

CALIFORNIA COASTAL COMMISSION

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



Th18a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-16-1055

Applicant: City of Goleta & Santa Barbara County Trails Council

Agent(s): Mark Wilkinson, Santa Barbara County Trails Council

Project Location: Ellwood Mesa Open Space, Goleta, Santa Barbara County (APNs: 079-210-013, -014, -015, -024, -069, -070, -071 & -072)

Project Description: Implementation of the Ellwood Mesa Coastal Trails and Habitat Restoration Project which includes: 1) drainage and trail surface improvements to 1.56 miles of existing coastal trails and realignment of 0.54 miles of existing trails, 2) improvements to three trail drainage crossings, 3) improvements to two existing beach access points, and 4) 13 acres of habitat restoration. The project also includes 1,800 cu. yds. of associated grading (900 cu. yds. of cut and 900 cu. yds. of fill).

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **nine (9) special conditions** regarding: (1) Required Approvals, (2) Plans Conforming to Engineer's Recommendation, (3) Assumption of Risk, Waiver of Liability and Indemnity Agreement, (4) Biological Surveys and Construction Monitoring, (5) Final Habitat Restoration and Enhancement Program, (6) Construction Staging Area and Fencing, (7) Interim Erosion Control Plans and Construction Responsibilities, (8) Public Access Program, and (9) Archaeological/Cultural Resources.

The City of Goleta and Santa Barbara County Trails Council are proposing the Ellwood Mesa Coastal Trails and Habitat Restoration Project on the Ellwood Mesa Open Space Area. The

proposed project would improve approximately 2.1 miles of existing coastal trails on Ellwood Mesa (Juan Bautista de Anza and California Coastal Trails). The proposed project would include improvements to 1.56 miles of existing trail surfaces, including leveling and eliminating ruts or ridges within the trail, and approximately 0.54 miles of trail realignment to re-route the trails around sensitive habitat areas. Trails would generally remain as natural earthen trails six to 10 feet in width, or narrower in areas where there is low foot traffic and it is necessary to have a reduced width to avoid sensitive habitat areas. The proposed project also includes improvements to three drainage crossings (Gully A, Drainage A, and Devereux Creek) and two existing beach access points, approximately 13-acres of habitat restoration, and approximately 1,800 cu. yds. of associated grading (900 cu. yds. of cut and 900 cu. yds. of fill).

Ellwood Mesa Open Space Area (Ellwood Mesa) provides one of the largest contiguous open space areas along the South Coast of Santa Barbara County, and is characterized by coastal mesas and steep coastal bluffs bisected by Devereux Creek. Eucalyptus woodlands form a dense canopy surrounding Devereux Creek. Coastal bluff, dune scrub and foredune habitats dominate the coastal bluff, and native grassland, non-native annual grassland, and coyote brush scrub dominate the habitats on the mesa. Additionally, vernal pools are abundant in topographic depressions on Ellwood Mesa. These habitat areas also support a number of sensitive plant and wildlife species. The Ellwood Open Space Area also includes the Coronado Butterfly Preserve, which is one of the largest monarch butterfly overwintering groves in California.

The existing Ellwood Mesa trail network, including existing Beach Access Points E and F, are impacted by erosional gullies and potholes resulting from past grading, uncontrolled site drainage, and continuous trail use without proper maintenance. More than 70 percent of the existing Coastal Trail and Anza Trail are entrenched (i.e., below the grade of surrounding areas) which contributes to poor drainage and erosion of the trails and adjacent areas.

The proposed project would improve public access throughout Ellwood Mesa; however construction would occur in habitat areas that meet the definition of environmentally sensitive habitat areas (ESHA). Specifically, the trail realignments and the construction of the boardwalk bridges will result in approximately 0.17-acres of impacts to ESHA. Pursuant to Coastal Act Section 30240, only resource-dependent uses are allowed in ESHA, and only if the habitat is protected against any significant disruption of habitat values. The Commission has a long history of approving trail projects, including boardwalks, within a variety of habitats determined to be ESHA. In such approvals, the Commission has found that although trails through ESHA may impact a portion of environmentally sensitive habitat area to allow for public access to and through ESHA, trail development may be considered a form of nature study or similar resource-dependent activity because: (1) it is a development type that is integral to the appreciation and comprehension of the biophysical elements that comprise an environmentally sensitive habitat area; and (2) the trail is dependent upon the presence of the natural resource through which it passes to provide a nature study experience. Therefore, the proposed trail improvements constitute resource dependent uses and may be permitted within ESHA if the ESHA is protected against significant disruption of habitat values. In this case, there would be a small area of permanent impacts to ESHA over a very large project site. Furthermore, the project includes

rerouting existing trails to avoid ESHA areas, including vernal pools, and all new trail segments have been designed to avoid ESHA impacts to the maximum extent feasible.

The proposed project would also enhance existing coastal trails by improving access across three drainages through installation of boardwalk crossings, which will utilize screw pile technology that does not require engineered foundations on either side of the drainage channels. In addition, the proposed project includes the removal of built up sediment and existing pipes from the middle of the Devereux Creek channel in order to reestablish a normal creek flow, as well as restoration of the creek streambed and riparian habitat. Pursuant to Section 30236 of the Coastal Act, certain types of channelization projects and other developments resulting in the alterations of rivers and streams may be allowed where the primary function is the improvement of fish and wildlife habitat, such as the proposed project, and only if such development incorporates the best mitigation measures feasible. In this case, the proposed boardwalk drainage crossings, removal of existing sediments and pipes within the creek bed to restore the normal creek flow, and the proposed riparian habitat restoration, constitutes development that will improve fish and wildlife habitat which is considered an allowable type of development within a stream. Furthermore, the proposed restoration would serve to enhance and restore the biological productivity and the quality of coastal waters.

In addition, implementation of the project would result in approximately 13-acres of total restoration, which would result in mitigation at a 25:1 ratio for the impacted habitat resulting from the vegetation removal associated with the proposed trail realignments and new boardwalk crossings. The Restoration Plan provided by the applicant includes detailed methods for non-native plant removal and technical details for restoration planting. However, the submitted plan lacks detail regarding monitoring and success criteria. Therefore, Special Condition Five requires the applicant to submit a final restoration plan, prepared by a qualified biologist or resource specialist, that clearly identify interim and final success criteria and performance standards to ensure that implementation of the proposed Restoration Plan results in the successful establishment of native habitats over and annual monitoring reports are submitted to the Commission.

The majority of the trail grading and other work will occur within existing trail alignments and will serve to improve drainage thereby reducing erosion and sedimentation of waterways. The trail realignment, including restoration of abandoned trail routes, will enhance habitat values and reduce public use of particularly sensitive habitat areas. Finally, the proposed habitat restoration will mitigate for the impacted habitat and restore a large area of habitat that was degraded through historic land uses. Therefore, the proposed project, as conditioned, will avoid significant disruption of habitat values in ESHA as required by the Coastal Act.

Ellwood Mesa is a popular recreation area, and the proposed project would improve, enhance, and maintain public access and passive recreation amenities such as trails, pedestrian drainage crossings, and beach access point stairways. In order to ensure the safety of recreational users of the project site and that interruption to public access at the project site is minimized during construction, Special Condition Eight requires that the applicant maintain public access to the beach during construction activities and requires the applicant to post each construction site with

a notice indicating the expected dates of construction and/or public access or parking lot closures.

Further, historic archeological and Native American resources are known to be present in the general project vicinity. The project area was previously surveyed for cultural resources in 1991; however, no sensitive historic or cultural resources were identified. Nevertheless, although the project involves only minor amount of earth disturbance, to ensure that impacts to archaeological resources are minimized, Special Condition Nine requires the applicant to prepare and submit an archaeological/cultural resources monitoring plan prepared by a qualified professional. The monitoring plan shall identify any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site that could be impacted by the approved development. Further, the monitoring plan shall require that archaeological and Native American monitors be present during all grading excavation operations.

The standard of review for this project is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. The Motion and Resolution for the staff recommendation can be found on Page 5 of this staff report.

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EXHIBITS

[Exhibit 1. Vicinity Map](#)

[Exhibit 2. Ellwood Mesa Aerial Photo](#)

[Exhibit 3. Project & Grading Plans](#)

[Exhibit 4. Proposed Trail Route](#)

[Exhibit 5. Ellwood Mesa Trails & Habitat Restoration Project Plan](#)

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission **approve** Coastal Development Permit No. 4-16-1055 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 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 or 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.

III. SPECIAL CONDITIONS

1. Required Approvals

By acceptance of this permit, the applicant acknowledges and agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including, but not limited to, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Quality Board, and Regional Water Quality Control Board). Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require an amendment to the coastal development permit pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Plans Conforming to Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all the plans and reports prepared by a registered engineer that are referenced as Substantive File Documents. These recommendations, including recommendations concerning site preparation, boardwalk crossing installation, best management practices (BMPs), and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by a registered engineer prior to commencement of development.

The final plans approved by the engineer shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or new coastal development permit.

3. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, fire, storm waves, tsunami, surges, flooding and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

4. Biological Surveys and Construction Monitoring

By acceptance of this permit, for any construction activities, the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, “environmental resource specialist”) to conduct sensitive species surveys (including birds and terrestrial species) and monitor project operations associated with all construction activities, including grading, excavation, and vegetation removal. At least 30 calendar days prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resource specialist, for the review and approval of the Executive Director. The applicant shall have the environmental resource specialist ensure that all project construction and operations are carried out consistent with the following:

- A. The applicant and environmental resource specialist shall hold a pre-construction meeting followed by weekly updates for all construction personnel about the environmental sensitivity of the site, the construction/BMPs requirements and reporting rules to avoid adverse impacts, and the particular species of concern.
- B. The environmental resource specialist shall conduct surveys 30 calendar days prior to commencement, or recommencement, of the approved construction activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted 3 calendar days prior to the initiation of construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.
- C. In the event that any sensitive species are present in or adjacent to the construction area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the qualified biologist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The environmental resource specialist must have the requisite permits for working with/handling the respective sensitive species. The applicant shall immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.
- D. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or heron is found, the applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The applicant shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
- E. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor or heron is found within 300 feet of construction activities (500 feet for raptors), the applicant shall retain the services of an environmental

resource specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resource specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest(s) site. If construction noise exceeds a peak level of 65 dB at the nest(s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft. for raptors) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

- F. The environmental resource specialist shall be present during all construction, grading, excavation, and vegetation removal activities. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive habitats or wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit or a new coastal development permit.
- G. For the purpose of this special condition, “sensitive species” shall be taken to mean any special-status wildlife species. Special-Status Species are species listed as Endangered, Threatened, or Rare under the federal or state Endangered Species Acts, Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guildlines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern, and locally important species including raptors, herons, and songbirds.

5. Final Habitat Restoration and Enhancement Program

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Final Habitat Restoration, Enhancement and Monitoring Program for Ellwood Mesa Coastal Trails prepared by a qualified environmental resource specialist(s) with qualifications acceptable to the Executive Director, in substantial conformance with the Draft Habitat Restoration and Enhancement Plan for Ellwood Mesa Coastal Trails, dated July 7, 2014. The program shall address all proposed restoration areas depicted on Exhibit 5, as well as the revegetation/enhancement of all sensitive habitat areas of the project site that will be either temporarily or permanently disturbed by grading and construction/demolition activities, permanently displaced due to the installation of the proposed trail improvements, boardwalks, or beach access drainage improvements.

- A. This plan shall include, but not be limited to, the following:

1. A description of the goals of the restoration plan, including topography, hydrology, vegetation/habitat types, sensitive species, and wildlife usage.
2. A baseline assessment of vegetation and habitats on site including a vegetation map that depicts the distribution and abundance of any sensitive species, detailed descriptions of existing conditions, and photographs taken from pre-designated sites annotated to the map.
3. A schematic map/plan of the proposed restoration and enhancement plan including elevations, grading, habitat types and boundaries, trails, bridges, and any other development associated with the project.
4. The location, type, and height of any temporary fencing and timing as to when this fencing will be removed.
5. Habitat enhancement shall include, at a minimum, the removal of any and all invasive plant species and revegetation of all disturbed areas with appropriate native species of local genetic stock, including areas where invasive and non-native plants were removed. Plans must indicate that invasive plant species shall be removed from all development and restoration areas until habitat is successfully established pursuant to the final success criteria in B.2 below.
6. Non-native or invasive species shall be removed by hand where feasible and herbicide use shall be minimized. If the applicant's environmental resource specialist determines that herbicide is necessary to ensure successful re-establishment of native plant species on site, then it shall be restricted to the use of HabitatTM (previously ImazapyrTM) herbicide. 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.
7. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used for the life of the restoration project.
8. A description of the planting palette (seed mix and container 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 and that are grown from seeds or vegetative materials obtained from local natural habitats 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 restoration and enhancement plan. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or

allowed to naturalize or persist. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized or maintained.

9. Provision for collection and maintenance, as appropriate, of native wetland and upland plant species, that would be removed by the project, for future planting. Native wetland and upland plant seeds shall also be collected in anticipation of future plantings. The plan must include a description of the method for collecting, storing, and re-using existing wetland and upland plants, cuttings, and seeds.
 10. Sufficient technical detail 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.
 11. Documentation of performance standards, which provide a mechanism for making adjustments to the restoration or enhancement project when it is determined, through monitoring, or other means that the program techniques are not working.
 12. Documentation of the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
- B. Monitoring Program. Said monitoring program shall set forth the methods, criteria and performance standards by which the success of the enhancement and restoration shall be determined. The monitoring program shall include but not be limited to the following:
1. Description of the sampling methods (transects, quadrats, photo plots, etc.) that will be employed to track the success of the restoration and enhancement program.
 2. Interim and Final Success Criteria. Interim and final success criteria shall include, as appropriate: species diversity, total ground cover of vegetation, vegetative cover of dominant species and definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual “target” species. The success criteria may be based on appropriate reference sites identified for each habitat type or from the peer-reviewed literature.
 3. Interim Monitoring Reports. The applicant shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a qualified environmental resource specialist indicating the progress and relative success or failure of the restoration and enhancement on the site. This report shall also include further recommendations and requirements for additional restoration and enhancement 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

revegetation/enhancement project in relation to the interim performance standards and final success criteria.

4. Final Report. At the end of the five-year period, a final detailed report on the revegetation/enhancement shall be submitted for the review and approval of the Executive Director. If this report indicates that the revegetation/enhancement project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant 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 submitted to the Executive Director, for review and approval.

5. Monitoring Period and Mid-Course Corrections. During the five-year monitoring period, all artificial inputs (e.g., irrigation, soil amendments, plantings) shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the survival of the revegetation/enhancement site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the revegetation/enhancement is insured. The revegetation/enhancement site shall not be considered successful until it is able to survive without artificial inputs.

C. The applicant 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 this coastal development permit or a new coastal development permit, unless the Executive Director determines that no new amendment or permit is legally required.

6. 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 and that the California Coastal Commission has not authorized any development in wetlands or other environmentally sensitive habitat except for the purpose of carrying out restoration activities and resource dependent activities approved through this coastal development permit. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Each phase of construction shall be staged, temporarily fenced, and carried out to maximize protection of ESHA and wetlands, including restored and enhanced areas. ***Prior to the issuance of the coastal development permit***, the applicant shall submit a final Construction Staging and Fencing Plan, for the review and approval of the Executive Director which demonstrates that the construction zone, construction staging area(s) and construction corridor(s) for construction avoid impacts to wetlands and other sensitive habitat consistent with this approval. The plan shall include the following requirements and elements:

1. Protective fencing shall be used around all ESHA, wetland areas, and their associated buffers that may be disturbed during construction activities.

2. Construction equipment, materials, or activity shall not be placed/occur within any ESHA, wetlands or their buffers, or in any location which would result in impacts to wetlands or other sensitive habitat.
3. No grading, stockpiling or heavy equipment shall occur within ESHA, wetlands or their designated buffers, except for restoration activities as approved through this coastal development permit.
4. No construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitats or wetlands, storm drain, receiving waters, or be subject to wind erosion and dispersion;
5. 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 with respect to existing wetlands and sensitive habitat; and public access route through/around the site.
6. 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.
7. The plan shall indicate the condition and timing for removal/restoration of designated staging areas, construction zones, and corridors for each phase of construction.
8. The above requirements shall not be interpreted to exclude approved restoration activities.

B. The applicant 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 an amendment to the coastal development permit is needed unless the Executive Director determines that no amendment to the permit is needed.

7. Interim Erosion Control Plans and Construction Responsibilities.

- A. *Prior to the issuance of the coastal development permit*, the applicant shall submit a final Erosion Control, Construction and Pollution Prevention Plan, prepared and certified by a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control Plan and Construction Best Management Practices (BMPs) plans are in conformance with the following requirements:
1. Erosion Control Plans
 - a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
 - b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
 - c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
 - d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins

(including debris basins desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.

- e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- g) All temporary, construction related erosion control materials shall be comprised of biodegradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to waves, wind, rain, or tidal erosion and dispersion.
- b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place

unless the Executive Director determines that no amendment or new permit is legally required.

- h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
 - i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
 - j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
 - l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
 - m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- B. The final Interim Erosion Control and Construction Management Practices Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director determines that no amendment is required.

8. Public Access Program.

- A. *Prior to the issuance of the coastal development permit*, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Program that describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around construction areas, shall be maintained during all project operations. Where public paths or bikeways will be closed during active operations, adequate fencing and signage shall be used. The applicant shall maintain public access pursuant to the approved version of the report. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.
- B. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or public access or parking lot closures.

9. Archaeological/Cultural Resources.

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director an archeological/cultural resources monitoring plan prepared by a qualified professional, which shall incorporate the following measures and procedures:

- A. The monitoring plan shall identify any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site that could be impacted by the approved development, and shall include a plan for their protection. The monitoring plan shall require that archaeological and Native American monitors be present during all grading excavation operations (such as grading excavation for Gully A, Drainage A and Devereux Creek crossings, and Beach Access Point “E” and “F” construction) that has the potential to impact cultural resources. The monitoring plan shall also specify that there shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological/cultural or paleontological resources.
- B. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading that has the potential to impact cultural resources, as required in the approved cultural resources monitoring plan required above.
- C. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and subsurface construction activities that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- D. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix B). The permittee shall submit all significance testing results and analysis to the Executive Director for a determination of whether the deposits are significant.
- E. If the Executive Director determines that the discovery is significant, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

Project Description

The City of Goleta and the Santa Barbara County Trails Council are proposing the Ellwood Mesa Coastal Trails and Habitat Restoration Project on the Ellwood Mesa Open Space Area. The proposed project would improve approximately 2.1 miles of existing coastal trails on Ellwood Mesa (Juan Bautista de Anza and California Coastal Trails). This would include improvements to 1.56 miles of existing trail surfaces, including leveling and eliminating ruts or ridges within the trail, and approximately 0.54 miles of trail realignment to re-route the trails around sensitive habitats areas. Trails would generally remain as natural earthen trails six to 10 feet in width, or narrower in areas where there is low foot traffic and it is necessary to have a reduced width to avoid sensitive habitat areas. The proposed project also includes improvements to three drainage crossings (Gully A, Drainage A, and Devereux Creek) and two existing beach access points, approximately 13-acres of habitat restoration, and approximately 1,800 cu. yds. of associated grading (900 cu. yds. of cut and 900 cu. yds. of fill) (Exhibits 1-2).

The project site is located within the approximately 224-acre Ellwood Mesa Open Space Area (Ellwood Mesa), within the City of Goleta. The project area is bounded by Hollister Avenue to the north, the Ellwood Shores neighborhood to the north and east, the Venoco Ellwood Marine Terminal and Coal Oil Point Nature Reserve to the east, the Comstock Homes (The Bluffs) residential subdivision and Sandpiper Golf Course to the west, and Ellwood Beach as well as the Pacific Ocean to the south. Hollister Avenue runs in an east-west direction and provides access to Sperling Parking Lot, a 40-space public parking lot at the Ellwood Mesa trailhead (Exhibit 1).

The existing Ellwood Mesa trail network, including the two existing Beach Access Points E and F, are impacted by erosional gullies and potholes resulting from past grading, uncontrolled site drainage and continuous trail use without proper trail maintenance. More than 70 percent of the existing Coastal Trail and Anza Trail are entrenched (i.e., below the grade of surrounding areas) which contributes to poor drainage and erosion of the trails and adjacent areas. Gullied sections of the trail have become a problem, resulting in steep grades in areas, which often make the trail difficult to use. These grades present an impediment to trail use at the drainage crossings and beach access points, where they reach 14 to 40 percent respectively. Additionally, trail users often bypass wet and muddy sections of the existing trail during the winter months, creating trail braids, which results in damage to sensitive habitat areas (e.g., vernal pools), and exacerbates trail and blufftop erosion.

Environmental Setting

The proposed project is located entirely within the Ellwood Mesa Open Space Area (Ellwood Mesa). Ellwood Mesa provides one of the largest contiguous open space areas along the South Coast of Santa Barbara County. The Ellwood Mesa is characterized by coastal mesas and steep coastal bluffs bisected by Devereux Creek. Eucalyptus woodlands form a dense canopy surrounding Devereux Creek. Coastal bluff, dune scrub and foredune habitats dominate the coastal bluff, and native grassland, non-native annual grassland, and coyote brush scrub dominate the habitats on the mesa. Additionally, vernal pools are abundant in topographic

depressions on Ellwood Mesa. The Ellwood Open Space Area also includes the Coronado Butterfly Preserve, which is one of the largest monarch butterfly overwintering groves in California.

Detailed Description of Project Components

The proposed project consists of the following elements:

Proposed Trail Route and Improvements:

The proposed project would improve public access throughout Ellwood Mesa and to associated beach access points. The proposed project includes specific trail improvements for seven areas of the existing trail system (Exhibit 3), including the two beach access points connecting the blufftop to Ellwood Beach. The trail system as proposed would largely follow the existing trail network, comprising the California Coastal Trail (Coastal Trail) and Juan Bautista de Anza Trail (Anza Trail). Because the required improvements vary in different trail segments, the proposed project has been divided into seven components, and is described below.

Sperling Parking Lot to Gully Crossings (Component 1)

From the Sperling parking lot, the existing shared Coastal Trail-Anza Trail continues for 500 feet to the south to a point where it veers to the southwest. The proposed project would narrow this existing trail segment to a width of ten feet and adjacent areas would be restored. At the point where the trail veers to the southwest, 550 feet of new trail through a meadow area would be constructed. The original trail would be revegetated with native species and signs and eucalyptus logs, branches or other natural materials would be installed to guide trail users through restored areas and past the closed trail. Approximately 275 feet along the proposed trail realignment, the trail would cross an approximately six-foot deep and 20-foot wide drainage gully (Gully A). The proposed project includes installation of a boardwalk bridge across the gully, which would allow the realigned trail to go into and out of the gully. Approximately 125 feet past the Gully A crossing, the proposed realigned trail would cross Drainage A, a channel approximately 6-10 feet deep and 25 feet wide. Another boardwalk crossing for Drainage A would be constructed in this location. Immediately after the Drainage A crossing, the proposed trail alignment would reconnect with the existing shared Coastal Trail-Anza Trail and cross another unnamed gully that is divided into two segments by a narrow ridge.

Devereux Creek Crossing (Component 2)

South of the unnamed gully, the existing trail follows the west edge of the eucalyptus grove for 600 feet to Devereux Creek. The proposed project includes minor tread work in this area, designed to improve water sheet flow off of the existing trail. At the midpoint of this section, the trail dips down abruptly at a small drainage crossing then climbs back up on the other side. The proposed project includes grading to modify the slope at both ends of the dip to achieve a gentler grade. Additionally, near the intersection of the trail with the Coastal Loop Route (Exhibit 4), the trail route would be slightly adjusted to the east to create a more direct route that improves accessibility.

Historically, access across Devereux Creek was made easier through the construction of a raised roadway (used as the pedestrian trail) in the center of the creek that included the addition of fill

with small drainage pipes. While much of the drainage has filled in with sediment, the center part of the channel continues to flow through several of these pipes. However, at higher flows the water flows up and over the old roadway and continues downstream. This process has created a deeper channel, with the existing trail blocking the normal flow of water. The proposed project includes the removal of this sediment from the middle of the channel in order to reestablish a normal creek flow, and would also include removal of the existing pipes and replacement of the current trail crossing with a boardwalk crossing using screw pilings.

Immediately south of the Devereux Creek crossing, the current trail route heads steeply uphill, exceeding accessibility standards and resulting in erosion and damage to the trail tread. The project would re-route the trail in order to reduce the grade change. This would address long-term erosion impacts and improve overall accessibility. Following the Devereux Creek crossing, the proposed trail would turn west traveling approximately 180 feet before curving back to the east and rejoining the existing trail.

Coastal Loop Trail (Component 3)

The existing Coastal Loop Trail intersects with the existing Coastal Trail just a few feet before the Devereux Creek crossing. Due to its less intensive use, the proposed project does not include major changes to this existing trail. However, improvements to the trail tread and erosion control measures, which include increasing the trail out slope and adding dips where water can be directed off the trail, are proposed. Near the Sandpiper Golf Course boundary, the trail turns south and crosses Devereux Creek. The drop down into and out of the creek is abrupt and roots from the nearby eucalyptus trees present a minor safety hazard. However, since safe accessibility issues have been addressed on the main creek crossing, the proposed project only includes sloping the existing trail at these locations rather than constructing an engineered crossing. As the trail reaches the mesa, it flattens out and continues along the golf course fence line for 600 feet until it reaches the blufftop. Along this segment, a more natural curvilinear flow would be created. Additionally, trail scarification would be employed to loosen the existing tread and native fill material would be used to bring the trail tread up to grade.

Once the Coastal Loop Trail reaches the bluffs, it turns east and follows the bluffs for 2,200 feet to its intersection with the Coastal Trail route near Beach Access Point F. These sections are characterized by moderate entrenchment (i.e., below grade trail segments) and in some cases an overly wide trail has been created. In addition, invasive species such as fennel and mustard have obstructed views from the bluff and displaced native species. The proposed project includes the addition of native fill in the entrenched areas, narrowing of the existing trail width to six feet, and removal of non-native species adjacent to the trail.

Coastal Trail-Anza Trail Connector (Component 4)

Once the shared Coastal Trail-Anza Trail crosses Devereux Creek and climbs onto the mesa, the existing trail follows a diagonal route to the east, climbing gradually to the point where the proposed project would split the trails, with the Anza Trail continuing due east and the realigned Coastal Trail continuing towards the bluff. Due to the location of several vernal pools along one of the existing routes to the blufftop, the proposed realignment would avoid the vernal pools by heading southeast to Beach Access Point F. The project would improve the trail corridor by

bringing the existing entrenched trail up to grade, adding dips and other erosion control measures, and realigning the shared Coastal Trail-Anza Trail alignment to avoid the sensitive vernal pool areas.

Currently, most trail users either continue east on the Anza Trail or take one of the existing connector routes to the blufftop. The main trail to the bluff currently crosses through a vernal pool and therefore requires realignment so that it avoids the sensitive habitat area. The proposed realigned trail would be six-feet-wide to avoid the vernal pool, and the existing trail corridor would be restored. Because the realignment passes through dense populations of invasive Harding grass and mustard, the project includes the removal of non-native vegetation within 30 feet of either side of the trail centerline and replaces it with native species. This proposed trail segment would be 1,230 feet long and six feet wide. Signs and natural materials would be installed to guide trail users through restored areas and past closed trails.

Juan Bautista De Anza Trail (Component 5)

Emergency access to Ellwood Mesa is provided in this area via Santa Barbara Shores Drive, which enters the mesa from the north, approximately 600 feet east of the proposed divergence of the Coastal and Anza Trails. Under the proposed project, emergency access would continue to be provided across the mesa on the existing natural surface trail that connects with Santa Barbara Shores Drive; any future potential improvements to emergency access would be considered separately.

At the proposed point that the Coastal Trail and Anza Trail diverge, the Anza Trail trends east across the middle of Ellwood Mesa for approximately 2,000 feet, primarily along the worn emergency road that has deteriorated into a slightly entrenched double track. The project would make improvements to the double track sections of the existing trail corridor, bringing the trail up to grade, narrowing the trail width to six feet, and adding dips as well as other erosion control measures.

Once the proposed realignment reconnects with the existing Anza Trail, the trail turns from double to single track and winds its way for 600 feet to a wide north-south roadway near the boundary of Ellwood Mesa and UCSB. The existing Anza Trail then turns south and continues along the east boundary for 900 feet to a point where it turns east and crosses onto UCSB property. The project includes narrowing the boundary trail to a width of eight feet and creating a more curvilinear trail alignment that allows water to sheet flow off the trail. Natural materials would be installed where needed to guide trail users along this narrow segment.

Coastal Blufftop Trail (Component 6)

The main blufftop portion of the existing Coastal Trail stretches from Beach Access Point F for 2,100 feet west to Beach Access Point E and then an additional 600 feet to the point where it crosses onto UCSB property. The Coastal Trail is characterized by deep entrenchment that has resulted in a proliferation of alternate trails routes, rough, rutted trail surface, and potholes often filled with muddy water.

The proposed project would use native fill material from a nearby berm to address the existing trail degradation and reduce sheet flow over the blufftop. Fill material would be used to eliminate the entrenchment areas and to implement erosion control measures that would prevent future trail degradation. Natural materials would be installed where needed to guide trail users past restoration areas.

Beach Access Points (Component 7)

Beach Access Point E was originally constructed almost 50 years ago to provide pedestrian and vehicle access for the Santa Barbara Shores neighborhood. Over time, water flowing down the road from the mesa has caused substantial erosion and damage to the trail as well as the lower bluff edge. The proposed project would remove the asphalt and restroom foundations and create a curvilinear trail alignment that allows water flow off of its surface. Additionally, a sloping stairway down to the sand would be constructed to improve safe access to Ellwood Beach. In order to address long-term erosion impacts, the project would establish two bioswales to capture runoff from areas adjacent to the access trail and would direct it into two downdrains that would outlet on Ellwood Beach. The downdrains would be approximately 20-30 feet in length and constructed within existing erosional gullies on the bluff face that would be backfilled with native fill material and revegetated with native species.

Beach Access Point F was a steep dirt road that was originally constructed to serve oil equipment near the beach. Over time the road has disintegrated and erosion has entrenched the trail to a depth of three to four feet on the top half, with tread that is less than one foot wide in places. The proposed project includes construction of a series of steps through the entrenched areas and restoration of the open area at the access point, which would include removal of the fire pit and regrading of the sloping ramp to minimize the impacts of the trail use and erosion. In addition, restoration and erosion control measures would be implemented at the top of the trail to divert the majority of water inland, away from the access point so it no longer flows off the mesa and down the trail. In order to capture the remaining runoff at Beach Access Point F, a gravel infiltration trench with a buried perforated pipe on the eastern side of the trail would be constructed. Runoff from the proposed stairs would percolate through the gravel trench and would be conveyed down to the outlet at the beach.

Proposed Trail Corridor Restoration

In addition to the proposed trail improvements, the project also includes restoration of approximately 13-acres of natural habitat. The proposed Restoration Plan would enhance and restore areas of native vegetation and environmentally sensitive habitats that were previously degraded from past land uses (e.g. grazing and oil production) at Ellwood Mesa. Additionally, the proposed Restoration Plan would mitigate impacts resulting from the vegetation removal associated with the proposed trail improvements and realignments. The restoration activities would be implemented in phases over three years, with the first year being the most intensive. As proposed, project monitoring for restoration and maintenance activities would occur on a quarterly basis and annual reports, documenting the status of the restoration activities relative to the performance standards, would be prepared over a period of three years.

Boardwalk Crossings

The proposed project includes the installation of boardwalk style bridges at all three drainage crossings (Gully A, Drainage A and Devereux Creek) to improve fish and wildlife habitat, and accessibility. The use of the proposed screw piling design would allow for the construction of boardwalks approximately 18 to 24 inches above ground level, eliminating the need for handrails. All three boardwalk crossings are discussed in further detail below in Section IV.B. Environmentally Sensitive Habitat Area.

Trail Fill Material and Tread

More than 70 percent of the existing Coastal and Anza trails are entrenched (i.e., below the grade of surrounding areas). The proposed project would utilize a number of identified borrow pits at Ellwood Mesa for excavation of approximately 900 cubic yards of native cut and fill material that would be used to bring the trails up to grade or slightly above grade, allowing water to sheet flow off the trail surface. These borrow sites include locations where past grading has created berms alongside the trails. Not only would removal of these berms provide native fill material, but it would also allow for the re-establishment of natural drainage flows inland, away from the bluffs. See Exhibit 3 and Table 1 below for a breakdown of grading for each project component.

Table 1: Total Project Grading

<u>Project Component</u>	<u>Excavation (cubic yards)</u>	<u>Fill (cubic yards)</u>
Trail Maintenance	0	700
Gully A & Drainage A	530	1
Trail between Drainage “A” & Devereux Creek	5	5
Devereux Creek Crossing Trail	80	15
Devereux Creek Crossing Bridge	70	1
Beach Access Point “E”	80	100
Beach Access Point “F”	135	78
TOTAL	900	900

Construction Equipment and Staging

A mix of heavy construction equipment and hand-held tools would be used to restore existing trail segments and to construct the proposed realignments, crossings, beach access points, and drainage improvements. Mobile heavy construction equipment (e.g., small tractor, pick-up truck, and small roller compactor) would enter and exit the Ellwood Open Space Area via Santa Barbara Shores Drive; however, the trail construction crew would park at the Sperling Parking Lot. Construction equipment would be staged on the existing trail segments or immediately adjacent within disturbed or unvegetated areas. At the beach access points, construction equipment would be staged in flat areas adjacent to the trails characterized by disturbed vegetation. All construction equipment would be removed at the end of the day and stored in a

haul truck or at a designated area with appropriate signage in the Sperling Parking Lot. Overnight equipment storage areas would be fenced.

B. ENVIRONMENTALLY SENSITIVE HABITAT AREA

Section 30236 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and park and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act defines environmentally sensitive area:

Section 30107.5 of the Coastal Act states:

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

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) must be protected against disruption of habitat values and that only resource dependent uses may be allowed within ESHA. Additionally, development adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade ESHA. Section 30236 sets forth limitations on the types of projects that may be allowed to cause substantial alteration of rivers and streams.

The applicant proposes to improve approximately 2.1 miles of existing coastal trails on Ellwood Mesa (1.56 miles of existing trail tread surface would be improved to eliminate ruts or ridges within the trail and approximately 0.54 miles of trail would be realigned around sensitive habitat areas). The project also includes improvements to three drainage crossings (Gully A, Drainage A, and Devereux Creek), two existing beach access points (Beach Access Points “E” and “F”) and would include 1,800 cu. yds. of associated grading (900 cu. yds. of cut and 900 cu. yds. of

fill). Additionally, restoration is proposed for approximately 13-acres of disturbed natural habitat located adjacent to the trail and on the coastal blufftop.

Plant Communities and Wildlife

The Ellwood Mesa provides one of the largest contiguous open space areas along the South Coast of Santa Barbara County and is characterized by coastal mesas and steep coastal bluffs bisected by Devereux Creek. Due to historic land uses, the Ellwood Mesa is dominated primarily by non-native annual grassland, which covers approximately 120-acres, although some native vegetation is also present. Non-native grass species such as wild oats (*Avena sp.*), ripgut grass (*Bromus diaandrus*), barley (*Hordeum sp.*), and fescue (*Vulpia sp.*) are found within the project site. However, Ellwood Mesa also contains extensive stands of native grasses (such as alkali rye (*Leymus triticoides*), purple needlegrass (*Nassella pulchra*), meadow barley (*Hordeum brachyantherum*), blue wild rye (*Elymus glaucus*), and California brome (*Bromus carinatus*)) as well as over 40 vernal pools that occur within these grasslands.

This mesa also includes large areas of introduced eucalyptus tree groves that support the rare monarch butterfly. The Ellwood Mesa Open Space Area also includes the Ellwood North, West, and Main Grove monarch butterfly aggregation sites, as well as the Sandpiper monarch butterfly roost. The Ocean Meadows autumnal roost occurs along the eucalyptus windrow on the eastern boundary of Ellwood Mesa. In addition to the monarch aggregation sites, numerous raptor roosts and nests also occur within the eucalyptus woodlands. Southern tarplant likely occurs within the vernal pools on the mesa and the grasslands likely support foraging habitat for special-status bats and birds. The western snowy plover has federally designated critical habitat on the beach below the Ellwood Mesa Open Space and is likely to forage in the intertidal areas near the open space.

As noted above, while the project area is largely dominated by non-native annual grasslands, it also includes sensitive habitat areas that are rare including southern vernal pools, native grasslands, southern coastal bluff scrub, eucalyptus woodland supporting monarch butterflies, and southern riparian scrub. Vernal pools are depressional wetlands that fill with rain water in the winter and spring and are dry at other points of the year. Vernal pools are rare and unique habitats that support a number of plant and animal species found only in vernal pools.

Additionally, these areas also support a number of sensitive plant and wildlife species, some of which are themselves rare. Several Special Status plant species that are known to occur in the vicinity of the project site include Black-Flowered Figwort (*Scrophularia atrata*), Contra Costa goldfields (*Lasthenia conjugens*), Mesa Horkelia (*Horkelia cuneate var. puberula*), Santa Barbara Honeysuckle (*Lonicera subspicata var.*), Southern Tarplant (*Centromadia parryi ssp. australis*), and White-veined Monardella (*Mondrdella hypoleuca ssp. hypoleuca*). Several special-status invertebrate and bird species that are documented or have a high potential to occur within the project area include the Monarch Butterfly (*Damaus plexippus*), Globose Dune Beetle (*Coelus golbosus*), Sandy Beach Tiger Beetle (*Cicindela hirticollis grvida*), Tidewater Goby (*Eucyclogobius newberryi*), California Red-legged Frog (*Rana draytonii*), Western Pond Turtle (*Emys marmorata*), Ferruginous Hawk (*Buteo ragalis*), Western Snowy Plover (*Charadrius alexandrines nivosus*), Cooper Hawk, Turkey Vulture and White-tailed Kite (*Elanus leucurus*).

As such, the southern vernal pools, native grasslands, southern coastal bluff scrub, monarch butterfly aggregation sites, and southern riparian scrub are rare and/or especially valuable and are easily disturbed and degraded by certain human activities and developments. Therefore, these habitat areas constitute environmentally sensitive habitat areas (ESHA) as defined by the Coastal Act.

Development in ESHA

The subject development that will occur in or near ESHA includes trail realignments and boardwalk bridges. Construction of these trail segments would remove small segments of existing sensitive habitat. Specifically, trail construction along the edge of the eucalyptus grove to the north would involve work in habitat that meets the definition of ESHA. Additionally, the construction of the Gully A, Drainage A, and Devereux Creek boardwalk crossings would occur within ESHA (Exhibit 5). The proposed trail realignments and boardwalk crossings will result in approximately 0.17-acres of impacts to ESHA habitat.

Pursuant to Coastal Act Section 30240, only resource-dependent uses are allowed in ESHA, and only if the habitat is protected against any significant disruption of habitat values. The Commission has a long history of approving trail projects, including boardwalks, within a variety of habitats determined to be ESHA. In such approvals, the Commission has found that although trails through ESHA may impact a portion of environmentally sensitive habitat area to allow for public access to and through the ESHA, trail development may be considered a form of nature study or similar resource-dependent activity because: (1) it is a development type that is integral to the appreciation and comprehension of the biophysical elements that comprise an environmentally sensitive habitat area; and (2) the trail is dependent upon the presence of the natural resource through which it passes to provide a nature study experience. Thus, trails through ESHA may serve both function and interpretative purposes, including nature study and therefore trails constitute resource-dependent uses.

Therefore, the proposed trail improvements may be permitted within ESHA if the ESHA is protected against significant disruption of habitat values. In this case, there would be a small area of permanent impacts to ESHA (0.17 acres) over a very large project site. As described above, the majority of the trail grading and other work will occur within existing trail alignments and will serve to improve drainage thereby reducing erosion and sedimentation of waterways. This will benefit habitat areas by reducing ongoing habitat impacts and avoiding new impacts. In addition, the proposed project includes rerouting existing trails to avoid ESHA areas, including vernal pools, and all new trail segments have been designed to avoid ESHA impacts to the maximum extent feasible. The trail realignment, including restoration of abandoned trail routes, will enhance habitat values and reduce public use of particularly sensitive habitat areas, including vernal pools. Finally, implementation of the project would also result in approximately 13-acres of total restoration, which would result in mitigation at a 25:1 ratio (i.e., 25-acres of restored habitat for every acre of disturbed habitat) for the impacted habitat.

Trail improvements would occur in the immediate vicinity of raptor nests within the eucalyptus groves in the northern region of the project area. Red-tail hawks and white-tailed kites are known

to nest in this area near Devereux Creek, which would potentially be disturbed during the proposed construction activities. As such, the construction of the proposed project has the potential to disturb sensitive species in and around the project area due to noise, vibration, dust and disturbance associated with construction. Therefore, to ensure that potential adverse impacts to sensitive bird and other terrestrial species are avoided, **Special Condition Four (4)** requires that the applicant retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct surveys for sensitive wildlife species and to monitor project operations. At least thirty calendar days prior to commencement of any project operations, the applicant shall submit the names and qualifications of the biologist or specialist, for the review and approval of the Executive Director. The environmental resource specialist shall conduct a survey of all areas within and near the project site to determine presence and behavior of sensitive wildlife species 30 days prior to any project operations including construction, grading, excavation, vegetation eradication and removal, and hauling. In the event that any sensitive wildlife species exhibit reproduction or nesting behavior, the environmental specialist shall immediately notify the Executive Director and local resource agencies in writing.

Trail Corridor Restoration

The Restoration Plan proposed as part of the subject project would mitigate impacts resulting from the vegetation removal associated with the proposed trail realignments and new boardwalk crossings. The trail segments that will be abandoned as part of realignment will be revegetated for erosion avoidance and habitat enhancement. Furthermore, the proposed restoration would enhance and restore areas of native vegetation and environmentally sensitive habitats that were previously degraded by past land uses (e.g., grazing and oil production) at Ellwood Mesa. Restoration will include removal of non-native plant species, including mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), iceplant (*Carpobrotus edulis*), and Harding grass (*Phalaris aquatic*), located near the borrow pits, and along the trail corridors of the Coastal and Anza trails, including the entire length of the blufftops on the ocean side. These areas would be replanted with appropriate native species and would improve the ESHA located within Ellwood Mesa. Additionally, the proposed project would restore riparian ESHA that is significantly degraded in the vicinity of the Gully A, Drainage A, and Devereux Creek crossings, which would lead to a substantial net increase in the total amount of riparian ESHA in these drainages.

The Restoration Plan provided by the applicant includes detailed methods for non-native plant removal and technical details for restoration planting. However, the submitted plan lacks detail regarding monitoring and success criteria. Without these details, it would not be possible to determine if the proposed restoration plan is successfully implemented. As such, in order to ensure that implementation of the proposed Restoration Plan results in the successful establishment of native habitats, **Special Condition Five (5)** requires the applicant to submit a final restoration plan, prepared by a qualified biologist or resource specialist, for review and approval by the Executive Director. Furthermore, Special Condition Five (5) requires the restoration plan to clearly identify interim and final success criteria and performance standards consistent with achieving the identified restoration plan goals and objectives; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored

areas. Additionally, Special Condition Five (5) also requires the applicant to submitted annual monitoring reports to the Commission, for the review and approval of the Executive Director.

Drainage Boardwalk Crossings

The proposed project would also enhance existing coastal trails by improving access across three drainages through installation of boardwalk crossings. All three boardwalk crossings (Gully A, Drainage A, and Devereux Creek) are proposed to be constructed approximately 12 to 18-inches above the ground, utilizing a screw pile technology that does not require engineered foundations on either side of the drainage channel. These supporting screw piles are flat metal supports, 12 x 12” that rest on the existing ground surface. Gully A and Drainage A will each include an 8 foot wide by 21 foot long boardwalk and installation would result in 4 square feet of fill in each streambed. The Devereux Creek boardwalk will be 8 feet wide by 42 feet long and installation would result in 14 square feet of fill into the Devereux Creek streambed.

Gully A has a clearly defined channel bed and banks, however, the gully appears to only support a flow during and immediately after a storm event. The gully does not support riparian vegetation and is primarily an erosional feature. Drainage A is a tributary to Devereux Creek conveying most of the water from the northern portion of the property south to Devereux Creek. At the proposed trail crossing, Drainage A consists of an ephemeral drainage within an approximately 25 foot wide channel with steep banks approximately 6-10 feet deep. In addition to the main drainage channel, a small internal two-foot wide drainage cuts through the wider Drainage A as this area is heavily disturbed by ongoing trail use.

The subject segment of Devereux Creek has a clearly defined channel bed, has intermittent flow at least seasonally, supports substantial riparian vegetation, and has a watershed that extends from the Sandpiper Golf Course to the Devereux Lagoon. Devereux Creek is depicted as a blue line stream on the USGS topographic maps. Historically, access across Devereux Creek was made easier through the addition of fill with small drainage pipes in the center to create a raised roadway/trail. While much of the drainage has filled in with sediment, the center part of the channel continues to flow through several of the pipes. However, at higher flows the water flows up and over the old roadway/trail and continues downstream. This process has created a deeper channel, with the existing trail blocking the normal flow of water. Therefore, the proposed project also includes the removal of this sediment and the existing pipes from the middle of the channel in order to reestablish a normal creek flow, replacement of the current trail creek crossing with a boardwalk crossing, and restoration of the creek streambed and riparian habitat. Therefore, the proposed boardwalk crossings at Gully A, Drainage A and Devereux Creek would result in the alteration of streams.

Alteration of Coastal Waters

Pursuant to Section 30236 of the Coastal Act, certain types of channelization projects and other developments resulting in the alterations of rivers and streams may be allowed where the primary function is the improvement of fish and wildlife habitat, such as the proposed project, and only if such development incorporates the best mitigation measures feasible. In this case, due to the

environmental sensitivity of the site, no major engineering work is proposed to armor the subject drainages. Given that the subject drainages are located at the upper reaches of their respective drainage basins, there are low stream flows within the proposed crossing areas. As such, the applicant found it feasible to bridge the drainages with low boardwalks that keep pedestrian traffic out of the creek habitat while avoiding significant impacts through construction. There will nonetheless be minor fill within the drainage beds and minor impacts to coyote brush scrub and riparian habitats within the footprint of each boardwalk. The applicant submitted an alternatives analysis for the project which explored a free-span bridge alternative for Drainage A and Devereux Creek drainage crossings. Although a free-span bridge would eliminate the need for screw piles to be placed within the creek beds (resulting in fill placed within the creek bed), it would require the construction of bridge approaches, which would then have greater amounts of required grading and landform alteration and a greater environmental footprint. Thus, the Commission finds that the proposed project is the least damaging feasible alternative to provide for safe public access over the subject drainages. Furthermore, the proposed boardwalk crossings, removal of existing sediments and pipes within the creek bed to restore the normal creek flow, and the proposed habitat restoration, constitutes development that will improve fish and wildlife habitat. Thus, the proposed project is considered an allowable type of development within a stream consistent with the provisions of Section 30236 of the Coastal Act.

In addition, the proposed project incorporates the best mitigation measures feasible. The proposed habitat enhancement includes restoration of the riparian habitat surrounding Gully A, Drainage A and Devereux Creek crossings. Furthermore, the proposed restoration would serve to enhance and restore the biological productivity and the quality of coastal waters. Restoration of the riparian habitats will improve habitat and water quality for wildlife species within the project area.

Lastly, in order to ensure that the applicants comply with the requirements of other resource agencies, **Special Condition One (1)** requires the applicant obtain all other necessary State or Federal permits (including, but not limited to, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Quality Board, and Regional Water Quality Control Board), that may be necessary for all aspects of the proposed project.

Conclusion

As discussed above, the project site contains habitat areas that constitute environmentally sensitive habitat areas (ESHA) as defined by the Coastal Act because they are rare and/or especially valuable and are easily disturbed and degraded by certain human activities and developments. Section 30240 of the Coastal Act limits development within ESHA to resource dependent uses only where such uses avoid the significant disruption of habitat values. Additionally, there are streams on the project site which, pursuant to Coastal Act Section 30236, may only be altered where the best mitigation measures are incorporated and the development is one of three purposes.

In this case, the proposed boardwalk drainage crossings, removal of existing sediments and pipes within the creek bed to restore the normal creek flow, and the proposed riparian habitat restoration, constitutes development that will improve fish and wildlife habitat which is considered an allowable type of development within a stream. The proposed project incorporates the best mitigation measures feasible. Furthermore, the proposed restoration would serve to enhance and restore the biological productivity and the quality of coastal waters. Therefore, the Commission finds that the proposed boardwalk crossings, as conditioned, are consistent with Section 30236 of the Coastal Act.

There will nonetheless be minor fill within the drainage beds and minor impacts to coyote brush scrub and riparian habitats (which constitute ESHA) within the footprint of each boardwalk. Further, the realignment of trail segments to avoid sensitive habitat areas (particularly vernal pools) will result in impacts to small areas of coyote brush scrub, coastal sage scrub, and native grassland habitats (which constitute ESHA) although all new trail segments have been designed to avoid ESHA impacts to the maximum extent feasible. The total area of permanent impacts to ESHA (0.17 acres) is a small area over a very large project site. The majority of the trail grading and other work will occur within existing trail alignments and will serve to improve drainage thereby reducing erosion and sedimentation of waterways. This will benefit habitat areas by reducing ongoing habitat impacts and avoiding new impacts. The trail realignment, including restoration of abandoned trail routes, will enhance habitat values and reduce public use of particularly sensitive habitat areas, including vernal pools. Finally, implementation of the project would also result in approximately 13-acres of total habitat restoration, which would result in mitigation at a 25:1 ratio (i.e., 25-acres of restored habitat for every acre of disturbed habitat) for the impacted habitat. Therefore, the Commission finds that the proposed project, as conditioned, will avoid significant disruption of habitat values in ESHA, consistent with Section 30240 of the Coastal Act.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30236 and 30240 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act mandates that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Additionally, the Coastal Act mandates that lower cost visitor and recreational facilities, such as public trails, be protected, encouraged, and provided, where feasible. Additionally, Section 30213 requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible provided.

The proposed project will improve public access to and along the shoreline by improving the condition of existing trails and addressing severe erosion issues. Specifically, the project would improve 2.1 miles of existing coastal trails on Ellwood Mesa. This includes improvements to three drainage crossings and two existing beach access points that serve to connect the bluff to the beach. Additionally, the project includes 13-acres of habitat restoration along the trail corridors and within adjacent environmentally sensitive habitat areas.

Ellwood Mesa provides one of the largest contiguous coastal open space areas in the South Coast of Santa Barbara County and offers a range of opportunities for hiking, bicycling, butterfly watching, surfing, bird watching, and beach activities. The open space fronts over a mile of coastline and is adjacent to the Coal Oil Point Reserve, part of the UC Natural Reserve System. The existing Ellwood Mesa trail network, including the two existing Beach Access Points E and F, are impacted by erosional gullies and potholes resulting from past grading and continuous trail use with limited maintenance. The proposed project would improve, enhance, and maintain public access and passive recreation amenities such as trails, pedestrian drainage crossings, and beach access point stairways. This project represents a commitment to preserving and protecting large contiguous open space and habitat areas while maintaining public access along designated trails and beach accessways in a manner that maximizes habitat values.

The proposed project would be built in several phases to allow for reduced impacts to trail users. Each phase would consist of construction of a particular trail segment or drainage crossing in order to minimize impacts to public access and to allow for some trails to remain open at times other trails must be closed. In order to ensure the safety of recreational users of the project site, to ensure that the interruption to public access at the project site is minimized, and to implement the applicant's proposed protect timing, **Special Condition Eight (8)** requires the applicant to post signs where public paths will be closed during active operations and to provide adequate fencing and signage. **Special Condition Eight (8)** requires that the applicant shall maintain public access to the beach during construction activities and requires the minimum number of

public parking spaces to be used for staging operations. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or public access or parking lot closures. Further, **Special Condition Eight (8)** requires all construction to be limited to the hours between 8:00 AM and 5:00 PM, and provides that no work shall occur on weekends or State holidays.

For the reasons discussed above, the Commission finds that the proposed project would maximize public access on the project site while preserving habitat values. Therefore, the Commission finds that the proposed project, as conditioned in the CDP, is consistent with Sections 30210, 30213, 30214 and 30223 of the Coastal Act related to public access and recreation.

D. WATER QUALITY

Section 30230 of the Coastal Act 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.

Section 30231 of the Coastal Act states:

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

The Commission recognizes that new development has the potential to adversely impact coastal water quality through the removal of vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as chemicals, petroleum, cleaning products, pesticides, and other pollutant sources. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes; reduce optimum populations of marine organisms; and may contribute to adverse impacts on human health. Coastal Act Sections 30230 and 30231 which 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.

The project site is located within the Ellwood Mesa Open Space Area (Ellwood Mesa), which is one of the largest contiguous open space areas along the South Coast of Santa Barbara County. Ellwood Mesa is characterized by coastal mesas and steep coastal bluffs and is bisected by Devereux Creek. The site is also directly adjacent to the Pacific Ocean. Although the proposed project includes some new access improvements, including the proposed boardwalk crossings and beach access point stairways, the majority of the project involves minor trail modifications and will be located in already disturbed areas of the site.

In an effort to restore the hydrologic regime of the portion of Devereux Creek that is located in the project area, the project also includes the removal of existing pipes located under the existing Devereux Creek trail crossing. The pipes were installed to reduce tidal flow when the previously existing golf course on the adjacent property (UCSB North Campus Open Space Area) was constructed. The pipes would be removed to restore the normal flow and creek habitat within Devereux Creek. Overall, the proposed restoration within Devereux Creek is expected to increase water quality by reducing fine sediments accumulation, which in turn will allow water flow to increase, resulting in less stagnant water. Revegetation of the site is expected to enhance overall habitat and water quality.

Construction Activities

The beach, marine environment, and coastal waters could be temporarily impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties during construction activities. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds **Special Condition Seven (7)** is necessary to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided under Special Condition Seven (7), it is the applicant's responsibility to ensure that no construction material, debris or other waste is placed or stored where it could be subject to dispersion. Furthermore, the special condition assigns responsibility to the applicant that any and all construction debris and trash shall be properly contained and removed from construction areas within 24 hours. Special Condition Seven (7) also specifies that construction equipment shall not be cleaned within ESHA or wetlands.

Furthermore, Special Condition Seven (7) requires the applicant to submit final interim erosion control plans to reduce erosion for all disturbed portions of the project area, including grading activities. Erosion control measures shall be implemented prior to and concurrent with grading operations and all sediment shall be retained onsite. Additionally, should grading or other work cease for a period of 30 days, the site shall be stabilized with geotextiles or mats, sand bag barriers, silt fencing, temporary sediment basins or swales. Special Condition Seven (7) also requires measures to minimize the area of bare soil exposed at any one time, including phased grading. Furthermore, to ensure that such temporary impacts to the adjacent ESHA areas on site are minimized, **Special Condition Six (6)**, requires the applicant to submit a final construction staging and fencing plan indicating that the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and ESHA.

For the reasons discussed above, the Commission finds that the proposed project, as conditioned is consistent with Sections 30230 and 30231 of the Coastal Act.

E. HAZARDS AND GEOLOGICAL STABILITY

Section 30253 of the Coastal Act, in pertinent part, that new development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 of the Coastal Act mandates that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located within the Ellwood Mesa Open Space Area (Exhibits 1-2). The site is located within a shallow, east-west tending valley between the Santa Ynez Mountains and the low coastal mesa. The topography of the Ellwood Mesa is characterized by an elevated marine terrace that has been tilted and folded by uplift on the North Branch of the More Ranch fault. Elevations within the project area range from just above mean sea level (msl) at the base of the bluffs to 85 feet above msl atop the mesa. The topography of the uplifted terrace surface is gently sloping but undulating, and has been incised by and is controlled by Devereux Creek.

The project site is located in a coastal area historically subject to significant natural hazards including, but not limited to erosion and flooding associated with Devereux Creek, and other coastal hazards. Although the boardwalk crossings may be subject to future flooding, they have been designed to allow water to flow over the boardwalk during large flooding events. Due to its proximity to the shoreline, the proposed beach access point improvements will be potentially subject to coastal hazards such as storm surges, high tides, periodic wave uprush, tsunamis, and sea level rise.

The Commission finds that the submitted engineering reports referenced as Substantive File Documents include a number of recommendations to ensure the geologic and geotechnical stability of the proposed upland development. Therefore, to ensure that the recommendations of the geologic and geotechnical engineering consultants are incorporated into all new development, the Commission finds it necessary to impose **Special Condition Two (2)**, which requires the applicant to incorporate all recommendations of the consulting geologist and geotechnical engineer into the final project plans to ensure structural and site stability. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes to the proposed development approved by the Commission that may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit. Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate erosion control measures and construction responsibilities. In order to achieve these goals,

Special Condition Seven (7) requires the applicant to submit interim erosion control plans, certified by a qualified licensed professional.

The proposed project is located in an area subject to potential for damage or destruction from natural hazards, including erosion, flooding, storm surges, tsunamis, and sea level rise. Therefore, the Commission finds that due to the possibility of these natural hazards, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. Through the assumptions of risk condition, required by **Special Condition Three (3)**, the applicant acknowledges the nature of the coastal hazards that exist on the site and that they may adversely affect the stability or safety of the proposed development.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

F. ARCHAEOLOGICAL/CULTURAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures. Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The Ellwood Mesa Open Space area has experienced long and significant occupation as is evidence by archeological resources known to be present in the general project vicinity. The project area was previously surveyed for cultural resources in 1991; however, no sensitive historic or cultural resources were identified. However, a file and records search, which was conducted at the Central Coastal Information Center (CCIC) of the California Historic Resources Information System in 2004, showed that a single prehistoric archaeological site, which was originally recorded in 1974, is located near the project area. However, this site was heavily damaged and is no longer intact, nor eligible for the California Register of Historic Resources. Nevertheless, although the project involves only minor amount of earth disturbance, to ensure

that impacts to archaeological resources are minimized, **Special Condition Nine (9)** requires the applicant to prepare and submit an archaeological/cultural resources monitoring plan prepared by a qualified professional. The monitoring plan shall identify any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site that could be impacted by the approved development. Further, the monitoring plan shall require that archaeological and Native American monitors be present during all grading excavation operations (such as grading excavation for Gully A, Drainage A and Devereux Creek crossings, and Beach Access Point “E” and “F” construction) that have the potential to impact cultural resources. Special Condition Nine (9) also requires if any archaeological or paleontological deposits are discovered, all construction shall cease within at least 50 feet of the discovery and the applicant shall submit all significance testing results and analysis to the Executive Director for a determination of whether the deposits are significant. If the Executive Director determines that the discovery is significant, the applicant shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission’s administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned 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 CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. Special Condition One (1) through Special Condition Nine (9) are required to assure the project’s consistency with Section 13096 of the California Code of Regulations. 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 may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

Substantive File Documents

Final Initial Study and Mitigated Negative Declaration, Ellwood Mesa Coastal Trails & Habitat Restoration Project, SCH # 2014031069, dated June 2014; Deveraux Creek “No Rise Study” Technical Memorandum, prepared by Bengal Engineering Inc., date April 22, 2016; Draft Drainage Analysis “Ellwood Mesa Coastal Trails and Habitat Restoration Project”, prepared by Flowers & Associates, Inc., dated April 30, 2013; Habitat Restoration and Enhancement Plan for Ellwood Mesa Coastal Trails, prepared by Darlene Chirman Biological Consulting, dated July 7, 2014; Preliminary Jurisdictional Determination and Delineation of Waters of the United States and Waters of the State of California “Ellwood Mesa Coastal Trails and Habitat Restoration Project,” prepared by AMEC Environment & Infrastructure, Inc., dated February 2014.

APPENDIX B

Cultural Resources Significance Testing Plan Procedures

A. An applicant seeking to recommence construction following discovery of cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.

1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.

2. If the Executive Director approves the Significance Testing Plan but determines that the testing measures therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.

3. Once the measures identified in the Significance Testing Plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the deposits are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a Supplementary Archeological Plan for the review and approval of the Executive Director. The Supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection C below. The Supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be

constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid 5-17-0651 (JCC Seal Beach, LLC) 14 impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee made up of qualified archeologists convened in accordance with current professional practice. Representatives of Native American groups with documented ancestral ties to the area shall also be given an opportunity to review and submit written comments on the required plans. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee and Native American representatives or explain why the recommendations were rejected. Furthermore, upon completion of the review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.