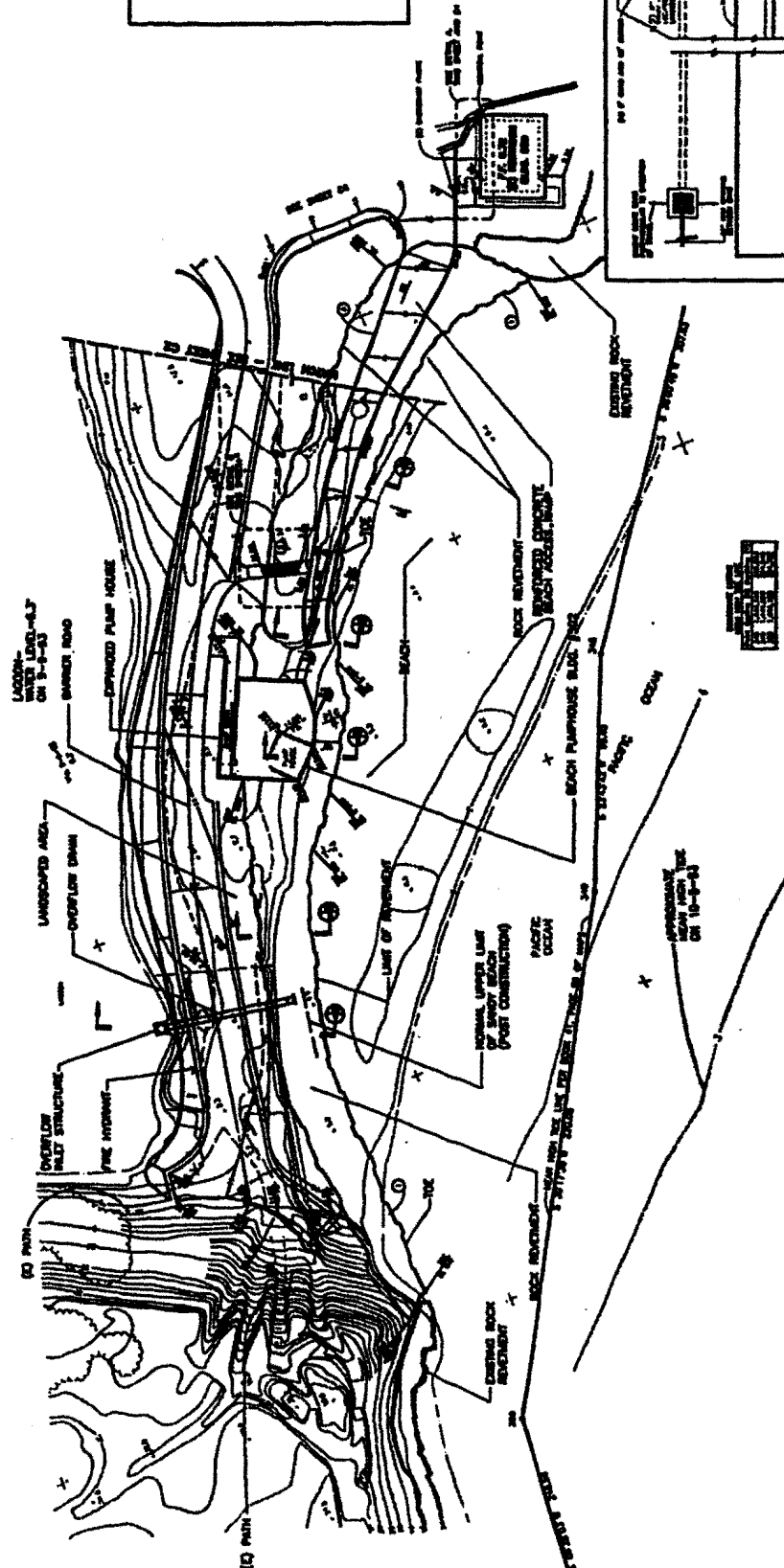
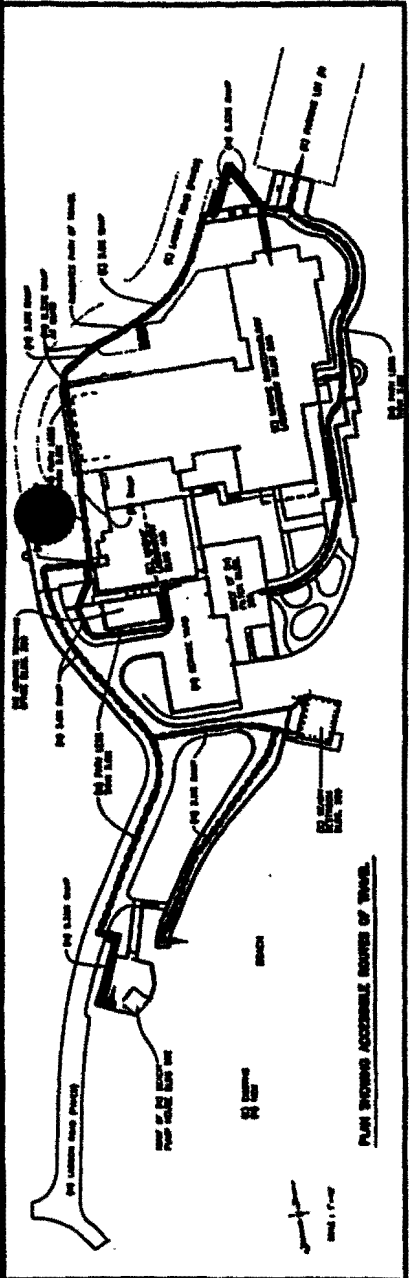
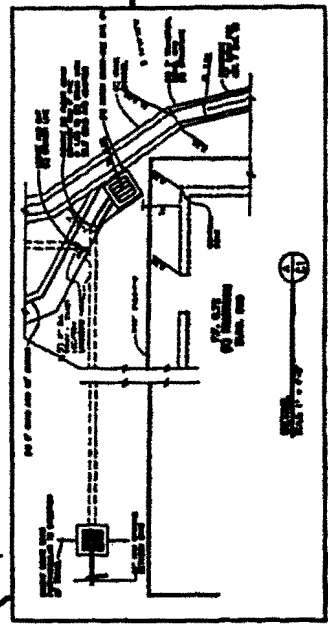
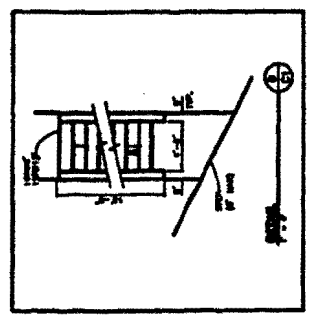
CONSTRUCTION NOTES: SEE THE GENERAL NOTES

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND THE CALIFORNIA ELECTRICAL CODE.
- 2. ALL UTILITIES SHALL BE DEEPLY REVEALED AND PROTECTED PRIOR TO CONSTRUCTION.
- 3. ALL UTILITIES SHALL BE REINSTALLED TO ORIGINAL OR BETTER CONDITION.

REVISIONS/REVISION HISTORY: SEE SHEET 001

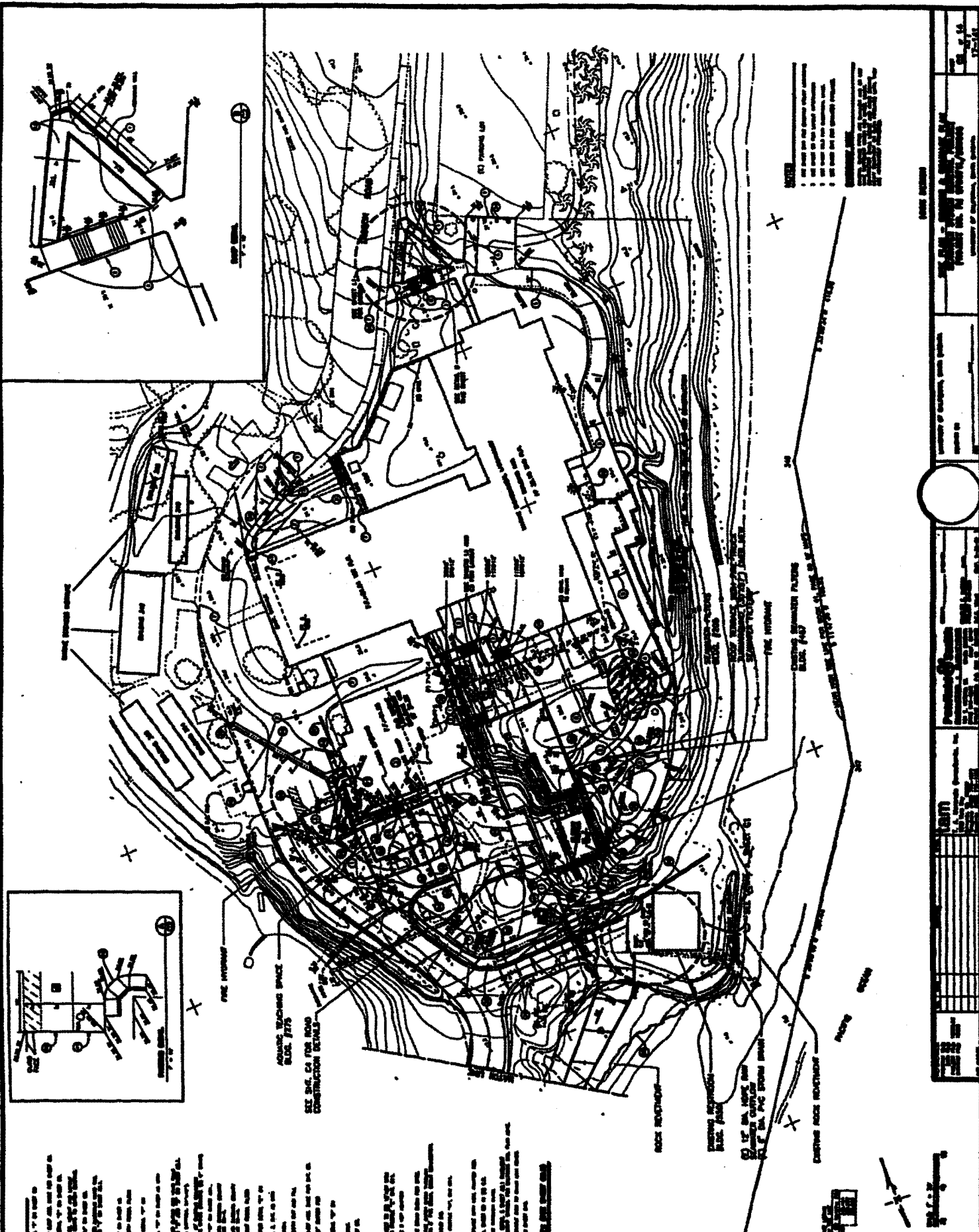
NO.	DATE	BY	DESCRIPTION
1	10/1/97	J. J. [unclear]	ISSUED FOR PERMIT
2	10/1/97	J. J. [unclear]	ISSUED FOR PERMIT

NO.	DATE	BY	DESCRIPTION
1	10/1/97	J. J. [unclear]	ISSUED FOR PERMIT
2	10/1/97	J. J. [unclear]	ISSUED FOR PERMIT



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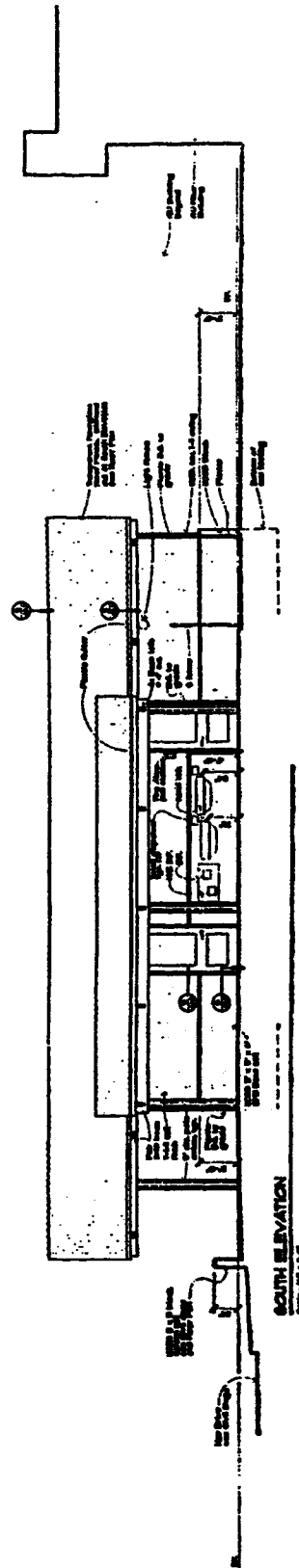
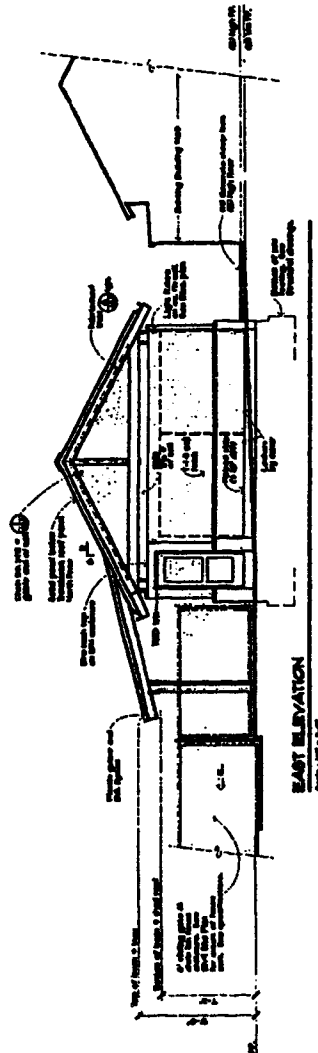
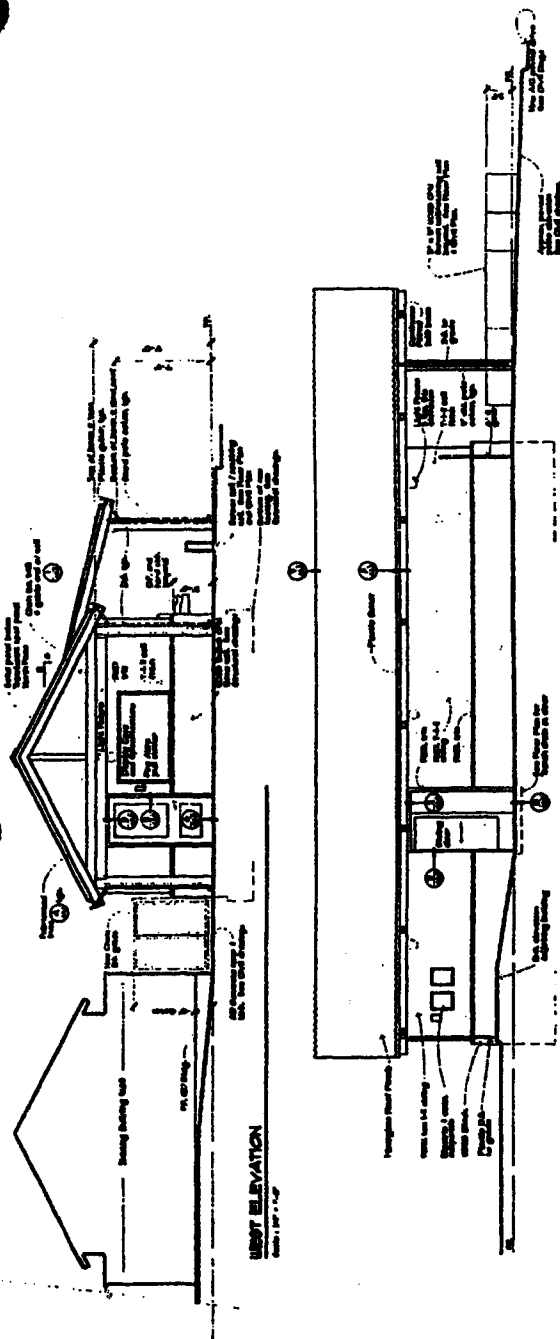
EXHIBIT 3a
UCSB NOID 2-97
Site Plan



- LEGEND**
- 1. ALL ROADS ARE TO BE IMPROVED
 - 2. ALL ROADS TO BE IMPROVED WITH ASPHALT
 - 3. ALL ROADS TO BE IMPROVED WITH CONCRETE
 - 4. ALL ROADS TO BE IMPROVED WITH GRAVEL
 - 5. ALL ROADS TO BE IMPROVED WITH DIRT
- SYMBOLS**
- CIRCULAR DRIVE
 - RECTANGULAR DRIVE
 - △ TRIANGULAR DRIVE
 - ◇ DIAMOND DRIVE
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND AND SIDEWALKS
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND AND SIDEWALKS AND CURBS
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND AND SIDEWALKS AND CURBS AND LIGHTS
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND AND SIDEWALKS AND CURBS AND LIGHTS AND SIGNAGE
 - ◇ DIAMOND DRIVE WITH CENTER ISLAND AND SIDEWALKS AND CURBS AND LIGHTS AND SIGNAGE AND LANDSCAPING

PROJECT NO. 2-97 DATE 10/1/77 DRAWN BY [Name] CHECKED BY [Name]	
TITLE: UCSB NOID 2-97 SITE PLAN	
SCALE: AS SHOWN	
NORTH ARROW	
PROJECT LOCATION: UCSB CAMPUS	
PROJECT DESCRIPTION: [Detailed description of the project]	
PROJECT OWNER: [Name]	
PROJECT CONTACT: [Name]	
PROJECT ADDRESS: [Address]	
PROJECT PHONE: [Phone Number]	
PROJECT FAX: [Fax Number]	
PROJECT E-MAIL: [Email Address]	
PROJECT WEBSITE: [Website URL]	
PROJECT STATUS: [Status]	
PROJECT BUDGET: [Budget]	
PROJECT COST: [Cost]	
PROJECT REVENUE: [Revenue]	
PROJECT PROFIT: [Profit]	
PROJECT RISK: [Risk]	
PROJECT COMPLIANCE: [Compliance]	
PROJECT APPROVALS: [Approvals]	
PROJECT SIGNATURES: [Signatures]	
PROJECT NOTES: [Notes]	

EXHIBIT 3b
UCSB NOID 2-97
Site Plan



LEWIS & MINOR ARCHITECTS 215 West Liberty Street Columbus, Ohio 43201 Phone: 614-220-7777		UNIVERSITY OF COLUMBIA Department of Architecture 615 North College Avenue Columbus, Ohio 43210 Phone: 614-292-1234								
PROJECT INFORMATION Project Name: Aquatic Teaching Space Location: University of Columbia Architect: Lewis & Minor Date: 1997		REVISIONS <table border="1"> <tr> <th>No.</th> <th>Description</th> </tr> <tr> <td>1</td> <td>Initial Design</td> </tr> <tr> <td>2</td> <td>Revised Design</td> </tr> <tr> <td>3</td> <td>Final Design</td> </tr> </table>	No.	Description	1	Initial Design	2	Revised Design	3	Final Design
No.	Description									
1	Initial Design									
2	Revised Design									
3	Final Design									

EXHIBIT 4
UCSB NOID 2-97
Aquatic Teaching Space

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100 South
 Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer
 (916) 574-1800 FAX (916) 574-1810
 California Relay Service From TDD Phone 1-800-735-2922
 from Voice Phone 1-800-735-

Contact Phone: (916) 574-1833
 Contact FAX: (916) 574-1925

December 15, 1997

File Ref: W 25374

Catriona Gay
 University of California, Santa Barbara
 Office of the Assistant Chancellor
 Budget and Planning
 Santa Barbara, California 93106-2030

RECEIVED

DEC 18 1997

COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

Dear Ms. Gay:

Subject: Expansion of Seawater Renewal Project, Santa Barbara County

This letter confirms our recent discussions regarding the University of California, Santa Barbara's (UCSB) proposed seawater renewal project and serves to clarify the status of UCSB's application.

When staff reviewed UCSB's initial application, we determined that the existing and proposed intake pipelines would involve State lands under the jurisdiction of the Commission and a lease would be required. At that time, we had not made a final determination regarding the rock revetment and whether it involved lands under the jurisdiction of the Commission. Commission staff recently completed a formal review of the additional information provided regarding the rock revetment portion of the proposed seawater renewal project. Based on this review, we have determined that the revetment will involve lands under the jurisdiction of the Commission and will, therefore, require a lease. It is our intent to process a lease to the University for both the intake pipelines and for both the existing and proposed rock revetment.

I am currently drafting the proposed lease terms and am having a land description prepared. Normally, this portion of the application process can take between one and two months to complete. Once these two items have been completed, I will forward the proposed lease document to the University for review and consideration. After I receive the signed lease documents from the University, I will schedule this item to be heard by the Commission at a regularly scheduled Commission meeting.

I hope this clarifies the status of the University's application with the Commission. I do appreciate your patience and cooperation regarding the lease application. Please do not hesitate to contact me at (916) 574-1833 should you have any questions regarding the application process.

Sincerely,

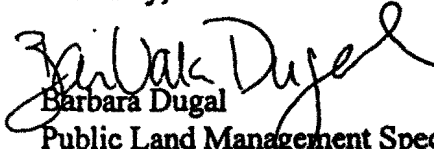

 Barbara Dugal
 Public Land Management Specialist

EXHIBIT 5
UCSB NOID 2-97
State Lands Letter