

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W20a

Addendum

DATE: September 13, 2010
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W20a, Wednesday, September 15, 2010, Notice of Impending Development 1-10, Coal Oil Point Reserve Access Plan Project.

The purpose of this addendum is to modify Special Condition 3, Habitat Restoration and Monitoring Program.

Special Condition Three (3) shall read as follows:

3. Habitat Restoration and Monitoring Program

Prior to commencement of construction activities, the University shall submit for the review and approval by the Executive Director, a final "Habitat Restoration and Monitoring Program" for the proposed project. Planting shall be of native plant species indigenous to the area using accepted planting procedures and all native plant species shall be of local genetic stock. The program shall be prepared by a qualified biologist(s), ecologist(s), or resource specialist(s), hereafter, referred to as the Environmental Resource Specialist(s), with experience in the field of habitat restoration. The applicant shall provide the resource specialist's qualifications, for the review and approval of the Executive Director, prior to plan development. The Program shall provide, at a minimum, for the following:

A. Restoration Plan

- a. A baseline assessment of all native vegetation and habitat on site, including detailed documentation of existing conditions on site (including photographs taken from pre-designated sites annotated to a copy of the site plans. The plan shall delineate existing vegetation types, show the distribution and abundance of any sensitive species.*
- b. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage. The plan shall also document the performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working and the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.*
- c. Native seeds shall also be collected in anticipation of future plantings. The plan shall specify the planting palette (seed mix and collected plants), planting design,*

source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region or grown from seeds or vegetative materials obtained from the site or from an appropriate nearby location so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.

- d. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
- e. Provisions for on-going habitat restoration maintenance and/or management for the term of this notice of impending development. At a minimum, semi-annual maintenance and/or management activities shall include, as necessary, periodic weeding of invasive and non-native vegetation and revegetation consistent with the approved restoration plan.
- f. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- g. The applicant shall commence implementation the final approved Habitat Restoration Plan upon issuance of the notice of impending development and complete the planting work within a one year period.

B. Monitoring

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards and shall provide the following:

- a. *Initial Monitoring Report:* The University shall submit, upon completion of the initial revegetation, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.
- b. *Interim Monitoring Reports:* After initial revegetation is completed, the applicant shall submit, for the review and approval of the Executive Director, on an annual basis ~~until the authorization for the approved development expires (10 years from the date of Commission action)~~ for a period of five (5) years, a written monitoring report prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to

evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.

- c. ~~Final Report: Prior to the date that authorization for the approved development expires (5 years from the date of Commission action), a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director.~~ After the five year interim period, the University shall submit a final detailed report on the restoration shall be submitted by the University 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 applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this NOID.*
- C. The University shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the notice of impending development, unless the Executive Director determines that no amendment is legally required.*

Herbicides shall not be used within any portion of the dune and wetland area. 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 the project site for purposes of habitat restoration only. The applicants shall remove non-native or invasive vegetation by hand and the stumps may be painted with Glyphosate Aquamaster™ herbicide. Herbicide application by means of spray shall not be utilized. 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.

CALIFORNIA COASTAL COMMISSION

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89 SOUTH CALIFORNIA ST., SUITE 200
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(805) 585-1800



W 20a

DATE: September 1, 2010

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Andrew D. Berner, Assistant Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) 1-10**, Coal Oil Point Reserve Access Plan, for Public Hearing and Commission Action at the September 15, 2010, Commission Meeting in Eureka, California.

SUMMARY AND STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) 1-10, as conditioned. Staff is recommending three (3) special conditions for Notice of Impending Development 1-10 regarding: 1) Construction Monitoring; 2) Construction Staging Area and Fencing; and 3) Habitat Restoration and Monitoring Program. ***The appropriate motions and resolutions are located on page 3.***

The impending development involves implementation of public access improvements and habitat restoration at Coal Oil Point Reserve. The project includes the installation of 910 linear feet of wild-life permeable fencing, 60 linear feet of roll-out boardwalk, 200 cu. yds. of grading (100 cu. yds. of cut and 100 cu. yds. of fill), improvement of the existing Pond Trail, and the revegetation of unauthorized "volunteer/pioneered" trails at the Reserve.

The standard of review for the impending development is the policies of the certified Long Range Development Plan (LRDP). The impending development, subject to three (3) special conditions involving 1) Construction Monitoring; 2) Construction Staging Area and Fencing; and 3) Habitat Restoration and Monitoring Program, and as conditioned, is consistent with the policies of the certified LRDP.

SUBSTANTIVE FILE DOCUMENTS:

University of California, Santa Barbara, 1990 Long Range Development Plan; Management Plan for the Campus Lagoon, University of California, Santa Barbara,

Notice of Impending Development 4-07 (Coal Oil Point Reserve Habitat Restoration Plan); Coastal Development Permit 4-08-007 (UCSB Western Snowy Plover Protection Plan) and; University of California, Santa Barbara, Coal Oil Point Reserve Access C, Dune Pond Trail Artificial Sand Berm Removal Project Restoration Plan, prepared by Cristina Sandoval, dated July 9, 2010

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EXHIBITS

Exhibit 1:	Vicinity Map
Exhibit 2:	Aerial of Coal Oil Point Reserve
Exhibit 3:	Coal Oil Point Reserve Trail System
Exhibit 4:	Access B, Sands Beach Entrance, Aerial
Exhibit 5:	Access C, Pond Trail, Aerial
Exhibit 6:	Access D, Western Boundary of the Reserve, Aerial
Exhibit 7:	Artificial Fill Removal and Deposit Site
Exhibit 8:	Fence and Natural Barrier Examples

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. 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 30, 2010.

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

NOID 1-10: APPROVAL AS CONDITIONED

MOTION: *I move that the Commission determine that the development described in the Notice of Impending Development 1-10 (Coal Oil Point Reserve Access Plan Project), 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 1-10 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: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 1-10, 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. **Construction Monitoring**

Prior to commencement of development, the University shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications

acceptable to the Executive Director to serve as the biological monitor. The biological monitor shall be present during all vegetation removal, grading operations, and any activities involving the use of heavy machinery.

The University shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the notice of impending development occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the University to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive habitat or species, the University shall be required to submit a revised or supplemental program to adequately mitigate such impacts at a minimum 3:1 replacement ratio. The revised, or supplemental, enhancement program shall be processed as a new Notice of Impending Development.

2. Construction Staging Area and Fencing

- A. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas (ESHA) shall be avoided. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Prior to commencement of development, the University shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval. The plan shall include the following requirements and elements:
 - a. Protective fencing shall be used around all ESHA, wetland areas, and their associated buffers that may be disturbed during construction activities.
 - b. The plan shall include, at a minimum, a site plan that depicts the following components: limits of the staging area(s); construction corridor(s); construction site; location of construction fencing and temporary job trailers with respect to existing wetlands and sensitive habitat; and public access route through/around the site.
 - c. The plan shall indicate that construction equipment, materials or activity shall not occur outside the designated staging area(s), construction zone, or corridors identified on the site plan required by this condition.
 - d. During construction, washing of trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the

construction site with signs. In addition, construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which prevents storm water contamination.

- B. The University shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director to determine if a notice of impending development or amendment to the Long Range Development is required to authorize such work.

3. Habitat Restoration and Monitoring Program

Prior to commencement of construction activities, the University shall submit for the review and approval by the Executive Director, a final "Habitat Restoration and Monitoring Program" for the proposed project. Planting shall be of native plant species indigenous to the area using accepted planting procedures and all native plant species shall be of local genetic stock. The program shall be prepared by a qualified biologist(s), ecologist(s), or resource specialist(s), hereafter, referred to as the Environmental Resource Specialist(s), with experience in the field of habitat restoration. The applicant shall provide the resource specialist's qualifications, for the review and approval of the Executive Director, prior to plan development. The Program shall provide, at a minimum, for the following:

A. Restoration Plan

- a. A baseline assessment of all native vegetation and habitat on site, including detailed documentation of existing conditions on site (including photographs taken from pre-designated sites annotated to a copy of the site plans. The plan shall delineate existing vegetation types, show the distribution and abundance of any sensitive species.
- b. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage. The plan shall also document the performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working and the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
- c. Native seeds shall also be collected in anticipation of future plantings. The plan shall specify the planting palette (seed mix and collected plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region or grown from seeds or vegetative materials obtained from the site or from an appropriate nearby location so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing

condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.

- d. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
- e. Provisions for on-going habitat restoration maintenance and/or management for the term of this notice of impending development. At a minimum, semi-annual maintenance and/or management activities shall include, as necessary, periodic weeding of invasive and non-native vegetation and revegetation consistent with the approved restoration plan.
- f. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- g. The applicant shall commence implementation the final approved Habitat Restoration Plan upon issuance of the notice of impending development and complete the planting work within a one year period.

B. Monitoring

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards and shall provide the following:

- a. Initial Monitoring Report: The University shall submit, upon completion of the initial revegetation, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.
- b. Interim Monitoring Reports: After initial revegetation is completed, the applicant shall submit, for the review and approval of the Executive Director, on an annual basis until the authorization for the approved development expires (10 years from the date of Commission action) a written monitoring report prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from pre-designated sites (annotated

to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.

- c. Final Report: Prior to the date that authorization for the approved development expires (5 years from the date of Commission action), 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 applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this NOID.
- C. The University shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the notice of impending development, unless the Executive Director determines that no amendment is legally required.
- D. Herbicides shall not be used within any portion of the dune and wetland area. 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 the project site for purposes of habitat restoration only. The applicants shall remove non-native or invasive vegetation by hand and the stumps may be painted with Glyphosate Aquamaster™ herbicide. Herbicide application by means of spray shall not be utilized. 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.

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 University of California, Santa Barbara (the University) is proposing a public access improvement and habitat restoration project that involves the installation of 910 linear feet of wild-life permeable fencing, 60 linear feet of roll-out boardwalk, the removal of 100 cu. yds. of fill material along a 94 linear ft. segment (approximately 2,350 square feet in area) of the Pond Trail located with dune swale habitat on site, the placement of all excavated material in a non-sensitive area on site, improvement of the existing Pond Trail, and the revegetation of unauthorized “volunteer/pioneered” trails at the Coal Oil Point Reserve (COPR or Reserve).

The proposed project is located within the Coal Oil Point Reserve at the University of California at Santa Barbara (UCSB) Campus (Exhibits 1 & 2). The reserve is part of the University-wide Natural Reserve System. The purpose of the Reserve System is to protect and manage specific University-owned natural areas containing environmentally sensitive resources for the purpose of teaching and research. The proposed habitat restoration and public access improvements are consistent with the types of development typically allowed within the reserve. The Coal Oil Point Reserve consists of 165.3 acres of protected coastal habitats along the south coast of Santa Barbara County, in the lower drainage area of the Devereux Creek Watershed, adjacent to the West Campus and south of North Campus at UCSB (Exhibit 3). Developed areas to the east of the reserve include the Orfaea Family Children’s Center, West Campus Faculty Housing, the Devereux School, and the Cliff House conference facility. Open space surrounds the Reserve to the north (known as the “South Parcel” Open Space Area) and to the west (Ellwood Mesa). The Ellwood Marine Terminal is located on 17 acres on the northwest side and the Pacific Ocean is to the south. The Reserve area was used in the early 1900s for lima bean agriculture and as a horse pasture. The relief is mostly flat with some gentle slopes. The soil is sandy loam with a few areas of surfacing clay.

Habitats and species within the Reserve include Coastal Dune Scrub, several vernal pools, dune swales, salt flats and salt marshes, the Globose Dune Beetle, Dune Spider, and the Sand Tiger Beetle, and breeding grounds for the Belding Savanna Sparrow, the federally listed Pacific coastal Western Snowy Plover and the endangered California Least Terns.

The following describes each component of the project.

1. Access B, Sands Beach Entrance

The existing gate and chain-link fence at Access B (Exhibit 4) will be replaced by 86 ft. of 3-rail type fence. The passage through the gate will have the same shape and location as the existing gate to prevent horse and bike access to the beach. Another gate, 6 feet wide will be installed and kept locked and will be used for emergencies such as removing injured people and sick marine mammals from the beach.

2. Access C, Pond Trail

The existing Pond Trail provides public pedestrian access from Venoco Road to Sands Beach (Exhibit 5) and will be retained as the designated public access trail in its existing location; however, several unauthorized “volunteer” trails will be restored and revegetated. In order to ensure that pedestrians remain on the designated trail, wood logs will be laid on each side of the pond trail to demarcate its boundaries. Native shrubs will be planted adjacent to the logs to create a natural barrier around the trail in order to control pedestrian access and minimize human intrusion into the surrounding sensitive habitat areas. In constrained areas, a post-and cable fence will be installed; similar to those used in state parks to control impacts from off-trail use.

At the northern boundary of the pond trail, a 30 ft. long, 3-rail type fence will be installed on each side of the trail entrance and an “L” shaped entrance will be installed to allow pedestrians but prevent horses and bicycles from entering the pond trail.

The southern end of the pond trail bisects the dune swale that connects the dune pond to the slough. The trail was created prior to both the establishment of the Reserve in 1970 and the passage of the Coastal Zone Conservation Act in 1972 by placing a large quantity of fill on site in order to raise the path above surrounding grade. There are no records describing why such fill was placed in this location but historical aerial photos show the trail in existence since about 1950. However, the University has indicated that this artificial fill was most likely placed in order to provide a dry walking surface during the winter rainy season when wetlands may form within the dune swale area on site.

COPR has been highly disturbed since 1938 when an oil company occupied the property. There has been evidence of sand borrow pits being excavated on the property and through time those pits have revegetated with wetland or upland vegetation. Sometime between 1954 and 1961 the project area became highly disturbed and dry. A trail is visible during this time period. 1961 photos show little to no vegetation on the western side of the trail but vegetation on the eastern side of the trail. Wetland vegetation re-established in dune pond by 1967.

The artificial fill underlying the existing trail has effectively created a berm. The proposed project involves the removal of 100 cu. yds. of this artificial fill in order to restore the hydrological connection of the dune swales on each side of the existing trail. The section of fill to be removed is 94 feet long, 25 feet wide (2,350 square feet) and approximately 1-foot deep. The fill will be removed with a small “Bobcat” tractor. The approximately 100 cubic feet of soil to be removed will be deposited under the nearby row of non-native, invasive Eucalyptus trees on site (Exhibit 7). In order to maintain the trail in its existing location and allow continued access through this area during the rainy season, a roll-out boardwalk will be laid out over sections of the trail. The boardwalk is 60 feet long by 3 feet wide and will be made of recycled lumber.

The area of the site where removal of the artificial fill will occur is primarily vegetated with non-native plant species such as European annual grasses, Italian thistle, and Wild radish. A few native upland species also occur on the sides of the berm such as *Verbena lasiostachys* (Western vervain), *Distichilis spicata* (Saltgrass), *Lupinus arboreus* (Bush lupine), and *Isocoma menziesii* (Coastal goldenbrush). On the edges of the berm

and surrounding area, the vegetation is dominated by native wetland plants such as *Juncus xiphioides*, *Jaumea carnosa* (March jaumea), *Bacharis salicifolia* (Mulefat), *Distichlis spicata* (Saltgrass), and *Frankenia salina* (Alkali Heath). The proposed project includes the revegetation of all disturbed/graded areas on site with native plant species appropriate to the area.

3. Access D, Western Boundary of the Reserve

Access D (as shown on Exhibit 6) is straddles western boundary of the Reserve and UCSB's South Parcel Open Space Area, which was incorporated into the certified LRDP pursuant to LRDP Amendment 1-06 in 2006. There is an existing public access trail crossing the subject area at Access D that will be improved by removing the invasive iceplant and trimming the low eucalyptus branches which currently impair pedestrian access in this location. Branches will be trimmed up to 6 feet from the ground and will only occur outside of bird nesting season if a bird nesting survey is performed to ensure that no nests are present within the subject area. The iceplant around this trail will be eradicated with the use of solarization (black plastic) and/or Glyphosate Aquamaster™, depending on the location. Glyphosate Aquamaster™ will be used on vertical slopes and black plastic will be used on the flatter areas. The beach and bluffs will be revegetated with native plants that will be grown from seeds collected from other native plants already growing within the area.

4. Fencing of the Western Boundary

A 560 foot long 3-rail type fence will be installed on the Reserve side of the access D trail to keep pedestrians on the designated public access trail (that goes from Venoco Road to Sands Beach and west of the Pond Trail) and minimize human intrusion into the sensitive dunes, wetlands, and plover breeding habitat areas. The parts of trail that are adjacent to the fence will be revegetated with lemonadeberry and other native shrubs while the parts of the trail that are on wetlands will be left to revegetate on their own.

5. Maintenance of Designated Trails and Closure of Unauthorized "Pioneered" Trails.

Several unauthorized "pioneered" trails exist on site that branch off the primary Pond Trail. The Pond Trail is the designated trail that provides access from Venoco Road to Sands Beach and will be maintained for public pedestrian access. However, the "pioneered" trails which branch off from the Pond Trail across the site are not necessary to maintain beach access and their unauthorized creation has resulted in adverse impacts to the sensitive habitat areas on site. These small, unauthorized trails will be closed by installation of logs and other natural barriers (Exhibit 8) to demarcate the boundary of the Pond Trail and revegetation of the unauthorized trail areas shall be implemented. Native plantings will be utilized to revegetate these disturbed areas to discourage further use of these unauthorized trails and to better delineated the boundaries of the designated public access trails on site. The native plants to be used will include Lemonade berry, Elderberry, Coastal sage scrub and quail bush.

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, water quality, and public access.

All major sections of the Coastal Act relevant to the proposed project have been incorporated into the certified LRDP. Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30233 of the Coastal Act states, in part, that 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. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. No development may be permitted within environmentally sensitive habitat area (ESHA), except for uses that are dependent on the resource.

The LRDP also incorporates by reference Coastal Act Sections 30210, 30211, 30212, 30213, 30214 and 30252 concerning coastal recreation and access. Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30212 of the Coastal Act, as incorporated in the LRDP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. In addition, Section 30213 requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible provided. Section 30214 of the Coastal Act, as incorporated in the LRDP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc. Section 30211 ensures protection of oceanfront land for recreational use and development. Section 30252 of the Coastal Act states, in part, that the location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service and providing adequate parking facilities or providing substitute means of serving the development with public transportation. Section 30240(b) requires that development no interfere with recreational areas.

Specifically, the University is proposing a public access improvement and habitat restoration project that involves the installation of 910 linear feet of wild-life permeable fencing, 60 linear feet of roll-out boardwalk, the removal of approximately 100 cu. yds. of fill from a portion of the Pond Trail located with dune swale habitat on site and the placement of all excavated material in a non-sensitive area on site, improvement of the existing Pond Trail, and the revegetation of unauthorized "volunteer/pioneered" trails at the Reserve. All minor, unauthorized trails that are not part of the designated trail network, as shown on Exhibit 3, will be restored/revegetated. The boundaries of the trails to remain will be demarcated with 3-rail type fencing, logs, or other natural barriers in order to minimize unnecessary human intrusion into sensitive habitat areas on site while maintaining public pedestrian and equestrian access across the site to the beach.

The proposed closing of the unauthorized trails will not result in any potential adverse impacts to public access and recreational resources because adequate public access across the site to the beach will remain available via the designated trail system. Moreover, the proposed closures are consistent with the approved trails map for the subject area included in the certified LRDP. The COPR has four designated trail corridors that traverse through the Reserve connecting to beach access points (Exhibit 3); only three of these access points are subject to this NOID. Additionally, the proposed closures of the unauthorized "pioneered" trails will protect and restore the ecology of the Reserve. Restoration activities near access C, the Pond Trail, and Access D also have the potential to temporarily, but adversely, impact public access. However, the University is proposing to keep access corridors open during all restoration activities associated with this NOID in order to minimize any potential temporary impacts to public access. Thus, the proposed unauthorized trail closures and restoration activities are consistent with the relevant public access and recreations policies of the certified LRDP.

The LRDP also contains several policies which require the protection of environmentally sensitive habitat areas (ESHA) and wetlands. Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff away from coastal waters and wetlands. Subpart (l) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands.

As discussed, the University is proposing to install of 910 linear feet of fencing, 60 linear feet of roll-out boardwalk, the removal of approximately 100 cu. yds. of fill from the portion of the Pond Trail located within dune swale habitat on site and the placement of all excavated material in a non-sensitive area on site, and the revegetation of unauthorized "volunteer/pioneered" trails at the Reserve.

The entirety of the Reserve is designated ESHA pursuant to the certified LRDP. As a result, the entirety of the project scope will be in ESHA. Specifically, the removal of approximately 100 cu. yds. of fill from the portion of the Pond Trail located with dune swale habitat on site has the potential to adversely impact ESHA. As it was noted, the

trail was created prior to both the establishment of the Reserve in 1970 and the passage of the Coastal Zone Conservation Act in 1972 by placing a large quantity of fill on site in order to raise the path above surrounding grade. This artificial fill was apparently placed in order to provide a dry walking surface during the winter rainy season when wetlands may form within the dune swale area on site.

The section of the fill to be removed is 94 feet long, 25 feet wide (2,350 square feet) and approximately 1-foot deep. Approximately 100 cu. yds. of material will be removed and deposited under a nearby row of invasive Eucalyptus trees (Exhibit 7). The site is currently vegetated with mostly non-native and invasive plant species such as European annual grasses, Italian thistle, and Wild radish. Several native upland species also occur on the sides of the berm such as *Verbena lasiostachys* (Western vervain), *Distichlis spicata* (Saltgrass), *Lupinus arboreus* (Bush lupine), and *Isocoma menziesii* (Coastal goldenbrush). On the edges of the berm and surrounding area, the vegetation is dominated by native wetland plants such as *Juncus xiphioides*, *Jaumea carnosa* (March jaumea), *Bacharis salicifolia* (Mulefat), *Distichlis spicata* (Saltgrass), and *Frankenia salina* (Alkali Heath).

The University is proposing to remove the fill material underlying this segment of the Pond Trail in order to restore and enhance all portions of the site back to its natural state. The artificial fill material to be removed consists of sandy loam, consistent with the soil of the surrounding areas of the Reserve. All grading will occur by a small "bobcat" tractor and will be deposited under a nearby row of Eucalyptus trees, adjacent to the berm. The excavated material will then be spread approximately 1 inch thick over an area of approximately of 20,000 sq. ft. The goal for the deposition of the material in this location is to avoid the need for transportation of the material offsite, maintain existing soil and sand material within the reserve, and place the excavated material in a non-sensitive area where no native plant species are located. No native vegetation exists below the Eucalyptus trees. Both the University's biologist and the staff ecologist do not expect adverse impacts on the subject eucalyptus trees. No temporary stockpiling will be necessary since the fill will be deposited in its permanent location as it is removed from the trail area.

The Commission notes that proposed removal of the artificial fill along the subject section of the Pond Trail will occur immediately adjacent to the ESHA and wetland areas on site. As a result, the project may result in potential adverse impacts to adjacent ESHA during construction. However, in this case, the proposed grading is specifically for the purpose of habitat restoration and will serve to improve the value of habitat on site in the long-term. Specifically, the grading will serve to restore the hydrologic connection of the dunes swale areas on either side of the Pond Trail. Moreover, the areas where excavation will occur are primarily vegetated with non-native and/or invasive vegetation which will be removed and replaced with native vegetation. Thus, the proposed restoration activities are clearly an allowable use in designated ESHA areas pursuant to the relevant policies of the certified LRDP, including Section 30240, as incorporated in the certified LRDP. Moreover, both the University's biologist and the Commission's ecologist agree the fill removal site is an area of vegetation

inconsistent with the greater ecology of the back dune swale and does not constitute ESHA.

The University has not submitted a monitoring plan but has submitted a restoration plan, however it is only for the area where artificial fill will be removed. As a result, and in order to ensure that the entire project is designed and implemented in a manner that will ensure consistency with Policy 30231.3 and Policy 30231.2(*l*) of the LRDP, the Commission finds that **Special Condition Three (3)**, Habitat Restoration and Monitoring Program, is necessary to guarantee that the habitat enhancement and restoration is successfully implemented. Pursuant to Special Condition 3, the University shall submit a final Habitat Restoration and Monitoring Program prepared by a qualified biologist or environmental resource specialist.

In order to ensure the success of the restoration plan, **Special Condition Three (3)** requires that all restored/revegetated areas shall be monitored for five years, with interim reports submitted to the Executive Director. The reports shall describe the implementation of the approved enhancement program in narrative and photographs and report any problems in the implementation and their resolution. At the end of the five year monitoring period, if the enhancement and enhancement project has in part, or in whole, been unsuccessful, the University shall submit a revised or supplemental program to compensate for those portions of the original program which did not meet the approved success criteria.

The Commission also finds that the presence of a qualified biologist is necessary during grading and vegetation removal activities to ensure that there unintended disturbance and adverse impacts to adjacent sensitive resource areas are minimized. Therefore, **Special Condition One (1)** has been required to ensure that an independent qualified biologist or environmental resource specialist shall be present on site during all grading and vegetation removal activities or during any activities involving the use of heavy machinery.

Additionally, project staging including the equipment access corridors, for the construction of the trail improvements and artificial fill removal, has the potential to adversely impact adjacent ESHA. To ensure that project staging is minimized and resource issues are addressed, **Special Condition Two (2)** requires that all construction plans shall clearly identify all wetlands and native and any associated buffers in and around the construction zone. Additionally, construction related disturbances may undermine the habitat value of the wetland complex through improper storage or placement of materials or equipment or through improper release of debris, waste or chemicals. To address the potential adverse impacts during construction, the Commission finds it necessary to provide a framework of the University's responsibilities that would apply during the construction phase of the project, as described in **Special Condition Two (2)**.

Therefore, the Commission finds that the notice of impending development, as conditioned, is consistent with all applicable policies of the LRDP.

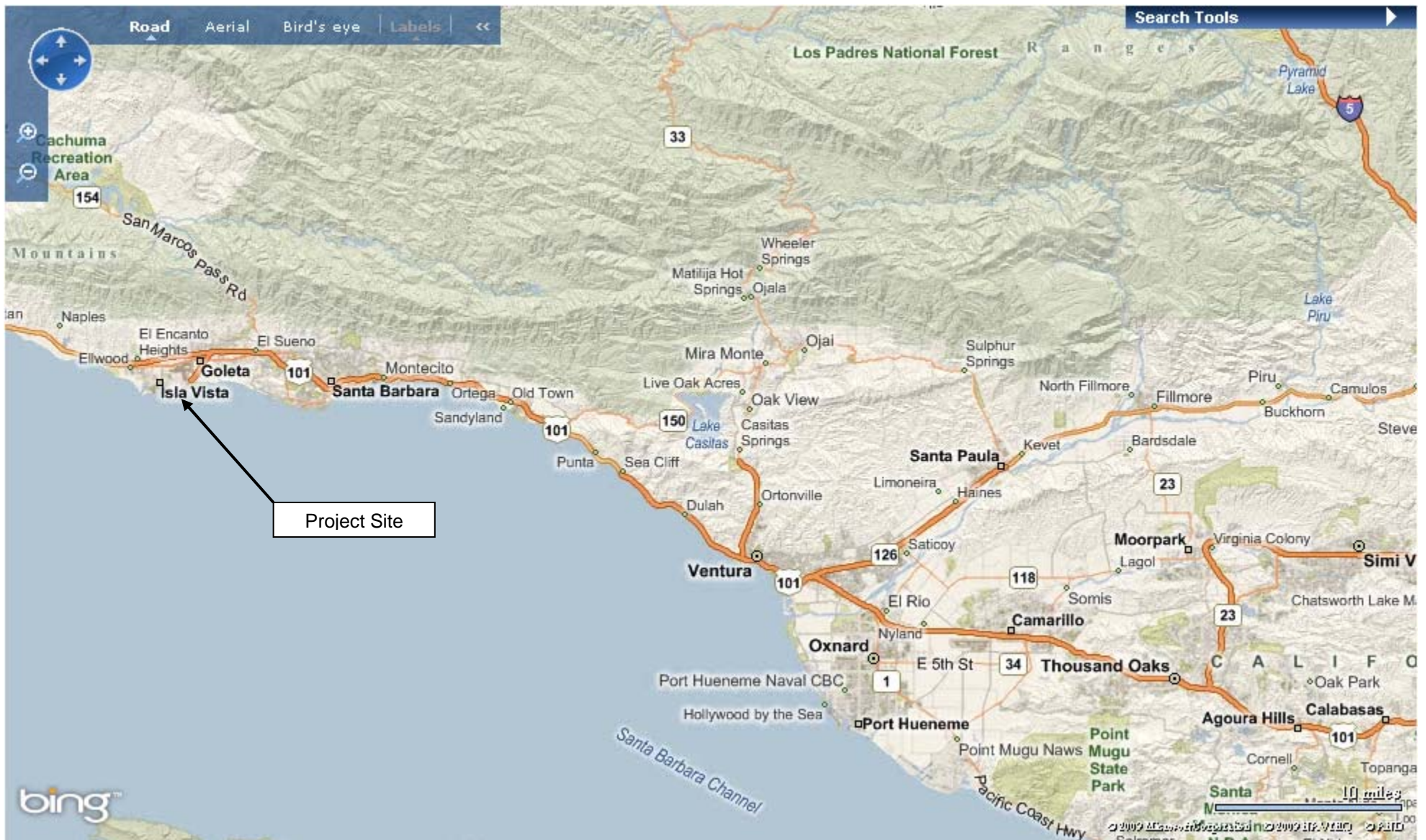


Exhibit No. 1
UCSB NOID 1-10
Vicinity Map

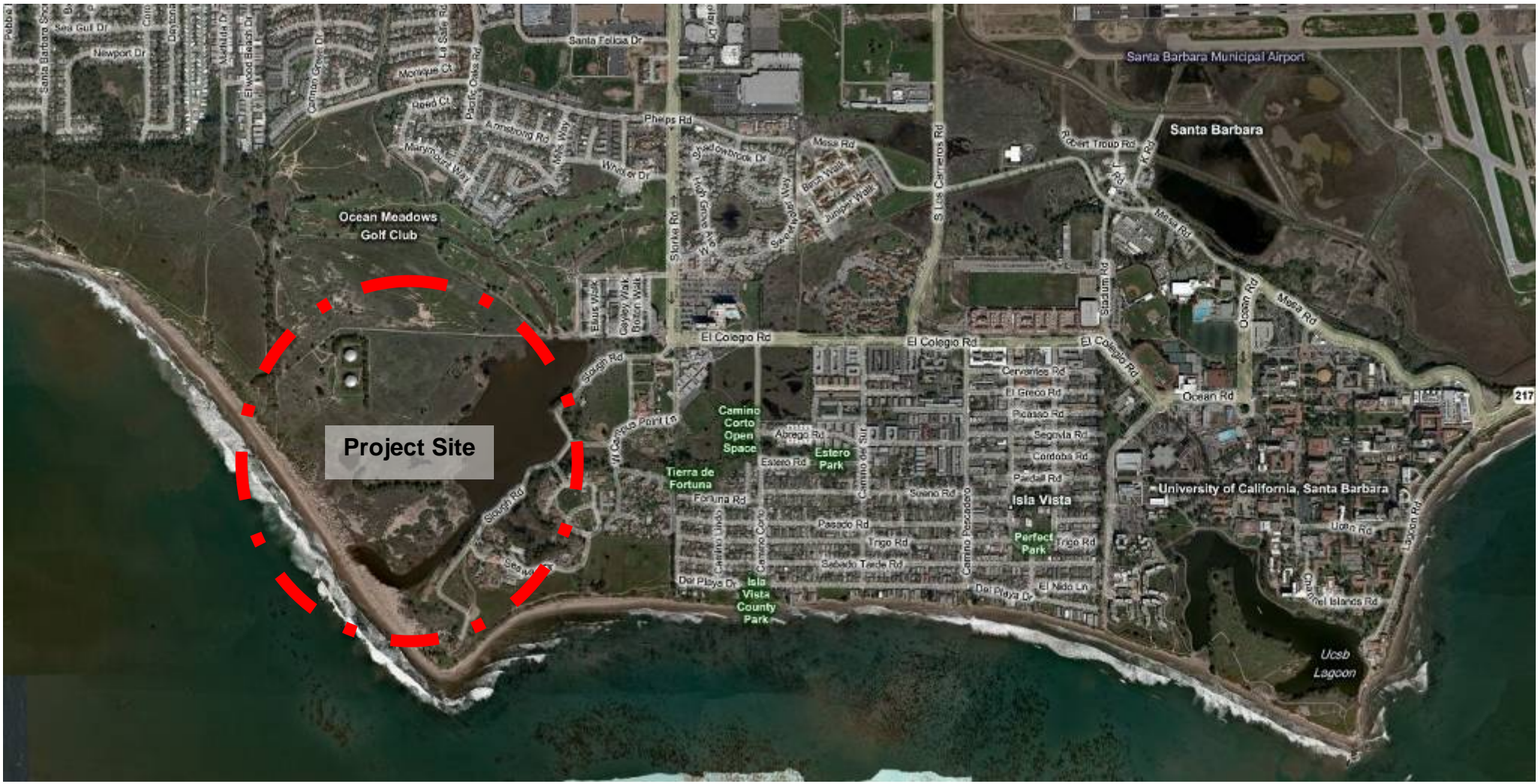
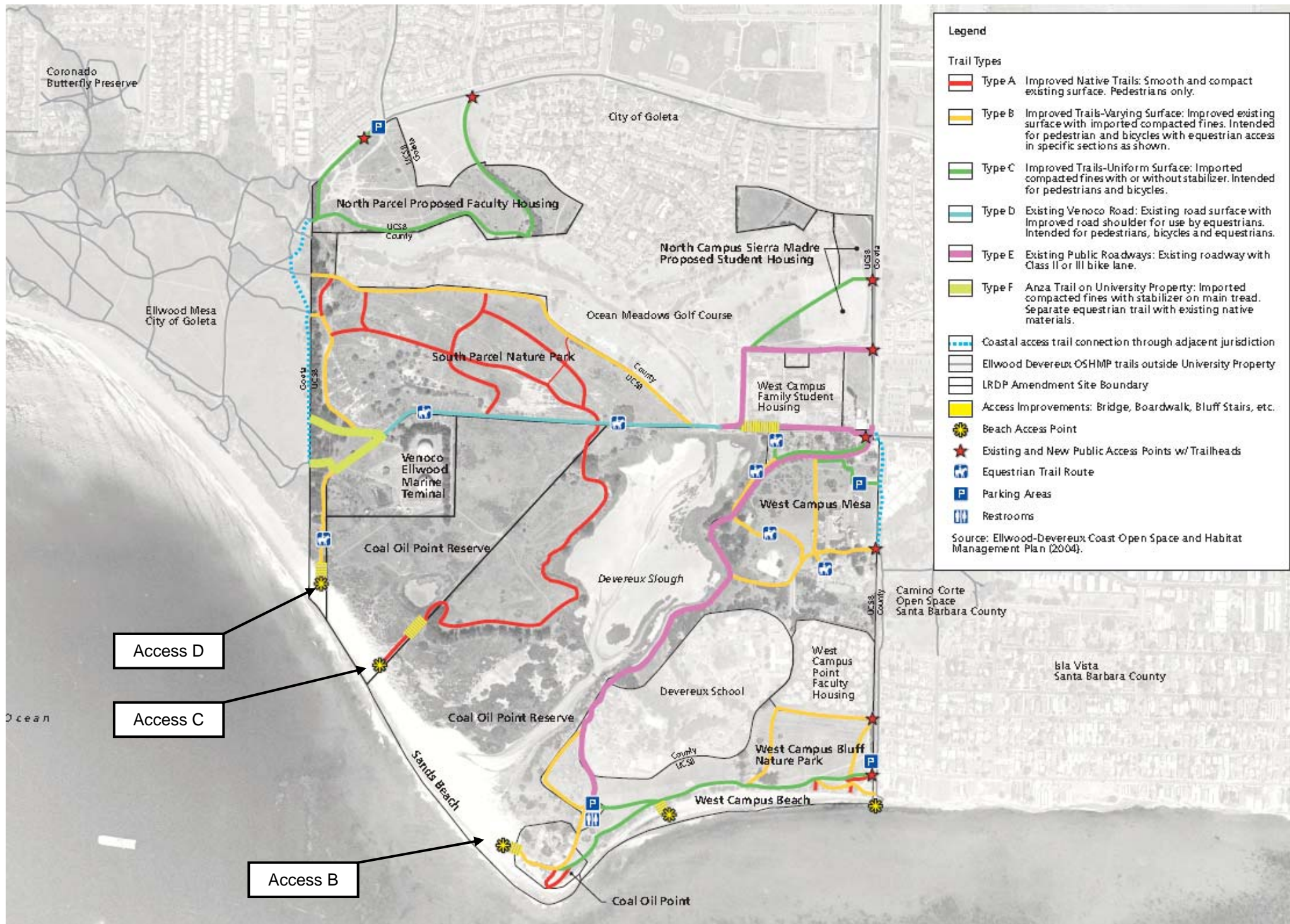


Exhibit No. 2
UCSB NOID 1-10
Aerial of Coal Oil Point Reserve



Legend

Trail Types

- Type A Improved Native Trails: Smooth and compact existing surface. Pedestrians only.
- Type B Improved Trails-Varying Surface: Improved existing surface with imported compacted fines. Intended for pedestrian and bicycles with equestrian access in specific sections as shown.
- Type C Improved Trails-Uniform Surface: Imported compacted fines with or without stabilizer. Intended for pedestrians and bicycles.
- Type D Existing Venoco Road: Existing road surface with improved road shoulder for use by equestrians. Intended for pedestrians, bicycles and equestrians.
- Type E Existing Public Roadways: Existing roadway with Class II or III bike lane.
- Type F Anza Trail on University Property: Imported compacted fines with stabilizer on main tread. Separate equestrian trail with existing native materials.
- Coastal access trail connection through adjacent jurisdiction
- Ellwood Devereux OSHMP trails outside University Property
- LRDP Amendment Site Boundary
- Access Improvements: Bridge, Boardwalk, Bluff Stairs, etc.
- Beach Access Point
- Existing and New Public Access Points w/ Trailheads
- Equestrian Trail Route
- Parking Areas
- Restrooms

Source: Ellwood-Devereux Coast Open Space and Habitat Management Plan (2004).

Access D

Access C

Access B



Access B



Exhibit No. 4
UCSB NOID 1-10
Access B, Sands Beach Entrance





Access D

Exhibit No. 6
UCSB NOID 1-10
Access D, Reserve's Western Boundary



Exhibit No. 7
UCSB NOID 1-10
Artificial Fill Removal and Deposit Site

