

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
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Filed: 12/18/00  
49th Day: 11/16/01  
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Staff: S. Hudson  
Staff Report: 12/21/00  
Hearing Date: 1/9/01  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-00-232

**APPLICANTS:** Santa Barbara Audubon Society and Santa Barbara County

**AGENT:** Darlene Chirman

**PROJECT LOCATION:** Lower Reach of Tecolotito Creek within Goleta Slough, Santa Barbara County

**PROJECT DESCRIPTION:** Implement a 3-year wetland habitat restoration and enhancement program. The program will involve the removal of non-native and invasive vegetation and revegetation with native wetland species along approximately 2,000 linear feet of the margin of Tecolotito Creek (approximately one acre in area) within Goleta Slough. In addition, the program will also include the placement of educational and interpretative signage.

**LOCAL APPROVALS RECEIVED:** N/A

#### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with four (4) special conditions regarding the submittal of a Wetland Habitat Enhancement and Revegetation Monitoring Program, Project Monitoring and Responsibilities, a signage program, and other required approvals.

Goleta Slough is designated as an environmentally sensitive habitat area (ESHA) by the certified Santa Barbara County Local Coastal Program. The spread of non-native and invasive vegetation in the wetland ESHA has resulted in the displacement of critical habitat for native vegetation and wildlife. The proposed project is for the eradication of existing non-native and invasive vegetation along the margin of Tecolotito Creek and revegetation with native plant species endemic to wetland habitat.

Special Condition One (1) has been required to ensure that the proposed wetland habitat within the project area is adequately revegetated with appropriate native species. Special Condition Two (2) requires that a qualified environmental monitor be on site during all eradication activities to ensure that any potential impacts to existing native vegetation are minimized.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-00-232 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. Wetland Habitat Enhancement and Revegetation Monitoring Program**

**PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a wetland habitat enhancement and revegetation monitoring program, prepared by a qualified resource specialist, for review and approval by the Executive Director. The monitoring program shall outline revegetation and restoration performance standards to ensure that such efforts are successful. The program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The applicant shall submit, on an annual basis for a period of three years, beginning after the initial eradication effort of non-native and invasive vegetation is completed (Year 1 of the project - but no later than December 31<sup>st</sup> each following year), a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, evaluating the extent of the success or failure of the restoration project. This report shall include further recommendations and requirements for additional revegetation activities in order for the project to meet the specified criteria and performance standards. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

At the end of a three year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the revegetation program has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The Executive shall determine whether implementation of the revised or supplemental revegetation program will require an amendment to this permit.

#### **2. Project Monitoring and Responsibilities**

**PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT**, the applicant shall retain the services of an environmental resource specialist(s) with appropriate qualifications acceptable to the Executive Director. The resource specialist(s) shall be present on site during all vegetation removal and eradication activity. 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, Myoporum, or woody non-native or invasive vegetation may be cut utilizing hand tools and the stumps painted with Glyphosate *Rodeo*<sup>TM</sup> 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. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. 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.

The resource specialist(s) shall immediately notify the Executive Director if unpermitted activities occur or if any native vegetation is removed or impacted (including impacts to native vegetation from overspray). This 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 any native wetland flora/fauna on site, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. Any native vegetation which is inadvertently sprayed with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio.

### 3. Signage Program

Prior to the installation of any signage on site, the applicant shall submit, for the review and approval of the Executive Director, plans adequate to show the location, design, and language to be used for all signs to be installed.

### 4. 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 any necessary approvals by the California State Lands Commission).

## IV. Findings and Declarations

The Commission hereby finds and declares:

### A. Project Description and Background

The proposed project is a 3-year wetland habitat restoration and enhancement program. The program will involve the removal of non-native and invasive vegetation and revegetation with native wetland species along approximately 2,000 linear feet (approximately one acre in area) of the margin of Tecolotito Creek within Goleta Slough (Exhibits 1 & 2). In addition, the program will also include the placement of educational and interpretative signage.

The project site is generally located along the lower reach of Tecolotito Creek in Goleta Slough. The slough is one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act and is also designated as an environmentally significant habitat area by the Santa Barbara County Local Coastal Program. The slough is the drainage basin for five creeks that originate on the southern slopes of the nearby Santa Ynez Mountains: Atascadero Creek, San Jose Creek, San Pedro Creek, Carneros Creek, and Tecolotito Creek. Although the Commission has previously certified a Local Coastal Program (LCP) for Santa Barbara County, the proposed restoration activity is located within a portion of the Coastal Zone subject to the Commission's retained permit issuance jurisdiction and, therefore, requires a coastal development permit issued by the Commission. Goleta Beach County Park is located immediately south of project site and a public bicycle/pedestrian trail is located adjacent to a portion of the proposed restoration and enhancement area.

The proposed restoration area is characterized as a "High Marsh" plant community located on the upper slopes and margins of the slough. The existing wetland habitat on site is significantly degraded due to past human disturbance and colonization by invasive plant species including iceplant, Myoporum, Pampas grass, Castor bean, and non-native grasses. No restoration activities or disturbance are proposed within the active channel of Tecolotito Creek where standing or open water is present. The purpose of the proposed project is to restore the High Marsh wetland habitat on site to an approximation of its natural condition prior to human disturbance. The first year of the project will involve the initial removal and eradication of non-native and invasive vegetation and revegetation with native species endemic to wetland areas. To ensure that the restoration and enhancement effort is successful, weed control and ongoing revegetation with native wetland plant species will continue during the following two years.

Removal and eradication of non-native and invasive vegetation on site will be achieved using hand tools to the maximum extent possible and by application of Glyphosate herbicide *Rodeo*<sup>TM</sup> when necessary. Woody invasive vegetation that is removed (such as Myoporum shrubs) will be collected and disposed of offsite at the County Transfer Station. Non-woody vegetation that is removed will be left on the ground as mulch. The restoration and enhancement project will not require any large staging or storage areas. No large mechanized equipment will be used. Restoration materials and removed vegetation to be disposed of will be hauled to and from the project site by use of a standard sized pickup truck which will be parked along the existing road right-of-way or at the parking lot at Goleta Beach County Park. A wheelbarrow will be used for hauling materials to and from the actual habitat restoration areas to the pickup truck.

## **B. Environmentally Sensitive Habitat Area**

Section 30230 of the Coastal Act states that:

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

Section 30231 states:

*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 30240 states:

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

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

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The proposed project is a 3-year wetland habitat restoration and enhancement program. The program will involve the removal of non-native and invasive vegetation and revegetation with native wetland species along approximately 2,000 linear feet (approximately one acre in area) of the margin of Tecolotito Creek within Goleta Slough (Exhibit 2). The project site is generally located along the lower reach of Tecolotito Creek in Goleta Slough. The slough is one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act and is also designated as an environmentally significant habitat area by the Santa Barbara County Local Coastal Program. The slough is the drainage basin for five creeks that originate on the southern slopes of the nearby Santa Ynez Mountains: Atascadero Creek, San Jose Creek, San Pedro Creek, Carneros Creek, and Tecolotito Creek.

The proposed restoration area is characterized as a "High Marsh" plant community located on the upper slopes and margins of the slough. The existing wetland habitat on site is significantly degraded due to past human disturbance and colonization by invasive plant species including iceplant, Myoporum, Pampas grass, Castor bean, and non-native grasses. No restoration activities or disturbance are proposed within the active channel of Tecolotito Creek where standing or open water is present. The purpose of the proposed project is to restore the High Marsh wetland habitat on site to an approximation of its natural condition prior to human disturbance.

The first year of the project will involve the initial removal and eradication of non-native and invasive vegetation and revegetation with native species endemic to wetland areas. To ensure that the restoration and enhancement effort is successful, weed control and ongoing revegetation with native wetland plant species will continue during the following two years. Removal and eradication of non-native and invasive vegetation on site will be achieved using hand tools to the maximum extent possible and by application of Glyphosate herbicide Rodeo<sup>TM</sup> when necessary. Woody invasive vegetation that is

removed (such as Myoporum shrubs) will be collected and disposed of offsite at the County Transfer Station. Non-woody vegetation that is removed will be left on the ground as mulch. No large mechanized equipment will be used. A wheelbarrow will be utilized for hauling materials to and from a standard sized pickup truck which will be parked along the existing road right-of-way or at the parking lot at Goleta Beach County Park.

The applicant has indicated that use of Glyphosate herbicide *Rodeo*<sup>TM</sup> will be limited to the maximum extent feasible. The primary method of eradication of non-native and invasive vegetation on site will be removal by hand tools. In addition, black plastic will be used to solarize and eliminate iceplant. However, the proposed project will include some limited use of Glyphosate herbicide *Rodeo*<sup>TM</sup> in order to successfully control particular invasive plant species on site which are otherwise resistant to standard hand-removal control methods (such as Bermuda grass and Kikuyu grass). In addition, the applicant has indicated that herbicide use is also necessary to ensure successful removal of certain invasive woody species with extensive root systems (such as Myoporum shrubs) in order to avoid significant excavation of the site for root removal. Therefore, such invasive vegetation will be cut using hand tools and the stumps painted with herbicide to ensure successful treatment of root systems and minimize the potential for resprouting to occur.

The Commission notes that Glyphosate herbicide *Rodeo*<sup>TM</sup> is the only herbicide currently labeled by the United States Environmental Protection Agency (EPA) as suitable for use in wetland areas. Glyphosate is registered by the EPA as a non-selective herbicide of relatively low toxicity suitable for use in riparian areas where vegetation control is necessary. The Glyphosate Environmental Assessment Report by the EPA dated September 1993 states:

***Based on current data, EPA has determined that the effects of glyphosate on birds, mammals, fish and invertebrates are minimal. Under certain use conditions, glyphosate may cause adverse effects to nontarget aquatic plants....Glyphosate adsorbs strongly to soil and is readily degraded by soil microbes...to carbon dioxide.***

However, the Commission also notes that Glyphosate herbicide *Rodeo*<sup>TM</sup>, 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. Therefore, in order to minimize use of such herbicides in previous permit actions, the Commission has allowed for the use of Glyphosate herbicide *Rodeo*<sup>TM</sup> within sensitive wetland and riparian areas only when it was found that use of an herbicide was necessary for habitat restoration and enhancement and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. For example, Coastal Development Permits 4-00-205 and 206 (Santa Barbara County Flood Control District) for silt/flood control projects within Goleta Slough were approved by the Commission on November 16, 2000, with special conditions specifically limiting the use of Glyphosate herbicide *Rodeo*<sup>TM</sup> to the elimination of non-native and invasive vegetation for habitat restoration activities only. In the case of the proposed project, the use of Glyphosate herbicide *Rodeo*<sup>TM</sup> is proposed for the removal of non-native and

invasive vegetation as part of a comprehensive wetland habitat restoration program. In addition, as discussed above, the applicant has indicated that use of Glyphosate herbicide *Rodeo*<sup>TM</sup> on site will be limited to the maximum extent feasible and will be used only for the elimination of non-native and invasive plant species which are resistant to standard hand-removal methods.

As such, the Commission notes that the proposed project is intended to improve and enhance wetland habitat on site. However, the Commission also notes that the proposed use of herbicide may still result in some potential adverse effects to the environmentally sensitive riparian habitat area on site during the invasive vegetation removal and eradication phase of the program (resulting from unintentional misapplication of herbicide, unexpected disturbance to native wildlife or vegetation, etc.). Therefore, in order to ensure that any potential adverse effects to water quality and riparian habitat are minimized, Special Condition Two (2) requires the applicant to retain the services of an environmental resource specialist(s) to be present on site during all vegetation removal and eradication activity. In addition, Special Condition Two (2) also requires that 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*, *Myoporum*, or woody non-native or invasive vegetation may be cut utilizing hand tools and the stumps painted with Glyphosate *Rodeo*<sup>TM</sup> 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.

To ensure successful implementation, Special Condition Two (2) also specifies that 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 adverse effects or damage to the habitat value of the site occur as a result of the proposed construction activity, beyond that allowed by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such adverse effects. Any native vegetation inadvertently sprayed with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio.

In addition, the Commission notes that the proposed project provides for revegetation of the subject site with native vegetation endemic to wetland areas. However, the Commission notes that the proposed project would result in potential adverse effects to the wetland habitat due to increased erosion on site and subsequent sedimentation of the slough, if revegetation of those areas where all existing vegetation has been eradicated is not successful. Therefore, to ensure that the proposed revegetation effort is successful and that the subject area is adequately revegetated, Special Condition One (1) requires the submittal of a restoration and enhancement program prepared by a qualified resource specialist, for the review and approval of the Executive Director,



which outlines specific revegetation and restoration performance standards. The program shall be implemented to monitor the restoration effort for compliance with the specified guidelines and performance standards. The program shall also include the submittal, on an annual basis for a period of three years, beginning after the initial eradication effort of non-native and invasive vegetation is completed (Year 1 of the project - but no later than December 31<sup>st</sup> each following year), a written report evaluating the extent of the success or failure of the restoration project. This report shall include further recommendations and requirements for additional revegetation activities in order for the project to meet the specified criteria and performance standards. At the end of a three year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the revegetation program has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The Executive shall determine whether implementation of the revised or supplemental revegetation program will require an amendment to this permit.

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

### **C. 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 a public pedestrian and bicycle path. The proposed project for the restoration and enhancement of sensitive wetland habitat areas will serve to enhance the visual quality of the project site and will not result in any adverse effects to public views. In addition, the proposed restoration project will not interfere in any manner with the public's ability to access the public pedestrian/bicycle path on site or nearby Goleta Beach County Park.

In addition, the proposed project also includes the placement of educational and interpretative signs on site. The Commission notes that such signs are often beneficial in helping to not only promote public education regarding restored sensitive habitat areas but also in discouraging further human disturbance to such areas. As such, the Commission notes that educational and interpretative signs, when used in conjunction with habitat restoration and enhancement projects, are typically beneficial in nature. However, in this case, no information regarding the actual location, design, or language to be used has been submitted as part of this application. Therefore, in order to ensure that the proposed signage is consistent not only with habitat protection, but also with the continued provision of public access, views, and recreational opportunities on site, Special Condition Three (3) requires that, prior to the installation of any signage, the applicant submit, for the review and approval of the Executive Director, plans adequate to show the location, design, and language to be used for all signs to be installed.

Further, the applicant has submitted evidence of review by the United States Army Corps of Engineers and by the California Department of Fish and Game. However, the proposed development is located on historic tide lands and will also require approval from the California State Lands Commission. Therefore, Special Condition Four (4) requires the applicant to agree to obtain all necessary state and federal approvals (including any necessary approvals from the California State Lands Commission) for the proposed project.

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

#### **D. CEQA**

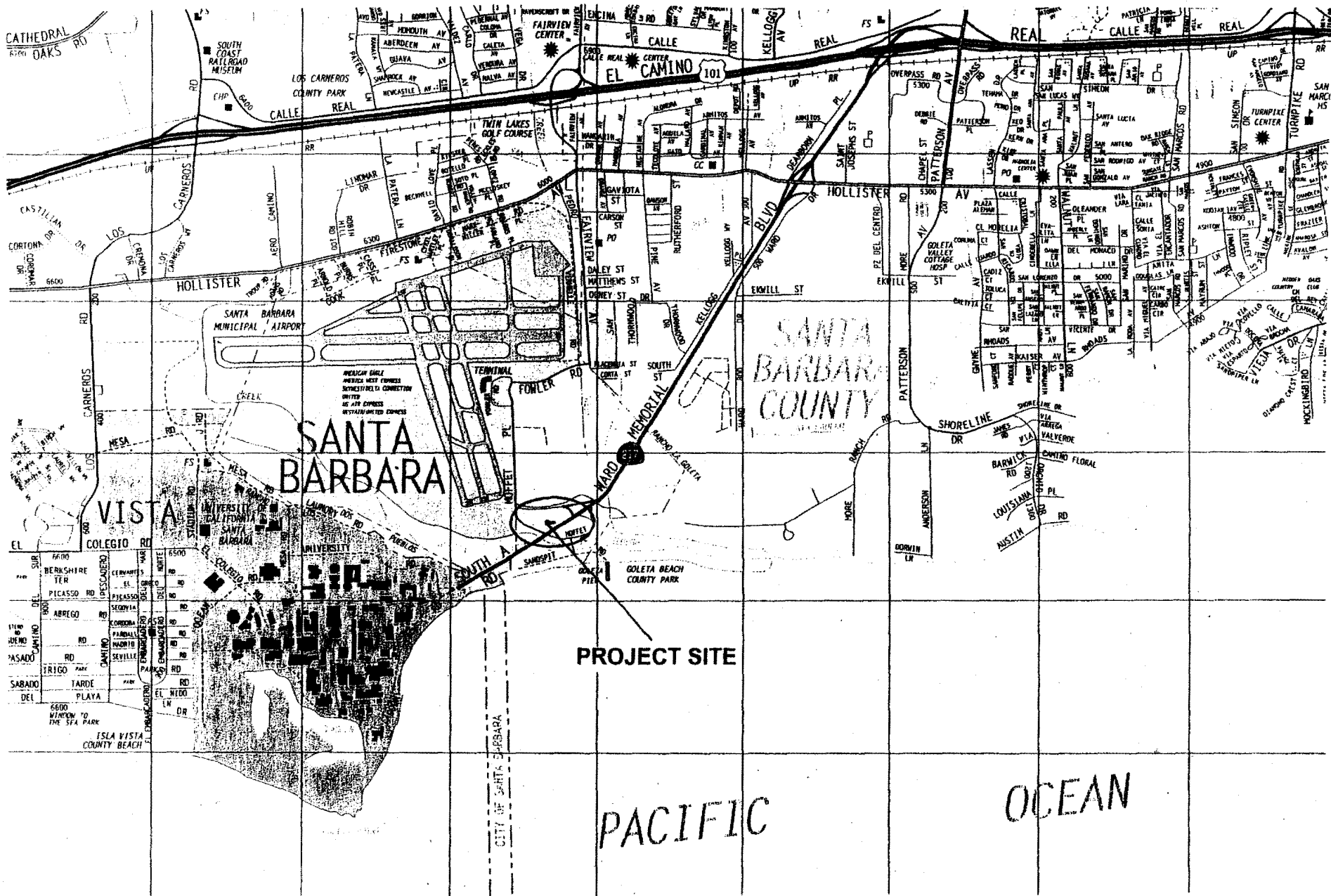
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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.

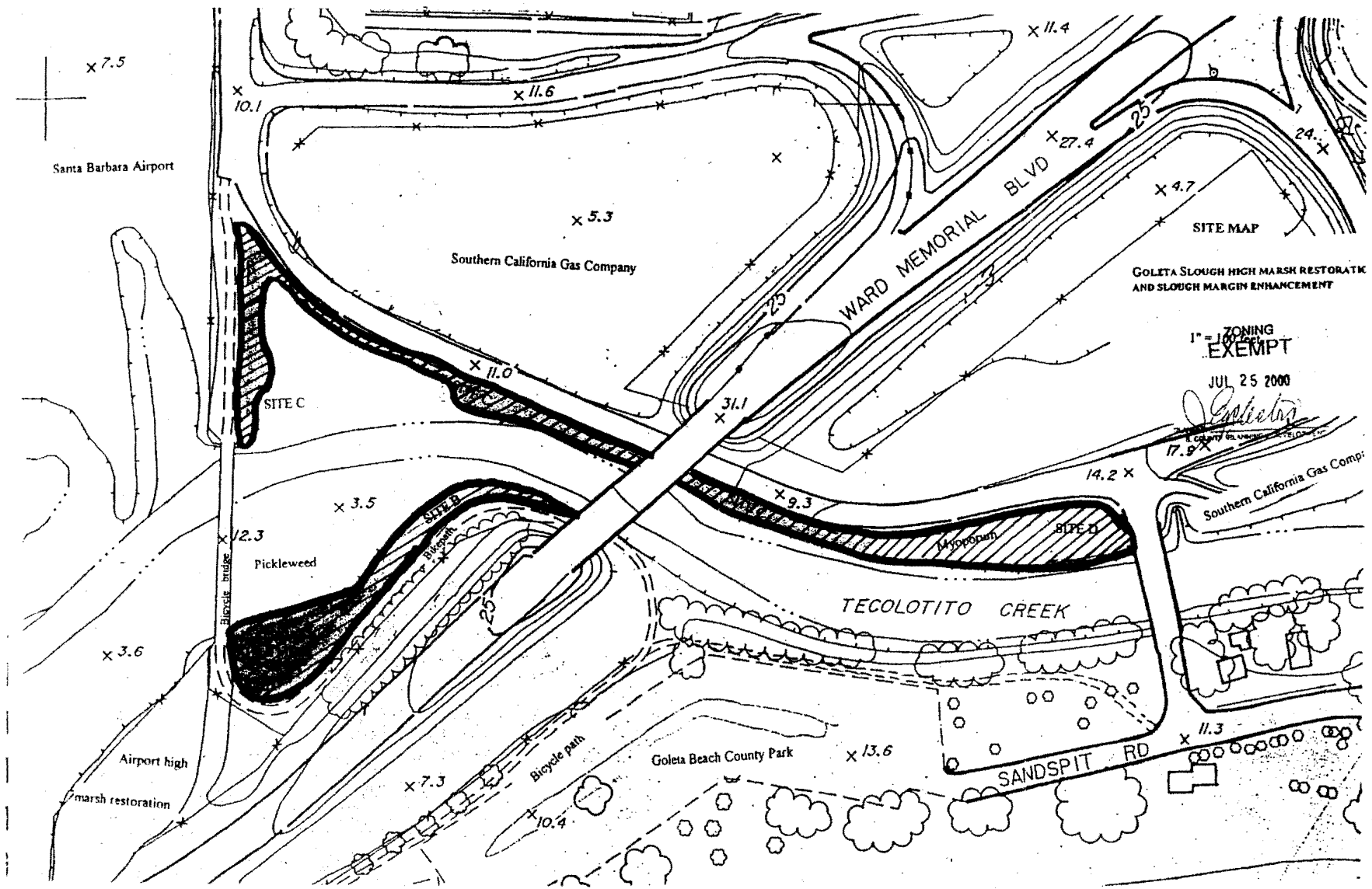
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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

**SMH-VNT**

File:smh/permits/regular/4-00-232 audubon & s.b.county report




**EXHIBIT 1**  
**CDP 4-00-232 (Audubon/S.B. County)**  
**Location Map**



SITE MAP  
 GOLETA SLOUGH HIGH MARSH RESTORATION  
 AND SLOUGH MARGIN ENHANCEMENT

1" ZONING  
 EXEMPT  
 JUL 25 2000

*Colletta*  
 County of Santa Barbara

 Proposed Restoration/Enhancement Area

**EXHIBIT 2**  
**CDP 4-00-232 (Audubon/S.B. County)**  
**Site Plan**

