

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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DATE: August 24, 2006

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Gary Timm, South Central Coast District Manager
Steve Hudson, Supervisor, Planning and Regulation
Melissa Hetrick, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) 3-06**, for the West Storke Wetland Restoration, for Public Hearing and Commission Action at the September 13, 2006, Commission Meeting in Eureka.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of restoration of approximately 1.5 acres of the western portion of the 26-acre Storke Wetland at the University of California at Santa Barbara involving the removal of approximately 100 cu. yds. of soil and restoration of a 400 square meter (0.1 acre) area with wetland emergent plant species. The excavated soil would be spread over an adjacent 800 square meter (0.2 acres) area that is currently vegetated by non-native upland vegetation. The deposition site would be restored with native upland species, including coastal sage scrub species. Additionally, approximately 4,000 square meters (1.0 acre) of transitional area surrounding the wetland would be weeded and restored with native vegetation including coastal sage scrub, wetland forest plants, and native grassland. The trail system adjacent to the wetland (at least 20 feet away) would also be improved by clearing non-native vegetation and installing six education signs 18 by 24 inches in size that would describe the ongoing restoration project and the habitat value of the adjacent wetlands.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office and the notice was deemed filed on August 14, 2006.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified University of California at Santa Barbara Long Range Development Plan (LRDP) with **four (4) special conditions** regarding: 1) restoration plans; 2) sensitive species surveys and construction monitoring; 3) herbicide; and 4) erosion control measures. The project is consistent with all resource protection policies and provisions of the Long Range Development Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is the policies of the certified LRDP.

I. PROCEDURAL ISSUES

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

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

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. NOID 3-06: APPROVAL AS CONDITIONED

MOTION I: *I move that the Commission determine that the development described in the Notice of Impending Development 3-06 (West Storke Wetland Restoration), as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.*

STAFF RECOMMENDS A YES VOTE: Passage of this motion will result in a determination that the development described in the Notice of Impending Development 3-06 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION I: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 3-06, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Wetland Habitat Enhancement and Restoration Monitoring Program

Prior to commencement of construction, the University shall submit a Wetland Habitat Enhancement and Restoration Monitoring Program, for the review and approval of the Executive Director, prepared by a qualified biologist, ecologist, or resource specialist, for the proposed restoration project that includes the following provisions:

- A. Performance criteria consistent with achieving the identified goals and objectives of the restoration project; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than five (5) years. At a minimum, successful site restoration shall be determined if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation.
- B. The University shall submit, on an annual basis for a period of five (5) years, beginning after completion of the proposed grading activity, (but no later than December 31st each year) a written monitoring report, prepared by a monitoring resource specialist evaluating the progress and relative success or failure of the restoration project. This report shall also include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.
- C. At the end of the five-year period, the University shall submit a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicants shall be required to submit a revised or supplemental program to compensate for those portions of the original program that were not successful. The Executive shall determine whether implementation of the revised or supplemental restoration plan will require a new Notice of Impending Development. During the five-year monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the long term survival of the restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the restoration is insured. The restoration site shall not be considered successful until it is able to survive without artificial inputs.
- D. The restoration plans shall be implemented by biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology and with qualifications acceptable to the Executive Director. The monitoring plan shall be implemented immediately following planting.

- E. The applicant shall undertake the development in accordance with the approved monitoring program and plans. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a new Commission-approved Notice of Impending Development, unless the Executive Director determines that no new Notice of Impending Development is required.

2. Sensitive Species Surveys and Construction Monitoring

The University shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct sensitive species surveys and monitor project operations. At least two (2) weeks prior to commencement of any project operations, the applicants shall submit the name and qualifications of the biologist or specialist, for the review and approval of the Executive Director. The biologist or specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, prior to any project operations including construction, grading, excavation, vegetation eradication and removal, hauling, and maintenance activities.
- B. In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the environmental specialist shall require the University to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- C. In the event that any sensitive wildlife species are present in the project area, which do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. The University shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Game, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.
- D. The environmental resource specialist shall be present during all construction, grading, excavation, vegetation eradication and removal, hauling, and maintenance activities. The environmental resource specialist shall require the University to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of

the scope of Notice of Impending Development 3-06 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently contacted with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

3. Herbicide

Herbicide use shall be restricted to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within upland and transitional areas of the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

4. Grading/Erosion Control

- A. No grading shall take place during the rainy season (November 1 – March 31).
- B. The University shall immediately stabilize any stockpiled fill with geofabric covers or other appropriate cover and shall install silt fencing to ensure that stockpile material does not enter sensitive habitat areas.
- C. The University shall immediately plant graded areas, pursuant to the approved final restoration plan to stabilize cut/fill areas and minimize erosion.
- D. Erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment dispersal during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- E. The University shall implement temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. All disturbed areas shall be seeded with native species. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- F. All excavated material shall be contained within the designated deposition sites.

- G. The University shall minimize the area of bare soil exposed at one time (phased grading).

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS SUBMITTED

The following findings support the Commission's approval of the Notice of Impending Development, as submitted. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION & BACKGROUND

The impending development consists of restoration of approximately 1.5 acres of the western portion of the 26-acre Storke Wetland at the Storke Campus of the University of California at Santa Barbara (**Exhibit 1-4**). The wetland is designated as Environmentally Sensitive Habitat Area (ESHA) in UCSB's 1990 Long Range Development Plan (LRDP). Ecologically the Storke Wetland Complex was once part of the larger Goleta Slough, which, over the past 80 years, has been bifurcated by roads, ditches and tidal gates. Several parts of the system, including the Storke Wetlands, have been isolated from tidal flow, causing reduced salinity of soils in the higher elevation areas that make the wetland more vulnerable to invasion by non-native plants. The California Department of Fish and Game and Santa Barbara Airport are planning restoration efforts throughout the surrounding Goleta Slough system to enhance and connect the various disjointed wetlands to the extent feasible. The purpose of the proposed project is to restore a portion of the West Storke Wetland that has been previously impacted by the dumping of fill that occurred prior to the Coastal Act and invasion by non-native species. The overall project also includes use of the restored area for the implementation of a restoration/ecology educational program for elementary school and University students and interns, non-native vegetation removal and installation of signs at an existing natural history trail, and establishment of a regular avian monitoring program.

The proposed project site is located in a portion of the West Storke wetland where an existing fill/construction spoils pile has resulted in the filling of the low lying wetland and provides inroads for invasive plant species. The University has indicated that the fill/spoils were placed on the subject site during the construction of the Storke Housing from 1969 to 1972, prior to, the effective date of the Coastal Conservation Initiative of 1972 (Proposition 20), and the Coastal Act of 1976. UCSB's Cheadle Center for Biodiversity and Ecological Restoration (CCBER) is proposing to remove approximately 100 cu. yds. of fill and restore a 400 square meter (0.1 acre) area with wetland emergent plant species such as *Schoenoplectus californicus*, *Bulboschoenus maritimus*, *Typha* spp, in the deeper areas and *Salicornia virginica*, *Distichlis spicata*, *Atriplex triangularis*, *Schoenoplectus microcarpus*, *Eleocharis macrostachya* and *Frankenia grandifolia* on the edges. Soil would be removed using a Bobcat to an elevation of 1.5 to 2.2 feet above mean sea level. Grading activities would occur during the dry season.

Any plant material present would be removed to a certified green waste disposal site for composting. The excavated soil would be spread over an 800 square meter (0.2 acres) area 15 yards away from the wetland area that is characterized by non-native upland vegetation. The deposition site would be restored with native upland species, including coastal sage scrub species. Additionally, approximately 4000 square meters (1.0 acre) of transitional areas surrounding the wetland would be weeded and restored with native communities including coastal sage scrub, wetland forest plants, and native grassland. Weeding would be primarily conducted using solarization with black plastic and hand and machine pulling. The University has indicated that the use of herbicides will be limited and shall only be used if necessary when other methods of weed eradication are not feasible to ensure success. The trail system adjacent to the slough will also be cleared of overgrown non-native vegetation and enhanced with six education signs 18 by 24 inches in size that will describe the natural resources of the area. The existing trail is on level ground at least 20 feet from the wetland's edge. CCBER staff will monitor plant and bird species at the site prior to and following project activities.

B. CONSISTENCY ANALYSIS

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). UCSB's LRDP was certified by the Commission in 1990 and contains policies and provisions that identify areas for campus development while protecting coastal resources including environmentally sensitive habitat areas, scenic and visual resources, and public access and recreation.

Coastal Act Section 30230, which has been included in the certified LRDP, states that marine resources shall be maintained, enhanced and where feasible restored and that special protection shall be given to areas and species of special biological significance. Section 30231 of the Coastal Act, which has also been included in the certified LRDP, states, in part, that the quality of coastal waters, streams, and wetlands shall be maintained and where feasible restored. Section 30233 of the Coastal Act, included in the certified LRDP, states, in part, that the diking, filling, or dredging of wetland areas shall not be allowed with the exception of development for incidental public services, restoration purposes, and nature study or aquaculture. Further, Section 30240 of the Coastal Act, which has been included in the certified LRDP, states that environmentally sensitive habitat areas (ESHAs) shall be protected and that only uses dependent upon such resources shall be allowed in such areas. Section 30240 also requires that development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas. ESHA are defined as areas 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.

The West Storke wetlands are designated as Environmentally Sensitive Habitat Area (ESHA) in UCSB's 1990 LRDP. According to provisions and policies in the LRDP, habitat restoration is an allowable use in designated ESHA areas. Policy 30240 (a). 1 of the 1990 LRDP directs the University to manage the Storke Wetland in accordance

with recommendations in the Wetlands Restoration and Management Plan for Storke Wetland And Devereux Slough that was approved by the Campus Wetlands Management Committee and UCSB in 1985 and amended thereafter. This plan contains several recommendations for management of the wetlands, including reducing the draining impacts of the ditches on adjacent wetland by lowering the elevation of higher elevation areas, removal of noxious weeds, and restoration of wetland and transitional areas.

The proposed project would include excavation and lowering of a 0.1-acre wetland area to provide for improved emergent wetland habitat and potential future introduction of tidal influence to the area. Neighboring transitional and upland areas would also be weeded and restored with native vegetation, including coastal sage scrub, wetland edge, and wetland forest plant communities. Additionally, an existing trail near the wetland area would be cleared of non-native vegetation and improved with the installation of new educational signage regarding the ongoing restoration project and the adjacent wetland areas. The restoration area is currently impacted by fill and construction spoils, which were previously placed on the site prior to the Coastal Act and non-native vegetation. As proposed, planting of native vegetation would immediately follow all cut and fill operations and all grading would occur in the dry season so as to prevent erosion and polluted runoff into neighboring wetland areas. The existing trail to be enhanced is also located away from any wetland areas.

Restoration and enhancement of the wetland area will involve approximately 100 cu. yds. of excavation. Vernal pools/wetlands will be excavated to depths of approximately 8-14 inches depending on the depth of the clay subsoil layer. University staff have indicated that the proposed grading is necessary to recontour the vernal pool and vernal marsh areas to an approximation of their historical topography and create adequate or favorable conditions for the reestablishment of wetland vegetation. A revegetation plan has been submitted as part of the proposed Notice of Impending Development that provides for the collection of native seeds from local vernal pool areas and revegetation of the subject vernal pool and marsh areas on site with appropriate native wetland vegetation. The Commission finds that the proposed grading will serve to restore and enhance existing degraded wetland resources on site and that, therefore, such grading is consistent with Section 30233 of the Coastal Act as included in the certified UCSB LRDP.

The Commission finds that the proposed development will serve to restore and enhance degraded wetland and upland habitat. In addition, the Commission also notes that the proposed 200 cu. yds. of grading (100 cu. yds. of cut and 100 cu. yds. of fill) is necessary for successful implementation of the proposed habitat restoration and enhancement project. However, the Commission further notes that the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and grading activity. In order to ensure that any potential adverse effects to adjacent wetland and upland habitat from construction activities are minimized, **Special Condition Two (2)** requires the applicant to retain the services of a qualified biologist or environmental resource specialist to be present on site during all grading activity. The monitor shall immediately notify the

Executive Director if unpermitted activities occur or if wetland or upland habitat is removed or impacted beyond the scope of the work allowed this Notice of Impending Development. If significant impacts or damage occur to any wetland or upland resources on site beyond the scope of work allowed for by this Notice of Impending Development, all work will temporarily cease and the monitor shall immediately contact the Executive Director. The University shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program may be processed as a new Notice of Impending Development.

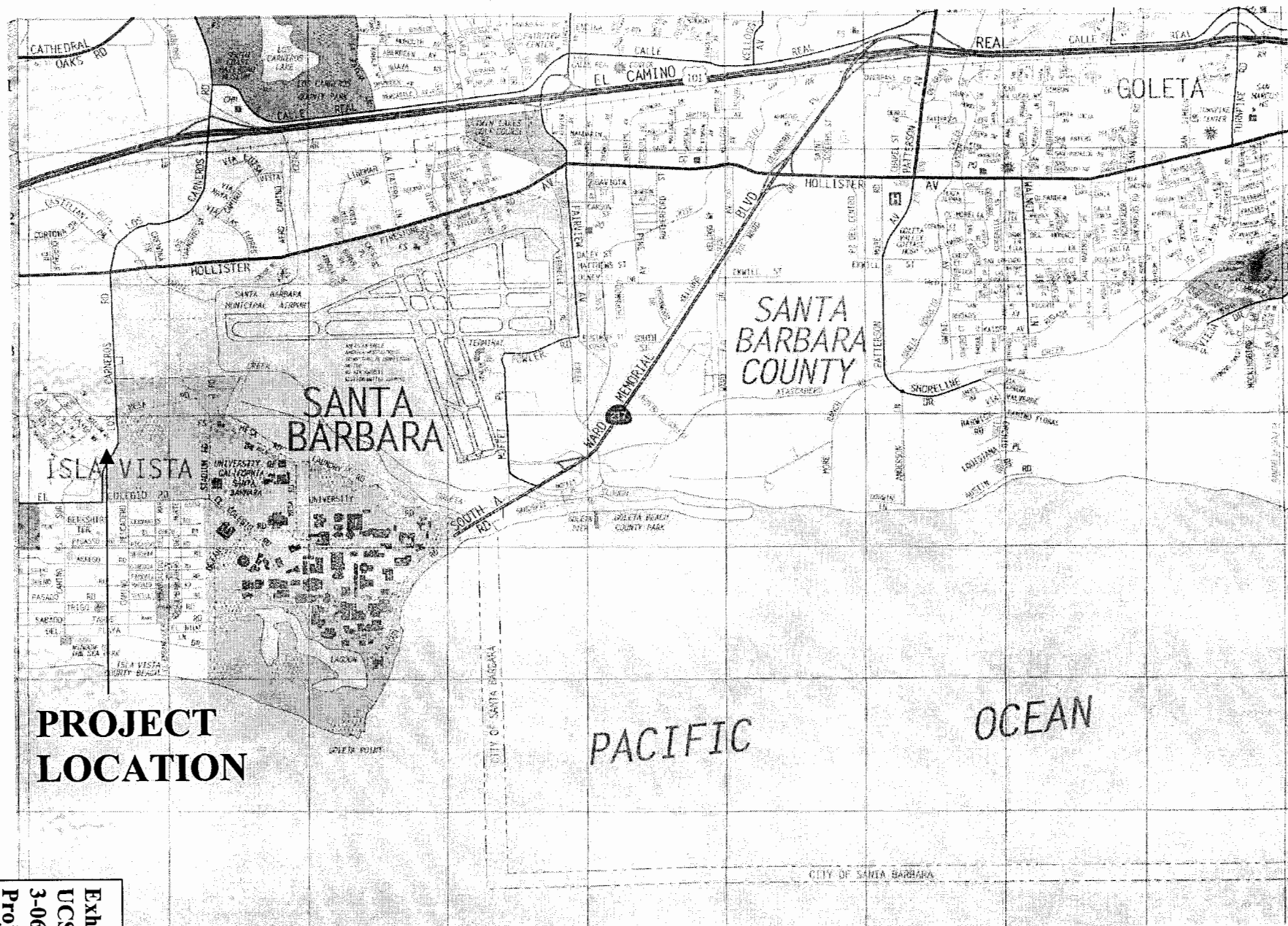
In addition, the proposed project includes the removal of invasive and non-native vegetation and revegetation with native plant species in order to enhance existing degraded wetland and upland habitat areas on site. However, the Commission finds that the proposed project may still result in potential adverse effects to the existing adjacent wetland areas on site from increased erosion and sedimentation, if revegetation of areas where all existing vegetation has been removed is not successful. Erosion adjacent to surface waters can result in increased sedimentation, thereby reducing the biological productivity and quality of coastal waters. Sedimentation directly affects wetland ecology by increasing water turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. In addition, aquatic animals are affected by turbidity in the following ways: reduced visibility for visual predators, such as birds and mammals; and inhibited feeding effectiveness for benthic filter feeding organisms.

Therefore, to ensure that the proposed wetland and upland restoration and enhancement program is successful and that the subject area is adequately revegetated, **Special Condition One (1)** requires that the University submit, on an annual basis for a period of five years, beginning after the proposed grading is completed (but no later than December 31st each year), a written report prepared by a qualified biologist or resource specialist, for the review and approval of the Executive Director, evaluating the extent of the success or failure of the restoration project. This report shall include further recommendations and requirements for additional revegetation activities in order for the project to meet the specified criteria and performance standards. At the end of a five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If the final report indicates that the revegetation component of the enhancement and restoration program has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The Executive shall determine whether implementation of the revised or supplemental restoration plan will require a new Notice of Impending Development. In addition, the University has proposed several best management practices to reduce polluted runoff and erosion on the project site. In order to ensure that coastal waters are not impacted from erosion from the construction site, **Special Condition Four (4)** requires the University to implement the proposed best management, such as limitations on grading to the dry season and implementation of temporary erosion control practices.

In addition, the University previously conducted botanical surveys of the project area in 1987 and June 2006 and did not find any rare plant species or species of special concern. Despite the results of these surveys, it is possible for rare, threatened, endangered, or sensitive wildlife and plant species may be present in the project area during the time of construction. In order to ensure that the proposed activities minimize impacts on sensitive species, **Special Condition Two (2)** also requires the University to obtain the services of an environmental resource specialist to survey the site prior to construction, and remain on site to monitor all project activities. Special Condition Three (3) also requires the University to cease work should any breach in permit compliance occur, should any nesting or reproductive behavior be observed, or if other unforeseen sensitive habitat issues arise. **Special Condition Two (2)** further stipulates that if significant impacts or damage occur to sensitive habitats or to wildlife species, the University shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

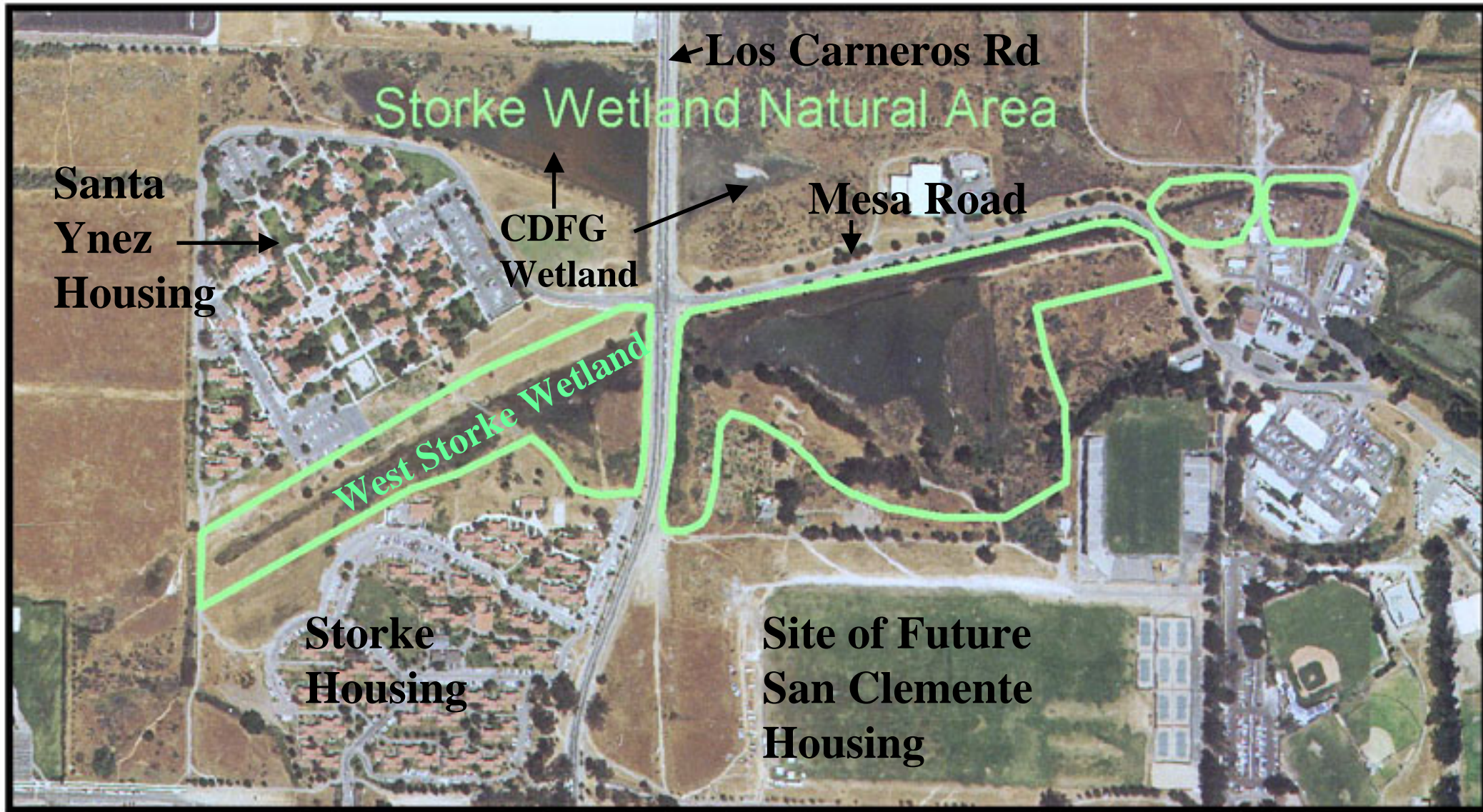
The University also proposes to remove non-native vegetation manually, and to apply Glyphosate Aquamaster™ herbicides to the stems of cut fennel plants in order to prevent regrowth. In previous permit actions, the Commission has allowed for the use of Glyphosate Aquamaster™ when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes that Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and could result in some adverse effects to wildlife or non-targeted vegetation should overspray or downstream migration occur. In order to minimize the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation, **Special Condition Three (3)** restricts the use of herbicides to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within upland and transitional areas of the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

For the reasons stated above, the Commission, therefore, finds that the notice of impending development, as conditioned, is consistent with the recommendations of the Wetlands Restoration and Management Plan for Storke Wetland and Devereux Slough. and with the applicable LRDP policies with regards to environmentally sensitive habitat areas and wetland areas.



Source: Thomas Brothers Maps, 1998.

Exhibit 1
UCSB NOID
3-06
Project
Location



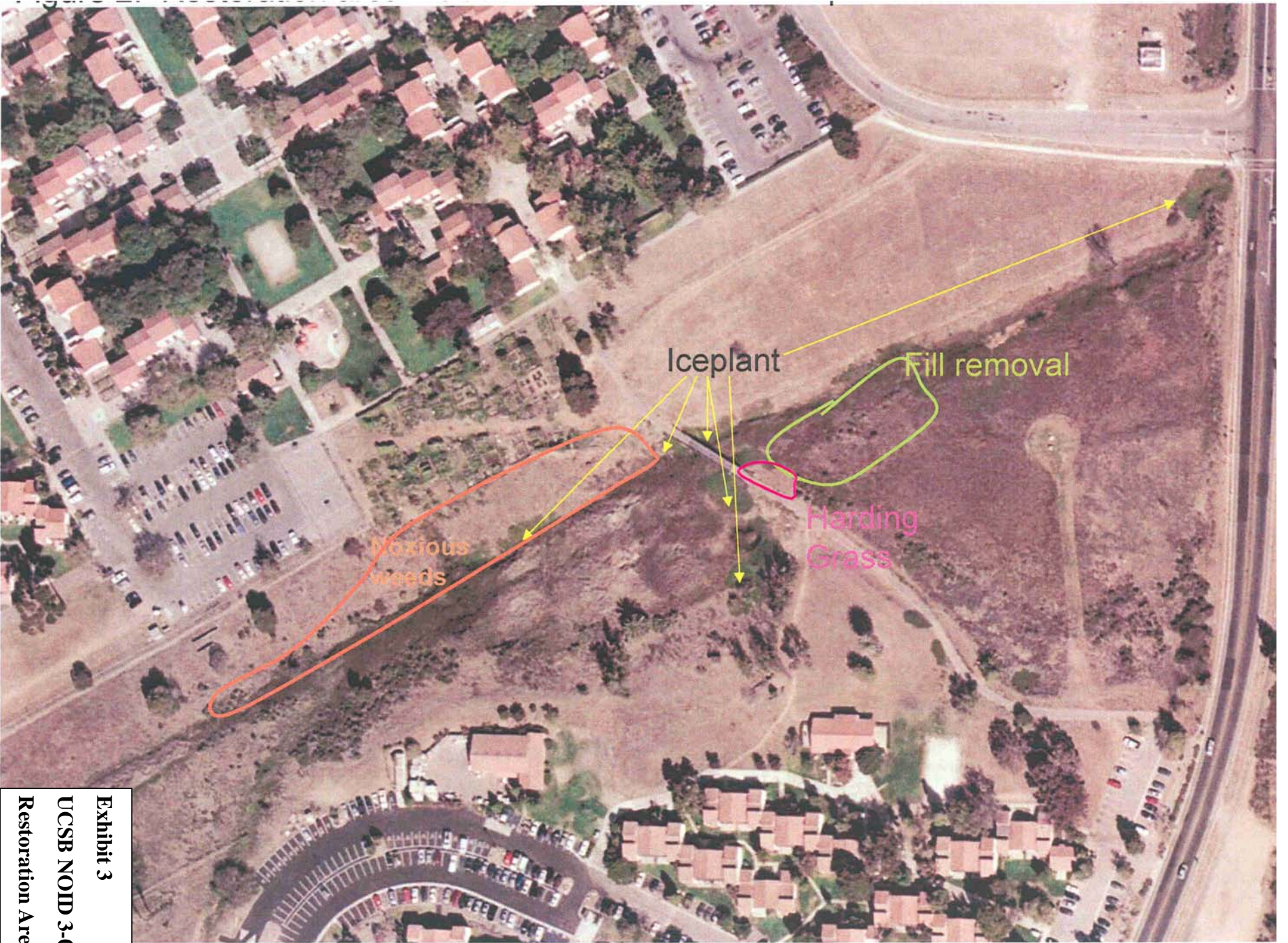
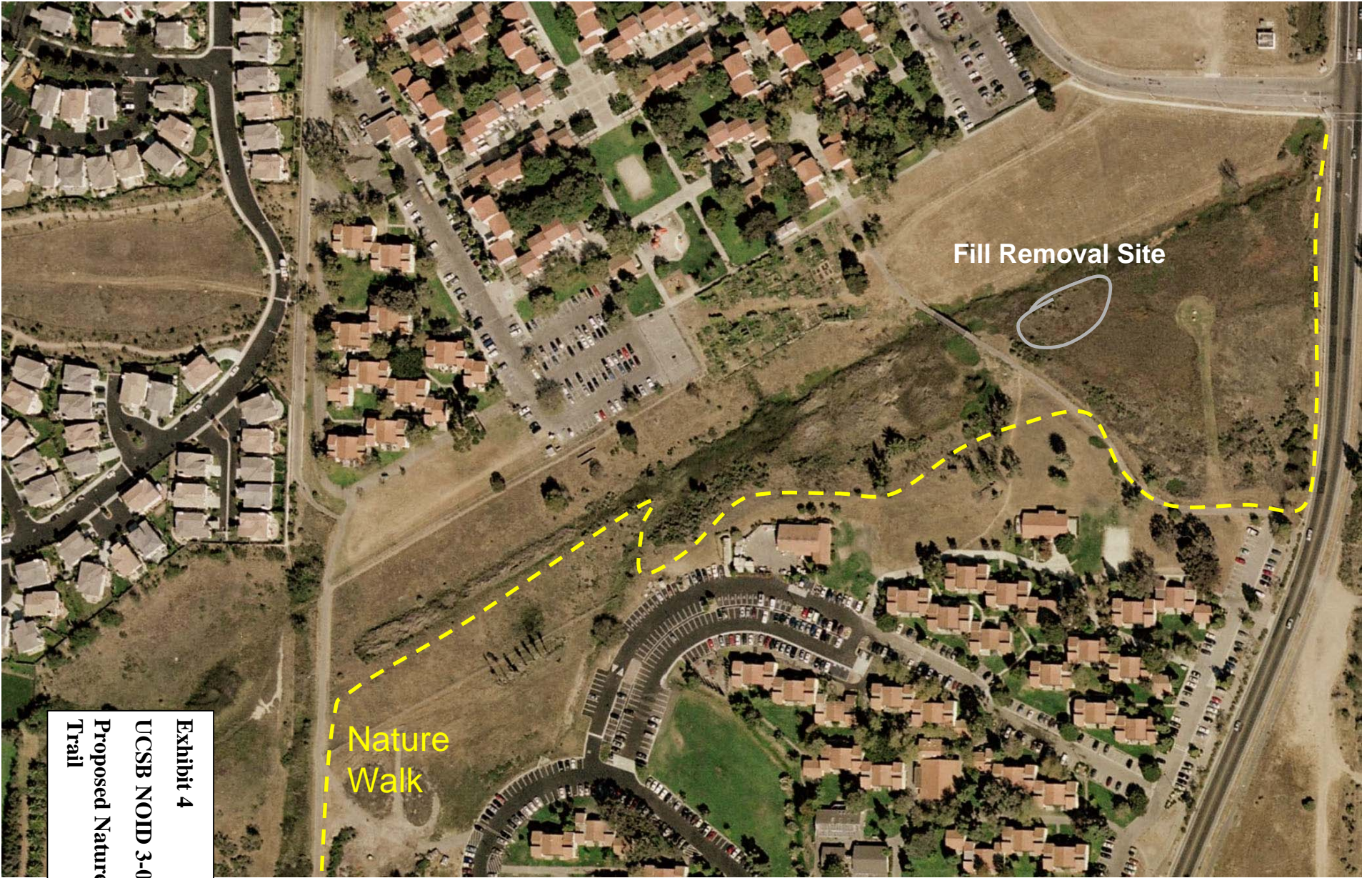


Exhibit 3
UCSB NOID 3-06
Restoration Area



Fill Removal Site

Nature
Walk

Exhibit 4
UCSB NOID 3-06
Proposed Nature
Trail