

## CALIFORNIA COASTAL COMMISSION

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**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

# Tu22a

**LOCAL GOVERNMENT:** County of Santa Barbara

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-STB-06-056

**APPLICANT:** County of Santa Barbara, Public Works Department

**APPELLANT:** Commissioners Meg Caldwell and Patrick Kruer; Michael Lunsford for Gaviota Coast Conservancy; and Eddie Harris for the Urban Creeks Council

**PROJECT LOCATION:** Gaviota State Beach, Gaviota area, unincorporated Santa Barbara County (Assessor Parcel Nos. 081-270-002 and 083-650-011)

**PROJECT DESCRIPTION:** The Gaviota Beach Road and Bridge Replacement Project consists of the removal of a 782-ft long, 18-ft wide stretch of Gaviota Beach Road and 80-ft. long, 30-ft. wide bridge over Gaviota Creek, and the construction of a new 34-ft. wide road and 256-ft. long, 36.5-ft. bridge in approximately the same location of the existing bridge and roadway alignments. In addition, a temporary 1,275-ft long, 24-ft. wide paved road and creek crossing would be constructed across Gaviota Creek to provide access during construction, with removal scheduled at the end of the project. The actual footprint of the temporary road and creek crossing, encompassing the entire road prism including the embankments, would range from 35 to 65 feet in width. The project also includes desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; and rock armoring of the new road embankments, bridge abutments, and portions of the banks of Gaviota Creek to control erosion. Habitat restoration activities would be implemented after completion of the construction phase of the project.

**SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE EXISTS**

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the appellants' assertions that the project is not consistent with the wetland and environmentally sensitive habitat area (ESHA) policies of the certified Local Coastal Program (LCP). Motion and resolution can be found on **Page 5**.

As approved by the County, the project would include the removal of a majority of the existing Gaviota Beach Road and associated bridge over Gaviota Creek; expansion/enlargement of the road with 40,000 cu. yds. of fill grading creating a 12 ft. high, 70 ft. wide embankment; construction of a new 256-ft long, 34.5-ft. wide bridge; construction of a 24-ft wide (not including slopes) temporary road and creek crossing; desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; an unspecified amount of rock armoring of creek banks and bridge abutments; and habitat restoration. There are identified alternatives in the project's Environmental Impact Report that would have fewer environmental impacts while meeting the goal of providing reliable access to Hollister Ranch and Gaviota State Park.

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## EXHIBITS

- Exhibit 1.** Final Local Action Notice (County Approval With Conditions)
- Exhibit 2.** Appeals
- Exhibit 3.** Vicinity Map / Gaviota State Park
- Exhibit 4.** Location & Jurisdiction Map
- Exhibit 5.** Project Site

- Exhibit 6.** Site Plan
  - Exhibit 7.** Bridge Armoring
  - Exhibit 8.** Permanent Road Cross-Section
  - Exhibit 9.** Permanent Road Culverts
  - Exhibit 10.** Temporary Road Cross-Section
  - Exhibit 11.** Channel Desilting Cross-Section
  - Exhibit 12.** Bridge Height & Flood Events
  - Exhibit 13.** Watershed Map
  - Exhibit 14.** Special Interest Species
  - Exhibit 15.** County Cost Memos
  - Exhibit 16.** Causeway Alternative
  - Exhibit 17.** Alternative Bridge Location
  - Exhibit 18.** Project Components (Aerial)
  - Exhibit 19.** Floodplain Modifications
  - Exhibit 20.** Wetlands Map
  - Exhibit 21.** Bridge Plans
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**SUBSTANTIVE FILE DOCUMENTS:** County of Santa Barbara Local Coastal Program; Final Environmental Impact Report, Gaviota Bridge Replacement Project (URS Corporation, September 2005); Wetland Delineation, Gaviota Bridge Replacement Project (URS Corporation, September 2005);

## **I. APPEAL JURISDICTION AND PROCEDURES**

### **A. APPEAL JURISDICTION**

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

The project is located along the Gaviota Coast within unincorporated Santa Barbara County. It is located partially within the Commission's retained jurisdiction and partially within the geographic appeals area of the County's jurisdiction. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map (Santa Barbara County

Coastal Zone Map Sheet 121) certified for the County of Santa Barbara indicates that the appeal jurisdiction for this area extends between the first public road and the sea. The project is appealable for three reasons: (1) it is located in the geographic appeals area between the first public road and the sea and therefore any projects approved for these sites are appealable to the Commission; (2) the project is not a principal permitted use and requires a Conditional Use Permit under the County's LCP which is appealable to the Commission regardless of its geographic location; and (3) the development constitutes a major public works project that would be appealable to the Commission regardless of its geographic location.

## **B. APPEAL PROCEDURES**

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

### **1. Grounds for Appeal**

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

### **2. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

### **3. De Novo Permit Review**

If a substantial issue is found to exist, the Commission will evaluate the project under a de novo permit review. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public

access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

### **C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

On March 14, 2006, the County of Santa Barbara Board of Supervisors approved a Conditional Use Permit and Development Plan (Case Nos. 05CUP-00000-00005 and 05DVP-00000-00002) to replace the existing Gaviota Beach Road and bridge with a new 256-ft road and bridge across Gaviota Creek at Gaviota State Park. The Notice of Final Action for the project was received by Commission staff on May 12, 2006. A ten working day appeal period was set and notice provided beginning May 15, 2006, and extending to May 26, 2006.

An appeal of the County's action was filed by: (1) Commissioners Meg Caldwell and Patrick Kruer on May 15, 2006; and (2) Michael Lunsford for the Gaviota Coast Conservancy on May 15, 2006; and (3) Eddie Harris for the Santa Barbara Urban Creeks Council on May 25, 2006 during the appeal period. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals and requested that the County provide its administrative record for the permit.

## **II. STAFF RECOMMENDATION FOR SUBSTANTIAL ISSUE**

**MOTION:**        *I move that the Commission determine that Appeal No. A-4-STB-06-056 raises NO substantial issue with respect to the grounds on which the appeals have been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local actions will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-STB-06-056 presents a substantial issue with respect to the grounds on which the appeals have been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

### **III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION**

On March 7, 2006, the Santa Barbara County Board of Supervisors undertook final discretionary action to approve the Gaviota Bridge Replacement Project with the following project description:

The Gaviota Beach Road and Bridge Replacement Project consists of the removal of a 782-ft long, 18-ft wide stretch of Gaviota Beach Road and 80-ft. long, 30-ft. wide bridge over Gaviota Creek, and the construction of a new 34-ft. wide road and 256-ft. long, 36.5-ft. bridge in approximately the same location of the existing bridge and roadway alignments (Exhibits 6, 18, 21). In addition, a temporary 1,275-ft long, 24-ft. wide paved road and creek crossing would be constructed across Gaviota Creek to provide access during construction and removed at the end of the project. The actual footprint of the temporary road and creek crossing, encompassing the entire road prism including the embankments, would range from 35 to 65 feet in width. The project also includes desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; and rock armoring of the new road embankments, bridge abutments, and portions of the banks of Gaviota Creek with an unspecified amount of rock to control erosion. Habitat restoration activities would be implemented after completion of the construction phase of the project.

Although the County's project description includes the whole project, only a portion of the project site is within the County's jurisdiction, with the remainder of the site being within the California Coastal Commission's permit jurisdiction. Consequently, only certain project components and activities are within the County's jurisdiction. The project components and activities within the County's jurisdiction are described below.

##### **1. Gaviota Creek Bridge**

The existing 80-ft. long, 30-ft. wide bridge, consisting of four railroad flat cars placed side by side across the creek on pile foundations, would be removed. The new bridge would consist of a 256-foot long, 36.5-ft. wide span bridge that would be constructed of concrete slabs (Exhibit 6, 21). Approximately 125 feet of the new bridge (the northern half) would be within the County's jurisdiction (Exhibits 4 and 5). The remainder of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and is not approved by the subject Development Plan and Conditional Use Permit. The bridge would rest on concrete abutments at either end of the bridge and two concrete piers in the middle of the bridge. All concrete portions of the bridge would be cast in place. The bottom of the bridge deck would be approximately 11-12 feet above the creek bed. The bridge would be approximately 36.3 feet in width as measured from the outside of the concrete barriers. There would be a single 12-foot

wide traffic lane in each direction and two paved shoulders of 5-foot width that would also function as bicycle, pedestrian and equestrian lanes. Each side of the bridge deck would have a 4.7-foot high concrete barrier rail.

The bridge would have two concrete abutments and two piers. The concrete abutments at either end of the bridge would be armored with ungrouted rip rap (Exhibit 7). The northern abutment is within the County's jurisdiction while the southern abutment is not. The southern abutment of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and is not approved by the subject Development Plan and Conditional Use Permit. The rock layer installed to protect the new road embankment (see *Gaviota Beach Road* project description below) would be extended for a distance of approximately 175 feet around the north abutment of the new bridge and along the north bank. The approval provides a conceptual footprint for the rock placement area, but does not specify the amount of new rock that would be needed. A three foot deep layer of one-quarter ton rock would be placed along the northern bank of Gaviota Creek. The rock layer would be buried 10 feet below the surface of the creek bed and would extend approximately 6.5 feet up the bank. The exposed rock layer would be planted with willows.

## **2. Gaviota Beach Road**

A portion of the existing Gaviota Beach Road stretching from the northern bank of Gaviota Creek approximately 800 feet northward toward Highway 101, would be removed and widened from 18 feet to approximately 34 feet in width. To construct the new road, approximately 1,500 cubic yards of cut would be required to prepare the road corridor and approximately 40,000 cubic yards of fill would be placed to create an earth embankment up to 12 feet in height and 70 feet in width (Exhibit 8). A new paved road of 34-foot width (not including slopes) would be constructed on top of the new embankment, and would require the placement of an additional 10,000 cubic yards of fill. The road would be a single 12-foot lane in each direction, with two 5 foot wide paved shoulders which would be striped as bike lanes, and would also function for pedestrian and equestrian transit. Three square concrete box culverts measuring four feet by four feet in dimension would run under the proposed new road to provide passage for wildlife and convey flood flows (Exhibit 9).

The downstream slope of the proposed road embankment would remain earth, and would be planted with willows and other native vegetation. The upstream slope of the proposed embankment would be covered (i.e. armored) with un-grouted one-quarter ton rock (rock slope protection) to protect the new road from erosion during flood flows. To install the rock, the ground parallel to the toe of the new road embankment would be excavated to construct a roughly trapezoidal trench approximately 33 feet in width and a maximum of 10 feet in depth. A three-foot layer of rock would overlay an 18-inch layer of gravel, and would extend 60 feet up the embankment as measured from the bottom of the trench. The excavated trench and lower portion of the rock would be backfilled with soil to a maximum depth of 10 feet, while the top portion of rock armoring would be left uncovered. Both the lower covered rock layer and the exposed top rock layer would be planted with willows to provide visual screening.

Under current conditions a low-flow channel of Gaviota Creek is located adjacent to a portion of the proposed new road embankment. During construction, it will be necessary to prevent water from this channel from entering the work area. To do this, an earth berm approximately 3 feet high, 6 feet wide and 150 feet long would be constructed using materials from the dry portion of the channel. Prior to construction of the berm, mesh blocking nets (5mm mesh size) would be placed across the flow in the channel approximately 75 feet upstream and downstream of the ends of the proposed berm. Silt fencing would be installed in the non-wetted portions of the channel under direction of the biological monitor. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhynchus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The blocking nets would remain in place throughout the duration of construction and removal of the temporary berm and construction of the road embankment and rock slope protection.

After removal of all species as described above, approximately 75 cubic yards of material would be moved from the dry portions of the creek bed using an excavator or rubber-tire loader operating within or adjacent to the low-flow channel. A visquine layer would be placed on the upstream portion of the berm to prevent seepage. The berm would remain in place during the construction phase of the project. At the end of the construction phase, the berm would be removed by pushing the materials back into the dry portions of the creek bed.

In the event of flood damage, the repair or replacement of rock on the new road embankment would require application for, and approval of, a new Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit and follow-on Coastal Development Permit.

### **3. Temporary Access Road and Creek Crossing**

A temporary paved access road 24 feet wide and approximately 1,275 feet in length would be constructed east of, and parallel to, the existing Gaviota Beach Road (Exhibit 6 and 18). The actual footprint of the temporary road and creek crossing, encompassing the entire road prism including the embankments, would range from 35 to 65 feet in width. Approximately 975 feet of the proposed detour road is within the County's jurisdiction. Construction of the detour road would require clearance of the existing vegetation (including eucalyptus trees, native coastal sage scrub, and some riparian and wetland areas), leveling of the proposed corridor, and placement of fill to construct a new embankment of 30-35 foot width, varying in height from one to six feet above grade (Exhibit 10). The embankment would be compacted and leveled on top, and a new 24-foot wide paved road constructed. In order for the detour road to cross Gaviota Creek, fill would be placed in the creek to create a 65-foot wide embankment, across



which the 24 foot wide paved detour road would run. Three, 36-inch diameter steel pipes of 78 foot length would be buried at the bottom of the temporary creek crossing to allow upstream and downstream flow of Gaviota Creek. Construction of the detour road would require approximately 500 cubic yards of cut to prepare the corridor and placement of approximately 10,000 cubic yards of fill to construct the temporary road and creek crossing.

#### **4. De-silting of Gaviota Creek**

Approximately 7,500 cubic yards of accumulated sediment would be removed from the bed of Gaviota Creek. De-silting would occur in a stretch of the creek from approximately 250 feet downstream to 350 feet upstream of the proposed new bridge, and would require excavation of the creek bed to depths ranging from 0.5 to 4.5 feet. In addition the creek bed and banks would be graded in order to re-shape the channel into a substantially wider trapezoidal shape than what currently exists (Exhibit 11). The new width of the channel would be approximately 260 feet from top-of-bank to top-of-bank. The approximate area of creek bed proposed for de-silting and re-shaping is 1.5 acres.

Approximately half of the proposed upstream excavation, and a much smaller proportion of the downstream excavation, is within the County's jurisdiction. The remainder of the proposed de-silting operation is within the original permit jurisdiction of the California Coastal Commission and is not approved by the subject Development Plan and Conditional Use Permit.

The de-silting would facilitate passage of flows after construction of the new bridge and would be a one-time event. Any additional or subsequent de-silting within the County's jurisdiction would require application for, and approval of, a Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit and follow-up Coastal Development Permit.

#### **5. Temporary Dams and Dewatering**

##### **Upstream Dams and Work Area Dewatering**

In order to construct the new bridge, the downstream flow of Gaviota Creek would need to be diverted around the work site. Although there is upstream tidal flow it does not extend to the project area and therefore would not need to be blocked from reaching the work site. To divert the downstream flow, temporary dams (cofferdams) would be installed within the bed of Gaviota Creek, approximately 375 feet upstream of the existing bridge. Prior to installation of the cofferdams, a mesh blocking net (5mm mesh size) would be placed across the flow in Gaviota Creek at a location approximately 75 feet upstream of the cofferdam site, (450 feet upstream of the existing bridge). Silt fencing would be installed in the non-wetted portions of the creek bed and would extend for 100 feet beyond the top of the creek bank in both directions. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhynchus mykiss*) would be removed by trained personnel (biologist) approved by

the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The biologist would work from the upstream blocking net to the downstream limits of the work area, and then erect a second blocking net and silt fence barrier 75 feet downstream of the downstream work area limits.

After construction of the blocking nets and removal of all species as described above, a 36-inch diameter flexible High-Density Polyethylene (HDPE) culvert (temporary pipeline) would be used to by-pass the creek flows through the construction work area. The by-pass would be installed prior to the construction of the cofferdam while the creek is still flowing through the work area. The pipeline would originate below the upstream blocking net/silt fencing, but upstream of the proposed gravel bag cofferdam, and would terminate below the downstream blocking net/silt fencing. The pipeline would be placed on the dry portion of the creek bed, outside the active channel and outside any active work area. One or two vehicle crossings would be created over the pipeline by placing an earthen ramp over the pipe. The pipe segments would be fused or clamped securely to prevent leakage or accidental separation. The pipeline would be placed in a positive gradient to allow flow by gravity. A small excavator or loader would clear a 10-foot wide zone through the work area, and then grade the corridor to a smooth surface with a uniform slope. The pipeline would rest on the ground and be secured with small (i.e., 12-18 inches) earthen berms along the sides. The inlet and outlet to the pipeline would be constructed of in-stream materials to create a smooth transition for flows to pass from the creek into the pipe (inlet side) and from the pipe to the creek (outlet side). The transition would be lined with an impermeable fabric and secured with cobbles to prevent erosion or movement of the pipeline. The intake and outlets of the by-pass pipeline would be screened with a 5 mm mesh to prevent entry by any aquatic species or wildlife.

Subsequent to placement of the temporary pipeline, a gravel bag cofferdam and an earthen berm cofferdam would be constructed. Gravel bags and a visquine layer would be placed by hand across the creek to form a pyramid sufficient to divert the creek flow into the temporary pipeline. The gravel bag cofferdam would be constructed no closer than 25 feet downstream of the blocking net and silt fencing.

After installation of the gravel bag cofferdam, the earthen berm cofferdam would be constructed 375 feet upstream of the existing bridge, and 25 feet upstream of the limits of the channel desilting area. The earthen cofferdam would be constructed of in-stream materials (i.e., sediments, gravels, cobbles). A berm at least five feet high would be constructed across the active channel, which could vary from 10 to 25 feet in width based on conditions at the time of construction. The base of the berm would be at least 15 feet wide with 2:1 (H:V) slopes, and would be compacted with an excavator shovel. The creek bed at the upstream toe of the cofferdam would be excavated at least 3 feet below the invert to install an impermeable fabric to intercept below ground seepage.

This fabric would be installed across the upstream face of the earthen cofferdam and then covered with at least one foot of sediment and cobble.

The creek by-pass system would be designed to operate by gravity. However, in the event that water surface elevations above the cofferdam increased during construction such that flows could pass around the cofferdam, a sump pump would be installed in the creek between the earthen and gravel bag cofferdams. Under this condition, an electrical sump pump with a 5 mm screen surrounding the intake would pump water into the by-pass culvert. The pump would be powered by a portable generator at the site. The by-pass system would be inspected throughout the day, and prior to leaving the work site at night. It would be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.

The creek diversion system (by-pass) would be installed in July of 2006, beginning with installation of the blocking nets and silt fencing, and would be removed on December 1, 2006. The blocking nets and silt fencing would remain in place through all work and would be the last component removed on December 1 of each year. To remove the by-pass, a low flow channel would be constructed from the upstream end of the work area to the temporary creek crossing associated with the detour road. The channel would be about 3 feet deep and 15 feet wide, and would be constructed using an excavator. Upon completion of the low flow channel, the earthen cofferdam would be removed using an excavator. The gravel bag cofferdam would then be removed by hand, allowing any flows in the creek to enter the low flow channel. The temporary pipeline would then be removed from the creek channel. The by-pass system would be re-installed in July 2007, and then removed at the end of construction in December 2007 using the same methods described above.

### Bridge Site

Groundwater may be encountered during excavation for the bridge piers, abutments and associated rock slope protection. This would require additional dewatering activities as described below.

For the bridge piers and abutments, a pit of approximately eight-foot depth would be excavated in the creek bed to expose the top of the pilings. Any groundwater that flowed into the pit would be pumped out using sump pumps. The groundwater would be pumped into a settling pond. The settling pond would be approximately eight feet in diameter and four feet in depth, and would be excavated in the creek bed at the downstream end of the work area but upstream of the blocking net and silt fencing. The pond would be layered with visquine and water would decant by gravity over the lip of the pond and into the creek bed.

If groundwater is encountered, it is necessary to prevent contact of groundwater with the concrete being poured for the bridge components. According to Public Works, this will be achieved by the following construction methods. A cofferdam constructed of gravel bags and plywood backed with waterproof material (visquine) would be constructed within the pit to surround the actual concrete form. This cofferdam would

isolate the plywood concrete form, and the concrete poured within the form, from contact with groundwater within the excavation. In the event that the cofferdam leaked and water contacted the concrete, this water would be removed using a portable gas-powered vacuum and stored in a portable tank for disposal at an offsite municipal sanitary sewer (with approval from the affected city).

Only one pit would be excavated for each pier or abutment. Excavation of any additional pits, dewatering sites or wells would require review and approval by the Santa Barbara County Planning and Development Department (P&D).

## **6. Habitat Restoration**

### **General Requirements and Mitigation Ratios**

The proposed project would occur entirely within an area designated as Environmentally Sensitive Habitat by the County of Santa Barbara. Expansion and widening of the existing road and bridge and construction of a new temporary road through this area would necessarily engender impacts to the surrounding habitat. According to the EIR and the preliminary restoration plan, the project would result in the temporary removal of 1.19 acres of riparian or wetland habitat and the permanent loss of 0.50 acres. As approved by the County, the temporary loss of habitat would be mitigated on a 3:1 ratio (3.57 acres restored) to ensure consistency with the standards of the California Department of Fish and Game (DFG). The permanent loss of habitat would be mitigated on a 5:1 ratio (2.5 acres restored) as per DFG standards. Therefore a total of 6.07 acres of riparian and/or wetland habitat would be restored.

In addition to the project's impacts on riparian and/or wetland habitat, 0.29 acres of upland habitat would be temporarily removed and 0.21 acres would be permanently lost. This upland habitat, as well as the riparian and wetland habitat, is designated as Environmentally Sensitive Habitat. Although neither the EIR nor the preliminary restoration plan specifically calls for mitigation of these impacts, both the temporary and permanent removal of upland habitat would need to be restored in order for the project to be deemed consistent with County policy. The temporary loss of upland habitat would be mitigated for on a 3:1 basis (0.87 acres restored) and permanent loss of upland habitat would be mitigated for on a 5:1 basis (1.05 acres restored). Therefore a total of 1.92 acres of upland habitat would be restored.

The total acreage that would be restored as mitigation for the project's impacts would be 8.00 acres – 6.07 acres of riparian/wetland habitat and 1.92 acres of upland habitat. The preliminary restoration plan proposes to restore or enhance a total of 8.81 acres. Of this total proposed acreage (8.81 acres), 0.43 acres is comprised of willow plantings in the rock slope protection along the new road. In its approval of the Development Plan and CUP, the County found that this 0.43 acres would not be considered suitable as mitigation, and the total acceptable acreage required for mitigation would therefore be 8.38 acres.

### **Proposed Restoration Plan**

The proposed restoration plan would consist of work to be done outside of the creek channel. Approximately 1,000 cubic yards of grading would be required for the restoration phase of the project.

All areas of temporary impact associated with construction of the new Gaviota Beach Road and temporary detour road would be restored to riparian habitat adjacent to the new road corridor. The riparian and upland areas east of the new road would also be restored/enhanced through a mixture of clearing, weeding and/or planting as mitigation for the permanent impacts of the project. Four or more slight depressions would be created in this area to function as seasonal ponds or pools.

Native vegetation from locally occurring stock would be planted in the restoration areas and maintained and monitored for five years. The restoration plan would require that the following performance measures be met at the end of the five year period: 90% cover of native plants, less than 5% weed cover, and native plantings that had survived without supplemental watering for two years.

#### **7. Project Components Within the Commission's Retained Jurisdiction**

In addition to the components and activities described above, the project also proposes the following: a) installing rock protection on the southern bank of Gaviota Creek upstream and downstream of the new bridge; b) constructing the southern half of the new bridge; c) constructing a new spur road to connect to the existing Hollister Ranch Road; and d) constructing a new entrance kiosk, campsites, parking lot, signage and lighting for Gaviota State Beach. These proposed project components/activities are all within the permit jurisdiction of the California Coastal Commission, and are not part of, nor permitted by Development Plan 05DVP-00000-00002 or Conditional Use Permit 05CUP-00000-00005, which are the subject of this appeal. The County's role in permitting these project components would require that the County Planning and Development Department approve and issue a Land Use Permit, with appropriate conditions, to effectuate the construction activities approved by the California Coastal Commission.

## **B. BACKGROUND AND PURPOSE**

The Gaviota Beach Road and bridge, and the area that would be affected by the project, are located in, or directly adjacent to, the riparian corridor of Gaviota Creek within a mile of its outlet into the Pacific Ocean. The entire project is located within Gaviota State Beach property (Exhibit 3). Though there may have been modifications since the establishment of the Coastal Act, the location and development of the State campground, the access road and creek crossing area originated prior to the passage of the Coastal Act.

The existing Gaviota Beach Road and bridge provide the primary means of access to Hollister Ranch and the only means of access to Gaviota State Beach since there is no

public access through Hollister Ranch. The road and bridge are currently maintained by Santa Barbara County.

In 1997, the County constructed the current bridge over Gaviota Creek because the culverts associated with the previous creek crossing were continually being plugged with sediment, causing flows to overtop the bridge and road. The 1997 replacement bridge consisted of four railroad flat cars placed side by side across the creek on pile foundations. This replacement bridge was damaged by creek flows in 1998. This bridge crossing is now almost entirely plugged with sediment and debris, and is overtopped by a 10-year storm event. Similarly, the existing Gaviota Beach road upstream of the existing bridge is overtopped by a 10-year storm event. This flooding of Gaviota Beach road results in the periodic, temporary closure of the road for varying lengths of time. During these closures, access across Gaviota Creek is reduced or eliminated. According to the EIR, this closure represents a safety hazard when, regardless of the road condition, residents of Hollister Ranch attempt to traverse the flooded roadway.

To prevent closure of the Gaviota Beach road and bridge due to flooding, the Santa Barbara County Public Works Department proposed replacing the existing road and bridge with structures that would be capable of allowing passage of a 100-year storm event. The proposed road and bridge would improve access to Hollister Ranch because road and bridge closures due to flooding would virtually be prevented. The State beach facilities downstream of the bridge site lie within the 10-year flood limit. Therefore, the probability and frequency of flooding of the State beach is the same as the probability and frequency of flooding of the existing bridge and road. According to the EIR, the proposed project would not decrease the frequency and severity of flooding in the State beach.

The County applied for, and received, funding from the Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (OES) to replace the bridge with a full span structure that provides protection from the 100-year flood event. The project was eligible for funding because the bridge and roadway were damaged during a declared federal emergency – the 1998 El Nino storms.

The proposed bridge and road, in their current design and location, were developed by the Public Works Department and submitted to FEMA and the State Office of Emergency Services on January 28, 2003. The Public Works Department received notification from FEMA and OES on June 25, 2003 that funding for the project was approved. Based on information provided by Public Works, any difference in cost between an alternative project design and/or location could not be funded by FEMA – the difference in cost, estimated at \$1,000,000 would have to be borne by the County. The approved FEMA funding could only be used to fund construction of the road and bridge in the design and location submitted to and approved by FEMA (Exhibit 15). Approximately two years after receiving approval from FEMA for the proposed bridge and road, Public Works submitted this FEMA-approved project on February 7, 2005 as part of their application to Planning and Development (P&D) for a Development Plan (DVP) and Conditional Use Permit (CUP).

The property is owned by State Parks. However, the County has been maintaining the road for Hollister Ranch residents, pursuant to an easement agreement. The County has taken the lead on the proposed project and was also responsible for the previous bridge replacement projects. State Parks receives only a marginal benefit as a result of the bridge replacement project, since the park facilities are closed in winter. State Parks was not a co-applicant on the subject application, and authorization for the proposed project has not be officially submitted as part of the underlying project record.

### **C. LOCAL PERMIT HISTORY**

The applicant, County of Santa Barbara Public Works Department, requested the County's approval of two items: a Minor Conditional Use Permit (CUP) and a Development Plan for the removal and replacement of Gaviota Beach Road and bridge.

On January 25, 2006, the Santa Barbara County Planning Commission approved by a 4-1 vote the Gaviota Beach Road and Bridge Replacement Project, subject to 55 conditions of approval. The project as approved consists of the removal of the existing road and bridge and their replacement with a new significantly expanded road and bridge. Other project components include the excavation and re-shaping of Gaviota Creek, a 24-ft wide temporary access road, rock armoring of the new road and creek banks, creek dewatering and flow bypass, and restoration of the construction area and adjacent sites. Approximately half of the project is located within the jurisdiction of the County of Santa Barbara and the remainder is located within the original permit jurisdiction of the California Coastal Commission. That portion of the project within the County's jurisdiction requires a Development Plan and a Minor Conditional Use Permit (CUP), as well as a follow-on Coastal Development Permit (CDP). The Planning Commission approved the required permits (05DVP-00000-00002 and 05CUP-00000-00005) at the January 25, 2006 hearing. The Planning Commission also voted at the January 25, 2006 hearing to certify the Environmental Impact Report (05EIR-00000-00007) prepared for the project.

The Planning Commission's decision was appealed to the County of Santa Barbara Board of Supervisors by Mike Lunsford for the Gaviota Coast Conservancy on February 2, 2006, by Eddie Harris for the Santa Barbara Urban Creeks Council on February 6, 2006 and Naomi Kovacs for the Citizens Planning Association on February 6, 2006.

On March 7, 2006, the County of Santa Barbara Planning Commission denied the appeals and approved the Gaviota Beach Road and Beach Replacement Project, subject to conditions. The County's conditions of approval are attached in Exhibit 1.

Commission staff received a Notice of Final Action for the Board of Supervisors' approval of the Development Plan and Minor Conditional Use Permit (05DVP-00000-00002 and 05CUP-00000-00005) on May 12, 2006. A 10 working day appeal period was set and extended to May 26, 2006. Three appeals were received on this project: by Commissioners Meg Caldwell and Patrick Kruer on May 15, 2006; by Michael Lunsford for the Gaviota Coast Conservancy on May 15, 2006; and by Eddie Harris for the Santa Barbara Urban Creeks Council on May 25, 2006.

## D. APPELLANT'S CONTENTIONS

The County's action was appealed to the Commission by: (1) Commissioners Caldwell and Kruer; (2) Michael Lunsford for the Gaviota Coast Conservancy; and (3) Eddie Harris for the Urban Creeks Council.

### 1. Commissioner Appeals

The appeals filed by Commissioners Caldwell and Kruer are attached as Exhibit 2a and 2b. The appeals contend that the approved project is not consistent with the provisions of the certified LCP with regard to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, floodplain protection, and monarch butterfly trees. In addition, there may be alternative designs that would result in fewer or less significant impacts and which have not been analyzed.

The appeals contend that the project is inconsistent with the following LCP provisions 1-1, 1-2, 2-11, 3-19, 9-14, 9-38, 9-9, 9-22, 10-2; Coastal Act Sections 30107.5, 30231, 30233, 30236 and 30240 as incorporated into the LCP pursuant to Policy 1-1; and Article II of the Zoning Code Sections 35-97.7, 35-97.9, and 35-97.19. The cited LCP provisions limit development in and around environmentally sensitive habitat areas, stream corridors, floodplains, wetlands, and monarch butterfly trees. Additionally, these provisions provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible.

As reported by the appellants citing the EIR, the proposed project would result in permanent loss of 0.503 acres of riparian and wetland habitat as a result of the construction of the road approach and the placement of rock rip-rap. Additionally, approximately 2.39 acres of riparian and wetland habitat would be temporarily impacted for construction access and work areas to construct the permanent road and bridge, temporary detour road, and channel desilting. The temporary access road would result in the removal of monarch butterfly trees and riparian and wetland habitat. Furthermore, aquatic habitats in Gaviota Creek would be directly impacted by the channel desilting activities, installation and removal of the temporary creek crossing, construction of the bridge; and creek dewatering activities.

Figure 3-13 of the EIR identifies an area west of the existing Gaviota Beach Road as "high density red-legged frog" habitat. However, though the EIR addresses the temporary displacement of approximately 600 feet of creek habitat, the EIR does not address the permanent rock armoring that would replace the high-density habitat. Additionally, the project would result in the removal of eucalyptus trees observed to be used by monarch butterflies during the autumn migration. The trees are not considered significant because the "grove along the road corridor does not represent a recognized roost, nor does it support a large or persistent population."

The appeals assert that the project would have numerous significant impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and



monarch butterfly trees inconsistent with the LCP policies mentioned above. The provisions of the LCP require implementation of alternatives that would avoid adverse impacts to coastal resources, including siting alternatives and/or design alternatives. The EIR describes two major alternatives (the Causeway Alternative and the Alternative Bridge Site Alternative) that would significantly reduce impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees. These alternatives were eliminated from consideration due to funding and cost constraints. However, funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA. Other alternatives that should be considered to reduce impacts would include smaller road widths (including alternatives for the 24-ft. wide temporary access road which has been sited in a manner that will result in the permanent loss of wetland and monarch butterfly trees), alternative bank stabilization methods, and/or alternative locations (or elimination) for the temporary road.

## **2. Gaviota Coast Conservancy**

The appeal filed by Michael Lunsford, President, Gaviota Coast Conservancy is attached as Exhibit 2c. The appeal contends that this project is inconsistent with Santa Barbara County's LCP policy 1-1, incorporating Coastal Act Section 30233, because it fills the wetland with 70,000 cu. yds. of soil and stone, creating a dike impairing the functional capacity of the wetland. The fill is used to construct an approximately 70-ft. wide road prism to raise approximately 800 feet of roadbed 12 feet above grade and armor it with stone rip-rap. By doing so, it isolates 4 or more acres of wetland that will be permanently cut off from stream flow in violation of the Clean Water Act, and the federal "no net loss" of wetlands policy. The proposed mitigation to construct three 4-ft by 4-ft box culverts along the Gaviota Beach Road fails to adequately address the loss of hydrologic function of the wetland, and creates a maintenance burden of such magnitude that failure of this features is highly probable.

The appeal also contends that the Project EIR fails to give adequate weight to the loss of wetland habitat compared to the "Alternative Bridge Site" alternative's impacts to upland resources. The appeal asserts that the alternatives analysis is inconsistent with the County environmental thresholds, Coastal Act policies, and State Park General Plan policies set in place to protect scarce wetland resources. The Lunsford appeal further states that the EIR fails to adequately analyze alternates.

## **3. Santa Barbara Urban Creeks Council**

The appeal filed by Eddie Harris on behalf of the Santa Barbara Urban Creeks Council is attached as Exhibit 2d. The appeal contends that this project is inconsistent with Coastal Act Section 30233 as incorporated by Santa Barbara County's LCP policy 1-1. The Local Coastal Plan and the Coastal act allow filling and diking within a wetland only when the functional capacity of the wetland can be maintained and enhanced. The proposed project does not maintain or enhance the functional capacity of the wetland. The alternatives analysis rejected may have failed to consider other alternatives that would allow compliance with the Coastal Act and the Local Coastal Plan. Other LCP polices with which the project is inconsistent includes LCP Policy 1-1 incorporating

Coastal Act Section 30231, 30107.5, and Article II, Section 35-58 of the LCP, Section 30240 of the Coastal Act. Additionally, the project is inconsistent with LCP Policy 2-11, LCP Policy 9-38, and LCP Policy 9-9.

The appeal argues that the proposed project is inconsistent with the County's Environmental Thresholds and Guidelines Manual because the EIR does not recognize potentially significant impacts and does not fully mitigate damage to wetlands. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with its own Thresholds and Guidelines Manual.

The appeal further argues that the proposed project is inconsistent with the Gaviota State Park General Plan. The design does not allow Gaviota Creek to meander freely in uncontained manner as much as possible as recommended in the Park General Plan. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with this recommendation of the Park General Plan.

## **E. ANALYSIS OF SUBSTANTIAL ISSUE**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act.

The primary concerns of the appellants are that the alternatives analysis provided by the EIR was inadequate and that the project approved by the Board of Supervisors is not consistent with the policies of the Local Coastal Plan designed to protect wetlands and environmentally sensitive habitat. A substantial issue does exist with respect to the grounds on which the appeals have been filed. The appeals raise significant questions about whether the approved project is inconsistent with policies of the County of Santa Barbara Local Coastal Program for the specific reasons discussed below.

### **1. Wetlands, ESHA, and Water Quality**

The appellants contend that the project, as approved by the County does not conform to the policies of the LCP with regard to wetlands and environmentally sensitive habitat areas (ESHA). There are several policies in the County LCP that have been cited by appellants that relate to wetland and ESHA protection.

Policy 1-1: All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30107.5 and Article II, Section 35-58 of the certified LCP state:

***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Section 30231 of the Coastal Act states:

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

Section 30233 of the Coastal Act states:

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

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

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

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

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

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

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

*(7) Restoration purposes.*

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

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

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of*

*the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section 30236 of the Coastal Act states:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30240 of the Coastal Act states:

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

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Policy 1-2 (Resource Protection):

*Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.*

Policy 2-11 (ESHA):

*All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.*

Policy 3-19 (Streams & Wetlands):

*Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

Policy 9-9 (Wetland Buffer):

***A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.***

***The upland limit of wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.***

***Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.***

Policy 9-14 (Wetland):

***New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.***

LCP Policy 9-22 (Butterfly Trees):

***Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.***

LCP Policy 9-38 (Stream Corridors):

***No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route-location is feasible. All development shall incorporate the best mitigation measures feasible.***

Sec. 35-97.7. (Conditions on Coastal Development Permits in ESH):

***A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.***

Zoning Code 35-97.9 (Wetland Buffer):

...

**4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as:**

**a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or**

**b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or**

**c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.**

**5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.**

**6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.**

**9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.**

Sec. 35-97.19. ESH Environmentally Sensitive Overlay District: Development Standards for Stream Habitats.

**1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:**

**a. Soil type and stability of stream corridors.**

**b. How surface water filters into the ground.**

**c. Slope of land on either side of the stream.**

**d. Location of the 100-year flood plain boundary.**

**Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the**

*buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.*

*2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route location is feasible. All development shall incorporate the best mitigation measures feasible.*

*3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.*

*4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.*

*5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.*

*6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of P.R.C. § 30236 of the Coastal Act.*

## **General Discussion**

The certified zoning maps designate the subject area as Environmentally Sensitive Habitat (ESH). Under the certified LCP, wetlands, butterfly trees, and riparian/stream corridors are specifically identified as unique, rare, and fragile habitats and specific policies are included in the LCP to provide protection of these resources. As provided in the EIR, the project site includes the following habitat types: riparian woodland, willow woodland, willow scrub, mulefat scrub, emergent wetland, coastal salt marsh, coastal sage scrub, coyote brush scrub, non-native grassland, eucalyptus grove, and ruderal vegetation (upland and riparian). The proposed project would almost entirely (with the exception of the existing pre-coastal road, bridge, and campground development) occur within an area determined to be Environmentally Sensitive Habitat by the County of Santa Barbara.

As shown above, the certified LCP includes policies that require development adjacent to ESHA to be regulated to avoid adverse impacts on habitat resources, including measures such as setbacks, buffers, grading and water quality controls. Additionally the LCP provides specific development standards by ESHA type. These policies limit development in and around environmentally sensitive habitat areas, stream corridors, floodplains, wetlands, and butterfly trees. They not only limit the type of development

that can be permitted within these resources, but also provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible.

The certified LCP also contains policies addressing geology, hillsides, and topography intended to guide development on hillsides and within watersheds. These Hillside and Watershed Protection policies require minimizing cut and fill, fitting development to the site's topography, soils, geology, hydrology and other natural features, and specifying techniques for minimizing the effects of necessary grading.

In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LCP as guiding policies pursuant to Policy 1-1 of the LCP. Section 30240 of the Coastal Act, incorporated into the LCP, requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values, and no development may be permitted within ESHA except for uses that are dependent on the resource. Section 30240 further requires development adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Section 30240 of the Coastal Act also requires that development adjacent to parks and recreation areas to be sited and designed to prevent impacts.

In addition to protection as ESHA, streams and associated riparian habitat are protected under other policies in order to maintain the biological productivity and quality of coastal waters. Section 30231, incorporated into the LCP, requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Notwithstanding the stream protection provisions, it is recognized that in a few limited circumstances, it may be necessary to alter a stream. Section 30236, incorporated into the LCP, limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply projects; protection of existing structures in the floodplain where there is no feasible alternative; or improvement of fish and wildlife habitat. Section 30236 outlines specific requirements for stream alteration wherein flood control projects are allowed only as necessary to protect public safety or existing development, and when such projects are the least damaging alternative.

Under the certified LCP protection of wetlands are specifically addressed. The LCP policies applied together require siting, design, and mitigation to protect wetland habitat. LCP Policies 2-11, 9-9, and 9-14; Section 30231, 30233, and 30240 as incorporated by LCP Policy 1-1; and Zoning Ordinance Sections 35-97.7, 35.97.9 and 35-97.19 necessitate measures including siting the project with setbacks and buffers to prevent impacts which would degrade the wetland resources. Specifically LCP Policy 9-14 requires new development adjacent to or in close proximity to wetlands to be compatible with the continuance of the habitat area and not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.



Coastal Act Section 30233, which has been included in the LCP, provides for only limited development within wetlands and then only under specific environmental constraints. Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries, and for maintaining or restoring previously dredged depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30233 of the Coastal Act also mandates that dredging and disposal operations shall be carried-out to avoid disruption of marine and wildlife habitats, and that suitable dredge sediments shall be deposited for beach replenishment. Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. Section 30236 allows for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development.

### **Project and Impacts**

As discussed in Section III.B above, the Gaviota Beach Road and Bridge Replacement Project consists of the removal of an 18-ft wide stretch of Gaviota Beach Road and 80-foot long bridge over Gaviota Creek, and the construction of a new 34-ft wide road and 256-ft. long bridge in approximately the same location of the existing bridge and roadway alignments (Exhibits 6 and 18). The proposed bridge has been designed to convey the 100-year flood event (with sediment laden flows) with at least two feet of free board (Exhibit 12). Gaviota Beach Road, from near Highway 101 to the new bridge, would also be raised up to 12 feet by construction of an earthen embankment that would match the height of the new bridge. This embankment would extend anywhere from approximately 10 to 24 feet from either side of the road, creating an approximately 70-foot wide road and embankment footprint. These changes to the road and bridge are intended to provide a safe and reliable means of access to Hollister Ranch and the campground.

Additionally, a 24-ft wide, 1,275-ft long “temporary” paved access road and creek crossing would be constructed across Gaviota Creek to provide access during construction, anticipated to be in place for a period of approximately 18 months (Exhibits 6 and 18). The temporary road would involve the loss of delineated wetlands, the removal of mature eucalyptus trees, and the placement of approximately 10,000 cu. yds. of fill. Embankments would be constructed for the temporary access road that would extend anywhere from 3 to 12 feet from either side of the road, requiring an approximately 35-foot embankment corridor and 65-foot creek crossing corridor. The project also includes desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; and rock armoring of the new road embankments, bridge abutments, and portions of the banks of Gaviota Creek to control erosion. Habitat restoration activities would be implemented after completion of the construction phase of the project.

The proposed development will adversely impact wetlands and ESHA (riparian, butterfly, red-legged frog, and aquatic habitat) through the temporary or permanent

removal of native vegetation; floodplain modification; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources during construction.

The Gaviota Creek Watershed encompasses nearly thirteen thousand acres (Exhibit 13). Given the location of the project site in the lowermost portion of the watershed, the floodplain in the vicinity of the project site is subject to significant upstream flow. The proposed project would permanently reduce the floodplain area in the vicinity of the project by raising the Gaviota Beach Road on several feet of fill and armoring the road, bridge, and park area with ungrouted rock.

The proposed bridge and roadway would modify the Gaviota Creek floodplain by preventing high storm flows in the creek from overtopping and traveling along the road. All flood flows would be directed under the new bridge (Exhibit 12), which would have a 256-ft. wide and 12-ft high opening. The proposed project would not reduce the extent or depths of flooding in the State Park campground facilities downstream of the bridge (Exhibit 12).

The lower floodplain has been subject to historic modification as a result of several pre-coastal developments in the area, including the placement of fill for construction of the Gaviota Beach road, campground facilities, and the creek crossing. As proposed, the road and bridge replacement would reportedly remove approximately 4 additional acres from the floodplain (Exhibit 19). Under existing conditions, stream flow in the creek channel overtops the banks with a 10-year event. The bridge and adjacent road are currently overtopped by these moderate runoff events. As proposed there would be a slight increase (0.69 acre) in the 10-year floodplain upstream of the bridge. However, the 10- and 100-year floodplains would be reduced east and downstream of the bridge (3.93 acres). The area identified as a loss of floodplain is described in the Final EIR as containing a mixture of native riparian plants, ornamental trees, and non-native weeds. According to the wetland delineation submitted by the applicant as part of this application, the area identified as floodplain loss would include wetlands (willow woodland) as defined by the Army Corps of Engineers (ACOE) and the California Coastal Commission.

The Final EIR identifies the support of riparian, wetland, and aquatic habitats as one of the functions of a floodplain. The EIR states that floodplains provide substrate and hydrologic conditions for floodplain riparian habitats which typically contain a variety of biomass, vegetative structure, and persistence, which in turn, support high wildlife diversity. Floodplains also provide cover near active creek channels for wildlife movement and habitat connectivity. Floodplains may contribute to base flows to the creek prolong aquatic habitats and growth periods for wetlands and may support special interest species. The EIR does not directly address the habitat implications specifically regarding the loss of hydrologic function in the approximately 4 acre area that would no longer receive flow on 10-year or larger flood event.

As reported in the project EIR, construction of the new road (and bridge abutments) would result in the **permanent** loss of 0.503 acres (due to the roadway approach and

rock slope protection) of wetland / riparian habitat and 0.209 acres of upland habitat. The 0.503 acres of wetland / riparian habitat permanently lost would be restored on a 5:1 basis (2.515 acres restored) as proposed in the restoration plan. The 0.209 acres of upland habitat would be restored on a 5:1 basis (1.05 acres restored). Although the new rock armoring along the road embankment would be planted with willows, this was not considered in the acreage suitable as mitigation by Santa Barbara County Planning and Development due to its low value, and temporary nature, as habitat.

Construction of the new road (and bridge abutments) would also result in the “**temporary**” loss of 0.717 acres of wetland / riparian habitat and 0.07 acres of upland habitat. The 0.717 acres of wetland / riparian habitat would be restored on a 3:1 basis (2.151 acres restored) as proposed in restoration plan. Similarly, the 0.07 acres of upland habitat would be restored on a 3:1 basis (0.21 acres restored).

The EIR estimates that approximately 0.47 acres of wetland / riparian habitat and 0.22 acres of upland habitat would be “**temporarily removed or disturbed**” by construction of the temporary detour road. The 0.22 acres of upland habitat would be restored on a 3:1 basis (0.66 acres restored), and the 0.47 acres of riparian habitat would be restored on a 3:1 basis (1.41 acres restored). The project restoration plan proposes mitigation at these levels.

Furthermore, aquatic habitats in Gaviota Creek would be directly impacted by the channel desilting activities, installation and removal of the temporary creek crossing, construction of the bridge, creek dewatering activities, and alteration of hydrology, sediment flow, and floodplain function. Approximately 1.20 acres of riparian and wetland habitat would be removed by the de-silting. No active restoration would occur. (According to the EIR, recovery of this habitat would be expected to occur over time with re-establishment of creek flows and therefore active restoration would not be needed.) Additionally, the project would result in the removal of eucalyptus trees observed to be used by monarch butterflies during the autumn migration.

### **Policy Consistency**

All of the appeals contend that the proposed project is inconsistent with Coastal Act Section 30233, as incorporated into the certified LCP, with regard to protection of wetlands. The GCC appeal further states that proposed mitigation to construct three 4-ft by 4-ft box culverts fails to adequately address the loss of hydrologic function of the wetland, and creates a maintenance burden. As described above, the Final EIR recognizes that the project will require fill of wetlands and will result in the loss of approximately 4 acres from the existing floodplain, including loss of storm-related creek flow to an identified wetland and riparian area. Wetlands would be filled for the widening and armoring of the permanent road and the construction of the temporary road.

Section 30233 states that the fill of wetlands is limited to specific types of activities but only where there is no feasible less damaging alternative. In this case, the proposed project is not consistent with the provisions of Section 30233(a) in regards to the types of uses where fill may be allowed within wetlands. Thus, the proposed project raises

substantial question with regard to the project's consistency with Section 30233 of the Coastal Act as incorporated into the LCP.

The Commission and Santa Barbara Urban Creeks Council appeals, in part, further cite Section 30231 of the Coastal Act (incorporated into the certified LCP) and Policies 3-19, 9-9, and 9-14 which combined require the protection of streams, wetlands, water quality and biological productivity. Coastal Act Section 30231 specifically requires minimizing alternation of natural streams. Additionally, pursuant to these policies, new development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity. The proposed project would remove storm creek flow to approximately 4 acres of floodplain (including riparian and wetland habitat) by significantly altering the flood flows of the creek. Additionally, the project directly eliminates existing riparian and wetland habitat. These impacts raise issue with respect to the project's consistency with Coastal Act Section 30231 as incorporated by Policy 1-1 of the LCP and Policies 3-19, 9-9, 9-14 and 9-38.

Additionally, Coastal Act Section 30236, as incorporated by reference in LCP Policy 1-1 and Policy 9-38 require that substantial alteration of streams to incorporate the best mitigation measures feasible, and be limited to flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development. The Final EIR specifically identifies an environmentally superior alternative known as the "Causeway Alternative" (Exhibit 16). The County's staff report indicates that though there are alternatives to the proposed road and bridge replacement that have fewer environmental impacts, these alternatives were not considered due to funding issues. The County did not explore alternative funding sources, but found that other alternative locations or designs were not feasible because the proposed project has been funded, alternative projects would be more expensive, and the existing identified funding sources could not be applied to an alternative (Exhibit 15). This raises substantial question as to the project's consistency with Coastal Action Section 30236 as incorporated into the LCP and Policy 9-38.

Appellants also cited Coastal Act Section 30240, as incorporated into the certified LCP, and Policies 2-11 and 9-22 which require the protection of environmentally sensitive habitat areas (ESHA), including sensitive species, riparian habitat, and butterfly trees. These policies require development adjacent to ESHA to be regulated to avoid adverse impacts on habitat resources, including measures such as setbacks, buffers, grading and water quality controls. Additionally the LCP provides that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible.

As discussed above, the proposed project will result in significant direct impacts to wetland and riparian habitats as well as upland habitats. The project includes an extensive desilting area which will modify the stream corridor, removal of butterfly trees observed to be used by monarch butterflies, removal of ESHA to place the temporary

detour road, and requires dewatering of the creek in order to construct the project. The dewatering and bypass includes the relocation of sensitive species.

Specifically, the project would result in the removal of eucalyptus trees observed to be used by monarch butterflies during the autumn migration. In its analysis, the Final EIR asserted that the trees should not be considered significant because the “grove along the road corridor does not represent a recognized roost, nor does it support a large or persistent population.” However, LCP Policy 9-22 specifically provides that butterfly trees shall not be removed except where they pose a serious threat to life or property. LCP Policy 9-22 does not state that a qualifying butterfly tree must be used as overwintering habitat in order for such trees to be protected.

Furthermore, Figure 3-13 of the EIR identifies an area west of the existing Gaviota Beach Road as “high density red-legged frog” habitat. However, though the EIR addresses the temporary displacement of approximately 600 feet of creek habitat, the EIR does not address the permanent rock armoring that would replace the high-density red-legged frog habitat.

In conjunction with the requirements of wetland and ESHA protection as described above, there is a substantial question as to whether the project is sited and designed to protect wetlands to the maximum extent feasible. Funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA. Therefore the project raises substantial question as to consistency with Coastal Action Section 30240 as incorporated into the certified LCP and Policies 2-11 and 9-22.

As described above, the project would have numerous significant impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, red-legged frog habitat and monarch butterfly trees inconsistent with the policies and provisions of the LCP. The project includes riparian and wetland restoration and enhancement projects throughout the park as mitigation for these impacts. However, there appear to be opportunities to reduce the impacts, either through alternative siting or design.

As described in more detail below, there are potential alternatives (the causeway alternative was deemed the environmentally superior alternative in the EIR) that would substantially reduce the impacts of the project on biological resources and still achieve the project objective in compliance with applicable LCP policies.

### **County Considered Alternatives Analysis**

To ensure protection of ESHA and wetlands consistent with the certified LCP, development must be sited and designed to ensure the protection and preservation of sensitive resources. There may be alternatives to the siting and design of the proposed project which would further reduce the impact of the project on the site, consistent with the maximum feasible protection of wetlands and ESHA.

The County identified several alternatives for the proposed project:

As described above, the design and location of the road and bridge proposed under this project were those developed by the Public Works Department, and subsequently presented to, and approved for funding by, FEMA. However, the California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) identify and evaluate alternatives to the proposed project. In addition, the EIR must analyze the environmental impacts that would result from the proposed project not being approved (“no project” alternative). The project alternatives analyzed should be those that avoid or lessen any significant impacts associated with the proposed project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly”. It should be noted that although CEQA does not allow cost to be considered in the selection and/or discussion of project alternatives, the “economic viability” of a project “may be taken into account when addressing the feasibility of alternatives”. A number of project alternatives were presented and analyzed in the EIR: Alternative Alignments, Causeway Alternative, Alternative Bridge Site, Alternative Construction Methods to Avoid Significant Noise Impacts, and the “No Project” Alternative. These project alternatives are discussed below.

#### *Alternative Road and Bridge Alignments*

The proposed alternative alignments would locate the new road and bridge immediately upstream or downstream of, and parallel to, the existing road and bridge. No temporary detour road would be required since the existing road would serve this function. Based on the EIR, the alternative alignment would result in a permanent loss of more riparian habitat and would generate more construction traffic and construction-related emissions than the proposed project. Conversely, this alternative would lessen temporary impacts to the surrounding habitat since the proposed temporary detour road would not be required. This alternative was deemed by the County to be infeasible because it would not significantly lessen any environmental impacts and would increase others.

#### *Alternative Bridge Site*

The proposed alternative bridge site (Exhibit 17) would locate the new bridge approximately 2,500 feet north of the existing bridge. A shorter bridge (100 feet) would be required since the creek and associated floodplain is narrower at this location. The bridge would connect to an existing narrow dirt road (Road 28) that currently provides access for maintenance of the All-American Pipeline and doubles as a hiking trail. A new paved road of 34 foot width would be constructed in its place. The construction of the bridge in the proposed alternative site would, according to the EIR, result in a greater permanent loss of upland habitat, greater amounts of grading and associated potential impacts, and greater construction traffic and construction-related emissions. The EIR also concludes that construction of the new road required under this alternative would result in three new significant impacts in comparison to the proposed project: geologic hazards, visual resources and visitor experience (recreation). Construction of the new road would require several new cut and fill slopes and retaining walls. The decreased stability of these slopes would constitute a geologic hazard and thus a new significant impact. In contrast to the existing dirt road, the new road would be of a much greater size and higher visibility, resulting in new significant impacts to visual resources and visitor experience. In addition to these impacts, construction of the bridge in this alternative location would require a new intersection with Highway 101. This intersection

would have a left turn pocket lane for northbound traffic, a merging lane northbound traffic and a right turn lane for southbound traffic.

The County determined in its alternative analysis that the alternative bridge site was infeasible based on: its higher cost; information from Public Works that FEMA would not pay any additional costs associated with a project alternative (Exhibit 15); and the conclusion that the California Department of Transportation (CalTrans) would likely not approve a new at-grade intersection for the road due to safety issues.

### *Causeway Alternative*

A causeway is an extended bridge structure that provides a continuous span across a given area. The causeway alternative (Exhibit 16) proposed for this project is an elevated road and bridge within the same corridor as the existing road and bridge. The causeway span would be constructed entirely on piers/pilings with concrete abutments at either end. A temporary detour road would be required during construction of the causeway. According to the EIR, the causeway would lessen both temporary and permanent impacts to the riparian and upland habitat, would lessen impacts to wildlife movement, and may lessen visual impacts. In addition, the causeway would result in more natural floodplain conditions as the creek would be able to meander freely across the entire floodplain. This alternative would not avoid the only identified significant, unmitigable (Class I) impact of the project as proposed – construction noise.

Overall, this alternative would lessen the magnitude of several environmental impacts of the proposed project, would not create any new significant impacts and would not increase the magnitude of the other impacts associated with the proposed project. For these reasons the causeway alternative was identified in the EIR as the environmentally superior alternative. However, the County determined in its approval of the subject Development Plan and CUP, that the causeway alternative was infeasible based on: information provided by Public Works that FEMA would not pay any additional costs associated with a project alternative (Exhibit 15) and the inability of Public Works to bear the additional costs associated with the Causeway Alternative. These additional costs have been estimated at approximately \$1,000,000 (see Exhibit 15).

### *Alternative Construction Methods to Avoid Noise Impacts*

The only significant, unmitigable impact (Class I) identified by the EIR is construction-related noise impacting users of Gaviota State Beach. The EIR addresses whether there are any feasible or reasonable alternative construction methods or mitigation measures that would reduce the noise impacts. The EIR concludes that given the type of construction equipment (i.e. pile driver) and the size and topography of the project area, there are no feasible or reasonable alternatives that would lessen the noise impact of the project. Accordingly this alternative was dismissed without a detailed analysis.

### No Project Alternative

Pursuant to CEQA requirements, the EIR evaluated the impacts of not implementing the proposed project and leaving in place the existing road and bridge. According to the EIR, the existing bridge/road would continue to be overtopped by a 10-year storm event. This would potentially result in road closures of unknown duration. Such closures of Gaviota Beach Road would temporarily reduce or eliminate the ability of the residents of Hollister Ranch to access the private road (Hollister Ranch Road) that provides the primary access route to the ranch. The actual or attempted use of the existing bridge and road by Hollister Ranch residents during flood and closure events would constitute a hazard to public safety.

The No Project Alternative provides that once the flooding has ended, the County would determine if the creek upstream and downstream of the bridge would require desilting to improve conveyance for the next storm season. This would be accomplished through the standard permitting procedures through California Department of Fish and Game, Army Corps of Engineers, California Coastal Commission, and Regional Water Quality Control Board.

The EIR also analyzed potential impacts to habitat and/or wildlife resultant from the “no project” alternative. If the existing bridge were to remain in place, it would continue to function as a barrier to fish passage in general and to steelhead in specific. In addition, according to the EIR, impacts to riparian habitat and aquatic wildlife could be greater than under the proposed project because the County Public Works Department might need to conduct de-silting or maintenance activities on an emergency basis during which environmental protective measures might be relaxed.

### Alternatives Analysis

The LCP policies require implementation of alternatives that would avoid adverse impacts to coastal resources, including siting alternatives and/or design alternatives. As described in the EIR, the *Causeway Alternative* would significantly reduce impacts to environmentally sensitive habitat areas, wetlands, riparian areas, and stream corridors. The Causeway Alternative was recognized as an environmentally superior alternative in comparison with the proposed project and other alternatives.

This alternative was eliminated from consideration due to funding and cost constraints. The applicant explained in a December 20, 2005 memo (Exhibit 15), that the project is funded through the Federal Emergency Management Agency (FEMA) and the Governors Office of Emergency Services (OES) and that any modifications to the project would require additional review and a time extension from the funding sources. As a result, changes to the project design would jeopardize the project funding. Regardless, this is not an appropriate reason for determining the feasibility of a project.

In any event, funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA. Therefore, alternative project design



warrants further consideration for its potential to significantly reduce impacts to coastal resources.

The Causeway Alternative is not the only potential alternative. Another alternative considered in the EIR was an upstream location for the road and bridge. The "Alternative Bridge Site" was deemed infeasible by the County because Caltrans would be unlikely to approve a new at-grade intersection on a state highway due to safety concerns. The underlying factors that indicate that Caltrans would not approve an alternate location were not provided. The Alternative Bridge Site would require a substantial amount of grading to create an access road that would continue to allow for all types of vehicles to travel to the campground (e.g., width and turning radius needed for RV's). The additional grading would result in more overall impacts to habitat, but the majority of impacted habitat would be upland rather than wetland or riparian habitats. In addition to the specific alignment considered in the EIR, there may be other alternative locations for a causeway-type bridge upstream of the existing bridge. The alternatives analysis did not examine a bridge upstream that would tie into the existing Highway 101 off- and on-ramp.

In addition to these major siting and design alternatives, there may be other project modifications that could be implemented to further reduce impacts to coastal resources. Other alternatives that should be considered would include smaller road and/or bridge widths, alternative bank stabilization methods, alternative locations (or elimination) for the temporary road, timing and design of the project so that existing road infrastructure could be used to the extent feasible, and/or construction of a narrower temporary road.

The direct and indirect impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, red-legged frog habitat and monarch butterfly trees are inconsistent with Sections 30231, 30233, 30236 and 30240 of the Coastal Act as incorporated by reference in the certified LCP; LCP Policies 2-11, 3-19, 9-9, 9-14, 9-22 and 9-38; and the corresponding Zoning Ordinance (Article II) Sections 35-97.7 and 35-97.9, and 35-97.19. The County approved the development under the assumption that the benefits of a bridge replacement project would be lost due to funding, cost, and time constraints. However, funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA and there may be alternative designs that further reduce the impact to the onsite wetlands consistent with the certified LCP.

For all of these reasons, the Commission finds that a substantial issue is raised with respect to the appellants' contention that the project does not meet provisions of the certified Local Coastal Program regarding wetland and ESHA protection.

## **F. CONCLUSIONS REGARDING SUBSTANTIAL ISSUE**

The purpose of the substantial issue determination is to review the administrative record and establish whether a substantial question is raised with respect to the appellants' assertions that the project does not conform to the certified LCP and public access policies of the Coastal Act. As described above, the Commission finds that the

appellants' contentions do raise substantial issue with regard to the consistency of the approved project with the wetland and environmentally sensitive habitat standards of the certified Local Coastal Program.

4-STB-06-131

Appeal period starts May 15, 2006

# County of Santa Barbara Planning and Development

Dianne Meester, Assistant Director



## NOTICE OF FINAL ACTION

RECEIVED  
MAY 12 2006

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

TO: California Coastal Commission  
Shana Gray  
89 South California Street, Suite 200  
Ventura, California 93001

On March 14, 2006 Santa Barbara County took final action on the appealable development described below:

- Appealable Coastal Development Permit
- Appealable Coastal Development Permit following a discretionary case
- Discretionary action on a Final Development Plan, 05DVP-00000-00002 and Conditional Use Permit, 05CUP-00000-00005

### Project Applicant:

Joy Hufschmid  
County of Santa Barbara, Public Works  
123 East Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-3373

### Property Owner:

CA Department of Parks and Recreation  
Attn: Richard A. Rojas  
911 San Pedro Street  
Ventura, CA 93001  
(805) 585-1850

**Project Description:** The request of Joy Hufschmid, Santa Barbara County Public Works, to consider the following [application filed February 7, 2005]:

- a) **05CUP-00000-00005** for a Conditional Use Permit allowing the construction of a new bridge and road under the provisions of Article II of the REC Zone District;
- b) **05DVP-00000-00002** for approval of a Final Development Plan under the provisions of Article II of the REC Zone District, to construct a new bridge and road;

and to certify the Environmental Impact Report 05EIR-00000-00007 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant effects on the environment are anticipated in the following categories: Noise. The EIR and all documents referenced therein may be reviewed at the Public Works Department, 123 E. Anapamu St., Santa Barbara.

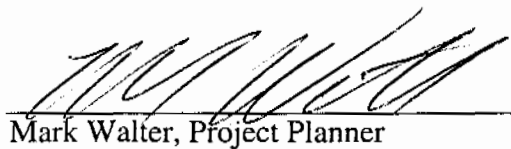
**Location:** The application involves AP Nos. 081-270-002 and 083-650-011, located at Gaviota State Beach, Gaviota area, Third Supervisorial District.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Mark Walter, the case planner at (805) 568-2852 if you have any questions regarding the County's action or this notice.

123 East Anapamu Street · Santa Barbara, CA 93101-2058  
Phone: (805) 568-2000 Fax: (805) 568-2030

<b>EXHIBIT 1</b>
<b>A-4-STB-06-056</b>
<b>Local Action Notice</b>



4-10-06

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Mark Walter, Project Planner

Date

Attachment: Final Action Letter dated April 10, 2006

cc: Case File: 05DVP-00000-00002, 05CUP-00000-00005  
Cintia Mendoza, Hearing Support

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# County of Santa Barbara Planning and Development

Dianne Meester, Assistant Director

April 22, 2006

RECEIVED  
MAY 03 2006

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Eddie Harris, President  
Santa Barbara Urban Creeks Council  
P.O. Box 1476  
Santa Barbara, CA 93102

Naomi Kovacs  
Citizens Planning Association  
916 Anacapa Street  
Santa Barbara, CA 93101

Mike Lunsford  
Gaviota Coast Conservancy  
P.O. Box 1099  
Goleta, CA 93116

BOARD OF SUPERVISORS  
HEARING OF MARCH 14, 2006

**RE: Appeal of Gaviota Beach Road and Bridge Replacement, 06APL-00000-000003, 06APL-00000-00004, and 06APL-00000-00005**

Hearing to consider the recommendations regarding the appeals by the Gaviota Coast Conservancy, Urban Creeks Council and Citizens Planning Association and uphold the Planning Commission's January 25, 2006 approval of the Gaviota Beach Road and Bridge Replacement, 05DVP-00000-00002 and 05CUP-00000-00005, Third Supervisorial District.

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Dear Mr. Harris, Ms. Kovacs and Mr. Lunsford:

At the Board of Supervisors' hearing of March 14, 2006, Supervisor Firestone moved, seconded by Supervisor Centeno and carried by a vote of 3-2 (Carbajal/Rose no) to:

1. Adopt the required findings for the project specified as Attachment A of the Planning Commission's action letter dated January 30, 2006, including CEQA findings;
2. Certify the Environmental Impact Report, 05EIR-00000-00007 and adopt the mitigation monitoring program contained in the conditions of approval;
3. Deny the appeal, upholding the Planning Commission's approval of Development Plan, 05DVP-00000-00002 and Conditional Use Permit, 05CUP-00000-00005; and
4. Grant de novo approval of the project subject to the conditions specified as Attachment B of the Planning Commission's action letter dated January 30, 2006.

Sincerely,



Steve Chase  
Deputy Director, Development Review  
FOR DIANNE MEESTER, ASSISTANT DIRECTOR

cc: Case File: 05DVP-00000-00002, 05CUP-00000-00005, 06APL-00000-00003, 06APL-00000-00004  
06APL-00000-00005  
Planning Commission File  
Records Management  
Applicant: Joy Hufschmid, Comprehensive Planning  
Owner: CA. Dept. of Parks and Recreation, Attn: Richard A. Rojas, 911 San Pedro Street, Ventura, CA 93001  
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
David Allen, Deputy County Counsel  
Anne Almy, Supervising Planner  
Mark Walter, Planner

**Attachments: Board of Supervisors' Minute Order dated March 14, 2006**  
**Findings**  
**Conditions of Approval**

SC:cnm

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**County of Santa Barbara  
BOARD OF SUPERVISORS**

**Minute Order**

**March 14, 2006**

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**Present:** Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor  
Gray and Supervisor Centeno

PLANNING AND DEVELOPMENT

File Reference No. 06-00171

**RE:** HEARING - Consider the recommendations regarding the appeals by the Gaviota Coast Conservancy, Urban Creeks Council and Citizens Planning Association and uphold the Planning Commission's January 25, 2006 approval of the Gaviota Beach Road and Bridge Replacement, 05DVP-00000-00002 and 05CUP-00000-00005, Third District, as follows: (EST. TIME: 1 HR. 30 MIN.)

- a) Adopt the required findings for the project, as specified in the Planning Commission action letter dated January 26, 2006, including CEQA findings;
- b) Certify the Environmental Impact Report (05EIR-00000-00007) and adopt the mitigation monitoring program contained in the conditions of approval;
- c) Deny the appeal, upholding the Planning Commission's approval of Development Plan 05DVP-00000-00002 and Conditional Use Permit 05CUP-00000-00005; and
- d) Grant de novo approval of the project subject to the conditions included in the Planning Commission's action letter.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

A motion was made by Supervisor Firestone, seconded by Supervisor Centeno, that this matter be Acted on as follows:

Received and filed staff report and conducted public hearing.

- a) Adopted the required findings
- b) Certified (05EIR-00000-00007)
- c) Denied the appeal.
- d) Granted de novo approval

The motion carried by the following vote:

Ayes: 3 - Supervisor Firestone, Supervisor Gray and Supervisor Centeno  
Noes: 2 - Supervisor Carbajal and Supervisor Rose

*HEARING TIME: 11:08 AM - 12:38 PM (30 MIN.)*

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

Findings pursuant to Public Resources Code section 21081 and the California Environmental Quality Act Guidelines sections 15090 and 15091:

#### **1.1 CONSIDERATION OF THE EIR**

The Planning Commission has considered the Final Environmental Impact Report (EIR), prepared by the Santa Barbara County Public Works Department (SCH # 2003031022 ), dated September 2005, and pursuant to CEQA Guidelines Section 15096, the Planning Commission has determined that the document prepared by the District is adequate for this proposal. The Planning Commission and all voting members of the Commission have reviewed and considered the EIR and its appendices prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing on December 14, 2005. The EIR reflects the independent judgment of the Planning Commission and is adequate for this proposal.

#### **1.2 FULL DISCLOSURE**

The Planning Commission finds and certifies that the Final EIR and supplemental documents constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

#### **1.3 LOCATION OF RECORD OF PROCEEDINGS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission, Mr. Steven Chase of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

#### **1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE (Class I impacts)**

The Final Environmental Impact Report for the Gaviota Beach Road and Bridge Replacement project identified one significant environmental impact which cannot be fully mitigated and is therefore considered unavoidable. This impact is to noise. To the extent the impact remains significant and unavoidable, the Planning Commission has found that such impact is acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. This "Class I" impact identified by the Final EIR is discussed below, along with the appropriate findings as per CEQA Section 15091:

##### **1.4.1 Noise**

Construction of the bridge abutments and piers for the new bridge will require pile-driving of steel support members. The noise resulting from pile-driving activities will exceed the County noise threshold of 65dB in the nearby areas of Gaviota State Beach. The noise level resulting from these activities – estimated to be 82-84 dB – will degrade the recreational experience of visitors to the State beach. Pursuant to the conditions of approval and as per mitigations identified in the EIR, the noise impact will be reduced through restrictions on the days and times during which pile-driving activities could occur. These activities would be restricted to the hours of 8:00 a.m. – 4 p.m., weekdays only. In addition, pile-driving and all other construction activities would not occur on weekends and the following State holidays, and the afternoons preceding these holidays: Memorial Day, Independence Day, and Labor Day. Further, pile-driving and all other construction activities would not occur on the following holidays if observed on a Friday or Monday: Cesar Chavez Day, Columbus Day, Martin Luther King Jr. Day,



Presidents Day and Veterans Day. While these measures will reduce the noise impact, the residual effect on the recreational experience would remain significant and unavoidable. No other feasible measures are available to further reduce the impact, and a Statement of Overriding Considerations has been adopted for this impact.

## **1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL (Class II impacts)**

The Final EIR identified several subject areas for which the project is considered to cause or contribute to significant but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

### **1.5.1 Water Resources**

The proposed project has the potential to significantly degrade the water quality of Gaviota Creek through the uncontrolled runoff of wastewater, contaminants and/or sediment. To reduce construction-related water quality impacts, the applicant (Public Works) and its construction contractor will be required to prepare and implement an erosion control and Storm Water Pollution Prevention Plan (SWPPP). The plan shall include but not be limited to the following: a) restrictions on work during the rainy season; b) restrictions on equipment fueling, maintenance, staging, wash-off; c) restrictions on concrete wash-off and concrete work in the creek; d) implementation of erosion control measures including, but not limited to, silt fencing, erosion control mats/materials, surface stabilization, temporary catchments/retention basins, temporary vegetative cover. The SWPPP shall be approved by the Regional Water Quality Control Board (RWQCB). The Environmental Quality Assurance Program monitor shall ensure that all measures are implemented and maintained. These mitigation measures are found to mitigate this impact to an insignificant level.

### **1.5.2 Biological Resources**

The project will result in the temporary and permanent loss of riparian and upland habitat. In addition, construction activities within, and adjacent to, the creek have the potential to directly and indirectly affect California red-legged frog (*Rana aurora draytonii*), southern steelhead (*Oncorhynchus mykiss*), and tidewater gobies (*Eucyclogobius newberryi*). These species could be impacted directly by the temporary loss of habitat due to de-watering of the creek, de-silting of the creek, and construction of the temporary and permanent components of the project (e.g. detour and permanent roads, temporary berms, new bridge). In addition these species could be impacted indirectly through sedimentation and contaminated runoff.

Mitigation measures to reduce these impacts include the relocation of the listed species from the project area by qualified biologists approved by the Fish and Wildlife Service. Work within the creek, and within 15 feet of the top of the creek bank, is prohibited from December 1 – July 1 of each year of the project to prevent impacts to migrating steelhead and riparian breeding birds. The creek flow through the de-watered reach would be reinstated on December 1 of each year of the project. Implementation of the mitigation measures to protect water quality, as stated in Section 1.5.1 of these Findings and incorporated herein by reference, would also serve to prevent indirect impacts to the listed species due to erosion, sedimentation and/or contaminated runoff. In addition, the temporary loss of habitat will be mitigated on a 3:1 basis (3 acres restored for each acre lost) through the restoration of the disturbed areas and other adjacent habitat. The permanent loss of habitat will be mitigated on a 5:1 basis (5 acres restored for each acre lost) through the restoration of adjacent habitat. These mitigation measures are found to mitigate this impact to insignificant levels.

### **1.5.3 Visual Resources**

Construction of the new road and bridge would introduce a new visual element into the existing rural landscape. The road and bridge would be higher in elevation and greater in size, bulk and scale than the existing facilities. The new road and bridge could degrade the enjoyment of the site's natural setting for close viewers (drivers, cyclists) and distract from the visual resources of the area for middle and distant viewers (users of the State beach day-use and campground areas, hikers).

Mitigation measures to reduce the visual impacts of the road and bridge on close viewers include acquiring final approval from the Santa Barbara County Board of Architectural Review (BAR) for the color of the bridge deck and the design and color of the bridge and guard rails. The color and texturing of the bridge surfaces and guard rails will be of dark, non-reflective colors and the concrete guard rails will be designed to resemble wood railings. In addition, the embankments of the new road will be planted with willows, which when mature, will result in a more natural roadside setting consistent with the surrounding environs. In addition, the impact of the new road and bridge on middle and distant viewers will be reduced by its location and proposed vegetative screening. Despite the greater bulk and scale of the proposed new bridge, it will not obstruct or impede views to or along the ocean from Highway 101 as the bridge is substantially below the sight line of the ocean as seen from the highway. The views of the bridge from the nearby hiking trail will also be limited, both by the natural topography of the region and by the vegetative screening proposed for the road embankment. Views of the new bridge and road from the day use area and campground will similarly be limited by the existing vegetation and the new willow plantings.

With implementation of the proposed mitigation measures, the visual impacts associated with the new road and bridge will be mitigated to an insignificant level.

### **1.5.4 Recreation**

Construction of the new road and bridge would introduce a new visual element into the existing rural landscape. The road and bridge would be higher in elevation and greater in size, bulk and scale than the existing facilities. The new road and bridge could degrade the enjoyment of the site's natural setting for users of the State beach.

Mitigation measures to reduce the visual impacts of the road and bridge on users of the State beach include acquiring Final approval from the Santa Barbara County Board of Architectural Review (BAR) for the color of the bridge deck and the design and color of the bridge rail and guard rail. The color and texturing of the bridge surfaces and guard rails will be of dark, non-reflective colors and the concrete guard rails will be designed to resemble wood railings. In addition, the embankments of the new road will be planted with willows, which when mature, will result in a more natural roadside setting consistent with the surrounding environs. In addition, views of the bridge from the nearby hiking trail will also be limited, both by the natural topography of the region and by the vegetative screening proposed for the road embankment. Views of the new bridge and road from the day use area and campground will similarly be limited by the existing vegetation and the new willow plantings.

With implementation of the proposed mitigation measures, the impacts of the new road and bridge on the recreational experience will be mitigated to an insignificant level.

### **1.5.5 Cultural Resources**

Construction of the temporary detour road has the potential to adversely impact a portion of the historic site CA-SBA-2484 H. This site potentially contains remnants of a fence line associated with a house that previously occupied the site. Testing conducted by the State Parks Department indicates that the top 36

inches of soil at the site are devoid of cultural materials. In addition, grading and other construction activities have the potential to disturb previously unknown archaeological remains.

Mitigation measures to reduce the potential impact of construction on this site include limiting excavation or surface grading for the temporary detour road to 12 inches below grade. In addition, removal of vegetation within the road corridor will be done by hand, a fabric filter will be placed on the cleared corridor, and fill will be placed on top of the fabric filter. An archaeological monitor shall be present during the construction and removal of the detour road. In the event that previously unknown archaeological remains are encountered within this site or elsewhere within the project area, work shall be stopped immediately or redirected until a County-approved archaeologist and Native American representative evaluate the significance of the find, pursuant to County guidelines. If the resource/remains are determined to be significant and can't be avoided through design modification, a Phase 2 investigation shall be conducted to further assess the nature, extent and disposition of the resource/remains, and if found to be significant, shall be subject to a Phase 3 mitigation program.

With implementation of the proposed mitigation measures, the impacts of the new detour road on cultural resources will be mitigated to an insignificant level.

#### **1.6. FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

Approximately half of the bridge structure, de-silting and re-shaping of the creek bed and banks as well as all changes within the existing park, would be within the original permit jurisdiction of the California Coastal Commission. The mitigation of the impacts of these project components is within the responsibility and jurisdiction of the Coastal Commission.

#### **1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE**

The Final EIR evaluated a No Project Alternative, Causeway Alternative, Alternative Alignments Alternative, Alternative Bridge Sites and Alternative Construction Methods to Avoid Significant Noise Impact as methods of reducing or eliminating potentially significant environmental impacts. These alternatives are infeasible for the following reasons:

##### **1.7.1 No Project Alternative**

The No Project Alternative would result in the continued flooding of the existing bridge and road by 10-year storm events. This would result in continued road closures of unknown frequency and duration. Such closures of Gaviota Beach Road would temporarily reduce or eliminate the ability of the residents of Hollister Ranch to access their property, and would constitute a hazard to public safety. This alternative would also require that Public Works continue to conduct maintenance work at the bridge site, within the creek channel, under normal and emergency situations. In contrast, according to the EIR, the proposed bridge would require little or no maintenance under normal or emergency conditions. Therefore, the maintenance required under the No Project Alternative could engender greater environmental impacts than those of the proposed project.

The No Project Alternative would not meet the project's primary underlying objective, as set forth in the Final EIR, of providing safe, year-round access across Gaviota Creek.

##### **1.7.2 Causeway Alternative**

The causeway would lessen both temporary and permanent impacts to the riparian and upland habitat, would lessen impacts to wildlife movement, and may lessen visual impacts. In addition, the causeway would result in more natural floodplain conditions as the creek would be able to meander freely across

the entire floodplain. This alternative would not avoid the only identified significant, unmitigable (Class I) impact of the project as proposed – construction noise.

Overall, this alternative would lessen the magnitude of several environmental impacts of the proposed project, would not create any new significant impacts and would not increase the magnitude of the other impacts associated with the proposed project. For these reasons the causeway alternative was identified in the EIR as the environmentally superior alternative. However, based on information provided by the applicant (Public Works) the causeway alternative is infeasible due to cost. Specifically, FEMA would not, and could not, fund the extra costs associated with the causeway alternative and the County does not have the ability to fund these costs on its own.

### **1.7.3 Alternative Alignments**

The proposed alternative alignments would locate the new road and bridge immediately upstream or downstream of, and parallel to, the existing road and bridge. This alternative alignment would result in a permanent loss of more riparian habitat, as it would be entirely located within undisturbed areas. According to the EIR, this alternative would also require more fill for the new road and would generate more construction traffic and construction-related emissions than the proposed project. This alternative is not desirable as it would not significantly lessen any environmental impacts associated with the proposed project and would increase others.

### **1.7.4 Alternative Bridge Site**

The proposed alternative bridge site would locate the new bridge approximately 2,500 feet north of the existing bridge and would require the improvement of an existing dirt road and a new intersection with Highway 101. This alternative would result in a greater permanent loss of upland habitat, greater amounts of grading and associated potential impacts, and greater construction traffic and construction-related emissions. This alternative would also result in three new significant impacts in comparison to the proposed project: geologic hazards, visual resources and visitor experience (recreation). This alternative is infeasible based on cost (no FEMA funding for extra costs), the greater environmental impacts, and the conclusion that the California Department of Transportation (CalTrans) would likely not approve a new at-grade intersection for the road due to safety issues.

### **1.7.5 Alternative Construction Methods to Avoid a Significant Noise Impacts**

There are no alternative construction methods that would reduce the noise generated by pile-driving, and no means of shielding the entire campground and day-use areas from the noise. Therefore this alternative is not feasible.

## **1.8 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Final EIR for the Gaviota Beach Road and Bridge Replacement Project identifies project impacts to noise as a significant environmental impact that is considered unavoidable. The Planning Commission therefore makes the following Statement of Overriding Considerations that warrants approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

**1.8.1 The Gaviota Beach Road and bridge provide the only access across Gaviota Creek for the residents of Hollister Ranch and the users of Gaviota State Beach.**

**1.8.2 The project will provide safe, reliable year-round access across Gaviota Creek. The project will provide a road and bridge that would not be flooded except by a 100-year storm event.**

**1.8.3 The project will result in the removal of a barrier to passage of Southern steelhead (*Oncorhynchus mykiss*), a federally listed species.**

**1.8.4 The project, as proposed, will minimize the financial impacts on the County as the project will be funded using state (Office of Emergency Services) and federal (FEMA) monies.**

## **1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation. The Public Works Department will be responsible for monitoring compliance with the approved project description and EIR mitigation measures.

### **B: CONDITIONAL USE PERMIT FINDINGS**

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the following findings are made:

- 1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.***

The proposed project is for the replacement of the existing Gaviota Beach Road and bridge with a new road and bridge within the same corridor. Replacement of the road and bridge could be accommodated on this site and this finding can be made.

- 2. That adverse environmental impacts are mitigated to the maximum extent feasible.***

Measures which mitigate impacts to biological resources, water quality and water resources, visual resources, air quality and noise have been incorporated as part of the project and as conditions of approval of this Conditional Use Permit. These measures would, among other things, control the extent and timing of grading; prevent runoff of sediment and contaminants; and protect and restore adjacent habitat. In addition, the project has been conditioned to require preparation of an Environmental Quality Assurance Program (EQAP) and the retention by the applicant of an independent, on-site EQAP monitor to ensure compliance with the project description, mitigation measures and all conditions of approval. All temporary construction-related impacts to habitat would be mitigated on a 3:1 basis through restoration of the disturbed soil and vegetation, and all permanent impacts to habitat would be mitigated on a 5:1 basis. No feasible measures to further reduce the impacts of the project on noise are available. To the extent that these impacts remain significant, the Planning Commission would adopt a Statement of Overriding Considerations. Therefore this finding can be made.

- 3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***

The new bridge and road have been designed to meet County rural road standards and would replace an existing sub-standard road and bridge. The new road and bridge have been designed to safely carry emergency vehicles as well as the quantity of traffic that uses these facilities to access Hollister Ranch and Gaviota State Beach.

4. ***That there are adequate public services, including but not limited to fire protection, watersupply, sewage disposal, and police protection to serve the project.***

The project would not require new public services nor would it increase the demand for existing public services. Therefore this finding can be made.

5. ***That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.***

The project would improve year-round access across Gaviota Creek by constructing a new road and bridge capable of passing a 100-year flood event. As such, the new road and bridge would improve safety and convenience for the residents of Hollister Ranch in that year-round access across Gaviota Creek would be provided. The project design, conditions of approval and a host of mitigation measures would reduce the impacts of construction-related dust, noise and traffic on Hollister Ranch residents and the recreational users of the State beach. Therefore the project would not be detrimental to the comfort and convenience of these populations. Further, the new road and bridge would be constructed in essentially the same corridor as the existing road and bridge, and native vegetation would be planted to help screen the new roadway and lessen its visual impact. Given this, the project would not be incompatible with the surrounding area. Therefore this finding can be made.

6. ***That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.***

The project is consistent with the provisions of the Coastal Land Use Plan and Article II as discussed in Sections 6.2 and 6.3 of this staff report and incorporated herein by reference.

7. ***That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.***

The proposed new road and bridge would be constructed in the same alignment and same general footprint as the existing road and bridge, which would limit the introduction of new visual elements into the landscape. In addition, the road embankments would be planted with willows that, upon maturity, would hide the new road from public views and would be compatible with the surrounding native vegetation. The bridge facade has been designed to be compatible with the character of the surrounding natural environment. The color and texturing of the bridge surfaces and guard rails would be of a dark, non-reflective color and the concrete guard rails would be designed to resemble wood railings to help the bridge blend with the natural vegetation and the rural character of the area. If the project is approved by the Planning Commission, the bridge design would be required to receive Preliminary and Final review and approval by the County Board of Architectural Review prior to issuance of permits by Planning and Development.

8. ***That the project will not conflict with any easements required for public access through, or public use of the property.***

The existing road and bridge are currently maintained by the County, and a permanent right of way or easement or a temporary Right of Entry permit from the California Department of State Parks is required before the project may be constructed. The project would maintain and improve public access across Gaviota Creek for the residents of Hollister Ranch. The project would not conflict with public access across Gaviota Creek by recreational users of Gaviota State Park.

**9. *That the proposed use is not inconsistent with the intent of the zone district.***

The proposed use is consistent with the intent of the zone district as discussed in Section 6.3 of this staff report and incorporated herein by reference.

**C: DEVELOPMENT PLAN FINDINGS**

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

**1. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.***

The proposed project is for the replacement of the existing Gaviota Beach Road and bridge with a new, larger road and bridge within the same corridor. Replacement of the road and bridge could be accommodated on this site and this finding can be made.

**2. *That adverse impacts are mitigated to the maximum extent feasible.***

Measures which mitigate impacts to biological resources, water quality and water resources, visual resources, air quality and noise have been incorporated as part of the project and as conditions of approval of this Conditional Use Permit. These measures would, among other things, control the extent and timing of grading; prevent runoff of sediment and contaminants; and protect and restore adjacent habitat. In addition, the project has been conditioned to require preparation of an Environmental Quality Assurance Program (EQAP) and the retention by the applicant of an independent, on-site EQAP monitor to ensure compliance with the project description, mitigation measures and all conditions of approval. All temporary construction-related impacts to habitat would be mitigated on a 3:1 basis through restoration of the disturbed soil and vegetation, and all permanent impacts to habitat would be mitigated on a 5:1 basis. No feasible measures to further reduce the impacts of the project on noise are available. To the extent that these impacts remain significant, the Planning Commission would adopt a Statement of Overriding Considerations. Therefore this finding can be made.

**3. *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***

The new bridge and road have been designed to meet County rural road standards and would replace an existing sub-standard road and bridge. The new road and bridge have been designed to safely carry the quantity of traffic that uses these facilities to access Hollister Ranch and Gaviota State Beach.

**4. *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.***

The project would not require new public services nor would it increase the demand for existing public services. Therefore this finding can be made.

**5. *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.***

The project would improve access across Gaviota Creek by constructing a new road and bridge capable of passing a 100-year flood event. As such, the new road and bridge would improve safety and convenience for the nearby residents of Hollister Ranch. The project would also improve safety

for recreational users of Gaviota State Beach in that a wider road and bridge with shoulders and bike lanes would result in safer vehicular and pedestrian/bicycle transit. The project design, conditions of approval and a host of mitigation measures would reduce the impacts of construction-related dust, noise and traffic on Hollister Ranch residents and the recreational users of the State beach. Therefore the project would not be detrimental to the comfort and convenience of these populations. Further, the new road and bridge would be constructed in essentially the same corridor as the existing road and bridge, and native vegetation would be planted to help screen the new roadway and lessen its visual impact. Given this, the project would not be incompatible with the surrounding area. Therefore this finding can be made.

**6. *That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.***

The project is consistent with the provisions of the Coastal Land Use Plan and Article II as discussed in Sections 6.2 and 6.3 of this staff report and incorporated herein by reference.

**7. *That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.***

The proposed new road and bridge would be constructed in the same alignment and same general footprint as the existing road and bridge, which would limit the introduction of new visual elements into the landscape. In addition, the road embankments would be planted with willows that upon maturity would hide the new road from public views and would be compatible with the surrounding native vegetation. The bridge facade has been designed to be compatible with the character of the surrounding natural environment. The color and texturing of the bridge surfaces and guard rails would be of a dark, non-reflective color and the concrete guard rails would be designed to resemble wood railings to help the bridge blend with the natural vegetation and the rural character of the area. If the project is approved by the Planning Commission, the bridge design would be required to receive Preliminary and Final review and approval by the County Board of Architectural Review prior to issuance of permits by Planning and Development.

**8. *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.***

The existing road and bridge are currently maintained by the County, and a permanent right of way or easement or a temporary Right of Entry permit from the California Department of State Parks is required before the project may be constructed. The project would maintain and improve public access across Gaviota Creek for the residents of Hollister Ranch. The project would not conflict with public access across Gaviota Creek by recreational users of Gaviota State Park.



## **ATTACHMENT B: CONDITIONS OF APPROVAL**

**1. Project Description.** This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-I, dated January 11, 2006 and attached hereto, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Santa Barbara County Planning and Development Department for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project consists of the removal of the existing Gaviota Beach Road and associated bridge over Gaviota Creek, and the construction of a new road and bridge. A temporary road and creek crossing would be constructed to provide access during construction and removed at the end of the project. In addition, portions of the banks of Gaviota Creek would be armored with rock to control erosion, and the new road embankments would be similarly armored. A new spur road would be constructed to connect the existing road from Hollister Ranch to the new bridge. Several modifications to Gaviota State Beach facilities (campsites, entrance kiosk, lighting and signage) would be required as part of the project. An extensive restoration plan would be implemented after completion of the construction phase of the project.

Although this project description includes the whole project, only a portion of the project site is within the County's jurisdiction, with the remainder of the site being within the California Coastal Commission's permit jurisdiction. Consequently, only certain project components and activities are within the County's jurisdiction. The project components and activities within the County's jurisdiction, and to be approved through the requested Development Plan, and companion Conditional Use Permit (05CUP-00000-00005) and effectuated through a subsequent Coastal Development Permit, are described below.

### **1. Temporary Access (Detour) Road and Creek Crossing**

A temporary paved access (detour) road approximately 1,275 feet in length would be constructed east of, and parallel to, the existing Gaviota Beach Road. Approximately 975 feet of the proposed detour road is within the County's jurisdiction. Construction of the detour road would require clearance of the existing vegetation, leveling of the proposed corridor, and placement of fill to construct a new embankment of 30-35 foot width, varying in height from one to six feet above grade. The embankment would be compacted and leveled on top, and a new paved road of 24 foot width constructed. In order for the detour road to cross Gaviota Creek, fill would be placed in the creek to create a 65 foot wide embankment, across which the 24 foot wide paved detour road would run. Three, 36-inch diameter steel pipes of 78 foot length would be buried at the bottom of the temporary creek crossing to allow upstream and downstream flow of Gaviota Creek. Construction of the detour road would require approximately 500 cubic yards of cut to prepare the corridor and placement of approximately 10,000 cubic yards of fill to construct the road and creek crossing.

Approximately 0.47 acres of riparian habitat and 0.22 acres of upland habitat would be temporarily removed or disturbed by construction of the temporary detour road. The 0.22 acres of upland habitat would be restored on a 3:1 basis (0.66 acres restored), and the 0.47 acres of riparian habitat would also be restored on a 3:1 basis (1.41 acres restored). Restoration would occur as per the proposed restoration plan included as Attachment E.

## **2. De-silting of Gaviota Creek**

Approximately 7,500 cubic yards of accumulated sediment would be removed from the bed of Gaviota Creek. De-silting would occur in a stretch of the creek from approximately 250 feet downstream to 350 feet upstream of the proposed new bridge, and would require excavation of the creek bed to depths ranging from 0.5 to 4.5 feet. In addition the creek bed and banks would be graded in order to re-shape the channel into a substantially wider trapezoidal shape than what currently exists. The new width of the channel would be approximately 260 feet from top-of-bank to top-of-bank. The approximate area of creek bed proposed for de-silting and re-shaping is 1.5 acres.

Approximately half of the proposed upstream excavation, and a much smaller proportion of the downstream excavation, is within the County's jurisdiction. ***The remainder of the proposed de-silting operation is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.***

The de-silting would facilitate passage of flows after construction of the new bridge and would be a one-time event. Any additional or subsequent de-silting within the County's jurisdiction would require application for, and approval of, a Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit with a follow-on Coastal Development Permit.

Approximately 1.20 acres of riparian and wetland habitat would be removed by the de-silting. No active restoration would occur. (According to the EIR, recovery of this habitat would be expected to occur over time with re-establishment of creek flows and therefore active restoration would not be needed.)

## **3. Gaviota Beach Road**

A portion of the existing Gaviota Beach Road stretching from the northern bank of Gaviota Creek approximately 800 feet northward toward Highway 101, would be removed and a new road constructed. To construct the new road, approximately 1,500 cubic yards of cut would be required to prepare the road corridor and approximately 40,000 cubic yards of fill would be placed to create an earth embankment up to 12 feet in height and 70 feet in width. A new paved road of 34 foot width would be constructed on top of the new embankment, and would require the placement of an additional 10,000 cubic yards of fill. The road would be a single 12 foot lane in each direction, with two 5 foot wide paved shoulders which would be striped as bike lanes, and would also function for pedestrian and equestrian transit. Three square concrete box culverts measuring four feet by four feet in dimension would run under the proposed new road to provide passage for wildlife and convey flood flows.

The downstream slope of the proposed road embankment would remain earth, and would be planted with willows and other native vegetation. The upstream slope of the proposed embankment would be covered (i.e. armored) with un-grouted one-quarter ton rock (rock slope protection) to protect the new road from erosion during flood flows. To install the rock, the ground parallel to the toe of the new road embankment would be excavated to construct a roughly trapezoidal trench approximately 33 feet in width and a maximum of 10 feet in depth. A three-foot layer of rock would overlay an 18 inch layer of gravel, and would extend 60 feet up the embankment as measured from the bottom of the trench. The excavated trench and lower portion of the rock would be backfilled with soil to a maximum depth of 10 feet, while the top portion of rock armoring would be left uncovered. Both the lower covered rock layer and the exposed top rock layer would be planted with willows to provide visual screening.

Under current conditions a low-flow channel of Gaviota Creek is located adjacent to a portion of the proposed new road embankment. During construction, it will be necessary to prevent water from this channel from entering the work area. To do this, an earth berm approximately 3 feet high, 6 feet wide and 150 feet long would be constructed using materials from the dry portion of the channel. Prior to construction of the berm, mesh blocking nets (5mm mesh size) would be placed across the flow in the channel approximately 75 feet upstream and downstream of the ends of the proposed berm. Silt fencing would be installed in the non-wetted portions of the channel under direction of the biological monitor. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhynchus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The blocking nets would remain in place throughout the duration of construction and removal of the temporary berm and construction of the road embankment and rock slope protection.

After removal of all species as described above, approximately 75 cubic yards of material would be moved from the dry portions of the creek bed using an excavator or rubber-tire loader operating within or adjacent to the low-flow channel. A visquine layer would be placed on the upstream portion of the berm to prevent seepage. The berm would remain in place during the construction phase of the project. At the end of the construction phase, the berm would be removed by pushing the materials back into the dry portions of the creek bed.

The rock slope protection on the new road embankment would be replaced or repaired if it was damaged during a flood event. The repair or replacement of rock would require application for, and approval of, a new Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit and follow-on Coastal Development Permit.

Construction of the new road (and bridge abutments) would result in the temporary loss of 0.717 acres of riparian habitat and 0.07 acres of upland habitat. The 0.717 acres of riparian habitat would be restored on a 3:1 basis (2.151 acres restored) as per the proposed restoration plan included as Attachment E. Similarly, the 0.07 acres of upland habitat would be restored on a 3:1 basis (0.21 acres restored).

Construction of the new road (and bridge abutments) would result in the permanent loss of 0.503 acres of riparian habitat and 0.209 acres of upland habitat. The 0.503 acres of riparian habitat permanently lost would be restored on a 5:1 basis (2.515 acres restored) as per the proposed restoration plan. The 0.209 acres of upland habitat would be restored on a 5:1 basis (1.05 acres restored). Although the new rock armoring along the road embankment would be planted with willows, this would not be considered in the acreage suitable as mitigation by Santa Barbara County Planning and Development due its low value, and temporary nature, as habitat.

#### **4. Gaviota Creek Bridge**

The existing bridge would be removed. The new bridge would consist of a 256 foot long concrete bridge that would be constructed of concrete slabs. Approximately 125 feet of the new bridge (the northern half) would be within the County's jurisdiction. ***The remainder of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.*** The bridge would rest on concrete abutments at either end of the bridge and two concrete piers in the middle of the bridge. All concrete portions of the bridge would be cast in place. The bottom of the

bridge deck would be approximately 11-12 feet above the creek bed. The bridge would be approximately 36 feet in width. There would be a single 12 foot wide traffic lane in each direction and two paved shoulders of 5 foot width that would also function as bicycle, pedestrian and equestrian lanes. Each side of the bridge deck would have a 4.7 foot high concrete barrier rail

The concrete abutments at either end of the bridge would be armored with rock in a similar fashion to the new road as described above. The northern abutment is within the County's jurisdiction while the southern abutment is not. ***The southern abutment of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.*** The rock layer installed to protect the new road embankment (see #3 above) would be extended for a distance of approximately 175 feet around the north abutment of the new bridge and along the north bank. Similar to what was described for the road embankment, a three foot deep layer of one-quarter ton rock would be placed along the northern bank of Gaviota Creek. The rock layer would be buried 10 feet below the surface of the creek bed and would extend approximately 6.5 feet up the bank. The exposed rock layer would be planted with willows.

The temporary and/or permanent loss of riparian or upland habitat resulting from construction of the bridge itself has been included in the totals for the new road, and is described in the foregoing section (see #3 above).

## **5. Temporary Dams and Dewatering**

### **Upstream Dams and Work Area Dewatering**

In order to construct the new bridge, the downstream flow of Gaviota Creek would need to be diverted around the work site. Although there is upstream tidal flow it does not extend to the project area and therefore would not need to be blocked from reaching the work site. To divert the downstream flow, temporary dams (cofferdams) would be installed within the bed of Gaviota Creek, approximately 375 feet upstream of the existing bridge. Prior to installation of the cofferdams, a mesh blocking net (5mm mesh size) would be placed across the flow in Gaviota Creek at a location approximately 75 feet upstream of the cofferdam site, (450 feet upstream of the existing bridge). Silt fencing would be installed in the non-wetted portions of the creek bed and would extend for 100 feet beyond the top of the creek bank in both directions. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhynchus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The biologist would work from the upstream blocking net to the downstream limits of the work area, and then erect a second blocking net and silt fence barrier 75 feet downstream of the downstream work area limits.

After erection of the blocking nets and removal of all species as described above, a 36-inch diameter flexible High-Density Polyethylene (HDPE) culvert (temporary pipeline) would be used to by-pass the creek flows through the construction work area. The by-pass would be installed prior to the construction of the cofferdam while the creek is still flowing through the work area. The pipeline would originate below the upstream blocking net/silt fencing, but upstream of the proposed gravel bag cofferdam, and would terminate below the downstream blocking net/silt fencing. The pipeline would be placed on the dry portion of the creek bed, outside the active channel and outside any active work area. One or two vehicle crossings would be created over the pipeline by placing an earthen ramp over the pipe. The pipe segments would be fused or clamped securely to prevent leakage or accidental

separation. The pipeline would be placed in a positive gradient to allow flow by gravity. A small excavator or loader would clear a 10-foot wide zone through the work area, and then grade the corridor to a smooth surface with a uniform slope. The pipeline would rest on the ground and be secured with small (i.e., 12-18 inches) earthen berms along the sides. The inlet and outlet to the pipeline would be constructed of in-stream materials to create a smooth transition for flows to pass from the creek into the pipe (inlet side) and from the pipe to the creek (outlet side). The transition would be lined with an impermeable fabric and secured with cobbles to prevent erosion or movement of the pipeline. The intake and outlets of the by-pass pipeline would be screened with a 5 mm mesh to prevent entry by any aquatic species or wildlife.

Subsequent to placement of the temporary pipeline, a gravel bag cofferdam and an earthen berm cofferdam would be constructed. Gravel bags and a visquine layer would be placed by hand across the creek to form a pyramid sufficient to divert the creek flow into the temporary pipeline. The gravel bag cofferdam would be constructed no closer than 25 feet downstream of the blocking net and silt fencing.

After installation of the gravel bag cofferdam, the earthen berm cofferdam would be constructed 375 feet upstream of the existing bridge, and 25 feet upstream of the limits of the channel desilting area. The earthen cofferdam would be constructed of in-stream materials (i.e., sediments, gravels, cobbles). A berm at least five feet high would be constructed across the active channel, which could vary from 10 to 25 feet in width based on conditions at the time of construction. The base of the berm would be at least 15 feet wide with 2:1 (H:V) slopes, and would be compacted with an excavator shovel. The creek bed at the upstream toe of the cofferdam would be excavated at least 3 feet below the invert to install an impermeable fabric to intercept below ground seepage. This fabric would be installed across the upstream face of the earthen cofferdam and then covered with at least one foot of sediment and cobble.

The creek by-pass system would be designed to operate by gravity. However, in the event that water surface elevations above the cofferdam increased during construction such that flows could pass around the cofferdam, a sump pump would be installed in the creek between the earthen and gravel bag cofferdams. Under this condition, an electrical sump pump with a 5 mm screen surrounding the intake would pump water into the by-pass culvert. The pump would be powered by a portable generator at the site. The by-pass system would be inspected throughout the day, and prior to leaving the work site at night. It would be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.

The creek diversion system (by-pass) would be installed in July of 2006, beginning with installation of the blocking nets and silt fencing, and would be removed on December 1, 2006. The blocking nets and silt fencing would remain in place through all work and would be the last component removed on December 1 of each year. To remove the by-pass, a low flow channel would be constructed from the upstream end of the work area to the temporary creek crossing associated with the detour road. The channel would be about 3 feet deep and 15 feet wide, and would be constructed using an excavator. Upon completion of the low flow channel, the earthen cofferdam would be removed using an excavator. The gravel bag cofferdam would then be removed by hand, allowing any flows in the creek to enter the low flow channel. The temporary pipeline would then be removed from the creek channel. The by-pass system would be re-installed in July 2007, and then removed at the end of construction in December 2007 using the same methods described above.

### Bridge Site

Groundwater may be encountered during excavation for the bridge piers, abutments and associated rock slope protection. This would require additional dewatering activities as described below.

For the bridge piers and abutments, a pit of approximately eight foot depth would be excavated in the creek bed to expose the top of the pilings. Any groundwater that flowed into the pit would be

pumped out using sump pumps. The groundwater would be pumped into a settling pond. The settling pond would be approximately eight feet in diameter and four feet in depth, and would be excavated in the creek bed at the downstream end of the work area but upstream of the blocking net and silt fencing. The pond would be layered with visquine and water would decant by gravity over the lip of the pond and into the creek bed.

If groundwater is encountered, it is necessary to prevent contact of groundwater with the concrete being poured for the bridge components. According to Public Works, this would be achieved by the following construction methods. A cofferdam constructed of gravel bags and plywood backed with waterproof material (visquine) would be constructed within the pit to surround the actual concrete form. This cofferdam would isolate the plywood concrete form, and the concrete poured within the form, from contact with groundwater within the excavation. In the event that the cofferdam leaked and water contacted the concrete, this water would be removed using a portable gas-powered vacuum and stored in a portable tank for disposal at an offsite municipal sanitary sewer (with approval from the affected city).

Only one pit would be excavated for each pier or abutment. Excavation of any additional pits, dewatering sites or wells would require review and approval by the Santa Barbara County Planning and Development Department (P&D).

## **6. Habitat Restoration**

### *General Requirements and Mitigation Ratios*

The proposed project would occur entirely within an area designated as Environmentally Sensitive Habitat by the County of Santa Barbara. Construction of a new road and bridge through this area would necessarily engender impacts to the surrounding habitat. To be deemed consistent with County policies that call for the protection of such habitat, the project must implement the proposed mitigation measures and conditions of approval which require restoration of the affected area.

According to the EIR and the preliminary restoration plan (Attachment E), the project would result in the temporary removal of 1.19 acres of riparian or wetland habitat and the permanent loss of 0.50 acres. The temporary loss of habitat would be mitigated on a 3:1 ratio (3.57 acres restored) to ensure consistency with the standards of the California Department of Fish and Game (DFG). The permanent loss of habitat would be mitigated on a 5:1 ratio (2.5 acres restored) as per DFG standards. Therefore a total of 6.07 acres of riparian and/or wetland habitat would be restored.

In addition to the project's impacts on riparian and/or wetland habitat, 0.29 acres of upland habitat would be temporarily removed and 0.21 acres would be permanently lost. This upland habitat, as well as the riparian and wetland habitat, is designated as Environmentally Sensitive Habitat. Although neither the EIR nor the preliminary restoration plan specifically calls for mitigation of these impacts, both the temporary and permanent removal of upland habitat would need to be restored in order for the project to be deemed consistent with County policy. The temporary loss of upland habitat would be mitigated for on a 3:1 basis (0.87 acres restored) and permanent loss of upland habitat would be mitigated for on a 5:1 basis (1.05 acres restored). Therefore a total of 1.92 acres of upland habitat would be restored.

The total acreage that would need to be restored as mitigation for the project's impacts would be 8.00 acres – 6.07 acres of riparian/wetland habitat and 1.92 acres of upland habitat. The preliminary restoration plan proposes to restore or enhance a total of 8.81 acres. Of this total proposed acreage (8.81 acres), 0.43 acres is comprised of willow plantings in the rock slope protection along the new road. These 0.43 acres would not be considered acceptable as mitigation by P&D, and the total acceptable acreage proposed for mitigation would therefore be 8.38 acres.

### Proposed Restoration Plan

The proposed restoration plan would consist of work to be done outside of the creek channel. Approximately 1,000 cubic yards of grading would be required for the restoration phase of the project.

All areas of temporary impact associated with construction of the new Gaviota Beach Road and temporary detour road would be restored to riparian habitat adjacent to the new road corridor. The riparian and upland areas east of the new road would also be restored through a mixture of clearing, weeding and/or planting as mitigation for the permanent impacts of the project. Four or more slight depressions would be created in this area to function as seasonal ponds or pools.

Native vegetation from locally occurring stock would be planted in the restoration areas and maintained and monitored for five years. The restoration plan would require that the following performance measures be met at the end of the five year period: 90% cover of native plants, less than 5% weed cover, and native plantings that had survived without supplemental watering for two years.

In addition to the components and activities described in Sections 1 – 6 above, the project also proposes the following: a) installing rock protection on the southern bank of Gaviota Creek upstream and downstream of the new bridge; b) constructing the southern half of the new bridge; c) constructing a new spur road to connect to the existing Hollister Ranch Road; c) constructing a new entrance kiosk, campsites, parking lot, signage and lighting for Gaviota State Beach. These proposed project components/activities are all within the permit jurisdiction of the California Coastal Commission, and are not part of nor permitted under the requested Development Plan (05DVP-00000-00002) or Conditional Use Permit (05CUP-00000-00005). The County's role in permitting these project components would require that the County Planning and Development Department approve and issue a follow-on Land Use Permit, with appropriate conditions, to effectuate the construction activities approved by the California Coastal Commission.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as the Restoration Plan) must be submitted for review and approval and shall be implemented as approved by Planning and Development.

## **II. Mitigation Measures from Environmental Document**

### **A. General & Noise**

1. REC-2. No Work on Holidays All construction activity, including truck deliveries or hauling, are prohibited on weekends, and the following state holidays, and on the afternoons preceding these holidays, Memorial Day, Independence Day, and Labor Day. In addition, construction would be prohibited on the following state holidays if observed on Friday or Monday: Martin Luther King Jr. Day, Presidents' Day, Cesar Chavez Day, Columbus Day, and Veterans Day.

**Plan Requirements and Timing.** The County shall include the holiday restrictions in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with these restrictions through personal communications at the work site.

2. **REC-4. Notification of Construction Work to State Parks.** The County will provide information to State Parks on a weekly basis concerning the nature, location, and progress of construction. This information will also include a 60-day projection of construction work. In addition, it will include information on the dates and times of any major construction activities, such as pile-driving, that could cause noise impacts to park users. It is anticipated that State Parks would include information on web site so that visitors considering use of Gaviota State Park are aware of the presence of construction activities. The County will also provide bi-weekly notices in the Santa Barbara News Press, Santa Maria Times, and Lompoc Record concerning the nature and progress of construction. It is anticipated that State Parks would also provide a handout to drive-in visitors about the construction work to allow visitors to decide whether they want to stay at the Park during the construction work. **Plan Requirements and Timing.** The County shall prepare an internal public information plan that includes the above notifications, and assigns specific staff to implement the program throughout the construction period. **Monitoring.** The County project manager shall document compliance with the above notifications in the weekly construction reports.
3. **REC-5. Restrictions on Pile Driving.** Pile driving shall not occur prior to 8 AM or later than 4 PM. **Plan Requirements and Timing.** The County shall include this restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through personal communications at the work site.
4. **NS-4. Possible use of Vibratory Hammer.** If soil conditions allow, if sheet piles are not being driven and if otherwise feasible, a vibratory hammer shall be used rather than an impact-type hammer. Pile holes shall be pre-drilled where practicable. To the extent practicable, contractor shall comply with federal GSA contract noise specifications to limit pile driving noise to a maximum sound level of 95 dBA at a distance of 50 feet. **Plan Requirements and Timing:** The County shall include the above restriction in the project plans and specifications. The Contractor must provide a plan for the use of a vibratory hammer for County review and approval, prior to the work. **Monitoring:** The County, or its designated construction manager, shall record the use of the vibratory hammer in the weekly construction report.
5. **NS-1. Engine Conditions.** All noise-producing project equipment and vehicles using internal combustion engines (including haul trucks) shall be professionally fitted with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features. These devices shall be maintained in good operating condition so as to meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. **Plan Requirements and Timing.** The County shall include the above restrictions in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with these restrictions through observations and personal communications at the work site.
6. **NS-2. Location of Staging.** Material stockpiles and equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors so as to minimize construction noise impacts to nearby noise-sensitive receptors. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.
7. **NS-5. Combining Construction Activities.** To the extent practicable, the noisiest operations shall be scheduled to occur simultaneously in the construction program to avoid prolonged periods of annoyance. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. The County shall require the Contractor to provide a construction staging plan for review and approval that includes the above measure. The plan must show how the Contractor will comply, or why compliance is not practicable. **Monitoring.** The County, or its designated construction manager, shall record the approve construction staging in the weekly construction report.



8. NS-6. Construction Music Devices. No project-related public address or music system shall be audible at any adjacent receptor. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.

9. NS-3. Speed Limits. Construction site and access road speed limits (15 MPH) shall be established and enforced during the construction period. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.

## **B. Air Quality**

10. AQ-1. Emission Reductions – Fugitive Dust The following measures would reduce fugitive dust emissions related to construction activities and haul trucks. They are based on the standard dust mitigation measures of the APCD.

- a) Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.
- b) Reclaimed water shall be used for dust control if the Public Works Director determines that it is reasonably available.
- c) Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.
- d) Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.
- e) On-site vehicle speeds shall be limited to 15 miles per hour or less.
- f) Gravel pads or similar devices shall be installed at all access points to prevent tracking of mud on to public roads.
- g) Gaviota Beach Road and Hollister Ranch Road shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. These road segments shall be kept clean of such silt by the use of a street sweeper or watering truck.
- h) Trucks transporting fill material to and from the site shall be tarped from the point of origin.

- i) Upon the completion of construction, all disturbed areas shall be stabilized by the use of rock protection or perennial vegetation.
- j) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.

11. AQ-2. Emission Reductions – Equipment Emissions. The following measures would reduce NO<sub>x</sub> emissions from construction equipment and haul trucks. They are based on the standard mitigation measures of the APCD.

- a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
- b) The engine size of construction equipment shall be the minimum practical size.
- c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- d) Construction equipment shall be maintained in tune per the manufacturer's specifications.
- e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- g) Diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by the County Public Works Department.
- h) Construction worker trips should be minimized by encouraging carpooling and by providing for lunch onsite.

**Plan Requirements and Timing.** The County shall include the above emission control measures in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with these measures, as practicable, through observations and personal communications at the work site.

12. AQ-3 – Asbestos Abatement. Prior to construction, the County shall conduct a survey of the existing bridge crossings to determine if asbestos is present as part of the bridge structure. The County shall then file an Asbestos Notification for Renovation and Demolition Form with the Santa Barbara County Air Pollution Control District.

## **B. Biological Resources**

13. BIO-1. Restoration of Temporarily Disturbed Areas. All temporarily disturbed areas associated with construction access to the bridge, the roadway approach, and bank protection near the bridge shall be restored to native riparian habitats. In addition, the corridor disturbed for the temporary detour road

shall also be restored to native riparian habitat. Santa Barbara County shall prepare a detailed restoration plan, to be approved by the California Department of Parks and Recreation, which specifies the areas to be restored, site preparation methods (including weeding and soil treatment), plant sources, planting methods, supplemental watering, and a 5-year maintenance and monitoring program. The goal of the restoration is to establish a diverse mixture of riparian scrub and woodland in the disturbance zones that would have a higher species diversity and lower weed cover than under current conditions. Restoration would commence in November 2007 at the end of construction. The minimum performance goals at the end of five years would be 90 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The channel desilting area shall be allowed to revegetate naturally. Active revegetation is not proposed because this area would be subject to flooding. However, the County will actively weed this area for five years to prevent the invasion of exotic weeds. Invasive weed cover shall not exceed 10 percent at the end of 10 years.

In addition to revegetating the temporary disturbance zones (a total of 1.19 acres, but not including the desilted channel), the County shall restore or enhance other riparian habitat along Gaviota Creek to provide a 3:1 restoration ratio for temporary impacts (exclusive of the desilted channel), in accordance with the anticipated requirements of the California Department of Fish and Game's Streambed Alteration Agreement for the project. Additional restoration areas would consist of barren, highly disturbed, or weed-dominated areas in the floodplain. Restoration of these areas shall follow the above maintenance, monitoring, and performance requirements. Hence, the total restoration requirements for temporary impacts shall be 3.57 acres (1.19 acres x 3), of which 1.19 acres shall occur in the disturbance zones, and 2.38 acres shall occur in suitable locations elsewhere in the Park. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall prepare the habitat restoration plan during final design. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the restoration will meet the specified performance criteria. Annual reports will be prepared to document progress.

14. **BIO-2. Planting Rock Rip-rap.** The voids in the ungrouted rock rip-rap along the north side of the roadway approach and at the bridge site shall be backfilled with native soils and planted with willow and mulefat cuttings at the end of 2007, when construction is expected to end and conditions for planting are ideal. The minimum stem spacing shall be 8 feet. Santa Barbara County shall prepare 5-year maintenance and monitoring plan that describes how the plants will be maintained (i.e., watering) and weeds will be managed. The County shall consult with the California Department of Parks and Recreation prior to planting to determine if breaks in the planting are desirable to provide visual opening for travelers. The minimum performance goals at the end of five years would be 75 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The County shall coordinate with the California Department of Fish and Game to acquire credit from the willow plantings for the compensatory habitat requirements under BIO-3.

**Plan Requirements and Timing.** Santa Barbara County Public Works Department shall prepare the willow planting plan during final design of the project. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the willow plantings will meet the specified performance criteria. Annual reports will be prepared to document progress.

15. **BIO-3. Habitat Restoration for Permanent Habitat Loss.** The County shall restore riparian habitat at the Park in the winter following construction to offset the loss of wetland and riparian habitats due to the proposed project. The total permanent riparian and wetland habitat loss to be mitigated is 0.503 acres. The total mitigation acreage would be based on a 5:1 replacement ratio, resulting in the restoration of 2.5 acres. The County shall prepare a detailed restoration plan, to be approved by Parks, CDFG, CCC, and USFWS. , which specifies the areas to be restored in the Park, site preparation

methods (including weeding and soil treatment), plant sources, planting methods, supplemental watering, and a 5-year maintenance and monitoring program. The goal of the restoration is to establish a diverse mixture of riparian scrub and woodland in the disturbance zone that would have a higher species diversity and lower weed cover than under current conditions. Restoration would commence at the end of 2007, when construction is expected to end and conditions for planting are ideal. The minimum performance goals at the end of five years would be 90 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The restoration plan shall include a 5-year feral pig management element to prevent damage to the new plants. Upon mutual agreement by the County and Parks, the County may provide one-time funds for Parks to implement the restoration and maintenance and monitoring program, with full responsibility for achieving the restoration goals. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall prepare the habitat restoration plan during final design. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the restoration will meet the specified performance criteria. Annual reports will be prepared to document progress.

16. **BIO-4. Seasonal Restriction for Work in the Creek.** No construction work involving clearing, grubbing, dewatering, excavation, or filling shall occur within the bed and bank of Gaviota Creek, or within 15 feet of the top of bank during the period December 1 to July 1 to prevent impacts to migrating steelhead and to avoid impacts to riparian breeding birds. The County shall conduct breeding bird surveys of the work site and within 500 feet of the work area prior to July 1<sup>st</sup>, and after July 1<sup>st</sup> if breeding birds are present, to determine if breeding activity is occurring. The survey shall identify nest locations, species, and breeding status. The County shall consult with CDFG to determine if certain construction activities can proceed if the work occurs a suitable distance from active nests, and a biological monitor is present. If construction could result in take of a nest being used for breeding, the work shall be postponed until no take would occur. Work may occur in the creek in the month of December or in the month of June if specifically approved in writing by the US Fish and Wildlife Service, California Department of Fish and Game, and NOAA Fisheries because impacts to steelhead migration are not expected due to hydrologic conditions at the time, and because breeding birds would not be adversely affected by work in June. These agencies shall also determine that no significant impacts would occur to any other biological resources by extending the work period for these months. **Plan Requirements and Timing.** The County shall include seasonal restrictions in the plans and specifications for the project. **Monitoring.** The County, or its designated construction manager, shall observe and document the Contractor's compliance with this measure.

17. **BIO-5. Relocation of Species From Creek Prior to Construction.** A biologist approved by USFWS and NOAA Fisheries shall survey suitable habitat for the red-legged frog, the tidewater goby, and the southern steelhead trout in the Gaviota Creek work site, which encompasses the temporary creek crossing, the new bridge, and the channel desilting area two weeks before the initiation of construction activities in the creek that involve clearing, grubbing, or grading. At that time, the biologist shall place a barrier at the upstream and downstream ends of the creek work area to prevent movement of red-legged frogs, gobies, and steelhead trout into the work area. The barriers shall be constructed of blocking nets and silt fencing, as necessary, but shall allow the free passage of flows in the creek. The biologist shall remove red-legged frogs and gobies using USFWS-approved methods under the terms and conditions of handling permits for these species. Red-legged frogs shall be relocated to suitable pool habitat upstream of the work area, and gobies shall be relocated to the creek downstream of the work area. It is not anticipated that steelhead trout will be found within the action area; however, if they are found during surveys, the biologist shall remove all steelhead using NOAA Fisheries-approved methods and under the terms and conditions of handling permits for this species. If steelhead trout are found within the work area, they shall be relocated to suitable pool habitat upstream of the work area. Once all individuals of these species have been removed from the work area, the work area can be dewatered. **Plan Requirements and Timing.** The County shall prepare a post-relocation report documenting the actions taken to relocate species from the work area, and provide the report to permitting agencies within 30 days. **Monitoring.** The County, or its designated construction

manager, shall observe the relocation efforts and document compliance in the weekly construction report.

18. BIO-6. Dewatering and Creek By-pass Operation.

- a) The dewatering operation for the creek work area shall be constructed and operated in such a manner as to ensure reliable 24-hour by-pass of all flows around the creek work area using electrical pumps (if feasible) with a back-up system in the event of a power outage. The intake and outlets of the by-pass system shall be screened with a 5 mm mesh to prevent the entrainment of aquatic species. The dewatering and by-pass system shall be inspected throughout the day, and prior to leaving the work site at night. It shall be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.
- b) A USFWS-approved biologist shall monitor the construction of the temporary creek crossing and channel desilting operation to ensure that no aquatic habitat with gobies or red-legged frogs remains in the dewatered creek work area. The biologist shall have the authority to require the Contractor to stop work if an endangered species is located in the work area, until such time that the species is relocated and the origin of the problem has been identified and corrected.
- c) On or before December 1, 2006, the Contractor shall remove the dewatering and creek by-pass system and the upstream and downstream barriers in the creek work area. The removal of these facilities and re-instatement of flows to the creek work area shall be completed in less than an hour to ensure that any endangered species in the creek flows are not stranded in the work area. Prior to re-instating the flows, the Contractor shall grade a pilot channel through the work area with the approximate dimensions of 6 feet wide and two feet deep, subject to modification by the USFWS-approved biologist who will monitor this operation.

**Plan Requirements and Timing.** Santa Barbara County Public Works Department shall require the Contractor to submit a dewatering and creek by-pass plan that incorporates all of the above items prior to initiating construction work. The County shall review and approve the plan. **Monitoring.** The County, or its designated construction manager, shall observe and record the installation and removal of the dewatering and creek by-pass system, and document these actions in the weekly construction report.

19. BIO-7. Pilot Channel. Upon completion of the project, a pilot channel shall be excavated in the area of the channel that was desilted to contain low flows at the time of construction, and to create a path for early winter flows. The pilot channel shall be approximately six feet wide and two feet deep, and constructed of in-channel materials. Cobbles shall be used to form the channel as feasible. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall require the Contractor to submit a plan to create the pilot channel prior to initiating the work. The County shall review and approve the plan. **Monitoring.** The County, or its designated construction manager, shall observe and record the construction of the pilot channel, and document it in the weekly construction report.

20. BIO-8. Temporary Exclusion Fence Along Work Limit. Prior to any clearing and grubbing activities at the site or surveying that requires vegetation removal or trampling, a qualified biologist shall direct the placement of temporary exclusion fencing along the work limits to prevent entry by workers or equipment into adjacent habitat areas and prevent any frogs from entering the construction area. The biologist shall relocate any frogs present in the work area prior to placing the fence. The exclusion fence shall be constructed of geo-textile silt fencing material attached to steel fence posts and shall be buried at the base to close all gaps. A fine (less than 1 centimeter [cm]) mesh shall be used to avoid entrapment of amphibians or fish in the silt fence. The silt fence shall be monitored by a qualified biologist periodically during construction to evaluate its effectiveness. The fencing shall be

maintained throughout the construction period and removed on project completion. **Plan Requirements and Timing.** The County shall require that the project plans clearly show work limits and an exclusion fence, and that the specifications require that the Contractor install the fence in accordance with the qualified biologist. **Monitoring.** The County's qualified biologist shall observe and approve the placement and removal of the exclusion fence, and shall periodically inspect the fence throughout the construction period.

21. **BIO-9. Construction Monitoring for Special-Status Species.** An approved biologist shall monitor construction activities that involve stream diversion; vegetation removal from the floodplain; desilting of the creek; grading or filling of the floodplain; and installation of rock slope protection. The objective of the monitoring is to determine if any special status species, particularly the red-legged frog, have recolonized these work areas, and could be vulnerable to disturbance. The biologist shall determine the frequency and extent of monitoring of these previously cleared areas. If any special-status species are found within the work area during construction, construction activities shall be temporarily suspended until the biologist can relocate the species to suitable habitat outside the work area. The biologist shall also ensure that all barriers installed to prevent special-status species from entering the work area are in good condition and functioning properly. **Plan Requirements and Timing.** The County shall require that the project specifications include monitoring by a qualified biologist who has the authority to inspect the work areas, and to temporarily suspend work when an endangered species is present. **Monitoring.** The County's qualified biologist shall conduct periodic inspections of the work areas as needed, and shall document all observations and actions taken in the weekly construction report.

22. **BIO-10. Worker Education** During the pre-construction conference with the Contractor, the County shall have the USFWS-approved biologist conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog, tidewater goby, and southern steelhead and their habitats at the site; the specific measures that are being implemented to protect these species during construction; project limits; and lines of communications concerning any issues with these species. **Plan Requirements and Timing.** The County shall include the worker education conference in the project specifications. **Monitoring.** The County's qualified biologist shall conduct the training, and require that all workers attend and sign a certification of attendance.

23. **B-5. Qualified Biological Monitor.** At least 90 days prior to the onset of construction activities, Santa Barbara County shall submit to USFWS and NOAA Fisheries, the name(s) and credentials of biologist(s) who would conduct monitoring, surveying, species relocation, and other biological field activities specified in these biological avoidance and minimization measures. No project activities shall begin until proponents have received written approval from the Service that the biologist(s) is qualified to conduct the work.

24. **B-12. Trash Management.** Throughout the construction period, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

25. **B-13. Fueling Restrictions.** All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 200 feet from any riparian habitat or waterbody. This restriction shall be included in the Contractor's SWPPP, which must meet state requirements.

26. **B-14. Weed Control.** The Contractor shall not stockpile materials on site in a manner that could cause the spread or introduction of invasive exotic plant species to other portions of the project site.

27. **B-15. Removal of Invasive Species** The USFWS-approved biologist shall permanently remove, from within the project area, any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, to the maximum extent possible.

### **C. Water Quality**

28. WQ-1. Storm Water Pollution Prevention Plan The following measures shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP), which shall meet state NPDES General Construction Permit requirements. The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.

- a) The following construction activities involving minor earthwork and grading may occur in the winter months (designated the following period for this project: November 1 to April 1) provided erosion control BMPs are implemented to prevent discharge of sediments and polluted runoff to the creek during the work: (1) work on the roadway approach; (2) work at the Park entrance and connection to Hollister Ranch Road; (3) construction of new campsites; and (4) habitat restoration efforts. Standard BMPs in the winter shall include silt fencing and vegetative buffers. Additional BMPs are required under Item (f).
- b) The SWPPP must include a contingency plan to protect the exposed work site during the winter months in the event of high runoff in the creek that could overtop banks and inundate work areas. The site must be secured from catastrophic erosion by use of erosion control mats, temporary levees, and other measures.
- c) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).
- d) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils will include the following measures:
  - i. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids.
  - ii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
  - iii. Place all stored fuel, lubricants, paints and other construction liquids in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
  - iv. Refuel only in bermed areas with impermeable surfaces at least 200 feet from the creek
  - v. Prohibit equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt.
  - vi. Remove all refuse and construction debris from the site as soon as possible.
- e) In order to reduce tracking of sediment from the construction site into the Park, onto Hollister Ranch Road, and Highway 101, stabilized construction entrance/exits shall be constructed and maintained at entrances to the work areas. Tracking control will be achieved by either gravel or

metal plates. Any sediment deposited outside the work area shall be cleared at the end of each work day.

- f) Two weeks prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site, erosion control measures shall include more than the placement of silt fences. Additional control shall include other BMPs that are equally or more effective, and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary downstream catchment basins.

**Plan Requirements and Timing.** Santa Barbara County Public Works Department shall require the Contractor to submit a Stormwater Pollution Prevention Plan (SWPPP) that incorporates all of the above items prior to initiating construction work. The County shall review and approve the SWPPP. **Monitoring.** The County, or its designated construction manager, shall conduct weekly inspection of BMPs throughout construction. Observations shall be recorded, as well as evidence of corrective actions for BMPs that are not properly installed or maintained.

#### **D. Visual Resources**

29. **REC-1. Final Bridge and Roadway Aesthetic Design.** The County Public Works Department shall acquire approval of the proposed bridge deck coloring, the bridge rail design and coloring, and guard rail coloring from the Board of Architectural Review (BAR). The aesthetic design of these project elements shall emphasize reducing the contrast between the proposed roadway and bridge with the rural character of the Park. The County shall provide State Parks with an opportunity to provide input on these aesthetic treatments in order to address concerns about the effect of the project on the visitor experience. **Plan Requirements and Timing.** The County shall develop the aesthetic treatment of the bridge and guard rails prior to final design, and then acquire approval by the BAR. The approved design shall be incorporated into the final project plans and specifications. **Monitoring.** The County shall provide a copy of the final plans and specifications to the BAR to demonstrate compliance with their approval.

30. **REC-3. Shade Cloth on Construction Fencing .** To further reduce the impacts of the staging areas in the Park, the County shall require the contractor to use chain link fencing with green-colored shade cloth. **Plan Requirements and Timing.** The County shall include this requirement in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall observe and approve the use of the shade cloth.

#### **E. Traffic**

31. **TR-1. Restriction on Truck Egress.** Trailer trucks egressing the project site shall be prohibited from turning left onto northbound Highway 101. Trucks shall travel southbound on Highway 101 for 1.3 miles to the Gaviota Station Road interchange (oil terminal site) where the trucks can exit the highway and use an overcrossing to join the northbound lanes of Highway 101. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall record compliance on a daily basis through personal observations and communications with the Contractor at the site.

#### **F. Cultural Resources**

32. **CR-1. Avoid Disturbance to Historic Site.** The portion of the detour road within the boundaries of the historic site shall be constructed by placing a fabric filter on the route (after clearing vegetation by hand) and then placing fill for the temporary road. No excavation or surface grading of more than one foot below existing grade shall occur when installing and removing the detour road corridor within the



boundary of the site. An archeological monitor shall be present during the road construction and removal within the boundaries of the site.

**Plan Requirements and Timing.** The County shall require the Contractor to submit a plan to install the detour road at the archeological site that incorporates the above restrictions. The plan shall be reviewed and approved by a qualified archeologist. **Monitoring.** The County's qualified archeologist shall observe the work in the limits of the archeological site and record compliance in a report.

33. **CR-2. Unexpected Finds.** In the event that previously unknown archaeological remains are encountered during grading or other project related earth disturbing activities, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative are retained by the County to evaluate the significance of the find, pursuant to County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations. If possible, the resource(s) shall be avoided through design modification or protective measures. If it is determined that the resource is significant and the resource cannot be avoided, additional investigations (Phase 2) shall be conducted to further assess the nature, extent, and disposition remains consistent with the County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program, consistent with County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations.

If human remains are discovered during the project the specific protocol, guidelines and channels of communication outlined by the NAHC, and in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and SB 447 (Chapter 44, Statutes of 1987) will be followed. Section 7050.5 (c) will guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County Coroner. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours. **Plan Requirements and Timing.** The County shall retain a qualified archeologists as part of the construction management team to respond to as needed

### III. Project Specific Conditions

34. Prior to approval of the follow-on Coastal Development Permit, Final review and approval shall be granted by the Santa Barbara County Board of Architectural Review (Case No. 05BAR-00000-00116).

35. Prior to approval of the follow-on Coastal Development Permit, the applicant shall provide copies of permits, or letters of concurrence, from the following agencies: United States Army Corps of Engineers, National Oceanic and Atmospheric Administration Fisheries Service, United States Fish and Wildlife Service, California Department of Fish and Game, Regional Water Quality Control Board and the California Department of Transportation.

36. Prior to approval of the follow-on Coastal Development Permit, the applicant shall develop an Environmental Quality Assurance Program (EQAP) subject to review and approval by the Planning and Development Department and shall retain a qualified EQAP monitor. The applicant shall provide Planning and Development the name and contact information of the EQAP monitor. The EQAP monitor shall be present on-site during the entire project, including, but not limited to all grading and construction activities, and shall be present during installation and removal of all devices and measures for control of runoff, sedimentation, and pollutants, whether or not grading or construction is occurring. The EQAP monitor shall respond to all complaints and shall provide a weekly written report to P&D. The EQAP monitor shall have the authority to stop or re-direct work to ensure compliance with, or in the event of violation of, any condition of approval or mitigation measure. **Timing and Plan Requirements.** Prior to approval of the follow-on Coastal Development Permit the

proposed EQAP plan shall be reviewed and approved by Planning and Development and the applicant shall provide the name of, and contact information for, the EQAP monitor.

37. Prior to approval of the follow-on Coastal Development Permit, the applicant shall provide P&D with legal documentation that either a permanent right-of-way or easement, or a Right of Entry Permit, has been granted by the California Department of State Parks, with all the necessary rights that would allow construction of the proposed project. No grading or construction activities of any kind, including, but not limited to ground disturbance; grading; excavation; grubbing; vegetation clearing; stockpiling of materials, equipment or supplies; shall occur outside of the existing County road easement prior to issuance of the follow-on Coastal Development Permit. Initiation of these activities prior to issuance of the follow-on Coastal Development Permit shall constitute a violation of the conditions of approval of the project.

38. Prior to commencement of any and all activities set forth in the approved Restoration Plan, the applicant shall retain a biologist from the County-approved list. Every six (6) months after initiation of the restoration plan, the biologist shall conduct surveys and provide a performance report which assesses the compliance of the restoration effort with the approved plans and performance criteria. The report shall be provided to the applicant and to the Planning and Development Department, and shall be reviewed by Planning and Development staff. The County-approved biologist shall also be on-site during all application of herbicide and shall prepare a report that specifies the type of herbicide and surfactant, the date/s of application, the quantities applied, and the areas and types of vegetation treated. This report shall be provided to both the applicant (Public Works) and to the Planning and Development Department. This report shall be reviewed by Planning and Development staff for consistency with the conditions of approval. **Plan Requirements and Timing:** The biologist shall be retained prior to implementation of the Restoration Plan.

39. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. Pile-driving activities shall be limited to the hours between 8:00 a.m. and 4:00 p.m. No construction shall occur on weekends or State holidays, including, but not limited to Cesar Chavez Day, Christmas Day, Columbus Day, Independence Day, Labor Day, Martin Luther King Jr. Day, Memorial Day, Presidents Day, Thanksgiving Day and Veterans Day. No work shall occur on the afternoons preceding Memorial Day, Independence Day and Labor Day. Construction equipment maintenance shall be limited to the same hours. These conditions shall take precedence over mitigation measure REC-2 as proposed in the EIR and included above in Section I (Mitigation Measures). **Plan Requirements:** Three easily readable signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of, and throughout, grading and construction activities. **Monitoring:** The EQAP monitor shall ensure that the Contractor complies with these restrictions and shall respond to complaints.

40. No work shall occur within the bed and bank of Gaviota Creek, or within 15 feet of the top of the bank, during the period from December 1 to July 1 of each year. This seasonal restriction may be modified to allow work in the month of December and/or the month of June only if the US Fish and Wildlife Service, NOAA Fisheries and California Department of Fish and Game specifically approve the work in writing and specifically make the determination that no significant impact would occur to steelhead, red-legged frog, tidewater gobies, breeding birds or other biological resources, and this documentation is provided to P&D. No work in the month of December and/or the month of June shall occur until P&D has received copies of the letters (approvals) from the above agencies and has provided Public Works with a Memorandum on letterhead approving the modification of the work season. This condition incorporates and modifies portions of mitigation measure BIO-4 proposed in the EIR and included above in Section I (Mitigation Measures). This condition, including the monitoring requirement, shall take precedence over those portions of mitigation measure BIO-4. **Plan Requirements:** The County shall include the seasonal restrictions in the plans and specifications for the project. **Timing:** The seasonal restrictions shall take effect immediately upon approval of the Development Plan (05DVP-00000-00002) and Conditional Use Permit (05CUP-00000-00005) by the

Planning Commission and shall remain in effect until completion of the construction phase of the project. **Monitoring:** The EQAP monitor shall ensure compliance and shall respond to complaints. P&D staff shall respond to the request for extension of the work season as provided above.

41. All mobile or fixed noise-producing equipment (e.g., arc-welders, air compressors, generators) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. In addition, such equipment shall be shielded with straw bales or other devices. In the event of conflict between this condition and mitigation measure NS-1 proposed in the EIR, the requirements, including monitoring, of this condition shall take precedence. **Plan Requirements:** The County shall include the above restrictions in the project plans and specifications. **Timing:** Shielding, shrouds and noise control features shall remain in place throughout construction activities. **Monitoring:** The EQAP monitor shall ensure that the Contractor complies with these restrictions, shall conduct site inspections and shall respond to complaints.

42. Construction wash-off areas shall be located 200 feet from Gaviota Creek in the locations approved by P&D staff and as depicted on the site plans. Migration of materials or run-off from these areas shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle. During construction, washing of concrete trucks, vehicles, equipment, or similar activities shall occur only in these approved areas. Wash water shall not be discharged to drainage ditches, creeks, or wetlands. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate washout areas, acceptable to P&D, and these areas shall be shown on the site, construction and/or grading and building plans. **Timing:** The wash off areas shall be designated on all plans prior to approval of the follow-on Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction. **Monitoring:** P&D staff shall check plans prior to approval of the follow-on Coastal Development Permit. The EQAP monitor shall inspect and ensure proper use and maintenance of the washout area(s).

43. The location of staging areas and stockpile areas shall be as approved by P&D staff and as depicted on the site plans. Migration of materials or run-off from these areas shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle. **Plan Requirements:** The applicant shall designate staging and stockpile areas, acceptable to P&D, and these areas shall be shown on the site, construction and/or grading and building plans. A full set of these plans shall be provided to the EQAP monitor. **Timing:** The staging and stockpile areas shall be designated on all plans, and plans provided to the EQAP monitor, prior to approval of the follow-on Coastal Development Permit. The staging and stockpile areas shall be in place and maintained throughout construction. **Monitoring:** P&D staff shall check plans prior to approval of Coastal Development Permits. The EQAP monitor shall inspect and ensure proper use and maintenance of the staging and stockpile areas.

44. The applicant (Public Works) shall implement a Restoration Plan as depicted on the plans (dated October 28, 2005) reviewed and approved by P&D, and as described in the project description. A total of eight (8.0) acres shall be restored. The planting of willows or other vegetation in the rock slope protection (un-grouted rock rip-rap) of the new road embankment and creek banks shall not constitute restoration and shall not count towards the required eight (8.0) acres of restoration. Any changes or modifications of, or deviations from, the approved plans shall require review and approval by P&D. Any changes or modifications of the approved plans requested/required by the California State Parks Department, California Department of Fish and Game or other State or local agency shall require review and approval by P&D for conformity with the approved project. **Plan Requirements:** A final restoration plan shall be submitted to and approved by P&D prior to approval of the follow-on Coastal Development Permit. **Timing:** The approved restoration plan shall be implemented immediately after completion of construction activities. **Monitoring:** A biologist from the County-approved list shall conduct surveys and prepare a performance report every six (6) months to assess compliance of the restoration with the approved plans and performance criteria. The report shall be provided to the

applicant (Public Works) and to the Planning and Development Department. The staff Biologist of Planning and Development shall peer-review the performance report.

45. The use of herbicides throughout the project area, including all restoration areas, shall be limited to glyphosate-based herbicides licensed for use in aquatic environments by the United States Environmental Protection Agency (e.g. Aquamaster, Rodeo). No surfactants shall be used in conjunction with such herbicide except for Agri-Dex or LI 700. The use of other surfactants shall require written approval from the United States Fish and Wildlife Service (US Fish and Wildlife) and Santa Barbara County Planning and Development. A copy of the written approval from US Fish and Wildlife shall be provided to P&D as part of a request for modification of the limitation on surfactant use. No herbicide shall be used, whether by spraying or manual application to cut stalks, within 72 hours of forecast precipitation or within 72 hours after rainfall or when the ground surface is moist. A biologist from the County-approved list shall be retained by the applicant and shall be on-site during all application of herbicide and shall prepare a report that specifies the type of herbicide and surfactant, the date/s of application, the quantities applied, and the areas and types of vegetation treated. This report shall be provided to both the applicant (Public Works) and to the Planning and Development Department. This report shall be reviewed by Planning and Development staff for consistency with the conditions of approval. This condition modifies sections 3.2 and 3.3 of Reasonable and Prudent Measure 3 as set forth in the Biological Opinion of the US Fish and Wildlife Service. The requirements of this condition shall take precedence over these sections. **Plan Requirements and Timing.** This information shall be printed on the final Restoration Plan to be reviewed and approved by P&D. **Monitoring:** A biologist from the County-approved list shall be present on-site during all application of herbicide and shall prepare the required report.

46. Prior to initiation of any and all project activities, the applicant shall retain one or more biologists approved by the US Fish and Wildlife Service and NOAA Fisheries to conduct species surveys, species relocations and biological monitoring of the project. The name and contact information of the biologist(s) shall be provided to P&D. The biological monitor(s) shall be present on-site throughout the following phases of the project: a) site preparation for, and construction and removal of, the temporary detour road; b) species surveying and relocation prior to de-watering of the creek; c) erection of exclusion fencing; d) dewatering of the creek; e) de-silting of the creek; f) construction of the temporary berm to allow installation of rock slope protection; g) installation of rock slope protection; h) vegetation removal within, or grading or filling of, the floodplain. The biologist shall also conduct a minimum of three (3) day-long site visits each week to monitor construction activities throughout construction of the new road (exclusive of installation of rock slope protection) and bridge. The biological monitor shall have the authority to stop or re-direct work if project activities, or failure of protective fencing or other measures, would have the potential to impact biological resources. **Plan Requirements and Timing:** This name(s) of, and contact information for, the biological monitor(s) shall be provided to P&D prior to issuance of the follow-on Coastal Development Permit.

47. The Santa Barbara County Department of Public Works shall ensure that the following occurs:

- a) The County (Public Works) shall inspect the road, bridge and culverts annually prior to the rain season.
- b) Every three years the County (Public Works) shall inspect the roadway for any necessary repairs.
- c) The County (Public Works) shall notify the California State Parks Department in advance of all inspections.
- d) The County (Public Works) shall monitor the condition and performance of the rock slope protection and transmit a report to the State Parks Department.

e) The County (Public Works) shall ensure that the California Department of Transportation inspects the bridge every two years.

**Plan Requirements and Timing:** The County shall include the above restrictions in the project plans and specifications.

#### **IV. Development Plan Conditions**

48. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

49. No permits for development, including grading, shall be issued except in conformance with this approved Final Development Plan. The size, shape, arrangement, use, and location of structures, roads, buildings, stockpile, staging and wash-off areas, parking areas, and restoration areas shall be developed in conformity with the approved development plan marked Exhibits dated 12, 2005. Substantial conformity shall be determined by the Director of P&D.

50. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

51. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

#### **V. County Rules & Regulations/Legal Requirements**

52. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, demolition, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

53. **Fees Required:** Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.

54. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

55. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period

applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

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## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1800 FAX (805) 641-1732

MAY 15 2006  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

### SECTION I. Appellant(s)

Name: Meg Caldwell, Chair, California Coastal Commission

Mailing Address: 89 So. California St.

City: Ventura

Zip Code: 93001

Phone: 805-585-1800

### SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

The Gaviota Beach Road and Bridge Replacement Project consists of the removal of the existing Gaviota Beach Road and associated bridge over Gaviota Creek and the reconstruction of a road embankment up to 12 ft. high and 70 ft. wide with a 256-ft long bridge; construction of a 24-ft wide temporary road and creek crossing; desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; rock armouring of creek banks and bridge abutments; and habitat restoration.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Gaviota State Beach, Gaviota Area, Unincorporated Santa Barbara County (Assessor Parcel Nos. 081-270-002 and 083-650-011)

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

#### TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-STB-06-056

DATE FILED: 5-15-06

DISTRICT: So. Central Coast

EXHIBIT 2a

A-4-STB-06-056

Commissioner Caldwell  
Appeal

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 7, 2006

7. Local government's file number (if any): 05DVP-00000-00002;05CUP-00000-00005

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Santa Barbara, Public Works Department, Attn: Joy Hufschmid, 123 East Anapamu Street; Santa Barbara, CA 93101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Michael Lunsford, Gaviota Coast Conservancy, P.O. Box 1099, Goleta, CA 93116

(2) Eddie Harris, Santa Barbara Urban Creeks Council, P.O. Box 1476, Santa Barbara, CA 93102

(3) Naomi Kovaks, Citizens Planning Association, 916 Anacapa St, Santa Barbara, CA 93101

(4) Steven Reichel, 66 Hollister Ranch, Gaviota, CA 93117



State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

**SEE ATTACHED**

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Meg Caldwell  
Appellant or Agent

Date: 5/15/06

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Gaviota Beach Road and Bridge Replacement Project (Santa Barbara County) Grounds for Appeal**

Appeal of the replacement of the existing Gaviota Beach Road and bridge with a new road and bridge in Santa Barbara County, based on the following grounds:

The project is appealed on the grounds that it is inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees.

LCP Policies 1-1, 1-2, 2-11, 3-19, 9-14, 9-38, 9-9, 9-22, 10-2; Coastal Act Sections 30107.5, 30231, 30233, 30236 and 30240 as incorporated into the LCP pursuant to Policy 1-1; and Article II of the Zoning Code Sections 35-97.7, 35-97.9, and 35-97.19 limit development in and around environmentally sensitive habitat areas, stream corridors, floodplains, wetlands, and monarch butterfly trees. Additionally, these policies provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible.

According to the EIR, the proposed project would result in permanent loss of 0.503 acres of riparian and wetland habitat as a result of the construction of the road approach and the placement of rock rip-rap. Additionally, approximately 2.39 acres of riparian and wetland habitat would be temporarily impacted for construction access and work areas to construct the permanent road and bridge, temporary detour road, and channel desilting. Furthermore, aquatic habitats in Gaviota Creek would be directly impacted by the channel desilting activities, installation and removal of the temporary creek crossing, construction of the bridge; and creek dewatering activities.

Figure 3-13 of the EIR identifies an area west of the existing Gaviota Beach Road as "high density red-legged frog" habitat. However, though the EIR addresses the temporary displacement of approximately 600 feet of creek habitat, the EIR does not address the permanent rock armoring that would replace the high-density habitat. Additionally, the project would result in the removal of eucalyptus trees observed to be used by monarch butterflies during the autumn migration. The trees are not considered significant because the "grove along the road corridor does not represent a recognized roost, nor does it support a large or persistent population." However, LCP Policy 9-22 specifically provides that butterfly trees shall not be removed except where they pose a serious threat to life or property. LCP Policy 9-22 does not state that a qualifying butterfly tree must be used as overwintering habitat.

As described above, the project would have numerous significant impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees inconsistent with the LCP policies mentioned above. The project includes riparian and wetland restoration and enhancement projects throughout the park as mitigation for these impacts. However, there appear to be opportunities to reduce the impacts, either through alternative siting or design.

The LCP policies require implementation of alternatives that would avoid adverse impacts to coastal resources, including siting alternatives and/or design alternatives. The EIR describes two major alternatives (the Causeway Alternative and the Alternative Bridge Site Alternative) that would significantly reduce impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees. These alternatives were eliminated from consideration due to funding and cost constraints. However, funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA. Other alternatives that should be considered to reduce impacts would include smaller road widths, alternative bank stabilization methods, and/or alternative locations (or elimination) for the temporary road.

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
 89 SOUTH CALIFORNIA STREET, SUITE 200  
 VENTURA, CA 93001-4508  
 VOICE (805) 585-1800 FAX (805) 641-1732

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 MAY 15 2006



CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Patrick Kruer, Vice-Chair, California Coastal Commission

Mailing Address: 89 So. California St.

City: Ventura

Zip Code: 93001

Phone: 805-585-1800

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

The Gaviota Beach Road and Bridge Replacement Project consists of the removal of the existing Gaviota Beach Road and associated bridge over Gaviota Creek and the reconstruction of a road embankment up to 12 ft. high and 70 ft. wide with a 256-ft long bridge; construction of a 24-ft wide temporary road and creek crossing; desilting and reshaping of 1.5 acres of Gaviota Creek; temporary dams and dewatering; rock armouring of creek banks and bridge abutments; and habitat restoration.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Gaviota State Beach, Gaviota Area, Unincorporated Santa Barbara County (Assessor Parcel Nos. 081-270-002 and 083-650-011)

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-4-STB-06-056  
 DATE FILED: 5-15-06  
 DISTRICT: So. Central Coast

**EXHIBIT 2b**  
**A-4-STB-06-056**  
**Commissioner Kruer**  
**Appeal**

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 7, 2006

7. Local government's file number (if any): 05DVP-00000-00002;05CUP-00000-00005

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Santa Barbara, Public Works Department, Attn: Joy Hufschmid, 123 East Anapamu Street; Santa Barbara, CA 93101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Michael Lunsford, Gaviota Coast Conservancy, P.O. Box 1099, Goleta, CA 93116

(2) Eddie Harris, Santa Barbara Urban Creeks Council, P.O. Box 1476, Santa Barbara, CA 93102

(3) Naomi Kovaks, Citizens Planning Association, 916 Anacapa St, Santa Barbara, CA 93101

(4) Steven Reichel, 66 Hollister Ranch, Gaviota, CA 93117

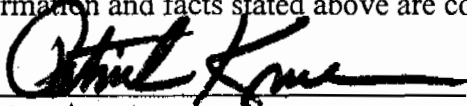
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

**SEE ATTACHED**

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent

Date: 5/15/06

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Gaviota Beach Road and Bridge Replacement Project (Santa Barbara County) Grounds for Appeal**

Appeal of the replacement of the existing Gaviota Beach Road and bridge with a new road and bridge in Santa Barbara County, based on the following grounds:

The project is appealed on the grounds that it is inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees.

LCP Policies 1-1, 1-2, 2-11, 3-19, 9-14, 9-38, 9-9, 9-22, 10-2; Coastal Act Sections 30107.5, 30231, 30233, 30236 and 30240 as incorporated into the LCP pursuant to Policy 1-1; and Article II of the Zoning Code Sections 35-97.7, 35-97.9, and 35-97.19 limit development in and around environmentally sensitive habitat areas, stream corridors, floodplains, wetlands, and monarch butterfly trees. Additionally, these policies provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible.

According to the EIR, the proposed project would result in permanent loss of 0.503 acres of riparian and wetland habitat as a result of the construction of the road approach and the placement of rock rip-rap. Additionally, approximately 2.39 acres of riparian and wetland habitat would be temporarily impacted for construction access and work areas to construct the permanent road and bridge, temporary detour road, and channel desilting. Furthermore, aquatic habitats in Gaviota Creek would be directly impacted by the channel desilting activities, installation and removal of the temporary creek crossing, construction of the bridge; and creek dewatering activities.

Figure 3-13 of the EIR identifies an area west of the existing Gaviota Beach Road as "high density red-legged frog" habitat. However, though the EIR addresses the temporary displacement of approximately 600 feet of creek habitat, the EIR does not address the permanent rock armoring that would replace the high-density habitat. Additionally, the project would result in the removal of eucalyptus trees observed to be used by monarch butterflies during the autumn migration. The trees are not considered significant because the "grove along the road corridor does not represent a recognized roost, nor does it support a large or persistent population." However, LCP Policy 9-22 specifically provides that butterfly trees shall not be removed except where they pose a serious threat to life or property. LCP Policy 9-22 does not state that a qualifying butterfly tree must be used as overwintering habitat.

As described above, the project would have numerous significant impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees inconsistent with the LCP policies mentioned above. The project includes riparian and wetland restoration and enhancement projects throughout the park as mitigation for these impacts. However, there appear to be opportunities to reduce the impacts, either through alternative siting or design.

The LCP policies require implementation of alternatives that would avoid adverse impacts to coastal resources, including siting alternatives and/or design alternatives. The EIR describes two major alternatives (the Causeway Alternative and the Alternative Bridge Site Alternative) that would significantly reduce impacts to environmentally sensitive habitat areas, wetlands, riparian areas, stream corridors, and monarch butterfly trees. These alternatives were eliminated from consideration due to funding and cost constraints. However, funding and cost constraints are not specified in the LCP policies as allowable reasons to fill wetlands or remove ESHA. Other alternatives that should be considered to reduce impacts would include smaller road widths, alternative bank stabilization methods, and/or alternative locations (or elimination) for the temporary road.

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STRET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1800 FAX (805) 641-1732



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Michael R. Lunsford, President, Gaviota Coast Conservancy

Mailing Address: P.O. Box 1099

City: Goleta

Zip Code: 93116

Phone: (805) 967-5828

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

Gaviota Beach Road and Bridge Replacement project. SB County Case Nos. 05DVP-00000-00002 and 05CUP-00000-00005. County Public Works proposes to construct a 250' bridge over Gaviota Creek, and elevate nearly 800' of roadway 12 feet above existing grade within the lower Gaviota Creek wetland at Gaviota State Park.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Gaviota Beach Road between U.S. Highway 101 and the Pacific Ocean within Gaviota State Park

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

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MAY 15 2006  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

<b><u>TO BE COMPLETED BY COMMISSION:</u></b>	
APPEAL NO:	<u>A-4-STB-06-056</u>
DATE FILED:	<u>5-15-06</u>
DISTRICT:	<u>So. Central Coast</u>

<b>EXHIBIT 2c</b>
<b>A-4-STB-06-056</b>
<b>Gaviota Coast Conservancy Appeal</b>

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 14, 2006

7. Local government's file number (if any): 05DVP-00000-00002 and 05CUP-00000-0

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Santa Barbara  
Public Works Department  
Atten: Joy Hufschmid  
123 East Anapamu Street  
Santa Barbara, CA 93101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Eddie Harris, President, Urban Creeks Council  
P.O. Box 1476  
Santa Barbara, CA 93102

(2) Naomi Kovacs, Executive Director  
Citizen's Planning Association  
916 Anacapa Street  
Santa Barbara, CA 93101

(3) Rob Rebstock, President  
Hollister Ranch Owners' Association  
Box 1000-Bulito Canyon  
Gaviota, CA 93117

(4) Richard Rojas, Superintendent  
California Department of Parks and Recreation, Channel Coast District  
911 San Pedro  
Ventura, CA 93001



## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This project violates Santa Barbara County's LCP Policy 1-1 and Coastal Act, Section 30233 because it fills the lower Gaviota Creek wetland with 70,000 cubic yards of soil and stone, creating a dike which impairs the functional capacity of the wetland. The fill is used to raise approximately 800 feet of roadbed 12 feet above grade and armor it with stone rip-rap. This project isolates 4 or more acres of wetland in violation of the Clean Water Act, and the federal "no net loss" of wetlands policy. (See EIR Figure 3-9 and Photo 20 opposite page 3-12.) The proposed mitigation of 4'x4' box culverts fails to adequately address the loss of hydrological function of the wetland, and creates a maintenance burden of such magnitude that failure of this feature is highly probable.

The Environmental Impact Report, fails to give adequate weight to the loss of wetland habitat as compared to the Alternative Bridge Site alternative's impacts to upland resources. It slights County environmental thresholds, Coastal Act Policies, and State Park General Plan policies set in place to protect scarce wetland resources.

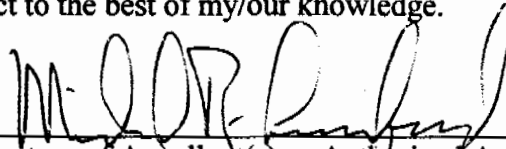
In a rush to find the FEMA project to be the only feasible alternative, the EIR fails to adequately analyze alternatives. This deference to the FEMA funded project has clouded the judgment of County decision makers, turning the Coastal Act and CEQA on their heads to reach a convenient result. The EIR found that both alternatives were environmentally superior but may require additional funding from other sources. Inadequate documentation of the infeasibility of these alternatives precluded sound independent judgment by decision makers, leading to an abuse of discretion.

(See attached Appeal to the Board of Supervisors)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

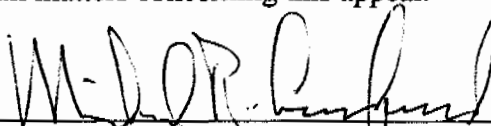
  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: May 15, 2006

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize Michael R. Lunsford  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
\_\_\_\_\_  
Signature of Appellant(s)

Date: May 15, 2006

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1800 FAX (805) 641-1732

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Santa Barbara Urban Creeks Council

Mailing Address: P.O. Box 1467

City: Santa Barbara, CA

Zip Code: 93102

Phone: (805)968-3000

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Santa Barbara County Board of Supervisors

2. Brief description of development being appealed:

Gaviota Creek Bridge and Roadway Replacement

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Within Gaviota State Park

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-4-STB-06-056

DATE FILED:

5/25/06

DISTRICT:

So. Central Coast

**EXHIBIT 2d**

**A-4-STB-06-056**

**Urban Creeks Council  
Appeal**

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 14, 2006

7. Local government's file number (if any): [05DVP-00002 & 05CUP-00000-00005 ],

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Santa Barbara County Public Works Department  
123 East Anapamu St.,  
Santa Barbara Ca, 93101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Gaviota Coast Conservancy  
P.O. Box 1099  
Goleta, CA 93116

(2) Citizens Planning Association  
916 Anacapa St.  
Santa Barbara, CA 93101

(3)

(4)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The project as approved is inconsistent with The California Environmental Quality Act. Under CEQA, the least damaging alternative that meets the design purpose must be approved when less damaging alternatives are feasible. A project, where possible, should protect and enhance dwindling natural resources such as habitat for important and endangered species, and wetlands. This project brings unnecessary impacts to environmentally sensitive habitat (ESHA) where endangered species such as Red Legged Frog and Steelhead Trout exist within the willow dominated wetland. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with the California Environmental Quality Act.

The project is inconsistent with the Coastal Act and the Local Coastal Plan in that it allows diking within the wetland. (Coastal Act Section 30233 and LCP Policy 1-1) The Local Coastal Plan and the Coastal act allow filling and diking within a wetland only when the functional capacity of the wetland can be maintained and enhanced. The proposed project does not maintain or enhance the functional capacity of the wetland. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with the Coastal Act and the Local Coastal Plan. Other Policy with which the project is inconsistent includes gross inconsistency with with LCP Policy 1-1 incorporating Coastal Act Section 30231, 30107.5, and Article II, Section 35-58 of the LCP, Section 30240 of the Coastal Act. Additionally, the project is inconsistent with LCP Policy 2-11, LCP Policy 9-38, and LCP Policy 9-9. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with the Coastal Act and the Local Coastal Plan.

The project is also inconsistent with the County's Environmental Thresholds and Guidelines Manual. The EIR does not recognize potentially significant impacts and does not fully mitigate damage to wetlands. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with its own Thresholds and Guidelines Manual.

The project is also inconsistent with the Gaviota State Park General Plan. The design does not allow Gaviota Creek to meander freely in uncontained manner as much as possible as recommended in the Park General Plan. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with this recommendation of the Park General Plan.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: March 24, 2006

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

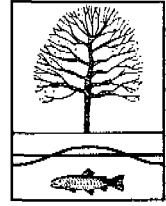
\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

# SANTA BARBARA URBAN CREEKS COUNCIL

P.O. Box 1467, Santa Barbara, CA 93102 (805) 968-3000

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April 18, 2006

California Coastal Commission  
South Central Coast District Office  
89 So. California St., Ste 200  
Ventura, CA 93001-4508

**Re: S.B. Urban Creeks Council appeal of Santa Barbara County Board of Supervisors approval March 14, 2006; Gaviota Creek Bridge and Roadway Replacement; 05CUP-00000-00005, 05DVP-00000-00002, 05-EIR-00000-00007**

California Coastal Commission and Staff:

For reasons that are cited below, the Santa Barbara Urban Creeks Council appeals the above referenced Santa Barbara County Public Works project approval to the California Coastal Commission. The Urban Creeks Council, a 501(c)3 non profit whose mission includes advocating on behalf of creek and water resources, has appeared before both the Planning Commission of Santa Barbara County and the Santa Barbara County Board of Supervisors in opposition to this project. Written comments have also been submitted to both of these county bodies and to the U.S. Army Corps of Engineers and to the Federal Emergency Management Agency. All possible appeals to local appellate bodies have been made and have been exhausted. The project is within the jurisdictional Coastal Zone and the appealable jurisdiction of the Coastal Commission and it is a major works project.

### **Reasons for the Appeal:**

The project is inconsistent with the Coastal Act and the Local Coastal Plan (Section 30233 of the Coastal Act and LCP Policy 1-1) in that it allows diking within the wetland. The Local Coastal Plan and the Coastal act allow filling and diking within a wetland only when the functional capacity of the wetland can be maintained and enhanced. The proposed project does not maintain or enhance the functional capacity of the wetland. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with the Coastal Act and the Local Coastal Plan. Please see appeal form for additional policy inconsistencies. There are additional inconsistencies that are outlined in analysis by other entities. The Urban Creeks Council agrees with the analysis provided by the Gaviota Coast Conservancy, and for brevity we cite the inconsistencies that they have brought to your attention in their appeal letter and make it known that we are in concurrence.

The project as approved is inconsistent with The California Environmental Quality Act. Under CEQA, the least damaging alternative that meets the design purpose must be approved when less damaging alternatives are feasible. A project, where possible, should protect and enhance dwindling natural resources such as habitat for important and endangered species, and wetlands. This project brings unnecessary impacts to environmentally sensitive habitat (ESHA) where endangered species such as Red Legged Frog and Steelhead Trout exist within the willow dominated wetland. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with the California Environmental Quality Act.

The project is also inconsistent with the County's Environmental Thresholds and Guidelines Manual. The EIR does not recognize potentially significant impacts and does not fully mitigate damage to wetlands. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with its own Thresholds and Guidelines Manual.

The project is also inconsistent with the Gaviota State Park General Plan. The design does not allow Gaviota Creek to meander freely in unconstrained manner as much as possible as recommended in the Park General Plan. The alternatives analysis rejected or may have failed to consider other alternatives that would allow compliance with this recommendation of the Park General Plan.



### **Failure to consider alternatives.**

The Urban Creeks Council has in the past submitted information and evidence through process that supports our asking for analysis of one or more alternatives that were not evaluated in the Environmental Impact Report. Information that should have been included in the EIR but was omitted follows.

There is evidence that past transportation projects, both construction of highway 101 and construction of the existing Gaviota Beach Road have resulted in stream bank instabilities that in time will threaten to damage both highway 101 and the county's Gaviota Beach Road. Immediately adjacent to the intersection of these two roadways, the creek takes a sharp bend towards the west. Recent observations taken at the outside of the bend, where the main channel is in very close proximity to both of the roadways follows:

1. Hydraulic forces present at this location during moderate to high flow conditions are likely to result in scouring, being that velocities are greatest at the outside of the bend where the thalweg dominates.
2. Materials have been placed on the embankment along the outside of the bend and below the roadways in an apparent attempt to provide armament to halt erosion. These materials include asphalt and concrete and rock. It is not known who placed these materials at this location and under what authority they were placed. Placement of the materials does not appear to be part of an engineered solution.
3. At the toe of the creek bank throughout the outside of the bend there is ongoing and significant undercutting of the bank. This undercutting has resulted in slippage and instability that has caused failure of the materials that have been placed on the bank in an apparent attempt to halt erosion, and failure of supportive fill material that is adjacent to the roadways.
4. There is also some evidence of down cutting at the top of bank from runoff spilling from the roadway.
5. The proximity of the pavement at the edge of the roadway to the top of bank at this location is as little as twenty feet (approximately).

From this evidence it may be concluded that within a few years there is a strong likelihood that extensive bank protection will be needed throughout the outer radius of this bend to protect both highway 101 and Gaviota Beach Road from damage. These future expenses will be saddled on taxpayers and paid for by CalTrans and by the County of Santa Barbara. This evidence strongly suggests that an alternative (outlined in the Urban Creeks Council Comments letter of January 8, 2006) that was not included in the EIR may be both practicable and feasible.

We feel that this evidence was disregarded by the Santa Barbara County Planning Commission when it certified the EIR and by the Santa Barbara County Board of

Supervisors. Both bodies failed to discuss the evidence. We also feel that the process failed to answer these specific questions:

- Will the preferred alternative burden taxpayers with maintenance costs into perpetuity that may be unnecessary?
- Does it not serve taxpayer's best interest to identify and correct existing instabilities before a serious bank failure occurs and before costly repairs that must be undertaken in reaction to crisis becomes necessary?
- Does the shorter causeway or bridge distance described in the UCC comments letter to the Planning Commission dated January 8, 2006 as a previously unidentified alternative result in a cost savings that should be evaluated in the EIR?

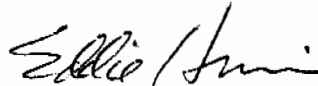
We think that careful analysis of these questions was of great importance in the process to certify the EIR, yet they were ignored. They were again ignored when the County Board of Supervisors approved the project. We ask that you uphold our appeal so that these questions may receive due deliberation. It is our view that all of these economic factors have relevance when considering costs. Public money must be spent wisely, and it is the responsibility of all agencies to work together to ensure that taxpayers are not shortchanged.

### **Growth Issues**

Another important question that was ignored by the County of Santa Barbara has to do with the assertion in section 6.0 of the EIR that the project would not meet criteria that would warrant the finding that the project may induce growth and may result in significant impacts resulting from growth. We question the assumption that the project does not meet any of the criteria for growth inducement, and the conclusion that the proposed project is not growth inducing. Upgrade of the crossing from a poorly planned, rural at grade access with inherent safety limitations and often cited inconvenience to users, to an elevated roadway with a flood design in excess of 100 years may be an attractive amenity in the minds of property owners, investors, developers, insurance companies and planners, and therefore may induce growth at some later date as growth pressures in the region continue to increase. Growth inducement impacts of the project must be more thoroughly analyzed and not ignored. Thorough comprehensive planning for the region requires that better understanding of growth issues be provided for readers of the EIR.

**Conclusion**

For the reasons enumerated above, we respectfully request that you honor the Urban Creeks Council appeal of the Santa Barbara County Board of Supervisors decision to approve this project. Thank you very much for your consideration of our comments on this important matter, and thank you for your diligence in protecting irreplaceable coastal resources.



**Eddie Harris**  
**President**  
**Santa Barbara Urban Creeks Council**

**cc: Citizens Planning Association**  
**South Coast Watershed Alliance**  
**Gaviota Coast Conservancy**  
**South Coast Watershed Alliance**  
**Environmental Defense Center**

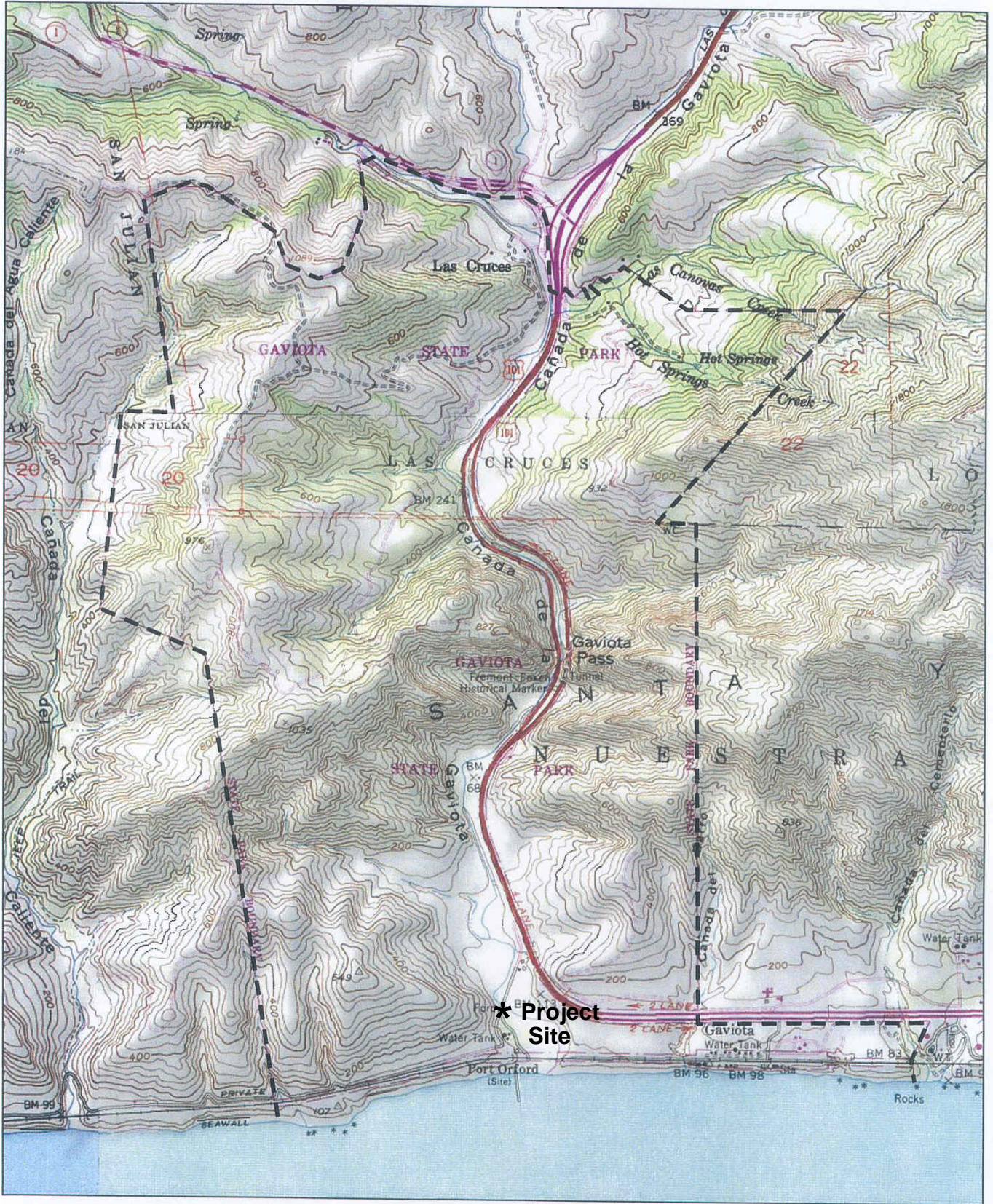
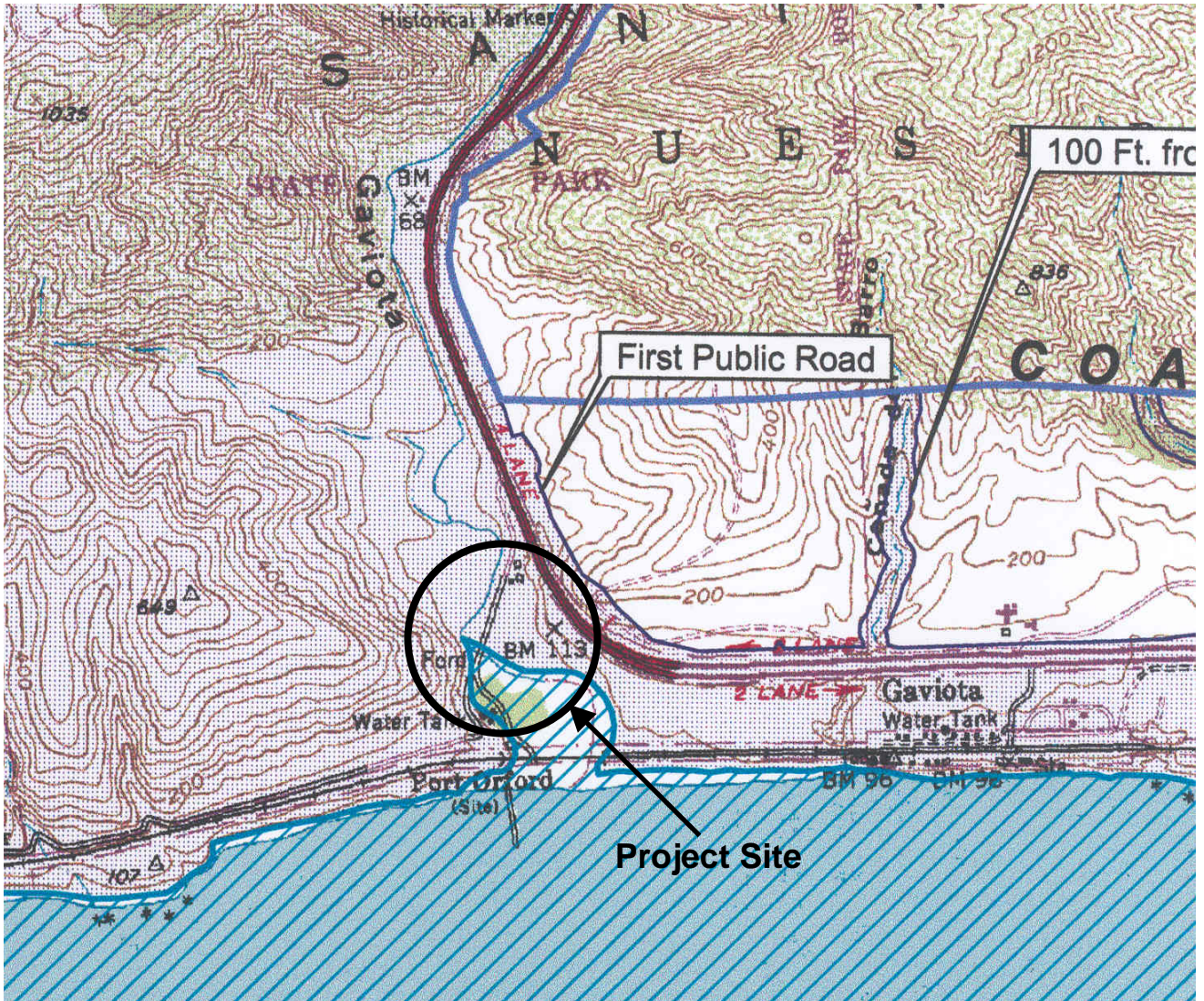


Figure 3-15. Gaviota State Park

**Exhibit 3**  
**A-4-STB-06-056**  
**Vicinity Map**

# Post-LCP Certification Permit and Appeal Jurisdiction

## County of Santa Barbara



### Permit Jurisdiction

This area includes only lands below the mean high tide line and lands where the public trust may exist.



### Appeal Jurisdiction

This area includes lands between the sea and the designated first public road paralleling the sea or 300 ft from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100 ft of streams and wetlands and lands within 300 ft of the top of the seaward face of any coastal bluff.

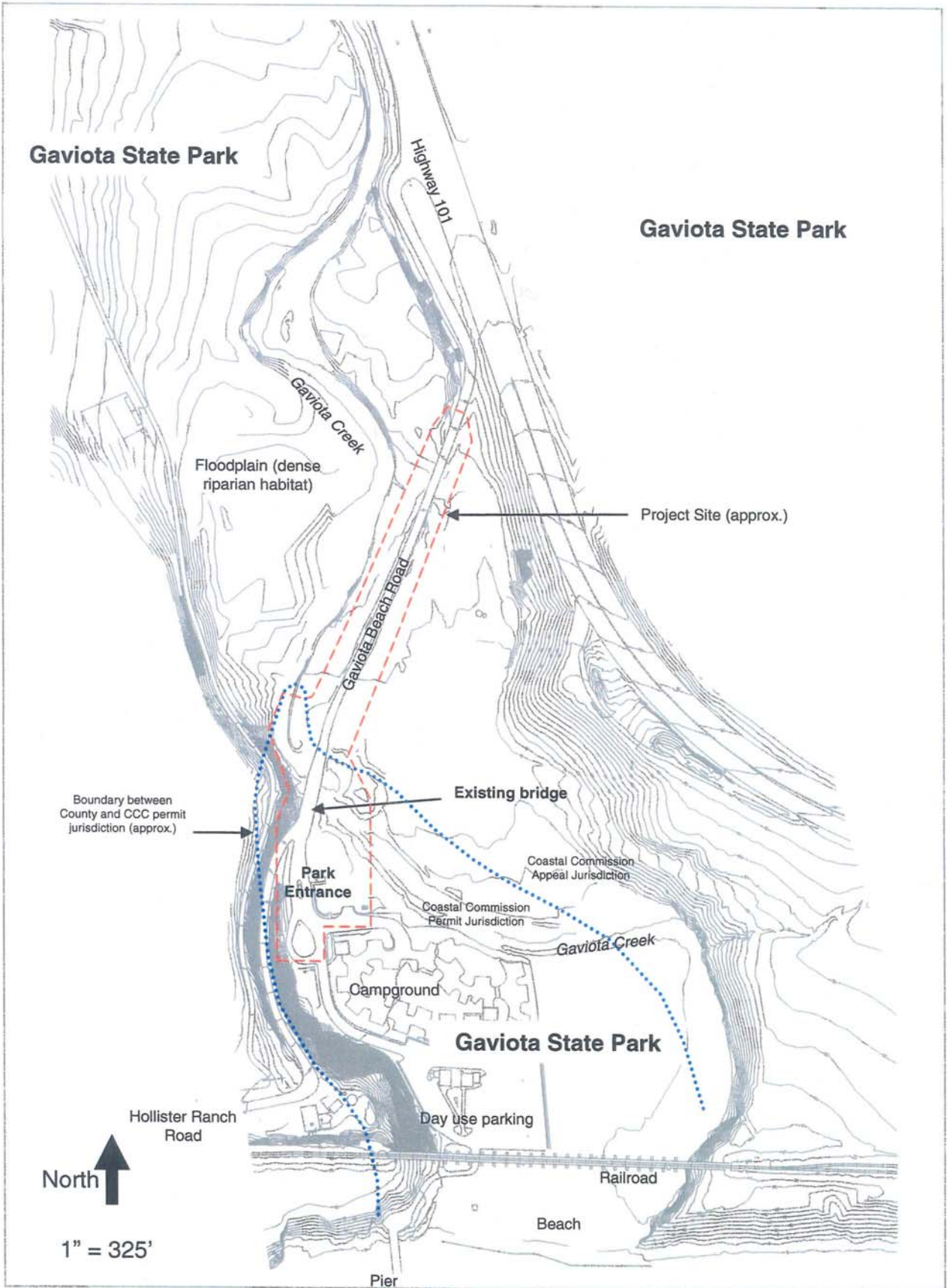


### Coastal Zone Boundary

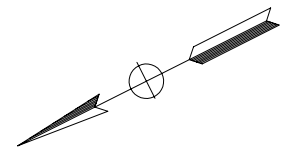
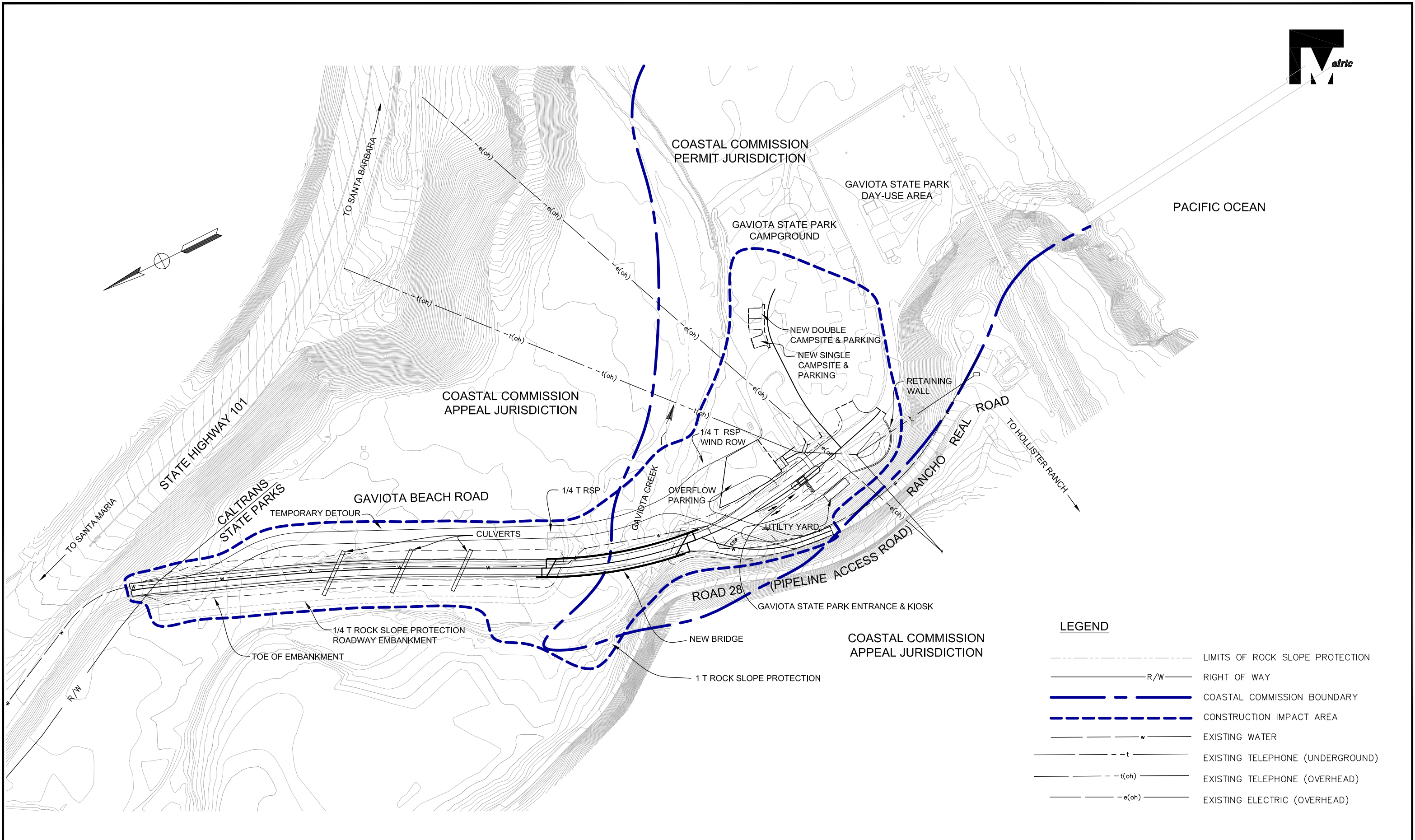
Exhibit 4

A-4-STB-06-056

Jurisdiction Map



**Exhibit 5**  
**A-4-STB-06-056**  
**Project Site**



**LEGEND**

-----	LIMITS OF ROCK SLOPE PROTECTION
——— R/W ———	RIGHT OF WAY
—————	COASTAL COMMISSION BOUNDARY
—————	CONSTRUCTION IMPACT AREA
——— w ———	EXISTING WATER
——— -t ———	EXISTING TELEPHONE (UNDERGROUND)
——— -t(oh) ———	EXISTING TELEPHONE (OVERHEAD)
——— -e(oh) ———	EXISTING ELECTRIC (OVERHEAD)

Quincy Engineering, Inc.  
3247 Ramos Circle  
Sacramento, CA 95827

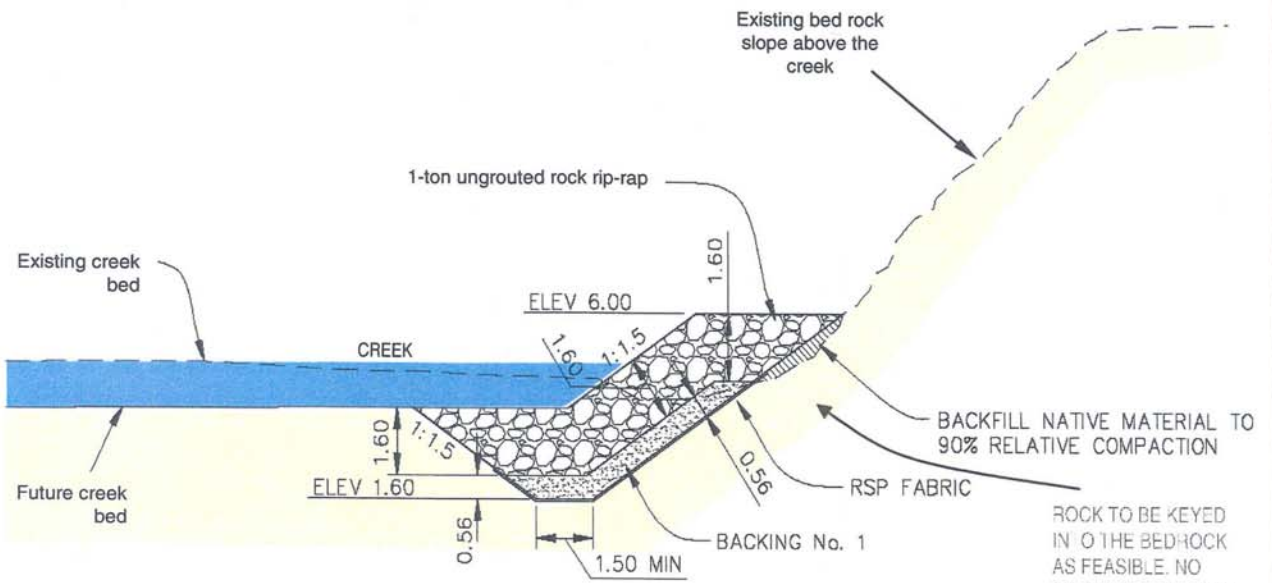
**SITE PLAN**

COUNTY OF SANTA BARBARA  
DEPARTMENT OF PUBLIC WORKS

DATE: 11/15/2005

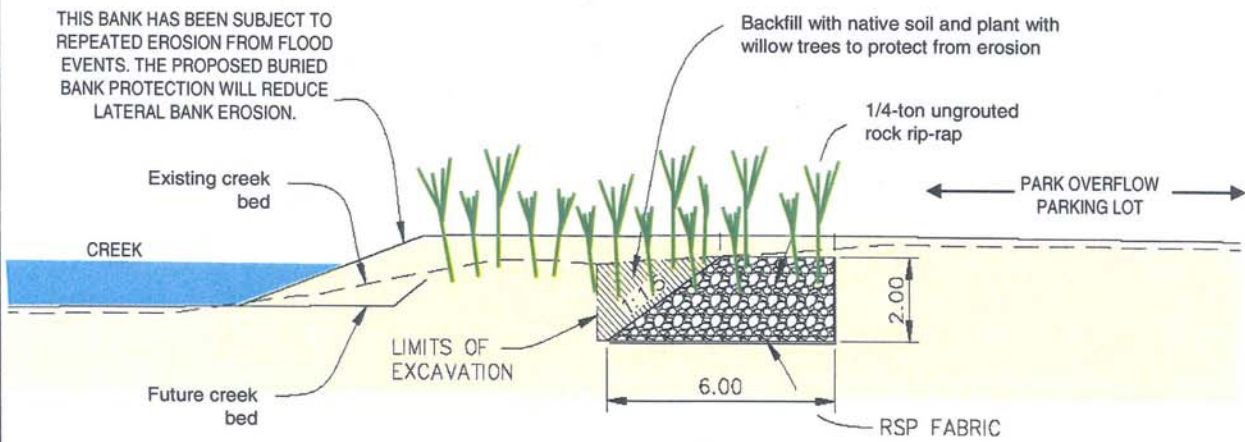
**GAVIOTA BEACH ROAD BRIDGE REPLACEMENT PROJECT**

SCALE: 1:1000



Rock slope protection on the west side of the creek, upstream of the new bridge. View downstream. No willow plantings. Elevations and dimensions in meters.

ROCK TO BE KEYED INTO THE BEDROCK AS FEASIBLE. NO MAJOR EXCAVATION OF THE EXISTING BEDROCK IS PROPOSED



Buried rock slope protection on the west side of the creek, downstream of the new bridge, adjacent to Park overflow parking area. View downstream. Dimension in meters.

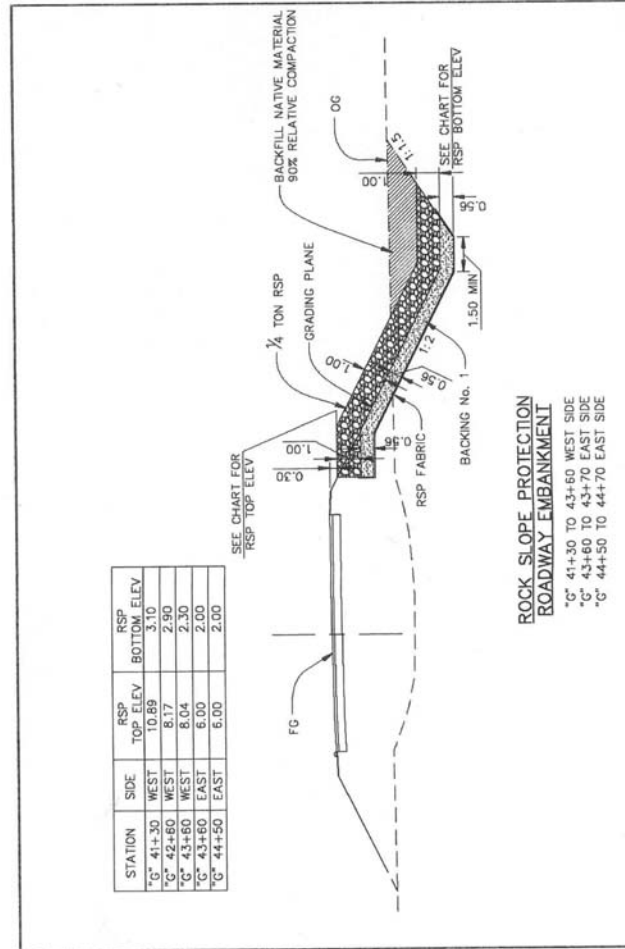
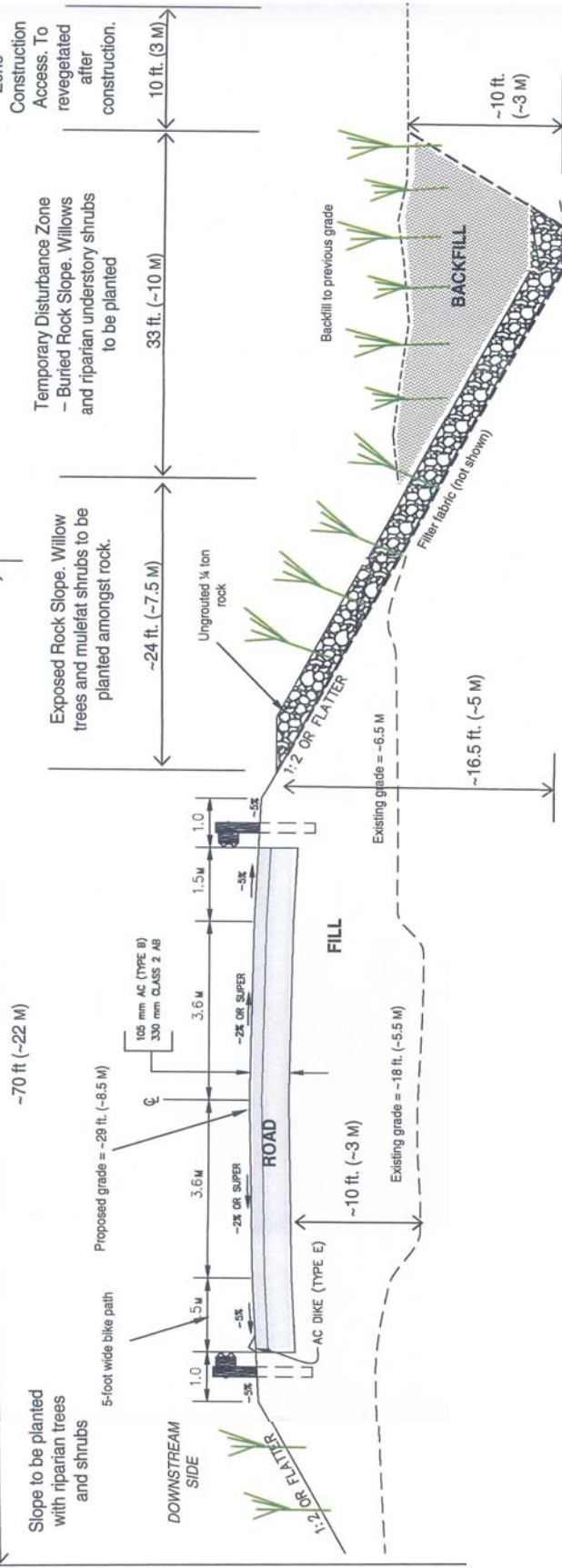
Figure 2-12. Rock Slope Protection at the Bridge

**Exhibit 7**  
**A-4-STB-06-056**  
**Bridge Armouring**



VIEW TO THE WEST

UPSTREAM SIDE (CREEK PARALLEL TO ROADWAY)

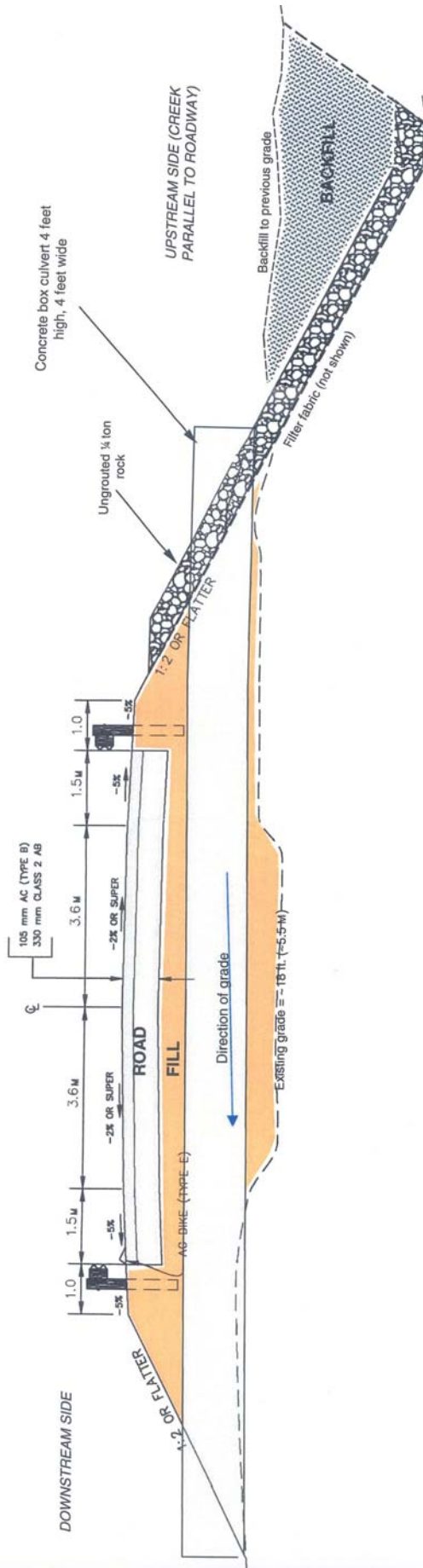


STATION	SIDE	RSP TOP ELEV	RSP BOTTOM ELEV
"C" 41+30	WEST	10.89	3.10
"C" 42+60	WEST	8.17	2.90
"C" 43+60	WEST	8.04	2.30
"C" 43+60	EAST	6.00	2.00
"C" 44+50	EAST	6.00	2.00

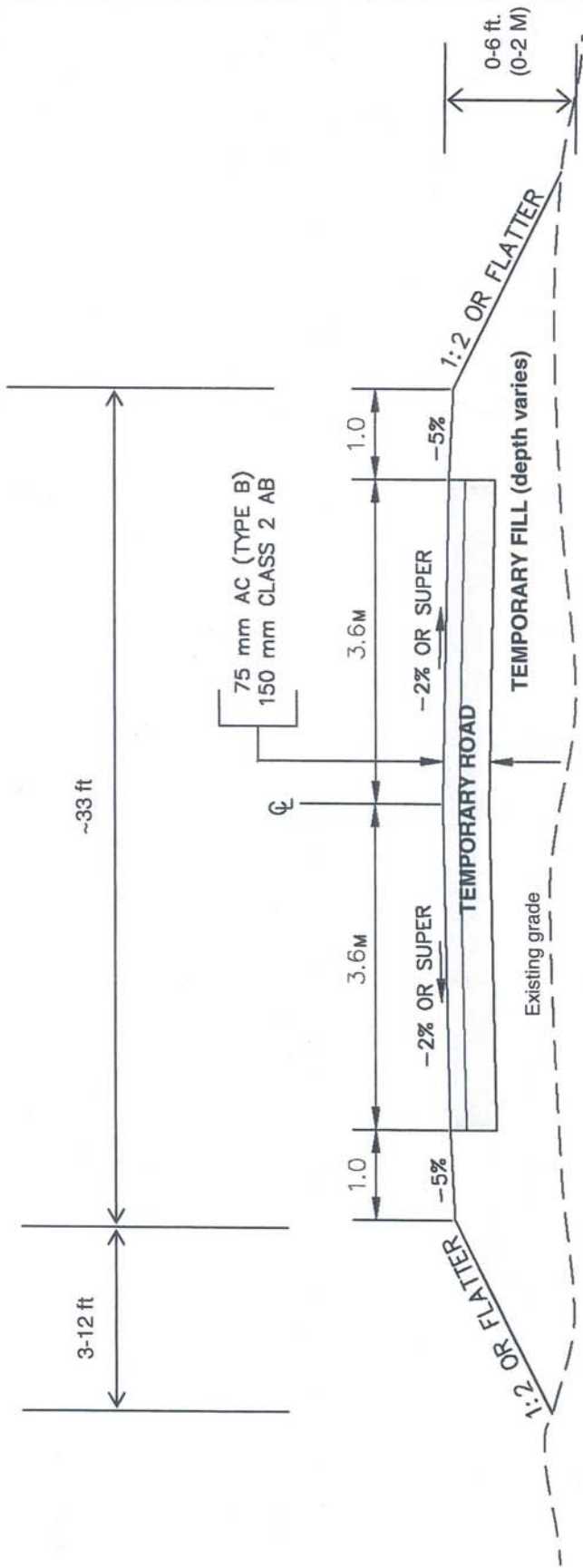
ROCK SLOPE PROTECTION ROADWAY EMBANKMENT

- "C" 41+30 TO 43+60 WEST SIDE
- "C" 43+60 TO 43+70 EAST SIDE
- "C" 44+50 TO 44+70 EAST SIDE

**Exhibit 9**  
**A-4-STB-06-056**  
**Permanent Road Cross-Section**

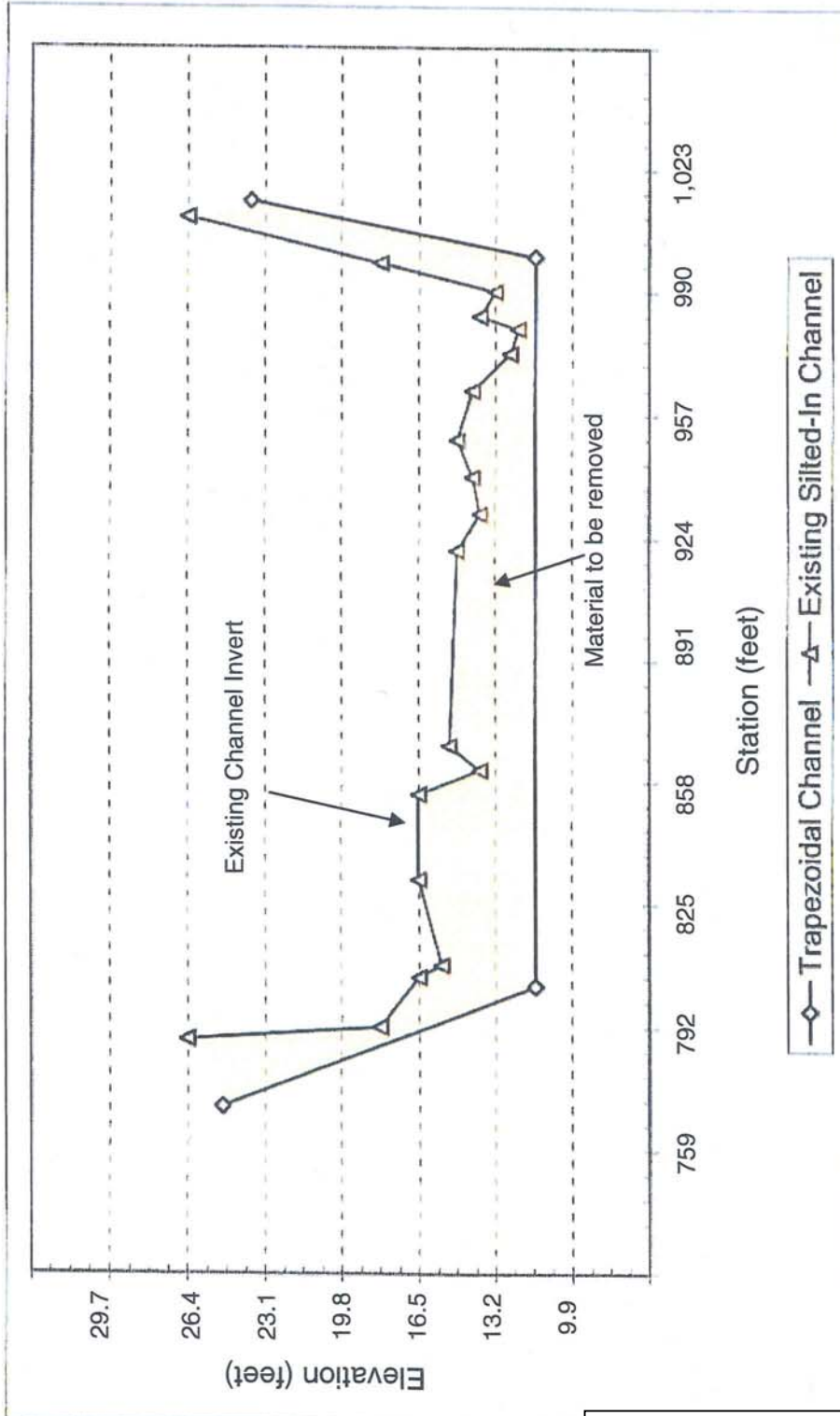


**Exhibit 9**  
**A-4-STB-06-056**  
**Permanent Road Culverts**



**Exhibit 10**  
**A-4-STB-06-056**  
**Temporary Road**  
**Cross-Section**

Figure 2-20. Cross Section of Temporary Detour Road



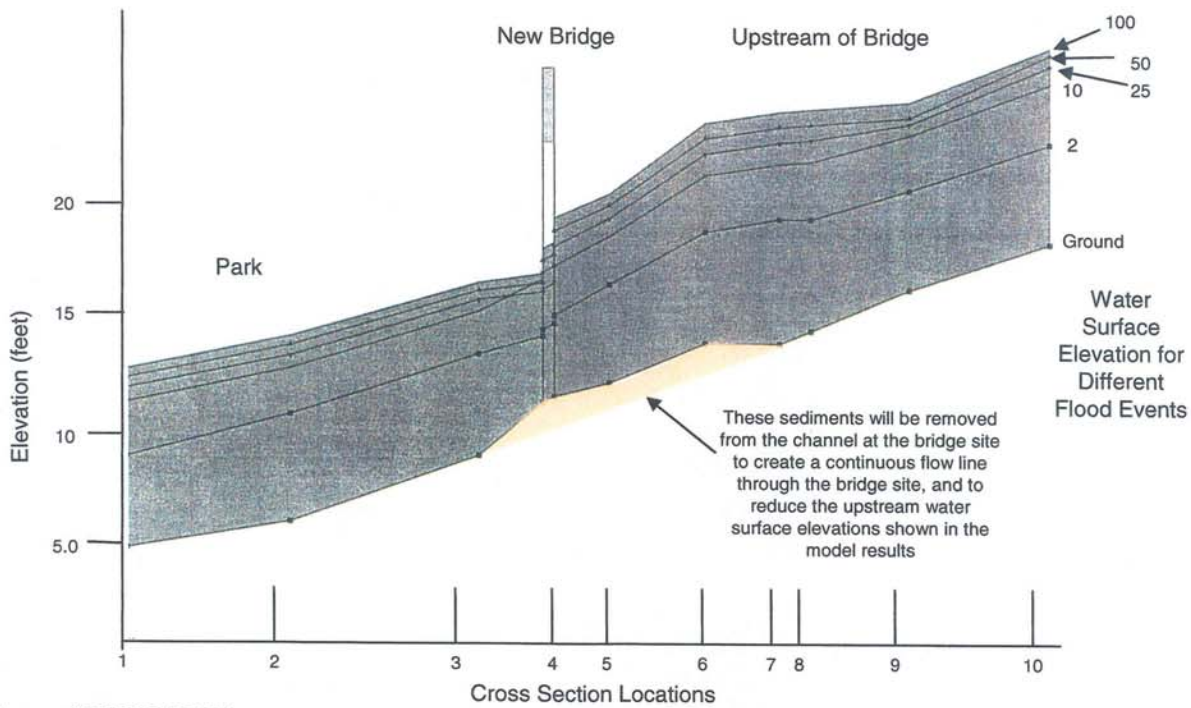
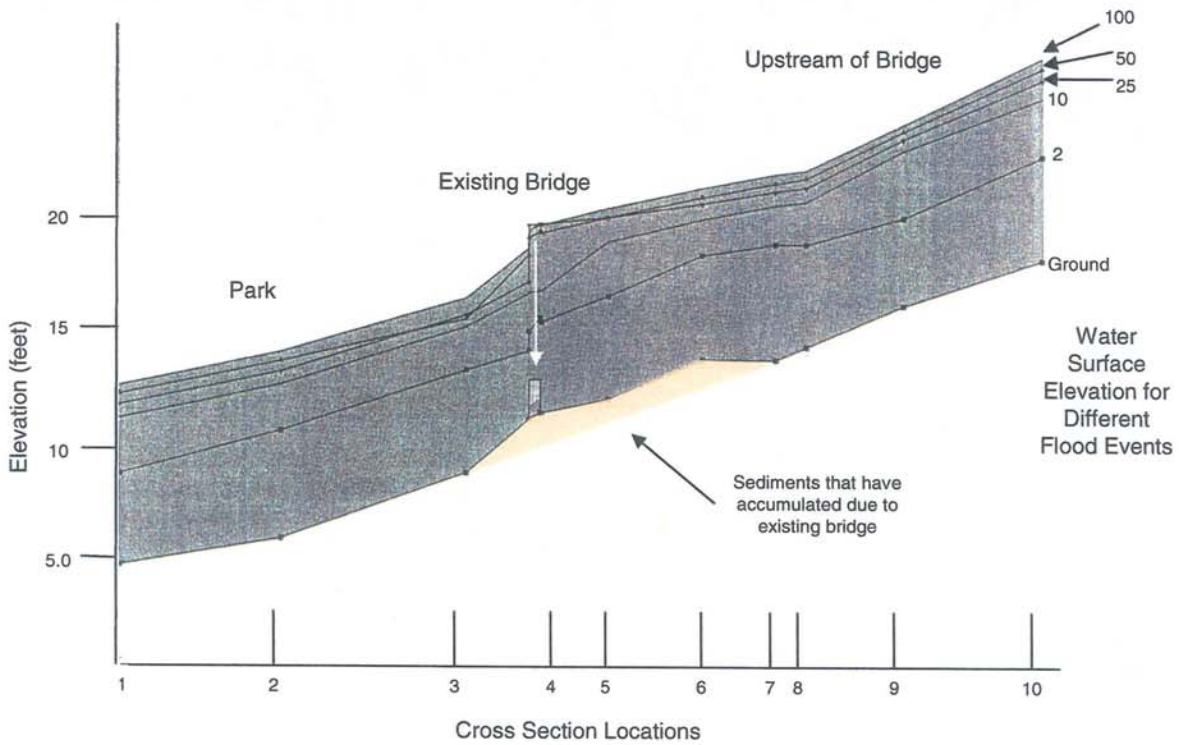
Cross Section Located Immediately Upstream of New Bridge

Figure 3-7. Cross Section of Channel Desilting Area

Exhibit 11

A-4-STB-06-056

Channel Desilting Cross-Section



Source: WRECO (2003)

Figure 3-6. Profile of Water Surface Elevations

**Exhibit 12**  
**A-4-STB-06-056**  
**Bridge Height & Flood**  
**Events**

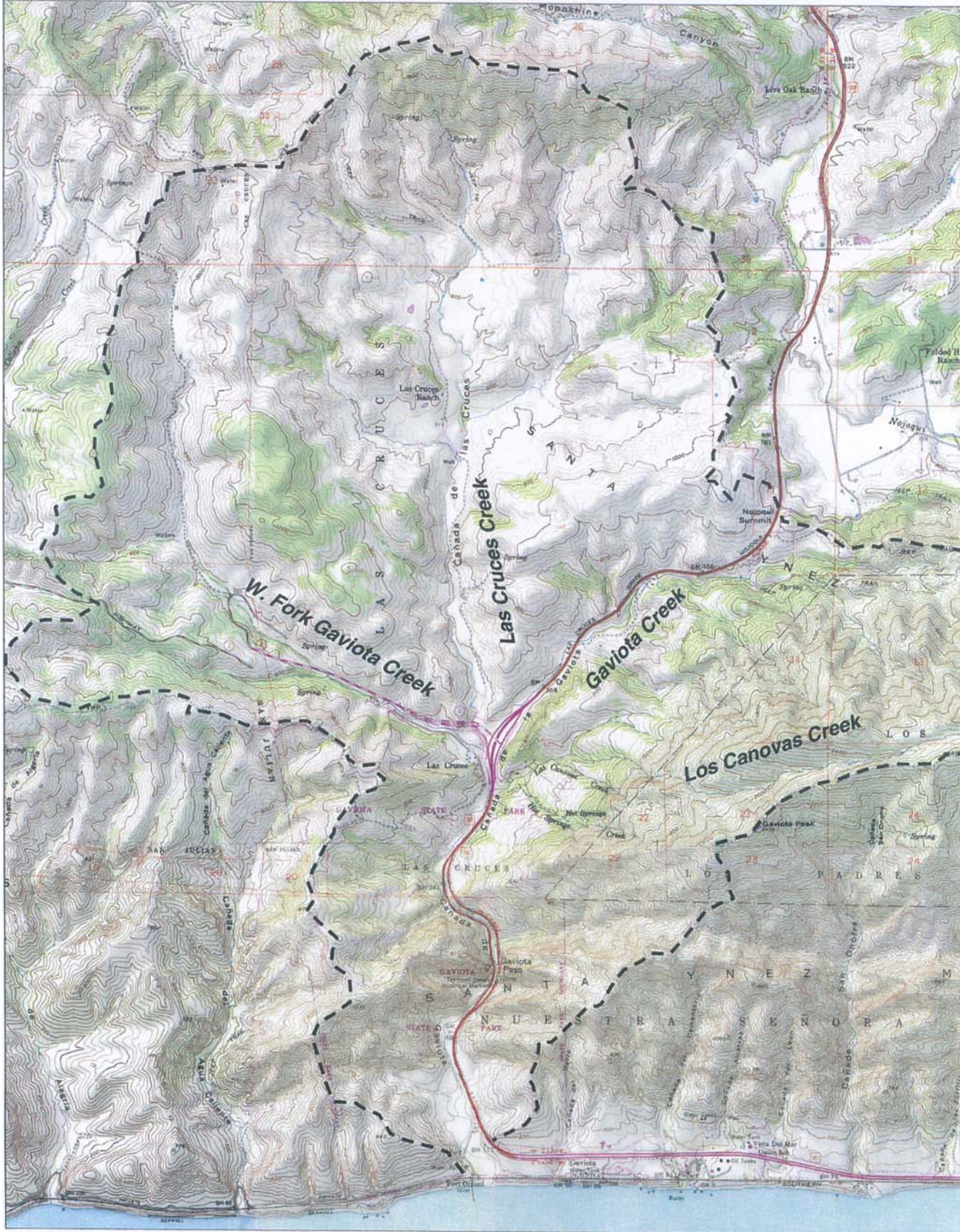
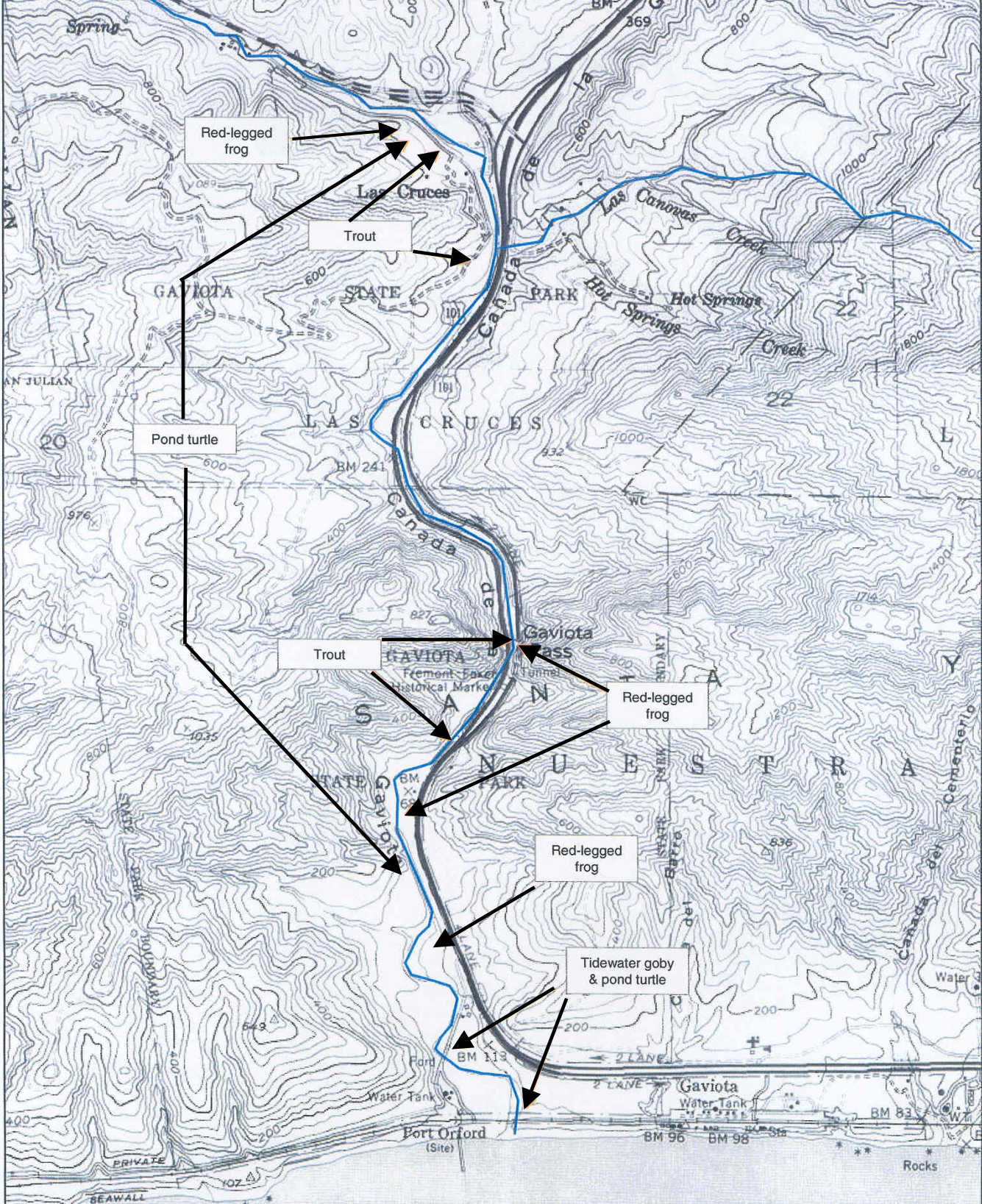


Figure 3-1. Gaviota Creek Watershed

**Exhibit 13**  
**A-4-STB-06-056**  
**Watershed Map**



Source: State Parks.

Figure 3-12. Locations of Special Interest Species in the Lower Watershed

**Exhibit 14**  
**A-4-STB-06-056**  
**Special Interest Species**

# Memorandum



RECEIVED

APR 04 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**Date:** December 20, 2005

**To:** Mark Walter Ph.D. – Planning and Development

**From:** Dave Rickard – PM Disaster Recovery

**Subject:** Gaviota Beach Road Bridge Funding Guidelines for FEMA and State OES Eligibility. County ID No. 862231

**CC:** Phillip M. Demery, Director Public Works  
Scott McGolpin, Deputy Director – Transportation  
Dace Morgan, Supervising Manager Transportation Design Section  
Public Works  
Joy Hufschmid, Environmental Planner/Project Manager,  
Transportation Public Works  
Nancy Ward, FEMA-Region IX Director of Response and Recovery  
Peter Crase, Governors Office of Emergency Services (OES) Public  
Assistance Branch, Sacramento

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## **Position Summary:**

The Gaviota Beach Road Bridge as currently proposed, designed and aligned and for which both NEPA and CEQA compliance has been completed is the *only* project that will be funded by the Federal Emergency Management Agency (FEMA) and the Governors Office of Emergency Services (OES). Any additional cost associated with an “Improved” project would not be eligible for federal funding. Any change from the original Hazard Mitigation Funding Benefit Cost 406 Analysis would require a new cost benefit analysis, additional environmental review and another time extension which can only be granted for anything beyond the control of the County. Such a request by the County would jeopardize the entire FEMA funding package and could cause FEMA to deobligate all the federal funding received and spent to date. I strongly recommend against such action.

## **Brief History:**

During the winter of 1998 Gaviota Beach Road Bridge was inundated by flood waters which nearly cost several Hollister Ranch residents their lives while trying to cross by vehicle using the flooded Gaviota Bridge. In February of 1998 President Clinton

EXHIBIT 15a
A-4-STB-06-056
December 20, 2005



declared Santa Barbara County a Federal Disaster area, paving the way for FEMA reimbursement. The declaration number is FEMA-1203-DR-CA.

Damage Survey Report (DSR) No. 52007 was initially written for bridge repair and to clear the mud and debris away from the bridge structure on 6/2/98. Several attempts were made covering 3 years by county transportation environmental personnel to get the necessary environmental permits for the bridge repair and debris removal. During the "2001 Winter Storms", which was a declared State disaster, lives were nearly lost again as Hollister Ranch residents tried to cross the creek by vehicle in addition to crossing above the creek via the train trestle. I, as Disaster Recovery Manager for Public Works, conferred with Scott McGolpin (Deputy Director Transportation), Jeff Flynn (Inspector with FEMA Region IX) and Neil England (the Public Assistance Officer for Region IX, FEMA-1203) and decided we could no longer wait for the environmental permits. Therefore, FEMA's Environmental Officer was consulted along with the Director of Response and Recovery for FEMA Region IX.

It was at this juncture that Sandro Amaglio, FEMA Regional Environmental Officer, decided elevating the bridge above the flood plain was the only solution. On 6/13/02 a meeting was held at Gaviota Beach Road Bridge with twenty-two County, State and Federal stakeholders who all agreed to implement the "Gaviota Beach Road Bridge" replacement. The "idea" met some financial resistance from unnamed Federal and State individuals, however, Senator Diane Feinstein along with Representative Lois Capps cleared up any financial issues with FEMA to get the project funded. On May 29, 2003 funding for DSR No. 94671 was approved for further plans, specifications, engineering and environmental studies including permitting for a grand total amount of \$741,037. DSR No. 05099 was approved for \$3,000,000. Eight-hundred nineteen thousand two hundred and fifty nine dollars (\$819,259) is the estimate approved by FEMA from the Quincy Engineering Final Project Report to replace the existing bridge and mitigation funding for two million one hundred and eighty thousand seven hundred and forty one dollars (\$2,180,741) to elevate the bridge above the base flood elevation.

Nancy Ward, in her May 29, 2003 letter to Mr. D.A. Christian, State Public Assistance Officer from the Governors Office of Emergency Services, clearly states "FEMA has performed a Benefit and Cost Analysis (BCA) for the Gaviota Bridge Replacement project. This was done to determine if mitigation funding was cost effective for the elevation of the bridge. At the time the analysis was performed, the estimated cost of restoration of the existing facility was \$819,259 and the estimate to replace the facility was \$1,200,000. The bridge replacement cost of \$1,200,000 was determined to be cost effective. Additionally information provided by Subgrantee for BCA verifies that even at the increased construction estimate of \$3,000,000 (when compared to the repair cost) the project remains cost effective."

FEMA approved DSR 05099 because (1) the BCA was prepared and proved to be cost effective (2) the bridge replacement of \$819,259 was considered reasonable by FEMA and (3) there was Congressional, County (including Supervisor Marshall's Office), Hollister Ranch and State Parks support for the project.

**Funding an Alternative Project:**

Recently, your office has inquired about project funding “with respect to the causeway alternative which was designated as the environmentally superior alternative.” At this time, it would be impossible to resubmit new plans and specifications for any alternative project. This would result in a new design, which would require reevaluation of the cost of the bridge from the approved \$819,259 to \$4,100,000. FEMA would not pay for that additional cost because FEMA would consider this an “improved project” and all improved projects must be reevaluated for NEPA codes and standards. In any event, the improvement wouldn’t be funded by FEMA because according to *44 CFR 206.203 (d) (1) Improved projects* “If a subgrantee desires to make improvement, but still restore the predisaster function of a damaged facility, the Grantee’s approval must be obtained. Federal funding for such improved projects shall be limited to the Federal share of the approved estimate of eligible cost.”

Additionally, this would take an undetermined amount of time which can only be granted by FEMA. The county has had three time extensions and is currently waiting for the fourth time extension approval from Director Ward’s FEMA Region office. Even in the unlikely event that additional funding could be obtained from County funds or other outside sources, FEMA time constraints do not allow for a change in design.

Any additional scope outside of what FEMA has reviewed and approved would result in significant further delays, which are in the County control. According to *44 CFR 206.204 Project Performance (ii)* “Based on extenuating circumstances or unusual project requirements beyond the control of the subgrantee, the Grantee may extend the deadlines under paragraph (c) (1) of this section for an additional 6 months for debris clearance and emergency work and an additional 30 months, on a project by project basis for permanent work.”

The County’s current time extensions have been “based on extenuating circumstances or unusual project requirements beyond the control of the County” because of environmental delays, fires, and floods. Now that NEPA is nearly completed by FEMA, strict time lines for completion will be mandated by FEMA and State OES for completion. Inquiring about additional time would, in my strongest opinion, jeopardize the entire FEMA funding package and could cause FEMA to deobligate all the federal funding received and spent to date.

Any new project idea introduced to the Gaviota Beach Road Bridge replacement needed to be submitted to FEMA back in January of 2003. There have been 14 project development team meetings since 2003 with the current stakeholders. It simply is not feasible to introduce a new alternative which would change the scope of work and would require additional time extensions and environmental reviews which, in the end would not be funded by FEMA or OES and, ultimately jeopardize the entire Gaviota project funding.

If I can elaborate further, I can be reached at 739-8761.

**COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT**

123 East Anapamu Street  
Santa Barbara, California 93101  
805\568-3000 FAX 805\568-3019  
Engineering FAX 805\884-8081  
May 22, 2006



**PHILLIP M. DEMERY**  
Director

**RECEIVED**  
MAY 25 2006

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Shanna Gray  
California Coastal Commission  
89 South California St., Suite 200  
Ventura, CA 93001

RE: CDP Application 4-05-074 (Santa Barbara County Public Works)

Dear Ms. Gray:

Per our telephone conversation on Tuesday, May 16, 2005, I am enclosing detail cost estimates for the Preferred Project and the Causeway Alternative with mitigation costs included, a letter from Congresswoman Capps stating that the federal funds cannot be increased for this project, and a layout prepared by URS Corp for the alternative alignment Urban Creeks Council has described in their public testimony and correspondence.

The detail cost estimates have been updated to reflect current construction prices, so the overall cost of the Preferred Project is higher than shown in the FEIR. In order to develop a true comparison between the two projects, we have also included the cost of mitigation for both projects. The mitigation cost for the Causeway Alternative includes the removal of 10,000 cubic meters of sediment that has been deposited over time along both sides of the existing roadway. This cost is included because one of the reasons why the Causeway is the environmentally superior alternative is that it allows flow to reach the other side of the existing roadway. Without the inclusion of the removal of this sediment the Causeway would not achieve the desired effect. A cost escalation of 10% was also included in the Causeway Alternative. The reason for this escalation is due to the fact that the timing of the construction for the Causeway would lag the Preferred Project by one year due to the time required to design and permit the Causeway Alternative. The County has seen construction costs increase between 30% and 45% in the last two years, so we believe the 10% figure we used is a fair assessment.

As you can see from the "Cost Comparison Summary" the difference between the two alternatives is approximately \$2 million. This is a significant gap in costs. During our April 14, 2006 meeting with the concerned Federal Agencies; FEMA was very clear that no additional funds beyond the committed \$3 million will be available for this project. I have also attached a letter from Congresswoman Lois Capps indicating that no additional funds are available for this project.

AA/EEO Employer

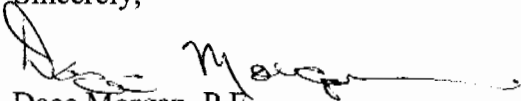
Thomas D. Fayram, Deputy Director    Scott D. McGolpin, Deputy Director    Mark A. Sc  
Rochelle Camozzi, Business Manager    Michael B. Emmons, County Sur  
www.publicworkssb.org

<b>EXHIBIT 15b</b>
<b>A-4-STB-06-056</b>
<b>May 22, 2006</b>

Urban Creeks Council has mentioned an alternative bridge site project during their public testimony as well as in their correspondence. We have never received a pictorial layout of this alternative from Urban Creeks; however, URS Corp has prepared their interpretation of the layout, and it is attached herein. This alternative requires an approximately 750 foot long bridge structure, significant improvements to Road 28 to bring it up to standard and to stabilize the necessary cut slopes, and improvements to the intersections of Road 28 and Hollister Ranch Road and Hollister Ranch Road and Gaviota Beach Road at the entrance to the State Park. The intersection improvements would be required to accommodate the recreational vehicles that use the State Park. We have not prepared an estimate of this alternative; however, given that the Causeway Alternative contains a 950 foot long bridge structure and it is \$2 million more than the Preferred Project, it is obvious that the costs associated with the Urban Creeks alternative with a 750 foot long structure and all of the improvements and stabilization required to Road 28 would be significantly higher than the Preferred Project.

I am available to meet and discuss this information with you at your convenience. Please do not hesitate to contact me at 568-3047 or [dmorgan@cosbpw.net](mailto:dmorgan@cosbpw.net) if you have any questions.

Sincerely,



Dace Morgan, P.E.

Engineering Section Manager

Cc: Scott D. McGolpin, Deputy Direction, Transportation Division  
Jeff Olson, Quincy Engineering  
Johanna LaClaire, URS Corp  
File 862231 - Permits

Enclosures

# Gaviota Beach Road Bridge Replacement Project Cost Comparison

Preferred Project - Construction Cost	\$5,540,000
Preferred Project - Mitigation Cost	\$541,950
<b>Total</b>	<b>\$6,081,950</b>

Causeway Project - Construction Cost	\$6,967,400
Causeway Project - Mitigation Cost	\$582,200
Causeway Project - Engineering and Env	\$500,000
<b>Total</b>	<b>\$8,049,600</b>

**Planning Level Cost Estimate for Riparian Habitat Restoration  
Gaviota Bridge Replacement Project  
16-Apr-06**

Restoration Requirements:	Acres
Weed the channel desilting area for 5 years	1.3
Create riparian habitat for perm impacts	2.5
Retore/enhance riparian for temp impacts	3.57
<b>Total restoration (not including weeding)</b>	<b>6.07</b>

Estimated costs (implementation & maintenance)	Unit costs	Acres	Total
Weeding of channel desilting area	4,000/a/yr	1.3	26,000
Restoration	85,000/a	6.07	515,950
		<b>Total</b>	<b>\$541,950</b>

Basis for Restoration Cost Estimate	Cost per acre
Clear & grub	3000
Grading	5000
Irrigation	5000
Site prep	3000
Planting	50000
Erosion control, addl weeding, etc	3000
5 years of main/monitoring	12500
5% contingency	4075
<b>Total=</b>	<b>\$ 85,575</b>

<b>Causeway Alternative*</b>	Riparian Impacts (acres)	Restoration Acres (3:1)	Total Rest. Costs @ \$85K/a
Temporary detour road	0.47	1.41	119,850
Two 15' temp const. roads on each side of bridge	0.64	1.91	162,350
Restoration Total=	1.11	3.32	\$282,200
Sediment Removal (berms)	10000 m <sup>3</sup>	\$30.00	\$300,000
		<b>Total</b>	<b>\$582,200</b>

\* Assume no restoration of area under the bridge where the piles will be placed



**Gaviota Beach Road Bridge Replacement Project  
Causeway Alternative**

**QUINCY ENGINEERING, INC.**  
**QUANTITY AND MARGINAL ESTIMATE**  
**Causeway Alternative**

Ⓜ Metric  
Ⓞ English

PROJECT DESCRIPTION		DATE	REVISED	DATE
Gaviota Beach Road and Bridge Replacement Project		7/11/05	BY JWO	Apr-06
PROJECT NO.	BRIDGE NAME	SPAN	LONG SPAN (M)	#REF1
S10-700	Gaviota Creek Bridge			#REF1
CODE	CONTRACT ITEMS	UNIT	TOTALS USE	PRICE AMOUNT
070012	PROGRESS SCHEDULE (CRITICAL PATH METHOD)	LS	LUMP SUM	5,000.00 5,000.00
074019	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	5,000.00 5,000.00
074020	WATER POLLUTION CONTROL	LS	LUMP SUM	15,000.00 15,000.00
120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	10,000.00 10,000.00
120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	15,000.00 15,000.00
150769	REMOVE ASPHALT CONCRETE	M2	19	70.00 1,330.00
153218	REMOVE CONCRETE SIDEWALK	M2	22	80.00 1,760.00
160101	CLEARING AND GRUBBING	LS	LUMP SUM	20,000.00 20,000.00
190101	ROADWAY EXCAVATION	M3	1364	35.00 47,740.00
190139	ROADWAY EXCAVATION (UNSUITABLE MATERIAL)	M3	0	80.00 0.00
193006	STRUCTURE BACKFILL (SLURRY CEMENT)	M3	0	350.00 0.00
197003	CONTOUR GRADING	M3	0	40.00 0.00
198001	IMPORTED BORROW	M3	2500	40.00 100,000.00
203011	EROSION CONTROL (TYPE C)	M2	1000	10.00 10,000.00
208291	75 MM PLASTIC PIPE (PR 315) (SUPPLY LINE)	M	410	25.00 10,250.00
260201	CLASS 2 AGGREGATE BASE	M3	1780	60.00 106,800.00
390103	ASPHALT CONCRETE (TYPE B)	TONNE	1615	75.00 121,125.00
394002	PLACE ASPHALT CONCRETE (MISCELLANEOUS AREA)	M2	33	85.00 2,805.00
394044	PLACE ASPHALT CONCRETE DIKE (TYPE C)	M	42	25.00 1,050.00
394049	PLACE ASPHALT CONCRETE DIKE (TYPE F)	M	16	25.00 400.00
510502	MINOR CONCRETE (MINOR STRUCTURE)	M3	2	2,000.00 4,000.00
510512	MINOR CONCRETE (BOX CULVERT)	M3	0	1,750.00 0.00
560011	ROADSIDE SIGN - ONE POST	EA	10	450.00 4,500.00
650075	600 MM REINFORCED CONCRETE PIPE	M	48	400.00 19,200.00
721008	ROCK SLOPE PROTECTION (LIGHT, METHOD B)	M3	75	200.00 15,000.00
721009	ROCK SLOPE PROTECTION (FACING, METHOD B)	M3	140	200.00 28,000.00
721022	ROCK SLOPE PROTECTION (1T, METHOD B)	M3	0	100.00 0.00
721024	ROCK SLOPE PROTECTION (14T, METHOD B)	M3	340	200.00 68,000.00
729010	ROCK SLOPE PROTECTION FABRIC	M2	525	3.00 1,575.00
731501	MINOR CONCRETE (CURB)	M3	7	800.00 5,600.00
731521	MINOR CONCRETE (SIDEWALK)	M3	4	700.00 2,800.00
750001	MISCELLANEOUS IRON AND STEEL	KG	218	7.00 1,512.00
800300	CHAIN LINK FENCE	M	28	80.00 2,240.00
800701	WOOD FENCE	M	54	100.00 5,400.00
801900	CHAIN LINK GATE	EA	2	600.00 1,200.00
820134	OBJECT MARKER (TYPE P)	EA	4	80.00 320.00
832003	METAL BEAM GUARD RAILING (WOOD POST)	M	65	100.00 6,500.00
839528	BURIED POST ANCHOR	EA	1	2,000.00 2,000.00
839553	END SECTION	EA	4	1,000.00 4,000.00
839559	TERMINAL SYSTEM (TYPE ET)	EA	2	4,000.00 8,000.00
839565	TERMINAL SYSTEM (TYPE SRT)	EA	1	3,500.00 3,500.00
840658	PAINT TRAFFIC STRIPE (2-COAT)	M	2600	2.50 6,500.00
840666	PAINT PAVEMENT MARKING (2-COAT)	M	48	4.50 216.00
842000	PARKING BUMPER (PRECAST CONCRETE)	EA	5	250.00 1,500.00
850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	198	5.00 990.00
150605A	RELOCATE FLAG POLE	LS	LUMP SUM	3,750.00 3,750.00
208291A	TEMPORARY 75 MM PLASTIC PIPE (PR 315) (SUPPLY LINE)	M	127	25.00 3,175.00
731521A	MINOR CONCRETE (PAD)	M3	7	800.00 5,600.00
801340A	METAL BARRIER SWING GATE	EA	6	1,000.00 6,000.00
	TEMPORARY BRIDGE	LS	LUMP SUM	100,000.00 100,000.00
	CONSTRUCT NEW PARK KIOSK	LS	LUMP SUM	40,000.00 40,000.00
	PARK AMENITIES	LS	LUMP SUM	30,000.00 30,000.00
	TEMPORARY PARK KIOSK	LS	LUMP SUM	20,000.00 20,000.00
192001	STRUCTURE EXCAVATION	M3	180	100.00 18,000.00
197060	SOIL NAIL ASSEMBLY	M	281	230.00 64,830.00
530100	SHOTCRETE	M3	36	1,625.00 58,500.00
511035	ARCHITECTURAL TREATMENT	M2	95	200.00 19,000.00
192003	STRUCTURE EXCAVATION (BRIDGE)	M3	200	150.00 30,000.00
192020	STRUCTURE EXCAVATION (TYPE D)	M3	0	250.00 0.00
193003	STRUCTURE BACKFILL (BRIDGE)	M3	150	250.00 37,500.00
490772	FURNISH PILING (CLASS 825) (ALTERNATIVE W)	M	4800	125.00 600,000.00
490773	DRIVE PILE (CLASS 825) (ALTERNATIVE W)	EA	184	1,800.00 331,200.00
500001	PRESTRESSING CAST-IN-PLACE CONCRETE	KG	0	3.00 0.00
510051	STRUCTURAL CONCRETE, BRIDGE FOOTING	M3	40	700.00 28,000.00
510053	STRUCTURAL CONCRETE, BRIDGE	M3	1750	1,300.00 2,275,000.00
510085	STRUCTURAL CONCRETE, APPROACH SLAB (TYPE EQ)	M3	20	1,000.00 20,000.00
519123	JOINT SEAL (TYPE B - MR 50 MM)	M	100	250.00 25,000.00
520101	BAR REINFORCING STEEL	KG	200000	2.25 450,000.00
833090	TUBULAR HANDRAILING (MODIFIED)	M	580	250.00 145,000.00
639720	CONCRETE BARRIER (TYPE 732)	M	580	300.00 174,000.00
	REMOVE EXISTING STRUCTURE	LS	LUMP SUM	80,000.00 80,000.00
999990	MOBILIZATION	LS	LUMP SUM	10.0% 521,016.80
			SUBTOTAL	\$5,731,184.80
				\$5,731,184.80
			10.0%	\$572,815.70
				\$6,304,000.50
			COST PER M2	#REF1

Road, Park & Detour  
\$874,338

Ret Wall  
\$160,130

Bridge  
\$4,175,700

068178	SUPPLEMENTAL WORK (ADDITIONAL EXCAVATION AND)	LS	LUMP SUM	10,000.00 10,000.00
066296	SUPPLEMENTAL WORK (ADDITIONAL WATER POLLUTION)	LS	LUMP SUM	15,000.00 15,000.00
966660	SUPPLEMENTAL WORK (PARTNERING)	LS	LUMP SUM	5,000.00 5,000.00

SUBTOTAL SUPPLEMENTAL WORK \$30,000.00  
**GRAND TOTAL \$6,967,400.00**



LOIS CAPPS  
23RD DISTRICT, CALIFORNIA

1707 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0522  
(202) 225-3601

COMMITTEE ON  
ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET



**Congress of the United States**  
**House of Representatives**

January 10, 2006

County of Santa Barbara Public Works  
C/o Phillip Demery, Director  
123 East Anapamu Street  
Santa Barbara, CA 93101

Mr. Demery,

I am writing in response to your inquiry about the status of federal funding for the Gaviota Bridge Replacement Project. As you know, The Federal Emergency Management Agency (FEMA) has approved approximately \$3 million for construction of this project.

In response to your inquiry into the possibility of Santa Barbara County acquiring additional federal funding, I have been advised by FEMA that additional money may not be available for this project. FEMA has also advised me that previously committed funds for this project could be in jeopardy if this project does not move forward in a timely manner. Therefore, any cost above current estimates for construction would not be reimbursed by FEMA and would be the responsibility of Santa Barbara County.

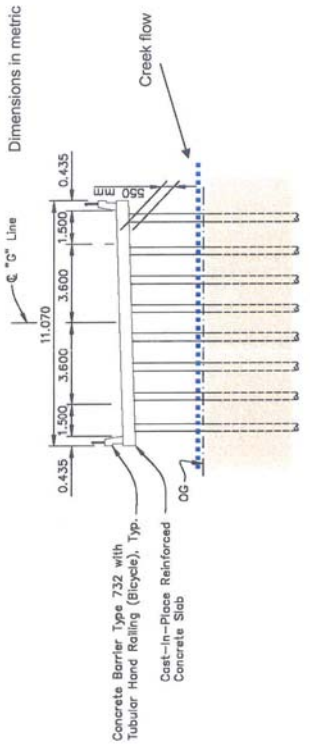
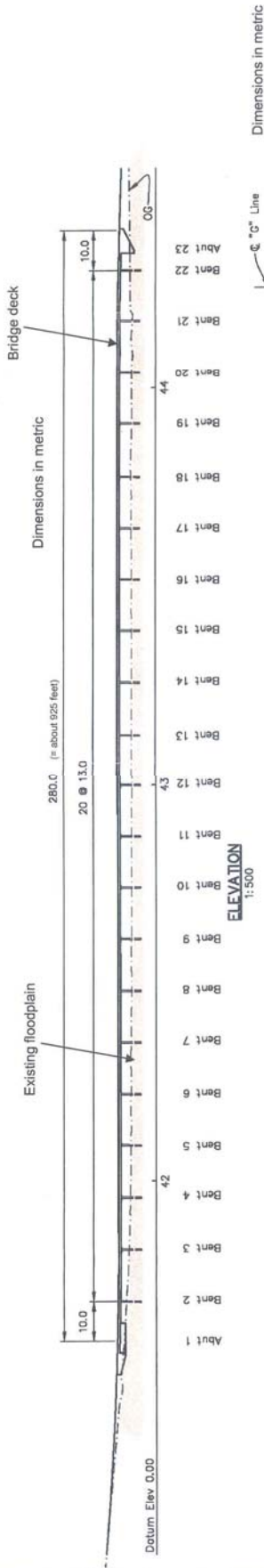
If I can provide you with any additional information, please feel free to contact my Santa Barbara office.

Respectfully,

A handwritten signature in black ink that reads "Lois Capps".

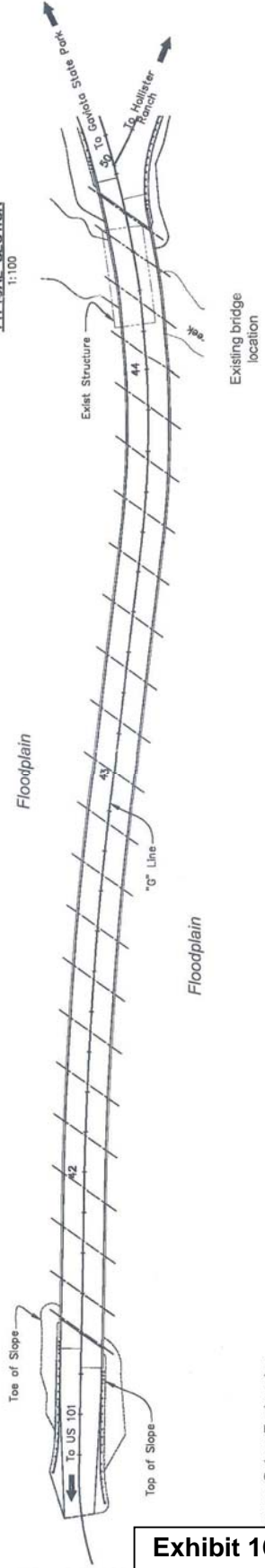
**LOIS CAPPS**  
**Member of Congress**

- DISTRICT OFFICES:
- 1411 MARSH STREET, SUITE 205  
SAN LUIS OBISPO, CA 93401  
(805) 546-8348
  - 1216 STATE STREET, SUITE 403  
SANTA BARBARA, CA 93101  
(805) 730-1710
  - 141 SOUTH A STREET, SUITE 204  
OXNARD, CA 93030  
(805) 385-3440



TYPICAL SECTION 1:100

Causeway would be located along the existing roadway alignment. The existing roadbed and bridge would be removed.



Source: Quincy Engineering

**Exhibit 16**  
**A-4-STB-06-056**  
**Causeway Alternative**



Alternative Bridge Location (~100 feet long)

Existing Road 28 used for hiking and for access to oil pipeline crossing

Culvert crossing

Existing oil pipeline crossing

Alternative At-Grade Intersection (Note: This type of intersection is not likely to be approved by Caltrans. They would require an interchange for public safety reasons)

Existing roadway and bridge to be removed

New entrance road for RV and boat trailer turning radius

Cut slopes (up to 20 feet high)

Modified Park entrance and campsites for new entry point

New stop sign controlled intersection

**Exhibit 17**  
**A-4-STB-06-056**  
**Alternative Bridge Location**



**Exhibit 18**  
**A-4-STB-06-056**  
**Project Components**



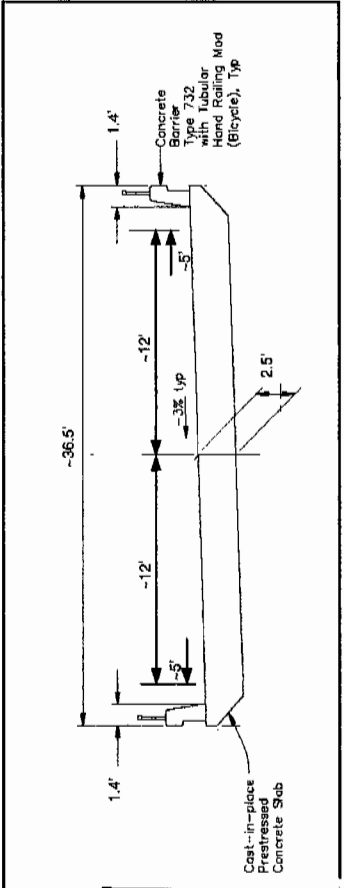
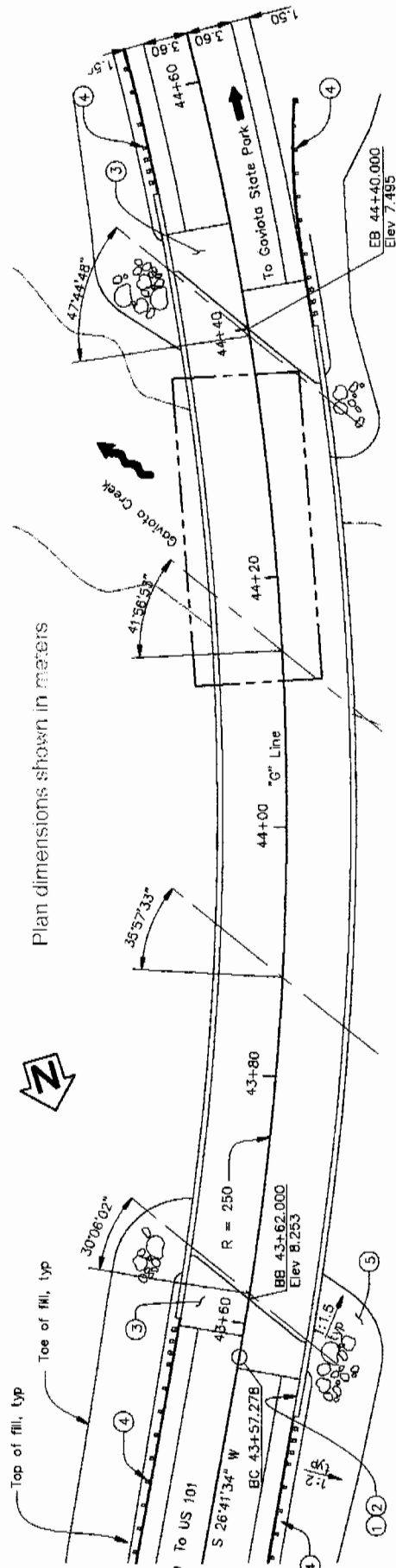
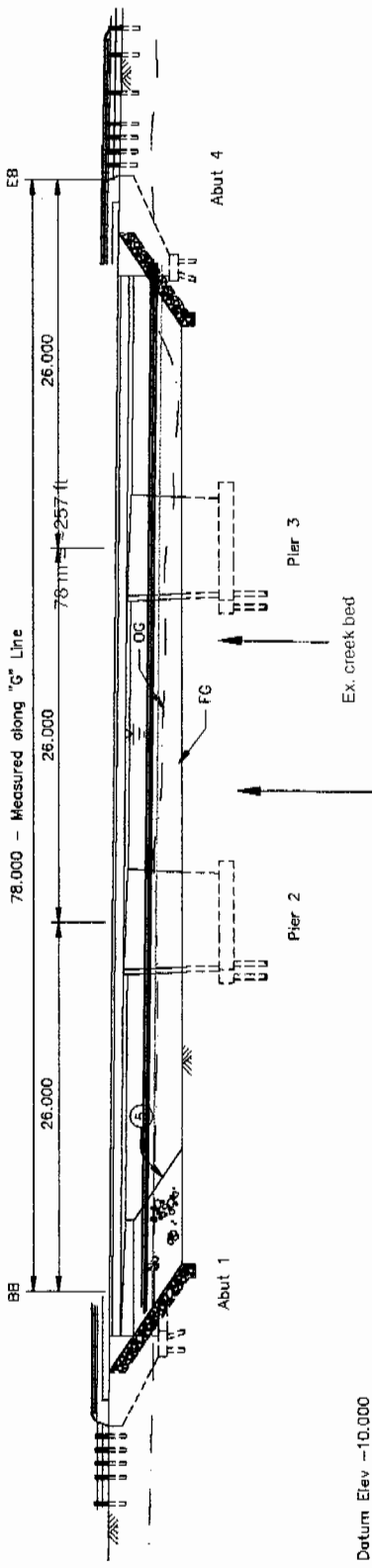
Figure 3-9. Site Conditions in Floodplain Impact Areas

**Exhibit 19**  
**A-4-STB-06-056**  
**Floodplain Modifications**



Figure 7. Hydrophytic Vegetation (Coas

**Exhibit 20**  
**A-4-STB-06-056**  
**Wetlands Map**



Source: Cuncy Engineering

**EXHIBIT 21**  
**A-4-STB-06-056**  
**Bridge Plans**

Figure 2-5. Bridge Plans