

**CALIFORNIA COASTAL COMMISSION**

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# F9a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-21-0379

**Applicant:** Santa Barbara County Flood Control District

**Project Location:** Northwest portion of Goleta Slough (including Los Carneros Creek and Tecolotito Creek) and Goleta Beach County Park, Santa Barbara County.

**Project Description:** Implement an annual desilting program that will involve the removal of up to 11,300 cu. yds. and 10,000 cu. yds. of sediment for each dragline desilting event from Tecolotito Creek and Los Carneros Creek respectively as needed. Excavated sediment from dragline desilting will be temporarily stockpiled approximately 30 to 100 ft. in distance from the top of the creek bank. All suitable excavated sediment will be placed in the surfzone at Goleta Beach County Park.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The Santa Barbara County Flood Control District (“the District”) proposes a sediment removal and flood carrying capacity improvement program for Los Carneros and Tecolotito creeks within the upper Goleta Slough area. The program will involve the removal of sediment by dragline desilting from the two creeks on an as-needed basis. The County proposes to remove up to 21,300 cu. yds. of sediment per year. The

excavated sediment will be temporarily stockpiled approximately 30 to 100 ft. in distance from the top of the creek bank. Sediment will be tested and all suitable excavated sediment will be placed in the surfzone at Goleta Beach County Park. If the sediment does not meet testing criteria, it will be taken to an upland disposal site either outside of the coastal zone or at a site within the coastal zone permitted to receive such fill. The District does not propose any vegetation removal as part of this permit. The stated purpose of the program is to maintain existing flood water carrying capacity in the two creeks to reduce potential flooding of adjacent developed areas, residences, roadways, and the Santa Barbara Airport, and to provide sediment for beach nourishment.

The entire project area previously fell under the City of Santa Barbara's coastal development permit jurisdiction based on the City of Santa Barbara's Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map that was certified by the Commission in 1991. The City of Santa Barbara had previously approved a Coastal Development Permit (CDP) (No. CDP2010-00008) in 2011 for the same desilting work in Los Carneros and Tecolotito creeks. However, the City's Post LCP Certification Permit and Appeal Jurisdiction map was revised by the Commission in 2017 to incorporate updates that reflect changing conditions in the Coastal Zone environment upon which the boundaries are based, and to make corrections or refinements including, but not limited to, those made possible by the use of more accurate data and modern mapping technology. The revised jurisdiction map shows the Commission's retained permit jurisdiction following the Tecolotito and Los Carneros creek channels at the upper reach of the Goleta Slough to the coastal zone boundary. As such, although the City of Santa Barbara has a certified Local Coastal Program (LCP) for this area, the proposed desilting work in these two creeks within the coastal zone are now in the Commission's retained permit jurisdiction. The proposed temporary stockpile areas adjacent to the creeks remain in the City's permit jurisdiction. Pursuant to Section 30601.3 of the Coastal Act, a consolidated permit was requested by the applicant and the City of Santa Barbara, and the Executive Director agreed to consolidate the permit action. Thus, the subject CDP is a consolidated permit for which the standard of review is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Santa Barbara LCP used as guidance.

Staff recommends approval of the proposed project with eleven (11) special conditions regarding (1) timing constraints, (2) operation staging and maintenance responsibilities, (3) temporary sediment stockpile sites, (4) sediment sampling analysis and monitoring program, (5) public access program, (6) project responsibilities and monitoring, (7) long-term shoreline monitoring program, (8) long-term biological monitoring program, (9) assumption of risk, (10) required approvals, and (11) duration of permit. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act and the applicable guidance policies of the City of Santa Barbara LCP. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 4-21-0379, as conditioned. The motion and resolution are on **page 4**.

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## **EXHIBITS**

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[Exhibit 3. Tecolotito Creek Dragline Dredge Location](#)

[Exhibit 4. Los Carneros Creek Dragline Dredge Location](#)

[Exhibit 5. Proposed Location of Surfzone Disposal](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit No. 4-21-0379 pursuant to the staff recommendation.

### Staff Recommendation of Approval:

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

### Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

### III. SPECIAL CONDITIONS

#### 1. Timing Constraints

- A. Operation staging, equipment mobilization (except on areas of the beach), and dragline desilting/excavation shall occur only during the period between September 15 and March 1, unless additional time is granted by the Executive Director for good cause. Any sediment disposal/beach replenishment (surfzone only) activities shall occur only during the period between October 15 and March 1, unless additional time is granted by the Executive Director for good cause. If additional time is granted for good cause, all timing constraints in 1.B and 1.C of this special condition shall continue to apply.
- B. Sediment disposal/beach replenishment operations within the surfzone at Goleta Beach may occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday.
- C. If additional time is granted by the Executive Director outside of the authorized operation period, pursuant to 1.A above, all construction operations, including operation of equipment, material placement in surfzone, placement or removal of equipment or facilities, restricting public access, beach regrading/grooming, or other activities shall be prohibited in the following circumstances:
  1. On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September.
  2. On any part of the beach and shorefront in the project area when California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods, as identified by the surveys conducted pursuant to Special Condition Six (6).
  3. On any part of the beach and shorefront in the project area when Western Snowy Plover are present, as identified by the surveys conducted pursuant to Special Condition Six (6).
  4. On any part of the beach and shorefront in the project area when Beldings Savannah Sparrow are present, as identified by the surveys conducted pursuant to Special Condition Six (6).

## 2. Operation Staging & Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

### A. Creek Dredging/Desilting Activities

1. Dragline desilting shall not be conducted simultaneously in both Tecolotito Creek and Los Carneros Creek, to minimize total habitat disturbance for tidewater goby in this part of the Slough.
2. All creek bank areas disturbed as a result of this project shall be planted and maintained for erosion control and habitat restoration purposes as soon as possible after disturbance has occurred. Disturbed creek banks may be planted and maintained with locally native seeds or plants endemic to native riparian habitat areas or native upland species, as appropriate. Any non-native or invasive plant species shall be removed by hand where feasible, and herbicide use shall be prohibited.

### B. Surfzone Sediment Disposal/Beach Nourishment Activities

1. All construction operations on the beach, including operation of heavy equipment and material placement in the surfzone, shall be limited to the minimum footprint necessary for surfzone disposal (maximum 130 ft. in width or less).
2. All suitable dredged material shall be placed in the surfzone such that no dredged material is left on the natural beach. At the completion of the surfzone disposal operations, the project footprint area on the beach shall be decompacted/ripped and replaced to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in Special Condition One (1). In addition, if surfzone disposal operations impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the surfzone disposal.
3. All sediment disposal/beach nourishment operations (including deposition route, vehicle access route, or equipment corridor) shall be implemented in a manner that will minimize disturbance of the wrack zone, the coastal strand and dune zones, and other intertidal areas. Prior to the commencement of any sediment disposal/beach nourishment operations, wrack within the project reach shall be collected, separated, and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack and under wrack

deposits shall be placed at the appropriate tidal level in an adjacent area that will not be impacted by project activities.

C. All Project Activities

1. Staging areas shall be used only during active construction operations and shall not be used to store materials or equipment between operations.
2. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored, or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
3. Construction equipment shall not be cleaned near the creeks, on the beach, or in the beach parking lots.
4. Debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking.
5. The applicant shall be responsible for removing all unsuitable material or debris within the project area. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

D. Sediment Amount: The total amount of dredged material disposed of in the surfzone at Goleta Beach pursuant to this permit, in combination with any other permitted sediment disposal or beach replenishment project, shall not exceed a cumulative total of 200,000 cu. yds. of sediment per year. The applicant shall be responsible for coordinating with all other permitted potential sediment deposition projects at Goleta Beach. If material is placed at Goleta Beach as part of any other permitted project, then the applicant shall limit the amount of material discharged in the surfzone at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The deposition of additional quantities of dredged material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit.

**3. Temporary Sediment Stockpile Sites**

- A. Permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed. The temporary stockpile sites must be cleared and returned to their pre-construction condition with no remaining equipment, silt

fencing, or construction equipment remaining on-site within one week of the end of each project.

- B. Stockpiled materials shall be located as far from stream areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of a stream bank.
- C. Temporary erosion control measures, such as sand bag barriers, silt fencing, and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial project operations and shall be monitored and maintained until all stockpiled material has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.

#### 4. Sediment Sampling Analysis and Monitoring Program

- A. ***At least two (2) weeks prior to disposal of excavated material***, the applicant shall provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside of the coastal zone, a site within the coastal zone permitted to receive such fill, or in the surfzone at Goleta Beach. If the excavated material will be deposited in the surfzone at Goleta Beach, an engineer(s) or environmental professional(s), with appropriate qualifications acceptable to the Executive Director, shall: (1) within thirty (30) days, but no later than two (2) weeks, prior to each dredging/desilting operation, conduct testing at the source and receiver site, and prepare and submit a Sampling and Analysis Plan for the review and approval of the Executive Director and (2) monitor the site during all sediment disposal activities. The Sampling and Analysis Plan shall be consistent with the following:
  - 1. Sediment Sampling – Core samples shall be collected throughout the source area, with one (1) sample per 0.5 acres, and a minimum of five (5) samples per source site for contaminant testing and a minimum of three (3) samples per source site for all other sediment testing. Borings shall extend to the maximum anticipated excavation depth.
  - 2. Grain Size – Grain size analyses shall be conducted on each sample. The material shall be analyzed for consistency with the U.S. Army Corps of Engineers (ACOE) / Environmental Protection Agency (EPA), State Water Resources Control Board (SWRCB), and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment. Material suitable for surf disposal shall be consistent with the following:
    - i. Samples shall demonstrate that 75% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200).



- ii. Of the coarse grained material fraction (retained on a Standard U.S. Sieve Size No. 200), no more than 5% shall consist of gravel or pebble-sized material (2 mm – 64 mm) and no more than 0.5% of the source material shall consist of cobble-sized material or larger (>64 mm). To achieve the desired gradation of material, the oversize source may be screened out or mechanically sorted.
    - iii. Source material that does not meet these grain size requirements shall not be disposed of in the surfzone.
  - 3. Contaminants -- Based on U.S. EPA Tier I analyses results, Tier II bulk chemical analysis shall be conducted on representative composite samples of each source proposed for surfzone disposal. The material shall be analyzed for consistency with EPA, ACOE, SWRCB, and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps Inland Testing Manual. If the ACOE, EPA, SWRCB, or RWQCB determine that the sample(s) exceed Effects Range Medium (ER-M) contaminant threshold levels according to the NOAA Screening Quick Reference Tables (SQUIRTs), these materials shall not be used for surfzone disposal.
  - 4. Debris Content – The monitor shall conduct a visual inspection of all stockpiled sediments excavated by bucket/dragline desilting/excavation operations that meet the grain size thresholds and are not determined to be contaminated prior to transport to Goleta Beach for surfzone disposal. These inspections shall determine whether or not debris such as trash, woody debris, plant material, charcoal, or pockets of discolored sediment is present within the stockpiled material. If present, all such debris shall be separated from the sand material prior to transport to Goleta Beach (by mechanical screening, manual removal or other means) and taken to a permitted disposal site authorized to receive such material.
- B. The analysis shall include confirmation by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board that the material proposed for beach replenishment meets the minimum criteria necessary for surfzone disposal.

## 5. Public Access Program

- A. ***Prior to the issuance of the coastal development permit***, the applicant shall submit for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the operation sites and/or staging areas shall be maintained during all project operations. Where public paths or

bikeways shall be closed during active operations, a person(s) shall be on-site to detour traffic.

- B. The report shall include plans for staging and storage of equipment. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces that are required for the staging of equipment and machinery and for employee parking shall be used.
- C. The applicant shall post each construction site with a notice indicating the expected dates of surfzone deposition activities and/or beach closures.

## 6. Project Responsibilities and Monitoring

***Prior to issuance of the coastal development permit, and prior to the commencement of work each subsequent year***, the applicant shall retain the services of the following specialists, with appropriate qualifications acceptable to the Executive Director: (1) a qualified biologist or environmental resource specialist; and (2) a qualified engineer, soil scientist or resource specialist. Prior to issuance of the coastal development permit, the qualifications of the specialists shall be submitted for the review and approval of the Executive Director and the contact information for the biologist or resource specialist shall be submitted. If the specialists change between years or during the year, the new specialists qualifications shall also be submitted for review and approval and the new contact information shall also be submitted. All dredging and surfzone disposal activities shall be carried out consistent with the following:

- A. Turbidity. The qualified biologist or environmental resource specialist shall visually monitor and document the turbidity of coastal waters during all surfzone disposal activities. The extent and duration of turbidity plumes shall be recorded and mapped by the monitor during each day of disposal activities. If the turbidity plume is observed to reach kelp beds or eelgrass beds (east of Goleta Pier, off Goleta Point) surfzone disposal shall be terminated until the turbidity plume has dissipated. In addition, the qualified biologist or environmental resource specialist shall utilize a secchi disk at several sites along the length of Goleta pier prior to sediment disposal operations, during sediment disposal operations, and immediately after sediment disposal operations to establish ambient levels of turbidity prior to commencement of development and to document turbidity during project activities. If turbidity levels are significantly above ambient levels for more than three (3) consecutive days, then the rate of disposal shall be reduced so that large, long lasting turbidity plumes are no longer created. After all surfzone disposal operations have ceased, the applicant shall monitor and document the extent and duration of any lasting turbidity plume. The final results of all turbidity monitoring shall be reported to the Commission within 30 days following each annual creek dredging and disposal operation.

- B. Grain Size & Debris. The qualified engineer, soil scientist, or resource specialist shall be present whenever sand is being placed in the surfzone. The monitor shall, through grab samples, visual inspection, or other methods, ensure that the delivered material is within the acceptable size ranges. If the material is not within the acceptable size range, the monitor shall halt the placement of sand on the beach or in the surfzone. The monitor shall also examine the material to determine the presence of debris (e.g., trash, wood, or vegetation). If any debris from the dredge site is detected on the beach, the debris shall be immediately removed from the beach and from the source material. All debris shall be removed to the maximum feasible extent.
- C. Biology. The qualified biologist or environmental resource specialist (“biological monitor”) shall survey the project site(s) one week prior, and one day prior, to initiation of all creek dredging activities and subsequent surfzone disposal operations to ensure that initiation of work will not impact any sensitive species or habitats (e.g. coastal strand, salt marsh, etc.). Project activities including dredging and surfzone sediment deposition operations shall not occur until any sensitive species (e.g., western snowy plovers, Belding’s savannah sparrows, steelhead, grunion, etc.) have left the project area or its vicinity and all sensitive habitats have been avoided to the maximum extent feasible. In addition, the biological monitor shall survey the project sites daily to document the presence of any sensitive species or habitats and any measures taken to avoid or mitigate disturbance. The results of these surveys shall be included in the post-operation submittal pursuant to Special Condition 6.F below. In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the biological monitor shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The biological monitor shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit occur. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts and to restore the respective habitat if necessary. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.
- D. Pre-Operation Submittal. The applicant shall submit a pre-operation dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. It shall include the following:
1. Site plan (drawn to scale) showing the portions of the creeks and slough to be dredged, the disposal site location, and the footprint of all beach operations consistent with Special Condition 3.B.

2. Detailed description of the planned dredging/desilting operation, including the volume of dredged/excavated spoils to be removed, and volume to be discharged to the surfzone.
  3. Description of equipment to be used, including bin capacity associated with dragline desilting/excavation.
  4. Schedule of proposed beginning and ending dates consistent with timing constraints listed in Special Condition One (1).
  5. Results of the dredged/excavated sediment analysis, pursuant to Special Condition Four (4).
- E. Post-Operation Submittal. The applicant shall submit a post-operation assessment (within 60 days of completion of each annual operation) summarizing the dredging and discharge operations. The post-operation submittal shall include the results of all monitoring conducted pursuant to this permit, including but not limited to turbidity monitoring results and biological monitoring results. Any issues or complaints regarding the project received by the public shall be documented in the submittal.
- F. Proposed changes to the project may require a permit amendment or new permit. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

## 7. Long-Term Shoreline Monitoring Program

- A. ***By acceptance of this permit***, the applicant agrees to implement the long-term shoreline monitoring program for Goleta Beach approved pursuant to CDP Nos. 4-11-069 and 4-14-0687 (for the term of this permit), which incorporates the following:
1. The monitoring program shall record detailed project information, including the information required pursuant to Special Condition Six (6), Annual Project Responsibilities and Monitoring, regarding implementation of the annual project activities. Information related to implementation of the annual project activities shall include, but not be limited to, the date, length of time of construction, quantity, location, method of construction, sediment analysis, weather conditions, and any issues or complaints regarding the project received by the public.
  2. The monitoring program shall document the available public access during project implementation, timing of access, and any other restrictions to public access in the project area, and shall include any access issues or complaints raised by the public.

3. The monitoring program shall include two beach profiles per year, either one in spring and one in fall or one in summer and one in winter after completion of yearly/as-needed project operations. Profiles and monitoring shall be done by a licensed civil engineer, surveyor, or qualified professional approved by the Executive Director. The profiles shall overlay the established profiles for each location surveyed.
  4. The monitoring program shall: quantify the volumetric change in the beach for each survey period; analyze the seasonal changes in width and length of dry beach, subaerial and nearshore slope, offshore extent of toe, and overall volume of sand in the profile; estimate the rate and extent of transport of material up- and down-coast from the disposal sites; compare actual changes to the shoreline changes that were anticipated during the design phase of this project; determine the time period over which the beach benefits related to the project can be identified as distinct from background conditions; and describe any abnormal wave and current conditions that could account for changes to the beach outside what was anticipated. The report shall utilize aerial photographs, to the extent feasible, to prepare the summary of beach width and sand volume changes.
  5. The monitoring program shall include cumulative data detailing the annual quantity and deposition of material, including, if applicable, interaction of the project with other permitted shoreline projects that may occur in the project area.
- B. The applicant shall submit, on an annual basis each year that surfzone disposal activities occur, a written report indicating the results of the long-term monitoring program. The report shall include a brief history of the previous years' project, if any, and shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) to track changes in shoreline conditions.
- C. Monitoring reports shall be prepared by a licensed civil engineer, geologist, or engineering geologist with expertise in coastal processes. These reports shall be submitted annually to the Executive Director. The first report shall be submitted within 2 months of completion of the second semi-annual beach profile (the spring or fall after completion of construction). All later reports shall be submitted within 2 months of the subsequent annual survey cycle.
- D. The applicant shall undertake the development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

## 8. Long-Term Biological Monitoring Program

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director, for review and written approval, an updated Long-Term Biological Monitoring Plan (hereafter the “LTBM Plan”), designed to identify trends and to detect significant changes in freshwater and marine habitats in and near areas impacted by the Santa Barbara County Flood Control District’s (SBCFCD) Goleta Slough Dredging and Beach Replenishment Program as well as SBCFCD’s dredging within Tecolotito and Los Carneros Creeks (for the term of this permit). The LTBM Plan shall outline the sampling design and survey methods, statistical approaches used to evaluate the data, and the skills and qualifications for all personnel. The LTBM Plan shall incorporate the following:

1. The LTBM Plan shall include a background section that provides a description and historical review of the creeks, slough, sandy beach, intertidal surfgrass/rocky reef, eelgrass, and giant kelp habitats in and near the footprints of the SBCFCD dredging and sediment deposition work program. The historical review must include a summary of past quantitative sampling/survey work conducted on these habitats to document trends in habitat boundaries and species composition for comparison with ongoing biological monitoring findings.
2. The biological monitoring program shall monitor the following habitats: creeks/slough, sandy beach, intertidal surfgrass/rocky reef, eelgrass, and giant kelp. In addition to monitoring the above habitats within the expected reach of the project’s effects (“impact zone”), reference sites will also be monitored. Reference sites must be the most proximal respective habitats with similar physical factors (e.g. wave regime, depth, exposure, sediment delivery). Where suitable reference sites are not feasible, the LTBM Plan will describe the analysis used to evaluate potential reference sites, and will propose alternative sampling methods and analysis for the associated habitat.

The LTBM Plan must include an exhibit that identifies the location of the creek/slough, sandy beach, intertidal surfgrass/rocky reef, eelgrass, and giant kelp in the impact zone and their respective reference site locations. The impact and reference sites for each respective habitat type must be monitored using the same survey methods. Monitoring shall take place once per year in the summer/fall regardless of whether any dredging and sediment deposition is scheduled to occur.

Intertidal surfgrass/rocky reef, eelgrass, and giant kelp monitoring shall continue using the field sampling methods previously employed by the County of Santa Barbara pursuant to CDP 4-05-139. The giant kelp habitat and sandy beach invertebrate infaunal data that is collected each year in the project vicinity by the

National Science Foundation (NSF) Santa Barbara Coastal Long Term Ecological Research (LTER) program at the University of California, Santa Barbara may be utilized as part of this SBCFCD Long-Term Biological Monitoring program.

The creek/slough monitoring must include at least two sampling locations, one within the dredging footprint and one outside the dredging footprint, with additional sampling locations as detailed in the Plan.

The sandy beach infaunal monitoring must include at least two sampling locations; one within the sediment deposition footprint and one outside of the sediment deposition footprint but within Goleta Beach Park. At each location the sandy beach sampling must consist of a minimum of three transects oriented perpendicular to the ocean and extending from the upper beach zone through the swash zone during low tide.

The biological monitoring strategy must employ a sampling design capable of:

1. Analyzing trends in population metrics for intertidal surfgrass/rocky reef, eelgrass, and giant kelp (e.g. density, percent cover) in the project areas and reference sites. Statistical analysis shall be used to detect change through time and/or differences between project sites vs reference sites according to significance criteria discussed in the Plan.
  2. Tracking recovery of creek/slough benthic infauna over time and identifying changes in species composition (e.g. species richness, dominance, diversity) at the project sites and reference sites. Statistical analysis shall be used to determine if a significant difference exists between the impact and reference sites through time, according to significance criteria discussed in the LTBM Plan.
  3. Tracking recovery of sandy beach infauna over time and identifying changes in species composition (e.g. species richness, dominance, diversity) at the project site and reference site. Statistical analysis shall be used to determine if a significant difference exists between the impact and reference sites through time, according to significance criteria discussed in the LTBM Plan.
- B. The applicant shall submit an annual monitoring report each year, written by a qualified biologist, documenting the results of the biological monitoring. The monitoring report shall include, but not be limited to, the following information:
1. The monitoring report shall document detailed information regarding implementation of any SBCFCD project activities including, but not limited to, the date, length of time of operations, construction methods,

dredging and deposition locations, sediment quantities, weather conditions, and any unusual events that resulted in, or potentially could have resulted in, adverse impacts to biological resources. The monitoring report shall consider any activities, in addition to those conducted by the SBCFCD (e.g. activities conducted by the County of Santa Barbara Parks and Recreation or Santa Barbara Airport), with the potential to adversely impact the habitats in Goleta Bay monitored by the SBCFCD.

2. The monitoring report shall summarize the natural phenomena influencing the Goleta Bay area such as storm activity during each fall/winter season including storm dates (length of storm), wave heights, rainfall amounts, slough opening status, and creek/slough flow rates (cfs). The monitoring report shall include a discussion of the range of turbidity plumes and any recommendations to reduce turbidity related to project activities; any incidents during construction where turbidity control measures were implemented; and conclusions regarding turbidity impact upon biological resources.
3. The monitoring report shall summarize the sampling data for each respective habitat and provide the results of statistical analyses. This information shall be used to make reasoned conclusions regarding population trends, potential impacts, and differences between impact and reference sites for each of the habitats being monitored. The raw sampling data collected for each habitat shall be included as an appendix in each annual report.
4. If biological monitoring detects significant adverse impacts upon one or more habitats per the criteria identified in the LTBM Plan, the monitoring report shall discuss the potential causes for the change(s). If the changes are determined to be directly attributed to the SBCFCD activities, SBCFCD shall propose and, after approval by the Executive Director (or Commission if material permit amendments are needed in order to allow the changes), carry out adaptive management adjustments to the sediment dredging and deposition activities that will avoid significant habitat impacts in the future.
5. If extreme and/or unforeseen adverse impacts outside the scope covered under this permit are detected during project operations, the applicant shall cease work at the subject project site and shall immediately notify local contacts of state and federal agencies. The applicant shall confer with local resource agencies (including the Coastal Commission) and other entities with ongoing work in the area, as soon as possible, to discuss the potential causes of the adverse impact(s). The applicant may be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be



processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.

6. If sensitive species are encountered at any time during SBCFCD sediment dredging or deposition activities, SBCFCD shall immediately contact and consult with the appropriate agency to determine the course of action necessary to protect and insure survival of the respective organism.
- C. The applicant shall undertake the development in accordance with the approved monitoring program. If annual analysis of the data indicates that the monitoring program is not adequately representing the habitats or potential impacts, the applicant and Executive Director shall discuss the need for changes to the approved program. No change to the program shall occur without a Commission approved amendment to the permit unless the Executive Director determines that no such amendment is required.

## **9. Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (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.

***Prior to issuance of the Coastal Development Permit***, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

## **10. Required Approvals**

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including permits from the California Department of Fish and Wildlife, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers). Any proposed changes to the approved final plan that may be required by any other agency shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission

amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### **11. Duration of Permit**

This coastal development permit shall be valid for a period of five years from the date of Commission action on this permit, after which time the CDP shall expire. The dredging/desilting and sediment disposal activities allowed under this CDP, as conditioned, may be extended one time for a period of five years from the date of expiration subject to Executive Director review and approval with verification that there are no changed circumstances associated with the dredging/desilting and sediment disposal activities that have the potential for significant adverse impacts, either individually or cumulatively, on coastal resources or public access to and along the shoreline, and that the terms and conditions of this CDP remain adequate to protect coastal resources and public access to and along the shoreline. For such an extension, the Permittee must provide evidence that there are no changed circumstances that affect the feasibility or efficacy of this approved CDP's terms and conditions and must request Executive Director approval prior to the expiration of the initial five-year CDP period. If the Executive Director determines that there are changed circumstances and re-review is warranted, the Permittee shall submit a complete CDP application to authorize future project activities.

### **IV. FINDINGS AND DECLARATIONS**

#### **A. Project Description and Background**

##### **Project Description**

The proposed project is for the implementation of a sediment removal and flood carrying capacity improvement program for Los Carneros Creek and Tecolotito Creek on an as needed basis. The subject program will involve the removal of sediment through dragline desilting in a 550 feet long and 100 feet wide area of Tecolotito Creek and in a 600 feet long and 60 feet wide area of Los Carneros Creek immediately downstream of Hollister Avenue on an as-needed basis (Exhibits 2-4). No more than 11,300 cu. yds. and 10,000 cu. yds. of sediment, respectively, from Tecolotito Creek and Los Carneros Creek will be removed for each desilting event. All suitable excavated sediment will be placed in the surfzone at Goleta Beach County Park (Exhibit 5).

Dragline desilting/dredging involves operation of a crane rigged as a dragline (bucket scoop) from the adjacent creek banks. Access for dragline desilting of Tecolotito and Los Carneros Creek Basins is via Hollister Avenue turning south on Firestone or South Los Carneros Roads. Temporary stockpiling of soils for dewatering is located along the eastern bank to the Carneros Creek Basin and along both the western and eastern banks for the Tecolotito Creek Basin (Exhibit 3&4). The temporary stockpile sites

adjacent to the creek, approximately 30 to 100 ft. in distance from the top of the bank, are located immediately adjacent to existing maintenance roads and do not contain sensitive habitat. No vegetation is proposed to be removed as part of the project. The sediment will be allowed to dewater for around one week before it is hauled to a suitable disposal site. If the sediment is suitable for beach deposition, it will be transported to Goleta Beach County Park and placed in the surfzone by truck. Public access will remain available at Goleta Beach County Park during sediment disposal/beach nourishment activities. The District estimates desilting is typically necessary in the project reach every 5 to 10 years. However, the proposed desilting would occur on as-needed basis (subject to the time limits and other requirements of this CDP) because high sediment laden flows can result in sedimentation of the creek that increases the potential flooding hazard to adjacent developed areas.

Goleta Slough is one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act. The slough is the drainage basin for five creeks that originate on the southern slopes of the nearby Santa Ynez Mountains: Atascadero Creek, San Jose Creek, San Pedro Creek, Los Carneros Creek, and Tecolotito Creek. All five creeks and the Goleta Slough are subject to maintenance activities. The channels of Los Carneros Creek and Tecolotito Creek at the project site are designated as environmentally sensitive habitat areas by the City of Santa Barbara Local Coastal Program.

According to the Final Subsequent EIR (FSEIR) dated October 2010 for the District's flood control maintenance activities within the Goleta Slough area, including at the Tecolotito and Los Carneros creek basins, although several archaeological sites have been recorded within a quarter mile from the survey areas for the two creeks, no cultural resources have been recorded or identified at the project impact areas in the Tecolotito and Los Carneros creek basins. Therefore, the FSEIR concludes that no impacts to archaeological resources would occur from project operations at the two creek basins. In addition, although there are two sites (SBA-1158 and SBA-1695) within the survey area of the Goleta Beach County Park sediment deposition area, deposition of sediments on the beach is not expected to impact cultural resources. Furthermore, the applicant proposes to implement the mitigation measures in the FSEIR that requires construction work to stop and the site evaluated by an archaeologist and Native American monitors if cultural resources are encountered during implementation of the project.

### **Project Jurisdiction and Permit History**

The Tecolotito Creek and Los Carneros Creek project area previously fell under the City of Santa Barbara's coastal development permit jurisdiction based on the City of Santa Barbara's Post LCP Certification Permit and Appeal Jurisdiction map that was certified by the Commission in 1991. The City of Santa Barbara had previously approved a Coastal Development Permit (CDP) (No. CDP2010-00008) in 2011 for the same desilting work in Los Carneros and Tecolotito creeks. However, the City's Post LCP Certification Permit and Appeal Jurisdiction map was revised by the Commission in 2017 to incorporate updates that reflect changing conditions in the Coastal Zone

environment upon which the boundaries are based, and to make corrections or refinements including, but not limited to, those made possible by the use of more accurate data and modern mapping technology. The revised jurisdiction map shows the Commission's retained permit jurisdiction following the Tecolotito and Los Carneros creek channels at the upper reach of the Goleta Slough to the coastal zone boundary. As such, although the City of Santa Barbara has a certified Local Coastal Program (LCP) for this area, the proposed desilting work in these two creeks within the coastal zone are now in the Commission's retained permit jurisdiction. The proposed temporary stockpile areas adjacent to the creeks remain in the City's permit jurisdiction.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application, when certain criteria are satisfied, for the entirety of a proposed project that would otherwise require separate coastal development permits from both a local government with a certified local coastal program and the Commission. Pursuant to Section 30601.3 of the Coastal Act, a consolidated permit was requested by the applicant and the City of Santa Barbara in this case, and the Executive Director agreed to consolidate the permit action. The standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3(a) is Chapter Three of the Coastal Act (commencing with Section 30200), with the appropriate local coastal program(s) used as guidance. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Santa Barbara Local Coastal Programs (LCP) as guidance.

The Commission has previously approved four separate permit applications over the past 25 years for the removal of sediment, using a combination of hydraulic dredging and dragline desilting/excavation methods, as needed, from the other three of the five creeks that feed into Goleta Slough (Atascadero Creek, San Jose Creek, San Pedro Creek) as well as the main channel of Goleta Slough. Deposition of the excavated material in the surfzone at Goleta Beach County Park was also a part of those four permits. Coastal Development Permit (CDP) 4-93-205, CDP 4-00-206, CDP 4-05-139, and CDP 4-11-069 were previously issued by the Commission in 1994, 2000, 2005, 2012 respectively, to the District for dredging of the slough and creeks and disposal of between 20,000 – 200,000 cu. yds. of material per year in the surfzone at Goleta Beach. The Commission approved these permits subject to several special conditions, including a condition specifying that the effective term of each permit was limited to a 5-year period only and that future dredging and surfzone deposition activities (after the 5-year term of each permit ended) would require a new permit from the Commission. Through permit amendment CDP 4-11-069-A2, CDP 4-11-069 was extended to expire five years from the date of Commission action on the second amendment on February 8, 2017. As of the date of this staff report the expiration date for CDP 4-11-069 is February 8, 2022. In addition, CDP 4-19-1158 was approved by the Commission in 2020 for annual desilting and maintenance in a reach of Atascadero Creek within Goleta Slough and deposition of the excavated material at Goleta Beach for the purpose of beach nourishment. This permit authorized the work for a five year term for substantially the same flood control project that has previously been approved in CDP Nos. 4-94-061, 4-00-205, 4-03-025, 4-09-068, and 4-14-1900.

In addition, several permits have been approved by the Commission in the past to allow beach replenishment and deposition of materials onto the beach at Goleta Beach County Park. On March 16, 2005, the Commission approved CDP 4-02-074 to allow the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) to implement a five-year program to place a maximum of 791,500 cu. yds. per year of suitable beach replenishment material at five separate beach fill sites within Santa Barbara and Ventura Counties (including the deposition of up to 100,000 cu. yds. per year of beach replenishment material at Goleta Beach County Park). BEACON is a joint powers authority whose members consist of the local government agencies in Santa Barbara and Ventura Counties, including Santa Barbara County itself. CDP 4-02-074 expired on March 16, 2010. Further, Goleta Beach County Park has been subject to several other coastal permits for placement of beach nourishment material, including CDP 4-02-054 (BEACON) which approved a one-time beach nourishment demonstration program at Goleta Beach utilizing up to 150,000 cubic yards of sand from the West Beach area of Santa Barbara Harbor and placing it within a 2,200 foot long by 400 foot wide beach fill deposition site at Goleta Beach County Park. Additionally, temporary sand berms were constructed for the winter seasons from 2001-2005, 2015 and 2016 (pursuant to CDP 4-00-193, CDP 4-01-136, CDP 4-02-128, CDP G-4-15-0039, and CDP G-4-16-0028).

In 2010 and 2011, two emergency permits were issued for dredging/desilting activities in Goleta Slough and the adjoining creeks and deposition of material in Goleta Beach. The emergency permits required all dredged/desilted material to meet the testing criteria previously outlined in CDP 4-05-139 prior to surfzone disposal at Goleta Beach. The emergency permits required the District to dispose of any unsuitable sediment at an appropriate disposal site located outside of the coastal zone. During the 2010-2011 emergency events, all sediment was disposed of at Goleta Beach. Based on a summary of those disposal activities provided in a report titled "Desilted Materials Sampling and Analysis Program," prepared for Santa Barbara County Flood Control District by Padre Associates, Inc., dated January 2012, the fine content of the material deposited at Goleta Beach in February 2010 exceeded the permitted fine content of 25% fines (passing through a Standard U.S. Sieve Size No. 200) as required by CDP 4-05-139, and as required by other resource agencies. The fines deposited at Goleta Beach in February 2010 ranged from 30% to 44%, well above the 25% fine content limit.

Subsequent to the 2010 and 2011 emergency events and other sediment deposition/beach nourishment conducted at Goleta Beach in February 2010 and March 2010, under the now expired BEACON program permit, some members of the public raised concern about a hard pan soil layer that appeared on the western end of Goleta Beach. In response, the District hired professional registered geotechnical engineers, Fugro Consultants, Inc., in September 2011 to evaluate the exposed hard layer of sediment. Based on site specific testing, the fines content (passing through a Standard U.S. Sieve Size No. 200) ranged from 28% to 38% fines. Fugro Consultants, Inc. concluded that the material, a layer of dark brown to dark gray silty sand with clay, clay pockets and organics, was likely associated with the recent beach nourishment efforts at Goleta Beach. However, Fugro was unable to identify the time of placement or the source material.

From 2017 to 2020, one emergency permit and three Coastal Act Section 30611 Emergency Permit Waivers were issued to the District to conduct emergency beach deposition activities to deposit sediment at the surfzone of Goleta Beach. CDP G-4-17-0004 was issued to allow placement of sand on Goleta Beach to protect park infrastructure from strong swells. The 2017/2018 Thomas Fires in Santa Barbara County and subsequent heavy rain events caused a buildup of sediment within a number of debris basins in the watersheds. The emergency activities from 2018 to 2020 were necessary to remove sediment from the basins in order for the basins to be ready to accommodate subsequent rain events during the winter storm season and to prevent potential flooding and debris deposition on existing surrounding development.

## **B. Biological Resources and Water Quality**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act and LUP policy 4.2-21 (Biological Productivity and Water Quality), states that:

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.

Section 30236 of the Coastal Act and LUP policy 4.1-9 (Substantial Alteration of Creeks), states:

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

Section 30240 of the Coastal Act states:

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

LUP policy 4.1-3 (Protection of Coastal Waters, Wetlands, and Marine Resources) states:

Protect, maintain, and, where feasible, restore the biological productivity and the quality of coastal waters, creeks, wetlands, estuaries, lakes, and marine resources.

LUP policy 4.1-4 (Protection of ESHAs) states:

As outlined in Coastal Act Section 30240, ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

LUP policy 4.1-10 (Minimization of Impacts for Creek Projects) states:

Any alteration of a creek shall minimize impacts to coastal resources, including the depletion of groundwater, and shall mitigate unavoidable impacts to the extent feasible. Non-intrusive bank stabilization methods such as bioengineering techniques (e.g., revegetation, tree revetment, and native material revetment) shall be used where feasible rather than hard bank solutions such as rip rap or concrete.

LUP policy 4.1-33 (Avoidance of Sensitive Species on Beaches) states:

New development, including but not limited to grooming and other disturbance activities, on the beach shall be designed to avoid impacts to any western snowy plovers, grunion (including grunion eggs), least terns, or other sensitive species present through timing of implementation, biological surveys, signage, temporary fencing, or other avoidance measures recommended by a qualified biologist and which are consistent with the policies of the Coastal LUP, including policies protecting public access to and along the shoreline.

Coastal Act Section 30231, LUP policy 4.2-21, and LUP policy 4.1-3 require that the biological productivity and quality of coastal waters be maintained. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. LUP policy 4.1-33 mandates new development on the beach to be designed to avoid impacts to any western snowy plovers, grunion

(including grunion eggs), least terns, or other sensitive species present through timing of implementation, biological surveys, signage, temporary fencing, or other avoidance measures. Section 30236 and LUP policy 4.1-9 allow for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. LUP policy 4.1-10 requires any alteration of a creek to minimize impacts to coastal resources and to mitigate unavoidable impacts to the extent feasible. In addition, Section 30240 of the Coastal Act and LUP policy 4.1-4, states that environmentally sensitive habitat areas shall be protected, and Section 30240 states further that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

The proposed project is for the implementation of an annual dredging program for portions of two of the creeks that feed into Goleta Slough, the Tecolotito and Los Carneros creeks. The Goleta Slough is one of the 19 major wetland habitats specifically identified in the Coastal Act. The Tecolotito and Los Carneros creek basins are designated as environmentally significant habitat areas by the City of Santa Barbara Local Coastal Program. The program will involve dredging of Tecolotito Creek and Los Carneros Creek on an as needed basis (removal of no more than 21,300 cu. yds. of sediment per year). The program also includes placement of all suitable dredged material in the surfzone at Goleta Beach County Park. Excavated material will be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank (Exhibit 3&4).

Historically, Goleta Slough was a relatively deep water lagoon environment. Since the 1850's, progressive sedimentation from these five creeks have transformed the Goleta Slough from a deep water wetland habitat to a shallow coastal salt marsh crossed by numerous tidal channels. Additional fill has occurred as a result of development on site, including the Santa Barbara Airport, a highway, and various urban development. The current slough is approximately 300 acres in area (occupying an area less than 40% of its pre-World War II size).

The natural pattern for many seasonal sloughs/estuaries in Southern California, including Goleta Slough, is to remain closed during the summer and open during the winter. Generally, summers are characterized by small, low energy waves that deliver sand onshore so that beaches become wider and slough/estuary mouths close. Winters are generally characterized by large, high energy waves that erode beach sand, shifting it offshore and causing slough/estuary mouths to close.

The Goleta Slough provides perennial and seasonal habitat for several endangered and sensitive wildlife species including western snowy plover, Belding's savannah sparrow, steelhead trout, white-tailed kite, heron, and egret. Biological surveys indicate that tidewater goby may be present within in the slough. Vegetation within Los Carneros basin is dominated by California bulrush and cattail. In the Tecolotito Creek basin, vegetation is dominated by saltmarsh bulrush and rough cocklebur in addition to California bulrush and cattail.



The Commission finds that flood control maintenance is necessary within the subject reaches of the Tecolotito and Los Carneros creek basins. Section 30240 of the Coastal Act requires all development within environmentally sensitive habitat areas to protect against significant disruption of habitat values. The alteration of streambeds, as proposed by this project, is allowed by Section 30236 of the Coastal Act because it is required for this flood control project and is necessary to protect public safety and existing development. Nonetheless, the development must still protect against significant disruption of habitat values. In addition, Section 30236 also requires that such projects incorporate the best mitigation measures feasible and are only allowed when no other method for protecting existing structures in the flood plain is feasible. As such, the Commission finds that flood control activities on the subject site must incorporate feasible mitigation measures, including avoidance of impacts, in order to protect the stream from significant disruption of habitat values.

Here, in order to ensure that this project utilizes the best mitigation measures available and protects against significant disruption of habitat values, **Special Condition Six (6)** is necessary due to the potential adverse effects to surrounding habitat and sensitive species due to disturbance from construction equipment and desilting activity. To ensure consistency with Sections 30236 and 30240, **Special Condition Six (6)** requires that a qualified biologist or environmental resource specialist (“biological monitor”) shall survey the project sites prior to initiation of all creek dredging activities and subsequent surfzone disposal operations to ensure that initiation of work will not impact any sensitive species or habitats (e.g. coastal strand, salt marsh, etc.). Project activities including dredging and surfzone sediment deposition operations shall not occur until any sensitive species (e.g., western snowy plovers, Belding’s savannah sparrows, grunion, goby, etc.) have left the project area or its vicinity and all sensitive habitats have been avoided to the maximum extent feasible. In addition, the biological monitor shall survey the project sites daily to document the presence of any sensitive species or habitats and any measures taken to avoid or mitigate disturbance. In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the biological monitor shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The biological monitor shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts and to restore the respective habitat if necessary. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

According to the most recent biological assessment, the proposed temporary stockpile areas on the banks of the two creeks contain disturbed coastal sage scrub upland habitat. The stockpile areas are within the same footprint as has been previously permitted by the City of Santa Barbara (when the site was located within their permit jurisdiction) and has been utilized by the District for prior flood control operations at this site. In the past, after the stockpile sediment is dewatered and transported to the beach

or an upland disposal site, the site upland vegetation has recovered well naturally. However, to ensure that project's temporary impacts to native vegetation and sensitive habitat existing along the creek banks within and near project operations and the temporary stockpile areas are minimized, **Special Condition Two (2)** requires that all creek bank areas disturbed as a result of this project shall be planted and maintained for erosion control and habitat restoration purposes as soon as possible after disturbance has occurred. Disturbed creek banks may be planted and maintained with locally native seeds or plants endemic to native riparian habitat areas or native upland species, as appropriate. In addition, any non-native or invasive plant species shall be removed by hand where feasible, and herbicide use shall be prohibited.

### **Tidewater Goby (*Eucyclogobius newberryi*)**

The Tidewater goby was listed as an endangered species by USFWS in 1994 and critical habitat was re-designated in 2008, which did not include Goleta Slough or its tributaries. Tidewater goby was listed as extirpated from the Goleta Slough in the Recovery Plan for the species. Surveys of San Jose Creek and San Pedro Creek in August 2008 did not detect tidewater goby. However, the most recent protocol surveys indicate that this species occurs in Los Carneros Creek, Tecolotito Creek, and Atascadero Creek (FSEIR, October 2010). The FSEIR states that goby mortality may occur as a result of starvation caused by dredging-related degradation of foraging habitat and, in addition, mortality may occur as a result of direct contact with dredging equipment and entrainment.

Further the FSEIR states that, although dredging/desilting activities would avoid periods of high population density (March-June), mortality is considered a significant and unavoidable impact. The FSEIR recommends a mitigation measure to not desilt Tecolotito and Los Carneros basins simultaneously to minimize total habitat disturbance for Tidewater goby in this part of the Slough. Thus, in order to ensure this measure is adequately implemented in a manner that will protect fish species of special biological significance, **Special Condition Two (2)** requires that the applicant shall not conduct desilting operations at the Tecolotito and Los Carneros basins simultaneously.

### **California Grunion (*Leuresthes tenuis*)**

Additionally, the sandy beach habitat at Goleta Beach has been identified as a potential grunion spawning location. Sediment disposal/beach nourishment activities are not proposed to occur within the seasonally predicted run period and egg incubation period of the California grunion. However, the Commission finds that any potential disposal of large quantities of sediment into the surfzone may result in adverse effects to grunion due to direct disturbance by construction activity and use of heavy equipment on the sandy beach as well as indirect impacts from smothering of eggs previously deposited on the sandy beach. Therefore, in order to ensure that any potential adverse effects to grunion are avoided, **Special Conditions One (1) and Six (6)** prohibit any sediment disposal/beach nourishment activities from occurring on any part of the beach and shorefront in the project area when California grunion (of any life stage, including eggs)

are present during any run periods and corresponding egg incubation periods. Further, in order to ensure that the above referenced sensitive species of special biological significance are protected, **Special Condition Six (6)** also requires a qualified biological monitor to be present during all project activities. The monitor shall have the authority to cease operations should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

### **Sediment Analysis**

The applicant has submitted information that previous testing by District staff of dredged/excavated material from the Goleta Slough and its creeks that was carried out over the past 26 years pursuant to the four previous coastal permits issued by the Commission determined that at times those sediments met federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing. However, there are also instances when those sediment have not met those standards. Most notably, in 2017, under permit 4-11-069, sediment excavated from San Pedro and San Jose Creeks had 44-49% fines, which exceeded the maximum 25% fines criteria required by CDP 4-11-069. Sediment from that desilting activity were transported to an upland disposal site instead of Goleta Beach. The Commission finds that due to variability in water and sediment quality in creeks over time resulting from changed conditions such as new upstream development or potential new non-point source pollution impacts, continued physical and chemical testing of all excavated material to determine suitability for beach deposition is necessary to maintain the quality of coastal waters. Therefore, in order to maintain and enhance marine resources, **Special Conditions Two (2), Four (4), and Six (6)** require that all excavated/dredged material meet federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing as described in **Special Condition Four (4)** prior to surfzone disposal. Additionally, **Special Condition Seven (7)** requires pre- and post-construction monitoring of the shoreline project areas, including beach width and sand volume changes.

Further, the placement of source material on the beach is expected to result in increased turbidity at the deposition site. Temporary increases in turbidity and suspended solids decrease light penetration, causing a decline in primary productivity due to decreased photosynthesis by phytoplankton and may result in adverse impacts to marine organisms. Additionally, any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and filter feeders. Turbidity impacts are anticipated to have their maximum concentrations generally restricted to the lower water column, and decreasing rapidly with distance due to settling and dilution. However, the impacts of surfzone and beach fill placement activities (i.e., increased turbidity, sedimentation, dissolved oxygen reduction, burial of organisms) are expected to be relatively localized in nature and mobile organisms would likely relocate to an

undisturbed area. Following deposition activities, organisms are expected to recolonize previously disturbed areas.

As such, impacts from sediment re-suspension caused by the project are anticipated to be short-term in duration. In addition, the proposed deposition site is located in an area that is considered to have naturally high levels of turbidity due to high wave energy and creek outfall, particularly during the winter season when operations would take place. Regardless, in order to protect species of special biological significance, **Special Condition One (1)** provides that dragline desilting/excavation shall occur only during the period between September 15 and March 1, and any sediment disposal/beach replenishment (surfzone only) activities shall occur only during the period between October 15 and March 1, unless additional time is granted by the Executive Director for good cause. These timing restrictions on dredging/desilting and beach replenishment operations will ensure that these activities will not occur during the breeding season for any sensitive bird or fish species and that surfzone disposal would occur during the appropriate times of year when ocean turbidity is expected to increase naturally due to stormwater runoff.

In addition, **Special Condition Six (6)** requires a qualified biologist or resource specialist to monitor turbidity during all project construction activities to ensure that this critical information regarding potential impacts to marine resources is recorded and reported to the Executive Director for consideration of future project approvals. The qualified biologist or environmental resource specialist is required to visually monitor and document the turbidity of coastal waters during all surfzone disposal activities. The extent and duration of turbidity plumes shall be recorded and mapped by the monitor during each day of disposal activities. If the turbidity plume is observed to reach kelp beds or eelgrass beds (east of Goleta Pier, off Goleta Point), surfzone disposal shall be terminated until the turbidity plume has dissipated. In addition, the qualified biologist or environmental resource specialist is required to utilize a secchi disk at several sites along the length of Goleta pier prior to sediment disposal operations, during sediment disposal operations, and immediately after sediment disposal operations to establish ambient levels of turbidity prior to commencement of development and to document turbidity during project activities. If significant levels of turbidity above ambient levels lasts more than three (3) consecutive days, then the rate of disposal is required to be reduced so that large, long lasting turbidity plumes are no longer created. After all surfzone disposal operations have ceased, the applicant is required to monitor and document the extent and duration of any lasting turbidity plume. The final results of all turbidity monitoring is required to be reported to the Commission within 60 days following each annual creek dredging and disposal operation, as part of the post-operation submittal required by **Special Condition Six (6)**.

The composition (i.e., grain size) of the deposition material can also affect the marine environment. For instance, material with higher fine-grained content will contribute to higher rates of turbidity (see above discussion of turbidity impacts) and will have higher likelihood of containing contaminants. In general, the higher the amount of coarse grained sand, the lower the turbidity and associated risks to offshore resources and

productivity. As a result, the grain-size of the material is an important design characteristic of the project. Therefore, in order to ensure that biological productivity of coastal waters and the offshore environment is maintained, the Commission finds that a maximum of 25% fine-grained material shall be placed at any of the deposition sites, as provided in **Special Condition Four (4)**. This percentage of fine-grained material would be consistent with past Commission action in its approval of previous beach nourishment projects for Goleta Beach, including the Commission's approval of CDP 4-11-069 and 4-19-1158.

Further, in order to ensure that only appropriate material is deposited within the surfzone and marine environment, **Special Condition Four (4)** also addresses the placement of coarse-grained material at the deposition sites. Using the Wentworth Classification, cobble-sized material or larger (>64 mm; approx. = 2.5 in) shall not be placed at the deposition site at any time. Although it is recognized that there may be occasional deposits of coarse grained material that is gravel or pebble-sized material (2 mm – 64 mm), **Special Condition Three (3)** requires that of the coarse grained material (retained on a Standard U.S. Sieve Size No. 200), no more than 0.5 percent shall consist of gravel or pebble-sized material. To achieve the desired gradation of material, the source may be screened out or mechanically sorted, or alternately, the source shall not be deposited at the site.

Debris such as trash, wood, or vegetation could also be present within the source material, especially material generated from flood control debris basins and creek dredging when dragline excavation is utilized. Screening may be performed by mechanically sifting the material through a coarse mesh to catch debris at the temporary staging site, using conventional earthmoving equipment. To ensure that only material appropriate for beach nourishment is deposited within the surfzone and marine environment and that the quality of coastal waters is maintained, **Special Condition Seven (7)** requires an on-site monitor, with qualifications acceptable to the Executive Director, to be present during all deposition operations to assess grain size and debris content. The monitor shall, through grab samples, visual inspection, or other methods, ensure that the delivered material is within the acceptable size ranges for nourishment material. If the material is not sand or is not within the acceptable size range, the monitor shall halt the placement of sand on the beach. The monitor shall also examine the material to determine presence of debris. Prior to resuming operations, all debris shall be removed to the maximum feasible extent.

Further, the applicant is requesting to place up to 21,300 cu. yds. of sediment within the surfzone at Goleta Beach on an annual basis,. The only other active permits for deposition of material at Goleta Beach are CDP 4-19-1158 and CDP 4-11-069. CDP 4-19-1158, approved by the Commission on July 10, 2020, authorizes the District to implement an annual dredging program for a 1.4 mile reach of Atascadero Creek that will include removal of 2,000–30,000 cu. yds of sediment on an as-needed basis and potential placement of suitable excavated material in the surfzone at Goleta Beach County Park. CDP 4-11-069 was approved in 2012 for dredging and desilting in the nearby Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of

Goleta Slough that will include removal of 20,000-200,000 cu. yds. of sediment per year on an as needed basis and potential to deposit those materials in the surfzone at Goleta Beach County Park. The amount of material proposed to be placed in the surfzone under the subject permit application is consistent with the amount of material previously authorized by the Commission for surfzone disposal at Goleta Beach in the previous permit actions.

In order to ensure that the cumulative effects of the development authorized by this permit and by other previously approved coastal permits for similar beach nourishment projects at the project site are not inadvertently greater than have been analyzed separately under any single application, **Special Condition Two (2)** limits the total amount of sediment/beach replenishment material that is deposited at Goleta Beach from all sediment disposal/beach replenishment projects (including, but not limited to, all deposition activities implemented pursuant to CDP 4-19-1158 and CDP 4-11-069) to no more than 200,000 cu. yds. of sediment per year. The applicant shall be responsible for coordinating with all other potential sediment disposal/beach replenishment projects at Goleta Beach. If material is placed at Goleta Beach as part of any other beach replenishment project, then the applicant shall limit the amount of material placed at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The placement of additional quantities of material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit.

Further, to address any potential biological impacts, **Special Condition Eight (8)** requires the applicant to implement a Long-term Biological Monitoring Program. The program shall include annual monitoring of creeks/slough, sandy beach, intertidal surfgrass/rocky reef, eelgrass, and giant kelp. The program shall be designed to identify trends and to detect significant changes in freshwater and marine habitats in and near areas impacted by dredging and beach replenishment activities. Reference sites for all habitats shall be established to increase the potential for the monitoring program to detect significant, system-wide habitat changes attributable to the project. Monitoring shall take place once a year in the summer/fall regardless of whether any dredging and sediment deposition is scheduled to occur. The monitoring method shall be designed to be capable of analyzing trends in population metrics for intertidal surfgrass/rocky reef, eelgrass, and giant kelp (e.g. density, percent cover); tracking recovery of creek/slough benthic infauna over time and identifying changes in species composition (e.g. species richness, dominance, diversity); and tracking recovery of sandy beach infauna over time and identifying changes in species composition (e.g. species richness, dominance, diversity) at the project site and reference site. Finally, **Special Condition Eight (8)** requires the applicant to submit an annual monitoring report each year, written by a qualified biologist, documenting the results of the biological monitoring.

After the sediment disposal/beach nourishment activities at Goleta Beach in Winter/Spring 2011, some members of the public raised concerns about beach nourishment operations at Goleta Beach, including the dark brown/black muddy color of

the deposited material, the extent of beach area occupied during nourishment activities, and the high amount of turbidity offshore. In response, Commission staff confirmed that a hard pan soil layer had formed on the west end of Goleta Beach, which apparently resulted due to the unintended retention of sediment on the sandy beach. Therefore, to ensure that the quality of marine resources, such as the beach environment, is maintained during surfzone sediment disposal operations, **Special Condition Two (2)** requires that all construction operations on the beach, including operation of heavy equipment and material placement in surfzone, shall be limited to the minimum footprint (maximum 130 ft. in width or less) necessary for surfzone disposal. All suitable dredged material is required to be placed only in the surfzone such that no dredged material is left on the natural beach. At the completion of the surfzone disposal operations, the project footprint area on the beach is required to be decompacted/ripped and replaced to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in **Special Condition One (1)**.

Additionally, **Special Condition Two (2)** requires that, all sediment disposal/beach nourishment operations (including any vehicle access route or equipment corridor) shall be implemented in a manner that will minimize disturbance of the wrack zone, the coastal strand and dune zones, and other intertidal areas. Prior to the commencement of any sediment disposal/beach nourishment operations, wrack within the project reach shall be collected, separated, and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack and under wrack deposits shall be placed at the appropriate tidal level in an adjacent area that will not be impacted by project activities.

The riparian, wetland, and marine environment would also be subject to potential adverse impacts as a result of project activities if sediment, debris, or chemicals with hazardous properties are unintentionally released during dredging/disposal activities. Therefore, to ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds **Special Condition Two (2)** is necessary to define the applicant's responsibility ensure proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided by **Special Condition Two (2)**, it is the applicant's responsibility to ensure that no construction materials, debris, or other waste is placed or stored where it could be subject to wave erosion and dispersion. Furthermore, **Special Condition Two (2)** assigns responsibility to the applicant that any and all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours. Further, construction equipment shall not be cleaned on the beach or in the beach parking lots.

The Commission finds that the proposed project, as conditioned, will serve to protect habitat values and species of special biological significance on site while meeting necessary flood control requirements. However, the Commission also finds that the marine, beach, riparian, and wetland habitats on site are subject to potential changes over time as new species migrate into the area or as potential unidentified impacts from

the proposed dredging operation may be discovered over time. Therefore, in order to ensure that any potential changed circumstances which may be discovered at some future point in time, such as new information regarding sensitive habitat and wildlife resources on site or new impacts from the dredging project, are considered, **Special Condition Eleven (11)** specifically limits the duration of all activities approved by this permit (including dredging and sediment disposal) to a period of no more than five (5) years from the date of Commission action, and will allow for a onetime extension of five (5) years from the date of termination, subject to Executive Director approval, if there are no changed circumstances. In order to receive approval of the onetime extension, the District must provide evidence that there are no changed circumstances associated with the dredging/desilting and sediment disposal activities that have the potential for adverse impacts, either individually or cumulatively, on coastal resources or public access, and that the terms and conditions of this CDP remain adequate to protect coastal resources and public access to and along the shoreline. Goleta Bay is a system that is naturally dynamic with multiple anthropogenic activities occurring simultaneously in the area. It is possible that in five (5) years, at the time of CDP renewal, the Goleta Bay system could be significantly different than at the time of CDP issuance. Conditioning the onetime extension of the subject CDP will allow the Commission the opportunity to take into account any changed circumstances and reconsider the project. If the CDP's terms and conditions are continuing to function as intended and coastal resources or public access are not being adversely impacted as a result of the project, the CDP can be extended one time for a period of five (5) years. Should circumstances change and coastal resources or public access are being impacted as a result of the project, the District shall submit a complete CDP application to authorize future project activities.

In addition, the proposed project will involve work within streams, wetland areas, and tidally influenced portions of the sandy beach and will also require approval from the United States Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. Therefore, **Special Condition Ten (10)** requires the applicant obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project.

The Commission finds that there is no other method for protecting existing structures in the area adjacent to the project site, including the airport and nearby residential development (which are located within the identified flood plain), from flood than the proposed project. The Commission also finds that, as conditioned above, the proposed project incorporates the best mitigation measures feasible and protects against significant disruption of habitat values. Therefore, the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act and the applicable guidance policies of the City of Santa Barbara LCP.



## **C. Hazards and Geologic Stability**

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

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

City of Santa Barbara Land Use Plan (LUP) Policy 5.1-11 (Sand Management) states:

Continue beach nourishment and dredged sediment management that protect shorelines from erosion and lessen the need for shoreline protection devices (e.g. seawalls), consistent with the policies of this Coastal LUP and subject to a valid Coastal Development Permit.

LUP Policy 5.1-18 (Hazard Risk Reduction) states:

New development and substantial redevelopment shall do all of the following, over the expected life of the development, factoring in the effects of sea level rise:

- A. Minimize risks to life and property from high geologic, flood, and fire hazards;
- B. Assure stability and structural integrity; and
- C. Neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act and City's LUP policy 5.1-18 mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed creek dredging program is to maintain the flood water carrying capacity in Tecolotito Creek and Los Carneros Creek to reduce the likelihood of flood damage to adjacent residential areas, including the Santa Barbara City Airport. LUP policy 5.1-11 allows for beach nourishment and dredged sediment management that protect shorelines from erosion and lessen the need for shoreline protection devices subject to a valid Coastal Development Permit. The District proposes to place dredged materials from Tecolotito Creek and Los Carneros Creek onto Goleta Beach County Park to provide beach nourishment.

Sediment is proposed to be removed from the creeks by the dragline desilting/excavation method. Dragline desilting/excavation involves operation of a crane rigged as a dragline (bucket scoop) from the adjacent creek banks. Removed sediments will be stockpiled adjacent to the creek approximately 30 to 100 ft. in distance from the top of the bank. However, the Commission finds that excavated materials that are

placed in stockpiles are subject to increased erosion and potential adverse effects to adjacent streams and wetland areas from reentry of sediment into the waterways and increased turbidity. The Commission also finds that additional landform alteration would result if the excavated material were to be retained on site. Therefore, in order to ensure that excavated material will not be permanently stockpiled on site and that erosion and reentry of sediment into of the streams on site are minimized during any temporary stockpiling activities, **Special Condition Three (3)** requires any stockpiled materials shall be located as far from the stream or wetland areas on site as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of the stream bank. Temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. Permanent stockpiling of material on site shall not be allowed. The applicant shall provide evidence to the Executive Director of the location of the permanent disposal site for all excavated material prior to removal of the material from the project site. Should the dump site be located in the Coastal Zone, that site is required to have the necessary CDP authorization to accept such material. The District proposes to deposit suitable excavated material to the surfzone at Goleta Beach County Park. In order to ensure that all excavated material is suitable for surfzone/beach disposal, **Special Condition Four (4)** requires that prior to any excavation/dredging activity, the applicant shall submit a suitability analysis, for the review and approval of the Executive Director, of the sediment within the creek to be removed to determine its suitability for surfzone disposal/nourishment. In addition, **Special Condition Four (4)** requires the excavated/dredged material, prior to surfzone disposal, meet federal and state beach nourishment and spoil discharge criteria, including physical and chemical testing.

Further, the applicant is requesting to place up to 21,300 cu. yds. of sediment annually within the surfzone at Goleta Beach. The only other active permits for deposition of material at Goleta Beach is CDP 4-19-1158 and CDP 4-11-069. CDP 4-19-1158, approved by the Commission on July 10, 2020, authorizes the District to implement an annual dredging program for a 1.4 mile reach of Atascadero Creek that will include removal of 2,000–30,000 cu. yds of sediment on an as-needed basis and potential placement of suitable excavated material in the surfzone at Goleta Beach County Park. The amount of material to be placed in the surfzone is consistent with the amount of material previously authorized by the Commission for surfzone disposal at Goleta Beach in the previous permit actions. CDP 4-11-069 was approved in 2012 for dredging and desilting in the nearby Atascadero Creek, San Jose Creek, San Pedro Creek, and the main channel of Goleta Slough that will include removal of 20,000-200,000 cu. yds. of sediment per year on an as needed basis and with the potential to deposit those materials in the in the surfzone at Goleta Beach County Park.

In order to ensure that the cumulative effects of the development authorized by this permit and by other previously approved currently active coastal permits for similar beach nourishment projects at the project site are not inadvertently greater than have been analyzed separately under any single application, **Special Condition Two (2)**

limits the total amount of sediment/beach replenishment material that is deposited at Goleta Beach from all sediment disposal/beach replenishment projects (including, but not limited to, all deposition activities implemented pursuant to Coastal Development Permits 4-11-069 and CDP 4-19-1158) to no more than 200,000 cu. yds. of sediment per year. The applicant shall be responsible for coordinating with all other potential sediment disposal/nourishment projects at Goleta Beach. If material is placed at Goleta Beach as part of any other nourishment project, then the applicant shall limit the amount of material placed at Goleta Beach pursuant to this permit to ensure that no more than 200,000 cu. yds. of material is deposited at Goleta Beach during any given year for the life of this project. The placement of additional quantities of material greater than 200,000 cu. yds. at Goleta Beach during any given year will require an amendment to this coastal development permit as well as other active coastal development permits that involve beach nourishment at Goleta Beach.

To address potential cumulative impacts, **Special Condition Seven (7)** requires the implementation of a Long-term Shoreline Monitoring Program to analyze changes to beach profiles, sand width, and volume in relation to the volume and location of deposition activities. The Shoreline Monitoring Program requires information regarding the success of the placement activities in relation to maintaining public access, including any complaints that may have been received. The results of the monitoring are required to be submitted to the Executive Director on an annual basis, with conclusions regarding the level of success of the annual sand replenishment project(s). The report is required to include a brief history of the previous years' effort, if any, and required to include photographs taken from pre-designated sites (annotated to a copy of the site plans) to track changes in shoreline conditions. Beach nourishment activities, such as those proposed in the subject project, provide additional protection to beachfront development (including the public facilities located on site at Goleta Beach County Park) due to creation of a wider beach which, in turn, allows for greater dissipation of wave energy to occur. Monitoring changes to the shoreline and evaluating the success of the placement activities would help ensure that such beach nourishment work is providing additional protection to beachfront development and that flood risks to life and property are minimized.

In addition, based on the information submitted by the District, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding. The applicant has indicated that the developed areas adjacent to the project site, such as the airport and nearby residential development (which are located within the identified flood plain) may be subject to seasonal flood events during the winter storm season. As such, evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

Although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas surrounding the project site, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may

involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the possibility of storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Nine (9)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30253 and the applicable guidance policies of the City of Santa Barbara LCP.

#### **D. Public Access**

Coastal Act Section 30210 and LUP policy 3.1-1 (Maximum Public Access), 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.

Coastal Act Section 30211 and LUP policy 3.1-21 (Public Access and Development), 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.

Coastal Act sections 30210 and 30211 as well as LUP policies 3.1-1 and 3.1-21 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast.

The proposed project will be located adjacent to and within public recreational areas including Goleta Beach County Park. Public access is available along the entire length of Goleta Beach where sediment disposal/beach nourishment activities will occur. Public access along the sandy beach is available along the entire approximately 0.8 mile length of Goleta Beach County Park. The County has indicated that the period of heaviest public use at Goleta Beach County Park is from July through September, during which time approximately 38 percent of the annual visitorship occurs. The second most popular time to visit the park is from April through June, with approximately

22 percent of annual visitors using the park during that period, according to the County. Twenty-one percent of visitors use the park from October through December and 18 percent use the park from January through March.

The proposed project includes disposal of excavated sediments within the surfzone at Goleta Beach. Disposal of the excavated sediments within the surfzone is intended to, in part, function as part of a regional beach nourishment program. Beach nourishment programs serve to enhance public recreational activities along the coast by creating wider sandy beach areas available for public access. In addition, beach nourishment activities also provide some additional protection to beachfront development (including the public facilities located on site at Goleta Beach County Park) due to creation of a wider beach which, in turn, allows for greater dissipation of wave energy to occur.

However, beach nourishment activities also result in some temporary adverse effects to public access, including closure of portions of the beach to public use during nourishment activities. Sediment dredged from the slough is expected to contain significantly higher levels of bacteria (including fecal coliform) and organic matter than beach sand. Although deposition of dredged sediment in the surfzone could have safety impacts to nearby swimmers and waders due to elevated levels of fecal coliform bacteria, the degradation of water quality would be localized and short-term in nature. If there is found to be elevated levels of fecal coliform bacteria in beach sediment following the deposition of dredged materials, the District is proposing to close the portion of the beach and water within 200 feet of the sediment disposal site to public access for the duration of the deposition activities in order to avoid potential safety impacts to beach users. Advisories will be posted on site by the District advising beachgoers of the potential elevated levels of fecal coliform in ocean waters during dredging activities.

As a result of the extensive public use of each site combined with the intrusive nature of the deposition activities, public access will be temporarily impeded by the proposed project and will result in some adverse effects to the public's ability to access the sandy beach, since beachgoers would be required to avoid the nourishment areas during placement and grading as well as the staging areas for beach nourishment work. Though deposition activities within the project site would temporarily displace beach area for public use, the remainder of the surrounding beach area would be available for public access. **Special Condition Two (2)** limits beach deposition to a maximum 130 ft.-wide section during each operation. Under no circumstances would the entire beach be off-limits to the public.

In addition, beach deposition following the desilting/dredging activities are proposed during the fall and winter months on a maximum 130-foot-wide section of the beach when visitor-use of Goleta Beach County Park is lowest. Closure of portions of the beach to public use during spring and summer months (during maximum visitor-use of the park) would result in a significant impediment to the public's ability to fully utilize the public beach areas on site. In order to ensure that the applicant's proposal to limit the duration of the proposed dredging project is implemented and to ensure that adverse

effects to public access and recreation are minimized, **Special Condition One (1)** limits operation staging, equipment mobilization (in areas other than on the beach), and dragline desilting/excavation to the period between September 15 and March 1, and sediment disposal/beach replenishment activities will occur only during the period between October 15 and March 1, unless additional time is granted by the Executive Director for good cause. Dredging activities may occur once every 5-10 years depending on the quantity of sediments present and the necessity for removal. **Special Condition One (1)** also specifically requires that all deposition operations, including any restrictions on public access, be prohibited on any part of the beach and shoreline in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact during the period of peak public recreational use of the beach.

Furthermore, though the winter and early spring season is the appropriate time of year to implement project activities, given the mild climate, each of these sites are still expected to attract extensive public visitorship on any given weekend. Since Goleta Beach is subject to higher levels of public use during weekends, sediment disposal/placement activities during these times would result in significant adverse impacts to public access. Therefore, to ensure that maximum access is maintained for the public in the project area consistent with Coastal Act Section 30210, **Special Condition One (1)** requires that all construction operations, including any restrictions on public access, be prohibited on any part of the beach and shoreline in the project area on Saturdays and Sundays, thereby removing the potential for construction-related disturbances to conflict with weekend visitor activities. Scheduling operations outside of peak recreational times will serve to minimize potential impacts on public access.

Furthermore, to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, the Commission requires the applicant to submit a public access plan, pursuant to **Special Condition Five (5)**, to the Executive Director for review and approval. **Special Condition Five (5)** requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access to and around the receiver site shall be maintained during and after beach deposition activities. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required at each receiver site for the staging of equipment, machinery and employee parking shall be used.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210 and 30211 of the Coastal Act and the applicable guidance policies of the City of Santa Barbara LCP.

## **E. 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.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to any public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. **Special Conditions One (1) through Eleven (11)** are required to assure the project's consistency with Section 13096 of Title 14 of the California Code of Regulations. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

Coastal Development Permit Application No. 4-21-0379 and associated file documents.

Santa Barbara County Flood Control and Water Conservation District Flood Control Maintenance Activities in the Goleta Slough Final Subsequent Environmental Impact Report SCH No. 2000031092 by Padre Associates dated October 2010.

City of Santa Barbara Planning Commission Resolution No. 003-11 for Goleta Slough Coastal Development Permit.

County of Santa Barbara Coastal Development Permit No. 10CDP-00000-00102.

Coastal Development Permit Nos. 4-94-061, 4-00-205, 4-03-025, 4-09-068, 4-11-069, 4-14-1900 (Santa Barbara County Flood Control District)

Tecolotito Creek and Los Carneros Creek Basins Desilting Project Biological Report by Santa Barbara County Flood Control District dated July 9, 2021

2020 Goleta Slough Long-Term Monitoring Plan Results Memo by Chambers Group, Inc. dated December 8, 2020.

California Department of Fish and Wildlife, Streambed Alteration Agreement #1600-2014-0237-R5, dated March 27, 2015.

U.S. Army Corps of Engineers, Permit # SPL-2010-00361-CLH.

California Regional Water Quality Control Board- Central Coast Region, Technically-Conditioned Water Quality Certification Number 34217WQ32 for the Flood Control Maintenance Activities in Goleta Slough and Lower Atascadero Creek, Santa Barbara County.

California Regional Water Quality Control Board- Central Coast Region, First Amendment to Clean Water Act Section 401 Water Quality Certification and Order for the Flood Control Maintenance Activities in Goleta Slough and Lower Atascadero Creek Project (Certification (WDID) NO. 34217WQ32).