

**CALIFORNIA COASTAL COMMISSION**

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# F17a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-21-0204

**Applicant:** City of Santa Barbara, Waterfront Department

**Project Location:** Offshore of East Beach, City of Santa Barbara, Santa Barbara County.

**Project Description:** Implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The City of Santa Barbara Waterfront Department (“the City”) proposes the implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring area is located immediately downcoast of Stearns Wharf and the Santa Barbara Harbor (Exhibit 2). This mooring/anchoring program was originally approved by the Commission in December 2005 pursuant to Coastal Development Permit (CDP) No. 4-05-030 for a 5-year period of operations and renewed by the Commission in June 2011 (CDP No. 4-10-109) for a 10-year period of operations. Through the subject CDP, the City is now requesting that authorization for the previously approved mooring/anchoring program be extended for an additional 10-year

period until 2032. No changes to the previously approved mooring/anchoring program are proposed as part of this new application.

The mooring/anchoring program sets aside an area where permits would be required to moor up to 48 vessels east of Stearns Wharf. The mooring area, approximately 350 acres in area, will be located outside the harbor approximately 2,500 feet east of Stearns Wharf and will extend approximately 3,500 feet east. Boaters will acquire permits through a lottery system. In the designated mooring area, each program permittee will be required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. Each program permittee will also be required to hire City approved divers to conduct biological surveys of the mooring area prior to installation of mooring equipment. If sensitive biological resources (eelgrass, giant kelp, rock outcrops, coral reefs) and/or invasive species (Caulerpa or Japanese kelp) are present in the mooring area, no mooring will be established unless approved by the Commission or Executive Director. Each program permittee will pay a yearly fee of \$100 to \$150 to the City and be responsible for all expenses related to the installation and removal of the individual mooring and all annual biological and inspection surveys and reports.

West of the proposed regulated mooring area, the City will continue to allow seasonal anchoring (April 1st to October 31st) to temporary and visiting vessels from 300 feet east of Stearns Wharf east to the border of the proposed mooring area on a first-come, first serve basis. East of the proposed mooring area, the City will continue to allow anchoring on a year round basis to permanent, temporary, and visiting vessels on a first-come, first-serve basis. Anchoring in both the seasonal and year-round areas will not require a permit or a fee. The City is also proposing to restrict use of the areas by severely derelict or abandoned vessels in order to decrease pollution and vessel groundings on East Beach. Boats in the managed mooring area will be required by the City to use the existing pump out, hull out, cleaning, and maintenance facilities located within the harbor. The City has also indicated that the same services are available for all users of the seasonal and year-round adjacent anchoring areas as well. Additionally, the City will continue to provide anywhere from 42 to 100 visitor slips in the harbor area.

The proposed project, as conditioned, will allow for the continued use of the area for recreational and commercial boating, in a manner that will not significantly impact low-cost visitor serving uses of the waterfront area. Additionally, biological surveys, avoidance measures, and best management practices proposed by the City will avoid and minimize any potential impacts to biological resources in the project area.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Santa Barbara, the proposed project will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is Chapter Three of the Coastal Act, with the applicable policies of the City of Santa Barbara LCP serving as guidance.

Staff recommends approval of the proposed project with seven (7) special conditions regarding (1) Term of Permit, (2) Biological Survey Program, (3) Construction Responsibilities and Debris Removal, (4) Best Management Practices Program, (5) Water Quality Monitoring Program, (6) Assumption of Risk, Waiver of Liability and Indemnity, and (7) Required Agency Permits and Approvals. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 4-21-0204, as conditioned. The motion and resolution are on **page 5**.

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## **EXHIBITS**

[Exhibit 1. Vicinity Map](#)

[Exhibit 2. Project Location Aerial View](#)

[Exhibit 3. Mooring/Anchoring Program Site Plan](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit No. 4-21-0204 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. Permit Term

- A. This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of ten (10) years, commencing upon the date of Commission approval of Coastal Development Permit No. 4-21-0204, after which time the authorization for continuation and/or retention of any development approved as part of this permit shall cease. After the authorization for the development expires, the installation of new moorings or continued maintenance of the existing moorings within the project area that have been installed pursuant to CDP No. 4-05-030, CDP No. 4-10-109, and CDP No. 4-21-0204 will require the issuance of a new coastal development permit or an amendment to this coastal development permit.
- B. Prior to the date that authorization for the development expires, the applicant shall either: (1) remove all moorings installed/maintained pursuant to this permit and restore the project area to its previously existing condition/use or (2) submit a complete permit or amendment application to the California Coastal Commission to continue the East Beach Mooring/Anchoring Program. This application submittal shall include:
  1. A report prepared by a qualified biologist or environmental resource specialist summarizing and assessing the results of the biological surveys conducted pursuant to Special Condition No. Two (2) of this permit; and
  2. A report prepared by a qualified biologist or water quality specialist that summarizes and assesses the results of the water quality monitoring required pursuant to Special Condition No. Five (5) and analyzes the project's impacts on water quality.
- C. If a complete permit or amendment application to continue the East Beach Mooring/Anchoring Program (Program) is not received by the Commission prior to the date that authorization for the development expires, the applicant shall remove all established moorings and restore the project area to its previously existing condition/use.
- D. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

## 2. Biological Survey Program

Prior to installation of any mooring ground-tackle or equipment at any of the 48 mooring sites, a biological survey shall be conducted unless the mooring site has been surveyed within three years of the date of installation and no environmentally sensitive resources were found to be present at or within the ground-tackle radius within the subject mooring site. The biological surveys shall be consistent with the following requirements:

- A. A biological survey shall be conducted no earlier than 180 days nor later than 15 days prior to installation of any mooring equipment at any of the 48 mooring sites. Divers, under the supervision of a qualified biologist or resource specialist, shall survey the location proposed for ground-tackle installation, as well as a 25-foot radius from the ground-tackle installation location, for sensitive resources including, but not limited to rocky substrate, sand dollar (*Dendraster excentricus*) beds, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*). In addition, the survey shall include an inspection of non-native and invasive plant species including, *Caulerpa sp.*, *Sargassum horneri*, and Japanese kelp (*Undria pinnatifida*). All surveys shall include a visual examination of the mooring site substrate and if sensitive resources are identified divers shall estimate the number or percent cover of the respective sensitive resource(s) observed in the surveyed location. The biological report shall assess the potential impacts to any identified sensitive resources that would result from the development or continued use of the mooring site.
- B. Survey protocols for *Caulerpa sp.* shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. If the survey identifies any species of *Caulerpa* within any portion of the project area, it shall be reported to the Southern California Caulerpa Action Team (SCCAT) and the Executive Director. The SCCAT may be contacted through Christopher Potter ([Christopher.Potter@wildlife.ca.gov](mailto:Christopher.Potter@wildlife.ca.gov) or 415-740-9869), California Department of Fish & Wildlife; and Bryant Chesney ([Bryant.Chesney@noaa.gov](mailto:Bryant.Chesney@noaa.gov) or 562-980-4037), National Marine Fisheries Service, or their designated replacements. In addition, unless the Executive Director otherwise determines, the applicant shall submit an application for a new coastal development permit or an amendment to this permit authorizing measures to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa* in the project area. The applicant shall: 1) refrain from commencement of installation of the mooring or continued use of the mooring until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.
- D. If any environmentally sensitive resources, including, but not limited to rocky substrate, sand dollar (*Dendraster excentricus*) beds, eel grass (*Zostera marina*), and giant kelp (*Macrosystis pyrifera*), are present at the ground-tackle installation location, or within the ground-tackle radius of that location described above, the

installation of ground-tackle or continued use of ground-tackle shall not occur unless the Executive Director determines that the mooring would not result in any significant adverse effects to the respective sensitive resources. Should the Executive Director determine that the potential for adverse effects to sensitive resources may exist, then installation of the mooring or continued use of mooring shall not occur unless otherwise approved by the Commission as an amendment to this coastal development permit.

- E. The applicant and all Program permittees shall undertake development and operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- F. The Waterfront Department shall include the approved Biological Survey Program as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and the Waterfront Department shall require compliance with all practices outlined in this program as part of the permit agreement.

### **3. Construction Responsibilities and Debris Removal**

The applicant shall include the following provisions as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this program as part of the permit agreement:

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- D. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity.
- E. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible, but no later than the end of each day.
- F. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- G. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- H. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicant and applicants' contractors shall have adequate equipment available to contain any such spill immediately.

#### **4. Best Management Practices Program**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a detailed Best Management Practices (BMP) Program for controlling adverse impacts to water quality related to the public boating facilities associated with this project. The plan shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in the mooring and anchoring areas or using the mooring or anchoring areas on a transient basis are made aware of water quality provisions. The plan shall include, at a minimum, the following provisions:

##### **A. Boat Maintenance and Cleaning Best Management Practices**

- Boat maintenance and cleaning shall be performed above the waterline in such a way that no debris falls into the water.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be minimized to the maximum extent practicable.
- Boat repair and maintenance shall only occur in clearly marked, designated work areas for that purpose.
- All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bile pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.

##### **B. Solid and Liquid Waste Best Management Practices**

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene, and mineral spirits shall be disposed of in a proper manner consistent with state and/or federal regulations and shall not at any time be disposed of in the water or a gutter.

##### **C. Sewage Pumpout System Best Management Practices**

- Adequate sewage pumpout facilities to serve the proposed mooring area shall be provided to prevent the overboard disposal of untreated sewage within the project area and surrounding waters.
- Waterfront Department staff shall inform permittees about available pumpout facilities in Santa Barbara Harbor. In addition, Waterfront staff shall inform permittees of all pertinent laws governing disposal of vessel sewage.

#### D. Public Information and Signage

- The Waterfront Department shall include the Best Management Practices Program as an attachment to the permit agreement between the City of Santa Barbara and all users of the mooring area, and shall require compliance with all practices outlined in this BMP Program as part of the permit agreement. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

The permittee shall undertake the development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **5. Water Quality Monitoring Program**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, that applicant shall submit, for the review and approval of the Executive Director, a Water Quality Monitoring Program that is designed to characterize and evaluate the potential impacts of boater-related pollution from the proposed development (East Beach Mooring/Anchoring Program) on the receiving waters in the mooring/anchoring area. The monitoring plan and reporting program shall be consistent with the following requirements:

#### A. Monitoring Plan

1. The monitoring plan shall identify the pollutants of concern for this site (or any appropriate indicator parameters) that will be monitored. The monitoring plan shall identify a process for adding to or deleting parameters from the plan. At a minimum, these pollutants of concern shall include bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients.
2. The plan shall specify sampling protocols and methodologies to be used for each water quality parameter. Measurements must be precise enough to evaluate whether receiving waters are meeting applicable water quality standards outlined in the California Ocean Plan. These standards shall be specified in the monitoring plan.

3. The plan shall specify the sampling locations in the mooring/anchoring area. These locations shall be selected to provide an adequate representation of the area, and shall include at least 6 sites. The monitoring plan shall include a map of the proposed sampling locations.
4. Baseline water quality data reflecting current conditions in the mooring/anchoring area shall be collected prior to commencement of the mooring/anchoring program under this CDP permit. The baseline water quality studies shall be sufficient to document background levels of the contaminants that will be analyzed in ongoing monitoring.
5. The plan shall specify the sampling frequencies for each of the parameters. Sampling for bacteria levels in the water shall occur at a minimum on a bi-monthly basis (i.e. every two months) from April through October. Sampling for heavy metals, hydrocarbons, and nutrients shall occur twice per year from April through October at a minimum. Harbor Patrol shall monitor levels of trash and debris in the mooring area on a weekly basis, year-round. Monitoring shall not occur within five (5) days of a rain event.

#### B. Reporting Program

Annual reports containing data and analytical assessment of data in comparison to any applicable water quality standards, as well as any corrective actions that have been taken, shall be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board by December 31<sup>st</sup>, each year for a minimum period of five (5) years from the date of Commission action.

If monitoring results indicate that applicable water quality standards are not being met, then the applicant shall investigate the cause or source of the water quality exceedance(s) and provide a report of this information to the Executive Director. The Executive Director will determine, based on this report and all other information available, whether the exceedance(s) was (were) caused by activities or incidents under the authority of the Program. If this determination is made, the applicant shall take corrective actions to remedy the water quality exceedance(s), to be approved by the Executive Director. If these correction actions constitute development under Section 30106 of the Coastal Act, an amendment to this permit shall be required, unless the Executive Director determines no such amendment is required. In addition, if any annual water quality monitoring report indicates that an increase in any levels of pollutants of concern has occurred including, but not limited to, bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients or that any adverse impact to water quality has occurred as a result of the project (as measured by comparison to baseline data from water quality monitoring conducted in 2005-2006 and 2015) then the monitoring/reporting period shall be extended beyond the first five years of the project and additional annual reports shall continue to be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board for the full 10-year term of this permit authorization.

The permittee shall undertake development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **6. Assumption of Risk, Waiver of Liability and Indemnity**

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

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.

## **7. Required Agency Permits and Approvals**

By acceptance of this coastal development 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 the California State Lands Commission, Regional Water Quality Control Board and the U.S. Army Corps of Engineers).

# **IV. FINDINGS AND DECLARATIONS**

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

The proposed project is for the implementation of a regulated mooring/anchoring program that would provide up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring area, approximately 350 acres in extent, is located immediately downcoast of Stearns Wharf and the Santa Barbara Harbor (Exhibit 2). The same mooring/anchoring program was initially approved by the Commission in December 2005 pursuant to Coastal Development Permit (CDP) No. 4-05-030 for a 5-year period of operation and renewed by the Commission in June 2011 through CDP No. 4-10-109 for a 10-year period of operation. The City is now requesting that authorization for the mooring/anchoring program be extended for an additional 10-year period until 2032. No changes to the previously approved mooring/anchoring program are proposed as part of the subject application.

## Background

Before the East Beach Mooring/Anchoring Program was first implemented, vessels wishing to moor or anchor outside Santa Barbara Harbor did so in areas up to one mile east of Stearns Wharf in water depths ranging from 20 to 50 feet, in waters under the jurisdiction of the City of Santa Barbara and the California State Lands Commission. City of Santa Barbara ordinances prohibited anchoring or mooring within 300 feet of Stearns Wharf from April 1st through October 31st and within half a mile of Stearns Wharf from November 1st through March 31st. Aside from these restrictions, the City had no additional regulations or fees for anchoring/mooring prior to the Program.

According to surveys conducted by the City of the anchoring areas, before the commencement of the original program in 2006, up to 80 boats anchored or moored east of Stearns Wharf at any given time during the year (approximately 30 in winter and 80 in summer). While some of these vessels were seaworthy, some were not. Each winter, derelict or abandoned vessels with improper or dilapidated ground-tackle and/or anchoring equipment ran aground in the East Beach area. According to City staff, 72 vessels grounded on East Beach from 2000 to 2005, creating safety hazards and pollution problems when vessels broke up in the surf. These groundings also created a financial and administrative issue for the City. The anchoring areas were also the site of neglected and/or abandoned mooring tackle, which created hazards to navigation and impacted biological resources, as well as water quality in the area. In 2003, the City completed the East of Wharf Debris Removal project, approved by the Commission in February 2003 as a Waiver de Minimis (CDP No. 4-02-238-W). This project involved the removal of 81 hazards to navigation, ranging from boat hulls to mooring cans, chains, and old mooring lines in the northern portion of the mooring and anchoring areas east of Stearns Wharf. Despite this cleanup, improper use of the mooring and anchoring area continued to add debris to the ocean floor.

As described above, in response to these problems, the City of Santa Barbara's Waterfront Department began implementing a regulated mooring/anchoring program adjacent to East Beach through Coastal Development Permit No. 4-05-030. This regulated mooring/anchoring program provided up to 48 mooring spaces for individually permitted vessels and seasonal anchoring opportunities for vessels. The mooring/anchoring program was approved for a second time through CDP No. 4-10-109 and was implemented for another ten-year period. Through the subject permit application (CDP No. 4-21-0204), the City requests the continuation of the same program for another ten-year term. Since implementing the mooring/anchoring program, pollution involving abandoned/dilapidated ground-tackle, derelict, and abandoned vessels has significantly reduced. Furthermore, post-project water quality monitoring reports have shown no trends to suggest the Program is increasing any levels of pollutants of concern or causing an adverse impact on chemical or bacterial water quality characteristics.

## Proposed Mooring and Anchoring Areas

The applicant proposes to use the same mooring and anchoring area approved under CDP Nos. 4-05-030 and 4-10-109. The mooring area, approximately 350 acres in extent, is located outside the harbor, approximately 2,500 feet downcoast of Stearns Wharf (Exhibit 3). There are 48 mooring spaces designated for vessels of all sizes located anywhere from 700 feet to 4,550 feet offshore of East Beach. This area is designated for permanent mooring of permitted vessels adhering to the Program described in the following section. Clear zones have been established on the north and south sides of the designated mooring area for both vessel operators and emergency response vessels to access. The mooring area is more than 200 feet from a sewer outfall line and a desalination plant intake line approximately 1,000 feet east of Stearns Wharf. The project is outside moderate and high sensitivity zones for archaeological resources. Additionally, no archaeological resources are known to be present in the project area.

Upcoast of the proposed mooring area, the City will continue to allow seasonal anchoring (April 1<sup>st</sup> to October 31<sup>st</sup>) for temporary or visiting vessels from 300 feet east of Stearns Wharf to the border of the proposed mooring area (Exhibit 3). Downcoast of the proposed mooring area, the City will continue to allow anchoring year-round to permanent, temporary, or visiting vessels. Anchoring in both the seasonal and year-round areas will not require a permit or a fee. However, City ordinances restrict the use of the areas by severely derelict or abandoned vessels. Boats in both the anchoring and mooring areas will continue to use the five pump out, hull out, cleaning, and maintenance facilities located within the harbor.

### Implementation of Program

In the proposed mooring area, the City will continue to issue permits for individuals to establish their moorings for an annual fee of \$100 to \$150. The Program permittee will also pay the expense of installing the ground-tackle (approximately \$2,000) and inspection surveys required by the Program, described below. Although there are 48 moorings available, lotteries will be held for vacant moorings when the occupancy drops to 30 vessels. This lottery list, to be drawn at Harbor Commission meetings, will be used whenever a mooring spot in the mooring area becomes available.

Once an individual receives a City-issued permit to allow them to moor a vessel in one of the designated mooring spaces, they will be required to obtain the services of a City-certified contractor to install mooring ground-tackle, including anchor weight, chain, buoy, etc. The ground-tackle will be supplied by the permittee and installed by the City-certified contractor at the exact location of the designated mooring. Only City-specified or approved materials will be used as ground-tackle for individually permitted vessels within the designated mooring area. Only items such as a large diameter chain or a railroad wheel may be used as an anchor weight. The City has stated that no use of engine blocks and concrete blocks, which unregulated users in the past have used, shall be allowed under any circumstance under this Program. The City will retain discretionary authority to approve or disapprove other proposed anchoring devices. As part of an annual permit renewal process, the permittee will be required to have the

ground-tackle inspected by one of the City approved contractors and certified as compliant with City-adopted mooring specifications.

Prior to the initial ground-tackle installation at a mooring site, a diver will survey the deployment area for sensitive habitat and invasives, as outlined in the section below. Installation of the moorings will require a vessel, hoist equipment, and dive equipment. There will be no staging area for this project, as all of the equipment will be located on the contractor's vessel. In the event that work needs to be conducted on ground-tackle following installation, the ground-tackle will either be repaired by a diver or be removed from its ocean location and be repaired/replaced aboard the contractor's vessel or transported by vessel to land and taken to an appropriate location for the work to be done. All materials will be disposed of in a proper manner. The disposal will be the responsibility of the City-certified contractor conducting the work. All work will be required to follow applicable best management practices for construction as outlined in the City of Santa Barbara Public Works pamphlet, "Procedures for the Control of Runoff into Storm Drains and Watercourses." Ground-tackle installation will occur during daylight when ocean conditions permit this activity. Additionally, work will not be allowed at night or when ocean conditions are unsafe for this activity or prohibit the ability to accurately pinpoint the location for anchor placement.

## **B. Marine 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 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 30232 of the Coastal Act states

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of

such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act states:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
1. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
  3. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
  4. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
  5. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
  6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  7. Restoration purposes.
  8. Nature study, aquaculture, or similar resource dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Section 30222.5 of the Coastal Act states:

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored. Section 30232 of the Coastal Act requires that protection against spillage of hazardous substances into the marine environment relating to any new development be provided. Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities including new or expanded boating facilities in open coastal waters where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The project area is located immediately offshore Santa Barbara in the Santa Barbara Channel. As the project area was used for many years as an informal mooring and anchoring area before the implementation of the initial mooring program in 2007, the sea floor in the project area was largely disturbed before the commencement of that program in 2007. In 2005, as part of the City's application for the coastal permit approved by the Commission for the initial mooring program, the applicant submitted a biological survey of the project area titled "The Santa Barbara Mooring Area Environmental Survey" (SAIC, July 20, 2005). This report included diving and side-scan sonar surveys conducted in November 2001 and spring 2003 as part of the East Beach Debris Removal Project in the northern portion of the proposed anchoring and mooring areas. The report also includes the results of dives conducted at nine transects of the southern portion of the anchoring and mooring areas in July 2005. According to the results of these studies, the substrate in the mooring and anchoring areas was primarily sediment and sand, with a few small rock outcrops located inshore and in the northwest corner of the proposed mooring area. Additionally, a few small rock outcrops were found in the proposed seasonal anchoring area by the City's wastewater outfall and seawater intake pipelines. These rock outcrops were periodically covered in sediment.

The proposed project will include the placement of mooring equipment on the sea floor in coastal waters. As described above, Section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted only when specific criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging feasible alternative; and (c) feasible mitigation measures to minimize adverse effects must be provided. The proposed mooring/anchoring program would provide boating facilities for recreational opportunities, an allowable use for fill of coastal waters under Section 30233(a) of the Coastal Act. In this case, the proposed project would continue a mooring permit program in an area already used by vessels to moor and anchor outside of the Santa Barbara Harbor. One of the purposes of the Program is to continue to reduce the amount of abandoned mooring tackle, use of dilapidated or environmentally

damaging anchoring and mooring equipment, and pollution caused by vessel groundings and inappropriate use of the mooring/anchoring areas. The establishment of the mooring area in another area in the City of Santa Barbara would increase the distance boats would have to go to the harbor for boat maintenance, cleaning, and pumping out of sewage. The existing harbor is located immediately west of Stearns Wharf and the proposed seasonal anchoring area and the year-round managed mooring area will continue to occupy the area immediately east of Stearns Wharf. There are no other locations within the vicinity for additional mooring or anchoring facilities. Therefore, there are no alternative locations available for the mooring area that would be less environmentally damaging and still meet the purpose and needs of the City of Santa Barbara for regulated anchoring/mooring offshore of East Beach.

The project has the potential to directly impact sensitive resources, including eelgrass, kelp, and rocky substrate that may be present in the project area. Installation and dragging of mooring anchors can directly remove and disturb these resources. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. In order to avoid these potential impacts, the City has proposed ground-tackle specifications for permit holders that require use of mooring tackle that reduces drag on the ocean floor and reduces pollution. Use of railcar wheels and heavy chain is encouraged, while the use of engine blocks and cement will be prohibited.

Pursuant to Special Condition No. Two (2) of the original permit (CDP No. 4-05-030), the applicant was required to deploy divers to survey each location prior to initial ground-tackle installation to ensure that there were no sensitive resources within a 25-foot radius from the ground-tackle installation location. The first survey was conducted on July 6, 2006, and included 20 representative mooring sites (including 1-5, 8, 12-15, 21-23, 27, 30, 33, 37, 40, Mr. Clean, Tide Mar B, and Tide Mar S). The second survey was conducted on September 11, 2006, and included 13 mooring sites (including 6, 7, 16-18, 24, 25, 29, 31, 32, 35, 36, 46). According to the applicant's biological consultants, the eelgrass at these locations was "very sparse and would not be considered an eelgrass bed with habitat values for fish and other marine organisms." Additionally, an update was conducted in December 2010 by Cardo ENTRIX, who surveyed 10 mooring sites (including 1, 4, 6, 9, 13, 15, 27, 30, 40, 45) and concluded that the biological conditions had not changed substantially since the baseline surveys conducted in 2006:

Based on the diver observations, biological conditions within the mooring area have not changed substantially since 2006. The area remains a typical sandy bottom habitat with no hard substrates other than man-made debris. Although the shallow sites had a sparse amount of surf grass and giant kelp, these areas will likely experience strong bottom surges and shifting of the sandy substrate during storms in the coming winter that could dislodge or bury these plants. The amount of surf grass in shallow water areas is expected to fluctuate from none to sparse depending on local conditions of storm surge and sand transport, as well as duration of calm conditions. Giant kelp generally attaches to hard substrates, but it is known to grow on sandy bottoms where disturbance from waves is low. The few plants observed are not expected to persist or grow into a kelp forest.

In addition, Special Condition No. Two of CDP No. 4-10-109 required the City to perform dive surveys on the remaining thirteen mooring sites (including sites 10, 11, 19, 20, 26, 28, 34, 38, 39, 41, 42, 43, and 44) that had not been surveyed under the original permit (CDP No. 4-05-030). On July 26, 2011, the remaining 13 sites were surveyed, and many of the species observed were the same as those seen during earlier surveys of the mooring area conducted in 2010. Thus, the City has now performed dive surveys by biological monitors on all 48 mooring sites.

As part of the subject application to renew the Mooring/Anchoring program, a subset of previously surveyed mooring sites was surveyed by the City in May 2021 to document if conditions had changed within the mooring area since the last surveys conducted in July 2011. The “Waterfront Department Biological Survey Program, 2021 Mooring Survey Report,” prepared by Cardno, and dated June 2021, concluded that the biological conditions at 13 moorings sites (including sites 1, 11, 13, 14, 15, 26, 28, 30, 39, 40, 41, 42, 44, and 46) are essentially consistent with previously surveyed mooring sites. No evidence of exposed natural hard substrate was found. Many species observed in May 2021 were the same as those seen during earlier surveys of the mooring area conducted in 2010 and 2011. However, the most abundant species found in 2021, a bryozoan (*Thalamoporella californica*), was not found during either of the previous survey efforts. Like previous surveys, the brown alga, *Desmarestia ligulate*, was common at mid to shallow depths. Low clumps of red algae were generally sparsely distributed throughout the mooring area. The only green alga found was a single observation of *Ulva* sp. at Mooring Site No. 13. A single small patch of eelgrass was found at Mooring Site No. 1. This was one of the shallowest sites sampled (25 feet) and therefore is expected to be subject to the greatest amount of natural disturbance to the sandy substrate. No other observations of eelgrass were made throughout the mooring area. Giant kelp was also found at two of the mooring sites in shallow to mid-depth water (25 and 38 feet deep) and present as single organisms in the sand. However, no surface canopy of kelp was observed within the mooring area. Invertebrates observed in the May 2021 surveys were all common species of sandy subtidal habitats along the coast. White sea pens (*Stylatula elongata*) and spiny sand star (*Astropecten armatus*) were moderately abundant at some mooring sites. All other species were in low abundance.

According to the applicant’s biological consultants, due to the singular occurrences of eelgrass and giant kelp and the disturbed nature of the sandy substrate, these species are unlikely to persist in great quantity and therefore are unlikely to be adversely affected by mooring operations. However, since biological conditions within the mooring area can change during the approved ten-year period of the Mooring/Anchoring Program, the proposed project still has the potential to directly impact sensitive resources, including eelgrass, kelp, and rocky substrate that may be present in the project area. Therefore, to ensure that potential impacts to sensitive marine resources are avoided, **Special Condition Two (2)** requires that prior to the installation of mooring ground-tackle, anchoring weight, or equipment at any of the 48 mooring sites, a biological survey shall be performed to ensure that there are no sensitive resources within a 25-foot radius from the ground-tackle installation location.

**Special Condition Two (2)** also provides that survey divers shall be properly trained by a biologist, environmental resource specialist, or City staff to identify sensitive resources and non-native or invasive plant species listed below. Divers will be Waterfront Department staff or divers contracted by the Waterfront Department capable of performing this type of work. Sensitive resources and non-native/invasive plant species that divers will specifically identify shall include, but not be limited to, the following: rocky substrate, sand dollar (*Dendraster excentricus*) beds, eelgrass (*Zostera marina*), giant kelp (*Macrosystis pyrifera*), *Caulerpa* sp., *Sargassum horneri*, and Japanese kelp (*Undria pinnatifida*).

Should these sensitive resources be present at or within the ground-tackle radius described above, the City has proposed that the ground-tackle be installed at a different location (specified by the Harbor Operations Manager or his/her designee) within that individual mooring space, where conditions permit. If this cannot be accomplished in a manner that safely maintains the project's goal of 48 mooring sites, individual sites may be excluded.

The Commission further finds that installing mooring tackle on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa* and Japanese kelp (*Undria pinnatifida*). According to information available from National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries), the genus *Caulerpa* comprises a group of green algae that can be highly invasive and pose a substantial threat to local marine ecosystems. *Caulerpa* species possess unique characteristics that enable them to withstand a broad range of environmental conditions and give them great invasive potential. For instance, *Caulerpa* species: can typically reproduce asexually through clonal fragmentation so that even tiny fragments can grow into new adults; often have a high growth rate allowing them to rapidly colonize new areas; and commonly possess a suite of toxic compounds that protect them from grazers, especially in novel environments. The infestation of *Caulerpa* species has had severe negative economic and social consequences because of impacts on tourism, recreational diving, and commercial fishing in places such as the Mediterranean. Because of the grave risk to native habitats, in 1999, *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001, the Governor signed into law AB 1334, which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

While *Caulerpa taxifolia* has not been found for a number of years, *Caulerpa prolifera*, a potentially invasive seaweed, was collected from within Newport Bay recently in April 2021. The genus *Caulerpa* consists of approximately 75 different species of single-

celled aquatic organisms that can grow rapidly and have the potential to adversely impact native marine habitats along the west coast.<sup>1</sup>

In response to the threat *Caulerpa* species poses to California's marine environment, the Southern Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *Caulerpa* infestations in Southern California. The group consists of representatives from several State, federal, local, and private entities. The goal of SCCAT is to completely eradicate all *Caulerpa* infestations.

If any species of *Caulerpa* or Japanese kelp is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. To assure that the proposed project does not cause the dispersal of *Caulerpa* and other non-native species, **Special Condition Two (2)** requires surveys of mooring sites for the presence of any species of *Caulerpa* and Japanese kelp. If *Caulerpa* or Japanese kelp is present in the project area, no work may commence and the applicants shall seek an amendment or a new permit to address impacts related to the presence of the *Caulerpa*, unless the Executive Director determines that no amendment or new permit is required.

The proposed installation of mooring equipment will occur over and in the water. Construction of any kind adjacent to or in coastal waters has the potential to impact marine resources and water-oriented recreation activities due to the potential generation of debris and/or presence of equipment, materials and hazardous substances that could enter the water. To ensure that construction related adverse effects to the marine environment and water quality are minimized, **Special Condition Three (3)** requires the applicant to implement best management practices, including storage of construction materials, staging of equipment, and proper disposal of debris, including dilapidated boats and old mooring and anchoring equipment found in the project area. The condition also requires the inclusion of these construction related practices in the permit agreement between users of the mooring area and the City.

Mooring and anchoring of boats in the project area creates potential sources of pollutants such as chemicals, petroleum, and cleaning agents in coastal waters. Additionally, leaks or illegal sewage dumping in coastal waters from moored and anchored boats could impact water quality and biological resources in the project area. One of the express purposes of the subject mooring/anchoring program is to establish regulations over the existing anchoring areas to reduce pollution. In addition, to reduce the threat of pollution in coastal waters, the City Waterfront Department has five pump out stations and two porta-potty dump stations available in the harbor for proper disposal of sewage. According to City staff, there are 1,133 vessels in the harbor and seven pump out stations. The rule of thumb for pump out stations is one per 300 boats.

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<sup>1</sup> Sources: Aquatic Invasive Species on the West Coast: *Caulerpa Taxifolia* | NOAA Fisheries; *Caulerpa*, Aquatic Invasive Species, Lodi Fish & Wildlife Office (fws.gov)

As such, the seven pumpout stations available in the harbor adequately serve all existing vessels, including the 48 mooring spaces offshore of east beach.

Additionally, there are hull out, maintenance, cleaning areas, and waste receptacles established in the harbor that users of the mooring and anchoring areas may use to avoid maintenance and cleaning in the water. To ensure that adverse impacts to water quality are avoided, **Special Condition Four (4)** requires the applicant to educate all users of the mooring and anchoring areas on measures to avoid impacts to water quality from boat maintenance and cleaning, disposal of solid and liquid wastes, and sewage pumpout. The City shall include these best management practices in the permit agreement between users of the mooring area and the Waterfront Department and educate the public on these measures.

According to the water quality monitoring reports submitted as part of this application, all results were under the concentration limit set by the California Ocean Plan and based on the post-project sampling results from 2007 to 2015. There are no trends to suggest the mooring/anchoring program is increasing any levels of pollutants of concern (including, but not limited to, bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients) or causing an adverse impact on chemical or bacterial water quality characteristics.

To assess any water quality impacts that may occur due to the continuation of the mooring/anchoring program, and to ensure that adverse impacts to water quality are avoided, **Special Condition Five (5)** requires the City to continue to conduct water quality monitoring of the anchoring and mooring areas and submit annual reports containing data and analytical assessment of data in comparison to any applicable water quality standards, as well as any corrective actions that have been taken. The annual reports shall be submitted to the Executive Director of the Commission and the Central Coast Regional Water Quality Control Board by December 31st, each year for a minimum period of five (5) years from the date of Commission action. If monitoring results indicate that applicable water quality standards are not being met, then the applicant shall investigate the cause or source of the water quality exceedance(s) and provide a report of this information to the Executive Director. The Executive Director will determine, based on this report and all other information available, whether the exceedance(s) was (were) caused by activities or incidents under the authority of the mooring/anchoring program. If this determination is made, the applicant shall take corrective actions to remedy the water quality exceedance(s), to be approved by the Executive Director. If these correction actions constitute development under Section 30106 of the Coastal Act, an amendment to this permit shall be required unless the Executive Director determines no such amendment is required.

In addition, if any annual water quality monitoring report indicates that an increase in any levels of pollutants of concern has occurred including, but not limited to, bacteria, heavy metals, petroleum hydrocarbons, trash and debris, and nutrients or that any adverse impact to water quality has occurred as a result of the project (as measured by comparison to baseline data from water quality monitoring conducted in 2006-2015),

then the monitoring/reporting period shall be extended beyond the first five years of the project. Additional annual reports shall continue to be submitted to the Executive Director of the Commission and to the Central Coast Regional Water Quality Control Board for the entire 10-year term of this permit authorization. Further, **Special Condition One (1)** limits the term of the permit to ten (10) years so that the Commission will be able to assess the success and potential impacts of the project prior to further continuation of the program.

The southern portions of the mooring and anchoring areas are located in waters under the jurisdiction of the City of Santa Barbara, and the northern portions of the mooring and anchoring areas are under the jurisdiction of the California State Lands Commission. The City is also consulting with the Army Corps of Engineers. To ensure that the applicant obtains all other necessary regulatory approvals, **Special Condition Seven (7)** requires that 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 the California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers). The entire project area is under the retained jurisdiction of the Coastal Commission with respect to the implementation of the Coastal Act.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

### **C. Recreational Boating, Visitor-Serving Uses, Visual Resources and Public Access**

Coastal Act Section 30210 states that:

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 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213 states:

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

Section 30220 of the Coastal Act states:

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

Section 30224 of the Coastal Act states:

Increased recreational boating uses of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 of the Coastal Act states:

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

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30210 of the Coastal Act states that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and protection of natural resources from overuse. Section 30212.5 of the Coastal Act further states that public facilities shall be distributed to mitigate against impacts or overuse of any single area. Section 30213 of the Coastal Act further states that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Sections 30220, 30224, and 30234 of the Coastal Act mandate that coastal areas suited for water-oriented recreational facilities shall be protected, recreational boating uses of coastal waters shall be encouraged, and facilities serving commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The harbor is the home base of the local commercial fishing fleet and the U.S. Coast Guard and provides excellent recreational boating opportunities for the public. In addition to providing permanent slips for recreational and commercial vessels, the harbor provides 40 to 100 visitor slips. Prior to the commencement of a regulated mooring program, the area east of the harbor and Stearns Wharf was traditionally used for mooring or anchoring vessels in an "open roadstead." Aside from seasonal restrictions on anchoring within a half mile of Stearns Wharf during the winter and within 300 feet of the Wharf during summer, vessels mooring and anchoring offshore of East Beach were not subject to any other City ordinances, fees, or permitting prior to the program.

The proposed mooring/anchoring program is intended to maintain the orderliness of the existing anchoring and mooring area and to reduce the potential for moored vessels to sink, run aground on East Beach, or hit Stearns Wharf during southeasterly winds and seas encountered in Santa Barbara each winter. The Program has established a 350-acre area that can permanently accommodate up to 48 moorings used by vessels of various sizes. The mooring permits are offered by the City to the public through a lottery process, with preference given to vessels that have been moored or anchored in the area in the last few years. Mooring permittees are responsible for the purchase and installation of moorings, plus annual ground-tackle inspections and maintenance. Anticipated costs include approximately \$2,000 for the purchase of new mooring tackle, plus \$1,000 annually to inspect and repair mooring equipment. In addition, the City charges a \$100 to \$150 per year permit fee to cover program administration. The Program indicates minimum ground-tackle specifications for the boats and does not allow severely derelict boats to moor. Those vessels not permanently moored in the proposed mooring area will be able to either occupy permanent or visitor slips in the harbor for a fee or anchor in the seasonal anchoring area adjacent to Stearns Wharf (summer only) or the year-round anchoring area east of the mooring area for free. The City has ordinances for the seasonal and year round anchoring areas limiting the use of the areas by severely derelict and/or abandoned vessels.

Under the mooring/anchoring program, visitors unable to find room in the harbor or not wishing to pay the harbor's daily use fees will be able to anchor in the summer anchoring area adjacent to Stearns Wharf and the year-round anchoring area east of the mooring area. The summer anchoring area, which can handle up to 45 boats, is the most convenient place for visitors to anchor due to its proximity to harbor facilities. Given the visitor resources provided in the harbor and free anchoring opportunities that will be provided outside the harbor, the Commission finds that the project is unlikely to severely impact lower cost visitor resources in the area.

The Commission further finds that the mooring program will not adversely impact visual resources of the area. Continuation of a regulated mooring area will not significantly change views of the ocean in the area as boats are already moored/anchored in the project area and did so prior to the Program. Additionally, the project involves clear zones in the mooring area that safely allow recreational and commercial vessels to

move freely through the mooring area. Further, one of the project goals is to reduce the seafloor debris and groundings at East Beach, which are a threat to navigation and recreational and commercial boating and use of East Beach.

Therefore, the project will not diminish recreational and commercial boating recreation in the Santa Barbara area. The Commission, therefore, finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30220, 30234, and 30251 of the Coastal Act.

## D. Hazards

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, 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.

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazards. The proposed project is located downcoast of Santa Barbara Harbor and Stearn's Wharf in an area partially shielded from strong wave activity; however, winter storm conditions can generate waves in the project area that may cause damage to boats and equipment in the mooring and anchoring areas. Prior to the mooring program, the City had significant problems with boats anchored and moored offshore of East Beach washing ashore. One of the express purposes of the proposed project is to reduce the groundings of these vessels by 1) requiring all boats moored or vessels be operable and requiring inspections of mooring equipment; 2) implementing specifications for mooring equipment, and 3) establishing a system of accountability in the mooring area (permittees would have to register and adhere to the conditions of their permit agreements).

Despite these measures, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including tidal action and storm waves, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume liability from these associated risks. Therefore, **Special Condition Six (6)** requires that the applicant acknowledges the nature of the tidal and/or storm wave hazards that exist on the site and that may affect the safety of the proposed project and that the applicant waives any future claims of liability against the Commission for damage from such hazards. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

### **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 Seven (7)** 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. 4-21-0204 and associated file documents.

Coastal Development Permit Nos. 4-05-030 and 4-10-109.

Waterfront Department Biological Survey Program, December 2010 Survey Report, Cardno EnTrix, January 2011.

City of Santa Barbara Waterfront Department, Final Water Quality Monitoring Report (CDP 4-10-109), East Beach Mooring Area, Leidos, December 2015.

Waterfront Department Biological Survey Program, 2021 Mooring Survey Report, Cardno, June 2021.