

**CALIFORNIA COASTAL COMMISSION**

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# W23b

**DATE:** November 27, 2019

**TO:** Commissioners and Interested Persons

**FROM:** South Central Coast District Staff

**SUBJECT:** Notice of Impending Development (NOID) UCS-NOID-0007-19 for the Hazardous Tree Replacement Project, for Public Hearing and Commission Action at the December 11, 2019, Commission Meeting in Calabasas, CA.

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### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, approve the Notice of Impending Development (NOID) UCS-NOID-0007-19, as conditioned. Staff is recommending three special conditions for the subject NOID to assure consistency with the policies and provisions of the LRDP. The standard of review for the proposed NOID is consistency with the policies of the certified University of California Santa Barbara (UCSB) Long Range Development Plan (LRDP).

The impending development involves the removal of thirty-one (31) non-native mature eucalyptus trees, located along El Colegio Road, Lot 29, and between Physical Sciences Building North and Lot 9 on Main Campus at the University of California Santa Barbara. The University proposes to conduct all tree removal activities outside of the bird breeding and nesting season (February 15 to September 1) in mid-December, over the course of approximately one month. Additionally, proposed grading is limited to the backfilling of the stump locations, with the vacated stump and surrounding area mulched for erosion control purposes.

Five of the eucalyptus trees proposed for removal are located on the west side of Main Campus, along El Colegio Road (Exhibit 3). The trees in this area are surrounded by existing development including the Student Health building, heavily trafficked vehicle road, a bicycle and pedestrian path, and Pauley Track. 12 trees proposed for removal are located south-east of El Colegio Road, between the Humanities and Social Sciences Building (HSSB) and Lot 29, along an approximately 130 meter area. Lastly, 14 of the trees proposed for removal are located on the eastern portion of Main Campus between Physical Sciences Building (PSB) North and Lot 9, along an approximately 500 meter area. All proposed removal sites are located within heavily developed areas, and the projects sites are relatively flat.

The subject trees were planted as agricultural windbreaks between 1915 and about 1927 and are approximately 87 to 97 years old, with many of them exceeding 100 feet in height. In July 2019 an arborist survey was completed, and indicates that all of the subject mature eucalyptus trees are

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nearing the end of their lifespan, are diseased, or have poor structure due to poor growing conditions and old age, and are more likely to branch failures or tree failure.

The University is proposing to replace the removed trees at a 1:1 ratio throughout Main Campus in accordance with the Campus Tree Trimming and Removal Program of the certified LRDP. The trees proposed for removal do not constitute environmentally sensitive habitat area (ESHA) or Open Space, and are not designated as such on Figure F.1 or Figure F.5 within the certified LRDP. They are located in an urbanized area and the trees are non-native. The biological surveys for this project indicate that the eucalyptus trees on site proposed for removal do not support nesting raptors or other sensitive species. The University has submitted breeding season raptor surveys and a raptor habitat assessment for designated areas on Main Campus and West Campus, completed within the last year, to observe raptor use of these areas for nesting, perching, and roosting and assess the raptor habitat values for these areas. The raptor surveys did not identify any raptor nesting activity within the trees proposed for removal. However, due to the fact that the thirty-one trees proposed for removal still have the potential to provide habitat for sensitive bird species, it is necessary to ensure that potential impacts to nesting bird species are avoided. Thus in order to avoid any potential adverse impacts to raptor or sensitive bird species, **Special Condition One (1)** prohibits all pruning and removal activities during the bird breeding and nesting season, consistent with the University's proposal, and requires a qualified environmental resource specialist to conduct pre-construction bird surveys to confirm that nesting or breeding behavior is not occurring prior to initiation of such activities.

Although the trees proposed for removal are not ESHA, they still have the potential to provide habitat for sensitive bird species. Therefore, the removal of these mature trees must be mitigated to ensure that there are no adverse impacts or permanent loss of potential raptor or other sensitive bird nesting habitat. The University is proposing to mitigate the loss of the trees at a mitigation ratio of 1:1, consistent with LRDP policies. To ensure adequate implementation of the University's proposal, **Special Condition Three (3)** requires that a tree replacement planting plan be submitted which reflects the University's mitigation proposal. Specifically, Special Condition Three (3) requires the University to submit a final tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful.

In past actions, the Commission has found that erosion on disturbed sites can be minimized by revegetating all disturbed areas with native plants compatible with the surrounding area. In this case, the University is proposing to add dirt and mulch over the disturbed/exposed soil areas. Given that the tree removal locations are relatively flat, and not located in or adjacent to ESHA, the mulch is a sufficient measure to reduce erosion and ensure protection of coastal resources. The trees will be chipped into mulch after removal and the campus will take as much of the mulch that can be stored at their green waste recycling area to be used on campus landscaping. If the recycling area gets filled to capacity, the contractor is then responsible for the removal and disposal of the mulch. **Special Condition Two (2)** is necessary to ensure that disposal of the tree

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material from the pruning and removal occurs in a manner that will not have adverse impacts to the adjacent eucalyptus windrow or other coastal resources.

Staff recommends that the Commission determine that the Notice of Impending Development is consistent with the certified LRDP only as conditioned with three special conditions. The motion and resolution for Commission action can be found starting on **page 5**.

**Additional Information:** For further information, please contact Joy Lester at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The UCSB Notice of Impending Development UCS-NOID-0007-19 is available for review at the Ventura Office of the Coastal Commission.

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## I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Title 14, sections 13547 through 13550 of the California Code of Regulations<sup>1</sup> govern the Coastal Commission's review of specific development projects proposed to be undertaken pursuant to a certified Long Range Development Plan (LRDP). Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received. The items necessary to provide a complete notice of impending development for the project at issue in this report were received in the South Central Coast Office on November 19, 2019. Commission staff reviewed them within 10 days of receiving them, and the notice was filed as complete on November 27, 2019. Because the notice of impending development at issue in this case was filed complete on November 27, 2019, the Executive Director would need to report the proposed development to the Commission by December 27, 2019.

Pursuant to section 13550(b) of the regulations, within thirty days of filing the notice of impending development, the Executive Director is to report to the Commission on the nature of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After a public hearing, by a majority of its members present, the Commission determines whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to impose any conditions(s) necessary to render the proposed development consistent with the certified LRDP.

## II. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission determine that the development described in the Notice of Impending Development UCS-NOID-0007-19 (Hazardous Tree Replacement Project), as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.*

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development UCS-NOID-0007-19 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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<sup>1</sup> All further references to regulations are to Title 14 of the California Code of Regulations

**Resolution:**

*The Commission hereby determines that the development described in the Notice of Impending Development UCS-NOID-0007-19, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.*

**III. SPECIAL CONDITIONS**

**1. Timing of Construction – Breeding Birds**

In order to prevent disturbance to breeding and nesting birds, no work shall occur February 15 to September 1. A breeding and nesting bird survey shall be conducted prior to tree removal and tree pruning activities that occur during the non-breeding and non-nesting season (September 1 to February 15). One week prior to tree pruning or removal, a qualified biologist or ornithologist shall survey the trees to be removed or trimmed to detect breeding behavior and/or nests. If an active nest is located, all work within 500 feet of the nest shall be postponed until such nest is vacated and juveniles have fledged and when there is no attempt of a second nesting.

**2. Removal of Tree Material**

Prior to commencement of construction activities, the University shall provide evidence to the Executive Director of the location of the disposal site for all excess tree debris and mulch material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid NOID for the disposal of material. If the disposal site does not have a NOID, such NOID will be required prior to the disposal of material.

**3. Tree Replacement Planting Program**

Prior to commencement of construction activities, the University shall submit for the review and approval by the Executive Director, a tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. All of the trees shall be replaced at a 1:1 mitigation ratio. Replacement trees shall include a range of container-size plantings. The University shall commence implementation of the approved tree replacement planting program concurrently with the commencement of tree removal. An annual monitoring report on the replacement trees shall be submitted for the review and approval of the Executive Director for each of the 5 years. If monitoring indicates the replacement trees are not in conformance with or have failed to meet the performance standards specified in the monitoring program approved pursuant to this notice of impending development, the University shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

## **IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The University proposes to remove thirty-one (31) non-native mature eucalyptus trees, located along El Colegio Road, Lot 29, and between Physical Sciences Building North and Lot 9 on Main Campus. Proposed grading is limited to the backfilling of the stump locations, with the vacated stump and surrounding area mulched for erosion control purposes. The University proposes to conduct all tree pruning and removal activities outside of the bird breeding and nesting season (February 15 to September 1).

These trees pre-date the establishment of the University, are approximately 87 to 97 years old, and many exceed 100 feet in height. Additionally, some of these trees are approaching the end of their lifespan and some of which have been determined to be unhealthy and unsafe to persons and property in their vicinity. According to the submitted Arborist Report dated July 1, 2019 and prepared by Robert Muraoka, several of the trees assessed are in a state of decline, and several are reported to be in very poor condition. The arborist report further indicates that there are no measures or maintenance practices that could prevent the continued health decline or death of the trees.

Five of the eucalyptus trees proposed for removal are located on the west side of Main Campus, along El Colegio Road (Exhibit 3). The trees in this area are surrounded by existing development including the Student Health building, heavily trafficked vehicle road, a bicycle and pedestrian path, and Pauley Track. 12 trees proposed for removal are located south-east of El Colegio Road, between the Humanities and Social Sciences Building (HSSB) and Lot 29, along an approximately 130 meter area. Lastly, 14 of the trees proposed for removal are located on the eastern portion of Main Campus between Physical Sciences Building (PSB) North and Lot 9, along an approximately 500 meter area. All proposed removal sites are located within heavily developed areas, and the projects sites are relatively flat.

The trees proposed for removal do not constitute environmentally sensitive habitat area (ESHA) or Open Space, and are not designated as such on Figure F.1, or Figure F.5 of the certified LRDP. The biological surveys for this project indicate that the trees on the site do not support nesting raptors or other sensitive species. Specifically, the University has submitted breeding season raptor surveys and a raptor habitat assessment for proposed tree removal areas, completed within the last year, to evaluate raptor use of these areas for nesting, perching, and roosting and assess the raptor habitat values for these areas. The raptor surveys did not identify any raptor nesting activity within the subject trees proposed.

### **Proposed Method of Tree Removal**

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The University intends to implement the following, or similar, method of tree removal: 1) the area surrounding the tree will be cleared and ropes will be attached to large branches before they are removed, 2) a wedge will be placed into the branch from the underside and once the wedge is cut another cut will be made through the top of the branch above the wedge which will then cause the weight of the branch to close the wedge and aim the branch straight down and the ropes will slow the fall/descent of the branch with guidance from the workers, 3) upon removal of all branches, a chain saw will be used to cut the tree down to 4 to 5 feet above the ground, 4) a “cherry picker” will be used to elevate the tree worker up the tree and ropes will be used at the high parts of the tree to slow and guide the portions of the tree down to the ground, 5) the roots will be dug up and the stumps will be grounded with a stump grinder and 6) the remaining hole will be filled with dirt and mulch will be placed on top. All proposed grading will be limited to the backfilling of the stump locations. Moreover, 40-100-ton crane trucks, brush/wood chippers, front end loaders, backhoes and roll off dump trucks are some of the equipment necessary for the tree removals.

**B. CONSISTENCY ANALYSIS**

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). The 2010 LRDP was certified by the Commission in 2014 and contains policies and provisions that identify areas for campus development while protecting coastal resources including raptor habitat and water quality.

Section 2.4.1 of the LRDP, in relevant part, states:

*The removal of any tree under Sections 2.3.1-2.3.3 shall require mitigation in the form of replacement planting at the ratios shown below in Section 2.4.1(c), and shall require a tree replacement planting plan to be prepared and submitted annually to the Executive Director that includes the following requirements:*

*... c. The removal of any tree shall require mitigation in the form of replacement planting according to the mitigation ratio shown below:*

*i. The removal of any native tree or breeding/nesting tree requires 3:1 replacement with native tree.*

*ii. The removal of any ornamental tree requires 1:1 replacement with native or ornamental tree.*

*iii. The removal of any oak tree requires at least 10 replacement oak seedlings, less than one year old, grown from acorns collected in the area, and shall be planted on-site, or if not feasible due to site constraints, shall be planted in ESHA or Open Spaces areas. Oak tree plantings shall be supplemented with a mycorrhizal inoculant, preferably oak leaf mulch or from clippings of locally-indigenous species lawfully removed from the site or from sites within the vicinity of the planting site, at the time of planting to help establish plants.*

Policy ESH-11 states:



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*The use of any noxious and/or invasive plant species listed as problematic, a 'noxious weed' and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, the State of California or the U.S. Federal Government shall be prohibited in all campus landscaping.*

Policy ESH-27 states:

*Raptor habitat, including nesting trees, roosting trees, perching locations, and foraging habitat, shall be protected and preserved.*

Policy ESH-28, in relevant part, states:

*...B. All tree trimming and tree removal activities, including trimming or removal that is exempt from the requirement to obtain a Notice of Impending Development, shall be prohibited during the breeding and nesting season (February 15 to September 1) unless the University, in consultation with a qualified arborist, determines that:*

- 1. Immediate tree trimming or tree removal action by the University is required to protect life and property of the University from imminent danger, authorization is required where such activity would occur in ESHA or Open Space through an emergency permit,*
- 2. Trimming or removal of trees located outside of ESHA or Open Space areas during June 15 to September 1, provided where a qualified biologist has found that there are no active raptor nests or colonial birds roosts within 500 feet of the trees to be trimmed or removed, or*
- 3. Is part of a development or redevelopment approved pursuant to a Notice of Impending Development.*

*C. To preserve roosting habitat for bird species and monarch butterflies, tree(s) associated with new development, re-development, or renovation that are either native or have the potential to provide habitat for raptors or other sensitive species shall be preserved and protected to the greatest extent feasible. Where native, or otherwise biologically significant, trees are retained, new development shall be sited a minimum of five feet from the outer edge of that tree's canopy drip-line. The removal of such trees shall be evaluated pursuant to the Notice of Impending Development for the new development. Prior to the removal of any native and/or sensitive tree for development purposes, the University shall conduct biological studies to show whether the tree(s) provide nesting, roosting, or foraging habitat for raptors and sensitive bird species, aggregation or significant foraging sites for monarch butterflies, or habitat for other sensitive biological resources. The Commission may condition the subject Notice of Impending Development to secure the seasonal timing restrictions and mitigation requirements otherwise set forth in the Campus Tree Trimming and Removal Program in Appendix 2.*

Policy OS-09, in relevant part, states:

*...5. The Plan shall ensure that the tree masses serving as raptor habitat and/or monarch butterfly aggregations (e.g., near Storke Wetlands, West Campus, and the Ellwood*

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*Marine Terminal site) have a phased restoration that ensures there is no interim loss of available habitat, serving the same habitat function, when the existing tree masses reach senescence or for any reason, including habitat management objectives, must be removed. Tree species adequate to replace the function of the existing trees shall be planted in and around the existing tree masses with the intended purpose of reaching maturity as the older trees are lost...*

Policy WQ-01 states:

*New development shall be sited, designed, and managed to prevent adverse impacts from stormwater or dry weather runoff to coastal waters and environmentally sensitive habitat areas. Sources of inflow to coastal wetlands shall be maintained so that the quality, volume and duration of flows do not diminish wetland hydrology.*

Policy WQ-02, in relevant part, states:

*...B. Development shall be sited and designed consistent with the following runoff control priorities, and implemented through the water quality protection plans in compliance with Appendix 3 (Water Quality Protection Program):*

*1. First, where drainage from campus lands may directly or indirectly flow into coastal waters, the first priority for the plans and designs of proposed campus development shall be the prevention of an increase in post-construction stormwater runoff volume or velocity compared with existing site conditions.*

*2. Second, where despite the inclusion of all feasible measures to achieve the first priority an increase in site runoff cannot be fully avoided, the project plans and designs shall include all feasible additional drainage management measures necessary to slow, capture, treat, infiltrate, and detain stormwater runoff on site to the maximum extent feasible, and in the manner that best protects coastal resources, including wetlands, environmentally sensitive habitat areas, and coastal waters...*

*2. Second, where despite the inclusion of all feasible measures to achieve the first priority an increase in site runoff cannot be fully avoided, the project plans and designs shall include all feasible additional drainage management measures necessary to slow, capture, treat, infiltrate, and detain stormwater runoff on site to the maximum extent feasible, and in the manner that best protects coastal resources, including wetlands, environmentally sensitive habitat areas, and coastal waters...*

Policy WQ-06 states:

*The University shall design, construct and manage campus development to minimize the introduction of pollutants, including trash and sediment, into coastal waters. Pollutants shall not be allowed to enter coastal waters through drainage systems. Low Impact Development (LID) strategies shall be used to emphasize an integrated system of decentralized, small-scale control measures that minimize alteration of the site's natural hydrologic conditions through infiltration, evapotranspiration, filtration, detention, and retention of runoff close to its source. Traps and filters for roadway contaminants shall be provided as part of all drainage structures.*

Policy WQ-11 states:

*Excavated materials shall not be deposited or stored where the material can be washed away by storm water runoff. Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the site, where the stockpile*

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*area(s) will not impact natural vegetation, and protected from erosion while grading operations are underway, provided that the topsoil is also managed consistent with Policy ESH-14. Appropriate measures shall be taken to protect the preserved topsoil from erosion and runoff through such measures as tarping, jute netting, silt fencing, and sandbagging soil. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments of building pads so as to provide a suitable base for seeding and planting. These requirements shall be incorporated into applicable water quality protection plans (Construction Pollution Prevention Plan, Post-Development Runoff Plan, and/or Water Quality and Hydrology Plan as applicable) for processing during the NOID process as described in Appendix 3, Water Quality Protection Program.*

*Sensitive Bird Species & Tree Removal*

The impending development involves the removal of thirty-one (31) non-native mature eucalyptus trees located along El Colegio Road, Lot 29, and between Physical Sciences Building North and Lot 9 on Main Campus. All trees proposed for removal are non-native. The University proposes to conduct all tree removal outside of the bird breeding and nesting season (February 15 to September 1). These trees pre-date the establishment of the University, are approximately 87 to 97 years old, and many exceed 100 feet in height.

Additionally, some of these trees are approaching the end of their lifespan and some of which have been determined to be unhealthy and unsafe to people and property in their vicinity. According to the submitted Arborist Report dated July 1, 2019 and prepared by Robert Muraoka, over senescence has compromised this group of Eucalyptus' ability to obtain enough resources for healthy growth, which makes them more susceptible to diseases and insect pests and more likely to experience branch failures or tree failure due to decay and/or a retracted root plate. Although branch failure can cause significant damage or even loss of life; the arborist report indicates that for these trees, total failure is a greater concern. There are several variables that can compromise a tree's structural stability and contribute to its total failure. In the subject trees, canopy die-back or deadwood indicates that a loss of lateral and descending roots due to old age and/or drought stress has occurred. Additionally, some trees have damage or decay to exposed lateral roots, and there was evidence of soil compaction and/or other construction impacts in the critical root zones. The arborist report further indicates that there are no measures or maintenance practices that could prevent the continued health decline or the death of these trees.

Total tree failure is most likely to occur during the winter. If the soil becomes saturated, it loses the ability to provide solid anchorage for the root system. In this case, the arborist report indicates that the loss of anchorage combined with diminished root systems, especially while being subjected to winds, significantly increases the likelihood of failure. This is what occurred on campus in February of 2019, where storms caused several blue gum eucalyptus to fall and damage University property. Additionally, there were several tree failures in 1985 and 1997, and again in 2017 and 2019 when several large trees fell in the core of campus. The 2017 failures at the west end of Academic Green occurred at about 8:30AM on a weekday and narrowly avoided

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striking students going to class. The February 2, 2019 failures occurred on a Saturday, totaled a car, and did significant damage to an office building and area lighting. Blue Gum trees fell along the Ocean Road windrow as well in February 2019, narrowly missing an apartment building and the Isla Vista Foot Patrol building.

The University has submitted a raptor survey, completed within the last year, to evaluate and document foraging and nesting activity of the subject eucalyptus located on Main Campus. The submitted raptor survey, “Coastal Breeding Season Raptor Surveys and Raptor Habitat Assessment for University of California, Santa Barbara, Tree Removal, Main Campus and West Campus” dated July 15, 2019, prepared by Dudek, did not find any raptor nesting activity within the trees proposed for removal.

However, the thirty-one trees proposed for removal still have the potential to provide habitat for sensitive bird and raptor species, and therefore it is necessary to time tree removal and pruning to avoid potential impacts to nesting bird species. In order to avoid any potential adverse impacts to raptor or sensitive bird species, the Commission finds that **Special Condition One (1)** is necessary to prohibit all pruning and removal activities during the bird breeding and nesting season, consistent with the University’s proposal. Further, prior to initiation of tree removal and pruning activities, Special Condition 1 requires a qualified environmental resource specialist to conduct pre-construction bird surveys to confirm that nesting or breeding behavior is not occurring at the time tree removal commences. Additionally, because the thirty-one trees proposed for removal have the potential to provide habitat for sensitive bird species, the Commission requires the University to plant replacement trees at a ratio of 1:1 for each eucalyptus tree removed, consistent with the LRDP. The University has submitted a preliminary tree replacement plan that provides for a mitigation ratio of 1:1 in accordance with the Campus Tree Trimming and Removal Program of the certified LRDP. Specifically, the University proposes to plant 31 trees throughout Main Campus, including 16 *Corymbia citriodora* (Lemon Gum Eucalyptus), three *Afrocarpus gracilior* (East African yellowwood), and 12 *Quercus acutissima/Quercus mangolica* (Sawtooth Oak/Mangolian Oak). However, in order to ensure adequate implementation of the University’s proposal, **Special Condition Three (3)** has been included to require that the University submit a final tree replacement planting program that reflects the University’s mitigation proposal. Specifically, Special Condition Three (3) requires the University to submit a final tree replacement and transplant planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. Furthermore, the Commission has found, through permit actions, that many factors over the life of the restoration can result in the death of the replacement trees. As such, Special Condition Three (3) also requires the University is to monitor the replacement trees for no less than five years and provide a supplemental planting plan if the initial tree planting is not successful.

*Erosion and Water Quality*

The proposed notice of impending development will not result in the creation of any new impervious surfaces since the trees will be removed completely (including the stumps) and

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removed from the project site; however, it will result in bare soils and the disturbed areas that could lead to a potential increase in the volume and velocity of storm water runoff and sediment load that can be expected to leave the site and eventually be discharged into coastal waters.

In past actions, the Commission has found that erosion on site can be best minimized by revegetating all disturbed areas with native plants compatible with the surrounding area. In this case, the University is proposing to add mulch over the disturbed/exposed soil areas. Given that the tree removal locations are relatively flat, and not located in or adjacent to ESHA, the mulch is a sufficient measure to reduce erosion and ensure protection of coastal resources.

However, the Commission finds that stockpiled materials and debris have the potential to contribute to increased erosion, sedimentation, and pollution. Policy WQ-11 of the LRDP prohibits the deposition or storage of excavated material where the material can be washed away by storm water runoff. Additionally, Policy WQ-05 of the LRDP requires that the removal of existing vegetation on campus shall be minimized and limited to a pre-approved area required for construction operations, and that temporary mulching or other suitable stabilization measures shall be used to protect exposed areas during construction or other land disturbance activities. Therefore, consistent with Policies WQ-05 and WQ-11 of the LRDP, in order to ensure that tree debris material will not be stockpiled on site and that landform alteration and site erosion is minimized, **Special Condition Two (2)** requires the University to remove all tree-related materials from the site to an appropriate location permitted to receive such material. Should the disposal site be located in the Coastal Zone a separate coastal development permit or notice of impending development may be required.

For the reasons described above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable LRDP policies with regards to coastal resources including raptor habitat and water quality.

### C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of Notices of Impending Development (NOID) to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Pursuant to CEQA, the University of California is responsible for preparing any necessary environmental documents for its project (Pub. Res. Code § 21080.09). When carrying out its review as a responsible agency, the Commission has a certified regulatory program that it generally uses in lieu of preparing environmental impact reports and negative declarations under CEQA.

Section 21080.5(d)(2)(A) of CEQA prohibits the Commission from approving a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment. For the reasons discussed in this report, the Commission has conditioned the NOID to require implementation of the project outside bird nesting season, design and implementation of the tree mitigation and monitoring plan, and appropriate disposal of tree debris and mulch. The project, as conditioned, is consistent with the governing LRDP and its coastal zone

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protection policies and all significant environmental impacts of the proposed development are avoided or mitigated to the extent feasible. As conditioned, the proposed project does not have any remaining significant effects within the meaning of CEQA.

The Commission incorporates its findings on LRDP consistency at this point as if set forth in full. As discussed in the preceding sections, the proposed development approved by this NOID, as conditioned, is consistent with both the policies and provisions of the certified 2010 LRDP. Feasible mitigation measures that will minimize all significant adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as conditioned herein, is consistent with the applicable policies and provisions of the certified Long Range Development Plan, the Coastal Act, and CEQA.

Appendix A

**SUBSTANTIVE FILE DOCUMENTS**

1. University of California, Santa Barbara, 2010 Long Range Development Plan
2. *Eucalyptus globus*, Blue Gum Risk Assessment dated July 7, 2019, prepared by Robert Muroaka B.S., MS. ASCA Registered Consulting Arborist #469 & ISA Certified Arborist #WE3987A.
3. Coastal Breeding Season Raptor Surveys and Raptor Habitat Assessment for University of California, Santa Barbara, Tree Removal, Main Campus and West Campus” dated July 5, 2019, prepared by Dudek.