

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

SANTA BARBARA, CA 93001

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M11a

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Staff: M. H. Capelli

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**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NO: A-4-STB-93-154-A-2****APPLICANT: Dos Pueblos Associates (formerly Arco Oil and Gas Company) Agent: R. Whitt Hollis****PROJECT LOCATION: 1.5 miles west of Winchester Canyon on Highway 101, Santa Barbara County.****DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Removal of existing oil and gas production facilities; construction of a public 18-hole and 9-hole golf course with appurtenant facilities; + 154,000 cubic yards of grading; extension of an eight inch water line + 5,200 feet from Goleta to the site; construction of a 4 acre-foot pond; and dedication, construction, operation and maintenance of various access improvements, landscaping and merger of all 23 lots into two parcels**DESCRIPTION OF AMENDMENT:** Modify a number of existing elements of the golf course including layout of fairways, putting greens and driving range, tees, cart paths, vehicular entrances, location of storage lake, architectural design of buildings, drainage design, future horse tie-up/bicycle rack; location and number of bridges. Add a pump house, a six-acre parcel to the project site; and concrete terminus to the vertical access west of Tomate Canyon. Revise the project description to reflect proposed changes and to conform to previously included elements in design plans.**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission deny the proposed amendment, on the grounds that it is inconsistent with the requirements of the Coastal Act and the certified Santa Barbara County LCP.

**Staff Note:** This denial is based upon the both lack of adequate information on the status of the federally listed California red-legged frog recently discovered on the subject property, and the proposed measures intended to mitigate the effects of the project on this species and its habitat. The proposed mitigation measures, in the form of a Biological Assessment (dated May 3, 1999), were submitted to the Commission on May 19, 1999. The Biological Assessment is intended to form the basis of Incidental Take Permits issued by the U.S. Fish and Wildlife Service for the

California red-legged frog (and the Tidewater goby). As of the date of this staff report, the Biological Assessment has not been accepted by the U.S. Fish and Wildlife Service, as part of the formal Consultation Process, or reviewed and assessed by the Service under the provisions of the U.S. Endangered Species Act. As a result, it is not possible at this time to assess the extent or range of the frogs use of the subject property, or the adequacy of the proposed mitigation measures contained in the Biological Assessment to protect the federally listed California red-legged frog.

This denial is without prejudice to the amendment which previously included only changes which were intended to mitigate the effects of the project on newly discovered wetland habitats found on the project site. Staff had recommended approval on these changes. However, as a result of the discovery of the threatened California red-legged frog on the project site and the recent submittal of additional changes intended to mitigate the effects of the project, the amendment can no longer be found consistent with the previous Commission approval of the project, or the relevant policies of Chapter 3 of the Coastal Act and the certified Santa Barbara County Local Coastal Program. As a result, the staff recommendation has been changed to denial. Should the applicant choose to provide additional supporting information, including evidence that the U.S. Fish and Wildlife Service has reviewed and concurred with the mitigation measures in the Biological Assessment, the Commission would analyze and evaluate that additional information for consistency with the relevant policies of Chapter 3 of the Coastal Act and the certified Santa Barbara County Local Coastal Program.

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**LOCAL APPROVALS RECEIVED:** 91-CP-085; 91-CP-085 SCO5

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit A-4STB-93-154; Final EIR (92-EIR) March 1993; U.S. Fish and Wildlife Letters dated February 25, 1999 and March 16, 1999; Biological Monitoring of Eagle Canyon Creek, Goleta, CA prepared by Leticia Gallardo (February 3, 1999); Coastal Commission Letter dated March 11, 1999; and Letter from Nancy Lucast (applicant's agent) dated May 17, 1999 with accompanying Biological Assessment for Dos Pueblos Golf Links prepared for CPH-PAH Dos Pueblos Associated by Dudek & Associates dated May 3, 1999.

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**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,  
or
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code Section

13166). The applicant has requested that this proposed amendment be processed as a material amendment.

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### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

#### **I. Denial**

The Commission hereby denies the amendment to the coastal development permit, on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will 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 have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

#### **II. Findings and Declarations**

The Commission finds and declares:

##### **A. Project Location**

The proposed Dos Pueblos Golf Links site consists of 208 acres located on the coastal bluff 1.5 miles west of the Winchester Canyon exist of Highway 101 in Santa Barbara County. It is bordered on the north by Highway 101; on the east by Eagle Canyon; on the west by the undeveloped property known as Naples; and on the south by the Pacific Ocean. (See Exhibits 1 through 3.)

##### **B. Project Background**

Historically half of the project site was used for dry farming and grazing, while the other half has been most recently used for oil and gas production. The site was originally zoned Coastal Dependent Industry (M-CD) under the County's certified Local Coastal Program (adopted in 1982). However, the remaining on-site petroleum production facilities were deemed non-conforming with the adoption of the County South Coast Consolidation Planning Area Policy in 1990. The site was subsequently rezoned Agriculture (AG-II-100) in 1991 through a Local Coastal Program amendment.

Shortly thereafter, Arco applied for a Conditional Use Permit (CUP)/Coastal Development Permit (CDP) to abandon the oil and gas facilities and construct a golf course. This Conditional Use Permit was appealed to the Coastal Commission by the Surfrider Foundation in 1993. At its November 17, 1993 hearing the Commission determined the appeal raised substantial issue with respect to conformity with the County of Santa Barbara's Local Coastal Program and took coastal develop permitting jurisdiction over the project. On April 13, 1994 the Commission conducted a de novo public hearing on the merits of the appeal and denied the project. Subsequently, the applicant requested a reconsideration of the Commission's action, and the Commission on July 13, 1994 voted to grant reconsideration of its previous denial. On

November 16, 1994 the Commission voted to approve an amended project with special conditions.

The purpose of this present request for amendment is to reflect a number of design changes in the project which have arisen in the course of refining the original golf course design and in the development of a soil remediation program for the project. (The soil remediation project is the subject of a separate locally issued Coastal Development Permit, and a pending appeal to the Coastal Commission).

Basically, the proposed amendment changes are intended to avoid impacting coastal resources (including seasonal wetlands) which have expanded or shifted location in response to the naturally dynamic nature of the site. The other changes are intended to address aesthetic or other design issues. These changes are further described below.

### **C. Proposed Project Changes**

The applicant proposes a number of changes to the project which are described below: (See Exhibits 6, 7 and 8.)

#### **General Site Plan Modifications**

##### **1. Relocation of the entrance and exit road approximately 150 feet west from the original entrance/exists.**

The entrance and exist locations have been moved west from the location previously approved to align with the currently existing site access point. This relocated entrance/exit site has received approval from the California Department of Transportation. A deceleration and acceleration lane off Highway 101 at the project entrance/exist would still be provided, as previously proposed and approved.

##### **2. Relocation of the cart barn.**

As originally proposed, the cart barn was located off-site from the applicants property in the California Department of Transportation right-of-way. Under the amendment, the barn would be relocated to the west of the right-of-way on the applicant's property. As a result of the amendment, the lot line adjustment provided for in Special Condition #36 of the County's Conditional Use Permit (91-CP-085) is not necessary. In addition, relocation of the cart barn would eliminate the need to fill an existing drainage swale, which will now be maintained in its current natural condition.

##### **3. Realignment of pathways.**

Paths and concrete walkways around the clubhouse, cart barn, and parking lot have been modified to reduce the overall amount of hardscape area, and improve on-site circulation.

##### **4. Design changes to the architectural style of the buildings.**

The redesign of the clubhouse, cart barn, and maintenance building exteriors is proposed to be more compatible with the rural character of the area by reducing heights and incorporating



natural wood elements. These changes do not involve any increase in floor area or the height of the buildings.

#### **5. Use of potable water for fire suppression.**

The fire suppression for onsite structures will use will use potable water rather than reclaimed water. This change will that ensure adequate water pressure is available for fire suppression, and will reduce the chance of human contact with reclaimed water. Reclaimed water will continue to be used for toilets. This change will not alter the daily potable water demand estimates which are not affected by emergency use for fire suppression.

### **Nine-Hole Golf Course Modifications**

#### **1. Modification of water storage lake.**

The water storage lake will be relocated to the east of the location previously approved and the shape modified to avoid impacting the newly emerged wetlands to the west and south of the lake, as well as the archaeological site to the east. Additionally, the original estimated volume of the lake has been changed from 4 to 5 acre-feet to 5.4-acre feet due to a minor change in the depth of the lake.

#### **2. Pump house.**

A pump house was intended as part of the project, but its location was not identified as part of the original plans. The pump house, which will be approximately 32 feet by 23 feet, would be located on the southwest of the water storage lake.

#### **3. Extension of Hole #9 fairway between the green and tee area.**

The proposed change does not alter the length of the fairway, but only relocates it slightly to reflect overall refinements in the golf course design.

#### **4. Alteration of Hole #7.**

The tee box for this hole has been relocated to the eastern side of the lake to avoid intrusion into a wetland buffer.

#### **5. Relocation of horse tie-up and bicycle rack pad area.**

The horse tie-up and bicycle rack pad area are proposed to be located at the eastern end of the coastal trail rather than adjacent to the stairway and bridge in order to comply with the vernal pool buffer requirements. Additionally, the bottom landing of the stairway is to be sized to accommodate the future construction of a bicycle rack and horse tie-up area. The addition of a stairway is being required by the County Parks Department to provide access from the existing bridge to the coastal trail.

#### **6. Vertical coastal access trail.**

The northern one-third of the western vertical coastal access trail has been realigned so that the trail is moved away from the golf course play areas to improve safety for public trail users.

### **Eighteen-Hole Golf Course Modifications**

#### **1. Re-alignment of the cart path and bridge crossings.**

The original project provided for 13 bridges; 11 cart bridges; and 2 foot bridges. The modified course layout incorporates a total of 11 bridges; 9 cart bridges; and 2 foot bridges. The realignments and proposed changes in the number of bridges and cart bridges are intended to improve overall golf course circulation, reduce the number of bridge spans, and minimize encroachment into sensitive habitats. The number of culverts (7) remain the same.

#### **2. Realignments of east and west tunnels.**

The east tunnel under the railroad line has been re-aligned at an angle versus the original 90-degree alignment. The west tunnel has been relocated approximately 50 feet to the east. These changes are a result of a recent topographic survey and final-engineering requirements which will reduce impacts to recently identified wetlands which would have been impacted by the golf course. approved under the original Coastal Development Permit.

#### **3. Removal of desiltation basin within Tomate Canyon.**

A recent preliminary drainage analysis of the project site indicated the that existing culvert within Tomate Canyon would be adequate to meet the County's 100 year flood flow requirements, and as a result the desiltation basin originally proposed for Tomate Canyon would not be necessary. Additionally, the elimination of the desiltation basin would serve to protect approximately 80,000 square feet of seasonal wetlands associated with the desiltation basin site.

#### **4. Reduction of the practice putting green.**

The practice putting green will be slightly reduced as a result of the overall changes of the golf course design.

#### **5. Alteration of driving range configuration.**

The shape of the driving range has been modified at the west end, the middle driving range tee area has been removed the back driving range tee area has been enlarged, and the front driving range tee area has been reduced. The modification of the west end was designed to avoid a small seasonal wetland area in Drainage #3. The removal of the middle driving range tee area eliminates the need to fill a drainage swale, which will now be left in its natural condition.

#### **6. Miscellaneous course refinements.**

The following miscellaneous course refinements have been proposed to improve the overall golf course design and playability, as well as to reduce impacts to sensitive seasonal wetland habitats.

- Hole #1 – minor alteration of fairway and rough configuration

- Hole #2 – minor alteration of fairway and rough configuration; relocation of tee boxes approximately 200 feet south
- Hole #3 – minor alteration of fairway and rough configuration
- Hole #4 – removal of part of the fairway to allow for existing drainage swale and eliminate need for filling; relocation of tee boxes approximately 100 feet north
- Hole #6 – addition of a tee box next to the main tee box; relocation of the most forward (i.e., red) tee box approximately 100 feet south
- Hole #7 – relocation of the green to the west to avoid the 100 foot buffer of the small (i.e., 0.55869) acre wetland
- Hole #8 – minor alteration of fairway and rough configuration; relocation of red tee box approximately 50 feet to the east
- Hole #10 – minor alteration of fairway and rough configuration
- Hole #12 – minor alteration of fairway and rough configuration; addition of new tee box
- Hole #13 – minor alteration of fairway and rough configuration; relocation of tee box approximately 100 feet southeast
- Hole #14 – minor adjustment of tee box locations
- Hole #15 – minor alteration of fairway and rough configuration; minor adjustment of tee box locations
- Hole #16 – modification of fairway to avoid 0.5869 acre wetlands 100 foot buffer; addition of back tees for better playability
- Hole #17 – minor adjustment of tee box locations
- Hole #18 – relocation of the green to the west to avoid the 100 foot buffer around a vernal pool; addition of a new tee box

#### **Modifications to Project Description**

The following elements of the project description have been modified from the original project description:

1. **Acreage:** The project was originally described as encompassing 202 acres with an approximately 4 acre area of the site described as "Not a Part" of the site. This 4-acre area was completely surrounded by the project but owned by another party; it has recently been acquired by the applicants and will be merged into the southern portion of the two parcels and incorporated into the golf course. Additionally, a recent land survey indicated that this

area is in fact 2 acres larger than previously thought, thus the new project area includes the newly acquired 6 acres for a total project site area of 208 acres.

2. **Cart path:** The car path will be standard concrete, not earthen
3. **Bridges:** The original project description indicated that there would be a total of 6 bridges, which was inconsistent with the site plans which showed a total of 13 bridges. The revised proposed plan eliminates two of these bridges, bringing the total to 11. The project description and revised plans now reflect this reduced number.
4. **Existing facilities:** The project description was originally written before abandonment of the existing remaining oil and gas facilities had occurred. The current project description reflects the current status of the site.
5. **Atrium:** The atrium of the building plans has been eliminated as part of the architectural design changes.
6. **Lake volume:** The original project description indicated that the water storage lake had a volume of 4 acre feet, while Special Condition #10 of the Conditional Use Permit (91-CP-085) correctly estimated the lake to be approximately 5 feet. The modifications described above do not substantially change this lake volume.
7. **Pump house:** The pump house was not explicitly included in the project description or plans, though it is essential for the use of the lake as an irrigation water supply. It is explicitly included as part of the amended project description and plans.
8. **Cart barn:** Due to the relocation of the car barn off the California Department of Transportation right-of-way, the lot line adjustment will not be necessary.

#### **Revised Amendment**

In addition to the above changes, the applicant submitted on May 17, 1999 revisions to the original amendment request to address a number of outstanding issues regarding the protection of environmentally sensitive habitats and species on the subject parcel. These additional changes are summarized below:

1. No soil remediation activities will be conducted seaward of the railroad tracks during the rainy season
2. The 0.17 acre of disturbed wetlands at the two tank farm sites, which will be removed in the process of soil remediation, will be restored and enhanced.
3. The concrete headwall near drainage #7, originally proposed to be removed in the course of site remediation, will instead be left in place. Consequently, there will be no wetland impact incurred in this area. Furthermore, a 100-foot buffer will be provided through a minor course reconfiguration. Remedial grading to repair the eroded gully and to correct site drainage to insure the continuation of the small "headwall" wetland will be performed. This remedial grading will require approximately 110 cubic yards of cut and 650 cubic yards of fill, all of

which is figured into the overall Commission-approved earthwork volume of up to 154,470 cubic yards.

4. In addition to the 1:1 restoration ratio of the 0.17 acre "tank farm" wetlands that will be temporarily disturbed by soil remediation, additional mitigation will be provided at a 3:1 ratio (for an overall ratio of 4:1 for the two-week, temporary disturbance). The perimeter of the Tomate Canyon wetland mitigation area will be expanded to accommodate this additional 0.51-acre wetland creation area.
5. The Tomate Canyon wetland mitigation area monitoring period will be extended from the previously required three years to five years or, until the performance standard is achieved, whichever is later.
6. All mitigation measures set forth in the Biological Assessment submitted with this revision to the amendment request will be implemented to preserve and enhance the California red-legged frog habitat and potential tidewater goby habitat in Eagle Canyon.
7. Miscellaneous course refinements have resulted in the following adjustments (See Exhibit 7.)
  - a. Renumbered Holes (with no physical changes)
    - Hole #6 changed to Hole #10
    - Hole #7 changed to Hole #11
    - Hole #8 changed to Hole #12
    - Hole #10 changed to Hole #7
  - b. Former Hole #11 is relocated to the east of drainage #7 and south of the Coastal Trail and renumbered Hole #6. This change avoids the green being located in the newly created wetlands as well as a 100-foot buffer.
  - c. Former Hole #12 is renumbered Hole #8 and utilized the tee for former Hole #11, west of drainage #7, which has been reduced in size. An additional tee for the new Hole #8 would be placed southwest of the green for new Hole #7. New Hole #8 is reworked to avoid the 100-foot wetland buffer.
  - d. Former Hole #13 renumbered Hole #9 would be shortened 20 yards, and the accompanying green would be relocated approximately 200 feet southeast.

#### **D. Coastal Issues**

##### **1. Environmentally Sensitive Resource Areas**

Coastal Act Section 30233 includes policies requiring the protection of coastal, and specifies the circumstances under which coastal wetlands can be filled. This policy provides, in part, that:

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

The types of permitted uses in wetlands under Section 30233 do not include filling for golf courses.

Coastal Act Section 30240 of the Coastal Act states:

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

Coastal Act Section 30107.5 stipulates that:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal Section 30231 provides 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.

The project site comprised of an elevated marine terrace which is vegetated primarily by introduced annual grasses (with a few scattered small patches of natives grasses). There are also several areas containing other native plant species. These include the riparian habitats along Tomate Canyon and Eagle Canyon. There is also a vernal pool located in the southeastern portion of the property midway between the railroad tracks and the edge of the coastal bluff. The project as originally approved did not infringe upon any identified environmentally habitats.

#### **a. Coastal Wetlands**

As noted above, during the course of developing a soil remediation plan for the abandonment of the oil and gas facilities on the project site, additional wetlands were identified on the site which were located where developed approved as part of the original Coastal Development Permit had been proposed. These wetlands are scattered throughout portions of the site, are generally small (less than a few hundred square feet) and appear to be seasonal in nature. Based upon

previous surveys of the site, it is believed that these wetlands have developed in response to the unusually heavy rainfall of the past year, and may not persist in normal or drought years.

However, the proposed amendment modifies the layout of the golf courses and appurtenant facilities to avoid all of these newly identified wetlands. (See project description above.)

The proposed amendment would not result in any additional adverse impacts to any of the previously identified environmentally sensitive habitats, including the recently emerged seasonal wetland habitats now scattered throughout portions of the project site. However, as noted above, since the original approval of the golf course by the County and the Commission, the physical circumstances on the site have changed. In particular, the past exceptionally wet season has fostered the development of seasonal wetland areas on the project site which had not been previously identified.

The proposed changes to the project plans and project description encompassed within the proposed amendment have been designed to avoid new or previously existing wetland resources. Specifically, the relocated cart barn, water storage lake, horse-tie-up/bicycle rack, bridges, tunnels, driving range, and the deleted desiltation basin will avoid being located within any newly developed seasonal wetland areas. Hole #11 is relocated to the west to drainage #7 to avoid being located in one of the newly emerged wetland, as well as the 100-foot buffer. A new Hole #8 has been modified to avoid the 100-foot buffer around a newly emerged wetland. Part of the fairway for Hole #4 would be removed pursuant to the amendment to avoid filling a drainage swale. The fairway for Hole #16 would be relocated to avoid the 100-foot wetland buffer. The green for Hole #18 would be relocated to avoid the 100-foot buffer around the vernal pool. Where any wetlands are unavoidably disturbed by the related abandonment and soil remediation program, which is the subject of a separate Coastal Development Permit, they will be either allowed to regenerate naturally or be off-set by wetland restoration or enhancement activities on-site. (See Exhibit 10.)

#### **b. California Red-legged frog**

Since the Commission's original review and approval of this project in November 1994, the California Red-legged frog (a federally listed threatened species) has been reported on portions of the project site based on a field survey of portions of the project site conducted in 1999. The following discussion describes what was known about the presence of the California red-legged frog on the project site at the time of the approval of the original Coastal Development Permit and what is presently known about the status of the species on the project site.

#### **Information About the Frog At Time of Permit Approval**

Staff has reviewed the administrative record for the original permit proceedings, which is comprised of over 5260 pages in 31 volumes. This staff review disclosed only one document in which the California red-legged frog was referenced. The document in the record for the original permit proceedings where the potential issue of the California red-legged frog was discussed was in the "Final Environmental Impact Report for the Arco Dos Pueblos Golf Links Project, 92-FEIR-16" (FEIR) dated March 1993 (Administrative Record, 000280 et seq.). The FEIR, prepared for the County of Santa Barbara's Resource Management Department, discussed and considered impacts to Biological Resources in section 5.1, commencing on p. 5.1-1. In that section, the red-legged frog was mentioned briefly in two places. First, the frog was included

within a list of "federal- and/or state-listed endangered species which may occur at the project site", as follows:

*"Red-legged frog. The California red-legged frog (Rana aurora) is a California Species of Special Concern and a candidate for Federal listing as endangered or threatened. The red-legged frog occurs west of the Sierra-Cascade crest from southwest British Columbia to northwestern Baja California (Stebbins, 1985). This species has declined rapidly and repeated searches in southern California have not found this species south of the Ventura River. This species is generally found in near-permanent ponds and streams with good water quality. Due to poor water quality associated with the existing stock ponds and the lack of sufficient surface water in the drainages, the potential for this species to occur on the project site is low, and impacts are not anticipated. (FEIR, p. 5.1-17, emphasis added.)"*

Second, the California red-legged frog was mentioned within a discussion of potential project-related impacts to wildlife, as follows:

*"Reptiles and Amphibians. Because of their relative inability to disperse quickly, reptiles and amphibians would be subject to direct mortality from grading and construction operations. Small populations of amphibians and reptiles may survive in habitat patches outside of the proposed disturbance area, but these populations are likely to be genetically isolated from adjacent habitat patches. Because the grassland area has been extensively disturbed by mowing and grazing for several decades, most reptile and amphibian populations on the site are associated with the drainage courses. Sensitive amphibians and aquatic reptiles known to occur in the project vicinity (red-legged frog, two-striped garter snake, and southwestern pond turtle) are not expected to inhabit the drainages onsite due to the lack of sufficient surface water (though southwestern pond turtles have been reported at the site; see comment letter from Chris Crabtree in Appendix A). Portions of the drainages would be disturbed by construction and maintenance of siltation basins and other modifications, and this long-term impact to reptile and amphibian populations (which may include sensitive red-legged frog and two-striped garter snake) is considered to be a potentially significant, but mitigatable, impact (Class II). (FEIR, p. 5.1-37, emphasis added.)"*

Thus, the FEIR concluded in the first reference, as described above, that there was a low potential for the presence of red-legged frogs at the project site, due to both the poor quality of water in the stock ponds as well as the insufficient surface water in the drainages. The lack of surface water in the drainages was considered in the second reference in the FEIR to be a reason that the frogs were not expected to inhabit the drainages onsite. The actual presence of the red-legged frog at the project site and the drainages was, therefore, not documented or discussed in the FEIR. The County's conditional use permit contained a number of conditions designed to protect coastal resources, including conditions regarding riparian vegetation, riverine wetlands, harbor seals, Monarch butterflies and pond turtles, but contained no reference to the red-legged frog. As the FEIR and, in fact, the entire record are devoid of concrete evidence indicating the actual presence of the frog at the project site, the frog's actual presence at the site is an issue newly-discovered since the original approval.



The California Red-legged frog is one of two subspecies of the Red-legged frogs (*Rana aurora* spp) found on the Pacific Coast. Its original range was throughout California from the vicinity of Pont Reyes National Seashore, Marin County, and inland from the vicinity of Redding, Shasta County, southward to northwest Baja California, Mexico. The subspecies *Rana aurora draytonii* was first listed by the U.S. Fish and Wildlife Service as a Threatened Species on May 23, 1996 which was subsequent to the Commission's approval of the subject permit. (Code of Federal Regulations 50 CFR Part 17, May 23, 1996)

The California red-legged frog has been extirpated from 70 percent of its former range in California, and is currently found primarily in wetland and streams in coastal drainages of Central California. The species is threatened within its remaining range by a wide variety of human impacts, including urban encroachment, construction of water supply facilities, introduction of exotic predators, and habitat fragmentation. California Red-legged frogs breed from November through March, with earlier breeding records occurring in southern localities. California Red-legged frogs found in coastal drainages are rarely inactive, whereas those found in interior sites may hibernate. The California Red-legged frog occupies habitats combining both specific aquatic and riparian components. California red-legged frogs disperse upstream and downstream from their breeding habitat to forage and seek hibernating habitats. Hibernating habitat is essential for the survival of the California Red-legged frog within a watershed. Hibernation habitats and the ability to reach hibernating habitat can be limiting factors in California Red-legged frog population numbers and effect long-term survival. At the time of the Red-legged frogs' listing in 1996, the species was known from only five locations south of the Tehachapi Mountain compared to 80 historic location records from the region, a reduction of 94 percent. (Code of Federal Regulations 50 CFR Part 17, May 23, 1996)

#### **New Information About California Red-legged frog**

Gallardo Report. In February 1999 the Commission staff received, in connection with the Commission hearing on this item, a report prepared by Leticia Gallardo, a consultant biologist retained by project opponents (Surfrider Foundation and the Gaviota Coast Conservancy) reporting the results of an investigation carried out by Leticia Gallardo at the west end of the project site entitled "Biological Monitoring of Eagle Canyon Creek, Goleta, CA" (February 3, 1999). The report summarized the results of two nights of monitoring of the mouth of Eagle Canyon Creek, which resulted in the identification of several individual Red-legged frogs. (See Exhibit 12.)

Letters from the U.S. Fish and Wildlife Service. Subsequently, the Commission staff received a copy of a letter from the U.S. Fish and Wildlife Service to the County of Santa Barbara dated February 25, 1999. (See Exhibit 13.) This letter stated that the Service:

"had been informed that the federally threatened Red-legged frog (*Rana aurora draytonii*) occurred in Eagle Canyon Creek, as well as several other streams in the vicinity of the project site."

The Service's letter also stated:

"As California red-legged frogs are known to travel up to two miles from riparian habitat, they likely use upland habitat in the project area as well. Therefore, we

believe that activities in the creek or surrounding upland habitat could result in the take of California red-legged frogs."

Because of the information in the first letter indicating the frog's presence, Commission staff wrote a letter on March 11, 1999 to the U.S. Fish and Wildlife Service requesting additional information on the presence and status of the Red-legged frog on the project site. (See Exhibit 14.)

On March 16, 1999, the U.S. Fish and Wildlife Service wrote a letter responding to the Commission staff's inquiry. (See Exhibit 15.) This letter definitively confirmed the presence of the California red-legged frog on the project site, and confirmed that:

"California red-legged frogs are known to use upland areas within a mile of streams."

The Service concluded that:

"Consequently, grading of the site could kill or injure dispersing individuals. California red-legged frogs may be attracted to the golf course, once in operation, because of its water features and irrigation. Therefore, routine operation of the golf course is likely to cause mortality of California red-legged frog as a result of vehicle use, maintenance of playing areas, and other related activities."

The Service also noted that:

"The construction of the proposed public access footpath through Eagle Canyon Creek and the resulting increase in human activity in the immediate vicinity of habitat of California red-legged frog are likely to result in the take of California red-legged frogs."

In summary the two letters from the U.S. Fish and Wildlife Service confirm the presence of the California red-legged frog on the site and its potential use of upland areas, and state that both the construction and the operation of the proposed Dos Pueblos Golf Course could result in adverse impacts to the frogs' habitat and injury to or death of individual frogs.

As a result of the above circumstances, the U.S. Fish and Wildlife Service has advised the applicant to apply for a Section 7 Incidental Take Permit from the U.S. Army Corps of Engineers for the proposed waterline crossing at Eagle Canyon Creek, and for a Section 10 Incidental Take Permit to deal with the potential take stemming from activities in the upland portions of the project site. To date, the applicant has not secured either type of Incidental Take Permits. (See Exhibit 13.)

The evidence of the presence of the California red-legged frog has been confirmed through the two letters from the U.S. Fish and Wildlife Service. Because of the potential use of upland areas by the frog (which may be increased as the result of the recent emergence and discovery of additional wetland habitat in the upland areas), the construction of the proposed Dos Pueblos Golf Course could result in adverse impacts to the frogs through, among other means, conversion of existing open-space upland habitat to accommodate golfing fairways, greens, and

sand-traps, as well as physical structures. Further, injury or death of individual frogs may result as a result of on-going maintenance operations such as fertilizing, lawn grooming or mowing. Consequently, the presence of the previously undetected California red-legged frog and the recent listing of the species as threatened species under the U.S. Endangered Species Act subsequent to the Commission's original approval of the subject project constitutes changed circumstances pursuant to Section 13169 of the Commission's Administrative Regulations.

To address the potential adverse effects of the project on the newly discovered California red-legged frog, the applicants had prepared a Biological Assessment (dated May 3, 1999) which was submitted to the Commission on May 19, 1999. This Biological assessment is intended to form the basis of Incidental Take Permits issued by the U.S. Fish and Wildlife Service for the California red-legged frog (and the Tidewater goby). As of the date of this staff report, the Biological Assessment has not been accepted by the U.S. Fish and Wildlife Service, as part of the formal Consultation Process, or reviewed and assessed by the Service under the provisions of the U.S. Endangered Species Act. As a result it is not possible at this time to assess the extent or range of the frog's use of the subject property, or the adequacy of the proposed mitigation measures contained in the Biological Assessment.

A cursory review of the Biological Assessment, however, raises a number of questions about the adequacy of the Biological Assessment.

First, while the field work done as part of the Biological Assessment has confirmed the presence of the California red-legged frog on the site, and identified its breeding habitat at the mouth of Eagle Canyon, the Biological Assessment did not provide information on the dispersal and upland use of the project site by the California red-legged frog. This may be the result of performing field surveys prior to May 1 before frogs are likely to disperse. Significantly, the U.S. Fish and Wildlife Service protocol for conducting California red-legged frog surveys stipulate that such surveys be conducted after May 1<sup>st</sup>, when frog are more likely to have dispersed. The dispersal range of the California Red-legged frog is critical to assessing the potential impacts of the project on the species because it is essential in identifying the facilities and activities which could potentially result in adverse impacts to the species habitat, or to the animal itself.

Second, the Biological Assessment assumed that the direct and indirect impacts to the California frog would be limited to areas within 200 feet of the California red-legged frog breeding habitat (i.e., within 200 feet of the mouth of Eagle Canyon). As a result, the proposed mitigation measures for the California red-legged frog are focused only on the mouth of Eagle Canyon, and do not adequately address possible measures to protect frog using non-breeding upland habitat. However, as noted above, the U.S. Fish and Wildlife Service has indicated that the California red-legged frog is known to disperse up to 1 or 2 miles from its breeding habitat. At this time there is inadequate information available to determine the actual dispersal range of the California red-legged frog on the subject parcel. The Biological Assessment has not be based on surveys conducted in accordance with U.S. Fish and Wildlife protocols for California red-legged frog surveys, and further, its assumes without an adequate basis a dispersal range of only 200 feet, in contradiction to the 1 or 2 mile potential dispersal range indicated by the U.S. Fish and Wildlife Service for this species. (See Exhibits 13, 14, 15, and 16.)

Therefore, the Commission finds that the project as amended, with respect to the effects of the project on the C.A. red-legged frog, is inadequate to address environmentally sensitive resources consistent in Section 30231, 30233, and 30240 of the Coastal Act.

## **2. Visual Resources and Landform Alteration**

Coastal Act Section 30251 of the Coastal Act provides 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 subordinate to the character of its setting.

The proposed project is located immediately seaward of and is visible from U.S. Highway 101. However, a number of changes to the architectural design of the clubhouse, cart barn and maintenance building are proposed. Additionally, the proposed permit amendment would include a pumphouse, which had not been previously specified.

None of the changes increases the height or the floor area of the already permitted buildings, nor do they require additional alteration of landforms. In one case (the elimination of the atrium) the building height has been slightly reduced. The addition of the pump house will add a single story structure necessary for the use of the lake as a water supply. The small size and height of this structure is consistent and compatible with the other structures previously approved as part of the original Coastal Development Permit for the project. As such, it will not have any significant adverse impact on the scenic and visual quality of the site or the surrounding area.

Therefore, the Commission finds that project as amended is adequate to address scenic and visual resources consistent in Section 30251 of the Coastal Act.

## **3. Public Services**

Coastal Action Section 30250 provides, in part, that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous, with or in close proximity to existing developed areas able to accommodate it or, where such are to able to accommodate it in other areas with adequate public services where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources. . . .

The fire suppression for onsite structures will use potable water rather than reclaimed water. This change will ensure that adequate water pressure is available for fire suppression, and will reduce the chance of human contact with reclaimed water. Reclaimed water will continue to be used for toilets. This change will not alter the daily potable water demand estimates which are

not affected by emergency use for fire suppression. No other changes to the project will affect project water demands for the project.

The proposed change will result in using potable water from the domestic water supply system on a short term basis for fire emergencies when this water would not otherwise be necessary or used for normal domestic water supply purposes. As a result, the proposed change would have no net adverse effect on potable water supplies.

Therefore, the Commission finds that the as amended is adequate to address public services consistent in Section 30250 of the Coastal Act.

#### 4. Public Access

Coastal Act Sections 30210 through 30214 provides, in part, that:

[M]aximum access shall be provided for al the people consistent with public safety needs, the needs to protect public rights, rights of private property, and natural resources from over use . . . .

The originally approved Coastal Development Permit for the project included a system of public access trails providing lateral and vertical access through the subject property. These facilities accommodate pedestrian as well as bicycle and equestrian users. The basic public access plan originally approved remained unchanged. However, County Parks Department is requiring stairway access from the existing bridge to the coastal trail. To accommodate this access, the bottom landing of the stairway will be sized to accommodate the future construction of a bicycle rack and horse tee-up area. Additionally, this pad are is proposed to be located at the eastern end of the coastal trail rather than adjacent to the stairway and bridge in order to comply with the vernal pool 100-foot buffer requirements established by the original Coastal Development Permit.

The northern one-third of the western vertical coastal access trail has been realigned so that the trail is moved away from the golf course play areas to improve safety for the public. Finally, the vertical public accessway west of Tomate Canyon will terminate in a concrete public stairway to ensure safe access to the adjoining beach. This accessway was required under the original Coastal Development Permit for the project and the applicant has performed an alternative design analysis to determine the best alternative with respect to geological and visual resources.

None of the proposed changes alters the basic public access program approved by the County or the Commission as part of the original approval of the golf course. The relatively minor modifications encompassed by this amendment are designed to reduce impacts to sensitive resources, improve access opportunities, or to improve public safety.

Therefore, the Commission finds that the proposed project as amended is adequate to address public coastal access consistent in Sections 30212 through 30214 of the Coastal Act.

#### E. Local Coastal Program/California Environmental Quality Act

The proposed site lies within the County of Santa Barbara and falls within the Commission's area of appeals jurisdiction because it is situated between the first public road paralleling the

coat (U.S. Highway 101) and the shoreline. The Commission has certified the Local Coastal Program for the County of Santa Barbara (land Use Plan and Implementation Ordinances) which contains policies for regulating development and for the protection of coastal resources, including environmentally sensitive habitats, public works facilities, scenic and visual resources, and public access.

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed amendment to Coastal Development Permit A-4-STB-93-93-A2, would have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed amendment is inconsistent with the requirements of CEQA and the policies of the Coastal Act.

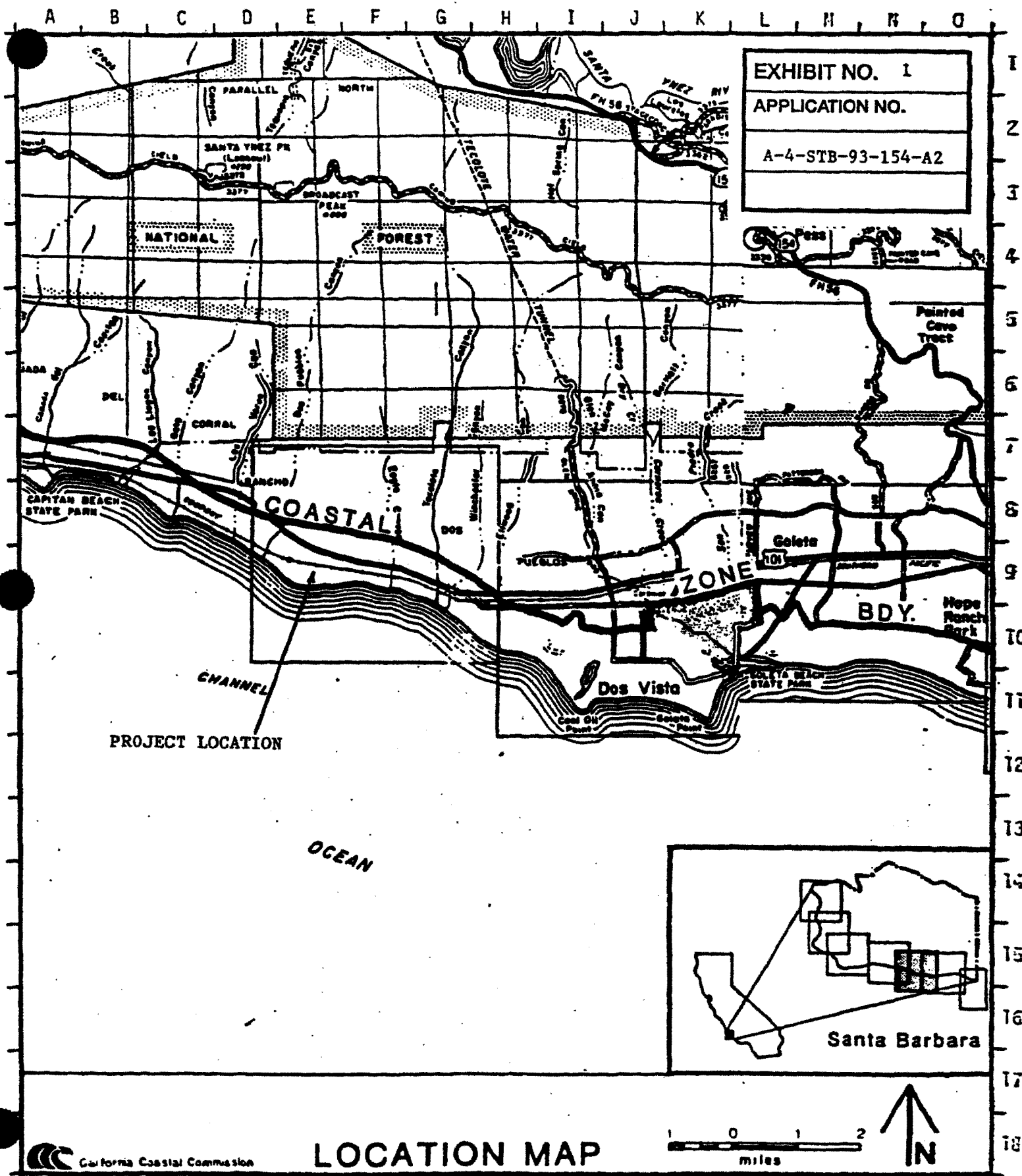


EXHIBIT NO. 1
APPLICATION NO.
A-4-STB-93-154-A2

California Coastal Commission

LOCATION MAP

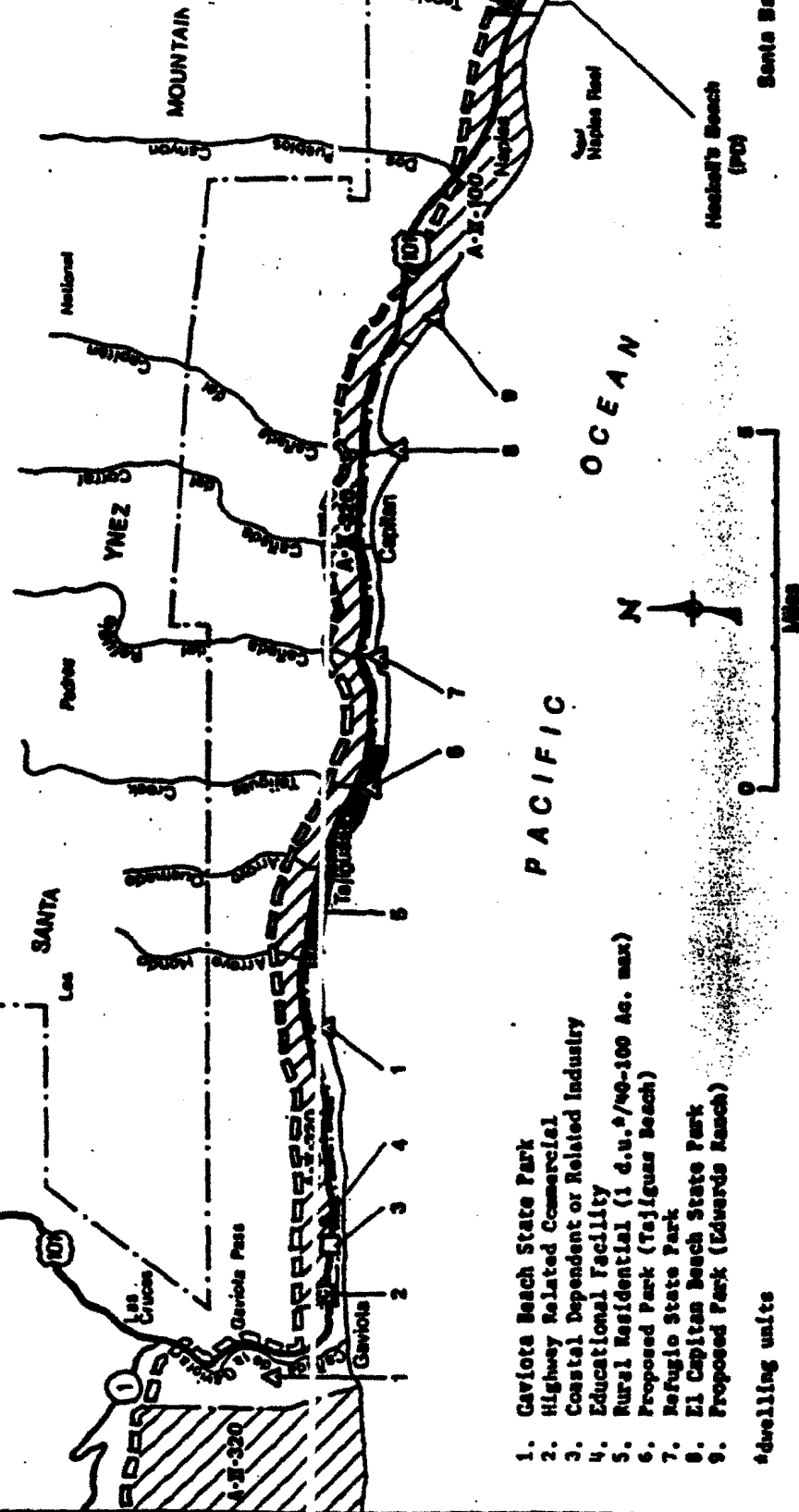


County of Santa Barbara

EXHIBIT NO. 2

APPLICATION NO.

A-4-STB-93-154-A2



1. Gaviota Beach State Park
2. Highway Related Commercial
3. Coastal Dependent or Related Industry
4. Educational Facility
5. Rural Residential (1 d.u./40-100 Ac. max)
6. Proposed Park (Tajiguana Beach)
7. Refugio State Park
8. El Capitan Beach State Park
9. Proposed Park (Edwards Ranch)

dwelling units

FIGURE 4-9

Generalized Land Use Plan  
Gaviota Coast Planning Area  
County of Santa Barbara  
Local Coastal Program

Land Use Designations - see text for definitions

COMMUNITY FACILITIES OPEN LAND USES

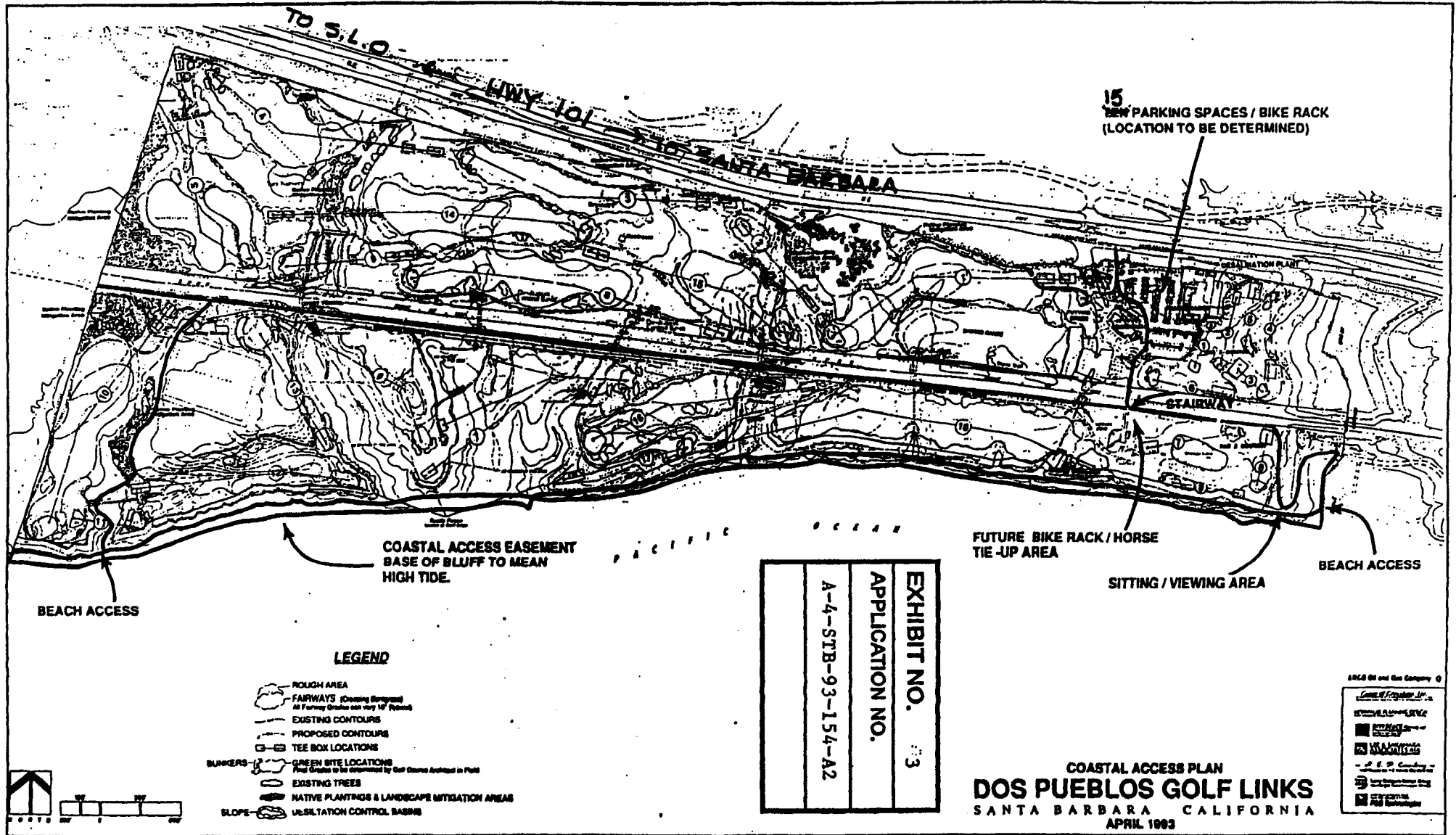
INDUSTRIAL  
COMMERCIAL  
RESIDENTIAL  
(see map for dwelling)

AGRICULTURE (100-320 acre min.)  
RECREATION (existing or proposed parks and open space)

COASTAL ZONE BOUNDARY



ORIGINALLY APPROVED GOLF COURSE PLAN



ARCO: Revised Findings  
Exhibit 5  
page 1 of 2

ARCO: REVISED FINDINGS  
EXHIBIT 5  
page 2 of 2

Program (LCP), and also requires that any development located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreation policies of the Coastal Act.

## II. STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, adopt the following resolution:

### Approval with Conditions.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of the certified Santa Barbara County Local Coastal Program, is in conformance with the public access policies 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.

## MOTION

I move that the Commission approve the revised findings for the project (A-4-STB-93-154) as approved by the County of Santa Barbara, and as subsequently amended by the applicant on October 14, 1994 and November 14, 1994.

## III. CONDITIONS

Standard Conditions. See Exhibit 7.

Special Conditions.

1. The project shall be subject to all conditions attached to County approval (91-CP-085) except as specifically modified by subsequent amendments to the project description. Any deviations or conflicts shall be reviewed by the Executive Director to determine whether an amendment to the Coastal Permit is required.
2. The applicant shall submit a deed restriction to the Executive Director for review and approval which irrevocably precludes the re-subdivision of the lots merged as proposed in the amended project description (amendment dated November 14, 1994). The approved deed restriction shall be recorded within sixty days of recordation of the lot merger.

The document shall run with the land, binding all successors and assigns and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

EXHIBIT NO. 4

APPLICATION NO.

A-4-STB-93-154-A2

ARCO OIL AND GAS COMPANY GOLF COURSE

Final Revised Findings of 2/8/95 Commission Meeting

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. Compliance. All development must occur in strict compliance with the proposal as 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 development during construction, 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.

EXHIBIT NO.	5
APPLICATION NO.	
A-4-STB-93-134-A2	

Attachment A

Page 1 of 3

The following excerpt is the Golf Links project description as contained in the County Conditional Use Permit 91-CP-085. The relevant portions of the project description (i.e., the Golf Links description) have been modified as appropriate to reflect the proposed project changes. Changes to the text have been marked by underline and/or ~~striketrough~~.

**Modified Project Description (From Conditional Use Permit 91-CP-085)**

The golf links component of the project, comprised of 18 holes, encompasses 72.4 acres of the ~~202~~ 208 acre project site and is designed as a sea-side course which is reminiscent of the classic course design of the 1930's. The course routing has been planned based upon the topography and shape of the land; environmental sensitivities; the fact that the course is to be operated as a public daily fee facility; and the architect's preferred style.

The 18 hole course would have a standard ~~an earthen~~ concrete cart path servicing the entire course. Six inch, stand-up concrete curbing would extend a short distance around all tees, greens and other locations for maintenance and safety. An existing service road located south of the railroad right-of-way would, along with the cart path system and turf surfaces, provide maintenance vehicles access to the entire property. ~~Six~~ Eleven<sup>1</sup> short bridges (9 cart bridges and 2 foot bridges) are proposed throughout the course on the cart paths.

In addition to the 18 hole public daily fee links, the project also includes a par-three course located on the eastern edge of the property. This course consists of nine holes, measuring 150 yards or less. The par-three course is designed to complement the 18 hole course by allowing golfers the opportunity to sharpen their "short game". It is designed to be walked and no electric golf carts would be allowed. This component of the project would occupy approximately 8.7 acres of the project site. The 18 hole golf links and par-three course together would occupy approximately ~~54~~ 40 percent of the site.

The clubhouse, cart barn, maintenance area and parking lot would occupy approximately 7 acres. These facilities would be located on the ~~present~~ site of the previous ARCO's production offices, warehouse and storage yards.

The 9,290 square foot clubhouse would be the focal point of the site. The building height of the clubhouse is 17 feet ~~with a central atrium at 22 feet~~. It would consist of a pro shop, grill, administrative offices, meeting room, and restrooms. Food service is intended for golfers during daylight hours only and is not intended or programmed to compete with local restaurants.

Given the 18 hole golf links routing, golfers would not return to the clubhouse until their round is completed. Therefore, a half-way house between the ninth and tenth holes is proposed. The half-way house would include a 700-square-foot snack bar, restroom facility and starters station.

<sup>1</sup> The originally approved plans showed a total of 13 bridges, 11 cart bridges and 2 foot bridges, but the project description incorrectly stated 6 bridges.

Along with the half-way house, another restroom and three additional shelters would be located on the golf links to provide comfort and protection from the elements.

The 8,012 square foot cart barn, located north of the clubhouse, would enclose all of the golf cart storage, maintenance, cleaning, and range operations. The 7,974 square foot maintenance building would house all of the equipment and machinery necessary to maintain the golf course, as well as offices and employee facilities. This building would be located east of the clubhouse and would serve to screen the service yard. The service yard would be screened to the west by a serpentine wall. An 800-square-foot storage building would be located north of the service yard.

A driving range, putting green and turf farm are also proposed. The driving range is proposed to be located west of the clubhouse. The putting green is proposed to be located between the driving range, the first hole's tee, and the clubhouse. To support the turf needs of the 18 hole golf links and par-three course, a turf farm of approximately one-half acre would be located near the northwestern corner of the site.

The routing of the 18 hole golf links course requires crossing of the Southern Pacific Railroad right-of-way three times. The crossings would be accommodated by the existing wooden bridge and the creation of two new tunnel crossings. The tunnel crossings would be finished with gunite or textured plaster to aesthetically conform to the architectural and golf course character of the 1930s. The tunnels would be approximately 100 feet in length with a height to ceiling of 10 feet.

Perimeter fencing and railroad right-of-way fencing would be constructed from rustic wood and possibly cable; no chain link or modern reflective materials would be used. All utilities, including those presently located on the site, would be placed underground.

The course is anticipated to operate from 350 to 360 days per year. An estimated 50,000 to 60,000 rounds of golf per year would be played on the 18-hole course and 20,000 rounds would be played on the nine-hole course. Hours of operation would be from dawn to dusk for the course. Restaurant service would close one-half hour after dusk. A maximum of two professional and/or amateur events, which would draw galleries, would be held at the site per year. The project applicant estimates that 32 full-time equivalent employees would be required for golf course operation. This would result in a net increase of 17 new employees at the site.

The project would involve approximately 154,470 cubic yards of cut and 154,470 cubic yards of fill, to be balanced on-site. Some offsite grading would be required for the installation of pipelines and proposed addition of the acceleration and deceleration lanes. The above cut and fill estimate includes these offsite components. Overall, 115 acres of the ~~202~~ 208 acre site would be graded. The maximum elevation that would result from grading would occur near hole number seven and would involve an increase in elevation of 25 feet (from 50 feet to 75 feet). The proposed drainage plan includes a system of storm drains with associated energy dissipaters to reduce erosion effects of drainage flows and five four desiltation basins, most of which would be located within the existing drainages of the site.

Slope stability on the bluffs and barrancas of the project site were a concern in the design of the golf links project. Therefore, the applicant has proposed a drainage system which would contribute to the control of erosion and enhance slope stability. A conceptual landscape design has also been proposed as part of the project that would incorporate deep-rooted, drought tolerant native plants on the bluff tops and drainages to provide slope stability.

A structural setback from the top of the bluff has been included in the project design to mitigate potential geologic hazards associated with sea cliff retreat. This setback zone includes a 55-foot structural setback and a 30-foot non-structural setback.

A harbor seal haul out and rookery area exists at the beach near the mouth of Tomate Canyon. In an effort to avoid impacting harbor seal activity in this area, the golf links has been designed with fencing to avoid encroachment into the portions of the project site from which views of the harbor seal haul out area can be gained. Construction activities adjacent to the bluffs that are above the seal haul out area would be scheduled to avoid the most sensitive seasons, such as when pups are present.

Revegetation and habitat enhancement components are also included in the project. Removed trees greater than six inches in diameter shall be replaced with native trees at the ratio of three to one (willows would be replaced at five to one). Removed tamarisk trees would not be replaced. Wildlife habitat would also be enhanced by the use of native vegetation throughout the site.

A storage lake in the eastern portion of the site is proposed to allow for sufficient water reserve in the case of a temporary interruption of water deliveries. The approximately four 5.4<sup>2</sup> acre-foot lake would provide reserves for five days of average irrigation and 2.5 days of peak irrigation needs. An approximately 704 square foot pump house will be located south of the lake to house all the pump equipment associated with the intake and outtake of water from the lake.

~~In order to construct the cart barn in the location shown on the site plan, a Lot Line Adjustment must first be accomplished as it is currently shown extending over the property boundary into an area owned by Caltrans.~~

---

<sup>2</sup> It should be noted that the project description and Condition #10 are inconsistent in that the project description references a 4 acre-foot lake but Condition #10 references a 5 acre-foot lake. The 5.4 acre-foot estimate is a result of final engineering and design work conducted for the storage lake.

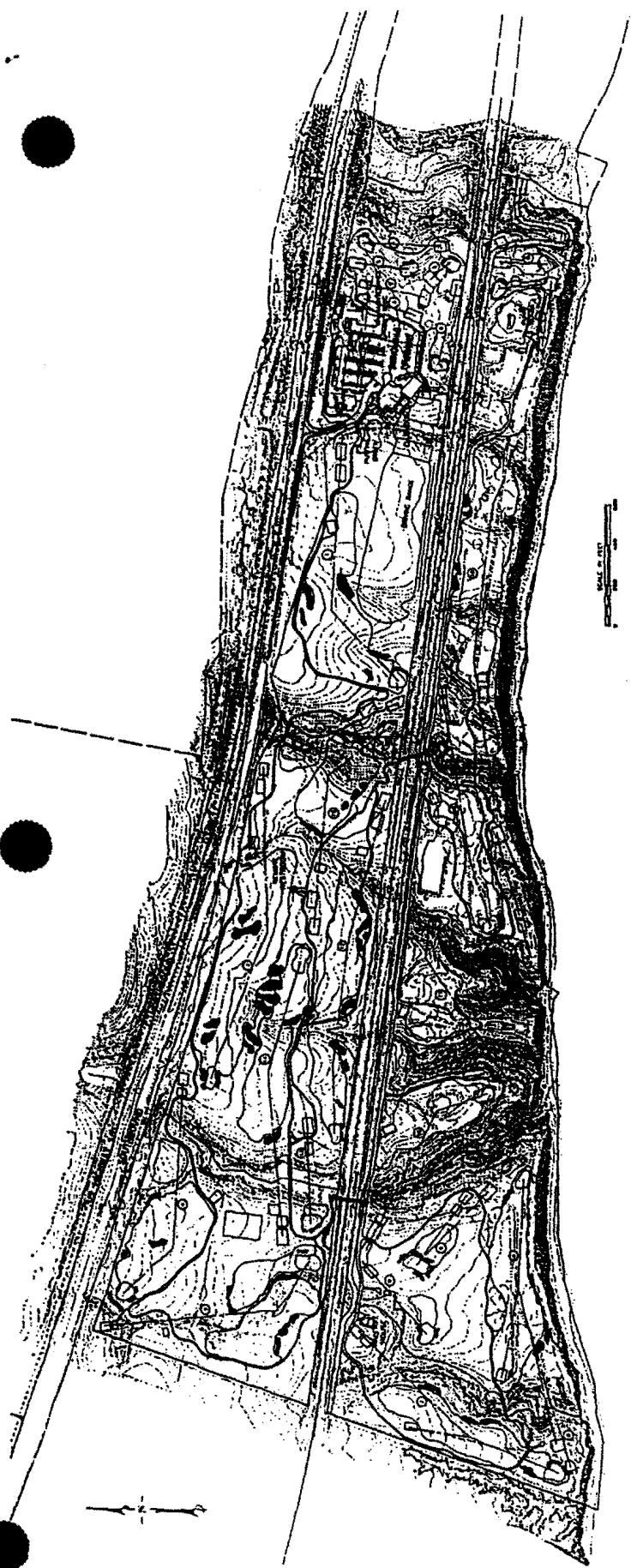


EXHIBIT NO. 7

APPLICATION NO.

A-4-STB-93-154-A2

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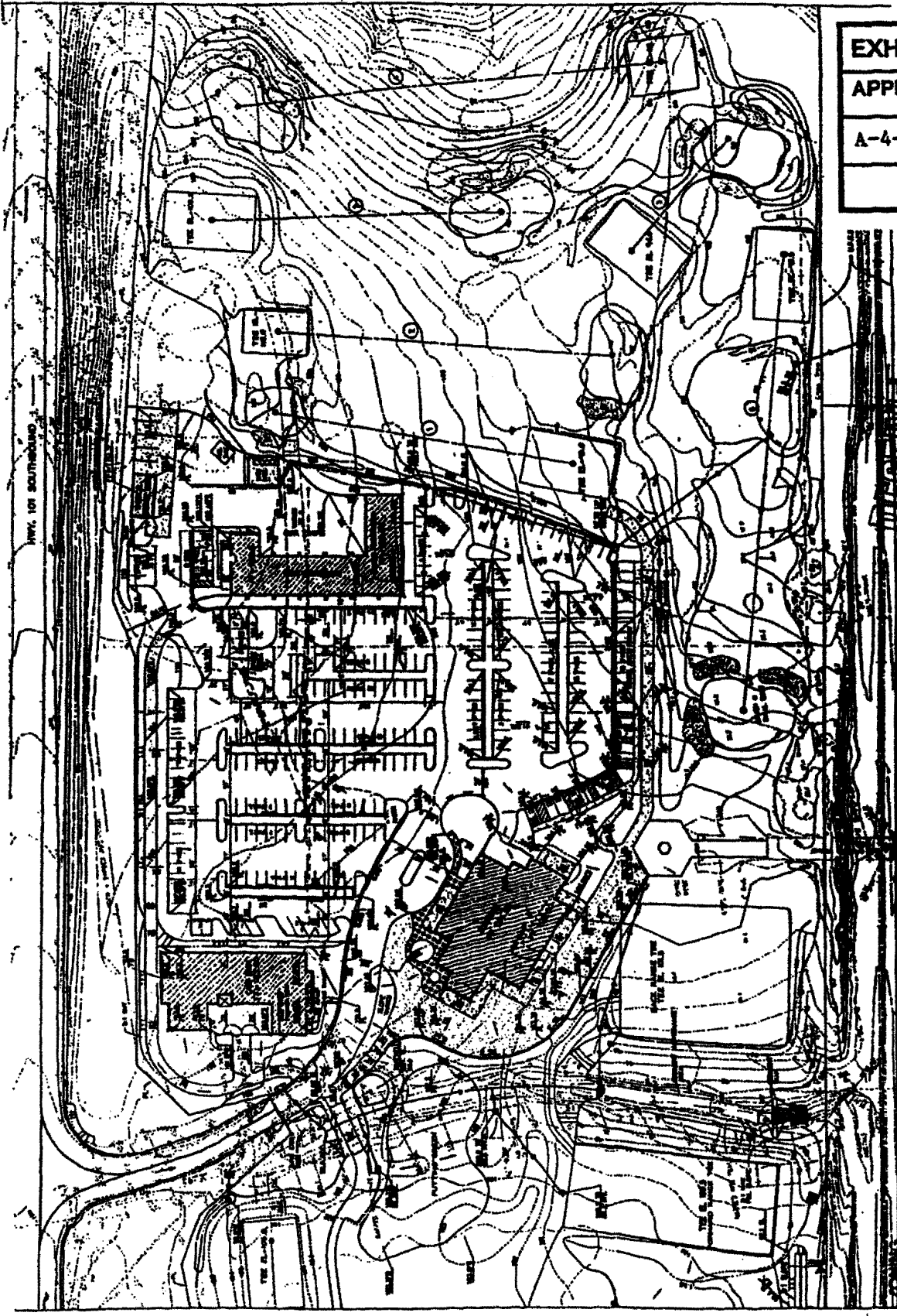
MAY 19 1999

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

[illegible]

Architect: Melvin Architects / Melvin Architects 10000 Wilshire Blvd., Suite 1000 Los Angeles, CA 90024 Tel: (310) 206-1200 Fax: (310) 206-1201 E-mail: info@melvinarch.com		Civil Engineer: Robert J. Smith 10000 Wilshire Blvd., Suite 1000 Los Angeles, CA 90024 Tel: (310) 206-1200 Fax: (310) 206-1201 E-mail: info@melvinarch.com	
Mechanical Engineer: Robert J. Smith 10000 Wilshire Blvd., Suite 1000 Los Angeles, CA 90024 Tel: (310) 206-1200 Fax: (310) 206-1201 E-mail: info@melvinarch.com		Electrical Engineer: Robert J. Smith 10000 Wilshire Blvd., Suite 1000 Los Angeles, CA 90024 Tel: (310) 206-1200 Fax: (310) 206-1201 E-mail: info@melvinarch.com	

**EXHIBIT NO. 8**  
**APPLICATION NO.**  
**A-4-STB-93-154-A2**



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 CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

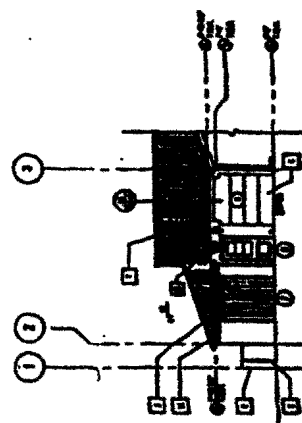
PARTIAL SITE PLAN OF CLUBHOUSE AREA  
 SEE LANDSCAPE PLANS FOR FENCED LOT AND ADJACENT CLUBHOUSE

APPROVED  
 NOV 06 1998  
*[Signature]*  
 S. J. Smith

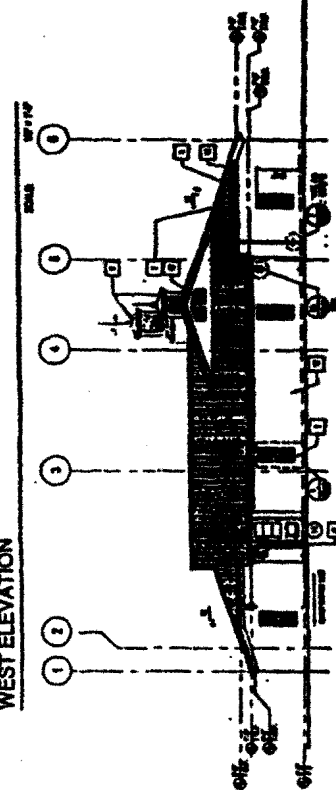




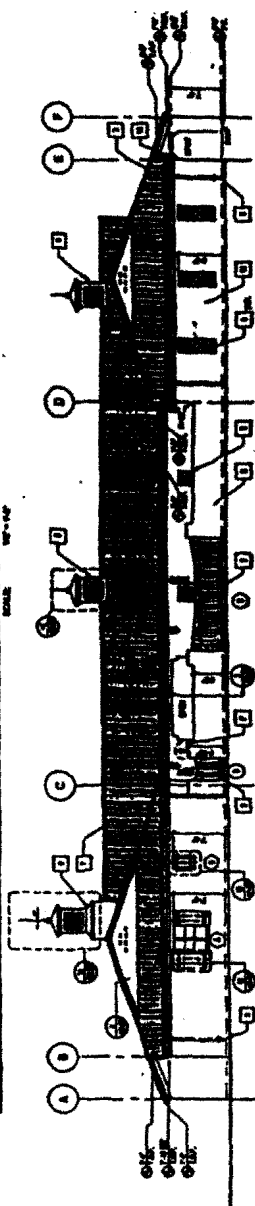
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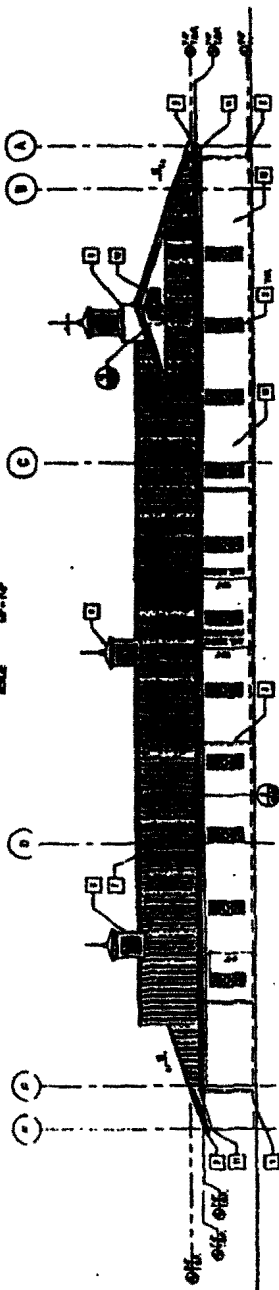
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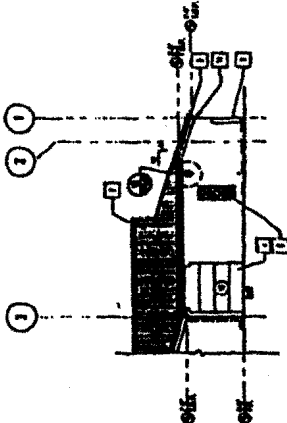
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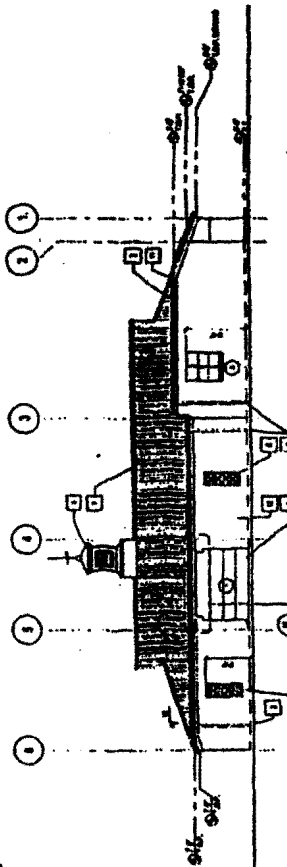
EAST ELEVATION



PARTIAL NORTH ELEVATION

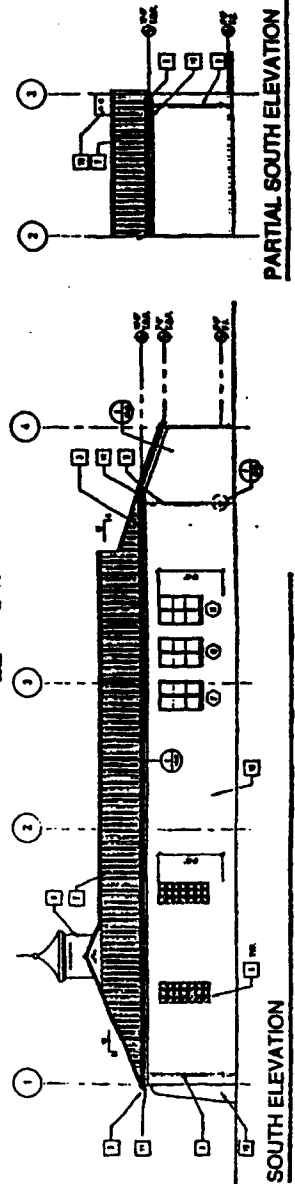
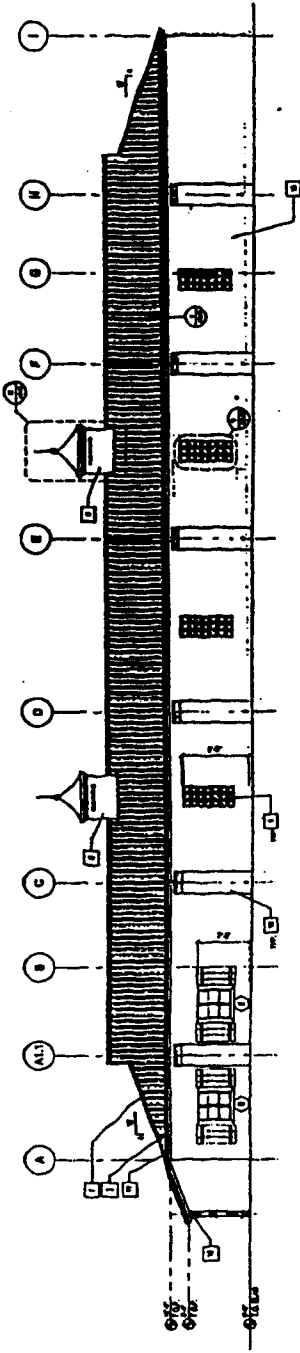
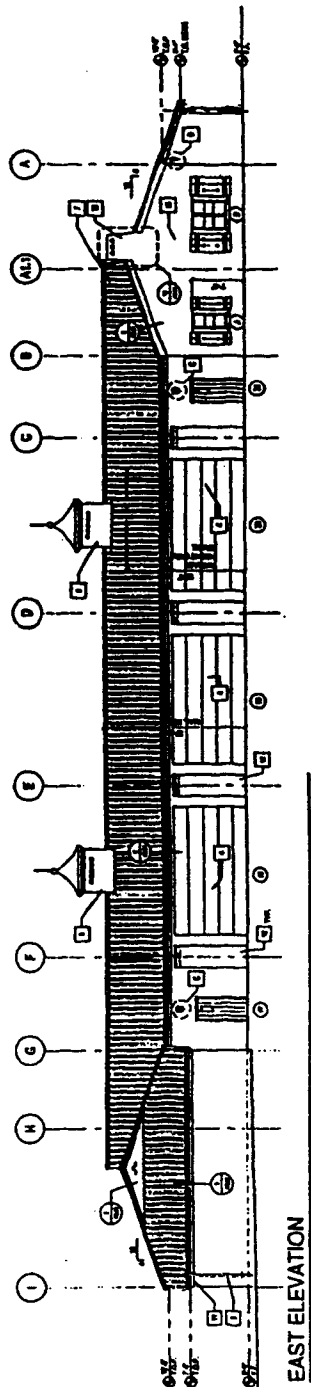


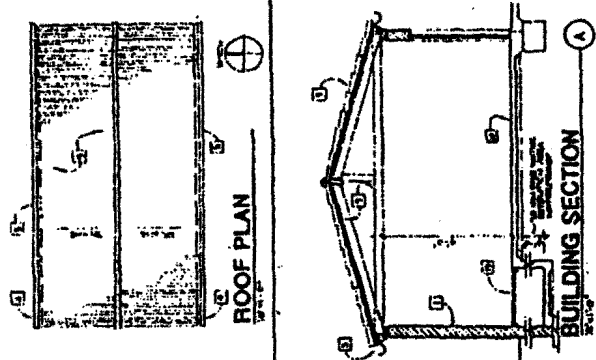
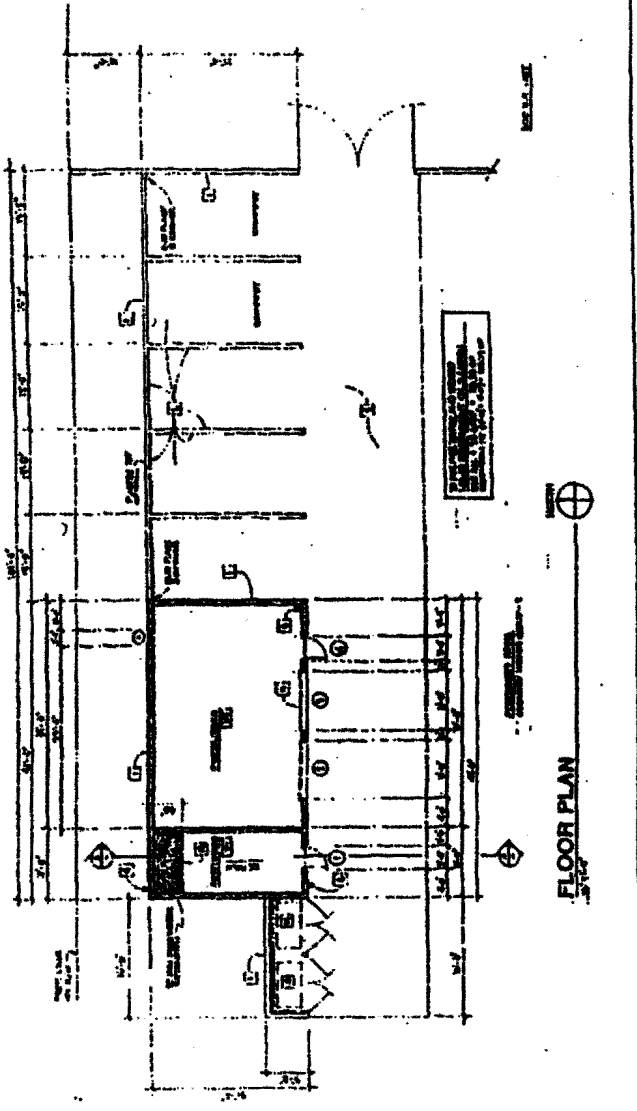
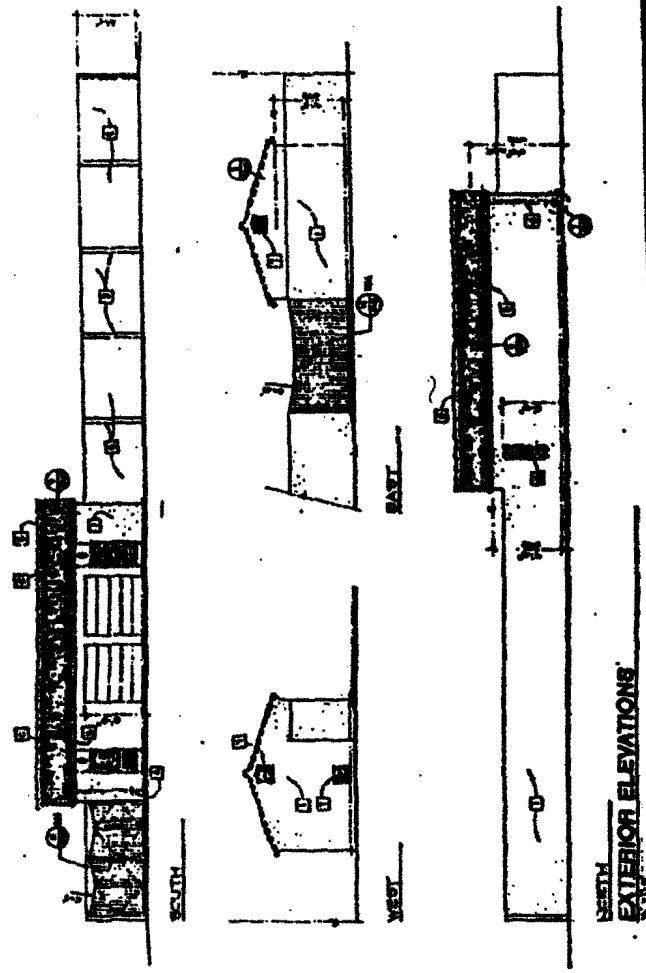
**NORTH ELEVATION**



## REFERENCE NOTES

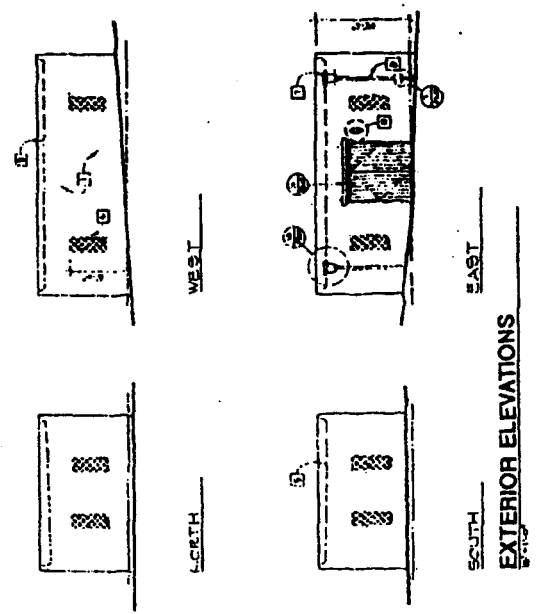
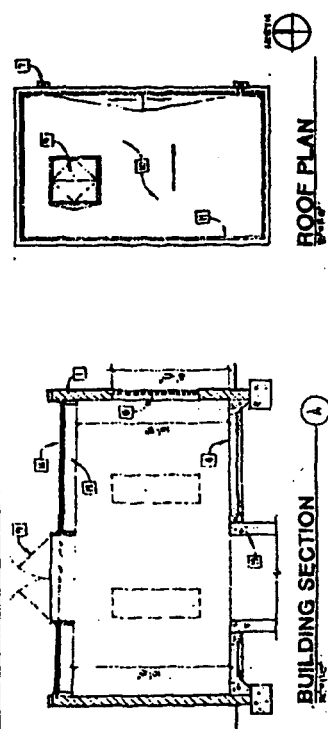
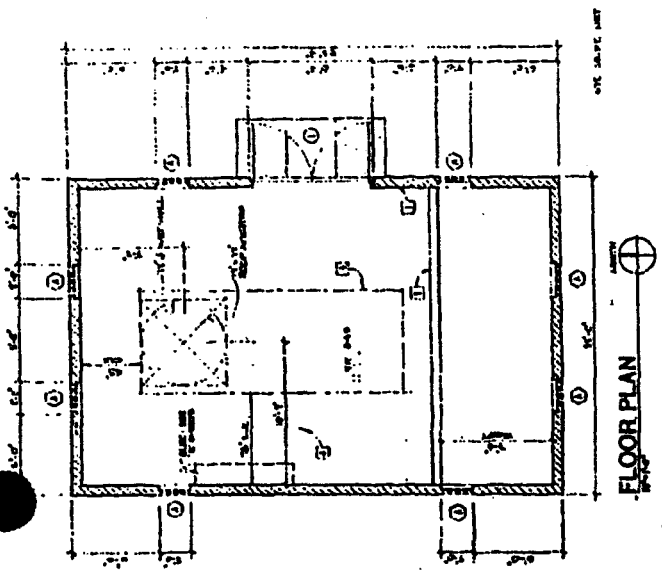
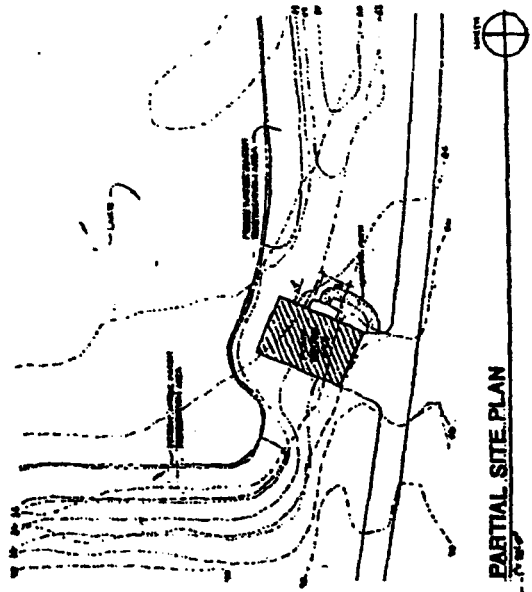
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**Dos Pueblos Golf Links**  
 Santa Barbara, California

Structural Engineer:  
 Civil & Survey  
 Mechanical Engineer:  
 Electrical Engineering Associates  
 Civil Engineering Associates

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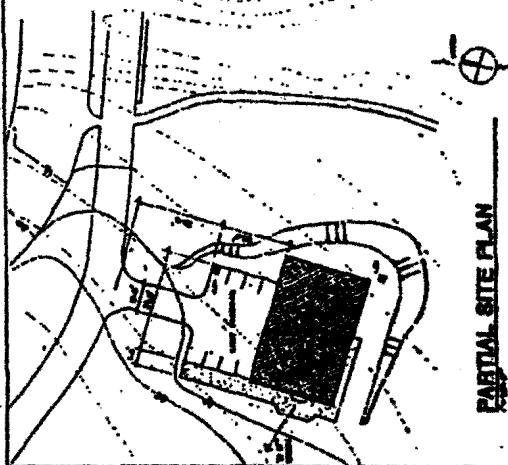
PROJECT DESCRIPTION:  
HALL, POWER BUILDING  
PLAN & ELEVATIONS

Architects:  
Mahan Architects /  
Edwards-Fitzmaurice Architects  
100 E. 1st St., Suite 101  
Bakersfield, CA 93301  
TEL: (805) 338-1200  
FAX: (805) 338-1201  
In State registration no. 1000

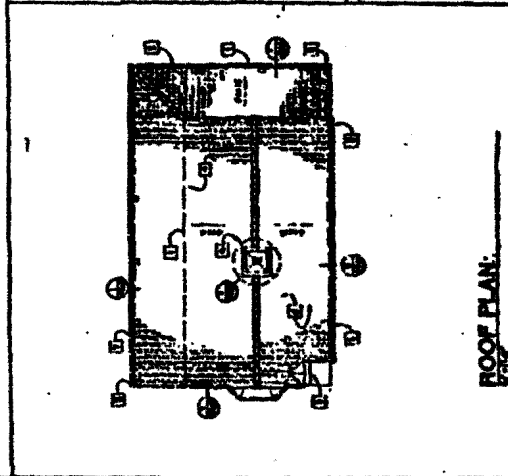
Dos Pueblos Golf Links  
Santa Barbara, California

Project Engineer:  
Mahan Architects  
Civil Engineer  
Mahan Architects  
100 E. 1st St., Suite 101  
Bakersfield, CA 93301  
TEL: (805) 338-1200  
FAX: (805) 338-1201  
In State registration no. 1000

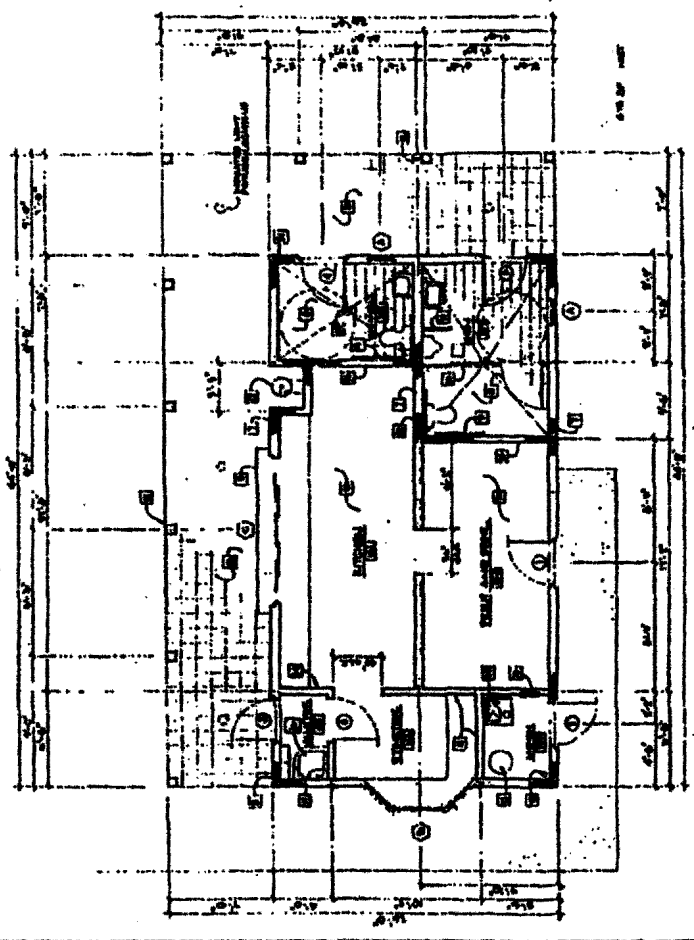
PARTIAL SITE PLAN



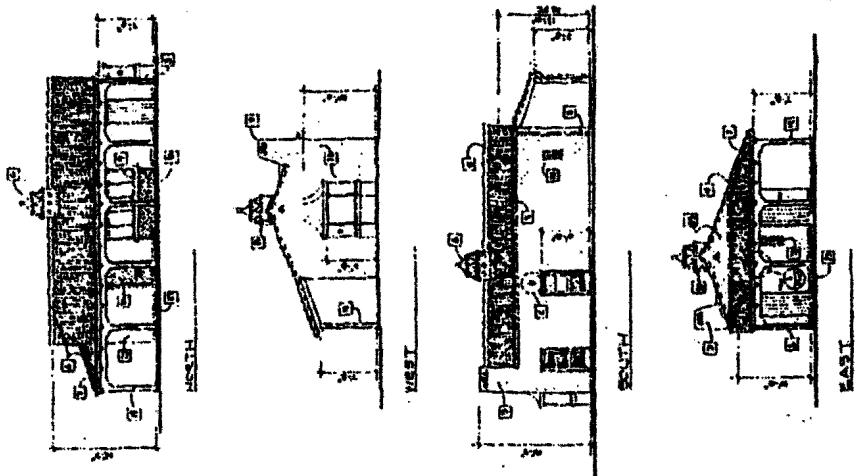
ROOF PLAN



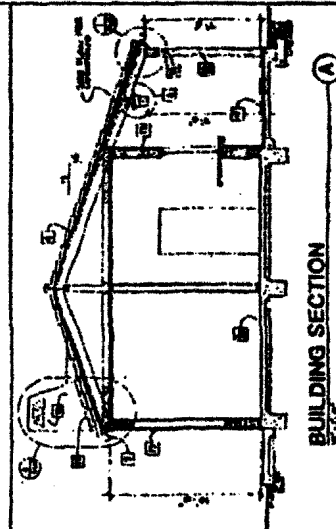
FLOOR PLAN



EXTERIOR ELEVATIONS



BUILDING SECTION





**SANTA BARBARA COUNTY CONDITIONAL USE PERMIT**

**ARTICLE II, CHAPTER 35**

**CASE NO. 91-CP-085**

**EXHIBIT NO. 9**

**APPLICATION NO.**

**A-4-STB-93-154-A2**

Page 1 of 36

**I. A Conditional Use Permit is Hereby Granted:**

**TO: ARCO Oil and Gas Company**

**APN: 079-180-05, -16, -18 and 079-200-04, -08**

**ZONE: AG-II-100**

**AREA/DISTRICT: Gaviota/Third**

**FOR:** The development of a public day-fee 18-hole "links" style golf course, nine-hole par three golf course, driving range, putting green, clubhouse, cart barn, maintenance building, and accessory uses/structures and extension of a reclaimed water line on and off site. In addition, oil and gas production facilities currently located on the site would be abandoned.

Irrigation water shall be provided through the private extension of the Goleta Sanitary District/Goleta Water District reclaimed water line to the site.

- II. This Conditional Use Permit approval [91-CP-85] is based upon and limited to compliance with the project description, Planning Commission Exhibit A, (the site plan marked v reclaimed option) dated May 26 1993, and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of the Resource Management Department for conformity with this approval. Deviations from the project description or conditions of approval may require a modification to 91-CP-85 and further environmental review.**

**1. The project description is as follows:**

The 202-acre project site currently supports ARCO's Dos Pueblos oil and gas production facility which would be entirely abandoned with the development of the Golf Links Project. Wells and facilities abandonment would involve the following components: plugging and abandonment of wells other than water



disposal wells; cleaning of hydrocarbons from oil and gas pipelines; cleaning of main gathering lines; removal of liquids from separators; emptying wash tank, oil tanks, and wastewater tanks; removal and disposal of tanks, vessels, pipelines, and equipment; purging of gas from pipelines between the tank farm and the sales gas compressor; removal and disposal of vessels and equipment in the sales gas compressor, gas chiller/knockout, and sulfacheck areas; removal and disposal of all above ground pipelines and supports; removal of the Southern California Gas Company's metering facilities; and removal of buried pipelines only as necessary to allow golf course grading and construction (additional detail is provided in Appendix 3.0 of 92-EIR-16).

The links component of the project, comprised of 18 holes, encompasses 72.4 acres of the 202-acre project site and is designed as a sea-side course which is reminiscent of the classic course design of the 1930's. The course routing has been planned based upon the topography and shape of the land; environmental sensitivities; the fact that the course is to be operated as a public daily fee facility; and the architect's preferred style.

The 18-hole course would have an earthtone concrete cart path servicing the entire course. Six-inch, stand-up, concrete curbing would extend a short distance around all tees, greens and other locations for maintenance and safety. An existing service road located south of the railroad right-of-way would, along with the cart path system and turf surfaces, provide maintenance vehicles access to the entire property. Six short bridges are proposed throughout the course on the cart paths.

In addition to the 18-hole public daily fee links, the project also includes a par-three course located on the eastern edge of the property. This course consists of nine holes, measuring 150-yards or less. The par-three course is designed to complement the 18-hole course by allowing golfers the opportunity to sharpen their "short game". It is designed to be walked and no electric golf carts would be allowed. This component of the project would occupy approximately 8.7 acres of the project site. The golf links and par-three course together would occupy approximately 54 percent of the site.

The clubhouse, cart barn, maintenance area and parking lot would occupy approximately 7 acres. These facilities would be located on the present site of ARCO's production offices, warehouse and storage yards.

The 9,290 square foot clubhouse would be the focal point of the site. The building height of the clubhouse is 17 feet with a central atrium at 22 feet. It would consist of a pro shop, grill, administrative offices, meeting room, and restrooms. Food service is intended for golfers during daylight hours only and is not intended or programmed to compete with local restaurants.

Given the golf links routing, golfers would not return to the clubhouse until their round is completed. Therefore, a half-way house between the ninth and tenth holes is proposed. The half-way house would include a 700-square-foot snack bar, restroom facility and starters station. Along with the half-way house, another restroom and three additional shelters would be located on the golf links to provide comfort and protection from the elements.

The 8,012 square foot cart barn, located north of the clubhouse, would enclose all of the golf cart storage, maintenance, cleaning and range operations. The 7,974 square foot maintenance building would house all of the equipment and machinery necessary to maintain the golf course, as well as offices and employee facilities. This building would be located east of the clubhouse and would serve to screen the service yard. The service yard would be screened to the west by a serpentine wall. An 800-square-foot storage building would be located north of the service yard.

A driving range, putting green and turf farm are also proposed. The driving range is proposed to be located west of the clubhouse. The putting green is proposed to be located between the driving range, the first hole's tee, and the clubhouse. To support the turf needs of the golf links and par-three course, a turf farm of approximately one-half acre would be located near the northwestern corner of the site.

The routing of the golf links course requires crossing of the Southern Pacific Railroad right-of-way three times. The crossings would be accommodated by the existing wooden bridge, located immediately south of the existing ARCO facilities, and the creation of two new tunnel crossings. The tunnel crossings would be finished with gunite or textured plaster to aesthetically conform to the architectural and golf course character of the 1930s. The tunnels would be approximately 100 feet in length with a height to ceiling of 10 feet.

Perimeter fencing and railroad right-of-way fencing would be constructed from rustic wood and possibly cable, no chain link or modern reflective materials would be used. All utilities including those presently located on the site, would be placed under ground.

The course is anticipated to operate from 350 to 360 days per year. An estimated 50,000 to 60,000 rounds of golf per year would be played on the 18-hole course and 20,000 rounds would be played on the nine-hole course. Hours of operation would be from dawn to dusk for the course. Restaurant service would close one-half hour after dusk. A maximum of two professional and/or amateur events which would draw galleries would be held at the site per year. The project applicant estimates that 32 full-time equivalent employees would be required for golf course operation. This would result in a net increase of 17 new employees at the site.

The project would involve 154,470 cubic yards of cut and 154,470 cubic yards of fill, to be balanced on-site. Some offsite grading would be required for the installation of pipelines and proposed addition of the acceleration and deceleration lanes. The above cut and fill estimate includes these offsite components. Overall, 115 acres of the 202 site would be graded. The maximum elevation that would result from grading would occur near hole number seven and would involve an increase in elevation of 25 feet (from 50 feet to 75 feet). The proposed drainage plan includes a system of storm drains with associated energy dissipators to reduce erosion effects of drainage flows and five desiltation basins most of which would be located within the existing drainages of the site.

Slope stability on the bluffs and barrancas of the project site were a concern in the design of the golf links project. Therefore, the applicant has proposed a drainage system which would contribute to the control of erosion and enhance slope stability. A conceptual landscape design has also been proposed as part of the project that would incorporate deep-rooted, drought tolerant native plants on the bluff tops and drainages to provide slope stability.

A structural setback from the top of the bluff has been included in the project design to mitigate potential geologic hazards associated with sea cliff retreat. This setback zone includes a 55 foot structural setback and a 30 foot non-structural setback.

A harbor seal haul out and rookery area exists at the beach near the mouth of Tomate Canyon. In an effort to avoid impacting harbor seal activity in this area, the golf links has been designed with fencing to avoid encroachment into the portions of the project site from which views of the harbor seal haul out area can be gained. Construction activities adjacent to the bluffs that are above the seal haul out area would be scheduled to avoid the most sensitive seasons, such as when pups are present.

Revegetation and habitat enhancement components are also included in the project. Removed trees greater than six inches in diameter shall be replaced with native trees at the ratio of three to one (willows would be replaced at five to one). Removed tamarisk trees would not be replaced. Wildlife habitat would also be enhanced by the use of native vegetation throughout the site.

The scheduling and time in months for completion of the various construction components is presented in Appendix 3.0 of the EIR. The total estimated construction schedule for the reclaimed water option is 18 months. Based on the applicant's estimate that abandonment of the existing oil and gas operations could commence within six months after approval of the Conditional Use Permit, project construction (starting with abandonment) could begin in October of 1993 and be completed by April of 1995.

Implementation of the reclaimed water option would involve extension of the proposed 8-inch reclaimed water pipeline from the GSD/GWD Phase II extension which would terminate at Hollister Avenue and Las Armas Road, where the Phase II expansion to Sandpiper Golf Course leaves Hollister Avenue. The pipeline would continue westward within Hollister Avenue until reaching the entrance to the Sandpiper Golf Course and the existing public access road to ARCO's Ellwood facility. The pipeline would continue westward across the Hyatt property within the proposed access road. Should the access road not be constructed during the installation of the pipeline, a portion of the eastern half of the Hyatt property would have a temporary alternate route. The remainder of the Hyatt property would be crossed within the existing road to the boundary of the Eagle Canyon Ranch. From this point, the pipeline would turn southwest and continue approximately 220 feet within the existing access road to the Ellwood Pier. The lines would then be located on existing oil and gas piperacks (within an existing easement) crossing Eagle Canyon Ranch. The existing piperacks extend over two drainages including Eagle Canyon and an unnamed corridor north of Ellwood Pier. Through both of these areas, the pipelines would be positioned by light crane and then welded in place. Once the reclaimed water pipeline extension crosses Eagle Canyon Creek, it would enter the existing roadway for approximately 300 feet until turning west and climbing out of the Canyon. The line would terminate at a proposed four acre-foot, onsite storage lake. The last 300 feet of the pipeline would be mostly outside of the existing roadway. Where buried within roadways, the pipeline would be located approximately two to three feet off the centerline of the pavement.

A storage lake in the eastern portion of the site is proposed to allow for sufficient water reserve in the case of a temporary interruption of water deliveries. The approximately four acre-foot lake would provide reserves for five days of average irrigation and 2.5 days of peak irrigation needs. The lake would be included.

In order to construct the cart barn in the location shown on the site plan, a Lot Line Adjustment must first be accomplished as it is currently shown extending over the property boundary into an area owned by Caltrans.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto.

2. Compliance with Departmental Letters:

- a. Air Pollution Control District dated March 15, 1992
- b. Building and Development Division, Public Works dated March 26, 1993

- c. Environmental Health Services dated April 2, 1993
- d. Fire Department dated July 21, 1992
- e. Flood Control dated March 17, 1993
- f. Park Department dated March 25, 1993

3. Prior to Issuance of a Coastal Development Permit for any aspect of the project, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County RMD, paid for by the applicant and submitted for review and approval of RMD. The EQAP shall include the following: 1) All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area. 2) A plan for coordination and implementation of all measures and the plans and programs required therein. 3) A description of all measures the applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including RMD. Contractor feedback responsibilities include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data. 4) A contractor to carry out the EQAP shall be selected by RMD in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the applicant. The EQAP contractor shall appoint at least one on-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by RMD, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the OEC has the authority and ability to secure compliance with all project conditions and to stop work in an emergency. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.
4. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
  - a. Contact RMD compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact RMD compliance staff at least 2 weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to land use clearance as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs

for RMD to hire and manage outside consultants when deemed necessary by RMD staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with RMD recommendations to bring the project into compliance. The decision of the Director of RMD shall be final in the event of a dispute.

**NOTE:** The letters with numbers which appear within the parenthesis indicate mitigation measures as identified in the EIR prepared for the project.

5. (B1) Riparian/Wetlands. The following measure ensures that features contained on the Biological Enhancement Plan are fully implemented and provides for replacement of riparian vegetation and riverine wetlands lost as a result of the construction of storm drains, desiltation basins, energy dissipators, retention walls and fill.
  - a. The applicant shall submit a revegetation plan describing in detail the methodology used to implement the Biological Enhancement Plan to mitigate losses of riparian vegetation and wetlands on Drainages 1, 2, 3, 5-south. The applicant shall also revegetate the banks of all constructed desiltation basins (Drainages 1, 3, 5, 6 and Tomate Canyon). The revegetation plan shall include the following measures:
    1. The plan shall distinguish between native grassland revegetation, riparian revegetation and native tree planting.
    2. Plant species will be native species, at a density to be determined by the RMD approved botanist preparing the plan. Species will be from locally obtained plants and seed stock.
    3. A management plan shall be developed and include provisions for buffers of dense, screening native vegetation around wetlands and riparian areas, measures for preventing competitive displacement of native grasslands by introduced grasses and forbs, an erosion control plan, and an exotic plant/weed control plan. The plan shall include a detailed maintenance and monitoring plan, measurable performance criteria, and a contingency plan to be carried out in the event of high plant mortality.
    4. New plantings will be irrigated with drip irrigation on a timer, and will be weaned off of irrigation over a period of two to three years.
    5. Revegetated areas will be fenced during the establishment period, but allow free passage of wildlife.

6. Grass cutting, disking for fire control or any other removal of native species will be prohibited within the biological enhancement areas.
  7. Non-native species will be removed.
  8. The plantings will be in place and non-native plant species removed prior to opening of the golf course for public use.
- b. Construction envelopes shall lie at least 30 feet outside Drainages #4,5,6,7 south of the railroad and Tomate Canyon (with the exception of drainage facilities). No construction or construction equipment shall occur outside of these construction envelopes. Subsurface structures including septic systems and utilities and access ways including roads, driveways and utilities shall not be placed in these drainages except on bridges. Envelope boundaries shall be staked in the field prior to any ground disturbance.
  - c. The energy dissipators shall be re-designed to allow native revegetation to occur by using rock gabions or preformed concrete block revetment systems with open cells instead of gunite or grouted rip-rap.
  - d. Drainages shall be marked as out of bounds and separated from fairways and roughs by vegetated buffers and/or rustic fencing. Signage shall be included at visible points along the drainages, at the starter house, and on each course card indicating that players found within specified out-of-bounds areas will be expelled from the course. This action shall be enforced by the golf course marshal.
  - e. A golf ball recovery program shall be developed and implemented consisting of retrieval of balls in drainages and on the beach by designated course employees.

**Plan Requirements:** Prior to project approval, the applicant shall submit a detailed Biological Enhancement/Landscape Plan (BELP), prepared by a RMD approved biologist, to RMD for review and approval. The applicant shall file a performance security bond with the County prior to issuance of a Coastal Development Permit (CDP) to complete restoration, monitor and maintain plantings for a three-year period. An erosion control plan shall be submitted to and approved by RMD, Public Works Grading Division and Flood Control prior to CDP issuance. Construction envelopes shall be shown on all grading and building plans. A note shall be placed on all final plans describing the activities disallowed in this area. The final design of the energy dissipators shall be incorporated into the final development plans and grading plans. **Timing:** Revegetation work and construction of erosion control devices shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use. Envelopes shall be staked prior to initiation of construction activity.

**MONITORING.** RMD/EQAP staff shall site inspect for compliance. Maintenance shall be ensured through site inspections. During Plan Check the planner shall ensure that all construction is to occur within approved envelopes. Staking shall be checked during preconstruction meeting. Site inspections and photo documentation shall occur during all construction phases to ensure building envelopes are respected. Permit Compliance signature is required for performance security bond release.

6. (B2) Harbor Seal protection. Permanent fencing shall be installed at least 30 feet north of the bluff edge above the haulout area and no activity shall be allowed south of this fencing. Construction activities shall not be allowed within 300 feet of the bluff edge above the haulout area during the pupping/breeding season (February 1 to May 31). **Plan Requirements:** All grading and construction plans shall indicate the location of the 30-foot setback fence line, the location of the harbor seal breeding area and a note concerning restrictions during the harbor seal breeding season. **Timing:** Construction fencing should be in place prior to grading. Grading activities shall be restricted from the 300 foot bluff area from February 1 to May 31. Permanent fencing shall be installed prior to opening of the golf course to public use.

**MONITORING:** RMD/EQAP staff shall inspect site prior to the start of grading activities. Monitoring shall be conducted during construction to determine if impacts are occurring and to recommend additional mitigation if required. Final inspection of permanent fencing prior to golf course opening.

7. (B2) Harbor Seal protection. Coastal access vertical easements shall be offered for dedication to the County from the Coastal Trail to the beach at the mouth of Eagle Canyon and to the beach and at the mouth of the canyon just west of Tomate Canyon prior to the issuance of the CDP. **Plan Requirements:** The offer shall be in form and language acceptable to Santa Barbara County. The specific location of the easements and the extent, location and design of any improvements shall be submitted by the applicant for review and approval by the Parks Dept and RMD. **Timing:** The easement and requirements of the Restricted Access Implementation Plan presented in condition 8 shall be submitted for review and approval prior to acceptance by the County.

**MONITORING:** Park Dept. and RMD shall review prior to Acceptance.

8. (B2) Harbor Seal protection. To reduce impacts to the Harbor Seal haul-out area associated with the offer to dedicate vertical coastal access to the beach at the mouth of Eagle Canyon and to the beach and at the mouth of the canyon just west of Tomate Canyon, a Restricted Access Implementation Plan shall be required. Prior to acceptance of the offer to dedicate the vertical access, the County, State, or other group acceptable to the County shall enter into an agreement to accept responsibility for implementing the restrictions which include but are not limited to the following:



- a. Access to the beach at the vertical coastal access point at Eagle Canyon and access eastward along the beach from the vertical coastal access point west of Tomate Canyon shall be prohibited during the seal pupping/breeding season (February 1 to May 31).
- b. Locking gates shall be installed at the vertical access trails to implement any restrictions on access to the beach under the Restricted Access Implementation Plan (e.g. at Eagle Canyon during the pupping season).
- c. No dogs shall be allowed on the vertical access nor on the beach.
- d. Signs shall be posted at the golf course parking lot, at the bridge stairway to the coastal access trail, at the terminus of the trail at Eagle Canyon and at the vertical access located west of Tomate Canyon and, if possible, on the beach bluff east and west of the haul out area detailing the provisions of this condition and noting appropriate Marine Mammal Protection regulations.
- e. The restricted access implementation plan shall contain a monitoring component (such as an on-site guard) to assure the above restrictions are enforced and that the seals are not being harassed.
- f. The restricted access implementation plan shall contain a two year monitoring study to determine the effects of providing beach access on the seals. The vertical coastal beach access trails shall be permanently closed if it is determined by RMD, Fish and Game, or the National Marine Fisheries Service that the program is not effective in protecting the seals as planned, or if the agency/entity responsible for implementation of the plan terminates their responsibility and no other agency/entity accepts responsibility.

**PLAN REQUIREMENTS AND TIMING:** Prior to Acceptance of the offer to dedicate the vertical access easements to the sandy beach, the restricted access implementation plan, detailing the provisions above, shall be approved by RMD, Fish and Game, and the National Marine Fisheries Service.

**MONITORING:** RMD shall approve the plan prior to acceptance, and shall inspect the access prior to opening the accessway prior to public use. Limited periodic monitoring by RMD of the accessways shall be performed as required.

- 9. (B3) Monarch Butterflies. Pipeline construction shall not occur within 50 feet of the Monarch autumnal roosting trees located in Eagle Canyon between October 1 and January 31. Plan Requirements: The Monarch Butterfly

autumnal roosting trees shall be shown on the pipeline construction plans. **Timing:** Pipeline construction plans shall be approved by RMD prior to issuance of CDP.

**MONITORING:** RMD/EQAP staff shall ensure compliance onsite during construction.

10. a. (B4) Surface Water. The applicant shall retain a qualified biologist to participate in refining the design of the proposed five acre-foot reservoir to maximize its wildlife value and allow for minimal human disturbance in the reservoir area. **Plan Requirements:** Prior to issuance of a CDP, the applicant shall submit a revised BELP including this provision for the proposed reservoir, prepared by a RMD approved biologist, to RMD for review and approval. Prior to issuance of a CDP, the applicant shall file a performance security bond with the County to complete restoration and maintain plantings for a three-year period. **Timing:** Revegetation work shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use.

**MONITORING:** RMD/EQAP staff shall site inspect for restoration. Maintenance shall be ensured through site inspections. Permit Compliance signature is required for performance security release.

- b. (from addendum) Pond Turtles. A survey for western pond turtles shall be conducted by an RMD approved biologist prior to grading and/or construction occurring in or within 50 feet of Tomate Canyon and Drainage 5 during the wet season, when standing water may be present in the drainages (between November 1, and May 1.) If turtles are found construction shall be prohibited within 50 feet of the standing water between November 1, and May 1. **Plan Requirements and timing:** The BELP shall include this provision and shall be submitted prior to issuance of the CDP.

**MONITORING:** RMD/EQAP staff shall site inspect to ensure compliance.

11. (B5) Trees. The applicant shall replace all trees as shown on the tree inventory map (with the exception to tamarisk) as mitigation for impacts to sensitive riparian communities, bats and raptors and to facilitate raptor control of rodents through the use of trees as raptor perches. All non-willow trees shall be replaced at ratio of 3:1 and all willows shall be replaced at a ratio of 5:1. Excavation work within the canopy and/or dripline of willows shall be avoided to the maximum extent feasible. Where excavation must be performed adjacent to willow trees or within southern willow scrub (see Figure 5.1-1) it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by RMD, excavation work may be authorized by RMD to be completed with rubber-tired construction equipment weighing five tons or less. If significant

large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by RMD staff. **Plan Requirements:** A revised BELP including the tree replacement, prepared by a RMD-approved biologist and approved by RMD shall be implemented. Prior to issuance of CDP, the applicant shall file a performance security bond with the County to complete planting and maintain plantings for a three-year period. Construction requirements for work near native trees shall be noted on all building and construction plans. **Timing:** Tree planting shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course.

**MONITORING:** RMD/EQAP staff shall ensure tree installation and maintenance through periodic site visits. Performance security bond release requires Permit Compliance sign-off.

12. (B6) Pesticides. The project shall incorporate an Integrated Pest Management (IPM) program, utilizing an ecosystem approach, focusing on selective control of pests while maintaining populations of pest predators, parasites and non-pest competitors. The IPM program shall include buffer zones adjacent to the vernal pool and all drainages in which pesticide application would be prohibited or highly restricted. The plan shall prohibit the use of rodenticides such as diphacinone or other first-generation anticoagulants known to cause secondary poisoning effects in predators, and shall require proper and frequent disposal of poisoned carcasses. Mosquito abatement shall be conducted using a biological control agent (Vectobac-G or equivalent) specific to mosquito and black fly larvae. Conditions limiting the use of pesticides during specific wind conditions shall also be contained in the IPM program to limit the potential for aerial drift during pesticide application. To minimize the need for pesticides, the IPM program should also contain recommendations regarding the installation of bat and swallow boxes on the site. **Plan Requirements:** The applicant shall submit a plan for implementation of an IPM program. The plan shall be developed in coordination with the University of California Agricultural Cooperative Extension. The plan shall include an action level (pest density at which action is taken), pesticide (insecticide, fungicide, herbicide, rodenticide) application rates (i.e. pounds per acre) and application frequency for all expected pest species. The potential for importation of turfgrass pest predators or parasites or application of pathogenic bacteria (*Bacillus thuringiensis* strains) shall be investigated and included in the plan if feasible. The plan shall be updated annually, reviewed by RMD and include a monitoring section. The applicant shall submit a written request for RMD review and approval of any changes in the IPM program throughout the life of the project. A written approval from RMD shall be required prior to implementation of such changes. **Timing:** The plan shall be submitted to and approved by RMD prior to issuance of CDP.

**MONITORING:** RMD/EQAP staff shall ensure compliance by conducting periodic site inspections throughout the life of the project.

13. (B7) Vernal Pool. The following requirements apply to the vernal pool designated in Figure 5.1-1 and shall be a component of the BELP and shall be incorporated into the final grading and building plans for the project:
- a. Construction other than that shown on the site plan, or required to build the staircase from the existing bridge to access the Coastal Trail shall be prohibited within 100 feet of the pool.
  - b. A permanent fence at the edge of the cart path as shown in the site plan, and at least 50 feet from the pool edge in all other areas shall be installed around the pool to protect the pool against humans and vehicles. The fencing shall be split rail (or equivalent) to allow for wildlife use of the pool. The fence shall have signs posted to explain this requirement and discourage vandalism. No recreation shall be permitted within the fenced pool area.
  - c. Grass cutting or disking for fire control shall not be permitted within buffer zone established by Measure b.
  - d. The applicant shall remove the non-native Hottentot fig along the edge of the pool and replace it with a native plant that is compatible with the vernal pool and ecosystem.

**Plan Requirements:** The above measures shall be noted on all grading and construction plans. **Timing:** The revised BELP shall be reviewed and approved prior to issuance of CDP.

**MONITORING:** RMD/EQAP staff shall ensure compliance during construction and prior to occupancy through site inspection.

14. (B8) Sensitive Plants. The applicant shall submit a revised BELP, including a component addressing revegetation for the southern tarplant, prepared by a RMD approved biologist, to RMD for review and approval. The plan shall follow the California Department of Fish and Game Rare Plant Mitigation Guidelines and shall include, but not be limited to the following elements:
- a. Collection of propagules (seeds, cuttings, rootstock);
  - b. Growth of propagules in containers in a greenhouse;
  - c. Transplanting of propagated plantings to suitable habitats onsite;

- d. Monitoring and maintenance of transplanted populations; and,
- e. A contingency plan to be carried out in the event of high mortality of transplants.

**Plan Requirements:** Prior to issuance of the CDP, the applicant shall submit the revised BELP. **Timing:** Populations of rare plants grown from collected propagules shall be established in advance of the removal of natural populations from the site. Revegetation work shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use.

**MONITORING:** RMD/EQAP staff shall site inspect for restoration. Maintenance shall be ensured through site inspections. Permit Compliance signature is required for performance security release.

- 15. (T1) Traffic. The applicant shall provide low vegetation (trees and shrubs) adjacent to the tee boxes on Holes 1, 3 and 4 to minimize the risk of errant tee shots entering the highway and impacting passing motorists. Fencing or netting to prevent errant golf balls from entering the highway shall not be permitted. Final golf hole routing shall be reviewed and approved by Caltrans for avoidance of errant golf ball shots entering the highway. **Plan Requirements:** Prior to Coastal Development Permit (CDP) a landscape plan as part of the Biological Enhancement/Landscape Plan showing the vegetation to be planted adjacent to holes 1, 3, and 4 shall be submitted by the applicant and reviewed and approved by RMD and hole routing shall be reviewed and approved by Caltrans. **Timing:** Landscaping shall be in place prior to occupancy clearance (OC).

**MONITORING:** Prior to Occupancy Clearance, RMD shall visit the site to ensure landscaping is in place.

- 16. (T2) Trails. The applicant shall dedicate to the County in perpetuity a 24-foot-wide lateral access area (narrowing to 16 feet over each of the proposed tunnels) for the future development and exclusive use of a biking, hiking and equestrian trail. The applicant shall dedicate an easement allowing for limited parking (15 spaces) and access from the parking lot to the trail. The 15 spaces shall be clearly marked and reserved for public trail users during the hours that the golf course parking lot is open to golfing patrons. The applicant shall construct a stairway from the existing bridge to the trail and construct the trail east of the bridge to the vertical viewing area near Eagle Canyon. The applicant shall construct a locked gate east of the vertical viewing area to prevent public access to Eagle Canyon until such time that either the Coastal Trail is opened for public use through the adjacent property to the east or until the vertical beach access and monitoring program is in effect, whichever occurs first. In the event that

the Coastal Trail is opened through the adjacent property to the east, and the vertical beach access program is not in effect, a locking gate shall be constructed at Eagle Canyon to prevent public access down to the beach. The applicant shall rough grade the remainder of the trail. **Plan Requirements:** Access easement and the 15 designated parking spaces shall be indicated on the site plans to be reviewed and approved by RMD and Santa Barbara County Park Department, prior to issuances of CDP.

**MONITORING:** RMD and County Park Department shall visit the site to ensure proper designation of lateral access corridor.

17. (T3) Calle Real. Prior to issuance of CDP, the applicant shall obtain the easement on the private portion of Calle Real for the County and shall construct to County Standards; or gain approval from the effected property owners located on the north side of the highway to close the median break on U.S. Highway 101. **Timing:** The easement shall be obtained and the road constructed, or, approval from effected property owners shall be gained prior to CDP.

**MONITORING:** RMD shall verify for receipt prior to CDP.

18. (T4) Dos Pueblos Canyon Road Interchange. The applicant shall provide fair-share funding to the County of Santa Barbara Public Works Department for inclusion in the County Pavement Management System to repair the pavement structure of the roadway system between the northbound and southbound ramps (including the loop road under the highway overcrossing structure) at the Dos Pueblos Road Interchange. The Public Works Department has determined that the project's contribution (59% based on traffic volumes) to this improvement is \$19,833.00. **Timing:** Road improvement contribution shall be made prior to CDP.

**MONITORING:** RMD shall check for receipt prior to CDP and shall check for improvements prior to OC.

19. (T5) Parking. The applicant shall draft a parking program plan to provide for adequate parking at off-site facilities, including the use of shuttle services to and from the site, for event days when the on-site parking demand could not be accommodated. The plan shall include offsite designated parking areas with scheduled shuttle bus services to and from the course. **Plan Requirements and Timing:** Prior to CDP, the parking program shall be submitted for review and approval by RMD.

**MONITORING:** RMD shall visit site during the first tournament event to ensure that the program is in place and functioning.

20. (WS1) Water Supply. The applicant shall provide a water-efficient irrigation system for the golf courses. Plan Requirements and Timing: Prior to Coastal Development Permit (CDP) the irrigation plan as a component of the Biological Enhancement/Landscape Plan shall be submitted to RMD for review and approval. The irrigation system shall be installed prior to Occupancy Clearance (OC).

MONITORING: RMD shall review and approve plan prior to CDP and shall inspect system prior to OC.

21. (WS2) Water Supply. The applicant shall plumb toilet fixtures and fire suppression systems to accept non-potable water assuming the appropriate authorities authorize such use. Plan Requirements and Timing: Prior to CDP, non-potable lines shall be depicted on building plans subject to RMD review and approval. Lines shall be installed prior to OC.

MONITORING: RMD shall inspect to ensure compliance prior to occupancy.

22. (WS3) Water Supply. The applicant shall submit to RMD a copy of the can-and-will-serve letter from the GSD/GWD indicating willingness and ability to provide reclaimed water to the project site. The letter shall be provided to RMD prior to issuance of CDP.

MONITORING: RMD shall ensure compliance through review of the can-and-will-serve letter.

23. (WS5) Water Supply. Indoor water use shall be limited through the following measures:

- a. All hot water lines shall be insulated.
- b. Water pressure shall not exceed 50 pounds per square inch (psi). Water pressure greater than 50 pounds per square inch shall be reduced to 50 psi or less by means of a pressure-reducing valve.
- c. Recirculating, point-of-use, or on-demand water heaters shall be installed.
- d. Water efficient dishwashers shall be installed.
- e. Lavatories and drinking fountains shall be equipped with self-closing valves.

**Plan Requirements and Timing:** Prior to CDP, indoor water-conserving measures shall be graphically depicted on building and/or grading plans, subject to RMD review and approval. Indoor water-conserving measures shall be implemented prior to OC.

**MONITORING:** RMD shall inspect for all requirements prior to OC.

24. (WQ1) Water Quality. The applicant shall submit a final turf management plan to RMD for review and approval. The plan shall include information regarding irrigation, pest management and fertilization practices. Pest management shall be conducted as an Integrated Pest Management (IPM) program which relies on frequent scouting of golf course areas for pests. Chemicals are applied on localized areas only when needed. **Plan Requirements and Timing:** The plan shall be submitted and approved by RMD prior to CDP.

**MONITORING:** RMD/EQAP staff shall review and approve plan. Periodic inspections shall be made at the discretion of RMD through the life of the project to ensure implementation.

25. (WQ2) Water Quality. The applicant shall submit the final Biological Enhancement/Landscape Plan (BELP) to RMD which follow the parameters outlined in the Biological Enhancement Plan showing setbacks and areas of undisturbed vegetation to be maintained between drainage features and components of the golf course for review and approval. **Plan Requirements and Timing:** The final BELP and design plans shall be approved prior to CDP.

**MONITORING:** RMD shall review and approve plan. Building and grading inspectors shall monitor the site during construction to ensure that buffers are maintained.

26. (WQ3) Water Quality. New and replacement culverts shall meet County requirements of 100-year flow capacity. Headwalls, endwalls, wingwalls and regraded channels shall also be designed (size and material) to accommodate 100-year flows and afford adequate stabilization of banks and abutments. **Plan Requirements and Timing:** Final drainage plans shall be submitted to the Public Works Department for review and approval prior to CDP.

**MONITORING:** Public Works shall approve plan and shall inspect site to ensure proper design of drainage facilities.

27. (WQ4) Water Quality. The applicant shall develop and implement a maintenance (dredging) schedule for removal of accumulated sediments in the proposed in-stream desiltation basins. The plan shall include provisions for maintenance during construction, immediately after storm events and normal periodic maintenance. **Plan Requirements and Timing:** The schedule shall be submitted to RMD and the Public Works Department for review and approval prior to CDP.



**MONITORING:** RMD/EQAP staff/Public Works shall approve the schedule and shall periodically inspect the site during construction, and through the life of the project to ensure that maintenance is being conducted according to the approved schedule.

28. (WQ5) Water Quality. A grading plan shall be designed to minimize erosion and shall include the following:
- a. Graded areas shall be revegetated within three weeks of final grading activities within a given area. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established (also proposed by the applicant).
  - b. Methods such as silt fencing and hay bales shall be used to reduce siltation into adjacent streams during grading and construction activities. Scheduling of construction shall be limited to the dry season (May through October) unless appropriate erosion control devices are installed (also proposed by the applicant).
  - c. A 30-foot-wide buffer of undisturbed native vegetation from the top of bank and/or slope line as indicated on the Biological Enhancement Plan shall be maintained during construction. The edge of this buffer shall be delineated by vegetated buffers and/or rustic fencing.

**Plan Requirements and Timing:** The plan shall be submitted for review and approved by RMD and Public Works prior to CDP. The applicant shall establish fencing and notify Permit Compliance prior to commencement of grading.

**MONITORING:** Permit Compliance will photo-document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

29. (AQ1) Air Quality. The applicant shall ensure that all contractor's equipment meets the following requirements:
- a. Construction equipment shall be maintained as per manufacturer's specifications;
  - b. Catalytic converters shall be installed on all gasoline-powered equipment;
  - c. The fuel injection timing shall be retarded on diesel-powered equipment by two (2) degrees from manufacturer's recommendations. Reformulated diesel fuel and high pressure injectors shall be used in all diesel powered construction and abandonment equipment;

- d. Gasoline-powered equipment shall be substituted for diesel powered equipment if feasible.

**Plan Requirements:** All requirements shall be listed in contractor and subcontractor contracts. A list of equipment to be used on-site and a copy of manufacturer's specifications for each shall be provided to the monitor prior to the commencement of abandonment/construction. The applicant shall provide quarterly equipment use (hours), fuel use, fuel supplier and mechanics certificate to the APCD and RMD to verify requirements.

**Timing:** The grading plans, building plans and contracts must have requirements listed prior to issuance of a Coastal Development Permit (CDP).

**MONITORING:** RMD shall ensure such measures are on plans and manufacturer's specifications have been provided. A monitor shall be provided by the applicant. The name and telephone number of the monitor shall be provided to the APCD and RMD prior to the initiation of construction activities.

30. (AQ2) Air Quality. Emissions generated by construction activities shall be reduced by the following measures:
- a. The frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM<sub>10</sub> emissions;
  - b. Grading and scraping operations shall be suspended when wind speeds exceed 20 mph to reduce PM<sub>10</sub> emissions;
  - c. An on-site construction speed limit of 15 mph shall be posted to reduce PM<sub>10</sub> emissions;
  - d. Water trucks or sprinkler systems using reclaimed water shall be used, if available, during clearing, grading, earth moving, excavation or transportation of cut and fill materials to prevent dust from leaving the site and to create a crust after each day's activities cease (also proposed by applicant);
  - e. Excavated material and stockpiled soil shall be covered if not to be used for more than 48 hours;
  - f. All trucks transporting fill material to and from the site shall be covered.
  - g. Construction/abandonment related vehicle trips shall be scheduled to avoid peak hours (7:30-8:30 a.m.; 4:30-6:00 p.m.) to reduce peak hour construction emissions;

**Plan Requirements:** All requirements shall be shown on grading and building plans. A well abandonment mitigation plan shall be developed and include a complete description of equipment and procedures used to comply with measure 30.g. A monitor shall be provided by the applicant. The monitor shall supervise the dust control program and order increased watering frequency when necessary. The name and telephone number of the monitor shall be provided to the APCD and RMD.

**Timing:** The grading plans, building plans and contracts must have requirements listed prior to issuance of a CDP.

**MONITORING:** RMD shall ensure such measures are on all plans. RMD/EQAP staff/Grading and Building Division shall inspect the site to ensure compliance.

31. (AQ3) Air Quality. Project patrons shall be given a financial incentive to carpool (i.e. reduced green fees).

**Plan Requirements and Timing:** The applicant shall provide RMD a written letter outlining the incentive program to be implemented upon project operation prior to CDP.

**MONITORING:** RMD shall review plan and visit site upon operation to ensure compliance.

32. (AQ4) Air Quality. Commercial water heaters and space heaters used on the project site shall emit no more than 40 nanograms of NO<sub>x</sub> per joule heat input, consistent with 1991 AQAP Control Measures N-XC-2 and N-XC-3.

**Plan Requirements:** Requirements shall be shown on building plans to be submitted and approved by RMD. The applicant should provide RMD with proof of purchase of specified heaters prior to OC. **Timing:** Building plans must have requirements listed prior to issuance of a Coastal Development Permit.

**MONITORING:** RMD shall ensure requirements are on plans.

33. (A1) Archaeological Resources. A fill program shall be designed so that intrusions or recompaction shall be limited to the upper 20 centimeters of previously disturbed topsoil. All material used as fill shall be culturally sterile and chemically neutral. Placement of the fill over the archaeological sites shall be monitored by a RMD-qualified archaeologist and a Native American

representative. Because site deposits on which fill would be placed would no longer be accessible to research, a data collection program shall be conducted. The program shall be performed by a RMD-qualified archaeologist, and shall include the following:

- a. mapping the location of surface remains within the proposed area of fill;
- b. surface collection of artifacts;
- c. the excavation of a small sample, determined by the RMD contract archaeologist, of the cultural deposit to characterize the nature of the buried portions of the sites;
- d. monitoring of excavations by a Native American representative;
- e. analysis of all remains;
- f. submission to RMD of a final report detailing the results of the investigations; and
- g. curation of all artifacts and records at a County-approved curation facility.

**Plan Requirements and Timing:** Prior to CDP, the applicant shall record an agreement, subject to RMD approval, that if significant archaeological resources cannot be avoided by fairways greens, tees, bunkers, or other facilities, impacts shall be reduced by filling or capping the sites. The data recovery program shall be funded by the applicant and performed by a RMD-qualified archaeologist. The archaeologist shall submit a final report to the RMD contract archaeologist or designee detailing the results of the study prior to the capping of the site.

**MONITORING:** RME/EQAP staff shall approve the program and monitor in field.

34. (A2) Archaeological Resources. All earth disturbances inside and within 50 feet of an archaeological site area shall be monitored by a RMD-qualified archaeologist and a Native American representative pursuant to County Archaeological Guidelines. This recommendation includes the monitoring of the proposed pipeline through southern portion of the CA-SBA-2441 site area. An agreement between the applicant and the archaeologist, consisting of a project description and scope of work, shall be reviewed and approved by RMD prior to grading. **Plan Requirements and Timing:** This condition shall be included on all grading plans.

**MONITORING:** RMD/EQAP staff and the Public Works Department shall approve the program and monitor in the field.

35. (A3) Archaeological Resources. A Phase III mitigation excavation pursuant to County guidelines shall be conducted along the buried pipeline route in the CA-SBA-1322 site area, in order to offset the significant impacts to this portion of the site that the proposed development of a water pipeline, as planned, would cause. A Phase II archaeological testing to evaluate the archaeological deposits within the maintenance building locality shall be conducted with subsequent Phase III mitigation excavations required in the event of significant finds. For all studies, the volume of the soil excavated and processing techniques shall be reviewed and approved by the RMD archaeologist or County designee. Analysis of all cultural materials and other items shall be detailed in a final report and submitted to the RMD contract archaeologist or County designee prior to development of this area of the site. Additionally, all artifacts and records from the programs shall be curated at a County-approved curation facility. Since Phase III mitigation work requires a large investment of time and labor, sufficient time shall be given by the applicant to perform the study. Should unexpected finds such as human burials be discovered, project redesign shall be considered to protect the religious and cultural values of the most likely Native American descendants (identified by the California Native American Heritage Commission) of the site. Plan Requirements and Timing: Prior to CDP, the applicant shall hire a RMD-qualified archaeologist to perform the Phase III mitigation program. The program shall be funded by the applicant and shall be performed by a RMD-qualified archaeologist and monitored by a native American representative. Similar plan requirements and timing constraints apply if a Phase II study is to be performed at the maintenance building localities.

**MONITORING:** Prior to CDP, RMD shall approve the program. RMD/EQAP staff shall monitor.

36. (A4) Archaeological Resources. At site CA-SBA-76 on the Eagle Canyon Ranch, low impact rubber wheeled construction equipment shall be used during placement of the pipeline. All ground disturbance inside and within 50 feet of an archaeological site area shall be monitored by an RMD-qualified archaeologist and a Native American representative pursuant to County archaeological guidelines. Should piperack repair or replacement be required in the site area, a Phase II archaeological study shall be required, pursuant to County guidelines, in order to evaluate the deposit in the proposed development area. All excavation shall be performed by an RMD-qualified archaeologist in the presence of a Native American representative. An agreement to perform an archaeological investigation (Phase II) between the applicant and the archaeologist, consisting of a project description and scope of work, shall be reviewed and approved by RMD prior to any grading or removal of the existing piperacks. The agreement shall include provisions for Phase III mitigation data recovery in the event of significant finds during the Phase II investigation. Upon

completion of the fieldwork, a final report documenting the results of the investigation shall be submitted to the RMD archaeologist or County designee. All artifacts and records from the program shall be curated at a County-approved curation facility. **Plan Requirements and Timing:** Prior to issuance of the CDP, for grading permit, the applicant shall include a note on a separate informational sheet to be included with grading plans regarding the provision of this condition. The program shall be funded by the applicant.

**MONITORING:** RMD shall approve the program. RMD/EQAP staff shall monitor.

37. (A5a) Archaeological Resources. The alternate above-ground pipeline route, north of CA-SBA-73, shall be the permanent location for placement of the pipeline to ensure that all impacts to the site are avoided. **Plan Requirements and Timing:** The revised pipeline route shall be shown on all pipeline grading and construction plans to be reviewed and approved by the Public Works Department prior to CDP.

**MONITORING:** RMD shall check plans prior to CDP. RMD/EQAP staff shall spot check during grading and construction to ensure that CA-SBA-73 is avoided.

OR

Should the above recommended action prove unfeasible and the underground route following the future Hyatt - Santa Barbara access road be chosen for pipeline placement, mitigation would depend upon the results of final archaeological work conducted prior to the construction of the proposed road therefore the following measure shall be implemented.

(A5b) An archaeologist familiar with the proposed ARCO Dos Pueblos pipeline plans shall consult with the archaeologist conducting the proposed Hyatt access road to take into consideration the placement of the buried pipeline in the site area. If the proposed pipeline would lie in fill for the proposed access road, then no adverse impacts to the site are expected. However, should trenching for the pipeline go below the fill layer, a Phase III mitigation excavation for the pipeline impacts shall be performed prior to placement of the fill soil. **Plan Requirements and Timing:** Prior to CDP an RMD-qualified archaeologist for the proposed project shall consult with the Hyatt Project archaeologist to determine the significance of the impact to CA-5BA-73 from the reclaimed pipeline and shall provide a written letter relating the results to RMD. If the Phase III mitigation program is required, prior to CDP, the applicant shall hire an RMD-qualified archaeologist to perform the Phase III mitigation program. The program shall be funded by the applicant and monitored by a Native American representative.

**MONITORING:** Prior to CDP RMD shall approve a letter report and a Phase III mitigation program if necessary. RMD/EQAP staff shall also make an onsite inspection to ensure that the mitigation is carried out.

38. (A1) Aesthetics. The applicant shall submit architectural drawings and site plans including details on the size, location and appearance of signage on and off the project and exterior lighting fixtures of the project for review and approval by BAR prior to Coastal Development Permits.

**MONITORING:** RMD will check project structures to ensure that all BAR requirements have been incorporated into the project design prior to occupancy clearance.

39. (HM2) Hazardous Materials. The applicant shall submit to EHS a work plan for assessment of hazardous waste or other contamination (i.e., crude oil) on the site. The assessment shall target especially those areas of known oil-drilling activity, including areas surrounding abandoned wells, sites of former aboveground storage tanks, underground piping and suspected sump locations. The work plan must include information on sampling locations of soil and groundwater constituents to be sampled, and sampling and analysis techniques to be utilized. **Plan Requirements and Timing:** Prior to CDP the work plan shall be submitted to EHS. Upon approval of the plan by EHS, the work plan and analysis shall be performed. Results shall be submitted to EHS to determine if further testing is needed. The site assessment shall be completed to the satisfaction of EHS.

**MONITORING:** EHS shall be responsible for approving the work plan and assessment results. EHS shall also inspect site prior to OC.

40. (HM3) Hazardous Materials. If soil and/or groundwater contamination exists onsite, the applicant shall submit a site remediation plan which will include timeliness for remediation acceptable to EHS. Soil remediation methods could include excavation and onsite treatment, excavation and offsite treatment or disposal, or treatment without excavation. Remediation alternatives for cleanup of contaminated groundwater could include in-situ treatment, extraction and onsite treatment, or extraction and offsite treatment and/or disposal. If site remediation is required, it could increase the extent of excavation currently proposed for the project. This could result in secondary archaeological or biological impacts if excavation is proposed in areas with sensitive biological or archaeological resources. Therefore, the remediation plan should also be approved by RMD to ensure that impacts to these resources would be avoided or mitigated. **Plan Requirements and Timing:** The remediation plan shall be approved by EHS, RMD prior to CDP.

**MONITORING:** EHS shall approve the remediation plan and shall ensure that the plan is implemented according to the approved schedule. Site inspections shall be made periodically during the remediation effort at the discretion of EHS.

41. (HM4) Hazardous Materials. An abandonment plan for the proposed Dos Pueblos Golf Links Project shall be submitted by the applicant and approved by RMD Energy Division, EHS, County Fire Department and DOG. The plan shall follow the draft Site Abandonment Restoration Guidelines (SARG). Refer to Appendix 5.7.3.2 of 92-EIR-16 for The Energy Division's SARG and ARCO's Draft Facilities Operation and Abandonment Plan submitted to the County October 14, 1991.

**MONITORING:** RMD Energy Division, EHS and County Fire Department shall check plans and ensure their proper implementation prior to CDP.

42. (HM5) Hazardous Materials. The applicant shall develop a formal fertilizer/pesticide storage and application plan to be reviewed and approved by the EHS and CACO. This plan shall conform to standards contained in Assembly Bill 2185 and the UFC and Building Code where applicable. In addition, application of chemicals shall be consistent with instructions on container labels and permits for restricted substances shall be obtained from CACO. Storage areas for hazardous materials shall be designed with the following mandatory components:
- a. A low berm around the interior floor to prevent migration of materials in the event of a spill.
  - b. The floor shall be a concrete slab.
  - c. The berm shall be designed to provide 100 percent containment of any stored liquids.
  - d. A fire protection sprinkler system or other approved fire protection system shall be installed in all chemical storage areas.

**Plan Requirements:** Prior to CDP, the applicant shall submit storage area plans to RMD and EHS for approval. Storage area specifications shall be depicted on all grading and construction plans. **Timing:** The storage area shall be installed prior to occupancy clearance.

**MONITORING:** EHS and RMD shall site inspect prior to occupancy clearance.



43. (HM6) Hazardous Materials. The applicant shall develop a Hazardous Materials Business Plan (HMBP) as applicable with respect to actual stored quantities of hazardous materials and regulatory threshold quantities of hazardous materials and regulatory threshold quantities. Such plans shall conform to the provisions of AB2185/2187. **Plan Requirements:** Prior to occupancy clearance, the applicant shall submit a HMBP to EHS for review and approval. The plan shall be updated annually and shall include a monitoring section. **Timing:** The components of the HMBP shall be implemented prior to occupancy clearance.

**MONITORING:** EHS shall ensure plan approval and shall site inspect prior to occupancy clearance and periodically through the life of the project.

44. (HM7) Hazardous Materials. All wells shall be inspected and reviewed by the DOG and the RMD Energy Division to determine the adequacy of their abandonment. If portions of the casings of the presently existing wells will have to be removed during grading, surface cement plugs placed during abandonment shall be of a sufficient length that the required length of cement will remain after casing removal. If portions of the casings of the presently existing wells will have to be removed during grading, DOG must be contacted for possible requirement for upgrade of surface plugging. All well casings shall be cut off at least 5 feet below the surface of the ground. A steel plate at least as thick as the outer casing shall be welded around the circumference of the outer casing at the top of the casing, after division approval of the surface plug. DOG must also receive and review a site plan showing the locations of all wells in the project and all proposed permanent structures. Recommendations by the DOG and RMD Energy Division regarding reabandonment procedures and positioning of any structures in the vicinity of the wells shall be incorporated into the final project plans. Further requirements regarding reabandonment of wells pursuant to Section 3208.1 of the Public Resources Code (PRC) would be made from an examination of abandoned well conditions. DOG may order the reabandonment of any previously abandoned well if the future construction of any structure over or in the proximity of the well could result in a hazard [California Laws for Conservation of Petroleum and Gas, Publication No. PRC01, November 1991, Article 4, Regulation of Operations, Section 3208.1(a)]. **Plan Requirements:** This measure shall be incorporated into the abandonment plan. **Timing:** The abandonment plan shall be submitted and approved by the RMD Energy Division, EHS, and County Fire Department prior to CDP.

**MONITORING:** Abandonment and reabandonments shall be visually inspected by RMD Energy Division throughout abandonment procedures.

45. (HM8) Hazardous Materials. If site remediation is required, the remediation plans shall include a Site Health and Safety Plan to be followed throughout all remediation activities to protect the health of the site workers, the public and/or the environment. Excavation areas should be fenced off at sufficient distances to minimize exposure. A dust control program should be included in the site remediation plans requiring frequent wetting of exposed areas, as site remediation could involve extensive excavations. Offsite transportation of contaminated soil may be necessary for treatment or disposal. Transportation times and routes should be prearranged to minimize the potential for accidents or public exposure. All transportation of hazardous wastes would be done under proper manifest and restricted to persons with appropriate training and licensing. **Plan Requirements and Timing:** The remediation plan shall be approved by EHS prior to CDP.

**MONITORING:** EHS shall approve the remediation plan and shall ensure that the plan is implemented according to the approved schedule. Site inspections shall be made periodically during the remediation effort at the discretion of EHS.

46. (HM9) Hazardous Materials. A geophysical survey shall be performed on the area as part of the assessment identified in condition #39. The survey should locate pipelines and mud pits for appropriate abandonment procedures. Plan requirements timing and monitoring would be the same as for measure HM2.
47. (G1) Geology. The preliminary drainage plan for the project shall be finalized by a civil engineer and shall be designed to ensure that there would be no increase in surface runoff onsite and that surface runoff is conducted in a controlled manner to the base of the sea cliffs or appropriate areas within the major drainage swales. Specifically, runoff from all impervious surfaces such as roofs, pathways and parking areas shall be directed into an engineered drainage control system. The final design for proposed energy dissipators shall consider conformity to existing channels, cross-sectional area to accommodate discharge, and proper sizing of riprap to avoid scour beneath rocks and accomplish dispersion. **Plan Requirements and Timing:** The final drainage plan which includes a maintenance and inspection program to ensure proper functioning, shall be submitted prior to Coastal Development Permit by the applicant to RMD, Public Works and the Flood Control District for review and approval. Drainage plan components shall be installed prior to issuance of Occupancy Clearance (OC).

**MONITORING:** RMD, Flood Control and Public Works shall ensure compliance with plan requirements prior to CDP and RMD shall ensure installation of drainage control measures prior to OC.

48. (G2) Geology. Undersaturation of soils and subsequent increased slope stability shall be maintained through the implementation of the measures listed below.

- a. Deep-rooted, drought-tolerant plant species, as selected by a landscaping specialist, shall be planted on the site to the extent feasible and existing ice plant shall be removed from the cliff face and replaced with species with less surface weight. Removal of the ice plant shall not occur during the rainy season.
- b. Water percolation and soil moisture measurement devices shall be installed in areas of the project site to receive irrigation and water shall be applied at a rate that represents only the consumptive use of the plants.

**Plan Requirements:** Prior to CDP, a Biological Enhancement/Landscape Plan (BELP) including the above components shall be submitted to RMD for review and approval. **Timing:** The applicant shall implement components of the BELP referenced above prior to OC.

**MONITORING:** RMD/ECAP staff shall conduct site visits to ensure installation prior to occupancy.

49. (G3) Geology. A detailed geological and soils engineering study addressing structure sites, bridge sites, pathways, access roads and pipeline routes shall be prepared to assess surface and subsurface soil conditions (including collapsibility, compressibility, and expansiveness) and determine the structural design criteria. The stability of the existing piperacks to accommodate new pipelines shall also be assessed. The study shall be submitted for review and approval by the County Public Works Department. (This has already been completed by Rick Hoffman and Associates and Pacific Materials Laboratory for the proposed tunnel areas. Recommendations for tunnel construction presented in the existing investigation shall also be incorporated into the project design.) **Plan Requirements:** Grading and construction plans denoting the recommended measures as found in the geological and soils engineering study shall be submitted for review and approved by RMD prior to Coastal Development Permit (CDP). **Timing:** Components of the grading plan shall be implemented prior to issuance of building permits and components of the construction plans shall be implemented prior to issuance of occupancy clearance (OC).

**MONITORING:** Public Works shall ensure compliance with study requirements prior to CDP. Grading inspectors shall ensure compliance with measures incorporated into the grading plan and building inspectors shall ensure compliance with the structural design measures incorporated into the building plans prior to OC.

50. (F1) Fire. Adequate structural access shall be provided to the proposed site. **Plan Requirements:** Emergency access route shall be submitted by the applicant for review and approval by the County Fire Department prior to issuance of CDP and shall be installed prior to construction with combustible materials.

**MONITORING:** Access shall be reviewed and approved by RMD and County Fire Department prior to construction of combustible materials. The Fire Department and Permit Compliance shall ensure compliance through site inspections.

51. (F2) Fire. The applicant shall provide an adequate number of fire hydrants as determined by the County Fire Department. **Plan Requirements:** Prior to Coastal Development Permits, the applicant shall meet with the County Fire Department to review placement of additional fire hydrants throughout the development. **Timing:** Hydrants shall be installed prior to construction with combustible materials.

**MONITORING:** The County Fire Department shall ensure compliance through visitation of the site.

52. (F3) Fire. Buildings proposed as part of the project shall be equipped with automatic sprinkler systems, as determined by the County Fire Department. **Plan Requirements:** Prior to installation, the applicant shall meet with the County Fire Department to review sprinkler system plans. **Timing:** Sprinkler systems shall be installed and inspected during construction.

**MONITORING:** The County Fire Department shall ensure compliance prior to occupancy.

53. (S1) Solid waste. The applicant shall submit a Solid Waste Management Source Reduction Plan to RMD and Public Works for review and approval. The plan shall include the following components:

- a. Implementation of a curbside recycling program in coordination with Marborg Disposal Company to serve the new development, including provision of accessible recyclable collection areas where needed within the project site with bins for storage of recyclable material;
- b. The provision of composting facilities for the onsite recycling of all green wastes;
- c. The provision of built-in compartmentalized recyclable material collection bins within each structure;
- d. A listing of building supply merchandisers that would provide recycled materials to be used in construction and description of how these materials would be used;
- e. A provision stating that recycled materials would be used in construction including a list of such supplies and suppliers.

**Plan Requirements and Timing:** The applicant shall submit a Solid Waste Management Program to RMD and Solid Waste (Public Works) for review and approval prior to approval of a CDP.

**MONITORING:** RMD and Public Works shall site inspect as necessary.

54. **DELETED.**

55. (ALU1) Agricultural Land Use. During grading of areas of Class II soil (as shown in Figure 1 in Appendix A to 92-EIR-16, ARCO letter comment 213), the following procedures will be followed:

Cut Areas

- a. Topsoil to a depth of 24 inches will be removed and stockpiled separately;
- b. Upon completion of the cut, the underlying subsoil shall be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart; and
- c. The previously removed top soil shall be replaced in 12-inch lifts in the same area it was removed from and will be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart. This soil will not be compacted.

Fill Areas

- a. Topsoil to a depth of 24 inches will be removed and stockpiled separately;
- b. Upon completion of the top soil removal, the underlying subsoil shall be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart;
- c. Clean subsoil that was removed from the Class II soil cut areas shall be used as fill and shall be placed in 12-inch lifts with no compaction;
- d. Once the fill is placed, the top 18 inches shall be ripped with ripper shanks placed no more than 18 inches apart; and
- e. The previously removed top soil shall be replaced in the same area it was removed from and will be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart.

Stockpiled topsoil shall be protected from wind and water erosion. The replaced topsoil shall be revegetated and protected from erosion. The above activities shall be monitored for compliance.

**Plan Requirements:** Grading plans denoting the recommended measures shall be submitted to RMD for review and approval prior to Coastal Development Permit (CDP). **Timing:** Components of the grading plan shall be implemented prior to issuance of building permits.

**Monitoring:** Grading inspectors shall ensure compliance with measures in the grading plan through periodic site inspection.

56. (ALU2) Agricultural Land Use. It shall be stipulated in the Conditional Use Permit (CUP) that in the event of a permanent closure of the golf links facility, agricultural land use shall be given preference on the project site's prime soil.
57. Pursuant to the Administrative Guidelines for Housing Impact Assessment for Non-Residential Projects, the applicant shall contribute in-lieu fees of \$35,000.00 per housing unit demand over the first unit generated by the project. The housing demand is determined based on the number of anticipated employees generated by the project. The reclaimed water option will generate 32 employees. Affordable housing demand is determined by the following formula:  $32 (\text{employees}) / 1 (\text{employee density factor}) * 0.27 (\text{new-to-the-area proportion of total employees based upon "other" use}) * 0.37 (\text{low to moderate proportion of new-to-the-area employees}) / 1.4 (\text{workers per household or unit})$ . Therefore, using the above formula, the applicant shall contribute \$44,800.00. **Timing:** All in-lieu fees shall be paid prior to issuance of the Coastal Development Permit. As an alternative, the applicant shall enter into an agreement with the County of Santa Barbara, satisfactory to County Counsel and RMD, agreeing to provide for the development of one (1) affordable housing unit. The unit may be provided through direct provision on the project site or on an alternate site. If the applicant chooses to provide for the development of one affordable housing unit, prior to the issuance of the CDP the applicant shall enter into an agreement with the County, subject to County Counsel's approval that one unit shall be affordable based on RMD's "Model" *Agreement to Provide Affordable Housing* approved by the Board of Supervisors. The agreement shall contain timing by which the unit must be built and monitoring requirements to ensure its affordability. Income eligibility of prospective low or moderate buyer or renter shall be determined by the County or its designee. An intent to reside statement shall be required of the potential owner or renter of the low or moderate-income unit. The maximum sales price or rental rate of the low or moderate income unit shall not exceed the maximum levels established by RMD, consistent with the provisions of the Housing Element. Said low or moderate

income unit shall be retained as an affordable unit for a period of 30 years. Provisions for resale controls to implement this condition shall be recorded in the agreement between the applicant and the County using the "Model" *Deed Restriction to Control the Resale of Property* approved by the Board of Supervisors.

**Monitoring:** RMD staff shall ensure that either in-lieu fees have been paid or an agreement to supply an affordable unit is in place prior to issuance of the CDP. If in-lieu is not selected, the agreement mentioned above shall contain additional monitoring requirements.

58. Two performance securities shall be provided by the applicant prior to land use clearance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by RMD. Changes to approved landscape plans may require a substantial conformity determination or a modification to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, RMD may release the maintenance security two years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, RMD may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- (a) Installation of the Biological Enhancement/Landscape Plan (BELP) prior to occupancy clearance.

**MONITORING:** RMD shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

59. Landscaping shall be maintained for the life of the project.
60. Prior to the issuance of the CDP for the cart barn in the location shown on the Site Plan, a Lot Line Adjustment shall be approved and executed with a Record of Survey so that the cart barn is situated entirely within the applicant's property (not over the property line).
61. Golf course use shall occur only during daylight hours and shall terminate by dark. Night lighting for night use of the course is prohibited.

62. The clubhouse facilities shall be open to the public. The facilities shall not be leased or used for private banquets or receptions not associated with golf play. Food service is intended for golfers during daylight hours only. The grill shall close no later than 1/2 hour after sunset.
63. The conversion of any portion of this public golf course to private or restricted use requires additional discretionary review and approval.
64. DELETED.
65. The applicant shall prohibit any additional connections to their private reclaimed water line.
66. The on-site Antiquated Naples lots shall not be developed with single family residences.
67. No signs of any type are approved with this action unless otherwise specified. All signs require a separate CDP and BAR approval and shall comply with the Santa Barbara County Code Chapter 35 (Sign Regulations).
68. All final conditions of approval (Planning Commission or Board of Supervisors) shall be printed in their entirety on appropriate construction or building plans submitted to RMD or Building and Development Division of Public Works. For any subsequent development on any parcels created by the project, each set of plans accompanying a CDP shall contain these conditions.
69. Prior to CDP issuance, the applicant shall pay all applicable RMD permit processing fees in full.
70. Any change of use in the proposed building or use shall be subject to full environmental analysis and discretionary review by the Planning Commission.
71. All plans and programs shall be implemented as approved.
72. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. It is anticipated that two separate Coastal Development Permits will be issued: the first for demolition and abandonment of the existing facilities, and the second for the construction of the golf links and related improvements. Prior to the issuance of the Coastal Development Permit, all of the conditions for each separate activity listed in this Conditional Use Permit that are required to be satisfied for that activity prior to issuance of the Coastal Development Permit



must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.

73. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sec.35-181 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
74. Any use authorized by this CP shall immediately cease upon expiration or revocation of this CP. Any Coastal Development Permit issued pursuant to this CP shall expire upon expiration or revocation of the CP. CP renewals must be applied for prior to expiration of the CP.
75. The applicants acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
76. Within 2 years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued.
77. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.
78. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attach, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
79. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a

court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.

III. This permit is issued pursuant to the provisions of Sections 35-132.8, 35-172.8, 35-169 of the Coastal Zoning Ordinance of the County of Santa Barbara and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

1. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may revoke the Conditional Use Permit.
2. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
3. All time limits imposed may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.

*Albert J. McCurdy* by *D. McKeester*

Albert J. McCurdy, Secretary,  
Santa Barbara County Planning Commission

8/23/93  
Date

Case File: 91-CP-085

Permanent File

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Fire Department

Flood Control

Park Department

Public Works

APCD

Environmental Health Services

County Surveyor

County Counsel

Richard Corral, Planning Technician

Clerk of the Board (File #93-18,853)

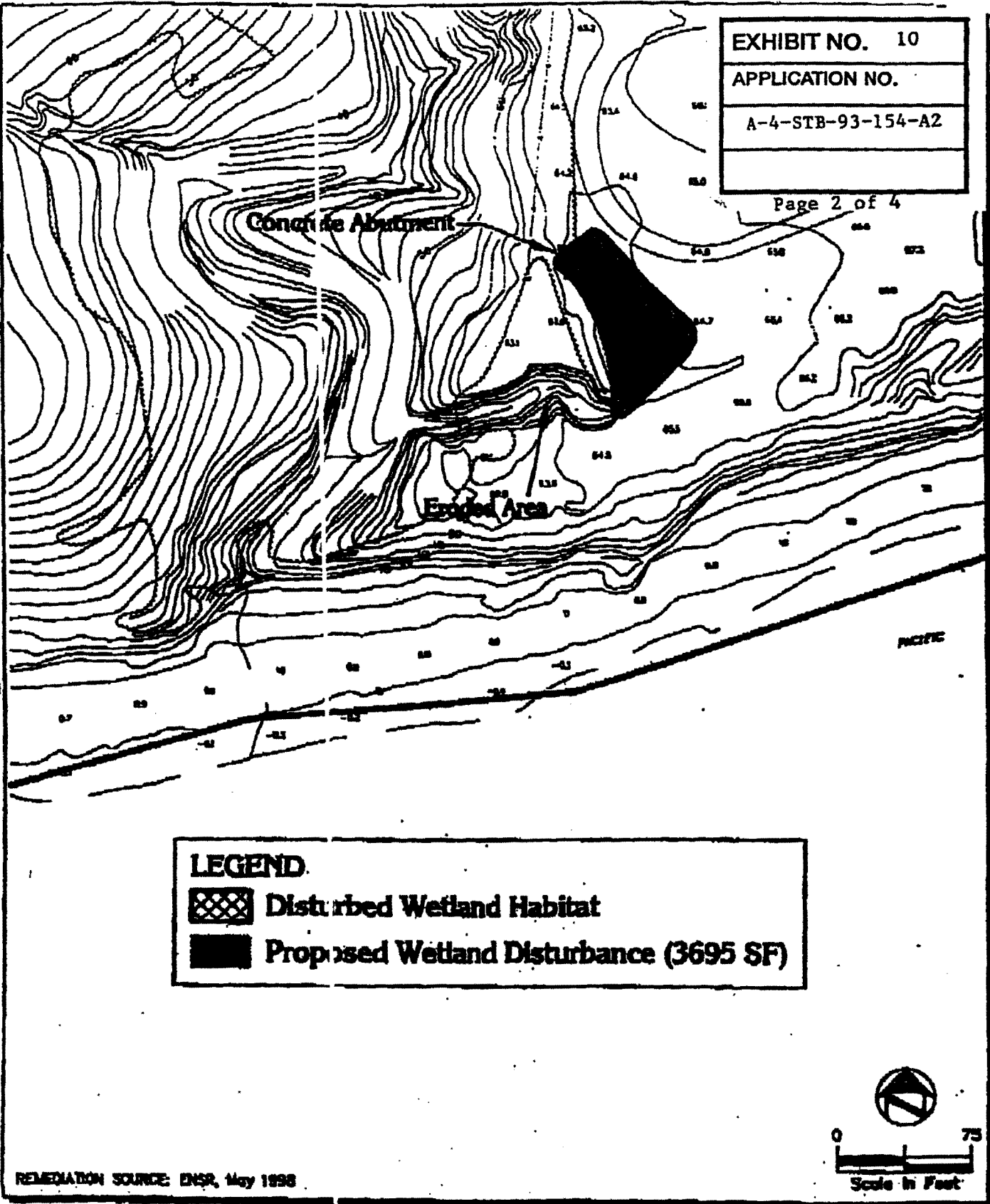
Planners: S. Goggia/G. Wheeler/D. Meester/K. Drude

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EXHIBIT NO.	10
APPLICATION NO.	
	A-4-STB-93-154-A2

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**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting**  
**Wetland Impacts for Proposed Concrete Abutment Removal & Erosion Control**

**FIGURE**  
**2**

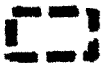
EXHIBIT NO. 10

APPLICATION NO.

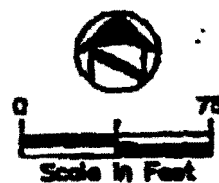
A-4-STB-93-154-A2

Page 3 of 4

Excavation Area

**LEGEND****Proposed Area of Disturbance for Soils Remediation****Disturbed Wetland Habitat****Proposed Wetland Disturbance (2600 SF)**

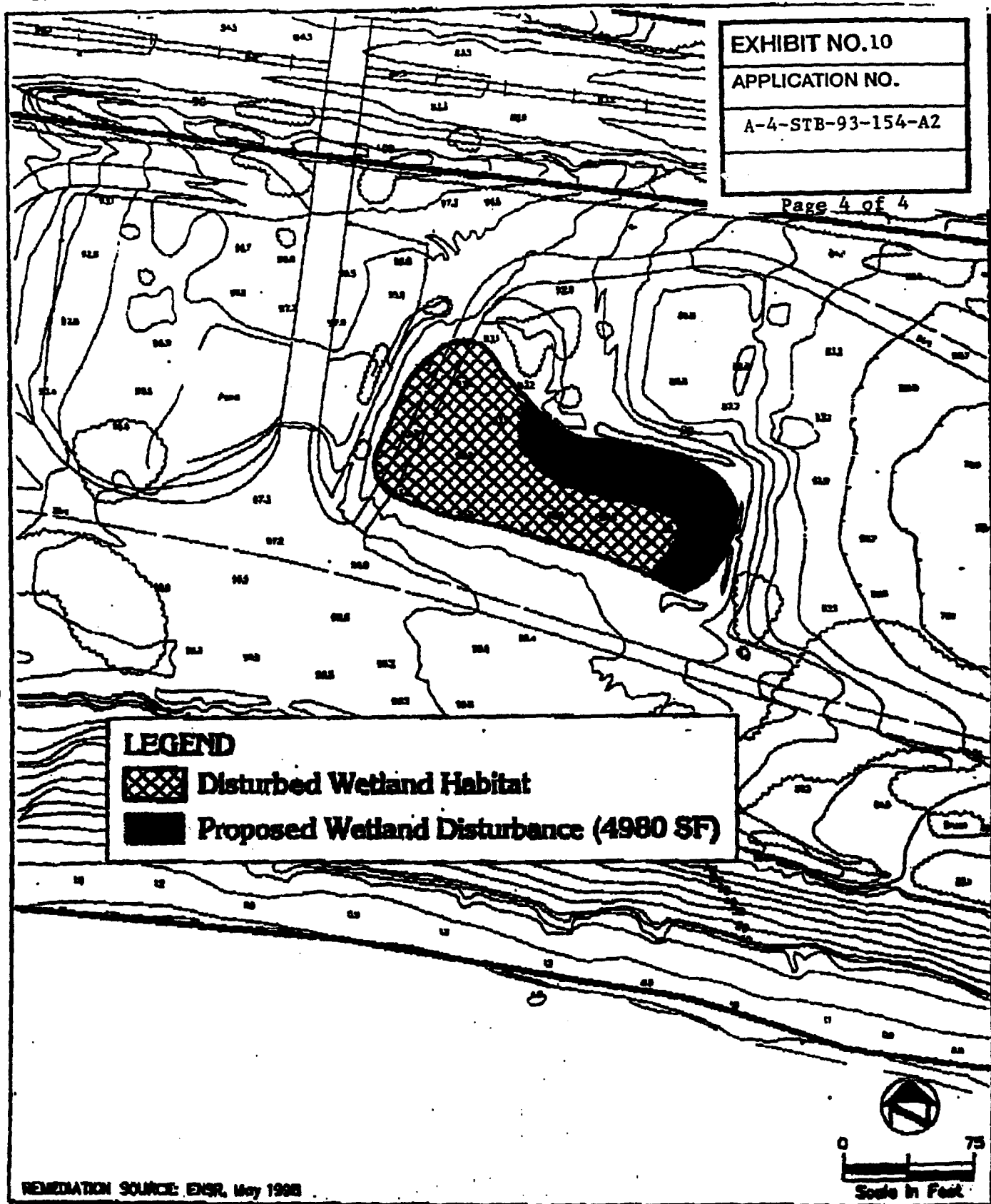
REMEDIATION SOURCE: BSR, May 1998



**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting**  
**Wetland Impacts for Proposed Soils Remediation at Former Tank Farm**

FIGURE

3



**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting**  
**Wetland Impacts for Proposed Soils Remediation at Active Tank Farm**

**FIGURE**  
**4**



EXHIBIT NO. 11

APPLICATION NO.

A-4-STB-993-154-A

Page 1 of 11

# **SANTA BARBARA COUNTY COASTAL PLAN**

## **JANUARY 1982**

**(Contains text amendments through October 1994  
and updated pages done June 1995)**

**Approved by the Board of Supervisors**

**January 1980**

**Partially Certified by the State Coastal Commission**

**March 1981**

**This plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972.**

**Planning and Development Department  
Comprehensive Planning Division  
123 East Anapamu Street  
Santa Barbara, California 93101-2058  
(805) 568-2000**



### 3.1 INTRODUCTION

The policies established by the Coastal Act focus on the protection of coastal resources and the regulation of development in the coastal zone. These resource protection policies govern land resources, which include environmentally sensitive habitat areas and prime agricultural lands, recreational resources, the marine environment (i.e., streams, wetlands, and coastal waters), scenic resources such as views to and along the ocean, and air quality. The stress of these policies is on resource conservation. Coastal Act development policies govern all aspects of development including land divisions, industrial development, and new and/or expanded public works facilities. The emphasis of the Coastal Act development policies is on encouraging well-planned and orderly development which is compatible with resource protection and conservation.

The text and the policies set forth in this chapter are, in many aspects, the core of the land use plan. They establish the parameters for evaluating future development projects within the County's coastal zone, and set forth the measures that the County should take to achieve the degree of resource protection required by the Coastal Act. Furthermore, these local policies will serve as the foundation for the ordinances that will implement the land use plan.

This chapter is organized into major topics which reflect the principal coastal resource protection and development issues in Santa Barbara County. Each section is prefaced with pertinent policies from the Coastal Act and is followed by a discussion of local issues and problems related to the topic. The issues section attempts to pinpoint where County practices and regulations fall short of, or conflict with, the provisions of the Coastal Act. Finally, each topic area is concluded with recommended policies to bring the County into conformity with the Coastal Act. After certification, all new development in the County's coastal zone will have to meet the standards set forth in these policies.

The following general policies shall provide the framework for the land use plan:

- Policy 1-1: The County shall adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.
- Policy 1-2: Where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence.
- Policy 1-3: Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.

## DEVELOPMENT POLICIES

- Policy 2-1:** In order to obtain approval for a division of land, the applicant shall demonstrate that adequate water is available to serve the newly created parcels except for parcels designated as "Not A Building Site" on the recorded final or parcel map.
- Policy 2-2:** The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful parcel be denied development of one single family residence. This policy shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.
- Policy 2-3:** In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.
- Policy 2-4:** Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.
- Policy 2-5:** Water-conserving devices shall be used in all new development.
- Policy 2-6:** Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Where an affordable housing project is proposed pursuant to the Affordable Housing Overlay regulations, special needs housing or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this policy if the project has, or is conditioned to obtain all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits. (amended by 93-GP-11)

### 3.4.3 POLICIES

- Policy 4-1: Areas within the coastal zone which are now required to obtain approval from the County Board of Architectural Review, because of the requirements of the "D"-Design Supervision Combining Regulations or because they are within the boundaries of Ordinance #453, shall continue to be subject to design review. In addition, developments in all areas designated on the land use plan maps as Commercial, Industrial, or Planned Development and residential structures on bluff top lots shall be required to obtain plan approval from the County BAR.
- Policy 4-2: All commercial, industrial, planned development, and greenhouse projects shall be required to submit a landscaping plan to the County for approval.
- Policy 4-3: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- Policy 4-4: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
- Policy 4-5: In addition to that required for safety (see Policy 3-4), further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.
- Policy 4-6: Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.
- Policy 4-7: Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.

for acquisition by the County Park Department and State Department of Parks and Recreation as shown in Table 3-6. In addition, existing and proposed access areas are depicted on the land use plan maps. A schedule for acquisition of these sites will be developed during the zoning and implementation phase of the LCP.

**Policy 7-1:** The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a) Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.
- b) Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.
- c) Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

**Policy 7-2:** For all development\* between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line\*\* shall be mandatory unless:

- a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or
- b) Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan, or
- c) Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or
- d) The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.

The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.

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\* Policies 7-2 and 7-3 shall not apply to developments excluded from the public access requirements of the Coastal Act by PRC Section 30212 or to development incidental to an existing use on the site.

\*\* The mean high tide line (ordinary high water mark) is an ambulatory line which may vary over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

Policy 7-3: For all new development\* between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County, based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

Policy 7-4: The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as "Habitat Areas" by the land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of facility development (i.e., parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.

Policy 7-5: For areas controlled by Federal, State, County, or District agencies, in a zone extending approximately 250 feet inland from the mean high tide line, priority shall be given to coastal dependent and related recreational activities and support facilities. However, camping facilities should be set back from the beach and bluffs and near-shore areas reserved for day use activities. Recreational activities that are not coastal dependent may be located within this 250-foot zone if the less desirable coastal dependent support facilities (parking, restrooms, etc.) are located inland. In no case shall facilities, except for required structures (i.e., life-guard towers, volleyball nets, etc.), be located directly on the dry sandy beach.

Policy 7-6: Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (i.e., tent campgrounds) shall have priority over uses requiring substantial alteration (i.e., recreational vehicle campgrounds).

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\* See footnote on previous page.

recreational facilities shall not impede views between U.S. 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species.

- Policy 7-14: Campgrounds and ancillary facilities sited south of U.S. 101 between Ellwood and Gaviota shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use. Where feasible, new recreational facility development, particularly campgrounds and parking lots, shall be located north of U.S. 101.
- Policy 7-15: The vegetation in the small canyons at the mouths of Canada San Onofre and Canada del Molino streams shall not be disturbed by recreational development or use.
- Policy 7-16: All new development on State-owned lands shall be in conformance with a recreational master plan approved by the County and the Coastal Commission. The master plan shall include maps showing locations of proposed facilities and a text describing the entire scope of the State's long-range plans for the Ellwood to Gaviota area, i.e., numbers of campsites, restrooms, parking lots, kinds of recreational activities to be accommodated, etc. In addition, the master plan shall conform to the following criteria:
- a. Facilities for overnight use by out-of-County visitors shall be balanced with those for day use by local residents.
  - b. Intensities and kinds of recreational uses shall be controlled so as not to exceed the environmental carrying capacity of the area.
  - c. Alternative transportation systems to provide access to State parks (i.e., shuttle buses) shall be used where feasible.
- Policy 7-17: Since existing parks in the Ellwood to Gaviota area already provide extensive facilities for recreational vehicle camping, priority in future development shall be for campgrounds that would be accessible by bicycle and pedestrian trails only and for hostels.
- Policy 7-18: Expanded opportunities for access and recreation shall be provided in the Gaviota Coast planning area.

Dunes  
Wetlands<sup>2</sup>  
Native Grasslands  
Vernal Pools  
Butterfly Trees  
Marine Mammal Rookeries  
and Hauling Grounds  
White-tailed Kite Habitat

Subtidal Reefs  
Rocky Points and Intertidal Areas  
Kelp Beds  
Seabird Nesting and Roosting Areas  
Native Plants<sup>2</sup>  
Streams<sup>2</sup>

Due to the limitations of mapping techniques and, in some cases, incomplete information on habitat areas, the following policies shall apply to development on parcels designated as a habitat area on the land use plan and/or resource maps and to development on parcels within 250 feet of a habitat area or projects affecting an environmentally sensitive habitat area.

#### POLICIES:

9-1: Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

Habitats found in the County and policies for protecting these habitats are listed below. These policies are in addition to existing State and Federal regulations which protect many species of plants and animals and their habitats.

#### HABITAT TYPE: Dunes

Location: Guadalupe (Mussel Rock), Surf, Devereux, Channel Islands

Description: Dunes are distinct and sensitive ecosystems that contain many rare, endangered, protected, or unusual plant and animal species. Dune

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<sup>2</sup> Most native plant communities are not designated on the land use plan and resource maps because they exist in so many locations throughout the coastal zone. Only major streams and wetlands are shown on the land use plan maps.

Additional wetlands exist at the mouth of numerous streams. These habitats, although smaller, contain many of the rare and endangered plant and animal species mentioned above and thus are important resources to be protected.

**Policies:**

- 9-6: All diking, dredging, and filling activities shall conform to the provisions of Sections 30233 and 30607.1 of the Coastal Act. Dredging, when consistent with these provisions and where necessary for the maintainence of the tidal flow and continued viability of the wetland habitat or for flood control purposes, shall be subject to the following conditions:
- a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
  - b. Dredging shall be limited to the smallest area feasible.
  - c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map, dated February, 1981. (Projects which result in discharge of water into a wetland require a permit from the Regional Water Quality Control Board.)
- 9-7: Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.
- 9-8: Boating shall be prohibited in all wetland areas except for research or maintenance purposes.
- 9-9: A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.

The upland limit of a wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.



Description: At one time, native grassland communities covered much of California. However, overgrazing and competition with European weedy species introduced at the time of Spanish settlement have all but eliminated the native grasses from California. Twenty-six of these native grass species are listed as rare, endangered, or possibly extinct by the California Native Plant Society. Additionally, numerous wildflower species occur within the native grassland community. Wildflowers, because of their varying colors, add a unique visual resource to this habitat. The grassland community is sensitive to disturbance, particularly from cattle grazing. Disruption to this community increases its vulnerability to takeover by introduced species.

Policies:

9-17: Grazing shall be managed to protect native grassland habitat.

9-18: Development shall be sited and designed to protect native grassland areas.

HABITAT TYPE: Vernal Pools

Location: Isla Vista

Description: These small fragile communities are the result of rain or runoff in areas of poor drainage, and support interesting ecological communities during winter and early spring. Plants typical of vernal pools include Downingia spp., Lepidium spp., and Lythrum hyssopifolia. The Pacific Tree Frog, the Western Toad, the California Tiger Salamander, and the Southern Long-toed Salamander commonly inhabit the pools along with migratory birds who use them in the spring as resting places. Due to spotty distribution and the degree of adaptation needed for the fluctuating environmental conditions in this community, these areas often support endangered and rare plant and animal species. The pools also provide water and forage for small grazing animals such as rabbits, mice, voles and gophers (Howald, 1979). Vernal pools are threatened by site development, fire prevention measures, mosquito control activities, mowing, disking, and draining. In an undisturbed state, vernal pools are valuable for scientific and educational purposes.

Several vernal pools sites are found on undeveloped parcels in the south-westerly area of Isla Vista. These pools are subject to impacts from mosquito abatement practices, fire prevention measures, and disking. An endangered plant, Lasthenia conjugens, is found in these pools.

Policies:

9-19: No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.

EXHIBIT NO. 12

APPLICATION NO.

A-4-STB-93-154-A2

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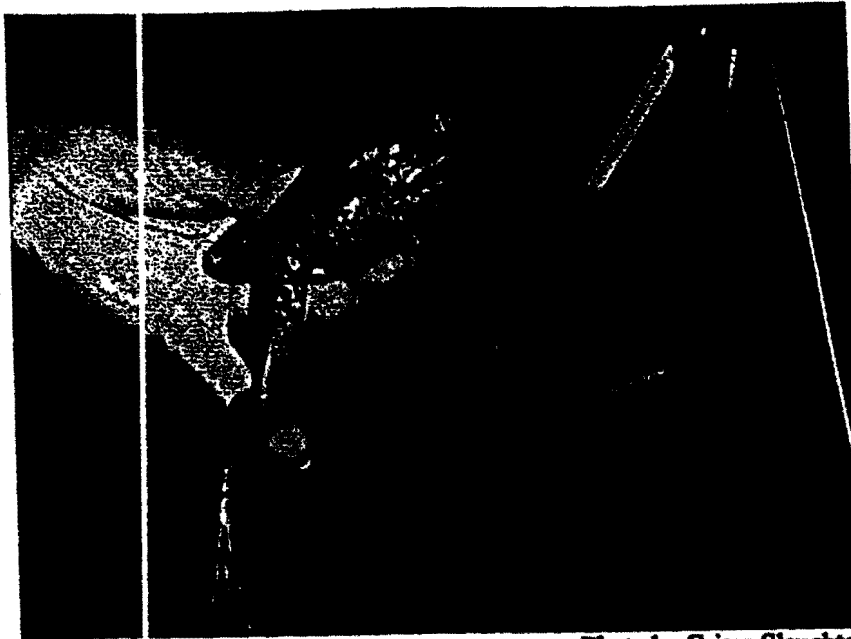


Photo by Crissy Slaughter

**Biological Monitoring of Eagle Canyon Creek, Goleta, CA**

**Leticia Gallardo**

February 3, 1999

## Introduction

The following survey was commissioned to determine if Eagle Canyon Creek supports a California Red legged frog, *Rana aurora draytonii*, population. Distribution of the California Red legged frog extends from Shasta County south to Northern Baja California. Santa Barbara County is known to support various populations of *Rana aurora draytonii* throughout its waterways. Populations of Red legged frogs are known to occur in the creeks adjacent to Eagle Canyon Creek at distances of a minimum of three-quarters of a mile away. Given that this is a feasible distance for dispersal movements of this species (Gallardo, 1998), the likelihood of its presence in Eagle Canyon was high, thus the following survey was undertaken to determine if *Rana aurora draytonii* inhabits Eagle Canyon Creek.

## Survey Site

Survey area consisted of the mouth of Eagle Canyon Creek upstream approximately 150 meters to the point where the creek meets the 101 freeway. The creek consists of riparian vegetation such as *Salix* sp., *Plantanus racemosa*, *Artemisia douglasiana*, and *Rubus ursinus*, surrounded by an adjacent Eucalyptus forest. The creek empties into a lagoon formed where it drains into the ocean. This area contains typical brackish water vegetation such as *Typha* sp., *Carex* sp., and *Grendelia* sp.

## Methods

Both day and nighttime surveying was performed. Day surveys consisted of an analysis of the area for ideal frog habitat, which was based on the presence of appropriate vegetation, cover, and water depth. Night surveying began after dark and covered areas identified as ideal frog habitat. Two nights of surveying were performed. Appropriate areas were surveyed from the water using Koehler Wheat Cap Lights, model #2200-GI, to locate eyeshine. Search distance was approximately 5-15ft from the bank and in appropriate vegetation. Individuals were identified visually or by capture.

## **Results & Discussion**

Daylight analysis of Eagle Canyon Creek found that appropriate vegetation, cover, and water depths were present and sufficient to maintain a *Rana aurora draytonii* population. Night surveys conducted in this area confirmed that *Rana aurora draytonii* does indeed inhabit the Eagle Canyon Creek. Despite adverse conditions such as low air and water temperatures, a low rainfall year, few survey events, as well as pre-breeding season when frog abundance and visibility is low, several individuals were located and identified. The number of frogs located in this area can be expected to increase as temperatures rise and as the breeding season progresses.

Further survey work is recommended to determine the size and distribution of this population. This is particularly important since the configuration of the lagoon region of the creek provides ideal conditions for a *Rana aurora draytonii* breeding site. The potential for this site as an important breeding pond was confirmed by the presence of calling male *Rana aurora draytonii*. It should also be noted at this point that in this species it is common that males move into the breeding site to establish territories well before the females arrive. Thus the low number of individuals found at this time may be partially explained by this migration pattern.



## United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

EXHIBIT NO. 13

APPLICATION NO.

A-4-STB-93-154-A2

Page 1 of 2

**RECEIVED**  
COUNTY OF SANTA BARBARA

February 25, 1999

FEB 26 1999

Amy Sabbadini  
Planning and Development Department  
County of Santa Barbara  
1226 Anacapa Street  
Santa Barbara, California 93101-2010

PLANNING AND DEVELOPMENT  
DEPARTMENT ENERGY DIVISION

**Subject:** Proposed Dos Pueblos Golf Course, Santa Barbara County, California

Dear Ms. Sabbadini:

In a letter dated November 2, 1998, the U.S. Fish and Wildlife Service (Service) provided comments to the County of Santa Barbara (County) regarding wetland mitigation activities proposed by ARCO Petroleum Company (ARCO) at the Dos Pueblos project site, south of Highway 101, approximately five miles west of the community of Goleta. Since then, the Service has been informed that the federally threatened California red-legged frog (*Rana aurora draytonii*) occurs on the site in Eagle Canyon Creek, as well as several other streams in the vicinity of the project site. As California red-legged frogs are known to travel up to two miles from riparian habitat, they likely use upland habitats in the project area as well. Therefore, we believe that activities in the creek or surrounding upland habitat could result in the take of California red-legged frogs.

Section 9 of the Endangered Species Act of 1973, as amended (Act), prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Service regulations (50 CFR 17.3) define "harm" to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." Harassment is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

Exemptions to the prohibitions against take may be obtained from the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7 or

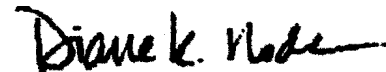
Amy Sabbadini

2

through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act. If a proposed project is to be authorized, funded, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7 of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. When ARCO or the County are able to provide us with additional details regarding the potential for federal involvement with your proposed action, we will provide you with more specific information on the section 7 or 10(a)(1)(B) processes.

We are available to meet with you and the project proponent to discuss any potential impacts to listed species and the need for compliance with the Endangered Species Act. If you have any questions regarding this matter, please contact Bridget Fahey of my staff at (805) 644-1766.

Sincerely,



Diane K. Noda  
Field Supervisor

cc: Jim Macc, U.S. Army Corps of Engineers  
Sherri Miller, Dudek & Associates, Inc.  
Morgan Wehtje, California Department of Fish and Game  
Ellison Folk, Shuts, Mihaly, & Weinberger

## CALIFORNIA COASTAL COMMISSION

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

EXHIBIT NO. 14

APPLICATION NO.

A-4-STB-93-154-A2



March 11, 1999

Diane K. Noda  
Field Supervisor  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

Dear Ms Noda:

RE: Proposed Dos Pueblos Golf Course, Santa Barbara County, California

We recently received a copy of your letter dated February 25, 1999 to the County of Santa Barbara regarding presence of California Red-legged frog (*Rana aurora drytonii*) on the project site at the mouth of Eagle Canyon Creek. Your letter indicated that the U.S. Fish and Wildlife Service had been informed that the species occurs on the site, but did not indicate the source or this information, or whether the U.S. Fish and Wildlife Service has independently confirmed the presence of this species.

The Commission is currently considering several actions (including an amendment, two appeals, and a time extension) regarding this project. Information regarding the status of the Red-legged frog would be germane to the Commission deliberations. We are therefore requesting that the U.S. Fish and Wildlife Service provide the Commission with any information that they may have regarding this species on the Dos Pueblos Golf Course site, including any specific information which the U.S. Fish and Wildlife Service relied upon in determining the presence of the species on the site.

If possible, we would appreciate receiving this information before March 25th, the completion date for the staff reports for the Commission's April meeting.

Thank you for your assistance in this matter.

Sincerely,

  
Chuck Damm  
Senior Deputy Director



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

EXHIBIT NO. 15

APPLICATION NO.

A-4-STB-93-154-A2

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March 16, 1999

RECEIVED  
MAR 18 1999

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Chuck Damm, Senior Deputy Director  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001

Subject: Proposed Dos Pueblos Golf Course, Santa Barbara County, California

Dear Mr. Damm:

This letter is in response to your faxed request, dated March 11, 1999, for further clarification on our letter, dated February 22, 1999, stating that the U.S. Fish and Wildlife Service (Service) had been informed that the federally threatened California red-legged frog (*Rana aurora draytonii*) occurred in Eagle Canyon Creek on site of the proposed Dos Pueblos Golf Course. Specifically, you requested that the Service provide the Coastal Commission with any further information that we might have, including the specific information that we used to make this determination.

On February 4, 1999, we received a faxed copy of a survey report written by Leticia Gallardo indicating that she heard and saw California red-legged frogs in the mouth of Eagle Canyon Creek. In a telephone conversation with Bridget Fahey of my staff on March 5, Ms. Gallardo reported that she heard and saw a minimum of two male California red-legged frogs during January of this year. We consider Ms. Gallardo to be a credible source of information, as she has experience surveying for California red-legged frogs and currently possesses a recovery permit, issued by the Service pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. Since then, the presence of the California red-legged frog in Eagle Canyon Creek has been confirmed by Dr. Rosamary Thompson of Science Application International Corporation, a consultant for the project applicant. The Service considers Dr. Thompson to be a credible source of information as well.

The project, as proposed, could result in direct and indirect impacts to the California red-legged frog. California red-legged frogs are known to use upland areas within a mile of streams. Consequently, grading of the site could kill or injure dispersing individuals. California red-legged frogs may be attracted to the golf course, once in operation, because of its water features and irrigation. Therefore, routine operation of the golf course is likely to cause mortality of California red-legged frogs as a result of vehicle use, maintenance of playing areas, and other



Chuck Damm

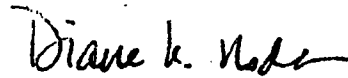
2

related activities. The construction of the proposed public access footpath through Eagle Canyon Creek and the resulting increase in human activity in the immediate vicinity of habitat of California red-legged frogs are likely to result in the take of California red-legged frogs.

Our letter to the County of Santa Barbara provided information regarding the prohibitions against take contained in section 9 of the Act. Because the operation of the golf course and the use of the proposed footpath would likely cause take of California red-legged frogs, we strongly recommend that the project proponent apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act.

We hope that this information is useful to you. If you have further questions, please contact Bridget Fahey of my staff at (805) 644-1766.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diane K. Noda". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane K. Noda  
Field Supervisor

EXHIBIT NO. 16

APPLICATION NO.

A-4-STB-93-154-A2

Page 1 of 36

**BIOLOGICAL ASSESSMENT  
for  
Dos Pueblos Golf Links  
County of Santa Barbara**

*Prepared for:*

**CPH-PAH DOS PUEBLOS ASSOCIATES, L.L.C.**

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*Contact: R. Whitt Hollis*

*Tel.: (805) 962-0262*

*Prepared by:*

**DUDEK**  
**& ASSOCIATES, INC.**

*Professional Teams for Complex Projects*

605 Third Street  
Encinitas, CA 92024  
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*Tel. (760) 942-5147*

**3 May 1999**

# Dos Pueblos Golf Links ♦ Biological Assessment

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### EXECUTIVE SUMMARY

This document addresses the direct, indirect, and cumulative impacts to federally-listed species and their habitats at the Dos Pueblos Golf Links project site. This document includes a discussion of the project setting, study methodology, impacts and proposed mitigation measures.

### Project Description

The proposed Dos Pueblos Golf Links 208-acre project site is located south of Highway 101, approximately one mile west of Winchester Canyon Road, in the County of Santa Barbara, California (Figures 1 and 2). CPH-PAH Dos Pueblos Associates, L.L.C. (CPH), proposes to construct an 18-hole links style golf course; a nine-hole par-three golf course; a driving range; a putting green; a turf farm; a clubhouse including a pro-shop, restrooms, administrative offices, a restaurant grill and a meeting room; a cart barn; a maintenance and office building; a half-way house comprised of restrooms, a snack bar and a starter station; a public coastal access trail and 290 parking spaces.

### Summary of Impacts and Mitigation Proposals

This document contains a detailed description of the habitats and species potentially affected by the proposed project, as well as detailed mitigation proposals. Potential cumulative impacts are also discussed. Together, the mitigation measures comprise a complete mitigation package that would fully compensate for all potential direct, indirect and cumulative impacts to California red-legged frogs (*Rana aurora draytonii*) and tidewater gobies (*Eucyclogobius newberryi*) and their habitats associated with construction of the Dos Pueblos Golf Links project. The mitigation measures include the preservation of California red-legged frog breeding habitat and potential tidewater goby habitat in Eagle Canyon; and the creation of 0.57 acre of southern willow scrub wetland habitat in Tomato Canyon, suitable for California red-legged frog non-breeding habitat. Additionally, the proposed water storage lake is anticipated to function as non-breeding habitat for the California red-legged frog.

**Eagle Canyon:** Direct impacts to waters of the United States within Eagle Canyon total 18 square feet; no impacts to wetlands are proposed. Impacts to waters of the United States have been minimized and avoided to the maximum extent feasible by constructing the proposed footbridge on pilings in open water.

**Remainder of Project Site (Exclusive of Eagle Canyon):** Direct impacts to ACOE jurisdictional areas (i.e., waters of the United States, including wetlands) were assessed as temporary or permanent impacts. Proposed temporary impacts (totaling 0.01 acre) are associated with temporary construction-road crossings; upon completion of golf course construction, these areas will be restored

## Dos Pueblos Golf Links ♦ Biological Assessment

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to pre-construction conditions. Proposed permanent impacts (0.4 acre) are associated with construction of storm drain systems, culverted crossings for the golf cart paths and the public access trail, and fairways and sand bunkers.

In summary, the proposed project and mitigation plan described in detail in this document would provide benefits through an increase in California red-legged frog habitat and conservation of existing California red-legged frog habitat and potential tidewater goby habitat. The proposed mitigation plan would fully compensate for the direct, indirect and cumulative impacts of the Dos Pueblos Golf Links project.

### 1.0 INTRODUCTION

This document addresses the direct, indirect, and cumulative impacts to the federally-listed threatened California red-legged frog (*Rana aurora draytonii*) and the federally-listed endangered tidewater goby (*Eucyclogobius newberryi*) and their habitats within the Dos Pueblos Golf Links project site, located five miles west of Goleta in the County of Santa Barbara, California. Although the tidewater goby has not been observed onsite, it is addressed here because of concerns expressed by the U.S. Fish and Wildlife Service (USFWS) regarding the possibility that the tidewater goby could potentially colonize Eagle Canyon at some point in the future. This document includes a discussion of the project setting, study methodology, impacts and proposed mitigation measures to reduce impacts. Development of the project will unavoidably impact waters of the United States subject to the jurisdiction and permitting authority of the U.S. Army Corps of Engineers (ACOE) in accordance with Section 404 of the federal Clean Water Act.

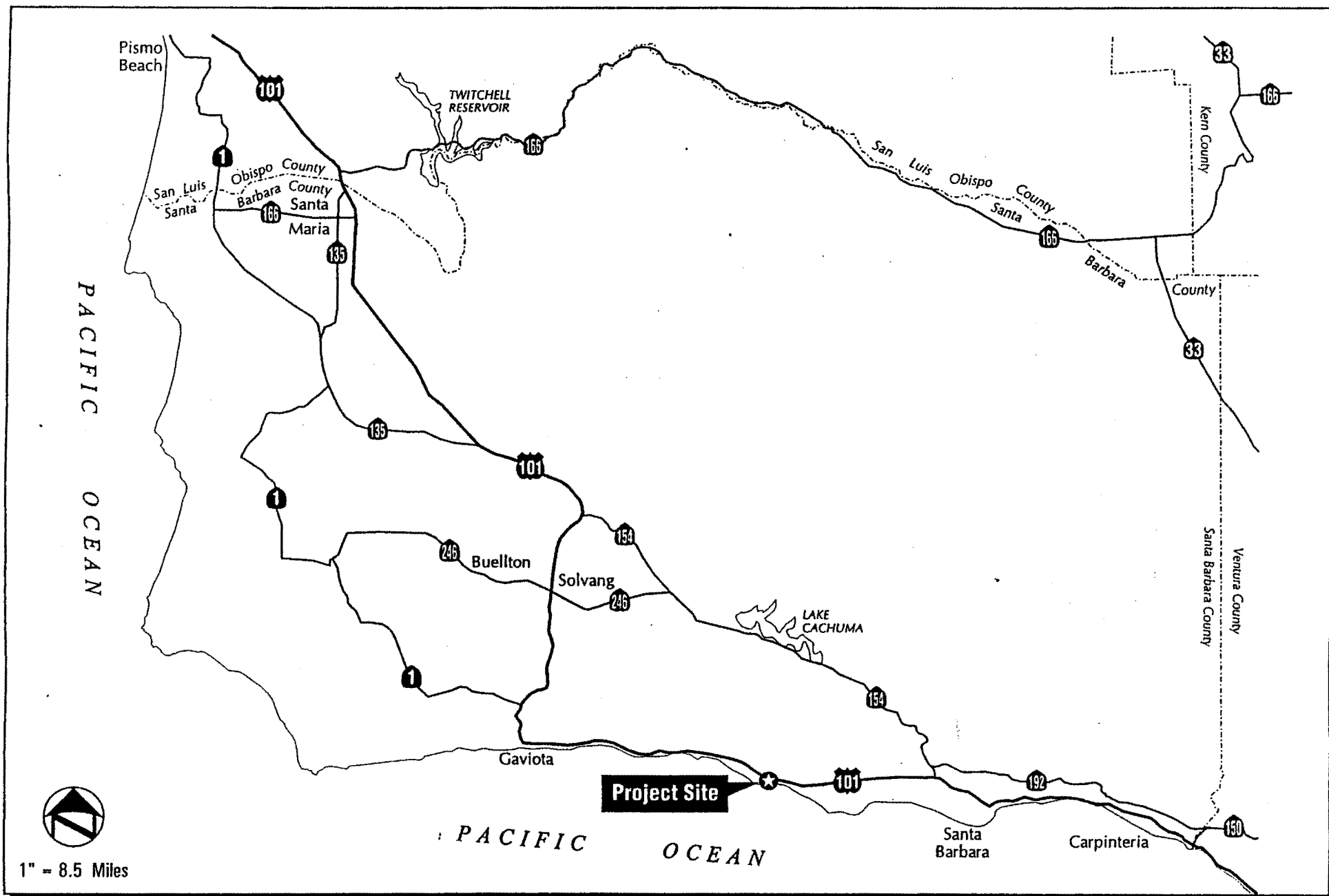
Detailed discussions of the project setting, alternatives considered and analyzed, general impacts, and conceptual mitigation measures are provided in the Final Environmental Impact Report (FEIR) (Fugro-McClelland 1993) and the biological resources reports prepared by Interface (1992), DUDEK (1998b) and SAIC (1999a, 1999b). Information from these documents is incorporated herein as appropriate.

### 1.1 Project Description

The proposed Dos Pueblos Golf Links 208-acre project site is located south of Highway 101, approximately one mile west of Winchester Canyon Road, in the County of Santa Barbara, California (Figures 1 and 2). The project site has a history of disturbance: the property was in oil and gas development and production from 1949 through 1997 and was used for dry farming and as pasture land for cattle prior to and after 1949. After production halted in 1997, production facilities, including storage tanks at the disturbed areas, were dismantled and the pieces were hauled away by truck between December 1997 and January 1998.

CPH proposes to construct an 18-hole links style golf course; a nine-hole par-three golf course; a driving range; a putting green; a turf farm; a clubhouse including a pro-shop, restrooms, administrative offices, a restaurant grill and a meeting room; a cart barn; a maintenance and office building; a half-way house comprised of restrooms, a snack bar and a starter station; and 290 parking spaces.

The 18-hole golf course would occupy approximately 72 acres and has been designed to incorporate as much of the existing topography as possible. The course would have a standard concrete cart path which, in conjunction with an existing service road located south of the railroad, would provide

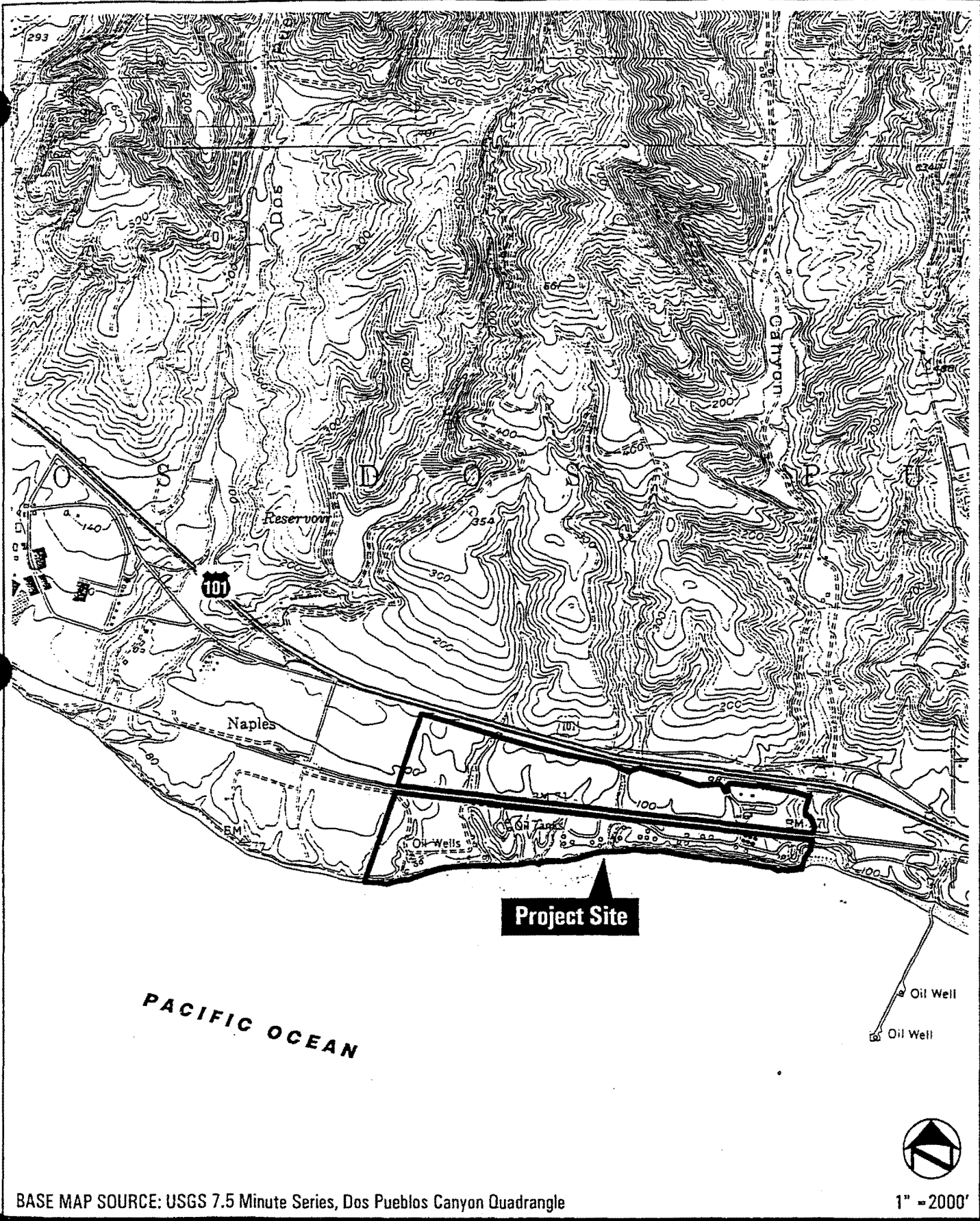


Dos Pueblos Golf Links - Biological Assessment  
**Regional Map**

FIGURE

1





Dos Pueblos Golf Links - Biological Assessment  
Vicinity Map

FIGURE  
2

## Dos Pueblos Golf Links ♦ Biological Assessment

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maintenance and emergency vehicles access to the entire property. The nine-hole, par-three, course would occupy approximately 9 acres in the eastern portion of the property. No cart path is proposed for the nine-hole course.

The clubhouse, parking lot, maintenance area and cart barn would occupy approximately 7 acres and would be located at the original site of the ARCO production offices, storage yards and warehouse. The halfway house would be constructed between the sixth and seventh holes of the 18-hole course. The putting green and driving range would be located west of the club house, east of the first hole's tee. The turf farm would be located in the northeast portion of the project site.

The golf course would be irrigated using reclaimed water, which would necessitate the extension of an eight-inch reclaimed water pipeline to the project site from Hollister Avenue and Las Armas Road. This pipeline would enter the project site on the eastern boundary, crossing over Eagle Canyon immediately south of the railroad. The pipeline would be located on existing gas and oil pipe racks over Eagle Canyon before terminating at the proposed 5.4 acre-foot storage lake.

The water storage lake would provide reserves for 2.5 days of peak irrigation and five days of average irrigation needs. A pump house (approximately 704 square feet) would be constructed immediately south of the lake. The intake pump would be located at the bottom of the water storage lake, approximately 11.5 feet below the water surface (when the storage lake is at capacity).

As a condition of the County of Santa Barbara Conditional Use Permit and California Coastal Commission Coastal Development Permit, CPH is required to construct a 24-foot wide public coastal access trail. The width of the access trail was designed to accommodate a pedestrian walkway, an equestrian path and a bike path. CPH is also required to provide access to the beach at both the western and eastern property boundaries.

### 1.2 Consultation Required to Satisfy Federal Endangered Species Act

Section 7 of the Federal Endangered Species Act (FESA) stipulates that any federal action that may affect a species listed as threatened or endangered requires a consultation with the USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of habitat of such species which is determined to be critical (Section 7[a] [2]).

To facilitate compliance with the requirements of Section 7(a)(2), the federal agency shall request a list of endangered, threatened, candidate, or proposed species in the area of the proposed action. If these species may be present, a Biological Assessment is needed to identify any endangered or threatened species that are likely to be affected by the action (Section 7[c]) and whether a formal

## Dos Pueblos Golf Links ♦ Biological Assessment

consultation with the USFWS is required. If a formal consultation is required, the USFWS reviews the Biological Assessment and determines through a Biological Opinion whether the action is likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat of such species which is determined to be critical. The Biological Opinion also may recommend reasonable and prudent alternatives that are consistent with the intended purpose of the action (project) and would allow the action to proceed without violation of Section 7(a)(2).

This document constitutes the Biological Assessment for two federally-listed species: the threatened California red-legged frog and the endangered tidewater goby. These species may potentially be affected by the proposed project and were the subject of site surveys described below. The California red-legged frog was observed in Eagle Canyon. The tidewater goby was not observed but potential habitat is present onsite (see Table 1). For the purpose of establishing mitigation for other impacts to sensitive biological resources resulting from the project, in accordance with NEPA requirements, this document also describes other species potentially present and addresses impacts to ACOE waters of the United States, including wetlands, and describes avoidance, minimization and mitigation measures.

TABLE 1  
FEDERALLY-LISTED SPECIES THAT ARE KNOWN TO OCCUR  
OR POTENTIALLY MAY OCCUR ONSITE

Species	Federal Status	Known to Occur Onsite
California red-legged frog	Threatened	yes
tidewater goby	Endangered	no
California brown pelican	Endangered	yes
western snowy plover	Threatened	no

## 2.0 SPECIES OF CONCERN

### 2.1 Federal Proposed and Listed Species Potentially Occurring in the Project Area

One federally-listed species that could be affected by the project was observed onsite in Eagle Canyon: California red-legged frog. One federally-listed species that would not likely be affected by the project was observed onsite at the mouth of Tomate Canyon: California brown pelican (*Pelecanus*

## Dos Pueblos Golf Links ♦ Biological Assessment

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*occidentalis californicus*). Two federally-listed species potentially occur onsite, but were not observed during biological surveys: tidewater goby and western snowy plover (*Charadrius alexandrinus nivosus*). One species not currently listed, but that may soon be proposed for federal listing, also occurs onsite: southern tarplant (*Hemizonia parryi* ssp. *australis*). These species are addressed in this document.

### 2.2 Literature Review

The biological information presented in this document is from biological surveys conducted by Interface, Fugro-McClelland, DUDEK, and SAIC staff between 1992 and 1999. Numerous other literature sources were consulted during the studies (Section 4.1.3).

### 2.3 Informal Consultation With Species Experts

The following species experts were consulted by DUDEK during preparation of this Biological Assessment. These experts provided useful background information for the species assessments.

Paul Collins, Wildlife Consulting Services. Personal communication with S. Kim (DUDEK) concerning California red-legged frog and tidewater goby (March 1998).

Rosemary Thompson, SAIC. Personal communication with S. Miller (DUDEK) regarding California red-legged frog and tidewater goby (March and April 1999).

### 2.4 Informal Consultation With Public Agency Personnel

The following agency personnel were consulted by DUDEK during preparation of the Biological Assessment to provide background for the California red-legged frog and tidewater goby and identify mitigation strategies that would be acceptable.

Ray Bransfield, USFWS. Personal communication with S. Miller (DUDEK) regarding California red-legged frog and tidewater goby (April 1999).

John Bulger, U.S. Department of the Interior, U.S. Geological Survey, Biological Resources Division. Personal communication with S. Miller (DUDEK) regarding California red-legged frog (April 1999).

Bridget Fahey, USFWS. Personal communication with S. Miller (DUDEK) regarding California red-legged frog and tidewater goby (April 1999).

Tom Murphy, U.S. Department of the Interior, U.S. Geological Survey, Biological Resources Division.  
Personal communication with S. Miller (DUDEK) regarding California red-legged frog (April 1999).

### 3.0 STUDY METHODOLOGY

The primary biological studies for the Dos Pueblos project site were conducted by Interface biologists in 1992, DUDEK biologists in 1998 and SAIC biologists in 1999 and are reported in an Interface biological technical report (1992), a DUDEK Pre-Construction Notification submitted to the ACOE (1998b) and two letter reports by SAIC (1999a and 1999b).

The Interface (1992) botanical and zoological surveys were conducted in July 1992. Surveys by DUDEK biologists were conducted in May 1998. Surveys by SAIC biologists were conducted in January, March and April 1999. All surveys were performed on foot and conducted between the hours of 0600 and 1800, with the exception of four nighttime surveys conducted in accordance with USFWS survey protocol for California red-legged frogs.

#### 3.1 Botanical Resources

For the July 1992 (Interface 1992) surveys, plant communities were delineated in the field onto a 100-scale (1" = 100') topographic base map. Mapping of wetland plant communities during the May 1998 surveys (DUDEK 1998b) was accomplished by delineating polygons onto a 100-scale topographic map. Plant communities and resource Geographic Information System (GIS) coverages were created to display resources on a base map and quantify the impacts of the project using ARCCAD. Most plant identifications were made in the field; however, some plant specimens were collected for later identification in the laboratory.

#### 3.2 Zoological Resources

Wildlife species were identified by direct observation or by sign such as songs, calls, nests, scat, tracks or skeletal remains.

#### 3.3 Sensitive and/or Regulated Resources

##### 3.3.1 California Red-legged Frog Surveys

Focused surveys for California red-legged frog habitat and individuals were conducted in 1999 (SAIC 1999a, 1999b) in accordance with USFWS protocol, with the exception that the surveys were

## Dos Pueblos Golf Links ♦ Biological Assessment

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conducted prior to May 1. Although none were observed in January 1999, subsequent surveys revealed the presence of three California red-legged frogs in Eagle Canyon.

### 3.3.2 Tidewater Goby Survey

A focused survey for tidewater goby habitat and individuals was conducted in January 1999 (SAIC 1999a): While slowly wading in the lagoon located at the mouth of Eagle Canyon, visual searches for tidewater gobies were conducted; no tidewater gobies were observed. Eagle Canyon contains the only potential tidewater goby habitat onsite.

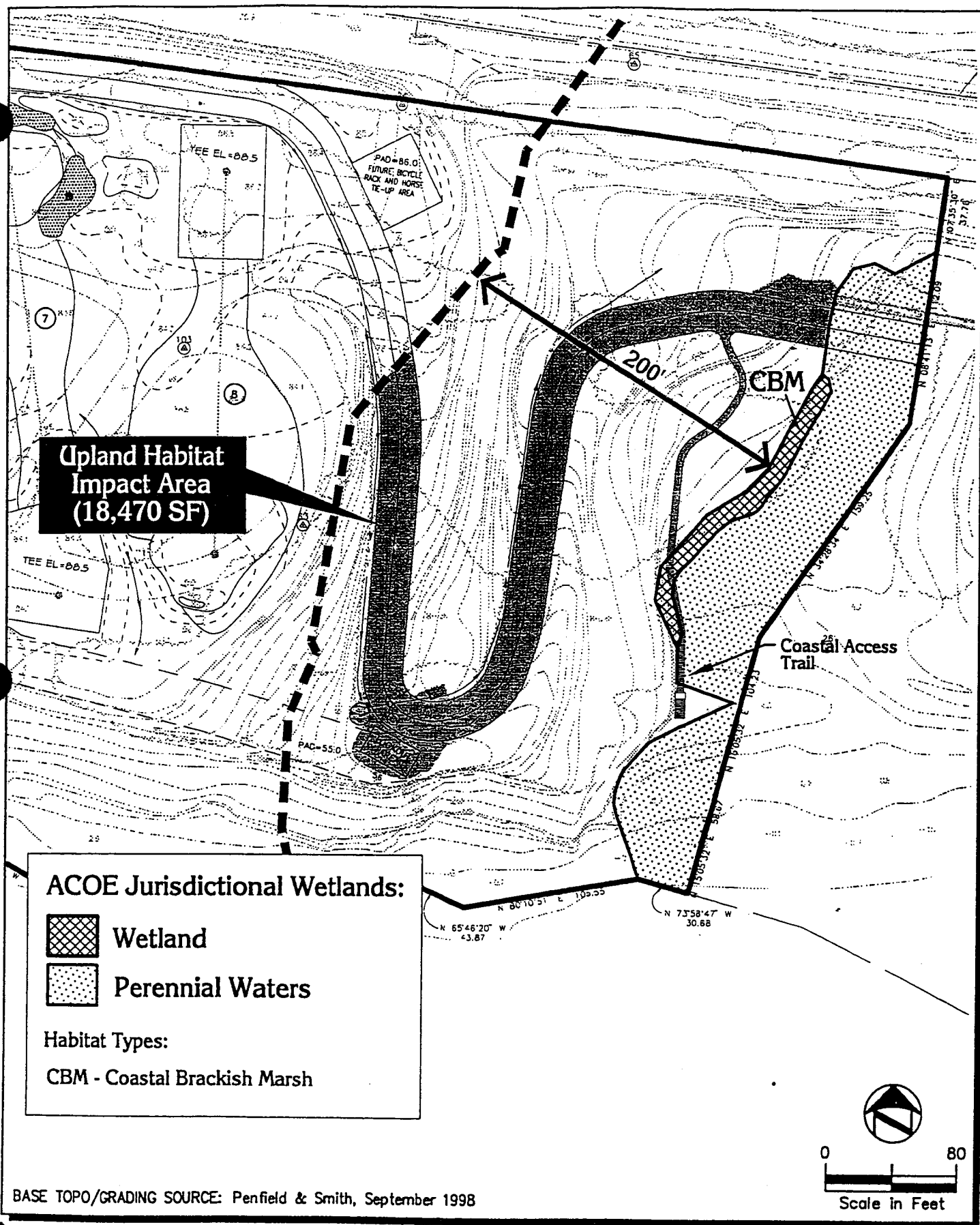
### 3.4 Assessment of Direct, Indirect, and Cumulative Impacts

#### 3.4.1 Direct Impacts

The analyses for direct impacts to listed species and ACOE jurisdictional areas were conducted by DUDEK using ARCCAD. The limits of the proposed project were derived directly from the Dos Pueblos Golf Links Grading and Drainage CAD files designed by Penfield & Smith Engineers and converted to ARC/INFO polygon coverages. This coverage was intersected with ACOE jurisdictional polygon coverages based on the field surveys conducted in 1992 and 1998 using 100-scale topographic base maps.

Direct impacts to ACOE jurisdictional areas (*i.e.*, waters of the United States, including wetlands) were assessed as temporary or permanent impacts. Proposed temporary impacts (totaling 0.01 acre) are associated with temporary construction-road crossings; upon completion of golf course construction, these areas will be restored to pre-construction conditions. Proposed permanent impacts (0.4 acre) are associated with construction of storm drain systems, fairways, sand bunkers, culverted crossings for the golf cart paths and the public access trail, and construction of the boardwalk, eastern terminus of the public access trail, in Eagle Canyon. Included within the 0.4 acre of permanent jurisdictional impacts are 18 square feet of impacts associated with the boardwalk pilings in Eagle Canyon. Potential direct effects to the tidewater goby were considered to be limited to the footprint of the proposed coastal access boardwalk (18 square feet).

For purposes of this analysis, potential direct effects to the California red-legged frog were considered to include all structures within 200 feet (61 meters) of the California red-legged frog breeding habitat in Eagle Canyon (*Figure 3*). Because of the lack of systematic empirical data regarding specific proximity effects for the California red-legged frog, the 200-foot zone was used based on personnel communication with John Bulger (U.S. Department of Interior, U.S. Geologic Survey, Biological Resources Division, 1 April 1999). Unpublished research data by Bulger indicate that adult California red-legged frogs travel, on average, approximately 82 feet (25 meters) from a breeding pond. It is



Dos Pueblos Golf Links - Biological Assessment  
Eagle Canyon

FIGURE  
3

## Dos Pueblos Golf Links ♦ Biological Assessment

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assumed that most effects to the breeding habitat within Eagle Canyon would be diminished to an inconsequential level beyond 200 feet, more than twice the average traveling distance of adult California red-legged frogs.

### 3.4.2 Indirect Impacts

Indirect impacts are typically very difficult to identify and quantify but are presumed to occur. They primarily result from adverse "edge effects:" either short-term indirect impacts related to construction or long-term, chronic indirect impacts associated with the location of development in proximity to biological resources within natural open space. During construction of the project, short-term indirect impacts may include dust and noise which could disrupt habitat and species vitality temporarily and construction-related soil erosion and runoff. However, all project grading will be subject to the typical restrictions and requirements that address erosion and runoff (*i.e.*, Best Management Practices), including the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES), County of Santa Barbara and California Coastal Commission conditions of approval and preparation of a Stormwater Pollution Prevention Plan. Long-term indirect impacts typically may include intrusions by humans, noise, invasion by exotic plant and wildlife species, soil erosion and litter.

For purposes of this analysis, indirect proximity effects were considered to extend 200 feet (61 meters) out from the California red-legged frog breeding habitat in Eagle Canyon (see *Figure 3*). As described above, this 200-foot zone of indirect impact was used based on personnel communication with John Bulger (U.S. Department of Interior, U.S. Geologic Survey, Biological Resources Division, 1 April 1999). Because unpublished research data by Bulger indicate that adult California red-legged frogs travel, on average, approximately 82 feet (25 meters) from a breeding pond, it is assumed that most effects to the breeding habitat within Eagle Canyon would be diminished to an inconsequential level beyond 200 feet, more than twice the average traveling distance of adult California red-legged frogs.

### 3.4.3 Cumulative Impacts

The cumulative analysis examines the impacts of the proposed Dos Pueblos Golf Links project in conjunction with other past projects, current projects and probable future projects that could result in the cumulative loss of biological resources. The FEIR (Fugro-McClelland 1993) considered numerous proposed, approved or approval-pending projects within the vicinity of the proposed project, including the Santa Barbara Resort Club and Spa Hotel (currently under construction) and the pending Naples and Santa Barbara Shores projects. The hotel development is located east of the Dos Pueblos project site, and resulted in the elimination of annual (non-native) grassland, coastal bluff scrub and associated wildlife habitats. Construction of the access road to the hotel site resulted



in temporary impacts to California red-legged frogs and tidewater gobies in Tecolote and Bell Canyons. Other projects in the vicinity would result in impacts to additional grassland, wetland and coastal sage scrub habitats, and would result in substantial increases in the human population with access to sensitive habitats and associated wildlife. An expanded discussion of these and other projects can be found in Fugro-McClelland's FEIR (1993).

### 4.0 ENVIRONMENTAL SETTING

The proposed Dos Pueblos Golf Links project occupies approximately 208 acres and is located between Highway 101 and the Pacific Ocean, approximately one mile west of Winchester Canyon Road, in the County of Santa Barbara (*Figures 1 and 2*). The surrounding area is primarily rural, except for scattered residential development, the Santa Barbara Resort Club and Spa Hotel (currently under construction) and several onshore oil and gas production facilities. The project site itself has a history of disturbance: the property was in oil and gas development and production from 1949 through 1997 and was used for dry farming and as pasture land for cattle prior to and after 1949.

The area is characterized by a marine climate, with an annual rainfall of 17 inches. Elevations in the project area range from 0 feet above mean sea level (AMSL) along the shoreline to approximately 116 feet AMSL on the plateau above the ocean.

The project site contains two major drainages: Tomato Canyon runs north to south in the western portion of the site and Eagle Canyon extends along the eastern property boundary. Tomato Canyon flows intermittently and Eagle Canyon flows perennially (except in severe drought years such as 1984). Seven smaller, unnamed drainages also run north to south onsite.

Slopes onsite are generally less than 10 percent except at the locations of the drainages and along the coastal bluff face where slopes are generally greater than 30 percent. Soils onsite are dominated by Diablo clay, characterized by slow permeability and high shrink-swell potential. Milpitas and Conception soils also occur onsite (Soil Conservation Service 1981).

### 4.1 General Biota

The general biota of the Dos Pueblos Golf Links project site is described in detail in the FEIR (Fugro-McClelland 1993). Additional information regarding wetland vegetation can be found in the Pre-Construction Notification submitted to the ACOE by DUDEK (1998b). A brief overview of the biota of the project site is provided below.

### 4. 1.1 Botany

Past land uses have greatly influenced the distribution and variety of habitats and vegetation onsite. Interface (1992) recorded a total of 133 plant species, of which 78 (59%) are native. Vegetation communities are described in accordance with Holland (1986). The predominant vegetation community is annual (non-native) grassland. The drainages are lined with Venturan coastal sage scrub, and several contain southern willow scrub and/or freshwater marsh as well, depending on the size of the watershed. Eagle Canyon has an overstory of eucalyptus trees both north and south of the railroad; an understory of coastal brackish marsh occurs south of the railroad. A manmade vernal pool is located immediately south of the railroad under and immediately adjacent to a wooden bridge. Several disturbed wetlands, dominated by non-native species, have developed within the bermed tank farms. Small, isolated patches of native grassland are scattered over the property, occurring primarily within expanses of coastal sage scrub and annual (non-native) grassland. Specimen non-native trees, planted as windbreaks as part of the previous onsite development, are also scattered throughout the property.

The annual (non-native) grassland is the most common habitat type, occupying approximately 127 acres. This vegetation community is dominated by wild slender oats (*Avena barbata*), soft chess (*Bromus hordeaceus*), ripgut grass (*Bromus diandrus*), California brome (*Bromus carinatus* var. *carinatus*), Italian ryegrass (*Lolium multiflorum*), rattail fescue (*Vulpia* spp.), mediterranean barley (*Hordeum marinum* spp. *gussoneanum*) and hare barley (*Hordeum leporinum*). Other herbaceous species include verbena (*Verbena lasiostachys*), red-stemmed filaree (*Erodium cicutarium*), black mustard (*Brassica nigra*), California burclover (*Medicago polymorpha*), rose clover (*Trifolium hirtum*) and purple vetch (*Vicia benghalensis*).

The Venturan coastal sage scrub is the second most common vegetation community onsite, occupying approximately 35 acres of coastal bluffs and drainage corridors. This habitat is dominated by coyote brush (*Baccharis pilularis* ssp. *consanguinea*) and California sagebrush (*Artemisia californica*). Other species include coast goldenbush (*Isocoma veneta*), California figwort (*Scrophularia californica*), poison oak (*Toxicodendron diversilobum*), nightshade (*Solanum douglasii*), sawtooth goldenbush (*Hazardia squarrosa*) and giant wild rye (*Elymus condensatus*).

Southern willow scrub habitat comprises approximately 1.3 acres onsite and is dominated by arroyo willow (*Salix lasiolepis*). Other species include wild rose (*Rosa californica*), mulefat (*Baccharis salicifolia*), coyote brush, Mexican elderberry (*Sambucus mexicana*), poison oak, castor bean (*Ricinus communis*), toad rush (*Juncus bufonius*), hyssop loosestrife (*Lythrum hyssopifolium*), meadow barley (*Hordeum brachyantherum*), alternate-leaf flatsedge (*Cyperus alternifolius*) and scarlet pimpernel (*Anagallis arvensis*).

## Dos Pueblos Golf Links ♦ Biological Assessment

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The freshwater marshes occupy approximately 0.22 acre at six locations onsite. Typical species include curly dock (*Rumex crispus*), broad-leaved cattail (*Typha latifolia*), alkali bulrush (*Scirpus robustus*), slender rush (*Juncus tenuis*), toad rush, hyssop loosestrife, Harding grass (*Phalaris aquatica*), annual rabbit's-foot grass (*Polypogon monspeliensis*), creeping spikerush (*Eleocharis macrostachya*) and poison hemlock (*Conium maculatum*). The manmade vernal pool, located immediately south of the railroad under and immediately adjacent to a wooden bridge, is dominated by creeping spikerush.

Five disturbed wetlands, occupying approximately 1.1 acres, have developed within bermed areas previously utilized for oil field production activities. These areas contain Italian ryegrass, curly dock, Bermuda grass (*Cynodon dactylon*), soft chess, English plantain (*Plantago lanceolata*), bull thistle (*Cirsium vulgare*), California burclover, annual rabbit's-foot grass, brass buttons (*Cotula coronopifolia*) and Harding grass. In addition, approximately 1.1 acres of disturbed wetlands occur in Tomato Canyon. The vegetation is dominated by invasive, non-native species: black mustard, castor-bean, annual rabbit's foot and bristly ox-tongue (*Picris echioides*); as well as the native species cocklebur (*Xanthium strumarium*). This wetland appears to have suffered from prolonged disturbance by cattle.

One small area of coastal brackish marsh is located south of the railroad right-of-way, on the western side of Eagle Canyon. Broad-leaved cattail and bulrush (*Scirpus* spp.) dominate the vegetation within the perennial stream channel.

### 4.1.2 Zoology

Thirty-five bird and 17 mammal species were directly observed or their presence was determined indirectly based on signs (e.g., tracks, scat, bones, feathers, etc.). The bird species include a variety of upland birds, such as mourning dove (*Zenaidura macroura*), killdeer (*Charadrius vociferus*), black phoebe (*Sayornis nigricans*), scrub jay (*Aphelocoma coerulescens*), western meadowlark (*Sturnella neglecta*), house finch (*Carpodacus mexicanus*) and song sparrow (*Melospiza melodia*). Raptors include American kestrel (*Falco sparverius*), white-tailed kite (*Elanus caeruleus*) and red-tailed hawk (*Buteo jamaicensis*). Bird species observed in the vicinity of Eagle Canyon and the Pacific Ocean include California brown pelican (*Pelicanus occidentalis californicus*), mallard (*Anas platyrhynchos*), western gull (*Larus occidentalis*), spotted sandpiper (*Actitis macularia*) and great blue heron (*Ardea herodias*). In addition, the California side-blotched lizard (*Uta stansburiana elegans*), western fence lizard (*Sceloporus occidentalis longipes*) and Mor arch butterfly (*Gnathocoryza plexippus*) were observed.

## 4.2 Sensitive Resources

The following resources are discussed in this section: (1) plant and animal species present in the project vicinity that are given special recognition by federal, state, or local conservation agencies and organizations owing to declining, limited, or threatened populations, that are the results, in most

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cases, of habitat reduction; and (2) habitat areas that are unique, are of relatively limited distribution, or are of particular value to wildlife. Sources used for determination of sensitive biological resources are as follows: **wildlife** -- U.S. Fish and Wildlife Service (USFWS 1989, 1991), California Department of Fish and Game (CDFG 1980, 1986), Remsen (1978) and Murphy (1990); **plants** -- USFWS (1990, 1993), CDFG (1987), and Skinner and Pavlik (1994).

### 4.2.1 Sensitive Plant Species

No state- or federally-listed plant species are known to occur onsite; however, two sensitive plant species were observed onsite: southern tarplant (*Hemizonia parryi* ssp. *australis*) and cliff aster (*Malacothrix saxatilis* var. *saxatilis*).

*Hemizonia parryi* ssp. *australis* - southern tarplant

USFWS: None

CDFG: None

CNPS: List 1B, 3-3-2

County Narrow Endemic: No

The southern tarplant has no state or federal status but is a California Native Plant Society (CNPS) List 1B species (Skinner and Pavlik 1994). Onsite, the southern tarplant occurs at several locations. Implementation of the proposed project would result in direct impacts to one southern tarplant population, located at the original site of the ARCO production offices, storage yards and warehouse. Upon completion of the project, this southern tarplant population will be reestablished onsite, as required by the permits (Conditional Use Permit and Coastal Development Permit) approved by the County of Santa Barbara and the Coastal Development Permit approved by the California Coastal Commission. In accordance with the approved Biological Enhancement Landscape Plan (BELP), seeds collected from the populations onsite already have been germinated at a private nursery and a new population will be established within the 100-foot buffer around the man-made vernal pool and preserved in perpetuity.

*Malacothrix saxatilis* - cliff aster

USFWS: None

CDFG: None

CNPS: None

County Narrow Endemic: Yes

The cliff aster has no special status and is not on any CNPS list. It is, however, designated by the County of Santa Barbara as "endemic." Since this species was only observed on the cliff faces above the Pacific Ocean, no impacts to this species would result from implementation of the proposed project.

#### 4.2.2 Sensitive Animal Species

Six sensitive wildlife species were observed in the project area: California brown pelican (*Pelecanus occidentalis californicus*), ringtail (*Bassariscus astutus*), harbor seal (*Phoca vitulina*), Monarch butterfly (*Danaus plexippus*), white-tailed kite (*Elanus caeruleus*) and California red-legged frog (*Rana aurora draytonii*). In addition, one species known to occur in the vicinity of the project site, but not observed onsite, is addressed below: tidewater goby (*Eucyclogobius newberryi*).

*Phoca vitulina*- harbor seal

USFWS: None

CDFG: None

The harbor seal is protected under the Marine Mammal Protection Act of 1976. A harbor seal haulout is located onsite, west of the mouth of Tomate Canyon, towards the western end of the project site. Construction activities shall not occur within 300 feet of the bluff edge above the seal haulout area between February 1 and May 31 (pupping/breeding season). Public access to the beach from the coastal access trail in Eagle Canyon shall also be prohibited from February 1 to May 31 in order to avoid impacts to the harbor seal during pupping season. Fencing at the western terminus of the coastal access trail shall prevent the public from entering the haulout site from the west.

*Pelecanus occidentalis californicus* - California brown pelican

USFWS: Endangered

CDFG: Endangered

The California subspecies of the brown pelican is found in the open ocean and more frequently within a few kilometers of the shore as well as in coastal lagoons. This species has been known to roost and forage along the coastal portion of the project site. A roosting site has been documented at the mouth of Tomate Canyon near the northern portion of the harbor seal haulout area. Since the proposed golf course will be constructed above the coastal portion of the project site, it is not anticipated that implementation of the project would impact the current uses of the site by this species.

*Bassariscus astutus* - ringtail

USFWS: None

CDFG: Fully Protected Mammal

The ringtail is listed as a "fully protected mammal" in Section 4700 of the California Fish and Game Code. Under this status, the ringtail may only be taken for scientific purposes under special permit. Onsite, ringtail tracks were observed in Eagle Canyon (Interface 1991). This species frequents riparian habitats and may be resident within more densely vegetated portions of Eagle Canyon. It

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is not anticipated that construction of the public access footpath within Eagle Canyon would result in significant impacts to the ringtail.

### *Danaus plexippus* - Monarch butterfly

USFWS: None

CDFG: Special Animal

The Monarch butterfly is considered to be a species of special interest by the County of Santa Barbara. Monarch butterflies occur along the California coast between November and February, feeding on the nectar of eucalyptus trees. Onsite, this species is known to aggregate on the eucalyptus trees in the vicinity of the railroad crossing in Eagle Canyon, east of the proposed par-three nine-hole golf course. In order to avoid impacts to this species, installation of the reclaimed water pipeline shall not occur within 50 feet of the Monarch butterfly autumnal roosting trees, located in Eagle Canyon, from October 1 to January 31, as required by the permits issued by the County of Santa Barbara and approved by the California Coastal Commission.

### *Elanus caeruleus* - white-tailed kite

USFWS: None

CDFG: Fully Protected

The white-tailed kite is not federally-listed but is listed by the CDFG as a fully protected species. White-tailed kites were observed onsite during January 1999 (SAIC 1999a). Impacts to this species would be limited to the removal of perching or roosting trees, primarily trees that are diseased or dying. Prior to removal, individual trees shall be evaluated by a qualified wildlife biologist for use by the white-tailed kite. If the trees are being used for nesting by the white-tailed kite, these trees shall not be removed from the project until the nests have been abandoned.

### *Charadrius alexandrinus nivosus* - western snowy plover

USFWS: Threatened

CDFG: Species of Special Concern

This federally-listed species is a migrant winter visitor along the Pacific coastal beaches. The western snowy plover has not been observed onsite during previous biological surveys (Interface 1991 and SAIC 1999a) and breeding locales are restricted primarily to beaches and dunes. Foraging areas include beaches, mudflats and sand dunes. Because the project site does not contain suitable breeding habitat (the water reaches the bluff faces during high tide), it is not anticipated that the Dos Pueblos Golf Links project would affect future use of the project site by this species.

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*Rana aurora draytonii* - California red-legged frog

USFWS: Threatened

CDFG: Species of Special Concern

The California red-legged frog is a federally-listed threatened species. USFWS protocol surveys (SAIC 1999a, 1999b) have resulted in observations of three adults of this species within the mouth of Eagle Canyon, at the eastern property boundary of the proposed project site in March and April 1999 (SAIC 1999b). This species was not observed at any other location onsite. Impacts to this species may occur as a result of construction of the public access trail within Eagle Canyon, and/or as a result of construction and operation of the proposed golf course, including indirect water quality impacts. Potential impacts to the California red-legged frog are discussed below, as are mitigation measures.

*Eucyclogobius newberryi* - tidewater goby

USFWS: Endangered

CDFG: Species of Special Concern

The tidewater goby was not observed onsite. However, this species is known to occur in Tecolote Creek, less than one mile east of the proposed project site, and the mouth of Eagle Canyon does contain suitable habitat. If this species were to colonize the mouth of Eagle Canyon, impacts to this species may occur as a result of construction of the public access trail within Eagle Canyon, and/or as a result of indirect water quality impacts. For this reason, potential impacts to the tidewater goby are discussed below, as are mitigation measures.

## 5.0 RESULTS

This section addresses the federally-listed species that may be directly and indirectly impacted by the proposed Dos Pueblos Golf Links project. Jurisdictional waters of the United States, including wetlands, are also addressed in this section.

### 5.1 Species Accounts

#### 5.1.1 California Red-legged Frog

The California red-legged frog is listed as federally threatened. Historically, this species was heavily commercially exploited for food, to the extent that the species was severely depleted by the beginning of this century. Continued exploitation, establishment of exotic predators (e.g., bullfrogs, crayfish and a variety of fishes), and direct loss of habitat are believed to have contributed to the further decline of the species (Jennings and Hayes 1995).

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The historic range of this species includes Pacific slope drainages in the vicinity of Redding (Shasta County) to Point Reyes (Marin County), south to the Santo Domingo River drainage in Baja California. Currently, the range is believed to extend from Shasta County to the southern border of California; significant numbers of this species are known only to occur between Point Reyes (Marin County) and Santa Barbara (County of Santa Barbara) (Jennings and Hayes 1995).

California red-legged frogs breeding habitat is characterized by the presence of shrubby, dense riparian vegetation and still or slow-moving water,  $\leq 0.7$  meter (2.3 feet) deep. The riparian vegetation that provides the preferred structural layers typically includes arroyo willow, although cattails (*Typha* spp.) And bulrushes (*Scirpus* spp.) Are also considered important. Non-breeding habitat for the California red-legged frog may include ephemeral streams or ponds. Juvenile California red-legged frogs appear to prefer aquatic habitats that are open and shallow with dense submergent vegetation (Jennings and Hayes 1995).

During focused surveys of the proposed project site in March and April 1999 (SAIC 1999b) three adult California red-legged frogs were observed in the mouth of Eagle Canyon, between the railroad and the Pacific Ocean.

### 5.1.2 Tidewater Goby

The tidewater goby was federally listed as endangered as a result of direct loss of habitat. The range of this species includes brackish water habitats along the California coast between the Smith River (Del Norte County) and Agua Hedionda Lagoon (San Diego County). Since 1900, it is estimated that 74% of the populations have disappeared from the coastal lagoons south of Morro Bay (Moyle *et al.* 1989).

The tidewater goby is typically found in shallow lagoons, marshes and lower stream reaches. The water can be brackish to fresh, ranging in salinity from 10 ppt to 40 ppt, and dissolved oxygen is fairly high. Tidewater gobies can withstand temperatures between 8 and 23 degrees Celsius. Water depth ranges from 25 to 100 cm (10 to 39 inches) and the substrate is usually composed of sand and mud with submergent and emergent vegetation (Moyle *et al.* 1989).

Eagle Canyon is the only potential tidewater goby habitat onsite (SAIC 1999a). Visual surveys for tidewater gobies were conducted in Eagle Canyon while slowly wading through the lagoon at the mouth of the creek. No tidewater gobies were observed onsite; however, the tidewater goby is known to occur in Tecolote Canyon, less than one mile east of the proposed project site. Since the potential exists for the tidewater goby to colonize Eagle Canyon in the future, this species could potentially be directly or indirectly affected by construction of the public access trail in Eagle Canyon.



## 5.2 Direct Impacts

Direct impacts to jurisdictional waters of the United States in Eagle Canyon, known breeding habitat of the California red-legged frog and potential habitat of the tidewater goby, would total 18 square feet (see *Figure 3*). Direct impacts to adjacent upland habitat within 200 feet of California red-legged frog breeding habitat in Eagle Canyon would total 18,470 square feet as a result of construction of the required public access trail and installation of the reclaimed water pipeline. Of the 18,470 square feet, approximately 9,000 square feet consists of an existing paved access road. Although the probability of impacts to individual red-legged frogs is very low, one or more could be affected. Since construction impacts would be short-term and few individuals are likely to be affected, impacts to the population would be minimal.

In addition to the California red-legged frog breeding habitat within Eagle Canyon, other jurisdictional waters of the United States, including wetlands, occur throughout the project site and may provide non-breeding habitat for dispersing California red-legged frog juveniles. Direct impacts to potential non-breeding habitat is negligible, however: permanent impacts to 0.176 acre (7,676 square feet) of ephemeral stream channel, 0.032 acre (1,400 square feet) of intermittent stream channel and 0.191 acre (8,326 square feet) of southern willow scrub wetlands; temporary impacts to 0.005 acre (211 square feet) of intermittent stream channel, 0.001 acre (60 square feet) of ephemeral stream channel, 0.002 (75 square feet) of southern willow scrub and 0.002 acre (88 square feet) of freshwater marsh.

As a result of operation and maintenance of the golf course, additional impacts may occur. The proposed project would result in a long-term increase in human presence near California red-legged frog habitat; this would result in a slightly greater potential for impacts to the California red-legged frog through harassment or capture. The project would also result in a long-term increase in chemical use at the project site in uplands potentially traversed by dispersing juveniles. However, fertilizers would be applied to the fairways and roughs through the irrigation system, in accordance with the previously approved Integrated Pest Management program. Diluted in this manner, the fertilizers are not expected to adversely affect California red-legged frogs that come into contact with the water. Fertilizers would be applied directly to the greens, but because the greens are expected to be unattractive to the California red-legged frog due to the shortness of the grass and lack of cover, and because drains from the greens will not daylight, the chance of exposure to chemicals would be minimal. Application of herbicides and pesticides would be controlled by the previously approved Integrated Pest Management program and limited to specific locations as needed, at the minimum application rate necessary and during daylight hours, reducing the possibility of exposure to California red-legged frogs. Mowing the greens, fairways and rough is not expected to affect California red-legged frogs because mowing would occur during the day, under dry conditions and where grass height is not adequate cover for the frogs. Please see Section 6.0 for a detailed description of proposed mitigation measures.

### 5.3 Indirect Impacts

Indirect impacts to upland habitat within 200 feet of Eagle Canyon, breeding habitat for the California red-legged frog, may occur (see *Figure 3*). Although not directly quantifiable, additional indirect impacts to the California red-legged frog and the tidewater goby may occur. In general, two categories of potential indirect effects have been identified:

- 1) Indirect effects due to human intrusion
- 2) Temporary or indirect effects due to construction activity.

Each of these categories is discussed below.

#### 1. Indirect Effects Due to Human Intrusion

As shown on *Figure 3*, the proposed public access trail would pass through Eagle Canyon before terminating on the beach below the mouth of the stream channel. The California red-legged frog, and potentially the tidewater goby, could be affected by introduction of human uses associated with the public access trail such as dispersal of trash and debris from the path, noise and/or wading in Eagle Canyon. This area is currently used for access to the beach, despite the lack of a defined path from the paved access road to the shore line. The proposed trail would likely increase this use, but would limit beach access to the footpath and boardwalk, preventing people from crossing through the lagoon.

#### 2. Temporary/indirect Effects Due to Construction Activity

Construction activities may result in temporary displacement of land cover, possible dispersal of foreign materials and the potential for inadvertent or accidental disruption of natural habitat outside the defined construction zone. Indirect impacts could occur if construction affects or movement between uplands and aquatic habitat. Impacts to the red-legged frog population in Eagle Canyon would be minimal because few if any individuals would be affected. The potential for impacts would be temporary and measures would be implemented to avoid or minimize impacts.

### 5.4 Cumulative Impacts

The following discussion of cumulative impacts largely is from the FEIR (Fugro-McClelland 1993). It provides an overview of related projects in the project vicinity that would contribute to the cumulative regional loss of biological resources.

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- b. An approved biologist shall conduct a training session for all construction personnel prior to any construction activities within the project footprint. At a minimum, the training shall include a discussion on the presence of the California red-legged frog at the Dos Pueblos Golf Links project site, the general provisions of the FESA, the necessity for adhering to the provisions of the FESA, the penalties associated with violating the provisions of the FESA, the specific measures that are being implemented to conserve California red-legged frogs and possibly tidewater gobies as they relate to the project, and the boundaries within which the project may be accomplished.
- c. Upon completion of construction of the coastal access trail, signs will be posted at the beginning of the access trail detailing the presence of California red-legged frogs in Eagle Canyon Creek (and tidewater goby, if positive survey results are determined prior to construction) and listing potential threats to these species. These signs shall also describe the penalties associated with violation of the FESA.
- d. Public access to Eagle Canyon from the coastal access trail shall be prohibited from February 1 to May 31.
- e. The approved biologist(s) shall visit the Eagle Canyon construction site each work day throughout the construction phase to ensure that all practicable measures are being employed to avoid incidental disturbance of wetland and stream habitats, individual California red-legged frogs and tidewater gobies, and California red-legged frog and tidewater goby habitat. The biologist(s) shall coordinate scheduling among State and Federal agencies and the construction contractor regarding compliance with biological mitigation requirements. The biologist(s) shall monitor the construction zone and suitable habitat within the project vicinity and shall be empowered to halt construction if necessary to avoid injury of individual California red-legged frogs or tidewater gobies.
- f. Dogs and other pets shall not be allowed at the Eagle Canyon construction site, and contractors and their employees shall not be allowed to bring pets onto the Dos Pueblos Golf Links project site. This prohibition specifically includes dogs kept either inside or outside of employee vehicles.
- g. Dogs and other pets shall not be allowed onsite, including the public access trail or beach at Eagle Canyon.

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- h. To discourage predators from the construction sites, all food-related trash materials (e.g., leftovers, wrappers and containers) shall be properly disposed of, be removed from the site each day and areas shall be constantly maintained litter-free.
- i. During construction, the applicant shall implement the Best Management Practices (BMPs) required by the Regional Water Quality Control Board (RWQCB) to prevent sediment and other materials from entering the channel bed.
- j. Temporary erosion and sedimentation control features shall be maintained until revegetation is sufficient to prevent erosion of disturbed construction and restoration sites.
- k. Daily inspections during construction shall be conducted to ensure condition and adequacy of erosion and sedimentation control features.
- l. Any water removed from the concrete stair excavation or the water pipeline support bore holes will be discharged such that it does not cause any erosion or flow of turbid water into Eagle Canyon Creek.

In order to reduce the potential for take of California red-legged frogs and tidewater gobies and their habitat, clearly-defined work areas shall be established. This mitigation measure is discussed in detail below:

- a. The number of access routes, number and size of staging areas and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Prior to excavation or construction activities, the boundaries of the project area shall be clearly delineated by flagging or other means to prevent workers or equipment from inadvertently straying from the project area.
- b. All construction personnel, equipment and vehicle movement shall be confined to designated construction areas and connecting roadways. Movement of construction and personal vehicles shall be prohibited outside of designated construction areas and off of established roadways.
- c. All equipment shall be regularly maintained to avoid fluid leaks (e.g., gasoline, diesel fuel, oil, hydraulic fluid, etc.). Equipment working in Eagle Canyon shall be inspected prior to the onset of construction for fuel, lubricant and hydraulic fluid leaks, and shall be checked daily for leaks. Any leaks found shall be repaired immediately.

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- d. Hazardous materials (*i.e.*, fuels, lubricants, etc.) shall be stored in a designated location, surrounded by an earthen berm and lined with plastic, at least 100 feet from aquatic habitats. Refueling of equipment shall occur at least 50 feet from aquatic habitats.
- e. Before work is initiated, a plan shall be prepared for immediate containment and clean-up of any hazardous material spills within or adjacent to the site. The plan shall include a list of containment and cleanup equipment to be kept onsite and training of all construction personnel in their use.
- f. Workers shall wash out concrete trucks onsite only within the designated concrete-washout area, located in the vicinity of the proposed clubhouse. The bermed washout location is such that run-off cannot reach riparian vegetation or enter a stream channel.
- g. Vegetation within the clearly demarcated project boundaries that would be disturbed by subsequent project activity shall be removed by hand prior to clearing and grading of the work site by equipment or other construction activities. Hand-clearing activities are less likely to result in injury and mortality to California red-legged frogs, and the removal of vegetation will encourage any California red-legged frogs present to leave the site prior to major construction activities.
- h. Construction activities within Eagle Canyon Creek shall be scheduled for the late summer to fall (August through September) after the California red-legged frog larvae have metamorphosed into juveniles and dispersed and before onset of winter rains.
- i. From November 1 through May 1, when California red-legged frogs are more likely to move further from water, work shall not be conducted within 200 feet of California red-legged frog breeding habitat in Eagle Canyon.
- j. The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by minimizing disturbance to areas with established native vegetation during project activities, by restoring areas disturbed by the project activities with native species and by post-project monitoring and control of exotic species (see *Biological Enhancement Landscape Plan*).

Take of California red-legged frogs found within the proposed project area shall be minimized through the removal of these animals to suitable adjacent habitat prior to and during the construction and habitat restoration periods. This mitigation measure is discussed in detail below:

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- a. Prior to construction, the approved biologist(s) shall search the area and locate appropriate sites to which California red-legged frogs may be relocated away from construction hazards. Appropriate sites for relocation shall be devoid of non-native predators and shall support adequate vegetation and perennial water. It is anticipated that a suitable relocation site shall be identified in upper Eagle Canyon, Tecolote Canyon or Bell Canyon.
- b. If California red-legged frogs are found in or immediately adjacent to the work area during pre-construction surveys within Eagle Canyon, they shall be moved to the nearest appropriate habitat and released. After construction begins, the work area shall be checked for California red-legged frogs daily prior to the start of the day's work. Any individuals found shall be moved to the nearest appropriate habitat and released.
- c. Only the approved biologist(s) shall be authorized to handle California red-legged frogs for translocation. Prior to handling any California red-legged frog, these individuals shall be trained to handle the species by a qualified herpetologist familiar with ranids. Only under exceptional circumstances and with the approval of the Service shall anyone other than the approved biologist (s) move California red-legged frogs from the path of danger to outside the construction zone. Anyone other than the approved biologist(s) who may have the occasion to relocate California red-legged frogs shall be trained by the approved biologist in the proper handling and reporting procedures.
- d. Exotic amphibious or aquatic species (e.g., bullfrogs, crayfish, snapping turtles, etc.) observed during all surveys shall be removed from the wild.
- e. Any California red-legged frog detected within the construction area or within 200 feet of the area shall be reported immediately to either the approved biologist(s), conservation manager, construction manager or resource monitor. Any individuals detected within the construction area shall be captured and relocated to a predetermined location by an approved biologist. Any individuals observed outside of the construction area, but within 200 feet, shall be monitored closely to ensure they do not enter the construction area.

### 6.2 Remainder of Project Site, During Construction

In order to avoid and minimize the take of California red-legged frogs during construction, worker education programs and well-defined operational procedures shall be implemented. These are discussed in detail below:

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- a. At least fifteen (15) days prior to the beginning of construction, the applicant shall submit to the USFWS the qualifications of the biologist(s) who shall carry out monitoring, relocation and education programs for the project. The USFWS shall approve the biologist(s) and shall approve any personnel who may be hired in the future to conduct activities associated with California red-legged frog mitigation.
- b. An approved biologist shall conduct a training session for all construction personnel prior to any construction activities within the project footprint. At a minimum, the training shall include a discussion on the presence of the California red-legged frog at the Dos Pueblos Golf Links project site, the general provisions of the FESA, the necessity for adhering to the provisions of the FESA, the penalties associated with violating the provisions of the FESA, the specific measures that are being implemented to conserve California red-legged frogs and possibly tidewater gobies as they relate to the project, and the boundaries within which the project may be accomplished.
- c. Upon completion of construction of the coastal access trail, signs shall be posted at the beginning of the access trail detailing the presence of California red-legged frogs in Eagle Canyon Creek and listing potential threats to the species. These signs shall also describe the penalties associated with violation of the FESA.
- d. Dogs and other pets shall not be allowed at the construction site, and contractors and their employees shall not be allowed to bring pets onto the Dos Pueblos Golf Links project site. This prohibition specifically includes dogs kept either inside or outside of employee vehicles.
- e. To discourage predators from the stream crossing construction sites, all food-related trash materials (*e.g.*, leftovers, wrappers and containers) shall be properly disposed of, be removed from the site each day and areas shall be constantly maintained litter-free.
- f. During construction, the applicant shall implement the BMPs required by the RWQCB to prevent sediment and other materials from entering the channel bed.
- g. Temporary erosion and sedimentation control features shall be maintained until revegetation is sufficient to prevent erosion of disturbed construction and restoration sites.
- h. Periodic pre-storm, storm and post-storm monitoring inspections of BMP measures shall be conducted for the duration of the construction phase and until temporary protection features have been removed.

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In order to reduce the potential for take of California red-legged frogs, clearly-defined work areas shall be established. This mitigation measure is discussed in detail below:

- a. Road improvements shall be confined to locations identified in the Pre-Construction Notification, which specifies locations of permanent erosion and sedimentation control features including drainage swales, drop inlets and culverts.
- b. At all stream crossings, the number of access routes, number and size of staging areas and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Prior to excavation or construction activities, the boundaries of the stream crossings shall be clearly delineated by flagging or other means to prevent workers or equipment from inadvertently straying from the project area.
- c. All construction personnel, equipment and vehicle movement shall be confined to designated construction areas and connecting roadways. Movement of construction and personal vehicles shall be prohibited outside of designated construction areas and off of established roadways.
- d. All equipment shall be regularly maintained to avoid fluid leaks. Equipment working in stream beds shall be inspected prior to the onset of construction for fuel, lubricant and hydraulic fluid leaks, and shall be checked daily for leaks. Any leaks found shall be repaired immediately.
- e. Hazardous materials shall be stored in a designated location with plastic lining at least 100 feet from aquatic habitats. Refueling of equipment shall occur at least 50 feet from aquatic habitats. Before work is initiated, a plan shall be prepared for immediate containment and clean-up of any hazardous material spills within or adjacent to the site. Absorbent materials for immediate clean-up shall be stored at the site during construction.
- f. Workers shall not wash out concrete trucks on site or where run-off could reach riparian vegetation or enter any stream channel.

Take of California red-legged frogs found within the proposed project area shall be reduced through the removal of these animals to suitable adjacent habitat prior to and during the construction and habitat restoration periods. This mitigation measure is discussed in detail below:

- a. Prior to construction, the approved biologist(s) shall search within the vicinity of the project site and locate appropriate sites to which California red-legged frogs may be relocated away from construction hazards. Suitable sites for relocation shall be



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devoid of non-native predators and shall support adequate vegetation and perennial water.

- b. Where water and riparian vegetation are absent, the work area and the length of creek 30 feet upstream and downstream of the work area shall be searched once within three days of the onset of construction.
- c. Where water or riparian vegetation is present, the work area and the length of creek 60 feet upstream and downstream of the work area shall be surveyed for California red-legged frogs twice at night and twice in daylight hours within three days of the onset of construction. The second night survey shall be conducted within 24 hours of the onset of construction and the second day survey shall be conducted on the morning construction begins.
- d. If California red-legged frogs are found during pre-construction surveys within areas under the ACOE's jurisdiction, they shall be moved to the nearest appropriate habitat and released. After construction begins, the work area shall be checked for California red-legged frogs daily prior to the start of the day's work. Any individuals found shall be moved to the nearest appropriate habitat and released.
- e. If repeated surveys do not detect any California red-legged frogs moving into the work area during construction for five (5) consecutive days, the surveys shall be conducted a minimum of twice a week prior to the start of the day's work. If a California red-legged frog is detected during these twice-weekly surveys, then daily surveys shall be reinitiated.
- f. When all removal of California red-legged frogs, instruction of workers and habitat disturbance have been completed, the contractor or applicant shall designate a person to monitor onsite compliance. The USFWS-approved biologist shall ensure that this individual receives the training specified under the mitigation measure described above and is competent in the identification of California red-legged frogs. The USFWS-approved biologist and the monitor shall have the authority to halt construction if necessary to avoid harm to California red-legged frogs.
- g. Only the USFWS-approved biologist(s) shall be authorized to handle California red-legged frogs for translocation. Prior to handling any California red-legged frog, these individuals shall be trained to handle the species by a qualified herpetologist familiar with ranids. Only under exceptional circumstances and with the approval of the USFWS shall anyone other than the approved biologist (s) move California red-legged frogs from the path of danger to outside the construction zone. Anyone other than

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the approved biologist(s) who may have the occasion to relocate California red-legged frogs shall be trained by the approved biologist in the proper handling and reporting procedures.

- h. Exotic amphibious or aquatic species (e.g., bullfrogs, crayfish, snapping turtles, etc.) observed during all surveys shall be removed from the wild.
- i. Areas to which California red-legged frogs are relocated shall be monitored to determine the success of the relocation plan.
- j. Any California red-legged frog detected within the construction area or within 200 feet of the area shall be reported immediately to either the approved biologist(s), conservation manager, construction manager or resource monitor. Any individuals detected within the construction area shall be captured and relocated to a predetermined location by an authorized qualified biologist. Any individuals observed outside of the construction area but within 200 feet shall be monitored closely to ensure they do not enter the construction area.

### 6.3 Maintenance and Operation of the Golf Course

Take of California red-legged frogs and tidewater gobies as a result of long-term maintenance and operation of the golf course shall be minimized through the following measures:

- a. Mowing within the golf course roughs shall be limited to dry, sunny days in order to avoid impacts to any California red-legged frogs hiding in the grass. Because grass within the tees, fairways and greens would only be 1/4 inch to 5/8 inch, it is not anticipated that restrictions to mowing these areas would be required.
- b. Prior to the opening of the golf course, a trash and garbage maintenance plan shall be established in order to avoid attracting known predators of the California red-legged frog (e.g., raccoons and opossums),
- c. A bullfrog removal and destruction plan shall be established prior to the opening of the golf course.
- d. A water quality testing program shall be developed and performed in Eagle Canyon on a regular basis to ensure that no adverse water quality impacts result from irrigation and pesticide use within the golf course.

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- e. The pump intake at the proposed water storage lake shall be screened with a wire mesh not larger than five millimeters in order to prevent take of California red-legged frog tadpoles should the lake become breeding habitat for the California red-legged frog.
- f. Because the proposed water storage lake shall experience an average daily drawdown of 2.5 feet, and a maximum drawdown of 11.5 feet, the lake shall be constructed with a concrete liner in order to prevent the growth of vegetation within the lake. This concrete liner will extend down the sides of the water storage lake to a depth of six feet. This should prevent the take of California red-legged frog eggs (through desiccation) in the event that California red-legged frogs use the lake as breeding habitat.
- g. Aquatic weed control within the water storage lake shall follow a non-chemical strategy exclusively. This strategy shall include one or more of the following: a circulation system to increase water movement, an aeration system to increase the oxygen levels and microbial introduction to limit the nutrient levels present, reducing the food supply for algae and aquatic weeds.
- h. To reduce the likelihood of chemical migration into the water storage lake, chemical spraying on turf areas adjacent to the lake is restricted to 10 feet from the lake edge. Only spot spraying shall take place within the 10-foot buffer.
- i. Within the revegetation areas Gro-Power-Plus fertilizer shall be mixed with the seed for germination and Gro-Power fertilizer tablets shall be planted with oak seedlings and trees. No additional applications of fertilizer are anticipated during the maintenance period for the revegetation areas.
- j. Fertilizers approved by the USFWS shall be applied to the golf course via the irrigation system (*i.e.*, the fertilizer shall be diluted prior to application). Fertilizers shall be used moderately according to the individual plant species and location.
- k. Pests shall be controlled with the proper selection of pest-resistant or pest-tolerant plants. During the grow-in period, careful consideration shall be given to the types of turf and plant material selected in order to create an environment ill-suited for common pest proliferation.
- l. Pesticides and rodenticides approved by the USFWS shall be applied to the golf course on an as-needed basis. Rodenticide materials will include zinc phosphide and

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The Santa Barbara Resort Club and Spa Hotel (currently under construction) is located immediately east of the proposed project site. The hotel project resulted in temporary impacts to California red-legged frogs and tidewater gobies in Tecolote and Bell Canyons and conversion of upland habitat to structures and landscaping, and will increase human presence in the area. No other projects are known to be proposed or approved within the immediate vicinity of Tecolote and Bell Canyons, nor within the vicinity of upper Eagle Canyon (County of Santa Barbara 1998). Therefore, cumulative impacts to aquatic habitats appear to be minimal and primarily temporary. Permanent impacts to upland habitats would occur from both projects but the hotel project has a greater potential to interfere with movement of California red-legged frogs over land than does the golf course.

However, mitigation for biological impacts resulting from the Dos Pueblos Golf Links project has been developed during pursuit of a Section 404 permit from the ACOE and a Conditional Use Permit from the County of Santa Barbara and a Coastal Development Permit from the California Coastal Commission. It is anticipated that development impacts of any future adjacent projects also would be reduced through implementation of specific mitigation measures consistent with the policies of the ACOE, California Coastal Commission and the County of Santa Barbara.

### **6.0 MEASURES TO AVOID, MINIMIZE AND MITIGATE IMPACTS**

The mitigation measures described below reflect the results of meetings among the USFWS, ACOE, CPH, SAIC and DUDEK to discuss and agree upon adequate mitigation to avoid and minimize direct, indirect and cumulative impacts of the Dos Pueblos Golf Links project. Implementation of the following mitigation measures would minimize and mitigate the effects of the proposed project. Overall, this project would benefit the California red-legged frog, with implementation of the following mitigation measures. Specific mitigation measures are described in detail below by project area.

#### **6.1 Eagle Canyon, During and After Project Construction**

In order to avoid and minimize the take of California red-legged frogs and tidewater gobies and their habitat during construction, worker education programs and well-defined operational procedures shall be implemented. These are discussed in detail below:

- a. At least fifteen (15) days prior to the beginning of construction, the applicant shall submit to the USFWS the qualifications of the biologist(s) who will carry out monitoring, relocation and education programs for the project. The Service shall approve the biologist(s) and shall approve any personnel who may be hired in the future to conduct activities associated with California red-legged frog mitigation.

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aluminum phosphide. The golf course shall be inspected daily and, if found, rodent carcasses shall be removed immediately.

- m. Herbicide (Round-Up, Rodeo and Karmex) use will be limited to the following conditions: the herbicide will be hand-applied directly to plants, winds do not exceed 5 miles per hour (MPH), no rain is expected for at least six hours and standing water is not present.
- n. In order to minimize water quality impacts associated with golf course irrigation, the irrigation shall be conducted deeply but infrequently. Irrigation shall be conducted late at night or early in the morning in order to achieve better distribution due to higher water pressure and limited wind. Runoff shall be avoided by matching water application rates to soil infiltration rates. Less water shall be used in shaded areas than in open sun.

### 6.4 Jurisdictional Wetlands/Waters of the United States

The following mitigation measures are required by and described in the authorization letter issued by the ACOE for Nationwide Permits 14, 25 and 26, in accordance with Section 404 of the federal Clean Water Act. In order to mitigate for direct permanent impacts to southern willow scrub wetlands under the jurisdiction of the ACOE, southern willow scrub wetlands (0.57 acre) shall be created at a ratio of 3:1 within Tomate Canyon.

Temporary impacts to waters of the United States, including wetlands, will occur at the five temporary construction access road crossings. Mitigation for these impacts shall consist of restoring at a ratio of 1:1, upon completion of the proposed project, the pre-construction habitat and contours.

### LITERATURE CITED

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