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STAFF REPORT: REGULAR CALENDAR

Application No.:	**4-18-0206**
Applicant:	**California Department of Parks and Recreation**
Location:	Gaviota State Beach, Santa Barbara County.
Project Description:	Repair and protection of pier at Gaviota State Beach, including installation of 1,700 tons of rock rip-rap slope protection, a 90 foot seaward extension, approximately 51 new vertical pilings, 15 new batter piles, as well as removal and replacement of timber decking, guardrails, structural supports and cross bracing.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The California Department of Parks and Recreation (State Parks) has submitted a coastal development permit for the repair and reconstruction of the 570 foot long pier at Gaviota State Beach as well as the installation of rip-rap rock slope protection at the landward pier abutment. The Gaviota pier has provided important public access and recreation amenities since its construction in 1951, and for the past several decades it has also provided the only public boat launch facility for the over 100 miles of coastline between Port San Luis to the north and Goleta

Beach Park to the south. Because the pier is located adjacent to the access-restricted Hollister and Bixby Ranches, the boat launch system it is equipped with has traditionally seen extensive use by members of the public seeking access to the fishing, diving, and surfing areas offshore of the Ranches.

The Gaviota pier has been closed to the public since it suffered severe storm and wave damage in March of 2014. In order to repair and re-open it, State Parks is proposing to remove and replace all of the pier's timber decking, guardrails and support bracing as well as roughly 11 damaged and deteriorated pilings. Because the most seaward approximately 90 foot section of the pier collapsed and was lost in the 2014 storm, State Parks is also proposing to replace it in-kind with a new approximately 90 foot long seaward extension that would involve installation of 40 new vertical pilings and 15 new batter pilings (piles installed at an angle rather than completely vertical).

State Parks is also proposing to install up to 1,700 tons of rock at the pier's landward abutment. Although the pier abutment is protected by a natural rock slope face and an area of intertidal reef, the proposed rip-rap rock is intended to reduce wave energy and uprush towards the bottom of the pier during storm conditions. Because the installation of the proposed rip-rap would result in the loss of an approximately 1,200 square foot section of the intertidal rocky reef that is present below the pier landing – a marine habitat recognized as having special biological significance due to its relative rarity and inclusion within the Kashtayit State Marine Conservation Area – State Parks has included in its project a proposal to minimize and compensate for these adverse impacts. This proposal would include installation of the rock revetment in a way that minimizes – to the extent feasible - the loss and damage of rocky reef habitat as well as compensation for unavoidable habitat loss and damage through marine debris removal and marine habitat enhancement efforts along the Gaviota coast for the next five years. These efforts would focus on the collection, removal from the marine environment, and disposal of lost and abandoned fishing nets, lines, traps, and other types of marine debris. Based on the results of similar efforts carried out over the past several years, the proposed marine habitat enhancement work by staff of State Parks' Channel Coast District is expected to result in the removal of marine debris and lost fishing gear from approximately three times more rocky reef habitat than would be affected by the project, a habitat compensation ratio of 3:1 (restored:lost).

These efforts to compensate for the project's adverse effects to marine habitats would be memorialized and clarified through **Special Conditions 5 and 6** which would require a post-installation survey to be carried out to calculate the total area of lost habitat and would then use the results of that survey to determine the target amount for State Parks' marine habitat enhancement efforts. In case this target is not met or exceeded at the end of five years, State Parks has proposed to make a contribution to the California Lost Fishing Gear Recovery Project to fund additional marine habitat enhancement efforts.

Additional Coastal Act issues raised by the proposed project include the fill of coastal waters due to the installation of pier piles and the landward abutment protection; potential adverse impacts to coastal water quality due to accidental discharges or releases of construction materials; the potential for injury or disturbance to marine mammals during piling installation activities; and the temporary loss of public beach use and access during construction.

To address these issues, State Parks has proposed to implement a variety of resource protection and mitigation measures, including: (1) employing marine wildlife observers during piling installation work; (2) following best management practices to prevent spills or storm water contamination; and (3) installing mesh netting below active construction and demolition areas to prevent accidental release of construction or demolition materials into marine waters. The marine wildlife protection measures for pile driving would be memorialized and clarified through **Special Condition 1**. In addition, **Special Conditions 2, 3, 4 and 7** would provide additional protection and enhancement of coastal water quality, marine wildlife, habitats, and public access through the implementation of measures that would help ensure that (1) the pier decking and support structures are constructed from materials that would not adversely affect the water quality or marine life of the marine protected area in which the pier is located; (2) biological surveys are carried out within the pier's construction footprint; (3) public access to and use of the beach area at Gaviota State Beach is protected during the estimated 11 month construction period; and (4) management and operation of the boat hoist and launch system on the Gaviota pier is carried out in a manner that prevents vandalism and maintenance issues as well as facilitates maximum public access and use.

With implementation of State Parks' proposed impact avoidance and minimization measures and the special conditions described above, the Commission staff believes the project will be carried out consistent with the Coastal Act policies related to wetlands, open coastal waters, marine resources, public access, and water quality. The Commission staff recommends the Commission **approve** CDP Application No. 4-18-0206. The standard of review is the Chapter 3 policies of the Coastal Act.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 4-18-0206 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit 4-18-0206 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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

This permit amendment is granted subject to the following 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 Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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

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

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

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

III. SPECIAL CONDITIONS

1. Marine Mammal Precautions.

A. A qualified marine mammal observer approved by the Executive Director shall be present at all times during pile driving and underwater sound-generating installation activities. The monitor shall ensure that the California Department of Parks and Recreation (State Parks) and its contractors fully comply with the conditions of this permit related to biological protection.

B. A gradual ramp-up period shall occur whenever starting pile driving and underwater sound-generating installation activities, and the pile driving and installation equipment shall be operated at its lowest practicable power setting and shall employ the use of sound dampening techniques and/or devices if such techniques and/or devices can be safely used without interfering with effective operations.

C. Pile driving and underwater sound-generating installation activities shall be suspended if any marine mammal is observed within 500-meters of the installation site. Prior to the start of pile driving or underwater sound-generating installation activities, the 500-meter zone shall be monitored for 30 minutes to ensure that it is clear of marine mammals. Pile driving or underwater sound-generating installation activities shall only commence once the observer has declared the 500-meter zone clear of marine mammals. If the 500-meter zone is not entirely visible (e.g., due to dark, fog, etc.), pile driving or underwater sound-generating installation activities shall not commence or, if they are already underway, shall not continue. If a marine mammal approaches or enters the 500-meter zone during the course of pile driving or underwater sound-generating installation activities, those activities shall be halted and delayed until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without redetection.

D. The observer shall have the appropriate safety and monitoring equipment adequate to conduct their activities.

2. Protection of Public Access.

Construction shall protect and maximize public access, including by complying with the following:

A. Staging and storage of construction equipment and materials (including debris) shall not take place on any area of public beach. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, creeks or drainage courses, if feasible. Construction is prohibited outside of the defined construction, staging, and storage areas.

B. Use of public parking areas for staging and storage of construction equipment, materials and parking of construction staff vehicles shall be minimized to the extent feasible, shall not exceed a total of 29 parking spaces and shall not reduce the current number of ADA compliant parking spaces. Additionally, continued access to the public shall be maintained throughout the duration of the project construction to beach access trails and routes used for beach launching of boats and other vessels.

C. All beaches, beach access points, and other recreational use areas impacted by

construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

D. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

3. Boat Hoist Operations and Public Access.

PRIOR TO COMPLETION OF CONSTRUCTION ACTIVITIES, State Parks shall provide, for Executive Director review and approval, a revised version of the Boat Hoist Program (included as **Exhibit 4**). The intent of the revised Boat Hoist Program shall be to maximize the safety, reliability and affordability of public access to water-oriented recreation and fishing activities and it shall include measures to (1) prevent and minimize the risk of vandalism and damage to the boat hoist; (2) optimize opportunities for the safe launching of public vessels using the hoist; and (3) increase affordable training and boat/gear inspection opportunities. Such measures shall include publication of a calendar or schedule identifying each year's inspection and training dates.

4. Water Quality Protection.

A. The applicant shall comply with the following Best Management Practices (BMPs) to minimize the water quality impacts of using preservative-treated wood ("treated wood") in the marine environment:

a. All treated wood shall be treated to the standards of the lowest appropriate Use Category for that component, as specified by the American Wood Protection Association, to ensure that the treated wood does not exceed the minimum preservative retention level appropriate for each component.

b. Lumber treated with Ammoniacal Copper Zinc Arsenate (ACZA) may be used to construct the pier decking if State Parks determines that it would be infeasible to instead use alternative material such as untreated wood, concrete, metal, fiberglass, plastic, wood-plastic composite, or other alternatives that pose a minimal risk of leaching toxic chemicals into the marine environment.

c. Replacement piles shall be ACZA-treated wood that is wrapped with high-density polyethylene (HDPE) to prevent leaching of preservative chemicals into coastal waters. The pile wrapping material shall extend two feet below the mudline and two feet above ordinary high water (OHW), at a minimum. State Parks shall exercise due diligence in periodically inspecting HDPE-wrapped piles on the Gaviota State Beach Pier, and shall immediately undertake any repairs necessary to maintain the wrapping in an intact condition that would not result in leaching of preservative chemicals or discharge of plastic material into the marine environment.

d. Where available, treated wood shall be used that has been certified as produced for use in aquatic environments (in accordance with industry standards such as the Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments, by the Western Wood Preservers Institute), as indicated by a BMP Quality Mark or Certificate of Compliance.

e. Cutting, drilling, or sanding of treated wood shall be conducted a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. The

resulting sawdust and wood debris shall be contained and removed for disposal. If treated wood must be cut, drilled, or sanded overwater during installation, maintenance, or demolition, all sawdust and wood debris generated shall be contained and removed.

f. Application of a topical preservative to cut ends and drilled holes in treated wood shall be conducted a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. The topical preservative shall not be applied in the rain. Field-treated wood shall be fully dry and free of excess preservative before the wood is used in construction. If a topical preservative must be applied to the treated wood overwater, containment devices shall be used to prevent any preservative drips or spills from entering the water below.

g. Application of a sealant or coating to treated wood shall be conducted a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. If a sealant or coating must be applied to treated wood overwater, such as for an in situ sealant reapplication to decking during maintenance, containment devices shall be used to prevent any drips or spills from entering the water below.

h. Maintenance and reapplication of sealants or coatings on treated wood shall follow BMPs to minimize the release of treated wood particles and leaching of preservative chemicals into coastal waters. To the extent feasible, treated wood shall not be pressure-washed, sanded, or scraped; all sawdust and debris generated shall be contained and removed, to prevent treated wood particles from entering the water below. Deck cleaners and brighteners, especially those containing acid-based or highly oxidizing chemicals (such as bleach, sodium hydroxide, sodium percarbonate, oxalic acid, and citric acid) shall not be used for maintenance of treated wood, as they may increase the leaching of wood preservatives, and contain chemicals that may directly harm aquatic life.

B. An onsite water quality monitor shall be present during all pile installation operations. If the water quality monitor observes any persistent turbidity plumes or uncontrolled discharge of wastes into the marine environment (not including filtered and treated seawater), the applicant shall cease pile driving operations and repair, correct, or modify those operations or associated waste containment systems to prevent the occurrence of additional uncontrolled discharges or turbidity plumes.

C. The discharge of pollutants (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into creeks, stormwater runoff, or coastal waters resulting from construction activities shall be minimized through the use of appropriate BMPs, including:

1. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

    a) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

b) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
c) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
d) Prompt removal of all construction debris from the beach.
e) Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

2. Fueling and maintenance of construction equipment and vehicles shall be conducted off site, if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 100 feet from sensitive habitat areas, coastal waters, creeks, or drainage courses, if feasible. The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

D. Removal of existing piles shall observe the following conditions, where applicable:
1. Work shall occur during favorable tidal, ocean, and weather conditions that will enhance the ability to remove, to the maximum extent, the full length of the pile and any associated debris generated during demolition.
2. Piles and debris shall be placed directly into a vessel/container suitable for transport off-site.
3. Degraded pile sections that cannot be recovered from the substrate shall be cut at the deepest feasible elevation to maximize partial-retrieval.
4. All used piles and debris shall be removed to an offsite, authorized disposal site. Sediment adhered to the removed pile shall be removed from coastal waters.
5. Piles shall be removed slowly and handled carefully to minimize turbidity. Vibratory extraction shall be prioritized over direct-pull methods, where feasible, in order to limit disturbance.

E. Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:
1. Mesh containment netting shall be installed below active construction and demolition areas to prevent accidental release of construction or demolition materials into marine waters.
2. Other than pile installation, and installation and use of floating devices to aid in the construction effort or deployed to prevent construction debris from entering the water, construction activity shall not be conducted below the mean high tide line unless tidal waters have receded and the area is part of the authorized work area.
3. Use of anchors and temporary moorings for construction vessels and barges shall be avoided to the extent feasible. Any moorings or anchors that are used shall not be placed within sensitive habitat areas such as eelgrass or kelp beds or areas of rocky reef.

4. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
5. All construction equipment and materials placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls and/or construction area boundary fencing, where such controls and/or fencing are placed as close to the base of the road revetment/bluff as possible, and are minimized in their extent.
6. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
7. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading of an access road is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, and natural drainage swales or being deposited on the beach.
8. Only rubber-tired construction vehicles shall be allowed on the beach; the only exception shall be that tracked vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible, and shall avoid contact with ocean waters and intertidal areas.
9. All debris resulting from construction activities shall be immediately removed from the beach.

5. Nearshore Reef Habitat Survey.

To the extent feasible, State Parks shall design the revetment and install rip-rap rocks at the pier abutment in a manner that integrates and builds around existing exposed natural high relief rock outcroppings below and directly to the east and west of the pier and minimizes placement directly on top of or over such features. WITHIN 60 DAYS OF THE COMPLETE INSTALLATION OF RIP-RAP REVETMENT, State Parks shall submit to the Executive Director for review and approval the results of a Nearshore Reef Habitat Survey that quantifies the extent of hard bottom substrate that is impacted by the installed rock slope protection at the pier abutment. The survey will use data collected during rock rip-rap installation and/or post-installation operations to determine areas where the installed rock rip-rap is in direct contact with or is suspended above hard bottom substrate. AT LEAST 30 DAYS PRIOR TO INSTALLATION OF THE RIP-RAP REVETMENT, State Parks shall submit to the Executive Director for review and approval a proposed methodology for collecting the necessary data and calculating the hard bottom impact. Still-photographs of representative habitat shall be taken in any area of rocky substrate occupied by the rock slope protection.

6. Hard Bottom Habitat Enhancement.

All project-related impacts to hard bottom marine habitat documented in the results of the survey carried out consistent with **Special Condition 5**, shall be addressed by State Parks through implementation of its proposed marine habitat enhancement efforts between

Gaviota and San Buenaventura State Beaches. These efforts shall include work by State Parks' Channel Coast District staff to collect and remove abandoned fishing gear, plastic waste, and other marine debris from the marine environment as well as a minimum of six underwater marine debris clean-up efforts by State Parks' Channel Coast Dive Team focused on rocky reef habitat.

On February 1 of 2020 and each of the subsequent five years, State Parks shall provide for Executive Director review an annual report (such as the Channel Coast Dive Team annual report or similar document) describing the results of the preceding year's marine habitat enhancement efforts. These results shall include figures showing enhancement areas, photographs of marine debris removed, a narrative description of removal activities and dates, a map exhibit showing dive locations where debris was removed and an estimate of the total area and type of habitat from which the debris was removed. The final annual report shall be provided for Executive Director review on February 1, 2024 and shall include an estimate of the total area of rocky reef habitat from which marine debris was removed as a result of State Parks' marine habitat enhancement efforts in 2019 through 2023.

If this total area does not meet or exceed three times the total area of lost and damaged rocky reef habitat documented in the Nearshore Reef Habitat Survey carried out consistent with **Special Condition 5** (a habitat compensation ratio of 3:1), State Parks shall fund additional marine habitat enhancement efforts through payment of a hard bottom habitat enhancement fee to the California Lost Fishing Gear Recovery Project. These funds shall be used to remove derelict fishing gear and other marine debris from waters in the Southern California Bight. This work will be carried out pursuant to a Memorandum of Agreement (MOA) by and between the California Coastal Commission and the Regents of the University of California on behalf of the UC Davis Wildlife Health Center's California Lost Fishing Gear Recovery Project. The amount of the hard bottom habitat enhancement fee shall be calculated by applying a 3:1 mitigation ratio to the total square footage of impacted hard bottom determined through the survey described in **Special Condition 5**, subtracting from this total the total amount of enhanced rocky reef habitat provided in the 2024 annual report, and then multiplying the resulting area by a compensation rate of $14.45 per square foot. The fee shall be paid to the UC Davis Wildlife Center within 90 calendar days of the completion of the Executive Director's review of the 2024 annual report. State Parks shall provide evidence of this payment to the Executive Director within the same time frame.

7. Subtidal Marine Habitat Survey.

PRIOR TO THE INITIATION OF CONSTRUCTION ON THE SEAWARD PIER EXTENSION, State Parks shall carry out a complete underwater Marine Habitat Survey (survey) of the area that would be occupied or covered by the pier extension. The survey shall be carried out during the appropriate season by personnel approved by the Executive Director of the Coastal Commission ("Executive Director") with appropriate training and expertise in carrying out marine biological surveys and shall be consistent with the appropriate scientific standards and protocols, including the October 2014 California Eelgrass Mitigation Policy and Implementing Guidelines developed by the National Marine Fisheries Service. The survey area shall include the entire shading footprint of the proposed

pier extension, all pile installation sites and all areas in which construction support vessels or their associated anchors would be placed. The survey shall identify, map and provide a narrative description and representative photographs of the types, amounts and locations of marine habitat within the surveyed area, including any areas of exposed rock reef, kelp habitat, and eelgrass beds. The survey shall also record the presence and abundance of any invasive marine algae (such as *Sargassum horneri*) or black abalone (*Haliotis cracherodii*) within the surveyed area. Within 30 days of survey completion, the results of the survey shall be provided to the Executive Director for review. If the results of the survey indicate that kelp habitat, eelgrass, black abalone, or invasive marine algae is present within the surveyed area, State Parks shall not proceed with construction and shall submit a coastal development permit amendment application for Commission review that includes proposed methods to avoid, minimize, and compensate for any adverse impacts to these habitats and species of concern.

8. Required Approvals

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, State Parks agrees to obtain, and provide evidence to the Executive Director of, all other State or Federal permits that may be necessary for construction of the proposed development (including permits from California Department of Fish and Wildlife, California Regional Water Quality Control Board, and the United States Army Corps of Engineers) and/or evidence that notice has been provided to such agencies and no permit is required. No changes to the Coastal Commission approved plans that may be required by the above-stated resource agencies shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, State Parks acknowledges and agrees (i) that the site may be subject to hazards from episodic and long-term coastal erosion, tsunami, earthquake, wave and storm events, and geologic instability, and the interaction of same; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. BACKGROUND AND PROJECT DESCRIPTION

Gaviota State Beach is located in Santa Barbara County, approximately 33 miles west of the City of Santa Barbara along U.S. Highway 101 adjacent to the Hollister Ranch (**Exhibit 1**). The beach is managed by the California Department of Parks and Recreation (State Parks) and includes camping, parking, day use, and boat launch facilities. The pier at Gaviota State Beach was constructed in 1951 and has been an important recreational asset since that time. In addition

to providing fishing, wildlife viewing, and recreation opportunities for Santa Barbara County residents and visitors, the Gaviota State Beach pier also supports a boat hoist and launch system used to launch vessels and provide access for fishing and recreational pursuits such as surfing and diving along the Gaviota coastline. Access is also provided at Gaviota State Beach for shore-launching of small boats and similar vessels. A significant number of those who launch vessels from Gaviota State Beach travel upcoast to sites offshore of the Hollister and Bixby Ranches.

Since its construction in 1951, the Gaviota pier has required significant repair and replacement work approximately every 10 to 15 years (in 1953, 1963, 1975, 1987, and 1999). The 570-foot long pier was most recently damaged as a result of severe winter storm and wave action in 2014 when the most seaward approximately 90 foot section of the pier collapsed into the ocean. The pier has been closed to public access and use since that time.

To repair and re-open the Gaviota pier, State Parks is proposing to carry out the following work:

- Remove and dispose of all timber guardrail;
- Remove all timber decking, salvage for reuse as cross bracing and dispose of unused material;
- Remove and dispose of all timber cross bracing and hardware;
- Remove timber stringers where necessary for removal of piling caps;
- Remove and salvage existing boat hoist system to facilitate pier repair;
- Remove electrical conduits, light poles and fixtures on pier and clean for reuse and reinstallation;
- Remove water line, fire water line, and hydrant remnants on pier;
- Demolish and remove existing fish cleaning station;
- Remove all signage and clean for reuse and reinstallation;
- Repair existing concrete abutment at landward base of pier by removing deteriorated concrete and applying epoxy crack injection material;
- Extract approximately 11 existing deteriorated pilings by direct pulling or cutting five feet below the seafloor surface;
- Pile drive approximately 51 new vertical pilings and 15 batter pilings (piles installed at an angle rather than completely vertical). Pilings would be treated timber encased in PVC plastic wraps and polyethelene liners. 40 vertical pilings and 15 batter pilings would be 18-inch diameter and the approximately 11 replacement pilings would be 14-inch diameter.
- Install new/salvaged timber stringers, cross bracing, guardrail, and decking;
- Install approximately 1,700 tons of new rock slope protection (rip-rap rock boulders) at and around landward pier abutment and out to third row of pilings;
- Rebuild electrical, water and lighting systems;
- Reinstall boat hoist; and
- Construct new fish cleaning station.

Through this work, the pier is proposed to be restored to its pre-2014 condition, including through the installation of an approximately 90-foot seaward extension to replace the section that collapsed and was lost.

In addition to repairing the pier itself, the pier's landward abutment is proposed to be provided with enhanced wave protection through the installation of a 2:1 (horizontal:vertical) rock rip-rap slope. This rock would be placed over the existing natural rock slope face that is present below the pier and would tie into an existing rock rip-rap revetment that ends approximately 30 feet to the east of the pier abutment. Once installed, the new rip-rap would extend the existing eastern rip-rap through the underside of the pier to an exposed shale rock formation on the west side of the pier. The total amount of proposed rock would weigh 1,700 tons, have a volume of 1,030 cubic yards, and would extend across between 2,500 and 3,500 square feet of intertidal and subtidal marine habitat at a height of between three and 19 feet (including approximately 1,200 square feet of intertidal and subtidal natural rocky reef habitat). Installation of the rock rip-rap would involve initial placement/dumping from the pier landing above the beach and would involve removal of the timber pier decking and framing as well as operation of a crane and/or backhoe from above the beach to position the rock into its final configuration. State Parks is not proposing to operate construction equipment or vehicles on the beach itself during this work.

Completion of repair and construction activities would take place Monday through Friday from 7 AM to 5 PM, excluding holidays, and would last approximately 11 months. The pier would remain closed throughout the duration of construction and project staging would take place in the existing day use parking area adjacent to the pier and Gaviota State Beach. Approximately 29 of the beach parking lot's 126 spaces would be occupied by equipment, construction vehicles, and/or materials throughout the 11 month construction period.

B. COORDINATION AND OTHER AGENCY APPROVALS

Santa Ynez Band of Chumash Indians

The proposed project area has a long history of use by the Chumash people. The traditional territory of the Chumash people "encompassed 7,000 square miles that spanned from the beaches of Malibu to Paso Robles. The tribe also inhabited inland to the western edge of the San Joaquin Valley" and the offshore Channel Islands (Santa Ynez Band of Chumash Indians 2009). The area of Gaviota State Beach near the mouth of the Gaviota Creek is also the historic Chumash village site of Kashtayit, a Traditional Cultural Place that plays a significant role in Chumash maritime culture. Consistent with the requirements of AB 52, State Parks has coordinated and consulted with members of tribes potentially affected by this project, including the Santa Ynez Band of Chumash Indians.

In September 2017, State Parks consulted Native American Tribes that could be traditionally and culturally affiliated with the Project area. In addition, a literature search and field survey were conducted in October 2017. State Parks' Archaeologists conducted an underwater cultural survey on November 30, 2017, as requested by tribal representatives. No cultural resources were identified during these surveys but State Parks incorporated into its project several protocols for addressing project changes, use of staging areas outside of the proposed paved road and parking areas, and inadvertent finds or discovery of human remains.

California Fish and Game Commission
California's Fish and Game Commission is one of the key state agencies responsible for management and protection of California's network of marine protected areas. While State Parks is not actively seeking discretionary approval from the Fish and Game Commission (FGC) for the proposed pier project, Commission staff coordinated with FGC staff because the project would be located within one of the state's marine protected areas – specifically, the Kashtayit State Marine Conservation Area. Commission staff provided input about the project, its potential to result in adverse impacts to the marine protected area, its marine habitat and wildlife, and solicited input from Fish and Game Commission staff regarding potential options for avoiding, minimizing and mitigating those impacts.

California Department of Fish and Wildlife
The California Department of Fish and Wildlife (CDFW) is also a key marine protected area management agency, and Commission staff coordinated closely with CDFW's Marine Region staff regarding potential project impacts to the Kashtayit State Marine Conservation Area and its marine habitat and wildlife. The technical information and suggestions received from CDFW staff informed the development of the analysis included below and several of the recommended Special Conditions. State Parks also coordinated with and solicited input from staff of CDFW's Marine Region during the project's environmental review, and CDFW staff expressed support for the use of protective wrapping on treated timber construction materials, marine mammal monitoring, pile driving sound minimization measures, debris removal and a spill response plan. These protective measures are included in State Parks' proposal and would be established through the recommended Special Conditions.

California State Lands Commission
In 2018, the California State Lands Commission (CSLC) reviewed and approved State Parks' application to amend its state tidelands lease to include the repair, reconstruction and protection of the Gaviota pier. Coastal Commission staff worked closely with CSLC staff during its review of the proposed project to share information regarding the project's potential adverse impacts to coastal resources and potential approaches for addressing them. Discussions with CSLC staff helped inform the analysis included below and the recommended Special Conditions.

Central Coast Regional Water Quality Control Board
In April of 2018, the Central Coast Regional Water Quality Control Board issued to State Parks a Clean Water Act Section 401 Water Quality Certification for the proposed project. This authorization includes a variety of specific conditions focused on the protection of water quality and implementation of best management practices during pier construction and pile driving activities. For example, the 401 Certification requires the maintenance of spill containment and cleanup kits onsite; the use of heavy-duty mesh containment netting below all work areas on or beneath the fixed pier deck; the implementation and update of the site's Stormwater Control Plan; and the use of spill prevention and containment measures during the use of heavy equipment and pile drivers.

U.S. Army Corps of Engineers
The U.S. Army Corps of Engineers (ACOE) is responsible for reviewing and authorizing the proposed project under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean

Water Act. State Parks has submitted permit application materials to the ACOE for review and Commission staff have shared with ACOE permitting staff relevant project information and the results of its analysis and review – including the various approaches staff is recommending to address the project's potential to adversely affect coastal resources.

C. FILL OF WETLANDS AND OPEN COASTAL WATERS

Section 30233(a) of the Coastal Act states:

> *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
>
> *(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
>
> *(2) Maintaining existing, or restoring previously dredged depths on existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
>
> *(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
>
> *(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
>
> *(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
>
> *(6) Restoration purposes.*
>
> *(7) Nature study, aquaculture, or similar resource dependent activities.*

Coastal Act Section 30108.2 defines "fill" as "earth or any other substance or material … placed in a submerged area." As part of its project, State Parks proposes to install into nearshore and intertidal waters a total of 66 pilings. These 64 proposed piles would be made up of 40 18-inch diameter vertical piles, 15 18-inch diameter batter piles (piles installed at an angle rather than completely vertical), as well as approximately 11 14-inch diameter vertical piles. **Exhibit 2** shows the anticipated location and configuration of these piles. Installation of the 66 PVC and polyethylene wrapped timber piles into the submerged nearshore zone would constitute "fill" of approximately 110-square feet of open coastal waters, as that term is defined in the Coastal Act.

In addition, State Parks also proposes to place up to 1,700 tons of rip-rap rock within between 2,500 and 3,500 square feet of subtidal and intertidal coastal waters located at the landward pier

abutment. This area estimate is Commission staff's maximum estimation based on the size, scale and configuration of the rock slope protection proposed for the landward abutment. This estimate is supported by information provided by State Parks to Commission staff via letter dated January 2, 2018 about the species and habitat located within the proposed footprint of the rip-rap as well as several site visits carried out by Commission staff in 2018 and 2019. Installation of this material within intertidal and subtidal coastal waters also would constitute "fill," as that term is defined in the Coastal Act.

The Commission may find a project that includes filling of open coastal waters to be consistent with Section 30233 of the California Coastal Act if the project meets the three tests of Section 30233. The first test requires that the proposed activity fit within one of seven use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Allowable use

The overall purpose of the proposed project is to repair and protect a pier structure that provides public access and recreational opportunities – both on the pier itself and throughout the greater Gaviota coast (through the boat hoist and launch system provided on the pier). Construction of the project would require the installation of structural pilings and would expand the footprint and configuration of the pier through placement of pilings and rip-rap rock slope protection. As such, the project would result in the creation of "expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities," described as an allowed use in in open coastal waters, pursuant to Coastal Act Section 30233(a)(3).

Therefore, the Commission finds that the project meets the allowable use test for fill of open coastal waters under Coastal Act Section 30233(a).

Alternatives

To find a proposed project consistent with section 30233, the Commission must further find that there is no feasible less environmentally damaging alternative to placing the fill in open coastal waters. Coastal Act Section 30108 defines "feasible" as "…capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

In addition to the proposed pile replacement and installation activities (most of which would be associated with the installation of the approximately 90 foot seaward extension of the pier to replace the section that collapsed and was lost in 2014), Commission staff also evaluated a reduced repair effort focused solely on rehabilitating the approximately 480-foot long section of pier that currently remains intact. This alternative would have decreased the number of piles to be installed from 64 to 11, thus reducing the amount of proposed fill and the extent and duration of pile driving activities. However, this alternative would not meet State Parks' objective of restoring the pier to its pre-collapse condition in order to maximize public access and recreational opportunities. Returning the pier to its original length and configuration would provide for increased recreational fishing opportunities because it would allow access to deeper

waters and a greater total area. In addition, the seaward-most 90 feet of the pier have often been the most heavily used for fishing because they are located in deeper waters and are seaward of the pier's boat hoist in an area that is not disturbed by boat launching activities. Additionally, the potential adverse environmental effects associated with pile installation and use of pile driving equipment would be managed and avoided through implementation of the protective measures included in the project by State Parks, in coordination with the Central Coast Regional Water Quality Control Board, and California State Lands Commission (use of marine wildlife monitors, spill prevention and response plans, etc.), and as expanded and clarified through the Special Conditions of this permit. Accordingly, eliminating the seaward extension element of the project would not be a feasible less environmentally damaging alternative.

Because of the loss and damage to rocky intertidal and shallow subtidal marine habitat that would be caused by the installation of the proposed 1,700 tons of rock slope protection at the base of the pier's landward abutment, Commission staff also closely considered project alternatives that would reduce or eliminate this element of the project. The presence of a natural rock cliff face at the abutment and an exposed natural rock reef at the base of the cliff suggests that these areas have existing natural armoring and that additional rock slope protection may be unnecessary, particularly given the 20 year life of the project proposed by State Parks. Engineering and geological analysis provided by State Parks as part of its application shows that erosion of the rock face and reef during this time would be insignificant.

However, State Parks has stated that the primary purpose of the proposed rock rip-rap would not be to reduce shoreward erosion of the abutment and natural cliff face. Instead, the rip-rap is intended to dampen wave action at the cliff face during storm events and prevent waves from running up the cliff face and impacting the underside of the pier, a situation exacerbated by the angle of the existing cliff slope. State Parks' analysis suggests that the number of wave run-up events reaching the pier deck elevation would be reduced from 23 to 3 – under existing sea level conditions - through the installation of the 2:1 rip-rap slope on top of the existing natural rock cliff face. The State Parks analysis shows an even greater benefit under future sea level rise scenarios. For example, using the projected range of sea level rise in 2040 (at the end of the 20 year project life) in the Santa Barbara area (0.7 to 1.1 feet[1]), the number of wave run-up events would be reduced from between 92 and 230 to between 6 and 8. State Parks noted in its January 2, 2018 letter to Commission staff that "As such, our analysis shows that the volume and footprint of the proposed rock revetment is necessary to protect the pier and ensure it will not be destroyed and shut down to the public again." Therefore, while alternatives that would eliminate the rock rip-rap component of the project would lessen the environmental damage that would be caused by the project, such alternatives would be infeasible because they would not accomplish one of the project's fundamental purposes, providing the pier with protection to minimize likelihood of future storm damage and closure over the next 20 years.

In addition, significant damage or uncontrolled collapse of the pier due to wave run-up would likely result in damage to the marine environment. For example, the collapse and loss of the 90

[1] Projection range reflects the low risk aversion and medium-high risk aversion sea level rise scenarios based on the methodology recommended by the California Coastal Commission's Sea Level Rise Policy Guidance (2018) and the Ocean Protection Council's State of California Sea Level Rise Guidance (2018).

to 100 foot long section of the pier in 2014 resulted in intact and fragmented treated timber piles, decking, supports and associated hardware spread throughout the marine environment between Gaviota State Beach and at least El Capitan State Beach, roughly 13 miles downcoast. The movement of these materials through the marine environment likely resulted in adverse impacts to water quality, wildlife and habitats due to the release of chemical wood preservatives as well as crushing, disturbance, and injury as the larger materials came ashore with the waves and scraped across intertidal and subtidal areas.

While it would therefore be infeasible and not less environmentally damaging to entirely eliminate the rock revetment component of the project, during its installation State Parks has proposed to minimize the overall footprint of the revetment or modify to its configuration to the extent feasible in order to reduce the amount of natural rocky reef habitat that it would cover and damage. This would be accomplished by attempting to install the proposed rip-rap boulders in a careful and strategic manner around natural high relief rock outcroppings and features at the pier landing. As discussed in greater detail in the subsequent section of this report on Water Quality and Marine Resources, if some or all of these areas of natural rocky reef can be avoided by the proposed revetment, the magnitude of the project's expected adverse impacts to the marine environment would be lessened significantly. To memorialize State Parks' commitment to this less environmentally damaging alternative, **Special Condition 5** would require State Parks - to the extent feasible - to design the revetment and install rip-rap rocks at the pier abutment in a manner that integrates and builds around existing exposed natural high relief rock outcroppings below and directly to the east and west of the pier and minimizes placement directly on top of or over such features. While the extent to which this would be possible and the amount of impact reduction it would result in is still uncertain, the size, height and location of natural rocky reef features at the pier abutment strongly indicates that they can be at least partially avoided by the revetment without negatively affecting its intended function or stability. Any such avoidance would reduce the project's adverse impacts to marine habitat and biological resources.

For the reasons described above, the Commission finds that the project, as proposed and conditioned, is the least environmentally damaging feasible alternative and therefore the second test of Coastal Act Section 30233(a) is satisfied.

Mitigation Measures

The final requirement of Coastal Act Section 30233(a) is that filling of coastal waters may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental impacts. The mitigation measures associated with this project (included as part of State Parks' proposal, recommended Special Conditions, or other agency authorizations) include: construction and water quality best management practices; marine habitat damage assessment survey requirements and compensation measures; spill prevention measures to prevent spillage and/or run-off of construction related materials, sediment, or contaminants; a requirement to immediately recover and remove fugitive project materials that enter ocean or beach areas; limits on when and how pile driving can occur, in order to minimize its disturbance to marine life; marine habitat survey and adverse impact compensation requirements; and prohibitions on the use of chemical preservative treated timber construction materials without appropriate containment coatings, or wraps. These mitigation measures are discussed in further detail in the subsequent section of this report.

These feasible mitigation measures will minimize the project's adverse environmental impacts. Thus, with implementation of State Parks' proposed protective measures and imposition of the Special Conditions described above, the Commission finds that the third and final test of Coastal Act Section 30233(a) has been met.

Conclusion
Because the three tests have been met, the Commission finds the proposed project consistent with Section 30233 of the Coastal Act.

D. WATER QUALITY AND MARINE RESOURCES

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The proposed project site is within and immediately offshore of Gaviota State Beach, a unit of the Central Coast State Parks District, and also included within the one of the state's marine protected areas, the Kashtayit State Marine Conservation Area[2]. These protective designations are in place in this location in part due to the abundance and variety of rare, sensitive and important marine habitats and wildlife species it supports. For example, extensive intertidal and subtidal rocky reefs can be found within and adjacent to the proposed pier footprint and large areas of subtidal rocky reef that are colonized by macro-algae and kelp are located both upcoast and downcoast of the pier site. Additionally, the rare black abalone (*Haliotis cracherodii*) may also be present in the area.

[2] The Kashtayit State Marine Conservation Area's regulations (CCR Title 14, Section 632) allows some take of marine life associated with the "maintenance of artificial structures and operation and maintenance of existing facilities…pursuant to any required federal, state, and local permits, or as otherwise authorized by the Department [of Fish and Wildlife]."

As shown in **Exhibits 1 and 2**, the pier repair project site is located within and above nearshore coastal waters and areas of intertidal and subtidal rocky reef. Repair of the 570-foot long pier would include replacement of all of the pier's timber decking, railings, and supports, removal of approximately 11 deteriorated vertical pilings, and placement of a new approximately 90-foot seaward extension to replace a section that was damaged and lost in 2014 (including associated installation of up to 40 vertical pilings and 15 better pilings). In addition, State Parks would install roughly 1,700 tons of rip-rap rock across between 2,500 and 3,500-square feet of intertidal and subtidal habitat around the pier's landward abutment.

A hydraulic pile driver would be used to install the approximately 11 14-inch diameter vertical treated timber piles and up to 55 18-inch diameter vertical and batter treated timber piles (all of which would be encased in PVC plastic wrappings and polyethylene liners). Approximately 110-square feet of subtidal and intertidal seafloor would be occupied by the proposed piles. Additionally, the project includes installation of approximately 16,000-square feet of treated lumber pier decking above these waters.

Pier

The installation and presence of these pier elements has the potential to adversely affect coastal and marine water quality, habitats and wildlife through habitat loss and disturbance from pile installation; release of plastic debris (due to degradation of plastic pile wrappings) and construction waste; and leaching of wood preservative chemicals over time.

Pile Installation

The project includes installation via pile driving of approximately 66 timber piles from slightly above the mean-high-tide line to nearly 600-feet offshore (as shown in **Exhibit 2**). Because these activities would be carried out both above and within marine waters, the project has the potential to result in adverse impacts to both marine organisms and the marine environment. Specifically, the proposed pile driving would result in the generation of elevated levels of underwater sound in nearshore waters known to support several species of marine mammals, including harbor seals, California sea lions, several species of common dolphin and whales. Marine mammals, in particular cetaceans such as whales and dolphins, are known to be susceptible to disturbance and injury from high levels of human-generated underwater sound. In addition, a variety of fish and invertebrate species are also known to suffer disturbance and injury as a result of elevated underwater sound levels.

Marine mammals rely on sound to navigate, and to find food, mates, and companions. Elevated levels of human generated underwater sound have been shown to interfere with these activities and in some cases to cause internal injury, stranding, and mortality. To prevent and minimize these damaging effects of sound to marine mammals, State Parks is proposing to use a qualified biological monitor to search for marine mammals, sea turtles, and special status bird species in the project area and to suspend project activities if those activities pose a threat. Additionally, State Parks proposes to use a vibratory hammer (which generates lower levels of underwater sound than an impact hammer) to the greatest extent possible during pile installation. When an impact hammer is used, it would be equipped with a 12-inch thick wooden cushion block and would employ a "soft start" or ramp-up technique with three strikes at 40 percent power followed by a one minute waiting period and two additional three strike sets. This proposal is

memorialized through **Special Condition 1** which would provide for the Executive Director's approval of the protected species observers and additionally require pile-drilling activities to be conducted using the lowest available power setting on the equipment - thus reducing the resulting sound energy transmitted into the marine environment. Further, **Special Condition 1** would also clarify the extent of the wildlife shutdown zone around the pile driving operations (a radius of 500 meters) and help ensure that feasible sound dampening devices and techniques are used to further reduce the underwater sound levels during pile drilling. These measures would help ensure that the sound levels during pile drilling are as low as possible and thus reduce the potential for sound to pass outside of the 500-meter shutdown zone that exceeds the marine wildlife injury and disturbance thresholds.

The Executive Director-approved protected species observers on site would have the authority to suspend pile driving if a marine mammal passes within the shutdown zone. Therefore, although underwater noise from the project could disturb or injure marine mammals known to be occasionally present in the area, **Special Condition 1** would establish an approach that would minimize these potential effects and therefore ensure that healthy populations of marine organisms are maintained and special protection is provided for the Kashtayit State Marine Conservation Area – an area of special biological significance – and the marine species of special biological significance that may be present within it.

In addition to the potential adverse impacts to marine biological resources associated with the underwater sound levels generated by the proposed pile driving, the proposed placement of the project's 66 pier piles into the seafloor (and the extraction of approximately 11 deteriorated piles) may also adversely affect marine biological resources at the project site due to the disturbance and destruction of habitat within the individual footprint of these piles. Although the footprint of each pile is relatively small – roughly between one and three square feet – in total they would cover roughly 110-square feet of habitat and have both an individual and cumulative negative effect on the habitat offshore of Gaviota State Beach. This effect would be made more significant if the habitat within the proposed pile installation sites were found to be rare or sensitive or supported rare or sensitive species. While the initial investigations and analysis carried out by State Parks staff in October 2018 indicates that no such habitats or species are present within the offshore footprint of the proposed 90 foot long seaward pier extension, and that the entire site is made up of either sand, sand laying atop buried bedrock or highly mobile cobblestones that do not support kelp, detailed information from these underwater surveys or others carried out more recently is not available. As such, **Special Condition 7** would require State Parks to carry out a series of confirmation surveys to verify that eelgrass, kelp, and rocky reef habitat is not present within the installation footprint of the pier extension. In addition, the surveys would also document any black abalone or invasive marine algae that is observed. While neither of these species is expected to be found at the pier site, the survey would be able to confirm this assumption.

If any of these target species or habitats are encountered during the underwater surveys, **Special Condition 7** would require State Parks to submit this information to the Executive Director within 30 days and not proceed with construction. Instead State Parks would prepare and submit an application to amend its coastal development permit. This amendment would include State Parks' proposed approach for addressing the project's potential adverse impacts to the identified

species or habitats of concern. The additional review and coordination afforded under this process would allow for the Commission and State Parks to consider and evaluate the potential need for additional impact avoidance, minimization and mitigation measures.

Pier Decking

While the proposed pier pilings would be made up of treated wood encased and wrapped in PVC and polyethylene to prevent leaching of toxic preservative chemicals into the marine environment, State Parks proposes to use exposed preservative-treated lumber for the surface decking of the pier – specifically, ACZA treated lumber. ACZA is a mix of preservative chemicals and compounds used to prevent insect infestation, rot, and other sources of wood degradation and breakdown. This mix includes both copper and arsenic, substances that are known to be toxic to marine life.

Dissolved copper is highly toxic to a broad range of aquatic species. However, the arsenic, chromium, and zinc in the metal-arsenate preservatives are less toxic than copper to aquatic organisms in both freshwater and marine environments. The U.S. EPA has determined it is unlikely that arsenic or chromium leaching from metal-arsenate treated wood would result in significant water or sediment contamination, and therefore there is a "relatively low likelihood of significant ecological exposure to arsenic and/or chromium" from metal-arsenate treated wood. However, arsenic has high mammalian toxicity and is a known human carcinogen, and thus raises human and marine mammal health concerns if used where human or mammal contact may occur.

Due to the large area of the proposed pier that would be covered with ACZA treated lumber – nearly 16,000-square feet – and the location of the pier within a designated marine protected area (the Kashtayit State Marine Conservation Area) that supports a wide variety of sensitive marine habitats and wildlife species, the possible leaching of toxic compounds from the pier into adjacent marine waters presents a potential source of adverse impacts to both water quality and marine biological productivity. To address this issue, **Special Condition 4** would require State Parks to use an alternative decking material for the pier, such as untreated wood, composite lumber, concrete, or metal grating, unless it determines that the use of such alternative materials would be infeasible. In addition, **Special Condition 4** would also require State Parks to implement a variety of best management practices during construction in order to protect coastal water quality. Such measures would include the use of treated wood that has been certified for use in aquatic environments and does not exceed the minimum preservative retention level; requirements for treated wood cutting, drilling, or sanding to be carried out at least 50 feet from coastal waters; requirements for all sawdust and wood debris to be collected, contained, and removed for disposal; use of an onsite water quality monitor during piling installation; requirements for the use of mesh containment netting during over-water construction activities; and implementation of water quality protection measures during piling removal activities. In this way, the project would be carried out in manner that would ensure that healthy populations of marine organisms are maintained and special protection is provided for the Kashtayit State Marine Conservation Area – an area of special biological significance – and the marine species of special biological significance that may be present within it.

Hard Substrate

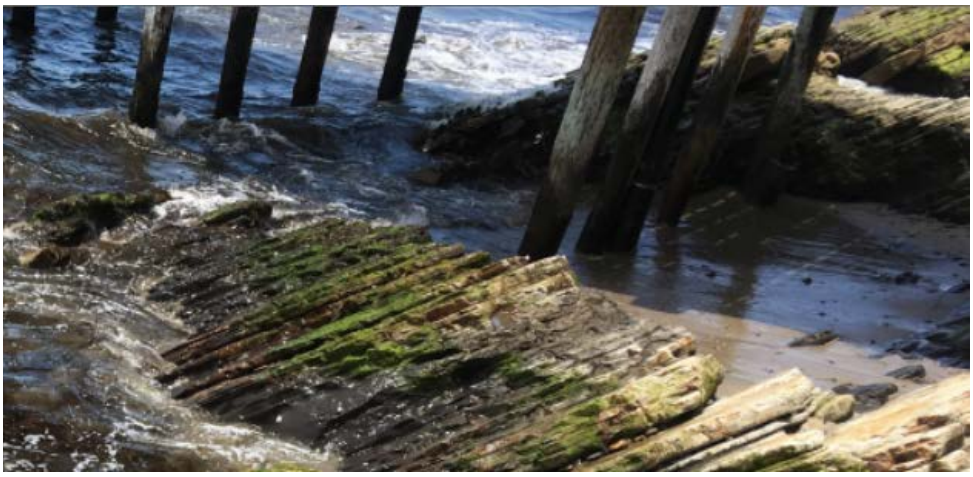
The proposed installation of a rock rip-rap revetment at the landward pier abutment would result in adverse impacts to hard substrate habitat and associated biota. Hard substrate is exposed rocky seafloor or intertidal area that provides habitat for a diverse group of plants and animals. Common epifaunal invertebrates occurring in the hard substrate areas vary based on depth, substrate relief height, and air, sun, and wave exposure. Along much of the California coast, there is a strong positive association between the types of communities and the depths and substrate types in which they occur. Hard substrates, including rocky bottoms, rock outcrops, tidepools, and rock crevices, provide habitat and shelter for numerous sessile organisms, fishes, and mobile invertebrates such as lobsters and crabs. In shallower waters and intertidal areas, many species of algae, surfgrass, anemones, starfish, and shellfish are present on hard substrates. Hard substrate (especially high-relief substrate) and its associated biota are relatively rare in the Southern California Bight, and therefore any effect to them is potentially significant. Impacts to high-relief substrate in particular are significant because: (a) they support a diverse assemblage of epifaunal invertebrates; (b) they can attract fish as a nursery ground, food source, and as shelter; and (c) epibiota residing on rocky substrates are sensitive to mechanical disturbance and increased sediment loads.

Although portions of the hard substrate reef within the approximately 2,500 to 3,500 square foot area proposed to be covered by the rip-rap revetment near the base of the pier appear to provide less productive habitat due to shading from the pier and natural mechanical disturbance, scour and burial by sand and cobblestones, other portions of this natural reef have higher-relief and provide more stable habitat for a diverse range of marine species (as shown in the images on the following page and in **Exhibit 3**). Because of the layered configuration of the natural rock outcroppings that make up these higher-relief areas, they provide particularly high quality intertidal habitat with a high surface area and extensive systems of natural cracks and crevices used as refuge from predation and desiccation stress.

Adverse impacts (e.g., crushing, scraping, physical displacement, burial, and shading) to this hard substrate and the habitat and marine life it supports would occur during initial placement of the proposed rip-rap revetment materials at the pier abutment as well as their positioning into the revetment's final proposed location and configuration. As these proposed rip-rap boulders shift and move over time due to natural settlement and wave impacts, additional adverse impacts to surrounding marine habitat would also occur as a result of crushing, burial, and mechanical disturbance.

Although the proposed rip-rap boulders would also be made of rock, the surface structure and composition of rock proposed to be installed is different than that of the naturally occurring rock at the project site. Specifically, the proposed rock has a smoother surface without the networks of layers and cracks that provide such productive habitat on the naturally occurring shale formation. A comparison between the natural rocky reef areas and the existing rip-rap to the east of the pier abutment shows that although the rip-rap has been in place for several decades, it supports a much lower density and diversity of marine life. Additionally, the naturally occurring rock features have been in place long enough to develop a unique assemblage and community of organisms, including a diversity of size and age classes as well as variable densities and combinations of species that cannot be easily replicated or naturally developed.





In its application materials, State Parks estimates the total area of marine habitat below the high tide line to be covered by the proposed rip-rap as 1,210 square feet. Including marine habitat within the adjacent intertidal zone, this estimate would increase to between 2,500 and 3,500 total square feet of intertidal and subtidal marine habitat, of which an estimated 1,200 square feet is made up of hard substrate habitat. As described above, the proposed revetment installation activities and any subsequent movement of the rock boulders over the life of the project has the potential to damage or crush existing rocky reef habitat and its associated biota. While Commission and State Parks staff have been working to explore an approach for minimizing these adverse impacts by reducing the scale and size of the proposed revetment and installing new rip-rap rocks in a strategic manner that builds around natural high relief rock outcroppings and features (such as those shown in the figure below) rather than crushing or burying them, the extent to which this would be possible and the amount of impact reduction it would result in is still uncertain. Nevertheless, **Special Condition 5** would require State Parks to continue to consider this approach and implement it to the extent feasible.

If this approach is not feasible - or if its use does not eliminate the damage and loss of natural rocky reef habitat at and around the pier abutment, State Parks has proposed to carry out a program of marine habitat enhancement throughout the Gaviota and Ventura County coastline to compensate for and balance the project's adverse impacts to marine habitat.

This program would rely on the continuation and expansion of the work of State Parks' Channel Coast District staff to locate, collect, and remove derelict fishing gear, plastic waste and other debris from the marine environment. Specifically, State Parks has committed to using its Channel Coast Dive Team to carry out at least six different underwater clean-up events each year for the next five years. These dives would be a continuation of the marine stewardship activities that the Dive Team has carried out for the past several years between San Buenaventura and Gaviota State Beaches but would be more specifically focused on the recovery and removal of abandoned fishing gear and marine debris from areas of natural rocky reef habitat along this stretch of coast. Anticipated dive sites include approximately 166 acres of reef areas offshore of Gaviota, Refugio, El Capitan, Carpinteria, Emma Wood, and San Buenaventura State Beaches.

While this work is expected to provide substantial benefits to marine life and enhance reef habitat, because it is not possible to accurately predict the amount of fishing gear and marine debris that would accumulate in these areas and be removed by the Dive Team over the next five years, there is some uncertainty about the level of compensation that the work would provide for the project's anticipated adverse impacts. To address this uncertainty, State Parks has also

proposed to (1) carry out a post-installation habitat survey of the rock revetment area to determine the total area of intertidal and subtidal rocky reef habitat lost and damaged as a result of the rip-rap placement; (2) submit annual reports to the Executive Director of the Commission for the next five years documenting the type and amount of derelict fishing gear and other marine debris removed through the work of the Channel Coast District staff and Dive Team (as well as the location of removal activities and total area of rocky reef habitat enhancement achieved); and (3) make a contribution to the California Lost Fishing Gear Recovery Project to fund additional marine habitat enhancement efforts to make up the difference if State Parks' marine debris removal efforts do not result in enhancement of at least three times the area of lost and damaged rocky reef habitat documented in the post-installation survey. These commitments are further detailed and memorialized in **Special Conditions 5 and 6**.

State Parks' proposal to compensate for the project's adverse impacts to rocky reef habitat through the collection and removal of derelict fishing gear and marine debris follows an approach supported by the Commission in previous marine construction projects (for example, installation of pipelines and marine cables) that would result in unavoidable adverse impacts to hard substrate habitat and the marine life it supports. In several of those other projects, permittees have made marine habitat compensation payments to the UC Davis Wildlife Health Center's California Lost Fishing Gear Recovery Project (Recovery Project). Started in 2005 by the SeaDoc Society (a marine ecosystem health program of the UC Davis Wildlife Health Center), the primary purpose of the Recovery Project is to remove commercial fishing gear that is accidentally lost or intentionally discarded in California's marine environment.

Derelict fishing gear and plastic marine debris is potentially hazardous to divers and an array of wildlife including seabirds, fish, crabs, lobster, sea turtles, sea otters, and other marine mammals. Derelict fishing gear and other similar debris affects the marine environment in several ways: it can continue to "catch" fish and marine animals - which become enmeshed or trapped - and it can damage the habitat upon which it becomes entangled or upon which it rests. Over time, this material can physically disrupt, scrape, abrade and damage sensitive reef habitat, altering or removing the natural community of organisms it supports, both reducing its overall productivity and increasing the potential for the establishment of marine invasive species. As plastic debris breaks down in the marine environment, it can also accumulate harmful chemicals and pollutants and be ingested by a wide range of marine life from shellfish to seabirds, marine mammals and sea turtles. Marine debris is also a visual blight on the seafloor, diminishing the natural aesthetic quality of the seafloor and rocky habitat.

Because of the benefits to marine life and habitat provided by removing and reducing the harmful effects of marine debris, the Commission has previously found contributions to the Recovery Project to be an acceptable form of compensation for unavoidable adverse impacts to hard substrate and the organisms it supports. For example, in combined CDP/Consistency Certification no. E-08-021/CC-005-09, the Commission accepted AT&T's offer of $100,000 to the Recovery Project as adequate to compensate for potential project-related impacts to 5,500 square feet of hard substrate and its biota. Subsequent marine cable projects have used this $100,000 dollars per 5,500 square feet of impact area figure approved under E-08-021/CC-005-09 to determine appropriate compensatory funds for different areas of impact. For example, in

CDP No. E-11-017, the Commission approved a payment of $32,000 (32% of $100,000) to compensate for a hard bottom impact of 1,760 square feet (32% of 5,500 square feet).

In 2016, Commission staff examined data on completed compensatory mitigation work to quantify the acreage of compensation that could be achieved for the funds provided to the Recovery Project for this purpose. In total, the Recovery Project had received $801,193 in compensatory mitigation funds to mitigate impacts to a collective total of 24,325 square feet of hard bottom habitat from seven fiber optic cable projects and two pipeline removal projects. With these funds, the Recovery Project was able to collect 1,301 individual items of derelict fishing gear (nets, traps, lines, etc.) over 105 field days, resulting in the enhancement of an estimated 64,702 square feet of hard substrate marine habitat, removal of several thousand feet of rope and fishing line, and elimination of hundreds of functional traps. These data showed that the Recovery Project was able to achieve enhancement of marine habitats at a mitigation ratio of approximately 2.7 to 1 and for a cost per area of $12.38/square foot. When this cost per acre is adjusted to 2019 dollars using the Consumer Price Index, the result is $14.45/square foot.

For a variety of projects approved in 2016 or after that have resulted in adverse impacts to hard substrate marine habitat, the Commission has applied the results from the analysis of Recovery Project data described above to determine an appropriate mitigation fee. In addition, the Commission has also applied a 3:1 mitigation ratio because of the nature of the mitigation work performed by the Recovery Project. The Recovery Project's work removes chronic sources of habitat and wildlife disturbance and loss, but it does not actively restore habitat areas after those sources of disturbance are removed. The actual "restoration" of the disturbed areas is achieved through natural recruitment of missing organisms over time. It can often take years for that natural recovery to occur on marine hard substrate habitats (Lissner et al., 1991). Compensating for this time lag between the impact and the success of the mitigation site is one of the principal reasons the Commission has applied mitigation ratios larger than 1:1 in other cases.

Another key consideration is the likelihood of mitigation success. Once the Recovery Project removes a source of disturbance from a particular area, it is highly likely that natural recovery of the restored site will occur over the long-term. However, unlike terrestrial mitigation projects where the Commission generally requires conservation easements or other types of protections to protect against future ecological damage, there is no similar mechanism that can be applied to protect marine mitigation sites. Thus, the Commission cannot assume that new anthropogenic disturbance of the same site will not occur in the future. It is likely that some of the sites that are restored by the Recovery Project could be subjected to future damage as lost fishing gear re-accumulates or other types of damage are sustained. Thus, the uncertainty in the long term restoration or enhancement of the site also justifies applying a 3:1 (area restored/enhanced:area lost/damaged) mitigation ratio when calculating the appropriate mitigation fee. Because State Parks is proposing to carry out similar derelict fishing gear and marine debris removal work (and to fund efforts by the Lost Fishing Gear Recovery Project as a contingency plan), it is appropriate to apply this same 3:1 ratio as a metric of success for its proposed efforts to compensate for adverse impacts to rocky reef habitat associated with the installation of the proposed revetment.

As described above, if State Parks is not able to adjust the scale and location of the rip-rap revetment, Commission staff estimates that the proposed project could impact approximately 1,200 square feet of hard bottom marine habitat. This impact area was determined using data from State Parks' 2018 nearshore biological survey as well as project design schematics and site visits by Commission staff. These data were used to forecast the approximate area of hard substrate marine habitat within the proposed footprint of the revetment but can only provide an estimate of the impact. To determine the actual impact, **Special Condition 5** would memorialize State Parks' commitment to carry out a post-installation survey of the rip-rap installation area to quantify the extent of actual hard bottom habitat impacts. In this way, any success that State Parks has in reducing the loss and damage of hard substrate marine habitat associated with the presence and installation of the revetment would be accounted for and credited. Within 60 days of completing the survey, State Parks would submit to the Executive Director a written report describing the results of the survey for review and approval.

For those adverse impacts to hard substrate marine habitat described and quantified in the post-installation survey, **Special Condition 6** would memorialize State Parks' commitment to provide compensation through the marine habitat enhancement efforts of its Channel Coast District staff and Dive Team. **Special Condition 6** establishes that this compensation would be provided at a ratio of 3:1, based on the results of the post-installation survey carried out consistent with **Special Condition 5,** and also establishes that any project-related impacts to hard bottom marine habitat that are not adequately compensated at the end of the five year period of State Parks' marine debris collection and removal efforts along the Gaviota and Ventura coastline would be provided through payment of a compensatory hard bottom enhancement fee to the UC Davis Wildlife Center.

These funds would then be used to remove derelict fishing gear and other marine debris from waters in the Southern California Bight. The total hard bottom enhancement fee would be calculated by subtracting the total area of rocky reef habitat enhancement achieved by State Parks over the five year period from three times the total square footage of impacted hard bottom and then multiplying that remaining area by a compensation rate of $14.45 per square foot. The total square footage of hard bottom impacted would be calculated by measuring the area of hard substrate marine habitat buried or damaged by the installed rip-rap revetment. Based on past experience and data collected by the California Lost Fishing Gear Recovery Project, State Parks' contribution is expected to fund the removal of derelict gear and debris from an area of rocky reef approximately three times greater than the area of hard substrate marine habitat that would be lost as a result of the proposed rock revetment, a habitat compensation ratio of 3:1.

The lost fishing gear recovery work would be carried out pursuant to a Memorandum of Agreement (MOA) by and between the Commission and the Regents of the University of California on behalf of the UC Davis Wildlife Health Center's California Lost Fishing Gear Recovery Project. Once the enhancement funds are received, the Recovery Project would submit a spending plan to the Executive Director for review and approval that includes, at minimum, a description of the proposed fishing gear recovery project and its estimated cost. The habitat enhancement work would aim to recover known (previously located and/or reported) and opportunistically encountered derelict commercial fishing nets, traps and other types of gear within the Southern California Bight. The removal of derelict nets snagged on rocky bottom

habitat or on underwater structures, or in some cases still attached to fishing vessels, is critical because this form of derelict fishing gear (netting) presents a significant entanglement/drowning risk to wildlife and to underwater users (divers, scientists, engineers). The Recovery Project also would recover lost trap gear that results in hazards, blight, and/or interferes with fishing, emphasizing recovery soon after the close of commercial seasons. Project personnel would collect data on all gear recovered, including location, type, substrate type and impacts to resources and habitat. The overall scope of the field effort would be dependent upon the final determination of mitigation funds.

The Commission finds that removing lost fishing gear and other marine debris from the marine environment would offset the projected impacts to rocky bottom areas caused by the proposed placement of the rip-rap revetment. Thus, with the above special conditions incorporated, impacts to hard bottom marine habitat and the associated benthic species would be minimized, consistent with the requirement in Coastal Act Section 30230 that marine resources be maintained, enhanced, and where feasible, restored.

Conclusion
For the reasons discussed above, the Commission finds that the proposed project, as conditioned by **Special Conditions 1 and 4 through 7,** would be carried out in a manner that maintains marine resources and sustains the biological productivity and quality of coastal waters and protects against the spillage of hazardous substances into the marine environment and is therefore consistent with Coastal Act Sections 30230, 30231 and 30232.

E. 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 30213 of the Coastal Act states (in relevant part):

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

Section 30220 of the Coastal Act states:

> *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

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 30234 of the Coastal Act states:

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designated and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The proposed project consists of repairing and replacing the deteriorated portions of the Gaviota State Park pier as well as constructing and re-installing portions that collapsed and washed away five years ago (during the 2014 winter storm season). In addition, the project would result in the installation of a rock rip-rap revetment at the landward base of the pier.

The Gaviota State Beach pier is a major visitor-serving destination point and recreational facility along the coast of Santa Barbara County, and serves both local and out-of-area visitors. The pier is also a popular fishing resource and lower cost recreational asset. Repairing and reopening the Gaviota State Beach pier would ensure the continued functioning of an important visitor-serving facility along the California coast, as well as an important point of access to nearshore waters.

As noted by the State Lands Commission in its authorization of a recent lease extension for the land on which the pier is located:

> *The Gaviota Pier (Pier) is a public recreational pier adjacent to Gaviota State Park that, before its closure in 2014, was open to and used by the public for recreation, fishing, and recreational boating. The Pier is operated and maintained by State Parks and provides public recreational access to the beach and the ocean. A boat hoist is located on the Pier which facilitates recreational boating. Users of the boat hoist are required to take a training program and pay an annual fee, and funds generated from the annual fee and training program fee are used to support maintenance and repairs to the boat hoist. Approximately 100 people used the boat hoist per year before storm damage forced the Pier's closure. No vehicles are allowed on the Pier.*
>
> *Consequently, only small boats that can be manually pulled on their trailer may be launched from the Pier. After boats are lowered into the water, trailers are stored at the*

parking lot. Upon return to the Pier, boat operators retrieve their trailers and again pull them down the Pier to reload their boats after use.

Anglers and surfers comprised the majority of boat hoist users due to the Pier's close proximity to Hollister Ranch, a popular surfing destination. Because Hollister Ranch is a private, gated community, the only way to access the surfing location is by boat. The Pier, located 2 miles from the closest Ranch surf break, is the closest boat access to Hollister Ranch. The next closest launching facility is Santa Barbara Harbor, which is 32 miles away. Fishing from the Pier is also popular. In addition to the boat hoist, the Pier also provided fish cleaning tables and other amenities to support and facilitate recreational fishing by the public from the Pier. The upland park area has a campground, a Caltrans rest stop along the highway, and multiple hiking trails and backcountry roads.

The Gaviota State Beach pier facilities are proposed to be replaced or repaired in the same location, and built to the same size and configuration, as the original pier facilities (**Exhibit 2**).

Construction Staging Area

As noted above, the pier was damaged by winter storms and has been closed to the public since March 2014. The proposed work on the pier itself would therefore not restrict or eliminate access to an area currently used by the public. Proposed project equipment and materials staging and onsite storage may, however, adversely affect public beach and coastal access.

As shown in the figure above, the proposed project staging area (outlined in red) would encompass much of the beach parking area and may preclude public use of beach accessways that connect the parking area to the beach (numbered in red).

State Parks estimates that a total of between 29 and 47 of the estimated 126 available public parking spaces in the main Gaviota State Beach parking lot (including two of the four available ADA compliant spaces) would be occupied by construction equipment, materials, and vehicles throughout the approximately 11 month construction period. This could reduce by up to roughly 1/3 the number of available parking spaces serving Gaviota State Beach, potentially leading to overflow conditions that may restrict overall access and availability of this beach to the public. Although overall use of Gaviota State Beach has declined with the pier closure, it still remains one of the most accessible and heavily used beaches in this part of Santa Barbara County and is a popular destination during holidays, weekends and summer months.

In addition, the proposed location and configuration of the staging area may block or limit access to three of the four beach access points between the beach and parking area, including all of those that provide access for beach launching of small boats and other vessels. Since the closure of the Gaviota pier and its boat hoist, beach launching of small vessels has provided one of the only means for the public to access surfing, diving, and fishing areas located offshore of the Hollister and Bixby Ranches.

While State Parks is committed to ensuring that Gaviota State Beach remains open and available to visitors throughout the construction period, **Special Condition 2** would address these potential limits to public coastal access by establishing that the staging area would take up no more than State Parks' low-end estimate of 29 total parking spaces and be configured to avoid the loss of any ADA compliant parking spaces or blockage of public beach access trails and accessways.

Although these requirements may result in a smaller than proposed staging area within the main beach use parking lot, State Parks has identified an approximately 8,000 square foot area near its entrance kiosk that could be used for construction employee parking or staging. In addition, the pier access road and landing also provide areas that could be used for project staging without adversely affecting public coastal access or recreational use.

Boat Hoist and Launch System

In addition to the access it provides for shore-launching of small boats and vessels, the boat hoist and launch system on the Gaviota Pier is one of Gaviota State Beach's key assets for providing coastal access and recreation benefits. When the pier is open and the hoist is operational, it can receive heavy use by those seeking access to the coastline between Santa Barbara and Point Conception, and in particular, those areas immediately upcoast of Gaviota State Beach in the Hollister and Bixby Ranches for which landside public access is not available. According to a State Parks report in 2005, an average of 800 boaters per year would make use of the hoist.

This level of use and the unique location and access provided by the hoist has led the California Department of Boating and Waterways (DBAW) to consider it "extremely important for recreational boaters." Throughout the 2000s and prior to closure of the pier and hoist in 2014, DBAW had provided the majority of funding for repairs and improvements to the hoist and had

also provided State Parks with grant funding to commission an independent report on hoist operations, maintenance, and opportunities for increasing safe, reliable use. Based on input received by Commission staff from the public and interested stakeholders at the time, this grant was prompted by a series of breakdowns and accidents involving the hoist and a growing level of public frustration about its limited accessibility and susceptibility to vandalism and sabotage by those allegedly seeking to limit public access to the Hollister Ranch coastline and other adjacent coastal areas.

Completed in May 2005, this independent report by Northeast Engineers & Consultants, Inc. (NE&C) provided a fairly strong critique of hoist equipment and operations in use at that time and provided a variety of specific recommendations for safety and operational improvements. The following excerpt from the report's introduction summarizes these recommendations and the report's findings:

> *NE&C found the facility to be very exposed (used in waves reaching 5 feet in height) warranting a previously assigned factor of safety of 2.0 that reduced the original lifting capacity from 4-tons to 2. With boat launching facilities in such short supply within the Channel Coast Region, the Gaviota Boat Hoist sees high frequency use throughout the year. Overuse has led to numerous breakdowns and equipment failures. The current Stahl chain hoist has been problematic and unreliable. Operations are monitored by CA-DPR* [California Department of Parks and Recreation] *staff only 20% of the time, leaving untrained boaters access to the facility without any knowledge of standard operational procedures and safety guidelines. Unfortunately, it has been reported and witnessed that people disregard even the most fundamental rules due to either their lack of experience or ignorance. Seeing that the hoist services vessels upwards of 2-tons, simple neglect and lack of knowledge could quite possibly lead to serious physical injury.*
>
> *NE&C recommends CA-DPR replace the current hoist with a Columbus McKinnon (CM) Powerstar 5-Ton 2-speed double-reeved chain hoist with integrated motorized trolley system. The CM Powerstar Hoist is known to be the largest and most rugged hoists available in the marketplace most commonly selected for industrial applications where downtime is to be avoided at all cost. Although the hoist has a 5-ton capacity, the overall facility will continue to be limited to 2-tons. The only way to increase this capacity will be to retrofit the pier's pile foundation, deck and hoist to manage a total load of 6-tons in order to support a 3-ton vessel while continuing to respect the 2.0 factor of safety due to extreme wave conditions. In addition to mechanical improvements, NE&C recommends that CA-DPR monitor all hoist activities starting immediately up until the majority of the public is sufficiently trained in the use of the facility. Utilizing the hoist volunteer group can reduce the burden of such monitoring. In addition to monitoring, CA-DPR needs to adopt various items including improved signage, procedures and safety regulations, and reconfiguration of the electrical system. In an effort to properly protect the facility from unauthorized use and vandalism NE&C has recommended CA-DPR also consider purchasing a card reader and closed circuit surveillance system.*

> *It is believed that by implementing the recommended improvements to the facility and operation, the Gaviota State Beach Boat Hoist will be able to safely and securely continue servicing boaters along the Southern and Central California Coast for years to come.*

Based on the recommendations and findings of this study – particularly those focused on public and operator safety issues – State Parks implemented a variety of changes to hoist operations between late 2005 and when the pier was closed in 2014. These changes included the purchase and installation of a new, more robust hoist and electrical system (also partially funded by DBAW) as well as the development and implementation of a Boat Hoist Program that involves operator training requirements, vessel inspections, certifications and associated annual or one-time fees (more fully described in **Exhibit 4**). As described in information provided with its CDP application, State Parks proposes to continue to use this program to manage hoist operations once the pier is repaired and re-opened. Prior to its implementation, hoist operations were much more informal and less regulated, as described in the NE&C 2005 report:

> *The Gaviota Boat Hoist operations is actively monitored by CA-DPR Lifeguard Staff from June through August and monitored by an organized group of volunteers on weekends from March through November. Monitoring hoist activities typically includes checking vessel size, inspecting slings, assessing environmental conditions, inspecting vessel equipment, collecting "Vessel Hoist Services Use Agreement and Waiver" from each user and monitoring the user when operating the hoist. CA-DPR estimates staff and volunteers monitor approximately 20% of all boats that use the facility.*
> …
> *During times when the hoist is open and not monitored, the public is expected to use the hoist based on the 'honor system' including filling out waivers, knowledge of launching protocol and correct equipment. Due to the lack of security at the hoist, it has been reported that many infrequent users fail to follow CA-DPR's Hoist Launching Procedures and Safety Requirements including but not limited to improper use of slings, uncertified slings and placing passengers in the vessel when lifted by the hoist. Although no significant accidents have been reported at the hoist, it is believed that they have occurred but not reported in order to avoid punishment for self-preservation and/or the preservation of the current hoist protocol (a significant injury would force CA-DPR to consider stricter launching policies).*

As noted in the Boat Hoist Information Handbook (**Exhibit 4**), State Parks' efforts to implement several of the recommendations of the NE&C 2005 report have led to safer and more consistent hoist operations:

> *An indication of the new Hoist Program's success is that no boater or other visitor has suffered injury or property loss from hoist operations since the program began. In addition, no mechanical or electrical failures have occurred to the hoist or its support systems that have forced its closure.*

However, available information indicates that they may also have contributed to a significant reduction in access to and use of the boat hoist. Prior to implementation of the new hoist operations program in late 2006, State Parks estimated use of the hoist at around 800 boaters per year on average. However, in the years immediately before closure of the pier in 2014, this

usage had fallen to approximately 100 boats per year (as described by State Lands Commission staff in the excerpt included above). Even after being in place for nearly eight years, information provided by State Parks indicates that the Boat Hoist Program only included roughly 220 vessels at the time of the pier's closure. Although Commission staff did not review State Parks' annual use records to independently confirm the accuracy of these numbers, unless they greatly misrepresent actual hoist usage, they would appear to indicate a sharp decline in public use of the pier's boat hoist between the early and late-2000s. There are a variety of factors that may have contributed to this decline but it is reasonable to assume that the training, certification, and inspection requirements – and their associated costs - implemented as part of the 2006 Boat Hoist Program were among them.

Prior to 2006, one would only be required to pay the $8 vehicle entrance fee and an additional $8 boat launch fee at the park's entrance in order to use the hoist. Once State Parks' Boat Hoist Program was implemented in 2006, however, it became necessary to for one to pay the vehicle entrance and boat launch fees as well as to complete the following 11 step process in order to use the boat hoist:

- Join the waitlist for the Hoist Operator Training at least eight weeks before the next scheduled training;
- Be among the first 20 on the waitlist to be invited to a training;
- Submit $100 training fee;
- Attend and complete eight hour training on hoist operations (including three hour classroom training session and 15-30 minute practical exam);
- Complete, sign, and submit Hoist User Agreement;
- Receive Hoist Operator ID Card within 30 days of submitting signed agreement;
- Join vessel inspection waiting list and wait to be invited to the next available inspection;
- Attend and pass one hour vessel inspection;
- Submit $100 vessel inspection fee;
- Receive Hoist Proximity Card;
- Submit $150 Hoist Access Fee to activate Hoist Proximity Card;

As indicated above, available records indicate that implementation of the Boat Hoist Program has increased safe, reliable use of the hoist; however, the multiple waiting lists, scheduled training and inspection events, and the $350 initial and annual fees associated with the Boat Hoist Program appear to have contributed to a decline in its use by the public. For example, the hoist operations training and vessel inspection process required as part of the current hoist program has likely eliminated or significantly reduced use by "one-time" and low-frequency users as well as those that do not reside near Gaviota State Beach. Because the current program requires multiple trips to Gaviota State Beach before the hoist can be used to launch a vessel - one trip for the day-long hoist training, a separate trip for the vessel inspection, and a third to actually use the hoist once the requisite operator ID card and Hoist Proximity Card arrive in the mail – it would take a significant commitment of time, money, and resources for anyone outside the region to use the hoist. These barriers – and the requirement to pay fees for the whole year for even a single use of the hoist – may also present impediments to use by more local residents that can't afford to become consistent regular users or accommodate that level of use in their life.

Although beach-launching from Gaviota State Beach would still be an option for such individuals (and would only require payment of an $8 vehicle access fee and $8 launch fee), because vessels must be hand carried or towed by hand from the parking lot and across the sandy beach in order to beach-launch, it is only an alternative during calm ocean conditions for smaller, lighter vessels (small boats, kayaks, Zodiacs, and other inflatable vessels) and the most physically capable users.

While input received by State Parks' Channel Coast District staff suggest that the current program is widely supported by the base of consistent, local users that the program appears to be oriented around with its focus on annual passes and authorizations, other user groups have not expressed the same level of support to Commission staff. A frequent concern raised to Commission staff during its review of this application has been the significant difference in hoist operations and level of accessibility to boaters provided between the hoist at Gaviota State Beach and a very similar one operated by Santa Barbara County at the Goleta Beach Park pier roughly 30 miles downcoast. Whereas the Gaviota pier hoist requires the lengthy 11 step process described above, use of the Goleta pier hoist simply requires payment of a $20 use fee and supervision by the park's resident ranger. It should be noted, however, that the County's hoist is only available for use on weekends and holidays instead of the seven days a week proposed by State Parks for its hoist facility.

Between the apparently sharp decline in usage of the hoist by the public after implementation of the Boat Hoist Program and the obvious barriers it presents to some sectors of the public such as less frequent users and those from outside areas, it nevertheless appears that some reexamination of the hoist program may be warranted to help ensure that the hoist is managed in a way that continues to maximize safety while also facilitating accessibility and use by a wide range of the public.

Through conversations between staff of the Commission and State Parks' Channel Coast District, State Parks' conveyed its commitment to considering updates and improvements to it Boat Hoist Program as well as to continuing Gaviota State Beach's long history of providing a wide range of boating facilities and launch opportunities – including the boat hoist and the simpler, lower-cost option of launching small vessels from the beach. To memorialize this commitment and help facilitate the development of a hoist operations program that prioritizes maximum public access along with safe and reliable operations, **Special Condition 3** would require State Parks to develop a revised version of the Boat Hoist Program that maximizes the safety, affordability, and reliability of public access to water-oriented recreation and fishing activities. This would be accomplished through measures to (1) prevent and minimize the risk of vandalism and damage to the boat hoist; (2) maximize opportunities for the safe launching of public vessels using the hoist; and (3) increase affordable training and boat/gear inspection opportunities. Included in this program would be development and publication (potentially online and through social media platforms) of an annual calendar of hoist operations trainings and vessel inspection opportunities.

While State Parks would retain the discretion and flexibility to develop additional specific measures for evaluation and potential inclusion in the revised program, examples of such measures may include installation of a video surveillance system; consideration of the use of

dedicated hoist operators in addition to the current operations training and certification system; trial use of supervised public use on limited dates (such as holidays and select weekends) for those without unsupervised annual access privileges; establishment of lower cost and/or more frequent or regular operations training and certification opportunities; protocols for use by concessionaires/commercial operators; and evaluation of hoist operations in a wider range of weather and oceanographic conditions. The revised program would be subject to review and approval by the Executive Director in order to provide an opportunity for the Commission to contribute its coastal access expertise to its development and to help ensure that it is consistent with the Coastal Act's requirements regarding public access and recreation.

In addition to facilitating coastal access, a revised hoist program developed consistent with **Special Condition 3** would also help protect, encourage, and provide a lower cost recreational facility and protect and upgrade a facility that serves the recreational boating industry. A revised hoist program that allows for safe, more consistent and easier public use would allow the pier's hoist to become a greater recreational and boating asset by expanding the type and number of users it serves. While physical and structural upgrades to the pier's boat launch facility – such as installation of a second or higher capacity hoist; relocation of the hoist further seaward on the pier in deeper waters that can be more consistently used; or extension of the pier and construction of a mooring and passenger loading facility for larger vessels – would more significantly upgrade it and allow for greater lower cost recreational use, revising the management and operation of the boat hoist program would also remove some barriers to use and provide meaningful improvements.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry the provisions of Coastal Act Sections 30210, 30211, 30213, 30220, and 30221, 30234.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

On January 18, 2018, State Parks determined that the Project, as described above, was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301, Class 1, Existing Facilities; section 15302, Class 2, Replacement or Reconstruction; section 15304, Class 4, Minor Alterations to Land; section 15305, Class 5, Minor Alterations in Land Use Limitations; and section 15331, Class 31, Historical Resource Restoration/Rehabilitation. State Parks filed a Notice of Exemption with the State Clearinghouse on January 18, 2018 (SCH No. 2018018242).

The proposed development has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing marine

resources, public access and water quality will ensure that the project does not result in any unmitigated significant adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A: Substantive File Documents

Coastal development permit application and supplementary letters, reports, and materials included in file no. 4-18-0206 (California Department of Parks and Recreation).

Adopted Findings for Coastal Development Permit No. 9-18-0647.

Adopted Findings for Consistency Determination number CD-0004-17.

National Park Service, 2017. Consistency Determination number CD-0004-17 (Scorpion Pier Replacement) and associated file.

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