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Prepared September 18, 2020 (for October 8, 2020 hearing)

To: Coastal Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
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Subject: University of California at Santa Cruz Coastal Long-Range Development Plan Notice of Impending Development Number 11 (SCZ-NOID-0004-20) – Younger Lagoon Beach Access Management Plan

SUMMARY OF STAFF RECOMMENDATION

The University of California at Santa Cruz's (UCSC's) Coastal Science Campus (the Campus) Coastal Long-Range Development Plan (CLRDP) was certified by the Commission on January 7, 2009. UCSC is now pursuing its eleventh project pursuant to the CLRDP, has submitted the above-referenced notice of impending development (NOID) to the Commission, and requests that the Commission concur that the proposed project is consistent with the certified CLRDP.

This NOID affects Younger Lagoon Reserve and its beach, which consists of a relatively small pocket beach with a back-beach lagoon system within which UCSC's coastal research and resource protective efforts are focused (through the UC Reserve System's Younger Lagoon Reserve program). Although historically a popular beach for general public access, Younger Lagoon Beach has been off-limits to general public use since 1981. At that time, the Commission authorized a CDP for a temporary beach closure to protect UCSC's Long Marine Lab research program in the lagoon area inland of the sandy beach itself, as well as threatened coastal resources in the overall lagoon-beach area. That original beach closure was only allowed by the Commission based on a required periodic reevaluation, which ultimately occurred in 2001 when the Commission again allowed the beach to remain closed for similar reasons. The periodic beach access reevaluation tool was codified into the certified CLRDP in 2009. Consequently, the CLRDP requires that the amount and intensity of beach access be reevaluated every five years via authorization of a Younger Lagoon Beach Public Access Management Plan through the NOID process. That reauthorization process is designed to allow UCSC and the Commission to reassess the context and conditions associated with the level of public beach access at Younger Lagoon Reserve and its beach, consistent with ensuring resource protection at the same time and to potentially make changes in the degree of public beach access provided to the beach area (i.e., to increase it, decrease it, or

leave it as is) for the next five years.

CLRDP Implementation Measure (IM) 3.6.3 requires that the public have “supervised access” to Younger Lagoon Beach but does not specify the level of supervision. Rather, this question is subject to the periodic reevaluation identified above. IM 3.6.3 also requires that a monitoring program be implemented to document the condition of native flora and fauna in Younger Lagoon and the back-beach area at five-year intervals. In addition, it requires that UCSC prepare a report at the end of each five-year period that presents the results of the monitoring program and discusses the potential effects of sandy beach public access on Younger Lagoon resources, and whether beach access changes should be implemented. At the end of each five-year period, UCSC must submit a NOID to the Commission to implement a beach access plan for the next five years.

In March 2010, the Commission approved UCSC’s NOID (“NOID 2”)¹ to implement a beach access management plan through 2015 that allowed supervised access to Younger Lagoon Beach through a docent-led beach tour program and also implemented a five-year monitoring program, as required by IM 3.6.3. UCSC began implementing the beach access plan and monitoring program in the spring of 2010 and submitted the report on the results of the monitoring to the Commission in February of 2016. In 2017, UCSC submitted the required beach access NOID (to cover the period between 2015 and 2020), which described a plan to continue the beach access program that had been in place under NOID 2 for the next five-year period (i.e., through 2020). The Commission approved that NOID (“NOID 9”) with conditions in September 2018. Specifically, the 2018-approved Younger Lagoon Beach access management plan kept the beach closed to general public access and continued the docent-led beach tour program, with some changes (relative to the previous program) designed to provide additional opportunities for the public to access the beach consistent with ensuring resource protection at the same time . As conditioned, NOID 9 required UCSC to offer free² public beach tours four times a month during the spring and summer season (March through September), and twice monthly during other times of the year (for a minimum of 38 tours per year), thus increasing the number of beach tours offered during the summer season compared to the twice per month beach tours provided year-round under the previous program. To further comply with the conditions of NOID 9, UCSC increased the number of participants allowed on each beach tour from 12 to 14 and also identified a suite of English and Spanish language advertising outlets to promote the tours (including in inland areas), including press releases, local papers and event calendars, social media, and new and existing interpretive signage on Campus. UCSC also continued to monitor the reserve for potential coastal resource and research

¹ UCSC’s NOIDs have been numbered sequentially since CLRDP certification (e.g., as discussed above, this is NOID 11), but are also coded with a Commission reference number (here SCZ-NOID-0004-20). While different, they both refer to the same item, namely the NOID in this case that is before the Commission.

² Prior to NOID 9, those aged 16 and over were required to pay a fee to take a Younger Lagoon Beach tour.

impacts as required by, and described in, IM 3.6.3.

NOID 11, which is the subject of this staff report, incorporates all the public access requirements of NOID 9, but UCSC will increase the maximum number of participants per tour from 14 to 18 and will offer a virtual tour instead of in-person tours during the COVID-19 pandemic. The virtual tours will continue even after COVID-19 restrictions ease and in-person tours resume. NOID 11 covers the period through December 31, 2025, and another NOID will be required prior to that time to cover the period past that date.

UCSC's monitoring data shows that tour participation increased in 2019 after NOID 9 went into effect. Further, until COVID-19 conditions forced in-person tours to end in March 2020, tour participation was on pace to exceed that of 2019. The supposition is that eliminating the previously required tour participation fees, actively promoting tours through a variety of media, and allowing day-of in-person tour sign-ups all helped increase tour participation and public access. In terms of the required biological monitoring, UCSC reports that the tours are not adversely impacting the lagoon and beach ecosystems.

Staff believes that the proposed Beach Access Management Plan, as conditioned to mirror the requirements of NOID 9 but with more specific reporting requirements included, can be found consistent with the CLRDP. Staff continues to believe that the balance being struck between research and resource protection at this unique site on the one hand, and general beach public access through the docent-led beach tour program on the other, is appropriate.

That said, the beach access situation at Younger Lagoon Beach is an anomaly in coastal California, including inasmuch as public beach access is critically important, and ensuring that it is maximized and provided to all is a critical component of the Commission's coastal program under the Coastal Act. It is only because of the historical context at this location, namely the Commission's involvement in setting access limits for this particular pocket beach as part of UCSC's research program dating back to 1981, that limitations on general public beach access here to address resource and research issues can be found appropriate. It remains incumbent on UCSC to recognize that same dynamic as it provides an access program to the general beachgoing public in return for the Commission's concession on behalf of those beachgoers. Staff believes that the previous suite of beach access parameters are still relevant to the current setting and necessary to maintain the balance of ongoing coastal science research, resource protection, and public access at an unusual site like Younger Lagoon. At the same time staff notes that public beach access is the cornerstone of the Commission's access program, that regulations on its use are not to be taken lightly, and must be assessed and applied in light of the facts and evidence regarding the effect of such access on resources. Toward that end, Commission and UCSC staff will continue to evaluate the Beach Access Management Plan and its implementation, and take steps to adapt it appropriately over time in ways that ensure meaningful public access at the same time as resource/research protection.

Staff therefore recommends that the Commission determine that the NOID project, as conditioned, is consistent with the certified CLRDP. The necessary motion and resolution to find the proposed development consistent with the certified CLRDP are found on page 6 below.

Staff Note - NOID Action Deadline: This NOID was filed as complete on August 14, 2020. The 30-working-day hearing deadline was September 28, 2020. On August 31, UCSC agreed to extend the hearing deadline (as allowed by CLRDP Section 8.4.2³) to December 28, 2020. Thus, the Commission must act on the NOID by December 28, 2020 or it will be deemed consistent with the CLRDP.

³ CLRDP Section 8.4.2 provides that the hearing deadline may be extended if, on or before the deadline, the Director of Campus Planning waives UCSC's right to a hearing within 30 working days and agrees to an extension to a date certain that is no later than three months from the hearing deadline (in this case, no later than December 28, 2020).

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EXHIBITS

- Exhibit 1: Location Map
- Exhibit 2: Photos
- Exhibit 3: UCSC’s Proposed NOID 11
- Exhibit 4: CLRDP Figures 3.11 and 5.6

I. MOTION AND RESOLUTION

Staff recommends a YES vote on the following motion. Passage of this motion will result in a determination that the development described in UCSC NOID Number 11 (SCZ-NOID-0004-20), as conditioned, is consistent with the certified UCSC CLRDP, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that Commission determine that the development described in UCSC Notice of Impending Development Number 11, as conditioned, is consistent with the certified UCSC CLRDP, and I recommend a yes vote.*

Resolution: *The Commission hereby determines that the development described in UCSC Notice of Impending Development Number 11, as conditioned, is consistent with the certified UCSC CLRDP for the reasons discussed in the findings herein.*

II. CONDITIONS

- 1. Free Beach Tours.** All beach tours shall be offered for free, and UCSC shall not require that beach tour users pay any separate admission fee to any other facility in order to take the beach tour. This condition shall not be construed as affecting existing, already-allowed admission fees for UCSC's Seymour Marine Discovery Center. At a minimum, beach tour sign-ups shall be provided online (e.g., at UCSC Marine Science Campus and Seymour Marine Discovery Center websites), by phone, and at the Seymour Marine Discovery Center front desk. UCSC shall also identify and implement a mechanism for tracking the number of tour requests that are denied due to lack of tour availability or because tours are fully booked. All UCSC materials referencing the beach at Younger Lagoon and/or beach tours shall be required to be modified as necessary to clearly identify that access to the beach is available for free via beach tours.
- 2. Beach Tour Outreach Plan.** Within 30 days of this approval (i.e., by November 7, 2020), UCSC shall submit two copies of an updated Outreach Plan for Executive Director review and approval, where such Plan shall identify all measures and venues to be used to advertise and increase awareness of the beach tours, including the online virtual tours. Promotional methods shall include, but are expected to not be limited to: UCSC Marine Science Campus and Seymour Marine Discovery Center websites, press releases, calendar listings with UCSC Events and local media (e.g., Good Times newspaper, Santa Cruz Sentinel, The Register-Pajaronian, The Half Moon Bay Review, The Monterey Herald, etc.), ads on radio (e.g., local radio stations KAZU, KRML, and others), print ads, social media (including Facebook, Twitter, and Instagram), and contacts with influential organizations in local environmental and community advocacy groups who may facilitate promotional opportunities. The Plan shall identify the language to be used in describing the virtual and free in-person beach tours (where said language shall be required to be consistent with the terms and conditions of this approval), and shall provide a schedule for each type of outreach, with the goal being to reach as many potential online viewers and potential beach tour participants as possible,

including audiences beyond Santa Cruz that might not normally be reached through traditional and local means (e.g., inland communities). The Plan shall describe how UCSC will monitor and track the Outreach Plan's execution so that UCSC and the Coastal Commission can note the effectiveness of the plan and make changes as needed. UCSC shall implement the updated approved Outreach Plan.

3. **Beach Tour Signs.** UCSC will continue to implement the Beach Tour Sign Plan that was previously-approved by the Executive Director under NOID 9 where such Plan has provided for installation of signage outside of the Seymour Marine Discovery Center and inside at its front desk, at Campus overlooks, and at other appropriate public access locations on the Marine Science Campus that describe free beach tour availability, including "day of" signs for each day beach tours are offered to ensure maximum notice is provided. All such signs shall continue to be sited and designed to be visually compatible with the area, consistent with the Campus sign program (and CLRD P sign requirements) and continue to provide clear information in a way that minimizes public view impacts. UCSC shall continue to implement the approved Beach Tour Sign Plan from NOID 9.
4. **Beach Tour Availability and Monitoring.** UCSC shall offer at least four beach tours per month (of which at least one per month is a weekday tour and at least two per month are weekend tours) from March 1st through September 30th each year and shall provide at least two beach tours per month (of which at least one per month is a weekday tour and at least one per month is a weekend tour) otherwise (totaling a minimum of 38 total beach tours per year). UCSC may limit the number of beach tour participants to 18 persons per tour, but this number may be exceeded per tour on a case-by-case basis, and beach tours shall not require any minimum number of participants to be provided (i.e., if at least one person signs up, the tour shall be provided). UCSC shall document the date/time and number of participants for each beach tour, as well as the number of tour requests that are denied due to lack of tour availability or because tours are fully booked (see also **Condition 1**).

At least every six months (i.e., by June 30 and December 31 of each year), UCSC shall submit two copies of a Beach Tour Monitoring Report for Executive Director review and approval, where the Report shall, at a minimum, provide information regarding compliance with these conditions of approval, including a section identifying UCSC's activities under the approved updated Beach Tour Outreach Plan (see **Condition 2**) and which shall include specific information regarding the dates that each advertisement for beach tours was placed in each venue/media/social media outlet, as well as the required information described in the previous paragraph. Each such Monitoring Report shall include a section that identifies recommendations about whether user data suggests that beach tours should be increased in terms of frequency of tours and/or number of tour attendees, or otherwise modified to better respond to user demand, including the potential to offer a more limited beach area tour (e.g., designed to allow participants to access just the sandy beach area itself in a shorter amount of time) as a means of offsetting demand. Each Monitoring Report shall also include a section that describes how the beach-lagoon ecosystem has responded to

beach tours. This assessment will include data and analysis useful for assessing whether the ecosystem shows any impacts from beach tours. This assessment will be used to help determine if larger tours have any impacts on the YLR ecosystem, its environmental quality, and UCSC research opportunities at the site. UCSC shall implement any Executive Director-approved recommendations from each Beach Tour Monitoring Report.

5. **Beach Access Management Plan Duration.** This approval for UCSC's public beach access management plan at Younger Lagoon Beach shall be effective through December 31, 2025. UCSC shall submit a complete NOID, consistent with all CLRDP requirements, to implement its next public beach access management plan at Younger Lagoon Beach (for the period from January 1, 2026 to December 31, 2030) no later than July 1, 2025. Such a complete NOID shall, at a minimum, summarize the results of the Beach Tour Monitoring Reports (see **Condition 4**), and shall identify the manner in which UCSC's proposed management plan responds to such data, including with respect to opportunities to increase public access to the beach area when considered in light of potential impacts to UCSC research and coastal resources. If such a complete NOID has not been submitted by July 1, 2025, then UCSC shall allow supervised (via beach and trail monitors only) general public access to Younger Lagoon Beach during daylight hours (i.e., one hour-before sunrise to one-hour after sunset) until such NOID has been submitted.

III. FINDINGS AND DECLARATIONS

A. UCSC CLRDP

General UCSC CLRDP Background

As an alternative to project-by-project coastal permit review, Coastal Act Section 30605 allows universities to develop long-range development plans for Coastal Commission certification. Once certified, the university becomes the primary entity responsible for ensuring that future development on the site is consistent with the certified long-range development plan, subject to ongoing Commission oversight. UCSC's Marine Science Campus CLRDP was certified by the Coastal Commission on January 7, 2009.

UCSC's Coastal Science Campus

UCSC's Coastal Science Campus site is located directly adjacent to the Monterey Bay National Marine Sanctuary (MBNMS) just within the western border of the City of Santa Cruz in Santa Cruz County (see **Exhibit 1** for a location map and for an aerial photo of the Campus site). The Campus site has been known locally for many years as Terrace Point. The main UCSC campus is located roughly two miles inland of the Campus in the rolling foothills northwest of downtown Santa Cruz. The Coastal Science Campus is located at the outskirts of the city, seaward of Highway One, at the transitional boundary between the urbanized city area to the east (downcoast) and the rural north coast of the unincorporated county to the west (upcoast). The Santa Cruz County north coast area is well-known to the Commission for its sweeping vistas of both coastal agricultural fields and natural landscapes framed by the undulating coastal range. Much of this area is in extensive State Park and other rural public land holdings, and all of it is traversed by a

rural stretch of Highway 1. Although there are some limited residential enclaves (e.g., Davenport along the coast, and Bonny Doon in the mountains) in these mostly pastoral areas, this north coast area is part of the stretch of largely agricultural and undeveloped coastal lands extending nearly 50 miles to Half Moon Bay upcoast. The Campus site is located at the southern end of this stretch of coast as one travels north and upcoast from the City of Santa Cruz and, by extension, out of the urbanized portion of northern Monterey Bay.

The Campus site is primarily made up of a relatively flat terrace area (roughly 73 acres) sloping gently from north to south (to the ocean) with the remainder occupied by a large arroyo feature (roughly 25 acres) on the west side of the site, at the base of which lies Younger Lagoon, an estuarine lagoon that occasionally connects to the ocean. A sandy beach area fronts Younger Lagoon below the terrace. The lagoon, the beach, the arroyo, and a portion of the terrace make up Younger Lagoon Reserve. The terrace portion of the site includes within it a 2.5-acre federally owned parcel that is surrounded by UCSC property. Altogether, the Campus (including the federal in-holding and the Younger Lagoon Reserve) covers about 100 acres.

In the general Campus vicinity, agricultural land extends to the west along the coast beyond the Younger Lagoon Reserve and the western Campus boundary. To the north are Union Pacific Railroad tracks, a light industrial facility, and Highway 1. To the south lies the MBNMS and the Pacific Ocean, and to the east is Antonelli Pond (north of Delaware Avenue) and the densely packed De Anza Mobile Home Park (south of Delaware Avenue), beyond which is Natural Bridges State Park, and past that, West Cliff Drive in the City of Santa Cruz.

UCSC'S Coastal Science Campus CLRDP

UCSC's Coastal Science Campus CLRDP was certified by the Coastal Commission on January 7, 2009. The CLRDP provides a blueprint for future development of the site, including a maximum increase of about 600,000 square feet of new Campus facilities, mostly within four distinct development zones (occupying about one-third of the terrace area – see page 1 of Exhibit 2) for an expanded Marine Science Campus. The CLRDP provides for roughly 340,000 gross square feet of potential new facilities within the four development zones in new one- and two-story buildings up to 36 feet tall, with the remainder in outdoor research and support areas. The CLRDP also accounts for additional areas of roads and some natural drainage ponds outside of the four development nodes. Overall, and at full buildout, the CLRDP allows the Campus to grow by about three times its size at certification. In addition to the building program, the CLRDP also provides for an expanded public access trail system and natural habitat restoration in the wetland and open space areas on the terrace that are not part of the proposed development zones (roughly 47 acres) that, per the CLRDP, were previously added to Younger Lagoon Reserve.

B. UCSC NOID 11

Notices of Impending Development

Under a certified CLRDP, University development of specific projects contained in the CLRDP can proceed without a coastal permit, provided the University sends a Notice of Impending Development (or a “NOID”) to the Commission prior to undertaking development, and either the Commission deems the identified development project consistent with the CLRDP (with or without conditions to make it so) or does not respond in a timely manner to the NOID.⁴ Pursuant to Coastal Act Sections 30605 and 30606, the Commission may impose conditions on such development project proposals only if it finds them inconsistent with the certified CLRDP.

Younger Lagoon Beach Access

Younger Lagoon Beach is similar to other sandy pocket beaches along the northern Santa Cruz County coast that include inland lagoon and brackish features, and it was a popular and well-used area for general beach activities for many years before UCSC acquired the property in the 1970s. The beach was closed to general public access on a temporary basis in 1981 in order to protect UCSC research as well as Younger Lagoon and related habitat resources, and to provide security to the UCSC marine lab more generally.⁵ Although some unauthorized access continued to occur (i.e., occasional vandalism and surfing and skim-boarding across the wet sandy fore-beach), the general beach access closure remained in effect, limiting beach access to UCSC researchers and personnel only between 1981 to 2010. As indicated, the initial closure in 1981 was conditioned by the Commission’s CDP to require periodic reevaluation, and that reevaluation mechanism was ultimately built into the CLRDP when it was certified in 2009. The CLRDP Younger Lagoon Beach Access Management Plan is structured to be reevaluated every five years, and the reauthorization process is designed to allow UCSC and the Commission to reassess the context and conditions associated with the level of public beach access at Younger Lagoon Beach, and to potentially make changes in the degree of public beach access provided to the beach area (i.e., to increase, decrease, or leave access as is) for the next five years.

NOID 11 – Younger Lagoon Reserve Beach Public Access Management Plan

⁴ Coastal Act Section 30606 requires that the University provide notice of an impending development at least 30 working days prior to pursuing it. California Code of Regulations (CCR) Section 13549 provides that a NOID is only filed following Executive Director review of the NOID and any supporting materials to ensure there is sufficient information for making the consistency determination. The filing review must be completed within five working days after receiving the NOID submittal. CCR Section 13548 requires that the Commission act on the notice within 30 working days of filing of the NOID. In sum, if the Commission does not act within 30 working days of filing of the NOID, the identified development project is deemed consistent and can proceed. In the case of the UCSC CLRDP, the action deadline may be extended by UCSC for up to 3 months.

⁵ This general public beach access closure was only allowed by the Commission on a temporary basis in 1981, and that approval required periodic reevaluation, which ultimately occurred in 2001 when the Commission again allowed for continued beach closure for similar reasons. The temporary nature of the closure was based on the premise that the Commission would continue to reevaluate the beach access issue on a regular basis in order to ensure that the balance being struck and the trade-offs (i.e., between research and resource protection on the one hand, and general beach public access on the other) remained appropriate under the Coastal Act.

In March 2010, the Commission approved UCSC's NOID 2 to implement a beach access management plan through 2015 that allowed supervised access to Younger Lagoon Beach through a docent-led beach tour program⁶ and also implemented a five-year monitoring program, as required by CLRDP Implementation Measure (IM) 3.6.3. UCSC began implementing the beach access plan and monitoring program in the spring of 2010 and submitted the report on the results of the monitoring program to the Commission in February of 2016.

In 2017, UCSC submitted the required beach access plan NOID (to cover the period between 2015 and 2020), which described a plan to continue the beach access program that had been in place under NOID 2 for the next five-year period (i.e., through 2020). That NOID (NOID 9) was presented to the Commission at its July 2017 meeting, but UCSC withdrew it prior to any Commission action in order to consider and incorporate feedback from Commissioners on the adequacy of its proposed public access parameters. For example, Commissioners were concerned about the adequacy of UCSC's public access offerings, including with respect to the number of days per year the tours were offered, how many people could go on each tour, that tourgoers aged 16 and over needed to pay for admission to the Seymour Marine Discovery Center (SMDC) to go on the tour, and how UCSC was advertising the tour program to the broader community. Commissioners were particularly concerned with how UCSC was advertising to lower-income residents who do not live near the campus and may be unfamiliar with the site.

To address Commissioner concerns, UCSC revised its beach access management plan and resubmitted it to the Commission. The Commission approved the revised NOID 9 with conditions in September 2018. Specifically, that approval allowed the beach to remain closed to general public access and continued the docent-led beach tour program, with some changes (relative to the previous program) designed to provide additional opportunities for the public to access the beach while ensuring natural resource protection at the same time. As conditioned, NOID 9 required UCSC to offer free public beach tours four times a month during the spring and summer season (March through September), and twice monthly during other times of the year (for a minimum of 38 tours per year), thus increasing the number of beach tours offered during the spring and summer seasons compared to the twice-per-month beach tours provided year-round under the previous program. To further comply with the conditions of NOID 9, UCSC also increased the number of participants allowed on each beach tour from 12 to 14 and identified a suite of English and Spanish language advertising outlets to promote the tours (including in inland areas), including press releases, local papers and event calendars, social media, and new and existing interpretive signage on Campus. UCSC also continued to monitor the reserve for potential coastal resource and research impacts as required by, and described in, IM 3.6.3.

⁶ Typically, tours are led by docents from the Seymour Marine Discovery Center where tours begin. The tours include a narrative history of the UC Natural Reserve System, a discussion of the lagoon and its habitats, a walk through a restored coastal scrub habitat, with opportunities to view the rear dune, and culminate with a walk on the sand at Younger Lagoon Beach.

NOID 11 proposes to reauthorize the public access program for another five years through 2025⁷ and incorporates all the previous requirements of NOID 9 with a few changes, including a proposed increase in the maximum number of participants per tour from 14 to 18, as well as a new “virtual tour” (instead of in-person tours) to continue to provide for public access (of sorts) during the COVID-19 pandemic. The virtual tours will also be continued after COVID-19 restrictions ease and in-person tours resume.

More specifically, UCSC again proposes to keep the beach closed to general public access, and to continue the existing docent-led beach tour program as the allowed form of public beach access through 2025 in a similar fashion as was approved in NOID 9. The beach tours are designed to provide an interpretive experience for visitors. They are led by SMDC docents trained in the natural history and ecology of Younger Lagoon and its fronting beach. While walking to the beach, participants are provided with a narrative history of the University of California Natural Reserve System (UCNRS) and a discussion of the lagoon and its habitats. The tour proceeds through restored coastal scrub habitat and participants are given opportunities to view the rear dune. The tour culminates with a walk on the sandy beach, but the extent of the accessible beach area varies depending on tidal conditions and the extent of dune plants because foot traffic is only permitted seaward of the dune vegetation. Thus, the exact beach access area may vary slightly from the areas depicted in Figure 1 of the NOID based on on-the-ground conditions (see Exhibit 3, p.16, and Exhibit 4 (CLRDP Figures 3-11 and 5-6)).

NOID 11 includes all the requirements of NOID 9 (e.g., no fees for tours, community outreach to inform the public about the tours, beach tour informational signage at the SMDC and throughout the campus, maintaining the same frequency of tours, and regular submission of beach tour monitoring reports, etc.). In addition, UCSC is proposing two changes to increase the maximum number of persons allowed per beach tour from 14 to 18, and to implement a virtual online YLR tour that would be a substitute for in-person tours during the COVID-19 pandemic and then, once in-person tours resume, would continue to be available as a supplement to (but not as a replacement for) in-person tours.

See Exhibit 1 for a location map and a site plan; see Exhibit 2 for photos of the Campus, including Younger Lagoon Beach; and see Exhibit 3 for the complete NOID and supporting materials.

C. CLRDP Consistency Analysis

Applicable CLRDP Provisions

The CLRDP includes multiple provisions that regulate Younger Lagoon Reserve (YLR) in general, as well as public beach access specifically. IM 3.6.3 governs public beach access within the YLR and provides as follows:

⁷ A new NOID must be submitted and approved for the 2026 to 2030 period to meet the CLRDP requirement that the beach access parameters and a Beach Access Plan be reviewed and authorized every five years.

Implementation Measure 3.6.3 - Public Beach Access within YLR.

Supervised beach access to Younger Lagoon beach shall be provided to the general public consistent with and pursuant to a management plan for such access that is based on the best possible assessment of the capacity of the beach area to sustain use and the level of intensity of such use when considered in light of the fragility of the beach area and adjacent resources and ongoing research. Within six months of CLRDP certification, and at five-year intervals post-certification after that, the University shall submit a Notice of Impending Development to the Coastal Commission with all necessary supporting information for a development project to implement such a beach access management plan for the next five years. Each such management plan shall at a minimum include:

- *A regular schedule of guided, educational tours to the beach area that is coordinated with and similar to other Marine Science Campus education and docent programs and designed to introduce visitors to the special aspects of beach ecology without causing deterioration of that ecology or loss of opportunity for feeding or breeding of beach dependent species. These tours may be weekly weather permitting but shall be offered a minimum of two times per month.*
- *Identification of all parameters for beach access, including a clear depiction of the area within which such access is allowed, and a clear description of all related implementing measures (e.g., trail alignments, trail design, barriers/fencing, signage, timing restrictions, supervision requirements, etc.). Access shall be by way of controlled access trails shown on Figure 5.6. Trails shall be maintained, marked, and signed for safety and interpretation of YLR ecology.*
- *A monitoring program that evaluates trends in beach area conditions, where at a minimum such program shall include: user data (including identification of all user types and specific data on size and composition of beach tour groups); a selected set of repeatable photo points to be taken seasonally to show all major areas of the beach; presence/absence of tidewater goby and evidence of breeding activity; species composition and coverage of beach dune vegetation from the lowest (nearest to the mean high tide line) occurring terrestrial plant to 10 meters inland into the strand vegetation; evidence of seed production by beach strand species in this zone; species composition and abundance of animal tracks (vertebrate and invertebrate) on the beach and adjacent beach dune area; and regular counts of feeding shorebirds on the beach.*
- *An assessment of beach area resources and the effect of beach area use and activities (including authorized and unauthorized uses, research use, YLR activities, etc.) on such resources in the time since the last five-year review and overall in the time since at least CLRDP certification;*

- *A description of existing public access opportunities on the Campus, and the way in which such opportunities relate to the amount and type of supervised access provided to the beach area.*

Policy 6.1 and IM 6.1.1 provide for maximum and free public access to the campus, respectively:

Policy 6.1 Public Access to the Marine Science Campus

Maximum public access to the coastal resources of the Marine Science Campus and the adjacent shoreline and coastal area shall be provided consistent with public safety, fragile coastal resources, implementation of the educational and research missions of the Campus, and security of sensitive facilities and research activities on the site.

Implementation Measure 6.1.1 – Free Public Access for Visitors

Free public visitor access to the Marine Science Campus shall be provided during at least daylight hours (i.e., one hour before sunrise until one-hour after sunset). Modest fees may be charged only for access to the Seymour Marine Discovery Center and similar University facilities with developed educational and/or visitor-oriented programs.

Consistency Analysis

UCSC proposes to continue to keep the beach closed to general public access and to continue the docent-led beach tour program (once COVID-19 restrictions are lifted) as the allowed form of public beach access through 2025, with some changes relative to the prior program (i.e., to allow up to 18 persons per tour and create and promote a virtual online tour). No changes are proposed for the substance of the in-person tours; they would still be led by SMDC docents, and would include a narrative history of the UCNRS, a discussion of the lagoon and its habitats, a walk through a restored coastal scrub habitat with opportunities to view the rear dune and would conclude on the sandy beach itself. Additionally, UCSC would continue to submit information regularly regarding the methods and media used to promote the beach tour program, including in inland areas.

Per the requirements of NOID 9, in January 2019, UCSC increased the overall number of annual tours from 24 to 38. Tours were promoted through posted signs on campus and through a variety of media outlets including newspapers, local radio stations, and on UCSC websites and event calendars. Tour reservations could be made in-person the day of the tour instead of requiring reservations to be made in advance by phone. Based on the monitoring reports that UCSC submitted pursuant to Condition 4 of NOID 9, tours at Younger Lagoon Reserve have grown more popular and visitor counts have increased. Compared to calendar year 2018, tour participation in 2019 grew by 18%, from 224 to 265 participants. And for the first three months of 2020 before tours stopped because of COVID-19 public health precautions, tour participation almost doubled that of the first three months of 2019 and was over three times higher than the first three months of 2018 (i.e., 60 participants from January through March of 2020 vs. 31 during these three months in 2019 and 17 during these three months in 2018). Most tour participants reserved tours by phone instead of booking tours in person at the SMDC,

and usually less than 10% of participants made walk-up reservations at the SMDC. In the period from January 1, 2018 through March 8, 2020, the number of participants on each tour varied from one to 18, with seven tours cancelled for no participants and four tours going with greater than the typical maximum capacity of 14 participants (with a maximum of 18 participants).⁸ Data on the number of people who were denied a tour or did not show up for a reserved tour were gathered only in 2019 and early-2020 (i.e., before COVID-19 restrictions began) and show that two tours turned away a total of eight people because tours were full, and 71 people made reservations for a tour but did not show up to take the tour.

In addition to the analysis regarding visitation levels, UCSC has provided biological monitoring information regarding Younger Lagoon Beach and the lagoon area. UCSC found that the beach and surrounding uplands contain 225 species of birds, 19 species of mammals (including occasional bobcats, mountain lions, coyotes, and grey fox), 209 species of plants, 20 species of reptiles, three species of amphibians, and three species of fish. UCSC considers this diversity of species to indicate the value of having a small, controlled human footprint at Younger Lagoon Beach and the lagoon area, and notes that fewer species were observed at nearby Sand Plant Beach, Little Wilder Beach, and Natural Bridges State Beach during the 2010-2015 period in which UCSC compared species diversity at the four sites. Thus, even with the increase in the number of tour participants since NOID 9, habitat conditions remained healthy and able to support a large range of species for such a relatively small area, and it is clear that the tours themselves are not adversely impacting the habitat and/or UCSC research activities.

The above analysis demonstrates the effectiveness of NOID 9's conditions in terms of increasing public access to the beach while still providing needed scientific research and habitat protection. NOID 9's conditions have been effective in balancing these sometimes-competing objectives, and the increase in visitation can be attributed, at least in part, to the elimination of tour fees, tour capacity increases, and tours being proactively promoted through informational tour signage at SMDC and in a number of locations throughout the campus, announcements on UCSC and SMDC websites, and through an array of bilingual print, radio, and social media. NOID 11 would build upon the success of NOID 9, would allow for increased tour capacity consistent with natural resource protections and would add a virtual way for the public to experience the beach here, even after the COVID-19 restrictions are lifted.

To codify UCSC's proposal, this NOID retains all the conditions of NOID 9, which shall ensure that beach tours remain free (Condition 1); that UCSC will submit a more detailed outreach plan that explains all measures and venues undertaken to advertise and increase awareness of the online virtual tour and in-person tours when they resume after COVID-19 restrictions are lifted (Condition 2); and that beach tour signage at the SMDC and at various locations throughout the campus will be maintained (Condition 3). Condition 4 will continue to require a minimum of 38 tours per year, with the majority of

⁸ Tour docents may increase the maximum tour size to greater 18 people if they choose, based on conditions at the time. See NOID 9 Special Conditions Implementation Report #3 for tour participation statistics

tours taking place during warmer-weather months. This condition also requires that weekday and weekend beach tours are offered each month, while also ensuring that at least half of all beach tours are offered on weekend days when more people may be available to take them.

UCSC also proposes to increase the maximum number of persons per beach tour from 14 to 18, which is reflected in Condition 4. Subject to the following discussion, these changes are generally appropriate in light of the information gathered from the Monitoring Report for 2019 and, together with online tours, should increase beach access availability in two forms while ensuring adequate protection of coastal resources consistent with the CLRDP.

Next, with respect to outreach, UCSC proposes to continue to raise awareness of the beach tour program via press releases, calendar listings with UCSC Events and the Good Times newspaper (a local weekly periodical for the Santa Cruz area), ads on local radio stations, Spanish language radio stations in the local area, print ads, and on popular social media platforms. UCSC indicates that the tours will also be advertised on a “Behind-the-Scenes Tours” page on the SMDC website and on interpretive signage in public areas on Campus, consistent with how they have been promoted in those venues in the past, but done more broadly through more promotional outlets, and done more frequently.

UCSC proposes to continue this approach to outreach, in part furthered by the Commission’s conditions of NOID 9, although the proposed plan does not include enough specificity to show how often the tour program would be promoted on each platform. To ensure that these measures are adequately used to inform the public, Condition 4 is modified from the previous version to require that specific data on the exact dates that each advertisement for the tours was placed in each venue, media, or social media outlet, be collected, and that this data be included in the required monitoring reports. The monitoring reports are required to be submitted at least every six months and will provide information regarding UCSC’s activities under the approved Beach Tour Outreach Plan (Condition 2), as well as tour participation data, outreach activities, number of beach tours offered, the number of people who sign up for each beach tour, and the number of people turned away for lack of available spaces.⁹ The report must also contain recommendations based on user data on whether beach tours should be increased (in terms of frequency of tours and/or number of tour attendees) or otherwise modified to better respond to user demand, and consider the potential to offer a more limited beach area tour (e.g., designed to allow participants to access just the sandy beach area itself in a shorter amount of time) as a means of offsetting demand. Finally, Monitoring Reports will show, as data and observations allow, whether and how larger tour groups enabled by the provisions of this NOID (increasing tour size from 14 to 18 or more) affect the beach and lagoon area environmental quality and its effectiveness as a setting for UCSC’s research. UCSC will be required to implement any such recommendations in the approved Monitoring Report, where the intent is to adapt

⁹ Condition 1 requires UCSC to develop and implement a mechanism for gathering use data so that unmet demand for tours can be quantified and addressed.

to changing information and context while seeking to maximize public access opportunities.

Lastly, in order to ensure that UCSC meets the CLRDP requirement for five-year review of beach access at Younger Lagoon Beach on the original time schedule required by the Commission through the CLRDP IM 3.6.3, Condition 5 states that this NOID is effective through December 31, 2025 only, and requires UCSC to submit a NOID for the January 1, 2026 to December 31, 2030 period by July 1, 2025.

In addition to the beach tour components, UCSC proposes to continue to provide visual access into the lagoon area and the beach via CLRDP-required overlooks. Specifically, the Commission required three overlooks to provide such access into Younger Lagoon and the beach as part of the offsetting mitigation package built into the CLRDP to address UCSC building program impacts. Overlook C is the main campus overlook that provides views into the Campus' marine mammal pools (on the one side) and Younger Lagoon and the sandy beach (on the other). This overlook is elevated atop the Younger Lagoon protective berm and it provides the best view to the beach area from the terrace portion of the Campus. Overlook C is accessible only through docent-led tours, and it is the main overlook visited on such tours through the SMDC. Overlook D is located further inland and just north of the Campus Ocean Health Building on the Younger Lagoon side of the protective berm and is developed with a partially enclosed observation blind that gives a more inland view of Younger Lagoon, including a more distant view of the beach and ocean. As with Overlook C, Overlook D can only be accessed via docent-led tours. Finally, Overlook E is located even further inland and provides a view of the more interior parts of Younger Lagoon from a partially enclosed smaller space near the protective berm. Overlook E is open to the general public and requires no participation in a tour to access the site. The updated Beach Access Management Plan includes continuing visual beach access through these overlook offerings, which is appropriate, as views are required to be made available in these ways per the CLRDP.

UCSC also notes that it has complementary public programs that help offset the lack of general access to the Younger Lagoon Beach. For example, UCSC again hosted its annual "Bioblitz" in 2019, which is a community event bringing together a variety of people from the general public to conduct a period of rapid, intensive biological surveying intended to develop an inventory of the living organisms found in a particular place. The group included people with formal training and "citizen scientists" working in the lagoon and beach area to gather data. Events like the BioBlitz are part of the suite of ongoing public educational activities that bring as many as 50,000 people to the SMDC each year. One of these activities, Watsonville Area Teens Conserving Habitats (WATCH), allows pre-college-age students to access the YLR; however, most youth programming at the Campus is based in the SMDC and Long Marine Laboratory.

In addition, as set forth in the NOID, UCSC will continue to monitor the habitat of Younger Lagoon and the beach area as required by, and described in, IM 3.6.3. The goal of the habitat monitoring program is to help document the presence and distribution of flora and fauna within the beach area and evaluate changes in distribution and

density over time in order to understand how any observed changes relate to changes in human use of the area.

UCSC will also continue to submit a NOID to the Commission at five-year intervals that (1) reports on the previous five years of beach access management, (2) includes a monitoring report that evaluates beach conditions, and (3) includes all necessary supporting information to implement a beach access management plan for the next five years as outlined in the CLRDP (Condition 5). Importantly, as indicated above, these every-five-year reevaluations represent the time when UCSC and the Commission are required by the CLRDP to assess whether more or less beach access is appropriate, building upon the Commission's pre-CLRDP CDP history, as well as its certification of the CLRDP itself, during which process the Commission concluded that a permanent beach access ban or permanent set of beach access criteria were not appropriate and the level and intensity of beach access needed to be periodically reevaluated over time. Condition 5 will continue to provide a check point at which the balance of public access and the ecosystem conditions that create the unique Campus research setting can be reevaluated.

In this case, and for similar reasons as the Commission has found in the past with respect to public access at Younger Lagoon Beach, the docent-led tour program can be found consistent with the CLRDP provided it continues to operate under the previous NOID's five updated conditions. With these conditions in place, the NOID strikes an appropriate balance (i.e., between research and resource protection on the one hand, and general beach public access on the other) through the docent-led beach tour program. In making such finding, however, the Commission notes that the beach access situation here at Younger Lagoon Beach remains a conspicuous anomaly in coastal California, including inasmuch as public beach access is critically important, and ensuring it is maximized and provided to all, consistent with ensuring resource protection at the same time, is a critical component of the Commission's coastal access program under the Coastal Act. It is only because of the historical context here, namely the Commission's involvement in restricting public access to this particular pocket beach as part of UCSC's research program dating back to 1981, that such limitations on general public beach access here can be found appropriate in that larger context.

The Commission notes that it is incumbent on UCSC to recognize that same dynamic in terms of what type of access program it provides to the general beach-going public in return for that concession on the part of the Commission on behalf of those beachgoers, and the Commission finds that conditions in NOID 9 and NOID 11 are still necessary to help ensure UCSC's program is as accommodating to the general public as ecological conditions allow. Public beach access is the cornerstone of the Commission's access program, and regulations on its use are among the most important to be evaluated under the Coastal Act, and must be assessed and applied in light of the facts and evidence regarding the effect of such access on resources. The conditions applied here will help to better provide such access, including through the continued reassessment and monitoring of program provisions, both to inform this iteration of the program as well as future beach access plans and NOIDs. Thus, the Commission finds the proposed beach access management plan, as conditioned, consistent with the certified CLRDP.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires the Commission to make a specific finding that a permit application is consistent with any applicable requirements of CEQA. This requirement also applies to the Commission's review of NOIDs, based on Regulation Section 13550(d). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The University, as the lead agency under CEQA, certified a Final EIR (FEIR) for the CLRDP in September 2004. In November 2006, the University certified an addendum to the FEIR to respond to changes in the CLRDP in the time since the original FEIR certification, including changes stemming from Coastal Commission review of the CLRDP prior to certification.¹⁰ On January 18, 2012, the University, again as the lead agency under CEQA, certified a FEIR for the Marine Science Campus projects that constitute NOID 6. In certifying the FEIR, the University found that the projects would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposed amendment. All above findings are incorporated herein in their entirety by reference.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues raised by the proposed project and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as conditioned will the proposed project avoid significant adverse effects on the environment, within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

¹⁰ FEIR Addendum Number 1, dated certified November 29, 2006.

IV. APPENDICES

A. Substantive File Documents

- UC Santa Cruz Marine Science Campus CLRDP
- CLRDP NOID 9 Special Conditions Implementation Report #3

B. Staff Contact with Agencies and Groups

- UCSC Coastal Science Campus Planning Department