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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

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RECORD PACKET COPY

June 20, 2002

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
Melanie Hale, Supervisor, Planning and Regulation
Shana Gray, Coastal Program Analyst

RE: **Notice of Impending Development 4-01, Pursuant to the University of California Santa Barbara** Certified Long Range Development Plan for Public Hearing and Commission Action at the July 11, 2002 Commission Meeting in Huntington Beach.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of the enhancement of habitat along the western margin of Devereux Slough 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 three sites along the west margin of Devereux Slough. 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. The measures subject to this notice of impending development (NOID) are part of a larger undertaking to enhance habitat at the Reserve. The University has submitted a concurrent coastal development permit application (CDP 4-01-138) for the portion of the project within the jurisdiction of the Coastal Commission. The off-campus portion of the project includes removal of pampass grass at five additional sites within the Reserve boundaries.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office on May 23, 2002, and the notice was deemed filed on June 3, 2002. Staff is recommending that the Commission determine that the impending development **is consistent** with the certified University of California at Santa Barbara Long Range Development Plan (LRDP) with two special conditions regarding: (1) habitat enhancement monitoring program and (2) project monitoring and responsibilities and which are necessary to bring the development into conformance with the LRDP.

SUBSTANTIVE FILE DOCUMENTS: 1990 Long Range Development Plan (UCSB, 1990); CDP 4-00-232 (Audubon Society);

I. PROCEDURE

Section 30606 of the Coastal Act and Article 14, §13547 through §13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

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

II. STAFF RECOMMENDATION: MOTION AND RESOLUTION

MOTION: ***I move that the Commission determine that the development described in the Notice of Impending Development 4-01, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.***

STAFF RECOMMENDATION:

Staff recommends a ~~YES vote. Passage of this motion~~ will ~~result~~ in ~~a~~ determination that the development described in the Notice of Impending Development 4-01, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 4-01, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Habitat Enhancement Monitoring Program

(a) Prior to the commencement of development, the University 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 31st 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 Notice of Impending Development.

2. Project Monitoring and Responsibilities

Prior to the commencement of development, 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 by manual or mechanical means (removal by using hand tools or use of the "tie and pull" method) 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 finds and declares as follows:

A. Description of Impending Development

The impending development consists of the enhancement of habitat along the western margin of Devereux Slough 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 three sites along the west margin of Devereux Slough. 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.

Devereux Slough is designated as an environmentally sensitive habitat area (ESHA) in the LRDP. Devereux Slough provides a freshwater marsh environment in the rainy season and a brackish salt marsh environment during the dry season. It supports a diverse population of waterbirds, including some sensitive species. The LRDP addresses setbacks and ESHA buffers only as they apply to identified development locations. However, the Commission finds that these sites are directly upland and adjacent to Devereux Slough and the project has the potential directly impact designated ESHA.

The three sites subject to this Notice of Impending Development (NOID) are located west of Devereux Slough, on the top of the banks of the active slough area along the slough margin. 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., the "tie and pull" method), and by application of Glyphosate herbicide *Rodeo™* when no other feasible alternatives exist. No remedial grading will be required to restore

the sites, and the sites are anticipated to revegetate on their own through the spread of rhizomatous plants presently growing in the surrounding area. No restoration activities or disturbances are proposed within the active slough area where standing or open water is present. 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 1, as shown on the site plan (Exhibit 3), is located along the north COPR boundary, west of Devereux Slough and south of the north perimeter access road. Existing vegetation in this area is comprised of coastal scrub. Scattered pampass grass occurs along the margin of the slough, ranging in size from seedlings to large, mature plants. In the Fall 2000 survey, Reserve staff identified at least 16 mature plants (larger than 24" x 24" crown) at the site. Small plants (up to 6" x 6" crown) and seedlings (up to 2" x 2" crown) would be dug up and manually removed. The larger specimens would be removed from this site using the "tie and pull" method which entails tying the plants by the base to a truck and pulling them directly from the soil. Vehicles would be limited to the existing access road, and would not be allowed on wetland or native vegetation areas.

Sites 6 and 7 (Exhibit 3) are located west of Devereux Slough along the southern reach, prior to the narrowing of the outlet channel. Scattered pampass grass plants occur along the slough margin in these areas. The infestation at Site 7 is comprised of small to medium sized plants, and Site 6 is dominated by large, mature specimens. The remoteness of these sites, away from existing access routes, make them difficult to access by vehicle. As with Site 1, small plants and seedlings will be removed manually. The Reserve Manager has stated in recent correspondence that it appears that all of the plants at Site 6 and 7 could be removed by hand, thereby avoiding application of herbicide. However, any specimens that are not feasibly removed in the field would be killed utilizing herbicide. Application of herbicide would occur after July 1, after the bird breeding season ends, and outside of the rainy season (November 1 through March 31). Native vegetation would be covered with plastic during the application to protect the surrounding native community.

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 notice of impending development 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 therefore subject to this NOID. 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. The University has submitted a concurrent coastal development permit application (CDP 4-01-138) for the portion of the project within the jurisdiction of the Coastal Commission.

C. Background

On March 17, 1981, the University's Long Range Development Plan (LRDP) was effectively certified by the Commission. The LRDP has been subject to ten major amendments. Under LRDP Amendment 1-91, the Commission reviewed and approved the 1990 UCSB LRDP; a 15-year long range planning document, which substantially updated and revised the certified 1981 LRDP. The 1990 LRDP provides the basis for all new physical and capital development on campus. Coal Oil Point Reserve, located on West Campus, is part of the University-wide Natural Reserve System. The 1990 LRDP provides that allowable development within Coal Oil Point Reserve may include minor development to support research activities, public access and trail improvements, and the development of reserve management and maintenance programs. The proposed project to restore and enhance upland habitat is part of an overall management and maintenance program for Coal Oil Point Reserve to enhance habitat and public resources and is consistent with the new development policies of the LRDP.

D. Environmentally Sensitive Habitat Area

The LRDP contains several policies regarding the protection and management of coastal waters and sensitive habitat areas. Sections 30230 and 30231 of the Coastal Act, which have been included in the certified LRDP, require that marine resources and the biological productivity of coastal waters, including wetlands, shall be maintained and, where feasible, enhanced. Section 30240 of the Coastal Act, which has been included in the certified LRDP, provides that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development in areas adjacent to such areas shall be sited and designed to prevent impacts which would significantly degrade such areas. The LRDP contains several policies which require the protection of ESHA and wetland areas. For instance, Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff

away from coastal waters and wetlands. Subpart (*l*) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands. Further, Policy 30231.3 of the LRDP requires that the area surrounding campus wetlands shall be reserved as open-space buffer.

Devereux Slough is designated as an environmentally sensitive habitat area (ESHA) in the LRDP. Devereux Slough provides a freshwater marsh environment in the rainy season and a brackish salt marsh environment during the dry season. It supports a diverse population of waterbirds, including some sensitive species. The LRDP addresses setbacks and ESHA buffers only as they apply to identified development locations. However, the Commission finds that these sites are directly upland and adjacent to Devereux Slough and the project has the potential directly impact designated ESHA.

The impending development 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 three sites subject to this Notice of Impending Development are located west of Devereux Slough, on the top of the banks of the active slough area along the slough margin. The project entails the removal of the non-native and highly invasive plant species, 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. 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.

Existing vegetation in the vicinity of the three project sites consist of a mix of slough edge plants and dune plants such as coyote bush, coastal golden bush, phacelia, bee plant, and coastal sage brush. 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 plants presently growing in the surrounding area. The University asserts that the natural revegetation of the disturbed areas should be covered after the first rainy season. No restoration activities or disturbances are proposed within the active slough area where standing or open water is present. 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 1, as shown on the site plan (Exhibit 3), is located along the north COPR boundary, west of Devereux Slough and south of the north-perimeter access road. Existing vegetation in this area is comprised of coastal scrub. Scattered pampass grass occurs along the margin of the slough, ranging in size from seedlings to large, mature plants. In the Fall 2000 survey, Reserve staff identified at least 16 mature plants (larger than 24" x 24" crown) at the site. Small plants (up to 6" x 6" crown) and seedlings (up to 2" x 2" crown) would be dug up and manually removed. The larger specimens would be removed from this site using the "tie and pull" method which entails tying the plants by the base to a truck and pulling them directly from the soil. Vehicles would be limited to the existing access road, and would not be allowed on wetland or native vegetation areas.

Sites 6 and 7 are located west of Devereux Slough along the southern reach, prior to the narrowing of the outlet channel. Scattered pampass grass plants occur along the slough margin in these areas. The plants occur at least 30 feet from the water edge. The infestation at Site 7 is comprised of small to medium sized plants, and Site 6 is dominated by large, mature specimens. The remoteness of these sites, away from existing access routes, make them difficult to access by vehicle. Removal and eradication of pampass grass at these sites will be achieved using hand tools to the maximum extent possible, using mechanical methods, and by application of the Glyphosate herbicide *Rodeo™* when no other feasible alternatives exist. As with Site 1, small plants and seedlings will be removed manually. The Reserve Manager has stated in recent correspondence that it appears that all of the plants at Site 6 and 7 could be removed by hand, thereby avoiding application of herbicide. However, any specimens that are not feasibly removed in the field would be exterminated utilizing herbicide. Application of herbicide would occur after July 1, after the bird breeding season ends, and outside of the rainy season (November 1 through March 31). Native vegetation would be covered with plastic during the application to protect the surrounding native community.

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 UCSB Notice of Impending Development 4-01. If significant impacts or damage occur to any wetland or upland resources on site beyond the scope of work allowed for by this Notice of Impending Development, 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 Notice of Impending Development.

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 for the "tie and pull" method 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 or mechanical means (removal by using hand tools or use of the "tie and pull" method) 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 31st 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.

The Commission, therefore, finds that the notice of impending development, as conditioned, is consistent with the applicable LRDP policies with regards to environmentally sensitive habitat areas and the marine environment.

E. Water Quality

The LRDP contains several policies regarding the protection and management of coastal waters. Sections 30230 and 30231 of the Coastal Act, which have been included in the certified LRDP, require that marine resources and the biological productivity of coastal waters, including wetlands, shall be maintained and, where feasible, enhanced. Consistent with Sections 30230 and 30231 of the Coastal Act, LRDP Policies 30231.1 and 30231.2 provide for the protection of coastal waters and wetlands from increased sedimentation, erosion, excavated materials, construction debris, and contamination from chemical wastes and other pollutants.

In addition, the LRDP contains several policies which require the protection of wetland areas. For instance, Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff away from coastal waters and wetlands. Subpart (*l*) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands. Further, Policy 30231.3 of the LRDP requires that the area surrounding campus wetlands shall be reserved as open-space buffer.

The Commission notes that the proposed project will serve to restore and enhance degraded wetland and upland habitat at Coal Oil Point Reserve. In addition, the Commission also notes that use of herbicides may be necessary for successful implementation of the proposed habitat enhancement project. The Commission further notes that 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 for the "tie and pull" method 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*^{TM} 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*^{TM}, 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*^{TM} 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*^{TM} 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*^{TM} for wetland habitat restoration and habitat enhancement in Goleta Slough. In the case of the proposed project, the use of Glyphosate herbicide *Rodeo*^{TM} 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*^{TM} 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.

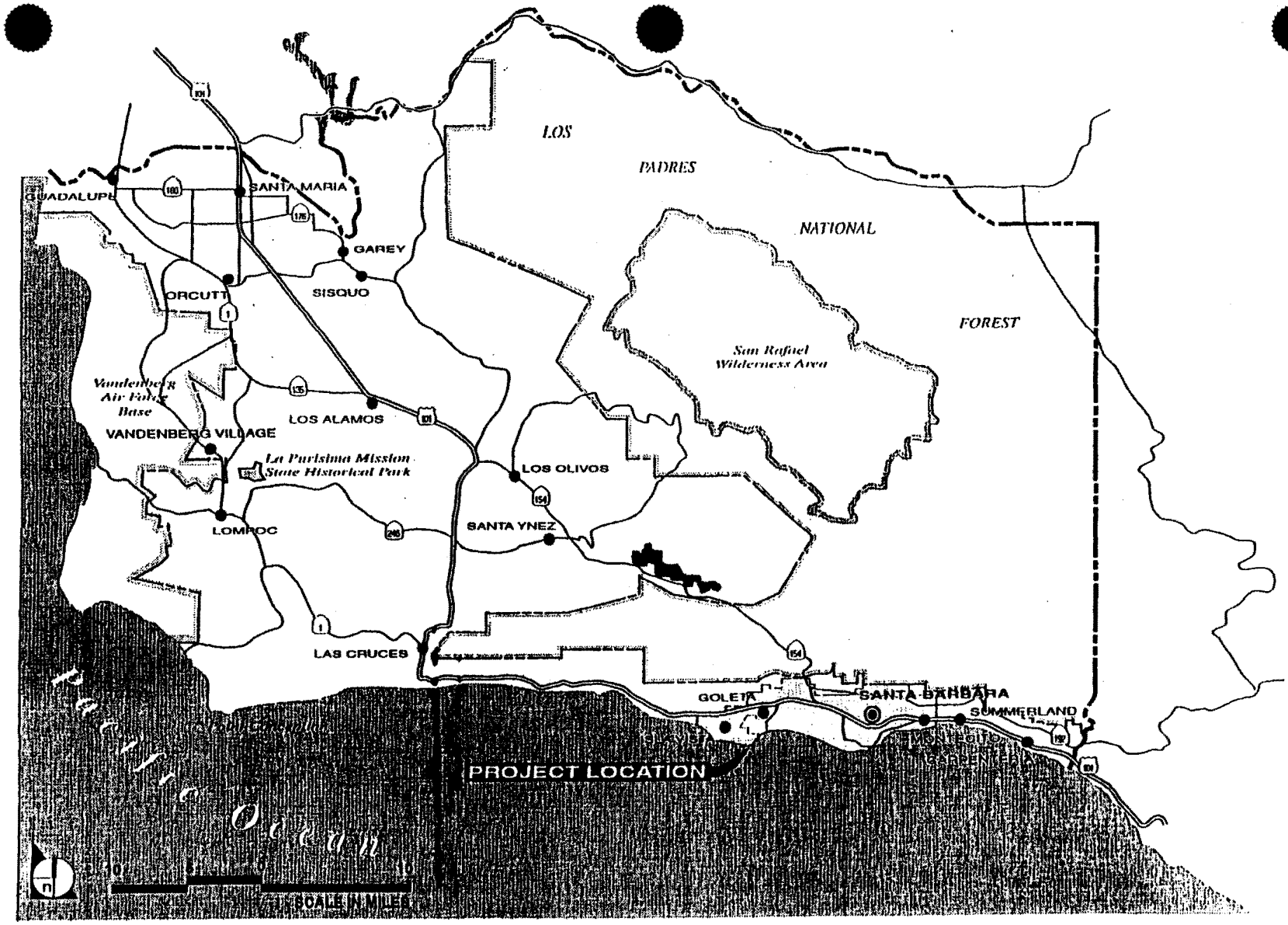
To ensure that adverse effects to coastal water quality do not result from the proposed project activities, the Commission finds it necessary to require the University, pursuant to **Special Condition Two (2)**, to (a) remove invasive vegetation by manual or mechanical means (removal by using hand tools or use of the "tie and pull" method) 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.

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 UCSB Notice of Impending Development 4-01. If significant impacts or damage occur to any wetland or upland resources on site beyond the scope of work allowed for by this Notice of Impending Development, 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 Notice of Impending Development.

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 31st 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 notice of impending development, as conditioned, is consistent with the applicable policies of the LRDP with regards to water quality.



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

EXHIBIT 1
UCSB NOID 4-01
Regional Map

1-10/99

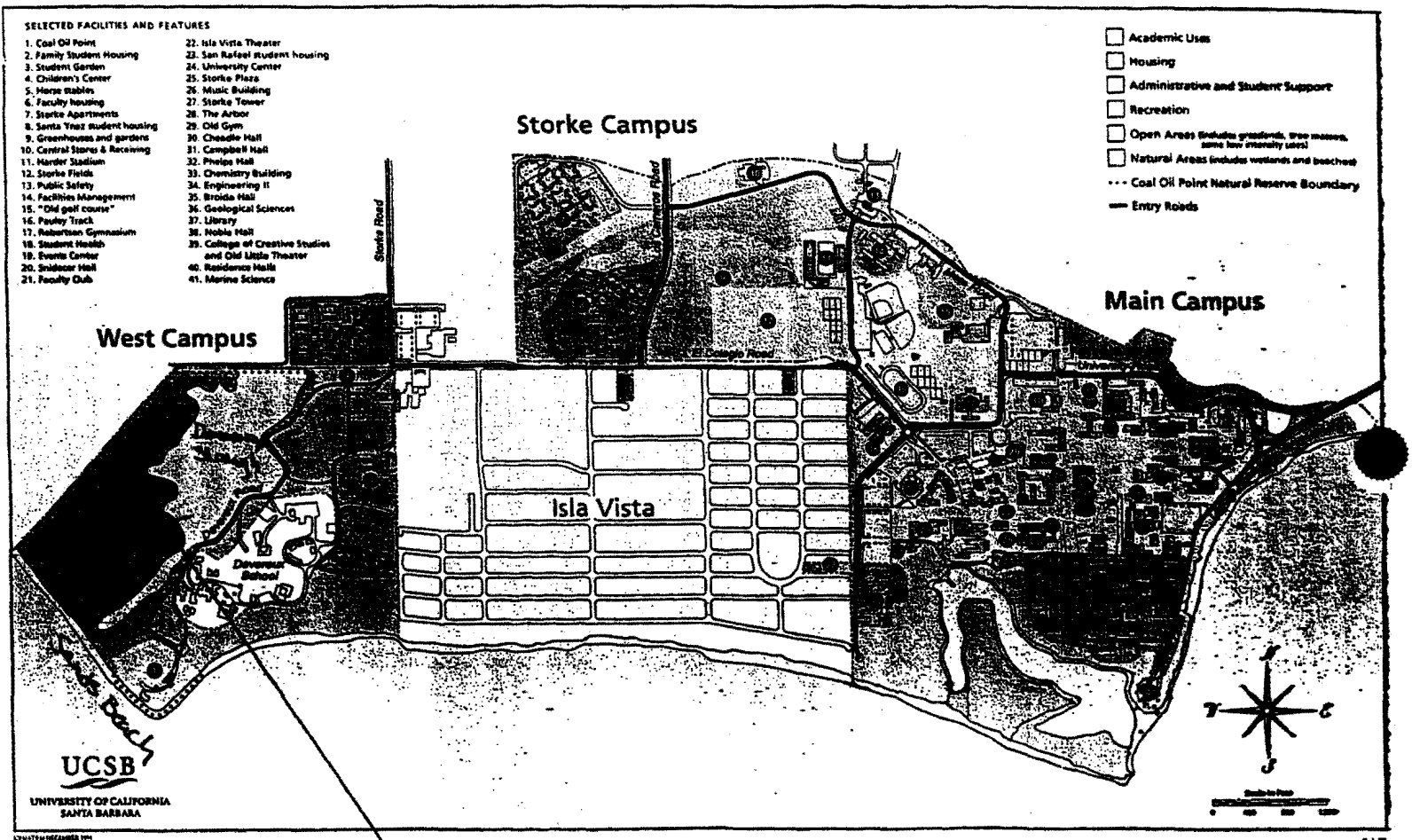


FIGURE 3 **Existing Land Use** 11.7 LRDP

Coal Oil Point Reserve

EXHIBIT 2
UCSB NOID 4-01
Vicinity Map

Veneco Property

Reserve Boundary

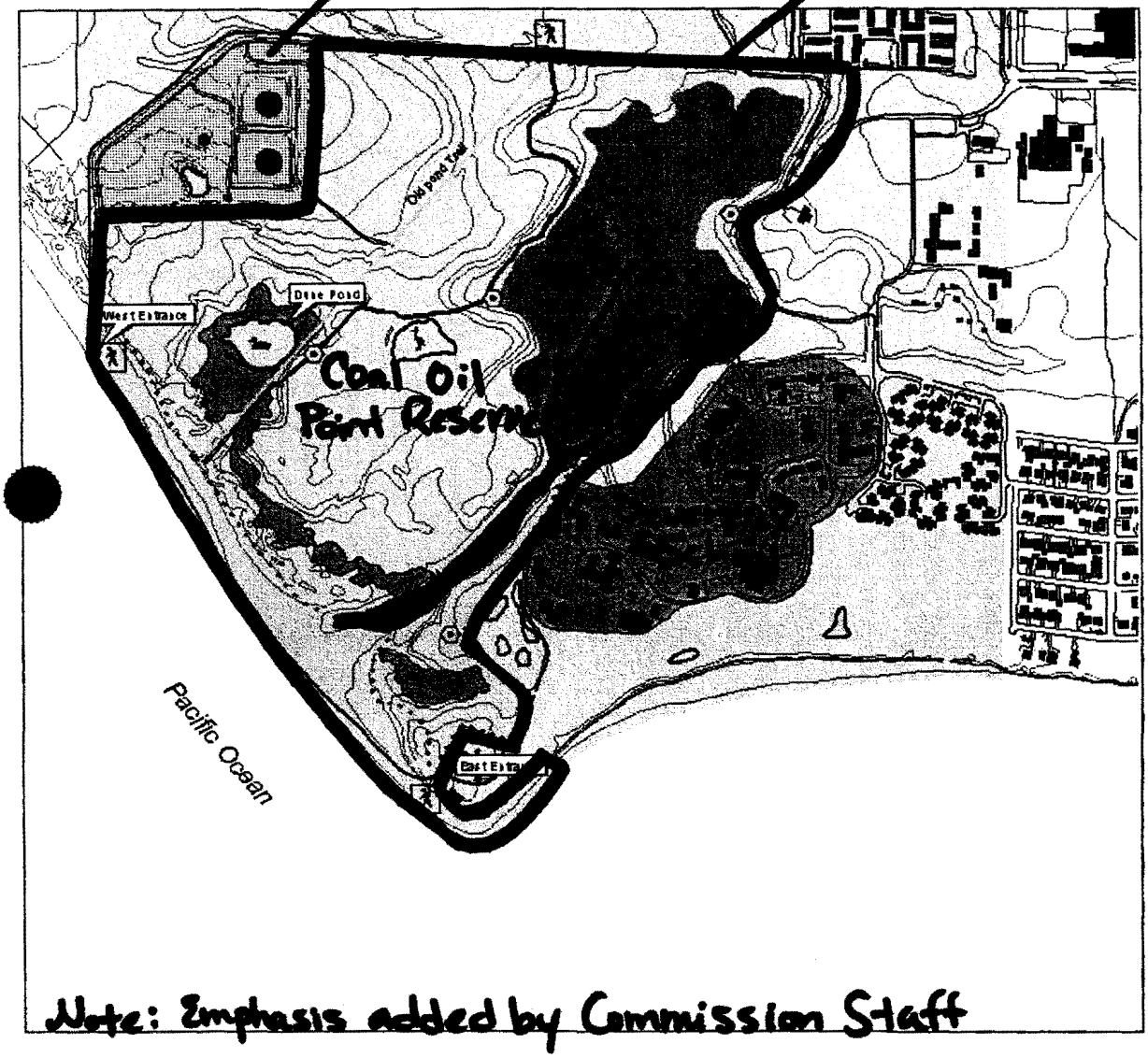


Figure 6. Access Plan for COPR

COPR trails
- Existing pond trail
- Board-walk over wetland
- Perimeter trails
- New internal Trail with 2' tal rails
- Lookouts

COPR fences
- Beach
- Perimeter

Wetland features
- Devereux Lagoon
- Devereux Slough
- Vernal pools and ponds
- Dune swales

- Minor Contours
- Roads
- Venoco Lease
- COPR Boundary
- Devereux School
- North and West Campus
- Buildings

N
W E
S

60 0 60 120 Meters

Coal Oil Point Reserve Management Plan, 2001
University of California
Santa Barbara
UC Natural Reserve System

Note: Emphasis added by Commission Staff

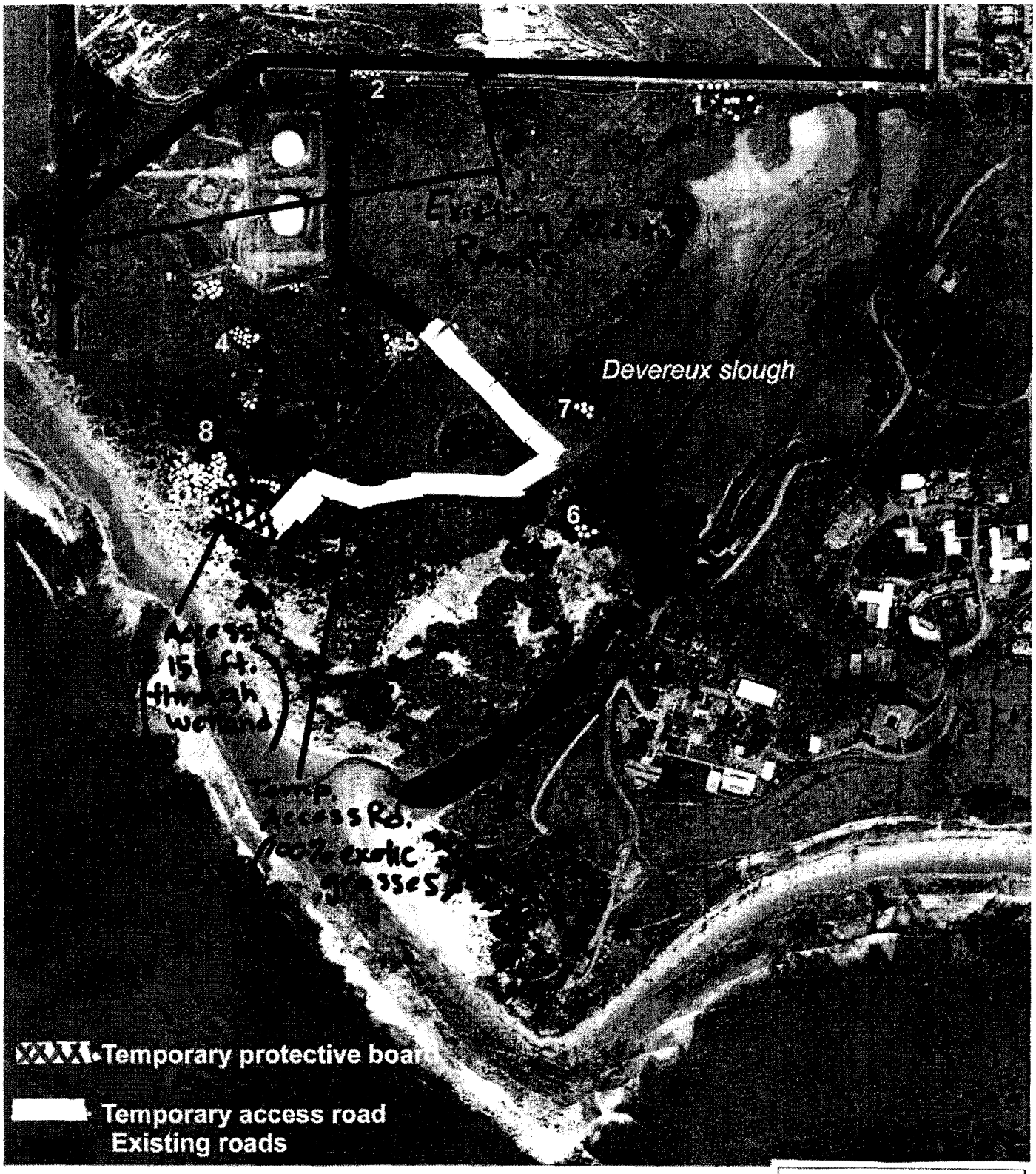
EXHIBIT 3
UCSB NOID 4-01
Location

Reserve Boundary

Original Reserve Boundary (Prior to 1998)

Note: Emphasis added by Commission Staff

EXHIBIT 4
UCSB NOID 4-01
Site Plan



Note: Emphasis added by Commission Staff

EXHIBIT 5
UCSB NOID 4-01
Site Access