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CALIFORNIA COASTAL COMMISSION

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Hearing Date: 12/16/05



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-05-030

APPLICANT: City of Santa Barbara Waterfront Department

PROJECT LOCATION: Offshore of East Beach, City of Santa Barbara, Santa Barbara County

PROJECT DESCRIPTION: Implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels.

APPROVALS RECEIVED: Notice of Exemption from CEQA Requirements by Santa Barbara County, January 31, 2005; City of Santa Barbara Planning Commission Resolution No. 004-05 to recommend to the California Coastal Commission approval of the East Beach Mooring/Anchoring program (MST2004-00809/CDP2004-00010) January 27, 2005; and City of Santa Barbara Harbor Commission review and recommendation of approval to Planning Commission, April 15, 2004.

SUBSTANTIVE FILE DOCUMENTS: "Santa Barbara Mooring Area Environmental Survey," SAIC, July 20, 2005 and "Displaced Vessel Analysis," City of Santa Barbara Waterfront Department, May 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with Eight Special Conditions regarding 1) Term of Permit; 2) Biological Survey Program; 3) Construction Responsibilities and Debris Removal; 4) Best Management Practices Program; 5) Water Quality Monitoring Program; 6) Assumption of Risk; 7) Other required Agency Permit and Approvals; 8) Use of Mooring, Anchoring, and Visitor Slips.

Vessels wishing to moor or anchor outside Santa Barbara Harbor have traditionally done so in areas up to one mile east of Stearns Wharf, in water depths of 20-50 feet, in waters under the jurisdiction of the City of Santa Barbara and the California State Lands Commission. City of Santa Barbara Ordinances prohibit anchoring or mooring within 300 feet of the Wharf from April 1st through October 31st and within a half mile of the Wharf from November 1st through March 31st. Aside from these restrictions, the City

does not currently have any additional regulations or fees for the anchoring and mooring area.

The City of Santa Barbara's Waterfront Department proposes to implement a regulated mooring/anchoring program in order to decrease pollution, vessel groundings on East Beach, seafloor debris, and financial impacts to the City. The project will set aside an area where permits would be required to moor up to 48 boats east of Stearns Wharf. The mooring area, approximately 350 acres in area, will be located outside the harbor approximately 2,500 feet east of Stearns Wharf and will extend approximately 3,500 feet east. Boaters will acquire permits through a lottery system, where preference will be given to those individuals who have previously anchored a vessel within the project area in the recent past prior to the implementation of the proposed anchoring/mooring program. In the designated mooring area, each program permittee will be required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. Each program permittee will also be required to hire City approved divers to conduct biological surveys of the mooring area prior to installation of mooring equipment. If sensitive biological resources (eelgrass, giant kelp, rock outcrops, coral reefs) and invasive species (*Caulerpa taxifolia*, or Japanese kelp) are present in the mooring area, no mooring will be established unless approved by the Commission or Executive Director. Each program permittee will pay a yearly fee of \$100 to \$150 to the City and be responsible for all expenses related to the installation and removal of the individual mooring and all annual biological and inspection surveys and reports.

West of the proposed regulated mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary and visiting vessels from 300 feet east of Stearns Wharf east to the border of the proposed mooring area on a first-come, first serve basis. East of the proposed mooring area, the City will continue to allow anchoring on a year round basis to permanent, temporary, and visiting vessels on a first-come, first-serve basis. Anchoring in both the seasonal and year round areas will not require a permit or a fee. The City is also proposing to restrict use of the areas by severely derelict or abandoned vessels in order to decrease pollution and vessel groundings on East Beach. Boats in the managed mooring area will be required by the City to use the existing pump out, hull out, cleaning, and maintenance facilities located within the harbor. The City has also indicated that the same services are available for all users of the unmanaged adjacent anchoring areas as well. Additionally, the City will continue to provide anywhere from 42 to 100 visitor slips in the harbor area.

The proposed project, as conditioned, will allow for the continued use of the area for recreational and commercial boating, in a manner that will not significantly impact low-cost visitor serving uses of the waterfront area. Additionally, biological surveys, avoidance measures, and best management practices proposed by the City will avoid and minimize any potential impacts to biological resources in the project area. Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, this project is located within an area 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. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit 4-05-030 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and

will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. **Term of Permit**
 - A. This permit approval is valid for a total term of five (5) years, commencing upon the date of Commission approval of Coastal Development Permit 4-05-030, after which time the permit shall expire. After the expiration of this permit, the installation of new moorings or continued maintenance of any existing moorings within the project area that have been installed pursuant to this permit will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

- B. Prior to the expiration of Coastal Development Permit 4-05-030**, the applicant shall either: (1) remove all moorings installed pursuant to this permit and restore the project area to its previously existing condition/use or (2) submit a complete permit or amendment application to the California Coastal Commission to continue the East Beach Mooring/Anchoring Program. This application submittal shall include:
1. A report prepared by a qualified biologist or environmental resource specialist summarizing and assessing the results of the biological surveys conducted pursuant to Special Condition Two (2) of this permit;
 2. A report prepared by a qualified biologist or water quality specialist that summarizes and assesses the results of the water quality monitoring required pursuant to Special Condition Five (5) and analyzes the project's impacts on water quality; and
 3. A report that summarizes the results of the "occupancy" surveys required pursuant to Special Condition Eight (8) and analyzes change in use/occupancy of the mooring area, anchoring areas within the project area, and all existing visitor-serving slips in the harbor. The report shall analyze any changes in use patterns that have occurred and any impacts to visitor serving uses in the waterfront as a result of the project.
- C.** If a complete permit or amendment application to continue the East Beach Mooring/Anchoring Program is not received by the Commission prior to expiration of CDP 4-05-030, the City shall remove all established moorings and restore the project area to its previously existing condition/use.
- D.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Biological Survey Program

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a final biological survey program, prepared by a qualified biologist or environmental resource specialist, designed to evaluate the biological resources in each mooring area prior to installation of mooring equipment. The biological survey program shall be consistent with the following requirements:

1. A biological survey shall be conducted no earlier than 90 days nor later than 30 days prior to installation of any mooring ground tackle or equipment at any of the individual identified 48 mooring sites. Divers, under the supervision of a qualified biologist or resource specialist, shall survey the location proposed

- for ground tackle installation, as well as a 25-foot radius from the ground-tackle installation location, for sensitive resources, including rocky substrate, coral reef, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*). In addition, the survey shall include an inspection for non-native and invasive plant species including *Caulerpa taxifolia* and Japanese kelp (*Undria pinnatifida*). All surveys shall include a visual examination of the substrate.
2. Survey protocols 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.
 3. If any environmentally sensitive resources or plant species, including, but not limited to rocky substrate, coral reef, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*), are present at or within the ground-tackle radius described above, the installation of grand-tackle shall not occur unless the Executive Director determines that the mooring installation would not result in any significant adverse effects to sensitive resources. Should the Executive Director determine that the potential for adverse effects to sensitive resources may exist, then installation of the mooring shall not occur unless otherwise approved by the Commission as an amendment to this coastal development permit.
 4. The Waterfront Department shall include the approved Biological Survey Program as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this Program as part of the permit agreement.
 5. The applicant and all program permittees shall undertake development and operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

B. Biological Survey Report

1. **Prior to the installation of mooring ground tackle, anchoring weight, or equipment at any of the 48 mooring sites**, the City's Waterfront Department shall submit a biological survey report, for the review and approval of the Executive Director, prepared in compliance with all requirements of Part A of this condition. The report shall include the results of required biologic survey for each mooring site and assess the potential impacts to any identified sensitive resources that would result from development at each mooring site.
2. If the survey identifies any *Caulerpa taxifolia* within the project area 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. In addition, unless the Executive Director otherwise determines, 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 installation of the mooring 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.

3. The Executive Director of the California Coastal Commission shall review the submitted Biological Survey Report and provide a written response of: 1) approval of the installation of mooring ground tackle at each individual site; or 2) a requirement that the project receive a new, separate coastal development permit; or 3) request for additional information. No installation of any materials or mooring equipment prior to written approval of the Executive Director shall occur.

3. Construction and Maintenance Responsibilities and Debris Removal

The Waterfront Department shall include the following provisions as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this Program as part of the permit agreement.

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- D. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity.
- E. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- F. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- G. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development

permit or an amendment to this permit shall be required before disposal can take place.

- H. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants and applicants' contractors shall have adequate equipment available to contain any such spill immediately.

4. **Best Management Practices Program**

Prior to issuance of the coastal development permit, the Waterfront Department shall submit, for the review and approval of the Executive Director, a detailed Best Management Practices (BMP) Program for controlling adverse impacts to water quality related to the public boating facilities associated with this project. The plan shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in the mooring and anchoring areas or using the mooring or anchoring areas on a transient basis are made aware of water quality provisions. The plan shall include, at a minimum, the following provisions:

A. Boat Maintenance and Cleaning Best Management Practices

- Boat maintenance and cleaning shall be performed above the waterline in such a way that no debris falls into the water.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be minimized to the maximum extent practicable.
- Boat repair and maintenance shall only occur in clearly marked designated work areas for that purpose.
- All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.

B. Solid and Liquid Waste Best Management Practices

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel,

kerosene, and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or a gutter.

D. Sewage Pumpout System Best Management Practices

- Adequate sewage pumpout facilities to serve the proposed mooring area shall be provided to prevent the overboard disposal of untreated sewage within the project area and surrounding waters.
- Vessels within the anchoring and mooring areas shall dispose of any sewage at designated pumpout facilities provided by the Waterfront Department.

E. Public Information and Signage

- The Waterfront Department shall include the Best Management Practices Program as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this Program as part of the permit agreement. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

The permittee shall undertake development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Water Quality Monitoring Program

Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a Water Quality Monitoring Plan, designed to characterize and evaluate the potential impacts of boater-related pollution from the proposed development (mooring/anchoring program) on the receiving waters in the mooring/anchoring area. The monitoring plan shall be consistent with the following requirements:

1. The monitoring plan shall identify the pollutants of concern for this site (or any appropriate indicator parameters) that will be monitored. The monitoring plan shall identify a process for adding to or deleting parameters from the plan. At a minimum, these pollutants of concern shall include bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients.
2. The plan shall specify sampling protocols and methodologies to be used for each water quality parameter. Measurements must be precise enough to evaluate whether receiving waters are meeting applicable water quality standards. These standards shall be specified in the monitoring plan.

3. The plan shall specify the sampling locations in the mooring/anchoring area. These locations shall be selected to provide an adequate representation of the area, and shall include at least 8 sites. The monitoring plan shall include a map of the proposed sampling locations.
4. Baseline water quality data reflecting current (pre-program) conditions in the mooring/anchoring area shall be collected prior to commencement of the mooring/anchoring program. The baseline water quality studies shall be sufficient to document background (pre-program) levels of the contaminants that will be analyzed in ongoing monitoring.
5. The plan shall specify the sampling frequencies for each of the parameters. Sampling for bacteria levels in the water shall occur at a minimum on a bi-monthly basis. Monitoring shall not occur within five (5) days of a rain event.
6. Monitoring shall be conducted for the term of this permit, or five (5) years.
7. If monitoring results indicate that applicable water quality standards are not being met, the applicant shall investigate the cause or source of the water quality exceedance(s) and provide a report of this information to the Executive Director. The Executive Director will determine, based on this report and all other information available, whether the exceedance(s) was (were) caused by activities or incidents under the authority of the mooring/anchoring program. If this determination is made, the applicant shall take corrective actions to remedy the water quality exceedance(s), to be approved by the Executive Director. If these corrective actions constitute development under Section 30106 of the Coastal Act, an amendment to this Permit shall be required, unless the Executive Director determines no such amendment is required.
8. Annual reports containing data and analytical assessment of data in comparison to any applicable water quality standards, as well as any corrective actions that have been taken, shall be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board.

The permittee shall undertake development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from tidal action and storm waves; 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.

7. Other Required Agency Permits and Approvals

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, evidence of all final required approvals from federal, State, and local agencies including: the Army Corps of Engineers (ACOE), California State Lands Commission, California Department of Fish and Game, U.S. Coast Guard, National Oceanic and Atmospheric Administration (if required), and the City of Santa Barbara.

8. Use of Anchoring, Mooring, and Visitor Slip Areas

Prior to issuance of the coastal development permit, the applicant shall submit a report summarizing current (pre-program) use/occupancy of the seasonal and year round anchoring areas offshore of East Beach and the occupancy rate of slips designated for visitors in the harbor. Following implementation of the Mooring/Anchoring Program, the applicant shall provide to the Executive Director annual reports quantifying the occupancy rates of the mooring area and visitor slips in the harbor, as well as the number of vessels using the seasonal and year round anchoring areas, on a monthly basis.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

Project Background

Vessels wishing to moor or anchor outside Santa Barbara Harbor have traditionally done so in areas up to one mile east of Stearns Wharf, in water depths of 20-50 feet, in waters under the jurisdiction of the City of Santa Barbara and the California State Lands Commission. City of Santa Barbara Ordinances prohibit anchoring or mooring within 300 feet of the Wharf from April 1st through October 31st and within a half mile of the Wharf from November 1st through March 31st. Aside from these restrictions, the City does not currently have any additional regulations or fees for the anchoring and mooring area.

According to City surveys of the existing anchoring areas, up to 80 boats anchor or moor east of the Wharf at any given time during the year (approximately 30 in winter and 80 in summer). While some of these vessels are seaworthy, some are not. Each winter, derelict or abandoned vessels with improper or dilapidated ground tackle and anchoring equipment run aground in the East Beach area. According to City staff, 72

vessels have grounded on East Beach in the last five years, creating safety hazards and pollution problems when vessels break up in the surf. These groundings also create a financial and administrative drain on the city. The existing anchoring areas have also been the site of neglected and/or abandoned mooring tackle, which creates hazards to navigation and impacts biological resources and water quality in the area. In 2003 the City completed the East of Wharf Debris Removal Project approved by the Commission in February 2003 as a Waiver de Minimis (CDP 4-02-238-W). This project involved the removal of 81 hazards to navigation, ranging from boat hulls to mooring cans, chain, and old mooring lines in the northern portion of the mooring and anchoring areas east of Stearns Wharf. Despite this cleanup, irresponsible use of the mooring and anchoring area continues to add debris to the ocean floor.

In response to these problems, the City of Santa Barbara's Waterfront Department proposes to implement a regulated mooring/anchoring program adjacent to East Beach. This program is designed to provide up to 48 mooring spaces for individually permitted vessels, plus seasonal and year round anchoring opportunities for other vessels. By formalizing the mooring and anchoring areas and enforcing ground-tackle specifications for moored vessels, the Waterfront Department hopes to decrease pollution, vessel groundings on East Beach, seafloor debris and financial impacts to the City.

Proposed Mooring and Anchoring Areas

The project will set aside an area where permits would be required to moor up to 48 boats. The mooring area, approximately 350 acres in extent, will be located outside the harbor approximately 2,500 feet east of Stearns Wharf and will extend approximately 3,500 feet east (**Exhibit 1**). There will be 48 mooring spaces designated for vessels of all sizes located anywhere from 1,000 feet to 4,550 feet offshore of East Beach. This area will be designated for permanent mooring of permitted vessels adhering to the Mooring Permit Program described in the following section. Clear zones have been established on the north and south sides of the designated mooring area for both vessel operators and emergency response vessels to access. The mooring area is more than 200 feet from a sewer outfall line and a desalination plant intake line approximately 1,000 feet east of Stearns Wharf. The project is outside high and moderate sensitivity zones for archaeological resources. No archeological resources are known to be present in the project area.

West of the proposed regulated mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary or visiting vessels from 300 feet east of Stearns Wharf east to the border of the proposed mooring area. East of the proposed mooring area, the City will continue to allow anchoring year round to permanent, temporary, or visiting vessels. Anchoring in both the seasonal and year round areas will not require a permit or a fee. The City is proposing, though, new ordinances to restrict use of the areas by severely derelict or abandoned vessels. Boats in both the anchoring or mooring areas will continue to use pump out, hull out, cleaning, and maintenance facilities located within the harbor.

The southern portions of the mooring and anchoring areas are located on waters under the jurisdiction of the City of Santa Barbara. The northern portions of the mooring and anchoring areas are under the jurisdiction of the California State Lands Commission. The City is in the process of obtaining a lease from the California State Lands Commission for the proposed project. The City is also consulting with Army Corps, the U.S. Coast Guard, and NOAA for the project. The entire project area is under the retained jurisdiction of the California Coastal Commission with respect to implementation of the Coastal Act.

Proposed Mooring Permit Program

Implementation of Program

In the proposed mooring area, the City will issue permits for individuals to establish his or her own mooring for an annual fee of \$100 to \$150. The program permittee will also have to pay the expense of installation of the ground tackle (approximately \$2,000) and biological and inspection surveys required by the program (approximately \$1,000 annually) as described below. Upon commencement of the program, individuals who are able to demonstrate relatively recent, historic use of East Beach waters for mooring purposes are eligible for "grandfather" status. These individuals will be placed on an East Beach Mooring Permit list. An additional lottery will be held for individuals interested in an East Beach Mooring Permit who do not meet the "grandfather" criteria. This lottery list (drawn at Harbor Commission meetings) will be used whenever a mooring spot in the mooring field becomes available.

Once an individual receives a City-issued permit allowing him or her to moor a vessel in one of the designated mooring spaces, they will be required to obtain the services of a City certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. The ground-tackle will be supplied by the permittee and installed by the City-certified contractor at the exact location of the designated mooring. Only City-specified or approved materials will be used as ground-tackle for individually permitted vessels within the designated mooring area. Only items such as large diameter chain or a railroad wheel may be used as an anchor weight. The City has stated that no use of engine blocks and concrete blocks, which have been used by unregulated users in the past, shall be allowed under any circumstance pursuant to this program. The City will retain discretionary authority to approve or disapprove other proposed anchoring devices. As part of an annual permit-renewal process, the permittee will be required to have the ground-tackle inspected by one of the City approved contractors and certified as compliant with City-adopted mooring specifications.

Prior to any ground-tackle installation, a diver will survey the deployment area for sensitive habitat as outlined in the section below. Installation of the moorings will require a vessel, hoist equipment, and dive equipment. There will be no staging area for this project, as all of the equipment will be located on the contractor's vessel. In the event that work needs to be conducted on ground-tackle following installation, the

ground-tackle will either be repaired by a diver or be removed from its ocean location and be repaired/replaced aboard the contractor's vessel or transported by vessel to land and taken to an appropriate location for the work to be done. All materials will be disposed of in a proper manner. Disposal will be the responsibility of the contractor conducting the work. All work will be required to follow applicable best management practices for construction as outlined in City of Santa Barbara Public Works pamphlet, "Procedures for the Control of Runoff into Storm Drains and Watercourses." Ground-tackle installation will occur during daylight when ocean conditions permit this activity. Additionally, work will not be allowed at night or when ocean conditions are unsafe for this activity or prohibit the ability to accurately pinpoint the location for anchor placement.

Biological Surveys

The Waterfront Department, as part of the project, proposes to deploy divers to survey each location just prior to ground-tackle installation to ensure there are no sensitive resources within a 25-foot radius from the ground-tackle installation location.

Survey divers will be properly trained by a biologist, environmental resource specialist, or City staff to identify sensitive resources and non-native or invasive plant species listed below. Divers will be Waterfront Department staff or divers contracted by the Waterfront Department capable of performing this type of work. Sensitive resources and non-native/invasive plant species that divers will specifically identify shall include, but not be limited to, the following:

- Rocky Substrate
- Coral Reef
- Eel Grass (*Zostera marina*)
- Giant Kelp (*Macrosystis pyrifera*)

Invasives

- *Caulerpa taxifolia*
- Japanese Kelp (*Undria pinnatifida*)

Should these sensitive resources be present at or within the ground-tackle radius described above, the City has proposed that the ground-tackle will be installed at a different location (specified by the Harbor Operations Manager or his designee) within that individual mooring space where conditions permit. If this cannot be accomplished in a manner that safely maintains the project's goal of 48 mooring sites, individual sites may be excluded. In addition to surveying each location prior to initial deployment, diver surveys will be required each year as part of the annual permit renewal process. Divers will survey all sites within 45 days prior to the ground-tackle inspection using the same method and procedures described above. In the event that archaeological resources are discovered during any survey dives, work shall immediately stop and the City of Santa Barbara Environmental Analyst will be contacted for recommendation on how to

proceed. The proposed mooring program requires permittees to pay for the cost of the Initial and annual renewal biological and inspection surveys.

B. MARINE RESOURCES AND WATER QUALITY

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 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and

Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Section 30222.5 of the Coastal Act states:

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored. Section 30232 of the Coastal Act requires that protection against spillage of hazardous substances into the marine environment relating to any new development be provided. Section 30233 of the Coastal Act states that diking, filling, and dredging of Coastal Waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities including new or expanded boating facilities in open coastal waters where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The project area is located immediately offshore of Santa Barbara in the Santa Barbara Channel. As the project area has been used for many years as an informal mooring and anchoring area, the biological resources in the project area have been largely

disturbed. The applicant has submitted a biological survey of the project area entitled *The Santa Barbara Mooring Area Environmental Survey* (SAIC, July 20, 2005). This report includes the findings of diving and side scan sonar surveys conducted in November 2001 and spring 2003 as part of the East Beach Debris Removal Project in the northern portion of the proposed anchoring and mooring areas. The report also includes the results of dives conducted at nine transects of the southern portion of the anchoring and mooring area in July 2005.

According to the results of these studies, the substrate in the mooring and anchoring areas is primarily sediment and sand, with a few small rock outcrops located inshore of the proposed mooring area, in the northwestern corner of the proposed mooring area, and in the proposed seasonal anchoring area by the wastewater outfall and seawater intake pipelines. These rock outcrops are periodically covered in sediment.

The biological surveys of the mooring and anchoring areas found a few surfgrass plants (*Phyllospadix* sp.), giant kelp (*Macrocystis pyrifera*) attached to abandoned pipe segments near the wastewater outfall in the seasonal anchoring area, alga (brown and red), oar weed (*Laminaria farlowii*), and a number of common invertebrates including lobsters (*Panulirus interruptus*), spiny sand star (*Astropecten armatus*), Lellet's whelk (*Kelletia kelletia*), octopus (*Octopus* sp.), sea star (*Pisaster* sp.), sea pens (*Stylatula* sp.), tube anemones (*Pachycerianthus fimbriatus*), crab (*Cancer* sp.), and ornate tube worms (*Diopatra ornate*). During the spring 2005 dive surveys, eelgrass (*Zostera marina*) was found in the shallow water at the northwest corner of the proposed mooring area and in the northeastern part of the proposed seasonal anchoring area. According to the applicant's biological consultants, the eelgrass at these locations was "very sparse and would not be considered an eelgrass bed with habitat values for fish and other marine organisms".

The City of Santa Barbara's Waterfront Department proposes to implement a regulated mooring/anchoring program adjacent to East Beach. The project will set aside an area where permits would be required to moor up to 48 boats. The mooring area, approximately 350 acres in extent, will be located outside the harbor approximately 2,500 feet east of Stearns Wharf and will extend approximately 3,500 feet east (**Exhibit 1**). There will be 48 mooring spaces designated for vessels of all sizes located anywhere from 1,000 feet to 4,550 feet offshore of East Beach. West of the proposed regulated mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary or visiting vessels from 300 feet east of Stearns Wharf east to the border of the proposed mooring area. East of the proposed mooring area, the City will continue to allow anchoring year round to permanent, temporary, or visiting vessels. Anchoring in both the seasonal and year round areas will not require a permit or a fee. The City is proposing, though, new ordinances to restrict use of the areas by severely derelict or abandoned vessels. Boats in both the anchoring or mooring areas will continue to use pump out, hull out, cleaning, and maintenance facilities located within the harbor.

In the designated mooring area, each permittee will be required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. It is anticipated that items such as large diameter chain or a railroad wheel may be used as an anchor weight. Use of engine blocks and concrete blocks shall not be used as anchor weights under any circumstance. Each permittee will be required to obtain the services of City approved divers to conduct biological surveys of the mooring area prior to installation of mooring equipment. These surveys are discussed in detail below. Annually, the permittees will be required to hire City approved divers to inspect all mooring equipment and conduct annual biological surveys of the mooring area. If sensitive biological resources (identified below) are found in the survey area, no mooring will occur in that area.

The proposed project will require placement of mooring equipment on the sea floor in coastal waters. As described above, Section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted only when specific criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging feasible alternative; and (c) feasible mitigation measures to minimize adverse effects must be provided. The proposed Mooring/Anchoring Program would provide boating facilities for recreational opportunities, an allowable use for fill of coastal waters under Section 30233(a)(4) of the Coastal Act. In this case, the proposed project would formalize a mooring permit program in an area already used on an informal basis by vessels to moor and anchor outside of the Santa Barbara Harbor. The purpose of the program is to reduce the amount of abandoned mooring tackle, use of dilapidated or environmentally damaging anchoring and mooring equipment, and pollution caused by vessel groundings and inappropriate use of the existing anchoring areas. Establishment of the mooring area in another area in the City of Santa Barbara would increase the distance boats would have to go to the harbor for boat maintenance, cleaning, and pump out of sewage. The existing harbor is located immediately west of Stearns Wharf and the proposed seasonal anchoring area and the year-round managed mooring area will occupy the area immediately east of Stearns Wharf. There are no other locations within the vicinity for additional mooring or anchoring facilities, therefore, there are no alternative locations available for the mooring area that would be less environmentally damaging and still meet the purpose and need of the City of Santa Barbara for regulated anchoring/mooring offshore of East Beach.

The project has the potential to directly impact sensitive resources, including eelgrass, kelp, and rocky substrate that may be present in the project area. Installation and dragging of mooring anchors can directly remove and disturb these resources. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. In order to avoid these potential impacts, the City has proposed ground tackle specifications for permit holders that require use of mooring tackle that reduces drag on the ocean floor and reduces pollution. Use of railcar wheels and heavy chain is encouraged, while use of engine blocks and cement will be prohibited.

In addition, because the City has not previously conducted a comprehensive biological survey of the entire project area, the City proposes to require individual mooring users to submit pre-installation biological surveys of each mooring area. Each permittee of the mooring program, prior to installation of the mooring equipment, would be required to deploy city certified divers to survey the location of ground tackle installation to ensure that there are no sensitive resources within a 25-foot radius from the ground-tackle installation location. Sensitive resources divers will specifically identify: rocky substrate, coral reef, eel grass, and giant kelp. Should these sensitive resources be present at or within the ground-tackle radius, the City has proposed that the ground-tackle be installed at a different location, even if this means the entire mooring space is excluded. In addition to surveying each location prior to initial deployment, diver surveys will be required each year as part of an annual permit renewal process.

In this case, in order to avoid potential adverse impacts to sensitive biological resources in the marine environment and ensure that the applicant's proposal to provide adequate biological survey information of each individual site prior to the commencement of the installation of any mooring equipment is adequately implemented **Special Condition Two (2)** has been required. Special Condition Two (2) requires the City to submit, for review and approval of the Executive Director, a final biological resources survey program prior to the issuance of the permit that provides the criteria for successful implementation of the required surveys. Special Condition Two (2) also requires that, prior to the installation of mooring ground tackle, anchoring weight, or equipment at any of the 48 mooring sites, the City's Waterfront Department shall submit a biological survey report, for the review and approval of the Executive Director, prepared in compliance with all requirements of Part A of this condition. The report shall include the results of required biologic survey for each mooring site and assess the potential impacts to any identified sensitive resources that would result from development at each mooring site. No installation of any materials or mooring equipment prior to written approval of the Executive Director shall occur.

The Commission further finds that the installation of mooring tackle on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia* and Japanese kelp (*Undaria pinnatifida*). *Caulerpa taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean¹. Because of the grave risk to native

¹ References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchioretta, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). Marine Ecology Progress Series 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. Marine Ecology Progress Series 182:299-303

habitats, in 1999 *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

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 is 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 *C. 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 *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* or Japanese kelp 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 *C. taxifolia* and other non-native species, the Commission imposes **Special Condition Two (2)**. Special Condition Two (2) requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia* and Japanese kelp. If *C. taxifolia* or Japanese kelp is present in the project area, no work may commence and the applicants 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. Special Condition Two (2) further requires all biological survey requirements to be included in the permit agreement between users of the mooring area and the City.

The Commission finds that the proposed installation of mooring equipment will occur over and in the water. Construction of any kind adjacent to or in coastal waters has the

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

potential to impact marine resources and water oriented recreation activities due to the potential generation of debris and/or presence of equipment, materials and hazardous substances that could enter the water. To ensure that construction related adverse effects to the marine environment and water quality are minimized, **Special Condition Three (3)**, requires the applicant to implement best management practices including storage of construction materials, staging of equipment, and proper disposal of debris, including dilapidated boats and old mooring and anchoring equipment found in the project area. The condition also requires inclusion of these construction related practices in the permit agreement between users of the mooring area and the City.

Mooring and anchoring of boats in the project area creates potential sources of pollutants such as chemicals, petroleum, and cleaning agents in coastal waters. Additionally, leaks or illegal dumping of sewage in coastal waters from moored and anchored boats could impact water quality and biological resources in the project area. Staff notes that one of the expressed purposes of the Mooring/Anchoring Program is to establish regulations over the existing anchoring areas, in order to reduce pollution. In addition, in order to reduce the threat of pollution in coastal waters, the City Waterfront Department has five pump out stations and two porta-potty dump stations available in the harbor for proper disposal of sewage. According to City staff, there are 1,133 vessels in the harbor and seven pump out stations. The rule of thumb for pump out stations is one per 300 boats. The seven pumpout stations available in the harbor will adequately serve the 48 new mooring spaces offshore of east beach. Additionally, there are hull out, maintenance, cleaning areas, and waste receptacles established in the harbor that users of the mooring and anchoring areas may use to avoid maintenance and cleaning in the water. **Special Condition Four (4)** requires the applicant to educate all users of the mooring and anchoring areas on measures to avoid impacts to water quality from boat maintenance and cleaning, disposal of solid and liquid wastes, and sewage pumpout. Special Condition Four (4) further require the City to include these best management practices in the permit agreement between users of the mooring area and the Waterfront Department and to educate the public on these measures.

The Commission further finds that the project could result in intensification of use of the seasonal and year round anchoring areas, which potentially could increase impacts to sensitive resources and water quality caused by boaters mismanagement of sewage and liquid and solid waste. It is currently unknown, though, whether the project will, in fact, change the use of the seasonal and anchoring areas west and east of the proposed mooring area. **Special Condition Eight (8)**, therefore, requires the City to survey the use of the anchoring areas prior to project implementation and seasonally for the duration of the permit (five years), so that the Commission may evaluate the effects of the program on use of the anchoring areas. In addition to intensification of use, the establishment of a permanent mooring area in the existing anchoring area may increase the number of live aboard vessels in the area, who are more likely to need to pump out sewage and maintain and clean their boats in the project area. It is currently unknown whether the proposed program will improve or diminish water quality in the project area. In order to assess any water quality impacts that may occur due to establishment of the

Anchoring/Mooring Program, **Special Condition Five (5)** requires the City to conduct water quality monitoring of the anchoring and mooring areas and compare this data to baseline data obtained prior to implementation of the program. Further, **Special Condition One (1)** limits the term of the permit to five (5) years so that the Commission will be able to assess the success and potential impacts of the project prior to continuation of the program.

The Commission, therefore, finds that the project is consistent as conditioned with Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

C. RECREATIONAL BOATING, VISITOR SERVING USES, VISUAL RESOURCES, AND PUBLIC ACCESS

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.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30251 of the Coastal Act states:

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 subordinate to the character of its setting.

Section 30210 of the Coastal Act states that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and protection of natural resources from overuse. Section 30213 of the Coastal Act further states that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Sections 30220, 30224, 30234 of the Coastal Act mandate that coastal areas suited for water-oriented recreational facilities shall be protected, recreational boating uses of coastal waters shall be encouraged, and facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Section 30251 further requires that visual resources and public views be protected in the coastal zone.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The harbor is the home base of the local commercial fishing fleet and the U.S. Coast Guard and provides excellent recreational boating opportunities for the public. In addition to providing permanent slips for recreational and commercial vessels, the harbor provides 40 to 100 visitor slips. The area east of the harbor and Stearns Wharf has been traditionally used for mooring or anchoring vessels in an "open roadstead." Aside from seasonal restrictions on anchoring within a half mile of Stearns Wharf during the winter and within 300 feet of the Wharf during summer, vessels mooring and anchoring offshore of East Beach are not currently subject to any other City ordinances, fees, or permitting.

The Waterfront Department has prepared a "Displaced Vessel Analysis" (2005) analyzing the current use of the area offshore of East Beach and assessing the projected impact on boating and visitor serving uses from the proposed project. According to this study, recent surveys indicate that a maximum of 80 vessels and an average of 40 to 50 vessels anchor or moor east of Stearns Wharf during summer. Approximately 25 vessels anchor or moor there during winter. The City estimates that 40% of vessels in the area are moored (leave their gear in the water) and 60% are anchored. This includes well-maintained sail and power boats, commercial fishing boats, and commercial oilfield support vessels. The sharp increase in summer is largely a result of an increase in visiting vessels. According to City staff and Coast Guard surveys, though, many of the boats, particularly in the winter, are abandoned, derelict vessels. The City estimates that during summer approximately 30% of the vessels are

abandoned or considered hazards to navigation and subject to removal. During winter, the percentage of vessels abandoned or considered hazards to navigation increases to as much as 50%.

The proposed project is intended to bring orderliness to the existing anchoring and mooring area and to reduce the potential for moored vessels to sink, run aground on East Beach, or hit Stearns Wharf during southeasterly winds and seas encountered in Santa Barbara each winter. The project proposes to upgrade public boating facilities for recreational and commercial purposes. Specifically, the project would establish a 350 acre area that can permanently accommodate up to 48 moorings used by vessels of various size. The mooring permits will be offered to the public through a lottery process, with preference given to vessels that have been moored or anchored in the area in the last few years. Mooring permittees will be responsible for purchase and installation of moorings, plus annual inspections and maintenance. Anticipated costs include approximately \$2,000 for the purchase of new mooring tackle, plus \$1,000 annually to inspect and repair mooring equipment and conduct biological surveys. In addition, the City will charge a \$100 to \$150 a year permit fee to cover program administration. The program indicates minimum ground tackle specifications for the boats and does not allow severely derelict boats to moor. Those vessels not permanently moored in the proposed mooring area, will be able to either occupy permanent or visitor slips in the harbor for a fee or anchor in the seasonal anchoring area adjacent to Stearns Wharf (summer only) or in the year round anchoring area east of the mooring area for free. The City, in addition to standards for the mooring area, is also proposing new ordinances for the seasonal and year round anchoring areas limiting use of the area by severely derelict and/or abandoned vessels. Given new ground tackle and boat condition standards proposed for the anchoring and mooring areas, several (up to 30 percent in summer and 50 percent in winter) derelict or abandoned vessels will be displaced from the mooring and anchoring areas.

In their Displacement Analysis, the City analyzes the potential impacts to visiting vessels in the Santa Barbara area as a result of the project. According to City staff, there are 42 visitor berths in the Santa Barbara Harbor, 30 of which are slips and 12 of which are end ties and side ties. The Waterfront Department also utilizes any slips vacated by permittees on "temporary cancellation" (cruising) status for visitor berths. They, therefore, typically have around 100 visitor berths to offer in the harbor for boats ranging in size of 20 feet to 60 feet, with a limited number of end ties for boats over 100 feet. According to City records, occupancy rates in the visitor slips ranges from 40% to 100%. The visitor slips occasionally fill to capacity, usually on holidays, during special regattas, and during the opening days of fishing seasons for lobster and salmon. Under the new Mooring and Anchoring program, visitors unable to find room in the harbor, or not wishing to pay the harbor's daily use fees, will be able to anchor in the summer anchoring area adjacent to Stearns Wharf and the year round anchoring area east of the mooring area. The summer anchoring area, which can handle up to 45 boats, is the most convenient place for visitors to anchor due to its proximity to the harbor facilities. Given the visitor resources provided in the harbor and free anchoring opportunities that will be provided outside the harbor, the Commission finds that the project is unlikely to

severely impact low cost visitor resources in the area. It is currently unknown, though, how the program will influence visitor serving uses in the waterfront area. **Special Condition Eight (8)**, therefore, requires the applicant to conduct surveys of the visitor slips, mooring area, and anchoring area to assess occupancy rates and usage of the areas. The condition requires the applicant to compare this data to a baseline data set taken prior to project implementation.

The Commission further finds that the project is unlikely to impact recreational boating and visual resources of the area. Establishment of a regulated mooring area will not significantly change views of the ocean in the area as boats are already moored in the project area. Additionally, the project involves establishment of clear zones in the mooring area that will safely allow recreational and commercial vessels to freely move through the mooring area. Further, one of the project goals is to reduce the seafloor debris and groundings at East Beach which are a threat to navigation and recreational and commercial boating and use of East Beach. The project will, therefore, not diminish recreational and commercial boating recreation in the Santa Barbara area.

Therefore, the Commission finds that the proposed project is consistent with the recreation, access, and visitor serving policies of the coastal act, including Sections 30210, 30213, 30220, 30224, 30234, and 30251.

D. HAZARDS

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.**

The proposed project is located east of Santa Barbara harbor in a partially protected area. However winter storm conditions can generate waves in the project area that may cause damage to boats and equipment in the mooring and anchoring areas. In the past, the City has had significant problems with boats anchored and moored offshore of East Beach washing ashore on East Beach. Within the last five years, 72 vessels have grounded in the East Beach area. One of the expressed purposes of the proposed project is to reduce the groundings of these vessels by 1) requiring all boats moored or vessels be operable and inspections of mooring equipment, 2) implementing specifications for mooring equipment, and 3) establishing a system of accountability in the mooring area (permittees would have to register and adhere to the conditions of their permit agreement).

Despite these measures, vessels anchored or moored could still be at risk from tidal action and storm waves during winter storms. Therefore, **Special Condition Six (6)** of the permit requires that the applicant acknowledge that site may be subject to extraordinary hazards from ocean waves and tides and that the applicant waives any future claims of liability against the Commission or its successors in interests for damage from such hazards. The project, as conditioned, is, therefore, consistent with Section 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

The proposed project area lies within City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

F. CEQA

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

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