

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov

W13

CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

April Meeting of the California Coastal Commission

MEMORANDUM

Date: April 12, 2006

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the April 12, 2006 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

IMMATERIAL AMENDMENTS

3-82-199-A7 Carmel Area Wastewater District, Attn: Ray Von Dohren, General Manager (Carmel Area, Monterey County)

3-90-041-A6 City Of Capitola, Attn: Ed Morrison (Capitola, Santa Cruz County)

A-3-MCO-05-055-A1 George R. Roberts (Pebble Beach, Monterey County)

TOTAL OF 3 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-82-199-A7 Carmel Area Wastewater District, Attn: Ray Von Dohren, General Manager	Add microfiltration and reverse osmosis (desalting) systems to the recycled water project in a new 10,000 sq. ft. two-story building.	26900 Highway 1, Carmel Area (Monterey County)
3-90-041-A6 City Of Capitola, Attn: Ed Morrison	Renewal of five-year permit to continue implementation of the Soquel Creek Lagoon Management & Enhancement Plan. Management activities include riparian habitat restoration and protection along Soquel Creek, sandbar construction resulting in lagoon formation in May of each year, management of the lagoon for fishes and other animals, maintaining fish passage through the existing flume, actions to protect salmonids and prevent flooding during emergency sandbar breaching, sediment reduction, reducing summer water temperature to benefit salmonids, and reduction of nonpoint source pollution into the creek. The management plan also includes regular monitoring of a number of parameters in the creek (temperature, fish counts, stream inflow, oxygen levels, etc.) and completion and submission of a yearly monitoring report.	Soquel Creek River mouth, Capitola (Santa Cruz County)
A-3-MCO-05-055-A1 George R. Roberts	Amend Special Condition No. 2 to allow utility installation and maintenance within the designated Monterey cypress habitat protection area. The specific revision to Special Condition 2 provided by the amendment is attached to this notice as Exhibit 1.	3212 Seventeen Mile Drive (Del Monte Forest), Pebble Beach (Monterey County)

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NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *by PM 3/29/06*
DATE: March 29, 2006
SUBJECT: Permit No: 3-82-199-A7

Original Description: Permit No. 3-82-199 (formerly numbered P-79-569)
Granted to: Carmel Area Wastewater District, Attn: Ray von Dohren
For: Wastewater treatment plant improvements
At: 26900 Highway 1, Carmel Area (Monterey County)

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Add microfiltration and reverse osmosis (desalting) systems to the recycled water project in a new 10,000 sq. ft. two-story building.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting.

This amendment has been considered IMMATERIAL for the following reason(s):

In 1981 the Commission approved a permit for improvements to the Carmel Area Wastewater Plant to (1) treat effluent to a level suitable for golf course irrigation; and (2) pipe the treated effluent from the Plant to the golf courses existing in Del Monte Forest at that time (plus the course to be developed at Spanish Bay). The permit is conditioned as follows: "Separate coastal development permit(s) shall be required for any reclaimed water lines off the main line to serve currently nonexistent uses and for all reclaimed water storage facilities" and "this condition does authorize supplying locations outside the service area with reclaimed water, provided the receiving land use is approved by the Commission or is existing." A subsequent coastal permit authorized a connection from the reclamation line to the new Poppy Hills Golf Course.

The reclamation project took several years to come to fruition, but has now been operational for twelve years, providing irrigation water to the eight golf courses (and driving range and equestrian center), which were previously totally dependent on potable water. As originally approved the reclamation project was anticipated to provide approximately 1,000 acre-feet per year (af/y) for golf course irrigation in the average rainfall year. However, the project has not been able to distribute this level of production because in part it has been found that the irrigation water has too high a salt content to be used on the golf courses without flushing with

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP No. 3-82-199-A7

CAWD Desalting Facilities

March 29, 2006

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water with a lower salt content. Thus, the golf courses have had to continue to use some potable water for irrigation to flush out the salts from the reclaimed water. To meet the irrigation demand of the golf courses, approximately 318.3 af/y of potable water has been needed to supplement approximately 689.1 af/y of reclaimed water, in the average rainfall year.

The purpose of this amendment is to add piping and a building housing microfiltration and reverse osmosis (desalting) systems at the Carmel Area Wastewater Plant to further treat the wastewater to a more suitable quality for golf course irrigation purposes. When this project is on line it should be able to supply 100% of the irrigation water that the existing Del Monte Forest golf courses need, even in the driest years. Thus, in conjunction with a just completed reservoir outside of the coastal zone (Forest Lake), the proposed project could provide up to 1,679 af/y of irrigation water.

This project is needed to improve the quality of irrigation water that Carmel Area Wastewater District currently supplies to the existing golf courses, as well as to fulfill the project's original purpose: to substitute reclaimed water for potable water for golf course irrigation. For example, in an average rainfall year, the current demand for irrigation water is 1,007 af/y. The reclamation facilities can now provide only 689 usable af/y (64% of this demand); the remaining demand is met with potable water. With the reservoir project, all of the current irrigation demand could be met with reclaimed water, even in dry years.

As proposed, the project would help to reduce current demands for potable Cal-Am water that is taken from overdrafted water sources. In average rainfall years, this project will free up an average of 418 af/y of potable water currently being used by the golf courses. The water is supplied by Cal-Am Water Company. Cal-Am's two main sources of water, the Carmel River and the Seaside Groundwater Basin, are both being overdrafted and both are under orders that cap withdrawals and mandate reductions. For example for the Carmel River, State Water Resources Board (SWRCB) Order 95-10 caps Cal-Am's withdrawals at 11,285 af/y and mandates eventual (unspecified as to when) further reductions. The Carmel River provides important anadromous fish and other riparian habitat. The lower two miles of the river are in the coastal zone. The Seaside groundwater basin is partially within the coastal zone.

With respect to existing water supply and demand and coastal resource concerns, potential outcomes of this project's implementation would be that SWRCB could mandate a 418 af/y reduction in Cal-Am's authorized withdrawal or the Monterey Peninsula Water Management District (MPWMD) could hold in reserve the 418 af/y of water freed up by the project as opposed to reallocating it to other users. However, another possibility is that the MPWMD or SWRCB does not require a commensurate reduction in withdrawal of Carmel River water and the 418 af/y is redistributed within Cal-Am's remaining service area. This possibility, while not optimum from the Commission's perspective, is not inconsistent with Coastal Act mandates for at least the following reasons:

- There are many sites both in and out of the coastal zone that are designated for development and that could be developed consistent with local coastal programs and/or other land use regulations, provided a sustainable source of water can be identified;
- Use of freed-up golf course water may be preferable to using water from other sources, such as unreliable or threatened groundwater basins or rivers other than the Carmel River.
- Most important, the applicant wastewater district has no authority with regard to how the freed up water is used, and, thus, this permit amendment cannot dictate such an outcome.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP No. 3-82-199-A7

CAWD Desalting Facilities

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Another issue potentially raised by the project is its relation to future golf course and other development in Del Monte Forest. Monterey County has submitted an LCP amendment to the Commission (Monterey County LCP Amendment # 1-05), currently under review that, among other projects, would provide for the development of a new golf course, driving range, and equestrian center. The County has also already approved a coastal development permit for these facilities. In fact, Monterey County conditioned approval of these new facilities on Pebble Beach Company funding this desalting project and using exclusively reclaimed water (from this project) for irrigating the proposed new golf course, equestrian center, and driving range. Thus, this project is one, of many, preconditions for the proposed Measure A related projects to come to fruition. However, this project cannot serve these Measure A related projects, unless and until they are authorized by separate coastal permits that allow for this project to provide them irrigation water.

This project has an independent utility that is separate from any new golf course. This project is fully funded and ready to proceed. The CAWD has stated that this project will occur whether or not another golf course is ever approved and constructed. This project does not result in any increased treatment capacity in order to provide irrigation water to a new golf course, in fact the ultimate amount of reclaimed water that the plant could produce will be reduced somewhat once the proposed desalting component is added. The only aspect of the proposed desalting project affected by Measure A related projects is operational: some of the available wastewater that could be treated to supply the new golf course would instead be discharged into Carmel Bay with the other unused effluent, unless and until another irrigation use could be found for it. Thus, there is no reason to delay approval of this project until resolution of the new golf course and equestrian center projects, which could take considerable time.

Finally, since this project removes more salts from the wastewater now distributed to the golf courses, there will be a slightly higher concentration of salts in the remaining wastewater that is not used on the golf courses and is instead discharged into Carmel Bay. A pilot test was conducted to determine the impact of this saltier discharge. It was found to be within the limits of the wastewater district's National Pollutant Discharge Elimination System (NPDES) permit, with the exception of some radioactivity limits. However, these radioactivity limits are more stringent than the natural background levels found in seawater, and so the Regional Water Quality Control Board has indicated that it will revise the permit to have more realistic limits, that the wastewater effluent will meet. The Regional Water Quality Control Board fully endorses the proposed project.

No other significant adverse impacts from the proposed project were identified in the environmental studies conducted for the project.

If you have any questions about the proposal or wish to register an objection, please contact Rick Hyman at the Central Coast District office.

cc: Monterey County Planning & Building Inspection Department
Denise Duffy & Associates

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NOTICE OF PROPOSED PERMIT AMENDMENT

TO All Interested Parties
FROM Peter Douglas, Executive Director 
DATE: March 28, 2006
SUBJECT: **Permit No: 3-90-041-A6**
Granted to: City of Capitola, Attn: Ed Morrison

Original Description:

For: **Closure of creek/creation of recreational lagoon**

At: **Soquel Creek, Capitola (Santa Cruz County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to:

Renew the City's five-year permit to continue implementation of the Soquel Creek Lagoon Management & Enhancement Plan. Management activities include riparian habitat restoration and protection along Soquel Creek, sandbar construction resulting in lagoon formation in May of each year, management of the lagoon for fishes and other animals, maintenance of fish passage (salmonids) through the existing flume, actions to protect salmonids and prevent flooding during emergency sandbar breaching, sediment reduction, reduction of summer water temperatures to benefit salmonids, and reduction of nonpoint source pollution into the creek. The management plan also includes regular monitoring of a number of parameters in the creek (temperature, number of fish, stream inflow, oxygen levels, etc.) and completion and submission of a yearly monitoring report.

FINDING

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting.

This amendment has been considered IMMATERIAL for the following reasons:

This amendment allows for the continued implementation of the Soquel Creek Lagoon Management & Enhancement Plan for an additional five years (i.e. until May 8, 2011). Development activities that have been, and will continue to be implemented pursuant to the amendment (e.g., seasonal closure of the creek mouth to form a lagoon, managing lagoon levels to avoid flooding and protect fish habitat), have a beneficial impact on coastal water quality, marine resources, and water oriented recreation. The amendment incorporates conditions recently established by the California Department of Fish and Game and the Monterey Bay National Marine Sanctuary to enhance water quality protection, including protection of water quality during lagoon formation and artificial breaching activities, maintenance of lagoon water level for protection of steelhead and methods to allow steelhead migration through the flume, monitoring requirements during summer lagoon management, etc.

If you have any questions about the proposal or wish to register an objection, please contact Susan Craig at the Central Coast District office.

cc: City of Capitola Public Works Department

California Department of Fish and Game

Monterey Bay National Marine Sanctuary

Army Corps of Engineers

Regional Water Quality Control Board

National Marine Fisheries Service

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *by JM 4/7/06*
DATE: April 7, 2006
SUBJECT: **Permit No: A-3-MCO-05-055-A1**
Granted to: George R. Roberts

Original Description:

for **Replace an existing 7,565 square foot, two-story residence destroyed by fire with a new 11,700 square foot, two-story single family residence, with outdoor patio, detached 850 square foot caretaker's unit above a 850 square foot mechanical room/laundry/storage room, a 6-foot tall front perimeter fence, and attached 1-car carport. Project includes removal of one (1) Monterey pine tree; removal of two (2) Monterey cypress trees; after-the-fact approval for removal and trimming of approximately forty-seven (47) Monterey pine and Monterey cypress trees; development within 100 feet of ESHA (Monterey cypress habitat); and development within 75 feet of archaeological resources.**

at **3212 Seventeen Mile Drive (Del Monte Forest), Pebble Beach (Monterey County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Amend Special Condition No. 2 to allow utility installation and maintenance within the designated Monterey cypress habitat protection area. The specific revision to Special Condition 2 provided by the amendment is attached to this notice as Exhibit 1.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Utility installation and maintenance will not interfere with the required protection and enhancement of the Monterey cypress habitat. Temporary impacts associated with utility installation/maintenance will be minimized and mitigated in accordance with the construction and restoration plans required by Special Conditions 3 and 4 of the permit.

If you have any questions about the proposal or wish to register an objection, please contact Katie Morange at the Central Coast District office.

cc: Local Planning Dept.

Van Acker Construction Co., Attn: Shoshana Signer

Exhibit 1

CDP Amendment A-3-MCO-05-055-A1 (Roberts SFD, 17-Mile Drive)

Special Condition 2 is revised by this amendment as follows:

2. Monterey Cypress Forest Habitat Protection and Enhancement Area. In order to ensure long-term protection of native Monterey cypress habitat on the project site, all portions of the property located outside the allowable building envelope generally depicted by Exhibit F shall be designated for Monterey cypress habitat protection and enhancement. No native trees within this area may be removed or trimmed at any time without prior approval of the Coastal Commission. No development, as defined in Section 30106 of the Coastal Act shall occur within the Monterey Cypress Forest Habitat Protection and Enhancement Area, as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- A. Monterey cypress habitat restoration, native landscaping, and invasive plant removal conducted in accordance with the Forest Restoration, Protection, and Management Plan approved by Special Condition 3 of this permit.
- B. The 6-foot high fencing along Seventeen Mile Drive.
- C. Construction and post-construction drainage controls approved pursuant to Special Conditions 4 and 5 of this permit.
- D. Installation and maintenance of electrical and telecommunications utilities to serve the approved development. This includes the utility box in the north corner of the project parcel, as shown in the approved project plans, as well as existing and new segments of a utility trench. Utility lines will be installed in an existing trench that extends southwest from the utility box along the fence line. At the westernmost point of the fence line, the existing trench will end and a new segment will extend east to the caretaker's unit.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT (NOI), the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described in special condition 1(a) and depicted by Exhibit F of this permit.

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**Memorandum****April 11, 2006**

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director, Central Coast District

Re: **Additional Information for Commission Meeting Wednesday, April 12, 2006**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W13a, SCO-MAJ-2-05	Santa Cruz County	Correspondence	1
W15b, MCO-MAJ-1-05	Monterey County	Correspondence	15
W15c, UCSC	CLRDP	Staff Report Addendum (separate) Correspondence	23
W16a, A-3-04-54	Sunridge Views	Staff Report Addendum Correspondence	119 123
W16b, A-3-05-33	Moeller	Staff Report Addendum Correspondence	125 129

W13a



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

RECEIVED

APR 05 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 5, 2006

Susan Craig, Coastal Planner
California Coastal Commission, Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: Board Acceptance of Suggested Modifications to Major LCP Amendment 2-05, Part A (Policy Changes to Allow Recycled Water Facilities on Agricultural Land)

Dear Ms. Craig:

We are pleased to announce that on April 4th, 2006 the County Board of Supervisors unanimously approved the Coastal Commission's suggested modifications to LCP Major Amendment number 2-05, Part A (Policy Changes to Allow Recycled Water Facilities on Agricultural Land). I have enclosed copies of the signed and certified Board Resolution and Ordinance that implement these modifications to the policy changes previously approved by our Board.

Please forward these to your Commission for their consideration and final approval. We understand that this can be done at this month's Coastal Commission meeting. Please contact me by e-mail or at 454-2530 if you have any questions or there is anything else you need.

Thank you,

Frank Barron, AICP
Policy Section

Attachments:

1. Board of Supervisors Resolution No. 111-2006
2. Ordinance No. 4821

AN ORDINANCE APPROVING THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO PREVIOUSLY APPROVED AMENDMENTS TO CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE, ALLOWING RECYCLED WATER FACILITIES TO BE LOCATED ON AGRICULTURALLY-ZONED LAND

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subdivision (b) of Section 13.10.312 of the Santa Cruz County Code is hereby amended by adding the category "Recycled municipal wastewater facilities" to the Agricultural Uses Chart under "Agricultural Support and Related Facilities" and below the category "Recreational activities", to read as follows:

USE	CA	A	AP
Recycled municipal wastewater (i.e., tertiary treatment) facilities for the production of recycled water solely for agricultural irrigation use, subject to the provisions of Section 13.10.635	7	7	7

SECTION II

Subdivision (a)(3) of Section 13.10.314 of the Santa Cruz County Code is hereby amended, to read as follows:

3. The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of Section 13.10.635; and

SECTION III

The Santa Cruz County Code is hereby amended to add Section 13.10.635, to read as follows:

Section 13.10.635 – Recycled water facilities for the production of recycled municipal wastewater for agricultural irrigation use.

Construction and operation of recycled water facilities providing tertiary-level treatment on land zoned CA, A or AP shall be allowed, subject to the following regulations:

- a. Such facilities shall be located adjacent to or in the immediate proximity of an existing publicly owned and operated municipal wastewater treatment plant.

ATTACHMENT 2

b. Such facilities shall be intended and used for the sole purpose of producing recycled municipal wastewater to be used for agricultural irrigation.

c. Conflicts with adjacent commercial agricultural activities resulting from either construction or operation of the wastewater recycling facility use, shall be avoided, among other ways, by staging construction activities and establishing traffic routes in a manner that does not interfere with adjacent agricultural activities.

d. The facility shall minimize reduction of acreage of agricultural lands and shall prevent a reduction in land available for agricultural production by offsetting the loss of agricultural land associated with facility construction. Mitigation measures that may be used to offset the loss of agricultural land resulting from project construction include, but are not limited to:

- enabling fallow agricultural land to be put back into production;
- protecting or restoring agricultural operations on lands where non-agricultural development has been permitted, among other ways by acquiring the land or obtaining an affirmative agricultural easement;
- improving the productivity of degraded or marginal agricultural land by transporting the topsoil from the development site to such land; and,
- any combination of the above, or similar measures.

The mitigation measures used to offset the loss of agricultural land associated with facility construction shall enhance agricultural productivity within the project service area to an extent that is equal or better than the productivity of the agricultural land lost from project construction, and shall be implemented in a manner that is consistent with the coastal resource protection provisions of the General Plan/LCP, such as those protecting environmentally sensitive habitat areas, riparian corridors, wetlands, and coastal water quality.

SECTION III

This ordinance shall become effective on the 31st day following adoption or upon certification by the California Coastal Commission, whichever is latest.

PASSED AND ADOPTED this 4th day of April 2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Campos, Wormhoudt, Beautz and Stone
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Pirie
ABSTAIN:	SUPERVISORS	None

MARK W. STONE

 Chairman of the Board of Supervisors

Attest: GAIL T. BORKOWSKI
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Assistant County Counsel

DISTRIBUTION: County Counsel
CAO
Planning Department
Public Works Department

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 4th DAY OF April 2026
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA
BY *[Signature]* DEPUTY

BEFORE THE BOARD OF SUPERISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 111-2006

On the motion of Supervisor Campos
duly seconded by Supervisor Wormhoudt
the following Resolution is adopted:

**RESOLUTION AMENDING GENERAL PLAN/LOCAL COASTAL PROGRAM POLICY
5.13.6 (CONDITIONAL USES ON CA-ZONED LANDS), AND ADOPTING AN
ORDINANCE AMENDING THE ZONING ORDINANCE (COUNTY CODE CHAPTER
13.10), INCORPORATING THE COASTAL COMMISSION'S SUGGESTED
MODIFICATIONS, TO MAKE TERTIARY-LEVEL WASTEWATER TREATMENT
FACILITIES AN ALLOWED USE ON AGRICULTURALLY-ZONED LAND, SUBJECT
TO SPECIFIC CRITERIA**

WHEREAS, on November 22, 2005, pursuant to Agricultural Policy Advisory Commission (APAC) and Planning Commission recommendations for approval, the Board of Supervisors approved General Plan/LCP and Zoning Ordinance amendments to make tertiary-level wastewater treatment facilities an allowed use on agriculturally-zoned land, subject to specific criteria; and

WHEREAS, on March 9, 2006, pursuant to their staff's analysis for consistency with the California Coastal Act, the California Coastal Commission considered and denied as submitted, but then approved with suggested modifications, the Board-approved General Plan/LCP and Zoning Ordinance amendments as LCP Major Amendment 2-05 Part A; and

WHEREAS, the Coastal Commission's suggested modifications generally bolster the agricultural land protection provisions of the County's proposed policy changes and would require mitigation of any conversion of agricultural land to non-cultivated uses; and

WHEREAS, the Coastal Commission modifications, making the proposed policy amendments more protective of agricultural land and ensuring that any loss of cultivated farmland is fully mitigated, are relatively minor in nature; and

WHEREAS, because approval of the Coastal Commission's modifications would result in regulations that are more protective of the environment than the previously approved version, the adoption of the modified version has been found by Planning staff to be Categoricaly exempt from the California Environmental Quality Act (CEQA) and a CEQA Notice of Exemption has been prepared; and

ATTACHMENT 1

WHEREAS, the Board of Supervisors has reviewed the proposed policy amendments, and has held a duly noticed public hearing and considered all comments received, and finds: (1) that facilities that recycle wastewater solely for agricultural irrigation use, especially if located in areas experiencing groundwater overdraft, will contribute to the long-term sustainability of agriculture in Santa Cruz County, and (2) that, therefore, such recycled water facilities constitute an appropriate use, if properly conditioned, on agriculturally-zoned land; and

WHEREAS, the Santa Cruz County Board of Supervisors has six (6) months from the date of the Coastal Commission action (i.e., until September 9, 2006) to adopt the Coastal Commission's suggested modifications to LCP Major Amendment 2-05, Part A.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the Coastal Commission's suggested modifications to the previously approved General Plan/LCP and Zoning Ordinance amendments to make tertiary-level wastewater treatment facilities an allowed use on agriculturally-zoned land, subject to specific criteria, as set forth in Exhibits 1-A and 1-B, and approves the CEQA Notice of Exemption incorporated herein by reference, and authorizes their submittal to the California Coastal Commission for final certification.

IT IS FURTHER RESOLVED AND ORDERED THAT this Resolution shall take effect the date of approval of this Resolution for those areas outside the Coastal Zone, and shall take effect on the date of final certification by the Coastal Commission for those areas within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 4th day of April 2006, by the following vote:

AYES:	SUPERVISORS	Beautz, Wormhoudt, Campos and Stone
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Pirie
ABSTAIN:	SUPERVISORS	None

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board
of Supervisors

MARK W. STONE
Chairperson of the Board
of Supervisors

APPROVED AS TO FORM: *Christy Oberdorfer*
County Counsel

STATE OF CALIFORNIA) COUNTY OF SANTA CRUZ) ss
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>April 4</u> 20 <u>06</u> .
SUSAN A. MAURIELLO, County Administrative Officer
By: <u><i>[Signature]</i></u> Deputy

ATTACHMENT 1

Exhibits:

1-A: Modified amendment to General Plan/LCP Policy 5.13.6

1-B: Proposed Ordinance modifying previously approved amendments to the Zoning Ordinance to allow recycled water facilities to be located on agriculturally-zoned land, subject to specific criteria

Distribution: County Counsel, CAO, Planning Department, Public Works Department

**COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO
PREVIOUSLY APPROVED GENERAL PLAN/LOCAL COASTAL
PROGRAM AMENDMENTS**

CHAPTER 5: CONSERVATION AND OPEN SPACE

Previous Board Approved (on 11/22/05) Additions Shown Double Underlined
Coastal Commission Suggested Modifications Shown Underlined

AGRICULTURE

Objective 5.13 Commercial Agricultural Land

(LCP) To maintain for exclusive agricultural use those lands identified on the County Agricultural Resources Maps as best suited to the commercial production of food, fiber and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.

Policies

5.13.1 Designation of Commercial Agriculture Land

(LCP) Designate on the General Plan and LCP Resources and Constraints Maps as Agricultural Resource all land which meets the criteria (as defined in the General Plan Glossary) for commercial agricultural land.

5.13.2 Types of Agriculture Land

(LCP) Maintain by County ordinance specific agricultural land type designations for parcels identified as commercial agricultural land based on the criteria set forth in the General Plan and LCP Land Use Plan* and maintain Agricultural Resources Maps, by County ordinance to identify the distribution of the following types of Commercial Agricultural Land in the County:

- Type 1A – Viable Agricultural Land
- Type 1B – Viable Agricultural Land in Utility Assessment Districts
- Type 2A – Limited Agricultural Land
- Type 2B – Limited Agricultural Land – Geographically Isolated
- Type 2C – Limited Agricultural Land in Utility Assessment Districts
- Type 2D – Limited Agricultural Land Experiencing Use Conflicts
- Type 3 – Viable Agricultural Land Within the Coastal Zone

*See Glossary for detailed definition of Agricultural Land, Commercial.

5.13.3 Land Use Designations for Agricultural Resource Lands

(LCP) All lands designated as Agricultural Resource shall be maintained in an Agricultural Land Use designation, unless the property is included in a public

park or biotic reserve and assigned as Parks, Recreation and Open Space (O-R), Resource Conservation (O-C), or Public Facility (P) land use designations.

5.13.4 Zoning of Agricultural Resource Land

(LCP) Maintain all lands designated as Agricultural Resource in the "CA", Commercial Agricultural Zone District, except for land in agricultural preserves zoned to the "AP", Agricultural Preserve Zone District or the "A-P", Agriculture Zone District and Agriculture Preserve Combining Zone District; timber resource land zoned to the "TP", Timber Production Zone District; or public parks and biotic conservation areas zoned to the "PR", Parks, Recreation and Open Space Zone District.

5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

(LCP) Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production and, outside the coastal zone, timber harvesting operations.

5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands

(LCP) All conditional uses shall be subject to standards which specify siting and development criteria including: size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions:

- (a) The use constitutes the principal agricultural use of the parcel; or
- (b) The use is ancillary incidental, or accessory to the principal agricultural use of the parcel; or
- (c) The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation, and that minimizes and offsets the loss of agricultural land resulting from facility construction; and
- (d) The use is sited to avoid conflicts with principal agricultural activities in the area; and
- (e) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

5.13.6.1 Biomedical Livestock Operations

(LCP) Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, subject to all other provisions of the General Plan-Local Coastal Program, to the provisions of the Zoning Ordinance applicable to agriculturally zoned land, and to standards which assure protection of the public health, safety and welfare, while prohibiting Biomedical Laboratories on agriculturally zoned land. (Added by Res. 390-97)

5.13.7 Agriculturally Oriented Structures

Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land, including structures associated with recycled wastewater (i.e., tertiary treatment) facilities in the immediate proximity of existing municipal wastewater treatment plants for the production of recycled wastewater to be used solely for agricultural irrigation; prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

5.13.8 Location of Agricultural Support Facilities

Require agricultural support facilities, where permitted on designated Agricultural lands, to locate either off good agricultural soils, or when this is not feasible, on the perimeter of good agricultural soils.

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO PREVIOUSLY APPROVED AMENDMENTS TO CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE, ALLOWING RECYCLED WATER FACILITIES TO BE LOCATED ON AGRICULTURALLY-ZONED LAND

Previous Board Approved (on 11/22/05) Additions Shown Double Underlined Coastal Commission Suggested Additions Shown Underlined and Deletions Shown in ~~Strikeout~~

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subdivision (b) of Section 13.10.312 of the Santa Cruz County Code is hereby amended by adding the category "Recycled municipal wastewater facilities" to the Agricultural Uses Chart under "Agricultural Support and Related Facilities" and below the category "Recreational activities", to read as follows:

USE	CA	A	AP
<u>Recycled municipal wastewater (i.e., tertiary treatment) facilities for the production of recycled water solely for agricultural irrigation use, subject to the provisions of Section 13.10.635</u>	<u>7</u>	<u>7</u>	<u>7</u>

SECTION II

Subdivision (a)(3) of Section 13.10.314 of the Santa Cruz County Code is hereby amended, to read as follows:

- The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of Section 13.10.635; and

SECTION III

The Santa Cruz County Code is hereby amended to add Section 13.10.635, to read as follows:

Section 13.10.635 – Recycled water facilities for the production of recycled municipal wastewater for agricultural irrigation use.

Construction and operation of recycled water facilities providing tertiary-level treatment on land zoned CA, A or AP shall be allowed, subject to the following regulations:

a. Such facilities shall be located adjacent to or in the immediate proximity of an existing publicly owned and operated municipal wastewater treatment plant.

b. Such facilities shall be intended and used for the sole purpose of producing recycled municipal wastewater to be used for agricultural irrigation.

c. Minimal eConflicts with adjacent commercial agricultural activities shall result resulting from either construction or operation of the wastewater recycling facility use, shall be avoided, among other ways, by staging construction activities and establishing traffic routes in a manner that does not interfere with adjacent agricultural activities. either during its construction or operation.

d. The facility shall minimize reduction of acreage of cultivated agricultural lands and shall prevent a reduction in land available for agricultural production by offsetting the loss of agricultural land associated with facility construction. Mitigation measures that may be used to offset the loss of agricultural land resulting from project construction include, but are not limited to:

- enabling fallow agricultural land to be put back into production;
- protecting or restoring agricultural operations on lands where non-agricultural development has been permitted, among other ways by acquiring the land or obtaining an affirmative agricultural easement;
- improving the productivity of degraded or marginal agricultural land by transporting the topsoil from the development site to such land; and,
- any combination of the above, or similar measures.

The mitigation measures used to offset the loss of agricultural land associated with facility construction shall enhance agricultural productivity within the project service area to an extent that is equal or better than the productivity of the agricultural land lost from project construction, and shall be implemented in a manner that is consistent with the coastal resource protection provisions of the General Plan/LCP, such as those protecting environmentally sensitive habitat areas, riparian corridors, wetlands, and coastal water quality.

SECTION IV

This ordinance shall become effective on the 31st day following adoption or upon certification by the California Coastal Commission, whichever is latest.

PASSED AND ADOPTED this 4th day of April 2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

DISTRIBUTION: County Counsel
CAO
Planning Department
Public Works Department

W15b



SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

RECEIVED

APR 10 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Meg Caldwell, Chairperson and Commissioners
California Coastal Commission
Central District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

April 5, 2006

Re: Extension of Time Limit for Commission Action on Monterey County Local Coastal Program Major Amendment Number 1-05 (Measure A)

Dear Chairperson Caldwell and Commissioners:

The members of the Ventana Chapter have been closely following the above referenced item. We agree with the California Coastal Commission staff that this proposed amendment is large and complex, includes an extensive administrative record and raises significant Coastal Act and LCP issues.

We also recommend that the Commission extend the deadline for Commission action.

Thank you for your consideration of our request.

Very truly yours,

Rita Dalessio
Ventana Chapter Chair

W156

TRUMPETER SWAN

Cygnus buccinator

Trumpeter swans, North America's largest and rarest waterfowl, have been wintering on the South Fork of the Snake River for generations. Sadly, a massive, inappropriate development now threatens their peaceable kingdom. The Nature Conservancy urgently needs your immediate financial support to protect the South Fork of the Snake - and carry forth all our efforts to safeguard the wondrous diversity of life on Earth. Please help today.

A.J. Wood, M.D. 4/2/06
8840 BODAGA Hwy. Sebastopol, CA
Commission Members: 95472

I urge you to extend
the deadline on LCP
(Measure A) to 4/2/07 so
that the public has oppor-
tunity to indicate its
concern for conservation of
your natural heritage.

Photo by Roger and Donna Aitkenhead

A. J. Wood, M.D.



1815 North Lynn Street
Arlington, VA 22209



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA ~~State~~
COASTAL

COMMISSION
Central Coast District Office
725 Front St., Suite 300
SANTA CRUZ, CA 95060

W15b

April 4, 2006

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APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060

Re: Item Number W15b - Public Hearing on April 12, 2006

Dear Commissioners:

Please extend the deadline for action on the proposed Monterey County Local Coastal Program Major Amendment Number 1-05 (Measure A) until June 13, 2007.

It is important to allow enough time for the staff to complete its analysis, and it is very important to allow sufficient time for the general public to provide you with its views regarding the above matter.

This environmental issue affects our entire state.

Sincerely,



Dena Friedson

1737 Via Boronada
Palos Verdes Estates,
California 90274

W15b



CONCERNED RESIDENTS OF
PEBBLE BEACH
and Monterey County
a Non-profit California Corporation

Dedicated to Preserving the Natural Environment and Quality of Life in Del Monte Forest and Peninsula Communities

RECEIVED

APR 05 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 4, 2006

California Coastal Commissioners
C/o California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Commissioners:

Hearing Subject: Extension of Time Limit for Coastal Commission Action on Proposed
Monterey County Local Coastal Program (ILCP) Major Amendment
Number 1-05 (Measure A)

Please extend the time limit for Major Amendment Number 1-05 (Measure A).

Measure A and all of its ramifications are of great importance to the property owners and residents of the Del Monte Forest as well as the whole of the Monterey Peninsula. To fully explore the issues raised by Measure A the general public as well as the Commission need sufficient time to analyze and react to the Commission staff report.

Sincerely,


Ted R. Hunter


Carl E. Nielsen

Cc: Charles Lester, Deputy Director

W156



Ms. Karen Malley
1609 S. Gary St
Anaheim CA 92804

CA 927

03 APR 2006 PM 6 T



23 USA
Cortez Covers National Park, NM

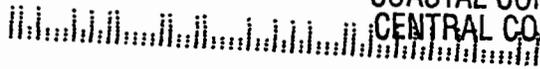
CA. Coastal Comission
725 Front St. # 300

Santa Cruz, CA 95060

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APR 05 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



4/2/06

Hello,

I feel strongly that the Coastal
Commission should extend the deadline for
Commission action on this amendment. (W156)
The public needs the opportunity for representation
at a northern ca. meeting location which has
the date after the current deadline.

Thank you, Karen Malley

Elinor Taylor

*Elinor Taylor
1311 Hebbard St
Sonoma, CA 95476*

RECEIVED

APR 03 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3-31-06

Dear Sir or Mam:

To maximize the public to participate at the Santa Rosa meeting location and to allow adequate time for staff to complete its analysis of the amendment, I favor that the Commission extend to deadline for the Monterey County Local Coastal Program (LCP) Major Amendment Number 1-05 (Measure A) for its meeting. Thanks! over →

W156

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APR 03 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



May
Kandarian

COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508

31 March 2006

Dear Staff,

Although I do not have the means to attend the Hearing on April 12, 2006 in Santa Barbara.

I would like to "vote" to extend the time limit for Coastal Commission action on Monterey Coastal Program Major Amendment Number 1-05 (Measure A).

Sincerely,


May Kandarian

1918 Grant St. #1
Berkeley, Ca 94703

510 825-0307

W156

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APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commissioners
C/o California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Commissioners:

Hearing Subject: Extension of Time Limit for Coastal Commission Action on Proposed
Monterey County Local Coastal Program (LCP) Major Amendment
Number 1-05 (Measure A)

Please extend the time limit for Major Amendment Number 1-05 (Measure A).

Measure A and all of its ramifications are of great importance to the property owners and residents of the Del Monte Forest as well as the whole of the Monterey Peninsula. To fully explore the issues raised by Measure A the general public as well as the Commission need sufficient time to analyze and react to the Commission staff report.

Sincerely,

Ted R. Hunter

Carl E. Nielsen

Cc: Charles Lester, Deputy Director

Sent 4/3/06

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

W15c

Prepared April 10, 2006 (for April 12, 2006 hearing)

To: Coastal Commissioners and Interested Persons

From: Charles Lester, District Director
Dan Carl, Coastal Program Analyst

Subject: **STAFF REPORT ADDENDUM for W15c**
UCSC Marine Science Campus Coastal Long Range Development Plan (CLRDP)

In the time since the staff report and recommendation on this item was distributed, the University has proposed several changes to the proposed CLRDP (see University's April 7, 2006 changes, District Directors Report, page 23). Staff has continued to meet with the University as well as groups and persons opposed to the University's CLRDP. This staff report addendum responds to the University's April 7, 2006 submittal and makes a series of changes to the staff recommendation.

Contents

A. Response to University's April 7, 2006 Submittal	Page 1
B. Other Changes to Staff Recommendation	Page 3

A. Response to University's April 7, 2006 Submittal**1. Part A**

The University proposes changes to Figure 5.4 and proposes to add a new implementation measure (IM) to clarify the amount of land within the CLRDP subareas that could be allotted to development, and to clarify that the Figure 5.4 references are to building footprints. In terms of the Figure 5.4 changes, the University's Addendum Number 1 (dated March 28, 2006 and attached to the staff report as Exhibit F) already clarifies the table headings in a similar manner for a similar reason (see Section P.5.e on page 12 of Exhibit F). Staff believes that the new proposed changes are less clear than those in the University's first addendum (including that they add the qualifier "allowed" and do not make changes to other headings already modified by Addendum 1), and recommends against the proposed changes.

Similarly, new proposed IM 4.1.2 is adds an unnecessary (and potentially problematic) layer to project review. The main point is that development contemplated and allowed by the CLRDP within these subareas may be allowed subject to all of the provisions of the CLRDP, including but not limited to Figure 5.4. The new proposed IM could be read to indicate that 100% of these subareas could be developed provided they met the tests of columns 5 and 6 of Figure 5.4. While that is partially true, such development must also be considered in relation to the rest of the CLRDP; development that meets



California Coastal Commission

April 2006 Meeting in Santa Barbara

Staff: D. Carl Approved by: *D.C.L. 4/1/06*
UCSC CLRDP stfrpt addendum 4.12.2006.doc

Figure 5.4 requirements may not meet other CLRDP requirements and thus may not be allowed. Staff believes that the proposed new IM potentially confuses the development review process and recommends that it not be accepted.

2. Part B

The University proposes new IMs to account for the possibility of the transfer of development potential from the Upper Terrace development zone to subarea 17 as provided for by staff suggested modification number 4 on pages 10 through 13 of the staff report. In terms of proposed new IM 2.3.7, the changes proposed are limited to three specific changes in the CLRDP concerning Shaffer Road improvements. These changes, though, are a subset of the CLRDP changes that would be required should such a transfer occur (as described in current suggested modification 4), (e.g., there are other changes in the Resource Management Plan and in CLRDP Chapter 5 that would be required to effectively implement the transfer policy). Accordingly, although staff is not opposed to new IM 2.3.7, it is incomplete. The current staff recommendation accounts for this in the proposed IM 2.3.6, which requires a CLRDP amendment to be submitted if and when the transfer of development option is exercised. Therefore, staff recommends not making the proposed change.

With respect to proposed new IM 2.3.8, staff believes that this proposed change is similar in wording to that proposed by the University in new IM 4.1.2 and that it shares similar issues. Accordingly, staff recommends against this proposed change. That said, staff acknowledges that the addition of subarea 17 requires additional clarifications to the CLRDP. Accordingly, staff recommended suggested modification 4 is changed as follows:

- (1) The text that states “maximum of 40% site coverage” (in the first paragraph of IM 2.3.6 on staff report page 12) is replaced with text that states “maximum of 40% building coverage.”
- (2) In the section related to Figure 5.4 (on staff report page 13), add the following line to the table on Figure 5.4 (including allowing for the same maximum building footprint to transfer from subarea 1 to 17): 17.....127,000.....2.....26.....42,000.....40%
- (3) In the section related to Figure 5.4 (on staff report page 13), add a footnote applicable to the totals of the table on Figure 5.4 that states: “Totals do not reflect the area and footprint associated with subarea 17 – see CLRDP Section 5.2 and IM 2.3.6”

3. Part C

The University proposes changes associated with public parking timing and the use of parking meters.

Timing of Public Coastal Access Parking

With respect to University’s new proposed changes to IM 5.3.1 and 5.3.2, these are twofold: (1) that associated with the timing of public parking use; and (2) that associated with exceptions to public parking use requirements. In terms of timing for use, the intent of the staff recommendation was not for the University to provide public parking inside the Campus gate during hours that public use of the



Campus was not allowed. Because the Campus would be open to the public during daylight hours (i.e., one hour before sunrise to one hour after sunset), it makes logical sense that the parking areas within the Campus gates would be available during the same time frame (parking outside the gate would not need to be limited in the same way). In terms of the new exception language, it does not completely track IM 5.5.4, and introduces possible internal inconsistency as a result, and staff recommends against the proposed change. Accordingly, the staff recommendation is modified to include the following changes to IMs 5.3.1 and 5.3.2:

Implementation Measure 5.3.1 – Off-Hour Parking. All campus parking areas shall be available on a free, first-come, first-serve, and no permits required basis during daylight hours (i.e., one hour before sunrise to one hour after sunset) before 8:00 am and after 5:00 pm each weekday, and all-day during daylight hours (i.e., one hour before sunrise to one hour after sunset) on Saturdays, Sundays, and State holidays.

Implementation Measure 5.3.2 – Trailhead Parking for Public Coastal Access. At all times (i.e., 24 hours per day, 365 days per years) a minimum of fifteen free, first-come, first-serve, and no-permits-required parking spaces located outside the gate of the Marine Science Campus on Campus grounds adjacent to the intersection of Shaffer Road and Delaware Avenue shall be available and reserved exclusively for public coastal access use only; and not for by: (a) University or campus affiliate staff, researchers, students, or their visitors; (b) Campus residents or their visitors; and/or (c) visitors to University or campus affiliate facilities. Such parking spaces may be limited to a two-hour length of stay.

On this note, and as indicated in the staff report in footnote 57 on Page 74, the CLRDP is also somewhat unclear as to the manner in which the more restrictive (i.e., permits, etc.) public parking requirements that would apply between 8 am and 5 pm inside the gates would be applied to public parking users who started parking before 8 am. The staff recommendation makes clear that all parking programs are expected to account for this overlap in a manner that doesn't penalize early users.

Length of Stay Limits and Meters

The University proposes to allow meters and apply one-hour stay limits to public access parking in the Middle and Lower Terrace areas (see proposed changes to IMs 5.3.3, 5.3.4, and 5.3.5, DD's Report, page 23). As described in the public access findings (starting on staff report page 69), staff is not supportive of these types of limitations on public coastal access use and, for similar reasons articulated in the staff report, recommends against these proposed changes.

B. Other Changes to Staff Recommendation

- 1. Restoration and Enhancement Timing.** There is a certain lack of clarity regarding the timing for initiating restoration and enhancement pursuant to the CLRDP Resource Management Plan (RMP). On the one hand, and as articulated in the University's March 28, 2006 addendum to the CLRDP, all areas outside of development areas are to be restored and enhanced within 20 years of CLRDP certification, with three interim benchmark "phases" that conclude at year 7, year 14 and year 20



respectively, where such resource work is to be guided by a scientific advisory committee (SAC) (see staff report Exhibit F). On the other, certain resource enhancements remain tied to specific development projects where such timing appears not to have been reconciled to the three-phase SAC concept (e.g., wetland restoration north of Delaware Avenue Extension; see staff report Exhibit E, page 291), and where, conceivably, if the trigger weren't to occur then the RMP measures wouldn't occur either.

Staff understands the University to be indicating that certain restoration/enhancement projects may be timed to specific development, but that the SAC and the overall 20 year restoration methodology will provide the overall guidance for when such restoration/enhancement will necessarily commence. Staff believes this to be outcome associated with the proposed changes to the CLRDP articulated by the University in their March 28, 2006 CLRDP addendum. That having been said, clarification is needed to assure that the highest resource value restoration/enhancement projects included in the CLRDP are implemented earlier rather than later in the CLRDP phasing timeline.

Accordingly, the staff recommendation is modified to include the following new findings and suggested modification number 11.

Add the following finding to staff report section 16 starting on page 67:

It is important to be clear that this SAC and phasing approach will ensure that the natural areas outside of development areas will be restored/enhanced to high value resource areas, and these areas managed as such in perpetuity. Equally, it needs to be clear that all of the identified RMP measures will timely occur, and particularly that the most important (resource value) ones are done early in the CLRDP process. Toward that end, the Commission finds that the CLRDP commits the site to a certain level of development and use, and that an equal commitment to resource enhancement in the natural areas is necessary as a result. It is not enough to time certain resource enhancements, such as the Wetland W1 and W2 restoration, to specific development in that context. Rather, it is the overall CLRDP commitment to development that triggers restoration of the site at a certain level, and it is this principle that is inherent in the SAC phasing concept and that should be reflected in the University's update of the RMP and CLRDP for the SAC phasing concept as anticipated in the University's addendum (Exhibit F).

In addition, the Commission expects the updated CLRDP to articulate the premise that priorities for restoration/enhancement be set and the highest priority (resource-wise) undertaken in a timely manner. At a minimum, the Commission notes that there are several resource improvements that are timed to specific development projects (e.g., Wetland W1/W2 restoration – see RMP in Exhibit E, including RMP Table A-13 beginning on page 291), but that certain of these should more aptly be initiated independent of such an artificial schedule separation given their importance to the natural areas success and value overall. Specifically, Wetland W1/W2 restoration, coastal bluff vegetation enhancements, and the wildlife corridor and corridor buffer vegetation commitments appear to be particularly



crucial to the overall success of natural areas restoration and management, and should be initiated as early as possible post-CLRDP certification, and certainly no later than phase one of the RMP). See also suggested modification number 11.

Add the following new suggested modification number 11.

The revised CLRDP and RMP shall clearly identify the time when restoration, enhancement, and other management measures pursuant to it shall be initiated in relation to phases 1, 2, and 3, where these time frames shall be substantially in conformance with those identified in the current CLRDP with the exception that the following projects shall be initiated within phase 1 of CLRDP certification unless biological evidence to the contrary conclusively shows that it would be biologically better to initiate them later: (1) Wetland W1/W2 restoration; (2) coastal bluff revegetation and invasive removal; (3) wildlife corridor and corridor buffer revegetation and invasive removal; and (4) repair of erosion gully west of NOAA Fisheries.



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APR 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W15c

April 7, 2006

University of California Marine Science Campus
Coastal Long Range Development Plan

**Addendum #2 to the CLRDP
as submitted to the California Coastal Commission
on January 25, 2006**

A. Clarification of Figure 5.4, Development Subareas (CLRDP Page 137)

1. During the course of reviewing materials in preparation for the April 12, 2006 Coastal Commission hearing, the University discovered an inadvertent omission in the CLRDP related to the limitations imposed by Figure 5.4, Development Subareas, on the amount of building development allowed in development subareas. Columns No. 5 and 6 of the figure are meant to prescribe maximum building footprints in each development subarea—not total development footprint—as a way of guaranteeing a level of visibility through the site and guarding against large masses of buildings that would be out of character on this site. The CLRDP is meant to allow square footage devoted to non-building development, such as outdoor research area, seawater pools, and laydown yard, within each subarea above and beyond the square footage devoted to building footprint.

To correct this omission, the University hereby clarifies Figure 5.4 so that the Column No. 5 is titled: "Max. Allowed Building Footprint." Additional clarification is provided by the following new implementation measure:

Implementation Measure 4.1.2 – Allowable Development within the Subareas Shown in Figure 5.4. Up to 100% of each development subarea, including any "Transfer-of-Development-Potential Area," may be developed with uses allowed by the CLRDP, provided building footprints do not exceed the maximum set forth in Column No. 5 or Column No. 6 of the table portion of the Figure 5.4; square footage devoted to non-building development, such as outdoor research area, seawater pools and associated equipment, parking, driveways, trails, and laydown yard, shall not be counted for the purpose of determining "Maximum Allowed Building Footprint" or "Maximum Building Coverage" in Figure 5.4.

B. Clarification related to Staff's Proposed New Implementation Measure 2.3.6, Transfer of Development Potential – Upper Terrace Development Zone to Subarea 17.

1. The University supports the flexibility that would be provided by staff's proposed transfer-of-development-rights proposal (new IM 2.3.6). In the event the Coastal Commission approves this suggested modification, the University hereby adds Implementation Measures 2.3.7 and 2.3.8 as described below. IM 2.3.7 is intended to clarify the modified responsibilities the University would

have in the event that development potential in the Upper Terrace is extinguished. IM 2.3.8 is intended to clarify the amount of development that would be allowed within the proposed new Subarea 17 (as shown in Exhibit G of the staff report dated March 30, 2006, W15c).

Implementation Measure 2.3.7 – Modifications to Site Improvements for Upper Terrace. In the event that building program development potential is extinguished in the Upper Terrace in favor of development in Subarea 17 per IM 2.3.6, Implementation Measure 5.1.4 (Access for Wildlife Across Shaffer Road (Upper Wildlife Corridor)), Implementation Measure 5.1.5 (Access for Wildlife Across Shaffer Road (Lower Wildlife Corridor)), and Section 9.3.1 of Chapter 9 shall become defunct (i.e., the University shall no longer be responsible for improvements specified in these measures).

Implementation Measure 2.3.8 – Allowable Development in Subarea 17 of Figure 5.4. Up to 100% of Subarea 17 shown in Figure 5.4, Development Subareas, may be developed with uses allowed by the CLRDP, provided building footprints in this subarea do not exceed 40%. Area devoted to non-building development, such as outdoor research area, seawater pools and associated equipment, parking, driveways, trails, and laydown yard, shall not be counted for the purpose of calculating building footprint in this subarea.

Both implementation measures referred to above would become an effective part of the CLRDP only upon approval of Suggested Modification IM 2.3.6.

C. Clarifications Related to Public Access Parking on the Marine Science Campus

1. During the course of reviewing materials in preparation for the April 12, 2006 Coastal Commission hearing, the University discovered the need for clarifications related to parking on the Marine Science Campus. IM 5.3.1 through 5.3.5 are here by modified to read as shown below.

Implementation Measure 5.3.1 – Off-Hour Parking. All campus parking areas shall be available on a free, first-come, first-serve, and no permits required basis before 8:00 am and after 5:00 pm each weekday, and all day on Saturdays, Sundays, and State holiday, subject to public use hours per Implementation Measure 6.2.1 (Public Use Hours for the Marine Science Campus). Exceptions to this policy may be implemented in order to provide parking management in support of special events occurring at the Marine Science Campus, as noted under Implementation Measure 5.5.4.

Implementation Measure 5.3.2 – Trailhead Parking for Public Coastal Access. At all times (i.e., 24 hours per day, 365 days per year) a minimum of fifteen free, first-come, first-serve, and no-permits-required parking spaces located outside the gate of the Marine Science Campus and adjacent to the intersection

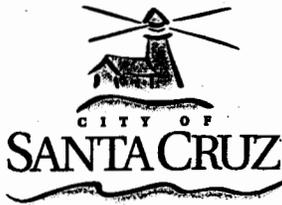
of Shaffer Road and Delaware Avenue shall be available and reserved exclusively for public coastal access use only; and not for by: (a) University or campus affiliate staff, researchers, students, or their visitor; (b) campus residents or their visitors; and/or (c) visitors to University or campus affiliate facilities. Such parking spaces may be limited to a two-hour length of stay.

Implementation Measure 5.3.3 – Middle Terrace Parking for Public Coastal Access. Between the hours of 8:00 am and 5:00 pm each non-holiday weekday, a minimum of five ~~metered~~ parking spaces in the Middle Terrace development zone located adjacent to Campus support facilities (e.g., east of the NOAA Fisheries in-holding) in that portion of the support facilities' parking area that is located as close to the public trail as possible shall be available and reserved exclusively for public coastal access use (i.e., reserved for public access parking for access to coastal resources, and not for use by: (a) University or campus affiliate staff, researchers, students, or their visitor; (b) campus residents or their visitors; and/or (c) visitors to University or campus affiliate facilities on a first-come, first-serve basis through the issuance of free public coastal access parking permits or the use of parking meters. Such Permit parking spaces may be time-limited to a four-hour length of stay. Metered parking spaces may be time limited to minimum one-hour stay.

Implementation Measure 5.3.4 – Lower Terrace Parking for Public Coastal Access and Seymour Marine Discovery Center. Between the hours of 8:00 am and 5:00 pm each non-holiday weekday, a minimum of forty permit parking spaces in the Lower Terrace development zone shall be available and reserved exclusively for public coastal access use and for use by visitors to the Seymour Marine Discovery Center through the issuance of free public coastal access and Discovery Center access parking permits on a first-come, first-serve basis or through the use of parking meters. Otherwise, parking in these forty spaces by (a) University or campus affiliate staff, researchers, students, or their visitor; (b) campus residents or their visitors; and/or (c) visitors to University or campus affiliate facilities, shall be prohibited. Such parking spaces ~~shall not~~ may be time limited. Metered parking spaces may be time limited to minimum one-hour stay.

Implementation Measure 5.3.5 – Lower Terrace Parking for Public Coastal Access. Implementation Measure 5.3.5 – Lower Terrace Parking for Public Coastal Access. Between the hours of 8:00 am and 5:00 pm each non-holiday weekday, a minimum of ten ~~metered~~ parking spaces in the Lower Terrace development zone that are located as close to the shoreline as possible shall be available and reserved exclusively for public coastal access use only (i.e., reserved for public access parking for access to coastal resources, and not for use by: (a) University or Campus affiliate staff, researchers, students, or their visitors; (b) Campus residents or their visitors; and/or (c) visitors to University or

Campus affiliate facilities) through the use of parking meters or the issuance of free public coastal access parking permits on a first-come, first-serve basis. Such parking spaces shall not may be time limited. Metered parking spaces may be time limited to minimum one-hour stay.



W15c

MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@ci.santa-cruz.ca.us

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APR 11 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 6, 2006

Mr. Dave Potter
County of Monterey
Board of Supervisors
Monterey Courthouse
1200 Aguajito Road, Suite 1
Monterey, CA 93940

**RE: UCSC Marine Science Campus Coastal Long Range Development Plan (CLRDP),
Item W15c. California Coastal Commission, April 12, 2006 Public Hearing**

Dear Commissioner Potter:

I am writing to request your support for the improvement of Shaffer Road as part of the approval of the proposed UCSC Marine Science Campus CLRDP. Certification of the proposed CLRDP will be before the Coastal Commission at the April 12, 2006 hearing in Santa Barbara.

The City of Santa Cruz considers the improvement of Shaffer Road as an essential, secondary access to the Marine Science Campus site to help ensure public health and safety in the event of an emergency situation. The City felt so strongly about this issue that we flew down City representatives to your February 10, 2006 public hearing on this matter in Chula Vista to emphasize in person to the Coastal Commission the City's concern regarding the need for improvement of Shaffer Road.

The current Coastal Commission staff recommendation for the proposed CLRDP includes deferring consideration for the improvement of Shaffer Road on the UCSC property until a separate Local Coastal Program (LCP) amendment is submitted by the City of Santa Cruz. As the primary emergency responder to the site, we are in strong disagreement with this recommendation. The requirement for the improvement of Shaffer Road as part of this CLRDP is critical in order to adequately serve the new campus in emergency situations. There is no

Mr. Dave Potter
April 6, 2006
Page 2

timetable for a separate LCP amendment on the property to the east of Shaffer Road, and the improvement of Shaffer Road does not depend on this property.

Existing access to the site is limited to Delaware Avenue. The City has long identified the improvement and connection of Shaffer Road to State Route 1 (Mission Street), rather than Delaware Avenue, as primary access to the proposed Marine Science Campus and other sites located in the far west side of the City. With the proposed build-out of the Marine Science Campus, the City feels that now is the time for improvement of Shaffer Road, not the future. Delaware Avenue serves an industrial area on the west side as well as residential neighborhoods. Delaware Avenue, as discussed in detail below, is subject to potential disruption which could inhibit rapid exiting of the public from the new campus.

The Marine Science Campus site includes 162,000 sq. ft. of existing buildings for visitor serving/education, research, laboratory, and wildlife rescue uses. The proposed plan calls for an additional 377,850 sq. ft. of net new building space with marine research/education and housing uses, and 152,000 sq. ft. for outdoor research, storage, and maintenance uses. At build-out, the campus will contain approximately 692,000 sq. ft. of uses populated with students, visitors, residents, and employees.

As recommended by Coastal Commission staff, the site will only be served by Delaware Avenue, which is an existing two-lane road. The City of Santa Cruz is responsible for providing fire, medical, police, and other emergency response services to the site, and it would be irresponsible for it not to expect secondary access to be provided to this planned development, especially considering the amount of building square footage and daytime/nighttime population proposed under this CLRDP.

Delaware Avenue is not a reliable access to the subject area during times of flooding or seismic events. As shown on the attached maps a section of Delaware Avenue crosses Moore Creek near the entrance of the proposed Marine Science Campus. A large drainage culvert system passes under Delaware Avenue. A failure of the culvert may close the road for an extended period of time. This section of Delaware Avenue is also located in a high-hazard flood zone and liquefaction zone, and the highest hazard tsunami inundation zone. In the event of a flood and/or seismic event, Delaware Avenue could be impassable for emergency vehicles to access the site or to evacuate the public from the area.

Natural Bridges State Park is located on the southern side of Delaware Avenue near the Marine Science Campus. This area has a large vegetation component, which is immediately adjacent to Delaware Avenue. A fire in this area may also impede travel of emergency vehicles to the new campus. Additionally, tall trees bordering Delaware Avenue could deem the road impassable if one or more should fall.

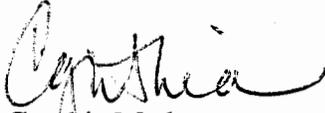
In summary, the City of Santa Cruz is not against the UCSC Marine Science Campus proceeding as recommended by Coastal Commission staff. However, the City feels the recommendation is faulty without a provision for the secondary access of Shaffer Road. Thank you for your consideration of this important public safety matter.

Mr. Dave Potter

April 6, 2006

Page 3

Sincerely,



Cynthia Mathews

Mayor

cc: Emily Reilly, Vice Mayor

Ryan Coonerty, Councilmember

Tim Fitzmaurice, Councilmember

Tony Madrigal, Councilmember

Ed Porter, Councilmember

Mike Rotkin, Councilmember

Peter Douglas, Executive Director, California Coastal Commission

John Barnes, Director of Campus Planning, University of California at Santa Cruz

Attachments: Site Plan

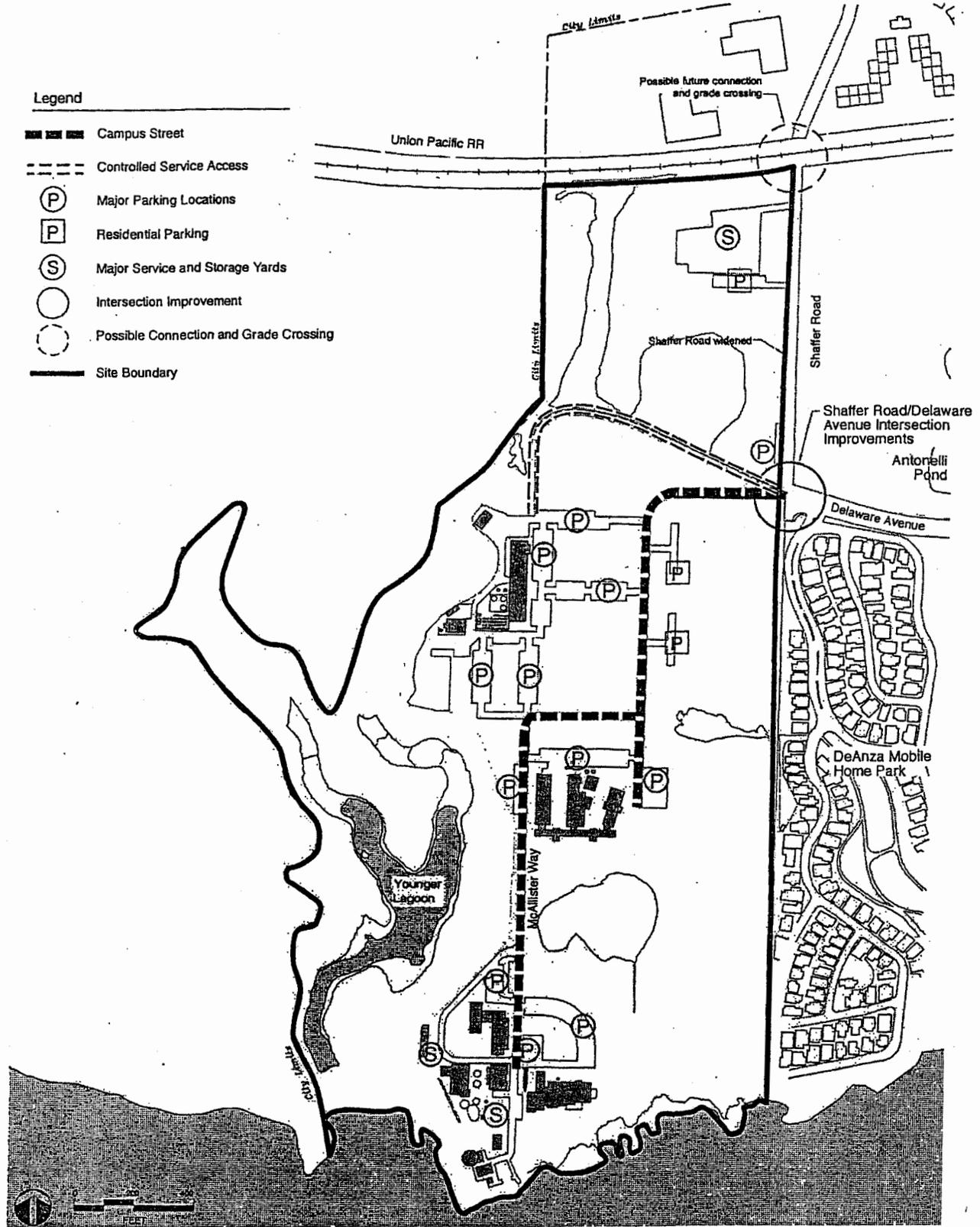
FEMA Flood Hazard Areas

Tsunami Inundation Areas

Liquefaction Hazard Areas

Santa Cruz City Fire Map

General Provisions for Safety (California Fire Code)

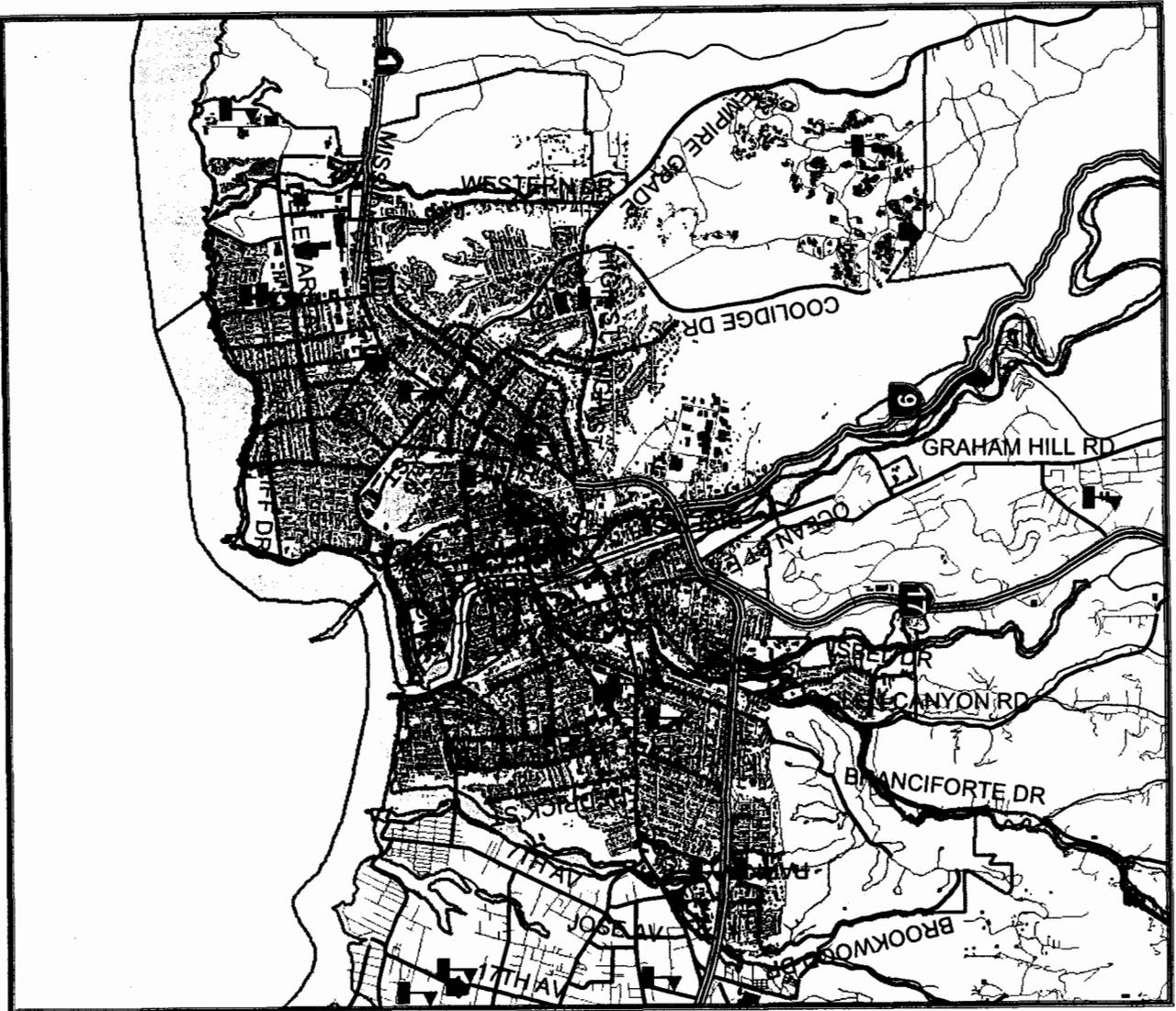


SOURCE: Draft CLRDP

UCSC Marine Science Campus CLRDP Final EIR / 200385 ■

Figure 3-8

Circulation and Parking Diagram



FEMA Flood Hazard Areas

City of Santa Cruz

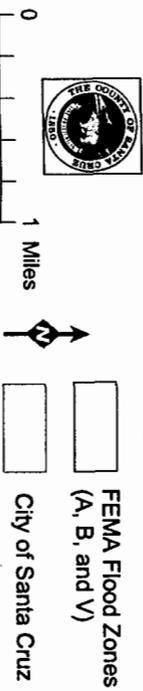
FEMA Flood Zones based on Digitized FEMA Flood Insurance Rate Maps (FIRMs). Zones shown include A, Areas of 100 year flood; B, Areas between the limits of the 100 year flood and the 500 year flood; and V, Areas of 100-year coastal flood with velocity (wave action).

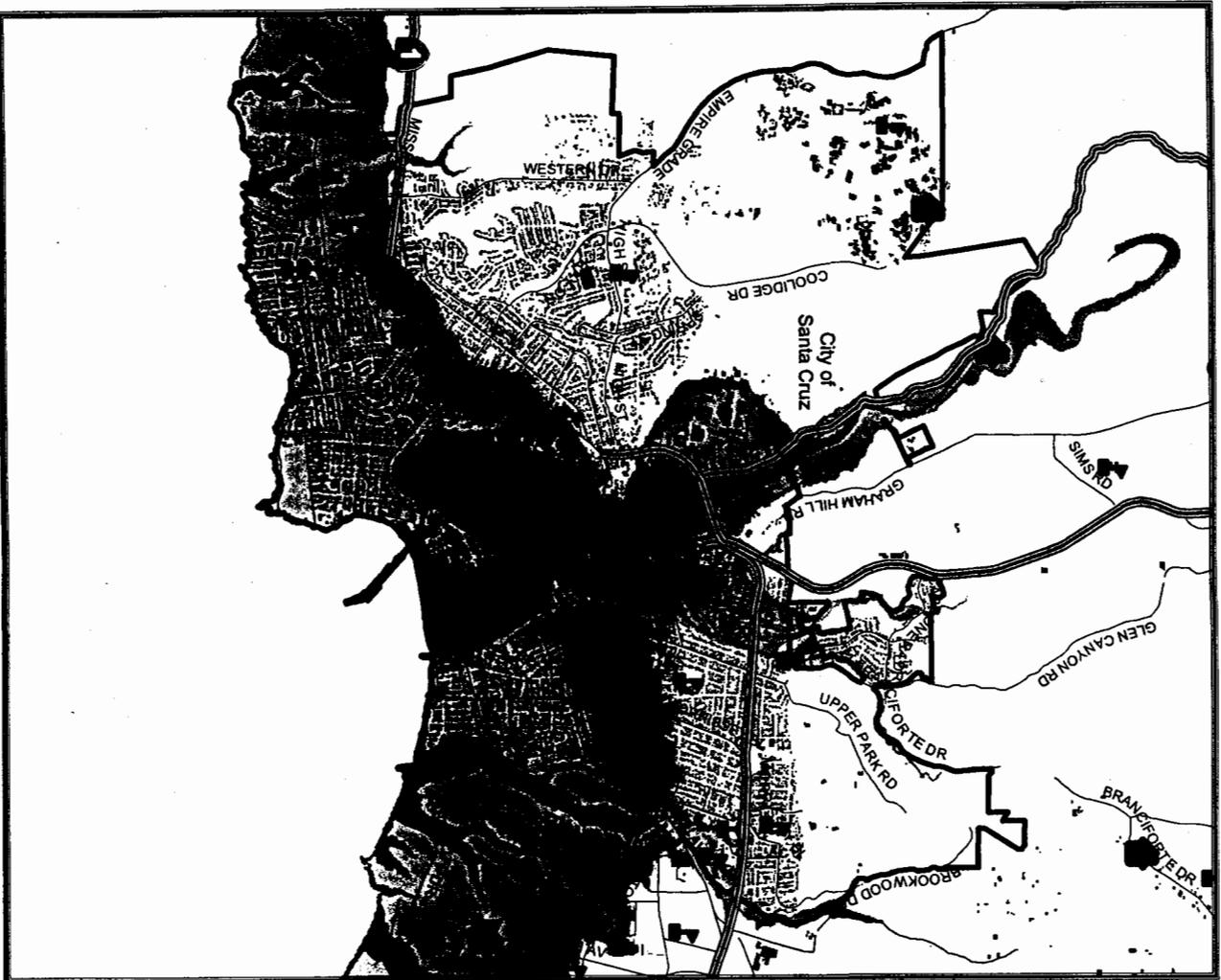
Features in FEMA Flood Zones

- ▶ 2,413 Parcels
- ∨ 109 Named Roads
- ∨ 11 Unnamed Roads
- ▣ 2,253 Structures
- ➡ 1 Fire Station

Value of Improvements and Personal Property Based on Assessment Roll (12/22/04):
\$571,543,411

Legend





Tsunami Inundation Areas

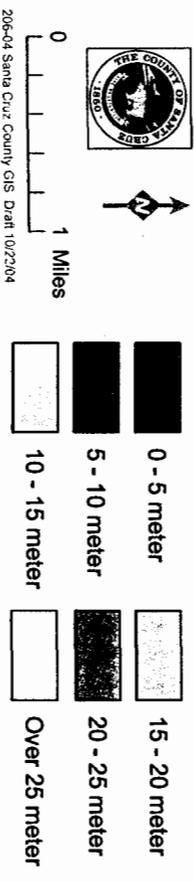
City of Santa Cruz

Tsunami Inundation Areas are based on 2 foot contour data in urban areas and 10 foot contour data in rural areas. Wave intensity and direction was not included in this analysis.

Features within 15 meter run-up:

- ▶ 5,979 Parcels
- ∩ 240 Named Roads
- ∩ 33 Unnamed Roads
- ⊕ 6665 Structures
- ⚡ 2 Public Schools
- 🚒 1 Fire Station

Value of Improvements and Personal Property based on Assessment Roll (12/22/04):
\$1,119,093,199



Inundation Levels

0 - 5 meter	15 - 20 meter
5 - 10 meter	20 - 25 meter
10 - 15 meter	Over 25 meter



Liquefaction Hazard Areas

City of Santa Cruz

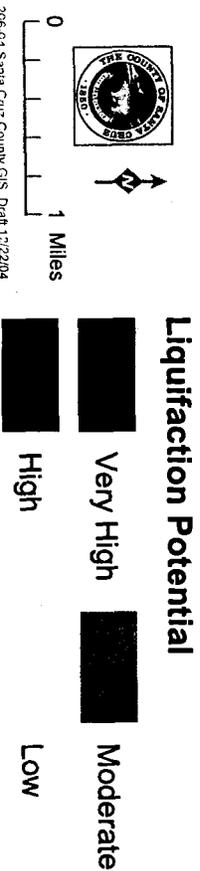
Liquefaction data based on map titled "Geology and Liquefaction Potential of Quaternary Deposits in Cruz County" by William R. Dupre 1975.

Features in High and Very High

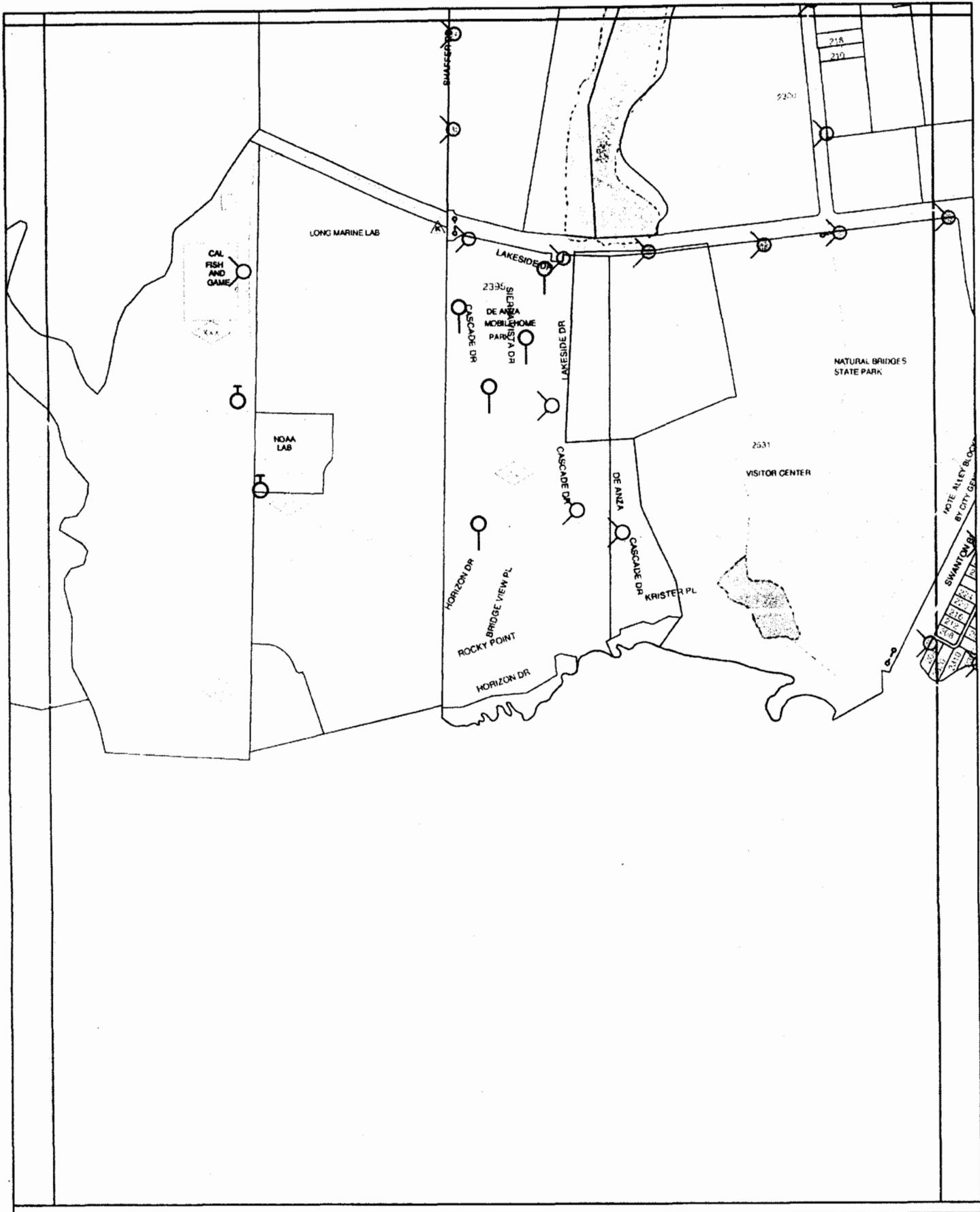
Liquefaction Hazard Areas

- ▶ 3627 Parcels
- ∨ 176 Named Roads
- ∨ 30 Unnamed Roads
- ▣ 4015 Structures
- ▣ 1 Public School
- ▣ 1 Fire Stations

Value of Improvements and Personal Property based on Assessment Roll (12/22/04):
\$824,897,480



206-04 Santa Cruz County GIS Draft 12/22/04



U18

Oct 16, 2002

SANTA CRUZ CITY FIRE

U18

S17	S18	S19
T17	T18	T19
U17		U19

PART III

GENERAL PROVISIONS FOR SAFETY

ARTICLE 9 — FIRE DEPARTMENT ACCESS AND WATER SUPPLY

SECTION 901 — GENERAL

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9.

For firesafety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

901.2.2.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire-protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire-protection equipment shall be in accordance with Section 901.4.

901.4.2 Fire apparatus access roads. When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

901.4.3 Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.

When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

901.4.4 Premises identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

901.4.5 Street or road signs. When required by the chief, streets and roads shall be identified with approved signs.

901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire-protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

SECTION 902 — FIRE DEPARTMENT ACCESS

902.1 General. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902.

For access to residential developments of three or more dwelling units, the chief may be guided by Appendix III-E.

902.2 Fire Apparatus Access Roads.

902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 1001.9.

3. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the chief.

More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 8102.6.1.

For required access during construction, alteration or demolition of a building, see Section 8704.2.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

W15C

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APR 10 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 10, 2006

From: William O. Davis
Attorney at Law
P.O. Box 64
Old Station, CA 9607
530-335-7166

To: Dr. Charles Lester, Deputy Director
Central Coast District Office
California Coastal Commission

Dr. Lester,

Below please find a letter I sent to you last week by email. I was asked to resend it to you and to specifically ask that it be delivered as part of the information package to the Coastal Commission members at their upcoming meeting. I am, therefore, doing so by this email. Thank you for your attention to this matter and time,

William Davis.

To: California Coastal Commission
c/o Charles Lester clester@coastal.ca.gov

RE: University of California, Terrace Point Project Application - Long Range Development Plan, April CCC meeting.

COMMENTS OPPOSING APPROVAL AT THIS TIME

I have been a lawyer who works with and on environmental reviews and project applications to the Coastal Commission and other agencies for many years. I am also an alumni of the University at Santa Cruz, in the original "pioneer" class of 1965, and lived in Santa Cruz many years. I, therefore, have a particular interest in and familiarity with coastal development issues in that area.

It is my understanding that one of the general purposes of project descriptions, the coastal permit process, and related environmental reviews is to make available to the public a "plain" language, understandable evaluation of a project, the project's alternatives, and the project's impacts on the environment and any mitigations that are proposed.

In the case of the University of California's Terrace Point project there is not a plain language, understandable description of the project. And, the environmental review seems to be based on an entirely questionable project wetland delineation to begin with.

I am not against a meritorious project. I have been an advocate for development projects in the past. What I am very much against is modifying, or significantly altering, the standards of review and requirements of project and environmental review simply because a project is proposed by the University as opposed to a "private developer."

In this case, for example, the proposed project is part of the larger University plans for project development(s) and growth in the Santa Cruz area, but is not directly linked to the

separate, University main campus long range plan. Therefore, items like the need for housing or buildings are not reviewed in the context of available University owned lands or facilities outside of the coastal zone itself. Thus, the need for any particular development project, facility, or building and associated parking lots, streets, etc. at the Terrace Point site, within the delineated 'coastal zone', is not clearly or easily evaluated, especially in considering other project alternatives, including a "no project" alternative.

Again, I am not against a project which improves the University's facilities, I am against a project that might have been done with less impacts to the environment and might have had less visual or other impacts on the local coastal area. Especially when there is, at least, the appearance of the University getting to do things in a way that either sets a precedent for other 'private' developments in the future or which sets a lowered standard for environmental and other reviews by the Commission in the future.

There is no way to have a meaningful participation of the public, as required by CEQA and the coastal planning process, when the project applicant produces documents with language like this:

(From pages 11-12 of a proposed project modification just recently presented, as I understand it.) "Thus, the intent of this Transfer of Development Potential (TDP) program is to provide an opportunity for the identified building program of the CLRDP through the use of subarea 17, while providing increased protection of resources in the upper terrace.

One effect of the transfer of development potential in this manner will be to make some CLRDP figures and text incoherent (for example, references to development in the Upper Terrace, Shaffer Road improvements that would no longer be necessary, etc.). It is the intent of the UCSC CLRDP strfpt 3.30.2006

Page 12

CLRDP that the transfer of development potential in this manner will be accompanied by enforceable mechanisms to "clean-up" the CLRDP figures and text to reflect this transfer premise, including ensuring that the CLRDP continues to provide for equal or better resource protection (including resource restoration, enhancement, and management) following such a transfer. An amendment to the CLRDP to make such necessary corrections will be required of any development project that initiates this transfer of development potential."

Were a private developer, like a hotel business, e.g. Westin, Ramada, Hilton, Howard Johnson's, Best Western, etc., to produce such language in a project proposal then, based upon my experience, the Coastal Commission would, and should, reject it out of hand. This is what in the CEQA context is called "piece meal" a project at best. It leaves undefined, and entirely unknowable, what "resource protection" is proposed. And, there is no mention of a federal wetland or any federal agency review that I have found. The University has avoided Army Corps' 404 and other federal reviews and the University has come to the Coastal Commission without an adequate, scientifically responsible, or accurate wetland determination to begin with.

This kind of manipulation of the project language makes it really impossible to determine what the University is talking about in a context where there is already real confusion as to how the wetlands were delineated. The University admits that the above language renders portions

of the underlying project description and application documentation "incoherent." Further, the above cited language admits that there will have to be some as yet undefined mitigations, "including resource restoration, enhancement, and management" conditions and standards -- which are non-existent at this time.

That kind of vagueness, and the very fact that the project footprint itself is being significantly modified without any specificity of detail, means that this project should not be approved -- or approved as it is being presented. This is particularly important in that there is no Local Coastal Development Plan in place governing the review of this project site in the context of the local City and rural management plans and practices. As a result, if this long range development project is approved, the University will have unilateral control over much of what is done at this coastal site in the future, without any meaningful public review in the future and without any coordination with other local planning, zoning, and coastal review agencies.

Combined with the aberrant, if not outright irresponsible wetland delineation at the beginning of this project proposal and review, the above language and proposed project modifications are but one example of why the LCP process should not be abandoned by the Coastal Commission at this site, simply because the applicant is the University of California, and especially without regard for the area wide Local Coastal Plans and planning processes.

Sincerely,

William O. Davis

Attorney at Law
bdavis@shastalaw.net
P.O. Box 64
Old Station, CA 96071
530-335-7166
FAX 335-7224
volunteer consultant to C.L.U.E.

WISC



ENTRIX, Inc.
590 Ygnacio Valley Road, Suite 200
Walnut Creek, CA 94596
(925) 935-9920
FAX (925) 935-5368

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APR 10 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 10, 2006

Chair Meg Caldwell and Coastal Commissioners and
Dr. Charles Lester, Deputy Director
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

Ref: Peer review and recommendations concerning wetland delineations on the Terrace Point and Younger Lagoon Reserve, University of California, Santa Cruz.

Dear Chair Caldwell, Commissioners & Deputy Director Lester:

We are writing to offer a brief summary of the results of our peer review and recommendations concerning the current delineation of the geographic extent of wetlands under the jurisdiction of the California Coastal Commission (CCC) on the Terrace Point and Younger Lagoon Reserve, University of California, Santa Cruz.

In summary, we found that the Terrace Point wetland delineation is not accurate, does not follow established scientific and delineation protocols, is not consistent with standard CCC practices, and significantly understates the extent of CCC jurisdictional wetlands on the site.

As background, we were asked to conduct a one-day office and one-day field peer review of the current status of the delineation by *Environment In The Public Interest* and the *Coalition for Limiting University Expansion*. Both of us (Dr. Lyndon C. Lee and Dr. Peggy L. Fiedler) are recognized national and international experts in wetland and ecosystem science, botany and conservation biology, wetland delineation, and ecosystem restoration. Dr. Lee is a Professional Wetland Scientist. Together and separately, we have worked extensively throughout California. For the past 16 years, we have focused a great deal of our time on description, characterization, and restoration of riverine, slope, depression, and estuarine waters and wetlands on the Central Coast. Our resumes are attached at the end of this letter.

We conducted our office and field work for the Terrace Point peer review during the interval April 5-6, 2006. In the office, we reviewed current documents and reports supporting the Terrace Point delineation (Huffman-Broadway Group, 2004), CCC rules and guidance regarding wetlands, correspondence, CCC staff reports, ground and air photos, maps, soil surveys, and other standard sources of information. In the field, we visited the Terrace Point site with Drs. Grey Hayes and Mr. Robert Curry. During our site visit, we walked the perimeter and interior of most of the Terrace Point site and sampled five plots intensively to compare what we were observing to available data, photos, delineation maps, etc.

Our review of the administrative and technical bases of the delineation offered by the Huffman-Broadway Group, Inc. (2004), attendant staff reports to you from Dr. John Dixon (March 28, 2008), and other materials show the need to:

- 1. Get The Science Right: Technical work that supports CCC determinations of jurisdiction needs to be completed, synthesized, and interpreted correctly and clearly. It needs to be in accordance with the best available science and field and interpretive protocols that are standard to both wetland/ecological science and the practice of wetland delineation. In the material before us, we find (a) technical errors and oversights, (b) a great deal of improvised logic and sampling protocols that dismiss or ignore standard practices and conditions in the field, and (c) ready and perhaps unwarranted identification of the Terrace Point wetlands as

"problem areas" which, under current CCC guidance (Appendix D – page 78) provides some basis for invocation of "best professional judgment" over standard technical criteria and use of a multi-parameter approach to delineate CCC wetlands.

For example, in our peer review we have observed that the current delineation team has committed many technical and/or procedural errors. These include, but are not limited to:

a. Selective sampling and thus introduction of bias to hydrology data by ignoring the wettest portions of the 2002-2003 wet season.

b. Misinterpretation and inconsistent use of current NRCS (and thus U.S. Army Corps of Engineers) technical criteria for identification of hydric Mollisols (Huffman-Broadway Group, 2004 – page 18, Section 4.11. 3rd paragraph; J. Dixon Memo to Charles Lester, March 28, 2006; Page 6 of 7). This is important, as errors in interpretation of the extent of hydric Mollisols has significant effects in the determining the geographic extent of hydric Mollisols on the Terrace Point site.

Indeed, Mollisols are identified as "problem soils" by NRCS for several reasons. However, they can be hydric without the presence of indicators. This is especially true in coastal situations where deposition of salt(s) can elevate soil pH. Elevated pH impacts the soil oxidation/reduction status and thus the degree of iron reduction in the soil. Therefore, at Terrace Point, it is our opinion that it is irresponsible to dismiss a lack of indicators in the upper part of the soil profile as being conclusive evidence of no anerobic conditions.

Further, we examined five soil pits closely at Terrace Point. At 3 of the 5 (60%), we observed a depleted matrix immediately below the Mollic epiedon. NRCS recognizes depleted matrices as field indicators of hydric Mollisols. In two of the three plots where we observed depleted matrices, the current delineation determined that hydric soils are not necessarily present, and thus did not consider them in development of their wetlands determination.

Finally with respect to soils, saturation for long duration (>7 days & <30 days) is not required in the "upper part" of the soil profile to identify the modal soils at Terrace Point as hydric. Using the standard definition of a hydric soil, no duration for saturation is specified if it in fact goes anaerobic in the upper 30 cm (12 inches). Criteria 3 from the current NRCS Hydric Soils Criteria requires soils to be frequently (i.e., > 50 years in 100 years) ponded for long or very long duration. During our field review, we observed extensive ponding on the Terrace Point site. Acknowledging heavy precipitation this year, we queried Dr. Hayes regarding his observations of the Terrace Point site over the past 15 years. He stated that the soils at Terrace Point are ponded for long durations almost every year.

c. Compounding of the taxonomic and interpretive errors regarding identification of hydric Mollisols outlined in "b" above by rejecting Natural Resource Conservation Service classification and mapping of the Watsonville loam (0-2% slope) and Elkhorn Sandy Loam (0-2% slope) soils as hydric on the Terrace Point site. While NRCS does recommend field verification of mapping, dismissal of the NRCS maps without conclusive field evidence is capricious.

d. Dismissing the national indicator status of *Baccharis douglasii* as an Obligate Hydrophyte. Instead they inferred the indicator status of this species to be not obligate (something less than obligate) based upon its occurrence with facultative and upland species with which it is found throughout the Terrace Point site. This type of inference is not standard protocol for delineation of wetlands.

e. Attempting to characterize the *Baccharis douglasii* that occurs on the Terrace Point site as a "phreatophyte" based upon incomplete and inconsistent interpretation of the interaction of this shrub with available water in the soil profile. The current delineation team's characterization of *Baccharis douglasii* as a phreatophyte is neither defined nor

substantiated by adequate plant physiological study or literature review. It is speculation only and distracting with respect to a solid technical argument regarding the predominance of hydrophytic vegetation on the Terrace Point site.

Considering the errors outlined above (and others that we do not have the time to address specifically), we argue that:

- a. The analyses before us do not use best available science and rigorous substantiation or synthesis of data using standard practices.
- b. The departures from standard CCC protocols supporting the Terrace Point delineation are not clearly articulated and substantiated. They lack adequate technical justification, peer review, and vetting prior to use in a public interest review process.

The result is that the current delineation team relies too much on their best professional judgment to reach their conclusions. In fact, it is our opinion that the logic used to substantiate the Terrace Point delineation is often either arbitrary or capricious with respect to its dismissal of hydrologic, soil, and plant community conditions that we and others have observed in the field. In our opinion, the extant hydrologic, soil, and plant community conditions at Terrace Point are typical to formerly farmed, slope wetlands in urbanizing and perturbed environments on the Central Coast. It is also our opinion that the current delineation ignores the preponderance of facts given by careful and unbiased field observation. As national experts in wetland delineation, we understand that the logic sequence developed and used by the current delineation team acts to polarize and contort interpretation of data and study findings. The result is minimization of the geographic extent of CCC jurisdiction at Terrace Point.

2. Use A Standard "One Parameter" CCC Approach At Terrace Point: Because of technical errors and/or bias in interpretation of the extant wetland hydrology, hydric soils, and hydrophytic vegetation at Terrace Point, it is our professional opinion that there is no solid technical justification to depart from routine CCC one parameter protocols for identification and delineation of wetlands at Terrace Point. We argue that while aspects of the site may be technically challenging, the geographic extent of hydric soils, hydrophytic vegetation, and wetlands hydrology sufficient to meet CCC (one-parameter) technical criteria is reasonably clear when and where each wetland indicator occurs. Further, wetland indicators occur consistently throughout many portions of the site, and are compelling with respect to their linkages to the wetland ecosystem functions that CCC is charged to protect. We argue further that even if the current delineation team insisted on relying on a two or even a standard three parameter approach and used, for example, the current geographic extent of hydric soils and hydrophytic vegetation on the Terrace Point site, the area of CCC jurisdiction in wetlands would increase significantly.

3. Maintain And Improve Programmatic Consistency: CCC procedural guidance to staff and to the public regarding use of one versus multi-parameter approaches for delineation of the geographic extent of wetlands in problem areas is dated (1981) and not consistent with multi-parameter delineation approaches accepted and routinely used by federal, state, and local jurisdictions throughout the U.S. Further, CCC's procedural guidance and technical criteria are inconsistent in presentation and content between printed and web-based formats. This is confusing. With particular respect to Terrace Point, Appendix D of the procedural guidance has been parsed/summarized by the delineation team (HBG 2004 - page 13, section 4.2) and used to justify a multi-parameter approach.

Slope wetlands that occur on coastal terrace Mollisols that have been farmed or otherwise perturbed by historic and current land uses occur widely throughout the Central Coast District. The Terrace Point wetlands are not unique within the Central Coast region. For CCC determinations of jurisdiction in these ecosystems, there is a clear mandate for technical and programmatic consistency—internal to a site such as Terrace Point—and north and south along the Central Coast. Specifically, current CCC rules and recent case law (Kirkorowicz v. California Coastal Commission, 4th Dist., Div. 1, September 21, 2000) provide consistent guidance for

decision making that lends certainty to public interest review processes. Exceptions should apply very infrequently, on a case-by-case basis, and only when they are clearly warranted.

In our opinion, delineation of wetlands under CCC jurisdiction at Terrace Point do not warrant an exception. We also see that CCC decisions at Terrace Point could be precedent setting along the Central Coast. Therefore, we recommend the following:

- a. CCC rejection of the Huffman-Broadway Group delineation and a rigorous re-examination of existing data and field conditions, use of standard delineation protocols, and a re-delineation of the Terrace Point site consistent with standard CCC practices.
- b. Careful, long term monitoring of the oxidation/reduction conditions in modal soils at Terrace Point. The objective of the monitoring would be to see if the soils go anerobic in the upper 30 cm (12 inches).
- c. Any delineation team that is selected to close the Terrace Point effort needs to be interdisciplinary and consist of acknowledged and certified experts who have (collectively, as a team), (1) a great deal of federal and CCC delineation experience in California, (2) ArcPacs certification in soil science, (3) SWS certification as Professional Wetland Scientists, (4) current status as professional hydrologists, and (5) recognized expertise in plant ecology/botany in the Central Coast region of California. Within their respective disciplines, each team member needs to have intimate familiarity with current federal rules for determination of wetland hydrology, hydric soils, and hydrophytic vegetation.

Thank you very much for your attention. Should you have need for further details, please contact us at (206) 979-5633 (L.C. Lee) or (925) 935-9920 (P.L. Fiedler).

Sincerely,
ENTRIX, Inc.

Lyndon C. Lee

Lyndon C. Lee, Ph.D., PWS
Senior Scientist
Ecosystem Science & Restoration Services

Peggy Fiedler

Peggy L. Fiedler, Ph.D.
Senior Scientist
Ecosystem Science & Restoration Services

Cc:

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Attachment: Resumes

Discipline/Specialty

- Waters/Wetlands ecosystem restoration
- Waters/Wetlands regulatory assistance and training
- Ecosystem restoration
- Endangered species regulatory assistance & recovery
- Quality assurance/Quality control
- Project management

Education

- Ph.D., Ecosystem Ecology/Wetland Science, University of Washington, 1983
- M.S., Forest Ecology/Silviculture, University of Montana, 1979
- B.S., Forest Ecology/Botany, Tufts University and the University of Montana, 1974

Registrations

- Professional Wetland Scientist, Registration #000385

Summary of Qualifications

Dr. Lyndon C. Lee has work in wetland, river, and forested ecosystems, soil science, and wildlife ecology for over 30 years. Currently, his interests are focused on responses of wetland, river, and forested ecosystems to perturbation; assessment of site-specific and cumulative impacts to waters/wetland ecosystem functions; design and construction of waters/wetlands ecosystem restorations; and management of the movement and fate of contaminants in waters/wetlands ecosystems.

Prior to joining ENTRIX, Dr. Lee founded L.C. Lee & Associates, Inc. (LCLA) in 1989 after working in wetland, river, and forested ecosystems, soil science, and wildlife ecology for more than fifteen years. LCLA was a nationally-based environmental consulting firm that specialized in applied wetland science, including (a) design and construction of waters/wetlands, and forested ecosystem restorations, (b) assessment of impacts to waters/wetlands, (c) management of the movement and fate of contaminants in waters/wetlands ecosystems, (d) expert testimony, and (e) training of environmental professionals. LCLA was distinguished by its rigorous application of wetland science to federal, state, and local regulatory programs that focus on protection of aquatic ecosystems.

From 1986 to 1989, Dr. Lee served as the Senior Wetland Ecologist for the U.S. Environmental Protection Agency (USEPA) headquarters Office of Wetlands Protection, in Washington, D.C. During that time, he was directly involved with the formulation of national wetlands policy, applied research, and regulatory/enforcement procedures. At EPA headquarters, Dr. Lee directed a national team of technical and regulatory experts who dealt with top priority waters/wetland issues throughout the United States. He also served as the liaison from the Office of Wetlands Protection to the EPA Superfund and Resource Conservation and Recover Act (RCRA) programs. During his tenure at EPA, Dr. Lee directed a landmark study of cumulative impacts to bottomland hardwood forests of the southeastern U.S. He also founded the National Wetland Science Training Cooperative, which he has continued to direct after leaving EPA.

Dr. Lee came to USEPA from the University of Georgia Institute of Ecology, Savannah River Ecology Laboratory (SREL), Aiken, South Carolina. During the interval 1984 – 1986, Dr. Lee was the Research Manager of the SREL Division of Wetlands Ecology. He supervised the wetland research programs at the U.S. Department of Energy's Savannah River Nuclear Facility and National Environmental Research Park. SREL's programs focused on (a) assessment and monitoring of the effects of nuclear materials production on riparian and riverine wetland ecosystems, (b) management of radionuclide, heavy metal,

and organic contaminants in waters/wetlands, and (c) restoration of wetland and river ecosystems degraded by chronic thermal and contaminant inputs.

While pursuing his graduate degrees, Dr. Lee spent six years researching and working in riverine wetlands and riparian forested ecosystems throughout the Pacific Northwest and Northern Rocky Mountain regions. He worked for several years (1977 – 1980) as the Senior Habitat Ecologist for the Interagency Grizzly Team's Border Grizzly Project, Montana Forest and Range Conservation Experiment Station, Missoula, Montana. There, he developed, conducted, and supervised research dealing with the definition, description, classification, protection and restoration of grizzly bear and grey wolf habitat throughout the northern Rocky Mountains, southeastern British Columbia, and northern Mexico.

The scope of Dr. Lee's consulting experience over the last 16 years has taken him to all areas of the coterminous U.S., Alaska, Puerto Rico, Europe, Japan, and the Pacific Islands of American Samoa, Western Samoa, Guam, Hawaii, and Palau. He has completed more than 125 contracts with federal, state, and local government agencies, private industry, research and conservation organizations, and private landowners. Since 1989, he has been a national waters/wetlands expert and technical team leader for the National Resources Conservation Service, and the U.S. Department of Justice (DOJ), Environment and Natural Resources Division. Working with DOJ, Dr. Lee has helped win or settle six major Clean Water Act cases that have been argued in three Districts of U.S. Federal Court, two Circuit Courts of Appeal, and the U.S. Supreme Court.

Throughout his consulting career, Dr. Lee's projects have centered around applied wetland and river ecosystem ecology and restoration of degraded waters/wetland ecosystems. He has focused a great deal of his efforts on design and construction of large and small wetland and river restoration projects and on development and implementation of practical silvicultural and land-use management programs for wetlands and riverine ecosystems. Dr. Lee continues to work as a national expert on jurisdictional issues concerning waters of the U.S, including wetlands, Federal Clean Water Act regulatory and enforcement issues, assessment of impacts to waters/wetlands ecosystems, management of contaminants and/or hazardous materials in waters/wetland ecosystems, and training of others in all of the above. Since 1993, Dr. Lee has been one of the principal architects responsible for development and implementation of the "Hydrogeomorphic" (HGM) approach for the assessment of waters/wetlands ecosystem functions. The HGM approach has been developed as a management tool with specific applications in land use planning, including project impact assessment and impact minimization; restoration design, including prioritization of restoration acquisitions; implementation of restoration projects; environmental permitting; and, the development of monitoring protocol, targets, and contingency measures.

Dr. Lee has been active in teaching and training throughout his career. He held the position of Assistant Research Professor at the University of Georgia's Institute of Ecology while working at the Savannah River Ecology Laboratory and at EPA Headquarters. He has also served as an Adjunct Assistant Professor at both the University of South Carolina and George Mason University. While at the Universities of Washington and Montana, Dr. Lee taught or assisted in teaching a variety of forestry and natural resource management courses. He also served as a principal instructor for the Montana Forest Habitat Type Short Courses, sponsored by the U.S. Forest Service. Since 1987, Dr. Lee has led over 100 training courses for USEPA and several other federal and state agencies through the National Wetland Science Training Cooperative.

Dr. Lee is an active member of the scientific community. He has published two books, more than 30 refereed professional papers, and over 100 technical reports. He has presented more than 40 oral papers and seminars at professional meetings and conferences. He edited the Society of Wetland Scientists' (SWS) Bulletin and

served on the National Board of Directors for seven years. Dr. Lee co-founded the "SWS Student Awards Program" and endowment, and served as the Program Chairman for two national SWS meetings (Seattle, 1987 and Washington, D.C. 1988). In 1992, Dr. Lee was awarded Life Membership in the Society of Wetland Scientists. In 1995, he earned certification as a Professional Wetlands Scientist (#385). In addition to SWS, Dr. Lee is an active member of the Ecological Society of America, and the American Association for the Advancement of Science. Through his writings, applied science, and work as a national expert, he continues to play a very prominent role in shaping U.S. policies concerning protection of waters/wetlands.

Relevant Experience

Permitting, Design, Construction, and Monitoring

Dr. Lee has extensive experience in all aspects of waters/wetlands ecosystem restoration design, from initial site assessment and environmental permitting to development of construction documents (plans and specifications), to construction oversight/observation, and to the development and implementation of compliance monitoring. Several noteworthy projects in which Dr. Lee was integrally involved with follow.

International Paper, Ticonderoga, NY

This project was developed as a result of a break in the paper plant's wastewater mainline and the subsequent pipeline replacement. Responsibilities included emergency response, environmental assessment, planning, permitting, mitigation design, restoration construction, monitoring of a 63-acre waters/ wetland ecosystem adjacent to Lake Champlain.

Boeing Company, Seattle Washington Customer Services Training Center, Seattle, WA

Lead project scientist and principal in charge for the master planning, land acquisition, design, permitting, and construction of the Longacres Corporate Park waters/wetlands, Boeing Customer Service Training Center. The project received the award "Team of the Year, Project Management Institute, Puget Sound Chapter Project (1995)."

Shell Oil Company, Anacortes Refinery Clean Fuels Project, Anacortes, WA

This project involved federal, state, and local waters/wetlands permitting, mitigation design, construction supervision, and monitoring for a 16-acre slope and riparian waters/wetland restoration in a tributary to the Padilla Bay National Estuarine Reserve.

Pacifica Wastewater Treatment Plant, City of Pacifica, CA

The Calera Creek Wetland & Riparian Ecosystem Restoration Project in the City of Pacifica, California, which was initiated in 1994. This project involved nearly 17 acres of waters/wetlands riverine ecosystem restoration associated with the siting of a new waste water (water recycling) facility, and the restoration of endangered species habitat (San Francisco garter snake and California red legged frog). Served as the co-project manager and was responsible for environmental planning, permitting, grant procurement, mitigation design, endangered species issues, stream design, stream native plant propagation, endangered species survey, construction supervision, and compliance monitoring of this riparian waters/wetland restoration on California's north-central coast. Awards received for this project include:

- USEPA Region IX, "Outstanding Environmental Achievement, Earth Day 2000" (Calera Creek Restoration) (2000)

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- "San Mateo County Sustainability Award 2000," Certificates of Recognition from Assemblyman Lou Papan, State Senator Jackie Speir, Congressman Tom Lantos, Congresswoman Anna Eshoo, and State Senator Byron Sher. Commendation from: San Mateo County Board of Supervisors (Calera Creek Restoration) (2000)
 - California Legislature Assembly Resolution #3110 – Congratulating the City of Pacifica for success of Calera Creek Water Recycling Facility (Calera Creek Restoration) (2000)

City of Pacifica/U.S. Army Corps of Engineers, San Pedro Creek Flood, Pacifica, CA

Control, Restoration, and Fish Habitat Projects, Pacifica, California. This project was a joint project designed, permitted, and implemented under the Corps' 206 flood control program. Served as co-project manager responsible for environmental planning, permitting, restoration design, fish passage design, construction observation, management, and the development of compliance monitoring.

University of Washington-Bothell/Cascadia Community College Collocated Campus Bothell, WA

This waters/wetlands restoration project is one of the largest in the Pacific Northwest. Served as project manager responsible for the environmental assessment, planning, permitting, mitigation design, construction supervision, native plant nursery development and operation, and monitoring of the 58-acre stream ecosystem restoration in North Creek. The project received the award "Construction Excellence Award (Team Member with Mortenson and Active Construction), University of Washington-Bothell/Cascadia Community College Co-located Campus – North Creek Restoration (1998)."

Other waters/wetlands restoration-related projects for which Dr. Lee was directly responsible in all phases of the work included the following:

- Shurgard Storage, Seattle, Washington – Richards Creek Restoration (completed 1986);
- U.S. Department of Energy/University Of Georgia, Savannah River Plant, Aiken, South Carolina – "L- Reactor" Lake waters/wetlands (completed 1986);
- National Arboretum, Washington, D.C. Restoration Advisor/Peer Review National Aquatic Gardens – Anacostia River Restoration (completed 1991);
- Shell Oil Company – Sewaren, New Jersey - Tidal marsh restoration in a tributary to the Arthur Kill/New York Harbor (completed 1992);
- Boeing Company, Seattle, Washington – Longacres Park waters/wetlands and Aquatic Gardens (completed 1995);
- City of Portland, Oregon – Ramsey Lake Stormwater Treatment Wetlands at the Willamette /Columbia River confluence (completed 1998);
- Robert Cole Property – Tidal marsh restoration in Puget Sound, Anderson Island, Washington (completed 2002);
- Washington State Department of Corrections, Olympia and Aberdeen, Washington – Restoration of a tidally influenced reach of Newkah Creek, Tributary to Gray's Harbor, WA (ongoing);
- Washington State Department of Corrections, Monroe, Washington – Restoration of forested slope wetlands (completed 2002);

- Natural Resources Conservation Service and Headwaters Ranch Cooperative, Quilcene, Washington – Andrews Creek Restoration (ongoing);
- U.S. Department of Justice, Washington, D.C., Borden Ranch – Develop plans/recommendations for remediation of non-compliance activities in agricultural waters/wetlands (completed 2001);
- Capistrano Bridge at San Pedro Creek – Rebuilt fish passage/riparian restoration (ongoing);
- Stanford University, Palo Alto, California – Plan, design, permit, and construct a series of waters/wetlands in the Stanford Foothills area. Featured habitat for the California Tiger Salamander (ongoing); and
- Presidio Trust/National Park Service, San Francisco California – Plan, design, permit, and construct a restoration of Dragonfly Creek, a perennial creek tributary to San Francisco Bay, within the Presidio (ongoing).

Expert Witness Work and Testimony

Expert Witness Division, U.S. Department of Justice, Denver, CO. Provide expert services/technical team leadership to the Department of Justice in the matter of U.S. v. Abeldgaard et al., near Homer, Alaska (Court #: A01-378 CV(RRB)). (Outcome: pending).

Expert Witness Division, U.S. Department of Justice, Washington, D.C. – Expert witness and technical team leader for the U.S. Department of Justice in the matter of Adams Brothers Farming, Inc. v. County of Santa Barbara; et al. (Case No. 10074522). (Outcome: trial bifurcated; won jurisdictional issues in 9th Circuit District Court, appeal pending).

King County, Washington. Griffin v. Anderson (Outcome: arbitrated settlement).

Parviz Mohandessi in Mohandessi v. State of Washington, Department of Ecology and City of Sammamish. (Outcome: WA State Coastal Commission ordered revision of State Determination(s) of Ordinary High Water mark on Lake Sammamish, WA). Expert Witness Division, U.S. Department of Justice, Washington, D.C. - provided expert services to Dept. of Justice and U.S. EPA Region IX in the matter of Borden Ranch Partnership vs. U.S. Army Corps of Engineers and U.S. Environmental Protection Agency. (Outcome: Won in U.S. District Court, 9th Circuit Court of Appeals, and U.S. Supreme Court).

Washington State Attorney General. Expert testimony in State vs. 180th Associates, et al. (Outcome: settled in favor of Washington State).

Land and Natural Resources Division, U.S. Department Of Justice, Washington, D.C. - Served as the U.S. Department Of Justice, U.S. Army Corps, and U.S. EPA wetlands expert in the matter of Russo Development Corporation vs. Reilly (Civil No. 87-3916 (HLS)(D.N.J.)).

Land and Natural Resources Division, U.S. Department Of Justice, Washington, D.C. - Served as the U.S. Department Of Justice wetlands expert in the matter of Bayou Marcus Livestock & Agricultural Co. vs. U.S. Environmental Protection Agency and Army Corps Of Engineers [(No. 88-30275-WEA (N.D. Florida))]. (Outcome: Won on summary judgment).

Land and Natural Resources Division, U.S. Department Of Justice, Washington, D.C. - Served as the U.S. Department of Justice, U.S. Army Corps and U.S. EPA wetlands expert in the matter of United States Of America vs. F. Wayne McLeskey, Jr. (Civil Action No. 89-54-N). (Jury Trial). (Outcome: Settled in favor of the U.S. prior to jury deliberation).

Employment History

- ENTRIX, Inc., Senior Consultant, Senior Ecologist, April 2006 – Present
- Blasland, Bouck and Lee, Inc., Principal Ecologist/Vice President, June 2004 – January 2006
- L.C. Lee & Associates, Inc., President/Principal Ecologist, July 1989 – May 2004

Honoraries

- Xi Sigma Pi, Forestry Honorary (inducted 1976)
- Sigma Xi, National Research Honorary (inducted 1983)

Academic Fellowships

- R.D. Merrill Fellowship, College of Forest Resources, University of Washington, Seattle, WA. (1983)
- Graduate School Tuition Scholarship, University of Washington, Seattle, WA. (1983).
- Northwest Scientific Association Research Fellowship (1983)
- J.H. Bloedel Forestry Research Graduate Scholarship, College of Forest Resources, University of Washington, Seattle, WA (1982)

Professional Organizations

- Ecological Society of America (since 1978)
- American Association for the Advancement of Science (since 1978)
- Northwest Scientific Association (1979 – 1995)
- Society of American Foresters (1983 – 1995)
- Society of Wetland Scientists (1984 – Present)
 - Bulletin Editor (1985 – 1991)
 - National Scientific Program Chairman (1987 & 1988)
 - Scientific Program Committee Member (1986 – 1990)
 - Awarded lifetime membership (1998)
 - Professional Wetland Scientist Certification (1995). Registration #000385
- Association of State Wetland Managers (1984 - 1989)
- Science Advisory Board of Association of State Wetland Managers (1985 – 1989)

Publications

Waters/Wetlands Functional Assessment Models, Methodologies, and Guidebook Development Programs and Publications

- Lee, L.C., Fiedler, P.L., Stewart, S.R., Curry, R.R., Partridge, D.J., Mason, J.A., Inlander, E.M., Almy, R.B., Aston, D.L., Spencer, M.E. 2001. Draft Guidebook for Reference Based Assessment of the Functions of

Riverine Waters/Wetlands Ecosystems in the South Coast Region of Santa Barbara County, California. In cooperation with Santa Barbara County Water Agency, Santa Barbara, CA and U.S. EPA Region IX.

- Brinson, M.M., R.D. Smith, D.F. Whigham, L.C. Lee, R.D. Rheinhardt, W.L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pp. 383-406, In A.J. McComb and J.A. Davis (eds.) *Wetlands for the Future*. Gleneagles Publishing, Adelaide, Australia.
- National Wetland Science Training Cooperative. 1997 - present. Guidebook to Hydrogeomorphic Functional Assessment of Riverine Waters/Wetlands in the Santa Margarita Watershed. Peer Review Draft, (1977). Operational Draft, (2004). In cooperation with U.S. EPA, Region IX, California Coastal Conservancy, California Regional Water Quality Control Board (San Diego).
- National Wetland Science Training Cooperative. 1997. Guidebook for the Hydrogeomorphic Assessment of Temporary and Seasonal Prairie Pothole Wetlands. Operational Draft. In cooperation with Natural Resource Conservation Service Wetlands Institute, Wash. D.C.
- Lee, L.C., M.L. Butterwick, J.L. Cassin, R.A. Leidy, J.A. Mason, M.C. Rains, L.E. Shaw, E.G. White. 1997. Draft Guidebook for Assessment of the Functions of Waters of the U.S., Including Wetlands, on the Borden Ranch, Sacramento and San Joaquin Counties, California. Seattle, WA. In cooperation with U.S. Department of Justice and U.S. EPA Region IX.
- National Wetland Science Training Cooperative. 1996. Draft Guidebook for the Application of HGM Functional Assessments in Precipitation-Driven Wetlands in Interior Alaska. In cooperation with State of Alaska, Department of Environmental Conservation and U.S. EPA Region X.
- National Wetland Science Training Cooperative. 1996. Draft Regional Guidebook to Functional Assessments in Riverine Wetlands and Slope Wetlands in Southeast Alaska. In cooperation with the State of Alaska, Department of Environmental Conservation, U.S. EPA Region X, Natural Resources Conservation Service.
- National Wetland Science Training Cooperative. 1996. Draft Guidebook to Functional Assessments in 3rd and 4th Order Riverine Waters/Wetlands of the Central California Coast. In cooperation with California Coastal Commission, U.S. EPA Region IX and City of Pacifica, CA.
- Brinson, M.M., F.R. Hauer, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith and D. Whigham. 1995. Guidebook for application of hydrogeomorphic assessments to riverine wetlands. Technical Report TR-WRP-DE-11, Waterways Experiment Station, Army Corps of Engineers, Vicksburg, Mississippi.
- National Wetland Science Training Cooperative. 1995. Draft Guidebook for Functional Assessment of Depressional Wetlands in the Pacific Northwest/Puget Sound Lowlands Region.
- National Wetland Science Training Cooperative. 1995. Draft Guidebook for Functional Assessment of Depressional Wetlands in the Mid-Atlantic Coastal Plain. Natural Resource Conservation Service Wetlands Institute.
- National Wetland Science Training Cooperative. 1995. Draft Guidebook for Functional Assessment of Riverine Wetlands in the Inner Coastal Plain of Chesapeake Bay. Natural Resource Conservation Service Wetlands Institute.
- Brinson, M.M., W. Kruczynski, L.C. Lee, W.L. Nutter, R.D. Smith, and D.F. Whigham. 1994. Developing an approach for assessing the functions of wetlands. Pp. 615-624, In W.J. Mitsch (ed.). *Global Wetlands: Old World and New*. Elsevier Science B.V., Amsterdam.

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- Olsen, E.A. and L.C. Lee. 1992. The use of hydrogeomorphic and vegetation data in differentiating functions among forested wetlands. Prepared for Riverine Functional Assessment Group and R. Daniel Smith, Wetlands Section, Waterways Experiment Station, U.S. Army Corps Of Engineers, Vicksburg, Mississippi.

Refereed Manuscripts, Books, Published Reports, and Theses

- Lee, L.C., D.J. Partridge, J.A. Mason, and E. M. Inlander. 2001. Watershed-Level Assessment of the Condition of Riverine Waters/Wetland Ecosystems in the south Coast Region of Santa Barbara County , California. Santa Barbara County Water Agency, Project Clean Water, Technical Report #2, Santa Barbara, CA.
- Lee, L.C., et al. 2001. Demonstration of Referenced-Based Assessment of Riverine Waters/Wetlands Functions in the Restoration of Riverine Ecosystem Functions in the South Cost Region of Santa Barbara County, California. Santa Barbara County Water Agency, Project Clean Water, Technical Report #3. Santa Barbara, California.
- Brinson, M.M., F.R. Hauer, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith and D. Whigham. 1995. Guidebook for application of hydrogeomorphic assessments to riverine wetlands. Technical Report TR-WRP-DE-11, Waterways Experiment Station, U.S. Army Corps of Engineers, Vicksburg, Mississippi.
- Brinson, M. M., W. Kruczynski, L.C. Lee, W.L. Nutter, R.D. Smith, and D.F. Whigham. 1994. Developing an approach for assessing the functions of wetlands. Pp. 614-624, *In Global Wetlands Old World and New*. Elsevier Science B.V., Amsterdam.
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- Gosselink, J.G., L.C. Lee, and T.A. Muir (eds.). 1990. *Ecological processes and cumulative impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems*. Lewis Publishers, Chelsea, Michigan. 708 pp.
- Sharitz, R.R. R.L. Schneider, and L.C. Lee. 1990. Composition and regeneration of a disturbed floodplain wetland in South Carolina. Pp. 195-218, In Gosselink, J.G., L.C. Lee, and T.A. Muir (eds.). 1990. *Ecological processes and cumulative impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems*. Lewis Publishers, Chelsea, Michigan. 708 pp.
- Gosselink, J.G., M.M. Brinson, L.C. Lee, and G.T. Auble. 1990. Human activities and ecological processes in bottomland hardwood ecosystems: the report of the ecosystem workgroup. Pp. 549-598, In Gosselink, J.G., L.C. Lee, and T.A. Muir (eds.). 1990. *Ecological processes and cumulative impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems*. Lewis Publishers, Chelsea, Michigan. 708 pp.
- Gosselink, J.G., L.C. Lee and T.A. Muir. 1990. The regulation and management of bottomland hardwood forest wetlands: implications of the EPA-sponsored workshops. Pp. 638-671, In Gosselink, J.G., L.C. Lee, and T.A. Muir (eds.). 1990. *Ecological processes and cumulative impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems*. Lewis Publishers, Chelsea, Michigan. 708 pp.
- Gosselink, J.G., G.P. Shaffer, L.C. Lee, D.M. Burdick, D.L. Childers, N.C. Liebowitz, S.C. Hamilton, R. Boumans, D. Cushman, S. Fields, M. Koch, and J.M. Visser. 1990. Can we manage cumulative impacts? Landscape conservation in a forested wetland watershed. *Bioscience*.

- Brinson, M.M., R.D. Smith, D.F. Whigham, L.C. Lee, R.D. Rheinhardt, W.L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pp. 383-406, In A.J. McComb and J.A. Davis (eds.) *Wetlands for the Future*. Gleneagles Publishing, Adelaide, Australia.
- Brinson, M.M., and L.C. Lee. 1989. In-kind mitigation for wetland loss: statement of ecological issues and evaluation of examples. Pp. 1069 – 1085, In Sharitz, R.R. and J.W. Gibbons (eds.). 1989. *Freshwater wetlands and wildlife: proceedings of a symposium held at Charleston, South Carolina, March 24-27, 1986*. U.S. Department Of Energy Office of Health And Environmental Research, Washington, D.C. 1265 pp.
- Lee, L.C. 1989. Mitigation for wetland loss: how much is appropriate? Pp. 189-195, In Robinson, N. A. (ed.). 1989. *Proceedings of a Conference on the Preparation and Review of Environmental Impact Statements (November 1987)*. President's Council On Environmental Quality and the Environmental Law Section of the New York State Bar Association. West Point, New York. 329 pp.
- Gosselink, J.G., and L.C. Lee. 1989. Cumulative impact assessment in bottomland hardwood forests. *Wetlands 9*, Special Issue. Society Of Wetland Scientists, Wilmington, N.C. 174 pp.
- Lee, L.C., R.R. Johnson, and T.A. Muir. 1989. Riparian ecosystems as essential habitat for raptors in the American West. Pp. 15-26, In Pendleton, B.G., Ruibal, C.E., Krahe, D.L., Steenhof, K., Kochert, M.N., and LeFranc, M.N. (eds.). 1989. *Proceedings of the Western Raptor Management Symposium And Workshop*. Institute For Wildlife Research, National Wildlife Federation, Scientific and Technical Series No. 12. Washington, D.C. 320 pp. National Wildlife Federation Raptor Management Symposium Series, Washington, D.C.
- Gosselink, J.G., G.P. Shaffer, L.C. Lee, D.M. Burdick, D.L. Childers, N. Taylor, S.C. Hamilton, R. Boumans, D. Cushman, S. Fields, M. Koch, and J.M. Visser. 1989. Cumulative impact assessment and management in a forested wetland watershed in the Mississippi River floodplain. Marine Sciences Department And Coastal Ecology Institute (LSU-CEI-89-02), Center For Wetland Resources, Louisiana State University, Baton Rouge, LA. 131 pp.
- Lee, L.C. and F.E. Gross. 1989. Restoration, creation, and management of wetland and riparian ecosystems in the American West: a summary and synthesis of the symposium. Pp. 201 - 219, In Mutz, K.M., D. J. Cooper, M.L. Scott, and L.K. Miller (eds.) 1989. *Proceedings of the Symposium on "Restoration, Creation, and Management Of Wetland And Riparian Ecosystems In The American West."* Rocky Mountain Chapter of the Society of Wetland Scientists, Denver, CO.
- Day, F.P., P. Megonigal, and L. Lee. 1989. Cypress root decomposition in experimental wetland mesocosms. *Wetlands 9*(2): 263-282.
- Shaffer, G.P., D. M. Burdick, J.G. Gosselink, and L.C. Lee. 1989. (published) A cumulative impact management plan for the Tensas Basin, Louisiana. *Wetlands Ecology And Management*. Carl Junk, The Hague, Netherlands.
- Leitch J.A., T. Golz, and L.C. Lee. 1988. Profile of Society Of Wetland Scientists Membership, 1986. *Bulletin of the Society Of Wetland Scientists 5*: 6-8.
- Lee, L.C. and J.G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests: linking scientific assessments with regulatory alternatives. *Environmental Management 12*(5): 591 - 602.
- Magistro, J.L. and L.C. Lee. 1988. Association of Superfund sites with wetlands. Pp. 136 – 140, In Kusler, J.A. S. Daly, and G. Brooks (eds.). 1988. *Proceedings of the National Wetlands Symposium: Urban Wetlands*, Oakland, CA. Association of State Wetland Managers, Berne NY.

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- Gosselink, J.G. and L.C. Lee. 1987. Cumulative impact assessment principles. Pages 196-203 In Kusler, J.A., M.L. Quammen, and G. Brooks (eds.). 1987. Proceedings of the National Wetland Symposium On Mitigation of Impacts and Losses, October 8-10, 1986, New Orleans, LA. Association of State Wetland Managers, Berne, NY.
 - McCort, W.D., L.C. Lee, and G.R. Wein. 1987. Mitigating for large-scale wetland loss: a realistic endeavor? Pages 359-367 In Kusler, J.A., M.L. Quammen, and G. Brooks (eds.). 1987. Proceedings of the National Wetland Symposium on Mitigation of Impacts and Losses, October 8-10, 1986, New Orleans, LA. Association of State Wetland Managers, Berne, NY.
 - Cooper, D. J., and L.C. Lee. 1987. Rocky Mountain wetlands: ecosystems in transition. National Wetlands Newsletter, National Wetlands Technical Council and the Environmental Law Institute 9: 2-6.
 - Mutz, K.M. and L.C. Lee (eds.). 1987. Wetland and riparian ecosystems of the American West: proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society Of Wetland Scientists - Western Chapter. Denver, Colorado. 349 pp.
 - Muir, T.A., L.C. Lee, and S. Sarason. 1987. The Environmental Protection Agency's initiative on bottomland hardwood ecosystems: a status report. Pages 27-31 In Mutz, K.M. and L.C. Lee (eds.). 1987. Wetland and riparian ecosystems of the American West: proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society of Wetland Scientists - Western Chapter. Denver, Colorado. 349 pp.
 - Wolf, R.B., L.C. Lee, and R.R. Sharitz. 1986. Wetland creation and restoration in the United States from 1970 to 1985: an annotated bibliography. Wetlands 6: 1-88.
 - Lee, L.C., T.M. Hinckley, and M.L. Scott. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. Wetlands 5: 15-34.
 - Scott, M.L., R.R. Sharitz, and L.C. Lee. 1985. Disturbance in a cypress-tupelo wetland: an interaction between thermal loading and hydrology. Wetlands 5: 53-68.
 - Sharitz, R.R. and L.C. Lee. 1985. Recovery processes in Southeastern riverine wetlands. In Johnson, R.R., C.D. Ziebell, D.R. Patton, P.F. Folliott, and R.H. Hamre. 1985. *Riparian Ecosystems and Their Management: Reconciling Conflicting Uses. Proceedings of the First North American Riparian Conference*. U.S.D.A. Gen. Tech. Rpt. RM-120: 499-501.
 - Sharitz, R.R. and L.C. Lee. 1985. Limits on regeneration processes in Southeastern riverine wetlands. In Johnson, R.R., C.D. Ziebell, D.R. Patton, P.F. Folliott, and R.H. Hamre. 1985. *Riparian Ecosystems And Their Management: Reconciling Conflicting Uses. Proceedings of the First North American Riparian Conference*. U.S.D.A. Forest Service Gen. Tech. Rpt. RM-120: 139-143.
 - Lee, L.C. 1983. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Ph.D. Dissertation, College of Forest Resources, University of Washington, Seattle, WA. 268 pp.
 - Chapman, R., L.C. Lee, R.O. Teskey, and T.M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. X - index and addendum to Volumes I - VIII. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS-82/23. U.S.D.I., Washington, D.C. 111 pp.
 - Lee, L.C. and T.M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. IX - Alaska. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS -82/23. U.S.D.I., Washington, D.C. 213 pp.
 - Lee, L.C., and C.J. Jonkel. 1981. Grizzlies and wetlands. Western Wildlands 7(4): 26-30.

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- Lee, L.C. 1979. A study of plant associations in upland riparian habitats in western Montana.. Master's Thesis, School of Forestry, University of Montana, Missoula, MT. 250 pp.
 - Lee, L.C. and R.D. Pfister. 1978. A training manual for Montana forest habitat types. Montana Forest and Conservation Experiment Station, University of Montana, Missoula, MT. 142 pp.

Selected Oral Presentations of Technical Papers and Invited Seminars

- Lee, Lyndon C., and D. M. Spada. 2002. Working Buffer: Enhancement and Restoration as Compensatory Mitigation in a Chronically Degraded Wetland. Annual meeting of the Society of Wetland Scientists. June 2-7, 2002., Lake Placid, New York.
- Brinson, M. M., R. Daniel Smith, Dennis F. Whigham, Lyndon C. Lee, Richard D. Rheinhardt, and Wade L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Wetlands for the Future. Contributions from Intecol's V International Wetlands Conference (published abstract). Gleneagles Publishing, Adelaide, Australia.
- Lee, L.C. 1989. Approaches For Impact Assessment In Jurisdictional Wetlands: The American Experience. Invited paper at the European Community Workshop On Wetland Functions And Values. April 27-30, 1989, University of Exeter, United Kingdom.
- Burdick, D.M., G.P. Shaffer, J.G. Gosselink, and L.C. Lee. 1988. Planning for cumulative impact management using landscape pattern and principles of conservation biology. International Association of Landscape Ecologists, March 16-19, 1988, Albuquerque, NM. (Published Abstract).
- Magistro, J.L. and L.C. Lee. 1988. Association of wetlands with Superfund sites: a pilot study. 9th Annual Meeting of the Society of Wetland Scientists, May 31-June 3, 1988, Washington, D.C. (Published Abstract).
- Gosselink, J.G., L.C. Lee, R. Boumans, D. Burdick, D. Cjilders, D. Cushman, S. Fields, S. Hamilton, M. Koch, G. Shaffer, N. Taylor, and J. Visser. 1988. Cumulative impact assessment and management in bottomlands of the Tensas basin, Louisiana. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C. (Published Abstract).
- Megonigal, J.P., W.H. Patrick, S.P. Faulkner, W. Blake Parker, R.R. Sharitz, and L.C. Lee. 1988. Relationships among vegetation, soils and hydrology as they relate to wetland delineation. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C. (Published Abstract).
- Smith, R.D. and L.C. Lee. 1988. Effects of assessment area boundary selection on functional ratings of the Wetland Evaluation Technique: how to drive WET wild. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C. (Published Abstract).
- Lee, L.C., and J.G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests of the Southeastern U.S. Third International Wetlands Symposium, September 18 -23, 1988, Rennes, France. (Published Abstract).
- Gosselink, J.G. and L.C. Lee. 1988. Cumulative impact assessment in bottomlands of the Tensas River basin, Louisiana. Third International Wetlands Symposium, September 18 - 23, Rennes, France. (Published Abstract).
- Muir, T.A., L.C. Lee, and S. Sarason. 1987. The EPA initiative on bottomland hardwood ecosystems: a status report. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).

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- Megonigal, J. P., W.H. Patrick, S.P. Faulkner, R.R. Sharitz, and L.C. Lee. 1987. Wetland boundary delineation in the southeast using vegetation, soils, hydrology, soil aeration/reduction-oxidation status. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).
 - Lee, L.C. 1987. Scoping wetland mitigation projects: where to begin, when to stop, and what to expect. National Wildlife Federation Symposium on "Preserving Our Wetland Heritage", October 4-7, 1987, Washington, D.C.
 - Lee, L.C. 1987. Riparian ecosystems as essential habitat for raptors in the American West. Paper presented to the National Wildlife Federation and the Idaho Chapter of the Wildlife Society, Western Raptor Management Symposium, October 26-28, 1987, Boise, ID.
 - Lee, L.C. 1987. Mitigation for wetland loss: how much is appropriate? President's Council On Environmental Quality, National Symposium On The Preparation And Review Of Environmental Impact Statements, November 3-4, 1987, West Point, NY.
 - Lee, L.C. 1986-1987. Cumulative impacts in bottomland hardwood forests: linking scientific assessments with regulatory approaches. A series of six seminars given by invitation at Indiana University, Western Illinois University, Smithsonian Environmental Research Laboratory, University of Vermont, George Mason University, US EPA Region IV (Atlanta) 2nd Annual Wetlands Meeting.
 - Brinson, M.M., and L.C. Lee. 1986. In-kind mitigation for wetland loss. Savannah River Ecology Laboratory's Ninth Symposium: Freshwater Wetlands and Wildlife, March 24-27, 1986, Charleston, SC. (Published Abstract).
 - Lee, L.C., and T.A. Muir. 1986. Wetland forestry in the American West: approaches for silviculture in intricate ecosystem mosaics. International Symposium for Wetland Ecology and Management, U.S. Forest Service, Charleston, SC.
 - Lee, L.C., and M.M. Brinson. 1986. Scientific perspectives on mitigation for wetland loss. Plenary address presented to the Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.
 - Gosselink, J.G. and L.C. Lee. 1986. Cumulative impact assessment principles. Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.
 - McCort, W.D., L.C. Lee, and G.R. Wein. 1986. Mitigating for large-scale wetland loss: a realistic endeavor? Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.
 - Lee, L.C. 1986. Measurement of moisture gradients in floodplain wetland ecosystems of the Pacific Northwest. Moisture Gradient Workshop, Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, CO.
 - Lee, L.C. 1986. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Invited seminar to the Center For Wetlands, University of Florida, Gainesville, FL.
 - Lee, L.C. 1985. Environmental effects of the L-Reactor restart at the Savannah River Plant, SC. Invited paper, January 30, 1985 meeting of the South Carolina Chapter of the Wildlife Society, Columbia, SC.
 - Sharitz, R.R., and L.C. Lee. 1985. Limits on regeneration processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, AZ. (Published Abstract).

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- Sharitz, R.R., and L.C. Lee. 1985. Recovery processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, AZ. (Published Abstract).
 - Lee, L.C., M.L. Scott, and T.M. Hinckley. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, NH. (Published Abstract).
 - Scott, M.L., and L.C. Lee. 1985. Biomass and production dynamics along a disturbance gradient in a cypress-tupelo forested wetland. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, NH. (Published Abstract).
 - Lee, L.C. 1984. Floodplain and wetland vegetation in western Montana. Invited Seminar to the Montana Forest and Conservation Experiment Station, University of Montana, Missoula, MT.
 - Lee, L.C. 1984. Floodplain and wetland plant communities of the North Fork Flathead River, Montana. Northwest Scientific Association 57th Annual Meeting, March 21-24, 1984, Missoula, MT. (Published Abstract).
 - Lee, L.C. 1984. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Society of Wetland Scientists 5th Annual Meeting, San Francisco, CA. (Published Abstract).
 - Lee, L.C. 1984. Water balance and leaf area relationships in floodplain plant communities in two Pacific Northwest river ecosystems. Annual Meeting of the Ecological Society of America, Ft. Collins, CO. (Published Abstract)
 - Sharitz, R.R., Schneider, R.L., and L.C. Lee. 1984. Composition and regeneration of a disturbed floodplain wetland in South Carolina. US Environmental Protection Agency Bottomland Hardwood Ecosystem Characterization Workshop, December 3-7, 1984, St. Francisville, LA.
 - Lee, L.C., C.C. Grier, and T.M. Hinckley. 1983. Water balance and leaf area relationships in floodplain plant communities of two Pacific Northwest river ecosystems. Paper presented at the Northwest Scientific Association 56th Annual Meeting, March 24- 26, Olympia, WA. (Published Abstract/Best Student Paper award).
 - Lee, L.C. 1983. Definition, classification, and description of riparian wetlands in the Pacific Northwest. Invited seminar to the School of Landscape Architecture, University of Washington, Seattle, WA.
 - Lee, L.C. 1981 - 1984. Nine formal oral and written declarations and testimonies before hearings of the King and Snohomish County Building and Development Divisions regarding assessment of impacts of proposed or existing developments in wetland or riparian habitats.
 - Lee, L.C. 1981. Gradient modeling of riparian and wetland vegetation. Invited paper presented to the Annual Meeting of the Association of American Geographers, Los Angeles, CA. (Published Abstract).
 - Jonkel, C.J., L.C. Lee, P. Zaeger, C.W. Servheen, and R. Mace. 1981. Grizzly bear - livestock competition in riparian ecosystems. Paper presented at the Coeur d'Alene Regional Wildlife Symposium, Coeur d'Alene, ID. (Published Abstract).
 - Lee, L.C. 1980. The role of low elevation wetlands in the ecology of free ranging grizzly bears in Montana. Invited seminar presented to the Pacific Northwest Forest And Range Experiment Station, U.S. Forest Service, Corvallis, OR.

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- Lee, L.C. 1980. Plant associations in montane riparian habitats in western Montana. Invited seminar presented to the Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service, Corvallis, OR.

Selected Workshops and Symposia Attended By Invitation

- 1999. Law Seminars International. "Successful Permitting Strategies." Seattle, WA.
- 1999. Institute for Wetland Science and Public Policy: The Association of State Wetland Managers, Inc. "Wetlands '99" (Plenary Speaker) Annapolis, MD.
- 1996. Wetlands Biological Assessment and Criteria Development Workshop. Association of State Wetland Managers, Boulder, CO.
- 1996. Alaska Association of Environmental Professionals Eighth Annual Meeting. Anchorage, AK.
- 1990. Living Waters Symposium, Bass Anglers Sportsman's Society, Montgomery, Alabama.
- 1989. Wet Environments: RCRA Subtitle D Monitoring Guidance. April 17-19, 1989, Tallahassee, Florida. Office of Research And Development, U.S. Environmental Protection Agency Systems Laboratory.
- 1988. Restoration, Creation, and Management Of Wetland And Riparian Ecosystems in the American West. November 14 - 15, 1988, Lakewood, CO. (Plenary Speaker).
- 1987. Cumulative Impacts Workshop. Wetlands Ecology Program, U.S. Environmental Protection Agency Environmental Research Laboratory, Corvallis, OR.
- 1987. Restoration Of Bottomland Hardwood Wetlands. Division of Wetlands Ecology, Savannah River Ecology Laboratory, Aiken, SC.
- 1986. National Wetlands Technical Council Great Basin. Desert and Montane Wetlands Workshop, Logan, UT. February 27-28, 1986. ("Food Chain Support/Habitat" workgroup Chairman).
- 1986. Moisture Gradient Workshop. Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, CO.
- 1985. National Wetlands Technical Council Pacific Region Workgroup, San Francisco, CA. April 14-16, 1985. ("Food Chain Support" workgroup Chairman).
- 1984, 1985, and 1986 - U.S. Environmental Protection Agency "Bottomland Hardwood Ecosystem Characterization Workshops". St Francisville, LA (December 3-7, 1984), Lake Lanier, GA (July 15-19, 1985), and Savannah, GA (January 13-17, 1986: Cumulative Impacts Workgroup Chairman).

Organization of Professional Meetings, Training Programs and Symposia

Meetings and Symposia

- 1989. Meeting Co-Coordinator, Pocosins And Associated Wetlands Of The Carolina Coastal Plain. Workshop Organized for U.S. Environmental Protection Agency Region IV, Atlanta, GA and Duke University Center for Wetlands
- 1989. Panel Organizer & Moderator, "No Net Loss: Approaches for Implementing Policies To Sustain Wetland Area And/OR Function." Society Of Wetland Scientists Tenth Annual Meeting, May 30 - June 3, 1989. Orlando, Florida.
- 1988. Scientific Program Chairman, "The Chesapeake And Its Landscape: Perspectives On The Science, Management, and Protection Of Freshwater and Estuarine Wetlands" - the Society of Wetland Scientists 9th

Annual Meeting, May 31 - June 3, 1988, Washington, D.C. Responsible for development and organization of all aspects of the SWS scientific for the 9th Annual Meeting.

- 1988. Session Chairman, "Assessment And Management Of Contaminants In Wetland Ecosystems". Technical Session held at the 9th Annual Meeting of the Society Of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C.
- 1988. Session Chairman, "Management of Contaminants In Saturated Media". Technical Session held at the Annual Meeting of the Association Of State Wetland Managers, June 26 - 29, 1988, Oakland, CA.
- 1987. Scientific Program Chairman, "Wetland And Riparian Ecosystems Of The American West" - the Society of Wetland Scientists 8th Annual Meeting, May 26-29, 1986, Seattle, WA. Responsible for development and organization of all aspects of the SWS scientific program for the 8th Annual Meeting.
- 1986. Scientific Program Committee Manager, National Symposium On Freshwater Wetlands And Wildlife: Perspectives On Natural, Managed, and Degraded Ecosystems. University of Georgia Savannah River Ecology Laboratory, Ninth Symposium, March 24-27, 1986, Charleston, SC. Responsible with Dr. R.R. Sharitz for (1) organization of all wetland technical sessions, (2) selection and coordination of plenary speakers, and (3) leadership of Freshwater Wetlands field trip.
- 1986. Session Chairman "Approaches For Mitigation Of Forestry Impacts To Wetlands", Technical Session held at the National Symposium On Wetlands Mitigation, Association of State Wetland Managers, October 8-10, 1986, New Orleans, LA.

Training Programs

- 1987 - 1988. Program director and lead instructor for the U.S. Environmental Protection Agency Headquarters Office of Wetlands Protection, "National Wetlands Training Program". National 1-week field-based training courses offered by the Office of Wetlands Protection, U.S. Environmental Protection Agency, Washington, D.C.
 1. March 1988: Jurisdictional Delineation of Wetland and Riparian Ecosystems in the Southwestern United States (Tucson, AZ).
 2. May 1988: Jurisdictional Delineation of Wetlands in the State of New Jersey (East Hanover, NJ). (New Jersey State Wetlands Program).
 3. June 1988: Jurisdictional Delineation of Wetlands in the Mid-Atlantic States (New Brunswick, NJ). (Private Sector Only).
 4. August 1988: Jurisdictional Delineation of Wetlands in the State of Virginia (For Virginia Institute of Marine Science, Gloucester Point, VA).
 5. August 1988: Functional Assessment Of Wetlands in the Southeastern U.S.: The National and Bottomland Hardwood Wetland Evaluation Techniques (Galveston, TX).
 6. September 1988: Jurisdictional Delineation of Wetlands in the North-Central U.S. (Kellogg Biological Station, Hickory Corners, MI).
 7. October 1988: Best Management Approaches For Silviculture in Southeastern Forested Wetlands (Savannah, GA).
 8. October 1988: Cumulative Impact Assessment in Southeastern Wetland Ecosystems: The Pearl River (Slidell, LA).

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9. June 1987: Jurisdictional Delineation Of Wetlands And Riparian Ecosystems In The American West (Reno, NV).
 10. July 1987: Functional Assessment Of Bottomland Hardwood Ecosystems in the Southeastern United States: Introduction to the "Bottomland Hardwood Wetland Evaluation Technique" and "Cumulative Impact Assessment in Bottomland Hardwood Forests" (Charleston, South Carolina).
 11. October 1987: Jurisdictional Delineation Of Wetlands in the Southeastern United States. (University of Georgia Marine Institute, Sapelo Island, GA).
 12. November 1987: Functional Assessment of Wetland and Riparian Ecosystems in the American West. (Ft. Collins, CO).
- 1989 - 2004. Courses taught through National Wetland Science Training Cooperative (under L.C. Lee & Associates, Inc.) – Director and Lead Instructor
1. December 2001. The Hydrogeomorphic Approach to Functional Assessment of Riverine Waters/Wetlands in the South Coast Region of Santa Barbara County, California. (In cooperation with Santa Barbara County Flood Control & Water Conservation District & Water Agency and USEPA Region IX)
 2. May 1999. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Interior Alaska. (In cooperation with the State of Alaska Department of Environmental Conservation and USEPA Region X)
 3. March 1997. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Kenai River Watershed. Soldotna, AK. (In cooperation with the State of Alaska Department of Environmental Conservation and USEPA Region X)
 4. May 1997. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Prairie Pothole Region. Jamestown, ND. (In cooperation with the Natural Resource Conservation Service Wetlands Institute, Washington, D.C.)
 5. April 1996. The Hydrogeomorphic Approach to Functional Assessment of Wetlands of the Central California Coast. (In cooperation with Natural Resource Conservation Service Wetlands Institute), San Francisco, CA.
 6. May 1996. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Alaska, Fairbanks, AK. (In cooperation with the State of Alaska Department of Environmental Conservation and USEPA Region X).
 7. July 1995. Jurisdictional Delineation of Wetlands in the Caribbean, San Juan, Puerto Rico. (In cooperation with USEPA Region II and Puerto Rico Dept. of Natural Resources)
 8. August 1995. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Pacific Northwest (In cooperation with Natural Resource Conservation Service Wetlands Institute), Seattle, WA.
 9. September 1995. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States (In cooperation with the Natural Resource Conservation Service Wetlands Institute), Annapolis, MD.
 10. August 1994. Jurisdictional Delineation of Wetlands in Guam (in cooperation with USEPA Region IX), Guam and Republic of Palau.

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11. October 1994. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States, Annapolis, MD. (In cooperation with USEPA Region III and the Smithsonian Environmental Research Laboratory).
 12. November 1994. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Santa Margarita Watershed, San Diego, CA. (In cooperation with USEPA, Region IX)
 13. February 1993. Jurisdictional Delineation of Wetlands in American Samoa - (in cooperation with the Government of Samoa and EPA Region IX), Pago Pago, American Samoa.
 14. March 1993. Jurisdictional Delineation of Wetlands in the American West - (in cooperation with American Fisheries Society), San Francisco, CA.
 15. August 1993. Advanced Jurisdictional Delineation of Wetlands in Michigan - (in cooperation with Michigan DNR and Michigan State University and U.S. EPA Region V), Kellogg Biological Station, MI.
 16. February 1992. Beyond WET: Functional Assessment of Wetlands in the Southeastern US - (in cooperation with U.S. EPA, Region IV), Atlanta, GA.
 17. April 1992. An Overview of Jurisdictional Delineation of Waters of the U.S., Including Wetlands on National Forests - (for the U.S. Forest Service National Hydrology Workshop), Phoenix, AZ.
 18. June 1992. Jurisdictional Delineation of Wetlands in the State of Minnesota - (in cooperation with the State of Minnesota and U.S. EPA Region V), Minneapolis, MN.
 19. June 1992. Jurisdictional Delineation of Wetlands in the State of Minnesota - (in cooperation with the State of Minnesota and U.S. EPA Region V), Minneapolis, MN.
 20. July 1992. Jurisdictional Delineation of Wetlands in the State of Minnesota - (in cooperation with the State of Minnesota and U.S. EPA Region V), Bemidji, MN.
 21. July 1992. Jurisdictional Delineation of Wetlands in the State of Minnesota - (in cooperation with the State of Minnesota and U.S. EPA Region V), Alexandria, MN.
 22. May 1991. Jurisdictional Delineation of Wetlands in the Pacific Northwest, Seattle, WA.
 23. November 1991. Jurisdictional Delineation of Wetlands in the Pacific Northwest - (for King County Building and Land Development), Seattle, WA.
 24. October 1991. Restoration and Construction of Wetlands for Stormwater Management in the Pacific Northwest. Seattle, WA.
 25. May 1990. Jurisdictional Delineation of Wetlands in the Mid-Atlantic States, Annapolis, MD.
 26. May 1990. Jurisdictional Delineation of Wetlands in Pennsylvania, State College, PA.
 27. June 1990. Jurisdictional Delineation of Wetlands in the Pacific Northwest, Seattle, WA.
 28. August 1990. Jurisdictional Delineation of Wetlands in the Southeastern United States, Charlotte, NC.
 29. August 1990. Jurisdictional Delineation of Wetlands in the American West, Reno, NV.
 30. April 1989: Jurisdictional Delineation of Wetlands in the Southeastern U.S. (Mobile, AL).

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31. May 1989: Jurisdictional Delineation of Wetlands in the Mid-Atlantic States (New Brunswick, NJ).
 32. July 1989: Best Management Approaches For Silviculture in Non-Tidal Wetlands of Maryland. (Salisbury, MD). (In cooperation with the Maryland Department Of Natural Resources, Maryland Forest, Park And Wildlife Service, and the Society Of American Foresters).
 33. August - November 1989: Jurisdictional Delineation of Wetlands in the Chesapeake Bay Region (Seven one-week courses offered in cooperation with USEPA Region III, the U.S. Army Corps of Engineers, U.S. Fish And Wildlife Service, and U.S. Soil Conservation Service - Federal Ad Hoc Wetlands Group - Chesapeake Bay Program) - Harrisburg, PA; State College PA; Pittsburgh, PA; Annapolis, MD; Easton, MD; Laurel, MD; Richmond, VA.

Discipline/Specialty

- Ecosystem restoration
- Endangered species regulatory assistance & recovery
- Quality Assurance/Quality Control
- Project Management
- Rare plant biology, management, & regulatory assistance
- Waters/Wetlands ecosystem restoration
- Waters/Wetlands regulatory assistance and training

Education

- Ph.D., Wildland Resource Science (Plant Evolutionary Ecology), University of California, Berkeley, 1985
- M.S., Wildland Resource Science (Plant Evolutionary Ecology), University of California, Berkeley, 1980
- B.A., Social Anthropology (Ethnobotany), cum laude, Harvard University (Radcliffe College), 1976

Professional Training

- 40 Hour OSHA Hazwoper Certification (2004)
- OSHA Site Supervisor Training (2005)
- 8 Hour OSHA Hazwoper Refresher (2005)

Safety/Certifications

- First Aid/ CPR, 2005

Summary of Qualifications

Dr. Peggy L. Fiedler has 30 years of experience in field research and teaching in ecology and evolutionary biology and waters/wetlands ecosystem restoration. Her current interests are focused on designing plant community types in mega diverse floras for ecosystem restoration, applying population viability models and metapopulation theory to the reintroduction of rare plant species, understanding demographic patterns of rare plants, including hybrid taxa, and improving monitoring protocol in wetland ecosystem restoration.

Dr. Fiedler is recognized internationally as an expert on rare plant biology and on the genus *Calochortus* (Liliaceae). Her primary research has focused on the demography, evolution, and systematics of *Calochortus*, in particular, the biology and phylogeny of its rare species. Her dissertation work on the comparative demography of rare and common *Calochortus* species is one of a few early comparative studies that established transition matrix analysis as a primary tool for assessing population viability for species of conservation concern. She has coauthored treatments of this genus for the *Jepson Manual: Higher Plants of California* (Hickman 1993), *the Flora of North America* (2002), and *the Oregon Flora Checklist* (Oregon State University, in press). During the last decade, Dr. Fiedler has focused on the population biology and life history characteristics of several rare wetland plants in the San Francisco Bay and Golden Gate Estuary.

In addition to her rare plant expertise, Dr. Fiedler is a recognized expert in California waters/wetlands science. Under the auspices of the USEPA, Dr. Fiedler, along with two collaborators in California, developed a methodology for the classification and description of wetlands in the coastal watersheds of central and southern California. This work represents the first comprehensive inventory of wetlands in a discrete biogeographic province of the state, and serves as a model for wetland ecologists interested in documenting and protecting the rich wetland heritage of California. Under a second USEPA grant, Dr. Fiedler extended this methodology in draft form to seasonal (vernal) waters/wetlands ecosystems in the state. In the early 1990s, she authored a plant identification book on common wetland plants for the Great Valley, published by the U.S. Army Corps of Engineers (USACE), Sacramento District.

Between 1987 and 2000, Dr. Fiedler served on the faculty of the Biology Department of San Francisco State University (SFSU) as Professor of botany and conservation science. She taught undergraduate and graduate courses in conservation biology as well as courses in general biology, plant ecology, systematic biology, organic evolution, ethnobotany, and population modeling. Dr. Fiedler also directed the graduate program in conservation biology, the first masters degree program of its kind in the nation. Dr. Fiedler resigned as full Professor in fall 2000.

In 1998, Dr. Fiedler was awarded a Fulbright Senior Scholar Fellowship to collaborate with Dr. Stephen D. Hopper, formerly the CEO of Kings Park & Botanic Garden, Perth, Western Australia. Their work examined the population dynamics of hybrid speciation. Dr. Fiedler is a Fellow of the California Academy of Science (inducted 1992), and was awarded the inaugural Larry Heckard Fellowship, Jepson Herbarium, University of California, Berkeley in 1995. She is a member of Sigma Xi (1992), and the National Forestry Honor Society, Xi Sigma Pi (1979).

Dr. Fiedler has written extensively, with more than 50 published journal articles, book chapters, taxonomic treatments, research papers, and books. Dr. Fiedler is the lead editor for two anthologies on conservation biology (1992, 1996), and is the author of a book for the lay public on the biology of rare plants in California, illustrated by Ms. Catherine Watters.

Professional Experience

Rare Plant Biology

Worked for the restoration and recovery of rare plant species in California for nearly 30 years. In 1988, conducted a state-wide survey of the efficacy and overall success of mitigation-related projects for state-listed rare plant species for the California Department Fish & Game. This work illustrated that most rare plant mitigation efforts were inadequate to protect state-listed species. Initial field research on rare plants, however, focused on liliaceous taxa. Received several research contracts and grants at San Francisco State University to continue work on the genus *Calochortus*. Most notable were those from the U.S. Forest Service (Sequoia National Forest [California], Ochoco National Forest [Oregon]) to understand the population viability and genetic diversity of two rare mariposa lilies, Greenhorn mariposa lily (*Calochortus westonii*), and Peck's mariposa lily (*Calochortus longebarbatus* var. *peckii*), respectively.

More recently, documented the geographic distribution and life history characteristics of wetland plants throughout the Sacramento-San Joaquin Delta and the Golden Gate Estuary. Since 1989, mapped the distribution, described habitat characteristics, and studied the (meta) population dynamics of Mason's lilaeopsis (*Lilaeopsis masonii*), a rare umbel (Apiaceae) throughout the region. Initial work was conducted with graduate students while a professor at SFSU. Current work on Mason's lilaeopsis is conducted under contract to the Napa County Flood Control & Water Conservation District. In 2000, was retained to map, monitor, and recommend mitigation measures for *Lilaeopsis* populations within a 6-mile reach of the Napa River. The mitigation design was required due to unavoidable impacts to rare plant populations as a result of the flood control project. Fiedler and her colleagues designed a state-of-the-art rare plant habitat restoration, which was to be implemented in 2004. Responsibilities include project management, field work, training of survey crews, data analysis, report production, and client interface.

In the 1980's, was involved in several tropical wet forest projects, including research on the community dynamics of tropical cryptogams and ferns in the Monteverde Cloud Forest Reserve of Costa Rica. While at the University of California, Berkeley, also participated in a large multi-year project to develop the vegetation history of Muir Woods National Monument. Responsibilities included aerial photography interpretation, ground truthing, field verification of the vegetation mapping effort, graphics, as well as assistance in report writing and production.

Waters/Wetlands Ecology

Project experience includes waters/wetlands ecosystem restoration design; regulatory assistance including routine wetland delineations and attendant federal, state, and local and permitting; restoration site assessments; rare plant surveys; expert testimony; waters/wetlands ecosystem restoration construction

oversight; and, compliance monitoring. Management responsibilities include marketing, personnel issues, project management, and budget development and oversight. National client base includes public entities, federal agencies, non-profits, and private individuals.

Specific waters/wetlands and rare plant project experience has been focused on the San Francisco Bay Area and along the coast of California, from the city and county of San Francisco south to San Diego. The most well-known waters/wetlands restoration project in this region is the Calera Creek Wetland & Riparian Ecosystem Restoration Project in the City of Pacifica, California, initiated in 1994. This project involved nearly 17 acres of waters/wetlands riverine ecosystem restoration associated with the siting of a new wastewater facility and the restoration of endangered species habitat (San Francisco garter snake [*Thamnophis sirtalis tetrataenia*] and California red legged frog [*Rana aurora draytonii*]). Served as the co-project manager and was responsible for environmental planning, permitting, grant procurement, mitigation design, endangered species issues, stream design, stream native plant propagation, endangered species survey, construction supervision, and compliance monitoring of this riparian waters/wetland restoration on California's north-central coast.

A second large waters/wetlands restoration project along the central coast of California for which Dr. Fiedler was the co-project manager is the San Pedro Creek Flood Control and Wetland Ecosystem Restoration Project, also in the City of Pacifica, California. This 10-acre flood control and waters/wetlands restoration project was initiated in 1989, and continues in the compliance monitoring phase to the present. The project was of particular significance because the restoration of ecosystem functions for one of the rarest wetland types, i.e., tidally influenced riverine waters/wetlands along the Pacific coast, was accomplished. Responsibilities included environmental planning, permitting, grant procurement (over US\$250,000 in public funds), tidally influenced riverine waters/wetlands restoration design, endangered species (Steelhead [*Oncorhynchus mykiss*], California red-legged frog) habitat restoration, construction observation, endangered species salvage and relocation, archeological resources, construction oversight, and compliance monitoring development.

Served as principal ecologist for two projects whose purpose was endangered species habitat restoration. The Capistrano Bridge Fish Passage Project, City of Pacifica, California, is a waters/wetlands ecosystem restoration that focused on the rescue, design, and environmental planning and permitting of a custom fish passage (step pool complex) for the endangered species, Steelhead and the California red-legged frog (*Rana aurora draytonii*) habitat restoration. She was instrumental in the emergency rescue of steelhead, environmental planning, permitting, grant procurement, and temporary construction oversight. The Seasonal Waters/Wetlands Restoration at the Stanford University Foothill Reserve, Stanford University, Palo Alto, California, involved the restoration of degraded riverine waters/wetlands as well as enhancement and creation of depressional habitat for the California tiger salamander (*Ambystoma californiense*). Assumed a primary role in federal, state, and local environmental planning, restoration design, permitting, plant salvage, and assistance in establishment of a native plant nursery, and construction oversight at the Stanford University Reserve.

Professional Affiliations

- American Society for Plant Taxonomists, Chair, Environment & Public Policy Chair (1996 – 1998)
- Biological Conservation
 - Associate Editor for North America (1992 – 1995)
 - Editorial Board Member (1995 – 1998)

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- California Botanical Society
 - President (1993 – 1994)
 - First Vice Present (1987 – 1988)
 - Board Member (1995 – 1997)
 - Member (1977 - Present)
 - California Native Plant Society Rare Plant Scientific Advisory Committee (1990 – 1993)
 - Executive Council, Center for Ecosystem Survival (1994 – 2000)
 - Society for Conservation Biology
 - Associate Editor for Book Reviews (2000 – Present)
 - Ad hoc Assigning Editor (2000 – Present)
 - Member (1987 – Present)
 - Society for Ecological Restoration (2006 – Present)
 - Society of Wetland Scientists (2006 – Present)

Awards/Fellowships

- Fulbright Senior Scholars Program Research/Teaching Fellowship (August – December 1998). Collaborative work with Dr. Stephen D. Hopper, Kings Park & Botanic Garden, Perth, Western Australia.
- Larry Heckard Fellowship, Jepson Herbarium, University of California, Berkeley (1995 – 1996)
- Fellow, California Academy of Science (Inducted 1992)
- Sigma Xi (Inducted 1992)
- Xi Sigma Pi (National Forestry Honor Society, Inducted 1979)

Grants/Contracts Awarded

- Environmental Protection Agency Grant, Development of Unified Classification for Vernal Pool and Related Wetland Ecosystems (SFSU 1998-1999)
- Natural Heritage Division, California Department of Fish and Game, Unified Classification of Vernal Pools and Related Wetlands (SFSU 1998-1999)
- Shell Oil Spill Litigation Settlement Restoration and Recovery of Mason's *Lilaeopsis* (*Lilaeopsis masonii*) (SFSU 1992-1995)
- U.S. Forest Service Cost-Share Grant (Ochoco National Forest): Molecular Genetics of *Calochortus longebarbatus* var. *peckii* (SFSU 1993-1994)
- Affirmative Action Professional Development Award (SFSU 1991)

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- USEPA, Near Coastal Waters Program: Wetlands of the Central and Southern California Coast and Coastal Watersheds: A Methodology for the Description and Classification (SFSU 1991-1994)
 - U.S. Forest Service Cost-Share Grant (Sequoia National Forest): Long-term Demography of *Calochortus westonii* (SFSU 1991-1996)
 - California Department of Fish and Game Endangered Species Tax Check-off Grant: Status of *Lilaeopsis masonii*, A California Rare Plant Species (SFSU 1989-1991)
 - California Department of Fish and Game Endangered Species Tax Check-off Grant: Review of Efficacy of Mitigation for State-Listed Rare Plant Species (SFSU 1989-1991)
 - Elvenia J. Slossen Fellowship, University of California, Berkeley ([UCB] 1981 – 1984)
 - Department of Forestry & Resource Management UCB travel grant (1980)
 - Center for Latin American Studies, UCB travel grant (1979)
 - Graduate Division UC Berkeley travel grant (1979)

Employment History

- ENTRIX, Inc., Senior Consultant/Principal Scientist, January 2006 - Present
- Blasland, Bouck & Lee, Inc., Senior Scientist II/Associate, June 2004 – January 2006
- L.C. Lee & Assoc., Inc., Senior Scientist, March 2000 – June 2004
- National Wetland Science Training Cooperative, L.C. Lee & Associates, Inc., Scientist, September 1989 – June 2004
- San Francisco State University, Biology Dept., Professor, May 1997 – August 2000
- San Francisco State University, Biology Dept., Associate Professor, August 1993 – May 1997
- San Francisco State University, Biology Dept., Assistant Professor, August 1989 – July 1993
- San Francisco State University, Biology Dept., CA State Lottery Fund Visiting Professorship, May 1988
- San Francisco State University, Biology Dept., Lecturer/Distinguished Visiting Lecturer, August 1985 – July 1989
- San Francisco State University, Director, Graduate Program in Conservation Biology, August 1989 – August 2000
- University of California, Berkeley, Dept. of Landscape Architecture, Visiting Lecturer, Fall 1986
- Huffman & Associates, Scientist, January 1987 – June 1989

Publications

Refereed Journal Articles

- Ferren, W.R. Jr., P.L. Fiedler, and R.A. Leidy. 1996. Wetlands of California, Part I: History of wetland habitat classification. *Madroño* 43(1) Supplement: 105-124.

- Ferren, W.R. Jr., P.L. Fiedler, R.A. Leidy, L. Mertes, and K. Lafferty. 1996. Wetlands of California, Part II: Classification and description of wetlands of the central and southern California coast and coastal watersheds. *Madroño* 43(1) Supplement: 125-182.
- Ferren, W.R. Jr., P.L. Fiedler, R.A. Leidy, L. Mertes, and K. Lafferty. 1996. Wetlands of California, Part III: Key to and catalogue of wetlands of the central and southern California coast and coastal watersheds. *Madroño* 43(1) Supplement: 183-233.
- Fiedler, P.L. and R.K. Zebell. 1995. Two new combinations in *Calochortus clavatus* (Liliaceae). *Madroño* 42(3): 406.
- Fiedler, P.L. 1995. Rarity in the California flora: new thoughts on old ideas. Special edition for the dedication of the Jepson Herbarium, University of California, Berkeley. June 2-4, 1994. *Madroño* 42(2): 60-85.
- Fiedler, P.L., R.A. Leidy, R.D. Laven, N. Gershenz, and L. Sahl. 1993. The contemporary paradigm in ecology and its implications for preserving endangered species. *Endangered Species UPDATE* 10: 7-12. (Solicited manuscript for 1993 Special Issue, Vol. 10, Nos. 3-4).
- Zebell, R.K. and P.L. Fiedler. 1992. A new combination in *Calochortus* (Liliaceae). *Madroño* 39(4): 1991-1992.
- Aplet, G.H., R.D. Laven, and P.L. Fiedler. 1992. The relevance of conservation biology to natural resource management. *Conservation Biology* 6: 298-300.
- Leidy, R.A., P.L. Fiedler, and E.R. Micheli. 1992. Is wetter better? *BioScience* 42: 58-61, 65.
- Fiedler, P.L. 1987. Life history and population dynamics of rare and common mariposa lilies (*Calochortus*: Liliaceae). *Journal of Ecology* 75: 977-995.
- Fiedler, P.L. and R.A. Leidy. 1987. Plant communities of the Ring Mountain Preserve, Tiburon, California. *Madroño* 34: 173-196.
- Fiedler, P.L. 1986. Concepts of rarity in vascular plant species, with special reference to the genus *Calochortus* Pursh (Liliaceae). *Taxon* 35: 502-518.
- Leidy, R.A. and P.L. Fiedler. 1985. Human disturbance and patterns of fish species diversity in the San Francisco Bay Drainage. *Biological Conservation* 33: 247-268.
- Fiedler, P.L. 1985. Heavy metal accumulation and the nature of edaphic endemism in the genus *Calochortus* (Liliaceae). *American Journal of Botany* 72: 1712-1718.
- Fiedler, P.L. 1984. Preliminary observations on the structure of a neotropical cryptogam community. *Brenesia* 22: 247-268.
- Guerrant, E. O., Jr. and P. L. Fiedler. 1981. Flower defenses against nectar pilferage by ants. *Biotropica* 13: 25-33. (Reproductive Botany Supplement).

Taxonomic Treatments

- Fiedler, P.L. In press. *Calochortus*. Treatment of the genus for the *Jepson Manual: Higher Plants of California*. 2nd edition. TJM editorial committee. University of California Press, Berkeley (expected publication 2010).
- Fiedler, P.L. and B.D. Ness. 2002. *Calochortus*. Treatment of the genus for the *Jepson Desert Manual*. B.G. Baldwin, et al., editors. University of California Press, Berkeley, CA.

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- Fiedler, P.L. and R.K. Zebell. 2002. *Calochortus*. Treatment of the genus for the *Flora of North America*, Pp. 119-141 in Vol. 26. Published by Oxford University Press for the Missouri Botanical Garden, J. Zaruchi, convening editor. New York, NY.
 - Fiedler, P.L. and B.D. Ness. 1993. *Calochortus*. Treatment of the genus for the *Jepson Manual: Higher Plants of California*. J. Hickman, editor. University of California Press, Berkeley.

Books and Theses

- Fiedler, P.L. and P.M. Kareiva, editors. 1998. *Conservation Biology: Conservation for the Coming Decade*. 2nd edition. Chapman & Hall, New York.
- Fiedler, P.L. 1996. *Rare Lilies of California*. Illustrated by Catherine M. Watters. California Native Plant Society, Sacramento, California.
- Fiedler, P.L. and S.K. Jain, editors. 1992. *Conservation Biology: The Theory and Practice of Nature Conservation, Preservation, and Management*. Chapman and Hall, New York. 504 pp.
- Fiedler, P.L. 1985. An investigation into the nature of rarity in the genus *Calochortus* Pursh (Liliaceae). Ph.D. thesis, Department of Forestry & Resource Management, University of California, Berkeley.
- Fiedler, P.L. 1976. *Materia narcotica* of the Aztec empire. B.A. thesis, Department of Anthropology, Radcliffe College, Harvard University (awarded *magna cum laude*).

Referred Book & Symposia Chapters

- Fiedler, P.L., M. Groom, and contributing authors. 2005. Restoration of Damaged Ecosystems and Endangered Populations. Chapter 15 (pp. 553-590) in M. Groom, G. Meffe & R. Carroll, editors. *Principles of Conservation Biology*, 3rd edition. Sinauer Associates, Inc., Sunderland, MA.
- Guerrant, E. O. and P. L. Fiedler. 2004. Accounting for sample decline during ex situ storage and reintroduction. Pp. 365-384, In, E.O. Guerrant, K. Havens, and M. Maunder, editors. *Ex Situ Conservation. Supporting Species Survival in the Wild*. Island Press, Washington, D.C.
- Guerrant, E. O., P. L. Fiedler, K. Havens, and M. Maunder. 2004. Appendix 1. Revised genetic sampling guidelines for conservation collections of rare and endangered species. Pp. 419-442, In, E.O. Guerrant, K. Havens, and M. Maunder, editors. *Ex Situ Conservation. Supporting Species Survival in the Wild*. Island Press, Washington, D.C.
- Fiedler, P.L. 2001. Restoration. *McGraw Hill Encyclopedia of Science and Technology*, 9th Edition. McGraw Hill, New York, NY.
- Mitsch, W.J., P.L. Fiedler, L.C. Lee & S.R. Stewart. 2001. Wetlands. *McGraw Hill Encyclopedia of Science and Technology*, 9th Edition. McGraw Hill, New York, NY.
- Fiedler, P.L. 2001. Rarity in Vascular Plants. Pp. 2-4, In, D.P. Tibor, convening editor, *Inventory of Rare and Endangered Plants of California*. California Native Plant Society Special Publication No.1, 6th edition. Sacramento, California.
- Fiedler, P.L. 2001. Bibliography for Biology and Conservation of Rare Plants. Pp. 7-11, In, D.P. Tibor, convening editor, *Inventory of Rare and Endangered Plants of California*. California Native Plant Society Special Publication No.1, 6th edition. Sacramento, California.

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- Fiedler, P.L., B. Knapp, and N. Fredericks. 1998. Rare plant demography: Lessons from the Mariposa Lilies (*Calochortus*: Liliaceae). Pp. 28-48, In P.L. Fiedler and P. Kareiva, editors. *Conservation Biology: Conservation for the Coming Decade*. 2nd edition. Chapman & Hall, New York.
 - Skinner, M. and P. Fiedler. 1997. Plants under siege: habitat loss by man's activities. Pp. 12-16, In, P.A. Faber, editor. *California's Wild Gardens*. California Native Plant Society, Sacramento, CA.
 - Fiedler, P.L., P.S. White, and R.A. Leidy. 1997. The paradigm shift in ecology and its relevance to conservation biology. Pp. 145-160, In S.T.A. Pickett and R.S. Ostfeld, editors. *The Ecological Basis of Conservation: Heterogeneity, Ecosystems, and Biodiversity*. Chapman & Hall, New York.
 - Fiedler, P.L. and R.D. Laven. 1996. Site selection considerations in rare plant introductions. Pp. 157-169, In D. Falk, C. Millar, and P. Olwell, editors. *Restoring Diversity: Reintroducing Endangered Plants to the Landscape*.
 - Fiedler, P.L. 1994. Rarity in vascular plants. Pp. 2-3, In M. Skinner and B. Pavlik, editors *Inventory of Rare and Endangered Plants of California*. California Native Plant Society Special Publication No.1, 5th edition. Sacramento, California.
 - Fiedler, P.L. 1993. Habitat fragmentation and its demographic consequences: Overview and recommendations. Pp. 74-83, In O.T. Sandlund and P.J. Schei, editors. *Proceedings of the Norway/UNEP Expert Conference on Biodiversity*. May 24-28, 1993, Trondheim, Norway.
 - Fiedler, P.L. and J.J. Ahouse. 1992. Hierarchies of cause: Toward an understanding of rarity in vascular plant species. Pp. 23-47, In P.L. Fiedler and S.K. Jain, editors. *Conservation Biology: The Theory and Practice of Nature Conservation, Preservation, and Management*. Chapman and Hall, New York.
 - Pickett, S.T.A., V.T. Parker, and P.L. Fiedler. 1992. The new paradigm in ecology: Implications for conservation biology above the species level. Pp. 65-88, In P.L. Fiedler and S.K. Jain, editors. *Conservation Biology: The Theory and Practice of Nature Conservation, Preservation, and Management*. Chapman and Hall, New York.
 - Fiedler, P.L. 1992. Population viability analysis and the design of nature reserves: An overview. Symposium volume of the Natural Areas Association, 17th Annual Meeting, 1990.
 - Fiedler, P.L. 1992. A cladistic test of the adaptation hypothesis for serpentine endemism. Pp. 421-434, In A.J.M. Baker, J. Procter, and R.D. Reeves, editors. *The Vegetation of Ultramafic (Serpentine) Soils*. Symposium volume for the First International Conference on Serpentine Ecology, Davis, California, 1991. Intercept Ltd., Andover, UK.

Book Reviews & Popular Articles

- Fiedler, P.L. 2005. Light and Time. Review of J. Burchfield, *Primal Images. 100 Lumen Prints of Amazonia Flora*. *Journal of Conservation Biology* 19 (2).
- Fiedler, P.L. 1996. *Calochortus*. Weekly Encyclopedia Division, Publication Division, Asahi Simbun Press, Tokyo, Japan.
- Fiedler, P.L. Review of Strike, S.S. 1995. *Ethnobotany of the California Indians, Vols. 1 and 2*. *Madroño* 42(1): 88-89.
- Fiedler, P.L. 1994. Review of *Flora of North America North of Mexico. Volume I*. *Madroño* 41(2):151-153.
- Fiedler, P.L. 1991. Whither the Dugong? *Inside Magazine*. Op ed article for the San Francisco State University Alumni Magazine, March/April, 1991.

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- Fiedler, P.L. 1991. Species threatened around the globe. *San Francisco Chronicle*, February 22, 1991, p.A25.

Work in Press

- Fiedler, P.L., M.E. Keever, B.J. Grewell, and D.J. Partridge. 2006. Rare Plants in the Golden Gate Estuary (California): The Relationship between Scale and Understanding. *Australian Journal of Botany* Special publication, 2006.

Published Abstracts/Presented Papers/Presented Posters

- P.L. Fiedler, D. Partridge, M. Keever, E. Inlander. 2003. Geographic distribution and population parameters of the endangered Suisun thistle (*Cirsium hydrophilum* var. *hydrophilum*) (Asteraceae) at Rush Ranch. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003.
- D. Partridge, P.L. Fiedler, & M. Keever. 2003. Restoration design for a metapopulation, *Lilaeopsis masonii*, in the Lower Napa River Ecosystem. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003.
- L.C. Lee, P.L. Fiedler, J. Gage, M. Keever, A.E. Launer, and S. Anderson. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - I. Design & implementation. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003.
- S. Anderson, A.E. Launer, P. Oliveira, L.C. Lee, P.L. Fiedler, J. Gage, and M. Keever. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - II. Performance criteria and assessment. 2003. Restoration design for a metapopulation, *Lilaeopsis masonii*, in the Lower Napa River Ecosystem. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003.
- Fiedler, P.L., L.C. Lee, and S. Holmes. 1999. Continuity in urban stream restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.
- Cassin, J., Fiedler, P.L., and L.C. Lee. 1999. The importance of weeds control in wetland restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.
- Fiedler, P.L., L.C. Ellis, L.C. Lee, and M.C. Rains. 1997. Development of a monitoring plan for restored riverine waters/wetlands along the central California coast using HGM wetland functional assessment: The Calera Creek Project. Meeting of the Association of State Wetland Managers, March 10-13, 1997, Annapolis, Maryland.
- Ellis, L.R., L.C. Lee, P.L. Fiedler, and M.C. Rains. 1995. Use of the hydrogeomorphic approach to assess wetland functions and design restoration of riparian wetlands along the central California coast. 1995 Annual Meeting, Society for Ecological Restoration, September 14-18. Seattle, Washington.
- Zebell, R.K., C. Orrego, and P.L. Fiedler. 1994. DNA sequence data for two rare western North American plants confirm their disparate times of origin. Poster presented at the AAAS, Pacific Division, 75th Annual Meeting, San Francisco. June 19-23, 1994.
- Ferren, W.R. and P.L. Fiedler. 1992. Rare and threatened wetlands of coastal central and southern California. Southern California Academy of Sciences Annual Meeting, May 1-2, 1992, Occidental, California.
- Fiedler, P.L. 1991. Population viability analysis and the design of nature reserves: An overview. Natural Areas Association, 17th Annual Meeting Symposium Volume, Concord, CA, 1990.

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- Fiedler, P.L. 1988. Affinity analysis of landscape level diversity as an assessment tool in wetland creation and restoration science. Society of Wetland Scientists Ninth Annual Meeting, Washington, D.C.
 - Fiedler, P.L. 1986. Taxonomic considerations for rare plant species. California conference on rare and endangered plant species. California Native Plant Society, Sacramento, CA.
 - Fiedler, P.L. 1984. Demographic patterns of rare and common *Calochorti* Pursh (Liliaceae). Bulletin of the Ecological Society 65: 146.
 - Fiedler, P.L. 1984. Biological aspects of rarity in the genus *Calochortus* Pursh (Liliaceae). American Journal of Botany 71: 77.

Unpublished Technical Reports

- Ferrari, V.C., R. Zebell, and P.L. Fiedler. 1996. Final Report. Molecular Genetics of *Calochortus longebarbatus*. Report submitted 10 June 1996 to the U.S. Forest Service, Ochoco National Forest, Prineville, Oregon. 13 pp.
- Zebell, R.K. and P.L. Fiedler. 1996. Final Report. Restoration and Recovery of Mason's Lilaepsis. Phase II. Report submitted April 11, 1996 to the Shell Oil Litigation Settlement Trustee Committee and the Endangered Plant Program, Natural Heritage Division, California Department of Fish and Game. 50 pp.
- Ferren, W.R., Jr., P.L. Fiedler and R.A. Leidy. 1995. Wetlands in the Central and Southern California Coast and Coastal Watersheds: A Methodology for the Description and Classification. Final report submitted to the U.S. Environmental Protection Agency, 6 February 1995. 900+ pp.
- Fiedler, P.L. and R.K. Zebell. 1993. Final Report. Restoration and Recovery of Mason's Lilaepsis. Phase I. Report submitted October 28, 1993, to the Shell Oil Litigation Settlement Trustee Committee and the Endangered Plant Program, Natural Heritage Division, California Department of Fish and Game. 47 pp. + Appendix A.
- M. Golden and P.L. Fiedler. 1991. Final Report of the Habitat for *Lilaepsis masonii* (Umbelliferae), A California State-Listed Rare Plant Species. Report submitted June 3, 1991, to the Endangered Plant Program, Natural Heritage Division, California Department of Fish and Game. 72 pp. + Appendices A - E.
- Fiedler, P.L. 1991. Final Report. Mitigation-Related Transplantation, Relocation, and Reintroduction Projects of Endangered, Threatened, and Rare Plant Species in California. Report submitted June 14, 1991, to the Endangered Plant Program, Natural Heritage Division, California Department of Fish and Game. 82 pp. + Appendices A - C.
- Fiedler, P.L. and R.A. Leidy. 1987. Ecological survey of the proposed Antelope Creek Lakes Research Natural Area. U.S. Forest Service, Pacific Southwest Experiment Station, Berkeley, California.
- Fiedler, P.L. 1986. The California Rare Plant Monitoring Methodology: Development and Demonstration. Department of Engineering Research, Pacific Gas and Electric Company, San Ramon, California.
- Fiedler, P.L., N.W. Carnal and R.A. Leidy. 1986. Ecological survey of the proposed Green Island Lakes Research Natural Area. U.S. Forest Service, Pacific Southwest Experiment Station, Berkeley, California.
- Fiedler, P.L. 1985. Rare and invasive plants on the Ring Mountain Preserve, and recommendations for their management. The Nature Conservancy, San Francisco, California.
- Fiedler, P.L. 1985. Ecological survey of the proposed Jawbone Ridge Research Natural Area. U.S. Forest Service, Pacific Southwest Experiment Station, Berkeley, California.

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- Fiedler, P.L. 1984. Recommendations for the management of *Calochortus striatus* Parish (Liliaceae) on the Kern River Preserve. The Nature Conservancy, San Francisco, California.

Selected Invited & Accepted Lectures (last 10 years)

2005:

- Flora Conservation Symposium, Conservation and Land Management, Perth, Western Australia.. Lecture tentatively entitled: "Rare Plants in the Golden Gate Estuary (California): The Relationship between Scale and Understanding." (October 2005).

2000:

- Chicago Botanic Garden Symposium Series, *Rare Plant Biology*. Lecture entitled: "Rare Plant Demography" (September 2000) Chicago, IL.

1999:

- Center for Plant Conservation/Chicago Botanic Garden Symposium on *Ex Situ Conservation: Strategies for Survival*. Lecture entitled: "How can the Genetic Guidelines for Seed Collection be Improved?" (Given by coauthor E.O. Guerrant). Chicago, IL.

1998:

- Stanford University, Restoration Ecology graduate seminar series. Lecture entitled: "Calera Creek: A Case Study of Riverine Ecosystem Restoration." Stanford, CA.
- University of California, Berkeley, Department of Environmental Science, Policy and Management Wildlife Seminar Series. Lecture entitled: "Restoration of riverine ecosystems along California's central coast." Berkeley, CA.

1997:

- Colorado State University Student Chapter of the Society for Conservation Biology. Lectured entitled "What do we really know about the demography of rare plants?" Fort Collins, Colorado.

1995:

- Cary Conference, Institute of Ecosystem Studies. "Linking Ecology and Conservation: Patchiness, Productivity and Biodiversity." Lecture entitled "The Paradigm Shift in Ecology and Its Relevance to Conservation Biology." May 1995, New York Botanical Garden, Millbrook, New York.
- Fourth International Botanical Gardens Conservation Congress, Perth, Australia. "Reaching Out - Botanic Gardens and Conservation into the 21st Century." Two lectures co-authored with Dr. Bruce Pavlik: Botanic Gardens and Rare Plant Conservation I: Two Outsiders's Retrospective (Pavlik and Fiedler), and II: Two Outsiders' Prospective (Fiedler and Pavlik). September 25-29, 1995.

Expert Testimony

- 2002-2003. Expert witness for the U.S. Justice Department, wetland jurisdictional litigation. United States v. Abeldgaard et al., United States District Court, District of Alaska, Court # A01-378 CV(RRB).
- 1987-88. Expert witness for the U.S. Justice Department, wetland jurisdictional litigation. Leslie Salt Co. v. United States (N.D. Calif. No. C-85-8615-CAL); United States v. Leslie Salt Co. (N.D. Calif. No. C-86-4187-CAL)

W15c

**Another Problem in the
Wetlands Delineation**

Renwick E. Curry, PhD
Terrace Point Action Network

April 12, 2006

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CENTRAL COAST AREA

Introduction

- There are many problems and points of contention in the HBG wetlands report
- Here we focus on one very important one:

*Unreliability of HBG field
observations of soil moisture*

- This is important because they place heavy emphasis on these data

There are many problems and points of contention in the production of the HBG wetlands report. Most of these were completely ignored in the response to DEIR comments.

This presentation will discuss one of these problems, the unreliability of the field observations of soil moisture. This is extremely important because they place a major emphasis on this information.

Calibration of HBG Field Observations

- Hundreds of subjective soil observations were made in the field
 - “Saturated”, “Very Wet”, “Wet”, etc
- Only afterward was there an attempt to calibrate these in the lab by “Percent Maximum Water Capacity”

There are more than 100 sample points used in the various delineations done by HBG. Each one of these was sampled many times.

Subjective grades of soil moisture were given at various depths at many of these sample points, and these assignments were done repeatedly. The grades were descriptive terms such as “Saturated”, “Very Wet”, “Wet”, “Moist-Wet”, and “Moist”.

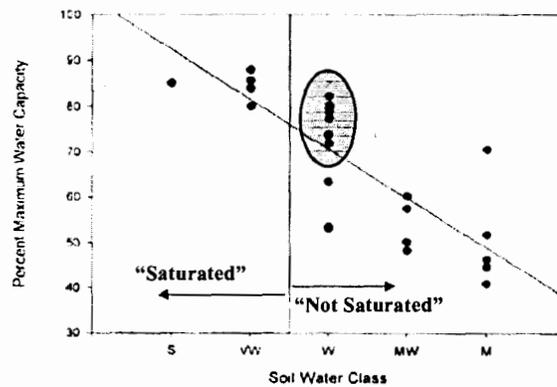
Sample points with “Saturated” or “Very Wet” were declared saturated by HBG, thus in the wetlands class.

It wasn't until after all these readings were taken, and wetlands/uplands assignments made, that the science came into play. 24 of these samples were subjected to laboratory analysis which provided the “Percent of Maximum Saturation” for each of these samples.

Calibration Results

(Dixon Memo)

Relationship Between Soil Water Classification
and Measured Water Content

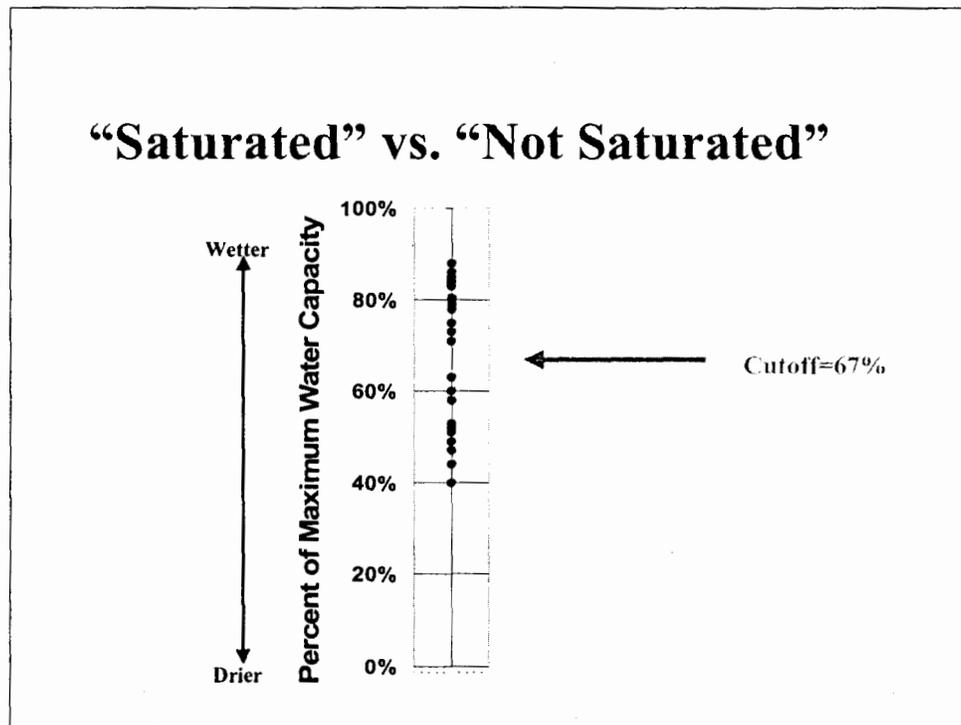


This chart is from the John Dixon memo submitted for this hearing. It shows the Percent Maximum Water Capacity versus 5 of the subjective classes assigned in the field.

HBG decided that only "S" (Saturated) and "VW" (Very Wet) classes were to be declared "Saturated". These are the sample points to the left of the vertical line moist. Points to the right, because they were in the other classes, were declared "Not Saturated".

You can see the problem here. There is an extraordinary amount of intra-class variability, a point made by John Dixon. What he did not say was that this variability leads to a large percentage of points in the "W" class, circled, which are misclassified.

“Saturated” vs. “Not Saturated”



Suppose we plotted all points without regard to the assigned class. This is equivalent to “squishing” the previous chart from each side so that all points fall on the same Percent Saturation vertical axis.

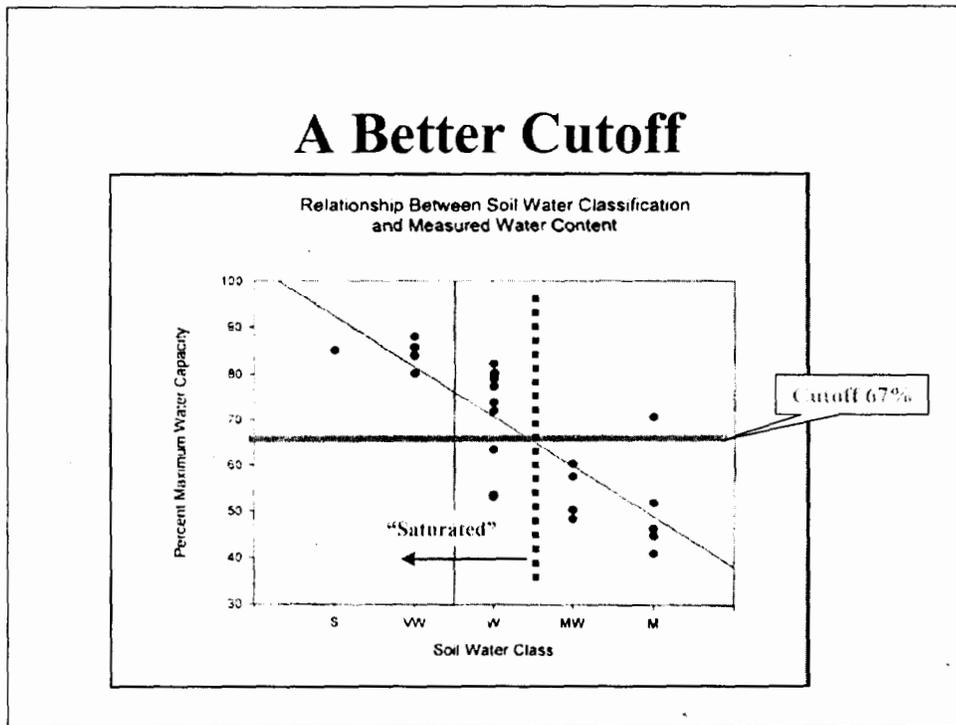
This is the ideal number that should be used as an indicator of soil saturation. Points at the top of the graph are more saturated, points at the bottom are less saturated.

So where do we draw the cutoff line?

Common sense, and the mathematics of cluster analysis, tell us to put the cutoff in the middle of the biggest gap between groups. That is approximately 67%.

To see what that means to the field class assignments, we return to the Dixon graph.

A Better Cutoff



Using the 67% cutoff clearly makes more sense when considering the percent saturation.

But what about the field-assigned classes ?

The only way to make a better assignment of "Saturated" vs. "Not Saturated" using the previously assigned classes is to make the top three classes an indicator of saturated soil. The lab results tell us so.

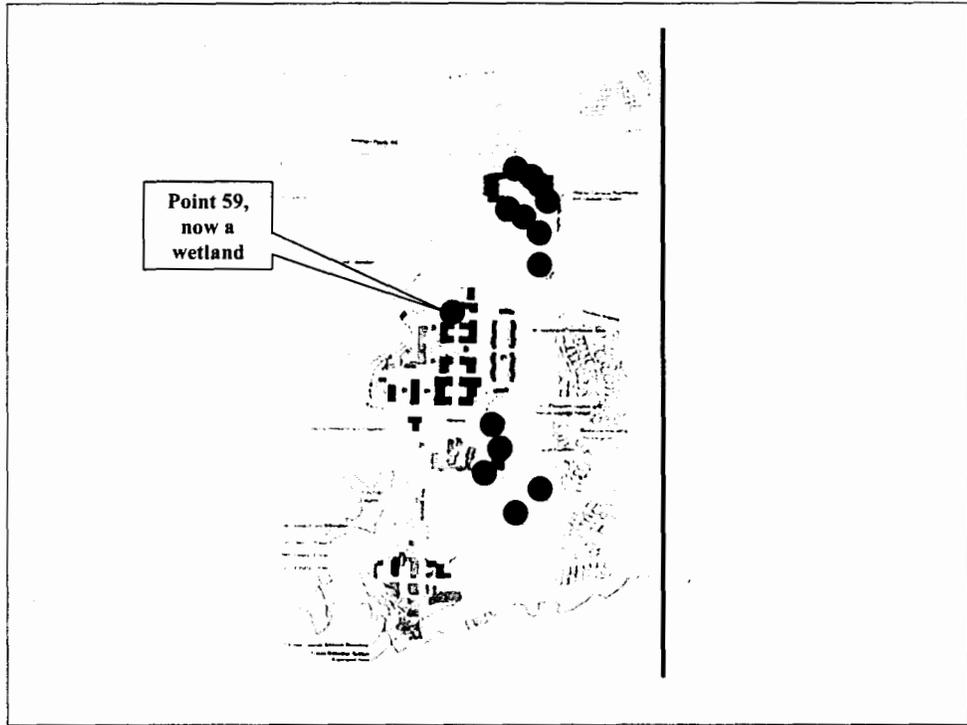
This is indicated by the red dotted line: The three classes to the left "S", "VW", "W" should be declared saturated, the others are not.

A Logical Classification

- Using the 67% cutoff, Phase III sample points with “S”, “VW”, and “W” in the root zone should be wetlands
- This created new “wetland” sample points on Terrace Point
- These are shown with their 100 foot buffers

The Phase III data points were reviewed using the data sheets in the HBG report. If there was an assignment of “S”, “VW”, or “W” in the root zone, then the point was designated as “saturated”, and therefore a wetland.

The sample points which satisfy this criterion AND which lie outside an existing wetland, are 5,12,12b,13,23,32,33,35b,39,44,45,48,56,57,59, and IIIA.



This map shows the new wetland points superimposed on the draft land use plan.

Summary

- The HBG methodology has many problems
- A major one is the unreliable classification of soil moisture
 - Unfortunately, they place a major emphasis on this measurement
 - Using the top 3 classes as “Saturated” is more meaningful
 - This leads to many new points with saturated soils, thus wetlands
- Terrace Point deserves a more reliable and consistent analysis
- Do not approve these development zones

There are many problems with the HBG wetlands methodology as applied to Terrace Point

A major one is the unreliability of the field assignment of soil moisture grades. The laboratory analysis provides “TRUTH”, and shows that there is a large amount of variability and incorrect assignment.

To show the impact of this unreliability, we increased the number of classes used to designate which soil is “saturated”. But this leads to new points declared as wetlands outside the existing delineation.

Terrace Point is a unique location, but its wetlands are not all that complex. Regardless, the unreliability of the HBG method of assigning a soil moisture grade is unacceptable. This location deserves a better analysis than this.

The current development zones should not be approved because of the uncertainty associated with the current delineation.

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CENTRAL COAST AREA

David G. Eselius
1312 Laurel Street
Santa Cruz CA 95060

April 10, 2006

To: California Coastal Commission – members
Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

cc: Chancellor Denice D. Denton, UCSC Chancellor
UCSC LRDP/CLRDP, Comment, lrdp-eir@ucsc.edu
Sam Farr, Member of Congress, 17th District California
Joe Simitian, 11th Senate District
John Laird, 27th Assembly District
Sean Walsh, Director Office of Planning and Research (OPR)
Santa Cruz County Supervisors, members
Cynthia Mathews, Santa Cruz City Mayor
Santa Cruz City Council, members
CLUE
Santa Cruz *Sentinel*

Subject: California Coastal Commission Public Hearing April 12, 2006
Item W15c, UCSC-CLRDP, UCSC Marine Science Campus

Dear: California Coastal Commission

This letter is intended to highlight the actions that must be taken in anticipation of University of California Santa Cruz's (UCSC) long-range growth, from 140,000 sq. ft. to 700,000 sq. ft., of UCSC Marine Science Campus, which is located upon the coastline of Santa Cruz County California. This issue is scheduled to be addressed within your Public Hearing of April 12, 2006, Item W15c.

Until UCSC, Santa Cruz County, and Santa Cruz City can resolve the identified concerns regarding UCSC long-term growth vs. regional infrastructures, the California Coastal Commission is requested to take NO ACTION regarding UCSC's Coastal Long Range Development Plan (CLRDP).

UCSC's management of Long Range Development Planning (LRDP) practices have resulted in "piecemealing" of California Environmental Quality Act (CEQA) legally required environmental filings. This piecemealing of university, county, city infrastructures, and cultural resources of national significance has resulted breaches of the public trust of the UC long-range planning process.

Under state and federal laws interpretations, to avoid piecemealing environmental considerations, the existing UCSC LRDP and LRDP EIR are to be revised to more disclosing and to include all affected UCSC campuses:

- UCSC Main Campus 2,000 +/- acre site
- UCSC Marine Science Campus 40 +/- acre site
- proposed build up of the UCSC Texas Instruments 18.5-acre site

UCSC Maine Campus plans to grow from 15,000 to 21,000 students and from 4,077 to 5,600 faculty and staff, over 15 years (2005-2020). UCSC Marine Science Campus facilities are to grow from 140,000 sq. ft. to 700,000 sq. ft. UCSC Texas Instruments site employment is expected to expand from 159 workers, the

current number, to 760 workers. The piecemealing of UCSC campus growth will result in the overwhelming of Santa Cruz city's infrastructures. Something has to be done to correct the situation.

The new UCSC *CEQA Master Environmental Assessment* and *CEQA Master EIR* long-term planning environmental impact assessment are to identify properly at least the following UCSC growth relationships to Santa Cruz County and cities:

- Transportation/Traffic
- Water
- Housing
- Economic
- High-order natural environment
- Cultural Resources (with specificity concerning the historical cultural resources of ca. 1791-1961 Cowell Home Ranch lime production kilns, quarries, trails, and ranching, 12,000 +/- acres)

It is acknowledged that the community surrounding UCSC is responsible for providing the common infrastructure. UCSC is responsible for contributing its fair share to the development of essential infrastructures. The current process of Santa Cruz City's withholding water and transportation/traffic improvements has not affected limiting UCSC growth, Santa Cruz City growth, or county growth. The north county political coterie's handling of the providing of infrastructure development has only adversely affected the regional residential quality of life.

Since the 1980s, UCSC has inadequately represented campus and county resources within CEQA-EIRs. I believe that these UCSC's CEQA-EIR omissions and ambiguities indicate a calculated piecemealing of UCSC campus growth and has shortchanged the County/City of Santa Cruz by not properly identifying its impact upon water, transportation/traffic, historic cultural resources, surrounding high-order natural environment, housing, local economy, refuse/recycling, and sanitary sewer services.

UCSC is only a part of an unchanging multibillion-dollar UC Regents operation of a taxpayers business (i.e., higher education). UCSC growth will continue to expand, without: a viable Long-Range Development Plan (*LRDP*), an appropriate *CEQA Master Environmental Assessment*, or *CEQA Master EIR*. If there is no lawsuit to protect the resources of the community, the existing modus operandi of using *CEQA Project EIRs* to mask assessment of the true environmental impact upon Santa Cruz County resources will continue. Actions of the local politicians and the north county political coterie are also counter productive when it comes to providing for the local community infrastructures.

State and National Environmental Acts – Several State and Federal acts apply to UCSC's growth/expansion. All state agencies must comply with the same set of Federal and State environmental laws. Over the last 20 years, UCSC continues to act defiantly of the following acts:

- NEPA -- National Environmental Policy Act
- CEQA -- California Environmental Quality Act
- CEQA-EIR – CEQA requirements for Environmental Impact Reports (EIR)
- NHPA -- National Historic Preservation Act
- NHPA Section 106 – Section 106 of NHPA

This author, upon request, will provide additional specific concerns regarding the accusation of county/cities/university under-whelming management, and less than adequate exercising of public trust fiduciary responsibilities, of specific Santa Cruz County/Cities environmental and infrastructure resources.

A recent Santa Cruz Sentinel opinion has identified a portion of the piecemealing affect upon Santa Cruz County and Santa Cruz City.

The long history of lies and distortions by university officials regarding the town-gown relationship has run its course and it is time that the community took effective action to prevent this disastrous proposed growth plan from coming into reality.

Attachment I

CEQA Guideline -- Legal, Overview, Technical, and Lead Agency -- The proposed UC long-range CEQA planning sequence is identified within the *Guidelines for Implementation of the California Environmental Quality Act*.

Legal -- Piecemealing is a process of chopping of a large project into many little ones---each little project with a potential impact on the environment---which cumulatively may have disastrous consequences.

As a general rule, an environmental document such as an EIR must describe the entirety of a project, including reasonably foreseeable future actions that are part of the project (14 CCR & 15378 (a); *Laurel Heights Improvement Association v. Regents of U.C.* (1988) 47 Cal.3d 376, 395 ("Laurel Height I")). The California Environmental Quality Act and the National Environmental Policy Act ("CEQA/NEPA") both protect against environmental considerations by "...chopping a large project into many little ones----each with a ...potential impact on the environment---which cumulatively may have disastrous consequences" (i.e., piecemealing) (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452).

Overview -- Proper application CEQA procedures for UCSC long-term planning is comprised of developing the following: *CEQA Master Environmental Assessment*, *UCSC Master LRDP*, *CEQA Master EIR*, and *CEQA Project EIRs*.

- ***CEQA Master Environmental Assessment*** shall identify and organize UCSC and Santa Cruz County/cities regional environmental information. The *Master Environmental Assessment* will contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. The Assessment will include; identification of existing levels of quality and supply of county/cities/university air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.
- A new ***UCSC 2005-2020 Master LRDP***, is to plan campus development and identify relevant environmental elements, contained within the *CEQA Master Environmental Assessment* for UCSC Main Campus, UCSC Texas Instruments, and Marine Science Campus.
- With the provided affected government agencies cooperation (i.e., county, cities, state parks, etc.) providing relevant data, the ***UCSC 2005-2020 CEQA Master EIR*** shall evaluate (to the greatest extent feasible) the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects. The environmental impacts and infrastructures specifically include the affected areas of reporting of Santa Cruz County and Santa Cruz City infrastructure water, transportation/traffic, historic cultural resources, surrounding high-order natural environment, housing, local economy, refuse/recycling, and sanitary sewer services.
- The ***CEQA Project EIR*** examines the environmental impacts of a specific development project, and all projects identified within the *UCSC 2005-2020 CEQA Master EIR*. Project EIRs would include construction within UCSC Main Campus, UCSC Texas Instruments site, and Marine Science Campus. Project EIR are the current format for UCSC's LRDP-EIRs

Technical -- Title 14, California Code of Regulations, within Chapter 3 of the *Guidelines for Implementation of the California Environmental Quality Act*, identifies various types of CEQA EIRs. The EIR document types are tailored to different situations and intended uses. These variations are not exclusive. Lead Agencies (such as the UC Regents) may use other variations consistent with the Guidelines to meet the needs of other circumstances. For a large significant development such as UCSC LRDPs and EIRs, the following CEQA documentation sequence applies.

15169. Master Environmental Assessment -- General. A public agency may prepare a Master Environmental Assessment, inventory, or database for all, or a portion of, the territory subject to its control in order to provide information, which may be used or referenced in EIRs or Negative Declarations. Neither the content, the format, nor the procedures to be used to develop a Master Environmental Assessment are prescribed by these Guidelines. The descriptions contained in this section are advisory. A Master Environmental Assessment is suggested solely as an approach to identify and organize environmental information for a region or area of the state.

(b) Contents. A Master Environmental Assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.

Discussion: The Master Environmental Assessment was developed as a way of providing a database for use with later EIRs. If an agency prepared a Master Environmental Assessment, the agency could reduce the amount of work necessary to prepare later EIRs. The environmental setting would have been fully analyzed, and the likely environmental effects in the area could be anticipated. Thus, the Master Environmental Assessment could help focus initial studies as well as EIRs.

15175. Master EIR -- The Master EIR procedure is an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision-making. It is intended to streamline the later environmental review of projects or approval included within the project, plan or program analyzed in the Master EIR. A Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects.

15125. Environmental Setting

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

(e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

15161. Project EIR -- The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The project EIRs shall examine all phases of the project including planning, construction, and operation.

Lead Agency -- The *fatal-flaw* within UC's CEQA environmental requirements are the lack of provisions to prevent UC Administration dual-responsibilities of both "CEQA-EIRs environment Lead Agency" and "campus land-use/development Lead Agency." Within the UCSC campus, there is a conflict of interest with UC Administration real estate planning vs. retention of cultural historical resources of Cowell Home Ranch/lime production and the accompanying surrounding high-order natural environment.

It is the responsibility of the Lead Agency to also identify the UCSC affected areas by reporting Santa Cruz County and Santa Cruz City infrastructure water, transportation/traffic, housing, local economy, refuse/recycling, and sanitary sewer services.

UCSC CEQA Master Environmental Assessment, CEQA Master-EIR, and CEQA Project EIRs affect the University of California, City of Santa Cruz, the County of Santa Cruz, California State Parks, California Office of Historic Preservation, and the California Coastal Commission. These government agencies are to review and comment upon UCSC long-range planning and CEQA documentation.

The North Santa Cruz County Political Coterie -- Over the years, Santa Cruz County and Santa Cruz City have inadequately identified or developed infrastructure and environmental long-term planning, within the fundamental areas of increasing surface water supplies, ground water reserve depletion, and the increasing transportation/traffic level of service and safety within major transportation corridors. The inadequate development of necessary infrastructures has been the Santa Cruz County political coterie's long-term cornerstone of political staying power.

Santa Cruz City, Santa Cruz County, and UCSC have never acknowledged the existence or attempted to preserve the extant Cowell Home Ranch lime production facilities, a historical cultural resource of national significance.

It appears retention of important cultural resources is in conflict with doing political coterie business in the County, City, and by UCSC.

Santa Cruz City has long rejected necessary economic development within the city. The Santa Cruz City's General Fund budget currently has a structural deficit. Without continuing budget reductions and/or additions to the City's tax base, expenditures will continue to outpace revenues. Additional expenditures, e.g., to improve needed basic infrastructures, or improve city services, may not be possible without measures to increase Santa Cruz City revenues.

The liberal-progressive Santa Cruz City is in no financial position to require of UCSC city infrastructures that for 25 years the Santa Cruz City political coterie has resisted development for its own residents.

North Santa Cruz County political coterie existence depends upon opaque access to block votes, finances, and legal support provided by the Sierra Club (Ventana Chapter), and the UCSC campus vote. In the past, the highly organized Sierra Club leadership has been able to leverage its influence over the 3,000 +/- Sierra Club membership block vote, as directed by the leadership, either for or against candidates. The Sierra Club has ample nonprofit tax-exempt contributions to support any legal or "grassroots" political causes deemed appropriate. Without the Sierra Club support, the north county political coterie will not exist. The public is ignorant of this situation.

Neither Santa Cruz County nor Santa Cruz City has in place any viable long-term planning. Important Santa Cruz City/County decisions will most likely continue to be politically decided, day by day, with its infrastructure and economic needs unacknowledged and its environmental and economic future unidentified.

Please Note: Liberal-progressive Santa Cruz City Councils retain tight control over the "grassroots" amateur commissions and committees that do the City planning. The main City general plan is now scheduled (for political comfort) to be completed some time after the November 2008 election (if it to be completed at all).

Previously the Santa Cruz City Council has established important areas of understanding with the UCSC Administration:

Water – The Santa Cruz City water district is operating at an average of 93% capacity. The City relies upon surface-water storage capacity. This storage capacity has been under developed relative to current populations. City residents and retailers will face chronic water shortages during the next substantial drought.

The main obstacle to increasing either in-line or off-line surface water storage capacity is that the Sierra Club does not want to change its opposition to surface water storage increases. City administrators and technicians can say what they want, in Santa Cruz; politicians are elected with the help of the Sierra Club, and then the politicians stay elected by towing the political line, by doing nothing.

The Urban Water Management Planning Act (Assembly Bill 797 in 1983) requires water agencies to evaluate and describe their water resource supplies and projected needs over a twenty (20) year planning horizon. This has never been done by the liberal-progressive Santa Cruz City Councils.

Senate Bills 610 and 221 (2001) require water agencies to provide detailed assessments of their long-term water supplies to city and county decision makers prior to the approval of certain development projects. The bills also require cities and counties to make findings to verify that adequate water supplies are available before development can proceed. This detailed assessment has been completed by the Santa Cruz City Water Department (see *2005 Urban Water Management*).

Santa Cruz City's *2005 Urban Water Management Plan* is a very important document, but it is not a water management plan. The document contains the information necessary from which the Santa Cruz City Council is required to make a twenty (20) year planning horizon urban water management plan based upon the water resource supplies and projected needs.

The lack of water management planning appears to be based upon long standing political coterie attachment to the Sierra Club leadership.

The City Council's current water supply solutions rely upon the Federal Policy Act of 1992, concerning Low Flow Plumbing Fixtures and requiring ultra low flow toilets (1.6 gallons per flush or less). A City low-flow retrofit rebate program is available.

A City facility for Monterey Bay saltwater desalination has also been previously proposed. For the City's expected needed water capacity, saltwater desalination is extremely expensive and would be a large consumer of electrical energy. Global warming, increased by the burning of hydrocarbon fuel for the electrical demands of California desalination plants, is not a pretty picture:

"The enormous dark mass moved like some death ship in a Norse legend, escorted across the night by armored creatures with spiral wings. We weren't sure how to react. It was a terrible thing to see, so close, so low, packed with chlorides, benzenes, phenols, hydrocarbons, or whatever the precise toxic content. But it was also spectacular, part of the grandness of a sweeping event, like the vivid scene in the switching yard or the people trudging across the snowy underpass with children, food, belongings, a tragic army of the dispossessed. Our fear was accompanied by a sense of awe that bordered on the religious."

Passage from Don DeLillo's novel, *White Noise*, 1985.

Having 50-60 inches of annual rainfall within the Santa Cruz hills, and has the ability to increase in-stream/off-stream storage facilities; Santa Cruz City does not lack the ability to have available surface water supplies. The problem is that the liberal-progressive north County political coterie

follows the Sierra Club policies concerning water. The big political coterie lie is their claim that county/city growth by prevented by limiting water of supplies (as well as more bicycle paths will limit growth).

While reviewing UCSC's *Campus Community Work Group White Paper*, April 2004, we find UCSC understandings with the Santa Cruz City Council regarding increased water capacity developments:

Footnote 43 - If water resources prove to be inadequate, UCSC has agreed to provide financial assistance for development of increased water production—provided the City dedicate such marginal capacity to serve the on-campus need.

Footnote 44 - More precisely, in the case of these water/sewer University Assistance Measures, the campus is awaiting completion of City master plans to determine need.
UCSC Campus Community Work Group White Paper, April 2004

UCSC has at least three reserve groundwater pumps (numbers 2, 4, and 6). UCSC water pumping capacity and restriction has not been publicly identified. To protect its investments, there appears to be no legal reason why UCSC should not pump ground water as needed. The impact of over pumping ground water reserves (and possible groundwater saltwater intrusion from the Monterey Bay) is a major regional concern.

It would appear that the City water district supply/demands capacities have been discussed by the Santa Cruz City Council and UCSC. The Santa Cruz City Council has no intentions to change a political water policy. To protect their interests, UCSC will pump groundwater as necessary. Within the bigger picture, Santa Cruz City residents will have to deal with a water shortage problem as best they can, without the liberal-progressive City Council's assistance.

Transportation/Traffic – The north county political coterie has long placed obstacles in the way of improving city arterial flow of vehicular traffic. The political coterie's drive to control transportation remains very determined, very comprehensive, and very specific. Santa Cruz City politicians still control the Metro Board decisions and the majority within the Santa Cruz County Transportation Commission (SCCRTC).

In order to justify alternative transportation, the liberal-progressive Santa Cruz political coterie long ago decided to let transportation/traffic infrastructures decay, and to purchase of the Union Pacific 32-mile railway single right-of-way for conversion into a bicycle path.

The Santa Cruz City Council's *Master Transportation Study* was developed with \$250,000 of UCSC funds. The study represents the agreements between the liberal-progressive political coterie and the Sierra Club leadership (specifically, the editor of the Sierra Club Ventana Chapter newsletter). It appears the agreement was to promote alternative transportation and do nothing to provide for the continuing rate of growth of automobile trips for the growing population of Santa Cruz City and UCSC.

Four main objectives emerged from the community participation process associated with the *Master Transportation Study* (dated 7/23/2003):

- (i) Expand and offer new travel choices for people who live, work, play and visit Santa Cruz;
- (ii) Provide relief for citywide vehicle traffic congestion;
- (iii) Enhance community livability; and
- (iv) Achieve a sustainable transportation future.

UCSC Campus Community Work Group White Paper, April 2004, page 6

UCSC has done what it can to improve campus transportation/traffic. Santa Cruz City Staff and UCSC do understand traffic level of service and safety problems (and solutions):

Footnote 24 -- In a memorandum (Ron Marquez to Chris Schneider & Ken Thomas re "LRDP Community Committee Transportation Background" dated 4/15/2004) based upon information prepared by Fehr and Peers Transportation Consultants, four of the 26 intersections on the west side were operating at poor levels of service (i.e., "E" or "F"): Empire Grade (High Street) and Western Drive (PM delays at this two-way stop sign intersection averaged 76 seconds—LOS "F"); Bay Street and California Street (PM delays at this two way stop sign intersection averaged 37 seconds—LOS "E"); Bay Street and Escalona Drive (AM delays at this two-way stop sign intersection averaged 73 seconds—LOS "F"; PM delays averaged 46 seconds—LOS "E"); and Mission Street and Chestnut Street (PM delays at this signalized intersection averaged 35 seconds—LOS "E").

UCSC Campus Community Work Group White Paper, April 2004

The information concerning transportation (along with other issues) is piecemealed within UCSC long-rang planning.

Footnote 33: The UC Santa Cruz Marine Science Campus CLRDP Draft EIR (January 2004) contains detailed "current conditions" information about many of the relevant roads and intersections. (This information was provided to the work group.) The projected growth rates, however, are restricted to impacts related to anticipate development at the Marine Science Campus.

UCSC Campus Community Work Group White Paper, April 2004

Transportation impacts caused by UCSC growth is intentionally divided over several years between three different UCSC Project-EIRs: UCSC Main Campus, UCSC Marine Science Campus, and UCSC Texas Instruments Site. The liberal-progressive Santa Cruz City Council still considers that alternative transportation is the only solution to city/county transportation and traffic concerns.

Historic Cultural Resources and Surrounding High-Order Natural Environment – Since UC acquired the campus land in 1961, UCSC has not appropriately identified Cowell Home Ranch lime production cultural historic resources within any UCSC EIR reports. Additionally, important elements within UCSC EIRs do not report the cumulative construction impact upon the cultural resources, and the surrounding high order natural environment.

Although small in relative area, UCSC's portion (2,000 +/- acres) of Cowell Home Ranch cultural historic resources (ca. 1791 to 1947 within 12,000 +/- acres), the campus is centrally located and retains a very important elements of Santa Cruz County's historic lime production facilities and supporting ranching facilities. The same 12,000 +/- acre Cowell Home Ranch historic lime production facilities area is intertwined within Santa Cruz County's high order natural environment and park systems.

The government organizations associated with Cowell Home Ranch lime production and high-order natural environment are:

- Wilder Ranch State Park (east and north section),
- UCSC South Campus,
- UCSC North Campus,
- City of Santa Cruz's Pogonip City Park,
- Henry Cowell Redwoods State Park,
- Henry Cowell Redwoods State Park, Fall Creek Unit

The UCSC campus development of Santa Cruz County's historic Cowell Home Ranch started before enactment of appropriate Federal and State environmental legislation directives of NHPA, Section 106 (of NHPA), NRHP, NEPA, CEQA, and EIR (of CEQA).

- 1955 Samuel Henry Cowell died (age 93).
- 1960 Fewer than ten workers living on Cowell Home Ranch 12,000 +/- acres, the Cookhouse is closed. An era of continuous California lime production and history, stretching back to the 1790s, ends.
- 1961 The University of California Regents entered into negotiations with the S. H. Cowell Foundation for purchase of 2,000 +/- acres of Cowell Home Ranch.
- 1964 Construction was underway by mid-1964 on UCSC buildings sufficient for instruction of the first UC Santa Cruz class in fall, 1965.
- 1966 National Historic Preservation Act (NHPA) was enacted by US Congress. The NHPA Act identifies the spirit and direction of the Nation, reflecting our historic heritage. **Section 106** (of NHPA) requires federal agencies to review all actions which may affect a property listed on the National Register of Historic Places (NRHP), or which may affect a property eligible for listing. (Note: Registration within the National Register triggers cultural resources federal protections of NHPA, Section 106, NEPA, and CEQA. In the world of Sacramento special power interest, a cultural resource that is "property eligible for listing" has little to no environmental recognition. California politics favors ignoring, or repressing, property eligible for listing. It is easier for government agencies to work within CEQA if the agency can ignore properties only eligible for listing. Of course, the eligible cultural resource is to be lost.)
- 1969 US Congress enacted the National Environmental Policy Act (NEPA).
- 1970 California Legislature enacted the California Environmental Quality Act (CEQA). Like the federal 1969 NEPA. California CEQA is primarily a means to require public agency decision makers to document and consider the environmental implications of their actions. A major element of CEQA is defining Environmental Impact Report (EIR) needs.

Comment: Federal guidelines are established in accordance with the provisions of NRHP, NEPA, NHPA, and Section 106 (of NHPA). California's CEQA contains the State's environmental law provisions and EIR (of CEQA) requirements.

Complete cultural fabric destruction of UCSC's portion of Santa Cruz County's natural environmental and contiguous historical cultural resources will have occurred by the time the 2020-2035 campus' construction is to start. Most likely, in 2035, UC Administration will then erect campus-signs identifying what had been historically present, and how important the high-order natural environment and cultural historic resources were to the UCSC students.

Because of known UCSC inconsistencies and omissions of historic cultural resource reality, an unknown number of sections of all published UCSC LRDPs and EIRs cannot be accepted at face value. The reviewer is now faced with figuring out which sections of UCSC EIRs are to be believed and which sections contain significant omissions. This fact is a very sad situation.

UCSC's construction impact upon Santa Cruz County's high-order natural environment and Cowell Home Ranch cultural historical resources really does accumulate, and really does make a difference to the quality of life of Santa Cruz County residents. It is essential that University of California, City of Santa Cruz, County of Santa Cruz, California State Parks, California Office of Historic Preservation, and the California Coastal Commission review UCSC's CEQA documents for accuracy and for complete infrastructure content.

Since UCSC receives both Federal and State funding, UCSC campus construction is to take into account obligations to the environmental law provisions of Federal NHPA, NHPA-Section 106, NEPA, and California's CEQA, and CEQA EIR. However, UC only obeys laws when they have to, mostly when it is required by court orders and litigation.

Conflicts of Interests Within Santa Cruz City -- Until UCSC is held accountable for the completion of comprehensive CEQA long-term planning, the Santa Cruz City political decisions will continue to be made day by day, with its infrastructure needs unacknowledged, and its future in doubt.

Besides the political problems encountered with the Sierra Club concerning water and transportation/traffic, there has always been my concern over why the Santa Cruz City Council has been ineffective and lackluster when it came to taking a stand against UCSC's destruction of historic cultural resources and the destruction of the continuity of high-order natural resources.

The Santa Cruz City Council has longstanding conflicts of interest when dealing with the interests of Santa Cruz City vs. UCSC growth interests. Five (5) of the seven (7) City Council members derive family incomes from the university. All five (5) of the City Council members' conflict-of-interests (i.e., the majority of the City Council) need to be excused from further discussions and decisions involving UCSC interface with the community. Under these circumstances, it is unknown how the City Council can now exercise its fiduciary obligations.

The Sierra Club is also now up to its eyeballs in its own pickle brine. Although the Sierra Club leadership (Ventana Chapter) has worked under various group names, the Federal and State tax-exempt status of contributions made to the Sierra Club are now called into question.

Under Section 501(c)(3) of the Internal Revenue Code, the Sierra Club Foundation is classified by the Internal Revenue Service as exempt from taxes. However, the IRS does identify what can and cannot be done within tax-exempt organizations.

Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. Contributions to political campaign funds or public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office clearly violate the prohibition against political campaign activity. Violation of this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise tax.

Political and Lobbying Activities
(Adapted from IRS Publication 1828,
Tax Guide for Churches and Religious Organizations - February 2004)

Anyone who has observed, or participated within north county political coterie politics, knows that for the last 25 years the Sierra Club has abused its non-profit status by improper lobbying and election influences. The Sierra Club leadership (Ventana Chapter) has directly and indirectly participated in, and intervened in, almost all north Santa Cruz County political campaigns on behalf of (or in opposition to) any number of candidates for elective public office. Now it is necessary to review the Sierra Club tax-exempt status, for violation of campaign prohibitions. This review may result in denial or revocation of the Sierra Club's tax-exempt status and the imposition of certain excise tax.

Santa Cruz County and cities Water Policies, Transportation/Traffic Policies, and Historical Retention Policies of Cowell Home Ranch, is generated through the Sierra Club leadership via the Sierra Clubs direct and indirect interventions within the Santa Cruz County elections process. Because of these policies, UCSC growth will have a much greater adverse affect upon the community infrastructures.

The Request – Who is to represent Santa Cruz County/City vs. University of California Regents, concerning UCSC's CEQA piecemealing of county/city resources of the environment, cultural resources, and infrastructures?

Whoever takes up the cause does have legal precedence and CEQA options. To aid in the prevention of "piecemealing" of the UCSC projects, the court rulings of *Laurel Heights Improvement Association v. Regents of U.C.* (1988) and *City of Santee v. County of San Diego* (1989) are to be considered when developing the new UCSC *Master Environmental Assessment, 2005-2020 LRDP, 2005-2020 Master EIR, and Project EIRs*.

UCSC LRDP and LRDP EIR are to be revised to include the growth of UCSC Main Campus, UCSC Marine Science Campus, and the proposed build up of the UCSC Texas Instruments site.

UCSC long-term planning affects the University of California, City of Santa Cruz, the County of Santa Cruz, California State Parks, California Office of Historic Preservation, and the California Coastal Commission. These government agencies need to review and comment upon UCSC comprehensive long-range planning CEQA documentation: i.e., *CEQA-Master Environmental Assessment*, or *CEQA-Master EIR*. *CEQA-Project EIRs*.

It is request that the California Costal Commission take NO ACTION upon the April 12, 2006 meeting Item W15c, UCSC-CLRDP, and UCSC Marine Science Campus. NO ACTION will allow necessary time for UCSC to develop of the UCSC CEQA *Master Environmental Assessment*, *Master EIR*, and *Project EIRs*.

Sincerely,



David G. Eselius

Attachment 1: *Denton fuels the city planning conflagration*, Sentinel - Opinion, April 2, 2006

NOTE: Coalition for Limiting University Expansion (CLUE) is a non-profit public interest group and has no legal standing as a City of Santa Cruz representative.

April 2, 2006

Denton fuels the city's planning conflagration

UC Santa Cruz Chancellor Denice Denton may be the only one on campus who can put a stop to the madness. She inherited a mess in terms of town-gown relations and campus planning, but she doesn't need to keep fueling the conflagration.

It is not apparent to me how involved the new chancellor has gotten or how knowledgeable she is about the LRDP process, the EIR process, and the past 18 months of related documents and processes at UC Santa Cruz. But it must be apparent to her that there is very strong community opposition to the plan and detailed critical comments on the DEIR. Certainly at this juncture, she has an opportunity to avoid jeopardizing or exacerbating the reputation and standing of the Santa Cruz campus with UC's Office of the President or the regents by not sending the flawed documents forward and inviting legal action.

The university's announcement of the RDEIR to deal only with traffic issues reveals the enormity of the ignorance and arrogance of the university officials responsible for this project. The rejection of the city's request for withdrawal and revision of the DEIR and re-issuance for public comment illustrates the difficulty faced by responsible members of the community who wish to protect the quality of life and the natural and human-made environmental quality in the greater Santa Cruz area.

It is appalling that the university is not withdrawing the entire Draft EIR and revising it. It is appalling that campus officials plan to go forward in total disregard of the concerns expressed in the comments on the draft EIR submitted by the city of Santa Cruz, CLUE and many other citizens. This is another example of the university's consistent disregard for the concerns and well-being of the community.

There are grievous errors and omissions in the basic data used for preparation of the DEIR that undermine the analysis performed by the staff and consultants and that remove from those wishing to comment responsibly on the draft the opportunity to view and analyze the proposed project in an appropriate and effective manner.

Given that it is highly unlikely that the regents will hold hearings to enable all concerned parties to comment on the Final EIR and LRDP before adoption, it is clear that local community opposition will need to resort to legal action as well as appeals to the Legislature to prevent the adoption and/or implementation of the project. It is sad to consider the impacts the proposed plan will have and that the university is willing and potentially capable of ignoring such impacts. The long history of lies and distortions by university officials regarding the town-gown relationship has run its course and it is time that the community took effective action to prevent this disastrous proposed growth plan from coming into reality.

I believe it would be wise to withdraw the current DEIR and revise it to address at least the vast majority of community comments rather than simply going forward knowing full well that the community city, CLUE, perhaps others, too are prepared to wage a court battle to stop this LRDP from being implemented even if it is adopted.

The University of California was taken by surprise in the late '80s and early '90s when its obligations under the California Environmental Quality Act CEQA were tested in court regarding the Laurel Heights campus in San Francisco, and the university's proposed project was delayed for several years. Since Santa Cruz is the smallest of the campuses, but not the least expensive on which to build or expand, it may just strike the regents as downright foolish to invite a CEQA fight over the 2005-2020 LRDP.

Back in the early '80s, when the UCSC campus could not even fill its 7,500-student population target articulated in the 1975 LRDP, an advertising campaign was launched. Its slogan was "An Ideal Becoming Real." Whether valid or not at that time, it is clear now that the "ideal" is becoming "real estate."

Hal Levin is a Santa Cruz resident.

You can find this story online at:

<http://www.santacruzsentinel.com/archive/2006/April/02/edit/stories/04edit.htm>

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W15C

April 9, 2006

Chairwoman Meg Caldwell and Commissioners
c/o Central Coast District
725 Front St.
Santa Cruz, CA 95060

RECEIVED

APR 10 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: UC Santa Cruz CLRDP

Dear Chairwoman Caldwell and Commissioners:

At the February 2006 CCC hearing in Chula Vista concerning the UCSC CLRDP at Terrace Point, Dr. Grey Hayes presented dramatic evidence about the inadequacy and lack of scientific method utilized for the wetland delineation completed by UCSC consultants at the site.

As I had reported to you in February, I spoke with Dr. Robert Leidy, a wetlands expert from the EPA, about this issue. He had suggested that since the controversy existed, he believed an independent peer review was a good idea and that he would be happy to cooperate in such an effort, perhaps in conjunction with the Army Corps. At the conclusion of the February hearing, my understanding was that this project was in fact going to be put off calendar indefinitely so that additional peer review could be obtained.

However, I was shocked and extremely disappointed to learn that, a little over two weeks ago, CCC staff had not only decided against additional peer review, but had put the CLRDP on the April agenda. Because of the dangerous precedent this delineation could present for protecting coastal wetlands statewide, I contacted two nationally recognized wetlands experts, Dr. Peggy Fiedler and Dr. Lyndon Lee, who were able on short notice to make time in their schedules to review the delineation. I sought financial help from the San Luis Obispo Coastkeeper and other sources for this effort, an effort that would not have been necessary if CCC staff had simply asked Dr. Leidy for additional review.

Dr. Lee and Dr. Fiedler will present a report to you that confirm serious concerns about the delineation presented to you by UCSC.

Additional Comments:

I feel that the process for review of this project has been seriously flawed, not just because of the inadequate wetlands delineation, but also regarding the public's right to know and understand environmental impacts according to the California Environmental Quality Act (CEQA) for various aspects of the CLRDP.

The CLRDP has had many major revisions since the EIR was completed. In fact, a major change in the CLRDP was suggested just days before the date of this letter to you. Now there is a provision for UCSC to simply be able to transfer development potential from one of the three proposed development nodes to another area on the site adjacent to a

residential community even though no analysis has been done about the specific impacts and without adequate opportunity for public review and comment. This, I believe, would be a significant violation of CEQA. One of the provisions of CEQA is to analyze alternatives. There just happens to be a large property that UCSC owns next to Terrace Point to which this development could be "transferred", as I will discuss below.

The City of Santa Cruz has commented that there is not adequate ingress and egress for emergency services to Terrace Point and there is no plan to correct it in the CLRDP. Ironically, Mr. Gerald Parsky, the UC Regents Chair, recently sued a school district over a proposed elementary school one mile from his home in San Diego on CEQA grounds because he contends that only one access road in and out of the proposed school is inadequate for emergencies. Mr. Parsky cites many other inadequacies of the EIR including that the "EIR fails to analyze the conflict between the new school and horses" (Rancho Santa Fe Review, April 2006). Perhaps UCSC should be required to complete a similar level of potential conflict analysis with adjacent residents that Mr. Parsky is demanding for horses.

Another major problem with the CLRDP is that there is no guarantee that open spaces will be protected. If the open space is really intended by the Commission and UC to remain open space in perpetuity, there are several mechanisms that should be considered, any one of which would provide additional protection, including:

1. A conservation easement with a third party such as the City of Santa Cruz or the Land Trust of Santa Cruz County;
2. A binding and enforceable contract between UC, the CCC, and a third party, that insures preserving the open space in perpetuity;
3. Appropriate deed restrictions.

There is also a lack of specificity in the current proposal and insufficient scrutiny about what projects are truly coastal dependent. For example, UCSC owns a huge facility and parcel right next to Terrace Point, formerly owned by Texas Instruments, which could be used for many of the purposes that are claimed to be coastal dependent. It would not even be difficult to pipe seawater, if desired, to this property or to convert for housing, research, and office facilities. This would avoid substantial new development impacts to the Terrace Point site. UCSC, as part of the main campus LRDP, is proposing to convert this property to non-coastal related uses in spite of its close proximity to Terrace Point and relatively remote location from the main campus.

Specific Recommendations:

1. Since it is highly likely that much more extensive wetlands exist on Terrace Point than what has been delineated by UCSC, an accurate delineation must be confirmed before any development proposal can properly be assessed by the Coastal Commission and

therefore further consideration of the CLRDP must be postponed until an accurate delineation is completed.

2. Any plan that is eventually approved must contain enough detail for meaningful analysis of environmental impacts according to CEQA provisions, rather than contain so many last-minute major changes without adequate opportunity for public review and comment.

3. Areas proposed as open space must be permanently protected with additional provisions such as a conservation easement, binding contract, or deed restrictions.

4. Since UCSC owns a large property next to Terrace Point, arguably much of the proposed development could be transferred to this site.

Finally, I don't believe any private developer would be granted the permission being sought by UCSC under the present circumstances.

Thank you very much for your attention.

Very Sincerely,



Don Stevens
Co-Founder, Coalition for Limiting University Expansion (CLUE)
320 Cave Gulch
Santa Cruz, CA 95060
Tel: 831-425-4721

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W15c

APR 07 2006

Edward J. Davidson

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

200 Button Street #15
Santa Cruz, CA 95060
TEL/FAX 831 423-9294
October 7 2005

**Comments on UCSC Coastal Long Range Development Plan
Amended April 7 2006**

Honorable Coastal Commissioners:

I generally concur with Staff findings on the UCSC CRLDP but wish to add some comments on consistency analysis on Coastal Act policies. Since the applicant is likely to accept the findings, I would hope my comments would have relevance on future Coastal Permit applications.

By way of background, the site is a fine example of the urban/rural boundary at the City of Santa Cruz western limits. Downcoast are twelve miles of urbanized coastal development; upcoast are fifty miles of mostly undeveloped, open coast to Half Moon Bay.

Most of the property had been in agricultural use until discontinued in the late 1980's. Due to the soil's high salinity from perpetual salt spray, food and fiber crops are limited to artichokes and Brussels sprouts. While the latter crop was planted, the site was too small to be economically viable, particularly where a 200-foot buffer from residences was required for pesticide drift. It should be noted that the vegetation and "wetlands" followed the cessation of agricultural uses. No mention of the soil salinity is found in either the Staff Report (p 29) or CRLDP (Exh.E, p.40).

ESHA and Wetlands Designations. For the coastal terrace (excluding the Younger lagoon area), the Coastal Act definition of ESHA (Sec. 30107.5) has been stretched beyond recognition. There are no rare habitats nor especially valuable ecosystems between the urbanized east and agricultural west. The wetlands are mostly seasonal ponding from the former agricultural grading.

Wetland W5 is a shallow depression which may hold seasonal rainfall due to lack of an outlet. It is indistinguishable from the surrounding "buffer" and contains no characteristics of a wetland. Wetland W4 is the after-storm ponding at a drop inlet whose outlet has been plugged. The drop inlet and culvert had been installed prior to construction of the mobile home park's masonry wall. The drainage plan for Basin 4 (EXH.E, p.246) should require filtering and unplugging the outlet.

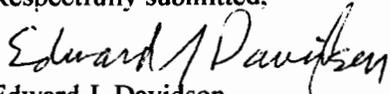
Rare and Endangered Species. Required foraging habitat for raptors is excessive for the northern harrier hawk. This is commonly known as marsh hawk, a common species from Maryland to California north to the Arctic Ocean. CDFG considers it a "Species of Special Concern" due to its inclusion on the list of species subject to the Migratory Bird Act.

The California Red-legged frog was listed as a threatened species due to its decline in the San Joaquin Valley. Conversion to agriculture and predation of eggs by the introduced American Bull-frog caused the decline. However, healthy populations of CRLF are found throughout the California coast as well as the Oregon and Washington coasts, including Puget Sound. At least one Federal court has overturned the listing.

Public Access. With very minor exceptions, I agree with Staff's analysis. There is no mention of tsunami evacuation from Younger's beach nor occasional high tide stranding at the tide pools. There needs to be a correction on Exh.E, p.21 concerning the bluff-top access at De Anza MHP. Although shown on the City's Trails Plan in the Parks and Recreation Element of the General Plan (and certified LCP), the trail does not exist. Installing the trail now would require bluff alteration and would surely face resistance from the neighbors. The trail had been a requirement of the Park's Use Permit (circa 1967) but never installed.

Scenic and Visual Quality. The extended Staff analysis overstates the Coastal Act policies involved. In the final analysis, the difference between 30' and 36' building height is not noticeable from Highway One, a mile distant, nor from on-site scenic views toward the ocean.

Respectfully submitted,


Edward J. Davidson

April 7, 2006 Amendment:

I continue to concur with the Coastal Staff recommendations for the UCSC LRDP at Terrace Point. The Plan has accommodated two questionable wetlands areas and protected sensitive plant and animal habitats. I trust that the appropriate balance will be attained between habitat protection and public access at Younger Lagoon.

During the public hearing process for the project, I noted most of the opposition came from the residents of the adjoining De Anza Mobilehome Park. My comments on scenic and visual quality are stated above and I would note the 200 foot bluff top set-back for public viewing.

The opposition to housing at the campus reflects the opposition to the earlier private development plan, which had included 190 residential units. The City's General Plan (and Certified LCP) called for 200 residential units on the property. That policy remains. The University will be providing housing for researchers and other staff on-site. Given a very tight housing market in Santa Cruz, this provision is necessary for the functioning campus. Along with dining facilities, the housing will reduce the number of trips per day from researchers and employees.



W15c

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA BARBARA • SANTA CRUZ

ENVIRONMENTAL STUDIES DEPARTMENT

SANTA CRUZ, CALIFORNIA 95064

7 April 2006

From: Tonya Haff
Curator
Museum of Natural History Collections
Environmental Studies Department
(831)459-4763
thaff@ucsc.edu

RECEIVED

APR 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To: Chairwoman Meg Caldwell and Members
of the California Coastal Commission
c/o Charles Lester, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: University of California, Santa Cruz,
Coastal Long Range Development Plan for Marine
Science Campus---
Esp. Younger Lagoon Reserve
Agenda Item No. W15c, April 12, 2006

Dear Coastal Commission

I am writing to ask that you do not force the opening of the Younger Lagoon Reserve to the public under the Marine Science Campus LRDP. This small beach is an important feeding and resting refuge for birds on the north coast of Santa Cruz county (see Santa Cruz Bird Club records for further information, or contact Record Keeper David Suddjian at dsuddjian@aol.com). Opening the Younger Lagoon beach to the general public will disturb shorebirds. The beach is so small that the probable constant disturbances to the beach will likely seriously degrade resting, roosting, and feeding habitat for migratory and resident shorebirds.

Further, opening Younger Lagoon Beach to the public is unnecessary, because public access is already afforded through the Santa Cruz Bird Club (SCBC). The SCBC is a group open to the public that uses the reserve for birding and bird censusing. This constitutes public use of the beach. Allowing further, unlimited public access to the

beach will degrade the quality of the beach for birding and scientific uses such as bird censusing and migration monitoring.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tonya Haff'. The signature is written in a cursive style with a large initial 'T' and 'H'.

Tonya Haff

W15c

ZONING/PERMIT PROCESSING
831/420-5100 • FAX 831/420-5434
INSPECTION SERVICES
831/420-5120 • FAX 831/420-5434



COMPREHENSIVE PLANNING,
HOUSING AND
COMMUNITY DEVELOPMENT
831/420-5180 • FAX 831/420-5101

P L A N N I N G D E P A R T M E N T

809 Center Street • Room 206 • Santa Cruz, CA 95060 • cityplan@ci.santa-cruz.ca.us
ALEX KHOURY, ACTING DIRECTOR

April 6, 2006

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APR 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: UCSC Marine Science Campus Coastal Long Range Development Plan (CLRDP), Item W15c.
California Coastal Commission, April 12, 2006 Public Hearing.

Dear Mr. Lester:

The City of Santa Cruz considers the improvement of Shaffer Road as essential secondary access to the Marine Science Campus site to help insure public health and safety in the event of an emergency situation. The City felt so strongly about this issue that we flew down City representatives to your February 10, 2006 public hearing on this matter in Chula Vista to emphasize in person to the Coastal Commission the City's concern regarding the need for improvement of Shaffer Road.

The current Coastal Commission staff recommendation for the proposed CLRDP includes deferring consideration for the improvement of Shaffer Road on the UC property until a separate LCP amendment is submitted by the City of Santa Cruz. We are in strong disagreement with this recommendation as the primary emergency responder to the site. The requirement for the improvement of Shaffer Road as part of this CLRDP is critical in order to adequately serve the new campus in emergency situations. There is no time table for a separate LCP amendment on the property to the east of Shaffer Road and the improvement of Shaffer Road does not depend on this property.

Existing access to the site is limited to Delaware Avenue. The City has long identified the improvement and connection of Shaffer Road to State Route 1 (Mission Street), rather than Delaware Avenue, as primary access to the proposed Marine Science Campus and other sites located in the far west side of the City. With the proposed build out of the Marine Science Campus the City feels this is the time for the improvement of Shaffer Road and not to the future. Delaware Avenue serves an industrial area on the west side as well as residential neighborhoods. Delaware Avenue, as discussed in detail below, is subject to potential disruption which could inhibit rapid exiting of the public from the new campus.

The Marine Science Campus site includes 162,000 sq. ft. of existing buildings for visitor serving/education, research, laboratory and wildlife rescue uses. The proposed plan calls for additional

April 6, 2006

Page -2-

377,850 sq. ft. of net new building space with marine research/education and housing uses and 152,000 sq. ft. outdoor research, storage and maintenance uses. At build-out, the campus will contain approximately 692,000 sq. ft. of uses populated with students, visitors, residents, and employees.

As recommended by Coastal Commission staff the site will only be served by the Delaware Avenue which is an existing two-lane road. As the agency that is responsible for providing fire, medical, police and other emergency response services to the site it would be irresponsible for the City of Santa Cruz not to expect secondary access to this planned development be provided with the amount of building square footage and daytime/nighttime population being proposed under this CLRDP.

Delaware Avenue is not a reliable access to the subject area during times of flooding or seismic events. As shown on the attached maps a section of Delaware Avenue crosses Moore Creek near the entrance of the proposed Marine Science Campus. A large drainage culvert system passes under Delaware Avenue. A failure of the culvert may close the road for an extended period of time. This section of Delaware Avenue is also located in a high hazard flood zone, high liquefaction zone and highest tsunami inundation hazard zone. In the event of a flood and/or seismic event Delaware Avenue could be impassable for emergency vehicles to access the site or to evacuate the public from the area.

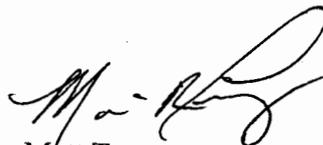
Natural Bridges State Park is located on the southern side of Delaware Avenue near the Marine Science Campus. This area has a large vegetation component, which is immediately adjacent to Delaware Avenue. A fire in this area may also impede travel of emergency vehicles to the new campus. Additionally, tall trees bordering Delaware Avenue could deem the road impassable if one or more should fall.

In summary the City of Santa Cruz is not against the UCSC Marine Science Campus proceeding as recommended by Coastal Commission staff. However, the City feels the recommendation faulty without a provision for the secondary access of Shaffer Road. Thank you for your consideration of this important public safety matter.

Sincerely,



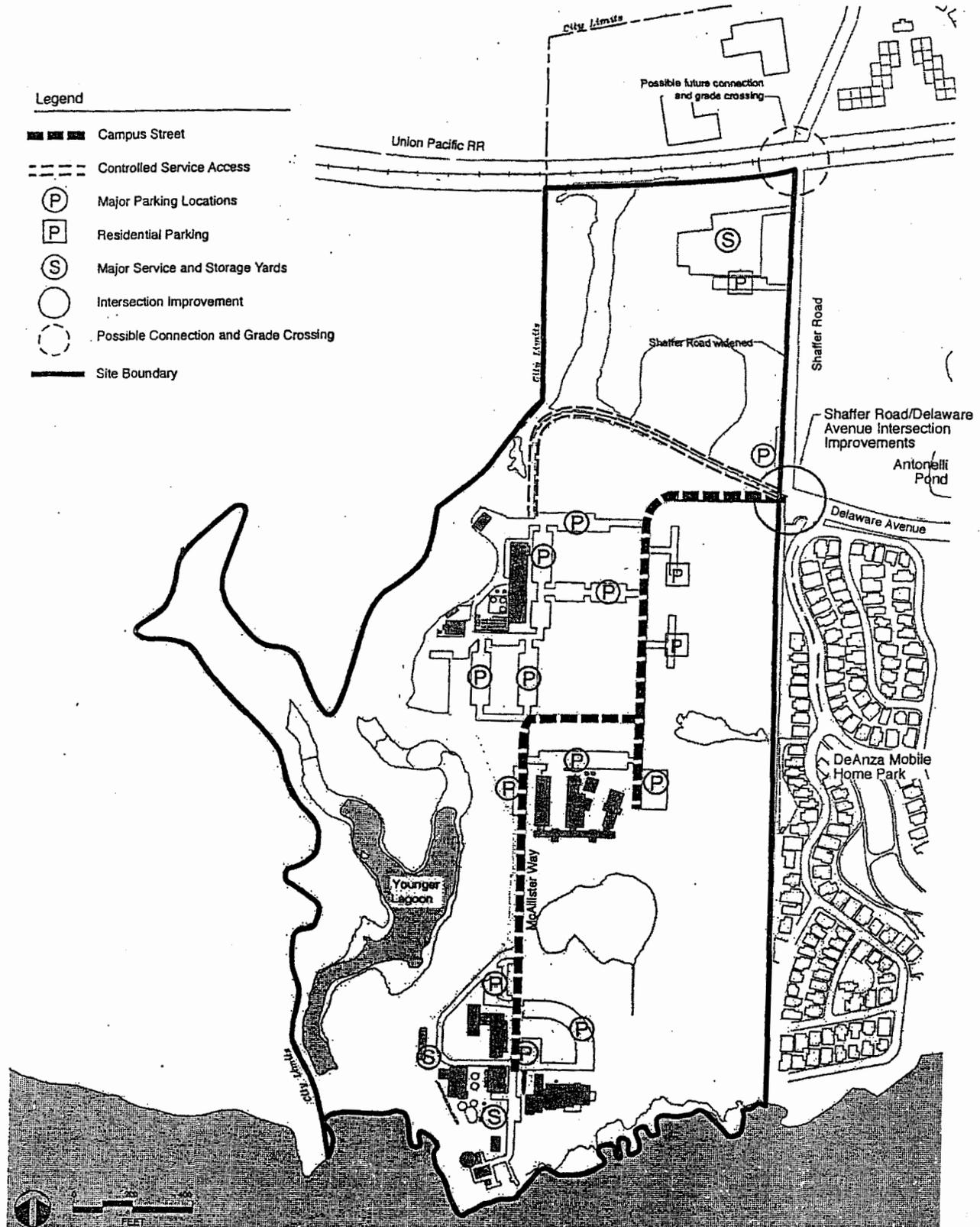
Alex Khoury,
Acting Director of Planning
and Community Development



Matt Tracy
Acting Fire Chief

Attachments:

Site Plan
FEMA Flood Hazard Areas
Tsunami Inundation Areas
Liquefaction Hazard Areas
Santa Cruz City Fire Map
General Provisions for Safety (California Fire Code)



SOURCE: Draft CLRDP

UCSC Marine Science Campus CLRDP Final EIR / 200385 ■

Figure 3-8
Circulation and Parking Diagram

FEMA Flood Hazard Areas

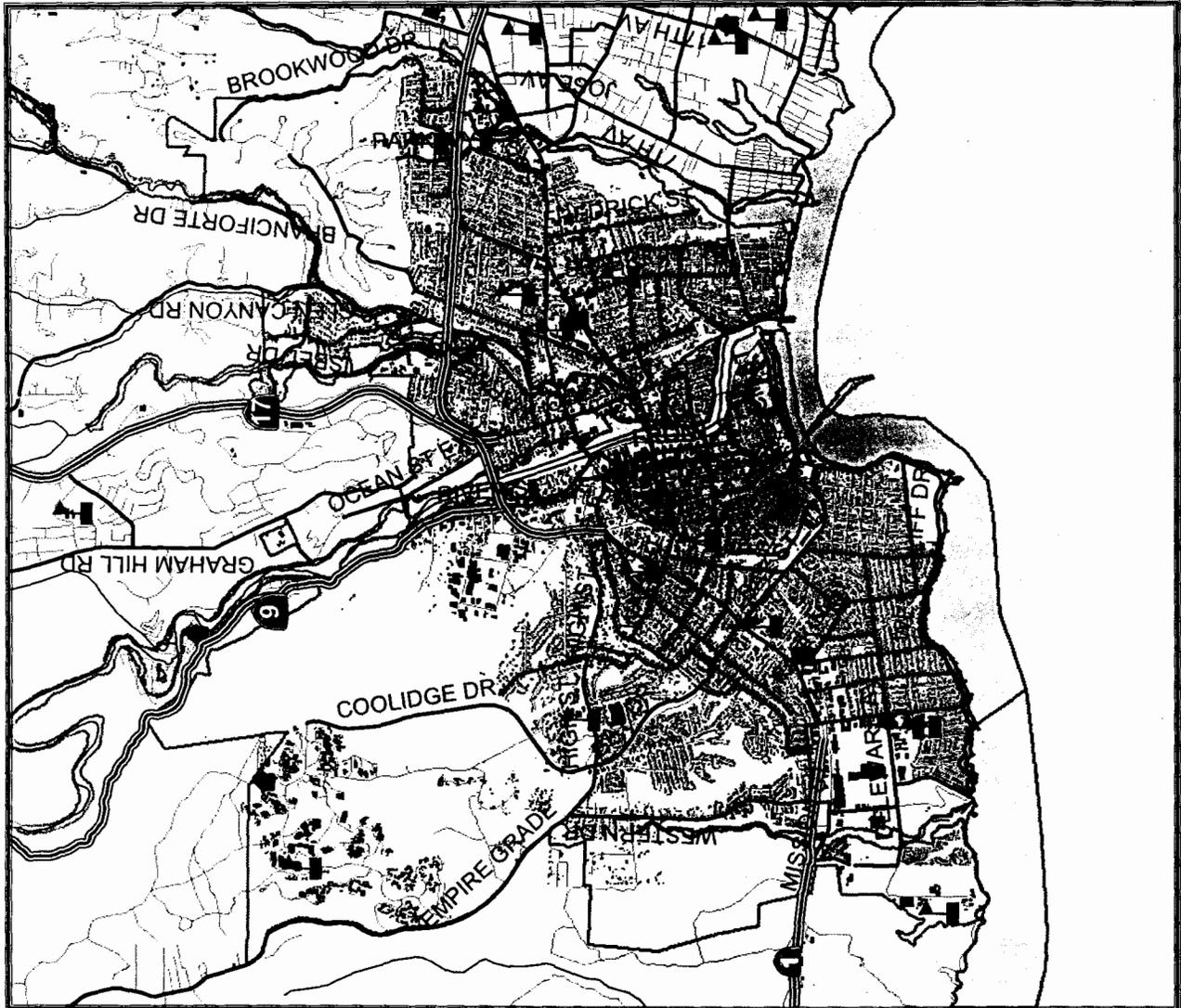
City of Santa Cruz

FEMA Flood Zones based on Digitized FEMA Flood Insurance Rate Maps (FIRMs). Zones shown include A, Areas of 100 year flood, B Areas between the limits of the 100 year flood and the 500 year flood, and V, Areas of 100-year coastal flood with velocity (wave action).

Features in FEMA Flood Zones

- ▶ 2,413 Parcels
- ~ 109 Named Roads
- ~ 11 Unnamed Roads
- ✚ 2,253 Structures
- 👤 1 Fire Station

Value of Improvements and Personal Property Based on Assessment Roll (12/22/04):
\$571,543,411



0 1 Miles

Legend

-  FEMA Flood Zones (A, B, and V)
-  City of Santa Cruz

Tsunami Inundation Areas

City of Santa Cruz

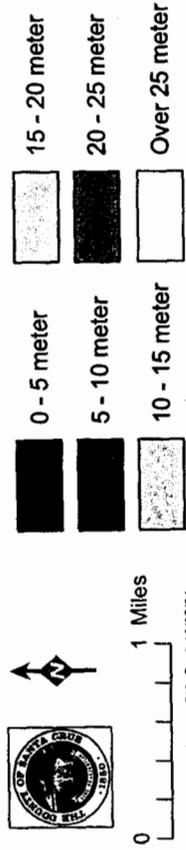
Tsunami Inundation Areas are based on 2 foot contour data in urban areas and 10 foot contour data in rural areas. Wave intensity and direction was not included in this analysis.

Features within 15 meter run-up:

- ▶ 5,979 Parcels
- ∩ 240 Named Roads
- ∩ 33 Unnamed Roads
- 6665 Structures
- ⚡ 2 Public Schools
- 🚒 1 Fire Station

Value of Improvements and Personal Property based on Assessment Roll (12/22/04):
\$1,119,093,199

Inundation Levels



0 1 Miles

206-04 Santa Cruz County GIS Draft 10/22/04



Liquefaction Hazard Areas

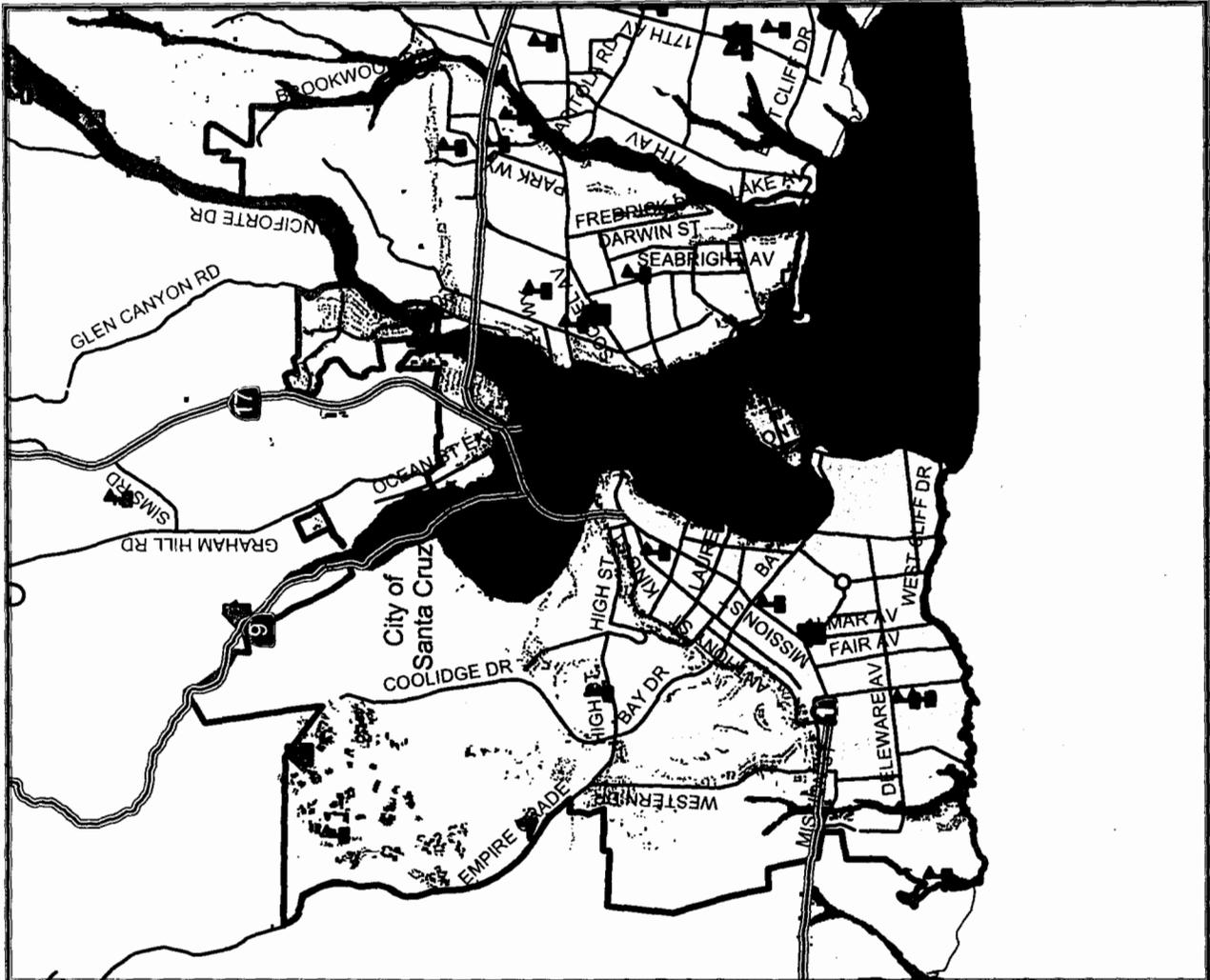
City of Santa Cruz

Liquefaction data based on map titled "Geology and Liquefaction Potential of Quaternary Deposits in Cruz County" by William R. Dupre' 1975.

Features in High and Very High Liquefaction Hazard Areas

- ▶ 3627 Parcels
- ∩ 176 Named Roads
- ∩ 30 Unnamed Roads
- 4015 Structures
- ⚡ 1 Public School
- 🚒 1 Fire Stations

Value of Improvements and Personal Property based on Assessment Roll (12/22/04):
\$824,897,480



0 1 Miles

206-04 Santa Cruz County GIS Draft:12/22/04

Liquefaction Potential

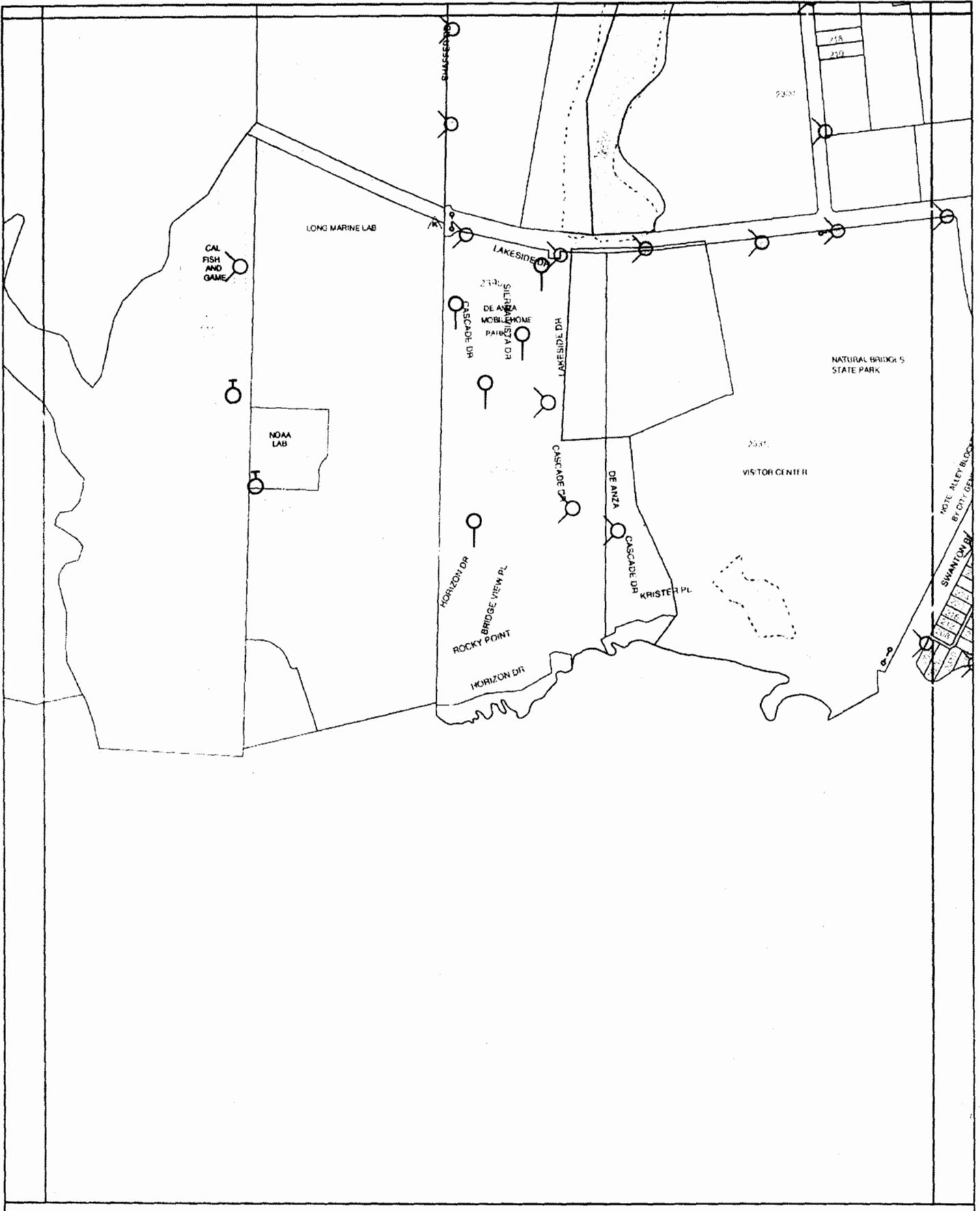


Very High

High

Moderate

Low



U18
Oct 16, 2002

SANTA CRUZ CITY FIRE

U18

S17	S18	S19
T17	T18	T19
U17	103	

PART III**GENERAL PROVISIONS FOR SAFETY****ARTICLE 9 — FIRE DEPARTMENT ACCESS AND WATER SUPPLY****SECTION 901 — GENERAL**

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9.

For firesafety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

901.2.2.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire-protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire-protection equipment shall be in accordance with Section 901.4.

901.4.2 Fire apparatus access roads. When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

901.4.3 Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.

When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

901.4.4 Premises identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

901.4.5 Street or road signs. When required by the chief, streets and roads shall be identified with approved signs.

901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire-protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

SECTION 902 — FIRE DEPARTMENT ACCESS

902.1 General. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902.

For access to residential developments of three or more dwelling units, the chief may be guided by Appendix III-E.

902.2 Fire Apparatus Access Roads.

902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 1001.9.

3. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the chief.

More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 8102.6.1.

For required access during construction, alteration or demolition of a building, see Section 8704.2.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

W15C

RECEIVED

APR 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

H. Reed Searle
114 Swift Street
Santa Cruz, CA 95060
Phone and Fax 831-425-8721
6 April 2006

Item W15C, agenda of April 12, 2006
Opposition to the project

California Coastal Commission
Central Coast District Office

Dear Commissioners,

I write only on the issue of traffic reasonably to be generated by the proposed project. The increased automobile traffic from students and staff, residents and visitors will be substantial. No provision appears to be made to mitigate the effect of that additional traffic on the Westside of Santa Cruz.

All traffic will be required to use Delaware and hence will spill over onto West Cliff Drive and adjoining streets. This will adversely impact Delaware and all adjoining streets. The primary use of West Cliff Drive is as tourist/recreational. Automobile traffic on that street in particular is to be discouraged.

If Shaffer Rd were to be opened, some, perhaps most traffic, would or could be encouraged to use Mission and Highway 1. It may be appropriate as a condition of approval to require the University to fund whatever improvements are necessary to open Shaffer Rd.

There are other possibilities to reduce impact on the neighborhood. If Shaffer Rd is not opened, traffic should be encouraged or required to use Natural Bridges Drive to and from Mission/Highway 12. One way to do this is to effectively lower the speed limit on Swanton, West Cliff, Modesto, Swift and Almar. I think an enforceable speed limit of 20 mph on these streets would discourage commuter traffic, while permitting reasonable tourist and residential use. The University should be required to work with the City and Caltrans to implement appropriate traffic calming measures to accomplish this result.

I think any approval of the project should be conditioned on (at least) the University paying its fair share of design and implementation of such traffic calming measures.

I have not commented on the cumulative effect of project traffic on the already unsustainable load on Mission St, nor on the probable negative effect on Western Drive. These too should be

hrsearle@sbcglobal.net

mitigated, if mitigation is possible without further degradation of those neighborhoods.

Sincerely,


H. Reed Searle

W15c

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DIVISION OF PHYSICAL AND BIOLOGICAL SCIENCES – OFFICE OF THE DEAN

SANTA CRUZ, CALIFORNIA 95064

April 5, 2006

RECEIVED

APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Chairwoman Meg Caldwell and Members
of the California Coastal Commission
c/o Charles Lester, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: University of California, Santa Cruz,
Coastal Long Range Development Plan for Marine Science Campus --
Esp. Younger Lagoon Reserve

Agenda Item No. W15c, April 12, 2006

Chair Caldwell and Commission Members:

As Interim Dean of the Division of Physical and Biological Sciences at UC Santa Cruz and Chief Administrative Officer for the UC Natural Reserve System at UCSC, I ask that you support us in keeping the Younger Lagoon Reserve (YLR) beach closed to public use.

YLR is one of 35 of the UC Natural Reserve System (NRS) reserves. Our students and faculty use YLR for teaching and research and depend on the buffer provided by the closed beach to protect the ecosystems of the Reserve. Our Seymour Center supports an active Docent-led public interpretation program that includes YLR and interprets our research, our teaching programs, and the ecology and natural history of YLR to the public, especially to K-12 students. I believe that the closure of the entire Reserve, including the beach, is fully justified by our public services in teaching, research, and public education.

The following quote is from the NRS mission statement and history and underlies our need to protect the ecology of the Reserve:

"The mission of the Natural Reserve System is to contribute to the understanding and wise management of the Earth and its natural systems by supporting university-level teaching, research, and public service at protected natural areas throughout California.

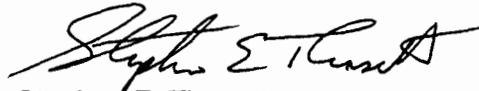
Nearly forty years ago, the University of California Natural Reserve System (NRS) began to assemble, for scientific study, a system of protected sites that would broadly represent California's rich ecological diversity. By creating this system of outdoor classrooms and laboratories and making it available specifically for long-term study, the NRS supports a variety of disciplines that require field work in wildland ecosystems.

The NRS makes relatively undisturbed samples of the state's natural ecosystems and the facilities needed to support teaching and research available not only to students, teachers, and researchers from the University of California, but to any qualified user from any institution, public or private, throughout the world."

The value of the Reserve lies in its protected status. Opening the upper beach will jeopardize the Reserve and its ability to support our academic programs. Younger Lagoon Reserve was designated as ESHA (Environmentally Sensitive Habitat Area) by the CCC staff report. I fully support that designation and urge you to help us protect the Reserve by keeping the beach area closed.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Thorsett". The signature is fluid and cursive, with a large initial "S" and "T".

Stephen E. Thorsett
Interim Dean

W15c



NATURAL RESERVES
C/O ENVIRONMENTAL STUDIES
1156 HIGH STREET
(831) 459-4971
FAX: (831) 459-4015
EMAIL: FUSARI@UCSC.EDU
WEB: <http://ucreserve.ucsc.edu/>

SANTA CRUZ, CALIFORNIA 95064

RECEIVED

April 4, 2006

APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Chairwoman Meg Caldwell and Members
of the California Coastal Commission
c/o Charles Lester, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: University of California, Santa Cruz,
Coastal Long Range Development Plan for Marine Science Campus---
Esp. Younger Lagoon Reserve

Agenda Item No. W15c, April 12, 2006

Dear Madame Chair and Commissioners:

I respectfully ask the California Coastal Commission to allow UC to keep the upper beach of the Younger Lagoon Reserve (YLR) closed to open public access. I have made arguments to that effect in my letter of January 15, 2006, including in the briefing book for the January meeting.

The Younger Lagoon Natural Reserve has been dedicated to a special type of public service, that of teaching, research, and public education by the University of California. To that end the land and natural systems of the reserve must be protected from the impacts of uncontrolled public access. Without this protection the natural systems will be degraded and will not offer the protected natural ecosystem processes that are necessary to make ecological research projects scientifically valid. To allow open public access to the Younger Lagoon Reserve upper beach will undermine the reserve and degrade its natural systems. It is not honest to pretend otherwise.

The CCC staff reports obfuscate the real issues. The reports say that the beach is not itself ESHA and ignore its role as a buffer but they call for significant buffer areas all around the rest of the Reserve, which they declare to be ESHA. They claim that public access need not lead to developments and improvements that will degrade the natural system while suggesting ways in which this will happen in the future (i.e. safely concerns about the "goat path"). They claim that it will be easy to avoid impacts to the YLR ESHA through the use of signs, "low key" fencing, and some unspecified docent services. This is naïve at best. They ignore the proximity (50 feet from the edge of the beach) of the small deep-water area that the Federally endangered tidewater goby depend on in the dry months. They compare YLR with other beaches protected as habitat or open to the public in unrealistic ways. They claim that prior open public uses were extensive when they were minimal and related mostly to surfer access to the break to the north. They use the existence of paths that provide researcher and student access as evidence of that uninvited use. They attack UC for a brief period of allowing public use, including use by students and staff, of that beach before it was closed and incorporated into the NRS with CCC concurrence. A situation that was regrettable. They claim that UC has failed to completely eliminate

trespass while they work to undermine and destroy the protection that does exist. They pretend that open public access is compatible with the kind of protection this system requires. It is not.

Open public access will degrade the Reserve, undermine its legitimate function as an NRS resource, and lead to ever increasing abuses of this small drainage, one of a few remaining refuges for Central Coast wildlife and native plant species.

I ask the commission to carefully consider the arguments made previously (my letter of January 15, 2006 and portions of the CLRDP) and allow UC to keep the beach closed to general public access.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink that reads "Margaret H. Fusari". The signature is written in a cursive, flowing style.

Margaret H. Fusari
Director, UCSC Natural Reserves

WISC

24 March 2006

Chairwoman Meg Caldwell and Members of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 92415

Re: University of California, Santa Cruz, Coastal Long Range Development Plan for Marine Science
Campus: Younger Lagoon Reserve.

Dear Madame Chair and Commissioners:

The Nature Conservancy respectfully urges the Commission to reaffirm its prior decisions to ensure the continued protection of Younger Lagoon Reserve (YLR) as an Environmentally Sensitive Habitat Area (ESHA), including the beach above mean high tide.

The mission of The Nature Conservancy is to preserve the plants, animals, and natural communities that represent the diversity of life on earth by protecting the land and waters they need to survive. Recognizing that we must balance uses across environments, The Conservancy has completed ecoregional plans across terrestrial, freshwater, and marine environments to identify the areas of highest priority for conservation.

The Younger Lagoon and Beach Area was identified as a high priority area in separate plans for conservation of terrestrial and marine diversity. This area contains important habitat for many species including seabirds and shorebirds. This area also supports a population of the endangered tidewater goby.

There are few coastal wetland areas in California that are refuges from human disturbance. The Younger Lagoon and Beach area is one of those. The beach is rarely visited by people and the connected coastal freshwater wetland is small but important given that 80-90% of these wetlands have already been lost to development in California. To conserve all of these species and habitats, it is imperative that inappropriate public uses not be permitted on the high beach. There is only approximately 50 feet between the mean high tide line and the lagoon itself; common public uses such as picnicking and dog walking would certainly intrude on the lagoon and have adverse impacts throughout the reserve.

We respectfully urge the Commissioners not to adopt the staff recommendation and allow unrestricted public access on the beach at YLR. We strongly believe that you should continue the current limitations on access to the YLR beach above mean high tide to help ensure the protection of this important coastal habitat.

Sincerely,



Michael Beck, Ph.D.
Senior Scientist

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APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED

WISC

APR 06 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



SEYMOUR MARINE DISCOVERY CENTER
LONG MARINE LABORATORY
UNIVERSITY OF CALIFORNIA, SANTA CRUZ
100 SHAFFER ROAD | SANTA CRUZ, CALIFORNIA 95060
831/459-3800 | 831/459-1241 FAX
SEYMOURCENTER.UCSC.EDU

April 5, 2006

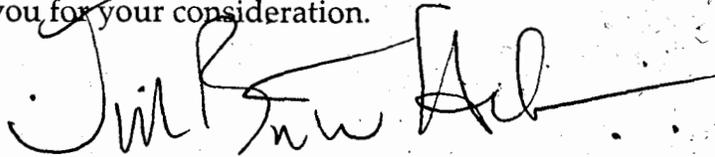
Chairwoman Meg Caldwell and Members of the California Coastal Commission
c/o Charles Lester, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Chairwoman Caldwell and Colleagues,

Please accept this letter of support for UCSC's Coastal Long Range Development Plan, especially as it applies to the management of Younger Lagoon Reserve. As the Director of the Seymour Marine Discovery Center, I want to assure you that the public has meaningful access to the lagoon and its natural resources.

The Seymour Center is open six days a week, year round, and provides high quality, in-depth educational experiences for the visiting public – currently more than 50,000 people visit us annually. The majority of our visitors opt to join a tour led by a skillful docent, which invariably includes a stop at, and discussion of, Younger Lagoon Reserve with emphasis on its wildlife, management and restoration efforts, and natural history generally. Volunteer docents attend an in-depth 10-week training session before they serve in this capacity; in fact 32 new docents graduated from this 25-year-old program in the past month alone. More than 200 volunteers currently serve the public through the Seymour Center.

Protection of the habitat at Younger Lagoon Reserve is important to both humans and wildlife. The Seymour Center provides the public with a welcoming environment that provides excellent access to the reserve on a daily basis. Thank you for your consideration.



Julie Barrett Heffington, Director
Seymour Center at Long Marine Lab

Charles Lester

From: Bill Davis [bdavis@shastalaw.net]
Sent: Thursday, April 06, 2006 8:49 AM
To: Charles Lester
Cc: Don Stevens .
Subject: Coastal Commission Hearing - UC Terrace Point project, Santa Cruz

To: California Coastal Commission
c/o Charles Lester clester@coastal.ca.gov

RE: University of California, Terrace Point Project Application - Long Range Development Plan.

COMMENTS OPPOSING APPROVAL AT THIS TIME

I have been a lawyer who works with and on environmental reviews and project applications to the Coastal Commission and other agencies for many years. I am also an alumni of the University at Santa Cruz, in the original "pioneer" class of 1965, and lived in Santa Cruz many years. I, therefore, have a particular interest in and familiarity with coastal development issues in that area.

It is my understanding that one of the general purposes of project descriptions, the coastal permit process, and related environmental reviews is to make available to the public a "plain" language, understandable evaluation of a project, the project's alternatives, and the project's impacts on the environment and any mitigations that are proposed.

In the case of the University of California's Terrace Point project there is not a plain language, understandable description of the project. And, the environmental review seems to be based on an entirely questionable project wetland delineation to begin with.

I am not against a meritorious project. I have been an advocate for development projects in the past. What I am very much against is modifying, or significantly altering, the standards of review and requirements of project and environmental review simply because a project is proposed by the University as opposed to a "private developer."

In this case, for example, the proposed project is part of the larger University plans for project development(s) and growth in the Santa Cruz area, but is not directly linked to the separate, University main campus long range plan. Therefore, items like the need for housing or buildings are not reviewed in the context of available University owned lands or facilities outside of the coastal zone itself. Thus, the need for any particular development project, facility, or building and associated parking lots, streets, etc. at the Terrace Point site, within the delineated 'coastal zone', is not clearly or easily evaluated, especially in considering other project alternatives, including a "no project" alternative.

Again, I am not against a project which improves the University's facilities, I am against a project that might have been done with less impacts to the environment and might have had less visual or other impacts on the local coastal area. Especially when there is, at least, the appearance of the University getting to do things in a way that either sets a precedent for

other 'private' developments in the future or which sets a lowered standard for environmental and other reviews by the Commission in the future.

There is no way to have a meaningful participation of the public, as required by CEQA and the coastal planning process, when the project applicant produces documents with language like this:

(From pages 11-12 of a proposed project modification just recently presented, as I understand it.) "Thus, the intent of this Transfer of Development Potential (TDP) program is to provide an opportunity for the identified building program of the CRLDP through the use of subarea 17, while providing increased protection of resources in the upper terrace.

One effect of the transfer of development potential in this manner will be to make some CLRDP figures and text incoherent (for example, references to development in the Upper Terrace, Shaffer Road improvements that would no longer be necessary, etc.). It is the intent of the UCSC CLRDP strpt 3.30.2006

Page 12

CLRDP that the transfer of development potential in this manner will be accompanied by enforceable mechanisms to "clean-up" the CLRDP figures and text to reflect this transfer

premise, including ensuring that the CLRDP continues to provide for equal or better resource protection (including resource restoration, enhancement, and management) following such a transfer. An amendment to the CLRDP to make such necessary corrections will be required of any development project that initiates this transfer of development potential."

Were a private developer, like a hotel business, e.g. Westin, Ramada, Hilton, Howard Johnson's, Best Western, etc., to produce such language in a project proposal then, based upon my experience, the Coastal Commission would, and should, reject it out of hand. This is what in the CEQA context is called "piece mealing" a project at best. It leaves undefined, and entirely unknowable, what "resource protection" is proposed. And, there is no mention of a federal wetland or any federal agency review that I have found. The University has avoided Army Corps' 404 and other federal reviews and the University has come to the Coastal Commission without an adequate, scientifically responsible, or accurate wetland determination to begin with.

This kind of manipulation of the project language makes it really impossible to determine what the University is talking about in a context where there is already real confusion as to how the wetlands were delineated. The University admits that the above language renders portions of the underlying project description and application documentation "incoherent." Further, the above cited language admits that there will have to be some as yet undefined mitigations, "including resource restoration, enhancement, and management" conditions and standards -- which are non-existent at this time.

That kind of vagueness, and the very fact that the project footprint itself is being significantly modified without any specificity of detail, means that this project should not be

approved -- or approved as it is being presented. This is particularly important in that there is no Local Coastal Development Plan in place governing the review of this project site in the context of the local City and rural management plans and practices. As a result, if this long range development project is approved, the University will have unilateral control over much of what is done at this coastal site in the future, without any meaningful public review in the future and without any coordination with other local planning, zoning, and coastal review agencies.

Combined with the aberrant, if not outright irresponsible wetland delineation at the beginning of this project proposal and review, the above language and proposed project modifications are but one example of why the LCP process should not be abandoned by the Coastal Commission at this site, simply because the applicant is the University of California, and especially without regard for the area wide Local Coastal Plans and planning processes.

Sincerely,

William O. Davis

Attorney at Law

bdavis@shastalaw.net

P.O. Box 64

Old Station, CA 96071

530-335-7166

FAX 335-7224

volunteer consultant to C.L.U.E.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877

W16a

**Staff Report Addendum**

Date: April 10, 2006
 To: Commissioners and Interested Parties
 From: Rick Hyman, District Chief Planner
 Steve Monowitz, District Manager *JM 4/10/06*
 Subject: Addendum to 3/29/06 Staff Report Prepared for the 4/12/06 De Novo Hearing (Agenda Item W16a) Regarding the Proposed 10-lot Sunridge Views Subdivision at 250 Maher Road North Monterey County Planning Area of Monterey County (Coastal Development Permit Application No. A-3-MCO-04-054)

Following the release of the above referenced staff report, the applicant contracted for further biological evaluation, including of the on-site oak forest habitat. The biologist indicated, in part, "The development of homes outside the tree canopy would not be disturbing the oak woodland" (Jean Ferreira of Botanical Consulting Services April 5, 2006 letter to Steve Bradshaw). Based on her evaluation and review by our staff biologist, staff has revised recommended Special Conditions #3 and #4A and the corresponding finding on pages 45-46 of approval as follows (new text shown with underlines; deletions shown as ~~strike-throughs~~):

Special Condition**3. Protection of Maritime Chaparral ESHA, Oak Woodland, Visual Resources, and Steep Slopes.**

A. No development, as defined in section 30106 of the Coastal Act, shall occur in the following "resource protection area": areas within at least 100 feet from the maritime chaparral plant communities contained on the site; areas within at least ~~50 feet from the edge of the~~ oak woodlands canopies; all slopes greater than 25%; and any areas where development conforming with the height and bulk limitations of the Local Coastal Program would create a silhouette on the ridgeline (see Exhibits 2 and 5). An exception for the access road to cross the oak woodland and a 25% slope is allowed pursuant to incorporated Monterey County Combined Permit PLN990391 condition MM#4. An exception for landscaping and habitat restoration and maintenance to occur in the resource protection area is also allowed pursuant to Special Condition #4.

B. PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT the applicant shall submit, for the review and approval of the Executive Director, final subdivision plans identifying both the "resource protection area" and areas of development,

accompanied by an updated biological report and visual assessment. The biological report shall include delineations of the maritime chaparral habitat areas and oak woodlands by a biologist, along with a written and photographic description of the extent and conditions of these habitats. The visual assessment shall include an analysis of building envelopes and above ground infrastructure (e.g., water tanks) that documents compliance with the prohibition against ridgeline development. "Ridgeline development is development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area (*Monterey County Code* Section 20.144.020.BBB)." The visual assessment shall include photographs of the site, taken from locations that represent the full range of public views of the site, after all building sites and above ground infrastructure improvements have been staked and flagged. Stakes and flagging shall show the maximum allowable height for all structural development, which shall be identified by the final subdivision plans and remain within the maximum height limits established by the Monterey County Local Coastal Program. If the Executive Director's analysis of the staking and flagging indicates that ridgeline development would occur, the siting and design of the building envelopes shall be adjusted to eliminate ridgeline development.

The final plans for the subdivision shall clearly delineate all existing and future residential building/ disturbance envelopes and roadways (including driveways), as well as all necessary infrastructure such as water tanks and utility lines. The development indicated on the final plans for the subdivision, including any vegetation clearing necessary to meet fire protection requirements that would be inconsistent with the requirements for the "resource protection areas" (see Special Condition #4) shall be located completely outside of the "resource protection area" as defined in Special Condition 3 paragraph A.

C. The scenic conservation easement required by incorporated Monterey County Combined Permit PLN990391 conditions # 14, 16, 17, and MM#1 to be granted to the County shall be extended to encompass the entire "resource protection area" and may also be extended to cover the remaining areas outside of the building envelopes and roadways. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit the easement for Executive Director review and approval. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The recorded document shall incorporate the requirements of Special Condition 3 paragraph A.

D. In order to comply with this and other conditions, the final plans for the subdivision may show revised parcel configurations, provided no more than ten residential lots are shown.

4. A. All plant species shall be selected to be natives (no non-natives are allowed), be ~~compatible with~~ indigenous to the surrounding maritime chaparral habitat, prevent the spread of exotic invasive plant species, and avoid contamination of the local maritime chaparral plant community's gene pool;

Finding

Measures to Comply with LCP Policies

A ten-lot subdivision, as proposed, could be designed and conditioned to meet the cited habitat and tree protection policies. In general such measures would both prohibit development within the habitats and limit nearby development and activities to prevent indirect adverse impacts, such as by imposing habitat buffers.

To prevent development in the habitats, the County approval required scenic easements for "*portions of the property where sensitive habitat (chaparral and oaks habitat) exists*" (County condition 17; see also County Condition 14), and required a final map "*that excludes all improvements, including water tanks and distribution lines, from the central maritime chaparral habitat on Lot 8*" (County Mitigation Measure #1). Non-intrusion into the habitat can be further assured by requiring a biologist to update the habitat mapping and then delineating all existing and future residential building envelopes, roadways, (including driveways), and all necessary infrastructure (e.g., water tanks and utility lines) on the final subdivision map outside sensitive habitat and buffer areas, as required by Special Condition #3. There are portions of the parcel where the water tanks could be sited outside of environmentally sensitive habitat areas and their buffers. Also important is to incorporate any Fire Department vegetation clearance requirements outside of the delineated habitat areas that would conflict with preserving the habitat areas. For example, since the Fire Department may require clearing of flammable vegetation within a certain distance of a home, and since some of that vegetation could be a crucial component of the oak forest understory, actual home footprints would have to be located that required distance from the edge of the forest understory. Any non-native vegetation removal in the habitat area would need to be undertaken in a manner that avoids disturbance of chaparral plants, as specified in County Condition #MM4d.

To buffer the habitat the County approval required a conservation easement that would include a 25-foot buffer around the maritime chaparral. County Mitigation Measure #1 also required temporary exclusionary fencing along the conservation easement boundary, and prohibited removal or disturbance of native chaparral vegetation, grading, roads, animal grazing, and other activities that could adversely affect the habitat. It allowed activities necessary to reduce the potential risk of wildfires, to remove non-native plants, or "*to otherwise ensure the long-term maintenance of the habitat.*" To ensure full consistency with the LCP, Special Condition #3 requires a 100-foot buffer around the maritime chaparral ~~and a 50-foot buffer would be appropriate around the oak woodlands.~~ Special Condition #3 also requires building (and other disturbance envelopes, e.g., for septic systems) to be delineated outside of these buffer areas.

To protect the oak trees, the County approval required final road grading plans to determine whether any oaks would be at risk, then redesign of the road if necessary, and tree replacement at three to one as a last resort (County Mitigation Measures #4 and 6), along with taking protective measures during road construction (County Condition #45 and Mitigation Measure #5). All relevant County conditions are incorporated by reference into Special Condition # 6...

W16a

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APR 10 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Rick Hyman

From: John Bridges [jbridges@fentonkeller.com]
Sent: Monday, April 10, 2006 4:42 PM
To: Rick Hyman; Tara Mueller
Cc: Steve Bradshaw
Subject: Bradshaw - Sunridge Views (A-3-MCO-04-054)

Rick/Tara: Per my conversation with Rick (and follow-up confirming e-mail), Mr. Bradshaw agrees with the conditions recommended in the staff report as modified by the staff's 4-7-06 addendum. Accordingly, in light of agreement between staff and applicant, Mr. Bradshaw requests, if appropriate, that the matter be moved to the consent calendar for approval on 4-12-06.

We will, of course, be in attendance at the meeting in the event there are any questions to be addressed.

Thank you.

JOHN

John S. Bridges, Esq.
Fenton & Keller
2801 Monterey-Salinas Hwy
Monterey, CA 93940
831-373-1241 (ext. 238)
831-373-7219 (fax)

CONFIDENTIALITY NOTICE

This is a transmission from the Law Firm of Fenton and Keller. This message and any attached documents may be confidential and contain information protected by the attorney-client or attorney work product privileges. They are intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify our office at 831-373-1241. Thank you.

4-2-06 W16a

Re: Coastal Permit Application
A-3-MCO-04-054
APN 127-252-009
250 Maher Road

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APR 04 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To whom it may concern,
My husband, Steve Maynard, and I (both active voters) purchased our property in Monterey County because of its rural location and beauty, not to mention decreased traffic congestion. If this permit it will not only affect our views (we can see well all the beautiful trees in the ^{application} property) but traffic congestion and associated ^{increase of} noise levels. Please do not turn Monterey County in to an "urban jungle". Please help preserve it for us and future generations.
Thank you,
Nancy K McNeilis
16695 Charles Schull Lane
Watsonville, CA 95076
728-2363

We would also like the current list of the Commissioners names and addresses.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

W16b

**Staff Report Addendum**

Date: April 10, 2006
To: Commissioners and Interested Parties
From: Katie Morange, Coastal Planner
Steve Monowitz, District Manager *SM 4/10/06*
Subject: Addendum to 3/30/06 Staff Report Prepared for the 4/12/06 De Novo Hearing (Agenda Item W16b) Regarding the Moeller Residential Development and Lot Line Adjustment 194 San Remo Road in the Carmel Planning Area of Monterey County (Coastal Development Permit Application No. A-3-MCO-05-033)

I. Following the release of the above referenced staff report, the applicant requested that the Monterey pine forest habitat protection and enhancement area condition (Special Condition 3) address the possibility of a future lot line adjustment between Parcels 1 and 2. If a lot line adjustment is proposed in the future, the applicants would be required to apply for an amendment to this permit to adjust the habitat protection and enhancement area to reflect the revised configuration of Parcel 1. In addition, the applicant requested that the septic system on Parcel 1 (as shown in Exhibit E,), overflow temporary construction staging on Parcel 1, and a future driveway across Parcel 1 to Parcel 2 (only if approved through an amendment to this permit) be added as allowable uses within the habitat protection and enhancement area. To accommodate these changes in a manner that carries out the coastal resource protection requirements of the Monterey County certified Local Coastal Program, staff has revised the recommended conditions of approval as follows (new text shown with underlines):

3. Monterey Pine Forest Habitat Protection and Enhancement Area. In order to ensure long-term protection of native Monterey pine habitat on the project site, all portions of Parcel 1 located outside the allowable building envelope generally depicted by Exhibit E shall be designated for Monterey pine habitat protection and enhancement. If a lot line adjustment between Parcels 1 and 2 is proposed in the future, the application for the lot line adjustment shall be accompanied by an application for an amendment to this permit to adjust the habitat protection and enhancement area on Parcel 1 to reflect its revised configuration. No development, as defined in Section 30106 of the Coastal Act shall occur within the Monterey Pine Forest Habitat Protection and Enhancement Area, as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- A. Monterey pine habitat restoration, native landscaping, and invasive plant removal conducted in accordance with the Forest Management and Restoration Plans approved pursuant to Special Conditions 2(c) and 4 of this permit.

- B. Construction and post-construction drainage controls approved pursuant to Special Conditions 5 and 6.
- C. Utility connections and septic system located immediately south of the proposed residence on Parcel 1, as shown by the approved plans. Temporary construction staging shall occur within the allowable building envelope to the maximum extent feasible; however, if additional area is necessary, the septic system area may be used for construction staging, pursuant to Special Condition 5.
- D. A future driveway across Parcel 1 to access Parcel 2, only if approved through an amendment to this permit.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT (NOI), the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described in Special Condition 2(a) and depicted by Exhibit E of this permit.

II. The project appellants have requested that the reference to the access road between Mentone Drive and San Remo Road be clarified in the staff report project description. This clarification reflects that the access from Mentone Drive to Parcel 1 is for emergency access only, and private access to Parcel 1 is provided via the private driveway from San Remo Road. Staff has therefore revised the first sentence of paragraph 4 on page 10 of the staff report as follows:

Under the proposed reconfiguration, private access to Parcel 1 would be available from a driveway off of the existing access road driveway between Mentone Drive and from San Remo Road. Emergency access to the project site would continue to be from Mentone Drive.

III. To ensure that the project will not contribute to the spread of non-native plant species in the Monterey pine forest habitat protection and enhancement area, Special Condition 2(c) has been revised as follows (new text shown with underline):

- (a) **Restoration Plan.** The submittal of Final Plans shall be accompanied by a Monterey pine forest restoration plan, prepared by a qualified biologist designed to protect and enhance the Monterey pine habitat surrounding the approved development on Parcel 1 in perpetuity. The restoration plan shall include a planting plan designed in conjunction with the Forest Management Plan required by Special Condition 4, and shall be implemented in a manner that will provide maximum protection and enhancement of the site's natural habitat values and biological productivity. All plant materials proposed in the plan shall be selected to be native to Monterey pine habitat, prevent the spread of exotic invasive

plant species, and avoid contamination of the local Monterey pine community's gene pool. No non-native invasive plant species shall be planted on the project site, including within the approved development envelope. The plan shall provide for the immediate revegetation of all portions of the site surrounding the approved residence that are disturbed during construction with native vegetation appropriate to the area. The plan shall also specify methods for removing, controlling, and preventing the introduction or spread of invasive exotic plants such as iceplant, French and Scotch broom, cape ivy, pampas grass, kikuyu grass, acacias, etc. The restoration area shall be continuously maintained by the permittee in a litter-free, weed-free, and healthy growing condition.

IV. Following the release of the staff report, it was brought to staff's attention that elimination of the lot line adjustment creates a situation in which the proposed residential structure on Parcel 1 is not in conformance with the 20-foot rear setback requirement. Due to the presence of the private scenic easement on the southerly portion of Parcel 1 and the unique circumstances and history of the project, staff is recommending a variance to the setback requirement. To accommodate the addition of a setback variance to the permit, the following paragraph has been added to the staff report on page 16 after the second paragraph and before the subsection "Fire, Geologic, and Erosion Hazards":

Eliminating the lot line adjustment creates a situation in which the proposed residential structure on Parcel 1 is nonconforming with the 20-foot rear setback requirement for the low density residential zoning at the site. Due to the presence of the private scenic easement on the southerly portion of Parcel 1 and the unique circumstances and history of the project, a variance to the setback requirement is appropriate. Pursuant to Section 20.78.040 of the Monterey County CIP, a variance can be approved for the following reasons: (1) special circumstances exist at the subject property related to the size and shape of the parcel, including limitations posed by a private scenic easement; (2) the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and (3) the variance would not be for a use or activity that is not otherwise expressly authorized by the zone regulation governing the property.

W16b

BRIAN D. CALL
Attorney at Law

Sean Flavin
Of Counsel

500 Camino El Estero, Suite 200
Monterey, California 93940-3206
briancall@mtrylaw.com

Telephone (831) 649-3218
Facsimile (831) 649-4705

April 7, 2006

Katie Morange
Coastal Planner
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
By e-mail: kmorange@coastal.ca.gov

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APR 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Permit No: A-3-MCO-05-033
Applicants: Michael and Patricia Moeller
Appellant: Mary J. Whitney
Project Location: 194 San Remo Drive (at and adjacent to)
Carmel Highlands (Monterey County)
APN: 243-181-005 and 243-181-005

Hearing Date & Location: Wednesday, April 12, 2006, 9:00 a.m.
Hotel Mar Monte (formerly Radisson)
1111 East Cabrillo Boulevard, Santa Barbara, CA

Item No: W16b

Dear Ms. Morange:

This will confirm our conversation of this morning regarding the above-referenced matter.

In connection with my letter to Commission Staff of April 5, 2006, and specifically appellant's proposed condition number 1, this letter will confirm that so long as you are the designated Coastal Planner on this project, you will advise me of any and all submissions by the applicant to the Commission. As we discussed, these documents are public record and will be made available to the appellant in connection with the processing of the Coastal Development Permit. You also indicated that you would advise any subsequent planner on this project of the need to notify me of any submissions by the applicant. As a result, I consent to the withdrawal of appellant's proposed condition number 1.

In connection with appellant's condition number 2, you were going to review the condition with the District Manager, Steve Monowitz, and advise me of any conclusion which you might make in connection with the need to have further local review as described in my April 5, 2006 letter.

Brian D. Call
Attorney at Law

April 7, 2006
Page 2

I am unclear as to whether we reached any conclusion with clarification of the record to confirm that there is no easement for ingress and egress to the subject parcels from Mentone Drive. Could you please confirm that the record will be so clarified.

You have additionally confirmed that you do have a copy of the letter from Pam Silkwood to Battalion Chief Dennis A. Carreiro dated August 29, 2005 and that that you will either fax that letter to me or forward it to me electronically.

Additionally, you have advised me of a proposed addendum to the Staff Report regarding potential subsequent amendments associated with the conservation easement in the event a lot line adjustment is pursued in the future. Again, you were either going to fax this item to me or send it to me as an electronic file.

Finally, you indicated your intention to have this matter proceed on the consent agenda. I will review your intentions in this regard with my client after we have had an opportunity to review the proposed addendum to the Staff Report, the letter from Pam Silkwood to the Battalion Chief, and your conclusions with respect to further local review of the location of improvements on the **unadjusted** Parcel 1.

I will make every attempt to get back to you by this afternoon.

Very truly yours,



Brian D. Call

BDC/djv

cc: Mary J. Whitney
(By E-Mail)

W16b

BRIAN D. CALL

Attorney at Law

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Monterey, California 93940-3206
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Telephone (831) 649-3218
Facsimile (831) 649-4705

Sean Flavin
Of Counsel

April 5, 2006

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APR 06 2006

Commission Staff
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
By Federal Express

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Permit No: A-3-MCO-05-033
Applicants: Michael and Patricia Moeller
Appellant: Mary J. Whitney
Project Location: 194 San Remo Drive (at and adjacent to)
Carmel Highlands (Monterey County)
APN: 243-181-005 and 243-181-005

Hearing Date & Location: Wednesday, April 12, 2006, 9:00 a.m.
Hotel Mar Monte (formerly Radisson)
1111 East Cabrillo Boulevard, Santa Barbara, CA

Item No: W16b

Dear Sir/Madam:

I represent the appellant, Mary J. Whitney, in connection with the above-referenced appeal.

The appellant is in favor of the staff recommendation on De Novo permit as set forth in item 1 on page 4 of Appeal Staff Report De Novo Hearing dated March 30, 2006 subject to the standard and special conditions set forth in the Report and as follows:

Appellant Proposed Condition No. 1: The applicant shall forward copies of all correspondence and submissions to the Monterey County Planning & Building Department and the Coastal Commission to appellant's legal counsel, Brian D. Call.

Appellant Proposed Condition No. 2: The location of all improvements to be located on Parcel 1 as identified in the Staff Report shall be reviewed and approved by the Monterey County Planning & Building Department in order to confirm that all improvements, including buildings, garages and septic systems (including leach fields), are located on the existing parcel in accordance with existing county regulations.

Brian D. Call
Attorney at Law

April 5, 2006
Page 2

The record, as provided in the Staff Report, should be clarified to confirm that there is no easement for ingress and egress to the subject parcels from Mentone Drive. (See, for example, page 10, paragraph 4 of the Staff Report.)

This letter will confirm my intention to provide oral testimony on behalf of the appellant at the hearing.

Very truly yours,



Brian D. Call

BDC/djv

cc: Mary J. Whitney

W166

Katie Morange

From: Bacmjlw@aol.com
Sent: Tuesday, April 11, 2006 9:43 AM
To: cindy_nagai@fire.ca.gov
Cc: brianccall@mtrylaw.com; Katie Morange
Subject: Moeller Property

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APR 11 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Cindy,

Thank you for your time yesterday. Hopefully you'll be able to come back today to see if the fire engine fits down the existing fire easement serving 194 & 195 San Remo. As we clearly saw yesterday as the engine attempted a test run, the paved strip down the edge of Moeller's property must be widened and straightened (and perhaps added to the existing deeded fire easement). As we discussed, the strip was paved by Mr. Lewis when Mr. Jeffers gave him an easement for emergency evacuation purposes.

I spoke to Alana Knaster, Director of the Monterey County Planning and Development Dept, this morning about the planning and development process. She clearly stated that once a project has been through the Coastal Commission process then it is "out of County hands". She said you will not get another opportunity to make changes or requirements. Among the things you mentioned yesterday, you requested a 30 foot setback around the Moeller house to meet the current Ordinance requirements, you will require widening and straightening of the paved strip along the edge of the Moeller property in order for the fire engine to drive down it, and you expect to make these changes when you "get your second shot at the drawings".

As we also discussed, the home owners in the Carmel Highlands should do whatever we can to make sure the emergency vehicles and personnel can easily access our homes. Of course we should also follow the rules. Now is a perfect opportunity to make your requirements clear to the Coastal Commission and the County.

Mary Whitney