

CALIFORNIA COASTAL COMMISSION

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

Th18b

Filed: 9/16/2019
 180th Day: 3/14/2020
 Staff: C. Groves - V
 Staff Report: 10/3/2019
 Hearing Date: 10/17/2019

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-18-1223

Applicant: City of Goleta

Project Location: Ellwood Mesa Open Space Area, City of Goleta, Santa Barbara County (APN: 079-210-069)

Project Description: Enhancement of monarch butterfly habitat in the Ellwood North portion of Ellwood Mesa, including removal of fallen debris, 65 downed, and 25 standing dead eucalyptus trees, planting of native species and approximately 63 eucalyptus trees, installing educational and safety signs and a temporary water tank, and monitoring the monarch population and restoration area.

Staff Recommendation: **Approval with conditions**

Motion and Resolution: **Page 6**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **six (6) special conditions** regarding 1) final implementation plan, 2) sensitive species surveys, 3) construction responsibilities 4) comprehensive management plan, 5) public access plan, and 6) informational/educational signage.

The City of Goleta is proposing to enhance monarch butterfly habitat in the Ellwood North portion of the Ellwood Mesa/Sperling Preserve Open Space Area (Ellwood Mesa). The proposed project includes the removal of fallen debris and approximately 90 dead trees, planting of approximately 382 native plants and approximately 63 eucalyptus trees, installing educational and safety signs and a temporary water tank, and conducting monitoring of both the monarch butterfly overwintering population and the restoration 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. Ellwood Mesa also includes five distinct monarch butterfly aggregation sites, representing one of the largest monarch butterfly overwintering groves in California.

The eucalyptus groves at Ellwood Mesa in the City of Goleta support thousands of monarch butterflies during their overwintering aggregation behavior every year. Due to disease, pests, and the recent drought, many of the eucalyptus trees at Ellwood Mesa have died, thus endangering the continued survival of the sensitive species that utilize the site. Furthermore, the monarch butterfly population throughout California has drastically declined in recent years. In order to preserve these important biological resources, the City of Goleta is proposing to restore and enhance a portion of Ellwood Mesa known as Ellwood North, which is one of the five monarch aggregation sites on Ellwood Mesa. The City is also proposing several measures to enhance the public's use and enjoyment of the area, including the installation of educational and safety signs.

Within Ellwood Mesa, the aggregation sites that are utilized by the monarch butterfly are dominated by eucalyptus. Eucalyptus trees are not native to California and are not rare or especially valuable, and thus by themselves do not meet the criteria of ESHA as defined by Coastal Act Section 30107.5. However, the subject eucalyptus trees support the monarch butterfly aggregation sites, which are rare and/or especially valuable and are easily disturbed and degraded by certain human activities and developments. As such, eucalyptus woodland supporting monarch butterflies habitat areas constitute ESHA as defined by the Coastal Act.

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. Habitat restoration is a resource-dependent use that is allowed within ESHA, thus the proposed enhancement activities may be permitted in this area if ESHA is protected against significant disruption of habitat values.

As proposed by the applicant, adverse impacts to ESHA would be avoided, and implementation of project activities is not anticipated to result in any temporary or permanent impacts. The 2018 Implementation Plan provided by the applicant also includes detailed methods for dead tree removal and technical details for restoration planting. However, the submitted plan lacks detail regarding the overall restoration goals, as well as monitoring plans and success criteria. In order to ensure that the proposed Implementation Plan results in the successful establishment of enhanced monarch butterfly habitat and other native habitats, **Special Condition One (1)** requires the applicant to submit a final Implementation Plan that clearly identifies 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.

Furthermore, the proposed enhancement activities would occur in an area frequently used by sensitive species, including nesting birds. These species could potentially be disturbed during the proposed enhancement activities. Therefore, to ensure that potential adverse impacts to sensitive

bird and other terrestrial species are avoided, **Special Condition Two (2)** requires that the applicant retain the services of a qualified environmental resource specialist to conduct surveys for sensitive wildlife species and to monitor project operations. 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. 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 and halt all project activities

Coastal waters and habitats could also be temporarily impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties during installation activities. To ensure that construction material, debris, or other waste associated with project activities does not enter the environment, **Special Condition Three (3)** is necessary to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the environment.

As described in this report, both the monarch butterfly and eucalyptus populations throughout Ellwood Mesa have degraded drastically in recent years. However, the submitted 2018 Implementation Plan only covers a very specific, narrow range of activities designed to begin enhancing monarch butterfly overwintering habitat in Ellwood North, which is only one of the five monarch aggregation sites at Ellwood Mesa. In order to ensure that the approach to habitat management, enhancement, and restoration at Ellwood is undertaken comprehensively, **Special Condition Four (4)** requires that the applicant submit a complete regular Coastal Development Permit Application to the California Coastal Commission for a comprehensive plan to manage and restore all the aggregation sites within Ellwood Mesa.

Sections 30210 and 30211 of the Coastal Act mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Additionally, Sections 30221 and 30223 of the Coastal Act protect oceanfront and upland land for recreational uses.

Ellwood Mesa is frequently used for coastal access and recreation by the public, including both local residents and visitors. Ellwood features a series of public hiking trails, and functions alongside Santa Barbara Shores County Park to provide access to nearby Ellwood Beach, which is located approximately ½ mile south of the project site at Ellwood North. Furthermore, members of the public visit Ellwood Mesa specifically to learn about the monarch butterfly and view monarch butterfly aggregations, which are rare biological phenomena.

The public parking lot and trails located adjacent to the project site would remain open during implementation of the project activities, which are anticipated to take four-six weeks; however these areas could be temporarily impacted. As implementation of the proposed project would require the temporary use of some public access and recreational areas, it is necessary to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized. **Special Condition Five (5)** requires the applicant to submit a public access plan, for review by the Executive Director, that includes a description of the methods by which safe public access to and around the project area shall be maintained during all project operations, and also requires the applicant to post the site with a notice indicating the expected dates of construction and/or temporary closures.

The proposed project also includes the installation of educational and safety signs. As part of the subject CDP, three signs are proposed to be installed near the trailheads at Ellwood North. These include two signs identifying that the area is currently being enhanced, and one sign indicating that fires, camping, and smoking are not allowed at Ellwood Mesa. Although the applicant has proposed to install the subject signs, the exact language that will be used on these signs has not been submitted. In order to ensure that the subject signs do not have an adverse effect on the ability of the public to access public trails and open space, **Special Condition Six (6)** requires the applicant to submit an informational/educational signage plan that describes the location, number, size, and contents of signs to be placed.

The Commission has not yet certified a Local Coastal Program (LCP) for the City of Goleta. Thus the proposed project is subject to the Commission's coastal development permit jurisdiction, and the standard of review for this project is the Chapter Three policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Therefore, Staff recommends that the Commission **approve** CDP No. 4-18-1223. The **motion** and **resolution** to adopt the staff recommendation of approval of the permit can be found on **page 6**.

TABLE OF CONTENTS

| | |
|---|-----------|
| I. MOTION AND RESOLUTION | 6 |
| II. STANDARD CONDITIONS..... | 6 |
| III. SPECIAL CONDITIONS..... | 7 |
| IV. FINDINGS AND DECLARATIONS | 11 |
| A. PROJECT DESCRIPTION AND BACKGROUND | 11 |
| B. ENVIRONMENTALLY SENSITIVE HABITAT AREA | 13 |
| C. PUBLIC ACCESS AND RECREATION | 18 |
| D. CALIFORNIA ENVIRONMENTAL QUALITY ACT..... | 20 |

APPENDICES

Appendix A Substantive File Documents

EXHIBITS

- Exhibit 1. [Vicinity Map](#)
- Exhibit 2. [Monarch Butterfly Aggregation Sites](#)
- Exhibit 3. [Ellwood North Photographs](#)
- Exhibit 4. [Project Plan](#)

I. MOTION AND RESOLUTION

Staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-18-1223 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 an 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 the 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. Final Implementation Plan

- A. *Prior to issuance of the Coastal Development Permit*, the applicant shall submit, for the review and written approval of the Executive Director, a final Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan for the restoration of the Ellwood North aggregation site. The plan shall be prepared by a qualified biologist or environmental resource specialist with qualifications acceptable to the Executive Director. In addition to the information contained within the Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan, prepared by the City of Goleta (dated November 2018), the Final Implementation Plan shall contain the following:
 1. A revised project description that reflects only the project components approved pursuant to this Coastal Development Permit.
 2. A description of the goals of the Ellwood North aggregation site restoration project, including a description of the desired micro-climate, as well as a description of the activities that will be implemented to facilitate the successful establishment of native species in the restoration area (e.g. regular removal of eucalyptus duff layer).
 3. A Final Monitoring Plan that includes success (performance) criteria and the qualitative and quantitative methods for measuring success for all species planted. The success criteria must include thresholds for the desired micro-climate (e.g. wind speeds, temperature, light penetration) and vegetation benchmarks (native shrub and eucalyptus tree count, height, aerial extent and distribution; and tree, shrub, and understory health). The plan must include provisions for submittal of annual reports for a monitoring period of 10 years, prepared by qualified environmental resource specialist and indicating the progress and relative success or failure of the restoration and enhancement on the site. This plan shall also include further recommendations and requirements for additional restoration and enhancement activities (adaptive management actions) in order for the project to meet the criteria and performance standards. The annual reports must also include the Ellwood North aggregation site monarch butterfly population status/data (arrival dates, tree use, climate observations, counts, departure dates, etc.) from the ongoing Ellwood Mesa monarch butterfly monitoring program. At the end of the ten-year period, a final detailed report on the enhancement shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the implementation 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.

4. Two full-size sets of the Final Planting Plan. The Plan shall show the extent and scope of enhancement activities, the locations of existing living vegetation within the enhancement area, and the locations of all new plantings, as well as the location of the temporary water tank and staging areas. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Sensitive Species Surveys

The applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, “environmental resources specialist”) with appropriate qualifications acceptable to the Executive Director, to conduct sensitive species surveys (including birds and other terrestrial species) and monitor project operations associated with all enhancement activities. The applicant shall ensure that the environmental resources specialist shall perform all of the following duties, and the applicant shall observe the following requirements:

- A. At least 30 calendar days prior to commencement of any enhancement activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The applicant shall have the environmental resources specialist ensure that all project enhancement activities are carried out consistent with the following:
 1. The environmental resources specialist shall conduct sensitive species surveys no more than two weeks before any project enhancement 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 enhancement activities, and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. The environmental resources specialist shall be onsite to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project enhancement activities.
 2. In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resources specialist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Fish and Wildlife Service, 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.
 3. 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.

4. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or other sensitive species is found within 300 feet of enhancement activities (500 feet for raptors), the applicant shall retain the services of an environmental resources 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 enhancement activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction-related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant enhancement activities. 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, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, enhancement activities 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.
5. The environmental resources specialist shall be present during all enhancement activities. The environmental resources specialist shall require the applicant to cease work within the area in question 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 to wildlife species, the applicant shall be required to submit a supplemental program to adequately mitigate such impacts. The supplemental program shall be submitted to the Executive Director for review and approval.
6. 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 Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDB), 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.

3. Construction Responsibilities

- A. Prior to the commencement of any enhancement activities, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by construction and ensuring that all environmentally sensitive habitats adjacent to enhancement areas are avoided during construction. All vehicles and equipment shall be restricted to pre-established work areas and haul routes and to established or designated staging areas. Clearing shall be limited to the minimal footprint necessary and for the shortest time necessary to avoid impact to ESHA.
- B. During enhancement activities, all trash and construction debris shall be properly contained, removed from the worksite, and disposed of on a daily basis, and no construction materials shall be stored at the work site overnight. No 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 wind, rain, or erosion and dispersion. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.

- C. Temporarily stockpiles of excavated sediment/vegetation should be protected with geofabric or other appropriate cover. Permanent stockpiling of excavated material on site shall not be allowed. Vegetation and sediment shall be removed from the site on a regular basis during enhancement activities to prevent the accumulation of sediment and debris on the worksite. Excavated sediment and vegetation shall be stockpiled at designated temporary areas on the project site and be removed to a permitted disposal site within 24 hours of completion of the project.
- D. Equipment staging and materials stockpiling areas shall be limited to the locations and sizes specified in the approved final plans. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted on the final plans approved pursuant to Special Condition One (1).
- E. 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.
- F. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the enhancement process shall not be refueled or washed within 100 feet of coastal waters.
- G. The discharge of any hazardous materials, including herbicides, into any receiving waters shall be prohibited.
- H. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity.
- I. All BMPs shall be maintained in a functional condition throughout the duration of enhancement activities.

4. Approval of Comprehensive Management Plan

Within twelve (12) months from the date on which the Commission votes on the subject application, the permittee shall submit a complete regular Coastal Development Permit Application to the California Coastal Commission or successor agency for a comprehensive plan to manage and restore the aggregation sites within Ellwood Mesa. The submitted plan shall address tree removal mitigation measures, habitat maintenance, enhancement, and restoration activities, protection and monitoring measures for monarch butterfly and other species, and public access improvements. This deadline may be extended by the Executive Director for good cause through correspondence.

5. Public Access Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and written approval of the Executive Director, a public access plan that describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around construction and staging areas shall be maintained during all project operations. Where public paths will be closed during active operations, adequate fencing and signage shall be used and the applicant shall post the site with a notice indicating the expected dates of construction and/or temporary closures. The applicant shall maintain public access pursuant to the approved final report. Any proposed changes to the approved plan 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.

6. Informational/Educational Signage

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, an informational/educational signage plan, that describes the location, number, size, and contents of signs to be placed. The signs shall be installed by the applicant in the manner described in the approved signage plan.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

Project Description

The proposed project involves monarch butterfly habitat enhancement for the Ellwood North monarch aggregation site, which is an approximately 0.58-acre area located in the northwestern portion of the Ellwood Mesa/Sperling Preserve Open Space (Ellwood Mesa), in the City of Goleta (Exhibit 1). The habitat enhancement activities proposed include removal of 65 downed and 25 standing dead eucalyptus trees and debris, planting of 63 eucalyptus trees and native species, installing three educational and safety signs and a temporary water tank, and monitoring the monarch population and restoration area.

Of the 63 eucalyptus trees that are proposed to be planted, 52 would be red ironbark (*Eucalyptus sideroxylon*), and 11 would be blue gum (*Eucalyptus globulus*). Approximately 382 native plants from 12 different species will also be planted within and adjacent to the eucalyptus enhancement site (Exhibit 4). These plants include groundcover such as California brome (*Bromus carinatus*), purple needlegrass (*Stipa pulchra*), and giant ryegrass (*Elymus condensatus*), as well as larger species such as lemonade berry (*Rhus integrifolia*), toyon (*Heteromeles arbutifolia*), coyote bush (*Baccharis pilularis*), and hollyleaf cherry (*Prunus ilicifolia*). Prior to planting, downed eucalyptus tree trunks and standing dead trees will be removed from the enhancement area, in order to create sufficient room for the new plantings. Both the eucalyptus and native species will be irrigated to supplement rainfall until they are well-established. The enhancement area will also be regularly weeded by hand to remove non-native and invasive plants that could jeopardize the new plantings' establishment.

To complete this work, vehicles such as rubber-tired flatbed trucks, pickup trucks, and water trucks would be utilized. Vehicles would access the enhancement area from the parking lot

adjacent to Ellwood North, via an existing 7.5-foot-wide dirt trail that begins at the southern terminus of the parking lot (Exhibit 4). A truck would also be utilized to install the 5,000 gallon temporary water tank at the northwestern corner of the enhancement area. The tank would be refilled periodically by a water truck, which will be operated from the parking lot and connected to the tank with a hose. Additionally, an approximately 870 square foot staging area would be established at the southern end of the enhancement area, at the terminus of the vehicle access route, and would allow for the temporary storage of container plants, tools, and up to two trucks. No materials would be stored overnight within the staging area and only the number of plants needed for the day's activities will be brought on-site at any given time.

The project site is located at Ellwood Mesa, which is a 136.6-acre public open space area on the western edge of the City of Goleta. Ellwood Mesa features an extensive system of public trails that provide public coastal access throughout the mesa area, as well as to adjacent beach areas. Ellwood Mesa contains a diversity of coastal habitats; including coyote bush scrub, eucalyptus woodland, riparian scrub and forest, native and non-native grassland, coastal sage scrub, vernal pools, coastal bluff scrub, oak woodland, coastal freshwater marsh, and dune scrub. Specifically, the proposed project would be implemented at Ellwood North, which is located in the northwestern corner of Ellwood Mesa (Exhibit 3). Habitat types in this area include eucalyptus woodland, native and non-native grassland, coyote bush scrub, and coastal sage scrub. There is also a public parking lot located immediately to the west of the proposed restoration site. Ellwood North is one of five monarch overwintering aggregation sites that make up the Ellwood Complex, which together encompass approximately 50-acres of eucalyptus woodland (Exhibit 2).

Background

Ellwood Mesa has long been a location where monarch butterflies (*Danaus plexippus*) overwinter. The Ellwood Main aggregation site, which is located near the subject Ellwood North site, was identified by the Xerces Society as fourth out of the 50 of the most important monarch overwintering sites in California¹. However, as described in further detail below in Section B., both the monarch and eucalyptus tree populations at Ellwood have declined drastically in recent years. As of 2018, the monarch butterfly population at Ellwood Mesa declined to 230 butterflies, which is approximately 0.5 percent of the 30-year population high (47,500 butterflies in 2011). Furthermore, the eucalyptus trees at Ellwood Mesa are threatened by drought and pest infestation, and the health of the trees has been compromised (Exhibit 3). This has resulted in the death of numerous trees and the degradation of aggregation sites. In July 2017, over 1,200 eucalyptus trees were dead, and hundreds more were highly degraded and dying.

On October 12, 2017, the Commission authorized Emergency Coastal Development Permit No. G-4-17-0048 (Emergency Permit) for the one-time removal of 29 eucalyptus trees on Ellwood Mesa that were dead and/or at high risk of failure and located adjacent to four essential public trails, in order to protect life and property from imminent danger. This Emergency Permit also

¹ Pelton, E., S. Jepsen, C. Schultz, C. Fallon, & S.H. Black. June 2016. State of the Monarch Butterfly Overwintering Sites in California. Prepared for the U.S. Fish and Wildlife Service by the Xerces Society for Invertebrate Conservation, Portland Oregon. 48 pgs.

authorized the temporary closure of several public trail segments within the eucalyptus tree groves on Ellwood Mesa.

The Emergency Permit was authorized pursuant to six conditions of approval. Specifically, Condition Four (4) required that the City submit a standard Coastal Development Permit (CDP) application to the Commission within 12 months following the completion of work. Additionally, in recognition of the need for a comprehensive approach to habitat and access management at Ellwood, Condition Four (4) also requires that the City submit a complete regular CDP application for an Ellwood Mesa Habitat Management Plan to not only address mitigation for the 29 trees removed, but also restoration of the aggregation sites within the grove, and a strategy for re-opening and maintaining public trail segments in coordination with habitat management strategies and requirements. Following issuance of the subject Emergency Permit, in September through December of 2017, the City removed 27 dead/dying eucalyptus trees and pruned two trees on Ellwood Mesa. Additionally, all public trail segments that were temporarily closed pursuant to the Emergency Permit have been reopened.

On March 19, 2019, the City adopted the Monarch Butterfly Habitat Management Plan (MBHMP). This plan was created by the City to provide an approach to management of monarch butterfly seasonal aggregation habitat, additional species habitats, and public access and recreation on Ellwood Mesa. Within the subject MBHMP, 22 programs are identified to guide the overall management approach, and within each program a goal and several policies and objectives for implementation are outlined. This plan includes directives to restore aggregation sites, enhance biodiversity, and maintain public access.

In order to begin implementing the directives included within the MBHMP, in November 2018 the City adopted the Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan (IP). The IP details several activities proposed to enhance and restore monarch butterfly habitat at Ellwood North, one of the five monarch butterfly aggregation sites on Ellwood Mesa (Exhibits 2-4). The activities proposed in the IP include continued monitoring of the monarch population, installation of safety and educational signs, removal of fallen debris and dead trees, planting of eucalyptus trees and native understory species, irrigation and weed control, and monitoring of new plantings.

On December 12, 2018, the City submitted the subject CDP application for implementation of the project components included within the IP described above. This permit application was deemed incomplete and letters outlining the additional information needed were sent to the City. The City provided all of the informational items requested by staff and the permit application was deemed complete for filing on September 16, 2019.

B. ENVIRONMENTALLY SENSITIVE HABITAT 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 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 parks 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.

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.

The applicant has proposed implementation of habitat restoration and enhancement activities at the Ellwood North monarch butterfly aggregation site, which is a 0.58-acre area (Exhibit 4). Specifically, the proposed activities include removal of 65 downed and 25 standing dead eucalyptus trees and plant debris in order to create additional space for planting of 63 eucalyptus trees and native species. Of the 63 eucalyptus trees that are proposed to be planted, 52 would be red ironbark (*Eucalyptus sideroxylon*), and 11 would be blue gum (*Eucalyptus globulus*). Approximately 382 native plants from 12 different species will also be planted within and adjacent to the eucalyptus enhancement site. These plants include groundcover such as California brome (*Bromus carinatus*), purple needlegrass (*Stipa pulchra*), and giant ryegrass (*Elymus condensatus*), as well as larger species such as lemonade berry (*Rhus integrifolia*), toyon (*Heteromeles arbutifolia*), coyote bush (*Baccharis pilularis*), and hollyleaf cherry (*Prunus ilicifolia*). This restoration area would be temporarily irrigated and would be regularly weeded by hand to remove non-native and invasive plants until the new plantings are established.

Ellwood Mesa contains a variety of coastal habitats; including coyote bush scrub, eucalyptus woodland, riparian scrub and forest, native and non-native grassland, coastal sage scrub, vernal pools, coastal bluff scrub, oak woodland, coastal freshwater marsh, and dune scrub. Specifically, Ellwood North, the aggregation site where the proposed restoration and enhancement activities would be implemented, supports eucalyptus woodland, native and non-native grassland, coyote bush scrub, and coastal sage scrub.

Ellwood Mesa also includes the Ellwood North, West, and Main Grove monarch butterfly aggregation sites, as well as the Sandpiper monarch butterfly roost (Exhibit 2). 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 Ellwood Mesa and is likely to forage in the intertidal areas near the open space.

Ellwood Mesa has long been a location where monarch butterflies (*Danaus plexippus*) overwinter. Each winter, monarch butterflies from throughout North America migrate to habitat

in California and Mexico. The butterflies that winter in coastal California are known as the Western monarchs (*D. plexippus plexippus*). Over 450 locations along the California coast have been identified as monarch overwintering sites.

The Ellwood Main aggregation site, which is located near the subject Ellwood North site, was identified by the Xerces Society as fourth out of the 50 of the most important monarch overwintering sites in California. The aggregation sites at Ellwood Mesa are dominated by blue gum and red ironbark eucalyptus, interspersed with some native trees such as toyon and coast live oak. However, in recent years, the eucalyptus trees have been threatened by drought, fungal disease, and pest infestation, and the health of the trees has been compromised. This has resulted in the death of numerous trees and the degradation of aggregation sites (Exhibit 3). In July 2017, over 1,200 eucalyptus trees at Ellwood were dead, and hundreds more were highly degraded and dying. Of these dead and dying trees, 9% were within the boundaries of the five documented aggregation sites.

The monarch population at Ellwood Mesa has also declined drastically in recent years, and the high level of tree mortality has adversely affected the monarch butterflies' localized aggregation behavior. As of 2018, the monarch butterfly population at Ellwood Mesa declined to 230 butterflies, which is approximately 0.5 percent of the 30-year population high (47,500 butterflies in 2011). In addition to the monarch population decline observed at the Ellwood Mesa, similar declines have been observed throughout California. Every year since 1997, a monarch count has been held over Thanksgiving weekend in California. In 1997, over 1.2 million monarchs were documented; however, that number dropped to under 600,000 in 1998, and then stayed around 200,000 for the next 20 years². In 2018, the total monarch count came in at less than 50,000, despite the fact that even more monarch overwintering sites are surveyed every year.

In response to this population decline, in 2014 the Center for Biological Diversity, the Center for Food Safety, and the Xerces Society submitted a petition to the United States Fish and Wildlife Service (USFWS) to protect the monarch butterfly under the Endangered Species Act. The listing decision was slated for June 2019; however, the decision deadline has been extended to December 15, 2020. The main threats to monarch butterflies are loss of habitat, logging at overwintering sites, climate change/extreme weather, loss of milkweed breeding habitat due to increased use of herbicides and land conversion, and diseases, predators, parasites and insecticides.

The monarchs that migrate to overwintering sites live for approximately six to nine months through the winter. While monarch caterpillars feed exclusively on milkweed, the monarch butterflies feed on a wide variety of plant species for nectar. More than the types of trees, it is the physical conditions or micro-climate, created by and within a grove, which determine successful monarch butterfly overwintering sites. Aggregation sites are chosen for their protection from wind and weather extremes. The important characteristics of a grove are protection from wind and storms, absence of freezing temperatures, exposure to dappled sunlight, presence of high

² Ibid.

humidity, and water and nectar sources³. Successful aggregation sites typically are found in the center of a grove of trees and consist of a mature stand of trees with a well-developed canopy that are surrounded by trees and vegetation of various heights and foliage characteristics that block wind and ameliorate temperature extremes.

Within Ellwood Mesa, the aggregation sites that are utilized by the monarch butterfly are dominated by eucalyptus. Eucalyptus trees are not native to California and are not rare or especially valuable, and thus by themselves do not meet the criteria of an ESHA as defined by Coastal Act Section 30107.5. However, as described above, the subject eucalyptus trees support the monarch butterfly aggregation sites, which are rare and/or especially valuable and are easily disturbed and degraded by certain human activities and developments. As such, eucalyptus woodland supporting monarch butterflies habitat areas constitute ESHA as defined by the Coastal Act.

Coastal Act Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values. No uses other than those dependent on ESHA are allowed within it. The Coastal Act does not define “resource dependent” or provide examples of resource dependent uses. The Commission has interpreted resource dependent uses to be those that depend on the area or resources within ESHA to function. Examples include nature study, habitat restoration, trails, and accessways. Because the objective of habitat restoration is rehabilitating a degraded habitat, habitat restoration is dependent on a habitat to function. Therefore, habitat restoration is a resource dependent use that is allowed in ESHA. Thus the proposed restoration may be permitted within ESHA if the ESHA is protected against significant disruption of habitat values.

As proposed by the applicant, adverse impacts to ESHA would be avoided, and implementation of project activities is not anticipated to result in any temporary or permanent impacts. All proposed staging and vehicle access areas are outside the ESHA boundary, and enhancement activities have been timed to avoid impacts to sensitive wildlife species utilizing ESHA. Additionally, the 2018 Implementation Plan provided by the applicant includes detailed methods for dead tree removal and technical details for restoration planting. However, the submitted plan lacks detail regarding the overall restoration goals, as well as monitoring plans 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 the proposed Implementation Plan results in the successful establishment of native habitats, **Special Condition One (1)** requires the applicant to submit a final Implementation Plan, prepared by a qualified biologist or resource specialist, for review and approval by the Executive Director. Furthermore, Special Condition One (1) requires the revised final Implementation 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 One (1) also requires the applicant to submit annual monitoring reports to the Commission for a period of 10 years, for the review and approval of the Executive Director.

³ The Xerces Society. 2017. Protecting California’s Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat. 32+vipp. Portland, OR: The Xerces Society for Invertebrate Conservation.

Furthermore, the proposed restoration and enhancement activities would occur in a sensitive area where red-tailed hawks, white-tailed kites, and other birds are known to nest. These species could potentially be disturbed during the proposed enhancement activities. As such, the proposed project has the potential to disturb sensitive species in and around the project area due to noise, and disturbance associated with completion of the restoration activities. Therefore, to ensure that potential adverse impacts to sensitive bird and other terrestrial species are avoided, **Special Condition Two (2)** 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 no more than two weeks 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 and halt all project activities.

Coastal waters and habitats could also be temporarily impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties during installation activities. To ensure that construction material, debris, or other waste associated with project activities does not enter the environment, the Commission finds **Special Condition Three (3)** is necessary to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the environment. As provided under Special Condition Three (3), 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 Three (3) also specifies that construction equipment shall not be cleaned within ESHA or wetlands.

As described in detail above, both the monarch butterfly and eucalyptus populations at Ellwood have degraded drastically in recent years. These conditions seem to warrant expedited action as the health of the aggregation sites and monarch butterfly population appear to be in an increasing state of decline. In order to guide implementation of a comprehensive, ecosystem based approach for management of Ellwood Mesa, Condition Four of Emergency CDP G-4-17-0048 required that a plan be submitted to the Commission in the context of a CDP application to not only address mitigation for the 29 trees removed, but also restoration of the aggregation sites within the grove, and a strategy for re-opening and maintaining public trail segments in coordination with habitat management strategies and requirements. In response to this condition, the applicant submitted the subject CDP for implementation of the 2018 IP. However, this IP covers a specific, narrow range of activities designed to begin enhancing monarch butterfly overwintering habitat in Ellwood North, which is only one of the five monarch aggregation sites at Ellwood Mesa, and does not fully address the measures required by Condition 4 of Emergency CDP G-4-17-0048. In order to ensure that the approach to habitat management, enhancement, and restoration at Ellwood is undertaken comprehensively, **Special Condition Four (4)** requires that the applicant submit a complete regular Coastal Development Permit Application to the California Coastal

Commission for a comprehensive plan to manage and restore all the aggregation sites within Ellwood Mesa. The submitted plan must address tree removal mitigation measures, habitat maintenance, enhancement, and restoration activities, protection and monitoring measures for monarch butterfly and other species, and public access improvements. This plan must also include alternatives for replacing removed and trimmed eucalyptus trees with native tree species and/or a mixture of native and non-native tree species in order to create a more biodiverse ecosystem, and should incorporate as many native nectar producing species in the planting palette as possible. Many native tree species are more drought-tolerant and fire-resistant than non-native eucalyptus, and they also better support native wildlife species. A biodiverse ecosystem that features native species will also be more adaptive to climate change, and less prone to wide-spread disease- and pest-induced mortality.

For the reasons discussed above, the Commission finds that the proposed project would serve to restore and protect ESHA. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act related to environmentally sensitive habitat area.

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, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30221 of the Coastal Act 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.

Section 30223 of the Coastal Act 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 protects oceanfront and upland land for recreational uses.

Ellwood Mesa is frequently used for coastal access and recreation by the public, including both local residents and visitors. Ellwood Mesa features a series of public hiking trails, and functions alongside Santa Barbara Shores County Park to provide access to nearby Ellwood Beach, which is located approximately ½ mile south of the project site at Ellwood North. Furthermore, members of the public visit Ellwood Mesa specifically to learn about the monarch butterfly and view monarch butterfly aggregations, which are rare biological phenomena.

As described above, the proposed habitat enhancement project includes removal of dead trees and debris, planting of native species and eucalyptus trees, and installation of a temporary water tank. To complete this work, vehicles such as rubber-tired flatbed trucks, pickup trucks, and water trucks would be utilized. Vehicles would access the enhancement area from the parking lot adjacent to Ellwood North, via an existing 7.5-foot-wide dirt trail that begins at the southern terminus of the parking lot. A truck would also be utilized to install the temporary water tank at the northern edge of the enhancement area. The tank would be refilled periodically by a water truck, which will be operated from the parking lot and connected to the tank with a hose. Additionally, a staging area would be established at the southern end of the enhancement area, at the terminus of the vehicle access route, and would allow for the temporary storage of container plants, tools, and up to two trucks.

The public parking lot and trails located adjacent to the project site would remain open during implementation of the project activities, which are anticipated to take four-six weeks; however these areas could be temporarily impacted. As implementation of the proposed project would require the temporary use of some public access and recreational areas, it is necessary to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized. As such, the Commission requires the applicant to submit a public access plan, pursuant to **Special Condition Five (5)**, to the Executive Director for review and approval. Special Condition Five (5) requires a description of the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to and around the project area shall be maintained during all project operations. Further, Special Condition Five (5) requires the applicant to post the site with a notice indicating the expected dates of construction and/or temporary closures.

The proposed project also includes the installation of educational and safety signs. As part of the subject CDP, three signs are proposed to be installed near the trailheads at Ellwood North. These include two signs identifying that the area is currently being enhanced, and one sign indicating that fires, camping, and smoking are not allowed at Ellwood Mesa. Although the applicant has proposed to install the subject signs, the exact language that will be used on these signs has not been submitted. In order to ensure that the subject signs do not have an adverse effect on the ability of the public to access public trails and open space, the Commission finds it necessary to impose **Special Condition Six (6)**, which requires the applicant to submit an informational/educational signage plan that describes the location, number, size, and contents of signs to be placed. This condition also requires that the signs are installed in the manner described within the approved signage plan.

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, is consistent with Sections 30210, 30211, 30221 and 30223 of the Coastal Act related to public access and recreation.

D. 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 any 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 Six (6) 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

Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan; First Submittal of Additional Information Regarding Coastal Development Permit Application No. 4-18-1223; Second Submittal of Additional Information Regarding Coastal Development Permit Application No. 4-18-1223; File for Emergency Permit G-4-17-0048; State of the Monarch Butterfly Overwintering Sites in California, prepared for the U.S. Fish and Wildlife Service by the Xerces Society for Invertebrate Conservation, 2016; Protecting California's Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat, prepared by the Xerces Society for Invertebrate Conservation, 2017.