

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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 Staff: S. Hudson  
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 Hearing Date: 11/16/00  
 Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-00-205

**APPLICANT:** Santa Barbara County Flood Control District

**AGENT:** Karl Treiberg

**PROJECT LOCATION:** Atascadero Creek, Goleta; Santa Barbara County.

**PROJECT DESCRIPTION:** Implement an annual desilting program for a 1.4 mile long reach of Atascadero Creek. The program will involve dredging/removal of no more than 10,000 cu. yds. of sediment/year and annual maintenance activities. Maintenance activities within the streambed will involve discing in late fall, application of herbicide in spring/summer, and revegetation with non-native grass.

**SUBSTANTIVE FILE DOCUMENTS:** Proposed Final Supplement to the Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and URS Corporation dated September 2000; Revised Final Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and Woodward-Clyde Consultants dated July 1994; and Biological Analysis by Maureen Spencer, County Resources Biologist, dated 10/16/00.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with seven (7) special conditions as outlined on pages 3-6. The purpose of the proposed desiltation program is to maintain the flood water carrying capacity in Atascadero Creek to reduce the likelihood of flood damage to adjacent residential areas. The subject reach of the creek is identified as environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat.

The proposed maintenance activities will result in significant adverse effects to wetland and riparian habitat on site. Feasible alternatives to the proposed maintenance activities may exist. Special Condition Four (4) allows the applicant to proceed with maintenance activities for the 2000/2001 winter storm season with the requirement that an evaluation of feasible alternatives to current maintenance activities be submitted as part of any future permit applications.

Four letters in opposition to the project as proposed and in support of staff recommendation have been received from the Environmental Defense Center, California Trout (CalTrout), Santa Barbara Audubon Society, and the Santa Barbara Urban Creeks Council. The above letters have been included as Exhibits 3a-d.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-00-205 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Revegetation Program

Prior to issuance of a coastal development permit, the applicant shall submit a revegetation program, prepared by a qualified biologist or environmental resource specialist, for review and approval by the Executive Director. The program shall specify that all upland areas on the subject site disturbed as a result of this project shall be planted and maintained for habitat restoration and erosion control purposes as soon as possible after disturbance has occurred. Disturbed areas within the streambed/channel that are not subject to perennial stream flow may also be planted and maintained with native plants species endemic to riparian habitat areas if necessary. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

- (a) All revegetation shall consist of native plant species endemic to riparian habitat and wetland areas. Invasive, non-indigenous plant species, including Barnyard grass (*Echinochloa crus-galli*) which tend to supplant native species shall not be used.
- (b) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

#### 2. Dredging Program

- A. All desilting, dredging, and annual discing activities shall occur only during the period between October 1 through December 15, unless additional time is granted by the Executive Director for good cause. Desilting operations shall be limited to no more than 10 hours/day in the event that streamflow velocity within Maria Ygnacio Creek are between 10 and 30 cfs. In the event that streamflow velocities exceed 30 cfs, then dredging operations shall cease until streamflow velocities decrease to less than 30 cfs.
- B. Prior to any dredging activity, the applicant shall submit a suitability analysis, for the review and approval of the Executive Director, of the sediment within the creek to be removed to determine its suitability for beach disposal/nourishment. All dredged material shall be transported for disposal to Goleta Beach for beach nourishment purposes unless determined to be unsuitable for such use. The analysis shall include confirmation by the U.S. Army Corps of Engineers that the material to be excavated meets the minimum criteria necessary for placement on the sandy beach or within the surf zone.
- C. In the event that any dredged material is not suitable for disposal within the surf zone at Goleta Beach, the material may be temporarily stockpiled on site in order to

allow for adequate dewatering of the material. Stockpiled materials shall be located as far from the stream or wetland areas on site as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of the stream bank. Temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Permanent stockpiling of material on site shall not be allowed. The applicant shall provide evidence to the Executive Director of the location of the permanent disposal site for all excavated material prior to removal of the material from the project site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

### 3. Project Monitoring and Responsibilities

Prior to issuance of the coastal development permit, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. All dredging and sediment disposal, activities shall be carried out consistent with the following:

- (a) The environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any desilting, discing, dredging, or beach disposal activities to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided.
- (b) Herbicides shall not be used within any portion of the stream channel as measured from toe of bank to toe of bank. Herbicide use in upland areas outside of the stream channel shall be restricted to the use of Glyphosate *Rodeo*™ herbicide for the elimination of non-native and invasive vegetation for purposes of habitat restoration only. The environmental resource specialist shall conduct a survey of the project site each day prior to commencement of vegetation removal and eradication activity involving the use of herbicide to determine whether any native vegetation is present. Native vegetation shall be clearly delineated on the project site with fencing or survey flags and protected. In the event that non-native or invasive vegetation to be removed or eradicated is located in close proximity to native riparian vegetation or surface water, the applicant shall either: (a) remove non-native or invasive vegetation by hand (*Arundo donax* shall be cut to a height of 6 inches or less, and the stumps painted with Glyphosate *Rodeo*™ herbicide), or (b)

utilize a plastic sheet/barrier to shield native vegetation or surface water from any potential overspray that may occur during use of herbicide. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

- (c) In the event that sediment disposal/beach nourishment activities occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site beach each night from one hour before the beginning of each predicted grunion run until one hour after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no disposal activities shall be allowed until after the next predicted grunion run in which no adult grunion have been observed on the project site and it has been determined by the environmental resource specialist that all previously deposited grunion eggs have successfully incubated (allowing juvenile grunion to return to the ocean) or that the previously deposited eggs are no longer viable, or unless otherwise approved by the Executive Director. The environmental resource specialist shall immediately notify the Executive Director after each monitored run whether grunion were found to be present.

The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to riparian and/or wetland environment or to sensitive wildlife species on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program shall be processed as an amendment to this coastal development permit.

#### **4. Limited Duration and Evaluation of Long-Term Solutions and Alternatives**

This permit is valid only for desilting operations and maintenance activities during the 2000/2001 winter storm season. Desilting operations and maintenance activities after September 1, 2001 will require the issuance of a separate coastal development permit. If the applicant proposes to continue desilting and maintenance activities after September 1, 2001, then the applicant shall submit as part of any application to the Commission for such development a detailed evaluation of the feasibility of all long-term solutions and potential alternatives to the proposed project that would reduce adverse effects to riparian and wetland habitat. Alternatives to the proposed project that shall be analyzed shall include, but not be limited to, elimination of the use of herbicide within the Atascadero Creek channel, revegetation with low-growing or low-mass native plant species suitable to riparian and wetland habitat; alternatives to discing – such as hand or mechanical removal of vegetation within stream course or mowing vegetation, etc. In

addition, the evaluation shall also include an analysis of the feasibility of removing or modifying all existing grade stabilizer "check" structures within Atascadero Creek to better facilitate fish passage.

#### **5. Archaeological Resources and Monitoring**

By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all desilting/dredging activities which occur within or adjacent to the archaeological sites in the project area. Specifically, the desilting/dredging operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and the native American consultant consistent with CEQA guidelines.

#### **6. Required Approvals**

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including the California Department of Fish and Game, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers).

#### **7. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The proposed project is for the implementation of an annual desilting program for a 1.4 mile long reach of Atascadero Creek. The program will involve dredging/removal of no more than 10,000 cu. yds. of sediment/year and annual maintenance activities. Maintenance activities within the streambed will involve discing in late fall, application of herbicide in spring/summer, and revegetation with non-native grass.

##### **Desilting/Dredging**

The proposed desilting/dredging activities are implemented on an as-necessary basis. The applicant has indicated that excavation/dredging is not currently necessary and that, therefore, no desilting/dredging activities are proposed for the 2000/2001 winter storm season. The subject portion of Atascadero Creek has not been dredged since 1994. However, dredging of the subject reach of Atascadero Creek may be necessary at an undetermined future point in time in the event that the channel becomes overly sedimented. Future dredging activities are expected to result in the removal of no more than 10,000 cu. yds. of material within the project reach per year. Desilting/dredging activities involve the use of a crane rigged with a dragline (bucket scoop) that is operated from the adjacent stream bank. All dredged material will be stockpiled in designated areas adjacent to the creek where it is allowed to dewater. Stockpiles will be set back a minimum of 30 ft. from the top edge of the stream bank.

The proposed project also includes transporting all excavated material to nearby Goleta Beach Park for beach/surfzone disposal if the material is suitable for beach nourishment. In the event that the excavated material is determined to be unsuitable for beach nourishment, then the applicant proposes to make the excavated material available to members of the public and the material would be retained on site until hauled away by private parties.

##### **Annual Maintenance Activities**

The proposed project also includes annual maintenance activities involving: (1) discing of the channel in late fall, (2) herbicide application in the channel in spring/summer, and (3) revegetation of the channel with non-native grasses in spring/summer. Discing of the streambed is carried out using a bulldozer with a blade or ripper attachment to uproot vegetation and loosen the top layers of soil. Approximately 50 cu. yds. of sediment within the channel is upturned and loosened by discing to facilitate downstream flushing of sediment during the rainy season. Discing is proposed in order to remove all emerging vegetation in the channel prior to the rainy season (typically late

October or November) when stream flow is minimal and the majority of the channel bottom is dry.

The proposed annual maintenance activities will also include the application of Glyphosate *Rodeo*™ herbicide to all existing vegetation (both native and non-native) within the stream channel during spring/summer months. The herbicide is applied by a field crew working in the channel bed using a long hose attached to a spray truck driven on a maintenance road or bicycle path on top of the adjacent creek bank. Herbicide would be applied to both non-native and native wetland vegetation. The purpose of the herbicide application is to prevent plant growth within the channel in order to minimize the effort required to later remove vegetation by discing in fall prior to the rainy season.

In addition, after application of the herbicide, the entire subject reach of Atascadero Creek is then proposed to be seeded with non-native, exotic Barnyard grass (*Echinochloa crus-galli*). Similar to the application of herbicide, the purpose of the proposed seeding is to inhibit revegetation of the channel by native emergent or woody wetland species during the spring and summer in order to reduce the amount of work necessary to remove vegetation by discing the following fall. The applicant has indicated that the proposed non-native Barnyard grass is a prolific seed producing plant which has a secondary beneficial effect of providing an alternative food source for migrant birds.

### **Project Location and Background**

The project site is a 1.4 mile long segment of Atascadero Creek beginning approximately 4,400 ft. upstream from the mouth of Goleta Slough at a point immediately south of the terminus of Ward Drive and extending upstream to a point immediately south of the terminus of Via Miguel Avenue (Exhibit 2). Public access is available along the entire length of the project site via an existing bicycle/pedestrian path located adjacent to Atascadero Creek.

The channel for Atascadero Creek is approximately 40-75 ft. in width as measured from toe of bank to toe of bank. The proposed project includes periodic desilting/dredging by dragline method and maintenance of an approximately 35-40 ft. wide portion of the total channel. The remaining unmaintained portion of the channel (which is at a higher elevation than the maintained portion of the channel and is, therefore, only subject to streamflow during high-flow events) will remain as undisturbed area. Atascadero Creek is designated as an environmentally significant habitat area by the Santa Barbara County Local Coastal Program. In addition, the entire creek channel on site is also identified as wetlands. A public bicycle/pedestrian trail is located adjacent to and north of the top bank of the creek. Two identified archaeological sites (SBA-45 and SBA-1588) are located within the project reach adjacent to areas where desiltation and maintenance activities will occur.



The project site has been subject to past Commission ~~action~~. Coastal Development Permit (CDP) 4-94-061 was previously approved by the Commission for the initial removal of 30,000 cu. yds. of sediment and vegetation from the subject portion of Atascadero Creek. A 35-40 ft. wide channel was deepened within Atascadero Creek. The permit also provided for annual maintenance activities including discing the streambed and channel in late fall to remove vegetation and the use of herbicide within stream channel in spring and summer. As mitigation for the adverse effects to the wetland and riparian habitat on site, the project previously approved pursuant to CDP 4-94-061 included the acquisition and enhancement of 26 acres of existing riparian habitat and wetland areas located adjacent to a portion of the subject site. CDP 4-94-061 was approved pursuant to five special conditions regarding acquisition of approximately 26 acres of adjacent existing wetland habitat areas to be enhanced, dredging monitoring reports, other required approvals, timing of dredging activities. Special Condition Two of CDP 4-94-061 also specifically stated that the Commission's approval of the proposed project was for a limited duration of five years from the date of Commission action and would expire on November 16, 1999.

In addition, during the course of processing this application, staff has discovered that development on the subject site has occurred without the required coastal development permit including application of herbicide and planting of non-native and invasive grasses within riparian habitat and wetland areas on site. A desiltation program for the project area, similar to the proposed project, was previously approved by the Commission on March 17, 1994, pursuant to Coastal Development Permit (CDP) 4-94-061. CDP 4-94-061 allowed for application of herbicide and planting of annual grasses on site for a period not to exceed 5 years in duration. However, CDP 4-94-061 expired on November 16, 1999. Since November 16, 1999, however, the applicant has continued application of herbicide and planting of non-native, exotic grasses without the required coastal development permit.

In addition, the applicant has indicated that they believe some ambiguity exists regarding the extent of the proposed project subject to the Commission's retained coastal permit issuance jurisdiction. Specifically, the applicant has asserted that only approximately 0.9 miles of the 1.4 mile long proposed project area is located within the Commission's retained permit jurisdiction area (the portion of the creek between Ward Drive and Sanford Court) and that the remaining 0.5 miles of the project (from Sanford Court to Via Miguel Avenue) is located within the County of Santa Barbara's coastal permit issuance jurisdiction. The applicant believes the discrepancy exists because the actual physical location of the stream (between Sanford Court and Via Miguel) is slightly north of its mapped location (as mapped by the certified Permit and Appeal Jurisdiction Map for the Santa Barbara County Local Coastal Program) and therefore, slightly north of the Commission's mapped retained permit jurisdiction area which follows the mapped stream course.

Staff is in disagreement with the applicant's assertion regarding permit jurisdiction area. The certified Permit and Appeal Jurisdiction Map for the Santa Barbara County Local

Coastal Program clearly delineates all portions of Atascadero Creek located between Goleta Slough and Via Miguel Avenue as within the Commission's retained jurisdiction area. If an ambiguity exists due to a potential mapping error of the creek's physical location, then the County would be required to amend the Local Coastal Program to clarify such discrepancy. However, in the case of the proposed project, although this application was only recently submitted on September 13, 2000, the applicant has asserted that if maintenance activities within the creek (including discing) are not completed prior to the impending rainy season, the channel will be subject to increased siltation during the impending rainy season and existing private residential development within the surrounding areas may be subject to an increase in the potential hazard from flooding during the winter storm season.

As such, the Commission notes that resolution of the noted ambiguity regarding jurisdiction would preclude the applicant's ability to proceed with development prior to the 2000/2001 winter storm season. However, the Commission also notes that Special Condition Four (4), which has also been required in order to ensure that alternatives to the proposed project are adequately evaluated, limits the duration of all activities approved pursuant to this application to the 2000/2001 winter storm season. The Commission also notes that Special Condition Four (4) will allow the applicant to proceed with any necessary maintenance activities prior the upcoming storm season as well as allow for adequate time to resolve any ambiguities regarding permit jurisdiction prior to the submittal of a coastal permit application to continue the proposed flood control program after this storm season.

## **B. Environmentally Sensitive Habitat and Marine Resources**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states that:

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

Section 30236 of the Coastal Act states:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30240 of the Coastal Acts states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Section 30236 allows for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

The proposed project is for the implementation of an annual desilting program for a 1.4 mile long reach of Atascadero Creek. The program will involve dredging/removal of no more than 10,000 cu. yds. of sediment/year. Sediment removal will occur on an as-needed basis. The subject reach of Atascadero Creek has been dredged since 1994. The applicant has indicated that no dredging is proposed, or required, for the 2000/2001 winter season either. However, the proposed project also includes several additional components which are implemented as part of an annual maintenance program including discing of the streambed in late fall, application of herbicide to the streambed in spring/summer, and revegetation of the streambed with non-native exotic Barnyard grass after herbicide application.

The proposed desilting and maintenance activities will be located within Atascadero Creek, a perennial waterway. The subject reach of the creek is identified as an environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat. The segment of Atascadero Creek subject to this application begins approximately 2,000 ft. upstream from the Goleta Slough (one of the 19 major wetland habitats specifically identified in Chapter 3

of the Coastal Act) and extends approximately 1.4 miles further upstream. Two existing grouted rock rip rap and concrete "check" structures or grade stabilizers are located within Atascadero Creek south of Ward Drive (near the western terminus of the project reach) and at the base of the Patterson Avenue Bridge. These structures extend across the entire width of the active stream channel (ranging in height from 6 inches to 6 feet) and present significant obstacles (although not impassable barriers during high-flow events) to fish movement up and downstream. The County has indicated that the date of construction of the structures is unknown but that they have existed on site prior to the passage of the Coastal Act.

In addition, the subject site also provides habitat for Steelhead trout. Southern steelhead occur in coastal streams and creeks in Central, Northern California, and Oregon. The populations that occur between Los Angeles County and northern Santa Barbara County constitute the South-Central Evolutionary Significant Unit (ESU) which has been designated an endangered species by the National Marine Fisheries Service. Southern steelhead are anadromous (migrating from freshwater to the ocean as juveniles and returning to freshwater as an adult to spawn). Spawning occurs from December through June when higher winter stream flows occur. The Final Supplement to Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and URS Corporation dated September 2000, indicates that although no evidence of migration and spawning of steelhead has been observed in Atascadero Creek, individual steelhead have been observed in Maria Ygnacio Creek (an upstream tributary). As such, the Supplemental EIR determined that steelhead may potentially be present within the subject reach of Atascadero Creek as the steelhead migrate upstream in search of spawning habitat.

In addition, the subject reach of Atascadero Creek has been identified as providing habitat for several other species of special concern. The Revised Final Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and Woodward-Clyde Consultants dated July 1994, indicates that the project site is dominated by emergent wetland habitat and that a large number of and variety of wildlife species occur within the subject area including:

- *Various riparian migrant birds that are of limited distribution, including the tree swallow and blue grossbeak, state listed rare species (and possibly the southwestern willow flycatcher, a state listed endangered species).*
- *Rare breeding birds such as yellow warbler, a CDFG "Species of Special Concern."*
- *Breeding habitat for the rare white-tailed kite at the nearby More Mesa grasslands (currently a wintering population).*
- *Habitat for resident populations of the southwestern pond turtle, a CDFG "Species of Special Concern" and federal candidate species.*

The proposed project, including the proposed annual maintenance activities, will result in several adverse effects to the above species due to significant disturbance to existing riparian habitat and wetland areas on site. The proposed discing of the streambed, which will occur each fall, consists of the operation of a bulldozer with a blade or ripper attachment which uproots all vegetation (native and non-native) within the stream channel and upturns and loosens the top 18-24 inches of soil. Approximately 50 cu. yds. of sediment within the channel is upturned and loosened by discing to facilitate downstream flushing of sediment during the rainy season. In addition, the proposed use of herbicide to eliminate native riparian and wetland vegetation also results in the loss of such vegetation and potential adverse effects to water quality on site and to downstream Goleta Slough. Further, the subsequent seeding of the streambed with non-native, exotic Barnyard grass results in adverse effects to wetland habitat on site by inhibiting the growth of native riparian and wetland species as well as by promoting the spread of invasive plant species in a sensitive habitat area and the surrounding community.

As mentioned above, the proposed annual maintenance activities include the application of Glyphosate herbicide (*Rodeo*™) to existing vegetation within the dry portions of Atascadero Creek streambed each spring. The herbicide is applied by a field crew working in the channel bed using a long hose attached to a spray truck driven on a maintenance road or bicycle path on top of the adjacent creek bank. Herbicide would be applied to both non-native and native wetland vegetation. The purpose of the herbicide application is to prevent plant growth within the channel in order to minimize the effort required to later remove vegetation by discing in fall prior to the rainy season. The Commission notes that Glyphosate herbicide (*Rodeo*™) is currently registered by the United States Environmental Protection Agency (EPA) as a non-selective herbicide of relatively low toxicity suitable for use in wetland and riparian areas. The Glyphosate Environmental Assessment Report by the EPA dated September 1993 states:

*Glyphosate is of relatively low oral and dermal acute toxicity. It has been placed in Toxicity Category III for these effects (Toxicity Category I indicates the highest degree of acute toxicity, and Category IV the lowest)...Based on current data, EPA, has determined that the effects of glyphosate on birds, mammals, fish, and invertebrates are minimal....Glyphosate adsorbs strongly to soil and is not expected to move vertically below the six inch soil layer...Glyphosate is readily degraded by soil microbes...However, glyphosate does have the potential to contaminate surface waters due to its aquatic use patterns...If glyphosate reached surface water, it would not be broken down readily by water or sunlight.*

In addition, the Final Supplement to Environmental Impact Report (94-EIR-1) by URS Corporation dated September 2000 indicates that the "slightly toxic" threshold for Glyphosate herbicide (*Rodeo*™) requires concentrations in water between 10 and 100 mg/L for rainbow trout and oyster larvae. Acute toxicity in trout was only observed with 96-hour dosages of over 1,000 mg/L. The Supplemental EIR also indicates that there is only a very low potential for the compound to build up in the tissues of aquatic invertebrates or other aquatic organisms. The half-life of Glyphosate herbicide

(Rodeo™) in water varies from 35 to 65 days. The Santa Barbara County Flood Control District has sampled water in the creek within the subject reach of Atascadero Creek to determine the concentration of Glyphosate herbicide (Rodeo™) after spraying had occurred. Results are shown below in Table 1:

**Table 1**  
**Concentrations of Herbicide in Atascadero Creek after Spraying (mg/L)**

Location	August 14, 1995	March 27, 1996
Confluence with Hospital Creek	38	0.42
Near Via Miguel St.	1.9	30
Upstream of Patterson Ave.	14	No Data
Downstream of Patterson Ave.	23	No Data

*From the Final Supplement to Environmental Impact Report (94-EIR-1) by URS Corporation dated September 2000*

The Final Supplement to Environmental Impact Report (94-EIR-1) by URS Corporation dated September 2000 asserts that the above data indicates that the proposed use of herbicide will have no significant adverse effects to fish and wildlife within Atascadero Creek because the results indicate levels of herbicide within the creek at "slightly toxic" levels or lower only. The Supplemental EIR states:

*These data indicate that maximum concentrations of Rodeo™ in the surface waters of the creek are below the EPA thresholds for aquatic invertebrates and fish under prolonged exposure (i.e., 48 hours or more), and significant below acute toxicity thresholds. Rodeo™ concentrations at greater distances from the application site would be much lower because of dilution, and because the herbicide will adsorb onto sediment particles in the creek bottom and suspended in the water*

In previous permit actions, the Commission has allowed for the use of Glyphosate herbicide (Rodeo™) within sensitive wetland and riparian when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes Glyphosate herbicide (Rodeo™), although determined by the EPA to be low in toxicity, is still toxic and will still result in some adverse effects to wildlife when used in sensitive habitat areas such as the subject site. In addition, the Commission further notes that the above information regarding herbicide contaminant levels of Atascadero Creek indicate that although contamination levels may be considered relatively low, contamination of the stream waters on site has still occurred from the project in past years.

Further, the Commission also notes that in the case of the proposed project, Glyphosate herbicide (Rodeo™) is only proposed for use during spring and early summer (after June 1) when stream flow is minimal. The applicant has indicated that the herbicide is only applied to patches of vegetation (primarily emergent willows and cattails) located within dry portions of the creek channel where no flow activity is present. The purpose of the herbicide spraying is to decrease the amount of vegetation

present in the channel that will need to be removed the following fall during the annual disking activity. However, the Commission notes that since all vegetation within the channel on the subject site is proposed to be removed by mechanical means each fall prior to the rainy season, the application of herbicide in spring and summer appears to result in a redundant impact to riparian and wetland habitat on site that is not necessary for the provision of flood protection during the winter rainy season.

In addition, the proposed maintenance activities also includes revegetation of the stream channel in spring (after spraying with herbicide has been completed) with non-native, exotic Barnyard grass seed. The grass is subsequently disced the following fall. Barnyard grass (*Echinochloa crus-galli*), also known as cockspur grass or barnyard millet, is a non-native and invasive plant species which originated from Europe and Asia. *Echinochloa crus-galli* is a densely growing grass which grows to 3 ft. or more in height. Seed from this species can remain viable up to 15 years. The success of this non-native exotic grass in colonizing new areas is attributed to its ability for prolific seed production, rapid growth, and its relatively high resistance to herbicides.

The applicant has indicated that the proposed revegetation of the stream channel with Barnyard grass is necessary in order to inhibit the growth of native woody riparian and wetland vegetation within the channel in order to facilitate easier clearance of the creek channel the following fall when disking occurs. In addition, the applicant has also indicated that the exotic grass, which is noted for prolific seed production, provides a ready source of food for migrant birds. The Commission notes that regardless of whether non-native grass is planted within the channel in spring or not, all vegetation within the subject reach of Atascadero Creek will be subsequently removed by disking activities the following fall prior to the rainy season.

The Commission notes that some level of flood control maintenance is necessary within the subject reach of Atascadero Creek. In addition, the Commission notes that alteration of streambeds, as proposed by this project, is consistent with Section 30236 of the Coastal Act when required for flood control projects and when necessary to protect public safety or existing development. However, the Commission further notes that Section 30236 also requires that such projects shall incorporate the best mitigation measures feasible. In addition, Section 30240 of the Coastal Act requires that all development within environmentally sensitive habitat areas must be carried out in a manner designed to minimize or prevent potential adverse effects to those resources. As such, the Commission notes that flood control activities on the subject site should be carried out in the least environmentally damaging manner. In this case, alternatives may exist to the proposed annual maintenance activities which would reduce adverse effects to wetland and riparian habitat on site, such as mechanical or hand removal of vegetation (or mowing and cutting of vegetation) within the stream channel prior to the rainy season without disking, eliminating the use of herbicide in the stream channel, and revegetating with low-growing or low-mass native plant species suitable for riparian and wetland habitat areas instead of with non-native, exotic grass species.



However, the applicant has not submitted an adequate analysis of alternatives to the proposed project. A brief analysis, prepared by the applicant, regarding some of the above alternatives to the proposed project has been included as Exhibit 4. However, the materials submitted by the applicant regarding potential alternatives to the proposed project do not fully address the above identified alternatives and are not adequate to determine their feasibility. In addition, although this application was only recently submitted on September 13, 2000, the applicant has asserted that if the proposed project (including discing of the channel prior to the rainy season) is not carried out in a timely manner, the channel will be subject to increased siltation during the impending rainy season and existing private residential development within the surrounding areas may be subject to an increase in the potential hazard from flooding during the winter storm season. The Commission notes that preparation of an adequate analysis of feasible alternatives to the proposed project would preclude the applicant's ability to perform the proposed flood maintenance activities prior to the 2000/2001 storm season. Therefore, in order to allow the County to proceed with necessary desiltation operations and maintenance activities of the creek channel (including all proposed discing) in a timely manner prior to commencement of the 2000/2001 winter storm season, Special Condition Four (4) limits the duration of the effectiveness of this permit to the 2000/2001 winter storm season. The Commission notes that this condition will allow the applicant to complete any necessary flood control desiltation and maintenance activities prior to the 2000/2001 winter storm season, as well as allow the applicant adequate time to prepare an adequate alternatives analysis for any subsequent applications for continuation of the proposed desiltation program after September 1, 2001.

Any future desiltation and maintenance activities within the subject reach of Atascadero Creek after September 1, 2001, will require the issuance of a new coastal development permit. As such, the Commission notes that the above identified alternatives to the proposed maintenance activities, may be feasible at a future point in time on the project site. Therefore, Special Condition Four (4) has been required to ensure that in the event that in the event that the applicant proposes to continue desiltation and maintenance activities after September 1, 2001, then the applicant shall submit as part of any application to the Commission for such development a detailed evaluation of the feasibility of all long-term solutions and potential alternatives to the proposed project that would reduce adverse effects to riparian and wetland habitat. Alternatives to the proposed project that shall be analyzed shall include, but not be limited to, elimination of the use of herbicide within the Atascadero Creek channel, revegetation with low-growing or low-mass native plant species suitable to riparian and wetland habitat; alternatives to discing – such as hand or mechanical removal of vegetation within stream course or mowing vegetation, etc. In addition, in order to further mitigate adverse effects to fish populations within Atascadero Creek from the proposed project, the evaluation of alternatives required by Special Condition Four (4) shall also include an analysis of the feasibility of removing or modifying all existing grade stabilizer "check" structures within Atascadero Creek to better facilitate fish passage.



In addition, the Commission notes that the proposed project may result in potential adverse effect to migrating steelhead (an endangered species). The Supplemental EIR states that the potential occurrence of steelhead within the project reach is expected to be rare, and would generally consist of migrating fish. Adults typically migrate upstream during the period December through March, while juveniles typically travel downstream between February through May. The proposed dredging or discing activity within the subject reach of Atascadero Creek during identified seasonal migratory periods may result in potential adverse effects to steelhead. The Final Supplement to Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and URS Corporation dated September 2000 states:

*The current maintenance program includes only two physical disturbances to the creek bed that could directly affect any fish or aquatic organisms in the creek: annual discing and periodic channel desilting. Both activities occur in October or November when the channel is mostly devoid of water, and steelhead are not migrating. Hence, there would be no direct effect on steelhead from these activities.*

As noted above, the proposed project may result in adverse effects to steelhead (a federally listed endangered species) if the proposed desilting activities or maintenance activities occur while steelhead are migrating. Therefore, Special Condition Two (2) requires that all desilting/dredging and annual discing activities shall occur only during the period between October 1 through December 15, unless additional time is granted by the Executive Director for good cause.

The Commission notes that the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and desilting activity. Therefore, to ensure that all recommendations of the environmental consultant are properly implemented, and to ensure that any potential adverse effects to sensitive riparian habitat, wetlands, and beach environment are minimized, Special Condition Three (3) requires that a qualified environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any excavation/dredging, beach disposal, or maintenance activity (including discing) to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as southwestern pond turtles, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. The monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to the beach, slough, or marine environment on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental,

restoration program shall be processed as an amendment to this coastal development permit.

In addition, the proposed project may include potential deposition of excavated materials on the sandy beach or within the surfzone at Goleta Beach. The sandy beach on the subject site has been identified as a potential grunion spawning location. Sediment disposal/beach nourishment activities are expected to occur outside the seasonally predicted run period and egg incubation period of the California grunion in order to avoid adverse effects to grunion spawning activities. However, in order to ensure that any potential adverse effects to grunion are minimized, Special Condition Three (3) also requires that in the event that sediment disposal/beach nourishment activities occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site each night from one hour before the beginning of each predicted grunion run until one hour after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no disposal activities shall be allowed unless otherwise approved by the Executive Director. The environmental resource specialist will immediately notify the Executive Director after each monitored run whether grunion were found to be present.

The proposed project will involve work within a stream. Any changes or alterations within a streambed require a streambed alteration agreement from the California Department of Fish and Game. In addition, the proposed development, will also require approval from the United States Army Corps of Engineers and from the California State Lands Commission. Therefore, Special Condition Seven (7) requires the applicant to agree to obtain all necessary approvals from the California Department of Fish and Game and the U.S. Army Corps of Engineers for the proposed project.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

### **C. Hazards and Shoreline Processes**

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 of the Coastal Act ~~mandates that new development~~ shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed desiltation program is to maintain the flood water carrying capacity in Atascadero Creek to reduce the likelihood of flood damage to adjacent residential areas. In general, Atascadero Creek is an area of sediment deposition primarily because the gradient of the creek is substantially reduced in the project reach, which in turn, decreases the velocity of water and allows sediments to drop out. The annual removal of vegetation in the channel by discing removes channel obstructions and ensures that creek velocities are maintained.

The proposed project also includes dredging up to 10,000 cu. yds. of sediment from the subject reach of Atascadero Creek and transportation of all excavated material to nearby Goleta Beach Park for beach/surfzone disposal if the material is suitable for beach nourishment. However, no information regarding the suitability of sediment to be removed to be used for beach nourishment has been submitted as part of this application. Therefore, Special Condition Two (2) requires that prior to any excavation/dredging activity, the applicant shall submit a suitability analysis, for the review and approval of the Executive Director, of the sediment within the creek to be removed to determine its suitability for beach disposal/nourishment. All excavated material shall be transported for disposal to Goleta Beach for beach nourishment purposes unless determined to be unsuitable for such use. The analysis shall include confirmation by the U.S. Army Corps of Engineers that the material to be excavated meets the minimum criteria necessary for placement on the sandy beach or within the surf zone.

In the event that sediments to be removed are determined to be unsuitable for beach disposal/nourishment, then sediments would be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank. All excavated material would be made available to members of the public until all material has been hauled away by private parties. However, the Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and potential adverse effects to adjacent streams and wetland areas from resedimentation and increased turbidity. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. Therefore, in order to ensure that dredged material will not be permanently stockpiled on site and that erosion and resedimentation of the streams on site are minimized during any temporary stockpiling activities, Special Condition Two (2) also requires that any stockpiled materials shall be located as far from the stream or wetland areas on site as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of the stream bank. Temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Permanent stockpiling of material on site shall not be allowed. The applicant shall provide evidence to the Executive Director of the location of the permanent disposal site for all

excavated material prior to removal of the material from the project site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

In addition, the Commission notes, based on the information submitted by Santa Barbara County Flood Control District, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding. The applicant has indicated that the areas surrounding Atascadero Creek have previously been subject to substantial damage as the result of seasonal flood events during the winter storm season. As such, the Commission notes that evidence exists that the project site is subject to potential risks due erosion, and flooding.

The Commission further notes that although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas immediately upland of the project site, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of erosion and flooding, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Five (5) requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

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

#### **D. Public Access and Visual Resources**

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

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

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.*

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. In addition, Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The proposed project will be located adjacent to and within public recreational areas including Goleta Beach County Park and the Atascadero Creek Bikeway system. A public bicycle/pedestrian trail is located adjacent to several of the creek where dredging will occur and public access is available along the entire length of Goleta Beach where sediment disposal/beach nourishment activities will occur.

Public access along the sandy beach is available along the entire approximately 4/5 mile length of Goleta Beach County Park. The County has indicated that during calendar years 1998 and 1999, the park received 1,766,305 and 1,580,933 visitors, respectively. The period of heaviest use is from July through September (38 percent), followed by the period from April through June (22 percent). Twenty-one percent of visitors use the park from October through December and 18 percent use the park from January through March.

The proposed project includes disposal of dredged sediments within the surfzone at Goleta Beach in order to provide for beach nourishment and reduce erosion of the sandy beach on site and downcoast areas. The Commission notes that disposal of the dredged sediments within the surfzone is intended to function as part of a regional beach nourishment program. Beach nourishment programs serve to enhance public recreational activities along the coast by creating wider sandy beach areas available for public access. In addition, beach nourishment activities also provide some additional protection to beachfront development (including the public facilities located on site at

Goleta Beach County Park) due to creation of a wider beach which, in turn, allows for greater dissipation of wave energy to occur.

However, beach nourishment activities also result in some temporary adverse effects to public access including closure of portions of the beach to public use during nourishment activities. Sediment dredged from the slough is expected to contain significantly higher levels of bacteria (including fecal coliform) and organic matter than beach sand. Deposition of dredged sediments in the surf zone could have safety impacts to nearby swimmers and waders due to elevated levels of fecal coliform bacteria. The degradation of water quality would be localized and short-term in nature. To avoid potential safety impacts to beach users, the portion of the beach and water within 200 feet of the deposition area will be closed to public access for the duration of the dredging. Advisories will be posted on site by the County advising beachgoers of the potential elevated levels of fecal coliform in ocean waters during dredging activities.

In addition, the Commission notes that the dredging activities are proposed during the fall and winter months when visitor-use of Goleta Beach County Park is lowest. The Commission also notes that closure of portions of the beach to public use during spring and summer months (during maximum visitor-use of the park) would result in significant impediment to the public's ability to fully utilize the public beach areas on site. Therefore, in order to ensure that adverse effect to public access and recreation are minimized, Special Condition Two (2) limits dredging activities to the period between October 1 and December 15, unless additional time is granted by the Executive Director for good cause.

The proposed dredging activities will also result in some potential temporary disruption to the public's ability to use the bicycle/pedestrian trail on site resulting from construction vehicles crossing the bicycle path during dredging operations. Disruptions are expected to be minor and would not result in the closure of any bicycle or pedestrian paths.

In addition, in the event that dredged sediments are determined to be unsuitable for beach disposal/nourishment, then sediments will be removed from the creek and temporarily stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank until removed by members of the public. Temporary stockpiles would be expected to remain on site for periods of approximately 12 months until all material has been adequately dewatered and removed from the site by members of the public. Stockpiled materials, which would be visible from several public viewing areas including the bicycle/pedestrian trails on site, would result in some adverse temporary impacts to public views.

The Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and that additional landform alteration would result if the excavated material were to be permanently retained on site. Therefore, in order to ensure adverse to public views resulting from landform alteration and increased erosion

on site are minimized Special Condition Two (2) requires the in the event that any dredged material is not suitable for disposal within the surf zone at Goleta Beach, the material may be temporarily stockpiled on site in order to allow for adequate dewatering of the material. Stockpiled materials shall be located as far from the stream or wetland areas on site as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of the stream bank. Temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Permanent stockpiling of material on site shall not be allowed. The applicant shall provide evidence to the Executive Director of the location of the permanent disposal site for all excavated material prior to removal of the material from the project site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required. In addition, to ensure that all disturbed areas (including temporary stockpile areas) are adequately revegetated, Special Condition One (1) requires that all upland areas on the subject site disturbed as a result of this project shall be planted and maintained for habitat restoration and erosion control purposes as soon as possible after disturbance has occurred.

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

## **E. Archaeological Resources**

Coastal Act Section 30244 of the Coastal Act states that:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The coastal act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures. Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The applicant has submitted Environmental Impact Report (94-EIR-1) by Santa Barbara County Flood Control District and Woodward-Clyde Consultants dated July 1994 which indicates that Native American Archaeological resources have been identified within three separate portions of the subject site (SBA-45 and SBA-1588). The archaeological sites are immediately adjacent to areas of the site where dredging will occur. In order to minimize the potential for adverse effects to cultural resources, the proposed dredging will only occur in the same areas of stream channel where dredging has occurred in previous years. In addition, in order to avoid disturbance to cultural resources on site, the buffer areas have been delineated adjacent to all identified resource areas where dredging activities shall be prohibited. However, the Commission notes that potential adverse effects to those resources may still occur due to inadvertent disturbance during dredging activity. To ensure that impacts to archaeological resources are minimized, Special Condition Five (5) requires that the applicant have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all dredging activities within or adjacent to the archaeological sites in the project area. The number of monitors shall be adequate to observe the earth moving and cable installation activities of each piece of active earth moving equipment. Specifically, the dredging operation on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and the native American consultant consistent with CEQA guidelines.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

## **F. Violations**

During the course of processing this application, staff has discovered that development on the subject site has occurred without the required coastal development permit including application of herbicide and planting of non-native and invasive grasses within riparian habitat and wetland areas on site. A desiltation program for the project area, similar to the proposed project, was previously approved by the Commission on March 17, 1994, pursuant to Coastal Development Permit (CDP) 4-94-061. CDP 4-94-061 allowed for application of herbicide and planting of annual grasses on site for a period not to exceed 5 years in duration. However, CDP 4-94-061 expired on November 16, 1999. Since November 16, 1999, however, the applicant has continued application of herbicide and planting of non-native, exotic grasses without the required coastal development permit.



Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **G. CEQA**

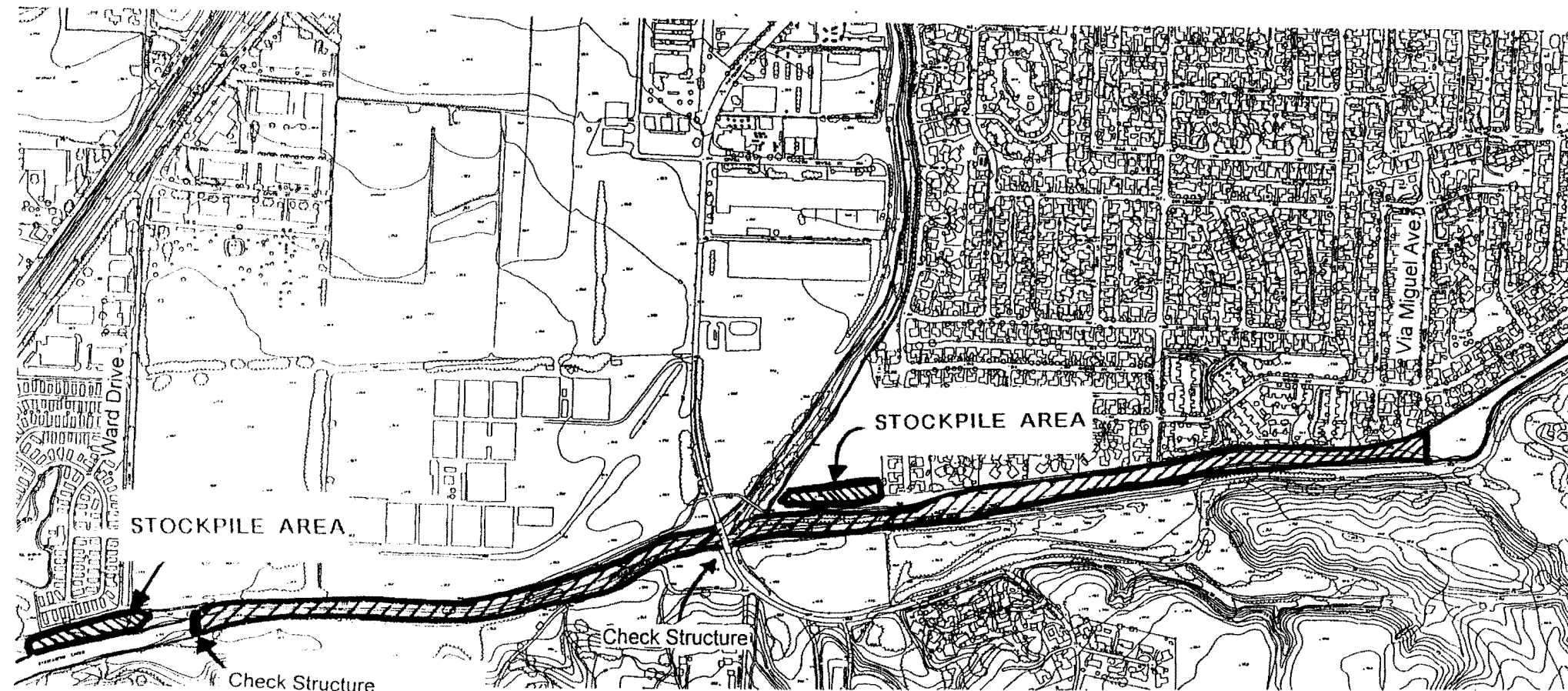
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

**SMH-VNT**

File:smh/permits/regular/4-00-205 s.b. county parks





Atascadero Creek

EXHIBIT 2
CDP 4-00-205 (SB County)
Site Plan/Project Reach



November 1, 2000

Sara Wan, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RECEIVED

NOV 01 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RE: ATASCADERO CREEK FLOOD CONTROL MAINTENANCE PROJECT  
SANTA BARBARA COUNTY FLOOD CONTROL DISTRICT

Honorable Chair wan and Commissioners:

The Environmental Defense Center (EDC) is a non-profit environmental law firm working to ensure that natural resources are conserved, preserved, and restored in Santa Barbara, Ventura and San Luis Obispo Counties. We are very concerned about the impacts to Atascadero Creek that would result from the Santa Barbara County Flood Control District's proposed long-term maintenance plan. This plan includes substantial modification to the Environmentally Sensitive Habitat of the creek through repeated disking of the creek bed, through extensive, frequent and recurring herbicide applications, and through the seeding of the creek with an invasive non-native species of plant. This plan does not represent the least environmentally damaging alternative, and thus does not comply with the Coastal Act (Public Resources Code Section 30236) or the County's Local Coastal Plan policies.

Based on our conversations with your staff handling this matter, Steve Hudson, we understand that the staff recommendation includes approval of only the disking component of the project and only for this year. We support this recommendation. An analysis of alternatives to herbicide use, disking and the non-native plant seeding must be conducted to determine how the creek can be maintained to reduce flooding without causing such significant water quality and biological impacts. To this end, we support the staff recommendation that requires the District to analyze alternatives. Once this has occurred, the District can reapply for a longer-term permit for the most environmentally benign maintenance plan feasible.

In addition, EDC supports the staff recommendation that barriers to steelhead migration be modified, as part of this project, to facilitate steelhead migration out of this impacted reach of creek. According to the Department of Fish and Game's Region 5 steelhead biologist, Maurice Cardenas, steelhead have been trapped in and died in this reach of creek below such a barrier in recent years. This project has the potential to impact steelhead in the creek and the adjacent Goleta Slough, a nursery area for steelhead to grow in before heading to sea. Therefore, there is a nexus for requiring the District to modify these migration barriers as part of its Atascadero Creek maintenance plan.

Lastly, the District's reliance on past riparian enhancement to mitigate for future impacts is highly problematic, and results in a degradation of the creek habitat over time. The Commission should not tolerate one-time mitigation for repeated creek clearing projects.

Coastal Commission  
November 1, 2000  
Page 2 of 2

Thank you for your attention to these comments, and please require the District to come up with a plan that protects and enhances rather than degrades coastal resources.

Sincerely,

*Brian Trautwein*

Brian Trautwein,  
Environmental Analyst

Cc: Steve Hudson, Coastal Commission



Craig Fusaro  
435 El Sueno Road  
Santa Barbara, CA 93110

RECEIVED

OCT 30 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

TRANSMITTED VIA EMAIL TO SHUDSON@COASTAL.CA.GOV

October 30, 2000

Mr. Steve Hudson, Analyst  
California Coastal Commission  
Ventura, CA

RE: Santa Barbara County Flood Control Agency Project: Atascadero Creek

Dear Mr. Hudson:

California Trout is a statewide organization dedicated to the protection of wild trout and steelhead, and the waters in which they live. We have recently been made aware of the subject project, and would like to express our support for the proposed handling of the issues made in the staff recommendation regarding weed abatement and bank stabilization.

Particularly knowing what I do about the use of herbicides and pesticides, and their effects on aquatic life, I believe it is the prudent course of action to look at alternatives to chemical control of invasive riparian vegetation before recommending a long-term permit be issued for flood control measures in Atascadero Creek. Since steelhead trout, an endangered species, have been recorded in recent years in Atascadero Creek, taking a precautionary approach in this matter is essential.

Flood Control Districts throughout the endangered steelhead's population unit play a vital role in protecting public property from potential flood damage. It is appropriate, therefore, that an overall strategy for flood control purposes be developed that protects people and property from flood damage while using the most environmentally sensitive and least damaging methodologies that keep pace with the growing body of scientific information regarding environmental health and safety.

Thank you for your thoughtful analysis of these issues and the staff recommendation you have proposed. We are in full support.

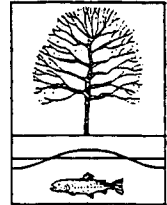
Sincerely,

CRAIG FUSARO  
Central Coast Region, Board of Governors,  
California Trout

EXHIBIT 3b
CDP 4-00-205 (SB County)
Letters of Concern

# SANTA BARBARA URBAN CREEKS COUNCIL

P.O. Box 1083, Carpinteria, CA 93014 (805) 968-3000



Eddie Harris  
523 Arroyo Ave.  
Santa Barbara, Ca. 93109

TO SHUDSON@COASTAL.CA.GOV VIA EMAIL

October 30, 2000

Mr. Steve Hudson, Analyst  
California Coastal Commission  
Ventura, CA

RECEIVED

OCT 31 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RE: Santa Barbara County Flood Control Agency Project: Atascadero Creek

Dear Mr. Hudson:

Santa Barbara Urban Creeks Council has for many years advocated for improvement in watershed protections on the south coast of Santa Barbara County. We believe that water quality as well as habitat can be significantly enhanced through the adoption of less environmentally damaging maintenance practices. We want to express our support for the staff recommendations regarding weed abatement and streambed maintenance. A thorough review of alternatives is very important to the long-term health of this important aquatic system, and to the recovery of endangered steelhead trout within the watershed.

Please look carefully at reducing the use of any pesticides or herbicides as maintenance controls. Exclusion of the use barnyard grasses within the project is also important. Activities such as disking must also be minimized in the streambed. In addition, restoration of a bankfull or active channel of the correct width and depth to discharge the dominant flow within the larger flood channel would help to restore natural transport of sediments, thereby minimizing maintenance required. We understand the constraints that County Flood Control is under to provide flooding protection to the nearby residential neighborhood, which underlies their reluctance to implement solutions such as restoring the bankfull channel. In future discussions with the county we will be advocating for the erection of flood walls to protect those nearby neighborhoods. Floodwalls will make it possible to provide flooding protections while allowing natural conditions to reestablish within the streambed, thus making intensive maintenance unnecessary. While this may be beyond the scope of the Coastal Commission's current review of the project, I mention it because flood wall protection is an alternative that very likely could prove to be a solution to the dilemma created by placing residential development in the flood plain. It may also be cost effective when viewed in the long term as the intensive maintenance regime diminishes.

Again, we support the staff recommendations, and very much want to see full evaluation of all alternatives. Thank you for your attention to our concerns.

Sincerely,

Eddie Harris  
Member of the Board of Directors  
Santa Barbara Urban Creeks Council

EXHIBIT 3c
CDP 4-00-205 (SB County)
Letters of Concern

Santa Barbara Audubon Society, Inc.

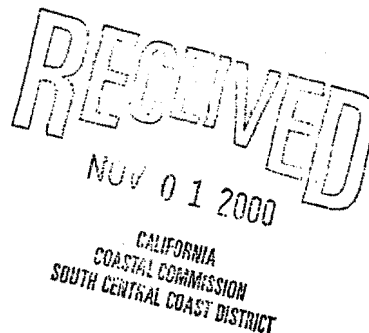
A Chapter of the National Audubon Society

5679 Hollister Avenue, Suite 5B, Goleta, California 93117 805-964-1468.



October 31, 2000

California Coastal Commission  
Attention: Steve Hudson  
89 S. California Street #200  
Ventura, CA 93011



Dear Mr. Hudson:

**RE: Atascadero Creek Maintenance Project**

I am writing on behalf of Santa Barbara Audubon to comment on the Santa Barbara County Flood Control's Atascadero Creek Maintenance Project. You may have received the comments made by our chapter regarding alternations in maintenance practices which could improve the viability of steelhead in the Atascadero Creek watershed, and in retention of the biofiltration function of the creek in-stream vegetation (enclosed). The local Audubon has been active in watershed protection for improvements in water quality and wildlife habitat protection.

These comments were provided to the Flood Control Agency in response to the draft EIR, and were largely discounted by Flood Control. They did agree to some additional Western Sycamore tree plantings for increased canopy cover of the creek, and changed wording regarding targeted herbicide spraying to retain herbaceous in-stream vegetation, to more accurately reflect existing maintenance practices.

**Water Quality:** Wetland vegetation has been shown to have high nutrient and pollutant uptake values. At low flows, residence time is adequate for biofiltration to occur. Audubon recognized the need to remove sediment-trapping vegetation. However, the project should be re-evaluated to ensure the maximum biofiltration function is retained, by retaining and promoting the low-growing herbaceous vegetation, which can provide biofiltration with little sediment trapping. The Goleta Slough acceptable pollutant standards are occasionally exceeded, and we must evaluate our management practices to see where improvements can be made.

**Seasonal Grass Cover:** Audubon supports discontinuation of the seeding of the non-native Barnyard Grass, *Echinochloa crus-galli*, in the creekbeds. We understand that there are proponents for the continued use of this, as it is a seed source for some seed-eating birds such as Lazuli Bunting and Blue Grosbeaks. We object, however, to the continual introduction of this alien grass into the system. Now that the off-channel wetlands are well-established, this could be discontinued. Shifting the vegetative cover to herbaceous natives can assist with keeping out the obstructive woody vegetation, as well as retention of the biofiltration function.

EXHIBIT 3d

CDP 4-00-205 (SB County)

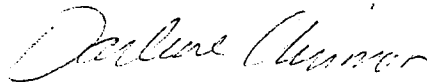
Letters of Concern



**Herbicide use:** We would like to see an evaluation which could reduce the levels of herbicide while maintaining flood conveyance in the creek. We concur with the EIR that moving the herbicide treatment to June 1<sup>st</sup> or later would lessen the risk to steelhead.

**CONCLUSION.** Santa Barbara Audubon would like to see improvements in management practices for the Atascadero Creek Flood Control project, so that the biofiltration function can be enhanced and the native ecosystem balance improved while retaining flood control capacity of the channel.

Sincerely,



Darlene Chirman  
President  
Santa Barbara Audubon

Enclosure

Santa Barbara Audubon Society, Inc.

A Chapter of the National Audubon Society

5679 Hollister Avenue, Suite 5B, Goleta, California 93117 805-964-1468



August 24, 2000

Karl Treiberg  
Santa Barbara County Flood Control District  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**RE: Atascadero Creek Maintenance Project**

Dear Mr. Treiberg:

Santa Barbara Audubon would like to comment on the Draft Supplemental EIR for the Atascadero Creek Maintenance Project. The primary issues addressed in the Supplemental EIR are: water quality issues and potential reduction in streambed biofiltration function from maintenance activities, and federal listing of southern steelhead as endangered plus designation of critical habitat.

First we would like to commend the Flood Control District on the successful habitat restoration project along Atascadero Creek and the off-channel wetlands. We concur that the performance criteria have been successfully met.

We disagree, however that there are no new significant impacts from the project from the perspective of water quality and southern steelhead. We will present some opportunities for modifications of the maintenance practices could improve the biofiltration function of the creek-bed vegetation, reduce impacts to steelhead, and improve the overall ecological functioning of the system.

**Water Quality:** Wetland vegetation has been shown to have high nutrient and pollutant uptake values. At low flows, residence time is adequate for biofiltration to occur. Uptake of excessive nutrients is especially pertinent in this agricultural area. Pollutants are often adhered to sediments, and to the extent that vegetation traps sediment, the residence time is lengthened, allowing for some biofiltration to occur.

The dEIR states that willows and mature cattails are not effective biofilters. This is probably accurate as relates to willows, but cattails are one of the classic plants used in constructed wetlands. Stands are constantly removed by flood scour or by Flood Control, thus "renewing" them and retaining nutrient uptake capacity.

Audubon recognized the need to remove sediment-trapping vegetation, even if the biofiltration function is impaired. Our recommendation is to remove vegetation with the greatest sediment-trapping ability: cattails and bulrushes, and woody vegetation--willows, cottonwoods, and mulefat. No herbicide treatment should be given to low-growing herbaceous vegetation, which can provide biofiltration with little sediment trapping: Watercress, Toad Rush (*Juncus bufonis*), Horsetail (*Equisetum sp.*), native grasses such as Knot Grass (*Paspalum distichum*) and Saltgrass. Mosquito fern (*Azolla filiculoides*) and the annual duckweed *Lemna minor* as well as the above herbaceous species are known to have good nutrient uptake (Wayne Ferren, personal communication). Thus some of the biofiltration function can be retained, and with less herbicide.

The annual discing of the channel bottom extent is less than the full channel width, "restricted to 35-foot swath upstream of Maria Ygnacio Creek and a 40-foot-wide swath downstream of Maria Ygnacio

Creek." (dEIR) Focusing this swath to areas of annual weeds and retaining patches of low-growing herbaceous natives will assist in retaining the biofiltration function.

Annual mowing/weedwhacking of the annual ruderal species should be considered to remove these upland weeds which shade the valuable herbaceous species in the creekbed. This would be best after the bird-breeding season has ended July 1 and before these plants set seed, thus reducing the seedbank

**Seasonal Grass Cover:** Audubon recommends discontinuation of the seeding of the non-native Barnyard Grass, *Echinochloa crus-galli*, in the creekbeds. We understand that there are proponents for the continued use of this, as it is a seed source for some seed-eating birds such as Lazuli Bunting and Blue Grosbeaks. We object, however, to the continual introduction of this alien grass into the system. This may have been appropriate before the off-channel wetlands were well established, but its continued use places other wetlands at risk.

We would like to recommend an alternative strategy, promoting the native seed-producing species appropriate to the site. There is not a local native *annual* grass that could be used as a direct substitute. It appears that this has not been particularly effective in preventing establishment of emergent wetland or woody species. So the primary purpose of the seeding appears to provide food sources for migrating birds. The Buntings and Grosbeaks, in addition to insects, eat seeds of grasses and forbs; Blue grosbeaks are "apparently opportunistic" and Lazuli Bunting also eat "berries and seeds of many plants" (The Birds of North America, #70 1993, #232 1996). Retaining native emergent vegetation in the creekbed would help: Knot grass and Toad rush in particular. Planting Alkali ryegrass (*Leymus triticoides*) on open lower creekbank areas and Giant ryegrass (*Leymus condensatus*) in adjacent upland areas would provide alternatives which would not be repeatedly disturbed. In the lower Atascadero Creek with maritime influence (below Ward Drive), Quail bush (*Atriplex lentiformis*) on the banks and top of bank may provide a substitute seed source for migrants moving up the channel. These perennials would not be in the channel maintenance areas and thus not be disturbed each year.

The dEIR states that the mouth of Goleta Slough rarely exceeds the acceptable pollutant standards, and there are other creek sources. However, the standards *are* exceeded, are we must alter our management practices where improvements can be made. With the relatively minor changes recommended, we anticipate that biofiltration function can be enhanced and the native ecosystem balance improved while retaining flood control capacity of the channel.

**Maintenance of the Off-channel Mitigation Wetlands:** As stated previously, the establishment of the wetland and riparian woodlands has been excellent. At this stage, some changes in weed management and enhancement plantings may be in order.

Two species of major *non-native invasive* plants are on site: Tamarisk and Pampas grass. About eight Tamarisk plants were noted recently in the eastern end of the largest wetland; last year two were seen in that area. Immediate eradication is recommended. The Flood Control District has eradicated most of the Pampas grass on site, however I believe a few large plants remain near the Miller property, and a few scattered resprouts and plants missed in the previous control efforts have been noted.

The current maintenance practices to keep the loop access road open may be promoting weedy growth along the road margins; recent grading has most of this cleared at the recent time. Along the

access road are extensive ruderal species, the most noxious are Harding grass and Russian Knapweed (*Acroptilon repens*). Several "pockets" of ruderal vegetation along the southern edge of the southern road could be planted with shrubs such as Coffeeberry, Blue elderberry, California rose and blackberry. In parts of the roadway, Alkali mallow is present and should be encouraged. Along the road edges, plants tolerant of mowing/pruning should be expanded: California rose, Mugwort, California blackberry. This would be a good site for Giant ryegrass, which is tolerant of cutting and would provide a seed source for birds. Perhaps mowing and brushing would be effective, with grading restricted to the roadbed and/or less frequent intervals.

### STEELHEAD IMPACTS

**Fish Passage Barriers:** The check dam at Patterson Avenue bridge "represents a significant passage barrier to upstream migration of steelhead" according to the dEIR. We concur that it is not an impassable barrier, as evidenced by sightings in the watershed, especially Maria Ygnacio Creek. A barrier at moderate flows can trap steelhead, causing their death as pools warm and dry up. The presence of steelhead in the Patterson bridge pool can also impede Flood Control maintenance activities; herbicides could not be sprayed in the vicinity if steelhead are present. This grade stabilizer should be evaluated for modifications which would allow for fish passage under a wider range of hydrologic conditions.

There was a discussion at the Goleta Slough Management Committee that a much more significant fish passage barrier exists upstream on Maria Ygnacio Creek at the railroad bridge. This is distant from the Atascadero Creek Maintenance Project, and probably a railroad structure. This must be removed, and efforts are underway to address this; there does not appear to be a nexus for *Flood Control* modification of that structure. The University Bridge under reconstruction is an impediment to fish passage which should be addressed at this time. However, the Patterson Avenue grade stabilizer is above a pool known to be used by steelhead and within the maintenance area under discussion. A case can be made that steelhead trapped in this pool by the passage barrier could be subject to "taking" by maintenance practices.

**Herbicide use:** We concur with the dEIR that moving the herbicide treatment to June 1<sup>st</sup> or later would lessen the likelihood of impacts to steelhead. However, the concentrations in Table 1 are in the "slightly toxic" range for rainbow trout, which are the same genetic strain as southern steelhead. Therefore, actions which can reduce the levels of herbicide would also reduce the risk to steelhead.

**Water Temperature/Canopy plantings:** Steelhead are sensitive to warm water temperatures, and shading of the streambed can maintain cooler temperatures which favor steelhead survival. Audubon recommends the planting of canopy trees, especially Western Sycamore on the southwest bank of Atascadero Creek west of the Patterson Bridge. I believe the landowner would be amenable; construction is currently underway on this parcel, with a creek setback but no riparian buffer planting requirements. There are other opportunities for canopy plantings which will eventually shade the creek, especially at the confluence of Atascadero and Hospital Creeks. There are three young Sycamores at this site, with extensive ruderal vegetation remaining where plantings could occur.

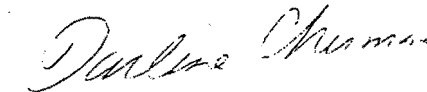
Canopy development shades the creek and reduces the vegetative growth in the channel bed. This, in the long-term, will reduce the extent of channel clearing required, which both reduces the impacts of that disturbance and Flood Control's maintenance requirements.

### CONCLUSION

Audubon believes that the changes in the maintenance practices of the Flood Control District outlined above can be made to improve the biofiltration function of the creeks and reduce the impacts to steelhead and thus aid in the recovery efforts. These changes in the Routine Maintenance of the Atascadero Creek Project can be accomplished without reducing the flood control capacity of the creeks and are thus warranted.

Thank you for the opportunity of commenting on this project.

Sincerely,



Darlene Chirman  
President, Santa Barbara Audubon

Copies:  
CORPS, Jim Mace  
CaDFG, Natasha Lohmus/Morgan Wehtje  
NMFS, Darren Brumbach  
GSMC, Pat Saley

## Alternatives Analysis

### 1) Only Discing Site in Fall with No Application of Herbicide

If herbicide is not used in the spring, the area quickly becomes colonized with abundant growth of exotic weedy species and cattails/rushes that colonize the channel bed rapidly and are notorious for trapping sediment. The weedy species provide no useful habitat value. By applying herbicide selectively, the grass that is seeded in has very little competition and produces a great deal of cover and seed, which is used especially by fall migrant birds. In addition, given this competitive edge, the grasses tend to keep the exotics from getting a foothold.

### 2) Discing Site in Spring, Summer and Fall instead of Herbicide Application

Discing is far more disruptive than the selective herbicide application. It cannot avoid beneficial plants, except when there are fairly substantial clumps, e.g. cattails, etc. The smaller, lower growing plants which would be beneficial as bio-filters during the low-flow time of the year would be destroyed by repeated discing, as opposed to being left in place by the current program. In addition, the grasses that are seeded in would of course be destroyed by discing in the summer, which obviously would defeat the goal of having forage for fall migrants.

### 3) Feasibility of Using a Non-Surfactant Herbicide

Eliminating the surfactant from the solution causes the herbicide to bead up and run off of the leaves of the treated plants. This would have several effects. There would be more glyphosate (the active ingredient in Rodeo) in adjacent water, not on the target plants. Since there would be less glyphosate on the target plants, either the area would have to be retreated or the concentration of Rodeo would have to be increased on the initial application. In either case it adds to the cost of doing the work. Assuming that Coastal Commission staff is asking for this analysis based on a concern for a negative effect on wildlife due to exposure to the surfactant, it is important to realize that the primary adverse effect of the surfactant is to cause suffocation of aquatic invertebrates and fish due to the surfactant (surface active agent) causing their gills to clump together. It disrupts the surface tension of water that normally serves to keep gill filaments separate. In that regard, the following points are important in the District's program. The application is done at a time of year when there is relatively little water flow. Every effort is made to keep over-spray to a minimum, i.e. to keep spray from going into the water that is there. The types of plants that are growing in the flow areas, (e.g. duckweed and watercress) are not sprayed. Almost all of the spray is directed at plants growing up on the dry portions of the creekbed, e.g. up on the sandbars. All of these factors combine to result in almost no material going into the flowing water where the surfactant could have the adverse effect described above.

- Planting Low-Growing Native Vegetation...Instead of Non-Native "Barnyard Grass"

The District has been seeding this portion of Atascadero Creek with barnyard grass since 1994 to accomplish two goals. The first is to have some form of low

**EXHIBIT 4**

**CDP 4-00-205 (SB County)**

**Alternatives Analysis Submitted  
by Applicant**

growing vegetation on the invert of the creek that would out-compete invasive, exotic weed - species such as cocklebur which provide no habitat value and cattails/rushes that can rapidly colonize the channel bed and increase sedimentation. The second is to provide a source of food for fall migrant birds. For these two goals to be met, the seeded vegetation has to grow in this type of slightly flooded to constantly wet environment, similar to a rice paddy. It also has to grow rapidly and set abundant seed in the fall. It has to grow tall enough to provide some cover for birds and to out-compete the weedy species and cattails/rushes. Barnyard grass does all of these things and none of the native plants that grow in the area do. *Juncus bufonis*, for example, grows much more slowly, does not grow tall enough to out-compete the weedy species, and does not produce nearly as much seed. There are no native grasses that grow in this type of situation. While it is true that Barnyard grass is not a California native, it is widespread in California and in fact occurs in the Atascadero Creek watershed. Some Barnyard grass would grow in this reach of Atascadero whether the District seeded it or not. It just wouldn't grow thickly enough to out-compete the weeds without the added seeding by the District. The grass the District uses does not constitute a significant impediment to stream flow and does not produce "adverse effects to the slough and other creek areas downstream". There are no other creek areas downstream of the seeded areas except the slough and Barnyard grass does not grow in the slough areas because of the brackish water. The thought that "low-growing native vegetation may reduce or eliminate necessity for annual application of herbicide and/or disking" is in error. The area will be colonized with some type of vegetation and that vegetation has to have its root mass broken up in the fall to facilitate the transport of sediment through the reach and down to the slough. During the period of 1991 to 1994 when the District was precluded from doing this program pending environmental review and permitting, a wedge of sediment built up in the reach that was 4 feet thick at the upper end. The removal of that material necessitated a very disruptive desilting operation with about 25,000 cubic yards of material being stockpiled in the areas, which are covered with willow woodland now. The material removed had trapped so much fine sediment it was deemed unacceptable to go to the beach. Even though it had a fair amount of sand in it, that sand was lost to beach replenishment. If the project is done the way the District proposes (as it has been done since 1994), the natural flushing process moves the finer sediment through the slough to become ocean nutrient. The sand that is left behind in the upper reaches of the slough will be moved to the beach by the District's hydraulic dredging project. This has been proven to work well, even in the high flow years of 1995 and 1998, when all the dredging was done in the slough and the reach of Atascadero that is involved in this permit application did not silt in.

- Two check structures are located on Atascadero Creek.

One is located in the vicinity of Ward Drive and separates the Goleta Slough from Atascadero Creek. This check structure appears to be on The Gas Company property (APN: 71-210-01) over which a Flood Control maintenance easement has been granted. Both structures were probably built when the creek was realigned, widened, and deepened in the 1960's.

The second check structure is part of the Patterson Avenue Bridge and is within the County of Santa Barbara's Right of Way.

District staff has conducted site visits to discuss the Atascadero Creek Maintenance Project with fisheries biologists from the National Marine Fisheries Service (NMFS) and the California Department of Fish & Game (CDFG). Both structures were observed by the fisheries biologists and neither raised concerns about upstream or downstream migration. Both fisheries biologist recognized the check structures as potential impediments but felt that adults could migrate upstream over them. In addition, they recognized that fish could exist in the plunge pool immediately downstream of Patterson Avenue but did not expect them to overwinter in the pool since adequate habitat does not exist for overwintering. Neither fisheries biologist expressed any concerns whatsoever about passage upstream or downstream in the summer (low flow) months. Neither fisheries biologist recommended modification of the structures.

The District does not own either check structure. Removal of either structure would eliminate bed stability and bank erosion would likely occur until the channel adjusts adding sediment to the Goleta Slough ecosystem. In addition, removing the Patterson Avenue check structure or modifying it so that the pool failed to exist, would eliminate habitat for a southwestern pond turtle that lives in that pool. The District is not responsible for these check structures and will not modify or remove them.

- If channel desilting is necessary, the material will be deposited at the beach/surfzone if it meets EPA/Corps guidelines for disposal.
- Recently removed sediment needs to dewater for approximately 1 month prior to being removed. It is illegal to haul wet material as it tends to slosh out of trucks on to the road creating hazardous driving conditions. Once the material has dewatered, it is made available to the public or hauled to the beach if suitable for beach nourishment. There are no long-term stockpile areas available to the District. In addition, moving material twice before reaching its final destination is very costly. The stockpile areas identified on the map have been designated for that purpose.

**6 Archaeological Report**

The proposed maintenance has the potential to impact SBa-45 if desilting and stockpiling is necessary. The SBa-45 report was included in the response to the Goleta Slough Dredging Project information request. SBa-1588 is in the vicinity of the mitigation site. The mitigation is completed and is not part of this application.

**7 Proof of Legal Interest in Property**

The attached APN maps showing the Coastal Commission's jurisdiction also show the District's easements over the entire project.