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**5 STATE OF CALIFORNIA -- THE RESOURCES AGENCY** 

CALIFORNIA COASTAL COMMISSION

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# STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-05-139

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

AGENT: Dana Zertuche

**PROJECT LOCATION:** Southeast portion of Goleta Slough (including the lower reaches of Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of Goleta Slough) and Goleta Beach County Park, Goleta; Santa Barbara County.

**PROJECT DESCRIPTION:** Implement an annual desilting program for portions of Goleta Slough for a period of five years. The program will involve the removal of sediment (using a combination of hydraulic dredging and dragline desilting methods as appropriate) from the lower reaches of Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of the slough on a periodic basis (removal of between 20,000 cu. yds. and 200,000 cu. yds. of sediment/year and in no case shall the amount of excavation exceed 200,000 cu. vds. of sediment/year). The program also includes breaching the mouth of Goleta Slough approximately 1-3 times/year and placement of all suitable excavated material in the surfzone at Goleta Beach County Park. Excavated material unsuitable for beach disposal will be temporarily stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit (CDP) 4-00-206; (Santa Barbara County Flood Control District); CDP 4-93-205 (Santa Barbara County Flood Control District); CDP 4-02-074 (BEACON); Proposed Final Supplemental Environmental Impact Report (93-EIR-4) by Santa Barbara County Flood Control District and Science Applications International Corporation dated September 2000; Final Environmental Impact Report (93-EIR-4) by Santa Barbara County Flood Control District and Science Applications International Corporation dated November 1993; Biological Analyses by Larry Fausett of Santa Barbara County Flood Control District dated 10/11/00 and 8/10/05; and Intensive Cultural Resources Survey by Archaeological Systems Management dated April 1982.

# SUMMARY OF STAFF RECOMMENDATION

The proposed project is for the implementation of a flood control/desilting program for portions of the Goleta Slough. The program will involve the following activities on an annual basis for a period of five years: (1) removal of 20,000 cu. yds. – 200,000 cu. yds. of accumulated sediment per year (using a combination of hydraulic dredging and dragline desilting methods as appropriate) from Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of the slough; (2) breaching the mouth of Goleta Slough approximately 1-3 times/year; and (3) placement of all suitable dredged material in the surfzone at Goleta Beach County Park.

Staff recommends <u>APPROVAL</u> of the proposed project with thirteen (13) special conditions regarding: Timing and Operational Constraints, Sediment Analysis, Source Compatibility, Operations and Maintenance Responsibilities, Stockpile Sites, Public Access Program, Project Monitoring and Responsibilities, Caluerpa Surveys and Monitoring, Long-Term Shoreline Monitoring Program, Long-Term Biological Monitoring Program, Assumption of Risk, Required Approvals, and Duration of Permit.

The stated purpose of the program is to: (1) maintain existing flood water carrying capacity in the Goleta Slough and related creek system to reduce potential flooding of adjacent residential areas and the Santa Barbara City Airport and (2) provide for beach nourishment at Goleta Beach. Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, this project is located within an area of Santa Barbara County where the Commission has retained jurisdiction over the issuance of coastal development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act.

The Commission has previously issued Coastal Development Permits (CDP) 4-93-205 and 4-00-206 in 1994 and 2000 respectively, to the Santa Barbara County Flood Control District for substantially the same project as is proposed by this application. Both permits were subject to several special conditions, including a specific provision that limited the effective term of each permit to a 5-year period, after which time, any future desilting/beach deposition activities would require a new permit from the Commission. CDP 4-00-206 will expire on November 16, 2005; therefore, the County is proposing this subject application to continue the ongoing desilting/dredging and beach disposal program for an additional five years until 2010.

In addition, on March 16, 2005, the Commission approved CDP 4-02-074 to allow The Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) to implement a five-year program for the placement of a maximum of 791,500 cubic yards/year of beach replenishment material at five separate beaches within Santa Barbara and Ventura Counties, including the deposition of up to 100,000 cu. yds./year of material at Goleta Beach County Park. BEACON is a joint powers authority of which the County of Santa Barbara is a participating member.

As part of this application, the County is requesting to place a maximum of 200,000 cu. yds. of beach replenishment material at Goleta Beach. Although placement of beach replenishment material at Goleta Beach is already authorized by CDP 4-02-074, the County is specifically requesting approval for the deposition of a maximum amount of 200,000 cu. yds. of material/year at Goleta Beach as part of this application (approximately 100,000 cu. yds. of material/year more than is authorized by CDP 4-02-074 issued to BEACON). However, the deposition of 200,000 cu. yds. of beach replenishment material/year is consistent with the amount of material previously authorized by the Commission for placement at Goleta Beach in CDPs 4-93-205 and CDP 4-00-206. In order to minimize adverse impacts to the marine environment and to ensure consistency in the implementation of regional beach nourishment efforts, the thirteen (13) special conditions required for this coastal development permit are in substantial conformance with the terms and conditions of CDP 4-02-074.

# I. STAFF RECOMMENDATION

### MOTION: I move that the Commission approve Coastal Development Permit No. 4-05-139 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. The permit will expire five years from the date on which the Commission voted on the application.
- 3. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- <u>Assignment</u>. 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.
- <u>Terms and Conditions Run with the Land</u>. 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. <u>Timing and Operational Constraints</u>

- A. All desilting/dredging activities shall occur only during the period between October 15 through April 1, unless additional time is granted by the Executive Director for good cause. Desilting operations shall be limited to no more than 10 hours/day in the event that streamflow velocity within Maria Ygnacio Creek are between 10 and 30 cfs. In the event that streamflow velocities exceed 30 cfs, then desilting operations shall cease until streamflow velocities decrease to less than 30 cfs.
- B. The total amount of sediment/beach replenishment material deposited at Goleta Beach pursuant to this permit, in combination with any other sediment disposal/beach replenishment projects (including, but not limited to, all deposition activities implemented pursuant to Coastal Development Permit 4-02-074) shall not exceed a cumulative total of 200,000 cu. yds. of sediment/year. The applicant shall be responsible for coordinating with all other potential sediment disposal/beach replenishment projects at Goleta Beach. If material is placed at Goleta Beach as part of any other beach replenishment project, then the applicant shall limit the amount the amount of material placed at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The placement of additional quantities of material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit.
- C. Sediment disposal/beach replenishment operations at Goleta Beach may occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday.
- D. All construction operations, including operation of equipment, material placement, placement or removal of equipment or facilities, restricting public access, beach regrading/grooming, or other activities *shall be prohibited in the following circumstances*:
  - (1) On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impacts on public recreational use of the beach and other public amenities in the project vicinity.
  - (2) On any part of the beach and shorefront in the project area when California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods, as identified by the surveys conducted pursuant to Special Condition Seven (7), to avoid impact on the spawning of the California Grunion.
  - (3) On any part of the beach and shorefront in the project area when Western Snowy Plover are present, as identified by the surveys conducted pursuant to Special Condition Seven (7), to avoid adverse effects to Western Snowy Plovers.

(4) On any part of the beach and shorefront in the project area when Beldings Savannah Sparrow are present, as identified by the surveys conducted pursuant to Special Condition Seven (7), to avoid adverse effects to Beldings Savannah Sparrow.

#### 2. Sediment Analysis

- A. Prior to the issuance of the coastal development permit and prior to the commencement of work each subsequent year, an engineer(s) or environmental professional(s), with appropriate qualifications acceptable to the Executive Director, shall prepare a Sampling and Analysis Plan and conduct testing at each source and receiver site for the review and approval of the Executive Director. The Sampling and Analysis Plan shall be consistent with the following:
  - (1) <u>Sampling Frequency</u> Samples shall be collected from both the receiver sites and the source sites. For the receiver site, samples shall be collected along transects that are approximately perpendicular to the shoreline, with one (1) transect per each 0.5 miles of receiver beach length, and a minimum of two (2) transects. or the receiver site transects, samples shall be collected at every 6-foot change in elevation from the highest portion of the backshore to the seaward limit of sediment movement (depth of closure). For the source sites, samples shall be collected throughout the source area, with one (1) sample per 0.5 acres, and a minimum of five (5) samples per source site for contaminant testing and a minimum of three (3) samples per source site for all other sediment testing. For the source site samples, the boring depth shall extend approximately one-foot (1-ft) below the anticipated excavation depth.
  - (2) <u>Grain Size</u> -- Physical analysis shall be conducted on representative samples of each source material proposed for placement at the Goleta Beach deposition site and on samples from each transect of the receiver beach. The material shall be analyzed for consistency with the U.S. Army Corps of Engineers (ACOE) / Environmental Protection Agency (EPA), State Water Resources Control Board and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment.
  - (3) <u>Contaminants</u> -- Chemical analysis shall be conducted on representative samples of each source material proposed for placement at the Goleta Beach deposition site. The material shall be analyzed for consistency with EPA, ACOE, State Water Resources Control Board and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps *Inland Testing Manual*. If the ACOE / EPA, State Water Resources Board or RWQCB determine that the sediment exceeds any contaminant threshold levels, the materials shall not be placed at any of the five project sites.
  - (4) <u>Color</u> --- Color classification shall be conducted on representative samples of each source material proposed for placement at the Goleta Beach

deposition site. The color shall reasonably match the color of the receiving beach after reworking by wave action.

- (5) <u>Particle Shape</u> Particle shape classification shall be conducted on representative samples of each source material proposed for placement at any of the five deposition sites. For beach replenishment, the source material shall consist of a minimum of 90% rounded particles (i.e., maximum of 10% angular particles).
- (6) <u>Debris Content</u> A visual inspection of the source location shall be conducted to determine the presence and types of debris such as trash, wood, or vegetation. The amount of debris within the material shall be estimated, as a percentage of the total amount of source material. Prior to placement of opportunistic sand at any beach/shoreline receiver site, all such debris material shall be separated from the sand material (by mechanical screening, manual removal or other means) and taken to a proper disposal site authorized to receive such material.
- (7) <u>Compactability</u> Chemical and visual inspections of the source location shall be conducted to determine the presence of elements such as iron oxides which can compact to form a hardpan surface. Source material with compactable material shall be considered for placement below the mean high tide only.
- E. The analysis shall include confirmation by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board that the material proposed for beach replenishment meets the minimum criteria necessary for placement on the sandy beach.

#### 3. <u>Source Compatibility</u>

- A. Source material meeting all applicable federal and state beach nourishment requirements (including those listed in Special Condition Two), and for which an average of 75% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited below the mean high tide.
- B. Of the coarse grained material (retained on a Standard U.S. Sieve Size No. 200), no more than five percent shall consist of gravel or pebble-sized material (2 mm 64 mm). No more than 0.5% of the source material shall consist of cobble-sized material or larger (>64 mm). To achieve the desired gradation of material, the source may be screened out or mechanically sorted.
- C. Source material that does not meet the applicable physical, chemical, color, particle shape, debris, and/or compactability standards for beach replenishment shall not be used for shoreline disposal/beach replenishment purposes.

#### 4. Operations & Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (1) At the completion of annual beach replenishment/sediment disposal operations, and a minimum of one month prior to Memorial Day in May, any sand deposited on the beach shall be graded and groomed to natural beach contours to restore the shoreline habitat and to facilitate recreational use.
- (2) If sand has been deposited on the beach, the applicant shall monitor for vertical scarping along the shorefront which may occur as waves rework the seaward edge of the replenishment project area. The applicant shall grade the beach to natural beach contours to avoid hazardous drop off conditions, consistent with the timing constraints listed in Special Condition Two.
- (3) Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations.
- (4) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
- (5) Construction equipment shall not be cleaned on the beach or in the beach parking lots.
- (6) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
- (7) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- (8) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

#### 5. <u>Stockpile Sites</u>

- A. Permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed. The stockpile sites must be cleared and returned to their preconstruction condition with no remaining equipment, silt fencing, or construction equipment remaining on-site within one week of the end of each project.
- B. Stockpiled materials shall be located as far from stream areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of a stream bank.
- C. Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.

#### 6. <u>Public Access Program</u>

- A. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during all project operations. Where public paths or bikeways shall be closed during active operations, a person(s) shall be on-site to detour traffic.
- B. The report shall include plans for staging and storage of equipment. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces that are required for the staging of equipment, machinery and employee parking shall be used.
- C. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or beach closures.

### 7. Project Monitoring and Responsibilities

Prior to issuance of the coastal development permit, and prior to the commencement of work each subsequent year, the applicant shall retain the services of: (1) a qualified biologist or environmental resource specialist; (2) a qualified engineer, soil scientist or resource specialist; and (3) a qualified archaeologist and appropriate Native American consultant, with appropriate qualifications acceptable to the Executive Director. All desilting, dredging and sediment disposal, activities shall be carried out consistent with the following:

A. <u>Turbidity</u>. The qualified biologist or environmental resources specialist shall monitor and document the turbidity of coastal waters during all project construction

activities. The extent of turbidity plumes shall be recorded/mapped by the monitor. Monitoring of turbidity shall occur during and immediately after beach fill placement. If the monitoring of the beach fill project indicates that turbidity attributed to the replenishment project is not completely diminished immediately following construction (1-2 days), then the rate of placement of sand will be modified so that large, long lasting turbidity plumes are no longer created. In such cases, construction methods shall be modified to reduce levels, by such means as: use of coarser beach nourishment material, avoidance of periods of high surf/high tides, and monitoring.

- B. <u>Grain Size & Debris</u>: The qualified engineer, soil scientist or resource specialist shall be present whenever sand is being placed on the beach. The monitor shall, through grab samples, visual inspection or other methods, insure that the delivered material is within the acceptable size ranges for nourishment material. If the material is not sand or is not within the acceptable size range, the monitor shall halt the placement of sand on the beach or surfzone. The monitor shall also examine the material to determine presence of debris. If any debris or non-sand material is detected, deposition activities shall be halted. Deposition activities shall not continue until an updated analysis of the composition of the sand material is approved by the Executive Director. Prior to resuming operations, all debris shall be removed to the maximum feasible extent.
- C. <u>Archaeology</u>. The qualified archaeologist and appropriate Native American consultant shall be present on-site during all desilting/dredging activities which occur within or adjacent to the archaeological sites in the project area. Specifically, the desilting/dredging operations on the project site shall be controlled and monitored by the archaeologist with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and the native American consultant consistent with CEQA guidelines.
- The qualified biologist or environmental resources specialist shall D. Biology. conduct a survey of the project site, to determine presence and behavior of sensitive species, one day prior to commencement of any desilting, dredging, or disposal/beach nourishment operations. Prior to commencement of any development, the applicant shall submit the contact information of all monitors with a description of their duties and their on-site schedule. Prior to initiation of daily project activities, the resource specialist shall examine the project site to preclude impacts to sensitive species. Project activities including desilting, dredging, disposal/beach nourishment operations, or grading or grooming of the beach, shall not occur until any sensitive species (e.g., western snowy plovers, Belding's savannah sparrows, Steelhead trout, etc.) have left the project area or its vicinity. In the event that any sensitive wildlife species (including but not limited to western snowy plover, Belding's savannah sparrow, California grunion, steelhead trout) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written

approval of the Executive Director. The monitor(s) shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The monitor(s) shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

E. Proposed changes to the project may require a permit amendment or new permit. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

#### 8. <u>Caulerpa Surveys and Monitoring</u>

- A. Not earlier than 90 days nor later than 30 days prior to dredging and desilting operations, a biologist or environmental resources specialist retained by the applicant, with appropriate qualifications acceptable to the Executive Director, shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
  - (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218), Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their designated replacements.
- D. Unless the Executive Director otherwise determines, if the survey identifies any Caulerpa taxifolia within the project area, the applicant shall submit an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of Caulerpa taxifolia in the project area. The applicant shall: 1) refrain from commencement of the project until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.

#### 9. Long-Term Shoreline Monitoring Program

- A. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a report for a long-term shoreline monitoring program for Goleta Beach. The program may be prepared in coordination with similar reports prepared by BEACON and Santa Barbara County to satisfy the required conditions of approval for other related beach replenishment projects at the subject site. The program shall outline the procedure for the necessary surveys, report preparation and submittal, and the skills and qualifications for all personnel and shall incorporate the following:
  - (1) The monitoring program shall record detailed project information regarding the implementation of the annual project activities including, but not limited to, the date, length of time of construction, quantity, location, method of construction, source of material, weather conditions, and any issues or complaints regarding the project received by the public.
  - (2) The monitoring program shall document the available public access during project implementation, timing of access, and any other restrictions to public access in the project area, and shall include any access issues or complaints raised by the public.
  - (3) The monitoring program shall include shoreline surveys immediately prior to annual construction, immediately following construction, 3 months after construction, and two semi-annual beach profiles, one in the spring and one in the fall after completion of construction. Profiles and monitoring shall be done by a licensed civil engineer or surveyor. The monitoring report shall provide plots that overlay all available profiles for each of profile location. The second semi-annual beach profile may be adjusted to coincide with the following year's beach profile requirements, where feasible.
  - (4) The monitoring program shall: quantify the volumetric change in the beach for each survey period, using the pre-project condition as the baseline; analyze the seasonal and interannual changes in width and length of dry beach, subaerial and nearshore slope, offshore extent of nourished toe, and overall volume of sand in the profile; estimate the rate and extent of transport of material up- and down-coast from the receiver sites; compare actual changes to the shoreline changes that were anticipated during the design phase of this project; determine the time period over which the beach benefits related to the project can be identified as distinct from background conditions; and qualify any abnormal wave and current conditions that could account for changes to the beach outside what was anticipated. The report shall utilize aerial photographs, to the extent feasible, to prepare the summary of beach width and sand volume changes.
  - (5) The monitoring program shall include cumulative data detailing the annual quantity and placement of material, including interaction of the

replenishment project with other beach replenishment projects or other shoreline projects that occur in the project area.

- B. The applicant shall submit, on an annual basis each year that beach deposition/beach replenishment activities occur, a written report indicating the results of the long-term monitoring program. The annual monitoring report shall include conclusions regarding the level of success of the annual sand replenishment project(s). The report shall include a brief history of the previous years' effort, if any, and shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) to track changes in shoreline conditions.
- C. Monitoring reports shall be prepared by a licensed civil engineer, geologist or engineering geologist with expertise in coastal processes. These reports shall be submitted annually to the Executive Director, the first report within 2 months of completion of the second semi-annual beach profile (the spring or fall after completion of construction). All later reports shall be submitted within 2 months of the subsequent annual survey cycle.
- D. The applicant shall undertake the development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

#### 10. Long-Term Biological Monitoring Program

- A. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a report for a long-term biological monitoring program for the Goleta Beach Receiver Site which describes the annual monitoring plans. The program may be prepared in coordination with similar reports prepared by BEACON and Santa Barbara County to satisfy the required conditions of approval for other beach replenishment projects at the subject site. The program shall outline the procedure for the necessary surveys, report preparation and submittal, and the skills and qualifications for all personnel and shall incorporate the following:
  - (1) The monitoring program shall include surveys of kelp, surfgrass, eelgrass, and reef habitat, as applicable to the proposed site, approximately one month prior to annual construction as well as 3 months, 6 months, and 1 year after completion of annual construction. The one-year monitoring survey may be adjusted to coincide with the following year's survey requirements, where feasible.
  - (2) The monitoring program shall include visual surveys of applicable slough, marsh, river, or creek mouth openings as described in Section 3.2.3 at the following intervals: one month prior to annual construction, during

construction, immediately post-construction, and 3 and 6 months after completion of annual construction.

- (3) The monitoring program shall include visual surveys of turbidity plumes during all individual construction operations and during any grading or grooming of the beach that results in material being deposited into the ocean. Additionally, turbidity shall be monitored immediately after completion of individual construction to determine the length of time required for the turbidity plume to disperse.
- (4) The monitoring program shall specify the criteria that would indicate the program's effectiveness/success in avoiding adverse impacts to biological resources. The criteria shall be specific enough to provide a mechanism to determine when/how a project results in adverse impacts to biological resources at each site and a mechanism for making adjustments to future replenishment projects.
- (5) The monitoring program shall consider potential impacts to previously unidentified or new resources (e.g., potential reef habitat proposed at Oil Piers) in the project vicinity. If the beach replenishment operations could potentially impact such resources, the monitoring program shall be revised to assess impacts to those resources.
- B. The Executive Director may waive the remainder of the year-long post construction biological monitoring requirements if the applicant submits evidence, subject to the Executive Director's review and approval, which shows that no adverse impacts have occurred as a result of the project and that the project material has dispersed in a manner which does not have the potential to impact nearshore or offshore biological resources in the future. The applicant may not discontinue the remainder of the post-construction monitoring without written approval from the Executive Director.
- C. The applicant shall submit, on an annual basis each year that beach deposition/beach replenishment activities occur, a written report prepared by a biologist or other qualified environmental professional acceptable to the Executive Director, indicating the results of the long-term monitoring program. The monitoring report shall further include, but not be limited to, the following information:
  - (1) The annual monitoring report shall include conclusions regarding the level of success of the sand replenishment project(s) and the current year's impacts on biological resources.
  - (2) The report shall include a brief history of the previous years' effort, if any, and an analysis of the total impact to biological resources.
  - (3) The monitoring report shall document detailed project information regarding the implementation of the annual project activities including, but not limited to, the date, length of time of construction, quantity, location, method of construction, source of material, weather conditions, and any unusual events that resulted in, or potentially could have resulted in, adverse impacts to biological resources.

- (4) The monitoring report shall include a discussion of the range of turbidity plumes and any recommendations to reduce turbidity related to project activities; any incidents during construction where turbidity control measures were implemented; and conclusions regarding turbidity impact upon biological resources.
- D. If the Executive Director determines that adverse impacts have occurred to marine habitat, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall cease work at the subject project site, and shall immediately notify local resource agencies. The applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.
- E. The applicant shall undertake the development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

#### 11. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

#### 12. Required Approvals

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

#### 13. Duration of Permit

This permit is valid for a period of five (5) years from the date of Commission action, after which time the permit shall expire. Any desilting/dredging, breaching, or sediment disposal activities after the expiration of this permit will require the issuance of a new coastal development permit.

# IV. Findings and Declarations

The Commission hereby finds and declares:

# A. <u>Project Description and Background</u>

The proposed project is for the implementation of an annual dredging/desilting program for portions of the Goleta Slough. The program will involve the removal of sediment (using a combination of hydraulic dredging and dragline desilting methods as appropriate) from the lower reaches of Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of the slough on a periodic basis (removal of between 20,000 cu. yds. and 200,000 cu. yds. of sediment/year and in no case shall the amount of excavation exceed 200,000 cu. yds. of sediment/year). The program also includes breaching the mouth of Goleta Slough approximately 1-3 times/year and placement of all suitable dredged and excavated material in the surfzone at Goleta Beach County Park. Excavated material unsuitable for beach disposal may be temporarily stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank, but in no instance less than 30 ft. from the top of the creek bank.

The proposed project will involve two potential methods of sediment removal: hydraulic dredging and dragline desilting. Hydraulic dredging is proposed as the primary method of sediment removal and involves floating a dredge within the creeks to be desilted. A 10-12 inch diameter polyurethane discharge pipeline is floated in the channels behind the dredge to transport dredged material to Goleta Beach for disposal within the surfzone. In some areas, the discharge pipeline will be located on land as necessary where floating is not feasible. Sediments may also be removed from the creeks by the dragline desilting method. Dragline desilting involves operation of a crane rigged as a dragline (bucket scoop) from the adjacent creek banks. Removed sediments determined to be unsuitable for beach disposal/nourishment will be would be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank. Annual dredging activities will occur between October 15 and April 1. Dredging activities may occur on less than an annual basis depending on the quantity of sediments present and the necessity for removal.

In addition, the proposed project also includes periodic breaching of the mouth of Goleta Slough on an as-needed basis. Santa Barbara County Flood Control District has indicated that the slough mouth is expected to require breaching approximately 1-3 times/year in order to prevent flooding of the adjacent airport. Breaching involves the use of a bulldozer to create a trench from the ocean to the slough. The trench varies in length depending on the width of the beach, but is typically 200 ft. long by 40 ft. wide. Approximately 1,000 cu. yds. of sand is pushed up out of the trench onto the beach.

The proposed dredging activity is located within the Goleta Slough (and its related stream courses) one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act. 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 dredging 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. The standard of review for this project is the Chapter 3 policies of the Coastal Act.

All portions of the project site are designated as environmentally significant habitat areas by the Santa Barbara County Local Coastal Program. The Goleta Slough, including the three creeks to be dredged, are identified wetlands areas. Three identified archaeological sites (SBA-45, SBA-46, and SBA-1696) are located adjacent to the three creeks where desilting/dredging will occur. Public bicycle/pedestrian trails are located adjacent to several of the creeks to be desilted/dredged and public access is available along the entire length of Goleta Beach where sediment disposal/beach nourishment activities will occur.

#### **Previous Permit History**

The Commission has previously approved two separate permit applications over the past 10 years for essentially the same project as is now proposed for desilting operations of the three subject creeks and deposition of the excavated material in the surfzone at Goleta Beach County Park. Coastal Development Permit (CDP) 4-93-205 and CDP 4-00-206 were previously issued by the Commission in 1994 and 2000 respectively, to the Santa Barbara County Flood Control District for dredging of the slough/creeks and disposal of between 20,000 – 200,000 cu. yds. of material per year in the surfzone at Goleta Beach. The Commission approved both CDP 4-00-206 and CDP 4-93-205 subject to several special conditions, including a condition specifying that the effective term of each permit was limited to a 5-year period only and that future desilting/beach deposition activities (after the 5-year term of each permit ended) would require a new permit from the Commission. CDP 4-00-206 will expire on November 16, 2005; therefore, the County is proposing this subject application to continue desilting/dredging and beach disposal operations for an additional five years until 2010.

In addition, on March 16, 2005, the Commission also recently approved CDP 4-02-074 to allow The Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) to implement a five-year program to place a maximum of 791,500 cubic yards per year of suitable beach replenishment material at five separate beach fill sites within Santa Barbara and Ventura Counties (including the deposition of up to 100,000 cu. yds./year of beach replenishment material at Goleta Beach County Park). BEACON is a joint powers authority whose members consist of the different local government agencies in Santa Barbara and Ventura Counties, including Santa Barbara County itself.

Although placement of beach replenishment material at Goleta Beach is already authorized by CDP 4-02-074, the County is specifically requesting approval for the deposition of a maximum amount of 200,000 cu. yds. of dredged material/year at Goleta Beach as part of this application (approximately 100,000 cu. yds. of material/year more than is authorized by CDP 4-02-074 issued to BEACON). In addition, CDP 4-02-074 did not authorize the actual dredging and excavation activities or breaching of the slough mouth as proposed by this application. Further, as of the

date of this staff report, the permit for CDP 4-02-074 (BEACON) has not yet been issued as BEACON has not yet satisfied the conditions of approval that were required to be met prior-to-issuance of the permit.

As stated above, this subject application includes the request to deposit between 20,000 - 200,000 cu. yds. of material per year at Goleta Beach depending on the amount of dredged material that is excavated from the subject creek channels by the Flood Control District in a given year. Although the subject application includes the request to place a greater amount of material in the surfzone at Goleta Beach than previously authorized by CDP 4-02-074 (BEACON), the amount of material to be placed in the surfzone is consistent with the amount of material previously authorized by the Commission for surfzone disposal on an annual basis at Goleta Beach in CDPs 4-93-205 and CDP 4-00-206.

Goleta Beach County Park has been subject to several other coastal permits including CDP 4-02-054 (BEACON) which approved a one-time beach nourishment demonstration program at Goleta Beach utilizing up to 150,000 cubic yards of sand from the West Beach area of Santa Barbara Harbor and placing it within a 2,200 foot long by 400 foot wide beach fill deposition site at Goleta Beach County Park. Coastal Development Permit (CDP) 4-02-128 (Santa Barbara County Parks) approved construction of a temporary winter sand berm, annually for three years, expiring memorial day 2005. Coastal Development Permit (CDP) 4-01-136 (Santa Barbara County Parks) approved construction of a temporary sand berm for the winter season from 2001-2002. Coastal Development Permit (CDP) 4-00-193 (Santa Barbara County Parks) approved the construction of a temporary sand berm for the winter season from 2000 to 2001, similar to the 2001-2002 project.

In addition, prior to the construction of the previous temporary sand berm under CDP 4-00-193, an approximately 1,000 feet long rock revetment was placed on the site by Santa Barbara County Department of Parks & Recreation in February 2000 as an emergency measure to prevent further erosion of the improved areas of the park pursuant to Emergency Permit 00-EMP-002, which was issued by Santa Barbara County. This action by the County was appealed by two members of the Commission. Prior to the Commission's determination of whether a substantial issue was raised by the appeal, the County submitted CDP Application 4-00-118 for removal of the previously constructed rock revetment. The rock revetment installed in 2000 was removed; however, a new rock revetment was placed on the beach in late 2002 pursuant to an Emergency Permit.

In addition, there remains a smaller rock revetment on the subject site in front of a parking area and another rock revetment buried beneath the sand in the area of the pier. According to staff from the Santa Barbara County Department of Parks & Recreation, the rock revetment by the pier at the east end of the park was constructed in approximately 1950 with additional work performed in 1961. Staff from the Santa Barbara County Department of Parks & Recreation have also stated that it appears that the rock revetment that exists in front of a parking area at the western end of the park was installed between 1985 and 1986 without the benefit of a coastal development permit, although the County approved a permit for the parking area in 1984. In order to

resolve this violation the County has submitted a coastal development permit application which is currently incomplete pending completion of the study required under CDP 4-02-251. In order to undertake a comprehensive solution to shoreline erosion at the park, staff from Santa Barbara County Department of Parks & Recreation have prepared a long-term alternatives analysis for the subject site, which recommends that these existing revetments be retained and re-engineering to protect Park infrastructure. Under CDP 4-02-251 (Santa Barbara County), the County was authorized to retain the riprap revetment, for a limited term of thirty (30) months from the date of Commission approval (1/14/04), provided that substantial studies of the impacts of the revetment, and of alternatives, are successfully completed within the prescribed period of time.

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

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states that:

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

Section 30236 of the Coastal Act states:

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

Section 30240 of the Coastal Acts states:

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

# significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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

The proposed project is for the implementation of an annual desilting program for portions of Goleta Slough. The program will involve dredging/desilting the lower reaches of Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of the slough on a periodic basis (removal of no more than 200,000 cu. yds. of sediment/year). The program also includes breaching the mouth of Goleta Slough approximately 1-3 times/year and placement of all suitable dredged material in the surfzone at Goleta Beach County Park. Excavated material unsuitable for beach disposal will be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank. Annual desilting/dredging activities will occur between October 15 and April 1. Desilting/dredging activities may occur on less than an annual basis depending on the quantity of sediments present and the necessity for removal. The dredge would operate 24 hours/day, 5 days/week for most of the project area. The dredge would operate 10 hours/day when working in the vicinity of the ranger's residence near Goleta Beach Park and the mobile home park located between San Jose Creek and Atascadero Creek.

The proposed dredging activity will be located within Goleta Slough (and its related stream courses) one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act. All portions of the project site are designated as environmentally significant habitat areas 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 other two creeks (Carneros and Tecolotito) will also be periodically dredged; however, these two creeks are not located within the Commission's original permit issuance jurisdiction and are, therefore, not part of this permit application.

Historically, Goleta Slough was a relatively deep water lagoon environment. Since the 1850's, progressive sedimentation from these five creeks have transformed the Goleta Slough from a deep water wetland habitat to a shallow coastal salt marsh crossed by numerous tidal channels. Additional fill has occurred as a result of development on site, including the Santa Barbara Airport, a highway, and various urban development. The current slough is approximately 300 acres in area (occupying an area less than 40% of its pre-World War II size).

The Goleta Slough provides perennial and seasonal habitat for several endangered and sensitive wildlife species including Belding's Savannah Sparrow, Steelhead trout, White-tailed kite, light-footed clapper rail, plover, heron, egret, and at least 26 other bird species. The applicant has indicated that previous biological surveys indicate that Tidewater goby are not present within in the slough. Vegetation within the undisturbed portion of the slough is dominated by salt tolerant native wetland plant species such as perennial pickleweed, which comprises about 90% of the sloughs vegetative cover. In addition to salt tolerant species, several smaller areas of the slough also support freshwater marsh vegetation as well.

Steelhead trout have historically entered Goleta Slough to migrate up the tributary streams for spawning. Southern steelhead occur in coastal streams and creeks in Central and Northern California, and Oregon. The populations that occur between Los Angeles County and northern Santa Barbara County constitute the South-Central Evolutionary Significant Unit (ESU) which has been designated an endangered species by the National Marine Fisheries Service. Southern steelhead are anadromous (migrating from freshwater to the ocean as juveniles and returning to freshwater as an adult to spawn). Spawning occurs from December through June when higher winter stream flows occur.

The Final Supplemental Environmental Impact Report (94-EIR-1) dated September 2000, indicates that no recent evidence of migration and spawning of steelhead has been observed in the slough. However, the EIR also indicates that individual steelhead have been observed in Maria Ygnacio Creek (an upstream tributary). As such, the EIR determines that the project area may potentially contain steelhead migrating upstream in search of spawning habitat which may be adversely affected by the proposed dredging activities. The potential occurrence of steelhead within the project reach is expected to be rare, and would generally consist of migrating fish. The Final Supplemental EIR (93-EIR-4) dated September 2000 states:

Dredging activities have a low potential to adversely affect steelhead migrating into the streams tributary to Goleta Slough because few individuals are expected to use the area (i.e., low potential for the dredge and steelhead to come in contact)...In years when rainfall begins late, the potential for impacts would be negligible. In early rainfall years, steelhead migrating past the dredge (If it is operating at that time) could potentially be injured by the suction cutterhead. Due to the noise and turbidity associated with the cutterhead operation, steelhead would be expected to avoid the vicinity of the dredge, and dredging for 24 hours per day could interfere with their migration upstream.

As noted above, the proposed project may result in adverse effects to steelhead (a federally listed endangered species) if the proposed desilting/dredging activities occur while steelhead are migrating. The proposed desilting/dredging activities will occur between October 15 and April 1 of any given year during the project period and may, therefore, result in potential adverse effects to steelhead.

The Final EIR indicates that steelhead are not expected to be actively migrating upstream during the fall and winter season if the stream is not flowing at an adequate

rate. The County has further indicated that steelhead are not expected to occur within the project area if streamflows are less than 10 cubic feet per second (cfs). In order to minimize potential adverse effects to steelhead from the proposed project, the County is proposing to limit dredging operations to no more than 10 hours/day in the event that streamflow velocity within Maria Ygnacio Creek (a tributary of Atascadero Creek where steelhead trout have been found) is between 10 and 30 cfs. In the event that streamflow velocities exceed 30 cfs, then dredging operations shall cease in order to minimize potential impacts to steelhead migrating during increased flow events. Therefore, in order to ensure implementation of the proposed timing limitations for dredging activities and to minimized potential adverse effect to steelhead, Special Condition One (1) requires that desilting/dredge operation shall be limited to no more than 10 hours/day in the event that streamflow velocity within Maria Ygnacio Creek are between 10 and 30 cfs. In the event that streamflow velocities exceed 30 cfs, then dredging operations shall cease until streamflow velocities decrease to less than 30 cfs.

In addition, the proposed project also includes periodic breaching of the mouth of Goleta Slough on as needed basis. The slough mouth is typically breached by the applicant approximately 1-3 times/year using a bulldozer to create a trench from the ocean to the slough. The trench varies in length depending on the width of the beach, but is typically 200 ft. long by 40 ft. wide. Approximately 1,000 cu. yds. of sand is pushed up out of the trench onto the beach. The Santa Barbara County Flood Control District has indicated that the proposed breaching of the slough mouth is necessary in order to both maintain water quality within the slough (in order to prevent fish kill due to oxygen depletion) and prevent flooding of the Santa Barbara City Airport. The County has indicated that the airport, which was constructed on an artificial fill pad within the slough, would be subject to potential flooding due to rising water levels within the slough prior to natural breaching of the slough during the winter storm season.

In past permit actions, the Commission has found that artificially breaching estuaries may result in potential significant adverse effects to Tidewater goby (a federally listed endangered species) who are unable to resist the increased tidal action and are subsequently swept out to sea. However, in this case, the applicant has submitted information which indicates that no Tidewater goby are present within Goleta Slough and that, therefore, no adverse effects to Tidewater goby will occur. In addition the Commission's biologist, Dr. John Dixon, has indicated that, although artificially breaching particular estuaries may result in some potential adverse effects to marine habitat and certain fish species in other wetland areas (particularly smaller stream estuaries) in the case of Goleta Slough (a historic deepwater area) such breaching is necessary in order to maintain adequate water quality and wetland habitat. In addition, the County has also submitted information which indicates that the proposed breaching of the slough mouth is not expected to result in any significant adverse effects to wetland habitat and is, in fact, necessary to maintain adequate water quality within the slough. The Biological Analysis prepared by County staff dated 8/10/05 states:

There are relatively few impacts associated with breaching the slough mouth. There is the possibility of small estuarine fish such as killifish or various species of gobies being entrained in the flow going out when the actual breach occurs. This is expected to involve at most a small number of individuals since the higher speed flow is localized and

short lived. There are no Tidewater gobies Eucyclogobius newberryi (1993 Swift, 1996 Santa Barbara County P&D Energy Department), in the estuary so there would not be an adverse impact on that species. The sand that is pushed aside as part of the breaching has almost no fauna such as clams and of course there is no flora at the site where the breaching is done.

In addition, the Biological Analysis prepared by County staff dated 10/11/00 states:

Periodic opening of the slough mouth could benefit juvenile steelhead by improving water quality in the slough and by allowing access to the ocean. The opening could have adverse effects through allowing predatory fish from the ocean to enter the slough and feed on the young steelhead and could allow steelhead to enter the ocean before they have developed enough to increase their survival rate in the ocean. These benefits and detriments are expected to about balance, although improved water quality may be more important to steelhead survival. Impacts to steelhead would be iess significant (Class III).

As such, the Commission finds that the proposed project is necessary in order to prevent flooding of existing development and to maintain wetland habitat and water quality within Goleta Slough. In addition, the Commission finds that alteration of streambeds, as proposed by this project, is consistent with Section 30236 of the Coastal Act when required for flood control projects to protect public safety or existing development and when adverse effects have been mitigated to the maximum extent feasible. In this case, the Commission notes that the proposed flood control project may result in some potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and dredging activity. Therefore, to ensure that any potential adverse effects to sensitive riparian habitat, wetlands, and beach environment are minimized during actual dredging activities, Special Condition Seven (7) requires that a qualified biologist or environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any desilting/dredging or beach disposal activities to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site (including but not limited to western snowy plover, Belding's savannah sparrow, California grunion, steelhead trout) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The monitor(s) shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The monitor(s) shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

In addition, the Commission notes that the sandy beach on the subject site has been identified as a potential grunion spawning location. Sediment disposal/beach nourishment activities are not proposed to occur within the seasonally predicted run period and egg incubation period of the California grunion. However, the Commission

notes that any potential disposal of large quantities of sediment into the surf zone may result in adverse effects to grunion due to direct disturbance by construction activity and use of heavy equipment on the sandy beach as well as indirect impacts from smothering of eggs previously deposited on the sandy beach. Therefore, in order to ensure that any potential adverse effects to grunion are avoided, Special Conditions One (1) and Seven (7) prohibit any sediment disposal/beach nourishment activities from occurring on any part of the beach and shorefront in the project area when California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods. Further, in order to ensure that adverse impacts to the above referenced sensitive species are avoided, Special Condition Seven (7) also requires a qualified biological monitor to be present during all project activities. The monitor shall have the authority to cease operations should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

In addition, the applicant has submitted information that previous testing by County staff of dredged/excavated material from the subject creeks that was carried out over the past 10 years pursuant to the two previous coastal permits issued by the Commission determined that those sediments met federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing. However, the Commission notes that because this project is proposed over a five year period of time and that water and sediment quality in creeks may change over time due to changed conditions resulting from new upstream development or potential new non-point source pollution impacts, that continued testing of all excavated material to determine suitability for beach deposition is necessary to minimize potential adverse impacts to the marine Therefore, in order to ensure the long-term protection of marine environment. resources, Special Conditions Two (2) and Three (3) require that all excavated/dredged material meet federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing as described in Special Condition Three (3) prior to surfzone disposal. Additionally, Special Condition Seven (7) requires pre- and post-construction monitoring of the shoreline project areas, including beach width and sand volume changes. This information will be important to assess the project and its potential to affect plover habitat as well as evaluate the overall success of the project to meet its goals.

Further, the placement of source material on the beach is expected to result in increased turbidity at the deposition site. Temporary increases in turbidity and suspended solids decrease light penetration, causing a decline in primary productivity due to decreased photosynthesis by phytoplankton and may result in adverse impacts to marine organisms. Specifically, any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and filter feeders. Turbidity impacts are anticipated to have the maximum concentrations generally restricted to the lower water column, and decreasing rapidly with distance due to settling and dilution. However, the impacts of surfzone and beach fill placement activities (i.e., increased turbidity, sedimentation, dissolved oxygen reduction, burial of organisms) are expected

to be relatively localized in nature and mobile organisms would likely relocate to an undisturbed area. Following deposition activities, organisms are expected to recolonize previously disturbed areas.

As such, impacts from sediment re-suspension caused by the project are anticipated to be short-term in duration. In addition, the proposed deposition site is located in an area that is considered to have naturally high levels of turbidity due to high wave energy and creek outfall, particularly during the winter season when operations would take place. This project is proposed for a limited term of five years, to ensure that this critical information regarding potential impacts to marine resources is recorded and reported to the Executive Director for consideration of future project approvals, Special Condition Seven (7) requires a qualified biologist or resource specialist to monitor turbidity during all project construction activities. If the monitoring indicates that turbidity attributed to the replenishment project is not completely diminished immediately following deposition activities (1-2 days), then the rate of placement of sand will be modified so that large, long lasting turbidity plumes are no longer created.

In addition, the composition (i.e., grain size) of the deposition material can also affect the marine environment. For instance, material with higher fine-grained material content will contribute to higher rates of turbidity (see above discussion of turbidity impacts) and will have higher likelihood of containing contaminants. In general, the higher the amount of coarse grained sand, the lower the turbidity and associated risks to offshore resources and productivity. As a result, the grain-size of the material is an important design characteristic of the project. Therefore, in order to ensure that biological productivity of coastal waters and the offshore environment is maintained, the Commission finds that a maximum of 25% fine-grained material shall be placed at any of the deposition sites, as provided in Special Condition Three (3). This percentage of fine-grained material would be consistent with past Commission action in its approval of previous beach nourishment projects for Goleta Beach, including the Commission's approval of CDP 4-02-074 (BEACON).

In addition, in order to ensure that only appropriate material is deposited within the surfzone and marine environment, Special Condition Three (3) also addresses the placement of course-grained material at the deposition sites. Using the Wentworth Classification, cobble-sized material or larger (>64 mm; approx. = 2.5 in) shall not be placed at the deposition site at anytime. Although it is recognized that there may be occasional deposits of course grained material that is gravel or pebble-sized material (2 mm – 64 mm), Special Condition Three (3) requires that of the coarse grained material (retained on a Standard U.S. Sieve Size No. 200), no more than 0.5 percent shall consist of gravel or pebble-sized material. To achieve the desired gradation of material, the source may be screened out or mechanically sorted, or alternately, the source shall not be deposited at the site.

Debris such as trash, wood, or vegetation could also be present within the source material, especially material generated from flood control debris basins and creek desilting when dragline excavation is utilized. Screening may be performed by mechanically sifting the material through a coarse mesh to catch debris at the site, using conventional earthmoving equipment. To ensure that only material appropriate

for beach nourishment be deposited within the surfzone and marine environment, Special Condition Seven (7) requires an on-site monitor, with qualifications acceptable to the Executive Director, to be present during all deposition operations to assess grain size and debris content. The monitor shall, through grab samples, visual inspection or other methods, ensure that the delivered material is within the acceptable size ranges for nourishment material. If the material is not sand or is not within the acceptable size range, the monitor shall halt the placement of sand on the beach. The monitor shall also examine the material to determine presence of debris. If any debris or non-sand material is detected, deposition activities shall be halted. Deposition activities shall not continue until an updated analysis of the composition of the sand material is approved by the Executive Director. Prior to resuming operations, all debris shall be removed to the maximum feasible extent.

Further, the Commission notes that the applicant is requesting to place a significant volume of material within the surfzone at Goleta Beach on an annual basis. The Commission also notes that CDP 4-02-074 (BEACON), was approved by the Commission in early 2005 for the placement of 100,000 cu. yds./year of sediment at Goleta Beach for purposes of beach replenishment. Although placement of beach replenishment material at Goleta Beach is already authorized by CDP 4-02-074, the County is specifically requesting approval for the deposition of a maximum amount of 200,000 cu. yds. of dredged material/year at Goleta Beach as part of this application (approximately 100,000 cu. yds. of material/year more than is authorized by CDP 4-02-074). Although the subject application includes the request to place a greater amount of material in the surfzone at Goleta Beach than authorized by CDP 4-02-074 (BEACON), the amount of material to be placed in the surfzone is consistent with the amount of material previously authorized by the Commission for surfzone disposal at Goleta Beach in CDPs 4-93-205 and CDP 4-00-206.

However, the Commission notes that the proposed project, in combination with the related beach replenishment project authorized pursuant to CDP 4-02-074 (BEACON). could potentially allow for the discharge/placement of a greater amount of material (combined total of 300,000 cu. yds. of material/year) in the surfzone than has been separately analyzed under either application in the event that both projects were to be implemented separately as stand-alone projects in the same year. The Commission notes that the cumulative impacts from the combined projects are not known. County staff have indicated that it is not the County's intention to implement both of these projects separately from each other and that no more than 200,000 cu. yds/year of total deposition at Goleta Beach is currently envisioned. Therefore, in order to ensure that the cumulative effects of the development authorized by this permit and by other previously approved coastal permits for similar beach nourishment projects at the project site, are not inadvertently greater than have been analyzed separately under any single application, Special Condition One (1) limits the total amount of sediment/beach replenishment material that is deposited at Goleta Beach from all sediment disposal/beach replenishment projects (including, but not limited to, all deposition activities implemented pursuant to Coastal Development Permits 4-05-139 and 4-02-074) to no more than 200,000 cu. yds. of sediment/year. The applicant shall be responsible for coordinating with all other potential sediment disposal/beach replenishment projects at Goleta Beach. If material is placed at Goleta Beach as part

of any other beach replenishment project, then the applicant shall limit the amount the amount of material placed at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The placement of additional quantities of material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit.

Further, in its approval of CDP 4-02-074 (BEACON), the Commission found that because the cumulative impacts of these types of beach replenishment projects are still not fully documented, and because of its trial nature, these types of projects must be monitored carefully to assess the success of the program in meeting its goals as well as to avoid impacts to coastal resources. In this case, to address this issue, Special Condition Ten (10) requires the applicant to implement a Long-term Biological Monitoring Program. In order to ensure consistency and streamlining of efforts by governmental agencies, the program may be prepared in coordination with similar reports prepared by BEACON (of which Santa Barbara County is a participating member) to satisfy the required conditions of approval for other related beach replenishment projects at the subject site (including the preparation of a similar report pursuant to the requirements of CDP 4-02-074). The program shall include specific requirements for turbidity monitoring, creek or slough mouth monitoring, and kelp, surfgrass, eelgrass, and reef habitat, as applicable to the proposed site. The monitoring program shall specifically identify the criteria that would indicate the program's effectiveness/success in avoiding adverse impacts to biological resources. The criteria shall be specific enough to provide a mechanism to determine when/how a project results in adverse impacts to biological resources at each site and a mechanism for making adjustments to future replenishment projects.

The riparian, wetland, and marine environment could also be adversely impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds Special Condition Four (4) is necessary to define the applicant's responsibility ensure proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided under Special Condition Four (4), it is the applicant's responsibility to ensure that the no construction materials, debris or other waste is placed or stored where it could be subject to wave erosion and dispersion. Furthermore, Special Condition Four (4) assigns responsibility to the applicant that any and all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours. Further, construction equipment shall not be cleaned on the beach or in the beach parking lots.

The Commission further notes that *Caulerpa taxifolia* is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean. From an initial infestation of about 1 square yard it grew to cover about 2 acres by 1989, and by 1997 blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly

originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. In the Mediterranean, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 ft depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing.

Because of the grave risk *Caulerpa* poses to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. However, its possession is still legal in California. In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50° F. Although warmer southern California habitats are most vulnerable, until better information if available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *Caulerpa taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *Caulerpa taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If Caulerpa taxifolia is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of Caulerpa taxifolia, the Commission requires **Special Condition Eight (8)**. Special Condition Eight (8) requires the applicant, prior to placement of any dredged material from estuarine habitats to undertake a survey of the project area and any associated dredging equipment for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

The Commission finds that the proposed project, as conditioned, will serve to minimize adverse effects to existing habitat and wildlife resources on site while meeting necessary flood control requirements. However, the Commission also finds that the marine, beach, riparian, and wetland habitats on site are subject to potential changes over time as new species migrate into the area or as potential unidentified impacts from the proposed dredging operation may be discovered over time. Therefore, in order to ensure that any potential changed circumstances which may be discovered at some future point in time, such as new information regarding sensitive habitat and wildlife resources on site or new impacts from the dredging project, are considered, Special

Condition Thirteen (13) specifically limits the duration of all activities approved by this permit (including dredging, breaching, and sediment disposal) to a period of no more than five (5) years from the date of Commission action, after which time this permit shall expire. Any desilting/dredging, breaching, or sediment disposal activities after the expiration of this permit will require the issuance of a new coastal development permit.

In addition, the proposed project will involve work within streams, wetland areas, and tidally influenced portions of the sandy beach and will also require approval from the United States Army Corps of Engineers, California State Lands Commission, California Department of Fish and Game, and the Regional Water Quality Control Board. Therefore, Special Condition Twelve (12) requires the applicant obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project.

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

# C. Hazards and Shoreline Processes

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed desiltation program is to maintain the flood water carrying capacity in Atascadero Creek to reduce the likelihood of flood damage to adjacent residential areas, including the Santa Barbara City Airport. The proposed project will involve two potential methods of sediment removal: hydraulic dredging and dragline desilting.

Hydraulic dredging is proposed as the primary method of sediment removal and involves floating a dredge within the creeks to be desilted. A 10-12 inch diameter polyurethane discharge pipeline is floated in the channels behind the dredge to transport dredged material to Goleta Beach for disposal within the surfzone. In some areas, the discharge pipeline will be located on land as necessary where floating is not feasible. In order to ensure that all excavated material is suitable for surfzone/beach disposal, Special Condition Two (2) requires that prior to any excavation/dredging activity, the applicant shall submit a suitability analysis, for the review and approval of the Executive Director, of the sediment within the creek to be removed to determine its suitability for beach disposal/nourishment. All excavated material shall be transported for disposal to Goleta Beach for beach nourishment purposes unless determined to be

unsuitable for such use. In addition, Special Condition Three (3) requires the excavated/dredged material, prior to surfzone disposal, meet federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing.

Sediments may also be removed from the creeks by the dragline desilting method. Dragline desilting involves operation of a crane rigged as a dragline (bucket scoop) from the adjacent creek banks. Removed sediments determined to be unsuitable for beach disposal/nourishment will be would be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank. However, the Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and potential adverse effects to adjacent streams and wetland areas from resedimentation and increased turbidity. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. Therefore, in order to ensure that dredged material will not be permanently stockpiled on site and that erosion and resedimentation of the streams on site are minimized during any temporary stockpiling activities. Special Condition Five (5) also requires any stockpiled materials shall be located as far from the stream or wetland areas on site as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of the stream bank. Temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Permanent stockpiling of material on site shall not be allowed. The applicant shall provide evidence to the Executive Director of the location of the permanent disposal site for all excavated material prior to removal of the material from the project site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

Further, the Commission notes that the applicant is requesting to place a significant volume of material within the surfzone at Goleta Beach on an annual basis. The Commission also notes that CDP 4-02-074 (BEACON), was approved by the Commission in early 2005 for the placement of 100,000 cu. yds./year of sediment at Goleta Beach for purposes of beach replenishment. Although placement of beach replenishment material at Goleta Beach is already authorized by CDP 4-02-074, the County is specifically requesting approval for the deposition of a maximum amount of 200,000 cu. yds. of dredged material/year at Goleta Beach as part of this application (approximately 100,000 cu. yds. of material/year more than is authorized by CDP 4-02-074). Although the subject application includes the request to place a greater amount of material in the surfzone at Goleta Beach than authorized by CDP 4-02-074 (BEACON), the amount of material to be placed in the surfzone is consistent with the amount of material previously authorized by the Commission for surfzone disposal at Goleta Beach in CDPs 4-93-205 and CDP 4-00-206.

However, the Commission also notes that the proposed project, in combination with the related beach replenishment project authorized pursuant to CDP 4-02-074 (BEACON), could potentially allow for the discharge/placement of a greater amount of material (combined total of 300,000 cu. yds. of material/year) in the surfzone than has been separately analyzed under either application in the event that both projects were to be

implemented separately as stand-alone projects in the same year. The Commission notes that the cumulative impacts from the combined projects are not known. County staff have indicated that it is not the County's intention to implement these projects separately from each other and that no more than 200,000 cu. yds./year of total deposition at Goleta Beach is currently envisioned. Therefore, in order to ensure that the cumulative effects of the development authorized by this permit and by other previously approved coastal permits for similar beach nourishment projects at the project site, are not inadvertently greater than have been analyzed separately under any single application, Special Condition One (1) limits the total amount of sediment/beach replenishment material that is deposited at Goleta Beach from all sediment disposal/beach replenishment projects (including, but not limited to, all deposition activities implemented pursuant to Coastal Development Permits 4-05-139 and 4-02-074) to no more than 200,000 cu. yds. of sediment/year. The applicant shall be responsible for coordinating with all other potential sediment disposal/beach replenishment projects at Goleta Beach. If material is placed at Goleta Beach as part of any other beach replenishment project, then the applicant shall limit the amount the amount of material placed at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The placement of additional quantities of material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit.

Further, in its approval of CDP 4-02-074 (BEACON), the Commission found that because the cumulative impacts of these types of beach replenishment projects are still not fully documented, and because of the trial nature of the regional beach replenishment program, these types of projects must be monitored carefully to assess the success of the program to meet its goals as well as avoid impacts to coastal To address this issue, Special Condition Nine (9) requires the resources. implementation of a Long-term Shoreline Monitoring Program to analyze changes to beach profiles, sand width, and volume in relation to the volume and location of deposition activities. To avoid duplication of efforts, the program may be prepared in coordination with similar reports prepared by BEACON and by Santa Barbara County to satisfy the required conditions of approval of other related beach replenishment projects at the subject site (including the requirements of CDP 4-02-074). The Shoreline Monitoring Program shall include information regarding the success of the placement activities in relation to maintaining public access, including any complaints that may have been received. The results of the monitoring shall be submitted to the Executive Director on an annual basis, with conclusions regarding the level of success of the annual sand replenishment project(s). The report shall include a brief history of the previous years' effort, if any, and shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) to track changes in shoreline conditions.

In addition, the Commission notes, based on the information submitted by Santa Barbara County Flood Control District, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding. The applicant has indicated that the developed areas adjacent to the project site, such as the airport and nearby residential development (which are located within

the identified flood plain) may be subject to seasonal flood events during the winter storm season. As such, the Commission notes that evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

The Commission further notes that although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas immediately upland of the project site, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Eleven (11) requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development.

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

#### D. Public Access and Visual Resources

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

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

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California

# Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

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

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

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

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

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

As a result of the extensive public use of each site combined with the intrusive nature of the deposition activities, public access will be temporarily impeded by the proposed project and will result in some adverse effects to the public's ability to access the sandy beach since beachgoers would be required to avoid the nourishment areas during placement and grading, as well as staging areas. Though deposition activities within the project site would temporarily displace beach area for public use, the remainder of the surrounding beach area would be available for public access. Under no circumstances would the entire beach be off-limits to the public. The proposed dredging activities will also result in some potential temporary disruption to the public's ability to use the bicycle/pedestrian trails on site resulting from construction vehicles crossing the bicycle path during dredging operations.

In addition, the Commission notes that the desilting/dredging activities are proposed during the fall and winter months when visitor-use of Goleta Beach County Park is lowest. The Commission also notes that closure of portions of the beach to public use during spring and summer months (during maximum visitor-use of the park) would result in significant impediment to the public's ability to fully utilize the public beach In order to minimize disturbance to park users, as balanced with areas on site. minimizing impacts to wildlife on site, the County is proposing to limit desilting/dredging operations between the period of October 15 through April 1. Therefore, in order to ensure that the applicant's proposal to limit the duration of the proposed dredging project is implemented and to ensure that adverse effect to public access and recreation are minimized, Special Condition One (1) limits desilting/dredging activities to the period between October 15 and April 1, unless additional time is granted by the Executive Director for good cause. Special Condition One (1) also specifically requires that all deposition operations, including any restrictions on public access, be prohibited on any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on peak public recreational use of the beach.

Furthermore, though the winter and early spring season is the appropriate time of year to implement project activities, given the mild climate, each of these sites are still expected to attract extensive public visitorship on any given weekend. Since Goleta beach is subject to higher levels of public use during weekends, sediment disposal/placement activities during these times would result in significant adverse impacts to public access. Therefore, to ensure that maximum access is maintained for the public in the project area consistent with Coastal Act Section 30210, Special Condition One (1) requires that all construction operations, including any restrictions on public access, be prohibited on any part of the beach and shorefront in the project area on Saturdays and Sundays, thereby removing the potential for construction-related disturbances to conflict with weekend visitor activities. In this way, scheduling operations outside of peak recreational times will serve to minimize potential impacts on public access.

Furthermore, to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, the Commission requires the applicant to submit a public access plan, pursuant to Special Condition Six (6), to the Executive Director for review and approval. Special Condition Six (6) requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access to and around the receiver site shall be maintained during and after beach deposition activities. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required at each receiver site for the staging of equipment, machinery and employee parking shall be used.

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

#### E. Archaeological Resources

Coastal Act Section 30244 of the Coastal Act states that:

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

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

The applicant has submitted an Intensive Cultural Resources Survey by Archaeological Systems Management dated April 1982 which indicates that Native American Archaeological resources have been identified within three separate portions of the subject site (SBA-45, SBA-46, and SBA-1696). The archaeological sites are immediately adjacent to areas of the site where dredging will occur. In order to minimize the potential for adverse effects to cultural resources, the proposed dredging will only occur in the same areas of stream channel where dredging has occurred in previous years. In addition, in order to avoid disturbance to cultural resources on site, the buffer areas have been delineated adjacent to all identified resource areas where dredging activities shall be prohibited. However, the Commission notes that potential adverse effects to those resources may still occur due to inadvertent disturbance during dredging activity. To ensure that impacts to archaeological resources are minimized, Special Condition Seven (7) requires that the applicant have a qualified archaeologist(s) appropriate Native American consultant(s) present on-site during and all desilting/dredging activities within or adjacent to the archaeological sites in the project area identified in the Intensive Cultural Resources Survey by Archaeological Systems Management dated April 1982. The number of monitors shall be adequate to observe the earth moving and cable installation activities of each piece of active earth moving equipment. Specifically, the desilting/dredging operation on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and the native American consultant consistent with CEQA guidelines.

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

# F. <u>CEQA</u>

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a 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 that the activity may have on the environment.

The Commission finds that the proposed project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.



EXHIBIT 1 CDP 4-05-139 (SB County) Location Map Ŷ



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