

## CALIFORNIA COASTAL COMMISSION

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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-01-138

**APPLICANTS:** Marine Science Institute, Natural Reserve System, University of California, Santa Barbara

**PROJECT LOCATION:** Coal Oil Point Reserve, University of California, Santa Barbara (Santa Barbara County)

**PROJECT DESCRIPTION:** Enhancement of wetland and upland habitat within the Coal Oil Point Reserve (COPR or Reserve) located on the West Campus at University of California, Santa Barbara (Exhibits 1 & 2). The project entails the removal of the non-native and highly invasive plant species, pampass grass, at five sites on the Reserve. The removal of pampass grass will enhance the function and habitat values at the Reserve by making areas presently occupied by pampass grass available to native species. These measures are part of a larger undertaking to enhance habitat at the Reserve. The University has submitted a concurrent Notice of Impending Development (NOID 4-01) for the portion of the project within the jurisdiction of the University's 1990 Long Range Development Plan.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with two (2) special conditions regarding: (1) submittal of a Habitat Enhancement Monitoring Program and (2) Project Monitoring and Responsibilities.

The subject sites are 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 and upland ESHA has resulted in the displacement of critical habitat for native vegetation and wildlife. The proposed project is for the eradication of invasive pampass grass at five separate sites on the Reserve.

Special Condition One (1) has been required to ensure that the proposed wetland and upland habitat within the project area is adequately revegetated. 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. 4-01-138 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. Habitat Enhancement Monitoring Program

Prior to the issuance of a Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a five (5) year Habitat Enhancement Monitoring Program, prepared by a qualified biologist or environmental resource specialist, which outlines revegetation performance standards to ensure that revegetation and habitat enhancement efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period. The monitoring program shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) showing the area(s) of the project site to be enhanced prior to the commencement of development.

(b) The University shall submit, on an annual basis for a period of five (5) years, beginning after completion of the proposed activity, (but no later than December 31<sup>st</sup> each year) a written report, for the review and approval of the Executive Director, prepared by a qualified biologist or environmental resource specialist, 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.

(c) At the end of a five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the habitat enhancement project 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 revised, or supplemental enhancement program shall be processed as a new Coastal Development Permit or Notice of Impending Development.

#### 2. Project Monitoring and Responsibilities

Prior to the issuance of a Coastal Development Permit, the University 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. The University shall: (a) remove invasive vegetation manually (removal by using hand tools) to the maximum extent feasible 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.

#### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

##### A. Project Description and Background

The proposed project consists of the enhancement of wetland and upland habitat within the Coal Oil Point Reserve (COPR or Reserve) located on the West Campus at University of California, Santa Barbara (Exhibits 1 & 2). The project entails the removal of the non-native and highly invasive plant species, pampass grass, at five sites on the Reserve. No grading is proposed. The grass species is native to South America and was introduced into Goleta Valley in 1972 when it was cultivated for its decorative plumes. A single plant can produce thousands of seeds on its distinctive plumes every year which are dispersed by wind. Pampas grass has invaded the Reserve and is displacing native vegetation in the seasonal wetlands and sand dunes, considered environmentally sensitive habitats by the Reserve. The removal of pampass grass will enhance the function and habitat values at COPR by making areas presently occupied by pampass grass available to native species.

Access to ~~the Reserve is provided via a public road from the~~ north entrance of the West Campus at the intersection of Storke and El Colegio Roads. The Reserve is approximately 157 acres and is located west of the Cliff House seminar facilities, Devereux School, and UCSB faculty housing. The areas in direct proximity to the sites are undeveloped.

Coal Oil Point Reserve, within the University's West Campus, including Devereux Slough, the surrounding marshy areas and riparian woodland, the grassland on the west side of the marsh, and the coastal dunes are recognized in the University's 1990 Long Range Development Plan (LRDP) as environmentally sensitive habitat areas (ESHA). In 1998, 40 acres of land, immediately upcoast and adjacent to the west Reserve boundary, were annexed to COPR. Since the annexation occurred after the 1990 comprehensive update of the LRDP and a subsequent amendment has not been processed, the annexed property is not covered by the policies of the LRDP. The annexed parcel lies within the County of Santa Barbara. The southern portion of the annexed parcel, located roughly south of the Veneco Oil Tanks, is designated as

environmentally sensitive habitat area (ESHA) in the certified LCP for Santa Barbara County. All of the sites, with the exception of Site No. 2 (which is designated as open space preservation), are within the ESHA.

The five sites subject to this Coastal Development Permit application are scattered within the 40-acre annexed parcel, and include pampass grass infestations in disturbed areas along roadways, in a ravine dominated by coastal scrub, wetland, and coastal dune habitats. Removal and eradication of pampass grass at these sites will be achieved using hand tools to the maximum extent possible, using mechanical methods (e.g., utilizing a backhoe), and by application of Glyphosate herbicide *Rodeo*<sup>TM</sup> when no other feasible alternative exists. No remedial grading will be required to restore the sites, and the sites are anticipated to revegetate on their own through the spread of native plant materials presently growing in the surrounding area. No restoration activities or disturbances are proposed where standing or open water is present. The optimum time for the initial removal is between August and November, prior to the onset of the rainy season. To ensure that the restoration effort is successful, the Reserve will monitor the site and manually remove all new pampass grass seedlings during the following five years.

Site 2 consists of several small plants along the north-perimeter access road, between Devereux Slough and the Veneco site, which can be dug up manually (see Exhibit 3). Sites 3 and 4 are located south and west of the Veneco site, downstream of a recognized pond wetland (Exhibit 3). The sites are considered ESHA in Santa Barbara County's Local Coastal Program (LCP). The two sites consist of scattered pampass grass specimens growing on a ravine dominated by the coastal sage scrub species, coyote bush. The plants are very difficult to access because of the steepness of the ravine. In order to avoid disturbance of the native vegetation, potentially contributing to erosion and sedimentation, herbicide would be applied directly to the pampass grass and the plant would be left on-site to avoid further ground disturbance.

Site 5 is a site located southeast of the Veneco site, also within an area designated as ESHA in the certified Santa Barbara County LCP (Exhibit 3). Site 5 consists primarily of medium-sized plants growing along the side of the road which access the weather station. Under the subject project, the applicant proposes to utilize a backhoe method of removal. The specimens are considered too large to be dug up by hand. The backhoe access will be via an existing dirt road and drive over upland dominated by exotic grasses. The plants will be deposited into a truck parked on the road and from the truck they will be disposed into a Marlboro box.

Site 8 is the most extensive of the infestations dominated by large, mature specimens, and traversing seasonal wetland and coastal dune areas (Exhibit 3). The pampass grass is growing on an elevated sand hill surrounded by a seasonally flooded wetland. To access the pampass grass on foot or by vehicle requires crossing approximately 155 feet of seasonal wetland. Two methods of removal were considered feasible at the site: (1) removal by backhoe, which has the advantage of being fast (approximately 5 days) and the disadvantage of possibly temporarily compacting soil and (2) cut-and-dig

removal has the advantage of resulting in less pressure on the soil but would take approximately one month to remove all of the plants which would probably result in excessive trampling by the workers and dragging of plants on portions of the wetland. The applicant is proposing to use the cut-and-dig method for plants that are isolated within the wetland or on the dunes. The larger groups of plants that are growing together in the wetland would be removed by backhoe.

The temporary access road necessary to reach Site 8 would total approximately 2,800 sq. ft. The temporary access road alignment is located entirely on flat ground covered by exotic annual grasses such as Italian rye grass and avena, and therefore no grading is necessary. The staging area (Exhibit 3) needed for this site is also entirely exotic grassland habitat. The access through the wetland (Exhibit 3) is approximately 155 feet. Vegetation at this site is approximately 80% *Frankenia maritima*, 10% *Distichlis spicata* (salt grass), and 10% bare ground (sand). Wooden boards would be placed in the wetland area to guide backhoe access thereby minimizing points of entry and trampling. The boards would be removed if work ceases for more than two days. However, the University plans to conduct the work in consecutive days to minimize the duration of potential impacts. The University asserts that some crushing of plants will occur, but the rhizomorous plants should recover within one season. Both *Frankenia* and salt grass are rhizomorous plants and will produce new branches from the undisturbed stalks and roots in the first winter season. As pampass grass debris is removed from the ground, the tractor will deposit them into a truck parked on the nearest upland (non-native) grassland. The truck will transport the plants off site for disposal into a Marlbor box.

Coal Oil Point Reserve is part of the University-wide Natural Reserve System. The purpose of the Reserve System is to protect and manage specific University-owned natural areas containing environmentally sensitive resources for the purpose of teaching and research. The University has identified the loss of native vegetation due to displacement by non-native and invasive plant species as one of the key issues facing Coal Oil Point Reserve. The proposed habitat restoration and enhancement project will be implemented pursuant to a grant received by the Reserve from the Coastal Resources Grant Program to restore degraded sensitive coastal habitats. The removal of pampass grass will further serve as part of the education program for the community to teach the value of preservation and restoration. The Reserve staff will gather and distribute data on the cost-effectiveness of each method of removal.

### **B. Eradication Program**

The measures subject to this coastal development permit application are part of a larger undertaking to eradicate approximately 15,000 sq. ft. (cumulative total at eight sites) of pampass grass at the Reserve. The Reserve staff has identified eight major infestations within COPR boundaries. The intent of the initial effort is to remove all of the subject plants during the first year and then focus on maintenance in subsequent years by removing any seedlings. Three of these sites (approximately 2,350 sq. ft.) are within the limits of the University of California at Santa Barbara certified Long Range Development Plan (1990) and are concurrently being processed as a Notice of

Impending Development. The remaining five sites (approximately 12,650 sq. ft.) are on lands that were annexed to the Reserve system in 1998 and ~~presently lie~~ outside of the University's jurisdiction pursuant to the LRDP in Santa Barbara County. The annexed parcel is not covered under the Long Range Development or under the certified LCP for Santa Barbara County. Therefore, the proposed project is being processed under Coastal Commission permit authority.

### **C. 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) Dévelopment 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 consists of the enhancement of wetland and upland habitat through the removal of pampass grass at five sites on the Reserve. Removal and eradication of pampass grass at these sites will be achieved using hand tools to the maximum extent possible, using mechanical methods (e.g., utilizing a backhoe), and by application of Glyphosate herbicide *Rodeo*<sup>TM</sup> when no other feasible alternative exists. No remedial grading will be required to restore the sites, and the sites are anticipated to revegetate on their own through the spread of native plant materials presently growing in the surrounding area. The optimum time for the initial removal is between August and November, prior to the onset of the rainy season. To ensure that the restoration effort is successful, the Reserve will monitor the site and manually remove all new pampass grass seedlings during the following five years.

Coal Oil Point Reserve is located within the University's West Campus, including Devereux Slough, the surrounding marshy areas and riparian woodland, the grassland on the west side of the marsh, and the coastal dunes are recognized in the University's 1990 Long Range Development Plan (LRDP) as environmentally sensitive habitat areas (ESHA). In addition, a majority of the 40-acre parcel annexed to the Reserve in 1998 is designated as environmentally sensitive habitat area (ESHA) in the certified LCP for Santa Barbara County. All of the sites, with the exception of Site No. 2 (which is designated as open space preservation), are within the designated ESHA. Furthermore, the sites are considered ESHA as determined under the Coastal Act.

The proposed project is part of an ongoing wetland and upland habitat restoration and enhancement program at the University's Coal Oil Point Reserve. The proposed project is intended to eradicate present infestations of pampass grass to prevent additional spread and loss of function in the ecosystem. The Commission finds that the proposed removal of pampass grass will serve to restore and enhance existing degraded habitat resources on the Reserve

The five sites subject to this Coastal Development Permit application are scattered within the 40-acre annexed parcel, and include pampass grass infestations within disturbed areas along roadways, in a ravine dominated by coastal scrub, wetland, and coastal dune habitats. The project entails the removal of non-native and invasive pampass grass. Pampass grass is native to South America and was introduced into Goleta Valley in 1972 when it was cultivated for its decorative plumes. A single plant can produce thousands of seeds on its distinctive plumes every year which are dispersed by wind. Pampass grass has invaded the Reserve and is displacing native vegetation in the seasonal wetlands and sand dunes, considered environmentally sensitive habitats by the Reserve. The removal of pampass grass will enhance the function and habitat values at COPR by making areas presently occupied by pampass grass available to native species.

Site 2 consists of several small plants along the north-perimeter access road, between Devereux Slough and the Veneco site, which can be dug up manually (see Exhibit 3). Sites 3 and 4 are located south and west of the Veneco site, downstream of a



recognized pond wetland (Exhibit 3). The sites are considered ESHA in Santa Barbara County's Local Coastal Program (LCP). The two sites consist of scattered pampass grass specimens growing on a ravine dominated by the coastal sage scrub species, coyote bush. The plants are very difficult to access because of the steepness of the ravine. In order to avoid disturbance of the native vegetation, potentially contributing to erosion and sedimentation, herbicide would be applied directly to the pampass grass and the plant would be left on-site to avoid further ground disturbance.

Site 5 is a site located southeast of the Veneco site, also within an area designated as ESHA in the certified Santa Barbara County LCP (Exhibit 3). Site 5 consists primarily of medium-sized plants growing along the side of the road which access the weather station. Under the subject project, the applicant proposes to utilize a backhoe method of removal. The specimens are considered too large to be dug up by hand. The backhoe access will be via an existing dirt road and drive over upland dominated by exotic grasses. The plants will be deposited into a truck parked on the road and from the truck they will be disposed into a Marlboro box.

Site 8 is the most extensive of the infestations dominated by large, mature specimens, and traversing seasonal wetland and coastal dune areas (Exhibit 3). The pampass grass is growing on an elevated sand hill surrounded by a seasonally flooded wetland. To access the pampass grass on foot or by vehicle requires crossing approximately 155 feet of seasonal wetland. Two methods of removal were considered feasible at the site: (1) removal by backhoe, which has the advantage of being fast (approximately 5 days) and the disadvantage of possibly temporarily compacting soil and (2) cut-and-dig removal has the advantage of resulting in less pressure on the soil but would take approximately one month to remove all of the plants which would probably result in excessive trampling by the workers and dragging of plants on portions of the wetland. The applicant is proposing to use the cut-and-dig method for plants that are isolated within the wetland or on the dunes. The larger groups of plants that are growing together in the wetland would be removed by backhoe.

The temporary access road necessary to reach Site 8 would total approximately 2,800 sq. ft. The temporary access road alignment is located entirely on flat ground covered by exotic annual grasses such as Italian rye grass and avena, and therefore no grading is necessary. The staging area (Exhibit 3) needed for this site is also entirely exotic grassland habitat. The access through the wetland (Exhibit 3) is approximately 155 feet. Vegetation at this site is approximately 80% *Frankenia maritima*, 10% *Distichlis spicata* (salt grass), and 10% bare ground (sand). Wooden boards would be placed in the wetland area to guide backhoe access thereby minimizing points of entry and trampling. The boards would be removed if work ceases for more than two days. However, the University plans to conduct the work in consecutive days to minimize the duration of potential impacts. The University asserts that some crushing of plants will occur, but the rhizomorous plants should recover within one season. Both *Frankenia* and salt grass are rhizomorous plants and will produce new branches from the undisturbed stalks and roots in the first winter season. As pampass grass debris is removed from the ground,

the tractor will deposit them into a truck parked on the nearest upland (non-native) grassland. The truck will transport the plants off site for disposal into a Marlberg box.

The Commission finds that the proposed development will serve to restore and enhance degraded wetland and upland habitat at Coal Oil Point Reserve. However, the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from project activities. In order to ensure that any potential adverse effects to adjacent wetland and upland habitat from removal activities are minimized, **Special Condition Two (2)** requires the applicant to retain the services of a qualified biologist or environmental resource specialist to be present on site during all project activities. The monitor shall immediately notify the Executive Director if unpermitted activities occur or if wetland or upland habitat is removed or impacted beyond the scope of the work allowed by CDP 4-01-138. If significant impacts or damage occur to any wetland or upland resources on site beyond the scope of work allowed for by this CDP, all work will temporarily cease and the monitor shall immediately contact the Executive Director. The University shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts at a 3:1 replacement ratio. The revised, or supplemental, restoration program shall be processed as a new Coastal Development Permit or Notice of Impending Development, as appropriate.

The Commission further finds that use of herbicides may be necessary for successful implementation of the proposed habitat enhancement project (Herbicide use is discussed in more detail in Section E, Water Quality, below). Herbicide application may be required for large pampass grass specimens which are not easily accessed, may contribute to erosion potential, or which cannot be physically removed utilizing hand tools. Rodeo 1½% with a surfactant registered for use near water would be utilized. The University has stated that the herbicide will not be applied on windy days or during the rainy season to decrease the impact of herbicide treatment on the surrounding native vegetation. In addition, any native vegetation in close proximity to the treatment area will be covered with protective plastic during the application. To ensure that herbicide-related project activities do not adversely impact sensitive habitat or coastal waters, Special Condition Two (2) requires the University to: (a) remove invasive vegetation by manual methods to the maximum extent feasible 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 proposed project includes the removal of invasive vegetation in order to enhance existing degraded wetland and upland habitat areas on site. However, the proposed project may result in potential adverse effects to the existing wetland habitat on site from increased erosion and sedimentation, if revegetation of areas where all existing vegetation has been removed is not successful. Therefore, to ensure that the proposed

wetland and upland restoration and enhancement program is successful and that the subject area is adequately revegetated, **Special Condition One (1)** requires that the University submit, on an annual basis for a period of five years, beginning after the proposed project is completed (but no later than December 31<sup>st</sup> each year), a written report prepared by a qualified biologist or resource specialist, for the review and approval of the Executive Director, evaluating the extent of the success or failure of the enhancement 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 five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If the final report indicates that the revegetation component of the enhancement 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 revised, or supplemental revegetation program shall be processed as a new notice of impending development.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act with regard to environmentally sensitive habitat and the marine environment.

#### **D. Water Quality**

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 of the Coastal Act 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, minimizing alteration of natural streams.***

Section 30230 of the Coastal Act requires that marine resources be maintained, enhanced and restored and that special protection be given to areas and species of special biological importance or economic significance. Section 30230 of the Coastal Act further requires that uses of the marine environment sustain the biological

productivity and the quality of coastal waters and streams and maintain healthy populations of all species and marine organisms. Section 30231 of the Coastal Act mandates that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as 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.

The Commission finds that the proposed project will serve to restore and enhance degraded wetland and upland habitat at Coal Oil Point Reserve. In addition, the Commission recognizes that use of herbicides may be necessary for successful implementation of the proposed habitat enhancement project. As a result, the proposed project may result in potential adverse effects to coastal water quality due to unintentional disturbance from project activities.

Herbicide application may be required for large pampass grass specimens which are not easily accessed, may contribute to erosion potential, or which cannot be physically removed utilizing hand tools. Rodeo 1½% with a surfactant registered for use near water would be utilized. To decrease the impact of herbicide treatment on the surrounding native vegetation, the herbicide will not be applied on windy days or during the rainy season. In addition, any native vegetation in close proximity to the treatment area will be covered with protective plastic during the application. In addition, the University has stated that a biologist or environmental resource specialist will be present on site at all times when herbicide treatment is being applied. Work will be ceased if any impact on native vegetation occurs.

The Commission notes that the 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 could result in some adverse effects to coastal waters when used in near coastal waters 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 addition, Coastal Development Permit 4-00-232 (Audubon Society) was approved by the Commission on January 9, 2001 with special conditions specifically limiting the use of *Rodeo*<sup>TM</sup> for wetland habitat restoration and habitat enhancement in Goleta Slough. In the case of the proposed project, the use of Glyphosate herbicide *Rodeo*<sup>TM</sup> is proposed for the removal of invasive vegetation as part of a comprehensive habitat restoration program on the Reserve. 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 the plant species when no other alternative exists.

To ensure that adverse effects to coastal water quality do not result from the proposed project activities, the Commission finds it necessary to require the University, pursuant to **Special Condition Two (2)**, to (a) remove invasive vegetation by manual means to the maximum extent feasible and (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.

**Special Condition Two (2)** further requires the University to retain the services of an environmental resource specialist(s) to be present on site during all vegetation removal and eradication activities, including any applications of herbicide. The monitor shall immediately notify the Executive Director if unpermitted activities occur or if wetland or upland habitat is removed or impacted beyond the scope of the work allowed by CDP 4-01-138. If significant impacts or damage occur to any wetland or upland resources on site beyond the scope of work allowed for by this CDP, all work will temporarily cease and the monitor shall immediately contact the Executive Director. The University shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts at a 3:1 replacement ratio. The revised, or supplemental, restoration program shall be processed as a new CDP or Notice of Impending Development, as appropriate.

The proposed project includes the removal of invasive vegetation in order to enhance existing degraded habitat areas on site. The Commission further finds that the proposed project may result in potential adverse effects to coastal waters from increased erosion and sedimentation, if revegetation of areas where all existing vegetation has been removed is not successful. Therefore, to ensure that the proposed enhancement project is successful and that the subject area is adequately revegetated,

**Special Condition One (1)** requires that the University submit, on an annual basis for a period of five years, beginning ~~after the proposed project is completed~~ (but no later than December 31<sup>st</sup> each year), a written report prepared by a qualified biologist or resource specialist, for the review and approval of the Executive Director, evaluating the extent of the success or failure of the enhancement 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 five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If the final report indicates that the revegetation component of the enhancement project 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 revised, or supplemental revegetation program shall be processed as a new notice of impending development.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Coastal Act policies Section 30230 and 30231 with regard to water quality.

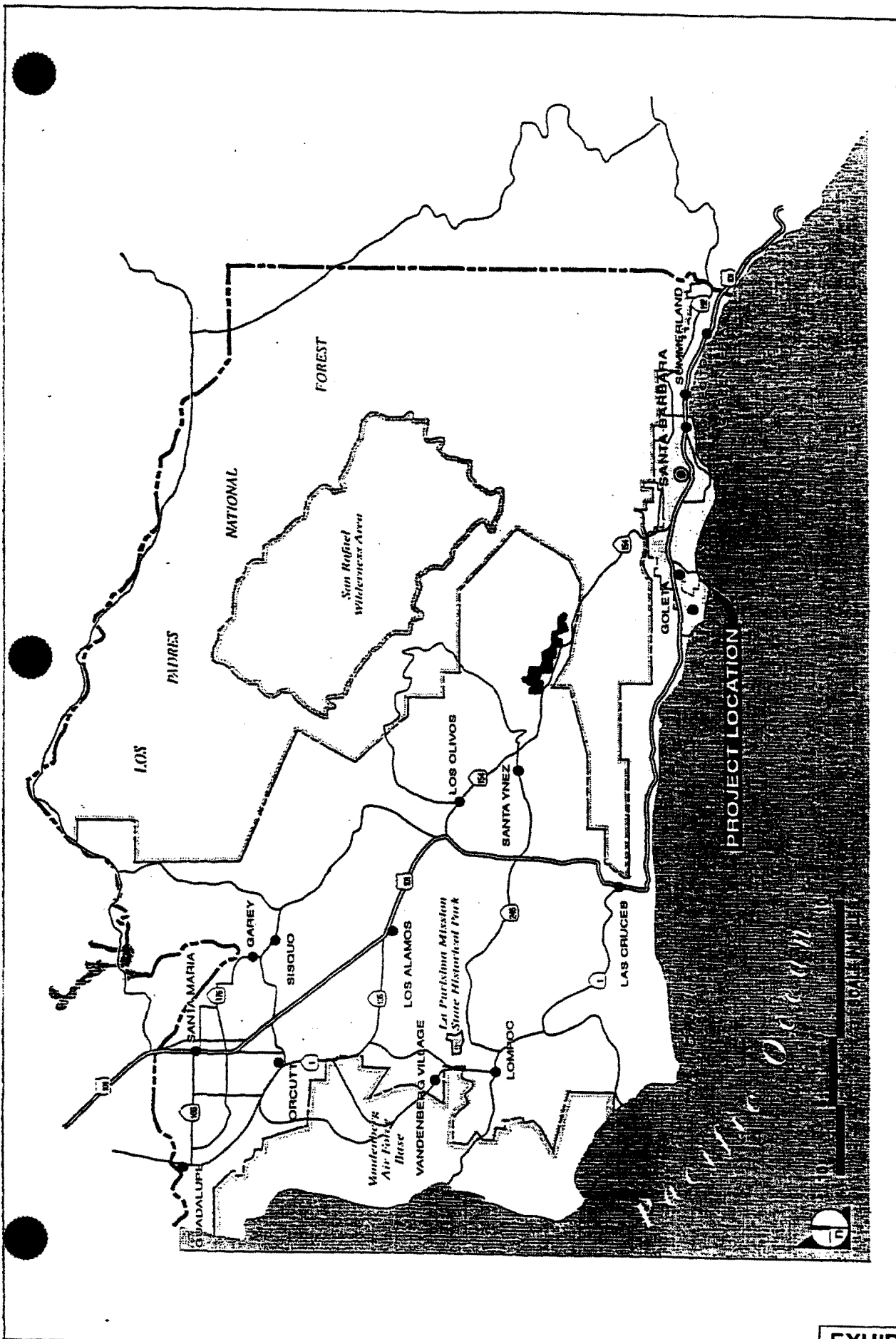
### **E. Local Coastal Program**

The five sites subject to this permit are not covered under the certified Long Range Development (LRDP) or under the certified Local Coastal Program (LCP) for the County of Santa Barbara. Hence, the application is being reviewed before the Commission, and therefore the standard of review applied by the Commission in considering the proposed project is the Coastal Act. The Commission notes that its review of the proposed project discloses no conflicts with any of the policies of the County's certified LCP or University's LRDP, including those policies regarding environmentally sensitive habitat, marine habitat, and water quality.

### **F. 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.

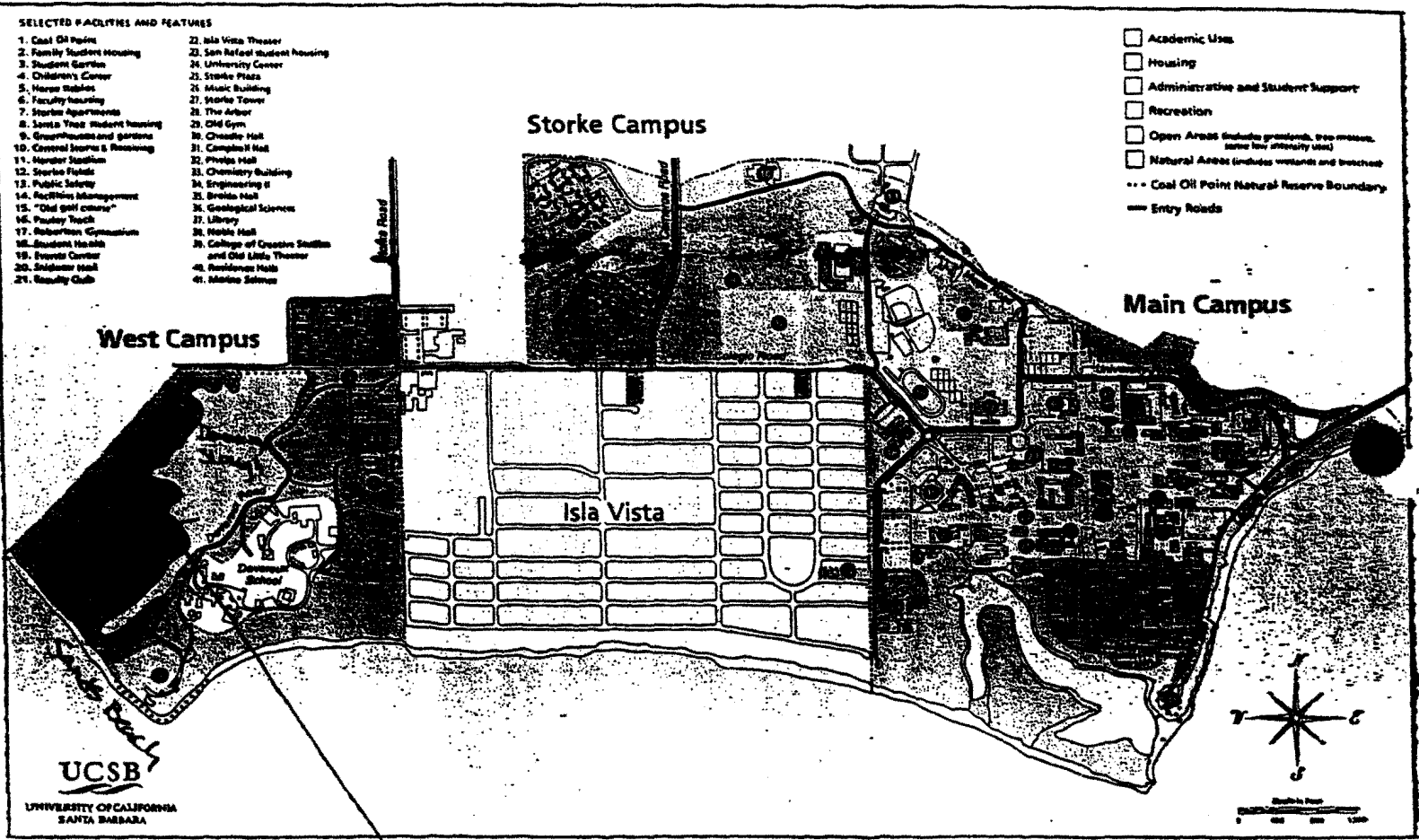
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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



ICE: U.S.G.S. "State of California (South Half) 1:500,000", 1981.

P-10/89

**EXHIBIT 1**  
**CDP 4-01-138**  
**Regional Map**



Coal Oil Point Reserve

FIGURE 3 Existing Land Use 11.7 LADP



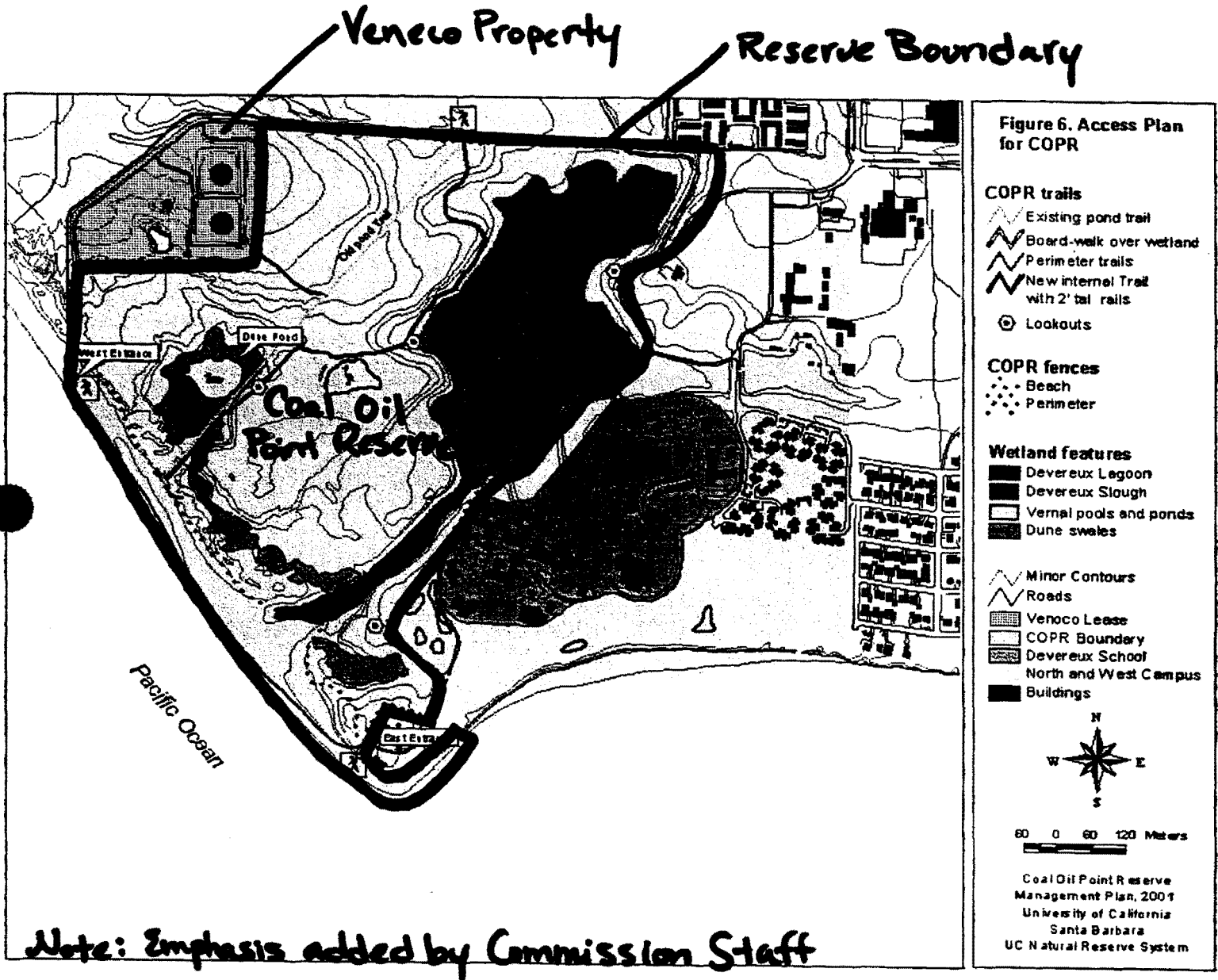
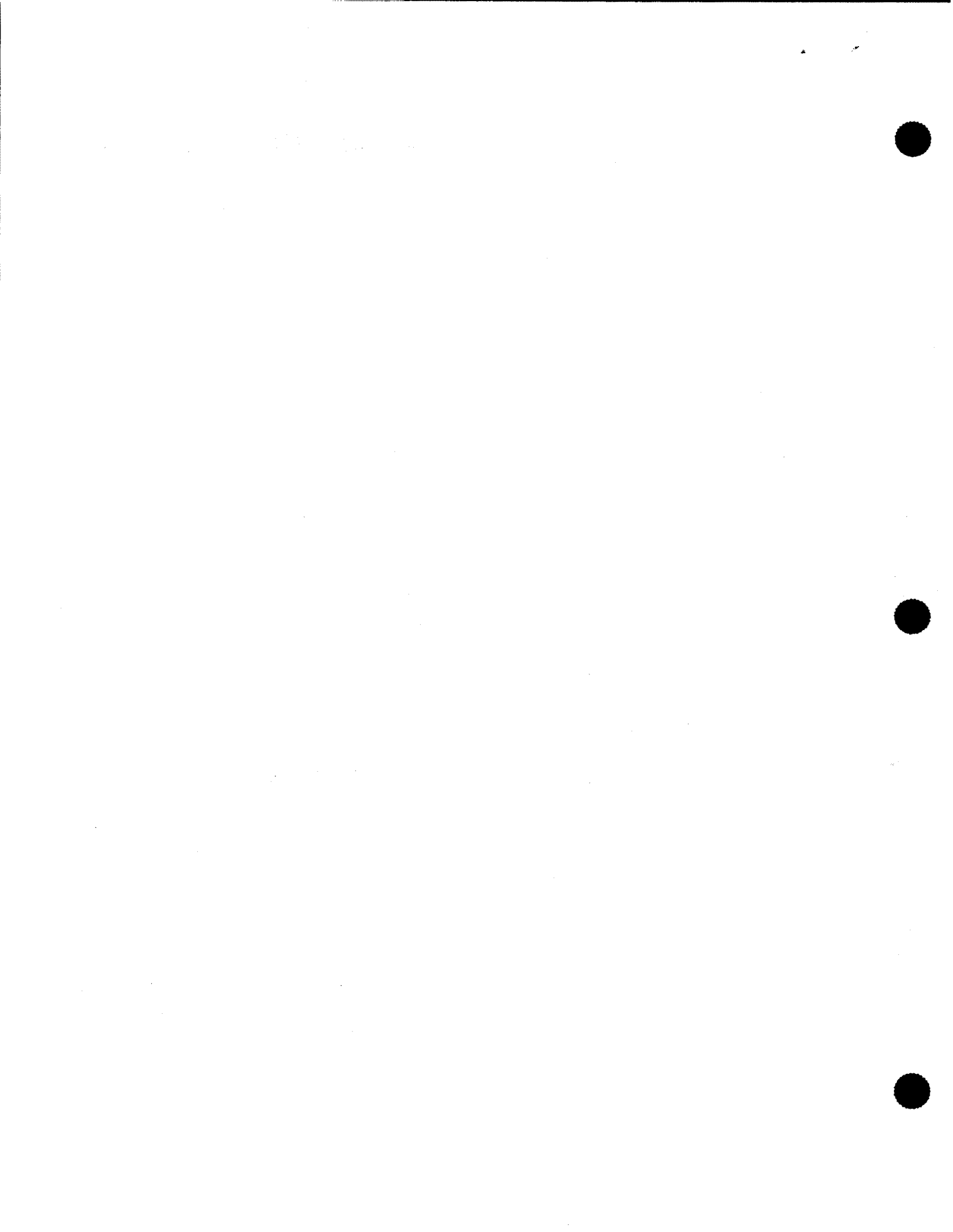
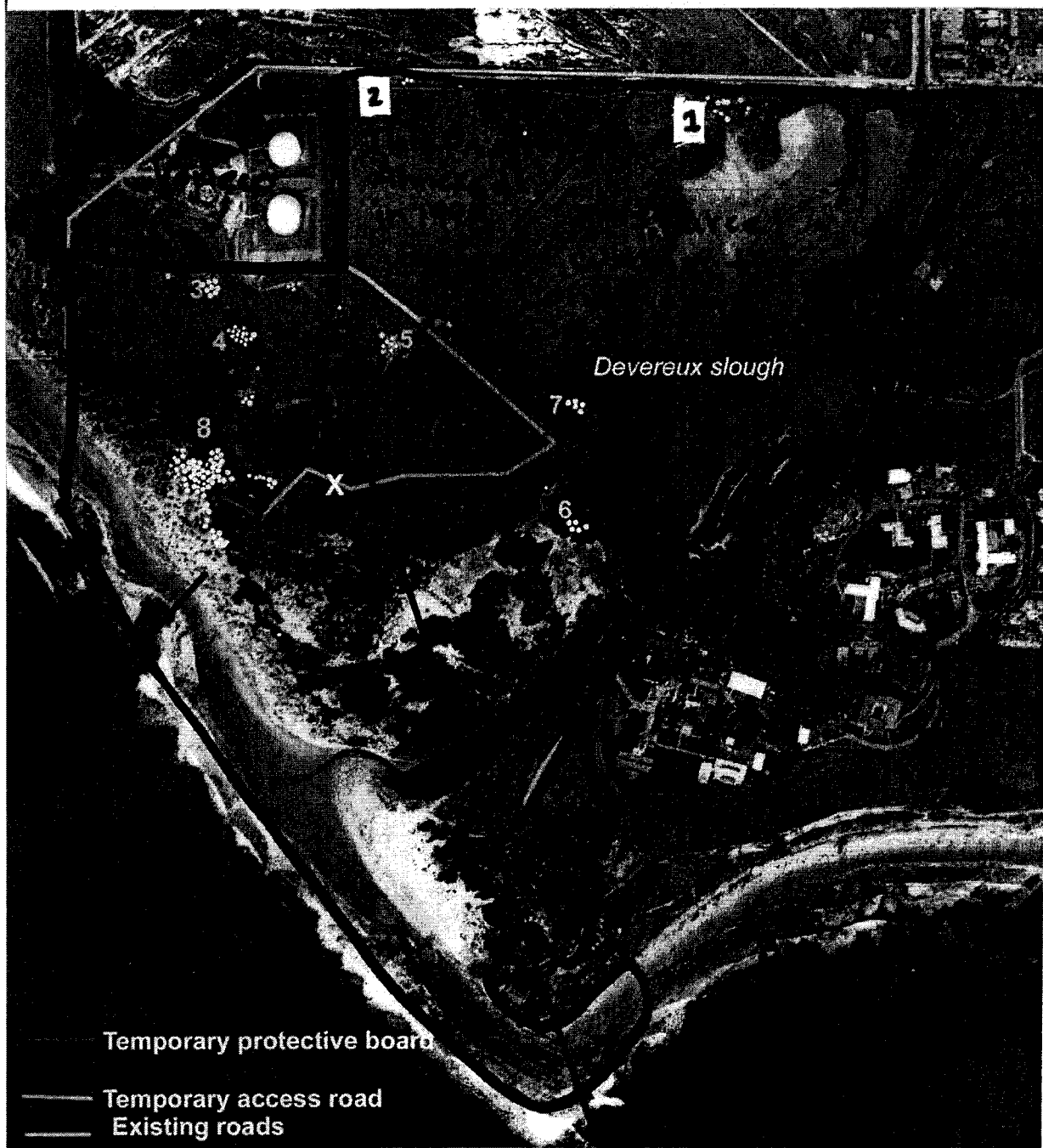


EXHIBIT 3  
 CDP 4-01-138  
 Location





Reserve Boundary

Devereux slough

Temporary protective board

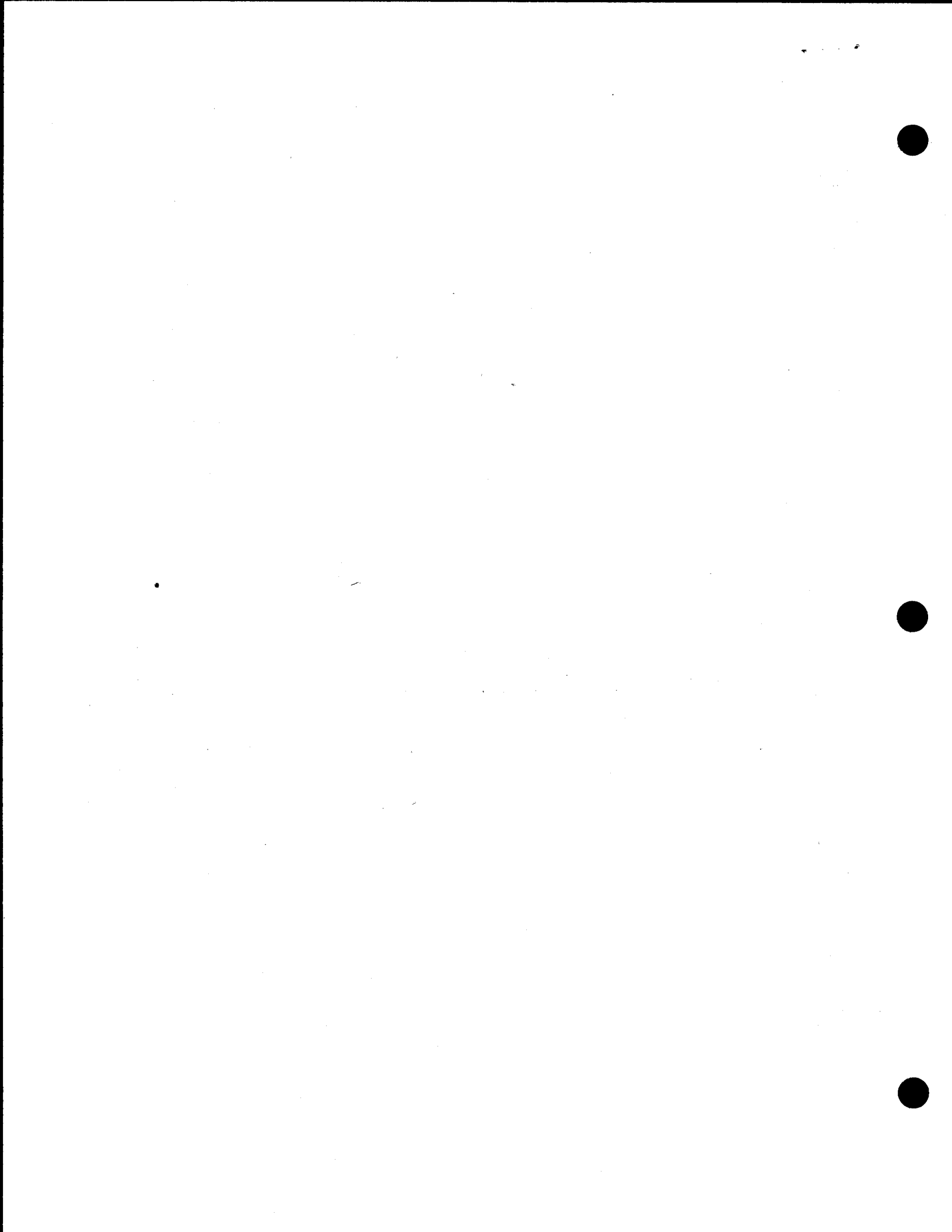
Temporary access road

Existing roads

Original Reserve Boundary  
(Prior to 1998)

Note: Emphasis added by Commission Staff

EXHIBIT 4
CDP 4-01-138
Site Plan





Note: Emphasis added by Commission Staff

EXHIBIT 5
CDP 4-01-138
Site Access

