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November 2, 2016

To: Coastal Commissioners and Interested Parties

From: Alison Dettmer, Deputy Director
Tom Luster, Senior Environmental Scientist

Subject: **Addendum to E-02-024-A4 – State Lands Commission Hazards Removal Project**

This addendum provides a proposed revision to the staff report. The revision does not change staff's recommendation that the Commission conditionally **approve** the coastal development permit.

Proposed Revisions to the Staff Report
The proposed revisions below are recommended findings and will be incorporated into relevant portions of the staff report as adopted findings. Additions are shown below in **bold underline** and deletions in ~~strikethrough~~.

Page 5, fourth full paragraph:

> "This amendment is based on the CSLC requesting to conduct removal activities later into the winter when sand levels at these beaches are often lower due to seasonal sand movement and winter storms. If lower sand levels are present, more of the hazardous structures would be exposed than during other times of the year and the CSLC would be able to remove more of the structures ~~than might otherwise be possible~~. However, these seasonal lower sand levels often coincide with the early part of the plover's breeding and nesting season when beaches are closed to the types of mechanized activities the CSLC is proposing."

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Date Filed:	10/11/16
180th Day:	4/9/17
Staff:	TL-SF
Staff Report:	10/14/16
Hearing Date:	11/4/16

STAFF REPORT: MATERIAL AMENDMENT

Amendment Application No.:	**E-02-024-A4**
Applicant:	**California State Lands Commission**
Project Location:	Various locations along the Santa Barbara Channel.
Description of Previously Approved Project:	Remove hazardous or derelict structures from inwater and beach sites to reduce risks to public health and safety and to improve public use.
Proposed Amendment:	Allow removal activities at three sites during early breeding/nesting season (February 1-28).
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

This proposed amendment would modify existing **Special Condition 11** to allow the California State Lands Commission ("CSLC") to remove various structures, such as pilings, well casings, beams, etc., from three sites along the Santa Barbara Channel in Santa Barbara County during the early western snowy plover breeding and nesting season, and also making the work subject to additional survey, monitoring, and mitigation requirements. Commission staff has determined the proposed work would conform to Coastal Act Sections 30230 and 30231 (marine biological resources), and 30211 (public access). Staff therefore recommends the Commission **approve** the proposed permit amendment, as conditioned.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the amendment to Coastal Development Permit E-02-024 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit amendment E-02-024-A4, and adopts the findings set forth below on grounds that the development, as amended, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the amended permits complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

The Standard Conditions 1-5 and Special Conditions 1-10 of CDP E-02-024, as previously amended, remain in full force and effect. Special Condition 11 is modified as shown below in **~~bold double-strikethrough~~** and **bold double-underlined** text. Exhibit B provides the text of all previously approved conditions.

Special Condition 11 – Timing: Staging and removal activities at Sites 7, 8, 9, and 18 shall occur only between September 15 and February 1 of any year~~.~~**, except staging and removal activities at Sites 7, 8. and 9 may occur between February 1 and February 28 subject to the following survey and monitoring requirements:**

a. Prior to starting staging or removal activities, the permittee shall retain the services of a qualified avian biologist who has been approved by the U.S. Fish and Wildlife Service ("USFWS") to conduct surveys and monitoring of the western snowy plover (*Charadrius alexandrinus nivosus*). Prior to starting any surveys, the approved biologist shall submit a survey methodology report for review and approval of the Executive Director. The report shall include, at a minimum, a description of the survey protocols to be used and the data the biologist will collect during the surveys, including survey dates and times, weather and tidal conditions, routes and locations of surveyed areas, and the observed presence and behavior of any western snowy plovers within the surveyed areas and the location of any nests. The report shall also identify agency representatives at the USFWS, the Coal Oil Point Reserve,

and the Coastal Commission that the biologist will contact if project activities adversely affect western snowy plovers, as described below.

b. No more than one day prior to starting proposed activities, and subject to consultation and approval by the Director of the Coal Oil Point Reserve, the approved biologist shall conduct a survey of the staging, access, and removal site to determine whether western snowy plovers or their nests are present within 300 feet of the proposed activities. If western snowy plover nests are present within 300 feet of the proposed activities, or if western snowy plovers exhibit breeding or nesting behavior within that distance, the biologist shall immediately notify the applicant and the Executive Director, and the applicant shall not conduct the proposed activities at the site unless subsequent surveys show no evidence of nests or breeding and nesting behavior. The approved biologist shall provide data collected during the survey to the Executive Director upon request.

c. The approved biologist shall be present during all staging, transport, and removal activities and shall ensure that the applicant takes all reasonable measures, including stopping work, to avoid adverse effects to western snowy plovers. If western snowy plovers experience any adverse effects during the activities, the approved biologist shall ensure the applicant immediately stops work and shall immediately contact the Coastal Commission staff. The approved biologist shall document any observed adverse effects, including date, time, location, degree of disturbance (e.g., mortality, injury, disturbance, change in behavior, etc.), and likely source of disturbance (e.g., project activities, nearby vehicles, dogs on or off leash, equestrians, etc.). Prior to restarting activities, the applicant shall submit an application for an amended coastal development permit that identifies additional proposed measures to avoid further impacts, unless the Executive Director determines that no amendment is needed.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT BACKGROUND

On April 11, 2003, the Commission approved coastal development permit (CDP) application E-02-024 allowing the California State Lands Commission (CSLC) to remove hazardous or derelict structures from 17 sites in and along the Santa Barbara Channel between Gaviota in Santa Barbara County and the Ventura River in Ventura County (see Exhibit 1 –Location Map). These structures include old pilings, steel beams, well casings, concrete caissons, cables, and other similar items that had been installed several decades ago, but had not been maintained for a number of years and were longer functional. In many cases, the original owners or responsible parties were not known. The structures are seaward of the mean high tide line and within the jurisdiction of the CSLC and the retained permit jurisdiction of the Coastal Commission. Many are visible only during fall and winter months when storms and wave action remove sand from

the beaches. The CSLC planned to remove structures on an "opportunistic" basis, based in part on when the structures are exposed, and in part on when funds are available through the agency's budget or through collaboration with nearby landowners.

The Commission later amended its originally approved CDP as follows:

- On November 17, 2005, the Commission approved an immaterial amendment to the CDP allowing removal of similar structures at one additional site on Goleta Beach, in Santa Barbara County.
- On June 15, 2006, the Commission approved a second immaterial amendment allowing the CSLC to install monitoring equipment at one of the sites to determine if petroleum products were present at one of the structures to be removed.
- On October 15, 2008, the Commission approved an amendment allowing the CSLC to remove similar structures at four additional sites in Santa Barbara County (including the three that are the subject of this current amendment).

To date, the CSLC has removed a number of structures from these sites pursuant to the CDP as amended and plans to continue removing structures as funds become available and as the structures are exposed during seasonal sand movement.

B. PROPOSED PERMIT AMENDMENT

The current CDP is conditioned to prohibit removal activities at several sites during the breeding and nesting season of sensitive marine birds, particularly the western snowy plover (*Charadrius alexandrinus nivosus*), which is listed as Threatened under the federal Endangered Species Act. The CSLC is requesting through this amendment that the Commission allow removal of structures at three sites during the early part of the plover's breeding and nesting season, which extends from about February 1 to September 15 each year. The current CDP allows work at these sites only between September 15 and February 1 of any year, and the CSLC has requested it be allowed to conduct staging and removal at these sites until February 28 of any year.

This amendment is based on the CSLC requesting to conduct removal activities later into the winter when sand levels at these beaches are often lower due to seasonal sand movement and winter storms. If lower sand levels are present, more of the hazardous structures would be exposed than during other times of the year and the CSLC would be able to remove more of the structures than might otherwise be possible. However, these seasonal lower sand levels often coincide with the early part of the plover's breeding and nesting season when beaches are closed to the types of mechanized activities the CSLC is proposing.

The three sites are within or near Devereaux Slough and the Coal Oil Point Reserve, which are managed through the University of California Natural Reserve System. All three are listed as federally-designated critical habitat for the plover:

- **Site 7 – Santa Barbara Shores:** This site is on the beach just south of Santa Barbara Shores Drive in Santa Barbara County. The structures to be removed include 79 6-inch steel "H" piles, 59 railroad irons, approximately 900 feet of wooden sheet pile, and 131 10-inch wooden posts. Removal work is expected to take about 60 hours.

- **Site 8 – Sands Beach at Devereaux Slough:** At this site, CSLC would remove 30 2 ½ - inch pipe frames, two 6-inch well casings, and a 12-inch steel beam. Removal work is expected to take about 16 hours.

- **Site 9 – Devereaux Point:** This site is southeast of the University of California, Santa Barbara Coal Oil Point Facility. CSLC would remove eight 6-inch "H" piles and four 6-inch well casings. Removal work is expected to take about eight hours.

The CSLC has previously included in its project a number of mitigation measures meant to avoid or reduce various potential impacts. These measures are more fully described in the CSLC's "*Santa Barbara Channel Coastal Hazards Removal Program: Mitigation Monitoring Program and Air Quality Best Management Practices*" (see Exhibit 3). The CSLC's project activities are also subject to the Commission's previously-approved Special Conditions. These include, for example, **Special Condition 10**, which prohibits the use of vehicles at Sites 8 and 9 and requires the CSLC to conduct work at these sites using hand-carried equipment, such as cutting torches, and shovels. To reduce potential harm to human or marine life on the beach, **Special Condition 2** requires the CSLC to treat any structures it can only partially remove so that the remaining components present a smooth surface when exposed. Exhibit 2 provides the full set of the Commission's previously approved conditions.

C. COASTAL COMMISSION JURISDICTION AND STANDARD OF REVIEW

The project sites are within the Commission's retained jurisdiction; therefore, the standard of review is Chapter 3 of the Coastal Act. Some of the CSLC's project activities have also been subject to review and approval by the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and local jurisdictions and landowners. The currently proposed amendment may also be subject to review and approval by the U.S. Fish and Wildlife Service.

D. PROTECTING MARINE RESOURCES AND WATER QUALITY

Coastal Act Section 30230 states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Coastal Act Section 30231 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 waterflow, encouraging waste water reclamation,*

maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As noted above, the three sites for which the CSLC requested that **Special Condition 11** be modified are in areas of designated critical habitat for plovers within or near Devereaux Slough and the Coal Oil Point Reserve, which are managed through the University of California Natural Reserve System. The sites include a variety of habitat types, including coastal dunes, wetlands, and intertidal rocky habitat. The Audubon Society recognizes the Coal Oil Point Reserve as an Important Bird Area, as it provides habitat not only for the plover, but for other special status species, including the Belding's Savannah Sparrow (*Passerculus sandwichensis beldingi*), the California Least Tern (*Sternula antillarum brownii*), and a number of raptor species. The Reserve also uses these sites for ongoing data collection and research related to marine biology and coastal processes.

The Pacific Coast western snowy plovers are shorebirds that use sandy beaches for nesting, roosting, and foraging. In March 1993, the USFWS listed the snowy plover as Threatened pursuant to the federal Endangered Species Act, and in 1999, designated about 180 miles of coastline in California, Oregon, and Washington as part of the species' critical habitat, a specific designation that identifies areas essential to conservation of an endangered species. Western snowy plovers breed primarily above the high tide line on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. The breeding season for snowy plovers along the Pacific coast extends from approximately February to mid-September.

Plovers are vulnerable to many beach activities due in part to their coloration and the location of their nests – adults are roughly sand colored; nests are typically depressions in the sand lined with beach debris such as pebbles, shell fragments, and plant material; the eggs are speckled and camouflaged within the surrounding sandy terrain; and the chicks are difficult to see because of their small size and camouflaged coloring. They can be displaced or disturbed due to human activity, though the degree of disturbance appears to vary by the amount and proximity of human uses of the beach – for example, the birds may be more prone to being disturbed by humans in areas where such disturbance is uncommon.[1]

The Coal Oil Point Reserve's Management Plan includes a Snowy Plover Management Plan approved by the Commission in 2008 pursuant to CDP 4-08-007 that is meant to reduce disturbance to the plovers within the reserve area.[2] The Plan includes a public education component to inform beach users about the plover, provides for docents to monitor plovers and beach users, allows for signage and temporary fencing during nesting season, and includes

[1] See, for example, Lafferty, Kevin D., *Birds at a Southern California beach: seasonality, habitat use and disturbance by human activity*, in Biodiversity and Conservation, 2001, which describes the interaction of plovers and human uses at the Coal Oil Point Reserve. See also USFWS, *Biological Opinion for the Comprehensive Conservation Plan of Guadalupe Nipomo Dunes National Wildlife Refuge*, July 29, 2016.

[2] Sandoval, Cristina, and Susan Swarbrick, *Coal Oil Point Reserve Management Plan*, University of California, Santa Barbara, revised 2015. Along with plover protection, this Plan includes an access plan, a restoration plan, management measures, and other components meant to improve the Reserve's habitat values.

enforcement of beach use rules. The CSLC's proposed activities at Sites 8 and 9 would be subject to approval by the Reserve and would occur only during the earliest part of the plover breeding season when nests have been rarely observed at the Reserve.[3] The activities would also be subject to the Commission's previously-approved Special Conditions, including those described above and others meant to protect marine life, particularly that within the Reserve. For example, **Special Condition 9** specifically requires the CSLC to provide to the Executive Director written approval from the Reserve before starting work and **Special Condition 7** requires any fueling of equipment to take place away from the beach where removal work is being conducted.

The CSLC's proposed modification to **Special Condition 11's** timing restriction – i.e., allowing work during February – could result in staging and removal activities during the earliest part of the plover breeding and nesting season, but would include limitations on that work to ensure the proposed amendment does not lessen or avoid the intended protections originally required by the Commission. For example, the modified **Special Condition 11** would require additional surveys and monitoring to be conducted by a qualified biologist to detect plover breeding or nesting behavior near any proposed activities and would prohibit such activities if breeding or nesting was detected. Activities proposed during this period would also be subject to review and approval by the Director of the Reserve. The biologist would also have the ability to stop any work activities that results in disturbance to plovers. Any such disturbance would result in additional review and the potential need for an additional permit amendment to address any such incidents.

Conclusion: As proposed and conditioned, the Commission finds that the project will adequately protect marine resources and is therefore consistent with Sections 30230 and 30231 of the Coastal Act.

E. PUBLIC ACCESS

Coastal Act Section 30211 states:

> *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The project will result in relatively minor and temporary losses of public access to the shoreline due to the presence of workers and equipment on the beach and due to the need to maintain a safe area around the hazardous structures as they are being removed. Any additional work resulting from this permit amendment would occur during February, which is outside peak public use times, and is expected to take no more than several dozen hours total at all three sites, as described above. Additionally, the proposed activities are expected to provide improved public access by removing potentially hazardous structures from public beaches. Additionally, as noted in the Commission's previously approved **Special Condition 2**, the CSLC will treat any portions

[3] Personal communication from Director of Coal Oil Point Reserve, October 11, 2016.

of structures that cannot be fully removed so they present a smooth surface and thereby reduce risks for the beachgoing public as well as for marine life.

Conclusion: As proposed and conditioned, the Commission finds that the project will be protective of public access to the shoreline. For the reasons above, the Commission therefore finds that the project is consistent with Section 30211 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of the CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. Mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

File for Coastal Development Permit No. E-02-024

File for Coastal Development Permit No. E-02-024-A1

File for Coastal Development Permit No. E-02-024-A2

File for Coastal Development Permit No. E-02-024-A3

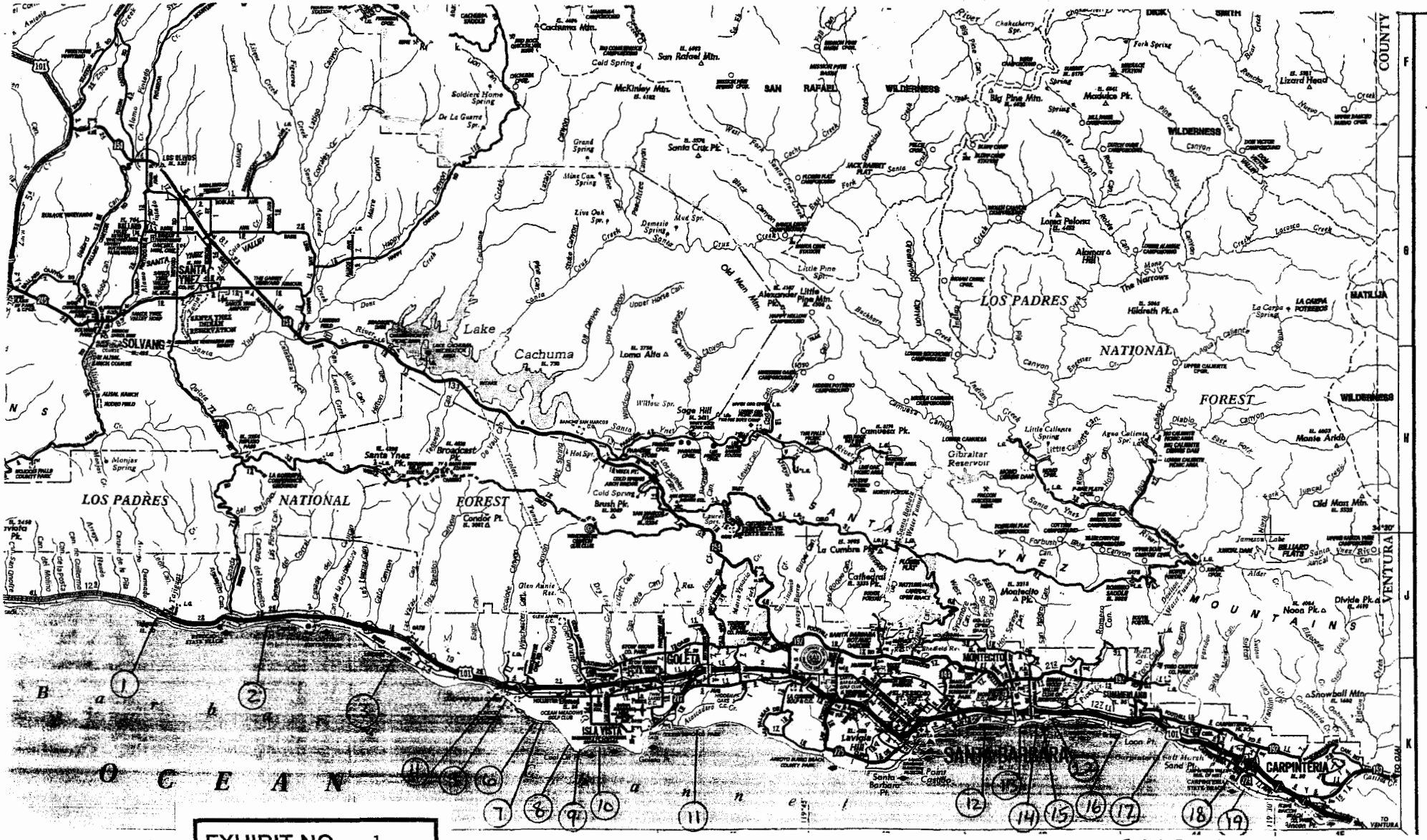

EXHIBIT "A"

EXHIBIT NO. 1
APPLICATION NO.
E-02-024-A4

– EXHIBIT 2 –

PREVIOUSLY APPROVED STANDARD AND SPECIAL CONDITIONS FOR E-02-024, AS AMENDED

Standard Conditions

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. **Project Timing Restrictions:** Project-related work shall not occur at the following sites during the following time periods:
   - Site 19 (Casitas Pier): Project activities shall not be done at this site during the harbor seal pupping season between December 1 and May 31 of any year.
   - Site 24 (Pauley well, offshore): Project activities shall not be done at this site during the gray whale migration seasons December 1 through February 28 of any year.
   - Various sites: The Permittee shall also consult with the California Department of Fish and Game (CDFG) to determine which project sites are used for grunion spawning. Project activities at those sites shall not occur between March 1 and September 15 of any year, unless those activities and a grunion monitoring plan are approved by CDFG.

2. **Prevention of Further Hazards:** If project-related structures are only partially removed during the project, the remaining parts of the structures that may be exposed shall be treated to present a smooth surface that will reduce the possibility of harm to human or marine life and will reduce snagging of marine debris.

3. **Eelgrass Survey and Mitigation:** The Permittee shall conduct pre- and post-project eelgrass surveys to determine whether eelgrass is damaged during project activities. The survey protocols shall be submitted to the Executive Director for review and approval, and shall, at a minimum, conform to the Southern California Eelgrass Mitigation Policy (Appendix B). The Permittee shall provide survey results to the Executive Director within 30 days of completing each survey.

   If the Executive Director determines that less than 10 square meters of eelgrass was damaged during project activities, the Permittee shall submit for Executive Director review and approval a mitigation plan that conforms to the protocols of the Southern California Eelgrass Mitigation Policy. If the Executive Director determines that 10 square meters or more eelgrass area was damaged, the Permittee shall submit an application for permit amendment to determine mitigation requirements.

4. **Anchoring Plan:** Before starting construction at project sites requiring anchoring, the Permittee shall provide an anchoring plan for review and approval by the Executive Director. This plan shall identify all areas of hard bottom substrate in the project area and shall include measures to avoid direct and indirect impacts to these areas. Project-related construction at sites where anchoring is necessary shall not begin before the Executive Director approves the plan.

5. ***Caulerpa taxifolia* Pre-construction Survey:** No earlier than 90 days and no later than 30 days before starting project construction, the Permittee shall complete a survey of the nearshore portion of the project area in accordance to the protocols established in Section D of the *Caulerpa* Control Protocol established by the Southern California *Caulerpa* Task Force, dated November 22, 2002. Within five (5) business days of completing the survey, the Permittee shall submit the results for review and approval by the Executive Director and the Task Force's Surveillance Subcommittee (contact William Paznokas, California Department of Fish and Game, at 858-467-4218 or Robert Hoffman, National Marine Fisheries Service, at 562-980-4043).

   If *Caulerpa taxifolia* is found within the survey area, the Permittee shall not proceed with the project until (a) the Permittee provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the survey area has been eliminated in a manner that complies with all applicable regulatory requirements, including the Coastal Act, or (b) the Permittee has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission-approved amendment to this coastal development permit, unless the Executive Director determines that an amendment is not required.

6. **Spill Prevention and Response Plan:** Before starting construction, the applicant shall submit evidence to the Executive Director that the spill response plan required of the project's work vessels and approved by the U.S. Coast Guard also meets the requirements of the California DFG Office of Spill Prevention and Response.

7. **Fueling and Fuel Storage:** At onshore project sites, equipment and vehicles shall be fueled away from the beach at staging areas over paved or impervious surfaces, and any fuel or petroleum products used for project equipment and vehicles shall be stored away from beach areas and within the staging area paved or impervious surfaces. Equipment and vehicles shall be inspected daily for fuel or fluid leaks, and leaking equipment or vehicles shall be repaired or replaced immediately. The Permittee shall have available at each staging area adequate spill containment equipment (e.g., absorbent materials, containment booms, etc.) to respond to any fuel or oil spills or leaks from project-related vehicles and equipment.

8. **Re-Vegetation:** The Permittee shall perform pre-and post-construction surveys to determine whether areas of terrestrial vegetation were disturbed during project activities. Surveys shall be completed no greater than 30 days before and after work at each site, and the Permittee shall provide survey results to the Executive Director no later than 30 days after each survey is completed. If the Executive Director determines that mitigation is required, the Permittee shall provide a mitigation plan for Executive Director review and approval within 60 days of the determination. That plan shall include a description of the types and densities of plants to be used, planting techniques and timing, monitoring requirements, and performance standards for planting success. After replanting the affected areas, the Permittee shall continue to monitor these areas for a minimum of one additional year following replanting to document site restoration. The Permittee shall submit a monitoring report with photographs to the Executive Director one year following replanting. The Permittee shall replant the areas and/or undertake other appropriate measures necessary to ensure full restoration of any areas disturbed by the permitted development.

[**Note:** The Commission approved **Special Conditions 9-11** as part of Amendment 3 to this CDP.]

9. **Previously-Approved Conditions:** All work approved pursuant to this amendment will be subject to the conditions of the original permit.

10. **Access:** Prior to staging equipment or removing structures at Sites 8 and 9, the permittee shall provide to the Executive Director written approval from the Coal Oil Point Reserve allowing access to these sites.

    Vehicle access is not permitted at Sites 8 and 9. Any vehicle or heavy equipment access to Sites 7 or 18 shall be via existing roadways to the beach and vehicles shall transit the beach between the access roadways and the sites within the zone of wetted sand only.

11. **Timing:** Staging and removal activities at Sites 7, 8, 9, and 18 shall occur only between September 15 and February 1 of any year.

SANTA BARBARA CHANNEL COASTAL HAZARDS REMOVAL PROGRAM

MITIGATION MONITORING PROGRAM (MMP) AND AIR QUALITY BEST MANAGEMENT PRACTICES (BMP)

OVERVIEW

This Mitigation Monitoring Program was developed to ensure that mitigation measures included in the Mitigated Negative Declaration (MND) are fully implemented to reduce environmental impacts to a less than significant level. In addition, the Mitigation Monitoring Program (MMP) complies with the requirements of Public Resources Code 21081.6, which requires the lead agency to adopt a reporting or monitoring program.

The core of this MMP is the attached Implementation Table (Table D-1) listing mitigation measures from the project's MND, implementation timing, documentation required, and the agency responsible for monitoring. The California State Lands Commission (CSLC) will coordinate all hazard removal activities through the construction superintendent and supporting contractors. CSLC will provide notification to the Los Angeles and Central Coast Regional Boards of project construction at least 10 days in advance. CSLC will also utilize engineering and environmental consultants to supervise project construction. This MMP is based on the following compliance actions:

- Oversight of construction activities
- Biological monitoring
- Archaeological monitoring

BIOLOGICAL MONITOR

A biological monitor will be designated by the CSLC to be onsite within the onshore and offshore portion of any project site at all times during project operation. The duties of the biological monitor will include, but not be limited to:

1. Become familiar with the intent of each mitigation measure of the MND.
2. Become familiar with this MMP.
3. Conduct surveys for sensitive avifauna (western snowy plover and California least tern) prior to the commencement of excavation activities within the onshore work.

4. Conduct the biological sensitivity briefing for construction employees.
5. Contact the construction superintendent each day to determine the work schedule.
6. Observe all work activities on a daily basis.
7. Issue stop work orders, if required, and ensure, in conjunction with CSLC staff, that non-compliance remedies are fully implemented.
8. Alert CSLC staff to situations requiring temporary shut-downs of the project due to sensitive species sightings.
9. Prepare daily reports.
10. Prepare draft and final reports for submittal to CSLC and the Los Angeles and Central Coast Regional Boards (401 Program Managers).

ARCHAEOLOGICAL MONITOR

An archaeological monitor will be designated by the CSLC to be onsite within the onshore portion of the project site at all required times during project operation. The duties of the archaeological monitor will include, but not be limited to:

1. Become familiar with the intent of each archaeological mitigation measure of the MND.
2. Become familiar with this MMP.
3. Conduct surveys in areas of sensitive archaeological resources prior to equipment being moved into the field.
4. Conduct the cultural resource sensitivity briefing for construction employees.
5. Coordinate with the construction superintendent each day to determine the work schedule.
6. Observe all work activities on a daily basis as required.
7. Issue stop work orders, if required, and ensure, in conjunction with CSLC staff, that non-compliance remedies are fully implemented.
8. Alert CSLC staff to situations requiring temporary shut-downs of the project due to cultural resource issues.
9. Prepare daily reports.
10. Prepare draft and final reports for submittal to CSLC.

AIR QUALITY BEST MANAGEMENT PRACTICES (BMP)

The Ventura County Air Pollution Control District has acknowledged that the Santa Barbara Channel Coastal Hazards Removal Project (Project) "is not expected to result in any significant regional or local air quality impacts." The District recommends that the following practices be observed, as appropriate, to minimize potential fugitive dust particulate matter releases associated with the Project.

1. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds to prevent excessive amounts of fugitive dust.
2. All trucks that will haul excavated or graded material off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling on to public streets and roads.
3. All unpaved on-site roads shall be periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.
4. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of fugitive dust.
5. All active portions of the site shall be either periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amount of dust.
6. On-site vehicle speeds shall not exceed 15 miles per hour.
7. Construction equipment and boat engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.
8. Facilities in Ventura County shall be constructed and operated in accordance with Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance.
9. Building demolition activities may cause possible exposure to asbestos. For Hazards sites in Ventura County, the applicant shall notify the Ventura County Air Pollution Control District prior to issuance of demolition permits for any onsite structures. Demolition and/or renovation activities shall be conducted in compliance with District Rule 62.7, Asbestos – Demolition and Renovation.

Mitigation Monitoring Required by California State Lands Commission for Santa Barbara Channel Hazards Removal Program – Implementation Table

Mitigation Number	Mitigation Measure	Implementation Timing	Documentation Required	Agency Responsible
BIOLOGICAL RESOURCES				
TBio-1	This mitigation measure is also intended for all sites. A qualified biologist shall be on-site to monitor the hazard removal sites. The level of monitoring conducted at each site will be dependent on the extent of sensitive resources within the applicable work site. The qualified biologist shall provide the following during project operations: • Pre-construction surveys for special-status plant and wildlife species known or potentially existing within the work sites prior to commencing project activities in the area. Specifically, with respect to sites 4,5, 6,7,8,9,16,18,20 and 24, prior to work activities, the offshore marine wildlife monitor would perform a pre-dive survey. If white abalone is identified within the work area, the NMFS shall be contacted in accordance to the Endangered Species Act and California	Throughout the construction period.	Biological Monitoring Sheet	CSLC

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	Department of Fish and Game. • Conduct an employee orientation program for all project personnel; and • Monitor all construction activity within 100 feet of wetlands or other designated sensitive habitat areas. Work at Sites 2,8,18, and 24 shall be delayed or redirected during periods of high flows in the creeks existing in proximity to such work sites if the biologist determines that the tidewater goby or Southern steelhead are present and would be put at risk by such work activities. • If snowy plovers are detected in the vicinity of sites 7, 8, 9 and 18, outside of the breeding season, construction activities will not take place until a qualified biologist determines that birds have moved away from the project area.			
TBio-2	Protective fencing shall be installed temporarily around sensitive plant	Throughout the construction period	Biological Monitoring Sheet and site	CSLC

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	communities and/or other sensitive biological resources that could be impacted during hazard removal activities.		photo logs.	
TBio-3	Work activities shall avoid breeding season (March 1- September) of those sensitive species currently known to exist within or adjacent to the work sites or which are discovered during hazard removal activities. A qualified biologist will conduct a survey prior to commencement of any work at sites with sensitive species. If any sensitive species are detected in the work area, construction activities will not take place until the qualified biologist determines that the animal(s) has moved away from the project area. For beach nesting species, see M Bio-9 at page D-8.	Throughout the construction period	Site monitoring sheets.	CSLC
TBio-4	To the extent feasible, the use of heavy equipment and vehicles shall be limited to existing roadways and defined staging areas/access points. The boundaries of each work area and staging area shall be clearly defined and marked with visible flagging or fencing.	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans. Biological Monitoring Sheet and site photo logs.	CSLC

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TBio-5	During transportation of equipment, water trucks shall be used to prevent airborne particles from leaving the project site in addition to impacting monarch butterfly over-wintering habitat.	Throughout the construction period	Biological Monitoring Sheet and site photo logs.	CSLC
TBio-6	All project related equipment shall adhere to a 15 mph speed limit on-site.	Throughout the construction period	Biological Monitoring Sheet and site photo logs.	CSLC
TBio-7	To reduce inadvertent release of fuel from construction areas to aquatic habitats, all refueling will occur only within designated refueling areas located at least 100 feet from known wetlands. All nearshore ,*i.e.*, within 100 ft of high tide line or within 100 ft of a coastal drainage, refueling and storage areas will be covered with an impervious material and surrounded by an earthen berm.	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans. Biological Monitoring Sheet and site photo logs.	CSLC
TBio-8	All areas that previously supported vegetation that are disturbed during work activities shall be replanted or reseeded with appropriate indigenous native or naturalized vegetation within a time period identified by the biologist to ensures greatest survival.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC

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TBio-9	Erosion control measures shall be implemented as necessary to prevent sediment runoff in all disturbed areas. Measures may include installation of jute-netting, erosion control logs, and silt-fencing.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-1	Minimize the use of tracked vehicles; rubber tire vehicles should be used wherever possible.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-2	Keep all vehicles above the highest high tide line and on dry sand wherever possible. At no time during project operations will vehicles be allowed to traverse identified coastal foredune habitat areas; traversing ice plant is acceptable, but minimize the area of impact by creating a temporary, minimal-width access route.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-3	Minimize the need to cross rock or boulder areas by planning beach access sites as close to the hazard site as possible and in areas where sand is present along the route from access point to hazard site.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC

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MBio-4	Complete mid- and low-intertidal (from +0.0 to –1.0 ft, MLLW) hazard removal during winter low tide periods and avoid disturbance of surf grass and rock habitat areas by minimizing the width of the work area corridor.	Prior to the start of Project Construction Throughout the construction period.	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-5	Access site by traversing the beach in a straight line from the highest high tide line to the lowest; do not "cut across" the beach, particularly in rocky habitat areas.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-6	"Sidecast" and store excavated sand inshore (higher on the beach) and above the highest predicted tide for the day. Refill holes with excavated material and remove all material and vehicles at the end of each day.	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-7	If vehicles traveling from the access point to the site(s) cannot avoid rocky intertidal habitats, use temporary wooden or steel sheets to "ramp" the rocks. Sediment/sand should not be used to cover the rocky habitat. Onsite sand can be used to cover cobble (rocks 1 ft or less in diameter) habitats along the access to site corridor. Restrict the	Prior to the start of Project Construction Throughout the construction period	Review of Grading and Erosion Control Plans. Biological Monitoring Sheet and site photo logs.	CSLC

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	width of the route to the widest vehicle.			
MBio-8	Locate access sites away from coastal streams wherever possible and utilize existing bridges to cross. Avoid crossing or damming coastal streams that are flowing across the beach and prevent project-related discharges or trash to enter coastal streams.	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-9	Avoid conducting work activities within or adjacent to designated marine mammal rookeries and beach-area bird nesting sites during active breeding periods. Schedule removal activities during periods of non-use by these species. No removal activities will occur in such areas until the biologist has determined that snowy plovers are no longer present in identified nesting areas. To the extent feasible, establish a 500 ft buffer area around work areas in marine mammal haul out areas (removal activities should cease if marine mammals are observed within the buffer area).	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans. Biological Monitoring Sheet and site photo logs.	CSLC
MBio-10	Complete removal activities on grunion spawning beaches after mid-September and before early March. If activities	Throughout the construction period	Biological Monitoring Sheet and site photo logs.	CSLC

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	must occur during the period between March and mid-September, consult with CDFG and prepare a grunion monitoring plan.			
MBio-11	Conduct a pre-anchoring survey at all proposed offshore anchoring sites and re-locate any proposed anchor sites at least 20 ft away from rocky substrate, surf grass, eelgrass, or kelp beds	Prior to start of offshore anchoring activities	Review of pre-anchoring survey and final anchoring plan.	CSLC
MBio-12	Use crown buoys and near-surface anchor lines if rock substrate, surf grass, eelgrass, or kelp is between the anchor location and vessel.	Throughout offshore work period.	Biological Monitoring sheet and site photo log.	CSLC
MBio-13	Vessels requiring multiple anchors should deploy those anchors with an anchor-assist vessel; recover anchors vertically and avoid dragging anchors across the seafloor.	Throughout offshore work period.	Biological Monitoring sheet and site photo log.	CSLC
MBio-14	Avoid traversing surface kelp areas when accessing nearshore and offshore hazard sites by vessel.	Throughout offshore work period.	Biological Monitoring sheet and site photo log.	CSLC
MBio-15	To the extent feasible, schedule offshore activities for periods other than grey whale migration seasons. All marine vessel operations shall be conducted in accordance with the procedures outlined in the Marine Wildlife Contingency	Review of Marine Wildlife Contingency Plan Throughout offshore work period.	Prior to start of offshore work. Biological Monitoring sheet and site photo log.	CSLC

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	Plan. Have an agency-approved marine mammal monitor onboard the vessel and provide him/her with the authority to cease operations if marine mammals are within 0.10 miles of the removal activity.			
MBio-16	Have an oil spill response/recovery plan for all offshore operations that require petroleum products to be onboard. Train all onboard personnel on actions to be taken in the event of an oil spill.	Review and implementation and Oil Spill Contingency Plan.	Prior to start of offshore work.	CSLC
MBio-17	Minimize the number of anchors and the water depth-to-anchor line length ratio for offshore operations without jeopardizing the safety of the operations.	Prior to start of offshore anchoring activities Throughout offshore work period.	Review of pre-anchoring survey and final anchoring plan. Biological Monitoring sheet and site photo log.	CSLC
MBio-18	A qualified biologist shall be on-board to monitor hazard removal sites where a boat is required. The level of monitoring conducted at each site will be dependent on the extent of sensitive resources within the applicable work site. The qualified biologist shall provide the following during project operations: • Pre-anchoring surveys for special-status	Throughout the offshore work period.	Biological Monitoring Sheet	CSLC

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	species known or potentially existing within the work sites prior to commencing project activities in the area. • Conduct an employee orientation program for all project personnel.			
CULTURAL RESOURCES				
Cul-A,B,D-1	As the California Central Coast is a significant archaeological resource for the state, environmental monitors will exercise increase awareness with respect to archaeological materials at all hazard removal sites.	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans and Grading and Erosions Control Plans. Archaeological Monitoring Sheet and site photo logs.	CSLC
Cul- A,B,D-2	At all hazard removal sites and before commencing work, project crews and personnel shall be informed of the importance of the potential archaeological resources in the area and of the regulatory protections afforded to the resources. The crew should be informed of procedures relating to the discovery of archaeological remains	Prior to the start of project activities	Briefing attendance sheet.	CSLC

Mitigation Number	Mitigation Measure	Implementation Timing	Documentation Required	Agency Responsible
	during project activities and cautioned to avoid archaeological areas with equipment and not to collect artifacts. Personnel and the crew should inform their supervisor and the on-site monitor should cultural remains be uncovered.			
Cul- A,B,D-3	Known archaeological sites shall be avoided, so as not to inflict a significant impact to the site. Avoidance can be accomplished by having the archaeologist and project engineer demarcate cultural resource boundaries on the ground to ensure that proposed project improvements do not impinge on the resource(s). Construction equipment can then be directed away from the resource, and construction personnel directed to avoid entering the area.	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans and Grading and Erosions Control Plans. Archaeological Monitoring Sheet and site photo logs.	CSLC
Cul- A,B,D-4	Archaeological monitoring is required during project activities at these sites: Site No. 2: El Capitan State Beach Site No. 4: Ellwood West of VENOCO Ellwood Pier	Prior to the start of Project Construction Throughout the construction period	Review of Traffic Management and Access Plans and Grading and Erosions Control Plans. Archaeological Monitoring Sheet and site	CSLC

Mitigation Number	Mitigation Measure	Implementation Timing	Documentation Required	Agency Responsible
	Site No. 5: Ellwood East of VENOCO Ellwood Pier Site No. 7: Santa Barbara Shores Drive (B) Site No. 10: Isla Vista Site No. 18: Carpinteria State Beach Site No. 22: Ortega HillEast Fernald Point Site No. 23: Rincon Point		photo logs.	
Cul- A,B,D-5	At all hazard removal sites, if buried cultural resources, such as lithic debitage or groundstone, shell midden, historic debris, building foundations, or human bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until the Project Archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in accordance with the CSLC, the State Historic Preservation Officer (SHPO) and other appropriate agencies. Any non-burial cultural resource artifacts recovered will become the	Throughout the construction period.	Archaeological Monitoring Sheet and site photo logs.	CSLC

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	property of the Native Americans, with the disposition of the artifacts carried out as per the approved County Guidelines			
Cul-A,B,D-6	At the Pauley Well site, fly-over anchoring and a pre-anchoring survey at all proposed offshore anchoring sites shall be conducted in order to avoid impacting any previously unidentified historic shipwrecks. Any proposed anchoring sites on or near a historic shipwreck shall be moved at least 20 feet away	Prior to start of offshore anchoring activities	Review of pre-anchoring survey and final anchoring plan.	CSLC
Cul- A,B,D-7	Prior to initiation of work at hazard sites identified as being adjacent to known archaeological sites, an archaeologist will conduct a pre-survey for marine and terrestrial cultural resources. This pre-survey shall include a Native American monitor at Hazard Site No. 18, Carpinteria State Beach. If any previously unidentified, intact cultural resources are identified during the pre-surveys at Hazard Site No. 2 and 18, El Capitan and	Throughout the construction period.	Archaeological Monitoring Sheet and site photo logs.	CSLC

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	Carpinteria State Beaches, work will not begin until the State Archaeologist is notified and further action discussed. If Native American human remains are discovered during project construction at any hazard removal site, the Project Archaeologist shall be notified and state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Pub. Res. Code Sec. 5097), shall be followed. The coordination of the procedures outlined in the Proposed Native American Burial Protection Plan is the responsibility and under the authority of the California State Lands Commission. In the event that human remains are unearthed, all work shall stop in the area of the find and any nearby area reasonably suspected to overlie adjacent human remains and the County Coroner notified. If the remains are determined to be of Native American			

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	descent, the Coroner shall notify the NAHC within 24 hours. Reburial or disposal of human remains shall be conducted according to the instructions of the most likely descendent, as identified by the NAHC.			
GEOLOGY AND SOILS				
Geo-1	A grading and erosion control plan shall be prepared for all areas of active cut or fill activities. Recontouring/regarding of all disturbed areas shall match the surrounding terrain, including drainage links. The grading and erosion control plan shall be designed to minimize erosion and include: • Grading schematics with site specific diagrams and erosion control methods. • Graded areas shall be revegetated immediately following completion of hazard removal. Timing of revegetation may vary depending on vegetation areas and weather conditions. • Site specific detailed temporary erosion and	Prior to the start of project work activities	Review of Grading and Erosion Control Plan.	CSLC

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	sediment control plans shall be developed for all drainages and creeks and excavation areas with steep slopes. • Where appropriate, Geotextile binding fabrics or erosion control netting shall be required to hold slope soils until vegetation is established. • Straw bales, sedimentation fencing, soil compaction, water bars, trench plugs, baffle boards and trench drains shall be used to control erosion and revegetation.. The plan shall include a post-construction inspection plan to inspect all areas of excavation and vegetation removal and, if necessary, repair areas of erosion.			
Geo-2	All beach excavations shall be backfilled with native materials to the extent feasible	Throughout the construction period	Daily Site Monitoring sheets and photo logs	CSLC
HAZARDS AND HAZARDOUS MATERIALS				
Haz-1	Equipment staging areas shall be identified which are located at least 100	Prior to the start of Project Construction	Review of Traffic Management and Access	CSLC

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	feet from any water body or wetlands. All staging, fueling, and maintenance of vehicles shall be conducted in designated staging areas. Equipment shall be provided with drip pans nightly to prevent soil contamination during periods of inactivity. The contractor shall maintain spill containment and clean-up materials on-site during the construction activities. Any soil contaminated by fuels or petroleum-based products shall be immediately removed and placed in DOT-approved drums and properly disposed in accordance with state and federal regulations.	Throughout the construction period	Plans and Grading and Erosions Control Plans. Daily Site Monitoring Sheet and site photo logs.	
Haz-2	All heavy equipment and supplies shall be removed from the beach each day. When equipment must be left on the beach overnight, it must be stored above the tide and will not block public use of the beach.	Throughout the construction period	Daily Site Monitoring Sheet and site photo logs.	CSLC
NOISE				
N-1	Use of heavy equipment or other high noise producing tools, e.g., concrete breakers, and	Throughout the construction period	Daily Site Monitoring Sheet and site photo logs.	CSLC

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	concrete saw, at the project site will be limited to the hours of 7:00 am to 5:00 pm. and will be restricted to Monday through Friday unless otherwise agreed to by the affected neighbors (It may be desirable to have longer construction hours if it would reduce the overall construction period duration).			
N-2	Nearby residents will be given advanced written notification of construction activity scheduling and hours of construction.	Prior to start of project site work.	Copy of notification.	CSLC
N-3	Noise producing stationary equipment, e.g., generators, shall be shielded and located as far as possible from residences.	Throughout the construction period	Daily Site Monitoring Report	CSLC
RECREATION				
Rec-1	All work areas will be clearly delineated by safety fencing and/or an on-site monitor will be present to direct individuals around the work area. Staging areas shall be located away from major recreation paths and clearly fenced during non-work hours.	Throughout the construction period	Daily Site Monitoring Report and photo logs	CSLC

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TRANSPORTATION				
Trans C-1	A Traffic Management and Access Plan shall be prepared for each significant access area. These plans shall include, but not limited to, the following items: • A designated access route map and discussion. • A description and map for designed parking and staging areas. • Designation of flagmen and/or traffic control signage or measures. • Railroad crossing procedures including coordination requirements for Union Pacific Railroad permits.	Prior to construction activities, and maintained throughout construction period	Submission of Traffic Management and Access Plan	CSLC

- End of Table -